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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

SENATE—*Friday, June 18, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, as we approach this Father's Day weekend, we praise You that You are our Heavenly Father from whom we learn what true fatherhood really means. You exemplify the perfect blend of admonition and affirmation, discipline and nurture, encouragement and inspiration.

May this Father's Day be more than a celebration honoring fathers, but a day of calling fathers to their responsibility for the spiritual and character formation of their children. In this time of absentee fathers, when 21 million children in America live without a father in their homes, we ask You to instigate a father movement.

Bless the families of our land. Stir fathers who have abdicated their responsibility. When fathers are silent about their faith, children miss the strength and courage of learning how to trust You with the ups and downs of life. O God, we need a great spiritual awakening. Thank You for waking up the fathers of the land and for a Father's Day dedicated to the recovery of the role of strong fathers to love their wives and their children. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, today the Senate will immediately begin the vote on final passage of H.R. 1664, the steel, oil and gas appropriations legislation. Following that vote, the Senate will begin consideration of the State Department authorization bill under a previous consent agreement. Therefore, votes are anticipated.

I thank my colleagues for their attention.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia.

KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

Mr. BYRD. Mr. President, I am authorized by the distinguished majority leader to ask for 5 minutes prior to the vote to be equally divided between Mr. NICKLES and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent also that other Senators may include statements in the RECORD if they so wish.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative assistant read as follows:

> A bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Mr. VOINOVICH. Mr. President, no one cares about our Nation's steelworkers and steel industry more than I.

Since 1979, I have been at the forefront in support of Ohio's steel industry. As Mayor of Cleveland and Governor of Ohio, I pressured the Reagan and Bush Administrations to enforce the voluntary restraint agreements, VRAs, on steel and to make sure that all U.S. trade laws were enforced as soon as those agreements expired. In 1991, I set up the first Ohio Steel Industry Advisory Council as a public-private partnership to strengthen ties among the steel industry, the state of Ohio and its citizens.

And last year, when steel imports reached record levels, I was one of the first elected officials to pressure the Clinton administration to stop the illegal dumping of steel in our country. Since October of 1998, I have written the President three letters urging him to take action on behalf of the steel industry.

Ohio is now the largest steel producing state in the Nation—a development that occurred during my term as governor. Many have assumed that because steel is so important to the state of Ohio that I would vote in favor of this legislation. But it is because steel is so important that I cannot vote in favor of this legislation. There are three fundamental reasons why.

First, this bill does not provide industry-wide assistance. The legislation as it has been presented to the Senate provides loan-guarantee assistance to a few steel companies, and not all companies. In fact, the vast majority of steel companies in Ohio have not approached me indicating that my vote in favor of this legislation was crucial. Some steel companies in my state are opposed to this bill.

It does not make sense that in an economy as strong as ours, with steel production in the United States at record, all-time highs, with all the construction that is occurring in our nation, and all the cars that are being made and the record unemployment, that we should pass a package that is meant to assist only a handful of companies.

Which brings me to my second point: the government should not be in the position of picking winners and losers. What this legislation does is tell those companies that may have made poor business decisions that they will be given help. Meanwhile, we ignore those companies that have done the right actions to make themselves competitive. This is not the spirit of American enterprise.

Indeed, I have to ask if we are going to make it the business of the federal government to help companies inside particular industries on a regular basis. We could be here in the Senate spending every taxpayer dollar bailing out specific businesses inside specific industries whenever we saw an economic threat or whenever we desired. Where will we draw the line? How will

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

we decide which failing companies we'll bail out? What criteria will we use? Every time a company has a bad quarter or a bad year, should the federal government provide them with financial assistance? How are we different from those foreign countries we criticize for subsidizing their companies that are struggling to compete? These are the kinds of questions we need to ask if this is going to be the policy our government pursues.

Third, the history behind such loan programs points to a high default rate. The proponents of this legislation have indicated that they expect a default rate on the loans of 14%. That means of the $1 billion worth of loans that the government will guarantee for steel manufacturers, $140 million of that is expected to never be repaid. For the oil and gas industry, the expected default rate is higher, 25%, or $125 million on a loan guarantee of $500 million.

In essence, what Congress wants to do is allow the federal government to simply write off $265 million of taxpayer funds. That money has to come from somewhere, whether it's the Social Security trust fund, tax increases, or cuts in essential programs for our children.

The last time this nation established a steel loan guarantee program in 1978, the default rate was 77%. Five companies took out loans—all five companies defaulted and the U.S. taxpayer was forced to pick-up the tab for $222 million. The U.S. Commerce Department's Economic Development Administration said at the time, "By any measurement, EDA's steel loan program would have to be considered a failure." In addition, EDA said, "the program is an excellent example of the folly inherent in industrial policy programs." Now, I cannot guarantee that the companies today, if given these loan guarantees, will default at such a high rate, but I do not believe we should be making the same mistakes twice at the expense of other federal programs.

Mr. President, there have been scant few instances where the Federal Government getting involved in market decisions has been productive. I do not believe that we should do so here.

Mrs. LINCOLN. Mr. President, yesterday during consideration of the Steel and Oil and Gas Loan Guarantee Program the Senator from Illinois, Senator FITZGERALD, raised several concerns regarding the potential for program abuse. During these discussions, my colleague from Illinois questioned whether or not a bank, or other investor, would be able to transfer their risk to the government upon enactment of the Steel and Oil and Gas Loan Guarantee Program.

Fiscal responsibility is a top priority of mine and upon hearing of these concerns, I was initially troubled. However, I have been assured by the distinguished Senator from West Virginia, Senator BYRD, that the loan approval board is structured such that these situations will be prevented. Loans will not be approved on a whim and the taxpayers' dollars will not be thrown about recklessly to benefit those who did not need help in the first place. This program provides much needed, temporary assistance to keep our steel industry afloat.

It should be noted that the Steel and Oil and Gas Loan Guarantee Program sunsets in three years and is not a permanent change in public policy. We are simply responding to the crisis currently faced by many in our nation's steel industry.

I rise in support of this measure and thank the Senator from West Virginia for his leadership on this issue.

Mr. BYRD. Mr. President, this bill on which we are about to vote is a buy-American bill. A vote for this bill is a buy-American vote, a vote of confidence in American steel, American workers, and American families. But a vote against the bill sends a very different message. It says buy Russian, buy Japanese, buy South Korean, buy from our foreign competitors and send our steel industry and our steel jobs overseas. I urge my colleagues to vote American.

Now, if I have any time remaining in the 2½ minutes, I wish to compliment Mr. NICKLES, Mr. GRAMM, and others who were the opponents of the bill. They were honorable opponents, and I think they made good contributions, especially in our discussions yesterday. Their proposals improve the bill. I was happy to support their proposals and to join as a cosponsor of the amendment.

I especially wish to thank Senator STEVENS and Senator DOMENICI. Senator STEVENS has kept his word. He is a man of his word. Senator DOMENICI has done a great job in proposing a similar program for the oil and gas industry. I hope that he will be able to speak likewise at some point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against this bill. I compliment the sponsors of it, Senator BYRD and Senator DOMENICI. They are very persistent. I expect they will be successful today, but I hope that this bill doesn't pass either today in the Senate or in the conference.

I urge our colleagues to vote against it. The reason is because I think it is a mistake. It is not that I don't want to help the steel industry or that I don't want to help the oil and gas industry. I want to help both.

I do not think the Federal Government guaranteeing loans is the right thing to do. We have tried it. We have been there. It did not work. We did it in 1978 and 1979. The Federal Government had a loan guarantee program for the steel industry—$290 million worth of steel loans were made, guaranteed by the Federal Government. The Federal Government loaned $222 million on which the steel industry defaulted. That is a 77 percent default rate. Basically, the people who ran the program at the time or later said, well, really, it was replacing the marketplace with politicians making those decisions, saying that we don't think that the marketplace should be making capital decisions; we are going to have those decisions being made by Government.

I think that was a serious mistake. We have urged other countries not to go into this industrial policy; let the marketplace work. And now we are trying to come back and do it. We have done it before. It did not work before.

I want to help the oil and gas industry. It is really hurting in my State. But I do not think that having the Federal Government guaranteeing loans is the right solution. As a matter of fact, I do not think it will help anybody. I do not think it will even help the steel industry. It might help them reshuffle some debt, but I do not think it makes sense.

I urge my colleagues to vote no on this bill today.

Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

I further announce that the Senator from New Mexico (Mr. BINGAMAN) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—63

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Cochran
Conrad
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Feinstein
Gorton
Graham
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed

Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Specter
Stevens
Thurmond
Torricelli
Wellstone
Wyden

NAYS—34

Allard
Ashcroft
Brownback
Bunning
Burns
Collins
Coverdell
Craig
Crapo
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hutchinson
Jeffords
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Roth
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Voinovich
Warner

NOT VOTING—3

Bingaman
Dodd
McCain

The bill (H.R. 1664), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1664) entitled "An Act making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.", do pass with the following amendments:

Page 2, strike out all after line 7 over to and including line 21 on page 3 and insert:

SEC. 101. EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This chapter may be cited as the "Emergency Steel Loan Guarantee Act of 1999".

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the United States steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established under subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Steel Guarantee Loan Program established under subsection (d).

(3) QUALIFIED STEEL COMPANY.—The term "qualified steel company" means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, in January 1998 or that operates substantial assets of a company that meets these qualifications.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEE LOAN PROGRAM.—There is established the Emergency Steel Guarantee Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce;

(2) the Chairman of the Board of Governors of the Federal Reserve System, who shall serve as Chairman of the Board; and

(3) the Chairman of the Securities and Exchange Commission.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(5) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan;

(4) the company has agreed to an audit by the General Accounting Office prior to the issuance of the loan guarantee and annually thereafter while any such guaranteed loan is outstanding; and

(5) In the case of a purchaser of substantial assets of a qualified steel company, the qualified steel company establishes that it is unable to reorganize itself.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee to the Department of the Treasury to cover costs of the program, but in no event shall such fee exceed an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan.

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress a full report of the activities of the Board under this section during each of fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) IRON ORE COMPANIES.—

(1) IN GENERAL.—Subject to the requirements of this subsection, an iron ore company incorporated under the laws of any State shall be treated as a qualified steel company for purposes of the Program.

(2) TOTAL GUARANTEE LIMIT FOR IRON ORE COMPANY.—Of the aggregate amount of loans authorized to be guaranteed and outstanding at any one time under subsection (f)(2), an amount not to exceed $30,000,000 shall be loans with respect to iron ore companies.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

(RESCISSIONS)

SEC. 102. (a) Of the funds available in the nondefense category to the agencies of the Federal Government, $145,000,000 are hereby rescinded: Provided, That rescissions pursuant to this subsection shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

Page 4, strike out all after line 1 over to and including line 14 on page 22 and insert:

SEC. 201. PETROLEUM DEVELOPMENT MANAGEMENT. (a) SHORT TITLE.—This chapter may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term "qualified oil and gas company" means a company that—

(A) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) (or a company based in Alaska, including an Alaska Native Corporation created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators that drill, complete wells, and produce, transport, refine, and sell hydrocarbons and their byproducts as the main commercial business of the concern or company; and

(B) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System, who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed $500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(5) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $122,500,000 to remain available until expended.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee to the Department of the Treasury to cover costs of the program, but in no event shall such fee exceed an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan.

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

(RESCISSIONS)

SEC. 202. (a) Of the funds available in the nondefense category to the agencies of the Federal Government, $125,000,000 are hereby rescinded: Provided, That rescissions pursuant to this subsection shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

Page 22, strike out all after line 15 over to and including line 4 on page 32 and insert:

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in the Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999".

The title was amended so as to read: "An Act providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.".

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The PRESIDING OFFICER. The clerk will report H.R. 886.

The legislative assistant read as follows:

A bill (S. 886) to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for the reform of the United Nations; and for other purposes.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from North Carolina.

Mr. HELMS. Mr. President, to make the RECORD absolutely clear, what is the pending business now?

The PRESIDING OFFICER. The pending business is S. 886.

Mr. HELMS. Which is?

The PRESIDING OFFICER. State Department authorization.

UNANIMOUS CONSENT REQUEST

Mr. HELMS. Mr. President, I ask unanimous consent with respect to the State Department authorization bill, all amendments in order pursuant to the consent agreement of June 10 must be offered and debated during Friday's session of the Senate. I further ask consent that any votes relative to the bill occur in a stacked sequence beginning at 5:30 p.m. on Monday, with 2 minutes for explanation prior to each vote.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, reserving the right to object, I will object.

The PRESIDING OFFICER. The Senator will suspend. We will please have order in the body.

The Senator from Delaware.

Mr. BIDEN. Reserving the right to object, I will object, and I want to explain why. The reason I object is there are several amendments from Senators who are not going to be able to be here today. They are necessarily absent. So they would be shut out completely from introducing their amendments.

On behalf of the leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BIDEN. Mr. President, with the permission of my colleague from North Carolina, I ask unanimous consent, with respect to the State Department authorization bill, any amendments on the list of amendments in order to the State Department authorization bill must be filed at the desk by 11:30 today, that there be no further votes today, and the next vote would occur beginning at 5:30 on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BIDEN. Will the Senator yield for a unanimous consent request relating to staff?

Mr. HELMS. Certainly.

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent the privilege of the floor be granted to the following members of the minority staff of the Foreign Relations Committee: David Auerswald, an American political science fellow, and Joan Wadelton, a Pearson fellow, during the pendency of the State Department authorization bill, S. 886.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, on behalf of the majority leader, I suggest Senators not leave town because there are going to be additional votes today.

Having made that announcement, I hope it is clear to all Senators we were willing to offer an agreement, but that failing, we must proceed.

Mr. REID. Will the Senator yield?

Mr. HELMS. Yes, sir.

Mr. REID. I could not quite hear, but you indicated there would be votes during today?

Mr. HELMS. Yes, sir.

Mr. REID. There was an announcement made by the leader yesterday that there would be no votes occurring after 11:45 a.m. today. There are people who have based their schedules on that public announcement made yesterday.

Mr. HELMS. I ask the Chair if the unanimous consent agreement stated 11:45 a.m.

Mr. REID. I am not sure there was a unanimous consent agreement. There was a public statement made.

The PRESIDING OFFICER. There is no agreement on limiting votes for the remainder of the day.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I believe I am authorized to say there will be no votes after 11:45 a.m. today. At least I will not participate in ordering them.

Mr. KERRY. Mr. President, I understand a couple of Senators are out of town and therefore are not, even though they may want to, able to physically meet the unanimous consent request of the chairman. I wonder if the purposes of the Senate in moving this legislation forward are not equally well served by narrowing the universe of amendments by requiring that they all be laid down before the hour when there will be no further votes. We will then have a fixed universe of amendments, and we can begin debating them and proceed rapidly.

Mr. HELMS. I am unable to pass judgment on that. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I have to object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue calling the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am a father. Like everybody else, every daddy wants to get home, except a few who will not give time agreements on their amendments. So we will just have to plow ahead and do the best we can.

On behalf of the Senate Committee on Foreign Relations, I offer the foreign relations authorization bill, approving specific State Department activities for fiscal years 2000 and 2001, including funds for payment of some dues arrearages to the United Nations and other international organizations conditioned upon reform of those institutions.

In the course of debate, the distinguished Senator from Delaware, Mr. BIDEN, and I will offer an amendment naming this bill the Admiral James W. Nance Foreign Relations Authorization bill, in memory and in honor of the late chief of staff of the Foreign Relations Committee, Bud Nance.

The Foreign Relations Committee approved this bipartisan legislation back in April—I believe on April 21st—by a vote of 17 to 1.

This is the first authorization of State Department activity since enactment last October on the Foreign Affairs Reform and Restructuring Act, which required the consolidation of the Arms Control and Disarmament Agency and the U.S. Information Agency into the State Department. These were temporary agencies. They were established in the 1950s and were explicitly and emphatically described as temporary agencies.

As Ronald Reagan said, there is nothing so near eternal life as a temporary Federal agency. So what we did, we folded two of those into the State Department, their responsibilities, and got rid of them.

Both of these temporary agencies were created about a half century ago, and this effort by the Foreign Relations Committee is the first time any body has tried to do away with those nontemporary or temporary agencies.

The bill addresses several significant oversight and authorization issues. It proposes to strengthen and preserve the arms control verification functions of the U.S. Government, while addressing other nonproliferation matters as well.

The bill authorizes a 5-year $3 billion construction blueprint for upgrading U.S. embassies around the world to provide secure environments for America's personnel overseas. Unlike the funds provided more than a decade ago in the wake of a report by Admiral Inman calling for improved security of U.S. embassies, this bill creates a firewall for funding from other State Department expenditures which will ensure that embassy funds are not raided to pay for other State Department pet projects.

The bill makes some reforms to strengthen the Foreign Service. Most

Foreign Service officers are supportive of ensuring poor performing members of the Foreign Service are not automatically kept in the Service by statutes manipulated to protect unworthy employees from discharge and/or personnel actions. The changes in the bill will streamline the grievance and disciplinary process stipulated by the Foreign Service Act.

The bill augments a coordination and oversight of the U.S. Government's role in assisting parents seeking return of abducted children. These provisions are an outgrowth of the Foreign Relations Committee oversight hearing this past year on the growing problem of international abduction of children in disputes growing out of divorce and separation. It is a real problem, I say to the distinguished occupant of the Chair.

Significantly, the bill includes a U.N. reform package which includes payments of arrearages in exchange for—I reiterate for emphasis—in exchange for key reforms of and by the United Nations.

I say parenthetically to the distinguished occupant of the Chair that on the day that Kofi Annan was designated to be the Secretary General of the United Nations, I called him and invited him to come to Washington. We worked out a stipulated number of reforms that had to be done before any thought or agreement could be considered regarding the so-called arrearages.

He agreed to that. He went back to the United Nations and made some other statements, but we are working that out.

Interestingly enough, we are getting some support from the gentleman who probably will be confirmed in a week or so as the new U.S. Ambassador to the United Nations who strongly favors the reform of the United Nations. He stipulated that to me yesterday.

The reform agenda required by this bill, prior to the payment of any U.S. taxpayer dollars, has the full support of the Secretary of State and the distinguished Senator from Delaware, Mr. BIDEN, and me. These reforms were approved by the Senate during the 105th Congress by a vote of 90–5, but it was vetoed by the President of the United States.

I thank the Chair, and I yield the floor.

I believe we are going to have to have order, Mr. President.

The PRESIDING OFFICER. The Senator is correct. There is not order in the body.

Please, may we have order in the body so we can proceed on this important piece of legislation. Conversations will please be taken off the floor.

Mr. HELMS. Mr. President, I suggest the absence of a quorum until we can get order.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I am going to depart from what we agreed to. The distinguished Senator from Vermont needs 3 minutes, he says, for a statement in the form of a eulogy. I yield that time to him.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

LEONARD RIESER

Mr. LEAHY. Mr. President, Vermont and the United States lost one of its most distinguished academics last winter. Leonard Rieser, a physicist, a professor, a dean, and chairman of the board of the Bulletin of Atomic Scientists, holder of so many titles that we couldn't repeat all of them, died at the same time his great gifts and talent were still expanding.

I knew Leonard and his wife, Rosemary, through their son, Tim Rieser. Tim has been the most extraordinary advisor to me for many years, and he holds the best attributes of his father: decency, a towering intellect, and a constant search for knowledge.

Leonard Rieser is a man who lived more in a decade than most people will live in a lifetime. He accomplished in a few years what others would be proud to have as their life's work. What is extraordinary is that he did it for decade after decade.

In Vermont and throughout the Nation, expressions of sorrow but also of admiration and gratitude for his life poured in. We have all benefited by his life. He leaves a great void, especially for his wife, his sons, Tim, Leonard, and Ken, his daughter, Abby, his grandchildren and all his friends.

Mr. President, I ask unanimous consent that just one of the many tributes written about him be printed in the RECORD at this point.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, Mar./Apr. 1999]

LEONARD M. RIESER, 1922–1998

(By Mike Moore)

Leonard M. Rieser, 76, who chaired the board of the Bulletin from 1985 to June of last year, died in December of pancreatic cancer. His tenure as chairman spanned a tumultuous era. When Rieser took the chair, the Bulletin's "Doomsday Clock" stood at three minutes to midnight and "Evil Empire" rhetoric still ricocheted back and forth across the Atlantic.

But by late 1991, the United States and the Soviet Union had signed the Strategic Arms Reduction Treaty; a coup attempt in the Soviet Union had failed, and the United States and Russia had begun to withdraw thousands of tactical nuclear weapons from forward deployment. That fall, the board voted to move the minute hand "off the scale"—from 10 minutes to 17 minutes to midnight.

In speaking to the press after the meeting, Rieser displayed the rooted-in-the-real-world optimism that characterized his life. The Cold War was clearly over, Leonard told the audience, as was the East-West arms race. That was a cause for celebration, and it surely justified the unprecedented seven-minute move. "But the world is still a dangerous place and governments continue to pour vast sums of money and intellectual capital into weaponry. The Bulletin has much work left to do. It will continue reporting on the destructiveness of seeking military solutions to the world's ills."

He was surely right about the Bulletin having more work to do. In 1995, the board moved the minute hand back onto the scale, to 14 minutes to midnight, in part because of the slow U.S. and Russian pace in cutting back nuclear arsenals. And last June, the board moved the hand to nine minutes to midnight, partly because of nuclear tests by India and Pakistan, and partly because East-West arms reductions were still agonizingly slow.

In December of 1942, Rieser, an undergraduate in physics at the University of Chicago, enlisted in the army, but received a deferment so he could finish his degree. After receiving his baccalaureate, he was assigned to the Manhattan Project, first in the Chicago laboratory and then at Los Alamos.

In later years, he seldom talked of his bomb-related work, other than to say that he had no interest in pursuing weapons work after the war. Al Baez, a physicist who met Rieser in the late 1940s while both were graduate students at Stanford, said they became lifelong friends partly because of their mutual belief that scientists had a moral responsibility to weigh the consequences of their work.

Rieser joined the Dartmouth College physics faculty in 1952 and remained active in Dartmouth affairs until his death. He became dean of the faculty, provost, and the Sherman Fairchild Professor in the Sciences. During the socially and politically chaotic years of the late 1960s and early 1970s, he helped transform Dartmouth from a small men's liberal arts school into a more diverse coed institution.

Rieser retired as provost in 1982, the year he joined the board of the Bulletin, but he remained chairman of Dartmouth's Montgomery Endowment, which brings scholars, artists, and political figures to the campus for periods ranging from a week to a year. In 1984, he became the founding director of the John Sloan Dickey Center for International Understanding at Dartmouth.

Despite his decision to follow a largely administrative track, he remained passionately committed to science, pure and applied, and to the teaching of science. He was a member of the American Physical Society, the American Association of Physics Teachers, and the American Association for the Advancement of Science (AAAS).

Rieser chaired the AAAS's Commission on Science Education from 1966 to 1971, and he successively served as president-elect, president, and chairman of the AAAS board in the early 1970s. He later chaired the association's Committee on Future Directions and the Committee on Scientific Freedom and Responsibility.

In 1974, Rieser was a co-founder of the Interciencia Association, an organization based in Caracas that is dedicated to uniting scientific communities in the Americas, so they can more effectively promote the welfare of the people. He later served as president of Interciencia, and he was still a director at his death.

At various times, Rieser was president of the New England Council on Graduate Education, an overseer at Harvard, a member of the Commission on the International Exchange of Scholars, a member of the Council on Humanities and Sciences at Stanford, a trustee of Hampshire College, and a trustee of the Latin American Student Programs at American Universities.

In 1990, Rieser became a consultant to the John D. and Catherine T. MacArthur Foundation in Chicago. For four years, beginning in 1993, he chaired MacArthur's Fellows program—the so-called "genius grant" program in which scholars, artists, and innovators of all description are awarded handsome sums so they can more readily pursue their work by freeing them of financial constraints.

The program's yearly awards regularly make headlines. They have been applauded as being imaginative and visionary and criticized for being too offbeat, "too politically correct."

"It was not a matter of 'political correctness,'" says Adele Simmons, president of MacArthur. "Leonard delighted in finding people not already being supported by mainstream institutions, and giving them an opportunity to look at institutions and issues in a new way, getting people to really think."

Victor Rabinowitch, senior vice president of MacArthur, said Rieser took particular joy in mentoring younger people. "He loved to play that role. He was idealistic—but also realistic. He believed in the goodness of people, a man of enormous decency. The secretaries all adored him—he listened to them."

An adjective often used to describe Rieser is "graceful"—in the sense that he was a considerate man, a "gentleman" in the old-fashioned use of the term. Listening, says Barbara Gerstner, assistant provost at Dartmouth, was one of Rieser's greatest gifts. "When he conducted a meeting, he made sure that everyone's point of view was heard and understood. A person could leave a meeting unsatisfied with the result. But at least he knew he had had a fair chance to be heard."

MacArthur's Rabinowitch, who has attended high-powered meetings throughout the world for most of his professional life, says simply: "Leonard was the most talented chairman I have ever seen."

Dorothy Zinberg, on the faculty at Harvard's John F. Kennedy School of Government, recalls Rieser's ability to put people at ease. She first met Leonard in the early 1970s, when she "parachuted into Washington" to serve as the "token woman" on the AAAS's Committee for Science and Social Responsibility. It was a small but steller group that included former Chief Justice Earl Warren and John Knowles, then president of the Rockefeller Foundation, and Alan Astin, a towering figure in Washington science policy. Zinberg, who was then a young professor at Harvard, was ill at ease. "Don't worry," said Leonard. "You have every right to be here. Speak up." That she did, and she went on to serve on several more AAAS committees.

In the early 1990s, Zinberg was a consultant at the MacArthur Foundation and often found herself working closely with Rieser. "Leonard challenged every statement to make certain that no issue under discussion had been superficially examined. Behind the boyish smile, the informal style, the casual country clothes, and the droll humor lay a steely determination to get things right."

Leonard M. Rieser, according to those who knew him well, did get it right.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be dispensed with so I may have 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE BANKRUPTCY BILL

Mr. WELLSTONE. I thank the Senator from North Carolina. It may take less than 3 minutes.

I refer colleagues, and I will include in the RECORD, to a piece today in the New York Times, front-page article, the title of which is "New Lenders With Huge Fees Thrive on Workers With Debts."

Some of my colleagues remember that Senator Metzenbaum did a lot of work on this. When we do bring up the bankruptcy bill, I will have an amendment which will prohibit claims in bankruptcy which rise from these high-cost transactions such as "payday" loans, car title loans, or any other credit extension that extends beyond 100 percent per annum. I will go into this in detail. I cannot right now in 3 minutes. I will put this piece in the RECORD. I hope colleagues will read it. It is really quite outrageous what these companies have been able to get away with. I look forward to having a debate on this amendment on the bankruptcy bill.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1999]

NEW LENDERS WITH HUGE FEES THRIVE ON WORKERS WITH DEBTS

(By Peter T. Kilborn)

KOKOMO, IND, June 16.—A year and a half ago, Doris Rude, a taxi driver who is partly disabled by a herniated disc, was living at the edge of her income of $300 a week and had just $5 in the bank. Then she received a $1,900 hospital bill. With poor credit and no money, she turned in desperation to a new, fast-growing American institution: The payday loan company.

For a fee of $30, the company agreed to advance her a two-week loan of $100. To obtain the loan, she wrote the company a check for $130 that the lender greed to hold until her next payday. With the $30 fee, the lender was charging her an annual interest rate that consumer advocates say is 780 percent.

But two weeks later, with no change in her living expenses, her check was sure to bounce. So the lender let Ms. Rude renew the loan for another two weeks, for another $30 fee. Soon she was bounding from one payday lender to another, six in all, borrowing from the next to pay the accumulating fees of the others.

Ms. Rude had fallen into a trap that regulators worry is an increasingly common one, not just for lower-paid workers like Ms. Rude but for higher-salaried ones as well.

Payday lending companies are sprouting up all over the country, having increased to nearly 8,000 today from 300 seven years ago. Although this is the most prosperous peacetime decade of the century, many workers have become trapped by debts run up in free spending or have been driven deeper into debt by misfortune. But these workers have the two basic things needed to obtain a payday loan: paychecks and checking accounts.

Although plentiful in big cities like New York and Los Angeles, the payday lenders have become most visible in places like Kokomo; Springfield, Ohio, and Cleveland, Tenn. Ten have opened in Kokomo, a city of 45,000 people.

Bearing names like Check Into Cash, Check 'n Go and Fast Cash, payday lenders grant loans to workers against their next paychecks. In return, the companies charge a "fee," typically $15 to $35. At annual rates, the fees normally exceed 300 percent and 400 percent and in some cases they reach four digits.

At least a dozen national chains have sprung up. The biggest, Ace Cash Express in Irving, Tex., has around 900 stores and revenue last year—what it collected in loan fees—of $100 million, twice that of 1996. Check Into Cash, in Cleveland, Tenn., reported that its revenue had jumped to $21 million in the first six months of 1998 from $10 million three years ago and $1 million five years ago.

In much of the country, these companies escape the routine scrutiny and regulations faced by banks, finance companies and pawn shops, because in some states they are too new to have stirred much controversy and in others they have used political clout to stave off legislation.

As of late last year, the Consumer Federation of America reported that 19 states, including all of those in New England, as well as Pennsylvania, Texas and Virginia, prohibited payday lending, most by limiting annual, small-loan interest to less than 40 percent. But the federation said the 31 other states, including New York and New Jersey, condoned it by law or by the absence of law.

A spokesman for the New York State Banking Department, Rick Hansen, disputed this assertion, saying the state's usury law forbids charging more than 25 percent annual interest on any loan.

The payday lenders say they are providing a vital service. As commercial banks have shunned the poorest borrowers, in part by raising the minimum amounts they will lend, people who need small sums to get over a hump, like paying for a medical prescription or buying tires for a car, have few choices. These include people who are unable to get credit cards or who have charged or exceeded their cards' credit limits.

Industry leaders say comparing payday lenders' fees with annual interest rates is unfair because most of the loans are paid off within a month.

Consumer advocates consider the payday lenders' interest rates exorbitant.

"I know of loan sharks in New York who wouldn't charge this kind of interest," said Gary L. Calhoun, a lawyer here who provides legal services for members of the United Automobile Workers.

State Representative Richard W. Bodiker of Indiana, a Democrat whose bill this year to regulate the lenders fell to intense industry lobbying, calls the fees, "in excess of what usury laws consider loan-sharking."

Robert C. Rochford, deputy counsel of the National Check Cashers Association, an industry trade group, called such accusations spurious.

"Loan-sharking involves coercive tactics to collect the debt," Mr. Rochford said. "No major direct deposit provider has been convicted of that."

One reason for the lenders' growth is people's comfort with debt. The nation's savings rate, the percentage of people's disposable income that is saved, dropped to 0.5 percent last year and to nothing at all by earlier this year from 6 percent a decade ago. Rather than save, people are spending more than ever and borrowing more than ever.

"We know there's a pretty sizable group of folks whose credit cards are maxed out," said Mark B. Tarpey, a supervisor in the consumer finance division of the Indiana Department of Financial Institutions.

With payday lenders around, Mr. Tarpey said: "They don't have to tell the boss they need a cash advance. They don't have to give up their TV's and furniture. They don't have to run a credit check."

Another reason is a level of unemployment, 4.2 percent, that economists used to call unattainable. To succeed, payday lenders need customers with bank accounts and regular checks, in particular paychecks, and these days, just about every able-bodied adult receives one.

Under such conditions, said Mr. Rochford, the deputy counsel for the check cashers' association, payday lenders' revenues will grow to $1.44 billion this year from $810 million last year.

Payday lending exists, Mr. Rochford said, "because there's a need for it." A short-term deferred deposit loan, the industry's preferred term, helps a worker through an emergency and is cheaper than bouncing a check. Most banks do not make loans for less than $1,000, he said, and pawning is embarrassing.

Borrowers like a payday loan, Mr. Rochford said, because "it is private," adding: "It is quick. And they do not need a lot of documentation." The fees cover loans that turn sour, he said, and the cost of employees to process loans.

Kokomo, about 50 miles north of Indianapolis, may be a case in point. A steel and asphalt city of immense new Daimler-Chrysler and Delphi-Delco automobile component factories, Kokomo is fertile terrain for payday lending.

Strapped by bad credit and unmanageable or unexpected expenses, people here used to go to pawn shops for loans. But of three pawn shops here two years ago, one has closed, and another, Bob's, passed up renewing its license this month. Now people go to the city's new payday lenders.

Unemployment, which has exceeded 20 percent in Kokomo in recessions, was just 1.4 percent in March, according to the latest survey by the Kelley School of Business at Indiana University. About 20,000 people, roughly 40 percent of the area work force, is employed by automotive companies. They earn $50,000 to $60,000 a year and are the new lenders' biggest customers.

The payday lenders here approve most loans within 10 minutes. "No Credit Check, Instant Approval," Easy Money's flier promises. "The fastest way to payday," read the banners on the walls of Check 'n Go.

For this service, some states specify a maximum fee of $15 on a one- or two-week loan of $100 or $200. In Indiana the limit is $33. At $33, the annual rate on a two-week $100 loan is 858 percent.

And as borrowers amass loans, taking new ones to pay the fees on the others, the fastest way to payday becomes a fast way, too, to garnished wages and bankruptcy.

Kathy Jo King, 41, earns almost $60,000 a year as an assembly-line worker at the Daimler-Chrysler transmission plant. But she has no savings, in part because she is paying creditors $113 a week to work her way out of a bankruptcy that followed a serious automobile accident and left her husband partly disabled and both with high medical bills.

Then early last year, Ms. King and her husband and their boys, 18 and 11, had to move, incurring $1,500 in unexpected expenses.

"I've got kids to feed," she said. "I had to go do something." With her credit in ruins, she could not go to a bank for a loan, so she went to payday lenders.

"We did several payday loans all at once," Ms. King said. "They make you feel real at ease about it." She started paying off the loans bit by bit but became saddled with $200 in fees alone every two weeks and could not keep up.

So one lender tried to redeem her last $330 check covering a loan of $300 and a fee of $30. She did not have money in the bank to cover the check and it bounced. The bank and the lender then charged her $80 in fees for a bad check.

Next, the lender sued, and Ms. King lost. The court awarded the lender triple damages—$990, or three times the amount of the check, plus $150 in lawyer fees and $60 for court costs. With the $80 for bouncing the check, Ms. King owes $1,280 on her original loan of $330.

Currently, about 100 payday lenders suits against borrowers are on file in the Howard County Superior Court in Kokomo. Lenders here also send out letters threatening their customers with imprisonment for bouncing a loan check, although none is known to have tested the state penal code provision that they invoke in making the threat. Some lenders start taking legal action within a month to obtain unpaid loans; others try to work longer with customers to avoid a lawsuit.

David Hannum, coordinator of the Consumer Credit Counseling Service, said borrowers kept paying the fees, digging themselves deeper into debt, out of fear that lenders would otherwise try to redeem their checks when they did not have money in the bank to cover them, further tainting their credit ratings.

To tap into this market, Carol Brenner, 36, opened Quick Cash here in September. Ms. Brenner now has 350 clients, most of whom return every week or two to have their loans renewed or to pay them off, but then they often take another a few days later. She charges less than most lenders: $20 for a two-week $100 loan, for an annual percentage rate of 521 percent, and $30 for $200, or 391 percent.

Unlike some lenders, Ms. Brenner lets her clients pay off portions of their loans as they extend them and in that way work them down. And to avert probable trips to small-claims court, she says she will not lend to people who already have more than two loans from other payday lenders.

The biggest borrowers, many lenders say, are not Kokomo's low-wage service workers, but auto industry employees who earn more than $20 an hour.

"Most of my customers are from Chrysler and Delco," said Marc Sutherland, manager of the Kokomo office of Nationwide Budget Finance.

Shari Harris, 39, who earns around $25,000 a year as an information security analyst, was managing money well enough until the father of her two children, 10 and 4, stopped paying $1,200 a month in child support.

"And then," Ms. Harris said, "I learned about the payday loan places."

She qualified immediately for a two-week $150 loan at Check Into Cash, handing it a check for $183 to include the $33 fee. "I started maneuvering my way around until I was with seven of them," she said.

In six months, she owed $1,900 and was paying fees at a rate of $6,006 a year. "That's the sickness of it," Ms. Harris said. "I was in the hole worse than when I started. I had to figure a way to get out of it."

So she asked her employer to stop paying her wages into her checking account, emptying it, and putting her checks into a savings account. She stopped paying the biweekly fees to extend the loans, so the lenders tried to redeem her checks. "I let them all bounce," she said.

She took a second job, working in a department store, and turned to the Consumer Credit Counseling Service, which worked out a plan under which she is paying $440 a month to work down the loans.

Jean Ann Fox, director of consumer protection at the Consumer Federation of America and a prominent critic of payday lending, said, "There's nothing wrong with small loans at reasonable interest rates, reasonable terms and reasonable collection practices.

"But these practices are designed to keep you in perpetual debt."

WHAT IT COSTS

An Expensive $100—A payday loan is a short-term cash advance, for a fee, to be paid off with a check that will be cashed on the borrower's next payday. But with fees like $30 for a two-week loan of $100, they are far more expensive than even credit cards:

Payday loan: $60 a month—A $30 fee for a two-week $100 loan, renewed for two more weeks; $100 cash loan—$60 $100 cash advance—$5.

Credit card: About $5 a month—A card available to people with poor credit might have a 3 percent fee for a cash advance, plus an annual interest rate of 19.8 percent, or about $2 a month on $100.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The Senate continued the consideration of the bill.

Mr. HELMS. Mr. President, I know it must appear to the Chair and others that this is sort of a disjointed way to begin consideration of a major bill, but we are trying to work out time agreements. Senators are being very cooperative. I think we are approaching some reconciliation on it; I am not sure.

In the meantime, Senator SARBANES needs to get away for an important appointment. How much time will the Senator need?

Mr. SARBANES. This is the amendment I indicated I could do in 40 minutes. Once the amendment is explained, I hope that the committee will accept it. I would be prepared to offer it now. I have another amendment which will take longer.

I am prepared to go ahead and offer it now if the chairman wishes.

Mr. HELMS. Why don't we do that.

Mr. REID. Mr. President, I say to the Senator from North Carolina, we are working on a unanimous consent request. Would the Senator allow us to interrupt his statement if necessary?

Mr. SARBANES. Yes, absolutely.

Mr. MURKOWSKI. Mr. President, if I may interrupt for a moment on a matter of procedure, I recognize the difficulty the leader has in trying to orchestrate things in the body. I know he is working very diligently to try to come up with time agreements and the possibility of stacking votes and holding them over until Monday. I remember that former Senator Jake Garn sort of had an affinity for a family-friendly process, and I want to commend the leadership for trying to follow that.

I want to point out that I happen, by coincidence, to live very far away. For me to make a Monday vote, I have to leave Sunday night and fly all night to get here. If I leave on the very first flight from Fairbanks, AK, on Monday and leave at 8 o'clock, I get arrive in Washington in the evening. Ordinarily, I don't go back to my State on a weekend; I stay here. But Father's Day and Mother's Day are fairly important, so I intend to go to Alaska today.

Unfortunately, I will miss the stacked votes that are proposed on Monday. I was inclined to object to the unanimous-consent agreement, but in the spirit of cordiality, which I have pretty much maintained around here in the last 19 years, I will defer to the leadership. I wanted to explain this uniqueness to those who live in Chicago or for those who can take the train next door. I wish I could. It is a little different set of circumstances.

I have made my concerns known. As we plan events, I think we should recognize there are a couple of special days, and Father's Day is one of them. I have 11 grandchildren who are coming, so sayonara.

Mr. LOTT. Mr. President, I certainly wish the Senator from Alaska a wonderful trip. I know how important his family is to him. I also want to thank him for his magnanimous decision not to object to the stacked votes. I know it is important to him to be here and participate in recorded votes. I also know his family is very important and Father's Day is very important. He could have objected, but he decided not to. I hope other Senators will follow that example. I try very hard to accommodate every Senator on both sides of the aisle.

I fear that the problem in the Senate now is that I have been too accommodating, because we try to work votes around every Senator's schedule, and it is absolutely out of control. I have Senators come in here and say: Oh, please, please, please, don't have another vote after 9:30 on Friday. And other Senators say: You mean we are going to vote Monday afternoon?

I realize voting is a problem, but it is required to move bills along. So I ask my colleagues to not get mad at me for trying to get our work done.

This week has been unusually productive. With this bill, if we could have finished it today, we would have completed seven bills this week. Senator REID and Senator DASCHLE share my frustration at what we go through. You would not believe the kinds of requests we get from Senators not to have votes during the middle of the day on Tuesday, or in the morning on Wednesday, or on Thursday afternoon. My colleagues, it is just out of control.

We try to say on Mondays or Fridays, for good and valid reasons, we will not have votes on occasion. We try to tell Members in advance. Because of a number of problems, we have notified both sides of the aisle that there won't be votes next Friday, the 25th. But there is a limit as to how much we can do. I was always used to working Monday through Friday. I realize that when we go home, we are still working. When we tell Senators we are not going to have votes before 5 on Monday or after 12 on Friday, we still have difficulty.

I thank Senator MURKOWSKI for his attitude. I must say to all the Senators that we just have to be prepared to be here and vote.

Here is another thing. Senators have now gotten to where, when there is a death in the family, they don't even want to miss a vote. That is a terrible and difficult time, but your constituents will understand. You can't ask 99 Senators not to have a recorded vote because you have had a death in the family. Sometimes it is an in-law. People understand if you can't be here. Meanwhile, back in the jungle, we have to get our work done. So I ask for your indulgence.

I yield to Senator MURKOWSKI.

Mr. MURKOWSKI. My only frustration, I share with the leader, is that the assumption today was that we were going to have some votes. As a consequence, I made my plans accordingly for a 2 o'clock airplane. I could have gotten a 10:30 airplane. After 2 o'clock, there are no more airplanes. I share the frustration of the leader who, obviously, is today accommodating a number of Senators who want to get out of here early, even though the leader said today we are going to vote in the morning at least. We did vote in the morning. It works both ways, Mr. President. When the leader says so, the consistency of that statement, I think, should be followed through, if I can make an appropriate suggestion.

Mr. LOTT. I must say, if I may respond, it was our intent to have more votes, but obstructionists can quite often prevail in the Senate. If somebody objects, it is pretty hard to force a vote. On Monday, I could call up Executive Calendar items. I can force votes, but I prefer not to do that. I have never liked the so-called "bed check" votes. I try to have votes on substance. That is the problem. Today, we had a blowup here at 9:45, and all kinds of efforts to be reasonable and get agreements came apart. I believe maybe by 11 o'clock, if enough people are gone, we can get this thing worked out.

Mr. SARBANES. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. SARBANES. Mr. President, I appreciate the frustrations the majority leader has to work under. But he has just had a very productive week. We passed half a dozen bills of consequence here in the Senate this week. So I guess I would better understand this reaction if we hadn't done anything all week. I thought we had a productive week. I am right next door here, so it is easy for me. Sometimes you get more with a carrot than you do with a stick.

Mr. LOTT. I don't believe there has been a majority leader since Mansfield who has used a carrot as much as this majority leader. We don't go late on Mondays or Fridays.

Mr. SARBANES. I acknowledge that the majority leader worked hard to try to make the calendar more family friendly.

Mr. LOTT. Thank you for doing that.

Mr. REID. Mr. President, I say to the majority leader and the others assembled here, not only have we done a good job this week on those things we voted upon—major appropriations bills—but also there are a lot of things that have gotten a lot of attention that are completed and passed in this body, not the least of which is the resolution sponsored by the four leaders and everybody else in the Senate, and basically a vast majority here, dealing with commending the troops and all those who were involved in the Kosovo war. That took some work between the two sides, and we worked that out. It is a beautiful resolution. It is passed. If we had more time today, we would talk about that.

Lots of things occurred here. There, of course, is some question as to whether there are other things we would like to do. We have talked about the Patients' Bill of Rights. But we have to say that we have accomplished a great deal this week, and I think we should feel good about that.

Having served in the other body and this body, I think every Senator who has served here for a matter of years appreciates the work of the leader in making this body one where we have certainty as to our schedule. That has been a big help.

We had a vote this morning. We didn't have as many people as we thought, but we had a vote. Our time wasn't wasted this morning. The progress made on this State Department bill, I think, is terrific. I have been involved in this bill when we have taken more than a week to deal with this bill. We will resolve this in a matter of a few hours.

I appreciate the anxiety and frustration of the leader, but we want to work with the leader and make sure we get more done. I speak for everyone on this side.

Mr. LOTT. I will use leader time to respond briefly. I thank Senator REID for his comments. I note the fact he was willing to work with us. We had the resolution worked out over a period of several days, commending our troops and commending the President and others for their work in Kosovo. That could have been difficult, could have caused amendments, and there could have been requests for recorded votes.

That was one of several things we have done this week. I note the Senator from Nevada in his new role as the whip on the Democratic side has really made a difference. We appreciate his cooperation. Quite often, it takes a lot of time to work through the pending amendments. He has been very helpful.

I am glad we had a good week. I am hoping every week will be similar to this week. I will keep working in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 689

(Purpose: To revise the deadlines with respect to the retention of records of disciplinary actions and the filing of grievances within the Foreign Service)

Mr. SARBANES. I have an amendment at the desk which I ask be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 689.

Mr. SARBANES. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, strike lines 14 and 15 and insert the following: "for a period commensurate with the seriousness of the offense, as determined by Director General of the Foreign Service, except that the personnel records shall retain any record with respect to a reprimand for not less than one year and any record with respect to a suspension for not less than two years.'.".

On page 41, line 16, strike "one year" and all that follows through the end of line 22 and insert the following: "two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance.'.".

Mr. SARBANES. Mr. President, I hope the committee will find it possible to accept this amendment. I will very briefly describe it.

This amendment seeks to address two provisions in the bill which affect the rights of those who serve in the Foreign Service. The first problem deals with the time period given in order to file a grievance. Under the current system, employees have a period of 3 years to file a grievance; that is the current law, 3 years. The bill does two things: It reduces that period to 1 year. It will take away the employee's right, which was upheld by a 1989 decision by the Foreign Service Labor Relations Board, to challenge an old evaluation that has been used against them.

It does two things. The amendment addresses those issues. It extends the period for filing a grievance to 2 years. In other words, the committee bill brings it down from 3 years to 1 year. We put it back up to 2 years.

Let me explain why I think this is important. Members of the Foreign Service have limited access to lawyers and personnel files while they are overseas. This amendment, moving the period back up to 2 years, gives them time to return to the United States on home leave, which they are entitled to only after they have been at their post for 18 months. They can come back on home leave in order to research and file their case.

If the grievance is against an employee's supervisor, the employee would have 1 year after he or she ceased to be supervised by that individual to file the grievance. I think the fairness of that is obvious on its face.

In addition—and this is a complicated, but I think important point—the amendment deletes the sentence that would preclude employees from grieving old evaluations used against them. Currently, promotion panels can reinterpret old reports to select out Foreign Service personnel using report statements which did not seem and were not intended at the time to be negative. The promotion panels can go back to these old reports and reinterpret them.

The bill, as it is written, eliminates the ability to challenge an old evaluation on the part of the employee. Civil service employees have this protection now. They can contest all bases cited for their termination, regardless of when the matter occurred. A Foreign Service employee should have the same due process rights.

In fact, following this 1989 decision to which I referred, the Foreign Service Association and the five foreign affairs agencies in the Government reached an agreement under which employees may contest records to the extent they are used as a basis for grievable actions taken against them.

Denying employees the ability to do that, among other things, would lead to filing unnecessary preemptive grievances for fear they would be used against them in the future. In other words, if you are going to say these old evaluations can't be "grievanced," then it will serve as an incentive to contest more evaluations earlier.

This amendment restores the limited right, if an old evaluation is used to challenge it, and it would preclude the need for such preemptive grievances.

That is the first part of the amendment. It seems to me to make eminent good sense to do this. I have tried to take into account some of what the committee was seeking to accomplish. As I have indicated, we accept bringing the 3 years down, but we think it should come down to 2. I think taking it to 1 is going too far. The employees overseas would have a difficult time because they don't get the home leave for 18 months.

The second part of the amendment relates to the length of time a disciplinary action stays in an employee's personnel file. Under the current system, a reprimand stays in the employee's file for 1 year and a suspension for 2 years. The bill would extend that period in all cases until the employee is tenured as a career member of the service or next promoted. In effect, you may significantly lengthen the time in which these disciplinary actions stay in the employee's file.

There is a balancing to be done because under the current system disciplinary records are removed from the file after 1 or 2 years, no matter how serious. Therefore, they are not always available to reviewers when a Foreign Service employee is considered for promotion. That is something we need to look at. I understand the committee was focused on that.

The bill attempts to rectify this problem by requiring all records of disciplinary action to remain in the employee's file until the employee is tenured or next promoted. The proposed change makes no distinction between a suspension of 1 day or 1 month, between a minor infraction or a major violation. By failing to differentiate between minor and major violations, this change could have the unintended effect either of extending the length of punishment beyond a reasonable time period or reducing the likelihood that appropriate disciplinary actions will be imposed in the first place. The disciplining authorities may forego imposing these actions in the more minor cases because they know these things will remain in the file perhaps for a long period—until tenure or the next promotion.

This part of the amendment requires the Director General of the Foreign Service to decide when taking a disciplinary action what length of time it should remain in the employee's record based on the seriousness of the violation. In no case, however, would the letter remain in the file less than 1 year for a reprimand or 2 years for a suspension.

So we set, as it were, a minimum requirement of 1 year for a reprimand and 2 years for a suspension. Beyond that, the Director General, at the time of the disciplinary action, could indicate the additional length of time, as it were, that the disciplinary action would remain in the employee's file. I think this accomplishes the purpose of distinguishing between major and minor infractions, in a sense. It does not put the minor infractions in there indefinitely or until tenure or promotion is reached, but it does permit the Director General, on the major infractions, to extend them beyond the minimum of 1 year for a reprimand or 2 years for a suspension.

In both instances here I have tried to take into account what I have perceived to be the concerns of the committee in including these provisions. Neither proposal, in effect, eliminates the committee provisions. It only seeks to modify them or to adjust them, and I think would make for a more equitable system. I very much hope the committee will find it possible to accept this amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I had a very brief discussion with the chairman of the committee about the second part of the Senator's amendment, which I happen to support fully; that is, instead of going from 3 years down to 1 year. All the reasons the Senator stated seem valid to me. A 2-year time period, it seems to me, is more reasonable. I suspect the chairman may be inclined to agree with that.

With regard to the first part of the amendment of the Senator relating to this issue of the seriousness of the offense, right now it is 1 year and 2 years. This would allow the State Department to make an independent judgment as to whether or not a reprimand or suspension should stay in the file beyond the time period here.

I raise the question whether or not we may be able to work something out. I have not had a chance to talk to the chairman about this to see whether it makes sense to him, but it seems to me the greatest difficulty with the first part of the amendment of the Senator, as it relates to the reforms we are trying to implement, is leaving open-ended this notion of who determines the seriousness of the offense. Having the Director General of the Foreign Service determine the seriousness of the offense without us, the committee, knowing how he or she will go about making that determination, in effect leaves a hole wide enough to eliminate the reform. I am not asking my colleague from North Carolina to respond to this yet.

I raised a moment ago in private with the Senator from Maryland whether or not he would be agreeable to amend the first part of his amendment to suggest the Director General had to submit to the Congress and the committee a set of regulations about how he or she would determine what constitutes the seriousness of the offense; in other words, how that would be determined. We would put the burden on them to come back to us to tell us, so we had some faith it would not be an ad hoc way of approaching this and we would have some sense of how to proceed.

I do not know whether or not that is amenable. It obviously needs to be fleshed out more than I have just outlined it, whether or not that is amenable to the chairman. But I suggest there is a possibility that the Senator, if he is willing, could work with us to see if we could work out some procedure that may enable the chairman to agree, for his part, to accept the amendment. Is the Senator amenable to that approach, I ask the Senator from Maryland?

Mr. SARBANES. Let me say to my distinguished colleague, I think we could work something out. I am not trying to create a situation in which the Director General can simply end up retaining the current system. Because, as I understand it, the committee's concern was that these disciplinary records were taken out of the file after 1 or 2 years, no matter how serious, and therefore they were not always available for review when a Foreign Service employee was considered for promotion. So the committee said, all right, we are going to keep it in the record until you are tenured or you are next promoted.

I think that is reasonable to do for serious violations, but I think we need to create a differentiation between serious violations and what would be minor infractions. But I think if we require regulations be proposed that would define that difference and that would be submitted to the committee, it seems to me maybe that would work it out in a way that is amenable to everyone.

Mr. BIDEN. I say to my friend from Maryland, I appreciate his willingness to try to work this out. I think we can work out the issue of the nature of the seriousness of the offense through regs being submitted.

I am told there is one other concern that is being suggested now. Right now there is a floor of 2 years for suspension.

Mr. SARBANES. We keep that floor.

Mr. BIDEN. Pardon me?

Mr. SARBANES. We keep that floor.

Mr. BIDEN. I understand it, but rather than do this negotiation, probably on the floor, that is another part Senator HELMS wants to take a look at.

What I suggest is I think we are very close to being able to work this out. I commit to the Senator we will attempt to do that. Obviously, if we do not, he is entitled to a vote on this, but I am inclined to believe we can do this and accept it to his satisfaction in the managers' amendment. But we will have between now and Monday evening to try to work that out, if he is willing to do that?

Mr. SARBANES. Yes. I will be happy to work with the committee members. I am trying to recognize the committee's concerns and, in a sense, simply fine-tune the language. I am not contending in either instance that there is no validity in the committee concerns. I concede the validity of the committee concerns. But I am trying to fine-tune this thing so I think it works in a better fashion.

Does the Senator want me to request it be temporarily laid aside so others can offer amendments?

Mr. BIDEN. I suggest that, if the Senator is willing to do that.

Mr. SARBANES. Mr. President, I ask unanimous consent this amendment be temporarily set aside, thereby opening the way for other Members to offer amendments.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, today we begin consideration of the State Department Authorization Act for fiscal year 2000 and 2001, which was reported out of the committee 17–1.

Mr. President, as I said, today the Senate begins consideration of the State Department Authorization Act for Fiscal Years 2000 and 2001. The bill was reported by the Committee on Foreign Relations on April 21 by an overwhelming vote of 17 to 1.

The bill contains several titles, which Chairman HELMS has just summarize. Let me just take a few minutes to highlight the major provisions of the bill.

First the bill revives the so-called Helms-Biden legislation on paying our overdue bills to the United Nations.

This proposal, I remind my colleagues, was approved by the Senate in June 1997 by a 90 to 5 vote. Unfortunately, it was ultimately sidetracked by the other body in the last Congress.

The version in this bill contains several changes from the bill approved in

1997—changes that were made to reflect the time that has passed since the deal was devised in the 105th Congress.

This package meets the central objective that I have—to pay back most of our back dues, or arrears—to the United Nations. It provides for the payment of $926 million in arrears, nearly all that we owe to the United Nations, over the course of three years, with the amount of funding released in each year contingent on the achievement of specific reforms in the United Nations.

Significant changes have been made to the final plan that we passed in the last Congress:

First, the bill provides a waiver for the two toughest provisions in the package—the requirement to achieve a reduction to 20 percent in our regular budget assessment rate, and a requirement to establish a "contested arrears" account for those arrears that are in dispute between the United States and the United Nations.

Seocnd, the bill provides more money upfront. A provision permitting the President to waive $107 million in reimbursements owed by the United Nations to the United States has been moved from "year three" to "year two" of the bill. This will allow $682 million to be paid to the United Nations as soon as the "year one" and "year two" conditions are met.

That is enough to cover most of our $712 million debt to the regular and peacekeeping budgets, which together constitute the bulk of our arrears. I should emphasize here that a significant amount of this funding—$575 million—has already been appropriated in the last two fiscal years.

I expect that the third year of funding will be appropriated this year—because this money is exempt from the limits imposed by the 1997 Balanced Budget Act. So once we pass this bill, and the Secretary of State makes the necessary certifications, the money can begin to flow.

This package is the product of lengthy negotiations that began over two years ago.

The final details of this revised package were negotiated earlier this year between the chairman, the Secretary of State, and me. It is supported by the Clinton administration.

I think we have a good deal here. It is not everything that I wanted. It is not everything that the Secretary of State wanted. And it is not everything the chairman wanted. That is the essence of compromise. And this is a solid compromise that I hope our colleagues will support.

Let me briefly discuss a few other provisions in the bill.

First, we fully funded the President's budget request for most of the bill, including the operating accounts of the Department of State, international and cultural exchanges, and international broadcasting operations such as the Voice of America.

Second, we developed bipartisan legislation to improve security at our embassies. The tragic bombings of our embassies in Kenya and Tanzania last August underscored the vulnerability of our diplomatic posts. Some 80 percent of our embassies do not meet government security standards for setback from the street.

An official review chaired by retired Admiral William Crowe concluded that there had been a "collective failure" in the U.S. Government in failing to address security at our embassies overseas, and called on the government to devote $1.4 billion a year over each of the next ten years to strengthen security.

The bill before the Senate authorizes $3 billion over the next five years for construction of more secure facilities.

This meets the President's requested funding level, and accelerates it by a year. Even though it is the amount that the President sought, we must recognize that it is just the beginning of what must be a sustained program of enhancing security.

Working overseas is dangerous. We can never make our embassies bombproof or risk-free. But we owe it to our dedicated employees who work overseas to provide the resources necessary to minimize known risks.

Third, the bill provides for the establishment of a new Assistant Secretary of State for Verification and Compliance, which will carry out a function that was handled at an equivalent level in the former Arms Control and Disarmament Agency.

The verification function has long been headed by a Senate-confirmed official, and for good reason. Once a treaty is signed, we don't want its enforcement to be lost in the bureaucratic shuffle. Moreover, the existence this office will be of considerable importance in obtaining Senate approval of future arms control treaties.

Fourth, the bill reauthorizes Radio Free Asia, which began broadcasting in 1996 pursuant to legislation that I introduced.

Although it has been on the air less than three years, Radio Free Asia already plays an important role in providing news and information to the people living under dictatorial rule in East Asia, particularly the People's Republic of China, where freedom of the press remains a distant dream.

I am pleased that we are giving our stamp of approval to continue the radio at an increased level of funding.

This bill is a solid piece of legislation which enjoyed strong bipartisan support in the Foreign Relations Committee—as was reflected in the strong vote of 17 to 1 in the committee.

I want to join the chairman in putting the Senate on notice in two respects.

First, we will oppose any amendments that address foreign assistance or security assistance. Those measures do not belong on the State Department authorization bill.

Second, we will oppose any measures dealing with "sanctions reform" or imposing new sanctions.

The chairman has scheduled hearings for next month to consider the various bills on sanctions reforms that are pending in the committee; therefore, it would be premature to consider amendments on that subject at this time.

I pay public tribute to the chairman. Quite frankly, his leadership and the consensus which he has built in the committee in the last 18 months has been remarkable. This bill is a product of JESSE HELMS.

There are some serious, significant changes we make—one of which I will speak to in a moment—with the United Nations. That is through the persistence of my friend from North Carolina. As my mom might say, everyone is capable of redemption, and of late, the State Department has finally redeemed itself on this one. I am confident—the Senator is correct—if and when Mr. Holbrooke is confirmed, we will have an advocate for the Senator's position at the United Nations.

This bill contains several titles which the chairman has summarized. I will take a few minutes to highlight the major provisions of the bill from my perspective.

First, the bill revives the so-called Helms-Biden legislation on paying our overdue bills at the United Nations. The Senator from North Carolina and I have always been friends. We have become very close friends, and we suffer from the same problem: Our friends get very angry with us when we compromise.

I am sure the friends of the Senator from North Carolina are very angry that he has worked out a solution to the so-called arrearages to get this moving, and Senator BIDEN's friends, on my side of the aisle, are very angry that I have agreed to it because they think it should be more.

The bottom line is, we have done some good work. The Senate acted on what we did once before. It was the herculean efforts of the Senator from North Carolina, taking on folks on his side of the aisle, which came to naught, and the not so herculean efforts on my part to take on folks on my side of the aisle who did not think this was enough. We are back.

Hopefully, a little reason has permeated the environment and the purists on both sides will understand that what we have done is necessary in the national interest, very much in the interest of the American taxpayers, and is coupled to genuine reforms with which, when one thinks about it, nobody really disagrees.

The argument on my side of the aisle is: We should not make them agree to the reforms by holding dues over their heads and holding arrearages over their heads. Nobody I have spoken with says what Chairman HELMS wants is unreasonable.

I do not hear anybody coming to the floor saying there is no bloated bureaucracy at the United Nations. I do not hear anyone coming to the floor saying that the United States should pay more. Everybody says we should pay less as a percentage. I do not hear anyone arguing about the substance the chairman has been insisting on for years.

We are down to: Are we doing it the right way? It reminds me of an expression—I will probably get myself in trouble with the French Government—which I think is classic. I was meeting with a State Department person, who will remain nameless, in a very significant position, negotiating a very significant agreement with the French relative to NATO. That is as much as I will say about it.

I asked this fellow: Are the French going to agree with this?

He said: Yes, I think they will, but it is kind of difficult.

I said: What do you mean?

He said: My friend's counterpart duly said to me last night, "Yes, yes, yes, this will work in practice, but will it work in principle?"

That is what we are hung up on here. What the Senator has suggested in these reforms is practically what everyone has acknowledged is needed. What we have been hung up on is the principle of whether or not it should be done the way in which we are doing it.

On the other side of the equation, nobody argues that if we do not come up with this $926 million we are going to badly hurt the United Nations. We are hurting our allies, we are hurting England, we are hurting the Germans, we are hurting others, because over $700 million of this money is for peacekeeping accounts that we agreed to sign on to with the Brits, with the French, with the Germans, and with our NATO allies.

I think and I hope, I say to the chairman, a little bit of reason is seeping into this debate—I hope.

I guess I am preaching to the choir here, but hopefully some of the congregation on the House side will hear what the choir is saying, because it is very important that we finally settle this issue and put it to bed.

The version in this bill contains several changes from the bill approved in 1997, changes that were made to reflect the time that has passed since the deal we put together—the chairman actually put together—devised in the 105th Congress which made sense. Time has passed. We have had to make some adjustments. I compliment and thank the chairman, as well as the Secretary of State, who was not overwhelmingly enthused about this approach.

We finally, through the leadership of the chairman actually, are all singing from the same hymnal, as they say up my way. The State Department is on the same page now, the Senator is on the same page, I am on the same page, hopefully, the House will get on the same page, and we can go on to the next hymn.

I think this package meets the central objectives that we have, at least the ones I have—to pay back most of our so-called arrears to the United Nations. It provides for a payment of $926 million in arrears—nearly all of that we owe to the United Nations—over the course of 3 years, with the amount of funding released in each year contingent on achievement of specific reforms in the United Nations.

This package is a product of very lengthy negotiations begun over 2 years ago. The details of this revised package were negotiated earlier this year between the chairman, the Secretary of State, and me. It is now supported by the Clinton administration. I think we have a good deal. It is not everything I wanted, and it is not everything the Secretary wanted, and it is clearly not everything the chairman wanted, but that is the essence of compromise. This is a solid compromise. I hope our colleagues will support it.

Let me briefly discuss a few other provisions of the bill.

First, we fully funded the President's budget request for most of the bill, including the operations account in the State Department, international and cultural exchanges, and the international broadcasting operations, such as the Voice of America.

Second, we developed a bipartisan legislative approach to improve the security of our embassies. The tragic bombings of our embassies in Kenya and Tanzania last August underscored the vulnerability of our diplomatic posts. Some 80 percent of our embassies do not meet Government security standards for setbacks from the streets, just to state one aspect of the problem.

The official review, chaired by retired Admiral William Crowe, concluded that there had been a "collective failure" in the U.S. Government in failing to address the security of our embassies overseas and called on the Government to devote $1.4 billion a year over each of the next 10 years to strengthen security.

The bill before the Senate authorizes $3 billion over the next 5 years for the construction of more secure facilities. This meets the President's requested funding level and accelerates it by a year. Even though it is the amount that the President sought, we must recognize that it is just the beginning of what must be a sustained program of enhancing security.

I know my colleague in the Chair knows better than anybody in this building what it is like to have a Government building vulnerable to and subject to terrorist attacks. No one knows the tragedy that flows from that better than the Presiding Officer.

We are as exposed in our foreign embassies around the world as buildings are in this town. We cannot and we should not become "Fortress America" internally. But we must do the reasonable things that can be done outside of the country in hostile environments or environments where we have less control over the protection of our citizens.

Working overseas is dangerous. We can never make our embassies bombproof or risk-free. But we owe it to our dedicated employees who work overseas to provide resources necessary to minimize the known risk.

Third, the bill provides for the establishment of a new Assistant Secretary of State for Verification and Compliance, who will carry out a function that was handled at the equivalent level in the former Arms Control and Disarmament Agency.

I might add, all we are doing now is putting in place what the distinguished chairman is the father of, and that is a significant reorganization of the State Department apparatus. When people ask me, why was this so important to Senator HELMS and why did he work so hard to get it done, I analogize it to what our former colleague, Barry Goldwater, did in terms of the reorganization of the Defense Department. It is as consequential, it is as significant, and I believe it will be remembered as successful as Senator Goldwater's initiatives were with regard to the Defense Department.

It basically takes us into the 21st century and recognizes how fundamentally changed the world is. I think he is to be complimented for it. I plan, as long as I am here, that every time we implement a new aspect of his reorganization plan, to remind our colleagues why it is occurring. It is occurring because the Senator from North Carolina was as persistent as he was, and as consistent as he is, in making sure this organization is modernized.

The verification function had long been headed by a Senate confirmed official, and for a good reason. Once a treaty was signed, we did not want its enforcement to be lost in the bureaucratic shuffle. Moreover, the existence of this office will be of considerable importance to obtaining Senate approval of future treaties.

Fourth, the bill reauthorizes Radio Free Asia, which began broadcasting in 1996 pursuant to legislation I introduced.

I must tell you that we all have our pet initiatives that we care a great deal about because we think they have a significant impact on our security and our interests. I have been ferocious, and some suggest too vocal, in my support of the radios.

But I want to again publicly thank the chairman, who maybe disagreed with me in some aspects of this, but was willing to go along with my basic approach on how to deal with the radios. I know, from his many years during the cold war, of his devotion to Radio Free Europe and Voice of America. I appreciate his lending his considerable support and weight to the way in which we are approaching, under the reorganization, the so-called radios.

Although it has been on the air less than 3 years, by the way, Radio Free Asia already plays an important role in providing news and information for people living under the dictatorial rule in East Asia, particularly the People's Republic of China, where freedom of the press remains a distant dream. I am pleased that we are giving our stamp of approval to continue the radio at increased levels of funding to make it workable.

There is much more to say, but I will stop at this point in the interest of accommodating my colleagues. But this bill is a solid piece of legislation which enjoys strong bipartisan support in the Foreign Relations Committee. Again, I want to remind everybody, this, as the defense authorization bill, usually attracts every contentious issue that is out there. It is because of the leadership of the chairman that we came out of the committee with a 17-1 vote.

My colleagues should understand—it is presumptuous for me to say this—that this is a reflection of the fact that what is in this bill is solid. It is a solid, solid bill. We would not have gotten this kind of consensus out of an ideologically divided committee but a committee where we are totally committed to making sure we have the strongest ability, the greatest ability, to project our foreign policy around the world.

Again, I thank the chairman for his leadership. I still think people are probably scratching their heads: How do BIDEN and HELMS get along so well and produce such bipartisan approaches? Because I think we both respect each other, but also because I understand that the chairman's motivation here is to make this committee's work a product that can pass the bipartisan muster of the Senate and the Congress. I compliment him again for his leadership.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished Senator, the ranking member of the Foreign Relations Committee, Mr. BIDEN, is far too generous. Several times in the past year or two, former Secretaries of State, and other past foreign policy officials of this Government, have said that the Foreign Relations Committee is now relevant. I think that is a high compliment to the committee.

But it would not have happened if it had not been for JOE BIDEN. When JOE BIDEN became—by his choice—the ranking member of the Foreign Relations Committee, when I became chairman, we made a pact that we would work together. I have not enjoyed any other of my services in the Senate more than the cooperation with him.

I have just been amazed at how much he has learned about foreign policy since we have been on opposite sides of the committee. I have gotten to know JOE BIDEN well. He is a good partner, a good Senator, and an expert on foreign policy. And I compliment him.

Mr. BIDEN. I thank the Senator.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask the chairman to yield so that I may enter this unanimous consent agreement.

I join in that exchange of compliments to each Senator. I commend the chairman of the committee and the ranking member on the Democratic side, Senator BIDEN. Senator HELMS, you have done a great job. I know you have put a lot of time and energy into this particular bill, and we would not be here without your persistence and without the cooperation of Senator BIDEN.

It is an important bill. When you showed up in my office a week or so ago and said we are ready to go, we need to do this, I was determined we would find a place to do it. I think you have now worked through an agreement that will allow us to get it completed and final passage, hopefully, Monday afternoon. I would like to enter into this unanimous consent request and thank both of you for the outstanding work that you are doing.

I ask unanimous consent that with respect to the State Department authorization bill, all amendments must be filed by 11:45 today, with the exception of the managers' amendment and any second-degree amendments.

I further ask that any votes ordered with respect to amendments be stacked at a time to be determined by the majority leader and the Democratic leader, and the following amendments limited to the following times, to be equally divided in the usual form.

The amendments are as follows: Dodd amendment regarding the inspector general, 30 minutes; Sarbanes amendment No. 689; Wellstone amendment regarding child soldiers, 90 minutes; Wellstone-Harkin, ILO convention amendment, 30 minutes; Wellstone, women and children amendment, 90 minutes; Feingold, war crimes in Rwanda, 30 minutes; Sarbanes amendment with regard to the U.N., 2 hours; Feingold amendment regarding NED, 40 minutes; the Leahy amendment regarding East Timor, 20 minutes; the Helms-Biden managers' amendment; the Feinstein arms trafficking amendment, 30 minutes; and a relevant amendment by the majority leader and the Democratic leader.

Before the Chair rules, let me say again, the managers' packet will include the following: Amendments offered by Senators ABRAHAM, ASHCROFT, KENNEDY, DODD, DURBIN, MOYNIHAN, REID of Nevada, BINGAMAN, THOMAS, BIDEN, LUGAR, GRAMS, another one by LUGAR, and others that have been cleared by the two managers.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. In light of the agreement, there will be no further votes today, and the next votes will occur at 5:30 on Monday.

REDUCTION IN VOLUME STEEL IMPORTS—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to Calendar No. 66, H.R. 975, the steel quota bill, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of The Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 975, The Steel Import Limitation Bill:

Trent Lott, Rick Santorum, Mike DeWine, Jesse Helms, Ted Stevens, Harry Reid, Byron Dorgan, Orrin Hatch, Jay Rockefeller, Robert C. Byrd, Robert Torricelli, Fritz Hollings, Pat Roberts, Arlen Specter, Richard Shelby, and Craig Thomas.

Mr. LOTT. For the information of all Senators, this cloture vote will occur Tuesday, June 22.

Mr. President, before I complete that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. LOTT. Mr. President, cloture will occur Tuesday, June 22. I ask unanimous consent that the vote occur at 12:15 p.m. on Tuesday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. Mr. President, in conclusion, I want to make it clear that while I am calling up this steel quota bill and signed the cloture motion, it is because I think this is an important issue and because I made commitments to Senators that we would have a vote on this issue.

I do not think cloture should be invoked. I do not think this bill should pass. I think it would be a very large mistake if we pass it. I want to make that clear.

I am not in any way supporting it. I urge my colleagues on both sides of the aisle to think about this vote very carefully. We have already had one steel-related issue passed by the Senate. If we start down the trail of imposing quotas, I think it will not be well received in the financial markets, and it is going in a different direction from what we have been trying to do. I want to make sure the record is clear from the beginning.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The Senate continued with the bill.

Mr. HELMS. Mr. President, I submit for the RECORD a Congressional Budget Office cost estimate for S. 886, the pending legislation. The estimate was not available at the time the committee report was filed.

I ask unanimous consent that this CBO cost estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 886.—Foreign Relations Authorization Act, Fiscal Years 2000 and 2001—As reported by the Senate Committee on Foreign Relations on April 27, 1999

Summary: The bill would authorize appropriations for the Department of State and related agencies for 2000 and 2001. CBO estimates that appropriation of the authorized amounts would result in additional discretionary spending of $13.6 billion over the 2000–2004 period. Because the legislation would affect direct spending and revenues, pay-as-you-go procedures would apply; the net impact would generally be less than $500,000 a year.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any provisions that are necessary for the national security or the ratification or implementation of international treaty obligations. CBO has determined that the provisions in title VI of S. 886 either fall within that exclusion or contain no intergovernmental or private-sector mandates. All other titles of the bill contain no private-sector or intergovernmental mandates and would have no significant effects on the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 886 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs) and 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law [1]:						
Budget Authority [2]	7,488	0	0	0	0	0
Estimated Outlays	5,747	1,296	1,177	468	145	74
Proposed Changes:						
Administration of Foreign Affairs:						
Authorization Level	0	4,041	4,041	600	600	600
Estimated Outlays	0	2,701	3,224	844	662	617
International Organizations and Conferences:						
Authorization Level	0	1,506	1,155	0	0	0
Estimated Outlays	0	1,230	1,052	375	2	0
Refugee Assistance and Other Programs:						
Authorization Level	0	665	665	0	0	0
Estimated Outlays	0	459	648	193	7	3
International Broadcasting and Exchange:						
Authorization Level	0	723	723	0	0	0
Estimated Outlays	0	512	680	197	39	12
International Commissions:						
Authorization Level	0	50	50	0	0	0
Estimated Outlays	0	39	46	9	5	2
Subtotal of Proposed Changes:						
Authorization Level	0	6,986	6,635	600	600	600
Estimated Outlays	0	4,941	5,650	1,618	715	634
Spending Under S. 886 [1]:						
Authorization Level [2]	7,488	6,986	6,635	600	600	600
Estimated Outlays	5,747	6,237	6,827	2,086	860	708
DIRECT SPENDING AND REVENUES						
Proposed Changes to Direct Spending:						
Estimated Budget Authority	0	(3)	(3)	(3)	(3)	(3)
Estimated Outlays	0	(3)	(3)	(3)	(3)	(3)
Proposed Changes to Revenues	0	(3)	(3)	(3)	(3)	(3)

[1] The program covered here include the conduct of foreign affairs, information and exchange activities, and arrears to the United Nations.

[2] The 1999 level is the amount appropriated for that year.

[3] Less than $500,000.

Spending Subject to Appropriation. The bill specifies authorizations of appropriations that total $15.4 billion over the 2000–2004 period. In addition, it contains a number of other provisions with potential budgetary impacts. CBO estimates that the bill would result in outlays totaling $13.6 billion over the five-year period, assuming appropriation of the authorized amounts. CBO assumes that outlays would follow historical spending patterns except for payments of arrears to the United Nations (U.N.).

Arrears to the United Nations. Title IX would authorize the appropriation of funds to pay amounts owed by the United States under various treaties to the U.N. and related agencies. Specifically, the bill would authorize new appropriations totaling $244 million for fiscal year 2000 and obligation of previously appropriated amounts for 1998 and 1999—$100 million and $475 million, respectively. In addition, subject to appropriation action, the bill would authorize the President to forgo $107 million that the United Nations owes the Department of Defense (DOD), in return for a corresponding reduction in U.S. payments owed to the United Nations.

Appropriations for the 1998 and 1999 installments have not been obligated pending an authorization. CBO estimates that enactment of S. 886 would permit the $100 million provided for 1998 to be obligated and disbursed in 2000. S. 886 would retain the conditions that were enacted in the 1999 appropriations act that are likely to delay obligation of the $475 million until 2001. Based on information from the Department of State, CBO estimates that the conditions attached to the funding for 2000 are likely to delay their obligation and expenditure until at least 2002.

Fees for Affidavits of Support. Subject to approval in advance in an appropriation act, section 212 would authorize the State Department to charge a fee for helping to prepare certain affidavits as part of an immigrant visa application. Proceeds from the fees would be deposited as offsetting collections and would be available for spending, subject to appropraiton. Based on information from the department, CBO estimates that it would charge a $50 fee and collect roughly $17 million a year. Because spending would initially lag behind collections, this provision would lower net outlays by $3 million in 2000 and $1 million each year in 2001 and 2002 before spending would completely offset collections.

Currency Fluctuations. In addition to the bill's specific authorizations for contributions to international organizations and programs, section 801(f) would authorize such sums as may be necessary in 2000 and 2001 to compensate for adverse fluctuations in exchange rates that might affect those contributions. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget. Currency fluctuations are extremely difficult to estimate in advance, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, CBO estimates no change in spending from this provision.

Miscellaneous Provisions. The bill includes several provisions that would combine to cost about $1 million annually, but each provision would probably cost less than $500,000 a year. The individual budgetary impacts are insignificant because they would involve small payments to a few people.

Section 312 would allow U.S. citizens hired abroad to receive a different (usually higher) amount of compensation than a foreign national employed in the same position.

Section 331 would grant employees living in the United States and working in Canada or Mexico adjustments for locality pay equal to what they would receive if they worked nearby in the United States.

Section 332 would allow federal employees who transfer to an international organization to make retroactive contributions to the Thrift Savings Plan (TSP) upon their return to the federal government and to receive matching government contributions and lost earnings on their retroactive contributions. (See the following section for the revenue effects of this provision.)

Section 333 would authorize allowances to compensate dependents of a deceased employee who are returning to the United States.

Section 334 would allow employees working abroad who send a dependent to school away from their post to use an education allowance to pay for room, board, and periodic travel between the post and the school.

Section 335 would authorize advances of pay for employees with medical emergencies.

Direct Spending and Revenues. The bill contains other provisions that would affect direct spending or revenues by less than $500,000 in most years.

Machine Readable Visa. S. 886 would extend, through 2001, the Secretary of State's authority to charge a fee for machine readable visas and border crossing cards and to spend the collections on consular activities. CBO estimates the State Department would collect and spend over $300 million in 2001 under this authority.

Deaths and Estates of U.S. Citizens Overseas. Section 214 would expand the authority of the State Department to oversee and liquidate the estates of U.S. citizens who lived overseas but died intestate. Under current law, the department is authorized to take possession of and dispose of estates. After a certain period, if no claims have been made against the estate, the proceeds from the sale are transferred to the U.S. state in which the deceased citizen last lived. If the state is unknown, the proceeds are deposited into the Treasury as miscellaneous receipts (revenues).

The bill would make three substantive changes that would increase miscellaneous receipts. First, if the country in which the citizen died is unable to issue a death certificate, the State Department would issue a report of death (or presumptive death), which would allow for the disposition of the estate. The $10 fee charged for the report would be deposited in the Treasury. (The fee and other expenses associated with disposition of the estate are paid by the estate.) Second, instead of transferring the proceeds of the sale to the U.S. state, these proceeds would be deposited directly into the Treasury. Finally, the bill would allow the State Department to take title to any real property. The department would have the option to retain the property for its own use or sell it and deposit the proceeds in the Treasury. CBO estimates that these changes would raise miscellaneous receipts by less than $500,000 in most years; however, sales of real property could net over $500,000 in rare instances

Thrift Savings Plan. CBO estimates that section 332, discussed above, would reduce income tax receipts by less than $100,000 annually. Under current law, federal employees can count service with an international organization towards their retirement annuity, but they cannot participate in TSP during this period. Under S. 886, employees who are covered by the Foreign Service Pension System or the Federal Employees' Retirement System would be eligible to make retroactive contributions to TSP. Like all TSP contributions, these retroactive contributions would not be subject to income tax until distributed. According to information from the State Department, approximately 90 federal employees are serving with international organizations at any one time.

Reimbursement from the United Nations. Section 813 would require the President to seek reimbursement for goods and services provided to the United Nations for peacekeeping operations and other emergencies. The President has authority to provide goods and services on a reimbursable basis and to credit reimbursements to current appropriations if the funds are received within 180 days after the close of the fiscal year in which the services were provided. This section would credit the funds to current appropriations regardless of when the reimbursement is received or allow them to be used to offset peacekeeping assessments if the funds cannot be applied to any appropriation. The section could reduce offsetting receipts, though CBO estimates that the loss of receipts would not be significant.

During the mid-1990s, DoD provided $175 million in goods and services on a reimbursable basis to support U.N. peacekeeping activities. Most of the reimbursements were deposited into the Treasury. In recent years, however, the DoD has provided less than $1 million a year in goods and services to the United Nations. CBO expects this more recent pattern to continue for the next five years.

Lockerbie Trial. Section 727 would authorize the President to seize and liquidate blocked Libyan assets to pay the reasonable costs of travel for certain individuals to attend the trial of those suspected of bombing Pan American flight 103. The bill would authorize payment of travel expenses to the Netherlands for the immediate family members of U.S. victims, and the authorized amount would be whatever is necessary to cover those expenses. According to information from the Office of Foreign Assets Control, there are currently $400 million in blocked Libyan assets and roughly $600 million in claims against them.

Although CBO does not expect that this provision would have a significant net budgetary impact over the next five years, liquidating Libyan assets could create a claim against the U.S. government. Should the United States and Libyan governments return to normal relations, the United States might be required to repay the funds or reduce the amount of compensation to other claimants. CBO estimates that transportation and per diem for two weeks would cost $3,000 per person. Depending on the number of family members that choose to attend the trial and on the length of their stay, costs could approach $500,000.

Reimbursements From a State. Section 824 would authorize the commissioner of the International Boundary and Water Commission to accept and spend funds from state and local governments. Upon request, those contributions would be used to provide technical tests, surveys, or similar services. CBO estimates that collections and spending would not be significant in any year.

Pay-as-you-go Considerations: The bill contains several provisions that affect direct spending and revenues; however, the net impact is estimated to be less than $500,000 a year.

Intergovernmental and Private-Sector Impact: Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any provisions that are necessary for the national security or the ratification or implementation of international treaty obligations. CBO has determined that the provisions in title VI of S. 886 either fall within that exclusion or contain no intergovernmental or private-sector mandates. All other titles of the bill contain no private-sector or intergovernmental mandates and would have no significant effects on the budgets of state, local, or tribal governments.

Estimate Prepared by: Federal Costs: Sunita D'Monte and Joseph C. Whitehill (226-2840) for the Department of State; Gary Brown (226-2860) for the International Boundary and Water Commission; Eric Rollins (226-2820) for retirement benefits; and Jennifer Winkler (226-2880) for employee compensation.

Impact on State, Local, and Tribal Governments: Leo Lex (225-3220).

Impact on the Private Sector: Keith Mattrick (226-2940).

Estimate Approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. HELMS. Mr. President, I have ascertained that none of the Senators on the other side will be available this afternoon to offer their amendments or to discuss them. Since there is no Member here, or no amendment pending by anybody on this side, I think it would be an exercise in futility to continue to suggest quorum calls.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 17, 1999, the federal debt stood at $5,585,233,665,272.21 (Five trillion, five hundred eighty-five billion, two hundred thirty-three million, six hundred sixty-five thousand, two hundred seventy-two dollars and twenty-one cents).

One year ago, June 17, 1998, the federal debt stood at $5,491,718,000,000 (Five trillion, four hundred ninety-one billion, seven hundred eighteen million dollars).

Five years ago, June 17, 1994, the federal debt stood at $4,491,908,000,000 (Four trillion, four hundred ninety-one billion, nine hundred eight million dollars) which reflects a debt increase of 1,093,325,665,272.21 (One trillion, ninety-three billion, three hundred twenty five million, six hundred sixty-five thousand, two hundred seventy dollars and twenty-one cents) during the past 5 years.

RECYCLING PROVISION OF SUPERFUND

Mr. LOTT. Mr. President, 1 year ago the distinguished minority leader, Mr. DASCHLE, and I introduced S. 2180, the Superfund Recycling Equity Act, to overcome the unintended consequences of Superfund which continue to have major negative impacts on recycling. There is widespread recognition of the need for relief in this area, as evidenced by the number of Superfund bills that have been introduced since the 103d Congress, as well as the measures being considered in this Congress, all of which include nearly identical recycling relief provisions.

I am grateful for the decision by Senators CHAFEE and SMITH to include a strong recycling provision in their Superfund reform bill currently pending before the Environment and Public Works Committee. This inclusion was an important contributing reason to my decision to be an original cosponsor of the Superfund Program Completion Act of 1999 (S. 1090). As the committee approaches a markup of its legislation, I understand that the committee chairman and subcommittee chairman are negotiating with their minority counterparts and the Environmental Protection Agency in an effort to reach a bipartisan consensus. In the spirit of the last year's Superfund Recycling Equity Act, which collected 63 cosponsors from both sides of the aisle, I endorse such an approach and look forward to debating the bill on the Senate floor.

Today, I am pleased to join the minority leader in bringing to the attention of the Senate the need to move expeditiously in this regard, recognizing that another year has passed without needed relief for recyclers.

Mr. DASCHLE. The distinguished majority leader is correct in noting the attention of many bills directed at Superfund relief for recyclers in this session, the bipartisan interest in this subject, and the broad based, bicameral commitment directed to correcting these unintended consequences. The Superfund Litigation Reduction and Brownfields Cleanup Act of 1999 (S. 1105), introduced by Senators BAUCUS, LAUTENBERG, LINCOLN, and me, contains a provision similar to the distinguished majority leader's and my bill, S. 2180, introduced in this body 1 year ago.

Mr. LOTT. I have worked for years with my colleagues to reform Superfund. We must put this important program back on track to get the environment cleaned up effectively and efficiently, with polluters paying the bills, not innocent parties. There was clear tangible evidence of how Superfund is off track in a recent GAO report which was requested by House Commerce Committee Chairman BLILEY. The GAO report revealed that a majority of the funds go for activities other than clean up, and this is clearly wrong. I hope the Senate will act soon because America deserves a viable Superfund program.

While there are different bills being considered in the Senate at this time, both the minority leader and I stand committed to Superfund relief for recyclables and we assure all Senators that the differences between the bills in their recycling language will be addressed in the interest of moving forward with this needed legislation. With the bipartisan support of this needed relief in place, Mr. President, it is essential to stress that relief for recycling, an issue of fundamental fairness, must be accomplished in this session.

Mr. DASCHLE. Along with my Senate colleagues, I have worked for years to reform Superfund, and by all accounts the program has been vastly improved over the past 6 years. Today, I reaffirm my commitment to work with the majority leader to ensure passage of needed Superfund relief for recyclables in this session and urge passage of a recycling bill.

Mr. LOTT. In this regard, I applaud the efforts of Chairman SHUSTER and BOEHLERT, who have worked tirelessly with their very competent staffs to help resolve the one significant remaining issue in contention.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a recently negotiated and signed agreement dealing with paper scrap by all the affected parties.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INSTITUTE OF SCRAP
RECYCLING INDUSTRIES, INC.,
Washington, DC, June 15, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate.
Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works.
Hon. MAX S. BAUCUS,
Ranking Minority Member, Committee on Environment and Public Works.
Hon. ROBERT C. SMITH,
Chairman, Superfund, Waste Control, and Risk Assessment Subcommittee.
Hon. FRANK R. LAUTENBERG,
Ranking Minority Member, Superfund, Waste Control, and Risk Assessment Subcommittee.
Hon. TED STEVENS.
Hon. BLANCHE LINCOLN.

DEAR SENATORS LOTT, DASCHLE, CHAFEE, BAUCUS, SMITH, LAUTENBERG, STEVENS, AND LINCOLN: We, the undersigned representatives of our respective entities, are writing to express our agreement with the attached consensus recycling amendment to the "Superfund Program Completion Act of 1999" (S. 1090), and the "Superfund Litigation Reduction and Brownfield Cleanup Act of 1999" (S. 1105). This amendment has been negotiated over the last two months and reflects a compromise that we find to be both reasonable and functional. None of us will seek, or encourage others to seek, amendments that would undermine the compromise we have reached. We are satisfied with the legislative language we have labored so long to craft and intend that this language be used in any legislative vehicle that addresses recycling issues in either House of Congress.

In closing, we would like to thank you for your patience as we worked to remove one of the longstanding obstacles to meaningful Superfund reform. We are committed to working with you to make Superfund reform a reality in the 106th Congress.

Sincerely yours,
Institute of Scrap Recycling Industries; Fort James Corporation; P.H. Glatfelter Company; Wisconsin Tissue Mills, Inc.; NCR Corporation; AT&T; Appleton Papers Inc.; Printing Industries of America; Lucent Technologies.

AMENDMENT TO S. 1090

On page 52, strike line 12 and all that follows down through line 6 on Page 53 and insert in lieu thereof the following:

"(1) LIABILITY CLARIFICATION.—As provided in paragraphs (2), (3), (4), and (5) of this subsection, a person who arranged for the recycling of recyclable material or transported such material shall not be liable under paragraphs (3) or (4) of subsection (a) with respect to such material. A determination whether or not any person shall be liable under paragraph (3) or (4) of subsection (a) for any transaction not covered by paragraphs (2) and (3), (4), or (5) of this subsection shall be made, without regard to paragraphs (2), (3), (4), and (5) of this subsection, on a case-by-case basis, based on the individual facts and circumstances of such transaction.

"(2) RECYCLABLE MATERIAL DEFINED.—For purposes of this subsection, the term 'recyclable material' means—

"(A) scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap materials as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

"(i) shipping containers with a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container contained in or adhering thereto; or

"(ii) any item of material containing polychlorinated biphenyls (PCBs) in excess of 50 parts per million (ppm) or any new standard promulgated pursuant to applicable Federal laws.

On page 61, line 9, strike "; or" and insert in lieu thereof, a period (".").

On Page 61, strike lines 10 down through line 15.

On page 62, after line 11, insert the following new sub-paragraph:

"(7) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) affect any rights, defenses, or liabilities under section 107(a) of any person with respect to any transaction involving any material other than a recyclable material subject to paragraph (1) of this subsection; or

"(B) relieve a plaintiff of the burden of proof that the elements of liability under section 107(a) are met under the particular circumstances of any transaction for which liability is alleged."

AMENDMENT TO S. 1105

On Page 51, strike line 2 and all that follows down through line 21 and insert in lieu thereof the following:

"(a) LIABILITY CLARIFICATION.—As provided in subsection (b), (c), (d), and (e), a person who arranged for the recycling of recyclable material or transported such material shall not be liable under sections 107(a)(3) and 107(a)(4) with respect to such material. A determination whether or not any person shall be liable under section 107(a)(3) or section 107(a)(4) for any transaction not covered by subsections (b) and (c), (d) or (e) of this section shall be made, without regard to subsections (b), (c), (d), and (e) of this section, on a case-by-case basis, based on the individual facts and circumstances of such transaction.

"(b) RECYCLABLE MATERIAL DEFINED.—For purposes of this section, the term 'recyclable material' means—

"(1) scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

"(A) shipping containers with a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or

"(B) any item of material containing polychlorinated biphenyls (PCBs) in excess of 50 parts per million (ppm) or any new standard promulgated pursuant to applicable Federal laws.

On Page 58, line 10, delete ("or") and insert in lieu thereof a period ("."), and strike lines 11 through 15.

On Page 59, delete lines 15 through 18 and insert in lieu thereof the following:

"(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) affect any rights, defenses, or liabilities under section 107(a) of any person with respect to any transaction involving any material other than a recyclable material subject to subsection (a) of this section; or

"(2) relieve a plaintiff of the burden of proof that the elements of liability under section 107(a) are met under the particular circumstances of any transaction for which liability is alleged."

Mr. LOTT. The successful efforts of Congressmen SHUSTER and BOEHLERT demonstrate again that the recycling issue can proceed on a bipartisan basis and that no serious opposition to its adoption exists.

Mr. DASCHLE. I am pleased to join majority leader in documenting that a compromise has been reached on the paper scrap issue. This compromise is especially important in light of the fact that during her recent testimony before the House Water Resources and Environment Subcommittee, the EPA Administrator repeated her support for the recycling provision, a version of which collected 310 House cosponsors. The Administrator stated that should identical language to S. 2180 show up again this year, the administration "would continue to support it."

And, in answer to a question, Administrator Browner stated at the hearing that EPA would oppose an exemption for PCB-contaminated paper or materials in excess of 50 parts per million. This issue is important not only to EPA, but also the Department of Justice and the environmental community. For that reason, I am delighted that a compromise was found.

Mr. LOTT. Finally, I would like to thank Mr. Phil Morris of New Albany, MS, a long time friend and fellow Mississippian, who, as a traditional recycler, has struggled with the negative aspects of Superfund. Phil first brought this subject to my attention and, though our inability to pass Superfund reform last year led to sharp increases in his unintended Superfund liability, I commit to him and his fellow recyclers that Congress will act this year to ensure that such unreasonable, unfair and unintended actions under Superfund will cease. I again thank all supporters of this provision, especially the distinguished minority leader for supporting this attempt to restore equity and fairness where it has long been missing.

Mr. DASCHLE. As is the case with Senator LOTT, my constituents have suffered because Superfund has been inappropriately directed at them. On this first anniversary of the introduction of S. 2180, it is an appropriate time for all Senators to commit to act on this issue.

Mr. WARNER. As the original Senate sponsor of legislation designated to remove unintended Superfund hindrances to recycling, which I proposed for correction in the 103rd Congress, I applaud the majority and minority leaders for their continuing joint efforts. There is no more telling statement of need than to see partisan politics put aside in the greater public interest. Both Senators LOTT and DASCHLE have demonstrated outstanding leadership in helping to assure increased recycling that will occur when the Superfund burden, so inappropriately assessed, will finally be removed.

Mrs. LINCOLN. It was my privilege as a Member of the other body to introduce a bill in the 103rd Congress that would have eliminated much of the unintended Superfund hindrance that is limiting legitimate recycling.

Now as a Senator, I am proud to stand with the majority and minority leaders and the distinguished senior Senator from Virginia on this first anniversary of the introduction of S. 2180 to ensure Superfund relief for recycling will be addressed in this session of the 106th Congress.

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. AKAKA. Mr. President, I am pleased to join the Senator from Mississippi, Mr. COCHRAN, in introducing S. 1232, the Federal Erroneous Retirement Coverage Corrections Act. This legislation provides relief to those federal employees who were placed in an incorrect retirement system during the transition to the Federal Employees Retirement System from the Civil Service Retirement System in the mid-1980s.

As the ranking Democrat on the International Security, Proliferation, and Federal Services Subcommittee, I am committed to correcting the erroneous pension problems facing anywhere from 10,000 to 20,000 individuals. S. 1232 provides a reasonable solution in affording misclassified federal workers, former employees, retirees, and survivors with equitable relief from these retirement coverage errors. Moreover, the measure gives those affected a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law.

Similar legislation was offered in 1998, and my colleague, the chairman of the Subcommittee on International Security, Proliferation, and Federal Services, held a hearing on the measure at which officials from the Office of Personnel Management and the Federal Retirement Thrift Investment Board testified in support of the bill.

I believe this measure addresses the concerns of federal workers who have been placed in the wrong retirement system. It offers a workable and reasonable solution, and I ask my colleagues to support this legislation. I also wish to note that S. 1232 enjoys the support of the Office of Personnel Management and the two largest federal employee unions, the American Federation of Government Employees and the National Treasury Employees Union, that are encouraged by the bipartisan effort that went into crafting this bill.

GUN CRIME COMMITTED BY 18 TO 20 YEAR OLDS

Mr. LEVIN. Mr. President, this week, Vice President GORE released a new study focusing on the connection between young adults and gun crimes. This report, jointly prepared by the Departments of Treasury and Justice, documents an alarmingly high rate of gun violence among 18 to 20 year olds.

The report shows that while 18, 19, and 20 years olds make up only 4 percent of the U.S. population, they commit an astounding 24 percent of gun murders in our country. In addition, the report shows that 18 year olds commit 35 percent more gun murders than 21 year olds; double the gun murders of 24 year olds; triple the gun murders of 28 year olds; and four times the gun murders of 30 year olds.

There are several loopholes in our current firearms laws that permit young people access to handguns and other deadly weapons. We must close those loopholes, especially for the 18 to 20 year olds, who contribute to such a high percentage of gun crimes. One of those loopholes allows 18 to 20 year olds, minors, to purchase handguns from unlicensed dealers, private collectors or friends, even though it would be illegal for them to purchase the same handgun from a federally licensed dealer.

There are also additional loopholes in federal law that permit 18 to 20 year olds to purchase semiautomatic weapons and large capacity ammunition feeding devices from anyone willing to sell them. These weapons, such as AK-47s and Uzis, and the 50 rounds per minute clips that accompany them, are not the type of weapons needed for hunting, they are the type needed for killing, and that is what they are too often used for.

There is strong precedent for imposing minimum age requirements for engaging in dangerous activities. Congress and the states worked together in the past to minimize public safety concerns by ensuring that states raised their legal drinking ages to 21. This was in response to evidence that young adults were involved in proportionately far more driving accidents while intoxicated. Increasing the age requirement for drinking alcohol, reduced automobile accidents dramatically. And, in the first year after Michigan raised its drinking age from 18 to 21, there was a 21 percent decline in alcohol related deaths among drivers age 18 to 20.

Most recently, a report to be released today by a national commission studying the impact of gambling will apparently recommend that the minimum age for all forms of gambling be raised to 21. Although currently most casinos require gamblers to be 21, other forms of gambling, such as state lotteries have an age requirement of 18. The National Gambling Impact Study Commission contends that there should be tighter restrictions on state lotteries and other forms of betting because of the dangers and risks of excessive gambling.

Surely if there are clear and compelling reasons to prevent young people from drinking and gambling, there are even better reasons, as documented by the Gore report, to prevent 18, 19 and 20 year olds from owning an assault weapon or a handgun. I am a cosponsor of legislation introduced by Senator SCHUMER, S. 891, that would prohibit the sale or transfer of these weapons to young adults as well as prohibit possession of these weapons by those under 21, while maintaining exemptions under current law. In my judgment, it is critical that Congress act quickly to close these loopholes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3781. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Matching Credit Card and Debit Card Contributions in Presidential Campaigns", received June 11, 1999; to the Committee on Rules and Administration.

EC–3782. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 10 Rules of Practice"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3783. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "1999 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports—Final Rule" (Docket Number: CN–99–002), received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3784. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins produced from Grapes Grown in California; Final Free and Reserve Percentages for 1998–99 Zante Currant Raisins" (Docket Number: FV–99–989–3 FIR), received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3785. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries" (Docket Number: FV–99–930–2 FIR), received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3786. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Horses from Australia and New Zealand; Quarantine Requirements" (Docket Number: 98–069–2), received June 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3787. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Fibromyalgia" (RIN2900–AH05), received June 16, 1999; to the Committee on Veterans' Affairs.

EC–3788. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increase in Educational Assistance Rates" (RIN2900–AJ37), received June 16, 1999; to the Committee on Veterans' Affairs.

EC–3789. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Single Family Mortgage Insurance; Informed Consumer Choice Disclosure Notice" (FR–4411) (RIN2502–AH30), received June 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3790. A communication from the Executive Director, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Amendment of Equal Access to Justice Act Attorney Fees Regulations", received June 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3791. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Application for Supplemental Security Income (SSI) Benefits" (RIN0960–AE71), received June 16, 1999; to the Committee on Finance.

EC–3792. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99–36, Charitable Split-Dollar Transactions" (Notice 99–36), received June 14, 1999; to the Committee on Finance.

EC–3793. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Correspondence: Return Address" (RIN1120–AA69), received June 16, 1999; to the Committee on the Judiciary.

EC–3794. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Federal Prison Industries (FPI) Inmate Work Programs: Eligibility" (RIN1120–AA57), received June 16, 1999; to the Committee on the Judiciary.

EC–3795. A communication from the Military Personnel Management Specialist, Headquarters Air Force Personnel Center, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled "Rule 32-National Defense-Part 881-Determination of Active Military Service for Civilians or Contractual Groups," received June 16, 1999; to the Committee on Armed Services.

EC–3796. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Congressional Medal of Honor" (DFARS Case 98–D304), received June 16, 1999; to the Committee on Armed Services.

EC–3797. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled "Additions to and Deletions from the Procurement List," received June 16, 1999; to the Committee on Governmental Affairs.

EC–3798. A communication from the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration, transmitting jointly, pursuant to law, the report of a rule entitled "Federal Acquisition Circular 97–12" (FAC 97–12), received June 11, 1999; to the Committee on Governmental Affairs.

EC–3799. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allied Signal Inc. VN411B Very High Frequency (VHF) Navigation Receivers; Docket No. 95–CE–91 (6–11/6–14)" (RIN2120–AA64) (1999–0246), received June 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3800. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Crewmember Flight Time Limitations and Rest Requirements; Notice of Enforcement Policy" (RIN2120–ZZ19), received June 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3801. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 45 (YT–34), 45 (T–34A, B–45), and D45 (T–34B) Airplanes; Request for Comments; July 9, 1999 (6–14/6–14)" (RIN2120–AA64) (1999–0242), received June 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3802. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 1900D Airplanes; Docket No. 98–CE–127 (6–11/6–14)" (RIN2120–AA64) (1999–0244), received June 14, 1999; Committee on Commerce, Science, and Transportation.

EC–3803. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200C Series Airplanes; Docket No. 98–NM–273" (RIN2120–AA64) (1999–0245), received June 14, 1999; Committee on Commerce, Science, and Transportation.

EC–3804. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft Inc. Models PA–31, PA–31–300, PA–31–325, PA–31–350, and PA–31P–350 Airplanes; Docket No. 97–CE–32 (6–14/6–14)" (RIN2120–AA64) (1999–0243), received June 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3805. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: International Aero Engines AG V2500–A1 and V2500–A5 Series Turbofan Engines; Request for Comments; Docket No. 99–NE–37 (6–15/6–14)" (RIN2120–AA64) (1999–0241), received June 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3806. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Incorporations by Reference for Alternate Compliance Program (ACP) (USCG–1999–5004)" (RIN2115–AF74), received June 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3807. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; New York Super Bowl Race, Hudson River, New York (CGD01–98–175)" (RIN2115–AA97) (1999–0029), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3808. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; 4th of July Fireworks, Charles River Esplanade, Boston, MA (CGD01–99–057)" (RIN2115–AA97) (1999–0028), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3809. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Fort Point Channel, MA (CGD01–98–173)" (RIN2115–AE47) (1999–0021), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3810. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Riverbend Festival, Tennessee River Mile 463.5 to 464.5, Chattanooga, TN (CGD08–99–037)" (RIN2115–AE46) (1999–0023), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3811. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Riverfest '99, Tennessee River Mile Marker 140.0 to 141.0, Parsons, TN (CGD08–99–038)" (RIN2115–AE46) (1999–0022), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3812. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Hampton Offshore Challenge, Chesapeake Bay, Hampton, Virginia (CGD05–99–038)" (RIN2115–AE46) (1999–0019), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3813. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SPL; Independence Day Celebration, Cumberland River Mile 190.0–191.0, Nashville, TN (CGD08–99–036)" (RIN2115–AE46) (1999–0020), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3814. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Sharptown Outboard Regatta, Nanticoke River, Sharptown, Maryland (CGD05–99–037)" (RIN2115–AE46) (1999–0021), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3815. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Anaktuvuk Pass, AK; Correction; Docket No. 99–AAL–42 (6–16/6–17)" (RIN2120–AA66) (1999–0202), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3816. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Shawnee, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–07 (6–17/6–17)" (RIN2120–AA66) (1999–0201), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3817. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Charles, LA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–04 (6–17/6–17)" (RIN2120–AA66) (1999–0199), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3818. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Guthrie, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–06 (6–17/6–17)" (RIN2120–AA66) (1999–0198), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3819. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada (BHTC) Model 206L–4 Helicopters; Request for Comments; Docket No. 98–SW–68 (6–17/6–17)" (RIN2120–AA64) (1999–0247), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3820. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS 32C, L, L1, and L2 Helicopters; Request for Comments; Docket No. 99–SW–17 (6–17/6–17)" (RIN2120–AA64) (1999–0248), received June 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3821. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Gulf of Alaska to Directed Fishing for Pollock in Statistical Area 610," received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3822. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Statistical Area 620, Gulf of Alaska, to Directed Fishing for Pollock," received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3823. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure to Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area in the Gulf of Alaska," received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3824. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Bering Sea and Aleutian Islands," received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3825. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations Regarding the Taking of Marine Mammals Incidental to Power Plant Operations" (RIN0648–AK00), received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3826. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States-Final Rule to Implement Framework Adjustment 29 to the Northeast Multispecies Fishery Management Plan and Framework Adjustment 11 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648–AM24), received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. BURNS, Mr. COCHRAN, Mr. GRAHAM, and Mr. INOUYE):

S. 1242. A bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States; to the Committee on the Judiciary.

By Mr. FRIST:

S. 1243. A bill to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. VOINOVICH, Mr. KERREY, and Mr. BREAUX):

S. 1244. A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. GREGG, Mr. BAYH, Mr. BROWNBACK, Mr. MACK, Mr. DODD, Mr. DOMENICI, Mr. JEFFORDS, Mr. ALLARD, Mr. COCHRAN, Ms. LANDRIEU, Mr. BUNNING, Mr. ROBB, Mr. DORGAN, Mr. DASCHLE, Mr. AKAKA, Mr. GORTON, Mr. SMITH of Oregon, Mr. ENZI, Mr. BENNETT, Mr. HUTCHINSON, Mr. SESSIONS, Mr. DEWINE, Mr. CAMPBELL, and Mr. THURMOND:

S. Res. 125. A resolution encouraging and promoting greater involvement of fathers in their children's lives and designating June 20, 1999, as "National Father's Return Day"; considered and agreed to.

By Mr. SCHUMER:

S. Con. Res. 41. A concurrent resolution expressing the sense of Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. BURNS, Mr. COCHRAN, Mr. GRAHAM, and Mr. INOUYE):

S. 1242. A bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States; to the Committee on the Judiciary.

THE VISA WAIVER PROGRAM

Mr. AKAKA. Mr. President, today I am introducing a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

The visa waiver program has been an unprecedented success in reducing barriers to travel and tourism to and from the United States. The program allows a citizen of a participating country to forego visa application at a U.S. consulate abroad, and allows them to travel to the U.S. for business or pleasure and make application for entry directly to the INS at a port of entry. To use this privilege, an applicant agrees to waive rights to challenge the decision of the INS inspector, and agrees to depart the U.S. within 90 days. More than 10 million visitors used the visa waiver program in fiscal year 1995. This represents 76 percent of the total number of non-immigrant entries by citizens of visa waiver countries. Visitors entering under the visa waiver program accounted for just under 50 percent of all temporary business and tourist entries.

In the ten years since the implementation of the visa waiver program, international visitors have become accustomed to the program's requirements, and use it routinely. The program has effectively served the purpose for which it was designed, to facilitate the efficient flow of low-risk foreign tourists and business travelers. Simultaneously, the program has afforded Department of State consular officers more time to focus efforts on individuals who visit the U.S. for other purposes, such as employment or study, or those who intend to remain in the U.S. for extended periods. Further, it has allowed the Department of State to drastically reduce its consular staff at low-risk locations, and strengthen efforts in high risk locations. Yet, all this pales in comparison to the real benefit of the visa waiver program, that of expanded foreign travel and tourism to the U.S. Put simply, the U.S. needs this program to remain competitive with the many other nations around the globe who are competing for the finite pool of business travelers and tourists.

In 1996, the World Tourism Organization reported that the United States was the second most popular international tourist destination and the number one location for tourism expenditures. Of the 44.8 million arrivals that year, 12.4 million entered under the visa waiver program. International tourism in the U.S. is a $65 billion enterprise which boosts the economies of many local communities.

In my home state of Hawaii, tourism is an $11 billion indusry which generates about one-quarter of the state's tax revenue and one-third of its jobs. It is estimated that 80 percent of all international visitors arriving at Honolulu International Airport arrive under the visa waiver program. We know that the visa waiver program has been very successful because it provides a big boost for Japanese visitors to travel to Hawaii. Our long-term goal for a permanent visa waiver program would be to expand participation of the program in the Asia-Pacific region. Currently, most of the 26 eligible countries are in Europe. Only four of these countries are in the Asia-Pacific region—Australia, Japan, Brunei, and New Zealand. We hope that South Korea and China will be future participants in an expanded program.

While the pilot program has been extended periodically since its inception, its unqualified success justifies a permanent program. Further, because the program's life has at times been uncertain and somewhat unpredictable, particularly at times when an authorization is about to expire, any real or perceived lapse in the program causes needless turmoil and uncertainty among the industry and government both here and abroad and, most important, the traveling public. In the ten years since it commenced, the benefit of the program has been clearly proven, and the need for it to remain a pilot program has ceased. To sunset the program in April 2000 or in the future would require a reinvestment of significant capital, both human and otherwise. In addition, because the visa waiver program is based on reciprocity, any termination or restriction of the program would likely result in a substantial backlash by other participating nations against U.S. citizens traveling abroad, resulting in more entry burdens for U.S. citizens when they attempt to enter other visa waiver countries.

Visa waiver participants, by their very definition, are low-risk travelers. There is no data which indicates that visa waiver travelers stay longer than permitted otherwise violate the terms of their admission in any greater numbers than any other population of the traveling public. Another important benefit of the visa waiver program is the standardization of passports and machine readable documentation, which is used as an inducement for acceptance of a country into the program. The ability to read a document by machine has greatly increased the efficiency of the Federal inspection service process.

I can say without reservation that this program is a resounding success. It has bolstered the U.S. economy through the expedited admission of millions of legitimate short-term visitors for business, allowing for the negotiation of contracts for the provision of American goods and services to the world. It has provided a welcome boost to the U.S. tourism industry, which employs thousands of American citizens, through the visa-free admission of millions of foreign tourists. We must support permanent reauthorization of this highly effective program. The visa waiver program is not just a win-win situation, it is a win for business, a win for tourism, and a win for effective management of the Department of State.

Thank you, Mr. President. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT VISA WAIVER PROGRAM FOR CERTAIN VISITORS.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in the section heading, by striking "PILOT";

(2) in the caption for subsection (a)(2), by striking "PILOT" and inserting "VISA WAIVER";

(3) in the caption for subsection (c) by striking "PILOT" and inserting "VISA WAIVER";

(4) by striking "pilot" each place it appears and inserting "visa waiver";

(5) in subsection (a)(1), by striking "during the pilot program period (as defined in subsection (e))";

(6) in subsection (b)(3), by striking "(within the pilot program period)";

(7) by striking subsection (f); and

(8) by redesignating subsection (g) as subsection (f).

By Mr. FRIST:

S. 1243. A bill to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program; to the Committee on Health, Education, Labor, and Pensions.

PROSTATE CANCER RESEARCH AND PREVENTION ACT

Mr. FRIST. Mr. President, this year 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related deaths in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until in its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and take steps to ensure early detection.

While the average age of a man diagnosed with prostate cancer is 66, the chance of developing prostate cancer rises dramatically with age—which makes it important for men to be screened or consult their healthcare professional. The American Cancer Society and the American Urological Association recommend that men over 50 receive both an annual physical exam and a PSA (prostate-specific antigen) blood test. African-American men, who are at higher risk, and men with a family history of prostate cancer should begin yearly screening at age 40.

Even if the blood test is positive, however, it does not mean that a man definitely has prostate cancer. In fact, only 25 percent of men with positive PSAs do. Further testing is needed to determine if cancer is actually present. Once the cancer is diagnosed, treatment options vary according to the individual. In elderly men, for example, the cancer may be especially slow growing and may not spread to other parts of the body. In those cases, treatment of the prostate may not be necessary, and physicians often monitor the cancer with follow-up examinations.

Unfortunately, preventive risk factors for prostate cancer are currently unknown and the effective measures to prevent this disease have not been determined. In addition, scientific evidence is insufficient to determine if screening for prostate cancer reduces deaths or if treatment of disease at an early stage is more effective than no treatment in prolonging a person's life. Currently, health practitioners cannot accurately determine which cancer will progress to become clinically significant and which will not. Thus, screening and testing for early detection of prostate cancer should be discussed between a man and his healthcare practitioners.

In an effort to help address the serious issues of prostate cancer screening, to increase awareness and surveillance of prostate cancer, and to unlock the current mysteries of prostate cancer through research, I rise to introduce the "Prostate Cancer Research and Prevention Act."

The "Prostate Cancer Research and Prevention Act" expands the authority of the Centers for Disease Control and Prevention (CDC) to carry-out activities related to prostate cancer screening and overall awareness and surveillance of the disease and extends the authority of the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

The bill directs the CDC to make grants to States and local health departments to increase awareness, surveillance, information dissemination regarding prostate cancer, and to examine the scientific evidence regarding screening for prostate cancer. The main focus is to comprehensively evaluate of the effectiveness of various screening strategies for prostate cancer and the establishment of a public information and education program about the issues regarding prostate cancer. The CDC will also strengthen and improve surveillance on the incidence and prevalence of prostate cancer with a major focus on increasing the understanding of the greater risk of this disease in African-American men.

The bill also reauthorizes the authority of the CDC to conduct a prostate screening program upon consultation with the U.S. Preventive Services Task Force and professional organizations regarding the scientific issues regarding prostate cancer screening. The screening program, when implemented, will provide grants to States and local health departments to screen men for prostate cancer with priority given to low income men and African-American men. In addition the screening program will provide referrals for medical treatment of those screened and ensure appropriate follow up services including case management.

Finally, to continue the investment in medical research, the bill extends the authority of the National Cancer Institute at the National Institutes of Health to conduct and support research to expand the understanding of the cause of, and find a cure for, prostate cancer. Activities authorized include basic research concerning the etiology and causes of prostate cancer, and clinical research concerning the causes, prevention, detection and treatment of prostate cancer.

Mr. President, as we celebrate Father's Day this weekend, I hope that we take time to reflect on the serious health threat of prostate cancer. It is my hope that my colleagues will join me in supporting the "Prostate Cancer Research and Prevention Act," so that we can further understand the issues surrounding this disease and continue to move forward on developing effective treatment and finding a cure.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN CANCER SOCIETY,
Washington, DC, June 15, 1999.

Hon. BILL FRIST,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: On behalf of the more than 2 million volunteers of the American Cancer Society, I am writing to offer our support for the Prostate Cancer Research and Prevention Act. Thank you for introducing this important legislation that reauthorizes important programs, with respect to prostate cancer research and prevention activities at the National Institutes of Health (NIH), the Agency for Health Care Policy (AHCPR), the Health Resources and Services Administration (HRSA) and the Centers for Disease Control and Prevention (CDC).

Prostate cancer represents one of the most significant medical and social challenges facing our country today. In 1999, approximately 179,300 new cases of prostate cancer will be diagnosed in the United States and it is estimated that this disease will cause more than 37,000 deaths this year. While aggressive detection and treatment programs have begun to show some promise of reducing the mortality rate for this disease, we still have a long way to go.

The Society support the continuation of prostate cancer research programs at the NIH, APCPR, HRSA and CDC. These programs may yield better tests to detect prostate cancer at an early stage, new treatments to cure prostate cancer, and improved knowledge of the psychosocial and quality-of-life impacts of men diagnosed with prostate cancer.

Your legislation also recognizes the need for more information on how best to tackle the many challenges this disease brings. Specifically, the bill addresses the need for: additional research on the effectiveness of prostate cancer screening strategies; more data on how best to improve training, education, and skills of health practitioners with regards to prostate cancer; and more information about how men seek medical attention, make decisions about treatment, and follow-up on treatment recommendations.

All of this information would support the development and communication of messages by public and private health professionals about prostate cancer early detection and treatment for men and their families, as well as provide for the establishment of a prostate cancer screening program. The American Cancer Society believes that prostate cancer education, awareness and screening programs should give priority to those populations at high risk of developing this disease—specifically, African American and older men.

Lastly, your legislation takes a crucial first step at addressing several critical issues related to increasing access to prostate cancer screening and appropriate follow-up care. While the American Cancer Society recognizes that often an incremental approach to complex health care issues is preferable than attempting comprehensive reform or crafting multifaceted policy solutions, the Society asks that you and your colleagues take this opportunity to consider some of the larger health care quality and access challenges to our health care delivery system. We urge you to explore other legislative provisions that would help to assure access to quality care—for all patients—especially those disproportionately affected by cancer.

Again, the American Cancer Society applauds your leadership and support for the reauthorization of these valuable programs. Thank you for your continued dedication to cancer control and prevention.

Sincerely,

CHARLES J. MCDONALD, MD,
President of the Board of Directors.

AMERICAN UROLOGICAL
ASSOCIATION, INC.,
Baltimore, MD, June 17, 1999.

Hon. BILL FRIST,
The U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: As President of the American Urological Association (AUA), representing 9,200 urologists in this country, I would like to thank you for introducing the "Prostate Cancer Research and Prevention Act." The AUA supports this legislation, which recognizes that prostate cancer early detection and education are vital tools in the fight against prostate cancer. As you know, the American Cancer Society (ACS) estimates that 179,300 new cases of prostate cancer will be diagnosed in 1999, and that 37,000 men will die from this disease this year.

In a recent paper by Roberts et al (Journal of Urology 161:529, 1999), U.S. prostate cancer deaths per 100,000 men from the years 1989 to 1992 were compared to the years 1993 to 1997. The authors found that prostate cancer deaths have fallen significantly, and conclude that early detection may have led to a decline in prostate cancer deaths.

We would only point out a concern we have about the bill's reliance on the United States Preventive Services Task Force (USPSTF), which currently does not recommend prostate cancer early detection. This varies from the AUA and ACS policy positions (see attachment), and we believe this could send a confusing message to patients. Moreover, Congress enacted prostate cancer early detection coverage for Medicare beneficiaries aged 50 and older in 1997. We believe reliance on USPSTF could engender confusion about the value of prostate cancer early detection.

Again, thank you for introducing this important legislation, and we look forward to working with you to advance this effort. To coordinate any future efforts, please contact Scott Reid, AUA Government Relations Manager.

Sincerely,

LLOYD H. HARRISON, M.D.,
President.

MEN'S HEALTH NETWORK,
Washington, DC, June 16, 1999.

Hon. BILL FRIST, M.D.,
Chairman, Subcommittee on Public Health, Senate Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: I am writing on behalf of the Men's Health Network (MHN) in support of legislation which will revise and extend the prostate cancer prevention health program at the Centers for Disease Control. We thank you for proposing this important legislation. As you know, educating the public as to the prevalence and risks of prostate cancer is of great importance in fighting this deadly disease.

As the baby boom generation ages, the risk of prostate cancer, if unchecked, will continue to increase. Prostate cancer is the most commonly occurring cancer in America, affecting about 200,000 men in 1999. Nearly 40,000 men will lose their lives to the disease this year. A man has a one in six chance of getting prostate cancer in his lifetime. If he has a close relative with prostate cancer, his risk doubles. With two close relatives, his risk increases five-fold. With three close relatives, his risk is nearly 97%. Today, African-American men have the highest prostate cancer incidence rate in the world. The African-American mortality rate from the disease is more than twice that of the rate for Caucasian Americans.

With the right investment in education and research, prostate cancer is preventable, controllable and curable. There is no better time than National Men's Health Week for all of us to focus on prostate cancer and men's health. It is vitally important to educate not only men but their families as to the risk factors associated with this disease and the need for annual screenings.

Thank you for addressing this critical public health issue. If there is anything we can do in the future to assist in the passage of your bill, please do not hesitate to let us know.

Sincerely,

TRACIE SNITKER,
Government Relations.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. VOINOVICH, Mr. KERREY, and Mr. BREAUX):

S. 1244. A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

TRUTH IN REGULATING ACT OF 1999

Mr. THOMPSON. Mr. President, I rise to introduce the "Truth in Regulating Act." This legislation would establish a 3-year pilot project to support Congressional oversight to ensure that important regulatory decisions are efficient, effective, and fair.

The foundation of the "Truth in Regulating Act" is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the important information that Federal agencies use to make regulatory decisions before the horse gets out of the barn. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. And by providing us with information that agencies use to make regulations, it will enable Congress to ensure that agency regulations are consistent with Congress' intent and the authority that Congress has delegated to the agencies by statute. This will make the regulatory process more transparent, more accountable, and more democratic. It will help improve the quality and fairness of important regulations. This will contribute to the success of programs the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a Committee of either House of Congress may request the Comptroller General to review an economically significant rule as it is being developed. The Comptroller General shall submit a report no later than 180 calendar days after a committee request is received. This should allow Congress ample time to decide whether it wants to disapprove the rule under the Congressional Review Act. The Comptroller General's independent analysis of the rule shall include: an analysis of the potential benefits of the rule, the potential costs of the rule, any alternative approaches that could achieve the goal in a more cost-effective manner or that could produce greater net benefits, the extent to which the rule would affect State or local governments, and a summary of how the results of the analysis of the Comptroller General differ, if at all, from the results of agency analyses. The Comptroller General will have the discretion to develop the procedures for determining the priority of requests.

Mr. President, it is my hope that the "Truth in Regulating Act" will encourage Federal agencies to make better use of modern decisionmaking tools, such as risk assessment and benefit-cost analysis. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. The Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve greater benefits at less cost. On April 22, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings.

All of us benefit when government performs well and meets the needs of the people it serves. I want to thank BLANCHE LINCOLN, GEORGE VOINOVICH, BOB KERREY, and JOHN BREAUX for joining me as original cosponsors of this bill. All of us on both sides of the aisle should pull together to improve the quality of our government. I urge by colleagues to support this important legislation.

I ask unanimous consent that the "Truth in Regulating Act" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Regulating Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) "independent analysis" means a substantive review of the agency's underlying assessments and assumptions used in developing the regulatory action and whatever additional analysis the Comptroller General determines to be necessary.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST OF REVIEW.—When an agency develops or issues an economically significant rule, the Comptroller General of the United States may review the rule at the request of a committee of either House of Congress.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent analysis of the economically significant rule by the Comptroller General using any relevant data or analyses available to or generated by the General Accounting Office.

(3) INDEPENDENT ANALYSIS.—The independent analysis of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an analysis of alternative approaches that could achieve the statutory goal in a more cost-effective manner or that could provide greater net benefits, and, if applicable, a brief explanation of any reason why such alternatives could not be adopted;

(D) an analysis of the extent to which the rule would affect State or local governments; and

(E) a summary of how the results of the analysis of the Comptroller General differ, if at all, from the results of the analyses of the agency in promulgating the rule.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) COOPERATION WITH COMPTROLLER GENERAL.—Each agency shall cooperate with the Comptroller General by promptly providing the Comptroller General with such records and information that the Comptroller General determines necessary to carry out this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 61

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 495

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 495, a bill to amend the Clean Air Act to repeal the highway sanctions.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 892

At the request of Mr. ROBB, his name was added as a cosponsor of S. 892, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 894

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 1010

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1132

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1145, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1209

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1209, a bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes.

S. 1212

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1212, a bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services.

SENATE RESOLUTION 117

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Resolution 117, a resolution expressing the sense of the Senate regarding the United States share of any reconstruction measures undertaken in the Balkans region of Europe on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE CONCURRENT RESOLUTION 41—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN, AND PARTICULARLY THE RECENT ARRESTS OF MEMBERS OF THAT COUNTRY'S JEWISH COMMUNITY

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 41

Whereas 10 percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

Whereas, according to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

Whereas the 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over "continued discrimination against religious minorities" in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are "completely emancipated";

Whereas more than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of religious persecution, and many of them now reside in the United States;

Whereas the Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

Whereas five Jews have been executed by the Iranian government in the past five years without having been tried;

Whereas there has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

Whereas, on the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

Whereas, in keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific crime or allow visitation by relatives of the detained for more than two months: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Clinton administration should—

(1) be commended for supporting Resolution 1999/13, and should continue to work through the United Nations to assure that the Islamic Republic of Iran implements that resolution's recommendations;

(2) condemn, in the strongest possible terms, the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

SENATE RESOLUTION 125—ENCOURAGING AND PROMOTING GREATER INVOLVEMENT OF FATHERS IN THEIR CHILDREN'S LIVES AND DESIGNATING JUNE 20, 1999, AS "NATIONAL FATHER'S RETURN DAY"

Mr. LIEBERMAN (for himself, Mr. GREGG, Mr. BAYH, Mr. BROWNBACK, Mr. MACK, Mr. DODD, Mr. DOMENICI, Mr. JEFFORDS, Mr. ALLARD, Mr. COCHRAN, Ms. LANDRIEU, Mr. BUNNING, Mr. ROBB, Mr. DORGAN, Mr. DASCHLE, Mr. AKAKA, Mr. GORTON, Mr. SMITH of Oregon, Mr. ENZI, Mr. BENNETT, Mr. HUTCHINSON, Mr. SESSIONS, Mr. DEWINE, Mr. CAMPBELL, and Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas more than 1 out of every 3 children currently live in a household where the child's father does not reside;

Whereas approximately half of all the children born in the United States will spend at least half of their childhood in a family without a father figure;

Whereas approximately 40 to 50 percent of all marriages are predicted to end in divorce;

Whereas approximately 3 out of every 5 divorcing couples have at least 1 child;

Whereas almost half of all children aged 11 through 16 that live in mother-headed homes have not seen their father in the last 12 months;

Whereas 79 percent of people in the United States believe that the most significant family or social problem facing the country is the physical absence of fathers from the home, resulting in a lack of involvement of fathers in the rearing and development of children;

Whereas the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if he lives in a neighborhood comprised largely of single-parent families;

Whereas studies reveal that even in high-crime, inner city neighborhoods, over 90 percent of children from safe, stable, 2-parent homes do not become delinquents;

Whereas compared to children reared in 2-parent families, children reared in single-parent families are less likely to complete high school and thus, more likely as adults to obtain low paying, unstable jobs;

Whereas researchers have linked the presence of fathers with improved fetal and infant development, and father-child interaction has been shown to promote a child's physical well-being, perceptual abilities, and competency for interpersonal relations;

Whereas researchers have also found that both boys and girls demonstrate a greater ability to take initiative and exercise self-control when they are reared by fathers who are actively involved in their upbringing;

Whereas the general involvement of parents in the lives of their children has decreased significantly over the last generation;

Whereas a Gallup Poll indicated that over 50 percent of all adults agree that fathers today spend less time with their children than their fathers spent with them;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in over a month;

Whereas in a broad survey of 100,000 children in grades 6 through 12, less than half of the children "feel they have family boundaries or high expectations from parents or teachers";

Whereas 3 out of 4 adolescents report that "they do not have adults in their lives that model positive behaviors";

Whereas in a widely cited study of the health risks to the young people in the United States, University of Minnesota researchers found that "independent of race, ethnicity, family structure and poverty status, adolescents who are connected to their parents, their schools, and to their school community are healthier than those who are not", and that "when teens feel connected to their families, and when parents are involved in their children's lives, teens are protected";

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe and loving environments;

Whereas promoting responsible fatherhood is not meant to diminish the parenting efforts of single mothers, but rather to increase the chances that children will have 2 caring parents to help them grow up healthy and secure;

Whereas many of this country's leading experts on family and child development agree that it is in the best interest of both children and the United States to encourage more 2-parent, father-involved families to form and endure;

Whereas in 1994, the National Fatherhood Initiative was formed to further the goal of raising societal awareness about the ramifications of father absence and father disengagement by mobilizing a national response to father absence;

Whereas the Congressional Task Force on Fatherhood Promotion and the Senate Task Force on Fatherhood Promotion that were formed in 1997, the Governors' Task Force on Fatherhood Promotion of 1998, and the Mayor's Task Force on Fatherhood Promotion of 1999 were created to work in partnership with the National Fatherhood Initiative;

Whereas on June 14, 1999, the National Fatherhood Initiative is holding a national summit on supporting urban fathers in Washington, D.C., to mobilize a response to father absence by many powerful sectors of society, including public policy, social services, educational, religious, entertainment, media, and civic groups; and

Whereas those groups are working across party, ideological, racial, and gender lines in order to reverse the trend of father absence and disengagement by encouraging and supporting responsible fatherhood and greater father involvement in children's lives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that the creation of a better United States requires the active involvement of fathers in the rearing and development of their children;

(2) urges each father in the United States to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the emotional, academic, moral, and spiritual development of his children;

(3) urges the States to hold fathers who ignore their legal responsibilities accountable for their actions and to pursue more aggressive enforcement of child support obligations;

(4) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, affectionate, family environment;

(5) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who do want to become more engaged in the lives of their children;

(6) to demonstrate the commitment of the Senate to those critically important goals, designates June 20, 1999, as "National Father's Return Day";

(7) calls on fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend National Father's Return Day with their children, and to express their love and support for them; and

(8) requests that the President issue a proclamation calling on the people of the United States to observe "National Father's Return Day" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT

THOMAS AMENDMENT NO. 688

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, S. 886, to authorize appropriations for the Department of State for fiscal year 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for the reform of the United Nations; and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

"SEC. . PROHIBITION OF THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

SARBANES AMENDMENT NO. 689

Mr. SARBANES proposed an amendment to the bill, S. 886, supra; as follows:

On page 39, strike lines 14 and 15 and insert the following: "for a period commensurate with the seriousness of the offense, as determined by Director General of the Foreign Service, except that the personnel records shall retain any record with respect to a reprimand for not less than one year and any record with respect to a suspension for not less than two years.'.".

On page 41, line 15, strike "one year" and all that follows through the end of line 22 an insert the following: "two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance.'.".

DODD AMENDMENT NO. 690

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 886, supra; as follows:

At the appropriate place in the bill, insert the following new section—

SEC. . TRANSFER OF AUTHORITY FOR CRIMINAL INVESTIGATIONS FROM STATE DEPARTMENT INSPECTOR GENERAL TO DIPLOMATIC SECURITY SERVICE.

(a) Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

"(1) conduct investigations—

(A) concerning illegal passport or visa issuance or use; and

(B) concerning potential violations of Federal criminal law by employees of the Department of State or the Broadcasting Board of Governors.

(b) Section 209(c)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)(3)) is amended by adding the following—

"In such cases, the Inspector General shall immediately notify the Director of the Diplomatic Security Service, who, unless otherwise directed by the Attorney General, shall assume the responsibility for the investigation."

(b) The amendment made by this section shall take effect October 1, 2000.

(c) Not later than February 1, 2000, the Secretary of State and the State Department Inspector General shall report to the appropriate congressional committees on—

(1) the budget transfer required from the Inspector General to the Diplomatic Security Service to carry out the provisions of this section;

(2) other budgetary resources necessary to carry out the provisions of this section;

(3) any other matters relevant to the implementation of this section.

FEINGOLD AMENDMENTS NOS. 691–692

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 886, supra; as follows:

AMENDMENT NO. 691

At the appropriate place, insert:

SEC. .

(a) FINDINGS.—The Congress finds as follows:

(1) The International Criminal Tribunal for Rwanda (ICTR) was established to prosecute individuals responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda;

(2) A separate tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), was created with a similar purpose for crimes committed in the territory of the former Yugoslavia;

(3) The acts of genocide and crimes against humanity that have been perpetrated against civilians in the Great Lakes region of Africa equal in horror the acts committed in the former Yugoslavia;

(4) The ICTR has succeeded in issuing at least 28 indictments against 48 individuals, and currently has in custody 38 individuals presumed to have led and directed the 1994 genocide;

(5) The ICTR issued the first conviction ever by an international court for the crime of genocide against Jean-Paul Akayesu, the former mayor of Taba, who was sentenced to life in prison;

(6) The mandate of the ICTR is limited to acts committed only during calendar year 1994, yet the mandate of the ICTY covers serious violations of international humanitarian law since 1991 through the present;

(7) There have been well substantiated allegations of major crimes against humanity and war crimes that have taken place in the Great Lakes region of Africa that fall outside of the current mandate of the tribunal in terms of either the dates when, or geographical areas where, such crimes took place;

(8) The attention accorded the ICTY and the indictments that have been made as a result of the ICTY's broad mandate continue to play an important role in current U.S. policy in the Balkans;

(9) The international community must send an unmistakable signal that genocide and other crimes against humanity cannot be committed with impunity;

(b) POLICY.—The President should instruct the U.S. representative to the United Nations to advocate to the Security Council an expansion of the mandate of the International Criminal Tribunal for Rwanda to include crimes committed outside calendar year 1994 and in a broader geographical area.

AMENDMENT NO. 692

On page 13, after line 10, add the following new section:

SEC. 106. LIMITATIONS ON NONCOMPETITIVELY AWARDED NED GRANTS.

(a) LIMITATIONS.—Of the total amount of grants made by the National Endowment for Democracy in each of the following fiscal years, not more than the following percentage for each such fiscal year shall be grants that are awarded on a noncompetitive basis to the core grantees of the National Endowment for democracy:

(1) For fiscal year 2000, 52 percent.

(2) For fiscal year 2001, 39 percent.

(3) For fiscal year 2002, 36 percent.

(4) For fiscal year 2003, 13 percent.

(5) For fiscal year 2004, zero percent.

(b) CORE GRANTEES OF THE NATIONAL ENDOWMENT FOR DEMOCRACY DEFINED.—In this section, the term "core grantees of the National endowment for Democracy" means the following:

(1) The International Republican Institute (IRI).

(2) The National Democratic Institute (NDI).

(3) The Center for International Private Enterprise (CIPE).

(4) The American Center for International Solidarity (also known as the "Solidarity Center").

FEINSTEIN (AND OTHERS) AMENDMENT NO. 693

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. FEINGOLD, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 886, supra; as follows:

On page 115, after line 18, add the following new section:

SEC. . REPORTING REQUIREMENT ON WORLDWIDE CIRCULATION OF SMALL ARMS AND LIGHT WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) In numerous regional conflicts, the presence of vast numbers of small arms and light weapons has prolonged and exacerbated conflict and frustrated attempts by the international community to secure lasting peace. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, among others, and has contributed to the violence endemic to narcotrafficking in Colombia and Mexico.

(2) Increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to United States participants in peacekeeping operations and United States forces based overseas, as well as to United States citizens traveling overseas.

(3) In accordance with the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998, effective March 28, 1999, all functions and authorities of the Arms Control and Disarmament Agency were transferred to the Secretary of State. One of the stated goals of that Act is to integrate the Arms Control and Disarmament Agency into the Department of State "to give new emphasis to a broad range of efforts to curb proliferation of dangerous weapons and delivery systems".

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing—

(1) an assessment of whether the export of small arms poses any proliferation problems including—

(A) estimates of the numbers and sources of licit and illicit small arms and light arms in circulation and their origins;

(B) the challenges associated with monitoring small arms; and

(C) the political, economic, and security dimensions of this issue, and the threats posed, if any, by these weapons to United States interests, including national security interests;

(2) an assessment of whether the export of small arms of the type sold commercially in the United States should be considered a foreign policy or proliferation issue;

(3) a description of current Department of State activities to monitor and, to the extent possible ensure adequate control of, both the licit and illicit manufacture, transfer, and proliferation of small arms and light weapons, including efforts to survey and assess this matter with respect to Africa and to survey and assess the scope and scale of the issue, including stockpile security and destruction of excess inventory, in NATO and Partnership for Peace countries;

(4) a description of the impact of the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998 on the transfer of functions relating to monitoring, licensing, analysis, and policy on small arms and light weapons, including—

(A) the integration of and the functions relating to small arms and light weapons of the United States Arms Control and Disarmament Agency with those of the Department of State;

(B) the functions of the Bureau of Arms Control, the Bureau of Nonproliferation, the Bureau of Political-Military Affairs, the Bureau of International Narcotics and Law Enforcement, regional bureaus, and any other relevant bureau or office of the Department of State, including the allocation of personnel and funds, as they pertain to small arms and light weapons;

(C) the functions of the regional bureaus of the Department of State in providing information and policy coordination in bilateral and multilateral settings on small arms and light weapons;

(D) the functions of the Under Secretary of State for Arms Control and International Security pertaining to small arms and light weapons; and

(E) the functions of the scientific and policy advisory board on arms control, nonproliferation, and disarmament pertaining to small arms and light weapons; and

(5) an assessment of whether foreign governments are enforcing their own laws concerning small arms and light weapons import and sale, including commitments under the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or other relevant international agreements.

LEAHY (AND OTHERS) AMENDMENT NO. 694

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. REED, Mr. HARKIN, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. KOHL, Mr. CHAFEE, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. BOXER, Mr. DURBIN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 886, supra; as follows:

At the appropriate place in the bil, insert the following:

SELF-DETERMINATION FOR EAST TIMOR

SEC. . (a) FINDINGS.—The Congress finds as follows:

(1) On May 5, 1999 the Governments of Indonesia and Portugal signed an agreement that provides for an August 8, 1999 ballot organized by the United Nations on East Timor's political status;

(2) On January 27, 1999, President Habibie expressed a willingness to consider independence for East Timor if a majority of the East Timorese reject autonomy in the August 8th ballot;

(3) Under the May 5th agreement the Government of Indonesia is responsible for ensuring that the August 8th ballot is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference;

(4) The inclusion of anti-independence militia members in Indonesian forces responsible for establishing security in East Timor

violates the May 5th agreement which states that the absolute neutrality of the military and police is essential for holding a free and fair ballot;

(5) The arming of anti-independence militias by members of the Indonesian military for the purpose of sabotaging the August 8th ballot has resulted in hundreds of civilians killed, injured or disappeared in separate attacks by these militias who continue to act without restraint;

(6) The United Nations Secretary General has received credible reports of political violence, including intimidation and killings, by armed anti-independence militias against unarmed pro-independence civilians;

(7) There have been killings of opponents of independence, including civilians and militia members;

(8) The killings in East Timor hsould be fully investigated and the individuals responsible brought to justice;

(9) Access to East Timor by international human rights monitors and humanitarian organizations is limited, and members of the press have been threatened;

(10) The presence of members of the United Nations Assistance Mission in East Timor has already resulted in an improved security environment in the East Timorese capital of Dili;

(11) A robust international observer mission and police force throughout East Timor is critical to creating a stable and secure environment necessary for a free and fair ballot;

(12) The Administration should be commended for its support for the United Nations Assistance Mission in East Timor which will provide monitoring and support for the ballot and include international civilian police, military liaison officers and election monitors;

(b) POLICY.—The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through the United States executive directors to internaional financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(A) disarm and disband anti-independence militias;

(B) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(C) allow Timorese who have been living in exile to return to East Timor to participate in the ballot; and

(2) the President should submit a report to the Congress, not later than 21 days after passage of this Act, containing a description of the Administration's efforts and his assessment of steps taken by the Indonesian Government and military to ensure a stable and secure environment in East Timor, including those steps described in paragraph (1).

SARBANES AMENDMENT NO. 695

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 886, supra; as follows:

On page 116, strike "$94,000,000 for the fiscal year 2000 and $940,000.000" and insert "$963,308,000 for the fiscal year 2000 and $963,308,000".

On page 121, line 6, strike "$215,000,000 for the fiscal year 2000 and $215,000,000" and insert "$235,000,000 for the fiscal year 2000 and $235,000,000".

WELLSTONE (AND OTHERS) AMENDMENT NO. 696

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill S. 886, supra; as follows:

On page 115, after line 18, insert the following new section:

SEC. 730. SENSE OF SENATE REGARDING CHILD LABOR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The International Labor Organization (in this resolution referred to as the "ILO") estimates that at least 250,000,000 children under the age of 15 are working around the world, many of them in dangerous jobs that prevent them from pursuing an education and damage their physical and moral well-being.

(2) Children are the most vulnerable element of society and are often abused physically and mentally in the work place.

(3) Making children work endangers their education, health, and normal development.

(4) UNICEF estimates that by the year 2000, over 1,000,000,000 adults will be unable to read or write on even a basic level because they had to work as children and were not educated.

(5) Nearly 41 percent of the children in Africa, 22 percent in Asia, and 17 percent in Latin America go to work without ever having seen the inside of a classroom.

(6) The President, in his State of the Union address, called abusive child labor "the most intolerable labor practice of all," and called upon other countries to join in the fight against abusive and exploitative child labor.

(7) The Department of Labor has conducted 5 detailed studies that document the growing trend of child labor in the global economy, including a study that shows children as young as 4 are making assorted products that are traded in the global marketplace.

(8) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment among adults, low living standards, and insufficient education and training opportunities among adult workers and children.

(9) The ILO has unanimously reported a new Convention on the Worst Forms of Child Labor.

(10) The United States negotiators played a leading role in the negotiations leading up to the successful conclusion of the new ILO Convention on the Worst Forms of Child Labor.

(11) On September 23, 1993, the United States Senate unanimously adopted a resolution stating its opposition to the importation of products made by abusive and exploitative child labor and the exploitation of children for commercial gain.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) abusive and exploitative child labor should not be tolerated anywhere it occurs;

(2) ILO member States should be commended for their efforts in negotiating this historic convention;

(3) the Senate should consider the new ILO Convention on the Worst Forms of Child Labor as soon as practical after submission by the President;

(4) it should be the policy of the United States to continue to work with all foreign nations and international organizations to promote an end to abusive and exploitative child labor; and

(5) ILO member States should take necessary steps to meet the standards and objectives of the new ILO Convention.

WELLSTONE AMENDMENT NO. 697

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 886, supra; as follows:

At the appropriate place, insert the following—

SEC. .

Expressing the sense of Senate that the global use of child soldiers is unacceptable and that the International Community must find remedies to end this practice:

(a) FINDINGS.—The Senate makes the following findings:

(1) There are at least 300,000 children below the age of 18 who are involved in armed conflict in at least 25 countries around the world. This is an escalating international humanitarian crisis which must be addressed promptly;

(2) Children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated and can be drawn into violence that they are too young to resist or understand;

(3) Children are most likely to become child soldiers if they are orphans, refugees, poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education;

(4) Child soldiers, besides being exposed to the normal hazards of combat, are also afflicted with other injuries due to their lives in the military. Young children may have sexually related illnesses, suffer from malnutrition, have deformed backs and shoulders which are the result of carrying loads too heavy for them, as well as respiratory and skin infections;

(5) One of the most egregious examples of the use of child soldiers in the abduction of thousands of children, some as young as 8 years of age, by the Lord's Resistance Army (in this resolution referred to as the "LRA") in northern Uganda;

(6) The Department of State's Country Reports on Human Rights Practice for 1999 reports that in Uganda the LRA abducted children "to be guerrillas and tortured them by beating them, raping them, forcing them to march until collapse, and denying them adequate food, water, or shelter.";

(7) Children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, missing, dead, or fearful of having their children return home;

(8) A large number of children have participated and been killed in the armed conflict in Sri Lanka and the use of children as soldiers has led to a breakdown in law and order in Sierra Leone;

(9) Graca Machel, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through an optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for recruitment and participation in armed conflict; and

(10) The international community is trying to reach a consensus on how to most effectively deal with this grave problem and

among these options is the raising of the international legal age of recruitment to 18 years old;

(11) The International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on Refugee, and the United Nations High Commissioner on Human Rights also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict;

(12) The United Nations has decided to make 18 the minimum age for its own peacekeeping forces;

(13) International organizations such as the European Parliament and the 8th Assembly of the World Council of Churches have condemned the use of child soldiers;

(14) Religious leaders such as Pope John Paul II and Nobel Peace Prize winner Arch Bishop Desmond Tutu have urged that children no longer be used as soldiers;

(15) US civic organizations drawn from the religious, peace and justice and human rights communities such as the 36 member organizations of the Washington Coalition on Child Soldiers seek US support for alleviating this crisis;

(16) The United Nations created a Working Group to negotiate language that would formulate an Optional Protocol to the Convention on the Rights of the Child, which would raise the age of recruitment of children.

(17) For the past four years the international community has been negotiating language for an Optional Protocol without reaching a consensus agreement: Now, therefore, be it *Resolved*, That the Senate hereby—

1) Joins the international community in condemning the use of children as soldiers and combatants by governmental and nongovernmental armed forces;

2) Expresses the sense of Congress that US policy should be one of permitting consensus on the language of an Optional Protocol.

3) Directs the State Department to address positively and expediently this issue in the next session of the Working Group, before this process is abandoned, resulting therefore in the protection of hundreds of thousands of children from the life of a soldier and the horrors of war;

4) Directs the State Department to study the issue of the rehabilitation of former child soldiers, the manner in which their suffering can be alleviated and the positive role that the US can play in such an effort, and to submit a report to Congress on the issue of rehabilitation of child soldiers and their families.

WELLSTONE AMENDMENT NO. 698.

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 886, supra; as follows:

On page 115, after line 18, add the following new subtitle:

Subtitle C—International Trafficking of Women and Children Victim Protection

SEC. 01. SHORT TITLE.

This subtitle may be cited as the "International Trafficking of Women and Children Victim Protection Act of 1999".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The worldwide trafficking of persons has a disproportionate impact on women and girls and has been and continues to be condemned by the international community as a violation of fundamental human rights.

(2) The fastest growing international trafficking business is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

(3) Trafficked women and children, girls and boys, are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will.

(4) The President, the First Lady, the Secretary of State, the President's Interagency Council on Women, and the Agency for International Development have all identified trafficking in women as a significant problem.

(5) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(6) The United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1998 calling upon all governments to criminalize trafficking in women and girls in all its forms and to penalize all those offenders involved, while ensuring that the victims of these practices are not penalized.

(7) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

SEC. 03. PURPOSES.

The purposes of this subtitle are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by—

(1) setting a standard by which governments are evaluated for their response to trafficking and their treatment of victims;

(2) authorizing and funding an interagency task force to carry out such evaluations and to issue an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

(3) assisting trafficking victims in the United States by providing humanitarian assistance and by providing them temporary nonimmigrant status in the United States;

(4) assisting trafficking victims abroad by providing humanitarian assistance; and

(5) denying certain forms of United States foreign assistance to those governments which tolerate or participate in trafficking, abuse victims, and fail to cooperate with international efforts to prosecute perpetrators.

SEC. 04. DEFINITIONS.

In this subtitle:

(1) POLICE ASSISTANCE.—The term "police assistance"—

(A) means—

(i) assistance of any kind, whether in the form of grant, loan, training, or otherwise, provided to or for foreign law enforcement officials, foreign customs officials, or foreign immigration officials;

(ii) government-to-government sales of any item to or for foreign law enforcement officials, foreign customs officials, or foreign immigration officials; and

(iii) any license for the export of an item sold under contract to or for the officials described in clause (i); and

(B) does not include assistance furnished under section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c; relating to the administration of justice) or any other assistance under that Act to promote respect for internationally recognized human rights.

(2) TRAFFICKING.—The term "trafficking" means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(3) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means any person subjected to the treatment described in paragraph (2).

SEC. 05. INTER-AGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of State in the Office of the Secretary of State an Inter-Agency Task Force to Monitor and Combat Trafficking (in this section referred to as the "Task Force"). The Task Force shall be co-chaired by the Assistant Secretary of State for Democracy, Human Rights, and Labor Affairs and the Senior Coordinator on International Women's Issues, President's Interagency Council on Women.

(2) APPOINTMENT OF MEMBERS.—The members of the Task Force shall be appointed by the Secretary of State. The Task Force shall consist of no more than twelve members.

(3) COMPOSITION.—The Task Force shall include representatives from the—

(A) Violence Against Women Office, Office of Justice Programs, Department of Justice;

(B) Office of Women in Development, United States Agency for International Development; and

(C) Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

(4) STAFF.—The Task Force shall be authorized to retain up to five staff members within the Bureau of Democracy, Human Rights, and Labor Affairs, and the President's Interagency Council on Women to prepare the annual report described in subsection (b) and to carry out additional tasks which the Task Force may require. The Task Force shall regularly hold meetings on its activities with nongovernmental organizations.

(b) ANNUAL REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State, with the assistance of the Task Force, shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(c) REPORTING STANDARDS AND INVESTIGATIONS.—

(1) RESPONSIBILITY OF THE SECRETARY OF STATE.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the Human Rights Report and the Inter-Agency Task Force to Monitor and Combat Trafficking Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 06. INELIGIBILITY FOR POLICE ASSISTANCE.

(a) INELIGIBILITY.—Except as provided in subsection (b), any foreign government identified in the latest report submitted under section 05 as a government that—

(1) has failed to take effective action towards ending the participation of its officials in trafficking; and

(2) has failed to investigate and prosecute meaningfully those officials found to be involved in trafficking,

shall not be eligible for police assistance.

(b) WAIVER OF INELIGIBILITY.—The President may waive the application of subsection (a) to a foreign country if the President determines and certifies to Congress that the provision of police assistance to the country is in the national interest of the United States.

SEC. 07. PROTECTION OF TRAFFICKING VICTIMS.

(a) NONIMMIGRANT CLASSIFICATION FOR TRAFFICKING VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(T) an alien who the Attorney General determines—

"(i) is physically present in the United States, and

"(ii) is or has been a trafficking victim (as defined in section 04 of the International Trafficking of Women and Children Victim Protection Act of 1999),

for a stay of not to exceed 3 months in the United States, except that any such alien who has filed a petition seeking asylum or who is pursuing civil or criminal action against traffickers shall have the alien's status extended until the petition or litigation reaches its conclusion.".

(b) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The Attorney General shall, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so.".

(c) INVOLUNTARY SERVITUDE.—Section 1584 of title 18, United States Code, is amended—

(1) inserting "(a)" before "Whoever";

(2) by striking "or" after "servitude";

(3) by inserting "transfers, receives or harbors any person into involuntary servitude, or" after "servitude,"; and

(4) by adding at the end the following:

"(b) In this section, the term 'involuntary servitude' includes trafficking, slavery-like practices in which persons are forced into labor through non-physical means, such as debt bondage, blackmail, fraud, deceit, isolation, and psychological pressure.".

(d) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate regulations for law enforcement personnel, immigration officials, and Foreign Service officers requiring that—

(1) Federal, State and local law enforcement, immigration officials, and Foreign Service officers shall be trained in identifying and responding to trafficking victims;

(2) trafficking victims shall not be jailed, fined, or otherwise penalized due to having been trafficked, or nature of work;

(3) trafficking victims shall have access to legal assistance, information about their rights, and translation services;

(4) trafficking victims shall be provided protection if, after an assessment of security risk, it is determined the trafficking victim is susceptible to further victimization; and

(5) prosecutors shall take into consideration the safety and integrity of trafficked persons in investigating and prosecuting traffickers.

SEC. 08. ASSISTANCE TO TRAFFICKING VICTIMS.

(a) IN THE UNITED STATES.—The Secretary of Health and Human Services is authorized and encouraged to provide, through the Office of Refugee Resettlement, assistance to trafficking victims and their children in the United States, including mental and physical health services, and shelter.

(b) IN OTHER COUNTRIES.—The President, acting through the Administrator of the United States Agency for International Development, is authorized and encouraged to provide programs and activities to assist trafficking victims and their children abroad, including provision of mental and physical health services, and shelter. Such assistance should give special priority to programs by nongovernmental organizations which provide direct services and resources for trafficking victims.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTER-AGENCY TASK FORCE.—To carry out the purposes of section 05, there are authorized to be appropriated to the Secretary of State $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HHS.—To carry out the purposes of section 08(a), there are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE PRESIDENT.—To carry out the purposes of section 08(b), there are authorized to be appropriated to the President $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(d) PROHIBITION.—Funds made available to carry out this subtitle shall not be available for the procurement of weapons or ammunition.

McCAIN AMENDMENT NO. 699

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 886, supra; as follows:

At the end of the bill, add the following new section:

Notwithstanding any other provision of law, the Inspector General of the Department of State shall serve as the Inspector General of the Inter-American Foundation and shall have all the authorities and responsibilities with respect to the Inter-American Foundation as the Inspector General has with respect to the Department of State.

ADDITIONAL STATEMENTS

SEAPLANE CREW'S BATTLE FOR RECOGNITION

• Mr. MOYNIHAN. Mr. President, I bring to the Senate's attention an excellent article written by Alan Emory, the Senior Washington Correspondent for the Watertown Daily Times, entitled "WWII Seaplane Crew Still Battling With Navy Red Tape Over Medals." Mr. Emory tells the incredible story of the rescue of a U.S. Airman by the crew of the Patrol Bomber Martin from the waters off Japan in World War II. Remarkably, the crew was denied the proper recognition for this act, and they have battled over the years to right that wrong.

At the time the rescue took place, the Navy, according to those involved, promised the pilot the Navy Cross and his crew the Silver Star. When the medals were actually awarded, however, all were awarded lesser medals. The disappointed crew accepted the medals without complaint. Years later when an appeal was filed, the Navy rejected the claim on the grounds that the deadline for such appeals had passed. But, a 1997 law waived the time limitation on appeals for such heroic acts.

The Navy has denied that any promise was made to the pilot or the crew. However, a newly declassified document from six months after the rescue showed that in fact the Navy had promised the pilot, Robert H. Macgill, the Navy Cross. The crew had signed affidavits that they were promised the Silver Star. Unfortunately no document has been found to back up their claim, but this in no way decreases the gravity of this oversight.

To date, the Department of the Navy has refused to upgrade the medal status of those involved, though the case is still under review. I thank Mr. Emory for bringing this important act of bravery and incredible oversight to our attention.

I ask that the article be printed into the RECORD.

The article follows:

[From the Watertown Daily Times, Apr. 4, 1999]

WWII SEAPLANE CREW STILL BATTLING WITH NAVY RED TAPE OVER MEDALS

(By Alan Emory)

WASHINGTON—One of the most daring exploits of World War II took place in the water off Kobe, Japan, on July 24, 1945.

The war itself ended about a month later.

For the pilot, copilot and crew of the huge Patrol Bomber Martin (PBM) seaplane that plucked a U.S. airman out of the water as Japanese boats headed for him, however, a post-war battle with Navy bureaucracy is still going on, nearly 54 years later.

The men, now all in their 70s, were promised certain medals—a Navy Cross for pilot Robert H. Macgill of Miami, Fla., and Silver Stars for the others. All agree the pilot regularly receives the highest honor because he makes the key decisions.

When medals were awarded however, Mr. Macgill received a Silver Star and the others Air Medals, which are given to any service personnel performing five flights in a combat area.

Though disappointed, the fliers accepted their downgraded decorations without complaint, but a Korean War fighter pilot heard about the situation and launched an appeal to the Navy Department with the help of the PBM copilot, David C. Quinn.

The Navy rejected the appeal, saying the deadline for such awards had expired. Last year, however, the "Mariner/Marlin Association Newsletter" reported that a 1997 law had waived the time limitation, and many war heroes had medal eligibility restored.

The Navy stood its ground, however, so Mr. Quinn, a North Salem, N.Y., lawyer and husband of syndicated columnist Jane Bryant Quinn, took his case to Rep. Sue W. Kelly, R-Katonah, and Sen. Daniel Patrick Moynihan D-N.Y. The evidence was reviewed, and they agreed the higher-level medals should be awarded.

Their case took on added political clout when one of the crewmen, Jerrold A. Watson, now a peach grower in Monetta, S.C., turned out to be a constituent of both Chairman Floyd Spence, R-S.C., of the House Armed Services Committee, and Sen. J. Strom Thurmond, R-S.C., former chairman of the Senate Armed Services Committee.

Sen. Moynihan called the rescue of the downed Corsair fighter pilot, Ensign Edwin A. Heck, 22, of Barrackville, W.Va., "an act of bravery deserving of high recognition."

Rep. Kelly said the "extraordinary rescue," in the water off Japan's fourth largest city, merited "something more than an Air Medal."

She rejected the finding by Karen S. Heath, principal deputy to the Navy's chief of manpower and reserve affairs, that the awards were appropriate, countering that they resulted from "errors in Navy records."

Last September, then-Navy Secretary John H. Dalton told Sen. Moynihan that upgrading the Quinn medal was "not warranted," and the Air Medal was "appropriate and consistent" with those awarded at the time.

The Navy argued steadily that there was no documentary proof that a Navy Cross for Mr. Macgill and Silver Stars for his crew had actually been recommended, although all involved signed affidavits that they had been promised those medals.

A declassified Navy memorandum six months after the rescue shows that Mr. Macgill had been recommended for a Navy Cross, though it does not affirm the oral recommendation for the Silver Stars for Mr. Quinn and the others.

Mr. Quinn says that, instead of a trio of "antique, disjointed medal-beggars," they were bolstered by the discovery that Mr. Macgill was alive in Miami.

His address was found by a computer search, with a phone number that gave only a recorded response, but he received a forwarded letter and, last Oct. 30, phoned Mr. Quinn and confirmed the original medal recommendations.

The PBM seaplane, known in Navy slang as a Dumbo because of its size, was part of a rescue squadron stationed at Okinawa on the seaplane tender *Pine Island*. Their mission was to rescue airmen shot down while raiding Japanese installations.

Their aircraft was enormous, with a wingspread equal to the height of a 12-story building, and was very slow.

On July 24, 1945, Mr. Heck was shot down and floated in a life jacket for about five hours in Kobe harbor. A radio call asked, "Is there a Dumbo in the area?" and the Macgill crew answered affirmatively. Sixteen Corsair fighters formed an escort and strafed Japanese boats trying to reach Mr. Heck.

The PBM flew over the docks of Kobe at an altitude of about 400 feet, with people standing there watching, according to the Nov. 16, 1998, deposition of Mr. Macgill. The fighter escort, getting low on fuel, had to leave.

A Japanese fighter made a run at the PMB, and shore batteries opened antiaircraft fire, but, Mr. Macgill says, it was "amazing" that they were not shot down. More than 14 hours after they had left Okinawa, they returned, hugging the Japanese coast, with the rescued fighter pilot.

The official Navy report said, "The Dumbo, sweating out the remaining fuel, returned to Okinawa at 300 feet altitude and approximately 10 miles offshore."

Mr. Macgill, quoting Navy officers there, said they believed it was "impossible" to achieve an air-sea rescue on Japan's mainland.

"I distinctly recall," he said, that Squadron Commanding Officer Lt. Cmdr. William Bonvillian and Capt. William L. Erdmann, Greenburg, Ind., the officer in charge of rescue missions, had both said they were urging the Navy Cross for Mr. Macgill and Silver Stars for the others.

"My original memory was correct," he said, and the confusion over his own medal was never carried over to the "unquestioned recommendation" that the others in the crew receive Silver Stars.

Mr. Quinn maintains that an official Navy account, marked "Secret," disputes the finding that his rescue occurred "seven miles southwest of Kobe" and therefore, should be lumped in with other missions.

A Smithsonian Institution Press book about the exploits of 28 World War II combat pilots in their own words includes the Quinn story because of the uniqueness of air-sea rescues and the high-risk Kobe flight.

One war correspondent wrote that it was "perhaps the most daring and the most spectacular of all Pacific air-sea rescues," the first into the Inland Sea, with the downed pilot within the sight of people walking the streets of Kobe.

Judi Briner of St. Louis, daughter of PBM crewman Robert Briner, who has terminal cancer, told Mr. Quinn she would like to see Rep. Ike Shelton, D-Mo., an influential member of the House Armed Services Committee, brought into the case.

Ironically, Mr. Quinn found out that another St. Louis resident, whose plea for a Bronze Star for his great-uncle had been ignored for more than a year, received the medal two weeks after Rep. Jim Talent, R-Mo., got in touch with the Army. It came along with a letter entitled, "Expedite/Congressional Interest."

The Navy's Awards Branch has never challenged the description of the PMB crew's combat bravery. Instead, Mr. Quinn asserts, its accounts of the medal dispute are "diametrically opposed" and, he feels, are "tainted and (should be) disallowed."

A former assistant state attorney general, he says he flew Navy planes for 26 years, four in World War II, and he holds a Vietnam War Campaign Medal. He says, "I do not easily throw in towels."

Richard Danzig, the new Navy secretary, who is scheduled to address the National Press Club on Tuesday, told Sen. Moynihan Jan. 28 that the Navy Awards Branch was reviewing the documents.

At a March 11 Capitol Hill meeting with key lawmakers and their aides, Ms. Heath said the Navy had, since the 50th anniversary of World War II, been "inundated with requests" for a new look at the war's awards, and Jeane Kirk, her aide, insisted the Quinn situation was "not all that unique."

Congressional staffers raised the possibility of a "bureaucratic snafu" leading to the medal downgrades. They stressed that the PBM mission was "different," but the Navy could not explain why it had not been treated that way.

The congressional pressure, however, did have an impact.

The Navy officials promised to "reboard," or review, the case with a panel of four "senior captains."

Secretary Danzig had promised a "careful study."

Rep. John M. McHugh, R-Pierrepont Manor, the senior New Yorker on the House Armed Services Committee, feels that if the issue were brought before the full New York congressional delegation and, possibly, the committee, it would receive a sympathetic hearing.●

TRIBUTE TO GENERAL CHARLES C. KRULAK

• Mr. LOTT. Mr. President, I'd like to pay a special tribute today to General Charles C. Krulak, the 31st Commandant of the Marine Corps, soon to relinquish command of our nation's Corps of Marines after almost forty years in uniform. With receipt of his final orders, directing him to stand-down and retire from active duty, an evolutionary change will occur—marking the first time in 70 years that a Krulak will be absent from the rolls of the United States Marine Corps. His father, Lieutenant General Brute Krulak, served as the Commanding General, Fleet Marine Forces Pacific.

From the blood stained rice fields of Vietnam, where General Krulak commanded Marines during two tours of duty, to the wind swept sands of Kuwait where General Krulak lead his men to victory, this Marine has distinguished himself time and time again.

For his devoted service to our country and for the brave Marines he led, General Krulak was awarded the Silver Star Medal; Bronze Star Medal with Combat "V" and two gold stars; Purple Heart with gold star; Combat Action Ribbon; and the Republic of Vietnam Cross of Gallantry.

While General Krulak's inspirational leadership has always characterized his military service, it is his tenure as the 31st Commandant of the Marine Corps that will resonate long and far into the next millennium, ensuring the Marine Corps remains the world's premier crisis response force—the Nation's 911 force. A professional force that is committed, capable, and reliable to meet any challenge, under any circumstance, anytime and anyplace in the world.

General Krulak had the wisdom and foresight to field an agile and adaptable force—a Corps of Marines who could prevail against the multifaceted threats which would challenge our Nation's security and its interests. General Krulak understood the importance of developing new concepts and techniques that would ensure decisive victory in the "savage wars of peace." He forged his Corps of Marines through unrelenting sacrifice, initiative, and courage.

His many initiatives as Commandant include, the Marine Corps Warfighting Laboratory, the DoD lead in nonlethal weapons technology and the Chemical Biological Incident Response Force. He created and implemented the "Transformation Process" of making Marines—a holistic approach to recruiting and developing young men and women to ensure they have the skills and basic character needed to effectively meet the asymmetric 21st century threat.

Today, the Corps is meeting its recruiting requirements, forty-eight months consecutively and achieved its retention goals —a testimony to the wisdom and foresight of General Krulak.

A key contributor to the Marine Corps family and a person General Krulak owes much success to is his wife, Zandi Krulak. She gave dignity and grace to the maturation of the Marine Corps family.

In closing I want to recognize General Krulak for his uncompromising integrity to always do the right thing, for the Nation and his beloved Corps. The Marine Corps is a better institution today then it was four years ago, thanks to the sacrifice and devotion to duty by General Krulak. He has made a significant and lasting contribution to the Corps and to this Nation's security. Through his stewardship there is a renewed sense of esprit de corps.

I call on my colleagues on both sides of the aisle, to wish General Krulak, his wife Zandi and their two sons, David and Todd, fair winds and following seas as he steps down as the 31st Commandant of the Marine Corps. General Krulak's distinguished and faithful service to our country is greatly appreciated. He will be sorely missed, but surely not forgotten. Once a Marine, Always a Marine. *Semper Fi.*•

TRIBUTE TO EVE LUBALIN

• Mr. LAUTENBERG. Mr. President, as you know, this will be my last term in the Senate. My 17 years here have been exciting and challenging. And I'd like to think my work here has made a real difference in giving Americans a healthier, safer country.

But I have not done it alone. I had a lot of help from a very dedicated staff. And one staffer in particular deserves special recognition for her outstanding leadership and her commitment to the causes that have defined my career in the Senate.

That staffer is Eve Lubalin, my chief of staff, who recently announced her retirement after 17 years with my office.

Eve joined my staff as legislative director in 1983, when I was just getting to know my way around the Senate. From the start, she impressed me with her intelligence, her vision and her wit. She never lost sight of the goals that I set, and she never failed to deliver 100 percent of her talent and her energy to accomplish those goals.

In 1986, I promoted her to chief of staff. She has been our team leader ever since. And somehow, even with all the hours she has put in on the job, and there were countless hours, she has managed to maintain a full healthy relationship with her husband, Jim, and their daughter, Kendra. And I know she looks forward to spending more time with them during the years ahead.

Eve's high standards made her a star in the academic world even before she came to work for me. In 1966, she graduated summa cum laude from Syracuse University. From there, she went on to obtain a master's degree from the University of Virginia and a Ph.D. in Political Science from Johns Hopkins. She later worked in several key staff positions for Senator Birch Bayh from Indiana. After her tenure in Senator Bayh's office, she also worked as an advocate for the city of New York on legislative issues.

When she arrived in my office, Eve made my priorities her priorities. And we scored some significant victories together. The laws I authored raising the national drinking age to 21, banning smoking on domestic airplane flights, cleaning up the environment—these were battles we fought together. I could not have asked for a more loyal comrade-in-arms than Eve Lubalin.

Mr. President, I hope my colleagues will join me in wishing Eve the very best as she moves on from the Senate. And I want Eve to always remember how much I and everyone connected with my office appreciates her contributions. She is a model public servant, a spectacular leader and person. I wish her a happy and rewarding retirement.•

NATIONAL MEN'S HEALTH WEEK

• Mr. FRIST. Mr. President, as we honor our fathers, grandfathers and husbands this Fathers' Day, it is important to recognize the crisis that is taking place with regard to men's health. As highlighted by National Men's Health Week, which ends on Fathers' Day, this crisis in the health and well-being of American men is ongoing, increasing, and predominantly silent.

National Men's Health Week, which was established in 1994 under the leadership of former Senate Majority Leader Bob Dole, has helped shed light on some of the primary factors that have lead to this steady deterioration: lack of awareness, inadequate health education, and culturally-induced behavior patterns at work and at home.

Many have rightly argued, that one main cause is the cultural message that men should not react to pain. Men continue to fear the risk of appearing unmanly, or merely mortal, if they change their behavior or their environment. Unfortunately that includes visits to the doctor. On average, women on average make 6.5 visits per year while men average 4.9.

This lack of attention to health is perhaps best demonstrated by male mortality figures. In 1920, the life expectancy of men and women was roughly the same. Since that time, however, the life expectancy of men has steadily dropped when compared to women. In 1990, life expectancy for women was 78.8 years but only 71.8 years for men. Today, the life expectancy of men is a full 10 percent below that of women.

Another indicator: men have a higher death rate for every one of the top 10 leading causes of death. Men are twice as likely to die of heart disease, the nation's leading killer. In fact, one in every five men will suffer a heart attack before age 65.

Male specific cancers, testicular and prostate, and other non-gender specific cancers have also reached epidemic proportions among men. One in six will develop prostate cancer at some point in his life, and African-American men are especially at risk, with a death rate that is twice the rate of white men.

Death by suicide and violence is another predominantly male phenomenon. Men are the victims of approximately three out of four homicides, and account for approximately four out of every five deaths by suicide. Workplace accidents are also a major killer. Ninety-eight percent of all employees in the 10 most dangerous jobs are men, and 94 percent of all those who die in the workplace are men.

As demonstrated by the events this week on Capitol Hill—like the health screenings for prostate and colorectal cancer hosted by the Men's Health Network—National Men's Health Week has done much to end the silence surrounding the real state of health of American men. But much more needs to be done. This Fathers' Day let us all do everything we can to silence as well the cultural mind set that has claimed the lives of so many of our husbands, fathers, and brothers. Let's show them how much we truly love them by making them aware of the very real—and very preventable—dangers that await them if they fail to pay attention to their health.●

TRIBUTE TO GENERAL CHARLES C. KRULAK

Mr. LOTT. Mr. President, I know a number of Senators are going to want to join me in paying tribute to a great Marine, the Commandant, General Krulak. I hope that others will come to the floor this afternoon, or on Monday, and join me in expressing our appreciation for the work he has done.

Mr. President, Marines do it all—in the air, on the land, and on the sea. With a service like the Marine Corps, sometimes people come in and say: Well, can't they go ahead and just be in charge of it all? I certainly understand that when you get to know an outstanding man like General Krulak. It is especially true when you consider that the Nation's Marines have a tremendous record of pride and history and going out and doing the job when it is the toughest. Their attitude has been exemplified by this feisty, pull-no-punches Commandant. I have really appreciated the fact that when I met with him privately and asked him direct questions, he gave me direct answers. I have appreciated the fact that when he has been before committees of Congress—particularly the Armed Services Committee—he responded in a way he thought was best for our country, as to what the marines really needed, and not necessarily what he was expected to say or even told to say. That is typical of the Marines and typical of this General and his family.

So I want to pay special tribute to General Charles C. Krulak, the 31st Commandant of the Marine Corps, soon to relinquish command of our Nation's Corps of Marines after almost 40 years in uniform. General Krulak's retirement will mark the first time in 70 years that a Krulak will be absent from the rolls of the United States Marine Corps. His father, Lieutenant General Brute Krulak, served as a Commanding General, Fleet Marine Forces Pacific.

General Krulak's illustrious career is replete with achievements from the blood-stained rice fields of Vietnam, where he commanded Marines during two tours of duty, to the wind-swept sands of Kuwait, where he commanded Marines during the Gulf War.

For his devoted service to our country and for the brave Marines he led, General Krulak was awarded the Silver Star Medal; Bronze Star Medal with Combat "V" and two gold stars; Purple Heart with gold star; Combat Action Ribbon; and the Republic of Vietnam Cross of Gallantry.

During his tenure as the 31st Commandant of the Marine Corps, the Senate has come to know of many of the virtues of this modern-day warrior. His accomplishments will resonate long into the next millennium, ensuring that the Marine Corps remains the world's premier crisis response force.

I remember that during a 1996 Senate Armed Services Committee hearing on the posture of our military, the service chiefs were asked what they needed most. The other service chiefs rattled off some new weapons systems. Not Chuck Krulak. The Senate always relied on his frank and honest opinion, no matter the issue. He wanted Gore-Tex cold weather gear and boots for his troops. General Krulak has always placed his Marines first. That is why he is loved as Commandant. The people came first; the men and women of the Marine Corps came first.

General Krulak is a visionary, a person who clearly understands the situation at hand. He understood the importance of developing new concepts and techniques that would ensure decisive victory in the "savage wars of peace." He forged his Corps of Marines through unrelenting sacrifice, initiative, and courage.

His foresight resulted in the creation of the Marine Corps Warfighting Lab, taking the DOD lead in nonlethal weapons technology and the creation of the Chemical Biological Incident Response Force. He created and implemented the "Transformation Process" of making Marines—a holistic approach to recruiting and developing young men and women to ensure they have the skills and basic character needed to effectively meet the Asymmetric 21st century threat. He labored to institutionalize the Marine Corps core values of honor, courage and commitment, while maintaining, and in many cases elevating, performance standards in every aspect of the Marine Corps recruiting and development processes, be they mental, physical, or moral.

Today, the Corps has met its recruiting requirements forty-eight months consecutively and has achieved its retention goals—a testimony to the wisdom and foresight of General Krulak.

General Krulak not only pursued better Marines and asked for Marines to be capable of winning our Nation's future battles, but he also made better Americans. He promoted a focus on character development and high ethical and moral standards. He stressed the core values of honor, courage, and commitment, which exemplify the Corps. They are attributes that will serve the Marines well long after they have hung up their uniforms. In a way, I don't think Marines ever hang up their uniforms; they wear them the rest of their lives.

I remember, years ago, I had on my staff a man that worked on the Mississippi Gulf Coast, Cecil Dubuisson, a Sergeant Major. A Sergeant Major in the Marine Corps is really super-special. As we traveled around South Mississippi into Louisiana, I would run into people—young men and older men—and they always recognized him as "Sergeant Major." There was a special bond between these men that the rest of us could only hope to achieve.

In closing, I want to recognize General Krulak for his uncompromising integrity to always do the right thing for the Nation and his beloved Corps, and for his unwavering conviction that exemplifies a way of life, not just a motto. It speaks powerfully to the citizens he serves. It has been my good fortune, and the Senate's good fortune, to witness the resolve of a person who believes so strongly about the institution in which he serves. General Krulak, the Marine Corps is a better institution today than it was 4 years ago.

Your sacrifice and devotion to duty have made it so. You have provided a significant and lasting contribution to your Corps and to the Nation's security. Through your leadership, there is a renewed sense of esprit de corps. Those who follow your example will be a testament to the legacy you leave behind.

I wish General Krulak, your wonderful wife Zandi, and your two sons, David and Todd, "fair winds and following seas" as you step down as the 31st Commandant of the Marine Corps on June 30, 1999. Your distinguished and faithful service to our country is greatly appreciated. You will be sorely missed but surely not forgotten.

Thank God for the Marines Corps, thank God for General Krulak.

The PRESIDING OFFICER. Acting in my capacity as an individual Senator from Kansas and a former marine, let me thank the majority leader and indicate what all marines would indicate were they present—"oo-yah."

The distinguished Senator from Montana is recognized.

Mr. BURNS. Mr. President, I am pleased and honored to stand with Senator LOTT today, our majority leader, in honor of the coming change of command of the U.S. Marine Corps and the Commandant and the retirement of Gen. Charles C. Krulak.

We all share one thing, and I think the leader missed one thing the General stands for. It is written out there on the Iwo Jima Memorial. Uncommon valor was a common virtue. Every marine carries that and semper fi. As a former enlisted marine, there is no other comparable military fraternity. In fact, I credit the Marines Corps for saving my life. I remember as a young man I was sort of adrift. The Marine Corps has the habit of setting a person straight.

I share the kindred spirit that is fundamentally the heart and the soul of the Corps. It has been my pleasure to work with General Krulak in my duties as chairman of the Senate Military Construction Appropriations Committee since he assumed his duties as the 31st Commandant in 1995.

His military career extended back almost 40 years to his entry in the U.S. Naval Academy. He graduated in 1964 and went on to The Basic School in Quantico, VA. He continued to distinguish himself in command positions too numerous to count, including two tours in Vietnam. During the gulf war, General Krulak commanded the 2nd Force Service Support Group for the Atlantic Fleet Marine Forces. If you read through his commendation list, it seems he earned almost every award and decoration possible, including the Defense Distinguished Service Medal, a Silver Star, Bronze Star, two Gold Stars, and a Purple Heart, just to make a few.

I think it goes to show every American how appropriate it was for General Krulak to be nominated for the Commandant's office. He told me the other day that when he leaves the Marines Corps this will be the first time a Krulak has not been in a marine uniform for over 80 years. What a great tradition. He knows the marines. He was raised in the society. He stood up for them and their fundamental beliefs.

In his farewell to the Corps in the June edition of Leatherneck Magazine, General Krulak reminds us of two simple qualities that define all marines. First is the Touchstone of Valor. When marines are called to battle, they suit up and go, and they fight. Winning is mandatory; losing is not an option. This has been true from the earliest days of the Revolutionary War through modern-day battles. The battle list is long and distinguished: Iwo Jima, Inchon, Danang, Kuwait, and now Kosovo. The Commandant reminds us that "the memory of the marines who fought in these battles lives in us and in the core values of our precious Corps."

The second quality is the Touchstone of Values. Marines have always held themselves to the highest standards. Words like "honor," "courage," and "commitment" are convictions that are embedded within the recruitment and training of all marines. Semper Fidelis is not just a Marine Corps motto; it is a heartfelt passion.

When you hear General Krulak's statement, you understand why the name U.S. Marine brings confidence to America's allies and general respect from all of our potential enemies. He was a leader by example and he will continue to be a leader by example. He stood as an anchor on the Joint Chiefs, paving the way for Congress to make some progress in military readiness. He is widely known for his openness, his honesty, and his cruel truth.

The general has the toughness of the Corps, but he has a sensitive side also, which is the quality of a leader.

I have a shirttail cousin who served in the Marine Corps and was wounded in Vietnam. Last summer, Cpl. Dan Critten and his wife visited this town and attended a dinner and we were honored to have General Krulak attend. Danny is confined to a wheelchair because of his injury sustained in Vietnam. He was at Danang. As it turned out, General Krulak was just a hill away that very day. Dan came home back to Missouri in a wheelchair, and he went right back to farming. He fixed up his tractor. He had all the hydraulic lifts and he could chase his cattle and do his farming. He never whimpered once. He, too earned the Bronze Star and has lived a life that is truly the model of an American and a marine that we all know and notice.

I remember that meeting when we went to that dinner, when the general met the corporal that evening. It was a special moment in the human experience. There was no rank, just a special feeling of two warriors who faced and survived the horrors of war. I will never forget that moment. It reminded me why this Nation, this United States, will lead the world and why the Corps is respected wherever it is assigned. It has dedicated men and women who have a sense of duty, the willingness to win but also a quality of heart.

Every change of command brings happiness and sadness. There is satisfaction and appreciation for a job well done, and there is mourning for departing the fellowship of the Corps. The good news is there is no such thing as an ex-marine. I am convinced that General Krulak will be as effective in his future position as he was a marine.

On behalf of United States, I say thank you, General, for your incredible service and your dedication to your country. We owe you and all marines a debt that can never be repaid. You have lived honorably in extraordinary circumstances and have left the Corps stronger and more capable in your wake. We say, Semper Fi.

Now we welcome a new Commandant, another marine who has stood the test on the field of battle and among his peers. I have no doubt about the future of this Nation's U.S. Marine Corps. The tradition continues.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

TECHNICAL REALITIES OF THE Y2K ACT

Mr. GORTON. Mr. President, earlier this week the Senate passed a bill that tries to bring some reason to the legal chaos that could result from Y2K failures and Wednesday evening the Senate appointed conferees to reconcile the differences between the House and Senate bills. I rise today to commend the Senate for doing this, and to read from an excellent memorandum underscoring the need for a quick resolution and final passage of a conference report.

A memorandum prepared by the Year 2000 Technical Information Focus Group of the Institute for Electrical and Electronics Engineers, the "I triple E," provides the best analyses and explanations I have seen of the complexity of Y2K litigation; of why the argument we heard during floor debate that the bill is designed to protect "bad actors" and that it fails to provide sufficient incentives for remediation is generally hollow; and of why it is so important that we do what we can to minimize the economically paralyzing effects of a predictable and utterly overwhelming legal snarl.

The memorandum, sent to various members of Congress, is particularly compelling because its authors do not represent businesses that may be sued, but are members of an international non-profit association of engineers and computer scientists.

The memorandum is so good that rather than simply have it printed in the RECORD, I will read it:

TAB YEAR 2000 TECHNICAL,
INFORMATION FOCUS GROUP,
Piscataway, NJ, June 9, 1999.

To: Members, Senate Commerce, Science And Transportation Committee; Members, Special Senate Committee On The Year 2000 Technology Problem; Members, House of Representatives Committee on Science, Subcommittee on Technology; Members, Committee on Government Reform, Subcommittee on Government Management Information, and Technology; Sponsors, House Bill "Year 2000 Readiness and Responsibility Act of 1999," H.R. 775.

Re: Year 2000 Liability Legislation.

From: The Institute of Electrical and Electronics Engineers (IEEE), Technical Activities Board, Year 2000 Technical Information Focus Group.

DEAR HONORABLE SENATORS, CONGRESSMEN AND CONGRESSWOMEN: As leaders of the Y2K effort of the Institute of Electrical and Electronics Engineers (IEEE), the oldest and largest international non-profit association of engineers and computer scientists in the world, we would like to offer some thoughts on the pending legislation involving Y2K liability obtained from our years of work and collective wisdom spent studying Y2K. The IEEE has drafted an Institute position on Y2K Legal Liability regarding United States federal law, to which our committee greatly contributed. We offer these additional thoughts in hopes that they may further assist your understanding as you attempt to reconcile two very valid but conflicting underlying public policy goals in structuring and passing the Year 2000 Liability Legislation currently under consideration.

Minimize Damage to the Economy and Quality of Life: minimize the overall damage to the nation's economy and quality of life by reducing the need of organizations to redirect their limited resources away from the task of maintaining their operations in the face of Y2K in order to defend themselves from lawsuits arising from alleged Y2K failures.

Maximize Incentive for Y2K Failure Prevention: maximize the incentive of every organization to prevent Y2K failures as well as preserve the legal rights and remedies available for those seeking legitimate redress for wrongs they may suffer resulting from Y2K failures.

In addressing public policy issues we have no more expertise than the literate public. However, we do possess expertise in the technical issues underlying the situation that should be considered as you weigh the conflicting public policy goals in formulating appropriate Year 2000 Liability Legislation. In particular, for your consideration we offer the following points pertaining to the technical realities of Y2K.

1. Prevention of all Y2K Failures Was Never Possible: For many large and important organizations, technical prevention of all Y2K failures has never been possible in any practical way for these reasons:

1.1 "Y2K Compliant" Does Not Equal "No Y2K Failures." If an organization makes all of its systems "Y2K compliant", it does not mean that that same organization will not experience Y2K failures causing harm to itself and other organizations. In fact, efforts to become "Y2K compliant" in one place could be the direct cause of such failures in others. If interconnected systems are made compliant in different ways, they will be incompatible with each other. Many systems in government and industry are mistakenly being treated as if they were independent and fixed in the most expedient way for each of them. When this "Humpty Dumpty" is put back together again, it will not work as expected without complete testing, which is unlikely (see Complexity Kills below).

1.2 All Problems Are Not Visible or Controllable. In the best case organizations can only address those things they can see and those things they have control over. Given this reality, many Y2K failures are inevitable because some technical problems will not be discernible prior to a failure, and others, while discernible, may not be within an organizations' jurisdictional control to correct. This is especially true in large complex organizations with large amounts of richly interconnected software involved in long and complex information chains and in systems containing a high degree of embedded devices or systems purchased in whole from external parties. (The temporary lifting of certain copyright and reverse engineering restrictions for specific Y2K protection efforts should also be considered as long as copyright holders are not unduly harmed.)

1.3 Incoming Data May Be Bad or Missing. To maintain their operations many organizations require data imported from other organizations over which they have no control. Such data may have unknowingly been corrupted, made incompatible by misguided compliance efforts or simply missing due to the upstream organizations lawful business decisions.

1.4 Complexity Kills. The internal complexity of large systems, the further complexity due to the rich interconnections between systems, the diversity of the technical environments in type and vintage of most large organizations and the need to make even small changes in most systems will overwhelm the testing infrastructure that was never designed to test "everything at once." Hence, much software will have to be put back into use without complete testing, a recipe, almost a commandment, for widespread failures.

2. Determining Legal Liability Will Be Very Difficult. Traditionally the makers of products that underlie customer operations are liable if those products are "defective" enough to unreasonably interfere with those operations resulting in damage. Y2K is different in that those customers themselves are also at risk for legal action if they fail to fulfill contractual obligations or fail to maintain their stock values and their failure to "fix" their Y2K problems can be shown as the cause. This customer base of technology producers cannot be overlooked in this issue. As it constitutes most of the organizations in the world, its needs and the implications of legislative actions on it considered now should not be overshadowed by undue focus on the much smaller technology producer sector. Nonetheless, even there liability is not as clear as tradition might indicate. Several factors make liability determination difficult, expensive, time consuming and not at all certain.

2.1 There Is a Shared Responsibility Between Buyers, Sellers and Users of Technology. Computer products themselves have only clocks that have dates in them. Application software products usually offer optional ways of handling dates. The customer/user organizations, especially larger, older ones, have created much of their application software in-house. When new products are introduced into the buying organization, the customer/user usually has vast amounts of data already in place that have date formats and meaning already established. These formats and meanings cannot be changed as a practical matter. The majority of, and the longest-lasting, potential system problems lay in application software and the data they process, not in clock functions. (Clock-based failures, those likely to happen early in January 2000, while potentially troublesome, will be for the most part localized and of short duration.) Various service providers can be optionally called in to help plan and apply technology for business purposes. But it is only when these are all merged together and put to actual use that failures can emerge. It is very rare that one of them alone can cause a failure that carries legal consequences.

2.2 Many Things Are Outside the Control of Any Defendant. Incoming data from external sources outside its control may be corrupted, incompatible or missing. Devices and systems embedded in critical purchased equipment may be beyond the defendant's knowledge or legal access. Non-technical goods and services the defendant depends upon may not be available due to Y2K problems within their source organizations or distribution channel.

2.3 There Will Be a Strong Defense of Impracticability. Existing large-scale systems were not made safe from Y2K long ago for good reasons. Many systems resist large-scale modernization (e.g., IRS, FAA Air Traffic Control, Medicare) for the same reasons. Wide-spread, coordinated modifications across entrenched, diverse, interconnected systems is technically difficult if not impossible at the current level of transformational technology. New products must be made to operate within the established environment, especially date data formats. Technology producers will claim, with reason, that the determining factor in any Y2K failures lay in the way the customer chose to integrate their products into its environment. It will be asserted, perhaps successfully, by user organizations that economic impracticability prevented the prevention of Y2K failures. Regardless of the judicial outcome, it will take a long time and many resources to finally resolve. And that resolution may have to come in thousands of separate cases.

3. Complexity and Time Negates Any Legal Liability Incentive. Even if making all of an organization's systems "Y2K compliant" would render an organization immune from Y2K failures (it will not), the size and complexity of the undertaking is such that if any but the smallest organization is not already well into the work, there is not enough time for the incentive of legal liability to have any discernible positive effect on the outcome. As an analogy, providing any kind of incentive to land a man on Mars within one year would have no effect on anyone's efforts to achieve that unless they had been already working to that end for many years. A negative effect will result from management diverting resources from prevention into legal protection.

4. The Threat of Legal Action Is a Dangerous Distraction at a Critical Time. There will be system failures, especially in large, old, richly interconnected "systems of systems" as exist in the financial services and government sector. The question is how to keep such technical failures from becoming business or organization failures. We should be asking ourselves how we as a society can best keep the flow of goods and services going until the technical problems and failures can be overcome. The following points bear on these questions.

4.1 Y2K Is a Long Term, Not Short Term, Problem. Irrespective of the notion of Y2K being about time, a point in time, or the fixation on the rollover event at midnight December 31, 1999, or even the name 'Year 2000' itself, Y2K computer problems will be causing computer system malfunctions and failures for years into the next decade. Y2K is much more about the dates that can span the century boundary represented in *data* that must be processed by *software* than it is about any calendar time or clock issues. Because of the vast amounts of these, the complex intertwining among them and our less than complete understanding of the whole, it will take years for the infrastructure to "calm down" after Y2K impacts themselves AND the impacts of the sometimes frantic and misguided changes we have made to it. The current prevention phase is only the beginning.

4.2 Rapid and Effective Organizational Adaptability Will Be a Prime Necessity. They key to an organization's ability to continue to provide the goods and services other organizations and individuals need to continue their operations will be determined by an organization's ability to adapt its practices and policies quickly and effectively in the face of potentially numerous, rapid and unexpected events.

4.3 Lawsuits, Actual or Threatened, Will Divert Requisite Resources. Preventing and minimizing harm to society from Y2K disruption is different than, and at times opposed to, protecting one's organization from legal liability. Addressing lawsuits, and even the threat of a lawsuit, will divert requisite resources, particularly management attention, from an organization's rapid and effective adaptation. This is already happening regarding technical prevention and will get worse the longer such legal threats remain. Organizational management has much more experience dealing with legal threats than they do addressing something as unique and unprecedented as Y2K. Their tendency is to address the familiar at the expense of the novel. They must be allowed to focus on the greater good.

4.4 Judicial System Overload Is Another Danger. Given the great interactive and interdependent complexity of Y2K's impact on the operations of our institutions on a national and global scale, the effort to determine exactly what happened, why it happened and who is legally responsible for each micro-event is itself a huge undertaking requiring the resolution of many questions. For the legal and judicial system to attempt to resolve the legal rights and remedies of affected parties while Y2K impacts are still unfolding will, in any case, threaten to overwhelm the legal and judicial system's capacity to assure justice in the matter, let alone its ability to continue to do its other necessary work.

For all of the reasons discussed above, we support limitations on Y2K-related legal liability. Minimizing harm and assessing blame are each formidable and important tasks, but they cannot be done simultaneously without sacrificing one for the other. Minimizing harm is more important and there is an increased threat to our welfare if assessing blame adversely interferes with our ability to minimize harm. The value of incentives at this late date is very small. We trust that the collective wisdom of Congress will find ways to reduce these threats. We have additional background material available. Please contact IEEE staff contact Paula Dunne if you are interested in this material. We have other ideas beyond the scope of this legislation of what the U.S. federal government can do to help minimize harm throughout this crisis. We are ready to help in any way you may deem appropriate.

Respectfully,

THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE), TECHNICAL ACTIVITIES BOARD, YEAR 2000 TECHNICAL INFORMATION FOCUS GROUP.

Mr. President, the bill we passed earlier this week is modest. It may very well not meet all the concerns expressed by the IEEE. The legislation may, however, at least reduce these threats. As a consequence, we must enact meaningful legislation and we must enact it quickly.

USE OF CAPITOL GROUNDS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 105, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 105) authorizing the law enforcement torch run for the 1999 Special Olympics World Games to be run through the Capitol Grounds.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 105) was agreed to.

NATIONAL FATHER'S RETURN DAY

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 125, submitted earlier today by Senators LIEBERMAN, GREGG, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 125) encouraging and promoting greater involvement of fathers in their children's lives and designating June 20, 1999, as "National Father's Return Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas more than 1 out of every 3 children currently live in a household where the child's father does not reside;

Whereas approximately half of all the children born in the United States will spend at least half of their childhood in a family without a father figure;

Whereas approximately 40 to 50 percent of all marriages are predicted to end in divorce;

Whereas approximately 3 out of every 5 divorcing couples have at least 1 child;

Whereas almost half of all children aged 11 through 16 that live in mother-headed homes have not seen their father in the last 12 months;

Whereas 79 percent of people in the United States believe that the most significant family or social problem facing the country is the physical absence of fathers from the home, resulting in a lack of involvement of fathers in the rearing and development of children;

Whereas the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if he lives in a neighborhood comprised largely of single-parent families;

Whereas studies reveal that even in high-crime, inner city neighborhoods, over 90 percent of children from safe, stable, 2-parent homes do not become delinquents;

Whereas compared to children reared in 2-parent families, children reared in single-parent families are less likely to complete high school and thus, more likely as adults to obtain low paying, unstable jobs;

Whereas researchers have linked the presence of fathers with improved fetal and infant development, and father-child interaction has been shown to promote a child's physical well-being, perceptual abilities, and competency for interpersonal relations;

Whereas researchers have also found that both boys and girls demonstrate a greater ability to take initiative and exercise self-control when they are reared by fathers who are actively involved in their upbringing;

Whereas the general involvement of parents in the lives of their children has decreased significantly over the last generation;

Whereas a Gallup Poll indicated that over 50 percent of all adults agree that fathers today spend less time with their children than their fathers spent with them;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in over a month;

Whereas in a broad survey of 100,000 children in grades 6 through 12, less than half of the children "feel they have family boundaries or high expectations from parents or teachers";

Whereas 3 out of 4 adolescents report that "they do not have adults in their lives that model positive behaviors";

Whereas in a widely cited study of the health risks to the young people in the United States, University of Minnesota researchers found that "independent of race, ethnicity, family structure and poverty status, adolescents who are connected to their parents, their schools, and to their school community are healthier than those who are not", and that "when teens feel connected to their families, and when parents are involved in their children's lives, teens are protected";

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe and loving environments;

Whereas promoting responsible fatherhood is not meant to diminish the parenting efforts of single mothers, but rather to increase the chances that children will have 2 caring parents to help them grow up healthy and secure;

Whereas many of this country's leading experts on family and child development agree that it is in the best interest of both children and the United States to encourage more 2-parent, father-involved families to form and endure;

Whereas in 1994, the National Fatherhood Initiative was formed to further the goal of raising societal awareness about the ramifications of father absence and father disengagement by mobilizing a national response to father absence;

Whereas the Congressional Task Force on Fatherhood Promotion and the Senate Task Force on Fatherhood Promotion that were formed in 1997, the Governors' Task Force on Fatherhood Promotion of 1998, and the Mayor's Task Force on Fatherhood Promotion of 1999 were created to work in partnership with the National Fatherhood Initiative;

Whereas on June 14, 1999, the National Fatherhood Initiative is holding a national summit on supporting urban fathers in Washington, D.C., to mobilize a response to father absence by many powerful sectors of society, including public policy, social services, educational, religious, entertainment, media, and civic groups; and

Whereas those groups are working across party, ideological, racial, and gender lines in order to reverse the trend of father absence and disengagement by encouraging and supporting responsible fatherhood and greater father involvement in children's lives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that the creation of a better United States requires the active involvement of fathers in the rearing and development of their children;

(2) urges each father in the United States to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the emotional, academic, moral, and spiritual development of his children;

(3) urges the States to hold fathers who ignore their legal responsibilities accountable for their actions and to pursue more aggressive enforcement of child support obligations;

(4) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, affectionate, family environment;

(5) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who do want to become more engaged in the lives of their children;

(6) to demonstrate the commitment of the Senate to those critically important goals, designates June 20, 1999, as "National Father's Return Day";

(7) calls on fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend National Father's Return Day with their children, and to express their love and support for them; and

(8) requests that the President issue a proclamation calling on the people of the United States to observe "National Father's Return Day" with appropriate ceremonies and activities.

ORDERS FOR MONDAY, JUNE 21, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 21. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator VOINOVICH, 30 minutes; Senator DURBIN, or his designee, 30 minutes; Senator ROBERTS, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that following morning business, the Senate begin consideration of S. 1233, the agricultural appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, on Monday, the Senate will convene at 12 noon and be in a period for morning business until 1 p.m. Following morning business, the Senate will immediately proceed to the agriculture appropriations bill, with amendments expected to be offered. Also, amendments to the State Department authorization bill could be debated on Monday in an attempt to complete action on that legislation. Therefore, Senators can expect multiple votes on Monday at 5:30 p.m. on amendments to the agriculture appropriations bill and/or the State Department authorization bill.

ORDER FOR ADJOURNMENT

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be recognized in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

GUN CONTROL

Mr. DURBIN. Mr. President, during the course of this week we have come to the Senate floor many times to discuss pending legislation of great importance to families across America.

Last night—I guess this morning, in the early morning hours—the House of Representatives failed to pass the gun control legislation which the Senate enacted 3 weeks ago.

You may remember that Vice President GORE came to the floor, cast the deciding vote, broke the tie, and we passed a bill which would try to close the loopholes for the sales of firearms at so-called gun shows, trying to find a way—any way we can—to reduce the likelihood that guns will get into the hands of children and criminals.

America's heart was broken by Littleton, CO. Families across America, who may have heard these numbing statistics about 13 children a day dying, finally realized it could happen there—it could happen in Littleton, CO, in Conyers, GA, in Jonesboro, AR, in Pearl, MS, West Paducah, KY, Springfield, OR, or in Springfield, IL, my hometown. It could happen anywhere.

Guns are just too easy to come by in America. Troubled kids, who are always a problem, become tragedies when they take these guns into the classrooms, killing their classmates and teachers.

So we passed legislation, good legislation, bipartisan legislation, and sent it to the House of Representatives. Frankly, they decided, because of the political heat that might be generated, to call for a vote in the middle of the night, at 1:15 in the morning, to ask the House of Representatives to go on the Record, because the leadership in the House thought Americans would not notice it if it happened in the middle of the night. The National Rifle Association did not think Americans would care. They are both wrong.

America understands what happened in the dark of night. There was a shot in the dark, and it hit American families right where they live—families who worry about whether sending their kids to school anymore is a safe thing to do, families who wonder, when they say good-bye to their child in the morning, if those are the last words they will ever share with their child.

That is where we are in America. That is where gun violence has brought us. But this is not a fatal shot on the American families. They have, I guess, the hope and the confidence that this Congress will come to its senses and once and for all say no to these gun lobbies and yes to safety in our schools.

The big debate in the House was whether or not we ought to post the

Ten Commandments in schools. Let me go on the Record and say I support values for families. I support strengthening families. I believe that those families who believe, as my family did, that the practice of religion is an important part of values, those families should be encouraged in every way whatsoever. We should make sure our kids grow up with values. But it is so naive to believe that simply posting the Ten Commandments in schools is going to change the climate in America.

Perhaps, though, we could post the Ten Commandments at the gun shows and underline the Commandment that says: Thou shalt not kill, saying to people who want to buy and sell these guns without any background checks, accept your moral responsibility for what is about to occur.

The Illinois State Police did a survey of the crime guns they had confiscated recently and found over 25 percent of them came out of these gun shows, sold to people who, frankly, face no background check whatsoever.

We tried to close that loophole in the Senate; the House has failed. We cannot leave this issue alone.

THE PATIENTS' BILL OF RIGHTS

Mr. DURBIN. But there is another issue that haunts American families beyond the violence in our schools and beyond the question of gun safety. It is the issue of health insurance.

Mr. President, 115 million Americans, when asked, said that either they personally or a member of their family had run into serious problems when it came to health insurance and health insurance companies.

I started speaking on the floor about this issue just this week, and I have started getting letters from my State of Illinois and across the country. People said: Yes, you are right. Let me read you two of these letters to give you an idea.

Here is one that comes from Raymond and Marianne Eberhardt. These are folks who, frankly, could be any of us. They write:

> Enclosed is a picture of Theresa, needless to say she is a very beautiful child. She was hospitalized from September 2, 1998 to February 15, 1999 due to fighting the insurance company for certain provisions we could not do without in our home. Her daddy is a police officer and [her] mommy stays at home.
>
> She most likely would not have had to be vented—

She is on a ventilator.

> if she were able to leave when the doctors had said she could go. However, we had to fight and fight with the insurance company for things that the doctors had said were needed. So we fought for 2½ months.

Can you imagine, as parents, fighting to keep this lovely little girl alive, getting up every morning and saying a prayer that she will survive, and then getting on the telephone to fight with the insurance company for the basics that the doctors say she needs to continue living? Their battle went on for 2½ months. She writes:

> We eventually did get everything that we needed, except it was a very long battle. Can you imagine having your family separated that long because the insurance company did not want to help? Seven months is a long time for a family to have to go through something like this. Theresa caught RSV in the hospital—

This is a malady which clearly is very serious.

> while we were waiting for the appeals to go through.

That is, with the insurance company.

> That is why she is now vented and has a trach. Theresa copes extremely well with what all has been done to her. It does not fade her in the least. She has Spinal Muscular Atrophy Type 1. She is very strong willed and is a joy to be around. I hope something can be done in regards to insurance companies helping families more and be a little more compassionate. I know in my heart we would have lost her if we did not get the proper equipment. I am thankful to them that they eventually changed their minds. I just wish it did not have to take so long.

As a parent, I have sat in a waiting room at the hospital with my daughter in surgery. My wife and I have been through that several times. You will never in your life feel as helpless as that moment. You will never feel as vulnerable. You pray to God that everything turns out right. You hope those doctors and nurses and technicians who are in that operating room are the best and the brightest that could possibly be there. But you don't want to sit there and have to worry about whether you are going to have to fight with an insurance company over whether or not that surgery will go forward or whether, when that surgery is finished, your child receives the kind of treatment that is essential.

Here is another letter we received:

> This letter is to introduce you to our precious angel child Roberto Antonio Cortes. He is 11 months old now and is so special to us. He was diagnosed with Spinal Muscular Atrophy Type I, the Werdnig Hoffman disease. He is currently on a home ventilator.
>
> My husband, Rigo, is self-employed at this time and doing contract work out of our house.

They indicated they would be more than happy to talk to our office about the battles they have faced with insurance companies.

Here is another letter from Addison, IL, Dolores Pavletich:

> Dear Senator DURBIN,
>
> Just a note to thank you for taking a stand on Health Care Issues.
>
> Last night when I returned home from work and turned on TV, I caught part of C-Span where you, Senator KENNEDY, Senator SCHUMER, Senator DASCHLE [and Senator BOXER] were asking to negotiate the Health Care Issues. When you spoke, you addressed all the issues so many of us are concerned with. I have recently had such bad experiences with Insurance Companies. I started by choosing a doctor from a book, being treated by him, and half way through treatment was told the doctor was dropped [by the insurance company] and I would have to change doctors or they would not pay [for it.] I did not think it was fair to stop treatment and start over with another doctor. I then chose a doctor only to find out that the hospital he was on staff was not [covered by my insurance company] therefore, any tests or blood workup could not be done at his hospital. Blood tests would have to be sent to a lab, and if I had to be admitted to a hospital, I would have to choose yet another doctor.
>
> I am a 57 year old woman, on my own, and now find that the company I work for is down sizing and my job may be eliminated soon. I cannot retire yet, am not eligible for medicare and with only unemployment cannot afford Cobra [Insurance] because of it being so expensive [and I do not know if I can afford it.]
>
> I am so interested in the Health Care Issue I would do anything to help make life easier for so many people. If there is anything I can contribute towards this issue I would gladly devote as much time as possible to assure everyone the right to choose [their doctor, their insurance company.] I wish I could speak to you in person to tell you what people are being faced with today.
>
> Please continue to speak for the majority of people in this country. We've chosen you to do what you do best and we look forward to you to speak for us.

That is why I am here on this floor. We have a choice. We have a thing that we can do that can make a difference. There is a Patients' Bill of Rights the Democrats have introduced, which has been endorsed by over 200 major health organizations, which will finally step forward and stand up for consumers and stand up for families and say we are going to address the basics. We are going to make sure you can choose the specialist you need. We are going to make sure when you sit down in the office with the doctor that you get straight talk and honest answers. You aren't going to hear a doctor parrot some insurance company line instead of telling you the truth about your medical care and what you need.

We want to make certain that when you go to an emergency room, you go to the one you need for your family because of medical necessity. You don't fumble through the dashboard looking for the health insurance policy to figure out which hospital you can go to without paying for it out of your pocket.

These are the basics, to make sure that the women across America who trust their medical care to an OB/GYN can continue to pick that doctor they trust, the doctor they have confidence in, and not be told by the insurance company to pick up and move; to make certain that doctors, when they say surgery is necessary, won't be overruled by some clerk sitting in an insurance company office in Omaha, NE. The decision should be made by our doctors, not by insurance company clerks.

This debate is central to really giving peace of mind to families across

America. Why haven't we debated it for over 2 years? Because the insurance companies do not want this issue to come to the floor of the Senate. They do not want to face the votes which we would call for on the floor of the Senate.

The Patients' Bill of Rights that the Democrats support is a bill which gives to those who are providing health care fair treatment. Right now if something happens that is wrong in medical treatment, who gets sued? The doctors and the hospitals. But what if the insurance company made the wrong decision? Under the law, they are protected. The current law protects them. They can't be held accountable. Is that fair? Is that American? I don't believe it is. We are each held accountable for our actions, as every business is held accountable. There is no reason why health insurance companies should be exempt from that responsibility.

Here is what faces us: Will we, in the closing weeks before we break for the Fourth of July or our August recess, have the political courage to bring this issue to the floor? We spent 5 days debating giving protection to computer companies against being sued for Y2K problems, 5 days. We were worried about computer companies. Well, maybe we should be. But can't we spend 5 hours on this debate to stand up for families across America who want protection when it comes to the health care that means so much?

Look at these photographs. Imagine what life is like battling every single day with the insurance company and then praying to God, as you go to sleep at night, that this beautiful little baby will be alive in the morning. That is the reality of health care in America.

I challenge the Republican leadership, challenge them to bring to the floor of the Senate within the next week the Patients' Bill of Rights. Let us have this debate. Let us face the tough votes. That is what we are here for, for goodness' sake. This is supposed to be a deliberative body where we debate and argue and come to the best conclusion for the people we represent.

I will stand behind the Democratic Patients' Bill of Rights, because I believe it is the best one. I believe it is the only one that is honest and complete and will help American families. The Republican plan, as this chart indicates, would leave over 100 million Americans behind, would not give them the protections which we believe are essential to health insurance.

It is true they protect 48 million Americans, just as we do, but they leave behind 113 million who are protected by the Democratic bill.

I think it is time to have this debate, for the good of families across America, for the Pavletichs in Addison, IL, for the Cortez family from Elk Grove Village, for the Eberhardts, who have written to me and told me their story, from Yorkville, IL.

I promise you this: As long as my voice holds out, I will be on my feet on the Senate floor saying to my colleagues, we have a responsibility. The 105th Congress left town a little over 6 months ago and did nothing. It was a do-nothing Congress. This Congress is not going to leave town without addressing this critical issue, this issue that means so much to Americans across this country and people who continue to write on a daily basis.

I will close by saying this: Keep the letters and photographs coming in. As long as you will send me your stories of your family struggling to provide quality health care, I will continue to stand on this floor and tell these stories, in the hopes that my colleagues in the Senate will address this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to continue as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. LEAHY. Mr. President, I wish to commend the distinguished senior Senator from Illinois for his statement. The Senator from Illinois represents one of the greatest States of our country, a significant and very large State, with millions of people, ranging from one of the best known, most dynamic cities not only in this country but in the world, and also with very small rural areas. I, in turn, represent a very small State, where the largest city is 40,000 people. We go down to a town of 40 people. But I couldn't help but think, while listening to the statement of my good friend from Illinois, about some of the letters he read. The names of the towns might be different, but we might have heard similar letters from Vermont. Sometimes the problems are compounded by the fact that we are a rural State. As he knows, in the rural areas of his great State the problems are even worse because of the distances they have to travel and the lack of choices they may have. I hope he will continue to speak because he speaks not just for the people of Illinois, but for the people of Vermont and everywhere else.

THE POWERFUL GUN LOBBY

Mr. LEAHY. Mr. President, while we talk about the actions in the other body, it is fascinating to me what has happened in the dark of night. The members of the other body aren't controlling their destiny; it apparently was controlled by a powerful lobby in this country. For a while, the same thing happened in the U.S. Senate. I asked the question on the floor of the Senate: "Who will run the Senate, the U.S. Senators or the powerful gun lobby?" Finally, by the slimmest of margins, they answered the question and said that the U.S. Senate will represent the people of America.

I have watched how posturing and symbolism sometimes wins out over substance. Members of the other body are all sworn to uphold the Constitution of the United States. They have taken the same oath that I and every Member of the Senate have taken. They flew in the face of the Constitution, a Supreme Court decision outlined in the Constitution, and said that we, the Members of the Congress, will say the 10 commandments shall be or may be put on schoolhouse walls.

Why did the House of Representatives do this and turn against the Constitution that they are sworn to uphold? Why? So that the students seeing it would be inspired to uphold the law. That's fascinating. We say that the other body will—the House of Representatives—will turn its back on the Constitution, and in so doing will encourage children who should look to them for leadership to uphold the laws of this country. It is an example that I cannot fathom. This is what they ought to do—work harder and make it possible for the parents of these children to spend more time with them, make it possible to have an educational system that can help teach the difference between right and wrong. Perhaps, if they are going to talk about the 10 commandments, they should remind the gun lobby of the fifth commandment: Thou shalt not kill.

PENDING NOMINATION OF BILL LANN LEE

Mr. LEAHY. Mr. President, on Wednesday of this week, I was fortunate to be present during the ceremony commemorating the presentation of the Congressional Gold Medal to Mrs. Rosa Parks. What an inspiring time. I heard Mrs. Parks, Reverend Jackson, and the President each take the occasion to remind us that the struggle for equality is not over.

I heard Jesse Norman, with that incomparable voice, sing to us both our National Anthem and really the anthem of the civil rights movement. Every one of us—black or white, old or young, man or woman, Republican or Democrat, were inspired by what we saw and heard. How could you not be inspired in the magnificent rotunda of the U.S. Capitol?

But then I went back to my office and I started asking myself, have we listened? I serve as the ranking Member of the Senate Judiciary Committee, and the committee still has pending before it, waiting, the nomination of another who has dedicated his life's work to the rights of others. I asked the Judiciary Committee on Thursday, in the spirit of the Congressional Gold Medal to Rosa Parks, and in the tradition of Rosa Parks, that the committee recognize the quiet dignity and strength of Bill Lann Lee and send his nomination to the full Senate so that the U.S. Senate may, at long last, vote on that nomination and, I hope, confirm this fine American to full rank as the Assistant Attorney General for Civil Rights.

Bill Lann Lee is the first Asian American to be nominated to head the Civil Rights Division in its 42-year history. He is currently serving as Acting Assistant Attorney General for Civil Rights, as he has for almost 18 months. He has done an impressive job in enforcing our Nation's civil rights laws. Mr. Lee was originally nominated in July of 1997, almost exactly 2 years ago. Two years is too long to have to wait for a vote by the Senate on this nomination. I hope the Senate will be allowed the opportunity to vote on his nomination before the Fourth of July recess.

Six former Assistant Attorneys General for Civil Rights, from the Eisenhower administration through the Bush administration, wrote the Judiciary Committee in November of 1997 in support of this outstanding nominee: Harold Tyler, Burke Marshall, Stephen J. Pollak, J. Stanley Pottinger, Drew Days, and John R. Dunne. Nonetheless, the Senate did not vote, and Mr. Lee had to be renominated again in January of 1998 and, again, in March of 1999.

It is past time to do the right thing, the honorable thing, and report this qualified nominee to the Senate so the Senate may fulfill its constitutional duty under the advise and consent clause and vote on this nomination. In deference to the advise and consent power of the Senate, the President has not used his recess appointment power in connection with this nomination.

After consultation with the Senate in late 1997, the President chose to renominate Mr. Lee in January 1998. The Attorney General named him Acting Assistant Attorney General. When the Senate refused all last year to consider the nomination—not to vote him up or down, or not to even vote at all—the President sent that nomination to the Senate for a third time in a third succeeding year, in 1999. Now, no one can fairly contend that the Senate has not been respected. The President has gone the extra mile, and Mr. Lee has shown extraordinary patience during this extended period of Senate indifference to his nomination.

Acting Assistant Attorney General Lee is properly serving while his nomination remains pending. It is the responsibility of the Senate to vote on that nomination. I believe that in a fair and open vote on the merits of this nomination on the Senate floor, the Senate will embrace the opportunity to confirm this fine person, this dedicated public servant. They will confirm him.

If I am wrong, if the Senate were to disappoint me and all those who support this nomination, and if a majority of the Senate were to vote against the nomination, and then he could not continue to serve as Acting Assistant Attorney General—that is a mechanism Congress established by law, but it properly relies on a vote by the U.S. Senate.

Civil rights is about human dignity and opportunity. Bill Lann Lee's nomination ought to have the opportunity for an up-or-down vote on the Senate floor. Twenty-three months and 3 sessions of Congress is too long for this nomination to have to wait. He should no longer be forced to ride in the "back of the nominations bus," but be given the fair vote he deserves.

When Bill Lee appeared before our committee way back in 1997, he testified candidly about his views, his work and his values. He told us why he became a person who has dedicated his life to equal justice for all, specially when he talked about the treatment his parents received as immigrants. He told us how his parents faced prejudice almost every day here in this country. But Mr. Lee told us how, in spite of his father's personal treatment, the experience of prejudice he faced, the names he was called, and the slurs he had to hear, his father, William Lee, remained a fierce American patriot and volunteered to serve in the U.S. Army Air Corps in World War II.

He never lost his belief in America. His father, William Lee, inspired his son, Bill, just as Bill Lann Lee now inspires his own children and countless others across the land.

This is what he told us:

> My father is my hero, but I confess that I found it difficult for many years to appreciate his unflinching patriotism in the face of daily indignities. In my youth, I did not understand how he could remain so deeply grateful to a country where he and my mother faced so much intolerance. But I began to appreciate that the vision he had of being an American was a vision so compelling that he could set aside the momentary ugliness. He know that the basic American tenet of equality of opportunity is the bedrock of our society.

I know that Bill Lann Lee has remained true to all that his father taught him and I hope that the "momentary ugliness" of people opposing his nomination based on an ideological litmus test, and of people distorting his achievements and beliefs, and of some succumbing to narrow partisanship, will not be his reward for a career of good works. Such treatment drives good people from public service and distorts the role of the Senate.

Bill Lee's skills, his experience, the compelling personal journey that he and his family have traveled, his commitment to full opportunity for all Americans—these qualities appeal to the best in us. Let us affirm the best in us. Let us confirm—or at least allow the Senate to vote on the confirmation—of this good man. We need Bill Lee's proven problem-solving abilities in these difficult times.

If the Senate is allowed to decide, I believe Bill Lann Lee will be confirmed and will move this country forward to a time when discrimination will subside and affirmative action is no longer needed; a time when each child—girl or boy, black or white, rich or poor, urban or rural, regardless of national or ethnic origin and regardless of sexual orientation or disability—shall have a fair and equal opportunity to live the American dream.

I have often referred to the Senate as acting at its best when it serves as the conscience of the Nation. In my 25 years I have seen it do that. Again I speak to the conscience of this body. I call on the Judiciary Committee of the Senate to bring this nomination to the floor. Let the Senate have an up-or-down vote on Bill Lann Lee without obstruction, without further delays, so the Senate may vote.

If we do, I am convinced that a majority of this body will confirm a fine person to lead the Civil Rights Division into the next century. Racial discrimination and harmful discrimination in all its forms remains one of the most vexing, unsolved problems in all of our society. In a country so blessed as ours, so rich, so powerful, so wonderful, we still have this cancer of discrimination that shows up randomly throughout our society. Let's not perpetuate it here in the Senate. Let the Senate move forward from the ceremony commemorating the Congressional Gold Medal for Rosa Parks by doing what is right, by voting on the nomination of Bill Lann Lee.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, JUNE 21, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 12 noon, Monday, June 21, 1999.

Thereupon, the Senate, at 12:54 p.m., adjourned until Monday, June 21, 1999, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, June 18, 1999*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

You have given us Your word, gracious God, that You are with us in all the moments of life. Those times when we are filled with exaltation and wonder and joy and those times when we feel the pressures of life that cause anxiety and worry.

We pray, O loving God, that we would be surrounded by Your gracious spirit and strengthened by Your mighty hand. Help us to turn away from only our private interests and see instead how we can help and support others through our friendship, our concerns and our love.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution commending the President and the Armed Forces for the success of Operation Allied Force.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council—

the Senator from Utah (Mr. HATCH);

the Senator from Alaska (Mr. MURKOWSKI); and

the Senator from Michigan (Mr. ABRAHAM).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 853

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 853.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair today will entertain 1-minutes at the end of legislative business.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

The SPEAKER. Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2122.

☐ 0903

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, June 17, 1999, a request for a recorded vote on amendment number 5 printed in Part B of House Report 106–186 by the gentleman from Florida (Mr. MCCOLLUM) had been postponed.

It is now in order to consider amendment number 6 printed in Part B of House report 106–186.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. DAVIS of Virginia:

At the end of the bill, insert the following:

TITLE —CHILD HANDGUN SAFETY

SEC. 1. SHORT TITLE.

This title may be cited as the "Safe Handgun Storage and Child Handgun Safety Act of 1999".

SEC. 2. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 3. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(34), for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

"(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

"(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(b) Civil Penalties.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) Penalties Relating To Secure Gun Storage or Safety Device.—

"(1) In general.—

"(A) Suspension or revocation of license; civil penalties.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) Review.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) Administrative remedies.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) Modification of Definition of Secure Gun Storage or Safety Device.—Section 921(a)(34) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following:

"(D) a device that is easily removable from a firearm and that, if removed from a firearm, is designed to prevent the discharge of the firearm by any person who does not have access to the device.".

(d) Liability; Evidence.—

(1) Liability.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) Evidence.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) Rule of construction.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Virginia (Mr. Davis) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Davis).

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we traverse this very controversial mine field of gun control legislation, I want to make sure we do not lose sight of who this bill is designed to protect. The simple and common-sense focus of my amendment is on preventing children from becoming the intentional or accidental victims of domestic handgun violence.

According to the National Center for Health Statistics, each year nearly 500 children are killed in gun-related accidents. I remember last year going to a joint Eagle Scout ceremony. One of the boys had died and was given posthumously his Eagle Scout award, and he had been killed by a handgun that had gone off while playing with a friend at a friend's house.

Approximately 1,500 children commit suicide with guns, 500 are killed in gun-related accidents and 5,000 are hospitalized with nonfatal gunshot wounds.

Additionally, some 7,000 juveniles use guns found in their homes to commit crimes each year. These crimes are unacceptably high and constitute a significant public health threat that has to be addressed.

The fact is that children are inquisitive and adept at finding those things in the house that are dangerous. These dangers can vary from household products to prescription medicines and even guns. Now, we have put child safety caps on medicine, we have encouraged parents to lock up household chemicals, but gun safety in the home has been lacking.

In a 1995 study, the Archives of Pediatric and Adolescent Medicine found that children as young as 3 are strong enough to fire most commercially available handguns. Having three children of my own, I can testify to the difficulty of telling a 3-year-old not to play with something.

This amendment addresses the issue of minimum handgun safety standards by requiring that every handgun sold has to include safe handgun storage or an individual safety device.

I have the enviable task today of offering an amendment that has received strong support from almost every group that has weighed in on this debate. In a few minutes, this House will be addressed by Republicans and Democrats, liberals and conservatives, and rural and urban Members who all will support this amendment. The mandatory transfer of safety devices has received equally strong support from groups outside the Congress as varied as Handgun Control and a coalition of 35 gun manufacturers. Even the National Rifle Association has said, "We support and encourage the distribution, development and use of safety locks, gun safes or any voluntary means necessary and appropriate to keep firearms away from or inoperable by those who should not have them."

This amendment does precisely that by mandating the transfer of a secure gun storage or safety device while not mandating their use.

It is estimated that today in the United States there are nearly 100 million privately owned firearms that are stored unlocked. Of those, approximately 22 million are handguns that are kept loaded and unlocked. Alarmingly, the Centers for Disease Control estimates that 24 percent of children ages 10 to 17 can find and gain access to a firearm in their home. And 1.2 million elementary age schoolchildren return to a home where no adult is present and there is at least one firearm.

I would like to address a concern that a number of gun owners have raised. Some have claimed that using one of these devices will defeat the purpose of keeping a handgun in the house for self-defense by hindering access to the firearm when it is most needed. It is important to keep in mind that this amendment does not mandate use; that is still the choice of the gun owner. Even if the safety device is used, most can be removed from the gun in a matter of seconds which, as Gun Test magazine explains, conveniently preserves access to guns for self-protection.

In addition, always keeping guns loaded for self-defense may be self-defeating. It is estimated that a gun in the home is 43 times more likely to kill a family member than to kill in self-defense.

And finally, Mr. Chairman, the amendment also establishes criteria for the liability of a gun owner should his or her handgun be used in an unlawful act. Over the past several days, my office has been deluged by calls from other Members' offices regarding this issue of liability. Immunity from liability is granted to any individual who lawfully owns a handgun and who uses a secured gun storage or safety device with the handgun. Additionally, the gun owner is not liable if the handgun was accessed by another person without the authorization of the lawful owner.

And finally immunity from liability is also extended if at the time that the gun was accessed it was rendered inoperable by the use of a secure gun storage or safety device.

My intent in this amendment is that the liability provisions are specifically targeted to gun owners who have a reasonable expectation of having a child in their home.

This amendment does not try to limit or address who can purchase a handgun. It does not try to dictate the type or use of a handgun, and it certainly does not try to limit the right of any legal adult from purchasing a handgun.

In 1968, the Federal Government mandated that every car sold in America had to be equipped with seat belts. Finally, in 1999, we can do the same for handguns. I urge every Member to support this very common-sense amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Chairman, I ask unanimous consent to claim the time in opposition for debate purposes, although I support the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 15 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Virginia (Mr. DAVIS), my good friend and colleague. This amendment is a simple gun safety provision that will save the lives of numerous victims of gun violence each year.

Mr. Chairman, 13 children in this country die every day because of gun violence, far, far more than have died in Bosnia and Kosovo. We require childproof locks on aspirin bottles. It is absurd that we do not require child safety devices on handguns. I applaud my colleague for clarifying the definition of gun safety devices to ensure that it incorporates new devices such as the safety hammer, which is not a lock, but an integral part of a gun that can be removed to prevent unauthorized use.

Mr. Chairman, this amendment may not prevent every incident of gun violence, but it will save lives and it will make the children of America safer.

Child safety locks and other devices can reduce the unauthorized use of handguns by children at play or by teens looking to commit crimes. Many youth look no further than their own homes to get their hands on a gun. It is estimated that a third of all privately owned handguns are loaded and unlocked. Sixteen States have already passed child safety laws. Every year, many children are fatally injured when a child finds a loaded pistol, removes the ammunition magazine, and then mistakenly believing the gun to be empty, fires a bullet at his or her head or the head of a playmate. A magazine disconnect safety, a 50-cent device, could prevent such tragedies.

Just to give some examples: In Florida in 1999, an 11-year-old boy got angry with his 13-year-old sister. He went to a closet at home, took out a gun his parents kept there, and killed his sister. The gun was in an unlocked box and was next to the ammunition and had no trigger guard.

In Tennessee, in May of 1998, a 5-year-old boy found a loaded gun on his grandfather's dresser and carried it to school threatening to kill his teacher and classmates. In Cleveland in 1996, a 13-year-old boy took his father's unsecured handgun and killed himself while playing Russian roulette. The city prosecutor brought charges against the boy's father for violating the city ordinance that prohibits minors from having access to a gun.

The language that we have before us is similar to that that passed the Senate. It passed the Senate by an overwhelming vote of 78 to 20. This House should do the same thing. I urge a "yes" vote on this amendment.

Mr. Chairman, this amendment may not prevent every incident of gun violence, but it will save lives, and it will make our children safer.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time. I want to strongly support this amendment. I think all of us understand the dangers of a handgun in the hands of a child; and a child safety lock, which is essentially what this is, a safety lock actually for anybody, being mandated to be produced and sold and given away actually in this case with any gun that is sold by a gun dealer is a really good idea and, in this case, one that I think is extremely beneficial.

This amendment allows firearms owners to decide when it is best to use these devices in light of their own personal circumstances. But the amendment makes it convenient for owners to use the devices by ensuring that every firearm purchased will come with one of them. I note today that 90 percent of dealers voluntarily provide a safety device when a firearm is purchased, and I applaud this sense of responsibility on their part. And the amendment will take care of the remaining 10 percent who do not provide such a device.

Now, I would like to note that there has been some disagreement, argument or whatever, and I have a little disappointment over a misunderstanding regarding safety lock provisions that were in the bill I introduced, H.R. 2037. The bill that I introduced at that time, which is not here on the floor today and has nothing to do directly with the amendment offered by the gentleman from Virginia (Mr. DAVIS), expanded the definition of a gun safety device to include a removable hammer or striker or device which, if removed, would prevent a firearm from working.

I took this language from two Democratic Members of Congress, H.R. 1342 introduced by the gentlewoman from New York (Ms. MCCARTHY) and S. 716, a bill introduced by Senator KOHL in the other body.

Mr. Chairman, I want to make it clear it was never my intention that this provision be interpreted so that the hammer or some other part of an ordinary firearm would qualify as a gun safety device just because it could be removed if somebody worked at it. But the reality is, we now have firearms with devices that have been invented where one can literally remove a pin, for example, from that, carry it around on a key chain and put it back in when one wants.

The way the law reads now, the base law, not anything that the gentleman from Virginia (Mr. DAVIS) is doing, a safety device has to be attached. It is something that is added, because that is the definition in the law, rather than something that can be removed from the gun.

It strikes me that it is going to be an advance for the future and a convenience for everyone and a very safe thing to have guns that have these removable devices. Now, we may need to refine our definition more than some think this language did, that the two Democratic Members of Congress had proposed, that I had suggested earlier. But we do not want in the future to inhibit in any way the creativity of devices that would, indeed, be more convenient to use and, in fact, would be more likely to be used so that children are protected and others are protected from unintentional, dangerous uses of guns and firearms, because that is what we are all about here today.

So, I applaud the gentleman from Virginia for this amendment. I strongly support it. It is the same language that is in the provisions in the other body that he is offering today. But I would hope that in the future we could look to ways that we could amend the current law definition of a safety device for a handgun or gun so that we could be certain that we have the most advanced technology available to protect our children.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to manage the time controlled by the gentlewoman from New York (Mrs. MALONEY).

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of the Davis amendment.

The second amendment of the Constitution guarantees American citizens the right to keep and bear arms, and I believe we in Congress have a duty to protect that right. But I also believe that we have a duty to keep firearms out of the hands of children and dangerous criminals.

This is not an issue of gun control, it is an issue of gun safety. This amendment simply requires that a secure gun storage or safety device be included with the sale of a handgun. It in no way infringes upon the rights of law-abiding citizens to keep and bear arms. In fact, it does not even require gun owners to use a safety device. If they want to, people can buy a handgun, take it home, stick the trigger lock that came with it in a drawer, and allow it to gather dust.

But if a person wants to have a gun in their home to protect themselves, their families and their property, this simple trigger locking device will allow them to have a gun without fear that a child will find that gun and either accidentally or intentionally hurt themselves or others. This approach will provide parents with another way to keep their children safe, if they choose to use it. And I believe all of us are in favor of greater parental involvement in their children's lives.

This is not an attempt to whittle away at the rights of gun owners. This is an effort to protect gun owners from being blamed for the actions of others who can gain access to their firearms without their knowledge. We have child safety locks on cigarette lighters in this country, yet people still smoke. We have safety caps on aspirin bottles yet people can still take aspirin responsibly. I submit that we can have trigger locks on guns, yet people will still have their constitutional right to keep and bear arms.

Again, this is not gun control, it is gun safety.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Long Beach, California (Mr. HORN).

Mr. HORN. Mr. Chairman, I commend the Davis amendment. It is an excellent suggestion. The Senate adopted it; we should too.

This amendment mandates the transfer of a safe gun storage or safety device with every sale or transfer of a handgun by a licensed dealer. It does not mandate this on private sales.

Thirty-five gun manufacturers have pledged to start packing child safety devices with every firearm they sell. There is no mandate, as I say, to have these done between private purchasers. There are some just abhorrent statistics as to a need for this.

The National Center for Health Statistics reports that each year approximately 1,500 children commit suicide with a firearm. Think of it. On average two children under the age of 17 are killed unintentionally by a handgun every day.

This amendment is not about gun control. What it does is address a very serious public health and public safety issue. It is estimated that 11 percent of the juveniles who commit violent crimes with a firearm used a gun found in their own home. Think of what the parents will do when that accident happens. They will never forget it from that day to their death. And we need to have these locks because we need to protect the children of America. At least 55 percent of the handguns are stored unlocked; 34 percent are left unlocked and loaded. That is, of course, a very stupid parent, to say the least.

Now, as I mentioned, the other body has adopted this language. We should adopt the Davis amendment. It is long overdue.

Ms. LOFGREN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 10 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me this time. Mr. Chairman, it looks like we just saw each other a few hours ago. But this is an important debate, and I have a great deal of respect for my friend, the gentleman from Virginia (Mr. DAVIS).

I know that we always say when it helps us, we will acknowledge that we went to the same law school, and when it does not, we will not. I thank him for his leadership on this legislation.

Mr. Chairman, I would like to explain how we got to where we are. The early morning news reports, as I came to the floor this morning, announced that the National Rifle Association won. And for me, that was a sad day and a sad commentary, for I know how many of us worked long and hard to be able to announce this morning that the children of America won, the mothers of murdered children won, the fathers of murdered children won, the future children of America won.

But tragically this morning we cannot say that. And in the darkness of night, last night, amendment No. 144 mysteriously slipped away from the floor of the House that prohibits a person who is less than 21 from purchasing a handgun. The proponent of that walked off the floor of the House and would not allow it even to be debated.

Last night I heard that we are preserving the gun shows. I am so glad to be reeducated that a national treasure is America's gun shows, when I thought that life and saving life was what we were here to do. It is very interesting, as I look at the Davis amendment that I will ultimately support, but it saddens me because what happened last night was to implode, to implode on any reasonable support for gun safety and children's safety.

The National Rifle Association and the gun owners of America knew what they were doing. They knew that they would be allowing 17,000 criminals to get guns in their hands. They knew they were arguing against 400,000 people who were criminally inclined, who did not get guns because of the Brady bill. And they knew that they were trampling on the Constitution and the second amendment, because as I heard my colleague say this morning, this is gun safety, this Davis amendment. This is not violating the second amendment; this is not gun control.

Those same arguments could have been used for the McCarthy amendment.

I went to the Committee on Rules and I had the same amendment that the gentleman from Virginia had. Almost the same amendment, as did others, along with the gentlewoman from Indiana (Ms. CARSON) and the gentlewoman from California (Ms. MILLENDER-MCDONALD). I asked if Democrats and Republicans had similar legislation and initiatives, could we be joined together in a bipartisan manner. Sadly, that was not the response.

So, Mr. Chairman, I come to support the Davis amendment. But, frankly, we will not have gun safety today and we will not have child safety. We will not save lives. We are not concerned about the 13 children that die every day. And we will not have a full debate addressing the type of the tragedies that have happened of the urban centers where children have died from gun violence, where I worked on antigang measures some 10 years ago, where the State of Texas, known for its love of guns, passed a gun safety and responsibility law that was based on my ordinance that I wrote, that saw a 50 percent decrease in things like suicides and unintentional shootings by children. But what we have today is a farce.

Mr. Chairman, I said last night and I will say it again, we have the acknowledgment of the gun lobby as an altar at which we worship. I, for one, Mr. Chairman, will not be part of this frivolity, this farce. And I agree with the President, they may have won last night or in the dark of night, in the early morning hours, but, Mr. Chairman, but I will not stand for this frivolity or this farce and will ultimately vote against this bill.

I have never voted against a gun law in my life that had meaning and sense. And I hope that the National Rifle Association in my community hears that because they have already begun calling.

So for those who say they are under the gun, we all are. They are in every one of our districts. But let me give an open letter to them right now:

Dear National Rifle Association and national gun owners lobby, I respect your right to the second amendment. As we all do, we will fight to the death for your right to the freedom of your views. But I have mine and I would much rather stand alongside of that child who needs protection, and support strong gun safety, a real safety lock measure that was presented by myself, the gentlewoman from California (Ms. MILLENDER-MCDONALD), as well the gentlewoman from Indiana (Ms. CARSON), that provided standards.

This is not the way to go. We need more responsible handling of this matter. This is a farce. This is sad. It is a sad day for America.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am disappointed to hear that a bill that could come through could have juvenile possession of an assault weapon, have limitations on that, have a juvenile Brady law, clip bans, trigger locks, close some of the loopholes on gun bills, that it is not good enough, so a Member ends up defeating it and ends up voting with the National Rifle Association who would like to see the bill defeated. That is disappointing to me.

If putting the gentlewoman's name on this amendment would get her vote, I would be honored to have my former law school classmate. She has been a champion on gun measures. But I would hope the gentlewoman would not put this in the partisan realm of stopping Congress from moving ahead, when we could pass this legislation which is better than what is on the books today and send it to a conference committee where maybe it could be improved.

Mr. Chairman, I would ask the gentlewoman to think about that in terms of moving this legislation on, so we could go on, protecting our youth in this country.

Defeating this bill does nothing. We walk away.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman from Virginia knows, we have already established our admiration for his work, and I appreciate the offer. That amendment is one that I am going to support, the gentleman's amendment. And I thank him for the offer of my name on it. I know, in spirit, we will work together.

Mr. Chairman, there is so much in this bill that argues against serious response to gun safety legislation that I would rather start all over again and begin this process, so that we can truly pass gun safety for our children. But I thank the gentleman very much.

□ 0930

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, the problem is you do not start the process over again. It has taken up the better part of a week here, and we have appropriations bills here. For Members who walk away from this at this point means walking away, not moving it to conference with the Senate and defeating every aspect of this, including trigger locks. I hope that my colleagues on the other side will reconsider.

Mr. Chairman, I yield one minute to the gentlewoman from Maryland (Mrs. MORELLA), who has been outspoken in her support of trigger locks and other child safety measures.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I have very high regard for the work that my colleague from across the river in Virginia has offered, so I rise in strong support of the Davis amendment. Again, it is just common sense. It will protect children from causing unintended harm should they find a gun in their home.

In 1995, 440 children died in unintentional shootings. Every day in this country at least one child is killed accidentally, and the numbers are increasing. Firearms are the fourth leading cause of accidental deaths among children 5 to 14 years of age.

This Davis amendment will require that new handguns sold must also include a secure gun storage or safety device. That is common sense. Similar laws exist in 16 States, including my State of Maryland. We can put an end to heartrending stories of young children dying when they find an unsecured gun in the house.

Incidentally, this amendment is supported by people on all sides of the issue, the Children's Defense Fund, Handgun Control, even the Senate. We have safety devices on cigarette lighters, medicine and other products. We should do the same for guns.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 5 minutes remaining, the gentleman from Virginia (Mr. DAVIS) has 2½ minutes remaining, and the gentleman from Virginia has the right to close.

Ms. LOFGREN. Mr. Chairman, do we not have the right to close as defending the committee's position?

The CHAIRMAN. The gentleman from Virginia would have the right to close. The time in opposition was first claimed by the gentlewoman from New York (Mrs. MALONEY), who was not a member of the committee.

Ms. LOFGREN. Did I not then ask unanimous consent to control the time and was that not agreed to?

The CHAIRMAN. The unanimous consent request that the gentlewoman from California control the time of the gentlewoman from New York did not include the right to close as a member of the committee. Therefore, the gentleman from Virginia currently has the right to close.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentlewoman for yielding me time.

Mr. Chairman, I would like to just refer the gentleman from Virginia to a few comments, if I may, and also say to him that I will be supporting this amendment because it is a modification of the Kohl amendment in the Senate and has a provision that adds a removable hammer safety device to it; and, obviously, having dealt with these issues for a number of years, realizing the tragedies that occur with children who have found guns unsecured, 4-year-olds, 6-year-olds, 15-year-olds, I realize the importance of a safety device.

At the same time, we offered an amendment, part of legislation that the gentlewoman from Indiana (Ms. CARSON) filed and the gentlewoman from California (Ms. MILLENDER-MCDONALD), that would in fact determine the standards of the various safety devices and provide an educational proponent that would allow the Attorney General to educate people about the problems lacking in gun storage and gun safety or gun safety locks.

Might I make of the gentleman from Virginia (Mr. DAVIS) an inquiry: Does this amendment, as I am looking through it, I do not see it, does this amendment provide standards for the device that we are suggesting that they utilize? Are there standards? For example, where the Secretary of the Treasury, similar to the Consumer Products Safety Commission, would develop regulations in the amendment that I offered in rules of child safety for firearms, that such regulations at a minimum set forth a minimum safety standard that such product meet in order to be manufactured, sold, transferred or delivered, consistent with the amendment?

This is similar to child car seats. It is similar to aspirin bottles. It is similar to many products that we have, playground equipment. Do we have some standards in this amendment? As I review it, I do not see any standards at all.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, we do have standards in the current law that make definition.

It was not exactly the standards that the gentlewoman and the gentlewoman from California (Ms. MILLENDER-MCDONALD) put together. We went with the current law standards.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I think the reason why the amendment, and if you can point me to the current law standard, they are obviously not sufficient inasmuch as we had an exhibition, if you will, of the various safety locks that are now on the market, and the results of our exhibition was that a simple hammer that a child could access themselves to could easily split plastic safety locks.

This amendment, of course, is a minimal response to the safety lock issue, but it will not deal with the fact that the products on the market are, at best, unsatisfactory and can be easily broken by a child.

Mr. DAVIS of Virginia. Mr. Chairman, if the gentlewoman would yield further, title 18, section 921, section 34, defines the standards. Those are defined. This language parallels the Senate language. At this point we are trying to find some congruity with our colleagues in the Senate.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I will finish with this: That is the point, and that is the problem. Obviously, the Senate moved forward on a particular device. We offered that package here as a singular stand-alone amendment, but, at the same time, we recognize that the Senate went with the minimal provisions, that that provision does not, in fact, protect our children because those devices are without standards, and they are easily broken, accessed and rendered useless by any child who can get a hammer and break the plastic.

In essence, what we are presenting, we could have offered a more extensive amendment that would have given us standards similar to the Consumer Products Safety Commission and as well we could have provided language, if you will, to provide education to the American public about gun safety and responsibility.

I say that to the gentleman because he has questioned whether or not it would be more valuable to just stand and support gun safety that does not have any substance. I would argue and beg to differ with him.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I differ on this particular issue. I think a congruity between the Senate and House is very important, and I do not think we ought to let someone's definition of "perfect" be the enemy of the "pretty good." This is a pretty good advancement from where we sit today.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, at this time I would like to engage in a colloquy on behalf of the gentleman from Arizona (Mr. SHADEGG) with the gentleman from Virginia (Mr. DAVIS).

Mr. Chairman, it is my understanding that the gentleman's amendment includes language to alter the current definition of safety device. Specifically, the amendment modifies the definition by adding a new subparagraph which states, "A device that is easily removable from a firearm and that, if removed from a firearm, is designed to prevent the discharge of the firearm by any person who does not have access to the device."

Saf-T-Hammer and other companies across the country are currently developing cutting-edge technology that provides gun owners added safety through a more easy-to-use device. This device renders the gun inoperable when the top of the hammer is removed.

Is it the gentleman's understanding that the changes to the definition of safety device included in this amendment will provide greater clarification to include devices such as Saf-T-Hammer as "safety devices" under Federal law?

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, I thank the gentleman for requesting this colloquy. I am happy to tell the gentleman that is exactly our intent, that safety devices such as the Saf-T-Hammer and other developing handgun safety technologies be included under the definition of a safety device in this amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the truth is this amendment is about public safety, not gun control. It is about protecting children, not about the second amendment. It is important to remember that nothing in this amendment changes the standards of who can own a gun or any type of gun they can own, it only limits the access that children have to their parents' guns.

Despite the divisiveness of this bill and H.R. 1501 yesterday, this amendment enjoys both strong bipartisan and leadership support on both sides. I urge all Members concerned about the safety and the well-being of America's youth to vote "yes" on this commonsense amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in strong support of the child safety lock amendment. This is truly a bipartisan amendment and as an original co-sponsor of child safety lock legislation in the 106th Congress, I would like to thank my friend and colleague from Virginia, TOM DAVIS, for introducing and supporting this amendment.

This amendment mirrors language already passed in the Senate.

The National Center for Health Statistics reports that each year more than 500 children under the age of 17 are killed unintentionally by a handgun.

This amendment would allow gun owners to choose whether they use safety locks; The amendment simply requires that they buy one. Many of these locks can be used on loaded guns and can be disengaged in a matter of seconds which as Gun Tests magazine explains "conveniently preserv[es] access to guns used in self-protection."

How can reasonable people be opposed to making these safety mechanisms available to gun owners when a gun in the home is 43 times more likely to kill a family member or friend than to kill in self-defense?

Many young violent criminals rely on guns found in their home to commit crimes. In fact, nearly 7,000 violent crimes each year are committed by juveniles with guns found in their home. The use of safety locks will restrict their access to these guns, and could also discourage the theft of guns that are locked up.

Nobody pretends that child safety locks are a cure-all to the violence that afflicts our kids. But this amendment is an excellent step in the right direction to increase safety significantly. Child safety locks could prevent more than one-third of the deaths from gun-related accidents, not to mention countless suicides and violent crimes.

Automobiles are required to have seat belts. Aspirin bottles are required to have child-resistant packaging. Lighters are required to have child safety devices. It is time for the guns in American children's homes to have child safety locks. I urge you to support this amendment that will literally save children's lives.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DAVIS of Virginia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider Amendment No. 7 printed in part B of House Report 106–186.

AMENDMENT NO. 7 OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. CUNNINGHAM:

At the end of the bill, insert the following:

TITLE —COMMUNITY PROTECTION ACT

SEC. 1. SHORT TITLE.

This title may be cited as the "Community Protection Act of 1999".

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§ 926B. Carrying of concealed firearms by qualified law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency; and

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

“(d) The identification required by this subsection is the official badge and photographic identification issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

“(5) during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with respect to active duty officers, has completed, at the expense of the individual, a program approved by the State for training or qualification in the use of firearms; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is photographic identification issued by the State in which the agency for which the individual was employed as a law enforcement officer is located.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. CUNNINGHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT) and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, yesterday, I called the Fraternal Order of Police and the Capitol Hill Police, and they are excited about this amendment. This amendment is opposed by no police organization. As a matter of fact, it is strongly supported by most every police organization in the United States.

This amendment will allow thousands of equipped, trained and certified officers to continually serve and protect our communities, regardless of jurisdiction, at no cost to taxpayers.

This amendment is endorsed by more than 75 law enforcement organizations, including the Law Enforcement Alliance of America, Fraternal Order of Police, National Troopers Coalition, National Association of Police Organizations, Fraternal Brotherhood of Police Officers and our Capitol Hill Police.

This is an amendment where you can say, “this is something I stand for.” It allows policemen, once they retire, to protect themselves and their families. Too often our police have to arrest some of these people that we talk about that commit crimes with weapons. This amendment allows them to protect their family from those criminals.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) will control 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we had a bill very similar to this that went through committee that had these provisions. It also had other provisions that, frankly, we focused on and objected to. This bill does not contain the more objectionable provisions that, frankly, would have allowed mandatory reciprocity of concealed weapons laws, so if you have a concealed weapon in one State, you can take it to any other State, notwithstanding their laws.

We focused on that provision because it really blew a hole in the ability of States to maintain their own concealed weapons laws and did not focus as much on this provision that had not been as controversial.

I would have preferred that this bill had gone through the regular legislative process. It is probably okay. You will probably find that the police officers that would take advantage of this are not the ones committing crimes, and there would be no problem. But we have a situation here where we are essentially overriding State laws. The State will have to accept concealed weapons from out-of-State, and I am not sure that is a good idea, and we have not had an opportunity this year to focus on it.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I voted for the Brady Bill. I voted for the ban on semiautomatic weapons. Like many Members, I have tried, and we tried, to do the right thing.

Quite frankly, enough is enough. Guns are a two-edged sword. Dangerous, indeed. But let me say to the House today, the number one preventer of crime in America is that gun. Educated, qualified, knowledgeable safety procedures. The gun, a foe, yes, but the gun, a great friend.

At 2 o'clock in the morning, with an intruder with a weapon holding it on your family, you can call 911, you can call every police department in the world, and you are at their mercy.

So, be careful, Congress. This amendment makes sense. Police officers are trained, they are qualified, they are schooled, and it does not cost America one penny to increase the ranks of this safety force.

Mr. SCOTT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I will vote to support this amendment. I think, as my colleague from Virginia has pointed out, this would have been better had we had an opportunity to go through the legislative process, to hear from the States, and to really thoroughly hash this out. However, I do think that this is worthy of bipartisan support and plan to vote for it.

However, I must observe that, as my colleague from Ohio mentioned 2 o'clock in the morning, intruders and the need for protection, I think back to 2 o'clock this morning, when, in the dark of night, this House really failed the mothers and fathers of America, in my judgment, failed to enact commonsense gun safety measures that the country demands.

While I support this measure, I must note that it is not the answer that America seeks to the tragedy of children and gun violence.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM), the chairman of the Subcommittee on Crime.

Mr. McCOLLUM. Mr. Chairman, I very strongly support this amendment. Law enforcement officers all over this country, active duty and retired, put their lives at risk every day defending us, corrections officers, police officers, sheriff's deputies everywhere. In doing so, they are obviously going to incur the wrath of a lot of folks. There are people who want to get them because they have done that, people who would harm them or their families, whether they are on active duty or have retired.

This measure allows a police officer on active duty, fully qualified, as long as he has no disciplinary action pending and meets the standards of qualification of his agency, to carry a concealed weapon into any other State, wherever he travels, to protect himself or his family.

It also allows the retired police officer, as long as that police officer is qualified, has served more than at least 5 years or more as an active police officer, and during the most recent 12-month period of time has gone through compliance with the firearms qualifications standard of the active officers of his agency of the government, it allows the retired officer under those circumstances in good standing to also carry concealed weapons across State lines to protect themselves and their family.

This is extremely important to the police. I can guarantee you every police organization I have talked to as chairman of this subcommittee for several years has advocated this, every corrections group, every Sheriff's group. The reason for it is very obvious, because of the need to protect themselves and their families after they have retired, as well as during active duty.

So I think we owe it to our Nation's law enforcement community to pass this provision. It is long overdue. We have struggled to get it out here on the floor.

The gentleman from California (Mr. CUNNINGHAM) is to be congratulated for all of his efforts, and so are the other Members who have sponsored this, as a number of us have worked for a long time to make this happen. Let us pass it today and do everything we can to make sure it goes to the President for his signature.

Mr. SCOTT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding me time, and I thank the combined proponents of this legislation.

I would like to associate myself with the words of the gentleman from Virginia (Mr. SCOTT), that we had hearings on this and we would have, I think, preferred to have at least the responses from the 50 States on this issue.

But I do want to note that this does, in particular for those who may be concerned, serve to help public safety officers or security personnel, particularly those officers, of course, who do not have a history of criminal activity or suffer from a mental disability or are under a disciplinary action who will not qualify.

I think it is important to note that, although the example was used about what police officers may do in the dark of night, I think it is important that these officers are on call 24 hours a day, even though they are not at the time full-time duty or retired, and many times are called into service. So I think it is important that we allow this to occur.

I would also add tragically that we have compounded the lack of safety that they will be facing inasmuch as this House again passed a measure last evening that just opens the floodgates of guns into the streets of America by the Dingell amendment and by not voting for the McCarthy gun-show-closing loophole amendment.

So, hopefully, we will not have gun battles in the street, where people are having to draw at every moment because of the fact that officers would now be in more jeopardy because of the rampage of guns on the street.

Let me simply close with an example that evidences what I am speaking of.

First of all, the gun show loophole that we did not close will allow individuals in 24 hours to get guns, which will not allow law enforcement officers to be able to have a sufficient time to check their criminal records.

An ATF officer spent nearly 2 hours with me explaining about their undercover work. They indicated to me they were able to buy a gun on the street of a western State out of the back of a station wagon where the seller said, "What are you going to do with this?" The buyer said, "I am going to the East Coast to an East Coast State and kill a law enforcement officer." The seller then said, "Let me give you a silencer and, when you get caught, do not mention my name."

That is the gun show that will not be protected by the Dingell amendment. So maybe we do need to pass this amendment without the fact of a full hearing and markup because our officers are going to be placed in more jeopardy wherever they go and will be called upon to provide security for their communities, whether they are full-time officers or retired.

It is a shame on America, it is a shame on us as we allow children to go into gun shows without supervision. It is a shame on us, it is a shame on this House. I would imagine that they are saying pox on all of us.

Mr. Chairman, I thank the gentlemen for their very good amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, our national security depends, as everyone knows, almost 100 percent on our Armed Forces. Our Armed Forces depend to a great measure on reserves. Everyone knows that in each conflict in which we were personally involved as Members of Congress, the reserve components of our armed services played a key role in the military action ordered by the President of the United States.

So it is with this piece of legislation. It creates a body of reserves in our domestic security apparatus with retired and off-duty policemen that augment the safety measures that the normal law enforcement agencies carry on every single day.

If we look upon it as that extra measure of citizenry involved in our public safety, then we should have no difficulty in receiving an overwhelming vote in favor of our reserve component in domestic security.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this amendment will increase public safety by adding qualified law enforcement personnel to our street and to our neighborhoods. It will also enhance the safety of law enforcement officers and their families while increasing the number of officers we stand ready to protect the public.

This amendment has broad support from the law enforcement community, including the National Association of Police Organizations. NAPO represents 22,000 sworn law enforcement officers and has been a long-time advocate of pursuing the ability for police to carry their guns across State lines.

Mr. Chairman, as we seek innovative ways to make our community safer, this amendment offers an added measure of protection for all of us, without spending tax dollars. I thank the gentleman from California for his leadership on this.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. CONYERS. Mr. Chairman, I am appalled this morning that we would be making more guns available in the wake of Columbine which brought us here to restrict gun availability.

I think that this is a not-well-thought-out provision. I can see all kind of shootouts between officers who are from another State being shot by officers who have no idea who these people are that have tried to use a weapon. So for us to think that this provides any added security to a policeman or to the community is, I think, shear nonsense. I am totally disappointed that this conversation could be moving in this kind of direction.

The fact of the matter is that this would create more problems, far more problems, than it would ever resolve. We have not had hearings on it. It overrides all the State laws. Besides, any officer from another State need only contact the police jurisdiction to get permission to bring his weapon into the State. That is not too hard for him to do.

So much for all of these imaginative hypotheticals about what happens at 2 a.m. and how much more secure you will be from some unknown person carrying a gun. Carrying a gun into a community from out of State I think really begs the question. I hope we will think carefully about the dangers that are being introduced as we violate the gun laws of every single State in the union by trying to bring this poorly-thought-out amendment to the floor at this time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I disagree with the ranking member, and I have great respect for him. I think to mischaracterize my remarks about 2 o'clock in the morning is not appropriate with this bill and this amendment.

I have been targeted by the NRA. I am not here carrying any banner for anybody. But I am a former sheriff, and all the policemen in the world will not help you if they are not there and someone is there with a gun pointing it at you.

Now it is time to talk about some reality. I voted for the Dingell amendment for the following reason, and I want it stated across the record: With a longer waiting period covering a weekend, there would not be a sale at a gun show, and it would be an encouragement for unscrupulous gun dealers to illegally sell their guns to make a sale, yes, maybe to Charles Manson.

□ 1000

The Dingell amendment, 24 hours, will force this technology age to give us an answer. And the sale by unscrupulous dealers will be limited.

Now, let us talk some reality. When someone is holding a gun on you, you could call 911 and you could have every police on their way, you are in trouble. The bottom line is you would be lucky to be armed. Armed. These retired officers, able to carry a gun, trained to carry a gun, schooled to handle guns, understanding violence, understanding our communities, without one dime, are additional fighters to prevent crime. The only crime acceptable to me, a former sheriff, is the crime that is not committed.

Congress has done a few things this past week.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Ohio has 1½ minutes remaining on his own time.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Congress has made some preventive measures in order this past week. Not all the guns in the world, not all the policemen in the world are going to stop crime. The mentality of crime is much bigger than a gun bill. But I would submit to Congress that guns are more a symptom of this society than the root cause problems of this society, and be careful, Congress.

Having said that, I believe without one dime we will increase crime fighters on the street, schooled and trained. They understand the issue. But more importantly, the word will be out in the streets of America that Congress passed a law authorizing retired police officers and others trained to also have weapons to join in that fight.

Here is what I am saying. They are not only equipped, they are not only schooled, they are not only trained, this is a word you may not want to hear, they are armed, and they are prepared to support and protect us. This is the right thing to do. The distinguished ranking member has a valid point but the subcommittee ranking member, I think, understands the issue quite well. Ladies and gentlemen, it does not cost us a penny. It is not going to be the entire answer, but it is a step in the right direction. I compliment the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Pennsylvania (Mr. GEKAS) for involving me in this issue, and I urge an "aye" vote.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of this amendment, and I do so because it is almost identical to my bill, H.R. 492, which would not only grant reciprocity for current retired law enforcement officers but also to law-abiding citizens who possess a valid right to carry a permit in their home State.

My home State of Florida recognized that fact and in fact in 1987 Florida reformed its gun laws to allow gun-abiding citizens familiar with firearms to carry a concealed weapon. The results as far as homicide rate dropped from 37 percent above the national average to 3 percent below. Florida is not alone. Other States with concealed carrying laws have also seen a dramatic decrease in crime.

I am a strong supporter of my colleague from California's and legislation, I am pleased to cosponsor this amendment. It has my full support. I hope my colleagues will pass this amendment.

Mr. Speaker, I rise in support of this amendment. I do so because it is almost identical to my bill H.R. 492 which would not only grant reciprocity for current and retired law enforcement officers, but also to law-abiding citizens who possess a valid "right to carry" permit in their home state.

The right of self defense should not be limited to state boundaries. America is blessed with a professional and committed law enforcement community, but the reality is that we are largely on our own in protecting ourselves and our families. I don't believe that Americans should forfeit their safety because they happen to be on vacation or on a business trip.

My home state of Florida recognized the fact that many citizens have no recourse but to deal immediately and directly with a criminal. In 1987, Florida reformed its gun laws to allow law-abiding citizens familiar with firearms to carry a concealed weapon. The results? Florida's homicide rate dropped from 37 percent above the national average to 3 percent below the national average. Florida is not alone; other states with concealed carry laws have also seen a dramatic decrease in crime.

The legislation before us today has the end goal of protecting American citizens, and this amendment contributes to that goal. I would have been pleased to cosponsor this amendment, but was unaware of its introduction until earlier today. Nonetheless, the gentleman from California has my full support and I urge adoption of this amendment.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I would ask the gentleman to proceed since I have the right to close since there was not time received in opposition. I am the last speaker.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Who has the right to close?

The CHAIRMAN. The gentleman from Virginia secured control of the time otherwise reserved for opposition by unanimous consent. Under those circumstances, the proponent is entitled to close.

Mr. SCOTT. Does the gentleman just have one speaker left?

Mr. CUNNINGHAM. I am going to close.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had no deliberation on this. We have not had an opportunity to improve it or amend it. We have not had an opportunity to see what the States think about it. But that is how we have been legislating. We legislated on numerous issues where if we had had time to deliberate, we might have made different decisions, like last night.

We passed legislation that had been subject to 2 years of deliberation, the Individuals With Disabilities Act. We passed legislation which that deliberation would have led us to the conclusion that what we did yesterday would have increased crime, but because of good speeches and because it sounded like a good idea, we went along with it.

We ought to be more serious about legislation. This might be a good idea, it might not. We have not had an opportunity to seriously consider it. Here we have an amendment on the floor and it is just not the way we ought to respond to the situation in Littleton, Colorado and Conyers, Georgia. We ought to be serious about reducing juvenile crime.

Mr. Chairman, I yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we lost two police officers here on the Hill last year defending us. This amendment would not help those officers. This amendment will help other officers in the future. The same thing at Columbine. This amendment would not help those children.

We talk about law-abiding citizens' rights. The children at Columbine and other schools have rights. This amendment in the future will help those individuals. I did write this amendment with the help of the Law Enforcement Alliance of America, which represents millions of police officers. Governors support this. Mayors support this. For those that support the Brady bill, Sarah Brady and handgun control does not oppose this amendment. Why? Because it is good.

My colleague says, "Well, it puts more guns." Who does this allow to have a weapon? It allows trained police officers. This does not mean some security guard or fly-by-night guy that sits there for 1 year in a position. These are trained individuals, who cannot have any disciplinary problems before.

The day that I submitted this bill, the original bill, H.R. 218, in San Diego an off-duty policeman had a carry permit. Guess what? A bank was being robbed. This young lady, this officer, who was off-duty saw the bank robber coming out and said, sorry, Charlie. Because she had a weapon, she stopped that bank robbery. This is the kind of legislation that I think all of us are looking for. I ask my colleagues in a bipartisan way to support this amendment. It is a good amendment.

Mr. MEEKS of New York. Mr. Chairman, I reluctantly voted against this amendment because of the current climate in this nation due to the police brutality issues in our districts. My rationale was that there have been too many police brutality incidences, as in the Anthony Baez and Amadou Diallo cases in New York City. This has led me to believe that there is a lack of proper training of police officers.

I have been a cosponsor of two police brutality bills in the 106th Congress: the Hyde/Serano bill and the Conyers bill. Both of these bills will implement provisions to carefully evaluate police training and police departments.

I find it difficult to give broad sweeping licenses to all police officers regardless of their jurisdiction—until a serious evaluation is done of the current situations throughout our country; and legislation is adopted to address the misuse of weapons by police departments.

Guns used properly by trained police officers is acceptable. In fact, New York State allows retired police officers to keep their guns. I support this measure. However, I can't support allowing a retired police officer from another part of the country carrying a concealed weapon—and not knowing the standards of his or her training or their record as a police officer in their jurisdiction. Until there are national standards for police training and police departments, I felt compelled to vote against this amendment.

Mr. SCOTT. The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 6 offered by the gentleman from Virginia (Mr. DAVIS); amendment No. 7 offered by the gentleman from California (Mr. CUNNINGHAM); and amendment No. 5 offered by the gentleman from Florida (Mr. MCCOLLUM).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 311, noes 115, not voting 8, as follows:

[Roll No. 236]

AYES—311

Abercrombie
Ackerman
Allen
Andrews
Archer
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Cox
Coyne
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Phelps
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez

Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Simpson
Sisisky
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—115

Aderholt
Armey
Bachus
Ballenger
Barr
Barton
Bentsen
Blunt
Boehner
Bonilla
Boucher
Bryant
Burr
Burton
Buyer
Callahan
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cramer
Crane
Cubin
Danner
Deal
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Ganske
Gibbons
Goode
Goodlatte
Green (TX)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hostettler
Hulshof
Hunter
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Largent
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McIntyre
Metcalf
Mica
Moran (KS)
Nethercutt
Ney
Norwood
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Radanovich
Riley
Rogers
Ryun (KS)
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Skeen
Skelton
Smith (TX)
Souder
Stenholm
Stump
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Turner
Vitter
Wamp
Watkins
Watts (OK)
Whitfield
Wicker
Young (AK)

NOT VOTING—8

Brown (CA)
Frost
Houghton
Kaptur
Lewis (CA)
Minge
Salmon
Thomas

□ 1032

Messrs. STUMP, LUCAS of Oklahoma, PACKARD, YOUNG of Alaska, SHIMKUS, WICKER, and LUCAS of Kentucky changed their vote from "aye" to "no."

Mr. MOAKLEY, Mr. PETRI, Mrs. LOWEY, and Messrs. GARY MILLER of California, MOLLOHAN, and McKEON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 236, had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MR. CUNNINGHAM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 372, noes 53, not voting 9, as follows:

[Roll No. 237]

AYES—372

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—53

Allen
Brady (TX)
Campbell
Capuano
Chenoweth
Clay
Clayton
Conyers
Davis (IL)
Engel
Eshoo
Fattah
Jackson (IL)
Johnson, E.B.
Kilpatrick
Kolbe
LaFalce
Lee
Lewis (GA)
McCrery
McDermott
McKinney
Meek (FL)
Meeks (NY)
Miller (FL)
Miller, George
Mink
Napolitano
Owens
Oxley
Paul
Payne
Pelosi
Rohrabacher
Rothman
Rush
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Smith (MI)
Stark
Tauscher
Tierney
Towns
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey

NOT VOTING—9

Brown (CA)
Dunn
Frost
Houghton
Kaptur
Lewis (CA)
Minge
Salmon
Thomas

□ 1041

Mr. SERRANO and Mrs. CLAYTON changed their vote from "aye" to "no".

Mr. BLAGOJEVICH changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 237, had I been present, I would hav voted "yes."

AMENDMENT NO. 5 OFFERED BY MR. MCCOLLUM

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. MCCOLLUM:

At the end of the bill, insert the following:

SEC. . PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by inserting at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) by striking paragraph (3) and inserting the following:

"(3) This subsection shall not apply to—

"(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile—

"(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm;

"(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 354, noes 69, not voting 11, as follows:

[Roll No. 238]

AYES—354

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Luther

Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—69

Aderholt
Barcia
Barr
Barton
Bonilla
Burr
Burton
Callahan
Campbell
Cannon
Chenoweth
Clay
Coble
Coburn
Combest
Crane
Cubin
DeLay
Dingell
Doolittle
Emerson
Everett
Gibbons
Goode
Hansen
Hastings (WA)
Hayworth
Herger
Hill (MT)
Hostettler
Hunter
Istook
Johnson, Sam
Jones (NC)
Largent
Lewis (KY)
Lofgren
Lucas (KY)
Lucas (OK)
McCrery
Metcalf
Mollohan
Nethercutt
Ney
Packard
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Riley
Sandlin
Sanford
Scarborough
Schaffer
Sessions
Shadegg
Skeen
Spence
Stump
Taylor (NC)
Thornberry
Tiahrt
Vitter
Wamp
Watkins
Watts (OK)
Wicker
Young (AK)

NOT VOTING—11

Blunt
Brown (CA)
Frost
Houghton
Kaptur
Lewis (CA)
Minge
Pomeroy
Radanovich
Salmon
Thomas

□ 1050

Mr. HANSEN changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 238, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in Part B of House Report 106–186.

AMENDMENT NO. 8 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. SESSIONS:

At the end of the bill, insert the following:

SEC. . GUNS PAWNED FOR MORE THAN 1 YEAR REQUIRE BACKGROUND CHECK.

Section 922(t) of title 18, United States Code, is amended by adding at the end the following:

"(7) Paragraph (1) shall not apply in connection with the redemption from a licensee of a firearm that, during the preceding 365 days, was delivered to the licensee as collateral for a loan.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I am speaking on today would require a background check on a person whose gun is returned to him by a pawnshop if that gun has been stored at the pawnshop for more than 1 year.

Pawnshops are small businesses contributing to communities all across America. They provide access to credit for people who may have difficulty obtaining a loan from a standard financial institution. These loans are secured by the physical delivery of collateral against the loan.

One of the preferred forms of collateral for these loans is a firearm. Guns, unlike electronic appliances or furniture, are easily stored, have value that is easy to establish, and do not depreciate or become outdated.

This amendment deals only with returning a gun to its owner. These guns have not transferred ownership. Rather, they have merely been stored in the pawnbroker's vault until the owner has repaid the money that was loaned against the firearm.

Currently, all pawnbrokers who pawn guns are already required to have Federal firearms licenses. Most of them buy and sell guns, as well as taking them as collateral in pawn loans. This amendment does not affect sales. Sales at pawnshops follow the same procedure as sales at any other gun store.

Over the course of a year, some 10 million guns are stored in pawnbrokers' vaults, almost as many guns as are sold in America. Guns stored in pawnshops are locked securely in vaults. They are safe from theft and unauthorized access.

States and and municipalities already require pawnbrokers to report the identity of anyone who pawns a gun. Additionally, pawnbrokers are also required to report the type and serial number of each pawned gun. This provides more information for law enforcement than the NICS system, allowing the police to check on the person, as well as checking that the firearm has not been reported as lost or stolen.

Most of these reporting systems are computerized, allowing this data to be transmitted instantly to local authorities. In most major metropolitan areas, the local reporting process to law enforcement has been in place for over 20 years. We want to encourage people to legally utilize licensed, regulated pawn stores if they choose to pawn their guns.

If we discourage people from utilizing licensed, regulated pawn stores, these guns will be out of the tracking ability of local law enforcement.

I urge my colleagues to support the Sessions-Frost amendment to provide commonsense background checks on guns pawned for more than 1 year.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Under current law, persons who sell their firearms from pawnshops and later seek to claim their firearms are subject to background checks. This amendment would create an exception to the Brady background check requirement for persons redeeming a firearm during the year after it's been pawned.

While the description for this amendment says it ensures that guns pawned for more than a year are not returned until the owner passes a background check, I think that this description may confuse Members, because this amendment does in fact instead create a new loophole in current law.

Under this amendment, people who leave their guns at a pawnbroker for less than a year will no longer be subject to a background check. Similar proposals were offered by Senators CRAIG and LOTT in the other body, the U.S. Senate, and were explicitly nullified in the Senate by Senator LAUTENBERG's amendment. The explanation is simple, this amendment is a dangerous one.

Felons try to redeem firearms at pawnshops four times more frequently than felons try to buy guns from gun dealers. In fact, according to the ATF, 1.4 percent of the purchasers seeking to purchase firearms from licensed dealers are felons or had some other reason why they were ineligible to purchase a gun. In sharp contrast, 5.4 percent of persons seeking to redeem their firearms from pawnbrokers were felons or had some other reason to be there. We require as much vigilance at pawnships, as we require when dealing with licensee dealers. This amendment does not meet that standard. That's why I rise in opposition.

□ 1100

My good friends from Texas are concerned that the amendment helps ameliorate discrimination against poor people, but we must point out that poor people, just like rich people, cannot be charged a user fee for background checks. Congress explicitly prohibited such fees in the Omnibus Appropriations Act for 1999, so this is not about money.

Crime, gun-tracing information shows that criminals are regular pawnshop customers. While 13 percent of federally licensed gun dealers had one or more crime guns traced back to them during 1996 and 1997, 35 percent of federally licensed pawnbrokers had one or more crime guns traced back to them.

This amendment would allow felons to raise cash with guns that they possess illegally. This amendment will make pawnshops safe harbors for criminals with guns, and I urge my colleagues to vote no.

Mr. Chairman, I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, America is facing an ever-increasing problem with violent juvenile crime. It seems like yesterday that our most pressing problems were kids skipping school and drag racing down Main Street on Saturday night. Today's youth, and I don't mean to imply all, are committing murder, rape, dealing drugs and countless other heinous crimes that were unfathomable 20 years ago. This callous altitude toward life and societal norms could well be our gravest national problem.

While I appreciate the President and some of my colleagues' belief that it is the Congress who must fix these problems, I must disagree. We presently have hundreds of Federal, State and local laws addressing these issues, many of which are redundant and to absolutely no avail.

Did these laws serve any use at all in preventing the recent violence in Colorado, Arkansas or Oregon? For example, it was a violation of Federal law to have a loaded firearm within 1,000 feet of a school when these acts took place. This alone should have prevented these acts. The important question is why did these laws not prevent these senseless acts of violence?

When a person commits a violent crime, such as murder, they must be punished quickly and to the maximum extent of the law . . ., does it really make a difference what the tool was when the result was death?

When the President and Congress seek to expand laws and do away with individual liberty they are taking the easy way out and a dangerous approach to problems by addressing the result of society's failure . . ., not the cause.

Simply put . . ., we have strayed from the ideals which have made this country the greatest on earth. And now it is time to return to those basic principles.

As Thomas Jefferson so eloquently argued, "laws that forbid the carrying of arms . . . disarm only those who are neither inclined nor determined to commit crimes . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

Mr. Chairman, parents have to take responsibility for their actions and the actions of their children.

Schools should teach history, reading, writing and arithmetic, and stop educating our children on how to best abdicate personal responsibility.

Communities must be accountable to themselves and hold their elected officials at all levels accountable in return.

It is not the schools', the Federal Government's, or the entertainment industry's responsibility to raise and discipline our children. The responsibility rests solely with the family.

The bottom line is that all the laws in the world are useless without effective enforcement and the prompt return to a system of swift justice.

Most importantly, we must return to individual and familial responsibility and accountability, for all laws are pointless without the proper moral foundation of the home.

Mr. Chairman, it was my responsibility to raise my kids and hold them accountable for their deeds and it is their responsibility to do the same with their children, not the government's.

Mr. Chairman, I must tell you that it doesn't take a village to raise our children, It takes a loving, caring and actively involved family.

Finally, it is far past the time for Uncle Sam to let mom and dad take care of the kids; the last thirty years have made it painfully obvious that Uncle Sam's expanded role as parent and educator has completely failed.

Mr. Chairman, I hope that my colleagues will yield the responsibility back to the parents.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding me time, and I thank the chairman very much.

I had wanted to be able to support this amendment for my good friend from Texas, but I think it is important to make clear that what this does is for anyone who pawns their gun and comes back within a 2- to 3-month period, maybe in that interim may have become a felon, a convicted felon, may be out on probation for some gun possession or some issue that deals with a criminal activity, and that individual, although it may be their gun, would not be subject to an instant check.

It is well-known, as evidenced by the ATF, that 1.4 percent of the purchasers seeking to purchase firearms from federally licensed dealers were prohibited persons; 3.3 percent of the purchasers seeking to purchase firearms from federally licensed pawnbrokers were prohibited persons.

I would ask the gentleman if he would just give me a yes or no, whether he would be willing to accept a friendly amendment on his amendment, and to indicate that at any time that you seek to reclaim your gun in a pawnshop, you be subject to an instant check. Will the gentleman accept that as a friendly amendment?

Mr. SESSIONS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I will not.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Let me simply say as we sunsetted any sense of gun responsibility early this morning in the dark of night, let me cite the gun owners of America that sent brief talking points to everyone. Their final comment is, "Vote no on final passage of H.R. 2122."

They knew what they were doing. They knew that what they wanted to do was to make sure we had no gun laws whatsoever.

Just as last night I tried to bring up the handgun provision dealing with a private individual not transferring a gun to someone under 21, that walked off the floor of the House. The Gun Owners of America oppose banning juvenile possession of certain semiautomatic rifles; they oppose the multiple ammunition, suggesting that the Korean merchants were able to shoot it out in the streets because they had multiple ammunition; and as well they oppose mandatory safety locks.

This is another amendment that will not work. There is no gun safety on this floor. Vote it down.

Mr. SESSIONS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 30 seconds.

Mr. SESSIONS. Mr. Chairman, unfortunately, what is occurring today is what typically occurs in Washington. My opponents are talking about studies, facts and figures which they claim they have. I wrote the Director of the ATF December 21, 1998, and February 2, 1999, asking for the results of the study. I was denied this. This is obviously an unfair argument, because the administration simply wants to have gun control and more guns to be available for people on the streets, rather than doing the right thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

It is now in order to consider Amendment No. 9 printed in part B of House Report 106–186.

AMENDMENT NO. 9 OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. GOODE:

At the end of the bill, insert the following:

SEC. . REPEAL OF LAW BANNING FIREARMS IN THE DISTRICT OF COLUMBIA.

D.C. Law 1–85, enacted September 24, 1976, is hereby repealed, and any provisions of law amended or repealed by such Act are restored and revived as if such Act had not been enacted.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a modest amendment to lift the outright ban in the District of Columbia by repealing the 1976 gun ban law in the District. It does not affect the gun restrictions in place prior to 1976, where someone seeking to have a firearm for their self-protection or for the protection of their business would still have to go and get fingerprinted, would have to go down to the D.C. police office and have a background check, and would have to be registered and have the gun registered.

The focus of this amendment is the gun ban. If you believe in gun bans, then you should vote against this amendment, but if you believe that the second amendment gives you the right to protect yourself and to protect your business, then you should vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, it is bad enough that the Goode amendment shows disrespect for the people I represent, for democratic self-government and for me. But hear me. The Goode amendment threatens the majestic Federal presence as well as our citizens.

Why? Because the Goode amendment makes it legal to sell bomb-making materials in the Nation's Capital by killing off the District's strict explosive regulation. The Goode amendment brings domestic terrorism purveyors here, increasing the risk to tourists and to the city's landmarks, including this very Capitol.

How? The Goode amendment shoots the entire explosives and firearms scheme in the back. The Goode amendment demeans the very idea of a dignified capital. The Goode amendment makes the Nation's Capital the most lenient gun jurisdiction in the country. The Goode amendment encourages tourists to bring weapons to D.C., only to have them confiscated in this capital.

I ask, after the killings of Officers Jacob Chestnut and John Gibson in this building last summer, which of us would want to send the message that D.C. is a city with no handgun laws?

Perhaps the strongest opponent of changes in the District's gun laws is D.C. Police Chief Charles Ramsey. Chief Ramsey reminds us that we lost three local police officers in 3 months' time in 1997. He says that his officers would be the first to face the consequences of increases in guns in homes when they make stops on the streets.

We are dramatically bringing down gun killings in the District. Do not drive murders of citizens and cops up by killing off local gun laws here.

Mr. GOODE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I would ask the gentlewoman from Washington, D.C., what are you talking about? I do not understand. Let me read what the Goode amendment does. Repeals D.C. law I–185, which prohibits D.C. residents from possessing a firearm to allow D.C. residents the right to protect and defend themselves. Your speech does not reflect the substance of the amendment.

This is a fundamental constitutional right. I appeal to all my colleagues. Why should we ignore the rights of individuals to have the opportunity to defend themselves? In fact, if you go back in the evolutionary cycle, it is a natural drive for all human beings for self-preservation. It is the most fundamental right of our human species that we should be able to defend ourselves against unwarranted harm. So the simple amendment of the gentleman from Virginia (Mr. GOODE) is restoring the ability to say we can have a firearm in Washington, D.C., to defend ourselves.

A study by Gary Kleck of Florida State University showed that in approximately 2 million incidents each year, citizens use a firearm for self-defense, usually a handgun.

Mr. Chairman, it is a good idea, and the statistics are there. Please support the Goode amendment.

Mr. Chairman, under the Constitution of this Nation, we have the right to be armed. However, if you choose to ignore the rights recognized under the Constitution, I appeal to you at another level.

Any creature, from insect to human, has the natural drive for self-preservation. Self-defense is one of the most fundamental rights we have as human beings, and no individual should ever be denied the ability to defend his or herself against unwarranted harm.

According to a study by Gary Kleck of Florida State University, in approximately 2 million instances each year, citizens use a firearm for self-defense, usually a handgun.

Criminals need have no such fear in Washington, DC. The law-abiding, decent citizens of the Nation's Capital should have the right and the means to defend themselves, and that is what this amendment will do. Let's give the people of Washington the option to defend themselves and their families; support the Goode amendment.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, we have worked very long and hard in the District of Columbia to try to bring this Nation's Capital back. If you take a look at the crime rates over the last couple of years, they have gone down dramatically. We have done that by taking the police force away from politics. Putting in a new chief, a professional cadre of officers and trained officers, and controlling the flow of guns into our city is one way that we do that.

I have the highest respect for the author of this amendment and recognize the area that he comes from and the philosophy he represents, but, in this particular case, I have to reluctantly oppose him. The reason is because the Nation's Capital, they have to have the same rights of self-determination on these kinds of issues that States and other cities and counties do across this country.

The District of Columbia, the D.C. Council in 1976 approved this enactment, and it not only has been confirmed through the years by D.C. elected officials, but your police chief; and around the metropolitan area I think you will find representatives of police officers feel stopping the flow of guns into this city is very critical. This amendment would defeat that purpose, so I oppose the amendment.

Mr. Chairman, I regretfully return to the floor today to oppose the amendment offered by my friend and colleague, Representative

GOODE. In doing so, I want to first convey the unalterable opposition of the Washington, D.C. Mayor Anthony Williams and Chief of Police Charles Ramsey. This amendment is an abrogation of the very core principles of home rule here in the Nation's Capital, and of the right of States and localities to determine the needs of their communities.

In 1976, the D.C. City Council approved one of its first enactment under home rule. Mr. GOODE's amendment would repeal Title 6, Chapter 23 of D.C. Gode, Section 6–2301 thru 6–2379, which includes the entire subchapter on firearms and destructive devices. The enactment of these provisions were a very important step for the District during its fledgling steps towards self-government and was affirmed by a U.S. District Court in 1978.

My good friend from Virginia's amendment unfortunately strikes at the very heart of home rule, and does so without any prior consultation from the elected officials of the District or the House Subcommittee on the District of Columbia. It shows no respect for the principle of permitting local citizens and elected leaders to make local decisions.

In 1995, Ms. NORTON and I introduced and passed the D.C. Financial Control Board Act which took numerous financial decisions away from the Mayor and City Council. Unlike Mr. GOODE's amendment the Control Board Act underwent hearings and a mark-up through the Committee process before passage by Congress. The Act creating the Control Board also enjoyed the input and support of the D.C. Mayor and Chairman of the City Council.

I urge every Member to oppose Mr. GOODE's amendment, not on Constitutional grounds but on procedural ones. While the Congress certainly has the authority to take this action, I call on every Member to consider carefully what the reaction of their constituent would be should the House decide to target them and them alone, for a law they have not expressly supported.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out one thing: The person that came in the Capitol and shot the two officers under my amendment would have violated the law when he crossed the line. He was illegal unless he had gone down to the police department, got fingerprinted, got a background check, got his gun registered and got himself registered.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, Article I Section 8 of the Constitution says the Congress has the power to exercise exclusive Legislation in all Cases whatsoever, over such District, as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States.

□ 1115

This section of the Constitution is not hard to understand. The words "exclusive" and "all" are hardly vague and ambiguous. The fundamental right guaranteed in the Second Amendment is a right of all United States citizens, including those who find themselves in the district.

How can anyone rationally argue that the District of Columbia ban has rid this city of guns? The gentleman from Virginia (Mr. GOODE) correctly argues that, as the crime rate goes down nationally, Washington, D.C. continues to be a bastion of violence.

Criminals know where the largest population of helpless victims reside. Let us make sure that they do not think it is in Washington, D.C.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent that 4 additional minutes be provided for debate on this amendment due to requests of Members on both sides of the issue for debate.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) requests for 4 minutes be added to each side of the debate.

Ms. LOFGREN. Mr. Chairman, total; 2 on each side.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Virginia (Mr. GOODE) and the gentlewoman from California (Ms. LOFGREN) each have 2 additional minutes.

Mr. HUNTER. Reserving the right to object, Mr. Chairman, I am informed that we have a number of Members who are on very, very tight schedules. I myself have an amendment I would like to talk on longer, but I am not going to ask for extra time. Regretfully, I object.

The CHAIRMAN. Objection is heard.

The gentlewoman from California (Ms. LOFGREN) has 2 minutes remaining. The gentleman from Virginia (Mr. GOODE) has 1½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Goode amendment. We have no right to micromanage what happens in the District of Columbia.

Mr. Chairman, I rise in strong opposition to the Goode amendment that would overturn the law which prohibits citizens of the District of Columbia from possessing a firearm.

This amendment attempts to micromanage the District of Columbia, without consultation with locally elected officials. We have no business doing that.

I believe that the Goode amendment shows a lack of respect for allowing the citizens of Washington, D.C. to make local decisions. I wonder how Mr. GOODE would react if Mayor Williams or Congresswoman NORTON would work to prohibit the citizens of Albemarle County in Virginia from possessing a firearm?

Congress passed the Home Rule Act in 1973 because citizens fought for the right to participate in government. The Goode amendment would repeal one of the first D.C. enactments under Home Rule. This law was passed in 1976 by the D.C. Council and even survived a 1978 court test.

As the Representative from the neighboring jurisdiction of Montgomery County, Maryland, and as the Vice-Chair of the Subcommittee on the District of Columbia, I am proud of the progress that has been made in the revitalization of D.C. Public safety has been one of the top concerns of people who live in the District and among people who live in the surrounding jurisdictions. Over the past three years, the crime rate has dropped; homicide and robbery rates have plummeted to a 25-year low. But they are still high compared with other cities, and this amendment would jeopardize the District's progress.

The Mayor, the D.C. City Council, and the D.C. Subcommittee all have worked hard to improve the prospects for home rule to succeed. It is essential that we take into consideration the views of the District's local officials. They are the advocates for a better quality of life for the 500,000 citizens who reside in the District of Columbia. They are the ones who must decide whether or not to allow the citizens of the District to own firearms, not the U.S. Congress.

I urge a "no" vote on the Goode amendment!

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, this is a bad amendment. It is the wrong thing to do. The gentleman from Virginia (Mr. GOODE), I know that he appreciates democracy, and I hope that he realizes that the people of the District of Columbia have exercised that democracy in a legal manner.

They reacted to the fact that 84 percent of the homicides in this District come from firearms. Well, now, in the last 10 years the District's homicide rate has gone down to the lowest it has been. It has fallen 41 percent from 1994 to 1998.

Now, what this law would do is to allow gun shops to be set up again, to allow people to bring more handguns in. It is going to allow explosives.

This is the Nation's capital. With all the terrorism, threats that we have, to allow explosives to come back into the city. The people of the District of Columbia knew what they were doing when they passed that law. Now to say that we know best, coming from a rural area that has a very different economy and society and situation than the District, to impose the gentleman's opinion on the District is wrong.

This amendment should be defeated, defeated soundly.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point this out, Virginia for years regulated gun shows, had an instant check. Today in the United States capital, every State is going by Federal rule. What is good for the goose is good for the gander.

They talked about bringing bomb material into the United States capital. The person would have to go down and be registered with the D.C. police chief to be able to do that, and I do not think the D.C. police chief is going to do that.

Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I commend the gentleman. I thank the gentleman from Virginia (Mr. GOODE) for doing what is right. No government has the right, for heaven's sakes, to take away one's God given right to defend himself and his family. Why should we think the District of Columbia Council have that right. It is wrong for them to do that. It is right for people to be able to protect themselves.

The District of Columbia is the only jurisdiction from the U.S. that prohibits keeping firearms in an operable condition at home for defense against criminal attack. The right for people to be secure in their homes is an ages old right, affirmed in law and court decisions, but rejected in D.C.

This jurisdiction is a disaster. It still has one of the highest crime rates in the country. Crime generally has dropped over the entire country due to demographic trends. We should vote for the gentleman's amendment and reaffirm even in the District of Columbia people's God given rights to defend themselves and their families with a firearm.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong opposition to the amendment.

The Goode amendment repeals D.C. law 1–85, which prohibits D.C. residents from possessing a firearm.

The Goode Amendment is paternalistic and is a slap in the face to the District of Columbia's right to self-governance. It strips away the District's comprehensive firearms and explosives regulation, adopted in 1976, by permitting the registration of firearms that are now prohibited.

Violent crime in the District of Columbia is at a historic low, thanks to a combination of strong community policing, tough gun laws, and aggressive law enforcement and prosecution of those who violate the laws.

D.C.'s homicide rate is the lowest it has been in over 10 years.

Through aggressive gun prosecutions, assaults with a firearm in D.C. fell 41% from 1994–1998.

The Goode amendment will seriously threaten public safety and undermine effective law enforcement in the District.

The Goode amendment will make it legal to buy and sell all kinds of bomb-making materials in the District.

The Goode amendment will make it much easier to obtain handguns in the District by allowing gun shops to open their doors for business.

The only individuals who will benefit from this amendment are criminals in the District of Columbia.

This is especially troubling when the D.C. Police Department reports that 84% of all homicides this year resulted from guns.

There is no justification for this amendment. It will only put the lives of District residents—and especially children—at risk by tearing down the District's firearms and explosives laws and depriving District citizens of their ability to decide what kinds of firearms laws they want to have.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in strong opposition to this usurpation of local control. We have 183 local firearm laws in California.

Ms. LOFGREN. Mr. Chairman, I yield the balance of the time to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, there is nothing unique about the District's handgun ban law. Dozens of cities have the exact same law across this United States. What the gentleman proposes is dangerous. He cannot even describe what would remain in place if his amendment were passed.

For example, today one has to register annually under the existing regulations. Under pre 1976 rules, one can register once. Then if one became a criminal after registering once, so be it for the people in the District of Columbia.

As to the gentleman's views about constitutionality, this law has been found constitutional. To quote the courts, "the Act is a valid exercise of the City Council's legislative authority, and it offends no constitutional protection of appellees."

Do my colleagues want to know about the Second Amendment? From the (Supreme Court) Miller case: "The obvious purpose of the Second Amendment is to assure continuation and to render possible the effectiveness of State militia. It must be interpreted and applied with that view in mind."

This is not a gun vote. This is a vote to stay out of somebody else's business. This is a vote to respect me, to respect the people I represent, to respect the laws that have been made in our local jurisdiction.

This gentleman has some nerve. Most of the guns that are killing people in the District of Columbia come from the State of the gentleman from Virginia (Mr. GOODE). They come from his State. Get off of my back. Get out of my business.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODE) will be postponed.

It is now in order to consider amendment No. 10 printed in Part B of House Report 106–186.

AMENDMENT NO. 10 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. HUNTER:

Add at the end the following:

SEC. . RIGHT OF LAW-ABIDING RESIDENTS OF THE DICTRICT OF COLUMBIA TO KEEP A HANDGUN IN THE HOME.

(a) DEFENSE.—Notwithstanding any provision of law, a person may not be held criminally responsible for the possession of a handgun, or ammunition appropriate to the handgun, if each of the following elements are established:

(1) The person is a law-abiding individual not less than 18 years of age.

(2) The person is the sole owner of the handgun and is in compliance with all applicable Federal and State registration laws and regulations with respect to the handgun.

(3) The possession occurred in the District of Columbia—

(A) in a place of residence of the person; or

(B) if the handgun is unloaded, while the person was traveling to or from a place of residence of the person solely for the purpose of transporting the handgun in connection with an otherwise lawful transaction or activity relating to the handgun.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "handgun" has the meaning given such term in section 921 of title 18, United States Code.

(2) The term "law-abiding individual" means an individual who has never been convicted of a criminal offense for which the person actually served time in jail or prison, and has never been convicted of battery, assault, or any other violent criminal offense.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1933, a young lady named Melba Loman was being robbed at gunpoint next to a high-rise building. During the robbery, a young man leaned out the window with a gun and shouted to the robber, drop that gun or I will shoot, at which point the robber ran off.

The young man's name was Ronald Reagan, and he knew something then intuitively that we have learned now; and that is that law-abiding citizens who are allowed to defend themselves will deter crime.

I want to talk in this amendment about something that we have not talked much about during this gun debate; and that is simply this, 2 million times each year, American citizens across this country successfully defend their lives and the lives of their family members and their property with guns.

In most cases, this does not involve a shoot-out, because FBI studies now show that when law-abiding citizens simply have guns in these confrontations, in 98 percent of the cases that alone deters crime. So American citizens throughout this country in almost every place, 2 million times a year, protect their families, protect their children, protect their wives, and protect their property with guns. There is one place where that does not happen, and that is here in Washington, D.C.

Mr. Chairman, I offer this amendment because I was talked to by residents of Washington, D.C. I just want to quote a couple times.

"If someone is breaking into your home, and you are being put on hold by 911, what should you do to protect your wife and children? Or how does my wife protect herself if caught in the same situation when I am out of town?" D.C. resident.

"As a District resident for 10 years, I have been a victim of violent crime. It is a tragedy that the reality in the Nation's Capital is not if you will be a victim of crime, but when you will be preyed upon by the vicious criminal element that roams our streets and neighborhoods." D.C. resident.

"The memory of holding a sobbing hysterical woman after she, by the grace of God, warded off a rapist who managed to rip steel bars off her window and break into her home still sends chills in my mind." D.C. resident.

All these letters came in, Mr. Chairman, when it became known that I was going to offer this amendment. In my view, all law-abiding citizens should therefore have the option of being able to protect their homes with deadly force if they see fit. As it stands now, and we all know this, in D.C. only the crooks have guns.

Now, Mr. Chairman, that is the case. The D.C. government has successfully disarmed every law-abiding citizen in Washington, D.C. I have never seen the case made that there are crooks who want guns in Washington, D.C. who cannot get them.

So the only people that have guns in this community are the bad people, the people that want to rob, rape, and kill. The point was made in the FBI analysis that was done by the University of Chicago that guns in America are used five times as often to prevent crime, to keep somebody from robbing, raping, or killing than they are to commit crime.

We want to give to D.C. residents, whom we do have a constitutional responsibility to have oversight over, we do want to give those people the same rights that millions of other Americans have. So this amendment simply offers the right of law-abiding D.C. residents to have a registered handgun in their home for home protection. I think it is a very modest amendment. I think it is very basic.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I yield 2¾ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, the gentleman from California (Mr. HUNTER) may have been "talked to," as he said, by residents from the District of Columbia. Ninety percent of them voted for me, and I think that I am entitled to speak for them on the floor this afternoon.

I respect the differences among us on gun issues. I ask only that my colleagues respect me and the people I represent by allowing us to tailor our gun laws to local demographic circumstances, just as my colleagues tailor their laws to their districts.

Here, the Hunter amendment would inflame an already violence-prone atmosphere. It invites citizens to arm themselves. But they will never keep up with the criminals, thugs, and thieves in this town, according to our local police chief. At least now we put thugs to considerable inconvenience by making them find guns illegally.

Although teen gun violence has brought us to our senses on the need for new gun laws, the Hunter amendment would allow teens, as young as 18, the troubled teens, the first to get ahold of guns in this city, to keep a gun in the Nation's capital. Violent youths could own guns at 18 legally because they were delinquent, not convicted as criminals.

The Hunter amendment is so poorly and loosely drafted that individuals carrying concealed guns might convince a jury that they believe they were transporting them for a purpose allowed by the Hunter amendment. Many other unintended consequences overwhelm any legitimate purpose for allowing residents to arm themselves in their homes here.

I do not know about my colleagues' towns, but in this town, guns in homes would lure criminals for break-ins and thefts, putting more guns on the streets. In this town, troubled teens, who most eagerly search out guns here, might find them at home instead of in the streets. In this town, kids would more likely find and use guns than adults thwarting criminals. In this town, with one of the highest domestic violence rates in the country, the last thing we need are guns to inject into family arguments.

The Hunter amendment adds to these catastrophic results a new D.C. immunity from Federal laws enforced everywhere else in the U.S. The Hunter amendment nullifies "any other provisions of law." Therefore, the Hunter amendment also wipes out Federal provisions, including the only provisions that deny handguns to fugitives, drug addicts, people under indictment and some felons, among others.

A vote for the Hunter amendment is no vote for law-abiding citizens. The Hunter amendment is a vote to ease guns into the hands of troubled teens in this troubled city. The Hunter amendment is a vote the criminals in D.C. have been waiting for for 23 years.

□ 1130

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank my friend for yielding me this time. This is actually an inquiry. I do not know how I intend to vote on this. I would just like to be informed.

If I am correct that this bill will restore or will recognize the right to private possession of a handgun, I think that is protected under the second amendment, what is our duty as a Federal Congress if we believe the District of Columbia has not adequately protected the Constitution, given that the Supreme Court has in 62 years not taken a second amendment case?

It is a question on which I would sincerely seek advice.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the answer to the gentleman's question is that this is an excellent vehicle to give law-abiding citizens the right to have a gun for home protection and to solve that problem.

Ms. LOFGREN. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 2¼ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

Mr. HUNTER. Reserving the right to object, Mr. Chairman, I regretfully am going to have to object, because I have been advised there are a lot of Members with planes going out. I have lots more materials and lots more speakers, but I am not going to ask for more time.

So I regretfully am going to object not only on this amendment, but on others.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I yield 45 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I will talk quickly and say I am in very strong opposition to the Hunter amendment. It is going to implement a new law in the District of Columbia that would allow law-abiding citizens to possess a loaded handgun in their home in order to protect themselves and their families, and my understanding is that this amendment may include drug dealers who have not been convicted in the definition of law-abiding citizens who would be permitted to carry firearms.

I am opposed to this amendment just as I was to the Goode amendment. It attempts to micromanage the government of the District of Columbia without consulting the locally elected officials. We deserve to respect those people who are residents of the District of Columbia. Congress should not override local efforts to reduce gun violence in their community.

I hope this body will vote against the Hunter amendment.

Congress should not override local efforts to reduce gun violence in their community.

The crime rate is down in the District, and homicides have also declined. But while the crime rate in the District has declined, so too has the age of our criminals. Arrests of juveniles under 18 for violent offenses increased by more than 57 percent between 1983 and 1992. It is imperative that juveniles in the District should get one unified message from their local officials. We should not be interfering with local policies and confusing young people in the District with a different message.

It has been more than two decades since Congress granted residents of the District of Columbia the right to elect their own leaders. A generation later, Congress snatched back power from the mayor and the D.C. Council, putting it in the hands of an appointed financial control board. This year, with a new Mayor and a new D.C. City Council, many of the privileges of local self-rule have been returned to local officials. We should allow this process to continue without micromanaging the affairs of the District.

I urge a "no" on the Hunter amendment.

Mr. HUNTER. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 30 seconds remaining, and the gentlewoman from California (Ms. LOFGREN) has 1½ minutes remaining.

Mr. HUNTER. Mr. Chairman, if I have the right to close, I will defer to the other side.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN), as a member of the committee, has the right to close.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Let me just take the last 30 seconds simply to say this. This is the most basic and simple and, I think, moderate of amendments. And if drug dealers in this town are not given any time, then I think the D.C. Council should be taken to task by the gentlewoman who just talked. But this gives law-abiding citizens the right to have a registered handgun complying with all registration laws in their home for the protection of their loved ones.

All our statistics show that armed citizens do deter crimes. They do it 2 million times a year throughout this Nation. Let us give D.C. residents that right.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I rise in strong objection to this amendment, an intrusion into local decision-making.

Ms. LOFGREN. Mr. Chairman, I yield 45 seconds to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise to take strong exception to this amendment.

I represent the neighboring jurisdiction, the State of Maryland, and ironically enough, in concept, I agree with the gentleman. In our State we have those rights, and there is nothing wrong with it. But this amendment is wrong, because fundamentally it infringes on the rights of local government to make their own decisions.

If the District of Columbia were a State, any other State, the gentleman would never consider imposing the will of this body on a State. They would argue States rights. In this cases it should be local jurisdictions' rights.

The District of Columbia Council, in their wisdom, have made the decision that they want to ban handgun possession. I think we should respect that. We should not continue to treat the District of Columbia as a colony and treat it at our whim. We should honor and respect the local officials and local jurisdictions.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Hunter amendment.

Mr. Chairman, as a member of the DC subcommittee, I join my colleagues in strong opposition to this amendment.

I cannot understand why, in the wake of the tragedies in Littleton, Colorado, and Conyers, Georgia, this Congress would even consider a measure that would roll back gun laws in our nation's capital.

But even more importantly, I cannot understand why some members of this body, who pride themselves on their commitment of honoring power to states and local governments, would deliberately thwart the will of the people of the District of Columbia.

My home city of New York has enacted its own tough gun-control laws, and I am proud to support them. But even if I didn't, I would defend the rights of New York to pass laws that are binding on its own citizens.

This Congress should accord the same respect to the residents of our nation's capital.

This amendment is about more than gun control. It is about local control, and the right of the people of the District of Columbia to enact their own laws.

I applaud my colleague from the District of Columbia, and my colleague from Virginia [Mr. DAVIS] for their leadership on this issue, and I urge my colleagues to vote against this amendment.

Ms. LOFGREN. Mr. Chairman, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON) for the purpose of closing the debate.

Ms. NORTON. Mr. Chairman, this loosely-worded law, for example, defines a law-abiding individual, who would carry a gun in the streets, as one who has not been convicted and served time. That leaves lots of felons who have not served time as an example of unintended consequences from the gentleman's bill. Domestic violence felons often do not serve time.

But one of the main reasons one would want to vote against this amendment is who would indeed profit? First, criminals; secondly, troubled teens; third, accidental shootings by kids; fourth, increased shootings of D.C. cops; gun violence during family arguments; break-ins and theft of guns. That is what happens in big cities when guns are freely available. That is what would happen.

I ask the Member to remember that the demographics of my district are as personal to me as his are to him.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

It is now in order to consider Amendment No. 11 printed in Part B of House Report 106–186.

AMENDMENT NO. 11 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. ROGAN:

At the end of the bill, insert the following:

SEC. . PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'adjudicated to have committed an act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony (as defined in section 3559(c)(2)(F)(i)) had Federal jurisdiction existed and been exercised."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has been adjudicated to have committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has been adjudicated to have committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE.—The amendments made by this section shall only apply to an act of violent juvenile delinquency that occurs 180 days or more after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. ROGAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, should the gentleman from Illinois (Mr. BLAGOJEVICH) arrive during the debate, I ask unanimous consent that I be able to divide my time with the distinguished gentleman from Illinois and that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the hands of a felon, a firearm is a ticking time bomb. That is why it is illegal for a convicted felon to purchase one. Yet shockingly, in many States, violent criminals are legally allowed to purchase guns. Today, it is perfectly legal for a violent juvenile who has committed a felony to walk into a gun store on his 18th birthday and legally walk out armed to kill.

In many States, juveniles convicted of violent crime frequently get their criminal records erased when they turn 18. This is wrong. Today we have an opportunity to act. I am proud to join with my good friend, the distinguished gentleman from Illinois (Mr. BLAGOJEVICH) to introduce the violent youth offender accountability amendment, which will ban the most violent and dangerous juvenile offenders from ever possessing a gun. We must put violent juvenile crime on par with violent adult crime.

The violent youth offender accountability amendment will keep firearms out of the hands of dangerous violent felons. Under Federal law, these felonies include murder, manslaughter, assault, rape, sexual abuse, kidnapping, carjacking, air piracy, robbery, extortion and arson. Simply put, juveniles who commit these adult crimes must face adult consequences.

Mr. Chairman, every year approximately 116,000 violent or serious juvenile arrests are processed by the juvenile courts. Very few are processed as adult crimes. Most are repeat criminals. This dangerous loophole in the Brady law rewards the most violent of these offenders with the right to possess a gun when they reach their 18th birthday. It is time to close this loophole and keep our schools and communities safe by keeping firearms out of the hands of these violent felons.

Mr. Chairman, I urge my colleagues to join the broad coalition who support this bill and keep guns out of the hands of violent juveniles.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, although I am not opposed to the amendment, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) is recognized for 10 minutes.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

This amendment is supported by the administration, and it would ban juveniles found delinquent of certain serious violent crimes from buying guns. That is to the good. The amendment extends the lifetime ban on firearms possessions to any juvenile who is found delinquent of a crime that would be a serious violent felony as defined by 18 U.S. Code 3559(c)(2)(F)(i). These offenses include murder, sexual abuse, carjacking, and extortion, among other offenses punishable by more than 10 years in prison.

However, I think it is worth pointing out that some serious violent felonies are excluded from the amendment. The amendment would not extend the lifetime ban to the State law offenses punishable by 10 years or more that have as an element the use, attempted use, or threatened use of physical force, including assault with a deadly weapon, vehicular manslaughter and mayhem.

Nevertheless, the amendment does represent progress. The administration believes all crimes committed by juveniles of serious violent felonies would be preferable. I believe as well that that is the case, but I intend to vote for the amendment.

I would note, however, that even though this amendment improves the situation on Brady checks for juveniles, it is ironic that because of what we did in the dark of night, the extension of the check to juveniles is merely appended to a weakening of our current gun laws. As we sort through what this body did last night, the retreat we made from sensible gun safety measures, it seems to me that licensed gun dealers will now go to the flea markets, the pawn shops, the parking lot, and they will sell unchecked, due to the Dingell loophole, guns to people who would not otherwise be eligible, and that will include the juveniles who would have been covered by this amendment that is before us.

So while I support the amendment, recognizing it is weaker than it should be, I would note that it is not going to be sufficient to save this very flawed effort that we are engaged in here. We have failed the mothers and fathers of America who look to us to stand up to the special interests and to stand up for the children of America.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois (Mr. BLAGOJEVICH) controls 5 minutes, and the gentleman is recognized.

Mr. BLAGOJEVICH. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman from California (Mr. ROGAN) for providing me with this time.

Mr. Chairman, let me say I am honored to join my colleague, the gentleman from California (Mr. ROGAN). He and I are cosponsoring perhaps one of the few pieces of legislation under consideration today that can tout endorsements from both handgun control and the NRA. As a Member of Congress who has been rated an F minus from the NRA, I do not know if I should celebrate or cry by that combination. But the fact remains that the handgun control advocates and NRA support this because it is very sensible, and it really has to do with what many of us have been trying to do over the last several weeks here in the Congress, and that is pass legislation that prevents those with criminal backgrounds from getting guns.

This legislation is simple and straightforward. It bans the most violent juvenile offenders in our society from possessing firearms for life. As a matter of fact, it is a common-sense issue that is hard to believe was not law already. The fact remains a juvenile that has been convicted of murder, a juvenile that has been convicted of aggravated assault, aggravated criminal sexual assault, can still buy guns. Under our legislation, we will apply the same rules to juvenile offenders as we apply to adult offenders. If a juvenile is convicted of the more serious felonies, murder, rape, aggravated assault, armed robbery, that juvenile will be prevented from legally owning firearms as adults.

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Young people convicted in juvenile courts of serious violent crimes such as murder, rape, assault with attempt to commit murder still can, under present law, possess the right to own firearms on their 18th birthday even though, as I said moments ago, adults are barred from doing so.

Since an average of 116,000 juvenile arrests for violent crimes are referred to the juvenile court system every year, this loophole leaves the door wide open for the most violent offenders to obtain firearms and gives them the opportunity only to use them to commit more crimes.

History has proven that criminals are ready, willing, and able to walk through that door time and time again. Case studies recently compiled by the Violence Prevention and Research Institute at the University of California have cited dramatic instances of violent juvenile offenders, who had no business purchasing firearms, legally obtaining them and using then to commit serious crimes.

In one particular case, a 17-year-old California youth who served time in juvenile detention in the juvenile detention center for assault with a deadly weapon wasted no time in exercising his legal right to purchase a handgun as soon as he turned 21. Over the next 10 years, he was arrested 14 times for crimes, including burglary, theft, and murder.

In a second case, an 18-year-old who was processed through the juvenile court system in California on two occasions for assault with a deadly weapon and assault with intent to kill was also able to legally purchase a handgun when he turned 18. In fact, he was 27 at the time. At that point, he was later arrested and convicted of felony robbery with a gun.

In short and in summation, our amendment would treat the most serious class of violent juveniles as adults for their adult crimes and stop them from getting weapons to hurt others in our society.

I urge my colleagues to join us in supporting what I think in this case really is truly a bipartisan effort.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from California (Mr. ROGAN) has 3 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 7 minutes remaining. The gentleman from Illinois (Mr. BLAGOJEVICH) has 1 minute remaining.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me the time.

Mr. Chairman, I have in my hand seven pages listing the names of dead children. This amendment is an important one. It deals with a different perspective, the juvenile Brady bill, which says that those juveniles who themselves committed violent crimes during their status as a juvenile cannot, in fact, secure a gun as an adult.

This is a good bill. In fact, as I wear this blue ribbon in commemoration and sadness for the tragedy in Columbine, if the two perpetrators had lived, obviously they may not have ever been out of jail, but they would then be under this particular bill. It is a tragedy that we even have to speak to the idea of juveniles perpetrating such violent crimes. It does, however, prevent or provide a sensitive aspect to the extent that if the juvenile has been pardoned or that their civil rights restored, it does not apply.

But what it does not do, Mr. Chairman, although this is a very excellent bill, and I congratulate my colleague from Illinois, I rise to support it, and my colleague from California, it does not answer the question of the seven pages of dead children, because what it does not answer is how do we stop those juveniles in the first instance from getting guns from flea markets and gun shows and the back of a station wagon of a seller who comes into their neighborhood or community or garage sale and opens up 25 Saturday night specials. It does not answer the question of whether or not we can even prevent the transfer of a handgun to someone under 21.

So I would simply say to my colleagues that we have at least a first step, but we still have seven pages of murdered children. Amanda Cindy Garza, 15, died from a gunshot wound to the head after unintentionally shooting herself with a .357 revolver. No one knows where the gun came from. The owner was unknown. Or Shawn Harvey, 16, was shot and killed mistakenly when they thought the boy was stealing a neighborhood car. He was shot in the head. The shooter had similar prior offenses and was using an unlicensed gun. Or when Jesse Duane Rogers, 10, and Amanda Rogers, 6, were playing Nintendo when their cousin unintentionally shot and killed them. The 17-year-old cousin, who had completed an NRA hunter's safety course, was baby-sitting them when he discovered the 9 millimeter semiautomatic pistol in the closet.

I hope this amendment passes, Mr. Chairman. But I simply say, we have not done enough. We need to do more.

Mr. ROGAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM) the distinguished chairman of the Subcommittee on Crime of the House Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, this is an excellent amendment. I certainly hope that we adopt it today and trust that most of my colleagues will vote for it.

It is closing a major loophole in the current law with regard to those who commit very bad, violent crimes. In this case, they happen to be under 18, they happen to be teenagers, juveniles, but they are not tried in an adult court, for whatever reason. And then, as opposed to somebody who commits a crime as an adult or tried as an adult, they are not disqualified from owning a gun later.

Anybody who commits the crimes that are under this particular amendment as an adult or being tried as an adult, even under 18, would never be able to own a gun in their life again. But that is not true unless this amendment is adopted with regard to those juveniles who are tried as delinquents or tried in juvenile courts as opposed to being tried as adults.

Let me make clear what these crimes are that need to have this prohibition: Murder, manslaughter, rape, assault with intent to commit murder, assault with intent to commit rape, sexual molestation, kidnapping, carjacking, robbery, and arson.

If they commit a crime of this gravity and they are convicted of that, adjudicated of that in a juvenile proceeding, they should never be allowed to own a gun again in the future. If they are an adult, they never would be. Why should there be a difference with these serious crimes if they are a juvenile and adjudicated in a juvenile court? They committed these crimes. They should be disqualified, as the Rogan amendment does, from ever being able to own a gun again.

This is a very important provision. It definitely deals with youth violence, and it is by far and away one of the hearts of this legislation. I again commend him.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 4 minutes remaining. The gentleman from Illinois (Mr. BLAGOJEVICH) has 1 minute remaining. The gentleman from California (Mr. ROGAN) has 1 minute remaining.

Ms. LOFGREN. Mr. Chairman, I reserve the balance of my time.

Mr. BLAGOJEVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all I want to say is, it is good to see that today, with the help of the gentleman from California (Mr. ROGAN) and former prosecutor, we are able to pass in a bipartisan fashion legislation that closes the loophole. And I regret to say that we failed to do that last night and passed legislation that did not really close the loophole that is gaping and wide, and that we need to readdress it at some point in the future, and I would hope that my friend the gentleman from California (Mr. ROGAN) and I and others on that side of the aisle can join us to do that down the road because I do not think that we have done what we really need to do on the gun show loophole.

Having said that again, I commend the sponsor of this legislation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LOFGREN).

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to thank my colleague and my good friend for his leadership on this issue. It has been a pleasure working with him. I want to thank him again and his dedicated staff for all the hard work that they have put into this.

Mr. Chairman, I yield back the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, it takes me back to California days, and I am very, very happy to stand here in support of this amendment with my colleague from California.

Understand that, in California, we have taken very, very many steps to try to control the proliferation of guns amongst our children, and we have not been able to successfully deal with the young people who are able to acquire these guns and be able to use them indiscriminately, whether they are on drugs or whether they are doing the drive-bys in the areas where we have the least control.

Now, under this law, any person who is an adjudicated juvenile delinquent may possess firearms when they become adults. This will prevent those juveniles from being able to legally obtain and be licensed to carry a gun. This is a very necessary item to the Brady bill, and we may want to call it the juvenile Brady. And I believe that all of us should support this bill to be able to allow our law enforcement officers to have one more tool to keep guns away from violent individuals, whether they be juveniles or adults.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me the time and for her leadership on this issue.

I, too, support this amendment, but I rise to really express my disgust and disappointment that this body reversed gun safety in this country last night. Only in a Republican-controlled Congress, in the wake of tragedies like Littleton, Colorado, would they come to the floor and pass an amendment which makes it easier, makes it easier, for criminals to get their hands on guns.

Under current law, licensed dealers must wait 3 business days for a Brady background check before giving a gun to a purchaser. But last night, last night, the majority voted to reduce this time to 24 hours.

Well, guess who would have gotten a gun last year if this had been the law? I have a list here from the Department of Justice, and it talks about people who were stopped because of the Brady bill because of the background check. But if they had just the 24 hours, they would have gotten a gun.

On February 6, 1999, a twice-convicted domestic violence batterer; on April 24, 1999, a person convicted of domestic assault and battery. It goes down. A person convicted of second degree murder, rape, crack cocaine.

This is outrageous that when this country is experiencing youth violence in our schools, in our neighborhoods, children killing children, this body voted to turn back the clock and make it easier for people to get their hands on guns, felons.

I urge my colleagues to vote for the Conyers substitute and to vote for this bill that turns back the clock and makes it easier for felons to get their hands on guns. It is outrageous and it is wrong.

Ms. LOFGREN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentlewoman has 30 seconds remaining.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would close by saying that it is fine to vote for the Rogan amendment, but let us not fool ourselves. We are voting to extend the Brady background check to juveniles. That is fine. But, in the dead of night, when they thought no one was watching, we weakened the Brady law so that criminals, and I would add juvenile criminals, are going to be able to buy these guns in the parking lots, in the flea markets, in the gun shows.

I do not think the American people have been fooled one bit. This is not what the mothers and fathers of America expected us to do in the wake of the massacre at Columbine High.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. ROGAN) will be postponed.

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SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 8 offered by the gentleman from Texas (Mr. SESSIONS); amendment No. 9 offered by the gentleman from Virginia (Mr. GOODE); amendment No. 10 offered by the gentleman from California (Mr. HUNTER); and amendment No. 11 offered by the gentleman from California (Mr. ROGAN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR. SESSIONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 181, not voting 6, as follows:

[Roll No. 239]

AYES—247

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Ford
Fowler
Frost
Gallegly
Gekas
Gibbons

Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kind (WI)
Kingston
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Lucas (KY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Miller (FL)
Miller, Gary
Mollohan
Moore
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Toomey
Traficant
Turner
Udall (NM)
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Capuano
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Dooley
Dunn
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Greenwood
Hastings (FL)
Hinchey
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Kolbe
Kucinich
LaFalce
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shadegg
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Tauscher
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—6

Brown (CA)
Lewis (CA)
Minge
Pascrell
Salmon
Thomas

□ 1226

Mr. INSLEE, Mr. ANDREWS, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mr. HINCHEY, Mrs. ROUKEMA, Messrs. DELAHUNT, RAMSTAD, LOBIONDO, Mrs. MINK of Hawaii, Messrs. DOOLEY of California, CASTLE, FOSSELLA, WALSH, SCARBOROUGH, CARDIN, GILMAN, GILCHREST, WELLER, MORAN of Kansas, ROEMER and LIPINSKI changed their vote from "aye" to "no."

Messrs. HINOJOSA, DINGELL, SKEEN, Ms. CARSON, Messrs. MOORE, KLINK, HEFLEY, KIND, Mrs. CUBIN, and Messrs. JONES of North Carolina, STRICKLAND and MOLLOHAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 9 OFFERED BY MR. GOODE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 250, answered "present" 2, not voting 7, as follows:

[Roll No. 240]

AYES—175

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bishop
Bliley
Blunt
Boucher
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Everett
Fletcher
Gekas
Gibbons
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinchey
Hostettler
Hulshof
Hunter
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kingston
Knollenberg
Lampson
Largent
Lazio
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Ney
Norwood
Ortiz
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Radanovich
Rahall
Ramstad
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (AK)

NOES—250

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling

Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren

Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Olver
Ose
Owens
Oxley
Pallone
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rangel
Regula
Rivers

Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Sisisky
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—2

Obey
Strickland

NOT VOTING—7

Bonilla
Brown (CA)
Lewis (CA)

Minge
Pascrell
Salmon

Thomas

☐ 1236

Mr. KASICH and Mr. FOSSELLA changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall No. 240, had I been present, I would have voted "no."

AMENDMENT NO. 10 OFFERED BY MR. HUNTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 208, answered "present" 3, not voting 10, as follows:

[Roll No. 241]

AYES—213

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bono
Boswell
Boucher
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Fletcher
Fossella
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode

Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinchey
Hobson
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kuykendall
Lampson
Largent
Latham
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett

Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert

Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin

Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)

Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur

Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Oxley

Pallone
Pastor
Payne
Pelosi
Petri
Porter
Price (NC)
Quinn
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—3

Green (WI)
Obey
Strickland

NOT VOTING—10

Archer
Bonilla
Brown (CA)
Cox

Farr
Lewis (CA)
Minge
Pascrell

Salmon
Thomas

☐ 1244

Mr. HOLDEN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall No. 241, had I been present, I would have voted "no."

AMENDMENT NO. 11 OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 27, not voting 12, as follows:

[Roll No. 242]

AYES—395

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—27

Aderholt
Archer
Barton
Blunt
Burton
Chambliss
Coble
Cubin
DeLay
Dickey
Doolittle
Hansen
Hill (MT)
Hinchey
Hostettler
Kingston
Linder
Obey
Paul
Riley
Scarborough
Sessions
Shadegg
Stump
Taylor (NC)
Tiahrt
Wamp

NOT VOTING—12

Bonilla
Brown (CA)
Cooksey
Everett
Forbes
Graham
Lewis (CA)
Minge
Pascrell
Rogan
Salmon
Thomas

☐ 1252

Mr. KLINK and Mr. INSLEE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 242, had I been present, I would have voted "yes."

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee of the Whole now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I voted in the end against passage of the so-called juvenile justice bill yesterday, and I will oppose this bill on final passage today. I do not disagree with much of the content. I voted for the Dingell amendment last night.

I will vote against this bill today because the process by which Congress considered both of these bills is a national disgrace. It has resulted in Congress making crucial decisions on matters ranging from legal liabilities of families, local school governance, judicial sentencing, and religious liberty and other issues without any clear understanding of the legal impact and the real-world effect of our actions.

That happened because neither of these bills was produced through the normal committee hearing and deliberation process, which is the main tool Congress has to protect liberty and protect justice for the people we represent.

There is a reason why Congress normally has a hearing process to allow the general public and experts alike to think aloud about what it is that Congress is planning to do, to make sure that they and Congress have a full understanding of the results of the contemplated actions.

But these bills were brought to the floor in a process that short-circuits what Congress is able to do best as an institution: Namely, to carefully sort out in committee the nuances of critical issues, aided by the expertise that committee members develop in their specialty areas of jurisdiction.

The process by which these bills were considered has contributed to a continuing erosion of this body as a respected legislative institution. More and more, the Congress is not passing real legislation, it is passing institutional press releases aimed far more at sending political messages than they are at solving problems.

This chaos must stop or this institution will lose the confidence of the public, which has the right to believe that we will consider each and every matter in a manner that is designed to protect their real-life interests, rather than our partisan interests.

I deeply believe in the need to take strong, meaningful action and thoughtful action to deal with the problems of juvenile violence, public safety, and the protection of basic American values. But this process virtually guarantees that this Congress will produce nothing of the kind. So my vote will be a protest against the way Congress has politicized a critical national problem.

I also want to note that I voted present on two of the previous four issues that we just voted on, the two relating to the District of Columbia, because in my view I was not elected to be a city councilman for the District of Columbia. I believe the city's issues should be left to themselves, so I voted present as an effort to protest the way that this House routinely interposes its judgment on matters that are strictly local affairs.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman. I demand a recorded vote.

The CHAIRMAN. Those in favor of a recorded vote will rise and remain standing. The Chair will count all Members standing.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

So the motion was rejected.

It is now in order to consider the amendment deemed as the last amendment printed in Part B of House Report 106–186.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 12 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B amendment in the nature of a substitute No. 12 deemed printed in House Report 106–186 offered by Mr. CONYERS:

Strike all after the enacting clause and insert the following:

TITLE I—GENERAL FIREARM PROVISIONS

SECTION. 101. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which—

"(i) not less than 20 percent of the exhibitors are firearm exhibitors;

"(ii) there are not less than 10 firearm exhibitors; or

"(iii) 50 or more firearms are offered for sale, transfer, or exchange.

"(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Regulation of firearms transfers at gun shows

"(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(2) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

"(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

"(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

"(2) does not include the mere exhibition of a firearm.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows.";

and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

TITLE II—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 201. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph)."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter.".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 202. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

"(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

"(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

"(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.".

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

"(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm;

"(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

TITLE III—ASSAULT WEAPONS

SEC. 301. SHORT TITLE.

This title may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

TITLE IV—CHILD HANDGUN SAFETY

SEC. 401. SHORT TITLE.

This title may be cited as the "Safe Handgun Storage and Child Handgun Safety Act of 1999".

SEC. 402. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Safe Handgun Storage and Child Handgun Safety Act of 1999.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 403. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person who is not licensed under section 923, unless the licensee provides the transferee with a secure gun storage or safety device for the handgun.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the unlawful misuse of the handgun by a third party, if—

"(i) the handgun was accessed by another person without authorization of the person so described; and

"(ii) when the handgun was so accessed, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", or (p)" before "this section"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this chapter shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this chapter shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 404. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 15 minutes.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the distinguished gentleman from California (Mr. CAMPBELL) so that he may yield blocks of time at his own discretion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) will control 5 minutes and the gentleman from Michigan (Mr. CONYERS) will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 12 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute approved by the Committee on Rules be modified in the manner which I have caused to be placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. CONYERS to amendment in the nature of a substitute No. 12:

At page 22, line 8, insert after "person" the following: ", in or affecting interstate commerce,".

At page 22, line 17, insert after "person" the following: ", in or affecting interstate commerce where the proof of such is an element of the offense,".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Is there objection to the modification of the amendment?

There was no objection.

The amendment in the nature of a substitute is modified.

□ 1300

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to allocate an additional 5 minutes per each side for this debate.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, I reluctantly am going to object because we have Members who plan to catch their planes. It is very late now. It is 1:00 in the afternoon. I would say to the gentleman from California that we, unfortunately, need to get on with it. I hate to do that. I will cancel my reservation and make an objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes on his amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this has been a trying event with this legislation, but this substitute may be able to provide some solace for those of us who want something to take to the American people.

This substitute is the Senate-passed gun safety provisions word for word, which many of us were led to believe at one time that the Speaker and the Chair of the House Committee on the Judiciary supported.

I had hoped that in the wake of Littleton that this body could pass modest gun safety measures, but leave it to the Republicans to tarnish the memory of those children by putting forth a bill that creates scores of new loopholes.

If the bill that is before this body is passed, not only will we have gutted the bill, the gun show provision, and given criminals a virtual license to buy a gun, but we will have actually weakened current law in several important respects, and here is how: Right now, it is illegal to ship weapons across State lines into someone's home. This has been the law ever since Lee Harvey Oswald assassinated President Kennedy. The bill before us repeals that law.

Right now the District of Columbia restricts possession of firearms. This bill allows residents to not only own guns, but carry concealed weapons.

Mr. Chairman, we have one last chance to turn this sorry situation around and restore some sanity to the process. A yes vote on the bill offered by myself and my dear friend, the gentleman from California (Mr. CAMPBELL), on this substitute will eliminate all of the loopholes and return us word for word to the Senate-passed gun safety provisions.

The Conyers/Campbell amendment will shut down the gun show loopholes once and for all.

Mr. Chairman, if this amendment fails, I will be forced to vote against final passage of this legislation. The gentlewoman from New York (Mrs. McCARTHY) deserves more than this sorry bill, and the parents of 13 school children killed by guns every day deserve far more from this House.

I urge a yes on the substitute, a no on final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to this substitute.

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) will control 15 minutes.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the substitute that the gentleman from Michigan (Mr. CONYERS) offers is flawed for two principal reasons. Number one, it is a revote of the McCarthy amendment from last night that we defeated on the floor, and for anyone who voted against that, I do not wish to completely redebate that, but it is indeed a good reason, and, in fact, a necessary reason, in my judgment, to vote against this substitute.

In case somebody needs to be reminded, this substitute, as would the McCarthy amendment last night, would essentially not specify what type of events fall within the definition of a gun show, so at a community yard sale if one person is selling his firearms collection, which could easily be more than 50 guns, and another neighbor puts one of his firearms on the table, it is a gun show.

Private yard sales, private home sales would be covered. There are all kinds of illustrations that we went over last night where they are talking about two or more persons simply exhibiting firearms. A gun show is designed by nature to be exactly that, where there are a number of vendors, we have in the bill right now 10 or more, who get together to sell firearms at some organization's show or event, not a private sale among two or three individuals. That is really the biggest flaw in the McCarthy and now in the Conyers substitute.

So I want Members to fully understand that we are revoting, by this substitute, the McCarthy proposal.

Secondly, another reason why the Conyers substitute should be voted down, in my judgment, is that the gentleman from Michigan (Mr. CONYERS), in his proposal, would amend several sections of the criminal code that would put it in direct conflict with what we passed yesterday in H.R. 1501, the juvenile justice bill.

We all want child safety out here. We also all want to deter violent juvenile behavior and crimes, not just with guns, but in a number of other respects, but because these provisions that the gentleman from Michigan (Mr. CONYERS) is altering would directly conflict with yesterday's amendments that were adopted in the bill on 1501, I think that this should be defeated.

For example, the Conyers substitute does not contain these punishments passed yesterday: Increased penalties on juveniles who illegally possess a gun with intent to take it to a school or to give it to somebody who will take it to a school; the increased penalty on adults who illegally give a gun to a juvenile; the mandatory minimum sentence imposed on adults who give illegal firearms to juveniles intending that they take them to a school; and the mandatory minimum penalty imposed on adults who illegally give a gun to a juvenile, knowing that a juvenile will use it to commit a serious felony.

The House, again, has already decided these issues, and the best case scenario, the adoption of this substitute is going to confuse the issue because the provisions would be directly in conflict, albeit in two separate bills.

Lastly, I would like to comment on where we are as we move to final passage. We are about to do that after this substitute, and I would certainly encourage the vote for the final passage of this legislation. It is a piece of legislation which will close loopholes. It is a piece of legislation that without any dispute does four of the five provisions from the Senate legislation, the other body's legislation, that a lot of people have been discussing out here.

The question of banning juvenile possession of assault weapons was adopted and is part of this bill, as it is a part of the other body's. The juvenile Brady provisions with respect to now saying that if someone commits certain violent crimes as a juvenile and are adjudicated in a juvenile court, they are no longer able to own a gun later as an adult, or purchase one, that is part of this bill as it is part of the other body's.

The ban on large magazine clips that were manufactured, or for guns manufactured, before 1994 is a part of this bill, as it is the other body's. The safety lock language that all of us, at least most of us, feel is important with respect to safety of children is also a part of this.

The only debate, again, comes back to the question of the gun shows, and that comes back to the debate last night, again, that is in this substitute over the McCarthy, or in the other body, the Lautenberg proposal.

I would say shame on anybody who does not vote for this, because as we said last night, everybody wants to close the gun show loophole. The legislation we have before us does that, and it does all four of the other things that I mentioned.

This is a major advance in the right direction. Maybe some people did not get all they wanted. That we can revisit on a future date. But this is a vast improvement over the conditions we presently have in current law, and anybody, I would suggest, who votes against this, who really does so because they do not believe it goes far enough in the way of providing more safety in these areas, is doing so and playing politics where they should not be playing politics.

It is a constructive proposal. It may not be, again, what everybody wants, but it is a constructive proposal that does advance the purposes intended, and that is to protect our Nation from violent felons getting access to guns when they should not and protecting children on our streets and the playgrounds in our schools and at home. That is what this legislation is all about.

Mr. Chairman, I will reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, there are Republicans who believe in gun control. We are going to hear from them right now. We are hearing from one right now, and we will hear from others. There were 47 of us who voted against the Dingell watering down. I am proud to say that there were eight from California in that group, and today we Republicans who recognize the importance of reasonable gun control and the second amendment both strongly support the Conyers/Campbell substitute.

I am proud to put my name right next to that of my good friend and mentor and colleague, the gentleman from Michigan (Mr. CONYERS), for whom I have the highest regard. That is point one.

Point two, there is a huge advantage in this version versus the underlying bill. If my colleagues are against semiautomatic assault weapons and large-capacity ammunition feeding devices for minors, there is a flaw in the underlying bill; they did not rectify it under U.S. v. Lopez.

What does that mean? In 1995, the Supreme Court said that we could not, as a Federal Government, ban the ownership, the bringing onto school grounds of a handgun, because there was no finding of an effect on commerce. By contrast, the gentleman from Michigan (Mr. CONYERS), in his kindness and willingness to accept an accommodation, put that exact finding into this bill. So I repeat, if Members want to take semiautomatic assault-style weapons away from people under 18, only Conyers/Campbell does that. The underlying bill, in my view, is and will be held unconstitutional.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEXLER), a distinguished member of the committee.

Mr. WEXLER. Mr. Chairman, 200 million guns flood the streets of America. Two hundred million guns arm us like a Nation at war with itself, and this Congress does virtually nothing.

We are accomplices when 13 of our children are gunned down every day. We are accomplices when a child finds the family gun and ends the life of a neighbor. We are accomplices when the leading cause of death among young African American men is homicide by guns.

A teen without a gun cannot massacre his classmates. A toddler without a gun cannot shoot his playmate. The NRA and Charlton Heston are writing our gun laws. Where is the outrage? Congress is playing Russian roulette with the lives of our children. America, where is the outrage? Support the Democratic substitute.

Mr. McCOLLUM. Mr. Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN. The gentleman from Florida (Mr. McCOLLUM) has 9½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6¾ minutes remaining. The gentleman from California has 3¾ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. McCOLLUM. Mr. Chairman, I will yield myself such time as I may consume, and I yield for a question to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, we are trying to work in a bipartisan way. I would say to the gentleman from Florida (Mr. McCOLLUM), I just simply ask the question, how many guns would nine gun show vendors have to sell under this bill?

Mr. McCOLLUM. Reclaiming my time, I am not going to get into a debate over the McCarthy issue again today. I have a limited amount of time.

Ms. JACKSON-LEE of Texas. I am trying to clarify the bill of the gentleman.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I never thought I would be standing in front of this or any other legislative body asking for a vote in favor of a bill that has any type of gun control legislation attached to it, but then I never thought I would be representing a district in which two teenagers would walk into a school and callously, mercilessly, take the lives of 12 of their classmates and 1 of their teachers and wound over 20 other children.

Of course, there are things that happen in individual lives that delineate one section from another. That is what has happened to every one of us who live in Littleton, Colorado. No one will be the same after April 20, 1999. Everybody's life has changed and will be dated from that point on by that event.

I do not mean to suggest that what we are doing here in this bill will have the effect of guaranteeing that we will never have a recurrence of Columbine High School. I know that we cannot make such a guarantee, because there is nothing in this bill actually that can cure the sickness of the soul that afflicts so many, such an unfortunately large segment of the population of this great land.

I do hope that we have addressed that issue to the extent that we are able to address that issue, the underlying issue, the real cause of the problem. I hope we did that yesterday and late last night.

To the extent that we can address the other side of the problem, the more superficial side, and I admit fully well that I believe that this is relatively superficial, that when we deal with the gun side of this thing it is the superficial side. It is the attention to a sore that appears on one's body and that they apply a Band-Aid to, but that they ignore whatever it is that is causing that sore to appear.

□ 1315

But, nonetheless, we must oftentimes apply that Band-Aid. We have to have it. Even though it is relatively superficial, it needs to be done. We are bleeding. There is no two ways about that. We are bleeding in my district. We are bleeding across this land both literally and figuratively.

So I recognize that there are people on both sides of the aisle who are concerned about the ability for this particular piece of legislation to get the job done, but I will tell my colleagues that I believe that we are far closer to getting it done if we pass this than if we do not.

I fear that, if this fails, first of all, that there will be nothing that comes out of this Congress, nothing that can come out even in a conference committee if the Conyers amendment passes and eventually this bill fails, which I think is exactly what would happen.

We have done a number of things that I think we can be proud of. We have extended Brady. It does now include everyone that walks into the door that wants to purchase a gun in a gun show. If the Dingell bill passes, that is what we have accomplished.

There are things that we have done right, Mr. Chairman, and I would ask for a yes vote on the bill and no vote on the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 30 seconds to the gentlewoman from Colorado (Ms. DEGETTE), who has worked so hard on this whole subject matter.

Ms. DEGETTE. Mr. Chairman, well, I guess my constituents and the parents across this country will sleep a lot better this weekend knowing that Congress is solving youth violence by posting the Ten Commandments in the schools and passing child gun safety laws written by the NRA which substantially weaken current laws.

Do my colleagues know something, if there is anything we should have learned in the last year it is that the American people are a lot smarter than this, and they will not accept the watered-down bill like this.

It is not right to remember the kids at Columbine, to remember the kids across the country this way. Vote yes on Conyers. Vote no on final passage if Conyers fails.

Mr. CAMPBELL. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 30 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the substitute. Mr. Chairman, more than 8 weeks ago, 12 students and a teacher were killed at Columbine High School. That terrible event shocked this Nation to its core; and all across the country, the American people cried out for action. That cry was heard in Washington. CAROL MCCARTHY heard it. We all heard it, the cry of so many victims, the cry of the children.

A terrible tremor arose from Columbine 8 weeks ago. It spread across the entire Nation. Today we stand on the floor after 2 days of debate and discussion. Let us vote for this bill, the substitute bill. It is a good bill. Let us take action.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and all of our colleagues that have paid very close attention to these debates, these monumental, momentous debates over these last 3 days.

Of course, the headlines today, depending on which paper we read, which tabloid we picked up, places the consequence for what happened last night, the various votes, on one group or another group or one person or another person.

The fact of the matter is, Mr. Chairman, that the action that this House took last night, the action that this House took the day before yesterday, the action that this House took this morning, and the action that this House will take in a few moments to pass the McCollum bill, H.R. 2122, is the American people speaking.

Every one of us in this Chamber, and all of our colleagues not here at this moment, represent 600,000 or more American citizens, families, men, women, children, grandparents, aunts, and uncles and friends. They have been in touch with us. They are listening.

Now, Mr. Chairman, because we may disagree on something, my colleagues may say, oh, it is another group that is doing this. Huh-uh. We listen to our constituents the same way they do. Our constituents are telling us they want a comprehensive piece of legislation that protects the Constitution, protects the Second Amendment, strengthens family, strengthens schools, strengthens the right of all Americans, and moves us in the direction of a positive piece of legislation that we can go back to the American people and say, yes, Congress has listened.

Yes, we listen to both the Constitution, the American people, our American educators, our families, and support this piece of legislation. Is it perfect? No. Is it good? Absolutely yes. I urge all of my colleagues to vote for this bill, H.R. 2122.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, the modest provisions that we have before us today have sent the gun lobby into a frenzy because it explodes the myth that we are powerless to act only to pass foolish symbolic legislation. We can explode that myth. We can stand up to the gun lobby.

Every day in America we have another Littleton. It is just that the dead children are scattered across America rather than concentrated in one place for the media. I pray that our hearts are not so hardened that all the carnage has to be in one place before we have the courage to act.

Please vote for the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI), who has worked indefatigably, and I thank her.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Conyers-Campbell substitute and to commend the gentleman from Michigan (Mr. CONYERS) for his leadership and that of the gentlewoman from New York (Mrs. MCCARTHY).

This legislation is necessary because it will reduce gun violence, save the lives of our children, and protect the safety of our families and communities. We have all heard the statistics, Mr. Chairman, about every day 13 children's lives are lost to gunfire. But did my colleagues also know that, in 1996, gunfire killed 4,643 infants, little children, and teens.

We must take action to protect our children. Support the Conyers-Campbell bill.

Mr. CAMPBELL. Mr. Chairman, I am pleased to yield 2 minutes on behalf of reasonable gun control to the gentleman from Iowa (Mr. GANSKE), a reasonable Republican.

Mr. GANSKE. Mr. Chairman, I rise in support of the Conyers substitute and also urge my colleagues to vote no on final passage.

Mr. Chairman, I remember vividly many years ago cradling a 16-year-old Spanish-American, Mexican-American boy in my arms with a gunshot wound to his head and trying to save his life. Mr. Chairman, I remember speaking to his family afterward, his brothers, his sisters, his parents, his grandparents, his cousins, and explaining to them how their son had been killed and died of a gunshot wound to the head.

What was passed last night was not an improvement on current law. Under current law, a retailer has to get a background check and has 3 business days to do it. What was passed last night was a weakening of that law. So that if a retailer goes to a gun show, they only have a 24-hour period. If the agencies are not open, then that person who has not been adequately background checked gets his gun.

Mr. Chairman, do we want to pass a law in light of Littleton and all the other gun shootings around this country that weakens current law? That is what we would do, Mr. Chairman, if we vote for this bill.

I urge my colleagues to vote for the substitute. There are many of my Republican colleagues who, once they realize that what the Dingell amendment did was weaken current law for retailers, I think would do wise to reconsider their vote. I urge a yes vote on the substitute and a no vote on final passage.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I respect the last speaker a great deal, but with all due respect I disagree. Whatever my colleagues may think of any of the proposals that were here before us last night, and we are now revoting one of them today, the McCarthy one, every one of them closed the loophole with respect to gun shows because every one of them addressed the people who sell guns at gun shows who currently are not required in any way to get an instant check. Those are the individuals who go there.

If my colleagues vote for this bill today, there will be not a person who buys a gun at a gun show who does not have to have their background checked to see it they were a felon, a convicted felon. I think that is extremely important.

Most of the checks do not provide a positive result. When they do, they are arrests only records, and they can quickly be resolved and find out whether the person is convicted.

Last, but not least, I would like to again reiterate that the Conyers proposal does more than simply revote

McCarthy. It also undoes some of the work we did in H.R. 1501 yesterday, the juvenile justice bill. My colleagues should vote no on Conyers. If my colleagues believe in closing the gun show loophole and improving our laws, vote yes on final passage. It is not perfect, but it is an improvement of significant.

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 30 seconds to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I support the Conyers-Campbell substitute. Let me just respond to the gentleman from Florida (Mr. MCCOLLUM), the subcommittee chairman.

Under current law, and under the underlying bill, individuals will still be able to buy guns at gun shows without the background check because of the time differences and the definition of what is a gun show.

So if we really want to do something, this is our last chance. Let us go along with the other body. We ask for that, many of us, on both sides of the aisle. We can do something for child safety. We can do something for gun safety.

The subcommittee chairman says we will have other opportunities. It does not come along in this Chamber very often. This is our last chance. Let us support the substitute.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

I rise in strong support of the Conyers-Campbell substitute. We very often have to make difficult decisions around here balancing different interests. This is not a very difficult decision at all, because we are balancing the inconvenience of a relative handful of people versus the protection of human life.

I would say we have heard a lot of statistics around here the last few hours about percentages that would be involved and numbers of people that would be involved. In my judgment, the real number is one. If one life is preserved, if one shooting is prevented because of this measure, it is worth it. Support the Conyers-Campbell substitute.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE), the distinguished former Governor of Delaware, a reasonable Republican for reasonable gun control.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Obviously, I rise in support of the Conyers-Campbell amendment. Let us understand exactly where we are now. The Dingell bill is passed. There is a 24-hour check. Ninety percent of all the people that get the instant background check can buy their guns right away.

We are dealing with the 10 percent of people who have been arrested at some time in their lives. We are trying to find out if they have been convicted. Are they felons, or are they not felons? We need time to do that.

This basic legislation with the Dingell amendment in it now would apply to weekend gun shows. That is when gun shows take place, and they cannot check it in 24 hours because the courthouses simply are not open. It is not a loophole. It is just a wide open highway that a felon can take advantage of to go and buy guns. We are going to be arming felons if we leave this law the way it is.

□ 1330

Why do we not pass the Conyers-Campbell substitute now? It does exactly what the Senate did. It does it correctly. It has been signed off on by virtually every group out there that has looked at the issue of guns, and, in my judgment, in this country it is the way to go.

We do not want to arm felons, we want to prevent them from being armed. Let us pass the substitute.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to also thank the gentleman from California (Mr. CAMPBELL) very much.

We can still do something today. We can pass real straightforward gun safety legislation. We can take the millions of guns away from criminals. We can keep the guns out the hands of violent juveniles. We can provide child safety locks, and we can bar large-capacity ammunition.

Here is a letter to the NRA: "Dear NRA. We are going to turn the lights out on you today and the gun lobby of America, but we are going to shine the light on America's children for safety and saving their lives. We are going to support the Conyers-Campbell substitute."

Yes, we can beat the gun lobby. We are going to stand up for America.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. DAVIS), who is an old friend of mine from Chicago.

Mr. DAVIS of Illinois. Mr. Chairman, I have been to the funerals of too many young people who were gunned down by others with semiautomatic weapons. I have been through Schwab Rehabilitation Hospital and Chicago Rehabilitation Hospital. I have seen too many young people paralyzed before they get an opportunity to realize what life is all about. I have seen the agony, the frustration, the pain of people in neighborhoods and communities afraid to come out of their houses at night.

We must do the only sane, sensible thing on this day. We did not do it last night. Do it today, vote for the Conyers substitute.

Mr. Chairman, I rise in support of the Conyers' Democratic substitute amendment to H.R. 2122, the Mandatory Gun Show Background Check Act.

Today, in this sacred chamber, we have an opportunity to address this Nation's most pressing problem, gun violence, in a meaningful and effective fashion. We have a mandate from the people to take action that stems the tide of violence that is sweeping across our Nation from Washington, DC to Chicago and LA.

The biggest victim of this tide of violence is our children. From Chicago's west side to Colorado and over to Georgia, we have felt the pain of lost precious lives. Now, before we lose another precious life, we must take meaningful action.

Today, we have the opportunity to put in place meaningful gun control legislation, a task that we failed to complete last nite. Let's close the gun show loophole, let's ban the importation of large ammunition clips, let's raise the age to possess a handgun and semi-automatic weapon, lets make sure that every gun is sold with a safety device, lets adopt the Conyers' substitute. Why do we need these protections. Well I'll tell you why, in Chicago we have a gun problem, our children are shooting children. In 1997 firearms were used in over ¾ of the murders committed in Chicago. What makes this statistic so disturbing is that over half of the persons committing murder were under the age of 21. In 1997 Chicago had 246 murders of people under the age of 21 and there were 290 people under the age of 21 charged with committing murder. Chicago contributes more than its fair share of children to a terrible statistical category: children killed too soon by hand guns, and it must stop. How can we in good conscience let this situation go on. Did you know that since 1969 that firearms are the leading cause of death among African-American youths? For 30 years handguns have been killing African-American youth and we still debate whether or not we need this common sense gun legislation. When will we take this necessary action?

Now is not the time for loopholes in the bill that's trying to close loopholes.

No one here is saying that someone can't own a gun, all they are saying is you have to wait, that your background must be checked out, and that children should not have guns. These are simple, straight forward, common sense proposals. Let's do it and make America safer and better. Let's not fail America's children again, let's take this opportunity to the right thing and pass meaningful gun reform.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Michigan for all his hard work and for allowing me this time.

Over 70 percent of Democrats are in favor of what the Senate passed, yet 70 percent of the Republicans are opposed to what the Senate passed.

Everyone knows the Republicans have played games with this process, playing a shell game with the Committee on Rules. This has really been a sham. This bill is going down unless we pass the Conyers-Campbell substitute to save our children from dying from gun violence.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, without the Conyers substitute, nine licensed vendors could sell thousands of guns to felons at a gun show without doing one criminal background check.

Let me repeat. Without the Conyers substitute, nine licensed vendors could sell thousands of guns to felons without doing one criminal background check.

In the wake of the Columbine High tragedies, only the NRA and those who support them could call this progress.

Vote "yes" on the Conyers substitute.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES), a former member of the judiciary.

Mrs. JONES of Ohio. Mr. Chairman, I raised it yesterday, I raise it again today. No one has responded to the fact that local communities are not prepared to provide answers to instant check within 24 hours. No one has responded. And the reality of it is they cannot respond because local communities cannot help law enforcement comply with instant check in 24 hours.

I rise in support of the Conyers substitute bill and ask all of my colleagues to get real. Protect children in this country. Vote against this sham of a legislation.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, gun violence is out of control. This House is in a state of denial. It is time to stop dancing to the music composed by the gun lobby. It is time to face up to the fact of providing for a real instant check and to take guns out of the hands of criminals, out of the hands of the unstable, to stop the gun violence.

Vote for the Conyers substitute, a bill that will go to the Senate, and we will have a bill that will be law. That is why the gun lobby has postponed the consideration of this measure, because they want to kill it. That is why they needed the month to do it.

We should not be the handmaidens of the gun lobby. We should stick up for our constituents. We should stick up for the 600,000 people that sent us here, not the special interests.

Mr. Chairman, I rise in support of sensible gun safety measures that will prevent criminals from possessing guns.

Last night's votes were not about saving lives or about preventing tragic events like the shooting in Colorado from happening again, but were about inconvenience-waiting three business days to complete a transaction. Ask a parent whose child is dead because of senseless gun violence if they have been inconvenienced by the loss of their child. Or ask the brothers, sisters and friends of these victims if they have been inconvenienced by the death of a loved one. It is so unfortunate the arguments of the 24-hour National Instant Check System (N.I.C.S.) equates the value of a precious life as only a matter of convenience. It's a shame when waiting a couple of days is just too much to put up with. If we can prevent firearms from being placed into the hands of persons that have records of violence or are unstable and stop the gun violence at their hands, only then will we have done our job. At least 27 percent of N.I.C.S. applicants are not processed within 24 hours and approximately 80 percent of those denied the purchase, the individuals we want to screen out, take longer than 24 hours.

Although we may not hear about all the other tragedies that occur on a daily basis we do know that more and more criminals are finding it easier to obtain guns and we must act now to prevent this from occurring and making a mockery of the background check procedure. Our goal has never been to punish a law-abiding citizen who wishes to own guns, but to prevent those individuals who have demonstrated that they will break the law, who do have criminal conduct as part of their history and those who are incompetent from bypassing the screening system and finding other ways to obtain firearms. The fact is that the limitations on such problem actors is a positive reinforcement for gun ownership by the general population. This provides assurance that there are opportunities to responsibly possess firearms for lawful citizens.

I supported the McCarthy amendment because it just made sense. Without creating new, burdensome regulations on firearms collectors and hobbyists it would have brought parity, fairness and accountability to gun show sales by requiring gun show participants to abide by the same laws as the transactions within gun stores. This in fact codifes requirements that currently exist for firearms sales that take place at conventional retail outlets. This difference is an invitation for those who want to avoid a sound background check. Why the law should have two standards defies logic.

We do not have the answers to solve all of the challenging problems that face our nation, but we are able to take preventive steps to ensure that certain tragedies like the ones we've seen all over the country do not continue. The Brady law background check, since enacted, has prevented 400,000 gun purchases by screening out those that are a risk, a violent risk to society. Congress should act to enhance this screening process and close the loophole. Keep the guns, the weapon of choice out of the hands of the violent person, especially youth that are unstable and lack maturity.

Today we have another opportunity to restore workability and integrity to the screening process by adopting the Conyers substitute. Essentially the language and proposals which the Senate passed will close the loopholes in current law. Congress ought to do more, but the reality is that today we are fighting not to backtrack on existing laws, much less voting for new additional common sense measures that are needed. These include limiting the number of guns purchased in a month, prevention of remanufacturing kits for machine gun performance, legal liability and responsibility for the sales stream and for adults, including parents.

All too often this debate on firearm safety and protecting our society from gun violence engenders the same canned arguments, no matter the substance and different proposals. The gun lobby and their supporters have the same script; that assumes the hidden agenda is to take all guns and ban them, supposedly violating the Constitution—plain and simple scare tactics. Well, I own hunting shotguns and I want to keep them and I want others in our society who are responsible to have the same opportunity. In fact, I've heard no proponent of closing the gun show loophole or placing other limits on handguns or assault firearms advocate banning or taking all guns away. But the gun lobby has stampeded the House, ironically the people's House, into a blind canyon. Their arguments reflect an inability to deal with the facts and the gun lobby dictates only cosmetic changes.

Sound regulation of firearms is the best assurance Congress can provide for citizen ownership. As for the second amendment to the Constitution, I am not aware of any decisions that come close to undercutting the laws and proposals on the table. These assertions are simply bogus rationalizations. The real friend of the sportsman is a policy path that asserts responsibility and sets a standard of common sense and not a Congress that dances to the music composed and conducted by the gun lobby special interests.

Vote for the Conyers substitute. Vote to stop the violence. Vote for responsible firearm safety and ownership. Vote for your constituents, not the special interest. Vote for the Conyers substitute.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in strong support of the Conyers substitute and to protest the majority's restriction on the number of Democratic amendments considered to the Mandatory Gun Show Background Check Act.

Clearly, this decision favors the opponents of gun control and weakens our efforts to combat the proliferation of gun crimes in our Nation. Instead of being a House of the people, we become the water carriers for the NRA.

Mr. Chairman, we are out of step with our colleagues in the Senate, and we are certainly out of step with the majority of the people in the United States.

By restricting our ability to offer meaningful anti-gun violence amendmentsto this legislation, the Republican leadership has clearly let down the children and families of America by putting the interests of the gun lobby above the safety and well-being of all our children.

Therefore I strongly urge my colleagues to support the Conyers substitute which will assure that Congress promptly responds to what the vast majority of Americans want—commonsense laws which are designed to keep firearms out of the hands of criminals and children.

Mr. CAMPBELL. Mr. Chairman, I yield 45 seconds to the gentleman from Connecticut (Mr. SHAYS), a reasonable Republican for reasonable gun control.

Mr. SHAYS. Mr. Chairman, I rise in support of the Conyers-Campbell substitute, the Senate bill, and I urge Members to vote against final passage if the Conyers-Campbell substitute does not pass.

The bottom line is a 24-hour waiting period is a joke. It is an absolute joke. It makes a mockery of the law. We have a gun show on a Saturday, on a Sunday, the check means nothing. It is a joke.

I hope in my lifetime the marriage between the NRA and my party ends in divorce. It is a bad marriage.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time, and I want to thank all of the Members of this body on both sides of the aisle that have joined in for the substitute, particularly, of course, the gentleman from California (Mr. CAMPBELL).

What is the question? If we want more criminals to get guns from gun shows, vote against Conyers-Campbell. If we do not want criminals to get guns from gun shows then we will vote for Conyers-Campbell. It is as simple as that.

Mr. McCOLLUM. Mr. Chairman, may I inquire if all time has expired for the others?

The CHAIRMAN. All other time has expired.

Mr. McCOLLUM. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the House Committee on the Judiciary.

Mr. HYDE. My colleagues, we have reached the bottom line, and there is only one question that remains. Do we go forward, or do we go backwards?

Nobody gets everything they want in a bill, especially one as contentious as this bill. But if we can pass a bill, we can get it to conference, where the real bill will be written, and we will have a chance to get those things that are near and dear to all our hearts. But if we stop right now, we will not solve anything.

So the question is, are we really serious about doing something about juvenile crime, or would we rather posture; would we rather demonize our opponents and question their motives? Is that too much fun? Or can we keep this process alive and get it into conference where we will all have a voice, and we will try to shape a bill that suits the needs of America?

This is only the first step. It is not the end game. So I ask my colleagues to please not cut the lifeline to this process that we are embarked in, this contentious process.

Everybody here has been voting their district, their community, not voting party line, and we should not vote party line. There is no party line, although the Republican leadership supports this bill.

The substitute of the gentleman from Michigan (Mr. CONYERS) would undo all of the things we did yesterday. Some we may think are bad, but some are good. One of the things the gentleman does is denies the increased penalty on adults who illegally give a gun to a juvenile. That is a step backwards.

I suggest we support this bill, we keep the process alive, because we want to do something about juvenile violence. And maybe someday we can elevate our thoughts from things like guns and get into the realm of ideas that have horrible consequences and are filling our children's souls with hate and death and violence. That is the real enemy, not the things.

But there are too many guns, too many guns available to kids, and those people who responsibly use guns are entitled to their constitutional right. Balance is what we are looking for, protecting constitutional rights, protecting kids.

The gentlewoman from New York last night, and she is a gentlewoman, made a very compelling and moving speech about why she came here. We all came here for the same thing. And I suggest we stop playing politics and we start playing children and start playing juvenile violence and start thinking more deeply about these things and trying to come to grips with solutions.

One thing we can do is pass a bill today. Then it goes to conference, and then we will see if we cannot, through some inspiration, come out with a bill that advances the cause of tranquility and safety and families and kids in this country.

Vote for the bill; vote against the Conyers substitute, which undoes everything we did in the last 2 days, and let us move into conference and see if we cannot continue this process.

Ms. DEGETTE. Mr. Chairman, my esteemed colleagues, we have an opportunity before us today to pass bi-partisan, moderate gun safety legislation. We have a chance to make this country a safer place and we cannot afford to let this opportunity slip away.

If this body passes weak and watered down gun safety legislation then we have wasted our time. If we do not pass the moderate gun safety measures, equivalent to those that passed in the Senate, we might as well pass nothing. We have a chance to do something meaningful and we cannot afford to fail!

When it comes to gun safety, the people of this country are not going to settle for lip service. They want safe schools for their children. They want safe streets. They want to live in a country where thousands of people do not die of gun shot wounds every year. They want to live in a country where there are not seven school shootings within a period of two years.

There have been charges from Members on the other side of this issue that those of us who support these gun safety measures are somehow taking political advantage of recent tragedies. Make no mistake. There is only one outside agenda here and that is the agenda of the NRA which has categorically rejected one reasonable proposal after another. The rest of us are attempting to enact smart, sensible gun safety legislation which many of us have been working on throughout our legislative careers. And every school massacre, drive-by shooting and accidental death of a child playing with guns further proves that this is the right thing to do.

Sensible gun control is not about chipping away at the Second Amendment. It is not about taking away the right of ordinary citizens to own a gun. Those who tell you otherwise are not being straight with you because this is not about infringing upon the rights of ordinary citizens. This is about keeping guns out of the hands of those who should not have them.

Tightening restrictions on the ability of criminals to purchase weapons of mass destruction does not impede on the Bill of Rights. Making guns safer and keeping them out of the hands of kids does not undermine our constitution.

We live in an era of automatic weapons and an increasingly violent culture. Tackling the problems with guns should not preclude the need to address our cultural problems. But to deny that easy access to certain guns is a part of the problem is, quite literally, a deadly mistake. A disturbed person is dangerous. A disturbed person with a gun is deadly.

We have before us an opportunity to do right by our constituents. If this House can't pass a meaningful gun safety bill we should be ashamed to go home and face the men, women and children we represent.

Vote for the Conyers substitute.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise today to support the democratic alternative to the Child Safety Act, offered by Mr. CONYERS of Michigan. In particular, I urge my colleagues to support the funding for crisis prevention counselors and anti-violence initiatives in our local schools.

Early intervention has been shown to greatly reduce incidences of violence in schools. Children who need help should be able to get help right away. There should be caring adults in the schools who can identify children who might be struggling with a problem or with anger before it is too late. We cannot cut corners when it comes to our children.

The other body had the opportunity to adopt a true ban on juvenile possession of semi-automatic assault weapons, but instead they adopted a weak amendment that allows juveniles to possess semi-automatic assault weapons with parental consent. There is no legitimate reason for a teenager to possess a Street Sweeper or an Uzi. Juvenile possession of these weapons should be banned. This provision is an invitation for dangerous juveniles to manipulate or pressure a permissive or irresponsible parent into allow the teenager to have a deadly weapon. We have an opportunity to adopt a strong bill that will prioritize youth safety. Then we can advocate for this strong language when the bill is in conference.

I hope that this Congress will prioritize school safety. I hope that we will make a commitment to our children to make their schools safer and more conducive to learning. I also hope that we will make a commitment to examine what our children are learning and to ask if they are receiving a quality education that prepares them to be responsible citizens in a democracy—to make good, informed choices; to live in peace with their neighbors and coworkers; and to enjoy life to the fullest extent possible.

Mr. FARR of California. Mr. Chairman, a bright and shining moment to better protect our children from gun violence was within our reach and we failed to grasp the brass ring.

We failed to enact modest gun safety measures that many of our states have already enacted.

In my own state of California we have a 10 day waiting period to purchase any firearm.

19 states have enacted their own waiting periods to purchase a handgun or a permit to purchase a firearm.

Why are we afraid to be as bold as our own state legislators.

Two months ago, following the Columbine High School shooting in Colorado, the California General Assembly passed a one-gun-month law for California, and the California Senate is expected to approve it.

If California approves the measure, it will become the fourth and largest state to curb gun trafficking through this common sense measure.

I urge my colleagues to support the Democratic substitute—a common sense measure—to protect our children from gun violence.

Mr. BENTSEN. Mr. Chairman, I rise in support of the Conyers-Campbell substitute. Last night, I believe this House failed to address a gaping loophole in the law as it relates to the transfer of guns to criminals.

I fully appreciate the emotion felt by all members with regard to gun control and gun safety laws. I grew up around guns and have enjoyed shooting and hunting since I was a young child. I defy anyone to call me anti-gun or to imply that I favor banning guns or prohibiting gun ownership. I do not agree with those who seek to ban ownership of guns by law abiding citizens. I support the second amendment, but we must remember we are a nation of laws, not a nation of men. In our 212 years of experience with the Constitution, our nation and our freedom has survived with order. I do not believe the Brady Bill and the instant background check have denied any law abiding citizen the right to purchase and possess a gun. And it is an undeniable fact that the Brady Bill has stopped hundreds of thousands of people whom all of us believe should not have guns from getting guns. But the fact remains that sellers at gun shows who are not federally licensed gun dealers are able to sell guns outside the confines of the background check. Not only does this open a loophole for the transfer of guns to people whom we all believe should not have access to them, namely criminals, or people with criminal backgrounds, but this is also creates an unfair advantage for non-licensed dealers. Why should Congress treat one class of gun sellers differently than others? Unfortunately, current law allows this unequal treatment as does the Dingell amendment, which I believe is unfair.

I opposed the amendment by my good friend Mr. DINGELL, with whom I have enjoyed many hours freezing in a duck blind, because I do not believe it closes the loophole that is allowing criminals access to guns. I supported the McCarthy amendment because it would have closed this gun show loophole without placing any new restrictions on law abiding citizens right to own and purchase a gun. No where in the bill did it restrict that right. And, it eliminated the commercial inequity that currently exists between licensed gun dealers and non-licensed gun dealers.

I am not comfortable with everything in Conyers-Campbell amendment, but I do believe we must close the gun show loophole to prevent criminals from having such easy access to guns, just as has been done at gun stores, and we should restore commercial equity between federally licensed and non-licensed gun sellers to the public. We can do so without restricting the right to gun ownership by the law abiding public. To say otherwise is simply not correct and fearmongering. As a gun owner, hunter and former NRA marksman, I believe the gun show loophole for criminals is one which we law abiding gun-owning citizens can live without while protecting our Second Amendment right to own guns.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 242, not voting 8, as follows:

[Roll No. 243]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Ose
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—242

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)

Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Bonilla
Brown (CA)
Hilliard
Lewis (CA)
Minge
Pascrell
Salmon
Thomas

□ 1402

Messrs. WALSH, LUCAS of Oklahoma and PEASE changed their vote from "aye" to "no."

So the amendment in the nature of a substitute, as modified, was rejected.

The result of the vote was announced as above recorded.

Mr. HALL of Texas. Mr. Chairman, I would like to thank my good friend for giving me the time to express my strong opposition to H.R. 2122. In lieu of recent events—more specifically, the tragedy in Littleton, Colorado—I share the concern and fear for the future of our great nation—especially for our children. Such tragic occurrences demand serious reflection by all of us—parents, children, educators and legislators alike. I pray that such reflection will create serious dialogue between parents and their children, for I believe that the true solution to such tragedies lies within the family unit.

We are united in our compassion for those involved in these recent tragedies, but we must be careful not to confuse the issues surrounding these terrible events. It seems that every time there is a drive-by shooting—or every time some mal-contented, misguided, or incorrigible youth decides to obtain guns in order to kill innocent people—there is a rush to jump on the bandwagon to take away our Second Amendment rights. These tragedies ought, instead, to spawn a resurgence of the effort to put God back in our schools and in the hearts of every student. Such tragedies should also spawn a resurgence in parents' commitment to raise their children to respect the sanctity of life and to be responsible, law-abiding citizens. We need to focus our efforts where we know the problem lies—on the number of broken families in our country, on our over-sized classrooms, on the amount of sex and violence in our children's music, movies and games, and on the drugs and drug dealers that are infiltrating our inner cities. The root of the problem is the absence of God in our homes and in our schools—not the presence of guns in our society.

Despite the hundreds of gun laws that exist today, none prevented such horrifying events. And none ever will. In Washington, D.C., it is a felony to possess a handgun in your home—yet this has had little effect on the crime rate in our nation's capital. We must not punish the majority of our law-abiding citizens by making it harder on them to—legally—pursue a constitutional right. Instead, we must empower our law enforcement agencies and judicial system to track down and convict those who choose to use guns illegally—regardless of their age.

In short, Mr. Chairman, we need to focus our efforts on strengthening our juvenile justice system. We need to instill values and build character in our children at home, in our schools and in our churches. We need to advocate more parental control—not more gun control. I urge colleagues to vote against H.R. 2122.

Mr. POMEROY. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 2122, the Mandatory Gun Show Background Check Act. This amendment takes reasonable steps to reduce gun violence, while preserving personal freedoms.

I believe strongly that law-abiding citizens have a constitutionally protected right to purchase and responsibly use firearms. The federal government does not and should not have the power to prevent its citizens from enjoying recreational activities that involve firearms, such as hunting and target shooting. Neither does the federal government have the power to restrict our ability to defend ourselves by banning the possession of hand guns. My constituents in North Dakota, and all American citizens, have the right to use firearms in recreation, just as they have the right to use firearms to defend themselves and their families. The full strength of the Second Amendment to the Constitution is behind that right.

However, I also believe that the moderate gun safety measures included in the Conyers amendment uphold constitutional rights while helping to prevent the gun violence that threatens public safety and shatters families. The gun safety measures in this amendment are identical to those passed last month by the Senate, and offer a common-sense approach to gun safety. Specifically, the expansion of the National Instant Check System to include background checks at gun shows will help keep firearms out of the hands of violent criminals. The National Instant Check System (NICS) set up by the Brady bill has proven to be highly successful at preventing convicted criminals from accessing firearms. In the last six months, the NICS has prevented over 90,000 illegal gun transactions, many of which would have armed violent criminals.

I do recognize that concerns exist regarding the impact of gun show background checks on citizens' rights to purchase firearms. However, the NICS system has proven effective at deterring criminals without placing an undue burden on law-abiding gun buyers. Nearly ninety-five percent of all background checks are resolved within two hours; a full seventy-three percent are completed instantly. The handful of background checks that take longer than two hours are usually due to an arrest record that needs to be investigated further. Law-abiding gun owners in this country will not be burdened by this provision, but instituting background checks at gun shows will help keep guns out of the wrong hands.

I also support the Senate-passed provision included in this amendment that would require safety locks or secure storage devices on every newly purchased handgun. This provision would help parents safeguard their children from the epidemic of accidental shootings that has infected this country. This amendment does not mandate that the gun owner take advantage of the safety device; the gun owner may remove the device immediately upon purchase of the weapon. This proposal would only aid efforts to avoid preventable deaths.

Mr. Chairman, the Conyers amendment to H.R. 2122 does not tamper with our nation's strong tradition of the protection of the right to bear arms. This amendment provides a common-sense approach to gun safety, and I would urge my colleagues to support it.

Mrs. ROUKEMA. Mr. Chairman, I have to commend our leader in this battle, Mrs. McCARTHY. I have worked very closely with her, followed her outstanding leadership and been so truly inspired by her commitment and bravery.

None of us can understand the trauma Mrs. McCARTHY has endured since December 7, 1993, the day Colin Ferguson, armed with an illegal gun, opened fire inside a crowded Long Island Railroad passenger car, killing six and injuring 19. Her husband, Dennis, who was innocently returning home from a hard day at the office, was among those killed. Her son, Kevin, was wounded and severely disabled.

This horrible tragedy instantly shattered Mrs. McCARTHY's quiet life as a licensed practical nurse, wife and mother. She could have stayed at home, absorbed with her grief. Instead, she has gathered strength from trauma and grief, and chosen to make a contribution and bring something positive out of this tragedy. She is now a leader in the efforts to end this terrible cycle of gun violence that is plaguing our nation. Speaking at events across the country, crusading to spread the message of gun violence and working to pass gun safety legislation here in Congress, she is striving to make our streets safe for our children, families and neighbors.

Mrs. McCARTHY has shown incredible courage and strength throughout this legislative process. She is an inspiration for all of us who have lost a loved one to an untimely death and is proof that life can go on.

Mr. FILNER. Mr. Chairman, as the juvenile crime bill has worked its way to the House floor, we have lost sight of something crucial. Following the tragic armed assault by two troubled students on classmates at Columbine High School, the citizens of this nation cried out for policy to stop the killing, a policy that will protect our children from gun violence.

There are many concerns that need to be addressed. We need to take action on media violence, to develop programs that build children's confidence and self-esteem, to help parents develop the tools they need to better raise their children. But before our work in any of these areas can be effective, we must face one irrefutable fact: our young people are able to act on their anger and frustration and rage because it is so easy for them to get their hands on a gun. As a result of this—and the ease with which criminals can buy guns—we are losing on average 13 children and teenagers every single day.

The vast majority of Americans understand this. In a CNN-Gallup poll taken just this week, 87 percent of Americans said they support legislation to close the loopholes in the law that put guns in the hands of children and criminals.

Americans favor laws that: Close the loophole that allows people to buy guns at gun shows and flea markets without background checks; close the loophole that fails to hold gun owners responsible for keeping loaded firearms out of the reach of children; close the loophole that allows children of any age to purchase or possess assault weapons; close the loophole that allows the import of ammunition clips holding more than 10 rounds; and close the loophole that allows juveniles under 21 to purchase handguns.

This is the bare bones legislation that Americans are demanding. The bill passed last month by the Senate would close most of these loopholes. Now it is up to us to approve the Senate gun package as written or to strengthen it. We must seize the opportunity to close loopholes in the law and save children and their families from the horror and pain of gun violence.

But what are we doing instead? We are ignoring the American public and playing games with the lives of our children. The bills we have before us this week not only water down the Senate's proposal, but they actually create new loopholes, like a new definition for gun shows and changing the time allotted for background checks. These bills were not designed to quell the understandable fears of American parents. They were designed to satisfy a small, vocal minority in this country—the gun lobby.

Mr. Chairman, I call on my colleagues today to stop playing politics with the lives of our children. You'll never satisfy the gun lobby. They care more about their guns and winning the argument than they do about protecting the lives of our precious children.

I am not suggesting that closing these loopholes will stop all gun violence. What I am saying is that this is a small, but significant, first step to reigning in the violence that is killing our children and destroying our families. I ask that you join me in a vote for the future of America. Please reject the weak measures before you and vote for meaningful laws that will restrict access to guns and keep our children safe.

Mr. RILEY. Mr. Chairman, I rise today in support of the Hunter amendment. As a homeowner in the District of Columbia, I find it offensive that DC gun laws prevent me from protecting my family and home.

We all know that the criminals in this city have guns, yet innocent, law-abiding citizens are routinely denied a basic constitutional right of protection.

Mr. Chairman, this defies all common sense. Let's punish criminals, not law-abiding citizens. Pass the Hunter amendment.

Mr. PACKARD. Mr. Chairman, like every American, I am deeply disturbed by the growing epidemic of violent juvenile crime. The recent tragedy at Columbine High School has dramatically heightened concerns about the safety of our children, and left parents across the nation searching for answers.

The sad fact is, our society is now permeated with violence. Graphic depictions of violent acts can be found all over television, in films and music, and on the Internet. By the age of 18, the average American child has witnessed over 200,000 acts of violence on television alone, including some 16,000 murders. Sadly, the average child under the age of eleven watches more than twenty hours of television a week—yet spends less than one hour in meaningful conversation with parents. America is now in a cultural state of emergency. As parents and leaders in our communities, we must reclaim control over our children's lives and education.

Mr. Chairman, I wish we could forever end violent crimes in our schools by a simple act of Congress. Unfortunately, no success can ever compensate for failure in the home. No new law will repair the damage done by the repeated glorification of violence in our society—and no new regulation will ever do the job of a caring and attentive parent. If we hope to reduce violence in our schools and instill a healthy appreciation of life in our children, we must begin by strengthening our efforts in the home. If we fail at home as parents, our children will have little chance of ever succeeding—or feeling safe—at our nation's schools.

As a strong supporter of the Constitution, I will not support unreasonable restrictions on the ability of citizens to exercise their Second Amendment right. While I agree that we must do everything possible to prevent more violent school tragedies, simply blaming guns ignores the root causes of violence among our youth. Strictly enforcing the 20,000 existing gun laws already on the books should be our first immediate step. The restoration of discipline and accountability in our homes, our schools, and in society will help reduce violent juvenile crimes—compromising the rights of every free, law-abiding American will not.

Mr. Chairman, there are plenty of people here in Washington who believe that we can "legislate" a solution to the problem of school violence. I wish it were that easy. But the truth is, this is a job for parents, not politicians—and the most important thing we can do for our children won't happen on the floor of Congress, but within the walls of our own homes.

Ms. HOOLEY of Oregon. Mr. Chairman, I am supporting the McCarthy amendment because I believe this amendment will close a loophole left open in the Brady Law passed in 1994. Closing this loophole does not create new laws, and I believe, creates very little additional burdens for law abiding citizens. However, it will present criminals from getting guns and it will save lives.

I also support this amendment at the request of the law enforcement community in my district who have signaled to me that closing the gun show loophole is one of their top priorities. They have told me that the McCarthy amendment will best help them keep guns out of the hands of criminals and prevent violent crime throughout the fifth district and the State of Oregon.

This amendment is a common sense approach to keeping guns out of the hands of criminals and is supported by law enforcement and members of both parties. I look forward to seeing this amendment passed this evening.

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to this dangerous and irresponsible bill. A bill that would weaken the Brady Law and put lethal weapons into the hands of criminals.

During the past five years, the Brady Instant Check System has prevented illegal gun purchases by more than 400,000 fugitives, convicted felons, drug addicts, and others who cannot lawfully possess a firearm.

But if we pass this bill, we will be handing them a loaded weapon and inviting them to pull the trigger.

That's because the bill denies the FBI the three days it needs to complete its background check on the very people most likely to have a criminal history.

Like the convicted rapist who traveled from Virginia to North Carolina last month—for the purpose of buying a gun.

Or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March—for the purpose of buying a gun.

Or the murderer in Texas.

Or the arsonist in New Jersey, who went all the way to Mississippi last April—for the purpose of buying a gun.

These are just a few of the thousands of criminals who tried to purchase handguns in the last six months and were stopped—because a three-day background check revealed their criminal history before the sale could go through.

But if this bill had been the law of the land six months ago, the FBI estimates that 9,000 of these people would have been walking the streets with a license to kill. If this bill passes in its present form, those 9,000 will try again. And this time, they'll get away with it.

I ask my colleagues to think about that before they vote. Think about the lives that will be destroyed because one of those 9,000 criminals got hold of a weapon and pulled the trigger. Think about what we will say to the families of the victims who are killed if we vote tonight to weaken the Brady Law.

Or we can step back from the precipice, Mr. Speaker, as the Senate did a few short weeks ago. Tonight the provisions passed by the Senate will be offered as an amendment by Congresswoman MCCARTHY—who knows more about what handguns have cost the families of America than anyone in this chamber.

The McCarthy amendment would preserve the Brady Instant Check System and extend it to the gun shows where criminals go to buy their weapons.

It is time for us to stand with her. It is time for us to stand up to the NRA.

Mr. BARCIA. Mr. Chairman, in the aftermath of the tragedy in Littleton, Colorado, there has been a need to find something concrete to be culpable for this horrible event. While many have blamed the parents, society, movies or video games, most of the condemnation has pointed to firearms. As a result, a call for more gun control legislation swept across this country to Washington.

I share many of my colleagues' concerns about the violence that has plagued our society and I, too, am particularly concerned about the children who have used violence to address a situation rather than using other means. However, I do not believe that putting more restrictions on guns is the solution to this blame game.

As many of my colleagues have expressed, there are thousands of guns laws on the books today and none of them prevented the tragedy in Colorado. Furthermore, the proposals here today would not prevent this kind of tragedy from happening again.

The right to keep and bear arms as guaranteed in our Constitution should not be restricted, but be restored to our law-abiding citizens. The way to fight crime is to punish the criminals, not victims, for the crimes they commit by imposing harsh punishments and longer sentences. It is also important to give the police the resources and authority they need to catch and punish criminals without penalizing or restricting the rights of law-abiding citizens.

If we want to find someone to blame for the crime in our society, we should blame ourselves for not spending the time with our children and helping them to grow into productive and well-adjusted adults. I urge everyone who is a parent or grandparent to try to put more time aside and really listen to our children and grandchildren. If there are problems, we should be able to address them in a nonviolent fashion. Our children, the future leaders of this great country, are calling out to us. Listen to them and react to their needs.

Mr. NORWOOD. Mr. Chairman, today we debate more than guns, we debate how to get a handle on violence. Everyone in this House admits, and the majority of Americans recognize, that there are a multitude of factors that led to the tragic school shootings this spring in Littleton, Colorado, and Conyers, Georgia.

If we are serious about ending this kind of violence, we have to address all the factors that led to it. We must deal with the denigration of religion in society, for religion is the foundation of personal morality, the greatest of all protections against violence. As George Washington stated in his farewell address in 1796:

"Let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

We must also deal with ensuring a zero-tolerance for any weapons in our schools. We must deal with the smut on the Internet and throughout our society. We must deal with juvenile crime, and the fact that we too often coddle teenagers who engage in murder, rape, and robbery.

These are the real solutions to Littleton and Conyers, not more gun control laws. Let's be honest and quit dealing with just the edges of the problems. Let's quit giving the easy political-out answers.

Let's take a hard, cold look at what kind of nation we've become, what we've allowed to develop in this nation, and not shy away from the tough actions needed to change our course.

If anyone commits a violent crime with a gun, they should never again be allowed to own one. If an adult illegally provides a weapon to a child, they should be prosecuted to the fullest extent of the law, and we should increase the penalties to the harshest possible. Children should not have access to guns.

Children should also not be allowed to have access to the filth and graphic violence that permeates the Internet, airwaves, cable television, electronic games, and record shops.

Most of our young people manage to maintain morality in spite of this smut. A very few, those on the edge, cannot. It only took three of those young people to created the havoc that brings us to this debate. Unless we deal with these societal problems, we will be doomed to repeat the tragedies of Littleton and Conyers.

Let's rebuild the guardrails of our society that will keep the less fortunate or the emotionally-disturbed from going off the side of the mountain—and taking the innocents with them.

The CHAIRMAN. There being no further amendments in order under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, pursuant to House Resolution 209, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 280, not voting 8, as follows:

[Roll No. 244]

AYES—147

Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bono
Bryant
Burton
Calvert
Camp
Canady
Cannon
Clement
Coble
Cook
Cox
Crane
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hobson
Hoekstra
Horn
Houghton
Hunter
Hutchinson
Hyde
Isakson
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Linder
Lipinski
LoBiondo
Manzullo
McCollum
McCrery
McHugh
McKeon
Miller (FL)
Miller, Gary
Myrick
Northup
Norwood
Nussle
Oxley
Packard
Petri
Phelps
Pickering
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Sensenbrenner
Sessions
Shaw
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Spence
Stearns
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Toomey
Traficant
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—280

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott

Serrano
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Skelton
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Berman
Bonilla
Brown (CA)
Lewis (CA)
Minge
Pascrell
Salmon
Thomas

☐ 1421

Ms. SANCHEZ and Messrs. COSTELLO, HAYES, MOLLOHAN and SHADEGG changed their vote from "aye" to "no."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MINGE. Mr. Speaker, on rollcall No. 244, had I been present, I would have voted "no."

Mr. BERMAN. Mr. Speaker, I was unable to cast a vote on final passage of H.R. 2122 because I had to catch the last available plane to Los Angeles to attend my daughter's graduation ceremony at 6:00 p.m. Pacific time. However, had I been present I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1501, the Clerk be authorized to make changes in the placement of the table of contents, combine duplicative sections, correct section numbers, punctuation and cross references and to make other such technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

TITLE AMENDMENT TO H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore. Without objection, the amendment to the title of H.R. 1501 proposed in amendment No. 36 in Part A of House Report 106–186 is adopted.

There was no objection.

The text of the amendment to the title is as follows:

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring from the distinguished Majority Leader the schedule for today and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce we have concluded legislative business for the week.

The House will not be in session on Monday, June 21.

The House will next meet on Tuesday, June 22, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we expect recorded votes after 2 p.m. on Tuesday, June 22. On Tuesday we will consider a number of bills under suspension of the rules, and H.R. 659, the Patriotic Act, under an open rule.

On Wednesday, June 23, and the balance of the week the House will consider the following legislation, all of which will be subject to rules:

H.R. 2084, the Department of Transportation Appropriation Act;

H.R. 1658, Civil Asset Forfeiture Reform;

H.J. Res. 33, Proposing an Amendment to the Constitution of the United States Authorizing the Congress to Prohibit the Physical Desecration of the Flag of the United States; and

H.R. 1802, Foster Care and Dependents Act of 1999.

Mr. Speaker, we expect to conclude legislative business by 2 o'clock p.m. on Friday, June 25, and I thank the gentleman for having yielded me the time.

Mr. BONIOR. If I could ask the gentleman from Texas: Do we expect any late nights next week, any anticipated late evenings?

Mr. ARMEY. I thank the gentleman. We do have a fairly full legislative schedule, but it seems to me given that most of the work is considered under the rules and not very controversial we should not expect a flood of amendments, and we should be able to manage ourselves into relatively reasonable working hours.

Mr. BONIOR. I thank my colleague.

Let me ask him a further question and inquiry:

When are we going to take up campaign finance reform? I understand that the Committee on House Administration is going to have a series of hearings, and I would just implore my friend from Texas and my colleagues on this side of the aisle in the majority that the time has come for us to have this bill on the floor where we can have an open debate on an issue in which we debated for weeks and weeks and months on end in the last Congress. I think the country is ready, we are tired of waiting, and I hope the gentleman can give us some indication of when that bill will be before this body.

Mr. ARMEY. Mr. Speaker, let me again remind the gentleman the summers belong to the appropriations process. The Speaker and the leadership have correctly, I think, in terms of the management of the year's flow of business placed that priority on the process, and yet the Speaker has given assurance, and I would second the assurances that he has given, that we should be able to address this matter of campaign finance reform on the floor before the end of September.

Mr. BONIOR. Before the end of September.

Mr. Speaker, I regret hearing that once again. I understand that was the Speaker's assurance and the gentleman's assurance, but that seems awfully late in terms of making sure that we have something that can change the law of this country to clean up our campaign finance.

I yield for a comment to my friend and leader on this issue, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the distinguished whip for yielding, and I will say to my friend, the Majority Leader, I quoted him yesterday in hearings that we had in the Committee on House Administration saying that he hoped initially that this would be on the floor in July, campaign finance reform. I also quoted the gentleman from Tennessee (Mr. WAMP), who indicated that if we delayed until September he was fearful that it would kill campaign finance reform.

As the distinguished Majority Leader knows, we had over 50 hours of debate on the Shays-Meehan bill last Congress and we had 252 Members vote in favor of passing that bill, and frankly with all due respect the hearing that we had yesterday, three good Members of Congress, the gentleman from California (Mr. CALVERT), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Minnesota (Mr. SABO), came and testified, but very frankly, Mr. Leader, they testified on bills they have had in it for at least two congresses. Very little change in their testimony. They indicated to me it was essentially no different than it was before. So I fear that the hearings will simply delay us and will be a device to kill rather than pass campaign finance reform.

I would hope that the gentleman from Texas (Mr. ARMEY) would consult with his leadership and see if we could accelerate that so we could bring Shays-Meehan to the floor as quickly as possible, and I thank the distinguished gentleman from Michigan (Mr. BONIOR) for yielding, and I thank the leader for his consideration of that request.

Mr. BONIOR. Mr. Speaker, I just have one other request, and I yield to the gentleman from California (Mr. FARR) for a comment.

Mr. FARR of California. Mr. Speaker, I just have a question for those of us traveling from the West Coast. Is there any possibility that those votes on Tuesday could be rolled until 5 o'clock? If we leave the West Coast first thing early Tuesday morning, the first plane gets in 4 p.m., and we can be on the floor by 5:00. It would be very helpful.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his request, and I do understand how important and sensitive that is.

Ordinarily, especially on a Monday, we would almost assuredly give Members a 6 o'clock vote time. We do have again an opportunity to have an orderly week's business, but to begin, being a Tuesday beginning, I just at this point am not comfortable. Should we see a modification in the schedule, we would put out over the whip notice, but I just do not believe we can get there now.

□ 1430

But I just do not believe we can get there now.

Mr. FARR of California. So the gentleman does not think the votes could be rolled?

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, we always look for these opportunities to the best of our ability, but we need to get more quickly than in many weeks to considerations of legislation under rules, and therefore we just simply cannot make that Tuesday accommodation that is so usual and, I think, so necessary and desirable. But we will continue to keep the needs of Members in our planning priorities.

Mr. FARR of California. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO TUESDAY, JUNE 22, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, June 22, 1999 for morning hour debates.

The SPEAKER pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HAPPY BIRTHDAY, CHRISTOPHER

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, it is my proud opportunity today to advise the House that my first grandson, Christopher Irving Armey; as we like to know him, "CIA," will be 2 years old tomorrow, and I am going to spend the whole day on that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute speeches.

NORTH AMERICAN SLAVERY MEMORIAL COUNCIL ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I believe that a quote by Papa Dallas Stewart, a former slave, captures the essence of the bill that I have introduced today when he said, "Promise me that you are going to tell all the children my story."

As a child, Stewart had his eyes burned out when an overseer caught him studying the alphabet. He spent his life encouraging others to never forget about the horrors of slavery. He understood that we must share the painful past in order to protect our future.

Today, I introduce the North American Slavery Memorial, which is patterned after the Holocaust Museum and pays tribute to those who suffered and perished under slavery in North America. This bill will ensure that future generations grasp the injustice that occurred in North America's past so that we may never repeat it.

For the sake of Papa Stewart and countless others, we must never forget the past. I encourage my colleagues to join the gentleman from Georgia (Mr. LEWIS) and myself in cosponsoring the North American Slavery Museum bill.

WAKE UP, AMERICA

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I want to ask America to wake up. Watch what is going on here on the floor of Congress. America has seen that we cannot pass effective gun reform in this Congress because we are wedded to the NRA.

Well, I want you to do something about it. I want you to wake up your mayors, city councils, county supervisors, wake up your school boards, wake up your State legislators, because they can do what we cannot do. They can pass laws regulating gun business.

Mr. Speaker, 67 cities and dozens of counties in California have adopted 183 local firearm regulations, local firearm regulations. The State legislature has passed every single law that Congress has rejected. California regulates guns; other counties, cities and school districts regulate, and so can yours. So local governments can do what Congress has refused to do.

Wake up, America. Get all of the politicians involved in this. Take this issue home, and give it to your local legislators and make those laws in your own city.

BIPARTISANSHIP FOR MAINTAINING FISCAL DISCIPLINE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, a few weeks ago there were reports that Jack Lew, the Director of the Office of Management and Budget, intended to slam Republicans for making unrealistic cuts in spending programs. But these same reports also stated that Mr. Lew would insist that the GOP resist the temptation to raise the budget caps.

An administration official said, the message is to the GOP, it is your budget, live with it. Our budget? Mr. Speaker, the 1997 Balanced Budget Act was passed by a bipartisan majority in both House and Senate and signed by the Democratic President of the United States. The problem is that while the minority leadership and the White House are talking fiscal restraint, many of their Democratic colleagues are pushing for spending well above the approved levels. The leaders and their rank and file and the OMB should get on the same page on this issue. There is time to deliberate and craft spending bills to maintain the fiscal discipline which has produced our budget surplus, but only if it is done on a bipartisan basis.

Mr. Speaker, I urge my Democratic colleagues to join us in the pursuit of this goal.

BRING TERRORISTS TO JUSTICE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, on my behalf and on behalf of my colleague, the gentleman from Ohio (Mr.

LATOURETTE), I rise to strongly urge the President and the U.S. Government to act on behalf of justice. A Palestinian terrorist in a just-released autobiography admitted he planned the attack against Israeli athletes at the 1972 Olympics in Munich.

Mr. Speaker, 11 athletes were murdered in that attack. One of the murdered was David Berger, a middleweight lifter from Shaker Heights, Ohio, with dual American-Israeli citizenship. David's family has been waiting 27 years for justice, to find the killers and to bring them to justice.

Palestinian terrorist Abu Daoud says he plotted the senseless murders in Munich. Now is the time for the United States and the world community to marshal its forces to capture Mr. Daoud and bring him before a court of law. We must do this for the memory of David Berger. We must do this for the families of all of the athletes who perished, and we must do this to fight terrorism wherever and whenever we find it.

CELEBRATING JUNETEENTH

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, tomorrow thousands and thousands of African Americans in Galveston, Texas, the birthplace of Juneteenth, and around the Nation will celebrate this holiday of freedom and justice. President Abraham Lincoln technically ended the right to own human beings in 1863, but most slaves gained their freedom only after Union troops took control of Confederate territory and released them from bondage.

It took 2½ years after the Emancipation Proclamation for the Union Army to reach Texas, the last place where slavery was not only allowed, but also enforced.

After Union General Gordon Granger rode into Galveston and announced to the States' 200,000 slaves that they were free, they immediately erupted into jubilant celebration, much like the 4th of July.

As we look ahead to the next millennium, I challenge all of us to take this opportunity while we celebrate the rich history of this celebration of freedom to rededicate ourselves to the value of equal opportunity for all Americans, because that is at the heart of Juneteenth and the American ideal.

WASTING TIME IN THE HOUSE OF REPRESENTATIVES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, after the high school shooting in my district last year, in my hometown of Springfield, Oregon, I talked to hundreds of residents. We had an incredible community dialogue about the causes and the possible solutions for youth violence. Everyone agreed it was complex. They had a long list of things they would like to see done. They would like to see something done about violence in the media.

After 66 amendments and dozens of hours of staying in session until 2 o'clock in the morning, this House has done nothing about violence in the media. After a day and a half on the very sensitive issue of gun control, this House has done nothing to extend instant check and background checks to people who purchase guns at gun shows. After 66 amendments and dozens of hours and late into the night, we have done nothing to add to the services to serve at-risk youth and their families and prevent them from getting into violence. Nothing. Zero.

Mr. Speaker, I hope my constituents and I hope my colleagues' constituents were watching. What we did here does not even meet the common-sense laugh test. It was a disgrace for this House of Representatives.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FOREIGN OPERATIONS APPROPRIATIONS BILL AND U.S. CAUCASUS POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, yesterday, in the other body, the Senate, the Appropriations Committee, marked up the foreign operation appropriations legislation for fiscal year 2000. The legislation reported out yesterday addresses several key issues concerning U.S. policies and priorities for the Caucasus Mountain region of the former Soviet Union, an area of vital and growing importance for the U.S. in the 21st century.

Here in the House, action on the foreign operations bill is not expected until later this summer. I wanted to take a few minutes to cite some of the key provisions in the Senate legislation that I hope the House will address, as well as to cite some additional areas where the Senate did not act, but I hope the House will.

As cochair of the Congressional Caucus on Armenian Issues, I plan to put my suggestions into a letter to the House Subcommittee on Foreign Operations, and that subcommittee, I should point out, has many good friends of Armenia, and I look forward to working with them.

First, the good news, Mr. Speaker. The Senate Foreign Operations bill earmarks $90 million in assistance to the Republic of Armenia. This represents an increase over the slightly less than $80 million that was reported in fiscal year 1999, and is certainly an improvement over the $71.5 million requested by the administration in its budget. I believe it is important for the United States to maintain our support and partnership with Armenia, which continues to make major strides towards democracy, as evidenced by last month's parliamentary elections, as well as market reforms and increasing integration with the West.

However, Armenia's strides towards providing a better life for its people at home and being a partner for peace and stability with the West continue to be challenged by the blockades imposed by the neighboring countries, Azerbaijan and Turkey. Provisions of U.S. support provides at least some relief from the difficulties imposed by the blockades and represents a moral statement by our country that we should try to offset the effects of the illegal blockades imposed on Armenia by its neighbors. I would urge the House subcommittee to provide the same $90 million earmark that has been included by the Senate.

Mr. Speaker, another area where I will be working to have the House follow the Senate language is with regard to something that is not there, and that is repealing section 907 of the Freedom Support Act, which restricts aid to Azerbaijan until that country lifts its blockade of Armenia and Nagorno Karabagh.

Last month, Secretary of State Albright called on the Senate appropriators to repeal section 907. When the Freedom Support Act was adopted in 1992, establishing our post-Cold War U.S. foreign policy for the Newly Independent States of the former Soviet empire, section 907 was included as a way of holding Azerbaijan accountable for the blockade of its neighbors. Azerbaijan has continued its strategy of trying to strangle Armenia and Nagorno Karabagh. I am glad the Senate appropriators resisted the administration's proposal to lift section 907.

As I just indicated, Azerbaijan's blockade is against both the Republic of Armenia and the Republic of Nagorno Karabagh. Nagorno Karabagh is an historically Armenian-populated region that Stalin's mapmakers included as part of Azerbaijan. Because Nagorno Karabagh's independence has not been officially recognized by the United States, it was a tremendous breakthrough when Congress approved $12.5 million in assistance for Nagorno Karabagh in the fiscal year 1998 legislation. Unfortunately, much of that assistance has yet to be obligated, and while the Senate is silent on this issue, I will be working with my Armenia issues caucus colleagues to ensure the House bill also provides report language directing the Agency for International Development to expedite delivery of this assistance.

Another area where the Senate bill is silent is on the issue of the peace process for Nagorna Karabagh. The U.S. has been one of the countries taking the lead in the peace process under the auspices of the Organization for Security and Cooperation in Europe. And late last year, the U.S. and our negotiating partners put forward a proposal known as the Common State Proposal as a basis for moving the negotiations forward. Despite some serious reservations, the elected governments of both Nagorno Karabagh and Armenia have accepted this Common State Proposal to get the negotiations moving forward, but Azerbaijan has flatly rejected our peace proposal.

I will work, Mr. Speaker, to include language in the House foreign operations appropriations bill to urge the administration to stay the course in the Nagorna Karabagh peace process and not let the rejectionist policies of the Azerbaijan cause us to back down in the search for a just and lasting solution to this conflict, providing for the full self-determination of Nagorno Karabagh.

I do appreciate the fact that the Senate did not buy into the administration's inexplicable proposal to increase aid to Azerbaijan and decrease aid to Armenia. As I indicated, the Senate language provides for an increase in assistance to Armenia. It does not provide any specific mention of aid to Azerbaijan.

With the break-up of the Soviet Union, as the countries of the collapsing empire attained their independence, Azerbaijan attempted to militarily crush Nagorno Karabagh and drive out the Armenian population. But the Karabagh Armenians ultimately won their war of independence, and a cease-fire was signed in 1994.

American humanitarian assistance to Azerbaijan, via Non-Governmental Organizations (NGOs) has not been affected by Section 907. In recent years, further exemptions to Section 907 have been carved out. It is important that, at a time when Azerbaijan continues to reject good-faith efforts to achieve a negotiated settlement to the Nagorno Karabagh conflict, while illegally blockading supplies of fuel, food and other essential supplies to its neighbors, that we not reward this country with additional U.S. assistance.

□ 1430

Mr. Speaker, I look forward to working with my friends on the Subcommittee on Foreign Operations, Export Financing and Related Programs to craft legislation that supports Armenia.

JUSTICE FOR THE BERGER FAMILY

The SPEAKER pro tempore (Mr. THORNBERRY). Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, as Americans, we have a right to expect that justice will be served whenever an American citizen is murdered, either on our soil or on foreign land.

David Berger, the son of Dr. and Mrs. Benjamin Berger of Shaker Heights, Ohio, was murdered nearly 20 years ago, but unlike too many others whose lives are senselessly lost, his death was not relegated to the police blotter section of the local paper.

Instead, the killing of David Berger was broadcast around the world and splashed across the front page of virtually every newspaper in the world. Still, for his family there has been no justice and no closure.

David Berger, a dual American-Israeli citizen, was one of 11 Israeli athletes killed by Palestinian terrorists in 1972 at the Olympic Games in Munich. David Berger, a championship weightlifter, had emigrated to Israel so he could compete in the Olympics as a member of the Israeli team.

Many of us remember the 1972 Olympic games perhaps from Mark Spitz and the 7 gold medals that he won in swimming. Others recall with delight the pint-sized Olga Korbut, who captured our hearts and also captured gold, but for the Berger family the 1972 Olympic games are scarred with painful images that are permanently etched in their minds and hearts, a machine gun toting terrorist with a black ski mask in the window of the dormitory where their son and his teammates were staying, the white pine coffin that held his remains when he was returned to the United States for his funeral.

Mr. Speaker, David Berger was the only American to die in this horrific act of terrorism that changed our world, that caused the Olympics to lose its innocence and forced the world to take the reality of terrorism far more seriously. If it could happen at the Olympics, it could happen anywhere.

Mr. Speaker, I share the story of David Berger now because at this very moment in history the United States has an unprecedented opportunity to deliver justice to the Berger family.

The Palestinian guerilla long suspected as the mastermind of the terrorist acts at the Munich games not only has admitted his part in this plot, but has written a book and plans to profit from it. Abu Daoud has written his autobiography, and it was recently published in France, called "Palestine: From Jerusalem to Munich." In his book he admits to being the mastermind of the hostage taking at the Munich games.

Based on those admissions the German government last week issued an Interpol arrest warrant for Abu Daoud and plans to try him as an accessory for murder for planning the attack. Now this terrorist is in Jordan. The Israeli government last week denied him access to Israel, making it impossible for him to return to his home on the West Bank.

Mr. Speaker, regrettably it appears that Abu Daoud cannot be held accountable for his crimes in the United States or in Israel. Therefore, it is imperative that the Jordanian government honor the Interpol arrest warrant and return him to Germany. I have called today, Mr. Speaker, upon President Clinton to immediately demand the Jordanian King Abdullah that he turn over Abu Daoud to Germany for prosecution. It would be reprehensible if the United States would now turn its back and refuse to do all within its power to see that an assassin of an American citizen is brought to justice.

Mr. Speaker, Abu Daoud's book is not yet available in the United States. However, any American citizen can log on to the Internet, call up Amazon.com and read a breezy synopsis which says, "Twenty-five years ago after he masterminded the tragedy of the 1972 Munich Olympic games, one of the legendary figures of Palestinian terrorism comes out of hiding to tell his story."

Daoud has chosen this time in history to reveal to the world his role in this senseless execution of 11 Olympic athletes. While it sickens me to the core, Mr. Speaker, to think that anyone could profit from this type of terrorism, it would sicken me even more if our country were to fail to intervene and assist the Berger family of Shaker Heights, Ohio.

Mr. Speaker, Dr. Benjamin Berger is now 81 years old. He still practices medicine and is on the board of trustees at Fairmount Temple, where his eldest son was eulogized more than a quarter of century ago. He and his wife Dorothy have two grown children. The Bergers were left with many wonderful reminders of their son's life: A memorial at the Jewish Community Center, a gym at his high school, and a 19-year-old grandson named after the wonderful son they lost.

As we can imagine, it is painful for David Berger's mother Dorothy to relive the horror that befell her family nearly 27 years ago. Mr. Speaker, Dorothy Berger cannot fathom why Abu Daoud has chosen to admit his criminal acts in a book. Maybe he is proud of it. He has gotten away with it all these years.

Mr. Speaker, an American citizen was killed nearly 27 years ago in one of the most heinous, well-known terrorist acts of this century. We must not allow Abu Daoud to get away with it one day longer.

Mr. Speaker, may justice prevail. May God bless the Berger family and the United States of America.

COMMONSENSE MEASURES TO CURB GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, just a few thoughts on the events taking place on the floor in the last few days.

Mr. Speaker, I and most of us support the rights of law-abiding citizens to possess guns for a variety of reasons, not the least of which is self-defense. This view derives from my observation that many gun control initiatives have proven a failure in reducing crime.

For example, in the case of the Colorado shootings, the two criminals responsible for the carnage broke 19 State and Federal laws in the preparation and commission of those crimes.

Some of my constituents have written to me about gun control proposals which seek to limit gun owners to purchasing one gun a month and a minimum 3-day waiting period. Previously, waiting periods were necessary in order to allow for background checks to be completed. The passage of the Brady bill in 1994 brought new computerized national and local criminal arrest records. The criminal background of a potential gun purchaser can now be verified in a matter of minutes through the National Instant Check System, the NICS. I believe the background investigation as initiated through the NICS is a reasonable check on gun ownership rights.

I support some new proposals brought to this floor over the past two days, as well. For instance, I do not believe juveniles convicted of serious violent crimes should be allowed to acquire guns even after they turn 21 years of age. I support the imposition of harsh penalties for adults who provide guns to juveniles with the knowledge those guns will be used in a crime of violence.

I support programs which trace the source of firearms used in the commission of a crime. Convicted felons found in the possession of any gun should be punished severely, with mandatory minimum sentences that cannot be plea-bargained away.

Further, I welcome positive changes to current law that allow current and former police officers to carry weapons to protect themselves and our communities, prohibit guns pawned for more than a year from being returned until the owner passes an instant check, and allow D.C. residents the right to protect and defend themselves and their families in their own homes.

National crime statistics reflect an 18 percent decrease in violent crime and a 28 percent decrease in the murder rate from 1993 through 1997. The downward trend continued through June of 1998. I attribute a significant percentage of this improvement to the increased use of mandatory sentencing for violent offenders. Accordingly, I will continue to insist on harsh penalties for violent criminals, particularly those who misuse weapons during the commission of a crime.

Further, I call upon prosecutors everywhere to refrain from pleading away gun-related charges and criminal indictments. Sensible gun laws do work, but not when rendered meaningless by overburdened prosecutors more interested in moving their docket than in enforcing gun statutes.

Mr. Speaker, in my view the primary causes of gun violence in our society are rather obvious. The breakdown of families and family values, failure to hold individuals accountable for their actions, the romanticizing and glorifying of drug abuse, and violent behavior and guns on television, at the movies, and in video arcade are all relevant in assigning blame for recent events pertaining to youth violence.

Youth access to guns plays a part in the total picture, as well. Accordingly, I will continue to support measures restricting youth access to guns, criminal access to guns, and the mentally impaired and their access to guns.

I will not punish responsible. Law-abiding gun owners who are often made scapegoats by special interests and some segments of the popular press, and Members are going to see a heck of a lot of that over the coming days.

If gun control was the sole answer to the problem of violence in our country, my home State of Maryland, which has some of the strongest gun control laws in the country, would not have experienced an increased murder rate in 1998 while the national murder rate continued to fall.

The thoughts expressed herein do not make for an easy sound bite. Neither do they fall neatly under one political or philosophical label. They state, however, the views of one Member from Maryland who seeks to find positive solutions to one of our society's major ills, our fascination with violence.

THE DISASTROUS WAR IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, fairly early on during the war in Yugoslavia I spoke on this floor and said it was obvious that Milosevic would cave and that President Clinton and his spin doctors would then try to declare a great victory. It was obvious that a country no bigger than Kentucky, with less than 4 percent of our population and an already weakened economy, and without any real ability even to fight back, could not hold out for long against the massive bombings and megabillions of the U.S. Defense Department.

The only reason this stupid, one-sided cruel joke of a war lasted as long as it did was because it became, as one columnist said, and allied farce instead of an allied force, as the military called it.

Jeffrey Gedmin, writing in the just published June 28 issue of the liberal New Republic Magazine, said this:

> If the deal between Yugoslavia and NATO over Kosovo sticks, expect the Clinton administration to claim vindication and to speak of a victory for American leadership via NATO. But Europe's own early postmortem suggests that our allies might be drawing rather different conclusions.
>
> Privately, politically influential Europeans generally consider the U.S.-led operation in Kosovo to have been a fiasco. Calculations of an early victory proved disastrously wrong. The Kosovars, whom we started the fighting to protect, have been decimated. There were 90,000 refugees before the bombing began. Estimates of the homeless now exceed 1 million.

Mr. Gedmin ended his article by calling it a pyrrhic victory, meaning really no victory at all. Columnist Robert Novak said the same thing. He wrote,

> But the truly pyrrhic nature of NATO's victory lies in longer-term implications. Serious students of foreign policy, far from eager to join in a champagne bash, were melancholy. U.S. relations with China have been undermined. The most dangerous elements in the Russian military have been emboldened. Most worrisome, the world now sees America with different eyes.

Former Secretary of State Lawrence Eagleburger said, "We looked like the big bully to a lot of people around the world."

Senator KAY BAILEY HUTCHINSON said that we are in danger of losing prestige and good will around the world. Under this administration, we have bombed people in Afghanistan, the Sudan, Iraq, and Yugoslavia, all apparently in an attempt to show that the President and the Secretary of State are great world leaders, and to make their mark in history.

Paul Harvey called this war Monica's war, and many people believe all these bombings in Afghanistan, the Sudan, Iraq, and Yugoslavia, timed as they were, were at least in part done to try to make people forget things like the sordid Lewinsky affair and the President's sale of missile technology to the Chinese.

Columnist Tony Snow said that this was the first war we have ever entered into in which we were the unambiguous aggressor and in which there was no vital U.S. interests at stake. In the process, the President turned NATO from a purely defensive force into an offensive one for the very first time, illegally many think, because it was against the NATO charter. He turned our Defense Department into a war department, as it was once called. He violated both our constitutional law and our statutory law, the War Powers Act. But then, some people do not care as long as the stock market remains high.

Former Democratic Senator Sam Nunn said, however, "I think we have to be more mature in handling these civil wars around the globe. We have got to develop other tools beyond military force to deal with what are nonvital interests, and I consider this," Senator Nunn said, "to be a nonvital interest."

These bombings have turned people who want to be our friends into enemies. These actions have increased anti-Americanism all over the world. We will have problems years from now because of all of this when the problems will be blamed on whomever is president at the time.

In addition, this has cost us many, many billions, which could have been spent on so many better things. Our military would have plenty of money and no shortages if this administration had not so totally misused our military in so many ridiculously costly ways.

Columnist Carol Thomas wrote,

> Only a president who knows more about making love than war would declare the puny and ineffective one-sided assault on the former Yugoslavia to be a victory.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to refrain from personal references towards the President.

□ 1500

Mr. DUNCAN. By any objective standard, the goals of Serbian leader Slobodan Milosevic, not of NATO and the United States, have been achieved. We have not defeated evil or hatred in the Balkans. It will come back, as it always has.

William Ratliff and David Openheimer, writing in the Washington Times, said,

> NATO's bombing precipitated floods of refugees and other disasters that have destabilized the region in political, economic and other terms far beyond what Mr. Milosevic could have ever done on his own.

They added,

> Since for most people NATO is America, this war has reignited anti-Americanism and suspicion of U.S. intentions from Argentina to China. Most people do not believe this war was to defend human rights, particularly since we harmed so many innocent people in and far beyond the central Balkans. Now people are already telling us we will have to spend $30 billion to $50 billion over the next few years to rebuild what we have destroyed.
>
> This stupid, one-sided, cruel joke of a war was a foreign policy disaster that American taxpayers will be paying for in both military and economic terms for many years to come. It certainly cannot be called a victory in any shape, form or fashion.

[From the Washington Times, June 14, 1999]

PERILOUS PRECEDENT IN KOSOVO

(By William Ratliff and David Oppenheimer)

The resolution that passed United Nations Security Council Thursday is a welcome if short-term escape from a catastrophe NATO created in unintended cooperation with Yugoslav President Slobodan Milosevic. Some of the settlement can never be implemented and much of the collateral damage the war has caused will be difficult or impossible to reverse.

Mr. Milosevic undoubtedly is a war criminal whose crimes have been widely reported. But NATO is seriously guilty as well. Indeed. NATO's conduct precipitated or committed far greater moral—not to mention political, economic, international relations—damage than it prevented.

But already there are smug intimations of victory from the White House and nonsense like The Washington Post's editorial saying the Kosovo war proves the West "would not stand for crimes against humanity." The hypocrisy of fighting a "moral" war that causes so many civilian casualties and global problems has not yet sunk in for Americans.

Now NATO is dictating a political correct "settlement"—what Mr. Clinton calls "multi-ethnic democracy" and Kosovo autonomy within Yugoslavia—that is even more utopian than three months ago and guarantees more bitter warfare in the future.

War critics are not "isolationists" or critical of the American military; they simply say NATO could not achieve its objective of stopping Mr. Milosevic at an acceptable cost to ourselves and others. The proof:

NATO's stated objective was to protect the Kosovar Albanians, but it betrayed them. It gave Mr. Milosevic a cover to exponentially accelerate his repression and then in the June "settlement" fuzzed over the independence option that was given in the Rambouillet ultimatum. It is silly to suppose the Kosovo Liberation Army will agree to become a police force in a province of Yugoslavia. The Serb and NATO destruction of Kosovo left most of 1.5 million Kosovar Albanian refugees nothing to return to. Those most eager to return despite a terrible winter coming on are radicalized youngsters who now far more than before want to join the KLA to slaughter Serbs and seize the independence NATO now refuses to offer them.

If war had been the only option, it should not have been led by yuppie politicians who understood nothing about history, politics and warfare. There is a long list of lessons on the fatally flawed military conduct of the war, beginning with gradual escalation.

NATO's will or even capability to rebuild Kosovo and restore Kosovars to their destroyed homes will flag as Americans and Europeans are overwhelmed by problems of enforcement and as the billions of dollars add up at the expense of Social Security and other domestic projects.

For months NATO regularly (if apologetically) inflicted casualties on all sorts of innocents, from Serbs and Kosovar Albanians to Chinese, in part because it attacked from 15,000 feet in the air. While no military seeks casualties, to refuse to risk even one person in order to drop flood to hundreds of thousands of refugees in the mountains is to undermine one's seriousness and moral credibility.

Then there is the question, why Yugoslavia and not somewhere else where the crimes are equal or greater, as in Rwanda? Or the less remembered example of Cyprus, which next month "celebrates the 25th anniversary of the Turkish invasion. Almost 200,000 Greek Cypriots were "cleansed" out of their homes in Northern Cyprus in 1974 by the Turkish army, but "principled" Washington for strategic reasons still in effect winks at Turkish occupation of more than a third of the island.

Serbia has been devastated and will cost tens of billions to rebuild, and Mr. Milosevic is still there.

NATO's bombing precipitated floods of refugees and other disasters that have destabilized the region in political, economic and other terms far beyond what Mr. Milosevic could ever have done on his own.

The war has buttressed reactionaries from Russia and China to the United States.

Since for most people NATO is America, this war has re-ignited anti-Americanism and suspicion of U.S. intentions from Argentina to China. Most people do not believe this war was to defend human rights, particularly since we harmed so many innocent people in and far beyond the Central Balkans.

NATO's war will encourage arms (including nuclear) proliferation around the world among nations who fear NATO may invade them next. The Kosovo war may even encourage development of defensive alliances to guard against NATO attacks on those it considers "moral deviants."

americans must see that long before its end this war was no longer simply a campaign to eliminate the "evil" Mr. Milosevic. It became a tragic fiasco with all kinds of casualties from Pristina to Beijing.

If Kosovo is seen as a "victory," it will become a model for what British Prime Minister Tony Blair calls "moral crusades" to "right wrongs" around the world. The non-Western world—and many in the West as well—regard this as a dangerous and unworkable arrogance that like the Crusades centuries ago may have been at least partly moral in inspiration but in practice became fanatical, intolerant and massively destructive. If the moral crusades spread, the 21st century may have an even uglier human face than the 20th.

[From the New York Times]

WHAT DID NATO WIN IN BALKANS WAR?

(By A.M. Rosenthal)

But—why aren't we celebrating?

After all, we won, didn't we? The Kosovars will get to home, won't they?

Well, yes, we did encourage Slobodan Milosevic to drive them from those homes by giving him advance notice of when we would attack and assuring him not to worry about our sending in ground troops.

All right, all right, those were mistakes; shut up about them. At least now the million or so Kosovars we were supposed to be helping can pick up lives in their broken homes in smashed villages. Can't they?

Somebody will put up the money to fix up the homes. Isn't that so, perhaps?

Then there will be real peace, won't there? Naturally, to keep the Kosovars and Serbs from killing each other, we will have to maintain enough troops there for—oh, for about a generation.

But we are already doing that in Bosnia, so what is the big deal about sending off 7,000 or so more Americans—to start with—to Yugoslavia? Let's not be pretty about that; we are into the Balkan wars far too deep to quibble.

Maybe it won't be dangerous duty. The Kosovar army of Yugoslav citizens who count themselves Albanians won't take advantage of the departure of Serbian forces to take revenge on civilian Serbs. Will it?

And the Serbs in Serbia—they won't harbor a grudge against us, will they, for bombing their power plants, their factories, homes, hospitals, bridges and of course relatives with a destructiveness only the Germans had achieved against the Serbs in World War II?

Maybe they will forgive what the Germans did to them. About that time, they and their children will forgive us too, isn't that possible?

And the upside! Look at what we win. We saved NATO's face and President Clinton's and Madeleine Albright's. Her mouth foretold a quickie war. Maybe actually not saved their faces—but at least wiped them off a bit.

So we will be able to walk tall in the world for bombing Serbia into slivers. I mean, when the fear of America dies down in some countries that one day we will fly over their lands to bomb them into submission for not carrying out our orders.

You know, countries like India that are not about to surrender Kashmir without all-out war or Israel, whose mind it has crossed that, if NATO could bomb a neighbor that had not attacked its members first, why shouldn't the Arab League exercise the same privilege against Israel and eventually ask the United Nations for approval?

Remember—we have indicted Milosevic for war crimes. Yes, the fact that we never indicted Franjo Tudjman of Croatia, our own private dictators for driving 300,000 Serbs out is embarrassing. But at least the Serbian killer will have to spend his vacations at home or maybe someplace in Russia.

Maybe all that is why we are not celebrating the great victory. People like myself, who have spent years struggling to get our country to use its political and economic power for human rights, saw its leaders bumble into another Balkan war using bombs instead of the brains God should have given them.

The Bosian frightfulness has wound up in the partition that without foreign interference Muslims, Croates and Serbs could have had a decade ago, without war.

We have seen our country launch a war, first by futile ultimatum, then by a slovenly planned war that from the beginning brought more suffering to Kosovars and Serbian civilian than to Milosevic and his troops. Far too many Americans wrote and talked of Serbs, our allies in battles we should remember, as if they were bugs.

To those Kosovars who will return or seek safe lives elsewhere, for Serbs who will one day eliminate Milosevic, go our embraces. To Clinton and his fellow leaders—our contempts for their human and security values.

While Clinton and his NATO comrades were busy bombing Serbia and Kosovo, they were permitting the destruction of the U.N. arms inspection of Iraq—the one barrier against Saddam Hussein's path to nuclear, biological and chemical weapons.

That is a disaster for all nations, for all human rights struggles. If America remembers the Clinton-Albright bungling in Iraq, China and Yugoslavia and demands that any presidential or senatorial candidate separate from them, there may be reason for some satisfaction—for for champagne and parades, none.

CHARITABLE CHOICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, this really has been an exhausting week, and it will be interesting to see how people address this. Earlier one of our Members who said that we did not actually do anything this week, we did in fact pass a juvenile justice prevention bill, and I thought that that was our goal here which was to reduce juvenile crime and to reach those who have gotten in trouble and try to help them straighten out their lives.

If one is obsessed only with guns, and particularly if one is obsessed only with their solution to the gun problem, perhaps we had a difficult week because their bill did not pass, but let us not confuse that with the fact that we did accomplish some advancement in an effort to try to reach youth.

Furthermore, some of us were disappointed that we did not do more to address the question of violence in the media, and hopefully over the next few months we will be able to address that.

One amendment that I had that passed, the charitable choice amendment, gets lost. Charitable choice and many other things like this are not as glamorous or as media driven, and the general public does not focus on them like the Ten Commandments or like the one video game called Postal, where actually someone goes crazy and it shows how many of the people are remaining to be killed and a person gets more points if they hit them in the chest or at a main artery as opposed to other places in their body. This type of disgusting type of thing will get a lot of media attention, but when we do charitable choice where we are allowing juvenile prevention funds to be used by religious-based organizations, where people are actually trying to help the kids who are being impacted by this, it does not get as much media coverage.

We had hoped this afternoon to be able to move under unanimous consent a sense of the House of Representatives in regard to community renewal through community and faith-based organizations. Out of respect to the minority who did not have adequate time to look at this and has some objections, this will probably be addressed on Tuesday, but I wanted to speak a little bit about this resolution and the renewal alliance efforts of this past week.

The gentleman from Pennsylvania (Mr. PITTS), the gentleman from Ohio (Mr. KASICH), the gentleman from Missouri (Mr. TALENT), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Tennessee (Mr. WAMP) and many others, as well as former Democratic colleagues Fred Flake of New York and Denny Davis of Chicago, have worked together in trying to put together both legislative packages, as well as in our renewal alliance efforts this past week, to have a number of meetings, to highlight local groups, to visit local charities and we were hoping that this resolution would have been a capping to that week.

The resolution, which we hope to have come up on Tuesday, states that while steady economic growth and low inflation has yielded unprecedented prosperity, many American citizens have not in fact benefited from this prosperity and continue to be socioeconomically disadvantaged. Many of these live in inner cities and rural communities where they continue to be plagued by social breakdown, economic disadvantage and educational failure that fosters hopelessness and despair.

Many of the groups that are by far the most effective are community and faith-based organizations. Many of us believe through the American Community Renewal Act and other pieces of legislation that we need to figure out how to get more dollars to the groups that are the most effective. We need to know how to capitalize on their vision of compassion, of volunteerism, of caring for the poor and the vulnerable; that when we see our national leaders, our current Republican leader candidate for president, Governor Bush has been a leader in the area of prisons where he has worked with Prison Fellowship. He has worked with a number of other local groups in Texas and has actually put this into practice.

A little bit newer to this is Vice President GORE but he has been outspoken in the past few weeks on the importance of including charitable, particularly religious and community-based organizations, in this effort.

In fact, on his election campaign home page he specifically says that he believes charitable choice should be promoted, and that was reflected in a vote this week on my amendment, where we not only had 346 votes but we had, I believe it was 130 Democrats for it and only 79 Democrats against it.

We are in an unusual period right now in America, and that is both parties are coming to realize that the Federal Government, for that matter the State and local governments alone, cannot accomplish and solve all the problems related to poverty. Not that anybody can, but they need the help; in particular are seeking the help. Many of us in government now realize we have to work, we must work, with the churches and volunteers in our local community. We must give tax incentives.

I have one tax bill, the charitable tax bill, that would increase the value of the charitable deduction to 120 percent; that would let nonitemizers take the charitable deduction; that would lift the caps on higher income and delay the effective date to April 15.

We need to be looking at creative tax solutions, at creative solutions as we now have, in welfare reform where we have done charitable choice, in social services block grant where we did charitable choice last year, and now in juvenile justice where we have put charitable choice in.

So whatever else we may or may not have accomplished, we did move some prevention programs. We have once again advanced the charitable choice and next hopefully we will have another resolution that will put the House on record in this exciting and really substantive, if not the most sexy concept, that we are proceeding with.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASCRELL (at the request of Mr. GEPHARDT) for Friday, June 18, after 12:15 p.m., on account of family emergency.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PALLONE) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and insert extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 40. Concurrent resolution commending the President and the Armed Forces for the success of Operation Allied Force; to the Committee on International Relations in addition to the Armed Services Committee for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p.m.) under its previous order, the House adjourned until Tuesday, June 22, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2665. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Horses From Australia and New Zealand; Quarantine Requirements [Docket No. 98–069–2] received June 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2666. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb Hydrochloride; Extension of Tolerance for Emergency Exemptions [OPP–300826; FRL–6070–1] (RIN: 2070–AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2667. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Development Rule: Information Collection Approval Numbers [Docket No. FR–4443–F–05] received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2668. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2669. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2670. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7288] received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2671. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2672. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Leesville, Louisiana) [MM Docket No. 98–191] (RM–9351) received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2673. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–12; Introduction—received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2674. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Matching Credit Card and Debit Card Contributions in Presidential Campaigns [Notice 1999–9] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

2675. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Special Canada Goose Permit (RIN: 1018–AE46) received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2676. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations [Docket No. 970703165–9117–03; I.D. 062397A] (RIN: 0648–AK00] received June 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2677. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XVIII of the Social Security Act to increase flexibility in Medicare claims processing; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1659. A bill to reinforce police training and reestablish police and community relations, and to create a commission to study and report on the policies and practices that govern the training, recruitment, and oversight of police officers, and for other purposes; with an amendment (Rept. 106–190). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 33. Resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 106–191). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1658. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes; with amendments (Rept. 106–192). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FARR of California (for himself, Mr. GALLEGLY, Mr. WAXMAN, Mr. CAMPBELL, Mr. STARK, Mrs. CAPPS, Mr. BILBRAY, and Ms. ESHOO):

H.R. 2277. A bill to designate all unreserved and unappropriated California coastal rocks and islands currently administered by the Bureau of Land Management as a component of the National Wilderness Preservation System; to the Committee on Resources.

By Mr. FARR of California:

H.R. 2278. A bill to require the National Park Service to conduct a feasibility study regarding options for the protection and expanded visitor enjoyment of nationally significant natural and cultural resources at Fort Hunter Liggett, California; to the Committee on Resources.

H.R. 2279. A bill to expand the boundaries of Pinnacles National Monument, and for other purposes; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. Evans, Mr. Quinn, and Mr. Filner):

H.R. 2280. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN:

H.R. 2281. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a felony, and for other purposes; to the Committee on the Judiciary.

By Mr. BLILEY (for himself, Mr. Oberstar, Mr. Camp, Mr. Scott, Mr. Burton of Indiana, Mr. Pomeroy, and Mr. DeMint):

H.R. 2282. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses and to expand and extend permanently the exclusion allowed for employer adoption assistance programs; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 2283. A bill to amend title 10, United States Code, to improve the authorities relating to the provision of honor guard details at funerals of veterans; to the Committee on Armed Services.

By Mr. LEWIS of Kentucky (for himself and Mrs. Northup):

H.R. 2284. A bill to provide that certain costs of private foundations in removing hazardous substances shall be treated as qualifying distributions; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. Smith of Texas, Mr. Bonilla, and Mr. Gonzalez):

H.R. 2285. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of the San Antonio Water System Water Recycling Project Phase III for the reclamation and reuse of water, and for other purposes; to the Committee on Resources.

By Mr. SCARBOROUGH (for himself, Mr. Lewis of Georgia, Mr. Roemer, and Mr. Quinn):

H.R. 2286. A bill to designate the Federal building located at 10th Street and Constitution Avenue, NW, in Washington, DC, as the "Robert F. Kennedy Department of Justice Building"; to the Committee on Transportation and Infrastructure.

By Mr. SERRANO (for himself, Ms. Jackson-Lee of Texas, Mrs. Mink of Hawaii, Mr. Hinojosa, Mr. Evans, Mr. Romero-Barcelo, Mr. Pastor, Mr. Rangel, and Ms. Lee):

H.R. 2287. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS (for himself and Mr. Lewis of Georgia):

H.R. 2288. A bill to establish the North American Slavery Memorial Council; to the Committee on Resources.

By Mr. WELDON of Florida (for himself and Mr. Davis of Florida):

H.R. 2289. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. ROEMER (for himself, Mr. Wolf, and Mr. LaFalce):

H. Con. Res. 137. A concurrent resolution expressing the sense of Congress with regard to the recommendations of the National Gambling Impact Study Commission; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. Cunningham, Mr. Rohrabacher, Mr. Foley, Mr. Herger, Mr. Burton of Indiana, Mr. Coble, and Mr. Archer.

H.R. 142: Mr. Gutknecht.

H.R. 175: Mr. Crowley, Mr. Gilchrest, Mr. Abercrombie, Mr. Serrano, Mr. Hobson, Mr. Hastings of Florida, Ms. Jackson-Lee of Texas, Mr. Knollenberg, Mr. Fossella, and Mr. Boswell.

H.R. 218: Mr. Barcia.

H.R. 303: Mrs. Meek of Florida, Mr. Peterson of Pennsylvania, Mr. Cook, Ms. Kilpatrick, Mr. Thune, and Mr. Hall of Ohio.

H.R. 316: Mr. Tierney and Mr. Wu.

H.R. 332: Mr. Paul.

H.R. 491: Ms. Lee.

H.R. 528: Mr. Everett.

H.R. 531: Mr. Snyder and Mr. Towns.

H.R. 577: Mr. Barrett of Nebraska.

H.R. 682: Mr. Bereuter.

H.R. 693: Mr. Strickland.

H.R. 721: Mr. Weygand and Mr. Cannon.

H.R. 762: Mr. Rothman, Mrs. Capps, Mr. Conyers, Mr. Martinez, Mr. Moore, Mr. Kucinich, Mr. Houghton, Mr. Costello, Mr. Lucas of Oklahoma, Mr. Goodling, Mr. Davis of Virginia, Mr. Capuano, Mr. Olver, Mr. Stupak, Ms. Eddie Bernice Johnson of Texas, Mr. King, Mr. Inslee, Mr. Kildee, Mr. Clement, Mr. Larson, Mr. Boucher, Mr. Hoeffel, Mr. Mascara, Mr. Pallone, Mr. Wolf, Ms. Pryce of Ohio, Ms. Velázquez, Mr. Gonzalez, Mr. Lampson, Ms. Norton, Mr. Berry, Mrs. Johnson of Connecticut, Mr. Wu, Mr. Scott, Mr. Engel, Mr. Kennedy of Rhode Island, Ms. Carson, Mr. McNulty, Mr. LaHood, Mrs. McCarthy of New York, Mr. Clyburn, Mr. Shaw, Ms. Lee, Mr. Lewis of California, Mr. Owens, Ms. Schakowsky, Mr. Fattah, Mr. Farr of California, Mr. Smith of New Jersey, and Mr. Saxton.

H.R. 764: Mr. Green of Wisconsin, Mr. Portman, Mr. Meeks of New York, and Mr. Lampson.

H.R. 772: Mr. Udall of Colorado.

H.R. 776: Mr. Kleczka.

H.R. 783: Mr. Costello, Mr. Hall of Ohio, Ms. Kaptur, Mr. Holden, Mr. Hinchey, Mrs. Roukema, and Mr. Boehlert.

H.R. 784: Mr. Holden, Mr. Green of Texas, Mr. Gilman, Mr. Inslee, and Mrs. Emerson.

H.R. 804: Mr. Frost.

H.R. 835: Mr. Armey, Mr. Hefley, Mr. DeLay, Mr. Bilbray, Mr. Bentsen, Mr. Weygand, Mr. Clement, Mr. Blunt, Mr. Gonzalez, Mr. Barcia, Mrs. Capps, Mr. Pascrell, and Mr. Phelps.

H.R. 853: Mr. Gekas.

H.R. 859: Mr. Filner.

H.R. 864: Mr. Paul, Ms. Slaughter, Ms. Hooley of Oregon, Mr. Hoyer, Mr. Bilirakis, Mr. Roemer, Ms. Schakowsky, Mr. Crowley, Mr. Serrano, Ms. Eddie Bernice Johnson of Texas, Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, and Mr. Knollenberg.

H.R. 909: Mr. Martinez.

H.R. 914: Mr. Gordon.

H.R. 958: Mr. Engel.

H.R. 1044: Mr. Lewis of Kentucky.

H.R. 1053: Mr. Vento.

H.R. 1070: Mr. Jenkins.

H.R. 1083: Mrs. Cubin and Mr. Boehlert.

H.R. 1093: Mr. Weiner, Mr. Watt of North Carolina, Mr. Berry, Mr. Davis of Illinois, Mrs. Napolitano, Mr. Udall of New Mexico, and Ms. McCarthy of Missouri.

H.R. 1111: Mr. Jenkins.

H.R. 1168: Mr. Clement.

H.R. 1180: Mr. Shimkus, Mr. Andrews, and Mrs. Thurman.

H.R. 1196: Mr. Davis of Illinois and Ms. Hooley of Oregon.

H.R. 1215: Mr. Petri.

H.R. 1216: Mr. Calvert, Mr. Bishop, and Ms. Lee.

H.R. 1260: Mr. Foley.

H.R. 1281: Mr. Watkins.

H.R. 1283: Mr. Bryant, Mr. Gary Miller of California, and Mr. Shays.

H.R. 1300: Mr. Serrano.

H.R. 1301: Mr. Bass, Mr. Pombo, Mr. Frelinghuysen, Mr. Lewis of Kentucky, Mr. Thune, Mrs. Mink of Hawaii, Mr. McIntyre, Mr. LoBiondo, Mr. Ose, and Mr. Wicker.

H.R. 1303: Mr. Martinez.

H.R. 1317: Mr. Nussle.

H.R. 1325: Mr. Filner, Mr. Vento, and Mrs. Northup.

H.R. 1328: Mr. LoBiondo.

H.R. 1344: Mr. Gillmor and Mr. Simpson.

H.R. 1381: Mr. Deal of Georgia.

H.R. 1387: Mr. Peterson of Minnesota and Mr. Reyes.

H.R. 1433: Mr. Smith of Washington and Mr. Inslee.

H.R. 1442: Mr. Deutsch.

H.R. 1456: Mr. Bonior, Mr. Meeks of New York, Ms. Danner, and Ms. Hooley of Oregon.

H.R. 1525: Mr. Neal of Massachusetts and Ms. Hooley of Oregon.

H.R. 1622: Mr. Pastor.

H.R. 1645: Mr. Bonior.

H.R. 1663: Mr. Hayworth.

H.R. 1676: Ms. McKinney.

H.R. 1707: Mr. McInnis.

H.R. 1731: Mr. Hunter, Mr. Dickey, and Mr. McDermott.

H.R. 1736: Mr. Brady of Pennsylvania, Mr. Hilliard, Mr. Filner, Mr. Abercrombie, and Mr. Wexler.

H.R. 1746: Mr. Blunt and Mr. Combest.

H.R. 1760: Ms. Lee.

H.R. 1784: Mr. Hastings of Florida, Mr. Rahall, Mr. Meehan, Mr. McNulty, Mr. Sherman, and Mr. Weiner.

H.R. 1810: Mr. LaHood and Mr. Thune.

H.R. 1837: Mr. Strickland and Mr. LoBiondo.

H.R. 1863: Mr. Dicks.

H.R. 1899: Mr. Gilman, Mr. Kennedy of Rhode Island, Mr. Larson, Mr. Turner, Ms. Lee, Mrs. Maloney of New York, and Mr. Bonior.

H.R. 1917: Mr. Paul, Mr. Towns, Mrs. Mink of Hawaii, Mr. Watkins, Mr. Visclosky, Ms. Norton, Mr. Bentsen, Mr. Romero-Barcelo, and Mr. Thompson of California.

H.R. 1929: Ms. Baldwin.

H.R. 1932: Mr. Baldacci, Mr. Shows, Mr. Sherman, Mr. Frelinghuysen, Mr. Holt, Ms. Granger, and Ms. Eshoo.

H.R. 1950: Mr. Forbes, Mr. Metcalf, and Mr. Etheridge.

H.R. 1975: Mr. Hayworth and Mr. Barr of Georgia.

H.R. 1977: Ms. Schakowsky, Mr. Vento, and Ms. Woolsey.

H.R. 1990: Mr. Traficant, Mr. Frost, Mr. Wise, Mr. Nadler, and Mr. LoBiondo.

H.R. 1993: Mr. Radanovich.

H.R. 1996: Mr. Brady of Pennsylvania and Mr. Frost.

H.R. 1998: Mr. CAPUANO, Mr. SHAW, Mr. MCGOVERN, Mr. SALMON, Mr. VENTO, and Mr. HAYWORTH.

H.R. 1999: Mr. STUMP and Mr. KOLBE.

H.R. 2013: Mr. LATHAM.

H.R. 2031: Mr. RAHALL, Mr. DICKEY, Mr. EHRLICH, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. SANDLIN, Mr. MEEHAN, Mr. BARCIA, and Mr. TURNER.

H.R. 2060: Mr. EVANS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2101: Mrs. NORTHUP.

H.R. 2121: Mr. RAHALL, Mr. LAHOOD, Ms. RIVERS, Mr. RODRIGUEZ, and Mr. KILDEE.

H.R. 2233: Mrs. CLAYTON, Mr. DICKEY, Mr. HASTINGS of Florida, Mr. NETHERCUTT, Mrs. MORELLA, Mr. TALENT, Mr. BRYANT, Mr. COOK, Mr. BILBRAY, Mr. WATKINS, Mr. LAZIO, Mr. FALEOMAVAEGA, and Mr. NORWOOD.

H.R. 2252: Mr. COLLINS.

H.R. 2260: Mr. DEMINT and Mrs. NORTHUP.

H. Con. Res. 17: Ms. PELOSI.

H. Con. Res. 100: Mr. PAYNE and Mr. GILMAN.

H. Con. Res. 112: Mr. NETHERCUTT, Mr. KLECZKA, Mr. LINDER, Mr. GUTKNECHT, Mr. SANFORD, Mrs. BONO, Mr. SWEENEY, and Mr. LAZIO.

H. Con. Res. 113: Ms. HOOLEY of Oregon.

H. Con. Res. 128: Mr. DEUTSCH, Mr. CLAY, Mr. RAMSTAD, Mr. GEPHARDT, Ms. DUNN, Mr. PAYNE, and Mr. FILNER.

H. Con. Res. 130: Mr. FALEOMAVAEGA.

H. Con. Res. 133: Mr. FROST, Mr. RUSH, Mr. SISISKY, and Mr. BONIOR.

H. Res. 34: Mrs. JOHNSON of Connecticut, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 90: Mr. MEEHAN, Mr. PETERSON of Minnesota, Mr. LAMPSON, Mr. CLEMENT, and Mr. WU.

H. Res. 212: Mr. BARRETT of Wisconsin, Mr. CROWLEY, and Mr. KLECZKA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 853: Mr. HOBSON.

EXTENSIONS OF REMARKS

TIME FOR A NATIONAL DIALOGUE ON THE GROWTH OF GAMBLING

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. ROEMER. Mr. Speaker, after two years of research and public hearings, the National Gambling Impact Study Commission has just completed its report and findings on the growth of gambling in America.

It is an eye-opening report which I hope every Federal, State, local and tribal government which sponsors gambling activities will take the time to read and consider.

At the same time, I hope this report will serve as the starting point for a national dialogue on gambling, so we can begin to make some informed decisions about gambling and its impact on people.

The NGISC made a number of major recommendations in its report. Perhaps most important of all, the commissioners unanimously recommended a "pause," or moratorium, on the growth of new gambling activities, to give governments further time to research and assess the impact of gambling on society.

Mr. Speaker, this is an extraordinary recommendation. It reflects the genuine concern among the Commission members—many of whom work in the gambling industry itself—about the dangerous and unpredictable consequences of the explosive growth of gambling we have experienced in recent years.

Here are some of the Commission's other major findings:

(1) The Commission determined that unregulated growth of the gambling industry is seen as a "dangerous course of action";

(2) They determined that the more Americans are presented with opportunities to gamble, the more concern there is about problem and pathological gambling, and that the social, legal and financial consequences of gambling addiction are severe;

(3) They determined that technology is revolutionizing the gambling industry, and that the internet in particular poses serious legal, economic and social concerns which the nation is not prepared to deal with; and

(4) They concluded that many policy makers have been forced to make decisions about expanding gambling with virtually no credible studies to rely on and, at best, only an assessment of the perceived social impacts.

Mr. Speaker, it is not hard to find anecdotal evidence about the risks associated with gambling. In Indiana, a recent report by the Governor's Study Commission on Gambling showed that average losses among gamblers have increased by 20% in the three years since riverboat gambling was first introduced. Gambling losses now make up nearly one percent of what Indiana residents spend each year.

If National averages hold true, a disproportionate amount of these losses are coming from low-income households, the elderly and young people—those Americans most vulnerable. Clearly, we need to be concerned about this growing problem.

Just this week, the Gallup Poll surveyed Americans' views about gambling. Among the major findings, 56% of adults believe that casinos have a negative impact on family and community life in the cities in which they operate. Another two-thirds of both the adults and teens surveyed believe that betting on sports events leads to cheating or fixing of games, while 57% of adults oppose legalized betting on sports events as a way to raise state revenue.

Overall, 76% of Americans surveyed expressed the view that gambling should either stay at current levels or be reduced or banned. Clearly, the vast majority of Americans support the Commission's call for a moratorium on new gambling activities.

The NGISC has made a number of positive recommendations in its report, including:

(1) That Congress authorize a general research strategy to build a knowledge of gambling behavior, including research on the social and economic impacts of gambling, and the impacts on crime and property values;

(2) That Governors and State legislatures fund objective studies on the prevalence of problem and pathological gamblers, and undertake research, education and treatment programs for problem gamblers;

(3) That enforceable advertising guidelines be adopted for the gambling industry, particularly as they relate to youths and low-income neighborhoods; and

(4) That a strategy be developed to prohibit internet gambling within the United States;

These are just a few of the major recommendations which the commission made.

In response to this report, Congressmen FRANK WOLF, JOHN LAFALCE and I have just introduced a resolution which encourages Federal, State, local and tribal governments to review the findings of the National Gambling Impact Study Commission; and to consider the implementation of its recommendations.

The NGISC has delivered a powerful warning about the dangers of the unregulated growth of gambling. It is time now to build on this report, and develop a strategy to respond to the many concerns brought about by the rapid acceleration of gambling in our society.

LISTING MOUNTAIN PLOVER AS "THREATENED"

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. SCHAFFER. Mr. Speaker, Colorado's farmers, ranchers, and water and property owners are under assault by the federal government. They face devastatingly low commodities prices, high equipment costs, onerous federal regulations and endangered species policy driven by Boulder-based, special-interest environmental lawsuits. My response to the proposed listing of the mountain plover as "threatened" under the federal Endangered Species Act of 1973 is as follows.

After reviewing the U.S. Fish and Wildlife Service's (FWS) proposal to list the mountain plover as threatened, I adamantly oppose this listing because it is scientifically flawed, would devastate the eastern plains economy, fails to adequately consider reasonable alternatives, and contradicts other federal programs benefitting the plains environment.

First, the science used to support the listing is highly suspect and lacks the degree of certainty necessary to proceed with a comprehensive, intrusive and restrictive regulatory regime. The inadequacy of the cited population data is unacceptable. Throughout the listing, extrapolated estimates are relied upon for population numbers, which lays an insufficient scientific foundation. Even if the estimates referenced had a statistical basis, we are told, "The estimates of abundance provided for each state or area are usually from different researchers, from different times, and using different techniques. Therefore, the estimates should not be considered comparable to one another or necessarily additive." (64 FR 7591) Because the FWS population research methods were not compatible, the FWS relied upon dissimilar estimates. Federal regulations, especially those as pervasive as the ESA's, should never be based on approximations.

Furthermore, almost no population data from private lands is referenced. Since most of the land in the identified plover habitat range for Colorado is privately owned, and approximately 75 percent of all wildlife is found on private property, the total number of mountain plovers is certain to be significantly higher. The absence of private land surveys is also concerning because plovers prefer to nest on prairie dog colonies, at least 90 percent of which currently exist on private lands. It is beyond doubt a large number of additional plovers would be found if private land surveys were conducted. Clearly, the FWS does not have definitive evidence of the bird's actual numbers within Colorado, in other states, or as an aggregate across its range.

The FWS was involved in a similar situation with the swift fox. A federal ESA listing was proposed before comprehensive population surveys were completed, an effort abandoned after thorough surveys were conducted. The same situation could occur with the plover. The FWS must not proceed with this listing until an accurate, scientifically-based survey is conducted on both public and private lands through voluntary and confidential participation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

While the population questions are significant, there are other issues undermining the scientific basis of the listing. According to FWS biologists, drought threatens the plover. However, wet years also endanger the bird due to higher rates of grass growth. In fact, FWS biologists admit, "The long-term effect of such naturally occurring catastrophes on mountain plover viability is not known." (64 FR 7596) In addition, the Service admits to no correlation between increasing numbers of coyotes and foxes, predators of the plover, and declining bird numbers. While predators are discussed, the only conclusion offered is, "A high rate of nest predation by swift fox . . . is not believed to be a factor in the long-term decline of the mountain plover population." (64 FR 7595) Yet, no hard evidence is given to support this claim.

Moreover, the effects of pesticides, especially in California, are not completely known. And, no significant data exists from wintering areas in Mexico or nesting regions in Canada. The only conclusion possible is that neither the current scientific and field research, nor the information presented in this listing, supports federal ESA protection of the bird.

Second, very little thought is given to the impacts of this listing on farmers, ranchers and private property owners. Significant hardship will be borne by landowners, and I have seen almost no attempt to address the devastating results a plover listing would inflict on traditional agricultural and non-agricultural practices on the eastern Colorado plains. The U.S. Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS) wrote that the plover listing "may adversely impact a number of common agricultural practices in the short-grass prairie region of the United States." [Letter attached for the record.]

For example, the inability of farmers to plant their crops in early summer would be devastating. Most planting on the eastern plains of Colorado occurs in late April through mid-May, which coincides with the plover's nesting. According to the FWS, normal farming practices on cultivated lands would not result in an ESA section 9 violation if they took place between August 10 and April 1. (64 FR 7599) Obviously, producers must be allowed to plant during this time, or the eastern plains economy, already weakened by a national agriculture crisis, would collapse due to devalued land, unemployment, and relocation.

In addition, the listing states the decline of the bird is due, in part, to the tilling of fields between April and June, even though "the long-term effect of tilling on mountain plover productivity and abundance is not known." (64 FR 7593) The land is worked during this time for a number of reasons, including weed and erosion control. While "no-till" and "minimum-till" methods are being used more often, turning the ground is usually the only option for a producer. Chemical options also exist, but they are prohibitively expensive and could impair the plover and its habitat. Consequently, this petition would reduce the value of private lands by banning land management tilling, and/or encourage an increased use of pesticides.

The FWS claims to be working on developing land use recommendations to benefit both plovers and landowners. Since I have yet to see any such suggestions, I must ask how planting during this critical time could possibly be changed, except to stop all planting and tilling? Also, how would these changes be beneficial to farmers and ranchers?

Further evidence of the listing's flawed logic is evident in the following statement: "Grassland conversion may be considered a threat to mountain plover conservation whether or not the grasslands are presently suitable breeding habitat." (64 FR 7593) This contradictory conclusion is advanced because the conversion of grasslands to productive agricultural lands creates locally acceptable plover habitat. (64 FR 7593) In other words, if an area where the plover doesn't exist is developed by a farmer, and the bird subsequently nests on the newly cultivated land, then the FWS will impose regulations on the farmer and his land to protect this habitat, which was not plover habitat in the first place. So, the farmer's initiative to create new, productive farmland from non-plover grassland is rewarded by regulation, limitation and ultimately, ruination. Consequently, this listing will likely result in two unfavorable outcomes: (1) Farmers will choose not to convert grassland into productive farmland, thus limiting the bird's habitat and the farmer's prosperity, reducing food production, and hurting Colorado's economy; (2) Farmers will attempt to farm, but stop due to onerous mitigation measures, thereby causing the land to revert to non-plover habitat, limiting the farmer's prosperity, reducing food production, and hurting Colorado's economy. In other words, this listing, whether intended or not, would suppress the development of new farmland, stifle current agricultural activity, and actually reduce potential plover habitat.

Further, oil and gas development would suffer if the plover is listed as threatened. Leasing and extraction of these natural resources exists over its entire breeding range. However, since the "development of oil and gas resources could adversely affect mountain plover habitat or cause the death of individuals," such activities would be heavily regulated. (64 FR 7595)

In the end, all landowners on Colorado's eastern plains stand to lose if the plover is listed. Their land will lose value due to ESA regulations prohibiting the "taking" of endangered species, which would restrict and/or modify how the land could be used. In fact, they will be forced to sustain plover habitat, which will substantially interfere with farming, ranching, building and/or developing natural resources.

Eastern Coloradans have successfully used, enhanced and protected the eastern Colorado plains by providing millions of dollars in agriculture products and improving water quality, soil erosion and wildlife habitat. Priority has to be given to coordination with landowners on reasonable conservation measures. Farmers and ranchers are the best stewards of the land and a friend to the plover; they should be trusted, included in the process, given incentive to collaborate, and flexibility to mitigate.

Third, states, local governments and communities have successfully demonstrated the viability of collaborative on-the-ground solutions in place of command-and-control dictates from Washington. There are a number of partnerships to preserve species, including the High Plains Partnership for Species at Risk, the Western Governor's Association Enlibra doctrine for Environmental Management, and the Upper Colorado River Endangered Fish Recovery Program, to name a few. The FWS would get better cooperation and results from states and localities if it pursued non-regulatory solutions, and I strongly advise the FWS to pursue this option if the plover is indeed threatened.

Another example of a cooperative partnership is the Memorandum of Agreement, Concerning Programs to Manage Colorado's Declining Native Species, between the state of Colorado and the U.S. Department of the Interior, which was signed on November 29, 1995. This agreement, also known as the Colorado Conservation Agreement, attempts to facilitate collaboration in conserving fish and wildlife species and habitat within Colorado, including the mountain plover. Even though the FWS listing mentions this ground-breaking partnership, there are no facts given to support either its continuation or elimination. (64 FR 7599)

Many efforts are underway to benefit this species in Colorado and throughout its range. Such endeavors ought to be allowed to produce results before they are bypassed because they could preempt the need for significant federal intervention. Therefore, I strongly disagree with the FWS conclusion that the only way to protect the plover is an ESA listing.

Fourth, a number of federal agencies and programs will have to be drastically altered to accommodate the listing. Such counter-productive, conflicting interagency relationships indicate systemic flaws in the proposal and waste the American taxpayer's hard-earned money.

The listing would impact the USDA Natural Resources Conservation Service (NRCS) assistance to producers in eastern Colorado. Affected programs could include the Environmental Quality Incentives Program (EQIP), Wildlife Habitat Incentives (WHIP), and/or the Conservation Reserve Program (CRP). These conservation programs would have to be reviewed in consultation with the FWS under section 7 of the ESA. Thousands of producers in eastern Colorado receive technical assistance from NRCS programs. A significant amount of time, money and manpower would be required to review each case for ESA compliance, which would delay the implementation of conservation practices and hurt the species and habitats currently prospering under these programs.

The USDA Conservation Reserve Program (CRP), widely considered to benefit both agriculture and the environment, encourages tall grasses for wildlife habitat and ecosystem health. The FWS asserts the plover requires habitat with little grass and/or bare ground. Should the bird be listed, it could thwart conservation efforts designed to help other species and the environment. Is one species to be saved at the expense of another? Moreover, to what extent are these and other conflicting policies contributing to the decline of the plover? The FWS should proactively address these programs, in conjunction with farmers, ranchers and other landowners, before a listing is finalized. Has, or will, the FWS take such a common-sense, initial step before listing the plover? Voluntary, collaborative arrangements would net much better results then coercive, punitive regulations.

I urge the FWS to suspend any further listing action until a comprehensive, scientifically rigorous, locally inclusive research project can be completed on the status of the mountain plover population and ecosystem. Further, the FWS must be cautious during this listing process unless the good accomplished by the people of eastern Colorado is undone and their lives irreparably harmed. Additionally, the state of Colorado and local communities ought to be given the lead role in conserving the species. Other federal agencies must also be consulted prior to listing the mountain plover to clarify contradictory land use policies. Finally, the FWS must ensure all available information is reviewed by an objective scientific panel per the July 1, 1994 FWS Notice of Policy for ESA Peer Review and the Colorado Conservation Agreement before a determination is made.

Given these factors, the FWS must thoroughly consider whether the proposal "presents substantial scientific and commercial information to demonstrate the petitioned action may be warranted." (16 USC 1531) Nothing in this listing supports the conclusion that the plover is threatened by extinction in the near future. As a result, the only decision the FWS can reach is to decline listing the mountain plover as threatened under the federal ESA. I therefore restate my opposition to this listing.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders:

Mr. MEEKS of New York. Mr. Chairman, I am very disappointed that many of my colleagues voted for the McCollum amendment yesterday. However, we can right this wrong by supporting the Conyers-Scott substitute.

This substitute is fundamentally right because juvenile delinquents will not be jailed with adult criminals. In fact, when you compare New York youth who were prosecuted in adult court with youth with similar charges and prior records in New Jersey who were prosecuted in juvenile court—convictions were no more likely in adult court, punishment was imposed less swiftly, incarceration was less likely, and sentences were nearly identical.

This substitute is fundamentally right because it requires states to address the issue of minority confinement. Minority children are ⅓ of the youth population, but ⅔ of the children in long-term facilities. Studies indicate that minority youth receive tougher sentences and are more likely to be put in jail than nonminority youth for the same offenses.

The substitute is fundamentally right because it would place 20,000 crisis prevention counselors in schools and fund crisis prevention programs—which brings me to an issue that goes hand-in-hand with juvenile justice—the need for educational programs to make sure our children are not getting involved in criminal behavior in the first place.

Research has demonstrated that aggressive prevention programs and alternatives to incarceration are most effective in reducing crime.

In fact, when asked to rank the long-term effectiveness of possible crime fighting approaches, a majority of police chiefs picked "increasing investments in programs that help all children and youth get a good start" as "most effective"—nearly four times as often as "trying juveniles as adults."

Children in the Big Brothers/Big Sisters mentoring programs showed that children participating in the program were 46% less likely to initiate drug use.

Cincinnati's violence prevention programs resulted in a 24% drop in crime.

A similar gang-reduction program in Ft. Worth, Texas, resulted in a 26% drop in gang-related crime.

We need to fight crime by putting more monies into education and crime prevention programs like the ones I mentioned and—after-school programs.

The majority of juvenile crimes take place between 3 pm to 6 pm. We need to have enough educational activities after-school to keep our youth mentally busy.

We need more after-school jobs for our youth. I would like to see the President and Congress develop AmeriCorps' programs for high school students throughout the year.

We need to invest in our youth's present so they can have a bright future—without ever facing the juvenile justice system.

CONGRATULATING THERESA SUTTON AS ILLINOIS POSTMASTER OF THE YEAR

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. SHIMKUS. Mr. Speaker, I take this time to congratulate Theresa Sutton from Brighton, Illinois for the National Association of Postmasters of the United States naming her Postmaster of the Year for the state of Illinois.

The small community postmaster responded to the award, "I have some dedicated employees that really work hard. That makes my job a lot easier." Theresa Sutton will meet in Washington, D.C. along with award recipients from other states in order to meet with Representatives and Senators about postal issues.

I commend her dedication and service to the United States Postal Service. With the necessity for efficient postal services, I am comforted that the 20th District has quality postmasters like Theresa Sutton.

CENTRAL NEW JERSEY RECOGNIZES DR. ROBERT ANGELO

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of the accomplishments of Dr. Robert Angelo and his contributions to the community. Over the course of the last twenty-five years, Dr. Angelo has worked as a consultant, teacher, advisor, and advocate.

Dr. Angelo served for eight years as the International Director of the AFSCME International Union, the largest public employee organization in the AFL-CIO. As director, he worked throughout the United States organizing campaigns, negotiations, and public events. Dr. Angelo continues to work as a labor arbitrator for the New Jersey State Board of Mediation, and is called upon by private and public sector management to adjudicate disputes arising from collective bargaining agreements.

An educator with a long and commendable career, Dr. Angelo received his B.A. in Economics from Colgate University, an MBA from Drexel University, and has been recently conferred with a doctorate from Rutgers University in Education. He began his career as a college administrator at Middlesex County College in central New Jersey where he was responsible for directing the nationally recognized Occupational Safety and Health training project. At Thomas Edison State College, Dr. Angelo served as a mentor and consultant in the Labor Studies and Organizational Behavior departments. He later was a lecturer and extension faculty member in the School of Management and Labor Relations at Rutgers University, where he taught graduate and undergraduate-level classes.

In 1993, Dr. Angelo founded Capitol Ideas, a multi-service consulting organization dedicated to organizational advocacy and promotion. Capitol Ideas works with a variety of private, public, and non-profit groups to design and implement political, educational, and promotional programs.

Dr. Angelo lives with his wife, Meryle, in East Brunswick, New Jersey. He currently represents SEIU State Council, SEIU Local 510, and IFPTE 195, and continues to work as the CEO of Capitol Ideas and a Professor of Labor Studies at Rutgers University.

Dr. Robert Angelo has demonstrated dedication to his goals and to the community. I ask my colleagues to join me in recognizing Dr. Angelo's accomplishments.

HONORING THE SPECIAL GRADUATES OF MIDDLE SCHOOL 88

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. VELÁZQUEZ. Mr. Speaker, It is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New

York. I am certain that this day marks the culmination of much effort and hard work which has led and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following Academic Achievement Award Recipients: Marilyn Li and Daniel Ortiz.

HOUSE CHAPLAIN SEARCH

HON. TOM BLILEY

OF VIRGINIA

EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. BLILEY. Mr. Speaker, as co-chairs of the chaplain search committee we are announcing to Members that we have begun our initial stages of the search. We encourage Members to recommend qualified candidates to the search committee. They may do so by forwarding applicant materials to the Speaker's office, H–232 Capitol, House of Representatives, Washington, DC 20515, Attention: House Chaplain Search Committee. Applicant materials should include a cover letter and resume.

As you know, the House Chaplain prepares and delivers the daily prayer in the House of Representatives; coordinates the use of the Prayer Room; speaks to visiting groups and gives invocations at events; assists Members in contacts with religious groups; conducts wedding ceremonies, visits hospitals and conducts memorial services; and is available at all times for pastoral counseling to Members and staff.

The chaplain is one of five elected officers of the House of Representatives. The chaplain is paid $132,100 per year.

The other members of the search committee are: LOIS CAPPS, HELEN CHENOWETH, JAY DICKEY, CAL DOOLEY, ANNA ESHOO, STEVE LARGENT, JOHN LEWIS, JOE PITTS, RALPH REGULA, CIRO RODRIQUEZ, ROBERT SCOTT, JOHN SHIMKUS, TED STRICKLAND, ZACH WAMP, HENRY WAXMAN, and DAVE WELDON.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 212, had I been present, I would have voted "aye."

HONORING THE LIFE OF GOVERNOR BOB BULLOCK

HON. GENE GREEN

OF TEXAS

HON. JIM TURNER

OF TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

HON. CHET EDWARDS

OF TEXAS

HON. RALPH M. HALL

OF TEXAS

HON. LLOYD DOGGETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. GREEN of Texas. Mr. Speaker, today, my colleagues and I and the State of Texas lost a legend. Lt. Governor Bob Bullock passed away at the age of 69.

Before coming to Congress, we served with Governor Bullock as members of the Texas State Senate. No Texan stood taller than Bob Bullock in his knowledge of Texas Government, his influence over the affairs of Texas and his deep commitment to our State.

His love for our state was legendary. Each time he spoke of Texas, the feeling of his pride was very clear. He always said, "I have no agenda but what's good for Texas. And I have no love, but Texas."

Governor Bullock was born in Hillsboro, Texas on July 10, 1929. He was elected to the Texas House of Representatives in 1956 and was reelected in 1958. While still in the Texas Legislature, Governor Bullock enrolled in law school. He earned a law degree from Baylor University as well as a bachelor's degree from Texas Tech University. He was also a graduate of Hill College in his hometown.

Governor Bullock also served as an assistant attorney general, heading up the first antitrust and consumer protection division in that office. He won several historic cases including a multi-million dollar recovery from five large drug companies that conspired to fix prices. Bob Bullock held other positions in Texas State government, serving on the Texas Historical Commission, on the staff of former Governor Preston Smith, and as the Texas Secretary of State.

In 1974, Bullock was elected Comptroller of Public Accounts. He would serve four terms as the state's chief tax collector. His tenure as Comptroller was marked by innovation and efficiency. He became the first elected state official to adopt an equal employment opportunity program. He was among the first elected officials to use computer technology in state government to cut costs and improve productivity. He developed a Taxpayer Bill of Rights to guarantee that Texas taxpayers were treated with fairness, courtesy and common sense.

In 1990, Bob Bullock was elected Lieutenant Governor, a job considered the most powerful in the State of Texas. In this position, he presided over the Texas Senate, made committee appointments, sat on key government boards, and controlled the flow of legislation in the Senate.

As the presiding officer of the Texas Senate, Governor Bullock overhauled the ethics laws in an effort to restore public confidence in state government. He created the Texas Performance Review to analyze spending at state agencies and recommend cost-saving alternatives. He pushed through a constitutional amendment requiring voter approval before a state personal income tax could be enacted and if the voters approved the tax, requiring the money be earmarked for education.

Governor Bullock is survived by his wife, Jan; a son, Robert D. (Bobby) Bullock, Jr. of Austin; a daughter and her husband, Lindy and Phil Ward of Austin; a grandson, Grant Bullock Robinson of Austin; a stepdaughter and her husband, Kimberly and Jeff Ader of Houston; and a brother and his wife, Tom and Jane Bullock of Brenham. He is also survived by several nieces and nephews. Two sisters, Sara Read and Louisa Bond preceded him in death. We would like to offer our sincere condolences to Jan and the rest of his family.

Governor Bullock's accomplishments were shaped by his desire to make Texas the best state in the union. Governor Bob Bullock always ended his speeches with, "God bless Texas." Today, we would like to add, "God bless Bob Bullock."

TRIBUTE TO DR. J. DANIEL STEWART

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man who has dedicated 25 years of his life to protecting the people of this great nation and ensuring the American way of life. This gentleman has distinguished himself as a community leader, a dedicated family man, and a decorated civil servant in the United States Air Force. The man I speak about today is Dr. J. Daniel Stewart, Executive Director, Air Force Development Test Center at Eglin Air Force Base, Florida.

I could praise Dr. Stewart for his many successes as an engineer, an innovative manager and leader, or his demonstrated commitment to doing what it takes to get our warfighters the weapon systems they need. I could mention his many academic accomplishments earning multiple advanced degrees from some of our most prestigious institutions. Or I could applaud his decorations including the Presidential Rank Award ranking him in the top one per cent of civil servants in recognition to his contributions to National Defense. But I'm sure

Dr. Stewart would say that those accomplishments were just part of his duty.

Mr. Speaker, these accomplishments only begin to describe the caliber of a man like Dr. Stewart. Ralph Waldo Emerson once said that what people say about you behind your back is the true measure of your character. The words said about Dr. Stewart behind his back include: honest, loyal, dedicated, courageous, honorable, hard working, and a true gentleman. From the time he entered federal service at the Air Force Rocket Propulsion Laboratory at Edwards Air Force Base in 1974 until today, when he leaves Eglin AFB to assume his new responsibilities as Executive Director of the Air Force Material Command, Dr. Stewart has shown a standard of excellence and dedication to duty that made him stand out as a man of intellect, skill, and integrity.

Dr. Stewart's dedication to his country serves as a model in the lives of the hundreds of civil servants, Air Force officers and enlisted personnel he has trained, supervised, and encouraged. The legacy Dr. Stewart leaves behind at Eglin Air Force Base as Executive Director, Air Force Development Test Center, will remain an inspiration to the men and women that were fortunate enough to serve under his leadership.

TRIBUTE TO WEST POINT GRADUATE RALPH WARE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. SCHAFFER. Mr. Speaker, today, I rise to recognize a young man dedicated to excellence in the service of his country. On May 29, 1999, Cadet Captain Ralph Ware of Aurora, Colorado, graduated from the United States Military Academy at West Point, New York.

The United States Military Academy is among the most prestigious military academies in all the world. The Academy selects only the best and brightest young people of our nation to serve and study at West Point for four years. Once admitted, the cadet must endure the most rigorous training, testing his mind, body and spirit on a daily basis. As the cadet meets each challenge, he is transformed into a new, multifaceted person, capable of serving his country in the face of any obstacle. This transformation culminates in graduation, where each cadet celebrates the achievements of the past and the possibilities of the future.

Mr. Speaker, it is my privilege to congratulate Cadet Captain Ralph Ware and all of the West Point graduates. With confidence, I look forward to their leadership in America.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes:

Mr. MEEKS of New York. Mr. Chairman, I support the McCarthy amendment because I believe that gun shows should come under the same laws as gun stores. When individuals buy a gun from a gun store, they must undergo a background check—we must have the same background check for gun shows.

This amendment will require under the Brady Law, the instant background check of up to 3 business days on all gun show transactions. This is fair. We should have no exceptions to the rule.

Imagine no background checks. According to the National Association of Arms Shows, over 5 million people attend nearly 5,200 gun shows each year in the U.S. No background checks or record keeping was done at these events.

According to Deputy Attorney General Eric Holder, if the 72-consecutive-hour rule had been in effect over the past 6 months for regular retail store purchases—more than 9,000 felons and other prohibited purchasers would have been able to buy guns because their background checks would not have been completed in time.

Now, if this could happen at gun stores—imagine if we do not have this 3 day period when purchasing a gun at a gun show? Why should we make it easier for potential criminals to purchase a gun? An increasing number of criminals—who couldn't pass a background check at a gun store—are finding gun shows to be an easy source of guns. Imagine all the people that have died—because someone bought a gun without a background check.

And let me remind you that under Mr. DINGELL'S amendment proposing a 24-hour background check—17,000 prohibited persons would have slipped through the system.

We do not want any more crimes to occur. We do not want any more children in jail. We do not want to go to any more funerals.

Let's regulate gun show sales the same way as gun store sales. Support the McCarthy amendment like the: National Alliance of Stocking Gun Dealers, American Bar Association, The Police Foundation, National Association of Black Law Enforcement Officers, and the U.S. Conference of Mayors.

RECOGNIZING CROSSROADS COMMUNITY HOSPITAL AND HILLSBORO AREA HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take one moment to recognize Crossroads Community Hospital in Mount Vernon and Hillsboro Area Hospital in Hillsboro for being mentioned in HCIA's "100 Top Hospitals: Benchmark for Success—1998."

It is comforting for me and the citizens of the 20th district of Illinois to know that we are receiving some of the best health care treatment provided in the Nation today. Health Care in America today is a vital issue. The successes of these Hospitals show that Illinois has given the issue the attention it deserves.

I am proud of the quality of medical care that these hospitals have provided to my district. The excellent service provided by Crossroads Community and Hillsboro Area Hospitals are symbols of the excellence in aiding and saving the beloved residents of the 20th district.

RECOGNIZING PROJECT '99 AT SHORE REGIONAL HIGH SCHOOL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Project '99 at Shore Regional High School, which serves West Long Branch, Sea Bright, Oceanport, and Monmouth Beach, New Jersey. Project '99 is an innovative 4-day pre-graduation program that combines public service events with seminars on self-improvement.

The schedule contains activities that will be held throughout the community from June 21–24, 1999. To be eligible to participate in Project '99, students must maintain exemplary discipline and academic records, and also be involved in the planning and development of two different events.

The first three days of the project focus specifically on community service. Participants engage in dune grass planting, school beautification, and mural painting projects. In addition, students host a senior citizen breakfast, organize and run a field day at the Monmouth School for Children, and work with Habitat for Humanity.

On the final day of the program, students turn their attention towards preparation for life after high school. Events include classes in self-defense, personal finance and car maintenance, and a special health and fitness session. Project '99 concludes with a motivational speaker and a barbecue send-off.

At a time when most seniors are involved only with celebrations and awards ceremonies, it is admirable that these students are choosing to take time and rededicate themselves to helping others. The personal qualities of compassion, awareness, and a commitment to public service emphasized by the Project '99 program are essential for the next stage of the students' lives.

I urge all of my colleagues to join me in honoring the creativity of the students, teachers, administrators, and parents at Shore Regional High School who are finding ways to make even the last days of high school a valuable educational experience.

HONORING THE OUTSTANDING GRADUATES OF JOHN J. PERSHING INTERMEDIATE SCHOOL 220

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following students from IS 220: Salutatorian, Weva Kalidahanova; Valedictorian, Carol Chan.

FAMILIES FIRST ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. BLILEY. Mr. Speaker, in time for Father's Day, I have introduced the Families First Act with Representatives JAMES OBERSTAR, DAVE CAMP, BOBBY SCOTT, DAN BURTON, EARL POMEROY, and JIM DEMINT. This bill that would make adoptions more affordable and provide children with loving homes. Sadly, many families wanting to open their homes and provide love to children are unable to do so because of the extremely high costs of adoption, which range from $8,000 to $25,000. We want to alleviate these costs so that all children are given the chance to belong to a family.

The bill would allow penalty-free withdrawals of up to $5,000 from IRAs for adoption expenses. In recent years, Congress has allowed penalty-free withdrawals for home expenses and college education. The Families First Act would allow people to save the penalty money from early IRA withdrawal and put it toward their children's education. Our bill would enable families to borrow money from themselves to start a family, as opposed to taking out a second mortgage or depleting their savings accounts.

It would also repeal the December 31, 2001 sunset for Employer-Supported Adoption benefits and make it permanent law. The Families First Act would exclude, for taxation purposes, any adoption benefits people have received from their employer. It is imperative that employers are supportive when employees decide to give a child a home, whether through adoption or birth. Many businesses provide adoption benefits to their employees, and we should do all we can to further promote these benefits.

The Families First Act is a bipartisan bill that emphasizes the importance of placing families first. When it comes to providing a child with a loving home, families must come first—not the IRS. By increasing the options for parents struggling to afford the high costs of adoption, the Families First Act will increase the number of children who will finally have a place to call home next Father's Day.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 213, had I been present, I would have voted "no."

HONORING DR. ROCCO MARTINO ON THE OCCASION OF HIS 70TH BIRTHDAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor and pay tribute to my good friend and colleague, Dr. Rocco Leonard Martino, on the occasion of his 70th birthday. Dr. Martino is a pioneer and international authority in the planning and use of computers, as well as a member of the board of Rome's prestigious Gregorian University.

Highlights of Dr. Martino's career include graduating Summa Cum Laude from the University of Toronto in Mathematics and Finance, earning a Ph.D. from the Institute of Aerospace Studies for work in the re-entry of Space Vehicle and receiving an honorary doctorate from Neuman College in 1993 for his contributions in Information Technology. Dr. Martino served as a Professor of Mathematics and Engineering at the University of Waterloo and at New York University, is the founder and Chairman of the Board of CyberNet Group, Inc. and recently completed 25 years of service as Chairman and CEO of XRT, Inc. In his role as a board Member on Rome's Gregorian University he serves as a consultant in the designing of one of the most advanced academic computer systems in the world. A devout Catholic, Dr. Martino is a leader in his local parish, St. Katherine of Siena in Wayne, PA and was formerly president of the Fathers' Club at both St. Aloysius Academy and St. Joe's Prep. Dr. Martino has managed to find a balance between two of his passions, theology and technology, and has contributed enormously to both fields.

Dr. Martino is nothing less than a visionary whose inventions and ideas are bringing computer technology into the next millennium. Yet, even though his scholarly title abbreviations run the alphabet in length (literally 26 letters long,) Dr. Martino will be the first to tell you that the most important thing in his life is not his inventions or titles, but his family. He is the embodiment of hard work, integrity and vision and I applaud his dedication to both his work and his family. I am proud to have Dr. Martino as my constituent, but I am even more honored to have him as my friend.

HONORING MRS. MARIE CRUMP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor an extraordinary woman, Mrs. Marie Crump, as she celebrates a birthday and as the community celebrates her years of leadership and service to Prince George's County.

Mrs. Crump began her service to Prince George's County in the 1950s when she became active in the 14th District Democratic Club and was elected treasurer. She also became quite active with the Young Democrats and soon distinguished herself as an invaluable resource of effort and knowledge.

In addition to volunteering for campaigns, Mrs. Crump also volunteered her time in service to Prince George's County's nonprofit community. She served as the local chair for the Red Cross, The Community Chest and the March of Dimes. In 1962, Mrs. Crump was selected as the Mother's March Chair for Birth Defects of Prince George's County and served in that capacity for 5 years.

As she retired in 1979 from an illustrious career with the County Treasurer's Office, she joined the Board of Directors for the Prince George's Civic Opera and has since devoted countless hours to its development for the enrichment and enjoyment of all Prince Georgians.

Mrs. Crump has spent over 40 years working to improve Prince George's County for all her citizens. She has made a profound impact on all those with whom she has worked and her life has been an example of the noblest of ideals—that of service to others.

Today, on behalf of the citizens of Prince George's County, I offer our thanks and our deepest gratitude for Mrs. Crump's lifelong work and I wish her the best as we recognize the magnitude of the difference she has made and as she celebrates her birthday with family and friends.

TAIWAN AID INITIATIVE TO HELP KOSOVAR REFUGEES

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. BERKLEY. Mr. Speaker, the President of the Republic of China recently made a statement which I believe would be of interest to my colleagues. On June 7th, President Lee Teng-hui announced that the Republic of China will donate US $300 million to help Kosovar refugees rebuild their homes.

More than 782,000 ethnic Albanians have been forced to leave Kosovo since Yugoslav troops began ethnic cleansing in the region. Among them, 443,000 refugees fled to Albania and some 247,000 swarmed to Macedonia. The aid package will include emergency supplies for Kosovar refugees and contributions to long-term reconstruction efforts by the international community in Kosovo now that a peace plan has been accepted. Moreover, it also offers to arrange for Kosovar refugees to receive short-term technical training in Taiwan.

Mr. Speaker, I commend the Republic of China as a member of the world community for their continued commitment to protecting and promoting human rights. The announcement was both timely and insightful, fully demonstrating the ROC's concern for peace in the world. I submit the text of President Lee Teng-hui's statement to be printed in the RECORD.

PRESIDENTIAL STATEMENT REGARDING ASSISTANCE TO KOSOVAR REFUGEES

The huge numbers of Kosovar casualties and refugees from the Kosovo area resulting from the NATO-Yugoslavia conflict in the Balkans have capture close world-wide attention. From the very outset, the government of the ROC has been deeply concerned and we are carefully monitoring the situation's development.

We in the Republic of China were pleased to learn last week that Yugoslavia President Slobodan Milosevic has accepted the peace plan for the Kosovo crisis proposed by the Group of Eight countries, for which specific peace agreements are being worked out.

The Republic of China wholeheartedly looks forward to the dawning of peace on the Balkans. For more than two months, we have been concerned about the plight of the hundreds of thousands of Kosovar refugees who were forced to flee to other countries, particularly from the vantage point of our emphasis on protecting human rights. We thereby organized a Republic of China aid mission to Kosovo. Carrying essential relief items, the mission made a special trip to the refugee camps in Macedonia to lend a helping hand.

Today, as we anticipate a critical moment of forth-coming peace, I hereby make the following statement to the international community on behalf of all the nationals of the Republic of China:

As a member of the world community committed to protecting and promoting human rights, the Republic of China would like to develop further the spirit of humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction. We will provide a grant aid equivalent to about US $300 million. The aid will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc for the Kosovar refugees, living in exile in neighboring countries.

2. Short-term accommodations for some of the refugees in Taiwan, with opportunities of job training in order for them to be better equipped for the restoration of their homeland upon their return.

3. Furthermore, support the rehabilitation of the Kosovo area in coordination with international long-term recovery programs when the peace plan is implemented.

We earnestly hope that the above-mentioned aid will contribute to the promotion of the peace plan for Kosovo. I wish all the refugees an early return to their safe and peaceful Kosovo homes.

HONORING THE YOUTH AWARD WINNERS OF THE HISPANIC YOUNG PEOPLES ALTERNATIVE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating the Youth Award Winners who are being honored by the Hispanic Young Peoples Alternative (HYPA). These young people are being recognized this day for the effort and hard work which has led and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded. And they have succeeded not only for themselves, but for their community as well.

These students have learned that community service is an important part of their education. They have exhibited great maturity and responsibility by taking on the personal challenge of working to make the community a better place. Their contributions are priceless. They understand that—along with education—community service is an important part of gaining new opportunities and going on to greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to join me in congratulating the young people of HYPA and all of the youth of America who are engaged in community service. These young people we honor today will be the leaders of tomorrow. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in recognizing the following Youth Award winners: Rosalie Nuñez, Peter J. Ramos, Emanuel Hernández, Peter M. Ramos, George Lozado, Steven Amenula, Thomas Nuñez, Paticio Cacho Jr., and Jessica Garcia.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 214, had I been present, I would have voted "aye."

H.R. 1070, BREAST AND CERVICAL CANCER TREATMENT ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the bipartisan Breast and Cervical Cancer Treatment Act, H.R. 1070. This important legislation will help women beat back the ravages of breast and cervical cancer and save lives.

Every year, Cervical cancer kills 4,400 women and breast cancer kills over 46,000 women and is the leading cause of death among women between 40 and 45. This bill builds on a current program which covers screening services, but does not cover treatment for women who are detected with cancer. The bipartisan Breast and Cervical Cancer Treatment Act takes the vital next step to offer lifesaving treatment to cancer victims.

The medical community has the technology to detect and treat breast and cervical cancer. This bill will strengthen the existing ad hoc patchwork of providers, volunteers, and local programs that often results in unpredictable, delayed, or incomplete. The bill will offer consistent, reliable method of treatment for uninsured and underinsured women fighting breast or cervical cancer.

Mr. Speaker, I am pleased to say that H.R. 1070 has 248 co-sponsors. I want to compliment Representative ESHOO on her work on this issue. However, I am not pleased with the Republican leadership which has given inadequate attention to this bill. The Republican controlled House has not even held a Committee hearing on the "Breast and Cervical Cancer Treatment Act". This bill has enough co-sponsors to pass. We should pass this legislation and help save the lives of women.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. KOLBE. Mr. Speaker, on June 17, 1999 the House debated the Consequences for Juvenile Offenders Act (H.R. 1501). Following the vote, I was dismayed to see that I was listed as not voting on rollcall vote No. 223. I was on the floor and am positive I put my card in the voting device. Had my vote been recorded, it would have been "nay."

H.R. 2015

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. GONZALEZ. Mr. Speaker, I introduced H.R. 2015 on June 7, 1999. This legislation would reauthorize the Welfare to Work Tax Credit and the Work Opportunity Tax Credit programs for five years. Both of these tax credits are set to expire on June 30th of this year.

Mr. Speaker, for the last seven years America has experienced an historic level of economic growth. The unemployment rate is at a 29 year low, and over 18 million jobs have been created. But, despite this spectacular success there still are many pockets of poverty and of unemployment or underemployment in our country. Mr. Speaker, the Welfare to Work tax credit and the Work Opportunity Tax Credits are specifically targeted to increasing employment amongst the hardest to hire worker groups in this country. These credits reward work, and their tax benefits accrue to the private firms that hire from these at-risk groups. If we are serious about moving millions of welfare recipients as well as unemployed and underemployed Americans into full time jobs in the private sector, Congress must act now to fully reauthorize the Welfare to Work and Work Opportunity Tax Credits.

The Welfare to Work Tax Credit was established as part of the Taxpayer Relief Act of 1997. This tax credit is intended for long term Temporary Assistance to Needy Families (TANF) recipients. A private firm that hires a member of a family that has received TANF benefits for at least 18 consecutive months can apply for the credit. The Welfare to Work Tax Credit counts against a firm's federal income tax liability for an amount up to 35% of the first $10,000 earned during the individual's first year of employment, and 50% for the first $10,000 earned during the second year of employment. An employer must retain eligible workers for at least 400 hours or 180 days in order to receive the credit. In the first two quarters of FY 1999, over 47,000 Welfare to Work certifications were issued.

The Work Opportunity Tax Credit was initially authorized as part of the Small Business Job Protection Act of 1996. This tax credit is intended for several hard to hire groups other than long term welfare recipients. Groups eligible for the Work Opportunity Tax Credit are: Members of families receiving TANF benefits for any 9 months during the 18 month period before starting employment; 18 to 24 year-olds whose principal place of abode in an empowerment zone or an enterprise community; 18 to 24 year-olds who are members of families receiving food stamp benefits for the 6-month period ending on the hiring date; 16 to 17 year-olds hired for summer work for any 90 day period between May 1 and September 15 whose principal place of abode is an empowerment zone or an enterprise community.

Veterans who are members of families that have received food stamps for at least a 3 month period during the 15 month period ending on the hiring date.

Individuals with physical or mental disabilities that have been referred by their state's vocational rehabilitation program.

Economically disadvantaged ex-felons.

Supplemental Security Income (SSI) recipients.

For eligible hires who remain on a firm's payroll at least 400 hours, an employer can apply a Work Opportunity Tax credit against the firm's federal income tax for an amount equal to up to 40 percent of the first $6,000 in wages paid during the worker's first year of employment. For eligible hires who remain employed from 120 hours to 399 hours the Work Opportunity Tax Credit rate is 25 percent for the first $6,000 in wages. With regards to summer youth employees, the Work Opportunity Tax Credit is applied against the first $3,000 earned in any 90 day period between May 1 and September 15. During Fiscal Year 1998, 285,322 Work Opportunity Tax Credit certifications were issued. For the first two quarters of FY 1999, 157,850 such certifications were issued.

Both the Welfare to Work and Work Opportunity Tax Credits are set to expire this year on June 30th. H.R. 2015 would reauthorize both credits for five years. Mr. Speaker, I believe it is important that this Congress take a firm stand in favor of economic development and reduce the remaining pockets of unemployment and underemployment in this country by fully reauthorizing both the Welfare to Work and the Work Opportunity Tax Credits for 5 years. Both these credits have minimal impact on the federal budget. The Joint Committee of Taxation estimated that currently issued credit certifications for the Work Opportunity Tax Credit would cost $445 million between fiscal year 1999 and fiscal year 2004, and Welfare to Work credits would cost $25 million for the same period. We cannot afford to put these programs at risk each year during the annual budget process. We need to reauthorize them for at least a full 5 year period. Mr. Speaker, I encourage may colleagues to join me in support of H.R. 2015.

HONORING THE SPECIAL GRADUATES OF MIDDLE SCHOOL 136

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following Academic Achievement Award Recipients: Andrew Caceres and Fi Lan Ho.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 215, had I been present, I would have voted "aye".

IN SUPPORT OF AMERICAN AGRICULTURE

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. SHOWS. Mr. Speaker, today I stand before my colleagues and the American people to discuss the American farmer. I have done so before and am more than happy to stand up for the American Farm Family again.

My district, in Mississippi, is largely supported by agriculture. Family farmers, and I was once a farmer, are our neighbors, friends and community leaders. They provide a foundation of sound American values and a strong work ethic to communities all across our nation. When you get right down to it, they are good people who work read hard to make a living and raise their families.

There's more, much more, to say about our farmers, though. The American family farmer is the most successful and efficient farmer in the world. Our agricultural industry feeds and clothes more people than any other system of agriculture on the planet. The American farmer is one of America's greatest success stories. They have excelled through the best and worst of times.

Our farmers fed a hungry nation during the Great Depression, sustained our great army during World War II. And, when the soldiers came home, our farmers went to work with new and dynamic technologies and machinery. They have helped feed, clothe, fuel and grow our economy without ever looking back.

We cannot turn our backs on our farmers when they need our help. We cannot afford too.

Our farmers and ranchers are feeling financial and emotional stress. Prices of commodities have been spiraling downward over the past year. Many of our farm families have seen prices for their hard work hit decade lows over the recent months. We must continue to act in support of our American farm families.

Let's fight for the farmers as they work to meet the demands of the EPA. Let's give them the time and support they need in the Farm Quality Protection Act.

Let's continue supporting the Conservation Reserve Program. Mississippi's very own Jamie Whitten realized this monumental piece of legislation that has added millions of acres in needed pine trees. This program needs our continued support. Dairy Farmers in Mississippi and across America need the USDA to enact Option 1A. Let me say that again. America's Dairy Farmers need option 1A and I urge the USDA to do the right thing.

Let's support our farmers because they support us everyday.

TRIBUTE TO STOCKTON MORRIS, PENNSYLVANIA DELEGATE TO THE FIRST JUVENILE DIABETES CONGRESS IN WASHINGTON, DC

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Stockton Morris, a 9 year old student at the Coopertown Elementary School who has just completed the third grade. On Sunday, June 20, Stockton will be traveling to Washington, DC as a Pennsylvania delegate to the First Juvenile Diabetes Congress to raise the awareness of the Congress and the country about diabetes.

Diabetes is a devastating disease which affects over 16 million Americans. Even though 1,700 people are diagnosed with diabetes each day, half of those who have this disease do not even know it. Unlike many other chronic and potentially deadly diseases, there is so much more that we can do to tackle diabetes—much of it simply through education and awareness. Most important, however, is the need for increased funding for diabetes research at NIH and CDC so that we may someday discover a cure to eradicate this disease.

I have heard from many of Stockton's friends and teachers. All of them applaud him for his character and courage. Susan Mingey, a teacher in Stockton's school, wrote to me saying, "As a teacher in Stockton's school, I have watched him for almost four years carry himself with dignity and honor as he accepts the day to day routine of 'highs and lows' with needles. I have listened to him explain his disease to peers, teachers, and Coopertown's youngest students with the knowledge and authority of one who is in control of his disease." Karen Brimer, Stockton's Learning Support Teacher, wrote to say, "I have seen Stockton grow into such a wonderful young person. He is full of knowledge, wisdom, and zest for life. I often look at him as my teacher when it comes to learning about diabetes."

Stockton has worked patiently, quietly, and courageously to raise the awareness of his schoolmates regarding this disease. He has even raised money for research to find a cure. On Sunday, Stockton will be taking his efforts to a new level, traveling to Washington, DC to raise the awareness of the country and the Congress about the need for increased research dollars.

Three years ago, I myself was diagnosed with adult-onset diabetes, a disease in which the body does not produce or properly use insulin—a hormone which breaks down sugar and converts it to energy. I was diagnosed after I underwent a diabetes screening test after former Speaker Newt Gingrich urged me and my colleagues to become more involved with fighting diabetes. I have type II diabetes, the most common form, and can easily treat and control my condition through medication, exercise, and diet. Since then I have worked as a leading Member of the House diabetes caucus to do what Stockton has been so successful at—teach others about the disease, and raise awareness about the need for increased research dollars.

In April of this year, I introduced legislation that will help us to fight this deadly disease by raising public awareness and provide increased funding for research. This innovative legislation, called the Stamp Out Diabetes Act, would create a new first-class postage stamp to raise funds for diabetes research. Under my legislation, supporters of diabetes research would voluntarily pay between 34 cents and 41 cents for the special stamp. The additional penny to eight cents would be earmarked for diabetes research at the National Institutes of Health, after the administrative costs incurred by the postal service are subtracted.

My hope is that Americans will realize the importance of funding this type of research and will show their support by paying a few extra pennies to mail a letter. With millions of Americans taking part in this program, it is my hope that we can raise as much as $10 million in additional funding for diabetes research. As we struggle to balance the budget and reduce the national debt, we have to come up with new and innovative ways to fund research in critical areas like diabetes. By allowing individuals to voluntarily help the cause of diabetes research, my legislation will help to fund this life-saving research.

Not only will the stamp help to raise much-needed funding for diabetes research—at no expense to taxpayers—but it will also help to raise the public's awareness about the disease. Perhaps it will even prompt some individuals to undergo diabetes screenings and catch the disease in its early stages. With innovative projects such as the diabetes stamp, combined with the work and support of young leaders like Stockton Morris, we will indeed be able to find a cure for diabetes as we enter the new Millennium.

And so I rise today to applaud this extraordinary young man. He is a tribute to his family, his school, and his community. His continuing advocacy on behalf of the diabetes community is an immeasurable benefit to our common cause—finding a cure for diabetes. In conclusion, I would like to thank Stockton for all of his work on behalf of the diabetes community. I would also like to thank the Juvenile Diabetes Foundation for holding this important event. The work that they have done has indeed made a difference.

IN MEMORY OF ROD AND BRAD BURNSIDE, JIM AYRE, AND HOWARD SWIFT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. CAMP. Mr. Speaker, today, I rise to honor and remember three men and one young boy who lost their lives in a tragic accident.

On November 11, 1995, after setting out for a duck hunt, Rod Burnside, his son Brad, Jim Ayre and Howard Swift were swept up by inclement weather. I know them well. Their presence is missed not only by their families and friends, but by the whole Midland County community as well.

While no one could have foreseen the tragedy that took these gentle souls from their loved ones, the community came together in the spirit of fellowship to help the family and friends through these difficult times.

The community has united to build a tribute to their departed friends. On June 24, 1999, a ceremony will be held to dedicate the memorial. It will stand near the Pere Marquette Rail Trail and will serve as a testament to the honor in which each man lived his life and it will be a solemn monument for their loved ones.

Mr. Speaker, I know you will join me and my colleagues in a moment of silence to honor those for whom this memorial is being dedicated.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration this bill (H.R. 2122) to require background checks at gun shows, and for other purposes:

Mr. FARR of California. Mr. Chairman, it is a travesty that our society tolerates the death of 13 children every single day by guns.

I just don't understand why we aren't outraged and ashamed.

The gun violence provisions purposed by the Republican leadership prove they don't "gets it."

One of my local communities 3,000 miles away "gets it." They recognizes that "a mere reduction in the availability of guns and ammunition would decrease the lethality and injury associated with violence."

The Senate "gets it." They passed some modest gun safety measures: to require mandatory background checks of buyers at gun shows to prohibit juveniles from privately purchasing assault weapons banning the importation of large ammunition clips requiring the sale of a gun lock or storage box with each gun restricting unlicensed sales at gun shows.

One of my local sheriffs "gets it." He said yesterday, "There needs to be tangible change around the issues of gun use and ownership. In my opinion the Senate language is not unreasonable.

But instead of encouraging responsible gun safety measures, the House leadership has proposed weakening the Senate provisions by watering down the background checks at gun shows.

In 1997 an ATF study traced firearms used in youth crimes in one of my communities and found that most of the weapons were bought from gun traffickers and small dealers.

Without adequate background checks, we can't prevent guns from getting into the hands of gun traffickers and being sold to juvenile offenders.

While I recognize the rights of law abiding citizens to purchase guns for hunting and collecting, as a parent I have to ask myself "how many more children have to die because of gun violence before "enough is enough."

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 216, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. PASCRELL. Mr. Speaker, I was granted a leave of absence for today, Friday, June 18, 1999 after 12 noon. At that time, I received word of a family emergency at home in New Jersey and immediately left Washington D.C. Following are the votes I missed and how I would have voted:

Representatives Sessions and Frost amendment (No. 8) to H.R. 2122, the Mandatory Gun Show Background Check Act: On rollcall No. 239, I would have voted "nay".

Representative Goode Amendment (No. 9) to H.R. 2122, the Mandatory Gun Show Background Check Act: On rollcall No. 240, I would have voted "nay".

Representative Hunter Amendment (No. 10) to H.R. 2111, the Mandatory Gun Show Background Check Act: On rollcall No. 241, I would have voted "nay".

Representative Rogan Amendment (No. 11) to H.R. 2122, the Mandatory Gun Show Background Check Act: On rollcall No. 242, I would have voted "yea".

Representatives Conyers and Campbell Amendment (No. 12) to H.R. 2122, the Mandatory Gun Show Background Act: On rollcall No. 243, I would have voted "yea".

On Passage of H.R. 2122: On rollcall vote No. 234, I would have voted "nay".

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent on Thursday, June 17, 1999, missing rollcall votes 220 through 235. Had I been present, I would have voted "no" on rollcall 220, "no" on rollcall 221, "yes" on rollcall 222, "no" on rollcall 223, "no" on rollcall 224, "yes" on rollcall 225, "yes" on rollcall 226, "no" on rollcall 227, "yes" on rollcall 228, "yes" on rollcall 229, "yes" on rollcall 230, "no" on rollcall 231, "yes" on rollcall 232, "no" on rollcall 233, "no" on rollcall 234, and "yes" on rollcall 235.

TRIBUTE TO AKA's BETA ALPHA OMEGA CHAPTER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. PAYNE. Mr. Speaker, I rise to bring your attention to an organization that has made quite an impact on its surrounding community. I speak of the Beta Alpha Omega Chapter of the Alpha Kappa Alpha Sorority. The Alpha Kappa Alpha Sorority is the oldest Greek-letter organization for African American women. Founded on the Howard University campus in Washington, DC on January 15, 1908, it has grown from a membership of 9 to over 150,000.

New Jersey's oldest chapter is Beta Alpha Omega. It was chartered on January 30, 1934 in Newark. For the past 65 years this chapter has continuously provided invaluable community services in the City of Newark and surrounding area. As a result of their unwavering dedication to the improvement of their community, the Beta Alpha Omega Chapter will be honored by the Kappa Alpha Sorority on Saturday, June 19, 1999.

Mr. Speaker, I ask that we too join in honoring this fine organization; an organization rich in both history and service. Once again, I extend my praises to the Beta Alpha Omega, and wish them another 65 years of continued success.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 217, had I been present, I would have voted "aye."

FIGHTING HUNGER FOR A QUARTER OF A CENTURY: COMMEMORATING BREAD FOR THE WORLD'S 25TH ANNIVERSARY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise to salute and congratulate Bread for the World on their 25th anniversary, and welcome Bread for the World members from across the country as they convene in Washington, D.C. for their National Gathering, Silver Anniversary Celebration, and Annual Lobby Day.

For 25 years, Bread for the World has worked to end hunger and seek justice for the poor, the hurting, and the oppressed. When people of faith come together around the common conviction that hunger can be defeated, great things happen. And great things have happened over the years, as Bread for the World has won many victories, large and small, on behalf of the hungry and voiceless.

It has been my privilege to work with Bread for the World on many issues over the years, and I've often drawn inspiration from the energy, dedication, and tenacity of Bread for the World Members and staff. This organization represents our finest traditions of living faith and civic duty, and its efforts have never been more important.

Despite a booming economy, hunger is on the rise, and millions of low-income Americans are having trouble putting food on the table. Rosy economic statistics are masking real hardship and a deepening of poverty for many working people and others. Across the nation, the number of people turning to food banks and soup kitchens for help is up substantially. And here in the richest nation on earth, we still have a disgracefully high child poverty rate, with one in five of our children living in poverty.

And despite tremendous progress in this fight over the past 25 years, hunger still threatens 800 million of the world's people. Large populations in Africa's Great Lakes Region, Angola, Liberia, Somalia, Sudan, the former Yugoslavia, Afghanistan, Iraq, and North Korea require assistance to survive. World estimates of people requiring emergency food aid to escape hunger now exceed 26 million.

We know that debt relief is hunger relief, and that is why Bread for the World's Debt Relief for Poverty Reduction initiative is so timely. This year, Bread for the World joined together with hundreds of other organizations working internationally to ease crippling debt burdens that keep poor nations from investing in the well-being of their citizens. Payments on past debt are, on average, twice the amount that many poor countries receive in aid. In sub-Saharan Africa, nations are making payments of $12 billion each year on old debt—six times the amount it would take to school all African children. That is wrong, and I am pleased to join with Bread for the World in seeking to change it.

I give thanks for Bread for the World and its members and staff for their contributions to fighting hunger in the United States and overseas, and wish them continued blessings in the years ahead, as they seek justice and an end to hunger.

TRIBUTE TO DISCOVER CARD SCHOLARSHIP WINNERS OF SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the recipients of the Discover Card Tribute Award scholarships. The winners were selected from over 10,000 applications nationwide.

The Discover Card Tribute Award program honors outstanding high school juniors across the United States and overseas. The Tribute Award program not only recognizes the students scholastic achievement, but also their community service, leadership skills, unique talents, and goal attainment. The winners may use their scholarships for any form of post high school education, including trade schools and two year colleges.

The scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Students can receive a gold (2,500), silver (1,750), bronze (1,250), and merit (1,000) Tribute Award scholarship.

The winners from South Carolina are: Melanie Almonte, Goose Creek—bronze; Shawnta Bolden, North Charleston—bronze; Reis Coggins, Fort Mill—silver; KoJillitta Griffin, Charleston—silver; Kiti Kajana, Columbia—gold; Anisa Kintz, Conway—silver; Courtney Sandifer, Barnwell—gold; Snehal Sarvate, Charleston—bronze; Krista Shirley, Gilbert—gold; and Mellisa Tanner, North Charleston—silver.

Mr. Speaker, it is my honor to recognize the young scholarship winners from the Palmetto State, and I ask my colleagues to join me in congratulating these students for their current achievements, and encourage them to continue their contributions as our nation's young leaders.

HILLSBORO HIGH SCHOOL TEAM WINS REGION FOUR (SOUTHEASTERN STATES) IN WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. CLEMENT. Mr. Speaker, I rise today to recognize my alma mater, Hillsboro High School, for their victory in Region Four (Southeastern States) of the We the People . . . The Citizen and the Constitution program. On May 1–3, 1999, more than 1,200 students from across the United States came to Washington, D.C. to compete in the national finals of this program. Through their hard work and diligence, and led by teacher Mary Catherine Bradshaw, State Coordinator Judy Cannizzaro, and District Coordinator Holly West Brewer, these young scholars gained a profound knowledge and understanding of the fundamental principles of our constitutional democracy.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about both the Constitution and the Bill of Rights. The three-day national competition was modeled after hearings in the U.S. Congress, consisting of oral presentations by the students before a panel of adult judges. The students testified as constitutional experts, and their testimony was followed by a period of questioning during which the judges probed the students for both the depth of their understanding and the ability to apply their knowledge to constitutional dilemmas.

Twenty-seven students from Hillsboro competed in the competition, including Suchie Brattacharyya, Rachel Bloomekatz, Kate Caldwell, Tua Chaudahari, Lauren Collett, Doug Conway, Rion C. Taylor, Cara Doidge, Sarah Ettinger, Carmen Germino, Lee Griggs, Emma Groce, Kyle Hatridge, Sarah Henn, Rebecca Hunter, Emeily Leiserson, Meredith Lorber, Ana Mallett, Judson Merrell, Carley O'Shea, Rachel Roberts, J.P. Schuffman, Ashley Smiley, Ashley Thompson, Ayne Wallace-Swiggart, and Mary Williams.

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. A 1994 evaluation of the program found it successful in promoting both the toleration of dissenting views and active participation in our political system. I commend the students from Hillsboro High School, as well as their teachers and administrators, for their impressive performance and wish them the best of luck in their efforts to reach the 2000 national finals.

EXPANDED NUTRITION PROGRAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to ask my colleagues to join me in observing the 30th anniversary of the Expanded Nutrition Program. On Monday, I will be with the Expanded Nutrition Program of the Texas Agricultural Extension Service at Texas A&M University—Corpus Christi to celebrate this all-important anniversary.

We are all fortunate enough to know how very important, how very fundamental, nutrition is to each of us. Each one of us, for better or worse, is a product of what we began to eat when we were younger. I am so very proud of the work South Texans have done to learn more about nutrition.

I am so grateful for the vision in association with the Expanded Nutrition Program (ENP) in Texas. ENP has been providing nutrition education to poor families and children since 1968, and it is easily one of our most productive programs.

ENP teaches an assortment of things all of us need in order to be productive, healthy citizens: life skills, self-sufficiency, better health and nutrition, careful budgeting, commitment, responsibility and personal success. All in all, ENP leads the way to a healthier way of life. Better still, EPN saves us money; each dollar spent on ENP is $10 saved on health care costs.

ENP teaches lessons about food and nutrition in a supportive environment. The "Kids in the Kitchen" program provides leadership development for young people who need esteem or leadership skills. Young people who help prepare family meals learn valuable lessons about sharing workload and responsibility.

Through the Texas Agricultural Extension Service, Texans have learned about basic nutrition, managing a food budget, food safety and food preparation. Women who are returning to work can learn to prepare quick and easy, yet nutritious, meals to ease the family's adjustment to the change. Positive, productive activities may reduce the chance of risky behavior.

I want to ask all my colleagues to join me today in observing the 30th anniversary of the Expanded Nutrition Program.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 218 had I been present, I would have voted "no."

SAN ANTONIO WATER SYSTEM RECYCLING PROJECT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. RODRIGUEZ. Mr. Speaker, I am pleased today to introduce legislation to promote water conservation and recycling in San Antonio, Texas. This legislation enjoys the bipartisan support of the other members of the San Antonio congressional delegation who join as original co-sponsors.

Like many places across the Nation, San Antonio and the entire central Texas region faces the challenge of providing adequate supplies of water for human consumption, agriculture, industry, and recreation. Unlike other areas, San Antonio depends on a sole source for its drinking water—the Edwards Aquifer.

This legislation would authorize the San Antonio Water System (SAWS) Water Recycling Project Phase III. SAWS has embarked on an ambitious project to recycle water that can then be used for a host of industrial and non-potable uses. Upon completion of the project, SAWS expects to save 35,000 acre feet of water, roughly equivalent to 31.2 million gallons per day. As a result, more than 11 billion gallons a year of aquifer water will be available for potable use. This saving will free up an amount equal to approximately twenty percent of the City of San Antonio's current withdrawals from the Edwards Aquifer.

The SAWS recycling project meets federal goals for Bureau of Reclamation water projects under Title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992, as amended (PL 102–575). Specifically, the San Antonio Recycled Water Project will: reduce demand on and use of the Edwards Aquifer water supply and will help protect federally-protected endangered species dependent on spring flows originating in the Edwards Aquifer; reduce and postpone San Antonio's need to develop new water resources; foster a region-wide perspective in addressing usage issues across the Edwards Aquifer area, as well as the San Antonio and Guadalupe Rivers watersheds; and provide economic benefits to a community with significantly economically disadvantaged sectors. Phase III is expected to cost approximately $20 million, and the federal share would be $5 million.

The FY 1998 Energy and Water Appropriation Bill contained a $200,000 "earmark" for the Bureau to conduct a review of San Antonio's environmental assessment and feasibility study of the reuse program. Staff of the Bureau of Reclamation are currently working in coordination with staff of the San Antonio Water System to perform this review. The SAWS project authorization was included in S. 901 in the 104th Congress, a bill reported favorably by the Senate Committee on Energy and Natural Resources. Unfortunately, that version of the bill did not become law.

We face a continuing challenge to use our natural resources more efficiently so that we can meet our communal obligation to provide high quality drinking water to all of our neighborhoods and to maintain a supply of water for economic growth and expansion. In San Antonio, our five military installations will benefit from the recycling project, reducing their need to rely on Edwards Aquifer water. Other large water consumers will also switch to recycled water for non-potable uses, helping us better manage our water supply. SAWS has stepped up to the plate to find long-term solutions, and this recycling project is part of that plan. I am honored to join with my colleagues from San Antonio, Congressman LAMAR SMITH, Congressman HENRY BONILLA, and Congressman CHARLES GONZALEZ, as original co-sponsors of this legislation.

BETHESDA FALCONS WIN RECORD SEVENTH MARYLAND SOCCER TITLE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate the Bethesda Soccer Club Falcons for their victory in the U–16 girls Maryland State Cup championship. Their defeat of the Soccer Club of Baltimore Force on Saturday, June 5, by the score of 11–0, marked the Falcon's seventh consecutive title, a Maryland record. The Falcons have won the title each year since they have been eligible to compete for the State Cup. The team will travel to Rhode Island next month to compete in the U.S. Youth Soccer Association Eastern Regional Championships.

The Force battled throughout the game and never relented, but the Falcons' stout defense, anchored by defenders Caitlin Curtis, Amy Salomon, Alison West, and goalies Anna Halse-Strumberg, and Kerry York, limited the Force to just a handful of shots. On offense, the Falcons were led by three goal performances from Audra Poulin and Jenny Potter. Jenna Linden contributed two goals with Christi Bird, Stephanie Sybert, and Allison Dooley tallying the remaining scores. The Falcon midfielders, Beth Hendricks, Tara Quinn, Jennifer Fields, Susannah Empson, and Tanya Hahnel, played a key role in transition between offense and defense. The Falcon defense did not allow a goal in the five games of the 1999 State Cup tournament while the offense recorded 29 goals. On Sunday, the Falcons ended their regular season with a first place finish in the Washington Area Girls Soccer Association U–17 Premier Division. The team was guided by coach Richie Burke.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes:

Mr. BARCIA. Mr. Chairman, I rise in support of the Dingell, Oberstar, Stenholm, Tanner, Cramer, John amendment.

The amendment addresses several concerns that are important to my constituents in the Fifth District of Michigan. H.R. 2122, as written would allow a 72-hour delay at Gun Shows if the instant check is not approved. In my district, many of my constitutents purchase their firearms at Gun Shows because of the rural nature of this area and access to firearms for hunting or self-protection is not readily available. The Dingell Amendment would not strike the instant check at gun shows, but would lower the 72-hour delay to 24 hours. In many cases, a gun show is only in an area for 2 days. The three-day delay would prevent many law-abiding citizens from purchasing legal firearms. With more than 92 percent of the delays approved, this would be a severe restriction for those law-abiding citizens who want to exercise their Second Amendment Rights. Under current law, in a majority of cases, if the purchaser of the firearm is latter to be found in violation of state of federal law, the police were able to recover the firearm with little difficulty.

I strongly believe that we should support every effort to protect the rights of law-abiding citizens and punish those who ignore the law—particularly those who use a firearm and injure or kill their victim. This Amendment increases the penalty for criminals who use a banned assault weapon in conjunction with a crime.

A 72-hour check is a back door effort to stop otherwise legal gun sales. We can do it instantly with today's technology. If you want to ban gun sales then say so. If you want reasonable safety check, then a 24-hour delay is enough. I urge adoption of the Dingell Amendment.

LEGISLATION TO PROTECT SENSITIVE CALIFORNIA LANDS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. FARR of California. Mr. Speaker, I rise today to give notice to my colleagues that I am introducing three pieces of legislation to help protect sensitive California lands. The first bill is the California Coastal Rocks and Islands Wilderness Act of 1999. I am pleased to be able to offer this bill with bipartisan support and want to thank my colleagues, Messrs. GALLEGLY, WAXMAN, CAMPBELL, STARK, BILBRAY, Ms. ESHOO and Mrs. CAPPS for joining me in this effort.

Mr. Speaker, the purpose of this bill is to recognize the ecological significance of the tens of thousands of small rocks, islands and pinnacles off the California coast, by designating them as part of the National Wilderness Preservation System. These small islands and rocks provide important resting sites for California sea lions, Steller's sea lions, elephant seals and harbor seals, as well as providing a narrow flight lane in the Pacific Flyway.

An estimated 200,000 breeding seabirds of 13 different species use these rocks and islands for feeding, perching, nesting and shelter. Birds that use these areas include three threatened and endangered species: the brown pelican, the least tern and the peregrine falcon.

The Wilderness designation afforded by this act would apply to all rocks, islands and pinnacles off the California coast from the Oregon border to the U.S. Mexico border, which are currently under the jurisdiction of the Bureau of Land Management (BLM). This includes nearly all of the federally-owned lands above the mean high tide and within three geographical miles off the coast.

The designation would afford the highest protected status and highlight the ecological importance of all of the small rocks, islands and pinnacles off the California coast, which together comprise approximately 7,000 square acres. Adding these areas would also further the Wilderness Act's goal of including unique, ecologically representative areas to the System.

Rocks and islands which are already patented or reserved for marine navigational aids, National Monuments, or state parks will not be affected by the legislation.

I am pleased to be able to introduce this bill and look forward to its swift passage, so that these unique areas of California's ecosystem can be preserved and protected for generations to come.

Mr. Speaker, the second piece of legislation that I am introducing today is the "Pinnacles National Monument Boundary Adjustment Act of 1999". This legislation transfers land that is currently under the jurisdiction of the Bureau of Land Management to the National Park Service at the Pinnacles National Monument in California.

This "no cost" land exchange will also designate the additional land acquired by the National Park Service as a component of the National Wilderness Preservation System. I would like to point out that this will not change the current management practices that have been conducted by the Bureau of Land Management.

Finally, this legislation authorizes the Secretary to acquire additional lands depicted on the map through purchase, donation, or a combination thereof.

Mr. Speaker, the third piece of legislation that I am introducing will require the National Park Service to conduct a feasibility study regarding options for the protection and expanded visitor enjoyment of nationally significant natural and cultural resources at Fort Hunter Liggett, California.

Under BRAC several historic buildings are now being transferred to the National Park

Service from the United States Army. In addition, other cultural sites, cultural landscapes, buildings, and the natural resources of the entire 165,000 acre fort area merit evaluation for future protection and visitor enjoyment, either in concern with military activities or in the event of future military downsizing.

Fort Hunter Liggett and the surrounding areas have a deep and storied history. Serving as hunting grounds, for more than 10,000 years, archaeologists have found artifacts throughout the San Antonio Valley and the Santa Lucia Mountains. In 1771, construction began on Mission San Antonio, the third mission established in California which is a working inholding that can still be visited.

To quote Wendell Berry "To cherish what remains of the Earth and to foster its renewal is our only legitimate hope of survival," Mr. Speaker, I urge you and our colleagues to join me in supporting these three pieces of legislation that will help to protect our coasts, lands and history. If we lose this opportunity we will not get another chance once damage has occurred.

A TRIBUTE TO THE HISTORIC ANDERSON COTTAGE—SUMMER WHITE HOUSE TO THREE PRESIDENTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Ms. NORTON. Mr. Speaker, on the grounds of the U.S. Soldiers' and Airmen's Home (USSAH) in Northwest Washington, D.C., sits one of our country's most historic buildings, the Anderson Cottage. Rarely visited and virtually unknown, it was the summer White House of three U.S. presidents: Chester Arthur, Rutherford B. Hayes,and, most notably, Abraham Lincoln. President Lincoln spent a quarter of his presidency living at the Soldiers' Home and it was in Anderson Cottage where he wrote the last draft of the Emancipation Proclamation.

The building is in need of restoration, and the USSAH has been working with the National Trust for Historic Preservation to find funding to restore the building and open it up as an historic site. Anderson Cottage also is listed as one of the First Lady's "Save America's Treasures" sites. The following article illustrates the importance of this home, as well as the equally historic Soldiers' and Airmen's Home on which it sits.

[From the Washington Times, March 18, 1999]

LIVING LINK TO LINCOLN HIDDEN IN PLAIN SIGHT

(By Catherine Watson)

I went to Washington recently to look for links to one of the country's heroes. I wanted to explore the city that Abraham Lincoln knew, the Washington of the Civil War.

Because I had only a few days, I thought I should choose the big names. But the highlight was a place I had never heard of—one of the least-visited of Lincoln sites and arguably the most important: Anderson Cottage. (See? I didn't think you had heard of it.)

The cottage lies off North Capitol Street, on the grounds of what Lincoln knew as the Soldiers' Home, now the U.S. Soldiers' and Airmen's Home, a handsome, 320-acre campus on high ground in the Northwest quadrant of the city. About 1,100 retired enlisted personnel live there, veterans from World War II through Vietnam.

I parked near the house, walked up the wooden porch steps and entered a large room that would be familiar instantly to anyone who knows military posts. There was that same smell of governmental dust, the same kind of linoleum alternating with Veterans Affairs gray paint on the floor, even the same sickly pale green on some of the walls. I liked it.

But there didn't seem to be much to see. Just how important is it historically?

Very, said Kerri Childress, public affairs director for the home, whose office is in Anderson Cottage. This is where Lincoln finished the Emancipation Proclamation.

Ms. Childress, a tall, slim woman with bright blond, short-cropped hair, has a contagious enthusiasm for the Soldiers' Home, its residents and Anderson Cottage.

"This really is a well-kept secret," she said. "Even the Lincoln buffs are sometimes surprised."

More surprising is how rarely it's visited: At most, 100 tourists a year find their way to the cottage.

"If this building were any place else, it would be a national shrine," Ms. Childress said. "We make such a big deal out of Ford's Theater. Nothing happened there except that he died. This was where he lived. This was where he created. This was where he became Abraham Lincoln."

Like many presidents, Lincoln had a summer White House, though I had never associated that plain man with such a luxury. This was it—a getaway that may have been the only place in Washington where he and his family had a semblance of normal life or anything approaching happiness.

It's still fresh and countrylike, but now the Soldiers' Home is an island awash in city streets. During Lincoln's summers, it was well outside of smelly, muddy, crowded, insect-ridden Washington—a genuine country estate built for a local banker in 1840.

The government purchased the property in 1850 to create one of the nation's first homes for veterans. The cottage was renamed at the start of the Civil War to honor Maj. Robert Anderson, the Union Commander of Fort Sumter, the bastion off the South Carolina coast where the first official shots were fired.

Anderson Cottage was the first infirmary at the Soldiers' Home, the first guest house and, in 1954, the first dormitory for female veterans, Ms. Childress said.

The gray-stucco cottage also served as summer White House for presidents Rutherford B. Hayes and Chester A. Arthur. President James Buchanan had his summer residence across the street.

But it's the Lincoln connection that matters most.

"Secretary of War Edwin Stanton did not want Lincoln up here," Ms. Childress said. "He felt they could not protect him out here." Stanton probably was right.

From late June to early November, starting in 1862, Lincoln commuted virtually daily by horseback between the cottage and the White House, accompanied by 20 to 30 cavalrymen with their swords drawn. He didn't much care for the escort.

Even so, Ms. Childress said, one night he arrived at the cottage without his stovepipe hat. It had been shot off his head.

Anderson Cottage also is where John Wilkes Booth's first plot against the president was supposed to have been carried out. It was a kidnapping plan that later was abandoned in favor of a bullet.

There, too, Mary Todd Lincoln held seances, trying to connect with the spirit of her son, Willie, who had died in the White House just three months before the Lincolns first came to Anderson Cottage.

This also is where Mrs. Lincoln spent two months recuperating from an 1863 carriage accident. Some historians believe the carriage had been tampered with in an attempt on Lincoln's life, Ms. Childress said.

Mrs. Lincoln refused to be taken to the White House after the accident. "There was an open-door policy at the White House" during the war, Ms. Childress said. "I can only imagine the chaos."

Besides, "Mrs. Lincoln wasn't set up to be a politician's wife, especially a president's wife. What comforted her was this place."

At Anderson Cottage, "Lincoln did not entertain and did as little business as possible," Ms. Childress said. "There is very little doubt in my mind that some of Lincoln's greatest thoughts and greatest writings took place in this house. This is the only place he would have had the solace and the quietude to do that."

As the afternoon deepened into the winter twilight, Ms. Childress walked me across the drive to an ancient copper beech, a gigantic tree with a knobby trunk and a ring of low branches touching the ground. Where each touched, a young tree had sprung up.

"In summer," Ms. Childress said, "it is like a big canopy."

Lincoln took refuge in there, she said. When aides couldn't find him anywhere else, they would look for him under the swooping branches, where he often went to read.

Sometimes he even played there. He climbed this tree a couple of times, she noted—once with his son Tad, another time with Stanton's children.

I was awed. This tree knew Abe Lincoln—it's one of the few living things in this world that did.

Back inside, I saw that the cottage was bigger than it looked—it's a "cottage" only if you compare it with a mansion such as the White House. The style is Gothic revival, and it still has its lacy white trim, big front porch and heavy interior moldings.

Except for modern furniture and a few partitions, the layout of the house is about the way it was when the Lincolns knew it. The White marble mantelpieces are original. So is the simple wooden banister leading up the stairs from the entry hall. And the shutters folded into the window frames. And the sliding pocket doors on the ground floor—painted shut now, but still there.

I wandered upstairs on my own and easily found the large second-floor room at the front of the house that had been Lincoln's bedfront. This was where he wrote the final draft of the Emancipation Proclamation.

The room is sparely furnished—a Victorian dresser, a contemporary dining-room table ringed with modern chairs. But its appeal lies in its silence, not its furniture. It was dead quiet there the day I visited—genuinely peaceful. The only sound from outside was a plaintive bugle call as veterans lowered the flag for the day.

I could imagine the tall, gaunt president leaning against the fireplace mantel or looking out the windows at the green lawn that still surrounds the cottage. He probably even looked through the same panes of glass.

It hit me then: This place has more to do with Lincoln the president than any other shrine. More than his well-preserved home in

Springfield, ILL. More than the frontier hamlet of New Salem, ILL. More than the White House itself.

Here he was not only commander in chief, but also husband, father and human being. No wonder he would take risks to ride out here every chance he got.

The house is structurally sound—always has been and always will be, Ms. Childress said: "We will always take care of it." It's not restored, so it's not pretty, but it could be.

Unfortunately, the Soldiers' Home doesn't have the money to do it. The home has been funded from its beginning by small deductions from enlisted men's pay—now 50 cents a month, plus any fines and forfeitures from disciplinary actions. It has never been supported by taxpayer dollars.

But with the downsizing of the military, less money is coming in because there are fewer soldiers to fund the deductions. The effect has been "devastating," Ms. Childress said, "just devastating."

A rescuer may be coming, however. The United States Soldiers' and Airmen's Home is negotiating with the National Trust for Historic Preservation to have the trust take care of the cottage.

Rather than having it become just another Victorian house with antique furniture. Ms. Childress said she hopes it can be used as a learning center for an array of related topics: the Civil War, the effects of the Emancipation Proclamation, Lincoln himself. But all that, she said, is still a long way off.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 219, had I been present, I would have voted "aye."

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SPEECH OF

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders:

Mr. HILL of Montana. Mr. Chairman, people own guns for many reasons. They use them for hunting. They use them for recreational shooting. And they use them for self defense.

About 2 million times a year, people use guns to defend themselves, their families and businesses.

So what does this have to do with trigger locks?

It requires that guns be sold with trigger locks. That doesn't seem unreasonable. In fact about 80% of guns sold today are sold with trigger locks. That seems pretty reasonable.

What's wrong with the amendment is that it requires gun owners to keep a trigger lock on their guns.

It accomplishes this by saying that gun owners are liable for the criminal use of a stolen gun that was stored without a trigger lock.

Someone breaks into your home, steals your gun, robs or kills with it, and you are held responsible.

Mr. Chairman, I hold here a trigger lock. In the small print it says "don't use on a loaded gun."

So what the practical implications of this amendment are:

You can no longer keep a loaded gun in your night stand to defend your family.

When the armed intruder enters your home, here is what you will have to do

Find the key. Unlock the trigger. Remove the trigger lock. Load the gun.

If that crook is armed, you have no chance of defending yourself.

Mr. Chairman, there are two groups who really support this amendment:

Crooks who would invade our homes and harm our families and trial lawyers who would be enriched.

The losers are honest, law abiding citizens who want to defend themselves.

Mr. Chairman, I urge the defeat of this amendment.

COMMEMORATING THE SERVICE OF SANDRA K. HOGAN

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. POMBO. Mr. Speaker, I rise today to acknowledge and pay tribute to Ms. Sandra K. Hogan, Director of the Legislative and Regulatory Review Office of USDA's Agricultural Marketing Service (AMS). Ms. Hogan will retire, July 3rd after 37 years of service to AMS. For 33 of those years, she has not only served 13 AMS Administrators, but has also been a valuable asset to Congress in her role as the Congressional Liaison for AMS.

Ms. Hogan's breadth of knowledge about the extensive programs which AMS administers and her professionalism have always been greatly appreciated by all who have worked with her. You always knew that when you needed to get a clear explanation about a complicated AMS issue or quick assistance in drafting legislation, Ms. Hogan would be able to handle the job. AMS issues certainly do not make that job easy. Ms. Hogan has had to be proficient in issues from Federal Milk Marketing Orders, commodity grading, plant patents, agricultural transportation concerns, commodity purchases for the federal feeding programs, the Perishable Agricultural Commodities Act (PACA), Organic Certification, and the ever increasing number of commodity checkoff programs, to name a few. To illustrate the breadth of her career, about the same time Ms. Hogan started in the job of Congressional Liaison, Congress passed the first industry funded commodity checkoff legislation for the cotton industry, the Cotton Research and Promotion Act. Ms. Hogan has since supervised the enactment of 19 individual checkoff statutes and the most recently enacted "generic statute."

Ms. Hogan is an exceptional breed of public servant who has always put customer service first and luckily for us, she considered Congress to be one of her most important customers. Ms. Hogan's graciousness, professionalism and extensive knowledge of the multitude of AMS programs and history will be sorely missed, I commend her on her distinctive career and wish her well as she returns to her native West Virginia.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, guns are out of control.

Tonight, this House should not turn a deaf ear to the families and victims of Littleton, Colorado.

This Congress should strengthen the bipartisan Brady Bill by passing the McCarthy amendment to expand background checks to gun shows.

Five and a half years ago, this body debated the Brady Bill.

The gun lobby and its supporters in this body said it wouldn't work. It wouldn't work, they said, because criminals didn't buy their guns in stores.

Well, they were wrong.

Since that time, over 400,000 illegal gun sales were prevented.

Thanks to the Brady Bill, 400,000 fewer guns are on our streets and in the hands of criminals.

Thankfully, we will never know how many lives would have been lost if those guns had been sold. We will never know how many children would have died if this Congress have failed to take action and pass the Brady Bill.

Mr. Chairman, some have suggested that the waiting period should be changed from three business days to only 24 or 72 hours. But the vast majority of gun buyers complete their checks in a few hours. It is only those who are convicted of felony charges, or have a record of domestic violence or drug abuse who are denied their guns, and we need those extra days to conduct a thorough check.

So now, when the NRA comes back to Congress to argue that we shouldn't close the gun-show loophole, that we shouldn't subject gun buyers at gun shows to the same background check as gun buyers in stores, I urge my colleagues not to be swayed by their deception.

If we accomplish nothing else in the name of gun safety, we must close the gun-show loophole.

I applaud my colleague from New York for her courage and her determination, and I urge my colleagues to support the McCarthy amendment, and Mr. CONYERS' substitute.

A TRIBUTE TO JOYCE GAINES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to pay tribute to Joyce Gaines and her family, from Vallejo, California in my congressional district. Joyce is an amazing mother who believes higher education is a necessity for her children. In order to pay for the enormous expense of her daughter Tieaesha's college education, she worked 3 jobs and commuted 200 miles a day, despite the chronic pain of five ruptured disks in her back from a previous work related injury. Due to her mother's tremendous sacrifices, Tieaesha is the first in her family to receive a college education, with a degree in sociology from Grambling State University. Congratulations to Joyce and Tieaesha Gaines for all your accomplishments.

I have the highest respect for this single mother of four, who put the needs of her daughter and her education ahead of her own. She is a role model for her children and for young people everywhere. It is unfortunate, however, that she had to make such tremendous sacrifices just to pay the price of her child's education. We must do more to make higher education accessible and affordable to all who choose it.

I am not the only one to praise this amazing woman. President Clinton paid tribute to Joyce Gaines in his commencement speech at Grambling State University in Louisiana. I am submitting the following article which appeared in the Vallejo Times-Herald so all of my colleagues can read this inspiring story.

[From the Vallejo Times-Herald, June 3, 1999]

PRESIDENTIAL PRAISE

(By Mary M. Leahy)

For five years, Tieaesha Gaines of Vallejo prayed daily that she and her mother would be recognized at her college graduation for the sacrifices they'd made.

Gaines had no idea God would use the leader of the Free World to answer her.

At her graduation from Grambling State University in Louisiana last week, President Clinton, in a commencement address, asked 22-year-old Gaines to stand. He then acclaimed her as "a tribute to her mother's love and sacrifice."

"Listen to this," Clinton told the crowd. "Even through the pain of five ruptured disks in her back, Joyce Gaines (Tieaesha's mother) worked three jobs and commuted 200 miles a day to put her daughter, Tieaesha, through Grambling."

Clinton, who used the address to promote a broader pro-family agenda, continued, "Stories like this remind us what people can achieve when they set their minds to it, but they also remind us of how hard it can be to raise a child right, especially today in our very busy society with its very demanding economy."

Tieaesha was videotaping the president from the second row of graduates when she heard him say her name.

"I was thinking, 'That's me! That's me!'" she said. "I was astonished, amazed. I didn't even know he knew who I was. When he said 'five ruptured disks' I knew automatically, 'That's my mom.' When he pointed at me, I got so excited, I jumped up and screamed, 'I love you Mom.' I guess I got in the way of the camera because someone saw it on CNN."

Vallejoan Joyce Gaines was sitting in the stands surrounded by family when she heard Clinton mention her.

"Chills went up and down my spine," she said. "It was so phenomenal having my name mentioned by the President of the United States."

Joyce Gaines had been interviewed three days earlier by a Grambling official, who had heard about the sacrifices she made for her daughter. Although she was told the president might use the information in his speech, she was also told many other parents were interviewed. She put it out of her mind. Surely someone else would be chosen, she thought.

"Exciting things like that never happen to me," she said. "I'm a quiet person who's usually in the background. I didn't tell my daughter because I didn't want her to be disappointed when he didn't mention me."

Joyce Gaines is a single mother of four who endured much to send Tieaesha to Grambling. Tieaesha is the first in her family to get a college education.

Twenty years ago, Joyce Gaines injured her neck and back while pulling cable lines for PG&E. Despite permanent spinal problems, she gave up part of her disability benefits so she could work around the clock and pay Tieaesha's college expenses.

One of Joyce's three jobs required driving 200 miles a day to the outskirts of Sacramento and back. She worked the graveyard shift at a residence facility for Alzheimer's patients. Another job included cleaning up after exotic birds.

"There were a lot of nights I sat up spraying anesthetic spray on my neck to numb the pain. I took anti-inflammatory medication and pain pills. I gave up buying clothes for myself to send her money," she recalled.

When Joyce and Tieaesha talk about it, they inevitably end up crying.

"I knew I'd been through a lot and my mother had been through a lot," Tieaesha said. "When you graduate, you get cards and the dinner and everybody says you did a great job. But nobody really recognizes the nights you stayed up all night typing papers or the nights you couldn't eat because you were waiting on the Western Union to come through.

"Grambling barely has a post office," Tieaesha said. "So if you miss getting the mail Friday, you miss eating on the weekend. You go through so much being away from your family, hoping everybody's thinking about you as much as you're thinking about them."

For Joyce Gaines, just seeing Clinton was "a dream come true," let alone becoming the recipient of his praise.

"It was like a mirage having the President there. I was so excited just to be in his presence. He's such a fantastic President, the best the United States has ever had. He's done so much for the country," Joyce said.

If Clinton's speech wasn't divinely inspired, Tieaesha doesn't know what is.

"Sometimes you pray and pray and wonder, 'Is this a sign or is that a sign?'" Tieaesha said.

"But that was a clear, Tieaesha Gaines, here you go. Do what you were put here, what you were destined to do," said Tieaesha, who plans to one day open the home for abused children she's dreamed of since age 11.

"You can be something, no matter where you come from," she said.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SPEECH OF

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders:

Mr. SHADEGG. Mr. Chairman, first, I want to thank my colleagues from Florida, Mr. GOSS and Mr. MCCOLLUM for bringing this important issue before the House today. I strongly support the amendment to H.R. 1501, Consequences for Juvenile Offenders Act, to increase the number of District Court judges for Arizona, Florida, and Nevada.

The need for additional judgeships for the U.S. District Court of Arizona can be best demonstrated by a letter sent from District of Arizona Chief Justice Robert C. Broomfield to the Honorable Proctor Hug, Jr., Chief Justice of the U.S. Court of Appeals for the Ninth Circuit. In this letter, Chief Justice Broomfield mentions that in the same week as the letter was dictated, one of the eight senior judges died and two more were hospitalized, leaving the District of Arizona courts literally paralyzed under an unmanageable caseload with only five justices able to hear cases.

This issue is of particular interest to citizens of Arizona due to the dramatic increase in drug-related crimes in our state and the tremendous burden currently facing the sitting judges of the U.S. District Court for Arizona. Over the last several months, Arizona has been plagued with a series of massive drug seizures totaling hundreds of pounds of marijuana, methamphetamine, and cocaine, and millions of dollars in drug money.

Most recently, on May 13th, federal and state law enforcement officials in Phoenix confiscated $3 million worth of drugs and seized 9 kilograms of cocaine, 11.25 kilograms of methamphetamine, 636 grams of heroin and 36 kilograms of marijuana, along with illegal firearms and stolen vehicles. All those arrested were indicted in federal district court on charges that include distribution of controlled substances, possession of controlled substances with the intent to distribute, possession of firearms, and money laundering.

In February of this year, authorities seized 22 pounds of marijuana and 3 pounds of methamphetamine, and five weapons from a suspected drug dealer in Arizona. Furthermore, Border Patrol Agents assigned to the Tucson Border Sector of the U.S./Mexico border have found in recent months several intricate systems of tunnels used to smuggle illegal drugs into Arizona.

The Federal Bureau of Investigation (FBI) has identified 28 drug trafficking groups believed to be major drug trafficking organizations within Arizona. Large quantities of drug money, over $2 million in 1998, have been seized by the Phoenix Police Department Commercial Interdiction Unit.

Arizona law enforcement reports that powder and crack cocaine are readily available in the region's metropolitan areas. Arizona is a primary drug shipment corridor for movement of drugs from Mexico to the many areas of the United States. The more sophisticated, modern highway system of metropolitan Phoenix and the convenience of Phoenix's Sky Harbor International Airport make Phoenix an ideal drug transport city to other major cities around the country.

In an effort to battle the ever-increasing presence of drugs in our community, Arizona has been designated as a High Intensity Drug Trafficking Area, or "HIDTA". This designation has provided law enforcement the ability to commit resources to respond to the drug trafficking problems in Arizona. Law enforcement agencies including the Phoenix and Tucson Police Departments, the Maricopa and Pinal County Sheriff's Departments, and the Arizona Department of Public Safety work in conjunction with the FBI, the Drug Enforcement Administration (DEA), and the U.S. Customs Service to coordinate interdiction efforts.

These efforts have resulted in a 429% increase in methamphetamine arrests and a 52% increase in cocaine arrests in the last decade. Since 1992 alone, arrests for possession of dangerous drugs have doubled while arrests for the sale or manufacture of methamphetamine have increased 251%.

As evidenced by these figures, attempts to crack down on organized drug trafficking groups have been successful. Unfortunately, the increased attention on law enforcement has not been accompanied with an increased focus on our federal court system and the judges needed to prosecute and convict these drug offenders.

Arizona's justice system has continued to grow through the years while the number of judgeship appointments have remained the same. The last time the District of Arizona was granted additional permanent judgeships was 1978—twenty-one years ago! Chief Justice Broomfield has cited several factors to justify the need for an increase in permanent judgeships, including:

The large increase in criminal cases filed is permanent in nature. There has been an increase of 764 permanent federal law enforcement officers in Arizona, leading to a significant increase in caseloads and filings.

Since 1994 Arizona has added an additional 600 new border patrol agents which also have made a significant increase in caseloads and filings.

The U.S. Attorney's Office in Arizona (which contributes a major portion of the District Court caseload) continues to expand. Since 1978 the U.S. Attorney's Office has grown from 30 attorneys to 103, an increase of 243%. That office is now the 13th largest among the 94 districts; yet with the current complement of 8 judges, the Arizona District Court ranks 29th.

There has been a substantial population shift to the West and the Southwest in the last several decades. For example, the City of Phoenix is now the sixth largest city in the country, having grown from 106,818 in 1950 to 1,205,285 in 1997.

The District of Arizona criminal felony filings have increased by 10 percent since 1993. Currently, Arizona is ranked third in the nation for criminal felony filings. These filings range from possession of drugs with the intent to sell to violent criminal acts such as assault with a deadly weapon, and murder.

Along with the increase of criminal felony filings District of Arizona judges are burdened with a sharp increase in the number of cases. Each judge currently assigned to the District of Arizona has a caseload of roughly 834 cases, the fourth highest among the nation's 94 districts.

Arizona is a state which is growing significantly and it does not have the judicial system to keep up with its growth. Without a strong judicial system we will continue to have the unbalance that our judges are currently experiencing today.

For these reasons, I believe the three additional judgeships for the District of Arizona created by Mr. GOSS's amendment to H.R. 1501 are desperately needed to effectively address the abundant caseload, and more importantly the high number of criminal felony filings in Arizona.

PERSONAL STATEMENT TO JACQUELYN ISABEL SPINELLO ANDREWS AND JOSEPHINE CAROLYN ANDREWS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. ANDREWS. Mr. Speaker, there are times in our public careers when the obligations of office require us to forego the immediate interests and needs of those whom we love most. Because it is my duty to attend to our business here in the Capitol, I am unable to attend a special Father's Day celebration with my oldest daughter, Jacquelyn Isabel Spinello Andrews, at her kindergarten class (Mrs. Esler's class) at the Atlantic Avenue School in Haddon Heights, New Jersey. Six year olds do not readily understand the absence of their fathers at important events.

The pain of separation is further compounded by the fact that a voting session last week required me to miss an end of the year celebration for my youngest daughter, Josephine Carolyn Andrews, age 4, at the Beechwood School's pre-kindergarten class (Mrs. Rutkowski and Mrs. Provens). I hope that my children will understand that the exercise of duty does not negate the intense love I feel for them and pride my wife Camille and I draw from their lives and progress.

In the instance of Jacquelyn's Father's Day celebration, duty took on a special meaning, because we were debating proposals to protect her and all children from school violence like the nightmare parents around this country have felt too often in the last few years. My absence was necessary for me to support a cause in which I believe. But my absence should not confuse the fact that my beautiful children—God's greatest gift to me ever—are more important than any cause. I hope, Mr. Speaker, that my children and the children of all who serve in public life will understand that our motivation is to provide our children and all children with a loving and supportive community free of violence. Although no gift can replace our presence with those we love, I hope that our legislative efforts produce the gifts of a community worthy of the sweetness and innocence of our children.

I thank my family for understanding that I must perform these duties and I reaffirm my love for Jacquelyn and Josie and their mother, in gratitude for the sacrifices they make.

A TRIBUTE TO PASTOR WALTER J. KEISKER, OF CAPE GIRARDEAU COUNTY, MISSOURI, IN CELEBRATION OF A CENTURY OF BLESSINGS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mrs. EMERSON. Mr. Speaker, on July 9, 1999, Reverend Walter J. Keisker will celebrate his 100th birthday. As an active member of his community, Reverend Keisker is as well known in Cape Girardeau County, Missouri as many of the founding fathers of the towns of Jackson and Cape Girardeau.

Pastor Keisker started his life in 1899 on a farm four miles outside of Hillsboro, Missouri where his father ran a small creamery and, later, raised dairy herd and hogs. To this day, the Reverend remembers the words to "A Surrey With the Fringe on Top" because his family actually traveled in one.

The Reverend attended high school and junior college at St. Paul College in St. Louis, graduating in 1919. He then continued his education at Concordia Lutheran Seminary from which he graduated in 1923. He lead his first parish at Trinity Church in Flat River, now Park Hills, Missouri where he devoted 15 years of service. In the fall of 1938 Pastor Keisker took on a new parish at the St. Paul Lutheran Church in Jackson, Missouri. He gave his parish his full attention for the next 30 years. As Pastor Keisker eased into retirement, he continued serving St. Paul Lutheran Church as a pastoral assistant from 1968 until 1984. The Reverend continued to be actively involved in the church until 1993 when he moved to the Lutheran Home in Cape Girardeau.

Reverend Keisker and the former Mae Fikuart of Farmington, Missouri, married and had two daughters, Ruth Illers of Jackson, Missouri, and Virginia Goodwin of Cape Girardeau, Missouri. The Reverend and Mrs. Keisker had seven grandchildren and as of this spring, Pastor Keisker has ten great grandchildren. Mrs. Keisker passed away in 1992.

Because he believes that a pastor should be active in their communities as well as over his congregation, Pastor Keisker remains active today. He continues to be a member of the Cape Girardeau Historical Society and the Jackson Chamber of Commerce, and he attends Circuit meetings and other events in his community.

When asked about his secret for longevity, Pastor Keisker gives the following pieces of advice: "I think the Lord intended for us to enjoy life, so keep yourself occupied; Don't go out with the owls at night. They don't keep the right kind of company anyway; always be grateful for what you have; Be yourself and don't try to imitate someone you think is doing a good job. Try to do the job yourself, but please don't mimic.

These are sage words of advice from a centenarian who has lived a life devoted to God, family, and community, who has seen and reflected on a century of change in our nation and the world, and who has selflessly given of himself to all he has known. I would like to extend a heart-felt thank you to Pastor Keisker for all that he has done and continues to do for our communities. He is truly an inspiration to us all.

PERSONAL EXPLANATION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. DEFAZIO. Mr. Speaker, I requested a leave of absence for June 22 and 23, 1999. As ranking member on the House Coast Guard Subcommittee, I have been invited to participate in a global shipping conference in the Netherlands to discuss shipping safety issues.

PERSONAL EXPLANATION

HON. HOWARD P. (BUCK) McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. MCKEON. Mr. Speaker, on rollcall No. 221, I was present, but was not recorded as voting. I should have been recorded as voting "yea."

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. MOORE. Mr. Speaker, on June 14, 1999, due to a line of powerful, late afternoon thunderstorms that knocked out power to almost 40,000 homes in northern Virginia and caused the closure of Reagan National Airport runways, the airplane on which I was traveling was diverted to Richmond, Virginia, for refueling. As a result, my arrival in Washington, D.C., was delayed by over two hours and I missed rollcall vote #204 on the Bond Price Competition Act. Had I been present, I would have voted "aye."

PARENTING IS KEY

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. BACHUS. Mr. Speaker, recently the Birmingham News published an article by three faculty members from the University of Alabama at Birmingham. This article, written by Bill Crunk, associate professor of counseling, and by Solange Ribeiro and Julie Russell, who are both counselors at UAB's Office of Professional Services, is insightful and worthy of attention. That's why I want to share it now with my colleagues in Congress and place it in the RECORD. Their research confirms that parenting is the key to raising good children. Additionally, they have found four common components necessary to raise a child in today's often violent environment: Spirituality, Ability, Fairness and Encouragement.

There have been several high profile tragedies involving children recently, and we read so many of the headlines in today's newspapers and ask, "Why?" Many are quick to fix the blame for these tragedies on guns or on the media. The hard truth is that parenting is the core of a child's moral and social development. That is the point of the article written by these three members of UAB's faculty and it is one we should remember, again and again. I thank Professor Crunk and Counselors Ribeiro and Russell for their work and for their perceptive article, which I now place in the RECORD in its entirety.

[From The Birmingham News, May 2, 1999]

AFTER THE MOURNING--ARE WE REALLY COMMITTED TO WHAT IT TAKES TO IMPROVE PARENTING SKILLS FOR RAISING BETTER CHILDREN?

(By Bill Crunk, Solange Ribeiro and Julie Russell)

Far too frequently, headlines give accounts of children in trouble. Potentially delinquent behavior appears at earlier and earlier ages. Judges demand that parents get their children off the streets at night but fail to point out how to do it. Nationwide research in juvenile delinquency brings forth volumes of papers but few indications for possible solutions.

There is something deeper that is wrong. Underneath it all is the fact that we don't know what to do with our children, because the traditional methods of child-raising no longer work and we have not learned new methods which can take their place.—Rudolf Dreikurs, noted psychiatrist and author of Children: The Challenge, in 1964.

Parents today are faced with the challenge of raising a capable child in a violent society. With the tragic events in Colorado, the news media, educators, religious groups and other social institutions are all looking to find answers to the perplexing question, "How did this happen?"

Blame is being placed on the media, guns and schools, however, the fact remains that parenting is at the core of a child's moral and social development.

Research has shown that a child's behavior is a reflection of the home. Unfortunately, all too many families create an atmosphere in which a child has a strong belief of entitlement and a weak sense of responsibility.

Our research in the Birmingham community found that parents overwhelmingly feel a lack of communication between parents and children contribute to violence. We found that parents feel that an inability to set limits, failure to teach empathy and compassion, failure to connect consequences to behavior, and a lack of moral education were all indicators of poor parenting.

Interestingly, parents realize that exposure to media violence desensitizes other children to violence but felt that their children could distinguish make-believe from real violence. Parents felt that they could help prevent exposure to violence but on the other hand were overwhelmed with raising children in today's society. All agreed that better parenting skills were needed, yet only half of the parents felt they should spend more time with their children.

On the other hand, our experiences in working with parents indicates that parents have given their parenting responsibilities to schools, day cares, government programs and others. Unbridled TV watching and computer use have put distance between the parent and his/her child. Parents are confused and worried, particularly when children seem to defy rules and mistake license to do whatever they please for freedom. They have a sense of losing control of their children. Dreikurs talked about this in 1964. More than 30 years have passed and we are still dealing with the same issues. Why?

Parenting takes time, effort and an understanding of children. Four components necessary in raising a capable child in today's environment are spirituality, ability, fairness and encouragement. These are the foundation of our SAFE parenting program.

SENSE OF EMPATHY

Spirituality, the most important task, is where a child learns values, empathy, purpose and morality. One consistent finding is that children who commit acts of violence lack a sense of empathy, respect and compassion for others.

The parent's task is to create a home environment that fosters belonging and a connection to the community through our sense of spirituality. If we avoid this parenting task then we raise a child with a "self-centered me behavior."

Children also need to know that they have the ability to make decisions, and that along with these decisions come responsibilities. If parents fail to teach their children what freedom really means (choice, responsibility and consequence), then we foster children who take no responsibility for their actions and tend to blame others for their circumstances.

Fairness in the home creates a respect for order and cooperation. If children fail to learn fairness they develop a license to behave without respect for others.

Our fourth component of effective parenting, encouragement, teaches parents how to better communicate to their children that they have worth and ability to master life's challenges. Parents tend to lack skills in communication with their children. From our experience we know parents agree that communication with their children. From our experience we know parents agree that communication is extremely important in raising capable children.

Unfortunately, most communication is discouraging and directed at correcting or pointing out, a child's inability to meet expectations. Without encouragement, children become discouraged and find life tasks hopeless.

Dreikurs said it back in 1964: "Far too frequently, headlines give accounts of children in trouble." Are we, as a community, even interested in making an effort to reach parents? How many corporations are serious about their employees' families and the community that they support?

PARENTING CLASSES

Aon, a Chicago-based consulting firm, found that the most loyal employees worked for employers that encouraged a balance between family and job demands. How many places of business offer parenting classes during the workday? Government and school systems say they want to do more, but do they?

How many school counselors are allowed to offer parenting classes at school or in the community as part of their duties? Shouldn't parents whose child is in trouble with family court or at school be required to take parenting classes to pay back to the community for having to take over the parents' responsibilities?

If we care about the child's welfare, why are divorcing parents not made to go to classes to understand the impact of such a decision on the child and how to develop parenting skills to offset some of the trauma?

How many churches require parents to participate in parenting courses? If we are all so concerned, how could parents refuse? Print and TV media have made millions off the tragedy in Colorado. Have you read or seen any sponsorship of efforts to improve parenting by the media?

And we ask the question, why? Will we be asking these questions 30 years from now? Hopefully these violent situations don't have to continue, but our responsibilities as parents do. We have a responsibility to our children to be good parents, and blaming the media, guns and schools won't accomplish what only we as parents can.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 220, had I been present, I would have voted “no.’

SENATE—*Monday, June 21, 1999*

The Senate met at 12 noon and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You are the same yesterday, today, and tomorrow. We praise You for Your reliability. Our lives change: We have good days and bad days; we experience up times and down times. Often we are caught in the muddle of our moods; sometimes life goes bump when things don't turn out as we expected. We become disappointed with people. But You are our mighty God who has entrusted us with work to do for Your glory. Each time we return to You to find strength to survive and thrive, You are there waiting for us. We begin this new work-week where everything should begin and never end: in complete trust in You, Your availability, and our accountability to You.

Bless the Senators and all of us who work with them. May this be a week of progress and productivity. We place our reliance squarely on Your reliability. Through our Lord and Saviour. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 1999.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ROBERTS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Ohio, is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will begin consideration of S. 1133, the agriculture appropriations bill. Amendments are expected to that legislation, and it is hoped that Members will coordinate with the managers of the bill to offer their amendments. In addition, the Senate may resume consideration of the State Department authorization bill during today's session. Any votes ordered with respect to either of these bills will occur at 5:30 this evening. It is the intention of the leader to complete action on the State Department authorization bill and to make significant progress on the agriculture appropriations bill.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for 10 minutes.

Under the previous order, the Senator from Ohio is recognized to speak for up to 30 minutes.

The Senator is recognized.

Mr. VOINOVICH. I thank the Chair.

THE SITUATION IN KOSOVO

Mr. VOINOVICH. Mr. President, 11 days ago, the American people were relieved to hear that the air war against Yugoslavia was ending. Yesterday, the air war was officially declared over.

In the end, I believe it was prayer and the Holy Spirit that brought enlightenment to our leaders that the death and destruction in Kosovo and Serbia must stop. Enough was enough.

I rise today to commend our men and women in uniform for their honorable, valiant and courageous service over the last several months in the campaign to stop ethnic cleansing in Kosovo.

Conventional military wisdom has long held that a military victory could not be achieved without the deployment of troops on the ground. Indeed, television pundits, newspaper editors and even some of my colleagues, advocated the introduction of ground troops to Kosovo based on this widely-held belief.

However, the incredible work of our pilots, logistics and support staff during the bombing has proven the conventional wisdom wrong—it is possible to achieve limited military objectives on the ground using air power alone given the quality of the American soldier using our technical superiority.

When I traveled to Southeast Europe last month to learn more about the North Atlantic Treaty Organization's campaign, I was struck by the commitment and professionalism of our forces throughout the region. Faced with incredibly long working hours, the stress of a combat environment, isolation from family and loved ones and difficult living conditions, each soldier I spoke with strove to do their best in service to their grateful nation. We can ask no more.

The American people, and Congress, should especially be proud of these fine men and women in uniform.

We should also thank God that we have such soldiers as Chief Warrant Officer David Gibbs, from Massillon, Ohio, and Chief Warrant Officer Kevin Reichert of Wisconsin—two brave Apache helicopter pilots who gave their lives in service to their nation in the Kosovo conflict.

A few weeks ago, my wife Janet and I went to Arlington Cemetery to pay our respects to the David Gibbs' family. I shared our appreciation for the sacrifice that he made and that they will continue to make. I get upset when I hear our leaders say we did not have any combat casualties—a euphemism to mean no soldier died in "actual" combat.

Tell that to David Gibbs' widow, Jean Gibbs. Or to their three children—Allison, Megan, or David. Or his mother, Dorothy. Their lives will never be the same.

Since 1991, when I was Governor of Ohio, there have been 32 men and women from Ohio who have died serving their nation, not counting the 19 that died in the Persian Gulf War.

Tell the families of those who did not die in combat that their loss is any less significant because their loved one didn't die in battle.

We must thank God that we have brave men and women who choose to serve our country, and we must never forget those soldiers who have made the ultimate sacrifice for this nation and the ongoing sacrifice of the families.

Mr. President, as you know, I opposed the bombing from Day One. We should have done all that we could to negotiate a diplomatic solution.

I was also violently opposed to sending in U.S. ground troops to Kosovo

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

based on my belief that it would instigate an all-out war in southeastern Europe with tremendous repercussions throughout the world.

Just in the limited actions of the air war, we have witnessed several potential crises, the ramifications of which will be with us for who knows how long—China, Russia.

But I believe we must congratulate President Clinton for sticking to his guns and not letting others pressure him into getting the United States involved in a ground war; he no doubt saved the lives of hundreds, or even thousands, of American soldiers.

THE BOMBING

Even though I was opposed to the bombing, I had confidence that the bombing campaign would ultimately bring Milosevic back to the table. I just wonder why it took us so long to read his signals.

Indeed, according to the June 6th edition of the New York Times, it was reported that Milosevic was ready to make a deal as early as the beginning of May. The Times said:

> That it took another month may have been due less to his unwillingness to make a deal than to the West's slowness to grasp that he was serious. The signs were everywhere.

I have been concerned that very few people have fully grasped the relevance of Serbian history and culture as it relates to this war.

As I have said on the floor previously, it is crucial to remember that Kosovo is the cultural and historical heartland of the Serbian people, and to the Serbs, it is a holy place. It is the scene of the most important event in Serbian history—the battle of Kosovo in 1389 between the Turks and the Serbs.

History, pride and heritage are deeply-seeded in Serb culture. That's why it is significant that Milosevic started his rise to political power in Kosovo and probably the most important event in his political career was when he spoke to one million citizens on the 600th Anniversary of the Battle of Kosovo—at the very site of the battle!

Given the importance of Kosovo to Milosevic politically and to the Serbs historically, I knew that he would not sign the Rambouillet agreement. The agreement called for a referendum on the future of Kosovo's independence after three years. Which, considering the overwhelming Albanian majority, would have guaranteed an independent Kosovo.

I also knew that once we started the bombing, it would, unfortunately, fan nationalistic flames causing the Serbian people to galvanize and rally around him. Prior to the war, I was privy to a Gallup poll that showed some 70% of people wanted him out.

RAMBOUILLET

In addition to the historical and political reasons for Milosevic not to sign, the agreement called for other items that no one has talked about in any detail that would have had a tremendous impact on Yugoslavia's sovereignty.

Here are a couple of the parts of that proposed agreement:

> NATO personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet and utilization of any areas or facilities as required for support, training and operations."

Summary.—NATO will have the ability to station troops and/or equipment anywhere through-out the FRY at its discretion. This would give NATO the ability to take control of the country.

> NATO and the Organization for Security and Cooperation in Europe (OSCE), through its Implementation Mission, shall have its own broadcast frequencies for radio and television programming in Kosovo. The FRY shall provide all necessary facilities, including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosovo.

Summary.—At the discretion of NATO, OSCE and humanitarian groups, the FRY loses control of its radio and television stations.

With a leader as worried about his political survival as much as Milosevic, it's understandable that he would reject an agreement with such provisions.

The White House and NATO political strategists should have anticipated that he would not sign, and should have prepared counter-options based on actions that he might take.

I think it's quite interesting to point out that the day before the Senate vote to authorize the air campaign, my office was contacted by a staff member of the National Security Council who, when asked if there was a "Plan B" should the bombing campaign fail, assured my office that Milosevic would come to the peace table within two weeks of the bombing campaign. The staff member said that Milosevic was about to be subjected to such "devastating" punishment that he would come running back.

That was exactly the same impression that I got from Defense Secretary Cohen, National Security Advisor Berger, Secretary of State Albright, and NATO General Clark—this guy is going to fold.

And what was Milosevic doing while this Security Council staff member and our other leaders were making these pronouncements? He was laying the groundwork to start his policy of ethnic cleansing. Our intelligence community should have known that he was getting ready to move into Kosovo at the first sight of NATO bombers.

We should have had a Plan B and a Plan C in case the "sign or bomb" approach didn't work.

Where was our intelligence? Why didn't they anticipate such a massive outpouring of refugees? Or more chilling, maybe our intelligence did have the answer, and no one listened to them!

The whole impetus for the Rambouillet agreement was to prevent ethnic cleansing, to prevent murder and genocide, to prevent an escalation of a wider war, to prevent an outpouring of refugees, reduce the likelihood of xenophobia and to prevent regional destabilization.

Everything Rambouillet was supposed to prevent from happening, happened because we misjudged Milosevic with our "sign or bomb" diplomacy.

Now look at what we have.

Before the air war there were 45,000 refugees outside of Kosovo. Now there are more than 850,000 refugees outside of Kosovo and probably more than half a million more inside Kosovo.

We've had ethnic cleansing and we're now seeing mass graves.

It was as if the floodgates of death and destruction opened up once the air war started.

Initial projections are that over ten thousand Kosovars died due to ethnic cleansing; and another 1,200 civilians were killed in Serbia due to the bombing.

The infrastructure of Kosovo and Serbia is destroyed and the most vulnerable—women, children and the elderly—are in jeopardy.

In addition, Serb monasteries have been desecrated, religious icons destroyed, and there are further reports that clergy members were kidnapped by men of the KLA.

Hopefully the KLA will be brought under control to prevent any further ethnic cleansing of people in Kosovo.

This war has been a humanitarian disaster.

As I just mentioned, we've destroyed the infrastructure in Kosovo and in Serbia—bridges, roads, industry, water purification and electricity—and in Kosovo alone, the European Union estimates run at about $30 billion to rebuild. In Serbia, estimates run anywhere from $50 billion to $150 billion.

One thing that no one talks about is the ecological disaster facing the entire region. We've destroyed an oil and petrochemical refinery complex in Pancevo, which has sent benzo-pyrene into the atmosphere, there are toxic substances released from oil and chemical plants along the Danube River into the river.

We've bombed other chemical plants and oil refineries that have sent toxic substances into the environment, which has caused acid rain to fall in southwestern Romania and has caused air contaminants to be registered in Hungary.

In addition, it is believed that some of our tank-piercing shells used depleted uranium in order to penetrate the hulls of Serbian tanks. The full effects of these shells are still unknown.

There have been reports of increased numbers of stillborn babies, birth defects, childhood leukemia and other cancers in the children born to soldiers who served in the Iraq war; where depleted uranium was used as well. In addition, depleted uranium is believed to contribute to Gulf War syndrome—a debilitating chronic sickness that a number of our Gulf War veterans suffer.

This war has also had a disastrous impact on the economies of Serbia's neighbors.

The Danube River flows through Belgrade on its way to the sea. The Danube starts in West Germany and flows through Austria, the Czech Republic, Hungary, Croatia, Serbia (and Vojvodina), Romania and Bulgaria.

The Danube is a major economic thoroughfare for these nations, but because of our bombing campaign, river traffic has been curtailed. And until we clean up the river and rebuild the bridges, the passage of ships will be blocked and both truckers and shippers will find it difficult to move their goods to market.

By our bombing, we have put a tourniquet on the economic lifeblood of many nations in the region.

I've met with the Bulgarian President Stoyanov, Foreign Minister Mihaylova and Ambassador Philip Dimitrov and I've spoken with several Romanian leaders—all have asked if they are going to be part of the economic recovery plan for Southeast Europe.

They also want to know if the United States and NATO recognize that the infrastructure damage in Serbia is directly impacting their economic well being.

I don't believe too many people realize the economic ripple effect on Serbia's neighbors that the air war has caused. Tourism, a main economic boost to the entire region at this time of year, has been seriously affected. The agriculture planting season in Yugoslavia has been disrupted which will likely result in food shortages and high prices in the coming months as the area struggles to feed everyone. As I said earlier, shipping goods is more hazardous and shippers must use more circuitous routes to avoid conflict and destroyed infrastructure, which raises costs. The economic uncertainty because of the war (not to mention the destruction of plants and jobsites) has caused a tremendous increase in unemployment in the region—which adds to the refugee problem; as people go elsewhere looking for work. The diversion of economic resources by Serbia's neighbors to address the problems raised by the war (e.g. refugees, environmental damage), particularly Albania and Macedonia. Last month I was with the Deputy Foreign Minister of Macedonia, Boris Traijkovski, who said this war had had a $400 million (and growing) impact on their economy.

We need to recognize and respond to this regional economic crisis.

We have also suffered a tremendous blow to our nation's image.

We've damaged our relations with the Russians. A recent public opinion poll in Russia indicated that 72% of the Russian people have an unfavorable view of the United States, whereas before the war it was at 28%.

I can't help but wonder if the war would have been over sooner—or averted—had we worked with the United Nations and Russia from the beginning and not asked them to come in as an afterthought.

And what about the Chinese? With the bombing of their embassy in Belgrade, we've harmed nearly 30 years of good relations with China and destroyed the leg-up we had with them. We've had rioting in front of the U.S. Embassy in China and we've had the humiliating image of our Ambassador in Beijing trapped inside.

We've lost prestige with a number of Europeans, who look upon this war as a giant American bombing "video game"—a sort of Star Wars—complete with a daily score card of target "hits."

There are reports of anti-Americanism happening throughout Europe.

Mr. President, I will be attending the Organization for Security and Cooperation in Europe (OSCE) meeting in St. Petersburg, Russia in two weeks. I am curious to hear, first hand, what these parliamentarians think about the United States, and how the people in their respective nations feel about the United States. I look forward to sharing my observations with my colleagues upon my return.

Like Bosnia, this country will be in Kosovo as one diplomat has told me "for as far as the eye can see,"and it will have a lasting impact on our finances. It is being paid for right now with Social Security.

I believe the war over there has been a disaster—one of our worst foreign policy decisions of the century, and no amount of plastering over of the Clinton Administration can cover it up.

Let me be clear—we must get rid of Milosevic. He is a war criminal. And I am glad we are reportedly finally trying to help those in Serbia who want democracy. I've been working with Serbs in diaspora for almost two years to find alternative leadership to Milosevic.

This group is still willing to help if given support from our State Department. There are Serbs from all over the world who want to help—doctors, engineers, accountants, architects.

We need to encourage the Serbian people to pursue new leadership. We should publicly applaud Serb Orthodox Patriarch Pavle, for calling for Milosevic's removal.

The Orthodox Church has been opposed to Milosevic from the beginning, and the Serbian Orthodox Church last week called for the ouster of Milosevic. The Holy Synod, the Church's highest body, said:

> We demand that the Federal President and his government resign in the interest and the salvation of the people, so that new officials, acceptable at home and abroad, can take responsibility for the people and their future as a National Salvation Government.

I thoroughly believe that Milosevic should heed the call from the Church and do what is right—he must put his country's needs and his people's needs ahead of his own. He has put his nation through enough death, destruction and shame. The time is now to step down and I echo the call for his resignation.

However, Mr. President, I am concerned that there seems to be a consensus that very little will be done to respond to the needs in Serbia until Milosevic is gone. Mr. President, we must remember that there are more than 500,000 refugees in Serbia and over 250,000 that were ethnically cleansed from southern Croatia in 1995 and reports are that they could have 50,000 more coming out of Kosovo.

And though I am somewhat comforted that the President and the European Community have said they will respond to the humanitarian needs, I am really interested in how they define "humanitarian."

I am certainly hopeful that humanitarian means things like repairing the bridges and cleaning the Danube, so people can go to work and receive necessary goods, bringing power back online, so people's essential needs can be met, or mending the basic infrastructure, to provide clean water and sanitation. However, based on news reports from this weekend, that does not seem to be the entire case; the West is only considering food, medicine and basic humanitarian aid, including, hopefully, electricity.

Nevertheless, I believe we should listen to Russian Prime Minister Sergei Stepashin who, according to the Washington Post, says the West is taking a short-sighted attitude on aid, which will foment resentment among the Serb people and make it hard to be a part of restoring peaceful relations in the region. Stepashin said, "You must not penalize 10 million Serbs for the conduct of one man."

We all know that part of our postwar objective in Yugoslavia is to get rid of Slobodan Milosevic. The best way to do that is to present an olive branch, not to him, but to the people of Serbia.

If we help the people, if we give them the humanitarian assistance they need directly, we speed up the process to his ouster. However, if we don't help, Milosevic will continue to keep his political hold by appealing to his constituents' worst instincts about NATO and the U.S.

In addition, our actions to help the Serbian people re-build will have a ripple effect on the rest of the region, such as Bulgaria and Romania, which have a great need to revitalize their respective economies.

We should support infrastructure programs that respond to the greater economic vitality of the entire region no matter where they are located.

As the international community continues to examine its options and alternatives for the redevelopment of the region, they should consider removing the outer wall of sanctions to allow the IMF and the World Bank into Serbia to promote its long-term reconstruction, understanding that the Serbian people will know that this cannot happen with Milosevic's vice-grip on all the institutions in the country.

There is a responsibility on the part of the countries of NATO to recognize that the Balkan nations are European, and they must be brought aggressively into the European fold.

The fact that the Europeans are taking on the lion's share of rebuilding the infrastructure and economy is the best guarantee that Southeast Europe will join the European and world economies, and presents a once-in-a-lifetime opportunity to make lasting and significant changes in that part of Europe.

For that challenge to become a reality, the people of Southeastern Europe, including the people of Slovenia and Croatia, must understand that they all have a symbiotic relationship.

By working together, their economies will improve, their standard of living will increase and the nationalism and ethnic cleansing that has plagued them for centuries will end.

I have often said that "there is some good that blows in an ill wind," and I consider this war to be an "ill wind."

However, the good that is blowing is the opportunity for the United States and NATO, to provide the impetus for a lasting peace to prevail throughout Southeastern Europe.

We can provide the reconstruction assistance that righted the economies of the rest of Europe after World War II and which has made them economically prosperous and willing defenders of the rights of all men and women.

We have had two world wars that have sprung from Europe in this century. We have a chance to guarantee that there will be no such wars in the 21st Century by helping restore Southeast Europe. It is important to the world, and its important to the strategic and national interests of the United States of America.

I have two mottoes: "Together, we can do it" and the other is our state motto, "With God, all things are possible."

I am confident that working together with our allies and with God's help, we can get the job done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask to proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I see my colleague on the other side. I have been asked by the Senator from Michigan for some time. What is the remaining time to be divided between the Senator from Michigan and the Senator from Minnesota?

The ACTING PRESIDENT pro tempore. The Senator from Ohio has 8½ minutes remaining. Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee, is recognized for up to 30 minutes. Under the previous order, the Senator from Kansas, Mr. ROBERTS, is recognized to speak for up to 15 minutes and then morning business is to be closed at 1 p.m.

Mr. KENNEDY. If the good Presiding Officer adds up the times, does that take us to 1 o'clock?

The ACTING PRESIDENT pro tempore. Normally, we grant the full time of individual Senators. It is the Chair's opinion that will be the case, in that the ag appropriations bill is to be taken up at 1 o'clock, but I believe the Senator will be protected.

Mr. KENNEDY. I ask unanimous consent that the time which remains be divided between the Senator from Michigan and the Senator from Minnesota, after my 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will address the Senate this morning on a subject which I believe needs attention in the Senate and also needs action by this body, and that issue is the legislation called the Patients' Bill of Rights.

The Patients' Bill of Rights is legislation which has been before the Senate for some 2 years. It is a rather simple bill. It is understandable. It is a rather commonsense bill. That is, we are, with this legislation, going to give assurances to the American people when they purchase insurance, that the medical profession, the doctors and the patients themselves, are going to make decisions related to the health care which affects them, rather than the accountants or insurance agents.

Basically, that is what this legislation is about. There are a number of guarantees and protections included in the Patients' Bill of Rights, which I have addressed on other occasions and which I, again, will mention this morning.

Every day we fail to take action on this legislation, we see what has happened in this country over the last 2 years; the patients suffer, while our Republican leadership refuses to schedule this particular legislation.

During the 2 years that we have been blocked, effectively, from a Patients' Bill of Rights, HMO abuses have caused some 33 million patients difficulty in getting specialty referrals, delayed needed medical care for some 33 million patients, forced some 23 million patients to change their doctors, forced 14 million patients to change medications, denied payments for emergency services to 11 million patients—those are patients who use the emergency room, who felt they had a medical emergency but were denied the coverage from their HMO and had to pay for it out of their own pocket—and caused unnecessary suffering and financial loss and frustration for millions more.

Over these last days, as we did last year, we have pointed out not only numbers but also in real terms what is happening to families all across this country. For those supporting a Patients' Bill of Rights, which is the legislation introduced by Senator DASCHLE, he has stated—and others who support it have stated—that we are ready, willing and able to enter into time agreements, but we want to have this measure scheduled. We ought to be able to permit the Senate to vote on these measures. They are enormously important, as we have been reminded in the past days by my colleagues and others.

We spent 5 days on legislation protecting various computer companies in this country from the potential of a Y2K glitch. We believe that we would not even need that amount of time to debate legislation that will provide protections for families, for parents, for loved ones, for husbands and wives, and particularly for children. We make the case—I do today—that it is time for the Congress to act to protect the patients against the abuses of managed care.

Patients and doctors should make the medical decisions, not the insurance company accountants. Too often, managed care is mismanaged care. Members of the Senate know it. Doctors, nurses and other health care professionals know it. The American people know it. It is time for the Republican leadership to stop protecting the insurance company profits and start protecting patients.

I point out that we have more than 200 organizations that support our legislation. It isn't that we just want to advance some proposal that has been assembled by the members of our party; there are those in the other party, including Dr. GANSKE, a doctor who is a Republican, and others who support our proposal. But more than 200 organizations representing the medical profession—the nurses, the doctors, the consumers, those who have studied this program—favor our proposal. There isn't one—not one—we are still waiting to hear just one medical professional group that supports the Republican proposal.

We are prepared to debate. But the American people, and those who are involved in the health care delivery system, those who are involved in research, those who are involved in protecting children, those who are involved in protecting women, those who are involved in protecting the disabled, those who are at the cutting edge in advancing research, understand the importance of this debate, this discussion, and votes here in the Senate.

We think it is time that we get to the business of the families of this country by moving ahead and starting to have this measure before us. We have reviewed the proposal made by the Republican leadership. We are now 2 weeks before the July break. We believe we can handle this legislation prior to that period of time. We want this matter scheduled. We want to be able to move toward this debate.

I remember the comments that have been made in recent times by the Republican leadership: Well, we need to have a certain number of amendments. We can have two amendments, three amendments, four amendments, but we are not going to permit this matter to be brought before the Senate unless we have a prior agreement for three or four amendments.

That was last year, and we are again being denied the opportunity to debate this legislation even though we had before the Senate, just a very few weeks ago, the juvenile justice bill. There was no limitation on the number of amendments at that time. We had many contested amendments during that debate on the issue of gun control. We had a series of amendments, but nonetheless we had action on that legislation. We debated it, and then we brought that measure to a close. We did it in the longstanding, 200-year tradition of the Senate. We believe that on a matter which is of fundamental importance and significance to families that we ought to follow that procedure and that we ought to move ahead on this legislation at this time.

During the past year and a half, the Republican leadership has effectively used every trick in the book to delay or deny action on this issue. It is no secret what is going on. Stonewalling tactics have stalled consideration of this legislation for more than a year.

It was just over a year ago, on June 18, 1998 that Senator LOTT proposed to bring up the bill on terms that made a mockery of the legislative process. That proposal would have allowed the Senate to proceed to HMO reform but permitted the majority leader to pull the bill down at any time. The agreement also barred the Senate from considering any other health care legislation for the rest of the year.

Do we understand—do the American people understand what was being proposed for debate in the consideration of a Patients' Bill of Rights? The majority leader said: Well, I'll bring it up, but I'll be able to pull it down if I want. And if we bring it up, we have to have the assurance that no other legislation dealing with health care would be permitted on the floor of the Senate. That was the proposal a year ago. Obviously, we were not willing to agree to that proposal because that was completely in conflict with the public's interest for debate and discussion about these matters.

On June 23 of last year, 43 Democratic Members wrote to Senator LOTT to urge that he allow a debate and votes on the merits of the Patients' Bill of Rights. We requested that the Senate address the issue before the August recess. The response, on June 24 of last year, almost a year ago, was that Senator LOTT simply repeated his earlier unacceptable offer.

Then on June 25 a year ago, Senator DASCHLE proposed an agreement in which Senator LOTT would bring up the Republican bill by July 6 so that Senate DASCHLE could offer the Democratic Patients' Bill of Rights, and the Senate could offer relevant amendments to HMO reform.

The Democratic leader had indicated that every amendment would be relevant to the proposal, that there would be only relevant amendments to the Patients' Bill of Rights. Yes, that was rejected as well.

The next day, on June 26, the majority leader offered a proposal, once again, that allowed him to withdraw the legislation at any time and bar consideration of any other health care legislation. That was on June 26. That is twice they did it almost a year ago, and we are no to a debate.

It goes on.

On July 15, 1998, he made another offer. This time he proposed an agreement that allowed for no amendments. He would bring up his bill, we could bring up ours, and that is it—all or nothing. The American people would be denied votes on key issues, denied key protections, too.

On July 29 and on September 1, the Republican leader offered variations of the proposal.

I could go on—and will—but it is just an indication of how long and how hard we have been trying to get this matter before the Senate in order to be able to try and vote on this.

Many Members of this body say: Well, we know it is not being called up because of various interests and interest groups. But let me just remind the Senate what has happened. See if they are somewhat troubled by it when we talk about interest and interest groups.

Not long ago, Mr. Gradison, who is the former head of the Health Insurance Association of America, was asked in an interview published in the Rocky Mountain News, to sum up the strategy of the special interests that are committed to blocking meaningful reform on the Patients' Bill of Rights. Acording to the article, Mr. Gradison replied, "There's a lot to be said for 'just say no.'"

The author of the article goes on to report: At a strategy session called by a top aide to Senator DON NICKLES, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Instead of participating in a productive debate on how best to assure that all patients have the protections currently afforded only to those fortunate enough to be in the best plans, such as Members of the United States Congress and the Senate, insurance companies and their allies in the business community have heeded the call of the Republican leadership. The leadership aide, acting on the behalf of Senator LOTT, urged the industry in 1997 to get off their butts and get off their wallets and block reform. The Republican leadership directed these special interest friends to write the definitive paper trashing all these bills, and they have responded accordingly, pouring tens of millions of dollars into paid advertising, ginned-up studies, and lobbying campaign coffers of those who are willing to stand in the way of the much-needed change. Over $100 million has been spent in distortion and misrepresentation on this legislation, Mr. President. The interesting thing is, even with $100 million spent, if you take the various studies and reviews out there, not just the case studies which come to our offices every day, but any of the measurements that are being taken out there about people's concerns, you find that it really hasn't impacted families in this country. They know what is happening every single day, and they know the kinds of protections they need. They know the importance of this legislation.

What are we basically talking about in terms of these commonsense rights?

How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute 12 seconds remaining.

Mr. KENNEDY. These are the commonsense rights: The right to a specialist, if you have a condition serious enough to require specialty care—no parent should be told that his child, with a rare cancer, will be treated by an HMO adult oncologist when the physician lacks the expertise needed to save the child—the right to prescription medicines that your doctor knows best that you need; the right to go to the nearest emergency room without financial penalty; the right to participate in clinical trials—that is so important with the whole range of new breakthrough drugs—the right to continue care if you are in the middle of a course of treatment and your doctor is dropped from a network or your employer changes insurance plans; the right to a speedy and fair, truly independent appeal; and the right to hold your plan accountable in court. These protections and the others are simply common sense. We believe we ought to have an opportunity to debate those and to offer those measures in the Senate.

I am very hopeful that we are going to be able to get this matter scheduled. It is a matter of enormous importance. We have seen reported out of our Health, Education, Labor and Pensions Committee legislation that has been favored by our Republican friends. Let's have that legislation before the Senate, with the time and opportunity to cover those matters, and let the Senate express its will. I am convinced that we will act to protect the families of America.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The distinguished Senator from Minnesota is recognized.

(The remarks of Senator GRAMS pertaining to the introduction of S. 1247 and S. 1245 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is Massachusetts is recognized.

Mr. KENNEDY. Mr. President, three years ago, the entire Nation watched in horror and disbelief as an epidemic of church arsons gripped the South. The wave of arsons was primarily directed at African-American churches and it was a reminder of some of the darkest periods in our history—when African-Americans were the constant targets of violence by cowardly racists. In response to this epidemic, Congress, with overwhelming bipartisan support, passed the Church Arson Prevention Act. We recognized that all Americans—Democrats and Republicans, men and women, whites and nonwhites, Jews, Catholics, Protestants, and Muslims—deserve to be free from these vicious hate crimes.

Unfortunately, this kind of bigotry has raised its ugly head again, in the form of the despicable arson attacks on the synagogues in Sacramento, California last Friday. Houses of worship have a special place in our society, and when they are attacked, the devastation is far-reaching. The B'nai Israel synagogue is the oldest synagogue west of the Mississippi River. In the charred remains of its library were over 5,000 books, some hundreds of years old and many out of print.

Since passage of the Church Arson Prevention Act in 1996, the FBI and ATF have documented over 600 cases of church arson. With the passage of that legislation, the Justice Department was given the tools it needs to apprehend and prosecute the individuals responsible for these deplorable acts, and to deal with such hate crimes more effectively.

All of us look forward to swift action to bring those responsible for these shameful attacks to justice. Although the parishioners at B'nai Israel, Congregation Beth Shalom, and Knesset Israel Torah Center may have lost the use of their synagogues for a time, their spirit and strength in the face of their loss are an inspiration to the entire country.

Congress needs to bring the same vigorous bipartisan attention to other kinds of hate crimes.

Few crimes tear more deeply at the fabric of our society than hate crimes. These despicable acts injure the victim, the community, and the nation itself.

We have acted to deal with arson attacks on places of worships, and we need to take similar action to deal with other hate crimes.

We need to give the federal government more effective tools to investigate and prosecute these contemptible acts. In March, many of us joined in introducing S. 622, the Hate Crimes Prevention Act of 1999. This bill has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes. The goal of the Hate Crimes Prevention Act is to provide federal investigators and prosecutors the tools they need to fight these senseless and violent acts.

Congress' silence on this basic issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state and local problem. It isn't. It's a national problem, and for too long, Congress has been AWOL. We must act, and we must act now, to make the federal government a full partner in the ongoing battle against hate crimes in all their ugly forms.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized.

MANAGED CARE PRACTICES

Mr. LEVIN. Mr. President, we in the United States have become known around the world for providing what can only be called the gold standards of health care. People come to the United States from all over the world to receive our high-quality health care. Yet I find that too many of my constituents are not receiving this world-renowned health care. Due to current practices in the managed care area, too many HMOs are denying critically needed care to too many of their beneficiaries.

For instance, in Detroit, I met with Donald Anderson, a quadriplegic who is in a wheelchair. When he changed jobs, he also changed health care providers. Donald told me that his new provider would not cover a rolling commode wheelchair for him after the wheel broke on the one he owned, even though his doctor classified the wheelchair as a medical necessity. The HMO told him that the chair, which he uses to take showers, is considered a luxury item. His physician intervened and tried to get Donald a rolling commode but was repeatedly denied.

In Detroit, I also met with Amaka Onumono, who had been recovering from injuries sustained when a man dumped hot grease on her and set part of her home on fire. She spoke about gaps in service because she needed to get a referral from her primary care physician after every 12 visits to her occupational therapist. "Every time it comes time to make an appointment, there is a hassle," her mother Denise Avery said.

In Lansing, I spoke with Dr. William Weil, a Michigan State University pediatrician, who said that some families whose children have chronic illnesses frequently have trouble getting HMOs to approve pediatric subspecialists, especially if none is located in the immediate community. "In many HMOs, there is a tendency to use neurologists and orthopedists who specialize only in the care of adults," Dr. Weil told me.

In Midland, MI, I spoke with Dr. James Bicknell, head of the emergency room at Mid Michigan Medical Center. He told me that problems sometimes occur when managed care personnel, by telephone, tried to screen people out of the emergency room. Dr. Bicknell said that "managed care companies should be held accountable if patients are harmed because companies deny care."

Stories such as these necessitate reforming the managed care area, which is why passage of a strong Patients' Bill of Rights is so crucial. Let's take the previous examples and apply the Patients' Bill of Rights—a strong one—to see what would have happened to these people had that legislation been enacted.

Donald Anderson would have received a rolling commode, since his doctor determined it was medically necessary. A strong Patients' Bill of Rights allows the physician, not the insurance company, to decide what prescriptions and equipment are medically necessary.

Amaka Onumono, the burn victim, would not have had to get a new referral every time she needed to see a specialist under a strong Patients' Bill of Rights. Our bill would allow the patient with a chronic health problem to have a standing referral to see such a specialist.

The patients of Dr. William Weil, the MSU pediatrician, would not have been denied access to pediatric specialists. The strong Patients' Bill of Rights specifically maintains that an individual should have access to a specialist, including, in the case of a child, the appropriate pediatric expertise.

In the case of Dr. James Bicknell, our Patients' Bill of Rights mandates that all patients receive emergency treatment if a prudent layperson considers the patient's condition to be "an emergency medical condition." So our health care programs, our strong Patients' Bill of Rights, would hold health plans accountable for the decisions they make.

I have heard similar stories all over my home State of Michigan. While most HMOs do a good job of providing quality health care while managing costs, too many put money before good medicine. A good, strong, national Patients' Bill of Rights would establish a Federal framework that would provide very high quality assurance for patients all over the country.

There is overwhelming support in the public for managed care reform. That would include, necessarily, the following patient protections:

First, ensure that treatment decisions are made by a patient's doctor, not a bureaucrat at an insurance company.

Second, hold managed care plans accountable when their decisions to withhold or limit care injure patients.

Third, ensure that patients undergoing treatment can continue to see the same health care provider if their provider leaves the plan or their employer changes plans.

Fourth, allow patients to see an outside specialist at no additional cost whenever the specialist in their plan can't meet their needs.

Fifth, require that insurance companies pay for emergency services if a reasonable person would consider the situation to be an emergency.

Sixth, promote access to clinical trials that may save time.

The idea of a strong Patients' Bill of Rights is not a radical notion. Doctors, for instance, are strongly in favor of this. Doctors who receive years of training and specialization are too often now being told by managed care companies they cannot provide the care that they deem to be appropriate. When doctors are no longer making the decisions they were trained to make, something is wrong.

What is wrong is that too many HMOs are not providing the services which the American public has a right to expect. The way to right this is to adopt a strong Patients' Bill of Rights. I hope the Senate will take this real-life issue up promptly, resolve it, and adopt a strong Patients' Bill of Rights.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Kansas.

MARINE COMMANDANT KRULAK

Mr. ROBERTS. A week ago yesterday, Senator BEN NIGHTHORSE CAMPBELL and I took the opportunity to travel about 5 miles from Skopje, Macedonia, to a scrub pine-covered hill that was overlooking the Skopje Airport and the valley that leads to Kosovo.

On the way, we saw the U.S. troops, primarily the Army, and then the British, Germans, and the French, all part of the NATO command we now call KFOR, making the preparations for ground entry into Kosovo.

Beyond those encampments, the dusty road led to some high ground. As we topped the hill, about 100 yards into the scrub pine were the members of the 26th Marine Expeditionary Force led by Col. Kenneth Glueck and his XO Lt. Col. Bob Taylor.

Some 1,900 marines and 186 vehicles were deploying into Kosovo. Just a few days earlier, these men and women were aboard ship in an Italian port as members of the Marine Expeditionary Unit. Despite all of the delay in regard to the bureaucratic problems—road and transportation snafus and unfriendly but rather benign protests by some demonstrators in Greece—the marines were deployed and the command post was up and running when the advance units were reporting in.

With great respect for our allies, while their units were conducting maintenance and they were relaxing prior to moving out, the marines had already conducted 2 days of training.

In recent weeks, there has been much discussion and criticism about the use of ground troops in the Balkans. The point has always been made that, simply given the opposition by NATO countries and the administration to the use of ground troops and the lack of contingency planning, it would take months to put together any contingency plans, the necessary unified command and control, supply lines and battle plans—it would take months.

No need to worry. When the order was given, your Navy-Marine Corps team, a true force in readiness, was there. They were deployed in days—not weeks or months.

I asked Col. Glueck and Lt. Col. Taylor why the marines chose the high ground miles away from the U.S. and allied forces. He responded:

> Well, sir, we arrived at 2300, set up our command post and staging base, secured the area, and were ready to go by morning. We just didn't want to lose our edge.

And they haven't. Today those marines are keeping a difficult peace. They are serving as protectors, as police, as judge, as jury, as peacekeepers, and as possible targets. Along with the 82nd Airborne, they are doing an outstanding job. They were doing their best in the Balkan briar patch.

Senator CAMPBELL and I had the privilege of visiting with individual marines and found their dedication and morale was second to none. It was a real "battery charger" for me. As a result, we both stood taller that day.

In a day and age when our military is stressed and strained and hollow in parts, with recruiting and retention reaching alarming levels—so serious, by the way, that the President had to mandate a stop loss order, meaning those on active duty who are scheduled to leave active duty cannot—and with serious problems all throughout our military, asking a military that has been cut by one-third to do more in 93 nations around the world, not to mention the problems in health care, in the quality of life, personnel tempo and operations tempo, readiness, modernization and procurement, mission quality, and all the rest, how on Earth can the U.S. Marine Corps meet its recruiting and retention goals and perform so well in the field?

I will tell you how. It is called leadership, and it is called standards. Those standards, those values, are set by the Commandant of the U.S. Marine Corps: Honor, courage, and commitment. They have not changed, and they will not change.

Let me state why, with the following quote:

> To Marines, Honor, Courage and Commitment are not simply words or a bumper sticker slogan. They reflect our deepest convictions and dramatically shape everything that we do. We imbue Marines with our core values from their first moments in the Corps because we know that Marines, not weapons, win battles.
>
> As an institution, we have had to fight hard to maintain our standards. To some, they may seem old-fashioned, out of step with society, or perhaps even extremist, but we know that our high standards are the lifeblood of the Corps, so we have held the line!
>
> In this regard, what individual Marines are doing everyday counts far more than anything that is done in Washington. The standards of our Corps are not simply maintained by generals, colonels, and sergeants major, but, far more importantly, by leaders throughout the Corps, at every level. The Marine conviction that Semper Fidelis is a way of life, not just a motto, speaks powerfully and unites us.

In typical fashion, the Marine who spoke those words, gave credit to all Marines for the accomplishments achieved by the Marine Corps these past few years while at the same time providing the leadership that made those accomplishments possible. I am speaking of the 31st Commandant of the Marine Corps who is retiring after four years of outstanding service, General Charles C. Krukak, a Marine's Marine.

It is both an honor and a personal privilege to join Majority Leader LOTT, Senator BURNS of Montana, and other senators as we pay tribute and say thanks and well done to Chuck Krulak.

My colleagues have already spoken to General Krulak's outstanding record, his personal sacrifice, bravery, combat record, accomplishments. A modest, self effacing man, the last thing Chuck Krulak would want is personal tribute, no matter how well deserved. Simply put, the biography of achievement of one Charles C. Krulak is synonymous with honor, courage, and commitment.

A few personal observations however, for the Record. The latest buzz word in military tactics is called "asymmetrical warfare".

Quoting from retired army colonel Ralph Peters, the provocative author of the book, "Fighting for the Future, Will America Triumph":

> Around the world, American soldiers, American interests and American citizens face violent men who do not play by the time-honored rules of warfare. These new enemies are warlords, terrorists, charismatic demagogues, international criminals—and the militaries of rogue states. Driven by hatred, greed, and rage, the weapons they use range from knives and bombs to computers and weapons of mass destruction. They fight in urban landscapes and information jungles—not on the neatly contained battlefields of yesterday.

Simply put, Mr. President, as Kosovo will prove—in my personal opinion—all too often the United States is fighting today's wars with yesterday's tactics.

The service chief who has seen this emerging threat with foresight, clarity, and resolve has been General Krulak. A student of history and military tactics and strategy, a veteran of a limited, political war of gradualism where specific mission was difficult to define, Chuck Krulak has literally shaped the U.S. Marine Corps to meet these future challenges. In this regard, the Commandant has provided members of the Armed Service Committees and those within our military schools and think tanks valuable insight and leadership. His 45 minute presentation, starting with the mistakes the Romans made in 9 AD and ending with modern day threats should be required reading for all who care about out national security and individual freedom.

General Krulak has also enabled the Marine Corps to be on the cutting edge of consequence management regarding weapons of mass destruction—especially in regard to the very real dangers of biological contamination whether the situation be on the battlefield or resulting from a terrorist attack.

Majority Leader LOTT stressed in his remarks how much he valued General Krulak's candor and honesty. In my own case, coming from the House to the Senate, my tenure on the Senate Armed Services Committee has been synonymous with General Krulak's service as Commandant of the Marine Corps.

Throughout this time, despite budget restrictions, difficult policy debates and quite frankly a time when the administration and the Congress have asked our military to do more with less, the one thing Chuck Krulak provided our committee and our Marines was honesty. No hedging, no fence straddling, no saluting one way and hunkering down in the weeds when the going got·tough the other. No Sir! General Krulak told it just exactly like it is. The Congress, the President, our country and especially our Marines are owed that. And, we owe Chuck Krulak as we work to restore and strengthen our nation's fighting forces.

My father, Wes Roberts, was privileged to serve in the Marine Corps and saw action on Iwo Jima and Okinawa. As it turned out, one of the men he has honored to know on a personal basis was the historic and legendary Commandant of that time, "Lem" Shepherd.

When I joined the Corps and was a "shave-tail" lieutenant serving in the Marine Education Center in Quantico, it was my good fortune to serve with General Oscar Peatross, the hero of the Makin Island Raid and then Lt. Col. and later Commandant Robert "Bob" Barrow as the Marines published what I believe to be the first modern-day anti-guerrilla warfare manual in 1959.

The commanding general at Marine Corp Schools and the driving force behind the change in tactics and strategy within the Corps at that time was General Victor "Brute" Krulak, our current Commandant's father.

I am always amazed and humbled at the good fortune that life can bring us. I can assure you that, never in my wildest dreams could I have imagined I would have the privilege of serving in this body as a member of the Senate Armed Services Committee and having the honor of working with our Commandant, the son of the man I served under some 40 years ago—and on the very same challenges.

I ask unanimous consent to have two speeches by General Krulak, his "Farewell to the Corp" within the Marine Corps Gazette, and remarks he made for the Pepperdine University Convocation Series last October, printed in the the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Marine Corps Gazette, June 1999]

A FAREWELL TO THE CORPS

(By Gen. Charles C. Krulak)

From my earliest days, I was always awed by the character of the Marine Corps, by the passion and love that inspired the sacrifices of Marines like my father and his friends. As a young boy, I admired the warriors and thinkers who joined our family for a meal or a visit . . . Marines like "Howlin' Mad" Smith, Lemuel C. Shepherd, Gerald C. Thomas, and Keith B. McCutcheon. I wondered about the source of their pride, their selflessness, and their sense of purpose. Now, at the twilight of my career, I understand those Marines. I know that they were driven by love for the institution to which they had dedicated their lives and by the awesome responsibility they felt to the Marines who shared their devotion and sacrifice. Today, that same motivation burns deep within the heart of each of us. The ethos of our Corps, purchased so dearly by these heroes of old, reaches into our souls and challenges us to strive tirelessly for excellence in all that we do. It profoundly influences the actions of every Marine who has ever stood on the yellow footprints at our recruit depots or taken the oath as an officer of Marines.

The ethos of our Corps is that of the warrior. It is defined by two simple qualities . . . our two touchstones. The first is our Touchstone of Valor. When we are summoned to battle, we don our helmets and flak jackets; we march to the sound of the guns; we fight and we win—guaranteed. The second is our Touchstone of Values. We hold ourselves and our institution to the highest standards . . . to our core values of Honor, Courage, and Commitment. These two touchstones are inextricably and forever linked. They form the bedrock of our success and, indeed, of our very existence.

Our Touchstone of Valor is the honor roll of our Corps' history. Bladensburg, Bull Run, Cuzco Well, Belleau Wood, Guadalcanal, Tarawa, Iwo Jima, Inchon, the Chosin Reservoir, Hue City, Kuwait . . . the blood and sacrifice of Marines in these battles, and countless others, have been commemorated in gilded script and etched forever on the black granite base of the Marine Corps War Memorial. The names of these places now serve as constant reminders of our sacred responsibility to our Nation and to those whose sacrifices have earned the Marine Corps a place among the most honored of military organizations. The memory of the Marines who fought in these battles lives in us and in the core values of our precious Corps.

To Marines, Honor, Courage, and Commitment are not simply words or a bumper stocker slogan. They reflect our deepest convictions and dramatically shape everything that we do. They are central to our efforts to "Make Marines," men and women of character who can be entrusted to safeguard our Nation and its ideals in the most demanding of environments. We imbue Marines with our core values from their first moments in our Corps because we know that Marines, not weapons, win battles. We also know that success on the battlefield and the support of the citizens whose interests we represent depend on our ability to make moral and ethical decisions under the extreme stress of combat and in the conduct of our daily lives.

As an institution, we have had to fight hard to maintain our standards. To some, they may seem old-fashioned, out-of-step with society, or perhaps even "extremist," but we know that our high standards are the lifeblood of the Corps, so we have held the line! In this regard, what individual Marines are doing every day counts far more than anything that is done in Washington. The standards of our Corps are not simply maintained by generals, colonels, and sergeants major, but, far more importantly, by leaders throughout the Corps, at every level. The Marine conviction that Semper Fidelis is a way of life, not just a motto, speaks powerfully to the citizens whom we serve. It also unites us with our fellow Marines, past and present—inspiring us to push harder, to reach further, and to reject the very notion of failure or compromise.

Sustained and strengthened by the ethos of our Corps, you have accomplished a great deal during the past 4 years. I have been humbled to be part of your achievements and witness to your selfless devotion. Time and again, Marines distinguished themselves in contingencies around the world, across the spectrum of conflict. Marines from across the Total Force were the first to fight, the first to help, and the first to show America's flag—consistently demonstrating our resolve and readiness to win when called to action. With the involvement of the Fleet Marine Force and input from the entire Corps, the Warfighting Laboratory has looked hard at the 21st century strategic environment. Marines "stole a march" on change by testing new concepts and emerging technologies, exploring new tools for developing leaders and decisionmakers, and experimenting in the "Three Block War." Our recruiters, drill instructors, and small unit leaders have implemented the Transformation Process and are recruiting, refining, and developing the "Strategic Corporals" for tomorrow's conflicts. Led by Marines at the Combat Development Command, we have deepened our understanding of operational maneuver from the sea (OMFTS), its enabling concepts and technologies, as well as its many challenges. The men and women serving in the many thankless billets at Headquarters Marine Corps and in the joint arena have developed and articulated our requirements for the future and have secured the resources to translate OMFTS into a reality. Our supporting establishment, at every post and station, has epitomized selflessness and dedication while providing for our readiness requirements. All these things are important—and they are the accomplishments of every Marine. None of them, however, are as significant as maintaining our hands on the twin touchstones of our Corps.

The words of my father rings as true today as when he first wrote them over 50 years ago:

We exist today—we flourish today—not because of what we know we are, or what we know we can do, but because of what the grassroots of our country believes we are and believes we can do . . . The American people believe that Marines are downright good for the country; that the Marines are masters of a form of unfailing alchemy which converts unoriented youths into proud, self-reliant stable citizens—citizens into whose hands the nation's affairs may safely be entrusted. . . And, likewise, should the people ever lose that conviction—as a result of our failure to meet their high—almost spiritual—standards, the Marine Corps will quickly disappear.

May God bless each and every one of you and may God bless our Corps!.

[Remarks for Pepperdine University Convocation Series, October 14, 1998]

COMMENTS ON CHARACTER

By Gen. Charles C. Krulak, Commandant of the Marine Corps

I am happy to be here this morning—to have an opportunity to talk to the leaders and thinkers of tomorrow and, more importantly, the day after tomorrow.

I considered a few different topics to talk to you about this morning: The importance of my Christian faith in guiding my personal and professional life, the Marine Corps' intensive efforts to develop values in our newest Marines, or even my thoughts about our Nation's role in humanitarian missions around the globe . . . I will do that if you would like—but during the Q&As.

There is another topic that I would like to talk about today—one that is critical to each of us, our Nation, and our world—as we move toward the 21st Century . . . A topic that rarely gets talked about in forums such as this, which makes it all the more important to discuss. It serves as the foundation for all that we are, all that we do, and all that we will be . . . I will talk about the importance of character.

I can tell you from personal experience that combat is the most traumatic human event. It strips away an individual's veneer, exposing his true character. If a character flaw exists, it will appear in combat—guaranteed.

This morning, I will tell the story of an American whose true character was tested and exposed in the crucible of war. I will then draw some conclusions that are applicable to how the rest of us should live our lives . . . lives where combat will hopefully never play a role. He was a 19 year old Marine-about the same age as most of you in the audience this morning. His name was LCPL Grable. He was a man of courage . . . a man of character . . . and this is his story . . . Vietnam . . . It was 0600, the third of June, 1966. I was in command of "G" Company, Second Battalion, First Marine Regiment. I was a First Lieutenant at the time, and had been given this command because the previous commander had been killed about one week earlier. My company had been given a simple mission that began with a helicopter assault. We would land in a . . .*

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of lesser character. Moral cowards never win in war—moral cowards never win in life. They might believe that they are winning a few battles here and there, but their victories are never sweet, they never stand the test of time, and they never serve to inspire others. In fact, each and every one of a moral coward's "supposed victories" ultimately leads them to failure.

Those who have the courage to face up to ethical challenges in their daily lives will find that same courage can be drawn upon in times of great stress, in times of great controversy, in times of the never ending battle between good and evil . . .

All around our society you see immoral behavior . . . lying, cheating, stealing, drug and alcohol abuse, prejudice, and a lack of respect for human dignity and the law. In the not too distant future, each of you is going to be confronted with situations where you will have to deal straight-up with issues such as these. The question is, what will you do when you are? What action will you take? You will know what to do—the challenge is—will you DO what you know is right? It takes moral courage to hold your ideals above yourself. It is the DEFINING aspect . . . When the test of your character and moral courage comes—regardless of the noise and confusion around you—there will be a moment of inner silence in which you must decide what to do. Your character will be defined by your decision and it is yours and yours alone to make. I am confident you will each make the right one. When that moment of silence comes and you are wrestling with your decision, consider this poem:

THE EAGLE AND THE WOLF

There is a great battle
that rages inside me.

One side is a soaring eagle
Everything the eagle stands for
is good and true and beautiful.

It soars above the clouds.
Even though it dips down into the valleys,
it lays its eggs on the mountain tops.

The other side of me is a howling wolf.
And that raging, howling wolf
represents the worst that is in me.

He eats upon my downfalls and
justifies himself by his presence
in the pact.

Who wins this great battle? . . .
The one I feed.

May God bless you and Semper Fidelis!

Mr. ROBERTS. Mr. President, in those remarks, Chuck Krulak talked about character and individual responsibility as it applies to today's America and all of the obligations and challenges that we face today. Character; character—as usual, General Charles C. Krulak simply told the truth. We will be a better nation if we but heed his advice.

Semper Fidelis Commandant Krulak and thank you.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

Mr. COCHRAN. Mr. President, am I correct in assuming that this is the time, under a previous order, to proceed to the consideration of the agriculture appropriations bill for fiscal year 2000?

The PRESIDING OFFICER. The Senator is correct. Morning business is now closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1233, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and intern be granted floor privilege during consideration of this bill and any votes that may occur in relation thereto: Rebecca Davies, Martha Scott Poindexter, Hunt Shipman, Les Spivey and Buddy Allen.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am pleased to present for the Senate's consideration, S. 1233, the fiscal year 2000 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill. This bill provides fiscal year 2000 funding for all programs and activities of the U.S. Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission.

The Forest Service is not included. It is funded in the Interior appropriations bill.

As reported, the bill recommends total new budget authority for fiscal year 2000 of $60.7 billion. This is $6.2 billion more than the fiscal year 1999 enacted level and $1.2 billion less than the President's fiscal year 2000 budget request.

Changes in mandatory funding requirements account for the overall increase from the fiscal year 1999 enacted level primarily due to a $5.9 billion estimated increase in the required payment to reimburse the Commodity Credit Corporation for net realized losses. In fact, I point out that just over three-quarters of the total $60.7 billion recommended by this bill is for mandatory appropriations, over which the Appropriations Committee has no effective control.

The spending levels for these programs are governed by authorizing statutes. The mandatory programs funded by the bill include not only the payment to reimburse the Commodity Credit Corporation for net realized losses which I just mentioned, but the food stamp and child nutrition programs, and the Federal Crop Insurance Corporation. Less than one-fourth of the total funding recommended by this bill is for discretionary programs and activities.

Including congressional budget scorekeeping adjustments and prior year spending actions, this bill recommends total discretionary spending of $13.983 billion in budget authority and $14.254 billion in outlays for fiscal year 2000. These amounts are consistent with the subcommittee's discretionary spending allocations.

I will take a few minutes to summarize the bill's major funding recommendations. For the Food Safety and Inspection Service, appropriations of $638 million are recommended, $21 million more than the fiscal year 1999 level. For the Animal and Plant Health Inspection Service, $445 million is recommended, $11 million more than the 1999 level. Appropriations of USDA headquarters operations and for other agriculture marketing and regulatory programs are approximately the same as the 1999 appropriations levels, with the exception of a $7 million increase in the mandatory USDA rental payment to the General Services Administration, a $7 million reduction in funding for the census of agriculture, and increased funding for programs and activities included in the President's food safety initiative.

For farm credit programs, the bill funds an estimated $3.1 billion total loan program level, $798 million more than the fiscal year 1999 level, excluding additional loans funded through fiscal 1999 emergency appropriations. The amount recommended includes $559 million for farm ownership loans and $2.4 billion for farm operating loans.

Total appropriations of $795 million are recommended for salaries and expenses of the Farm Service Agency. This is $80 million more than the 1999 level and the same as the President's budget request.

For agriculture research, education, and extension activities, the bill provides total appropriations of $1.8 billion. Included in this amount is a reduction from fiscal year 1999 of $3.4 million for Agricultural Research Service, ARS, buildings and facilities, a $24 million increase for research activities of the ARS; and a $12 million increase in total funding for the Cooperative State Research, Education, and Extension Service.

For USDA conservation programs, total funding of $807 million is provided, $15 million more than the 1999 level. This includes $656 million for conservation operations, $99 million for watershed and flood prevention operations, and $35 million for the resource conservation and development program.

USDA's Foreign Agricultural Service is funded at a level of $140 million. In addition, a total program level of $946 million is recommended for the Public Law 480 program, including $159 million for Title I and $787 million for Title II of the program. These amounts, together with projected carryover balances, will, at minimum, be sufficient to maintain the fiscal year 1999 funded P.L. 480 Titles I and II levels of $220 million and $837 million, respectively, in fiscal year 2000.

The bill also provides a total program level of $2.2 billion for rural economic and community development programs. Included in this amount is $718 million for the Rural Community Advancement Program, $55 million for the Rural Business-Cooperative Service, and a total of $1.6 billion program level for rural electric and telecommunications loans.

In addition, the bill devotes additional resources to those programs which provide affordable, safe, and decent housing for low-income individuals and families living in rural America.

Estimated rural housing loan authorizations funded by this bill total $4.6 billion, a $343 million increase from the fiscal year 1999 level. Included in this amount is $4.3 billion in section 502 low-income housing direct and guaranteed loans and $114 million in section 515 rental housing loans.

In addition, $640 million is included for rental assistance program. This is the $200 million more than the budget request and $57 million more than the 1999 appropriations level.

Over 58 percent of the bill's total funding, $36 billion, is provided for USDA's domestic food assistance programs. This includes $9.6 billion for child nutrition programs, including $13 million for the newly-authorized school breakfast pilot projects and evaluation, $4 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC; $131 million for the commodity assistance program; and $21.6 billion for the food stamp program. The bill also provides first-time funding of $3 billion for Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

For those independent agencies funded by the bill, the Committee provides total appropriations of $1.1 billion. Included in this amount is $61 million for the Commodity Futures Trading Commission, and $1 billion for the Food and Drug Administration, FDA.

Total appropriations recommended for salaries and expenses of the FDA are $65 million more than the 1999 level, and reflect the full increase requested in the budget for FDA rental payments to the General Services Administration, an additional $25 million for FDA food safety initiatives, and an increase of $28 million for premarket application review.

In addition, the bill makes available $145 million in Prescription Drug User Fee Act collections, $13 million more than the fiscal year 1999 level.

The increase provided for premarket application review is the full amount requested by the President for these activities through a combination of direct appropriations and collections from proposed new user fees. By FDA's own admission, new blood products, animal and generic drugs, medical devices, and food additives all suffer from lengthy review time, far short of meeting the statutory performance requirements. This increase is essential to enable FDA to perform its core statutory mission of reviewing drugs, foods, medical devices and products within statutory time frames and to ensure patients' speedy access to new products and the latest technology.

I point out to my colleagues that the discretionary budget authority allocation for this bill is nearly the same as the CBO baseline level, or a "freeze" at the 1999 enacted appropriations level. To provide the selected increases I just cited and to maintain funding for essential farm, housing, and rural development programs, several mandatory funding restrictions are included in the bill. Modest limitations are imposed on Food Stamp program commodity purchases, the Environmental Quality Incentives Program, and on new acreage enrollments in the Wetlands Reserve Program. Funding for the Initiative for Future Agriculture and Food Systems is limited to $50 million, and restrictions are imposed on fiscal year 2000 funding for the Conservation Farm Option Program and the Fund for Rural America.

I also point out to my colleagues that although the total discretionary spending recommended by this bill is approximately $190 million in budget authority below the President's request level, the President's proposed budget relies on additional revenues and savings to accommodate much higher levels of discretionary spending. The President's budget proposes to generate a net total of $532 million in collections from new user fees proposals; to make an additional $180 million available by double-counting savings used to offset 1999 appropriations; to shift the Foreign Market Development Cooperator program from the discretionary to the mandatory side of the ledger, saving $28 million; to defer until fiscal year 2001 a portion of the funds needed to meet rental assistance requirements, saving $200 million; and to redirect funds from ongoing projects and Congressional initiatives to pay for Presidential initiatives.

We do not propose savings from scorekeeping tactics, or have the luxury of being able to rely on revenues and savings from legislative proposals that have not been acted on by the Congress or signed into law. Consequently, within the discretionary spending limitations established for this bill, we have not been able to afford many of the discretionary spending increases and new initiatives proposed by the administration.

I am going to highlight what I think to be some of the important provisions of this bill and discuss how the subcommittee reached its decisions as to the priorities we felt were important enough to include for increases in spending and how we generally approached developing this legislation.

As the occupant of the Chair may well remember, we decided this year to conduct our hearings based on subject matter categories. We defined food safety as one of the highest priority interests in the country today, and one of the most challenging issues.

After hearing the Secretary of Agriculture present the overall budget request for the Department of Agriculture this year, we then began concentrating on the issue areas we thought to be considered high priority areas of interest. Food safety was the first one we considered, with witnesses being the highest ranking officials in the administration with responsibilities over those areas of the President's budget. Testifying were the Commissioner of the Food and Drug Administration, for example; the Director of the Food Safety and Inspection Service and the Centers for Disease Control in Atlanta was represented at this hearing as well. Based on our findings and the information we were able to obtain, this committee has recommended increases for funding of programs and activities that come under this general issue area.

We also want to point out that it was clear to us, because of the programs and activities and hard work in the past, we are able to enjoy the safest food supply in the world, the most abundant food supply, the most affordable food supply. The fact of the matter is, Americans ought to feel very confident and comfortable with the inspection programs, with the recent initiatives that have been developed to make them better, more effective, and the funding levels that are contained in this legislation to help assure that we continue to improve upon the record of the past.

There have been problems, and we are frightened when we hear about contaminated food products. We think more needs to be done in terms of educating the public in the handling of food and in the preparation of foodstuffs.

At the same time, there are some responsibilities that peculiarly belong in the hands of the Federal Government. Our challenge is to make sure those programs are being administered in the way they should be, in the way Congress provided the authority for them to be administered, and that they are using the funds effectively.

I believe we can be confident in the expression of support we have for the food safety initiative. We have added funds for that and in other ways we think we have strengthened the activities of the Department of Agriculture, the Food and Drug Administration and others as they relate to food safety.

I am also happy to report that we were able to recommend funding for important nutrition programs. People may not realize it, but almost 60 percent of the funding in this bill is allocated to food and nutrition programs. Of the total amount of $60.7 billion, almost 60 percent of it will be spent in the year 2000 to help provide food that is needed by those who cannot afford to adequately meet their own needs and the needs of their families, and for other programs, like the School Lunch Program which we know is tied directly to child health and learning and school performance.

There are other programs, as well, for those who are out of work and disabled. The Food Stamp Program is one of the best known and also is funded at a high level, although the trend has been going down. That is an indication of the strength of the economy and the fact that when we do have a good economic growth program and jobs are being provided, less money is needed for the Food Stamp Program. That is one reason we were able to hold down the increase in the mandatory programs, because there is a reduction of about $1 billion in the expected cost of the Food Stamp Program for next year as compared to last year. That is good news.

We are increasing the funds for the WIC Program, the Special Supplemental Feeding Program for Women, Infants, and Children. This is the special program that deals with those women who are pregnant, and young children who need special assistance. We are increasing the funds so that those needs will be met as a result of the spending in this bill.

There was a pilot program authorized last year by the agriculture committees that have legislative jurisdiction over these programs for a school breakfast program. This will be a demonstration program that would provide free breakfasts to all children in a school to find out what effect that would have, whether the need is there, whether the demand is there. We provided funds to start up and evaluate a pilot breakfast program in this legislation.

We have added funds for a fellowship program for the Congressional Hunger Center. These fellowships will be named for Bill Emerson, a former Congressman from Missouri, and Mickey Leland, former Congressman from Texas, both of whom have been instrumental in their careers when they served in the Congress on hunger issues and in dealing with problems of those who do not have enough to eat.

We are hopeful the entire nutrition area will meet with favor in the Senate because of the way we analyzed and went about trying to identify the priority needs, looking at the available funding and trying to match those in a reasonable and thoughtful way in the bill, and I think we have done that.

Research is an area a lot of people do not think about too much unless they are involved in it or benefit directly from it. But it is a part of this Department's activities where we have recommended additional spending, additional spending compared with last year and, in many cases, additional spending as compared with the President's budget request.

We think these are wise investments in making sure we identify the emerging technologies that can benefit production agriculture, farmers who are out there trying to deal with the big problem of prospective low income because of low commodity prices.

One way you can make that up or help deal with that challenge is to improve yields of crops, to develop ways to operate a farm more efficiently, to cut down the costs of the so-called inputs into production agriculture, the costs of pesticides, herbicides, fertilizer, and other variable costs of production.

One way to get at this is develop new techniques. Biotechnology is one example. Seed genetics is another. Private industry is contributing an enormous amount of research and development in these areas, but the Federal Government has a role to play, too.

In many cases, what the Federal Government starts in the way of research in some of these areas is carried on by others in the private sector. Colleges and universities have laboratories and students and scientists involved in many of these research projects. So across the country, we see very important work being done in agriculture-related research that will help farmers achieve profits in agriculture in the future and help make our food supply safer, help make production agriculture more compatible with the environment through more effective pesticides, and other inputs in production agriculture that are very costly to the farmer but also contain some inherent environmental risk as well and have to be closely monitored. So I think agriculture research, particularly ARS research activities, as they are increased in this bill, are justified because of the end results that we think will flow from these activities.

Another area that we emphasized in this legislation is conservation, not just protecting our land and water resources from erosion or contamination but also using incentives in this legislation to encourage farmers to manage their lands, to enhance wildlife habitat, and to be more sensitive to the needs of those who enjoy the outdoors for hiking along the beautiful rivers and streams we have in our country. All of these are very important national assets.

So this legislation funds programs that are designed to achieve the goal of protecting our environment, protecting our land from erosion, protecting our water from contamination.

One example of a fairly new program that farmers are beginning to appreciate more and more is the Wildlife Habitat Incentives Program. Funds are made available directly through the Commodity Credit Corporation to encourage farmers who participate in and who want to be involved in this program with new techniques in ways of improving wildlife habitat on their land, devoting certain acreage to wildlife plantings or conservation techniques. We are finding that is a very important new program.

We are also providing more funds for wetlands conservation program activity than ever before in this bill. The Conservation Reserve Program is another important program. It has led to a lot of tree planting, a lot of conservation practices, idling acres that had been in production agriculture that probably should not have been in production agriculture from the beginning and defined by those at the Department of Agriculture, who have responsibilities for soil conservation programs, as erodible, highly erodible lands. So we have provided the continuation of funding for that program as well.

So this is an effort to establish priorities and to see that within the limitations that we have for discretionary spending, that we target the funds where we think they are very definitely needed. We think this is one of those areas.

Let me just say something about farm income support. We had an entire hearing looking at the prospects for farm income. The chief economist at the Department was there. Other high-ranking officials of the Department of Agriculture came and testified as well. We learned what a lot of people already know who watch this situation very closely; that farm income is going to be down, net farm income, by over $3 billion in this next crop year, which has already begun.

You compare that with last year's level of income which was substantially lower than the year before, that triggered a $6 billion disaster assistance program, and you understand how serious the income situation is for those involved in farming in America today.

We talked about what could be done, what programs are in place that we could fund or continue or improve that would improve the likelihood that farmers could achieve a better result than projected.

Some things came to mind: Doing a better job in the promotion of American agriculture products overseas, trying to make sure that our trade relations are good, getting the Government more actively involved in taking up for farmers in the sale of what they produced in overseas markets.

If they are denied access to a market or if American commodities are being discriminated against in some way, the Government has an obligation to get actively involved and not just say: farmers, sorry; exporters, sorry. You are on your own. This is a business country, and free enterprise means that you have to get out there and do this on your own.

We do not agree with that hands-off attitude in this committee. We are funding programs that will help ensure that farmers get a better chance of selling what they produce in overseas markets.

Breaking down barriers to trade, sometimes Congress does itself in on this issue. I hear that we are considering taking up a bill to put imports on steel. Somebody may say: Who cares? What does that have to do with farming? If you do something like that, immediately you reap the whirlwind, because those that you put a quota on, who are trying to sell you something, put a quota on you. And what do we sell most of? We have a surplus of trade in agriculture commodities.

We have a deficit in trade on most other things. We have an overall trade deficit. Agriculture is one of the few sectors of our economy with a positive trade balance. But we are going to undo that if we are not careful as we take on some of these issues that may sound good for the moment or please some organized labor union. We are going to find out that is not very smart. I hope the Senate will be careful as it approaches issues like that.

But one thing we are doing, legislation reported by the Agriculture Committee, which I hope the Senate will pass, which does something about rationalizing the attitudes of how to use sanctions and imposing sanctions on trade when we are mad at some country because they do not behave in a way that we think they ought to.

In the past, we have seen administrations—including this one; others, too—impose sanctions to try to punish that country. What happens is we end up punishing our farmers because we cannot export our agriculture commodities.

We are exempting, as the Senate has recently acted on, food in trade relations. We know that food should not be used as a weapon. We are learning that. There are a few clear examples where we are going to continue to do it, I suppose—Cuba, some other countries that are in that category—but generally speaking, we are changing the policy so that farmers will not have to pay the price and bear the brunt of American foreign policy by giving up trading opportunities and the opportunity to export and sell farm commodities in the international market. But nonetheless, there are going to be problems, even though we are trying to do the right thing on trade sanctions reform, on fair and reciprocal trade relations.

Tax reform is another jurisdictional committee responsibility, but we are seeing progress being made there. Interest rates are a big factor because that is a major input into the costs of production agriculture in some areas of the country, particularly in the South. We are hopeful that the interest rates can remain low and will not be increased. That can be a very serious detriment to the effort to try to improve farm income.

There are some in our committee who wanted to attach to this bill a $6.5 billion amendment for disaster assistance. It was offered in our committee, but I made a motion to table the amendment. That motion carried. Then in the full committee, while it was mentioned as a possibility for debate in the full committee, it was not offered in the full committee. But we have been told there will be an amendment offered to add $6.5 billion or thereabouts to this bill for disaster assistance for farmers.

I do not think there is any question that farmers are in trouble this year because of low commodity prices, and other factors, some of which I have mentioned. We do not know what the weather situation is going to be. This is the beginning of the crop year.

To try to anticipate right now what the situation is going to be at harvest time and at the time when most farmers may be selling their crops, we know that it is likely that income is going to be down. So what we hope we will see is an administration that remains very much involved in monitoring the situation that confronts production agriculture and submit to the Congress a request for additional funding for disaster assistance as may be needed based on the circumstances. Senators will remember that this month the Department of Agriculture is just now getting around to sending to a lot of farmers benefit checks that were approved last October in the disaster bill which was passed by Congress in the total amount of about $6 billion. Some $2.4 billion of that amount was for weather-related disasters, multiyear disasters.

Arguably, the administration had a difficult time determining eligibility, settling on the regulations to implement the program. It was a big job; there is no question about that. But it took a long time.

We responded, when we were requested to provide additional funding for staffing to process the applications from farmers who wanted to apply for benefits under that program. We provided in the initial bill about $40 million for that purpose for additional funds for the Farm Service Agency offices. Then later this year we were asked to provide more. We responded and provided more. As a matter of fact, in the supplemental that was passed in May, there was about $575 million of additional funding approved for the Department of Agriculture, a good bit of which was related to the continuing disaster program and the administration of that program that was identified last year by Congress and the administration.

One thing that stands out in my memory about this disaster assistance issue is that this bill last year, when we were on the floor presenting it to the Senate, had included an issue relating to disaster assistance. What the Senate did was try to listen to other Senators. We were here on the floor discussing alternatives for responding to the disaster. We ended up, in the course of handling this bill, developing a disaster assistance program of $4 billion for America's farmers for emergency disaster assistance. Guess what happened. The President vetoed the bill.

I am going to read you what the President said in his veto message to the Congress after vetoing the agriculture appropriations bill last year:

> I am returning herewith without my approval H.R. 4101, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999. I am vetoing this bill because it fails to address adequately the crisis now gripping our Nation's farm community.

Then, after four paragraphs or so, the President says this:

> I am extremely disappointed that the Congress has reacted to this agriculture emergency situation by sending me a bill that fails to provide an adequate safety net for our farmers. I have repeatedly stated that I would veto any emergency farm assistance bill if it did not adequately address our farmers' immediate needs, and this bill does not do enough.

Then at the end of the message:

> Therefore, as I return this bill, I again call on the Congress to send me a comprehensive plan before this session ends that adequately responds to the very real needs of our farmers at this difficult time. William J. Clinton, the White House, October 7, 1998.

That wasn't very long ago. Well, what happened next was, we reconsidered the agriculture appropriations bill in the Congress. The House and Senate conferees got back together with representatives of the administration. This was a bipartisan effort to try to reach some agreement as to what would be an adequate amount of disaster assistance. We had tried to get the administration involved early in the process, and we didn't have any luck. There was no active involvement in providing information, any guidance as to what the President's views were. There were differences of opinion all over Capitol Hill as to what should be done. Then we passed a $6 billion disaster assistance package in the Omnibus Appropriations Act at the end of last year's Congress. That was signed by the President.

Now we are just getting all of those benefits delivered to the farmers. This is June, and it was June when the last checks were supposed to be going out from that October disaster assistance bill last year.

What I have suggested we do, rather than doing what we did last year, which provoked a veto—Congress acted first. We went forward and tried to develop a sensitive and, we thought, thoughtful response. The President gave us the back of his hand, in my view, with an effort to win political points with a distressed agriculture community, and said: Congress was not generous enough, but I will be more generous. I will insist that they spend more.

Well, we are not going to fall for that again. I am not going to recommend to this Senate that we pick a number and try to satisfy the President and guess at what the weather situation is going to be throughout the country, what the yields are going to be in all the different commodities, who is going to have the big problems, the serious problems, and who may be able to weather it without disaster assistance this year.

I have been joined in an effort by 21 other Senators. This letter was sent to the President on June 15, which is the day we proceeded with the markup on this bill. I will read it into the RECORD:

> DEAR MR. PRESIDENT: American farmers are currently facing one of the most severe economic situations in recent history. Last year, rising world commodity supplies, coupled with weakening international demand for U.S. agricultural products, greatly reduced farm prices and the value of U.S. farm exports. Congress responded by providing emergency farm assistance totaling $5.9 billion.
>
> Many farmers who struggled with cash flow problems in 1998 will likely see their problems worsen in 1999. It is projected that net cash farm income will decline by $3.6 billion this year. Also, according to USDA, 1998 net farm income for wheat, corn, soybeans, upland cotton, and rice crops was 17 percent below the previous 5-year average. For 1999 crops, current projections indicate that income will be 27 percent below the previous 5-year average.
>
> We are writing to invite your personal attention to the statement of managers language accompanying the recent emergency supplemental appropriations bill that calls upon the Administration to monitor the agriculture situation closely and submit a request to the Congress for any additional funds needed to address this potential farm crisis.

The letter was signed by this Senator and 21 other Senators.

We have not had a response, and I did not expect one by now from the President. But the point of this is to involve the White House in the process up front, at the outset, rather than presume to be able to write a disaster assistance package at this point in this crop year that would anticipate everything that is going to happen that would affect production agriculture in this crop year.

It is just impossible. I didn't think we had a member of our subcommittee smart enough to do that. I am not sure there is a Senator serving today smart enough to do that. There is nothing wrong with working, though, with the administration to prepare and to think about the options.

That is a good idea. Farm groups have met with the President. We have invited representatives of farm organizations to meet with Senators. I am sure that has been happening on the House side, too. We have had hearings in our Agriculture Committee with representatives of producers and other associations who are familiar with this situation. And the outlook is not good. It is serious.

I want to be sure that everybody understands we are aware of the problem. We want to be actively involved in helping to deal with it in a fair and thoughtful way. We also recognize the limitations we have under the Budget Act that was passed and signed by the President under the budget resolution adopted by the Congress. So this subcommittee isn't going to presume to do anything that violates the provisions of those legislative enactments. But we are prepared to work in a cooperative way with all concerned to reach a just and fair solution and a response that is sensitive to the problems as they exist in agriculture.

So I invite Senators to review this legislation. I am hopeful it will meet with the approval of the Senate, and that we can proceed with considering any suggestions that Senators have for changes in the bill.

The programs and activities included in this bill are, for the most part, funded at or near the 1999 levels. There are some increases recommended. These include $80 million to meet the President's requested level for salaries and expenses of the Farm Service Agency, which administers the farm programs; $53 million for agricultural research; $15 billion for conservation operations; $21 million for the Food Safety and Inspection Service; $114 million for the WIC Program, to maintain an average monthly program participation level of $7.4 million in fiscal year 2000; and $65 million for food safety and premarket application review activities of the Food and Drug Administration.

Food safety, as I pointed out, continues to be a high priority of this committee. The bill provides the funds necessary to ensure that American consumers continue to have the safest food supply in the world. Not only does the bill provide increased funds required for meat and poultry inspection activities for the Food Safety and Inspection Service, it provides total funding of $321 million, which is a $46 million increase from the 1999 level, for Department of Agriculture and Food and Drug Administration programs and activities included in the President's food safety initiative.

I also want to thank the distinguished ranking member of the subcommittee, the Senator from Wisconsin, Mr. KOHL, as well as all of the other members of the subcommittee for their support and cooperation in putting this bill together. I believe the bill represents a balanced and responsible set of funding recommendations within the limited resources available to the subcommittee. I hope the Senate will support it.

Mr. President, I ask unanimous consent that a copy of the letter I read and addressed to the President be printed in the RECORD, with the signatures of all Senators who signed it.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, DC, June 15, 1999.

Hon. WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: American farmers are currently facing one of the most severe economic situations in recent history. Last year, rising world commodity supplies, coupled with weakening international demand for U.S. agricultural products, greatly reduced farm prices and the value of U.S. farm exports. Congress responded by providing emergency farm assistance totaling $5.9 billion.

Many farmers who struggled with cash flow problems in 1998 will likely see their problems worsen in 1999. It is projected that net cash farm income will decline by $3.6 billion this year. Also, according to USDA, 1998 net farm income for wheat, corn, soybeans, upland cotton, and rice crops was 17 percent below the previous 5-year average. For 1999 crops, current projections indicate that income will be 27 percent below the previous 5-year average.

We are writing to invite your personal attention to the statement of managers language accompanying the recent emergency supplemental appropriations bill that calls upon the Administration to monitor the agriculture situation closely and submit a request to the Congress for any additional funds needed to address this potential farm crisis.

Sincerely,

Thad Cochran, Conrad Burns, Craig Thomas, Wayne Allard, Slade Gorton, Ben Nighthorse Campbell, Ted Stevens, Larry E. Craig, Trent Lott, Chuck Grassley, Mike Crapo, Paul Coverdell, Kay Bailey Hutchison, Kit Bond, Pat Roberts, Orrin Hatch, Mitch McConnell, Jeff Sessions, Michael B. Enzi, Peter Fitzgerald, Sam Brownback, Chuck Hagel.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I am very glad to join my friend from Mississippi, Senator COCHRAN, in bringing to the floor S. 1233, the fiscal year 2000 appropriations bill for Agriculture, Rural Development and Related Agencies. I am grateful to Senator COCHRAN, the Chairman of the subcommittee, for his gracious approach to crafting this bill and for the fair and reasonable manner in which the interests of all Senators have been given consideration.

Senator COCHRAN has outlined the general spending levels for items included in this bill. I would like to emphasize to all Senators the importance of the programs funded by this bill, and the need to ensure its passage. This bill provides funding for programs vital for our nation's continued leadership in agricultural production through research, implementation of farming practices, and marketing. This bill also includes funding to protect the environment, to restore economic prosperity to rural America, and to improve the standard of living there. This bill provides funds to help feed the most vulnerable of our populations at home and abroad, and this bill helps American farmers maintain a strong presence in foreign markets while, at the same time, combating the destructive consequences of unfair foreign trade. Also, this bill provides funds important to protect the public health of this nation in the areas of food safety, medical drugs and devices, and oversight of our blood supply.

There will likely be some Senators who will question whether the levels of spending in this bill are adequate. When our subcommittee received its initial allocation for discretionary spending, I had grave concerns that we would not be able to craft a bill that I could support. I was prepared to vote against the allocations at that time, but Chairman STEVENS persuaded me that we needed to move forward in order for the full Senate to see what effect the discretionary caps will have on ongoing programs in fiscal year 2000. Fortunately, since then our subcommittee did receive an increase in the allocation, and I supported reporting this bill at both the subcommittee and full committee levels.

I have received a communication from the Director of the Office of Management and Budget regarding this bill. While that letter describes certain programs for which the Administration would like to see increased funding, there is nothing in the letter to indicate that the President would not approve this bill if sent to the White House in its present form. Likewise, I have letters from Secretary Glickman that makes appeals for increased funding in some areas, and at the appropriate time, I will ask unanimous consent that these letters be entered into the RECORD.

The Senate Report to accompany this bill begins with the following statement, "Given the budgetary constraints that the Committee faces, the bill as reported provides the proper amount of emphasis on agricultural and rural development programs, and on other programs and activities funded by the bill." I believe this statement to be true. Senator COCHRAN has done an outstanding job in crafting a bill that is fair, and goes far in meeting the expectations of all Senators, and in view of the foregoing statement, I join Senator COCHRAN in supporting this bill.

Still, we should all give pause to consider the first four words of the statement I quoted above, "Given the budgetary constraints" and the implication of those words for the work that this Congress must complete before September 30th. In terms of the bill before us today, each Senator will have to consider for his or her self whether the "budgetary constraints" have weakened the programs in this bill beyond the point they can allow. Over the past several years, we have seen programs at USDA, FDA, and the other agencies funded by this bill, suffer a slow strangulation that is affecting programs and services to the American people and the ability of the agencies to carry them out.

I do support my chairman, Senator COCHRAN, in urging the passage of this bill, but I seriously hope that we have all come to the realization that continued reductions in these programs must come to a halt. It is for the full Senate to decide whether we have already gone too far.

Mr. President, during committee debate on this bill, an amendment was discussed, though never offered, that involved dairy pricing issues. That amendment would have extended the life of the Northeast dairy compact and created new compacts in other regions. In committee, I was willing to delay the agriculture spending bill indefinitely to avoid inclusion of such an amendment. It concerns complex issues in the jurisdiction of the Agriculture and Judiciary Committees—issues that have no place on a funding bill. Also, if passed, the amendment would do unacceptable damage to the dairy industry in the State of Wisconsin and all around the Upper Midwest. And finally, it would put in place permanently and nationally an unprecedented policy of regional protectionism.

For these reasons, I, and many of my colleagues, oppose such an amendment adamantly and will do everything within our rights to keep it off of this bill. To that end, I regret to inform my colleagues, I will not be able to clear any amendments, no matter how uncontroversial, or agree to any manager's package, until it is clear no destructive dairy amendment will be offered or included in this bill.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a letter from the Director of the Office of Management and Budget and letters from the Secretary of Agriculture regarding this bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, June 17, 1999.

Hon. HERBERT KOHL,
Subcommittee on Agriculture, Rural Development and Related Agencies Appropriations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The purpose of this letter is to provide the Administration's views on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2000, as reported by the Senate Subcommittee. Since the Administration has not had an opportunity to review the Subcommittee's bill and report language, our comments are based on preliminary information. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the Senate under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved, and the President has signed into law, nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals.

The Administration appreciates efforts by the Subcommittee to accommodate certain of the President's priorities within the 302(b) allocation. However, the Subcommittee bill is over $500 million, or four percent, below the program level requested by the President. The FY 2000 Budget would increase spending within the discretionary caps for agriculture and other programs in the bill by 3.6 percent over comparable FY 1999 spending. We urge the Committee to consider the over $600 million in user fees proposed in the Budget in order to fund high-priority programs. Given the current period of financial stress in the agricultural sector, now is not the time to reduce assistance to farmers, ranchers, and rural residents.

Below is a discussion of our specific concerns with the Subcommittee bill. We look forward to working with you to resolve these concerns as the bill moves forward.

FOOD AND DRUG ADMINISTRATION

While the Administration is pleased that the Subcommittee has reportedly provided an increase over the FY 1999 enacted level for the FDA, we are disappointed that the Subcommittee has apparently not funded the full request for the FDA, including important youth tobacco prevention activities and the proposed seafood inspection program transfer.

The Administration is concerned that the Subcommittee's apparent reduction of $40 million from the President's request for non-foods/tobacco FDA activities would jeopardize the FDA's ability to improve the public health infrastructure through enhanced product safety assurance and injury reporting systems.

The Administration is committed to Youth Tobacco Prevention activities and urges the Committee to provide the requested increase of $34 million for these programs. Every day, three thousand young people become regular smokers. Reducing young people's tobacco use would improve public health for generations to come. This is particularly important in light of the recent decision of the conferees on the FY 1999 Emergency Supplemental Appropriations Act to permit States to retain the entire amount secured from tobacco companies without any commitment whatsoever from the States that those funds be used to reduce youth smoking. To help discourage youth smoking, we urge the Congress to consider the Administration proposal to increase tobacco taxes.

FOOD SAFETY INITIATIVE

The Administration appreciates the Subcommittee's support for the President's Food Safety Initiative through increases above the enacted and House bill levels provided to USDA and FDA. Nonetheless, we are concerned that the Committee has reportedly provided only $46 million of the $62 million increase over FY 1999 levels requested in this bill for the Initiative. American consumers enjoy the world's safest food supply, but still too many Americans get sick, and in some cases die, from preventable food-borne diseases. The President's requested increase would provide critical resources to expand USDA's and FDA's food safety research and risk assessment capabilities. We strongly urge the Committee to provide full funding at the requested levels for these activities and consider the Administration's proposal to charge user fees for Federal meat and poultry inspection services in support of a safe food supply.

WOMEN, INFANTS, AND CHILDREN PROGRAM

The Administration strongly supports the $33 million increase for WIC over the House level. The Committee mark should sustain a participation level of 7.4 million in FY 2000. We remain concerned, however, that this is still insufficient to support the proposed average monthly participation level of 7.5 million, thereby not achieving our longstanding 7.5 million goal.

FOOD AND NUTRITION SERVICE RESEARCH

The Administration strongly objects to any provision of the Committee bill that would prohibit the use of Food and Nutrition Service (FNS) funds for research and evaluations on nutrition programs. To address program integrity and performance issues properly, it is crucial that research on nutrition programs also occur in the context of the programs' administration. We urge the Committee to provide funding for these activities within FNS.

COMMON COMPUTING ENVIRONMENT

The Administration is very concerned by the Subcommittee's decision not to fund the Common Computing Environment, either directly through the Support Service Bureau as requested in the President's Budget or by providing additional funds in the county-office agency salaries and expense accounts. Some in Congress have criticized USDA this year for delays in providing the crop-loss assistance funds to farmers that were provided in P.L. 105-277, the FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act, and for long waiting periods some farmers and rural residents have faced in receiving other assistance through USDA county offices. Yet this bill would not provide the funds needed to address the very problems that contributed to the delays. At a time when the farm community is under financial stress and the demand for farm credit and other programs is high, the need for timely and efficient service to producers and rural residents has never been greater. Without the proposed $74 million in funding, it will not be possible to modernize the technology in USDA's local field offices, create "one-stop shopping" for rural customers, and promptly deliver the programs that Congress enacts with available staffing levels.

CONSERVATION AND ENVIRONMENTAL PROGRAMS

The Subcommittee bill appears to cut spending on key USDA conservation programs by at least $140 million from the President's request. The $26 million reduction in the Environmental Quality Incentives program (EQIP) would mean 13,000 farmers and ranchers not receiving needed financial and technical assistance to stop soil erosion, improve waste treatment in animal feeding operations, and implement other voluntary conservation measures critical to protecting our natural resources. To further advance this important work, including addressing the significant backlog of farmers' requests for aid, the Administration requested a $100 million increase in the EQIP program as part of its Clean Water Action Plan. The combination of the EQIP reduction and the Subcommittee's failure to fund the requested additional funds for technical assistance to animal feeding operations could damage livestock owners' progress toward ensuring that their operations are environmentally sound and community-friendly.

Other valuable environmental programs would be severely underfunded by the Subcommittee bill, and we urge the Committee to restore funding for them. The Subcommittee failed to fund the $50 million discretionary portion of the Administration's request for the Farmland Protection Program, which is part of the Administration's Lands Legacy Initiative. America's farmers need these funds to help them stay on their land, through easements that permanently protect 80,000 acres of prime farmland from development. We urge the Committee to provide the $50 million in discretionary funds requested for the program and redirects its savings from the Conservation Farm Option to this program, as well as to the Wildlife Habitat Incentives Program to assist over 3,000 farmers in protecting and restoring wildlife habitat. In addition, the Subcommittee has not provided the $12 million requested in the Conservation Operations account to assess soil management's effects on carbon sequestration, and $5 million for USDA's initiative to help communities make use of geospatial data to make more informed land use decisions and promote smart growth. The Administration recommends funds be redirected to these high-priority activities, such as by eliminating the Forestry Incentives Program as requested and as included in the House bill.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

The Subcommittee bill does not provide the requested $7 million increase for the Outreach for Socially Disadvantaged Farmers program. This program has proven effective in mitigating the decline in the number of minority farmers by increasing their participation in agricultural programs, assisting them in marketing and production, and improving the profitability of their farming operations. USDA loan default rates have also improved in areas where this program operates. The requested increase is needed to expand this program beyond the limited areas in which it now operates, to further these farmers' equal access and their opportunity for success, and to continue USDA's work to improve its civil rights performance.

RESEARCH

The Subcommittee bill would fund USDA's National Research Initiative at $81 million below the request of $200 million, while providing funding for a large number of unrequested, earmarked research grants. We urge the Committee to increase the funding for competitive research grants and reduce earmarks for lower-priority programs.

RURAL DEVELOPMENT

The Administration appreciates the support in the Subcommittee bill for priority USDA rural development programs, such as water and wastewater loans and grants, Business and Industry guaranteed loans, and rental assistance for very-low income rural residents. The Administration is concerned, however, that the Subcommittee bill's funding for Rural Development salaries and expenses would jeopardize effective implementation of these programs. The $25 million, or five percent, reduction from the requested salaries and expenses funding could require USDA to eliminate over 400, or six percent, of its staff through a Reduction-In-Force. We urge the Committee to provide the requested level of funding to ensure an adequate delivery system for these vital programs for rural America.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

JACOB J. LEW,
Director.

DEPARTMENT OF AGRICULTURE,
Washington, DC, May 17, 1999.
Hon. HERBERT H. KOHL,
Ranking Democratic Member, Subcommittee on Agriculture, Rural Development, and Related Agencies, U.S. Senate, Washington, DC.

DEAR HERB: The Department of Agriculture's (USDA) outreach program to small, limited-resource, and minority farmers and ranchers—known as the 2501 program—is critically important to USDA's efforts to help these farmers weather the crisis spreading across the farm country and to further the accomplishments of the Department's civil rights agenda. Unless this program is funded at the fully authorized level for next fiscal year, as the Administration requested in its budget, both of these objectives will suffer, as will, more importantly, the thousands of farmers who benefit from the 2501 program. Congress has been extremely helpful in the past with requests I have made with respect to my civil rights initiative, and I hope you will once again respond positively by working to see that next year's appropriations bill includes the full $10 million I have requested.

Over the next year, USDA's estimates project crop prices, and thus farm income, at about the current levels, levels that have this year alone pushed demand for our credit programs up some 65 percent over last year's requests. The need for operating and refinancing credit has been especially acute among limited resource farmers, and USDA has aggressively sought to meet their requests. A crucial component of responding to them has been more than just the farm loans, it has been the technical assistance we have been able to underwrite through the 2501 program whereby cooperating institutions and groups have helped these farmers assemble their financial projections and operating plans so they could successfully apply for loans. If these groups cannot continue to provide this assistance, as well as the work they do making sure farmers know about our programs and other sources of assistance, because the 2501 program is not adequately funded, I fear that the decline in limited-resource and minority farmers, in particular, will accelerate and we will come ever closer to removing from American agriculture a viable, capable segment of farmers who have contributed richly to our rural and agrarian culture.

Last year, Congress took the nearly unprecedented step of waiving the statute of limitations, opening the way for USDA to settle the oldest civil rights cases filed against it for alleged discrimination in USDA's lending programs, and a few weeks ago, the federal court approved the consent decree the Department reached to settle the class action discrimination case brought against it for the same reason. Much needs to be done, however, both in bringing these accomplishments to fruition and all the other work I have launched across the board to improve USDA's civil rights performance. The 2501 program is vitally important to our strategy; it reaches the farmers and ranchers too long neglected by the Department and the ones whose complaints we have pledged and are obligated to correcting. Without adequate resources, our reach will be limited and the potential that I believe we have begun to see will not be fully realized.

I appreciate fully the constraints within which the Congress is working in assembling the fiscal year 2000 appropriations bill, and I will no doubt be back in touch with you through this process on this and other priorities; but in view of the critical importance of this program and the regrettable fact that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, U.S. House of Representatives, chose not to fund fully the Administration's request, I decided I needed to point out to you the special importance of this program and its high personal priority with me. I hope you will give it and the Administration's budget request positive consideration.

Sincerely,

DAN GLICKMAN,
Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, DC, May 12, 1999.
Hon. HERBERT KOHL,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, and Related Agencies,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR HERB: Now that the fiscal year 2000 appropriations hearings are over, I want to thank you and your entire subcommittee for your attention and courtesy to the Department of Agriculture's (USDA) witnesses. I know you face difficult decisions writing an appropriations bill responsive to the needs of those who benefit from USDA programs, so I want you to know also that we are ready to work with you through the process of developing a bill that addresses your priorities as well as the Department's.

USDA needs to modernize our county-based delivery system, especially now so we can help farmers through these very difficult times we are facing with reduced staff levels in our local offices. This means we must continue our efforts to carry out our Service Center Initiative (SCI), including the installation of the Common Computing Environment (CCE). In this respect, I want to direct your attention to our proposal to spend $74 million under the new Support Services Bureau (SSB) account to finance continued progress on the modernization effort.

The Department could not provide detailed testimony on the SSB for the simple reason that the SSB is not yet operational. As indicated in the budget, the bureau will be operational by October 1, 1999. It will consolidate administrative management support activities for the Farm Service Agency, Natural Resources Conservation Service, and Rural Development. One of its responsibilities will be to continue to install and support the CCE. The $74 million requested in the budget will finance continued business process reengineering, data acquisition, and the necessary hardware and software to move this effort forward.

This request is an extremely high priority. Implementation of the SCI will improve customer service by providing collocated agencies the ability to share information and deliver services in a modern business manner. The problems we are having providing timely assistance to our hard pressed farmers in the current farm crisis best illustrates the need for infrastructure and program delivery modernization. The service center agencies' stove pipe technology systems and program processes present real barriers to delivering services in a modern way and optimizing the use of county-level staff. For example, I am convinced that had this initiative been complete we could have implemented the disaster assistance programs from the FY 99 Omnibus Appropriations bill much more quickly than we are doing.

As implementation proceeds, the SCI will streamline and integrate services, reduce paperwork, and provide technology so our customers can do business with us differently including the use of the Internet. Since 1993, USDA has significantly reduced staffing levels as a result of reorganization and budget constraints. This investment in our technology infrastructure and integrating business processes is essential to maintaining and improving service to the customers of our rural and county-based agencies.

The common computing environment is also critical to the SSB. The effective consolidation of three separate and largely redundant administrative systems into one, nationwide, SSB is dependent on the timely deployment of reengineered administrative systems and a modern technology infrastructure.

I want to assure you that the technology our budget request will finance is based on identified business needs. It complies with USDA's overall information technology architecture, and meets the Office of Management and Budget's criteria for such investments.

The CCE will replace the existing stove piped agency systems with a single, modern and flexible shared information system built around servers and personal work stations. This technology can be adapted to meet any changes brought about by business process reengineering or by any future decisions affecting the size of the agencies. If the budget request is approved, including the funding mechanism proposed for the SSB, we will establish clear accountability for this effort in the Support Service Bureau with strong oversight from our Chief Information Officer.

I am enclosing a briefing paper on the subject, and will provide you any further information you need.

I am sending an identical letter to Congressman Skeen, Congresswoman Kaptur, and Senator Cochran.

Sincerely,

DAN GLICKMAN,
Secretary.

Enclosure.

Mr. KOHL. Mr. President, the communications from the Office of Management and Budget and the Secretary of Agriculture make the case for the need to provide additional resources for this bill. I am also aware that funding constraints have prevented the bill from including levels of spending for programs important to Senators. In support of, and in addition to, the comments provided by OMB and USDA, I would like to offer the following observations.

While this bill provides a substantial increase for the President's Food Safety Initiative, it does not meet the fully recommended level submitted by the President. Perhaps the greatest single responsibility of this subcommittee is to protect public health. That responsibility is carried out primarily through oversight of the blood supply, the approval of medical drugs and devices and, most certainly, the food supply.

Many of the procedures for protecting our food supply are now in transition, moving toward a HACCP system that provides a new set of checks and balances in the production, processing, manufacturing, and distribution of food. In addition, we are learning through research new techniques to help enhance the safety of the food we eat. It is unfortunate we are unable to find the resources within our "budgetary constraints" to provide the fully requested increase. We should, at least, provide the fully recommended level for inspections of meat and poultry provided for the Food Safety Inspection Service.

One of the most popular programs funded in this bill is the Women, Infants, and Children (WIC) program. Again, this bill provides a significant increase for this program and I am very happy to report that the level appropriated, more than $4.038 billion, is determined to be adequate to support an average program participation level of 4.7 million people, which is likely to be an increase above the FY 1999 participation average. However, we know that this program is not only popular, it works. It works in protecting people who are nutritionally at risk, and it works to protect the American taxpayer by lowering future health care costs. The President's budget would have allowed for the program to grow to the fully targeted participation level of 7.5 million women, infants, and children and this Congress should be providing the resources to make that happen.

In addition, this bill should be providing higher levels for WIC Farmers Market Program, the Temporary Emergency Food Assistance Program, the Nutrition, Education and Training Program, for the Commodity Assistance and Food Donation Programs and for the Secretary's Food Recovery and Gleaning initiative. Also, this bill should restore full levels for the studies and evaluations activities of the Food and Nutrition Service (FNS). It is curious that while Food Stamp rolls are dropping, we are seeing increased demand for food assistance at shelters, through charitable organizations, and through the various food donation programs. We need to understand this phenomena better and to do so, the agency in charge of these programs should be given the tools to research and evaluate what is happening. At the very least, a reasonable level of funds should be provided to FNS to conduction studies and evaluations of activities directly related to nutrition.

Agriculture has always been, and continues to be, the backbone of the American economy and society. The history of this nation is firmly grounded in the development of agriculture beginning with the earliest settlers who learned farming techniques, such as fertilization, from Native Americans. The first Thanksgiving was, among other things, a celebration of agriculture.

As the growth of America continued, agriculture was a driving force economically, socially, and politically. Thomas Jefferson, whose philosophy in so many ways personifies the national spirit, centered much of his political and governmental engineering around the role of the farmer. In time, farming in this nation followed the lines of westward expansion and filled the vast spaces of our interior with continuing advances in production and further development of democratic principles. When the United States entered the stage of world power, especially during our two world wars and since, the American farmer continued to provide the basic necessities to keep our armed forces fed and our populations safe.

In so many ways, food security is an integral part of national security. We all are aware of the hard times now facing farmers and the rural economy. Yet, without agriculture, and the economy that supports it, food shortages and disruptions would lead to urban panic and riots. No region of the nation would be safe and our entire national security would be at risk. In spite of these facts, we struggle to find the resources to protect agriculture. Can any Senator imagine how absurd it would sound to stand here on the floor of the Senate and announce that we simply can't afford national security? To a degree, that is what we are saying when we announce that we can't afford to help our farmers.

Does this bill fully fund the request for agricultural research, no it does not. Neither does it provide funding for initiatives to help farmers overcome today's economic troubles through outreach to socially disadvantaged farmers, small farmers, or to help USDA agencies protect against unwarranted market concentration. This bill does not provide additional levels to help establish and hold on to foreign markets through export programs such as PL 480 which combines humanitarian assistance with overseas market development.

I am also disappointed that our allocation has prevented us from making the gains we should in the area of conservation and environmental protection. In order to achieve savings, this bill has had to impose limitations on the Wetlands Reserve Program, the Environmental Quality Incentives Program, and the Conservation Farm Option program. It also fails to fully fund many of the other conservation initiatives recommended by the President.

In addition, if resources were available, we could provide additional funds to help the environment, and the farmer, through the development of better methods for overcoming pesticide related problems. In the near future, the fumigant methyl bromide is going to be removed from the market and unless a viable alternative is developed, production of various commodities will fall sharply, much to the dismay of farmers and consumers who have come to take the availability of these food items for granted. Also, this bill does not provide adequate levels for Integrated Pest Management and for program increases requested for implementation of the Food Quality Protection Act.

Mr. President, there are many other items I could describe and I do not, in any way, want to detract from the fine work of my colleague, Senator COCHRAN. As I stated earlier, my friend from Mississippi has done an outstanding job in crafting this bill with the resources he was given, and I support him and this bill. I simply feel it is my responsibility to remind my colleagues that everything is not necessarily fine simply because things are not getting a whole lot worse.

I don't know if this subcommittee will receive any additional resources between now and when this bill goes to conference with the House. We can't count on that happening and we must realize that what we approve here may be all that is finally included in the appropriations for these programs in fiscal year 2000. As we proceed with this bill on the floor, it is important that we all work together for what is best for all farmers and for all areas of rural America, and for all Americans.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, on behalf of the Senator from South Carolina, Mr. THURMOND, I ask unanimous consent the privilege of the floor be granted to Ernie Coggins, a legislative fellow, during the pendency of S. 1233.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, for the information of Senators, we are hopeful we can take up amendments that Senators may have on this legislation. We will have between now and about 5:30 available for that purpose. The leader had announced when the Senate recessed last week that a vote was anticipated at or about 5:30 today. It could be that a vote on an amendment to the bill will occur at about 5:30 today.

If Senators would like to offer an amendment and get a vote, this is an opportunity to do that—debate the amendment, explain the amendment; the managers are available here to consider any suggested changes in the bill. We invite Senators to come to the floor and offer their amendments or make statements on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today in strong support of S. 1233, the fiscal year 2000 agriculture appropriations bill. I commend Senator COCHRAN and Senator KOHL for bringing forward what I believe is a solid bill to fund our most important programs in agriculture and provide continued benefits to rural America. This has been no easy task. With the tight budget caps that are in place, preparing this bill was a very difficult task, and I applaud the Senator for his hard work in this area.

Let me just say a word about the Senator from Mississippi in this regard. There is a routine procedure in this body and that is to thank the hard-working chairmen of our Senate committees, and, of course, their ranking members, for their hard work in bringing important legislation to the floor. That practice is certainly appropriate in regard to the Senators who have worked to bring this bill to our consideration, including the chairman, as I have indicated, and the distinguished ranking member from Wisconsin, Senator KOHL. But I would like to offer three cheers and a "well done" to Senator COCHRAN.

If there is a Senator who I think everyone would agree is the epitome of a Southern gentleman and a Senator who goes about his work with dignity and decorum and truly still gets things done, that Senator is Senator COCHRAN. Here we are in the midst of all sorts of problems and challenges in agriculture today, unprecedented situations, really, what with the world depression that is still hindering our markets, unfair trading practices by our competitors, record world production that has caused market declines in virtually every commodity, trade policy that is hampered by all sorts of challenges, the need for sanctions reform, crop insurance reform, and tax policy changes and reform. The list goes on, as has been mentioned by the distinguished chairman of the subcommittee, including the need for emergency assistance under the current farm bill. We are going to be debating all this and the answers individual Senators will bring to this debate and to this legislation. But through it all we will have the steady hand of Senator COCHRAN and his calm and reasoned and experienced leadership. I thank the Senator for the job he has done for our farmers and ranchers, the men and women of rural America who work so hard to feed our Nation and a troubled and hungry world.

Chairman COCHRAN has presented a bill that really freezes the discretionary spending at the fiscal 1999 level, while still managing to provide increased funding in several areas, including agriculture research, the staffing for the farm service agencies, and the Food Safety Inspection Service. I mention the freeze in particular because what we would like to do, as we consider the 13 major appropriations bills, as we are going through that process, is stick to the budget as best as we possibly can. Obviously, if we do that, interest rates will remain low. Hopefully, we will control inflation, because interest rates are of tremendous importance to the farmer and rancher, and, for that matter, every business person in America.

Investing in agriculture research, as Senator COCHRAN and Senator KOHL have done, is perhaps one of the most important investments we can make as a nation. Today our farmers and ranchers actually produce more food to feed more people on less land—on less land—than ever before. That is a modern day miracle, and it is a miracle in no short part because of agriculture research.

Ag research has played a major role in increasing the productivity of our Nation's farms in the past century. The projections indicate that as the world's population continues to grow in the next 50 years, the world understandably will have to dramatically increase its agriculture production and its food output. The United States will be the leader in this quest to feed, as I have indicated before, a troubled and hungry world with a growing population, but we are not going to be successful without this continued commitment to agriculture research funding. The Senators have done that in regard to their subcommittee work, and it is now before the Senate for our consideration.

I also thank Senator COCHRAN for his efforts to increase funding for the Farm Service Agency staff. I know any increased funding for any Government program or Government agency staff is not very popular in Washington. I have often had my own concerns with such increases. I assure my colleagues that this increased funding is desperately needed.

Many county farm service agencies—that is the old ASCS—have been swamped by the number of loan deficiency payment and USDA lending requests they have had to address. As a matter of fact, when we considered the farm bill of 1996, I do not think any of us would have imagined the vulnerability of the Farm Service Agency or the demands on the Farm Service Agency as a result of the LDP payments that came into play. Despite the best efforts of our county offices to serve our producers in a timely and efficient manner, the staffing necessary to accomplish this goal simply has not been up to the level needed to provide the quality of service that our producers expect.

I also thank the chairman and the ranking member for increases in the FSIS budget. That is an acronym which stands for the Food Safety and Inspection Service. A safe food supply is essential, and our consumers demand it. As my colleagues know, my State of Kansas is one of the largest beef producers in the world, with a large number of packing operations as well. With a continued shortage of inspectors in the Topeka district, I am concerned, and I hope and expect the Secretary of Agriculture to address these deficiencies—I know he will—through this increased funding. I also ask him to contact the Congress and inform us of any continued shortfalls that may be occurring.

Before I close, I want to address what I know is also a very critical concern of many of my colleagues, and that is the tough times we are experiencing throughout rural America. Every farm organization, every commodity group, every producer one visits with obviously tells the same story. I thank Senator COCHRAN for making it very clear we are going to work with the President and we are going to work in a bipartisan fashion—we have already had several meetings since the first of the year—to try to address this.

When the President does inform the Congress, along with the help of Secretary Glickman and others, on what kind of an additional package is necessary and some of the specifics as the crops are harvested, we will be more than willing to take a hard look at this need as harvest season moves along. We did last year. The process, as the Senator has pointed out, was a little backward in regard to how we approached that. Let's do the right thing in regard to the President making his recommendation and working with us and we will work with him.

I agree with Senator COCHRAN; prior to the President's request, we can do a lot of talking about it, and we have for the last several years, but I believe that would be premature. Secretary of Agriculture Dan Glickman, my good friend and colleague from Kansas, was quoted in the press last week as saying it would be preferable to go in that direction and it was too early to determine the size of any package that may be needed.

In the meantime, I am committed, as a member of the authorizing committee, the Senate Agriculture Committee, to pursuing the long-term goals needed to ensure the long-term financial viability of our farmers and ranchers. Senator COCHRAN and others have talked at length in this Chamber about these, about the crucial needs—expanded export markets, sanctions reform, embargo policies, tax reform, regulatory relief, crop insurance reform—all of the things we talked about, by the way, when we were trying to put together the 1996 farm bill.

There was a list. There was a ledger, as a matter of fact. In those days, I had the privilege of being the chairman of the House Agriculture Committee as we put that together. We said: Look, if we go to a more market-oriented farm policy—we all wanted that and we wanted producer flexibility to meet the producer's individual needs, to restore the decisionmaking back to the farm level as opposed to Washington—we can do that but only in a component package of other things we need to do.

Quite frankly, I must tell my colleagues that we, and I am using the editorial we—Democrats, Republicans, the administration, the Senate and the House—we have not done that. We have not gone down that list that I and others put on the ledger. There is no pride of authorship here. We need to do it now. Had we done it then and 2 years ago, I do not think the situation would be nearly as grave throughout our rural areas. Let's get cracking on these challenges, as well as meeting the crucial spending needs or the appropriation needs in regard to U.S. agriculture.

I mentioned expanded export markets, sanctions reform, tax reform, regulatory relief—all of that. We need to pass this legislation and move to a very quick conference with the House. The programs funded in this legislation are too important to be delayed. We need action on them.

I commend, again, Senator COCHRAN and Senator KOHL for their fine efforts on this legislation under very difficult funding circumstances. I look forward to working with my colleagues to move this legislation to quick passage and then working with my colleagues on the other policy changes I have mentioned, and, yes, I know at the end of harvest, we will work with the President, we will work with everybody on that side of the aisle to put together a reasonable program of relief because we have yet to see the relief in our markets. This has been going on now for 2 years.

Again, I thank Senator COCHRAN and Senator KOHL for their efforts. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am genuinely flattered by the kind and generous comments of my distinguished colleague from Kansas, Senator ROBERTS. As others know, he served with distinction as chairman of the Agriculture Committee in the other body. He led the passage of farm legislation in that body, and he has been a very effective spokesman for the farmers and ranchers of the entire country, not just of his home State of Kansas. We benefit from his advice and counsel. I appreciate his personal friendship as well and taking time to talk about this legislation and point out what we are trying to accomplish by funding the programs in this bill. I appreciate his remarks very much.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I say to my colleague, Senator DORGAN from North Dakota, I will be very brief. I did not come to the Chamber with prepared remarks, but I do want to pick up on the closing remarks my colleague from Kansas was making; by the way, a Senator who has lived and breathed agriculture for many years and whose expertise I certainly respect.

I think the appropriations bill raises a lot of questions that we better answer and we better answer soon. I do not really think we can have a discussion about agriculture—the Senator from Kansas at the very end said: Listen, as I speak today, I am mindful of the economic pain out there in the countryside.

We are experiencing an economic convulsion in agriculture. Frankly, I do not think there is any way to talk about what is happening in the countryside without talking about this Freedom to Farm, what I have always called the "freedom to fail" bill.

In my State of Minnesota, the Minnesota Star Tribune—which is the largest newspaper in our State, which editorialized very strongly in favor of this bill not that long ago—had an editorial saying, listen, we need to revisit this.

Clearly, we do not have any safety net any longer. Clearly, we do not have a way that farmers—family farmers, family farmers, family farmers; we need to say that three or four times —have any leverage in the marketplace to get a decent price.

I think one of the really bitter ironies of what is going on is we are spending—this was supposed to be the market—$25, $30 billion of bailout money—and actually I am all for getting the credit to farmers so they can live to farm another day, but most of the farmers in Minnesota basically say, thank you, but, in fact, they are going to need even more to be able to keep on going.

But what they also say is: Senator WELLSTONE, what's even more important to me is, where will we be 5 years from now? Where will our kids be 5 years from now? I am just telling you that I know on our side, the Democrats, we are going to be out here—and I am hoping with a lot of Republicans as well—with a whole package of proposals.

Time is not neutral. We cannot wait around. Time is not neutral at all for these farmers. The projections for the number of farms we have lost in Minnesota and we will lose on our present course are devastating. We have to change that course.

I think maybe we need more of a reality check. We can talk about the fact that we all care about agriculture, and we have this bill, and we are spending this much money, and all the rest, but this isn't business as usual. We are talking about a crisis, all spelled out in capital letters. We have to take some action. If we do not take some action, then I think this will be kind of the last stage of just losing the family farm structure in agriculture.

By the way, when I am talking about family farms, I am talking less about the size of the farm, though I do think there are clearly some limits, as far as I am concerned, when we talk about any kind of subsidy or support. I am talking about the pattern of the decisionmaking; I am talking about entrepreneurship; I am talking about the family farm as in the people who work the land, live on the land, that they make the decisions. That is what I am talking about.

So I just want to make it really clear, whether or not you take the cap off the loan rate, whether or not you figure out a way to have corn and wheat in the same kind of ratio in relation to the price that we now have for soybeans—a lot of farmers in Minnesota are planting soybeans, soybeans, soybeans. This whole Freedom to Farm bill is a nightmare. The sooner people here are going to be willing to face up to it, the better.

As I said before—I will say it again—it was a great bill for Cargill. It was a great bill for the big grain companies. And it is a living nightmare for family farmers. They cannot cash flow on the price they receive. If we do not talk about price, price, price, then, frankly, we are not going to enable people to make it. So that is my first point.

My second point, speaking just for Senator KOHL, who stepped off the floor briefly—and I include myself in his camp; I know Senator FEINGOLD has the same belief—one of the reasons we are on the floor is because we are not going to see any extension of the dairy compact. Those of us from the Midwest are not going to let that happen. If there is one thing I do agree with, it is the adage that all politics is local. We are here to fight for people in our States. We are not going to let dairy farmers in our States come out on the short end of the stick. So just to be crystal clear about that, that is just not going to happen.

My third point—and I will have two others, I say to Senator DORGAN; the third and fourth point I can do in 2 or 3 minutes—is that we have a good piece of legislation which ought to be slam dunked. It ought to be slam dunked. There ought to be 100 votes for it. The sooner we get to it, the better—price disclosure. You have this situation where it is not just the grain farmers; it is not just the dairy farmers; it is our livestock producers as well.

I have said it many times, but it is worth saying again on the floor of the Senate. You have this bitter irony of our hog producers facing extinction, our pork producers facing extinction, and the packers are in hog heaven. They are making record profits. We want to know what is going on.

So at the very minimum, our family farmers who are not vertically integrated, our family farmers who do not represent the conglomerates that have so effectively muscled their way to the dinner table, exercising their power over so much of the food industry, want to know exactly what people are being paid for their product. We think that ought to be public information. We think our family farmers have a right to know that. I just will say that this ought to be slam dunked. There ought to be 100 votes for it; the sooner the better. What are we waiting for?

I could go on and on, and later on, when it is appropriate, I will bring out any number of different studies, with a lot of data, because I think it is really worth talking about. In some ways I almost find this ironic. I think maybe I am going to pick up on an argument that some of my Republican colleagues like to make about the problem of just throwing money at a problem. With all due respect, if we do not change this structure of agriculture, a lot of the family farmers in the Midwest, South, all the family farmers who are left in the country, are just not going to make it. They are not going to make it.

Everywhere you look, in all sectors of the food industry, whether it be the input side or the output side—from whom the farmers buy, to whom they sell—you are lucky if you have four firms that dominate only 50 percent of the market. Quite often it is more than 50 percent of the market. It isn't even an oligopoly. It isn't even four firms dominating 50 percent of the market. It is a monopoly structure. Whether it be the packers, the stockyards, the USDA, or the Justice Department, we need antitrust action. We need antitrust action. We need to put some free enterprise back into the food industry.

Give the family farmers in Minnesota a level playing field, give them a fair shake, and they can compete against anybody. But right now what you have is a situation where these conglomerates have muscled their way to the dinner table and exercised their raw political power over family farmers, over consumers, over taxpayers, and we need antitrust action.

That means we have to take on big economic interests. That means we have to take on some of the largest contributors on the floor of the Senate. My colleague, Senator FEINGOLD, said the other day he was going to start calling a kind of rollcall of big contributors as we go to different bills. On agriculture I probably ought to come out here and just go over the list of contributions. It is not for a particular Senator but the Senate.

All of us need to change the system of contributions that come from these packers, that come from these big agribusinesses, that come from those corporate giants, because, frankly, we seem to be afraid to take them on. But if we are not willing to take them on and we are not willing to have antitrust action for real competition, our family farmers cannot make it.

So I just say that now is the time. We have legislators coming in to Washington, DC tonight. Many of them travel out here with their own income. They do not have a lot of income. Many of them are farmers from State legislatures. Many of them work with really good grass-roots organizations.

This isn't business as usual. So sometime, whether it be on this bill, whether it be within the next month, whether it be in the fall, this Senate has to take some action that makes a real difference to family farmers so they have some kind of future. One of the first things we have to do is be honest, just declare that the Freedom to Farm bill has been a "freedom to fail" bill. We need to change this legislation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

Mr. President, I want to make a few opening comments as a member of the subcommittee. The Appropriations Committee is an interesting and a very productive committee. I am a member of the subcommittee that is chaired by Senator COCHRAN from Mississippi and whose ranking member is Senator KOHL from Wisconsin. I commend them for the job they do. It is not an easy job.

We have the classic problem of economizing. The definition by an economist of that is trying to fulfill unlimited wants with limited resources. That is not a very easy thing to do.

As I start, let me again compliment the work of Senator COCHRAN and Senator KOHL.

I will talk also about some of the challenges that we face that are not in any way addressed by this legislation. The legislation funds a range of issues with respect to the Department of Agriculture and agricultural programs. We need to do better in some of those areas.

I specifically mention the human nutrition study programs that exist in USDA. The administration had proposed a very substantial investment in those programs. We have not been able to meet that. I hope we can, because the work that goes on in those human nutrition labs is very important work in the nutrition area.

There are a number of other areas where we need to do better in research and agricultural-related areas, but I want to talk a bit about the crisis that faces our family farmers. We are going to have a Democratic Policy Committee hearing on Wednesday morning here in the Capitol from 9:30 to 11:30 on this subject: the farm crisis. We have a very serious problem on America's family farms. Frankly, we need to address it. I hope we can do that in a bipartisan manner.

This weekend I was in North Dakota. I drove to Finely, ND, for an event in the American Legion hall in Finely that had to do with a rural empowerment zone. Once again, in Finely, ND, as I would have found in every part of North Dakota, family farmers told me that they are not going to be able to make it much longer unless something changes. You cannot plant seeds in our ground, then tend those seeds, fertilize, spray for pests, hope they grow, hope it doesn't hail, hope the plants develop, hope it doesn't rain too much but rains enough, hope against crop disease and then, at the end, finally harvest that grain and take it to the elevator, only to discover that the elevator or the grain trader is willing to pay you a $1, $1.50 or $2 a bushel less than what it cost to produce the grain. That is not a formula for success. That is a formula for failure. Most family farmers know they will not last long with that kind of a formula.

Will Rogers once said: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times. Well, there is no place left to spit. That is not a delicate way to say it, but there is no place left to spit on these issues. The current farm program is not providing price supports that are able to help family farmers continue in operation during a time of collapsed prices. It just isn't. We had to do an emergency piece last year, and we did that in the appropriations process. I commend all of those who were involved in it, including the Senator from Mississippi. My colleague from North Dakota, Senator CONRAD, myself and many others worked to make sure that we did an emergency piece that provided some income support for families during collapsed prices. But the prices are still collapsed. We will not have many family farmers left unless we provide some mechanism of supporting prices here in the Congress.

Is it our job? No, it would be better if we could get the price in the marketplace. But that is not happening. The price in the marketplace is dismal. Farmers are told that their hogs aren't worth much and their cattle are not worth much. The grain isn't worth much too.

There was a time when you could speak on the Senate floor when the farmer was hauling a hog to market and getting 10 cents a pound. In fact, that farmer could go to the grocery store in that small town and discover that it would cost him three times as much to buy a relatively small ham than he was able to get for the whole hog.

Now, there is something wrong with that. When prices collapse, if we want family farmers left in our country's future, then we have to do something about it.

My colleague from Minnesota talked about the need to reform the system. I was not able today to hear my colleague from Mississippi or my colleague from Wisconsin as they opened this discussion, but I know that they are well aware of the farm crisis. I will hold up a couple charts, if I might.

This chart shows the number of farm youth, down 82 percent since 1970, fairly steadily. We are ending up without any young people left in rural America.

This chart shows the last year for which we have net income data. It shows the change in net income, 1996 and 1997. We do not have the next 2 years. North Dakota lost 90 percent of its net income; Minnesota, 42 percent. These are net income losses. It would be interesting to know, I wonder how any wage earner would handle it if 90 percent of their income were gone. I wonder what Wall Street would do if they discovered that some industry of theirs had suffered a 90-percent loss. Think that would crash, that industry? You bet your life, in a moment.

But on the family farm, in 1 year a change in net income, down 38 percent in Nebraska, 28 percent in South Dakota, 90 percent in North Dakota, these figures change from year to year and State to State. The fact is, we have seen a dramatic change in net income in a negative way in my State and others. It results from a collapse in prices.

Now, there are people who say that is because EEP wasn't used. It is because of this or that other thing, 100 different reasons. The fact is, it is price. You can come up, I suppose, with your own notions of how to increase price in the marketplace, but I think we have a failure here.

The failure is that we have a farm program that says: Let us not care about supporting prices. Whatever the price in the marketplace place is, if it is 10 cents for hogs or if it is $2.50 for wheat, that is just tough luck. That is the way the market is. So let's have farmers get whatever they get from the marketplace.

The problem with that is, we won't have many family farmers left, if that is the attitude we take, because the marketplace doesn't work for agriculture. There is no free market for agriculture. Everybody knows it. Anybody that comes out here and preaches about a free market for agriculture is preaching a sermon that is not worth listening to.

Now, my colleague from Minnesota talked about the issue of monopolies. I want to talk about that just for a moment. I want to show a cartoon that appeared in the newspaper in Lincoln, NE, the Lincoln Journal Star. The cartoon shows something that I have previously spoken about on the floor of the Senate. The cartoon says: If the grain to make this costs pennies—talking about grocery cereal—and I have to pay $3.95, who gets all the rest? And here is a picture of a farmer giving up.

It is interesting that at a time when prices have collapsed for grain, cereal manufacturers have announced that they will increase the price of their cereal. I found it interesting that when grain prices increased a few years ago, wheat went to $5.50 a bushel, the cereal manufacturers were complaining that they had to increase cereal prices because grain prices were strengthening. So grain prices collapse, drop in half. What happens to cereal prices? They go up. What is wrong with that picture? It seems to me you would fail third grade math with that kind of calculation.

The point that the Senator from Minnesota made is an accurate point. In every direction the farmer looks, the farmer faces either a monopoly or a near monopoly. Let's say the farmer raises grain and wants to have it transported. So the farmer takes it to the railroad and the railroad operator says: We will transport that grain for you. And they tell the farmer exactly what it will cost. If the farmer doesn't like it, it is tough luck.

In our State, our State Public Service Commission says the railroads overcharge North Dakota, principally farmers but all businesses. They overcharge North Dakota farmers $100 million a year. How can they do that? No competition. We do not have three railroads vying for that business. When you have near monopoly or a monopoly, they charge what they want. So when the farmer goes to the grain trade and decides to sell their grain, what do they find? Only a few companies control most of the grain trade.

Two of those companies now want to get married. Continental and Carghill decided they like each other so much they don't want to compete anymore. They want to get together. So now they have this merger proposal, meaning more concentration. Does that make sense for farmers? To me, it doesn't. I do not think they ought to be allowed to merge.

Then when the farmers decide that they want to sell their fat steers—they had some calves and they raised some fat steers and heifers—they take them to market. Eighty-seven percent of the fat steer market slaughter in this country is controlled by three companies, three. So they tell the farmers and ranchers: Here is what we are going to pay you.

They say it is a free market. Of course, it is not free. So let's assume that the grain trade wasn't throttled at the neck of the bottle by a concentration of large corporations, and instead you had a free market.

Is it a free market for our producers, who raise a steer or heifer or cow and want to sell the beef to Japan, are faced with a 50-percent tariff because of a beef agreement with Japan, which does come down a little year by year, but snaps back up if you get more beef in? Currently, as I understand it, the tariff on beef going into Japan is 45 percent. Is that fair? I don't think so.

Or China sends us all their shoes and trousers and shirts and trinkets, and they have a $50 billion to $60 billion trade surplus with us, or we a deficit with them, and they say: When we want wheat, we want to buy it elsewhere; plus we want to keep part of your wheat out, and we don't want your hogs at all. Is that fair trade? Does a farmer have a right to complain about that? I think so. In every single direction, farmers have a right to say it is not a free market.

Let me mention trade. Our family farmers—despite having mentioned some trade with Japan and China, our family farmers are furious about our trade situation with Canada. We passed this NAFTA bill here in the Congress. I didn't vote for it, but everybody who voted for it, I guess, felt that the people who sold it said we were going to get some 300,000 new jobs in America with this NAFTA.

NAFTA turned a trade surplus with Mexico into a trade deficit very quickly and doubled the trade deficit we have with Canada. Now the fancy economists who decided they wanted to make money putting out studies telling us how wonderful NAFTA was going to be are saying: Maybe we were wrong. When you pass an agreement that creates huge deficits, lose jobs instead of gaining jobs, you are wrong.

But take a look at the trade back and forth across the border. What you will find with Canada is, we have massive quantities of Canadian grain coming in and undercutting our American farmers, and you can't get much American grain into Canada. I have been to the border there. I was riding in an orange truck trying to get durum wheat into Canada. I could not do it. But I saw Canadian trucks hauling Canadian wheat south. Is that fair trade? I don't think so.

That is what farmers face, unequal treatment. If you wipe all that away and just have farmers trade in the open market, free trade or fair trade, then when the farmer competes against the European grain or livestock producer in an international marketplace, how do you get around the fact that the Europeans subsidize their grain sales 10 times our subsidy—10 times? We say to our farmers, well, that is fair; it would be like a competition, let's give the other team a huge head start and then say it is a fair competition.

I don't know what people are thinking about. It is not fair. It doesn't make any sense. Our farmers in this country have a right to be very upset, because I don't think they have been supported very well by our range of policies, our agricultural and trade policies. They have not been fair and consistent.

On the United States-Canada free trade agreement, I was in Montreal when Clayton Yeutter was negotiating with Canada. I will tell you what happened with Canada. The U.S. agricultural interests got traded away—flat out traded away. This country got something for it. I wasn't in the room, but I guess we got access to 20-some million people for the financial services industry, and so this country got something for it. But farmers got traded way. So at the end of the time, we got an agreement that weakened section 22, all of our trade remedies, and then we got a piece of paper from Clayton Yeutter, the Trade Ambassador. I could read it, but generally the paper said we have essentially a spirit between us that, following the agreement, there will not be a substantial increase in grain flowing across the border one way or the other. That wasn't worth the paper it was written on. It was a guarantee.

I was on the Ways and Means Committee; that is where this had to originate—the passing of the language on the agreement—and we got from the Trade Ambassador a guarantee that was worthless. We immediately began to see a massive quantity of grain coming into our country in a manner, in my judgment, that clearly violates our trade laws—dumping below the cost of acquisition.

Now, I know some of this is probably confusing and difficult. But I want to illustrate this point. The U.S. farmers said: Wait a second, this is not fair; we were told by our Trade Ambassador's office this wasn't going to happen. We have it in writing, we have a guarantee; this isn't fair. So action was taken against the Canadians to try to stop it.

Do you know what we discovered in that action? A side deal had been made between the Trade Ambassador's office and the Canadians that was never disclosed to Congress, never a part of debate. It gave to the Canadians, in selling into the American marketplace the ability to go below acquisition cost, the Canadians will not have to include their final grip payment—it is called a grip payment—to their farmers.

So what they did was set aside part of the cost of the acquisition of that grain and said that will not be considered. By definition, the formula says they can sell at below cost in this marketplace and they will not be in violation, because there was a separate side deal between our Trade Ambassador and the Canadians, in effect, selling out the interests of our farmers.

Do farmers have a right to be upset about that? Do they have a right to be concerned about policymakers who don't support our farmers' interests? You bet your life they do. Now, we have to decide in this Congress whether we are going to be willing to rebuild and invest and strengthen family farms.

Let me make this point. I am not at all bashful about coming to the floor and saying we need this help. We were just in a conference committee—I was part of it—in which the President said: We need some additional money for Kosovo. We need money for Kosovo. So Congress said: Well, how much do you need? The President said: Well, we need $16 billion. Congress said: No, you don't need that, you need more than that. So Congress added $6 billion to the President's request, saying: We don't think you have asked for enough money. If it is for defense, we don't think you have asked for enough money. There are those who said that the sky is the limit for defense. They said: The President didn't ask for enough, and we want to add $6 billion more.

I say to them, what about the issue of family farming in this country? What about the issue of agriculture? That is here at home. Those are our interests. That is not Kosovo. That is not bridges. That is not investment in weapons. That is here in this country. What about that? Is that not a priority? Are we not willing to decide that we will provide that resource?

Some say, well, the President should ask for it. Yes, he should, but the President didn't ask for the extra $6 billion Congress put in the emergency bill for defense. So apparently you have two standards. The President doesn't have to ask for the extra $6 billion for defense, but he must for agriculture. Well, those who say the President needs to be involved and ask for it, they are right. Let's have him do that. I want him to be engaged here with a request, and I think he will be.

Mr. HARKIN. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. HARKIN. In listening to the Senator's very eloquent remarks, the Senator from North Dakota really does understand the depth of the problems in agriculture. He has been one of our great leaders in fighting for family farms and our rural communities, in making statements and comments about the lack of free trade and the other economic conditions that are working against the farmer.

What I really wanted to ask the Senator is, What role do the increasing sorts of conglomerates, vertical integration, the fact that we are getting fewer and fewer hog farms, for example, that we are experiencing in Iowa and other places, smaller and smaller numbers of meatpackers and slaughterers in this country—when you look at the increasing concentration, what, I might ask, is this doing, and what effect does this increasing concentration have in reducing the price that the farmer gets?

In other words, we saw the cartoon about the person in the grocery store saying, "It only pays pennies. Who gets the rest?" I ask the Senator from North Dakota again, what is the effect on the farmer?—in other words, what the farmer is getting from the consumer's dollar, because in the past you had a lot of competitors out there competing against one another to take the raw product and get it to market. Now you have just a few. You have a very narrow funnel now. It has been my opinion and observation, based upon a lot of economic data, that this small funnel now they have to go to, the few meatpackers and processors, vertical integration, basically that is where the consumer dollars stops, and it is not getting back to the farmer.

The Senator has been very eloquent on this issue of the increasing concentration and what that means for family farming; does the Senator share that feeling?

Mr. DORGAN. The share the farmer gets from the food dollar has diminished about 20 percent.

All the other interests that touch what the farmers produce make a lot of money, and many of them are making record profits right now. The farmer raises the grain; buys the tractor, plows the ground in the spring, tends the land; and takes all the risk. They harvest it and work hard.

Family farmers don't make much money. Now they are losing a lot of money. Even in the best of years they don't make that much money, taking into account all the unforeseen risks. They put the product on a railcar to market; it goes to a cereal manufacturing plant. The rail car company makes money and the railroad companies are making record profits. The grain trade makes profits. The grain goes to a cereal plant and they take that wheat and inject it with some air. Now it becomes puffed wheat. They package it in a bright colored, big box, with cellophane wrapping that can't be opened in the morning and they send it to a grocery store.

Farmers, last year, lost their shirt on the very same wheat that was puffed up by air and produced by the cereal manufacturers. The farmers lost their shirt; the cereal manufacturers make record profits.

Something is wrong. Those who haul it, those who trade it—every step along the way the big economic interests are making big profits. It is the folks who grow it that are told: No, somehow you don't matter.

On this Earth, every single month, we add another New York City in population; every single month we add another New York. Yet, the farmer is told by the grain trade—when the farmer loads the truck and takes it to the elevator—that this grain isn't worth very much; this food isn't worth very much.

We are told half a billion people go to bed every night with an ache in their belly and it hurts to be hungry. Most of them are kids. Half a billion go to bed every night with an ache in their belly because they are hungry. Far more people are malnourished than that. And we are adding a New Yorker to the City every month, yet we have farmers in Iowa, Minnesota, North Dakota, Mississippi, and Wisconsin going broke because they are told—after all of their work, all of their risk, all of their dreams—that the grain they produce doesn't have value. They load the truck, go to the elevator, and get the message. The message is, food doesn't have much value.

Within recent months, we had people come to Capitol Hill to testify about the famine in the Sudan. We had testimony by people talking about old women climbing trees to gather leaves to eat because there is nothing to eat, and our farmers are told: Your food has no value.

If we get past the question of, does food have value, there is a larger question. Who farms in this country, and does it matter? Family farmers are more than just planters. It is the family farm around my hometown of Regent, ND, that provides the blood vessels which make that small community live. It is the family farmer who helps build the church. It is the family farmer who helps keep the main street open. It is the family farmer who helps create a rural lifestyle. This is more than just a question of, does food have value; it is, who is going to farm in our country?

Some say: Let the corporations farm. They are fine; they can farm America from California to Maine. That is true. And we will have no population left in the middle part of our country.

This map demonstrates what is happening in the middle part of our country. The red represents the counties that have lost more than 15 percent of their population. You can see what is happening. In the middle part of America, we are depopulating a significant part of our country. People are leaving, not coming.

I was in two different counties on Saturday in North Dakota. One county lost 60 percent of its population, and one of them had lost 50 percent of its population in the last 25 years.

Picture trying to do business in a small town, in an area that has lost 60 percent of its population. That is trying to do business in a depression.

It matters who farms—not just what is the return, what is the price of grain, but that we do we have a system that encourages family farming. Is the family, as an economic unit, something that has merit and value? Some say, let the market decide that. The market is not an allocator of all goods and services in a fair way at all times. There are times when we have to be a referee in the marketplace.

That is why we have had a farm program. If we hadn't had a farm program, we probably wouldn't have any family farmers now. When prices collapse and you have the valley, the only way family farmers get across the valley is by building a bridge called price support. Three or 4 years ago we were told: That is old fashioned; blow up the bridge. So Congress did—I didn't vote for that. It was called the Freedom to Farm bill. We blew up the bridge and pulled the rug from the family farmers. Let them go to the market. Whatever the grain trade says is the price, that is the market price.

We found out that is absurd. That doesn't work. China, Japan, Canada, Mexico, and Europe are engaged in the kind of trade practices that restrict our products, there are sanctions against food—some of which have, fortunately, been revoked—the farmer finds it can't sell into certain markets, it is locked out of about 11 percent of the international wheat market.

In my judgment, sanctions should almost never be put on. Hubert Humphrey used to say, send them anything they can't shoot back. It certainly makes sense to be able to send food to people who are hungry in the world. That has nothing to do with foreign policy or with guns.

When there is a sanction, certainly farmers should have been paid. Why should farmers bear the cost of this country's national security issues? We have had the sanctions, have had a range of other trade issues and farmers have always been the victims.

There is a way, it seems to me, for Congress, with both Republicans and Democrats to decide jointly that family farmers ought not continue to be victims in this country on trade policy or agricultural policy or policies dealing with market concentration. We need to do much better than that. Frankly, in recent years, I think we have let the farmers down.

This bill is an appropriations bill. There is much in it that is important. I say to the Senator from Wisconsin, your work and the work of Senator COCHRAN is very important work, as is the work of both staffs on the subcommittee. I was pleased for the first time this year to be able to join the subcommittee. It is an important subcommittee that makes critical investments in a wide range of agricultural issues.

At the end of the day, when all of this is clear, we must do something about prices for family farmers. If we don't do that, all of this other investment is not going to be very productive for our country. We must do something to address the question of price collapse.

We offered an amendment in the emergency supplemental bill a couple of months ago. Senator HARKIN and I offered that amendment. I recall, I think, it was midnight or so when Senator HARKIN was recognized to offer it. He spoke, I spoke, and several others spoke. Then we had a vote. We made the points, I and Senator HARKIN, about the difficult time in agriculture, the real crisis that exists at this point. The vote, I believe, was probably a vote on tabling or a vote up or down. We lost on a 14–14 tie vote, and that was only with the Senate conferees.

I know the Senator from Iowa is going to offer an amendment, and I certainly intend to join him during this appropriations process, to have a discussion about that amendment, about an emergency farm bill that puts some resources into rural America to try to respond to this farm crisis.

I am not now going to speak at much greater length on the amendment. I have more things to say, and I will say them at a more appropriate time. My expectation is this legislation will be on the floor for some while. I do want to speak at greater length about some of these farm issues, and my colleague from Iowa and others have a fair amount to say as well about these issues.

Mr. BOND. Mr. President, I wish to raise a problem relating to pharmacy compounding and a proposed Memorandum of Understanding from the Food and Drug Administration with state boards of pharmacy relating to compounding.

Pharmacy compounding is a part of the practice of pharmacy that involves specially-tailoring a prescription drug product for a specific patient's needs. A good example is when a pharmacist takes a pill prescribed for an infant—but which that infant can't swallow—and grinds it up and mixes it into a sweet syrup that the baby is happy to take.

Pharmacy compounding has been part of what pharmacists do for centuries, and it is important to preserve their ability to do this without huge regulatory hassles. Pharmacy compounding is important for many patients who need specially-designed drugs because no commercially-available product meets their specific needs. Interfering with compounding will only hurt these patients by making it more difficult to get—or even denying them—the specific pharmaceutical products they need.

But the Food and Drug Administration is now threatening to create problems for many pharmacists who do a lot of pharmacy compounding—which means problems for the customers they serve. The FDA has proposed a joint regulatory setup with states that calls on state Boards of Pharmacy to investigate pharmacists if more than 20 percent of the total prescriptions they distribute are compounded products sold out-of-state.

This proposal is supposed to guard against a handful of bad actors who are mass-producing drugs but are trying to avoid FDA regulation by saying they are actually involved in pharmacy compounding. The problem is that this proposed solution will also interfere with honest pharmacies and pharmacists who are legitimately engaged in pharmacy compounding.

Two types of pharmacists who are particularly at-risk of being hassled by this rule are pharmacies that are located in multi-state areas and pharmacists who specialize almost exclusively in pharmacy compounding and who are well-known for their specialty either nation-wide or region-wide.

Under the regulatory setup the FDA has proposed, these pharmacies are vulnerable to automatic state investigations or other regulatory actions, even if there is no evidence that they are doing anything but legitimate pharmacy compounding.

Mr. COCHRAN. I thank my colleague from Missouri for raising this issue. For patients who have very specific pharmaceutical needs, pharmacy compounding is clearly extremely important, and I don't believe the federal government should be creating unnecessary hassles or problems for pharmacists who are legitimately serving these patients needs.

Mr. BOND. I thank the Chairman for that comment, and would like to bring up one specific example of the unnecessary problems this proposal creates.

Last week, I spoke to a woman from Kansas City, Missouri, who runs two separate pharmacies. One is a typical drug-store type pharmacy where you can go in to fill prescription drugs that came straight from the manufacturer. Her other pharmacy—which is legally separate—is exclusively involved in pharmacy compounding. The only thing this pharmacy does is specially-tailor prescription products for people in the Kansas City area.

The problem is that easily over 20 percent of her compounding customers are from across the state line in Kansas City, Kansas. She also suspects that many of these Kansas customers—although she's not sure exactly how many—live more than 50 miles away from her pharmacy, meaning she might not fit in the protections the FDA tried to include for pharmacies that are selling to out-of-state customers locally.

Because this pharmacy in Kansas City doesn't meet the somewhat arbitrary FDA guidelines, this woman could automatically be subject to an investigation by the state Board of Pharmacy, even though all of her pharmacy compounding is done legitimately for specific patients.

I just don't believe the FDA has done a good job writing these guidelines. There must be a more sophisticated way to approach this problem that won't threaten legitimate pharmacies with unnecessary regulatory hassles. I believe Congress needs to take a stand on this issue to force FDA to reconsider their proposal.

Mr. COCHRAN. I thank the Senator for his thoughts, and pledge to work with him and others during deliberations of the conference committee on this bill to address this problem.

Mr. BOND. I thank the Senator.

AMENDMENT NO. 702

(Purpose: To amend the Public Health Services Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage)

Mr. DORGAN. Madam President, I am asked to send an amendment to the desk for Senator DASCHLE. I do so at this point and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will report.

The legislative assistant read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. DASCHLE, proposes an amendment numbered 702.

Mr. HARKIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I object.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. COCHRAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the amendment (No. 702) is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 703 TO AMENDMENT NO. 702

(Purpose: To improve the access and choice of patients to quality, affordable health care)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 703 to amendment No. 702.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment (No. 703) is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Madam President, I find our Democratic colleagues have put the Senate in an unfortunate position by offering this bill at this time. The pending bill is the agriculture appropriations bill, certainly a very important appropriations bill. I think you could probably argue they all are. But even more so than usual, the agriculture appropriations bill this year is very significant because we are still dealing with an agriculture economy that has been shaken by prices and by the loss of some markets around the world. We need to move this bill forward.

American farmers are in dire need of many of the provisions in this bill that has been developed in a bipartisan way, with Chairman COCHRAN leading the way. These farmers rely on the legislation and appropriations every year. For some reason, the Democrats have decided to ignore the needs of the American farmer and instead turn this bill into the health care reform bill.

I have in the past, and as recently as last Friday, offered our colleagues on the other side of the aisle an opportunity to debate this issue in the form of a separate bill under a time agreement. However, they have always indicated a request for dozens and dozens of amendments. In fact, the latest discussion, sort of indirectly, but the latest number would call for a minimum of 40 amendments.

Now, I thought they had a bill that basically represented the position they wanted to take on the Patients' Bill of Rights, as developed by Senator KENNEDY and Senator DASCHLE. We have our approach, which is quite different, developed by Senator NICKLES, the Senator in the Chair, Ms. COLLINS, Senator FRIST, who certainly is one who could be very helpful in devising health-related legislation. So we have our two alternative bills, which I thought we could get a direct vote on and have some reasonable number of amendments and then go on to a final conclusion.

However, it seems to me that colleagues on the other side of the aisle are interested in having an issue rather than bringing this Patients' Bill of Rights issue to a conclusion.

I think clearly there are some things we need to do in this area. I assume there are some areas of agreement. There are some fundamental disagreements. For instance, I believe very strongly, in dealing with patients' rights and needs, where there is a dispute, there should be a process for resolving that dispute within a managed care organization or through an expedited outside procedure to get a result and not just look for more opportunities to file more lawsuits.

However, I will continue, as I did last year, to work with the Democratic leader to propound a time agreement which will allow for votes on these important issues, the two approaches, as well as a reasonable number of amendments.

In the meantime, I call for regular order with respect to the State Department authorization bill.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The PRESIDING OFFICER. The clerk will report the State Department bill.

The legislative clerk read as follows:.

A bill (S. 886) to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sarbanes amendment No. 689, to revise the deadlines with respect to the retention of records of disciplinary actions and the filing of grievances within the Foreign Service.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Madam President, I ask unanimous consent that following the modification of the pending Sarbanes amendment, the Senate proceed to a vote on the amendment at 5:30 this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Madam President, I believe we will be waiting for the managers of the State Department authorization bill to come back to the floor. We had a time agreement on the State Department authorization, and we had hoped to complete that bill last Friday, but for a variety of reasons we weren't able to do so. We did get a list of amendments. I believe we have some pretty tight time agreements on those amendments.

We need to move forward with getting to a conclusion early this week on final passage of the State Department authorization. That will be helpful in dealing with other issues pending before the Foreign Relations Committee, including possibly some nominations that have been pending there, because of the very serious nature and the need to get the State Department reauthorization done. So we will go back to that and the managers will be coming to the floor shortly, I am sure, and then we will have a vote, as agreed to, at 5:30 this afternoon on the pending Sarbanes amendment. With that, I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, it is my understanding, therefore, with the majority leader's action, we have effectively moved off discussion of the Patients' Bill of Rights, which we had before us for a very brief period of time this afternoon, and that is the result of the majority leader's action.

Mr. LOTT. That is correct, but it is temporary. We basically now are dealing with three different issues—the State Department authorization, which began last Friday, the agriculture appropriations bill, and the managers of that appropriations bill were able to get, I believe, a couple hours of time on that, and now the Patients' Bill of Rights issue. We will go back to the State Department authorization and, hopefully, we can complete that, and then all of the interested Senators who would like to be heard in a reasonable period of time on the Patients' Bill of Rights, we will work that out for tomorrow. Senators NICKLES, COLLINS, FRIST, SANTORUM, and others will probably want to be heard on that, and I know a number of Senators on your side. We want to work with Senator KENNEDY and Senator DASCHLE to see how we set that up.

Mr. KENNEDY. Well, I thank the leader. He is giving the assurance that there is a possibility, hopefully, or an inevitability, that we will consider this legislation. There ought to be negotiations between the leaders. But would it be fair to say that it is the intention of the leadership at this time that we would have an opportunity to debate the Republican proposal and the Democratic proposal on the Patients' Bill of Rights?

Mr. LOTT. I intend to do that, but I have to say, within reason. That would be in the eye of the beholder. I know there are Senators on both sides of the aisle who want to speak about this issue and want to talk about the alternative proposals. We will line up a time to do that. I can't say right now, without talking to the managers of the two other bills and with Senator DASCHLE, exactly when that will be or how long it will be. We will work that out this afternoon or tomorrow morning.

Mr. KENNEDY. I thank the Senator for at least the assurance that some progress will be made. There is at least a very strong sense among many of those most concerned about this legislation that this is a priority for families in this country, and that we have dealt with other legislation, such as the juvenile justice bill. We worked that process through without limitations and restrictions, in a responsible way. It is certainly the intention of Senator DASCHLE, and others who are cosponsoring this legislation, to do it in a likewise manner. There is the determination that we will have an opportunity to do so, and we will do that. We want to be able to work that out. I know the leader does. I know that is the way it should be worked out. I am hopeful we will have an opportunity to address this in the Senate.

Mr. LOTT. Regarding the juvenile justice bill, you will recall I made a commitment we would bring that up and debate and amendments would not be shut off. But it was with some assurances that we would finish it by Thursday night of the week it came up—I think on Monday. As a matter of fact, it was the following week before we were able to finish it. That is why I think we need to get some clear understanding of exactly what time would be involved and when the votes would occur. I will make sure we get that clarified before we go forward.

Mr. DORGAN. Will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. DORGAN. I wanted to ask a question about the characterization that the Senator made with respect to the action that was taken to send the amendment to the desk. It is not an amendment of the agricultural interests here. I know the offering of the amendment—I sent the amendment at the request of Senator DASCHLE. I know that was not a surprise. Senator DASCHLE announced last Thursday it was going to happen if there was not some sort of understanding reached with the majority leader.

I wanted to say this. The underlying bill is very important, the agriculture appropriations bill. It does not, however, contain the emergency response to the farm crisis that we must add to it at some point here. I hope we will do it in a bipartisan way. But the interest that Senator DASCHLE has in trying to move forward with debate on the Patients' Bill of Rights doesn't in any way diminish the interest and importance of the agriculture appropriations bill.

Mr. LOTT. Madam President, if I may respond. Frankly, I was surprised that this Patients' Bill of Rights amendment was offered to this bill. All that had been indicated was that it would be offered this week if some agreement was not worked out.

First of all, I want to make it clear that I am willing and very anxious to make a reasonable agreement. No. 2, this is not the only bill that was going to be up this week. There would have been—or there will be other opportunities. That is what surprised me, the fact that the agriculture appropriations bill was the bill to which the Patients' Bill of Rights issue was added. That was a surprise because I thought there would be a real strong feeling that we should move forward on the agriculture appropriations bill without it being delayed or deferred or impacted by other issues. That does not diminish at all the importance of patients' rights, but I thought there would have been another bill or another way that it could have been offered. So I, frankly, was surprised—I am not saying it was sort of a surprise attack; I don't mean that at all. I am just surprised the decision was made to offer it to the agriculture appropriations bill when we could have offered it or it could have been offered by others on other bills this week.

Mr. DORGAN. One additional question. I will not belabor the point, except I was with Senator DASCHLE, along with my colleagues, last Thursday. He made it clear to everybody here in the Capitol what his intention was for this week. There would not have been a need to submit this amendment today on any bill had there been an agreement last week.

But let me also say when we get to the agriculture appropriations bill, at some point there is going to be lengthy debate about the emergency response that we need to do with respect to this farm crisis.

Let me finally make this point. We will, I assume, at some point have a full debate on the Patients' Bill of Rights. It will be a debate with amendments offered by both sides—not amendments cleared by anyone, not amendments in which someone is being a gatekeeper and which people have an opportunity to say here is how we feel about this issue. That is going to happen sooner or later.

Mr. LOTT. Madam President, if I could reclaim my time, I am glad to try to enter an agreement as to how this issue would be handled. We are ready to go. But the comment about gatekeeper—we have a lot of important work to do here. Agriculture, obviously, is a very important issue, and State Department authorization is very important, and intelligence authorization is very important. We have appropriations bills we need to move through. We have a limited amount of time in which to do that. We have this week and next week before the Fourth of July recess. Therefore, there must be some reasonable understanding, some reasonable agreement about how much time or what amendments will be offered. We do that all the time. Every Senator knows we enter into agreements to limit amendments or limit time. If we can get that worked out, then we will go forward. The alternative is that we can have debate on this tomorrow, and we can have a couple of votes and sort of see where we are and then decide how to proceed after that.

But I believe we have broad support outside of this Chamber and in the Senate for the alternative that we have. Great work has been done by Dr. FRIST and Senator COLLINS and Senator JEFFORDS, a broad group within our conference working with Senators from all regions of the country who understand this problem. We are ready to do it. As soon as you can decide you are ready to have a vote on the merits of the two packages pending, with a reasonable number of amendments, we will do that.

We are going to have to get some order as to how that is done, and we will do that or we will just vote on the packages as they are and let that happen. I think we can keep wrangling back and forth. I invite others to join in the opportunity to discuss exactly the substance of the two bills and also how we will handle them.

I see the chairman is here, and Senator SPECTER from Pennsylvania is here, and others. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

STEEL IMPORT LIMITATIONS

Mr. SPECTER. Madam President, I have sought recognition to speak relatively briefly on the steel import limitation bill; a cloture vote on the motion to proceed is scheduled tomorrow at 12:15. I will be engaged in committee hearings at that time, so I have sought a few minutes this afternoon to express my support to impose cloture on the steel import limitation bill.

Similar legislation passed the House of Representatives by a vote of 289–141. While this is a strong measure, a so-called quota bill, I believe it reflects the necessity that strong action be taken to enforce U.S. trade laws to stop an avalanche of dumping by foreign countries.

We have seen the disintegration of the American steel industry, the decimation of the American steel industry by unfair foreign imports. Twenty years ago, in 1979, approximately 453,000 steelworkers were employed. Today that figure is about 160,000. Some $50 billion has been invested by the American steel industry to modernize, but there is no way that the American steel industry can compete with dumped goods. When I say "dumped goods" I mean goods which come into the United States from a number of countries—from Russia, from Brazil, from Ukraine, from South Africa, from China—where they are sold for less than they are sold for in the exporting country; that is, sold for less than the United States and sold for less than Russia, which is sending them to the United States, and sold for less than the cost of production.

The situation requires a change. I will quote extensively from a letter sent by 12 executives from American steel companies to the Secretary of Commerce, responding to a comment by the Secretary of Commerce last week that the steel crisis is over—so said Secretary Daley. This letter, dated June 18, 1999, from the executives of 12 American steel companies, says, in pertinent part, the following:

> The steel crisis is still very much with us. Imports volumes are down from the disastrous levels of 1998 but are still very high by historic standards. The surge of imports in 1998 caused inventories to balloon to extremely high levels. These inventories have seriously depressed prices up until the present and will continue to do so until these stocks have been worked down. Moreover, cold-rolled imports are up dramatically through April of this year, 24% above the level of the first four months of last year. Imports of cut-to-length plate are up dramatically—25% year-to-year for this period.
>
> Prices remain extremely depressed. The producer price index for all steel mill products is down 9% (1999:Q2/1998/Q2). This is the largest decline in nearly 20 years. Prices for hot-rolled sheet, cold-rolled sheet and plate are down 11% and 15% respectively.
>
> Operating rates have plunged from 93% to 80% between January and December 1998 and have remained at that depressed level through the first half of 1999. The decline in operating rates equates to about $2 billion in lost revenue in the second half of last year. On an annualized basis, a 10% change in operating rate equals about $5 billion in revenue.
>
> The depressed prices and operating rates caused most American steel companies to post losses in the most recent quarter. Several steel companies have been forced into bankruptcy. Thousands of those who were laid off due to unfairly traded imports are still out of work. Many thousands have seen their workweeks shortened and are still not back to full time.
>
> For our industry, therefore, this crisis is very real.

The steel industry started some seven actions for antidumping, and six of those were subjected to suspension agreements by the Department of Commerce, to the detriment of the steel companies.

I ask unanimous consent this chart on steel imports and suspension agreements be printed at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The result of steel import limitations, so-called quotas, is a drastic remedy. We have seen not only steel but other industries in the United States victimized by the failure to enforce U.S. trade laws.

For the past 15 years, this Senator has proposed legislation which would authorize equitable relief to provide for enforcement of the U.S. trade laws. At the present time, if complaints are filed with the International Trade Commission, it takes up to a year or longer to have those matters resolved. An equitable action, a court of equity, would result in having these matters resolved in the course of a few weeks. Until that is done, it seems to me we need to take some very decisive action.

That is why I have cosponsored the steel import limitation bill. I urge cloture on the motion to proceed be invoked when this matter comes up for a vote tomorrow at 12:15.

Mr. DORGAN. Will the Senator yield?

Mr. SPECTER. I yield.

Mr. DORGAN. I intend to support the legislation the Senator just described. The Senator from Pennsylvania described a condition with the steel industry that relates to, among other things, the lack of enforcement of trade laws.

In North Dakota, we don't produce steel. We don't have a foundry that produces a substantial amount of steel. We don't have steelworkers. However, we have farmers in almost exactly the same set of circumstances. At least part of that reason is because of bad trade agreements, or trade agreements that have not been enforced.

A number of Senators, I am sure, will support the initiative tomorrow. I think tomorrow is actually a vote on the motion to proceed. I believe it is important to stand up for our economic interests.

It is not about protectionism; it is about standing up for our country's economic interests and making sure we enforce trade laws. If someone is dumping in our country—whether it is steel or wheat—we ought to expect, as a steel industry or as family farmers, that our Federal Government will take action to enforce our trade laws.

I agree with the statement of the Senator from Pennsylvania. I think a number of Senators, tomorrow, will be in agreement on that basic premise.

I thank the Senator for yielding.

Mr. SPECTER. If I may respond briefly, I thank my colleague from North Dakota for that statement.

I had presented legislation on equitable relief before the Finance Committee. The Senate's colleague, Senator CONRAD, is a member, and he made the same statement about the similarity in wheat.

At lunch today, CONRAD BURNS was talking about similar problems in Montana. I will send a copy of the equitable legislation which I think would cover many products. We will have an overwhelming response in this body so that our trade laws are enforced, consistent with GATT, but put teeth in an enforcement mechanism which is not present today.

I yield the floor.

EXHIBIT 1.—STEEL IMPORTS AND SUSPENSION AGREEMENTS—SUMMARY OF FLAT-ROLLED SUSPENSION AGREEMENTS

Year of filing and product	Country	Final adjusted margins (percent)	By metric tons—		Dollar amount per metric tons—		
			Suspension agreement volumes	Estimated volumes w/ orders	Agreement minimum price	Estimated fair price	Current import value
1996—Plate CTL	China	17 to 129	141,000	0	$308	$505	$397
1996—Plate CTL	Russia	54 to 185	94,000	6,466	$275 to $330	505	352
1996—Plate CTL	S. Africa	26 to 51	NA	3,150	NA	505	331
1996—Plate CTL	Ukraine	81 to 238	148,520	32,151	$314 to $466	505	516
1998—Hot-Rolled	Russia	71 to 218	750,000	28,933	$255	397	236
1998—Hot-Rolled	Brazil	51 to 71	295,000	310	NA	397	227

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The Senate continued with the consideration of the bill.

AMENDMENT NO. 689

Mr. HELMS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the State Department authorization and the Sarbanes amendment, numbered 689.

Mr. HELMS. That is before modification; is that correct?

The PRESIDING OFFICER. It has not yet been modified.

Mr. HELMS. Let me inquire, is the modification that I understand has been agreed to—do both sides agree to it? I know our side does, but I would not want to do anything against the wish of Senator SARBANES.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered:

AMENDMENT NO. 689, AS MODIFIED

Mr. HELMS. Madam President, I send to the desk a modification of amendment No. 689 and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. SARBANES, proposes an amendment numbered 689, as modified:

On page 39, line 11, insert after "action" the following: "that includes a suspension of more than five days".

On page 41, line 16, strike "one year" and all that follows through the end of line 22 and insert the following: "two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance.'.".

Mr. HELMS. Madam President, the majority leader desires, and I want to accommodate him in this, that this amendment be the rollcalled amendment at 5:30.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Madam President, I ask unanimous consent there be no further amendment to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I just discussed this with the Senator. I need to know, if he will advise me, how long he intends to speak at this time.

Mr. DORGAN. Madam President, in response to the Senator from North Carolina, I am going to introduce a bill. That will take about 4 or 5 minutes. Then I want to make a brief statement, perhaps 5 minutes or 7 minutes or so, on the test ban treaty. My intention would be probably no more than 10 or 12 minutes.

Mr. HELMS. Madam President, if the Senator will conclude in 7 minutes, I have no objection at all, but I want to keep the time available for Senators who will talk on the bill.

I have no objection.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1252 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Madam President, I appreciate the Senator from North Carolina allowing me to speak. We are on a very important piece of legislation, and he is managing it. These are all very important issues. I wish my colleagues well as they work through their bill in the next day or so.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, for the record, I will offer a progress report on where we stand on the State Department reauthorization bill.

Since we began last Friday and over the weekend, the staff has worked together with other staff, and as we now stand, there remain just three amendments yet to be offered by Senators WELLSTONE, FEINGOLD, and SARBANES. The Sarbanes amendment is in addition to the one that is scheduled for a vote at 5:30 this afternoon. I encourage all three Senators to utilize this time so we can put this bill to bed and send it over to the House.

I believe the Senator from Minnesota desires some time.

Madam President, how much time does the Senator desire?

Mr. GRAMS. Madam President, 5 minutes.

Mr. HELMS. I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. GRAMS. I thank the Chair. Madam President, I thank the chairman for recognizing me.

As the subcommittee chairman with jurisdiction over the State Department authorization bill, I compliment our chairman for all the work he has put into this bill to move it quickly to the floor.

As he said, I hope we can get these amendments addressed and send this bill to the House and hopefully have it signed by the President in the very near future.

I worked closely and diligently with Members on both sides of the aisle and the administration to craft legislation which will strengthen America's leadership role in the international arena. This package enhances the security of our embassies abroad, establishes benchmarks for the payment of U.N. arrears, and prioritizes our international affairs expenditures.

I am pleased this authorization bill contains the provisions of a bill I introduced, the Secure Embassy Construction and Counterterrorism Act of 1999. In the aftermath of the embassy bombings in August of 1998, the State Department Accountability Review Boards chaired by Admiral Crowe concluded that we have devoted inadequate resources and placed too low a priority on security concerns. Those findings echoed those of the Inman Commission, which issued an extensive embassy security report that raised these same points 14 years ago.

We seek to remedy that situation by establishing an Embassy Security and Construction Account so funds designated for embassy security will not be used for other purposes. In addition to authorizing $600 million a year for the next 5 years, this bill provides security requirements for U.S. diplomatic facilities and requires the Secretary of State to certify that the funds are being used to meet security objectives. It also establishes requirements for threat assessments and also emergency procedures. Working abroad will never be risk free. But we can take a number of measures, like these, to make sure that safety is increased for U.S. Government employees overseas. We can also put forward requirements to ensure we have an effective emergency response network in place to respond to a crisis should one arise.

I am also pleased that the U.N. Secretary General and the administration have endorsed our U.N. reform package which provides $819 million in arrears and another $107 million debt relief in exchange for reforms. This is a positive step towards shaping a U.N. that is a viable organization in the 21st century. Because any organization burdened with a bloated bureaucracy and no mechanisms to control spending will collapse under its own weight of inefficiency. We must reform the United Nations now, and the United States has the responsibility to play a major role. If we do nothing, and the United Nations collapses under its own weight in a few decades, then we will have only ourselves to blame.

I believe that the U.N. needs the discipline of actual benchmarks tied to the arrears to provide the impetus for fundamental reform; because given the power of an entrenched U.N. bureaucracy, true reform will only occur when there are tangible incentives to change. We have seen how difficult it is to streamline our own bureaucracy here in Washington. It is even more difficult to streamline an international organization where each member is involved in these decisions. But I want to underscore that these reforms are achievable. These reforms include having Inspectors General in the specialized agencies; promoting merit-based employment; and establishing a code of conduct for personnel with an anti-nepotism provision. Congress' message is simple and it is straightforward. The U.S. can help make the United Nations a more effective, more efficient and financially sounder organization, but only if the U.N. and other member states, in return, are willing to finally become accountable to the American taxpayers.

That being said, I want to emphasize that the U.N. does excel in certain areas. The U.N. Voluntary Fund for Victims of Torture gives financial aid to organizations that help torture survivors, like the Center for Victims of Torture in Minnesota. Assisting treatment centers for victims of torture is an effective method to lessen the incidence of torture by providing irrefutable medical and psychological evidence that torture is actually still occurring. These centers also serve a strategic purpose of restoring faith in the principles of human rights and democracy. That is why I am leading the effort to increase the U.S. contribution to $5 million a year.

I urge my colleagues to support the entire bipartisan package and, especially, to understand how difficult it was to arrive at an agreement on the arrears. Again, I commend the chairman and also the ranking member of the Foreign Relations Committee for their diligence and also their perseverance in effecting this compromise bill. This agreement is in America's best interest, and the best interest of the entire international community.

I compliment the chairman for all his fine work in getting this bill to the floor. Again, I urge my colleagues to vote for its passage.

Thank you very much, Madam President.

I yield the floor.

Mr. KERREY. Madam President, I rise today in support of S. 886, the Foreign Relations Authorization Act. I would like to take this opportunity to thank Chairman HELMS and Senator BIDEN for their leadership in crafting this bipartisan bill.

Simply put, the bill before us is a piece of national security legislation. I know we don't often think about the authorization of the State Department in these terms, but the truth is our first line of national defense is diplomacy. We in Congress have spent far too little of our time and resources on ensuring we have a strong, well-financed diplomatic corps. As a consequence we have failed to convince the American public of the importance of our foreign policy institution in maintaining U.S. national security.

I recognize that it's much easier to explain to our constituents the importance of the Defense Authorization Bill to their safety and security. The tangible results of the Defense Authorization Bill—a well trained and well-equipped military force—is easily translatable into a sense of greater national security. Rather than tanks and fighter aircraft, this bill authorizes our diplomats and overseas embassies. It authorizes funding for U.S. participation in international organizations and foreign language broadcasting. It is much less obvious to the American people how these types of activities help protect America. Mr. President, they do.

One of the most important lessons of the post-Communist era is the increasing importance of diplomacy. A failure of diplomacy in today's world is more likely to result in the need for the use of force. As one thinks about the instances in which the United States has been compelled to use military force in the last decade—from the Persian Gulf to Kosovo—each conflict was preceded by a breakdown of diplomacy, or at least an inability of diplomacy to solve the problem. During the Cold War, we relied on our military might to deter Soviet aggression. Today's threats are more diverse and must be countered, not only with military strength, but with strong intelligence and diplomatic capabilities.

I intend to vote for this bill because I believe it is a positive step in strengthening our diplomatic capabilities. To begin, this bill would fully authorize the President's request for Diplomatic and Consular Programs. Just as we strive to have the best-trained and best-equipped military force in the world, we should do everything in our ability to create a diplomatic corps with unparalleled insights into how the world works. A key component of this is creating a State Department that is responsive, efficient, and capable. In my opinion, the integration of the Arms Control and Disarmament Agency (ACDA) and the U.S. Information Agency (USIA) into the State Department has improved coordination of U.S. policy and led to greater effectiveness.

For our diplomats to be successful, they must be reasonably safe. The bill contains a five-year authorization for a $3 billion program for embassy construction and upgrading U.S. diplomatic facilities overseas. The bombings of the U.S. Embassies in Kenya and Tanzania taught us the painful lesson that too many of our diplomatic posts remain too vulnerable to terrorist attack. We can never guarantee absolute security, but this bill will make an immediate downpayment of $600 million to upgrade security and establish a process to identify those facilities most vulnerable and most in need of improvements.

This bill further promotes U.S. national security by authorizing such programs as Radio Free Europe/Radio Liberty and the National Endowment for Democracy (NED). Each of these are vital tools in our effort to promote democracy and provide hope to those people seeking to end totalitarian rule. The surest way to foster U.S. national security is to extend the benefits of democracy and the rule of law to people in places like Iraq and Cuba.

Perhaps the most important component of S. 886 is the authorization to begin repayment of U.S. arrears to the United Nations. It may be surprising to many Americans that, due to our failure to meet our international financial obligations, the United States is perilously close to losing its vote in the General Assembly of the United Nations. Any member country with arrears equal to two years of its annual assessment automatically loses its right to vote in the General Assembly. Our failure to act on this issue by the end of the year will put the United States in such illustrious company as Afghanistan, Iraq, and Yugoslavia—each of which have also lost their voting rights.

Some may question the need for U.S. participation in the United Nations. The simple fact is the multilateral nature of the U.N. improves our ability to confront global challenges. Our participation in the United Nations has helped to reduce the threat of Saddam Hussein's weapons of mass destruction program. Our participation in the United Nations has forced Libya to turn over the suspects from the Lockerbie bombing so that they may face justice. Just recently we sought support in the United Nations to strengthen our hand in Kosovo and provide multilateral support for the ongoing peace implementation effort. It's naive to believe that being the largest debtor nation at the U.N. will not have an increasingly negative impact on our ability to lead. Therefore, it is critically important that we pass this bill and set ourselves on the path to paying our debts.

There is one group of my constituents that consistently understand the importance of U.S. foreign policy. Nebraska farmers and food processors know maintaining good diplomatic relations is essential to maintaining good markets for their products. They also understand that international conflict and instability can affect not only their prosperity, but their safety as well. I intend to vote for this bill because I believe it will increase the safety of the American people by strengthening our foreign policy institutions and improving our ability to avoid conflict.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Madam President, we will be voting, as I understand it, on the amendment which I offered on Friday. The chairman at that time asked if I could go ahead, and I indicated I could to try to move the bill along.

We have worked over the weekend. Staff has worked on this amendment and some modification was made in it which was earlier sent to the desk by the chairman of the committee. I thank the chairman and his staff and the ranking member and his staff for working on this.

Actually, the chairman and his people were reasonably trying to get at a problem. We have made an adjustment that makes it work. If a Foreign Service officer receives a suspension of more than 5 days, that fact will stay in his or her file until they next come up for promotion and for tenure. There would still be a minimum period when any suspension will be in the file, but beyond that period, the minor suspensions will drop out of the file. Any one that has been for more than 5 days will remain in the file. That is to get at a problem.

Staff said to me, on occasion we get reports on these people, and when we look into it, we discover there was a major suspension but this suspension dropped out of the person's record before they came up before a promotion board. People believe, in a case of something of more than 5 days, which obviously would be of some consequence, that it ought to remain in and not be excised from the record. We have made that adjustment. I thank the chairman and his people for their responsiveness.

The other amendment I believe was agreeable on Friday. That was on a grievance, where we took it back up from 1 year to 2 years. The committee had dropped it from 3 to 1 in terms of the period when an employee has to file a grievance. One year is tough, particularly if that person is overseas, because they do not get home leave except every 18 months. We took it back up to 2 years and made some other minor changes, and that is acceptable to the committee. I very much appreciate that.

Mr. HELMS. I thank the Senator. How much time remains before the vote?

The PRESIDING OFFICER. Two minutes.

Mr. SARBANES. Madam President, as I understand it now, with these changes the chairman has suggested, the amendment is acceptable to the committee.

The PRESIDING OFFICER. The amendment is acceptable to the offerer with the changes that have been made.

Mr. HELMS. This amendment, as modified, preserves one of the key Foreign Service reforms in the bill. The bill currently requires that any disciplinary action taken against a member of the Foreign Service be included in a Foreign Service member's file for at least one successful tenure or promotion. Current practice requires that such actions remain in a personnel file for only 2 years.

The current requirement has enabled some Foreign Service members to game the system and receive a promotion once the disciplinary action has been removed from the file. For example, the committee was recently asked to review the promotion of an individual who had failed to attain promotion by two review boards while the disciplinary action remained a part of his file. After 2 years, when the action was removed from his file, he immediately received promotion.

The Foreign Service, like the military, is intended to be an up or out system. In the military, disciplinary actions stay with an officer's file for his entire career. The current provision in the bill seems to me to be a reasonable reform that would ensure a Foreign Service promotion board can make an informed decision. I accept the reasonable compromise offered by Senator SARBANES that ensures this requirement applies only to more severe disciplinary actions.

Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, they have.

Mr. HELMS. I suggest we vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 689, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. CRAIG. I announce that the Senator from Oklahoma (Mr. NICKLES), the Senator from Wyoming (Mr. THOMAS), the Senator from Arizona (Mr. MCCAIN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—88

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—12

Baucus
Chafee
Dodd
Inhofe
Kennedy
Lautenberg
Leahy
McCain
Murkowski
Nickles
Santorum
Thomas

The amendment (No. 689), as modified, was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, we are within striking distance of a final disposition of this bill tomorrow. We hope to get an agreement for the Feingold and Sarbanes amendment and a vote on final passage tomorrow morning.

In the meantime, after the majority leader has his report to us, we will begin debate on the amendment by the distinguished Senator, Mr. FEINGOLD.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 692

(Purpose: To limit the percentage of noncompetitively awarded grants made to the core grantees of the National Endowment for Democracy)

Mr. FEINGOLD. Mr. President, I will offer today an amendment to make a simple reform to the grants process for the National Endowment for Democracy, the funding of which is authorized in the State Department authorization bill which we are debating.

I want to make this very clear. I am not here to cut or eliminate NED funding by even one penny. This doesn't cut the program at all. Rather, my amendment simply requires the money given by the American taxpayers to NED each year be distributed fairly and effectively. The amendment, therefore, reforms the NED's grant-making procedures, procedures about which it can fairly be said, as of today, "The fix is in."

Here is how the grant process at NED works today. Currently, 65 percent of NED grant money goes automatically to four so-called core grantees, and these are the Solidarity Center, an arm of the AFL–CIO; the Center for International Private Enterprise or CIPE, an arm of the U.S. Chamber of Commerce; and two groups tied to America's major political parties, the International Republican Institute and the National Democratic Institute for International Affairs.

My amendment simply would require that the grant process of NED become competitive. The amount of grant funds provided automatically to the NED's four core grantees would be reduced incrementally over the next 5 years, so all NED grant funds would be awarded competitively on the merits by the time we get to the end of that 5-year period.

I hope we can all agree that more competition among applicants for grant funds is a good thing and that it is the fairest way to apportion the tax dollars NED distributes to help promote democracy. As it stands now, the four grantees are hardly subject to any real scrutiny. That is why I say the fix is in for these very well connected organizations.

The NED is a private, nonprofit organization created by the U.S. Government during the cold war in 1983. The idea was a good one. The idea was to strengthen democratic institutions around the world through nongovernmental efforts. The NED is governed by an independent, nonpartisan board of directors and operates with an annual congressional appropriation, so strictly speaking, it is not really an endowment. NED receives 97 percent of its funding from the taxpayers. Until it has significant private sources of funding, it does not make any sense to me to guarantee most of its grants to four private groups.

The NED provides some direct grants, conducts analyses of the theory and practice of democratic development worldwide, and serves as a clearinghouse for information on that development. The NED makes hundreds of grants each year to support prodemocracy groups in Africa, Asia, Central and Eastern Europe, Latin America, the Middle East and the former Soviet Union. The Endowment supports projects that promote political and economic freedom, a strong civil society, independent media, human rights and the rule of law.

There are also programs in the areas of labor, business, and political party development which are funded mostly through the four grantees, although other applicants are prepared to conduct programs in each of these areas.

Obviously, I believe in the value of democracy and the imperative of the United States to support democratic development, human rights, and the rule of law abroad. So I do not take lightly at all the admirable aims of the National Endowment for Democracy and do believe these goals are in the national interest of the United States.

Nevertheless, I continue to have concerns about this bizarre structure of the endowment "family." As I mentioned, more than 50 percent of the NED's budget, and some 65 percent of the grants it makes, goes to these so-called core grantees—NDI, IRI, CIPE and the Solidarity Center.

Why do these core grantees get that funding year after year? Because at NED's inception, they had the political clout to get permanently "wired in." Whatever the goals of the originators of this strange arrangement, it has not been adequately demonstrated that the core groups necessarily offer programs of such superior quality that they should get this annual bonanza while other independent organizations must vie for funding from the NED's small remaining discretionary fund.

Sure—I am quick to say this—the core grantees have conducted some excellent programs and many of them certainly serve important U.S. national interests. I am sure they deserve to get some funding. But why is it they are automatically given 65 percent of grant funds? I have to believe there are other organizations out there that can do the job better on some projects, but they are not even allowed to compete for this majority of the money.

In fact, I have the list of some 250 organizations that have satisfied those individuals who review the remaining amounts of funds to the point where these organizations have been granted funds.

I must say in fairness, considerable progress has been made over the years in addressing many of the most pressing concerns about the selection and monitoring of NED grants. As the result of several studies conducted by the GAO, the Endowment has addressed many issues and has tightened up its project selection and performance monitoring procedures. I certainly recognize that the NED has made a little bit of progress in reducing the percentage of its grants that are slated for these four grantees. It used to be as high as 80 percent of the total NED budget.

The NED has seen its funding attacked in this Chamber in recent years, but each time the Senate has made a clear and sometimes overwhelming decision to preserve that funding. I understand that an appropriations bill which was filed last week zeros out funding for the NED, but I am absolutely confident those funds will be restored because there is no other federally funded organization in America that is, frankly, better connected on Capitol Hill than the National Endowment for Democracy.

Today, I am certainly being realistic and trying to be positive and helpful and trying to improve the program. I am not attempting to shut down the NED. Let me repeat, my amendment does not seek to kill the National Endowment for Democracy, nor does it cut the program funding even by one dime. Rather, I seek to reform the strange and unique grantmaking structure that has evolved at NED.

Let me describe this amendment one more time. This chart shows, again, the situation before our amendment and under current law. The distribution, the very small portion in green is available to everybody else after these four grantees are guaranteed 65 percent of the grant money. My amendment will decrease the amount in blue gradually over 5 years by a small amount each year to 52 percent in fiscal year 2001, 39 percent in fiscal year 2002, so on until 2004 when there would be no noncompetitive funds made available and the funds would go to the applicants who offer the best proposals. A novel idea: All the money goes to the best applicants. That is a pretty good use of taxpayers' dollars, in my view.

Mr. HELMS. Will the Senator yield?

Mr. FEINGOLD. I will be happy to yield to the chairman.

Mr. HELMS. Will the Senator be willing to send his amendment to the desk and count the time he has used against it?

Mr. FEINGOLD. Mr. President, it was my intention to offer the amendment at the conclusion of my remarks. I certainly anticipated the time I used would go against my time.

Mr. HELMS. I am not trying to direct the Senator. I just want the clock to start running.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the time I have already consumed be counted against my time that I was allotted under the agreement.

Mr. HELMS. That sounds fair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the chairman.

I will conclude my remarks, and at the conclusion of those remarks, I will, in fact, send the amendment to the desk. This does not necessarily mean any of the four core grantees will have to cut their budgets, but it will mean they will have to actually make their case to NED that their proposals are the best use of taxpayers' dollars. As it now stands, these four grantees know the fix is in, so there is less incentive to make sure every single program is as efficient and well planned as it possibly can be.

My amendment will phase out this fix over a 5-year period and compel each of the four grantees to work a little harder to earn their grants, as hard as everybody else, so they can be in this big green pie of the best applicants, not just the guaranteed applicants.

Again, this is not an amendment to kill or even cut funding for the NED. It is an amendment to use old-fashioned American competition to ensure that the best use of taxpayers' dollars in the funding of democracy programs happens abroad. My colleagues who believe in fairness and competition and the efficient use of the taxpayers' money should vote aye.

I ask unanimous consent that a list of 250 organizations which received NED funds in calendar year 1998 be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS THAT RECEIVED NED DISCRETIONARY GRANTS IN CALENDAR YEAR 1998

Afghanistan Information Center
Afghanistan Study Center
African Centre for Democratic Governance
African Leadership Forum
Al-Urdun Al-Jadid Research Center
Albanian Center for Human Rights
American Assistance for Cambodia
American Federal of Teachers Educational Foundation
American Foreign Policy Council
Andean Commission of Jurists
Arab Media Institute
Asia Plus News Agency
Assistance Center for Nonprofit Organizations
Associates to Develop Democratic Burma
Association for Civic Education
Association for Independent Electronic Media
Association in Support of Local Democracy
Association of Liberian Professional Organizations
Association of Vietnamese Overseas
Association of Women with University Education
Associaton of Young Leaders
Azerbaijan Foundation for the Development of Democracy
Balkan Forum Civil Association
Belapan Information Agency
Belgrade Center for Human Rights
BETA News Agency
Bureau d'Etudes, de Rechereche et de Consulting International
Burma Information Group
Burma Lawyers' Council
Burmese Women's Union
Cairo Institute for Human Rights Studies
Cambodian Human Rights Task Force
Campaign for Democracy
Center for a Free Cuba
Center for Anti-War Action
Center for Civil Education Poland-Belarus
Center for Cooperation-Livno
Center for Free Speech
Center for Justice and International Law
Center for Law Enforcement Education

Center for Law and Human Rights
Center for Modern China
Center for Palestinian Research and Studies
Center for Research and Popular Education
Center for Strategic and International Studies
Center for the Services of Popular Action
Center of Social Projecting "Vozrozhdeniye"
Centre Chretien pour le Developpement des Paysans en Milieu Rural
Centre des Droits de l'Homme et du Droit Humanitaire
Chad Non-Violence
Channels Television
Children of Chernobyl Gomel NGO Resource Center
China News Digest International
Chinese VIP Reference
Citizen's Movement for Democracy
Citizen's Presence
Civic Association Justice First
Civil Association for Social Development—New Dawn
Civil Liberties Organization
Collectif d'Actions pour le Developpement des Droits de l'Homme
Colombian Commission of Jurists
Comite d'Action pour les Droits des L'Enfant et de la Femme
Committee for the Defense of Human Rights
Committee for the Defense of Human Rights in Tartarstan
Coordinating Child Center for International Development of Tajikistan
Council for the Defense of Human Rights and Freedoms
Cuban Committee for Human Rights
CubaNet
Danas (Today)
Democracy Center Foundation
Democratic Association of Moroccan Women
Democratic China
Democratic Voice of Burma
Development through Education Fund
Dialogue Turkmen Youth Leadership Center
Disadente Universal de Puerto Rico
Dr. Ismail Juma'le Human Rights Organization
Educational Choices Heightened Opportunity
Educational Society of Malpolska
Egyptian Center for Women's Rights
Egyptian Organization for Human Rights
Ethiopian Human Rights Council
European Center for Common Ground
Express Chronicle
Femmes et Enfants pour les Droits de l'Homme
Foundation for China in the 21st Century
Foundation for Defense of Human Rights
Foundation for Democracy in Zimbabwe
Foundation for Education for Democracy
Foundation for Human Rights Institute
Free Iraq Foundation
Freedom Channel
Fund for Peace
Gender Equity: Citizenship, Work and Family
Glastnost Defense Foundation
Glastnost Public Foundation
Gomel Civic Initiatives Association
Grand Vision pour la Defense des Droits de l'Homme
Group d'Etudes et de Recherche sur la Democratie et le Developpement Economique et Sociale
Group for Democratic Development
Groupe Justice et Liberation
Helsinki Citizens Assembly—Tuzla
Helsinki Citizens Assembly—Banja Luka
Helsinki Citizens Assembly—Turkey
Helsinki Committee for Human Rights in Republika Srpska
Helsinki Committee for Human Rights in Serbia
Hong Kong Human Rights Monitor
Human Rights Africa
Human Rights in China
Human Rights Documentation Unit
Human Rights Foundation of Monland
Human Rights Foundation for Civil Society
Human Rights Monitor
Human Rights Publishers
Humanitarian Law Center
HUNDEE
Huri-Laws
Ibn Khaldoun Center for Development
Ilim Educational Complex
Information and Research Centre for Civic Education
Information Bureau of the Human Rights Movement in Cuba
Institute for Democracy in Eastern Europe
Institute for Democracy in Eastern Europe/Warsaw
Institute for Far Eastern Studies, Kyungnam University
Institute for Regional Studies
Institute for Southeastern Studies
Institute for Sustainable Development Education
Institute of Human Rights and Humanitarian Law
Institute of Political and Strategic Studies
International Campaign for Tibet
International Crisis Group
International Forum for Islamic Dialogue
International Human Rights Law Group
Jan Hus Educational Foundation
Karen Information Center
KARTA (Charter) Center Foundation
Kaunas Municipal Training Center
Kharkiv's Center for Women's Studies
Kharkiv Human Rights Protection Group
Khmer Students Association
Koha Ditore
Krygyz Committee for Human Rights
Lahu National Development Organization
Laogai Research Foundation
Lawyers' Association for the Defense of Human Rights
League of Democratic Women
Lebanese Foundation for Permanent Civil Peace
Leagal Defense Institute
Les Amis de Nelson Mandela pour la Defense des Droits de l'Homme
Liberal Women's Brain Pool
Liberian Human Rights Chapter
Ligue des Electeurs
Liuboslavkii Charitable Foundation for the Defense of Human Rights
Media Rights Agenda
"Meeting of Cuban Culture" Magazine
Mexican Commission for the Defense and Protection of Human Rights
Milan Simecka Foundation
Minnesota Advocates for Human Rights
Moscow Helsinki Group
Movement for the Survival of the Ogoni People
Museum of Political Repression and Totalitarianism
Mutawinat Benevolent Company
Mwelekeo wa NGO
Myrna Mack Foundation
Nadacia Pre Obciansku Spolocnost
National Coalition for Democracy
National Democratic Coalition
National Health and Education Committee
National Human Rights Monitor, Inc.
National League for Free and Fair Elections
Nework for Communal Justice and Conflict Mediation
Network Recherche Action
The New Era Journal
Niger Delta Human Rights and Environmental Rescue Organisation
Nizhnii Tagil Human Rights Library
Nonviolence International
NTV Zetel
Obrumankoma, Odapagyan and Oson Traditionals
Organization of Indigenous Women of the Peruvian Amazon
Organization to Improve the Quality of Life
Panorama
Panorama Center for the Dissemination of Alternative Information
Partners for Democratic Change
Peace and Development Committee
People in Need Foundation
People's Action for Free and Fair Elections
Permanent Committee of the Civil Institute
Philanthropic Amlieh Association
Polish-Czech-Slovak Solidarity Foundation
Presov Civic Foundation
Press and Society Institute
Press Freedom Guardian
Press Union of Liberia
Princeton China Initiative
Pro Democracy Association
Prologues
Promotion de la Femme Rurale
Public Research Center
Radio Anfani
Radio Drina
Radio Zid
Rally for Youth Action
"Ratusha" Civic Association
Region Association
Rene Moawad Foundation
Rural Educational Services
Russian Association for Civic Education
Ryazan Regional Branch of the Memorial Society
Sakharov Foundation
Saratov Legal Reform Project
Search for Common Ground
Sharq Information and Analysis Center
Sisterhood is Global Institute
Smoloskyp
Snezhinsk Human Rights Defense Group
Spiral Foundation
STINA News Agency
Strategic Empowerment and Mediation Agency
Strategy Center
Studio "N"
Sudan Human Rights Association
Sutizahnik
Synergy
Tashkent Public Education Center
Tibet Fund
Tibet Times
Tibetan Youth Congress
Tsentral'naya Aziya
Tulane University
Tuzla Citizens Forum
Uchitel'skaia gazeta
Ukrainian-American Bureau for Human Rights
Ukrainian Center for Independent Political Research
Ukrainian Congress Committee of America
Ukrainian Memorial Society
Union of Councils for Soviet Jews
Up with Citizenship Association
Urals Foundation for Social Innovation
Vijesti
Vitebsk Foundation for Democratic Reforms
Voice of the Handicapped for Human Rights
Voice of the Voiceless
Vreme
Westbourne Publishers, t/a Dar al-Saqi
Women for Democracy and Leadership
Women Living under Muslim Law
Women in Nigeria—Kaduna
Women's Affairs Technical Committee
Women's Union in Jordan
World Organization Against Torture USA
Yeni Nesil Journalists Association
Youth Alternative

Youth Center for Human Rights and Legal Culture
Youth EcoCenter Young Leaders School
Youth Human Rights Group

Mr. FEINGOLD. I thank the Chair.

I call up amendment No. 692 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 692.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, after line 10, add the following new section:

SEC. 106. LIMITATIONS ON NONCOMPETITIVELY AWARDED NED GRANTS.

(a) LIMITATIONS.—Of the total amount of grants made by the National Endowment for Democracy in each of the following fiscal years, not more than the following percentage for each such fiscal year shall be grants that are awarded on a noncompetitive basis to the core grantees of the National Endowment for Democracy:

(1) For fiscal year 2000, 52 percent.
(2) For fiscal year 2001, 39 percent.
(3) For fiscal year 2002, 36 percent.
(4) For fiscal year 2003, 13 percent.
(5) For fiscal year 2004, zero percent.

(b) CORE GRANTEES OF THE NATIONAL ENDOWMENT FOR DEMOCRACY DEFINED.—In this section, the term "core grantees of the National Endowment for Democracy" means the following:

(1) The International Republican Institute (IRI).
(2) The National Democratic Institute (NDI).
(3) The Center for International Private Enterprise (CIPE).
(4) The American Center for International Solidarity (also known as the "Solidarity Center").

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 44 seconds remaining.

Mr. FEINGOLD. Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

I rise to oppose the amendment of the distinguished Senator from Wisconsin. He clearly is a strong proponent and advocate of democracy and has stimulated discussion on these issues as a valued member of the Foreign Relations Committee. The National Endowment for Democracy which was founded in 1983 included the so-called four "core" groups from the Republican Party, the Democratic Party, Organized Labor, and the Chamber of Commerce.

That foundation was deliberate. It was not a question of a strange arrangement in which four groups in Washington sequestered the funds for their own benefit. Very clearly, President Reagan and a bipartisan majority of the Congress found that the checks and balances inherent in that debate were very important in making certain that the National Endowment for Democracy was not politicized.

Let me mention that to have competition in which as many as 250 groups interested in democracy compete for money, almost guarantees a substantial bureaucracy to vet all of the points of view and applications. Furthermore, under the worst of circumstances, it does not necessarily bring about a strong bipartisan scrutiny of each other's proposals, quite apart from the scrutiny that organized labor might get from the Chamber of Commerce and vice versa. In fact, the system has worked remarkably well.

I have served as a member of the Board of the National Endowment for Democracy during the past 8 years. I have witnessed the process in which the Board—which is not divorced from the debate in Washington—thinks through those areas of the world that need specific emphasis.

Each of the four core groups is charged with finding proposals and finding specific groups, often in countries that are emerging democracies, to bring forward ways in which democracy might be enhanced. Sometimes it is under very arduous and dangerous circumstances. It is only after the core groups make their proposals, having reviewed them thoroughly, that the staff of the National Endowment for Democracy scrutinize them, ask for amendments, suggest changes, delays or rejection.

Specific members of the Board who have particular expertise in various areas of the world spend a great deal of time pro bono taking a very careful look at those proposals. But finally, each one of us, as Board members, must pass on each and every single one of these grant applications.

On occasion we reject a fair number during a meeting, quite apart from whether a quota of grants has been allocated specifically to the four. Each of the four "cores" has the ability and the talents to bring forward remarkable proposals for the advancement of democracy. That has been occurring for the past 16 years.

The Foreign Relations committee has not held hearings on this proposal. It comes literally out of the blue. It may have some merit for another organization at another time, but for this organization the genius was in its initial inception—an opportunity to bring forward proposals that were not coming from the U.S. Government, from the State Department, from the White House, or the National Security Council.

It brought forward proposals from well-defined institutions in our society that are broadly based—members of the Democratic and Republican parties, often elected officials, responsible to their constituents, who are well aware of political currents in the country, and the institutions that characterize our national Chamber of Commerce and the AFL–CIO.

As a matter of fact, the Solidarity movement found resonance with the AFL–CIO. It was the labor movement of our country that brought forward one of the most significant sets of proposals and advocacy.

It is a fact that at the recent 50th anniversary NATO celebration, one of the great honors paid in this city was by the National Endowment for Democracy to Lech Walesa. In many ways, Lech Walesa's leadership, courageous as it was at a turning point in history, was a hallmark of the work of the National Endowment. The checks and balances were at work, because other groups took a look at the labor/Solidarity situation in Poland and wondered whether it was appropriate for the United States Government to be appropriating funds that led to the change of government in that country. On balance, our Government appropriated those funds but the National Endowment did make the decisions. They were outside the bureaucracy of the Federal Government, outside the politicization that occurs when one party or another gains dominance and a particular type of preferential structure.

I make these points because I believe this is an arrangement that works well. If the wagon isn't broke, we should not try to fix it. The situation is clearly one that does not require any fixing.

There may be institutions in our society that wish we had established a different sort of endowment. I suspect that if Members are prepared to vote for this amendment, it will be a very different National Endowment for Democracy. But I caution Members about the dangers of making these changes. Therefore, I ask for careful consideration by Members. I ask, in fact, consideration of the remarkable work that is now being done by the National Endowment for Democracy and the 16 years of very solid achievement by many great Americans who were outside of our Government, but who participated in boosting democracy through this vehicle.

I ask, therefore, for the defeat of the Feingold amendment. I am hopeful that as the votes are counted tomorrow, the National Endowment will receive a vote of endorsement.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes 44 seconds.

Mr. FEINGOLD. Mr. President, I yield myself such time as I require at this point.

Let me first say how much regard I have for the Senator from Indiana and enormous respect for his role on the Committee on Foreign Relations, his demeanor, and his knowledge. It is a pleasure to work with him. We disagree on this one.

The Senator from Indiana suggests that this point about the National Endowment for Democracy comes from out of the blue. I have been here long enough to know that year after year the former Senator from Arkansas, Mr. BUMPERS, made several attempts to eliminate the program or change the program. It has been a regular subject of scrutiny in this body, as it should be. I think to suggest that it is a surprise that there would be some oversight of NED is not quite accurate.

What the Senator from Indiana is indicating, of course, is the political parties and business and labor are at the heart of a pluralistic democratic society, that they are the fundamental concepts of American political life. I agree with him. I think it is important that as we endeavor to encourage democratization around the world that we try to include all of these elements of our democracy. But I do not think it should be primarily limited or dominantly limited to these four core grantees.

The Senator from Indiana knows far better than I do the origins of the program. I appreciate his comments about what the thinking was in the beginning, how these groups got together, and how the structure was crucial for the program to begin. I do not dispute that. I am sure there is some validity.

But I think after some 15 years, these groups and these organizations have had time enough to develop their programs so they are ready to fly on their own, that they are ready to compete against other applicants for the funding in a free and fair manner.

The fact that the NED's four core grantees are guaranteed to receive a set amount of funds every year seems to me fundamentally unfair and is a contradiction of our democratic principles, especially when you are talking about guaranteeing private groups taxpayer dollars, which is exactly what this does. Every group that conducts democracy programs should have an equal opportunity to pursue Federal funding for its programs, not just the ones that are so powerfully and politically connected. These four well-connected groups are not the only people in America that know something about political parties or business or labor, but it is only these groups that are guaranteed 65 percent of the grant money from this program. That is almost entirely taxpayers' dollars. To me, a much more appropriate system would be a competitive one.

As I understand it, since the Senator fairly raises the concern about whether the original understanding between these groups would be preserved, I am told that the board itself has representatives of both of the major political parties, as well as of business and labor, and that they are the ones that would be making these decisions.

The Senator from Indiana indicates that this is a situation where something isn't broke so do not fix it. The fact is, in recent years a number of suggestions have been made about ways to help fix the program. There have been some problems. Some of these problems have been fixed. What I am trying to do here is continue the process of fixing it, of improving it.

As I indicated earlier, some 80 percent of this money was once tied up only for these four groups. Now it is lower, but it still represents 65 percent of available grant money. What I am saying is, let us fix it, improve it, over the next 5 years, phasing this down so each year this gets a little smaller. By the time we get to the end of that 5-year period, we have all the money based on a fair competition and still have a board that has representatives of both political parties and of business and labor so there is no real possibility of unfairness or partisanship in this regard.

All of this is offered in the spirit of trying to further improve the program, acknowledging its great worth, acknowledging the many good things that are done. Let's just do a little better job of making sure our taxpayers' dollars are spent in a manner that involves the best interests and the best applicants getting the money.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes 23 seconds.

Mr. FEINGOLD. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield back the remainder of my time on the Feingold amendment.

Mr. HUTCHINSON. Mr. President, I rise in support of the State Department authorization bill. Specifically, I would like to commend Chairman HELMS for the inclusion of a number of provisions dealing with China. These provisions closely mirror legislation that I introduced last year and earlier this year as Senate bill 89.

Section 701 of this act contains a number of findings on the human rights situation in China from the State Department's Annual Report on human rights practices. The government of the People's Republic of China continues to commit widespread and egregious abuses of internationally recognized human rights. Its prisons are overflowing with tortured and mistreated citizens who would dare to practice their faiths or exercise a political voice. Religious persecution, crackdowns on political dissent, restrictions on the press, forced labor, forced abortions, repression of people in Tibet and Xinjiang province are, unfortunately, still a part of daily life in China.

In order to shed light on the dark practices of the Chinese government, section 702 of this bill earmarks $2.2 million of money authorized for the Department of State for additional personnel in U.S. embassies and consulates for each of FY2000 and FY2001 to monitor political and economic conditions, particularly human rights. These new personnel, along with the creation of a prison information registry for the People's Republic of China in section 703, will make it all the more difficult for the Chinese government to deny that these abuses persist. With more centralized and accessible information, we will be able to better advocate for the release of these prisoners of conscience or faith.

It is also important that the people of China have access to the truth. The U.S. may have accidentally bombed the Chinese embassy in Belgrade, but it was no accident that the people did not hear President Clinton's repeated apologies. Section 502 of this bill reauthorizes Radio Free Asia, bringing objective reporting to the people of China.

Section 705 strongly condemns the practice of organ harvesting, where organs from executed prisoners are sold on the black market or where prisoners are executed for their organs. According to our own State Department, "In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplant but maintain that consent is required from prisoners or their relatives before organs are removed * * * there were credible reports that patients from Taiwan had undergone organ transplant operations on the mainland, using organs removed from executed criminals." Where and when organ harvesting is taking place in China, it must be stopped.

Equally horrific is the practice of forcing women to undergo forced abortions or forced sterilization under the Chinese government's population control policies. Women who are pregnant with a second child find themselves and their relatives harassed, fined, and sometimes even have their homes destroyed until they are ultimately forced to undergo an abortion, even in the latest stages of pregnancy. Last June, the House International Relations Subcommittee on International Operations and Human Rights heard testimony of these practices from Gao Xiao Duan, a former administrator of forced abortion, as well as Zhou Shiu Yon, a victim of these policies. I believe that it is only appropriate that Congress act in response to this horrid devaluation of human life. Section 721 restricts visas for any foreign national whom the Secretary of State finds to have been directly involved in the establishment or enforcement of population control policies involving forced abortion or forced sterilization. There is no reason why we should welcome into our country those individuals who have no respect for human life.

United States-China relations are strained at this time. Amidst the whirlwind of controversy, including espionage, campaign donations, the accidental embassy bombing, and a near $60 billion trade deficit, there are some who would argue that we should be quiet about human rights in order to preserve the relationship. But I would argue that human rights must not be swept off our agenda. The Chinese government would like nothing more than for us to censor ourselves. I believe that this legislation will help to ensure that human rights and the defense of internationally recognized standards are kept intact.

Mr. President, there are two additional provisions it this legislation. Section 704 requires the Secretary of State to report within 180 days on the feasibility and utility of establishing an Organization for Security and Cooperation in Asia, modeled after the OSCE. Section 722 requires semiannual reports to Congress on the status of U.S. efforts to support the membership of Taiwan in international organizations that do not require statehood, and the appropriate level of participation in international organizations that do require statehood for full membership. Taiwan's entry into international organizations has been held hostage to China's wishes for too long. In many instances, such as World Trade Organization membership, Taiwan is more qualified to join than China, yet simply because of China's sensitivities, it has been prevented from joining.

In the long run, we must recognize that the Chinese government is a totalitarian regime. This dictatorship does not represent the people of China, rather it abuses them in any way necessary to maintain its power. Similarly, this regime will use any necessary means to expand its power in Asia. If we are to effectively manage these aims, we will need the help of our neglected allies in the region, namely Japan, Taiwan, and South Korea.

We cannot recover stolen information, but we must prevent future theft through increased security at our national labs and other facilities, more stringent background checks, controls on technology transfers, and a Justice Department that does not hinder its own FBI's investigations. We cannot afford to give the Chinese government the means to fulfill its military aims.

We should, however, give the people of China the means to build their own democracy. Increased funding for Radio Free Asia, the Voice of America, democracy building programs, and rule of law initiatives are vital because they represent an engagement with the people of China rather than the regime at the top. We must recognize the limits to engaging an insecure, transient government that is on the wrong side of history.

Finally, Mr. President, industry must do its part and aggressively advocate human rights. Americans doing business in China must be active advocates for human rights, to the Beijing government and to the people. They must not be complicit in slave labor or other human rights violations. The simple fact is that China desperately wants American trade and American business. U.S. companies must use this leverage to advance more than profits.

China is not yet our enemy, but neither is it our friend. Our China-centered foreign policy must be replaced with a regional policy. We must break off this Administration's obsession with trying to acede to Beijing's every demand. Such a policy can only strengthen a regime that will seek to extinguish the flames of democracy abroad as it has done so effectively at home.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through June 16, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The budget levels have also been revised to include adjustments made on May 19, 1999, to reflect the amounts provided and designated as emergency requirements. The estimates show that current level spending is above the budget resolution by $0.4 billion in budget authority and above the budget resolution by $0.2 billion in outlays. Current level is $0.2 billion above the revenue floor in 1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $56.1 billion, less than $50 million above the maximum deficit amount for 1999 of $56.0 billion.

Since my last report, dated May 12, 1999, the Congress passed and the President signed the 1999 Emergency Supplemental Appropriations Act (P.L. 106-31). The Congress also cleared for the President's signature the Miscellaneous Trade and Technical Corrections Act (H.R. 435). These actions changed the current level of budget authority, outlays, and revenues.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 17, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the 1999 budget and is current through June 16, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The budget levels have also been revised to include adjustments made on May 19, 1999, to reflect the amounts provided and designated as emergency requirements. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Since my last report, dated May 12, 1999, the Congress passed and the President signed the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31). The Congress also cleared for the President's signature the Miscellaneous Trade and Technical Corrections Act (H.R. 435). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JUNE 16, 1999

[In billions of dollars]

	Budget resolution S. Res. 312 (adjusted)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,465.3	1,465.7	0.4

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JUNE 16, 1999—Continued

[In billions of dollars]

	Budget resolution S. Res. 312 (adjusted)	Current level	Current level over/under resolution
Outlays	1,414.9	1,415.2	0.2
Revenues:			
1999	1,385.9	1,359.1	0.2
1999–2003	7,187.0	7,187.7	0.7
Deficit	56.0	56.1	(1)
Debt Subject to Limit	(2)	5,493.1	(3)
OFF-BUDGET			
Special Security Outlays:			
1999	321.3	321.3	0.0
1999–2003	1,720.7	1,720.7	0.0
Social Security Revenues:			
1999	441.7	441.7	(1)
1999–2003	2,395.6	2,395.5	−0.1

[1] Less than $50 million.

[2] Not included in S. Res. 321.

[3] Not applicable.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JUNE 16, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues			1,359,000
Permanents and other spending legislation	919,197	880,664	
Appropriation legislation	820,578	813,987	
Offsetting receipts	−296,825	−296,825	
Total previously enacted	1,442,950	1,397,826	1,359,099
Enacted this session:			
1999 Emergency Supplemental Appropriations Act (P.L. 106–31)	11,348	3,677	
Pending signature:			
1999 Miscellaneous Trade and Technical Corrections Act (H.R. 435)			5
Entitlements and mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,393	13,661	
Totals:			
Total Current Level	1,465,691	1,415,164	1,359,104
Total Budget Resolution	1,465,294	1,414,916	1,358,919
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	397	248	185

Note.—Estimates include the following in emergency funding: $34,226 million in budget authority and $16,802 million in outlays.

Source: Congressional Budget Office.

COMPREHENSIVE TEST BAN TREATY

Mr. DORGAN. Mr. President, since I have a few minutes, I will speak about the Comprehensive Nuclear Test Ban Treaty.

There was a piece in today's Washington Post which caught my eye, written by Mr. Paul Nitze, a former arms control negotiator and ambassador-at-large in the Reagan administration. It was coauthored by another gentleman. They made this point:

> Approval of the Comprehensive Nuclear Test Ban Treaty by the Senate is essential in order for the United States to be in the strongest possible position to press for the early enforcement of this vital agreement. Failure to act will undercut our diplomatic efforts to combat the threat from the proliferation of nuclear weapons.

I admit, I am not an expert in this area. I am not on the relevant committees, but I take a great interest in the question of the proliferation of nuclear weapons and delivery systems for nuclear weapons.

Nuclear weapons are the most destructive weapons known to mankind, the most destructive weapons that have ever been developed on this Earth. There are numerous reasons why nations in this world seek to develop nuclear weapons. They are considered by some nations as a measure of their standing and prestige in the world. Others view them as the ultimate insurance policy. But, in fact, the proliferation of nuclear weapons and the sheer number of nuclear weapons make this a pretty unsafe world.

The proposition has been, going back to President Eisenhower's time, that we ought to achieve a treaty banning the testing of nuclear weapons. In May of 1961, President Eisenhower said:

> Not achieving a test ban would have to be classed as the greatest disappointment of any administration, of any decade, of any time, and of any party.

President Kennedy's speech at American University 36 years ago addressed the need for a Comprehensive Test Ban Treaty. He said:

> A test ban would help check the spiraling arms race in one of its most dangerous areas.

We must check the spiraling arms race. Since the Eisenhower and Kennedy administrations, the leaders of this Nation have worked and labored with other countries to fashion an agreement that would ban further testing of nuclear weapons.

Imagine their satisfaction if they could know that today 152 nations have signed such an agreement, including China and Russia. Although 152 nations have signed such an agreement, we have not yet acted on that agreement in the Senate, and it is my profound hope that sometime in the near future, in the next weeks or the next couple of months, in this summer of 1999, that the Senate will review, debate and vote on the Comprehensive Test Ban Treaty.

I have spoken a couple of times in this Chamber on this issue. I am not critical of anyone. There are strongly held views. I do not even know how the vote would go if we had this vote. But I feel very strongly we should have this debate and vote.

I have in this desk a reminder of the danger that existed in this country during the cold war that just ended with the old Soviet Union. I ask unanimous consent to show it to my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a vial filled with chopped up copper. This copper came from the wiring of a nuclear submarine the Soviet Union used to operate on the high seas with missiles and warheads pointed at the United States. This submarine is gone. Its wiring has been chopped up. It was done so under an arms control agreement. We did not sink it. It was dismantled under an arms control agreement.

We must continue to work in every way to make progress in nonproliferation agreements and test ban treaties, and one of those steps of progress, I hope, with the cooperation of all our colleagues, will be to debate the Comprehensive Test Ban Treaty in the next week, 2 weeks, month or 2 months, in the summer of 1999.

Mr. AKAKA. Mr. President, I rise to support Senate consideration of the Comprehensive Test Ban Treaty and to request unanimous consent that a June 21, 1999, Washington Post article written by Paul H. Nitze and Sidney D. Drell, be printed in the RECORD following my remarks. This article advocates the prompt ratification of the Comprehensive Test Ban Treaty.

The PRESIDING OFFICER. Without objection it is so ordered.

(See Exhibit 1.)

Mr. AKAKA. The United States initially led the global effort to strengthen nuclear nonproliferation when we signed this treaty on September 24, 1996; however, since that time, the Senate has not taken the necessary steps towards ratification. Without the Senate's expeditious approval of this treaty, the United States will be unable to assume a leadership position at the CTBT review conference this September. We will also be undercut in our efforts to urge other countries to ratify this agreement.

Both Ambassador Nitze and Mr. Drell have a long and distinguished history of service to both Republican and Democratic presidents. President Reagan awarded Ambassador Nitze the Presidential Medal of Freedom. They both believe that America needs to lead the international effort to halt nuclear proliferation by ratifying the Comprehensive Test Ban Treaty. I urge my colleagues to read this important article. As the authors note, "failure to ratify the CTBT would have to be regarded as the greatest disappointment of any Senate, if any time, of any party."

EXHIBIT 1

[From the Washington Post, June 21, 1999]

THIS TREATY MUST BE RATIFIED

[By Paul H. Nitze and Sidney D. Drell]

For more than five decades, we have served in a variety of foreign policy, national security and intelligence positions for both Republican and Democratic administrations. A common thread in our experience is that our national interest is best served when America leads. When America hesitates, opportunities to improve our security and lost, and our strategic position suffers. This year, America has an opportunity to lead a global effort to strengthen nuclear nonproliferation by ratifying the Comprehensive Test Ban Treaty (CTBT).

This fall, a review conference will meet to discuss ways to bring the CTBT into effect even if it has not been approved by all 44 nuclear-capable nations (i.e., those states with nuclear reactors for research or power). The United States was the first nation to sign the CTBT in September 1996; 151 nations have now followed that lead. The U.S. Senate, however, has refused to consider ratification of the treaty, and only those nations that have ratified it will have a seat at this fall's conference. Approval of the CTBT by the Senate is essential in order for the United States to be in the strongest possible position to press for the early enforcement of this vital agreement. Failure to act will undercut our diplomatic efforts to combat the threat from the proliferation of nuclear weapons.

The president rightly has referred to the CTBT as the "longest-sought, hardest-fought prize in the history of arms control." President Eisenhower was the first American leader to pursue a ban on nuclear testing as a means to curb the nuclear arms race. Today, such a ban would constrain advanced and not-so-advanced nuclear weapons states from developing more sophisticated and dangerous nuclear weapons capabilities.

This is particularly important in South Asia. Last year, both India and Pakistan conducted nuclear tests, threatening a dangerous escalation of their nuclear arms competition. Both countries now have expressed a commitment to adhere to the CTBT this year. U.S. ratification would remove any excuse for inaction on the part of these nations and would strengthen their resolve.

The CTBT also fulfills a commitment made by the nuclear powers in gaining the agreement of 185 nations to extend indefinitely the Nuclear Nonproliferation Treaty in 1995. The NPT remains the cornerstone of the worldwide effort to limit the spread of nuclear weapons and reduce nuclear danger.

We strongly embrace President Reagan's vision of a world free of nuclear weapons. The administration needs to engage Russia on deep reductions in nuclear forces, despite the disruption in our bilateral relations resulting from the crisis in the Balkans. In the meantime, the United States will be able to maintain the safety and reliability of its own stockpile through the Department of Energy's science-based stockpile stewardship program. Our confidence in this program underpins our judgment that there is no technical reason why the CTBT is not the right thing to do.

President Reagan's maxim—trust but verify—is still true today. With the CTBT, the United States will gain new tools to assess compliance with a ban on nuclear testing—including the right to request a short-notice, on-site inspection if we had evidence that a test might have occurred. Combined with the treaty's extensive international monitoring regime and our own intelligence resources, the CTBT is effectively verifiable.

The Senate has an obligation to review expeditiously major treaties and agreements entered into by the Executive so that the world can be sure of America's course. When President Reagan signed the INF Treaty in December 1987, which eliminated an entire class of missiles, hearings in the Senate Foreign Relations Committee began within weeks, and the Senate voted to approve the treaty within six months. In comparison, the CTBT was signed by President Clinton more than 2½ years ago but still awaits its first hearing.

In May 1961, President Eisenhower said that not achieving a nuclear test ban "would have to be classed as the greatest disappointment of any administration—of any decade—of any time and of any party." Similarly, failure to ratify the CTBT would have to be regarded as the geatest disappointment of any Senate, of any time, of any party. We urge the Senate to ratify the CTBT now.

Paul H. Nitze is a former arms control negotiator and was an ambassador-at-large in the Reagan administration. Sidney D. Drell is an adviser to the federal government on national security issues.

WHY I OPPOSE THE STEEL QUOTA BILL

Mr. GRASSLEY. Mr. President, I rise today in strong opposition to both cloture on the steel quota bill, and to the bill itself.

I oppose this dangerous and misguided legislation for three reasons.

First, the steel quota bill is really a phony bill of goods. It does not do what it promises. It will not restore the vitality of troubled elements of the U.S. steel industry. That's because foreign imports have little to do with the problems facing the American steel industry.

Why? Because the American steel industry is much more efficient than at almost any time in our past history. Fewer steel workers are producing more steel today than they were 10 years ago. In 1987, when the domestic industry produced 77 million short tons, 163,000 workers were employed in the steel industry. In 1997, 10 years later, when the domestic industry produced 106 million tons, employment was 112,000 workers. During that 10 year span, our steel mills made 29 million more tons with 51,000 fewer workers.

Using the logic behind this quota legislation, the more efficient our steel industry becomes, the more it requires protection from foreign imports. But in fact, the opposite is true. The more protection an industry gets, the more inefficient it becomes. That is not good for our economy, or for American consumers. During the next few years, we may see steel employment fall even further, perhaps by as much of 5,000 workers per year, as inefficient integrated mills are closed. New, more efficient minimills will take up any slack. All of this will happen whether or not steel quotas are imposed.

Who will really benefit from the quota bill?

According to the Institute For International Economics, one of this country's most distinguished and highly regarded think tanks, few steel workers will benefit. But steel importers and profitable, efficient steel makers will win big.

The Institute's report states:

> The annual costs to American households for each steel job saved would exceed $800,000. But steel workers would receive less than 20 percent of this huge sum; lucky firms would collect more than 80 percent of the jackpot. . . . Quotas will enrich lucky steel importers (often those with the best political connections) and efficient steel producers (they are doing well enough already—11 of the 13 largest mills earned more than $1 billion in 1998). . . .

The United States Senate should not help enrich a few lucky importers. It should not give windfalls to companies earning a billion dollars a year.

I have the deepest concern for any American who loses his or her job for any reason. It is a terrible, wrenching thing to lose a job. It affects families as well as communities. We must help where we can, through programs like trade adjustment assistance, that help displaced workers through job retraining and placement assistance. But the one thing we must not do is react in haste, in a way that will kill far more jobs than it will ever save, and in a way that will reward healthy companies with windfall profits.

The second reason I oppose the steel quota bill is that it flat-out violates our WTO international trade obligations.

There are some who claim this is not the case. But, I want to read the exact words of Article 11 of the GATT. This rule is part of the WTO rules that we and 133 other nations are committed to observe:

> No prohibitions or restrictions other than duties, taxes, or other charges, whether made effective through quotas, import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.

We helped write that law. We demand that our trading partners observe it. We defend it when other countries try to keep our goods out of their markets. And most of the time, we win these cases.

Now, I'm not a lawyer. Maybe that's my problem. Perhaps I'm not clever enough to figure out where Article 11 says that quotas are OK. It seems pretty clear to me. It says that you can't have restrictions other than duties, taxes, or other charges. But Article 11 goes even farther than banning quotas. It says that you can't have any type of government measure that leads to the imposition of a quota.

One important panel decision, the GATT panel on Semiconductors, affirmed this broad interpretation in 1988. It said that Article 11, unlike other GATT provisions, does not refer solely to laws or regulations. It has an even broader application, and refers to all "measures" that restrict exports.

There are some exceptions to Article 11's broad ban on any measures restricting exports. But the most relevant of these exceptions, the so-called

Safeguard exception, does not apply because there is no proof that our domestic steel industry has suffered serious injury from import competition. Moreover, safeguard actions usually involve imposing increased customs duties, rather than quotas. Yes, there has been illegal dumping of steel by some countries into the United States. But the surge of that dumped steel has largely been stopped. And even during the highest point last year of the so-called steel crisis, 11 of the 13 largest steel mills were profitable, earning collective profits of more than $1 billion. So much for serious injury.

The final reason I oppose the quote bill—and the most important reason—is that it will invite retaliation and perhaps spark a trade war that no one would win, and in which everyone would lose.

We are approaching the 69th anniversary of the Hawley-Smoot Tariff Act of 1930. This legislation, which was enacted in July 1930, was one of the major mistakes of the Hoover Administration and the Seventy-first Congress.

The Hawley-Smoot Tariff Act also started out with good intentions. Its aim was to help the American farmer with a limited, upward revision of tariffs on foreign produce. But it had the opposite result. It strangled foreign trade. It deepened and widened the severity of the Depression. Other countries faced with a deficit of exports to pay for their imports responded by applying quotas and embargoes on American goods.

I went back to the historical record to see what happened to United States agricultural exports when other countries stopped buying our agricultural products after we enacted that tariff. I was shocked by the depth and the severity of the retaliation.

In 1930, the United States exported just over $1 billion worth of agricultural goods. By 1932, that amount had been cut almost in half, to $589 million. Barley exports dropped by half. So did exports of soybean oil. Pork exports fell 15 percent. Almost every American export sector was hit by foreign retaliation, but particularly agriculture. As United States agricultural exports fell in the face of foreign retaliation, farm prices fell sharply, weakening the solvency of many rural banks. Their weakened condition undermined depositor confidence, leading to depositor runs, bank failures, and ultimately, a contraction in the money supply.

Farm prices for many agricultural products are already at rock-bottom levels. Can we in good conscience put so much of our economy at risk?

In 1998 the United States exported agricultural products worth more than $53 billion dollars, accounting for one-third of America's total agricultural production, and nearly one million jobs. Agriculture is perhaps the most vulnerable sector of our economy to foreign retaliation, and our trading partners know it.

If you think the Depression is ancient history, and that retaliation against agriculture is a thing of the past, just look at our recent history.

In 1995, when the United States threatened to impose 100% tariffs on imports of Japanese luxury cars, Japan appealed the case to the WTO and stated that it might retaliate imposing duties on U.S. exports of agriculture products.

In 1983, China temporarily stopped buying U.S. wheat in retaliation for the Reagan Administration's unilateral imposition of quotas on its textile and apparel exports after negotiations to renew a bilateral agreement under the Multi-Fiber Arrangement broke down.

In 1985, the European Community raised tariffs on U.S. lemons and walnuts in response to U.S. retaliation against subsidized EC pasta exports.

Even though we have made vast progress in managing our trade relationships since the passage of the Hawley-Smoot Tariff Act, in many ways the world is still just one trade war away from a global economic crisis.

In 1930, 1,000 of the nation's leading economists signed a letter urging the President and the Congress to not enact the infamous legislation we now know as the Smoot-Hawley Tariff. They were ignored. Politics carried the day. American paid a steep price. Let us not repeat the mistakes of the Seventy-first Congress. The quota bill is bad trade policy. It is bad for agriculture. It is bad for America.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 18, 1999, the Federal debt stood at $5,586,894,742,812.97 (Five trillion, five hundred eighty-six billion, eight hundred ninety-four million, seven hundred forty-two thousand, eight hundred twelve dollars and ninety-seven cents).

One year ago, June 18, 1998, the Federal debt stood at $5,493,496,000,000 (Five trillion, four hundred ninety-three billion, four hundred ninety-six million).

Fifteen years ago, June 18, 1984, the Federal debt stood at $1,518,979,000,000 (One trillion, five hundred eighteen billion, nine hundred seventy-nine million).

Twenty-five years ago, June 18, 1974, the Federal debt stood at $472,871,000,000 (Four hundred seventy-two billion, eight hundred seventy-one million) which reflects a debt increase of more than $5 trillion—$5,114,023,742,812.97 (Five trillion, one hundred fourteen billion, twenty-three million, seven hundred forty-two thousand, eight hundred twelve dollars and ninety-seven cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3827. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure to Directed Fishing for Pollock in Statistical Area 630 in the Gulf of Alaska", received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3828. A communication from the Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Request for Proposals (for the Collaborative Science, Technology, and Applied Research [CSTAR] Program)", received June 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3829. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Pension Benefits" (RIN2900-AJ50), received June 17, 1999; to the Committee on Veterans' Affairs.

EC-3830. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Direct Service Connection (Post-traumatic Stress Disorder)" (RIN2900-AI97), received June 17, 1999; to the Committee on Veterans' Affairs.

EC-3831. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Packers and Stockyards Act of 1921; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3832. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3833. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hydrogen Peroxide; Exemption from the Requirement of a Tolerance" (FRL #6083-9), received June 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3834. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Major Sources of Nitrogen Oxides" (FRL #6362-2), received June 17, 1999; to the Committee on Environment and Public Works.

EC-3835. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Stay of Action on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport" (FRL #6364-4), received June 17, 1999; to the Committee on Environment and Public Works.

EC-3836. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Change in Official or Senior Executive Officer in Credit Unions that are Newly Chartered or are in a Troubled Condition" (RIN3133-AC03), received June 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3837. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions; Fidelity Bond and Insurance Coverage for Federal Credit Unions; Requirements for Insurance", received June 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3838. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3839. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities Investor Protection Corporation for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3840. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Vaccine Injury Compensation Program (VICP) Amendments of 1999"; to the Committee on Finance.

EC-3841. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report relative to the operation of the U.S. trade agreements program for calendar year 1998; to the Committee on Finance.

EC-3842. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC-3843. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to non-excess property in the Department; to the Committee on Armed Services.

EC-3844. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-83, "Lowell School, Inc., Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1999"; to the Committee on Governmental Affairs.

EC-3845. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-84, "Closing and Dedication of a Public Alley in Square 275, S.O. 95-62, Act of 1999"; to the Committee on Governmental Affairs.

EC-3846. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-85, "Peoples Involvement Corporation Equitable Real Property Tax Act of 1999"; to the Committee on Governmental Affairs.

EC-3847. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-86, "Metropolitan Police Department Excepted Service Sworn Employees Compensation System Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-3848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-87, "Moratorium on the Issuance of New Retailer's Licenses Class B Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-3849. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-91, "O Street Wall Restoration Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-3850. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-82, "Mount Horeb Plaza Symbolic Street Designation Act of 1999"; to the Committee on Governmental Affairs.

EC-3851. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; Reissuance of 48 CFR Chapter 5" (RIN3090-AE90), received June 18, 1999; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-207. A resolution adopted by the Commission of Knox County, Tennessee relative to the Land and Water Conservation Fund; to the Committee on Appropriations.

POM-208. A concurrent resolution adopted by the Legislature on the State of West Virginia relative to Jennings Randolph; ordered to lie on the table.

HOUSE CONCURRENT RESOLUTION NO. 58

Whereas, Jennings Randolph was born in Salem, West Virginia, on March 8, 1902, attended public schools in Harrison County, graduated from Salem Academy in 1920 and Salem College in 1924, married Mary Katherine Babb in 1933 with whom he had two sons, Jennings Jr. "Jay" and Frank, and made his family's home in Elkins, West Virginia; and

Whereas, Jennings Randolph served in professional capacities throughout various times in his career as a newspaperman, magazine editor, college professor, university dean, airline executive, transportation officer, and director of numerous organizations for education, business, civic and service programs; and

Whereas, Jennings Randolph was first elected to the United States House of Representatives in 1932, a body in which he served for fourteen consecutive years; and

Whereas, Jennings Randolph was first elected to the United States Senate in 1958, a body in which he served until his retirement from the Congress in January, 1985; and

Whereas, Jennings Randolph died on May 8th 1998, in St. Louis, Missouri, at the age of 96; and

Whereas, Jennings Randolph's numerous accomplishments during his lengthy and distinguished tenure in the United States Congress include: builder of the New Deal, father of the 26th Amendment to the Constitution giving 18-year-olds the right to vote, leader in aeronautics authoring legislation that created the National Air and Space Museum on the Mall in Washington, D.C., advocate for the environment, aid to victims of black lung and disabilities, pioneer of the Appalachian Regional Commission; fighter for human and civil rights, founder of the National Peace Academy and leader in the development of our national infrastructure; and

Whereas, Among all his achievements, Jennings Randolph is best known for and universally regarded as the father of the modern Interstate Highway System in the United States; and

Whereas, For nearly three-fourths of our existence as a state, West Virginia was blessed with the talent, intellect, enthusiasm, compassion and dedication of Jennings Randolph, native son of these mountains who rose to national prominence while constantly striving to better the lives of his fellow West Virginians; and

Whereas, Each and every citizen of West Virginia, whether knowingly or not, has benefited from the efforts put forth by Jennings Randolph, whose accomplishments improved the lives of millions of Americans; and

Whereas, As we come to the end of the 20th century and as West Virginia comes to the end of its 136th year of statehood, it is fitting and proper that today, on the anniversary of his birth, the West Virginia Legislature, on behalf of every citizen of this state, honors and celebrates the life of one of the greatest men of our century, Jennings Randolph; therefore, be it

Resolved by the Legislature of West Virginia: That a moment of silence be offered in this State Capitol as an expression of our utmost regard for a man of charming grace, dedication, honor and unequaled accomplishment as we remember the life of this most honored West Virginian, Jennings Randolph; and be it

Further resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the members of West Virginia's congressional delegation, to the President of Salem-Teikyo University, and to the sons of Jennings Randolph.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT (for Mr. MCCAIN), from the Committee on Commerce, Science, and Transportation, with amendments:

S. 305. A bill to reform unfair and anticompetitive practices in the professional boxing industry (Rept. No. 106-83).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 604. A bill to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1254. An original bill to establish a comprehensive strategy for the elimination of market-distorting practices affecting the global steel industry, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 1245. A bill to allow access for researchers to Continuous Work History Sample data of the Social Security Administration; to the Committee on Finance.

By Mr. TORRICELLI (for himself, Mr. LIEBERMAN, Mr. DODD, and Mr. LAUTENBERG):

S. 1246. A bill to amend title 4 of the United States Code to prohibit the imposition of discriminatory commuter taxes by political subdivisions of States; to the Committee on Finance.

By Mr. GRAMS:

S. 1247. A bill to develop and apply a Consumer Price Index that accurately reflects the cost-of-living for older Americans who receive social security benefits under title II of the Social Security Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for Mr. MCCAIN (for himself and Mr. HOLLINGS)):

S. 1248. A bill to correct errors in the authorizations of certain programs administered by the National Highway Traffic Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 1249. A bill to deny Federal public benefits to individuals who participated in Nazi persecution; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1250. A bill to amend title 38, United States Code, to ensure a continuum of health care for veterans, to require pilot programs relating to long-term health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1251. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Miami, Florida metropolitan area; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself, Mr. BINGAMAN, and Mr. BYRD):

S. 1252. A bill to provide parents, taxpayers, and educators with useful, understandable school reports; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. HOLLINGS, Mr. KERRY, Mr. BREAUX, and Mrs. BOXER):

S. 1253. A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 1254. An original bill to establish a comprehensive strategy for the elimination of market-distorting practices affecting the global steel industry, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. ABRAHAM (for himself, Mr. TORRICELLI, Mr. HATCH, and Mr. MCCAIN):

S. 1255. A bill to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. 1256. A bill entitled the "Patients' Bill of Rights"; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1245. A bill to allow access for researchers to Continuous Work History Sample data of the Social Security Administration; to the Committee on Finance.

SOCIAL SECURITY'S CONTINUOUS WORK HISTORY SAMPLE (CWHS)

Mr. GRAMS. Mr. President, I want to take this opportunity to introduce another Social Security-related bill.

This bill would give all researchers access to Social Security's Continuous Work History Sample (CWHS).

The access to the CWHS is critical for the general public and other government agencies to fully evaluate the working of the current system and estimate the budgetary impact of any changes that need to be made in the future.

The CWHS is a key set of data which holds information on the work and benefit histories of Social Security program participants. Until 1976, this data was widely available to federal, state agencies, universities and private research groups.

There is no evidence of any misuse of the CWHS in the period before 1976.

The 1976 Tax Reform Act denied access to CWHS data to almost all users outside of the Internal Revenue Service and the Social Security Administration.

Although it later extended the access to a few units of government agencies, private researchers are still denied access. The excuse was to protect privacy.

However, the IRS is covered by the same law. But it has interpreted the law to enable it to make samples of individual tax returns available to researchers on the basis that identifiers must be removed and the research must be bona fide.

Mr. President, if the IRS can make its data available to researchers, why cannot the SSA do the same?

Last year, during a Budget Committee hearing, I asked SSA Commissioner Apfel about this. Here is his reply:

> The SSA supports, in principle, the idea of making data from our administrative records available to researchers in order to better inform the ongoing debate on the future of Social Security.

The National Research Council and other academic institutions also support to give researchers access to the CWHS.

My legislation would amend the 1976 Tax Reform Act to allow bona fide researchers access to CWHS data, and at the same time protect the confidentiality and privacy of program participants.

It also requires researchers to sign a legally binding agreement that restricts use of the data to the research and forbids the disclosure of information that could be used to identify individuals.

Mr. President, this is "good government" legislation. Allowing access to CWHS data will open the entire Social Security system to outside scrutiny.

It will significantly improve oversight of the program and enable Americans to know everything they need to know about how the system operates and what changes are needed to make it solvent.

I, therefore, urge my colleagues to support these legislative initiatives.

By Mr. TORRICELLI (for himself, Mr. LIEBERMAN and Mr. DODD):

S. 1246. A bill to amend title 4 of the United States Code to prohibit the imposition of discriminatory commuter taxes by political subdivisions of States; to the Committee on Finance.

TAX FAIRNESS FOR COMMUTERS ACT

Mr. TORRICELLI. Mr. President, I rise today with my colleagues from Connecticut, Senator LIEBERMAN and Senator DODD to introduce the Tax Fairness for Commuters Act. Last month, Governor Pataki of New York signed legislation to "repeal" the New York City commuter tax. However, the legislation signed into law only repealed the tax for residents of New York. The over 300,000 residents of Connecticut and New Jersey will still be subjected to this tax.

I believe that the lawsuit jointly undertaken by New Jersey and Connecticut along with the city of New York and affected commuters will ultimately prevail and this attempt will be proven unconstitutional. However, I am concerned about the attempted precedent that has been set.

Our legislation will remove the temptation of any State or any city to impose higher taxes on non-residents than it does on residents. The bill is very simple. It says that a State or city may not impose a higher tax on the income earned by non-residents than it does on residents. I hope that each Senator, no matter what part of the country they are from, will recognize the inherent danger in discriminatory taxes of this nature and will support this effort.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPOSITION OF DISCRIMINATORY COMMUTER TAXES BY POLITICAL SUBDIVISIONS OF STATES.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"§ 116. Prohibition on imposition of discriminatory commuter taxes by political subdivisions of States

"A political subdivision of a State may not impose a tax on income earned within such political subdivision by nonresidents of the political subdivision unless the effective rate of such tax imposed on such nonresidents who are residents of such State is not less than such rate imposed on such nonresidents who are not residents of such State.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"116. Prohibition on imposition of discriminatory commuter taxes by political subdivisions of States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

Mr. LIEBERMAN. Mr. President, I rise today to join my distinguished colleague from New Jersey, Senator TORRICELLI, and my colleague from Connecticut, Senator DODD, to introduce legislation that would amend title 4 of the United States Code to prohibit the imposition of discriminatory commuter taxes by political subdivisions of States.

On May 26, 1999, New York Governor George Pataki signed into law a repeal of the commuter tax for people who work in New York City but live outside of the five boroughs. This repeal only applies to residents of New York state; it does not include the 330,000 people from New Jersey and Connecticut who work in New York City.

In 1966, Governor Nelson Rockefeller and Mayor John Lindsay initiated the commuter tax. To the present day, New York City has enforced the 0.45% tax on commuters' income much like a payroll tax. Estimates show that this tax generates $360 million a year in revenue that helps to supports services such as police and fire protection and emergency medical care. New York state residents contribute $210 million a year in commuter tax revenue, while New Jersey and Connecticut residents account for the remaining $150 million in tax revenue. The commuter tax repeal eliminates more than $200 million from New York City's annual tax revenue.

New York State's unilateral, partial repeal of the commuter tax only for its residents is an unfortunate development after 33 years of assessing the tax on all commuters who work in New York City. This is an unprecedented action on the part of a legislative body and state executive to repeal a tax on its residents but maintain it for nonresidents. The imposition of taxes only on out-of-state commuters could violate the equal protection clause of the 14th Amendment. Limited repeal discriminates against out-of-state commuters and inhibits interstate commerce and travel.

Approximately 86,000 of my constituents work in New York City, contributing an estimated $100 million in commuter tax revenue; 244,000 New Jersey constituents account for an estimated $50 million in tax revenue that goes to New York City. According to Connecticut Attorney General Richard Blumenthal, the taxable income of Connecticut commuters is lower than non-commuters because of this tax that commuters pay to New York. The commuter tax essentially draws away millions of dollars in tax revenue from Connecticut and gives them to New York City to subsidize services and other public works.

This Connecticut and New Jersey subsidy to New York City is unacceptable. If a commuter tax is imposed all commuters—whether they are from Newark, New Rochelle, or New Haven—are equally responsible to bear it. There is no reason that our commuter constituents should be paying for New York City services while New York state residents are not.

Senator TORRICELLI and I are joined by others who have taken action to force a repeal of the law passed by the New York state legislature. Two attorneys, Richard Swanson and Thomas Igoe, filed a complaint in Manhattan Supreme Court that seeks class-action status for other commuters from New Jersey and Connecticut. Swanson from New Jersey and Igoe from Connecticut are colleagues at the Manhattan law firm of Thelen, Reid & Priest. Moreover, Governor Rowland of Connecticut and Governor Whitman of New Jersey plan to challenge the constitutionality of the commuter tax repeal bill in federal courts. New York City Mayor Rudolph Giuliani also intends to file a lawsuit against the state, although his claim stands on different grounds than the ones brought forth by Governors Whitman and Rowland.

The partial commuter tax repeal bill that Governor Pataki signed includes a provision that says that the tax will be repealed for all commuters if a partial repeal is found unconstitutional in federal courts. Even if the lawsuits succeed in their legal challenges, we still need legislation that will prevent state governments from discriminating against nonresidents and imposing unfair commuter taxes in the future.

By Mr. GRAMS:

S. 1247. A bill to develop and apply a Consumer Price Index that accurately reflects the cost-of-living for older Americans who receive Social Security benefits under title II of the Social Security Act; to the Committee on Banking, Housing, and Urban Affairs.

FAIR COST OF LIVING ADJUSTMENT FOR SENIORS ACT OF 1999

Mr. GRAMS. Mr. President, 1999 has been declared the "International Year of the Older Person" by the United Nations.

In honor of this special tribute, I rise today to introduce legislation specially designed to provide fair and accurate Social Security benefits in order to help all Americans achieve retirement security.

I believe senior citizens in this country have made, and continue to make, valuable contributions to their families, communities and to society as a whole.

One of the most troubling aspects of the debate over Social Security's future has been attempts to frighten older Americans. Many seniors fear that they may lose their Social Security benefits.

To ease their fears and worries, I introduced legislation last month that would require the government to legally guarantee seniors full Social Security benefits plus accurate COLA adjustments.

In essence, this bill would give older Americans property rights to their Social Security benefits, which they do not have now. It is no wonder they now worry about loss of benefits.

However, an accurate method for how we calculate Social Security remains a subject of debate.

In order to understand this issue, Mr. President, we need to go back and take a closer look at how seniors' COLAs are currently calculated by the government.

To compensate for the effects of inflation, Congress passed legislation in 1972 to give Social Security beneficiaries an automatic cost of living adjustment, or a COLA.

This COLA is based on the Consumer Price Index (CPI) as tracked and surveyed by the Bureau of Labor Statistics (BLS) under the Labor Department.

Currently, the BLS produces two official CPIs, one for All Urban Consumers called the CPI–U, and one for Urban Wage Earners and Clerical Workers, called the CPI–W.

The CPI–U represents the spending habits of about 80 percent of the population of this nation, and the CPI–W is a subset of the formula, representing about 32 percent of the total population. The government uses the later the CPI–W to measure COLAs for Social Security benefits.

But clearly, this does not reflect the older American population and their consumption habits. Spending habits of urban wage earners cannot be equated with those seniors. Nevertheless, the government continues to use it calculating COLAs for Social Security beneficiaries.

Back in 1987, after considerable criticism of the CPI–W and its applicability to senior consumers, Congress amended the Older Americans Act of 1965 to require the BLS to develop an experimental CPI that would better reflect the buying habits of consumers 62 years of age or older. This is now known as the CPI–E.

The CPI–E places greater weight on the cost of such goods and services as medical care and prescription drugs, areas where seniors spend more than other Americans.

Although it's still experimental, the preliminary finding shows annual increases in Social Security benefit payments received by older Americans are not keeping pace with inflation on the goods and services on which they spend much of their money.

Over the past 15 years, goods purchased by seniors increased 6 percentage points more than goods purchased by the general public. Their medical costs skyrocketed 156 percent. The main reason that the CPI–E has been higher than the other two CPIs.

My concern is, as inflation on medical and pharmaceutical goods continues to rise, without a fair COLA increase, older Americans' hard-earned Social Security benefits are worth less and less. Their purchasing power will continue to diminish.

Mr. President, that's why I am introducing legislation today to prevent that from happening. My legislation is simple and straightforward. It first calls for the establishment of a CPI Review Committee made up of well-known economists who have expertise in the field, plus representatives of our senior citizens population.

The Committee will be given the task of studying how to analyze and improve the CPI–E method, make recommendations, and form an implementation plan to produce a CPI that accurately reflects the senior population and their consumption that will be used to determine the Social Security COLA each year.

Appointing economic professionals will de-politicize this issue, and allow us to make sound policy based on merits rather than on political consideration.

This is also consistent with the measures recommended by the Advisory Commission to Study the Consumer Price Index, or the Boskin Commission, which calls for Congress to establish an independent committee or commission of experts to review progress in developing a new system of measuring the overall cost of living adjustments.

Within a year, the Committee I recommend is required to complete its work. A pilot program will test the accuracy of the CPI–E over a 3 year period by using improved and recommended methods.

However, I must point out that the experimental CPI–E currently computed by the BLS has limitations. For instance, the number of consumer units was relatively small, only 19 percent of the total sample.

Expenditure weights used in the construction of the CPI–E have a higher sampling error than those used for larger populations.

That's the reason that my legislation specifically instructs the Committee to remove this and other major limitations. To construct an improved CPI–E that is more scientific, accurate and representative of older Americans' spending habits.

We had the right idea in 1987. My legislation will improve on that law after we've had some time to analyze it.

Now, Mr. President, I know some of my colleagues will raise questions about this bill.

First, they are going to say, what about the issue of cost? Mr. President, it is perhaps true that moving from the CPI–W to the improved CPI–E to determine Social Security COLA increases may increase federal spending.

As a consistent fiscal conservative, I am concerned about the budgetary impact. I believe we must exercise caution and discipline on how government spends our money.

However, the issue of a fair Social Security COLA is not at its root a fiscal one, but rather an issue of fairness, particularly in the case of retired workers who rely upon their fixed Social Security pensions for survival.

I have argued repeatedly that the federal government has entered into a sacred covenant with the American people to provide benefits for their retirement if they pay into the system.

We have also committed to give them a fair COLA to keep up with inflation. It's our moral and contractual duty to honor that commitment, and to ensure the program will be there for current and future beneficiaries.

Senior citizens are a unique consumer population that should not be lumped into a category that considers spending habits the same as the average American family of four.

Once again, Mr. President, this is an issue of fairness and justice, not an issue of cost. All my legislation asks for is an accurate CPI and a fair COLA, up or down.

Second question: if an official CPI–E is created, wouldn't it set a potentially dangerous precedent for creating a CPI for every seemingly distinct population group? The answer is no.

Senior citizens comprise nearly 60 percent of Social Security beneficiaries, and this number will increase substantially as the Baby Boomer generation retires. Furthermore, the Social Security program is specifically intended to benefit senior citizens. It's only fair and rational to create an accurate CPI for them.

However, we have not forgotten that there is another distinct group of Social Security beneficiaries who receive disability benefits.

Because this group also spends more of their money for medical and pharmaceutical goods and services, their purchasing power could be affected by the inaccurate CPI and therefore COLA increase.

My legislation specifically requires the Committee to look into this issue and make recommendations on how to resolve it.

Third question: would this legislation overlap and contradict the study conducted by the Boskin Commission? The answer again is no.

On the contrary, my legislation is a complement to the Boskin Commission report. It parallels the general recommendations of the Boskin Commission.

These include development of a new Consumer Expenditure Survey that is larger and therefore more representative of the American consumer; development of a new market basket of goods and services that can register changes in the quality of products, the introduction of new products, and the substitution of less or more expensive goods when prices change; and development of a point-of-purchase survey that can register consumer shifts to lower price outlets.

Finally, would this legislation set back Social Security reform efforts? The answer is no. As I mentioned earlier, it would be wrong to let Social Security beneficiaries bear the burden of a mistake which is not of their own making.

In fact, when we give a legal guarantee to older Americans that they will receive Social Security benefits in full plus a fair COLA increase and take this fear away from them, it will be much easier to move the retirement system from a PAYGO system to a fully funded system.

This would in effect secure retirement income for our children and grandchildren.

In conclusion, Mr. President, retirement security for today's and tomorrow's seniors is essential to the social stability and economic prosperity of our society. This is all my legislation attempts to achieve.

I urge the Senate to make this issue the top priority for the 106th Congress. Working together, we will meet the demographic challenges and move towards a society that allows all ages to progress in the new millennium.

By Mr. LOTT (for Mr. MCCAIN (for himself and Mr. HOLLINGS)):

S. 1248. A bill to correct errors in the authorizations of certain programs administered by the National Highway Traffic Safety Administration; to the Committee on Commerce, Science, and Transportation.

LEGISLATION TO INCREASE THE NHTSA AUTHORIZATION LEVEL

• Mr. McCAIN. Mr. President, I rise to introduce legislation that would increase the authorization level of the National Highway Traffic Safety Administration. The recently passed TEA-21 legislation authorized NHTSA at its requested level, approximately $87.4 million.

Although the Department of Transportation requested $87.4 million, Secretary Slater now informs us that this authorization level will not permit the funding of key safety initiatives. The bill would increase the funding levels to approximately $107.8 million. This amount is consistent with the amount recently reported by the House Commerce Committee. It is my intention to move this matter quickly in the committee.

I know that no one in this body wants a situation where highway safety is degraded in any way. I look forward to working with my colleagues to address this important issue of highway safety in a manner that provides the appropriate funding level to meet safety needs while also meeting our budget obligations and the consensus of the Appropriations Committee.•

By Mr. TORRICELLI:

S. 1249. A bill to deny Federal public benefits to individuals who participated in Nazi persecution; to the Committee on the Judiciary.

THE NAZI BENEFITS TERMINATION ACT OF 1998

Mr. TORRICELLI. Mr. President, I rise today to introduce, the Nazi Benefits Termination Act of 1999. This legislation seeks to halt an unintended and unwarranted series of public benefits payments to utlimately deportable individuals who assisted or otherwise participated in persecution sponsored by the Nazis or their allies during World War II. The bill also closes a loophole in the current law which allows some of these deportable individuals to avoid the suspension of their benefits by fleeing the United States. Such individuals who illegally gain access to the bounty of the United States, for example, by misrepresenting the facts of their wartime conduct, should not be allowed to benefit from their deceit at the expense of the Treasury, including the Social Security Trust Funds. So too, individuals who avoid entry of an order of deportation or removal by fleeing the United States should not be permitted to circumvent the intent of the law at the expense of the Trust Funds.

Recognizing the excellent work of the Department of Justice's Office of Special Investigations (OSI) in bringing and winning cases against those who participated in Nazi persecution, the Nazi Benefits Termination Act of 1999 delegates to the Attorney General the discretionary authority to initiate proceedings to prohibit the payment of public benefits to any benefits receipient or applicant whom the Attorney General has reason to believe may have been a participant in persecution sponsored by the Nazis or their allies. Although OSI's success in deporting former Nazi persecutors has resulted in the cessation of social security benefits payments to numerous persons, this bill will, among other things, permit termination of benefits even before (or without) an order of deportation. This bill will apply to persons eventually subject to deportation who have assisted in Nazi persecution in any way. Proof by a preponderance of the evidence of such assistance or other participation in persecution is required. The Attorney General need not prove that a particular respondent is or was a war criminal. Rather, this legislation adopts the Seventh Circuit Court of Appeals' properly broad interpretation of the Holtzman Amendment (now Sections 212(a)(3)(E) and 237(a)(4)(D) of the Immigration and Nationality Act) terms "participated" or "assisted" in persecution. In Schellong v. I.N.S., the Sevneth Circuit properly interpreted the Holtzman Amendment, which is incorporated into this bill's statutory standard. The standard set out by the Sixth Circuit in Petkiewytsch v. I.N.S., ignores the plain language of the Holtzman Amendment and is specifically rejected by this bill. The Nazi Benefits Termination Act of 1999, like the Holtzman Amendment, applies to persons who assisted or otherwise participated in Nazi-sponsored persecution in any way, and does not require a showing by the government of personal or direct involvement in atrocities, voluntariness or motive.

Section 2(b)(2)(B)(1) of the bill is drafted to cover naturalized citizens whose admission to the United States was unlawful due, inter alia, to assistance in persecution or who otherwise procured their citizenship illegally or by concealment of a material fact or misrepresentation.

Section 3(a) of the legislation provides that Immigration Judges appointed by the Attorney General pursuant to the procedure established under the regulations implementing Section 1101(b)(4) of Title 8 will preside over the benefits hearings established by this bill. The rules, procedures, and rights applicable in these hearings are to be governed by the terms of this bill, existing regulations under Title 8, and any necessary additional implementing regulations.

The preponderance-of-the-evidence burden of proof will apply in hearings conducted under Section 3(a) of the bill. This standard is applicable in federal benefits revocation proceedings and most civil proceedings. Under this standard, we can avoid the delays incident to assembly of proof in denaturalization and deportation cases brought against this class, and consequently stem current depletion of the Treasury.

Section 3(f) of the bill makes clear that findings under section 3(c)(3)(A) of the bill may be based upon the collateral estoppel effect of denaturalization, deportation, or other appropriate judgments.

It is important to pass this legislation to help protect the public against unintended and unwarranted waste in paying benefits to ultimately deportable individuals. This measure will help to conserve resources so that future generations can continue to rely upon social security and other necessary public benefits payments.

I hope all my colleagues will be able to support this important legislation and I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nazi Benefits Termination Act of 1999".

SEC. 2. DENIAL OF FEDERAL PUBLIC BENEFITS TO NAZI PERSECUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an individual who is determined under this Act to have been a participant in Nazi persecution is not eligible for any Federal public benefit.

(b) DEFINITIONS.—In this Act:

(1) FEDERAL PUBLIC BENEFIT.—The term "Federal public benefit" shall have the meaning given such term by section 401(c)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, but shall not include any benefit described in section 401(b)(1) of such Act (and, for purposes of applying such section 401(b)(1), the term "alien" shall be considered to mean "individual").

(2) PARTICIPANT IN NAZI PERSECUTION.—The term "participant in Nazi persecution" means an individual who—

(A) if an alien, is shown by a preponderance of the evidence to fall within the class of persons who (if present within the United States) would be deportable under section 237(a)(4)(D) of the Immigration and Nationality Act; or

(B) if a citizen, is shown by a preponderance of the evidence—

(i) to have procured citizenship illegally or by concealment of a material fact or willful misrepresentation within the meaning of section 340(a) of the Immigration and Nationality Act; and

(ii) to have participated in Nazi persecution within the meaning of section 212(a)(3)(E) of the Immigration and Nationality Act.

SEC. 3. DETERMINATIONS.

(a) HEARING BY IMMIGRATION JUDGE.—If the Attorney General has reason to believe that an individual who has applied for or is receiving a Federal public benefit may have been a participant in Nazi persecution (within the meaning of section 2 of this Act), the Attorney General may provide an opportunity for a hearing on the record with respect to the matter. The Attorney General may delegate the conduct of the hearing to an immigration judge appointed by the Attorney General under section 101(b)(4) of the Immigration and Nationality Act.

(b) PROCEDURE.—

(1) RIGHT OF RESPONDENTS TO APPEAR.—

(A) CITIZENS, PERMANENT RESIDENT ALIENS, AND PERSONS PRESENT IN THE UNITED STATES.—At a hearing under this section, each respondent may appear in person if the respondent is a United States citizen, a permanent resident alien, or present within the United States when the proceeding under this section is initiated.

(B) OTHERS.—A respondent who is not a citizen, a permanent resident alien, or present within the United States when the proceeding under this section is initiated may appear by video conference.

(C) RULE OF INTERPRETATION.—This Act shall not be construed to permit the return to the United States of an individual who is inadmissible under section 212(a)(3)(E) of the Immigration and Nationality Act.

(2) OTHER RIGHTS OF RESPONDENTS.—At a hearing under this section, each respondent may be represented by counsel at no expense to the Federal Government, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas for the attendance of witnesses and presentation of evidence.

(3) RULES OF EVIDENCE.—Unless otherwise provided in this Act, rules regarding the presentation of evidence in the hearing shall apply in the same manner in which such rules would apply in a removal proceeding before a United States immigration judge under section 240 of the Immigration and Nationality Act.

(c) HEARINGS, FINDINGS AND CONCLUSIONS, AND ORDER.—

(1) FINDINGS AND CONCLUSIONS.—Within 60 days after the end of a hearing conducted under this section, the immigration judge shall make findings of fact and conclusions of law with respect to whether the respondent has been a participant in Nazi persecution (within the meaning of section 2 of this Act).

(2) ORDER.—

(A) FINDING THAT RESPONDENT HAS BEEN A PARTICIPANT IN NAZI PERSECUTION.—If the immigration judge finds, by a preponderance of the evidence, that the respondent has been a participant in Nazi persecution (within the meaning of section 2 of this Act), the immigration judge shall promptly issue an order declaring the respondent to be ineligible for any Federal public benefit, and prohibiting any person from providing such a benefit, directly or indirectly, to the respondent, and shall transmit a copy of the order to any governmental entity or person known to be so providing such a benefit.

(B) FINDING THAT RESPONDENT HAS NOT BEEN A PARTICIPANT IN NAZI PERSECUTION.—If the immigration judge finds that there is insufficient evidence for a finding under subparagraph (A) that a respondent has been a participant in Nazi persecution (within the meaning of section 2 of this Act), the immigration judge shall issue an order dismissing the proceeding.

(C) EFFECTIVE DATE; LIMITATION OF LIABILITY.—

(i) EFFECTIVE DATE.—An order issued pursuant to subparagraph (A) shall be effective on the date of issuance.

(ii) LIMITATION OF LIABILITY.—Notwithstanding clause (i), a person or entity shall not be found to have provided a benefit to an individual in violation of this Act until the person or entity has received actual notice of the issuance of an order under subparagraph (A) with respect to the individual and has had a reasonable opportunity to comply with the order.

(d) REVIEW BY ATTORNEY GENERAL; SERVICE OF FINAL ORDER.—

(1) REVIEW BY ATTORNEY GENERAL.—The Attorney General may, in her discretion, review any finding or conclusion made, or order issued, under subsection (c), and shall complete the review not later than 30 days after the finding or conclusion is so made, or order is so issued. Otherwise, the finding, conclusion, or order shall be final.

(2) SERVICE OF FINAL ORDER.—The Attorney General shall cause the findings of fact and conclusions of law made with respect to any final order issued under this section, together with a copy of the order, to be served on the respondent involved.

(e) JUDICIAL REVIEW.—Any party aggrieved by a final order issued under this section may obtain a review of the order by the United States Court of Appeals for the Federal Circuit by filing a petition for such review not later than 30 days after the final order is issued.

(f) ISSUE AND CLAIM PRECLUSION.—In any administrative or judicial proceeding under this Act, the ordinary rules of issue preclusion and claim preclusion shall apply.

SEC. 4. JURISDICTION OF UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT OVER APPEALS UNDER THIS ACT.

Section 1295(a) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting "; and"; and

(3) by adding at the end the following:

"(15) of an appeal from a final order issued under the Nazi Benefits Termination Act of 1999.".

By Mr. ROCKEFELLER:

S. 1250. A bill to amend title 38, United States Code, to ensure a continuum of health care for veterans, to require pilot programs relating to long-term health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

THE VETERANS' LONG-TERM CARE ENHANCEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce the "Veterans' Long-Term Care Enhancement Act of 1999." There is no doubt that demand for long-term care—for veterans and non-veterans alike—is increasing. In the Department of Veterans Affairs (VA), however, we face an even more pressing demand.

The numbers are staggering. About 34 percent of the total veteran population is 65 years or older, compared with about 13 percent of the total United States population. In the year 2000, the number of veterans aged 65 or older will peak at 9.3 million. In my state of West Virginia alone, we have approximately 57,000 World War II veterans.

Because VA has already faced considerable demand for long-term care, it has been forced to become a leader in this field. I am proud of VA's work in developing geriatric evaluation teams, home-based primary care, and adult day health care. Our older veterans are leading richer lives because of these innovations. But to quote from the Report of the Federal Advisory Committee on the Future of VA Long-Term Care, despite VA's high quality and long tradition, "VA long-term care is marginalized and unevenly funded."

Frequently I hear from families of World War II combat veterans who need long-term care because of a debilitating disease, such as Alzheimer's or Parkinson's, or a stroke. A number of these families do not have the money to place the veteran in a private nursing home for the necessary long-term care; and because of the veteran's sacrifices during World War II, they turn to the VA.

Or I will get a call from a wife of an aging, sick veteran who wants desperately to keep her husband at home with her, but in order to do that she needs home health care services, so she turns to the VA.

But when these West Virginian families are told by VA that the services they need are not available to them, they simply cannot understand how they could be denied, and they turn to me in despair.

The challenge for all of us, of course, is to find a way to furnish the appropriate array of services, in a cost efficient way, to all those needing extended care.

As the Senate Committee on Veterans' Affairs noted in its March 15, 1999, letter to the Budget Committee with the Committee's views on VA's budget for FY 2000, "The health care issue that VA must face over the intermediate term—indeed, the health care issue that the Nation must face over the next decade—is the need for long-term care among the aging World War II generation. WWII veterans saved Western civilization. We cannot turn our backs on them now."

At the outset, I want to say that my wish would be for VA to provide long-term care to all veterans who need and want it. While the legislation I am introducing today is only one step toward determining what VA should be doing to meet the needs of veterans for long-term care, I believe that it is an important step in that regard.

There are three key elements in the bill. First, are provisions which clarify that long-term care is not only nursing home care, and that existing differences in law between eligibility for institutional long-term care and other types of care offered by VA do not affect VA's ability to furnish a full array of noninstitutional long-term care services.

Specifically, the provision would add "noninstitutional extended care services" to the definition of "medical services," thereby removing any doubt about VA's authority to furnish such services to veterans eligible for and enrolled in VA care. The term would be defined to include the following: home-based primary care; adult day health care; respite care; palliative and end-of-life care; and homemaker or home health aide visits.

Second, the bill would add clear authority for VA to furnish assisted living services, including to the spouses of veterans. VA already furnishes a form of assisted living services through its domiciliary care program, but the provision in the bill would provide express authority to furnish this modality of care to older veterans, thereby expanding the continuum of extended care services offered by VA.

Third, VA would be mandated to carry out a series of pilot programs, over a period of three years, which would be designed to gauge the best way for VA to meet veterans' long-term care needs—either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA's expertise is gradually eroding.

For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities.

Those who would benefit by further action to develop and capitalize on VA's long-term care expertise include older veterans, primarily our honored World War II veterans; those health organizations, including academic medicine and research entities, with which VA is now connected; and finally, the rest of the U.S. health care system, and ultimately all Americans who will need some form of long-term care services.

Each element of the pilot program would establish and carry out a comprehensive long-term care program, with a full array of services, ranging from inpatient long-term care—in intermediate care beds, in nursing homes, and in domiciliary care facilities—to comprehensive noninstitutional services, which include hospital-based home care, adult day health care, personal assistance services, respite care, and other community-base interventions.

In each element of the pilot programs, VA would also be mandated to furnish case management services, to ensure that veterans participating in the pilot programs receive the optimal treatment and placement for services. Some form of assisted living services for veterans and their families would be provided, as well. Preventive health care services, such as screening and patient education, and a particular focus on end-of-life care are also emphasized. In my view, VA must have ready access to all of these services.

As part of the pilot program, VA would be encouraged to seek the involvement of State Veterans Homes, so as to draw them into noninstitutional approaches to long-term care. Our State Veterans Homes are valuable assets.

Finally, a key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program within in the "Veterans' Long-Term Care Enhancement Act of 1999" would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollee and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

From this effort, a number of things would result. First, VA would gain more precise information on exactly which services to offer, how best to coordinate those services, and the relative cost and effectiveness of various services. There is no doubt that our veterans would benefit from such findings.

Second, there would be a concrete demonstration of the feasibility of furnishing a coordinated range of long-term care services, which in turn could lead to a greater likelihood that such an approach would be shared with, and replicated by, others.

Third, the value of such an approach, measured in quality of care, quality of life, cost effectiveness, and patient and provider satisfaction would be demonstrated, thereby promoting its use by others.

Mr. President, I look forward to working with the chairmen and the members of the Committees on Veterans' Affairs—in both the House of Representatives and the Senate—to advance the cause of long-term care in VA.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Long-Term Care Enhancement Act of 1999".

SEC. 2. CONTINUUM OF CARE FOR VETERANS.

(a) INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "noninstitutional extended care services," after "preventive health services,"; and

(2) by adding at the end the following new paragraphs:

"(10) The term 'noninstitutional extended care services' includes—

"(A) home-based primary care;

"(B) adult day health care;

"(C) respite care;

"(D) palliative and end-of-life care; and

"(E) homemaker or home health aide visits.

"(11) The term 'respite care' means hospital or nursing home care which—

"(A) is of limited duration;

"(B) is furnished on an intermittent basis to an individual who is suffering from a chronic illness and who resides primarily at home; and

"(C) is furnished for the purpose of helping the individual to continue residing primarily at home.".

(b) ASSISTED LIVING.—Subchapter II of chapter 17 of such title is amended by adding at the end the following new section:

"§ 1720F. Assisted living

"(a) The Secretary may, subject to subsection (b), provide assisted living services to a veteran who is eligible to receive care under section 1710 of this title and to the spouse of such veteran in connection with the provision of such services to such veteran.

"(b) The Secretary may not provide assisted living services under this section to a veteran eligible to receive care under section 1710(a)(3) of this title, or to a spouse of any veteran, unless such veteran or spouse agrees to pay the United States an amount equal to the cost, as determined in regulations prescribed by the Secretary, of the provision of such services.

"(c) For purposes of this section, the term 'assisted living services' means services which provide personal care, activities, health-related care, supervision, and other assistance on a 24-hour basis within a residential or similar setting which—

"(1) maximizes flexibility in the provision of such care, activities, supervision, and assistance;

"(2) maximizes the autonomy, privacy, and independence of an individual; and

"(3) encourages family and community involvement with the individual.".

(c) CONFORMING AMENDMENTS.—(1)(A) Section 1720 of such title is amended by striking subsection (f).

(B) The section heading of such section is amended by striking "; **adult day health care**".

(2) Section 1720B of such title is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections for chapter 17 of such title is amended—

(1) in the item relating to section 1720, by striking "; adult day health care";

(2) by striking the item relating to section 1720B; and

(3) by inserting after the item relating to section 1720E the following new item:

"1720F. Assisted living.".

SEC. 3. PILOT PROGRAMS RELATING TO LONG-TERM CARE OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out three pilot programs for the purpose of determining the feasibility and practicability of a variety of methods of meeting the long-term care needs of eligible veterans. The pilot programs shall be carried out in accordance with the provisions of this section.

(b) LOCATIONS OF PILOT PROGRAMS.—(1) Each pilot program under this section shall be carried out at two Veterans Integrated Service Networks (VISNs) selected by the Secretary for purposes of this section.

(2) The Secretary may not carry out more than one pilot program in any given Veterans Integrated Service Network.

(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—(1) The services provided under the pilot programs under this section shall include a comprehensive array of health care services and other services that meet the long-term care needs of veterans, including—

(A) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities;

(B) noninstitutional long-term care, including hospital-based primary care, adult day care, personal assistance services, respite care, and other community-based interventions and care; and

(C) assisted living services for veterans and their families.

(2) As part of the provision of services under the pilot programs, the Secretary shall also provide appropriate case management services.

(3) In providing services under the pilot programs, the Secretary shall emphasize the provision of preventive care services, including screening and education.

(d) DIRECT PROVISION OF SERVICES.—Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans directly through facilities and personnel of the Department of Veterans Affairs.

(e) PROVISION OF SERVICES THROUGH COOPERATIVE ARRANGEMENTS.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through a combination (as determined by the Secretary) of—

(A) services provided under cooperative arrangements with appropriate public and private non-Governmental entities, including community service organizations; and

(B) services provided through facilities and personnel of the Department.

(2) The consideration provided by the Secretary for services provided by entities under cooperative arrangements under paragraph (1)(A) shall be limited to the provision by the Secretary of appropriate in-kind services to such entities.

(f) PROVISION OF SERVICES BY NON-DEPARTMENT ENTITIES.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through arrangements with appropriate non-Department entities under which arrangements the Secretary acts solely as the case manager for the provision of such services.

(2) Payment for services provided to veterans under the pilot programs under this subsection shall be as follows:

(A) By the medicare program or the medicaid program, but only—

(i) if the veterans concerned are entitled to benefits under such programs; and

(ii) to the extent that payment for such services is provided for under such programs.

(B) By the Department, to the extent that payment for such services is not otherwise provided for under subparagraph (A).

(g) DATA COLLECTION.—As part of each pilot program under this section, the Secretary shall collect data regarding—

(1) the cost-effectiveness of such program, including any savings achieved under such program when compared with the medicare program, medicaid program, or other Federal program serving similar populations;

(2) the quality of the services provided under such program;

(3) the satisfaction of participating veterans, non-Department, and non-Government entities with such program; and

(4) the effect of such program on the ability of veterans to carry out basic activities of daily living over the course of such veterans' participation in such program.

(h) REPORTS.—(1) The Secretary shall annually submit to Congress a report on the pilot programs under this section.

(2) Each report under paragraph (1) shall include the following:

(A) A detailed description of activities under the pilot programs during the one-year period ending on the date of the report.

(B) An evaluation of the data collected under subsection (g) during that period.

(C) Any other matters regarding the programs that the Secretary considers appropriate.

(i) DURATION OF PROGRAMS.—(1) The Secretary shall commence carrying out the pilot programs required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot programs shall cease on the date that is three years after the date of the commencement of the pilot programs under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) The term "eligible veteran" means the following:

(A) Any veteran entitled to hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) The term "long-term care needs" means the need by an individual for any of the following services:

(A) Personal care.

(B) Nursing home and home health care services.

(C) Habilitation and rehabilitation services.

(D) Adult day care services.

(E) Case management services.

(F) Social services.

(G) Assistive technology services.

(H) Home and community based services, including assistive living.

By Mr. DORGAN (for himself, Mr. BINGAMAN, and Mr. BYRD):

S. 1252. A bill to provide parents, taxpayers, and educators with useful, understandable school reports; to the Committee on Health, Education, Labor, and Pensions.

STANDARDIZED SCHOOL REPORT CARD ACT

Mr. DORGAN. Madam President, I am introducing today a piece of legislation called the Standardized School Report Card Act, along with my colleagues, Senator BINGAMAN and Senator BYRD.

Every 6 to 9 weeks every parent in this country who has children in our public schools gets a report card to tell him or her how that student is doing in school.

Rarely, however, do parents get a report card telling them how the school is doing for the students.

A number of States already do have school report cards—about 36, actually—but they vary around the country. Some have almost no information. Others are hundreds of pages long and very difficult to understand. Regardless, however, most parents never see a report card for their child's school.

I think it would be useful, and my colleagues do as well, to ask that there be a uniform or standardized school report card that will allow parents to understand what they are getting for the dollars they are investing in that school. What is their school doing versus the neighboring town's school? How are the schools in one State doing versus schools in another State? How can you compare what the parents and taxpayers are getting with respect to the dollars invested in education?

The Standardized School Report Card Act will require schools to report on eight key, basic areas in their report card and do so in an easily understandable manner.

The eight areas graded in the report cards would be: students' performance, attendance and graduation rates, professional qualifications of teachers, average class size, school safety, parental involvement, student drop-out rates, and access to technology.

Some might say this legislation is unnecessary because there are already some States that do have school report cards. As I have already indicated, that is true. However, the content varies widely, so they are not good tools for comparison.

In my home State of North Dakota, the State Department of Public Instruction has designed a school district profile that is published for each school district. It does include a lot of interesting information, but a numbers of areas that are required under this legislation are not covered at all.

My point is that we have a public education system in this country on which we spend a great deal of money. We send our young boys and girls to the classroom door, and we invest money, we build the schools, pay teachers, and buy the books. The question is, What do we get for all of that?

Most of the classrooms I have visited are led and taught by wonderful teachers. I am very impressed by many of the schools I have had an opportunity to visit across the country and especially in North Dakota. As a nation, when we spend $350 billion a year to provide an education to elementary and secondary students, parents and taxpayers need some uniform way to understand how there school is doing versus other schools. How is our State doing versus other States relative to the investments we are making in education?

That is the basis for the school report card legislation which I am introducing today. I am pleased to be joined by Senators BINGAMAN and BYRD in introducing this bill, and I hope others of our colleagues will join us in cosponsoring it.

Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleagues, Senators DORGAN and BYRD, in introducing the Standardized School Report Card Act. This bill would require States and schools to distribute an annual, easy-to-read report card to parents, taxpayers, educators, and the public. One of the top issues facing the nation's education system is the need for greater accountability and the need for greater parent involvement in schools. The bill we are introducing today will go a long way in helping to achieve these goals.

In our efforts to make schools accountable for the resources they are given, we must develop better means for measuring and communicating progress in our schools; if we cannot measure progress, we cannot attain it. Our bill would require each school to report several key measures of progress. The bill would require reports of student performance in language arts and mathematics, as well as any other subject areas in which the State requires assessment. The report cards would breakdown student data by gender, major racial and ethnic groups, English proficiency, migrant status, disability status, and economic status. In this way, we can ensure that our schools are meeting the needs of all students and that all students are being taught to the same high standards. I also requested that the bill require reporting of dropout rates, because our educational system needs to do everything possible to keep our children in school until graduation. Many States with report cards do not currently report this measure of educational progress. Obviously, we are not making much progress if our children are giving up prior to graduation. We need to target our efforts to ensure that our children stay in school and an important step in achieving that goal is to monitor and raise awareness of the problem.

The report cards required in this bill also would provide parents and taxpayers with valuable information regarding the resources available and environment at each school. Our bill would require schools to report average class sizes and student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet. In addition, schools would be required to report measures of school safety, including the safety of school facilities and incidents of school violence, and measures of parental involvement. Based on this information, parents—as consumers of public education—can make informed decisions about their children's education and monitor how public resources are being used in their community.

Last session, I introduced an amendment to the Higher Education Act—which was ultimately passed and signed into law—which requires colleges of education to report their performance in producing qualified teachers. That effort will help to ensure that teachers coming into a school system have been properly prepared to teach. The bill we are introducing today will build on that legislation, by holding states and schools district accountable for the training, level of preparation, and proper placement of new teachers as well as teachers already in the system. Under the Standardized Report Card Act, schools would be required to report the professional qualifications of its teachers, including the number of teachers teaching out of field and the number of teachers with emergency certification.

I have spoken with many parents in my home state of New Mexico about their role in the public education system. These parents are eager to support their local schools and participate in their children's education. But in order to do this, they need to be better informed about how schools are performing and what resources are being devoted to each school.

With over $350 billion spent each year on education, parents and taxpayers deserve to know how their schools are performing. We owe it to them and to ourselves to provide public measures of progress which will assist our communities in their efforts to improve our systems of education. Mr. President, I ask my colleagues to join me by supporting the standardized School Report Card Act.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. HOLLINGS, Mr. KERRY, and Mr. BREAUX, and Mrs. BOXER):

S. 1253. A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CORAL REEF PROTECTION ACT OF 1999

Mr. INOUYE. Mr. President, I rise today to introduce the Coral Reef Protection Act of 1999.

This legislation will provide one hundred million dollars over a period of five years to preserve, sustain and restore the health of U.S. coral reef ecosystems; assist in the conservation and protection of coral reefs by supporting conservation programs; and provide financial resources for those programs. Additionally, this legislation will leverage the federal dollars appropriated for these purposes by establishing a formal mechanism for collecting and allocating matching monetary donations from the private sector to be used for coral reef conservation projects.

The United States has substantial coral reef holdings in both the Atlantic and Pacific Oceans totaling more than 6,500 square miles. More than 83% of these reefs lie among the islands of Hawaii and another 10% of them live among the other American islands in the Pacific including American Samoa, Johnston Island, Palmyra Atoll, and the Northern Mariana Islands. Hawaii, alone, is home to 47 different species of coral. These coral reefs provide numerous recreational opportunities, are linked ecologically to adjacent coastal ecosystems such as mangroves and sea grasses, support substantial biodiversity, and protect shorelines from wave damage. They also support major economic activities, such as tourism and fishing, in coastal communities that generate billions of dollars annually. Despite this importance to both the environment and the American economy, little is currently known about the condition of coral reefs in the United States. Two points, however, are clear: coral reefs are threatened whenever they are close to large concentrations of people, and coral reefs are in decline.

This legislation will provide funding for research, conservation and restoration of these extremely important resources and will complement the efforts of the President's Coral Reef Task Force which was established by Executive Order last year. I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coral Reef Protection Act of 1999".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Coral reefs and coral reef ecosystems are considered the marine equivalent of tropical rain forests, containing some of the planet's richest biological diversity, habitats, and systems and supporting thousands of fish, invertebrates, reef algae, plankton, sea grasses, and other species.

(2) Coral reefs and coral reef ecosystems have great commercial, recreational, cultural, and esthetic value to human communities as shoreline protection, areas of natural beauty, and sources of food, pharmaceuticals, jobs, and revenues through a wide variety of activities, including education, research, tourism, and fishing.

(3) Studies indicate that coral reefs in the United States and around the world are being degraded and severely threatened by human and environmental impacts including land-based pollution, overfishing, destructive fishing practices, vessel groundings, and climate change.

(4) Since 1994, under the United States Coral Reef Initiative, Federal agencies, State, local, territorial, commonwealth, and local governments, nongovernmental organizations, and commercial interests have worked together to design and implement additional management, education, monitoring, research, and restoration efforts to conserve coral reef ecosystems.

(5) 1997 was recognized as the Year of the Reef to raise public awareness about the importance of conserving coral reefs and to facilitate actions to protect coral reef ecosystems.

(6) On October 21, 1997, the 105th Congress passed House Concurrent Resolution 8, a concurrent resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems by promoting comprehensive stewardship for coral reef ecosystems, discouraging unsustainable fisheries or other practices harmful to coral reefs, encouraging research, monitoring, assessment of, and education on coral reef ecosystems, improving coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry, and promoting preservation and sustainable use of coral reef resources worldwide.

(7) 1998 was declared to be the International Year of the Ocean to raise public awareness and increase actions to conserve and use in a sustainable manner the broader ocean environment, including coral reefs.

(8) On June 11, 1998, President William Jefferson Clinton signed Executive Order 13089 (64 Fed. Reg. 323701) which recognizes the importance of conserving coral reef ecosystems, establishes the Coral Reef Task Force under the joint leadership of the Departments of Commerce and Interior, and directs Federal agencies whose actions may affect United States coral reef ecosystems to take steps to protect, manage, research, and restore such ecosystems.

(9) The Nation benefits from—

(A) specific actions and programs involving coral reefs and coral reef ecosystems including National Marine Sanctuaries, National Wildlife Refuges, National Parks, and other marine protected areas that conserve for future generations vital marine resources, ecosystems, and habitats;

(B) the identification of coral habitats as essential fish habitat under the Magnuson-Stevens Fishery Conservation and Management Act, which requires aggressive efforts to minimize adverse effects on such habitat caused by fishing;

(C) identification of other actions to encourage the conservation and enhancement of such habitat; and

(D) State and territorial coastal management programs for the protection, development, and where possible, restoration and enhancement of the resources of the Nation's coastal zone for this and succeeding generations under the Coastal Zone Management Act and other related statutes.

(10) Legislation solely dedicated to the comprehensive and coordinated conservation, management, protection, and restoration of coral reefs and coral reef ecosystems would supplement Executive Order 13089 and House Concurrent Resolution 8, and complement the management, protection, and conservation provided by such programs as those administered under the National Marine Sanctuaries Act, Coastal Zone Management Act, and Magnuson-Stevens Fishery Conservation and Management Act, as well as those administered by other Federal, State, and territorial agencies.

SEC. 3. POLICY.

It is the policy of the United States—

(1) to conserve and protect the ecological integrity of coral reef ecosystems;

(2) to maintain the health, natural conditions, and dynamics of those ecosystems;

(3) to reduce and remove human stresses affecting reefs;

(4) to restore coral reef ecosystems injured by human activities; and

(5) to promote the long-term sustainable use of coral reef ecosystems.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to preserve, sustain, and restore the health of coral reef ecosystems;

(2) to assist in the conservation and protection of coral reefs by supporting conservation programs;

(3) to provide financial resources for those programs; and

(4) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 5. DEFINITIONS.

In this Act:

(1) CORAL.—The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Helioporacea (blue coral) of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(2) CORAL REEF.—The term "coral reef" means any reef, shoal, or other natural feature composed primarily of the solid skeletal structures in which stony corals are major framework constituents, within all maritime areas and zones subject to the jurisdiction or control of the United States (e.g. Federal, State, territorial, or commonwealth waters), including in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean.

(3) CORAL REEF ECOSYSTEM.—The term "coral reef ecosystem" means the interacting complex of species (including reef plants of the phlya Chlorophyta, Phaeophyta, and Rhodophyta) and nonliving variables associated with coral reefs and their habitats which—

(A) function as an ecological unit in nature; and

(B) are mutually dependent on this function to continue.

(4) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to preserve or sustain coral reefs and coral reef ecosystems as diverse, viable, and self-perpetuating ecosystems, including—

(A) all activities associated with resource management, such as assessment, science, conservation, protection, restoration, sustainable use, management of habitat, and water quality;

(B) habitat monitoring;

(C) assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.1801 et seq.) and other Federal, State, and territorial statutes;

(D) law enforcement;

(E) conflict resolution initiatives;

(F) community outreach and education; and

(G) promotion of safe and ecologically sound navigation.

(5) PERSON.—The term "person" has the meaning given that term by section 1 of title 1, United States Code, but includes departments, agencies, and instrumentalities of the United States Government or any State or local government.

(6) FOUNDATION.—The term "foundation" means any qualified non-profit organization that specializes in natural resource conservation.

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(8) STATE.—The term "State" means any coastal State of the United States that contains coral within its seaward boundaries, and American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, and any other commonwealth, territory, or possession of the United States that contains coral within its seaward boundaries.

SEC. 6. CORAL REEF RESTORATION AND CONSERVATION PROGRAM.

(a) FINANCIAL ASSISTANCE.—The Secretary subject to the availability of funds, may provide financial assistance for projects that—

(1) provide for the restoration of degraded or injured coral reefs or coral reef ecosystems, including developing and implementing cost-effective methods to restore or enhance degraded or injured coral reefs and coral reef ecosystems; or

(2) provide for the conservation of coral reefs or coral reef ecosystems through projects other than those under paragraph (1), that provide for the management, conservation, and protection of coral reefs and coral reef ecosystems, including mapping and assessment, management, protection (including enforcement), scientific research, and short-term and long-term monitoring that benefits the long-term conservation of coral reefs and coral reef ecosystems.

(b) MATCHING REQUIREMENTS.—

(1) 75-PERCENT FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any project under this section shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) EXCEPTIONS.—

(A) SMALL PROJECTS.—There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

(c) ELIGIBILITY.—Any relevant natural resource management authority of a State or territory of the United States or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs or coral reef ecosystems, or educational or non-governmental institutions with demonstrated expertise in the conservation of coral reefs, may submit a coral reef restoration or conservation proposal to the Secretary under subsection (a).

(d) ALLOCATION.—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that—

(1) not less than 40 percent of the funds available are awarded for coral reef restoration and conservation projects in the Pacific Ocean;

(2) not less than 40 percent of the funds available are awarded for coral reef restoration and conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea; and

(3) remaining funds are awarded for coral reef restoration and conservation projects

that address emerging priorities or threats identified by the Secretary in consultation with the Coral Reef Task Force under subsection (j).

(e) Project Proposals.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A succinct statement of the purposes of the project.

(3) A description of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

(7) A description of how the project meets one or more of the criteria in subsection (g) of this section.

(8) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(f) Project Review and Approval.—

(1) In general.—The Secretary shall review each final coral reef conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) Review; approval or disapproval.—Not later than 3 months after receiving a final project proposal under this section, the Secretary shall—

(A) request written comments on the proposal from each Federal, State or territorial agency of the United States and other government jurisdictions, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reefs or coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) for projects costing less than $25,000, provide for expedited peer review of the proposal;

(C) for projects costing $25,000 or greater, provide for the regional, merit-based peer review of the proposal and require standardized documentation of that peer review;

(D) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(E) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States, territories, and other government jurisdictions.

(g) Criteria for Approval.—The Secretary may approve a final project proposal under this section based on the written comments received and the extent that the project will enhance the conservation of coral reefs by—

(1) implementing coral reef conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of any living or dead specimens, port, or derivatives, or any product containing specimens, ports, or derivatives, of any coral or coral reef ecosystem;

(3) enhancing compliance with laws that prohibit or regulate the taking of corals, species associated with coral reefs, and coral products or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems;

(5) promoting cooperative projects on coral reef conservation that involve affected local communities, non-governmental organizations, or others in the private sector; or

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation.

(h) Implementation Guidelines.—Within 90 days after the date of enactment of this Act, the Secretary shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Secretary shall consult with regional and local entities, including States and territories, involved in setting priorities for conservation of coral reefs.

(i) Technical Assistance.—The Secretary may provide technical assistance to any State or Federal agency with jurisdiction over coral reefs and coral reef ecosystems to further the purposes of this Act.

(j) Coral Reef Task Force.—The Secretary shall consult with the Coral Reef Task Force established under Executive Order 13089 (64 Fed. Reg. 323701), to obtain guidance in establishing coral reef conservation project priorities under this section.

SEC. 7. NATIONAL PROGRAM.

(a) In General.—The Secretary may conduct activities that further the conservation of coral reefs or coral reef ecosystems on a regional, national, or international scale, or that further public awareness and education regarding coral reefs and coral reef ecosystems on a regional, national, or international scale. The activities should supplement and be consistent with the programs, policies, and statutes of affected States and territories, the National Marine Sanctuaries Act, the Coastal Zone Management Act, and the Magnuson-Stevens Fishery Conservation and Management Act, other applicable Federal statutes, and, at a minimum, should include mapping and assessment, monitoring, management, and scientific research that benefits the long-term conservation of coral reefs and coral reef ecosystems.

(b) Financial Assistance.—The Secretary may enter into joint projects with any Federal, State, territorial, or local authority, or provide financial assistance to any person for projects consistent with subsection (a), including projects that—

(1) support, promote, and coordinate the assessment of, scientific research on, monitoring of, or restoration of coral reefs and coral reef ecosystems of the United States;

(2) cooperate with global programs that conserve, manage, protect, and study coral reefs and coral reef ecosystems; or

(3) enhance public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems.

SEC. 8. DOCUMENTATION OF CERTAIN VESSELS.

Section 12102 of title 46, United States Code, is amended by adding at the end thereof the following:

"(e) A vessel otherwise eligible to be documented under this section may not be documented as a vessel of the United States if—

"(1) the owner of the vessel has abandoned any vessel on a coral reef located in waters subject to the jurisdiction of the United States; and

"(2) the abandoned vessel remains on the coral reef or was removed from the coral reef under section 5 or 6 of the Coral Reef Protection Act of 1999 (or any other provision of law in pari materia enacted after 1998),

unless the owner of the vessel has reimbursed the United States for environmental damage caused by the vessel and the funds expended to remove it.".

SEC. 9. CERTAIN GROUNDED VESSELS.

(a) In General.—The vessels described in subsection (b), and the reefs upon which such vessels may be found, are hereby designated for purposes of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604) as a site at which there is a substantial threat of release of a hazardous substance into the environment. For purposes of that Act, the site shall not be considered to have resulted from an act of God.

(b) Description of Site.—The vessels to which subsection (a) applies are 9 fishing vessels driven by Typhoon Val in 1991 onto coral reefs inside Pago Pago harbor near the villages of Leloaloa and Aua.

SEC. 10. REGULATIONS; CORAL REEF CONSERVATION FUND.

(a) Regulations.—Within 90 days after the date of enactment of this Act, the Secretary shall promulgate necessary regulations for implementing this section. In developing those regulations, the Secretary shall consult with regional and local entities, including States and territories, involved in setting priorities for conservation of coral reefs.

(b) Fund.—The Secretary may enter into an agreement with a foundation authorizing the foundation to receive, hold, and administer funds received by the foundation pursuant to this section. The foundation shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by the foundation solely to support partnerships between the public and private sectors that further the purposes of this Act.

(c) Authorization to Solicit Donations.—Consistent with section 3703 of title 16, United States Code, and pursuant to the agreement entered into under subsection (b) of this section, a foundation may accept, receive, solicit, hold, administer, and use any gift or donation to further the purposes of this Act. Such funds shall be deposited and maintained in the Fund established by a foundation under subsection (b) of this section.

(d) Review of Performance.—The Secretary shall conduct a continuing review of the grant program administered by a foundation under this section. Each review shall include a written assessment concerning the extent to which that foundation has implemented the goals and requirements of this section.

(e) Administration.—Under the agreement entered into pursuant to subsection (b) of this section, the Secretary may transfer funds appropriated under section 11(b)(1) to a foundation. Amounts received by a foundation under this subsection may be used for matching, in whole or in part, contributions (whether in currency, services, or property) made to the foundation by private persons and State and local government agencies.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004 to carry out this Act, which may remain available until expended.

(b) USE OF AMOUNTS APPROPRIATED.—

(1) RESTORATION AND CONSERVATION PROJECTS.—Not more than $15,000,000 of the amounts appropriated under subsection (a) shall be used by the Secretary to support coral reef restoration and conservation projects under section 6(a), of which not more than 20 percent shall be used for technical assistance provided by the Secretary.

(2) NATIONAL PROGRAM.—Not more than $5,000,000 of the amounts appropriated under subsection (a) shall be used by the Secretary to support coral reef conservation projects under section 7.

(3) ADMINISTRATION.—Not more than 1 percent of the amounts appropriated under paragraph 1 may be used by the Secretary for administration of this Act.

By Mr. ABRAHAM (for himself, Mr. TORRICELLI, Mr. HATCH, and Mr. MCCAIN):

S. 1255. A bill to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes; to the Committee on the Judiciary.

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Anticybersquatting Consumer Protection Act on behalf of myself, Senator TORRICELLI, Senator HATCH, and Senator MCCAIN. This legislation will combat a new form of high-tech fraud that is causing confusion and inconvenience for consumers, increasing costs for people doing business on the internet, and posing an enormous threat to a century of pre-Internet American business efforts. The fraud is commonly called "cybersquatting," a practice whereby individuals reserve internet domain names or other identifiers of online locations that are similar or identical to trademarked names. The easiest prey for cybersquatters has turned out to be computer-unsavvy trademark-owners in the non-internet world. Once a "brick and mortar" trademark is registered as an on-line identifier or domain name, the "cybersquatter" can engage in a variety of nefarious activities—from the relatively-benign parody of a business or individual, to the obscene prank of redirecting an unsuspecting consumer to pornographic content, to the destructive worldwide slander of a centuries-old brand name. For the enterprising cybersquatter, holding out a domain name for extortionate compensation is a tried-and-true business practice, and the net effect of this behavior is to undermine consumer confidence, discourage consumer use of the internet, and destroy the value of brand-names and trademarks of this nation's businesses.

Many companies simply pay extortionate prices to cybersquatters in order to rid themselves of a headache with no certain outcome. For example, Gateway recently paid $100,000 to a cybersquatter who had placed pornographic images to the website "www.gateway20000". Rather than simply give up, several companies already have instead sought protection from cybersquatters through the legal system. For example, the investment firm Paine Webber was forced to sue an internet Web site, wwwpainewebber.com" and its creator. The domain name at issue took advantage of a typographical error—the missing "." (dot) between "www" and "painewebber"—in order to direct consumers desiring to do business with Paine Webber to a website containing pornographic images. As with much of the pre-internet law that is applied to this post-internet world, precedent is still developing, and at this point, one cannot predict with certainty which party to a dispute will win, and on what grounds, in the future.

Mr. President, some Americans continue to do a thriving, if unethical, business collecting and selling internet addresses containing trademarked names. Whether perpetrated to defraud the public or to extort the trademark owner, squatting on internet addresses using trademarked names is wrong. It must be stopped for the sake of consumers, for the sake of trademark owners and for the sake of the vast, growing electronic commerce that is doing so much to spur economic growth and innovation in this country.

Mr. President, the Anticybersquatting Consumer Protection Act will help to establish uniform rules for dealing with this attack on interstate commerce. This legislation would establish penalties for criminal use of a counterfeit trademark as a domain name. Using a company's trademark or its variant as the address of an internet site would constitute criminal use of a counterfeit trademark if the defendant registered the address either knowingly and fraudulently or in bad faith. Among the evidence establishing bad faith would be registry of a domain name with (1) intent to cause confusion or mistake or deception, to dilute the distinctive quality of a famous trademark, or intent to divert consumers from the trademark owner's domain to one's own; and (2) providing false information on the application to register the identifier, or offering to transfer the registration to a rightful owner for consideration for any thing of value. Bad faith could not be shown where the identifier is the defendant's legal first name or surname or where the defendant used the identifier in legitimate commerce before the earlier of either the first use of the registered trademark or the effective date of its registration. Violation of this prohibition would constitute a Class B misdemeanor for the first offense; subsequent offenses would be classified as Class E felonies.

In addition, Mr. President, the Anticybersquatting Consumer Protection Act provides for statutory civil damages in trademark cases of at least $1,000, but not more than $100,000 ($300,000 if the registration or use of the trademark was willful) per trademark per identifier. The plaintiff may elect these damages in lieu of actual damages or profits at any time before final judgment.

These provisions will discourage anyone from "squatting" on addresses in cyberspace to which they are not entitled. In the process it will protect consumers from fraud, protect the value of countless trademarks, and encourage continued growth in our electronic commerce industry.

Mr President, the growth of the Internet has provided businesses and individuals with unprecedented access to a worldwide source of information, commerce, and community. Unfortunately, those bad actors seeking to cause harm to businesses and individuals have seen their opportunities increase as well. In my opinion, on-line extortion in this form is unacceptable and outrageous. Whether it's people extorting companies by registering company names, misdirecting Internet users to inappropriate sites, or otherwise attempting to damage a trademark that a business has spent decades building into a recognizable brand, persons engaging in cybersquatting activity should be held accountable for their actions.

I urge my colleagues to support this important legislation, and I ask unanimous consent that the full text of the bill, a section by section analysis and additional materials be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticybersquatting Consumer Protection Act".

SEC. 2. FINDINGS.

Congress finds that the unauthorized registration or use of trademarks as Internet domain names or other identifiers of online locations (commonly known as "cybersquatting")—

(1) results in consumer fraud and public confusion as to the true source or sponsorship of products and services;

(2) impairs electronic commerce, which is important to the economy of the United States; and

(3) deprives owners of trademarks of substantial revenues and consumer goodwill.

SEC. 3. TRADEMARK REMEDIES.

(a) RECOVERY FOR VIOLATION OF RIGHTS.—Section 35 of the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1117) is amended by adding at the end the following:

"(d)(1) In this subsection, the term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

"(2)(A) In a case involving the registration or use of an identifier described in subparagraph (B), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a)—

"(i) an award of statutory damages in the amount of—

"(I) not less than $1,000 or more than $100,000 per trademark per identifier, as the court considers just; or

"(II) if the court finds that the registration or use of the registered trademark as an identifier was willful, not less than $3,000 or more than $300,000 per trademark per identifier, as the court considers just; and

"(ii) full costs and reasonable attorney's fees.

"(B) An identifier referred to in subparagraph (A) is an Internet domain name or other identifier of an online location that is—

"(i) the trademark of a person or entity other than the person or entity registering or using the identifier; or

"(ii) sufficiently similar to a trademark of a person or entity other than the person or entity registering or using the identifier as to be likely to—

"(I) cause confusion or mistake;

"(II) deceive; or

"(III) cause dilution of the distinctive quality of a famous trademark.".

(b) REMEDIES FOR DILUTION OF FAMOUS MARKS.—Section 43(c)(2) of the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1125(c)(2)) is amended by striking "35(a)" and inserting "35 (a) and (d)".

SEC. 4. CRIMINAL USE OF COUNTERFEIT TRADEMARK.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "section that occurs" and inserting "paragraph that occurs"; and

(3) by adding at the end the following:

"(2)(A) In this paragraph, the term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

"(B)(i) Except as provided in clause (ii), whoever knowingly and fraudulently or in bad faith registers or uses an identifier described in subparagraph (C) shall be guilty of a Class B misdemeanor.

"(ii) In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this section, that person shall be guilty of a Class E felony.

"(C) An identifier referred to in subparagraph (B) is an Internet domain name or other identifier of an online location that is—

"(i) the trademark of a person or entity other than the person or entity registering or using the identifier; or

"(ii) sufficiently similar to a trademark of a person or entity other than the person or entity registering or using the identifier as to be likely to—

"(I) cause confusion or mistake;

"(II) deceive; or

"(III) cause dilution of the distinctive quality of a famous trademark.

"(D)(i) For the purposes of a prosecution under this paragraph, if all of the conditions described in clause (ii) apply to the registration or use of an identifier described in subparagraph (C) by a defendant, those conditions shall constitute prima facie evidence that the registration or use was fraudulent or in bad faith.

"(ii) The conditions referred to in clause (i) are as follows:

"(I) The defendant registered or used an identifier described in subparagraph (C)—

"(aa) with intent to cause confusion or mistake, deceive, or cause dilution of the distinctive quality of a famous trademark; or

"(bb) with the intention of diverting consumers from the domain or other online location of the person or entity who is the owner of a trademark described in subparagraph (C) to the domain or other online location of the defendant.

"(II) The defendant—

"(aa) provided false information in the defendant's application to register the identifier; or

"(bb) offered to transfer the registration of the identifier to the trademark owner or another person or entity in consideration for any thing of value.

"(III) The identifier is not—

"(aa) the defendant's legal first name or surname; or

"(bb) a trademark of the defendant used in legitimate commerce before the earlier of the first use of the registered trademark referred to in subparagraph (C) or the effective date of the registration of that trademark.

"(iii) The application of this subparagraph shall not be exclusive. Nothing in this subparagraph may be construed to limit the applicability of subparagraph (B).".

(b) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(A) review the Federal sentencing guidelines for crimes against intellectual property (including offenses under section 2320 of title 18, United States Code); and

(B) promulgate such amendments to the Federal Sentencing Guidelines as are necessary to ensure that the applicable sentence for a defendant convicted of a crime against intellectual property is sufficiently stringent to deter such a crime.

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) take into account the findings under section 2; and

(B) ensure that the amendments promulgated under paragraph (1)(B) adequately provide for sentencing for crimes described in paragraph (2) of section 2320(a) of title 18, United States Code, as added by subsection (a).

SEC. 5. LIMITATION OF LIABILITY.

Section 39 of the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1121) is amended by adding at the end the following:

"(c)(1) In this subsection, the term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

"(2)(A) An Internet service provider, domain name registrar, or registry described in subparagraph (B) shall not be liable for monetary relief to any person for a removal or transfer described in that subparagraph, without regard to whether the domain name or other identifier is ultimately determined to be infringing or dilutive.

"(B) An Internet service provider, domain name registrar, or registry referred to in subparagraph (A) is a provider, registrar, or registry that, upon receipt of a written notice from the owner of a trademark registered in the Patent and Trademark Office, removes from domain name service (DNS) service or registration, or transfers to the trademark owner, an Internet domain name or other identifier of an online location alleged to be infringing or dilutive, in compliance with—

"(i) a court order; or

"(ii) the reasonable implementation of a policy prohibiting the unauthorized registration or use of another's registered trademark as an Internet domain name or other identifier of an online location.".

THE ANTICYBERSQUATTING CONSUMER PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

A bill to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

SECTION 1: SHORT TITLE

This Act may be cited as the "Anticybersquatting Consumer Protection Act."

SECTION 2: FINDINGS

This section sets out Congressional findings concerning the effect of "unauthorized registration or use of trademarks as Internet domain names or other identifiers of online locations" ("cybersquatting"). Cyber- squatting (1) results in consumer fraud, (2) impairs electronic interstate commerce, and (3) deprives trademark owners of revenue and consumer goodwill.

SECTION 3: TRADEMARK REMEDIES

(a) Recovery for violation of rights

The Trademark Act of 1946 (15 U.S.C. 1117) shall incorporate the definition of "Internet" used in the Communications Act of 1934 (47 U.S.C. 230 (f) (1)).

An "identifier" refers to an Internet domain name or another identifier of an online location that is (i) the plaintiff's trademark, or (ii) so sufficiently similar to the plaintiff's trademark as to be likely to "cause confusion or mistake," "deceive," or "cause dilution of the distinctive quality of a famous trademark."

This section expands civil penalties for cybersquatting by providing that before final judgment in a case involving the registration or use of an identifier, a plaintiff may—instead of seeking actual damages or profits—elect to recover statutory damages of at least $1,000, but not more than $100,000 (at least $3,000, but not more than $300,000 if court finds that the registration or use of the trademark was willful) per trademark per identifier, as the court considers just. Furthermore, the plaintiff may recover full costs and reasonable attorney's fees.

(b) Remedies for dilution of famous marks

This section amends the Trademark Act of 1946 (15 U.S.C. 1125 (c) (2)) by making the remedies set forth in section 3 (a) also available for the willful dilution of famous marks or trade on the owner's reputation.

SECTION 4: CRIMINAL USE OF COUNTERFEIT TRADEMARK

(a) In general

This section amends 18 U.S.C. 2320 (a) ("Trafficking in Counterfeit Goods or Services") by adding criminal penalties for the use of a counterfeit trademark on the Internet. Like section 3 (a), this section incorporates the definition of Internet used in the Communications Act of 1934 (47 U.S.C. 230 (f) (1)). It also incorporates the same definition of "identifier" found in section 3 (a).

Under this section, whoever knowingly and fraudulently or in bad faith registers or uses the trademark of another would be guilty of a Class B misdemeanor. Repeat offenders would be guilty of Class E felony.

Prima facie evidence that a registration or use was fraudulent or in bad faith would require satisfaction of the following elements:

(1) the defendant registered or used an identifier with intent to (a) cause confusion or mistake, deceive, or cause dilution of the distinctive quality of a famous trademark, or (b) with intention of diverting consumers from the trademark owner to the defendant; and

(2) the defendant provided false information in its application to register the identifier or offered to transfer the identifier's registration to the trademark owner or other person or entity for something of value; and

(3) the identifier is not the defendant's legal first name or surname or the defendant had not used the identifier in legitimate commerce before the earlier of either the first use of the registered trademark or the effective date of its registration.

(b) Sentencing guidelines

(1) In general

The United States Sentencing Commission shall provide for penalties for the criminal use of counterfeit trademarks by amending the sentencing guidelines in accordance with the guidelines for crimes against intellectual property (18 U.S.C. 2320).

(2) Factors for consideration

The United States Sentencing Commission shall take into account the Findings promulgated in Section 2 and ensure that the amendments to the sentencing guidelines adequately provide penalties for the crimes described in this Act.

SECTION 5: LIMITATION OF LIABILITY

An Internet service provider (ISP) or domain name registrar shall not be liable for monetary damages to any person if it removes an infringing identifier from domain name server (DNS) service or from registration, or transfers it to the trademark owner: (1) upon written notice from the trademark owner and (2) in compliance with either a court order or the reasonable implementation of a policy prohibiting the unauthorized registration or use of another's registered trademark.

This limitation shall apply without regard to whether the domain name or other identifier is ultimately determined to be infringing or dilutive.

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
Washington, DC, June 21, 1999.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of ITI's member companies, I am writing to thank you, Senator Hatch and Senator Torricelli for your leadership in introducing the Anti-Cybersquatting Consumer Protection Act today.

ITI is the association of leading U.S. providers of information technology products and services. It advocates growing the economy through innovation and supports free-market policies. ITI members had worldwide revenue of more than $440 billion in 1998 and employ more than 1.2 million people in the United States.

Over the past several years, trademark holders have found it difficult and expensive to prevent infringement and dilution of their marks online, especially as "cybersquatters" have made a cottage industry out of intentionally registering others' trademarks as domain names and seeking to sell the domain name back to the rightful owners. Such activity damages electronic commerce by sowing confusion among consumers and other Internet users.

While some ITI members have concerns about the bill's criminal provisions, we believe the importance of federal legislation to stop cybersquatting should not be underestimated and we look forward to working with you as this legislation is considered by the Senate.

Best regards,

PHILLIP BOND,
Senior Vice President,
Government Relations.

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 37

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 57

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 57, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 61

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 115

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 288

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 311

At the request of Mr. MCCAIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the

Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 789

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. COVERDELL), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 835

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 878

At the request of Mr. TORRICELLI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 951

At the request of Mr. DOMENICI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 951, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 978

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1131

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1185

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1185, a bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1207

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1207, a bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax.

S. 1244

At the request of Mr. THOMPSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. SCHUMER, the names of the Senator from Iowa (Mr. GRASSLEY), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. SCHUMER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. MOYNIHAN), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Delaware (Mr. ROTH), the Senator from Oregon (Mr. SMITH), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Concurrent Resolution 39, a concurrent resolution expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community.

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 115

At the request of Mr. SPECTER, his name was withdrawn as a cosponsor of Senate Resolution 115, a resolution expressing the sense of the Senate regarding United States citizens killed in terrorist attacks in Israel.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

GRAHAM (AND HOLLINGS) AMENDMENT NO. 700

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.—(a) DEFINITIONS.—In this section, the terms "perishable agricultural commodity" and "retailer" have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—A retailer of a perishable agricultural commodity imported into the United States shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the imported perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES.—If the imported perishable agricultural commodity is already individually labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

(d) VIOLATIONS.—If a retailer fails to indicate the country of origin of an imported perishable agricultural commodity as required by subsection (b), the Secretary of Agriculture may impose a monetary penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the same violation continues.

(e) DEPOSIT OF FUNDS.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) APPLICATION OF SECTION.—This section shall apply with respect to a perishable agricultural commodity imported into the United States after the end of the 6-month period beginning on the date of the enactment of this section.

ABRAHAM AMENDMENT NO. 701

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1233, supra; as follows:

On page 13, line 14, before the semicolon insert the following: ", of which not less than $600,000 shall be used to0 provide a special grant for bovine tuberculosis research at Michigan State University".

DASCHLE AMENDMENT NO. 702

Mr. DORGAN (for Mr. DASCHLE) proposed an amendment to the bill, S. 1233, supra; as follows:

At the appropriate place, insert the following:

TITLE —PATIENTS' BILL OF RIGHTS

SEC. 01. SHORT TITLE.

This title may be cited as the "Patients' Bill of Rights Act of 1999".

Subtitle A—Health Insurance Bill of Rights

CHAPTER 1—ACCESS TO CARE

SEC. 101. ACCESS TO EMERGENCY CARE.

(a) COVERAGE OF EMERGENCY SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

(A) without the need for any prior authorization determination;

(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee by a nonparticipating health care provider without prior authorization by the plan or issuer, the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider with prior authorization by the plan or issuer; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term "emergency services" means—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)), and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—In the case of services (other than emergency services) for which benefits are available under a group health plan, or under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided to a participant, beneficiary, or enrollee other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) (and shall otherwise comply with the guidelines established under section 1852(d)(2) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable), or, in the absence of guidelines under such section, such guidelines as the Secretary shall establish to carry out this subsection), if the services are maintenance care or post-stabilization care covered under such guidelines.

SEC. 102. OFFERING OF CHOICE OF COVERAGE OPTIONS UNDER GROUP HEALTH PLANS.

(a) REQUIREMENT.—

(1) OFFERING OF POINT-OF-SERVICE COVERAGE OPTION.—Except as provided in paragraph (2), if a group health plan (or health insurance coverage offered by a health insurance issuer in connection with a group health plan) provides benefits only through participating health care providers, the plan or issuer shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan or coverage and at such other times as the plan or issuer offers the participant a choice of coverage options.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to a participant in a group health plan if the plan offers the participant—

(A) a choice of health insurance coverage; and

(B) one or more coverage options that do not provide benefits only through participating health care providers.

(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term "point-of-service coverage'' means, with respect to benefits covered under a group health plan or health insurance issuer, coverage of such benefits when provided by a nonparticipating health care provider. Such coverage need not include coverage of providers that the plan or issuer excludes because of fraud, quality, or similar reasons.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) as requiring coverage for benefits for a particular type of health care provider;

(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options; or

(3) as preventing a group health plan or health insurance issuer from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option.

(d) NO REQUIREMENT FOR GUARANTEED AVAILABILITY.—If a health insurance issuer offers health insurance coverage that includes point-of-service coverage with respect to an employer solely in order to meet the requirement of subsection (a), nothing in section 2711(a)(1)(A) of the Public Health Service Act shall be construed as requiring the offering of such coverage with respect to another employer.

SEC. 103. CHOICE OF PROVIDERS.

(a) PRIMARY CARE.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall permit each participant, beneficiary, and enrollee to receive primary care from any participating primary care provider who is available to accept such individual.

(b) SPECIALISTS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such individual for such care.

(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating providers with respect to such care.

SEC. 104. ACCESS TO SPECIALTY CARE.

(a) OBSTETRICAL AND GYNECOLOGICAL CARE.—

(1) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care provider—

(A) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider; and

(B) if such an individual has not designated such a provider as a primary care provider, the plan or issuer—

(i) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

(ii) may treat the ordering of other gynecological care by such a participating health professional as the authorization of the primary care provider with respect to such care under the plan or coverage.

(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

(b) SPECIALTY CARE.—

(1) SPECIALTY CARE FOR COVERED SERVICES.—

(A) IN GENERAL.—If—

(i) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer,

(ii) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, and

(iii) benefits for such treatment are provided under the plan or coverage,

the plan or issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

(B) SPECIALIST DEFINED.—For purposes of this subsection, the term "specialist" means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

(C) CARE UNDER REFERRAL.—A group health plan or health insurance issuer may require that the care provided to an individual pursuant to such referral under subparagraph (A) be—

(i) pursuant to a treatment plan, only if the treatment plan is developed by the specialist and approved by the plan or issuer, in consultation with the designated primary care provider or specialist and the individual (or the individual's designee), and

(ii) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an individual from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

(D) REFERRALS TO PARTICIPATING PROVIDERS.—A group health plan or health insurance issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the individual's condition and that is a participating provider with respect to such treatment.

(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers an individual to a nonparticipating specialist pursuant to subparagraph (A), services provided pursuant to the approved treatment plan (if any) shall be provided at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist that is a participating provider.

(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—A group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care. If such an individual's care would most appropriately be coordinated by such a specialist, such plan or issuer shall refer the individual to such specialist.

(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the individual without a referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term "special condition" means a condition or disease that—

(i) is life-threatening, degenerative, or disabling, and

(ii) requires specialized medical care over a prolonged period of time.

(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

(3) STANDING REFERRALS.—

(A) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the plan or issuer, or if the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to such a specialist.

(B) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

SEC. 105. CONTINUITY OF CARE.

(a) IN GENERAL.—

(1) TERMINATION OF PROVIDER.—If a contract between a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in paragraph (3)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or coverage is undergoing a course of treatment from the provider at the time of such termination, the plan or issuer shall—

(A) notify the individual on a timely basis of such termination, and

(B) subject to subsection (c), permit the individual to continue or be covered with respect to the course of treatment with the provider during a transitional period (provided under subsection (b)).

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE ISSUER.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the

provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) TERMINATION.—In this section, the term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by the plan or issuer for failure to meet applicable quality standards or for fraud.

(b) TRANSITIONAL PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least 90 days from the date of the notice described in subsection (a)(1)(A) of the provider's termination.

(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and also shall include institutional care provided within a reasonable time of the date of termination of the provider status if the care was scheduled before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date was on an established waiting list or otherwise scheduled to have such care.

(3) PREGNANCY.—If—

(A) a participant, beneficiary, or enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(4) TERMINAL ILLNESS.—If—

(A) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, and

(B) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the individual's life for care directly related to the treatment of the terminal illness.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under subsection (a)(1)(B) upon the provider agreeing to the following terms and conditions:

(1) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or issuer after the date of the termination of the contract with the health insurance issuer) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

SEC. 106. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

(a) COVERAGE.—

(1) IN GENERAL.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(C) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "qualified individual" means an individual who is a participant or beneficiary in a group health plan, or who is an enrollee under health insurance coverage, and who meets the following conditions:

(1)(A) The individual has a life-threatening or serious illness for which no standard treatment is effective.

(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

(2) Either—

(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

(B) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

(c) PAYMENT.—

(1) IN GENERAL.—Under this section a group health plan or health insurance issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

(2) PAYMENT RATE.—In the case of covered items and services provided by—

(A) a participating provider, the payment rate shall be at the agreed upon rate, or

(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

(d) APPROVED CLINICAL TRIAL DEFINED.—

(1) IN GENERAL.—In this section, the term "approved clinical trial" means a clinical research study or clinical investigation approved and funded (which may include funding through in-kind contributions) by one or more of the following:

(A) The National Institutes of Health.

(B) A cooperative group or center of the National Institutes of Health.

(C) Either of the following if the conditions described in paragraph (2) are met:

(i) The Department of Veterans Affairs.

(ii) The Department of Defense.

(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

SEC. 107. ACCESS TO NEEDED PRESCRIPTION DRUGS.

(a) IN GENERAL.—If a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(1) ensure participation of participating physicians and pharmacists in the development of the formulary;

(2) disclose to providers and, disclose upon request under section 121(c)(6) to participants, beneficiaries, and enrollees, the nature of the formulary restrictions; and

(3) consistent with the standards for a utilization review program under section 115, provide for exceptions from the formulary limitation when a non-formulary alternative is medically indicated.

(b) COVERAGE OF APPROVED DRUGS AND MEDICAL DEVICES.—

(1) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) that provides any coverage of prescription drugs or medical devices shall not deny coverage of such a drug or device on the basis that the use is investigational, if the use—

(A) in the case of a prescription drug—

(i) is included in the labeling authorized by the application in effect for the drug pursuant to subsection (b) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, without regard to any postmarketing requirements that may apply under such Act; or

(ii) is included in the labeling authorized by the application in effect for the drug under section 351 of the Public Health Service Act, without regard to any postmarketing requirements that may apply pursuant to such section; or

(B) in the case of a medical device, is included in the labeling authorized by a regulation under subsection (d) or (3) of section 513 of the Federal Food, Drug, and Cosmetic Act, an order under subsection (f) of such section, or an application approved under section 515 of such Act, without regard to any postmarketing requirements that may apply under such Act.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any coverage of prescription drugs or medical devices.

SEC. 108. ADEQUACY OF PROVIDER NETWORK.

(a) IN GENERAL.—Each group health plan, and each health insurance issuer offering health insurance coverage, that provides benefits, in whole or in part, through participating health care providers shall have (in relation to the coverage) a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage. This subsection shall only apply to a plan's or issuer's application of restrictions on the participation of health care providers in a network and shall not be construed as requiring a plan or issuer to create or establish new health care providers in an area.

(b) TREATMENT OF CERTAIN PROVIDERS.—The qualified health care providers under subsection (a) may include Federally qualified health centers, rural health clinics, migrant health centers, and other essential community providers located in the service area of the plan or issuer and shall include such providers if necessary to meet the standards established to carry out such subsection.

SEC. 109. NONDISCRIMINATION IN DELIVERY OF SERVICES.

(a) APPLICATION TO DELIVERY OF SERVICES.—Subject to subsection (b), a group health plan, and health insurance issuer in relation to health insurance coverage, may not discriminate against a participant, beneficiary, or enrollee in the delivery of health care services consistent with the benefits covered under the plan or coverage or as required by law based on race, color, ethnicity, national origin, religion, sex, age, mental or physical disability, sexual orientation, genetic information, or source of payment.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as relating to the eligibility to be covered, or the offering (or guaranteeing the offer) of coverage, under a plan or health insurance coverage, the application of any pre-existing condition exclusion consistent with applicable law, or premiums charged under such plan or coverage. Pursuant to section 192(b), except as provided in section 152, nothing in this subtitle shall be construed as requiring a group health plan or health insurance issuer to provide specific benefits under the terms of such plan or coverage.

CHAPTER 2—QUALITY ASSURANCE

SEC. 111. INTERNAL QUALITY ASSURANCE PROGRAM.

(a) REQUIREMENT.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

(b) PROGRAM REQUIREMENTS.—The requirements of this subsection for a quality improvement program of a plan or issuer are as follows:

(1) ADMINISTRATION.—The plan or issuer has a separate identifiable unit with responsibility for administration of the program.

(2) WRITTEN PLAN.—The plan or issuer has a written plan for the program that is updated annually and that specifies at least the following:

(A) The activities to be conducted.

(B) The organizational structure.

(C) The duties of the medical director.

(D) Criteria and procedures for the assessment of quality.

(3) SYSTEMATIC REVIEW.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

(4) QUALITY CRITERIA.—The program—

(A) uses criteria that are based on performance and patient outcomes where feasible and appropriate;

(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate;

(C) includes methods for informing covered individuals of the benefit of preventive care and what specific benefits with respect to preventive care are covered under the plan or coverage; and

(D) makes available to the public a description of the criteria used under subparagraph (A).

(5) SYSTEM FOR REPORTING.—The program has procedures for reporting of possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

(6) DATA ANALYSIS.—The program provides, using data that include the data collected under section 112, for an analysis of the plan's or issuer's performance on quality measures.

(7) DRUG UTILIZATION REVIEW.—The program provides for a drug utilization review program in accordance with section 114.

(c) DEEMING.—For purposes of subsection (a), the requirements of—

(1) subsection (b) (other than paragraph (5)) are deemed to be met with respect to a health insurance issuer that is a qualified health maintenance organization (as defined in section 1310(c) of the Public Health Service Act); or

(2) subsection (b) are deemed to be met with respect to a health insurance issuer that is accredited by a national accreditation organization that the Secretary certifies as applying, as a condition of certification, standards at least a stringent as those required for a quality improvement program under subsection (b).

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

SEC. 112. COLLECTION OF STANDARDIZED DATA.

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall collect uniform quality data that include a minimum uniform data set described in subsection (b).

(b) MINIMUM UNIFORM DATA SET.—The Secretary shall specify (and may from time to time update) the data required to be included in the minimum uniform data set under subsection (a) and the standard format for such data. Such data shall include at least—

(1) aggregate utilization data;

(2) data on the demographic characteristics of participants, beneficiaries, and enrollees;

(3) data on disease-specific and age-specific mortality rates and (to the extent feasible) morbidity rates of such individuals;

(4) data on satisfaction (including satisfaction with respect to services to children) of such individuals, including data on voluntary disenrollment and grievances; and

(5) data on quality indicators and health outcomes, including, to the extent feasible and appropriate, data on pediatric cases and on a gender-specific basis.

(c) AVAILABILITY.—A summary of the data collected under subsection (a) shall be disclosed under section 121(b)(9). The Secretary shall be provided access to all the data so collected.

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

(e) EXCEPTION FOR NON-MEDICAL, RELIGIOUS CARE PROVIDERS.—The requirements of subsection (a), insofar as they may apply to a provider of health care, do not apply to a provider that provides no medical care and that provides only a religious method of healing or religious nonmedical nursing care.

SEC. 113. PROCESS FOR SELECTION OF PROVIDERS.

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall, if it provides benefits through participating health care professionals, have a written process for the selection of participating health care professionals, including minimum professional requirements.

(b) VERIFICATION OF BACKGROUND.—Such process shall include verification of a health care provider's license and a history of suspension or revocation.

(c) RESTRICTION.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

(d) NONDISCRIMINATION BASED ON LICENSURE.—

(1) IN GENERAL.—Such process shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed—

(A) as requiring the coverage under a plan or coverage of particular benefits or services or to prohibit a plan or issuer from including providers only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan or issuer; or

(B) to override any State licensure or scope-of-practice law.

(e) GENERAL NONDISCRIMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), such process shall not discriminate with respect to selection of a health care professional to be a participating health care provider, or with respect to the terms and conditions of such participation, based on the professional's race, color, religion, sex, national origin, age, sexual orientation, or disability (consistent with the Americans with Disabilities Act of 1990).

(2) RULES.—The appropriate Secretary may establish such definitions, rules, and exceptions as may be appropriate to carry out paragraph (1), taking into account comparable definitions, rules, and exceptions in effect under employment-based nondiscrimination laws and regulations that relate to each of the particular bases for discrimination described in such paragraph.

SEC. 114. DRUG UTILIZATION PROGRAM.

A group health plan, and a health insurance issuer that provides health insurance coverage, that includes benefits for prescription drugs shall establish and maintain, as part of its internal quality assurance and continuous quality improvement program under section 111, a drug utilization program which—

(1) encourages appropriate use of prescription drugs by participants, beneficiaries, and enrollees and providers, and

(2) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

SEC. 115. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES.

(a) COMPLIANCE WITH REQUIREMENTS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section.

(2) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms "utilization review" and "utilization review activities" mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) WRITTEN POLICIES AND CRITERIA.—

(1) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) USE OF WRITTEN CRITERIA.—

(A) IN GENERAL.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians. Such criteria shall include written clinical review criteria described in section 111(b)(4)(B).

(B) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(c) CONDUCT OF PROGRAM ACTIVITIES.—

(1) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions. In this subsection, the term "health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

(B) PEER REVIEW OF SAMPLE OF ADVERSE CLINICAL DETERMINATIONS.—Such a program shall provide that clinical peers (as defined in section 191(c)(2)) shall evaluate the clinical appropriateness of at least a sample of adverse clinical determinations.

(C) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

(i) provides incentives, direct or indirect, for such persons to make inappropriate review decisions, or

(ii) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

(D) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who provides health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) ACCESSIBILITY OF REVIEW.—Such a program shall provide that appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary or appropriate.

(5) LIMITATION ON INFORMATION REQUESTS.—Under such a program, information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

(d) DEADLINE FOR DETERMINATIONS.—

(1) PRIOR AUTHORIZATION SERVICES.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services for an individual, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 3 business days after the date of receipt of information that is reasonably necessary to make such determination.

(2) CONTINUED CARE.—In the case of a utilization review activity involving authorization for continued or extended health care services for an individual, or additional services for an individual undergoing a course of continued treatment prescribed by a health care provider, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 1 business day after the date of receipt of information that is reasonably necessary to make such determination. Such notice shall include, with respect to continued or extended health care services, the number of extended services approved, the new total of approved services, the date of onset of services, and the next review date, if any.

(3) PREVIOUSLY PROVIDED SERVICES.—In the case of a utilization review activity involving retrospective review of health care services previously provided for an individual, the utilization review program shall make a determination concerning such services, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, within 30 days of the date of receipt of information that is reasonably necessary to make such determination.

(4) REFERENCE TO SPECIAL RULES FOR EMERGENCY SERVICES, MAINTENANCE CARE, AND POST-STABILIZATION CARE.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see subsections (a)(1) and (b) of section 101, respectively.

(e) NOTICE OF ADVERSE DETERMINATIONS.—

(1) IN GENERAL.—Notice of an adverse determination under a utilization review program shall be provided in printed form and shall include—

(A) the reasons for the determination (including the clinical rationale);

(B) instructions on how to initiate an appeal under section 132; and

(C) notice of the availability, upon request of the individual (or the individual's designee) of the clinical review criteria relied upon to make such determination.

(2) SPECIFICATION OF ANY ADDITIONAL INFORMATION.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, the person making the determination in order to make a decision on such an appeal.

SEC. 116. HEALTH CARE QUALITY ADVISORY BOARD.

(a) ESTABLISHMENT.—The President shall establish an advisory board to provide information to Congress and the administration on issues relating to quality monitoring and improvement in the health care provided under group health plans and health insurance coverage.

(b) NUMBER AND APPOINTMENT.—The advisory board shall be composed of the Secretary of Health and Human Services (or the Secretary's designee), the Secretary of Labor (or the Secretary's designee), and 20 additional members appointed by the President, in consultation with the Majority and Minority Leaders of the Senate and House of

Representatives. The members so appointed shall include individuals with expertise in—

(1) consumer needs;

(2) education and training of health professionals;

(3) health care services;

(4) health plan management;

(5) health care accreditation, quality assurance, improvement, measurement, and oversight;

(6) medical practice, including practicing physicians;

(7) prevention and public health; and

(8) public and private group purchasing for small and large employers or groups.

(c) Duties.—The advisory board shall—

(1) identify, update, and disseminate measures of health care quality for group health plans and health insurance issuers, including network and non-network plans;

(2) advise the Secretary on the development and maintenance of the minimum data set in section 112(b); and

(3) advise the Secretary on standardized formats for information on group health plans and health insurance coverage.

The measures identified under paragraph (1) may be used on a voluntary basis by such plans and issuers. In carrying out paragraph (1), the advisory board shall consult and cooperate with national health care standard setting bodies which define quality indicators, the Agency for Health Care Policy and Research, the Institute of Medicine, and other public and private entities that have expertise in health care quality.

(d) Report.—The advisory board shall provide an annual report to Congress and the President on the quality of the health care in the United States and national and regional trends in health care quality. Such report shall include a description of determinants of health care quality and measurements of practice and quality variability within the United States.

(e) Secretarial Consultation.—In serving on the advisory board, the Secretaries of Health and Human Services and Labor (or their designees) shall consult with the Secretaries responsible for other Federal health insurance and health care programs.

(f) Vacancies.—Any vacancy on the board shall be filled in such manner as the original appointment. Members of the board shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. Administrative support, scientific support, and technical assistance for the advisory board shall be provided by the Secretary of Health and Human Services.

(g) Continuation.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the advisory board.

CHAPTER 3—PATIENT INFORMATION

SEC. 121. PATIENT INFORMATION.

(a) Disclosure Requirement.—

(1) Group health plans.—A group health plan shall—

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to participants and beneficiaries, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) Health insurance issuers.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) Information Provided.—The information described in this subsection with respect to a group health plan or health insurance coverage offered by a health insurance issuer includes the following:

(1) Service area.—The service area of the plan or issuer.

(2) Benefits.—Benefits offered under the plan or coverage, including—

(A) covered benefits, including benefit limits and coverage exclusions;

(B) cost sharing, such as deductibles, coinsurance, and copayment amounts, including any liability for balance billing, any maximum limitations on out of pocket expenses, and the maximum out of pocket costs for services that are provided by non participating providers or that are furnished without meeting the applicable utilization review requirements;

(C) the extent to which benefits may be obtained from nonparticipating providers;

(D) the extent to which a participant, beneficiary, or enrollee may select from among participating providers and the types of providers participating in the plan or issuer network;

(E) process for determining experimental coverage; and

(F) use of a prescription drug formulary.

(3) Access.—A description of the following:

(A) The number, mix, and distribution of providers under the plan or coverage.

(B) Out-of-network coverage (if any) provided by the plan or coverage.

(C) Any point-of-service option (including any supplemental premium or cost-sharing for such option).

(D) The procedures for participants, beneficiaries, and enrollees to select, access, and change participating primary and specialty providers.

(E) The rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers.

(F) The name, address, and telephone number of participating health care providers and an indication of whether each such provider is available to accept new patients.

(G) Any limitations imposed on the selection of qualifying participating health care providers, including any limitations imposed under section 103(b)(2).

(H) How the plan or issuer addresses the needs of participants, beneficiaries, and enrollees and others who do not speak English or who have other special communications needs in accessing providers under the plan or coverage, including the provision of information described in this subsection and subsection (c) to such individuals and including the provision of information in a language other than English if 5 percent of the number of participants, beneficiaries, and enrollees communicate in that language instead of English.

(4) Out-of-area coverage.—Out-of-area coverage provided by the plan or issuer.

(5) Emergency coverage.—Coverage of emergency services, including—

(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

(B) the process and procedures of the plan or issuer for obtaining emergency services; and

(C) the locations of (i) emergency departments, and (ii) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

(6) Percentage of premiums used for benefits (loss-ratios).—In the case of health insurance coverage only (and not with respect to group health plans that do not provide coverage through health insurance coverage), a description of the overall loss-ratio for the coverage (as defined in accordance with rules established or recognized by the Secretary of Health and Human Services).

(7) Prior authorization rules.—Rules regarding prior authorization or other review requirements that could result in noncoverage or nonpayment.

(8) Grievance and appeals procedures.—All appeal or grievance rights and procedures under the plan or coverage, including the method for filing grievances and the time frames and circumstances for acting on grievances and appeals, who is the applicable authority with respect to the plan or issuer, and the availability of assistance through an ombudsman to individuals in relation to group health plans and health insurance coverage.

(9) Quality assurance.—A summary description of the data on quality collected under section 112(a), including a summary description of the data on satisfaction of participants, beneficiaries, and enrollees (including data on individual voluntary disenrollment and grievances and appeals) described in section 112(b)(4).

(10) Summary of provider financial incentives.—A summary description of the information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(11) Information on issuer.—Notice of appropriate mailing addresses and telephone numbers to be used by participants, beneficiaries, and enrollees in seeking information or authorization for treatment.

(12) Availability of information on request.—Notice that the information described in subsection (c) is available upon request.

(c) Information Made Available Upon Request.—The information described in this subsection is the following:

(1) Utilization review activities.—A description of procedures used and requirements (including circumstances, time frames, and appeal rights) under any utilization review program under section 115, including under any drug formulary program under section 107.

(2) Grievance and appeals information.—Information on the number of grievances and appeals and on the disposition in the aggregate of such matters.

(3) METHOD OF PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians, including information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(4) SPECIFIC INFORMATION ON CREDENTIALS OF PARTICIPATING PROVIDERS.—In the case of each participating provider, a description of the credentials of the provider.

(5) CONFIDENTIALITY POLICIES AND PROCEDURES.—A description of the policies and procedures established to carry out section 122.

(6) FORMULARY RESTRICTIONS.—A description of the nature of any drug formula restrictions.

(7) PARTICIPATING PROVIDER LIST.—A list of current participating health care providers.

(d) FORM OF DISCLOSURE.—

(1) UNIFORMITY.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area.

(2) INFORMATION INTO HANDBOOK.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from making the information under subsections (b) and (c) available to participants, beneficiaries, and enrollees through an enrollee handbook or similar publication.

(3) UPDATING PARTICIPATING PROVIDER INFORMATION.—The information on participating health care providers described in subsection (b)(3)(C) shall be updated within such reasonable period as determined appropriate by the Secretary. Nothing in this section shall prevent an issuer from changing or updating other information made available under this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed as requiring public disclosure of individual contracts or financial arrangements between a group health plan or health insurance issuer and any provider.

SEC. 122. PROTECTION OF PATIENT CONFIDENTIALITY.

Insofar as a group health plan, or a health insurance issuer that offers health insurance coverage, maintains medical records or other health information regarding participants, beneficiaries, and enrollees, the plan or issuer shall establish procedures—

(1) to safeguard the privacy of any individually identifiable enrollee information;

(2) to maintain such records and information in a manner that is accurate and timely, and

(3) to assure timely access of such individuals to such records and information.

SEC. 123. HEALTH INSURANCE OMBUDSMEN.

(a) IN GENERAL.—Each State that obtains a grant under subsection (c) shall provide for creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers. Such Ombudsman shall be responsible for at least the following:

(1) To assist consumers in the State in choosing among health insurance coverage or among coverage options offered within group health plans.

(2) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers and group health plans in regard to such coverage or plans and with respect to grievances and appeals regarding determinations under such coverage or plans.

(b) FEDERAL ROLE.—In the case of any State that does not provide for such an Ombudsman under subsection (a), the Secretary shall provide for the creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers and that is responsible for carrying out with respect to that State the functions otherwise provided under subsection (a) by a Health Insurance Ombudsman.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services such amounts as may be necessary to provide for grants to States for contracts for Health Insurance Ombudsmen under subsection (a) or contracts for such Ombudsmen under subsection (b).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent the use of other forms of enrollee assistance.

CHAPTER 4—GRIEVANCE AND APPEALS PROCEDURES

SEC. 131. ESTABLISHMENT OF GRIEVANCE PROCESS.

(a) ESTABLISHMENT OF GRIEVANCE SYSTEM.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain a system to provide for the presentation and resolution of oral and written grievances brought by individuals who are participants, beneficiaries, or enrollees, or health care providers or other individuals acting on behalf of an individual and with the individual's consent, regarding any aspect of the plan's or issuer's services.

(2) SCOPE.—The system shall include grievances regarding access to and availability of services, quality of care, choice and accessibility of providers, network adequacy, and compliance with the requirements of this subtitle.

(b) GRIEVANCE SYSTEM.—Such system shall include the following components with respect to individuals who are participants, beneficiaries, or enrollees:

(1) Written notification to all such individuals and providers of the telephone numbers and business addresses of the plan or issuer personnel responsible for resolution of grievances and appeals.

(2) A system to record and document, over a period of at least 3 previous years, all grievances and appeals made and their status.

(3) A process providing for timely processing and resolution of grievances.

(4) Procedures for follow-up action, including the methods to inform the person making the grievance of the resolution of the grievance.

(5) Notification to the continuous quality improvement program under section 111(a) of all grievances and appeals relating to quality of care.

SEC. 132. INTERNAL APPEALS OF ADVERSE DETERMINATIONS.

(a) RIGHT OF APPEAL.—

(1) IN GENERAL.—A participant or beneficiary in a group health plan, and an enrollee in health insurance coverage offered by a health insurance issuer, and any provider or other person acting on behalf of such an individual with the individual's consent, may appeal any appealable decision (as defined in paragraph (2)) under the procedures described in this section and (to the extent applicable) section 133. Such individuals and providers shall be provided with a written explanation of the appeal process and the determination upon the conclusion of the appeals process and as provided in section 121(b)(8).

(2) APPEALABLE DECISION DEFINED.—In this section, the term "appealable decision" means any of the following:

(A) Denial, reduction, or termination of, or failure to provide or make payment (in whole or in part) for a benefit, including a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(B) Failure to provide coverage of emergency services or reimbursement of maintenance care or post-stabilization care under section 101.

(C) Failure to provide a choice of provider under section 103.

(D) Failure to provide qualified health care providers under section 103.

(E) Failure to provide access to specialty and other care under section 104.

(F) Failure to provide continuation of care under section 105.

(G) Failure to provide coverage of routine patient costs in connection with an approval clinical trial under section 106.

(H) Failure to provide access to needed drugs under section 107(a)(3) or 107(b).

(I) Discrimination in delivery of services in violation of section 109.

(J) An adverse determination under a utilization review program under section 115.

(K) The imposition of a limitation that is prohibited under section 151.

(b) INTERNAL APPEAL PROCESS.—

(1) IN GENERAL.—Each group health plan and health insurance issuer shall establish and maintain an internal appeal process under which any participant, beneficiary, or enrollee, or any provider or other person acting on behalf of such an individual with the individual's consent, who is dissatisfied with any appealable decision has the opportunity to appeal the decision through an internal appeal process. The appeal may be communicated orally.

(2) CONDUCT OF REVIEW.—

(A) IN GENERAL.—The process shall include a review of the decision by a physician or other health care professional (or professionals) who has been selected by the plan or issuer and who has not been involved in the appealable decision at issue in the appeal.

(B) AVAILABILITY AND PARTICIPATION OF CLINICAL PEERS.—The individuals conducting such review shall include one or more clinical peers (as defined in section 191(c)(2)) who have not been involved in the appealable decision at issue in the appeal.

(3) DEADLINE.—

(A) IN GENERAL.—Subject to subsection (c), the plan or issuer shall conclude each appeal as soon as possible after the time of the receipt of the appeal in accordance with medical exigencies of the case involved, but in no event later than—

(i) 72 hours after the time of receipt of an expedited appeal, and

(ii) except as provided in subparagraph (B), 30 business days after such time (or, if the participant, beneficiary, or enrollee supplies additional information that was not available to the plan or issuer at the time of the receipt of the appeal, after the date of supplying such additional information) in the case of all other appeals.

(B) EXTENSION.—In the case of an appeal that does not relate to a decision regarding an expedited appeal and that does not involve medical exigencies, if a group health plan or health insurance issuer is unable to conclude the appeal within the time period provided under subparagraph (A)(ii) due to circumstances beyond the control of the plan or issuer, the deadline shall be extended for up to an additional 10 business days if the plan or issuer provides, on or before 10 days before the deadline otherwise applicable, written notice to the participant, beneficiary, or enrollee and the provider involved of the extension and the reasons for the extension.

(4) Notice.—If a plan or issuer denies an appeal, the plan or issuer shall provide the participant, beneficiary, or enrollee and provider involved with notice in printed form of the denial and the reasons therefore, together with a notice in printed form of rights to any further appeal.

(c) Expedited Review Process.—

(1) In general.—A group health plan, and a health insurance issuer, shall establish procedures in writing for the expedited consideration of appeals under subsection (b) in situations in which the application of the normal timeframe for making a determination could seriously jeopardize the life or health of the participant, beneficiary, or enrollee (including in the case of a child, development) or such an individual's ability to regain maximum function.

(2) Process.—Under such procedures—

(A) the request for expedited appeal may be submitted orally or in writing by an individual or provider who is otherwise entitled to request the appeal; and

(B) all necessary information, including the plan's or issuer's decision, shall be transmitted between the plan or issuer and the requester by telephone, facsimile, or other similarly expeditious available method.

(d) Direct Use of Further Appeals.—In the event that the plan or issuer fails to comply with any of the deadlines for completion of appeals under this section or in the event that the plan or issuer for any reason expressly waives its rights to an internal review of an appeal under subsection (b), the participant, beneficiary, or enrollee involved and the provider involved shall be relieved of any obligation to complete the appeal involved and may, at such an individual's or provider's option, proceed directly to seek further appeal through any applicable external appeals process.

SEC. 133. EXTERNAL APPEALS OF ADVERSE DETERMINATIONS.

(a) Right to External Appeal.—

(1) In general.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for an external appeals process that meets the requirements of this section in the case of an externally appealable decision described in paragraph (2). The appropriate Secretary shall establish standards to carry out such requirements.

(2) Externally appealable decision defined.—For purposes of this section, the term "externally appealable decision" means an appealable decision (as defined in section 132(a)(2)) if—

(A) the amount involved exceeds a significant threshold; or

(B) the patient's life or health is jeopardized (including, in the case of a child, development) as a consequence of the decision.

Such term does not include a denial of coverage for services that are specifically listed in plan or coverage documents as excluded from coverage.

(3) Exhaustion of internal appeals process.—A plan or issuer may condition the use of an external appeal process in the case of an externally appealable decision upon completion of the internal review process provided under section 132, but only if the decision is made in a timely basis consistent with the deadlines provided under this chapter.

(b) General Elements of External Appeals Process.—

(1) Contract with qualified external appeal entity.—

(A) Contract requirement.—Subject to subparagraph (B), the external appeal process under this section of a plan or issuer shall be conducted under a contract between the plan or issuer and one or more qualified external appeal entities (as defined in subsection (c)).

(B) Restrictions on qualified external appeal entity.—

(i) By state for health insurance issuers.—With respect to health insurance issuers in a State, the State may provide for external review activities to be conducted by a qualified external appeal entity that is designated by the State or that is selected by the State in such a manner as to assure an unbiased determination.

(ii) By federal government for group health plans.—With respect to group health plans, the appropriate Secretary may exercise the same authority as a State may exercise with respect to health insurance issuers under clause (i). Such authority may include requiring the use of the qualified external appeal entity designated or selected under such clause.

(iii) Limitation on plan or issuer selection.—If an applicable authority permits more than one entity to qualify as a qualified external appeal entity with respect to a group health plan or health insurance issuer and the plan or issuer may select among such qualified entities, the applicable authority—

(I) shall assure that the selection process will not create any incentives for external appeal entities to make a decision in a biased manner, and

(II) shall implement procedures for auditing a sample of decisions by such entities to assure that no such decisions are made in a biased manner.

(C) Other terms and conditions.—The terms and conditions of a contract under this paragraph shall be consistent with the standards the appropriate Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external appeal activities. Such contract shall provide that the direct costs of the process (not including costs of representation of a participant, beneficiary, or enrollee) shall be paid by the plan or issuer, and not by the participant, beneficiary, or enrollee.

(2) Elements of process.—An external appeal process shall be conducted consistent with standards established by the appropriate Secretary that include at least the following:

(A) Fair process; de novo determination.—The process shall provide for a fair, de novo determination.

(B) Determination concerning externally appealable decisions.—A qualified external appeal entity shall determine whether a decision is an externally appealable decision and related decisions, including—

(i) whether such a decision involves an expedited appeal;

(ii) the appropriate deadlines for internal review process required due to medical exigencies in a case; and

(iii) whether such a process has been completed.

(C) Opportunity to submit evidence, have representation, and make oral presentation.—Each party to an externally appealable decision—

(i) may submit and review evidence related to the issues in dispute,

(ii) may use the assistance or representation of one or more individuals (any of whom may be an attorney), and

(iii) may make an oral presentation.

(D) Provision of information.—The plan or issuer involved shall provide timely access to all its records relating to the matter of the externally appealable decision and to all provisions of the plan or health insurance coverage (including any coverage manual) relating to the matter.

(E) Timely decisions.—A determination by the external appeal entity on the decision shall—

(i) be made orally or in writing and, if it is made orally, shall be supplied to the parties in writing as soon as possible;

(ii) be binding on the plan or issuer;

(iii) be made in accordance with the medical exigencies of the case involved, but in no event later than 60 days (or 72 hours in the case of an expedited appeal) from the date of completion of the filing of notice of external appeal of the decision;

(iv) state, in layperson's language, the basis for the determination, including, if relevant, any basis in the terms or conditions of the plan or coverage; and

(v) inform the participant, beneficiary, or enrollee of the individual's rights to seek further review by the courts (or other process) of the external appeal determination.

(c) Qualifications of External Appeal Entities.—

(1) In general.—For purposes of this section, the term "qualified external appeal entity" means, in relation to a plan or issuer, an entity (which may be a governmental entity) that is certified under paragraph (2) as meeting the following requirements:

(A) There is no real or apparent conflict of interest that would impede the entity conducting external appeal activities independent of the plan or issuer.

(B) The entity conducts external appeal activities through clinical peers.

(C) The entity has sufficient medical, legal, and other expertise and sufficient staffing to conduct external appeal activities for the plan or issuer on a timely basis consistent with subsection (b)(3)(E).

(D) The entity meets such other requirements as the appropriate Secretary may impose.

(2) Certification of external appeal entities.—

(A) In general.—In order to be treated as a qualified external appeal entity with respect to—

(i) a group health plan, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting the requirements of paragraph (1) by the Secretary of Labor (or under a process recognized or approved by the Secretary of Labor); or

(ii) a health insurance issuer operating in a State, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting such requirements by the applicable State authority (or, if the State has not established an adequate certification and recertification process, by the Secretary of Health and Human Services, or under a process recognized or approved by such Secretary).

(B) RECERTIFICATION PROCESS.—The appropriate Secretary shall develop standards for the recertification of external appeal entities. Such standards shall include a specification of—

(i) the information required to be submitted as a condition of recertification on the entity's performance of external appeal activities, which information shall include the number of cases reviewed, a summary of the disposition of those cases, the length of time in making determinations on those cases, and such information as may be necessary to assure the independence of the entity from the plans or issuers for which external appeal activities are being conducted; and

(ii) the periodicity which recertification will be required.

(d) CONTINUING LEGAL RIGHTS OF ENROLLEES.—Nothing in this subtitle shall be construed as removing any legal rights of participants, beneficiaries, enrollees, and others under State or Federal law, including the right to file judicial actions to enforce rights.

CHAPTER 5—PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

SEC. 141. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) PROHIBITION.—

(1) GENERAL RULE.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with the provider's patient.

(2) NULLIFICATION.—Any contract provision or agreement that restricts or prohibits medical communications in violation of paragraph (1) shall be null and void.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a group health plan or health insurance issuer to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

(2) to permit a health care provider to misrepresent the scope of benefits covered under the group health plan or health insurance coverage or to otherwise require a group health plan health insurance issuer to reimburse providers for benefits not covered under the plan or coverage.

(c) MEDICAL COMMUNICATION DEFINED.—In this section:

(1) IN GENERAL.—The term "medical communication" means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

(A) the patient's health status, medical care, or treatment options;

(B) any utilization review requirements that may affect treatment options for the patient; or

(C) any financial incentives that may affect the treatment of the patient.

(2) MISREPRESENTATION.—The term "medical communication" does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

SEC. 142. PROHIBITION AGAINST TRANSFER OF INDEMNIFICATION OR IMPROPER INCENTIVE ARRANGEMENTS.

(a) PROHIBITION OF TRANSFER OF INDEMNIFICATION.—

(1) IN GENERAL.—No contract or agreement between a group health plan or health insurance issuer (or any agent acting on behalf of such a plan or issuer) and a health care provider shall contain any provision purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the plan, issuer, or agent (as opposed to the provider).

(2) NULLIFICATION.—Any contract or agreement provision described in paragraph (1) shall be null and void.

(b) PROHIBITION OF IMPROPER PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A group health plan and a health insurance issuer offering health insurance coverage may not operate any physician incentive plan (as defined in subparagraph (B) of section 1876(i)(8) of the Social Security Act) unless the requirements described in subparagraph (A) of such section are met with respect to such a plan.

(2) APPLICATION.—For purposes of carrying out paragraph (1), any reference in section 1876(i)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with the plan or organization, respectively.

SEC. 143. ADDITIONAL RULES REGARDING PARTICIPATION OF HEALTH CARE PROFESSIONALS.

(a) PROCEDURES.—Insofar as a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits through participating health care professionals, the plan or issuer shall establish reasonable procedures relating to the participation (under an agreement between a professional and the plan or issuer) of such professionals under the plan or coverage. Such procedures shall include—

(1) providing notice of the rules regarding participation;

(2) providing written notice of participation decisions that are adverse to professionals; and

(3) providing a process within the plan or issuer for appealing such adverse decisions, including the presentation of information and views of the professional regarding such decision.

(b) CONSULTATION IN MEDICAL POLICIES.—A group health plan, and health insurance issuer that offers health insurance coverage, shall consult with participating physicians (if any) regarding the plan's or issuer's medical policy, quality, and medical management procedures.

SEC. 144. PROTECTION FOR PATIENT ADVOCACY.

(a) PROTECTION FOR USE OF UTILIZATION REVIEW AND GRIEVANCE PROCESS.—A group health plan, and a health insurance issuer with respect to the provision of health insurance coverage, may not retaliate against a participant, beneficiary, enrollee, or health care provider based on the participant's, beneficiary's, enrollee's or provider's use of, or participation in, a utilization review process or a grievance process of the plan or issuer (including an internal or external review or appeal process) under this subtitle.

(b) PROTECTION FOR QUALITY ADVOCACY BY HEALTH CARE PROFESSIONALS.—

(1) IN GENERAL.—A group health plan or health insurance issuer may not retaliate or discriminate against a protected health care professional because the professional in good faith—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, or enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer; or

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided by such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) GOOD FAITH ACTION.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or of a generally recognized professional or clinical standard or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable internal procedures of the plan, issuer, or institutional health care provider established for the purpose of addressing quality concerns before making the disclosure.

(3) EXCEPTION AND SPECIAL RULE.—

(A) GENERAL EXCEPTION.—Paragraph (1) does not protect disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) NOTICE OF INTERNAL PROCEDURES.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are reasonably expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) INTERNAL PROCEDURE EXCEPTION.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.

(4) ADDITIONAL CONSIDERATIONS.—It shall not be a violation of paragraph (1) to take an adverse action against a protected health care professional if the plan, issuer, or provider taking the adverse action involved demonstrates that it would have taken the same adverse action even in the absence of the activities protected under such paragraph.

(5) NOTICE.—A group health plan, health insurance issuer, and institutional health care provider shall post a notice, to be provided or approved by the Secretary of Labor, setting forth excerpts from, or summaries of, the pertinent provisions of this subsection and information pertaining to enforcement of such provisions.

(6) CONSTRUCTIONS.—

(A) DETERMINATIONS OF COVERAGE.—Nothing in this subsection shall be construed to prohibit a plan or issuer from making a determination not to pay for a particular medical treatment or service or the services of a type of health care professional.

(B) ENFORCEMENT OF PEER REVIEW PROTOCOLS AND INTERNAL PROCEDURES.—Nothing in this subsection shall be construed to prohibit a plan, issuer, or provider from establishing and enforcing reasonable peer review or utilization review protocols or determining whether a protected health care professional has complied with those protocols or from establishing and enforcing internal procedures for the purpose of addressing quality concerns.

(C) RELATION TO OTHER RIGHTS.—Nothing in this subsection shall be construed to abridge rights of participants, beneficiaries, enrollees, and protected health care professionals under other applicable Federal or State laws.

(7) PROTECTED HEALTH CARE PROFESSIONAL DEFINED.—For purposes of this subsection, the term "protected health care professional" means an individual who is a licensed or certified health care professional and who—

(A) with respect to a group health plan or health insurance issuer, is an employee of the plan or issuer or has a contract with the plan or issuer for provision of services for which benefits are available under the plan or issuer; or

(B) with respect to an institutional health care provider, is an employee of the provider or has a contract or other arrangement with the provider respecting the provision of health care services.

CHAPTER 6—PROMOTING GOOD MEDICAL PRACTICE

SEC. 151. PROMOTING GOOD MEDICAL PRACTICE.

(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) MANNER OR SETTING DEFINED.—In paragraph (1), the term "manner or setting" means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital. Such term does not include the coverage of a particular service or treatment.

(b) NO CHANGE IN COVERAGE.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

(c) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In subsection (a), the term "medically necessary or appropriate" means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

SEC. 152. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

(a) INPATIENT CARE.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted medical standards, in consultation with the patient, to be medically appropriate following—

(A) a mastectomy;

(B) a lumpectomy; or

(C) a lymph node dissection for the treatment of breast cancer.

(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

(c) RULES OF CONSTRUCTION.—

(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

(A) to undergo a mastectomy or lymph node dissection in a hospital; or

(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

(d) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(e) EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1) of the Public Health Service Act) for a State that regulates such coverage that is described in any of the following subparagraphs:

(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

(2) CONSTRUCTION.—Section 2723(a)(1) of the Public Health Service Act and section 731(a)(1) of the Employee Retirement Income Security Act of 1974 shall not be construed as superseding a State law described in paragraph (1).

CHAPTER 7—DEFINITIONS

SEC. 191. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 2971 of the Public Health Service Act shall apply for purposes of this subtitle in the same manner as they apply for purposes of title XXVII of such Act.

(b) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury and the term "appropriate Secretary" means the Secretary of Health and Human Services in relation to carrying out this subtitle under sections 2707 and 2753 of the Public Health Service Act, the Secretary of Labor in relation to carrying out this subtitle under section 714 of the Employee Retirement Income Security Act of 1974, and the Secretary of the Treasury in relation to carrying out this subtitle under chapter 100 and section 4980D of the Internal Revenue Code of 1986.

(c) ADDITIONAL DEFINITIONS.—For purposes of this subtitle:

(1) APPLICABLE AUTHORITY.—The term "applicable authority" means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this subtitle, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) CLINICAL PEER.—The term "clinical peer" means, with respect to a review or appeal, a physician (allopathic or osteopathic) or other health care professional who holds a non-restricted license in a State and who is appropriately credentialed in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review or appeal and includes a pediatric specialist where appropriate; except that only a physician may be a clinical peer with respect to the review or appeal of treatment rendered by a physician.

(3) HEALTH CARE PROVIDER.—The term "health care provider" includes a physician or other health care professional, as well as an institutional provider of health care services.

(4) NONPARTICIPATING.—The term "nonparticipating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(5) PARTICIPATING.—The term "participating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

SEC. 192. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this subtitle shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of this subtitle.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this subtitle shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) RULES OF CONSTRUCTION.—Except as provided in section 152, nothing in this subtitle shall be construed as requiring a group health plan or health insurance coverage to provide specific benefits under the terms of such plan or coverage.

(c) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term "State" includes a State, the Northern Mariana Islands, any political subdivisions of a State or such Islands, or any agency or instrumentality of either.

SEC. 193. REGULATIONS.

The Secretaries of Health and Human Services, Labor, and the Treasury shall issue such regulations as may be necessary or appropriate to carry out this subtitle. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this subtitle.

Subtitle B—Application of Patient Protection Standards to Group Health Plans and Health Insurance Coverage Under Public Health Service Act

SEC. 201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2707. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each group health plan shall comply with patient protection requirements under subtitle A of the Patients' Bill of Rights Act of 1999, and each health insurance issuer shall comply with patient protection requirements under such subtitle with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with such notice requirement as if such section applied to such issuer and such issuer were a group health plan.".

(b) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting "(other than section 2707)" after "requirements of such subparts".

SEC. 202. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Subpart 3 of part B of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2753. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under subtitle A of the Patients' Bill of Rights Act of 1999 with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of such subtitle as if such section applied to such issuer and such issuer were a group health plan.".

Subtitle C—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following:

"SEC. 714. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of subtitle A of the Patients' Bill of Rights Act of 1999 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

"(b) PLAN SATISFACTION OF CERTAIN REQUIREMENTS.—

"(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of subtitle A of the Patients' Bill of Rights Act of 1999 with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) Section 101 (relating to access to emergency care).

"(B) Section 102(a)(1) (relating to offering option to purchase point-of-service coverage), but only insofar as the plan is meeting such requirement through an agreement with the issuer to offer the option to purchase point-of-service coverage under such section.

"(C) Section 103 (relating to choice of providers).

"(D) Section 104 (relating to access to specialty care).

"(E) Section 105(a)(1) (relating to continuity in case of termination of provider contract) and section 105(a)(2) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

"(F) Section 106 (relating to coverage for individuals participating in approved clinical trials.)

"(G) Section 107 (relating to access to needed prescription drugs).

"(H) Section 108 (relating to adequacy of provider network).

"(I) Chapter 2 of subtitle A (relating to quality assurance).

"(J) Section 143 (relating to additional rules regarding participation of health care professionals).

"(K) Section 152 (relating to standards relating to benefits for certain breast cancer treatment).

"(2) INFORMATION.—With respect to information required to be provided or made available under section 121, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

"(3) GRIEVANCE AND INTERNAL APPEALS.—With respect to the grievance system and internal appeals process required to be established under sections 131 and 132, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such system and process (and is not liable for the issuer's failure to provide for such system and process), if the issuer is obligated to provide for (and provides for) such system and process.

"(4) EXTERNAL APPEALS.—Pursuant to rules of the Secretary, insofar as a group health plan enters into a contract with a qualified external appeal entity for the conduct of external appeal activities in accordance with section 133, the plan shall be treated as meeting the requirement of such section and is not liable for the entity's failure to meet any requirements under such section.

"(5) APPLICATION TO PROHIBITIONS.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any of the following sections, the group health plan shall not be liable for such violation unless the plan caused such violation:

"(A) Section 109 (relating to nondiscrimination in delivery of services).

"(B) Section 141 (relating to prohibition of interference with certain medical communications).

"(C) Section 142 (relating to prohibition against transfer of indemnification or improper incentive arrangements).

"(D) Section 144 (relating to prohibition on retaliation).

"(E) Section 151 (relating to promoting good medical practice).

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(7) APPLICATION TO CERTAIN PROHIBITIONS AGAINST RETALIATION.—With respect to compliance with the requirements of section 144(b)(1) of the Patients' Bill of Rights Act of 1999, for purposes of this subtitle the term 'group health plan' is deemed to include a reference to an institutional health care provider.

"(c) ENFORCEMENT OF CERTAIN REQUIREMENTS.—

"(1) COMPLAINTS.—Any protected health care professional who believes that the professional has been retaliated or discriminated against in violation of section 144(b)(1) of the Patients' Bill of Rights Act of 1999 may file with the Secretary a complaint within 180 days of the date of the alleged retaliation or discrimination.

"(2) INVESTIGATION.—The Secretary shall investigate such complaints and shall determine if a violation of such section has occurred and, if so, shall issue an order to ensure that the protected health care professional does not suffer any loss of position, pay, or benefits in relation to the plan, issuer, or provider involved, as a result of the violation found by the Secretary.

"(d) CONFORMING REGULATIONS.—The Secretary may issue regulations to coordinate the requirements on group health plans under this section with the requirements imposed under the other provisions of this title.".

(b) SATISFACTION OF ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 503 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1133) is amended by inserting "(a)" after "SEC. 503." and by adding at the end the following new subsection:

"(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of chapter 4 (and section 115) of subtitle A of the Patients' Bill of Rights Act of 1999 in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.".

(c) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Patient protection standards.".

(3) Section 502(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(b)(3)) is amended by inserting "(other than section 144(b))" after "part 7".

SEC. 302. ERISA PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS INVOLVING HEALTH INSURANCE POLICYHOLDERS.

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following subsection:

"(e) PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS ARISING OUT OF PROVISION OF HEALTH BENEFITS.—

"(1) IN GENERAL.—Except as provided in this subsection, nothing in this title shall be construed to invalidate, impair, or supersede any cause of action brought by a plan participant or beneficiary (or the estate of a plan participant or beneficiary) under State law to recover damages resulting from personal injury or for wrongful death against any person—

"(A) in connection with the provision of insurance, administrative services, or medical services by such person to or for a group health plan (as defined in section 733), or

"(B) that arises out of the arrangement by such person for the provision of such insurance, administrative services, or medical services by other persons.

"(2) EXCEPTION FOR EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) does not authorize—

"(i) any cause of action against an employer or other plan sponsor maintaining the group health plan or against an employee of such an employer or sponsor acting within the scope of employment, or

"(ii) a right of recovery or indemnity by a person against an employer or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

"(B) SPECIAL RULE.—Subparagraph (A) shall not preclude any cause of action described in paragraph (1) against an employer or other plan sponsor (or against an employee of such an employer or sponsor acting within the scope of employment) if—

"(i) such action is based on the employer's or other plan sponsor's (or employee's) exercise of discretionary authority to make a decision on a claim for benefits covered under the plan or health insurance coverage in the case at issue; and

"(ii) the exercise by such employer or other plan sponsor (or employee of such authority) resulted in personal injury or wrongful death.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting a cause of action under State law for the failure to provide an item or service which is not covered under the group health plan involved.

"(4) PERSONAL INJURY DEFINED.—For purposes of this subsection, the term 'personal injury' means a physical injury and includes an injury arising out of the treatment (or failure to treat) a mental illness or disease.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts and omissions occurring on or after the date of the enactment of this Act from which a cause of action arises.

SEC. 303. LIMITATION IN ACTIONS.

Section 502 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n)(1) Except as provided in this section, no action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) by a participant or beneficiary seeking relief based on the application of any provision in chapter 1 (other than section 109) of subtitle A, chapter 5 of subtitle A, or section 115 or 151 of the Patient's Bill of Rights Act of 1999 (as incorporated under section 714).

"(2) An action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) by a participant or beneficiary seeking relief based on the application of section 101, 104, 105, 106, 107(a)(3), 107(b), 115, or 151 of the Patient's Bill of Rights Act of 1999 (as incorporated under section 714) to the individual circumstances of that participant or beneficiary; except that—

"(A) such an action may not be brought or maintained as a class action; and

"(B) in such an action relief may only provide for the provision of (or payment for) benefits, items, or services denied to the individual participant or beneficiary involved (and for attorney's fees and the costs of the action, at the discretion of the court) and shall not provide for any other relief to the participant or beneficiary and for any relief to any other person.

"(3) Nothing in this subsection shall be construed as affecting any action brought by the Secretary.".

Subtitle D—Application to Group Health Plans Under the Internal Revenue Code of 1986

SEC. 401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 (as amended by section 1531(a) of the Taxpayer Relief Act of 1997) is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient freedom of choice."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

"A group health plan shall comply with the requirements of subtitle A of the Patients' Bill of Rights Act of 1999 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.".

Subtitle E—Effective Dates; Coordination in Implementation

SEC. 501. EFFECTIVE DATES AND RELATED RULES.

(a) GROUP HEALTH COVERAGE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 201(a), 301, and 401 (and subtitle A insofar as it relates to such sections) shall apply with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning on or after October 1, 2000 (in this section referred to as the "general effective date").

(2) TREATMENT OF COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this title, the amendments made by sections 201(a), 301, and 401 (and subtitle A insofar as it relates to such sections) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this title shall not be treated as a termination of such collective bargaining agreement.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The amendments made by section 202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

(c) TREATMENT OF RELIGIOUS NONMEDICAL PROVIDERS.—

(1) IN GENERAL.—Nothing in this title (or the amendments made thereby) shall be construed to—

(A) restrict or limit the right of group health plans, and of health insurance issuers offering health insurance coverage, to include as providers religious nonmedical providers;

(B) require such plans or issuers to—

(i) utilize medically based eligibility standards or criteria in deciding provider status of religious nonmedical providers;

(ii) use medical professionals or criteria to decide patient access to religious nonmedical providers;

(iii) utilize medical professionals or criteria in making decisions in internal or external appeals regarding coverage for care by religious nonmedical providers; or

(iv) compel a participant or beneficiary to undergo a medical examination or test as a condition of receiving health insurance coverage for treatment by a religious nonmedical provider; or

(C) require such plans or issuers to exclude religious nonmedical providers because they do not provide medical or other required data, if such data is inconsistent with the religious nonmedical treatment or nursing care provided by the provider.

(2) RELIGIOUS NONMEDICAL PROVIDER.—For purposes of this subsection, the term "religious nonmedical provider" means a provider who provides no medical care but who provides only religious nonmedical treatment or religious nonmedical nursing care.

SEC. 502. COORDINATION IN IMPLEMENTATION.

Section 104(1) of Health Insurance Portability and Accountability Act of 1996 is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, chapter 100 of the Internal Revenue Code of 1986, and subtitle A of the Patients' Bill of Rights Act of 1999".

SEC. 503. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

Subtitle F—Revenue-Related Provisions

SEC. 601. INFORMATION REQUIREMENTS.

(a) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

"(7) INFORMATION FROM GROUP HEALTH PLANS.—

"(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

"(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

"(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

"(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security insurance number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

"(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security insurance number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes (of that person's family members) covered under the plan.

"(iii) PLAN ELEMENTS.—

"(I) The items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(iv) ELEMENTS CONCERNING THE EMPLOYER.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

"(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 602. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) Extension of Taxes.—

(1) Environmental tax.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) Application of Tax.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 1998, and before January 1, 2010."

(2) Excise taxes.—Section 4611(e) of such Code is amended to read as follows:

"(e) Application of Hazardous Substance Superfund Financing Rate.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after September 15, 1999, and before October 1, 2009."

(b) Effective Dates.—

(1) Income tax.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1998.

(2) Excise tax.—The amendment made by subsection (a)(2) shall take effect on September 15, 1999.

SEC. 603. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) In General.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) Effective Date.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 604. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) Benefits to Which Exception Applies.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) In general.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

"(i) Medical benefits.

"(ii) Disability benefits.

"(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers."

(b) Limitation on Use of Amounts for Other Purposes.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

"(5) Special rule for 10 or more employer plans exempted from prefunding limits.—For purposes of paragraph (1)(C), if—

"(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

"(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made, then such portion shall be treated as reverting to the benefit of the employers maintaining the fund."

(c) Effective Date.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 605. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) Repeal of Installment Method for Accrual Basis Taxpayers.—

(1) In general.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

"(a) Use of Installment Method.—

"(1) In general.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

"(2) Accrual method taxpayer.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2)."

(2) Conforming amendments.—Sections 453(d)(1), 453(i)(1), and 453(k) of the Internal Revenue Code of 1986 are each amended by striking "(a)" each place it appears and inserting "(a)(1)".

(b) Modification of Pledge Rules.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: "A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation."

(c) Effective Date.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

LOTT AMENDMENT NO. 703

Mr. LOTT proposed an amendment to amendment No. 702 proposed by Mr. Daschle to the bill, S. 1233, supra; as follows:

Beginning on page 1 of the amendment, line 2, strike all after the first word and insert the following:

—ACCESS TO QUALITY, AFFORDABLE HEALTH CARE

SEC. 01. SHORT TITLE.

This title may be cited as the "Patients' Bill of Rights Plus Act".

Subtitle A—Patients' Bill of Rights

CHAPTER 1—RIGHT TO ADVICE AND CARE

SEC. 101. PATIENT RIGHT TO MEDICAL ADVICE AND CARE.

(a) In General.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.) is amended—

(1) by redesignating subpart C as subpart D; and

(2) by inserting after subpart B the following:

"Subpart C—Patient Right to Medical Advice and Care

"SEC. 721. PATIENT ACCESS TO EMERGENCY MEDICAL CARE.

"(a) In General.—To the extent that the group health plan (other than a fully insured group health plan) provides coverage for benefits consisting of emergency medical care (as defined in subsection (c)), except for items or services specifically excluded—

"(1) the plan shall provide coverage for benefits, without requiring preauthorization, for appropriate emergency medical screening examinations (within the capability of the emergency facility, including ancillary services routinely available to the emergency facility) to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such examinations to be necessary to determine whether emergency medical care (as so defined) is necessary; and

"(2) the plan shall provide coverage for benefits, without requiring preauthorization, for additional emergency medical care to stabilize an emergency medical condition following an emergency medical screening examination (if determined necessary under paragraph (1)), pursuant to the definition of stabilize under section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

"(b) Uniform Cost-Sharing Required and Out-of-Network Care.—

"(1) Uniform cost-sharing.—Nothing in this section shall be construed as preventing a group health plan (other than a fully insured group health plan) from imposing any form of cost-sharing applicable to any participant or beneficiary (including coinsurance, copayments, deductibles, and any other charges) in relation to coverage for benefits described in subsection (a), if such form of cost-sharing is uniformly applied under such plan, with respect to similarly situated participants and beneficiaries, to all benefits consisting of emergency medical care (as defined in subsection (c)) provided to such similarly situated participants and beneficiaries under the plan.

"(2) Out-of-network care.—If a group health plan (other than a fully insured group health plan) provides any benefits with respect to emergency medical care (as defined in subsection (c)), the plan shall cover emergency medical care under the plan in a manner so that, if such care is provided to a participant or beneficiary by a nonparticipating health care provider, the participant or beneficiary is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating provider.

"(c) Definition of Emergency Medical Care.—In this section:

"(1) In general.—The term 'emergency medical care' means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), covered inpatient and outpatient services that—

"(A) are furnished by any provider, including a nonparticipating provider, that is qualified to furnish such services; and

"(B) are needed to evaluate or stabilize (as such term is defined in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd)(e)(3)) an emergency medical condition (as defined in paragraph (2)).

"(2) Emergency medical condition.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(A) placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, “(B) serious impairment to bodily functions, or

“(C) serious dysfunction of any bodily organ or part.

“SEC. 722. OFFERING OF CHOICE OF COVERAGE OPTIONS.

“(a) REQUIREMENT.—

“(1) OFFERING OF POINT-OF-SERVICE COVERAGE OPTION.—Except as provided in paragraph (2), if a group health plan (other than a fully insured group health plan) provides coverage for benefits only through a defined set of participating health care professionals, the plan shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan and at such other times as the plan offers the participant a choice of coverage options.

“(2) EXCEPTION IN THE CASE OF MULTIPLE ISSUER OR COVERAGE OPTIONS.—Paragraph (1) shall not apply with respect to a participant in a group health plan (other than a fully insured group health plan) if the plan offers the participant 2 or more coverage options that differ significantly with respect to the use of participating health care professionals or the networks of such professionals that are used.

“(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term ‘point-of-service coverage’ means, with respect to benefits covered under a group health plan (other than a fully insured group health plan), coverage of such benefits when provided by a nonparticipating health care professional.

“(c) SMALL EMPLOYER EXEMPTION.—

“(1) IN GENERAL.—This section shall not apply to any group health plan (other than a fully insured group health plan) of a small employer.

“(2) SMALL EMPLOYER.—For purposes of paragraph (1), the term ‘small employer’ means, in connection with a group health plan (other than a fully insured group health plan) with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year. For purposes of this paragraph, the provisions of subparagraph (C) of section 712(c)(1) shall apply in determining employer size.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) as requiring coverage for benefits for a particular type of health care professional;

“(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options;

“(3) as preventing a group health plan (other than a fully insured group health plan) from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option; or

“(4) to require that a group health plan (other than a fully insured group health plan) include coverage of health care professionals that the plan excludes because of fraud, quality of care, or other similar reasons with respect to such professionals.

“SEC. 723. PATIENT ACCESS TO OBSTETRIC AND GYNECOLOGICAL CARE.

“(a) GENERAL RIGHTS.—

“(1) WAIVER OF PLAN REFERRAL REQUIREMENT.—If a group health plan described in subsection (b) requires a referral to obtain coverage for speciality care, the plan shall waive the referral requirement in the case of a female participant or beneficiary who seeks coverage for routine obstetrical care or routine gynecological care.

“(2) RELATED ROUTINE CARE.—With respect to a participant or beneficiary described in paragraph (1), a group health plan described in subsection (b) shall treat the ordering of other routine care that is related to routine obstetric or gynecologic care, by a physician who specializes in obstetrics and gynecology as the authorization of the primary care provider for such other routine care.

“(b) APPLICATION OF SECTION.—A group health plan described in this subsection is a group health plan (other than a fully insured group health plan), that—

“(1) provides coverage for routine obstetric care (such as pregnancy-related services) or routine gynecologic care (such as preventive women’s health examinations); and

“(2) requires the designation by a participant or beneficiary of a participating primary care provider who is not a physician who specializes in obstetrics or gynecology.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) as waiving any coverage requirement relating to medical necessity or appropriateness with respect to the coverage of obstetric or gynecologic care described in subsection (a);

“(2) to preclude the plan from requiring that the physician who specializes in obstetrics or gynecology notify the designated primary care provider or the plan of treatment decisions; or

“(3) to preclude a group health plan from allowing health care professionals other than physicians to provide routine obstetric or routine gynecologic care.

“SEC. 724. PATIENT ACCESS TO PEDIATRIC CARE.

“(a) IN GENERAL.—In the case of a group health plan (other than a fully insured group health plan) that provides coverage for routine pediatric care and that requires the designation by a participant or beneficiary of a participating primary care provider, if the designated primary care provider is not a physician who specializes in pediatrics—

“(1) the plan may not require authorization or referral by the primary care provider in order for a participant or beneficiary to obtain coverage for routine pediatric care; and

“(2) the plan shall treat the ordering of other routine care related to routine pediatric care by such a specialist as having been authorized by the designated primary care provider.

“(b) RULES OF CONSTRUCTION.—Nothing in subsection (a) shall be construed—

“(1) as waiving any coverage requirement relating to medical necessity or appropriateness with respect to the coverage of any pediatric care provided to, or ordered for, a participant or beneficiary;

“(2) to preclude a group health plan from requiring that a specialist described in subsection (a) notify the designated primary care provider or the plan of treatment decisions; or

“(3) to preclude a group health plan from allowing health care professionals other than physicians to provide routine pediatric care.

“SEC. 725. ACCESS TO SPECIALISTS.

“(a) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall ensure that participants and beneficiaries have access to specialty care when such care is covered under the plan. Such access may be provided through contractual arrangements with specialized providers outside of the network of the plan.

“(b) TREATMENT PLANS.—

“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that speciality care be provided pursuant to a treatment plan so long as the treatment plan is—

“(A) developed by the specialist, in consultation with the primary care provider, and the participant or beneficiary;

“(B) approved by the plan; and

“(C) in accordance with the applicable quality assurance and utilization review standards of the plan.

“(2) NOTIFICATION.—Nothing in paragraph (1) shall be construed as prohibiting a plan from requiring the specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all other necessary medical information.

“(c) REFERRALS.—Nothing in this section shall be construed to prohibit a plan from requiring an authorization by the primary care provider of the participant or beneficiary in order to obtain coverage for speciality services so long as such authorization is for an adequate number of referrals under an approved treatment plan if such a treatment plan is required by the plan.

“(d) SPECIALITY CARE DEFINED.—For purposes of this subsection, the term “speciality care” means, with respect to a condition, care and treatment provided by a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise (including age-appropriate expertise) through appropriate training and experience.

“SEC. 726. CONTINUITY OF CARE.

“(a) IN GENERAL.—

“(1) TERMINATION OF PROVIDER.—If a contract between a group health plan (other than a fully insured group health plan) and a health care provider is terminated (as defined in paragraph (2)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such group health plan, and an individual who is a participant or beneficiary in the plan is undergoing a course of treatment from the provider at the time of such termination, the plan shall—

“(A) notify the individual on a timely basis of such termination;

“(B) provide the individual with an opportunity to notify the plan of a need for transitional care; and

“(C) in the case of termination described in paragraph (2), (3), or (4) of subsection (b), and subject to subsection (c), permit the individual to continue or be covered with respect to the course of treatment with the provider’s consent during a transitional period (as provided under subsection (b)).

“(2) TERMINATED.—In this section, the term ‘terminated’ includes, with respect to a contract, the expiration or nonrenewal of the contract by the group health plan, but does not include a termination of the contract by the plan for failure to meet applicable quality standards or for fraud.

“(3) CONTRACTS.—For purposes of this section, the term ‘contract between a group health plan (other than a fully insured group health plan) and a health care provider’ shall include a contract between such a plan and an organized network of providers.

“(b) TRANSITIONAL PERIOD.—

“(1) GENERAL RULE.—Except as provided in paragraph (3), the transitional period under this subsection shall permit the participant or beneficiary to extend the coverage involved for up to 90 days from the date of the notice described in subsection (a)(1)(A) of the provider’s termination.

"(2) Institutional care.—Subject to paragraph (1), the transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and also shall include institutional care provided within a reasonable time of the date of termination of the provider status if the care was scheduled before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date was on an established waiting list or otherwise scheduled to have such care.

"(3) Pregnancy.—Notwithstanding paragraph (1), if—

"(A) a participant or beneficiary has entered the second trimester of pregnancy at the time of a provider's termination of participation; and

"(B) the provider was treating the pregnancy before the date of the termination;

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

"(4) Terminal illness.—Subject to paragraph (1), if—

"(A) a participant or beneficiary was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) prior to a provider's termination of participation; and

"(B) the provider was treating the terminal illness before the date of termination; the transitional period under this subsection shall be for care directly related to the treatment of the terminal illness.

"(c) Permissible Terms and Conditions.—A group health plan (other than a fully insured group health plan) may condition coverage of continued treatment by a provider under subsection (a)(1)(C) upon the provider agreeing to the following terms and conditions:

"(1) The provider agrees to accept reimbursement from the plan and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or at the rates applicable under the replacement plan after the date of the termination of the contract with the group health plan) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

"(2) The provider agrees to adhere to the quality assurance standards of the plan responsible for payment under paragraph (1) and to provide to such plan necessary medical information related to the care provided.

"(3) The provider agrees otherwise to adhere to such plan's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan.

"(d) Rule of Construction.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

"(e) Definition.—In this section, the term 'health care provider' or 'provider' means—

"(1) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

"(2) any entity that is engaged in the delivery of health care services in a State and that, if it is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

"SEC. 727. PROTECTION OF PATIENT-PROVIDER COMMUNICATIONS.

"(a) In General.—Subject to subsection (b), a group health plan (other than a fully insured group health plan and in relation to a participant or beneficiary) shall not prohibit or otherwise restrict a health care professional from advising such a participant or beneficiary who is a patient of the professional about the health status of the participant or beneficiary or medical care or treatment for the condition or disease of the participant or beneficiary, regardless of whether coverage for such care or treatment are provided under the contract, if the professional is acting within the lawful scope of practice.

"(b) Rule of Construction.—Nothing in this section shall be construed as requiring a group health plan (other than a fully insured group health plan) to provide specific benefits under the terms of such plan.

"SEC. 728. PATIENT'S RIGHT TO PRESCRIPTION DRUGS.

"To the extent that a group health plan (other than a fully insured group health plan) provides coverage for benefits with respect to prescription drugs, and limits such coverage to drugs included in a formulary, the plan shall—

"(1) ensure the participation of physicians and pharmacists in developing and reviewing such formulary; and

"(2) in accordance with the applicable quality assurance and utilization review standards of the plan, provide for exceptions from the formulary limitation when a nonformulary alternative is medically necessary and appropriate.

"SEC. 729. SELF-PAYMENT FOR BEHAVIORAL HEALTH CARE SERVICES.

"(a) In General.—A group health plan (other than a fully insured group health plan) may not—

"(1) prohibit or otherwise discourage a participant or beneficiary from self-paying for behavioral health care services once the plan has denied coverage for such services; or

"(2) terminate a health care provider because such provider permits participants or beneficiaries to self-pay for behavioral health care services—

"(A) that are not otherwise covered under the plan; or

"(B) for which the group health plan provides limited coverage, to the extent that the group health plan denies coverage of the services.

"(b) Rule of Construction.—Nothing in subsection (a)(2)(B) shall be construed as prohibiting a group health plan from terminating a contract with a health care provider for failure to meet applicable quality standards or for fraud.

"SEC. 730. GENERALLY APPLICABLE PROVISION.

"In the case of a group health plan that provides benefits under 2 or more coverage options, the requirements of this subpart, other than section 722, shall apply separately with respect to each coverage option.".

(b) Rule With Respect to Certain Plans.—

(1) In general.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Internal Revenue Code of 1986. Effective for the 4-year period beginning on the date of the enactment of this Act, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(2) Existing state laws.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 4-year period described in such paragraph unless the State reenacts such law after such period.

(c) Definition.—Section 733(a) of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1191(a)) is amended by adding at the end the following:

"(3) Fully insured group health plan.—The term 'fully insured group health plan' means a group health plan where benefits under the plan are provided pursuant to the terms of an arrangement between a group health plan and a health insurance issuer and are guaranteed by the health insurance issuer under a contract or policy of insurance.".

(d) Conforming Amendment.—The table of contents in section 1 of such Act is amended—

(1) in the item relating to subpart C, by striking "Subpart C" and inserting "Subpart D"; and

(2) by adding at the end of the items relating to subpart B of part 7 of subtitle B of title I of such Act the following new items:

"SUBPART C—PATIENT RIGHT TO MEDICAL ADVICE AND CARE

"Sec. 721. Patient access to emergency medical care.
"Sec. 722. Offering of choice of coverage options.
"Sec. 723. Patient access to obstetric and gynecological care.
"Sec. 724. Patient access to pediatric care.
"Sec. 725. Access to specialists.
"Sec. 726. Continuity of care.
"Sec. 727. Protection of patient-provider communications.
"Sec. 728. Patient's right to prescription drugs.
"Sec. 729. Self-payment for behavioral health care services.
"Sec. 730. Generally applicable provisions.".

SEC. 102. COMPREHENSIVE INDEPENDENT STUDY OF PATIENT ACCESS TO CLINICAL TRIALS AND COVERAGE OF ASSOCIATED ROUTINE COSTS.

(a) Study by the Institute of Medicine.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with the Institute of Medicine to conduct a comprehensive study of patient access to clinical trials and the coverage of routine patient care costs by private health plans and insurers.

(b) Matters To Be Assessed.—The study shall assess the following:

(1) The factors that hinder patient participation in clinical trials, including health plan and insurance policies and practices.

(2) The ability of health plans and investigators to distinguish between routine patient care costs and costs associated with clinical trials.

(3) The potential impact of health plan coverage of routine costs associated with clinical trials on health care premiums.

(c) Report.—

(1) In general.—Not later than 12 months after the date of the execution of the contract referred to in subsection (a), the Institute of Medicine shall submit a report on the study conducted pursuant to that contract

to the Committee on Health, Education, Labor and Pensions of the Senate.

(2) MATTERS INCLUDED.—The report submitted under paragraph (1) shall set forth the findings, conclusions, and recommendations of the Institute of Medicine for—

(A) increasing patient participation in clinical trials;

(B) encouraging collaboration between the public and private sectors; and

(C) improving analysis of determining routine costs associated with the conduct of clinical trials.

(3) COPY TO SECRETARY.—Concurrent with the submission of the report under paragraph (1), the Institute of Medicine shall transmit a copy of the report to the Secretary.

(d) FUNDING.—Out of funds appropriated to the Department of Health and Human Services for fiscal year 2000, the Secretary shall provide for such funding as the Secretary determines is necessary in order to carry out the study and report by the Institute of Medicine under this section.

SEC. 103. EFFECTIVE DATE AND RELATED RULES.

(a) IN GENERAL.—The amendments made by this chapter shall apply with respect to plan years beginning on or after January 1 of the second calendar year following the date of the enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

(b) LIMITATION ON ENFORCEMENT ACTIONS.—No enforcement action shall be taken, pursuant to the amendments made by this chapter, against a group health plan with respect to a violation of a requirement imposed by such amendments before the date of issuance of regulations issued in connection with such requirement, if the plan has sought to comply in good faith with such requirement.

CHAPTER 2—RIGHT TO INFORMATION ABOUT PLANS AND PROVIDERS

SEC. 111. INFORMATION ABOUT PLANS.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by adding at the end the following:

"SEC. 714. HEALTH PLAN COMPARATIVE INFORMATION.

"(a) REQUIREMENT.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer that provides coverage in connection with group health insurance coverage, shall, not later than 12 months after the date of enactment of this section, and at least annually thereafter, provide for the disclosure, in a clear and accurate form to each participant and each beneficiary who does not reside at the same address as the participant, or upon request to an individual eligible for coverage under the plan, of the information described in subsection (b).

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a plan or issuer from entering into any agreement under which the issuer agrees to assume responsibility for compliance with the requirements of this section and the plan is released from liability for such compliance.

"(3) PROVISION OF INFORMATION.—Information shall be provided to participants and beneficiaries under this section at the address maintained by the plan or issuer with respect to such participants or beneficiaries.

"(b) REQUIRED INFORMATION.—The informational materials to be distributed under this section shall include for each package option available under a group health plan the following:

"(1) A description of the covered items and services under each such plan and any in- and out-of-network features of each such plan, including a summary description of the specific exclusions from coverage under the plan.

"(2) A description of any cost-sharing, including premiums, deductibles, coinsurance, and copayment amounts, for which the participant or beneficiary will be responsible, including any annual or lifetime limits on benefits, for each such plan.

"(3) A description of any optional supplemental benefits offered by each such plan and the terms and conditions (including premiums or cost-sharing) for such supplemental coverage.

"(4) A description of any restrictions on payments for services furnished to a participant or beneficiary by a health care professional that is not a participating professional and the liability of the participant or beneficiary for additional payments for these services.

"(5) A description of the service area of each such plan, including the provision of any out-of-area coverage.

"(6) A description of the extent to which participants and beneficiaries may select the primary care provider of their choice, including providers both within the network and outside the network of each such plan (if the plan permits out-of-network services).

"(7) A description of the procedures for advance directives and organ donation decisions if the plan maintains such procedures.

"(8) A description of the requirements and procedures to be used to obtain preauthorization for health services (including telephone numbers and mailing addresses), including referrals for specialty care.

"(9) A description of the definition of medical necessity used in making coverage determinations by each such plan.

"(10) A summary of the rules and methods for appealing coverage decisions and filing grievances (including telephone numbers and mailing addresses), as well as other available remedies.

"(11) A summary description of any provisions for obtaining off-formulary medications if the plan utilizes a defined formulary for providing specific prescription medications.

"(12) A summary of the rules for access to emergency room care. Also, any available educational material regarding proper use of emergency services.

"(13) A description of whether or not coverage is provided for experimental treatments, investigational treatments, or clinical trials and the circumstances under which access to such treatments or trials is made available.

"(14) A description of the specific preventative services covered under the plan if such services are covered.

"(15) A statement regarding—

"(A) the manner in which a participant or beneficiary may access an obstetrician, gynecologist, or pediatrician in accordance with section 723 or 724; and

"(B) the manner in which a participant or beneficiary obtains continuity of care as provided for in section 726.

"(16) A statement that the following information, and instructions on obtaining such information (including telephone numbers and, if available, Internet websites), shall be made available upon request:

"(A) The names, addresses, telephone numbers, and State licensure status of the plan's participating health care professionals and participating health care facilities, and, if available, the education, training, speciality qualifications or certifications of such professionals.

"(B) A summary description of the methods used for compensating participating health care professionals, such as capitation, fee-for-service, salary, or a combination thereof. The requirement of this subparagraph shall not be construed as requiring plans to provide information concerning proprietary payment methodology.

"(C) A summary description of the methods used for compensating health care facilities, including per diem, fee-for-service, capitation, bundled payments, or a combination thereof. The requirement of this subparagraph shall not be construed as requiring plans to provide information concerning proprietary payment methodology.

"(D) A summary description of the procedures used for utilization review.

"(E) The list of the specific prescription medications included in the formulary of the plan, if the plan uses a defined formulary.

"(F) A description of the specific exclusions from coverage under the plan.

"(G) Any available information related to the availability of translation or interpretation services for non-English speakers and people with communication disabilities, including the availability of audio tapes or information in Braille.

"(H) Any information that is made public by accrediting organizations in the process of accreditation if the plan is accredited, or any additional quality indicators that the plan makes available.

"(c) MANNER OF DISTRIBUTION.—The information described in this section shall be distributed in an accessible format that is understandable to an average plan participant or beneficiary.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit a group health plan, or health insurance issuer in connection with group health insurance coverage, from distributing any other additional information determined by the plan or issuer to be important or necessary in assisting participants and beneficiaries or upon request potential participants and beneficiaries in the selection of a health plan or from providing information under subsection (b)(15) as part of the required information.

"(e) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under part 1, to reduce duplication with respect to any information that is required to be provided under any such requirements.

"(f) HEALTH CARE PROFESSIONAL.—In this section, the term 'health care professional' means a physician (as defined in section 1861(r) of the Social Security Act) or other health care professional if coverage for the professional's services is provided under the health plan involved for the services of the professional. Such term includes a podiatrist, optometrist, chiropractor, psychologist, dentist, physician assistant, physical or occupational therapist and therapy assistant, speech-language pathologist, audiologist, registered or licensed practical nurse (including nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, and certified nurse-midwife), licensed certified social worker, registered respiratory therapist, and certified respiratory therapy technician.".

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711, and inserting "sections 711 and 714".

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713, the following:

"Sec. 714. Health plan comparative information.".

(b) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Health plan comparative information."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. HEALTH PLAN COMPARATIVE INFORMATION.

"(a) REQUIREMENT.—

"(1) IN GENERAL.—A group health plan shall, not later than 12 months after the date of enactment of this section, and at least annually thereafter, provide for the disclosure, in a clear and accurate form to each participant and each beneficiary who does not reside at the same address as the participant, or upon request to an individual eligible for coverage under the plan, of the information described in subsection (b).

"(2) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a plan from entering into any agreement under which a health insurance issuer agrees to assume responsibility for compliance with the requirements of this section and the plan is released from liability for such compliance.

"(3) PROVISION OF INFORMATION.—Information shall be provided to participants and beneficiaries under this section at the address maintained by the plan with respect to such participants or beneficiaries.

"(b) REQUIRED INFORMATION.—The informational materials to be distributed under this section shall include for each package option available under a group health plan the following:

"(1) A description of the covered items and services under each such plan and any in- and out-of-network features of each such plan, including a summary description of the specific exclusions from coverage under the plan.

"(2) A description of any cost-sharing, including premiums, deductibles, coinsurance, and copayment amounts, for which the participant or beneficiary will be responsible, including any annual or lifetime limits on benefits, for each such plan.

"(3) A description of any optional supplemental benefits offered by each such plan and the terms and conditions (including premiums or cost-sharing) for such supplemental coverage.

"(4) A description of any restrictions on payments for services furnished to a participant or beneficiary by a health care professional that is not a participating professional and the liability of the participant or beneficiary for additional payments for these services.

"(5) A description of the service area of each such plan, including the provision of any out-of-area coverage.

"(6) A description of the extent to which participants and beneficiaries may select the primary care provider of their choice, including providers both within the network and outside the network of each such plan (if the plan permits out-of-network services).

"(7) A description of the procedures for advance directives and organ donation decisions if the plan maintains such procedures.

"(8) A description of the requirements and procedures to be used to obtain preauthorization for health services (including telephone numbers and mailing addresses), including referrals for specialty care.

"(9) A description of the definition of medical necessity used in making coverage determinations by each such plan.

"(10) A summary of the rules and methods for appealing coverage decisions and filing grievances (including telephone numbers and mailing addresses), as well as other available remedies.

"(11) A summary description of any provisions for obtaining off-formulary medications if the plan utilizes a defined formulary for providing specific prescription medications.

"(12) A summary of the rules for access to emergency room care. Also, any available educational material regarding proper use of emergency services.

"(13) A description of whether or not coverage is provided for experimental treatments, investigational treatments, or clinical trials and the circumstances under which access to such treatments or trials is made available.

"(14) A description of the specific preventative services covered under the plan if such services are covered.

"(15) A statement regarding—

"(A) the manner in which a participant or beneficiary may access an obstetrician, gynecologist, or pediatrician in accordance with section 723 or 724; and

"(B) the manner in which a participant or beneficiary obtains continuity of care as provided for in section 726.

"(16) A statement that the following information, and instructions on obtaining such information (including telephone numbers and, if available, Internet websites), shall be made available upon request:

"(A) The names, addresses, telephone numbers, and State licensure status of the plan's participating health care professionals and participating health care facilities, and, if available, the education, training, speciality qualifications or certifications of such professionals.

"(B) A summary description of the methods used for compensating participating health care professionals, such as capitation, fee-for-service, salary, or a combination thereof. The requirement of this subparagraph shall not be construed as requiring plans to provide information concerning proprietary payment methodology.

"(C) A summary description of the methods used for compensating health care facilities, including per diem, fee-for-service, capitation, bundled payments, or a combination thereof. The requirement of this subparagraph shall not be construed as requiring plans to provide information concerning proprietary payment methodology.

"(D) A summary description of the procedures used for utilization review.

"(E) The list of the specific prescription medications included in the formulary of the plan, if the plan uses a defined formulary.

"(F) A description of the specific exclusions from coverage under the plan.

"(G) Any available information related to the availability of translation or interpretation services for non-English speakers and people with communication disabilities, including the availability of audio tapes or information in Braille.

"(H) Any information that is made public by accrediting organizations in the process of accreditation if the plan is accredited, or any additional quality indicators that the plan makes available.

"(c) MANNER OF DISTRIBUTION.—The information described in this section shall be distributed in an accessible format that is understandable to an average plan participant or beneficiary.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit a group health plan from distributing any other additional information determined by the plan to be important or necessary in assisting participants and beneficiaries or upon request potential participants and beneficiaries in the selection of a health plan or from providing information under subsection (b)(15) as part of the required information.

"(e) HEALTH CARE PROFESSIONAL.—In this section, the term 'health care professional' means a physician (as defined in section 1861(r) of the Social Security Act) or other health care professional if coverage for the professional's services is provided under the health plan involved for the services of the professional. Such term includes a podiatrist, optometrist, chiropractor, psychologist, dentist, physician assistant, physical or occupational therapist and therapy assistant, speech-language pathologist, audiologist, registered or licensed practical nurse (including nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, and certified nurse-midwife), licensed certified social worker, registered respiratory therapist, and certified respiratory therapy technician.".

SEC. 112. INFORMATION ABOUT PROVIDERS.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study, and the submission to the Secretary of a report, that includes—

(1) an analysis of information concerning health care professionals that is currently available to patients, consumers, States, and professional societies, nationally and on a State-by-State basis, including patient preferences with respect to information about such professionals and their competencies;

(2) an evaluation of the legal and other barriers to the sharing of information concerning health care professionals; and

(3) recommendations for the disclosure of information on health care professionals, including the competencies and professional qualifications of such practitioners, to better facilitate patient choice, quality improvement, and market competition.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall forward to the appropriate committees of Congress a copy of the report and study conducted under subsection (a).

CHAPTER 3—RIGHT TO HOLD HEALTH PLANS ACCOUNTABLE

SEC. 121. AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 503 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1133) is amended to read as follows:

"SEC. 503. CLAIMS PROCEDURE, COVERAGE DETERMINATION, GRIEVANCES AND APPEALS.

"(a) CLAIMS PROCEDURE.—In accordance with regulations of the Secretary, every employee benefit plan shall—

"(1) provide adequate notice in writing to any participant or beneficiary whose claim for benefits under the plan has been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the participant; and

"(2) afford a reasonable opportunity to any participant whose claim for benefits has been denied for a full and fair review by the appropriate named fiduciary of the decision denying the claim.

"(b) COVERAGE DETERMINATIONS UNDER GROUP HEALTH PLANS.—

"(1) PROCEDURES.—

"(A) IN GENERAL.—A group health plan or health insurance issuer conducting utilization review shall ensure that procedures are in place for—

"(i) making determinations regarding whether a participant or beneficiary is eligible to receive a payment or coverage for health services under the plan or coverage involved and any cost-sharing amount that the participant or beneficiary is required to pay with respect to such service;

"(ii) notifying a covered participant or beneficiary (or the authorized representative of such participant or beneficiary) and the treating health care professionals involved regarding determinations made under the plan or issuer and any additional payments that the participant or beneficiary may be required to make with respect to such service; and

"(iii) responding to requests, either written or oral, for coverage determinations or for internal appeals from a participant or beneficiary (or the authorized representative of such participant or beneficiary) or the treating health care professional with the consent of the participant or beneficiary.

"(B) ORAL REQUESTS.—With respect to an oral request described in subparagraph (A)(iii), a group health plan or health insurance issuer may require that the requesting individual provide written evidence of such request.

"(2) TIMELINE FOR MAKING DETERMINATIONS.—

"(A) ROUTINE DETERMINATION.—A group health plan or a health insurance issuer shall maintain procedures to ensure that prior authorization determinations concerning the provision of non-emergency items or services are made within 30 days from the date on which the request for a determination is submitted, except that such period may be extended where certain circumstances exist that are determined by the Secretary to be beyond control of the plan or issuer.

"(B) EXPEDITED DETERMINATION.—

"(i) IN GENERAL.—A prior authorization determination under this subsection shall be made within 72 hours, in accordance with the medical exigencies of the case, after a request is received by the plan or issuer under clause (ii) or (iii).

"(ii) REQUEST BY PARTICIPANT OR BENEFICIARY.—A plan or issuer shall maintain procedures for expediting a prior authorization determination under this subsection upon the request of a participant or beneficiary if, based on such a request, the plan or issuer determines that the normal time for making such a determination could seriously jeopardize the life or health of the participant or beneficiary.

"(iii) DOCUMENTATION BY HEALTH CARE PROFESSIONAL.—A plan or issuer shall maintain procedures for expediting a prior authorization determination under this subsection if the request involved indicates that the treating health care professional has reasonably documented, based on the medical exigencies, that a determination under the procedures described in subparagraph (A) could seriously jeopardize the life or health of the participant or beneficiary.

"(C) CONCURRENT DETERMINATIONS.—A plan or issuer shall maintain procedures to certify or deny coverage of an extended stay or additional services.

"(D) RETROSPECTIVE DETERMINATION.—A plan or issuer shall maintain procedures to ensure that, with respect to the retrospective review of a determination made under paragraph (1), the determination shall be made within 30 working days of the date on which the plan or issuer receives necessary information.

"(3) NOTICE OF DETERMINATIONS.—

"(A) ROUTINE DETERMINATION.—With respect to a coverage determination of a plan or issuer under paragraph (2)(A), the plan or issuer shall issue notice of such determination to the participant or beneficiary (or the authorized representative of the participant or beneficiary) and, consistent with the medical exigencies of the case, to the treating health care professional involved not later than 2 working days after the date on which the determination is made.

"(B) EXPEDITED DETERMINATION.—With respect to a coverage determination of a plan or issuer under paragraph (2)(B), the plan or issuer shall issue notice of such determination to the participant or beneficiary (or the authorized representative of the participant or beneficiary), and consistent with the medical exigencies of the case, to the treating health care professional involved within the 72 hour period described in paragraph (2)(B).

"(C) CONCURRENT REVIEWS.—With respect to the determination under a plan or issuer under paragraph (2)(C) to certify or deny coverage of an extended stay or additional services, the plan or issuer shall issue notice of such determination to the treating health care professional and to the participant or beneficiary involved (or the authorized representative of the participant or beneficiary) within 1 working day of the determination.

"(D) RETROSPECTIVE REVIEWS.—With respect to the retrospective review under a plan or issuer of a determination made under paragraph (2)(D), the plan or issuer shall issue written notice of an approval or disapproval of a determination under this subparagraph to the participant or beneficiary (or the authorized representative of the participant or beneficiary) and health care provider involved within 5 working days of the date on which such determination is made.

"(E) REQUIREMENTS OF NOTICE OF ADVERSE COVERAGE DETERMINATIONS.—A written notice of an adverse coverage determination under this subsection, or of an expedited adverse coverage determination under paragraph (2)(B), shall be provided to the participant or beneficiary (or the authorized representative of the participant or beneficiary) and treating health care professional (if any) involved and shall include—

"(i) the reasons for the determination (including the clinical or scientific-evidence based rationale used in making the determination) written in a manner to be understandable to the average participant or beneficiary;

"(ii) the procedures for obtaining additional information concerning the determination; and

"(iii) notification of the right to appeal the determination and instructions on how to initiate an appeal in accordance with subsection (d).

"(c) GRIEVANCES.—A group health plan or a health insurance issuer shall have written procedures for addressing grievances between the plan or issuer offering health insurance coverage in connection with a group health plan and a participant or beneficiary. Determinations under such procedures shall be non-appealable.

"(d) INTERNAL APPEAL OF COVERAGE DETERMINATIONS.—

"(1) RIGHT TO APPEAL.—

"(A) IN GENERAL.—A participant or beneficiary (or the authorized representative of the participant or beneficiary) or the treating health care professional with the consent of the participant or beneficiary (or the authorized representative of the participant or beneficiary), may appeal any adverse coverage determination under subsection (b) under the procedures described in this subsection.

"(B) TIME FOR APPEAL.—A plan or issuer shall ensure that a participant or beneficiary has a period of not less than 180 days beginning on the date of an adverse coverage determination under subsection (b) in which to appeal such determination under this subsection.

"(C) FAILURE TO ACT.—The failure of a plan or issuer to issue a determination under subsection (b) within the applicable timeline established for such a determination under such subsection shall be treated as an adverse coverage determination for purposes of proceeding to internal review under this subsection.

"(2) RECORDS.—A group health plan and a health insurance issuer shall maintain written records, for at least 6 years, with respect to any appeal under this subsection for purposes of internal quality assurance and improvement. Nothing in the preceding sentence shall be construed as preventing a plan and issuer from entering into an agreement under which the issuer agrees to assume responsibility for compliance with the requirements of this section and the plan is released from liability for such compliance.

"(3) ROUTINE DETERMINATIONS.—A group health plan or a health insurance issuer shall complete the consideration of an appeal of an adverse routine determination under this subsection not later than 30 working days after the date on which a request for such appeal is received.

"(4) EXPEDITED DETERMINATION.—

"(A) IN GENERAL.—An expedited determination with respect to an appeal under this subsection shall be made in accordance with the medical exigencies of the case, but in no case more than 72 hours after the request for such appeal is received by the plan or issuer under subparagraph (B) or (C).

"(B) REQUEST BY PARTICIPANT OR BENEFICIARY.—A plan or issuer shall maintain procedures for expediting a prior authorization determination under this subsection upon the request of a participant or beneficiary if, based on such a request, the plan or issuer determines that the normal time for making such a determination could seriously jeopardize the life or health of the participant or beneficiary.

"(C) DOCUMENTATION BY HEALTH CARE PROFESSIONAL.—A plan or issuer shall maintain procedures for expediting a prior authorization determination under this subsection if the request involved indicates that the treating health care professional has reasonably documented, based on the medical exigencies of the case that a determination under the procedures described in paragraph (2) could seriously jeopardize the life or health of the participant or beneficiary.

"(5) CONDUCT OF REVIEW.—A review of an adverse coverage determination under this subsection shall be conducted by an individual with appropriate expertise who was not directly involved in the initial determination.

“(6) LACK OF MEDICAL NECESSITY.—A review of an appeal under this subsection relating to a determination to deny coverage based on a lack of medical necessity and appropriateness, or based on an experimental or investigational treatment, shall be made only by a physician with appropriate expertise, including age-appropriate expertise, who was not involved in the initial determination.

“(7) NOTICE.—

“(A) IN GENERAL.—Written notice of a determination made under an internal review process shall be issued to the participant or beneficiary (or the authorized representative of the participant or beneficiary) and the treating health care professional not later than 2 working days after the completion of the review (or within the 72-hour period referred to in paragraph (4) if applicable).

“(B) ADVERSE COVERAGE DETERMINATIONS.—With respect to an adverse coverage determination made under this subsection, the notice described in subparagraph (A) shall include—

“(i) the reasons for the determination (including the clinical or scientific-evidence based rationale used in making the determination) written in a manner to be understandable to the average participant or beneficiary;

“(ii) the procedures for obtaining additional information concerning the determination; and

“(iii) notification of the right to an independent external review under subsection (e) and instructions on how to initiate such a review.

“(e) INDEPENDENT EXTERNAL REVIEW.—

“(1) ACCESS TO REVIEW.—

“(A) IN GENERAL.—A group health plan or a health insurance issuer offering health insurance coverage in connection with a group health plan shall have written procedures to permit a participant or beneficiary (or the authorized representative of the participant or beneficiary) access to an independent external review with respect to an adverse coverage determination concerning a particular item or service (including a circumstance treated as an adverse coverage determination under subparagraph (B)) where—

“(i) the particular item or service involved—

“(I)(aa) would be a covered benefit, when medically necessary and appropriate under the terms and conditions of the plan, and the item or service has been determined not to be medically necessary and appropriate under the internal appeals process required under subsection (d) or there has been a failure to issue a coverage determination as described in subparagraph (B); and

“(bb)(AA) the amount of such item or service involved exceeds a significant financial threshold; or

“(BB) there is a significant risk of placing the life or health of the participant or beneficiary in jeopardy; or

“(II) would be a covered benefit, when not considered experimental or investigational under the terms and conditions of the plan, and the item or service has been determined to be experimental or investigational under the internal appeals process required under subsection (d) or there has been a failure to issue a coverage determination as described in subparagraph (B); and

“(ii) the participant or beneficiary has completed the internal appeals process under subsection (d) with respect to such determination.

“(B) FAILURE TO ACT.—The failure of a plan or issuer to issue a coverage determination under subsection (d)(6) within the applicable timeline established for such a determination under such subsection shall be treated as an adverse coverage determination for purposes of proceeding to independent external review under this subsection.

“(2) INITIATION OF THE INDEPENDENT EXTERNAL REVIEW PROCESS.—

“(A) FILING OF REQUEST.—A participant or beneficiary (or the authorized representative of the participant or beneficiary) who desires to have an independent external review conducted under this subsection shall file a written request for such a review with the plan or issuer involved not later than 30 working days after the receipt of a final denial of a claim under subsection (d). Any such request shall include the consent of the participant or beneficiary (or the authorized representative of the participant or beneficiary) for the release of medical information and records to independent external reviewers regarding the participant or beneficiary.

“(B) INFORMATION AND NOTICE.—Not later than 5 working days after the receipt of a request under subparagraph (A), or earlier in accordance with the medical exigencies of the case, the plan or issuer involved shall select an external appeals entity under paragraph (3)(A) that shall be responsible for designating an independent external reviewer under paragraph (3)(B).

“(C) PROVISION OF INFORMATION.—The plan or issuer involved shall forward necessary information (including medical records, any relevant review criteria, the clinical rationale consistent with the terms and conditions of the contract between the plan or issuer and the participant or beneficiary for the coverage denial, and evidence of the coverage of the participant or beneficiary) to the independent external reviewer selected under paragraph (3)(B).

“(D) NOTIFICATION.—The plan or issuer involved shall send a written notification to the participant or beneficiary (or the authorized representative of the participant or beneficiary) and the plan administrator, indicating that an independent external review has been initiated.

“(3) CONDUCT OF INDEPENDENT EXTERNAL REVIEW.—

“(A) DESIGNATION OF EXTERNAL APPEALS ENTITY BY PLAN OR ISSUER.—

“(i) IN GENERAL.—A plan or issuer that receives a request for an independent external review under paragraph (2)(A) shall designate a qualified entity described in clause (ii), in a manner designed to ensure that the entity so designated will make a decision in an unbiased manner, to serve as the external appeals entity.

“(ii) QUALIFIED ENTITIES.—A qualified entity shall be—

“(I) an independent external review entity licensed or credentialed by a State;

“(II) a State agency established for the purpose of conducting independent external reviews;

“(III) any entity under contract with the Federal Government to provide independent external review services;

“(IV) any entity accredited as an independent external review entity by an accrediting body recognized by the Secretary for such purpose; or

“(V) any other entity meeting criteria established by the Secretary for purposes of this subparagraph.

“(B) DESIGNATION OF INDEPENDENT EXTERNAL REVIEWER BY EXTERNAL APPEALS ENTITY.—The external appeals entity designated under subparagraph (A) shall, not later than 30 days after the date on which such entity is designated under subparagraph (A), or earlier in accordance with the medical exigencies of the case, designate one or more individuals to serve as independent external reviewers with respect to a request received under paragraph (2)(A). Such reviewers shall be independent medical experts who shall—

“(i) be appropriately credentialed or licensed in any State to deliver health care services;

“(ii) not have any material, professional, familial, or financial affiliation with the case under review, the participant or beneficiary involved, the treating health care professional, the institution where the treatment would take place, or the manufacturer of any drug, device, procedure, or other therapy proposed for the participant or beneficiary whose treatment is under review;

“(iii) have expertise (including age-appropriate expertise) in the diagnosis or treatment under review and, when reasonably available, be of the same specialty as the physician treating the participant or beneficiary or recommending or prescribing the treatment in question;

“(iv) receive only reasonable and customary compensation from the group health plan or health insurance issuer in connection with the independent external review that is not contingent on the decision rendered by the reviewer; and

“(v) not be held liable for decisions regarding medical determinations (but may be held liable for actions that are arbitrary and capricious).

“(4) STANDARD OF REVIEW.—

“(A) IN GENERAL.—An independent external reviewer shall—

“(i) make an independent determination based on the valid, relevant, scientific and clinical evidence to determine the medical necessity, appropriateness, experimental or investigational nature of the proposed treatment; and

“(ii) take into consideration appropriate and available information, including any evidence-based decision making or clinical practice guidelines used by the group health plan or health insurance issuer; timely evidence or information submitted by the plan, issuer, patient or patient's physician; the patient's medical record; expert consensus; and medical literature as defined in section 556(5) of the Federal Food, Drug, and Cosmetic Act.

“(B) NOTICE.—The plan or issuer involved shall ensure that the participant or beneficiary receives notice, within 30 days after the determination of the independent medical expert, regarding the actions of the plan or issuer with respect to the determination of such expert under the independent external review.

“(5) TIMEFRAME FOR REVIEW.—

“(A) IN GENERAL.—The independent external reviewer shall complete a review of an adverse coverage determination in accordance with the medical exigencies of the case.

“(B) LIMITATION.—Notwithstanding subparagraph (A), a review described in such subparagraph shall be completed not later than 30 working days after the later of—

“(i) the date on which such reviewer is designated; or

“(ii) the date on which all information necessary to completing such review is received.

“(6) BINDING DETERMINATION.—The determination of an independent external reviewer under this subsection shall be binding upon the plan or issuer if the provisions of this subsection or the procedures implemented under such provisions were complied with by the independent external reviewer.

"(7) STUDY.—Not later than 2 years after the date of enactment of this section, the General Accounting Office shall conduct a study of a statistically appropriate sample of completed independent external reviews. Such study shall include an assessment of the process involved during an independent external review and the basis of decision-making by the independent external reviewer. The results of such study shall be submitted to the appropriate committees of Congress.

"(8) EFFECT ON CERTAIN PROVISIONS.—Nothing in this section shall be construed as affecting or modifying section 514 of this Act with respect to a group health plan.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a plan administrator or plan fiduciary or health plan medical director from requesting an independent external review by an independent external reviewer without first completing the internal review process.

"(g) DEFINITIONS.—In this section:

"(1) ADVERSE COVERAGE DETERMINATION.—The term 'adverse coverage determination' means a coverage determination under the plan which results in a denial of coverage or reimbursement.

"(2) COVERAGE DETERMINATION.—The term 'coverage determination' means with respect to items and services for which coverage may be provided under a health plan, a determination of whether or not such items and services are covered or reimbursable under the coverage and terms of the contract.

"(3) GRIEVANCE.—The term 'grievance' means any complaint made by a participant or beneficiary that does not involve a coverage determination.

"(4) GROUP HEALTH PLAN.—The term 'group health plan' shall have the meaning given such term in section 733(a). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term in section 733(b)(1). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 733(b)(2).

"(7) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means a coverage determination prior to the provision of the items and services as a condition of coverage of the items and services under the coverage.

"(8) TREATING HEALTH CARE PROFESSIONAL.—The term 'treating health care professional' with respect to a group health plan, health insurance issuer or provider sponsored organization means a physician (medical doctor or doctor of osteopathy) or other health care practitioner who is acting within the scope of his or her State licensure or certification for the delivery of health care services and who is primarily responsible for delivering those services to the participant or beneficiary.

"(9) UTILIZATION REVIEW.—The term 'utilization review' with respect to a group health plan or health insurance coverage means a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review."

(b) ENFORCEMENT.—Section 502(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(1)) is amended by inserting after "or section 101(e)(1)" the following: ", or fails to comply with a coverage determination as required under section 503(e)(6),".

(c) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by striking the item relating to section 503 and inserting the following new item:

"Sec. 503. Claims procedures, coverage determination, grievances and appeals.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after 1 year after the date of enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

Subtitle B—Genetic Information and Services

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Genetic Information Nondiscrimination in Health Insurance Act of 1999".

SEC. 202. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 111(a), is further amended by adding at the end the following:

"SEC. 715. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).".

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

"(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 715.".

(B) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by section 111(a), is further amended by inserting after the item relating to section 714 the following new item:

"Sec. 715. Prohibiting premium discrimination against groups on the basis of predictive genetic information.".

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.''.

(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

''(5) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

''(A) the spouse of the individual;

''(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

''(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

''(6) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

''(7) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

''(8) PREDICTIVE GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

''(i) information about an individual's genetic tests;

''(ii) information about genetic tests of family members of the individual; or

''(iii) information about the occurrence of a disease or disorder in family members.

''(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

''(i) information about the sex or age of the individual;

''(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

''(iii) information about physical exams of the individual.

''(9) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.''.

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 203. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION IN THE GROUP MARKET.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: ''(including information about a request for or receipt of genetic services)''.

(B) NO DISCRIMINATION IN PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2707. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.

''A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).''.

(C) CONFORMING AMENDMENT.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

''(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2707.''.

(D) LIMITATION ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

''(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

''(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

''(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

''(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

''(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

''(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

''(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

''(i) a description of an individual's rights with respect to predictive genetic information;

''(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

''(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

''(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

''(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.''.

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

''(15) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

''(A) the spouse of the individual;

''(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

''(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

''(16) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

''(17) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

''(18) PREDICTIVE GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

''(i) information about an individual's genetic tests;

''(ii) information about genetic tests of family members of the individual; or

''(iii) information about the occurrence of a disease or disorder in family members.

''(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

''(i) information about the sex or age of the individual;

''(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

''(iii) information about physical exams of the individual.

''(19) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements), as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

"(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 204. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 111(b), is further amended by adding at the end the following:

"SEC. 9814. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).".

(B) CONFORMING AMENDMENT.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or the receipt of genetic services), see section 9814.".

(C) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 111(b), is further amended by adding at the end the following:

"Sec. 9814. Prohibiting premium discrimination against groups on the basis of predictive genetic information.".

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES; DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

"(e) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A group health plan shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.".

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(6) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(7) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(8) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(9) PREDICTIVE GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(10) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.".

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

Subtitle C—Healthcare Research and Quality

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Healthcare Research and Quality Act of 1999".

SEC. 302. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

"TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

"PART A—ESTABLISHMENT AND GENERAL DUTIES

"SEC. 901. MISSION AND DUTIES.

"(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality. In carrying out this subsection, the Secretary shall redesignate the Agency for Health Care Policy and Research as the Agency for Healthcare Research and Quality.

"(b) MISSION.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of healthcare services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote healthcare quality improvement by—

"(1) conducting and supporting research that develops and presents scientific evidence regarding all aspects of healthcare, including—

"(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

"(B) the outcomes, effectiveness, and cost-effectiveness of healthcare practices, including preventive measures and long-term care;

"(C) existing and innovative technologies;

"(D) the costs and utilization of, and access to healthcare;

"(E) the ways in which healthcare services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

"(F) methods for measuring quality and strategies for improving quality; and

"(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information;

"(2) synthesizing and disseminating available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

"(3) advancing private and public efforts to improve healthcare quality.

"(c) REQUIREMENTS WITH RESPECT TO RURAL AREAS AND PRIORITY POPULATIONS.—In carrying out subsection (b), the Director shall undertake and support research, demonstration projects, and evaluations with respect to the delivery of health services—

"(1) in rural areas (including frontier areas);

"(2) for low-income groups, and minority groups;

"(3) for children;

"(4) for elderly; and

"(5) for people with special healthcare needs, including disabilities, chronic care and end-of-life healthcare.

"(d) APPOINTMENT OF DIRECTOR.—There shall be at the head of the Agency an official to be known as the Director for Healthcare Research and Quality. The Director shall be appointed by the Secretary. The Secretary, acting through the Director, shall carry out the authorities and duties established in this title.

"SEC. 902. GENERAL AUTHORITIES.

"(a) IN GENERAL.—In carrying out section 901(b), the Director shall support demonstration projects, conduct and support research, evaluations, training, research networks, multi-disciplinary centers, technical assistance, and the dissemination of information, on healthcare, and on systems for the delivery of such care, including activities with respect to—

"(1) the quality, effectiveness, efficiency, appropriateness and value of healthcare services;

"(2) quality measurement and improvement;

"(3) the outcomes, cost, cost-effectiveness, and use of healthcare services and access to such services;

"(4) clinical practice, including primary care and practice-oriented research;

"(5) healthcare technologies, facilities, and equipment;

"(6) healthcare costs, productivity, organization, and market forces;

"(7) health promotion and disease prevention, including clinical preventive services;

"(8) health statistics, surveys, database development, and epidemiology; and

"(9) medical liability.

"(b) HEALTH SERVICES TRAINING GRANTS.—

"(1) IN GENERAL.—The Director may provide training grants in the field of health services research related to activities authorized under subsection (a), to include pre- and post-doctoral fellowships and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 487 as well as other appropriated funds.

"(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers addressing the priority populations.

"(c) MULTIDISCIPLINARY CENTERS.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services research, demonstration projects, evaluations, training, and policy analysis with respect to the matters referred to in subsection (a).

"(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 1142 of such Act.

"(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality healthcare standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that the Agency's role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, healthcare delivery systems, and individual preferences.

"PART B—HEALTHCARE IMPROVEMENT RESEARCH

"SEC. 911. HEALTHCARE OUTCOME IMPROVEMENT RESEARCH.

"(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems that it uses to assess healthcare research results, particularly methods or systems that it uses to rate the strength of the scientific evidence behind healthcare practice, recommendations in the research literature, and technology assessments. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing healthcare recommendations shall indicate the level of substantiating evidence using such methods or systems.

“(b) HEALTHCARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—

“(1) Healthcare Improvement Research Centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

“(2) Provider-based Research Networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate and promote quality improvement; and

“(3) other innovative mechanisms or strategies to link research with clinical practice.

“SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.

“(a) SUPPORT FOR EFFORTS TO DEVELOP INFORMATION ON QUALITY.—

“(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for healthcare research and quality, the Agency may provide scientific and technical support for private and public efforts to improve healthcare quality, including the activities of accrediting organizations.

“(2) ROLE OF THE AGENCY.—With respect to paragraph (1), the role of the Agency shall include—

“(A) the identification and assessment of methods for the evaluation of the health of—

“(i) enrollees in health plans by type of plan, provider, and provider arrangements; and

“(ii) other populations, including those receiving long-term care services;

“(B) the ongoing development, testing, and dissemination of quality measures, including measures of health and functional outcomes;

“(C) the compilation and dissemination of healthcare quality measures developed in the private and public sector;

“(D) assistance in the development of improved healthcare information systems;

“(E) the development of survey tools for the purpose of measuring participant and beneficiary assessments of their healthcare; and

“(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

“(b) CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.—

“(1) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (2).

“(2) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

“(A) The conduct of state-of-the-art clinical research for the following purposes:

“(i) To increase awareness of—

“(I) new uses of drugs, biological products, and devices;

“(II) ways to improve the effective use of drugs, biological products, and devices; and

“(III) risks of new uses and risks of combinations of drugs and biological products.

“(ii) To provide objective clinical information to the following individuals and entities:

“(I) Healthcare practitioners and other providers of healthcare goods or services.

“(II) Pharmacists, pharmacy benefit managers and purchasers.

“(III) Health maintenance organizations and other managed healthcare organizations.

“(IV) Healthcare insurers and governmental agencies.

“(V) Patients and consumers.

“(iii) To improve the quality of healthcare while reducing the cost of Healthcare through—

“(I) an increase in the appropriate use of drugs, biological products, or devices; and

“(II) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

“(B) The conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

“(C) Such other activities as the Secretary determines to be appropriate, except that grant funds may not be used by the Secretary in conducting regulatory review of new drugs.

“(c) REDUCING ERRORS IN MEDICINE.—The Director shall conduct and support research and build private-public partnerships to—

“(1) identify the causes of preventable healthcare errors and patient injury in healthcare delivery;

“(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

“(3) promote the implementation of effective strategies throughout the healthcare industry.

“SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.

“(a) IN GENERAL.—In carrying out 902(a), the Director shall—

“(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of healthcare, including the types of healthcare services Americans use, their access to healthcare services, frequency of use, how much is paid for the services used, the source of those payments, the types and costs of private health insurance, access, satisfaction, and quality of care for the general population including rural residents and for the populations identified in section 901(c); and

“(2) develop databases and tools that provide information to States on the quality, access, and use of healthcare services provided to their residents.

“(b) QUALITY AND OUTCOMES INFORMATION.—

“(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

“(A) identify determinants of health outcomes and functional status, and their relationships to healthcare access and use, determine the ways and extent to which the priority populations enumerated in section 901(c) differ from the general population with respect to such variables, measure changes over time with respect to such variable, and monitor the overall national impact of changes in Federal and State policy on healthcare;

“(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population including rural residents; and

“(C) provide reliable national estimates for children and persons with special healthcare needs through the use of supplements or periodic expansions of the survey.

In expanding the Medical Expenditure Panel Survey, as in existence on the date of enactment of this title, in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measurements generally collected by private sector accreditation organizations.

“(2) ANNUAL REPORT.—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of healthcare provided to the American people.

“SEC. 914. INFORMATION SYSTEMS FOR HEALTHCARE IMPROVEMENT.

“(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall support research, evaluations and initiatives to advance—

“(1) the use of information systems for the study of healthcare quality, including the generation of both individual provider and plan-level comparative performance data;

“(2) training for healthcare practitioners and researchers in the use of information systems;

“(3) the creation of effective linkages between various sources of health information, including the development of information networks;

“(4) the delivery and coordination of evidence-based healthcare services, including the use of real-time healthcare decision-support programs;

“(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information and data in consultation with appropriate Federal, State and private entities;

“(6) the use of computer-based health records in all settings for the development of personal health records for individual health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

“(7) the protection of individually identifiable information in health services research and healthcare quality improvement.

“(b) DEMONSTRATION.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their care-givers.

“SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDERSERVED AREAS.

“(a) PREVENTIVE SERVICES TASK FORCE.—

“(1) ESTABLISHMENT AND PURPOSE.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the healthcare community, and updating previous clinical preventive recommendations.

“(2) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

“(3) OPERATION.—In carrying out its responsibilities under paragraph (1), the Task

Force is not subject to the provisions of Appendix 2 of title 5, United States Code.

"(b) PRIMARY CARE RESEARCH.—

"(1) IN GENERAL.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the 'Center') that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

"(2) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

"(A) the nature and characteristics of primary care practice;

"(B) the management of commonly occurring clinical problems;

"(C) the management of undifferentiated clinical problems; and

"(D) the continuity and coordination of health services.

"SEC. 916. CLINICAL PRACTICE AND TECHNOLOGY INNOVATION.

"(a) IN GENERAL.—The Director shall promote innovation in evidence-based clinical practice and healthcare technologies by—

"(1) conducting and supporting research on the development, diffusion, and use of healthcare technology;

"(2) developing, evaluating, and disseminating methodologies for assessments of healthcare practices and healthcare technologies;

"(3) conducting intramural and supporting extramural assessments of existing and new healthcare practices and technologies;

"(4) promoting education, training, and providing technical assistance in the use of healthcare practice and healthcare technology assessment methodologies and results; and

"(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

"(b) SPECIFICATION OF PROCESS.—

"(1) IN GENERAL.—Not later than December 31, 2000, the Director shall develop and publish a description of the methodology used by the Agency and its contractors in conducting practice and technology assessment.

"(2) CONSULTATIONS.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health, the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall seek input, where appropriate, from professional societies and other private and public entities.

"(3) METHODOLOGY.—The Director, in developing assessment methodology, shall consider—

"(A) safety, efficacy, and effectiveness;

"(B) legal, social, and ethical implications;

"(C) costs, benefits, and cost-effectiveness;

"(D) comparisons to alternate technologies and practices; and

"(E) requirements of Food and Drug Administration approval to avoid duplication.

"(c) SPECIFIC ASSESSMENTS.—

"(1) IN GENERAL.—The Director shall conduct or support specific assessments of healthcare technologies and practices.

"(2) REQUESTS FOR ASSESSMENTS.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Defense, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

"(3) GRANTS AND CONTRACTS.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded healthcare technologies, and for related activities.

"(4) ELIGIBLE ENTITIES.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, and consortia of appropriate research entities established for the purpose of conducting technology assessments.

"SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

"(a) REQUIREMENT.—

"(1) IN GENERAL.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

"(2) SPECIFIC ACTIVITIES.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

"(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

"(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and healthcare quality improvement initiatives;

"(C) set specific goals for participating agencies and departments to further health services research and healthcare quality improvement; and

"(D) strengthen the management of Federal healthcare quality improvement programs.

"(b) STUDY BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

"(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through—

"(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular attention paid to those under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and

"(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

"(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs;

"(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available, and

"(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various federal agencies.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the preparation—

"(i) not later than 12 months after the date of enactment of this title, of a report providing an overview of the quality improvement programs of the Department of Health and Human Services for the medicare, medicaid, and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) not later than 24 months after the date of enactment of this title, of a final report containing recommendations.

"(B) REPORTS.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

"PART C—GENERAL PROVISIONS

"SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY.

"(a) ESTABLISHMENT.—There is established an advisory council to be known as the Advisory Council for Healthcare Research and Quality.

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the purpose of the Agency under section 901(b).

"(2) CERTAIN RECOMMENDATIONS.—Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director regarding—

"(A) priorities regarding healthcare research, especially studies related to quality, outcomes, cost and the utilization of, and access to, healthcare services;

"(B) the field of healthcare research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to healthcare quality; and

"(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be voting members other than the individuals designated under paragraph (3)(B) as ex officio members.

"(2) APPOINTED MEMBERS.—The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States. The

Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members—

"(A) 4 shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to healthcare;

"(B) 4 shall be individuals distinguished in the practice of medicine of which at least 1 shall be a primary care practitioner;

"(C) 3 shall be individuals distinguished in the other health professions;

"(D) 4 shall be individuals either representing the private healthcare sector, including health plans, providers, and purchasers or individuals distinguished as administrators of healthcare delivery systems;

"(E) 4 shall be individuals distinguished in the fields of healthcare quality improvement, economics, information systems, law, ethics, business, or public policy, including at least 1 individual specializing in rural aspects in 1 or more of these fields; and

"(F) 2 shall be individuals representing the interests of patients and consumers of healthcare.

"(3) EX OFFICIO MEMBERS.—The Secretary shall designate as ex officio members of the Advisory Council—

"(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary for Health of the Department of Veterans Affairs; and

"(B) such other Federal officials as the Secretary may consider appropriate.

"(d) TERMS.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years. A member of the Council appointed under such subsection may continue to serve after the expiration of the term of the members until a successor is appointed.

"(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

"(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

"(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

"(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

"(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for service on the Advisory Council in addition to the compensation otherwise received for duties carried out as officers of the United States.

"(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

"SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

"(a) REQUIREMENT OF REVIEW.—

"(1) IN GENERAL.—Appropriate technical and scientific peer review shall be conducted with respect to each application for a grant, cooperative agreement, or contract under this title.

"(2) REPORTS TO DIRECTOR.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its finding and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

"(b) APPROVAL AS PRECONDITION OF AWARDS.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

"(c) ESTABLISHMENT OF PEER REVIEW GROUPS.—

"(1) IN GENERAL.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of such title that relate to classification and pay rates under the General Schedule.

"(2) MEMBERSHIP.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such peer review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for service on such groups in addition to the compensation otherwise received for these duties carried out as such officers and employees.

"(3) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue in existence until otherwise provided by law.

"(4) QUALIFICATIONS.—Members of any peer-review group shall, at a minimum, meet the following requirements:

"(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

"(B) Such members shall agree in writing to recuse themselves from participation in the peer-review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer-review.

"(d) AUTHORITY FOR PROCEDURAL ADJUSTMENTS IN CERTAIN CASES.—In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make appropriate adjustments in the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented or provider-based research, and for such other purposes as the Director may determine to be appropriate.

"(e) REGULATIONS.—The Director shall issue regulations for the conduct of peer review under this section.

"SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.

"(a) STANDARDS WITH RESPECT TO UTILITY OF DATA.—

"(1) IN GENERAL.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

"(A) other Federal health data collection standards; and

"(B) the differences between types of healthcare plans, delivery systems, healthcare providers, and provider arrangements.

"(2) RELATIONSHIP WITH OTHER DEPARTMENT PROGRAMS.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or may affect health information that is subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such program.

"(b) STATISTICS AND ANALYSES.—The Director shall—

"(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

"(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

"(c) AUTHORITY REGARDING CERTAIN REQUESTS.—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

"SEC. 924. DISSEMINATION OF INFORMATION.

"(a) IN GENERAL.—The Director shall—

"(1) without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title;

"(2) ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

"(3) promptly make available to the public data developed in such research, demonstration projects, and evaluations;

“(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to healthcare to public and private entities and individuals engaged in the improvement of healthcare delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

“(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

“(b) Prohibition Against Restrictions.—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

“(c) Limitation on Use of Certain Information.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

“(d) Penalty.—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than $10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected.

“SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.

“(a) Financial Conflicts of Interest.—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

“(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, create a bias in favor of obtaining results in the projects that are consistent with such interests; and

“(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

“(b) Requirement of Application.—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program in involved.

“(c) Provision of Supplies and Services in Lieu of Funds.—

“(1) In general.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

“(2) Corresponding reduction in funds.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of the financial assistance involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“(d) Applicability of Certain Provisions With Respect to Contracts.—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

“SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.

“(a) Deputy Director and Other Officers and Employees.—

“(1) Deputy director.—The Director may appoint a deputy director for the Agency.

“(2) Other officers and employees.—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

“(b) Facilities.—The Secretary, in carrying out this title—

“(1) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Director of General Services, buildings or portions of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed 10 years; and

“(2) may acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary.

“(c) Provision of Financial Assistance.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

“(d) Utilization of Certain Personnel and Resources.—

“(1) Department of health and human services.—The Director, in carrying out this title, may utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

“(2) Other agencies.—The Director, in carrying out this title, may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, or of any foreign government, with or without reimbursement of such agencies.

“(e) Consultants.—The Secretary, in carrying out this title, may secure, from time to time and for such periods as the Director deems advisable but in accordance with section 3109 of title 5, United States Code, the assistance and advice of consultants from the United States or abroad.

“(f) Experts.—

“(1) In general.—The Secretary may, in carrying out this title, obtain the services of not more than 50 experts or consultants who have appropriate scientific or professional qualifications. Such experts or consultants shall be obtained in accordance with section 3109 of title 5, United States Code, except that the limitation in such section on the duration of service shall not apply.

“(2) Travel expenses.—

“(A) In general.—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a), 5724a(c), and 5726(C) of title 5, United States Code.

“(B) Limitation.—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment, or 1 year, whichever is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

“(g) Voluntary and Uncompensated Services.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

“SEC. 927. FUNDING.

“(a) Intent.—To ensure that the United States's investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in healthcare research as the United State's investment in biomedical research increases.

“(b) Authorization of Appropriations.—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2006.

“(c) Evaluations.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

“SEC. 928. DEFINITIONS.

“In this title:

“(1) Advisory council.—The term ‘Advisory Council’ means the Advisory Council on Healthcare Research and Quality established under section 921.

“(2) Agency.—The term ‘Agency’ means the Agency for Healthcare Research and Quality.

“(3) Director.—The term ‘Director’ means the Director for the Agency for Healthcare Research and Quality.”.

SEC. 303. REFERENCES.

Effective upon the date of enactment of this Act, any reference in law to the “Agency for Health Care Policy and Research” shall be deemed to be a reference to the “Agency for Healthcare Research and Quality”.

Subtitle D—Enhanced Access to Health Insurance Coverage

SEC. 401. FULL DEDUCTION OF HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Section 162(l)(1) of the Internal Revenue Code of 1986 (relating to allowance of deductions) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and his dependents."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 402. FULL AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) AVAILABILITY NOT LIMITED TO ACCOUNTS FOR EMPLOYEES OF SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Section 220(c)(1)(A) of the Internal Revenue Code of 1986 (relating to eligible individual) is amended to read as follows:

"(A) IN GENERAL.—The term 'eligible individual' means, with respect to any month, any individual if—

"(i) such individual is covered under a high deductible health plan as of the 1st day of such month, and

"(ii) such individual is not, while covered under a high deductible health plan, covered under any health plan—

"(I) which is not a high deductible health plan, and

"(II) which provides coverage for any benefit which is covered under the high deductible health plan.".

(2) CONFORMING AMENDMENTS.—

(A) Section 220(c)(1) of such Code is amended by striking subparagraphs (C) and (D).

(B) Section 220(c) of such Code is amended by striking paragraph (4) (defining small employer) and by redesignating paragraph (5) as paragraph (4).

(C) Section 220(b) of such Code is amended by striking paragraph (4) (relating to deduction limited by compensation) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(b) REMOVAL OF LIMITATION ON NUMBER OF TAXPAYERS HAVING MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Section 220 of the Internal Revenue Code of 1986 (relating to medical savings accounts) is amended by striking subsections (i) and (j).

(2) MEDICARE+CHOICE.—Section 138 of such Code (relating to Medicare+Choice MSA) is amended by striking subsection (f).

(c) REDUCTION IN HIGH DEDUCTIBLE PLAN MINIMUM ANNUAL DEDUCTIBLE.—Section 220(c)(2)(A) of the Internal Revenue Code of 1986 (relating to high deductible health plan) is amended—

(1) by striking "$1,500" in clause (i) and inserting "$1,000", and

(2) by striking "$3,000" in clause (ii) and inserting "$2,000".

(d) INCREASE IN CONTRIBUTION LIMIT TO 100 PERCENT OF ANNUAL DEDUCTIBLE.—

(1) IN GENERAL.—Section 220(b)(2) of the Internal Revenue Code of 1986 (relating to monthly limitation) is amended to read as follows:

"(2) MONTHLY LIMITATION.—The monthly limitation for any month is the amount equal to $\frac{1}{12}$ of the annual deductible of the high deductible health plan of the individual."

(2) CONFORMING AMENDMENT.—Section 220(d)(1)(A) of such Code is amended by striking "75 percent of".

(e) LIMITATION ON ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—Section 220(f)(4) of the Internal Revenue Code of 1986 (relating to additional tax on distributions not used for qualified medical expenses) is amended by adding at the end the following:

"(D) EXCEPTION IN CASE OF SUFFICIENT ACCOUNT BALANCE.—Subparagraph (A) shall not apply to any payment or distribution in any taxable year, but only to the extent such payment or distribution does not reduce the fair market value of the assets of the medical savings account to an amount less than the annual deductible for the high deductible health plan of the account holder (determined as of January 1 of the calendar year in which the taxable year begins).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 403. CARRYOVER OF UNUSED BENEFITS FROM CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND HEALTH FLEXIBLE SPENDING ACCOUNTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

"(h) ALLOWANCE OF CARRYOVERS OF UNUSED BENEFITS TO LATER TAXABLE YEARS.—

"(1) IN GENERAL.—For purposes of this title—

"(A) notwithstanding subsection (d)(2), a plan or other arrangement shall not fail to be treated as a cafeteria plan or flexible spending or similar arrangement, and

"(B) no amount shall be required to be included in gross income by reason of this section or any other provision of this chapter,

solely because under such plan or other arrangement any nontaxable benefit which is unused as of the close of a taxable year may be carried forward to 1 or more succeeding taxable years.

"(2) LIMITATION.—Paragraph (1) shall not apply to amounts carried from a plan to the extent such amounts exceed $500 (applied on an annual basis). For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

"(3) ALLOWANCE OF ROLLOVER.—

"(A) IN GENERAL.—In the case of any unused benefit described in paragraph (1) which consists of amounts in a health flexible spending account or dependent care flexible spending account, the plan or arrangement shall provide that a participant may elect, in lieu of such carryover, to have such amounts distributed to the participant.

"(B) AMOUNTS NOT INCLUDED IN INCOME.—Any distribution under subparagraph (A) shall not be included in gross income to the extent that such amount is transferred in a trustee-to-trustee transfer, or is contributed within 60 days of the date of the distribution, to—

"(i) a qualified cash or deferred arrangement described in section 401(k),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan described in section 457, or

"(iv) a medical savings account (within the meaning of section 220).

Any amount rolled over under this subparagraph shall be treated as a rollover contribution for the taxable year from which the unused amount would otherwise be carried.

"(C) TREATMENT OF ROLLOVER.—Any amount rolled over under subparagraph (B) shall be treated as an eligible rollover under section 220, 401(k), 403(b), or 457, whichever is applicable, and shall be taken into account in applying any limitation (or participation requirement) on employer or employee contributions under such section or any other provision of this chapter for the taxable year of the rollover.

"(4) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the $500 amount under paragraph (2) shall be adjusted at the same time and in the same manner as under section 415(d)(2), except that the base period taken into account shall be the calendar quarter beginning October 1, 1998, and any increase which is not a multiple of $50 shall be rounded to the next lowest multiple of $50."

"(5) APPLICABILITY.—This subsection shall apply to taxable years beginning after December 31, 1999."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 404. PERMITTING CONTRIBUTION TOWARDS MEDICAL SAVINGS ACCOUNT THROUGH FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP).

(a) GOVERNMENT CONTRIBUTION TO MEDICAL SAVINGS ACCOUNT.—

(1) IN GENERAL.—Section 8906 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) In the case of an employee or annuitant who is enrolled in a catastrophic plan described by section 8903(5), there shall be a Government contribution under this subsection to a medical savings account established or maintained for the benefit of the individual. The contribution under this subsection shall be in addition to the Government contribution under subsection (b).

"(2) The amount of the Government contribution under this subsection with respect to an individual is equal to the amount by which—

"(A) the maximum contribution allowed under subsection (b)(1) with respect to any employee or annuitant, exceeds

"(B) the amount of the Government contribution actually made with respect to the individual under subsection (b) for coverage under the catastrophic plan.

"(3) The Government contributions under this subsection shall be paid into a medical savings account (designated by the individual involved) in a manner that is specified by the Office and consistent with the timing of contributions under subsection (b).

"(4) Subsections (f) and (g) shall apply to contributions under this section in the same manner as they apply to contributions under subsection (b).

"(5) For the purpose of this subsection, the term 'medical savings account' has the meaning given such term by section 220(d) of the Internal Revenue Code of 1986.".

(2) ALLOWING PAYMENT OF FULL AMOUNT OF CHARGE FOR CATASTROPHIC PLAN.—Section 8906(b)(2) of such title is amended by inserting "(or 100 percent of the subscription charge in the case of a catastrophic plan)" after "75 percent of the subscription charge".

(b) OFFERING OF CATASTROPHIC PLANS.—

(1) IN GENERAL.—Section 8903 of title 5, United States Code, is amended by adding at the end the following:

"(5) CATASTROPHIC PLANS.—One or more plans described in paragraph (1), (2), or (3), but which provide benefits of the types referred to by paragraph (5) of section 8904(a), instead of the types referred to in paragraphs (1), (2), and (3) of such section.".

(2) TYPES OF BENEFITS.—Section 8904(a) of such title is amended by inserting after paragraph (4) the following new paragraph:

"(5) CATASTROPHIC PLANS.—Benefits of the types named under paragraph (1) or (2) of this subsection or both, to the extent expenses covered by the plan exceed $500.".

(3) DETERMINING LEVEL OF GOVERNMENT CONTRIBUTIONS.—Section 8906(b) of such title is amended by adding at the end the following: "Subscription charges for medical savings accounts shall be deemed to be the amount of Government contributions made under subsection (j)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract terms beginning on or after January 1, 2000.

BURNS AMENDMENT NO. 704

(Ordered to lie on the table.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill, S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7   . SENSE OF SENATE ON LAMB MEAT IMPORTS.—It is the sense of the Senate that—

(1) there is an overabundance of foreign lamb meat being imported into the United States;

(2) the glut of imported lamb meat is severely harming domestic producers and the domestic agricultural industry;

(3) the sheep industry filed a petition to take action under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) to prevent further loss of market share due to the enormous quantities of lamb being imported into the United States from New Zealand and Australia;

(4) on February 9, 1999, the International Trade Commission voted unanimously that lamb imports are a threat to the sheep industry in the United States;

(5) on March 26, 1999, the International Trade Commission voted to support 4 years of market stability in the marketing of lamb meat;

(6) several remedies have been offered to achieve this market stability, including tariff rate quotas and ad-valorem tariffs;

(7) the efforts of the sheep industry in the United States should be supported;

(8) although international military issues have recently consumed much time and consideration, with the Kosovo agreement now in place, Congress should turn its attention to domestic matters;

(9) the problem of the overabundance of foreign lamb meat in the United States has important consequences for imports and international trade; and

(10) the remedy that will provide the greatest practicable assistance to the domestic lamb industry should be implemented as soon as practicable.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, June 22, 1999, 9:30 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is "ESEA: Professional Development". For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Aging will be held on June 22, 1999, 2:30 p.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is "Older Americans Act". For further information, Please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, June 23, 1999, 9:30 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is "ESEA: Title VI". For further information, please call the committee, 202/224–5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on June 24, 1999 in SR–328A at 9:30 a.m. The purpose of this meeting will be to discuss Agriculture issues related to a variety of trade topics.

ADDITIONAL STATEMENTS

TRIBUTE TO BOBBIE FOUST

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Roberta Foust, or "Bobbie" as she is known to her many friends and readers. With her recent retirement from The Paducah Sun, Bobbie completes a distinguished career as a journalist.

Her byline has long been a familiar one to news readers in the western part of Kentucky. She worked for The Calvert News in Calvert City in the 1960's. In 1972, she began working as a reporter and photographer for The Tribune Courier in Marshall County, in the heart of Kentucky's Western Lakes region. After 5 years, she moved to the rival Marshall County Messenger, where she was responsible for all news content, layout, and design. She returned to The Tribune Courier in a similar capacity in 1979. In 1988, she became the editor of the weekly Herald Ledger in Eddyville, a position she held until the local ownership sold the paper in 1991.

Bobbie then joined the largest newspaper in far Western Kentucky, The Paducah Sun, a daily with a circulation of 31,000. With the Sun, Bobbie served as a general assignment reporter. In this position, she worked in Marshall, Lyon, and other lakes-area counties. Besides the usual broad assortment of news she covered in her day-to-day duties, Bobbie covered certain continuing stories, and developed an in-depth knowledge in these areas that was widely recognized. Among these were the Land Between the Lakes and the role of the Tennessee Valley Authority in LBL and Western Kentucky. During this time, Bobbie earned broad respect in the region she covered, as well as at TVA headquarters in Knoxville and Washington.

I have not only been a regular reader of Bobbie's, but have often been covered in her stories. Over the years, I have had the opportunity to get to know her first-hand, and feel that I am in a uniquely qualified position to comment upon her journalistic legacy. Bobbie has earned a reputation of persistence, thoroughness, and objectivity—the three lodestars of her profession. Always firm in getting the story for her readers, she was unflappably cordial in personal demeanor in the performance of her duties.

Bobbie's retirement plans include the possibility of taking some college course work, and hopefully, the role of occasional contributor to The Paducah Sun. Along with Bobbie's husband, Ray, and children, Donna, Terrie, Jackie, and Dennis, I wish Bobbie an enjoyable and productive retirement. I ask that my colleagues join me in recognizing the career of this outstanding Kentuckian.•

TWENTY-FIFTH ANNIVERSARY OF BREAD FOR THE WORLD

• Mr. HARKIN. Mr. President, for 25 years, Bread for the World has been putting principles of faith to work in pursuit of justice for the world's hungry people. Bread for the World members are now in Washington for their National Gathering, Silver Anniversary Celebration, and Annual Lobby Day. I want to take this opportunity to welcome them and to congratulate Bread for the World and its tens of thousands of members for 25 years of accomplishment in the service of humankind. It is a great honor for me to be a member of Bread for the World's board.

Bread for the World remains true to its origins as a grassroots organization working from local churches on through to the national and international levels to address the fundamental causes of hunger and poverty. The organization was founded in 1974 by a small group of Catholics and Protestants who sought to mobilize persons of faith to influence United States policies relating to hunger and poverty. Bread for the World grew rapidly under the outstanding leadership of the Reverend Arthur Simon, and now includes more than 44,000 members and churches. The Reverend David Beckmann serves very capably as the group's current President.

As a nonpartisan citizen's movement based in the Christian community, Bread for the World members work hard to promote policies that will improve the lives of hungry and poor people in the United States and around the world. Through their dedicated advocacy, Bread for the World members have been instrumental in winning key victories in the fight to alleviate hunger and poverty. They have, for example, worked successfully to improve and devote more resources to WIC and other child nutrition programs, to enhance food security in Africa by increasing investment at the farm and village level where it really counts, and to restore food stamp benefits to vulnerable legal immigrants. This year Bread for the World members are participating in the laudable worldwide effort, known as Jubilee 2000, to reduce poverty in developing nations through critically needed international debt relief.

I am proud to be able to give thanks for the moral commitment and grassroots mobilizing of Bread for the World members as they celebrate their 25th anniversary year. I sincerely wish them continued blessings as they carry on their efforts toward seeking justice and ending hunger.●

CONGRATULATIONS TO THE 1999 MISS NEW MEXICO

● Mr. DOMENICI. Mr. President, I rise today to congratulate Miss Katie Kelly, an exceptional young woman from my home state of New Mexico who was recently crowned 1999 Miss New Mexico. Miss Kelly, a Santa Fean, will go on to represent New Mexico in the Miss America contest in Atlantic City, New Jersey, this fall.

Miss Kelly is representative of the selfless, poised, and self-assured young women that I am proud to have represent our state on a national level. This year's Miss New Mexico laureate is a Christian Life Academy graduate who is now attending Santa Fe Community College. She plans to attend Pepperdine University next year and study broadcast journalism and voice. Her previous achievements include, being named 1998 Miss Albuquerque Teen USA, 1999 Miss Santa Fe America, and second runner-up of the Miss New Mexico Teen USA pageant.

I have no reservations that she will dutifully fulfill the responsibilities that accompany this accolade. I wish her the best of luck in the Miss America Contest and in all her future endeavors.●

TRIBUTE TO THE LADIES OF ALPHA KAPPA ALPHA SORORITY, INCORPORATED, BETA ALPHA OMEGA CHAPTER

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the ladies of Alpha Kappa Alpha Sorority Incorporated Beta Alpha Omega Chapter, commemorating 65 years of service to the people of Newark.

Alpha Kappa Alpha Sorority Incorporated was founded in 1908 at Howard University by 16 dynamic women. It is the oldest and largest Greek-letter sorority established by and for African-American women. Today, Alpha Kappa Alpha Sorority is an international network of professional women, with over 150,000 members and 900 chapters located in the United States, West Africa, Bahamas, the Virgin Islands, and Europe.

The ladies of Alpha Kappa Alpha Sorority have dedicated themselves to the spirit behind their motto "service to all mankind." After 91 years of service to the community, they continue to send college-trained women into the world to improve the social and economic conditions throughout the Unites States and abroad.

Beta Alpha Omega became an affiliate chapter in January of 1934 and now holds the honor of being New Jersey's oldest affiliate chapter of Alpha Kappa Alpha Sorority. The women of the Beta Alpha Omega Chapter have contributed immeasurably to the city of Newark and its surrounding areas. In 1998 alone, the chapter awarded $15,000 in scholarships to graduating seniors from high schools in Newark and Irvington; co-sponsored the Kwanza Celebration at the New Jersey Performing Arts Center; sponsored continuous voter registration events and provided "Share Baskets" for the needy at Thanksgiving.

The theme for the chapter over the next four years will be "Blazing New Trails" in the 21st century. This initiative will focus the chapter's community efforts on improving programs in the arts, education, health and economic empowerment, as well as in strengthening the African-American family.

The women of Beta Alpha Omega have faithfully served the people of Newark and its surrounding areas for over six decades. Their ability to respond to the challenges of our society is demonstrated through their active service in outreach programs. Moreover, these women represent an integral part of American history. As stated by the sorority's historian, Marjorie Parker: "History is of small worth unless its gifts nourish the seeds from which tomorrow's great achievements blossom." The women of Beta Alpha Omega are the seed of hope for the next generation of African-American women.●

TRIBUTE TO JONATHAN EDWARD STEPHENS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jonathan Edward Stephens on his graduation summa cum laude from Rensselaer Polytechnic Institute. I commend his outstanding academic achievements.

Jonathan was the 1995 Dover High School Valedictorian and went on to a superb academic career at Rensselaer. Ranking first in his class with a 4.0 average, Jonathan was also awarded the Erwin R. Gaerttner award, given to a nuclear engineer or engineering physics major. The award recognizes excellence in scholarship, personal character, and promise of outstanding performance in research related to nuclear engineering and physics.

Jonathan was also awarded the Senior Design Project Award for his project, titled the "International Neutron Spherical Torus Explosives Detector." His research will be used to detect land mines. Mr. President, as a veteran, I recognize our need to find land mines.

Jonathan also has exciting opportunities ahead of him. He has been offered a full fellowship at the Massachusetts Institute of Technology to pursue a doctorate in the field of nuclear physics. He has also received the national full fellowship from the Oak Ridge Labs in Tennessee to pursue a doctorate at any University in the United States. Jonathan has chosen to accept a position as a nuclear engineer with the Knoll Atomic Power Lab, a division of Lockheed Martin, where he will design nuclear reactors for the U.S. Navy's aircraft carriers. He plans to complete his Master's at Rensselaer.

As a former teacher and school board chairman, I recognize the challenges students face to succeed. I applaud Jonathan for his exemplary academic career. I wish him luck as he continues his education and work in the engineering field. I am pleased to recognize such an outstanding young mind, and it is with great pleasure that I represent him in the United States Senate.●

WEST VIRGINIA DAY

● Mr. ROCKEFELLER. Mr. President, I ask that we take a moment today to recognize the State of West Virginia. One hundred thirty-six years ago, on June 20, 1863, West Virginia assumed its proud position as the 35th State of the Union. Since that time West Virginia's natural resources and its citizens have and will continue to play a positive role in our Nation.

The phrases: "the mountain state," "wild, wonderful," and "a welcome change" are always reminders of West Virginia. Indeed, there are countless rolling hills dotted with horses, cows, sheep and their young. The State is home to memorable valleys, known for their rushing streams and rivers filled with bass and trout. Then there are the beautiful colors throughout the fall and spring that bedeck our glorious mountains, attracting tourists from across the globe.

West Virginia is a combination of rural farming communities, coal towns, resorts, and growing cities. It is unquestionably a State in which there is a place for everyone. I believe it is this diversity that attracts many to the State and causes numerous children raised in West Virginia to remain and invest in the State as adults.

West Virginians are proud of their State. As we stand at the dawn of the 21st century symbols of West Virginia pride and achievement can be heard, read, seen, and touched throughout the world via locally produced music, literature, works of art, and crafts. West Virginians are also proud of their people. Almost two centuries, ago, the State was known as the fighting place of the Hatfields and McCoys. Since that time, West Virginia has been the home of such remarkable people as, educator Booker T. Washington, pilot Charles "Chuck" Yeager, gymnast Mary Lou Retton, authors Pearl S. Buck, John Knowles, and Denise Giardina, singer and song writer Kathy Mattea, artists Barrie Kaufman, and Susan Poffenbarger, former astronaut Jon A. McBride, scholar Henry Louis Gates, countless athletes, and numerous others.

Today we have the opportunity to honor 136 years of statehood. I ask that we celebrate the people of West Virginia, that we honor the courage of their endeavors and achievements. I ask that we take strength from the majesty of the mountains as do the constituents of West Virginia, and finally that we, as members of this distinguished body, remember the broader message of freedom recognized by West Virginia's logo: Montani Semper Liberi, Mountaineers are Always Free. I am proud of this State and its people and am honored to represent them.●

TRIBUTE TO SHEILA ZELLERS, BRIAN HARDEN, ERNIE JONES, AND DON GREEN

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to four brave individuals who lost their lives last week in a tragic helicopter crash in Breathitt County, Kentucky. Sheila Zellers, Brian Harden, Ernie Jones, and Don Green, were crew members on a helicopter providing emergency medical service to rural Eastern Kentucky. On Monday June 14, 1999, these dedicated care-givers were returning to the University of Kentucky's Chandler Medical Center in Lexington, Kentucky, from Breathitt County Airport. Tragically, they did not make it.

Mrs. Sheila Zellers, of Elizabethtown, Kentucky, served as the flight nurse on the helicopter and had worked with the University of Kentucky's hospital for more than twenty years. She served in the hospital's neonatal intensive care unit and emergency room before becoming a flight nurse in 1991. More importantly, she was a loving wife and mother. Our hearts and prayers go out to her husband Jeffrey and their four sons.

Mr. Brian Harden, from Richmond, Kentucky, was the paramedic on Monday's flight crew. While only 33, he had already had a distinguished career providing emergency medical services in Kentucky as a paramedic. Flight paramedics, such as Mr. Harden, are critical in providing emergency care from the time they leave the scene until they reach the hospital. I would like to extend the Senate's deepest sympathies to his wife Patricia, and their two young daughters.

The helicopter's two pilots, Ernie Jones and Don Green, were both well-known among their colleagues as experienced, highly-skilled pilots. Frequently, the pilots who fly these emergency helicopters are called upon to land their helicopters in small parking lots, highways, pastures, and gorges, in order to safely evacuate their patients. Their families and friends will be in our prayers.

It is important that we recognize the impact these individuals and their colleagues have on the citizens of Eastern Kentucky. Like so much of rural America, the residents of Eastern Kentucky lack easy access to the advanced medical resources and trauma centers available in more metropolitan areas. In order to provide this much needed care to Eastern Kentucky, the University of Kentucky Medical Center began helicopter flights to the region in 1987. For 12 years, these emergency medical crews have ferried accident victims, critically ill children, cardiac patients, and infants too ill to travel by ambulance to the UK Medical Center. It is not unusual for these dedicated care-givers to work twelve hour shifts and fly up to seven missions a day, each time making a difference in the lives of their patients. It is with this in mind that we recognize the sacrifices of these dedicated care-givers and note that they will be forever missed by their families, friends, colleagues, and the Commonwealth of Kentucky.●

FUELS REGULATORY RELIEF ACT

● Mr. JOHNSON. Mr. President, I rise today to express my strong support of S. 880, the Fuels Regulatory Relief Act. This bill will provide relief to hundreds of propane suppliers, farmers, and ranchers in my State of South Dakota.

The Fuels Regulatory Relief Act would exempt propane from being included under the Environmental Protection Agency's Risk Management Program, or RMP, rule. The RMP rule was crafted as a way to increase awareness among state and local governments and the public of hazardous chemicals in communities. The thinking behind this rule was that if chemical companies had to develop and make public information about a worst case scenario in the event of an accidental release, the companies would take steps to lower the possibility of such an accident. Also, the authors of this rule thought local emergency teams would be able to respond more quickly and efficiently to an accident at a hazardous chemical site if the teams knew in advance how much damage to expect.

I do not have any problems with the RMP rule in that respect. I think communities can benefit from knowing the potential for chemical accidents that could happen within their borders. I do, however, have deep concerns about the inclusion of substances that are not toxic but are flammable. The RMP rule was not created to regulate flammable substances, as demonstrated by the EPA's decision not to include gasoline under the rule. Yet propane is included under the rule, and people who have more than 16,000 pounds of propane on their property will have to submit an RMP.

Complying with this rule is a great burden on propane suppliers, farmers, and ranchers, as the cost per site may be as much as several thousand dollars. I have been contacted by a number of propane suppliers in my State who have expressed their frustration with having to submit an RMP, and the American Farm Bureau has voiced its concerns about the effects of this rule on farmers who use propane for fuel purposes. Small business owners, farmers, and ranchers who possess and use large amounts of propane should not be forced to comply with a rule directed at curbing accidents involving hazardous chemicals, especially when flammable substances are subject to a number of other federal regulations.

For these reasons, I am proud to be a cosponsor of S. 880, the Fuels Regulatory Relief Act. I believe that exempting propane from inclusion under the RMP rule is consistent with the purpose of the rule, as it does not change the way hazardous and toxic chemicals are regulated. The Fuels Regulatory Relief Act will save propane users and suppliers in my State thousands of dollars in compliance costs, and I urge my colleagues to support its expeditious passage.●

TRIBUTE TO JOYCE TUGEL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Joyce Tugel for her outstanding work as a teacher at Marshwood High School. Joyce is one of 208 teachers nationwide to receive the "Presidential Award for Excellence in Mathematics and Science Teaching."

This award, which is administered by the National Science Foundation, is the highest honor a secondary teacher of mathematics and science can receive. Joyce, who teaches chemistry and freshman science, applied for the award in February 1998. The process was very intense with minimum requirements of: a 20-page report showing evidence of talent, an assessment of student learning, a listing of background and experience and even photographs of learning activities.

Joyce received both her bachelor's and master's degrees from the University of New Hampshire. She was a biogeochemistry research scientist at UNH's Institute for Study of Earth, Ocean and Space in Morse Hall. She has now been with Marshwood High School for 9 years, and is one of their most valued faculty members.

As a former high school teacher, I am extremely pleased to see educators from New Hampshire being nationally recognized for their tireless efforts and dedication to education. I commend Joyce for her excellent track record. I am proud to represent her in the U.S. Senate.•

STEEL CRISIS

• Mr. DURBIN. Mr. President, there is a crisis facing the steel industry in the United States, a crisis that has left over 10,000 steelworkers out of jobs and could jeopardize the jobs of thousands of additional workers. This disruption is a result of subsidized and dumped goods coming into the United States from a variety of countries—from Russia, from Japan, from Brazil, from Indonesia—at far under the cost of production and far under the price the steel is being sold in those countries.

While our existing laws and administrative procedures are in place and we've received favorable preliminary indications from administration officials, the time it takes to process these cases is too long and does not respond to a situation as dire as ours quickly enough. For example, hot-rolled carbon steel dumping petitions filed in September 1998, a full 10 months after the import surge began, were only recently decided. Under current law, industries and workers must wait until the injury has occurred or is so imminent as to be unavoidable to file a section 201 case.

Meanwhile, steelworkers continue to lose their jobs and the steel industry is suffering tremendous losses from which it may not easily recover. I shouldn't have to remind anyone that five American steel companies have declared bankruptcy and two of them are in the State of Illinois (LaClede Steel in Alton, IL, and Acme Steel in Riverside, IL) and at least 10,000 of the Nation's 170,000 steelworkers have been laid off. Illinois is one of the top steel producing States and we're proud of our steelworkers, the industry, and the products that they make for the American people and the world.

It is my belief that we should approach this situation with both short-term and long-term strategies that will complement each other and produce the maximum benefit for the U.S. economy, the steelworkers, and the industry. First, steel mills need access to capital to stay open and to keep their workers on the job, producing the finest and best steel in the world. That's a short-term approach that will help the industry and the workers when they need it most: now. And that's an approach that we take with this bill: H.R. 1664, Byrd-Domenici Steel Oil and Gas Loan Guarantee Program.

H.R. 1664 would provide a short-term, GATT legal, guaranteed loan program to address the cash flow emergency created by the historic steel import surge. The maximum aggregate amount of a loan guarantee that could be available to a single company would be $250 million. The guarantees provided to U.S. steel mills would be 6 years in duration, would require the commitment of collateral, and would require a fee to be paid by the borrower to cover the cost of administering the program. The level of guarantees to be provided to a steel mill would be 85 percent.

Finally, a board would be created in order to implement a steel loan guarantee program that provides maximum benefits to the U.S. steel industry and protection to the taxpayers.

Second, we need to put more teeth into current trade laws. Specifically, we should strengthen section 201 language by removing a very high causation standard and replacing that standard with a lower threshold by which U.S. industries and workers can prove their cases more easily. Let me state for the record that if we reform our trade laws and we ensure our trading partners know we are serious about enforcing those laws, the incentive to dump steel or other imported products will be reduced. I liken this to the Senate filibuster. The threat of a filibuster may be far more effective than the actual filibuster itself. Similarly, the threat of more readily-proven dumping cases may, in fact, make a country think twice about dumping a product illegally into this country. Legislation was recently marked up in the Finance Committee that addressed the issue of section 201 and we should have a healthy debate about that as well.

In the meantime, Mr. President, we have a responsibility as Senators to address this issue as well as the serious situation the oil and gas industries is currently experiencing; and, I hope we can find a consensus solution that will help both these backbones of the U.S. industrial sector.•

TRIBUTE TO JOEL YEATON

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Joel Yeaton of Exeter, NH for his outstanding volunteer service. Joel received the "Prudential Spirit of Community Inspiration" Award, given to those who are significant contributors to their community in the face of enormous personal challenges.

As a volunteer, Joel created the "Help Them Heal" fund to support spinal chord research and facility improvement at the Children's Hospital in Boston. He has raised over $10,000, a figure which was more than double his original goal.

The reasons Joel's accomplishments are so extraordinary is he too suffers from Curvature of the spine. Instead of focusing on his own problems, Joel is consumed with making spinal surgery and extended stays at the Boston Children's Hospital easier for others, especially the younger patients. His concern for people suffering from spinal problems similar to his has led him to establish the "Help Them Heal" fund.

The money Joel's fund has raised will be used for research on improved spinal surgical techniques. The funds will also be used to purchase a computer, games, and educational materials for the patients at the hospital.

I commend Joel for his commitment and dedication. He is an inspirational young man. I am proud to represent him in the U.S. Senate.•

TAXING THE WEB

• Mr. MOYNIHAN. Mr. President, I would like to bring to the attention of the Senate, an OP-ED entitled "Taxing Web Wallets" that appears in today's New York Times. This article on the tax treatment of Internet Commerce is by my nephew, a former Treasury official, Michael Moynihan. Last October Congress passed the Internet Tax Freedom Act, which placed a three year moratorium on any new taxes on the Internet. But as Michael Moynihan points out, ". . . we have yet to address the long-term tax consequences of the movement of trade on line."

I ask the article be printed in the RECORD.

The article follows:

[From the New York Times, June 21, 1999]

TAXING WEB WALLETS

(By Michael Moynihan)

WASHINGTON—Last month, 14 million Americans bought something on the Internet. Taking advantage of what might be the last tax loophole, 99 percent of them did not pay sales tax. Without knowing it, most broke the law. States cannot force out-of-state sellers to collect sales taxes, but 45 require buyers to pay the tax anyway. Compliance is virtually nil. Today, a Congressional commission on electronic commerce takes up two key questions: How do we tax the Internet? Should we?

The Internet Tax Freedom Act, passed last fall, impose a three-year moratorium on cyber-specific taxes. By banning the infamous "bit tax," which would tax every E-mail and downloaded image, the law helped the Internet marketplace flourish. Freedom from a thicket of 30,000 state and local taxing jurisdictions has provided predictability to the Web economy.

But we have yet to address the long-term tax consequences of the movement of trade on line. Last year, Americans bought $43 billion in goods and services over the Internet; next year the figure is expected to reach $250 billion. That's a lot of lost sales tax. Governments will have two choices: cut services or find this money elsewhere. When the moratorium expires in 2001, the Internet will become fair game. Retailers who can't or won't sell on line, from barbers to boutiques, will clamor for equal sales tax treatment.

The erosion of sales tax revenue could mean the end of the sales tax altogether. In Europe, where governments rely on value-added taxes, fearful authorities are already diverting inspectors from ports to the post office, where they open up individual packages looking for wily Internet scofflaws. And no one has come up with a way to monitor the purchase of digital goods like software.

Why can't we just extend the obligation to collect sales tax to Internet merchants? Thirty thousand taxing jurisdictions means millions of rules, not easily adapted to E-commerce. The big states are quiet because they themselves are high-tech leaders. Though the commission will make its recommendations next May in an election year, it shouldn't pull punches. If the panel doesn't develop fair tax rules for the new economy, 30,000 local authorities and their overseas counterparts will be waiting.●

BOSTON CELTICS' "HEROES AMONG US" AWARD

● Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to salute a group of special individuals who have been honored by the Boston Celtics as "Heroes Among Us." These are people representing all walks of life who have helped others. They have demonstrated courage, they have made sacrifices, and they have achieved worthwhile goals. They have improved lives, and sometimes saved lives. Some have worked with the elderly and others the very young. Some have overcome personal handicaps, and all have inspired others. In doing so, they have tackled difficult issues and helped the entire community. These heroes are role models. We look up to them as examples of people who have made a difference. They are eminently deserving of the award bestowed upon them by the Boston Celtics.

The "Heroes Among Us" Award was instituted by the Boston Celtics Charitable Foundation in 1997. Since then, 67 heroes, including educators, business executives, medical professionals, clergy and public servants, have been honored. During a special ceremony each home game on the Celtics legendary parquet floor at Boston Garden, the heroes were honored by players and fans at home games during the past two basketball seasons.

The Boston Celtics have a long-standing tradition of giving back to their community. Throughout the years, the team has initiated or participated in many community outreach programs, through the non-profit work of the Boston Celtics Charitable Foundation and the Red Auerbach Youth Foundation.

In 1996, the Celtics organization was awarded the Professional Team Community Award from the World Sport Humanitarian Hall of Fame, and was honored for having the most effective and innovative community relations program among all professional sports teams. The Boston Celtics' players, coaches, family and staff are committed to improving the lives of youth and families. Their philosophy—"The Celtics Standing Tall in Partnership with the Community"—is reflected year after year in the outstanding work they do to accomplish their mission, and I commend them for their brilliant achievements.●

TRIBUTE TO PHIL GRAVINK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Phil Gravink the senior statesman of New Hampshire's ski industry. Phil Gravink is one of the industry's most respected and experienced leaders. He is currently director of Attitash/Bear Peak Resort in Bartlett. This resort is New Hampshire's largest and is a vital part of the state's economy, attracting skiers from all over New England and bringing in millions of dollars in revenues. Phil is a resident of Jackson, and has devoted 36 years to operating ski resorts, 22 of which have been in New Hampshire.

Phil Gravink has had a truly successful and distinguished career. He has served as chairman of the National Ski Association and the American Ski Federation. In 1963 he founded Peak 'n Peek ski area in Western New York. He then served as superintendent of Gore Mountain Ski Area in New York until he came to New Hampshire in 1977 as General Manager of Loon Mountain. In 1980 he became president of Loon and lead it through its most successful growth years. In 1991 he moved on to a Littleton based "sno.engineering" company as a senior associate, and then helped operate the two state-owned resorts: Cannon and Mount Sunapee ski areas. In 1992, he took the job as head of Attitash/Bear Peak and oversaw an extensive expansion that nearly doubled the size of the resort.

Phil Gravink has been an integral part of New Hampshire's Ski industry. On June 4, Phil announced his retirement, but plans to stay with Attitash/Bear Peak as an advisor. Phil and his wife are scheduled to spend the year 2000 on a bicycling trip around the world, raising money for the New England Ski Museum and the Northeast Passage, a disabled sports program that his daughter Jill has worked to develop. The Northeast Passage began as a way for post-trauma patients to become re-involved in skiing and has since expanded to involve other sports.

I commend Phil for his critical role and unwavering dedication to the success and progression of the New Hampshire ski industry. I wish him and his wife the best of luck in the Odyssey 2000 cycling trip. Phil Gravink is a great business man and a model citizen. His retirement leaves behind a great legacy. It is an honor to represent him in the United States Senate.●

IN SUPPORT OF THE VICTIMS OF PAN AM FLIGHT

● Mr. TORRICELLI. Mr. President, I rise today to discuss an issue that is important to me, and many of my constituents, in the context of the Foreign Relations Authorization Act. The tragedy of Pan Am Flight 103 occurred over ten years ago. 270 people were killed as a result of the bombing over Lockerbie, Scotland, including 189 Americans. The bombing of Pan Am 103 was the worst act of international terrorism ever directed against the United States. Since then, we have fought a long battle to see the perpetrators of that crime brought to justice. I have personally spoken to the families of the victims and shared their outrage that the suspects were harbored by the Libyan government.

It now appears as if the indicted suspects, Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah, may finally be tried for their crime. Colonel Qaddafi has turned over the two men to stand trial before a Scottish court, under Scottish law, and by a panel of Scottish judges in the Netherlands. Barring any unforseen problems, a trial of the two men suspected in the bombing of Pan Am 103 is all but certain to take place at the Hague.

This Congress and the Administration have been extremely supportive of the victims' families, but it would be fair to say that they have seen little justice over the past 10 years. We have all been touched by this tragedy. In the State of New Jersey alone there are 38 family members who lost a loved one aboard Pan Am 103. As we move toward a trial, an appropriate gesture from this Congress to the families is the opportunity to witness the trial. The United States has made clear our determination in seeing these two men tried for their crime. Now we must be equally determined to let the victims' families, who want to, witness the trial.

I offered language during Committee consideration of this bill to authorize the release of as much money as is necessary from Libyan assets frozen in the United States since 1986. These funds would be used to cover the travel expenses for all immediate family members who wish to go to the Hague. I can think of no one more appropriate to cover the cost of the families' travel expenses than Muammar Qaddafi.

However, since the Foreign Relations Committee approved this bill, Congress has passed the Emergency Supplemental Appropriations bill. I am pleased that we were able to include language to allow money form the Crime Victim's Fund Act to be used to cover the costs of the trial. It is important that we make this important gesture to the families at such a critical time, and I look forward to seeing this provision implemented.•

TRIBUTE TO THE CONCORD HIGH SCHOOL GIRLS' LACROSSE TEAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Concord High School girls' lacrosse team, the Crimson Tide, on their fantastic 1999 season.

Remarkably, Concord High School's lacrosse team, which was just established last year, had one of the best records in the state this year. Under the direction of Coach Terry Anderson, this young team compiled an impressive record of 17 wins and only three losses—making it to the state finals.

The Crimson Tide, consisting predominantly of freshmen and sophomores, made great strides this season. Led by team captains Molly Aldrich, Kate Provencal, and Katie Anderson, they had one of the most impressive records in the state. With many of the players returning to play next season, they are sure to remain a strong force in New Hampshire lacrosse.

Although they were not successful in winning the state championship, the team showed true sportsmanship and team spirit in the wake of such an amazing season. Perhaps most importantly, after the hard-fought championship game, the two teams showed outstanding sportsmanship in the sincere way they congratulated and publicly complimented each other on their game. The overall performance of Concord High School's lacrosse team confirmed that this program is one of New Hampshire's finest.

Mr. President, I congratulate every member of the Concord High School Crimson Tide girls' lacrosse team, as well as their coach, Terry Anderson. I wish them luck in the future and in all their following lacrosse seasons. It is an honor to represent these hard-working and talented young people in the United States Senate.•

RECOGNITION OF DR. LIONEL SWAN

• Mr. LEVIN. Mr. President, I rise to honor a legendary figure in the civil rights movement in Michigan, Dr. Lionel Swan. Dr. Swan died last Wednesday at the age of 93, leaving behind a reputation as an extraordinarily effective leader in the struggle for civil rights.

Dr. Swan was a living example of the great things that can be accomplished when you combine determination, courage and dignity. Dr. Swan put himself through college and medical school by doing menial labor during the day. He often related a story of an incident which strengthened his resolve to continue on this hard path to his goal of becoming a doctor. One day, a white man called Dr. Swan "boy" and threw a cigarette butt on a floor he had just finished mopping. Dr. Swan is said to have responded, "Mister, I want to thank you. I've been debating whether I should leave this job for college and you just convinced me I've got to do it so the next time I see somebody like you, he can't call me boy."

Dr. Swan was able to ignore ugly slights and concentrate on what is most important in life. Dr. Swan went on to graduate from Howard University Medical School and practice medicine in Detroit. He was elected President of the National Medical Association and the Detroit Medical Society, where he led the effort to allow African-American physicians to practice medicine at the former Harper and Grace hospitals. Dr. Swan was also a longtime, active member of the NAACP, helping found the Detroit NAACP's Freedom Fund Dinner which raises money annually for its many worthwhile goals and is one of the largest gatherings in the country.

Mr. President, Dr. Swan was always firm in principle and gentle in demeanor. He let his actions serve as an example to others in the fight for equality and civil rights. I was a great personal fan of his. I know my Senate colleagues join me in honoring Dr. Swan on his life's many outstanding achievements.•

TRIBUTE TO HONOR CAMPTON CONGREGATIONAL CHURCH

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Campton Congregational Church which will be celebrating its 225th Anniversary on June 27. The church first organized on June 1, 1774 and has been serving the people of Campton ever since.

The first meeting house was formed in 1770 and the present building has been in use since 1824. The building has been renovated several times but the members have strived to maintain its original integrity. The church's chandelier is also original to the church and its interesting to note that it used whale's oil. The current pastor, Vi Eastman, is the church's 35th pastor and its first female pastor.

As a person of strong religious convictions, I applaud the services and strong sense of family and community that the church has provided to its community. Furthermore, I admire the perseverence of the church's members and their attention to preserving the historical features of the church.

I commend the Campton Congregational Church and wish them luck in the next 250 years. It is an honor to represent the members of Campton Congregational Church in the United States Senate.•

APPOINTMENT OF CONFEREES—H.R. 1664

Mr. HELMS. Mr. President, I ask unanimous consent that with respect to H.R. 1664, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. DURBIN.

ORDERS FOR TUESDAY, JUNE 22, 1999

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 22. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I further ask that at 10 a.m. Senator WELLSTONE be recognized to offer two amendments as provided for in the agreement of June 18. I further ask consent that at 11:35 a.m., prior to the cloture vote on the motion to proceed to the steel import limitation bill, there be 40 minutes of debate equally divided between the two leaders, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Further, Mr. President, I ask unanimous consent that following the 12:15 vote, the Senate stand in recess until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. For the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and immediately resume consideration of the State Department authorization bill. Under a previous order, a cloture vote on the motion to proceed to S. 975, the steel import limitation bill, will take place at 12:15 p.m. with 40 minutes of debate on the motion prior to the vote.

Following that vote, the Senate will stand in recess until 2:15 p.m. so that the weekly party conferences can meet. It is the intention of the majority leader to complete action on the State Department reauthorization bill during tomorrow's session of the Senate and to resume consideration of the agriculture appropriations bill. Therefore, Senators can expect votes throughout the day on Tuesday.

ORDER FOR ADJOURNMENT

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, only to note that Senators REED and SCHUMER may also come to the floor for morning business time, after I have spoken. If the Senator would amend his request that the Senate stand adjourned after the three of us have had an opportunity for morning business, then I have no objection.

Mr. HELMS. Does the Senator mean this evening? When I last talked with the distinguished Senator from New York, I thought he wanted to come tomorrow. But if he wants to come this evening, fine.

Mr. DURBIN. Both Senator REED and Senator SCHUMER, as well as myself. I see Senator REED is on the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. DURBIN. Mr. President, thank you for the recognition, and I see the Senator from Rhode Island has joined me. I would like to address for a few moments an issue which, frankly, more than half of the people in America identify as something that worries them—a worry over your health insurance. How good is it?

The rules being written by insurance companies now have you worried as to whether you can go to a doctor and get the kinds of treatment you really need for yourself, or your wife, your husband, or another member of your family. Can you go to the hospital of your choice if you have an emergency and need to go to the emergency room? Can you go to the hospital that is closest to where the accident occurred or to your home, or wherever? Does your insurance company say you have to go to another place? If you need a specialist—absolutely need one for your own medical care—can you expect, under your plan, to get that specialist, or do you expect to enter into a negotiation with your insurance company as to whether they will let you go to a certain specialist?

When you doctor sits down with you in his office, when your heart is beating hard and you want to know what kind of treatment you need for that someone you love, are you sure that doctor is always telling you his best judgment based on years of medical training, or is he telling you what the insurance manual says he can tell you under the terms of his contract with the insurance company? If, God forbid, something goes wrong with a procedure, or something is done that ends up wrong, can you hold whoever is responsible accountable even if it was the insurance companies fault?

These are basic questions that families across America are asking every day. In fact, a Rand study said that 115 million Americans either had a personal experience, or a member of their family or someone they knew had such an experience, with an insurance company that troubled them about whether or not they were being treated fairly.

So the question before the Congress is: Can we try to bring some balance back to this situation so consumers and families across America, when they sign up for health insurance, have some assurance that they are going to get fair treatment, professional treatment, and quality care? It is pretty basic, isn't it?

Can you think of another time in your life when you are more vulnerable than when you are sick, or when you have a baby you love in your arms and you say: Doctor, what does my baby need? Have you ever felt more helpless? I have been there! A lot of Americans have been there. You want to know, when that doctor looks in your eyes and says the best treatment for your little girl is the following surgery at the following hospital, that that is his best medical decision, not an insurance company decision.

How can you hold people accountable in medical care when you have a situation under the law where you cannot take the insurance company into court to hold them responsible for their decisions? That, sadly, is the law today.

So the law that we are hoping to debate on the floor of the Senate and the House called the Patients' Bill of Rights would try to rewrite this basic relationship, so that when you are dealing with your health insurance company, it is with more confidence that you are getting the best care, that you are getting honest answers from your doctor, that the recommendation coming to you for a member of your family or yourself is the best medical recommendation, not an insurance company recommendation.

Now, this is an issue that is not new. We have had it around for a while. But for some reason, the leadership on the other side of the aisle does not want to debate this issue. They don't want us to talk about it. In fact, today there was an unrelated bill, the agriculture appropriations bill before the Senate. BYRON DORGAN of North Dakota looked at the agriculture appropriations bill and offered the Patients' Bill of Rights as an amendment to it. What does that have to do with agriculture? Well, not much. People listening will say: Why did you do that? Well because he was, in desperation, trying to get this matter to the floor because, try as we might, leadership on the other side of the aisle does not want to debate this issue. They don't want Members of the Senate—Republicans or Democrats—to enter into a debate and have to face tough questions.

How are you going to vote? If I am not mistaken, I accepted voting as part of my responsibilities as a Senator from Illinois. Isn't that why I am here—to debate issues and vote, to use my best judgment to try to improve the law so the people in my State and across the Nation are better off?

One of the key questions here is: What do you do when an insurance company decides that they are not going to provide certain care to you? You have heard these cases. You have seen them in local hometown newspapers, on television, and on the radio where somebody says they need a certain treatment and the insurance company says no.

What is next? Well, under the bill we have proposed on the Democratic side, we have a speedy independent appeals process. Well, it keeps you out of court and gets a decision made by somebody who may be objective. I think that is fair. That is what the Democratic bill proposes.

The Republican bill, however, suggests that the insurance company should decide whether a denial is actually appealable and the insurer which has turned you down gets to pick somebody who will then decide whether the insurance company is right or wrong. And if you are injured, by their denial, you cannot sue. Sound fishy? It does to me. Basically, as far as I am concerned, the insurance company is insulating itself from ever making the right judgment.

That is exactly the situation that we have today. It was recognized by one of the major newspapers in this country, USA Today. This article is from June 19 of last year. They called insurers the "new untouchables"—people you can't sue—your HMO, managed care insurance policy.

> Bill Weaver, age 52, says his HMO misdiagnosed a brain tumor for 2 years and

> told him his condition was inoperable and hopeless.
>
> Jerry Cannon's wife Phyllis died from leukemia after her HMO denied a bone marrow transplant her physician recommended.
>
> Melody Louise Johnson died at the age of age 16 of cystic fibrosis. Her mother says the HMO overruled the specialists.

These are families from across America. Under the law as it is currently written, what recourse do these people have for the terrible outcomes dealing with insurance companies? Listen to this. They can go to Federal court and hire a lawyer and sue the insurance company. Do you know what they can recover? The cost of the procedure—the cost of the medical procedure. So if somebody dies, God forbid, you cannot recover for their death. If someone lingers and suffers literally for years because of a bad decision by the insurance company, they are not liable for that. If someone can't go back to work for 12, 24, or 36 months, you cannot recover a penny for that. They are the untouchables, the HMOs, the managed care insurance companies. They cannot be sued for anything other than the cost of the procedure.

Well, I am sure, if you are listening to this, you think there must be a whole lot of companies in America which have similar treatment. No. This is the only group of companies in America that cannot be held accountable for their wrongdoing. How did it happen? Well, it happened right here. It happened right here many years ago when we passed something called ERISA, the Employee Retirement Insurance Security Act. This was a bill passed in 1974 that was supposed to protect workers. Instead, in recent years it has provided insurance companies with a legal shield. And 123 million Americans with their health insurance plans through their employer have nowhere to go when a bad result comes out of a bad insurance company decision. I think that is wrong.

I don't think these insurance companies should be treated any differently from any other company, large or small, in America, or any other person, for that matter. If you are so reckless as to drink too much and get in your car and have an accident, can you be held accountable in America? You bet you can, and you should be. But if an insurer is reckless in making a decision about health insurance for somebody's daughter—if they make the wrong decision and they are maimed, crippled, or they die, can they be held accountable as an insurance company? Well, no, not really. That doesn't make sense, and it is not fair.

Let me tell you about another case that really illustrates this very clearly. Carly Christy. These are the words of her father:

> Carly was nine years old when she was diagnosed with malignant kidney cancer. When the HMO insisted that we trust our daughter's delicate surgery to remove the cancerous tumor from her kidney to a doctor with no experience in this area, we were forced to find an expert and pay out of our pockets. You only get one chance at removing a Wilm's tumor correctly and successfully, to ensure the highest probability of survival in children, and we weren't willing to take that chance with our daughter's life because the HMO wanted to save money.

Her father Harry Christy says:

> Congress must close this loophole and hold health plans accountable for cost-cutting decisions that result in patient injury.

Take a look at the two bills on the floor—the Patient's Bill of Rights, as they call them. How would they help Mr. Christy with his little daughter?

Frankly, the Republican bill offers no recourse, no place to turn, because the HMO didn't deny treatment. In the Republican bill only outright denials are appealable, all quality issues are not appealable. In Carly's case the HMO just said you have to go to Dr. X who has never done this before. They were going to get treatment but not from the best doctor.

If it is your daughter, don't you want the best and the brightest in America operating on her to try to save her life? If they said go to this other doctor who has never done this before on a surgery that is life and death, wouldn't that cause you some trouble?

Harry Christy decided he and his wife were going to pay for this out of their pockets. I don't have to tell you what kind of money we are talking about. Average families literally put everything on the line—their homes, savings, everything they can gather—for this care. That is how much they love this little girl and how much they think the insurance company made a big mistake.

Under the Republican approach, that insurance company cannot be held accountable, because they said go ahead, go to a doctor who is inexperienced and if Carly had been injured by that insurance company's direction, the insurer would still have been immune from suit.

The Democratic Patients' Bill of Rights says first you have a speedy external appeal, by someone not chosen by the insurance company, to decide whether the insurance company is right. If it turns out they are wrong, you can literally recover what it costs and the pain and suffering your family has gone through. If your daughter, for example, because of this mistake, has long-term problems, she can recover for that, too. I think that is sensible. I think it is reasonable.

We have a chance with the Patients' Bill of Rights to do something for families across America—to finally bring this issue to the floor of the Senate. It is regretful that today when Senator DORGAN tried to bring this issue before the Senate, he was stopped. The Republican leadership was so determined not to debate this issue, they pulled this bill from the floor. They said we will not debate it.

Of course, we are in evening business and Senator REED of Rhode Island will follow me and discuss this as an issue whose time has come. This is an issue that affects literally all Americans. If we are going to make certain that we cover the millions of Americans who are concerned about their health care coverage, concerned about the quality of care, and concerned about their rights under the law, then we have to deal with reform that is meaningful.

The Democratic Patients' Bill of Rights has the endorsement of 200 professional organizations, including medical organizations, labor organizations, and consumer organizations. They have come forward and said this is the real deal here, the Democratic version is the real deal. The Republican bill has no support. Well actually they probably have the support of insurance companies, but it doesn't have the support of any health groups. I think this is about health and access to health care.

We wrapped up last week a 5-day debate on protecting computer companies from being sued if they don't change their computers for this Y2K problem. The debate went on a long time. I think it was an important debate.

If we can spend 5 days debating protecting computer companies, can't we spend 5 hours talking about protecting families across America, worried about health care coverage? Can't we bring for a vote on the Senate floor the very fundamental question as to whether or not the courthouse doors are closed when it comes to health insurance companies? Can't we suggest that in America—rich or poor, individual or business—we are all held accountable in court, all of us as American citizens, and that we shouldn't have the untouchables, the health insurance companies, who can't be brought into court?

I hope this week we will take this issue up. I hope my colleagues on both sides of the aisle will understand the gravity of this issue and move forward.

I yield the floor.

Mr. REED. Mr. President, I rise today also to join my colleague from Illinois and to speak about an issue which is of great concern to the American people. That is the Patients' Bill of Rights.

As is my colleague from Illinois, I am terribly frustrated. We are in the third week of June. Yet we have not been able to get this legislation to the floor for debate. Senator DORGAN today tried to do that, but he was frustrated.

As Members go around this great country—and I will speak from my experience in Rhode Island—we talk to our constituents and there is a sense we have made progress on economic issues. The economy is doing better. People feel better about their jobs and about the future.

If you speak with them for any length of time and ask them what really bothers them, they will quickly state they are afraid of getting sick. They are afraid, as a breadwinner, of becoming sick and not being able to get the care they need, even though they are in an insurance program. And they are particularly concerned about the health of their children.

They have heard the stories and read the newspaper articles, as the Senator from Illinois pointed out, about the numerous people who have been paying for insurance or have been the beneficiaries of employer-paid-for insurance. They have become ill, gone to their HMO thinking that at least they had insurance coverage, and they discovered they did not have it. They did not have it when it counted. They did not have it when they needed it, when they were ill or their children were ill.

That is why we are advocating so strenuously bringing the Patients' Bill of Rights to the floor for debate.

In March, I participated in the deliberations in the Senate Health Education Labor and Pensions Committee. We voted out a bill on partisan lines. It is not the bill I prefer. It is a bill that is deficient in many respects. However, it is the basis of debate, and it is the basis of the debate we should be having today on the floor of this Senate.

There are two versions of this legislation. There is a Republican proposal and there is a Democratic proposal which my colleague from Illinois was talking about so eloquently. There are many differences. One of the most startling differences is that the Republican proposal covers a very small fraction of Americans. Not all Americans that have private health insurance are covered by HMOs. Under the Republican bill, a lucky 48 million Americans would have some protections.

Ask yourself, if these protections are appropriate for 48 million Americans, why aren't they appropriate for every American who is part of the managed care health plan? I think the answer is quite clear: The Republican version is more sham than substance; more window dressing than a valiant, serious attempt to address the concerns of every American.

That is unfortunate. Why should there be one person who is lucky enough to fall within a narrow category that is covered by the Republican plan—that person having access to quality care, that person having certain appeal rights—yet his neighbor, who is also covered by an HMO plan but one that is funded slightly differently is without these protections? There is absolutely no logic to this. The Democratic proposal would cover all Americans who are in these private HMO plans. It would do so in a way that ensures people are getting what they paid for.

That is the other irony in this whole debate. We are not talking about a program which, through the generosity of the government or the generosity of someone else, people are getting some health care from insurance companies and they are deciding they shouldn't get X or they shouldn't get Y. These health insurance companies are being paid significant premiums by individuals and their employers for coverage. Yet the coverage is not being provided in so many cases.

I am particularly concerned that this narrow scope is extremely detrimental to the children of this country.

Only about a third of the children in these managed health care plans would be protected by the Republican program. I ask, very sincerely, why can't we at least cover every child in America? Is that too much to ask? I think not. I believe every American would recognize the need to do that.

Now, managed care has provided benefits for children in this country. Their emphasis on preventive care, their emphasis on immunizations are all very good. But, frankly, I have a distinct impression a lot of what they are calling coverage for kids amounts to taking the premiums but not providing the service.

I had the occasion to meet with a physician from California, from the University of California at Los Angeles, who has a very innovative program. In this program, he goes from school to school with a van to cover children who have asthma. It is very effective because not only does he diagnose the children and then treat them and then follow them up, which is critical, but he also looks at the statistics.

He was able to essentially categorize all his patients into three groups: Those with private HMO insurance, those with California Medicaid insurance for low-income children, and those children without any coverage at all. What was startling to me was that when he looked at these different populations, he found essentially these kids got the same coverage, regardless of their category of insurance. All they really got was an emergency room visit, and when they saw the doctor because they had a terrible asthma episode, they were given, in the emergency room, a little paper bag with an inhaler and a few bits of medicine and then they were sent home—those without insurance, those with Medicaid insurance, and those in managed care plans for which an employer was paying a great deal of money.

That just goes to show we really have to do a great deal more to ensure that children get the benefit of the health insurance plan they are supposed to be part of. Then we have to ensure that all of our citizens who participate in these plans get fair and adequate coverage. That is, at the heart of the Democratic Patients' Bill of Rights, ensuring that all of our citizens who are in these managed care plans get access to quality coverage at affordable prices.

I would like, for a moment, to concentrate on children in these plans, because, as I said before, this is a special concern of mine. I think, at a minimum, we can emerge from this Congress with legislation that guarantees every child in America access to quality health care, provisions in their managed care plans that make sure children are treated and treated well.

Senator DURBIN was talking about a parent whose child had a rare cancer. The HMO said: Yes, your daughter is quite ill, perhaps terminally ill. We will send her for treatments, not to a pediatric oncologist or a pediatric surgeon, someone who specializes not only in cancer but pediatric cancers, we are just going to send her to a surgeon. Those parents had to pay out of their own pocket, presumably, to get the right kind of care for their child.

In the Democratic bill, there would be a guarantee that a child would have access to a pediatric specialist and pediatric services, because children are not just small adults. They have specialized health care needs that are very different from those of adults. But too often in managed care plans throughout this country they are simply treated as small adults, if they are treated in particular at all.

There are some other things we have to have for children in these plans, particularly for children. We have to have expedited review, not only if their life is in jeopardy but also their development because this is another difference between an adult and a child. Adults are usually fully developed. Children are not. There are conditions which might not be life threatening but certainly threaten their development, both physical and intellectual. In those situations there have to be expedited appeals. Then we have to have the continuity of care for chronically ill or terminally ill children.

We also have to recognize the information parents get when they make a choice about their health care plans should include specific information about how that plan treats children. Too often such information does not exist. Too often it is all done in terms of adult outcomes, adult studies. Unless parents have this information, sometimes the only time they realize how well their child is covered is when they discover their child is not covered well at all because he or she is deathly ill and is not getting the kind of care he or she needs or deserves.

I am encouraged because Senator BOND has introduced a bill entitled "Healthy Kids 2000," which includes access to pediatric specialists similar to that in my legislation. Also, Senator CHAFEE has introduced a managed care bill, which also talks about access to pediatric specialists. So I hope there is an emerging consensus across the aisle that we have to do more for children in managed care.

But let me say again, the Democratic bill strongly and emphatically defines the special rights of children in managed care. We have actually taken surveys and asked the American people, regarding access to care for children, what do they want; what do they demand. They want high-quality care. They want access to specialists. They want to be able to protect the development of children. They want to have expedited reviews when children's development or lives are threatened. And they are willing to pay for these provisions. What we found in too many managed care plans is that these types of protections just do not exist.

In 1992, there was a study done of pediatricians. They found there were significant barriers to pediatric referrals in the managed care system, that pediatricians in the managed care system often encounter barriers to referring their patients to pediatric specialists. Of these pediatricians who were surveyed, 35 percent believed their patient's health was compromised because of the denial of access to pediatric specialists. This is a real problem, and it is a problem the Democratic proposal resolves.

The PRESIDING OFFICER. The 10 minutes allotted for morning business for each Senator has expired.

Mr. REED. Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. As I mentioned, these provisions that would help protect children are provisions which the American people want and the American people will pay for. They are provisions that are at the heart of the Democratic Patients' Bill of Rights. I think it is time to move. It is time to move forward on a debate about this critical issue, an issue that affects every family in this country. It is an issue that is critical to their well-being. It is an issue, frankly, that they sent us here to work on, to debate and to vote on. Difficult votes they may be, but they sent us here to take these votes.

So I urge my colleagues to join together to begin the debate, to reach a conclusion, and to do something the American people want us to do—give them the opportunity to protect their health and the health of their families.

I yield the remainder of my time.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the body for 10 minutes, under morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, first, I compliment my colleague, the Senator from Rhode Island, for what he had to say today. He is exactly right about one of the problems we face these days with HMOs; that is, that many types of children's health are neglected.

Just today I was in both Rochester and Syracuse, back in my State, New York, meeting with doctors and patients and health care providers about the problems they face in the health care area. What I found over and over was this problem that we are talking about that would be rectified by the Patients' Bill of Rights, as the Senator from Rhode Island correctly pointed out.

I had a doctor in Syracuse, just this afternoon, maybe 3 hours ago, mention to me that one of her patients needed a pediatric oncologist, but the family's HMO would only allow an oncologist, not a pediatric oncologist.

They had the procedure done—it was not done correctly—four times, and only on the fifth time did the HMO relent and allow the pediatric oncologist do the job. Then it was done and, thank God, successfully.

The amazing thing about this is this would have saved money had they relied on the judgment of this doctor and used a pediatric oncologist right at the beginning. Then very simply the HMO would have saved money, the child would be healthier, and everyone would be happier.

When many people ask, what is the problem with HMOs—and there are many and they have been documented by my friend from Illinois and my friend from Rhode Island—one of the things I am beginning to learn is that when HMOs come in, they try a cookie-cutter approach. They say one size fits all.

In Rochester this morning, a young man told me this story: His wife needed a very special type of medicine because she was receiving treatment, I think it was for cancer. In any case, her immune system was down. She needed these drugs to help build up her immune system. These drugs are lifesaving. They are very precise. In other words, one has to measure the level in the blood before determining how much of another dose is needed. They are expensive—hundreds and hundreds of dollars a week—and they have to be taken at exactly the right time. If a dosage is missed, say, at 8 o'clock in the morning, you could acquire an illness that could kill you because your immune system is deficient.

Everything was going fine. This young man said that he and his wife had no problems with their HMO through their travail of her illness, until the HMO decided that all prescriptions should come through a mail-order house in Texas. He has gone through an enormous amount of trouble.

First of all, his wife has to have her blood taken and measured in Rochester and then communicate all the time with the facility in Texas. Second, sometimes the medicines do not arrive, and when they arrive late, if her blood level is different, they cannot be used.

Every week this young man and his wife are shelling out hundreds of dollars because the HMO is insisting for this particular drug, a rare drug, a special drug and one that requires a great deal of care before it is administered, that they have to get it through this mail-order pharmacy.

He said to me: If we had diabetes, and if the mail-order house was sending us the insulin, it would be just fine, because in those instances, it is a set dose of insulin and they could send a whole bunch.

When they ran out, they could send a whole new bunch. They could send copayments. He said making them go through this mail-order house for the immune drug made no sense.

Today, as I went through the day and listened to people, I found that happens all the time. Yes, in most cases, a pediatrician or a pediatric surgeon might do the job, but in certain cases an oncologist is needed. Who knows that? Certainly not the actuary sitting in the insurance company's home office who is now making the decision. The person who knows that, of course, is the physician or the nurse who has spent long, long years studying it and has had many years of experience in figuring this out.

The problem we face and the problem we are trying to rectify with the Patients' Bill of Rights is to deal with many of these situations, to deal with the fact that medicine is not a cookie-cutter enterprise, that one size does not fit all, as much as a corporate mentality might like to see that happen in the name of saving dollars. In reality, in most cases, you lose dollars. Certainly the amount of dollars paid into the health care system is increased, not decreased by these mistakes, which are often very costly.

The more I listen to my constituency throughout my State, from one end of the State to the other, the more I have come to the conclusion that we really do need this Patients' Bill of Rights. Today, we were debating State Department authorization which is obviously important. We have to deal with diplomacy. We have many other bills before us. But I cannot think of one that seems to have the urgency and importance to my constituents that this Patients' Bill of Rights does. I hope we can move quickly and bring the bill to the floor.

There are two sides to this argument, as there are to most serious issues. I am hopeful the Patients' Bill of Rights that I have cosponsored and that Senator KENNEDY has introduced will be the one that is passed. I join my colleagues, Senator DURBIN from Illinois and Senator REED from Rhode Island, in hoping that will happen. At the very least, we are entitled to debate the issue.

This is such an important issue that we should debate it, and it is in the tradition of the Senate that when an important issue is facing us, we do not just say: Let's lickety dispose of it; you vote your bill, we will vote our bill, and that is that.

We are trying to come to the best possible product and coming to the best possible product entails a significant amount of debate. Is it worth the time? Ask the pediatrician in Syracuse if it would have been worth the time. The amount of time and energy that she and the family she looked after far exceeded 4 or 5 days of debate. Ask the young man in Rochester who is having such trouble with his HMO using this pharmaceutical house. The amount of time and energy that that one family is going through will exceed the amount of time we spend on this debate. Of course, that is happening every day to tens of thousands, perhaps hundreds of thousands, maybe even millions, of American families. The argument that we do not have time to debate this issue, that we ought to just dispose of it and get rid of it, does not make much sense.

In conclusion, I am joining my colleagues this evening and, I believe, many of my constituents in asking that once and for all we stop delay. It is already the end of June. We only have 6 or 7 weeks left on the legislative calendar, and we should debate the Patients' Bill of Rights. We must let people decide what should be the HMOs' responsibility in terms of specialists, in terms of appeal, in terms of emergency rooms, in terms of the ability to be sued, and then I believe we will come up with a pretty good product. This issue is of grave importance to many families. It will become of even greater importance to many others.

I make a further plea to the majority leader in this body, someone for whom I have a great deal of respect—and I know he has the best interests of the people at heart—and that is that we, as soon as we can, hopefully before the July 4 break, have a full-fledged, open debate on the Patients' Bill of Rights. It is my judgment, and I think the judgment of many, that there will be enough support in this body to pass a bill and end the pain and agony and suffering of so many American families.

MEASURE READ THE FIRST TIME—S. 1256

Mr. SCHUMER. Mr. President, I understand that S. 1256, introduced earlier today by Senator DASCHLE, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1256) entitled the "Patients' Bill of Rights."

Mr. SCHUMER. Mr. President, I ask for its second reading, and on behalf of the Republican leadership I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. SCHUMER. I thank the Chair.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:29 p.m., adjourned until Tuesday, June 22, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 1999:

DEPARTMENT OF STATE

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

ROBERT S. GELBARD, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

DEPARTMENT OF EDUCATION

A. LEE FRITSCHLER, OF PENNSYLVANIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE DAVID A. LONGANECKER.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JERRY D. FLORENCE, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002, VICE JOHN L. BRYANT, JR., TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ZANNIE O. SMITH, 6499

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY, MEDICAL CORPS (MC) AND DENTAL CORPS (DC) AS INDICATED, UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628 AND 3064:

To be colonel

RICHARD F. BALLARD, 3720

To be major

ROSEMARY P. PETERSON, 2810 MC
SU T. KANG, 5137 DC

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DONALD M. CINNAMOND, 0629
LARRY E. EVERSON, 0276
GARY L. GROSS, 8676
GLENN M. LEACH, 6358
GEORGE R. SILVER, 1816

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KIMBERLY J. BALLANTYNE, 5383
RUSSELL A. CATALANO, 0672
MICHAEL J. COLEMAN, 0973
DONALD L. GRINNELL, 1998
STEPHEN L. HUXTABLE, 5394
RALPH L. LEDGERWOOD, JR., 1860
DAVID G. LOY, 7307
CHERYL M. MACHINA, 4262
DAVID C. MACKEY, 8029
MARION Y. PETERSON, 3050
FRANCIS G. REYNOLDS, 7066
JOSEPH D. SARNICKI, 8244
JAMES R. SMITH, 8385
STEPHEN C. ULRICH, 8455

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL SPECIALIST CORPS AND VETERINARY CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be major

*DENISE D. ADAMS, 2717
*RANDALL M. ADOLPH, 8998
*SAVANNAH H. AGEE, 6738
PATRICK J. AHEARNE, 9248
*ANNE M. ALBERT, 2475
NELSON N. ALGARRA, 5327
*JOSE V. ALICEA, 9394
*JAVIER F. ALTAMIRANO, 0605
*GEORGE D. ALTMANN, 9670
*CHRISTOPHER AMAKER, 2663
*PAUL D. ANDERSON, 8929
*VICTOR D. ANDERSON, 8415
*RAY C. ANTOINE, 6338
*LAURA R. AXFORD, 5322
*MARK R. BAGGETT, 0943
DAMON G. BAINE, 3698
*FRED P. BAKER, JR., 4769
*BRIAN J. BALOUGH, 5305
LYNNETTE B. BARDOLF, 8360
*MILES L. BARNES, 1183
*KENTON M. BASS, 9526
*KIRSTEN S. BAUTISTA, 5013
*HUEY P. BECKHAM, JR., 0921
KEVIN J. BELANGER, 6805
*PAULA J. BLAIR, 0105
MICHAEL T. BLOUNT, 3365
*JAMES R. BOLTON, 9352
SHAWN T. BOOS, 3186
*MARIA E. BOVILL, 3530
LEONARD W. BOWLEY, 5315
*BRYAN L. BOYEA, 0119
*CHARLES D. BRADLEY, 7631
*JONATHAN K. BRANCH, 6202
*BESS P. BROSEY, 5284
*MYRA R. BROWN, 5305
*MANESTER Y. BRUNO, 6997
*WILLIAM E. BURGESS, 7188
*COLLEEN S. BURNS, 4290
*THOMAS C. BURZYNSKI, 0490
NATHAN T. BUTLER, 9232
NIKKI L. BUTLER, 6415
*ROLAND B. CABIAD, 3917
KYLE C. CAMPBELL, 6821
*AVA L. CARR, 2512
*ROBERT P. CASILLAS, 8386
*ISRAEL CHAND, 7843
*JACQUELINE CHANDO, 1420
*RITAANNE CHESNEY, 9688
CHRISTOPHER H. CHUN, 4970
*THOMAS S. CLARK, 1804
*JEFFERY M. CLELAND, 9559
*TINA L. CLEMENTS, 8522
*JAMES A. CLEVELAND, 6483
*CHARLES D. COE, 5805
REGINALD D. COFFEY, 9285
*DAVID L. COLVIN, 7748
*ALISON B. COMSTOCK, 5440
*TINA A. CONNALLY, 2443
FABIAN F. COOK, 6955
TIMOTHY E. COOPER, 4055
*RUBEN D. CORREA, 4738
*JOYCE V. COWAN, 5391
*ANTHONY L. COX, 8159
*JOECELYN P. CRITTENDEN, 6277
*JOHN P. CUELLAR, 4091
ROBERT P. CUREE, JR., 0803
*STEPHEN J. DALAL, 8265
*WILLIAM M. DARBY, 0624
JAMES W. DAVIDSON, 8413
*JACK M. DAVIS, 2039
*LISA F. DAVIS, 6617
THOMAS C. DELK, 9919
*CORINNE K. DEVLIN, 3005
GARY W. DUFRESNE, 9277
*SHERYL L. DUNN, 6414
*JAY E. EARLES, 0568
*THOMAS A. EGGLESTON, 7493
*SAMUEL S. ELLIS, 8817
*JAMES S. ESTEP, 6693
*RACHEL K. EVANS, 2161
ANTHONY W. EVERTS, 0497
*LAUREL S. FIELDS, 4457
ALBERT E. FLACHSBARTH, 0194
*DAVID J. FLETCHER, 2026
*TERRENCE E. FLYNN, 2529
*STEPHEN M. FORD, 7305
*KEVIN M. FORREST, 4866
*PATRICIA A. FORTNER, 2883
*STEPHEN R. FRIETCH, 6782
KARRIE A. FRISTOE, 0307
*KENNETH T. GALFO, 7667
PATRICIA A. GAZZA, 1068
*GREG S. GENTRY, 7964
*CHINETTE GEORGE, 2118
*TAMI L. GLASCOCK, 9333
*HOWARD D. GOBBLE, 4683
*DAVID D. GOHDES, 2600
BRADLEY A. GOLDEN, 4000
*JOSEPH P. GOLLASCH, 3419
*JANICE GONZALES, 3084
RICHARD J. GORDON, 3067
*NATHAN W. GORHAM, 4604
GILROY G. GOTIANGCO, 9745
*PAUL J. GOYMERAC, 3256
*JULIE D. GRAFF, 5790
JOSEPH D. GRAHAM, 5077
*SHERRY L. GRAHAM, 8218
*GENEVIEVE G. GROSSNICKLE, 3056
*JOHN J. GUARDIA, 3104
LORY M. GURR, 9641
*MELISSA K. HALE, 3679
REGINA S. HALL, 0616
DANIEL S. HAMILTON, 3685
OWEN N. HARDY, JR., 5797
*BERNARD HARPER, 6690
FINEST HARPER, 1495
*MATTIE D. HARPER, 1045
*JOSEPH G. HARRE, 1200
LINDA D. HARRIS, 3965
*PATRICIA A. HEMBREE, 6781
*DAVID S. HENCSHEL, 7913
*TERESA H. HENDRIX, 6713
*KATHLEEN M. HERBERGER, 8289
*THOMAS S. HINES, 7229
*JENNIFER D. HINES, 5826
VIRGINIA R. HOLEMAN, 5813
*WENDELL M. HOLLADAY, 3195
*PENNIE L. HOOFMAN, 0589
*RHODA L. HOWARD, 4819
WESLEY N. HUDSON, 1404
*MATTHEW S. HUFFMAN, 4497
*JEANNE F. HULSE, 5573
*LISA A. INGULLI, 2015
*SUSANNA S. ITARA, 9670
ARTHUR A. JACKSON, JR., 1200
*CHRIS L. JACKSON, 2773
SHARON Y. JACKSON, 2328
*DANIEL M. JAYNE, 1717
*KEITH M. JOHNSON, 4774
*TIMOTHY W. JOHNSON, 9090
*CLUNIE M. JOHNSON, 6794
*THAYNE G. JOLLEY, 9970
*CLAIRE A. JOSEPH, 5815
HENRY K. JUNG, 5656
*JAMES D. KAY, 1242
*SYLVIE T. KELLER, 6537
DAVID W. KENDRICK, 1161
*MARTIN D. KERKENBUSH, 0377
*ROBIN K. KING, 6338
*KAREN L. KIRKPATRICK, 2978
*MICHEL P. KISH, 0151
*KELLY K. KISS, 7715
KEITH D. KIZZIE, 4057
*CHRISTOPHER M. KNAPP, 5787
*THOMAS K. KOGER, 2909
*JAMES F. KOTERSKI, 1076
MICHAEL P. KOZAR, 2784
*DANIEL R. KRAL, 4312
HENRY J. KYLE, 9510
JOHN P. LAMOUREUX, 0406
JEANNE M. LARSON, 5341
*PAUL F. LARUE, 7116
JAMES A. LATERZA, 6199
*SUSAN J. LAVALLEE, 8305
*JOSEPH. LEGIEC, 3576
*GERALD L. LEMASTERS, 0055
ROBERT E. LEONARD, 0472
*TAYLOR T. LINEGAR, 2616
*PAMELA F. LING, 8029
GLENDA J. LOCK, 5385
*BRYAN W. LONGMUIR, 4789
*JANIE K. LOTT, 6875
*DAVID P. LUCAS, 3747
*VIVIAN G. LUDI, 2285
*KAREN L. MARRS, 6687
*KAREN R. MASON, 1118
*PAULETTE B. MATTHIE, 4755
*ROBERT C. MAXHAM, 7256
*SHARON A. MCBRIDE, 0772
*WILLIAM. MCCARTHY, 6580
*DAVID F. MCCORMICK, 3896
*VAN E. MCCOY, 0773

*WILLIAM M. MCGRATH, 8587
*DANIEL W. MCKAY, 0941
*COLETTE L. MCKINNEY, 4671
*DAVID E. MEYER, 9627
*MICHAEL D. MILLER, 0001
KATHERINE R. MOORE, 9805
*MARY S. MOORE, 7442
*MARTIN L. MORFORD, 8996
*JOSEPH S. NASH, 7058
MARGARET M. NAVA, 3332
*TERRYN B. NELSON, 8411
*JAMES W. NESS, 7954
*JODY S. NICHOLSON, 6707
*LAWRENCE P. NOLAN, 2891
*PETER B. OLSON, 1536
*MICHAEL T. ONEIL, 9560
*DOUGLAS. ONKST, 2065
*JOSEPH C. OSULLIVAN, 8332
*VERONICA G. OSWALD, 0243
*KOLET R. PABLO, 9318
DAVID J. PARRAMORE, 4611
MARSHA B. PATRICK, 3333
*DEANN L. PAYNE, 8379
*DOUGLAS H. PAYNE, 1659
*BRADLEY D. PECOR, 9854
*CATHERINE E. PEUTERBAUGH, 5263
KAREN N. PLANTE, 7356
DAVID R. POWELL, 0029
*JOHN L. PRESS, 4003
CARLA S. PRICE, 8097
*CATHY L. PRICE, 5552
*SHARON M. PRYOR, 9950
*CHARLES E. PULAWSKI, 9009
*SHARON L. PURVIANCE, 1966
*JAMES R. QUIGLEY, 0017
*REBECCA S. RABB, 3013
ANNE C. RESTY, 6659
*MARK K. REYNOLDS, 9299
*SUZANNE K. RICHARDSON, 9284
*RANDALL L. RIETCHECK, 7012
*RUTHA N. ROACH, 2349
JEFFREY A. ROBERTS, 5976
*PAUL L. ROBERTS, 8606
*JENNIFER. ROBINSON, 7008
*DENNIS J. RODRIGUEZ, 6720
*LORRAINE A. ROEHL, 6981
*JANET L. ROGERS, 6627
*JANIS H. ROSADOREIBER, 9857
CEPHUS L. ROUPE, 8719
*NANCY D. RUFFIN, 2752
*JAMES N. RUFFIN, 6213
*PAUL D. RUSSO, 1315
BRADLEY S. RUSTAN, 5962
DAVID G. RYNDERS, 0968
*MARYBETH SALGUEIRO, 4587
*NANCY T. SANTIAGO, 3254
*TERESA A. SAPP, 6202
*DONNA L. SCHANCK, 4458
SONYA S. SCHLEICH, 4916
JAMES F. SCHWARTZ, 2710
*FREDERICK M. SCUDIERY, 2731
JOHN W. SECREST, 2286
STEPHEN J. SEKAC, 0412
MARIA L. SERIOMELVIN, 6092
*JACQUELINE A. SHEEHAN, 1930
*AARON J. SILVER, 0438
BARBARA A. SION, 3597
*WILLIAM H. SMITH, 3926
*STACIA L. SPRIDGEN, 9898
*ALLISON M. STAMIDES, 1651
WALTER M. STANISH, 3714
*RICHARD P. STARRS, 2559
*MERVIN H. STEALS, 7372
*JULIE M. STEPHENS, 4072
KEVIN R. STEVENSON, 7974
*EDWARD L. STEVENS, 2028
*NETTA F. STEWART, 8590
*BURTON L. STOVER, 5066
*CHARLES H. STRITE, JR., 3998
*WILLIAM M. STUBBS, 5033
ALEX H. STUBNER, 0680
*LORI E. SYDES, 3563
TRENT N. TALBERT, 1960
EUGENE THURMAN, 8214
*STEVEN A. TOFT, 1985
*CARLETTE T. TOFT, 7396
*ABEL. TREVINO, 5525
JESSIE L. TUCKER III, 4093
*SHIRLEY D. TUORINSKY, 4469
*ROBIN A. VILLIARD, 4318
*MARY K. WALKER, 2799
KEVIN W. WERTHMANN, 8487
*JACLYN K. WHELEN, 8125
*DEBRA J. WHITE, 2336
*ANNE M. WHITE, 6297
*ABBIE B. WHITEHEAD, 4681
*ROBERT M. WILDZUNAS, 9303
*RONALD T. WILLIAMS, 1375
*TAMI M. ZALEWSKI, 3502

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 22, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 23

9:30 a.m.

Indian Affairs

To hold oversight hearings on National Gambling Impact Study Commission report.

SD–562

Armed Services

To hold hearings on Department of Energy reorganization issues.

SR–232A

Commerce, Science, and Transportation

Business meeting to mark up pending calendar business.

SR–253

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on Title VI.

SD–628

10 a.m.

Governmental Affairs

To hold hearings on interagency Inspectors General report on the export control process for dual-use and munitions list commodities.

SD–342

Finance

To hold hearings to examine adding a prescription drug benefit to the Medicare program.

SD–215

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To resume hearings to examine the United States policy towards Iraq.

SD–562

Banking, Housing, and Urban Affairs

To resume hearings on proposed legislation authorizing funds for programs of the Export Administration Act.

SD–538

Judiciary

To hold hearings on issues relating to religious liberty.

SD–226

1:30 p.m.

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on issues relating to salmon recovery.

SD–406

2 p.m.

Veterans' Affairs

Business meeting to mark up pending calendar legislation.

SR–418

2:15 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 953, to direct the Secretary of Agriculture to convey certain land in the State of South Dakota to the Terry Peak Ski Area; S. 503, designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; S. 977, to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land; S. 1088, to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility; H.R. 15, to designate a portion of the Otay Mountain region of California as wilderness; and S. 848, to designate a portion of the Otay Mountain region of California as wilderness.

SD–366

3 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

4 p.m.

Foreign Relations

To hold hearings on the nomination of David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

SD–562

JUNE 24

9 a.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on NOx/State Implementation Plans.

SD–406

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the implications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.

SD–366

Agriculture, Nutrition, and Forestry

To hold hearings on agricultural trade issues, focusing on agriculture's role in the World Trade Organization negotiations with China, and the European Union regulation of genetically modified agriculture products.

SR–328A

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on proposed legislation authorizing funds for programs of the Export Administration Act.

SD–538

Finance

Business meeting to mark up the proposed Medicare Subvention Demonstration for Veterans Act, to create a three year program that will allow veterans who are eligible for Medicare to receive their health care at a Veterans Affairs (VA) facility.

SD–215

Judiciary

Business meeting to consider pending calendar business.

SD–226

Foreign Relations

To hold hearings on the nomination of Richard C. Holbrooke, of New York, to be the Representative of the United States to the United Nations with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations.

SH–216

11 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings on H.R. 974, to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia; and S. 856, to provide greater options for District of Columbia students in higher education.

SD–342

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:15 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on the Federal Aviation Administration's research and development programs.

SR–253

2:45 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine U.S. satellite controls and the domestic production/launch capability.

SD–562

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 29

9:30 a.m.

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on drug free schools.

SD-430

Energy and Natural Resources

To hold hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.

SH-216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.

SD-366

JUNE 30

9:30 a.m.

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on facilities.

SD-430

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR-301

Indian Affairs

To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting to consider pending calendar business.

SR-485

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service Economic Action programs.

SD-366

JULY 1

9:30 a.m.

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold oversight hearings on the proposed Work Investment Act.

SD-430

Indian Affairs

To hold hearings to establish the American Indian Educational Foundation.

SR-485

Energy and Natural Resources

To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.

SH-216

10 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the federal food safety system.

SD-342

JULY 14

9:30 a.m.

Indian Affairs

Energy and Natural Resources

To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.

Room to be announced

JULY 21

9:30 a.m.

Indian Affairs

To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.

SR-485

JULY 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.

SR-485

AUGUST 4

9:30 a.m.

Indian Affairs

To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

CANCELLATIONS

JUNE 23

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

POSTPONEMENTS

9 a.m.

Environment and Public Works

Business meeting to mark up S. 1090, to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD-406

2:30 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on enforcement priorities against criminal aliens.

SD-226

SENATE—*Tuesday, June 22, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The hour is coming, and now is, when true worshipers will worship the Father in spirit and truth; for the Father is seeking such to worship Him.—John 4:23.

Gracious Lord of our lives, we respond to this invitation to worship You. In the quiet of this moment, we worship You in the splendor of Your majesty. You are infinite, eternal, and unchangeable; in Your being, You are wisdom, holiness, goodness, and truth. We worship You in response to Your grace: Your unqualified love for each of us. Thank You for Your faithfulness. You never give up on us. Even though we falter and fail, You neither leave nor forsake us. Your providential care for our Nation has been consistent all through our history. As a people we return to You.

Now Lord, how shall we worship You in the midst of the work of this day? We want to live magnificently by magnifying You in the mundane as well as the momentous. We want our work itself to be our response of worship. Our desire is to glorify You in all we think, decide, and do. Everything within us stands on tiptoe to worship You, for You are our God in whom we place our trust. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Today the Senate will resume consideration of the State Department authorization bill under a previous order. A cloture vote on the motion to proceed to H.R. 975, the steel import limitation bill, will take place at 12:15, with 40 minutes of debate on the motion prior to the vote.

Following that vote, the Senate will stand in recess until 2:15 p.m. so the weekly party caucuses can meet. It is our intention to complete action on the State Department reauthorization bill during today's session of the Senate and to resume consideration of the agriculture appropriations bill.

I thought we had reached an agreement as to exactly how to complete the State Department authorization bill late yesterday afternoon, but because of the absence of some Senators who needed to be consulted, we were not able to lock in the procedure and the time for completing that action. I hope we can complete it this morning and have a vote or votes on or in relation to the State Department authorization bill after the party caucuses at 2:15. When we go back to the agriculture appropriations bill, we would expect a number of votes this afternoon.

Unfortunately, the Democratic leadership has chosen to confuse the issue and delay action on the agriculture appropriations bill by offering the Patients' Bill of Rights to this very important bill. We could work out an agreement otherwise, if they would be reasonable as to how we might consider that issue. But for now it is pending to the agriculture appropriations bill, and I would expect there would be a couple of votes on or in relation to that issue also.

MEASURE PLACED ON CALENDAR—S. 1256

Mr. LOTT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title.

The legislative assistant read as follows:

A bill (S. 1256) entitled the "Patients' Bill of Rights."

Mr. LOTT. I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill goes to the calendar.

Mr. LOTT. Thank you, Mr. President. I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the Senate will now resume consideration of S. 886, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 886) to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations; and for other purposes.

Pending:

Feingold amendment No. 692, to limit the percentage of noncompetitively awarded grants made to the core grantees of the National Endowment for Democracy.

ORDER OF PROCEDURE

Mr. MACK. Mr. President, I ask unanimous consent that I be able to address the Senate as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. I thank the Chair.

STEEL QUOTA

Mr. MACK. Mr. President, proponents of the quota legislation to be considered later today have spoken with vigor and passion regarding the "injury" that was suffered by domestic steel companies and the threat imports pose to the workers at those companies.

However, I am compelled to rise today to respond to many of the assertions raised regarding the steel industry specifically, and more generally I think it is important to speak to several other factors related to the bill. First, there are economic benefits all Americans enjoy as a result of lowering trade barriers; second, the harmful message a quota bill would send to our trading partners; and, third, the inappropriateness of Congress singling out a specific industry for special treatment.

The first point I would like to make is that the import surge is over. According to the Department of Commerce, imports have returned to their traditional levels. In fact, overall steel imports in the first 4 months of 1999 were below the "pre-import" surge level. Moreover, even with the import surge of 1998, U.S. steel producers reported profits of over $1 billion.

Furthermore, in reviewing data provided by the Steel Manufacturers Association, I was surprised to find that U.S. steel production has increased over the last 10 years. The 1998 steel output of 107.6 million tons was 10 percent greater than 1990 and the highest for any year since 1981.

Additionally, I was interested to discover that since 1987, imports as a percentage of domestic consumption have remained constant at around 20 percent. Again, according to this data, no ground has been lost despite protestations to the contrary.

Some have argued that the financial ill health of several specific companies such as Bethlehem Steel Corporation, Weirton Steel Corporation, Laclede Steel Company, Acme Metals Incorporated, and Geneva Steel Company are the direct result of last year's import surge. However, the fact is that many of the integrated steel mills have a history of declining financial health

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evident well in advance of the Asian crisis and the 1998 import surge. This is reflected in their stock performance which, without exception, shows a pronounced decline in the value of the stock over the last 5 years. Again, it has nothing to do with the surge in imports.

Noting the declining employment figures in the steel industry, proponents of the quota bill suggest that the United States is losing market share, but the fact is imports have not led to a decrease in market share. U.S. steel production in traditional integrated mills has remained fairly flat. Import competition has merely forced U.S. steel to become more efficient. The growth in domestic production that has allowed U.S. steel to retain its domestic share has been almost exclusively a result of our Nation's mini-mills which now account for almost 50 percent of domestic steel production. Mini-mills use an innovative production technique to recycle scrapped steel. These highly efficient and environmentally friendly producers are transforming the steel industry, and I think here it is worth noting that the association of mini-mills is neutral with regard to the proposed quota legislation.

Finally in this area, some argue our foreign competitors are playing by a different set of rules. This is exactly what our current antidumping laws are intended to address. The steel industry has shown itself to be intimately familiar with and more than willing to take advantage of these laws. Even though steel accounts for only 5 percent of our imports, the industry has generated 46 percent of the unfair-trade complaints brought before the U.S. International Trade Commission during the last 2 decades. Our current laws provide appropriate protection for all industries. They should not be circumvented in order to provide extraordinary protection for a single industry.

All too often we hear complaints of lost jobs and invariably the blame is laid on trade. This allegation has gone unanswered for far too long. Trade has given us far more jobs than would otherwise be available. The fact is that the size of the trade sector has grown steadily during the last 50 years. As a share of the economy, trade doubled between 1950 and 1980, and it has doubled again between 1980 and 1998. Not surprisingly, employment has expanded from 99 million in 1980 to 133 million today. And, the unemployment rate has fallen to 4.2 percent, the lowest level in 30 years.

Far from harming our economy, trade has been a major contributing factor to our growth and our prosperity. Real GDP is now 64 percent greater than it was in 1980 and we have experienced only 9 months of recession during the last 16 years. Moreover, our growth rate is now the highest and our unemployment rate the lowest among the G–7 nations.

Trade makes it possible for us to focus on the production of the things we do best, and thereby produce a larger output and enjoy a higher standard of living. For goods and services that we produce cheaply, we can expand our output and sell abroad at attractive prices. And for things we do poorly, we can acquire them more economically from foreign producers. Thus, trade promotes prosperity.

We have fought for open markets both through GATT and now the WTO. And we have been engaged in this fight, this battle for almost 50 years. For some time, we have told the world that economic freedom and a market economy are key ingredients of prosperity. The steel quota bill undermines this message.

Let me make four points with respect to the message.

A quota bill would send the wrong message to the European Union. A quota bill would send the wrong message to the former Communist countries seeking to establish market economies. A quota bill would send the wrong message to investors. And a quota bill would send the wrong message to our trading partners.

Let me just touch lightly on each of those.

With respect to the European Union, we are currently in the midst of a trade dispute with the EU regarding their restrictions on both bananas and beef. The steel quota bill undercuts our position on these issues. How can we complain about the restrictions of others while we ourselves are erecting trade barriers?

With respect to the leaders of the former communist countries, this bill says when we think it is convenient, it is all right to substitute political manipulation for markets. I can assure you, the leaders of the former communist countries are watching. If a prosperous America with a low unemployment rate is willing to bail out troubled firms, how can we expect them to refrain from such action.

With respect to investors, while much of the world has been in recession, investment flowed into the United States and the U.S. economy remained strong. In no small degree, this confidence of investors was due to the openness of our economy and our reliance on markets rather than politics.

Again, with respect to our trading partners—most of which have lower and slower rates of growth and higher unemployment—are unlikely to stand idly by while we impose trade barriers. Retaliation and escalation of trade barriers are likely side-effects.

Finally, it bears mentioning that it is a serious mistake for Congress to play favorites. This is precisely what is involved here.

This bill imposes a tax on steel-users in order to subsidize steel-producers. A substantial share of the U.S. steel industry refines raw steel into finished and specialty goods. The U.S. steel industry is therefore a major purchaser of imported steel. Higher steel prices which will surely accompany import quotas will increase the cost of refined steel and make these products less competitive than would otherwise be the case.

Moreover, this bill would treat the steel industry different than other industries. Steel is not the only industry that has been adversely affected by currency devaluations and weak demand due to the Asian crisis and recession in several parts of the world. The sales of many firms were affected as the result of these factors. Why should this industry be singled out for special treatment?

In conclusion, I want to stress that the legislation we will be considering later today proposes that the Congress intervene in the market, risk a trade war, and endanger the future health of our economy in order to insulate a segment of out steel industry from competition. I maintain there is already sufficient legislation on the books to protect industries against unfair competitive practices. Quotas and trade barriers are the wrong path. The world has already gone down this "trade war" road once before with the Smoot-Hawley Law of 1930. Let's not make that same mistake again.

Additionally, I should note that Chairman Greenspan recently has sounded the dangers of protectionism. He now believes that rising protectionism is the single most dangerous threat to our future growth and prosperity. I share his concern.

Make no mistake about it—important principles are at stake here. We should be reducing trade barriers rather than increasing them. We have no business playing favorites. As our recent High-Tech Summit indicated, trade in both goods and ideas has made an enormous contribution to our prosperity. We must not allow this misguided effort to assist some at the expense of others and endanger American prosperity.

With that, I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I congratulate our dear colleague from Florida, the distinguished chairman of the Joint Economic Committee, for his remarks. I identify myself with what he said.

The steel quota bill is a trade war starter and a job killer. It is imperative that this bill be defeated on the floor of the Senate today. Let me just try to outline a few reasons why I think that is absolutely essential.

First of all, America is the world's largest steel user. We have 40 times as many jobs in America using steel as we have jobs in making steel, so if we decide we are going to effectively, through this quota, impose a tax on steel, for every 1 worker we help we are going to hurt 40 workers. In fact, it has been estimated that to save one job through protectionism in steel it will cost Americans about $800,000.

How can it make sense to impose a cost of $800,000 to save a $50,000 or $60,000 job? It makes absolutely no sense. It would be an irrational decision for an individual or a family to make such a decision. And what is wisdom for an individual or family cannot be folly for a great nation.

You might ask yourself, if, in fact, everybody knows we have 40 steel-using jobs for every 1 steel-producing job—and we are debating imposing a quota on imports which will hopefully protect a few jobs while destroying many jobs—why are we doing it? We are doing it because the steel workers are very organized and are very tied in politically. That is what this is about.

The important thing to remember, however, is it costs not only about $800,000 per worker to protect a steel job, but because the steel quota is World Trade Organization illegal, it means that our competitors around the world, who will find these quotas being imposed on their steel, will be able to impose similar quotas and tariffs on American manufactured products, American agricultural products, American services that we sell around the world.

So the first point I want people to understand is that, by the most conservative estimate, when you take into account 40 jobs in steel using for every 1 job in manufacturing, when you take into account that this steel quota is illegal and therefore will produce countervailing quotas and tariffs against American products where we clearly are competitive on the world market, we are going to end up paying, as American consumers, over $1 million for every job in steel we might protect under this quota.

The next point I want to make is that the problem in steel is largely not imports. In 1980, we had 459,000 people employed in the steel industry. Today, we have 163,000 people employed in the steel industry.

You would think, in looking at these numbers, that steel production in America had fallen right through the floor; but, in fact, steel production since 1980 is up 56 percent. In fact, steel production in America was at an all-time high in 1997, even though we had reduced the number of people working in steel production from 459,000 to 163,000.

How do you reduce the number of workers from 459,000 to 169,000 and have production go up by 56 percent? You have that occur because of modernization and because of the implementation of new technology. In fact, since 1980, on average, America has reduced the number of people working in steel production by 9,000 a year, and they have done that not because of foreign competition but because of the implementation of new, modern technology.

Senator MACK mentioned it, but we have trade law section 201 that allows an industry that is suffering from foreign competition, where it can prove that job loss is due to the foreign competition, to get granted relief under current law. The steel industry, which has a record of filing more unfair trade practice suits and more complaints under the trade laws than any other industry in America, has not availed itself of 201. Why? Because if you look back to 1980, the primary reason they are losing jobs is not foreign competition.

In fact, in 1997 we had a record level of steel production in America—105 million tons. We had a record level of demand; hence we had a surge in imports and we had the demand because we are producing more cars, more trucks, more heavy equipment, and we are producing more washing machines, more dryers, more dishwashers than ever in history. And I can't think of a happier time, in terms of the economy, than we are looking at today.

In fact, in 1998—the last year we had data—steel production in America was near the all-time record, at 102 million tons. So the second point is that there is not a lot of data to suggest that the problem is with imports.

The third point I want to make is that the import crisis, if there ever was one, has passed. Steel imports are down from November 1998 to April of 1999—the last month we have data—by 28 percent. So if this ever was a problem, it is a problem that has largely been eliminated.

Finally, where is the evidence that the steel industry is on its back? The steel industry earned $1.4 billion in 1998. Of the 13 largest steel makers, 11 earned a profit in 1998. The bankruptcy of the three steel companies that are largely discussed as part of this bill, most analysts estimate, would have happened without regard to imports because of their high level of debt and because of the failure of investment that they made in new technology.

Now, no one is unconcerned when 10,000 Americans lose jobs in a year. That is a very real human story, and to be opposed to the quota bill is not to say that you don't care about the 10,000 people who lost their jobs. But it is important to remember that 9,000 people a year have lost their jobs due to technological change since 1980, and nobody wants to stop that change because it has created more jobs; it has produced better products; and it has produced products at lower prices, which have raised the real wages and living standards of every working family.

Finally, we are creating 7,500 jobs a day in America. We are the envy of the world. We are the world's most open market. We are the world's largest importer and, as a result, every day in America we are creating 7,500 new permanent, productive, taxpaying jobs for the future. We are creating them in industries that are going to grow and prosper, where these jobs represent jobs that will be there 20, 25, 30 years from today. Why in the world would we, the greatest beneficiary of international trade, want to start a trade war over 10,000 jobs when 9,000 of them were probably lost due to technological change, and in the process, jeopardize the creation of 7,500 jobs a day?

So the question we have to ask ourselves is: Do we want to risk 7,500 jobs a day in job creation in America due to being the world's greatest trading Nation? Do we want to put those jobs at risk for 10,000 jobs in the steel industry that will cost us over a million dollars, in terms of consumer cost, individually to protect? And, finally, there is no guarantee that technological improvement will not end up eliminating these jobs in any case.

I think our choice is clear. I think we have to reject this bill. This bill will kill jobs. This bill will start a trade war, and since we are the greatest trading Nation in the history of the world, we will lose more than anyone else. So I urge my colleagues to vote no on this bill, and to vote no because we are the richest, freest, and happiest people in the history of the world because we are the one Nation in the world that believes in trade and practices it every day.

Why we would want to change our minds on trade in the midst of an economic boom that is virtually unprecedented in the history of the world is a great mystery to me. Why this bill is even on the floor of the Senate is a testament to the level of economic illiteracy in America. Why it would make any sense whatsoever to impose an effective tax on steel and destroy 40 jobs for every one job that you save is a great mystery, and only politics can explain it.

This is a bad bill. It could not come at a worse time. It is totally unjustified. It threatens the economic future of America, and I urge my colleagues to reject it.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, what is the current situation?

The PRESIDING OFFICER. The Senator is to be recognized on his amendment at this point.

Mr. WELLSTONE. Mr. President, in order to save time, let me speak to these amendments and then I will send up a modification.

For just one minute, I do want to respond to my colleague from Texas and say that I think this vote today around noon on cloture on the Rockefeller amendment is a test of economic literacy. But I have a different definition of that than my colleague from Texas. One more time, I want to make about two or three points. The first point is that our administration has no problem when it comes to tariffs, or when it comes to imposing tariffs on European imports in support of Chiquita Bananas in Central America. But now when it comes to the steelworkers, there is opposition.

My second point is that in many ways what happened with the Asian crisis was you had hot capital going in and out of those countries with no kind of regulatory framework that made sense. George Soros, a financier who knows something about this, is saying we have to have a different kind of framework for the global economy. Some of the financial interests that benefited most from financial liberalization and then were hurt the most from the Asian crisis were able to get some public money and public assistance through IMF bailouts. But again, when our steelworkers ask for some support under existing trade statutes, we don't get it.

Finally, let it be clear that this is not all about whether we have free trade. This is about fair trade. That is what I think matters the most. Our workers can compete with workers anywhere. But when you see the dumping of steel below the cost of production in our markets and saturating our markets and prices going down and people losing their jobs, of course, working people stand up and fight back. That makes all the sense in the world.

Finally, I want to argue a little bit of economics focusing on how we can help countries going through these crises—countries such as Thailand, Indonesia, Russia, and Mexico—how we can help those countries help their working class people consume more. Right now we are emphasizing that those countries should try to export their way out of their crises instead of relying on domestic demand, which does not make a lot of sense. We ought to be focused on how people in these countries can earn a decent living so they can, in fact, buy some of what they produce in their countries—some of their own products.

I say to my colleague from Texas that economic analysis is a little bit different than his but one which I think makes more sense.

Mr. WELLSTONE. Mr. President, I have two amendments that I want to talk about today.

The first amendment deals with one of the most alarming human rights abuses in the world today. It is the growing use of child soldiers.

Today, in 25 countries there are a quarter of a million, or more, children being used in government armies and rebel groups. Some of these children—if you are ready for this—are as young as 8 years old.

Children are recruited in a variety of different ways. Some are conscripted. Some are forcibly recruited or kidnapped and literally dragged from their homes, schools, and villages. In some instances, children are recruited based solely on whether or not they are big enough to hold a gun.

I think I need to repeat that.

In some cases these children are recruited, abducted, or kidnapped on the basis of whether or not they are big enough to hold a gun.

These young combatants are not only subject to grave physical risk but are all too often encouraged, or even forced themselves, to commit barbaric acts. Children are forced to do this. They are considered dispensable. Child soldiers are often sent to the front lines of combat, or sent into mine fields ahead of other troops. Children who protest or who cannot keep up with the march or attempt to escape are killed often by other child captives who are forced to participate in the killings as a means of breaking their wills and their spirits.

Those who survive these experiences are frequently physically and emotionally scarred. In addition to dealing with severe emotional and psychological trauma, malnourishment, disease, and physical injury suffered while in captivity, many children worry about their basic survival—how they will feed, clothe, and shelter themselves.

For example, in northern Uganda, the Lord's Resistance Army, an opposition group, has abducted some 10,000 children. Children as young as 8 years old have been taken from their schools and homes and forced to march to rebel-based camps in southern Sudan. They are made to carry heavy loads, without rest, and with very little food and water.

Accounts of the use of these children as soldiers by the Lord's Resistance Army in Uganda and in the devastating Sierra Leone conflict make clear that child combatants may suffer not only physical injury or disability but also psychological damage or rejection by their home communities.

Last year, I met with Ms. Angelina Atyam, the mother of one such child. Angelina's 14-year-old daughter, Charlotte—Charlotte is the first name of Charlotte Oldham-Moore, who is with me on human rights issues—was abducted from her school dormitory over a year and a half ago by rebels from the Lord's Resistance Army. Angelina described to me that fateful October morning when she arrived at her daughter's school to find all the windows broken, the girls' clothes scattered everywhere, and her daughter missing. The rebels had arrived at St. Mary's girls school the previous night, tied up the girls, beat them if they cried, and then took them away into unspeakable horrors. One hundred and thirty-nine students were abducted at gunpoint.

That is why this amendment is a very important amendment.

Thankfully, many of them have been rescued or escaped or their freedom has been purchased. But many others, such as Charlotte, have not returned. Charlotte turned 15 in the captivity of the Lord's Resistance Army. In Angelina's own words:

> Until peace comes, the kidnaping will continue. My daughter Charlotte turned 15 in Sudan. Like other parents in the Concerned Parents Association, my husband and I can only rely on those few children who manage to escape from captivity for news of our daughter. Two weeks ago, I spoke with a girl who had just escaped. She said the rebels are now intentionally impregnating the girls, to make them too ashamed to go back to their parents. She mentioned that one of the pregnant girls is a St. Mary's student named Charlotte.
>
> I pray that one day my daughter will come home, and my family can become whole again. Uganda's future depends on how the government acts to end this tragedy and how quickly society reintegrates the children. No nation can have a valid strategic interest in prolonging the captivity and abuse of children. President Clinton has a unique opportunity to help start this healing process.

Important efforts are being made to address this moral outrage. Graca Machel, the former U.N. expert on the impact of armed conflict on children, has recommended that governments immediately demobilize all child soldiers.

I believe the United States must do more to end this grave human rights abuse and assist its victims. Rehabilitation and social reintegration programs are essential to help former child soldiers regain a place in civilian society and help prevent their re-recruitment into subsequent conflicts. I believe strongly that the need for demobilization, rehabilitation, and reintegration programs of former child soldiers in conflict areas must be incorporated into U.S. policy.

The United States must take a leadership role in demobilizing and reintegrating these children back into their communities.

That is why this is a resolution that directs the State Department to study the issue of rehabilitation of former child soldiers, the positive role the United States can play in this effort, and to submit a report to the Congress on how we should address it.

Armed conflict has already taken the lives of 2 million children in the last decade. Three times as many have been injured or disabled. With the continued use of child soldiers, those numbers will only rise.

Our country must be a champion for children and their welfare. Consequently, the United States should be making the strongest possible effort to protect children of combat and to assist them in reentering their societies. It is the very least that we can do.

This amendment represents a continuation of some work that the Senator and I have been doing in this area. Today we focus on the need to provide the support services for these children.

Today we focus on the need to get a report from our State Department as to how we can play as positive a role as possible.

In the past, I have talked about these abuses on the floor. I certainly hope that we will continue to be very active and play a positive role in efforts to have some kind of international protocol agreement to protect these children.

I can't think, quite frankly, of a more important issue.

I have talked with some parents. As a parent, I find it unbelievable that this happens to so many children in so many countries. It would seem to me that we really ought to, as a country, as a government, take the lead and play as positive a role as possible.

I thank my colleagues for supporting this modification of this amendment.

When Senator HELMS comes to the floor, we will go ahead and do that.

Mr. President, also in order to move forward, let me go on and speak about another amendment that I was going to introduce to this bill—the State Department authorization bill, which I will now hold off on for a little bit longer period of time as we continue to build support.

This amendment also deals with another horrendous human rights violation in our time—the trafficking in human beings, particularly the trafficking of women and children for the purposes of sexual exploitation and forced labor.

Earlier this year, I introduced a bill called the International Trafficking of Women and Children Victim Protection Act of 1999, which addresses this issue and is cosponsored by Senators FEINSTEIN, BOXER, SNOWE, MURRAY, and TORRICELLI.

If passed, this bill will put the Senate on record—or this amendment, which we will be introducing shortly. We are going to continue to work with people and work with the State Department and with other Senators and build the support. But we want to go on record in the Senate, the U.S. Congress, as opposing trafficking for forced prostitution and domestic servitude, and acting to check it before the lives of more women and more girls are shattered.

One of the fastest growing international trafficking businesses is the trade in women. Women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes or in sweatshops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries—including our country—at wages they could never imagine at home. Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world.

The U.S. Government estimates that between 1 and 2 million women and girls are trafficked annually around the world. According to experts, somewhere between 50,000 and 100,000 women are trafficked each year into the United States alone. They come from Thailand, they come from Russia, they come from the Ukraine, they come from other countries in Asia, and they come from other countries from the former Soviet Union.

Upon arrival in countries far from their homes, these women are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help.

Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant fear of arrest and deportation, as well as of violent reprisals by traffickers themselves, to whom the women must pay off ever-growing debts. Many brothel owners actually prefer foreign women—women who are far from home, far from help, don't speak the language—because it is so easy to control them. Most of these women never imagine the life in hell they would encounter, having traveled abroad to find better jobs or to see the world. Many believe that nothing would happen to them in rich countries like Switzerland, Germany or the United States. However, many of them now are put in a living hell.

Last year, First Lady Hillary Clinton spoke powerfully of this human tragedy. She said,

> I have spoken to young girls in northern Thailand whose parents were persuaded to sell them as prostitutes, and they received a great deal of money by their standards. You could often tell the homes of where the girls had been sold because they might even have a satellite dish or an addition built on their house. But I met girls who had come home after they had been used up, after they had contracted HIV or AIDS. If you've ever held the hand of a 13-year-old girl dying of AIDS, you can understand how critical it is that we take every step possible to prevent this happening to any other girl anywhere in the world. I also, in the Ukraine, heard of women who told me with tears running down their faces that young women in their communities were disappearing. They answered ads that promised a much better future in another place and they were never heard from again.

Lest you think this is just in other countries, and this only happens in far off lands, let me talk about the United States. Earlier this spring, six men admitted in a Florida court to forcing 17 women and girls—some as young as 14—into a prostitution slavery ring. The victims were smuggled into the United States from Mexico with a promise of steady work, but instead they were forced into prostitution. The ring was uncovered when two 15-year-old girls escaped and went to the Mexican consulate in Miami.

According to recent reports by the Justice Department, teenage Mexican girls were also held in slavery in the Carolinas and forced to submit to prostitution. In addition, Russian and Latvian women were forced into nightclub work in Chicago. According to charges filed against the traffickers, the traffickers picked up the women upon their arrival at the airport, seized their documents and return tickets, locked them in hotels and beat them up. The women were told that if they didn't dance nude in nightclubs, the Russian mafia would kill their families. Further, over 3 years, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

These victims are unfamiliar with the laws, they are unfamiliar with the language, they are unfamiliar with the customs, and quite often they don't know what to do. They are completely helpless. They are completely hopeless.

Trafficking in women and girls is a human rights problem that requires a human rights response. Trafficking is condemned by human rights treaties as a violation of basic human rights, and it is a slavery-like practice. Women who are trafficked are subjected to other abuses—rape, beatings, physical confinement—squarely prohibited by human rights law. The human abuses continue in the workplace, in the forms of physical and sexual abuse, debt bondage, and illegal confinement, and all are prohibited.

The Universal Declaration of Human Rights recognizes the right to be free from slavery and involuntary servitude, arbitrary detention, degrading or inhuman treatment, as well as to the right to protection by law against these abuses.

The United Nations General Assembly has passed three resolutions during the last three years recognizing that international traffic in women and girls is an issue of pressing international concern involving numerous violations of fundamental human rights. The United Nations General Assembly is calling upon all governments to criminalize trafficking, to punish its offenders, while not penalizing it's victims.

Fortunately, the global trade in women and children is receiving greater attention by governments and NGOs following the U.N. World Conference on Women in Beijing. The President's Interagency Council on Women is working hard to mobilize a response to this problem. Churches, synagogues, and NGOs are fighting this battle daily. But, much, much more must be done.

My bill provides a human rights response to the problem. It has a comprehensive and integrated approach focused on prevention, protection and assistance for victims, and prosecution of traffickers.

I will highlight a few of its provisions now:

It sets an international standard for governments to meet in their efforts to fight trafficking and assist victims of this human rights abuse. It calls on the State Department and Justice Department to investigate and take action against international trafficking. In addition, it creates an Interagency Task Force to Monitor and Combat Trafficking in the Office of the Secretary of State and directs the Secretary to submit an annual report to Congress on international trafficking.

The annual report would, among other things, identify states engaged in trafficking, the efforts of these states to combat trafficking, and whether their government officials are complicit in the practice. Corrupt government or law enforcement officials sometimes directly participate and benefit in the trade of women and girls. And, corruption also prevents prosecution of traffickers. U.S. police assistance would be barred to countries found not to have taken effective action in ending the participation of their officials in trafficking, and in investigating and prosecuting meaningfully their officials involved in trafficking. A waiver is provided for the President if he finds that provision of such assistance is in the national interest. This is a modest enforcement provision that will encourage governments to take seriously this extremely serious human rights violation.

On a national level, it ensures that our immigration laws do not encourage rapid deportation of trafficked women, a practice which effectively insulates traffickers from ever being prosecuted for their crimes. Trafficking victims are eligible for a nonimmigrant status valid for three months. If the victim pursues criminal or civil actions against her trafficker, or if she pursues an asylum claim, she is provided with an extension of time. Further, it provides that trafficked women should not be detained, but instead receive needed services, safe shelter, and the opportunity to seek justice against their abusers. Finally, my bill provides much needed resources to programs assisting trafficking victims here at home and abroad.

We must commit ourselves to ending the trafficking of women and girls and to building a world in which women and children are no longer subjected to such horrendous abuses.

I urge my colleagues to support this important legislation.

I say to the chair of the committee, I will not introduce the amendment to today's bill. What we want to do is have an amendment, and I hope to get the support of the chairman of the Senate Foreign Affairs Committee, which will set an international standard for governments to meet in their effort to fight trafficking and assist victims of human rights abuse. It will call on the State Department and Justice Department to investigate and take action against international trafficking. It will create an interagency traffic force to monitor and combat trafficking in the Office of the Secretary of State. It will direct the Secretary of State to submit an annual report to Congress on international trafficking.

We will also take a look at what different governments are doing and which countries are involved in this illegal practice, what police forces are involved, and whether or not we ought to be taking action with a clear message that we, as a government, will not tolerate that.

On a national level, it will ensure that our immigration laws don't encourage the rapid deportation of women, that insulates the traffickers from being prosecuted. Women are terrified; they have no protection, and therefore, they can't even testify against what is happening to them. We want to make sure they are provided with some protection.

We want to commit ourselves to ending the trafficking of women and girls and to building a world in which women and children are no longer subjected to this horrendous abuse.

We don't agree on all issues, I say to the chairman of the committee, but I know him and I know he finds this practice abhorrent. Out of respect for him, I will not introduce this amendment to this bill because I know he wants to move the bill forward. There are a couple of issues we are trying to resolve in terms of getting support. I had a commitment from the chairman we will go forward with hearings. This will not be delayed.

Perhaps even more importantly, I say to the chairman, because he has had nothing to do with delaying this, I have been waiting for the State Department to come forward with their modifications. I have asked for quite some period of time. My hope is within the next week we will be doing this work together. I will work with the chairman; I will work with Senator BIDEN; I will work with the State Department. We will come to some agreement on our language, which surely we can do. When the foreign operations bill comes to the floor, my hope is we will be ready with this amendment. If at that point in time I can't get the State Department to come forward and give me their suggestions and talk about their approach and have us work together, I will just bring the amendment to that bill and we will have an all out debate and a vote up or down and see where people stand.

I am convinced with a little bit more time—not too much more time but a little bit more time—I will get to work with the chairman and I will be able to get the support of the chairman of the Senate Foreign Affairs Committee and Senator BIDEN and other Senators and we can move this forward.

My goal is to get this passed. Members don't come to the floor to give a speech for the sake of giving a speech. Quite often, we don't even get to see, Senator HELMS, the results of our work in a concrete way. But we do know if we can pass something like this and get it in a bill, it can help a lot of people around the world, and we have done something good. I want to do something good, do something positive.

I will wait a little while longer. I do want the State Department to know I will not wait much longer. Let's go forward in the spirit of working together. This will not be something that we will delay and delay. We will pass this. Some good work is being done in the State Department. There is no reason we can't do this together. There is no reason this can't be a bipartisan bill. There is no reason why our government, our country, can't take the lead in trying to put an end to this abhorrent, unconscionable, vicious practice. This is a huge civil rights issue. As a Senator, I intend to address this with some good legislation.

I say to the Chair, I have already had a chance to speak on the amendment dealing with child soldiers. We have a modification.

What I would like to do now is call up amendment No. 697 and ask unanimous consent it be in order for me to modify the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 697, AS MODIFIED

(Purpose: To express the sense of Congress that the global use of child soldiers is unacceptable and that the international community should find remedies to end this practice)

Mr. WELLSTONE. I send the modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 697, as modified.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 115, after line 18, add the following new section:

SEC. 730. SENSE OF CONGRESS ON THE USE OF CHILDREN AS SOLDIERS OR OTHER COMBATANTS IN FOREIGN ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) There are at least 300,000 children who are involved in armed conflict in at least 25 countries around the world. This is an escalating international humanitarian crisis which must be addressed promptly.

(2) Children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand.

(3) Children are most likely to become child soldiers if they are orphans, refugees, poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education.

(4) Child soldiers, besides being exposed to the normal hazards of combat, are also afflicted with other injuries due to their lives in the military. Young children may have sexually related illnesses, suffer from malnutrition, have deformed backs and shoulders which are the result of carrying loads too heavy for them, as well as respiratory and skin infections.

(5) One of the most egregious examples of the use of child soldiers is the abduction thousands of children, some as young as 8 years of age, by the Lord's Resistance Army (in this section referred to as the "LRA") in northern Uganda.

(6) The Department of State's Country Reports on Human Rights Practices For 1999 reports that in Uganda the LRA abducted children "to be guerillas and tortured them by beating them, raping them, forcing them to march until collapse, and denying them adequate food, water, or shelter".

(7) Children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, missing, dead, or fearful of having their children return home.

(8) A large number of children have participated and been killed in the armed conflict in Sri Lanka, and the use of children as soldiers has led to a breakdown in law and order in Sierra Leone.

(b) SENSE OF CONGRESS.—

(1) CONDEMNATION.—Congress hereby joins the international community in condemning the use of children as soldiers and other combatants by governmental and non-governmental armed forces.

(2) FURTHER SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary of State should—

(i) study the issue of the rehabilitation of former child soldiers, the manner in which their suffering can be alleviated, and the positive role that the United States can play in such an effort; and

(ii) submit a report to Congress on the issue of rehabilitation of child soldiers and their families.

Mr. WELLSTONE. Mr. President, I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, we certainly accept this amendment, amendment No. 697, as modified. We have discussed it on both sides.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 697), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I thank the Chair for his help and his support.

Mr. HELMS. To the contrary, I thank the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I commend the Senator from Minnesota for working with us on his amendments. The issues he raised are—"significant" is not strong enough. They are grave issues that ought to be considered, and I commend him for it. I assure the Senator the committee will continue to work with him to address his concerns.

Mr. President, we have made significant progress in the State Department authorization bill. We have now completed debate on the Feingold amendment, and we have just, obviously, accepted the modified Wellstone amendment. We are making progress on the Sarbanes amendment, which is the only remaining amendment to be debated. I understand some Senators wish to come to the floor and speak on the bill in general, and I encourage them to do that now. This afternoon we will vote on the Feingold amendment and possibly the Sarbanes amendment, and then we will move to final passage.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent Kathleen O'Brien, a fellow, and Meagan Fitzsimmons, who is an intern, be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 695

(Purpose: To increase the authorizations of appropriations for "Contributions for International Organizations" and "Contributions for International Peacekeeping Activities")

Mr. SARBANES. Mr. President, I believe I have an amendment at the desk. Am I correct?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 695.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 116, strike "$940,000,000 for the fiscal year 2000 and $940,000,000" and insert "$963,308,000 for the fiscal year 2000 and $963,308,000".

On page 121, line 6, strike "$215,000,000 for the fiscal year 2000 and $215,000,000" and insert "$235,000,000 for the fiscal year 2000 and $235,000,000".

Mr. SARBANES. Mr. President, I have been in discussions with the distinguished chairman of the committee. The committee is prepared to take the latter part of this amendment. I am prepared to withdraw the first part of the amendment, therefore obviating the need for a vote, although I would then like to speak about the bill and my general attitude toward it.

I make a parliamentary inquiry. If I were to ask for a division of the amendment and withdraw the first part of it, on page 116, would the next order then be to go to the second part of the amendment on page 121?

The PRESIDING OFFICER. That would be the order.

Mr. SARBANES. Mr. President, I ask for a division on the amendment.

The PRESIDING OFFICER. The amendment is so divided.

The amendment (No. 695), as divided, is as follows:

DIVISION I

On page 116, strike "$940,000,000 for the fiscal year 2000 and $940,000,000" and insert "$963,308,000 for the fiscal year 2000 and $963,308,000".

DIVISION II

On page 121, line 6, strike "$215,000,000 for the fiscal year 2000 and $215,000,000" and insert "$235,000,000 for the fiscal year 2000 and $235,000,000".

Mr. SARBANES. Mr. President, I withdraw the first part of the amendment, lines 1, 2, and 3, that read, "on page 116" down and through "$963,308,000."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I understand that now before us is the second part of the amendment, lines 4 and 5 on page 1 and lines 1 and 2 on page 2; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. There was originally a two-hour time agreement on the amendment, equally divided. I will cut my time back to half an hour, but I thought we would go ahead and adopt it, if that is acceptable to the chairman.

Mr. HELMS. I think that is what we should do, and I hope we will.

Mr. SARBANES. I ask unanimous consent that following the adoption of the amendment I have 30 minutes to speak on the bill, and that will be in lieu of the 1 hour that had been reserved for proponents of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I urge the adoption of the second part of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 695), as divided, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I thank the chairman of the committee.

I now will speak on the bill, which presents some difficult issues. Despite the chairman's accommodation—which is a step forward that I appreciate—I still plan to vote against the bill, as I did in the committee. I say to the chairman that this decision has been made more difficult for me because this bill is now being named after Admiral Nance.

I wish the substance of the bill were such that I could feel free to vote for it. Unfortunately, I do not. But I want to make it very clear that if I could have improved the substance enough, the fact that Admiral Nance's name is on this bill would have clearly moved me in the direction of voting for it. Hopefully, it will come back from conference in a somewhat better state, and I might be able to vote for it then.

I wanted to say this at the outset because I, like so many Members of this body, had enormous respect and affection for Admiral Bud Nance and for his commitment to our Nation, both in war and in peace. I saw that commitment every day after he joined the chairman in the workings of our committee. His contributions were widely recognized and he will be greatly missed.

This amendment, which we have now adjusted, was an effort to keep us from going further into arrears to the United Nations in the current year. Under the compromise, we will authorize the full amount this year for peacekeeping, but we still fall behind on the contributions to international organizations.

The bigger problem connected with the legislation is the proposed package to settle our past arrears to the United Nations, which unfortunately, has two major shortcomings. First of all, the total figure does not reach the level which our Government admits we owe, missing it by a little under $100 million if one includes debt relief. My second objection is that the money we do authorize has been heavily conditioned.

Let me just say at the outset that I believe important U.S. national interests are undermined by our continued failure to pay what we owe to the United Nations and its affiliated agencies. I know the chairman and the ranking member are trying to search for a solution to this problem. I respect their efforts. I just do not think they have gone far enough along this important path.

By refusing to meet our legal obligations while continually issuing new demands, we are wasting our own influence, damaging our credibility and international respect, engendering resistance to the reforms we seek, and complicating the U.N.'s ability to perform its duties in a timely and effective manner. In my view, we should pay our arrears promptly, in full, and without additional conditions.

Unfortunately, this legislation does not accomplish that objective. The United States acknowledges we owe $1.021 billion to the U.N. The U.N. says we owe $1.5 billion. This bill authorizes $819 million over 3 years, plus an additional $107 million in credit. Even the $819 million which is authorized will not be paid promptly and at once; it will be paid over a 3-year period. So we will still be almost $100 million short of our acknowledged obligations, far short of the U.N. figure, with no promise of ever paying it back.

Unfortunately, that puts us in the position of a permanent default, particularly when one realizes that the authorization for the current year falls short. The amendment we just adopted helps to correct that on the peacekeeping side, but it still leaves us $23 million short on regular dues to the United Nations.

Furthermore, the bill imposes a long list of arbitrary and burdensome conditions for paying even the reduced amount, to which I have just made reference. These conditions have not been negotiated with or agreed to by the United Nations. They are, in effect, unilaterally imposed by the United States. They are being imposed on past obligations, on money we had agreed to provide without such stipulations.

The consequence of these arrears is that the U.N. has been unable to reimburse other countries for sending their troops on peacekeeping missions that the United States encouraged and endorsed. Other countries have put the lives of their own citizens on the line in order to accomplish mutually agreed objectives. The U.S. responsibility in most of those instances was to provide money to cover the missions they were performing for us and the entire world. Those missions have been accomplished. The bill has not been paid.

In addition, despite my amendment, this legislation creates new arrearages to the U.N., so not only do we fail to pay all the money we owe in arrears, not only do we establish preconditions for this partial payment, but we begin to build up new debts by authorizing less than is needed.

The agreement that was reached on the amendment addressed this in part. It provided the $235 million needed for assessed peacekeeping operations. The bill had $215 million. It still does not provide the full amount needed for assessed U.N. dues, falling short by $23 million.

I must say, if any other country delinquent in its obligations showed up with the demands we have placed in this legislation, lacking the intention of paying its debts in full and short of its current dues, we would be extremely upset at what we would regard as its audacity. Surely our friends and allies will have the same reaction to our conduct.

This approach runs counter to that reflected in the exercise of American leadership at the end of World War II, an approach that I think should characterize our policy toward the United Nations today.

It is my strongly held view that the interests of the United States have been served by our Nation's active participation in the United Nations and the U.N. system. Especially now, with the end of the cold war, the U.N. has a genuine opportunity to function as it was intended at the end of World War II, without the constant Soviet veto in the Security Council that effectively neutralized it for so many years.

The task facing us today is to assist the United Nations to adapt to the end of the cold war and the challenges of the new century. The need for the United Nations remains clear, for as then-Ambassador to the U.N. Madeleine Albright commented:

> The battle-hardened generation of Roosevelt, Churchill and de Gaulle viewed the U.N. as a practical response to an inherently contentious world; a necessity not because relations among States could ever be brought into perfect harmony, but because they cannot.

This sense of realism seems absent from many of the current discussions of the United Nations. There has been a misperception that the U.N. can somehow dictate policies to the United States and force us to undertake actions that do not serve U.S. interests. This is simply not the case. Those who labored in San Francisco and elsewhere to create the United Nations some half a century ago insisted that the United Nations organization recognize the reality of great powers by granting significant authority to the Security Council.

In the Council, the United States and other major powers were given the veto power, thereby ensuring that the U.N. could not undertake operations which the United States opposed. Every U.N. peacekeeping operation requires prior approval by the United States.

Actually, by failing to meet our financial obligations, we are abdicating the powers available to us within the U.N. system.

We are, for example, in danger of losing our vote in the General Assembly, a status generally reserved for the world's lawless and pariah states. Since the General Assembly works on the basis of consensus, we are depriving ourselves of the ability to press for needed reforms.

The influence we held in the past by our leadership, reflected in the large number of senior posts awarded to U.S. nationals, is being eroded and subjected to challenge.

As Ambassador Richardson explained in the course of his confirmation hearings to go to the U.N.—he, of course, is now Secretary of Energy—I quote him:

> Growing resentment over our failure to pay our assessed dues and arrears has put our continued leadership and influence at risk. . . . [A]mong the members of the Geneva Group, composed of the U.N.'s largest contributors and a crucial source of support for U.N. reform, there is virtually no willingness to consider reductions in our dues for peacekeeping or the regular budget until we pay our arrears. If the United States fails to meet its financial commitments to the U.N. system, it will become increasingly difficult to set the U.N. priorities for the future and to ensure that qualified Americans serve in important U.N. posts.

Let me just talk a bit about how an effective U.N. serves U.S. interests. I believe, of course, that U.S. leadership is essential to an effective U.N.

Over the years, the U.N. has negotiated over 170 peaceful settlements across the globe—helping to end wars, uphold cease-fires, protect civilians, reintegrate refugees, oversee the conduct of free and fair elections, monitor troop withdrawals, and deter intercommunal violence.

From Iraq to Bosnia and Kosovo, assembling coalitions to repel aggression and keep peace would have been impossible without assistance and support from the United Nations.

In Haiti, the introduction of U.N. peacekeepers meant that U.S. troops could be extracted without condemning the country to chaos, while in Cyprus, the U.N. prevents an outbreak of hostilities that could lead to conflict between two NATO allies.

The U.N. has not been able to handle every situation. Unfortunately, it has attracted the most attention in those instances when it has not able to provide a resolution. People then conclude that it is totally ineffective. I beg very strongly to disagree with that conclusion.

As I have indicated, there have been numerous instances in which the U.N. has negotiated peaceful settlements. As a matter of fact, the Nobel Peace Prize has been awarded five times to the United Nations and its organizations.

U.N. operations further serve U.S. interests by leveraging our resources and influence in order to achieve a much greater impact at lesser cost than we could unilaterally.

I think those who constantly talk about the burdensharing theme—and I think it is an important theme; I have talked about it myself—need to recognize the U.N. has been, and can be, an even more important mechanism for burdensharing.

One of the things that needs to be understood is that by working through the United Nations, we can often gain international endorsement for an American position. The U.S. position is then seen as representing the judgment of the entire international community and not solely the judgment of the United States. The mandate becomes a response by the entire international community and cannot be portrayed as the United States trying to impose its own point of view in the particular situation.

There are many examples of how the U.N. serves U.S. interests at a reduced cost and with great effectiveness. The International Atomic Energy Agency, with our small annual contribution, has helped prevent nuclear proliferation by inspecting and monitoring nuclear reactors in facilities in 90 countries, many of which would not allow access to the United States alone. The World Health Organization, working in concert with USAID and other bilateral agencies, led a 13-year effort resulting in the complete eradication of smallpox, saving an estimated $1 billion a year in vaccination and monitoring, and helped to wipe out polio from the Western Hemisphere.

Through its High Commissioner for Refugees, its Children's Fund, the Development Programme, the International Fund for Agricultural Development, and the World Food Programme, the U.N. has saved millions from famine and provided food, shelter, medical aid, education, and repatriation assistance to refugees around the world.

The U.N. Environment Programme and the World Meteorological Organization have brought countries together to begin to address important environmental matters, to develop regional efforts to clean up pollution, and to predict and respond effectively to natural and manmade disasters.

Thanks to organizations such as the Universal Postal Union, the International Telecommunications Union, the International Civil Aviation Organization, and the International Maritime Organization—all agencies of the United Nations—there are procedures to ensure the safety and reliability of worldwide travel and communications.

By coordinating international sanctions against the apartheid regime in South Africa, the U.N. was instrumental in bringing an end to the apartheid system.

Through the efforts of the United Nations, over 300 international treaties have been enacted which set standards of conduct and enable cooperation in areas ranging from arms control to human rights and civil liberties, protection of copyrights and trademarks, determining maritime jurisdiction and navigation on the high seas, preventing discrimination against women, conserving biological diversity, and combating desertification.

Because of U.N. agencies, such as the International Labor Organization, and U.N.-brokered agreements, such as the Universal Declaration of Human Rights, the American ideals of freedom, democracy, equality before the law, and the dignity of the individual have become internationally accepted, and the rights and protections that U.S. workers enjoy are being aggressively pursued in other countries.

International trade and commerce would be hamstrung without the World Bank, the International Monetary Fund, the World Trade Organization, and the regional development banks, not to mention the many agreements negotiated under their auspices. All of these grew from the U.N. system.

I went on at some length about these matters because we do not often focus on them. A lot of the very positive work done by the U.N. is simply taken for granted, falling below the "radar screen" for most people. Many do not appreciate that it is the U.N. that is conducting all of these important activities, and they fail to understand how discomforted they would be in their lives if these activities were not carried out, which the United Nations has been doing, year in and year out.

The U.N. has been a favorite target of criticism. Certainly there are activities and practices of the U.N. that have been wasteful or ineffective and that require reform. But I think the strategy of unilaterally withholding funds until all our demands are met is counterproductive, particularly in the current circumstance.

Since his election in 1997, U.N. Secretary General Kofi Annan—whose candidacy, of course, was strongly supported by the United States—has instituted a number of significant reforms, including a zero-growth budget, the cutting of administrative costs, the elimination of almost 1,000 positions, the creation of an independent inspector general, the consolidation of overlapping agencies, the establishment of more budget oversight, and tighter budget discipline.

I know some think he has not gone as far as he should go, that he has not fully implemented all of these reforms, and there is some truth to that. But the fact remains, he is trying to run an organization that operates by consensus. He has set out the proper direction and the proper goals. He is doing his very best to move the agency along the right path.

Frankly, I think the United States can be more helpful in the reform effort. We do this not by being the biggest delinquent in dues paying, which only brings resentment against our calls for change; we should pay our obligations in full so we can regain the credibility and respect needed to push for further reforms.

It is both ironic and unfortunate that a nation that holds itself and its citizens to the highest standards of law should find itself in default of its international obligations. Our democracy is founded on the primacy of respect for the rule of law. We urge other nations to follow our example.

It is often a tremendous challenge to get countries to respect the basic rights of their citizens and to act in accordance with international law. Yet we ourselves are not meeting those high standards as they relate to the United Nations. We undertook commitments under the U.N. Charter. We have a responsibility to make good on them if we want other countries to uphold their international agreements.

The United States is the great power in the world today, and with that role come important responsibilities in how we exercise that power. I think we are failing here, with respect to our commitments to the U.N., to exercise those responsibilities in a manner that will strengthen our position and serve our Nation in the international community. We have not only a legal and moral obligation to pay our dues, but a practical interest in doing so as well.

So while I respect the efforts that have been made in the committee, and while I recognize that I was a lonely voice for this position in the committee, I think that offering only a partial and a heavily conditioned repayment of the U.S. debt to the United Nations will not meet our obligations and will not enhance our interests.

Seven former Secretaries of State have written an open letter to the Congress urging the United States to honor its international commitments and pay its debt to the United Nations. I think their letter is a powerful statement about the importance of U.S. leadership and the risk that nonpayment of our debt to the U.N. will pose for U.S. security and international influence. That letter was signed by former Secretaries Kissinger, Haig, Baker, Christopher, Vance, Shultz, and Eagleburger—Democrats and Republicans alike.

I ask unanimous consent that their letter, which was sent to the Speaker of the House, the House minority leader, the Senate majority leader, and the Senate minority leader, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Mr. President, the arrears package in this bill is a significant step toward meeting our international obligations. But I am deeply troubled by its failure to authorize the full amount that United States itself admits we owe, let alone what the U.N. claims we owe.

Secondly, even making that money available, or any part of it, is very heavily conditioned in this legislation. In other words, we are saying to the U.N.: Yes, we are willing to pay some of what we owe, but in order to get any of this money, you will have to comply with a long list of conditions—several of which I think will be extremely difficult for them to meet. In any event, it is sort of a "take it or leave it" approach. This was not part of a negotiated agreement. We are going to approve the package and then present it to them. I think we may encounter a difficult reaction to this and see a continuing problem.

Third, as I indicated, even with the accommodation made on the amendment earlier, we still create new arrears. So it is not as though we are able to say to the U.N. that this is the package we propose for arrears and, in the future, we are not going to let this situation arise again. In other words; we aren't really on board here to meet our continuing obligations to the organization, which in substantial measure has been responsive to American interests. Instead, we are going to continue to go into arrears, extending the problem which has brought us to the impasse we now confront.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SECRETARIES OF STATE TO CONGRESS: U.S. LEADERSHIP IS AT RISK

Hon. DENNIS J. HASTERT,
Speaker of the House.
Hon. TRENT LOTT,
Senate Majority Leader.
Hon. RICHARD J. GEPHARDT,
House Minority Leader.
Hon. THOMAS A. DASCHLE,
Senate Minority Leader.

MARCH 16, 1999.

DEAR CONGRESSIONAL LEADERS: As America's financial debt to the United Nations persists, we are deeply concerned that our great nation is squandering its moral authority, leadership, and influence in the world. It's simply unacceptable that the richest nation on earth is also the biggest debtor to the United Nations.

We are writing to urge all Members of Congress to support full funding of the outstanding and current U.S. legal obligations to the United Nations and to alert Congress to the serious consequences if we fail to do so. U.S. leadership is at risk. Our ability to achieve vital foreign policy and security objectives is compromised. Our priceless reputation as the pre-eminent country committed to the rule of law is compromised. And, the critical work of the United Nations is threatened.

As former Secretaries of State, we know first hand the importance of the United Nations and its agencies in securing global peace, stability and prosperity. And we appreciate that now more than ever, the U.S. must lead in the community of nations to turn back threats to peace and freedom, whether from war or hunger, terrorism or disease. We cannot lead if we ignore our basic international responsibilities.

There are historic consequences to our continued failure to meet our obligations. The United States, one of the founding members of the United Nations could lose its vote in the UN General Assembly.

Important reforms have occurred at the United Nations, many at America's urging: a no-growth budget from 1994–98 and an actual reduction of $123 million for 1998–99, creation of an office of inspector general which has identified more than $80 million in savings, more than 1,000 positions out, and other cost-saving measures. Payment of U.S. arrears is critical to continuing this reform.

We urge you: honor our international commitments and pay America's debt to the United Nations. Great nations pay their bills.

Sincerely,

HENRY A. KISSINGER.
ALEXANDER M. HAIG, Jr.
JAMES A. BAKER, III.
WARREN M. CHRISTOPHER.
CYRUS R. VANCE.
GEORGE P. SHULTZ.
LAWRENCE S. EAGLEBURGER.

Mr. KERRY. Mr. President, the pending bill fails to authorize the Administration's full request for funding for U.S. contributions to international organizations and for U.S. contributions to international peacekeeping activities. I am pleased to cosponsor the amendment offered by my colleague, the Senator from Maryland, because it at least partially rectifies this situation by bringing the authorization for one of these two accounts up to the Administration's full request for Fiscal year 2000.

The bill before us today makes significant strides in the on-going efforts of the Congress and the Administration to pay U.S. arrears to the United Nations and achieve much-needed reforms in that organization. I commend both the chairman of the Foreign Relations Committee, Senator HELMS, and the ranking Democrat, Senator BIDEN, for this important accomplishment. Working closely together and working closely with the Administration, they have reached an agreement that will allow the United States to begin restoring its status as a member-in-good standing of the UN.

I believe many of my colleagues share my profound relief that, with this bill, the United States will take an important step toward paying what we owe to the United Nations. For the United States to fail to meet its treaty obligations as a founding member of the United Nations is, in my opinion, conduct unworthy of this great nation.

In our increasingly interconnected world, even a great nation—even the sole remaining superpower—can not protect and advance its national interests alone. We need not look any further than the last few weeks, as the United States and our NATO allies have worked to bring an end to the conflict in Kosovo, to see just how important the UN is to our ability to exert positive international leadership. For every day we have allowed U.S. dues to go unpaid and U.S. arrears to mount, our leadership in the UN has been subtly, but surely undermined. As we take the important step today of authorizing the payment of most of what we owe to the UN, we just as surely take a step toward reinforcing U.S. leadership around the world.

This bill does not, unfortunately, authorize payment of the full amount the State Department says we owe the UN. Of the $1.021 billion we acknowledge that we owe, this bill only authorizes payment of $819 million in direct payments and $107 million in debt forgiveness. We still fall $95 million short. I look forward to working with my colleagues on the Committee to ensure that the full amount of U.S. arrears to the UN are paid.

The amendment offered by Senator SARBANES, by ensuring the authorization of full-funding for what the U.S. currently owes for peacekeeping is critical to continuing the hard-fought effort to restore U.S. standing in the United Nations. By cutting the level of our current contributions to the UN's regular budget and peacekeeping activities as this bill does, we run the risk of increasing our arrears in the very same bill where we are paying them down. The amendment offered by Senator SARBANES would ensure that we do not take one step forward and two steps back on paying what we owe to the United Nations. I strongly support this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I thank the Senator from Maryland for his statement and cooperation. I thank the chairman for working out a compromise with the Senator on his amendment.

I must say, I would be more comfortable if I could be pure on this, because I happen to agree with the Senator from Maryland. I think we owe a total amount of probably $1.021. The U.N. says we owe $1.509. We do not, in my view. I would be more comfortable if we could have gotten all of that. Quite frankly, I would be more comfortable, as a matter of principle, if there were no conditions.

So I began this process 6 years ago exactly where the Senator is. The arrearages began to mount in larger numbers, really with UNPROFOR in Bosnia. I know the Senator knows that a significant amount of what the United States "owes" is for peacekeeping missions. It is owed to France, the U.K., Italy, Belgium, Netherlands, Canada, India, Pakistan, Russia, and Germany. It is not dues in the sense that we belong to a club, or a country club, and you have yearly dues. This is more like at the end of the year when they say we ran over X amount of dollars and you assess the members beyond their dues. That is what we owe, in large part.

I know the Senator knows this, and I thank him for his acknowledgment of our attempt to do the best we could. But I think, as I said, on principle, we should pay our obligations in full with no conditions.

We should negotiate conditions from this point on, if we want to, because I think the Senator would agree with me that the U.N. is a badly run outfit in terms of its management skill.

It has been the employer of first resort for a significant number of countries, understandably. It is a bloated bureaucracy, which has been worked upon positively by Kofi Annan, and there has been progress made. But it is not an institution that we had in mind when we signed on in San Francisco. We didn't expect it to turn out to be as inefficient as it has, understandably.

It has also done an incredible amount of very good work. I believe, as the President said with regard to the United States, the United States is the "essential nation." I believe it is the essential international organization. I am committed to it.

But, a friend of mine, when I used to serve on the county council in New Castle County, DE, a Republican named Henry Folsom came down to Washington—by the way, in the Reagan administration. Henry used to say, God bless his soul, "Joe, remember. Politics is the art of the practical."

Practically speaking, my pure stand of saying "no conditions and all the money" was rhetorically very appealing. But it didn't do a thing.

It was only, quite frankly, when the Senator from North Carolina—who has been a critic over the years of the United Nations—decided we had to fix this somehow; that we ended up over a period, I would say to the chairman, of probably 2 years of talk, negotiating, arguing, and compromising that we ended up where we are today. Where we are today is four-fifths or more of the way home.

Still, I for one do not like the conditions that precede us paying. I would rather say that these are conditions that we hope would be met, notwithstanding whether or not we would pay. But we are where we are.

So this is a process. This is a process.

I have spoken with all but two of the former Secretaries of State on this matter. When I put the question to them, as I did to Kofi Annan—All right, do you want this or do you want nothing? —every single person involved with the United Nations to whom I have posed that question said: No. No we will take this. We will take this.

The truth of the matter is there are choices. Our choices are this or nothing. All of us who are devoted to the United Nations, in terms of thinking it an essential body, have been unable to get a penny—a penny—toward these arrears. We have been noble, myself included, in our efforts. But we haven't gotten a penny for those "arrears."

Where we are today is with a decision. That is, is it partial, more than partial, is it the bulk of the arrearages to be paid, conditioned upon things which this Secretary of State says—by the way, the last piece of this was negotiated not by the Senator from Delaware and the Senator from North Carolina but by the Secretary of State speaking for the President of the United States and the chairman of the committee.

The administration has been candid. They said they are not sure they can get all of it done. They think they can. They are going to fight for it. But they think it is worth the fight—that it is worth the candlestick.

We are seized with a decision that I think is going to overwhelmingly pass, which is, do we keep these conditions that have been altered in light of the passage of 2 years of time to make them more likely to be able to be met, coupled with the $926 million paid out, as the bill calls for, much of it front-end loaded, or do we step back and say no, we are not going to?

I know the Senator from Maryland isn't suggesting this. But the other alternative is to step back and say unless we get it all, no conditions, all the arrears, we are not going to do anything, we will not be creating new arrears with this deal.

By the way, even though we are authorizing less than the administration requested for contributions to international organizations, we are about $43 million above what is needed in the first place.

I understand the State Department will soon announce a $28 million surplus in the fiscal year 1999 international organizations account. This would be applied to reduce the amount requested for fiscal 2000.

Also, because of exchange rate gains, the request is $20 million too high, as of April 30. $7 million is requested for war crimes commissions in Iraq and Cambodia. As much as I would like to see the commissions, neither looks likely in the very near future.

Finally, there is $8 million in the budget request to cover exchange rate fluctuations, but the committee bill already contains language that guards against adverse exchange rate variations. Section 801(f)(1) states:

> . . . there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 and 2001 to offset adverse fluctuations in foreign currency exchange rates.

I am confident we have authorized enough funds to meet our current obligations to international organizations. I understand the Senator's concern and fear. But I do not believe when we pass this authorization bill, if it were appropriated as we suggest, that we are going to be further and further behind in this process.

It is true that we have not fully funded the administration's request for arrears payments to the United Nations and other international organizations. We are $95 million short of our request.

As I have said, in an ideal world I would like to pay our arrears to the United Nations in full, immediately, and without condition. But I have made a judgment, and I believe the correct one, a pragmatic judgment, because I know that such a proposal has no chance of passing—"no conditions, all the money."

In the last Congress, I asked the administration to give me a bottom line figure for arrears to the United Nations with which they could live. The administration responded with a memorandum to me which stated they were willing not to pay $68 million in arrears to UNIDO, an organization that we withdrew our membership from earlier in this decade.

Their judgment is that a total of $68 million in arrears is owed to an organization in which we are not a member, and to which we have no intention of paying membership dues.

They also told me they would apply an expected refund of $27 million from the U.N. to reduce our arrears. Unfortunately, that $27 million was used to reduce the fiscal year 1998 contributions because our bill got stalled in the House. Otherwise, we would have been in pretty good shape.

For those who are wondering how we came up with $926 million, if we added $68 million to the $27 million and subtract that from the total of $1.021 billion we owed, then we would arrive at our figure.

What we did was essentially pay the entirety of the arrearages that we thought were owed absent the $68 million they said they didn't want to pay to an organization we weren't a member of, and not contemplating the fact they have to use the $27 million because this bill got slowed up. It is true that $27 million U.N. refund has already been used and, thus, is not available for arrears. But I would note that this sum can be easily subtracted from arrears owed to the specialized U.N. agencies. Even with the $926 million provided in our plan, many of the specialized agencies will have to create or expand programs to absorb the arrears payments they are going to receive.

It sounds a bit counterintuitive that a plan which is supposed to control the size of the U.N. could actually end up expanding it temporarily. That will be the short-term effect for many of the specialized agencies, if they decide to devise ways to spend the extra money that is going to be flowing in.

Again, I personally would like to fully fund the administration request. I think I have outlined a solid political and substantive rationalization for providing the lower figure.

Finally, I emphasize again that there is $8 million in the budget request to cover exchange rate fluctuations. The committee bill, as I said, already contains language to guard against an adverse exchange rate. It is section 801(F)1. It states:

> There are authorized to be appropriated such sums as may be necessary in each fiscal year 2000 and 2001 to offset the adverse fluctuations of foreign exchange currency rates.

I still agree with my friend from Maryland. That is, I believe the real hangup is the conditions. The truth of the matter is, we have basically paid all the arrears that we owe, that we say we owe. If you accept the administration's position that the $68 million owed to an organization we have been fighting with for 10 years, and we have been out of it for 3 or 4 years, that if we do not pay the $68 million owed—and had we not had the House stall with what Senator HELMS and I put together 2 years ago, we would be at the $1.021 billion. Again, it would be better if even that were done. I am not arguing that.

I almost hesitate to make the point, to be honest with my friend from Maryland, this is a fragile coalition we put together. I am not sure we would get all the Republican votes we need if we thought we were paying everything we owed. I don't want to go around making a big deal of the fact we are paying everything we think we owe, short of those two accounts, to be very blunt. I guess I shouldn't be so blunt. That is the truth of the matter, from my perspective, politically.

We have done a heck of a job. I don't know whether to praise my friend or not, because my praise on this issue is probably not very helpful to him, so I won't. But let me say there has been a very good-faith effort on the part of my friend from North Carolina. This is not nearly as draconian as it sounds.

Again, the single most significant thing my friend from North Carolina extracted in return for essentially paying off our arrears were the conditions that exist. The essence of the deal is, we basically paid all the arrears we say we owe, if this becomes law, if this is appropriated, in return for conditions to do things I don't disagree with my friend on, but I don't think we should have done it the way we did. I think we should have said, pay the arrears, and, by the way, from this point on, we are not going to unless these conditions persist.

However, politics is the art of compromise. The Senator from North Carolina has made a significant compromise here to get us to this point. Because of his standing on his side of the aisle and, quite frankly, his standing nationally, as one who is not about to be viewed as easily taken over by the U.N., I think the mere fact that he has done this adds a credibility to the process that exceeds by far and away the dollar value that would have been accomplished, had we gotten another $95 million or thereabouts in the account.

This is only the beginning of the fight. The Senator put his credibility on the line to get this done one time before. The House concluded that for reasons I will not take the time to go into now, that it would not do this.

The House committee, our comparable committee, has been good on this issue. But it is a different thing when it gets to the House floor. Although we are technically halfway there, if we pass this bill today, the truth of the matter is, we are probably only about 30 percent of the way there because there are other hurdles on the House side we have to overcome.

I truly appreciate the views of the Senator from Maryland, with whom I agree 100 percent. I also truly appreciate the statesmanship of my friend from North Carolina who has brought us to this point. Without him, quite frankly, this couldn't be done. That old expression we have overused, "Only Nixon can go to China," only HELMS could take us this far.

That is literally true. That is not an exaggeration. I thank him for that.

Hopefully, this is the beginning of a process that puts us in good stead, strengthens the United Nations, and makes it a more viable and tightly run organization.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, listening to my dear friend from Delaware, JOE BIDEN, I harken back to the days when there was very little working relationship between the two parties on the Senate Foreign Relations Committee. Today, I think the working relationship is very good. That is due to the efforts of Senator BIDEN and his desire to make things work.

Let me be candid. I am not in the mood to give away the store, and I haven't given it away regarding the United Nations yet. It remains to be seen whether the reforms both of us have been demanding will be in place early enough for this proposition, which I will discuss in just a minute, to take place. We will see.

I can't tell the Senate how many times my best friend—next to Dot Helms—Admiral Nance and I have talked about this very issue. Bud Nance is gone now, but I remember his counsel on this bill.

This measure is important to me because it bears the name of the Admiral James Wilson "Bud" Nance State Department Authorization bill. Bud is gone; he is at the Arlington National Cemetery, after a distinguished career. I miss him.

However, both Senator BIDEN and I are blessed with excellent staffs. I thank staff on both sides. For the minority, the Democrats, I especially thank the inimitable Ed Hall, Brian McKeon, Runeet Talwar, Diana Ohlbaum, Janice O'Connell, and Joan Woodward.

I am especially grateful to the Senate's legislative counsel, Art Rynearson, and, of course, the best part for me, the majority staff of the Senate Foreign Relations Committee. The staff was put together by Admiral Nance and me, but he became the chief of staff of the Foreign Relations Committee. Steve Biegun has succeeded Bud Nance. He has been very artful in his contribution to this measure. Patti McNerney, Garrett Grigsby, Marshall Billingslea, Michael Westphal, Beth Stewart, Roger Noriega—this Noriega was born in Kansas, by the way—Kirsten Madison, Marc Thiessen, Sherry Grandjean, Dany Pletka, who has just given birth to her second little girl—Richard Fontaine, Jim Doran, Natasha Watson, Christa Muratore, Laura Parker, Christa Bailey, Andrew Anderson and Susan Oursler. All of these young people on both sides have made a mighty contribution not only to the composition of the bill but the fact we were able to compose it at all.

We are working together now. I want to say to my friend, Senator BIDEN, I appreciate his friendship and his cooperation. I extend my congratulations to him.

Now then, this bill addresses several significant oversight and authorization issues that ought to be at least mentioned before we go to a vote.

No. 1, it proposes to strengthen and preserve the arms control verification functions of the U.S. Government while addressing other nonproliferation matters as well.

No. 2, the bill authorizes a 5-year construction blueprint for upgrading U.S. embassies around the world to provide secure environments for America's personnel overseas. Unlike the funds provided more than a decade ago in the wake of a report by Admiral Inman calling for improved security of U.S. embassies, this bill would create a firewall for funding of other State Department expenditures. This, of course, would ensure that embassy funds are not raided again to pay for other State Department pet projects. I am just not going to stand for it, and this bill makes that very clear.

This bill makes some reforms to strengthen the Foreign Service and significantly, as Senator BIDEN has discussed at some length, the bill includes the United Nations reform package. This is not something we are going to lay on the table and say we are going to do someday. It is going to be done now. The United Nations is going to be reformed now or there is going to be trouble ahead. The reform agenda required by this bill, prior to payment of any U.S. taxpayers' dollars, has the full support of the Secretary of State and Senator BIDEN and me. These reforms were approved by the Senate during the 105th Congress by a vote of 90 to 5, with 5 Senators absent. But, of course, those reforms were vetoed by the President of the United States.

In conclusion, I want to pay my respects to all who have participated in the building of this legislation, those with whom I have disagreed as well as those with whom I have agreed. All in all, I think it is a very fine bill and I am glad to have had a very small part in it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, we are going to debate H.R. 975. I ask unanimous consent I be allowed to perhaps speak for 5 minutes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEEL IMPORT LIMITATION

Mr. WELLSTONE. Mr. President, I think I will come back to the floor, and depending on how many Senators are out here, I will speak more on this. But in this short period of time I want to try to deal with some of the arguments on this very important cloture vote on H.R. 975. There are three arguments I want to address in 4 or 5 minutes.

The first argument is that the steel crisis is over. That is what I hear from the White House. I say to my colleagues, I spent the weekend on the Iron Range in northeastern Minnesota, both in Duluth and on the Iron Range in Minnesota. If you were to speak to some of the 108 workers who have been laid off at EVTAC Mining, or talked to the workers at Minntac who had to make all sorts of concessions last fall to avoid layoffs, or if you were to talk to workers at LTV in Hoyt Lakes, you would find quite another reality. I think it would be hard for the administration or any Senator, Republican or Democrat, to go to the Iron Range in Minnesota, where we produce the iron ore for our steel, and tell these workers or their families that this crisis is over. This crisis is far from over.

To go to the flip side of the coin, but it is the same coin, I ask unanimous consent a letter dated June 18 from the CEOs of the major steel companies to Secretary Daley be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. WILLIAM M. DALEY,
Secretary of Commerce, Washington, DC.

DEAR MR. SECRETARY: We regret that your schedule required the cancellation of our meeting with you today. There are issues that are vital to our industry and to the Department's mission in trade law enforcement that require us to meet together as soon as you can do so.

We feel compelled, however, since we could not meet with you today, to convey to you immediately our emphatic disagreement with the comment attributed to you in this morning's Washington Post that "the steel crisis is over".

The steel crisis is still very much with us. Imports volumes are down from the disastrous levels of 1998 but are still very high by historic standards. While imports of hot-rolled steel are down dramatically due to your enforcement actions, the surge of imports in 1998 caused inventories to balloon to extremely high levels. These inventories have seriously depressed prices up until the present and will continue to do so until these stocks have been worked down. Moreover, cold-rolled imports are up dramatically through April of this year, 24% above the level of the first four months of last year. Imports of cut-to-length plate are up dramatically—25% year-to-year for this period. (If full year 1999 imports decline, it will only be because of the Department's prosecution of the cases against unfair trade that our companies recently filed.)

Prices remain extremely depressed. The producer price index for all steel mill products is down 9% (1999:Q2/1998/Q2). This is the largest decline in nearly 20 years. Prices for hot-rolled sheet, cold-rolled sheet and plate are down 11%, 9%, and 15%, respectively.

Operating rates have plunged from 93% to 80% between January and December 1998 and have remained at the depressed level through the first half of 1999. The decline in operating rates equates to about $2 billion in lost revenue in the second half of last year. On an annualized basis, a 10% change in operating rate equals about $5 billion in revenue. (Please see the attached charts addressing the facts set out above.)

The depressed prices and operating rates caused most American steel companies to post losses in the most recent quarter. Several steel companies have seen forced into bankruptcy. Thousands of those who were laid off due to unfairly traded imports are still out of work. Many thousands have seen their workweeks shortened and are still not back to full time.

For our industry, therefore, this crisis is far from over. It is very real, and very much with us.

We look forward to meeting with you soon. Your role in overseeing the Department's vigorous enforcement of the trade laws last fall was vital in preventing what is a continuing crisis from turning into an irreversible disaster. Your prompt action taken in initiating and prosecuting cases against dumping of hot-rolled steel from Japan, Russia and Brazil was essential to curtail the surge in these unfairly traded imports. The personal attention and energy which you have devoted to enforcing U.S. trade laws at the height of the import surge is deeply appreciated by all of us.

The Department is proceeding now to investigate other steel cases in cut-to-length plate and is due to make public its initiation decisions on the cold-rolled steel cases on Tuesday. These actions and decisions are vital to the future of the American steel industry.

Very truly yours,

Hank Barnette, Chairman & Chief Executive Officer, Bethlehem Steel Corporation; James DeClusin, Senior Executive Vice President, California Steel Industries; Don Daily, Vice President & General Manager, Gallatin Steel; Joseph Cannon, Chief Executive Officer & Chairman, Geneva Steel; Robert Schaal, Chairman and Chief Executive Officer, Gulf States Steel, Inc.; Roger Phillips, President and Chief Executive Officer, IPSCO Inc.; Dale E. Wiersbe, President and Chief Operating Officer, Ispat Inland Inc.; J. Peter Kelly, President & Chief Executive Officer, LTV Steel Company, Inc.; John Maczuzak, President & Chief Operating Officer, National Steel Corporation; Keith Busse, President & Chief Executive Officer, Steel Dynamics, Inc.; Paul Wilhelm, President, U.S. Steel Group, a Unit of USX Corporation; Richard Reiderer, President and Chief Executive Officer, Weirton Steel Corporation.

Mr. WELLSTONE. Mr. President, they make it clear the crisis is far from over as well.

The global conditions at the root of the crisis have not gone away. Imports from the major foreign producers have declined, but other countries have taken their place and we see major producers shifting to different steel products to get around the dumping orders. We need this Rockefeller bill to plug the loopholes.

Dumping cases take time. In many cases the relief is too little too late, or it gets negotiated away in suspension agreements. I am afraid someday we are going to wake up and we are not going to have any steel industry at all.

In my State of Minnesota we were a part of what happened in the 1980s, when we lost 350,000 steelworker jobs and 28,000 people left the Iron Range for good. As a Senator, I do not want to let that happen again.

The second argument that is made by the administration is that we cannot go forward with this bill because this is quota relief, and the question is whether or not quota relief is WTO-legal.

I see here a bit of a double standard. When Mr. Carl Lindner from Chiquita Bananas had a trade complaint, the administration did not hesitate to slap a 100-percent tariff on imports from Europe. But when our workers and working families ask for some relief under Section 201, which provides for quotas and is WTO-legal, then all of a sudden there is no relief forthcoming.

Finally, I make a point that this crisis is not the fault of steelworkers. They should not be the ones asked to pay the price. I am in complete agreement that we ought to care fiercely about what happens in Russia, Mexico, Thailand, Indonesia, Korea, and other countries as well, but again I see another double standard. When our financial interests, when a lot of our Wall Street interests, if you will, wanted to be able to invest capital in these countries and take capital out at a second's notice, when they wanted to put hot capital in and take hot capital out without any regulatory framework in place, they were pleased to do so as long as they were making huge profits. Then when they decided to pull their capital out, these countries were left in terrible trouble. When it came to whether or not there would be IMF bailouts and whether or not there would be any kind of public dollars to help these financial interests out, again we had an administration that was all for these Wall Street interests.

I come to the floor of the Senate today to say this administration ought to really put working families—steelworkers of the Iron Range, steelworkers all across the country—as high on its list of priorities as Wall Street investors. And not just those steelworkers but the communities where they work and the communities where they live.

This bill, H.R. 975, is a good place to start. I thank Senator ROCKEFELLER for his leadership. I am proud to be out here on the floor speaking on this legislation. I hope we not only get votes for cloture, but we get more than enough votes to override any Presidential veto. This is a critically important vote that is going to take place within the next hour.

I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

Mr. HELMS. Mr. President, before we get into this traffic jam timewise, I want the Chair to state what the situation is with the time agreement so there will be no mistake about it.

The PRESIDING OFFICER. At 11:35 a.m., we have a new time agreement that will begin with 40 minutes of debate equally divided between the two leaders, or their designees, on the cloture vote on the motion to proceed on H.R. 975.

Mr. HELMS. So there are 5 minutes remaining.

The PRESIDING OFFICER. There are 5 minutes remaining.

The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, I did not know that was the situation before us. As I understand, at 11:35 a.m., under a previous unanimous consent, there will be 40 minutes of debate equally divided.

The PRESIDING OFFICER. Preceding the vote at 12:15 p.m.; the Senator is correct.

Mr. BIDEN. Will the Senator yield?

Mr. HARKIN. I will be glad to yield.

Mr. BIDEN. I suggest the Senator start, and if no one is here to speak on the steel bill, while he is still speaking, we might be able to ask consent for him to continue. Otherwise, he can pick up afterward.

Mr. HARKIN. That makes sense.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman and ranking member, the managers of the bill, for including the amendment I had offered in the managers' packet. I thank Senators WELLSTONE, KOHL, LAUTENBERG, KENNEDY, DODD, TORRICELLI, WYDEN, and FEINGOLD for cosponsoring this sense-of-the-Senate resolution regarding the recent adoption in Geneva by the International Labor Organization of the Convention on the Worst Forms of Child Labor.

June 17, 1999 marked a historic event in the battle to end the scourge of abusive and exploitative child labor. By a unanimous vote, the International Labor Organization's member states approved a new Convention on the Worst Forms of Child Labor.

For the first time in history, the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Muslim, from Buddhists to Christians—came together to proclaim unequivocally that "abusive and exploitative child labor is a practice which will not be tolerated and must be abolished."

Gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural traditions. And gone is the argument that abusive and exploitative child labor is a necessary evil on the road to economic development. The United States and the international community as a whole unanimously for the first time laid those arguments to rest and laid the groundwork to begin the process of ending the scourge of abusive and exploitative child labor.

Mr. President, for the better part of a decade, I have been in my own capacity working to do what I can to end abusive and exploitative child labor around the globe, including in the United States. The ILO estimates that there are about 250 million children worldwide, many as young as 6 or 7, who are working. These are not just part-time jobs. Many of them work in dangerous environments which are detrimental to their emotional, physical, and moral well-being.

Last year, I traveled with my staff to Katmandu, Nepal, and also to Pakistan, India, and Bangladesh. We were able to witness firsthand the abuse of child labor.

This chart shows a plant we went to in Katmandu. It was on a Sunday. I was taken there by a young man who had previously been a child laborer. On the outside of the gate there was this sign in both Nepalese and English: Child labour under the age of 14 is strictly prohibited.

I actually took this picture. Because we had information that the owner was gone and this young man I was with knew the guard at the gate, we were let in. When we were let in, I started taking pictures. This is one of many pictures I have of some of the young children working in that plant. We determined their ages to be somewhere in the neighborhood of 7 or 8 years. This was about 7 or 8 o'clock on a Sunday night. These kids were working in very dusty, dirty conditions, and this shows them as virtual slaves, unable to leave, unable to do anything but work at the rug plant.

This gives a little idea of the child labor I was able to glimpse on my trip. Had they known we were coming to that plant, they would have taken the children out the back door and we would not have seen any children there. They would have said: See, we don't have any child labor.

That is why it took a surreptitious action on my part to get in and take the pictures, so that I could get proof of the child labor and the deplorable conditions which occur not just in Nepal, but all over the world.

In India, I met children who were liberated from hand-knotted carpet factories where they were chained—chained, Mr. President—to looms and forced to work as many as 12 hours a day, 7 days a week. These children were nothing more than slaves. They earned no money. They received no education. They had no hope for a future until they were freed by the South Asian Coalition Against Child Servitude, headed by Kailash Satyarthi.

I have a chart prepared with ILO data. We see Latin America and the Caribbean have about 17 million children working; Africa, 80 million; Asia, 153 million; and about half a million in Oceania. That comes down to a total of about 250 million children worldwide.

Again, I want to be clear that we are not just talking about kids working after school, working part-time. That is not it at all. The convention that the ILO adopted deals with children who are chained to looms, handle dangerous chemicals, ingest metal dust, are forced to sell illegal drugs, forced into prostitution, forced into armed conflict, some of whom who work in glass factories where furnace temperatures exceed 1,500 degrees. These children are forced to work with no protective equipment. They work only for the economic gains of others. This is in sharp contrast to any kind of a part-time job for some spending money for the latest CD.

In this picture, taken in the Sialkot region of Pakistan, 8-year-old Mohammad Ashraf Irfan is making surgical equipment. He is 8 years old working around hot metal and sharp instruments. He has no protective clothing on at all, not even for his eyes. This is his lot in life at the ripe old age of 8. This is what the convention, adopted in Geneva last week, will start preventing.

Mr. President, as you and many of my colleagues know, President Clinton traveled to Geneva, Switzerland, last week to address the International Labor Organization's conference. He is the first President in U.S. history to address the ILO in its 80-year history. Imagine that. I was privileged to be asked to accompany the President for this historic event.

In his address to the ILO, President Clinton spoke eloquently of the crying need to protect all children from abusive and exploitative labor. The President said, in part:

There are some things we cannot and will not tolerate. We will not tolerate children being used in pornography and prostitution. We will not tolerate children in slavery or bondage. We will not tolerate children being forcibly recruited to serve in armed conflicts. We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance.

I cannot agree more. I was very proud of President Clinton—proud that he was the first U.S. President in history to address the ILO, proud that he focused his remarks on the issue of child labor and on his support for this convention.

I will briefly describe the new Convention on the Worst Forms of Child Labor. I ask unanimous consent that a copy of the convention be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. The convention defines the worst forms as being all forms of slavery, debt bondage, forced or compulsory labor, the sale and trafficking of children, including forced or compulsory recruitment of children for use in armed conflict, child prostitution, children producing and trafficking in narcotic drugs, or any other work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, the safety, or morals of children. It also defines a child as any person under the age of 18.

Mr. President, this is what we are talking about. Look at this young girl in this photograph. We do not know her age, but from all accounts, people who know this area say she is probably less than 9 years old. She and her two friends have straps around their heads, and she is carrying what looks like seven big blocks or bricks on her back which are much to heavy for such a small child and are doing permanent damage to her spine and neck. She is barefoot and hunched over. As you can see, her friends of an equal age are carrying a similar load.

These are the worst forms of child labor. That is what this convention is all about. The convention calls on the ILO member states to take immediate and effective actions to prohibit and eliminate the worst forms of child labor.

I am looking at a chart, which is a photo of another young girl in India carrying construction material on her head. One can see her arms are straight, her face is dirty and sweaty, and she should be in school rather than having all this construction material, about 30 or 40 pounds piled on the top of her head. She is also doing permanent damage to her neck and spine. This is the sort of gross labor abuse the convention seeks to end.

As I said, the convention defines a child for these purposes as any child under the age of 18. It calls on member states to implement action plans to move children from the workplace to the classroom. UNICEF reports that over 1 billion adults will be functionally illiterate on the eve of the new millennium because they worked as children and were denied an education.

That is why I am especially pleased about the importance the convention placed on education as a principal means for reducing instances of abusive and exploitative child labor. I believe very strongly that these child laborers must go from exploitation to education.

This chart shows a list of what the convention abolishes: Child slavery, child bondage, child prostitution, children in pornography, trafficking in children, forced recruitment of children for armed conflict, recruitment of children in the production or sale of narcotics, and hazardous work by children.

But, let me come back to the forced recruitment of children for armed conflict for just a moment. We do not have forced recruitment in the United States for children. But I am aware our Armed Forces are able to recruit children who are 17 years of age. Quite frankly, we need a debate in this body about whether or not we ought to allow that to continue. I, for one, believe that the armed services ought to be held in abeyance from recruiting and signing up young people in the armed services until they at least reach the age of 18. But that is a debate for another time.

As I stated earlier, I believe that children should go from exploitation to education. We visited a very important milestone in this effort in Dacca, Bangladesh, last year when we found almost 10,000 young children, mostly girls—about 90 percent—who had been working in the garment factories. After an historic agreement with the help of the ILO and the Bangladeshi

Garment Manufacturers Export Association, these children were moved out of the garment factories and into about 353 schools established in Dacca for this sole purpose.

We visited a couple of those schools, and I will just tell you, looking at these young girls, who maybe a year before could not read or write, now were standing up and reciting whole passages from books, being able to write, and you could see in their eyes they are not going to go back to exploitation.

The people in Bangladesh, in the government and in industry, said it is probably one of the best things that has happened to them, because they are going to have a more highly educated workforce, a more productive workforce, and that means their whole standard of living is going to increase.

The convention adopted last week also calls on all member nations to identify and reach out to children at special risk and to take into account the special situation of girls with regard to education. And I am also very pleased about that provision.

There are many other important elements contained in the convention which I have not mentioned. I encourage all of my colleagues to read this document thoroughly.

I would also mention another historic fact about this convention.

For the first time in its history, the U.S. tripartite group to the ILO, which consists of representatives from government, business and labor, went to Geneva to negotiate on this important convention, and they unanimously agreed on the final version.

So I commend Secretary of Labor Alexis Herman and the other members of the U.S. delegation, including Mr. John Sweeney, the president of the AFL–CIO, and Ed Potter, from the U.S. Council on International Business, for their leadership on this convention.

With the adoption of the new Convention on the Worst Forms of Child Labor, the ILO has written an important new chapter in our effort to honor our values and protect our children.

Today, in recognition of this effort, I offered a sense-of-the-Senate resolution regarding the International Labor Organization's new Convention on the Worst Forms of Child Labor which was accepted as part of the managers' package. This amendment calls upon the President to promptly submit to the Senate the new convention. It commends the ILO member states for their negotiating efforts and states that it should be the policy of the United States to work with all foreign nations and international organizations to promote an end to abusive and exploitative child labor.

Again, it is my understanding that very shortly President Clinton will be transmitting this convention to the Senate for our consideration. I am hopeful that the Committee on Foreign Relations will take up the convention, have hearings on it, and report it out as soon as possible.

Again, with the unanimous support of labor, government and business, I see no reason why the United States should not be one of the first countries to ratify this new convention. So I am hopeful that before this session of the Congress ends that the Senate will act on it and ratify the Convention on the Worst Forms of Child Labor.

Once again, I thank Senators WELLSTONE, KOHL, LAUTENBERG, KENNEDY, DODD, TORRICELLI, WYDEN, and FEINGOLD for cosponsoring this important amendment.

EXHIBIT 1

A. PROPOSED CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR

The General Conference of the International Labour Organization.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the Resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session, in 1996.

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this 17th day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, as a matter of urgency

Article 2

For the purposes of this Convention, the term "child" shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the expression "the worst forms of child labour" comprises:

(a) all forms of slavery or practices similar to slavery, such as the same and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;

(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration;

(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programs, and universal education.

B. PROPOSED CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Having adopted the Worst Forms of Child Labour Convention, 1999, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999;

adopts this 17th day of June of the year one thousands nine hundred and ninety-nine the following Recommendation, which may be cited as the Worse Forms of Child Labour Recommendation, 1999.

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented, as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programs should aim at, inter alia:

(a) identifying and denouncing the worst forms of child labour;

(b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs:

(c) giving special attention to:

(i) younger children;

(ii) the girl child;

(iii) the problem of hidden work situations, in which girls are at special risk;

(iv) other groups of children with special vulnerabilities or needs;

(d) identifying, reaching out to and working with communities where children are at special risk;

(e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia to:

(a) work which exposes children to physical, psychological or sexual abuse;

(b) work underground, under water, at dangerous heights or in confined spaces;

(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or, to temperatures, noise levels, or vibrations damaging to their health;

(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations, or the competent authority, may, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16, on condition that the health, safety and morals of the children concerned are fully protected, and the children have received adequate specific instruction or vocational training in the relevant branch of activity.

III. Implementation

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms, as a matter of urgency.

(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity and status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.

(3) Relevant data concerning violations of national provisions for the prohibition and immediate elimination of the worst forms of child labour should be compiled and kept up to date.

6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.

7. The information compiled under Paragraph 5 should be communicated to the International Labour Office on a regular basis.

8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour after consultation with employers' and workers' organizations.

9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.

10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.

11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:

(a) gathering and exchanging information concerning criminal offences, including those involving international networks;

(b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;

(c) registering perpetrators of such offences.

12. Members should provide that the following worst forms of child labour are criminal offences:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.

14. Members should also provide, as a matter of urgency, for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and immediate elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.

15. Other measures aimed at the prohibition and immediate elimination of the worst forms of child labour might include the following:

(a) informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary.

(b) involving and training employers' and workers' organizations and civic organizations;

(c) providing appropriate training for government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;

(d) providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;

(e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;

(f) encouraging the development of policies by undertakings to promote the aims of the Convention;

(g) monitoring and giving publicity to best practices on the elimination of child labour;

(h) giving publicity to legal or other provisions on child labour in the different languages or dialects;

(i) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing help lines or points of contact and ombudspersons;

(j) adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;

(k) as far as possible, taking into account in national programs of action the need for job creation and vocational training for the parents and adults in the families of the children working in the conditions covered by the Convention and the need for sensitizing parents on the problem of children working in such conditions.

16. Enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:

(a) mobilizing resources for national or international programmes;

(b) mutual legal assistance;

(c) technical assistance including the exchange of information;

(d) support for social and economic development, poverty eradication programmes and universal education.

ILO CONVENTION

Mr. HARKIN. Mr. President, as my good friend from Delaware is aware, last week the International Labor Organization (ILO) unanimously adopted a new Convention on the Worst Forms of Child Labor. This Convention calls on ILO Member States to take immediate and effective actions to prohibit and eliminate the worst forms of child labor. The Convention also defines the worst forms of child labor as: all forms of slavery, debt bondage, forced or compulsory labor, or the sale and trafficking of children, including forced or compulsory recruitment of children for use in armed conflict; child prostitution; children producing and trafficking of narcotic drugs; or any other work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. It also defines a child as any person under the age of 18.

I was privileged to travel with the President to the ILO where he addressed the delegates on child labor and affirmed the United States Government support of this important Convention.

Would the Senator from Delaware agree that this important and historic Convention should be considered as a high priority item and considered in a timely fashion after submission to the Senate by the President?

Mr. BIDEN. My friend from Iowa is correct. This is an important Convention and I assure you that from my point of view this new Convention on the Worst Forms of Child Labor should be a high priority. I am aware that this Convention pertains to abolishing child slavery, child prostitution and other hazardous work endangering a child's well-being. Therefore, I will work with the Chairman of the Committee to try to bring this treaty before the Committee as soon as practical after it is submitted by the President.

REDUCTION IN VOLUME STEEL IMPORTS—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 11:35 a.m. having arrived, there will now be 40 minutes of debate equally divided between the two leaders, or their designees, prior to the cloture vote on the motion to proceed to H.R. 975, which the clerk will report.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 975, the steel import limitation bill:

Trent Lott, Rick Santorum, Mike DeWine, Jesse Helms, Ted Stevens, Harry Reid, Byron Dorgan, Orrin Hatch, Jay Rockefeller, Robert C. Byrd, Robert Torricelli, Fritz Hollings, Pat Roberts, Arlen Specter, Richard Shelby, and Craig Thomas.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. SANTORUM. Mr. President, I control the time in favor of the cloture motion.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT REQUEST—S. 886

Mr. SANTORUM. Mr. President, I have a unanimous consent request from the leader.

I ask unanimous consent that notwithstanding rule XII, immediately following the 12:15 p.m. vote, Senator DODD be recognized to speak relative to the State Department authorization bill for up to 15 minutes. I further ask unanimous consent that following his remarks, the Senate stand in recess until 2:15 p.m. for the policy conferences. I also ask that at 2:15 p.m. today, there be 5 minutes equally divided for debate on the Feingold amendment, and following that debate, the Senate proceed to a vote on the Feingold amendment No. 692. I ask unanimous consent that following the vote, Senator HELMS be recognized to offer the managers' amendment and it be considered agreed to. Finally, I ask there be 5 minutes equally divided between the chairman and ranking member for closing remarks, that the bill then be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, I ask the Senator to withhold that request. I know he was doing it as a favor. I appreciate it very much, but two things intervened in the last 5 minutes. I ask him to withhold that unanimous consent request for now.

Mr. SANTORUM. I withhold the request.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Holly Vineyard, a Finance Committee detailee from the Department of Commerce, be granted floor privileges during the pendency of H.R. 975.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SANTORUM. Mr. President, I rise today in support of the cloture motion on the motion to proceed to the issue of steel quotas.

Senator ROCKEFELLER, who is my counterpart on the Democratic side leading this debate, and I are not people who have come to the floor of the Senate in favor of quotas. In fact, we think we are driven to this point as people who believe in free and fair trade, to ask the Senate to consider imposing quotas on the dumping of steel in this country by foreign nations.

It is remarkable what has occurred. It is unprecedented what has occurred in the steel industry over the past 2½ years. We have seen the level of steel rise, as far as imports into this country, two, three, four, five times the amount from some countries in the past 2½ years—and it continues.

One of the mantras I hear from the administration, which is lobbying against this bill, is that the crisis is over. I can say that in the case of China, for example, the world's largest producer, just in the first 4 months of this year their dumping was up 80 percent—their imports were up 80 percent.

So if the crisis is over, why then was the largest steel manufacturer dumping more steel into our market in the first 4 months of this year?

We have a continuing problem. What Senator ROCKEFELLER and I, and others who have joined us in this cause, are suggesting is something, frankly, that is very modest. We are suggesting a quota for 3 years to stop this outrageous and, I might add, illegal dumping.

We have won or are winning every single dumping case in the international arena. Every single case we are winning because of the illegality of what is being done by our foreign competitors in the steel industry.

What we are asking is not to go to a low rate of imports; what we are asking is to go to a rate of import into this country, a share of imports in the domestic market equal to a level that has only been reached four times in the past 30 years. So arguably we are setting the bar very high.

We are not going in to protect an industry that is inefficient or that is uncompetitive. The steel industry today is the most productive, competitive, and efficient steel industry in the world. Yet they are being wiped out by subsidized, illegally dumped steel, costing us thousands of good-paying jobs and thousands of families not going home with paychecks to support their children.

I am very hopeful that we can get a bipartisan vote today to at least move to proceed to the bill. That is all this vote does. It says let's put this issue front and center in the Senate, let's point out to our competitors around the globe that the Senate is not going to step aside and allow this illegal dumping to continue, that we are going to debate it, that we take this issue very seriously, and that we are not going to allow this kind of illegal action to continue.

I know my 3 minutes are up. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today to express my opposition to H.R. 975 and to urge my colleagues, in the strongest terms possible, to vote no on cloture. Let me explain why.

Our steel industry faces a serious challenge as a result of foreign competition. That challenge stems from the persistent overcapacity in the global steel industry that is the legacy of decades of foreign government interventionism.

The quota bill, however, does nothing to eliminate this overcapacity. What the quota bill does do is simply lock in a certain share of our market—the quota amount—for foreign imports at a vastly inflated price.

According to a study by the Institute for International Economics, this bill would raise steel import prices by about $29 a ton. This represents a windfall of $800 million to the lucky foreign producers who get their goods into the United States under the quota, with the price tag being paid by the American people.

While the bill does enrich certain foreign producers, it also poses a grave threat to our economy. For every 1 job in the steel industry, there are 40 jobs in the steel-using industries. These 40 workers manufacture autos, industrial machinery, kitchen appliances, and other products. All these jobs will be at risk as a result of the quota bill, because this legislation seeks arbitrary limits on the amount of steel coming into our country. And the quotas apply regardless of domestic demand and regardless of whether the type of steel is even produced in the United States.

To make matters worse, this measure would actually help foreign companies that compete against American steel-using industries both in the United States and abroad. For instance, U.S. automakers would be forced to pay higher prices for steel than their foreign competitors. This would disadvantage American companies in our market and in the foreign markets in which they compete. The impact on jobs and on the economy could be severe.

This bill would also put us at risk of retaliation by our trading partners. Our farmers are well aware of this risk. That is why 21 leading agriculture groups signed a letter last week stating their strong opposition to this legislation. These include the American Farm Bureau Federation, the National Council of Farm Cooperatives, the National Association of Wheat Growers, the National Cattlemen's Beef Association, and others. As these groups understand all too well, passage of this legislation will threaten our access to foreign markets at a time when these markets are most needed for our businesses and our farmers.

If we decide to go down the path of quotas, we must also keep in mind that the price will ultimately be paid by the American consumer.

I yield myself 1 more minute.

By raising the average price of products made with steel, the quota constitutes an artificial tax on ordinary Americans regardless of wealth or income. Keep in mind that the tax will not be insignificant. According to the Institute of International Economics study, the bill will, at most, save 1,700 jobs in the steel industry but will do so at a cost to the economy of about $800,000 a job. For us to put such a burden on the American people is unconscionable.

With that said, let us not forget that the import surge the quotas are designed to address appears to be over. In fact, imports of all steel products for the first 4 months of this year were below the imports for the same period in 1997, well before the surge began.

I yield myself 30 seconds.

Let me address one last point.

For some of my colleagues, this may be seen as a free vote. I, like many, hope the President will have the courage to veto this legislation if it does pass. But we have to remember that the American people sent us to Congress to further their national interests. Let's not disappoint them.

I urge my colleagues to vote against cloture.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I yield 4 minutes to the distinguished junior Senator from West Virginia, who has been a tremendous leader on this issue.

Mr. ROCKEFELLER. I thank my colleague from Pennsylvania, who equally has been a distinguished leader on this issue.

Mr. President, the previous speaker, my esteemed chairman of the Finance Committee, talked about voting on a quota bill. We are not voting on a quota bill today. We are voting on a motion to proceed. This whole steel situation is very complex. Most States do not produce steel, and a lot of people do not know about some of the complexities.

We deserve debate on this. Traditionally, in the Senate we do that. That is what we are here for, to iron out issues in a rational way.

The steel crisis is not over. It is not over at all. You talk to any steel CEO. They know it is not over. I will just give one statistic. That is all I will give.

If you take the first 4 months of 1999, which brings us almost up to today, versus the first 4 months of 1998, which was the worst of the steel crisis, yes, the steel import crisis has abated a little bit, but only 5 percent from the all-time historic high in the dumping of subsidized steel. It has decreased by a total of 5 percent across the steel front.

So the crisis remains with us. It is a very serious matter. It disrupts and undoes communities, sections of States across this country, not just West Virginia, Pennsylvania, and Utah, but the rest of them. I do not think we have done what we could have done to enforce our trade laws. They are very clear. The administration has not done what it could have done. But that day is past. So we have to do what we have to do, and that brings us to the quota bill. This is not the bill itself; this is the motion to proceed to discuss what we are going to do as a result of that vote.

I think we have a moral obligation to our steelworkers and to ourselves to honorably and fairly discuss something that is very complex and which needs our very closest attention.

I thank the Presiding Officer and yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 3 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise with a measure of respect for all the parties to this question before us but with one absolute conviction, which is that what is proposed with this legislation, what has passed the House of Representatives, is illegal under international law. That, sir, is a law we created as the one party that emerged from World War II with its economy intact and the lesson of the protectionism that began on this floor, sir, in 1930 with the Smoot-Hawley Tariff Act. It spread throughout the world. If you want a short list of the causes of the Second World War, that was one. The American leaders, during the 1930s, with Cordell Hull, began the trade agreements program; and then we had hoped to have an international trade organization as part of a triad with the International Monetary Fund and the World Bank. Again, it failed in the Finance Committee. But in Geneva, a temporary ad hoc arrangement was put together, the General Agreement on Tariffs and Trade; it was temporary for about 45 years. But we acquired great respect for the rules, and 51 years ago, sir, article 11 of the General Agreement stated:

> No prohibitions or restrictions, other than duties or other charges, can be made through import quotas, export licenses, or other measures. None shall be instituted or maintained by any contracting party on the importation of any product.

Now, sir, if we were to do this, there would be immediate retaliation. And it would be illegal. It is uncalled for. The law says you may not do what is being proposed, and other parties, as former Senator Baker would say, "having no dog in this fight," would find themselves retaliated against, as would the agricultural industry. I plead, let's abide by the laws we helped to create.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I yield to the senior Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia, Mr. BYRD, is recognized.

Mr. BYRD. Mr. President, I thank my friend from Pennsylvania. I am one of the original cosponsors of the quota bill. I urge my colleagues to support cloture. I compliment my very able colleague, JAY ROCKEFELLER, for his diligent work on this matter. I also compliment Mr. SANTORUM, our colleague from Pennsylvania, for his equally good work.

The quota bill is a critical measure in addressing the steel import crisis that is confronting U.S. steel mills, and I am mystified by statements suggesting that the Emergency Steel Loan Guarantee Bill is a competing interest against the quota bill.

I am here to set the record straight.

As a result of global financial chaos, in 1998, a record level of 40 million tons of cheap and illegally dumped imported steel flooded the U.S. market. That represents an 83 percent increase over the 23 million tons average for the previous eight years! The result has been the loss of 10,000 steel jobs, and the bankruptcy of several U.S. steel mills.

While both bills are before the Senate because of the steel import crisis—one has been passed and the conferees thereon were appointed yesterday—the quota bill and the Emergency Steel Loan Guarantee Bill serve vastly different purposes, and both deserve support from every member in the Senate.

The quota bill is a long-term solution to the steel import crisis. The quota bill would cap steel imports at a level that equals the average amount of steel that came into U.S. markets in 1995, 1996, and the first half of 1997. The measure would take effect immediately and prohibit any country from sending more steel to the United States than it did in July of 1997. The quotas would terminate in three years. The President could achieve these import limits by imposing quotas, tariff surcharges, negotiated enforceable voluntary export restraint agreements, or other means.

The Emergency Steel Loan Guarantee Program which passed the Senate last week is a helping hand to U.S. steel mills that have been injured by the cheap and illegal imports. It is a short-term assistance program to aid U.S. steel mills during their hour of need. It does not address the underlying critical problem of both cheap and illegally dumped imported steel that continues to adversely impact U.S. steel mills. While essential to aiding thousands of hardworking Americans, the steel loan guarantee program is no substitute, nor was it intended to be, for the long-term solution that is offered by the quota bill.

The House of Representatives passed the quota bill by a vote of 289 yeas to 141 nays. Now it is the Senate's turn to send a vigorous message to our trading partners that this nation will not idly sit by while another American industry is shipped abroad.

Last week, I strongly urged my colleagues to support the Emergency Steel Loan Guarantee Program. It is a fair and important measure for the U.S. steel industry and thousands of hardworking Americans. Let there be no mistake: members can not hide behind one vote and claim to have solved the crisis in our domestic steel industry. The Senate must act to help the U.S. steel industry on a long-term basis as well. This Senate acted wisely in passing the Emergency Steel Loan Guarantee Program. It provides a cash flow for financially damaged steel companies and it will enable them to invest in further modernization. It will save jobs that are at risk from illegal imports. Likewise, this Senate should ensure that the need for the loan guarantee program is minimized by casting a vote that will stop the illegal dumping of foreign steel. The quota bill will stop the cheating and finally provide U.S. steel mills with an international playing field that is fair.

I thank the distinguished Senator from Pennsylvania, Mr. SANTORUM, for his courtesy and kindness. I thank my colleague from West Virginia, Mr. ROCKEFELLER, for his leadership in this matter.

I yield the floor.

Mr. ROTH. Mr. President, I yield 3 minutes to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are about to vote on a very major and very dangerous revision of U.S. trade policy, and we are going to do it without the benefit of a hearing and, quite frankly, we are doing it under great political pressure. That is not a very good environment.

If we give in to pressure to enact quota legislation, we will do great harm. I believe the proponents are all acting, of course, with the best of intentions. Yet we must not allow our desire to help a troubled industry in the short term do long-term damage to our economy.

Sixty-nine years ago, Congress passed the Smoot-Hawley Tariff Act, and they did it with the best of good intentions. Its aim was to help the American farmer, with a limited upward revision of tariffs on foreign produce. But it had the opposite effect. It strangled foreign trade. It deepened and widened the severity of the Great Depression.

Other countries faced with deficits and exports had to pay for their imports, and they responded by applying quotas and embargoes on American goods.

I think the history of the depth and the severity of the retaliation against U.S. agricultural products from that period is shocking, because our foreign buyers stopped buying our agricultural products in retaliation.

In 1930, the United States exported just over $1 billion worth of agricultural goods. By 1932 that amount had been cut in half. Almost every American export sector was hit by foreign retaliation but particularly agriculture.

As the United States agricultural exports fell in the face of foreign retaliation, farm prices fell sharply, weakening the solvency of our rural banks. Their weakened condition undermined deposit confidence leading to the runs on the banks and bank failures, and ultimately the contraction of money supply.

Farm prices for many agricultural products are already at rock bottom levels. Can we in good conscience put so much of our economy at risk with this legislation?

In 1998, the United States exported agricultural products worth $53 billion, accounting for one-third of America's total agricultural products, and nearly 1 million jobs. Agriculture is perhaps the most vulnerable sector of our economy to foreign retaliation, and our trading partners know it.

Retaliation is not a thing of the past. It is a hardball tactic that is frequently used as an instrument of national policy. Just look at the recent history. Japan threatened to retaliate when we took some action against them. In 1983, China temporarily stopped buying U.S. wheat in retaliation of another President's protectionist policies.

We have to learn from the past, and we have to say if it is bad for agriculture, it is bad for America.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Pennsylvania.

I would like to address a question to the chairman of the committee to see if he would be willing to consider this question. It has to do with a bill which the good Senator from Delaware introduced to modify section 201 of the Trade Act of 1974 in order to strengthen the utility of that section.

I am wondering whether or not on this bill, which was ordered reported, I understand, by the Finance Committee last Wednesday—it is the chairman's intention to press for Senate consideration.

Mr. ROTH. I say to my distinguished colleague that is my intent. We think it is a valuable change. We hope to have it on the floor.

Mr. MOYNIHAN. May I say that the Senator from New York offered that legislation, and it was welcomed by the chairman. It is a bipartisan measure.

Mr. COCHRAN. Mr. President, imposing quotas on the importation of foreign steel to protect some U.S. steel producers will have several negative effects on the domestic and world economy.

The best way to combat illegal trade practices is to adopt trade laws that are compatible with World Trade Organization rules. We already have in place section 201, dealing with temporary import surges and section 301, regarding anti-dumping. They have both proven effective in recent months in altering the steel trade balance.

Steel imports are already subject to over 100 outstanding antidumping and countervailing duty orders. Congress should not judge the outcome of these investigations by imposing quotas on top of existing trade rules. Maintaining consistency in our trade policy is of utmost importance, given that the U.S. is the world's largest trading country. Furthermore, The United States will host the WTO ministerial meeting in Seattle later this year. The success of these ongoing international trade talks depends on our credibility and compliance with those rules.

We must recognize that imposing on steel imports may affect other important U.S. industries as well. In Mississippi there are wire producers, shipbuilders and manufacturers who provide thousands of jobs and whose products contribute to our strong U.S. economy. And, when retaliations occur as a result of our implementation of quotas, they will undoubtedly affect other sectors of our economy, including agriculture.

In Mississippi alone agriculture exports of cotton, soybeans, poultry, rice and meat account for $850 million and 13,900 jobs according to the USDA and Census Bureau. The American Farm Bureau reports that exports constitute more than one-third of all U.S. agricultural sales. More than 1 million Americans today have jobs dependent on U.S. agricultural exports, including farming, food processing and transportation.

The Coalition to Promote U.S. Agricultural Exports reports that every one billion dollars in exports helps create as many as 17,000 new jobs. In light of the market crises abroad in Asia, Russia, and the New Independent States of the former Soviet Union, it is more important than ever to assist the agricultural community by maintaining its access to the world's markets. This is the key to economic recovery of the farm sector.

U.S. agricultural and manufacturing exports totaled more than $680 billion last year. If Congress imposes quotas inconsistent with WTO rules, all U.S. industries may be targets for retaliation, putting at risk the revenues and jobs these industries and their exports produce. It is these very WTO agreements which enable our trading partners to retaliate against our exports.

This legislation's protection for the specialized steel industry will lead to protectionism. For the good of all U.S. industries—as well as agriculture—open markets, free, and fair trade, and a rules-based international trading system ought to be the principles on which we base our trade laws.

Mr. MURKOWSKI. Mr. President, I rise today to express my opposition to the steel quota bill, H.R. 975. Simply put, steel quotas are wrong. The protectionist measures proposed in this legislation represent a failed trade policy that the United States abandoned long ago. For the last 50 years, the United States has been the world's leading advocate of open markets. At the same time, we have grown to be the strongest and most productive economy on earth. Now is not the time for this government to reverse an economic policy that has served it so well.

Steel quotas are wrong for the world's economy, and by definition America's economy. In this era of global business, open markets are essential to international prosperity. In the midst of the Asian economic crisis, American leadership in keeping markets open has prevented a global financial meltdown. The U.S. and its allies have spent years developing an international trading system. Treasury Secretary Robert Rubin was not exaggerating last week when he warned that the steel quota bill could set off a wave of market access restrictions that would undermine this system and threaten the world's financial health.

Steel quotas are also wrong for the American economy. There is no question that open markets present some difficult challenges for American companies. They lead to stiffer competition and force greater efficiency. But open markets also mean greater opportunities. As a nation, we are succeeding. The United States is the strongest and most prosperous nation on earth. We have the most skilled workforce, the most productive factories and the most innovative thinkers anywhere in the world. Our commitment to open markets has played a key role in this success.

In my home state of Alaska, for example, international trade is a vital part of the economy. Last year, Alaskan companies exported more than 750 million dollars worth of merchandise to foreign countries. And that was an off year in my state because of the Asian flue—in most years, our merchandise exports total nearly 1 billion dollars.

For many reasons, the quota bill will do more harm to the American economy than good. First, the steel quota bill will provoke foreign countries to retaliate against our exports. And the United States will be in no position to complain. The international trading system—the one that we played a leading role in creating—authorizes countries to retaliate against those who erect trade barriers such as quotas. This retaliation will be devastating to our farmers and factory workers. It will cost many more American jobs than it will save. As American companies lose sales abroad, they will be forced to cut jobs and close doors at home.

Second, the quota bill will deny American manufacturers the steel they need to make their products. Domestic steel companies are only able to meet about 75 percent of the demand for steel in this country. As a result, steel quotas could create dangerous steel shortages—shortages that hurt the oil industry in Alaska. In addition, the quota bill is completely insensitive to the types of steel that American companies need. There are many special types of steel that simply are not made in the U.S. Quotas could completely deny American companies access to those special types of steel, forcing them to reduce the quality of their products or move their production overseas.

Finally, by making a critical raw material more expensive, steel quotas will put many of our products at a world market disadvantage. Because American manufacturers will be forced to pay more for steel than their foreign competitors, their products will be more expensive. Again, the steel quota bill will result in lost sales abroad and lost jobs at home.

For all of these reasons, we must not pass the steel quota bill. It is wrong for the United States and wrong for the world's economy. As Federal Reserve Chairman Greenspan recently warned, it will indeed be a great tragedy if we pass this legislation.

Mr. LEVIN. Mr. President, I will vote for cloture on the motion to proceed to H.R. 975 in order to bring this issue to the floor.

That is the best way, and perhaps the only way, to insure a debate on how to address the steel import crisis in a timely manner.

The motion to proceed isn't the end point. It is not final passage. Only if the motion to proceed is adopted can we debate how to act effectively and legally to avoid the kind of surges in steel imports which have illegally impacted our steel industry.

Ms. MUKULSKI. Mr. President, I am proud to cosponsor the Stop Illegal Steel Trade Act. This legislation will enable us to stand up for steel. It will create a level playing field for the American steel industry and our steel workers.

We must stand up for steel.

Today, our steel industry and steel workers are under attack by illegal and unfair trading practices. Brazil, Russia, and Japan have dumped cheap steel on the American market that has drastically impacted the price of steel. Over the last year and a half steel imports have increased by 47 percent. The producer price index for all steel mill products is down 9 percent. This is the largest decline in nearly 20 years. If this continues, American steel mills will simply not survive.

I have always been for free trade as long as it's fair trade. There has to be equal access and opportunity and a level playing field for American industry. But I cannot sit by and allow an industry that is fundamental to the American economy to be destroyed by what amounts to predatory trade practices. Our steel industry is ready and willing to compete—but they can't compete against unfair, illegal, predatory trade practices.

Steel is a part of our everyday life—we drive steel cars; work in steel buildings, and our national security is protected by steel aircraft carriers. We must do everything we can to preserve our steel industry.

That is why I am proud to be a cosponsor of the legislation we are considering today. This bill would place restrictions on steel imports for three years. It also authorizes the President to take steps to ensure that steel imports return to pre-crisis levels. The Secretaries of the Treasury and Commerce will enforce the regulations on steel imports. I think these are important steps to revitalize our steel industry.

We owe it our hardworking, dedicated steel workers. The work week of many at Bethlehem Steel has been shortened. This means less food on the table. This means late mortgages, rents, and car payments. And all this because foreign countries are desperately trying to stabilize their own economies on the backs of our steel workers.

These countries are not going to throw our steel industry a curve ball. With this legislation we will force Japan, Brazil, and Russia to play fair. I urge my colleagues to join me in supporting this bill and stand up in steel.

Mr. SPECTER. Mr. President, I have sought recognition to speak relatively briefly on the steel import limitation bill.

Similar legislation passed the House of Representatives by a vote of 289–141. While this quota legislation is a very strong measure, it reflects the necessity that strong action be taken to enforce U.S. trade laws to stop an avalanche of dumping by foreign countries.

We have seen the decimation and disintegration of the American steel industry by unfair foreign imports. Twenty years ago, in 1979, approximately 453,000 steelworkers were employed. Today that figure is about 160,000. Some $50 billion has been invested by the American steel industry to modernize, but there is no way that the American steel industry can compete with dumped goods, the sale of goods in the United States at prices lower than the price at which such goods are being sold by the producing companies in their own country or in some other country. These goods come into the United States from a number of countries—from Russia, from Brazil, from Ukraine, from South Africa and from China—at prices less than the cost of production. This is the antithesis of fair trade.

This situation requires a change. Twelve executives from American steel companies sent a letter to the Secretary of Commerce Daley in response to his comment last week that the steel crisis is over—said Secretary Daley. This letter, dated June 18, 1999, says, in pertinent part, the following:

> The steel crisis is still very much with us. Imports volumes are down from the disastrous levels of 1998 but are still very high by historic standards. While imports of hot-rolled steel are down dramatically due to your enforcement actions, the surge of imports in 1998 caused inventories to balloon to extremely high levels. These inventories have seriously depressed prices up until the present and will continue to do so until these stocks have been worked down.
>
> Prices remain extremely depressed. The producer price index for all steel mill products is down 9% (1999:Q2/1998/Q2). This is the largest decline in nearly 20 years. Prices for hot-rolled sheet, cold-rolled sheet and plate are down 11%, 9%, and 15%, respectively.
>
> The depressed prices and operating rates caused most American steel companies to post losses in the most recent quarter. Several steel companies have been forced into bankruptcy. Thousands of those who were laid off due to unfairly traded imports are still out of work. Many thousands have been their workweeks shortened and are still not back to full time.
>
> For our industry, therefore, this crisis is far from over. It is very real, and very much with us.

The steel industry started some seven actions for antidumping, and six of those were subjected to suspension agreements by the Department of Commerce, to the detriment of the steel companies.

I ask unanimous consent that this chart on steel imports and suspension agreement be printed in the RECORD at the conclusion of my statement.

The PRESIDENT OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Steel import limitations, or quotas, provide for a drastic remedy. Along with the steel industry, other industries in the United States have been victimized by the failure to enforce U.S. trade laws.

I have, for the past 15 years, proposed legislation which would authorize equitable relief to provide for enforcement of the U.S. trade laws. At the present time, if complaints are filed with the International Trade Commission, it takes up to a year—or more—to have those matters resolved. An equitable action, a court of equity, would result in having these matters resolved in the course of a few weeks.

Until that is done, it appears to be necessary for some very decisive action. This is why I cosponsored the steel import limitation bill.

EXHIBIT NO. 1

STEEL IMPORTS AND SUSPENSION AGREEMENTS: SUMMARY OF FLAT-ROLLED SUSPENSION AGREEMENTS

Year of filing	Product	Country	Final ad margins (percent)	Suspension agreement volumes (metric tons)	Estimated volumes w/orders (metric tons)	Agreement minimum price ($/MT)	Estimated fair price ($/MT)	Current import value ($/MT)
1996	Plate CTL	China	17–129	141,000	0	308	505	397
1996	Plate CTL	Russia	54–185	94,000	6,466	275–330	505	352
1996	Plate CTL	S. Africa	26–51	NA	3,150	NA	505	331
1996	Plate CTL	Ukraine	81–238	148,520	32,151	314–466	505	516
1998	Hot-Rolled	Russia	71–218	750,000	28,933	255	397	236
1998	Hot-Rolled	Brazil	51–71	295,000	310	NA	397	227

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the cloture motion to proceed to H.R. 975, the Steel Import bill. I do so for three reasons. First, I think that this legislation is protectionist and invites retaliation under the World Trade Organization; second, I believe that it may endanger the health and stability of the international economy; and, third, I believe that it may endanger the health and stability of the U.S. economy, including the steel industry it is intended to protect.

I understand the appeal of this legislation for those who support it, and believe that they are well intentioned in wishing to see legislation passed which protects the U.S. steel industry.

As supporters of this legislation have pointed out, there was an undeniable surge in steel imports into the United States last year. Over the past three years, economic instability in East Asia, Russia, and Latin America have resulted in a weakening of the world steel market. According to the Congressional Research Service, between August 1997 and August 1998, imports surged almost 80%.

But today, it is important to note, steel imports have returned to their pre-crisis levels, down roughly 44% in April 1999 since last August's peak, according to the office of the United States Trade Representative.

Where I disagree with supporters of this legislation, then, is that although I too believe that some complaints about unfair competition and unfair trade practices are, of course, warranted, the solution to those complaints found in this bill—the imposition of unyielding import quotas—is an approach which I believe to be counterproductive and even potentially harmful to the health of the U.S. economy.

First, the protectionism sought by this bill would put the United States in violation of world trade rules, and would invite retaliation against U.S. producers of a range of goods in overseas markets, jeopardizing jobs at home.

The World Trade Organization permits the application of "safeguard measures" such as quotas only in very specific circumstances, and never unilaterally. In the absence of a determination that the product in question is being imported in such increased quantities as to cause or threaten to cause serious injury to the domestic industry, unilateral measures such as those included in this bill are not permitted. And if a nation takes such a unilateral measure, the countries affected are allowed to take retaliatory measures.

Thus, if this legislation is enacted, the United States would face the real possibility of retaliation by the world's steel exporting countries. Under the WTO rules, other countries will have the right to retaliate against our exports. They could put at risk our most competitive sectors—such as agriculture, high-tech, or pharmaceuticals.

In fact, a June 18 letter signed by the American Farm Bureau Federation, the International Dairy Foods Association, and the National Cattlemen's Beef Association, among others, states that:

> At a time when U.S. farmers are facing severe financial hardships, continued access to global markets Is critical to preserve farm income . . . since growth for the U.S. agricultural sector hinges on access to world markets, passing legislation that violates the WTO threatens economic growth in the farm sector.

In addition, there could also be retaliation against U.S. products that use steel, such as automobiles, heavy machinery, or construction. For example, according to a letter I received from Boeing:

> In 1999 we expect to deliver approximately $18 billion in airplanes to international customers, many of whom are struggling to purchase these planes as a result of the Asian financial crisis. A number of these airplane deliveries could be at risk if new limits on imported steel are imposed.

The unilateral protectionism embodied in this bill would undermine the international trading system and the institutions, rules, and regulations to safeguard the international economy that the United States has worked so hard to put into place over the past fifty years. As we have seen in numerous cases, these institutions and rules have helped the U.S. gain market access when other nations sought to prevent it, and have helped the U.S. economy to grow and created numerous jobs here in the United States.

As the world's largest trading nation, U.S. interests are best served by supporting—not undermining—the rules-based international economic and trading system.

This leads me to my second point, and the second reason I am opposed to this legislation: I believe that this legislation threatens to undermine the health and stability of the international economy, and with it the base for much of America's current economic prosperity. Free trade has been a prime ingredient in the eight year U.S. economic boom.

Moreover, in the past year we have begun to turn the corner on a global economic crisis. Maintaining open world markets is vital to global recovery in Asia, Russia, Brazil, and elsewhere. These countries have not closed their markets to U.S. products despite the economic pressures they have faced in the past several years. If the U.S. takes a significant step towards protectionism, it will set off a global chain-reaction.

Indeed, according to a May 25 letter I received from Raymond Chretien, the Canadian Ambassador to the United States, passage of this legislation:

> . . . would set a protectionist precedent that would encourage other industries, in the U.S. and other countries, to seek unilateral relief outside of legitimate, established, trade remedies. The world economy, and workers in affected countries, can ill afford the turmoil that could ensure in international commerce.

According to Brookings Analyst Robert Crandall, HR 975 is "one of the most blatantly projectionist pieces of legislation since the 1930s". I do not believe that a single member of this body wants the United States, or the international economy, to risk a return to those days of global depression.

Finally, although the quotas might have some marginal palliative effect for some of the old-line steel factories, they would have a far larger effect on the overall health and well-being of the U.S. economy, and threaten to harm countless other U.S. workers and consumers.

This is the third reason I oppose this bill: I believe that it is bad for the U.S. economy, including the steel industry.

To take one example, steel import quotas would increase the price of steel used by the automobile industry, harming the auto industry and auto workers, and would in turn show up in higher auto sticker prices, harming U.S. consumers hoping to be able to purchase reasonably priced cars.

In short, steel import quotas will undermine U.S. manufacturing competitiveness in a range of industries and business that rely on steel, from metal fabrication to transport to industrial machinery to construction; industries that in toto employ over 8 million workers.

For example, I received a letter from the Aggressive Engineering Corporation, a small California company that serves military and commercial industry in their metal stamping needs. According to this letter:

> Our company relies on steel from domestic producers. However, U.S. steel producers are able to supply only about 75% of the demand for steel, leaving a yearly shortfall of 30 million tons. In order to maintain our operations in the United States, we depend on foreign steel. . .While we all agree that it is important to maintain U.S. jobs and job growth, steel is no less important than other sectors. Please remember that steel-using industries employ more than 40 American workers for every worker in the steel industry. Quotas do not work. They will harm consumers and steel-consuming industries to a much greater extent than they could ever help steel producers or steelworkers.

It is also important to keep in mind that although many of the old-line steel mills face serious difficulties, that is not the same as saying that overall the U.S. steel industry is in trouble. In fact, many of the problems faced by old-line steel mills stem less from import problems than from decades-old mills that are unable to compete with the efficient new mini-mills located right here in the United States. Even as the U.S. faced the "import surge" last year, U.S. mills rolled out 102 million tons of steel in 1998, the second highest total in the past two decades.

In addition, The Wall Street Journal has reported that 25% of the steel entering the United States last year was bought by American steelmakers, who otherwise could not have met the demands of their customers.

In other words, while seeking to protect the steel industry, this legislation could in fact harm the industry by protecting the least efficient producers at the expense of the more efficient, and by preventing American steelmakers from getting access to the steel they need to meet customer demand.

In response to this surge in imports last year, earlier this year the Administration put in place an aggressive Steel Action Plan to strictly enforce the trade laws already on the books; enter into new bilateral agreements with Japan, Russia, and Korea regarding their steel imports to the United States; create new sources of early import data and an active monitoring of safeguards; and lend support for the Section 201 safeguard law.

In addition, the Department of Commerce determination on the import surge this February, recently supported by a finding of the International Trade Commission, has paved the way for the Administration to slap duties on Japanese and Brazilian steel and forced Russia to restrict its imports.

I believe that the Administration's response has been tough but fair. And I believe that the proof of the effectiveness of this response is in the pudding: By all accounts the steel import crisis is over, with imports having receded back to pre-crisis levels.

Under these circumstances—passing potentially harmful quota legislation after the crisis has passed—is the wrong way to approach this issue, and I hope my colleagues will join me in opposing the cloture motion to proceed to this bill.

Mr. VOINOVICH. Mr. President, today, the Senate will cast a very important vote on whether we will stand up and honor our commitments to United States trade policies, or enact protectionist trade measures on steel imports that will have little or no favorable effect on the steel industry, yet will ultimately harm many segments of our nation's economy.

Let me first stipulate one point—I am now, and I always have been, a strong supporter of Ohio's steel industry. In fact, I believe my actions prove that I have been "standing up for steel" for two decades.

My support for Ohio's steel industry goes back to the days when I was Mayor of Cleveland.

In the early 1980s, when steel imports peaked at nearly 27% and U.S. steelmakers were losing billions of dollars in revenue, I lobbied President Reagan for Voluntary Restraint Agreements (VRAs) in order to give the domestic industry five years of breathing room to modernize and restructure. I rallied with the steelworkers in Cleveland's Public Square to tell America about how our steel industry was being dumped on.

A year before the VRA program was set to expire, I began lobbying then-Vice President Bush for a temporary extension, to give the steel industry some protection while the Administration attempted to negotiate a multilateral steel agreement aimed at eliminating unfair foreign practices.

All throughout 1988, I fought for the VRA extension. My efforts were successful, because in 1989, President Bush agreed to extend the VRAs two and a half years.

And two years later, after I was elected Governor, I was back to lobby the Bush Administration to ensure that all of our trade laws would be vigorously enforced after the extended VRAs finally expired in 1992.

In 1991, I was the first Governor in the United States to set up a Steel Industry Advisory Commission—a public-private partnership designed to strengthen ties among the steel industry, the state of Ohio, and its citizens.

I also worked to bring steel companies, such as North Star Steel, to Ohio in order to create more, good-paying jobs. I have been there to lead the fight—to make sure that the federal government did not run roughshod over our steel industry.

In May 1992, I attended the opening of the U.S. Steel/Kobe Blast Furnace in Lorain, Ohio—a $100 million investment with 2,800 jobs that almost didn't happen. The EPA was going to halt the project, but I went straight to the White House and let them know that what the EPA was proposing in Ohio was ridiculous.

Ohio is now the largest steel-producing state in the country, a development I'm proud to say occurred during my tenure as Governor.

Last year, a building where state agencies were going to be located was built, and foreign steel was used in place of domestic steel in violation of state law. State law called for a fine of $3,000, but I insisted that the entity responsible for building this facility pay $50,000. I doubt there are very few other public officials in the country who would enforce an existing law so vigorously.

When imports of steel shot up last year, and Ohio steel producers started to suffer, I was one of the first elected officials to speak out. I wrote the President several times, twice on my own and once with other governors, urging him to take all appropriate action under our trade laws to combat steel dumping. I also supported a resolution in the Ohio legislature urging the President to take action.

My support for the steel industry has been long-standing, and I dare say it is matched by few individuals. That's why I look seriously upon any proposal that purports to help this important industry.

The bill that is before the Senate today would impose a monthly limit on steel imports for the next 3 years. The quotas would apply to all steel mill products from all countries, regardless of whether they have engaged in dumping or not.

I have given this legislation much thought and careful consideration, and on its merits, I cannot vote in favor of this bill.

Mr. President, I have dedicated my entire 33-year public career to serving the people of Ohio. I am the last person who would want to see the Ohio steel industry and good-paying jobs dry up and go away. I would not vote against this Quota Bill if I believed it was a productive solution that would save jobs in my state.

It is because I care about Ohio's workers that I must oppose the Quota Bill today. I wish I could tell Ohio's and our nation's steelworkers that the Quota Bill would save steel jobs. I cannot. I wish I could tell them that the Quota Bill would give the industry a quick fix. It will not.

Not only is the Quota Bill bad policy, but voting for it today would be an exercise in futility, because we already know that the President will veto it.

In addition, I am concerned that too much emphasis has been placed on this legislation as being some sort of panacea that will help address all of the steel industry's problems. The fact of the matter is, if this legislation becomes law, it will only serve to compound the industry's problems.

Passage of this bill will provide a false sense of relief, when what we should really be doing is concentrating our efforts on a long-term solution—one that will make a difference in addressing the viability of our nation's steel industry within the framework of existing law.

I have often said that in Ohio, we are no longer the "Rust Belt" we are the "Jobs and Productivity Belt." We made this transition thanks in part to the efforts of the steel industry to modernize and become more efficient and competitive.

And, it's easy to do when you have good labor-management relations which promotes empowerment, when you have businesses willing to invest in training and advanced manufacturing technology, and when you have partnerships with government and education. It's amazing what you can get. It's what has helped contribute to the importance and significance of steel in Ohio.

Overall, the American steel industry is succeeding. It produced record levels of steel in 1997 and 1998, and is now more efficient than it ever has been. It is strong. Its workers are strong. And it can compete in the world marketplace, if the playing field is level.

That is why it is so important that we continue to work to get other countries to follow the American example: to open their markets to American goods, to stop subsidizing their national steel industries and to stop dumping steel on our market at unfair prices.

We need all of Ohio's 35,400 steelworkers fighting for this approach, and applying the appropriate pressure to get other nations to change their protectionist ways.

However, the minute we succumb to the sort of trade practices that we so vehemently oppose, we lose all credibility in the international community.

Most every trade expert will attest that this Quota Bill violates World Trade Organization (WTO) rules—rules that are treaty-based and to which the United States is bound. Even supporters of this legislation must acknowledge that fact.

Since the bill does violate international trade rules, it would invite our largest trading partners to launch major trade cases against us, cases that, based on our treaty obligations, we would most surely lose.

This would give our trading partners the right to take retaliatory trade actions against us. They could slap high tariffs on all manner of American-made products in order to limit our access to their markets or kick us out altogether. Such actions would result in job losses in American industries that rely heavily on exports, such as agriculture, technology and telecommunications and a host of others.

One industry that would be particularly hard-hit by a trade war is agriculture. America's farmers grow and export more food than any other farmers in the world. They would be dealt a devastating blow by retaliatory action taken against them—probably the most affected segment regarding American jobs. In my state of Ohio that's crucial because we have some 80,000 farmers.

It's also important to farmers across the rest of the country. In fact, just yesterday, I received a letter from 20 major agriculture associations, including American Farm Bureau, outlining their opposition to the Quota Bill.

Moreover, for nearly 60 years the United States has been the primary advocate of a free—and, rules-based—system of international trade. The United States is constantly urging other countries to respect international trade agreements and to comply with WTO decisions.

The United States has set the example of being the one nation that consistently complies with the WTO. Indeed, the United States has won 19 of the 21 trade cases it has brought to the WTO for dispute resolution, such as the recently settled banana case the U.S. brought against the European Union.

How can we expect other countries to abide by international trade rules if the United States, the main advocate of those rules, flagrantly disregards them itself? If we want a rules-based system of international trade to work, so that we can have a level playing field across the board on all goods, America must continue to lead by example.

Proponents have argued that even if the Quota Bill violates WTO rules, it would take years for any cases filed against us at the WTO to run their full course. In the meantime, quotas on steel products would give the domestic steel industry some temporary relief from imports in order to recover from last year's import surge.

There are two flaws in that logic. First, imports have dropped off dramatically, and are now below the levels that the proponents of the Quota Bill seek to establish.

Second, analysts are predicting that the U.S. will actually have steel shortages this summer. This means that the industries that need steel to make their products—like the automakers—will not have enough steel to build new cars in order to meet consumer demand.

At the moment, the domestic steel industry can only make enough steel to meet 75% of the domestic demand. Not too many people realize that the remaining 25% must now be imported from overseas, and of that amount, the steel industry imports 25% for its own capacity.

In fact, there are steel products that many Ohio manufacturers need that aren't even made in the United States.

In short, regardless of what is said, the United States must import steel right now in order to meet domestic demand.

So, what happens under the Quota Bill, when there are steel shortages in the United States, while an oversupply of cheap steel remains in the rest of the world? It means that America's manufacturers will have to pay a comparatively higher price for the steel they need to make their finished products, such as cars, machine tools and dish washers.

As a result, the cost of American-made finished products will be higher, while the prices for the same goods made overseas will remain low.

So what will consumers in the United States and around the world do? They will do the logical thing: buy cheap, foreign-made goods, and at the end of the day, America's manufacturers and workers will lose out, and we will be right back at square one. Except this time, even more American jobs in a variety of other job sectors will be on the line, especially in Ohio.

According to the Bureau of Labor Statistics, there are 465,000 Ohio workers in downstream industries that use steel. This means that for every Ohioan employed in the steel industry, there are 12 other Ohioans who work in steel-using industries and whose jobs would be directly jeopardized by the Quota Bill.

I cannot, in good conscience, vote in favor of a piece of legislation that would have the effect of jeopardizing the jobs of more than half-a-million Ohioans—including 80,000 farmers I previously mentioned—for a Quota bill that will have no long-term positive benefits.

All in all, this bill could have extremely serious consequences for jobs in Ohio.

When I was Governor of Ohio, one of my four economic development initiatives was exports. Because of our actions in the state, Ohio's exports increased by more than 62% during the time that I was Governor. And as most Americans know, as exports increase, so do jobs.

Our economy is intertwined with the international marketplace, and it becomes even more so on a daily basis.

As one who has argued vigorously to have others take down their trade barriers so we could get our goods into their countries, how can I talk about closing down our borders and keeping other products out?

We have also increased investment in Ohio by foreign companies. According to Site Selection magazine, from 1991-1997, Ohio had more growth in non-U.S. owned firms than any other state—some 300 new manufacturing facilities and plant expansions.

For me to come out in favor of quotas and trade barriers in today's marketplace would be detrimental to the economic well-being and growth of Ohio as well as jeopardize jobs in my state.

What we ought to do is improve the situation that we already have within the framework of current law and WTO rules.

I don't think anyone will deny the fact that the steel industry was affected by last year's surge in imports, and this surge was partly the result of a series of financial crises in Asia and Russia that precipitated a collapse in global demand for steel.

Naturally, imports were drawn to the United States, where the economy and demand for steel remained strong in comparison to the rest of the world. Unfortunately, the collapse in global demand was exacerbated last summer by the 54-day strike at General Motors, the largest consumer of American-made steel.

However, the oversupply of steel on world markets is not a new problem facing the U.S. steel industry. It has been a persistent problem that has plagued American steel producers for decades, and it is the legacy of 60 years of foreign government intervention in domestic steel industries.

Since the 1930s, other countries have undertaken policies to expand their domestic steel-making capacity and employment, regardless of market conditions. These policies have included tariffs, quotas, heavy government subsidies, state ownership, and government toleration of cartel-like behavior.

The end result has been that foreign steel manufacturers are able to produce and sell steel under circumstances that would drive a U.S. steel manufacturer out of business.

Quotas will do nothing to address this fundamental problem. We learned from our experience with voluntary restraint agreements (VRAs) in the 1980s that restricting steel imports—be it through VRAs or quotas—will do little to discourage other countries from subsidizing their industries or engaging in other market-distorting practices.

That's why we ended the VRA's. After trying to match our competitors step for step, the United States determined that only through sound economic and trade policies would we ever overcome the protectionist tendencies of other steel producing nations. That's why we continue to press for fair competition before the WTO and why we continue to win our cases.

A good majority of our American steel industry has modernized, restructured, and become more efficient in order to compete in the global marketplace. They are to be commended for making the decisions that make them the best steel industry and the most productive workers in the world. As I have said earlier, smart business decisions have made Ohio the number one steel state in the nation.

What we need to do now is level the playing field by going after the unfair, market-distorting practices that have insulated foreign steel producers from the same market pressures our American steel producers face. We need to win our fights in the proper venues and with the facts on our side.

If it is our intention to pass legislation in the Senate, we should look at solutions that will truly address problems that exist and that will not provoke an all-out "trade war."

To that end, I have been working with the Chairman of the Finance Committee, Senator ROTH, to develop a legislative solution to deal with the global overcapacity of steel that we believe will more reasonably address the concerns of America's steel industry.

I believe the legislation will get to the root of the steel import problem, and is the type of solution we should be pursuing, not this Quota Bill.

The Roth bill, the Steel Trade Enforcement Act, would direct the U.S. Trade Representative to start an investigation of the unfair practices that have protected foreign steel manufacturers from the capital market pressures that the American steel industry faces and have protected them from true competition.

Once we identify those countries and practices, the proposal would then require the Administration to develop a comprehensive, government-wide strategy to eliminate those practices. There is a follow-up mechanism to make sure that action is taken.

The Roth bill would also establish a monitoring program to facilitate the timely release of data on steel imports. This monitoring program could serve as an early warning system for future steel import surges, giving industry and the Administration more time to respond. It will also put our competitors on notice that the United States is watching.

The Roth bill also would require the U.S. representatives to the international financial institutions—such as the World Bank and the International Monetary Fund—to oppose any financing to steel industries abroad. It's not fair to use U.S. taxpayer dollars to subsidize the steel industries of our foreign competitors.

Finally, the Roth bill has a provision dealing with so-called "suspension agreements."

Under current law, when an antidumping or countervailing duty case is under way, the Administration has the authority to go out and negotiate a "suspension agreement" with the offending country. If the Administration is able to reach such an agreement, the pending antidumping or countervailing duty case is suspended.

Many steel companies and workers feel like they have been undercut by the recent suspension agreements that the Administration has negotiated with Brazil and Russia on hot-rolled steel imports. The industry would have much preferred that the pending antidumping cases be taken to their full conclusion so that the full antidumping duties could be imposed.

The suspension agreement provision would require that the Administration get the support of at least 50% of the industry before finalizing any future suspension agreements. I am particularly pleased that this provision was added to the bill.

Mr. President, I believe that Senator ROTH's legislation is a rational approach to the dumping that the United States has been subjected to over the years and is our best bet to effectively deal with those nations that subsidize their steel industries.

However, passage of this quota bill before us today will do nothing to assist our domestic steel industry—it will be ruled GATT illegal, which will draw retaliatory actions from other nations. In addition, it will not prevent future job losses in the steel industry and, in fact, could cause job losses in other employment sectors—some with no ties to steel whatsoever such as agriculture.

We must do all that we can to ensure continued economic growth in our nation. This legislation does not. Therefore, I cannot support this bill.

Mr. BIDEN. Mr. President, in the midst of the best economy our country has ever seen, while we have understandably focused on the good news, there has been another story that has only recently begun to get the attention it deserves.

Thanks to the leadership of Senator ROCKEFELLER, Senator BYRD, and many of our other colleagues from our country's leading steel producing states, the story of American steel workers has been heard. Like so many other workers in America's core manufacturing industries, steel workers have been struggling with restructuring and modernization that has made them among the most productive in the world. But on top of the sacrifices—in jobs and job security, in pay, in benefits—they have been hit by the one-two punch of the international financial crisis over the last couple of years.

On top of the lost sales overseas, where once booming developing nations are no longer able to purchase steel from the U.S., our steel workers have watched as those same developing countries have dumped their own steel products here, often below the cost of production, literally stealing American markets out from under them. So, with lost sales at home and abroad, steel workers are losing their jobs as our mills cut production and even shut down.

For the tens of thousands of American workers whose jobs have been lost, whose families have been strained to the breaking point, whose communities have crumbled, this is not some abstract economic question about free trade and open markets. The question is what shall we do to help the people who, despite their hard work and sacrifice, are paying the ultimate price as the rest of us enjoy the many benefits of the new economy.

The question before us today, is how to deal with the kind of economic disruption that has come from a global economy with wide-open capital markets and instantaneous communication. The current crisis in our domestic steel industry is, at its roots, a crisis of overcapacity in the steel industry on a global scale. Too many developing countries built too many new steel mills, with less concern about the long term economic sense and more interest in the kickbacks and quick bucks to be made in the short run.

I believe that we have been right to respond to the recent international financial crisis by providing the IMF and the World Bank and other entities with the funds they need to put the international financial system back on its feet. But one unfortunate aspect of that process, in my mind, is that too many investors who were throwing money at ill-prepared and even corrupt developing economies will benefit from our attempts to prevent a collapse in the world economy.

Today, instead of high-rolling international investors, we are asked to consider help for those American workers and their families who are victims of that international economic crisis, for which they are completely blameless. We will be adding insult to that injury if we fail to act to help them.

But while I will vote for the motion to proceed to this bill, Mr. President, I could not vote for passage in its current form.

We already have many anti-dumping actions underway, a time-consuming and sometimes frustrating process to be sure, but a process designed to guarantee that we hit what we are shooting at—it requires evidence of who is dumping what kind of steel, and what the real economic damage is. We should continue to pursue those actions as quickly and as relentlessly as the law allows.

Just last week, the Senate passed legislation, brought before us by Senator BYRD, that provides $1 billion for the steel industry in loan guarantees to help them deal with the current crisis.

These actions are significant steps in the right direction, and they don't have the unintended consequences that the bill before us brings with it. Quotas on imported steel violate one of our oldest and most basic commitments to the international trading system we have worked so long to create. That system, for the most part, has been a key part of our current economic success.

If we impose unilateral quotas on other countries' steel exports—without showing any specific illegal practices or any direct economic damages—we will seriously weaken our leadership in international trade when we are fighting so hard to open other markets to our products. Chief among those products are our agricultural products, Mr. President, but virtually all of our exports are exposed to a trade war with other countries if we respond to the very real problems of our domestic steel industry by unilaterally imposing quotas.

That does not mean we cannot and should not do more to protect American steel mills and steel workers from the unfair and illegal trade practices of other countries. But I hope if we can proceed to a real debate on this issue that we can formulate a more effective way to right the wrong that has been done to them.

The PRESIDING OFFICER. The time has expired. Who yield's time?

Mr. NICKLES. Mr. President, I ask unanimous consent to speak on leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that immediately following the 12:15 vote, Senator DODD be recognized to speak relative to the State Department authorization for up to 15 minutes. I further ask unanimous consent that following his remarks the Senate stand in recess until 2:15 for the policy conferences. I also ask unanimous consent that at 2:15 today there be 5 minutes equally divided for debate on the Feingold amendment, and following that debate, the Senate proceed to a vote on the Feingold amendment, No. 692. I ask unanimous consent that following that vote, Senator HELMS be recognized in order to offer the managers' amendment and it be considered and agreed to.

Finally, I ask unanimous consent that there be 5 minutes equally divided between the chairman and the ranking member for closing remarks, the bill be read a third time, the Senate proceed to vote on passage of the bill, with no intervening action or debate; further, that Senator HARKIN be recognized after the vote to speak for 20 minutes regarding the State Department reauthorization bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered..

Mr. NICKLES. Mr. President, I now ask the manager of the bill for 3 minutes to speak on the steel quota bill.

Mr. ROTH. I yield 3 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote no on the so-called steel quota bill. I think it would be a mistake. I think the bill would do more harm than good; I mean more harm than good to our entire economy, and I believe also to the steel industry and to the steelworkers. I think it would be a serious mistake.

One would have to figure what happens if we enacted these arbitrary quota restraints. Senator MOYNIHAN just mentioned it would be a violation of our trading laws. If we do that, that will hurt the steel industry indirectly, because we export a lot of steel products. We export a lot of tractors, we export a lot of heavy equipment, and we export a lot of cars, all of which use steel.

If we establish arbitrary quotas on what we are going to import, many other countries are going to retaliate, and they have the right to do so under the WTO. We are going to be violating the trade laws that we have agreed to, and there is going to be a response.

Senator GRASSLEY just mentioned that the biggest response is going to be against agriculture. It is kind of the easiest thing to hit. Agriculture is very competitive in the export market.

Farmers all across the country are going to be faced with a loss of exports, and they are going to say: Wait a minute. Congress just imposed a restriction on steel imports, and, therefore, they are going to put restrictions on the amount of wheat, or the amount of grain they will import. It would be a serious mistake.

Mr. President, I ask unanimous consent to have printed in the RECORD an article in today's Washington Times by William Daley, Secretary of Commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 22, 1999]

WHY TRADE QUOTAS DON'T WORK

(By William M. Daley)

The steel quota legislation now being considered in Congress is a misguided attempt to deal with a problem that is already beginning to go away. Last year, when steel imports, particularly from Japan, Russia, and Brazil, surged by 33 percent over 1997, layoffs mounted and plant closings loomed, the demand for quota legislation to protect businesses and workers was understandable. Today, however, we are beginning to turn the corner on steel imports. And while calls for quota legislation continue, it is clear that this bill is not in the nation's economic interest—nor in the long-term interest of the U.S. steel industry or American steelworkers.

Make no mistake about it: last year's steel crisis was real and demanded a strong response. The administration acted, adopting a two-prong strategy combining swift and vigorous enforcement of our trade laws with bilateral pressure on our trading partners to reduce their steel exports to the United States. Forty-two antidumping and countervailing duty steel investigations are currently being conducted or have been completed since January. These include investigations on hot-rolled steel, carbon steel plate, and three types of stainless steel. In a number of these cases, the Commerce Department provided swifter relief by making early determinations or conducting the case on an expedited schedule. At the same time, senior government officials, including the president himself, have exerted strong bilateral pressure on our trading partners to reduce their steel exports to the United States.

This strategy is working. Since it was put in place last November, steel imports have fallen dramatically. Total steel imports in April were down 39 percent from last year, with imports of hot-rolled steel, the product covered by cases brought against Japan, Russia and Brazil, down 73 percent. Imports overall are returning to pre-crisis levels. April 1999 imports of all steel were 22 percent below April 1998 levels, and six percent below April 1997.

Steel imports during the first four months of 1999 were down 5 percent compared to the first four months of 1998 and 4 percent compared to the first four months of 1997. Despite this significant progress, there is a strong effort under way that ignores the success we've seen to date and seeks to impose across-the-board quotas on steel imports.

Steel quotas, however, will backfire; in the end they will not ensure long-term job security for American steel workers. As a nation, we have a great deal to lose from quotas. The United States is the world's largest exporter—and steel is a significant part of many of these exports. Approximately 20 percent of the steel consumed in the United States last year went into products that were later exported, such as heavy machinery, trucks, food processing equipment and so on. The quota bill, however, would violate our international obligations under the World Trade Organization (WTO) and give other steel exporting countries the right to retaliate, perhaps by barring those U.S. exports that use American steel as a way of striking back.

That would put our domestic steel industry in the middle of a trade war. Many industries depend on both domestic steel and steel imports to stay competitive. In fact, a number of U.S. steel producers themselves import substantial quantities of semifinished steel products. Imposing quotas at legislatively mandated levels could cause layoffs and idled production in a number of steel consuming industries due to shortages of specific steel inputs. Other U.S. industries may also pay a price from a steel quota bill, especially sectors that depend on exports, such as technology, pharmaceuticals and above all, agriculture.

No one has more to lose from quotas than America's farmers, who grow more and export more than any farmers in the world. More broadly, the repercussions could be serious, for both our economy as a whole and the economies of other countries just now beginning to recover from last year's financial crisis. In fact, by weakening rather than strengthening the international economy, the quota bill will make future import surges, in steel and other industry, more, not less, likely. An international economic recovery, on the other hand, will not only help avoid import surges in other industries, it will also help revive worldwide demand for steel.

The quota bill is not in our nation's economic interest, and it is not even in the interest of our steel industry and its workers. We have laws that permit us to protect ourselves from unfair competition. We have the will to use them. And we have a strong and effective policy that is working. We should not consider trading all that for an approach that will hurt us in so many different ways.

Mr. NICKLES. Mr. President, I will read a couple of lines from his article. He says:

> No one has more to lose from quotas than America's farmers who grow more and export more than any farmers in the world.

He also says:

> The quota bill is not in our Nation's economic interest, and it is not even in the interest of our steel industry and its workers.

He is exactly right. This bill would be a serious mistake.

The Commerce Department has already taken action against Russia, against Brazil, and against Japan. They can impose tariffs up to 28 percent on Japan for dumping, up to 86 percent on Brazil for dumping, and up to 200 percent on Russia for dumping. Already there are remedies.

Incidentally, I might mention that the problem is not near as grave as some people have indicated. Steel imports have gone down 72 percent from last November, which was an all-time high.

Again, I don't think the facts warrant passage of this bill. I clearly think if people look at the long-term ramifications of passing it, agriculture will lose, the American economy will lose, and I really think, frankly, the steel industry will lose as well.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield to the Senator from Ohio, a great champion of this legislation, 3½ minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, this bill has great significance to my home State of Ohio. Ohio produces and processes more steel than any other State in the Nation. Ohio steel companies—115 of them at last count—produced and processed steel valued at $5.3 billion in 1996. Ohio is second only to Pennsylvania in the number of employed steelworkers. At last count we had 35,400 steelworkers in the State of Ohio.

We are here today because foreign steel producers have illegally dumped millions and millions of tons of steel into the United States. In 1998, 41 million tons were dumped. That represents on average an 83-percent increase.

Ohio steel production from the first quarter of 1999 was down significantly. Ohio steel shipments during the first quarter of 1999 were also down nearly 16 percent from the same period in the previous year.

Members of the Senate, all of this is no accident. All of this was the result of illegal dumping of steel into the United States.

Our steel industry, despite being a highly efficient and globally competitive industry, is in trouble. I have heard from and I have talked directly to steelworkers and their families about this issue. It is estimated that 10,000 steelworkers have already lost their jobs. The Independent Steelworkers predict job losses of as many as 165,000 if steel dumping is not stopped.

It is time for the Senate to take action. All eyes are on us.

The question is, Will we respond to this crisis?

Adopting this bill tells our steel industry, our steelworkers, and the world that we support our industry, we support trade laws, and we will simply not tolerate dumping or subsidization.

The bill is tough. It directs the President to impose quotas, tariff surcharges, or negotiate enforceable voluntary export restraint agreements in order to ensure that the volume of imported steel products during any month does not exceed the average volume imported from the 3-month period preceding July 1997.

I am a free trader. I believe free trade, though, does not exist without fair trade. Free trade does not mean free to dump, free to subsidize, free to distort the market. However, that is exactly what is happening today.

A strong and healthy domestic steel industry is vital to our Nation and vital to our national defense. Let us resolve today to debate and then pass H.R. 975. The House has already done so. I believe it is in our interest and the interest of the country to do so.

I thank my colleague from Pennsylvania, Senator SANTORUM, for his leadership, as well as Senator ROCKEFELLER and the other Members who have worked so hard on this bill.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield 2 minutes to the Senator from Florida.

Mr. GRAHAM. Mr. President, over the past 18 months there has been a surge of steel imports. That surge has severely and adversely impacted the U.S. steel industry.

This crisis needs to be addressed and the effects of illegal dumping dealt with in a fair and equitable way.

I think the administration deserves credit for the series of steps, including bilateral agreements and vigorous enforcement of existing trade laws, that have greatly improved the steel situation in this country. Imports, as a result, are now down to below precrisis levels.

I support strong action to enforce our trade laws. I believe that trade policy should be by rule of law, not by anarchy, and that with such strong rule of law enforcement we will be able to assure U.S. workers that they are not hurt by illegal import surges.

However, I oppose this legislation because it has the potential of doing great damage to our economy and to the international trading system. It would violate our WTO commitments, thereby putting at risk many of the gains we have made in our economy in recent years. It would focus on a specific problem of the past but do nothing to deal with the next challenge to the rule of law in our trade policy.

I believe that the most at-risk sector of our economy would be agriculture. Agriculture today enjoys the biggest trade surplus of any sector of our economy. Other countries will see this as an opportunity to retaliate against U.S. industry, wiping out export markets that our agriculture producers have achieved.

We must address the problems of the steel industry in a way that does not violate our international agreements. I believe this can best be accomplished by making adjustments to section 201 of the Trade Act of 1974, which is designed to deal with import surges.

Last week, the Senate Finance Committee passed out legislation which modifies section 201 so that it is more responsive to import surges. This legislation is a good first step, but more can be done.

The specific problems of perishable agriculture should be addressed so that seasonality can be taken into account when determining injury to a domestic industry.

We must ensure that U.S. industry has recourse to affective and timely relief when they are injured due to illegal import surges. If we cannot do this, our entire system of international trade, and the health of our domestic economy will be at risk.

For this reason, I will oppose cloture at this time and ask my colleagues to do the same.

I urge we deal with this problem by making our trade enforcement laws more effective, more able to respond to the challenges of the future, and not succumb to a violation of our trade agreements.

Mr. ROTH. I yield 1 minute to the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to vote for this bill but I can't. I want to because I think part of the steel industry has a legitimate case. But I can't because voting for this bill would make it worse than the relief they seek.

We have GATT. We have WTO. We have NAFTA. We have access to accountability. However, the administration is not allowing that to go forward. We have to stay within the system. We have to play by the rules.

The reason we are debating this is because we haven't had the administration firmly coming forward and saying the steel industry has a legitimate gripe. They do.

I support the Finance Committee approach to it which says we are going to stick by the rules, and we need to enforce them vigorously.

Mr. ROTH. Mr. President, my understanding is we have 3 minutes.

The PRESIDING OFFICER. The Senator has 57 seconds remaining.

Mr. MOYNIHAN. I ask unanimous consent 3 minutes be added to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I yield 2 minutes to the distinguished senior Senator from Texas.

Mr. GRAMM. Mr. President, in the last 12 months, America has created 1,950,000 new permanent, productive, tax-paying jobs for the future. We have created 7,500 jobs in every working day for the last 12 months.

If we want to continue to benefit from being the world's greatest trading nation, we have to have politicians that are willing to stand up and fight for those principles by saying no on bills such as the bill before the Senate.

Though the bill before the Senate may be well intended, the bill before the Senate is a job killer, a trade war starter, and it is a bill that will destroy 40 jobs in steel-using industries for every one job it saves in steel producing.

Last year, we exported $222 billion worth of products that used steel; 40 jobs were created in those industries for every one job in steel. It is estimated that the passage of this bill would save about 1,700 steel jobs at a cost of about $800,000 a job for the American consumer. But that is not counting the jobs we would lose in steel-using industries. It is not counting the jobs we would lose because of retaliation from our unfair trade practice.

If we want to create 7,500 jobs a day, we have to have the courage to stand up and defend the system that creates those jobs.

I urge my colleagues to resist the siren song of well-organized groups that have their special interests and look at the general interest of America. When we are creating more jobs than the rest of the world combined, more jobs than in all of Europe, Japan, China, and every developing country in the world combined, why should we be attacking the very system that created those jobs?

I urge my colleagues to reject this bill.

Mr. ROTH. How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 46 seconds.

Mr. ROTH. Mr. President, I yield the remaining time to Senator BOND.

Mr. BOND. Mr. President, I point out that over the last 6 years prior to 1998, the steel industry experienced 6 straight years of growth in domestic steel shipments.

In 1998, there is a downturn. There is a downturn because of the collapse in the Asian economy, because of the General Motors strike. That is unfortunate. We don't want to see those jobs lost.

When you talk about illegal dumping, there are laws against illegal dumping. They are being enforced and they are being enforced effectively.

What we are being asked to do in this bill is to put at risk the 20 production jobs for every one steel job; 20 production jobs depending on using steel for the one job in the steel industry.

That could be a disaster for our economy.

The chairman has already pointed out the cost to the taxpayers, to the consumers. In my State of Missouri, workers in agriculture, in the airplane industry, and small businesses would suffer a loss of jobs and a loss of opportunity if we adopted this measure.

I join with the chairman and the ranking member in urging we oppose this measure.

Mr. President, I offer a few other points on top of the excellent arguments laid out by my colleagues as to why this bill is a bad idea.

The reasons for the surge in steel imports and the decrease in employment in the steel industry are the result of numerous factors and complex conditions. There are a number of forces at work, but the difficult times faced by the steel industry are largely due to economic cycles and conditions. I believe that the industry is asking Congress to take action on its behalf to rectify a status caused by unfavorable conditions. We have a large and diverse economy, with many factors dependent on one another. Taking legislative action on behalf of one industry could have wide and profound ripple affects on may industries that are not for the better and would be a very unwise precedent. The reaction to this legislation could destroy jobs in Missouri industries from agriculture to airplanes and many others.

These conditions have not been receiving the level of attention that they deserve in the discussion as to whether erecting trade barriers is the proper approach, if there is an approach, to reducing the increase in steel imports.

The largest consumers of steel are automobile manufacturers and construction—two industries whose health is directly related to the health of the economy. We all are aware of the economic conditions facing the Asian nations, particularly facing Japan and the Southeast Asian Nations. This was a very sudden and dramtatic turn of economic fortunes. Previously, those economies had a voracious appetite for steel in the years proceeding their economic problems. The skylines of the Asian business capitals have been transformed from those of small towns into cosmopolitan metropolises rivaling many American cities. But today, the streets of Bangkok are littered with dozens of highrise construction projects that have ground to a halt. Demand for steel overseas has collapsed.

Prior to that collapse, U.S. steel manufactures were enjoying good times. Indeed, a decline in domestic steel shipments was witnesses in 1998, but the decline, which was slight, came on the heels of six straight years of growth. The industry enjoyed good times, they benefited from the growth in demand, from the construction boom here and abroad. But economic upheaval abroad has had a major affect on demand, prices, productivity and profit. Capacity was moving along only to face an almost instanteous drop in demand. Those factors as having contributed to the drop in demand have been minimized. Another factor, the labor stoppage at General Motors last summer, has barely been mentioned.

Businesses endure business cycles. I have all the confidence that the industry will take the steps necessary to remain competitive, but taking this legislative action to address the conditions of one industry is unwise. Those factors have been minimized as contributing to the decline in demand around the world. Another factor, the labor stoppage at General Motors last summer, cannot be underestimated for its impact on demand and prices.

We are being asked to take legislative action to protect a single industry from conditions that are largely the result of the economy and their business decisions and planning. An act such as this cannot be taken without having severe and far reaching consequences for many other industries. As we have heard on the floor of the Senate, and their own business decisions taking legislative action that will benefit a single industry is a purely protectionist act.

Mr. President, we have made a commitment in this country to advancing freer trade and open borders. I believe it is in the best interest of our country and in the best interests of future generations. Trade has many benefits. The competition has led to dramatic improvement in the efficiency and the profitability of the domestic auto industry. It has led to improvements in the efficient and profitability of the domestic steel industry. Prior to the year 1998, shipments of steel increased for six straight years. I believe that growth will return. The benefits are seen all around us in the form of more efficient industries, cheaper products and better made products.

Trade also advances our standard of living. As we enjoy the benefits of this communications revolution, open markets will permit it to be prolonged. If other countries close down their markets, the avenues to continue to sell these products will begin to evaporate. There is no dispute the types of jobs that have been created because of this revolutions—they are high paying and highly skilled jobs, the type of jobs that have contributed to the continuing escalating standard of living in the United States.

Several Senators addressed the Chair.

Mr. BIDEN. Will the Senator yield me 15 seconds?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The pain is real, the need is real, but the answer is wrong. We are not voting up and down on this bill. We are voting to proceed. I am going to vote to proceed in the hope that between now and the time we vote on this bill, the administration and others understand there is a need for an answer. This is not the answer. I would vote against the bill, but I will vote to proceed.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, has all time been consumed?

The PRESIDING OFFICER. No; 4 minutes 25 seconds remain.

Mr. LOTT. At the appropriate time, I will use leader time to wrap up debate on this issue.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield 2 minutes to the junior Senator from West Virginia for his remarks.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I will not even take that amount of time. Senator GRAMM and Senator NICKLES and others, have said vote against this bill. You will have a chance to vote against this bill. That is not what we are about today. We are voting on the motion to proceed to discuss an extraordinarily complex issue, the ramifications of which a lot of people do not know. It has been pointed out we are in violation of WTO. It has not been pointed out we are trying to follow our Trade Act, which we ourselves passed in the Congress and which was signed by a previous President.

Please, this is the motion to proceed. We traditionally are fair about these things. This is a complex subject. Steel is only produced in 16 States in a major way. A lot of people have a lot to learn.

We are not voting on the quota bill. We are voting on the motion to proceed to simply talk about it. We have had a very high barrier to reach.

Finally, I say the crisis is not over. I repeat that. The first 4 months of this year compared to the first 4 months of last year—last year being the worst year in history in terms of imports—steel imports were only down by 5 percent. The crisis lives. The time to vote for an honest discussion of the issue is now. We can do that by voting yes on the motion to proceed.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to pick up where the Senator from West Virginia left off, and that is to make very clear what we are voting on today. We are not voting on a steel quota bill. We are voting simply to bring the issue to the floor of the Senate for open debate and discussion and amendment. I do not think anyone in this Chamber can say what has gone on in the steel industry has been good for America. I have heard from some of the speakers—incredibly so—that somehow or another this was good for American jobs; we create American jobs when people illegally, against our trade laws, being subsidized by foreign governments, dump product into this country—that somehow that is good for America.

I do not think it is good for America. We have laws that are in place to stop that because we think it is unfair. We think that is illegal. So when I hear these arguments that we have to let the marketplace work, the fact is the marketplace is not working. The administration is not working in enforcing our laws. So what we are saying is, the Congress needs to get to work. Congress needs to get to work, to talk about how we can put this together.

The Senator from Michigan talked about the bill that came out of the Finance Committee. That could be an amendment to this bill. It could be a substitute to this bill. If you want a vehicle to have a fair and honest debate about what our steel policy should be, what our trade policy should be, this is the vehicle to do it. Let's vote on the motion to proceed. Let's bring up this matter. It is an important matter, as the Senator from West Virginia said, to at least 16 States. It has impacted tens of thousands of workers across this country. It is a very serious, desperate situation for many major companies in the United States. All we are asking for out of this vote is to let us be heard on the floor of the Senate. If you do not like the solution, as the Senator from Delaware said—the junior Senator from Delaware said he does not like the solution—fine. Bring up another measure. Bring up an alternative. We will have a debate on that. We will have a vote on that, and we will work our will in the Senate to address an issue that needs to be addressed. That is all we are saying.

Please, let the folks back in Akron, OH, in Pittsburgh, PA, and Weirton, WV, the people in the Senate care about what is going on in their lives. Let them know we are not deaf to the pain they are going through in losing their jobs. Let them know by just giving us a chance to debate this bill and do something about the crisis in the steel industry in this country.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, I would like to use some of my leader time now to close debate on this issue. First, I yield a minute to the Senator from Idaho to comment.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CRAIG. Mr. President, I thank the leader for yielding.

This is not an issue about steel. This is an issue about trade. The United States will be hosting the World Trade Organization's ministerial meeting in Seattle later this year. If this Senate voted out a quota bill at a time when we were expecting to engage the rest of the world in further discussion about knocking down trade barriers to give agriculture and other trade entities greater opportunity in the world market, this Senate and this Government would be sending the wrong message.

I am not going to argue with the Senator from Pennsylvania. There is no question the steel industry has been hurt. Agriculture is being hurt as we speak, but we do not close our borders and turn our lights out. We work to build a stronger and more fair trade organization around the world.

Furthermore, this act would violate our international obligations under the World Trade Organization and General Agreement on Trade and Tariffs. By closing the U.S. Steel market, we would encourage other countries to follow our lead and undermine the system that the United States has worked so hard to establish. If we are to expect other countries to honor their obligations under these agreements, we must do the same.

Mr. President, raising barriers against steel imports will only provide the steel industry temporary benefits while the American consumers suffer long-term consequences. Products that are made from steel, such as cars, homes, and appliances, will cost more to produce and will become more expensive to consumers. For example, large U.S. companies, such as Cargill and Hewlett Packard, that have substantial business in Idaho would be adversely affected. This situation will cause American consumers to purchase less and put millions of American jobs at risk. These consequences far exceed the risks the steel industry is facing.

I yield the time.

Mr. LOTT. Mr. President, at the request of the Senator from Pennsylvania, Mr. SANTORUM, and others, we are going to have this vote today. They made the point this was an important issue to them. They thought there should be some discussion about it and asked for an opportunity to have some debate and a vote. Little did I know at the time it was going to be a weekly event.

Last week it was the revolving fund loan for steel. This week it is the quota bill. Next week it will be something else. In fact, the Finance Committee has reported out something, and it is probably, of the three options, the only one we should be considering. But do not fool yourselves; this is not an inconsequential vote. Don't be saying we can vote for this on the motion to proceed and then we can vote against it later on. In order to go forward, the proponents have to get 60 votes today but only 51 tomorrow.

So I urge my colleagues, do not say, I'll give them a procedural vote. What you may be giving them is something that would be very dangerous, because we then could be voting on the substance itself. I think the consequences of such a vote that would befall America's economy and our trade policy would be dire, indeed. Not only would it increase the burden on our consumers, it would also run counter to our international trade agreements, and it would adversely affect our businesses and farmers that depend upon access to these international markets. There is no question this bill would undercut the economic growth we enjoy today. It would be starting down an extremely dangerous path.

We all struggle with similar issues in our own States in one area or another—perhaps agriculture here, textiles there, something else elsewhere. But free trade has been proven, time and time again, to benefit America, to benefit American consumers. It is the right thing to do, and we should not start down the trail of passing quotas here, there, or somewhere else.

I urge my colleagues, vote against cloture.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 975, The Steel Import Limitation Bill.

Trent Lott, Rick Santorum, Mike DeWine, Jesse Helms, Ted Stevens, Harry Reid, Byron Dorgan, Orin Hatch, Jay Rockefeller, Robert C. Byrd, Robert Torricelli, Fritz Hollings, Pat Roberts, Arlen Specter, Richard Shelby, and Craig Thomas.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 975, an act to provide for a reduction of the volume of steel imports, and to establish a steel import notification and monitoring program, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—42

Bayh
Bennett
Biden
Boxer
Burns
Byrd
Campbell
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Hatch
Helms
Hollings
Inhofe
Johnson
Leahy
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thurmond
Torricelli
Wellstone

NAYS—57

Abraham
Akaka
Allard
Ashcroft
Baucus
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hutchinson
Hutchison
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Smith (OR)
Thomas
Thompson
Voinovich
Warner
Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, the distinguished chairman of the Finance Committee just made this remark to me. He is too modest, perhaps, to say it himself. He suggested that we have just taken what will likely be the most important vote of this session of the Congress. It was the first such vote we have had, I know, in my 23 years on the Committee on Finance—a solid affirmation of a half century, and more, of American trade policy.

I thank the Chair and yield the floor.

Mr. ROTH. Mr. President, first of all, I want to just thank my distinguished colleague, Senator MOYNIHAN, for his invaluable assistance on this most important matter. I think the two of us believe very strongly that there will be no more important a vote than the one we just took. It is important from the standpoint of our national economy; it is important from the point of view of our steel industry; it is important from the standpoint of our workers. I know it was a very difficult vote for many people, but I want to express my public appreciation for their assistance.

I yield the floor.

Mr. DODD. Mr. President, I voted to invoke cloture. It was a difficult vote. The chairman of the Finance Committee and the Senator from New York deserve a great deal of credit for bringing this up the way they did. I regret we didn't get cloture. I think the bill would have needed work, I must say, before it reached final passage, had cloture been invoked.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

Mr. DODD. Mr. President, if I may, I ask what the pending business is in the Senate?

The PRESIDING OFFICER. Under the previous order, up to 15 minutes is allotted to the Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Chair.

Mr. President, it is my understanding that the managers of the pending bill graciously agreed to include one of two of the amendments I had proposed to offer in the managers' package that will be adopted later today. I extend my thanks to Senator BIDEN and Senator HELMS.

Mr. BIDEN. Mr. President, if the Senator will yield, it is true; we have accepted it. It is a very good amendment and we are delighted to do that.

Mr. DODD. I thank the Senator from Delaware. Let me briefly describe what that amendment is, and then I am also going to propose a second amendment, which, again, the chairman of the committee and the ranking member are familiar with. My intent is not to force a vote on that amendment but to raise the issue included in the amendment. The amendment that will be adopted later today would direct the Office of the Inspector General of the Department of State "to make every reasonable effort to ensure that each person named in a report of investigation by that office be afforded an opportunity to refute allegations or assertions that may be contained in such report about him or her."

In the interest of accuracy and thoroughness, the amendment would also require the inspector general to include exculpatory information about an individual that is discovered in the course of the investigation to be included in the final report produced by the inspector general.

I am not going to take a great deal of the Senate's time on the specific details of this amendment because I know the managers very much wish to complete action on this bill. But it seems what I have said about this amendment is common sense. One would assume that what I have said would be the case already. If allegations involving a criminal matter would be raised about any citizen of this country, under due process that citizen would have the right to know about those allegations and an opportunity to respond to those allegations, and any exculpatory information would be included in the determination of whether or not to go forward. We would assume that to be the case.

Candidly, I must tell you, when investigations are done by the inspector general at the State Department—and, regrettably, other agencies—that is not the case. So this amendment on this bill is designed to correct the problem at the State Department. It doesn't go any further than that.

I want to thank Senator HELMS and Senator BIDEN for their assistance with this amendment and mention, in particular, that Senator HELMS and I will be including a colloquy for the RECORD that clarifies technical matters with respect to the intent and scope of this amendment. I have proposed this amendment because I truly believe that it will improve the functioning and work product of the Office of the Inspector General in carrying out her investigations.

I also have another motive as well. It is a matter of fundamental fairness, in my view.

Many of the investigations that the IG deals with in the course of her duties would be improved, in my view, were the individuals involved given an opportunity to comment about the information developed in the course of the investigation as it relates to those individuals. Sadly, this is not the general practice of the inspector general, although it does happen in some cases at the discretion of the inspector general. In most cases, a report gets finalized from the inspector general, and the individual never gets a chance to correct what may be factual inaccuracies before a decision is taken to refer the matter to the Justice Department, or to the Director General of the State Department for possible criminal prosecution or for disciplinary action.

I think it is only fair to allow an individual to be provided that information prior to some disciplinary action being recommended, because, frankly, even though there is a grievance process, there is a tendency in the Congress to assume that the inspector general has accurately stated the case and the individual's promotion prospects are put into jeopardy.

The chairman and ranking member know that I propose this amendment in part because I know firsthand that had the inspector general checked out some of the information her investigators erroneously included in one of their reports related to this Senator, that information would never have been part of the report.

In fact, I ask unanimous consent at this point to have printed in the RECORD some correspondence between myself and the inspector general.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 6, 1996.

Hon. JACQUELYN L. WILLIAMS-BRIDGERS,
Inspector General, Department of State, Washington, DC.

DEAR MS. WILLIAMS-BRIDGERS: I am writing to you with respect to a report produced by your office late last year concerning an investigation conducted about matters related to the U.S. Embassy in Dublin and the U.S. Ambassador Jean Kennedy Smith—"Special Inquiry, Embassy Dublin, Republic of Ireland, Jean Kennedy Smith, Ambassador, Dennis A. Sandberg, Deputy Chief of Mission, December 29, 1995."

I am shocked and angered by the cavalier manner in which your office saw fit to include my name in this report eight times, purporting to represent my conversations, comments or intentions with respect to individuals employed at the U.S. Embassy in Dublin, without ever making any effort to contact me or my office for comment. Had you done so, I would have told you in the strongest terms that there was absolutely no truth to the suggestion made in the report that I took or sought to take retribution against individuals in the Embassy because of some policy or personality differences that they may have with Ambassador Smith.

I am certain anyone who reads this report will be shocked to discover that never once was I contacted by your "investigators." It would seem to me that a very basic element of any credible and professional investigation is that anyone who might be able to be shed light on the matter under investigation be contacted, particularly when you intend to include that individual's name in the final report. I wonder how many other individuals whose names are mentioned in this report were never contacted or interviewed by your office? Frankly, the clear misrepresentations contained in the report as it relates to me seriously call into question the quality and integrity of the report in its entirety.

I believe that simple fairness and professionalism dictate that I receive an apology from your office for such unprofessional behavior.

Sincerely yours,
CHRISTOPHER J. DODD,
U.S. Senator.

DEPARTMENT OF STATE,
THE INSPECTOR GENERAL,
Washington, DC, March 8, 1996.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: I am writing in response to your letter of March 6, 1996, and as a followup to our telephone conversation last night concerning our December 29, 1995, Special Inquiry of Embassy Dublin.

Let me begin by stating emphatically that this office is in possession of no information whatever which would suggest that you "took or sought to take retribution against individuals in the Embassy because of some policy or personality differences they may have had with Ambassador Smith." Our intention in the Dublin report was merely to convey the fear that was engendered in the minds of career employees by the clear misuse of your name and position by an individual who purported to speak for the Ambassador. Indeed, while Ambassador Smith confirmed that she told you about the dissent cable, she emphatically denied that she provided you or anyone else with the names of the dissenters. We have no reason to believe that she did. Moreover, Ambassador Smith herself never suggested to us that you made the critical comments attributed to you by her assistant and, again, we have no reason to believe that you did. Because we believed that your name and title was bandied about without your knowledge or authorization in what amounted to a brazen fear campaign, we never attempted to interview you concerning the matter. That was a clear mistake on our part.

In retrospect, at a minimum, we should have made it absolutely clear in our report that we had no reason to believe the assertions made about you, either with respect to your purported reaction upon being told of the conduct of the Dublin dissenter or with regard to your alleged intention to personally discuss the matter with the affected employees. While we repeatedly used modifiers such as "reportedly" when discussing anything relating to what you were alleged to have said. I now realize that we should have provided you with an opportunity to comment. The Boston Herald article of March 5, 1996, clearly demonstrated how mischief could be made of your name in this matter. I apologize for not being more sensitive to how our language could be misconstrued. I intend to use this error constructively to ensure that such a problem does not recur.

The Privacy Act compels us in the normal circumstances to redact names, titles, and identifying information from sensitive reports prior to their public release. Had this report been requested through the Freedom of Information Act or the Privacy Act, we most certainly would have redacted your name and title from the report. We are required, however, to provide, unredacted reports to relevant oversight committees at the Chairman's request.

In accordance with the mandate of the Inspector General Act to keep the Congress fully informed of matters within its jurisdiction, I provided, upon request, copies of the unredacted Dublin Special Inquiry to the Senate Foreign Relations Committee on Wednesday, February 28, 1996. My transmittal letter reiterated that this report had not been reviewed in accordance with the Freedom of Information Act or the Privacy Act for release to the public and that any improper release of information from this report would seriously undermine my statutory responsibilities in the Department.

While I am certain that this is of little consolation to you, I firmly believe that the reason we did not attempt to interview you is that we felt that you had done nothing wrong. I recognize that our subjective judgment in that regard is not necessarily clear from an objective reading of the report. Again, for that I apologize.

Sincerely,

JACQUELYN L. WILLIAMS-BRIDGERS.

Mr. DODD. Mr. President, I was never asked about the allegations, nor apparently was anyone else in this report conducted by the inspector general. The report alleged that I had tried to punish or to harm in some way two State Department employees for using the dissent channel by blocking their promotions internally. When I questioned the IG about the matter, she admitted that her investigators had not done a very professional job. There was not a shred of evidence within the Department to indicate that I had done anything with regard to this matter. I didn't even know who these people were, nor did anyone on my staff.

Had I been given access to those portions of the report as they related to me, I think this mistake would have been caught and it would never have been included in the final report. The inspector general did subsequently apologize to me both personally and in writing. I am grateful to her for that; however, I am not sure that ordinary Foreign Service officers or political appointees would have been given similar treatment, and the damage to their careers and reputations would have already occurred in any event.

That is why I believe this amendment is very important. I thank again Senator HELMS and Senator BIDEN and their staffs for helping put this matter together. This way it would at least allow for people who are charged with these matters to have an opportunity to respond, to know what they are being charged with so that corrections can be made.

Again, I emphasize that if you are not a well-known individual, you might not get the kind of apology and the corrections that I think ought to be made. That is why I believe this amendment is important.

Let me turn, if I can, to a second amendment.

Mr. BIDEN. Mr. President, if the Senator will yield for a moment before he turns to the second amendment, I can't emphasize how important I think the change is that the Senator suggests and the enthusiasm with which we accept the amendment.

I happen to like the Senator's second amendment that he is going to withdraw. I hope that will happen in the remainder of this year. If we can't get it done this year, I hope we can next year. I hope the committee will take a look at the entire functioning of the inspector general's office. Quite frankly, a similar thing came up in my other committee, the Judiciary Committee.

Quite frankly, I think we initiated reforms that were needed a decade or more ago to provide for these inspector generals, and they are throughout the Government, which is a good thing. It is not a bad thing. But what we haven't done, in my opinion, is we haven't given the same kind of scrutiny and oversight into how the offices function as we have, for example, the Attorney General's office, or the overall functioning of the State Department.

I hope this is the beginning of not any kind of witch hunt but just a serious, thoughtful oversight about whether or not the inspector general's authority puts it in a position where it has sort of incrementally involved itself in a way that the rights of individuals who are being looked at or who are caught up in a net are, quite frankly, not treated the way we would expect, for example, the U.S. Attorney's Office to proceed.

I thank the Senator. As I said, I like the second amendment which he is going to be withdrawing. Hopefully, we will have an opportunity, with his leadership, to revisit that on another piece of legislation, or on the floor independently.

Mr. DODD. I thank my colleague from Delaware.

AMENDMENT NO. 690

Mr. DODD. Mr. President, I call up amendment No. 690.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 690.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section—

SEC. . TRANSFER OF AUTHORITY FOR CRIMINAL INVESTIGATIONS FROM STATE DEPARTMENT INSPECTOR GENERAL TO DIPLOMATIC SECURITY SERVICE.

(a) Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

"(1) conduct investigations—

"(A) concerning illegal passport or visa issuance or use; and

"(B) concerning potential violations of Federal criminal law by employees of the Department of State or the Broadcasting Board of Governors."

(b) Section 209(c)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)(3) is amended by adding the following—

"In such cases, the Inspector General shall immediately notify the Director of the Diplomatic Security Service, who, unless otherwise directed by the Attorney General, shall assume the responsibility for the investigation."

(b) The amendment made by this section shall take effect October 1, 2000.

(c) Not later than February 1, 2000, the Secretary of State and the State Department Inspector General shall report to the appropriate congressional committees on—

(1) the budget transfer required from the Inspector General to the Diplomatic Security Service to carry out the provisions of this section;

(2) other budgetary resources necessary to carry out the provisions of this section;

(3) any other matters relevant to the implementation of this section.

Mr. DODD. Mr. President, this amendment would transfer the authority for criminal investigations from the State Department Office of Inspector General to the Office of Diplomatic Security in cases of passport fraud and to the Attorney General in cases of other potential criminal offenses.

Let me say at the very outset that I realize this is a very controversial amendment. But I would like to take this opportunity to explain to my colleagues why I have decided to discuss this matter today.

Based upon a number of inspector general investigations I have reviewed, I question whether the inspector general, who is not a lawyer, should be supervising criminal investigations at all. The original mission of the inspector general was to perform routine audits both to examine financial records and to review the operations of various programs.

The inspector general also is charged with inspecting overseas diplomatic missions and domestic bureaus to ensure that the State Department is performing with maximum efficiency and using resources appropriately. Certainly the inspector general can, and should, continue to concentrate in these areas. But criminal investigations are far more complex and sensitive than routine audits and inspections.

I think many of my colleagues would be surprised at the type and scope of investigations that the State Department inspector general undertakes, and, frankly, at the number of matters that get referred to the Justice Department for further action which the Justice Department declines to take up.

The inspector general currently decides when and who to investigate. There are virtually no checks—none—on the office once it has commenced a criminal investigation.

While the State Department inspector general's office is supposed to be a neutral finder of fact, experience shows that historically that office has acted in a highly adversarial manner trying to establish cases that can be referred to the Justice Department.

I happen to believe, as an aside, that the inspector general's handling of matters relating to Ambassador Richard Holbrooke unnecessarily delayed the consideration of his nomination to the Senate and at additional taxpayer cost.

Let me, however, commend the chairman of the Foreign Relations Committee for the very thorough but expeditious manner in which he has guided the Foreign Relations Committee deliberations of that particular nomination.

I would also like to call to the attention of the Members the final report of the independent counsel appointed to investigate the so-called "Clinton passport matter," which arose in the course of the 1992 Presidential elections. Joseph diGenova, the independent counsel in that case, took the State Department Office of the Inspector General to task for the sloppiness and lack of professionalism with which it conducted the initial investigation of this matter. He concluded by saying that this matter should never have been referred for criminal prosecution, nor should an independent counsel have been appointed.

It is not my intention to push this amendment to a final vote. I know the managers of the bill and the members of the Governmental Affairs Committee have some questions about this amendment as it is currently drafted. I respect their judgment tremendously. At the very least, however, I believe there is a need for an independent agency, the General Accounting Office, to take a long and hard and serious look at the practices of the inspector general's office with respect to criminal investigations and assess whether these offices are the appropriate places for criminal matters to be looked at.

These offices were set up to conduct and perform certain valuable and important functions. In my view, as with so many other offices, once they get started they go off into areas they lack expertise in and conduct investigations which are questionable, at best. This has happened, with little or no checks and balances.

Even under the independent counsel law, I point out, a person is entitled to know what they are charged with and given a chance to respond to the allegations raised. Under the Inspector General's investigations, a person is not given those rights.

Fundamental due process would seem to insist everyone be given the opportunity to respond to charges leveled against them.

I think this is a serious matter. I am hopeful the matter can be corrected without having to go through a legislative route. I think it can be done administratively. I urge the State Department, the Secretary of State, and others to make these corrections. If not, I will come back with this amendment next year. I will offer it in committee and I will offer it on the floor to legislatively deal with this issue.

I am anxious to hear other thoughts and ideas on how to correct this problem. I take it seriously when the careers of individuals can be ruined and destroyed by opening up one of these investigations without providing that individual with an opportunity to respond to those charges.

I ask unanimous consent to withdraw the amendment I offered a few moments ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:11 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001—Continued

AMENDMENT NO. 692

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how many minutes are assigned to the distinguished Senator?

The PRESIDING OFFICER. On the Feingold amendment, 5 minutes equally divided—amendment No. 692.

Mr. HELMS. And Senator LUGAR has some time?

The PRESIDING OFFICER. It is 5 minutes equally divided. Senator LUGAR would have 2½ minutes.

Mr. HELMS. I thank the Chair.

I see both Senators on the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Anne Alexander, a fellow in my office, be accorded the privilege of the floor during the remainder of the debate on the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, before my time begins, I ask unanimous consent to add the Senator from North Dakota, Mr. DORGAN, as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, my amendment does not kill the National Endowment for Democracy, nor does it cut off one penny from its budget. Rather, this amendment reforms the grant-making process of the NED.

The NED seeks to promote democracy around the world. I believe it is only just and fair that its grant-making process be open and competitive on a level playing field for all applicants. Mr. President, 65 percent of NED's grant money is automatically allocated to four so-called "core grantees," while everyone else has to compete for the remaining 35 percent of the budget. I really do not think this is fair.

The core grantees have done good work in promoting democracy abroad, but are the programs sponsored by the core grantees so superior to all the other programs we have that we must assume they should automatically get the full 65 percent while everyone else has to compete for a much smaller piece of the pie?

My amendment does not cut funding for the NED or even necessarily for these four grantee groups. It just phases out, over a 5-year period, the automatic bonanza these groups get every year. This amendment will simply level the playing field so these groups have to compete for funding like everybody else.

So I urge my colleagues to understand this does not cut a penny. It does not change the basic mission. It just says we have reached the point, with these taxpayers' dollars, where it really should be phased down to the point where everything is done on a competitive basis.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from Wisconsin.

The National Endowment for Democracy for the last 18 years has made grants to organizations all over the world to boost democracy in the most critical areas. It came about during the Reagan administration, in which the genius of the plan, of pulling together representatives of the Republican Party, the Democratic Party, the National Chamber of Commerce, and AFL–CIO, brought checks and balances within our own political spectrum but outside the State Department, outside the Government. For the last 18 years, these grants have not been politicized. As a matter of fact, as there are areas of concern that come to the board of the National Endowment, each of the four groups is asked to meet the challenge, to offer alternatives competitively for peer review, and then review by staff, and finally votes by members.

I have been privileged to serve for the last 8 years on the board of the National Endowment for Democracy. At each meeting I have examined over 100 of these grants. They come, each time, with really superior effort by four entities we can count on, the two party institutes in the Chamber and the labor people of this country.

I see no need to amend that process. It is a process that has worked well. It is a process that has not been politicized. It has a good track record. If the Senator's amendment is adopted, we will inevitably have a fairly large bureaucracy of people sifting through grants from all sources.

Grants do come from some 250 different entities and formulate at least a third of the grants that are awarded by the board. Some of these are worthy and some are not so worthy, but we can count upon quality of response, and I think that is important. It is a situation of trying to fix something that is not broke, and I hope Senators will resist that impulse. There is not a compelling need for change. The amendment did not have any type of airing in a hearing for examination and for testimony by witnesses on either or all sides.

Mr. BIDEN. Will the Senator yield for 5 seconds?

Mr. LUGAR. Yes.

Mr. BIDEN. I agree with the Senator from Indiana and suggest it has the added benefit of taking four groups on different ideological ends of the spectrum and having them cooperate, work together. It has a salutary impact on how they function relative to one another overall.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, the Feingold amendment to the State Department authorization bill would have the effect of diminishing the standing enjoyed by the four principal grantees—and partners—of the National Endowment for Democracy.

When the Endowment was established in 1983, the Congress envisioned that four core grantees would be established along with the NED to carry out its mission—the National Democratic Institute (NDI), the International Republican Institute (IRI), the Center for International Private Enterprise (CIPE) affiliated with the U.S. Chamber of Commerce and the AFL-CIO's Solidarity Center. The reason for this decentralized approach was a belief—shared by leading Democrats and Republicans alike—that the promotion of democracy is an enduring American interest and that representatives of American civil society would be better able than government officials to help their counterparts—political parties, labor movements, business associations and civic groups—that are struggling to build democratic systems in their own countries. Private organizations doing private work in the public interest ought to be supported and expanded by federal funding.

The National Endowment for Democracy has been debated on this floor on numerous occasions, most recently at some length in 1997, after which the Senate voted 72 to 27 to reaffirm its support for the Endowment and its programs. Along with successive Administrations—including those of Presidents Reagan, Bush and Clinton alike—this body has consistently voiced its support for the mission and unique contribution to the spread of democracy by this organization.

The Feingold amendment would eliminate the concept of the "core grantees" of the Endowment which is the heart of the operational premise that the NED embodies. While the amendment purports to make the Endowment more efficient and effective by making all NED grants competitive, it would actually have the opposite effect. If passed, the amendment's unintended consequence would be to create a centralized, bureaucratic structure that would severely weaken the NED, and slow the responsiveness of the core grantees. It would also oblige the Republican and Democratic institutes to compete with one another for the same funding, so instead of working in tandem to promote American ideals abroad, they would be set at odds with each other. The same would happen with the institutes for business and labor: conflict, rather then comity. The harmonious package of programs would be dissolved—for no apparent reason.

The Endowment is a cost effective initiative that works. Anyone who has taken the time to examine the activities of the Endowment's core grantees or talked with the beneficiaries of their work in places like Northern Ireland, Nigeria, Indonesia, Cuba and Bosnia, would agree.

The NED should be encouraged to continue this mission, which reflects the noblest American political tradition and serves the strategic interests of the United States. It should not be hamstrung by the new and unwarranted restrictions that are proposed in this amendment.

It was the decision by the Congress that there should be four principal grantees of the Endowment because they each have a unique contribution to make in promoting democracy. This was a correct decision, and the core grantees should continue to be seen as different from other grantees and an integral part of the Endowment. If we should now change the Endowment's fundamental premise, the ability of these core grantees to respond quickly to democratic openings will be undermined.

It has been suggested that under the current arrangement the work of the core grantees is not subject to adequate scrutiny because the Endowment each year sets aside a modest allocation of funding for each of their programs. This allocation—of 4.1 million for each institute's global array of programs—does not mean that they get a free ride or a blank check. It is important to note that every single one of the over 200 grants awarded annually by the Endowment is strictly reviewed by program and financial staff and by a distinguished bipartisan Board of Directors currently chaired by the distinguished former congressman from Indiana, Dr. John Brademas. This is true regardless of whether the grantee is one of the four core grantees or not. The core grantees are covered by the same reporting and evaluation requirements that effect all grantees. Let us leave the decision-making for the allocation of funding in the very able hands of the Endowment's Board of Directors, which includes some of the most accomplished international affairs strategists and democrats in the United States.

This body frequently earmarks organizations that it believes should receive public support. There is nothing wrong nor nefarious in this approach. I hope the Senate will take this opportunity to reaffirm its strong support for the work of the four institutes associated with the Endowment—the republican and democratic party institutes, and those associated with the labor movement and the business community—by voting No on the Feingold amendment.

This amendment seeks to fix something that is not broken. The amendment will not improve the Endowment, but to weaken its unique capacity to be flexible, responsive and effective. The last thing we should do is to hastily tinker with the internal workings of this important institution without any serious examination of the supposed problems this amendment is meant to address.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 692. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 76, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—23

Baucus
Bingaman
Boxer
Bryan
Dorgan
Durbin
Edwards
Feingold
Fitzgerald
Grams
Gregg
Helms
Hollings
Johnson
Kohl
Lincoln
Nickles
Reid
Smith (NH)
Specter
Thurmond
Wellstone
Wyden

NAYS—76

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Enzi
Feinstein
Frist
Gorton
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner

NOT VOTING—1

McCain

The amendment (No. 692) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 705 THROUGH 731 EN BLOC

Mr. HELMS. Mr. President, we have an agreement on both sides for a managers' package of amendments, which I send to the desk, including amendments by Senator BIDEN and myself and Senators ABRAHAM and GRAMS, KENNEDY, DURBIN, LEAHY, MOYNIHAN, REID, BINGAMAN, THOMAS, BIDEN and ROTH, two amendments by Senator LUGAR, Senators McCAIN, SCHUMER and BROWNBACK, MACK and LIEBERMAN, GRAMS and WELLSTONE, DODD, ASHCROFT, HARKIN, FEINGOLD, and FEINSTEIN.

This package of amendments has been agreed to under a previous order.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and Mr. BIDEN, Mr. ABRAHAM and Mr. GRAMS, Mr. KENNEDY, Mr. DURBIN, Mr. LEAHY, Mr. MOYNIHAN, Mr. REID, Mr. BINGAMAN, Mr. THOMAS, Mr. BIDEN and Mr. ROTH, Mr. LUGAR, Mr. McCAIN, Mr. SCHUMER and Mr. BROWNBACK, Mr. MACK and Mr. LIEBERMAN, Mr. GRAMS and Mr. WELLSTONE, Mr. DODD, Mr. ASHCROFT, Mr. HARKIN, Mr. FEINGOLD, and Mrs. FEINSTEIN, proposes amendments numbered 705 through 731 en bloc.

The amendments (Nos. 705 through 731) en bloc are as follows:

(The text of amendment No. 705 is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 706

(Purpose: To amend the short title of the bill)

On page 2, strike lines 3 and 4 and insert "Admiral James W. Nance Foreign Relations Authorization Act, Fiscal Years 2000 and 2001".

AMENDMENT NO. 707

(Purpose: To require that the representative of the United States to the Vienna office of the United Nations also serve as representative of the United States to the International Atomic Energy Agency)

On page 141, between lines 4 and 5, insert the following new section:

SEC. 825. UNITED STATES REPRESENTATION AT THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) AMENDMENT TO THE UNITED NATIONS PARTICIPATION ACT OF 1945.—Section 2(h) of the United Nations Participation Act of 1945 (22 U.S.C. 287(h)) is amended by adding at the end the following new sentence: "The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency.".

(b) AMENDMENT TO THE IAEA PARTICIPATION ACT OF 1957.—Section 2(a) of the International Atomic Energy Agency Participation Act of 1957 (22 U.S.C. 2021(a)) is amended by adding at the end the following new sentence: "The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to individuals appointed on or after the date of enactment of this Act.

AMENDMENT NO. 708

(Purpose: To provide a clarification of an exception to national security controls on satellite export licensing)

On page 96, after line 21, add the following new section:

SEC. . CLARIFICATION OF EXCEPTION TO NATIONAL SECURITY CONTROLS ON SATELLITE EXPORT LICENSING.

Section 1514(b) of Public Law 105–261 is amended by striking all that follows after "EXCEPTION.—" and inserting the following: "Subsections (a)(2), (a)(4), and (a)(8) shall not apply to the export of a satellite or satellite-related items for launch in, or by nationals of, a country that is a member of the North Atlantic Treaty Organization (NATO) or that is a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)) of the United States unless, in each instance of a proposed export of such item, the Secretary of State, in consultation with the Secretary of Defense, first provides a written determination to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that it is in the national security or foreign policy interests of the United States to apply the export controls required under such subsections.".

AMENDMENT NO. 709

(Purpose: To extend the use of the Foreign Service personnel system)

On page 43, between lines 8 and 9, insert the following new section:

SEC. 323. EXTENSION OF USE OF FOREIGN SERVICE PERSONNEL SYSTEM.

Section 202(a) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)) is amended by adding at the end the following new paragraph:

"(4)(A) Whenever (and to the extent) the Secretary of State considers it in the best interests of the United States Government, the Secretary of State may authorize the head of any agency or other Government establishment (including any establishment in the legislative or judicial branch) to appoint under section 303 individuals described in subparagraph (B) as members of the Service and to utilize the Foreign Service personnel system with respect to such individuals under such regulations as the Secretary of State may prescribe.

"(B) The individuals referred to in subparagraph (A) are individuals hired for employment abroad under section 311(a).".

AMENDMENT NO. 710

(Purpose: To require an annual financial audit of the United States section of the International Boundary and Water Commission)

On page 141, between lines 4 and 5, insert the following new section:

SEC. 825. ANNUAL FINANCIAL AUDITS OF UNITED STATES SECTION OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) IN GENERAL.—An independent auditor shall annually conduct an audit of the financial statements and accompanying notes to the financial statements of the United States Section of the International Boundary and Water Commission, United States and Mexico (in this section referred to as the

"Commission"), in accordance with generally accepted Government auditing standards and such other procedures as may be established by the Office of the Inspector General of the Department of State.

(b) REPORTS.—The independent auditor shall report the results of such audit, including a description of the scope of the audit and an expression of opinion as to the overall fairness of the financial statements, to the International Boundary and Water Commission, United States and Mexico. The financial statements of the Commission shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the independent auditor shall be included in a report which the Commission shall submit to the Congress not later than 90 days after the end of the last fiscal year covered by the audit.

(c) REVIEW BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") may review the audit conducted by the auditor and the report to the Congress in the manner and at such times as the Comptroller General considers necessary. In lieu of the audit required by subsection (b), the Comptroller General shall, if the Comptroller General considers it necessary or, upon the request of the Congress, audit the financial statements of the Commission in the manner provided in subsection (b).

(d) AVAILABILITY OF INFORMATION.—In the event of a review by the Comptroller General under subsection (c), all books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Commission and the auditor who conducts the audit under subsection (b), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

AMENDMENT NO. 711

(Purpose: To require an examination of the feasibility of duplicating the Embassy Paris Regional Outreach Centers)

On page 66, line 12, strike "and".

On page 66, line 17, strike the period and insert "; and".

On page 66, between lines 17 and 18, insert the following new subparagraph:

(F) examine the feasibility of opening new regional outreach centers, modeled on the system used by the United States Embassy in Paris, France, with each center designed to operate—

(i) at no additional cost to the United States Government;

(ii) with staff consisting of one or two Foreign Service officers currently assigned to the United States diplomatic mission in the country in which the center is located; and

(iii) in a region of the country with high gross domestic product (GDP), a high density population, and a media market that not only includes but extends beyond the region.

AMENDMENT NO. 712

(Purpose: Relating to the development of an automated entry-exit control system for the United States)

At the end of title VII of the bill, insert the following:

Subtitle C—United States Entry-Exit Controls

SEC. 732. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through online searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border or seaport of the United States for any alien; or

"(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 733. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 734. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) ANNUAL REPORTS ON IMPLEMENTATION OF ENTRY-EXIT CONTROL AT AIRPORTS.—Not later than 30 days after the end of each fiscal year until the fiscal year in which the Attorney General certifies to Congress that the entry-exit control system required by section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 732 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—

(1) provides an accurate assessment of the status of the development of the entry-exit control system;

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

(3) includes a detailed estimate of the funding, if any, needed for the development of the entry-exit control system.

(b) ANNUAL REPORTS ON VISA OVERSTAYS IDENTIFIED THROUGH THE ENTRY-EXIT CONTROL SYSTEM.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that sets forth—

(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

(2) the number of departure records of aliens that were successfully matched to records of such aliens' prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens' authorized period of stay, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

Mr. ABRAHAM. Mr. President, I rise to thank Senator HELMS and Senator BIDEN for accepting as part of S. 886, the Foreign Relations Authorization Act, my amendment to remove the requirement that an automated entry-exit program be established at land and sea ports and replace that with a required feasibility study to be completed within 1 year. This amendment would correct a significant error made in the 1996 Immigration Act that if left uncorrected will cause a significant loss of U.S. jobs in export and tourist industries, and would also significantly harm our relations with Canada and Mexico.

This amendment is the same as legislation that passed the Senate in two forms last year, with the sole exception of provisions related to the U.S. Customs Service, which were removed at the request of the Finance Committee because it has scheduled a series of oversight hearings on the Customs Service, which is also up for reauthorization this year, and the removal of authorizations for the INS. Last year, the legislation passed the Senate first by unanimous consent as a stand alone bill (S. 1360) and second, as part of the Commerce, Justice, State appropriations bill.

Section 110 of the 1996 Immigration Act mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who "over stay" their visas. However, this well-intentioned government program, if implemented, would be quite disastrous. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to inspect further or solicit more information. If every single passenger of every single vehicle was required to provide potentially voluminous information and be entered into a computer—even assuming an incredibly quick 30 seconds per individual—the traffic delays would exceed 20 hours in numerous jurisdictions at both the northern and southern borders. This would create a human, economic, and even environmental nightmare in both directions. Last year, Congress delayed implementation of this program until March 30, 2001. But after that date, the crisis will begin.

In 1996, the House version of the omnibus immigration bill contained a measure simply to establish pilot projects to collect entry and departure records at fewer than a handful of airports. The Senate bill contained a general provision to require an automated entry-exit system—but also only at airports. Then, in conference, without any debate, a mandatory entry-exit system to capture the records of "every alien" was added.

Representative SMITH and Senator Simpson, to their credit, conceded in a letter to the Canadian Ambassador that it was not the intent of the 1996 Act to cover, for example, Canadians at the northern border. However, because of the term "every alien," the INS has interpreted the law to require this program to be implemented at all land borders, in addition to air and sea ports of entry. To the credit of the INS, it concedes that it cannot implement such a system and the agency questions what it will do if it is forced to do so.

The Congress itself never considered such a system. That the legislative proposal was changed fundamentally in conference is clear. As Judiciary Committee Chair ORRIN HATCH has stated, "I think that we have all come to realize that section 110 of the 1996 Act [was] inserted in conference with little or no record, [and] no consideration or debate. It was well intended, there is no question, but I think poorly constructed."

I would like to thank Senators KENNEDY, GRAMS, LEAHY, BURNS, MCCAIN, GORTON, CRAIG, MURKOWSKI, MURRAY, JEFFORDS, SNOWE, SMITH of Oregon, DORGAN, LEVIN, MOYNIHAN, SCHUMER, MACK, DURBIN, and HAGEL for cosponsoring this amendment and for their support along the way on this battle to prevent the major disruptions that Section 110 would cause to our economy and our international relations. I would particularly like to express my appreciation for the leadership on this amendment displayed by Senator GRAMS and his staff, who are trying to save jobs for the people of Minnesota that would be lost if this automated entry-exit system came into effect at the northern border. Mr. President, I yield the floor.

AMENDMENT NO. 713

(Purpose: To require reports with respect to the holding of a referendum on Western Sahara)

On page 115, after line 18, add the following new section:

SEC. . REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than each of the dates specified in paragraph (2), the Secretary of State shall submit a report to the appropriate congressional committees describing specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a free, fair, and transparent referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by July 2000.

(2) DEADLINES FOR SUBMISSION OF REPORTS.—The dates referred to in paragraph (1) are January 1, 2000, and June 1, 2000.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of preparations for the referendum; including the extent to which free access to the territory for independent international organizations, including election servers and international media, will be guaranteed.

(2) a description of current efforts by the Department of State to ensure that a referendum will be held by July 2000;

(3) an assessment of the likelihood that the July 2000 date will be met;

(4) a description of obstacles, if any, to the voter-registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles; and

(5) an assessment of progress being made in the repatriation process.

WESTERN SAHARA

Mr. KENNEDY. Mr. President, I'm delighted that the managers' amendment includes the provision Senator GORDON SMITH, Senator LEAHY, and I sponsored to require the State Department to report on progress on the July 2000 referendum in the Western Sahara, and I commend Senators HELMS and BIDEN for including this provision in the managers' amendment.

Since 1988, the United Nations has sought to organize a free, fair, and open referendum on self-determination for the people of the Western Sahara, the former Spanish colony that Morocco has illegally occupied since 1975.

The International Court of Justice, the Organization of African Unity, the United States, and many other nations throughout the world have not recognized Morocco's claim to the area. However, Morocco's occupation continues. Tens of thousands of the Sahrawi people languish in refugee camps in southern Algeria and have been denied the opportunity to determine their own future.

A U.N. referendum was originally scheduled for 1992. It has since been delayed many times, primarily due to the resistance of the Government of Morocco.

In the 1997 Houston Accords, achieved under the leadership of former Secretary of State James Baker, and in a U.N. plan last December, the international community called for the conclusion of the voter registration process and a referendum. Morocco subsequently agreed to allow the referendum to occur by July 2000.

I know the Administration shares our interest in resolving this longstanding dispute. The State Department should make it clear to both parties to this dispute that our government expects the people of the Western Sahara to be allowed to exercise their right to self-determination in a free, fair, and open referendum by July 2000.

Morocco has been a faithful ally of the United States for more than 200 years, but its refusal to allow the people of the Western Sahara to determine their own political future undercuts America's efforts to promote democratic principles worldwide.

The United States can play a constructive role in promoting a resolution of this dispute. To promote that objective, the provision included in the managers' amendment would require the State Department to report on January 1, 2000 and again on June 1, 2000 on specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a free, fair, and open referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by July 2000.

The reports will include a description of preparations for the referendum, including the extent to which free access to the territory for independent and international organizations, including election observers and international media, will be guaranteed. Human rights organizations and other international organizations must be allowed to observe the referendum.

The reports will also include a description of current efforts by the Department of State to ensure that a referendum will be held by July 2000 and an assessment of the likelihood that the July 2000 date will be met.

They will also include a description of obstacles, if any, to the voter registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles. Finally, the reports will include an assessment of progress being made in the repatriation process.

A solution to the conflict over the Western Sahara will enhance security and stability in Northern Africa. After more than ten years of delay, the people of the Western Sahara should be permitted to determine for themselves who will govern them. I look forward to that day, and I commend my colleagues for including this provision in the bill.

AMENDMENT NO. 714

(Purpose: To require the designation of a senior-level State Department official for Northeastern Europe)

On page 35, between lines 7 and 8, insert the following new section:

SEC. 302. STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE.

The Secretary of State shall designate an existing senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.

POLICY COORDINATOR FOR NORTHEASTERN EUROPE

Mr. DURBIN. Mr. President, the State Department has been working to promote regional cooperation in Northeastern Europe. The idea behind this policy is more fully to integrate the Baltic countries into Europe and overcome cold war divisions to promote stability in the region. I support this approach, and I want to see it institutionalized at the State Department by designating a senior-level official with responsibility for coordinating policy toward Northeastern Europe.

This policy of integration also reduces tensions, since regional cooperation that includes Russia's northwestern regions gives Russia a stake in regional stability. The policy will also show Russia that it need not feel threatened by the integration of the Baltic States into European institutions. The Baltic countries have increased their ties with the northwestern Russian regions, much the way Canada has ties with the border states of the United States. The Baltic States benefit as well from regional cooperation with the Nordic countries, further cementing the Baltic nations as part of Europe.

It is mutually beneficial for the all the Northeastern European countries to address regional problems, such as environmental problems caused by the former Soviet Union, or burgeoning crime and drug smuggling from the Russian mafia.

The Northern European Initiative announced in 1997 is just one example of this policy. It fosters regional cooperation and cross-border ties, relying on the private sector and nongovernmental organizations, as well as governments, in the areas of trade and investment, institution building, law enforcement, nuclear waste control, and the development of civil society, among others. Another positive step was the signing of the Baltic Charter in 1998 that strengthens Baltic bilateral ties and ties with the United States and addresses Baltic security concerns. Regional organizations have been set up, including BALTSEA, to coordinate military assistance, as well as several joint Baltic efforts at defense cooperation.

The State Department has set out on an ambitious agenda that I think is going in a very positive direction. However, I am afraid other crises and problems, for instance the many issues that will come up in Southeastern Europe following the crisis in Kosovo, will divert the Department's attention from this policy and cause it to lose steam. Therefore, I am offering this amendment to direct the Secretary to designate an existing senior-level State Department official with responsibility for coordinating policy toward Northeastern Europe. The way this assignment of responsibility would fit in the State Department's structure is up to the Secretary.

I also want to make clear that I mean no criticism of the Assistant Secretary for European Affairs by proposing this amendment. On the contrary, I think he has done an extraordinarily good job in pursuing the integration of Northeastern Europe. But with all of Europe on his mind, I think it would only further the aims of the bureau to be sure that a senior-level official is designated to coordinate and promote this policy.

I appreciate the support of Senator HELMS and Senator BIDEN, and understand that this amendment has been added to the manager's package.

AMENDMENT NO. 715

At the appropriate place in the bill, insert the following:

SELF-DETERMINATION IN EAST TIMOR

SEC. . (a) FINDINGS.—The Congress finds as follows:

(1) On May 5, 1999 the Governments of Indonesia and Portugal signed an agreement that provides for an August 8, 1999 ballot organized by the United Nations on East Timor's political status;

(2) On June 22, 1999 the ballot was rescheduled for August 21 or 22 due to concerns that the conditions necessary for a free and fair vote could not be established prior to August 8;

(3) On January 27, 1999, President Habibie expressed a willingness to consider independence for East Timor if a majority of the East Timorese reject autonomy in the August ballot;

(4) Under the May 5th agreement the Government of Indonesia is responsible for ensuring that the August ballot is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference;

(5) The inclusion of anti-independence militia members in Indonesian forces responsible for establishing security in East Timor violates the May 5th agreement which states that the absolute neutrality of the military and police is essential for holding a free and fair ballot;

(6) The arming of anti-independence militias by members of the Indonesian military for the purpose of sabotaging the August ballot has resulted in hundreds of civilians killed, injured or disappeared in separate attacks by these militias who continue to act without restraint;

(7) The United Nations Secretary General has received credible reports of political violence, including intimidation and killings, by armed anti-independence militias against unarmed pro-independence civilians;

(8) There have been killings of opponents of independence, including civilians and militia members;

(9) The killings in East Timor should be fully investigated and the individuals responsible brought to justice;

(10) Access to East Timor by international human rights monitors and humanitarian organizations is limited, and members of the press have been threatened;

(11) The presence of members of the United Nations Assistance Mission in East Timor has already resulted in an improved security environment in the East Timorese capital of Dili;

(12) A robust international observer mission and police force throughout East Timor is critical to creating a stable and secure environment necessary for a free and fair ballot;

(13) The Administration should be commended for its support for the United Nations Assistance Mission in East Timor which will provide monitoring and support for the ballot and include international civilian police, military liaison officers and election monitors;

(b) POLICY.—(1) The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through the United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(A) disarm and disband anti-independence militias;

(B) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(C) allow Timorese who have been living in exile to return to East Timor to participate in the ballot; and

(2) the President should submit a report to the Congress not later than 21 days after passage of this Act, containing a description of the Administration's efforts and his assessment of steps taken by the Indonesian Government and military to ensure a stable and secure environment in East Timor, including those steps described in paragraph (1).

SELF-DETERMINATION IN EAST TIMOR

Mr. LEAHY. Mr. President, today I am offering an amendment in support of a peaceful process of self-determination in East Timor. I am pleased that Senators FEINGOLD, REED, MCCONNELL, HARKIN, MOYNIHAN, CHAFEE, KOHL, JEFFORDS, KENNEDY, KERRY, FEINSTEIN, MURRAY, SCHUMER, BOXER, DURBIN, WELLSTONE, and WYDEN are cosponsoring this amendment. Many of them have worked hard on this issue for as long as they have been in the United States Senate.

I understand the amendment will be accepted.

Mr. President, today, the Indonesian Government has an historic opportunity to resolve a conflict that has been the cause of suffering and instability for 23 years. It has made a commitment to vote on August 21 or 22, on East Timor's future, and recognized its responsibility to ensure that the vote is free and fair.

On May 5th, when I introduced a similar resolution, I remarked on Indonesia's accomplishments in the past year: President Suharto relinquished power; the Indonesian Government endorsed a ballot on autonomy; and the United Nations, Portugal and Indonesia signed an agreement on the procedures for that vote.

There has been more progress in the past month. Democratic elections have been held and the first members of an international observer mission and police force arrived in East Timor.

The amendment that we are offering today recognizes many of the positive steps that have been taken. A year ago few people would have predicted that a settlement of East Timor's future would be in sight.

But it also expresses our deep concern that August 21st is quickly approaching, and current conditions in East Timor are far from conducive to holding a free and fair ballot.

Hundreds of civilians have been killed, injured or disappeared in ongoing violence by anti-independence militias armed by members of the Indonesian military for the purpose of sabotaging the vote.

The inclusion of anti-independence members in Indonesian forces responsible for establishing security in East Timor threatens the neutrality of the military and police, and violates the terms of the May 5th agreement.

International human rights monitors and humanitarian organizations continue to face problems gaining access to the island, and members of the press have been threatened.

This amendment calls on the Secretary of State, the Secretary of Defense and the Secretary of the Treasury—acting through U.S. executive directors to international financial institutions—to immediately intensify their efforts to prevail upon the Indonesian Government to disarm and disband the anti-independence militias.

We should be prepared to use all the resources at our disposal, including our voice and vote at the World Bank, the Asian Development Bank and other international financial institutions, to convince the Indonesians to stop the violence. This is not only their responsibility, it is in their best interests. If the Indonesian military succeeds in sabotaging the vote, Indonesia will face international condemnation.

On June 11th, I and other Members of Congress sent a letter to World Bank President James Wolfensohn about the need for the World Bank to use its leverage with the Indonesian Government. I ask unanimous consent that the test of that letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LEAHY. Mr. President, the international community has recognized the urgency of this situation. An international monitoring and police presence throughout East Timor is critical to creating a secure environment.

The Administration is shouldering its share of the costs of the UN monitors and police, and its members who arrived in East Timor several weeks ago already report some progress in stemming the violence.

But far more needs to be done. It is time for the Indonesian Government and military to do their part—to act decisively to ensure that a free and fair vote can occur.

This amendment reinforces what others have said and what the Indonesian Government has already committed to do. I thank the managers of the bill for accepting the amendment.

EXHIBIT 1

WASHINGTON, DC,
June 11, 1999.

Hon. JAMES WOLFENSOHN,
President, The World Bank,
Washington, DC.

DEAR JIM: For many years, we have consistently raised concerns about the failure of the Indonesian Government to respect the human rights of the people of East Timor and to allow them an opportunity to express their right of self-determination. We are writing to convey our deep concern about the escalating violence in East Timor, which has put in doubt the August 8th ballot on East Timor's political future.

We have called on the Indonesian Government to stop military and paramilitary violence which threatens to undermine the vote, yet the threats and killings continue unabated. United Nations officials, East Timorese leaders, and members of the Catholic Church, including Bishop Belo, blame the Indonesian military for intentionally seeking to sabotage the vote. We have called on our own Administration to work urgently to pressure Jakarta to take the steps necessary for a free and fair vote.

We believe it is now imperative that the international financial institutions (IFIs), most importantly the World Bank, make clear to the Indonesian Government that if the August ballot is not free and fair, continued large scale investment by the IFIs will be in jeopardy. Jakarta must be convinced of what is at stake. If it fails to act decisively to permit a free and fair vote, it will risk becoming a pariah state. The government and army must abide by the May 5th UN-sponsored tripartite accord, most specifically by stopping and disarming the anti-independence militias that are using the weapons supplied to them by the Indonesian military to intimidate and attack East Timorese civilians.

We appeal to you to personally press the Indonesian Government to create a secure environment for the August vote and to prevent any efforts to restrict aid to East Timorese who have been displaced by the militia violence.

Thank you for your consideration.

Sincerely,
Patrick Leahy, U.S. Senator.
Russell D. Feingold, U.S. Senator.
Daniel Patrick Moynihan, U.S. Senator.
Tom Harkin, U.S. Senator.
Richard J. Durbin, U.S. Senator.
Luis V. Gutierrez, Member of Congress.
Patrick J. Kennedy, Member of Congress.
Frank R. Wolf, Member of Congress.
Edward M. Kennedy, U.S. Senator.
Rod R. Blagojevich, Member of Congress.
Nita M. Lowey, Member of Congress.
Peter A. DeFazio, Member of Congress.
Jack Reed, U.S. Senator.
Albert Wynn, Member of Congress.
Cynthia McKinney, Member of Congress.
John Conyers, Member of Congress.
Lane Evans, Member of Congress.
Dennis Kucinich, Member of Congress.
James McGovern, Member of Congress.
Barney Frank, Member of Congress.
Henry Waxman, Member of Congress.

Mr. TORRICELLI. Mr. President, I rise today to express my support for a peaceful process of self-determination in East Timor. These are both exciting and troubling times in Indonesia as a whole, and the future of East Timor may be resolved in the coming months. President Habibie himself indicated that he would work toward resolution of East Timor's status by the end of the year.

The recent Parliamentary elections in Indonesia proceeded peacefully, and virtually without incident. It appears as if a democratic transition will be forthcoming, and I am hopeful that the people of Indonesia remain committed to free and fair elections. While we have supported these elections, and encouraged a fair process, we simultaneously receive reports of increased social unrest. Clashes between Muslims and Christians in Ambon are only one indication of the tensions which underlie relations between different ethnic groups.

The situation in East Timor has historically divided sympathies over an acceptable solution, and violent attacks in the region have become more prevalent since the beginning of the year. Evidence has indicated that anti-independence militias have been supported and armed by some members of the Indonesian military. The end result of such support can only be an increase in the political tensions and violence in East Timor. The militias have committed scores of human rights abuses against the ethnic East Timorese in an effort to suppress any movement towards full independence in East Timor.

It is as yet unclear how East Timor's status will ultimately be resolved. Solutions from greater autonomy within Indonesia to full independence are only two of the proposals that have been brought forward. The international community has sought to encourage an open decision process by the people of East Timor as to what their future status should hold, but the increased strength of the anti-independence militias threatens to undermine the process. In order for a free ballot to be held in the coming months, the United States must make an effort to ensure that the process is fair.

I co-sponsored a resolution offered by Senator LEAHY to encourage an open ballot on the question of East Timor, but this resolution also urges full access by international human rights monitors and the disbanding of the militias. Such steps are critical to the fair determination of East Timor's future, and I hope that this Congress will continue to show its support for the ballot process.

Mr. REED. Mr. President, I rise today to express my support for Senator LEAHY's amendment promoting peaceful self determination for the peoples of East Timor and bringing the attention of the United States to the long and difficult climb of the East Timorese towards democracy. I am pleased to join Senator FEINGOLD as a cosponsor of this amendment which underscores the importance of the historic opportunity which the East Timorese face, and our duty to support them in their struggle for peace and self determination. The upcoming August vote, or consultation, on East Timorese autonomy is crucial, not only for the East Timorese people, but for America and for every nation that supports democracy and stands against the rule of terror and violence which has shaped twenty years of East Timorese history.

The past year has witnessed extraordinary progress. The efforts of Portugal, the United Nations, the global community and the East Timorese leaders have been impressive. Combined with the willingness of the Indonesian government, these efforts have at last resulted in a plan for the peaceful and democratic determination of East Timor's political destiny. I would like to recognize all those whose courage and commitment have led us towards the August consultation, a consultation which will allow the East Timorese, at long last, to decide for themselves how they are to be governed.

Nevertheless, much remains to be done. As great an achievement as the promised consultation may be, the future is far from certain. East Timor, already troubled by years of bloodshed, has seen even greater escalations in human rights abuses in recent months. Although it has already buried 200,000 people who have died violently since the 1975 Indonesian invasion, East Timor continues to be riven by conflict. Organized campaigns of terror and intimidation have been aimed at East Timorese leaders and journalists who favor autonomy. Some international observers have reported that East Timorese have been systematically herded into camps in efforts to provide large blocs of pro-Indonesian votes in the August consultation. Militia activity, violence, and destruction continue unabated.

If the violence in East Timor is to cease, the militias must be stripped of their weapons and disbanded. International observers will play a critical role, both in the course of the consultation and in the implementation of the results that follow. Only subjecting this process to the harsh light of international scrutiny can we hope to prevent East Timor's violent past from serving as prologue to an equally violent future. Without our active participation and support, the hope of a lasting peace in East Timor is in danger of being lost.

Mr. President, this historic opportunity for peace must not be allowed to slip away. The United States has a proud tradition of championing those who seek freedom and democracy across the world. It is my hope that this amendment will encourage the United States to intensify efforts to ensure that the people of East Timor find peace at last.

AMENDMENT NO. 716

(Purpose: To allocate funds for scholarships for doctoral graduate study in the social sciences to nationals of the independent states of the former Soviet Union)

On page 12, line 6, strike "$7,000,000" and insert "$5,000,000".

On page 12, between lines 19 and 20, insert the following:

(c) MUSKIE FELLOWSHIP DOCTORAL GRADUATE STUDIES FOR NATIONALS OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—

(1) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated under subsection (a)(1)(B), not less than $2,000,000 for fiscal year 2000, and not less than $2,000,000 for fiscal year 2001, shall be made available to provide scholarships for doctoral graduate study in the social sciences to nationals of the independent states of the former Soviet Union under the Edmund S. Muskie Fellowship Program authorized by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note).

(2) REQUIREMENTS.—

(A) NON-FEDERAL SUPPORT.—Not less than 20 percent of the costs of each student's doctoral study supported under paragraph (1) shall be provided from non-Federal sources.

(B) HOME COUNTRY RESIDENCE REQUIREMENT.—

(i) AGREEMENT FOR SERVICE IN HOME COUNTRY.—Before an individual may receive scholarship assistance under paragraph (1), the individual shall enter into a written agreement with the Department of State under which the individual agrees that after completing all degree requirements, or terminating his or her studies, whichever occurs first, the individual will return to the country of the individual's nationality, or country of last habitual residence, within the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), to reside and remain physically present there for an aggregate of at least one year for each year of study supported under paragraph (1).

(ii) DENIAL OF ENTRY INTO THE UNITED STATES FOR NONCOMPLIANCE.—Any individual who has entered into an agreement under clause (i) and who has not completed the period of home country residence and presence required by that agreement shall be ineligible for a visa and inadmissible to the United States.

On page 12, line 20, strike "(c)" and insert "(d)".

AMENDMENT NO. 717

At the appropriate place in the bill, insert the following new section:

SEC. . MIKEY KALE PASSPORT NOTIFICATION ACT OF 1999.

(a) Not later than 180 days after the enactment of this Act, the Secretary of State shall issue regulations that—

(1) provide that, in the issuance of a passport to minors under the age of 18 years, both parents, a guardian, or a person in loco parentis have—

(A) executed the application; and

(B) provided documentary evidence demonstrating that they are the parents, guardian, or person in loco parentis; and

(2) provide that, in the issuance of a passport to minors under the age of 18 years, in those cases where both parents have not executed the passport application, the person executing the application has provided documentary evidence that such person—

(A) has sole custody of the child; or

(B) the other parent has provided consent to the issuance of the passport. The requirement of this paragraph shall not apply to guardians or persons in loco parentis.

(b) The regulations required to be issued by this section may provide for exceptions in exigent circumstances involving the health or welfare of the child.

AMENDMENT NO. 718

(Purpose: To establish within the Department of State the position of Science and Technology Adviser, and for other purposes)

On page 35, between lines 7 and 8, insert the following new section:

SEC. 302. SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE.

(a) ESTABLISHMENT OF POSITION.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(g) SCIENCE AND TECHNOLOGY ADVISER.—

"(1) IN GENERAL.—There shall be within the Department of State a Science and Technology Adviser (in this paragraph referred to as the 'Adviser'). The Adviser shall report to the Secretary of State through the Under Secretary of State for Global Affairs.

"(2) DUTIES.—The Adviser shall—

"(A) advise the Secretary of State, through the Under Secretary of State for Global Affairs, on international science and technology matters affecting the foreign policy of the United States; and

"(B) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.".

(b) REPORT.—Not later than six months after receipt by the Secretary of State of the report by the National Research Council of the National Academy of Sciences with respect to the contributions that science, technology, and health matters can make to the foreign policy of the United States, the Secretary of State, acting through the Under Secretary of State for Global Affairs, shall submit a report to Congress setting forth the Secretary of State's plans for implementation, as appropriate, of the recommendations of the report.

AMENDMENT NO. 719

(Purpose: To prohibit the return of veterans memorial objects to foreign nations with specific authorization in law)

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

"SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer of conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion therefo, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

AMENDMENT NO. 720

(Purpose: To express the sense of Congress with respect to the Inter-Governmental Authority for Development (IGAD) peace process in Sudan)

On page 115, after line 18, insert the following new section:

SEC. ___. SUPPORT FOR THE PEACE PROCESS IN SUDAN.

(a) FINDINGS.—Congress finds that—

(1) the civil war in Sudan has continued unabated for 16 years and raged intermittently for 40 years;

(2) an estimated 1,900,000 Sudanese people have died as a result of war-related causes and famine;

(3) an estimated 4,000,000 people are currently in need of emergency food assistance in different areas of Sudan;

(4) approximately 4,000,000 people are internally displaced in Sudan;

(5) the continuation of war has led to human rights abuses by all parties to the conflict, including the killing of civilians, slavery, rape, and torture on the part of government forces and paramilitary forces; and

(6) it is in the interest of all the people of Sudan for the parties to the conflict to seek a negotiated settlement of hostilities and the establishment of a lasting peace in Sudan.

(b) SENSE OF CONGRESS.—(1) Congress—

(A) acknowledges the renewed vigor in facilitating and assisting the Inter-Governmental Authority for Development (IGAD) peace process in Sudan; and

(B) urges continued and sustained engagement by the Department of State in the IGAD peace process and the IGAD Partners' Forum.

(2) It is the sense of Congress that the President should—

(A) appoint a special envoy—

(i) to serve as a point of contact for the Inter-Governmental Authority for Development peace process;

(ii) to coordinate with the Inter-Governmental Authority for Development Partners Forum as the Forum works to support the peace process in Sudan; and

(iii) to coordinate United States humanitarian assistance to southern Sudan.

(B) provide increased financial and technical support for the IGAD Peace Process and especially the IGAD Secretariat in Nairobi, Kenya; and

(C) instruct the United States Permanent Representative to the United Nations to call on the United Nations Secretary General to consider the appointment of a special envoy for Sudan.

AMENDMENT NO. 721

(Purpose: To require a study on licensing process under the Arms Export Control Act)

On page 96, after line 21, add the following new section:

SEC. 645. STUDY ON LICENSING PROCESS UNDER THE ARMS EXPORT CONTROL ACT.

Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on International Relations of the House of Representatives a study on the performance of the licensing process pursuant to the Arms Export Control Act, with recommendations on how to improve that performance. The study shall include:

(1) An analysis of the typology of licenses on which action was completed in 1999. The analysis should provide information on major categories of license requests, including—

(A) the number for nonautomatic small arms, automatic small arms, technical data, parts and components, and other weapons;

(B) the percentage of each category staffed to other agencies;

(C) the average and median time taken for the processing cycle for each category when staffed and not staffed;

(D) the average time taken by White House or National Security Council review or scrutiny; and

(E) the average time each spent at the Department of State after a decision had been taken on the license but before a contractor was notified of the decision. For each category the study should provide a breakdown of licenses by country. The analysis also should identify each country that has been identified in the past three years pursuant to section 3(e) of the Arms Export Control Act (22 U.S.C. 2753(e)).

(2) A review of the current computer capabilities of the Department of State relevant to the processing of licenses and its ability to communicate electronically with other agencies and contractors, and what improvements could be made that would speed the process, including the cost for such improvements.

(3) An analysis of the work load and salary structure for export licensing officers of the Office of Defense Trade Control of the Department of State as compared to comparable jobs at the Department of Commerce and the Department of Defense.

(4) Any suggestions of the Department of State relating to resources and regulations, and any relevant statutory changes that might expedite the licensing process while furthering the objectives of the Arms Export Control Act.

AMENDMENT NO. 722

At the appropriate place, insert:

RUSSIAN BUSINESS MANAGEMENT EDUCATION

SEC. 1. PURPOSE.

The purpose of this section is to establish a training program in Russia for nationals of Russia to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

SEC. 2. DEFINITIONS.

(1) BOARD.—The term "Board" means the United States-Russia Business Management Training Board established under section 5(a).

(2) DISTANCE LEARNING.—The term "distance learning" means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

(3) ELIGIBLE ENTERPRISE.—The term "eligible enterprise" means—

(A) a business concern operating in Russia that employs Russian nationals; and

(B) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia.

(4) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 3. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

(a) TRAINING PROGRAM.—

(1) IN GENERAL.—The Secretary of State, acting through the Under Secretary of State for Public Diplomacy, and taking into account the general policies recommended by the United States-Russia Business Management Training Board established under section 5(a), is authorized to establish a program of technical assistance (in this Act referred to as the "program") to provide the training described in section 1 to eligible enterprises.

(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by Russian nationals who have been trained under the program or by those who meet criteria established by the Board. Such training may be carried out—

(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in Russia, including facilities of the armed forces of Russia, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

(B) by "distance learning" programs originating in the United States or in European branches of United States institutions.

(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—The Secretary, acting through the Under Secretary of State for Public Diplomacy, is authorized to pay the travel expenses and appropriate in-country business English language training, if needed, of certain Russian nationals who have completed training under the program to undertake short-term internships with business concerns in the United States upon the recommendation of the Board.

SEC. 4. APPLICATIONS FOR TECHNICAL ASSISTANCE.

(a) Procedures.—

(1) In general.—Each eligible enterprise that desires to receive training for its employees and managers under this Act shall submit an application to the clearinghouse established by subsection (d), at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require.

(2) Joint applications.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

(b) Contents.—The Secretary shall approve an application under subsection (a) only if the application—

(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

(2) describes the level of training for which assistance under this Act is sought;

(3) provides evidence that the eligible enterprise meets the general policies adopted by the Secretary for the administration of this Act;

(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

(5) provides such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(c) Compliance With Board Policies.—The Secretary shall approve applications for technical assistance under the program after taking into account the recommendations of the Board.

(d) Clearinghouse.—There is established a clearinghouse in Russia to manage and execute the program. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

SEC. 5. UNITED STATES-RUSSIAN BUSINESS MANAGEMENT TRAINING BOARD.

(a) Establishment.—There is established within the Department of State a United States-Russian Business Management Training Board.

(b) Composition.—The Board established pursuant to subsection (a) shall be composed of 12 members as follows:

(1) The Under Secretary of State for Public Diplomacy.

(2) The Administrator of the Agency for International Development.

(3) The Secretary of Commerce.

(4) The Secretary of Education.

(5) Six individuals from the private sector having expertise in business administration, accounting, and marketing, who shall be appointed by the Secretary of State, as follows:

(A) Two individuals employed by graduate schools of management offering accredited degrees.

(B) Two individuals employed by eligible enterprises.

(C) Two individuals from nongovernmental organizations involved in promoting free market economy practices in Russia.

(6) Two nationals of Russia having experience in business administration, accounting, or marketing, who shall be appointed by the Secretary of State upon the recommendation of the Government of Russia, and who shall serve as nonvoting members.

(c) General Policies.—The Board shall make recommendations to the Secretary with respect to general policies for the administration of this Act, including—

(1) guidelines for the administration of the program under this Act;

(2) criteria for determining the qualifications of applicants under the program;

(3) the appointment of panels of business leaders in the United States and Russia for the purpose of nominating trainees; and

(4) such other matters with respect to which the Secretary may request recommendations.

(d) Chairperson.—The Chairperson of the Board shall be designated by the President from among the voting members of the Board. Except as provided in subsection (e)(2), a majority of the voting members of the Board shall constitute a quorum.

(e) Meetings.—The Board shall meet at the call of the Chairperson, except that—

(1) the Board shall meet not less than 4 times each year; and

(2) the Board shall meet whenever one-third of the voting members request a meeting in writing, in which event 7 of the voting members shall constitute a quorum.

(f) Compensation.—Members of the Board who are not in the regular full-time employ of the United States shall receive, while engaged in the business of the Board, compensation for service at a rate to be fixed by the President, except that such rate shall not exceed the rate specified at the time of such service for level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

SEC. 6. RESTRICTIONS NOT APPLICABLE.

Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation shall not apply with respect to the funds made available to carry out this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2000 and 2001 to carry out this Act.

(b) Availability of Funds.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999.

AMENDMENT NO. 723

At the appropriate place in the bill, insert the following:

Notwithstanding any other provision of law, the Inspector General of the Agency for International Development shall serve as the Inspector General of the Inter-American Foundation and the African Development Foundation and shall have all the authorities and responsibilities with respect to the Inter-American Foundation and the African Development Foundation as the Inspector General has with respect to the Agency for International Development.

AMENDMENT NO. 724

At the appropriate place, insert:

The Senate finds that:

Ten percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

According to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

The 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over continued discrimination against the religious minorities' in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are completely emancipated;

More than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of relgious persecution, and many of them now reside in the United States;

The Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

Five Jews have been executed by the Iranian government in the past five years without having been tried;

There has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

On the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

In keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific crime or allow visitation by relatives of the detained for more than months: Now, therefore, it the sense of the Congress that the United States should—

Continue to work through the United Nations to assure that the Islamic Republic of Iran implements the recommendations of Resolution 1999/13.

(2) Condemn, in the strongest possible terms, the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) Urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) Maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

AMENDMENT NO. 725

(Purpose: To amend the reporting requirements of the PLO Commitments Compliance Act of 1989)

On page 115, after line 18, insert the following new section:

SEC. 730. REPORTING REQUIREMENTS UNDER PLO COMMITMENTS COMPLIANCE ACT OF 1989.

(a) Findings.—Congress makes the following findings:

(1) The PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) requires the President to submit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate every 180 days, on

Palestinian compliance with the Geneva commitments of 1988, the commitments contained in the letter of September 9, 1993 to the Prime Minister of Israel, and the letter of September 9, 1993 to the Foreign Minister of Norway.

(2) The reporting requirements of the PLO Commitments Compliance Act of 1989 have remained in force from enactment until the present.

(3) Modification and amendment to the PLO Commitments Compliance Act of 1989, and the expiration of the Middle East Peace Facilitation Act (Public Law 104–107) did not alter the reporting requirements.

(4) According to the official records of the Committee on Foreign Relations of the Senate, the last report under the PLO Commitments Compliance Act of 1989 was submitted and received on December 27, 1997.

(b) REPORTING REQUIREMENTS.—The PLO Commitments Compliance Act of 1989 is amended —

(1) in section 804(b), by striking "In conjunction with each written policy justification required under section 604(b)(1) of the Middle East Peace Facilitation Act of 1995 or every" and inserting "Every";

(2) in section 804(b)—

(A) by striking "and" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10); and

(C) by adding at the end the following new paragraphs:

"(11) a statement on the effectiveness of end-use monitoring of international or United States aid being provided to the Palestinian Authority, Palestinian Liberation Organization, or the Palestinian Legislative Council, or to any other agent or instrumentality of the Palestinian Authority, on Palestinian efforts to comply with international accounting standards and on enforcement of anti-corruption measures; and

"(12) a statement on compliance by the Palestian Authority with the democratic reforms with specific details regarding the separation of powers called for between the executive and Legislative Council, the status of legislation passed by the Legislative Council and sent to the executive, the support of the executive for local and municipal elections, the status of freedom of the press, and of the ability of the press to broadcast debate from within the Legislative Council and about the activities of the Legislative Council.".

AMENDMENT NO. 726

(Purpose: To authorize appropriations for contributions to the United Nations Voluntary Fund for Victims of Torture)

On page 129, between lines 5 and 6, insert the following new section:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

There are authorized to be appropriated to the President $5,000,000 for each of the fiscal years 2000 and 2001 for payment of contributions to the United Nations Voluntary Fund for Victims of Torture.

AMENDMENT NO. 727

(Purpose: To ensure that investigations, and reports of investigations, of the Inspector General of the Department of State and the Foreign Service are thorough and accurate)

On page 52, between lines 19 and 20, insert the following new section:

SEC. 337. STATE DEPARTMENT INSPECTOR GENERAL AND PERSONNEL INVESTIGATIONS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(5) INVESTIGATIONS.—

"(A) CONDUCT OF INVESTIGATIONS.—In conducting investigations of potential violations of Federal criminal law or Federal regulations, the Inspector General shall—

"(i) abide by professional standards applicable to Federal law enforcement agencies; and

"(ii) permit each subject of an investigation an opportunity to provide exculpatory information.

"(B) REPORTS OF INVESTIGATIONS.—In order to ensure that reports of investigations are thorough and accurate, the Inspector General shall—

"(i) make every reasonable effort to ensure that any person named in a report of investigation has been afforded an opportunity to refute any allegation or assertion made regarding that person's actions;

"(ii) include in every report of investigation any exculpatory information, as well as any inculpatory information, that has been discovered in the course of the investigation.".

(b) ANNUAL REPORT.—Section 209(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) a description, which may be included, if necessary, in the classified portion of the report, of any instance in a case that was closed during the period covered by the report when the Inspector General decided not to afford an individual the opportunity described in subsection (c)(5)(B)(i) to refute any allegation or assertion, and the rationale for denying such individual that opportunity.".

(c) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section may be construed to modify—

(1) section 209(d)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(4));

(2) section 7(b) of the Inspector General Act of 1978 (5 U.S.C. app.);

(3) the Privacy Act of 1974 (5 U.S.C. 552a); or

(4) the provisions of section 2302(b)(8) of title 5 (relating to whistleblower protection).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to cases opened on or after the date of enactment of this Act.

Mr. THOMPSON. Mr. President, I rise to express serious concerns which I have about the amendment offered by the Senator from Connecticut regarding investigation procedures at the Office of Inspector General for the Department of State. These concerns are not mine alone, but have been brought to the attention of the Governmental Affairs Committee by a number of inspectors general. The amendment requires the Inspector General for the Department of State to provide each individual mentioned in a report an opportunity to refute any allegation or assertion made regarding that person's activities. While I understand the Senator from Connecticut's concerns, I fear that the amendment as written could have serious repercussions for law enforcement. For example, providing allegations and assertions to each individual mentioned in a criminal investigation prior to a referral, no matter how tangentially involved, could compromise a subsequent investigation by the Department of Justice. In addition, it could reveal sources of information and subject those sources to reprisals and chill future cooperation from potential witnesses. Second, the amendment could create rights that witnesses and targets of other investigations do not have. It is unclear what litigation or grievances could result from a failure to follow the amendment. Third, there are a number of unsettled issues in the amendment such as what constitutes "exculpatory material" and whether a subject, witness, or an individual with only marginal relevance to the investigation is entitled to review the actual report. Fourth, I understand the State Department Inspector General is concerned that the reporting requirement could be used to second-guess discretion that she uses in her investigations. Finally, by using the ambiguous term "assertions," the amendment puts an unnecessary burden on the Inspector General after the report is complete to seek out each person named and allow them to comment on even the most innocuous assertions relating to them. This will unduly delay the investigative process and put a strain on the office's resources.

In addition to these concerns about the amendment itself, I am also concerned that it is being offered without any hearings at all or consideration by the Governmental Affairs Committee. As the Chairman is aware, the Governmental Affairs Committee has jurisdiction over the Inspector General Act. If there are in fact legitimate concerns that the amendment is intended to address, then perhaps it should apply to all inspectors general rather than singling out this particular one.

Despite these reservations, I understand the Foreign Relations Committee has worked hard to craft this amendment. Therefore, I will not object to its consideration at this time if the Chairman of the Foreign Relations Committee will agree to work with me in conference to address the concerns that I have raised.

Mr. HELMS. I thank the Chairman of the Governmental Affairs Committee for his comments. I know that he has a strong interest in the inspectors general as well as in properly conducted investigations. I appreciate his willingness to work with me in conference to address the issues he has raised and I look forward to doing so.

Mr. THOMPSON. I thank the Chairman for his work on this bill and I look forward to working with him in conference.

OFFICE OF THE INSPECTOR GENERAL

Mr. Dodd. Mr. President, I want to thank the Chairman of the Committee, Senator Helms, for accepting my amendment as it relates to individuals named in reports of investigations prepared by the Office of the Inspector General at the State Department. This amendment would provide these individuals with an opportunity to comment on information contained in the report as it relates to them and to provide explanatory or exculpatory information that may be relevant to the investigation.

Mr. Helms. It is my understanding that it is not the intention of the Senator from Connecticut to override key provisions of the Foreign Service Act, the Inspector General Act of 1978, the Privacy Act of 1974 or whistleblower protections with this amendment.

Mr. Dodd. That is correct, Mr. President. As you will note from the way the amendment has been drafted, I in no way intend to undermine the ability of the Inspector General to carry out her duties. Subsection (c) of my amendment makes it clear that I do not seek to override or call into question existing provisions of law that govern the investigative practices of the Inspector General or statutory protections of individuals such as those contained in the Privacy Act of 1974 or provisions of section 2303(b)(8) of title 5 (relating to whistleblower protection.)

I have offered this amendment because I believe that both fundamental fairness and good government dictate that an individual mentioned in a report of investigation be given an opportunity to provide information as it relates to him, so that the fullest picture is set forth in the final report of investigation of the Office of the Inspector General.

Mr. Helms. Am I correct in saying that it is not the intention of the Senator from Connecticut that the full report of investigation be turned over to each and every person named in a report, but rather that an individual be advised of allegations regarding him?

Mr. Dodd. The Senator is correct. I do not seek to have the report made available to every named individual, simply be shown or briefed orally on the substance of those portions, that bear directly on that individual, consistent with appropriate privacy and whistleblower protections.

Nor do I seek with this amendment to grant individuals access to the investigative files, notes, or interim memos that may have been developed during the course of the investigation by the Office of the Inspector General.

I also do not want to overburden the Inspector General in cases where an investigation results in nothing of any significance and the case is simply closed. Certainly in such instances the Office of the Inspector General need not go through the process of providing information to any individual who might have been named in the course of an investigation.

Finally I recognize that there may be certain instances where an ongoing criminal investigation would be compromised if information were made available to an individual. That is why I chose the words "shall make every reasonable effort" to provide a measure of flexibility to the Inspector General. She may determine under certain circumstances that it is inadvisable to make information available. If she does so, she must simply inform the Committees of jurisdiction of the instances in which she has not made information available to an individual, as part of her reports to Congress, including the rationale for doing so. This information may be provided on a classified basis if necessary.

Mr. Helms. Mr. President, I believe this clarifies any questions with respect to this amendment and I believe that the managers are prepared to accept this amendment.

Mr. Dodd. I thank the managers for their assistance with this matter.

AMENDMENT NO. 728

(Purpose: To require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups)

On page 115, after line 18, insert the following new section:

SEC. 730. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS

(a) In General.—Not later than six months after the date of enactment of this legislation and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) the date of each attack, the total number of people killed or injured in each attack;

(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities; information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993 and the response to each request from the Palestinian Authority and Israel.

(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against U.S. citizens as listed in the report.

(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is available, any stated claim of responsibility and the resolution or disposition of each case, including information as to the whereabouts of the perpetrators of the acts, further provided that this list shall be submitted only once with the initial report required under this section, unless additional relevant information on these cases becomes available.

(9) The amount of compensation the United States has required for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority since September 13, 1993, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) Consultation With Other Departments.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

(c) Initial Report.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.

(d) Appropriate Congressional Committees.—For purposes of this section, the term "appropriate congressional Committee" means the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

AMENDMENT NO. 729

(Purpose: To express the sense of the Senate that the United States should ratify the ILO Convention on the Worst Forms of Child Labor, and for other purposes)

On page 115, after line 18, insert the following new section:

SEC. 730. SENSE OF SENATE REGARDING CHILD LABOR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The International Labor Organization (in this resolution referred to as the "ILO") estimates that at least 250,000,000 children under the age of 15 are working around the world, many of them in dangerous jobs that prevent them from pursuing an education and damage their physical and moral well-being.

(2) Children are the most vulnerable element of society and are often abused physically and mentally in the work place.

(3) Making children work endangers their education, health, and normal development.

(4) UNICEF estimates that by the year 2000, over 1,000,000,000 adults will be unable to read or write on even a basic level because they had to work as children and were not educated.

(5) Nearly 41 percent of the children in Africa, 22 percent in Asia, and 17 percent in Latin America go to work without ever having seen the inside of a classroom.

(6) The President, in his State of the Union address, called abusive child labor "the most intolerable labor practice of all," and called upon other countries to join in the fight against abusive and exploitative child labor.

(7) The Department of Labor has conducted 5 detailed studies that document the growing trend of child labor in the global economy, including a study that shows children as young as 4 are making assorted products that are traded in the global marketplace.

(8) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment among adults, low living standards, and insufficient education and training opportunities among adult workers and children.

(9) The ILO has unanimously reported a new Convention on the Worst Forms of Child Labor.

(10) The United States negotiators played a leading role in the negotiations leading up to the successful conclusion of the new ILO Convention on the Worst Forms of Child Labor.

(11) On September 23, 1993, the United States Senate unanimously adopted a resolution stating its opposition to the importation of products made by abusive and exploitative child labor and the exploitation of children for commercial gain.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) abusive and exploitative child labor should not be tolerated anywhere it occurs;

(2) ILO member States should be commended for their efforts in negotiating this historic convention;

(3) it should be the policy of the United States to continue to work with all foreign nations and international organizations to promote an end to abusive and exploitative child labor; and

(4) the Senate looks forward to the prompt submission by the President of the new ILO Convention on the Worst Forms of Child Labor.

AMENDMENT NO. 730

At the appropriate place in the bill, insert the following:

SEC. . (a) FINDINGS.—The Congress finds as follows:

(1) The International Criminal Tribunal for Rwanda (ICTR) was established to prosecute individuals responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda;

(2) A separate tribunal, the International Criminal Tribunal for the Former Yugoslavia (ICTY), was created with a similar purpose for crimes committed in the territory of the former Yugoslavia;

(3) The acts of genocide and crimes against humanity that have been perpetrated against civilians in the Great Lakes region of Africa equal in horror the acts committed in the territory of the former Yugoslavia;

(4) The ICTR has succeeded in issuing at least 28 indictments against 48 individuals, and currently has in custody 38 individuals presumed to have led and directed the 1994 genocide;

(5) The ICTR issued the first conviction ever by an international court for the crime of genocide against Jean-Paul Akayesu, the former mayor of Taba, who was sentenced to life in prison;

(6) The mandate of the ICTR is limited to acts committed only during calendar year 1994, yet the mandate of the ICTY covers serious violations of international humanitarian law since 1991 through the present;

(7) There has been well substantiated allegations of major crimes against humanity and war crimes that have taken place in the Great Lakes region of Africa that fall outside of the current mandate of the Tribunal in terms of either the dates when, or geographical areas where, such crimes took place;

(8) The attention accorded the ICTY and the indictments that have been made as a result of the ICTY's broad mandate continue to play an important role in current U.S. policy in the Balkans;

(9) The international community must send an unmistakable signal that genocide and other crimes against humanity cannot be committed with impunity;

(b) It is the sense of the Congress that,—

The President should instruct the United States U.N. Representative to advocate to the Security Council to direct the Office for Internal Oversight Services (OIOS) to reevaluate the conduct and operation of the ICTR. Particularly, the OIOS should assess the progress made by the Tribunal in implementing the recommendations of the Report of the U.N. Secretary-General on the Activities of the Office of Internal Oversight Services, A/52/784, of 6 February, 1998. The OIOS should also include an evaluation of the potential impact of expanding the original mandate of the ICTR.

(c) REPORT.—90 days after enactment of this Act, the Secretary of State shall report to Congress on the effectiveness and progress of the ICTR. The report shall include an assessment of the ICTR's ability to meet its current mandate and an evaluation of the potential impact of expanding that mandate to include crimes committed after calendar year 1994.

Mr. FEINGOLD. Mr President, I rise today to join my distinguished colleague from Vermont, Senator LEAHY, in offering an amendment to encourage a peaceful process of self-determination in East Timor. This amendment closely mirrors what he and I and several other Senators express in S. Res. 96, introduced last month. We are offering this as an amendment to highlight the significance of the process underway in East Timor that will once and for all determine its political status.

As we all know, Indonesian President Habibie announced on January 27 that the government of Indonesia was finally willing to seek to learn and respect the wishes of the people in that territory. On May 5, the Governments of Indonesia and Portugal signed an agreement to hold a United Nations-supervised "consultation" on August 8 to determine East Timor's future political status.

Despite this positive development, excitement and tension over the possibility of gaining independence have in recent months led to a gross deterioration of the security situation. Militias, comprised of individuals determined to intimidate the East Timorese people into support for continued integration with Indonesia and widely believed to be supported by the Indonesian military, are responsible for a sharp increase in violence.

Let me recount some of the horror stories I have heard coming out of East Timor recently. To cite just a few examples, pro-government militias, backed by Indonesian troops, reportedly shot and killed 17 supporters of independence on April 5. Shortly thereafter, pro-independence groups reported clashes, arrests and deaths, as well as civilians fleeing violence in six cities. One of those cities was Liquica where at least 25 people were brutally murdered by pro-government militias when up to 2000 civilians sought shelter in the local Catholic church. Later, on April 17, hundreds of East Timorese fled the capital of Dili as knife-wielding militias attacked anyone suspected of supporting independence. At least 30 were killed in this incident as Indonesian troops made little effort to stop the violence. The perpetrators have not all been on the government side. Over the years there have been atrocities on the pro-independence side as well. In recent months, however, the overwhelming majority of the violence has come from army elements and militias under their effective control. Overall, hundreds of civilians have been killed, wounded or "disappeared" in separate militia attacks.

Unfortunately, the possibility exists that tension and violence could still terrorize the island between now and the ballot, although I hope that is not the case. Pro-integration militia leaders announced on April 29 that they reject the concept of the upcoming ballot, or anything that could be considered a referendum. They have further stated that if a ballot leads to independence, they are prepared to fight a guerrilla war for decades if necessary to defend Indonesian rule of the territory. Independent observers fear that neither side will accept a loss in the ballot, thus setting the stage for a prolonged conflict in East Timor. This type of rhetoric does not reassure us about the prospects for a successful transition for the people of East Timor, regardless of which form of government they choose. The climate in East Timor today, sadly, may have become too violent for a legitimate poll to take place. Worse yet, the agreement on the ballot process will be rendered meaningless if people must fear for their lives when they dare to participate in the process.

In the May 5 agreement, the Government of Indonesia agreed to take responsibility for ensuring that the ballot is carried out in a fair and peaceful way. Unfortunately, it is unclear that they are implementing this aspect of the agreement. Quite the opposite. Whether Indonesian troops have actually participated in some of these incidents or not, the authorities certainly must accept the blame for allowing, and in some cases encouraging, the bloody tactics of the pro-integration militias. The continuation of this violence is a threat to the very sanctity and legitimacy of the process that is underway. Thus, the Leahy-Feingold amendment specifically calls on Jakarta to do all it can to seek a peaceful process and a fair resolution to the situation in East Timor.

I am encouraged by the calm manner in which the people of Indonesia went to the polls earlier this month to elect a new government. While the election was not perfect, it is a step in the right direction for the people of that nation, and demonstrates an openness not seen in decades there.

I believe the United States has a responsibility—an obligation—to put as much pressure as possible on the Indonesian government to help encourage an environment conducive to a free, fair, peaceful ballot process for the people of East Timor. I am pleased that we have taken a leadership role in offering technical, financial, and diplomatic support to the recently authorized U.N. Assistance Mission in East Timor, known as UNAMET.

Our amendment recognizes the very significant progress that has been made so far, in particular the calming impact the very presence of U.N. officials has appeared to have on the security situation in the capital, Dili. Nevertheless, problems still remain, so the amendment also highlights the increase in violence and human rights abuses by anti-independence militias and urges the Habibie government to curtail Indonesian military support to the militias. The amendment also encourages the Government of Indonesia to grant full access to all areas of East Timor by international human rights monitors, humanitarian organizations and the press, and to allow all Timorese who now live in exile the ability to return to East Timor to participate in this important ballot.

It is not in our power to guarantee the free, fair exercise of the rights of the people of East Timor to determine their future. It is, however, in our interest to do all that we can to work with the United Nations, other concerned countries, the government of Indonesia and the people of East Timor to create an opportunity for a successful ballot process. We cannot forget that the Timorese have been living with violence and oppression for more than 23 years. These many years have not dulled the desire of the East Timorese for freedom, or quieted their demands to have a role in the determination of East Timor's status.

We have to do all we can to support an environment that can produce a fair ballot in East Timor now and throughout the rest of this process.

AMENDMENT NO. 731

(Purpose: To require a report on the worldwide circulation of small arms and light weapons)

On page 115, after line 18, add the following new section:

SEC. . REPORTING REQUIREMENT ON WORLDWIDE CIRCULATION OF SMALL ARMS AND LIGHT WEAPONS.

(a) Findings.—Congress makes the following findings:

(1) In numerous regional conflicts, the presence of vast numbers of small arms and light weapons has prolonged and exacerbated conflict and frustrated attempts by the international community to secure lasting peace. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, among others, and has contributed to the violence endemic to narcotrafficking in Colombia and Mexico.

(2) Increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to United States participants in peacekeeping operations and United States forces based overseas, as well as to United States citizens traveling overseas.

(3) In accordance with the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998, effective March 28, 1999, all functions and authorities of the Arms Control and Disarmament Agency were transferred to the Secretary of State. One of the stated goals of that Act is to integrate the Arms Control and Disarmament Agency into the Department of State "to give new emphasis to a broad range of efforts to curb proliferation of dangerous weapons and delivery systems".

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing—

(1) an assessment of whether the export of small arms poses any proliferation problems including—

(A) estimates of the numbers and sources of licit and illicit small arms and light arms in circulation and their origins;

(B) the challenges associated with monitoring small arms; and

(C) the political, economic, and security dimensions of this issue, and the threats posed, if any, by these weapons to United States interests, including national security interests;

(2) an assessment of whether the export of small arms of the type sold commercially in the United States should be considered a foreign policy or proliferation issue;

(3) a description of current Department of State activities to monitor and, to the extent possible ensure adequate control of, both the licit and illicit manufacture, transfer, and proliferation of small arms and light weapons, including efforts to survey and assess this matter with respect to Africa and to survey and assess the scope and scale of the issue, including stockpile security and destruction of excess inventory, in NATO and Partnership for Peace countries;

(4) a description of the impact of the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998 on the transfer of functions relating to monitoring, licensing, analysis, and policy on small arms and light weapons, including—

(A) the integration of and the functions relating to small arms and light weapons of the United States Arms Control and Disarmament Agency with those of the Department of State;

(B) the functions of the Bureau of Arms Control, the Bureau of Nonproliferation, the Bureau of Political-Military Affairs, the Bureau of International Narcotics and Law Enforcement, regional bureaus, and any other relevant bureau or office of the Department of State, including the allocation of personnel and funds, as they pertain to small arms and light weapons;

(C) the functions of the regional bureaus of the Department of State in providing information and policy coordination in bilateral and multilateral settings on small arms and light weapons;

(D) the functions of the Under Secretary of State for Arms Control and International Security pertaining to small arms and light weapons; and

(E) the functions of the scientific and policy advisory board on arms control, nonproliferation, and disarmament pertaining to small arms and light weapons; and

(5) an assessment of whether foreign governments are enforcing their own laws concerning small arms and light weapons import and sale, including commitments under the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or other relevant international agreements.

GLOBAL PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Mr. President, my amendment calls upon the Department of State to provide Congress with a report on the global proliferation of small arms and light weapons, and State Department activities to address this issue.

For fifty years we have been used to thinking about arms control in terms of nuclear weapons and ballistic missiles. But, to my mind, the widespread proliferation of small arms and light weapons has now emerged as an equally pressing issue on the international arms control agenda.

Let me try to sketch out the scope and dimension of this problem, and why I think it is critical that this issue be included in the first-rank of U.S. arms control and security policy:

An estimated 500 million illicit small arms and light weapons are in circulation around the globe.

In the past decade, an estimated 4 million people have been killed in civil war and bloody fighting. Nine out of ten of these deaths are attributed to small arms and light weapons, and, according to the International Committee of the Red Cross, more than 50% of those killed are believed to be civilians.

The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, among others, as well as the sort of violence endemic to narco-trafficking in Colombia and Mexico.

According to a report last year by ABC News, at least seven million illicit small arms and light weapons are in circulation in West Africa.

According to Human Rights Watch, a variety of small arms and light weapons were readily available on the black market in Rwanda prior to the civil war and genocide in that country:

In 1994 an AK-47 could be purchased in Rwanda for $250;

a grenade for $20; and,

a 60mm Mortar Bomb for $85.

More than 50 million AK-47s have been manufactured in the last 40 years, far more than are accounted for in government stockpiles or registries. During the past decade it is estimated that more than 1 million Uzis and 10 million Uzi copies have gone into circulation.

According to the South African Institute for Security Studies, an estimated 30,000 stolen firearms enter the illegal marketplace annually in South Africa. Mozambique, a country whose total population is 15 million, has more than 10 million small arms in circulation.

Although there are no reliable statistics available, numerous analysts and press reports have noted that in recent years various actors in the Russian military, government, and mafia have been active in selling large quantities of Russian military equipment on the black market.

The United Nations and the Red Cross estimate that there are that more than 10 million small arms are in circulation in Afghanistan, where the terrorist organization of Osama Bin Laden is based.

Over 1 million small arms—ranging from pistols to AK-47s to hand grenades—are readily available in arms bazaars on the Pakistani side of the Afghan border. Many of these weapons are believed to flow to the Kashmir, where they contribute to the instability and tension between India and Pakistan, who both now posses nuclear weapons.

The United Nations estimated that over 650,000 weapons disappeared from government depots in Albania in the three years leading up to the outbreak of violence in the Balkans, including 20,000 tons of explosives. The NATO peacekeepers who are now moving into Kosovo may be under threat and danger from these weapons.

In fact, the increased access by terrorists, guerilla groups, criminals, and others to small arms and light weapons poses a real threat to U.S. participants in peacekeeping operations and U.S. forces based overseas.

Although it is my belief that the United States is not the biggest contributor to the problem of the global proliferation of small arms and light weapons—the United Nations has found that almost 300 companies in 50 countries now manufacture small arms and related equipment, a 25% increase in production since 1984—in 1996 the U.S. licensed for export more than $527 million in light military weapons. With the average price of $100-300 per weapon, this represents a huge volume of weapons.

Most troubling, there is increased incidence of U.S. manufactured weapons flowing in the international black market. In 1998, at the request of foreign governments, the U.S. Bureau of Alcohol, Tobacco, and Firearms conducted 15,199 traces of weapons used in crimes.

In 1994, Mexico reported 3,376 illegally acquired U.S.-origin firearms. Many of these weapons were originally sold legally to legitimate buyers but then transferred illegally, many to the Mexican drug cartels, once they left the United States: Between 1989 and 1993, the State Department approved 108 licenses for the export of $34 million in small arms to Mexico, but it performed only three follow-up inspections to ensure that the weapons were delivered to and stayed in the hands of the intended users.

Other countries have equally porous arms sales and licensing regulations: In the United Kingdom, only 24 of 2,181 arms export licenses to 35 countries were refused last year.

Clearly this is a huge problem, with profound implications for U.S. security interests. As Secretary Albright noted in her speech to the International Rescue Committee last year: "The world is awash in small arms and light weapons."

The purpose of this amendment is very simple. It calls for a Report by the Department of State to provide Congress with an assessment of the dimension of the problem, the threats posed by these weapons to U.S. interests, and the activities of the Department regarding the proliferation of small arms and light weapons.

It is my hope that this information will provide policymakers with a better understanding of this issue, whether sufficient resources are being devoted to addressing the threats posed to U.S. interests, and if additional resources will need to be directed towards this issue in the future.

I understand that the Managers have cleared and will accept this Amendment for inclusion in the State Department Authorization bill. As a former member of the Foreign Relations Committee it was a pleasure to be able to work again with my former Chairman and Ranking Member, and I would like to thank them for working with me on this Amendment. I look forward to the opportunity to continue to work with them on this important issue.

Mr. MOYNIHAN. Mr. President, I rise today to discuss an amendment to the State Department authorization bill. For 75 years academic freedom was squelched in the Soviet Union and the tools to build a democratic society were lost to its successor states. Thankfully, that is now passed. The Russians have the right to claim that they freed their own country from the horrors of a decayed Marxist-Leninist dictatorship. The Russian people and their leaders have something about which to be proud.

I rise in that spirit to discuss an amendment that is simple in both premise and purpose: build democratic leaders of the NIS for the future through education. This modest amendment will partially fund doctoral graduate study in the social sciences for students from the NIS during the next two years. The benefits of education and exposure to the United States will be long lasting.

We want to give these students from the NIS a chance to see American democracy and learn the tools to improve their own society. Indeed, for many it will be their first chance to visit the world's oldest democracy; to see the promise that democracy offers; and to judge its fruits for themselves. As one of our most famous visitors, Alexis de Tocqueville, wrote:

> Let us look to America, not in order to make a servile copy of the institutions that she has established, but to gain a clearer view of the polity that will be the best for us; let us look there less to find examples than instruction; let us borrow from her the principles, rather than the details, of her laws . . . the principles on which the American constitutions rest, those principles of order, of the balance of powers, of true liberty, of deep and sincere respect for right, are indispensable to all republics . . .

In 1948 the United States instituted the now famous Marshall Plan which included among its many provisions a fund for technical assistance. Part of this fund included the "productivity campaign" which was designed to bring European businessmen and labor representatives here to learn American methods of production. During the Plan's three years, over 6,000 Europeans came to the United States to study U.S. production. Though the funding for this part of the plan was less than one-half of one percent of all the Marshall Plan aid, its impact was far greater. The impact of this amendment may also be great.

We must note here the current state of Russia's affairs: it is deplorable. Despite this situation, last spring the United States Senate voted to expand the North Atlantic Treaty Organization. Throughout the elements of the Russian political system NATO expansion was viewed as a hostile act they will have to defend against; and they have said if they have to defend their territory, they will do so with nuclear weapons; that is all they have left.

The distrust born from NATO expansion will not fade quickly. Let us hope that this amendment will provide individuals from Russia and the other NIS the opportunity to see that we Americans do not hope for Russia's demise and isolation. Perhaps we can dispel the betrayal they may feel as a result of NATO enlargement, and give them the tools to further develop their own democracies.

Beyond that, the importance of training the next generation of social scientists in the NIS is immeasurable. It is this generation that will revitalize the universities, teaching the next generation economics, political science, sociology and other disciplines. It is this generation of social scientists who will be prepared to enter their Governments armed with new ideas and new ways of thinking different from the status quo; they will bring their new knowledge and standards, their linkages to the United States back to their own countries, and they will have the best opportunity to influence change there.

Mr. BIDEN. The managers amendment which I am pleased to cosponsor with the chairman amends this legislation to name it the "Admiral James W. Nance Foreign Relations Act, Fiscal years 2000 and 2001."

Admiral "Bud" Nance was a dear friend of the chairman and a close friend of many of us in the Senate.

He served his country with extraordinary distinction, and in the final years of his life served as Staff Director to the Senate Foreign Relations Committee. One of Bud Nance's objectives, which he shared with the chairman, was to see this particular legislation become law.

The Senate's approval today will be a major step to that end. When this legislation becomes law we will have authorized the payment of most of the United States arrearages to the United Nations and encouraged significant reforms in that body.

In addition, the Congress will have authorized the funding of our activities overseas for the years 2000 and 2001.

I look at those dates and can't help but think that in many ways, this being but just one, your friend, our friend, Bud Nance, will indeed be with us as we enter the new millennium.

I would like to thank the majority staff for their work in helping put this bill together—particularly Steve Biegun who assumed the role of staff director after our friend Bud Nance passed away.

Patti McNerney has been tireless as majority counsel in leading the complex staff negotiations that helped make this bill possible.

I would also like to thank Brian McKeon, our minority counsel for his hard work and the rest of the minority staff, including Jennifer Park and our Pearson Fellow, Joan Wadelton who put many long hours in with the rest of the majority and minority staff. We would not be looking at final passage today without all their dedicated efforts.

The PRESIDING OFFICER. Under the previous order, the amendments are agreed to.

The amendments (Nos. 705 through 731), en bloc, were agreed to.

The PRESIDING OFFICER. Under the previous order, there are five minutes equally divided.

Mr. BIDEN. Mr. President, I want to, in the minute or so I have left, congratulate the chairman of the committee for a job very well done. The managers' amendment, which he sent to the desk, I might point out, amends the legislation to name this legislation the Admiral James W. Nance Foreign Relations Act, Fiscal Years 2000 and 2001.

Bud Nance was a man who was a dear, close friend to the chairman, and a close friend of many of us in the Senate. He served this country with extraordinary distinction in the final years of his life. He served as staff director of the Foreign Relations Committee.

One of Bud Nance's objectives, which he shared with the chairman, was that this particular legislation become law, and he began to reestablish the relevance of and the bipartisan nature of the committee. He deserves great credit for that. I think the idea of naming this legislation after him is very fitting and appropriate.

I thank the chairman again for his cooperation, for his willingness to listen, and for his help. He is a lucky man to have had such a close friend.

I yield the floor.

Mr. HELMS. Mr. President, in behalf of the Nance family, I express my appreciation not only to Senator BIDEN but to all of the other Senators who signed the statement of authenticity with reference to that. And personally, ladies and gentlemen, I am grateful to them. Thank you so much.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Sarbanes

NOT VOTING—1

McCain

The bill (S. 886), as amended, was passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa is recognized under the order.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent Claire Bowman and Sarah Wilhelm, interns in my office, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATIENTS' BILL OF RIGHTS

Mr. HARKIN. Mr. President, I will make a few comments about the importance of managed care reform and the importance of passing a strong Patients' Bill of Rights in this Congress.

The bill that my colleagues on the other side of the aisle want us to consider, I believe, is fundamentally flawed. First, it fails to cover two-thirds of privately insured Americans. Secondly, it fails to prevent insurers from arbitrarily interfering with the decisions of a patient's treating physician. And, third, it is weak in giving consumers the right to sue their insurance companies for faulty decisions to withhold care.

Today, I want to focus on a few issues that have critical importance to me: access to specialty care, network adequacy, and genetic discrimination.

When we marked up the bill in the Health, Education, Labor and Pensions Committee, I offered an amendment to ensure that patients have access to the specialty care they need. I intend to offer it again if we are ever allowed a full and fair debate on this bill.

This is a critical issue for people with disabilities, women with breast cancer, and others with chronic health conditions. But it is important for all Americans. The inability to access specialists is the number-one reason people give when they leave a health plan, and it is a top issue they want Congress to address.

The Republican bill is deficient in this area. Aside from two minor provisions regarding access to OB/GYNs and pediatricians—access that almost all health plans already provide—there is nothing in the Republican bill that guarantees access to specialty care such as that provided by neurologists, pediatric oncologists, rehabilitation physicians, and others.

We need to ensure that people can see specialists outside of their HMO's network at no additional cost if specialists in the plan's network cannot meet their needs. We need to allow a specialist to be the primary care coordinator for patients with disabilities or life-threatening or degenerative conditions. And we need to provide for standing referrals for people who need ongoing specialty care, which enables them to go straight to the specialist instead of jumping through hoops with primary care doctors or insurance companies.

These provisions would not create onerous new burdens on plans. In fact, many plans already allow specialists to be primary care coordinators, and they let people have standing referrals. Most importantly, they address the tragic cases we have heard about that stem from delay or denial of access to specialists.

Finally, helping people get timely access to specialty care is not just smart and compassionate policy; it will also help minimize the need for litigation that results from a failure to have access.

Another amendment I have been working on ensures that each insurance plan has sufficient providers in its network to deliver the care that is promised. Again, this is an area where the Republican bill is, I think, very inadequate. There is no provision in the Republican bill to ensure network adequacy. This is a very important issue in my State of Iowa.

My amendment ensures that every network plan has a sufficient number and mix of providers to deliver the covered services.

It also requires plans to incorporate a primary care physician in their network who is within 30 minutes or 30 driving miles of a patient's home. If the plan cannot include patients within that distance, patients need to be allowed to go "out-of-network" to obtain the care they need. In other words, no one should have to drive more than 30 miles or 30 minutes to see a primary care physician.

It is important to understand what is happening now. Many managed care companies now contract only with urban-based providers. Not only does this require patients to travel considerable distances to receive basic health care, but these urban-based networks also weaken the rural health infrastructure by shutting local doctors and local clinics out of the network. This is wrong and must be stopped.

I have been working also on the genetic issues of this since the early 1990s when I introduced an amendment to the HIPAA that prohibited genetic discrimination by group health plans. As ranking member of the Labor-HHS appropriations subcommittee, I have also been and continue to be a strong supporter of the Human Genome Project. In the HELP Committee, the authorizing committee, I worked with Senators DODD and KENNEDY on a genetic discrimination amendment. I intend to continue working on this issue when and if we get a Patients' Bill of Rights on the floor.

We have all discussed at length the importance of prohibiting discrimination on the basis of all predictive genetic information in all health insurance markets. I am pleased that the Republican bill recognized that we need to prohibit discrimination in the group and in the individual markets, and that we need to prohibit discrimination not only on the basis of genetic tests but on the basis of a person's family history.

Still, the Republican bill failed to address several other equally critical issues in this area. The bottom line is that we must prohibit discrimination by insurers and employers.

To prohibit discrimination in one context only invites discrimination in the other. For example, if we only prohibit discrimination in the insurance context, employers who are worried about future increased medical costs will simply not hire individuals who have a genetic predisposition to a particular disease.

Similarly, we must prohibit health insurance companies from disclosing genetic discrimination to other insurance companies, to industry-wide data banks, and employers. If we really want to prevent discrimination, we should not let genetic information get into the wrong hands in the first place.

Finally, if we really want a prohibition of genetic discrimination to have teeth, we have to have strong remedies and penalties. The $100-a-day fine against health insurers that my colleagues across the aisle have proposed will do little to prevent health insurers from discriminating, and it does nothing to compensate a victim of such discrimination. We must do better than this.

Mr. President, let me say that we must not pass up this chance to make true and significant reforms to managed care programs. This is the issue that the American people have said they most want the Congress to address. And they are watching us carefully to see if we will enact real reform or a series of meaningless sound bites.

If we take strong action that allows clear-cut access to specialty care, ensures network adequacy, and prohibits genetic discrimination, we will have gone a long way to providing real reform and providing for a meaningful Patients' Bill of Rights.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes on a subject involving landmines.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO'S MINEFIELDS

Mr. LEAHY. Mr. President, as thousands of Kosovar Albanians flood across the Macedonian and Albanian borders, we are getting the first reports of refugee landmine victims. Last week, two refugees were killed and another seriously injured as they hurried to return to their homes in Kosovo.

Just put this in perspective. Some 25 people have been injured or killed by mines in Kosovo since the refugees began returning. It is a senseless loss of life and it is tragic, but it is predictable. It is predictable because tens of thousands of landmines were left behind by Serb forces. Others were put there by the KLA. They litter fields, roads, and bridges, and they have even been left in houses. They have been left in booby traps. As sad as anything, there are mass graves marking the atrocities that have occurred there. And as family members go back to try to find out if their loved ones are in those graves, even some of the graves have been booby-trapped by landmines.

These landmines are the greatest threat to people on the ground, including NATO forces, and the number of innocent victims—children playing, farmers plowing their fields, women walking along the roads—will continue to rise.

It is one thing to conduct an air war with the latest laser-guided technology and, thankfully, there were no NATO casualties, but it is another thing to face an invisible enemy on the ground. In Bosnia, most U.S. casualties were from landmines. In Kosovo, too, mines are the invisible enemy. They can't distinguish between friend or foe, soldier or civilian, adult or child.

A June 15 article in the Los Angeles Times entitled, "A Strategy on Land Mines is Needed Now," described the problems mines pose in Kosovo, and they called on the international community to develop a comprehensive strategy for clearing the mines and aiding the victims.

Such a strategy is critical to promoting peace and moving forward with reconstruction and economic development. The United States, as the leader of NATO, will play a key role in designing and financing that strategy.

But the article neglects to address another key part of the problem—the continued use of mines. It is a bit similiar to trying to keep garbage out of a river. You can clean up the garbage, but if people keep dumping it into the river, you haven't solved the problem. You need to stop garbage from being dumped. We need to stigmatize antipersonnel mines so they are not put into the ground in the first place by anybody, by any country, by any combatant, by anyone anywhere.

That is what most countries are trying to do. Now, 135 countries have signed the Ottawa Convention that bans the use of antipersonnel mines, and 81 countries have ratified it. That convention sets a new international norm outlawing a weapon that has caused enormous suffering of innocent people in some 70 countries.

Like booby traps, which are also outlawed, mines are triggered by the victim. They are inherently indiscriminate and the casualties are usually noncombatants.

Unfortunately, the most powerful Nation on earth, the United States, has not joined the convention. So despite the leading role the United States has taken in demining and helping victims, we, like Russia, China, and some other countries that manufacture mines, are standing in the way of the effort to outlaw this weapon.

Ironically, every member of NATO, except the United States and Turkey, has signed the Ottawa Convention. We not only weaken the convention by our absence, we also complicate joint military operations with our NATO allies.

Now, the United States can send deminers, those who remove the mines. We can give millions of dollars in aid to mine victims. The Leahy War Victims Fund does that every year in the sum of many millions of dollars. We can sit down with other nations to rebuild as many countries as there are conflicts. But the truth is, the only effective strategy to stop the carnage caused by landmines has three parts: Demining, victims assistance, and most importantly, banning their use today, tomorrow, and forever. That is what the Ottawa Convention does. Unless countries such as the United States, Russia, Pakistan, India, and China join, they invite others to keep using mines. It is in Kosovo today but somewhere else tomorrow.

The United States is not causing the landmine problem, but the United States is blocking a total solution because, without us, there is no solution.

I ask unanimous consent that the text of the Los Angeles Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, June 15, 1999]

A STRATEGY ON LAND MINES IS NEEDED NOW

(By Robert Oakley, Lori Helene Gronich, Ted Sahlin)

Tens of thousands of land mines will be left behind as Serb forces withdraw from Kosovo, and nobody has a long-term plan for removing them. The international community must begin work together now to develop an integrated approach or prospects for peace and economic recovery in Kosovo will be thwarted.

Knowledge about the relationship between land mine problems, peace settlements and rebuilding shattered communities is scarce. Operation Provide Comfort in Iraq and the stabilization of affairs in Bosnia are experiences that can help shape effective planning for Kosovo. In northern Iraq, there were recognizable phases to the refugee operation. First, the military entered and secured the area. Mines were removed from refugee reception zones and core transportation routes. Then, international relief organizations came forward and restarted their local operations.

But the next step—taking these mines out of the ground—did not take place. Despite the valuable mine location information provided by area residents and some international relief workers, land mines were treated as an acceptable, if pernicious, danger to the population. Wise planners will include the accounts of local residents and international aid workers in Kosovo.

Large-scale mine removal normally occurs when the threat of violence has receded, armed forces have departed, and local governance has been restored. National and international organizations then work with local leaders to develop long-term aid plans and mine-removal programs.

In Bosnia, soldiers and civilians alike were aware of the land mine threat. Allied military forces, after several fatalities and traumatic injuries, made land mine awareness among the troops a high priority. These troops, however, primarily removed mines when it was necessary for force protection. International companies, local contractors and local forces tackled the larger mine problem, and they are still at work today. Not only do they compete for funding, they influence priorities as well. This is not a comprehensive master plan.

All five components of mine action—awareness; surveying, mapping and marking; removal; destruction; and victim assistance—should be an integral part of any comprehensive international operation. First, all minefield information must be given immediately to allied leaders. Should any of the combatants have only incomplete or inaccurate mine records, their soldiers should show the entering forces just where the mines have been placed. This will save lives. It was not done in Bosnia, and it exacted a high price. Human suffering remains, and economic output is still less than half of what it was in 1990.

In the initial phase of the Kosovo peace, international military forces will clear mines to protect themselves and allow for the necessary freedom of movement to accomplish their mission. This mine-clearing effort should also support the rapid return of refugees and the swift resumption of local commerce. Military mine-clearing and mine-awareness training should be supplemented by mine-awareness education for refugees and internally displaced persons. Assuring adequate medical supplies and attention for mine casualties should be a high priority.

Once the initial phase of a Kosovo deployment is completed, the international protection force is likely to limit and then stop its mine-clearance work. Civilian groups must then take over. International experts often are brought in to help training local residents in mine safety and removal. Local security forces can also be trained and equipped to participate. Despite the widespread belief that mine clearance is an integral part of post-conflict peace-building, economic revitalization and sustainable development, there is no agreed model for addressing or even coordinating these different needs and roles.

If the work in Kosovo is to be effective, international planners must develop a comprehensive strategy now. Otherwise, the fighting may cease, but the casualties will go on.

Mr. LEAHY. Mr. President, I will close with this, as I have many other times. In the use of any weapons, there always will be questions as to who is right and who is wrong. But I have to think the use of landmines raises beyond a strategic question, raises the real moral question, and because the victims of landmines are so disproportionately civilian, we do get into moral questions. As the most powerful Nation on earth, and also the Nation most blessed with resources and advantages of any nation in history, I think we fail a moral duty if we don't do more to ban the use of antipersonnel landmines.

It is a child walking to school. It is a mother going to a stream to get water. It is a parent tilling what little fields they have. It is somebody trying to help out with medical care. It is a missionary. It is so many others—all on peaceful, proper pursuits of their lives. They are the ones who step on these landmines and are killed or maimed. The child who sees a shiny toy in the field and loses his arm and his face. It is the person who tries to save the child who steps on the mine itself. It is the refugee family trying to go back to the country that they were expelled from who are dying from them. We have to do more.

I wish there would be a day when there would never be another war. There will not be. We can't stop that. But we can take steps to stop the day that landmines will ever be used again.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The Senate will now resume consideration of the agriculture appropriations bill, S. 1233, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Dorgan (for Daschle) amendment No. 702, to amend the Public Health Services Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Lott amendment No. 703 (to amendment No. 702), to improve the access and choice of patients to quality, affordable health care.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, what is the business before the Senate at this time?

The PRESIDING OFFICER. The Senate is currently considering S. 1233, the agriculture appropriations bill and the pending amendment is amendment No. 703.

Mr. KENNEDY. Mr. President, now we are back to where we were yesterday just about 24 hours ago. At the request of the Democratic leader, the amendment on the Patients' Bill of Rights was submitted to the Senate as an amendment on the appropriations bill yesterday afternoon. The majority leader then offered an amendment to that amendment, which was effectively the legislation that was passed out of the Health and Education committee some 3 months ago and the tax provisions from the Senate Republican leadership proposal. That is an amendment to Senator DASCHLE's proposal.

We have this measure now before the Senate. Many of us over the last 2 years have tried to gain the opportunity to debate what we call the Patients' Bill of Rights. The underlying concept of the Patients' Bill of Rights is very simple and very straightforward. Our legislation has the strong and compelling support of over 200 organizations all across this country. Medical decisions that affect the members of our families ought to be made by doctors—by professional, trained medical personnel—and the patients. They ought to be the ones that make the decisions that are going to affect our lives and the lives of our families, our grandparents, and our children. Those decisions should not be made by an insurance agent, or by an HMO official.

This is a very basic and fundamental concept, and all of the basic measures—the proposals—that are advanced in our Patients' Bill of Rights, which was introduced by Senator DASCHLE, reflect this concept. The Republican proposal does not address this critically important concept. I call the Republican proposal the "patients' bill of wrongs." They use the right words in their title, but that's it. Their bill doesn't guarantee that these decisions are going to be made by the doctors and nurses and by the trained medical professionals.

The Members of this body do not have to take what I say on this interpretation of the Republican proposal. The fact remains that we have been waiting and waiting and waiting for well over a year, or for close to 2 years, to hear from our Republican friends about the medical associations or the medical professionals that support their proposal. Let's be clear, we don't advance this proposal because we are Democrats. We advance it because it will protect consumers and families in this country.

It isn't that I say it, or that Senator DASCHLE says it, or that any of our colleagues say it. It is because the doctors in this country say it. The American Medical Association says it. The American Nurses Associations says it. The consumer organizations that have been dedicated to protecting patients have said it.

If you look over the list of those various groups that are supporting our particular proposal, you will find that virtually every organization that represents women's health care support our legislation, and for very good reasons, which we will outline today. Virtually every leading group that has dedicated itself to protecting the well-being of children in our society and the health care of children are supporting our proposal. Why? For very good reasons, which have been outlined before by Senator DASCHLE, Senator REED and those of us who support helping children. You will find that virtually every organization in this country that is concerned about the needs of the disabled in our society is supporting our program. Virtually every group that is concerned about cancer and cancer research is supporting our particular proposal. And virtually none are supporting the opposition's proposal.

This is something that the American consumers ought to understand. This is something the American consumers ought to realize.

I see our leader on the floor at this time. I think all of us are looking forward to listening to his presentation.

I yield the floor at this time and will come back and address the Senate.

Mr. DASCHLE. Mr. President, if the Senator will yield, he was talking earlier about the amazing array of groups in support of our bill: I think I heard the Senator say it really represents virtually the entire universe of health care provider organizations that we know in this country. Certainly they are not all necessarily Democratic groups or progressive groups.

Would the Senator comment on the diversity of the groups supporting our proposal? I think this is a point that is sometimes lost—the breadth of organizations that say this is a top priority as a legislative issue.

Mr. KENNEDY. As the Senator knows full well, we can take one example. There are many, and we will come back to those later in the afternoon. But the Senator has been a strong supporter in terms of increasing the NIH research budget and has followed the various recommendations so that hopefully we are going to double the NIH research budget. Our Republican colleagues have supported this proposal. Senator MACK and Senator SPECTER have been leaders. Senator HARKIN has been one of the important leaders. Many other Members have supported that proposal. Why? Because it is universally accepted that we are in the early morning sunrise period of major scientific breakthroughs on many of the kinds of diseases that affect millions of our fellow citizens.

This year, more than 563,000 will die from cancer, and 1.2 million will be diagnosed. We have these enormous potential breakthroughs that can mean the difference between life and death. These breakthrough treatments allow individuals some degree of hope of being freed from Alzheimer's or Parkinson's disease or cancer. Every medical researcher understands that. That is why they support the access to clinical trials piece in our proposal. When they have the breakthrough in the laboratory, they want to get it to the bedside. The way that is done is through clinical trials.

Under the Daschle proposal, we would continue the traditional support for clinical trials so that we can move these breakthroughs that are coming in the laboratory to the patients, to the mothers, and to the daughters, and to others.

Mr. DASCHLE. Will the Senator explain the term "clinical trials?" The Senator has made such an important point about this issue. There are so many differences between the Republican and Democratic bills. One of the myriad of differences has to do with the so-called "clinical trial" provision. The Senator has spoken on the floor so patiently and eloquently about the concept of clinical trials and access to them. When we talk about clinical trials, are we talking about innovative techniques to respond to health problems that take full advantage of research and the opportunities of medicine that this country provides? Are we talking about giving people access to that medicine and cutting-edge technology just as soon as it is available?

Isn't that really what we are talking about?

Mr. KENNEDY. The Senator is absolutely correct.

If I could add to what the Senator has said, we have made great progress in dealing with cancer, especially children's cancers, over the last 10 years. The principal reason for this progress is the large number of clinical trials. We should take the time to spell out what has actually happened in the clinical trials and why that is an important provision of the leader's Patients' Bill of Rights.

Mr. DASCHLE. We should talk about clinical trials and how critical they are.

I ask the Senator if he could inform Members what impact it would have on an individual were he or she able to have access to clinical trials today under this bill?

Mr. KENNEDY. Senator, I will speak from a personal point of view. My son was 12 years old when he was diagnosed with osteosarcoma, bone cancer. Chances of survival were 15 percent; the mortality rate was 85 percent. We were able to enroll my son in a National Institutes of Health clinical trial, which only 22 children had gone through successfully. He was in that program for 2 years. By the time he finished, they had more than 400 children taking part in that program who survived osteosarcoma, with a breakthrough new treatment for osteosarcoma. Seven thousand children are affected every single year. At that time, the loss of a leg was a matter of course; it is not at the present time.

There is no question that not only my son but many of the other children would not likely have survived had they not participated in the clinical trial. That treatment for osteosarcoma is now the standard treatment and is saving countless children's lives.

There are many other examples. Our greatest progress in cancer research and in treating cancer has been a direct result of clinical trials.

Mr. DASCHLE. If the Senator would yield for a clarification, is the Senator saying that in many cases today insurance companies and managed care organizations are refusing to allow a patient access to the very kind of treatment that you say your son received? Is that what is going on?

Mr. KENNEDY. Not only am I saying that, but most important is that the directors of the Lombardi Cancer Research Center, located here in Washington, DC, one of the major centers in the country in cancer research programs and clinical trials, is saying that as well. The director says they employ eight professionals who work 18 hours a day combating health maintenance organizations to help enroll women in breast cancer clinical trials. Doctors have recommended patients for clinical trials, with treatment that can probably save their lives, but due to resistance and denials by the health maintenance organizations, those women are effectively denied treatment that may save their lives. That is happening today.

As the Senator knows, all we are trying to do with this particular proposal is follow sound medical guidelines, the medical guidelines that your doctor—who may be an oncologist acting on behalf of a victim of breast cancer—believes, given the clinical trials taking place, providing you a real chance of surviving if we enlist you in the clinical trial; this is in your medical best interest.

Your bill says your physician's medical determination is going to be the controlling judgment. It isn't going to be an accountant in the HMO who says: We don't believe that treatment is justified and we are not prepared to pay for it; I am making the medical judgment—even though I am trained as an accountant.

Mr. DORGAN. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. DORGAN. The Senator is talking now about specifics, and Senator DASCHLE was asking about clinical trials.

Let me ask another specific. Regarding emergency room treatment. Senator KENNEDY makes the point there is the Patients' Bill of Rights on this side and the Patients' Bill of Rights on that side. But they are not the same. There is a big difference.

Let me give an example regarding emergency room care. I told the story of a case of a woman named Jacqueline the other day. Jacqueline is a real person. She was hiking in the Shenandoah. While hiking in the Shenandoah, she slipped and fell down a 40-foot cliff. She fractured three bones in her body, including her pelvis. She was unconscious. She was medivac'ed by helicopter, taken to a hospital emergency room, and treated. She survived.

The HMO said: We don't intend to pay for your emergency room treatment because you didn't have prior approval to go to the emergency room.

This is a woman who was unconscious.

The Patients' Bill of Rights that the AMA and so many other groups have endorsed—they have written in support—is different from the bill the majority party offers in the emergency room treatment in the sense that we require not only the "prudent" layperson standard in emergency care and emergency room, but we require also the poststability care that is necessary after you have been to an emergency room, and their bill does not do it.

Mr. KENNEDY. The Senator is absolutely correct. We have had constant examples of abuses that have taken place. Senators have printed in the RECORD these human tragedies.

The Senator understands fully that this is not only something from last year or something from last month. The situation the Senator has outlined is happening today. It has happened this morning; it has happened this afternoon; it will happen tomorrow. It will continue to happen unless and until we pass this legislation.

Mr. DORGAN. I just described a case of a woman being hauled into the hospital unconscious and being told: We can't pay your bill because you didn't get prior approval for emergency room treatment.

That is absurd. That is the kind of horror story that requires all Americans to believe we must pass a Patients' Bill of Rights that has teeth and works to solve real problems.

Isn't it the case, with respect to emergency room care, that we in this Congress have already given all senior citizens in the Medicare program exactly what is proposed in our bill with respect to emergency room treatment and poststability care? Isn't it the case that every Member of the Senate has already voted for that in Medicare, saying yes, that is the right thing to do; but when it comes to the Patients' Bill of Rights they say: We want to have a Patients' Bill of Rights, but on our emergency room care, we don't intend to offer that protection on not only emergency room care but also poststability care in a hospital after you get out of the emergency room; we don't intend to offer that, even though we have already done that and voted for it for Medicare patients.

I don't understand the contradiction; does the Senator from Massachusetts?

Mr. KENNEDY. The Senator has correctly stated the current situation. It isn't only Medicare. It is also in Medicaid, as well as the Federal Employees Health Benefits Program. Every Senator has these protections.

The interesting question I ask the Senator, if these protections were such burdens on the delivery system, doesn't the Senator think he would have heard? These protections are available today, for those who are covered with Medicaid or Medicare. The other side in opposition to the Daschle proposal is always saying these protections are burdening the system, and we can't protect all Americans because it will burden the system?

The Senator has made the correct point. We do it today in Medicaid. We do it in Medicare. We do it for Federal employees. Most of the good HMOs do it. It is the bad apples that are threatening the well-being and the health of many of the citizens in our States whose procedures we need to address.

Mr. DORGAN. I will respond, if the Senator will yield to me further, with the story I told on the floor of the Senate, about the woman who was also injured, whose brain was swelling and who was in an ambulance being taken to a hospital and who said to the ambulance driver, I do not want to go to X hospital. She named the hospital. I want to go to Y hospital farther down the road. This woman lying in the back of an ambulance with a brain injury said: I want to go to the hospital farther away. Why did she say that? Because she read that the hospital that was closest had made decisions about patients' care that were more a function of corporate profit and loss than they were about health care, and she did not want, with a brain injury, to be wheeled into the emergency room with the notion somebody was going to look at her and make a dollar-and-cents decision about her health care.

Mr. DASCHLE. If the Senator will yield on that point, I would like to comment. I think what he has noted is exactly another reason why it is so important for us to have a debate about access to emergency rooms and other necessary care.

I would note that just the opposite of what the Senator describes oftentimes occurs. A managed care company, or an HMO, actually will make you drive past the nearest hospital to go to a hospital farther away, where they have a contract.

Sometimes a patient will choose not to use the nearest hospital, for a lot of reasons—better care, preferred specialists, different services. A patient may want to go farther away. But, in many cases, maybe a preponderance of cases, they actually have to drive past hospitals to go to the hospital the HMO has chosen, rather than the one they would choose for themselves.

Again, I think the Senator makes a very good point.

Mr. KENNEDY. May I just make this point? Access to emergency care, which is carefully protected in the leader's legislation, does the leader know that the provisions in his legislation were almost unanimously supported in the President's Commission on Quality Care? The one exception is the President's Commission did not make the recommendation that it be put in law, although they said every quality health maintenance organization ought to have it.

Second, the American Association of Health Plans has recommended it. They do not mandate it, but they recommend it, saying it is essential in providing care.

The National Association of Insurance Commissioners—not a Democratic group, the majority of Insurance Commissioners are probably Republicans—has recommended it for the States. They say, in the States, as a matter of good quality health care, they ought to have the provisions which are in our Patients' Bill of Rights. As the Senators have pointed out, it has been included in Medicare.

So this proposal, which was offered and defeated in the Health, Education, Labor and Pensions Committee, should be a matter where we have an opportunity to present it and let the Senate make a judgment. As I mentioned, it has been recommended by the nonpartisan commission. It has been recommended by the independent insurance commissioners. It is in Medicare. We would like to hear on the floor of the Senate those individuals who are opposed, those individuals who say no to this particular protection. That is the kind of protection that is included in the Daschle proposal, which is of such importance.

Mr. President, I see others want to speak on this proposal.

In looking down this list of protections, you can ask yourselves: Where do these protections really come from? As I mentioned, the protections we have put into the Daschle proposal are effectively the ones supported by the President's commission, the American Association for Health Plans, and the Insurance Commissioners. It is in Medicare. It is working, and it is working effectively. We do not have examples that protecting those under Medicare is a burden, and I do not think those who are opposed to that particular proposal can make an effective case in opposition to this provision.

I will take the time later to mention two or three more protections. Virtually every one of these protections is either part of a recommendation from the President's commission, part of the recommendations of the American Association of Health Plans, recommended by the state Insurance Commissioners, or is being implemented and protecting persons covered under Medicare.

These are commonsense proposals. They are not protections we have suddenly grabbed from some way-out organization or group. They are fundamentally rooted in sound health care practices. That is the case we want to bring to the floor of the Senate.

I see my colleague and friend on the floor now, wishing to speak. I will be back to address the Senate shortly.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I thank my colleague from Massachusetts. First, on this issue of the Patients' Bill of Rights, I ran for the Senate in part so I could address this issue, which is of critical importance to the people of North Carolina and the people of America, in a completely nonpartisan way. I am not interested in engaging in partisan politics between Democrats and Republicans. What I am interested in is a real discussion about an issue that is absolutely critically important to the people of this country and the people of North Carolina. Let me talk briefly about one aspect of the Patients' Bill of Rights that I think is so important.

Imagine there is a 29-year-old woman who lives in the Research Triangle of North Carolina which is between Raleigh-Durham and Chapel Hill, between Duke University Medical School and the University of North Carolina Medical School. Let's assume she is the mother of two children, having recently had a young child, born 6 months ago. She goes in for a postpartum checkup after the birth of her child, and the doctor looks at a mole on her back that seems suspicious. After some further testing, it is confirmed that her and her family's worst nightmare is true; she has a melanoma.

After they do further investigation, they determine there are clinical trials going on at Duke University Medical Center, just down the road from where she and her family live, which could provide lifesaving treatment for her condition. So she goes to her HMO and says: I want to be part of this; I want to make sure I have access to the best health care available. Literally, her life is as stake. She finds out from her HMO, unfortunately, that Duke is not part of the network of her HMO. So, as a result, treatment for her melanoma, which is so critically needed, is not available.

Here we have a situation where a simple thing is true. An HMO system, a health insurance system, a health insurance company, should not be able to stand between this woman and the lifesaving medical treatment she so badly needs and her family so badly needs for her. A real Patients' Bill of Rights would ensure that someone in her condition would have access to the best specialty care available, whether or not that care is within or without her HMO network. It would ensure, in my example, that she could, in fact, go 15 miles down the road to Duke University Medical Center and get the treatment that may well save her life—the life of a mother and a wife.

This is the kind of thing we need to be doing something about in the Patients' Bill of Rights. She should not be confronted with an obstacle course in order to get the treatment she needs and deserves. She needs to have ready, direct access to the care she obviously needs under these circumstances. That was an illustration.

I want to talk, secondly, about a real-life example. We received a phone call in my office from a young man who lives in Cary, NC, which is just outside of Raleigh. His name is Steve Grissom. Fifteen years ago, Steve Grissom was diagnosed with leukemia. The truth is, for most people, that would be an extraordinary life-altering and devastating thing to have occur. Unfortunately, that is not the end of the problem for Steve Grissom.

In 1985, because of his leukemia, he was required to have a blood transfusion. Most folks who are listening to this story probably know where it is headed. As a result of this blood transfusion, which he had to get because of his leukemia, he now has AIDS. He got AIDS as a result of the blood transfusion.

With the onset of AIDS, he had multiple medical problems. Included among those medical problems was the development of something called pulmonary hypertension which made it very difficult for him to breathe. The doctors who treated him prescribed oxygen 24 hours a day, 7 days a week to help him maintain his oxygen level. This prescription was made by a pulmonary specialist at Duke University, something that was clearly needed to save his life.

He was doing fine. Then his employer changed health care companies, unbeknownst to him. When the new HMO took over, they cut off payment for the oxygen that Steve had been dependent on for a long time now—24 hours a day, 7 days a week.

Let me tell you how that decision was made. It was not made by some medical doctor who examined Steve and decided he did not need this treatment. It was not made by a specialist who had a different opinion than the pulmonary specialist at Duke University. Instead it was made by a clerical/bureaucratic person at the HMO sitting behind a desk looking at papers. The conclusion that person came to was that his oxygen saturation levels were not sufficiently low under their criteria to justify him receiving oxygen 24 hours a day, 7 days a week, even though the most highly trained medical specialist in the area at Duke University Hospital had prescribed this oxygen for him. He said it was lifesaving, absolutely critical.

The result of all this was basically an insurance company bureaucrat sitting behind a desk overrode a doctor who has spent his life in this area, who had become one of the best known pulmonary specialists in the country at Duke University, who had prescribed this oxygen therapy for Steve. Here is a man who has been confronted with extraordinary setbacks in his life, the kinds of things that would put most of us under the ground.

Here is the extraordinary thing about Steve Grissom. He has continued to fight. Even though his health insurance company now says they will not pay for the care he needs, he has managed to pay out of his own pocket for as much of this care as he can get.

He has called my office and said: I want to come to Washington. I want to testify. I want to talk to Members of the Senate, Members of the Congress. I want to tell them about the problem I am having getting any continuity of care which I so desperately need.

The truth of the matter is, what Steve Grissom is doing is he is fighting in every way he knows how to cease being a statistic, to stop being a name and a number on a piece of paper on somebody's desk sitting in an insurance company office.

He is an extraordinary example of heroism. He is the kind of person whom I think most of us would hold up to our children and members of our family as what we hope they will be when confronted with extraordinary, difficult setbacks.

He fought back. He got the blood transfusion he needed in 1985. When he was then confronted with something that would absolutely overcome most people, which is AIDS as a result of the blood transfusion, he continued to do everything in his power to get the treatment he needed and go forward with his life.

When he was on oxygen 24 hours a day, 7 days a week just to stay alive and his employer changed HMOs and they cut off payment for the treatment that kept him alive, he continued to fight. Here is the most extraordinary thing about it. Not only has he continued to fight, not only has he expressed a willingness to come and talk to Members of the Senate, to testify before this Congress about what he has been confronted with, there is absolutely no bitterness in this man. He has been kind and gracious. He has said: I want to do everything I can to ensure that what has happened to me does not happen to other Americans, does not happen to other North Carolinians. I want to explain to Members of Congress why it is so critically important that we pass a meaningful Patients' Bill of Rights, one that will protect people who are confronted with the kind of situation with which I am confronted.

The truth of the matter is, it is extraordinary that he is still alive. He continues to be a huge part of his family's life. He is, by any measure, a hero. But to the insurance company, Steve Grissom is a liability. He is somebody who costs $515 a month to pay for the oxygen that is needed to keep him alive.

The reality is that they made the decision about Steve Grissom for the same reason that HMOs and health insurance companies make these decisions all across the country, affecting children and adults and families all over this country every day. They did it based on the bottom line—profits. They had established an arbitrary criteria for what was necessary for somebody in Steve's situation to get oxygen therapy and treatment that he needed. Regardless of his individual situation, regardless of the fact that the doctors who were responsible for treating him, who are highly trained, highly specialized experts at Duke University Medical Center, had said he needs this treatment, they rejected it. They made the decision that no longer would he receive this oxygen, and they would not pay for it anymore.

I cannot help but believe the majority of Americans think that what has been done to Steve Grissom is wrong; that the courage he has shown in the face of extraordinary adversity is something that should be admired and looked up to. He is absolutely entitled to the benefit of the doubt, to the extent there is any doubt, that a specialist at Duke University has determined that he is entitled to this treatment that he so desperately needs.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. EDWARDS. Yes.

Mr. KENNEDY. Given that this patient is denied the treatment that can make all the difference in restoring his health or well-being, and given that we have heard examples where, as a result of denying that treatment, a decision made by the health maintenance organization despite the recommendations of the medical professional—can the Senator tell me the remedies available? What remedies are available to a family whose loved one dies or whose loved one sustains a permanent injury because a judgment was made by the insurance company or the HMO, in conflict with the recommendation by the treating doctor. What remedy is available to that family that loses its breadwinner or has to care for an individual who is permanently injured for the rest of their life? What remedy is available for the family who loses a loved one due to the negligence or the clear malfeasance of the insurance company or the HMO?

Mr. EDWARDS. The Senator's question highlights an enormous problem in existing law and a problem that we are trying to desperately cure in this Patients' Bill of Rights.

Under the circumstance I have just described, if something happens to Steve Grissom, i.e., he suffers more serious injury or dies as a result of an arbitrary decision made by an insurance company bureaucrat, if that occurs, first of all, under the existing law, that HMO and that bureaucrat cannot in any way be held responsible. They are totally immune to responsibility, unlike every other American—you, I, any other American—who could be held accountable in court for that decision. They are totally immune from responsibility. They are protected.

As a result, they only have one incentive for what they do, and that incentive is the green dollar bill, the profit, the bottom line. It is the only thing that matters to them. That is the basis on which these decisions are made.

Not only that, not only can they not be held accountable in court, I say to the Senator, there is not even an independent review board that can look at this decision that has been made and determine whether it is unfair, whether it is unjust, and whether it is medically unsound.

So basically, Steve Grissom and his family, in this life-threatening situation, are confronted with a circumstance where they have no remedy at all. They can do absolutely nothing.

Does that answer the Senator's question?

Mr. KENNEDY. Further, is the Senator suggesting that this is the only area in civil law that a remedy is really being denied on the basis of real negligence, malfeasance? Are these the only companies in America that have this sort of privileged position of being free from what I think most Americans would understand as accountability? Is that what the Senator is suggesting?

Mr. EDWARDS. That is exactly what I am suggesting, I say to the Senator.

I add, anecdotally, one of the things that the Senator knows, I have come from 20 years of having represented folks in court cases. One of the questions we always ask jurors in the process of jury selection is: Do you believe everyone should be treated exactly the same in this courtroom? Universally, the answer is yes. Because the American people are fairminded. They believe everyone should be treated equally, everyone should be treated the same. They believe in both personal and corporate responsibility, that everybody ought to be held accountable for what they do or do not do—the very same way we teach our children they should be held accountable for what they do or do not do.

Instead, under existing law in this country, we have decided HMOs and health insurance companies are privileged characters. They get treated in a way that no other American business is treated, that no other American citizen—the people who are listening to this debate—is treated. They are held responsible for what they do.

But for some reason, under the law, unless and until we are able to change it, HMOs and health insurance companies are treated in a very privileged way. They cannot be held responsible for what they do. Unfortunately, that has enormous consequences for people, for families, and for children. The consequence is they have no reason to do anything other than the profit motivation, and the bottom line, which is the dollar. That is one of the problems we are working desperately to cure in our Patients' Bill of Rights.

Mr. KENNEDY. Finally—because I see others on the floor; and this issue is going to be addressed in the Daschle proposal—I am wondering whether the Senator would agree with Justice William Young, a Federal judge on the Federal bench in Massachusetts, who was appointed by President Ronald Reagan, who said, after a very tragic case—and I will not review all of the facts here, but it was quite clear that there was responsibility by the insurance companies; and it will be self-evident in his quote; and there was a real injustice done—this is what Judge William Young, appointed by President Reagan, who prior to the time he served on the bench was a Republican, said:

> Disturbing to this Court is the failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from its original intent. This Court has no choice but to pluck the case out of State court . . . and then, at the behest of Travelers [Insurance Company]—

That is effectively the culprit—

> slam the courthouse door in [the wife's] face and leave her without any remedy. ERISA has evolved into a shield of immunity that protects health insurers . . . from potential liability for the consequences of their wrongful denial of health benefits.

That is the statement from the bench of a distinguished Federal judge who came down and eventually effectively testified about the injustice of this provision. As I understand it, the Daschle proposal addresses that inequity and unfairness, which the Senator has outlined.

Mr. EDWARDS. May I respond to that briefly, I say to Senator KENNEDY?

I would ask for a comment from you on this issue. In terms of talking to your constituents in Massachusetts, can you tell me what response you have gotten, including from health care providers, on the issue of whether it is important to them, No. 1, that there be an independent review board so when folks' claims are denied, they have some ready process to use to get relief, and, secondly, whether they believe it is fair for HMOs and health insurance companies to be treated completely differently than every other segment of American society?

Mr. KENNEDY. As the Senator knows, they have independent review. We have it under the Medicare proposal. It works. It works very effectively. It works pretty well. It is somewhat different in scope than was included in the Daschle proposal. I favor this one here, but there is an independent review. But not only in that measure, we have some 23 million Americans who are working for State and local governments that have the kind of protection that is favored in the Daschle proposal, and it is working very effectively.

One of the very important programs that has the kind of protections the Senator has favored and that I favor is what they call the Calpurse Program in the State of California, which has well over a million individuals who are part of that program with the kind of protections that are supported by the Senator.

What they have found out—we will have a chance to get into this, hopefully, at the time we get a debate on it—is that the cost of that whole program has not increased as much as the increase in health insurance nationwide, or even in the programs in California that do not have that protection.

Do you want to know why, Senator, I believe that is so? For the same reason we had the expert witnesses who appeared before Senator SPECTER's Appropriations Committee; and that is, because the HMOs take more time and attention to make sure the patients are going to get better kinds of health care and health care coverage. That basically means they are able to get a better handle on the cost.

So it makes a major difference in terms of the quality of health care, and it makes a major difference in terms of the protections of individuals.

I thank the Senator for his response.

Mr. SCHUMER. Would the Senator from North Carolina yield for a question?

Mr. EDWARDS. Yes.

Mr. SCHUMER. I thank the Senator.

I have been very impressed with what he has said. As the Senator knows, I have been advocating the Patients' Bill of Rights for quite a while. Just this week I had traveled to different parts of my State—to Long Island, to New York City, to Syracuse, to Rochester. Everywhere I went, I found an amazing thing: The providers, the doctors, including the medical society, the AMA, the nurses, the hospitals are allied with the patients. Usually they are at loggerheads. But they were allied together in asking for a real Patients' Bill of Rights, not a Patients' Bill of Rights in name only.

We do not want to go through putting something on the floor that says: Patients' Bill of Rights, and does not protect patients. We are worried about that.

The reason I think we want an open debate and not just: Well, here is your version; we will vote for it. Here is our version; we will vote it down. We are finished with the Patients' Bill of Rights—we do not want that because we do not want to be able to just go home and say we passed something and then 3 months from now the very same doctors, and others, will say: It doesn't do any good. You didn't do anything.

We went through this on guns. We were going to pass something in this body that did absolutely nothing. Then the very same people who say the gun laws do not work, or who tried to cripple and emasculate the provisions we passed, said the laws do not work.

So the question I ask is—here are some examples of inequities that I have come across. I just would like to ask the Senator from North Carolina if he thinks the Patients' Bill of Rights would help in these instances; and they are just amazing.

One, an HMO denies high-dose chemotherapy for a man with lung and brain cancer, stating it is experimental. What was the HMO's solution? The claim agent told his family to get in touch with organizations that have fundraisers for patients denied HMO coverage. Can you imagine the gall of that? A man is dying of cancer. They find a solution that might work. There is finally some hope in the family. Not only does the HMO say, no, we won't pay for it, but at the same time they say go have some fundraisers while the person has cancer. How about this one——

Mr. DURBIN. I ask, if I might, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER (Mr. GORTON). The Senator from North Carolina has the floor.

Mr. DURBIN. Will the Senator yield for the purpose of a unanimous consent request?

Mr. EDWARDS. Yes.

UNANIMOUS CONSENT REQUEST

Mr. DURBIN. Mr. President, I ask unanimous consent that the remaining 65 minutes of debate before the vote at 5:45 on the motion to table be divided as follows: 40 minutes under the control of Senator NICKLES on the Republican side and 25 minutes under the control of Senator KENNEDY on the Democratic side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. I yield 5 more minutes to the Senator from North Carolina.

Mr. EDWARDS. I thank the Senator. I will conclude my remarks. The point I make is so important, which is that this is not a partisan debate. This is not a debate and should not be a debate between Democrats and Republicans. I didn't come to the Senate to fight with my Republican colleagues. I came to the Senate to represent the people of North Carolina—Republicans, Democrats, Independents, whatever their politics. We desperately need to talk about the specific provisions of a real, substantive, meaningful Patients' Bill of Rights. That is what needs to happen. That is the reason we are on the floor today talking about this amendment. It is the reason this amendment has been attached to the agriculture appropriations bill.

We need desperately to talk about these issues because they are so critically important to the people of my State—all of the people of my State—and they are important to all Americans. We have to make sure that folks have direct access to specialty care. It does absolutely no good for us to have the most advanced medical care and treatment and research in the world in this country if folks can't get to it. Folks have to be able to have access to the high-quality medical care that is constantly advancing on a daily basis in medical centers throughout this country, including medical centers in my home State, including Duke University Medical Center, University of North Carolina, Bowman Grey, and East Carolina University.

We have great medical centers in North Carolina. But those folks and the care they can provide do no good whatsoever if they can't provide the treatment to the patients. That is where health insurance companies, HMOs, stand as a roadblock between the doctors and the health care providers who are spending their lives developing these lifesaving treatments and the patients who so desperately need them.

Steve Grissom, the gentlemen I described with leukemia and AIDS, is a perfect example. There are heroes all over this country, all over North Carolina, who are standing up and fighting battles against health problems that are critical to them and their families. We have to give them direct access to the treatment and care that can save their lives and change the lives of their families.

It is very simple. The bottom line is this: Patients, not profits, should be the bottom line in health care. That is what this Patients' Bill of Rights is about. We simply want an opportunity to talk about it to our colleagues, whom we respect, on the floor of the Senate, to talk about it to the American people. And I am telling you, the American people in their gut know that this is something that needs to be passed, needs to be done, and that health insurance companies and HMOs absolutely should not stand between children and families and the health care that, in many cases, can save their lives.

With that, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I appreciate the accommodation and cooperation by my friend and colleague, Senator DURBIN from Illinois. There are several on this side who wish to speak on this issue as well. We have been wanting to speak for about the last hour.

I yield to the Senator from Vermont for 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, this is an important time for America to listen to this debate because the lives and health of individuals throughout this Nation are at stake. It is interesting to note, looking back to last year when the Democratic proposal came forward, at first they wanted it to be voted on immediately. Then we worked together on this side of the aisle and worked up a bill that we find is superior to theirs in many respects, which I will talk about later, and all of a sudden they didn't want to bring it up without 100 amendments. We could not get a time agreement to get to the bill. Even though some of the things sound quite dramatic and wonderful, when we analyze them, we find that in many respects we believe the majority's bill is superior.

First of all, the Patients' Bill of Rights Act addresses those areas of health care quality on which there is a broad consensus. It is solid legislation that will result in a greatly improved health care system for all Americans.

The Committee on Health, Education, Labor, and Pensions has been long dedicated to action in order to improve the quality of health care. Our commitment to developing appropriate managed care standards has been demonstrated by the 17 additional hearings related to health care quality. And Senator FRIST's Public Health and Safety Subcommittee held three hearings on the work of the Agency for Health Care Policy and Research (AHCPR).

Each of these hearings helped us in developing the separate pieces of legislation that are reflected in our Patients' Bill of Rights Act.

People need to know what their plan will cover and how they will get their health care. The Patients' Bill of Rights requires full disclosure by an employer about the health plans it offers to employees.

Patients also need to know how adverse decisions by a plan can be appealed, both internally and externally, to an independent medical reviewer. That is a critical difference. We emphasize good health care. Under our bill the reviewer's decision will be binding on the health plan. However, the patient will maintain his or her current rights to go to court. Timely utilization decisions and a defined process for appealing such decisions are the keys to restoring trust in the health care system.

Our legislation also provides Americans covered by health insurance with new rights to prevent discrimination based on predictive genetic information.

It ensures that medical decisions are made by physicians in consultation with their patients and are based on the best scientific evidence. And it provides a stronger emphasis on quality improvement in our health care system with a refocused role for AHCPR.

The other bill uses the generally accepted practice in the area which can deviate very strongly from best medicine. We give you best medicine.

Some believe that the answer to improving our nation's health care quality is to allow greater access to the tort system. However, you simply cannot sue your way to better health. We believe that patients must get the care they need when they need it, not just after they go to court in a lawsuit to repair the damage.

In the "Patients' Bill of Rights," we make sure each patient is afforded every opportunity to have the right treatment decision made by health care professionals. In the event that does occur, patients have the recourse of pursuing an outside appeal. Prevention, not litigation, is the best medicine.

Our bill creates new, enforceable Federal health care standards to cover those 48 million of the 124 million Americans covered by employer-sponsored plans. These are the very same people that the States, through their regulation of private health insurance companies, cannot protect.

What are these standards? They include: a prudent layperson standard for emergency care; a mandatory point of service option; direct access to OB/GYNs and pediatricians; continuity of care; a prohibition on gag rules; access to Medication; access to Specialists; and self-pay for behavioral health.

It would be inappropriate to set Federal health insurance standards that duplicate the responsibility of the 50 State insurance departments. As the National Association of Insurance Commissioners, put it: "(w)e do not want States to be preempted by Congressional or administrative actions. . . . Congress should focus attention on those consumers who have no protections in self-funded ERISA plans."

Senator KENNEDY's approach would set health insurance standards that duplicate the responsibility of the 50 State insurance departments. Worse yet, it would mandate that the Health Care Financing Administration (HCFA) enforce them if a State decides not to adopt them.

Those of us who have been involved with this know what happened during the recent past when the HIPAA bill was passed on to HCFA. It was a mess. Almost nothing was getting done.

HCFA cannot even keep up with its current responsibilities. This past recess Senator LEAHY and I held a meeting in Vermont to let New England home health providers meet with HCFA. It was a packed and angry house, with providers traveling from New Hampshire, Massachusetts, and Connecticut.

It is in no one's best interest to build a dual system of overlapping State and Federal health insurance regulation.

Increasing health insurance premiums causes significant losses in coverage.

This is the main difference. You can promise a lot of things when you try to do them. But if the result of what you do is that up to 1 million people lose coverage because of the increased cost, that is not the way we ought to go.

The Congressional Budget Office (CBO) pegged the cost of the Democratic bill at six times higher than S. 326. Based on our best estimates, passage of the Democratic bill would result in a loss of coverage for over 1.5 million working Americans and their families. To put this in perspective, this would mean that would have their family's coverage canceled under the Democratic bill.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. JEFFORDS. On the Senator's time?

Mr. KENNEDY. On my time.

Mr. JEFFORDS. Yes.

Mr. KENNEDY. The Senator has referred to the loss in terms of coverage by the General Accounting Office. Will the Senator share that letter which allegedly reached that conclusion? Will the Senator put that in the RECORD at this time so we have a full statement of the General Accounting Office rather than just using the figure that the Senator used? Will the Senator make that whole letter a part of the RECORD?

Mr. JEFFORDS. I would be happy to make that a part of the RECORD, yes.

I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. JEFFORDS. Let me repeat that. Adoption of the Democratic approach would cancel the insurance policies of almost a million and half Americans. I cannot support legislation that would result in the loss of health insurance coverage for a population the size covered in the combined states of Vermont, Delaware, South Dakota, and Wyoming.

Fortunately, we can provide the key protections that consumers want at a minimal cost and without disruption of coverage—if we apply these protections responsibly and where they are needed.

In sharp contrast to the Democratic alternative, our bill would actually increase coverage. With the additional of the Tax Code provisions to S. 326, the Patients' Bill of Rights Act, our bill allows for the full deduction of health insurance for the self-employed, the full availability of medical savings accounts and the carryover of unused benefits from flexible spending accounts. With the new Patients' Bill of Rights Plus Act we provide Americans with greater choice to more affordable health insurance.

S. 326, the Patients' Bill of Rights Act, provides necessary consumer protections without adding significant new costs; without increasing litigation; and without micro-managing health plans.

I also point out that under the law a doctor is still open to suit. Although they are prescribed health plans, the doctors are liable.

Our goal is to give Americans the protections they want and need in a package that they can afford and that we can enact.

This is why I hope the Patients' Bill of Rights that we are offering today will be enacted and signed into law by the President.

I believe very strongly that the advantages we get, especially that we require, the standard of best medicine, and not just the medicine that is generally used in the area is by far a much better protection for the people we are trying to protect—the patients—than the Democrat's Patient's Bill of Rights.

Mr. President, I yield the floor.

EXHIBIT 1

GENERAL ACCOUNTING OFFICE,
HEALTH, EDUCATION AND HUMAN
SERVICES DIVISION,
Washington, DC, July 7, 1998.

Subject: Private Health Insurance: Impact of Premium Increases on the Number of Covered Individuals Is Uncertain

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Labor and Human Resources, U.S. Senate.

DEAR MR. CHAIRMAN: Almost 150 million individuals obtained health insurance through the workplace in 1996, either through their own employment or the employment of a family member. During the last several years, an increasing number of individuals with employer-sponsored insurance have enrolled in some form of managed care rather than in fee-for-service plans. Recently, concerns have grown regarding the ways in which some managed care plans operate and the adequacy of information shared between each plan, its providers, and its members.

In response to these concerns, several legislative proposals have been made to require health insurance plans to adopt specified operational practices. The proposals apply to all types of plans, but would likely have their greatest impact on health maintenance organizations (HMO). Other types of plans, such as preferred provider organizations (PPO) and indemnity, or fee-for-service, plans, will likely be affected to a lesser degree. Included in various proposals are requirements, for example, to disclose certain information,[1] guarantee patient access to emergency and specialty services, implement internal and external grievance policies, guarantee freedom of communication between providers and patients, and eliminate the Employee Retirement Income Security Act of 1974 (ERISA) restrictions on health plan liability.

However, some lawmakers are concerned that these types of mandates could increase the cost of health insurance and have the unintended consequence of reducing the number of individuals covered by private health insurance.

This letter responds to your request for information on the relationship between the amount charged for private health insurance and the number of insured individuals. You also asked us to analyze the basis for a widely cited statistic from the Lewin Group, a private research and consulting organization, that the number of insured individuals would fall by 400,000 for every 1-percent increase in health insurance premiums. Specifically, we (1) examined the trends in employers' decisions to offer insurance and employees' decisions to purchase it, (2) assessed the methodology used by the Lewin Group to support its 400,000 coverage loss estimate, (3) assessed the methodology used by the Lewin Group to produce its most recent estimates, and (4) evaluated conditions or factors that could affect the impact of premium increases on insurance coverage. To conduct our study, we reviewed relevant published research. We also evaluated the applicability of the Lewin Group's estimates given the data, methods, and assumptions it used to produce its estimates. We performed our work between May 1998 and June 1998 in accordance with generally accepted government auditing standards.

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[1] Footnotes at end of Report. (Figure not reproducible in RECORD.)

In summary, during a period of rising health insurance premiums, the proportion of employees offered coverage rose, while the share that accepted insurance fell. Between 1988 and 1996, health insurance premiums increased, on average, by approximately 8 percent per year.[2] During roughly the same period, 1987 to 1996, the proportion of workers who were offered insurance by their employers rose from 72.4 percent to 75.4 percent, according to one recent study.[3] The same study found that the proportion of workers who accepted coverage, however, fell from 88.3 percent to 80.1 percent. This may be because employers required employees to pay a larger share of the premiums.[4] In 1988, employees in small firms (fewer than 200 workers) paid an average of 12 percent of single-coverage premiums. Employees in large firms paid about 13 percent.[5] By 1996, the employee share had risen to 33 percent in small firms and 22 percent in large firms. Other factors, such as decreases in some workers' real incomes, Medicaid-eligibility expansions, and changes in benefit generosity, also may have contributed to the fall in the acceptance rate.

In November, 1997, the Lewin Group used published studies to estimate that 400,000 fewer individuals would have health insurance coverage for every 1 percent increase in insurance premiums.[6] Several of these studies had sought to quantify the impact of subsidized insurance premiums on the increase in the number of employers offering insurance. The Lewin Group concluded from these studies that a 1-percent decrease in premiums would likely induce an additional 0.4 percent of employers to offer insurance. It then assumed that an increase in premiums might cause a similar percentage of firms to drop health insurance coverage and cause 400,000 individuals to be without coverage. The findings of more recent studies, however, call into question the basis for the Lewin Group's estimate. Although these studies did not quantify the relationship between premium increases and changes in the number of employees with coverage, they clearly show that employers generally continued to offer insurance during a period of rising premiums but that fewer employees decided to purchase coverage. The estimate also assumes equal premium increases for all types of insurance products. If new federal mandates primarily affect HMO premiums, some employees may switch to other types of insurance—especially insurance with different benefit packages—instead of dropping coverage entirely. Thus, the Lewin Group's estimate may not be a good predictor of the coverage loss that might be caused by new federal mandates.

In January 1998, the Lewin Group lowered its estimate of potential coverage losses by about 25 percent.[7] It now estimates that a 1-percent premium increase could result in approximately 300,000 fewer individuals being covered by private insurance. The new estimate is based on the Lewin Group's statistical analysis of the relationship between how much employees pay for insurance and the probability that they, their spouses, and their dependent children have employer-sponsored health insurance. However, it is unclear how accurately the Lewin Group was able to measure the price paid by the individuals in its sample. Moreover, the new estimate applies to situations in which premiums for all insurance types increase, on average, by 1 percent. If premiums increase by 1 percent only for some insurance types (for example, HMOs), then the coverage loss predicted by the Lewin Group would be less than 300,000.

Because many factors can affect the number of individuals covered by private insurance, it is difficult to predict the impact of an increase in insurance premiums. For example, new mandates may increase premiums but may also change individuals' willingness to purchase insurance. Individuals may not mind paying higher premiums if they like the changes brought about by the mandates. The extent to which employers pass on premium increases to employees also can affect coverage by influencing employees' purchasing decisions. Another important determinant is the extent to which employees switch from plans with high premium increases to plans with no or low premium increases, or to less expensive plans with more limited benefits. Finally, changes in other economic factors, such as income, or changes in public insurance program eligibility requirements can affect the number of individuals with private health insurance.

BACKGROUND

Between 1995 and 1997, real health insurance premiums (adjusted for inflation) remained nearly constant or fell slightly across all plan types. (See table 1.) This represents a sharp decline from the previous 5 years, in which inflation-adjusted growth was as high as 11.6 percent for indemnity plans and 10.6 percent for HMO plans in 1990.

TABLE 1.—PERCENTAGE OF REAL ANNUAL GROWTH IN PREMIUMS BY TYPE OF HEALTH PLAN, 1990–97

Plan type	1990	1991	1992	1993	1994	1995	1996	1997
Indemnity	11.6	7.8	8.0	5.5	2.5	−0.1	−1.8	0.3
PPO	9.6	5.9	7.6	5.2	0.6	0.7	−2.4	−0.2
HMO	10.6	7.9	6.8	5.3	2.7	−2.4	−3.4	−0.3

Sources: GAO calculations based on data from KPMG Peat Marwick (1991–97); Health Insurance Association of America (1990), and Bureau of Labor Statistics Consumer Price Index. Includes employer and employee shares of premiums for workers in private firms with at least 200 employees.

About 70 percent of the population under age 65 was covered by health insurance purchased through an employer or union, or purchased privately as an individual in 1996, according to Current Population Survey (CPS) data. About 12 percent was covered by Medicare, Medicaid, or the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and about 18 percent was uninsured. From 1989 to 1996, the percentage of the population covered by employer-sponsored, union-sponsored, or individual insurance[8] decreased slightly, but these options still remained a dominant source of coverage for people under age 65. (See fig. 1.) During the same period, the proportion of the population covered by Medicaid and the proportion without insurance both increased.

MORE WORKERS WERE OFFERED INSURANCE, BUT FEWER ACCEPTED COVERAGE AS PREMIUMS INCREASED

Recent studies suggest that employers typically do not stop offering health insurance when premiums increase. Between 1988 and 1996, health insurance premiums—unadjusted for inflation—increased by about 8 percent per year, on average. During approximately the same time period, one study[9] found that the fraction of workers offered insurance by their employers grew slightly, from 72.4 percent to 75.4 percent. The proportion of workers who had access to employer-sponsored insurance, either through their own job or the job of a family member, remained essentially constant at about 82 percent. Another study[10] reported that the fraction of small firms (those with fewer than 200 employees) offering insurance coverage grew from 46 percent in 1989 to 49 percent in 1996. The study also found that 99 percent of large firms offered insurance in 1996.

Fewer workers, however, are choosing to accept employer-sponsored coverage for themselves or their dependents. In 1987, 88.3 percent of workers accepted coverage when their employers offered it. In 1996, only 80.1 percent of workers accepted coverage. The fall in the acceptance rate was relatively large for workers under age 25 (from 86.5 percent to 70.1 percent) and those making $7 per hour or less (from 79.7 percent to 63.2 percent). The fraction of workers who accepted employer-sponsored insurance either through their own job or that of a family member also declined, from 93.2 percent to 89.1 percent. Consequently, even though a greater percentage of employers offered insurance, the acceptance rate fell to such an extent that a smaller proportion of workers was covered by employer-sponsored insurance in 1996 compared with 1997.

The fall in the acceptance rate may be attributable partly to required increases in employees' insurance premium contributions. One study found that employees in small firms paid an average of 12 percent of single coverage premiums in 1988 and employees in large firms paid 13 percent.[11] In 1996, the employee share had risen to 33 percent in small firms and 22 percent in large firms. According to the Lewin Group, the combined effect of the increase in premiums and the increase in the employees' share of those premiums resulted in workers paying 189 percent more in real terms for single coverage and 85 percent more in real terms for family coverage in 1996 compared with 1988.

Other factors also may have contributed to the drop in the acceptance rate. A decline in real wages for some workers may have made coverage less affordable. Expansions in Medicaid eligibility provided a coverage alternative for some families and may have decreased workers' willingness to accept employer-sponsored insurance. Furthermore, possible changes in benefit packages may have made coverage less desirable.

LEWIN ESTIMATE OF 400,000 COVERAGE LOSS BASED ON OUTDATED STUDIES

In November 1997,[12] the Lewin Group estimated that 400,000 fewer people might be covered by health insurance if new legislation caused premiums to rise by 1 percent. Its estimate was largely based on studies of the effects of insurance premium subsidies on employers' decisions to offer insurance. However, recent research casts doubt on the applicability of these findings to other situations. Furthermore, according to the Barents Group, a research and consulting firm, the Lewin Group's coverage loss estimate may be too high because some individuals may switch to other types of health plans if new legislation causes HMO premiums to rise.

Few studies have analyzed the relationship between the cost of insurance and the number of individuals covered. The studies available to Lewin in November 1997 primarily focused on employers' decisions to offer insurance. These studies varied widely both in their research questions and their findings. Several studies[13] examined the effects of programs designed to increase coverage by subsidizing the premiums paid by employers—particularly small ones. The estimates from this group of studies varied, with one suggesting that between 0.07 percent and 0.33 percent of small firms might begin to offer insurance if premiums were reduced by about 1 percent. Some older studies, using data from 1971 and before, found that between 0.6 percent and 2 percent of firms might stop offering health insurance coverage if premiums increased by 1 percent.

The Lewin Group selected a range of estimates, from what it judged to be the best available, to predict that between 0.2 percent and 0.6 percent of firms would stop offering coverage if insurance premiums increased by 1 percent. It then selected the midpoint of this range (0.4 percent) as its best estimate. To calculate the potential impact on coverage, the Lewin Group multiplied 150 million—the number of workers and their dependents covered by employer-sponsored health plans in 1996—by 0.004—the percentage of firms expected to drop coverage.[14] This calculation suggested that 600,000 individuals would lose employer-sponsored health insurance if premiums increased by 1 percent. However, on the basis of its analysis of CPS data, the Lewin Group assumed that about one-third (or 200,000) of these 600,000 workers would obtain insurance either through the policies of working family members, the individual insurance market, or public insurance programs.[15] Consequently, it estimated that a 1-percent premium increase might result in a drop in coverage of about 400,000 individuals.

The Lewin Group's estimated potential coverage loss does not consider the possibility that employers or employees might switch to different types of insurance products if one type becomes relatively more expensive. This is important in the current context because many of the proposed federal mandates are expected primarily to affect HMOs and have little or no impact on PPOs and indemnity plans. The Barents Group, a private research and consulting organization, recently reported on the potential coverage loss that proposed mandates could cause.[16] The Barents Group used the Lewin coverage loss estimate but reduced it by 25 percent to allow for the possibility that some employees might switch from HMOs to other types of insurance plans instead of dropping coverage altogether.

CURRENT LEWIN GROUP COVERAGE LOSS ESTIMATE LOWER BY 25 PERCENT

Recent data analysis by the Lewin Group led it to revise its estimate of potential coverage loss. The Lewin Group now projects a loss of employer-sponsored coverage of approximately 300,000 people for every one percent increase in premiums. This estimate, reported in January 1998, is approximately 25 percent lower than its November 1997 estimate. The new estimate is based on the Lewin Group's statistical analysis of the relationship between what employees pay for insurance and the probability that they, their spouses, and their dependent children have employer-sponsored health insurance.[17]

A key variable in the January 1998 Lewin Group study is the price of insurance, but because of data limitations, this was measured imperfectly. The study primarily used CPS data from 1989 to 1996. CPS data, however, do not contain information on health insurance premium amounts. Lewin, therefore, used three data sources to impute the amount employees paid for insurance:[18] the 1987 National Medical Expenditure Surveys (NMES), the KPMG Peat Merwick employer surveys for 1991 through 1996, and the Health Insurance Association of America (HIAA) employer surveys for 1988 through 1990. The authors of the Lewis report acknowledged that these surveys were not strictly comparable, and that the information used to measure the employee share of health insurance may have been different for 1988 through 1990 than for 1991 throgh 1996. Another potential shortcoming related to premium amounts is that the analysis did not allow for the possibility that some workers may decline coverage from their own employers when they can obtain it through a family members' employer-based coverage.

The Lewin Group's estimate is of the coverage decline that would result from an overall average premium increase of 1 percent. Yet, the proposed federal mandates are expected primarily to affect HMOs. If HMOs' premiums rise by 1 percent, then premiums for other types of insurance would probably not increase as much. HMO enrollees, therefore, would be affected most by the premium increases. Under these circumstances, the Lewin Group's estimate could overstate the coverage decline.

The Lewin Group explicitly assumed that all observed coverage changes were due to employees' decisions.[19] Consequently, it used the imputed employee contribution as the relevant cost of insurance. This assumption is broadly supported by the recent literature. However, if some employees lost access to insurance because of their employers' decisions to no longer offer it, the Lewin Group's estimate may incorrectly predict employees' reactions to changes in premiums.

POTENTIAL COVERAGE LOSS UNCERTAIN, DEPENDS ON MANY FACTORS

Insufficient information is currently available to predict accurately the coverage loss that may result from health insurance premium increases associated with new federal mandates. One problem is that the potential cost of the mandates and their impact on premiums is not yet known. However, even if the premium increase was known with certainty, previous research and economic theory suggest that the impact on coverage depends on a number of conditions. Coverage changes will depend on the extent to which premiums rise for employees and whether they can switch to insurance plans less affected by the mandates. The specific policy adopted also can affect how employees respond to resulting premium increases. Finally, changes in many economic and other factors can cause coverage changes that mask or exaggerate the impact of premium increases. The following list describes several conditions that could affect observed changes in health insurance coverage if new federal mandates increase insurance costs.

1. The percentage of premiums paid by employees and the amount of any premium increase the employers pass on to employees. If, as recent evidence suggests, employees' decisions largely affect the extent of coverage, then the relevant price increase is the percentage increase in their contribution. For example, about two-thirds of employees in small firms had to contribute toward premium costs in 1996. Those employees paid about 50 percent of the total premium. If total premiums rise by 1 percent and employers pass on the full increase to employees, then the employees' contribution would rise by 2 percent.

2. The extent to which additional benefits are valued by consumers. If higher insurance premiums are the result of additional benefits that consumers value, then any coverage loss will be less than the coverage loss that might occur if premiums increased but benefits stayed the same (or the additional benefits had little consumer value). In its November 1997 letter, the Lewin Group notes that its "estimates of the number of persons losing coverage will differ depending upon the health policy being analyzed." The Lewin Group goes on to suggest that "some proposals that increase premium costs are often associated with other provisions that may either lessen or intensify incentives for individuals to drop coverage."

3. The extent to which some types of plans have no or low premium increases and employees can switch to them. Proposed new federal mandates are expected primarily to increase costs of HMOs. Faced with a rise in HMO premiums, some employees may switch to PPOs or indemnity insurance rather than drop coverage entirely. The Barents Group assumed this switching behavior might lower the Lewin Group's coverage loss estimate by 25 percent.

4. Changes in other insurance benefits. Instead of raising premiums in response to new mandated benefits, insurance companies and employers may find ways to reduce other parts of the insurance package to keep premiums constant. It is unknown how employees might respond to such changes in their insurance plans.

5. Changes in real wages and other factors. Changes in economic conditions or eligibility for public insurance programs can also affect private insurance coverage. For example, the Lewin Group estimated that a 1-percent rise in real incomes could increase private insurance coverage by nearly 0.37 percent (about 550,000 workers and dependents). Likewise, expansions in Medicaid eligibility could cause some workers to substitute public insurance for employer-sponsored family coverage.

COMMENTS FROM THE LEWIN GROUP

In commenting on a draft of this correspondence, a representative of the Lewin Group said that we had accurately characterized its analysis and findings. The representative suggested one technical clarification in our report's characterization of the Lewin Group study that we adopted.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution until 30 days from the date of this letter. We will then make copies available to others who are interested.

Please call me or James Cosgrove, Assistant Director, if you or your staff have any questions. Susanne Seagrave also contributed to this letter.

Sincerely yours,

WILLIAM J. SCANLON,
Director, Health Financing and Systems Issues.

FOOTNOTES

[1] Legislative proposals would require each plan to disclose, for example, information on appeal procedures, restrictions on reimbursement for care received outside of the plan's network of providers, and the location of plan providers and facilities.

[2] J. Gabel, P. Ginsburg, and K. Hunt, "Small Employers and Their Health Benefits, 1988–1996: An Awkward Adolescence," *Health Affairs*, 16(5) (Sept./Oct. 1997). J. Sheils, P. Hogan, and N. Manolov, "Exploring the Determinants of Employer Health Insurance Coverage," report to the AFL-CIO (Fairfax, Va.: The Lewin Group, Inc., Jan. 20, 1998).

[3] P. Cooper and B. Schone, "More Offers, Fewer Takers for Employment-Based Health Insurance: 1987 and 1996," *Health Affairs*, 16(6) (Nov./Dec. 1997), pp. 142–49.

[4] *Private Health Insurance: Continued Erosion of Coverage Linked to Cost Pressures* (GAO/HEHS-97-122, July 24, 1997).

[5] J. Gabel, P. Ginsburg, and K. Hunt, "Small Employers and Their Health Benefits, 1988-1996: An Awkward Adolescence," *Health Affairs*, 16(5) (Sept./Oct. 1997), pp. 103–10.

[6] John F. Sheils, Vice President, The Lewin Group, letter to Richard Smith, American Association of Health Plans, Nov. 17, 1997.

[7] J. Sheils, P. Hogan, and N. Manolov, *Exploring the Determinants of Employer Health Insurance Coverage*, report to the AFL-CIO (Fairfax, Va: The Lewin Group, Inc., Jan. 20, 1998).

[8] Individual insurance is coverage that an individual purchases directly from an insurer or through a broker.

[9] See P. Cooper and B. Schone, "More Offers, Fewer Takers for Employment-Based Health Insurance: 1987 and 1996," p. 144.

[10] See P. Ginsburg, J. Gabel, and K. Hunt, "Tracking Small-Firm Coverage, 1989–1996," p. 168.

[11] J. Gabel, P. Ginsburg, and K. Hunt, "Small Employers and Their Health Benefits, 1988-1996: An Awkward Adolescence," p. 107.

[12] John F. Sheils letter to Richard Smith, Nov. 17, 1997.

[13] See K. Thorpe, and others, "Reducing the Number of Uninsured by Subsidizing Employment-Based Health Insurance: Results From a Pilot Study," *The Journal of the American Medical Association*, 267(7) (1992), pp. 945-48; Statement of Nancy L. Barrand and W. David Helms for the Robert Wood Johnson Foundation, before the Subcommittee on Health, Committee on Ways and Means, House of Representatives, *Health Insurance Options: Reform of Private Health Insurance* (Washington, DC: May 23, 1991), pp. 125-61. W. Helms, A. Gauthier, and D. Campion, "Mending the Flaws in the Small-Group Market," *Health Affairs* (Summer 1992), pp. 7–27; C. McLaughlin and W. Zellers, "The Shortcomings of Voluntarism in the Small-Group Insurance Market," *Health Affairs* (Summer 1992), pp. 28-40; J. Gruber and J. Poterba, "Tax Subsidies to Employer-Provided Health Insurance," Working Paper No. 5147, Cambridge, Mass.: National Bureau of Economic Research, June 1995.

[14] The studies' findings applied to the percentage of firms that might change their behavior. The Lewin Group, however, applied this percentage to individuals. This implicitly assumes that all sizes of firms would react similarly. If large firms are less responsive to premium increases than small firms, then the percentage of workers affected by a 1-percent increase in premiums could be less than 0.4 percent.

[15] Lewin's November 1997 letter did not discuss how many of the 200,000 individuals might enroll in public insurance programs and how many might obtain other private coverage.

[16] *Impact of Legislation Affecting Managed Care Consumers: 1999-2003*, report for the American Association of Health Plans (Washington, DC: The Barents Group, LLC, Apr. 21, 1998).

[17] Lewin used complex statistical models to estimate the proportion of the population covered by employer-sponsored insurance grouped by a number of demographic characteristics, including race, age, income, full-time/part-time status, occupation, industry, firm size, and the imputed employee share of the premium costs, among others.

[18] Lewin focused on the employee share of the insurance premium as the most appropriate cost affecting the employee decision to participate in employer-sponsored health plans.

[19] The data used in the Lewin study do not indicate whether observed coverage losses are the result of employers' decisions not to offer insurance or employees' decisions not to accept it.

Mr. JEFFORDS. Mr. President, the GAO report examines two reports done by the Lewin Group on the impact of premium increases on coverage.

A 1997 report by Lewin indicates that a 1% increase will result in 400,000 losing coverage.

A 1998 report by Lewin for the AFL/CIO indicates that a 1% increase will result in 300,000 Americans losing coverage. It is this lower number that I used.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will just take a moment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, with regard to just one fact that the Senator has mentioned, I have the GAO report to which the Senator refers. The fact that the Senator refers and is talking about is on page 4 of the report. It says:

> If premiums increase by 1 percent only for some insurance types (for example, HMOs), then the coverage loss predicted by the Lewin Group to . . .

Not the GAO, it is the Lewin Group that makes the estimate referred to in the GAO letter.

To the contrary, if you read on, GAO says:

> Because many factors can affect the number of individuals covered by private insurance, it is difficult to predict the impact of an increase in insurance premiums. For example, new mandates may increase premiums but may also change individuals' willingness to purchase insurance.

Therefore, there might be more people covered.

This is the kind of thing we ought to be debating out here. This is just the type of thing we ought to be debating. We have a lot of distortions and misrepresentations. The insurance companies themselves have spent $100 million in distorting our proposal. What we want to do is to try to clarify the RECORD on this.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. If I could just mention one other point, the Senator talked about what we wanted to do last year with regard to the Patients' Bill of Rights.

I have in my hand the majority leader's unanimous consent request. Here it is. This is an offer from last June 18, a little over a year ago, when we were trying to bring this legislation up.

> I ask unanimous consent that prior to the August recess . . .

Isn't that interesting? June of last year; they are saying "prior to the August recess."

> . . . the majority leader after notifying the minority leader shall turn to the consideration of the bill to be introduced by the majority leader . . .

It doesn't tell us what that is going to be.

> . . . or his designee regarding health care. I further ask that the Senate proceed to its immediate consideration.

And following the report by the clerk that Senator DASCHLE be recognized to offer as a substitute the text of S. 1891, which really wasn't the all-inclusive legislation, the majority leader is trying to tell the Democratic leader which bill he ought to put in.

> I further ask that during the consideration of the health care legislation it be in order for Members to offer health care amendments in the first and second degree. I further ask consent that the Chair not enter a motion to adjourn or recess for the August recess prior to a vote or in relation to the majority leader's bill and the minority leader's amendment, and following those votes it be in order for the majority leader return to the legislation to the calendar.

To the calendar—not send it over to the House of Representatives—to the calendar.

Let's be clear about who is serious about bringing this up. Here is their consent request. They are going to return it to the calendar. Even if we win the vote, under their proposal, that could be the end of it.

Then it says:

> Finally, I ask consent that it not be in order to offer any legislation, motion, or amendment relative to health care prior to the initiation of this agreement and following the execution of the agreement.

Therefore, you can't offer a health care measure for the rest of the Congress.

If the Senator from Vermont can say with a straight face that it is the Democrats who are trying to lock this thing up when the Senator has his own leader making a proposal like this, he is defying any kind of rational understanding of what a unanimous consent rule is.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. I would be glad to yield for a question.

Mr. DURBIN. I am going to ask a very brief question. Is it not true that at 5:45—in 45 minutes—there will be a motion by the Republicans to table the Democratic version of the Patients' Bill of Rights without further debate, without further amendment, and to bring to an end this debate about whether families across America will have the stronger voice in terms of their health insurance protection?

I ask the Senator from Massachusetts, who has been here for a few months, to respond, if he will. Why is it that the Republican majority is so concerned about or afraid of the idea of actually debating or deliberating something which is so important to American families, their health care?

Mr. KENNEDY. We will have to listen to the explanation coming from the other side. We know what the spokesman for the health insurance industry has said. We know what their answer has been, and that is to virtually instruct the Republican leadership just to say no. We know what the leadership on the other side has said about this: We are not going to get a chance to debate this issue.

People can draw their own conclusions. They have indicated this will not be permitted to come up, even though it is the people's business.

I see the Senator from Rhode Island on the floor. I yield 5 minutes.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Rhode Island.

Mr. REED. Mr. President, as I look at the Republican proposals, they are deficient in many ways. Of particular concern to me is the way this proposal mistreats children.

The Democratic proposal, the proposal we would like to not only debate but also to vote on, emphasizes the need to protect the children of America. I hope we all can agree that at the end of this Congress at least we can provide adequate protections in managed care for children.

Don't just take my word for it. Take the word of organizations including the American Academy of Pediatrics, the American Association of Children's Residential Centers, the American Academy of Child and Adolescent Psychiatry, the Children's Defense Fund, the Child Welfare League of America. All of these organizations support unequivocally the Democratic Patients' Bill of Rights. This is the legislation we know and they know will protect the children of America.

There are three key points that are terribly important with respect to the differences between the Republican proposal and the Democratic proposal.

First, our legislation will assure access to pediatric specialists. In the world of medicine today, it is not just sufficient to visit an oncologist if you have cancer and you are a child, because pediatric oncology is a particular specialty that is necessary for children who have serious cancers.

Second, our legislation provides clearly expedited review procedures if child development is threatened—not just their life but their development. This is a critical issue that is virtually unique to children. This is something we have to protect and ensure.

Third, we also have provisions within our legislation that will measure outcomes in terms of children, so that when parents are trying to determine what plan is best for their child, they can actually look at measured results: How well this particular plan did—not with a large population of adults, but particularly with respect to children.

The Republican plan has some fuzzy language regarding pediatricians and specialists.

Clearly and unequivocally, there is language in the Democratic legislation that guarantees children access to providers who are trained to take care of them, access to pediatric specialists, expedited review procedures in the case of developmental difficulties for children, and also outcome measures that actually take children into consideration. These are critical issues that have to be included in any managed care legislation we pass on the floor of the Senate.

What did the American people think about that? I have listed August organizations like the American Academy of Pediatrics in support of this measure. Let me tell Members what the American people think.

In February of 1999, a survey by Lake Sosin Snell Perry and Associates and the Tarrance Group—one a Democratic polling firm, the other a Republican polling firm—revealed 86 percent of voters surveyed favored having Congress require health plans to provide children with access to pediatric specialists and hospitals that specialize in treating children.

That is an overwhelming example of what the American people are asking: Protect their children, and give them access to pediatric specialists. Let them choose, as mothers and fathers, pediatricians to be primary care providers for their sons and daughters.

Not only do the American people demand these provisions, they will also pay for them. Seventy-six percent of the voters surveyed said they would pay for these protections, "even if it increased health insurance costs for families with children by $100 a year."

They want these protections. Only the Democratic version gives them these protections.

Mr. NICKLES. I yield myself a couple of minutes, and then I will yield to my colleague from Maine.

Our colleague from Massachusetts said there was a unanimous consent request last year; we were talking about doing this last June and July. That is correct. We offered several unanimous consent requests, from June 18, July 15, and July 25, to bring this bill up to allow both sides to have a chance to vote on their proposals. We offered a number of amendments before the August break. Those were not agreed upon.

Everyone has had a chance to offer their bill and to have it voted on. We would have a package, we would have a bill, before the Senate that possibly could pass. That was not agreed upon last year. I don't know if it will be agreed upon this year. I told the Democratic sponsors we are willing to come to some time agreement, some limit on amendments, but we are not just going to have the bill on the floor for an unlimited number of amendments with unlimited debate.

Somebody asked, Why haven't we done this?

The Kennedy bill increased health care costs a lot. It is estimated that health care costs will increase 4.8 percent in addition to whatever health care increases are already scheduled. Increases are scheduled to be 7 to 9 percent. Take the average of that, 8 percent, and add 4.8 percent. That is a 13-percent increase in health care costs. That will increase the number of uninsured by at least 1.5 million.

I am going to work energetically to see we don't pass any bill that increases people's health care costs by 13 percent in 1 year. Certainly, I will work energetically to see we don't pass a health care bill that increases the number of uninsured by 1.5 million. That would be a serious mistake.

Whatever the Senate does, it should do no harm. If we increase health care costs in double digits and increase the number of uninsured by over a million, we have done a lot of harm. Some Members will not do that.

We should make some needed reforms. One of my colleagues worked energetically to put together a good package that makes needed reforms.

I yield 7 minutes to our colleague from Maine, Senator COLLINS.

Ms. COLLINS. Mr. President, there is growing unease across this Nation about the changes in how we receive our health care, which has prompted the current debate on managed care. People worry, if they or their loved ones become ill, that their HMO may deny them coverage and force them to accept either inadequate care or financial ruin—or perhaps even both. They believe vital decisions affecting their lives will be made not by a supportive family doctor but by an unfeeling bureaucracy.

All Members agree that medically necessary patient care should never be sacrificed to the bottom line and that health care decisions should be in the hands of medical professionals, not in the hands of insurance accountants.

We do, however, face an extremely delicate balancing act as we attempt to respond to concerns without resorting to unduly burdensome Federal controls and mandates that will further drive up the costs of health insurance and cause some people to lose their coverage altogether. That is the crux of this entire debate.

I am very alarmed by recent reports that American employers everywhere, from giant multinational corporations to the small corner store, are facing huge hikes in their medical insurance coverage for their employees, averaging over 8 percent, and sometimes soaring to 20 percent or more. This is a remarkable contrast to the past few years when premiums rose less than 3 percent, if at all.

We know for a fact that increasing health insurance premiums cause significant losses in coverage. That is the primary reason why I am so opposed to the approach offered by the Senator from Massachusetts. Even if we discard CBO's previous estimate that the Kennedy bill would increase premiums by 6.1 percent and accept the newly revised estimate of 4.8 percent, the fact is the CBO score for the Democratic bill is six times higher than the cost for the bill we are proposing.

Moreover, the Lewin Associates, in a study for the AFL–CIO, has estimated that for every 1-percent increase in premiums, we are jeopardizing the insurance coverage of as many as 300,000 Americans. Based on these projections, the passage of the Kennedy legislation could result in the loss of coverage for more than 1.4 million Americans. That is more than the population of the entire State of Maine. This is a significant cost.

If you look at the CBO estimate of the revised Kennedy bill, CBO estimates it will impose additional costs to the private sector of nearly $41 billion over the next 5 years. That is a cost that is going to cause employers to drop insurance altogether or employees to be unable to pay their share of the premium. At a time when the number of uninsured Americans, unfortunately, is increasing with every year, we should be acting to decrease the number of uninsured Americans, not impose costly new burdens that are going to cause some of the most vulnerable working Americans to lose their coverage altogether.

Our approach, on the other hand, provides the key protections that consumers need and want without causing costs to soar. It applies these protections responsibly, where they are needed. Our legislation does not preempt, but rather builds upon the good work the States have done in the area of patients' rights and protections. States have had the primary responsibility for the regulation of health insurance since the 1940s. As someone who has worked in State government for 5 years overseeing a Bureau of Insurance, I know State regulators and State legislators have done an excellent job of responding to the needs and concerns of their citizens.

Let me give you just a few examples. Mr. President, 47 States have already passed laws prohibiting gag clauses that restrict communications between patients and their doctors; 40 States have requirements for emergency care; all 50 States have requirements for grievance procedures; 36 require direct access to an obstetrician or a gynecologist.

The States have acted, without any prod or mandate from Washington, to protect health care consumers. That is why the National Association of Insurance Commissioners supports the approach we have taken in our bill.

In a March letter to the chairman of the Committee on Health, Education, Labor, and Pensions, the NAIC pointed out:

> It is our belief that states should and will continue the efforts to develop creative, flexible, market-sensitive protections for health consumers in fully insured plans, and Congress should focus attention on those consumers who have no protections in self-funded ERISA plans.

That is exactly the approach we have taken. Currently, Federal law prohibits States from regulating the self-funded, employer-sponsored health plans that cover 48 million Americans. Our legislation is intended to protect the unprotected. We would extend many of the same rights and protections to these consumers and their families that those in State-regulated plans already enjoy.

For the first time they will be guaranteed the right to talk freely and openly with their doctors about their treatment options. We would ban the gag clauses. They will be guaranteed coverage for emergency room care that a "prudent layperson" would deem medically necessary without prior authorization. They will be able to see a pediatrician or an OB/GYN without a referral from their plan's "gatekeeper." They will have the option of seeing a doctor who is not part of the HMO's network. They will be guaranteed access to nonformulary drugs when it is medically necessary. They will have an assurance of continuity of care if their health plan terminates its contract with their doctor or hospital.

The opponents of our legislation contend that the Federal Government should simply preempt the States' patient protection laws unless they are virtually identical to what the Federal Government would require. But the States' approaches to these patient protections vary widely. For example, States may have emergency requirements, but not exactly the same standard that the Democrats in Senator KENNEDY's bill would impose on everyone. States that have already acted in this area would have to make extensive changes to their laws, if they are forced to comply with the one-size-fits-all model.

Moreover, what if the State has made an affirmative decision not to act in one of these areas? What if the bill failed in the legislature or was vetoed by the Governor? Let me give you a recent example from my State. Maine law requires plans to allow direct access to ob/gyn care—without a referral from the primary care physician—but only for an annual visit. Maine also requires plans to allow ob/gyns to serve as the primary care provider. Our State Legislature recently decided that the current provisions provide sufficient protection and rejected a bill that would have expanded the direct access provision, primarily out of concern that it would drive up premium costs. I would note that this decision was made by a legislature controlled by the Democratic Party. In cases like these, the Kennedy proposal for a one-size-fits-all model would be a clear preemption of State authority.

Other provisions of our bill provide new protections for millions more Americans. A key provision of our bill builds upon the existing regulatory framework under ERISA to give all 124 million Americans in employer-sponsored plans assurance that they will get the care that they need when they need it. The legislation will enhance current ERISA information disclosure requirements and penalties and strengthen existing requirements for coverage determinations, grievances and appeals, including the addition of a new requirement for independent, external review.

All 124 million Americans in employer-sponsored plans will be entitled to clear and complete information about their health plan—about what it covers and does not cover, about any cost-sharing requirements, and about the plan's providers. Helping patients understand their coverage before they need to use it will help to avoid coverage disputes later.

The goal of any patients' rights legislation should be to resolve disputes about coverage up front, when the care is needed, not months or even years later in a court room.

Our bill would accomplish this goal by creating a strong internal and an independent external review process. First, patients or doctors who are unhappy with an HMO's decision could appeal it internally through a review conducted by individuals with "appropriate expertise" who were not involved in the initial decision. Moreover, this review would have to be conducted by a physician if the denial is based on a determination that the service is not medically necessary or is an experimental treatment. Patients could expect results from this review within 30 days, or 72 hours in cases when delay poses a serious risk to the patient's life or health.

Patients turned down by this internal review would then have the right to a free, external review by medical experts who are completely independent of the health plan. This review must be completed within 30 days—and even faster in a medical emergency or when the delay would be detrimental to the patient's health. Moreover, the decision of these outside reviewers is binding on the health plan, but not on the patient. If the patient is not satisfied, he or she retains the right to sue in federal or state court for attorneys' fees, court costs, the value of the benefit and injunctive relief.

Our bill places treatment decisions in the hands of doctors, not lawyers. If your HMO denies you treatment that your doctor believes is medically necessary, you should not have to resort to a costly and lengthy court battle to get the care you need. You should not have to hire a lawyer and file an expensive lawsuit to get the treatment.

Our approach contrasts with the approach taken in the measure offered by Senators DASCHLE and KENNEDY that would encourage patients to sue health plans. I do not support Senator KENNEDY's approach. You just can't sue your way to quality health care.

We would solve problems up front, when the care is needed, not months or even years later after the harm has occurred. According to the GAO, it takes an average of 33 months to resolve malpractice cases. This does nothing to ensure a patient's right to timely and appropriate care. Moreover, patients only receive 43 cents out of every dollar awarded in malpractice cases. The rest winds up in the pockets of trial lawyers and administrators of the court and insurance systems.

I met with a group of Maine employers who expressed their serious concerns about the Kennedy proposal to expand liability for health plans and employers. The Assistant Director for Human Resources at Bowdoin College talked about how moving to a self-funded, ERISA plan enabled them to continue to offer affordable coverage to Bowdoin employees when premiums for their fully-insured plan skyrocketed in the late 1980s. Since they self-funded, they have actually been able to lower premiums for their employees, while, at the same time, enhance their benefit package with such features as well-baby care, free annual physicals, and prescription drug cards with low copayments. They told me that the Democrats' proposal to expand liability seriously jeopardizes their ability to offer affordable coverage for their employees. Similar concerns were expressed by the Maine Municipal Association, L.L. Bean, Bath Iron Works, and other responsible Maine employers.

And finally, our amendment will make health insurance more affordable by allowing self-employed individuals to deduct the full amount of their health care premiums. Establishing parity in the tax treatment of health insurance costs between the self-employed and those working for large businesses is a matter of basic equity, and it will also help to reduce the number of uninsured, but working, Americans. It will make health insurance more affordable for the 82,000 people in Maine who are self-employed. They include our lobstermen, our hairdressers, our electricians, our plumbers, and the many owners of mom-and-pop stores that dot communities throughout my state.

Mr. President, I believe that this amendments strikes the right balance as we effectively address concerns about quality and choice without resorting to unduly burdensome federal controls and mandates that will further drive up costs and cause some Americans to lose their health insurance altogether, and I urge all of my colleagues to join me in supporting it.

Mr. NICKLES. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 19 minutes and the Senator from Massachusetts has 9.

Mr. NICKLES. I yield my colleague from Tennessee 8 minutes.

Mr. FRIST. Mr. President, there has been a lot of misinformation and I am sure a lot of confusion on the part of many because of allegations that have gone back and forth because of the rhetoric, so I think I will use my few minutes to outline what is in the Patients' Bill of Rights Plus Act; that is, the Republican leadership bill we have been discussing for the last several days.

I am very proud of the bill we have put forward. I am proud of it as a physician, as a member of the task force that helped put this bill together, and as a Senator, because I believe with passage of this bill we can do what I think everybody in the body wants to do, and that is to improve the quality of care for individuals across this country, their children, and on into the next generation.

The bill we put forward has really six major components with three objectives. The three objectives are to enhance health care quality, to enhance access, and to provide consumer protections. We do that through six components.

First, as the Senator from Maine has just gone through, strong consumer protection standards. The second way of achieving that is that we offer good, comparative information among plans, at a time when it is very confusing to the beneficiary, to the individual patient, what plan offers what, and what benefits are covered.

Third—and I am proud of this—we have a strong internal, and even more important, I believe, external appeals process establishing these rights for 124 million people. We are talking about scope in a lot of these discussions, but let's remember this applies to 124 million Americans who are covered both by the self-insured and fully insured group health plans.

Fourth, we have in our bill a ban on the use of genetic information by insurance companies for underwriting purposes. It is very important, as we look at the human genome project, which is producing 2 billion bits of information, all of which can be to the benefit of mankind if it is used appropriately.

Fifth, we have a quality focus in our bill which is lacking in other bills and other proposals. We have expanded quality research activities through the Agency for Health Care Policy and Research. We address issues of access. This is in contrast to the bill on the other side, because we have a major problem in this country today of about 41 million people who are uninsured. You are not going to find this Senator voting for a bill that drives people to the ranks of the uninsured and expands that 41 million to 42 million.

As my colleague from Maine just pointed out, every 1-percent increase in premiums drives about 300,000 people to the ranks of the uninsured. I doubt one will find very many Senators on our side in favor of increasing that number of uninsured.

We addressed the issue of access through two means: No. 1 is medical savings accounts expansion, and No. 2 is to have availability of a full deduction for health insurance benefits for the self-employed.

As the Senator from Maine pointed out, States already regulate insured health plans. Thus, our bill addresses the unprotected with the protections. We do it through emergency care. A prudent layperson, somebody in a restaurant has some chest pain—is it indigestion or a heart attack? You go to the emergency room and are reimbursed, because a prudent layperson standard is used and, therefore, that service is covered.

Choice of plans: In our bill, we make sure those plans that offer network-only plans are required to offer what is called point-of-service options.

Consumer protections: Obstetricians, gynecologists, pediatricians—we have heard these words used a lot. Who are these physicians? Do you have access? Under our bill, health plans would be required to allow direct access to obstetricians, to gynecologists, and to pediatricians for routine care without referrals, without gatekeepers.

Continuity of care: Under our bill, plans that terminate or nonrenew doctors or providers from their networks would allow continued use of the provider for up to 90 days or, if someone is pregnant, up through the postpartum period.

Access to medication: We all know that formularies are used increasingly by people broadly because of the cost of prescription drugs. In our plan, we make sure physicians and providers and people with clinical experience are on those boards that put together these formularies. In our bill, we make sure that nonformulary alternatives are available when medically necessary and when appropriate. Physicians, pharmacists, not just bureaucrats, will be putting these formularies together.

Access to specialists: I am a heart and lung transplant surgeon. I have had the opportunity to transplant hundreds of hearts and lungs and do hundreds of heart operations, and I know the importance of access to a specialist. Under our bill, health plans would be required to ensure that patients have access to covered speciality care within the network or, if necessary, provide that access through contractual relationships if heart surgeon BILL FRIST happens not to be inside that network.

Gag rules: We all know that physicians should not have gags placed on them when they talk to patients. We have a strong gag rule prohibition in our bill. No more gag rules.

A second approach is that we require comparative information be given to individuals so they can compare one plan to another so they will know what services are covered and what services are not.

I mentioned grievance and appeals. All group health plans would be required to have written grievance procedures and have both an internal appeals process as well as an external appeals process if there is some disagreement as to what is covered and what is not covered.

Timeframes—we address it in our bill. Expedited requests for care, if there is any question of jeopardizing the patient's health, is allowed.

Qualification of reviewers: This is a significant improvement in our bill compared to last year. We make absolutely sure that an appropriately qualified external reviewer; that is, a provider who has expertise in the field where there is some question. If it is a question about heart surgery, you have a heart surgeon, somebody familiar to heart surgery as the reviewer. The external appeals process is, I believe, greatly strengthened by having this independent—and those are the words we use—"external medical reviewer where necessary."

We allow in those cases where a treatment is considered experimental that that also can be handled in this external review process. We require that external reviewer to have "relevant expertise."

My time is just about out. There are three other issues.

Genetic information: Our bill recognizes that "predictive genetic information" can be used against you by an insurance company, either raising premiums or denying coverage. We prohibit it.

Our bill focuses on quality improvement by taking the Agency for Health Care Research and Quality and focusing on health service delivery and training scientists, providing information systems to improve quality, and, lastly, our bill invests in the infrastructure necessary to measure quality.

Medical savings accounts and full health insurance deduction for the self-employed are a part of our bill.

That is our bill in a nutshell. It looks at consumer standards. It looks at improved quality, it looks at improved access. It is a bill of which I am proud. It is a bill I know all of us can support. It is a bill that will improve health care in the United States of America.

Mr. President, I yield back my time.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I have been yielded 4 minutes by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank the Chair, and I thank the Senator from Massachusetts not only for yielding but for his leadership over many years on this issue. Let me make a couple of points.

First of all, the Senator from Tennessee has outlined his bill, and it is a different approach. I ask Americans to ask: Why do all of the leading doctors' groups, including the American Medical Association, why do the leading consumer groups up and down the line, support our approach? If the bill on the other side is so good for consumers and so good for physicians and providers, then why are they all supporting this bill? And if, as the Senator from Tennessee believes, all of these are worthy goals—specialists, appeals processes, et cetera—then why not go all the way? Why not do it right? Why not do it in a way that the AMA and all the consumer groups and all of those that both sides are talking about protecting choose? The bill they choose is our bill.

Second, on cost, because I know the Senator from Maine mentioned cost, the most recent estimates by CBO said that the Daschle-Kennedy bill, at the end of 5 years, would cost $2 extra a month a person. Ask Americans: Would they pay that to have access to specialists, to have emergency room treatment, to have the kinds of things we have been talking about? You bet. They would pay it in a New York minute. So if cost is the concern, it is not much, and you get a lot. If helping providers and consumers is the concern, our bill prevails.

What we are going to do tonight is table any proposal. That is not adequate, nor is it even adequate, at least from my point of view as a freshman Senator, to try to deal with this issue and just push it away. We believe passionately that patients need help, that consumers need help, that physicians and nurses and hospitals need help.

We believe the HMOs have swung too far in their ability to police the basic patient-doctor relationship. We do not think that a quick "let's get rid of this, let's have a quick vote and say it is over" serves the American people.

What we will be doing on this side is continuing to fight until we can get a full and open debate. I want to debate the Senator from Tennessee on whether the Daschle bill or his bill really gives access to specialists. I want to debate the Senator from Tennessee on whether the appeals process in our bill or in his bill is the most open.

I want to debate the Senator from Tennessee on every one of the issues that has been mentioned. The process that we are going through now does not allow that debate. I do not know where it will come out. My guess is it may come out similar to the last debate we had where a number of people, in a bipartisan way, come together for a stronger bill. But that may not happen.

But at the very least, in conclusion, we should have a full and open debate. And a motion to table and a vote on one bill and then the other to get rid of this is not fair to the American people.

Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven minutes for the Senator from Oklahoma.

Mr. NICKLES. On the other side?

The PRESIDING OFFICER. Four minutes 46 seconds.

Mr. NICKLES. I yield the Senator from Pennsylvania 5 minutes.

Ms. SANTORUM. Thank you, Mr. President.

I thank the Senator from Oklahoma for yielding me time. I congratulate him and the entire working group on the Republican side of the aisle—Senators JEFFORDS, COLLINS, FRIST, and GRAMM for putting together what I believe is a bill that this Senate should embrace. I think America, if they were given the choice between what is being offered on the Democratic side and what is being offered on the Republican side, would quickly embrace this plan for many reasons.

No. 1, it is a much more comprehensive plan. This is the Patients' Bill of Rights Plus. It is not just some consumer protection measures which Democrats have put forward—and we have, to some degree, done the same—but it goes much farther. By looking at the health care picture in America, on a comprehensive basis, we took a step back and said, what can we do to improve quality, to improve access, to reduce costs—not responding to hot button poll issues?

It seems to be the popular move around here—when something polls well, we rush out here and try, with legislative fixes, to pass something that sounds good to the American public.

We did not take that approach. We took the approach of how, from a public policy point of view, we are going to solve real problems in America—not real problems that maybe poll well but real problems that solve structural problems, structural problems in the health care system, which will end up benefiting millions of people.

One such area is that of access. Much has been talked about in relation to patients' rights. We have not heard a lot of talk on the other side about access to insurance. There are a couple of components to that.

No. 1, keep the costs down. We have heard a lot of talk about how the other bill, the Kennedy bill, dramatically increases costs. Our bill does not do that.

So in that respect, we already, by virtue of not driving up health care costs, improve access. But we do more than that.

We do two specific things in the tax portion of this bill. First, we increase the deductibility of insurance for the self-employed up to 100 percent. So we put them on an even playing field with those who have employer-provided health care. We give 100 percent deductibility, thereby increasing the desirability of owning health care insurance, of buying that insurance for yourself as a self-employed individual, thereby getting more people into the health care system, which is something everybody believes is necessary and desirable.

Second, we provide for medical savings accounts. Medical savings accounts have gotten, from a public policy perspective, a little bit of a bad rap based on what was passed here a few years ago. What was passed here a few years ago was a program that was designed to fail. Those who designed it got exactly what was predicted—failure.

It is a program that is very limited. Very few taxpayers can participate in it. It is time limited. It does not allow you to carry contributions from year to year. It is a program that has very little in the way of a design that would be attractive. In fact, what would attract people to MSAs is the ability to control their own health care costs, which is the ability to profit personally—instead of the insurance companies managing your health care, doing things that keep you healthy. Those are some of the attractions of MSAs that are the control element, all of which are forfeited under the existing MSA proposal.

The bill that we are offering removes all these restrictions—artificial—to dampen the enthusiasm for the program, to make it less attractive and less workable, and allows a full-blown medical savings account proposal to go forward and to put it into the mix of health care delivery options, insurance options, again, creating more choices, creating, in this case, a high deductible insurance option that is very attractive to people who we have a very difficult time bringing into the insurance system but are very important to get in there, and those are younger workers, in particular.

We have a very difficult time convincing younger uninsured people that it is maybe worthwhile to go out and buy insurance coverage. Most young people think they are infallible, that they cannot be hurt, that they do not need insurance. What we do is create a savings component to health insurance which is a very attractive thing, particularly for younger people and yet, at the same time, very useful for everyone—once people understand how the dynamics of medical savings accounts work.

So it has the dual components of attracting those very desirable people into the insurance pool—younger workers who have, in fact, less health care costs—and at the same time provides the kinds of choices and quality and the proper incentives to the rest of the population in the health care system through these medical savings accounts.

So I am very excited that what we have been able to accomplish in this bill is not just to provide some hot button issues with regard to HMOs which poll well—and I understand that——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. We have provided a comprehensive approach to health care reform and one that I think we can all be very proud of.

I thank the Senator from Oklahoma for yielding me time.

Mr. KENNEDY. I yield 2 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senate for yielding.

You know what this reminds me of? This reminds me of the Senate. Imagine, both sides of the aisle—Republican and Democrat—on the floor discussing and debating an issue which counts with American families—health insurance.

Is it going to be there when we need it? Will it be affordable? Can we trust our doctors not to be overruled by insurance company bureaucrats?

I like this debate. That is why I ran for the Senate. But in 10 minutes there will be a vote on a Republican motion to table to end this debate, to stop it, to say that there is going to be no further debate, no future amendments—it is over.

I do not think that makes sense. Weren't we sent here to enter into this debate? To face these issues on an up-or-down vote? I am prepared to do that.

I know that some of the votes on these amendments will not be easy, but I think we have an excellent bill in the Democratic Patients' Bill of Rights, a bill that has been endorsed by every major health organization, children's advocacy groups, and labor-business across the board.

I am prepared to stand and defend this bill, offer amendments that give to families the assurance they are going to get quality health care. But the Republican side does not want this debate. They do not want to vote on these amendments. They called it "health care-plus." It is "health care-minus." Every day they are taking away from American families their power to choose a doctor, their power to have the right specialist, their willingness, I guess, to sit down with their doctor and realize they are getting an honest answer.

It is a shame that in 10 minutes this motion to table is going to come before us. This really resembles the Senate—deliberation on an issue that counts. I hope the motion to table is defeated. Let's have the real debate on this issue.

I yield back my time.

Mr. BINGAMAN. Mr. President, I rise to today to ask my colleagues to consider several intriguing questions. What would we do if I told you that Americans were deliberately being denied access to our country's greatest technologies and developments? What if I told you that there is a business in this country that is permitted to make any kind of business decision they want and potentially adversely effect millions of consumers' lives and not be held accountable? What if I told you that Congress has had the answer to these questions and, most importantly, the solutions to these problems but because of a few people and a great deal of money from one special interest group, the American people have been denied a substantially better quality of life? Well, unfortunately, all this is true.

Over 200 organizations representing doctors, nurses, patients' right advocates, consumer organizations and labor groups and American people everywhere have all spoken loud and long: The time is now to pass a meaningful patient's bill of rights. My Democratic colleagues stand ready, once again, to engage in a discussion with our Republican colleagues so that we can finally put the American people's interest before health insurance company profits.

Over 100 million workers who labor hard and pay health insurance are being denied critical medical services. We are led to believe by some that the health care system under managed care is working just fine. In our own circles of friends and family, we know that this is simply not true. The numbers are staggering. I have a chart here that will not surprise anyone.

In 1998, 115 million Americans either had a problem or knew someone who had a problem with managed care and that number is dramatically on the rise. Let me say that again. At least, 115 million people in this country are experiencing difficulties obtaining medical services for which they pay for every month. The issue is clear. Managed health care reform is long overdue.

First and foremost, we need a managed health care system that is inclusive, providing the best health care for everyone that spends their hard earned dollars on health insurance. The Republican managed care bill leaves out over 100 million Americans: two-thirds of those that have private health insurance. Let me be even more specific using my own State, New Mexico, as a example of what I am referring to.

There are approximately 900,000 privately insured patients in the State of New Mexico. Without passage of the

Democratic Patients' Bill of Rights, look at the list of major patient protections that over 900,000 New Mexicans will not have.

Under the Republican bill, almost 700,000 New Mexicans will not have substantive protections and 350,000 will not be covered at all if the Republicans pass their bill. The Democratic Patients' Bill of Rights will assure that 900,000 New Mexicans will receive all these protections that I have listed on this chart.

These numbers represent real people with real health concerns. These numbers represent people who expect Congress to put the health interests of Americans first.

Let me address just a few of the basic protections that I believe a managed care system should provide and that, in fact, the Democratic Patient's Bill of Rights includes.

We need a managed care health system that does not financially penalize health care professionals who try to provide the best care for their patients. We can no longer permit managed care companies to fire providers who report quality concerns or who speak up on behalf of their patients and assist their patients when their HMO denies care.

We need a managed care health system that does not allow HMO's to operate with few providers and long waiting periods for appointments, and that force patients to drive long hours to get needed care, even if there are qualified providers nearby. Where you live in our country should not be reason enough to exclude you from the best medical care available. In a state such as New Mexico this is a critical concern.

We need a managed care health system that does not prohibit health plans from excluding non-physician providers such as nurse practitioners, psychologists, and social workers from their networks. Under the Republican bill, patients, especially those in rural and other areas without an adequate supply of physicians, could be left out in the cold. Once again, in the State of New Mexico these are critical concerns.

Simply put, we need a managed health care system that puts patient protections first before insurance company profits.

Let me also address one other issue. I have heard concerns from some of my Republican colleagues regarding the impact that reforming health insurance might have on small businesses. I too have long been concerned with the effect of federal policy on this part of the business sector. New Mexico relies significantly on the innovation and hard work of the small businessperson and I have consistently worked to protect their interests. But instead of trying to scare small businesses with inadequate information that seemingly threatens their livelihoods as some might do, let's take a look at the facts.

In a recent study by the Small Business Alliance and the Kaiser Family Foundation, the overwhelming majority of small businesses would continue to provide health insurance after managed care reform and the majority of these business endorsed key elements of the Democratic Patient's Bill of Rights including real independent appeals, access to speciality care, and direct access to OB/GYN services, as well as the patient's right to hold insurance companies accountable for their decisions.

I began my comments asking several fundamental questions about consumer rights. I would like to conclude by encouraging all of my colleagues to consider the issues which I have raised and I look forward to substantive debate on these critical matters that have such a profound effect on the health of this Nation.

We have an opportunity to stand up for American families, protect American children and respond to the needs of American workers. I urge all of my colleagues to stand together with the overwhelming majority of the American people and begin a discussion that will ultimately lead to the passage of a meaningful patient's bill of rights for all Americans. The American people have waited long enough.

Mr. CHAFEE. Mr. President. I would like to clarify my position on these procedural votes regarding managed care reform legislation.

I think Senators on both sides of the aisle are familiar with my position on the need for managed care reform legislation to ensure that health care consumers are treated fairly by their HMOs and other managed care plans.

Indeed, I have authored bipartisan legislation—both in this Congress and the last—to provide a basic floor of federal protections for all privately insured Americans. And, I am pleased to be joined in that endeavor by Senators BOB GRAHAM, JOE LIEBERMAN, ARLEN SPECTER, MAX BAUCUS, CHUCK ROBB and EVAN BAYH.

Though I will vote not to table the Republican bill, I want to make clear, I do not think this bill goes far enough in protecting consumers. Nor am I entirely comfortable with the Democratic bill. Let me cite just a few examples.

In the Chafee-Graham-Lieberman bill, our patient protections would extend to all privately insured Americans—not just to the self-funded component of the ERISA population, as is the case with most of the patient protections in the Republican bill.

A credible enforcement mechanism is also critical to ensuring that any patient protections we adopt here in the Senate are taken seriously by managed care plans. The Chafee-Graham-Lieberman bill contains a strong enforcement mechanism which would permit injured parties to seek redress in federal court. Here the Democratic bill goes too far in exposing health plans to state tort liability, while the strengthened ERISA remedy contained in the Republican bill does not go far enough.

Our bipartisan bill also contains very strong internal and external appeals provisions to ensure that patients get their appeals heard in an expeditious and equitable manner. I am not convinced the Republican bill does enough in this area.

Regardless of our legitimate differences, I am not in favor of trying to force the debate on managed care in this manner. I respectfully urge both sides to work in good faith to arrive at a reasonable time agreement to facilitate an orderly debate as soon as practicable on this very important legislation.

In that regard, I do not think 40 amendments on either side is realistic given all of the other matters competing for the Senate's attention; nor, for that matter, do I think 3 amendments would give the Senate the opportunity to fully debate these issues.

If we are serious about Senate consideration of managed care legislation—as I believe both sides are—I see no reason why we cannot come to an agreement on a date certain for taking up this legislation, and a date certain for completing it. I believe the Senate could complete consideration of this legislation within a period of five or six days.

So, let us proceed in a timely manner to debate these differences and to vote to resolve them. That is our task, and I am willing to help in whatever ways I can to ensure a full and meaningful debate.

Mrs. MURRAY. Mr. President, I rise today to express my frustration and outrage with the inability of the Republican leadership to allow a fair and open debate on a real Patients' Bill of Rights. I do not like the idea of tying up must do appropriations bills to try and force a fair and open debate on access to health care services. However, due to the inability to find a reasonable compromise on the number of amendments, we have been forced to bring this issue to every possible vehicle.

There are many things we do here that simply do not have the impact we seem to think they do. We spend more time debating a constitutional amendment to balance the budget instead of simply doing the hard work to balance the budget. We proved that despite weeks of debate all we needed to do was make the tough choices and balance the budget. Yet when it comes to something like access to emergency room treatment or access to experimental life saving treatments, we can't find three days on the Senate floor. This is the kind of legislation that really does impact American working families. I would argue that it deserves a full and open debate on the Senate floor.

The pending amendment before us is not, and let me repeat, is not a Patient Bill of Rights. Oddly enough it excludes most insured Americans and in many cases, simply reiterates current insurance policy. It does not provide the kind of protections and guarantees that will ensure that when you need your insurance it is there for you and your families. Let's face it, most people do not even think about their health insurance until they become sick. Certainly insurance companies do not notify them every week or month when collecting their premiums that there are many services and benefits that they do not have access to. It is amazing how accurate insurance companies can be in collecting premiums, but when it comes time to access benefits it becomes a huge bureaucracy with little or no accountability.

The Republican leadership bill is inadequate in many areas. Let me point out one major hole in this legislation. During markup of this amendment in the HELP Committee I offered a very short and simple amendment to prohibit so-called "drive through mastectomies." My amendment would have prohibited insurance companies from requiring doctors to perform major breast cancer surgery in an out patient setting and discharging the woman within hours. We saw this happen when insurance companies decided that there was no medical necessity for a woman to stay more than 12 hours in a hospital following the birth of a child. They said there was no need for follow up for the newborn infant beyond 12 hours. There was no understanding of the effects of child birth on a woman and no role for the woman or physician to determine what is medically necessary for both the new mother and new born infant.

I offered the drive through mastectomy prohibition amendment only because an amendment offered earlier in the markup would continue the practice of allowing insurance personnel to determine what was medically necessary. Not doctors or patients, but insurance company bean counters. I offered my amendment to ensure that no insurance company would be allowed to engage in drive through mastectomies. My amendment did not require a mandatory hospital stay. It did not set the number of days or hours. It simply said that only the doctor and patient would be able to determine if a hospital stay was medically necessary. The woman who suffered the shock of the diagnosis of breast cancer; the woman who was told a mastectomy was the only choice; the woman who faced this life altering surgery. She decides.

Unfortunately, my colleagues on the other side did not feel comfortable giving the decision to the woman and her doctor. They did not like legislating by body part. Neither do I. But I could not sit by and be silent on this issue. Defeating the medically necessary amendment offered prior to my amendment, forced me to legislate by body part. I would do it again to ensure that women facing a mastectomy are not sent home to deal with the physical and emotional after shocks.

For many years I have listened to many of my colleagues talk about breast cancer and breast cancer research or a breast cancer stamp. When it sometimes to really helping breast cancer survivors, some of my Republican colleagues vote "no." I hope we are able to correct this and give all of my colleagues, not just those on the HELP Committee the chance to vote "yes."

I also want to remind many of my colleagues who support doubling research at NIH, that we are facing a situation where we have all this great research and yet we allow insurance companies to deny access. Today we heard testimony at the Labor, HHS Subcommittee hearing about juvenile diabetes. It was an inspiring hearing with over 100 children and several celebrities. Yet as I sat there listening to testimony from NIH about the need to increase funding and how close we are to finding a cure, I was struck by the fact that the Republican leadership bill would allow the continued practice of denying access to clinical trials, access to new experimental drugs and treatments, access to specialities and access to speciality care provided at NIH cancer centers.

It does little good to increase research or to find a cure for diabetes or Parkinsons disease if very few can afford the cure or are denied access to the cure. We need to continue our focus on research, but cannot simply ignore the issue of access.

I urge my colleagues to join with me in supporting a real Patient's Bill of Rights that puts the decision on health care back into the hands of the consumer and the physician. It does not dismantle managed care. But it ensures that insurance companies managed care, not profits.

I do not want to increase the cost of health care costs, I simply want to make sure that people get what they pay for. That they have the same access to cure that we as Members of the Senate enjoy as we participate in the Federal Employees Health Benefit Plan. The President has made sure that we have patient protections. Our constituents deserve no less.

Mr. SPECTER. Mr. President, I am voting against tabling both competing versions of the Patient's Bill of Rights because I believe both should be considered by the Senate. I oppose any proposal to limit amendments on either bill and then have just an up or down vote on each Bill.

I believe a bill should be considered in regular order in the usual manner subject to the Senate rules which would permit amendments and debate under our rules without a unanimous consent agreement limiting amendments or debate.

My own preference for the Patient's Bill of Rights is the bipartisan proposal S. 374 sponsored by Senators CHAFEE, GRAHAM, LIEBERMAN, BAUCUS, and myself.

If any bill is called up subject to regular order, the various provisions could be considered and voted upon and the Senate would work its will on the competing provisions.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Two minutes 50 seconds.

Mr. KENNEDY. Two minutes 50 seconds?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. I would like to reserve the last 20 seconds, Mr. President.

Mr. President, to listen to my friends on the other side, you would think that you were hearing the talking points written by the insurance industry: It costs too much.

Here is the CBO report: 4.8 percent for average premiums for employer-sponsored health insurance over 5 years. For the sake of this exercise, call it 5 percent. Say a families' premium is $5,000. That is $250 over 5 years. Allocate that in terms of employer-employee, and you will find that the cost paid by an employee is around the cost of a Big Mac each month. This is a buy to ensure that you are going to have the protections in our legislation.

We hear about all the things that their program is doing. But the one thing that Senator FRIST left out is that they are only covering a third of all of Americans. They are leaving out more than 110 million Americans. If this plan is so good, why not include everyone?

For those that are so concerned about the cost, I hope they are going to explain where they are getting the money that the Joint Tax Committee says their proposal will cost. Their medical savings accounts alone—which are little more than a tax shelter for the rich—are $4.2 billion over the next 7 years. But they don't say how they will pay for it in their proposal.

They are concerned about cost? Why are they expanding that tax loophole? Why aren't they at least jawboning the insurance companies to hold down the 6 to 10 percent increase that we see in the insurance premiums every year just to increase profits?

Every single provision of the Republican bill is riddled with loopholes. It is a bill that only an insurance company accountant could like. As this debate proceeds, we will expose those loopholes.

Mr. President, one of the ways you know a person is by who their friends are. Our friends in this debate are the 200 groups that represent the doctors and nurses—the health delivery professionals—and consumers. Not a single organization supports the opposition.

If our amendment is tabled, it is a vote against children, a vote against families, a vote against women; it is a vote against every individual with a serious health problem, and it is a vote in favor of mismanaged care and a vote in favor of placing insurance company profits ahead of patient care. I hope the motion to table Senator DASCHLE's amendment is defeated.

I yield the remainder of my time.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The majority has 5 minutes 4 seconds, and Senator KENNEDY has 20 seconds.

Mr. NICKLES. Mr. President, I yield 3 minutes to the Senator from Maine.

Ms. COLLINS. Mr. President, I thank the assistant majority leader.

The goal of any patients' rights legislation should be to resolve disputes about coverage, about access to treatment upfront when the care is needed, not months or even years later in a courtroom. That is a fundamental difference between the bill supported by Senator KENNEDY and the proposal that we have advanced.

Our legislation would accomplish this goal by creating a strong internal and external review process. If a patient or a physician is unhappy with an HMO's decision, the patient or the provider can appeal it internally for a review. If they are unhappy with the review decision, the internal review, they have the right for a free and quick review by an external panel. The goal of our legislation is to ensure that people get the treatment they have been promised.

Moreover, the decision of the outside reviewers is binding on the health plan but not on the patient. If the patient is still not satisfied, he or she retains the right to sue in Federal or State court for attorneys' fees, court costs, value of the benefit, and injunctive relief.

Our bill places treatment decisions in the hands of physicians, not trial lawyers. If your HMO denies you the treatment your doctor believes is medically necessary, you should not have to resort to a costly and lengthy court battle to get the care you need. You should not have to hire a lawyer and file an expensive lawsuit to get treatment.

Our approach contrasts with the approach taken in the measure offered by Senator KENNEDY. Their approach, which I do not support, would encourage patients to sue health care plans. You just can't sue your way to quality health care. We want to solve the problems upfront, when the care is needed, not months or even years later, after the harm has occurred.

According to the GAO, it takes an average of 33 months to resolve medical malpractice cases. This does nothing to ensure a patient's right to timely and appropriate care. Moreover, patients only receive 43 cents out of every dollar awarded in malpractice cases. The rest winds up in the pockets of trial lawyers and the administrators of court and insurance systems.

Suing is not the answer. The answer is having a fair, free, and prompt appeals process that gets patients the care they need, the care they were promised before harm can be done.

I recently met with a group of Maine employers who expressed their very serious concerns about the Kennedy proposal to expand liability for health plans and employers. One of these employers was Bowdoin College in Brunswick, ME. I want to talk briefly about Bowdoin's experience.

They moved to a self-funded plan in order to improve the coverage provided to their employees. They now provide an annual physical, low-cost prescription coverage, and well-baby care. But they told me that if the Democrats' proposal to expand liability goes through, it would seriously jeopardize their ability to offer affordable coverage for their employees. They would return to the insurance market and to a plan less favorable to their employees.

I thank the assistant majority leader for yielding the additional minute. I yield back my time to the assistant majority leader.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 12 seconds.

Mr. NICKLES. I will reserve 12 seconds.

In a moment there will be a motion to table the Republican substitute. I hope our colleagues will vote against that motion to table and then, hopefully, after that is not tabled, I will move to table the Kennedy amendment.

Mr. President, I will do so for a couple of reasons. One, it doesn't belong on the agriculture bill. I told my colleagues we are willing to come up with a reasonable time agreement and a limited number of amendments to debate this issue. It doesn't belong on the agriculture appropriations bill.

There are other reasons to table the underlying Kennedy amendment. If you want to increase health care costs, that is what this bill does. It will increase health care costs 5 percent, in addition to the 6, 7, 8, 9 percent of health care inflation. You are going to have a 13 or 14-percent increase in health care costs, which is going to increase the number of uninsured probably by 1.5 million, maybe more. We should not be passing legislation to put 1.5 million people into the uninsured category. That would be a serious mistake.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue that is before us with the proposal that Senator DASCHLE has advanced is a very basic and fundamental one: Who ought to be making the decisions on your health care?

The whole concept behind the Daschle proposal is that we should let the medical professional guide that judgment—the doctor, nurse and patient together. That ought to be the basis of the judgment—not an accountant, not an insurance company official. That is really at the heart of this whole legislation. Our legislation protects that and preserves it.

The other legislation that is reported out of our committee fails to do it. That is why we have the support of the health care professionals and they do not. I hope we will have the opportunity to at least debate these various issues in an orderly way. That is what this battle is about. I hope that we will be able to continue with a reasonable procedure to permit the Senate to make a judgment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am afraid my colleague from Massachusetts didn't hear my colleague from Tennessee state that we do have internal appeals that are decided by physicians. We also have external appeals that are decided by experts in the medical community. So if his statement is correct, he should vote for our proposal. I encourage him to do so.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. Yes.

Mr. LOTT. Mr. President, I move to table amendment No. 703 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 703. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin

Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I notify Senators that this will be the last vote tonight. Tomorrow at 9:30, we will resume consideration of the agriculture appropriations bill which will be clean of the Patients' Bill of Rights. I urge Members to offer amendments to the agriculture appropriations bill as soon as possible. I yield the floor.

AMENDMENT NO. 702

Mr. LOTT. Mr. President, I move to table amendment No. 702, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 702. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEEL IMPORT LIMITATION ACT

Mr. McCAIN. Mr. President, unfortunately I was unable to vote on the cloture petition on the motion to proceed to H.R. 975, the Steel Import Limitation Act. If I was able, I would have voted against cloture. This legislation will not achieve its desired purpose and will only hurt American workers and consumers.

Some supporters of this legislation have asserted that this bill is necessary to support the steel industry. I am willing to do my part to ensure that America continues to have the most efficient and competitive steel industry in the world. The domestic steel industry plays an important role in protecting our national security by ensuring that we will have enough steel to build ships, tanks, planes, and missiles to protect the United States. Additionally, steel remains an important input in large sectors of our economy, including transportation equipment, fabricated metal products, industrial machinery and construction.

However, this legislation is not written to save domestic steel jobs, but instead will jeopardize American jobs. For every 1 job that produces steel, 40 jobs in the downstream industries use steel. If Congress passes this quota legislation, it will cause a shortage and drastic increase in the price of steel that will threaten the jobs of the 8 million employees in steel-using industries. For example, Caterpillar, Inc. uses a heavy special-section steel for bulldozer track-shoes. This steel is not produced in the United States, so Caterpillar imports it from overseas to its American plants. If we pass this quota legislation, Caterpillar will not be able to import the steel it requires, which will threaten the jobs of Caterpillar's 40,261 workers in the U.S.

I also do not think that this quota legislation will help the steel industry. According to the Wall Street Journal, American steelmakers buy up to 25% of the steel coming into the United States. The steel companies need to buy this steel to reach their highest capacity of steel production. Weirton imports close to 400,000 tons of slab a year. Bethlehem Steel imported at least 416,000 tons of steel last year. If we shut off the necessary imports of foreign steel to these companies, how can they keep American steel product workers employed?

While I know that the steel industry has been affected by the dumping of foreign steel in the U.S. market, I believe that the proper steps have been taken to deal with this crisis. Since January, 1999, 42 antidumping and countervailing duty steel investigations have been initiated or completed. As a result of just one of these antidumping cases, duties of between 67.14% and 17.86% will be imposed on select Japanese firms. These duties will ensure that U.S. companies will have a better chance to compete.

That the existing process for handling anti-dumping cases is working is proven by the recent statistics on steel imports. Total steel imports dropped 42% from August, 1998, to April, 1999. In fact, April, 1999, imports are actually 6% below steel imports in April, 1997. Imports of hot-rolled steel, which account for 25 percent of all steel imports, fell 72% since the peak levels of November, 1998. Hot-rolled steel imports from Japan, Russia, and Brazil fell almost 100% from November to April. It is no wonder that Secretary Daley said in the Friday, June 18, Washington Post that "the steel crisis of '98, in my opinion, is over." Given the decline in recent imports, there seems to be no need for this legislation. These results, under existing law, were attained in a manner fully consistent with our obligations under the World Trade Organization.

This leads me to a more important point. We should not look at this legislation in only the narrow view of what it will do for the steel industry. Instead, we should see what it will do to the world economy.

The past two years have been devastating for many of our trading partners. Most of Asia is slowly turning the corner back from the disaster of the Asian economic crisis. Just recently, Japan announced a positive growth rate of 1.9% after six successive quarters of contraction. Both Brazil and Argentina have suffered from economic turmoil. In Europe, the Russian economy remains a basket case. Germany, the former European economic powerhouse, grew a mere 0.4% in real terms, and is on the verge of recession.

The United States must be careful not to do anything that will plunge the world into recession. If we were to pass this non-WTO compliant legislation, the likely result is that other countries will respond by limiting our products from their markets. The resulting trade wars could affect millions of workers and lead to economic and political turmoil. While some view such a result as extreme, we all should remember that the Smoot-Hawley tariff legislation started a similar series of trade wars in the early 1930s that directly corresponded to the rise of Hitler and the origins of World War II.

Some would urge us to pass this legislation with the hopes that it will emasculate the WTO. I can only tell you how much I regret this short-sighted view. The United States, more than any other country, created today's trading system based on the principles of free trade. It was developed after witnessing how the trade wars of the 1930s led to the worldwide calamity of World War II. The United States has pursued a trade policy based on open markets for more than 50 years under both Republican and Democratic leadership. We should not allow misguided politics to destroy all of the gains that we fought so hard to achieve, precisely when we are reaping the benefits of these policies.

Instead, the United States, which has the strongest economy in the world, should try to use its leverage to continue to open markets. We should open the November WTO Ministerial as the champions of competition and open markets, not hiding behind a wall of quotas and tariffs. We in Congress should do our part to ensure that the United States remains in its position of world leadership. Instead of debating this ill-advised quota bill, we should be passing fast track authority for the President. The President needs this authority to continue to make agreements to knock down foreign barriers to American goods. Additionally, we should pass legislation to grant NAFTA parity to our Caribbean allies and to give trade incentives to help Africa grow and prosper. My hope is that after we reject this current legislation, we can start debating real progress in trade policy and how we can eliminate barriers to foreign goods to ensure that our citizens continue to prosper into the 21st Century.

In conclusion, I congratulate my colleagues who voted against cloture on the motion to proceed to this legislation. We will now begin the next global century not hiding behind barriers, but continuing the fight for open markets and prosperity.

Mr. DODD. Mr. President, I would like to take a few brief moments to comment on the cloture vote that just occurred regarding H.R. 975, the Steel Import Limitation bill.

As has been noted by several of my colleagues this afternoon, this was a difficult vote. There exist compelling interests on both sides of the steel quota issue that were only touched upon earlier. Without question, this legislation is critically important to those men and women involved in the steel industry who have suffered financially due to alleged steel dumping practices. At the same time, this bill could also have a profound effect on this country's trade policy and countless other American industries' relationships with our foreign trading partners.

Understanding that these are cursory assessments of the deeper substance of this bill, I present them simply to underscore the need to discuss the bill at greater length, to emphasize the importance of allowing Senators the opportunity to articulate their specific concerns and positions on this legislation. This was not a vote on final passage or a vote to support this bill in its current form. Rather, it was a vote to move forward and fully consider this legislation and amendments to it. Regardless of one's opinion on the impact of this legislation, it deserved the chance to be considered and debated completely and fairly.

THE GOVERNMENT OF BOLIVIA'S COUNTERNARCOTICS PROGRAM

Mr. LOTT. As the Senate moves toward consideration of the Foreign Operations Appropriations Act for Fiscal Year 2000, I want to note the significant efforts being made by the Government of Bolivia in its counternarcotics program. Since taking office in August, 1997, the government of Hugo Banzer has reduced Bolivia's cocaine production potential by a remarkable 40 percent. This is historic progress, which I hope will be emulated by other nations in the region. I ask unanimous consent to have printed in the RECORD a letter I received from the Vice President of Bolivia, Mr. Jorge Quiroga Ramirez, which discusses the Bolivian Government's plans and seeks continued American assistance in its counternarcotics efforts.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESIDENCIA DEL CONGRESO NATIONAL, VICEPRESIDENCIA-DE LA REPUBLICA,

La Paz, May 24, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SIR: I am writing to ask your help in addressing Bolivia's counter-narcotics needs in the coming Fiscal Year. As you are aware the government of President Banzer has embarked on an ambitious program (the Dignity Plan) to end our country's involvement in the illegal drug trade by the time we leave office in 2002. To date, the Dignity Plan has produced impressive results. In just twenty—one months we have successfully eradicated close to 40% of coca crops that go into making cocaine, and we are on target to meet our goal of a drug-free Bolivia by 2002. Our success thus far has been achieved through a combination of national political will and assistance from the international donor community.

We are at a critical juncture in the development of the Dignity Plan. Having gained broad based domestic support for our policies, we now have to show our people that we can provide more legitimate commercial ventures as alternatives to coca in order to keep them from returning to coca planting in the future. It would be a profound tragedy for Bolivia and for the consumer nations if, after scud successful eradication, we were unable to hold the progress gained. The Bolivian people are willing to leave the illegal narcotics circuit if we can show them that feasible commercial alternatives exist. Where we have accomplished this, re-planting rates are at historical lows and our system of community—based compensation (as opposed to individual compensation) provides the best incentives for keeping our farmers in legitimate agricultural enterprises.

Proud as we are of our record, we know that the most difficult work lies ahead. We must maintain historic levels of eradication while dramatically enhancing our Alternative Development efforts to ensure that this eradication holds. For these reasons we are turning to the international donor community, and especially to the United States. I must be candid in stating, however, that the levels of counter-narcotics and alternative development funding which have recently been proposed for Bolivia, will fall well short of our needs.

In February of this year I visited Washington to present a comprehensive budget for the last years of our Dignity Plan. This figure of $384 million from the United States (coupled with our own contributions and those from Europe) across four years represents our best estimates of waht will be required to move our country out of the international narcotics circuit. As a former Finance Minister I understand and respect the need for fiscal discipline and I know that the United States Congress is struggling with its own budget priorities for the coming years. I would point out, however, that we have a once-in-a generation opportunity to completely win a battle, in Bolivia, in the worldwide war against drugs. If we fail to meet this challenge it may take us decades to arrive at this point again as the credibility of counter narcotics programs will suffer.

I would like to again ask your help and support in locating the resources needed for complete funding of the Dignity Plan request. With the proper levels of assistance we can soon celebrate with the United States the day when my country is out of the drug circuit entirely and Bolivian based cocaine no longer plagues the streets of our countries. The war on drugs needs its first victory. With your help Bolivia can be that victory.

Thank you for your support and consideration.

Sincerely,

JORGE F. QUIROGA R.,
Vicepresident of the Republic of Bolivia,
President of the National Congress.

RETIREMENT OF GENERAL CHARLES KRULAK

Mr. INOUYE. Mr. President, today I would like to recognize the outstanding service to our nation of General Charles Krulak, Commandant of the Marine Corps who is about to retire. General Krulak is completing 35 years of active service in the Marine Corps since he graduated from the U.S. Naval Academy in 1964. During his service, the General obtained a Masters Degree in Labor Relations from George Washington University. He is also a graduate of the Amphibious Warfare School, the Army Command and General Staff College, and the prestigious National War College.

General Krulak's illustrious career included command of a platoon and two rifle companies during two tours of duty in the Vietnam conflict. He has been a battalion commander, Commanding General of a Marine Expeditionary Brigade, and the Assistant Division Commander of the 2nd Marine Division located at Camp Lejeune, North Carolina. He later was assigned duties as the Commanding General of the 6th Marine Expeditionary Group and Commanding General of the 2nd Force Service Support Group. He served as the Commanding General of this Force Service Support Group during Operation Desert Storm in the Persian Gulf. In addition to these command assignments, General Krulak's professional career has included a wide variety of other command and staff assignments including a tour of duty in the Office of the Secretary of Defense and the White House.

In June 1989, General Krulak received his first star and, three years later, he was promoted to Major General and assigned to the Marine Corps Combat Development Command at Quantico, Virginia. One year later, he was promoted to Lieutenant General. This was followed by a transfer to Hawaii and assignment as Commander, Marine Forces Pacific. It was in this role that I became personally acquainted with this Marine's remarkably high degree of professionalism. Four years ago, General Krulak became the 31st Commandant of the Marine Corps, during which he led our Marines admirably and set a high degree of professionalism not only in basic training, but also throughout the entire Marine Corps. He established, demanded and obtained a high degree of moral conduct from his Marines as a direct result of his exemplary leadership. However, the General's positive attributes do not stop there. He has demonstrated a remarkable ability to visualize and plan for the weapons, equipment, doctrine, tactics, and techniques the Marine Corps will be using for decades ahead.

It is an honor for me to recognize the high quality of leadership this General has given our Marines these past four years. Our nation has been fortunate in having him as Commandant of the Marine Corps.

I know the members of the Senate will join me in paying tribute to General Krulak and wishing him and his lovely wife, Zandi well in their retirement. We will sorely miss them.

In addition to expressing our fond farewell to General Krulak, I want to take this opportunity to welcome the 32nd Commandant of the Marine Corps, General James L. Jones. General Jones is no stranger to the U.S. Senate. He served here in the U.S. Marine Corps Liaison office from August 1979 until July 1984. I am confident General Jones will serve our nation as Commandant in a comparable manner as his predecessor. Welcome aboard General Jones.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314(b)(4) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided for arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	533,652,000,000	543,958,000,000
Violent crime reduction fund	4,500,000,000	5,554,000,000
Highways		24,574,000,000
Mass transit		4,117,000,000
Mandatory	321,502,000,000	304,297,000,000
Total	859,654,000,000	882,500,000,000
Adjustments:		
General purpose discretionary	+319,000,000	+9,000,000
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+319,000,000	+9,000,000
Revised Allocation:		
General purpose discretionary	533,971,000,000	543,967,000,000
Violent crime reduction fund	4,500,000,000	5,554,000,000
Highways		24,574,000,000
Mass transit		4,117,000,000
Mandatory	321,502,000,000	304,297,000,000
Total	859,973,000,000	882,509,000,000

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,428,601,000,000	1,415,340,000,000	−7,258,000,000
Adjustments: Arrearages	+319,000,000	+9,000,000	−9,000,000
Revised Allocation: Budget Resolution	1,428,920,000,000	1,415,349,000,000	−7,267,000,000

KOSOVO

Mr. CRAIG. Mr. President, today I rise to speak about a resolution related to Kosovo which was brought before the Senate late last Thursday evening and adopted by unanimous consent.

This concurrent resolution commends the President and the Armed Forces for the "success" of Operation Allied Force. I had reservations in supporting this resolution, but ultimately decided to do so because it provided an opportunity to honor the men and women in uniform who put their lives on the line for this dangerous cause.

However, to term this operation a success, either now or in the foreseeable future, is an unconscionable stretch of the truth, at best. This mission represented a complete failure of the Clinton administration's foreign policy. This resolution also implies that the book has been closed on Kosovo, and peace will reign in the Balkans. I do not think it is necessary to remind the Senate of the bloody and tumultuous history of the region, or the uncertainty of the future. And it certainly is not appropriate to mislabel this foreign policy mishap as a success.

The failure of the administration's policy was apparent from the negotiations at Rambouillet. It was one-sided from the beginning and Secretary Albright made no secret where the administration's loyalties lay: "If the Serbs are the cause of the breakdown, we're going to go forward with the NATO decision to carry out air strikes," she threatened. It was NATO's way, or no way. It is little wonder an agreement was not reached. The arrangement provided no preservation of national sovereignty for Yugoslavia. NATO troops would have been authorized "free and unrestricted passage and unimpeded access throughout the FRY [Federal Republic of Yugoslavia]." There was also no guarantee, and indeed evidence to the contrary, that Yugoslavia's sovereignty and territorial integrity would remain intact after NATO troops rolled into the country. The United States took sides in the negotiations, and then wondered why the Serbs refused to sign the proposed agreement.

Equally harmful to the peace process was the lack of historical understanding with which the administration engaged in the negotiations. Kosovo is the site of key historical and religious monuments for the Serbs. However, the President and Secretary failed to recognize this fundamental fact. It was both arrogance and shortsightedness which allowed the administration to proceed on this flawed course to disaster. I do not claim to be a scholar of the region myself; however, I am not arrogant enough to believe one can solve centuries-old conflicts with three nights of an air campaign, as the administration originally anticipated.

The administration "policy" was nothing more than a policy du jour. At first, the goal of the air strikes was to bring Milosevic to the negotiating table. Next, the strikes were to harm Serb military might. Then strikes were to force a complete Serb withdrawal from Kosovo. Regardless of what the strikes were supposed to do, they were never part of a methodical, strategic plan. Instead, they were a knee-jerk reaction to daily events.

Perhaps most disconcerting is the potential damage the operation may have inflicted on the NATO alliance. This mission marked the first time in the 50 years of the alliance's history that it was involved in an operation that had nothing to do with defending the territorial integrity of one of its members. The operation should be proof positive about the dangers of a "new strategic concept" that would expand NATO's missions beyond territorial self-defense to peacekeeping arenas outside its borders. NATO maintains a hefty burden in protecting members from an unstable Russian and Korean Peninsula, and the growing proliferation threat around the world without the burden of regional peace-keeping, or other humanitarian missions which have nothing to do with preserving the territorial integrity of members.

I point out these facts not to lessen the impact of the human tragedy that occurred in Yugoslavia before the bombing began, or to lessen the responsibility of Milosevic's role in that tragedy. However, I feel compelled to raise this issue in the Senate today because it is premature to hail the Kosovo agreement as a success. Today, the Balkans are far less stable than when the operation began on march 24. The lesson to be learned from this operation should not be that good intentions are good reasons for foreign policy whims, particularly when those whims risk the lives of our men and women in uniform.

The brave men and women of the Armed Forces deserve the praise and thanks of a grateful nation for serving with distinction and honor. I wholeheartedly join the Senate in thanking the members of the Armed Forces who served in the campaign in the Balkans. However, I am not ready to endorse this ill-conceived mission as a victory for the United States or NATO. Instead, this mission ought to go down in the history books as a lesson in what foreign policy blunders should be avoided in the future.

To recover from this blunder, the President must provide a comprehensive post-war plan for the region. Bringing true peace to Kosovo will depend on the development of a stable balance of power on the ground. Whatever course of action is pursued by the administration, it must be one that ultimately would help the United States and its NATO allies to reduce their military commitments in the Balkans, and avoid entangling the United States and the Alliance in another Kosovo in the future.

U.S. CITIZENS KILLED IN ACTS OF TERRORISM

Mr. ASHCROFT. The defense of American citizens is the highest duty of our government. That duty is fulfilled not only by protecting Americans at home, but U.S. citizens when they are abroad. This nation is a city on a hill, and our stand against oppression often has made us a target for those dark forces of violence and tyranny in the world. Terrorism is and will continue to be a principal weapon of those who would seek to threaten the United States and all for which our country stands.

The Middle East is the region of the world with the greatest amount of terrorist activity. Five of the seven state sponsors of terrorism are located in or border on the region the State Department defines as the Near East. Our close ally Israel is often the target of terrorist groups operating in the Middle East, and the deaths of Americans due to terrorist attacks in Israel has been of particular concern to me.

My amendment to the State Department Authorization bill simply requires the State Department to compile a report on U.S. citizens who have been killed in terrorist attacks in Israel or in territory controlled by the Palestinian Authority. The report will include a list of terrorist attacks in which U.S. citizens were killed and information on the groups of individuals responsible for the attack. The whereabouts of suspects implicated in the attacks, whether each suspect has been incarcerated or incarcerated and released, the status of each case pending against each suspect, whether the State Department has offered any reward for these terrorist suspects, and an overview of U.S. efforts to investigate and apprehend these suspects are particular points of concern my amendment addresses.

Since the signing of Oslo in 1993, at least 12 American citizens have been killed in terrorist attacks in Israel or territory controlled by the Palestinian Authority: Nachson Wachsman, Joan Davenny, Leah Stern, Yael Botwin, Yaron Unger, Sara Duker, Matthew Eisenfeld, Ira Weinstein, Alisa Flatow, David Boim, Daniel Frei, and Yitzchak Weinstock.

Responsibility for almost all of these murders has been claimed by Hamas or Palestinian Islamic Jihad, two terrorist groups supported by Iran and Syria and dedicated to the destruction of Israel.

Terrorism's toll on Israel has been high as well. Since the beginning of the Oslo process in 1993, Israel has lost more than 280 of its citizens to terrorist violence in over 1,000 terrorist attacks (a portion of the Israeli population comparable to 15,000 Americans).

Jean-Claude Niddam of the Israeli Ministry of Justice testified before the Senate Appropriations Foreign Operations Subcommittee on March 25, 1999, and gave an overview of the difficulties related to prosecuting suspects implicated in the murder of U.S. citizens.

First, Mr. Niddam notes that terrorists suspected of killing Americans have found shelter in the Palestinian Authority. For the last 4 years, Israel has submitted almost 40 official requests to the Palestinian Authority to transfer suspects implicated in terrorism against Israelis and Americans, but has yet to receive a reply. Out of 38 requests to arrest and transfer terrorist suspects, only 12 suspects are currently under arrest and 7 are serving or served until recently in the Palestinian police force.

Mr. Niddam's testimony focused on eight terrorist suspects involved in terrorist attacks against Americans.

Three of these suspects have been detained by the Palestinian Authority. One of those imprisoned, Imjad Hinawi, confessed in a Palestinian court to the murder of David Boim. The confession was witnessed by a U.S. embassy official present at the trial. If there is a good reason why the Administration has not indicted Mr. Hinawi, it is the time for a clear explanation.

Another suspect, Ibrahim Ghanimat, linked to the shooting deaths of Yaron Unger and his wife Efrat, spends his nights in prison but is free to come and go during the day. Adnan al-Ghul, Yusuf Samiri, and Mohammad Dief, three other suspects involved in the killings of Americans, are all at large. Nafez Sabi'h was implicated in a bombing that killed three Americans, but was believed to be serving in the Palestinian police force until several months ago.

In recent years, other suspects implicated in the murder of American citizens have served in the Palestinian police force. In July 1998, the Israeli Government released a report stating that four terrorist suspects involved in the February 1996 Jerusalem bus bombing, in which three American citizens were killed, were serving in Palestinian security forces.

A climate conducive to terrorism is the most serious threat to a lasting peace settlement in the Middle East. When Abul Abbas, the hijacker of the Achille Lauro, lives freely in Gaza and is a close associate of Yasser Arafat; when the Palestinian Authority's official media arm, the Palestinian Broadcasting Corporation, airs programming which teaches Palestinian children to hate Israelis; when terrorist suspects are given positions in the Palestinian security forces—genuine peace is undermined and U.S. interests endangered in the Middle East.

It is time for the United States to get serious about defending its own. President Clinton promised that no quarter would be given to terrorists who killed 12 Americans in the Africa embassy bombings in August 1998. But I fear this administration has not been pursuing aggressively terrorist suspects implicated in the murder of a similar number of Americans in Israel.

Recent testimony by top administration officials does not indicate that our resolve to prosecute these cases is strengthening. Martin Indyk, Assistant Secretary of State for the Near East, was called to testify before the Senate Appropriations Committee last March on terrorism against U.S. citizens, but his written testimony did not even discuss these cases or what the State Department is doing to resolve them.

George Washington once said that if we desire to avoid insult, we must be able to repel it. A credible defense deters aggression and war, and a similar principle is at work in meeting the threat of terrorism today. If terrorists know they will suffer for attacking Americans, they will be less likely to engage in such violence. President Reagan's response to Libyan terrorism quieted that government for over a decade.

While we cannot prevent violence against every American abroad, we can ensure that terrorists who attack U.S. citizens are pursued relentlessly. I call on the administration to wage a more aggressive campaign against terrorists who have killed Americans, and this report will give Congress the ability to review the administration's efforts more effectively. I thank Senator HELMS and Senator BIDEN for their assistance with this amendment.

EXPLANATION OF ABSENCE

Mr. DODD. Mr. President, on Thursday, June 17, 1999 and Friday June 18, 1999, I was not present during Senate action on rollcall vote No. 174, a motion to table Senator McCAIN's amendment No. 685; rollcall vote No. 175, a motion to table Senator MURKOWSKI's amendment No. 686; and rollcall vote No. 176, H.R. 1664, the Emergency Steel, and Oil and Gas Loan Guarantee Act. Yesterday, I was not present during Senate action on rollcall vote No. 177, Senator SARBANE's amendment to S. 886, the State Department reauthorization bill. During these times, I was in Connecticut attending to matters related to my marriage on June 18, 1999, to Jackie M. Clegg.

Had I been present for these votes, I would have voted aye in each case.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 21, 1999, the federal debt stood at $5,589,358,011,973.65 (Five trillion, five hundred eighty-nine billion, three hundred fifty-eight million, eleven thousand, nine hundred seventy-three dollars and sixty-five cents).

Five years ago, June 21, 1994, the federal debt stood at $4,594,505,000,000 (Four trillion, five hundred ninety-four billion, five hundred five million).

Ten years ago, June 21, 1989, the federal debt stood at $2,782,728,000,000 (Two trillion, seven hundred eighty-two billion, seven hundred twenty-eight million).

Fifteen years ago, June 21, 1984, the federal debt stood at $1,510,017,000,000 (One trillion, five hundred ten billion, seventeen million).

Twenty-five years ago, June 21, 1974, the federal debt stood at $470,147,000,000 (Four hundred seventy billion, one hundred forty-seven million) which reflects a debt increase of more than $5 trillion—$5,119,211,011,973.65 (Five trillion, one hundred nineteen billion, two hundred eleven million, eleven thousand, nine hundred seventy-three dollars and sixty-five cents) during the past 25 years.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1256. A bill entitled "Patients Bill of Rights."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3852. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Delist the Plant 'Echinocerus lloydii' (Lloyd's Hedgehog Cactus)", received June 18, 1999; to the Committee on Environment and Public Works.

EC–3853. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Missouri" (FRL #6364–3), received June 18, 1999; to the Committee on Environment and Public Works.

EC–3854. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical and Procedural Amendments to TSCA Regulations-Disposal of Polychlorinated Biphenyls (PCBs)" (FRL #6072–4), received June 18, 1999; to the Committee on Environment and Public Works.

EC–3855. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Actions for Leased Equipment" (DFARS Case 99-D012), received June 16, 1999; to the Committee on Armed Services.

EC–3856. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Timing of Police Corps Reimbursements of Educational Expenses" (RIN1121–AA50) (OJP–1205), received June 18, 1999; to the Committee on the Judiciary.

EC–3857. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting pursuant to law, the report of a rule entitled "Performance of Certain Functions by National Futures Association With Respect to Those Foreign Firms Acting in the Capacity of a Futures Commission Merchant," received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3858. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Applications for Contract Market Designations", received June 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3859. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Program to Assess Organic Certifying

Agencies" (LS–99–04), received June 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3860. A communication from the Legal Counsel, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reallocation of TV Channels 60–69, the 746–806 MHz Band" (ET Docket No. 97–157) (FCC 98–261), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3861. A communication from the Legal Counsel, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service" (ET Docket No. 95–18) (FCC 98–309), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3862. A communication from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 1999 Tariff-Rate Quota Year" (7 CFR Part 6), received June 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3863. A communication from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Programs to Help Develop Foreign Markets for Agricultural Commodities (Foreign Market Development Cooperator Programs)" (7 CFR Part 1550), received June 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3864. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Office of Inspector General; to the Committee on Finance.

EC–3865. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3866. A communication from the Under Secretary of Defense, transmitting pursuant to law, the report of a violation of the Antideficiency Act, case number 96-04; to the Committee on Appropriations.

EC–3867. A communication from the Under Secretary of Defense, transmitting pursuant to law, the report of a violation of the Antideficiency Act, case number 95-10; to the Committee on Appropriations.

EC–3868. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC–3869. A communication from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Rural Rental Housing Service" (RIN0575-AC14), received June 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3870. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report entitled "Federal Sector Report on EEO Complaints and Appeals" for fiscal year 1997; to the Committee on Health, Education, Labor, and Pensions.

EC–3871. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b) of the Commission's Rules, Table of Allotments, FM Broadcast Stations (Sibley, Iowa and Brandon, South Dakota)" (MM Docket No. 96-66), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3872. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b)Table of FM Allotments, FM Broadcast Stations Joliet, Montana, Eden, Texas, Lockwood, Montana, Florence, Montana, Perry, Florida, Ashland, Wisconsin and Belt, Montana" (MM Docket Nos. 99-12, 99-16, 99-19, 99-20, 99-21, 99-22, and 99-17), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3873. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b)Table of FM Allotments; FM Broadcast Stations Kerrville, Leakey and Mason, Texas (MM Docket No. 97-244), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3874. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to the receipt and use of funds by candidates who accepted public financing for the 1996 Presidential Primary and General Elections; to the Committee on Rules and Administration.

EC–3875. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled "Additions to and Deletions from the Procurement List", received June 21, 1999; to the Committee on Governmental Affairs.

EC–3876. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999 and the report on final action taken on the Inspector General audits; to the Committee on Governmental Affairs.

EC–3877. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Audit Report Register for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC–3878. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting jointly, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999, and comments on the report; to the Committee on Governmental Affairs.

EC–3879. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Potomac River, Washington, D.C.; to the Committee on Environment and Public Works.

EC–3880. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to headquarters staffing in the DoD; to the Committee on Armed Services.

EC–3881. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to inventory practices for the acquisition and distribution of secondary supply items; to the Committee on Armed Services.

EC–3882. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Ironton and Salem, Missouri" (MM Docket No. 99–71), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3883. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Reno, Texas, Fort Benton, Montana and Fairfield, Montana" (MM Docket Nos. 99–62, 99–60, 99–59), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3884. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Commission's Rules regarding the main studio and public file of broadcast television and radio stations" (MM Docket No. 97–138), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3885. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order in the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996; Amendment of the Commission's Rules and Policies Governing Pole Attachments" (CS Docket No. 97–151) (FCC 98–20), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3886. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Order on Reconsideration and Second Report and Order in the Matter of Definition on Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules" (CS Docket No. 95–178) (FCC 99–116), received June 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3887. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 206H and T206H Airplanes; Request for Comments; Docket No. 99–CE–23 (6–18/6–21)" (RIN2120–AA64) (1999–0249), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3888. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Taylor, AZ; Docket No. 97–AWP–2 (6–21/6–21)" (RIN2120–AA66) (1999–0203), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3889. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Santa Catalina, CA; Direct Final Rule; Request for Comments; Docket No. 99–AWP–6 (6–21/6–21)" (RIN2120–AA66) (1999–0204), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3890. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Emporia, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–24 (6–21/6–21)" (RIN2120–AA66) (1999–0205), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3891. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; York, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–25 (6–21/6–21)" (RIN2120–AA66) (1999–0206), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3892. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Macon, MO; Direct Final Rule; Confirmation of effective date; Docket No. 99–ACE–20 (6–21/6–21)" (RIN2120–AA66) (1999–0207), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3893. A communication from the Deputy Chief, Information Technology Division, Wireless Telecommunication Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Part 0 of Chapter I of Title 47 of the Code of Federal Regulations; Part 0—Commission Organization; Section 0.453 Public reference rooms and Section 0.455 Other locations at which records may be inspected; Amendment of Part 0 of FCC rules to close the WTB's Gettysburg Reference Facility" (WT Doc. 98–160) (FCC 99–45), received June 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3894. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employment Tax Deposits—De Minimis Rule" (RIN1545–AW28), received June 18, 1999; to the Committee on Finance.

EC–3895. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Extending the period of duration of status for certain F and J nonimmigrant aliens" (RIN1115–AE47) (INS No. 1992–99), received June 21, 1999; to the Committee on the Judiciary.

EC–3896. A communication from the Acting Administrator, Cooperative State Research, Education and Extension Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Research Grants Program: Amended Administrative Provisions" (7 CFR Part 3400), received June 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3897. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Instruction Concerning Prenatal Radiation Exposure" (Regulatory Guide 8.13, Revision 3), received June 21, 1999; to the Committee on Environment and Public Works.

EC–3898. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–209. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania, relative to North Korea; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 25

Whereas, There are believed to be at least 11 Americans, some of them possible prisoners of war, living in North Korea; and

Whereas, The Democratic People's Republic of Korea representatives requested prominent American businessman and POW/MIA activist Ross Perot to come to North Korea to discuss the status of the Americans; and

Whereas, United States Intelligence reports include information on sightings of Americans in North Korea and on the existence of American POW/MIAs from the United States of America's involvement in the Korean War, the Vietnam War and Cold War-related activities; and

Whereas, POW/MIAs are believed to be held in the Democratic People's Republic of North Korea, the People's Republic of China, Russia and Vietnam; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress of the United States to take whatever steps necessary to initiate talks with the Democratic People's Republic of Korea, the People's Republic of China, Russia and Vietnam for the purpose of obtaining the release of Americans being held against their will; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and to the presiding officers of each house of Congress.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH, for the Committee on Finance:

Lawrence H. Summers, of Maryland, to be Secretary of the Treasury.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. SCHUMER):

S. 1257. A bill to amend statutory damages provisions of title 17, United States Code; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1258. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

S. 1259. A bill to amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes; to the Committee on the Judiciary.

S. 1260. A bill to make technical corrections in title 17, United States Code, and other laws; to the Committee on the Judiciary.

By Mr. DODD:

S. 1261. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel YANKEE; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. COCHRAN, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Mr. DASCHLE, Mr. REID, and Mrs. MURRAY):

S. 1262. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. HATCH, and Mr. GORTON):

S. 1263. A bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KENNEDY):

S. 1264. A bill to amend the Elementary and Secondary Education Act of 1965 and the National Education Statistics Act of 1994 to ensure that elementary and secondary schools prepare girls to compete in the 21st century, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COVERDELL (for himself, Mr. SCHUMER, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. HELMS, Mr. COCHRAN, Mr. BURNS, Mr. CLELAND, Ms. SNOWE, Mr. CAMPBELL, Mr. SHELBY, Mr. SESSIONS, Mr. LEAHY, Mr. BAUCUS, Mr. LIEBERMAN, Mr. KYL, Mr. REID, Mr. SARBANES, Ms. MIKULSKI, and Mr. SANTORUM):

S. 1265. A bill to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1–A as part of the implementation of the final rule to consolidate Federal milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GORTON (for himself, Ms. COLLINS, Mr. GREGG, Mr. COVERDELL, Mr. BROWNBACK, Mr. ASHCROFT, Mr. HELMS, and Mr. VOINOVICH):

S. 1266. A bill to allow a State to combine certain funds to improve the academic achievement of all its students; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. SCHUMER):

S. 1257. A bill to amend statutory damages provisions of title 17, United States Code; to the Committee on the Judiciary.

COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1258. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

PATENT FEE INTEGRITY AND INNOVATION PROTECTION ACT OF 1999

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1259. A bill to amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes; to the Committee on the Judiciary.

TRADEMARK AMENDMENTS ACT OF 1999

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1260. A bill to make technical corrections in title 17, United States Code, and other laws; to the Committee on the Judiciary.

COPYRIGHT ACT TECHNICAL CORRECTIONS

Mr. HATCH. Mr. President, today I am pleased to rise, along with the ranking minority Member on the Judiciary Committee, Senator LEAHY, to introduce a series of intellectual property related "high-tech" measures designed to promote the continued growth of these vital sectors of the American economy and to protect the interests and investment of the entrepreneurs, authors, and innovators who fuel their growth.

It is no secret that high technology is the driving force in the American economy today. American technology is setting new standards for the global economy, from computer chip technology and computer hardware, to personal and business software applications, to Internet, multimedia and telecommunications technology, and even cutting-edge pharmaceuticals and genetic research. In my own state of Utah, these information technology industries contribute in excess of $7 billion each year to the State's economy and pay wages that average 66 percent higher than the state average. Their performance has placed Utah among the world's top ten technology centers according to Newsweek Magazine. Where Wired is a Way of Life, Newsweek, November 9, 1998, at 44. Similar success is seen across the country, with seven of the world's top ten technology centers located in the United States, and with American creative industries now surpassing all other export sectors in foreign sales and exports.

Underlying all of these technologies are the intangible property rights—copyrights, trademarks, patents, and trade secrets—that serve to promote creativity and innovation by safeguarding the investment, effort, and goodwill of those who venture into these fast-paced and volatile fields. Providing adequate protections for these intellectual property rights in the global high-tech environment is critical, particularly in the digital environment where electronic piracy is so easy, so cheap, and yet so potentially devastating to intellectual property owners—many of which are small entrepreneurial enterprises. In Utah, 65 percent of the information technology companies have fewer than 25 employees, and a majority have annual revenues of less than $1 million. Over half of Utah's information technology companies have been in business for less than 10 years, with nearly a quarter having opened their doors since 1995. Intellectual property is the lifeblood of these companies and others similarly situated throughout the country, and even a single instance of piracy may be enough to drive them out of business. What's more, without adequate international protection, these companies would simply be unable to compete in the global marketplace.

That is why in the last Congress we enacted a number of measures to provide enhanced protection for intellectual property in the new global, high-tech environment. For example, last year Congress ratified two new landmark World Intellectual Property Organization (WIPO) treaties to update international copyright standards to respond to the challenges of the global economy and the digital, networked environment. In enacting the Digital Millennium Copyright Act (DMCA), Congress implemented these treaties in the United States by bringing our own copyright laws into the digital age and set the standard internationally for other nations to follow in amending their own laws to meet the requirements of the new WIPO treaties. In addition, as a part of that bill, we paved the way for new growth in online commerce by creating greater security for copyright owners and for the Internet service providers who transmit and store copyrighted works online. We also addressed new technologies, such as webcasting and satellite radio, to provide a copyright framework in which these new platforms can flourish.

This year, Senator LEAHY and I are continuing to focus our attention, and that of the Judiciary Committee, on important high-tech and intellectual property legislation. Already this year the Judiciary Committee has reported, and the Senate has enacted, legislation to extend the Satellite Home Viewer Act, which will enable the satellite industry to use new and emerging technology to provide competition in the multichannel video marketplace and allow satellite subscribers to receive local network stations by way of their satellite dishes for the first time.

Today we are introducing a number of additional measures relating to technology and intellectual property to strengthen our laws further in order to provide both incentives to creativity and deterrents against infringement. Included among these are legislation that builds upon existing protections, including last year's measures to deter digital piracy, by raising the Copyright Act's limit on statutory damages, thereby making it more costly to engage in cyber-piracy and copyright theft. Also included is a measure to make technical "clean-up" amendments to the Digital Millennium Copyright Act in order to make its provisions clearer and more user-friendly. On the trademark side, Senator LEAHY and I are introducing a bill to make the protection of famous marks easier and more efficient and to provide recourse for trademark owners against the federal government for trademark infringement. Finally, we are introducing Patent and Trademark Office reauthorization legislation to allow the PTO to better serve its customers—America's innovators and trademark owners—through the collection and retention of patent and trademark fees.

It is our intention to turn to these bills in the Judiciary Committee prior to the July 4th recess at a Committee markup session dedicated solely to the consideration of intellectual property legislation. I expect these measures to be noncontroversial, and I look forward to working with my colleagues in the Senate as we bring these bills to the floor.

THE COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

The Copyright Damages Improvement Act will provide strengthened protections for copyright owners and added deterrence against infringement by making it more costly to engage in digital piracy and copyright theft. In an age where electronic piracy costs next to nothing and where the distribution of pirated goods to locations around the world is as easy as the click of a button, we are faced with the danger that the costs of engaging in piracy will pale in comparison with the anticipated rewards. Last year we strengthened the Copyright Act's substantive protections to deter digital piracy in this global networked environment. The bill we are introducing today will make it more costly to infringe these and the Copyright Act's other substantive protections by raising the limit on statutory damages by 50 percent.

Section 504(c) of the Copyright Act provides for the award of statutory damages at the plaintiff's election in order to provide greater security for copyright owners, who often find it difficult to prove actual damages in infringement cases—particularly in the electronic environment—and to provide greater deterrence for would-be infringers. The current provision caps statutory damages at $20,000 ($100,000 in cases of willful infringement), which reflects figures set in statute in 1988 when the United States joined the Berne Convention. The combination of more than a decade of inflation and revolutionary changes in technology have rendered those figures largely inadequate to achieve their aims. The Copyright Damages Improvement Act updates the statutory damage provisions to account for both these factors.

Under the bill, the cap on statutory damages is increased by 50 percent, from $20,000 to $30,000, and the minimum is similarly increased from $500 to $750. For cases of willful infringement, the cap is raised to $150,000. In addition, the bill creates a new tier of statutory damages targeted at bad actors who engage in a repeated pattern or practice of infringement. In these cases, the court is authorized to award statutory damages up to $250,000.

This will not mean that a court must impose the full amount of damages in any given case, or even that it will be more likely to do so. In most cases, courts attempt to do justice by fixing the statutory damages at a level that approximates actual damages and defendant's profits. What this bill does is give courts wider discretion to award damages that are commensurate with the harm caused and the gravity of the offense. At the same time, the bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

COPYRIGHT ACT TECHNICAL CORRECTIONS

Senator LEAHY and I are also introducing a general clean-up measure as a follow-up to the Digital Millennium Copyright Act and the Sonny Bono Copyright Term Extension Act, which were enacted at the end of the last Congress. This bill improves these bills to make them more user-friendly for copyright owners and those who make use of their works in accordance with the provisions of the Copyright Act.

THE TRADEMARK AMENDMENTS ACT OF 1999

The Trademark Amendments Act will provide stronger and more efficient protection for trademark owners and consumers by making it possible to prevent trademark dilution before it occurs, by clarifying the remedies available under the federal trademark dilution statute when it does occur, by providing recourse against the federal government for its infringement of others' trademarks, and by creating greater certainty and uniformity in the area of trade dress protection.

In 1995, Senator LEAHY and I sponsored the Federal Trademark Dilution Act to provide a uniform federal cause of action for trademark dilution—the commercial use in commerce of a mark that dilutes, or "whittles away," the distinctive quality of a famous trademark. Under this legislation, now codified as section 43(c) of the Lanham Act, the owner of a famous mark is able to protect the investment and consumer goodwill associated with his mark by preventing others from using the same or similar marks in ways that tarnish or blur the distinctiveness of his mark, even where such uses do not directly compete with the goods or services of the trademark owner. This new federal cause of action has been used increasingly in the high-tech, online environment as a means of combating cyberpirates and shady dealers who register famous marks as Internet domain names, seeking to sell them at a huge profit to the legitimate trademark owners or to reap where they have not sown, trading on the goodwill of others by confusing consumers about their relationships to famous brand-names. This problem is particularly acute in the Internet context where the only assurance of quality or sponsorship may be the information found on a web page and the IP address that leads consumers there.

On the whole, the Federal Trademark Dilution Act has been effective in achieving better protection for trademark owners and national uniformity in this area of the law. There are a number of areas, however, in which we can improve implementation of the law and its ability to protect both trademark owners and consumers. The Trademark Amendments Act of 1999 is designed to do just that.

First, it authorizes the Trademark Trial and Appeals Board (TTAB) to consider dilution as grounds for refusal to register a mark or for cancellation of a registered mark. In *Babson Bros. Co.* v. *Surge Power Corp.*, 39 USPQ 2d. 1953 (TTAB 1996), the TTAB held that it was not authorized by the Federal Trademark Dilution Act to consider dilution as grounds for opposition or cancellation of a registration. Thus, under current law a trademark owner may seek relief under the federal dilution statute only after dilution of the mark has occurred. And at least one circuit has held that likelihood of dilution is not enough, the trademark owner must prove actual dilution. The result is that the owner of a famous mark must stand idly by throughout the registration process and await recourse through costly litigation in federal court only after he has suffered harm to his mark. By specifically allowing the trademark owner to oppose registration or to petition for cancellation of a diluting mark, the bill we are introducing today will prevent needless harm to the goodwill and distinctiveness of many trademarks and will make enforcing the federal dilution statute less costly and time consuming for all involved.

Second, the bill clarifies the trademark remedies available in dilution cases, including injunctive relief, defendant's profits, damages, costs, and, in exceptional cases, reasonable attorney fees, and the destruction of articles containing the diluting mark.

In addition, our bill will amend the Lanham Act to subject the federal government to suit for trademark infringement and dilution. The federal government increasingly participates in the marketplace as a provider of goods and services in competition with private entities. In fact, the federal government owns a substantial number of trademarks registered with the Patent and Trademark Office (PTO), and the Lanham Act even allows the PTO Commissioner to waive the registration fees for federal agencies. As a trademark owner, the federal government enjoys the full panoply of rights under the Lanham Act, including the right to sue private citizens and businesses to enforce its rights under the Act. In contrast, in *Preferred Risk Mutual Insurance Co.* v. *United States*, 39 F3d 789 (8th Cir. 1996), the Eighth Circuit held that the federal government is immune from suit for trademark infringement absent an explicit waiver of sovereign immunity.

Limited waivers of sovereign immunity exist for patent and copyright cases, as well as for cases involving protected plant varieties and semiconductor chip mask works. Congress has also explicitly abrogated state immunity from suit under the 11th Amendment for cases involving trademark, copyright, and patent infringement. Our bill will extend these same policies to the federal government, making it subject to suit for trademark infringement and dilution on the same terms and conditions as states under the Lanham Act.

The bill we are introducing will also promote greater uniformity and certainty in the area of trade dress protection by requiring plaintiffs to demonstrate that an unregistered mark is not functional. While trade dress may be afforded protection and registered on the Principal Register if it serves as a trademark or service mark, protection under the Lanham Act does not extend to functional trade dress features—those that are essential to compete in a given market—which are properly the subject of patent law. Where the plaintiff has demonstrated through the examination process that the trade dress is eligible for registration, the federal registration serves as prima facie evidence of the validity of the mark and the registration, and in effect as prima facie evidence of nonfunctionality. For those cases where the plaintiff asserting trade dress protection has not demonstrated eligibility for registration through the trademark examination process, a majority of courts require the plaintiff to prove nonfunctionality. A minority of courts, however, have held that functionality is an affirmative defense which must be proved by the defendant.

Our bill creates uniformity by adopting the majority view, requiring the plaintiff to demonstrate nonfunctionality, either in the examination process or as an element of his case in seeking to enforce trade dress rights in litigation. This is consistent with the principles of federal trademark law and the common law, which requires plaintiffs to prove the essential elements of their case. Moreover, it will promote both certainty and competitive fairness by encouraging trade dress owners to register eligible designs and to seek patent protection for those that are ineligible due to functionality

Finally, this bill makes a number of technical "clean-up" amendments relating to the Trademark Law Treaty Implementation Act, which was enacted at the end of the last Congress.

THE UNITED STATES PATENT AND TRADEMARK OFFICE REAUTHORIZATION ACT, FISCAL YEAR 2000

The fourth bill we are introducing today is designed to allow the PTO to better serve American innovators and trademark owners through the collection and retention of patent and trademark fees. Last year we enacted legislation to provide the PTO with the resources it needs to meet the demands of its workload and to limit the ability of Congress and the Administration to divert money from the PTO to unrelated federal programs—all while providing for an overall decrease in patent fees. The bill we are introducing today continues those policies by allowing the PTO to generate the revenue it needs to operate as a fully fee-funded agency and to retain those fees for use in its patent and trademark operations, without fee diversions or the creation of new surcharges.

In the past, a substantial portion of patent fees revenues have been diverted in the budget process to pay for unrelated federal programs. The result has been substantial backlogs in patent pendency and a general inability to provide the type of service our nation's inventors pay for. I, along with several of my colleagues, have vigorously opposed this practice. The legislation we enacted last year went a long way to ensure that this practice would not continue. The legislation we are introducing today will continue this assurance by authorizing the PTO to raise just the revenues it needs to meet its program goals and retain those fees for use in its patent and trademark operations. The bill also makes available $116 million in fees from previous years, which the Administration has sought to withhold, and prohibits the imposition of unprecedented new surcharge fees sought by the Administration's budget to subsidize federal health and life insurance benefits for PTO employees. In the end, this legislation will promote a stronger, more efficient patent office and will mean, quite simply, that America's innovators and trademark owners will get what they pay for.

Mr. President, I look forward to working with my colleagues to promote the progress of innovation in this country and the continued growth of the high-tech industrial base that has put our nation at the forefront of the global economy. Each of the bills we are introducing today will help to do that, and I urge my colleagues' support.

Mr. LEAHY. Mr. President, I am pleased to join the chairman of the Judiciary Committee in introducing four bills to reauthorize the Patent and Trademark Office, update the statutory damages available under the Copyright Act, make technical corrections to two new copyright laws enacted last year, and prevent trademark dilution. As the Chairman and I have already indicated in our June 11 joint statement, we hope that the Senate Judiciary Committee reports these bills promptly and that the Senate considers the bills without delay.

The introduction of these bills is a good start, but we must not lose sight of the other copyright and patent issues requiring our attention before the end of this Congress. The Senate Judiciary Committee has a full slate of intellectual property matters to consider and I am pleased to work on a bipartisan basis with the Chairman on an agenda to provide the creators and inventors of copyrighted and patented works with the protection they may need in our global economy, while at the same time providing libraries, educational institutions and other users with the clarity they need as to what constitutes a fair use of such works.

Among the other important intellectual property matters for us to consider are the following:

Distance Education. The Senate Judiciary Committee held a hearing last month on the Copyright Office's thorough and balanced report on copyright and digital distance education. We need to address the legislative recommendations outlined in that report to ensure that our laws permit the appropriate use of copyrighted works in valid distance learning activities.

Patent Reform. A critical matter on the intellectual property agenda, important to the nation's economic future, is reform of our patent laws. I worked on a bipartisan basis in the last Congress to get the Omnibus Patent Act, S. 507, reported by the Judiciary Committee to the Senate by a vote of 177 to one, and then tried to have this bill considered and passed by the Senate. Unfortunately, the bill became stalled due to resistance by some in the majority. We should consider and pass this important legislation.

Madrid Protocol Implementation Act. I introduced this legislation, S. 671, to help American businesses, and especially small and medium-sized companies, protect their trademarks as they expand into international markets by conforming American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a "one stop" international trademark registration process, which would be an enormous benefit for American businesses.

Database Protection. I noted upon passage of the Digital Millennium Copyright Act last year that there was not enough time before the end of that Congress to give due consideration to the issue of database protection, and that I hoped the Senate Judiciary Committee would hold hearings and consider database protection legislation in this Congress, with a commitment to make more progress. I support legal protection against commercial misappropriation of collections of information, but am sensitive to the concerns raised by the Administration, the libraries, certain educational institutions, and the scientific community. This is a complex and important matter that I look forward to considering in this Congress.

Tampering with Product Identification Codes. Product identification codes provide a means for manufacturers to track their goods, which can be important to protect consumers in cases of defective, tainted or harmful products and to implement product recalls. Defacing, removing or tampering with product identification codes can thwart these tracking efforts, with potential safety consequences for American consumers. We should examine the scope of, and legislative solutions to remedy, this problem.

Online Trademark Protection or "Cybersquatting." I have long been concerned with protection online of registered trademarks. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that:

> [A]lthough no one else has yet considered this application, it is my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others. (CONGRESSIONAL RECORD, December 29, 1995, page S19312).

Last year, my amendment authorizing a study by the National Research

Council of the National Academy of Sciences of the effects on trademark holders of adding new top-level domain names and requesting recommendations on related dispute resolution procedures, was enacted as part of the Next Generation Internet Research Act. We have not yet seen the results of that study, and I understand that the Internet Corporation for Assigned Names and Numbers (I–CANN) and World Intellectual Property Organization (WIPO) are considering mechanisms for resolving trademark and other disputes over assignments of domain names in an expeditious and inexpensive manner.

This is an important issue both for trademark holders and for the future of the global Internet. While I share the concern of trademark holders over what WIPO has characterized as "predatory and parasitical practices by a minority of domain registrants acting in bad faith" to register famous or well-known marks of others—which can lead to consumer confusion or downright fraud—the Congress should tread carefully to ensure that any remedies do not impede or stifle the free flow of information on the Internet.

THE PATENT FEE INTEGRITY AND INNOVATION PROTECTION ACT OF 1999

We are introducing today the Patent Fee Integrity and Innovation Protection Act to reauthorize the Patent and Trademark Office for fiscal year 2000, on terms that ensure the fees collected from users will be used to operate the Patent and Trademark Office and not diverted to other uses.

The PTO is fully funded and operated through the payment of application and user fees. Indeed, taxpayer support for the operations of the PTO was eliminated in the Omnibus Budget Reconciliation Act of 1990, which imposed a large fee increase (referred to as a "surcharge") on those who use the PTO, namely businesses and inventors applying for or seeking to protect patents on trademarks.

The fees accumulated from the surcharge were held in a surcharge account, for use by the PTO to support the patent and trademark systems. Unfortunately, however, the funds in the surcharge account were also diverted to fund other, unrelated government programs. By fiscal year 1997, almost $54 million from the surcharge account was diverted from PTO operations.

Last year, Congress responded to this diversion of PTO fees by enacting H.R. 3723/S. 507, which the Chairman and I had introduced on March 20, 1997. That legislation authorized a schedule of fees to fund the PTO, but no other government program, and resulted in the first decrease in patent application fees in at least 50 years.

This PTO reauthorization bill would make $116,000,000 available to the Patent and Trademark Office, a self-sustaining agency, to pay for salaries and necessary expenses in FY 2000. This money reflects the amount in carryover funds from FY99 that PTO expects to receive from fees collected, pursuant to the Patent Act and the Trademark Act. By authorizing the money to go to PTO, the bill would avoid diversion of these fees to other government agencies and programs. Inventors and the business community who rely on the patent and trademark systems do not want the fees they pay to be diverted but would rather see this money spent on PTO upgraded equipment, additional examiners and expert personnel or other items to make the systems more efficient. I agree.

COPYRIGHT ACT TECHNICAL CORRECTIONS ACT

In the last Congress, Senator HATCH and I worked together for passage of the Digital Millennium Copyright Act (DMCA) and the Sonny Bono Copyright Term Extension Act. This significant legislation is intended to encourage copyright owners to make their works available online by updating the copyright laws with additional protections for digital works, and conforming copyright terms available to American authors to those available overseas. We are now introducing legislation that will make certain technical corrections to those bills.

Specifically, this bill (1) renumbers the section number for the liability limits for online service providers; (2) renumbers paragraphs in the section on "ephemeral recordings" which are used solely for transmitting or archiving a performance or audiovisual display; (3) clarifies that the Commissioner of Patents is to be paid at level III of the executive schedule rather than level V, consistent with a provision in the DMCA; and (4) changes from one to two years the time for seeking design protection after a design is made public by the designer or, in other words, forfeits protection if an application for registration is not made within 2 years of the design being made public.

I remain hopeful that as this bills moves forward we can also address another item inadvertently omitted from the DMCA. Specifically, to include public broadcasting entities in the liability limitation provisions granted under the DMCA to nonprofit libraries, archives and educational institutions.

The House of Representatives passed its version of this legislation, H.R. 1189, on April 13, 1999, and I urge prompt Senate action on this Hatch-Leahy bill.

THE DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

I have long been concerned about reducing the levels of software piracy in this country and around the world. The theft of digital copyrighted works and, in particular, of software results in lost jobs to American workers, lost taxes to Federal and State governments, and lost revenue to American companies. A report released last week by the Business Software Alliance estimates that worldwide theft of copyrighted software in 1998 amounted to nearly $11 billion. According to the report, if this "pirated software has instead been legally purchased, the industry would have been able to employ 32,700 more people. In 2008, if software piracy remains at its current rate, 52,700 jobs will be lost in the core software industry." This theft also reflects losses of $991 million in tax revenue in the United States.

These statistics about the harm done to our economy by the theft of copyrighted software alone, prompted me to introduce the "Criminal Copyright Improvement Act" in both the 104th and 105th Congresses, and work over those two Congresses for passage of this legislation, which was finally enacted as the "No Electronic Theft Act." The current rates of software piracy show that we need to do better to combat this theft, both with enforcement of our current copyright laws and with strengthened copyright laws to deter potential infringes.

I am, therefore, pleased to join Senator HATCH in introducing the Digital Theft Deterrence and Copyright Damages Improvement Act. The bill would amend the Copyright Act, 17 U.S.C. §504(c), by increasing the amounts of statutory damages recoverable for copyright infringements. These amounts were last increased in 1988 when the United States acceded to the Berne Convention. Specifically, the bill would increase the cap on statutory damages by 50 percent, raising the minimum from $500 to $750 and raising the maximum from $20,000 to $30,000. In addition, the bill would raise from $100,000 to $150,000 the amount of statutory damages for willful infringements.

Courts determining the amount of statutory damages in any given case would have discretion to impose damages within these statutory ranges at just and appropriate levels, depending on the harm caused, ill-gotten profits obtained and the gravity of the offense. The bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

In addition, the bill would create a new tier of statutory damages allowing a court to award damages in the amount of $250,000 per infringed work where the infringement is part of a willful and repeated pattern of practice of infringement.

I note that the House version of this legislation, H.R. 1761, omits any scienter requirement for the new proposed enhanced penalty for infringers who engage in a repeated pattern of infringement. I share the concerns raised by the Copyright Office that this provision, absent a willfulness scienter requirement, would permit imposition of the enhanced penalty even against person who negligently, albeit repeatedly, engaged in acts of infringement. The Hatch-Leahy bill avoids casting such a wide net, which could chill legitimate fair uses of copyrighted works.

THE TRADEMARK AMENDMENTS ACT OF 1999

Finally, I am pleased to join Senator HATCH in introducing the Trademark Amendments Act to enhance protection for trademark owners and consumers by making it possible to prevent trademark dilution before it occurs, by clarifying the remedies available under the Federal trademark dilution statute when it does occur, by providing recourse against the Federal Government for its infringement of others' trademarks, and by creating greater certainty and uniformity in the area of trade dress protection.

Current law provides for injunctive relief after an identical or similar mark has been in use and has caused actual dilution of a famous mark, but provides no means to oppose an application for a mark or to cancel a registered mark that will result in dilution of the holder's famous mark. In *Babson Bros. Co.* v. *Surge Power Corp.*, 39 USPQ 2d. 1953 (TTAB 1996), the Trademark Trial and Appeals Board (TTAB) held that it was not authorized by the "Federal Trademark Dilution Act" to consider dilution as grounds for opposition or cancellation of a registration. The bill remedies this situation by authorizing the TTAB to consider dilution as grounds for refusal to register a mark or for cancellation of a registered mark. This would permit the trademark owner to oppose registration or to petition for cancellation of a diluting mark, and thereby prevent needless harm to the goodwill and distinctiveness of many trademarks and make enforcing the Federal dilution statute less costly and time consuming for all involved.

Second, the bill clarifies the trademark remedies available in dilution cases, including injunctive relief, defendant's profits, damages, costs, and, in exceptional cases, reasonable attorney fees, and the destruction of articles containing the diluting mark.

Third, the bill amends the Lanham Act to allow for private citizens and corporate entities to sue the Federal Government for trademark infringement and dilution. Currently, the Federal Government may not be sued for trademark infringement, even though the Federal Government competes in some areas with private business and may sue others for infringement. This bill will level the playing field, and make the Federal Government subject to suit for trademark infringement and dilution on the same terms and conditions as States under the Lanham Act.

Fourth, the bill provides a limited amendment to the Lanham Act to provide that in an action for trade dress infringement, where the matter sought to be protected is not registered with the PTO, the plaintiff has the burden of proving that the trade dress is not functional. This will help promote fair competition and provide an incentive for registration.

Finally, this bill makes a number of technical "clean-up" amendments relating to the Trademark Law Treaty Implementation Act, which was enacted at the end of the last Congress.

These bills represent a good start on the work before the Senate Judiciary Committee to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. I began this statement, however, with the list of copyright, patent and trademark issues that we should also address. We have a lot more work to do.

By Mr. DODD:

S. 1261. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Yankee*; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "YANKEE"

Mr. DODD. Mr. President, I rise today to introduce legislation to waive the 1920 Merchant Marine Act, commonly known as the Jones Act, to allow Yankee Sailing, LLC to operate the 1959 Holland-built vessel YANKEE.

Yankee Sailing LLC is a family-owned business based out of New London, Connecticut that intends to provide 2–4 hour day sails out of the New London and Mystic areas in the summer months. In an effort to provide year-round sailing opportunities, Yankee Sailing LLC also hopes to offer 1–2 week sail training trips along the coast in the fall and winter. The YANKEE is equipped to carry 25–35 daytime passengers and 8–10 overnight passengers, and does not pose any threat to larger U.S. shipping interests.

The YANKEE is a vessel of considerable historical significance having been designed by and built for one of New England's most famous contemporary sailors, the late Irving Johnson. The YANKEE shares a well-established relationship with the Mystic Seaport Museum where the Johnson Collection is housed, and it was also the centerpiece for an Irving Johnson reunion held at the Seaport this past October.

The owners request the waiver because while the vessel was originally documented in the United States with a home port of Mystic, CT, it was built in Holland and is, therefore, excluded from coastal trade by the Jones Act. The owners were aware of the Jones Act's restrictions, however, they were unclear as to its applicability with regard to a vessel's size. Their understanding was that the act only pertained to vessels 65 feet in length or greater carrying over six passengers. Yankee Sailing LLC hoped to operate with six passengers to generate revenue until they could receive full certification allowing for larger sailing trips. Due to this confusion regarding the law, Yankee Sailing LLC is unable to provide these small sailing trips and suffers financially as a consequence.

Yankee Sailing LLC wishes to provide residents of southeastern Connecticut the opportunity to experience the excitement of sailing and did not willfully violate the Jones Act. The presence of its services will help stimulate the local economy and tourism in a region attempting to promote an economic renaissance.

Based upon all of the combined facts, I believe a waiver should be granted for the YANKEE. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel YANKEE, United States official number 1076210.

By Mr. REED (for himself, Mr. COCHRAN, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Mr. DASCHLE, Mr. REID, and Mrs. MURRAY):

S. 1262. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES, TRAINING, AND ADVANCED TECHNOLOGY ACT

Mr. REED. Mr. President, I rise today to introduce legislation to support and strengthen America's school libraries.

The school library plays a vital role in the education of students. It is where reading skills are reinforced; the laboratory where ideas taught in class are explored and tested; the arena in which children explore new ideas and learn on their own; and a vital bridge to the remarkable and growing resources of the information age.

Research shows that well-equipped and well-staffed school libraries are essential to promoting learning and achievement. Indeed, a 1992 study found that students in schools with well-equipped libraries and professional library media specialists perform better on achievement tests for reading comprehension and basic research skills.

This finding was echoed in a 1994 U.S. Department of Education report on the impact of school library media centers which noted that the highest achieving students tend to come from schools with strong libraries and library programs.

And, a 1993 review of research studies concluded that free voluntary reading is the foundation for good grammar, writing, and reading comprehension abilities. For the average American student, the school library is the single most available source of reading material.

Mr. President, with our ever-changing global economy, access to information and the skills to use it are vital to ensuring that young Americans are competitive and informed citizens of the world. That is why the school library is so important in supplementing what is learned in the classroom; promoting better learning, including reading, research, library use, and electronic database skills; and providing the foundation for independent learning that allows students to achieve throughout their educational careers and their lives.

While the promise of a well-equipped school library is limitless, and its importance greater than ever, the condition of libraries today does not live up to that potential. As Linda Wood, a school library media specialist from South Kingstown High School in Rhode Island, recently noted during a Health, Education, Labor, and Pensions Committee hearing, school library collections are outdated and sparse. Indeed, schools across the nation are dependent on collections purchased in the mid-1960s under the original Elementary and Secondary Education Act.

As a result, many books in our school libraries predate the landing of manned spacecraft on the moon, the breakup of the Soviet Union, the end of Apartheid, the growth of the Internet, and advances in DNA research. In a rapidly changing world, our students are placed at a major disadvantage if the only scientific, historical, and geographical materials they have access to reflect times long gone by.

In sum, school library funding is grossly inadequate to the task of improving and supplementing collections. Library spending per student today is a small fraction of the cost of a new book. Indeed, while the average school library book costs $16, the average spending per student for books is $6.73 in elementary schools; $7.30 in middle schools; and $6.27 in high schools.

Consequently, many outdated books that should be removed from shelves cannot be, since there is no money to replace them. One case in point is California which in response to its fourth-graders being ranked second to last among 39 states on last year's National Assessment of Educational Progress has begun an effort to restock school library shelves in order to weed out old and inaccurate books, including those rife with racial stereotypes and those which proclaim "one day, man might go to the moon". For a long time, according to a recent Los Angeles Times article, California school librarians could not afford to take such a step because there would be no books left on the shelves. Too few states, however, are taking similar steps to improve school libraries.

My home state of Rhode Island is working on an innovative effort to ensure that students gain access to materials not available in their own school libraries. RILINK (the Rhode Island Library Information Network for Kids) gives students and teachers 24-hour Internet access to a statewide catalog of school library holdings, complete with information about the book's status on the shelf. RILINK also allows for on-line request of materials via interlibrary loan, with rapid delivery through a statewide courier system, and provides links from book information records to related Internet research sites, allowing a single book request to serve as a point of departure for a galaxy of information sources.

Unfortunately, such innovations, which could benefit schoolchildren across the nation, cannot be expanded without adequate library funding. Indeed, the only federal funding that is currently available to school libraries is the Title VI block grant, which allows expenditure for school library and instructional materials as one of seven choices for local uses of funds. This program is slated for elimination under the Administration's fiscal year 2000 budget and Elementary and Secondary Education Act reauthorization proposal.

Mr. President, well-trained school library media specialists are also essential to helping students unlock their potential. These individuals are at the heart of guiding students in their work, providing research training, maintaining and developing collections, and ensuring that a library fulfills its potential. In addition, they have the skills to guide students in the use of the broad variety of advanced technological education resources now available.

Unfortunately, only 68% of schools have state certified library media specialists, according to Department of Education figures, and, on average, there is only one specialist for every 591 students. This shortage means that many school libraries are staffed by volunteers and are open only a few days a week.

Mr. President, the bipartisan bill I am introducing today, along with Senators COCHRAN, SARBANES, WELLSTONE, KENNEDY, DASCHLE, REID, and MURRAY, would restore the funding that is critical to improving school libraries. The Elementary And Secondary School Library Media Resources, Training, And Advanced Technology Act directs funding to schools with the greatest need and would ensure that students have access to the informational tools they need to learn and achieve at the highest levels by providing funds to update library media resources, such as books and advanced technology, train school library media specialists, facilitate resource-sharing among school libraries, and improve collaboration between school library media specialists and teachers.

The bill also establishes the School Library Access Program to provide students with access to school libraries during non-school hours, including before and after school, weekends, and summers.

Providing access to the most up-to-date school library collections is an essential part of increasing student achievement, improving literacy skills, fostering a love of reading, and helping students become lifelong learners. The Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Act, which is strongly supported by the American Library Association, will help accomplish these essential goals. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of this legislation and a letter of support written by the American Library Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act".

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to improve academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists;

(2) to support the acquisition of up-to-date school library media resources for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

(3) to provide school library media specialists with the tools and training opportunities necessary for the specialists to facilitate the development and enhancement of the information literacy, information retrieval, and critical thinking skills of students; and

(4)(A) to ensure the effective coordination of resources for library, technology, and professional development activities for elementary schools and secondary schools; and

(B) to ensure collaboration between school library media specialists, and elementary school and secondary school teachers and administrators, in developing curriculum-based instructional activities for students so that school library media specialists are partners in the learning process of students.

SEC. 3. SCHOOL LIBRARY MEDIA RESOURCES.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES

"Subpart 1—Library Media Resources

"SEC. 3701. STATE ALLOTMENTS.

"The Secretary shall allot to each eligible State educational agency for a fiscal year an amount that bears the same relation to the amount appropriated under section 3710 and not reserved under section 3709 for the fiscal year as the amount the State educational agency received under part A of title I for the preceding fiscal year bears to the amount all State educational agencies received under part A of title I for the preceding fiscal year.

"SEC. 3702. STATE APPLICATIONS.

"To be eligible to receive an allotment under section 3701 for a State for a fiscal year, the State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

"(1) the manner in which the State educational agency will use the needs assessment described in section 3705 and poverty data to allocate funds made available through the allotment to the local educational agencies in the State with the greatest need for school library media improvement;

"(2) the manner in which the State educational agency will effectively coordinate all Federal and State funds available for library, technology, and professional development activities to assist local educational agencies, elementary schools, and secondary schools in—

"(A) acquiring up-to-date school library media resources in all formats, including books and advanced technology such as Internet connections;

"(B) providing training for school library media specialists; and

"(C) facilitating resource-sharing among schools and school library media centers;

"(3) the manner in which the State educational agency will develop standards for the incorporation of new technologies into the curricula of elementary schools and secondary schools through school library media programs to develop and enhance the information literacy, information retrieval, and critical thinking skills of students; and

"(4) the manner in which the State educational agency will evaluate the quality and impact of activities carried out under this subpart by local educational agencies to make determinations regarding the need of the agencies for technical assistance and whether to continue funding the agencies under this subpart.

"SEC. 3703. STATE RESERVATION.

"A State educational agency that receives an allotment under section 3701 may reserve not more than 3 percent of the funds made available through the allotment to provide technical assistance, disseminate information about effective school library media programs, and pay administrative costs, relating to this subpart.

"SEC. 3704. LOCAL ALLOCATIONS.

"(a) IN GENERAL.—A State educational agency that receives an allotment under section 3701 for a fiscal year shall use the funds made available through the allotment and not reserved under section 3703 to make allocations to local educational agencies.

"(b) AGENCIES.—The State educational agency shall allocate the funds to the local educational agencies in the State that have—

"(1) the greatest need for school library media improvement according to the needs assessment described in section 3705; and

"(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

"SEC. 3705. LOCAL APPLICATION.

"To be eligible to receive an allocation under section 3704 for a fiscal year, a local educational agency shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain—

"(1) a needs assessment relating to need for school library media improvement, based on the age and condition of school library media resources (including book collections), access of school library media centers to advanced technology, including Internet connections, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

"(2) a description of the manner in which the local educational agency will use the needs assessment to assist schools with the greatest need for school library media improvement;

"(3) a description of the manner in which the local educational agency will use the funds provided through the allocation to carry out the activities described in section 3706;

"(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 3706 with the extensive participation of school library media specialists, elementary school and secondary school teachers and administrators, and parents;

"(5) a description of the manner in which the local educational agency will effectively coordinate—

"(A) funds provided under this subpart with the Federal, State, and local funds received by the agency for library, technology, and professional development activities; and

"(B) activities carried out under this subpart with the Federal, State, and local library, technology, and professional development activities carried out by the local educational agency; and

"(6) a description of the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this subpart by schools served by the local educational agency.

"SEC. 3706. LOCAL ACTIVITIES.

"A local educational agency that receives a local allocation under section 3704 may use the funds made available through the allocation—

"(1) to acquire up-to-date school library media resources, including books, for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

"(2) to acquire and utilize advanced technology, incorporated into the curricula of the schools, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

"(3) to acquire and utilize advanced technology, including Internet links, to facilitate resource-sharing among schools and school library media centers, and public and academic libraries, where possible;

"(4) to provide professional development opportunities for school library media specialists; and

"(5) to foster increased collaboration between school library media specialists and elementary school and secondary school teachers and administrators.

"SEC. 3707. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

"Each local educational agency that receives funding under this subpart for a fiscal year shall be eligible to continue to receive the funding—

"(1) for each of the 2 following fiscal years; and

"(2) for each fiscal year subsequent to the 2 following fiscal years, if the local educational agency demonstrates that the agency has increased—

"(A) the availability of, and the access of students, school library media specialists, and elementary and secondary teachers to, up-to-date school library media resources, including books and advanced technology, in elementary schools and secondary schools served by the local educational agency;

"(B) the number of well-trained, professionally certified school library media specialists in those schools; and

"(C) collaboration between school library media specialists and elementary school and secondary school teachers and administrators for those schools.

"SEC. 3708. SUPPLEMENT NOT SUPPLANT.

"Funds made available under this subpart shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

"SEC. 3709. NATIONAL ACTIVITIES.

"The Secretary shall reserve not more than 3 percent of the amount appropriated under section 3710 for a fiscal year—

"(1) for an annual, independent, national evaluation of the activities assisted under this subpart, to be conducted not later than 3 years after the date of enactment of this subpart; and

"(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary and secondary teachers and administrators learn about effective school library media programs.

"SEC. 3710. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $250,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

"Subpart 2—School Library Access Program

"SEC. 3721. PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to local educational agencies to provide students with access to libraries in elementary schools and secondary schools during non-school hours, including the hours before and after school, weekends, and summer vacation periods.

"(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to local educational agencies that demonstrate, in applications submitted under subsection (b), that the agencies—

"(1) seek to provide activities that will increase reading skills and student achievement;

"(2) have effectively coordinated services and funding with entities involved in other Federal, State, and local efforts, to provide programs and activities for students during the non-school hours described in subsection (a); and

"(3) have a high level of community support.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.".

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, June 21, 1999.

Hon. Jack Reed,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: I would like to take this opportunity to thank you and Senator Thad Cochran for your bi-partisan support of school libraries as you introduce the Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act of 1999. This bill would provide assistance to the nation's school libraries and school library media specialists at a time when they are laboring mightily to cope with the challenges of increasing school enrollment, new technology and the lack of funding for school library resources.

As a school librarian myself in Juneau, Alaska, I know personally how this legislation will contribute to effective learning by our school children. Many of the nation's school libraries have collections that are old, inaccurate and out of date. How can we encourage children to read and continue to be life-long learners if the material we have available for them is inadequate?

Your legislation proposes to upgrade collections, encourage and train school librarians, effect greater cooperation between school professionals directly involved in teaching children—school library media specialists, teachers and administrators, and encourages the sharing of resources electronically. This critical legislation should be included in the reauthorization process now going forward in the Senate. The school children of today deserve the best resources we have to give them.

On behalf of the 57,000 school, public, academic and special librarians, library trustees, friends of libraries and library supporters, I thank you for your efforts to improve the resources in school libraries. We offer the support of our members in working towards passage of the legislation.

Sincerely,

ANN K. SYMONS,
President.

By Mr. JEFFORDS (for himself, Mr. HATCH, and Mr. GORTON):

S. 1263. A bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services; to the Committee on Finance.

HOSPITAL OUTPATIENT PRESERVATION ACT OF 1999

Mr. JEFFORDS. Mr. President, I am introducing today, with Senators HATCH and GORTON, the Hospital Outpatient Preservation Act of 1999.

The Congress passed landmark legislation in 1997, the Balanced Budget Act. The BBA has played an important role in ensuring the integrity of the Medicare program, but our good intentions to rein in costs went too far, too fast in some areas. In fact, I fear that our zeal may result in decreased access to care and lower quality of care for Medicare beneficiaries if we do not act to soften the impact of BBA implementation on health care providers.

I am particularly concerned about the consequences of payment cuts under BBA for Vermont's hospitals and health systems. Norman Wright, President of the Vermont Hospital and Health Systems Association, has said, "It is clear that the outpatient prospective payment system being implemented from Washington poses a real threat to the continuation of quality services being provided by Vermont hospital outpatient departments."

Through the Hospital Outpatient Preservation Act of 1999, we are seeking to address concerns about outpatient reimbursement cuts for hospitals. The BBA requires the implementation of a prospective payment system (PPS) for the reimbursement of Medicare hospital outpatient department services to control rising costs in that area, as the provision of care has shifted from inpatient to less costly outpatient services. Our proposed legislation would amend BBA '97 by temporarily limiting the reduction in payments under the new outpatient PPS for outpatient department services to give hospitals a period to adjust to the reimbursement cuts.

Medicare outpatient margins, already negative in 1999, are estimated to drop to a negative 28.8 percent if costs increase at a historical rate of growth, and to a negative 20.3 percent if costs increase more slowly. The Health Care Financing Administration's analysis of its proposed rule on the implementation of outpatient PPS found that average reductions in outpatient department services reimbursement for all hospitals would be 4 percent, but that the reimbursement to low-volume hospitals would decline by an average of 17 percent. For example, Southwestern Vermont Medical Center in Bennington, Vermont, is estimated to experience a 16 percent decline in payment. The Chief Executive Officer of Mt. Ascutney Hospital in Ascutney, Vermont, stated, "The new outpatient prospective payment methodology would cut our reimbursement to the point that our operating margin would be in jeopardy. This coming on the heels of other cuts has an additive negative effect."

If vulnerable rural hospitals are not provided a gradual transition period to reorganize operations, such a large decline in reimbursement could spell financial disaster. Teaching hospitals are also projected to sustain a greater than average loss under the new methodology. I am concerned that financial cutbacks of this magnitude could impact the access to care and the quality of care provided to Medicare beneficiaries by hospitals that are already ailing under payment cuts for Medicare inpatient services and from managed organization payment cuts.

The "Hospital Outpatient Preservation Act of 1999" would limit a hospital's losses for covered outpatient department services furnished prior to and during the first full calendar year of outpatient PPS implementation to 5 percent, so that a hospital would receive no less than 95 percent of what the hospital would have been paid under the current reimbursement mechanism. In the second year, the maximum payment loss would be 10 percent, and in the third year, 15 percent. There would be no limit after the third year.

The BBA went too far, too fast in cutting costs, and now it's time to find the right balance by swinging the pendulum back toward quality. The Hospital Outpatient Preservation Act of 1999 would address one area of concern by providing a phased implementation period of three years to allow hospitals, particularly the hardest hit rural and major teaching hospitals, time to adjust to the cuts in reimbursement. Through such legislation, we can maintain the financial integrity of the Medicare program, while guaranteeing access to high-quality health care services for Medicare beneficiaries.

By Ms. SNOWE (for herself and Mr. KENNEDY):

S. 1264. A bill to amend the Elementary and Secondary Education Act of 1965 and the National Education Statistics Act of 1994 to ensure that elementary and secondary schools prepare girls to compete in the 21st century, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EDUCATING AMERICA'S GIRLS ACT

Ms. SNOWE. Mr. President, I rise today with my colleague, Senator TED KENNEDY, to introduce legislation that will play a critical role in the advancement of education as we prepare for the demands of the 21st Century. Specifically, the "Educating America's Girls

Act of 1999" will ensure that our nation's children—and young women in particular—will be prepared for the job market of the coming millenium, while also ensuring that the unique needs of girls are properly addressed in our nation's schools and classrooms.

Given the critical role of education in preparing our children for the future, it is understandable that there is heightened interest in ensuring that the highest academic standards and best practices are incorporated in our nation's schools and classrooms. As Congress undertakes the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965, the provisions of the "Educating America's Girls Act" will ensure that the varying educational needs of all students, and young girls in particular, are recognized and addressed—and ultimately ensure that our efforts to reform and improve education are realized.

Mr. President, due to the changes adopted in 1994, gender equity is a major theme throughout the ESEA. Specifically, the needs of girls are addressed in current law by requiring professional development activities to meet the needs of diverse students, including girls; encouraging professional development and recruitment activities to increase the numbers of women math and science teachers; including sexual harassment and abuse as a focus of the Safe and Drug-Free Schools Act; broadening dropout prevention activities to address the needs of pregnant and parenting teens; and reauthorizing the Women's Educational Equity Act (WEEA), which funds research and programs to achieve educational equity for women.

During the ESEA reauthorization process, we should not only work to maintain the important gender equity provisions that were included in the 1994 law, but also to prepare girls for the future by adding the following provisions: ensure education technology programs are targeted in a manner that addresses the unique needs of all students, including girls; provide schools with resources to combat sexual harassment and abuse; collect data on high school athletic participation by girls; keep pregnant and parenting teens in school; and reauthorize WEEA.

Accordingly, the "Educating America's Girls Act" contains provisions that will address all of these needs, so I urge that my colleagues support this legislation and these additions during the upcoming reauthorization of the ESEA.

Mr. President, with the growing demand for technological skills in the workplace—including six out of 10 jobs requiring technological skills—the need to incorporate technology in the classroom cannot be understated. Accordingly, the utilization of education technology in the classroom is an arena in which we must ensure that all students, including girls, are not put at a disadvantage.

Of note, a 1998 report by the American Association of University Women, Gender Gaps: Where Our Schools Still Fail Our Children, found that girls, when compared to boys, are at a significant disadvantage as technology is increasingly incorporated into the classroom. Specifically, girls tend to come to the classroom with less exposure to computers and other technology, and girls believe that they are less adept at using technology than boys. As a result, girls tend to have a more "circumscribed, limited, and cautious" interaction with technology than boys, as highlighted in the report.

Schools can assist girls in developing a confident relationship to technology by integrating digital tools into the curriculum so girls can pursue their own interests. Unfortunately, current law lacks assurances that federal education programs will compensate for girls' different learning styles and different exposures to technology.

Accordingly, provisions in the "Educating America's Girls Act" will ensure that the different learning styles of girls and other students will be taken into consideration when monies are awarded for a variety of existing K–12 programs. Furthermore, it also includes the "High Technology for Girls Act" (High-Tech Girls), legislation I have already introduced that will ensure young girls are encouraged to pursue degrees and demanding careers in math, science, engineering, and technology—fields that are critical in the increasingly technologically-driven workplace.

Mr. President, as we seek to ensure that the unique technological needs of girls are addressed in the classroom, we also cannot ignore that sexual harassment and abuse is another issue of importance as we seek to educate our nation's children.

While comprehensive research should be done on the pervasiveness of sexual harassment in schools—and "Educating America's Girls Act" will ensure that such a study is completed—various studies have found that the vast majority of secondary school students experience some form of sexual harassment during their school lives.

For instance, the AAUW Educational Foundation's 1993 survey of 8th through 11th grade students on sexual harassment in schools, Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools, found that the vast majority of secondary school students experienced some form of sexual harassment and that girls are disproportionately affected.

While data on the incidence of sexual harassment is scant, Hostile Hallways found that 85 percent of girls experienced some form of sexual harassment; 65 percent of girls who have been harassed were harassed in the classroom; and 73 percent of girls who have been harassed were harassed in the hallway of their school; a student's first experience of sexual harassment is most likely to occur in the middle school/junior high years of 6th to 9th grade; and 81 percent of girls who have been harassed do not report it to adults.

A 1996 University of Michigan study showed that sexual harassment can result in academic problems such as paying less attention in class and Hostile Hallways found that 32 percent of girls do not want to talk as much in class after experiencing harassment. Furthermore, thirty-three percent of girls do not want to go to school at all due to the stress and anxiety they suffered as a result of the sexual harassment, and nearly one in four girls say that harassment caused them to stay home from school or cut a class.

We know little else about the extent of sexual harassment or even the nature and extent of more serious sexual crimes in schools. The Safe and Drug-Free Schools and Communities Act (SDFSCA) requires the National Center for Education Statistics (NCES) to collect data on violence in elementary and secondary schools in the United States. However, these reports provide only a very limited picture of sexual offenses in schools because they only capture data on rape or sexual battery reported to police. Further, school crime victimization surveys do not include questions on threats or abuse that are sexual in nature.

Sexual harassment in schools is illegal, a form of sexual discrimination banned under Title IX of the Education Amendment of 1972. Unfortunately, on the 25th anniversary of Title IX, a report by the National Coalition for Women and Girls in Education (NCWGE) found that less progress was made in the area of sexual harassment than in any other gender equity issue in education. NCWGE concluded that few schools have sexual harassment policies, or effectively enforce them. Therefore, in addition to calling for more intensified Office of Civil Rights enforcement, NCWGE called on schools to adopt comprehensive policies and programs addressing sexual harassment.

The reauthorization of the ESEA gives us an opportunity to greatly reduce the incidence of sexual harassment by gathering data on these often hidden offenses and providing programs to prevent sexual harassment and abuse. Accordingly, the "Educating America's Girls Act" ensures that this data will be compiled and that schools are provided with resources to combat sexual harassment. Of importance, because the definition of sexual harassment in elementary and secondary schools can be contentious, the legislation ensures that local schools will have the sole authority to define the forms of sexual harassment that will be addressed, and the sole authority to determine the types of programs that will be undertaken to address it.

Mr. President, equal access to education for girls also means equal access to opportunities for athletic participation in our schools, particularly our high schools. Unfortunately, nationwide data measuring the participation of girls in physical education and high school athletics programs is very limited.

Participation in high school athletic programs is important for girls because research has shown that it improves girls' physical and mental health. For instance, a study by the President's Council on Physical Fitness and Sports recently found that girls playing sports have better physical and emotional health than those who do not. The study also found that higher rates of athletic participation were associated with lower rates of sexual activity and pregnancy. Other studies link physical activity to lower rates of heart disease, breast cancer, and osteoporosis in later life. Sports build girls' confidence, sense of physical empowerment, and social recognition within the school and community.

In addition, many girls who participate in high school athletics programs receive college scholarships. Therefore, by participating in high school athletics programs, girls increase their chances at receiving a college scholarship—which may be the only way that some young women will be able to pursue a higher education.

Because of the lack of data on girls' participation in physical education and athletics during grades K–12, the "Educating America's Girls Act" will ensure that this data is collected and reported. Ultimately, this assembling of information will allow us to determine if girls are fully participating in these activities, and if further steps should be taken to increase their involvement.

Mr. President, education is ultimately the means for all girls, including pregnant and parenting teens, to achieve economic self-sufficiency. Yet despite our strides to make education accessible to girls, dropping out of school remains a serious problem that should be addressed in the reauthorization of the ESEA.

Five out of every 100 young adults enrolled in high school in 1996 left school without successfully completing a high school program. In October of 1997, 3.6 million young adults, or 11 percent of young adults between the ages of 16 and 24 in the United States, were neither enrolled in a high school program nor had they completed high school. Of note, girls who drop out are less likely than boys to return and complete school.

Twenty-five years after the enactment of Title IX, pregnancy and parenting are still the most commonly cited reasons why girls drop out of school, and the United States has the highest teen pregnancy rate of any industrialized nation. In fact, almost one million teenagers become pregnant each year and 80 percent of these pregnancies are unintended.

Pregnancy and parenting account for half the female dropout rate and one fourth of the dropout rate for all students. Two-thirds of girls who give birth before age 18 will not complete high school, and the younger the adolescent is when she becomes pregnant, the more likely it is that she will not complete high school.

The last reauthorization of ESEA broadened the dropout prevention program to address the needs of pregnant and parenting teens. Because this problem remains so pervasive, the "Educating America's Girls Act" contains provisions to strengthen the ESEA's support for programs that keep pregnant and parenting teens in school, including the utilization of mentoring programs.

Finally, Mr. President, the Women's Educational Equity Act (WEEA) represents the federal commitment to helping schools eradicate sex discrimination from their programs and practices and to ensuring that girls' future choices and success are determined not by their gender, but by their own interests, aspirations, and abilities. Since the program's inception in 1974, the WEEA has funded research, development, and dissemination of curricular materials; training programs; guidance and testing activities; and other projects to combat inequitable educational practices.

Because of the important role that the WEEA has played in addressing sex discrimination over the past 25 years, the "Educating America's Girls Act" reauthorizes the WEEA so that it can continue to address the needs of women for many years to come.

Mr. President, the bottom line is that the reauthorization of the ESEA provides us with a unique opportunity to address the numerous needs of our nation's students as we prepare for the 21st Century. I believe that the provisions of the "Educating America's Girls Act" will address a variety of these needs—and the unique needs of girls in particular—and urge that my colleagues support this legislation accordingly during the months ahead.

Mr. KENNEDY. Mr. President, in recent decades, the nation's schools have made great progress in ensuring that young girls receive an equitable education. Gender gaps in math and science performance have narrowed. More girls are taking algebra, geometry, pre-calculus, trigonometry, and calculus than ever before. More girls are taking honors and advanced placement level courses in calculus and chemistry.

Schools are making progress in other areas as well. More and more schools are instituting programs to address the problems of sexual harassment and abuse. Increasing numbers of girls are participating in high school athletics and receiving college athletic scholarships.

While these improvements are commendable, they are not enough. Continued progress is necessary. The Educating America's Girls Act addresses some of the most pressing issues in educational equity: access to technology, school safety, high school athletics, and dropout rates.

Technology education is particularly important for all students, but girls' needs are particularly acute. While gaps between boys and girls in math and science are narrowing, the gender gap in technology is growing.

Girls tend to come to the classroom with less exposure to computers and other technology than boys. Girls often believe that they are less adept at using technology than boys are. They tend to be more cautious than boys in the ways that they interact with technology.

Girls are also dramatically underrepresented in advanced computer science courses, making them less eligible than boys for high wage, high-tech jobs. The fact that girls are less likely than boys to take advanced computer science courses actually helps perpetuate a cycle of disadvantage in educational technology. Because fewer girls will have the skills to enter high-tech fields, fewer women will be developers of educational software and fewer role models will be available for young girls.

For girls to have equal access to the growing job market in the computer field, immediate steps must be taken to close the technology gap between boys and girls. The Educating America's Girls Act addresses problems with girls' access to technology by providing professional development to assist teachers in dealing more effectively with the technology needs of girls. It gives local and state governments and private and pubic schools and institutions of higher education the opportunity to meet their needs in their applications for federal grants. Finally, the Act states that the Title III provisions authorizing support for development of education technology must give special consideration to programs incorporating the technology learning needs of girls.

School safety is another concern for America's girls. Recent studies reveal that 85 percent of girls have experienced some form of sexual harassment. Sixty-five percent of girls who have been harassed were harassed in the classroom, and 73 percent were harassed in school hallways. Eighty-one percent of girls who have been harassed do not report the harassment to an adult. Thirty-three percent of girls report not wanting to go to school because of anxiety and stress caused by harassment. Nearly one quarter of girls report staying home from school or cutting classes because of harassment.

These numbers are clearly unacceptable. It is imperative that our schools do a better job of recognizing and eradicating sexual harassment in schools. As the recent Supreme Court ruling in Davis v. Monroe County Board of Education makes clear, school districts may now be sued for damages if they fail to respond to student sexual harassment of other students.

The Educating America's Girl's Act provides $10 million for district level programs to train teachers and administrators in identifying and preventing sexual harassment. In addition, the Act makes high rates of sexual harassment in schools a consideration in determining the distribution of state grants for violence prevention programs. It also requires that sexual harassment and abuse prevention be among the activities included in a school's comprehensive drug and violence program. Finally, the Act requires the National Center for Educational Statistics to collect data on sexual harassment and abuse in schools as a means of identifying and addressing the problem more effectively.

The Act supports girls' participation in high school athletics. Since the passage of Title IX over a quarter century ago, increasing numbers of girls are participating in organized sports, although boys continue to participate at higher rates.

Studies show that girls who do so are emotionally and physically healthier than girls who do not. Involvement in sports can also lead to higher self-esteem and confidence, more positive attitudes toward school, an improved sense of physical well-being, social recognition in the school and community, and a reduction in destructive behavior.

In addition, higher rates of athletic participation for girls are associated with lower rates of sexual activity and pregnancy. Girls who participate in sports are also less likely to drop out of school and less likely to smoke cigarettes. Girls who engage in physical activity in high school are less likely to suffer from heart disease, breast cancer, and osteoporosis in late life.

Participation in sports also has a positive effect on students' academic performance. Students involved in sports and other extracurricular activities perform better on assessments in reading and mathematics. In addition, for many girls, high school athletic opportunities translate into college scholarships.

Although there is ample evidence that physical activity and athletics are beneficial to girls, they are less physically active and less involved in high school athletics than boys are. In order to determine in what ways girls are affected by athletic participation, it is vital that accurate data on girls' participation in physical education and high school athletics be collected and made available. Unfortunately, current nationwide data is limited, making it difficult to determine progress toward equity in athletics, as required by Title IX. The Act helps ensure that girls' interests are being met by requiring data collection on the participation of high school students, by gender, in physical education and athletics.

The Act also addresses concerns about the dropout rate among pregnant teenagers. Almost one million girls in America become pregnant each year, and 80 percent of these pregnancies are unintended. Education is the means for all girls, including pregnant and parenting teens, to achieve economic success. Yet girls who become pregnant as teenagers are most likely to drop out of school, jeopardizing not only their own economic security but that of their children as well. The younger a girl is when she becomes pregnant, the more likely she is to drop out. Two-thirds of girls who become pregnant before age 18 will not complete school. Girls who drop out of school are less likely to return than boys. While teenage pregnancy rates have declined in recent years, they are still too high and a reason for grave concern.

The Act focuses on the needs of pregnant and parenting teens by supporting mentoring and support programs that encourage girls who are pregnant or have children to stay in school.

It is also important that the Women's Educational Equity Act be reauthorized. WEEA stands for the federal commitment to help schools eradicate sex discrimination and ensure that girls' futures are not limited by their gender, but are determined by their interests, aspirations, and abilities. Since its enactment in 1974, it has provided critical support in combating inequitable educational practices.

It provides resources for teachers, administrators, and parents seeking proven methods to ensure equity in schools and communities. It provides materials and tools to help schools comply with Title IX. It provides research and model programs to back up Title IX's promise to students of a non-discriminatory education.

It helps girls become confident, educated, and self-sufficient women through projects to prevent teen pregnancy; to keep girls in school; to guide them toward careers in math, science, and technology; and to provide them with mentors. It has funded over 700 programs since 1974, including programs on math and science education and careers, sexual harassment, gender-biased teaching practices, and women's history.

The Educating America's Girls Act will continue all this vital work on behalf of girls and young women by reauthorizing the Women's Educational Equity Act.

Significant strides have been made in securing more equitable education for the nation's young women and girls, but we cannot afford to be complacent. We must keep moving forward to guarantee that girls are full participants in the economic and social development of our country. Measures to assure gender equity in education are a key means of accomplishing this goal. Passage of the Educating America's Girls Act is a vital next step for increasing gender equity in education.

By Mr. GORTON (for himself, Ms. COLLINS, Mr. GREGG, Mr. COVERDELL, Mr. BROWNBACK, Mr. ASHCROFT, Mr. HELMS, and Mr. VOINOVICH):

S. 1266. A bill to allow a State to combine certain funds to improve the academic achievement of all its students; to the Committee on Health, Education, Labor, and Pensions.

THE STRAIGHT A'S ACT

Mr. GORTON. Mr. President, I rise today to introduce the Academic Achievement for All Act. As a parent and grandparent I know that there is no more important issue than our children's education. Education unlocks the door to a lifetime of learning; prepares us to participate in our democracy; helps our children lead productive, independent lives and ensures that our country is economically competitive. Education is a vital issue before the Senate as we consider the reauthorization of the Elementary and Secondary Education Act—the heart of Washington D.C.'s role in K–12 education.

Over the last several years I have talked with countless teachers, principals, parents, and school board members about our educational system. I consistently hear that Washington, D.C. interferes with local efforts to help students achieve high standards. I hear about bureaucratic hurdles, reams of paperwork and one-size-fits-all programs. Based on that input, Congressman GOODLING and I have written a bill that will refocus federal education programs on children and learning instead of process and paperwork. It is based on a fundamental trust that parents, teachers, local educators and states will make the best decisions regarding our children's education, rather than bureaucrats 3,000 miles away in Washington, DC. Its only common sense.

For too long Washington's programs have been driven by an obsession to comply with rules and regulations. In our state, 50 percent of all the paperwork an educator deals with is the result of federal programs. Yet the average school district receives only six percent of its budget from the federal government. On a nationwide basis, federal paperwork eats up 48 million people hours per year. That's 25,000 employees working full time on paper, not on helping our students learn. Is our educators' time spent filling out forms or teaching children how to read?

Former Secretary of Education Bill Bennett put it succinctly in a recent statement: ". . . our students have fallen further and further behind students in other countries. American 12th graders now rank 19th out of 21 nation in mathematics achievement; 16th of 21 in science; 15th out of 16 in advanced math; and 16th out of 16 nations in advanced physics. And this competition does not include Singapore, Korea, Japan and Hong Kong—which is rather like finishing last in a professional hockey league that does not include Canadians."

The good news is that we have before us an opportunity to restructure the way the federal government interacts with states and local communities in terms of education policy. We must not continue to support a system that has stifled creativity in states and local communities—the very place real education reform happens.

While freedom and flexibility are important, our schools should also be accountable for results—not to Washington, DC but to the standards each state and community has been working on to ensure its students are prepared for the 21st Century. We can't forget that our schools are ultimately accountable to the voters in each community who elect the local school boards and the parents who send their children to our schools.

My proposal, the Straight A's Act, will give parents, educators, school districts and states more decision-making authority over the way in which federal education funding is used. It means our children's teachers will spend less time filling out paperwork and more time in classrooms. And, equally important, it means that more federal education dollars will find their way into our children's schools, where they belong. Right now, as little as 65 cents of every dollar the nation's taxpayers invest in education makes it into the classroom.

Straight A's relies on a simple formula:

Freedom+Accountability=Results.

States would have the option of submitting a proposal to the Secretary of Education that would set specific, measurable performance goals to be reached in five years. States would be allowed maximum flexibility with the use of most of their Federal K–12 formula program funds for state education priorities and programs in exchange for being held accountable for meeting the goals set in their proposal. This would allow States the freedom to address more effectively the needs of students in their state. Alternatively, states would be free to continue to administer Federal education programs the old way. Straight A's does not eliminate any program—it's the state's choice to chose its approach.

What this means for states and school districts is that they can use federal funds for any initiative that improves performance of students in their state. Those states that choose to participate can focus more funds on disadvantaged students, increase efforts to improve teacher quality, reduce class size or even hook up all their classes to the Internet. The one string is that these efforts must increase the achievement of all students—including the lowest performing students—over the course of five years.

If states do not substantially meet those goals, they would lose their flexibility and revert to the categorical, regulated approach under current law. If states do well and significantly reduce achievement gaps between high and low performing students, they may be rewarded with additional funds.

Finally, it should also be noted that participating states and school districts would not lose any Title I funding. If Title I, Part A is included by a state, each school district in that state would be assured of receiving at least as much money as they received in the fiscal year preceding the year of the agreements enactment.

This proposal will allow educators to do what they do best—teach kids. We should focus on students learning and achieving, not process and paperwork.

My colleagues should also know that I did not develop this concept in a vacuum. As I mentioned earlier over the course of the past few years I have heard from literally hundreds of parents and educators about the challenges they face trying to provide the best possible education for their children. In particular, during the last congressional recess period I traveled to several schools around Washington state and had a chance to talk to many educators about my legislation. They've since responded with enthusiastic support for my proposal—I'd like to share some of their comments with you now:

> We need more control at the local level not more rules and regulations from the federal government.—Dennis Birr, President of the Association of Washington School Principals.
>
> Senator Gorton's Straight A's proposal is well-conceived with great flexibility for states and districts. It would help to focus federal resources where they are most needed.—Janet Barry, Issaquah Superintendent and 1996 National Superintendent of the Year.
>
> I believe that the choice is very clear. Would I trade the present government restrictions and stifling paperwork for flexibility and higher accountability? The answer is absolutely yes!—Dr. Richard Semler, Superintendent of the Richland School District.
>
> The Straight A's Act would release a tremendous amount of badly needed education dollars and give school districts the flexibility they desperately need.—State Senator Don Benton (R–17th) and State Representative Marc Boldt (R–17th).

I believe so strongly in the fundamental principal that local people make the best decisions about our children's education that each week I've come to the Senate floor to recognize individuals, schools, and educational programs in Washington state that demonstrate innovation and excellence in education.

My first award went to the Tukwila School District which had its ethnic diversity grow by more than 1,000 percent in the last seven years. I had the opportunity to visit this district earlier this year, and I found that 20% of the district's students are enrolled in bilingual education, and all told, they speak about 30 different languages. To meet the challenge of integrating this immigrant population into the school system and the community, the Tukwila School District, the City of Tukwila, and the local Rotary Club created "New Friends & Families"—a program designed to engage these hard-to-reach immigrant and refugee students and their families to make them aware of community services and to encourage parental involvement in their children's education. It is programs like "New Friends & Families" that illustrate the local innovation and local partnerships working to ensure all of their students achieve.

I also had the pleasure over this last break to stop by Chris Luther's 3rd grade class at Beachwood Elementary School. This class did not miss a spelling word on their weekly spelling tests for the entire school year. This is a classroom of average kids, all with different backgrounds and abilities. Yet, Mr. Luther has found a way to encourage and tutor these students so they are all accomplishing equally praiseworthy work. The key has not been some magical formula rather, the success of these students comes from a concerted effort by Mr. Luther to boost their self-esteem, to enhance their memory skills, and to impress upon every child in the classroom that learning is important. Those strategies combined with the individual effort of each of his students has clearly paid off. Those students may not remember how to spell each of the words they learned this year, but they will remember their third grade teacher for the rest of their lives.

Then there's Karen Mikolasy, Washington state's teacher of the year, who has taught for 28 years at Shorecrest High School with passion for her students and for her work. She emphasizes consistency and standards. In Mrs. Mikolasy's class homework is handed in on time and papers are rewritten until each student earns at least a B. That consistency in expectations also carries over to consistent positive reinforcement to her students—she tells them daily that it is a privilege to be their teacher. She says that in 28 years, not one day has gone by which she hasn't wanted to be in the classroom with her students. She was also recently recognized as the Washington

State Teacher of the Year. In the few minutes I met with her, I understood why she won this honor. Her passion and commitment to educating and inspiring young people was clear.

I hope these examples clearly illustrate why it is important that we return to our states and local communities the right to set priorities that reflect the unique needs of their students and allow more districts to have the ability to innovate like the Tukwila School District, and more teachers to spend more time with their students and hopefully emulate the examples set by Chris Luther and Karen Mikolasy.

In each of the last two years the Senate has voted to send more money to our classrooms, but the President has threatened a veto. I will try again this year. I'm going to keep fighting for a shift from programs focused on procedures and paperwork to a system that puts student learning and academic achievement first—a system that lets those closest to our children—their parents, teachers, and principals and school board members decide what's best for our children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Academic Achievement for All Act (Straight A's Act)".

SEC. 2. PURPOSE.

The purpose of this Act is to create options for States and communities—

(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

(2) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms;

(3) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children; and

(4) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

SEC. 3. PERFORMANCE AGREEMENT.

(a) PROGRAM AUTHORIZED.—A State may, at its option, execute a performance agreement with the Secretary under which the provisions of law described in section 4(a) shall not apply to such State except as otherwise provided in this Act.

(b) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 60 days after receiving the performance agreement, that the performance agreement is in violation of the provisions of this Act.

(c) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this Act shall include the following provisions:

(1) TERM.—A statement that the term of the performance agreement shall be 5 years.

(2) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this Act.

(3) LIST.—A list provided by the State of the programs that it wishes to include in the performance agreement.

(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—Include a 5-year plan describing how the State intends to combine and use the funds from programs included in the performance agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between students.

(5) ACCOUNTABILITY SYSTEM REQUIREMENTS.—If a State includes part A of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall include a certification that the State has the following:

(A)(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3) of such Act; or

(ii) developed and implemented a system to measure the degree of change from 1 school year to the next in student performance on such assessments;

(B) established a system under which assessment information is disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student;

(C) established specific, measurable, numerical performance objectives for student achievement, including—

(i) a definition of performance considered to be satisfactory by the State on the assessment instruments described under subparagraphs (A) and (B) with performance objectives established for all students and for specific student groups, including groups for which data is disaggregated under subparagraph (B); and

(ii) the objective of improving the performance of all groups and narrowing gaps in performance between those groups; and

(D) developed and implemented a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

(i) a procedure for identifying local educational agencies and schools in need of improvement;

(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

(iii) implementing corrective actions if the assistance and capacity building under clause (ii) is not effective.

(6) PERFORMANCE GOALS.—

(A) STUDENT ACHIEVEMENT DATA.—Each State shall establish student performance goals for the 5-year term of the performance agreement that, at a minimum—

(i) establish a single high standard of performance for all students;

(ii) take into account the progress of students from every local educational agency and school in the State;

(iii) measure changes in the percentages of students at selected grade levels meeting specified proficiency levels of achievement (established by the State) in the final year of the performance agreement, compared to such percentages in the baseline year (as described in subparagraph (C));

(iv) set numerical goals to attain by the end of the term of the performance agreement to—

(I) improve the performance of the groups specified in paragraph (5)(B); and

(II) reduce achievement gaps between the highest and lowest performing groups of students by raising the achievement levels of the lowest performing students in mathematics and reading, at a minimum; and

(v) require all students in the State to make substantial gains in achievement.

(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

(C) BASELINE PERFORMANCE DATA.—To determine student achievement levels for the baseline year, the State shall use its most recent achievement data when executing the performance agreement.

(D) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same challenging State student performance standards and assessments throughout the term of the performance agreement.

(7) FISCAL RESPONSIBILITIES.— An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under this Act.

(8) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws.

(9) PRIVATE SCHOOL PARTICIPATION.—An assurance that the State will provide for the equitable participation of students and professional staff in private schools in accordance with section 14503 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8893).

(10) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not reduce the level of spending of State funds for education during the term of the performance agreement.

(11) ANNUAL REPORT.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

(A) student performance data, disaggregated as provided in paragraph (5)(A)(ii); and

(B) a detailed description of how the State has used Federal funds to improve student performance and reduce achievement gaps to meet the terms of the performance agreement.

(d) SPECIAL RULE.—If a State does not include part A of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall—

(1) certify that it has developed a system to measure the academic performance of all students; and

(2) establish performance goals in accordance with subsection (c)(6) for such other programs.

(e) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

(1) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. If the Secretary approves the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

(2) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

SEC. 4. ELIGIBLE PROGRAMS.

(a) ELIGIBLE PROGRAMS.—The provisions of law referred to in section 3(a) except as otherwise provided in subsection (b), are as follows:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title I of the Elementary and Secondary Education Act of 1965.

(3) Part C of title I of the Elementary and Secondary Education Act of 1965.

(4) Part D of title I of the Elementary and Secondary Education Act of 1965.

(5) Section 1502, part E of title I of the Elementary and Secondary Education Act of 1965.

(6) Part B of title II of the Elementary and Secondary Education Act of 1965.

(7) Section 3132 of title III of the Elementary and Secondary Education Act of 1965.

(8) Title IV of the Elementary and Secondary Education Act of 1965.

(9) Title VI of the Elementary and Secondary Education Act of 1965.

(10) Section 307 of the Department of Education Appropriation Act of 1999.

(11) Comprehensive school reform programs as authorized under section 1502 of the Elementary and Secondary Education Act of 1965 and described on pages 96-99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998)".

(12) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(13) Title III of the Goals 2000: Educate America Act.

(14) Sections 115 and 116, and parts B and C of title I of the Carl D. Perkins Vocational Technical Education Act.

(15) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

(b) ALLOCATION AMOUNTS.—A State may choose to combine funds from any or all of the programs described in subsection (a) without regard to the program requirements of such provisions, except as otherwise provided in this Act and except that allocation ratios provided under the provisions referred to in subsection (a) shall remain in effect unless otherwise provided.

(c) USES OF FUNDS.—Funds made available under this Act to a State shall be used for any educational purpose permitted by State law of the participating State.

SEC. 5. WITHIN-STATE DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—The distribution of funds from programs included in the performance agreement from a State to a local educational agency within the State shall be determined by the State legislature and the Governor of the State. In a State in which the constitution or State law designates another individual, entity, or agency to be responsible for education, such other individual, entity, or agency shall work in consultation with the Governor and State legislature to determine the local distribution of funds.

(b) LOCAL HOLD HARMLESS OF PART A TITLE 1 FUNDS.—

(1) IN GENERAL.—In the case of a State that includes part A of title I in the performance agreement, the agreement shall provide an assurance that each local educational agency shall receive an amount equal to or greater than the amount such agency received under part A of title I of the Elementary and Secondary Education Act of 1965 in the fiscal year preceding the fiscal year in which the performance agreement is executed.

(2) PROPORTIONATE REDUCTION.—If the amount made available to the State from the Secretary for a fiscal year is insufficient to pay to each local educational agency the amount made available to such agency for the preceding fiscal year, the State shall reduce the amount each local educational agency receives by a uniform percentage.

SEC. 6. LOCAL PARTICIPATION.

(a) NONPARTICIPATING STATE.—

(1) IN GENERAL.—If a State chooses not to submit a performance agreement under this Act, any local educational agency in such State is eligible, at its option, to submit to the Secretary a performance agreement in accordance with this section.

(2) AGREEMENT.—The terms of a performance agreement between an eligible local educational agency and the Secretary shall specify the programs to be included in the performance agreement, as agreed upon by the State and the agency, from the list under section 4(a).

(b) STATE APPROVAL.—When submitting a performance agreement to the Secretary, an eligible local educational agency described in subsection (a) shall provide written documentation from the State in which such agency is located that it has no objection to the agency's proposal for a performance agreement.

(c) APPLICATION.—

(1) IN GENERAL.—Except as provided in this section, and to the extent applicable, the requirements of this Act shall apply to an eligible local educational agency that submits a performance agreement in the same manner as the requirements apply to a State.

(2) EXCEPTIONS.—The following provisions shall not apply to an eligible local educational agency:

(A) WITHIN STATE DISTRIBUTION FORMULA NOT APPLICABLE.—The formula for the allocation of funds under section 5 shall not apply.

(B) STATE SET ASIDE SHALL NOT APPLY.—The State set aside for administrative funds in section 7 shall not apply.

SEC. 7. SET-ASIDE FOR STATE ADMINISTRATIVE EXPENDITURES.

(a) IN GENERAL.—Except as otherwise provided under subsection (b), a State that includes part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement may use not more than 1 percent of such total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

(b) EXCEPTION.—A State that does not include part A of title I of the Elementary and Secondary Education of 1965 its performance agreement may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

SEC. 8. PERFORMANCE REVIEW.

(a) FAILURE TO MEET TERMS.—If at the end of the 5-year term of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement.

(b) PENALTY FOR FAILURE TO IMPROVE STUDENT PERFORMANCE.—If a State has made little or no progress toward achieving its performance goals by the end of the term of the agreement, the Secretary shall reduce funds for State administrative costs for each program included in the performance agreement by 50 percent for the 2-year period following the end of the term of the performance agreement.

SEC. 9. RENEWAL OF PERFORMANCE AGREEMENT.

(a) NOTIFICATION.—A State that wishes to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement.

(b) RENEWAL REQUIREMENTS.—A State that has met at least 80 percent of its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met at least 80 percent of its performance goals.

SEC. 10. ACHIEVEMENT GAP REDUCTION REWARDS.

(a) CLOSING THE GAP REWARD FUND.—

(1) IN GENERAL.—To reward States that make significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing students, the Secretary shall annually set aside sufficient funds from the Fund for the Improvement of Education under part A of title X of the Elementary and Secondary Education Act of 1965 to grant a reward to States that meet the conditions set forth in subsection (b) by the end of their 5-year performance agreement.

(2) REWARD AMOUNT.—The amount of the reward referred to in paragraph (1) shall be not less than 5 percent of funds allocated to the State during the first year of the performance agreement for programs included in the agreement.

(b) CONDITIONS OF PERFORMANCE REWARD.—A State is eligible to receive a reward under this section if the State reduces by not less than 25 percent, over the 5-year term of the performance agreement, the difference between the percentage of highest and lowest performing groups of students that meet the State's definition of "proficient" as referenced in section 1111(b)(1)(D)(i)(II) of the Elementary and Secondary Education Act of 1965, for the following:

(A) CONTENT AREAS.—The reduction in the achievement gap shall include not less than 2 content areas, one of which shall be mathematics or reading.

(B) GRADES TESTED.—The reduction shall occur in at least 1 grade level.

SEC. 11. STRAIGHT A'S PERFORMANCE REPORT.

The Secretary shall make the annual State reports described in section 3 available to the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor and Pensions not later than 60 days after the Secretary receives the report.

SEC. 12. CONSTRUCTION.

To the extent that provisions of title XIV of the Elementary and Secondary Education Act of 1965 are inconsistent with this Act, this Act shall be construed as superseding such provisions.

SEC. 13. DEFINITIONS.

For the purpose of this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(3) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.

SEC. 14. EFFECT ON STATE LAW.

Nothing in this Act shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

ADDITIONAL COSPONSORS

S. 222

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 288

At the request of Mr. KERRY, his name was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 333

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 341

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 385

At the request of Mr. ENZI, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 385, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 391

At the request of Mr. KERREY, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 635

At the request of Mr. MACK, the names of the Senator from New Hampshire (Mr. GREGG), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 693

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 727

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 727, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 798

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 798, a bill to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1017

At the request of Mr. MACK, the names of the Senator from Rhode Island (Mr. REED), the Senator from Oregon (Mr. WYDEN), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Carolina (Mr. THURMOND), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1034

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1034, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the medicare program for pap smear laboratory tests.

S. 1057

At the request of Mr. MACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1057, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1070

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1114

At the request of Mr. ENZI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1114, a bill to amend the Federal Mine Safety and Health Act of 1977 to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1144

At the request of Mr. VOINOVICH, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

At the request of Mr. VOINOVICH, the name of the Senator from Nevada (Mr. REID) was withdrawn as a cosponsor of S. 1144, supra.

S. 1165

At the request of Mr. MACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 1165, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 1189

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1189, a bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes.

S. 1195

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1195, A bill to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and for other purposes.

S. 1244

At the request of Mr. THOMPSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of Senate Resolution 99, A resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

HELMS (AND BIDEN) AMENDMENTS NOS. 705–706

Mr. HELMS (for himself and Mr. BIDEN) proposed two amendmens to the bill (S. 886) to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for the reform of the United Nations; and for other purposes; as follows:

AMENDMENT NO. 705

On page 19, strike lines 1 through 19.

On page 19, line 20, strike "sec. 205." and insert "sec. 204.".

On page 20, line 10, strike "sec. 206." and insert "sec. 205.".

On page 35, line 24, strike "financial, and moral" and insert "and financial".

On page 36, line 8, strike "these".

On page 54, line 7, strike "Inman".

On page 54, line 8, insert "chaired by Admiral Bobby Ray Inman" after "mission".

On page 54, beginning on line 17 strike "The" and all that follows through "Tanzania" on line 20.

On page 54, between lines 20 and 21, insert the following:

(8) The result has been a failure to take adequate steps to prevent tragedies such as the bombings in Kenya and Tanzania.

On page 54, line 21, strike "(8)" and insert "(9)".

On page 55, line 1, strike "(9)" and insert "(10)".

On page 55, line 9, strike "(10)" and insert "(11)".

On page 55, line 16, strike "legation,".

On page 55, line 21, strike "commander" and insert "military commander".

On page 56, line 6, strike "acquisition or construction" and insert "acquisition".

On page 58, line 20, strike "CONSTRUCTION" and insert "ACQUISITION".

On page 58, line 24, strike "security and construction" and insert "construction and security".

On page 59, lines 10 and 11, strike "acquisition, construction," and insert "acquisition".

On page 60, lines 24 and 25, strike "the Secretary determines and certifies" and insert "the Secretary and the head of each agency employing affected personnel determine and certify"

On page 61, line 1, insert "security so permits, and" after "that".

On page 61, lines 18 and 19, strike "constructed or".

On page 62, line 3, insert "security so permits, and" after "that".

On page 65, line 3, strike "(b)" and insert "(c)".

On page 65, between lines 2 and 3, insert the following:

(b) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The President may waive the application of paragraph (2) or (3) of subsection (a) with respect to a diplomatic facility, other than a United States diplomatic mission or consular post or a United States Agency for International Development mission, if the President determines that—

(A) it is important to the national security of the United States to so exempt that facility; and

(B) all feasible steps are being taken, consistent with the national security requirements that require the waiver, to minimize the risk and the possible consequences of a terrorist attack involving that facility or its personnel.

(2) PERIODIC REPORTS.—

(A) IN GENERAL.—Not later than January 1, 2000, and every six months thereafter, the

President shall submit to the appropriate congressional committees a classified report describing—

(i) the waivers that have been exercised under this subsection during the preceding six-month period or, in the case of the initial report, during the period since the date of enactment of this Act; and

(ii) the steps taken to maintain maximum feasible security at the facilities involved.

(B) Special rule.—Any waiver that, for national security reasons, may not be described in a report required by subparagraph (A) shall be noted in that report and described in an appendix submitted to the congressional committees with direct oversight responsibility for the facility.

On page 66, lines 4 and 5, strike "acquisition or construction" and insert "acquisition".

On page 66, line 13, strike "class 3 and 4 missions" and insert "diplomatic facilities that are part of the Special Embassy Program".

Beginning on page 66, strike line 18 and all that follows through line 16 on page 67 and insert the following:

SEC. 408. ACCOUNTABILITY REVIEW BOARDS.

Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831) is amended to read as follows:

"SEC. 301. ACCOUNTABILITY REVIEW BOARDS.

"(a) In General.

"(1) Convening a board.—Except as provided in paragraph (2), in any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this title referred to as the 'Board'). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

"(2) Department of defense facilities and personnel.—The Secretary of State is not required to convene a Board in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 106 of this Act. In any such case, the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

"(b) Deadlines for Convening Boards.—

"(1) In general.—Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for two additional 30-day periods if the Secretary determines that the additional period or periods are necessary for the convening of the Board.

"(2) Delay in cases involving intelligence activities.—With respect to breaches of security involving intelligence activities, the Secretary of State may delay the establishment of a Board if, after consultation with the chairman of the Select Committee on Intelligence of the Senate and the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the chairmen of such committees of each determination pursuant to this paragraph to delay the establishment of a Board.

"(c) Notification to Congress.—Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

"(1) that a Board has been convened;

"(2) of the membership of the Board; and

"(3) of other appropriate information about the Board.".

On page 74, strike lines 19 through 22, and insert the following:

(c) Funding.—Of the total amount of funds authorized to be appropriated to the Department of State by this Act for the fiscal years 2000 and 2001, $5,000,000 is authorized to be available for each such fiscal year to carry out subsection (a).

On page 78, line 7, strike "liaison between the policy community and" and insert "policy community representative to".

On page 83, line 3, strike "shall have" and insert "has".

On page 85, between lines 4 and 5, insert the following new section:

SEC. 618. PRESERVATION OF THE START TREATY VERIFICATION REGIME.

(a) Findings.—The Senate makes the following findings:

(1) Paragraph 6 of Article XI of the START Treaty states the following: "Each Party shall have the right to conduct reentry vehicle inspections of deployed ICBMs and SLBMs to confirm that such ballistic missiles contain no more reentry vehicles than the number of warheads attributed to them.".

(2) Paragraph 1 of Section IX of the Inspections Protocol to the START Treaty states that each Party "shall have the right to conduct a total of ten reentry vehicle inspections each year".

(3) Paragraph 4 of Section XVIII of the Inspections Protocol to the START Treaty states that the Parties "shall, when possible, clarify ambiguities regarding factual information contained in the inspection report" that each inspection team must provide at the end of an inspection, pursuant to paragraph 1 of Section XVIII of that Protocol.

(4) Paragraph 12 of Annex 3 to the Inspections Protocol to the START Treaty states that, once a missile has been selected and prepared for reentry vehicle inspection, the inspectors shall be given "a clear, unobstructed view of the front section [of the missile], to ascertain that the front section contains no more reentry vehicles than the number of warheads attributed to missiles of that type".

(5) Paragraph 13 of Annex 3 to the Inspections Protocol to the START Treaty states the following: "If a member of the in-country escort declares that an object contained in the front section is not a reentry vehicle, the inspected Party shall demonstrate to the satisfaction of the inspectors that this object is not a reentry vehicle.".

(6) Section II of Annex 8 to the Inspections Protocol to the START Treaty provides that radiation detection equipment may be used during reentry vehicle inspections.

(7) Paragraph F.1 of Section VI of Annex 8 to the Inspections Protocol to the START Treaty states the following: "Radiation detection equipment shall be used to measure nuclear radiation levels in order to demonstrate that objects declared to be non-nuclear are non-nuclear.".

(8) While the use of radiation detection equipment may help to determine whether an object that "a member of the in-country escort declares..is not a reentry vehicle" is a reentry vehicle with a nuclear warhead, it cannot help to determine whether that object is a reentry vehicle with a non-nuclear warhead.

(9) Article XV of the START Treaty provides for a Joint Compliance and Inspection Commission that shall meet to "resolve questions relating to compliance with the obligations assumed".

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the United States should assert and, to the maximum extent possible, exercise the right for reentry vehicle inspectors to obtain a clear, unobstructed view of the front section of a deployed SS-18 ICBM selected for reentry vehicle inspection pursuant to paragraph 6 of Article XI of the START Treaty;

(2) the United States should assert and, to the maximum extent possible, obtain Russian compliance with the obligation of the host Party, pursuant to paragraph 13 of Annex 3 to the Inspections Protocol to the START Treaty, to demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle;

(3) if a member of the in-country escort declares that an object contained in the front section of a deployed SS-18 ICBM selected for reentry vehicle inspection pursuant to paragraph 6 of Article XI of the START Treaty is not a reentry vehicle, but the inspected Party does not demonstrate to the satisfaction of the inspectors that this object is not a reentry vehicle, the United States inspection team should record this fact in the official inspection report as an ambiguity and the United States should raise this matter in the Joint Compliance and Inspection Commission as a concern relating to compliance of Russia with the obligations assumed under the Treaty;

(4) the United States should not agree to any arrangement whereby the use of radiation detection equipment in a reentry vehicle inspection, or a combination of the use of such equipment and Russian assurances regarding SS-18 ICBMs, would suffice to demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle; and

(5) the United States should not agree to any arrangement whereby the use of technical equipment in a reentry vehicle inspection would suffice to demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle, unless the Director of Central Intelligence, in consultation with the Secretaries of State, Defense, and Energy, has determined that such equipment can demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle.

(c) START Treaty Defined.—In this section, the term "START Treaty" means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

On page 86, strike lines 5 through 12, and insert the following:

(c) FUNDING.—Of the total amount of funds authorized to be appropriated to the Department of State by this Act for the fiscal years 2000 and 2001, $5,000,000 is authorized to be available for each such fiscal year to carry out subsection (a).

Beginning on page 89, strike line 13 and all that follows through line 5 on page 91 and insert the following:

(a) PROHIBITION.—Except as provided in subsection (b), no assistance may be provided by the United States Government to any person who is involved in the research, development, design, testing, or evaluation of chemical or biological weapons for offensive purposes.

(b) EXCEPTION.—The prohibition contained in subsection (a) shall not apply to any activity conducted to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

Beginning on page 91, strike line 23 and all that follows through line 3 on page 92 and insert the following:

(b) SUBMISSION OF THE FABRICATION FACILITY AGREEMENT PURSUANT TO LAW.—Whenever the President submits to Congress the agreement to establish a mixed oxide fuel fabrication or production facility in Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), it is the sense of Congress that the Secretary of State should be prepared to certify to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House Representatives that—

On page 93, lines 16 and 17, strike "subsection (c)" and insert "subsections (c) and (f)".

On page 94, line 3, strike "subsection (c)" and insert "subsections (c) and (f)".

On page 94, beginning on line 4, strike the comma and all that follows through "subsection (d)(2)," on line 6.

On page 94, line 15, insert after "Secretary of State" the following: ", with respect to any item defined in subsection (d)(1), or the Secretary of Commerce, with respect to any item defined in subsection (d)(2),".

On page 95, between lines 13 and 14, insert the following new subsection:

(f) EXCEPTION.—The provisions of this section do not apply to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

On page 96, after line 21, add the following new sections:

SEC. 643. REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) ADDITIONAL RESOURCES.—In addition to other amounts authorized to be appropriated for the purposes of the Diplomatic Telecommunications Service Program Office (DTS-PO), of the amounts made available to the Department of State under section 101(a)(2), $18,000,000 shall be made available only to the DTS-PO for enhancement of Diplomatic Telecommunications Service capabilities.

(b) IMPROVEMENT OF DTS-PO.—In order for the DTS-PO to better manage a fully integrated telecommunications network to service all agencies at diplomatic missions and consular posts, the DTS-PO shall—

(1) ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization;

(2) not later than December 31, 1999, terminate all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances;

(3) institute a system of charges for utilization of bandwidth by each agency beginning October 1, 2000, and institute a comprehensive chargeback system to recover all, or substantially all, of the other costs of telecommunications services provided through the Diplomatic Telecommunications Service to each agency beginning October 1, 2001;

(4) ensure that all DTS-PO policies and procedures comply with applicable policies established by the Overseas Security Policy Board; and

(5) maintain the allocation of the positions of Director and Deputy Director of DTS-PO as those positions were assigned as of June 1, 1999, which assignments shall pertain through fiscal year 2001, at which time such assigments shall be adjusted in the customary manner.

(c) REPORT ON IMPROVING MANAGEMENT.—Not later than March 31, 2000, the Director and Deputy Director of DTS-PO shall jointly submit to the appropriate committees of Congress the Director's plan for improving network architecture, engineering, operations monitoring and control, service metrics reporting, and service provisioning, so as to achieve highly secure, reliable, and robust communications capabilities that meet the needs of both national security agencies and other United States agencies with overseas personnel.

(d) FUNDING OF DTS-PO.—Funds appropriated for allocation to DTS-PO shall be made available only for DTS-PO until a comprehensive chargeback system is in place.

SEC. 644. SENSE OF CONGRESS ON FACTORS FOR CONSIDERATION IN NEGOTIATIONS WITH THE RUSSIAN FEDERATION ON REDUCTIONS IN STRATEGIC NUCLEAR FORCES.

It is the sense of Congress that, in negotiating a START III Treaty with the Russian Federation, or any other arms control treaty with the Russian Federation making comparable amounts of reductions in United States strategic nuclear forces—

(1) the strategic nuclear forces and nuclear modernization programs of the People's Republic of China and every other nation possessing nuclear weapons should be taken into full consideration in the negotiation of such treaty; and

(2) such programs should not undermine the limitations set forth in the treaty.

On page 97, line 8, insert after "State" the following: ", as set forth in the Country Reports on Human Rights Practices for 1998,".

On page 103, line 1, insert after "individuals" the following: "subject to the jurisdiction of the United States who are".

On page 103, line 3, strike "through such practice in the United States".

On page 104, line 8, strike "vital" and insert "important".

On page 115, after line 18, insert the following:

SEC. 730. TECHNICAL CORRECTIONS.

(a) Section 1422(b)(3)(B) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105-277; 112 Stat. 2681-792) is amended by striking "divisionAct" and inserting "division".

(b) Section 1002(a) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105-277; 112 Stat. 2681-762) is amended by striking paragraph (3).

(c) The table of contents of division G of Public Law 105-277 (112 Stat. 2681-762) is amended by striking "DIVISION " and inserting "DIVISION G".

On page 134, line 15, strike "States" and insert "Nations".

AMENDMENT NO. 706

On page 2, strike lines 3 and 4 and insert "Admiral James W. Nance Foreign Relations Authorization Act, Fiscal Years 2000 and 2001".

BIDEN AMENDMENT NO. 707

Mr. HELMS (for Mr. BIDEN) proposed an amendment to the bill, S. 886, supra; as follows:

On page 141, between lines 4 and 5, insert the following new section:

SEC. 825. UNITED STATES REPRESENTATION AT THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) AMENDMENT TO THE UNITED NATIONS PARTICIPATION ACT OF 1945.—Section 2(h) of the United Nations Participation Act of 1945 (22 U.S.C. 287(h)) is amended by adding at the end the following new sentence: "The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency.".

(b) AMENDMENT TO THE IAEA PARTICIPATION ACT OF 1957.—Section 2(a) of the International Atomic Energy Agency Participation Act of 1957 (22 U.S.C. 2021(a)) is amended by adding at the end the following new sentence: "The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to individuals appointed on or after the date of enactment of this Act.

HELMS AMENDMENTS NOS. 708–709

Mr. HELMS proposed two amendments to the bill, S. 886, supra; as follows:

AMENDMENT NO. 708

On page 96, after line 21, add the following new section:

SEC. . CLARIFICATION OF EXCEPTION TO NATIONAL SECURITY CONTROLS ON SATELLITE EXPORT LICENSING.

Section 1514(b) of Public Law 105-261 is amended by striking all that follows after "EXCEPTION.—" and inserting the following: "Subsections (a)(2), (a)(4), and (a)(8) shall not apply to the export of a satellite or satellite-related items for launch in, or by nationals of, a country that is a member of the North Atlantic Treaty Organization (NATO) or that is a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)) of the United States unless, in each instance of a proposed export of such item, the Secretary of State, in consultation with the Secretary of Defense, first provides a written determination to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that it is in the national security or foreign policy interests of the United States to apply the export controls required under such subsections.".

AMENDMENT NO. 709

On page 43, between lines 8 and 9, insert the following new section:

SEC. 323. EXTENSION OF USE OF FOREIGN SERVICE PERSONNEL SYSTEM.

Section 202(a) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)) is amended by adding at the end the following new paragraph:

"(4)(A) Whenever (and to the extent) the Secretary of State considers it in the best interests of the United States Government, the Secretary of State may authorize the head of any agency or other Government establishment (including any establishment in the legislative or judicial branch) to appoint under section 303 individuals described in subparagraph (B) as members of the Service and to utilize the Foreign Service personnel system with respect to such individuals under such regulations as the Secretary of State may prescribe.

"(B) The individuals referred to in subparagraph (A) are individuals hired for employment abroad under section 311(a).".

BIDEN AMENDMENT NO. 710

Mr. HELMS (for Mr. Biden) proposed an amendment to the bill, S. 886, supra; as follows:

On page 141, between lines 4 and 5, insert the following new section:

SEC. 825. ANNUAL FINANCIAL AUDITS OF UNITED STATES SECTION OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) In General.—An independent auditor shall annually conduct an audit of the financial statements and accompanying notes to the financial statements of the United States Section of the International Boundary and Water Commission, United States and Mexico (in this section referred to as the "Commission"), in accordance with generally accepted Government auditing standards and such other procedures as may be established by the Office of the Inspector General of the Department of State.

(b) Reports.—The independent auditor shall report the results of such audit, including a description of the scope of the audit and an expression of opinion as to the overall fairness of the financial statements, to the International Boundary and Water Commission, United States and Mexico. The financial statements of the Commission shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the independent auditor shall be included in a report which the Commission shall submit to the Congress not later than 90 days after the end of the last fiscal year covered by the audit.

(c) Review by the Comptroller General.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") may review the audit conducted by the auditor and the report to the Congress in the manner and at such times as the Comptroller General considers necessary. In lieu of the audit required by subsection (b), the Comptroller General shall, if the Comptroller General considers it necessary or, upon the request of the Congress, audit the financial statements of the Commission in the manner provided in subsection (b).

(d) Availability of Information.—In the event of a review by the Comptroller General under subsection (c), all books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Commission and the auditor who conducts the audit under subsection (b), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

HELMS AMENDMENT NO. 711

Mr. HELMS proposed an amendment to the bill, S. 886, supra; as follows:

On page 66, line 12, strike "and".

On page 66, line 17, strike the period and insert "; and".

On page 66, between lines 17 and 18, insert the following new subparagraph:

(F) examine the feasibility of opening new regional outreach centers, modeled on the system used by the United States Embassy in Paris, France, with each center designed to operate—

(i) at no additional cost to the United States Government;

(ii) with staff consisting of one or two Foreign Service officers currently assigned to the United States diplomatic mission in the country in which the center is located; and

(iii) in a region of the country with high gross domestic product (GDP), a high density population, and a media market that not only includes but extends beyond the region.

ABRAHAM (AND OTHERS) AMENDMENT NO. 712

Mr. HELMS (for Mr. Abraham (for himself, Mr. Kennedy, Mr. Grams, Mr. Leahy, Mr. Burns, Mr. McCain, Mr. Gorton, Mr. Craig, Mr. Murkowski, Mrs. Murray, Mr. Jeffords, Ms. Snowe, Mr. Smith of Oregon, Mr. Dorgan, Mr. Levin, Mr. Moynihan, Mr. Schumer, Mr. Mack, Mr. Hagel, and Mr. Durbin) proposed an amendment to the bill, S. 886, supra; as follows:

At the end of title VII of the bill, insert the following:

Subtitle C—United States Entry-Exit Controls

SEC. 732. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) In General.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) System.—

"(1) In general.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through online searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) Exception.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border or seaport of the United States for any alien; or

"(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 733. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Requirement.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) Contents of Report.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 734. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) Annual Reports on Implementation of Entry-Exit Control at Airports.—Not later than 30 days after the end of each fiscal year until the fiscal year in which the Attorney General certifies to Congress that the entry-exit control system required by section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 732 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—

(1) provides an accurate assessment of the status of the development of the entry-exit control system;

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

(3) includes a detailed estimate of the funding, if any, needed for the development of the entry-exit control system.

(b) Annual Reports on Visa Overstays Identified Through the Entry-Exit Control System.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that sets forth—

(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

(2) the number of departure records of aliens that were successfully matched to records of such aliens' prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens' authorized period of stay, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

KENNEDY AMENDMENT NO. 713

Mr. HELMS (for Mr. KENNEDY) proposed an amendment to the bill, S. 886, supra; as follows:

On page 115, after line 18, add the following new section:

SEC. . REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than each of the dates specified in paragraph (2), the Secretary of State shall submit a report to the appropriate congressional committees describing specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a free, fair, and transparent referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by July 2000.

(2) DEADLINES FOR SUBMISSION OF REPORTS.—The dates referred to in paragraph (1) are January 1, 2000, and June 1, 2000.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of preparations for the referendum, including the extent to which free access to the territory for independent international organizations including elections and servers and international media, will be guaranteed

(2) a description of current efforts by the Department of State to ensure that a referendum will be held by July 2000;

(3) an assessment of the likelihood that the July 2000 date will be met;

(4) a description of obstacles, if any, to the voter-registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles; and

(5) an assessment of progress being made in the repatriation process.

DURBIN AMENDMENT NO. 714

Mr. HELMS (for Mr. DURBIN) proposed an amendment to the bill, S. 886, supra; as follows:

On page 35, between lines 7 and 8, insert the following new section:

SEC. 302. STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE.

The Secretary of State shall designate an existing senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.

LEAHY (AND OTHERS) AMENDMENT NO. 715

Mr. HELMS (for Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. REED, Mr. HARKIN, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. KOHL, Mr. CHAFEE, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. BOXER, Mr. DURBIN, Mr. WELLSTONE, and Mr. WYDEN) proposed an amendment to the bill, S. 886, supra; as follows:

At the appropriate place in the bill, insert the following:

SELF-DETERMINATION IN EAST TIMOR

SEC. . (a) FINDINGS.—The Congress finds as follows:

(1) On May 5, 1999 the Government of Indonesia and Portugal signed an agreement that provides for an August 8, 1999 ballot organized by the United Nations on East Timor's political status;

(2) On June 22, 1999 the ballot was rescheduled for August 21 or 22 due to concerns that the conditions necessary for a free and fair vote could not be established prior to August 8;

(3) On January 27, 1999, President Habibie expressed a willingness to consider independence for East Timor if a majority of the East Timorese reject autonomy in the August ballot;

(4) Under the May 5th agreement the Government of Indonesia is responsible for ensuring that the August ballot is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference;

(5) The inclusion of anti-independence militia members in Indonesian forces responsible for establishing security in East Timor violates the May 5th agreement which states that the absolute neutrality of the military and police is essential for holding a free and fair ballot;

(6) The arming of anti-independence militias by members of the Indonesian military for the purpose of sabotaging the August ballot has resulted in hundreds of civilians killed, injured or disappeared in separate attacks by these militias who continue to act without restraint;

(7) The United Nations Secretary General has received credible reports of political violence, including intimidation and killing, by armed anti-independence militias against unarmed pro-independence civilians;

(8) There have been killings of opponents of independence, including civilians and militia members;

(9) The killings in East Timor should be fully investigated and the individuals responsible brought to justice;

(10) Access to East Timor by international human rights monitors and humanitarian organizations is limited, and members of the press have been threatened;

(11) The presence of members of the United Nations Assistance Mission in East Timor has already resulted in an improved security environment in the East Timorese capital of Dili;

(12) A robust international observer mission and police force throughout East Timor is critical to creating a stable and secure environment necessary for a free and fair ballot;

(13) The Administration should be commended for its support for the United Nations Assistance Mission in East Timor which will provide monitoring and support for the ballot and include international civilian police, military liaison officers and election monitors;

(b) POLICY.—(1) The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through the United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(A) disarm and disband anti-independence militias;

(B) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(C) allow Timorese who have been living in exile to return to East Timor to participate in the ballot; and

(2) the President should submit a report to the Congress not later than 21 days after passage of this Act, containing a description of the Administration's efforts and his assessment of steps taken by the Indonesian Government and military to ensure a stable and secure environment in East Timor, including those steps described in paragraph (1).

MOYNIHAN AMENDMENT NO. 716

Mr. HELMS (for Mr. MOYNIHAN) proposed an amendment to the bill, S. 886, supra; as follows:

On page 12, line 6, strike "$7,000,000" and insert "$5,000,000".

On page 12, between lines 19 and 20, insert the following:

(c) MUSKIE FELLOWSHIP DOCTORAL GRADUATE STUDIES FOR NATIONALS OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—

(1) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated under subsection (a)(1)(B), not less than $2,000,000 for fiscal year 2000, and not less than $2,000,000 for fiscal year 2001, shall be made available to provide scholarships for doctoral graduate study in the social sciences to nationals of the independent states of the former Soviet Union under the Edmund S. Muskie Fellowship Program authorized by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note).

(2) REQUIREMENTS.—

(A) NON-FEDERAL SUPPORT.—Not less than 20 percent of the costs of each student's doctoral study supported under paragraph (1) shall be provided from non-Federal sources.

(B) HOME COUNTRY RESIDENCE REQUIREMENT.—

(i) AGREEMENT FOR SERVICE IN HOME COUNTRY.—Before an individual may receive scholarship assistance under paragraph (1), the individual shall enter into a written agreement with the Department of State under which the individual agrees that after completing all degree requirements, or terminating his or her studies, whichever occurs first, the individual will return to the country of the individual's nationality, or country of last habitual residence, within the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), to reside and remain physically present there for an aggregate of at least one year for each year of study supported under paragraph (1).

(ii) DENIAL OF ENTRY INTO THE UNITED STATES FOR NONCOMPLIANCE.—Any individual who has entered into an agreement under clause (i) and who has not completed the period of home country residence and presence required by that agreement shall be ineligible for a visa and inadmissible to the United States.

On page 12, line 20, strike "(c)" and insert "(d)".

REID AMENDMENT NO. 717

Mr. HELMS (for Mr. REID) proposed an amendment to the bill, S. 886, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . MIKEY KALE PASSPORT NOTIFICATION ACT OF 1999

(a) Not later than 180 days after the enactment of this Act, the Secretary of State shall issue regulations that—

(1) provide that, in the issuance of a passport to minors under the age of 18 years, both parents, a guardian, or a person in loco parentis have—

(A) executed the application; and

(B) provided documentary evidence demonstrating that they are the parents, guardian, or person in loco parentis; and

(2) provide that, in the issuance of a passport to minors under the age of 18 years, in those cases where both parents have not executed the passport application, the person executing the application has provided documentary evidence that such person—

(A) has sole custody of the child; or

(B) the other parent has provided consent to the issuance of the passport.

The requirement of this paragraph shall not apply to guardians or persons in loco parentis.

(b) The regulations required to be issued by this section may provide for exceptions in exigent circumstances involving the health or welfare of the child.

BINGAMAN AMENDMENT NO. 718

Mr. HELMS (for Mr. BINGAMAN) proposed an amendment to the bill, S. 886, supra; as follows:

On page 35, between lines 7 and 8, insert the following new section:

SEC. 302. SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE.

(a) ESTABLISHMENT OF POSITION.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(g) SCIENCE AND TECHNOLOGY ADVISER.—

"(1) IN GENERAL.—There shall be within the Department of State a Science and Technology Adviser (in this paragraph referred to as the 'Adviser'). The Adviser shall report to the Secretary of State through the Under Secretary of State for Global Affairs.

"(2) DUTIES.—The Adviser shall—

"(A) advise the Secretary of State, through the Under Secretary of State for Global Affairs, on international science and technology matters affecting the foreign policy of the United States; and

"(B) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.".

(b) REPORT.—Not later than six months after receipt by the Secretary of State of the report by the National Research Council of the National Academy of Sciences with respect to the contributions that science, technology, and health matters can make to the foreign policy of the United States, the Secretary of State, acting through the Under Secretary of State for Global Affairs, shall submit a report to Congress setting forth the Secretary of State's plans for implementation, as appropriate, of the recommendations of the report.

THOMAS AMENDMENT NO. 719

Mr. HELMS (for Mr. THOMAS) proposed an amendment to the bill, S. 886, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

BIDEN (AND ROTH) AMENDMENT NO. 720

Mr. HELMS (for Mr. BIDEN (for himself and Mr. ROTH)) proposed an amendment to the bill, S. 886, supra; as follows:

On page 115, after line 18, insert the following new section:

SEC. . SUPPORT FOR THE PEACE PROCESS IN SUDAN.

(a) FINDINGS.—Congress finds that—

(1) the civil war in Sudan has continued unabated for 16 years and raged intermittently for 40 years;

(2) an estimated 1,900,000 Sudanese people have died as a result of war-related causes and famine;

(3) an estimated 4,000,000 people are currently in need of emergency food assistance in different areas of Sudan;

(4) approximately 4,000,000 people are internally displaced in Sudan;

(5) the continuation of war has led to human rights abuses by all parties to the conflict, including the killing of civilians, slavery, rape, and torture on the part of government forces and paramilitary forces; and

(6) it is in the interest of all the people of Sudan for the parties to the conflict to seek a negotiated settlement of hostilities and the establishment of a lasting peace in Sudan.

(b) SENSE OF CONGRESS.—(1) Congress—

(A) acknowledges the renewed vigor in facilitating and assisting the Inter-Governmental Authority for Development (IGAD) peace process in Sudan; and

(B) urges continued and sustained engagement by the Department of State in the IGAD peace process and the IGAD Partners' Forum.

(2) It is the sense of Congress that the President should—

(A) appoint a special envoy—

(i) to serve as a point of contact for the Inter-Governmental Authority for Development peace process;

(ii) to coordinate with the Inter-Governmental Authority for Development Partners Forum as the Forum works to support the peace process in Sudan; and

(iii) to coordinate United States humanitarian assistance to southern Sudan.

(B) provide increased financial and technical support for the IGAD Peace Process and especially the IGAD Secretariat in Nairobi, Kenya; and

(C) instruct the United States Permanent Representative to the United Nations to call on the United Nations Secretary General to consider the appointment of a special envoy for Sudan.

LUGAR AMENDMENTS NOS. 721–722

Mr. HELMS (for Mr. LUGAR) proposed two amendments to the bill S. 886, supra; as follows:

AMENDMENT NO. 721

On page 96, after line 21, add the following new section:

SEC. 645. STUDY ON LICENSING PROCESS UNDER THE ARMS EXPORT CONTROL ACT.

Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on International Relations of the House of Representatives a study on the performance of the licensing process pursuant to the Arms Export Control Act, with recommendations on how to improve that performance. The study shall include:

(1) An analysis of the typology of licenses on which action was completed in 1999. The analysis should provide information on major categories of license requests, including—

(A) the number for nonautomatic small arms, automatic small arms, technical data, parts and components, and other weapons;

(B) the percentage of each category staffed to other agencies;

(C) the average and median time taken for the processing cycle for each category when staffed and not staffed;

(D) the average time taken by White House or National Security Council review or scrutiny; and

(E) the average time each spent at the Department of State after a decision had been taken on the license but before a contractor was notified of the decision. For each category the study should provide a breakdown of licenses by country. The analysis also should identify each country that has been identified in the past three years pursuant to section 3(e) of the Arms Export Control Act (22 U.S.C. 2753(e)).

(2) A review of the current computer capabilities of the Department of State relevant to the processing of licenses and its ability to communicate electronically with other

agencies and contractors, and what improvements could be made that would speed the process, including the cost for such improvements.

(3) An analysis of the work load and salary structure for export licensing officers of the Office of Defense Trade Control of the Department of State as compared to comparable jobs at the Department of Commerce and the Department of Defense.

(4) Any suggestions of the Department of State relating to resources and regulations, and any relevant statutory changes that might expedite the licensing process while furthering the objectives of the Arms Export Control Act.

AMENDMENT NO. 722

At the appropriate place, insert:

RUSSIAN BUSINESS MANAGEMENT EDUCATION

SECTION 1. PURPOSE.

The purpose of this section is to establish a training program in Russia for nationals of Russia to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology; techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competiveness.

SEC. 2. DEFINITIONS.

(1) BOARD.—The term "Board" means the United States-Russia Business Management Training Board established under section 5(a).

(2) DISTANCE LEARNING.—The term "distance learning" means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

(3) ELIGIBLE ENTERPRISE.—The term "eligible enterprise" means—

(A) a business concern operating in Russia that employs Russian nationals; and

(B) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia.

(4) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 3. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

(a) TRAINING PROGRAM.—

(1) IN GENERAL.—The Secretary of State, acting through the Under Secretary of State for Public Diplomacy, and taking into account the general policies recommended by the United States-Russia Business Management Training Board established under section 5(a), is authorized to establish a program of technical assistance (in this Act referred to as the "program") to provide the training described in section 1 to eligible enterprises.

(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by Russian nationals who have been trained under the program or by those who meet criteria established by the Board. Such training may be carried out—

(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in Russia, including facilities of the armed forces of Russia, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

(B) by "distance learning" programs originating in the United States or in European branches of United States institutions.

(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—The Secretary, acting through the Under Secretary of State for Public Diplomacy, is authorized to pay the travel expenses and appropriate in-country business English language training, if needed, of certain Russian nationals who have completed training under the program to undertake short-term internships with business concerns in the United States upon the recommendation of the Board.

SEC. 4. APPLICATIONS FOR TECHNICAL ASSISTANCE.

(a) PROCEDURES.—

(1) IN GENERAL.—Each eligible enterprise that desires to receive training for its employees and managers under this Act shall submit an application to the clearinghouse established by subsection (d), at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require.

(2) JOINT APPLICATIONS.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

(b) CONTENTS.—The Secretary shall approve an application under subsection (a) only if the application—

(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

(2) describes the level of training for which assistance under this Act is sought;

(3) provides evidence that the eligible enterprise meets the general policies adopted by the Secretary for the administration of this Act;

(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

(5) provides such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(c) COMPLIANCE WITH BOARD POLICIES.—The Secretary shall approve applications for technical assistance under the program after taking into account the recommendations of the Board.

(d) CLEARINGHOUSE.—There is established a clearinghouse in Russia to manage and execute the program. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

SEC. 5. UNITED STATES-RUSSIAN BUSINESS MANAGEMENT TRAINING BOARD.

(a) ESTABLISHMENT.—There is established within the Department of State a United States-Russian Business Management Training Board.

(b) COMPOSITION.—The Board established pursuant to subsection (a) shall be composed of 12 members as follows:

(1) The Under Secretary of State for Public Diplomacy.

(2) The Administrator of the Agency for International Development.

(3) The Secretary of Commerce.

(4) The Secretary of Education.

(5) Six individuals from the private sector having expertise in business administration, accounting, and marketing, who shall be appointed by the Secretary of State, as follows:

(A) Two individuals employed by graduate schools of management offering accredited degrees.

(B) Two individuals employed by eligible enterprises.

(C) Two individuals from nongovernmental organizations involved in promoting free market economy practices in Russia.

(6) Two nationals of Russia having experience in business administration, accounting, or marketing, who shall be appointed by the Secretary of State upon the recommendation of the Government of Russia, and who shall serve as nonvoting members.

(c) GENERAL POLICIES.—The Board shall make recommendations to the Secretary with respect to general policies for the administration of this Act, including—

(1) guidelines for the administration of the program under this Act;

(2) criteria for determining the qualifications of applicants under the program;

(3) the appointment of panels of business leaders in the United States and Russia for the purpose of nominating trainees; and

(4) such other matters with respect to which the Secretary may request recommendations.

(d) CHAIRPERSON.—The Chairperson of the Board shall be designated by the President from among the voting members of the Board. Except as provided in subsection (e)(2), a majority of the voting members of the Board shall constitute a quorum.

(e) MEETINGS.—The Board shall meet at the call of the Chairperson, except that—

(1) the Board shall meet not less than 4 times each year; and

(2) the Board shall meet whenever one-third of the voting members request a meeting in writing, in which event 7 of the voting members shall constitute a quorum.

(f) COMPENSATION.—Members of the Board who are not in the regular full-time employ of the United States shall receive, while engaged in the business of the Board, compensation for service at a rate to be fixed by the President, except that such rate shall not exceed the rate specified at the time of such service for level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

SEC. 6. RESTRICTIONS NOT APPLICABLE.

Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation shall not apply with respect to the funds made available to carry out this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2000 and 2001 to carry out this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999.

McCAIN AMENDMENT NO. 723

Mr. HELMS (for Mr. MCCAIN) proposed an amendment to the bill, S. 886, supra; as follows:

At the appropriate place in the bill, insert the following:

Notwithstanding any other provision of law, the Inspector General of the Agency for International Development shall serve as the Inspector General of the Inter-American Foundation and the African Development Foundation and shall have all the authorities and responsibilities with respect to the Inter-American Foundation and the Africa Development Foundation as the Inspector General has with respect to the Agency for International Development.

SCHUMER (AND BROWNBACK) AMENDMENT NO. 724

Mr. HELMS (for Mr. SCHUMER (for himself and Mr. BROWNBACK)) proposed an amendment to the bill, S. 886, supra; as follows:

At the appropriate place, insert:

It is the sense of the Congress that:

Ten percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

According to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

The 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over 'continued discrimination against religious minorities' in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are 'completely emancipated';

More than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of religious persecution, and many of them now reside in the United States;

The Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

Five Jews have been executed by the Iranian government in the past five years without having been tried;

There has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

On the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

In keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific erime or allow visitation by relatives of the detained for more than two months: Now, therefore, it is the sense of the Congress that the United States should—

(1) continue to work through the United Nations to assure that the Islamic Republic of Iran implements the recommendations of Resolution 1999/13;

(2) condemn, in the strongest possible terms,the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

MACK (AND LIEBERMAN) AMENDMENT NO. 725

Mr. HELMS (for Mr. MACK (for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 886, supra; as follows:

On page 115, after line 18, insert the following new section:

SEC. 730. REPORTING REQUIREMENTS UNDER PLO COMMITMENTS COMPLIANCE ACT OF 1989.

(a) FINDINGS.—Congress makes the following findings:

(1) The PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) requires the President to submit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate every 180 days, on Palestinian compliance with the Geneva commitments of 1988, the commitments contained in the letter of September 9, 1993 to the Prime Minister of Israel, and the letter of September 9, 1993 to the Foreign Minister of Norway.

(2) The reporting requirements of the PLO Commitments Compliance Act of 1989 have remained in force from enactment until the present.

(3) Modification and amendment to the PLO Commitments Compliance Act of 1989, and the expiration of the Middle East Peace Facilitation Act (Public Law 104–107) did not alter the reporting requirements.

(4) According to the official records of the Committee on Foreign Relations of the Senate, the last report under the PLO Commitments Compliance Act of 1989 was submitted and received on December 27, 1997.

(b) REPORTING REQUIREMENTS.—The PLO Commitments Compliance Act of 1989 is amended—

(1) in section 804(b), by striking "In conjunction with each written policy justification required under section 604(b)(1) of the Middle East Peace Facilitation Act of 1995 or every" and inserting "Every";

(2) in section 804(b)—

(A) by striking "and" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10); and

(C) by adding at the end the following new paragraphs:

"(11) a statement on the effectiveness of end-use monitoring of international or United States aid being provided to the Palestinian Authority, Palestinian Liberation Organization, or the Palestinian Legislative Council, or to any other agent or instrumentality of the Palestinian Authority, on Palestinian efforts to comply with international accountig standards and on enforcement of anti-corruption measures; and

"(12) a statement on compliance by the Palestian Authority with the democratic reforms with specific details regarding the separation of powers called for between the executive and Legislative Council, the status of legislation passed by the Legislative Council and sent to the executive, the support of the executive for local and municipal elections, the status of freedom of the press, and of the ability of the press to broadcast debate from within the Legislative Council and about the activities of the Legislative Council.".

GRAMS (AND WELLSTONE) AMENDMENT NO. 726

Mr. HELMS (for Mr. GRAMS (for himself and Mr. WELLSTONE)) proposed an amendment to the bill, S. 886, supra; as follows:

On page 129, between lines 5 and 6, insert the following new section:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

There are authorized to be appropriated to the President $5,000,000 for each of the fiscal years 2000 and 2001 for payment of contributions to the United Nations Voluntary Fund for Victims of Torture.

DODD AMENDMENT NO. 727

Mr. HELMS (for Mr. DODD) proposed an amendment to the bill, S. 886, supra; as follows:

On page 52, between lines 19 and 20, insert the following new section:

SEC. 337. STATE DEPARTMENT INSPECTOR GENERAL AND PERSONNEL INVESTIGATIONS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(5) INVESTIGATIONS.—

"(A) CONDUCT OF INVESTIGATIONS.—In conducting investigations of potential violations of Federal criminal law or Federal regulations, the Inspector General shall—

"(i) abide by professional standards applicable to Federal law enforcement agencies; and

"(ii) permit each subject of an investigation an opportunity to provide exculpatory information.

"(B) REPORTS OF INVESTIGATIONS.—In order to ensure that reports of investigations are thorough and accurate, the Inspector General shall—

"(i) make every reasonable effort to ensure that any person named in a report of investigation has been afforded an opportunity to refute any allegation or assertion made regarding that person's actions;

"(ii) include in every report of investigation any exculpatory information, as well as any inculpatory information, that has been discovered in the course of the investigation.".

(b) ANNUAL REPORT.—Section 209(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) a description, which may be included, if necessary, in the classified portion of the report, of any instance in a case that was closed during the period covered by the report when the Inspector General decided not to afford an individual the opportunity described in subsection (c)(5)(B)(i) to refute any allegation or assertion, and the rationale for denying such individual that opportunity.".

(c) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section may be construed to modify—

(1) section 209(d)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(4));

(2) section 7(b) of the Inspector General Act of 1978 (5 U.S.C. app.);

(3) the Privacy Act of 1974 (5 U.S.C. 552a); or

(4) the provisions of section 2302(b)(8) of title 5 (relating to whistleblower protection).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to cases opened on or after the date of the enactment of this Act.

ASHCROFT (AND OTHERS) AMENDMENT NO. 728

Mr. HELMS (for Mr. ASHCROFT (for himself, Mr. SCHUMER, Mr. BURNS, and Mr. SPECTER)) proposed an amendment to the bill, S. 886, supra; as follows:

On page 115, after line 18, insert the following new section:

SEC. 730. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than six months after the date of enactment of this legislation and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) the date of each attack, the total number of people killed or injured in each attack;

(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993 and the response to each request from the Palestinian Authority and Israel.

(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against U.S. citizens as listed in the report.

(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is available, any stated claim or responsibility and the resolution or disposition of each case, including information as to the whereabouts of the perpetrators of the acts, further provided that this list shall be submitted only once with the initial report required under this section, unless additional relevant information on these cases becomes available.

(9) The amount of compensation the United States has requested for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority since September 13, 1993, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

(c) INITIAL REPORT.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "appropriate congressional Committee" means the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

HARKIN (AND OTHERS) AMENDMENT NO. 729

Mr. HELMS (for Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KOHL, Mr. LAUTENBERG, Mr. KENNEDY, Mr. TORRICELLI, Mr. DODD, Mr. FEINGOLD, and Mr. WYDEN)) proposed an amendment to the bill, S. 886, supra; as follows:

On page 115, after line 18, insert the following new section:

SEC. 730. SENSE OF SENATE REGARDING CHILD LABOR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The International Labor Organization (in this resolution referred to as the "ILO") estimates that at least 250,000,000 children under the age of 15 are working around the world, many of them in dangerous jobs that prevent them from pursuing an education and damage their physical and moral wellbeing.

(2) Children are the most vulnerable element of society and are often abused physically and mentally in the work place.

(3) Making children work endangers their education, health, and normal development.

(4) UNICEF estimates that by the year 2000, over 1,000,000,000 adults will be unable to read or write on even a basic level because they had to work as children and were not educated.

(5) Nearly 41 percent of the children in Africa, 22 percent in Asia, and 17 percent in Latin America go to work without ever having seen the inside of a classroom.

(6) The President, in his State of the Union address, called abusive child labor "the most intolerable labor practice of all," and called upon other countries to join in the fight against abusive and exploitative child labor.

(7) The Department of Labor has conducted 5 detailed studies that document the growing trend of child labor in the global economy, including a study that shows children as young as 4 are making assorted products that are traded in the global marketplace.

(8) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment among adults, low living standards, and insufficient education and training opportunities among adult workers and children.

(9) The ILO has unanimously reported a new Convention on the Worst Forms of Child Labor.

(10) The United States negotiators played a leading role in the negotiations leading up to the successful conclusion of the new ILO Convention on the Worst Forms of Child Labor.

(11) On September 23, 1993, the United States Senate unanimously adopted a resolution stating its opposition to the importation of products made by abusive and exploitative child labor and the exploitation of children for commercial gain.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) abusive and exploitative child labor should not be tolerated anywhere it occurs;

(2) ILO member States should be commended for their efforts in negotiating this historic convention;

(3) it should be the policy of the United States to continue to work with all foreign nations and international organizations to promote an end to abusive and exploitative child labor; and

(4) the Senate looks forward to the prompt submission by the President of the new ILO convention on the worst forms of child labor.

FEINGOLD AMENDMENT NO. 730

Mr. HELMS (for Mr. FEINGOLD) proposed an amendment to the bill, S. 886, supra; as follows:

At the appropriate place in the Bill, insert the following:

SEC. . (a) FINDINGS.—The Congress finds as follows:

The International Criminal Tribunal for Rwanda (ICTR) was established to prosecute individuals responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda;

(2) A separate tribunal, the International Criminal Tribunal for the Former Yugoslavia (ICTY), was created with a similar purpose for crimes committed in the territory of the former Yugoslavia;

(3) The acts of genocide and crimes against humanity that have been perpetrated against civilians in the Great Lake region of Africa equal in horror the acts committed in the territory of the former Yugoslavia;

(4) The ICTR has succeeded in issuing at least 28 indictments against 48 individuals, and currently has in custody 38 individuals presumed to have led and directed the 1994 genocide;

(5) The ICTR issued the first conviction ever by an international court for the crime of genocide against Jean-Paul Akayesu, the former mayor of Taba, who was sentenced to life in prison;

(6) The mandate of the ICTR is limited to acts committed only during calendar year

1994, yet the mandate of the ICTY covers serious violations of international humanitarian law since 1991 through the present;

(7) There has been well substantial allegations of major crimes against humanity and war crimes that have taken place in the Great Lakes region of Africa that fall outside of the current mandate of the Tribunal in terms of either the dates when, or geographical areas where, such crimes took place;

(8) The attention accorded the ICTY and the indictments that have been made as a result of the ICTY's broad mandate continue to play an important role in current U.S. policy in the Balkans;

The International community must send an unmistakable signal that genocide and other crimes against humanity cannot be committed with impunity;

(b) It is the sense of the Congress that,

The President should instruct the United States U.N. Representative to advocate to the Security Council to direct the Office of Internal Oversight Services (OIOS) to reevaluate the conduct and operation of the ICTR. Particularly, the OIOS should assess the progress made by the Tribunal in implementing the recommendations of the Report of the U.N. Secretary-General on the Activities of the Office of Internal Oversight Services, A/52/784, of 6 February, 1998. The OIOS should also include an evaluation of the potential impact of expanding the original mandate of the ICTR.

(c) REPORT.—90 days after enactment of this Act, the Secretary of State shall report to Congress on the effectiveness and progress of the ICTR. The report shall include an assessment of the ICTR's ability to meet its current mandate and an evaluation of the potential impact of expanding that mandate to include crimes committed after calendar year 1994.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 731

Mr. HELMS (for Mrs. FEINSTEIN (for herself, Mr. FEINGOLD, and Mr. LEVIN)) proposed an amendment to the bill, S. 886, supra; as follows:

On page 115, after line 18, add the following new section:

SEC. . REPORTING REQUIREMENT ON WORLDWIDE CIRCULATION OF SMALL ARMS AND LIGHT WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) In numerous regional conflicts, the presence of vast numbers of small arms and light weapons has prolonged and exacerbated conflict and frustrated attempts by the international community to secure lasting peace. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, among others, and has contributed to the violence endemic to narcotrafficking in Colombia and Mexico.

(2) Increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to United States participants in peacekeeping operations and United States forces based overseas, as well as to United States citizens traveling overseas.

(3) In accordance with the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998, effective March 28, 1999, all functions and authorities of the Arms Control and Disarmament Agency were transferred to the Secretary of State. One of the stated goals of that Act is to integrate the Arms Control and Disarmament Agency into the Department of State "to give new emphasis to a broad range of efforts to curb proliferation of dangerous weapons and delivery systems".

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing—

(1) an assessment of whether the export of small arms poses any proliferation problems including—

(A) estimates of the numbers and sources of licit and illicit small arms and light arms in circulation and their origins;

(B) the challenges associated with monitoring small arms; and

(C) the political, economic, and security dimensions of this issue, and the threats posed, if any, by these weapons to United States interests, including national security interests;

(2) an assessment of whether the export of small arms of the type sold commercially in the United States should be considered a foreign policy or proliferation issue;

(3) a description of current Department of State activities to monitor and, to the extent possible ensure adequate control of, both the licit and illicit manufacture, transfer, and proliferation of small arms and light weapons, including efforts to survey and assess this matter with respect to Africa and to survey and assess the scope and scale of the issue, including stockpile security and destruction of excess inventory, in NATO and Partnership for Peace countries;

(4) a description of the impact of the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998 on the transfer of functions relating to monitoring, licensing, analysis, and policy on small arms and light weapons, including—

(A) the integration of and the functions relating to small arms and light weapons of the United States Arms Control and Disarmament Agency with those of the Department of State;

(B) the functions of the Bureau of Arms Control, the Bureau of Nonproliferation, the Bureau of Political-Military Affairs, the Bureau of International Narcotics and Law Enforcement, regional bureaus, and any other relevant bureau or office of the Department of State, including the allocation of personnel and funds, as they pertain to small arms and light weapons;

(C) the functions of the regional bureaus of the Department of State in providing information and policy coordination in bilateral and multilateral settings on small arms and light weapons;

(D) the functions of the Under Secretary of State for Arms Control and International Security pertaining to small arms and light weapons; and

(E) the functions of the scientific and policy advisory board on arms control, nonproliferation, and disarmament pertaining to small arms and light weapons; and

(5) an assessment of whether foreign governments are enforcing their own laws concerning small arms and light weapons import and sale, including commitments under the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or other relevant international agreements.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 30, 1999 at 9:30 a.m., in room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 22, 1999, to conduct a hearing with respect to the nomination of Lawrence H. Summers, to be Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 22, for purposes of conducting a joint committee hearing with the Committee on Armed Services, the Committee on Governmental Affairs, and the Select Committee on Intelligence, which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony from the President's Foreign Intelligence Advisory Board regarding its report to the President: Science at its Best, Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 22, for purposes of conducting a full committee hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to explore the effectiveness of existing federal and industry efforts to promote distributed generating technologies, including solar, wind, fuel cells, and microturbines, as well as regulatory and other barriers to their widespread use.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 22, 1999 beginning at 10:00 a.m., in room SD–215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 22, 1999 immediately following the 10:00 a.m. hearing to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELOCATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 22, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Professional Development" during the session of the Senate on Tuesday, June 22, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re S. 952, Stadium Financing and Franchise Relocation Act of 1999, during the session of the Senate on Tuesday, June 22, 1999, at 11:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 22, 1999 at 9:30 a.m. to hold an open joint hearing on the PFIAB DOE.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging, be authorized to meet for a hearing on Older Americans during the session of the Senate on Tuesday, June 22, 1999, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Tuesday, June 22, 1999 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MARY ELIZABETH MONTAGUE

• Mr. DODD. Mr. President, sadly, on January 24th of this year, the state of Connecticut lost a resident of upstanding character who had dedicated her career to public service. Mary Elizabeth Montague led an accomplished life for 87 years and our state owes her many thanks for all of her extraordinary contributions.

Born in Middletown, Connecticut, Mary Elizabeth established a distinguished record as a public servant. While in Middletown, she worked as a social service investigator for the Family Welfare Association and went on to become the first woman president of the local Parent-Teachers Association. She eventually became the PTA's state district director.

Mary Elizabeth's diverse accomplishments led to her appointment as a congressional liaison to the Small Business Administration during the Kennedy Administration.

Then, in 1965, she joined Vice President Hubert Humphrey's Capitol Hill staff handling such issues as cities, the arts, and the economy.

Upon leaving Vice President Humphrey's office, Mary Elizabeth launched her own public relations firm in 1968. She published numerous editions of "A Woman's Guide to Washington, D.C." and created and published "On the Hill," a monthly magazine about Capitol Hill that was distributed to all congressional offices.

In March of 1998, Mary Elizabeth was presented with the Key to Norwalk, Connecticut, her most recent home, for her 30 years of service as a communications consultant. This was only one of the 14 different keys she had received from cities and towns around the state. In addition, Mary Elizabeth was awarded numerous commendations and citations for her dedicated community service.

My Connecticut office shared a relationship with Mary Elizabeth for the past 6 years as she tirelessly continued to better the lives of those around her. Her life and work were committed to serving the public good and are testaments to how one person can touch so many people in a positive way.

Mary Elizabeth Montague is survived by her three children, Louis, William, and Miriam, four grandchildren, and one great-granddaughter. I offer each of them my heartfelt condolences.

I ask to have printed in the RECORD the full text of the eulogy offered by Mary Elizabeth's daughter, Miriam. I believe her words have truly captured the remarkable spirit of her mother and the outstanding life that she led.

The eulogy follows:

THE PASSING OF A GREAT COMMUNICATOR AND A GREAT CONTRIBUTOR TO LIFE—MARY ELIZABETH MONTAGUE

Her life was and is a story, each chapter better than the next. She was the central figure in many lives—a daughter, a mother, an advisor, a friend, teacher, a companion, a politician, a writer and a coordinator of events that surrounded her life and all those she touched. She was a woman ahead of her time managing political campaigns, speaking out for the rights of children, concerned for the people instituted by the system, promoting reading and literacy, all in the 50's when women were supposed to be quiet—she spoke. Never shy to give her opinion or back down from her beliefs, she taught us to be strong, independent, and to think for ourselves.

As a single parent, she sacrificed and made choices to improve her children's lives and off to Washington we went. There she continued her political endeavors as an administrator, coordinator, and writer. Along the way, she showed us that richness comes in the quality of life you live and in the people you meet along the way. And, oh, the people we met—Presidents, Congressmen, Congresswomen, Senators, Ambassadors, Governors, key figures in national and international politics, actors and actresses, writers and so many more. But all the while, she showed us that even these people were all the same, some with more power or wealth, but none better than the man next door.

Most of all, she wanted us to believe in ourselves—that God gave us talents, personality, wit and a mind to grow and share. She taught us laughter and wit with a twinkle in her eye and laughter in her heart.

Mary Elizabeth's story has not ended for she will remain in our hearts, our lives, and our souls forever.•

• Mr. GORTON. Mr. President, just a few short weeks ago, on the anniversary of the filing of the government's antitrust suit against Microsoft, I took to the floor of the U.S. Senate to detail the rapidly changing nature of the information technology industry over that twelve-month period of time. I noted that, just one year ago that day, AOL and Netscape were two large successful companies. A year later, they were a gigantic conglomerate, teamed with Sun and ready to compete in the next frontier of the information technology industry. MCI Communications and WorldCom were two separate companies, as were Excite and @Home. Yahoo hadn't yet bought GeoCities and Broadcast.com. AT&T was a long distance company. A year later, AT&T could have influence over 60% of cable systems in the United States. The stock market had risen dramatically over that year, fueling our unprecedented economic boom.

What difference a year makes, I said at that time.

Now, last week, we were joined by some of the most brilliant and visionary minds in the world as they testified before the Joint Economic Committee High-Technology Summit. Two of the most brilliant, even among that gathering, Federal Reserve Chairman Alan Greenspan and Microsoft Chairman Bill Gates, reinforced the notion of an extraordinarily dynamic industry, and painted a future promising more dramatic change than we have already seen.

As the two men who arguably have had more to do with our extended economic expansion than any other in the world—one for his contributions in creating the high-tech boom that has driven the economy, the other for judiciously guiding that economy—we would do well to listen to Mr. Gates and Mr. Greenspan when they offer their thoughts about America's next century. I was struck by the similarity of their views this week as they testified on the future of the information-technology industry, the profound benefits it has bestowed on the U.S. and world economies, and the role government has and should continue to play in sustaining this dynamic and literally world-changing force.

To begin with, both Mr. Gates and Chairman Greenspan point to the momentous changes in the way the world operates as a result of this industry's influence. Its innovations are not confined merely to IT products, but to the repercussions of how those products are used. According to Chairman Greenspan, "innovations in information technology so-called IT have begun to alter the manner in which we do business and create value, often in ways that were not readily foreseeable even five years ago. As this century comes to an end, that defining characteristic of the current wave of technology is the role of information."

Mr. Gates underscored that sentiment and gave us a glimpse of an even more information-defined vision of the future in which, "there will be a proliferation of smart, connected devices, from palm-sized digital assistants and tablet personal computers to smart TVS and Web-enabled cell phones. All of your files," he told us, "schedule, address book and everything else you will need will automatically be available on each of these. When you're traveling you'll be able to call up your itinerary, book an appointment or view your stock portfolio using the device you have in hand. It will know the information you need, and when and where you need it. Wherever you are, you'll be able to access your own digital dashboard—your personal portal to your own secure office desktop on any PC."

Where will this information revolution lead us? If the past five years are any indication of the future, it looks bright, indeed.

According to Mr. Gates, "The continuing rapid growth in the Internet will help power this information revolution, just as the proliferation of new devices will help make the Internet more useful and accessible to everyone. Five years ago. who would have imagined that people would now be shopping for automobiles, home loans, airline tickets or clothing on the Web? Electronic commerce has increased tenfold in the last few years, making it convenient for people to purchase almost anything, anytime, from anywhere. By 2002, nearly 50 million Americans will be shopping online, spending almost half a trillion dollars on the Web. There is endless speculation about which companies will be successful. The big winner will be consumers. They will see better prices, more choice, more opportunities to do the things they want to do."

Chairman Greenspan agreed with Mr. Gates' sentiment that consumers have been, and will continue to be, the main beneficiaries of the IT revolution. "Every new innovation," he told us, "has suggested further possibilities to profitably meet increasingly sophisticated consumer demands. Many ventures fail. But the few that prosper enhance consumer choice."

Both men pointed to the enormous economic benefit that has accrued from the IT industry's success.

"The unexpectedly strong economic growth this country is experiencing can, in large measure," noted Mr. Gates, "be traced to the vibrant, competitive and fast-growing computer technology industry. This sector has created more new jobs than any other part of the economy. In fact, we can predict today that by the year 2000, the software industry's contribution to the U.S. economy will be greater than the contribution of any other manufacturing industry in America, an extraordinary achievement for an industry that is less than 30 years old."

Chairman Greenspan underscored just how strong that contribution has been already by stating flatly that, "An economy that twenty years ago seemed to have seen its better days, is displaying a remarkable run of economic growth that appears to have its roots in ongoing advances in technology. Nor, have the benefits been limited to just our country. All else equal, the enhanced competition in tradable goods enables excess capacity previously bottled up in one country to augment worldwide supply and exert restraint on prices in all countries' markets."

Chairman Greenspan offered a note of caution, though, as it is his job to do, and as he has done so brilliantly to our economic benefit in the last few years. "The rate of growth of productivity cannot increase indefinitely," he warned us, adding, "experience advises caution."

We would do well to heed the Chairman's admonition, Mr. President. The IT industry has indeed been a vibrant enterprise, but as Mr. Gates accurately noted, "the incredible success of this industry in the United States owes a lot to the light hand of government in the technology area, the fact that people can take incredible risks and if they're successful they can have incredible rewards."

Mr. President, Alan Greenspan and Bill Gates are precisely correct. We must not take for granted the unprecedented success of this industry and the bounty it has conferred upon our country and, indeed, upon the rest of the world.

The United States government must refrain from yielding to the temptation to pick winners and losers in the marketplace according to arcane and discredited economic theories that are rooted in "what if" wishes rather than "what is" actualities. The freedom to innovate and provide quality products that will continue to improve lives is only possible when government does not dictate how young, vibrant, entrepreneurial companies can compete.

Again, Chairman Greenspan stated the case lucidly: "at this stage," he told us, "one lesson seems reasonably clear. As we contemplate the appropriate public policies for an economy experiencing rapid technological advancement, we should strive to maintain the flexibility of our labor and capital markets that has spurred the continuous replacement of capital facilities embodying older technologies with facilities reflecting the newest innovations. Further reducing regulatory impediments to competition, will, of course, add to this process. The newer technologies have widened the potential for economic well-being. Governments should seek to foster that potential."

Mr. President, I could not agree more. We should be fostering the growth of the dynamic Information Technology industry, not engineering its deterioration into the bureaucratic morass that is government's specialty.

Unfortunately, there are some in the Clinton administration who do not share this view. They short-sightedly seek to impose the heavy hand of government on the IT industry to ensure that certain competitors, not consumers, are the ultimate beneficiaries of this economic revolution. Their current project is the break-up of the most dynamic and successful company of the last 25 years—perhaps in U.S. history—the Microsoft Corporation.

As I pointed out those few weeks ago, in the presence of a company exerting real monopoly power, competitors would be stifled, prices would rise, choices would be curtailed, consumers would be harmed. In fact, in the last twelve months the real world for consumers has improved by all of these measures. Competition in the technology industry is alive and well and nipping at the heels of Microsoft.

Prices are down, choices are up, innovation is rampant—all great news for consumers.

And, as these two luminaries of the current golden economic firmament told us this week, the free-market conditions that will allow this great news to continue must prevail: government must keep its hands off of this industry.

I would ask that copies of both Chairman Greenspan's and Mr. Gates' testimony be printed in their entirety in the CONGRESSIONAL RECORD. I would urge my colleagues to read and study their remarks, and then to join me in pursuing policies that will ensure that the Gates and Greenspan view of a future IT industry be allowed to unfold, unimpeded by government's misdirected and deleterious hectoring.

The material follows:

PREPARED TESTIMONY FROM ALAN GREENSPAN, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE—JUNE 14, 1999

Something special has happened to the American economy in recent years.

An economy that twenty years ago seemed to have seen its better days, is displaying a remarkable run of economic growth that appears to have its roots in ongoing advances in technology.

I have hypothesized on a number of occasions that the synergies that have developed, especially among the microprocessor, the laser, fiber-optics, and satellite technologies, have dramatically raised the potential rates of return on all types of equipment that embody or utilize these newer technologies. But beyond that, innovations in information technology—so called IT—have begun to alter the manner in which we do business and create value, often in ways that were not readily foreseeable even five years ago. As this century comes to an end, the defining characteristic of the current wave of technology is the role of information. Prior to this IT revolution most of twentieth century business decisionmaking had been hampered by limited information. Owing to the paucity of timely knowledge of customers' needs and of the location of inventories and materials flows throughout complex production systems, businesses required substantial programmed redundancies to function effectively.

Doubling up on materials and people was essential as backup to the inevitable misjudgments of the real-time state of play in a company. Decisions were made from information that was hours, days, or even weeks old. Accordingly, production planning required costly inventory safety stocks and backup teams of people to maintain quality control and to respond to the unanticipated and the misjudged. Large remnants of information void, of course, still persist, and forecasts of future events on which all business decisions ultimately depend are still unavoidably uncertain. But the recent years' remarkable surge in the availability of real-time information has enabled business management to remove large swaths of inventory safety stocks and worker redundancies, and has armed firms with detailed data to fine-tune product specifications to most individual customer needs.

Moreover, information access in real-time—resulting, for example, from such processes as checkout counter bar code scanning and satellite location of trucks—has fostered marked reductions in delivery lead-times on all sorts of goods, from books to capital equipment. This, in turn, has reduced the relative size of the overall capital structure required to turn out our goods and services.

Intermediate production and distribution processes, so essential when information and quality control were poor, are being bypassed and eventually eliminated. The increasing ubiquitousness of Internet web sites is promising to significantly alter the way large parts of our distribution system are managed.

The process of innovation goes beyond the factory floor or distribution channels. Design times have fallen dramatically as computer modeling has eliminated the need, for example, of the large staff of architectural specification drafters previously required for building projects. Medical diagnoses are more thorough, accurate, and far faster, with access to heretofore unavailable information. Treatment is accordingly hastened, and hours of procedures eliminated. In addition, the dramatic advances in biotechnology are significantly increasing a broad range of productivity-expanding efforts in areas from agriculture to medicine.

Economists endeavor to describe the influence of technological change on activity by matching economic output against measurable economic inputs: quality adjusted labor and all forms of capital. They attribute the fact that economic growth has persistently outpaced the contributions to growth from labor and capital inputs to such things as technological innovation and increased efficiencies of organizations that are made possible through newer technologies. For example, since 1995 output per labor workhour in the nonfarm business sector—our standard measure of productivity—has grown at an annual rate of about 2 percent. Approximately one-third of that expansion appears to be attributable to output growth in excess of the combined growth of inputs.

Of course, it often takes time before a specific innovation manifests itself as an increase in measured productivity. Although some new technologies can be implemented quickly and have an immediate payoff, others may take years or even decades before achieving their full influence on productivity as new capital is put in place that can take advantage of these creations and their spillovers. Hence, the productivity growth seen in recent years likely represents the benefits of the ongoing diffusion and implementation of a succession of technological advances; likewise, the innovative breakthroughs of today will continue to bear fruit in the future.

The evident acceleration of the process of "creative destruction," which has accompanied these expanding innovations and which has been reflected in the shifting of capital from failing technologies into those technologies at the cutting edge, has been remarkable. Owing to advancing information capabilities and the resulting emergence of more accurate price signals and less costly price discovery, market participants have been able to detect and to respond to finely calibrated nuances in consumer demand. The process of capital reallocation has been assisted through a significant unbundling of risks made possible by the development of innovative financial products, not previously available. Every new innovation has suggested further possibilities to profitably meet increasingly sophisticated consumer demands. Many ventures fail. But the few that prosper enhance consumer choice.

The newer technologies, as I indicated earlier, have facilitated a dramatic foreshortening of the lead-times on the delivery of capital equipment over the past decade. When lead times for capital equipment are long, firms must undertake capital spending that is adequate to deal with the plausible range of business needs likely to occur after these goods are delivered and installed. In essence, those capital investments must be sufficient to provide insurance against uncertain future demands. As lead times have declined, a consequence of newer technologies, firms' forecasts of future requirements have become somewhat less clouded, and the desired amount of lead-time insurance in the form of a reserve stock of capital has been reduced.

In addition to shortening lead-times, technology has increased the flexibility of capital goods and production processes to meet changes in the demand for product characteristics and the composition of output.

This flexibility allows firms to deal more effectively with evolving market conditions with less physical capital than had been necessary in the past.

Taken together, reductions in the amount of spare capital and increases in capital flexibility result in a saving of resources that, in the aggregate, is reflected in higher levels of productivity. The newer technologies and foreshortened lead-times have, thus, apparently made capital investment distinctly more profitable, enabling firms to substitute capital for labor and other inputs far more productively than they could have a decade or two ago. Capital, as economists like to say, has deepened significantly since 1995.

The surge in investment not only has restrained costs, it has also increased industrial capacity faster than the rise in factory output. The resulting slack in product markets has put greater competitive pressure on businesses to hold down prices.

Technology is also damping upward price pressures through its effect on international trade, where technological developments and a move to a less constrained world trading order have progressively broken down barriers to cross-border trade. All else equal, the enhanced competition in tradeable goods enables excess capacity previously bottled up in one country to augment worldwide supply and exert restraint on prices in all countries' markets.

Because neither business firms nor their competitors can currently count any longer on a general inflationary tendency to validate decisions to raise their own prices, each company feels compelled to concentrate on efforts to hold down costs. The availability of new technology to each company and its rivals affords both the opportunity and the competitive necessity of taking steps to boost productivity. This contrasts with our experiences through the 1970s and 1980s, when firms apparently found it easier and more profitable to seek relief from rising nominal labor costs through price increases than through cost-reducing capital investments.

The rate of growth of productivity cannot increase indefinitely. While there appears to be considerable expectation in the business community, and possibly Wall Street, that the productivity acceleration has not yet peaked, experience advises caution. As I have noted in previous testimony, history is strewn with projections of technology that have fallen wide of the mark. With the innumerable potential permutations and combinations of various synergies, forecasting technology has been a daunting exercise.

There is little reason to believe that we are going to be any better at this in the future than in the past. Hence, despite the remarkable progress witnessed to date, we have to be quite modest about our ability to project the future of technology and its implications for productivity growth and for the broader economy.

A key question that we need to answer in order to appropriately evaluate the connection between technological innovations and productivity growth is why have not the same available technologies allowed productivity in Europe and Japan to catch up to U.S. levels. While productivity in some foreign industrial countries appears to have accelerated in recent years, a significant gap between U.S. productivity and that abroad persists.

One hypothesis is that a necessary condition for information technology to increase output per hour is a willingness to discharge or retrain workers that the newer technologies have rendered redundant. Countries with less flexible labor markets than the United States enjoys may have been inhibited in this regard.

Another hypothesis is that regulations, systems of corporate governance, trade restrictions, and government subsidies have prevented competition from being sufficiently keen to induce firms in Europe and Japan to take full advantage of the efficiencies offered by the latest advances in information technology and other innovations.

Further investigation will be necessary to evaluate the importance of these possible influences. But at this stage, one lesson seems reasonably clear. As we contemplate the appropriate public policies for an economy experiencing rapid technology advancement, we should strive to maintain the flexibility of our labor and capital markets that has spurred the continuous replacement of capital facilities embodying older technologies with facilities reflecting the newest innovations. Further reducing regulatory impediments to competition, will, of course, add to this process. The newer technologies have widened the potential for economic well-being. Governments should seek to foster that potential.

PREPARED TESTIMONY FROM BILL GATES OF MICROSOFT

(Testimony from June 15, 1999)

Thank you Mr. Chairman and Members of Congress. It is an honor to be here. Mr. Chairman, I know that we are joined today by a number of students. I'd like to extend my greetings to them—and also to note how different things are today than when I was in school. Today, students have access to powerful personal computing devices and a sea of information through the Internet that I could only dream of when I was a teenager. We truly live in an amazing time. The information age is an era of new possibilities for us, for our children, and for the entire nation.

It is the greatest time of innovation and change in history. In less than 25 years we have seen the personal computer evolve from a hobbyists' toy to a tool many Americans can't imagine being without. We have seen its power double every 18 months, its price fall and its importance grow at home, at school and in every office. I know that many of you on this Committee are technology enthusiasts and appreciate this significance of this change.

As we learn more about how the information age is affecting us, the more we understand its central role in creating the remarkable new prosperity in this country today, and in accelerating economic development throughout the world. We are creating a new digital economy for this new information age.

Mr. Chairman, I know that yesterday Chairman Greenspan appeared before this Committee. Last month, he made a very important observation that I'd like to read very briefly. He said: "The newest innovations, which we label information technologies, have begun to alter the manner in which we do business and create value, often in ways not readily foreseeable even five years ago . . . The breadth of technological advance and its application has engendered a major upward revaluation of business assets, both real and intangible."

I'd like to reinforce Chairman Greenspan's points by telling you about the findings of a major new study of the digital economy carried out by the Business Software Alliance, an organization representing most of the nation's largest software developers. The study will be released tomorrow, and I will ask that, when it is released, its entire contents be entered into the record of this committee.

The results of the BSA study once again confirm that the unexpectedly strong economic growth this country is experiencing can, in large measure, be traced to the vibrant, competitive and fast-growing computer technology industry. This sector has created more new jobs than any other part of the economy. In fact, we can predict today that by the year 2000, the software industry's contribution to the U.S. economy will be greater than the contribution of any other manufacturing industry in America—an extraordinary achievement for an industry that is less than 30 years old.

Today, America not only sells more cars than Japan. We also lead the world—by a wide margin—in software development. Last year this sector grew more than 15%, and is growing at nearly four times the rate of the economy as a whole. The software industry contributed more than a $13 billion surplus to the U.S. balance of trade, and this will rise to roughly $20 billion next year. A strong technology sector has spurred the renewal of industries old and new across America.

Moreover, new technology companies are being created every day, and are generating incredible valuations overnight. The slew of recent mergers reminds us just how quickly the landscape of the high tech marketplace is changing. That change will continue. In this industry in particular, the free market is working, and working well.

Mr. Chairman, I believe that in Washington, DC., there is a term for people who are incredibly interested in public policy. They are known as policy wonks. Well, in my industry, these people are called computer geeks, and I'd have to say that I am one. If you will indulge me for a few moments longer, I'd like to share some of my enthusiasm for what technology will mean for us in the future. I am very optimistic about what computer technology will mean for all of us—and for the students who are joining us to day via satellite.

As technologies change, so does our mission at Microsoft. For the past 20 years our vision was of a PC on every desktop and in every home—a toll that anyone could use to get things done. And today, a majority of American businesses and more than half of U.S. households have a PC. Now we are moving into a new era. The merging of telecommunications, computer technologies and consumer electronics with the world of the Internet will create a new universe of intelligent PCs and complimentary devices that will deliver the power of the information age to anyone, anywhere, and anytime.

What this means is that there will be a proliferation of smart, connected devices, from palm-sized digital assistants and "tablet" personal computers to smart TVs and Web-enabled cellphones. All of your files, schedule, address book and everything else you need will automatically be available on each of these. When you're traveling you'll be able to call up your itinerary, book an appointment or view your stock portfolio using the device you have in hand. It will know the information you need, and when and where you need it. Wherever you are, you'll be able to access your own "digital dashboard"—your personal portal to your own secure office desktop—on any PC.

We are working hard to develop software that makes computers even easier to use—next year we aim to spend some $3 billion on research and development. And one day in the not too distant future, computers will be able to see, listen and speak. At home or in the office, you'll be able to control your PC by talking to it. It will automatically back up your information, update its own software and synchronize itself with your devices on your home network. You'll even have a notepad on your refrigerator that will be up to date and allow you to coordinate with other information at home, at your office or at your children's school.

When Congress is in session, a wireless network will keep you in touch with your office. I don't need to tell the members of this committee how important mobility is as you move between your state or district and the nation's capital. As technology becomes more flexible and more powerful, it can be a tremendous tool in terms of creating efficiency and instant communication.

The PC also holds the potential to make government more efficient and more responsive. We already see the beginning of this with government web sites that offer people a wealth of information and resources. As government increasingly incorporates technology into its operations it will make information flow even more open and efficient. At Microsoft, our use of technology has all but eliminated paper flow, and I can tell you from first-hand experience that's a wonderful thing. Technology also offers an opportunity to get the public more involved and, some day, perhaps, to engage people in a two-way dialogue on the important issues and challenges we face. The continuing rapid growth in the Internet will help power this information revolution, just as the proliferation of new devices will help make the Internet more useful and accessible to everyone.

Five years ago, who would have imagined that people would now be shopping for automobiles, home loans, airline tickets or clothing on the Web? Electronic commerce has increased tenfold in the last few years, making it convenient for people to purchase almost anything, anytime, from anywhere. By 2002, nearly 50 million Americans will be shopping online, spending almost half a trillion dollars on the Web. There is endless speculation about which companies will be successful. The big winner will be consumers.

They will see better prices, more choices, more opportunities to do the things they want to do. As Chairman Greenspan made clear, companies have already seen enormous benefits from computer technology—benefits that are now being multiplied by online commerce. But there is much more to be done. Like helping companies integrate their computing systems and create digital processes to perceive and react to competitive challenges and consumer needs. By doing this, they will be able to extend the gains in productivity that are helping fuel our economic strength today.

But turning this vision of the future into a reality will take another important investment in America investment in education. We cannot fill all of the jobs being created if we don't make technology a key part of every child's education.

Education in the digital age will offer tremendous promise. Learning will be more student-centered. Teachers, parents and students will work collaboratively, and students will be prepared for a technology workplace with the opportunity to engage in lifelong learning. At Microsoft we call this approach the Connected Learning Community. Taking education into the digital age is a challenge for all of us. Government at all levels, public-private partnerships and philanthropic institutions will play critical roles in preparing today's students for tomorrow's workplace.

Only 14% of teachers currently use the Internet as part of their instruction. We need to make much more progress here. At first, people believed that the Internet was suitable only for quizzes or just learning about technology itself. Today, the educational community knows that the Internet can be a resource for allowing curious minds to learn in new ways—about math, physics, philosophy, in fact about anything. A New York school superintendent attending one of educational conferences we hold at Microsoft recently explained that the PC and the Internet are encouraging students to do more writing, more reading and less TV watching. As a result, "I don't know" is fast becoming "I don't know yet."

Exciting projects are underway to give students the latest tools for learning. At Microsoft, we are working on a pilot project at 500 schools to provide laptops to each student. The results to date have been amazing in terms of increased learning. Many other companies and organizations are involved in similar efforts, whether providing the latest technology for learning or providing scholarships for math and science excellence.

I've had an opportunity to learn a little about how Birmingham Seaholm High School and Pittsburgh Super Computing Center College are using PC technology. Juniors at Birmingham Seaholm are using computers in a very entrepreneurial fashion—they have built a cookie factory and next year plan to develop a micro robot that will take cookies off the cooling rack. Students in Pittsburgh are doing great work on improving high speed networking performance and capabilities. These schools are to be commended for the work they've done to use technology as an important tool in improving education. I look forward to talking with some of the students who have been working with PCs. Unlike their parents, most of whom learned about computers in adulthood, the information age is the only age these students have known. Their success will depend on how well we teach them.

When you look at the phenomenal economic growth produced by technology, and the huge increase in demand for highly skilled knowledge workers, it is clear that our ability to continue benefiting from technology will largely depend on how well we educate the next generation to take advantage of this new era.

In closing, let sum up why I'm excited to be here today and to be part of this hi-tech summit. At Microsoft we make software. We make software for a simple reason—we want to provide tools to make people's lives better. At Microsoft we're excited about the future—we're excited about the tremendous economic benefits of our industry, but we're more excited about helping every individual—in business, in schools and in the home—lead more productive lives. Thank you.●

KATHERINE DUNHAM CELEBRATES HER NINETIETH BIRTHDAY

● Mr. DURBIN. Mr. President, I rise today to share with my colleagues a story about a most remarkable woman who is celebrating her ninetieth birthday. Her heroic existence embodies every element of a true American.

Katherine Dunham is a studied anthropologist, a brilliant social worker, an inspiring dancer and a historic activist. She started her first dance school in Chicago in 1931, and later became dance director for the Works Progress Administration's Chicago theater project. In 1967 she founded a performing arts center for inner-city youths in East St. Louis, Ill.

One of her many accomplishments came on the night of January 15, 1979, when she was presented with the Albert Schweitzer Music Award at New York's Carnegie Hall. The significance of this award was underscored as three generations of Katherine Dunham dancers and musicians offered spectacular renditions of her marvelous work. The dance and music roared, peppered with the rich flavor of American dance mixed with the anthropological roots of African American heritage.

This kind and brave woman forged a path for less fortunate children, offering the arts as an outlet to their misfortunes. She gave of herself everything and asked little in return. Katherine Dunham was and remains a stellar addition to our rich American heritage.

I hope you will join me in wishing Ms. Dunham a very happy birthday.●

A TRIBUTE TO FORREST "WOODY" WEBER

● Mr. KOHL. Mr. President, I rise to you today to pay tribute to one of Wisconsin's finest educators, Forrest "Woody" Weber. Woody recently retired after a distinguished career spanning 36 years. Focusing his talents in elementary schools, Woody proved instrumental in developing the young lives of his students.

Woody served children and their families as a guidance counselor for 21 consistent years, during which time he specialized in classroom and small group counseling. One of his most substantial accomplishments during this time was addressing the needs of students with cerebral palsy. Since many of these students use "bliss boards" to communicate, Woody developed a unit to be used by other students so they could understand this communication device. This act of kindness earned Woody many public accolades, leading up to his 1993 nomination for "Educator of the Year."

Woody's service and volunteerism permeated every aspect of his long career. Between organizing an annual slide show for graduating sixth-graders, serving on both the Menasha school board as well as the City Council, sitting on numerous other community boards, coaching local athletics, and volunteering for the Salvation Army, he served his community well. Woody's wife, Dale, worries that his new retirement will keep him away from home even more because it will allow him more time to volunteer.

Though his daily presence as an educator will be missed, we wish Woody all the best in his retirement.●

ENTRY-EXIT CONTROL SYSTEM AT CANADIAN BORDER

● Mr. LEVIN. Mr. President, as an original cosponsor of legislation to repeal Section 110 of the Illegal Immigration Reform and Immigrant Responsibility of 1996, I am pleased that this bill contains language to prevent traffic delays at the Canadian border.

Section 110, which was scheduled to go into effect on September 30, 1998, would have required the Immigration and Naturalization Service (INS) to document every alien's arrival in and departure from the United States through an automated entry-exit control system. The Omnibus appropriations act for FY1999 included a compromise provision I cosponsored to delay Section 110 for 30 months. I stated then that Section 110 should not be just delayed, but repealed, because the cost of any such entry-exit system would far exceed its benefits. The vote today replaces the requirements of Section 110 with a feasibility study to determine whether any such system could be developed without increasing congestion or border crossing delays.

Section 110, if applied to Canadian nationals would place an unnecessary burden on the hundreds of thousands of motorists who cross the border daily. In 1996, over 116 million U.S. and Canadian border crossers traveled by land to the United States. Instituting a check for each one of these border crossers would create enormous delays at the 250 points of entry, and would have an especially damaging impact on the businesses, trade, and tourism in Michigan and other northern border states. U.S. trade with Canada, our largest trading partner, generates approximately $1 billion of commerce and tourism daily. Any loss of this revenue would be devastating to my State.

This provision to repeal the Section 110 requirements at land border and sea ports is vital for Michigan communities and businesses, and I am very pleased that the Senate is addressing this important issue.•

IN RECOGNITION OF MR. FRANK M. WADE

• Mr. TORRICELLI. Mr. President, I rise today in recognition of Frank M. Wade as he celebrates his retirement as the Executive Director of the New Jersey State Building and Construction Trades Council. Frank has served in this capacity for the past ten years, and he has a long history of commitment to labor organizations in the State of New Jersey. In fact, Frank has been a cornerstone for labor rights in New Jersey. It is a pleasure for me to be able to honor his accomplishments.

Since he started as a member of the Iron Workers Local #480 in 1954, through his election as Executive Director in 1989, Frank has fought hard to protect the rights of working men and women in New Jersey. His dedication to the New Jersey State Building and Construction Trades Council, and to labor causes in general, is widely known and admired throughout the State of New Jersey.

In addition to his position with the New Jersey Building and Construction Trades Council, Frank has played a very active role in strengthening the political and economic life of New Jersey. He has served on a number of civic organizations including the New Jersey Society for Environmental, Economic Development (NJSEED), the New Jersey Employment Security Council, and on the Advisory Committee on the Prevailing Wage Act.

Frank has never lost sight of the need to serve his community. Despite his responsibilities he has still found the time for charitable causes. Deborah Hospital Foundation is just one of the organizations that has benefitted from Frank's involvement.

So it gives me great pleasure to recognize a leader of great stature in New Jersey's labor community, but also a great friend. Through all our years together, fighting for the cause of working men and women, I have always known Frank to stand on principle, loyalty, and hard work. While he may be leaving this post, I know I can always rely on him to hold true to that standard in every endeavor he undertakes.•

IN RECOGNITION OF DR. LIONEL SWAN

• Mr. LEVIN. Mr. President, I rise to honor a legendary figure in the civil rights movement in Michigan, Dr. Lionel Swan. Dr. Swan died last Wednesday at the age of 93, leaving behind a reputation as an extraordinarily effective leader in the struggle for civil rights.

Dr. Swan was a living example of the great things that can be accomplished when you combine determination, courage and dignity. Dr. Swan put himself through college and medical school by working during the day. He often related a story of an incident which strengthened his resolve to continue on this hard path to his goal of becoming a doctor. One day, a white man called Dr. Swan "boy" and threw a cigarette butt on a floor he had just finished mopping. Dr. Swan is said to have responded, "Mister, I want to thank you. I've been debating whether I should leave this job for college and you just convinced me I've got to do it so the next time I see somebody like you, he can't call me boy."

Dr. Swan was able to ignore ugly slights and concentrate on what is most important in life. Dr. Swan went on to graduate from Howard University Medical School and practice medicine in Detroit. He was elected President of the National Medical Association and the Detroit Medical Society, where he led the effort to allow African-American physicians to practice medicine at the former Harper and Grace hospitals. Dr. Swan was also a longtime, active member of the NAACP, helping found the Detroit NAACP's Freedom Fund Dinner which raises money annually for its many worthwhile goals and is one of the largest gatherings in the country.

Mr. President, Dr. Swan was always firm in principle and gentle in demeanor. He let his actions serve as an example to others in the fight for equality and civil rights. I was a great personal fan of his. I know my Senate colleagues join me in honoring Dr. Swan on his life's many outstanding achievements.•

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Alabama (Mr. SESSIONS) as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group Meeting during the First Session of the 106th Congress, to be held in Savannah, Georgia, June 25–27, 1999.

ORDERS FOR WEDNESDAY, JUNE 23, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 23. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the agriculture appropriations bill.

Mr. DASCHLE. Mr. President, reserving the right to object, and I won't object, I had an amendment that I was prepared to offer. Could I ask unanimous consent that I be recognized at 9:30 for the purpose of offering an amendment; if we could get agreement on that perhaps?

Mr. LOTT. Mr. President, I think we would be right back in the position in the morning where we are now on the agriculture appropriations bill. There will be discussions between now and then to see if there is any other way we could approach this issue. If we do not get something worked out, I believe the Senator would be entitled to get recognition to offer an amendment. I have the impression that it would be difficult for us to do that at this time.

Mr. President, so we can talk this through, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, the distinguished majority leader has responded to my unanimous consent request. He and I have been consulting about how to proceed over the last hour. He has indicated to me that he is working with a number of his colleagues and with staff to attempt to fashion a way with which we might proceed on the Patients' Bill of Rights. He has indicated they will be continuing those discussions tonight.

In the interest of moving that process along and with some hope that we could reach some agreement, I will withdraw my unanimous consent request to be recognized. We will be on the bill, and we will certainly be inclined to be as supportive of reaching agreement as we can. Short of that, we may want to offer additional amendments to the agriculture appropriations bill tomorrow. We will have that discussion at another date.

In the interest of time and comity and accommodation, I will certainly defer any additional request.

The PRESIDING OFFICER. Without objection, the majority leader's request is agreed to.

Mr. LOTT. I thank the Chair. I thank Senator DASCHLE for that approach. We will be working, and we will talk in a few minutes.

PROGRAM

Mr. LOTT. Mr. President, the Senate will convene at 9:30 a.m. and immediately resume consideration of the agriculture appropriations bill. It is the hope of the majority leader that the Senate can consider agriculture-related amendments during Wednesday's session of the Senate. All Senators can, therefore, expect rollcall votes throughout the session tomorrow as the Senate makes further progress on the agriculture appropriations bill. Once that is completed, of course, other issues may be considered, but we could consult with both sides of the aisle before we move to the next bill.

Mr. DASCHLE. Mr. President, if the majority leader will yield on just another question, today the Summers nomination was reported out of the Finance Committee unanimously. There appears to be very strong bipartisan support. Is there any intention on the part of the majority leader to address that nomination sometime in the near future?

Mr. LOTT. The Finance Committee did report it out today. I did vote, along with everybody else, for the nomination. It will be on the calendar tomorrow.

I had indicated I assumed that before we went out for the Fourth of July recess, which is a week from Friday, that would be taken up. It very well could be taken up before then. But we have not gotten it on the calendar, and we have not made a definite determination as to when we will call it up.

I assume other nominations will be on the calendar tomorrow from other committees, and I hope we have the same approach as we have had this year—including three nominations last week—to move these nominations through pretty quickly after reaching the calendar, barring complications that do sometimes come up, of course.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, June 23, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 22, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. MYRICK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 22, 1999.

I hereby appoint the Honorable SUE WILKINS MYRICK to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1664. An act making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1664) "An Act making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. DURBIN, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 3 minutes.

TRIBUTE TO LATE TEXAS LIEUTENANT GOVERNOR BOB BULLOCK

Ms. JACKSON-LEE of Texas. Madam Speaker, whenever I fly home to Texas and my plane approaches the State of Texas, I often hear the sound of rising thunder drifting across our land. The rumble is and can be known as the echoes of Texans, past and present, voicing their solid beliefs in individuality, independence and State pride. For the past few days, however, that thunder has been stilled, for the voices of all Texans have been silent in quiet reverence for the passing of our former Lieutenant Governor Bob Bullock, a great Texan and a great American.

After courageously fighting lung cancer and heart disease, Bob Bullock passed away this past Friday. As we Texans like to say, he fought a good fight, but he simply ran out of time.

Bob Bullock's long and proud legacy of service to Texas stands as a striking and fitting monument. In addition to his post as Lieutenant Governor, Bullock served 16 years as State Comptroller. He also served Texas as the Secretary of State, as a member of the Texas House of Representatives, and as an Assistant Attorney General. He truly loved public service and loved his State. From his early days as a Texas State Representative in 1956 to his final days as a retired Lieutenant Governor, Bob Bullock placed the interests of his State even before his own. He would often work when he was ailing, but he was committed to the values of our State and of this country.

As Secretary of State he strove to attain campaign and election law changes as well as voting rights for 18-year-olds. Bullock headed the first consumer protection division at the Attorney General's office as an Assistant Attorney General. And while he was a great admirer of history, particularly Texas history, Bob Bullock also knew the value of foreseeing the future, something quite evident when he became one of the first elected officials to use computers in his office.

Because I have known discrimination, I appreciate and applaud Bob Bullock's steadfast commitment to equal opportunity. He would let no one turn him around. As the Texas State Comptroller, he was the first elected official to enact an equal opportunity employment policy in his office. I can recall the many times that Bullock shared political alliances with the late Barbara Jordan, the first black woman elected to the Texas State Senate. Bullock also and always looked beyond a person's race or gender. To him, it was only the person's spirit and character that mattered. He was also a friend of our first historically black State school in the State, one born out of segregation, Texas Southern University.

As a mother of children who have grown up in the Texas school system, I am also grateful for his successful efforts to enhance the quality of Texas education by implementing improvements. As Lieutenant Governor in 1991, Bullock helped pass a school plan that encouraged wealthy school districts to share their money with districts less fortunate.

Yet it seems that Bob Bullock, like all Texas heroes, transcends his mere accomplishments. It is his character that we will cherish and remember. Bob Bullock was a force. He had a fiery temper that could put even the hottest Texas chili to shame, and he was as demanding on his staff as he was on himself. Bob Bullock, however, won the position of Lieutenant Governor and he had the respect of all the Senators.

He was one who appreciated a good joke. Although I have not completed my tribute to this great leader, this great Texan, let me say, Madam Speaker, to his wife and to his children, we have truly lost an American hero, a Texas hero, but most of all we have lost a friend who cared and loved for his fellow man and woman more than he cared for himself.

God bless you, Bob Bullock, God bless America, and God bless Texas.

Whenever I fly home to Texas and my plane approaches the Texas State line, I often hear the sound of rising thunder drifting across the land. That rumble is the echoes of Texans, past and present, voicing their solid beliefs in individuality, independence, and State pride. For the past few days, however, that thunder has been still, for the voices of all Texans have been silent in quiet reverence for the passing of former Lt. Gov. Bob Bullock.

After courageously fighting lung cancer and heart disease, Bob Bullock passed away this past Friday. As we Texans like to say, he fought a good fight. He simply ran out of time.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Yet, it seems that Bob Bullock, like all Texas heroes, transcends his mere accomplishments. It is his character that we will cherish and remember. Bob Bullock was a force. He had a fiery temper that could put even the hottest Texas chili to shame, and he was as demanding on his staff as he was on himself. When Bullock won his position as Lieutenant Governor, he took many Texas Senators to task, and soon the Senators deemed his fiery and confrontational demeanor as The Bullock Treatment.

As many know, however, in the midst of the Bullock storm stood a gentle calm. And it is his great capacity for kindness and consideration that most remember. Bob Bullock always had an intense loyalty for his friends and loved ones. He was known for his corps of aides composed of a vast mix of individual talents, a group he affectionately called "the world's largest group of born losers." Through his belief in their abilities, he found ways to optimize the skills and personalities of each person. Perhaps because Bullock stood behind each and every member of his staff, they, too, stood behind him with determination and die-hard loyalty. He also was always ready for a good joke and a hearty laugh.

Bob Bullock learned early in his career that the good of the State often rose well above mere polities. When Governor George W. Bush first entered office, Bullock quickly forged a friendship with the new Governor. Bob Bullock was keen enough to realize that in-fighting with the Capitol could not help his State. He built a foundation for bipartisanship that now drives the State forward.

Bob Bullock now rests in the State Cemetery, which, ironically, now stands in renewed glory thanks to Bullock's renovation efforts. This past Sunday, a crowd of mourners stood below the gray sky and said their quiet goodbyes. People from all walks of life attended, a tribute to Bullock's ability to touch a great cross-section of society. And although the entire state claimed him, he loved his beloved Hillsboro and they loved and admired him.

Like all Texas heroes, Bob Bullock embraced the very ideal of Texas. His personality was tough, incendiary, yet compassionate. He was great, and he was grand. And for that, Texas embraced, and still embraces, him.

To his wife Jan, his son and daughter, his stepdaughter, his grandson and all his other family members, we all lost a great Texan and a Great American, long may his legacy be remembered.

RELEASE OF RUDMAN REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, the report of the President's Foreign Intelligence Advisory Board that criticized the state of security at the Department of Energy nuclear weapons laboratories and recommending certain structural reforms was released last week. This advisory board was chaired by former Senator Warren Rudman and includes detailees from the CIA, the FBI, and the Department of Defense. The report was titled, quote, Science at Its Best, Security at Its Worst.

Even though the Clinton administration has tried time and time again to pass the buck on taking responsibility for the security failures and has attempted to place the blame on previous administrations, a current administration spokesman at the White House who was intimately involved in the preparation of the report said the current administration is more culpable than any since the Department of Energy was created in 1977. The Rudman report denounces the administration for ignoring the Republican-proposed reforms at the Energy Department when it took office in 1993.

Here are some of the findings from the Rudman report: One, an Energy Department employee was dead 11 months before officials realized four documents with classified and restricted data were still assigned to him.

It took 45 months to fix a broken doorknob that was stuck in an open position, allowing access to sensitive nuclear information.

Energy Department officials took 35 months to write a work order to replace a lock at a weapons lab facility containing sensitive nuclear information.

Ordering security for mislabeled software took 24 months.

No one knows how many months passed before a security audit team discovered that the main telephone frame door at a weapons lab had been forced open and the lock destroyed.

And lastly, correcting a mistake that allowed secure telephone cryptographic materials to go improperly safeguarded for 51 months.

But most damaging of all is the following section of the Rudman report, and let me read it: "Never have the members of the special investigative panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude towards one of the most serious responsibilities in the Federal Government, control of the design information relating to nuclear weapons. Never before has the panel found an agency with a bureaucratic insolence to dispute, delay and resist implementation of a Presidential directive on security as DOE's bureaucracy tried to do on the President's Decision Directive No. 61 that was issued in February of 1998."

This directive mandated new counterintelligence measures at the labs, but the Advisory Board found that implementation of this directive suffered from "bureaucratic foot-dragging and even," Madam Speaker, recalcitrance" by DOE and lab officials. The report further notes that, quote, "DOE and the weapons laboratories have a deeply rooted culture of low regard for and at times hostility to security issues, which has continually frustrated the efforts of its internal and external critics," end quote.

The Rudman report makes two specific recommendations. The first is that the DOE's "weapon research and stockpile management function should be placed wholly within a new semi-autonomous agency within the Department of Energy that has a clear mission, streamlined bureaucracy, drastically simplified lines of authority and accountability" and the agency's Director would report directly to the Energy Secretary.

The second alternative recommendation was to create a wholly independent agency to handle the previously mentioned functions, and its Director would report directly to the President.

Unfortunately, I personally do not believe that a reorganization or a shake-up of the Department of Energy and how it handles nuclear secrets will be sufficient in destroying the pervasive antiestablishment culture that exists in the Department and at the weapons lab as detailed by the Rudman report. Instead, I agree with the conclusion of the Rudman report which states that the Department of Energy is, quote, "incapable of reforming itself, bureaucratically and culturally, in a lasting way even under an activist Secretary," end quote.

Therefore, Madam Speaker, the only way to protect our Nation's nuclear weapons is through the abolishment of the Department of Energy itself and placing all of its offices in other Federal agencies. I believe the management of our Nation's nuclear weapons and all classified related functions of the Department of Energy should be transferred to the Department of Defense. All other nonclassified functions should be transferred to a semi-independent agency within the Department of Commerce.

The bureaucratic stranglehold that has become the Department of Energy has placed our Nation's security at risk, and the only way out of effectively ending this ineptitude is through the ending of the Department of Energy.

A DAY TO MAKE OUR VOICES HEARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Connecticut (Ms. DELAURO) is recognized during morning hour debates for 4 minutes.

Ms. DELAURO. Madam Speaker, I want to take a moment to thank the gentleman from Michigan (Mr. BONIOR) for helping to organize today's morning hour. This week Americans will honor working men and women who help others to organize, who help people take those first difficult steps toward forming a union that protects their right to a livable wage, affordable health care, a secure retirement and a safe workplace.

United employees are a powerful balancing force against runaway corporate power. United employees win better working conditions, pay and benefits for all workers, not just those who belong to unions.

I have always been unapologetic about working arm in arm with Americans who fight for the values that make this Nation great: respect, fairness, security and an opportunity to give our families a brighter future. As we all know, today's battles are infused with these values.

We have come a long way since the days when the United States did not know the meaning of employee rights. We have a labor movement to thank. Unions fought to free their members from back-breaking labor, unsafe conditions and from low wages. Unions fought for basic rights. Many a union worker gave their lives for these gains and these principles.

My own mother worked in a sweatshop in New Haven, Connecticut, during the early part of this century, slaving over a sewing machine. She worked long days in awful conditions for only pennies a dress. No one should ever have to return to these days.

But we do not need to refer to the history books to understand the need for unions today. Organized labor is as relevant and as important today as during those first organizing drives. We do not have sweatshops on the same scale, and there are a litany of labor laws on the books, but attacks still continue. Workers' rights are eaten away at constantly. Employees are losing leverage and their say in the workplace and in the larger community every day.

Over the past 3 years, with the blessing of the Republican majority, the business lobby has encouraged efforts to cut enforcement of worker protection laws and blocked development of programs to improve worker health and worker safety.

I want to talk about a victory in the movement to organize that happened last year in my own district, the Third District of Connecticut, and honor the hard-working men and women who fought for that victory. Last spring, 230 employees at the New Haven Omni Hotel won the right to openly choose their own union. This was a victory over the hotel's long-standing insistence on a secret ballot election. In a fight for the basic right to choose their own union, the employees were supported by elected leaders such as myself, local clergy, academics, students and civil rights groups.

□ 1245

These groups held hearings, they met with hotel managers, and they even threatened to boycott the hotel. Such support should be the rule, not the exception, but sadly it is not. According to a Cornell University study, one in four employees who are active in union campaigns are fired each year for exercising their right to choose a union. Ninety-one percent of employers, when they learn that their workers want to form a union, force employees to attend closed-door meetings, to listen to anti-union propaganda, and once they have organized, working men and women still have to fight for basic rights. At the Stratford Army Engine Plant, Yale and Sikorski employees have had to fight for livable wages, health care, and adequate retirement policies. These are not only assaults on unions, they are assaults on the integrity of our communities.

Since the beginning, working men and women have fought for the values that make this Nation great, equality, fairness, security, and an opportunity to give one's family a bright future. The battle has not been easy, but together we will turn the tide and once again help improve working American's lives and set new directions for this country.

I thank the gentleman from Michigan (Mr. BONIOR) for inviting me to join this morning. It is an honor to be here every day and every day in the fight to uphold American basic values. The fight is worth it, especially on behalf of American families.

IF NOAH LIVED IN THE UNITED STATES TODAY

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized during morning hour debates for 5 minutes.

Mrs. MYRICK. Mr. Speaker, this is not original. It was sent to me by someone else, but I thought it was very apropos for our life today. It is called If Noah Lived in the United States Today.

And the Lord spoke to Noah and said, "In 1 year I'm going to make it rain and cover the whole earth with water until all flesh is destroyed, but I want you to save the righteous people and two of every kind of living thing on the earth. Therefore I'm commanding you to build an ark." In a flash of lightning God delivered the specifications for an ark, and fear and trembling, Noah took the plans and agreed to build he ark.

"Remember," said the Lord, "you must complete the ark and bring everything aboard in 1 year."

Well, exactly 1 year later fierce storm clouds covered the earth, and all the seas of the earth went into tumult. The Lord saw that Noah was sitting in his front yard weeping. "Noah," he shouted, "Where is the ark? Lord, please forgive me," cried Noah "I did my best, but there were big problems.

"First, I had to get a permit for construction, and your plans did not meet the codes. I had to hire an engineering firm to redraw the plans. Then I got into a fight with OSHA over whether or not the ark needed a fire sprinkler system and floatation devices.

"Then my neighbor objected, claiming I was violating zoning ordinances by building the ark in my front yard, so I had to get a variance from the city planning commission. Then I had problems getting enough wood for the ark because there was a ban on cutting trees to protect the spotted owl. I finally convinced the US Forest Service that I needed the wood to save the owls.

"However, the Fish and Wildlife Service won't let me catch any owls, so no owls. The carpenters formed a union and went on strike. I had to negotiate a settlement with the National Labor Relations Board before anyone would pick up a saw or a hammer.

"Now I have 16 carpenters on the ark, but still no owls. When I started rounding up the other animals, I got sued by an animal rights group. They objected to me only taking two of each kind of animal aboard. Just when I got the suit dismissed the EPA notified me that I could not complete the ark without filing an environmental impact statement on your proposed flood.

"They didn't take very kindly to the idea that they had no jurisdiction over the conduct of the Creator of the universe. Then the Army Engineers demanded a map of the proposed new flood plain. So I sent them a globe. Right now I'm trying to resolve a complaint filed with the Equal Employment Opportunity Commission that I'm practicing discrimination by not taking Godless or unbelieving people on board.

"The IRS has seized my assets claiming I'm building an ark in preparation to flee the country to avoid taxes. I just got a notice from the State that I owe them some kind of tax and that I failed to register the ark as a recreational watercraft.

"Finally, the ACLU got the courts to issue an injunction against further construction of the ark saying that since God is flooding the earth it is a religious event and therefore unconstitutional. I really don't think I can finish the ark for another 5 or 6 years," Noah wailed.

The sky began to clear and the sun began to shine and the seas began to calm. A rainbow arched across the sky, and Noah looked up hopefully. "You mean you're not going to destroy the earth, Lord?"

"No," the Lord said sadly, "I don't have to. The government already has."

PROUD AND STRONG SUPPORTER OF ORGANIZED LABOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. McGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I would like to thank my distinguished colleague, the gentleman from Michigan (Mr. BONIOR) for his leadership on labor issues on behalf of working families throughout this country, and I would like to commend my friends at the AFL–CIO for organizing the seven days in June activities. This week there are over 110 organized labor rallies taking place across the Nation as a result of their hard work.

Mr. Speaker, let me begin by saying loud and clear that I am a proud and strong supporter of organized labor in this country. I am proud to stand with the hard-working men and women who make up the labor movement in America. I am committed to fighting for a middle-class workforce where workers can comfortably support a family and not worry about losing their jobs, and I will continue to urge this Congress to fight not only for a minimum wage, but for a livable wage. I will continue to demand international trade agreements that create more American jobs, not lose them, and I will stand with my friends in the labor movement against any and all initiatives designed to compromise workers' safety, worker rights, or worker benefits.

The history of the U.S. labor movement is a strong and proud one. Organized labor embodies what is best in our constitution, namely our First Amendment freedoms of speech and association. But the Constitution only protects these freedoms. It has been the courage and determination of working women and men that have been the engine of social progress throughout this century.

The fact is nobody ever handed a working person the American dream. Job security, a living wage, the right to collective bargaining, these are things which were fought for. The benefits gained for the courage and blood of organized labor are now commonplace among most American workplaces. It is important to recognize that without the labor movement there would be no minimum wage, there would be no safety standards in the workplace, there would be no pensions or worker health plans. If it were not for organized labor, workers would have no rights, and that is a fact.

Organized labor continues to push for real issues important to real working people, and I urge working people across this country to keep organizing and to keep advocating. We can never allow our country to become a society where a privileged few enjoy all the benefits of the many who work. We must continue to work together in the next century to advance our issues, to pass meaningful labor legislation, and to continue to move forward toward a society which reflects the principles of social and legal justice for all, but this will only happen through continued grassroots organization by dedicated working men and women.

PAUL HARVEY ON GUN CONTROL

The SPEAKER pro tempore (Mrs. MYRICK). Under the Speaker's announced policy of January 19, 1999, the gentleman from Colorado (Mr. HEFLEY) is recognized during morning hour debates for 5 minutes.

Mr. HEFLEY. Madam Speaker, on Tuesday, April 20 of this year a terrible tragedy occurred at Columbine High School in Colorado, and I do not represent Columbine High School. Now I do not represent Columbine High School. I represent some Littleton addresses, and I am close to Columbine, but I do not exactly represent it, but I took this tragedy very, very personally. It is something that I think all of us have a difficult time getting over.

On Wednesday, April 21, 1 day, 1 day after the tragedy, as I understand it, the chairman of the Democrat Congressional Committee was whipping his troops into line saying that this is a great time for gun control legislation to be presented to the House because it will be good for politics in the next election. I think that is shameful. We should not take advantage of this kind of a tragedy for political purposes.

I did not engage in the debate last week when we were dealing with this because I did not feel we were doing anything that was really very meaningful. Demagoguery flowed from both sides like water, and nothing much was really accomplished, and as the various amendments came up, I kept asking myself would this have done anything in the Columbine case if this amendment had been law, and most cases, sadly I have to say absolutely not.

Recently I heard a Paul Harvey broadcast which I think maybe opens up the perspective on the Columbine High School situation, and I would like to share that with my colleagues this morning:

> If only the parents had kept their children away from the guns, we wouldn't have had such a tragedy. Yeah, it must have been the guns. It couldn't have been because of half of our children being raised in broken homes. It couldn't have been because our children get to spend an average of 30 seconds in meaningful conversation with their parents each day. After all, we give our children quality time.
>
> It couldn't have been because we treat our children as pets and our pets as children. It couldn't have been because we place our children in the day care centers where they learn their socialization skills among their peers under the law of the jungle while employees, who have no vested interest in the children, look on and make sure that no blood is spilled.
>
> It couldn't have been because we allow our children to watch an average of 7 hours of television a day filled with the glorification of sex and violence that isn't fit for adult consumption. It couldn't have been because we allow our children to enter into the virtual worlds in which, to win the game, one must kill as many opponents as possible in the most sadistic way possible.
>
> It couldn't have been because our children, who historically have been seen as a blessing from God, are now being viewed as either a mistake created when contraception fails or inconveniences that parents try to raise in their spare time.
>
> It couldn't have been because our Nation is the world leader in developing a culture of death in which 20 million to 30 million babies have been killed by abortion. It couldn't have been because we give 2-year prison sentences to teenagers who kill their newborns.
>
> It couldn't have been because our school systems teach the children that they are nothing but glorified apes who have evolutionized out of some primordial soup of mud by teaching evolution is fact and by handing out condoms as if they were candy. It couldn't have been because we teach our children that there are no laws of morality that transcend us, that everything is relative and that actions do not have consequences. What the heck, the President gets away with it. No, it must have been the guns.

I think Paul Harvey's statement illustrates the corruption that has permeated our society that leads to things like Columbine. No amount of gun legislation will solve the problems in our society. The answers are complex, and they are multi-faceted. There is no quick fix. It is time that we looked at the roots of our problems and not just at the surface symptoms.

VALUE OF THE UNIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized during morning hour debates for 2 minutes.

Mr. KUCINICH. Madam Speaker, Madam Speaker, my father, Frank Kucinich, senior, was a truck driver and he drove a truck for 35 years, and he was proud of the work that he did, and he was also proud to be a member of Local 407 of the Teamsters Union.

I grew up with a heritage of believing in the importance of people belonging to an organized labor group, and as I was growing up, I saw how my father would attend union meetings. And I would have the occasion to go with him to some of those meetings. And I heard people talk about their desire for a better wage, not just for themselves, but for their families. I heard people talk about the desire for improved health care benefits, not just for themselves, but for their families.

I heard people talk about retirement security, not just for themselves, but for their families, and so what I saw in growing up in Cleveland, Ohio was men and women coming together to try to improve not only their lot but the lot of their families.

All across this country, working men and women are going to work every day with the intention of building a better quality of life, and the only way they can do that is to stay united, and that is what unions are all about. In unity there is strength. And across this country, men and women have been able to have a better wage level and because of that have helped to assure higher wages in the nonorganized sector.

Across this country, men and women have been able to have better health benefits, better retirement benefits because they have united, and that is something that is profoundly American. We have communicated to the world this idea that in unity there is strength, and through working men and women organizing we have demonstrated that even the humblest person should have an opportunity to have a position at the table of great power and that the humblest person in joining with others can have some control over his or her destiny and over his or her quality of life.

□ 1300

I am glad to be part of a Democratic Party which supports working men and women.

WELCOME TO REVEREND STEVEN L. WOLVERTON

The SPEAKER pro tempore (Mrs. MYRICK). Under the Speaker's announced policy of January 19, 1999, the gentleman from Maryland (Mr. ERLICH) is recognized during morning hour debates for 5 minutes.

Mr. EHRLICH. Madam Speaker, it gives me great pleasure to introduce you to the Reverend Steven L. Wolverton, who served as my Legislative Fellow in my congressional office in 1997. Steve is in the gallery to the right, and I welcome him to the House of Representatives here today. He is an electrical engineer with the Federal Government, as well as a youth pastor at Lee Street Memorial Baptist Church in Baltimore, Maryland.

Steve and his wife, Vicki, lead a dynamic, growing youth ministry in south Baltimore called LifeChangers, which is dedicated to establishing role models and positive life opportunities for inner-city youth. More recently he is working with a Baltimore businessman to renovate an old department store and establish a private evangelical Christian school in the southern Baltimore peninsula. I commend him on the investment he is making on behalf of the young people of Baltimore City.

Steve is a strong believer in serving God and his country, and it is my privilege to welcome him to the floor of the United States House of Representatives. Thank you, Steve, for your inspiring life, and welcome.

CELEBRATING ORGANIZED LABOR FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Nevada (Ms. BERKLEY) is recognized during morning hour debates for 4 minutes.

Ms. BERKLEY. Madam Speaker, I rise today in tribute to America's working men and women. I come from a working family. I come from a union family. I know what it is like to worry whether one's paycheck is going to stretch to the next one. I know what it is like to be laid off.

I strongly support organized labor because my father was able to put a roof over our heads, clothes on our backs, a good car in our garage, food on our table, and two daughters through college and law school because of the union wages he earned in Las Vegas.

Madam Speaker, 37 years ago my family arrived in Las Vegas with all of our possessions in a U-Haul hooked up to the back of the car. My dad joined the culinary union and landed a job as a waiter at the old Sands Hotel on the Las Vegas strip. That union job was the greatest break my family ever received. It opened the doors to opportunity for all of us.

I am the first person in my family to go to college. I worked my way through college and law school. I waitressed at the Sands Hotel, ran keno at the Desert Inn, and cocktail waitressed at the Hacienda, the Aladdin and Holiday Casino, all on the Las Vegas strip. Each of these union jobs contributed to my ability to put myself through college and law school.

Let me tell my colleagues, I am just one of hundreds of thousands of fellow Nevadans who have benefited from the positive influence of organized labor in my town. Almost without exception, the major employers of the thriving resort industry in Las Vegas have recognized that their industry and the entire city has grown strong because of good wages and good working conditions that good labor contracts have created. The prosperity of Las Vegas, built by the strong minds and backs of working men and women, can serve as a model for other parts of the country.

First and foremost, trade unions build strong families. America needs families earning a decent living, wages good enough to afford that home, that car, and an education for their children. That is how we grow the American economy.

Madam Speaker, I want our workers to have jobs free from the threats of raids on our family leave and our medical leave, free from raids on Social Security and Medicare, and free from raids on the right of every worker to collective bargaining. This country is better off for a 5-day work week, overtime pay, paid holidays and vacations, health insurance, child labor laws, and a minimum wage, all won by organized labor. Organized labor is vital to the well-being of our country, our families, and our communities. It makes a positive difference for all of us, and that is why, that is why I join in this week's celebration of organized labor.

COST OF GOVERNMENT DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Madam Speaker, I rise today on behalf of working Americans and every American, because we have reached a milestone on the calendar. Today, June 22, 1999, ranks as Cost of Government Day.

Now, it is true that yesterday, with the summer solstice gave us our longest period of daylight, the longest day of the year, but, Madam Speaker, I believe all Americans, especially those who work so hard to feed their families, need to know that today marks the day, 170-plus days into the calendar year, when Americans can finally go to work for their families instead of paying the cost of our bloated bureaucracy and government.

What does it mean to working families, Madam Speaker? What does it mean to every American? Well, simply this: According to Americans for Tax Reform, Madam Speaker, Federal regulations during 1998 cost American taxpayers over $1 trillion. That translates to over $3,800 for every man, woman and child this year. Americans for Tax Reform estimates that working American will work in excess of 1 month, almost 40 days, in excess of 38 days, to pay for regulatory costs.

Madam Speaker, that is why today I am pleased to come to the floor to announce that I will reintroduce on this, the Cost of Government Day, the Congressional Responsibility Act. It is being sponsored in the other body by my good friend, the senior Senator from Kansas Mr. BROWNBACK. The Congressional Responsibility Act requires that new Federal regulations cannot take effect until Congress approves them and the President signs them, or until his veto is overridden.

Madam Speaker, in the weight of this compelling, overwhelming evidence that our government has grown too large and costs working Americans too much, I say it is important to restore what our Constitution said and our Founders, following the beautiful Preamble which serves as more than just a mission statement for our United States; in our Constitution, the very blueprint of our Republic, says this: Article I, section 1. All legislative powers herein granted shall be vested in a Congress of the United States.

In other words, Madam Speaker, all lawmaking authority. But as historians look back upon the 20th century, Madam Speaker, they will talk about the unintended rise of, in essence, a fourth branch of government, the regulatory branch, because to deal with emerging industries, to deal with trying to control so many sectors of our economy, the Congress ceded, delegated its authority to an alphabet-soup of acronymed agencies in the executive branch, where, Madam Speaker, unelected, unaccountable Washington bureaucrats, in essence, make law.

Madam Speaker, a personal indulgence. J.D. in my name does not stand for juris doctor. I am not a lawyer; I never played one on TV. That is considered an asset in Arizona. But one need not be a lawyer to recognize that when Washington bureaucrats make law, the unelected, the unaccountable suddenly have great power in our society, to the point now where we work 170-plus days every year just to pay for the cost of government; where all Americans work in excess of 1 month, in excess of 38 days to pay for regulations.

What we say with the Congressional Responsibility Act is quite simple. Those regulatory agencies can continue to promulgate and formulate regulations, but, Madam Speaker, men and women of goodwill from both sides of the aisle, constitutionally elected by their constituents, are sent to Washington to make tough choices, and what the Congressional Responsibility Act would simply do would be to say this: Once a regulation is promulgated, have it sent to the Congress for an up or down vote. That way, Madam Speaker, accountability, responsibility, authority is restored where our Founders wanted it to be: with those elected to the Congress of the United States, with those who are accountable to the people.

Madam Speaker, I ask all of my colleagues to join Senator BROWNBACK, the gentleman from Ohio (Mr. NEY) and me in sponsoring and voting for the Congressional Responsibility Act.

AMERICANS' RIGHT TO ORGANIZE: GOOD FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. TIERNEY) is recognized during morning hour debates for 3 minutes.

Mr. TIERNEY. Madam Speaker, I rise today to thank my colleague, the gentleman from Michigan (Mr. BONIOR) and others who have come before us to talk about the right of American men and women to organize; certainly, the right to decide whether or not they choose to organize to be represented in the workplace to determine what their wages might be, what benefits they might get, what the safety factors at work might be, what hours they might work, all of those things that many of us have become used to understanding as a valid exercise in the workplace.

Madam Speaker, 74 percent of the American people believe that workers should be able to decide whether they want to join a union, and they should be able to make that decision without interference by management. People support a fair and open process that allows for equal access and equal time, for any discussion of what it means to join a union. And, they support a decision-making process that reaches a timely conclusion on that issue. That means that when workers vote freely to join a union, that decision is honored and accepted by management.

The reality, unfortunately, is far different. Threats, intimidation and harassment are all too commonly used against those who seek to form a union. In nearly one-third of all organizing drives, one or more workers are fired illegally. If workers are able to overcome those obstacles and form a union, the system allows for endless legal challenges and stonewalling by employers. The laws designed to protect the freedom to form a union are failing, and the penalties for ignoring them are too small to be a deterrent.

This is not a level playing field, and it is well past the time that we restore some measure of balance to the system.

Madam Speaker, we talk a good deal in this Chamber about how we might improve the lives of American families. I suggest that one specific way in which we can do that is to allow for American workers who so choose to join a union. It can make a significant difference in the ability of those workers to provide for their families.

Recently in my district, 24 employees of a small enterprise that made parts for engines being produced by the General Electric facility in Lynn signed cards to join a union. An overwhelming majority wanted that right. They had been earning $6.10 an hour, and unionized employees doing the same work were making $14 to $18 an hour.

Segments of the community, including me, contacted the owner of that company, Metal Improvements, and urged that it respect the desires of the workers and sit down at the bargaining table in good faith. I am happy to report that that was done. Unfortunately, in too many other instances, management mounts an endless series of challenges to the workers' rights to organize. The results can be bitterness and divisiveness that undermine productivity.

Madam Speaker, unions not only serve their members well, they serve the broader interests of our society. When social service workers who care for the elderly and the mentally ill and the mentally retarded earn only $7 or $8 or $9 with little or no pension or health care, as many do in my district, they are often forced to work two or three jobs a day just to make ends meet. Their ability to do just one job well suffers. Turnover is high, and the quality of care is diminished.

Madam Speaker, by joining a union, these workers can raise their standard of living, and they ought to be able to have that right to make that decision.

FREEDOM TO CHOOSE A VOICE AT WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. BONIOR) is recognized during morning hour debates for 5 minutes.

Mr. BONIOR. Madam Speaker, earlier this year a number of us heard some powerful, real-life stories and experiences of workers from North Carolina and Las Vegas, Nevada, who were trying to organize. Their stories are the stories of millions of working men and women who want a stronger voice in our workplace. Their stories are about improving lives and building better communities. They are stories that need to be told across this country. All of us need to hear the challenges workers face when they choose to organize.

When the American public learns about the tactics that employers use, threats of losing their job, verbal and sexual harassment and mandatory antiunion meetings, they overwhelmingly, overwhelmingly support the freedom to choose a voice at work. That is why the AFL–CIO has launched the "Seven Days In June," a week-long series of community forums and rallies and demonstrations all across this country.

From the June 19 to June 25, we will hear more and more of these stories. There will be more than 120 activities in 36 States, activities which started last Saturday with our colleague, the gentlewoman from California (Ms. SANCHEZ) holding a community forum in Orange County, California.

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Bringing dignity to the workplace is not easy, but it can and is being done. In fact, on the 27th of February of this year, 75,000 home care workers in Los Angeles won the largest organizing victory in 60 years when they voted to join the Service Employees International Union. This was a tremendous victory, but it did not happen overnight. It was the culmination of 10 years of hard work, of building a broad-based coalition, of gaining the support of home care consumers and political leaders.

In the end, it was about bringing the community together, uniting families behind the notion that those who take care of our parents and our grandparents ought to have some basic worker rights: A decent wage, not $5 an hour, $6 an hour, $7 an hour like they are making today; safe working conditions, and adequate benefits.

These kinds of victories are occurring more and more. The doctors in our country are starting to organize unions because of their frustration with the health care system that will not let them practice what they have learned and took so long to learn in their studies.

The graduate assistants teaching at universities and colleges all over the country are now organizing, with great victories recently occurring at the University of California.

Workers are holding and winning more union elections than in the previous year, winning 51 percent of the time in 1998. That figure is particularly remarkable when we look at the tactics that employers use to squelch organizing drives: Firing pro union employees, using intimidating and verbal harassment at the workplace, holding closed-door one-on-one shakedown sessions with workers, and spending millions on anti-union consultants.

With all these cards that are stacked against the workers, how do they win? First and foremost, it comes from deep down. It comes from a resolve and a commitment to be treated with dignity and with respect.

It also comes from raising awareness, from building coalitions with the religious community, the civic communities, with political leaders, and from building a stronger community in general.

For those of us who care deeply about working families and strengthening our community, we have a responsibility and indeed an obligation to lend our voices to workers who have chosen to organize. I know some who have joined the gentleman from Pennsylvania (Mr. PALLONE) and myself recently in sending a letter to A&P foodstores simply to allow strawberry workers the choice to organize. I thank Members for that.

For those who are unaware of the situation, the California strawberry industry is booming with the annual sales of $650 million. Yet, workers stoop to pick the berries for at least 12 hours a day and earn only $8,500 a season. Last spring the Wall Street Journal reported shocking sanitation conditions at these farms, where workers have insufficient drinking water, squalid restrooms, where workers have not been paid for overtime for 4 years, and where there is widespread sexual harassment against female employees.

To bring some semblance of dignity to their workplace, the strawberry workers simply want the ability to choose their own representation, but they have repeatedly faced attacks by the industry, including plowing under the fields, and flying in sham workers to vote in union elections, just to break the union. They would plow the fields under and import workers from other parts of the country, or other countries.

This is the exact type of situation that deserves the support from elected leaders, and there are many more situations just like that going on throughout this country.

So raising our voices and standing with the strawberry workers is one thing we can do to be helpful, but there are many more. During these 7 days in June, there are opportunities for all of us to participate in activities which will help our families have the freedom to choose a voice at work.

I invite all of my colleagues to stand together with workers, clergy, community leaders to highlight the hopes and dreams of families who are seeking to bring basic human compassion to their workplace, because when we do that, we not only build a better workplace for workers who are unionized, but for workers who are nonunionized. We set the floor, we set the standard for them. But beyond all of that, we build better communities.

I thank my colleagues who have come to speak on this and who have spoken. I ask my other colleagues to join us in these 7 days in June.

SEVEN DAYS IN JUNE

The SPEAKER pro tempore (Ms. MYRICK). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized during morning hour debates for 3 minutes.

Ms. SCHAKOWSKY. Madam Speaker, I want to thank the gentleman from Michigan (Mr. BONIOR) for organizing this discussion in support of Seven Days in June, June 7 to 25. This is a week celebrating union organizing victories, and recognizing the importance of giving workers the freedom to choose a voice at work.

I am a proud member of UNITE, the needle trades union. I am proud of the accomplishments the union movement has won. Unions brought us the 40-hour work week, workers compensation, overtime compensation, and the end of child labor in this country.

Union members on average earn 32 percent more than other workers. They are more likely to receive health insurance and pension benefits from their employers.

More importantly, they have provided an organized voice for workers who have used that voice to make improvements in productivity, workplace safety, and environmental conditions.

Today there is perhaps no greater evidence of the need for workers to organize than the health care industry. The power of the for-profit health care industry has led to unwise cost-cutting that threatens not only the health and financial security of health care workers, but the patients they serve.

Several years ago, two nurses in New Jersey raised concerns about the effect of drive-through deliveries on mothers and infants, moms and babies being sent home the same day of delivery. One nurse, a union member, was threatened with retaliation, but was protected by her union. The other, an unorganized worker, had no one to intervene on her behalf.

Since then, Congress has passed a prohibition on drive-through deliveries, but without protection against retaliation, how many health care workers will be willing to talk about dangerous conditions? We need to pass whistle-blower protections, but we also need to give health care workers the opportunity to join a union if they want to.

Health care workers all over the country are looking to unions to protect them when they report problems. They are looking to unions to ensure they have safe working conditions.

This week in Chicago the AMA, the American Medical Association, is meeting to talk about unionization so physicians can have a strong voice in negotiating with large HMOs that dictate the terms of patient care.

Yet, when workers want to form a union, they face tremendous obstructions. The decks are stacked against them. At the same time that the AMA was meeting in Chicago, respiratory therapists from Vencor Hospital held a press conference with the help of the Chicago Federation of Labor.

The therapists, concerned about the impacts on patients' safety as a result of a planned 25 percent budget cut, expressed their desire to form a union. They have been confronted with a series of anti-union tactics by their employer. One nurse was fired because she spoke out in support of union representation.

Workers across the country, particularly in the health care area, are deciding that they need union representation to protect themselves, their families, and their patients. We should ensure that they have a fair opportunity to make that choice. It is as American as apple pie.

CELEBRATING FREEDOM OF WORKERS TO JOIN A UNION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 3 minutes.

Ms. NORTON. Madam Speaker, I come to the floor in celebration of the freedom of workers to join unions. Would that it were only a celebration for 7 days in June. Workers across the United States are crying out for their right to join unions. Is this America? It is a sad day when we have to draw attention to the importance of the freedom to organize in a society like ours.

One of those 7 days in June will be this Friday, the day in the District of Columbia where Members of the region will sit and hear testimony from union members in this region about the difficulties they have had in joining unions and forming unions in this region.

I know something about this area. I continue to be a tenured professor of law at Georgetown University Law Center. When I was full-time, one of the major courses that I taught was labor law, and I saw and read and studied the deterioration of workers' rights, of the right to strike.

I saw the contrasts between a period of great prosperity in American life when business understood that part of the symmetry of the workplace was the right to organize. We have come to a point instead where there is no longer talk about occasional union-busting, but workers meet wholesale resistance to the development of unions in the workplace whereby most employers, confronted with workers who want to join unions, develop strategies to keep unions from even getting a vote on whether workers want a union, in fact.

Show me a society where the right to organize is in danger, and I will show Members a society without full democracy.

What has our society come to? Wall Street is bursting at the seams. We have had surpluses for years on end. We have the best economy of the century, and we do not want workers to organize to get a fair share of that economy? We are sending people out off the welfare rolls, as well we should, and we do not want them to be organized so they can get a fair share, so they can in fact support their families as they leave welfare?

What have employers to fear? After all, unions have to win a vote the way we have to win a vote in order to come back to this House every 2 years. That is hard to do with today's demographics, where workers are by no means automatically oriented towards unions. Why, then, do half of the employers threaten to shut down if their workers organize? Why do they fire one in four workers who in fact organize?

Despite these extraordinary efforts, unions are now having remarkable success. They are winning half of their elections of 500 or more unions. Minority and female workers in particular fare much better when they are organized than when they are not.

THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Madam Speaker, this is an important year. As I look back over the last few years and the challenges that we have, and of course there have been big challenges, doing some things we were told we could not do, I remember when I was first elected in 1994 we came to Washington to change how Washington works. There was a group of us in the majority here, and all of us were committed to doing some things there were those who told us we could not do, balancing the budget, cutting taxes for the middle class, reforming our welfare system, taming the tax collectors. But by sticking together and being persistent, we accomplished those very great challenges.

We balanced the budget for the first time in 2 years, we cut taxes for the first time in 16 years. In fact, in Illinois, my home State, 3 million Illinois children now benefit from the $500 per child tax credit. When we think about that, that is $1.5 million that now stays in Illinois, rather than coming to Washington to be spent. I personally think that the folks back home can better spend their hard-earned dollars in Illinois than I can for them in Washington.

On welfare reform, the first real welfare reform in a generation is working so well that in my home State of Illinois we have now seen our welfare rolls cut in half.

When it comes to taming the tax collector, we enacted a very fundamental change with IRS reform. If Members have ever been audited or gone to court with IRS in the past, they treated one as guilty until proven innocent. But thanks to this Republican Congress, we now have the same rights in the IRS that we have in the courtroom; that is, we are innocent until the IRS proves us guilty.

Now we have some big challenges before us again this year, some challenges that the folks particularly on this side of the aisle say cannot be done. Republicans want to strengthen our local schools and make them safer. We want to strengthen social security and Medicare. In fact, we want to lock away for the first time in 30 years 100 percent of the social security surplus, so it is used only for social security. We want to pay down the national debt. We also want to continue working to lower the tax burden on middle class working families.

I believe, Madam Speaker, this year as we work to lower the tax burden on the middle class that we should listen to those concerns that I hear in the union halls and the South Side of Chicago and the south suburbs, in the VFW and local coffee shops and grain elevators.

Not only do people feel their taxes are too high, but they feel the Tax Code is too complicated, it needs to be simplified, and that the Tax Code is really unfair. I believe the first place we should start as we work to make our Tax Code fairer and more simpler is to address the most unfair consequence of today's Tax Code. That is something that has been nicknamed today the marriage tax penalty.

Why it is so important that we address this, this particular important issue that affects working middle class families, is to ask a series of questions. That is, do Americans feel that it is fair, do Americans feel that it is right, that a married working couple with two incomes pays on average $1,400 more in higher taxes just because they are married? Do Americans feel it is right, do Americans feel that it is fair, that 21 million married working couples, on average, pay $1,400 more in higher taxes just because they are married?

It is just plain wrong that a married working couple pays $1,400 more in higher taxes than an identical couple living together outside of marriage. That is wrong. The marriage tax penalty on average is $1,400. Back home in the South suburbs and in the South side of Chicago that is one year's tuition at a junior college, a local community college. It is 3 months in day care.

It is several months worth of car payments. It is real money to real people, and it is just wrong that under our Tax Code married working couples pay more just because they are married.

Let me give an example here of a south suburban couple on the south suburbs of Chicago. We have a machinist, who of course works at the Joliet Caterpillar Plant making that big equipment. He makes $30,500 a year.

Under our current Tax Code, if he is single and files as a single taxpayer, after we subtract the standard deduction and exemption, if he makes $30,500, he is in the 15 percent tax bracket. But if he meets and decides that he wants to get married to a schoolteacher with an identical income, and her income is $30,500, of course, she is in the 15 percent tax bracket if she is single and stays single, but if she decides to marry this machinist their combined income is $61,000 because they file jointly, which pushes them into the 28 percent tax bracket.

With the marriage tax penalty, they pay on average the almost $1,400 in marriage tax penalty if they choose to get married. If they choose not to, they do not pay that marriage tax penalty.

Madam Speaker, the Marriage Tax Elimination Act has 230 cosponsors, a majority of this House. Let us make elimination of the marriage tax penalty our number one priority as we work to lower taxes for American families. Let us simplify to make the Tax Code fair to eliminate the marriage tax penalty.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 33 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Reverend Steven L. Wolverton, Lee Street Memorial Baptist Church, Baltimore, Maryland, offered the following prayer:

Our most gracious Father in heaven, we humbly acknowledge Your majesty and Your Lordship over everything. Father, I pray that with all Your glory, Your power, Your mercy, and Your grace, that You would make yourself known here, and that Your presence, and Your truth might be breathtakingly crystal clear to all.

Father, I pray that You would deliver us from vain hypocrisy and impress upon us as a Nation, as individuals, and as leaders, the values of character, honesty, and integrity.

Father, humble us and direct our attention towards You for true wisdom and discernment. Father, I pray that each Member of this Congress might be absolutely mindful of Your existence, Your presence, Your deity, and Your will as they conduct the business You have entrusted them on behalf of Your people. Lord, help us love one another.

In the name of my Lord and my Savior Jesus Christ, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. LANTOS) come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1802, FOSTER CARE INDEPENDENCE ACT OF 1999

Mr. GOSS. Mr. Speaker, the Committee on Rules is expected to meet later this week to grant a rule which may restrict amendments for consideration of H.R. 1802, the Foster Care Independence Act of 1999.

Any Member contemplating an amendment to H.R. 1802 should submit 55 copies of the amendment and a brief explanation of the amendment to the Committee on Rules no later than noon on Thursday, June 24. The Committee on Rules office is in H–312 of the Capitol.

Amendments should be drafted to the text of the bill as reported by the Committee on Ways and Means on June 14.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House. All of this with reference to the H.R. 1802, the Foster Care Independence Act of 1999, Members are so notified.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–193) on the resolution (H. Res. 216) providing for consideration of the bill (H.R. 1658) to provide a more just and uniform procedure or Federal civil forfeitures, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–194) on the resolution (H. Res. 217) providing for the consideration of the joint resolution (H.J. Res. 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

COST OF GOVERNMENT DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today is Cost of Government Day, and as George Bernard Shaw once said, "A government which robs from Peter to pay Paul can always depend upon the support of Paul."

Well, the tax paying Americans have been robbed because during the first 173 days of the year, every penny earned by the hard-working men and women of this Nation has been used to pay for government bureaucracy and the added cost of government regulations.

It did not go to pay for their kids' education. It did not go to pay for medical costs or expenses. It did not go to pay for the home mortgage. It all went to pay for government bureaucracy and regulatory agencies.

Almost one-half of the year's effort of these hard-working Americans was spent just to pick up the tab for government bloated bureaucracy. Decades, decades of unchecked growth and deficit spending by the tax and spenders have left the hard-working men and women of this country with this crushing tax burden.

The vast majority of Americans do not object to paying their fair share of taxes, but they do object to the suffocating level of taxation that exists today.

Mr. Speaker, for our children's sake, let us allow hard-working families to keep more of their money, not less. Let us stop robbing Peter to pay Paul.

I urge my colleagues to support meaningful tax reform this year.

SALUTE TO DALLAS STARS, STANLEY CUP CHAMPIONS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise today to congratulate the Dallas Stars, the 1999 NHL champions.

The Stars electrified all of North Texas en route to winning the oldest trophy in sports, the Stanley Cup.

Along the way, the champs gave us some unforgettable performances. Whether it was the clutch play of Center Mike Modano, the sparkling saves of veteran goalie Eddie "the Eagle" Belfour, the crushing defense of Captain Derian Hatcher, or the bravery of Brett Hull, who scored the Cup-winning goal, it seemed like every game a different Star player stepped up and inspired the team to victory.

To all of the Dallas Stars, I say thank you on behalf of all Texans. You have shown the whole country that Big-D is more than just America's greatest football town.

Mr. Speaker, the Stanley Cup was the first leg of what will be the 1999 Texas hat trick. I am putting my colleagues on notice. Texas teams will end the century by winning, not only the Stanley Cup, but the NBA championship and the World Series as well.

Congratulations again to the mighty Dallas Stars, 1999 Stanley Cup champions.

PRESERVATION: PROTECTING AMERICA'S TREASURED LAND

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as I heard from my youth advisory committee visiting the Capitol today, urban sprawl has become a serious concern to Americans in many parts of the country, from the rural farm country in Lancaster and Chester County, Pennsylvania, to suburbs in the south and west.

There are several ways that Congress can help to prevent further unbridled development, yet still keep individual freedoms intact.

Today we will take one small step, through the Patriot Bill, to preserve land in Pennsylvania that is central to our American heritage. It is vital that we preserve two of our Revolutionary War treasures, the historic battlefields of Brandywine and Paoli. It will be a tragedy to lose this history to a housing development that now threatens the region.

By the same token, we must also take a larger step to give individuals in this country incentives to preserve their farmland and open space. By eliminating such burdensome taxes as the estate tax, capital gains tax which threatens so many family farmers, we allow farms in coveted open space to remain intact.

Mr. Speaker, I urge my colleagues to vote for farms and for open space. First support the Patriot Bill. Secondly, let us get rid of the death tax once and for all.

CONDEMN THE SYNAGOGUE BURNINGS IN SACRAMENTO, CALIFORNIA

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the logical final outcome of hate crimes is the nightmare we see on our television sets every night in Kosovo. This past weekend, in the State of California, three synagogues were set on fire.

This past year in this free society, which is based on respect for all religions, Mr. Speaker, there were over 8,000 hate crimes in the United States. Some of these were directed on the basis of race, religion, disability, sexual orientation, or gender.

Today, I am introducing a resolution condemning this outrageous act, which resulted in the destruction of three Jewish places of worship in the Sacramento area of California.

Scores of my colleagues from across the political spectrum are joining me in this resolution. I ask all of my colleagues to join and express unanimously our condemnation of these outrageous acts and provide assistance to all relevant agencies to bring the perpetrators to justice.

SMITHSONIAN FOLKLIFE FESTIVAL

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, I rise today to celebrate New Hampshire's participation in the 33rd Annual Smithsonian Folklife Festival beginning tomorrow on the National Mall.

This festival is a celebration of the history, heritage, and culture that makes the Granite State one of a kind. More than 140 participants will be in the national spotlight exemplifying what has made New Hampshire such a beautiful, important, and unique State for the past 23 years.

The spectacular event will also include a celebration of New Hampshire's political history, as well as its essential role as the traditional host of the first-in-the-Nation Presidential primary.

Over the next 2 weeks, more than 1 million people will join representatives from New Hampshire, South Africa, and Romania in showcasing their traditions and customs through expeditions of music, dance, food, crafts, storytelling, and art.

I am extremely proud to have my home State represented here in the Nation's Capital, and I encourage everyone to find their way down to the National Mall to help New Hampshire celebrate its proud history and culture.

COMPANIES MOVING OVERSEAS AND AMERICA IS LOSING JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Hanover Shoe Company of Franklin, West Virginia is moving overseas. Another 350 jobs going overseas. But the workers have been told, and I quote, "Do not worry. You will find a job."

Beam me up, Mr. Speaker. Every day, good paying manufacturing jobs going overseas, being replaced by minimum wage service-sector jobs. Enough is enough. A superpower does not act like a colony.

The sad truth is "made in America" is now street talk for teen pregnancy.

I yield back all the minimum wage part-time jobs without benefits in these United States of America.

STAND UP TO THE GREEDY HAND OF GOVERNMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, Thomas Paine, a true patriot and American hero who, of course, is no longer taught in many public schools today, once wrote: "We still find the greedy hand of government thrusting itself into every corner and crevice of industry and grasping the spoil of the multitude."

Although students today no longer find The Rights of Man on their reading lists, they would do well to take heed of Thomas Paine's observation that the government has an inevitable tendency to seek to expand its power and to confiscate the fruits of our labor. It is like a law of nature. Anyone who disputes this fact is invited to step forward and call his first witness.

Government grows and grows, and it commands more and more of what we earn. Taxes go up and our freedom necessarily is reduced. Republicans believe that the greedy hand of government has reached too far, and that Americans have seen too many of their freedoms reduced. It is time to stand up to the greedy hand of government.

PRESCRIPTION DRUG FAIRNESS ACT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, many Democrats in the House of Representatives are working together to lower the cost of prescription drugs. We are asking this Congress to pass the Prescription Drug Fairness Act.

Unfortunately, the drug companies and my friends on the other side of the aisle do not seem much interested in letting this pass.

□ 1415

The drug companies will give lower prices to HMOs, they will give lower drug prices to hospitals, they will give lower drug prices to insurance companies and to the VA, but they charge senior citizens out of pocket literally twice as much in many cases for prescription drugs than they do these preferred buyers.

The prescription drug companies are banding together to oppose the Prescription Drug Fairness Act on the House floor. They say that this legislation will stifle innovation and hurt research. They say it will cost them so much money they will not be able to continue to develop new drugs. They do not say anything, Mr. Speaker, about huge executive drug companies' salaries. They do not say anything about record $22 billion drug company profits. They do not say anything about marketing, about salespeople and about the multimillion-dollar lobbying company campaign they are foisting upon us.

TRIBUTE TO WARDELL YATAGHAN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Wardell Yataghan, a gentleman who recently passed away and was president of the Resident Council of Rockwell Gardens, a public housing development in Chicago and a founder of the Coalition to Save Public Housing.

Wardell, unfortunately, died too soon, but he gave his life as an inspiration and as a light for those who live in public housing. And I think as a testament to him, I want to urge that we continue to support public housing in the United States.

JUVENILE DIABETES FOUNDATION CHILDREN'S CONGRESS

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, today, this week, children from every State in the Union have come to Washington to participate in the Juvenile Diabetes Foundation Children's Congress. As the cochairman of the House Diabetes Caucus, which boasts 265 Members of this body who have dedicated themselves to trying to find a cure for diabetes, it is fitting that we pay tribute to these young people who came here today and participated in a ceremony on the west front of the Capitol to highlight the need to cure diabetes.

This is not only an adult disease, it is a child's disease, a cruel children's disease that affects millions of people in this country. It is necessary, it is appropriate that this Congress devote adequate resources to try to find a cure for disease through research.

So I am happy to join all the other Members of the caucus in saluting the Juvenile Diabetes Foundation and all the children who participated here today.

I am especially proud of Nancy Stockton, the delegate from Cheney, Washington. Nancy is a tribute to her family, her community and all young people with diabetes.

CONGRESS MUST PASS COMMON SENSE GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week, in the dead of the night, the Republican leadership responded to the tragedy in Littleton, Colorado, by trying to weaken gun safety laws. Instead of taking up the bipartisan measures already approved by the other Chamber, the Republican leadership joined with the NRA to kill common-sense gun safety measures and blow holes in the Brady law. Now, we are back to square one.

But I am an optimist, and I believe that this body can do what is right for America. I call on my colleagues to meet us halfway, close the loophole once and for all that allows criminals to arm themselves at gun shows without any background check at all. Let us ensure that handguns are sold with child safety locks so that children do not accidentally hurt themselves or anyone else when they find a weapon at home.

These are mainstream ideas that parents and families in the country want passed. The cost of delay is steep. Thirteen children are killed every day with guns. One hundred thousand guns are brought to schools every year. Let us take up gun legislation that will keep guns in responsible hands.

REPUBLICANS WANT TO CUT TAXES, NOT INCREASE THEM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Democrats are arguing among themselves about which taxes they want to raise, about how to come up with additional revenue. Anyone who has any doubt about the truth of this statement need merely consult with statements made by the President, the House minority leader, the gentleman from Missouri (Mr. GEPHARDT), and the minority leader in the other body, TOM DASCHLE.

The President said this past January, while in Buffalo, New York, that he was opposed to giving the surplus back to the American taxpayers who produced it because, "You might not spend it right." The President thinks that the government knows better how to spend our money than the people who earned it.

The House minority leader stated his vision of expanding the Federal education bureaucracy by cutting defense and raising taxes. In fact, he said he would be proud to do it.

And now we have the minority leader in the other body who just this past weekend said that tax increases were on the table. Maybe on the Democrats' table, but they are not on the Republicans' table. In fact, we are debating which taxes to cut.

Let us reduce the taxes on the people of this Nation.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 987

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 987.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House a communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 21, 1999 at 1:21 p.m.

That the Senate passed without amendment H. Con. Res. 105.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken later today.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF RAISING PUBLIC AWARENESS OF PROSTATE CANCER

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 211) expressing the sense of the House of Representatives regarding the importance of raising public awareness of prostate cancer, and of regular testing and examinations in the fight against prostate cancer.

The Clerk read as follows:

H. RES. 211

Whereas nearly 180,000 men will be diagnosed with prostate cancer in 1999, and an estimated 37,000 men will die of the disease;

Whereas prostate cancer is the second most common form of cancer among men and the second leading cause of cancer death among men;

Whereas prostate cancer can often be treated successfully if detected early on, although most symptoms are nonspecific and there are few reliable risk factors;

Whereas education and regular testing and examinations are critical to detecting and treating prostate cancer in a timely manner;

Whereas the American Cancer Society recommends that all men aged 50 and over have annual examinations and tests for prostate cancer, and that African American men and men with family histories of prostate cancer, who are at higher risk for the disease, should consider taking such steps at an earlier age;

Whereas the House of Representatives as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of prostate cancer and to support the fight against prostate cancer: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all American men should take an active role in the fight against prostate cancer by all the means that are available to them, including regular testing and medical examinations;

(2) the role played by national and community organizations and health care providers in promoting awareness of the importance of regular examinations and testing for prostate cancer, and in providing related information, support, and access to services, should be recognized and applauded;

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, prostate cancer;

(B) continue to fund research so that the causes of, and improved treatment for, prostate cancer may be discovered; and

(C) continue to consider ways to improve access to, and the quality of, health care services for detecting and treating prostate cancer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration, H. Res. 211, and to insert extraneous material in the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise, of course, in support of H. Res. 211, a resolution to raise public awareness of prostate cancer and convey the importance of regular testing and examinations to fight this terrible disease. I am proud to be an original cosponsor, and certainly it is very fitting that we all pay tribute to the gentleman from New Hampshire (Mr. BASS), who has worked so very hard on this legislation and was able to keep pushing it so we could get it to this particular point.

According to the National Institutes of Health, prostate cancer is the most frequently diagnosed non-skin cancer in American men. The National Cancer Institute reports that over 200,000 new cases of prostate cancer were diagnosed in the United States in 1997 alone. Tragically, approximately 40,000 men will die of the disease this year.

Since testing for early detection of prostate cancer became relatively common, the prostate cancer death rate has declined. However, too many lives are still lost to this disease because it is not detected early enough or because treatment is received too late. It is critical, critical that American men use all available means to fight prostate cancer, including regular testing and medical examinations.

The resolution before us today encourages men to be active in the battle against prostate cancer. It also encourages national and community organizations, along with health care providers, to promote the importance of medical examinations and testing.

In addition, this resolution emphasizes the Federal Government's responsibility to provide the necessary resources to fund research to determine the causes of and treatments for prostate cancer.

As chairman of the Subcommittee on Health and Environment of the Committee on Commerce, I have been a strong supporter, as have so very many others, of increasing the Federal Government's commitment to biomedical research. In particular, I have endorsed the proposal to double Federal funding for the NIH over 5 years.

In an effort to provide additional funding for NIH research efforts, I have introduced H.R. 785, the Biomedical Research Assistance Voluntary Option, or BRAVO, as we call it, Act. My bill would allow taxpayers to designate a portion of any Federal income tax refund to support biomedical research to the National Institutes of Health.

Mr. Speaker, we all know that the war against cancer is far from over. Today, the House of Representatives can play a supportive role in the fight against prostate cancer by increasing public awareness about the importance of early detection and treatment of prostate cancer. I urge all my colleagues to support H. Res. 211.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

The resolution we are considering today is important, and we are pleased to cooperate with the majority's request to discharge it from the Committee on Commerce on an expedited basis. We hope and expect that our colleagues on the other side of the aisle will extend the same consideration for issues that we hold important. Our goal must be to work in a timely manner and on a bipartisan basis so that beneficial initiatives can move through this Congress.

One out of ten men will develop prostate cancer in their lifetime. One out of ten. Forty thousand men will die from it each year. Early detection is critical, and raising awareness about the disease is the best way to promote regular testing.

This resolution says we can play a unique role in our districts and through this Congress on the national level also through national exposure to raise public awareness about prostate cancer.

In 1994, I founded the Northeast Ohio Breast and Prostate Cancer Task Force to help organize efforts at the local level to combat these cancers. Last Sunday, at Jacobs Field in Cleveland, I had the honor of presenting an award to the Cleveland Indians' Mike Hargrove and Jim Thome on behalf of the team for their support for prostate cancer research. This award is part of the Association for the Cure of Cancer of the Prostate and Major League Baseball's 1999 Home Run Challenge. During Father's Day Week, June 20 to 25, every home run hit in 60 selected games will raise money directed towards prostate cancer research.

This resolution today, Mr. Speaker, is a statement of the need to do more to fight prostate cancer and to help men who have this illness. But this Congress can and should do much more. We should pass the Patients' Bill of Rights, which would protect prostate cancer patients from arbitrary coverage denials and ensure their access to the right specialists and to clinical trials.

We should be aggressive in bringing down the cost of prescription drugs and pass the Prescription Drugs Fairness Act. Drug company markups place barriers in the way of life-saving medicine.

And we should move quickly to pass the Breast and Cervical Cancer Act.

We should follow through, Mr. Speaker, with initiatives that help prevent and treat prostate cancer and other illnesses that take such a tremendous toll on our families and on our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), the sponsor of this legislation.

Mr. BASS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the prostate cancer awareness resolution.

I wish to thank the minority for allowing this to be expedited through the committee process, and as I said a minute ago, I thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS), as well as the majority leader, the gentleman from Texas (Mr. ARMEY), and the rest of the House leadership. This is a very important resolution to not only myself, but many hundreds of thousands of other men around the country who may be affected by prostate cancer.

Now, last week during National Men's Health Week, which concluded on Father's Day, there was a lot of discussion about the most serious of health issues facing men, and one of them at least is prostate cancer.

☐ 1430

This year 180,000 men will be diagnosed with prostate cancer; and, as the gentleman from Florida (Mr. BILIRAKIS) mentioned, 40,000 will die of the disease.

Prostate cancer, in fact, is the second leading cause of cancer among men, second only to skin cancer; and it is the second leading cause of cancer death among men. This cancer can often be treated successfully if it is detected early, but most symptoms are nonspecific and there are very few reliable risk factors. Therefore, two of the most important weapons against prostate cancer are education and timely testing.

The American Cancer Society recommends that men 50 or over talk with their health care professionals about having annual exams and tests for prostate cancer and that African-American men and men with family histories of prostate cancer, who are at higher risk for the disease, should consider taking steps at an earlier age.

This House, as an institution, and we, as Members of Congress, are in unique positions to support efforts against prostate cancer. This resolution expresses the sense of the House that, firstly, all men should take an active role in the fight against prostate cancer and by all the means that are available to them; secondly, that the role of national and community organizations and health care providers in promoting awareness of prostate cancer and in providing related information, support, and access to services should be recognized and applauded; and lastly, that the Federal Government has the responsibility to continue to raise awareness, fund research, and consider ways to improve access to and the quality of services for detecting and treating prostate cancer.

I hope that all of my colleagues will join me today in supporting this resolution, working in our districts to get out the word, not only on Father's Day but every day, that prostate cancer is a killer. We need to educate. We need to talk to our doctors. Timely treatment is what counts.

I urge support and adoption of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. Eshoo) who has been a real leader in the fight against breast and prostate cancer on the Subcommittee on Health and the Environment.

Ms. ESHOO. Mr. Speaker, I thank my colleague and good friend from Ohio (Mr. BROWN) for yielding me the time.

I want to first of all rise in support of this very important resolution and the intent that it carries. I would like to pay tribute to my colleague the gentleman from New Hampshire (Mr. BASS) and certainly the gentleman from Florida (Mr. BILIRAKIS) our subcommittee chairman, who are great supporters of this very good thing. So I want to salute them for that and thank them for bringing this resolution to the floor.

After all, who amongst us can be opposed to something like this? We know the toll that cancer takes on the American people, most specifically, with men in this country.

Yesterday we celebrated a magnificent holiday for our Nation's fathers. I certainly missed mine, who went to heaven about a year and a half ago. And as we bring this resolution to the floor around Father's Day, I also want to rise to speak about an issue that is important to mothers, fathers, families across this country; and that is breast and cervical cancer.

When the gentleman from New York (Mr. LAZIO) and myself introduced a bill in the House, the Breast and Cervical Cancer Act, we made a pledge at that press conference that by Mother's Day our goal was to secure the majority of the House of Representatives in support of that legislation. Well, we not only did that. Mother's Day came and went. It passed. We now have 250 cosponsors from both sides of the aisle in support of this bill.

I think it is very important that the House Committee on Commerce take this bill up in a hearing so that it can be examined. Because the majority of the members of the committee are cosponsors, including the gentleman from New Hampshire (Mr. BASS) and the gentleman from Florida (Mr. BILIRAKIS) our subcommittee chairman.

Now, why this bill? In 1999, the House of Representatives passed a very important and good piece of legislation. That piece of legislation directed the Center for Disease Control, the CDC, to conduct early screening for breast and cervical cancer. It has been a very successful program, but it stopped short of something. And that is, when detection takes place and cancer is discovered either in the cervix or the breast, we now say to American women they are on their own for treatment.

This great Nation can do better than this. And so, the legislation moves beyond where we are now. It offers a carrot to the States where we offer more money in Medicaid for under-insured and uninsured women. We all have these constituents amongst us. We have heard their eloquent testimonies, very sad testimonies, too many of us.

And so, I urge that all of the members of the House Committee on Commerce, most specifically our leadership, to schedule a hearing on this bill so that we can move forward and also to a markup. I think it is an important step for the women and the families of our Nation. By next Mother's Day, hopefully, we will have this legislation in law.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, more than anything else, I would like to say to the gentlewoman from California (Ms. Eshoo), through the Chair, that if her ears were ringing yesterday, it was because she was the subject of fairly lengthy conversations at the CDC in Atlanta, where the gentleman from Ohio (Mr. BROWN) and I and a number of staff members attended. Part of the discussion was involving the situation that she is trying to solve, and we asked a number of questions in that regard.

As I have told the gentlewoman previously, I am committed to at least holding a hearing on this legislation in the very near future and, hopefully, get it on its way.

Insofar as the managed care problem, which the gentleman from Ohio (Mr. BROWN) mentioned, the Patients Protection Act is moving. We are applying due diligence to the situation. I might add that the problem in managed care is not a new problem, it is a problem that existed for many, many years. And it is this particular Congress, along with the prior Congress, which is trying to solve the issue.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of the prostate cancer awareness resolution and the Breast and Cervical Cancer Treatment Act.

I commend my colleague from New Hampshire for bringing awareness to the fight against prostate cancer. Thirty-seven thousand men will die from prostate cancer this year, 2,400 in my State of New York alone. I applaud the efforts of the community organizations and health care providers in promoting awareness of and access to regular exams and testing. But, unfortunately, awareness is only half the battle. Once a cancer is diagnosed, it is perhaps even more cruel if it must go untreated. Yet this is a situation that thousands of people have had to face.

Currently, the CDC's National Breast and Cervical Cancer Early Detection Program provides cancer screening services for low-income women who have little or no health insurance. Yet cruelly, after being diagnosed, these women have no means with which to get treatment. The Breast and Cervical Cancer Treatment Act will give States the option to provide Medicaid coverage to these women. While Congress must continue to advocate cancer awareness, it cannot continue to promote screening and early detection without providing a means for treatment.

I urge the leadership and Members of the Committee on Commerce to take action on the Breast and Cervical Cancer Treatment Act and for the House to pass the prostate cancer awareness resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS), a nurse and a new member of the Subcommittee on Health and the Environment.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Ohio for yielding me the time.

Mr. Speaker, I rise in support of this resolution on prostate cancer. But I also want to take a moment to speak on the Breast and Cervical Cancer Treatment Act.

As a nurse, I am very concerned about prostate cancer and I am glad that we are raising awareness of this serious disease which kills approximately 40,000 men a year in this country. I thank the chair and the leadership of our Subcommittee on Health and the Environment the gentleman from Florida (Mr. BILIRAKIS) for introducing this resolution, which I wholeheartedly support. Yet, I am very disappointed that the Committee on Commerce has yet to address the Breast and Cervical Treatment Act.

This bill, introduced by my colleagues the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO), currently has 250 sponsors. The majority of the House of Representatives support the enactment of this treatment bill. And yet we see no plans for floor action in sight.

Here to my right on the screen my colleagues will see the list of agencies and groups, strong groups in this country, health groups, who support this legislation being enacted. These are our constituents across the country. They want us to move ahead on this legislation, and we need to pay heed to their strong recommendation.

The Breast and Cervical Cancer Treatment Act gives States the option to provide Medicaid coverage to uninsured or under-insured women who have already been diagnosed through our National Breast and Cervical Cancer Early Detection Program. But once they have this wrenching diagnosis, they have nowhere to turn for treatment. All the screening in the world will not help if women who are diagnosed with this disease do not have access to quality treatment for their condition.

Just a few minutes ago, I was visited in my offices here by a dozen or so representatives of the AAUW, the American Association of University Women, who are here on the Hill today talking about their issues. And my group was here from Atascadero in San Luis Obispo County.

I told them what I was going to be speaking about on the floor, and they said, yes, we have friends, we have people in our community for whom this fact is a reality, women diagnosed with no place to turn for treatment.

With 250 bipartisan cosponsors of the Breast and Cervical Cancer Act, we need in this House to take action now. We have a chance today to help millions of men with prostate cancer. I support this opportunity and thank our House for taking the lead here to do this.

Let us also take the opportunity to do more than resolve, to actually help survivors of breast and cervical cancer, as well.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of H.Res. 211, to raise public awareness of prostate cancer. I want to thank the gentleman from New Hampshire (Mr. BASS) the introducer of this resolution. I am an original cosponsor of this legislation.

Prostate cancer is the most common type of cancer in men. One out of every five men will develop prostate cancer at some point during his life. As a matter of fact, I have two brothers who have prostate cancer. And there are many parallels between prostate cancer in men and breast cancer in women. Like breast cancer in women, the risk of having prostate cancer increases with age.

The American Cancer Society estimates that nearly 180,000 new cases of prostate cancer and 175,000 new cases of breast cancer will be diagnosed in 1999. Prostate cancer kills about 37,000 men each year, and breast cancer kills over 46,000 women. Prostate cancer is the second leading cause of cancer death in men, and breast cancer is the second leading cause of cancer death in women after lung cancer.

Recently, I attended the opening of an expanded Department of Defense Prostate Cancer Research Center in Rockville, Maryland. This research facility will work in conjunction with the National Institutes of Health in nearby Bethesda, Maryland. I am proud that this premier research corridor looking into the prevention, early detection, and cure for prostate cancer is in my congressional district.

I want to take a moment also to highlight another important piece of legislation, the Breast and Cervical Cancer Treatment Act, H.R. 1070. This bill would amend the Social Security Act to give States the option of expanding medical assistance coverage to include women screened and found to have breast or cervical cancer. It has over 249 cosponsors. Yet, we have not had any further action scheduled on this important legislation.

I agree with the men's prostate cancer support group called, "Us Too!" I must say, I am also part of a support group calling for consideration both in committee and on the House Floor for H.R. 1070, we could say, "H.R. 1070, too!"

I reiterate my support for H.Res. 211. And I compliment again my colleague the gentleman from New Hampshire (Mr. BASS) for his leadership and the gentleman from Florida (Mr. BILIRAKIS) the subcommittee chairman for bringing this bill on the floor today.

□ 1445

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my colleague for yielding me this time.

I rise to congratulate and commend all of my colleagues on both sides of the aisle who have played a leadership role on this issue. But I would like to go beyond commending them, to commend three individuals who have done extraordinarily important things on behalf of this cause of fighting prostate cancer: General Schwarzkopf, the hero of the Persian Gulf War, Senator Bob Dole, and philanthropist Michael Milken. Mr. Milken, through his Cap Cure Foundation, has devoted untold resources and unimaginable energy to dealing with prostate cancer, and I am proud to publicly recognize his significant contribution.

I would also like to associate myself with the comments of my colleagues from California (Ms. ESCHOO and Ms. CAPPS) who talked of breast and cervical cancer problems. As we deal with prostate cancer, I think we have a moral obligation to deal with the issue of breast and cervical cancer.

I call on all of my colleagues on a bipartisan basis to deal with both of these critical health issues affecting millions of American families.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of this resolution, which is designed to raise public awareness of prostate cancer. Prevention, access to health care, awareness, early detection, all of these are ingredients which help save lives.

Prostate cancer is the second leading cause of death among American men, causing over 39,000 deaths a year. Unfortunately for African American men, prostate cancer rates are the highest in the world. In the last 5 years, the death rate for prostate cancer has more than doubled the death rate of breast cancer, which is extremely high and must be acted upon immediately. Unfortunately for African American males, this is one of the most deadly diseases in the world.

I want to take this opportunity to thank those churches, community organizations and other groups in my district who have been promoting awareness by putting into their Sunday bulletins messages about men getting checkups and physicals and going to the doctor.

My father is 88 years old, recently diagnosed a few years ago with prostate cancer, but is a survivor and is alive because of the early detection.

Mr. Speaker, I urge that we support these two measures.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, if you reach age 40, the statistics in America are quite clear. You will live to be a wise senior citizen if you can avoid the two big takers of life, heart attack and cancer. We fund many issues. Some of them are highly sensationalized, with much press and hype. But I say it is time to wage an all-out war on cancer. It is overdue, and it must, in fact, involve all our efforts.

I want to applaud the efforts of the gentleman from Florida (Mr. BILIRAKIS) here today, one of the fine chairmen in the House. His heart is in the right place. He has worked very hard on this. I want to compliment the distinguished gentleman from New Hampshire (Mr. BASS) for his leadership, and I want to compliment my neighbor, the gentleman from Ohio (Mr. BROWN), for his work on health-related issues.

I would also like to advise the Congress to support and work with the efforts of the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN). The health-related issues facing this Congress are some of the most important issues facing the American people. I urge an "aye" vote.

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. PITTS) be permitted to control the remainder of my time for consideration of this legislation.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I also rise in support of this resolution. Prostate cancer comes in four stages. Approximately 6 years ago, my then 51-year-old brother went to the doctor because he was having problems. He found that he was in stage four of prostate cancer. Still we did not give up hope. Still we prayed a lot, held hands a lot, talked a lot. But in the final end, he did not make it, and he died. He died a very horrible and agonizing death. I will never forget it as long as I live. It has affected me dramatically.

I hope my brother's pain and suffering does not go in vain, because today I have the opportunity to evoke his name and support this resolution, and hopefully all that pain and suffering, if we can save at least one life in America through this resolution or through this speech, if we can just save one life in America because of this resolution today, the meaninglessness and pointlessness of his pain and suffering will not go in vain.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I thank the gentleman from New Hampshire (Mr. BASS) and the gentleman from Florida (Mr. BILIRAKIS) for their leadership and the gentleman from Ohio (Mr. BROWN) for his leadership.

I am not a member of the committee of jurisdiction, but I come to the floor with a personal commentary to support the passage of this resolution dealing with prostate cancer and the enhanced opportunities to educate the American public and men about the dangers and the devastation of prostate cancer. I lost my father 3 years ago to prostate cancer. I will always be reminded of the fact that his life was shortened because of lack of early detection and education about this devastating disease.

There are an estimated 179,300 new cases of prostate cancer this year, and prostate cancer rates for African American men are significantly higher than the rates for white men. African American men have higher incidences of prostate cancer than any other ethnic group in the world since the disease is rare in Asia, Africa and South America.

The incidence of prostate cancer increases as men age. More than 75 percent of all prostate cancers are diagnosed in men over 65. Men over age 50 should have tests done every year. And, of course, African American men should be tested at an even earlier age.

I serve on M.D. Anderson Hospital's prostate cancer advisory committee, and I would say that the best celebration and commemoration we could give to our fathers across the land no matter what their ethnic background is to encourage them to get early testing and to not be afraid to go to the doctors.

I also support the passage, if you will, of the Breast and Cervical Cancer Treatment Act. I believe that as we fight the deadly disease of cancer, there can be no excessive amount of legislation that deals with these devastating diseases. I would offer my support for the resolution dealing with prostate cancer. I would ask all my colleagues to heartily support us in our fight to end this deadly disease.

Mr. Speaker, I stand here today with the men of this House to urge public awareness of prostate cancer. Prostate cancer is the second most common form of cancer and the second leading cause of cancer death. Education and regular testing are crucial to survival because prostate cancer can be treated successfully if it is found early.

I support this resolution today because it expresses our sense that public awareness, regular testing, early detection and treatment are critical to survival.

There are an estimated 179,300 new cases of prostate cancer this year. Prostate cancer rates for African American men are significantly higher than the rates for white men. African American men have higher incidences of prostate cancer than any other ethnic group in the world since this disease is rare in Asia, African and South America. My father who I loved dearly, Ezra Jackson, died three years ago from prostate cancer. My uncle died of the disease as well. We should be diligent in helping all men to learn about the disease and get early testing. This resolution will help some live.

The incidence of prostate cancer increases as men age—more than 75% of all prostate cancers are diagnosed in men over 65. Thus, it is crucial for men to have regular checkups for early detection. Men over age 50 should have tests done every year. African American men should be tested at an even earlier age.

The federal government has an important role to play in raising public awareness about this disease. We must continue to support research and treatment efforts to improve the chances of survival for men diagnosed with prostate cancer. We should also encourage more efforts to improve access to care for men, particularly low-income, traditionally underserved patients.

I support these efforts to battle this deadly disease. Prostate cancer will kill 37,000 American men this year. I hope that through the collective resources of the federal government, local and community health services, and through public awareness and education, we can one day refer to this disease in the past tense. Finally, Mr. Speaker I hope we will also move to the floor H.R. 1070, the Breast and Cervical Cancer Treatment Act—which will also help to save lives—the many women who have or will suffer from this dreadful disease.

New Cases: An estimated 179,300 new cases in the US during 1999. Prostate cancer incidence rates remain significantly higher in African-American men than in white men. Between 1989 and 1992, prostate cancer incidence rates increased dramatically, probably due to earlier diagnosis in men without any symptoms, by increased use of prostate-specific antigen (PSA) blood test screenings. Between 1993 and 1995, prostate cancer incidence rates declined, primarily among white men.

Deaths: An estimated 37,000 deaths in 1999, the second leading cause of cancer death in men. During 1991–1995, prostate cancer mortality rates declined significantly (−1.6% per year). Like the decreasing trends in incidence, the trends in mortality occurred primarily among white men. Mortality rates in African-American men remain more than twice as high as rates in white men.

Signs and Symptoms: Weak or interrupted urine flow; inability to urinate, or difficulty starting or stopping the urine flow; the need to urinate frequently, especially at night; blood in the urine; pain or burning on urination; continuing pain in lower back, pelvis, or upper thighs. Most of these symptoms are nonspecific and may be similar to those caused by benign conditions such as infection or prostate enlargement.

Risk Factors: The incidence of prostate cancer increases with age; more than 75% of all prostate cancers are diagnosed in men over age 65. African Americans have the highest prostate cancer incidence rates in the world; the disease is common in North America and Northwestern Europe and is rare in Asia, Africa, and South America. Recent genetic studies suggest that an inherited predisposition may be responsible for 5%–10% of prostate cancers. International studies suggest that dietary fat may also be a factor.

Early Detection: Men age 50 and older who have at least a 10-year life expectancy should talk with their health care professional about having a digital rectal exam of the prostate gland and a prostate-specific antigen (PSA) blood test every year. Men who are at high risk for prostate cancer (African Americans or men who have a history of prostate cancer in close family members) should consider beginning these tests at an earlier age.

Treatment: Depending on age, stage of the cancer, and other medical conditions of the patient, surgery and radiation should be discussed with the patient's physicians. Hormones and chemotherapy or combinations of these options might be considered for metastatic disease. Hormone treatment may control prostate cancer for long periods by shrinking the size of the tumor, thus relieving pain. Careful observation without immediate active treatment ("watchful waiting") may be appropriate; particularly for older individuals with low-grade and/or early stage tumors.

Survival: Sixty percent of all prostate cancers are discovered while still localized; the 5-year relative survival rate for patients whose tumors are diagnosed at this stage is 100%. Over the past 20 years, the survival rate for all stages combined has increased from 67% to 93%. Survival after a diagnosis of prostate cancer continues to decline beyond five years. According to the most recent data, 68% of men diagnosed with prostate cancer survive 10 years and 52% survive 15 years.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the debate today and appreciate the good efforts of the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Pennsylvania (Mr. PITTS) on that side and the gentlewoman from California (Mrs. CAPPS), the gentlewoman from California (Ms. ESHOO), the gentleman from Illinois (Mr. DAVIS), the gentleman from Ohio (Mr. TRAFICANT), the gentleman from Indiana (Mr. HILL), the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. LANTOS) on my side.

I especially ask this House with bipartisan cooperation to pass H. Res. 211 but also move forward on the Prescription Drug Fairness Act, on the Patients' Bill of Rights, and on the Breast and Cervical Cancer Act. If we could accomplish those health care issues this year, this will have been a very successful Congress.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in strong support of H. Res. 211, I am proud to be a cosponsor of this resolution which expressed the sense of the Congress regarding the importance of raising public awareness about prostate cancer.

Prostate cancer is one of the most serious health issues facing men. One in five men will develop prostate cancer in his lifetime. According to the National Institutes of Health, this year nearly 185,000 men will be diagnosed with prostate cancer and 39,000 men will die. Prostate cancer is the most common type of cancer among men, and the second leading cause of cancer death in men. The most important thing to know about prostate cancer is that it can be treated successfully if detected early.

As you know, my predecessor, the late Congressman Dean Gallo died of prostate cancer in 1994, having been diagnosed late in his disease. Dean was a fighter for New Jersey but sadly he could not fight prostate cancer successfully. Despite Dean's death his memory lives on in the Dean and Betty Gallo Prostate Cancer Center at the Cancer Institute of New Jersey. Mr. Speaker, New Jersey is 17th among all 50 states in the incidence of prostate cancer and 8th among African Americans.

Congress has declared a war on cancer, in any of its forms, and we must continue to provide the bullets to fight this war in our dedication to raising awareness about cancer, and the commitment to increase funding for cancer research.

Remember, prostate cancer may kill, but it does not have to. Early detection can save a life. I say to all men, see your doctor for a prostate examination today; take a P.S.A. annually.

Mr. Speaker, I think my good friend from New Hampshire, Mr. BASS, for introducing this important resolution.

Mr. FORBES. Mr. Speaker, I rise in strong support of House Resolution 211, a sense of the Congress on Raising Awareness of Prostate Cancer.

One out of every five men is at lifetime risk for prostate cancer. While about every third male over age 50 probably already has prostate cancer in some form and does not know it; roughly one-quarter of those who are stricken, will get a life-threatening form of the disease.

Prostate cancer is the second leading cause of cancer deaths in men (after lung cancer) and, excluding skin cancer, is the most common cancer in American men. Early prostate cancer often does not cause symptoms, and most people find out about their prostate cancer too late, even though the cancer can be detected in most case with a simple, inexpensive blood test.

While the American Cancer Society and several other groups recommend that every man over age 50 get tested once a year, and General Schwarzkopf, a man who has undergone prostate surgery, said prostate cancer testing saved his life. Society still talks about prostate cancer after the fact rather than talking about the test that could quickly arrest prostate cancer in the early beginning.

The disease touches the lives of millions of men and their families, yet myths and misunderstandings about prostate cancer remain common.

Learning about prostate cancer, who's at risk and how to fight it is a crucial first step in overcoming this problem. The more you know about Prostate Cancer, the better equipped you are to fight it.

We are here today, to end the public embarrassment about prostate cancer and begin the process of making men more aware of what this disease can do and what they must do to protect themselves. Too many men have died because they made the mistake of ignoring the devastating effect of prostate cancer.

Today we can start turning the tide. Support this resolution.

Mr. WAXMAN. Mr. Speaker, I rise in support of this resolution, and commend the chairman of the Subcommittee on Health and the Environment, Mr. BILIRAKIS, and the ranking member, Mr. BROWN, for bringing this resolution before the House today.

No one can doubt the value of increasing public awareness of prostate cancer. Screening and testing can lead to early detection and effective treatment of this all-too-common form of cancer.

But while I strongly support this resolution, I cannot help but note the contrast between our eagerness to act here—even without committee consideration—with the failure of our committee to consider another important piece of legislation, a very reasonable and broadly supported bill to provide the option of Medicaid treatment for low-income women with breast cancer.

I am proud to be one of nearly 250 cosponsors of H.R. 1070. This bill was introduced by Congressman LAZIO and Congresswoman ESHOO to remedy the inexcusable situation we have now, where we screen low-income women for breast cancer, but then are unable to provide timely treatment when the condition is discovered.

This legislation provides States the option to provide that treatment under Medicaid.

It is a bill that has broad support, both inside and outside the Congress. Yet we have held no hearings on this bill in subcommittee. We have no schedule to mark it up.

If we did act to bring this bill to the House floor, I feel certain it would enjoy the same broad support as the resolution we have before us today.

So while I commend Mr. BILIRAKIS for his efforts on the prostate cancer resolution, I also hope we will soon again be on this House floor discussing the imminent passage of H.R. 1070. The women of America suffering from breast cancer deserve no less.

Mr. ACKERMAN. Mr. Speaker, I rise to express my strong support for H. Res. 211, which underscores our nation's support for prostate cancer research and testing. All too often, men and their families remain silent about this deadly disease, which will claim the lies of an estimated 37,000 individuals this year alone.

It is critical that our nation starts to talk about prostate cancer in order to increase our awareness about early testing and treatment options. We in the Congress took an important step in fighting this condition by providing Medicare coverage for the prostate specific antigen blood test (PSA) and the digital rectal exam (DRE). I, along with a bipartisan group of House members recently urged HCFA to implement coverage for these procedures in the most timely manner possible. By providing this critical coverage, we can save the lives of thousands of men, while saving Medicare a substantial amount of funding.

We can also provide real hope for the 180,000 men who are estimated to be diagnosed with prostate cancer by investing in research. We still have a long way to go before we really understand the risk factors associated with the disease. It is my hope that the National Institutes of Health and other Federal agencies will continue their groundbreaking research into this disease.

I ask all of my colleagues to join me in supporting this important resolution, which clearly states our commitment to treating and eventually curing this terrible disease.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, House Resolution 211.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

LOCATING AND SECURING RETURN OF ISRAELI SOLDIERS MISSING IN ACTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1175) to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action, as amended.

The Clerk read as follows:

H.R. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Zachary Baumel, a United States citizen serving in the Israeli military forces, has been missing in action since June 1982 when he was captured by forces affiliated with the Palestinian Liberation Organization (PLO) following a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

(2) Yehuda Katz and Zvi Feldman, Israeli citizens serving in the Israeli military forces, have been missing in action since June 1982 when they were also captured by these same forces in a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

(3) these three soldiers were last known to be in the hands of a Palestinian faction splintered from the PLO and operating in Syrian-controlled territory, thus making this a matter within the responsibility of the Government of Syria;

(4) diplomatic efforts to secure the release of these individuals have been unsuccessful, although PLO Chairman Yasser Arafat delivered one-half of Zachary Baumel's dog tag to Israeli Government authorities; and

(5) in the Gaza-Jericho agreement between the Palestinian Authority and the Government of Israel of May 4, 1994, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action.

SEC. 2. ACTIONS WITH RESPECT TO MISSING SOLDIERS.

(a) CONTINUING COMMUNICATION WITH CERTAIN GOVERNMENTS.—The Secretary of State shall continue to raise the matter of Zachary Baumel, Yehuda Katz, and Zvi Feldman on an urgent basis with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and with other governments in the region and elsewhere that, in the determination of the Secretary, may be helpful in locating and securing the return of these soldiers.

(b) PROVISION OF ECONOMIC AND OTHER ASSISTANCE TO CERTAIN GOVERNMENTS.—In deciding whether or not to provide United States economic and other forms of assistance to Syria, Lebanon, the Palestinian Authority, and other governments in the region, and in deciding United States policy toward these governments and authorities, the President should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of the soldiers described in subsection (a).

SEC. 3. REPORTS BY SECRETARY OF STATE.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a written report that describes the efforts of the Secretary pursuant to section 2(a) and United States policies affected pursuant to section 2(b).

(b) SUBSEQUENT REPORTS.—Not later than 15 days after receiving from any source any additional information relating to the individuals described in section 2(a), the Secretary of State shall prepare and submit to the committees described in subsection (a) a written report that contains such additional information.

(c) FORM OF REPORTS.—A report submitted under subsection (a) or (b) shall be made available to the public and may include a classified annex.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, this measure before us today, H.R. 1175, is on behalf of three Israeli MIAs, one of whom, Zachary Baumel, is a dual American-Israeli national.

I want to thank the gentleman from California (Mr. LANTOS) for sponsoring this measure. I have worked closely, as has the gentleman from California (Mr. LANTOS), with the Baumel, the Feldman and the Katz families since 1983 trying to locate and to secure the return of sons from the battle of Sultan Yakub in Lebanon's Bekaa Valley in 1982 while they were engaged against Syrian forces.

It has been a long 17 years since those Israeli soldiers faced Syrian forces in Lebanon's Bekaa valley on June 11, 1982. These soldiers were declared missing on that day, and all efforts since then, which have spanned the globe, have not brought them back to their families.

Mr. and Mrs. Baumel deserve answers, as do the Feldman and Katz families. I want to acknowledge Mr. and Mrs. Baumel, who are with us today to witness House consideration of this measure on behalf of their son and his military colleagues. They have been tireless in their quest to obtain their son's release or information with regard to their son.

Accordingly, H.R. 1175 emphasizes the importance which Congress places on helping these families locate their sons. We hope the State Department appreciates the priority that we have given to this critical humanitarian issue.

It reflects language that has been negotiated with the State Department which requires the Department of State to raise the missing in action of Zachary Baumel, Yehuda Katz, and Zvi Feldman with appropriate government officials of Syria, Lebanon and the Palestinian Authority.

This measure also requires our Nation to raise the issue with other governments which may be helpful in locating and securing the return of these soldiers.

H.R. 1175 also requires a written report and follow-up action from the Department of State to the Congress.

The legislation further notes that our Nation should take into consideration the willingness of regional governments to assist in locating and securing the return of these soldiers when reviewing U.S. financial assistance programs.

Regrettably, despite the fact that the Syrian government is in a position to assist with this investigation, appeals made to President Hafiz al-Assad has gone unanswered. Moreover, inquiries to PLO Chairman Yasser Arafat have met with a dead end.

Nonetheless, Congress continues to be extremely concerned about the lack of resolution of these cases and wants to make certain that the administration utilizes all of our available avenues in order to return these men to their families. This is evidenced by the fact that H.R. 1175 has now been cosponsored by almost 100 Members of this body.

Accordingly, Mr. Speaker, I urge our colleagues to strongly support H.R. 1175, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. First I want to pay tribute to the distinguished chairman of the Committee on International Relations for his outstanding leadership on this very important issue. I also want to thank over 100 of my colleagues across the political spectrum who have chosen to cosponsor my legislation.

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Mr. Speaker, I want to associate myself fully with the remarks of the gentleman from New York (Mr. GILMAN), and I would like to add a few thoughts.

In 1991, our ambassador to Israel, the distinguished ambassador, William Brown, wrote a letter to the Israeli Coordinator for Lebanese Affairs, and I would like to quote from that letter: "Without the statesmanship that Israel demonstrated, I do not believe that we would be celebrating so soon the release of all American hostages."

This is the time, Mr. Speaker, as my colleagues will recall, that there were numbers of American hostages held by various Palestinian and Arab terrorist groups and governments, and the Israeli government played a pivotal role in the release of these hostages, including Terry Anderson. It is only appropriate that we now do the same thing for Israel that they did for us.

This bill calls on our State Department to do everything in its power in contacting all the relevant governments and other groups in the region to obtain the release of these three young men who have been imprisoned for 17 long years. The time is long overdue to bring their nightmare and the anguish of their families to an end.

We Americans know all too well, Mr. Speaker, the bitter legacy of missing soldiers and prisoners of war. That legacy can haunt a Nation, and it interferes with the effort of building new and better relations with the countries that are involved. At a time when Israel has a new government, at a time when there is new consideration being given to Syrian-Israeli negotiations and the achievement, at long last, of peace between those two nations, I believe it is incumbent on Mr. Asaad, President of Syria, and all other leaders in the region to deal with the issue of these three young men who have been languishing in prisons for 17 years.

In 1993, Mr. Speaker, Yasser Arafat conveyed to the late Prime Minister Rabin half of the dog tag of one of these young men. We have had constant indications over the years that these three young men are alive and in prison. The time has come to put an end to their incarceration and suffering and to allow their families to be reunited with them.

I want to pay particular tribute, Mr. Speaker, to the parents of Zachary Baumel, Miriam and Yona Baumel, who are sitting in the gallery today. As a parent myself, I do not think I can fully appreciate the 17-year ordeal they have endured. They have worked tirelessly on behalf of their son and the other two soldiers. They have visited communities across this Nation. They have met with countless Members of this House and of the Senate. I hope and pray that at long last their heroic efforts on behalf of these three young men will come to a fruitful conclusion.

I also want to applaud the efforts of the International Coalition for Missing Israeli Soldiers for spearheading the grassroots effort to bring this bill to passage.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds all Members to refrain from references to visitors in the gallery.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 1175, a bill introduced by my distinguished colleague from California, Representative TOM LANTOS. I am proud to be one of 91 cosponsors of this important bipartisan initiative, which will help to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action.

The United States has a unique responsibility to ensure the security of Israel—a steadfast ally and strategic partner in democracy. The United States also has an unquestionable responsibility to secure the well-being of its citizens when possible, no matter where they may be located.

Zachary Baumel is an American citizen. He has been missing since 1982, when he was captured following a tank battle with Syrian forces at Sultan Ya' akub in Lebanon. At the time, Mr. Baumel was serving in the Israeli military. It is important to note that Mr. Baumel's service in Israel at no time altered his status as an American citizen.

I feel strongly that the United States should make every effort to secure information as to the whereabouts of Zachary Baumel as well as insist upon his release. I also would hope that the United States would support efforts made by Israel to secure the release of Zvi Feldman and Yehuda Katz, two Israeli citizens who served in the Israeli military and were captured along with Zachary Baumel at Sultan Ya' akub in Lebanon.

Yasser Arafat of the PLO provided evidence to Israeli government officials that Zachary Baumel was alive and that Mr. Arafat had information as to his whereabouts. In the Gaza-Jericho agreement reached between the Palestinian Authority and the Israeli government, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action. Five years have passed since the Gaza-Jericho agreement and Zachary Baumel, Yehuda Katz, and Zvi Feldman are still missing.

I urge my colleagues to support this bipartisan bill. It is imperative that the U.S. Department of State raise the issue of Zachary Baumel, Zvi Feldman, and Yehuda Katz on an urgent basis with the appropriate government officials which may be helpful in locating and securing the return of these soldiers. The United States government must remain vigilant in its efforts to locate these brave soldiers, who have been missing for more than 17 years.

Mr. WEXLER. Mr. Speaker, I rise in strong support of H.R. 1175, introduced by Congressman Lantos.

Mr. Chairman, for seventeen years, the fate of three missing Israeli soldiers has remained a mystery that has haunted their families and their nations.

On June 11, 1982, Zachary Baumel, a dual U.S.-Israeli citizen, Yehuda Katz, and Zvi Feldman were captured in northeastern Lebanon, in a battle with Syrian and Palestinian forces. The PLO had custody of the three soldiers for the first year and a half of their captivity. When a pro-Syrian faction split with the PLO, they took the three Israeli soldiers with them and their whereabouts are unknown.

The Syrian government currently claims they have no knowledge concerning the fate of the soldiers. However, western journalists and Syrian radio reported that the three soldiers were paraded through Damascus several hours after they were captured. Three weeks later, on July 4, 1982, the Syrian secret police delivered four bodies for burial to the Jewish cemetery in Damascus claiming they were the bodies of the Israeli soldiers. The Syrians also provided name tags, which Israeli intelligence sources reported were supplied by the PLO's Fatah faction. Fifteen months later, the Red Cross exhumed the four graves, finding only one Israeli body.

The most recent evidence which indicates that Zachary Baumel may still be alive came from PLO leader Yasser Arafat. In 1993, Arafat delivered half of Zachary Baumel's dog tags to Israeli officials. Chairman Arafat promised that more information was forthcoming, but it was never received. As recently as 1997, information has been obtained that Baumel, along with two other men, may still be in custody in Lebanon.

With the resumption of the Middle East peace process, the State Department should urge the Syrian and Lebanese governments, along with Chairman Arafat, to secure information that will resolve the fate of the missing soldiers. The State Department should communicate to these governments that their willingness to assist efforts in the search for the missing soldiers will be considered among other factors in the provision of future economic and foreign assistance.

The plight of the missing soldiers was brought to my attention by Miriam and Yona Baumel, who have asked me to help find more information concerning their son and the other missing soldiers and to secure their return. They believe, as I do, that the soldiers may still be alive. One cannot imagine the pain of uncertainty and fear they have felt for the past 17 years waiting to hear about the fate of their son.

I urge my colleagues to support House Resolution 1175. The three missing Israeli soldiers are the longest held hostages in the Middle East, and it is time that they are released to return to their families.

Mr. FORBES. Mr. Speaker, I rise in support of H.R. 1175, a bill authorizing an investigation into the disappearance of Zachary Baumel.

Zachary Baumel, an American citizen who was serving in the Israel Defense Forces, was captured alive along with two of his colleagues in June 1982 following a tank battle against Syrian and terrorist forces during the course of Operation Peace for Galilee. It is believed that they were captured by forces affiliated with the Palestine Liberation Organization and subsequently transferred to a splinter group of the PLO. Since June of 1982, the world has heard nothing from Zachary Baumel.

Mr. Speaker, this is a cruel fate indeed. Zachary Baumel's parents have had to live with their son's missing in action status, knowing full well that he might be alive and well in some prison cell in Lebanon or Syria. They cannot mourn because they can't be sure that he is dead, only that he is missing.

It is for this reason, to end the suffering of the Baumel family and to restore their son to their care, that this bill has been introduced. The bill would require that the State Department investigate the circumstances surrounding the capture of Zachary Baumel and his colleagues and initiate discussions at the highest levels with the governments of Syria, Lebanon and the Palestinian Authority with the intention of securing the return of these prisoners of war if possible. This is a worthy cause and I urge my colleagues to support this important measure.

Mr. GILMAN. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1175, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNITY RENEWAL THROUGH COMMUNITY- AND FAITH-BASED ORGANIZATIONS

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 207) expressing the sense of the House of Representatives with regard to community renewal through community- and faith-based organizations.

The Clerk read as follows:

H. RES. 207

Whereas, while the steady economic growth and low inflation in the United States has yielded unprecedented prosperity, many American citizens have not benefited from this prosperity and continue to be socioeconomically disadvantaged;

Whereas millions of our fellow citizens who live in the inner cities and rural communities continue to be plagued by social breakdown, economic disadvantage, and educational failure that fosters hopelessness and despair;

Whereas our most intractable pathologies—crime, drug addiction, teen pregnancy, homelessness, and youth violence—are each being addressed by small, and sometimes unrecognized, community- or faith-based organizations, whose expertise should not be ignored;

Whereas these nonprofit organizations have local experts who are moving individuals from dependency to self-sufficiency and restoring the lives of men, women, and families across the country;

Whereas many community- and faith-based organizations are offering the American public a new vision of compassion, designed to encourage volunteerism, strengthen the community, and care for the poor and vulnerable;

Whereas private sector investment in capital development—social and economic—in the most poverty stricken pockets across the country is key to long-term renewal of urban centers and distressed rural communities;

Whereas economic growth attracts new businesses, provides stability to neighborhoods, as well as provides jobs that yield income to support families and nurture self-respect;

Whereas over 100 bipartisan Members of Congress have cosponsored H.R. 815, the American Community Renewal Act, which targets the 100 poorest communities in the Nation for pro-growth tax benefits, regulatory relief, brownfields cleanup, and homeownership opportunities that combine to create jobs, hope, and a sense of community;

Whereas the President and the Vice President, along with congressional organizations such as the Renewal Alliance, have recognized the importance of community renewal and have recently promoted strategies designed to rebuild communities to empower faith-based organizations on the front lines of renewal in our country; and

Whereas a concerted effort to empower community institutions, encourage community renewal, and implement educational reform will help those who reside in inner cities and distressed rural communities to gain their share of America's prosperity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends gratitude to the private nonprofit organizations and volunteers whose commitment to meet human needs in areas of poverty is key to long-term renewal of urban centers and distressed rural communities;

(2) seeks to empower the strengths of America's communities, local leaders, and mediating institutions such as its families, schools, spiritual leaders, businesses and nonprofit organizations;

(3) should work to empower community- and faith-based organizations to promote effective solutions to the social, financial, and emotional needs of urban centers and rural communities, and the long-term solutions to the problems faced by our culture; and

(4) should work with the Senate and the President to support a compassionate grassroots approach to addressing the family, economic, and cultural breakdown that plagues many of our Nation's urban and rural communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 207 which recognizes a significant role that neighborhood community-and faith-based organizations are playing in the renewal and empowerment of struggling families and communities around this country. Today we want to commend and extend our gratitude to the private nonprofit organizations and volunteers whose commitment to meeting human needs compassionately and effectively in areas of poverty is key to the long-term renewal of our urban centers and distressed world communities.

It is the strength of mediating institutions such as families, churches, schools, nonprofit organizations, local leaders and businesses which empower individuals and communities. These are the unsung heroes in my district and throughout the country that are making the difference in the lives of people.

As a renewal alliance, our desire is to eliminate barriers which may hinder the effective community building work of these groups. We can assist legislatively by helping lessen the tax on regulatory burdens on our most distressed communities as H.R. 815, the American Community Renewal Act, does in a bipartisan manner with a hundred cosponsors, including 19 Democrats.

We can also seek to empower charities and faith-based organizations around this country by providing a level playing field so that they can also compete for government funds when they are providing services which the government is contracting out. Just last week, the House of Representatives extended this principle of religious nondiscrimination in charitable choice to juvenile justice programs by an overwhelming bipartisan vote of 346 to 83.

This principle has been in law since 1996 when we passed it in welfare reform and more recently in 1998, when we included it in the Community Services Block Grant Reauthorization. It may not be as glamorous or as newsworthy as our debates on guns and/or the Ten Commandments, but the fact is we have been moving ahead systematically over a number of years of expanding charitable choice.

Another way that we can help these community builders is by encouraging charitable donations to these effective charities. I have my own legislation which encourages giving to charities in general, the Giving Incentive and Volunteer Encouragement Act which increases the charitable deduction 120 percent of individuals' contribution, allows non-itemizers to once again receive a deduction for charitable contributions, eliminates the cap on how much people can give and deduct, and extends the charitable contribution deadline to April 15.

This House can also encourage State charity tax credits, as we did in the Community Services Block Grant where we gave flexibility—the gentleman from Ohio (Mr. KASICH) in H.R. 1607, the Charity Empowerment Act, which I cosponsored, extends this discretion past what we did to other Federal block grants and expands the principle of charitable choice in a manner and addition consistent with what Vice President Gore.

Not only has the leading Republican contender, Governor Bush, but now Vice President Gore, has started promoting charitable choice. States as varied as Texas, Maryland, Indiana are partnering with faith-based organizations in the effort to assist those groups most able to walk alongside those individuals in greatest need. Local communities and taxpayers are impressed with the results. Government can be a partner rather than a hindrance in a barrier to renewed communities.

I urge the support for this resolution to commend and thank all those unsung heroes throughout this country who are working to restore hope to all segments of American society.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. SCOTT) will control 20 minutes pursuant to the rule.

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the notion that faith-based organizations should be able to receive Federal funds where constitutionally appropriate to provide services for individuals in need. We all recognize the contributions that these organizations have made. Some of them, in fact, do a better job than other nonprofits that are not religiously affiliated.

But while I support the underlying premise of H. Res. 207, and recognizing the contributions that faith-based organizations have made, I take issue with the reference in the resolution, in H.R. 815, the American Community Renewal Act. This legislation presents considerable policy and constitutional issues relating to faith-based organizations.

Mr. Speaker, under current law, religiously affiliated organizations such as Catholic Charities or Lutheran Services in America and the United Jewish Communities are generally permitted to provide social services with government funds so long as the program receiving the funds is not pervasively sectarian or religiously discriminatory.

The American Community Renewal Act is a dramatic and extreme departure from current law as it seeks to fund pervasively sectarian organizations to administer substance abuse benefits on behalf of the government. Pervasively sectarian programs are those defined by the United States Supreme Court in which, and I quote, religion is so pervasive that a substantial portion of their function is subsumed in their religious mission.

In various cases, the Supreme Court has listed several criteria to be used to help to determine if the program is pervasively sectarian such as is it located near a house of worship and abundance of religious symbols on the premises, religious discrimination in the institution's hiring practices, the presence of religious activities, or the purposeful articulation of religious mission.

Specifically this resolution and this legislation that is commented by the resolution allows providers to require program participants to, 1, actively participate in religious practice worship and instruction; and 2, to follow the rules of behavior devised by the organizations that are religious in content and origin.

Thus, as proposed, the American Community Renewal Act would authorize the use of taxpayer funds to directly coerce government beneficiaries to practice certain religious beliefs, and it does so without adequately notifying participants that they have a right to seek nonreligious services. In addition, it would allow faith-based organizations to engage in employment discrimination based on religion, with public funds.

Now title VII of the 1964 Civil Rights Act provides for a specific exemption for religious organizations from the prohibition against discrimination on the basis of religion and private employment. For example, a church in hiring the minister can require the minister to have to belong to that particular religion, but this exemption has never been applied to employees of Federal programs sponsored by a religiously affiliated organizations.

As proposed, H.R. 815, in 815 those organizations who are receiving Federal funds may deny, for example, drug counselors' employment based on their religion. For example, this bill allows an exemption as follows: Quote, a religious organization that is a program participant may require that an employee rendering services adhere to, A, the religious beliefs and practices of that organization, and B, the rules of the organization regarding the use of alcohol. This means that a federally funded drug program sponsored by a religiously affiliated organization could for the first time since we had meaningful civil rights laws say that drug counselors of other religions need not apply.

Beyond the considerable constitutional implications of this legislation there are also several serious policy concerns that should be mentioned. Of particular note is the concern that the legislation would override State licensing and certification of drug and alcohol treatment counselors.

Additionally, there is an inclusion of an absolutely absurd congressional finding that, quote, formal educational qualifications for counselors and other program personnel in drug treatment programs may undermine the effectiveness or even may hinder or prevent the provision of needed drug treatment services. To suggest that formal educational qualifications for counselors and other personnel may be counterproductive is not anything that we have evidence to support.

Mr. Speaker, there is a reason why we have laws separating church and State activities. We have a long line of Supreme Court cases showing how this could be done and how it is appropriate to be done.

□ 1515

This legislation, which references H.R. 815, is an extreme and dramatic departure from that long line of cases, and for that reason the resolution ought to be opposed.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out for the record that we have already adopted, as I said earlier, this three times; and I understand there are some differences on the Democratic side, but the Vice President of the United States, on his home page, on Gore 2000, actually says that "where faith can play a unique and effective role such as drug treatment." He also said in his speech, "I believe the lesson for our Nation is clear in those instances where the unique power of faith can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction."

So he is specifically referring to some of these programs where they have the drug addiction.

In his longer speech, the gentleman from Virginia (Mr. SCOTT), where he was referring to pervasively sectarian, that is directly contrary to the Vice President's speech where he said, "I have seen the transformative power of faith-based approaches." He talks about: While I believe strongly in separation of church and state, but freedom of religion need not mean freedom from religion. There is a better way. He specifically talks about an organization where his wife practices. He says, my wife, Tipper, practices her faith and sees its power through her work with homeless people who come to Christ House.

Now, if it is pervasively sectarian, in fact, it would undermine the very principle that both parties are backing

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today on behalf of House Resolution 27.

Members of this House have the distinct opportunity to join our efforts today and stand behind the idea of community renewal. A lot has been written and spoken lately about the idea of "compassionate conservatism." Even Presidential candidates of both parties have enjoyed extolling the success of faith-based and private institutions.

Well, all of us, from both sides of the aisle, have the opportunity to support legislation that compassionately looks out for the poor among us. Yet it does this by using the resources of government to spur the local economy and market incentives for the improvement on low-income neighborhoods and communities.

For the last year, the Renewal Alliance, a group of Senators and Members committed to assisting poor neighborhoods through civic and legislative solutions and nongovernmental solutions, has recognized private sector solutions to poverty and despair all across the country. We have found neighborhood organizations and communities that are efficiently solving the problems of poverty in ways that a government-run program can only dream of. We must realize that although there is a role for government, we cannot allow it to shackle the very institutions which are providing hope to these communities.

That is why the Renewal Alliance has developed the "Real Life" agenda, the legislation the gentleman referred to, to strengthen social entrepreneurs who are changing lives and stimulating economic development in our urban centers. They primarily do it in three ways: through community renewal, a charity tax credit; through economic incentives, for investment in poor communities; and through educational opportunities for low-income children.

The Great Society program, which was initiated by the liberals, had its $30 billion experiment with government programs. Let us now turn our efforts towards empowering grass-roots leaders who are working to eliminate poverty. These leaders are united in a commitment to offering help and healing to those in need. They have been dedicated to meeting the physical and spiritual and emotional needs of individuals.

I have made many stops to small, nonprofit, faith-based charities in my district, and throughout all of my visits, over and over, it is confirmed to me that those whose work springs from a heart dedicated to following a standard larger than themselves do not stop work at 5 o'clock. They do not leave their work at work. They live it, and they breath it. They are committed to helping our society's weakest members and doing the true, time-intensive work of transforming lives and communities.

Just as the character of a person is seen in the most precious objects of its love, it has also been said that the character of a nation is shown by how it treats its weakest members. Grassroots, neighborhood, and community-based healers are found throughout this Nation, and such organizations within the communities have the ability to demonstrate success within a new paradigm, which is often, although not always, a faith component.

We must look past the think tanks, past the lofty theories; we must look past the government programs and wasted dollars. We must embrace the common-sense community answers which already exist and are already changing lives in our midst. They do not have hefty budgets. They are places that are not quasi-government, they are charitable in nature, and the Renewal Alliance has made it its business to seek out these kinds of solutions and promote them.

It is within these groups time and again that we have seen remarkable transformations taking place, not only in the lives of individuals, but in their families and in surrounding communities. For instance, Teen Challenge of Philadelphia, a faith-based drug and alcohol recovery program, has success rates of 70 to 80 percent compared to single-digit success rates of government programs. Yet it is continually hassled and charged to have the so-called correct staffing requirements which existed in a State-run drug treatment program which had single-digit success rates.

Another type of program we must recognize is one like Dorothy Harrell's Abbotsford Tenant Management Association in Philadelphia. Dorothy, unfortunately, cannot hire the residents of her housing facility to perform maintenance tasks around the community because of a government labor law requiring highly-paid workers from outside to come in and do simple tasks. That is absurd.

It is the goal of Renewal Alliance not only to bring these wrongs to light, but to promote these "beacons of hope" to a larger community.

We know that with government programs, 70 percent of every dollar designated to serve the poor goes not to the poor, but to those who serve the poor, the poverty industry. Therefore, there is a proprietary interest in maintaining people in poverty. This is exactly what we need to work against, and it is why we brought this important issue to the forefront of debate today.

We as an institution, as Members, must embrace the work of these groups. So today, I urge and challenge my colleagues to support the truly compassionate and, yes, conservative approach to renewing our low-income programs in this community. Support the American Community Renewal Act, a common-sense, next step to restore our cities to vibrancy. I urge support of this resolution so that we can take the next step towards commitment to communities in this Nation.

Mr. SCOTT. Mr. Speaker, could I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Virginia (Mr. SCOTT) has 14½ minutes remaining; the gentleman from Indiana (Mr. SOUDER) has 10½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the issue before the House today is not whether faith-based organizations can be an effective tool in solving America's social problems. The real question is whether, in effect, an unconstitutional direct funding of churches, synagogues, mosques and other houses of religion would empower faith-based organizations or shackle them with Federal regulations.

I am going to put aside my prepared remarks and ask the gentleman from Pennsylvania if he would allow us to exchange a discussion and questions. Since this did not go through a committee hearing process, I think it would be very helpful if the gentleman would answer some questions about the intent of this legislation, if the gentleman from Pennsylvania (Mr. PITTS) would allow me to have that exchange.

Now, if I could ask the gentleman, under this bill, and H.R. 815 which it supports, it says, the program can basically require a participant in a drug and alcohol abuse program to, quote, "actively participate in religious practice, worship and instruction, and follow rules of behavior devised by the organizations that are religious in content and/or origin."

Now, if a Wiccan organization, Wiccan organization were to win a drug and alcohol abuse grant funding program for the Federal Government, can I ask, could a Christian participant in that Wiccan program be forced to participate in a religious ceremony honoring the sun or the moon?

I would like to ask the author of the legislation, since only can we know by hearing from the author of the legislation, what the intent of this important legislation is that goes to the heart of the very idea and principle of the first amendment of the Constitution.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana for an answer to that question.

Would a Christian under the gentleman's legislation and H.R. 815 who is participating in a program run by the Wiccans be forced to participate in a Wiccan religious service?

Mr. SOUDER. Mr. Speaker, the answer is no. Clearly, there will be matters of interpretation. In most of these laws, we have specifically that one cannot use specific religious indoctrination, but one does not have to change the character of the program.

For example, religious people can teach it; a priest could be in a collar, you could have religious symbols in the room.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I would ask the gentleman, if on page 75, line 23, the American Community Renewal Act says, "A religious organization that is a program participant may require a program beneficiary who is elected to receive program services from the organization; one, can require them to actively participate in religious practice, worship and instruction; and two, to follow the rules of behavior devised by the organization that are religious in content or origin."

Is that in the bill?

Mr. EDWARDS. Mr. Speaker, that is in the bill. And reclaiming my time, the point I would make is, that direct language in the bill directly conflicts with the gentleman's answer to my question.

Let me ask the gentleman another question about the intent of this legislation and H.R. 815, which he is supporting.

Under this legislation, would a Christian organization that has won a grant program for alcohol and drug abuse programs be able to take Federal funds to hire and fire employees, and could it then refuse to hire an employee, a perfectly qualified employee, because that person is Jewish?

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, the fundamental underlying answer to your question is nobody is required to go to this program, there is an opt-out provision; and the answer is, yes, the integrity of the hiring organization, a Jewish organization can fire a Protestant if they chose.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I appreciate the gentleman admitting that under this legislation, we are going to endorse for the first time perhaps in this country's history federally-funded job discrimination based on race, sex, religion, marital status.

I think that would be as good of an argument as I could make against this legislation.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, did I understand the gentleman to say that if one church ran a drug counseling program, that they could have a sign on their door that said Jewish drug counselors need not apply for a job under a federally-funded program?

Mr. EDWARDS. Mr. Speaker, the answer is absolutely. Absolutely.

Mr. Speaker, reclaiming my time, I think this point, these answers to these fundamental questions are an example of why it is a poor reflection upon this House that an issue as important as religious freedom is defended by the first 16 words of the Bill of Rights. The last two times this was debated it was debated at 12 a.m. and 1 a.m. respectively, and today it is debated during a suspension calendar. Maybe that is appropriate. We are suspending the religious freedoms guaranteed by the first amendment of the Bill of Rights under the suspension calendar today. This deserves more consideration, and this measure should be defeated.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I think it is fair to point out that in the Civil Rights Act there are also rights for those who want to practice their belief, and we should not say Christian counselors or Jewish counselors need not apply if they are going to practice their faith. There is no mandatory requirement to go into this program. The Vice President has supported this. This House has supported a similar provision in a welfare reform and social services block grant and now in juvenile justice.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me, first of all, thank the gentleman from Indiana for yielding me this time.

Mr. Speaker, I rise in support of this important resolution. I do so because despite the rosy vision of our economy, which some believe has brought prosperity to all Americans, the fact remains that millions of Americans are unemployed, are underemployed. Decent jobs and other economic opportunities are desperately needed in low-income, cash-strapped communities.

If the future looks bright for some, there are millions of others who obviously are not looking through that same lens. The fact of the matter is that in my congressional district, in the Seventh District of Illinois, there are 175,000 people who live at or below the poverty level.

That is why, Mr. Speaker, I and 100 other Members of this body have joined in sponsoring the American Community Renewal Act, H.R. 815.

Mr. Speaker, community economic development requires one to examine the reality of one's community, including the economic and social activities of its residents, small businesses and other organizations. Traditionally, government agencies often use tax incentives and regulations to attract large businesses. That is because many Members think big business brings prosperity. This thinking has resulted in destructive competition among States and local areas to attract and retain these businesses.

□ 1530

The fact of the matter is only so many large businesses and corporations exist to go around. Not every community can have one. However, every community has a family-owned and operated small business. Every community has a church that actively participates in the lives of its people. ACRA directs government support to these valued resources, holding onto the idea that community residents should be the first people to benefit.

This is no absolute panacea, but I can tell the Members, in spite of all the conversations that we hear, there are communities all across America that are dying on the vine because they cannot get the resources into those communities to the people who need them.

While I strongly believe in the First Amendment, while I strongly believe in the separation of church and State, I am not convinced that by allowing programs to be operated by individuals who have Christian principles, who believe in certain values and are willing to espouse those, as it has already been indicated, Mr. Speaker, there is an opt-out provision, and this program does not require or this legislation does not require anyone to come into any program. That would be established.

However, it does allow programs that have proven to be effective where in addition to the professional modalities that are used people also inject faith into them.

So with all due respect to my colleagues who see this differently, it is my hope, my desire, and my wish that we would support this resolution, that we would support the American Community Renewal Act, and give an additional tools to those communities that nobody else has found a way to save.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding time to me.

Mr. Speaker, I rise today to express my strong opposition to House Joint Resolution 207. While this resolution is nonbinding and sounds innocent enough, the truth is that this resolution represents an assault on the separation of church and State.

The separation of church and State is a concept that underlies our constitutional democracy and dates back to the founding of our great Nation. On the walls of the Jefferson Memorial are inscribed these words: No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinion or belief.'' Yet, House Joint Resolution 207 endorses a law which would compel a citizen through his tax dollars to do just that.

The American Community Renewal Act, which this resolution endorses, would change current law and allow the beneficiaries of church-based social services to be proselytized. In some cases this could mean that getting help requires getting saved. Let me repeat that again. In some cases, this could mean that getting help requires getting saved, getting saved.

That is not right. It is not fair. It is not just. It is not the role of or government to subsidize the spread of God's word. That is the role of the church, the synagogue, the mosque, the temple.

The American Community Renewal Act would also appear to sanction religious discrimination against employees. This bill would override State civil rights laws and allow religious-based employers providing social services to discriminate on the basis of a person's religious tenets or beliefs.

There are many religious institutions providing good and worthwhile social services to people in need throughout our Nation. These groups and institutions are to be applauded. But as a government and as a Nation, we should not violate the separation of church and State. It has guided our country for more than 220 years. Our forefathers in their wisdom devised a system of government that protects the religious liberty of all Americans. This Congress should do nothing to undermine this great system of our great Constitution.

Mr. Speaker, I urge my colleagues to defeat House Resolution 207.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nothing in this legislation requires anybody to be saved or to participate in any program. In other words, there is an opt-out provision. I believe it will unleash the incredible influence and power of the African-American church in America. The Hispanic churches are actually very effective at the grass roots level.

Mr. Speaker, I include the following material for the Record:

THE AMERICAN COMMUNITY RENEWAL ACT

ANSWERS TO OBJECTIONS RAISED TO FAITH BASED DRUG TREATMENT PROVISIONS ON THE AMERICAN COMMUNITY RENEWAL ACT (H.R. 815)

Objection 1: It's Unconstitutional—it violates the separation of church and state:

This is untrue. Currently, two voucher programs have been successfully and legally implemented. First, the Child Care Block grant was voucherized in 1993 so that parents could use federal daycare dollars at the provider they choose—religious or secular. Second, the new welfare law allows states to contract out their social services to both religious or non-religious providers.

ACRA's drug treatment provision is the same. It voucherizes the Substance Abuse Block grant and other treatment block grants and allows the addict to decide where to use the voucher.

The Court has ruled that as long as the voucher recipient has a choice among providers both religious and non-religious and the participant makes the decision, then the choice is Constitutional.

Consider it this way: If you oppose this provision of ACRA, you oppose Pell Grants. With a Pell Grant, students use this federal grant money to attend Notre Dame, Providence College, or Yeshiva University without raising constitutional concerns. The Substance Abuse Block grants are no different.

Objection 2: There is no certification of counselors in the bill:

Why would you exclude a program that is the most successful? Let's keep our priorities straight. What is more important—curing addicts or enforcing certification requirements?

ACRA places its priorities on helping addicts—not on who has what credentials. ACRA will not allow for a program to be discriminated against if it has a high success rate—even if there is no formal certification of its counselors.

Bob Woodson of the National Center for Neighborhood Enterprise works with some of the most successful faith-based drug treatment programs around the country has testified before the House Small Business Committee saying, "The silver bullet of the success of faith based substance abuse programs is staff composed of men and women who have themselves overcome addictions and can establish a basis of trust and openness necessary for addicts to be freed from their habits.''

Objection 3: Advancing these faith-based programs is an untested idea even according to a GOP commissioned GAO report:

Faith-based programs work. According to the National Institute on Drug Abuse, faith-based programs have a 60–80% cure rate. In sharp contrast, a RAND Corporation issued a report showing conventional treatment programs have only a 6–13% success rate.

In addition to being more successful, faith-based programs are almost always cheaper. Teen Challenge in PA spends only $25 to $35 a day compared with $600 a day for conventional, therapeutic hospital-based care.

Objection 4: ACRA forces religion on people:

ACRA forces religion on no one. It only makes highly successful programs accessible to more people.

The language is very clear that the individual makes the choice of where to get the treatment—not the state. Even if they are not happy with their choice, addicts can leave the program and use their voucher at another program at anytime.

Objection 5: H.R. 815 allows for faith-based programs to discriminate against hiring people with different religious backgrounds:

Doesn't it make sense that a church can have the ability to pick their staff based on their religious beliefs? If that is a part of their recipe for success, then they should be able to hire those that believe.

Essentially, this is no different than publicly run programs discriminating against counselors because they don't have a masters degree.

[From the Brookings Review, Mar. 22, 1999]

"NO AID TO RELIGION?''

(By Ronald J. Sider and Heidi Rolland Unruh)

As government struggles to solve a confounding array of poverty-related social problems—deficient education, un- and underemployment, substance abuse, broken families, substandard housing, violent crime, inadequate health care, crumbling urban infrastructures—it has turned increasingly to the private sector, including a wide range of faith-based agencies. As described in Stephen Monsma's When Sacred and Secular Mix, public funding for nonprofit organizations with a religious affiliation is surprisingly high. Of the faith-based child service agencies Monsma surveyed, 63 percent reported that more than 20 percent of their budget came from public funds.

Government's unusual openness to cooperation with the private religious sector arises in part from public disenchantment with its programs, but also from an increasingly widespread view that the nation's acute social problems have moral and spiritual roots. Acknowledging that social problems arise both from unjust socioeconomic structures and from misguided personal choices, scholars, journalists, politicians, and community activists are calling attention to the vital and unique role that religious institutions play in social restoration.

Though analysis of the outcomes of faith-based social services is as yet incomplete, the available evidence suggests that some of those services may be more effective and cost-efficient than similar secular and government programs. One oft-cited example is Teen Challenge, the world's largest residential drug rehabilitation program, with a reported rehabilitation rate of over 70 percent—a vastly higher success rate than most other programs, at a substantially lower cost. Multiple studies identify religion as a key variable in escaping the inner city, recovering from alcohol and drug addiction, keeping marriages together, and staying out of prison.

THE NEW COOPERATION AND THE COURTS

Despite this potential, public-private cooperative efforts involving religious agencies have been constrained by the current climate of First Amendment interpretation. The ruling interpretive principle on public funding of religious nonprofits—following the metaphor of the wall of separation between church and state, as set forth in Everson v. Board of Education (1947)—is "no aid to religion." While most court cases have involved funding for religious elementary and secondary schools, clear implications have been drawn for other types of "pervasively sectarian" organizations. A religiously affiliated institution may receive public funds—but only if it is not too religious.

Application of the no-aid policy by the courts, however, has been confusing. The Supreme Court has provided no single, decisive definition of "pervasively sectarian" to determine which institutions qualify for public funding, and judicial tests have been applied inconsistently. Rulings attempting to separate the sacred and secular aspects of religiously based programs often appear arbitrary from a faith perspective, and at worst border on impermissible entanglement. As a result of this legal confusion, some agencies receiving public funds pray openly with their clients, while other agencies have been banned even from displaying religious symbols. Faith-based child welfare agencies have greater freedom in incorporating religious components than religious schools working with the same population. Only a few publicly funded religious agencies have been challenged in the courts, but such leniency may not continue. While the no-aid principle holds official sway, faith-based agencies must live with the tension that what the government gives with one hand, it can take away (with legal damages to boot) with the other. The lack of legal recourse leaves agencies vulnerable to pressures from public officials and community leaders to secularize their programs.

The Supreme Court's restrictive rulings on aid to religious agencies stand in tension with the government's movement toward greater reliance on private sector social initiatives. If the no-aid principle were applied consistently against all religiously affiliated agencies now receiving public funding, government administration of social services would face significant setbacks. This ambiguous state of affairs for public-private cooperation has created a climate of mistrust and misunderstanding, in which faith-based agencies are reluctant to expose themselves to risk of lawsuits, civic authorities are confused about what is permissible, and multiple pressures push religious organizations into hiding or compromising their identity, while at the same time, many public officials and legislators are willing to look the other way when faith-based social service agencies include substantial religious programming.

Fortunately, an alternative principle of First Amendment interpretation, which Monsma identifies as the "equal treatment" strain, has recently been emerging in the Supreme Court. This line of reasoning—as in Widmar v. Vincent (1981) and Rosenberger v. Rector (1995)—holds that public access to facilities or benefits cannot exclude religious groups. Although the principle has not yet been applied to funding for social service agencies, it could be a precedent for defending cooperation between government and faith-based agencies where the offer of funding is available to any qualifying agency.

The section of the 1996 welfare reform law known as Charitable Choice paves the way for this cooperation by prohibiting government from discriminating against nonprofit applicants for certain types of social service funding (whether by grant, contract, or voucher) on the basis of their religious nature. Charitable Choice also shields faith-based agencies receiving federal funding from governmental pressures to alter their religious character—among other things, assuring their freedom to hire staff who share their religious perspective. Charitable Choice prohibits religious nonprofits from using government funds for "inherently religious" activities—defined as "sectarian workship, instruction, or proselytization"—but allows them to raise money from nongovernment sources to cover the costs of any such activities they choose to integrate into their program. Clearly, Charitable Choice departs from the dominant "pervasively sectarian" standard for determining eligibility for government funding, which has restricted the funding of thoroughly religious organizations. It makes religiosity irrelevant to the selection of agencies for public-private cooperative ventures and emphasizes instead the public goods to be achieved by cooperation. At the same time, Charitable Choice protects clients' First Amendment rights by ensuring that services are not conditional on religious preference, that client participation in religious activities is voluntary, and that an alternative nonreligious service provider is available.

THE FIRST AMENDMENT AND THE CASE FOR CHARITABLE CHOICE

Does Charitable Choice violate the First Amendment's non-establishment and free exercise clauses?

We think no. As long as participants in faith-based programs freely choose those programs over a "secular" provider and may opt out of particular religious activities within the program, no one is coerced to participate in religious activity, and freedom of religion is preserved. As long as government is equally open to funding programs rooted in any religious perspective whether Islam, Christianity, philosophic naturalism, or no explicit faith perspective—government is not establishing or providing preferential benefits to any specific religion or to religion in general. As long as religious institutions maintain autonomy over such crucial areas as program content and staffing, the integrity of their separate identity is maintained. As long as government funds are exclusively designated for activities that are not inherently religious, no taxpayer need fear that taxes are paying for religious activity. While Charitable Choice may increase interactions between government and religious institutions, these interactions do not in themselves violate religious liberty. Charitable Choice is designed precisely to discourage such interactions from leading to impermissible entanglement or establishment of religion.

Not only does Charitable Choice not violate proper church-state relations, it strengthens First Amendment protections. In the current context of extensive government funding for a wide array of social services, limiting government funds to allegedly "secular" programs actually offers preferential treatment to one specific religious worldview.

In setting forth this argument, we distinguish four types of social service providers. First are secular providers who make no explicit reference to God or any ultimate values. People of faith may work in such an agency—say, a job training program that teaches job skills and work habits—but staff use only current techniques from the social and medical sciences without reference to religious faith. Expressing explicit faith commitments of any sort is considered inappropriate.

Second are religiously affiliated providers (of any religion) who incorporate little inherently religious programming and rely primarily on the same medical and social science methods as a secular agency. Such a program may be provided by a faith community and a staff with strong theological reasons for their involvement, and religious symbols and a chaplain may be present. A religiously affiliated job training program might be housed in a church, and clients might be informed about the church's religious programs and about the availability of a chaplain's services. But the content of the training curriculum would be very similar to that of a secular program.

Third are exclusively faith-based providers whose programs rely on inherently religiously activities, making little or no use of techniques from the medical and social sciences. An example would be a prayer support group and Bible study or seminar that teaches biblican principles of work for jobseekers.

Fourth are holistic faith-based providers who combine techniques from the medical and social sciences with inherently religious components such as prayer, worship, and the study of sacred texts. A holistic job training program might incorporate explicitly biblical principles into a curriculum that teaches job skills and work habits, and invite clients to pray with program staff.

Everyone agrees that public funding of only the last two types of providers would constitute government establishment of religion. But if government (because of the "no aid to religion" principle) funds only secular programs, is this a properly neutral policy?

Not really, for two reasons. First, given the widespread public funding for private social services, if government funds only secular programs, it puts all faith-based programs at a disadvantage. Government would tax everyone—both religious and secular—and then fund only allegedly secular programs. Government-run or government-funded programs would be competing in the same fields with faith-based programs lacking access to such support.

Second, secular programs are not religiously neutral. Implicitly, purely "secular" programs convey the message that nonreligious technical knowledge and skills are sufficient to address social problems such as low job skills and single parenthood. Implicitly, they teach the irrelevance of a spiritual dimension to human life. Although secular programs may not explicitly uphold the tenets of philosophical naturalism and the belief that nothing exists except the natural order, implicitly they support such a worldview. Rather than being religiously neutral, "secular" programs implicitly convey a set of naturalistic beliefs about the nature of persons and ultimate reality that serve the same function as religion. Vast public funding of only secular programs means massive government bias in favor of one particular quasi-religious perspective—namely, philosophical naturalism.

Religiously affiliated agencies (type two), which have received large amounts of funding in spite of the "no aid to religion" principle, pose another problem. These agencies often claim a clear religious identity—in the agency's history or name, in the religious identity and motivations of sponsors and some staff, in the provision of a chaplain, or in visible religious symbols. By choice or in response to external pressures, however, little in their program content and methods distinguishes many of these agencies from their fully secular counterparts. Prayer, spiritual counseling, Bible studies, and invitations to join a faith community are not featured; in fact, most such agencies would consider inherently religious activities inappropriate to social service programs.

Millions of public dollars have gone to support the social service programs of religiously affiliated agencies. There are three possible ways to understand this apparent potential conflict with the "no aid to religion" principle. Perhaps these agencies are finally only nominally religious, and in fact are essentially secular institutions, in which case their religious sponsors should be raising questions. Or perhaps they are more pervasively religious than they have appeared to government funders, in which case the government should have withheld funding.

The third explanation may be that these agencies are operating with a specific, widely accepted worldview that holds that people may need God for their spiritual well-being, but that their social problems can be addressed exclusively through medical and social science methods. Spiritual nurture, in this worldview, is important in its place, but has no direct bearing on achieving public goods like drug rehabilitation or overcoming welfare dependency. Such a worldview acknowledges the spiritual dimension of persons and the existence of a transcendent realm outside of nature. But it also teaches (whether explicitly or implicitly) a particular understanding of God and persons, by addressing people's social needs independently of their spiritual nature. By allowing aid to flow only to the religiously affiliated agencies holding this understanding, government in effect has given preferential treatment to a particular religious worldview.

Holistic faith-based agencies (type four), on the other hand, operate on the belief that no area of a person's life—whether psychological, physical, social, or economic—can be adequately considered in isolation from the spiritual. Agencies operating out of this worldview consider the explicitly spiritual components of their programs—used in conjunction with conventional, secular social service methods—as fundamental to their ability to achieve the secular social goals desired by government. Government has in the past considered such agencies ineligible for public funding, though they may provide the same services as their religiously affiliated counterparts.

Some claim that allowing public funds to be channeled through a holistic religious program would threaten the First Amendment, while funding religiously affiliated agencies does not. But the pervasively sectarian standard has also constituted a genuine, though more subtle, establishment of religion, because it supports one type of religious worldview while penalizing holistic beliefs. It should not be the place of government to judge between religious worldviews—but this is what the no-aid principle has required the courts to do. Selective religious perspectives on the administration of social services are deemed permissible for government to aid. Those who believe that explicitly religious content does not play a central role in addressing social problems are free to act on this belief with government support; those who believe that spiritual nurture is an integral aspect of social transformation are not.

The alternative is to pursue a policy that discriminates neither against nor in favor of any religious perspective. Charitable Choice enables the government to offer equal access to benefits to any faith-based nonprofit, as long as the money is not used for inherently religious activities and the agency provides the social benefits desired by government. Charitable Choice does not ask courts to decide which agencies are too religious. It clearly indicates the types of "inherently religious" activities that are off-limits for government funding. The government must continue to make choices about which faith-based agencies will receive funds, but eligibility for funding is to be based on an agency's ability to provide specific public goods, rather than on its religious character. Charitable Choice moves the focus of church-state interactions away from the religious beliefs and practices of social service agencies, and onto the common goals of helping the poor and strengthening the fabric of public life.

A MODEL FOR CHANGE

Our treasured heritage of religious freedom demands caution as we contemplate new forms of church-state cooperation-but caution does not preclude change, if the benefits promise to outweigh the dangers. Indeed, change is required if the pervasively sectarian standard is actually biased in favor of some religious perspectives and against others.

For church and state to cooperate successfully, both must remain true to their roles and mission. Religious organizations must refrain from accepting public funds if that means compromising their beliefs and undermining their effectiveness and integrity. Fortunately, Charitable Choice allows faith-based agencies to maintain their religious identity, while expanding the possibilities for constructive cooperation between church and state in addressing the nation's most serious social problems.

Ronald Sider, author of Rich Christians in an Age of Hunger (World Books, 1997), is president of Evangelicals for Social Action, where Heidi Rolland Unruh is a policy analyst. This article is drawn from "An (Ana) baptist Theological Perspective on Church-State Cooperation, "in Welfare Reform and Faith-Based Operations," eds. Derek Davis and Barry Hankins (J.M. Dawson Institute of Church-State Studies, 1999).

THE GORE AGENDA: FAITH-BASED ORGANIZATIONS AND THE POLITICS OF COMMUNITY

"I believe the lesson for our nation is clear: in those instances where the unique power of faith can help us meet the crushing social challenges that are otherwise impossible to meet—such as drug addiction and gang violence—we should explore carefully-tailored partnerships with our faith community, so we can use approaches that are working best."—Al Gore, Atlanta, GA

Al Gore knows that faith is critical to strong families. That is why he has worked to promote the role of faith-based organizations in helping to strengthen families. Through the Coalition to Sustain Success, an organization formed at the urging of the Vice President, he has worked to harness the best efforts of faith-based, community-based, and non-profit organizations to help former welfare recipients succeed in the workplace. His experiences with the Coalition have shown him that faith-based organizations are making a difference in addressing other challenges that have defied attempted solutions. Leaders of the new revolution of faith-based organizations call it "the politics of community."

Al Gore believes government can play a greater role in sustaining the quiet revolution of faith and values—not by dictating solutions from above, but by supporting the effective new policies that are rising up from the grassroots level. That is why he is proposing concrete actions to help faith-based organizations do what they do best—offer new hope for social progress.

EXTEND CHARITABLE CHOICE

The 1966 welfare reform law contains a provision called Charitable Choice that allows states to enlist faith-based organizations to provide basic welfare services and help move people from welfare to work—as long as there is a secular alternative for anyone who wants one, and as long as no one is required to participate in religious observances as a condition for receiving services. Al Gore believes we should extend this carefully-tailored approach to other vital services where faith can play a unique and effective role—such as drug treatment, homelessness, and youth violence prevention.

SCALING UP THE ROLE OF FAITH-BASED ORGANIZATIONS

Al Gore believes that the solutions faith-based organizations are pioneering should be at the very heart of our national strategy for building a better, more just nation. By "scaling up" the efforts of faith-based organizations and making them integral to strategic local, state, and national planning, we can invigorate civil society; empower faith-based and secular non-profits alike; create a myriad of new multi-sector partnerships; and bring a whole new leadership into the political process—that of the community.

ENCOURAGE PRIVATE SUPPORT FOR FAITH-BASED ORGANIZATIONS

We need to make sure the efforts of faith- and value-based organizations are recognized and supported across America. Right now it is common for employees to have their charitable contributions matched by their company, up to an annual limit. Rarely are faith-based programs approved for such matches. Al Gore calls upon the corporations of America to encourage and match contributions to faith and value-based organizations.

TEXT OF GORE REMARKS ON THE ROLE OF FAITH-BASED ORGANIZATIONS, MAY 24, 1999

I want to talk today about a dramatic transformation in America. It's one that you and your families are already a part of.

This transformation is a quiet one—and a good one. It is a movement that is entirely about solutions. And it is sweeping from home to home and neighbor to neighbor, right now in America.

In spite of the cultural soul sickness we've confronted recently, there is a goodness in Americans that, when mobilized, is more than a match for it. Americans are still the most decent people on earth—and are actually growing in service and in selflessness. America has the highest level of religious belief and observance of any advanced nation. Americans' volunteer work has doubled in twenty years, even as more women—the traditional mainstay of volunteer groups—have moved into the workplace. Both adults and teenagers are just as likely to go to church or synagogue today as their counterparts were twenty years ago. And in many ways, our public policies have shown the face of that strong and growing commitment to decency: ever-fewer Americans tolerate bigotry and discrimination, and our journey as a society reflects that.

This hunger for goodness manifests itself in a newly vigorous grassroots movement tied to non-profit institutions, many of them faith-based and values-based organizations. A church's soup kitchen. A synagogue's program to help battered women. A mosque's after-school computer center that keeps teenagers away from gangs and drugs.

It's commonplace to say that people are turned off to politics. This transformation shows that in fact people are not turned off to politics—to organized community action; rather, they are turned off to too many of the ways they have seen Washington work.

What many people are struggling to find is the soul of politics, to use Jim Wallis' words. They are living their politics, by deciding to solve the problems they see, and by going out into the streets of their communities and serving those left out and left behind. People are engaged in the deeply American act of not waiting for government to deal with the problems on their own doorsteps. Instead, they are casting a vote for their own wise hearts and strong hands to take care of their own.

I came here today to say this: the moment has come for Washington to catch up to the rest of America. The moment has come to use the people's government to better help them help their neighbors.

Ordinary Americans have decided to confront the fact that our severest challenges are not just material, but spiritual. Americans know that the fundamental change we need will require not only new policies, but more importantly a change of both our hearts and our minds. If children are not taught right from wrong, they behave chaotically; if individuals don't do what's right by their kids, no new government programs will stanch that decay. Whether they are religious or not, most Americans are hungry for a deeper connection between politics and moral values; many would say "spiritual values." Without values and conscience, our political life degenerates. And Americans profoundly—rightly—believe that politics and morality are deeply interrelated. They want to reconnect the American spirit to the body politic.

For too long, national leaders have been trapped in a dead end debate. Some on the right have said for too long that a specific set of religious values should be imposed, threatening the founders' precious separation of church and state. In contrast, some on the left have said for too long that religious values should play no role in addressing public needs. These are false choices: hollow secularism or right-wing religion. Both positions are rigid; they are not where the new solutions lie. I believe strongly in the separation of church and state. But freedom of religion need not mean freedom from religion. There is a better way.

My wife Tipper practices her faith and sees its power through her work with homeless people who come to Christ House, in Washington, DC. Many at Christ House are struggling with substance abuse and mental health issues—but they often suffer from a feeling of spiritual emptiness as well. So Christ House does more than provide shelter and medical care. It creates a loving, trusting atmosphere that helps address the issues that led to homelessness in the first place. Its founder tells the story of a reporter who spend a week there, interviewing the patients. At the end of her time, she said: "What amazed me is that for all of the medical treatment, I didn't hear anyone talking about putting on bandages, or taking medication." Instead, the reporter said, they talk of "a much deeper type of healing."

I have seen the transformative power of faith-based approaches through the national coalition I have led to help people move from welfare to work—the Coalition to Sustain Success.

In San Antonio I met a woman named Herlinda. She had given up on finding work, and had gone on welfare. She had so many challenges to face. English was her second language. She didn't think she had the skills to hold a job. And she had begun to conclude that maybe she didn't deserve one. Then she signed up for job training at the Christian Women's Job Corps, which is part of our Coalition.

There, she met a woman who mentored her through prayer and Bible study, and she soon began to regain her self-confidence. Faith gave her a new feeling of self-worth, of purpose—something no other program, no matter how technically sophisticated, could give her. When I met her, she told me that for the first time in years, she had applied for a position at Wal-Mart. Then she looked me in the eye, and said with pride, "I know I'll get the job."

And she did. In fact, Herlinda was recently honored as employee of the month in her workplace.

In San Francisco, I met a woman named Vicki. Because of a drug addiction, she had lost custody of her two children, lost her job, and gone on welfare. She had tried without success to beat her addiction. Then she joined a faith and values-based program that was part of our Coalition, and finally gained the inner strength to become clean. She regained custody of her children. And she has kept a full-time job. When I asked what she could do for others in the same bind, she said, "unfortunately, nothing—unless they want to change first." For Vicki, it was faith that finally enabled her to pry open the vise grip of drug addiction.

This better way is working spectacularly. From San Antonio to San Francisco, from Goodwill in Orlando to the Boys and Girls Club in Des Moines—I have seen the difference faith-based organizations make.

Tipper and I also began to learn about this better way at our annual "Family Reunion" policy conferences, where we saw how the power of love can reconnect fathers with children they had abandoned, and how that surrendering commitment to the father-child bond has a transforming impact on men more powerful than any program ever tried. I've also seen this approach used to clean up the environment by many local congregations working in their own communities, and working on national and global issues under the umbrella of the Religious Partnership for the Environment.

Leaders of the new movement of faith-based organizations pervasively sectarian call it "the politics of community." In this new politics, citizens take local action, based on their churches, synagogues, and mosques, but reaching out to all—to do what all great religions tell good people to do: visit the prisoners, help the orphans, feed and clothe the poor. The men and women who work in faith- and values-based organizations are driven by their spiritual commitment; to serve their God, they have sustained the drug-addicted, the mentally ill, the homeless; they have trained them, educated them, cared for them, healed them. Most of all, they have done what government can never do; what it takes God's help, sometimes, for all of us to manage; they have loved them—loved their neighbors, no matter how beaten down, how hopeless, how despairing. And good programs and practices seem to follow, born out of that compassionate care.

Here in Atlanta at the Salvation Army's Adult Rehabilitation Center, I see in you the powerful role of faith in nurturing a change of consciousness. All of the men here who are recovering from substance abuse start the day with a morning devotion period. Many of them work right here during the day refinishing and reupholstering furniture, doing the work of the Salvation Army. Captain Guy Nickum, who runs the Center, says: "Our belief in God is in all of the steps of recovery." That belief is giving new hope to many of the recovering people who are with us today.

That is why this transformation is different in many ways from what has come before. Some past national political leaders have asked us to rely on a fragile patchwork of well-intentioned volunteerism to feed the hungry and house the homeless. That approach, optimistic though it was, was not adequate for the problems too many Americans face. It left too many American children behind to suffer. If all the private foundations in America gave away all their endowments, it would cover about one year of our current national commitment to meeting social challenges. In contrast, faith- and values-based organizations show a strength that goes beyond "volunteerism." These groups nationwide have shown a muscular commitment to facing down poverty, drug addiction, domestic violence and homelessness. And whey they have worked out a partnership with government, they have created programs and organizations that have woven a resilient web of life support under the most helpless among us.

Reverend Eugene Rivers, as I read recently in an article, has been widely celebrated for helping to take back the worst neighborhoods of Boston through faith. He remembers a hardened gangster telling him: "I'm there when Johnny goes out for a loaf of bread. I'm there, you're not. I win, you lose. It's all about being there." but Reverend Rivers resolved that he would be there, too. He was, and he faced down the gangs.

A second difference is that they give another kind of help than the help given in government programs, no matter how dedicated the employees. To the workers in these organizations, that client is not a number, but a child of God. Those on the front lines of our most intractable battles are surprised to discover how concrete a difference that makes. "You couldn't function effectively without ministers in Boston," says William J. Bratton, who was the city's police commissioner, talking to a reporter about the clergy who saved inner-city kids from gangs.

Partly because of Reverend Rivers and his fellow faith leaders, Boston went 18 months without losing a single child to gun violence.

These workers are motivated more by service than institutional allegiance, so they try to get every penny to go to alleviating suffering rather than upholding a program for the sake of professional credentialism. Unlike bureaucracies, which can sometimes be self-perpetuating, the churches want their helping programs to work so well that they become obsolete. Traditional "helping" often gives material aid to the poor or hungry—and that's all. FBO outreach gives food, shelter—but also the one-to-one caring, respect and commitment that save lives even more effectively than just a nourishing meal or a new suit of clothes.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I came to this floor to talk about the goodness that I saw in House Resolution 207. I did not realize that I would run into a constitutional argument, but I have, and I do not mind addressing it.

Mr. Speaker, I feel that, barring constitutional prohibitions, House Resolution 207 is a very good resolution. I want to tell the Members why. I represent a district where people are in need. They are in need of housing. They are in need of faith. They are in need of the resolution. They are in need of reparations for long lost things, so many things.

I saw the good in this resolution. Many times a booming stock market does not boom in some of the inner city neighborhoods that I represent. The constituents which I represent, we have pockets of poverty. Faith-based organizations have come to the rescue. To the residents of these communities and these churches, it has been clear that without the help that they are receiving, many people would be homeless.

Sometimes they are the only organization, Mr. Speaker, that will provide hope to the communities. Not only have they been paragons of faith and hope for the spiritual need of their members, but they have provided economic opportunity within the limits of their financial resources. I feel that they have aggressively and should continue to aggressively venture into businesses, for-profit businesses, and to provide services.

For these reasons, faith-based organizations in my opinion deserve our close attention to be sure that we are able to deliver something to these communities.

I stand here as a woman of faith and say that there is a lot to be gained from faith-based organizations helping. They have demonstrated a sincere commitment. They are able to get the message to the people. So barring the constitutional limitations which I have heard here today, we need to support the faith-based organizations movement.

Mr. SCOTT. Mr. Speaker I ask unanimous consent that the time of debate be extended by 10 minutes, 5 minutes per side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, first, I think it is important in terms of the requirement, the coercion of religious activity, I think it is important that I repeat what is on page 75 of the bill: "A religious organization that is a program participant may require a program beneficiary to actively participate in religious practice, worship, and instruction, and to follow the rules of behavior devised by the organization that are religious in content and origin."

Mr. Speaker, let us see what some religious groups have to say about this particular piece of legislation. I have a letter from the Working Group for Religious Freedom and Social Services which says "We, the undersigned religious education, health, civil rights, and civil liberties organizations, are writing to urge you to oppose House Resolution 207 which endorses the substance abuse treatment section of H.R. 815, the American Community Renewal Act, because it would violate the religious liberty rights of Federal taxpayers and social service beneficiaries."

Mr. Speaker, it goes on to say that the bill will allow religious providers to engage in religious discrimination against employees who are paid through and work on taxpayer-funded substance abuse treatment programs. Although religious institutions are permitted to hire co-religionists in the context of private religious activity, ACRA overrides State civil rights laws and amounts to Federally-funded employment discrimination by requiring employees paid with public funds to adhere to the religious tenets and teachings of the organization.

In addition, the act undercuts States' rights by preempting State constitutional and statutory provisions, including civil rights laws. Furthermore, ACRA erroneously states that counselor training undermines effective substance abuse treatment, and the bill requires States that establish such training requirements to give equivalent credit for religious education such as Bible study to course work in drug treatment.

This letter is endorsed by 31 organizations, including the American Baptist Churches, American Civil Liberties Union, the American Counseling Association, American Federation of State, County, and Municipal Employees, the American Jewish Committee, the American Jewish Congress, and a whole host of other religious organizations.

Mr. Speaker, I include this letter for the RECORD.

The letter referred to is as follows:

THE WORKING GROUP FOR RELIGIOUS
FREEDOM IN SOCIAL SERVICES,
Washington, DC, June 21, 1999.

DEAR REPRESENTATIVE: We, the undersigned religious, education, health, civil rights, and civil liberties organizations are writing to urge you to oppose H.J. Res. 207 which endorses the Substance Abuse Treatment section of H.R. 815, the "American Community Renewal Act" (ACRA) because it would violate the religious liberty rights of federal taxpayers and social service beneficiaries. The bill would amend the federal Substance Abuse and Mental Health Services Administration statute so that "pervasively sectarian" religious institutions, such as churches and other houses of worship, could receive public funds to provide services on behalf of the government.

Although many religiously-affiliated nonprofit organizations currently provide government-funded substance abuse treatment, the "American Community Renewal Act" would change current law to permit churches and other religious organizations that include evangelism in their programs, to receive contracts and vouchers for programs in which government social service beneficiaries may be proselytized.

In addition to violating the Establishment Clause of the First Amendment, ACRA is an affront to the religious liberty rights of substance abuse and mental health beneficiaries. Although a beneficiary technically has the right to object to a religious provider, ACRA does not provide notice to the beneficiary of his or her right to object. This is particularly disturbing in the context of substance abuse treatment. It is difficult enough for those addicted to substances to seek help. Furthermore, in most instances, even if a beneficiary takes the initiative to seek an alternative provider, the bill makes the religious institution responsible for finding the alternative.

The bill would also allow religious providers to engage in religious discrimination against employees who are paid through, and work on, taxpayer-funded substance abuse treatment programs. Although religious institutions are permitted to hire co-religionists in the context of private religious activity, ACRA overrides state civil rights laws and amounts to federlly-funded employment discrimination by requiring employees paid with public funds to adhere to the religious tenets and teachings of the organization.

Additionally, the "American Community Renewal Act" undercusts state rights by preempting state constitutional and statutory provisions (including civil rights laws). Furthermore, ACRA erroneously states that counselor training undermines effective substance abuse treatment, and the bill requires States that estalbish such training requirements to give equivalent credit for religious education, such as Bible study, to course work in drug treatment. This federal legislation overtly preempts state constitutions and statutes that protect religious liberty, civil rights, and training of treatment providers.

Of course, with government dollars comes government oversight. Such entanglement between government and religion violates the Establishment Clause, and demonstrates why the current law's distinction between "pervasively sectarian" and "religiously-affiliated" institutions better protects religious freedom. ACRA would obliterate this protection and open the door to other programs that provide taxpayer funds to religious institutions, such as school tuition vouchers.

For these reasons we strongly urge you to oppose H.J. Res. 207 which endorses the substance abuse section of H.R. 815, the "american Community Renewal Act."

Sincerely,

American Baptist Churches; American Civil Liberties Union; American Counseling Association; American Federation of State, County and Municipal Employees; American Jewish Committee; American Jewish Congress; Americans United for Separation of Church and State; Anti-Defamation League; Baptist Joint Committee on Public Affairs; Catholics for a Free Choice; Central Conference of American Rabbis; CHILD Inc.; Friends Committee on National Legislation (Quaker); General Board of Church and Society, United Methodist Church; General Conference of Seventh Day Adventists; Hadassah; Jewish Council for Public Affairs; Legal Action Center; Na'amat USA; National Association of Alcoholism & Drug Abuse Counselors; National Association of State Alcohol and Drug Abuse Directors; National Council of Jewish Women; National Jewish Democratic Council; People for the American Way; Presbyterian Church (U.S.A.), Washington Office; The Rabbinical Assembly; Union of American Hebrew Congregations; Unitarian Universalist Association; United Church of Christ, Office for Church in Society; Women's American Ort; Workmen's Circle.

Mr. Speaker, I also have a letter from a number of drug counseling institutions which says, "The undersigned organizations oppose House Resolution 207 and the portions of the American Community Renewal Act which will hurt provision of professionally competent alcohol and drug treatment services.

"Unfortunately, the Community Renewal Act will undermine treatment effectiveness. The Act will override State licensure and certification of alcohol and drug counselors, crushing State guarantees of safety in alcoholism and drug addiction treatment.

"The Act actually states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. This is simply inaccurate. Alcoholism and drug addiction is a disease. Consequently, alcohol and drug counseling has long required specialized knowledge and training compelling the use of professional practitioners. Education equals effective alcoholism and drug addiction treatment.

"Even more troubling, the Act will require States which require formal education to deliver services to 'give credit for religious education and training equivalent to credit given for secular course work in drug treatment. . . .'

"Alcohol and drug treatment is a medical service requiring medical knowledge. Treatment professionals specialize in diagnosis and treatment of psychoactive disorders and other substance abuse/use dependency. These counselors and other professionals possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to training given to the medical specialty of alcohol and drug treatment."

Mr. Speaker, this letter is endorsed by the American Counseling Association, the National Association of Alcohol and Drug Abuse Counselors, the National Association of State Alcohol and Drug Abuse Directors, the National Association of Student Assistance Professionals, the National Coalition of State Alcohol and Drug Treatment and Prevention Associations, the Partnership for Recovery, which includes the Betty Ford Center, the Valley Hope Medical Association, and a whole host of other organizations.

Mr. Speaker, I also place this letter in the RECORD.

The letter referred to is as follows:

JUNE 21, 1999.

MEMBERS,
House of Representatives,
Washington, DC.

DEAR MEMBERS OF CONGRESS: The undersigned organizations oppose H. Res. 207 and the portions of the American Community Renewal Act which will hurt the provision of professionally competent alcohol and drug treatment services.

Unfortunately, the Community Renewal Act will undermine treatment effectiveness. The Act will override state licensure and certification of alcohol and drug counselors, crushing state guarantees of safety in alcoholism and drug addiction treatment.

The Act actually states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. This is simply inaccurate. Alcoholism and drug addiction is a disease. Consequently, alcohol and drug counseling has long required specialized knowledge and training compelling the use of professional practitioners. Education equals effective alcoholism and drug addiction treatment.

Even more troubling, the Act will require States which require formal education to deliver treatment services to "give credit for religious education and training equivalent to credit given for secular course work in drug treatment . . ." Alcohol and drug treatment is a medical service requiring medical knowledge. Treatment professionals specialize in the diagnosis, assessment and treatment of psychoactive disorders and other substance abuse/use/dependency. These counselors and other professionals possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to training given for the medical specialty of alcohol and drug treatment.

The Act also mandates States to waive their formal educational requirements under certain circumstances or face lawsuits. Finally the legislation attempts to remedy a problem that does not exist. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

All of our organizations seek to include spirituality in the lives of individuals. Spirituality is an important component of treatment, and mechanisms already exist to bring this aspect of recovery to patients without changing current law.

However, by stating that establishing formal education requirements may hinder treatment and by attempting to equate religious education with knowledge about alcoholism and drug dependence, the Community Renewal Act undermines treatment efforts and removes scarce funding from effective treatment programs. Unfortunately, this legislation ensures that the millions of people suffering from addiction, their families, employers and communities will be harmed by incompetent treatment.

The Community Renewal Act will hurt the provision of professionally competent alcohol and drug treatment services. For this reason, we urge you to vote against H. Res. 207.

Sincerely,

The American Counseling Association; The American Methadone Treatment Association; The American Society of Addiction Medicine; The Association of Halfway House Alcoholism Programs of North America; College on Problems of Drug Dependence; Legal Action Center; The National Association of Addiction Treatment Providers; The National Association of Alcoholism and Drug Abuse Counselors; The National Association of State Alcohol and Drug Abuse Directors; The National Association of Student Assistance Professionals; The National Coalition of State Alcohol and Drug Treatment and Prevention Associations; The National Council for Community Behavioral Healthcare; The National Council on Alcoholism and Drug Dependence; National TASC; The Partnership for Recovery; The Betty Ford Center; The Caron Foundation; Hazelden, Inc.; The Valley Hope Medical Association; The Research Society on Alcoholism; Therapeutic Communities of America.

Charitable Choice Will Hurt the Provision of Professionally Competent Alcohol and Drug Treatment Services

NAADAC Opposes the Appropriation of Federal Funding to Sectarian Treatment Providers Because Such Funding Will Undermine Licensure Laws and Certification Requirements in the States.

History: Since 1995, Senator John Ashcroft (R–MO) has been offering "charitable choice" amendments and legislation which would require federal agencies to allow sectarian (religious) organizations to receive federal funding to provide community services, including alcohol and drug counseling. Senator Ashcroft has, in past years, placed a hold on reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA) in order to force a vote in the Senate to apply charitable provisions to SAMHSA. In 1996 Representatives J.C. Watts (R–OK) and James Talent (R–MO) introduced the "American Community Renewal Act" an "enhanced" charitable choice legislation to require that SAMHSA permit a "faith-based" substance abuse treatment centers to receive federal funding. NAADAC considers this to be an enhanced charitable choice provision since it specifically exempts sectarian organizations from complying with federal employment law. In November 1997, Senators Spencer Abraham (R–MI), Tim Hutchinson (R–AR) and Dan Coats (R–IN) introduced

"The Effective Substance Abuse Treatment Act," which parallels the substance abuse portion of the Community Renewal Act. On January 21, 1999, Senator Abraham re-introduced his bill, re-titled "The Faith-Based Drug Treatment Enhancement Act".

CHARITABLE CHOICE ANALYSIS]

NAADAC strongly supports the requirement of individual certification and licensure for alcohol and drug counselors. Such regulations establish an organized system which ensures that the delivery of this vital health care service is provided by trained and experienced professionals who have met rigorous educational and training requirements. Licensure laws protect consumers from unethical and ineffective practices. Under charitable choice, sectarian institutions could claim exemption from state regulations, (even where legislation explicitly attempts to subject religious providers to state regulations) because the First Amendment of the U.S. Constitution prevents excessive government entanglement with religious institutions. Sectarian providers would not be required to hire certified or licensed competent professionals. Charitable choice would create a system in which non-sectarian providers must meet state requirements while sectarian providers would be freed from meeting state licensure and other employment standards. Such a dual system is untenable. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

Charitable choice undermines state requirements. The millions of people suffering from addiction, their families, employers and communities may be left unprotected from incompetent treatment.

LEGISLATIVE ANALYSIS

Issues/Legislation: S. 289—"The Effective Substance Abuse Treatment Act"—Senator Spencer Abraham (R-MI), Co-Sponsors—Senators Paul Coverdell (R-GA), Tim Hutchinson (R-AR), Sen. Jeff Sessions (R-AL), Sen. John McCain (R-AZ) and Sen. Rod Grams (R-MN)

Areas of Concern: This legislation will override state alcoholism and drug licensure and certification laws, undermining state guarantees of safety in alcoholism and drug addiction treatment. This bill states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. In fact, education enhances the provision of alcoholism and drug addiction treatment. Finally the legislation remedies a problem that does not exist. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

Provisions of Concern: The language at issue is contained in Title IV of the Community Renewal Act, and Section 2 of the Effective Substance Abuse Treatment Act. Both would amend Title V, Sec. 585 of the Public Health Service Act (42 U.S.C. 290aa et seq.) The proposed provisions state that:

1. ". . . formal education for counselors . . . may undermine the effectiveness of [treatment] programs." This statement is incorrect. As treatment has grown more complex, the need for continuing education and formal education has also grown. Those most aware of new treatment technologies and capabilities are better able to provide appropriate treatment for all patients.

2. ". . . educational requirements . . . may hinder or prevent the provision of needed drug treatment services." Establishing standards and requirements for the administration of treatment ensures that treatment delivered to patients is effective. It does not deny access to those services. As with the treatment of all other diseases, holding treatment professionals accountable protects the safety of the public.

3. States which require formal education to deliver treatment services "shall give credit for religious education and training equivalent to credit given for secular course work in drug treatment . . ." Alcohol and drug counselors (ADCs) constitute the one group of professionals who specialize in the diagnosis, assessment and treatment of psychoactive disorders and other substance abuse/use/dependency. These counselors possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to this knowledge.

4. States must waive their education qualifications for treatment personnel if, "(iv) the State . . . has failed to demonstrate empirically that the educational qualifications in question are necessary to the operation of a successful program." This legislation undermines a State's ability to protect the public by licensing and certifying qualified treatment providers. It imposes a mandate from the Federal government requiring the States to fund religious programs or face the costs of defending requirements which the State and local governments believe are necessary for protection of the public. States will be required to conduct research without being provided the means to accomplish it. States are unlikely to have the resources to spend on a demanding empirical defense of their rule and consequently may relax treatment standards to allow unfit organizations to deliver treatment with federal funding.

5. Under this legislation programs and state agencies are not required to notify individuals who are placed in religious programs, that they have the right to receive alternative services. Additionally, there is no requirement that alternative services be accessible. Individuals who enter treatment programs are frequently in a medically or mentally vulnerable situation. Despite this, S. 289 currently states that religious treatment providers may require active participation in religious practice worship and instruction. (Note: Unlike previous versions of the community renewal act, S. 289 no longer contains the specific requirement allowing sectarian providers to compel compliance with religious worship). Forced or coerced religious activity is inappropriate and may be unethical under counseling guidelines.

Conclusions: Spirituality is an important component of treatment, and mechanisms already exist to being this aspect of recovery to patients. Indeed, religious organizations are free to receive federal funds by creating a non-profit, "religiously affiliated" agency to provide services in compliance with state certification and licensure laws. However, by stating that establishing formal education requirements may hinder treatment and by attempting to equate degrees in theology with knowledge about alcoholism and drug dependence, charitable choice undermines treatment efforts and removes scarce funding from effective treatment programs.

The alcohol and drug treatment profession is currently engaged in efforts in almost every state to create and reinforce standards of practice for alcohol and drug treatment, just like the standards (licenses) states currently have for doctors and other health care providers. Such regulations establish an organized system which ensures that the delivery of this vital health care service is provided by trained and experienced professionals who have met rigorous educational and training requirements prior to serving in the sensitive position of Alcohol and Drug Counselors. Under this new legislation, "pervasively sectarian" institutions such as houses of worship, would be permitted to provide government services while claiming exemption from state regulations. This legislation would not allow the government to oversee the hiring practices of religious institutions even if complaints were made against the institution. Charitable choice would overrule the judgment of the states and would allow treatment to be provided without respect to minimal standards, undermining public safety in the provision of this necessary service. This legislation hurts the field of alcohol and drug addiction treatment along with the millions of people suffering from addiction, their families, employers and the communities in which they live.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out for those who may be viewing this in their offices and elsewhere that this is not really a close vote situation. We had 346 Members for this earlier on juvenile justice last week; the Vice President supports this concept, particularly on drug treatment, as do most Republicans. We have already had several Democrats supporting this.

Mr. Speaker, I yield 3 minutes to my distinguished friend and colleague, the gentleman from Michigan (Mr. EHLERS).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members that they are to address their remarks to the Chair.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to speak in favor of this resolution, just as I supported charitable choice when it was a matter of discussion some years ago.

Mr. Speaker, when my wife and I moved to Grand Rapids, Michigan, in 1966, we decided that we wanted to join a church that would make a difference, a church that would make a difference in the community. In particular, we joined the Eastern Avenue Christian Reform Church, a member of a small but strong and wonderful denomination.

□ 1545

We have made a difference through that church, and that church has been a strong voice in the community. It is the type of faith-based effort that this country needs.

Through this small church, small but very active, we managed to start a food program which has fed many, many people through a cooperative effort. We were instrumental in starting a community center which has sprung off and become a multimillion dollar operation providing tremendous service to the community.

We were also instrumental in helping start a housing program which is now developed into an independent organization which has rehabilitated close to 100 houses at this point for low-income individuals, and they now are enjoying home ownership.

This, incidentally, happened before Habitat For Humanity was founded. Let me describe just a little bit the food program that we have established which operates in the church basement every Saturday morning.

Members of the church and other volunteers go to suppliers throughout the community. We acquire, through donation, produce, bread, many other vital essentials; and we bring them to our church basement.

We run a small supermarket there every Saturday morning. Individuals coming through can buy supplies that they need for their daily existence for roughly 10 cents on the dollar. A poverty stricken family can come in and for $10 buy a couple of weeks worth of groceries and other essentials.

It has worked very well. It has served young and old, able and disabled, Hispanic and Vietnamese, black and white. It has served everyone. It has been a real boon to the community. Many of the volunteers have come from the community themselves, and many of them have worked for many, many years on this effort.

These are examples of activities carried on by faith-based organizations, and they have proven to be far more effective per dollar expended than any government program I have ever seen.

I think it is simple common sense that the Federal Government encourage these faith-based organizations and, in fact, make use of them in trying to solve the problems of our Nation, particularly those dealing with poverty.

Two cautions I want to offer. First of all, we have to make sure that the churches do not proselytize, in other words, do not violate the separation of church and State in that sense, even though they are working in the name of God to serve the people around them.

Secondly, the government should take care not to try to govern the faith-based organizations.

I strongly support this resolution, and I hope many churches across this country will follow this example.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, it is the unanswered questions about this legislation that bother me the greatest. But I must say that I consider it an affront to the integrity of this House that we would debate such a fundamental constitutional issue, regardless of which side my colleagues are on on this resolution, fundamentally important constitutional issues such as church and State separation, the establishment clause of the first amendment, in fact the first 16 words of the Bill of Rights, under a Suspension Calendar with no committee consideration.

I think Mr. Jefferson and Mr. Madison would be ashamed of the process that we are going through today. But let us talk about what unanswered questions we have in this debate, in this little time for debate.

The gentleman from Indiana (Mr. SOUDER) has answered our questions by saying, yes, under this legislation, let me be clear, yes, under this legislation Federal funds will be allowed to hire and fire people based on race discrimination, religious discrimination, sex discrimination.

Mr. SOUDER. Point of personal privilege.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Texas (Mr. EDWARDS) yield to the gentleman from Indiana (Mr. Souder)?

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Speaker, parliamentary inquiry. Why is it not a point of personal privilege when a statement is made about racism which I did not make. The question was on religion.

The SPEAKER pro tempore. Statements in debate do not give rise to a question of personal privilege. Is the gentleman from Indiana (Mr. SOUDER) raising a point of order?

Mr. SOUDER. Mr. Speaker, I will withdraw my inquiry.

The SPEAKER pro tempore. The gentleman from Texas (Mr. EDWARDS) may proceed.

Mr. EDWARDS. Mr. Speaker, as I was saying, under this legislation, if one simply reads it, which most Members of this House have not yet done, a religious organization could say, based on their religious creed, they would not hire someone based on the fact that that person is a woman. A Christian may not hire someone because he is Jewish. A Jewish group may not hire someone because they are Christian. In some religious faiths, they may not hire someone because of the color of their skin.

This bill directly endorses job discrimination, and worse yet job discrimination using Federal taxpayers dollars. For that reason and that reason alone, this House should reject this legislation and H.R. 815 which it supports.

But that is the answered question. Let us look at the unanswered questions. According to this bill, if a participant in a program is Jewish, working in a Baptist Church that has won the government program, could that Jewish program be forced to say the Lord's Prayer? If the program is an Islamic mosque, would a Christian be forced to follow the rules of Islamic law, including women in America following the rules of Islamic law? If a Buddhist group is running a program, would Jewish and Christian citizens in the program be forced to pray to Buddha?

If a Baptist group is running a program, would the Catholic be forced to say the Protestant version of the Lord's Prayer? If reciting New Testament proceedings is basically a process that a church goes through that has won these Federal funds for this program, can they force an Islamic or a Muslim or a Jewish person to read from the New Testament?

Well, how about this. What about a Wiccam group? It says we are not going to discriminate based on the religion. The courts have said the Wiccams are religious group identified in this country. What if the Wiccam group has a religious service where they honor the sun and the moon and circle as they do with candles? And they actively participate in that process in my district in Central Texas. Can they force a Christian alcoholic to participate in the Wiccam religious services? If my colleagues say yes, that is religious discrimination.

What if the Santeria, a religion than practiced, and a religion as defined by the Supreme Court of the United States, what if the Santeria win a Federal grant to administer alcohol programs? Since my colleagues say they cannot discriminate based on religion, does that mean that the Santerias can force a Presbyterian to participate in the decapitation of a chicken's head, because that is part of the prayer ritual the Santeria religion?

The fact is, there are too many unanswered questions in this legislation that go to the heart, the reason why our Founding Fathers chose the first 16 words of our Bill of Rights, to be committed to protecting religion against government intervention, that we should reject this legislation.

According to these proponents, we would think that the first 16 words of the Bill of Rights are a shackle on religious freedom. That is absolutely wrong. Mr. Jefferson, Mr. Madison, others involved in drafting that legislation did not write the establishment clause to shackle religion in America. They did it to shackle government from intervening into the religious freedom of individuals. Political conservatives should be terrified by this legislation.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. EDWARDS) already knows, Title 7 of the 1964 Civil Rights Act allows a religious organization to discriminate in employment on the basis of religion. This amendment simply clarifies that in spite of all the statements on the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise in support of the resolution and to point out that we just heard a very good example of what I call faith phobia. This faith phobia has taken over the country, that anyone with values and beliefs is a problem.

I support this resolution, not just to recognize what nonprofit community organizations, faith-based organizations are doing, but to point out that they are doing our work all across America better than we are.

There is an organization in my district called Mobile Meals. Every day, people from throughout the community rise at about 4:00 in the morning and feed about 1,700 people every day. They do it for one reason, to share the love of God with people in the community. They spend less than a million dollars a year. It compares with the federally funded group that does the same thing that spends over $6 million a year.

If we look around my community and I am sure my colleagues' community, the people that are feeding the hungry, that are clothing the poor, that are freeing those enslaved to drugs, that are building homes for the homeless, and providing a place for people to live who need it all across the community, these are faith-based organizations working side by side with community organizations.

If, as a government, we are going to say that, because there is some faith involved, that we cannot use these organizations to help Americans, then we are going way down the wrong road. We need to recognize that we have been making a mistake. We have not been separating the State from religion. We have been separating religion from America. It is time that we stop that at the Federal level and recognize that, if we want to help Americans, let us let faith-based organizations work side by side with community and local governments to really help America.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to make two points. First is in response to the last speaker. I think the fact that the Baptist Joint Committee on Public Affairs strongly opposes this legislation today really undermines the gentleman's argument or suggestion that people of faith should be for this Federal funding and faith-based organizations.

Secondly, I would like to correct the statement made by the gentleman from Indiana (Mr. SOUDER) when he failed to point out that the Supreme Court in 1989 ruled that, when an organization such as this case, the Salvation Army was using Federal funds to hire people, they could not fire someone based on religion.

In this particular case, the Salvation Army could not fire a Wiccam because of his religious belief. So the gentleman is really in a quandary. Either one can endorse religious-based discrimination using Federal funds, or is one going to say to the Baptist Church of Waco, Texas that they must hire Wiccams. Perhaps they must hire Satanic worshipers. Perhaps they must hire people of religious faith that are inconsistent with their own.

Mr. SOUDER. Mr. Speaker, I inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. SOUDER) has 2½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 2 minutes remaining.

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT), our third Democrat to speak on behalf of this in a rare bipartisan effort to try to reach out to those who are hurting.

Mr. TRAFICANT. Mr. Speaker, I think the Founders are rolling over in their graves. I do not believe any Founder intended to envision an America without school prayer or without support for faith-based programming. The Founders intended to ensure there would not be State-sponsored legislation creating one religion in America.

I believe all this technical mumbo jumbo has served to eliminate God from America. I want to be associated with those Members who will, in fact, look at the technicalities and include God. A Nation without God is a Nation that has invited the devil. Congress, open your eyes, because they have rolled out the carpet in America for the devil with a bunch of technical mumbo jumbo that is no more the intent of Founders than pornography.

I stand for this legislation, period. I think it is time, Mr. Speaker, to look at our cities, look at our schools. They could fund all the programs they want, but they are not going to be successful with a technical mumbo jumbo argument that God is the reason why they cannot do it because the Founders said so.

That does not work with JIM TRAFICANT at all. I believe the technicality has been stretched much too far.

I want to associate myself with the remarks of the gentlewoman from Florida (Mrs. MEEK) and with those who support this legislation. I believe they are right, and I urge the Congress, with a little bit of technical oomph, to vote aye on the legislation.

□ 1600

Mr. SCOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I am a member of an African American church. I grew up in an African American church, a Baptist church. I attended seminary, and am a licensed and ordained Baptist minister. But I believe in the separation of church and state.

If the gentleman from Ohio (Mr. TRAFICANT) wants to consider and call the Bill of Rights mumbo jumbo, that is all right, he has that right, but for me and my house, I am going to stand with the Founding Fathers, not with the gentleman from Ohio.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, some prior speaker said this was a good resolution except for the unconstitutional parts, and I tend to agree with that.

I think there is a lot this resolution has to offer except for the parts that we have referred to. I think we just need to, so we know what the Founding Fathers might have envisioned, read what is in the bill that this resolution endorses.

First, on discrimination: It provides that a religious organization that is a program participant may require an employee rendering services to adhere to the religious beliefs and practices of such organization, and any rules of the organization regarding the use of alcohol and drugs.

Now, the gentleman from Indiana has acknowledged that discrimination may occur. In fact, he wants to extend the title 7 exemption to churches which are allowed to discriminate on a religious basis when they hire people who are ministers and things like that. But this would extend it to federally-sponsored drug programs. And it would be a new day in America when a federally-sponsored drug program can hang out a sign that says, people of certain religions need not apply for a job because of their religions.

Let us go along to whether we can have coerced religion. Page 75, line 23, a religious organization may require a program beneficiary to actively participate in religious practice, worship and instruction, and follow the rules of behavior devised by the organizations that are religious in content and origin.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentleman from Virginia (Mr. SCOTT) has expired.

(By unanimous consent, Mr. SCOTT was allowed to proceed for 30 additional seconds.)

Mr. SCOTT. Mr. Speaker, there is also a part in here that has congressional findings. It says, Congress finds that establishing formal educational qualifications for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs, and such formal educational requirements for counselors may hinder or prevent provision of drug treatment services.

Mr. Speaker, I do not know whether people want discrimination or whether they want coerced religion, but religious groups oppose this, professional drug counselors oppose this, civil rights groups oppose it, and we should all oppose this resolution.

The SPEAKER pro tempore. The Chair has extended 30 seconds to each side.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 207, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, we have heard some red herring arguments this afternoon about whether something violates separation of church and state. I might remind the Members that we are not voting on the American Community Renewal Act, which has been cited and debated and is merely cited in the resolution. We are voting on a Sense of the House Resolution that targets aid and money to poor communities across this Nation.

Regarding the issue of separation of church and state, if Members oppose that American Community Renewal Act on that basis, then they should oppose Pell grants. With a Pell grant students use Federal grant money to go to seminaries, to go to Notre Dame, Yeshiva University without raising constitutional concerns. The Substance Abuse Act grant that this cites is no different.

Currently, there are two voucher programs we have successfully, legally implemented, the child care block grant in 1993, so that parents could use Federal day care dollars at the provider they choose, religious or secular; second, the new welfare law allows States to contract out their social services to both religious and nonreligious providers.

The drug treatment provision is the same. It voucherizes substance abuse block grants and allows the addict to decide. They can opt out. I urge Members to support the resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, the family unit is the core institution that instills in future generations the common values that we share as a society. Raising a child is a daunting task even in the most stable environments, but for families in distressed areas it is even more difficult.

We all know those pastors and community leaders in these neighborhoods—who have counseled that teenage mother—or prayed with the chronically unemployed—or lifted the spirits of those who sleep wherever they can lie their head. We do not have to list grave statistics about our inner cities or rural areas, because these are the people who are on the front-lines everyday.

That is why I support this resolution and the involvement of faith-based organizations in community development. In our urban and rural communities, the concerns of high unemployment, drug addiction and unsuitable housing have seemingly gone unnoticed during America's "economic boom." These problems can no longer be ignored—now is the time for our government to give faith-based organizations the opportunity to help resurrect America's neighborhoods.

For years our government has spent billions of dollars on Federal programs to help America's poor, and for the most part these offerings have not met with great success. It is painfully obvious that a new model is needed in revitalizing America's urban and rural communities. In February JIM TALENT, DANNY DAVIS, and I introduced the American Community Renewal Act. This legislation is designed to help communities and local leaders succeed where big government programs have failed. The American Community Renewal Act will help neighborhoods by—creating jobs—reducing burdensome regulation—increasing home-ownership—encouraging savings, and strengthening the institutions in these neighborhoods that have already begun making a difference.

However, community renewal must go beyond merely the scope of economics. We must provide support to the institutions that have historically held our country together—community, faith and family. With the eligibility of faith-based institutions to Community Renewal programs, we hope to achieve not only economic renewal but spiritual and moral renewal as well.

The essence of this resolution is not about ideology—it's about helping America's less fortunate. It's about providing a faith-based organization with the opportunity to reach out its hand, to pull that person out of the depths of drug or alcohol abuse. It is about that small businessperson providing a job to his or her neighbor. It's about putting a decent roof over somebody's head. But first and foremost, this resolution is about supporting the pillars of our country—community, faith, and family.

Mr. WAXMAN. Mr. Speaker, I rise to express my concerns regarding H. Res. 207 and its underlying legislation, H.R. 815, The American Community Renewal Act of 1999.

No one disputes the role that community and faith-based organizations play in sustaining and strengthening our communities and neighborhoods, our cities and towns. Throughout my career, I have shared the deep interest which motivates this resolution in harnessing the energy and creativity of community and faith-based organizations in developing solutions to our nation's persistent poverty and other serious social problems.

Instead, my concerns center on language in H.R. 815 which denigrates the importance of professional education and training to effective alcohol and drug treatment. H.R. 815 purports to improve the availability of substance abuse treatment and counseling services. Instead, its provisions undercut the proven importance and competence of qualified service providers.

Let me specify the problematic sections of H.R. 815. In congressional findings, the bill states that "formal educational qualifications for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs" and "may hinder or prevent the provision of needed drug treatment services."

Mr. Speaker, this is simply untrue. Professional education is a foundation of effective substance abuse treatment and prevention. It is a critical basis for our country's longstanding efforts to treat and prevent substance abuse. Our current national drug control strategy is premised on the fundamental importance of medical and specialized training for substance abuse service providers.

Mr. Speaker, the accompanying provisions of H.R. 815 would undercut the States in certifying and licensing substance abuse service providers. They would require the States to accept religious education and training as wholly equivalent to drug treatment. Again, this runs headlong against our nation's efforts to work in partnership with the States, professional and community organizations in combating substance abuse. Indeed, religious organizations already play an important part in these efforts through federally funded and state-funded substance abuse programs.

I am deeply concerned that language of this kind is being contemplated to this time by the Congress. As a member of the Commerce Committee, I am involved in work which will lead to reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA). These problematic provisions of H.R. 815 fly in the face of the vital accomplishments and continuing work of our Federal agencies on substance abuse treatment and prevention, including SAMHSA and the National Institute on Drug Abuse (NIDA), the National Institute of Mental Health (NIMH) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) at the National Institutes of Health.

At this time, I wish to include for the RECORD a letter in opposition to H. Res. 207 which I received from a wide range of national patient and provider organizations, including the National Association of State Alcohol and Drug Abuse Directors, the Partnership for Recovery and the American Society of Addiction Medicine.

JUNE 21, 1999.

MEMBERS,
House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: The undersigned organizations oppose H. Res. 207 and the portions of the American Community Renewal Act which will hurt the provision of professionally competent alcohol and drug treatment services.

Unfortunately, the Community Renewal Act will undermine treatment effectiveness. The Act will override state licensure and certification of alcohol and drug counselors, crushing state guarantees of safety in alcoholism and drug addiction treatment.

The Act actually states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. This is simply inaccurate. Alcoholism and drug addiction is a disease. Consequently, alcohol and drug counseling has long required specialized knowledge and training compelling the use of professional practitioners. Education equals effective alcoholism and drug addition treatment.

Even more troubling, the Act will require States which require formal education to deliver treatment services to "give credit for religious education and training equivalent to credit given for secular course work in drug treatment . . .” Alcohol and drug treatment is a medical service requiring medical knowledge. Treatment professionals specialize in the diagnosis, assessment and treatment of psychoactive disorders and other substance abuse/use/dependency. These counselors and other professionals possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to training given for the medical specialty of alcohol and drug treatment.

The Act also mandates States to waive their formal educational requirements under certain circumstances or face lawsuits. Finally the legislation attempts to remedy a problem that does not exist. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

All of our organizations seek to include spirituality in the lives of individuals. Spirituality is an important component of treatment, and mechanisms already exist to bring this aspect of recovery to patients without changing current law.

By stating that establishing formal education requirements may hinder treatment and by attempting to equate religious education with knowledge about alcoholism and drug dependence, the Community Renewal Act undermines treatment efforts and removes scarce funding from effective treatment programs. Unfortunately, this legislation ensures that the millions of people suffering from addiction, their families, employers and communities will be harmed by incompetent treatment.

The Community Renewal Act will hurt the provision of professionally competent alcohol and drug treatment services. For this reason, we urge you to vote against H. Res. 207.

Sincerely,

American Counseling Association; American Methadone Treatment Association; American Society of Addiction Medicine; Association of Halfway House Alcoholism Programs of North America; College on Problems of Drug Dependence; Legal Action Center; National Association of Addiction Treatment Providers; National Association of Alcoholism and Drug Abuse Counselors; National Association of State Alcohol and Drug Abuse Directors; National Association of Student Assistance Professionals; National Coalition of State Alcohol and Drug Treatment and Prevention Associations; National Council for Community Behavioral Healthcare; National Council on Alcoholism and Drug Dependence; National TASC; Partnership for Recovery; The Betty Ford Center; Caron Foundation; Hazelden Foundation; Valley Hope Association; Research Society on Alcoholism; Therapeutic Communities of America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, House Resolution 207.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PATRIOT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate resolution.

The Clerk read the resolution, as follows:

H. RES. 210

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, before proceeding, I would like to take a minute to add my personal congratulations to those that have been extended from all my colleagues on both sides of the aisle on the tremendous honor that was recently bestowed on our colleague the gentleman from Ohio (Mr. HALL). The Nobel Peace Prize, for which the gentleman from Ohio has been nominated, is among the most extraordinary measures of individual achievement that can be accorded to any man or woman from any country anywhere in the world.

The gentleman's deep commitment to fight hunger throughout the world is well known to all of us here in the House, so I will not belabor that point. But clearly, this is a Member of Congress whose tireless efforts reach far beyond the walls of this building, indeed far beyond the borders of this country. Literally countless numbers of the world's neediest people have benefited from the often lonely and frequently tireless efforts of the gentleman from Ohio (Mr. HALL).

It is not my intention to embarrass my colleague, Mr. Speaker, but simply to take a moment and give credit where credit is due, which has also been done in a very deserving way, as evidenced by the nomination of this prestigious honor.

Mr. Speaker, H. Res. 210 would grant H.R. 659, the PATRIOT Act, an open rule providing 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Resources. The rule makes in order as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The rule provides that the amendment in the nature of a substitute be considered for amendment by title.

Mr. Speaker, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on any postponed question if the vote follows a 15-minute vote.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

H.R. 659 is a relatively noncontroversial measure reported out of the Committee on Resources on April 28 by a voice vote. The bill would authorize a total of $4.25 million for the Federal Government to acquire land necessary to protect the Paoli and Brandywine Battlefields in Pennsylvania. The bill authorizes the Valley Forge Historical Society, in agreement with the Secretary of the Interior, to construct the

Valley Forge Museum of the American Revolution at Valley Forge National Historic Park in Pennsylvania. Once construction of the museum is complete, the bill requires all titles and interests be transferred to the Federal Government with the understanding that the Valley Forge Historical Society will continue to operate the museum.

The battles of Paoli and Brandywine took place in September of 1777 and were significant in the outcome of the American Revolution. The Battle of Brandywine was the largest land battle of the Revolution, and it was following these two battles that colonial troops, led by General George Washington, made their legendary camp at Valley Forge for the winter of 1777 and 1778.

Finally, the Congressional Budget Office estimates that enactment of H.R. 659 will cost the Federal Government about $5 million over the next 5 years. Because the bill does not affect direct spending, pay-as-you-go procedures do not apply.

As I have already mentioned, Mr. Speaker, this legislation was reported without dissent by the Committee on Resources. Accordingly, the Committee on Rules is pleased to recommend an open rule for consideration of the bill, and I encourage my colleagues to support this resolution and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding me this time and for his very kind words relative to the nomination. It was very nice of him to say that, and it is very encouraging to hear those kind of words on the floor of the House. So I thank him very much.

This is an open rule. It will allow for fair and full debate on H.R. 659, which is a bill to protect two American Revolutionary War battlefields. It also permits the construction of the Valley Forge Museum of the American Revolution within the Valley Forge's National Historic Park.

As my colleague from Washington described, this rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule also permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, the American Revolutionary War is one of probably perhaps the most important events in the history of our Nation, and it is therefore appropriate that we preserve the battlefields associated with the war and to make them available to the public. This bill would help protect the Brandywine and the Paoli Battlefields not far from Valley Forge, Pennsylvania. The battles here were an important part of our fight for independence.

This is a bipartisan bill, it has support on both sides of the aisle, it is an open rule, and I support the bill and the rule.

Again, I want to thank the gentleman from Washington (Mr. HASTINGS) for his very kind words.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON) in whose district at least one of these battlefields are located.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and colleague for his cooperation and for the support of both the minority and the majority sides on the rule.

I want to add my comments to those in praise of the gentleman from Ohio (Mr. HALL). During the 13 years I have been in Congress, we come to respect certain people; and I can tell my colleagues, there is no Member I hold in higher regard than the gentleman from Ohio (Mr. HALL) for his untiring effort on behalf of people all over the world and the problems associated with hunger.

So let us just hope for the best. We are solidly behind him in this body, and I think he represents an example for this entire country in terms of the kind of qualities we want in our elected officials. So, again, congratulations for being nominated.

Mr. Speaker, I rise in support of this legislation. It is bipartisan. It is noncontroversial. I rise under the rule because I do not want to discuss the details but rather to extend to my colleagues the significant amount of effort that was put forth by the Democrats and Republicans to find a solution to the potential development of one of the last remaining sites of the Revolutionary War.

The site that we are talking about in Paoli is directly adjacent to a site where 53 patriots were killed. They were slaughtered by the British. In fact, in such a terrible way that this battle became a rallying cry, for our soldiers for the rest of the Revolutionary War, the battle cry became "Remember Paoli" because of the way the British used bayonets to basically tear apart young Americans, Americans who were 19, 20, 21, and 22 years old.

If we do not protect this site, and this is not being done as a way to add to the Federal park land, this is being done locally and every dollar of money that we appropriate is being matched dollar for dollar by the local folks. In fact, in the case of Paoli, all but $100,000 of the $1.25 million has already been raised. The State has kicked in money; the County has. And the local folks, school kids, who have kicked in thousands of pennies in their "Pennies for Paoli" campaign, to other interested citizens who have made this a massive effort to protect one of America's real treasures.

In fact, last July 4, "Good Morning America" did a Focus for Independence Day, and that focus feature was on the Paoli Battlefield and how important it was for America to protect this site.

So I am saying to my colleagues, as we go into this open rule, please consider carefully amendments. We have the full support of the administration in this effort. It was very carefully crafted to make sure the Park Service would agree. There is nothing being done here to take land that will be acquired other than in a voluntary way. The money is being matched on a dollar-for-dollar basis.

It also sets up a process to do the same type of acquisition for the Brandywine Battlefield and also allows for the Park Service to look at a study on the possible cooperation between the Valley Forge Historical Society for a new museum. It is a non-controversial bill. It is one that is in the best interest of America. It protects sites that otherwise may be consumed by developers.

The current owners of the 40-some-acre Paoli site, the Malvern Preparatory School, have said, if we do not move in the Congress, they are going to put it up for open sale. The estimates are that it could generate tens of millions of dollars for private development. However, they have offered that if the Federal Government takes the initiative to support the local folks, they will guarantee the sale price at $2.5 million. That means that the $1.25 million that has been committed to by the local folks will be matched by $1.25 million from the Federal Government.

The land would actually be owned by the Borough of Malvern. In the case of Brandywine, it will be owned either by the Brandywine Conservancy or by the Commonwealth of Pennsylvania. So we are not adding to the size of our Park Service.

We also call for a study by the Park Service to look at how the interpretation of Paoli and Brandywine can be better coordinated with Valley Forge. Because these two battles, the Paoli massacre and the Battle of Brandywine, were key parts of the struggle that led to our historic encampment at Valley Forge and the major battle to protect our capitol at Philadelphia when the British were making the move to take over Philadelphia and to take over control of this country.

So these are very important sites. This bill is a very important process. I would ask my colleagues during the debate on the bill to please keep in mind that the administration is solidly behind this and any amendments that have not been supported by the administration could well doom this bill to defeat. So I ask them to please consider that as they look to possibly offer amendments as we get to the bill itself.

I want to thank my colleagues and the gentleman from Pennsylvania (Mr. HOEFFEL) who has been very supportive for the minority side for his outstanding work as a leader from the region and again the gentleman from Utah (Mr. HANSEN) for his outstanding work and the gentleman from Alaska (Mr. YOUNG). And really all the members of the Committee on Resources have been so helpful in this process.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I just wanted to join forces with the gentleman from Washington (Mr. HASTINGS) about his kind words of the gentleman from Ohio (Mr. HALL) our distinguished member of the Committee on Rules.

The gentleman from Ohio (Mr. HALL) has endured a lot of personal sacrifice and tragedy over the last years. But even during that time, there has never been a more outspoken and more active advocate to relieve hunger in the world. He has done a marvelous job, and we appreciate what he has done.

Now, I support the rule, and I am going to support the bill. I have a little amendment, I say to the gentleman from Pennsylvania (Mr. WELDON), that says that all these historic landmarks of Pennsylvania be moved to Ohio and all the funds go to the 17th District of Ohio.

No, it does not really do that. It is just a little amendment that says whatever funds we give and they create a museum or anything, it is just the sense of the Congress. Because just today, another 350 jobs in Franklin, West Virginia, are going overseas.

The Traficant amendment says they are not compelled to but to consider expending the dollars on American-made goods. I know that the gentleman from Pennsylvania (Mr. WELDON) will not oppose that.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and colleague for yielding, who does such a fantastic job in this body and knows that I support, I think, almost everything that he stands for and speaks to. We have a great working relationship.

As my colleague knows, the money that we are talking about is going to actually buy land, which obviously will be American land. But I appreciate the efforts of the gentleman in constantly reaffirming to the American people that we are using their tax dollars to always buy American products.

I would not object to the amendment of the gentleman. Of course, I would have to defer to our leader because he is actually controlling the movement in this piece of legislation.

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, society, though, will in fact build a museum. And, hopefully, the museum will consider this little, innocent amendment.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 659.

□ 1623

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 659 introduced by my colleague the gentleman from Pennsylvania (Mr. WELDON).

H.R. 659, the Protect America's Treasures of the Revolution for Independence of Our Tomorrow Act of 1999, otherwise known as the PATRIOT Act, is a very important bill that is necessary to protect two significant battlefields of the Revolutionary War and begin the process of developing a much needed new visitor center at Valley Forge National Historical Park.

This bill would authorize appropriations for the protection of the Paoli and Brandywine Battlefield in Pennsylvania. Appropriations for these battlefields must be matched dollar by dollar by non-Federal sources.

H.R. 659 also directs the National Park Service to conduct a special resource study of both the Paoli and Brandywine Battlefield to see if they warrant inclusion into the National Park System.

This bill also authorizes the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society to construct and operate a museum within the boundaries of the Valley Forge National Historical Park. The construction of this facility is needed in order to accommodate the many visitors to Valley Forge.

After the museum has been built, all right, title, and interest would be conveyed to the Federal Government. However, the Society would continue to operate.

Mr. Chairman, this is a good piece of legislation. It has bipartisan support and is supported by the National Park Service. I urge all my colleagues to support H.R. 659.

Mr. Chairman, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 659 is a comprehensive measure that provides assistance for the preservation of two Revolutionary War battlefields in Pennsylvania. In addition, the bill authorizes the public-private partnership agreement for the construction of a museum on Federal land within Valley Forge National Historical Park.

Title I of H.R. 659, as amended, authorizes the Secretary of the Interior to provide up to $1.25 million to assist in the protection and preservation of the area known as the Paoli Battlefield. It also authorizes up to $3 million to assist in the protection and preservation of an area known as the Meeting House Corridor, part of the Brandywine Battlefield.

In both instances, the funds provided are for land acquisition and all funds provided by the Secretary are to be matched dollar for dollar by non-Federal sources.

The Secretary is also authorized to provide technical assistance and to enter into cooperative agreements to provide for ownership and management of the battlefield by the non-Federal partners.

Title I further authorizes a special resource study of the two battlefields.

Title II of H.R. 659 deals with a Valley Forge National Historical Park, which is so ably represented by the gentleman from Pennsylvania (Mr. HOEFFEL). The bill authorizes the Secretary to enter into an agreement under appropriate terms and conditions with the Valley Forge Historical Society to construct the Valley Forge Museum of the American Revolution on park property. The gentleman from

Pennsylvania (Mr. HOEFFEL) has been a strong supporter of this provision of the bill, and for that he is to be commended.

Unlike some other proposals for public-private partnerships regarding park visitor centers, this proposal has been developed in a non-controversial manner.

The Committee on Resources adopted an amendment in the nature of a substitute for H.R. 659 that clarified several items in the bill and provided some additional safeguards regarding the development of a cooperative agreement for a museum at Valley Forge National Historical Park. With these changes, we support this legislation and ask our colleagues to vote for it.

Mr. Chairman, I ask for unanimous consent to have the balance of my time be controlled by the gentleman from Pennsylvania (Mr. HOEFFEL).

The CHAIRMAN. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON) the sponsor of this piece of legislation.

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, I want to thank my good friend the gentleman from Utah (Mr. HANSEN) for yielding me the time. He has just been unbelievable in supporting this effort, which has involved well over a year. And without his support as the subcommittee chairman, we would not here today. And without the support of the full committee chairman the gentleman from Alaska (Mr. YOUNG), we would not be here today. They have just been tireless in their support of our effort to preserve these sites before they would be developed.

I also want to add my thanks to the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELO). He has been fantastic. I do not know whether he has left the floor or not. He is an outstanding individual and an outstanding leader. He sat through a hearing in which we had over 100 school children from all over Pennsylvania come in. Many of them had helped inspire thousands of letters that were written to Members of Congress in both parties asking us to remember the patriots that are being honored today with this bill.

Mr. Chairman, we know the names George Washington, Thomas Jefferson, and Ben Franklin. We know their names because they have been recognized as great patriots who fought in the struggle for our Nation to receive its independence. We visit their historical sites at Monticello and Mount Vernon and Franklin Court to learn more about these great people. But today I ask my colleagues, do we know the names John Wilson, William MaGee, or Charles Temple? I think not, Mr. Chairman, because these are the names of over 50 patriots who were slaughtered in the Paoli massacre.

☐ 1630

These were young Americans. They were Americans who were 18, 19, 20 and 21 years of age, who only knew they were struggling to have freedom and independence from the tyranny of Great Britain. These patriots laid down their lives. In fact, Mr. Chairman, it was on the evening of September 20, 1777, that the British troops were moving on our National Capital at Philadelphia. There had been an unsuccessful battle at Brandywine. There had been another unsuccessful battle at the Battle of the Clouds. They were about ready to have a surprise attack on the British. But unfortunately, the British troops found out about it. The leader of the British troops decided that they would not use their weapons, their guns, but rather they were told not to have any weapons fired, but to let the American patriots fire, so the British could move on them in the dark of the night and only use their bayonets.

They did that, Mr. Chairman. The British used their bayonets in ways that we cannot describe and history could never convey to us in real terms. They slaughtered young Americans. They slaughtered them in such a terrible way that when the light of day came on September the 21st and people saw the remains of these young Americans, it was no longer called the Battle of Paoli. It was referred to as the Paoli Massacre.

Now, at that point in time, we were not doing well in our Revolution. In fact, the morale of our troops was at risk. We all know the stories of the encampment at Valley Forge only a few miles away from Paoli. But this battle and the slaughter of our troops inspired our troops. The rallying cry for the rest of the war was, remember Paoli, and remember those patriots who were torn apart by the bayonets of the British.

Mr. Chairman, that battle was a turning point in our struggle for independence. It was a turning point that allowed us to turn back the British and ultimately allowed us to prevail. Today, Mr. Chairman, that holy ground, that sacred ground, is being challenged. The owners of that piece of property, the Malvern Preparatory School, no longer need the land. The land is in the same condition it was over 200 years ago. Nothing has changed. They are saying they are going to have to sell it. Now, if they sell this on the open market, which they have projected they would do later this year if we do not take action, that land will bring tens of millions of dollars because it is along the Main Line that runs out of Philadelphia, a very wealthy and a very high-priced area. But the school has said that if someone comes up and offers to maintain this property as a public property for the people of America to celebrate one of the most sacred sites in our history, that they will sell it for $2.5 million.

So what happened over 2 years ago was the folks in Chester County and southeastern Pennsylvania got together and they formed the Paoli Preservation Fund. They have raised all but $100,000 that is necessary of the local match. The Commonwealth of Pennsylvania approved a $500,000 allocation. Chester County put money in. Schoolchildren raised thousands of dollars through their Pennies for the Paoli Campaign. Today, Mr. Chairman, as we are about to pass, hopefully, this bill with bipartisan support, all this will do is allow that money to be matched on a dollar-for-dollar basis.

Now, for those who are concerned that there might be some precedent here, that perhaps we are adding to our National Park land, that is not the case. The Borough of Malvern has agreed to be responsible for all operational funds for this site. There is no requirement for Federal dollars to be put in to police the site. The site will not be owned by the Federal Government. It will be maintained in its current status, and the same thing applies to the Battle of Brandywine, which the gentleman from Pennsylvania (Mr. PITTS) has been in the forefront here since he came to this body several years ago. That battlefield also straddles our congressional districts and is another important site that we must not lose to development.

Mr. Chairman, the final portion of this bill deals with an effort that all the major private collectors of Revolutionary War artifacts have agreed that they would work together with the Valley Forge Historical Society, one of the oldest historical societies in America, a nonprofit organization that currently has a huge collection of Revolutionary War artifacts. They have agreed that if we move forward, and the Park Service can come to terms with them, that they will fund with private dollars, yet controlled by the nonprofit Valley Forge Historical Society, a new museum that they estimate will be in the $30 to $40 million range. The museum will not be owned by a private citizen. It will be owned by the historical society, one of the oldest in America, and it will include all of the artifacts given to the historical society by the major collectors of these artifacts nationwide.

This is a good piece of legislation, Mr. Chairman. As I said before, schoolchildren have seen this as a way to impact our democracy. In fact, the children from a number of schools have traveled to this Capital, attended congressional hearings, and several of them actually spoke at that hearing. From Exton Elementary School, East Goshen Elementary School, the K.D. Markley School, the Sugartown Elementary School and many of the students at Malvern have come out and said this is something that America needs to do.

As I mentioned during the debate on the rule, "Good Morning America" last July 4 used this story about Paoli as their national focus piece as we celebrated the independence of America. Is it not fitting that if we pass this bill today, on this July 4, "Good Morning America" can come back and thank Members of both parties for their foresight and for their leadership in allowing this bill to move forward.

Mr. Chairman, I would be remiss if I did not mention one individual who has been a tireless advocate for this effort. While I am standing here as the original author of this bill, the credit for this goes to another great patriot, another great American, Pat McGuigan. It has been due to Pat McGuigan's diligence that we are here today, because Pat has committed his life to service on behalf of our country. He served in the military for, I believe, 31 years, from 1951 to 1982. He had assignments in Korea, Japan, South Vietnam, West Germany, Italy and the United States. He received during his service nearly two dozen awards and decorations. He retired from active duty as a command sergeant major and returned to service at the Valley Forge Military Academy, which is right near each of these sites. He served as a special assistant to the superintendent, a department head, and an instructor. He spent his time training young men for a future in service to their country. As many of us probably know, General Schwarzkopf is one of the famous graduates of Valley Forge. In 1991 until just recently, Pat continued his service to his community as manager of Malvern Borough. He dedicated the last 5 years to saving this land.

I ask our colleagues to join with us in a bipartisan effort in remembering the great patriots of this country, those who fought for our independence. I want to say to Pat McGuigan, you are an example of a modern-day patriot, as is the gentleman from Ohio (Mr. HALL) for his service to our country and to our people.

I want to thank the gentleman from Pennsylvania (Mr. HOEFFEL) for his cooperation and leadership. I see the gentleman from New Jersey (Mr. ANDREWS) on the floor who has been a tireless advocate, and an original cosponsor of this, the gentleman from Utah (Mr. HANSEN), the gentleman from Alaska (Mr. YOUNG), the gentleman from Pennsylvania (Mr. PITTS) and everyone else who has helped make this bill today become a reality.

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume. I would like to start by thanking the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for their leadership on this important legislation. I particularly want to compliment the gentleman from Pennsylvania (Mr. WELDON) for an extraordinary effort to bring this matter forward, for his kindness in reaching out to me as soon as I took office in a bipartisan fashion to work together on this bill, and to compliment him on the best congressional hearing I have ever attended, that he put together with schoolchildren from Malvern, that the gentleman from Utah presided over and the gentleman from Puerto Rico. It was a great day, a great day for schoolchildren to be involved in celebrating American revolutionary history, and now we are seeing the fruits of the gentleman from Pennsylvania's efforts here on the floor.

I also want to thank the gentleman from Pennsylvania (Mr. PITTS) for his cooperation and efforts on that day as well.

The PATRIOT Act, which is before us, is a very good piece of legislation. It would authorize $1.25 million for the purchase of the Paoli Battlefield. It would authorize $3 million for the purchase of the Brandywine Battlefield. It would authorize the National Park Service to work together to plan an aggressive and effective interpretation of those battlefields for the benefit of American citizens. And it would authorize the National Park Service to enter into a joint agreement, a private-public partnership, with the Valley Forge Historical Society to build a new visitors center at the Valley Forge National Historical Park to be run by the Park Service and a Valley Forge Museum of the American Revolution to be run by the historical society, hopefully under one roof, in a way that would make the best possible experience for visitors to Valley Forge, with a new, up-to-date visitors center run by the Park Service and what will be an outstanding Valley Forge Museum of the American Revolution run by the Historical Society of Valley Forge.

The gentleman from Pennsylvania (Mr. WELDON) has set forth very effectively the importance of what we are trying to save. The land that was involved in both the Brandywine Battlefield and the Paoli Massacre is truly land that was the beginning of the American revolutionary fight for freedom. It is true that the American forces lost at Brandywine. They were overrun by the British, although they did buy additional time to protect the city of Philadelphia a little while longer from the British invasion. And it is true that at Paoli, Americans were massacred at night and it truly was another disastrous defeat for America. But in those two military operations was forged the beginning of a winning spirit. Several months later, the American army under the leadership of General Washington retired for the winter to Valley Forge. We are all familiar with the history of the Valley Forge encampment. As far as I am concerned, that is where the American Revolution was truly won. No shots were fired. But because of the American army that arrived there tired and hungry and ill-clothed and ill-trained and ill-equipped emerged 6 months later, after the support of French military officers and Prussian military officers with the tremendous leadership of George Washington and American officers, the American forces emerged from Valley Forge in June of 1778 as an effective fighting force that went on to win our independence.

So we are memorializing here and saving and preserving the two battlefields that led to the encampment at Valley Forge, and we are offering an opportunity to give a far more impressive experience at Valley Forge with a new, revamped visitors center and a greatly improved opportunity for historical artifacts to be presented through a Valley Forge Museum of the American Revolution. We will offer better education for the valor and the determination and the courage and the resolve that Americans showed at both those battle sites and for the 6 months where they survived a bitter winter at Valley Forge and emerged as an effective fighting army. We will preserve those battlefields so that future generations can appreciate the sacrifices that were made there. And the Park Service will be asked to interpret those battlefields and come up with a plan that is a meaningful description of the history and importance of those sites for the benefit of all Americans that visit.

The museum that is proposed at Valley Forge is desperately needed. The Valley Forge Historical Society was founded in 1918. They have a museum in the park now. It is not adequate. It does not have the space needed. It does not have the climate control to safely store all of the artifacts that they possess. And as the gentleman from Pennsylvania (Mr. WELDON) has pointed out, additional artifacts are available for a new museum if a proper museum is built. It is a very exciting opportunity that the historical society and its President, Jean-Pierre Bouvel, have presented to the Park Service, a public-private partnership that will really make a difference and provide an excellent opportunity under one roof for a new visitors center and a new museum.

I urge all my colleagues to support this project. It will be a remarkable preservation, not just of open space but of historical open space that is fundamental to our national history and a remarkable partnership with the private sector through the Valley Forge Historical Society to better present the history of the American Revolution to all Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, first I want to applaud the gentleman from Pennsylvania (Mr. WELDON) for introducing this legislation and for the leadership in protecting Paoli and Brandywine Battlefields and thank the gentleman from Utah (Mr. HANSEN) for his support and leadership.

Preserving America's historic treasures is essential if we as a Nation are to remember our past and our rich cultural heritage. It is particularly important to remember the sacrifices of our forefathers that they made to secure independence and build a new country which today is the world leader in freedom and democracy. Brandywine and Paoli Battlefields are among the few Revolutionary War battlefields that remain unprotected and are threatened by rapid development in the region. It only takes a quick drive through the beautiful Brandywine region to see the rapid and congested development that is closing in on the battlefield grounds. For this reason, it is essential that the PATRIOT Act becomes law and that Brandywine and Paoli Battlefields are preserved for future generations to enjoy and appreciate.

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The PATRIOT Act will preserve a portion of the Brandywine Battlefield where the most intense conflict and loss of life took place. The Battle of the Brandywine was the largest battle of the Revolutionary War in terms of number of participants, approximately 26,000 British and American troops. It is the only battle where all the generals of both sides were convened. It was also the major conflict in the British campaign of 1777 that conquered Philadelphia. While the British eventually took Philadelphia, the Battle of the Brandywine was significant in delaying the British campaign and allowing the Congress to abandon the city and to move to Lancaster, also in my district, and then to York to escape the British takeover.

It is evident that the battles of Brandywine and Paoli are an integral part of American history. It would be a tragedy if this history were to be lost to rapid development. The local communities in the regions of Brandywine and Paoli have recognized this, they have worked together closely to preserve this land. In fact, I applaud the Brandywine community for already raising enough money to match the Federal assistance necessary for preservation. It is particularly encouraging to witness local students and their work to raise money to build support for the preservation of these battlefields.

I was once a school teacher before I went into public service. I know firsthand how important good education is to our children, and students in this region have the opportunity to grow up in an area rich with history. They have the opportunity to learn firsthand about the sacrifice that many Americans made for our freedom.

Chris Curtis, who is a student from Exton Elementary School in my district wrote a letter to the gentleman from Pennsylvania (Mr. WELDON), to myself, urging Congress to protect the Paoli Battlefield by passing this act, and here is what he writes:

"I think you should preserve the Paoli Battlefield because 53 people died for our country there. We also want to remember Paoli because we don't want to forget or bury our memories of those who fought so hard for our freedom. We also need to remember the relatives of those who died there. We never want to forget that generation of brave soldiers who died for our country when it was just beginning."

I could not say it better myself.

For our children's sake we must preserve this valuable historic land. Preserving this land will ensure that future generations will be able to experience how the battle unfolded, and history connects people and nurtures identity and community. The local communities have been doing their part to preserve the land. They will continue to do so. It is now time for the Federal Government to do its part.

The Federal Government exists for the people. The people want and need to preserve this land. It is our duty to act accordingly. I urge support for House Resolution 659.

Mr. HOEFFEL. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from Pennsylvania for yielding this time to me. I want to thank and congratulate the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) for their leadership in bringing this measure to floor on behalf of my constituents who are part of the region that will be most immediately benefit by this legislation. I thank my colleagues.

I also want to commend my friend, the gentleman from Pennsylvania (Mr. WELDON), who has approached this legislation with his usual tenacity and enthusiasm and given us all a model to follow on the effort to get something like this to the floor. I congratulate him and all those involved, and I especially want to thank my new colleague and friend the gentleman from Pennsylvania (Mr. HOEFFEL) for his effectiveness in helping to move a piece of legislation this important to the floor this early in his tenure, and we appreciate his efforts.

I support this legislation for reasons of history, ecology and prosperity. The historical angle has been well described by my colleagues. There is a good chance that there would not be a United States of America without the bravery and valor of those who sacrificed their lives on the battlefields that will be commemorated and consecrated by this legislation. But not only is their sacrifice worthy of present mention, the reasons for which they have sacrificed have echoed through these very halls in the last few days.

We have spent much of our time debating issues of religious liberty, the establishment of religion, the importance of a well-regulated militia. Issues that were the core of the dispute over 200 years ago are the core of our debates and disputes in the last few hours. So for those who would doubt the relevance of this history, I would not direct them not to the events of several decades or centuries ago, I would direct them to the debates we have had on this very floor this very day.

For reasons of ecology I know that my friend, the gentleman from Pennsylvania (Mr. HOEFFEL), in particular has made the preservation of open space a major priority of his tenure here, and those of us who are involved in this debate are pleased to join him in the preservation of some very important open space in an area that is under intense pressure for development.

As the gentleman from Pennsylvania (Mr. PITTS) just said, one of the most desirable areas in America to live and develop a business are these areas. That is because they are so proximate to southern New Jersey I might add for the record. But there is intense scrutiny and pressure for development. It is very important that this is one of the tools for open space preservation that is at our disposal, and we are very wise to use it under this legislation.

Finally, for reasons of prosperity, I would note that there are 1 million schoolchildren living in Pennsylvania, New Jersey, and Delaware, proximate to the location of the sights that are mentioned in this bill. Two of them are my schoolchildren, and I know that those schoolchildren will benefit greatly from the proximity of these consecrated sights and the museum which I am sure will follow so they can learn the lessons of our history and apply those lessons in an intelligent way to our future.

So I would again commend the author of the legislation for his tenacity. He is doing a great service to our region. I am very proud to stand with him in support of this legislation.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank our distinguished chairman. One of my privileges in this Congress has been to join the Committee on Natural Resources, and particularly the Subcommittee on National Parks and Public Lands with the gentleman from Utah (Mr. HANSEN), and I really enjoyed this. I sought out appointment to this committee because of my interest in historic preservation and in the roots of our Nation.

My friend and colleague from Pennsylvania (Mr. WELDON) is not only an enthusiastic champion, he is probably the foremost expert on Russia, and I had a great privilege to go with him in December. In understanding the roots of our liberty and our traditions and our culture is essential, and part of that is the part of our park system in the development of the understanding and the outreach of that park system, and I wanted to make two points:

In addition to Pennsylvania clearly being much of the cradle of our liberty from Independence Hall out to Valley Forge and Paoli and Brandywine and the capital moving to York, and my personal favorite, John Dickenson, the letters of Pennsylvania farmer who then argued against the revolution, but while the others were still talking, he went out and actually fought. Pennsylvania has all this centered there.

And I want to make a couple points: One is the battlefield integrity. It is really important for the understanding of American citizens to be able to go out where there has not been a lot of alteration, and as we work in our national parks, in the historic parks it is not supposed to be a natural preserve, it is supposed to be a historic preserve so we can understand what the soldiers faced at that particular point in time, and when we have these rare opportunities to get that land, we should purchase it.

Secondly, visitor centers, and I think in the current budget pressures we have no choice but to move to more public-private partnerships. There are dangers in the commercialization of our park system, but if we do this right, we can actually expand our ability to provide information not only to young people, but to adults.

A couple of points with this:

One is we need better visitor centers in a number of our key historical parks so that we can make history more understandable. Secondly, the artifacts that we have, as was mentioned here related to Valley Forge, is also true at Gettysburg, and other locations are often scattered.

Many of them are in harm's way, and we need better facilities to restore these. Once they are lost, they are permanently lost, and there are some places that are so critical to our American history, we should try to preserve these before they are lost and protect them before they are lost to future generations.

And then the outreach programs. There is no question that one of the largest movements in education in America, as we have seen it in the Committee on Education and the Workforce and other places, is towards brain research and trying to and capitalizing on the new research results and findings that are showing that kids interact so much better when they can sense something, participate in something, in addition to just being taught it.

As we see our national parks and our historic parks in particular reaching out to involve those schoolchildren in interactive activities, it is a major advance. They often have pre-and post-programs that they can send, and we ought to be looking at ways not only for the regional areas around Pennsylvania who will have access to this but the many field trips that come into Washington, D.C. have access to this type of thing too because it is a way to get our young people involved so they understand the fundamental underpinnings of our liberty, what people had to do and fight for to get there.

It is not just something handed to them, and so much of the efforts of the Subcommittee on National Parks and Public Lands, particularly in the historic areas is critical to our long-term preservation of liberty in America, and I want to congratulate all my colleagues from Pennsylvania who have been a leader in this in addition to the gentleman from Utah (Mr. HANSEN).

Mr. HOEFFEL. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman for yielding this time to me, and first of all I want to applaud my colleagues because this is a very good bill, and I want to support it. But I cannot stand by without taking this opportunity to also talk about another battlefield which is located in Pennsylvania where a great difference was caused, a great difference in holding our Nation together, and that is the battlefield at Gettysburg.

The difference between this bill and what is occurring at Gettysburg is the fact that these projects are an example of how a process should work, of how input should be across party lines, it should be at various levels of government, it should be with people in the community, and so this is a very fine bill. It is going to do a lot of wonderful things so that the heritage of our Nation, as portrayed at Brandywine and Paoli, are going to be preserved for generations to come.

I hate to be the skunk at a garden party. It would be nice to come to the floor and only talk about all of the wonderful things this bill does. But we cannot expect to remember what happened at Brandywine and Paoli and what happened during the Civil War at Gettysburg if we are not willing to step forward and express some discomfort ourselves to protect the speech and the rights of the people around those battlefields, the people who care about our heritage, who care about what is going on in our Nation, and I am very troubled by what is occurring at Gettysburg.

Mr. Chairman, there is an attempt, and in fact a general management plan was just approved by the Interior Department last Friday for a public-private partnership in Getysburg, and I know that many of the members of this committee have expressed their concern and their consternation, but still the Department of Interior and the Parks Department continues to move forward.

People in the community have said that they are upset that they do not have input in this plan, and still the Interior Department and the Bureau of Parks continues to move forward. This new visitors center in Gettysburg is going to move farther away from the downtown area where I would remind my colleagues that Day Two of the Battle of Gettysburg was fought. In fact, the confederates over ran the town of Gettysburg.

Many very important things occurred in Gettysburg, and now, unlike the visitor center that is currently there, many pedestrians will be unable to walk over a mile from where this new site is proposed to be built to the town of Gettysburg. And so businessmen who have invested in the community, historical groups that have fought to preserve what has happened in Gettysburg, will all be left behind, and all of this will be moved a mile away from the City of Gettysburg. And in this plan over 600 acres of trees will be taken down, 45 acres of which are going to be destroyed where this new site is planned.

The problem with what is occurring is that unlike the visitor center that Congress is about to authorize today for Valley Forge and unlike the visitor center that Congress has already authorized for the Independence National Historical Park in Philadelphia, for Zion, and Rocky Mountain National Parks, they also involved public-private partnerships.

Now Congress will not have a role in what is going on at Gettysburg because of a loophole. What is the loophole? The Gettysburg visitor center is planned to be built within the parks of the national park, but it will be built on private land so that none of the federal procurement or workers protection will apply to the construction or operation of that visitor center.

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What does that mean? It means that none of those visitors' centers, that the other visitors centers that I mentioned at the other sites involved commercial loans or commercial activities. At Gettysburg you will see a huge cafeteria that is going to take away business from the local restaurants.

We will also see that the ability to skirt Federal rules on employment, of contracting and procurement, rules like Davis-Bacon and rules requiring competitive bidding to protect against sweetheart deals will be waived at Gettysburg. Congress needs to have the ability to step back and tell the Interior Department, the Bureau of Parks, let us listen to the community. Let us answer the questions about what is going on at Gettysburg.

I am really troubled, and I would say to all of my colleagues, one of the men who owns some of the property there is a gentleman named Eric Uberman. He appeared on the Today Show on NBC this morning where he was asked questions about this. He found out on the QT that, in fact, Federal employees were in his business, people who work for the Parks Department, he imagines, taking photographs surreptitiously, surveillance of his property. I have those photographs here.

I would ask my colleagues, what is going on? When we are talking about the protections at Brandywine, at Paoli, when we are talking about preserving our country at Gettysburg, how can we in Congress stand by and allow a Federal department, whether it is the Department of the Interior, whether it is the EPA, whether it is the FBI; we are talking about all of the great courage that was shown on these battlefields. Can we not in Congress show some courage and say, it is up to us, the elected people of the people's House, to determine if the Federal Government has run roughshod over these businesses? If the employees from the Parks Department or the Interior Department who took all of these photographs of the interiors and exteriors of businesses in Gettysburg, if they had a legitimate purpose, why did they not go to Mr. Eric Uberman? Why did they not step forward and say, in determining what our plan is going to be, we need to take some pictures of your business, and we want your input, too, Mr. Uberman. Why did Mr. Uberman have to find out on the QT and then file a FOIA, which took well over a month, to get access to those photographs?

It is up to us, I say to my colleagues. We talk about courage. We talk about those who died during the Revolutionary War, who died during Gettysburg and who preserved this Nation at a time of strife during the 1860s. What about 1999? Is this Congress any less patriotic to step forward to protect these businesspeople? Even if they are right, if the Interior Department is right, if the Parks Department is right, why do we not step forward and say, hold your horses, stop; let Congress investigate this.

Again, I laud all of my colleagues. I am in support of this bill. I will offer and withdraw my amendment simply so we can have it in the record, and I will call on my friends in this Congress to act with me over the next 30 days. We have a 30-day period. Let us call this bureaucracy to account for what they have done. Let us make sure that what we are doing at Gettysburg is just as responsible, just as well thought out, as what we are doing today at Paoli and Brandywine.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished gentleman for yielding me this time for the appropriate thank yous. We stand up on this floor and we take credit when legislation is passed, but all of us in this body know that the real credit for the legislation goes to those staff people who work tirelessly behind the scenes to work with us to help make things happen. It would be inappropriate for me not to recognize those people who helped make this day possible.

I want to thank Todd Hall for his outstanding work on our behalf; Alan Freemayer from the full committee for his work. I want to thank Cheri Sexton and Marsha Stewart. I want to thank Rick Healy for his tremendous help. There he is over there on the minority side. It was, in fact, a bipartisan staff effort that allowed us to get here.

I would be totally remiss if I did not mention my staffer who has spent 2 years working this issue, Erin Coyle. This is her fist major bill. You did a fantastic job, Erin Coyle, so you can bask in the glory of the passage of this bill today. Without you, it would not have happened.

I also want to say to our colleagues, Mr. Chairman, this is a unique bill. When my distinguished friend had the hearing, the key witness was none other than George Washington. George Washington in the form of Jim Gallagher, who has played George Washington in the reenactment of the Delaware River crossing for something like 10 years, came down to Washington and actually presented the testimony as perhaps General George Washington would have done 200 years ago to protect this site. So we thank General Washington, Jim Gallagher, for being here.

Ed Barrs, who is the historian emeritus of the Park Service for his cooperation; from the Park Service itself Don Berry; Jim Pepper and Arthur Stewart from Valley Forge.

I also want to thank the local folks. Governor Ridge, State Senator Thompson, State Representative Flick; county commissioners from Chester County, Republicans Carla Hanna and Karen Martynick and Democrat Andrew Denniman. They were unanimous in their support.

I also want to thank Henry Briggs from the Malvern Borough; the Chester County Chamber of Commerce, Rob Powson; and the local council member of Malvern, Sara Bones, who constantly prodded this through.

It was a tireless effort on behalf of many people, and again, I want to thank everyone for allowing us to get to this point in time.

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

I would simply like to add to that long list of thank yous that the gentleman just read a thank you and compliment to Jon Pierre Bouvel of the Valley Forge Historical Society for his leadership in marshalling local support for this public-private partnership; and also thanks to Paul Decker, the Executive Director of the Valley Forge Convention and Visitor Bureau and a number of Montgomery County officials who have been in strong support of this public-private partnership at Valley Forge.

Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect America's Treasures of the Revolution for Independence for Our Tomorrow Act" or the "PATRIOT Act".

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT OFFERED BY MR. KLINK

Mr. KLINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLINK:

Page 2, after line 6, insert the following new section:

SEC. 2. CONGRESSIONAL AUTHORIZATION REQUIRED FOR CERTAIN NEW CONSTRUCTION WITHIN THE GETTYSBURG NATIONAL MILITARY PARK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior may not authorize the construction of any visitor's center or museum in the proximity of or within the boundaries of Gettysburg National Military Park, unless Congress has specifically authorized the construction of such visitor's center or museum.

(b) APPROVAL IN VIOLATION OF THIS SECTION INEFFECTIVE.—If the Secretary, through approval of a General Management Plan or any other action, approves construction of a visitor's center or museum in violation of this section after June 15, 1999, approval of such construction shall not be valid and shall have no force or effect.

(c) EFFECTIVE DATE.—This section shall be deemed to have been enacted and taken effect on June 15, 1999.

Mr. KLINK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HANSEN. Mr. Chairman, the amendment is not germane under rule XVI, clause 7 of the Rules of the House of Representatives because it deals with a different subject matter than the text.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KLINK. Mr. Chairman, I ask to be recognized against the point of order.

Mr. Chairman, as I said during the general debate, and I understand that the point of order will probably be sustained, and so I would, therefore, not try to be repetitive. I understand that the chairman has expressed himself some concerns about the same thing, and I do not want to be redundant; however, I would like to be recognized for one moment.

Because what is happening, Mr. Chairman, at Gettysburg is atrocious. I think this probably does relate to these other battlefields. That is why we thought this was the amendment to bring this amendment forward.

Again, the Park Service has decided that they need to move a new visitors' center a mile or so outside of the town of Gettysburg. The problem is that the people of Gettysburg have not been able to address this problem. They have not been part of the decision-making. That is why this amendment, I thought, was so important to this bill.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. KLINK) will suspend.

Mr. HANSEN. Mr. Chairman, let me respectfully point out that the gentleman from Pennsylvania is not speaking to the point of order, but is speaking to his amendment. As I understand it, he should confine his remarks to the point of order.

The CHAIRMAN. The gentleman's remarks should be addressed to the point of order.

Mr. KLINK. Mr. Chairman, I think that during the general debate I have had the opportunity to make my point on this bill, and I respect greatly the chairman and ranking member of the committee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the "Paoli Battlefield", located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled "Paoli Battlefield" numbered 80,000 and dated April 1999 (referred to in this title as the "Paoli Battlefield"). The map shall be on file in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of $1 of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the land's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(a) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled "Brandywine Battlefield—Meetinghouse Road Corridor", numbered 80,000 and dated April 1999 (referred to in this title as the "Brandywine Battlefield"). The map shall be on file in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Interests in land shall be acquired pursuant to this section only from willing sellers or donors.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of $1 of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the land's resources.

SEC. 103. STUDY OF BATTLEFIELDS.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in sections 101 and 102.

(b) CONTENTS.—The study shall—

(1) identify the full range of resources and historic themes associated with the Paoli Battlefield and the Brandywine Battlefield, including their relationship to the American Revolutionary War and the Valley Forge National Historical Park; and

(2) identify alternatives for National Park Service involvement at the sites and include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The CHAIRMAN. Are there amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. SHORT TITLE.

This title may be cited as the "Valley Forge Museum of the American Revolution Act of 1999".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Valley Forge National Historical Park, formerly a State park, was established as a unit of the National Park System in 1976. The National Park Service acquired various lands and structures associated with the park, including a visitor center, from the Commonwealth of Pennsylvania.

(2) Valley Forge National Historical Park maintains an extensive collection of artifacts, books, and other documents associated with the Continental Army's winter encampment of 1777-1778 at Valley Forge, Revolutionary War-era artifacts of military life, important archaeological resources, and numerous structures and associated artifacts.

(3) Between 1982 and 1997 the National Park Service completed a general management plan, long-range interpretive plan, and strategic business plan for Valley Forge National Historical Park that establish goals and priorities for management of the park.

(4) These plans identify inadequacies in the park's current visitor center and interpretive programs. The plans call for the development of a new or significantly renovated visitor center that would make the collection accessible to the public through exhibits and research facilities. Plans also call for improving the interpretation of the landscape and improving the circulation into and through the park.

(5) The Valley Forge Historical Society was established in 1918 as a nonprofit organization

to preserve and interpret for future generations the significant history and artifacts of the American Revolution in their historic setting at Valley Forge. The Valley Forge Historical Society has amassed valuable holdings of artifacts, art, books, and other documents relating to the 1777–1778 encampment of Washington's Continental Army at Valley Forge, the American Revolution, and the American colonial era. The Society continues to pursue additional important collections through bequests, exchanges, and acquisitions.

(6) The Society's collection is currently housed in a facility inadequate to properly maintain, preserve, and display their ever-growing collection. The Society is interested in developing an up-to-date museum and education facility.

(7) The Society and the National Park Service have discussed the idea of a joint museum and education and visitor facility. Such a collaborative project would directly support the historical, educational, and interpretive activities and needs of Valley Forge National Historical Park and those of the Valley Forge Historical Society. A joint facility would combine 2 outstanding museum collections and provide an enhanced experience at Valley Forge for visitors, scholars, and researchers.

(8) The Society has proposed to raise funds to construct a new museum and education and visitor center on park property at Valley Forge National Historical Park that would be planned, developed, and operated jointly with Valley Forge National Historical Park.

(b) PURPOSE.—The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 203. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Valley Forge Historical Society to facilitate the planning, construction, and operation of the Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park, related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of a museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the structure(s) so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of America of all right, title, and interest in the structure(s) to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the structure(s) shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the Society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions as may be determined by the Secretary.

SEC. 204. PRESERVATION AND PROTECTION.

Nothing in this Act shall authorize the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 203 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the end of the bill, section 205.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill add the following new section:

SEC. 205. SENSE OF THE CONGRESS ON PURCHASE OF AMERICAN-MADE GOODS.

It is the sense of the Congress that the Society, in constructing and operating the museum, purchase American-made goods to the greatest degree practicable.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment basically urges the society, which I think is an excellent construct, to, in fact, making this bill a worthwhile bill for all of America, it encourages that society that when they expend dollars, that they expend those dollars on American-made goods and products. There will be many visitors. It does not compel them, but if anything, it is a reminder that even at our great landmarks and our great treasures, that wherever possible, if we buy American-made goods, America will be stronger.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, as usual, our friend from Ohio has come up with an excellent amendment, and this side accepts the amendment.

Mr. TRAFICANT. Mr. Chairman, I urge an "aye" vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BARTLETT of Maryland) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes, pursuant to House Resolution 210, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that immediately after this vote, proceedings will resume on a motion to suspend the rules and pass H.R. 1175 considered earlier today, and that will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 4, not voting 12, as follows:

[Roll No. 245]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth
Coburn
Paul
Sanford

NOT VOTING—12

Bilbray
Brown (CA)
Cooksey
Danner
DeFazio
Fletcher
Gilchrest
Hooley
Kasich
Olver
Thomas
Tiahrt

□ 1736

Mr. STARK changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 245 I was unavoidably detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 659, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

LOCATING AND SECURING RETURN OF ISRAELI SOLDERS MISSING IN ACTION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 1175, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1175, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 5, answered "present" 1, not voting 13, as follows:

[Roll No. 246]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee

Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Collins
Deal
Paul
Rahall
Sununu

ANSWERED "PRESENT"—1

Barr

NOT VOTING—13

Archer
Brown (CA)
Cooksey
Danner
DeFazio
Fletcher
Gilchrest
Hooley
Kasich
Olver
Phelps
Pickett
Tiahrt

□ 1747

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.".

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 804

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 804.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 815

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of the bill H.R. 815.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMERICANS ARE NOT CELEBRATING SO-CALLED VICTORY IN YUGOSLAVIA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DUNCAN. Mr. Speaker, our "victory" in Yugoslavia has given us the right to spend $30 to $50 billion over the next several years to rebuild what our bombs destroyed. And, of course, our troops will get to stay there for years, at tremendous expense to our taxpayers. Already General Clarke is saying he needs thousands more of our soldiers.

And what did we achieve? Columnist Jeff Jacoby of the Boston Globe said, "The Yugoslav war, fought so as to minimize NATO's casualties, maximized the suffering of the people it was meant to help."

Columnist Linda Bowles said, "Almost all the ethnic cleansing occurred after the effort to rescue them began. More than 1 million refugees were driven from their homes. Perhaps the greatest price we will pay is to live in a world in which more nations and people hate, fear, and distrust America than at any other time in our history."

Columnist Charles Krauthammer said by the President's own standard, "The war was lost, irretrievably, catastrophically lost, in the first week."

Mr. Speaker, the President is on a victory tour, but I do not see many Americans celebrating.

Mr. Speaker, I include for the Record the complete article I referred to above by Charles Krauthammer:

[From the Boston Globe, June 11, 1999]

Defining Victory Down

(By Charles Krauthammer)

The papers are signed. The troops are moving in. Victory.

Victory? On the eve of the Kosovo war, the president of the United States declares the objective: "To protect thousands of innocent people in Kosovo from a mounting military offensive." This would be done in one of two ways. We would deter Serbia from "ethnically cleansing" Kosovo or, failing that, we would physically—militarily—destroy Serbia's ability to do so.

By Clinton's own standard, the war was lost—irretrievably, catastrophically lost—in the first week. NATO launched a campaign at once anemic and tentative, a campaign of bombing empty buildings. Slobodan Milosevic responded with the most massive ethnic cleansing in Europe since World War II.

Now 11 weeks and a million refugees later, there is an agreement that permits a return to the status quo ante. Well, not quite: It will be a partial and imperfect return, given that many Kosovars are dead and many will not want to return. Moreover, what they are returning to is not Kosovo, but a wasteland that was Kosovo.

This is not victory. This is defining victory down.

It did not have to be this way. After all, Milosevic finally agreed to a partial undoing of his ethnic cleansing only when NATO attacks on his civilian infrastructure became intolerable. Why, then, did we not turn out the lights in Belgrade on Day One? Two weeks into the war, I wrote, noting the obvious, that "the only possible way out of this war short of abject defeat" was an air campaign of "seriousness"—hitting "power plants, fuel depots, bridges," the kind of war that actually kills combatants and inevitably civilians but that so debilitates the enemy nation as to bring it to a halt—and to the negotiating table.

Historians will puzzle over why Clinton and Blair and Schroeder and the rest did not do this until after Kosovo had been wiped nearly clean of Albanians. But it is no puzzle: Clinton thought that military minimalism—so congenial to the ex- and current pacifists in his coalition—was a win-win proposition for him.

Either Milosevic would fold in the face of a demonstration war or, if he did not, Clinton could do exactly what he had done after his little pre-impeachment three-day war on Iraq: take to TV, offer a gaudy list of targets hit, declare victory and go home.

What he had not counted on was Milosevic's public exposure of such a fraud. In Iraq, Clinton could pinprick and declare victory because there were no cameras to record his failure—nuclear and chemical weapons are being developed by Saddam unmolested, but for now unseen. In Kosovo, on the other hand, a million refugees parade before the cameras of the world. Not even Clinton could spin his way out of that defeat by calling it victory.

So the air war went on, finally got serious, and now we have something that is being called victory. But the supposed instrument of Serb surrender, the U.N. Security Council resolution codifying the cease-fire conditions, is riddled with ambiguities.

The central point throughout the conflict has always been who will run Kosovo after Serb forces leave. The governing Security Council resolution authorizes an international security presence with "substantial" NATO participation. The command structure is not spelled out, and the Russians insist that their troops will not be under NATO command. If they are not, will they have their own occupation zone that will effectively partition Kosovo?

More muddle: Serbia is allowed a presence at the re-entry points for the refugees. Will that scare away the refugees? We don't know. And who is going to "demilitarize" the Kosovo Liberation Army?

I am not objecting to these compromises—they are the necessary accommodations to end an extraordinarily ill-conceived war. What I do object to is spinning it into a triumph. If this is such a triumph, does anyone imagine that we will ever repeat such an adventure?

And the final irony: Even if all the ambiguities are answered in NATO's favor, even if the Yugoslavs comply with every detail of the military agreement signed with NATO on Wednesday, what are we left with? The prize for victory: The United States and its allies are permitted to interpose their soldiers between mortal enemies in a continuing Balkan guerrilla war. For years.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FUNDING FOR NIH, AND THE ANNUAL BUDGET IMPASSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, later on this evening we plan to conduct a full special order of 1 hour on the subject of funding for the National Institutes of Health, an important budget item every year but increasingly important as we move closer to many discoveries and preventive disease matters that require the attention of the Congress. So we will be developing where we are and some of the plans that are in action towards that funding mechanism for that NIH.

In the meantime, though, I do want to bring the attention again of the Members to the pending year-end perennial budget impasse that we reach no matter what we try to do. The fiscal year ends September 30, and rarely, if ever, are we prepared on the next day to face a fully enacted new budget for the next fiscal year. What we have tried to do over the last 10 years, with some success but with increasing frustration that we are not able to complete the job, is to put in place an instant replay mechanism to prevent government shutdowns forever. That is to say that the appropriation bills that are incomplete on September 30 will be re-enacted automatically with the previous year's numbers for the next fiscal year until such time as the appropriations process brings about a new fiscal plan for the ensuing year.

This makes so much common sense that I fear that that is the one ingredient that makes it almost impossible for us to come together to pass it. But we will make another effort this year to demonstrate the necessity for such a mechanism. We cannot, I repeat, we cannot tolerate a government shutdown.

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, with respect to the earlier part of the gentleman's statement, when he mentioned his debate that will take place tonight, I fully intended to join with him, however, I cannot join with the gentleman tonight. But I fully support the funding for the research projects that the gentleman is talking about and I have submitted comments for the record. Hopefully, they will be inserted sometime during the gentleman's statements tonight indicating my support for that.

As to the CR, we will debate that at a later time. I would suggest to the gentleman, however, that we ought to look seriously at bienniel budgeting, which would accomplish the same thing. If we ever got to biennial budgeting, I think we would see surpluses growing that second year at record levels, as was the experience of the Alabama legislature.

So I just wanted to tell the gentleman that I support what he is doing with respect to adequate funding for research and for all of the institutions that do this research, and that we will debate the continuing resolution at a later time.

Mr. GEKAS. Reclaiming my time, Mr. Speaker, we will make certain the gentleman's comments are placed in the record with respect to the NIH, and then I will quarrel with him wherever and whenever I meet him, in the cloakroom or anywhere else, on the benefits that we can derive from an automatic CR on a year-to-year basis.

Mr. CALLAHAN. If the gentleman will continue to yield, far be it from me to match intelligence levels with the gentleman, because the gentleman is known for his knowledge of the institution. I just happen to have a greater depth of knowledge, I think, on the appropriation process, because I serve on that committee. But I thank the gentleman anyway.

Mr. GEKAS. Mr. Speaker, I am available to the gentleman and he can try to convince me of that. But I warn the gentleman, he will have a tough battle on his hands.

Mr. CALLAHAN. I look forward to that.

REPEAL OF PRESSLER AMENDMENT MEANS MORE ARMS FOR RADICAL MILITANTS IN KASHMIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as both Houses of Congress work to lift the unilateral American economic sanctions on India and Pakistan, an effort I strongly support, another dangerous issue has been introduced into the mix, threatening stability in South Asia.

Mr. Speaker, a provision in the defense appropriations bill, recently approved by the other body, the Senate, would suspend for 5 years the sanctions imposed last year on India and Pakistan after the two countries conducted nuclear tests. Last week, in this body, legislation was approved that would continue for 1 year the President's authority to waive the sanctions. These are worthy initiatives that I hope we can build on.

But, Mr. Speaker, the Senate legislation also includes language that would repeal the Pressler amendment prohibition on U.S. military assistance to Pakistan.

In 1985, Congress amended the Foreign Assistance Act to prohibit all U.S. aid to Pakistan if the President failed to certify that Pakistan did not possess a nuclear explosive device. Known as the Pressler Amendment, after the distinguished former Senator who sponsored the provision, this law arose from the concern that Pakistan was ignoring U.S. concerns about proliferation, despite promises of billions of dollars of U.S. assistance. In 1990, President Bush invoked the Pressler amendment to block aid to Pakistan.

Now, the Senate has acted to repeal the Pressler amendment.

Mr. Speaker, I believe this is a serious mistake, as nothing has changed to justify the repeal of the Pressler amendment. Indeed, in recent weeks we have seen strong indications of Pakistani support for militants who have infiltrated into India's side of the line of control in Kashmir. Besides the so-called political and moral support for the militants that Pakistan acknowledges, there is growing evidence that Pakistan is providing material and logistic support for the militants, and that Pakistani army regulars are actually taking part in breaching the internationally recognized line of control in Kashmir. This is really in a cynical bid to ratchet up the tensions between India and Pakistan, and at such a time it does not seem prudent, in my opinion, to renew military transfers to Pakistan.

Mr. Speaker, given the long and well-documented history of Pakistani support for and collaboration with the militants who have been perpetrating a reign of terror in Kashmir, there is every reason to believe that providing U.S. arms to Pakistan would result in these American weapons being funneled to the militants.

By arming Pakistan, we would be arming the militants responsible for the deaths of thousands of civilians in Kashmir, and who are now contributing to the escalating tensions with India.

Mr. Speaker, there was an article in Saturday's New York Times entitled "Kashmir Militants Seek Islamic State," and it describes how Islamic militants from several different nations are working to transform Kashmir from a tolerant secular democratic state, that people from many faiths call home, into an area under strict Islamic religious rule. I wanted to quote from this article by Times reporter Steven Kinzer. He says,

> The campaign is in part a legacy of the proxy war the U.S. waged against Soviet forces in Afghanistan during the 1980s.

The article describes how having succeeded in driving the Soviet forces out of Afghanistan and establishing a form of religious rule there under the Taliban, these warriors are now turning their attention to Kashmir. And quoting again from the Times article, it says that,

> In Srinigar, the summer capital of Kashmir, militants from countries as far apart as Indonesia, Sudan and Bahrain have given interviews asserting that they learned the art of war from Americans and are now using their skills to fight the Indian Army. Many are evidently using not only tactics that Americans taught them, but also weapons Americans gave them.

In fact, the article notes how an Indian helicopter was shot down by an Islamic guerilla using an American made stinger missile, and that about a dozen more stingers, each capable of shooting down a plane or a helicopter, are unaccounted for in the region. The U.N. envoy in Srinigar is quoted as saying that,

> Weapons provided for Afghanistan with large help from the Americans and CIA are now in the hands of the militants.

An Indian Army colonel states that, "The militants are using not only small arms that they got from the Americans, but also Stinger missiles and American anti-tank weapons. It's not only weapons, but also battle-hardened troops. It's a direct result of the American policy in Afghanistan."

Mr. Speaker, the Soviet defeat in Afghanistan was an important turning point contributing to the collapse of the Soviet Empire. Yet, one of the unintended consequences has been the creation of a radical movement of armed terrorists, mercenaries and militants who have imposed a repressive regime in Afghanistan, are trying to take over Kashmir, and who seem to have a great deal of influence within the Pakistani government and armed forces.

Mr. Speaker, I just want to say that during the Cold War our fear of Soviet expansionism led us to embrace regimes like Pakistan that do not share our values of democracy and tolerance. But in the post-Cold War era, there is no justification for militarily propping up such a regime. Maybe we cannot completely stop the militants who threatened Democratic India as well as American and western interests, but we can at least make sure we do not give them what they want most, and that is American arms. Sending military assistance to Pakistan amounts to a guaranty that these American weapons will be funneled to the militants. And given this sad reality, we must not repeal the Pressler amendment.

TRIBUTE TO NUTRITION PROFESSIONALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to the dedicated nutrition professionals who work in hospitals, WIC clinics, nursing homes, school lunch and breakfast programs, and many other settings where they are striving to improve the nutritional health of our Nation's citizens.

□ 1800

I would like to call special attention to one important segment of our population where nutrition services have proven to make a significant difference among our senior citizens.

In many ways, our Nation's health care system is the best in the world, partially because our free market system allows innovations to occur at a pace that is demanded by the health care consumer.

Unfortunately, too often the largest health program in the country, the Medicare program, is unresponsive and fails to keep pace with the advances that medical science demonstrates are effective.

In recent years, as science and society have uncovered more information about the critically important role of nutrition in the prevention, treatment and management of disease, more and more Americans have demanded that nutrition services be a standard part of their health care protection. In fact, by one estimate, 75 percent of all managed care health plans in America now offer some degree of coverage for nutrition therapy services.

Therefore, it is disheartening, Mr. Speaker, though perhaps not surprising, to realize that nutrition services are inadequately covered under the Medicare program. While the science of nutrition has advanced at a rapid pace over the last several decades, Medicare's coverage of nutrition services has remained largely static.

Under Medicare's conditions of participation, appropriate nutrition care is a standard part of the hospital program. However, the outpatient, or Part B, portion of the program fails to provide reliable nutrition coverage. It makes little sense to me that Medicare beneficiaries can receive comprehensive nutrition care only after they have become so sick that they are admitted to the hospital. For many years, health care treatment has been shifting away from inpatient facilities like hospitals and more toward outpatient settings. And yet, still we find Medicare adhering to an outdated system where nutrition therapy services are available only in the acute-care setting.

This clearly is a reflection of a system that is in need of change. Our modern health care program ought to ensure the adequacy and equitability of nutrition services in both inpatient and outpatient settings. A great number of diseases can be prevented and managed throughout patient nutrition therapy. Research proves that renal disease, diabetes, cancer, heart disease, and other illnesses respond well to nutrition interventions.

Nutrition professionals have documented the ability of well-nourished individuals to better resist disease and to tolerate other therapy than those who are under-nourished. These individuals are also better equipped to recover from acute illness, surgical interventions, and trauma. As a result, they experience fewer and shorter hospital stays, need less medication, and suffer fewer medical complications. All this can save money and lives.

A constituent of mine recently visited me and explained just how effective these services can be and what a difference they can make in people's lives. The constituent is a dietician from Florida who told me about a case involving her mother-in-law who lives in a different State.

During a routine medical visit, her mother-in-law was found to have a high blood sugar level. Her physician gave her medication and a blood glucose monitor to check her blood sugar level but gave her no directions about using the monitor or changing her diet. Within 2 weeks, she was hospitalized with severe low blood sugar and heart palpitations.

After working with a dietician, she is now off the medication and able to control other blood sugar level. However with nutrition counseling from the beginning, that hospitalization could have been avoided, saving the cost of the hospitalization as well as saving that mother-in-law from a life-threatening situation.

Now, I do not know if that physician lacked knowledge about the importance of nutrition in the treatment of diabetes or, knowing that the services were not likely to be reimbursed, did not want to put his patient to that expense. But the bottom line is that our health care system must provide patients with access to this important service.

According to my constituent, there are many other diseases that can be successfully managed with the medical nutrition therapy.

Mr. Speaker, I recently spoke with a constituent who is a dietetic intern working in the James A. Haley Veterans' Administration Hospital in Tampa, Florida. She described the rigorous educational and training requirements that she and others preparing for a career in dietetics must undergo.

With 5 years specifically devoted to the study of nutrition, registered dieticians learn to apply the principles of nutrition, biochemistry, and physiology toward the prevention and treatment of diseases. Most physicians understand that registered dieticians are the best qualified professionals to furnish nutrition therapy.

Clearly, registered dieticians are a valuable and indispensable part of the health care team, and Medicare beneficiaries ought to have reliable outpatient access to the care they deliver.

This Congress, Mr. Speaker, should carefully examine coverage for medical nutrition therapy as one important way to help strengthen Medicare for our children and grandchildren.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I just wanted to rise in support of the comments of the gentleman from Florida (Mr. BILIRAKIS) this evening in support of medical nutrition therapy.

It is truly a tragedy that we seem unable to reorganize Medicare in such a way that preventive health measures like nutrition therapy can be adopted. In the first few years, $2.3 billion could be saved, which would offset the overall longer cost of $2.7 billion. After the third year, the savings outweigh the cost. And savings for patients with diabetes alone would total $1.6 billion over the 7 years.

Since diabetes and cardiovascular disease affect 60 percent of the Medicare population, this is just clearly a good way to both save money and improve the quality of care.

The Lewin Group recently completed a study for the Department of Defense that estimated that annual net savings could be developed of $3.1 million if medical nutrition therapy was included in the Tricare benefit program for our military personnel.

The evidence is just growing out there. I believe it is overwhelming. I thank my colleague tonight for taking the floor in support of medical nutrition therapy as a covered benefit under Medicare, and I join him in supporting that.

Mr. BILIRAKIS. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her comments. There are not many people, if any, in this House of Representatives that know more about health care than the gentlewoman from Connecticut (Mrs. JOHNSON) and I appreciate her comments.

It is typical, is it not, when we talk about preventive care that today's dollars are not taken into the consideration, the ultimate savings over the long haul?

WE MUST PREPARE TODAY'S YOUTH FOR TOMORROW'S ECONOMY

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, last week, Microsoft's Bill Gates and other leaders of the high-tech industry came to Washington and they came to tell us, among other things, that we need to do a better job of preparing today's youth for tomorrow's jobs.

Bill Gates is not alone. I hear the same message everywhere I go in my district from CEOs of pharmaceutical companies in Hunterdon County, New Jersey, to managers of local restaurants in West Long Branch.

We literally cannot afford to wait to help our schools recruit, retain, and train qualified teachers. We cannot postpone work any longer in making sure Federal aid provides more flexibility conditioned on more accountability for results. Now is the time to work in partnership with our communities to ensure that we have a school infrastructure that we need for the 21st century.

The number of school children is growing at a record-setting pace. More than 52 million students are in school today, an all-time high. In my home State of New Jersey, we are experiencing very rapid growth. That is why New Jersey communities need assistance to help pay for the bricks and mortar required to have the smaller class sizes so our kids can learn and compete with students throughout the world.

Last week, I joined with other freshmen Democrats in writing a letter to our Speaker asking that we bring willing school construction legislation to the floor of this House for a vote. We look forward to his answer. And even more, we look forward to legislative action.

We are investing billions in new prisons. We are investing billions of dollars into our military installations. But should we not also be voting on providing the resources to help our communities build schools, as well? I think so, and so do the families of Central New Jersey.

Together with my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), I am working to help New Jersey towns afford modernized and new schools by providing tax credits to the holders of school construction bonds, in effect paying the interest on those bonds.

Under this bill, the local entity will still be responsible for paying the principal. The interest-free capital will leverage the amount of money available to meet the need to modernize our educational infrastructure in fast-growing communities, as we have in Central New Jersey. But "infrastructure" does not just mean classrooms, desks, and chalk boards. It means technology.

One of the areas I am most concerned about is technology education. It is changing our lives. Today, with the touch of a key, we can send billions of dollars of capital around the globe, where the cars we drive have more computing power than the Apollo spacecraft. There are no unskilled jobs. Even entry-level jobs demand basic computer knowledge.

Yet there is a move underway here in Congress designed to rob hundreds of thousands of Americans from developing the computer skills they need to compete in an increasingly competitive technological world. The e-rate, the popular program that provides discount telecommunications and Internet technologies to elementary and secondary schools and libraries, may fall victim to politics. We simply cannot allow this to happen.

Telecommunications and computer technology are effective in helping students master complex skills that the business community sees as critical for the future workforce. According to a recent study, students who actively use the Internet for classroom projects submit more ambitious and more complete project. Other studies are also showing that on-line resources boost student interest and student motivation. Students are learning more and in greater depth because they have access to resources beyond their classroom, resources that are more current than their textbooks and sometimes more knowledgeable than even their teachers. However, we need teachers who can teach these subjects.

A recent survey published by the Department of Education tells us that only 20 percent of teachers feel qualified to use the technology that is available to them now. That is why I have joined my colleagues the gentleman from New Jersey (Mr. ROTHMAN) and the gentlewoman from New Jersey (Mrs. ROUKEMA) in cosponsoring legislation to help teachers teach technology education.

Teachers deserve to be treated like the professionals that they are so they can continue to grow in their profession. We need to ensure that they are receiving the training they need to perform the miracles we ask of them. Of all the important jobs in our society, nothing makes more of an impact on our children than a well-trained, caring, and dedicated teacher and no job is ultimately more important to our society.

Across the Nation, recruiting and retraining high-quality teachers is becoming a major concern. Topping our list should be better targeted and more effective professional development programs. It is time we encourage partnerships with other school districts, universities, labor unions, and the business communities.

My colleagues, Mr. DAVIS and Mr. ROEMER, who will be speaking with us shortly, have introduced legislation to give grants to colleges and universities to help them train these professionals as a second career. This is patterned on the very successful "Troops to Teachers" programs, and I recommend strongly that we support this legislation.

TIME IS UP FOR MEXICO TO RETURN ACCUSED KILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to update the House on a situation of grave concern to me and to the constituents in my district.

It has been 19 months since 13-year-old Stevie Bellush came home from school to find her mother's body on the kitchen floor.

Sheila Bellush, a young, vibrant 35-year-old and mother of six, had been shot in the face and her throat had been slashed. Her 2-year-old quadruplets were crawling in her blood next to her body. At that moment, it would have seemed inconceivable that the drama had only begun as the case turned into a national nightmare for our Sarasota community.

An overwhelming trail of evidence immediately led to Jose Luis Del Toro, who allegedly killed Sheila in a murder-for-hire scheme. Del Toro fled to Mexico, where he was arrested on November 20, 1997, 19 months ago, and he remains in Mexican prison.

Del Toro is a U.S. citizen born and raised in Texas. His parents are U.S. citizens. Mr. Del Toro is accused of driving from San Antonio, Texas, to Sarasota, Florida, to commit a murder, driving back to San Antonio, and then crossing the Mexican border to escape justice in this country. He had entered Mexico illegally and he was scheduled for deportation 2 days after his arrest in November of 1997. At the last hour, as border patrol agents in Texas were awaiting Del Toro's arrival at the border to take him into custody, Sarasota State attorney, Earl Moreland, received a phone call from officials at the Department of Justice who informed him that Del Toro's deportation had been canceled and that the United States will have to file a formal extradition request.

□ 1815

No reason was given for this change. Then the Department of Justice delivered a startling and dismal message. The State Attorney's office would have to waive the death penalty in order to obtain Del Toro's return. It was a difficult decision, but Mexican demands were agreed to in the hope that Del Toro would at least return to Florida to serve a life sentence. Nineteen months later, he has still not returned.

Tomorrow morning, the gentleman from Florida (Mr. MICA) will hold a hearing on this case in the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform. This hearing is another important step in keeping the pressure on Mexico to return fugitives like Del Toro to the United States. Pressure needs to be applied not only to Mexico but to the administration as well to renegotiate our extradition treaty with Mexico to prevent other U.S. fugitives from escaping justice by merely walking across the border. Mexico should not be a haven for murderers. This is a case where a U.S. citizen was murdered, the accused is a U.S. citizen, Mexico has nothing to do with the case, and Del Toro should be promptly returned to this country so justice can be served. I greatly appreciate the gentleman from Florida having this hearing tomorrow.

As the old saying goes, justice delayed is justice denied, and I will not stand by quietly as justice is denied to my congressional district by a foreign entity who should have no interest in this case. Today's editorial page in the Sarasota Herald-Tribune reads, "Time's Up for Mexico." It begins, "The reasons for Mexico to extradite murder suspect Jose Luis Del Toro Jr. will be the same tomorrow as they were a year ago. The only difference is that Mexico can no longer cite the need for time as its inexcusable refusal to send Del Toro to trial in the United States." I could not agree more. I am here today on the floor of the House to say, "Mexico, your time is up. Send back Del Toro."

DEBATE ON GUNS AFFECTS THE DISTRICT

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, last week we had a heartbreaking debate on guns. Women Members of this body felt this debate with particular poignancy. If the truth be told, we regard ourselves as special guardians of issues that affect women and families, not because we are such, we are after all, self-anointed, but because we choose to be. However, I ask you to imagine a bill that came from outside, thrown in like a piece of dynamite to wipe out all your local gun laws, whether you are from the West and treasure your right to have a gun or whether you are from a crowded city and treasure your right to ban guns.

Two amendments came forward that would have invaded my district with law from this body. We defeated one handily, that that simply wiped out handgun laws in the District of Columbia. The other, we almost defeated. That is the one I want to talk about this afternoon, because it is one that is of special importance to women and children, and that is a bill that would have allowed people in the District of Columbia to have guns in their home.

Some Members came up to me and said, "Well, that sounds reasonable to me to have a gun in your own home." So why should we not impose that on the District even though your city council has said otherwise and even though no Member here would impose anything on anybody else's district. Nevertheless, I can understand the surface appeal of a gun in your own home.

Ask the women in your own district why they do not want a gun in their own home. No woman in America wants a gun in the home and there is a very good reason why. The greatest cause of death of women is inflicted upon them not by rapists in the streets but by guns and knives in the hands of their own partners in their own homes as it is now. Most of them go to the hospital, the victim of beatings, often severe. Imagine if guns were freely available in homes, particularly in large cities which have rampant domestic violence rates.

Most of those who think about guns in the home are surely unaware of the most tragic statistics of all, and they are not the statistics from Columbine. They are the statistics that are awesomely larger. They are statistics that show accidental killings occur routinely from guns that are simply lying in the home, often out of the reach of children but found by children whose natural curiosity often makes them look for guns. Very few guns are used the way they are in the movies to counter somebody entering through the bedroom window and you shoot them dead. That is not what happens to guns in the home. Look at the statistics and you will know. But in big troubled cities there are other hazards in addition.

The lady who takes care of my handicapped daughter when I told her about how some people wanted guns in the homes gave me I think the best wakeup call of all. She said, "Oh, my God, what will happen to these bad teenagers?" The first she could think of is in her high crime neighborhood in southeast Washington, the troubled teens would be all over the place. She has a hard enough time with them now, but if they think that everybody is packing a gun in her neighborhood, she did not know what she would do. I know that because I represent this city. I do not expect Members to know that who do not. That is why I do not expect them to impose guns on me when my city council has not done so. In this town, particularly in high crime neighborhoods, the criminals and, yes, the teens would be breaking in not looking for computers but looking for guns because they hear the people are packing guns now because the Congress says, "That is the thing to do if you live in a high crime city, pack your gun in."

I do not need this body to send this message to a city that is one of the most violent cities in the United States and that our police chief is just getting under control. He was at the forefront of those who said he did not want our handgun laws wiped out and for God sakes do not send a message from the House that everybody ought to pack a gun.

Mr. Speaker, on Monday, a grandmother named Helen Foster was shot in the back in southwest Washington as she gathered children after she heard gunshots, recognizing that they might be in danger. She died at D.C. General Hospital. What happens when there are guns in the home in a city like this? What happens when there are no handgun laws in a city like this? Grandmothers get shot in the back trying to defend their children.

Let the District be the District. Go home and be what you want to be. Let my District be what it is.

NORTH KOREA: EXPERIENCE DICTATES CAUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, despite a number of highly contentious foreign policy issues that have been debated in this body in recent months, this Member continues to believe that American interests are best served by a bipartisan foreign policy. When the executive and legislative branches, furthermore, speak with one voice, the Nation is more likely to enjoy success in preserving its vital interests.

As chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, this Member has had the opportunity to focus closely on the Clinton administration's policy toward this important region. Frankly, the administration deserves credit on several fronts in its overall policy there, including its active support for democracy in Indonesia and a peaceful resolution to the festering situation that is East Timor, the successful renegotiation of the U.S.-Japan Security Guidelines, its commitment with Congress to maintain 100,000 U.S. military personnel in the Asian region, and the judgment to elevate the import of the Asia Pacific Economic Cooperation Forum.

Genuine bipartisanship in Congress complementary to formulating a foreign policy, however, requires that Members of the Congress speak out when serious foreign policy failings by this or any other administration are detected. It is in this context that this Member expresses deepening concerns over the Clinton administration's continued lack of a coherent, comprehensive strategy towards Pyongyang, toward North Korea. This situation presents a grave challenge to vital U.S. national security interests.

In recent weeks, two important U.S. missions have traveled to the Democratic People's Republic of Korea, that is, North Korea. The first mission was that of former Secretary of Defense William Perry who has been tasked by the President to complete a congressionally mandated, comprehensive review of U.S. policy regarding the problems of the Korean Peninsula. Dr. Perry is an outstanding public servant, extraordinarily well qualified to undertake this important assignment. In large part because of his reputation, his qualifications and the high bipartisan respect he has here on Capitol Hill, expectations are very high that he will be successful in engaging Pyongyang and presenting them with a clear choice of another track for its relationship with the United States, the Republic of Korea—that is South Korea—and our allies in the region.

The second mission involved the inspection of the suspected underground nuclear facility at Kumchang-ni, North Korea. That country, my colleagues will remember, agreed to abandon its nuclear aspirations in return for the construction of two light-water reactors for power generation through the U.S.-led international consortium called the Korean Energy Development Organization, or KEDO. If it is learned that the DPRK has a secret nuclear program, this, of course, would completely undermine the credibility of the Clinton administration's policy of constructive engagement and would end KEDO.

If these missions proved satisfactory in their results, it was hoped that the Clinton administration would begin to lay a solid foundation for eliminating or at least dramatically reducing hostilities and ultimately for wholly transforming the relationship between North Korea and the United States and our regional allies. Working towards this objective certainly is a laudable and desirable goal if North Korea truly does wish to break from its history of brinksmanship and blackmail. Regrettably, this Member does not find the results of the administration's missions to be wholly reassuring, particularly when viewed against the backdrop of North Korean provocations. Of course, despite the completion of the Kumchang-ni inspection to determine if Pyongyang is covertly continuing its nuclear development program at other locations in violation of the agreed framework, we really do not have evidence that they have stopped.

Certainly, former Secretary Perry effectively delivered a strong message to the upper echelons of North Korean leadership, and the American inspection team performed its mission very well. While applauding these efforts, this body nevertheless must urge careful scrutiny of both the results and the administration's impending policy proposal.

There is an old adage that says "actions speak louder than words." With Pyongyang, actions shout louder than words. So, indeed, this Member is troubled by the provocative language and the actions of the North Korean leadership both during and after the Kumchang-ni inspection and Secretary Perry's visit. Not much time has passed since Dr. Perry's visit but Pyongyang's behavior thus far shows no real evidence of an interest in confidence-building measures or tension reduction. Rather, its behavior rings of persistent hostility, and appears to be inconsistent with defusing tensions, advancing regional security, and improving relations.

Here are just a few examples. First, the media has been reporting widely that Pyongyang will test fire the Taepo Dong II ballistic missile in July or August. If these reports are accurate, the growing capability of North Korea's missile development program, including an intercontinental ballistic missile capable of reaching the continental United States, cannot be overstated. North Korea, perhaps the most volatile and unstable regime on earth, is fast acquiring the ability to strike the continental United States with weapons of mass destruction.

Press reports indicate that talks between North Korean officials and Dr. Perry on halting the ballistic missile program and sales, a key requirement outlined by Dr. Perry as he prepared for his visit, apparently ended with the same North Korean attempts at extortion that the U.S. has received at earlier meetings. The North demanded a large direct cash payment to terminate the program. True to form, the DPRK behaves as the modern equivalent of the Barbary pirates, extorting tribute in return for barely tolerable behavior.

It is also important to note that during Dr. Perry's visit, the North Korean press condemned the U.S. with the most contemptuous invective—and also vitriolically denounced South Korea and Japan—on issues ranging from a supposed U.S. master attack plan, an alleged U.S. dress rehearsal for an attack on the DPRK being staged in the Balkans, and a condemnation of Western economic policies that must be prevented from so-called poisoning their society. Pyongyang further lambasted Seoul's "sunshine policy"—South Korean President Kim Dae Jung's policy of engagement with the North—as a blatant attempt to absorb North Korea.

Mr. Speaker, this Member also would note that the mid-June, North Korea-South Korea naval stand-off in the Yellow Sea escalated to an armed confrontation, reportedly provoked by North Korean ships that violated the demarcation line. Pyongyang subsequently threatened to cancel long-postponed talks with the South, and agreed to sit down only after a final shipment of humanitarian aid arrived in North Korea. This was the last shipment of $50 million in fertilizer aid that Seoul had agreed to provide in exchange for these talks.

The potential challenges for the U.S. and the Asia-Pacific region posed by recent North Korean activities highlight the need to remain very wary of the North's intentions and actions, despite the initial results of the Kumchang-ni expeditious withdraw and its Perry missions. In some ways, the results of these missions raise more questions and concerns than they answered. For example, it is no real surprise that the inspection team found no evidence linking the underground site at Kumchang-ni to North Korea's nuclear weapons program. If this evidence had existed, it is obvious that the United States never would have been permitted to inspect that facility.

In addition, this Member's concern about the possibility of a covert North Korean nuclear development program are exacerbated by press reports that the North is not cooperating sufficiently with the IAEA regarding reactor parts that are missing from Yongbyon, a subject which is covered by the Framework Agreement. More worrisome, however, are reports that Pyongyang has been trying to obtain items related to uranium enrichment. This material would help North Korea develop nuclear weapons without violating the Framework Agreement. Lastly, accentuating this list of concerns is the genuine difficulty we have in monitoring North Korean activities in that, the most closed society on earth.

Mr. Speaker, North Korea's continuing provocations demonstrate how important it is for the administration to clearly and, I emphasize, expeditiously lay out for Congress its policy proposal for North Korea. North Korea's behavior certainly seems to reflect a leadership that still has little intention of working constructively with the U.S. and our regional allies. North Korea's leadership appears to remain committed to its policy of orchestrating crises as a means of extorting financial and humanitarian assistance. If this is the case, forthcoming Clinton administration policy proposals that derive principally from the perceptions of the inspection team and Dr. Perry in may leave unanswered the particularly thorny policy question of how to deal with a truculent, mercurial, and menacing North Korea—one that continues to use posturing and threats to extract resources and other concessions while offering nothing meaningful in return.

Mr. Speaker, relations with North Korea are highly problematic and precarious. A policy failure on our part for the Korean Peninsula would put tens of thousands of American troops and the South Korean people at risk. Misjudging our adversary could result in virtually any Americans on the continent being vulnerable to North Korean ballistic missile attack. The administration has a responsibility to extensively and routinely consult with Congress, particularly on a threat of this magnitude, and this body has both the responsibility and right to act as a partner in the formulation of North Korean policy. This body should have further dialog with, and a road map from, the Clinton administration that clearly outlines the benefits that would be extended to Pyongyang for working in earnest with the United States, the conditions that the North must meet to obtain these benefits, and the potential consequences of remaining intractable. We also should work to ensure that any administration plan is backed by both United States willingness and capability to undertake the tough measures to bolster our national security that North Korea appears to understand.

□ 1830

Pyongyang subsequently threatened to cancel the long postponed talks with the south. That is not a good start to a more constructive path.

I urge my colleagues to watch this issue very carefully and to work with the administration, demanding a full report on progress on the Dr. Perry mission.

TRIBUTE TO DR. MIDDLETON H. LAMBRIGHT, JR., OF CLEVELAND, OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, on Monday, June 14, 1999, the Eleventh Congressional District and the Nation lost a medical pioneer and giant, Dr. Middleton H. Lambright, Jr., who was born in 1908, at the dawn of the 20th century, in Kansas City, Missouri. His father, Middleton Sr., was not only a medical doctor, but was a man of vision and hope for his children. Seeking greater opportunities for his son and daughter, Dr. Lambright moved to Cleveland, Ohio, at the end of World War I, when Middleton H. Lambright, Jr., was 12 years old.

Young Middleton was also interested in medicine. From the time he was very small his father had permitted him to ride with him when he made house calls, visit the hospital and spend time in his office browsing through medical literature. Very early in his life, Middleton was given the opportunity to understand the meaning of success, duty, and commitment. His father was his example of an educated, successful black man fulfilling his dream of giving service to others through his medical practice.

The son wanted to follow in his father's footsteps. Middie, as he was nicknamed, graduated from Glenville High School of the Cleveland Public Schools. He attend two prestigious historically black universities, Morehouse College and Lincoln University, before completing requirements at the Western Reserve University.

In 1934, he entered Meharry Medical College. During his 4 years there, he became interested in the field of surgery and whenever possible spent time in the emergency traumatic service, on the wards, and in operating rooms. He was privileged to have professors and lifetime friends, several famous surgeons: Dr. John Hale, Matthew Walker, and Joseph L.B. Forrester.

After graduating in 1938, he sought and was successful in an effort to receive an internship at Cleveland City Hospital. Following his surgical residency, he was appointed assistant clinical professor of surgery in the Department of Medicine at Western Reserve School of Medicine. This position entitled him to hospital privileges at University Hospitals and Mt. Sinai Hospital.

He became the first black physician to receive a full staff appointment in any hospital in Cleveland, Ohio. He continued to fill his dreams by moving into the office with his father where he built a general and thoracic surgical practice while continuing as a visiting surgeon at University Hospitals. In ensuing years, he became involved in numerous activities, was elected President of the American Academy of Medicine in Cleveland in 1964. He became only the second African-American to head a local affiliate of the American Medical Association. He also worked with his father to found Forest City Hospital which enabled other African-American doctors to head up medical departments throughout the hospital.

He believed in taking chances and seeking new opportunities. In 1971, he was offered and accepted a position as Dean and Associate Professor of Surgery in the College of Medicine at the Medical University of South Carolina. He was quoted as saying: My father would have been extremely pleased to know that his son had been invited to join the staff and faculty of an institution he could not have hoped to enter in any capacity. He was speaking to the racial segregation in the State of South Carolina.

After more than 25 years of practice, Dr. Lambright returned to Cleveland and entered his third career as the vice president of medical affairs for Blue Cross and Blue Shield. Here was a man who had a dream and who had his materialized and then had been granted the opportunity to expand the use of his success in many avenues. He believed that a man so blessed had a duty to his fellow man.

Dr. Lambright might well have been guided by the words of Thomas Paine: The duty of man is plain and simple and consists of but two points, his duty to God, which every man must fill, and with respect to his neighbor, to do as he would be done by.

His list of medical staff appointments would equal the list of several physicians combined, and included there is appointments to numerous hospitals in the city of Cleveland. He shared his knowledge and experience with young students eager to join his honored profession, serving as an instructor and clinical assistant professor at Case Western Reserve.

Involved in numerous community activities, he was a trustee, grand jury foreman, a trustee of the American Red Cross. Here indeed was a man who dared to dream, who lived his dreams, and shared his vision. Anthropologist Margaret Mead "measured success in terms of the contributions that an individual makes to his or her human beings." Booker T. Washington said "success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome while trying to succeed." By either measure, Dr. Middleton H. Lambright, Jr., was a successful man.

On behalf of the citizens of the Eleventh Congressional District of Ohio, I express gratitude to this outstanding citizen of Ohio for his life and service and extend my condolences to his family and friends.

[From the Plain Dealer, June 19, 1999]

DR. MIDDLETON LAMBRIGHT, OVERCAME RACIAL BARRIERS

(By Richard M. Peery)

EUCLID—Dr. Middleton H. "Middie" Lambright Jr. was a pioneer who broke barriers of racial discrimination throughout his career.

He was the first black doctor to attain full hospital privileges in Cleveland when he was admitted to the staffs of University and Mt. Sinai hospitals.

He worked with his father to found Forest City Hospital, enabling black doctors to head medical departments.

He was the second in the nation to head a local affiliate of the American Medical Association when he became president of the Cleveland Academy of Medicine in 1964.

When he left Cleveland in 1972 to become assistant dean of the Medical College of South Carolina, he was welcomed to the state by Sen. Strom Thurmond, who had been one of the leading defenders of racial segregation in the nation.

Dr. Lambright returned to Cleveland in 1984 to serve as a vice president of Blue Cross & Blue Shield of Ohio. He retired four years later.

Dr. Lambright died Monday at his home in Euclid. He was 90.

He was born in Kansas City, Mo. When he was 12, his father moved the family to Cleveland so his children would not be subjected to segregated education. Dr. Lambright graduated from Glenville High School.

He attended Lincoln University in Pennsylvania, but his graduation was delayed while he recovered from tuberculosis. He eventually received a degree from Western Reserve University in 1934. He decided to specialize in surgery while he was a student at Meharry Medical College in Nashville, Tenn., where he graduated in 1938.

Dr. Lambright completed his internship at City Hospital, now MetroHealth Medical Center, and was serving a surgical residency there when World War II broke out. Although fellow residents joined the Lakeside Medical Unit that served under Gen. Douglas MacArthur in the Pacific, Dr. Lambright was not allowed to go with them because of the racial segregation in the military. Because the Army's only black medical training unit was full, he remained at City Hospital throughout the war.

Dr. Lambright became an assistant professor of surgery at Case Western Reserve University and chief of surgery at Forest City Hospital. He was medical adviser for The Plain Dealer Golden Gloves tournaments and medical director for the Cleveland Boxing and Wrestling Commission.

In addition to his memberships in numerous professional organizations, Dr. Lambright found time for civic activities. He served on the original trustee board for Cleveland State University. He was also a trustee of several local organizations, including the Automobile Association, Growth Association, United Appeal, American Cancer Society, Red Cross, Welfare Federation, Urban League, Cedar YMCA and Barons Hockey Club.

He was appointed Cuyahoga County grand jury foreman in 1965.

After he returned to Cleveland from South Carolina, he was a trustee of the Cleveland Scholarship Program

He was a member of Alpha Omega Alpha Honor Medical Society and Alpha Phi Alpha fraternity.

Dr. Lambright is survived by his wife, Willie Callaham Lambright of Greensboro, N.C.; a sister, Elizabeth B. of Euclid; and a granddaughter, Lodi of Providence, R.I.

Services will be a 11 a.m. June 26 at the Mausoleum of Lake View Cemetery, 12316 Euclid Ave., Cleveland.

Arrangements are by the E.F. Boyd & Son Funeral Home of Cleveland.

Memorial donations may be made to the CWRU/Forest City Hospital Endowment Fund, Bolton School of Nursing, 10900 Euclid Ave., Cleveland 44106-4904; or to Meharry Medical College, Division of Institutional Advancement, 1005 D.B. Blvd., Nashville, Tenn. 37208.

INTRODUCTION OF THE TRANSITION TO TEACHING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROEMER) is recognized for 5 minutes.

Mr. ROEMER. It has been said, Mr. Speaker, that as education goes, so goes America. Whether we are talking to a labor union in South Bend, Indiana, or a small business in Elkhart, Indiana, and with an unemployment rate of about 3 percent, everybody is saying the same thing across our State, that we need to work together in the United States Congress to improve education, not just simply improve it, but to creatively and boldly improve education for every single one of our Nation's children.

Now the new Democrat coalition, which I helped start and found, has taken the approach that we need to do a host of creative and bold new things. Certainly we all agree that parental involvement and community concern is the Number one issue, and in addition to that we need more charter schools and public school choice. This was a bill that I wrote and drafted with new Democrat help and with the help of Mr. Riggs from California, and we passed this bill in 1997. This is a bipartisan bill to provide more public choice for all our Nation's children and parents.

Secondly, we need more teachers, not just more of them, but better quality of teachers to compliment and supplement the number of teachers that are working so hard in America today, and my good friend from Florida (Mr. DAVIS) and I have introduced a bill called Transition to Teaching Act that will boldly improve on the Troops to Teachers bill to try to build relationships with the private companies and foundations to help transition people from their first career, as maybe a businessman or a businesswoman, somebody in science, somebody as a police officer or a fireman, and transition them into a second career of teaching. This is a dream for many people when they are in their 40s or 50s or 60s, to enter the teaching profession, and my colleague from Florida (Mr. DAVIS) and I will introduce this bill on Thursday, the Transition to Teaching Act.

Thirdly, we need technology. The E-rate, which I would say the E stands for equality or education, the E-rate needs to make sure that we win the battle of connecting up our schools and libraries to this exciting new technology of the Internet. It is not the answer, the panacea, to all our Nation's questions of research, but it does provide us some interesting opportunities for helping with new curriculum, helping develop role models for new teachers, helping share information from one classroom to another. The E- rate is the battle of the new century to make sure that all of our Nation's children in the inner city, in the rural communities which I represent in Indiana, that they all have access to get to this technology and that our teachers, that our teachers are equipped with the sufficient skills to learn this and teach it and convey it to our children.

Fourthly, when we just succeeded on this, and I worked closely with my good friend from Delaware (Mr. CASTLE), a Republican, on the education flexibility bill, we will give our local communities additional waivers from Federal and State regulations if they attach more success to that student, that student that gets better scores and graduates from year to year and out of high school into college.

That education flexibility is directly tied to the success of the student and not to more and more red tape, regulations, and requirements. And, Mr. Speaker, we need to do more. We need to look at bolder and newer and more creative ideas, teacher academies set up with our universities and colleges. We need to look at preschool initiatives when we are hearing that our children are learning more and more at earlier and earlier ages and they are capable of more and more.

We need to look at helping provide the resources to our local communities to stop social promotion. It does not do our children any good to be promoted from grade to grade to grade when they cannot provide, they cannot read, they cannot provide themselves with the opportunity to learn more about geography and math and science.

So, Mr. Speaker, as paraphrasing Abraham Lincoln in conclusion, Abraham Lincoln talked about making sure that we all have the opportunities not to guarantee that we will all finish the race of life at the same time. No, nobody can guarantee that, but at least we get the opportunity for an equal start in life, and that comes back to education.

Let us work together across the aisle, Democrat and Republican, for creative bold new reforms in education as the new Democratic coalition has sought to do.

WHAT WE WOULD BE DOING BY AMENDING THE CONSTITUTION TO MAKE IT ILLEGAL TO DESECRATE THE AMERICAN FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, tomorrow we have on our schedule the debate and the vote on a constitutional amendment, the amendment that would make the desecration of the flag illegal. Many who support this amendment imply that those of us who oppose it for some reason might be unpatriotic. That, of course, is not true.

I would like to call attention to my fellow colleagues just exactly what I see us doing by amending the Constitution.

The very first thing that Communist China did after it took over Hong Kong was to pass legislation to make sure that it was illegal to desecrate the Chinese flag. Now let me say that one time again. As soon as Red China took over Hong Kong, that was the very first thing they did. One of the first pieces of legislation was to make sure that the people of Hong Kong knew it was illegal to do anything to desecrate the Chinese flag.

Now another interesting thing about the Chinese and their flag is that we monitor human rights in China. As a matter of fact, the State Department is required to come before the House and the Senate and report to us about the violations of human rights in China. The purpose is to find out whether or not they qualify for full trade with us, and the argument comes up every year. Some say, well, they violate civil rights and human rights all the time; therefore, we should not be trading with Red China, which is an argument that can be presented.

But in this report that came out in April to summarize last year, our government lists as a violation of human rights that we are holding them accountable for that we want to use against them so that we do not trade with them is the fact that two individuals last year were arrested because they desecrated the Communist Chinese flag.

□ 1845

I think that is pretty important. We should think about that. First, the Chinese Government makes it illegal to desecrate a flag in Hong Kong, and then they arrest somebody and they convict them, and they want to hold it against them and say we do not want to give them Most Favored Nation status because they are violating somebody's human rights.

Mr. Speaker, my point is obviously that why do we want to emulate them? There are other countries around the world that have similar laws: Iraq, Cuba, Haiti, Sudan; they all have laws against desecration of the flag. But in this country we have not had this. We have never put it in the Constitution. This debate would dumbfound our Founders to think that we were contemplating such an amendment to the Constitution.

We have existed now for 212 years since the passage of our Constitution, and we have not had laws like this, but all of a sudden we feel compelled. What is the compulsion? Do we see on the nightly news Americans defying our flag and defying our principles of liberty? I cannot recall the last time I saw on television an American citizen burning an American flag or desecrating our flag. So all of a sudden now we decide it is a crisis of such magnitude that we have to amend the Constitution; at the same time, challenging the principles of freedom of expression.

There is one State in this country that has a law which they have the right to, a law against desecration of the flag. And the flag police went to a house to find out what was going on because they were flying their flag upside down. What is going to happen when we try to define "desecrate"? Desecrate is usually something held for religious symbol. Have we decided to take the flag and make it a holy symbol? But will a towel that is in the shape and the color of a flag that somebody is lying on at the beach, is that going to be a reason to call the FBI and call the flag police in to arrest someone for this desecration? Because we do not define the desecration, we just say we will write the laws to police this type of activity.

Mr. Speaker, in recent weeks we have had many Members in this Congress cite the Constitution. As a matter of fact, the Constitution is cited all the time. Sometimes I see it inconsistently cited, because when it pleases one to cite the Constitution, they do; and when it does not, they forget about it. But just recently we have heard the citing of the Constitution quite frequently. In the impeachment hearings: We have to uphold the Constitution, we have to live by our traditions and our ideals. Just last week we were citing the Constitution endlessly over the second amendment which I strongly support, and which I said the same thing. We must uphold the Constitution to defend the second amendment. But all of a sudden here we have decided to change the Constitution that we are in some way going to restrict the freedom of expression.

We say, well, this is bad expression. This is ugly people. These are people that are saying unpopular things, and they are being obnoxious. But, Mr. Speaker, the first amendment and the freedom of expression was never put there for easygoing, nice, conventional, noncontroversial speech. There is no purpose to protect that. Nobody cares. The purpose of freedom of expression is to protect controversy, and if somebody is upset and annoyed, the best thing we can do with people like that is to ignore them. If we pass a constitutional amendment and people are so anti-American that they want to display their anti-Americanism, they will love it. They will get more attention because we will be sending in the Federal flag police to do something about it.

Some will argue the Constitution does not protect freedom of expression; it protects freedom of speech, and this is not speech, this is ugly expression. But the Constitution does, does protect freedom of expression. That is what speech is. What about religion? To express one's religious beliefs. What about one's property, the right to go in and express what one believes? That is what freedom is all about is the freedom of expression and belief. I do not see how this country can become greater by having an amendment written that is in some ways going to curtail the freedom of Americans to express themselves. We have not had it for 212 years, and here we are going to change it.

It is expected that this will be passed overwhelmingly, and in the Senate possibly as well, and then throughout the country, but I do not see this as a positive step. We here in the Congress should think seriously before we pass this amendment.

NEXT STEPS FOR REDUCING GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, we first need to go back to the American people and ask them to speak to their representatives. We will work with mothers, fathers, advocates, and I won't stop until 13 children don't die every day.

I will be at front lines as we figure out every strategy open to us to pass real gun violence legislation.

First, we will work with the House and Senate conferees on the Juvenile Justice bill.

Secondly, we don't yet have a date when the conference will be appointed. The Senate first decides to appoint their conferees.

The next big litmus test for the American public to watch is the Motion to Instruct the Conferees. That motion will consist of the House asking the Conference Committee appointees to keep the Senate language on the Gun Show Loophole Amendment.

We will attempt to attach the Gun Show Loophole language to the Treasury Postal bill and Commerce/State/Justice, which both oversee some gun laws. In addition, some of my colleagues have discussed attempting to attach the language to every appropriations bill, including this week's Transportation bill.

I still believe that we need freestanding gun legislation. That's why I will continue to ask that my bill—the Children's Gun Violence Prevention Act—be given a hearing. We will work to include the bill—or pieces of it—in any gun violence legislation.

GUN SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DeLauro) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, last week the House had the chance to do the right thing and pass common-sense gun safety legislation, that, in fact, the American people support overwhelmingly. But the House leadership chose instead to cave in to the wishes of the NRA, the National Rifle Association. It was outrageous. House leaders actually chose to respond to the tragedy at Littleton by trying to weaken gun safety laws.

Never before have I seen the will of the American people so totally ignored.

The House last week failed to take reasonable and needed action to reverse the tide of youth violence, but that will not and must not be the end of the story. The tragic shooting at Columbine High School in Littleton, Colorado, claimed 15 lives and brought sharply into focus the crisis of youth violence afflicting our country.

When 13 children a day die from gunfire, we have a crisis that the Congress of the United States should respond to.

We know that there is no one solution to the challenge of youth violence. We need to encourage stronger relationships between parents and children. We need to make sure that schools have the resources that they need, resources to reduce class sizes so that students get individual attention, and that teachers can handle and keep a handle on their classes. We need resources for counselors and for mental health professionals, and we need to lessen the negative influence of violence in our media. All of these things we need to do.

But we cannot ignore the fact that angry and troubled youth exact the horrible price that we saw in Littleton only when they can get their hands on dangerous firearms. Eric Harris and Dylan Klebold used firearms that were purchased at a gun show. T.J. Solomon shot his classmates in Conyers, Georgia, after taking guns without child safety locks from his parents' house. Sensible gun safety measures must be a part of a comprehensive approach to youth violence.

Our colleagues in the Senate did the right thing to respond to our country's crisis of youth violence. They passed limited, but needed, measures to keep guns out of the hands of children and criminals. The bill passed by the Senate would close the loophole that allows criminals to buy weapons at gun shows; close the loophole that allows importation of high-capacity ammunition clips, and require that child safety locks be provided when handguns are sold.

The measure passed the other body, by the other body are not radical, and they were passed in a bipartisan way. They will not take away anyone's guns. They will not keep any law-abiding citizens from buying a gun. They will simply put in place a few needed protections to keep guns out of the hands of criminals and children.

This House should have passed these measures last week when we had the chance, but we did not. Why did the House refuse to take such a basic step as to close the gun show loophole? I heard a colleague of mine say that closing the loophole would create too much paperwork, that it would be an inconvenience. Imagine that. An inconvenience. Tell that to the parents of a murdered child. Tell them about paperwork. Tell them about the annoyance of waiting 3 days to buy a gun. Compare the hardship of waiting 3 days to buy a gun to the hardship of endless days of agony and mourning the loss of a murdered child.

This Congress should be ashamed for caring more about reducing paperwork than reducing gun violence.

I am disappointed that the House failed to take steps that we needed to last week, but that is not the end of the story. We are here tonight to make clear that we are determined to see common-sense gun safety legislation passed. The American people deserve no less.

Many Members have strongly supported efforts to keep guns from falling into the wrong hands, and I applaud them for their efforts. Among those who have been the most committed to protecting children from gun violence have been the women in the House of Representatives, and that is not an accident. Women are in tune to the devastating effects that gun violence has on American families and have rightly lead the charge to improve gun safety. We will keep the pressure on House leaders to ensure that effective measures are taken to protect children from violence. House leaders should act quickly to negotiate a compromise that includes the Senate-passed gun safety measures. But if the House leaders once again fail to take a strong stand to keep guns from criminals and kids, then we will keep searching for opportunities to pass the legislation that is called for by the American people.

I call on my Republican colleagues to stand up for gun safety measures. Each time that Congress has passed legislation to keep criminals from getting their hands on weapons, it is because there has been bipartisan support. I am disappointed that a much smaller share of Republicans voted for real gun safety legislation last week than when the House passed the successful Brady law that has blocked hundreds of thousands of gun sales to criminals.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to join other members of the Congressional Women's Caucus expressing our disappointment with the gun safety debate of last week. It distresses me both as a mother and as a former County Prosecutor and judge. With the increase in youth violence at schools across America and the countless instances of children killed in gun related accidents, I believe there is a need for increased gun safety.

Parents across America are more concerned about their children's safety after the Columbine incident. We send our children to school to get an education and improve their citizenship, not to be threatened by classmates.

I recognize the fact that legislation restricting the access children have to guns is not the only answer to this epidemic of cultural values. Parents must take a greater responsibility for ensuring children learn right from wrong and how to resolve their problems with others in a non-violent way. Violence should not be a child's first impulse when life does not go the way they expect.

I believe that a combination of greater parental involvement in children's lives coupled with tighter restrictions on access children have to deadly weapons is necessary. As a person matures they learn better control of their emotions, and how to deal with others.

Lask week we tried to close the loophole exploited by several known criminals. Unfortunately that initiative was filled with amendments seeking to loosen, not tighten, restrictions on gun purchases. Because of the action taken to weaken the legislation I was unable to support it. I care about our children and families, that is why I took the action I did.

Gun shows have become a haven for criminals and underage gun purchasers as well as those collectors seeking to buy guns. The two young men who attacked their classmates at Columbine High School bought some of the weapons used in that tragedy through a gun show. Timothy McVeigh and Terry Nichols, the two men convicted of bombing the Oklahoma Federal Building, financed their attack through illegal sales at gun shows.

I do not favor closing gun shows. Rather, I think we need to restrict a person's ability to go to a gun show and avoid the background checks on their purchase. A background check is not an assault on a person's Second Amendment rights. We seek to protect innocent people from the risk of gun violence by criminals and children. The law is clear and right, if you do not pass a background check you cannot legally own a gun.

An issue raised by gun advocates about background checks was the waiting period. The fact is that the majority of safety checks takes no more than a few hours. About 70 percent of these checks goes through immediately. Law enforcement is concerned about those checks that require more time, the minority of background checks. By limiting the time law enforcement has to check a person's record we allow people who are not supposed to own guns to actually buy weapons.

I do not want to prevent law-abiding citizens from seeking a weapon legally for protection, sport, or personal collection from buying a gun. Had we passed the legislation including the amendment offered by Representative DINGELL there would have been 17,000 people allowed to purchase guns who would not have been able to under current law.

I support maintaining the Brady Law background checks in order to prevent criminals and children from buying guns. It is safe to say that those who do not have access to guns and have the will to strike out against others cannot shoot another person. We need to keep it that way.

I am a mother and like all mothers I worry about my son's safety. He should not be at risk from friends who could buy a gun through the loophole in the gun show law. I support true and meaningful gun safety legislation, not taking guns away from law-abiding citizens.

Ms. DELAURO. Mr. Speaker, let us protect our children. Gun violence is not a partisan issue. American children deserve no less.

H.R. 659: PROTECTING AMERICA'S TREASURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, earlier this afternoon we passed a bill regarding the Paoli and Brandywine Battlefields and the visitors' center at Valley Forge. I had planned to do a 5-minute this afternoon where I touched on some of the points in my comments regarding that bill, regarding a dispute that has arisen in the development regarding Gettysburg National Historical Park.

This past weekend, my son Zachary, who is in fifth grade, was here with the Deer Ridge Elementary School, and among other things they went to Antietam, and on my way back to Indiana I joined them and then went on up to Gettysburg. We had a 3-hour hearing of the Subcommittee on National Parks at Gettysburg that I sat through and found the debate fascinating. Partly it is the struggles between a community that does not want to see the visitors' center moved away from where many of the retail attractions are and the National Park Service.

I came away from that, A, not fully understanding the community's opposition. While I understood some concern if the visitors' center moves a half mile, in fact as a former retailer, and actually still own and lease out our retail businesses, it looks to me like this would be a huge advantage to every retailer in the town of Gettysburg, because the increased length of stay, the repeat visits, the more things to see and do will lead to more dollars being spent in the community.

But beyond that, this is a national area, and it raises a number of questions that we have to sort through specifically on Gettysburg, which I hope will move ahead rapidly. This report was just released last week on the final general management plan, and I hope we can proceed. It has been held up for some time, and they have gone through all the procedures, but we need to get going on this. Also, some national debates, the differences between a historical park and a National Park.

For example, this is not a wilderness area. One of the things, when we look at the basic purpose of a historical park is that it should look like it did at the time of the historic event, or at least have the feel of that historic event, and one of the problems that we have on some of our battlefields is, quite frankly, they are overgrown.

One of the points that they make in this report on page 44 is that the peach orchard, which was a very critical point in the second day of the battle at Gettysburg, that it is now fashioned for fruit production, and then it does not look like the current peach orchard.

□ 1900

So we look and say, how could the soldiers have used that as any type of shield as the Confederate Army moved towards the Union line?

Furthermore, the woods from McPherson Ridge, now the woods are overgrown, choked with growth, and we cannot experience the battlefield because we cannot visualize how the troops are moving. In many areas there are woods where there should not be, or farms that have been taken out so one cannot see what it was like for the soldiers to go through.

One of the important parts of the experience is to see what it was like at the time the battle was fought. The National Cemetery movement took place, of which Edward Everett and President Lincoln spoke at Gettysburg. When we had the National Cemetery movement those were places of contemplation, where we reflect what happens when people die in battles. But the National Park itself should have the historic integrity of the battlefield. That is one of the key parts of this plan.

Part of that is when we go, and currently at Gettysburg the visitors center sits at a key point in the fishhook of the Union line. So when we try to get a feeling of the battle, there sits the visitors center, there sits a modernist-looking building, which is a very architecturally significant building but nevertheless modern, that has a cyclorama in it, not to mention this huge tower going up. We cannot possibly get a feel for what it looked like to General Pickett coming up the hill or on Little Roundtop as you are looking down on the battlefield when you have this huge tower sticking up, and the visitors center and the cyclorama right in the heart where the battle was.

The proposal would move the visitors center and the cyclorama over toward an area where the fighting did not occur. There was fighting to the east of it and fighting to the west of it, but it would be out of the center of the battlefield so we could appreciate it more.

Furthermore, the visitors center has numerous purposes, one of which is interpretation. They need more space. Gettysburg is arguably, certainly in the Civil War, the case could be made it was the most significant battle.

In addition, they have storage and display problems of artifacts and archives which are now in a non-air conditioned area. We pay sometimes hundreds of thousands or more to restore guns, or in fact have withheld restoring these because they are not in air conditioning, not in a place where you would put minor or let alone major artifacts, which we have from both armies in the Gettysburg battle.

Furthermore, support services. There has been a big dispute. The restaurant and gift shop proposals have been scaled back, but one of the fundamental questions here is where do revenues come from and how are we going to fund these parks. I think this is a good plan. I hope this Congress will support it.

GUN SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Speaker, last month the United States Senate courageously passed the juvenile justice bill that would begin to close loopholes that too often have resulted in guns getting into the wrong hands.

I am very deeply disappointed that this House was unable to demonstrate similar courage last week. Instead of standing up for what is right, sensible, and what the American people want, the leadership of this House pandered to the narrow interests of the gun lobby and did not even give us the opportunity to vote on the bill passed in our Senate. Instead, they presented us with two separate bills designed to kill gun safety measures in this House.

The American people deserve a better Congress than that. They deserve a Congress that places more importance on human life, more importance on our children's sense of safety in their classroom, and on the parents' peace of mind, instead of pandering to the fringe interests of the gun lobby.

Mr. Speaker, I have been a Member of this House barely more than 6 months. When I came here my mission was to serve my district and the American people and to do everything within my power to ensure their safety. Our Constitution and the Congress' primarily focus has always included the protection of our citizens safety. Last week's vote betrayed that intent, and even worse, was a great disservice to the American people.

Several Members on the other side of the debate raised concerns about upholding the Constitution's Second Amendment, the right to bear arms. Of course I and others support upholding the Constitution. However, I totally disagree with those who contend that requiring a 3-day background check on firearms buyers at gun shows or that requiring child safety locks on all gun sales is an infringement on peoples second amendment rights. What a bunch of horsefeathers. These modest gun safety measures do not prevent responsible citizens from owning guns. They simply ensure that guns do not end up in the hands of criminals likely to purchase them without adequate background checks and then misuse them.

Let us look at the known facts. In the 5 years the Brady bill has been in operation, that is the one that requires the 3-business-day waiting period for gun purchase, more than 400,000 illegal gun sales, two-thirds of which involve either convicted felons or people with a current felony indictment, were blocked. This is clear evidence that this law works and we are on the right path.

However, we still have much work to do. Vice President GORE recently told the U.S. Conference of Mayors in New Orleans that a new government study show that about two-thirds of all homicides involve the use of a handgun. Also, consider that domestic violence often turns into homicide in many instances where guns are readily available, and that law enforcement officials support gun safety because it saves police officers' lives.

It is no wonder that a recent Pew Research survey found that 65 percent of this Nation believes gun control is more important than the right to bear arms. This battle for sensible gun control is not over. Those of us who believe in closing gun loopholes will continue to fight to tighten our laws and ask for their enforcement.

Two months ago I spoke to hundreds of members of families and friends of murdered victims assembled in Rose Hills Memorial Park to honor their slain loved ones during victims' rights week. I pledged to them that I would work to ensure that we establish laws and programs that will prevent the additional loss of innocent lives, and to strengthen victims' rights.

I intend to keep that pledge. I intend to serve the American people and not special interests. I also intend to uphold the Constitution. Therefore, I proudly pledge to continue to fight and support reasonable gun safety legislation on behalf of America's children and our families.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–196) on the resolution (H. Res. 218) providing for consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADDRESSING AMERICA'S TEACHER SHORTAGE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, we are about to have a major problem on our hands in this country. We have more and more children entering in our schools than we have seen in a generation. At the same time, we face a massive retirement as more and more of our teachers begin to reach retirement age.

In fact, we are going to need over 2 million new teachers over the next decade. In my home, Florida, a growth State, we are going to need over 7,000 teachers just in Hillsborough County, one county that I represent.

Fixing our education system is like a three-legged stool. We have to modernize our schools, we have to build them the right size the first time, we need to reduce class size, especially in the early grades, so we can return control of the classroom back to the teachers, and we need to begin preparing to replenish the ranks of our teaching profession with the very best and brightest we can find.

Along with the gentleman from Indiana (Mr. ROEMER) who spoke earlier this evening, I will be introducing legislation on Thursday that offers one approach to attract more qualified people into our teaching profession. Our bill is referred to as the Transition to Teaching Act. It is modeled after the very successful Troops to Teachers law in this country which has resulted in more than 3,000 retired members of the military choosing to become math, science, and technology teachers since 1974. More than 270 of these men and women alone are now teaching in Florida schools.

The Transition to Teaching Act expands the Troops to Teachers program so that any midlife career professional can consider making a change in the teaching profession, and like the Troops to Teachers program, will qualify for up to a $5,000 grant or stipend to cover the cost of returning to a college or university to complete the coursework necessary to be trained as a teacher and certified as a teacher in the State where they choose to go.

In exchange for that training, we and the taxpayers of our country will expect at least 3 years of teaching, and we have targeted our bill towards those schools that have the highest percentage of students from an impoverished family where we face the greatest challenge in attracting teachers. We will expect the recipients of this grant to spend up to 3 years teaching in one of these schools, to help begin to fill the ranks of our dwindling number of teachers.

Yesterday in my home, Tampa, I met with three highly qualified individuals who formerly served in our military and are using those life experiences to be very successful teachers, Ronald Dyches, Al Greenway, and Karen Billingsley.

Ronald Dyches told me it had always been his dream to be a teacher. When it came time to retire from the military, the Troops to Teachers program was there to help cover some of the costs to pay the bills of going back to school before he could begin to earn a salary as a teacher. He told me it was always his dream to be a teacher, and that grant helped him realize his dream. Now he is doing a terrific job. As a matter of fact, as a veteran he helped design a course on the history of the Vietnam War that is not only being used in his high school, it is being used in other high schools in the Hillsborough County area. He is simply one example of some of the very talented and mature people who have worked in other professions, who can be brought into our schools.

Our bill can help move people from the boardroom to the classroom, from the firehouse to the schoolhouse, from the police station on Main Street to the school on Main Street.

Let us work together to bring more qualified people into our teaching profession. Let us reach out to people who might consider realizing their dream and making that change to a second career in teaching. Let us get together and pass this legislation, and begin to deal with the need to have quality teachers as more and more students are in our schools.

GUN CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it was pretty outrageous last week that the Republican leadership had the nerve to offer a watered-down version of the Senate gun safety legislation. It was clear to all that watched and listened that 80 percent of the Republicans were willing to wait until there is more blood on our hands before passing real gun control legislation, legislation that would make it harder for kids to get guns.

But thankfully, 80 percent of the Democrats and 20 percent of the Republicans know that our children should be worrying about hitting their books, not about getting hit by a bullet. They know that our children should see Gunsmoke as an old TV rerun, and not a reality in their daily lives. And they know that our children must be safe in their schools, their neighborhoods, and their homes.

Increased gun safety measures will save the lives of thousands of young people every year. Regardless of our political agendas, we have to put our children first.

Fortunately, last week good sense prevailed and the legislation that would not close the gaping loopholes in our gun laws and would not make our children any safer failed. Mr. Speaker, now we have another opportunity, an opportunity to consider meaningful anti-violence legislation, rather than legislation that sounds helpful but rings hollow. We need commonsense anti-violence legislation, and we need to now.

In fact, Mr. Speaker, some of the most effective programs that we should and could be considering would begin at the preschool level. We know that the early years of a child's life are pivotal in determining their personality, determining their values and their conscience. So we must stop Band-Aid approaches that put guns in the hands of youth and put criminals behind bars after the fact.

Instead, we must do some real crimefighting at the source through effective prevention programs. In other words, let us not do what we have been doing with the staggering amount of money and a staggering lack of success. Let us not lock up people behind bars, never mind where they bought their gun.

☐ 1915

Never mind where they bought their gun or never mind what made them so crazy in the first place because today's kids are trying to be older faster, and they do not know how to do it, and they should not have to do it. A lot of them come from homes with only one parent, and a lot of them live in poverty.

Unfortunately, the clear connection between poverty and antisocial behavior continues to be an afterthought. We think we can stumble our way to make sense of security by some puny legislation, by putting people behind iron bars instead of protecting them and preventing them from being in trouble in the first place.

Mr. Speaker, we must address the problem of youth violence in terms of prevention and in terms of effective punishment. We should be implementing solutions based upon what research, what judgments, and what other practitioners have indicated about what is needed to reduce juvenile crime and delinquency.

That is why we must step forward with real solutions. Following the good sense of 80 percent of the House Democrats and 20 percent of the House Republicans, we can strengthen gun control laws, and we can invest in prevention programs so our children will not result in violence to settle their problems.

IOM REPORT ON SILICONE BREAST IMPLANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, yesterday, the Institute of Medicine released its report on silicone breast implant research. It evaluated past studies on the association between silicone implants and diseases as well as considering the frequency of complications including rupture, the need for additional surgeries, and problems with contraction.

Perhaps the Institute of Medicine's most important directive was to recommend areas of future research concerning silicone breast implants.

The IOM, the Institute of Medicine, report points to the undeniable need for additional scientific research on the long-term outcomes and local complications of silicone breast implants. In fact, the report states these complications occur frequently enough to be a cause for concern and to justify the conclusion that they are the primary safety issue with silicone breast implants.

Although the rate of implant rupture and silicone leakage has not been definitively established, a recent analysis of implant failure conducted by the University of Florida found silicone breast implant rupture at a rate of 30 percent at 5 years, 50 percent at 10 years, and 70 percent at 17 years.

However, in information sent to women considering implants, manufacturers currently are grossly underestimating the rupture rate at 1 percent.

The Institute of Medicine, the IOM, also concluded that the information concerning the nature and relatively high frequency of local complications and reoperations is an essential element of adequate informed consent for women undergoing breast implantation.

Therefore, the IOM recommends the development of national model of informed consent of women undergoing breast implantation to ensure women fully understand the risks associated with silicone implants.

Women have the right to choose to get breast implants, but Congress has the responsibility to make sure that they are fully aware of the risks associated with these products.

For these reasons, I, along with the gentlewoman from New Mexico (Mrs. WILSON) and nearly 45 cosponsors have introduced H.R. 1323, the Silicone Breast Implant Research and Information Act.

This bill promotes independent research at NIH in order to ensure impartial, scientifically sound studies on silicone breast implants. To date, there have been no National Institutes of Health, NIH, clinical studies of mastectomy patients who have had implants.

With the level of attention and controversy on this issue, supporters of H.R. 1323 believe leadership from NIH is critically important.

Our legislation would also require the FDA to strengthen informed consent procedures in clinical trials and institute better follow-up mechanisms for consumer complaints. Because the FDA has never approved silicone breast implants for the market, it is crucial that women and their doctors have access to accurate information concerning the possible risks.

Finally, the Institute of Medicine, the IOM, recommends additional research to determine safe levels of silicone in the human body. Everyone has some level of silicone in their body. However, there has never been any research to establish a safe level of silicone. How can scientists be expected to determine whether silicone is causing diseases if we do not know what is the safe level?

Mr. Speaker, I urge my colleagues to look at H.R. 1323.

JUVENILE DIABETES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening to call to the attention of my colleagues and the House to the urgent problem of juvenile diabetes.

Today, I was visited in my office by one of my 9-year-old constituents, Ruth Hendren of Raleigh, North Carolina.

Ruth came to Washington with the Juvenile Diabetes Foundation to lobby Congress to provide needed funds for diabetes research.

We in Congress are used to being lobbied all of the time by high-priced hired guns and other big-time lobbyists who represent any number of special interests in this body.

But when one looks into the eyes of a child, whose daily battle with this terrible disease is truly the embodiment of bravery, one cannot help but be moved.

Diabetes is a chronic, debilitating disease that affects every organ system, every age group, both genders, and all ethnic minorities.

Sixteen million people suffer from diabetes. Eight hundred thousand Americans and children will be diagnosed this year alone. Victims of diabetes, of juvenile diabetes, must endure as many as six injections of insulin a day and eight finger-prick blood glucose tests every day. It would be tough for an adult to do that, but it is especially tough to see a child.

We in Congress need to do what is right on behalf of the victims of juvenile diabetes in every congressional district in the country.

Diabetes is a disease in search of a cure, a problem in search of a solution. Medical research has brought us close to the cure of diabetes.

I call on my colleagues to step up to the plate and support increased funding for the National Institute of Health for diabetes research.

On behalf of Ruth and all of America's victims of diabetes and their families, I trust that Congress will do it this year.

EDUCATION AND SCHOOL CONSTRUCTION

Mr. Speaker, while I am talking on this issue of education and funding, it is important that I cover an issue that is also very important for this Congress to deal with, and that is school construction. It is an urgent problem all across this country.

I want to thank my colleagues in the New Democratic Coalition for their leadership and help in this issue of school construction.

As a former State superintendent of schools in North Carolina, I have been working to help pass a school construction bill since I arrived in this Congress in 1997.

The statistics tell the tale. Today, there are nearly 53 million students in schools in America, more than at any time in our Nation's history. Schools are busting at the seams.

Children find themselves in trailers, gyms, closets, bathrooms, and other make-shift classrooms and gyms and on stages.

Substandard learning environments are unacceptable. We want higher standards for our children in academics and places for our teachers to teach.

If we are to succeed in the next generation and the new millennium, our children must have world-class education; and to have that, we must have quality facilities.

In my district alone, we have places that have grown almost a third since 1990. Wake County, our capital county, will add about 3,500 to 4,500 new students to enrollment rolls every year. That is 3,500 to 4,500 students every year.

The crisis is getting worse. What kind of example do we set for our children when we neglect their schools? Over the next 10 years, more than 1.5 million more public school children will show up at the schoolhouse door. In North Carolina alone, our high schools are projected to grow by 21.4 percent over the next 10 years; and that will be third in growth in the United States.

I have introduced a school bill, School Construction Act, that will provide $7.2 billion in school construction bonds across the United States for our fastest growing school districts.

I am working with the gentleman from New York (Mr. RANGEL) and the administration, and I will work with anyone else who wants to work to make sure that we have school funds for our children.

Our legislation uses Federal resources to leverage more local financing for schools. This does not take place with local money. It leverages it. Local systems get to make the decisions. We will only provide the avenue to do it. Taxpayers get more bang for their buck, and young people get good education environments, exactly the kind of assistance that local schools need.

The Etheridge School Construction Act now enjoys more than 88 cosponsors in the House and many members of the New Democratic Coalition. I invite others of my colleagues to join me.

My bill has been endorsed by the National Education Association, by the Chief State School Offices, and many other organizations who realize that we must act and we must act now.

I join my colleagues in calling for the congressional leadership in this House to bring up school construction now so that we can act on it and we can have the resources next year.

IMPACT OF ILLEGAL NARCOTICS ON OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, it is Tuesday night, and again I rush to the floor to talk about illegal narcotics and its impact upon our society and the responsibility we have as a Congress to deal with probably the most important pressing social issue.

It is interesting to sit here and listen to some of my colleagues, not the last two speakers, but previous speakers who talked about the focus of the tension of this Congress during the last week and last several weeks since Columbine.

The latest solution is, I guess, to control gun show sales and then also putting child safety locks on guns, both remedies that may solve some incidences and crime and the use of firearms. But it is amazing how the people who really, I think, got us into this situation we are into, with some of the disrespect for the law, some of the lack of law and order, some of the lack of discipline in our schools, the liberal court decisions and appointments that have gotten us into this situation where young people do not know right from wrong and where anything goes in our society, they come up with solutions that address a tiny part of the problem.

They will go to the heart and soul of this subject, the child or the young person that is committing that crime. It is interesting.

There were 10,000 murders by guns last year in this country, and there should not be one murder in this Nation by a gun or a knife or an explosive or through any other mayhem.

But, again, the liberal side likes to look at these issues and address a little bit of the symptoms and not really address the root problems.

One of the problems that I continually come to the floor and talk about is the problem of illegal narcotics. Certainly if we looked at the root of violence in this country and crime in this country, there is a direct correlation between crime and illegal narcotics use.

Probably a vast majority of the murders committed in the United States were drug related or the individual involved was involved in some type of substance abuse. While there were 10,000 murdered by guns in this country, there were 14,000 who died from the direct cause of drug-related deaths. That does not get much attention. It is unfortunate that, again, we just address some of the symptoms, we do not address the root problems.

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I am here again tonight to talk about a problem that we have in our communities. As I said before in the House, we have a Columbine in our Nation every single day times three with the number of young people that are dying of drug-related deaths. I am not talking totally about the number of suicides, the number of automobile accidents, the other unreported deaths, but more than 14,000 drug-related deaths in the United States that we can trace to this very serious problem in our Nation.

It is interesting, too, that the statistics show that some of the young people involved in violence in our schools and communities, and also involved with weapons, whether they be guns or explosives, also have a drug or substance abuse problem. This one study I will quote, by the Parent Resources and Information on Drugs, called PRID, reported that of high school students who had carried guns to school, 31 percent used cocaine compared to 2 percent of students who had never carried guns to school. The same relationship was found among students in junior high school in the study. The number of gang members, and again we are just zeroing in on one substance, cocaine, who reported using cocaine upon their arrest was 19 percent.

Again, if we start tracing illegal narcotics and substance abuse to our young people, we start looking at the root problem.

Now, we have in our Nation, across the land in jails and prisons and penitentiaries and holding facilities nearly 2 million, 1.8 million, Americans. It is estimated in the hearings that we have conducted both here in Washington and field hearings that we have conducted in our Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, that, in fact, somewhere in the neighborhood of 70 percent of the people behind bars, incarcerated in our prisons and jails, are there because of drug-related offenses. This is a startling statistic.

And, in fact, what is even more startling is the more prisoners who are tested who come into our prisons for illegal narcotics, we find the percentage is increasing every year of drug offenders coming into the system. In fact, even those who are selling drugs are hooked on drugs. Eighty-one percent of the individuals selling drugs tested positive at the time of the arrest, including 56 percent for cocaine and 13 percent of them for heroin.

Again, if we look behind the gun, if we look behind the crime, we see a very serious problem, and that is the problem of illegal narcotics.

Now, some would say, why do we not just let these people out; they are committing harmless crimes, and they should not be incarcerated. We also hear people say, well, most of the people in jail are there because of possession, maybe of marijuana or small amounts of some illegal substance. As chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we were able to convene, and I chaired last week, probably one of the first hearings of its type in some years in the Congress. I am not sure even if there had been a previous hearing on the subject. But it was entitled the Pros and Cons of Drug Legalization, Decriminalization and Harm Reduction.

That title was chosen to get people to think and also to have people present before our committee the pros and cons of legalization, because many folks across the land are saying, again, let these folks out of jail, they are there for possession for some minor crime.

Our hearing was very interesting this past week in that we debunked a number of the myths relating to those people who are in prison for a crime. We found, in fact, that they are not there for simple possession. Several studies were reported and are part of that CONGRESSIONAL RECORD, but one study that I thought was most interesting, and I pointed this out before, was one conducted in the State of New York that was just completed. It is a study just out from the State Commissioner of Criminal Justice which tells a different story about who is in prison and incarcerated there on drug-related offenses.

In 1996, 87 percent of the 22,000 people in jail in New York for drug crimes were in for selling drugs or intent to sell. Of the 13 percent doing time for possession, 76 percent were arrested for selling drugs or intending to sell. And, actually, some of the final sentences were pleaded down, as they say, to possession. So they were not actually possession.

So here we have a recent study from the State of New York that debunks the theory that people in our jails are there for possession of small amounts of so-called harmless narcotics.

It is interesting that the question also comes before our subcommittee and before the Congress about the tough laws. Are tough laws effective, and do tough laws have any effect on these people who are involved with illegal narcotics? A Dr. Mitchell Rosenthal, head of Phoenix House, a national drug treatment center based in Manhattan, said these tough drug laws have diverted lots of people into treatment who would not have otherwise gone into treatment.

So, again, some of the people who deal with people who are in prisons, people who are involved in illegal narcotics and the treatment for that, they provided testimony to our committee that debunks some of the myths about who is in prison and why they are there.

It was interesting to also have in our panel of witnesses the new Florida State drug czar, Mr. Jim McDonough. He was formerly the Deputy Director of the National Office of Drug Control Policy, and has now been appointed by Governor Bush, Governor Jeb Bush, I do not want to mix him up with the man who is going to be President. In fact, Jeb Bush, our new Governor, created a czar's office and appointed Jim McDonough to head that position.

Jim McDonough testified before us on his viewpoint, and he has a great deal of experience over the years not only at the national level, but dealing with this drug issue. And he said, and let me quote, "Legalizing drugs is a notion to which I am steadfastly opposed. I came to this position after years of observation and study of the nature of drug addiction and its horrific consequences for the addicted, their families and society. The immense costs that drug addiction extract on our Nation were driven home to me during my tenure as Director of Drug Strategy for the White House Office of National Drug Control Policy. My recent experience as the Director of Florida's Office of Drug Control have only served to reinforce my beliefs on the subject."

So we had a number of people testifying that, again, drug legalization does not make much sense, and, in fact, the liberalization policies do not work. And I want to talk about those liberalization policies in just a moment and give some very specific examples which we had in the hearing and I have talked about before.

But, again, we had a wide variety of testimony. I was quite shocked at the testimony of a representative of Cato Institute, a fairly well-respected think tank here in Washington. The executive vice president of Cato testified before our subcommittee that he felt it was time to legalize heroin and cocaine and basically market it like tobacco and alcohol and other regulated products that we have today. Again, though, the bulk of testimony disputed what Mr. Boaz commented in our hearing, and actually the facts just refuted what he was promoting.

It is important that we just look at a couple of facts that were brought out in the hearing. First of all, it is important to note that drugs are harmful, and not because they are illegal. They are illegal and have been made illegal because they are harmful, and we had scientific evidence that supported that fact; in fact, a bibliography that would probably fill the entire CONGRESSIONAL RECORD, this edition anyway, of those who have looked at these illegal narcotics and have shown us exactly what happens to the body and the mind.

What was particularly interesting is some of the scientists produced X-rays of the brain, images of the brain, which showed the effect of methamphetamine on the brain and how the pattern of abuse begins to model some of the serious diseases that we see in brain scans that are done with people who have Parkinson's or Alzheimer's or other diseases of the brain. So these types of disabilities and diseases can be induced by illegal narcotics.

We have made drugs illegal because they are harmful. Increasing the availability of drugs through legalization would dramatically increase the harm to all of our citizens. One of the problems that we would have with legalization is, the main targets and the main problem that we have today, is our young people. If we look at the statistics, the statistics are just mind-boggling as far as use of illegal narcotics among our young people. It has leveled off some in the adult population. But, for example, the teenage use of heroin in the last 6 or 7 years has soared 875 percent in our teenage population. So no one would be harmed more than those that we are trying to protect, and that is our young people.

And the question was raised in our hearing and has been raised, too, in the Congress about the public's feeling on this subject. A 1998 poll of voters conducted by the Family Research Council found that 8 of 10 respondents rejected legalization of drugs like cocaine and heroin. So certainly the testimony provided by Mr. Boaz, or Cato, for legalizing these is opposed by a most recent poll, which states, and these numbers are provided by the Family Research Council, that 80 percent of Americans oppose legalization, and 7 out of the 10 are in very strong opposition. A 1999 Gallup poll found that 69 percent of Americans oppose the legalization of marijuana.

One of the items that our hearing focused on, and one of the reasons for the hearing, was that we have lost some of the battles in some of the States around the country on the question of legalization of marijuana for medical purposes. I plan to conduct additional in-depth hearings on that subject, but it is interesting, and we sort of scratched the surface in our hearings about what has been going on, about the tens of millions of dollars that have been coming in to promote this legalization.

Both our national drug czar, Barry McCaffrey, and others testified that they felt that the efforts to get a foothold on the legalization of what are illegal drugs today is being done through this highly-financed campaign to legalize marijuana for medical use. We will look, as I said, further at that question. But this poll says that 69 percent of Americans even oppose the legalization of marijuana.

Proponents argue that legalization is a cure-all for our Nation's drug problem. However, the facts that were brought out in our hearing show that legalization is not a panacea. In fact, the statistics and facts that were brought forth show that legalization and liberalization, in fact, becomes a poison. Legalization would dramatically expand America's drug dependence, significantly increasing societal costs of drug abuse, and put countless more people's lives at risk, and, again, particularly our young people.

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The legalization of drugs in the United States would lead to a disproportionate increase in drug use among our young people. Youth drug use, as I have said, has dramatically increased. And our youth drug use is also driven by additives. When young people perceive drugs as risky and socially unacceptable, our youth drug use drops.

We saw that in the Reagan and Bush administration. We had a President, a First Lady, and others who provided leadership and they started campaigns to "just say no." They started really an anti-narcotics effort, a real war on drugs. And that message really got through. Because drug use went down, down, down. Only since 1993, with this President and this administration, have we seen a reversal in that trend.

Legalization would send a strong message that taking drugs is safe and socially accepted behavior that should be tolerated among peers, and this would also go for children again who are most impressionable and do the most harm again among our young population. Such a normalization would play a major role in softening our youth attitudes, and ultimately I think we would see an even greater increase in drug use among our young people.

By increasing the rates of drug abuse, legalization would exact a tremendous cost on our society. This is another fact that was pointed out in our hearings. In fact, if drugs were legalized, the United States would see a significant increase in the number of drug users, the number of addicts, and the number of people dying from drug-related causes. And I will have a little bit more to point out on a couple of studies that were done in just a moment that confirm that.

While many of these costs would fall first and foremost on the drug user, countless others would also suffer if drugs were legalized. Contrary to what the liberal thought folks and legalizers would have us believe, drug use is not indeed a victimless crime. Legalizers will claim the fact that alcohol and tobacco, both legal substances for adults, cause so much harm to society that we should look at drugs and let drugs follow in their pattern.

According to their logic, we cannot get too much of a bad thing. That analogy is false. Law enforcement experts and prison statistics indicate that drug use is directly or indirectly related to 60 to 80 percent of the crime in the United States. And then, of course, they always point to different models. We talk about European models of Switzerland; and, of course, the most well-known is the Dutch model.

The Dutch adopted a soft approach to some drugs. And while they have adopted a softer approach, they have not legalized drugs. Under the Dutch system, possession and small sales of marijuana have been decriminalized. However, marijuana production and larger sales remain criminal. Drugs such as cocaine and heroin remain illegal.

When the Dutch coffee shops started selling marijuana in small quantities, the use of the drug more than doubled between 1984, when they began this, and 1996; and this is particularly among the young people, 18- to 25-year-olds.

In 1997, there was a 25-percent increase in the number of registered cannabis addicts receiving treatment, as compared to a mere three percent rise in the cases of alcohol use. This is interesting because it shows where they have a liberalization and legalization, they have increased addiction.

During this period, the Netherlands has also experienced a serious problem with other substances of abuse, in particular heroin and other synthetic drugs, which remain illegal. The number of heroin addicts in Holland almost tripled since the liberalization of drug policies was instituted.

Again, it shows that this liberal policy, when they liberalize with illegal narcotics, they pay for it on the other end. In most cases, crime does not dramatically drop off but what, in fact, happens is they create a whole new population of addicts.

Let me just show my colleagues, and we have used this chart before, but this is one of the most telling charts. We brought it in the hearing and I displayed it again in the hearing. This shows Baltimore. In Baltimore, in 1950, the population was over 900,000. In 1996, it was 675,000. In 1950, they had 300 heroin addicts. And these statistics were given to me by our Drug Enforcement Agency.

In 1996, as I said, the population dropped some 300,000. Although the City of Baltimore, which had a liberal policy and liberal leadership, had its heroin addict population rise to 38,985. Now, this is the statistic we had for 1996. In fact, I am told that the figure is closer to 50,000. It is almost really one per 10 in Baltimore.

So not only the Dutch model which we just cited but also the Baltimore model shows us that, as we liberalize, we end up, in fact, with this incredible population of addicts.

Now, and I used this in the hearing, if this model was continued in the United States and we legalized heroin, for example, we could have in the neighborhood of about 25 million heroin addicts in the United States. So it shows again, whether it is the Dutch model or the Baltimore model, that this does not work.

Now, we do pay a big price for all of the use that these illegal narcotics and abuse of illegal narcotics. I try to cite every week some of the latest findings or some of the latest news. I come from the State of Florida. I represent East Central Florida. Florida has been plagued by the toll of illegal narcotics.

This headline was in one of the local papers just within the last few weeks.

It says, "Illegal Drug Use Toll Soars." "Drug abuse is the main force in driving up hospital charges," the study indicates. The hospital tab just indicated in this study was $137.5 million in the State of Florida.

Let me read a little bit about what took place and what this study revealed. "A new State study," and again this is in the State of Florida,

> Details the high cost of drug abuse to our Floridian hospitals and also to the Florida taxpayers. The hospital costs for medical conditions, including poisoning, overdoses, and heart attacks triggered by drug abuse in the State, reached about $137.5 million in 1997, with cocaine and narcotics ranking as the most destructive. Those costs covered just the hospital charges and do not include doctors' time and other services and other things, such as outpatient care and other problems a patient might incur as a result of drug abuse. In its first drug hospitalization cost study, completed in May, the Agency for Health Care Administration said a total of 39,764 cases with drug abuse diagnosis was reported by Floridian hospitals in 1997, the most recent year of statistics that are available.

It is interesting also about this article, and it is a rather lengthy article and I am only citing part of it here, is that most of those affected in these cases, in fact, 59 percent of those who are hospitalized and incurred this cost were between age 15 and 39, the youngest part of our population again the victims of illegal narcotics.

Additionally, I like to update my colleagues on different articles about what drug abuse and illegal drug trafficking is doing. Earlier this year, "Florida Trend" produced their publication with a cover "High Times Special Report, Florida's Billion-Dollar Drug Business," another indication of the impact of illegal narcotics and drug trafficking in my State.

This article said, "High Times," that is the title, "The illegal drug industry has become a fixture in Florida's economy and nearly as corporate as Microsoft."

Let me just read a little bit. "Central Florida has become a major distribution hub and tested market for methamphetamines and especially for heroin, which killed more Central Floridians last year than homicide."

I have carried to the floor one of our headlines that said just recently that more people, particularly our young people in Central Florida, have died as a result of drug-related deaths than homicide.

This study also has some information by University of Miami Business Professor Robert Gross, who estimates that cocaine traffickers in Florida, including wholesalers and low-level dealers, earn in the neighborhood of $5.4 billion in this illegal trade. And the article goes on and on, in fact it is quite lengthy, telling about the impact of illegal narcotics, the effort to dispose of some of the income, which is all in cash. For every million dollars, it is estimated around 110 pounds of cash has to be laundered. Incredible figures in this drug war. That is in Florida.

Fairly recently a Texas publication, "The Texas Monthly," published a riveting story on "Teenage Wasteland" it is called, and that cited the death and destruction that drugs have brought to Plano, Texas.

I will just quote a little bit of that article. It says, "Now heroin has hit the city hard. There have been 15 fatal heroin overdoses in the past 2 years, nine of them teenagers, all but one younger than 23. They came from good homes, and they had bright futures." And it goes on to details. Another story of another community.

It is not just Florida our hearings have indicated. It is Texas, Minnesota, Iowa, California, the list goes on and on, of areas where we have had incredible problems from the impact of illegal narcotics.

I cited a little bit earlier the Baltimore model and the Dutch model, which were brought up in our hearings and provided as evidence in our hearings relating to legalization. We do know, however, that in fact top policies relating to illegal narcotics do work. There is no more telling evidence than the evidence that is supplied by DEA on the deaths in New York City. These are the decreases in the murder rate in New York City.

If we look back to the early part of this decade, they were averaging over 2,000 deaths in New York City according to this report again by DEA.

□ 2000

The tough policies of the mayor, a former prosecutor, Rudy Giuliani, have brought the latest tally of murders down to 629, a 70 percent decrease in murders in that city. It just shows again that tough enforcement policy does in fact work and is effective in reducing murders, drug abuse and drug-related crimes. There is no question about it. The statistics speak for themselves.

What I would also like to do tonight, in addition to talking about the hearing that we held last week, is talk about a hearing that we are going to hold tomorrow, and that is a hearing on extradition, and it relates to Mexico. As I have pointed out before, we know where the drugs are coming from.

Let me pull up another chart here. This chart shows where heroin is coming into the United States, its origin. Seventy-five percent of the heroin comes from South America. This is a dramatic change over a few years ago, mostly brought about as a result of the Clinton policies to stop drug interdiction, to stop the crop eradication programs, to take the military out of the war on drugs; to basically close down the war on drugs, that decision was made. We now see South America as the source of 75 percent of the heroin. We see smaller amounts, 5 percent from Southeast Asia and Southwest Asia is 6 percent. If we added Mexico in, we are looking at 89 percent of the heroin coming from Mexico, in South America.

The Clinton administration had a very specific policy of not providing assistance, arms, helicopters, resources in any way to Colombia. That is how Colombia got to be the number one producer of cocaine in the past 6 years. It was not even on the chart 6 years ago. The number one producer of heroin in the last 6 years. There was almost zero heroin or opium poppy grown in Colombia 6 years ago. Again, the direct result of this administration's policy was to have that country now become the major producer. That heroin and cocaine are transiting not only directly from Colombia but 60 to 70 percent of the hard drugs coming into the United States are transiting through Mexico. That includes cocaine, heroin and methamphetamines. Mexico has the distinction of being our number one producer of methamphetamines, but it also accounts for 60 to 70 percent of all the hard drugs coming into the United States and probably even a bigger percentage of marijuana.

For that reason, I intend to focus attention tonight, tomorrow and in the future on the problems we have had with Mexico, because in spite of the United States providing incredible trade benefits, financial support to Mexico, Mexico has snubbed its nose at the United States. They have gotten away with allowing this President, this administration, to certify Mexico as fully cooperating, and this administration, this President, have really made a sham of the certification process, because Congress passed a law back in 1986 that said the President must certify annually whether a country is fully cooperating with the United States in order to get foreign aid, trade and financial benefits. That is the law of the land. Now, they have certified Mexico as fully cooperating, in spite of the fact that Mexico, after repeated requests, have not extradited to date one Mexican national who is a major drug trafficker.

Tomorrow, our hearing will focus primarily on the question of Mexico becoming a haven for murderers and drug traffickers. According to testimony before our subcommittee by the Department of Justice recently, as of last month, there are currently about 275 outstanding requests for extradition of Mexican nationals. About 47 of these individuals are in custody in Mexico. Unfortunately, many of these individuals, including the individual we are talking about tomorrow in our hearing, who was convicted of a brutal slaying in southwest Florida of the mother, I believe, of six children, who fled this country and is charged with murder and we have had an extradition request for nearly 2 years, Mexico has ignored those requests, for 275 outstanding extradition requests and the Del Toro request. The Del Toro request again is the focus of our hearing tomorrow, a heinous crime, and after repeated requests this administration still has not extradited that individual. Tomorrow we hope to find out more of the details surrounding this case and put additional pressure on Mexico to act.

Unfortunately, what we have found in just our hearings to date is that the system of justice in Mexico is nearly completely broken, that bribes are paid to judges and to prosecutors, that the system of justice is corrupt and subject to corruption and that many of these individuals who we are seeking extradition of back to the United States to face justice which they fear, these individuals are gaming the system in Mexico. Now, Mr. Del Toro, who is wanted on a charge again of this heinous murder in southwest Florida, is not a Mexican national, he is a United States citizen. He was born in the United States. His parents were born in the United States. And he fled to Mexico and has used Mexico as a cover and again the corrupt Mexican judicial system to avoid prosecution, to avoid coming to the United States through extradition. We will find out why he and others have not been extradited.

In the area of narcotics violation, Mexican narcotics trafficking organizations facilitate the movement of between 50 and 60 percent of the almost 300 metric tons of cocaine consumed in the United States annually. Mexico is now the source, as we saw from the chart, of 14 percent of the heroin seized by law enforcement in this country. Just a few years ago, it was not even on the charts. Now they are becoming a major producer. And Mexico also takes the leading role and wins the Emmy award for being the chief smuggler of methamphetamine and the base ingredient for methamphetamine, as well as marijuana.

What again is a slap in the face to the United States Congress who requested over 2 years in a resolution passed on this floor the extradition of major drug traffickers, to date not one major drug trafficker has been extradited.

Let me just point out a few of those suspects who were most wanted and for whom we have asked for extradition. These will be a few of our most popular individuals tonight.

This is Rafael Caro-Quintero. Mr. Caro-Quintero is a Mexican national and a U.S. fugitive. He is incarcerated in Mexico on drug charges and the U.S. has asked that he be extradited. He has 22 pending U.S. criminal charges against him. His organization was responsible for sending tons of drugs into the United States. If anyone can deliver him to the United States, I think there is a multi-million-dollar award for his capture. We would like him extradited. We would like him to see justice in the United States of America.

Let me also bring up two more suspects we will talk about a little bit tomorrow and tonight. In fact, we have a family routine here. We have Luis and Jesus Amezcua. We have two brothers and a third here. The Amezcua brothers, there are three of them, are the chiefs of one of the world's largest methamphetamine trafficking organizations. Recently, despite overwhelming evidence, all Mexican drug charges have been dismissed. These drug dealers, and again the major identified methamphetamine dealers who are bringing that death and destruction into the United States have had their drug charges dismissed in Mexico. The Amezcuas, I believe two of them, are being held in custody on extradition orders from the United States but to date have not been extradited. Again the Mexican court, making a joke of justice even in their own country, have dropped charges against them. Another major methamphetamine kingpin, their younger brother, Adam, was released from prison in May. A Mexican appellate judge threw out trafficking and other charges against him. So we are also looking for the Amezcua brothers. I will say since we began our harangue against Mexico this year and pressure that we have brought and also legislation that has been introduced by myself, the gentleman from Florida (Mr. McCOLLUM), the gentleman from New York (Mr. GILMAN) and others that we are going to go after the assets of these major drug kingpins and other assets of some of those organizations that are related to these drug traffickers.

We have succeeded just in the last 2 weeks in getting the extradition of William Brian Martin. He was turned over, I believe, recently at the border. He was wanted on a whole bunch of charges. This individual is an American national. Again we have waited since 1993 for that extradition.

It is my hope through tomorrow's hearing that we can bring a murderer to justice in the United States and that we can shed light on how he has escaped justice and how he has used the Mexican judicial system to avoid extradition. We still have over 40 major Mexican drug traffickers.

Mr. Speaker, I ask to include in the RECORD a list of all of the major drug traffickers with outstanding extradition requests.

The list is as follows:

MAJOR MEXICAN DRUG TRAFFICKERS WITH OUTSTANDING EXTRADITION REQUESTS (SOURCE: DEA)

Agustin Vasquez-Mendoza
Ramon Arrellano-Felix
Rafael Caro-Quintero
Vincente Carrillio-Fuentes
Miguel Angel Martinez-Martinez
Antonio Reynoso-Gonzalez
Mario Antonio Hernandez-Acosta
Jesus Amezcua-Contreras
Arturo Paez-Martinez
Jaime Ladino-Avila
Jose Gerardo Alvarez-Vasquez
Luis Amezcua-Contreras

Mr. Speaker, again we will continue to bring to the Congress, to the House of Representatives, the problem that we face with illegal narcotics, the problem that we face in dealing with countries like Mexico where we have 60 to 70 percent of the hard drugs trafficking through that country into the United States, now becoming a source country of production and a country that has failed miserably in cooperating with extraditing both murderers and major drug traffickers to the United States. We hope additionally to get assistance from Mexico in signing a maritime agreement which we have requested for 2 years and they have ignored. We hope to get assistance from the Mexicans to aid our DEA agents to defend themselves while in Mexican territory, and there are just a handful of these brave DEA agents in that country. We hope, and we have some reports that Mexico is beginning to install radar in the south, and we hope to hold their feet to the fire because the drugs coming up from Colombia and South America transit through the south of Mexico. Finally, we want to seek the cooperation of Mexico in enforcing laws that they have passed dealing with illegal narcotics trafficking which they have really thumbed their nose at, including Operation Casa Blanca, a U.S. Customs operation where last year our Customs investigators uncovered a plot to launder hundreds of millions of dollars through banks and arrested individuals, indicted individuals, and Mexican officials knew about it and even so Mexico when these indictments and arrests were made threatened to arrest United States Customs officials and other U.S. law enforcement officers. So rather than cooperate fully as the law requires for certification, they have actually thumbed their nose at the United States.

□ 2015

So, Mr. Speaker, with those comments tonight, tomorrow we will hear more about Mexico and how it has become a haven for murderers and for drug traffickers, and we will return to the floor with additional information both to the Congress and the American people on the biggest social problem facing our Nation and the root problem to many of the crimes, the murders, the gun offenses that we see in this Nation. That is the problem of illegal narcotics.

EVENTS IN THE BALKANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Wisconsin (Mr. KIND) is recognized for 60 minutes as the designee of the majority leader.

Mr. KIND. Mr. Speaker, before I get into tonight's discussion, I want to first compliment my good friend from Florida (Mr. MICA) for his weekly reminder to this body and to the Nation about the evils of drugs and the drug war and the challenges that we still face as a Nation.

As a former prosecutor in western Wisconsin and special prosecutor in the State of Wisconsin, I saw up front and close and personal the evil effects that drugs have, not only in our society, but with individuals and the families and the communities in which the problem persists. And I look forward to working in the coming weeks and for the rest of this session with my friend from Florida to develop a comprehensive and commonsense policy in order to tackle this scourge in American society. But I do compliment him for all the wonderful work that he has done in committee and for this body for the sake of the Nation.

Mr. Speaker, what I like to do right now is kind of change gears a little bit. I rise today along with a few other colleagues who I anticipate will be joining me in a little bit to talk for a while about the events in the Balkans and, more specifically, our involvement in Kosovo. The events have been progressing quite rapidly over the last week and a half or so after Milosevic had finally agreed to capitulate.

Now I think now is a good opportunity for us to kind of stand back and take a look at the past, present conditions in the Balkans area and also the vision of the future in that area, as tenuous as it may be.

There is no question that, thus far, things seem to be progressing according to plan, knock on wood, but it is going to be a very difficult task of implementing the peace, of securing it. Now that we have won the conflict, it is vitally important that we do everything possible not to lose the war, and that is the next great challenge that we face as a Nation, as the leader of the NATO alliance for the sake of the European continent.

But let us give credit where credit is due tonight, Mr. Speaker, starting with the troops in the area. I had the opportunity, the privilege really, a few short weeks ago to be a part of a small congressional delegation of 10 other Members who headed over to the Balkans on a fact-finding mission.

It was really a threefold purpose for going over there. One was to meet with military command, the leadership there, and get an assessment from them.

Another reason for going was to meet with the troops in the field, make sure that everything that they needed in order to carry out their mission as safely and efficiently as possible was being delivered to them.

Finally, a chance to get into the refugee camps, meet with the Kosovar refugees, families, hear from them firsthand what terror and horror they had just been put through in Kosovo, the fortunate ones that were able to successfully leave the country.

It was a fascinating trip, it was incredibly emotional and very moving listening to the firsthand accounts of the innocent civilians who were forced out of the country and what had just taken place inside their villages and cities.

All of them had their own horror story to tell. Each of them explained in their own terms the terror that they had just survived. I did not encounter one person in those refugee camps, Mr. Speaker, who was not affected by the loss of a loved one, either someone who they had personally witnessed executed before their very eyes or who had fled, many of them up into the mountains to avoid the Serb forces.

And you cannot help but go to a region and experience what I think we did as a delegation and not be moved and profoundly affected by what has taken place in the Balkans.

But I do believe that was the right policy for the right reason at the right time, the NATO campaign against Milosevic. I also believe that credit should go to the 19 democratic nations of NATO who stood united and through their perseverance finally prevailed in getting Milosevic to capitulate and to end the atrocities in Kosovo.

I think it was a real show of determination and the very credibility of NATO and the U.S. leadership on the European continent, and as the leader of NATO was very much on the line.

But this policy has been difficult to explain to the folks back home in Wisconsin. I think by and large the people who I have had the opportunity to talk to about this and to elicit their opinions have felt very conflicted about our role in the Balkans and with the NATO air campaign.

They see, as everyone else does in the country, the horror image that has been reported on TV, and they have heard the stories, the plight of the Kosovar families, the ethnic cleansing and the atrocities that have taken place in Kosovo, and I think the natural reaction for most Americans is to try to do something to prevent that.

But on the other hand there was also the tug, the concern, that this could turn into a quagmire. It may be our next Vietnam in areas so far away that we knew very little about as far as the history and the peoples and the origins of the conflicts, the politics of the situation, the socioeconomic conditions in the Balkans, that people also felt conflicted about our active and leadership role in this campaign.

And so you get a lot of conflicting advice, as you can imagine, from folks back home. I have been certainly severely criticized in the press, letters to the editor, people on the street who come up to me who vehemently disagree with my support for the NATO campaign and my belief that it was in the United States' interests to be involved on the European continent again.

But hopefully what we have today is the dawn of the new era of peace, a lasting peace in the region, a peace that is going to finally see the removal of Slobodan Milosevic from power in Serbia, a peace that will see real democratic reform take place within the Balkan countries and a peace that will see the eventual inclusion of these Balkan nations into the community of nations in Europe as full-fledged partners in the European Union and perhaps even some day members of the NATO alliance itself.

Is this an illusion or a pipe dream? I really do not think so. But I think first and foremost the credit really does belong to those young men and women in American uniform who are being asked yet again in the 20th century to try to restore some peace and stability on a conflict-torn region called the European continent and to try to restore some humanity to the European continent.

I think the concern was as the 20th century entered in very bloody internecine warfare primarily in this region. The beginning of the 20th century that we were going to exit the 20th century under the same type of conditions, and I think today is a day where Americans can stand tall and feel proud about the role that the United States of America played in trying to help innocent civilians to end the atrocities that were being committed in Kosovo by Milosevic's forces and to try to bring some peace and stability to this continent, a continent that we have paid dearly with our own blood during the first half of the 20th century.

It was, after all, even though the United States was the first half of the century pursuing a policy of disengagement from Europe of isolationism, it was a single shot that rang out on the streets of Sarajevo, the capital of Yugoslavia, back in 1914 that provided the spark that led to the blaze that eventually engulfed all of Europe and ultimately drew the United States, reluctantly albeit, into the First World War at a tremendous cost and sacrifice to our Nation with the loss of young lives that were spilled on the continent of Europe.

And then in the shadow of the First World War and all of the conditions that were created in trying to form a lasting peace, we ultimately saw a Second World War just two short decades after the first one on the continent. But again, between the inter-war periods, the United States and the people in this country felt that it was not in our interest to be actively involved in

Europe, that we can retreat across the ocean again, pursue a policy of splendid isolationism, hope that the countries in Europe can settle their differences themselves and that things would just work out on their own, but unfortunately the efforts of Europe proved otherwise.

In fact, public opinion polling before the bombing of Pearl Harbor; yes, they did do some polling back then, too; revealed that the overwhelming majority of Americans felt that the problems on the European continent were not our problems, that it was something we should avoid at all costs, that we had our own issues and concerns to deal with within the continental United States and that the last thing we wanted to do was get dragged into the European conflict again.

And we tried pursuing that policy of splendid isolationism while at the same time FDR was trying to move the country into the realization that, no, we do have vital interests at stake regarding the stability and the peace in Europe. But it did take the bombing of Pearl Harbor on December 7, 1941, to arouse this Nation into action and again draw us into the Second World War as reluctant participants.

And the cost of those two world wars were tremendous. Over 500,000 young American lives lost during those two conflicts, over a million casualties we suffered. And at the end of the Second World War we made a policy change in the country, that never again should it be viewed in our interests to stand back and to let events go unheeded in Europe, that it was in our interests to remain engaged and to pursue a policy of peace and stability and promoting democratic reforms throughout the continent.

That is what gave rise, after all, to the Marshall Plan. We literally rebuilt Europe and Japan from the ashes of conflict from the Second World War, and it ultimately gave rise to the NATO alliance that has had U.S. leadership for the past 50 or so years.

And who can argue with the success of NATO? The last 50 years in Europe have been some of the most peaceful years that the continent has ever experienced, and I would submit it is in a large measure due to the United States participation, active involvement, with not only economic conditions in Europe, but the NATO military alliance, to provide some stability and to give these countries a chance to experience real democracy, real freedom, and liberties that we unfortunately at times take for granted in the United States.

But none of this could have been done without the tremendous commitment and professionalism exhibited by our U.S. troops throughout Europe, but especially in this conflict. It is truly amazing for me to have gone over there and to have met with many of the troops who are involved in carrying out their mission whether it was the logistical support base at Ramstein Air Force Base in Germany. And we met with the troops there providing assistance to the campaign or meeting with the pilots in Aviano, Italy, the F-15, the F-16 pilots carrying out the sortie missions over Kosovo, even spending half a day in Tirana, Albania, with Task Force Hawk, the Apache helicopter task force that was deployed, and they were ultimately employed in the Kosovo conflict.

But just meeting with these young men and women was truly inspiring, seeing their professionalism, the dedication, the commitment that they exhibited. No other Nation in the world, Mr. Speaker, could have done what the United States did do in this situation within a very short period of time, being able to deploy a force of that magnitude, deployed even in Albania in a short time period in which it was deployed and still dealing with the humanitarian catastrophe, the likes of which the continent has not seen since the Second World War. It was truly an amazing feat that I think America can be proud of given our logistical capabilities that do exist on the European continent.

And I just wish all Americans had the opportunity that I and the rest of my colleagues who went on that mission over to the Balkans to see and to meet these troops as I did. These are the young men and women who are day and night guarding the fence of freedom, protecting our security and maintaining our interests across the globe.

□ 2030

They are the best trained, the best capable military that the world has ever seen. I think they proved that in the Kosovo conflict.

But it has been a difficult policy to explain and to justify U.S. interests in the Balkans. However, I believe it was the right policy for the right reasons. If we are going to learn any lessons from the Second World War, it is that the United States should not stand idly by when we do have the capability to do something about it and watch the innocent slaughter of civilians in Europe, and in the Balkans in this instance.

It was not my first trip to the Balkans. I went over about a year ago and visited the NATO peacekeeping mission in Bosnia, a policy I believe has been extremely successful since the end of the hostilities in that country back in 1996. I also had a chance to visit the former Yugoslavian Republic back in 1990 as a student, Mr. Speaker, with a backpack on my back, traveling by myself throughout the region, when I, as a student of history, who loved to read a lot about European history in particular, saw the war clouds on the horizon after Milosevic came to power in 1989. I wanted to take that opportunity to get into that country quickly and meet the people throughout Yugoslavia, and other students, and get their reaction and their impression as to whether war was imminent and inevitable.

It was striking back then that those who I met were not convinced that this was necessarily and inevitably going to lead to warfare. In fact, many of them believed that it would have been catastrophic for those different ethnic groups to turn on one another. They were working incredibly hard back then to make economic progress, to have an integrated Yugoslavian area that could eventually be included into the European Union and the rest of the Western European continent for the benefits of trade and the economy. And they felt that it was senseless for them to turn on one another and to begin a conflict and to subject the region to war. But 6 short months after my visit to the region, sure enough, that is when the first fighting broke loose.

I think all too often when we get involved in these types of military conflicts across the globe, but here in particular, we tend to focus on the short term and on the specifics of the immediate situation. I think it is helpful from time to time to step back and get a historical perspective as far as what is happening around the countries and where all of this is leading. I think with that historical perspective, we have a lot of reason to be optimistic that we can see a lasting peace in the Balkans, a peace that will lead to democratic reforms and to economic integration into that region.

Let me just go down to the well in order to illustrate a point of what I am trying to get at. It is really a remarkable phenomenon that we have seen take place across Europe in the last decade or so. I think the historical trends that have been sweeping across Europe over the last 10 years are working in our favor when it comes to managing a lasting peace and an optimistic vision for the Balkans.

With that, let me descend into the well.

Mr. Speaker, what I put up here a little bit earlier is a map of Europe. The title of it is European Transition to Democratic Government, 1989–1999. Why is 1989 a significant date? Well, that is when the Berlin Wall fell, and that is when the collapse of communism and the Soviet Union occurred. That is when the Communist nations throughout Europe started to fall one right after another. I had a chance to visit Central Europe a few short months after the collapse of the Communist governments.

But what this map depicts, the blue area showing the countries in Western Europe show what nations had democratic governments before 1989, before the collapse of communism. We recognize the boot-shaped Italy, Spain, Great Britain, Norway, Sweden, but we can see how limited this map is before 1989 when it came to democratic governments that were already existing on the continent of Europe. But after the collapse of the Berlin Wall and the Communist regimes, the purple area demonstrates how democracy has since swept Europe and what countries now have been included into the fold of democratic nations. All of central Europe, including East Germany which is now a part of Germany; all of the former Soviet Union.

What the red portions of this map demonstrate are those nations that are still lagging behind in this great historical sweep of Europe, that are still dominated by authoritarian and dictatorial regimes, one of which is still right here in the heart of central Europe, Belarus; and the other happens to be the Yugoslav Republic under the Milosevic regime down here in the Balkans.

I think what this demonstrates all too well is that Milosevic in this situation is isolated. He is an island. He is surrounded by emerging democracies. I mean, who amongst us could have predicted that in 10 short years some of the most repressive Communist regimes in central Europe would today be flourishing democracies and full members of the European Union, and even members of the NATO Alliance itself, within 10 short years. That was unimaginable pre-1989. But, in fact, that has been the historical trend right now. It is only so long when one Communist dictator can withstand the force of historical events.

What we see here is a Serbia that is completely surrounded and isolated by emerging democracies; some that are full-fledged democracies, others that are well on the road to democratic reforms and democratic institutions. I think that, more than anything, gives us hope that it is going to be a matter of time, I think, in my own opinion, a matter of a very short time when Serbia and these Balkan nations are going to institute democratic reforms, when they are going to reject the authoritarian and criminal policies of Slobodan Milosevic and move to democratic institutions, have democratic elections, and then ultimately change the conditions which would allow their acceptance into the rest of Europe and into the European Union. That, for me, gives me a lot of hope, a lot of promise, really, that what we did in the Balkans, albeit very difficult in the short term, is going to be the right policy in the long term by giving these people a chance of realizing true peace and stability and allowing democratic reform to take place.

I think that is a message that we have not heard all that much of during the course of this conflict in the Balkans, during the NATO air campaign, is that we certainly have time on our side, and that Milosevic is facing irresistible forces throughout the continent of Europe, and that as long as we can continue to maintain the policy in the international community of isolating him, as has been accomplished now through the NATO air campaign, through the International War Crimes Tribunal issuing an indictment against Milosevic as a war criminal, the first time any sitting President of a nation has been indicted for war crimes, and also given the significant event of Russia coming over and accepting the NATO objectives during this campaign and further isolating Milosevic, he is basically left with no friends anymore in the international community.

That is what gives me a lot of hope that what we can see happen in this region is a very successful policy of engagement, leading to democratic reforms and leading to a Balkans area that will be included within the rest of the European community as far as democracy and economic integration is concerned. So I think certainly we have that possibility, we certainly have that capability right now, but the reports, the news stories coming out, at least right now, appears to show that things are working according to plan.

What I would like to do now is yield to my friend, the gentlewoman from Chicago, Illinois (Ms. SCHAKOWSKY), who is one of my colleagues who was able to join us on the trip over to the Balkans just a few short weeks ago.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from Wisconsin for organizing this intelligent and thoughtful and optimistic discussion, and for allowing me to participate.

From May 20 to May 24, we were both part of a congressional delegation to the Balkans that was led by the gentleman from Ohio (Mr. HOBSON) and the gentleman from Michigan (Mr. BONIOR), and due to the persistence really of the gentleman from Ohio (Mr. HOBSON), our delegation was able to get a firsthand picture of the situation in the days before the agreement was signed, a very comprehensive picture of the refugee camps and the troop deployment, and to meet with General Wesley Clarke. It was quite an informative and incredible trip.

The most poignant moment for me and I think for all of us came on Sunday, May 23, when we were at the Kosovo/Macedonia border of Blace when traumatized refugees began streaming, or, more appropriately, staggering, across the border. We were able to talk with them, and what we heard made us literally weep along with them. Stories of guns to the head, a grenade thrown into a family group; being driven from home with 5 minutes' notice; eating grass in the hills; hunger; terror; murder.

In a tent of some 15 women, I would say, and a few dozen children, it was eerily quiet. Those of us who have children know that when we get that many little kids together, it is usually noisy and a lot of energy. It was really silent in there. These women had no idea where their husbands were, and their children, of course, had no idea where their fathers were.

In another tent, a well-dressed man pointed to the wheelbarrow he had used to wheel his frail, elderly mother across the border. He was fine for a while in talking about what happened to his family, but then, when he talked about the wheelbarrow and pointed to his mother who was sitting on a blanket, he broke down. She was comforting him by saying, at least we are still alive. He did not know, however, if the same were true for his grown children.

The day that I came back, there was an e-mail waiting for me from a constituent that said, I quote, "I have serious reservations about your casual use of terms like atrocities, crimes against humanity, genocide." I guess that e-mail kind of hit me at the wrong moment, because after having talked to victims of and witnesses to the terror of the Serbian forces, I felt that these words were exactly appropriate.

And now, of course, we are learning more every day about the extent of the atrocities committed against the ethnic Albanian Kosovars. Estimates of the number dead keep rising. Evidence of torture abounds. Mass graves, rape, burned bodies, human shields, it is really hard to read the accounts.

Then the evening after our return, the gentlewoman from Illinois (Mrs. BIGGERT), who was also part of our delegation, and I cohosted a reception at the Holocaust Museum for our freshmen colleagues. At that event, Miles Lehrman, who is president of the Holocaust Council and a Holocaust survivor said, this is his quote: "It is here," he was talking about the museum, "It is here where you will fully comprehend that the Holocaust did not begin in Auschwitz or in any of the death camps. It began when lawmakers lacked the stamina to speak out against the constantly escalating evils. It is here where it will become clear to you what our role in Kosovo must be. It is here where you will see what can happen to a people who become mezmerized by a political charlatan who professed to simple answers to complex and difficult problems. It is here where you will be able to fortify your inner strengths, to stick to your convictions and speak your mind in your legislative deliberations, even at times when your opinion may not be most popular. It will strengthen your determination to stand alone, if need be, and speak truth to power."

That was Miles Lehrman, the president of the Holocaust Council.

I often speak of my granddaughter, Isabel, on this floor. She is now 15 months old. I thought about her when I thought about Kosovo and knew that if, when she grew up, she asked me what I did to stop the killing of innocent people, I wanted to tell her that I did the right thing. And when I listened to that brave survivor of the Holocaust, I heard him saying that we did the right thing to stop Milosevic.

But our job is not done yet. It will not be done until those mothers are reunited with their husbands who we hope are still alive; until the man and his mother are home, and the wheelbarrow is used in the garden again; and until our children start playing games of peace and not of war. And until the vision of the gentleman from Wisconsin, his vision of Europe that, with the help of the United States and NATO and the international community, can be a unified Europe working as part of a more unified international community, I think that was the ultimate goal of our mission there, and I hope very much that we can be part of achieving that goal as we move forward.

□ 2045

Mr. KIND. Mr. Speaker, I thank the gentlewoman for her comments and participation on this issue, and for traveling with me just a few weeks ago. It really was a moving, very emotional experience, I think, for all of us.

I have never seen a group of representatives, Mr. Speaker, who were quieter or more chagrined than we were when we boarded that bus at Blace, the refugee camp in northern Macedonia, having met with the families the moment they took their first steps out of Kosovo and talking to them, and hearing firsthand accounts of the atrocities and the terror that they were just put through.

Now we read the headlines of the recent days showing that what we feared is in fact materializing; that once NATO troops, the peacekeeping troops, were allowed to go into Kosovo along with the western media, who were specifically excluded during the 78-day air campaign, that the atrocities are even more magnified and even more horrific.

In fact, this headline in the papers a couple of days ago reads "Kosovo Albanians returning in droves," which is no surprise. When we talked with the families in the camps, they were very eager that once NATO prevailed, that they wanted to get back to their homes, which was a natural reaction.

What was interesting, however, was another reason they gave, for why they felt it was so important to get back to their homes as soon as possible. It was the same that thing that many Albanians and Muslims experienced during the Bosnia conflict just a few short years ago when Serb forces overran their towns. They stripped them of everything that they had, identity, identification papers, documents proving ownership of property.

And when they were eventually allowed to come back and resettle, it was very difficult for them to prove up ownership of their properties and of their homes. They were concerned the same thing was going to happen in Kosovo. In fact, they knew when they were expelled that many of the towns and villages were being laid waste and burned to the ground, but they were eager to get back see what did remain, and to lay claim again to their ownership and to their lands.

But the other subtitle to this article reads, "Serb-led Offensive Took 10,000 Lives, According to British Estimates." That figure was still higher than what the actual predictions were earlier. In fact, that number is being escalated every day with the revelation of more mass graves and the body counts that are coming with it. It was something that we feared at the time. Since we did not have people inside Kosovo that could give us firsthand accounts, other than the refugees themselves, it was very difficult to predict just the magnitude of the atrocities and the mass executions and mass graves that are now being uncovered.

Sure enough, now that the NATO peacekeeping troops are allowed in they are uncovering mass grave after mass grave, and the number is only going up and up and up. Again, I think our worst fears are being realized. I also believe that but for the NATO campaign, the atrocities would have been much more severe than what we are witnessing today.

There has been some criticism that because of the NATO campaign, it led to the brutality and to the ethnic cleansing that occurred in Kosovo. I happen to disagree with that, given historical indicators and facts. In fact, the policy of oppression within Kosovo itself and even Bosnia really began shortly after Milosevic came to power in 1989.

These were groups, provinces within Yugoslavia that enjoyed a form of self-autonomy during the Tito regime. Tito realized that given the ethnic diversity of the region, it made sense to allow them a form of self-autonomy, to allow them to practice their own religion and culture and have their own language.

But Milosevic came to power by nationalizing the issue and by claiming that Kosovo is Serbia. Immediately when he took power in 1989 he started cracking down on the ethnic Albanians within Kosovo, stripping them of their identity, of their culture and history, and even disallowing the use of their own language.

But the atrocities really started to be stepped up in the early 1998 period when Serb forces started moving in. That is when the negotiations between the West and Milosevic started. It was later in the year at Rambouillet where we were trying to reach a peaceful resolution to what was occurring in Kosovo.

But this is not something that started overnight. This was not a change in NATO policy. In fact, it was a policy that was clearly enunciated back in 1991 and 1992 within the NATO nations themselves, but also within the Bush administration, when President Bush clearly warned Milosevic that if he moved on Kosovo, that NATO would move on him. It was really a continuation of that policy into the Clinton administration and within the NATO alliance that ultimately led to the NATO air strike campaign against Milosevic's forces in Kosovo.

But I think we are going to see in the coming days more and more stories of the atrocities and the brutality that was perpetrated on these people within Kosovo.

Another article I think demonstrates a little bit of the ambivalence that not only the American people were feeling in the course of this campaign, but some of the troops themselves in the area.

It was interesting when I was in Aviano, Italy, talking to a lot of the pilots, asking them their opinion as far as the policy and whether or not this made sense and if it was working, one of the pilots came to me and said, if you could see what we see flying these missions over Kosovo, the lines of refugees streaming out, and you could tell where the line originated from because of the black plumes of smoke coming up from behind them of the burnt villages and burnt cities that they were fleeing from Serb forces, and the bodies strewn along the countryside, if you could see that as we are flying over the countryside it would remove any doubt that this is something we have to do.

In fact, in an article last week a couple of the other troops were interviewed. Let me just quote this. This was in USA Today. The headline reads "Marines Play Hurry Up and Wait."

"The moment arrives beneath a trash-strewn overpass in the heart of Skopje.

"Huddled in the shadows are dozens of children, some in underwear, others barefoot, each waving dirty hands formed into peace symbols.

"'Nah-toe! Nah-toe!' their cries thunder off the overpass walls.

"'Wow,' says Lance Corporal Jon Hager, 23, of Carlisle, Pa., at the wheel of a marine Humvee. . . .

"'I'll never forget it,' says Lt. John Marcinek, 28, of Rochester, N.Y., commander of the Marine Combined Anti-armor Team, which will be responsible for securing" the part of Southeast Kosovo that the United States is responsible for.

"Resting in the sizzling sun near the border with Kosovo, Marcinek searches out a pen and pad.

He says, "'I want to write my girlfriend and tell her this was the best experience that has ever happened to me,' says the former Utah ski bum. 'It hits you straight in the heart. The tears flowed.'"

"For Sergeant James Loy, the sight does nothing less than change his views on being in the Balkans.

He said, "'I'll be honest, until now I didn't really feel like we needed to be here. Until I saw those kids," and he has a 10-month-old son himself called Christopher. He went on to say, "'We do have a purpose here, and that's to get those kids back home. Some people in the U.S. think we're just here to kill. But we can help give these people their freedom back.'"

And get something monumental in return: "'This is our moment in history,'" he said. "'If people in the United States could see this now, they'd understand.'"

What is encouraging in recent days are some of the reports coming out of Serbia itself indicating that internal opposition to Milosevic is rising. This article reads "Serbian orthodox church urges Milosevic and his cabinet to quit."

Another article in today's paper, the Washington Post, entitled "Serbs From Kosovo Assail Government. Pro-Western Politicians Seek Elections."

Here the article reads "Last week, a 45-year-old Serbian lawyer named Dragan Antic fled his home in southern Kosovo for fear of ethnic Albanian guerillas who were beginning to pour into town. Today he stood in the center of Belgrade denouncing Yugoslav President Slobodan Milosevich as the source of his troubles.

"'It is Slobodan who is guilty,'" he shouted as police attempted to break up a protest rally by a hundred or so Serbs who had just recently fled Kosovo. "'What was the purpose of fighting this war if we had to give Kosovo away? Before the war we were living in our homes. Now we have nothing more than the clothes you see on our backs.'" "'Milosevic led us in the wrong direction,'" complained another displaced Serb. We should be entering the European Union and cooperating with the rest of the world. Instead, we are completely isolated.'"

Adding to the pressure on Milosevic, a pro-Western political opposition group announced plans today for a series of demonstrations to demand early parliamentary elections in Serbia.

I think what we are seeing is internal opposition starting to rise up against Milosevic, realizing that it is because of his policies in the region that has cost them their homes as a result, and that they realize that their future cannot any longer be tied into the brutal regime of the butcher of Belgrade. I think he has been so aptly named the butcher of Belgrade.

A couple more stories in the paper indicating what has transpired in recent days. "Framework for peace takes shape. Last Serb soldiers leave Kosovo." They had left 12 hours ahead of time, which allowed NATO to formally declare an ending of the NATO air campaign.

Then perhaps, most significantly, the KLA signs a peace agreement calling for the demilitarization of the KLA army. That is one of the key linchpins to a successful peaceful resolution and stability in the region, is that the KLA, the guerillas that were fighting against Milosevic's armies in Kosovo, are agreeing to disarm and to allow democratic reforms to take place in the country.

Here is one that really gives me a lot of hope: "KLA Chief Appeals to Serbs to Return. Political Leader Says Rebels Support 'Democratic Kosovo.'"

The political leader of the Kosovo Liberation Army said today that the ethnic Albanian rebel group is committed to building "a modern civil society" in the Serbian province, and appealed to fleeing Serbs to return to live in a democratic Kosovo, as long as they have not committed any crimes against their people.

I think these are all indications of what is transpiring in recent days that could give us a lot of hope to be optimistic regarding the success of our mission in Kosovo.

What I would like to do right now is to yield some time to one of our leaders in the Democratic Caucus, someone who has been at the forefront of this issue, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding to me. I want to congratulate the gentleman for focusing on this issue.

Mr. Speaker, I think it is important that we do so because I think we need to reflect upon what the lessons of this operation are. Many had doubts. Many were concerned that we were going to lose large numbers of people. Many were concerned that those who had been expelled from Kosovo would not want to go home. Many frankly were opposed to the President's leadership on this issue because they thought it was wrong.

Mr. Speaker, the butcher of Belgrade, however, is in full retreat. NATO's 78-day air campaign—operation allied force—has harnessed Slobodan Milosevic's unbridled barbarism. It is producing the results we knew it would. It has made the world, in my opinion, a safer place today.

When we look at Southeastern Europe tonight and compare it to the situation there just 3 months ago, what do we see? First, of course, as I have said, we see a weakened Milosevic, both at home and abroad. The gentleman from Wisconsin (Mr. KIND) mentioned and I will repeat that just this morning the Washington Post reported that demonstrations denouncing Milosevic's genocidal rampage in Kosovo have begun to occur in Belgrade. We expected them in Pristina, but they are occurring in Belgrade.

One Serb protester complained, and this bears repeating, as the gentleman from Wisconsin (Mr. KIND) just used this quote: "Milosevic lied to us. He led us in the wrong direction. We should be entering the European Union and cooperating with the rest of the world. Instead, we are completely isolated."

Second, we see 1.3 million Kosovars who were forced to flee their homeland or displaced within their province preparing to return home. We have some measure of confidence that the nightmarish scenes and gross violations of human rights in Kosovo are at an end and will not be replayed there soon.

Third, we see that unified, decisive action by NATO forces can repulse a ruthless dictator, protect and preserve the sanctity of human rights, and help stabilize the entire region.

Can anyone seriously question whether the threat to Macedonia or the Yugoslav Republic of Montenegro is less tonight because of NATO's unwavering action against Milosevic and his henchmen? No one can doubt that the same could not be said had we fallen prey to the isolationist experts who coached appeasement.

In 1940, as the European continent was about to explode into a Second World War, President Franklin Delano Roosevelt said of appeasement: "No man can tame a tiger into a kitten by stroking it. There can be no appeasement with ruthlessness. There can be no reasoning with the incendiary bomb."

Milosevic's ruthless actions, his rejection of reasoning during the entire decade, left us little alternative but to confront him with force.

Mr. Speaker, let me again repeat, for the entire decade. This was not something that was sprung on the West. In fact, in my opinion, the West waited too long. But it is never too late to do the right thing.

□ 2100

With President Clinton, an extraordinarily courageous and forceful Prime Minister of Great Britain, and other leaders in NATO who obviously had in their own parliaments voices of doubt, voices of nonsupport, they courageously stood as a NATO alliance to say that genocide will not stand in the bosom of Europe.

Fourth, we see that the credibility of the United States has been enhanced throughout the world. As William Kristol and Robert Kagan wrote recently in the Weekly Standard—Mr. Speaker, as I am sure my colleagues well know, neither Mr. Kristol nor Mr. Kagan are known as spinmeisters for the Clinton administration—but they said this: The victory in Kosovo should "send a message to would-be aggressors that . . . the United States and its allies can summon the will and the force to do them harm."

We have sent, I think, a very simple message to would-be aggressors in Europe and elsewhere. Do not do it. Do not do it. Do not do it. The West has the will, and the West clearly has the ability to confront you, stop you, defeat you, and drive you back. Do not do it.

If one takes aggressive hostile action against one's neighbors or one's own people, one will pay a very high price indeed.

Fifth, we see that a policy that recognizes and embraces basic human rights, decency, and democratic values is not just the right thing to do, but, Mr. Speaker, a strategic imperative. This policy, in this case, has been vindicated.

Syndicated columnist William Safire hit the nail on the head when he wrote recently: "International moral standards of conduct, long derided by geopoliticians, now have muscle."

Americans ought to be proud of their President, this Congress, and their young men and women in the armed forces of the United States who along with those in NATO made that quote possible. That the cynics, the realpolitiks of the world who said that we did not have a strategic interest there, that yes, of course, there was a moral imperative, but we did not have a strategic interest; therefore, perhaps as we did during the 1930s we ought to stand and simply watch, perhaps lament, perhaps wring our hand, but not take action. The cynics were wrong.

The Clinton administration with the support of this Congress not only unified, not always out front, but nevertheless united in our conviction that we would let this policy go forward and congratulate themselves for standing for what is right. Why? Because of NATO's unified unwavering action in Kosovo, we have made it clear that international wrongdoers can and will be confronted.

This does not mean we can intervene, Mr. Speaker, in every instance. As Secretary of State Madeleine Albright stated recently, and again I quote: "In coping with future crisis, the accumulated wisdom of the past will have to be weighed against the factors unique to that place and time."

Unfortunately, for Milosevic, Kosovo was the place and the time.

Finally, in closing let me state our efforts to secure peace in the Balkans are not over. We must keep the faith. We must keep our will. We must keep our focus. We must keep our ties to our allies strong and unbroken.

Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal at the Hague. He, Mr. Speaker, and those who committed crimes allied with him or, very frankly, those who committed crimes on the other side, must be held accountable.

Our policy goal now should be, not only his removal from office, but his being held accountable for the atrocities for which he is clearly responsible. If we do not, Mr. Speaker, if we do not hold those who have committed war crimes accountable, then I fear we will see a continuation of the cycle of violence and revenge that has plagued the Balkans for so many years.

If, however, we hold accountable those responsible, then there will not be cause for the victims and their families and their successors to again strike out, in vengeance to restore their honor.

We should encourage the Serbs to remove Milosevic and the brutal leaders who have caused this tragic suffering and misery. Serbia also must be clear about this. So long as Milosevic remains in power, it will not and should not receive financial assistance for its reconstruction. Humanitarian aid, yes. Reconstruction aid, economic aid, no.

Mr. Speaker, I am one of the Members of this House who has traveled to Macedonia and Albania, been to Pristina and Kosovo, and seen with my own eyes the devastation and the consequences of genocide. These images are seared into my memory forever.

We will not always be able to intervene to stop injustice wherever it occurs, but we have laid down a powerful precedent in Kosovo. Our credibility, as I said, earlier has been enhanced. NATO has been strengthened. A brutal dictator has been repulsed, and the cause for human rights has been advanced. If those are not good causes, Mr. Speaker, I do not know what are.

Again, Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KIND) who has himself been such a leader in this effort and who has ensured that the American public had the facts and were themselves focused on the objectives we sought, the means we used.

Parenthetically, let me say that we were extraordinarily lucky, the redress of the wrongs that were occurring, if they occur in the future, may not be as costless as this enterprise was. But having said that, the enterprise will be worth it.

Mr. KIND. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his comments and for the leadership that he has shown on this issue. What a long ways we have come in a short period of time when, just a few short weeks ago, this Chamber by a 213–213 vote tied on whether or not to even continue to support the NATO air campaign in the region. Now we are on the precipice of peace breaking out in the region.

A while back, I had a chance to have a conversation with Elie Wiesel, one of the Nazi concentration camp survivors, one of the foremost experts on the Holocaust. I asked him what his thoughts were in regards to the NATO air campaign in the Balkans.

What he said I thought really crystallized the issue, for me at least, in which he said, "Listen, the only miserable consolation that those people in the Nazi concentration camps had during the Second World War was the belief that, if the Western democracies of the world knew what was going on, they would do everything possible to try to stop it, bombing the rail lines, bombing the crematoriums." But history later showed that the western leaders did know, but they did not do anything to try to stop it.

This time is different. This time the Western democracies know, and they are intervening. This time, in his opinion at least, he feels we are on the right side of history in this situation.

With that, I yield to the gentleman from Texas (Mr. REYES) who was also one of my colleagues who joined us on the trip to the Balkans, Albania and Macedonia just a few weeks ago.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding to me. I am one of those that took the opportunity to go to the region, to the Balkans, and take a firsthand look at what was occurring.

I will tell my colleagues, Mr. Speaker, that I had an opportunity to go, not once, not twice, but three times into this region. In fact, on Easter Sunday, I was in Prague and had the opportunity to go to the NATO bunker that was recently admitted to the NATO alliance, the Czech Republic had made available.

That day that I was there, on Easter Sunday at that NATO bunker, the Czech Republic cleared 130 sorties to go through their airspace to bomb Yugoslavia. I mention that because it is very significant when we have heard over an over the last few weeks that, first of all, a bombing campaign would never work, a bombing campaign would not bring about the desired effect and the desired impact to force Milosevic to come to the peace table.

Interestingly enough, every time I heard that, it was being espoused normally by people that have never been on the receiving end of a bombing campaign or a mortar attack or any of those.

Having had the experience of Vietnam and having been involved in some of those attacks, I can tell my colleagues that there is nothing more taxing, more horrifying that makes one feel more helpless than being attacked by bombs or mortars.

So to those that were criticizing the strategy, I say it worked. It is something that we all have to recognize and give credit where credit is due to the President and to the whole NATO alliance.

We also heard over and over, what is our interest in the region? What kind of national interests could we possibly have? I think a number of my colleagues this evening have gone over that interest and that compelling and overwhelming obligation that we, as

Americans, can take full pride in tonight and in the coming days that President Clinton took the tough stand, made the tough decisions, and ultimately brought Milosevic to the peace table and provided us an opportunity to once more see how great we as a country and as a nation can be.

Even though over the past few weeks we have not all been in complete agreement, we have not all been satisfied that all the things that were happening and that were occurring were being done according to the strategy or according to the game plan, but one thing that we do know tonight and that we have known since Milosevic came to the peace table is that we have so many thousands of refugees that are grateful for the role that the United States and NATO played in giving them the opportunity to go back and regain what they had, go back and take hold of what we hope is the future, the rest of their lives in their home country, in their home turf.

We heard a lot of the pundits night after night after night telling the American people and the audience worldwide that the refugees that had left their homes would never want to go back. They were wrong. They were wrong, and they should admit it. Just like they were wrong about the air strategy and the bombing campaign that it would never work, it worked. They should admit it.

Part of the compelling story, part of what I hope is chronicled in this campaign and in this great humanitarian effort led by the United States and NATO is the tremendous impact that it had on many thousands of individuals of every size and every age and every description, many thousands of individuals that were forced to flee their homes.

I would ask the American people tonight to stop and reflect for a moment what would happen to them personally if they were to suffer this contend of trauma, a trauma that to us is unimaginable, to us it is incomprehensible because we cannot even begin to imagine what it would be like to be forced out of our homes and to be forced into the refugee camps and the conditions of which my colleagues and I had a first-hand look, and conditions that today are going to be resolved by allowing these refugees to go back to their homeland.

□ 2115

Mr. REYES. I am proud to be in the well of the House this evening to thank President Clinton and to thank the NATO alliance. Over and over in the past weeks we heard it would never hold together. It held together. It brought about the desired successful conclusion that is going to, I think, write yet another chapter in the great history of this country where we do not do things because they are easy, we do not do things because they are simple, but we do do things, no matter how difficult the task, because they are the right thing to do.

I am proud of the President, I am proud of our men and women in uniform, and I am proud of those of my colleagues that stood with our President.

Mr. KIND. Mr. Speaker, I wish to conclude by saying that, in the final analysis, someone had to stop Milosevic in Kosovo. And given the current geopolitical global lineup, that someone was us. I just hope and pray that for the sake of peace in the region, that what has started now will continue and we will see a lasting peace. And that our troops in the region, who are being asked to act as peacekeepers, will be able to do their jobs successfully, efficiently, and as quickly as possible so they can all return to their families safely.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TIAHRT (at the request of Mr. ARMEY) for today on account of attending his daughter's high school graduation.

Mr. GILCHREST (at the request of Mr. ARMEY) for today and June 23 on account of official business.

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for today and June 23 on account of official business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today through noon on Thursday, June 24th on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. NORTON, for 5 minutes today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, on June 24.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today, June 23 and June 24.

Mr. SOUDER, for 5 minutes, today.

ADJOURNMENT

Mr. KIND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 23, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2678. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—1999 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports [CN–99–002] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2679. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final—Raisins Produced From Grapes Grown In California; Final Free and Reserve Percentages for 1998–99 Zante Currant Raisins [Docket No. FV99–989–3 FIR] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2680. A letter from the Director, Test, Systems Engineering & Evaluation, Department of Defense, transmitting notification of intent to obligate funds for out-of-cycle FY 1999 FCT projects and FY 2000 in-cycle FCT projects, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

2681. A letter from the Secretary of Defense, transmitting a report regarding the FY 1999 acquisition and support workforce reductions; to the Committee on Armed Services.

2682. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of 40 CFR Part 70 Operating Permit Program; State of North Dakota [ND–001a; FRL–6360–3] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2683. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Revisions Regarding Negligibly Reactive Volatile Organic Compounds and Other Regulatory Revisions [CO–001–0027a, CO–001–0028a, & CO–001–0033a; FRL–6358–6] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2684. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Decorative Surfaces, Brake Shoe Coatings, Structural Steel Coatings, and Digital Imaging [MD–3039a; FRL–6357–5] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2685. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Motor Vehicle Inspection and Maintenance Program [PA 133–4087; FRL 6354–9] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2686. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 187–150; FRL–6358–3] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2687. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators; State of Iowa [IA 070–1070a] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2688. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Louisiana [LA–51–1–7413a; FRL–6360–8] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2689. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Texas [TX–108–1–7408a; FRL–6361–4] received June 11, 1999, pursuant to 5. U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2690. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 1990 NO$_x$ Base Year Emission Inventory for the Philadelphia Ozone Nonattainment Area [PA121–4088a; FRL–6361–5] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2691. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service Access Charge Reform [CC Docket No. 96–45; CC Docket No. 96–262] received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2692. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Changes to the Board of Directors of the National Exchange Carrier Association, Inc. Federal-State Joint Board on Universal Services [CC Docket No. 97–21; CC Docket No. 96–45] received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2693. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received June 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2694. A letter from the Governor, State of Kansas, transmitting a letter to President Clinton regarding the Roberts amendment in the Supplemental Appropriations bill now in conference committee; to the Committee on Commerce.

2695. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing the use in year 1999 of Economic Support Funds to provide a modest crowd-control training package for the Indonesian police in support of the June elections, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

2696. A letter from the Director, Office of Congressional and Intergovernmental Affairs, United States Information Agency, transmitting a report on U.S. Government-Sponsored International Exchanges and Training on a Review of the MESP and ATLAS Programs in South Africa; to the Committee on International Relations.

2697. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2698. A letter from the Comptroller General, transmitting a listing of new investigations, audits, and evaluations; to the Committee on Government Reform.

2699. A letter from the Governor, Commonwealth of the Northern Mariana Islands, transmitting a report prepared to clarify some of the statements in the Fourth Annual Report; to the Committee on Resources.

2700. A letter from the Attorney General, Department of Justice, transmitting the annual report on the status of the United States Parole Commission; to the Committee on the Judiciary.

2701. A letter from the Secretary of Transportation, transmitting a report on the methods that are used to implement and enforce the International Management code for the Safe Operation of Ships and for Pollution Prevention under Chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974, to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 216. Resolution providing for consideration of the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes (Rept. 106–193). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 217. Resolution providing for the consideration of the bill (H.J. Res. 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 106–194). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1653. A bill to approve a governing international fishery agreement between the United States and the Russian Federation (Rept. 106–195). Referred to the Committee on the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 218. Resolution providing for consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–196). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT:

H.R. 2290. A bill to suspend temporarily the duty on the chemical 2 Chloro Amino Toluene; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2291. A bill to implement certain restrictions on purchases from Federal Prison Industries by the Secretary of Defense; to the Committee on Armed Services.

By Mr. BACHUS:

H.R. 2292. A bill to amend the Foreign Assistance Act of 1961 to repeal the housing guaranty program under that Act; to the Committee on International Relations.

By Mr. BARTON of Texas (for himself and Mr. STENHOLM):

H.R. 2293. A bill to reform the budget process; to the Committee on the Budget, and in addition to the Committees on Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mrs. ROUKEMA, Ms. DELAURO, Mrs. MALONEY of New York, Mr. MATSUI, Mr. HOYER, Mr. FROST, Mr. BORSKI, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mrs. CAPPS, Ms. WOOLSEY, Mrs. THURMAN, Mr. HASTINGS of Florida, Mr. RUSH, Mr. ISAKSON, Mr. CLYBURN, Mr. GUTIERREZ, Mr. SANDERS, Mrs. TAUSCHER, Mr. COSTELLO, Mr. WYNN, Ms. NORTON, Ms. SANCHEZ, Ms. STABENOW, Ms. CARSON, Ms. MCCARTHY of Missouri, Mr. MCNULTY, Mr. HINCHEY, Mr. SHOWS, Mr. WEINER, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, Mr. CAPUANO, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. HILLIARD, Mr. SERRANO, Mr. SANDLIN, Mr. NEAL of Massachusetts, and Mr. MORAN of Virginia):

H.R. 2294. A bill to amend the Older Americans Act of 1965 to help prevent osteoporosis; to the Committee on Education and the Workforce.

By Mrs. CAPPS:

H.R. 2295. A bill to terminate the participation of the Forest Service in the Recreational Fee Demonstration Program and to offset the revenues lost by such termination by prohibiting the use of appropriated funds to finance engineering support for sales of timber from National Forest System lands; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 2296. A bill to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH:

H.R. 2297. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 2298. A bill to provide certain temporary employees with the same benefits as permanent employees; to the Committee on Education and the Workforce.

By Mr. EVANS:

H.R. 2299. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure proper treatment of temporary employees under employee benefit plans; to the Committee on Education and the Workforce.

By Mr. GOODLING (for himself, Mr. Hastert, Mr. Armey, Mr. DeLay, Mr. Watts of Oklahoma, Mr. Castle, Mr. Hoekstra, Mr. Ballenger, Mr. McKeon, Mr. Boehner, Mr. Schaffer, Mr. Norwood, Mr. Hilleary, Mr. Deal of Georgia, Mr. Fletcher, Mr. Tancredo, Mr. DeMint, Mr. Talent, Mr. Graham, Mr. Salmon, Mr. Petri, Mr. McIntosh, Mr. Greenwood, Mr. Sam Johnson of Texas, Mrs. Northup, Ms. Pryce of Ohio, Ms. Granger, Mr. Miller of Florida, Mr. Sessions, Mr. Franks of New Jersey, Ms. Dunn, Mrs. Myrick, Mr. Baker, Mr. Metcalf, Mr. Hill of Montana, Mr. Pitts, Mr. Sununu, Mr. Herger, Mr. Hefley, Mr. Hastings of Washington, Mr. Bartlett of Maryland, Mr. Doolittle, Mr. Bliley, Mr. Gary Miller of California, Mr. McInnis, Mr. Bachus, Mr. Blunt, Mr. Stump, Mr. Forbes, Mr. Smith of Michigan, Mr. Dickey, Mr. Peterson of Pennsylvania, Mr. Lewis of Kentucky, Mr. Hall of Texas, Mr. Hayes, Mr. Cannon, Mr. Smith of New Jersey, Mr. Shays, Mr. Portman, Mr. Packard, Mr. Royce, Mr. Knollenberg, Mr. Ewing, Mr. Cook, Mr. Pombo, Mr. Terry, Mr. Chambliss, and Mr. Hostettler):

H.R. 2300. A bill to allow a State to combine certain funds to improve the academic achievement of all its students; to the Committee on Education and the Workforce.

By Mr. HAYWORTH (for himself, Mr. Aderholt, Mr. Ballenger, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Bliley, Mr. Blunt, Mr. Calvert, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Coble, Mr. Collins, Mrs. Cubin, Mr. Cunningham, Mr. Doolittle, Mr. Duncan, Mrs. Emerson, Mr. English, Mr. Gibbons, Mr. Goode, Mr. Goodling, Mr. Graham, Mr. Hill of Montana, Mr. Hilleary, Mr. Istook, Mr. Jones of North Carolina, Mr. Kingston, Mr. Largent, Mr. Lucas of Oklahoma, Mr. Metcalf, Mr. Miller of Florida, Mr. Gary Miller of California, Mr. Nethercutt, Mr. Ney, Mr. Paul, Mr. Pitts, Mr. Riley, Mr. Rohrabacher, Mr. Royce, Mr. Ryan of Wisconsin, Mr. Salmon, Mr. Schaffer, Mr. Shaw, Mr. Simpson, Mr. Stump, Mr. Talent, Mr. Tiahrt, Mr. Traficant, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Wicker, and Mr. Young of Alaska):

H.R. 2301. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 2302. A bill to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building".; to the Committee on Government Reform.

By Mr. LARSON (for himself, Mr. Hastert, Mr. Gephardt, Mrs. Emerson, Mr. Udall of New Mexico, Mr. LaHood, Mr. Davis of Virginia, Ms. Eshoo, Mr. Shimkus, Mr. Kind, Mr. Wolf, Mr. Neal of Massachusetts, Mr. Underwood, Mr. Houghton, Mr. Lantos, Mr. Crowley, Mr. Gejdenson, Mr. Wu, Mr. Sanders, Mr. Bereuter, Mr. Stark, Mr. Frost, Mr. Waxman, Mr. Costello, Mr. LaFalce, Mr. Lewis of Georgia, Ms. Baldwin, Mr. McGovern, Ms. DeLauro, Mr. King, Mr. Hinchey, Mr. Markey, Mr. Blumenauer, Mr. Abercrombie, Mr. Metcalf, Mr. Weldon of Pennsylvania, Mr. Clay, Mr. Castle, Mr. Green of Texas, Mr. Conyers, Mr. Stump, Ms. McKinney, Mr. Kolbe, Mr. Bonior, Mr. Dingell, Mr. Blunt, Mr. Forbes, Mr. Ackerman, Mrs. Clayton, Mr. Quinn, Ms. Eddie Bernice Johnson of Texas, Mr. Holden, Mr. Udall of Colorado, Mr. Davis of Florida, Mr. Fattah, Mr. Goodling, Mr. Vento, Mr. Farr of California, Mr. Greenwood, Mr. Ehlers, Mr. Hoeffel, Ms. Pelosi, Mr. Skelton, Mr. Kildee, Ms. Kilpatrick, Mr. Moran of Virginia, Mr. McHugh, Mr. Maloney of Connecticut, Mr. Clyburn, Mrs. Meek of Florida, Mr. Traficant, Mr. Bliley, Mr. Matsui, Mr. Lucas of Oklahoma, Mr. Norwood, Mr. Romero-Barcelo, Mr. Filner, Ms. Roybal-Allard, Mrs. Thurman, Mr. Duncan, Mr. McNulty, Mr. Moore, Ms. Lee, Mr. Smith of Washington, Mr. Borski, Mrs. Jones of Ohio, Ms. Norton, Mr. Weiner, Mr. Ney, Mr. Brown of California, Mr. Hill of Indiana, Ms. Danner, Mr. Gonzalez, Ms. Rivers, Mr. Kennedy of Rhode Island, Mr. Rahall, Mr. Thompson of Mississippi, Mr. Meehan, Mr. Wynn, Mr. Ehrlich, Ms. Schakowsky, Mr. Pastor, Mr. Cooksey, Mr. Kucinich, Mr. Meeks of New York, Mr. Serrano, Mr. Blagojevich, Mr. Pitts, Mr. Rogan, Mrs. Christensen, Mr. Cunningham, Mr. Gallegly, Mr. Delahunt, Mr. Spence, Mr. Tancredo, Mr. Pomeroy, Mr. Davis of Illinois, Mr. Kleczka, Mr. Sensenbrenner, Mrs. Capps, Mr. Lipinski, Mr. Sabo, Mrs. Morella, Mr. Frelinghuysen, Mr. Pallone, Mrs. Kelly, Mr. Archer, Mr. Lewis of California, Mrs. Napolitano, Mr. Turner, Mr. Bass, Mr. Dixon, Mr. Phelps, Mr. Boucher, Mr. Murtha, Ms. Slaughter, Mr. Souder, Mr. Faleomavaega, Mr. Mica, Mr. Kanjorski, Mr. Ewing, Mr. Hilliard, Mr. Hoyer, Mr. Boyd, Mr. Smith of Michigan, Mrs. Mink of Hawaii, Mr. Scott, Mr. Bentsen, Mr. Peterson of Minnesota, Mr. Crane, Mr. Calvert, Mr. Walsh, Mr. Young of Florida, Mr. Shays, Mr. Sherman, Mr. Tierney, Mr. Goodlatte, Mr. Ganske, Mr. Ryun of Kansas, Mr. Porter, Mr. Berman, Mr. Stearns, Mr. Owens, Mr. Sawyer, Mr. Hulshof, Mr. Mollohan, Mr. Clement, Mr. Oxley, Mr. Horn, Mr. Sandlin, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Shaw, Mr. Upton, Mr. Berry, Mr. Hill of Montana, Mr. George Miller of California, Mrs. Lowey, Mr. Bateman, Mr. Barrett of Nebraska, Mr. Boehlert, Mr. Brady of Pennsylvania, Mr. Payne, Mr. Etheridge, Ms. Hooley of Oregon, Ms. Millender-McDonald, Mr. Ballenger, Mr. Capuano, Mr. Spratt, Mr. Shows, Mr. Sisisky, Mr. Tiahrt, Mr. Cummings, Ms. Lofgren, Mr. Green of Wisconsin, Mrs. Chenoweth, Mr. Reyes, Mr. Roemer, Mrs. Johnson of Connecticut, Mr. DeMint, Mr. Allen, Mr. Jones of North Carolina, Mr. Leach, Mr. Lampson, Mr. Callahan, Mr. Evans, Mr. Menendez, Mr. Hayworth, Mr. Olver, Mr. Saxton, Mr. Moakley, Ms. Sanchez, Mr. Gutierrez, Mr. Rush, Mr. Jenkins, Mr. Baldacci, Mr. Bishop, Mr. Bilbray, Mr. Mascara, Mr. Andrews, Mr. Baird, Ms. Berkley, Mr. Cardin, Mr. Gordon, Mr. Boswell, Mr. Dooley of California, Mrs. Fowler, Mr. DeFazio, Mr. Holt, Mr. McIntyre, Mr. Goode, Mr. Deal of Georgia, Mrs. Myrick, Mr. Foley, Mr. Thompson of California, Mr. Sweeney, Mr. Towns, Mr. Barrett of Wisconsin, Mr. Becerra, Mr. Ryan of Wisconsin, Mr. Toomey, Mr. Simpson, and Mr. Skeen):

H.R. 2303. A bill to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. MALONEY of Connecticut:

H.R. 2304. A bill to amend the Internal Revenue Code of 1986 to allow employers who maintain a self-insured health plan for their employees a credit against income tax for a portion of the cost paid for providing health coverage for their employees; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. Weygand, Ms. Berkley, Mr. Bonior, Mr. Brown of California, Ms. Carson, Mr. Davis of Illinois, Ms. DeLauro, Mr. Filner, Mr. Gutierrez, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Owens, Mr. Rangel, Mr. Tierney, and Mr. Towns):

H.R. 2305. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. Davis of Illinois, Mrs. Jones of Ohio, and Mrs. Clayton):

H.R. 2306. A bill to amend the qualification requirements for serving with the Census Monitoring Board; to the Committee on Government Reform.

By Mr. McGOVERN (for himself, Mr. Delahunt, Mr. Frank of Massachusetts, Mr. Tierney, Mr. Neal of Massachusetts, Mr. Meehan, Mr. Moakley, Mr. Capuano, Mr. Olver, and Mr. Markey):

H.R. 2307. A bill to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building"; to the Committee on Government Reform.

By Mr. PORTMAN (for himself, Mr. Becerra, Mr. Cunningham, Mr. Matsui, Mr. Armey, Mr. Watts of Oklahoma, Mr. Tanner, Mr. Jefferson, Mr. Kuykendall, Mrs. Thurman, Mr. Frost, Mr. Fletcher, Mr. Moakley, Mr. Farr of California, Mr. Shays, Mr. Latham, Mr. Cummings, Ms. Lee, Mr. Bilbray, Mr. Shows, Mr. Reyes, Mrs. Kelly, Mrs. Christensen, Mr. Filner, Mr. Pitts, Mr. Dooley of California, Mr. Scott, Mr. Pickering, Ms. Lofgren, Ms. Sanchez, Mr. Cook, Mrs. Napolitano, Mr. Green of Texas, Mr. McIntosh, Ms. Millender-McDonald, Ms. Carson, Mrs. Morella, Mr. Moran of Virginia, Mr. Nadler, Mr. Pastor, Mr. Kildee, Mr. Horn, Mr. Kennedy of Rhode Island, and Mr. Hinchey):

H.R. 2308. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and public libraries and to allow a tax credit for donated computers; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 2309. A bill to require group health plans and health insurance issuers to provide independent review of adverse coverage determinations; to the Committee on Education and the Workforce.

By Mr. SUNUNU:

H.R. 2310. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Ways and Means.

H.R. 2311. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Ways and Means.

H.R. 2312. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2313. A bill to restrict United States assistance for reconstruction efforts in Kosova to United States-produced articles and services; to the Committee on International Relations.

By Mr. WHITFIELD (for himself, Mr. Lewis of Kentucky, Mrs. Northup, Mr. Lucas of Kentucky, Mr. Rogers, Mr. Fletcher, Mr. Ney, Mr. McIntosh, Mr. Hilleary, and Mr. Bryant):

H.R. 2314. A bill to amend the Clean Air Act to exclude beverage alcohol compounds emitted from aging warehouses from the definition of volatile organic compounds; to the Committee on Commerce.

By Mr. TOWNS:

H. Con. Res. 138. Concurrent resolution expressing the sense of the Congress concerning the adverse impact of the current administration Medicare payment policy for noninvasive positive pressure ventilators on individuals with severe respiratory diseases; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. Greenwood, Mr. Waxman, Ms. Kilpatrick, Mr. McNulty, Mr. Capuano, Mr. Smith of Washington, Mr. Cook, Mr. Fattah, Mr. Brady of Pennsylvania, Mrs. Kelly, Mr. Blumenauer, Mr. Rush, Mr. Stearns, Mr. Jackson of Illinois, Mr. Gutierrez, Mr. Weldon of Pennsylvania, Mr. Bentsen, Mr. Thompson of Mississippi, Mr. Lampson, Ms. Millender-McDonald, Mr. Borski, Mr. Markey, and Mr. Green of Texas):

H. Con. Res. 139. Concurrent resolution recognizing the success of lay person CPR training in increasing the rate of survival of cardiac arrest and supporting efforts to enhance public awareness of the need for such training; to the Committee on Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. Delahunt, and Mr. Conyers):

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. Pallone, Mr. LaFalce, Mr. McDermott, Mr. Romero-Barcelo, Mr. George Miller of California, Mr. McNulty, Mr. Watt of North Carolina, Mr. Doyle, Mrs. Morella, Mr. Cummings, Mr. Crowley, Ms. Kilpatrick, Mr. Frost, Mr. Rahall, Mrs. Mink of Hawaii, Mr. Payne, Mr. Hilliard, Mr. Hinchey, Mr. Conyers, Mr. Gonzalez, Mr. Gilman, Mr. Wu, Mr. Cardin, Mr. Wexler, and Mr. Hall of Ohio):

H. Con. Res. 141. Concurrent resolution celebrating One America; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DICKS introduced a bill (H.R. 2315) for the relief of James Mervyn Salmon; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. Gephardt, Mr. Lipinski, Mr. Matsui, Mr. Levin, Mrs. Napolitano, and Mr. Barrett of Wisconsin.

H.R. 53: Mr. Kuykendall.

H.R. 65: Mr. Cunningham.

H.R. 110: Mr. Snyder.

H.R. 116: Mr. Bishop.

H.R. 125: Mr. Green of Texas, Mrs. McCarthy of New York, Mr. Weiner, and Mr. Towns.

H.R. 131: Mr. Romero-Barcelo.

H.R. 135: Ms. Slaughter.

H.R. 225: Mr. Brown of California, Mr. John, Mr. Lucas of Kentucky, Ms. Kilpatrick, Mrs. Morella, Mr. Udall of Colorado, Mr. Sherman, Mr. Peterson of Pennsylvania, Mr. Price of North Carolina, and Mrs. Mink of Hawaii.

H.R. 226: Mr. Engel and Mr. Barcia.

H.R. 239: Mrs. Morella, Mr. Berman, Mr. McDermott, Mr. McGovern, Mr. Ortiz, Mr. Neal of Massachusetts, Mr. Barrett of Nebraska, Mr. Lampson, Mr. Sawyer, and Ms. Kaptur.

H.R. 303: Mr. Cunningham, Mr. Towns, Ms. DeLauro, Mr. Mascara, and Mr. Traficant.

H.R. 363: Mr. DeFazio.

H.R. 371: Mr. Smith of Washington, Mr. Rahall, and Mrs. Meek of Florida.

H.R. 372: Mr. Doyle.

H.R. 423: Mr. English.

H.R. 483: Mr. Bachus and Mr. Olver.

H.R. 486: Mr. Scarborough, Mr. Turner, Mr. Bilbray, and Mr. Davis of Illinois.

H.R. 518: Mr. Lewis of Kentucky and Mrs. Cubin.

H.R. 527: Mr. Engel.

H.R. 531: Ms. DeLauro and Mr. Phelps.

H.R. 534: Mr. Skelton and Mr. Dickey.

H.R. 541: Ms. Lofgren.

H.R. 588: Mr. Paul.

H.R. 637: Mr. Wu.

H.R. 670: Mr. Foley, Mr. Bryant, Mr. Udall of New Mexico, and Mr. Larson.

H.R. 708: Mr. Cramer, Mr. Stump, and Mr. Quinn.

H.R. 721: Mr. Radanovich and Mr. DeFazio.

H.R. 732: Mr. Ramstad.

H.R. 739: Mr. Ganske, Mr. Barrett of Wisconsin, Mr. Moore, Ms. Lee, Mr. Kleczka, Mr. Stupak, Mr. Ackerman, Mr. Kucinich, and Mrs. Mink of Hawaii.

H.R. 740: Mr. Hilliard, Mr. Pastor, Ms. Lee, and Ms. Schakowsky.

H.R. 750: Mr. Boswell, Mr. Simpson, and Mr. Maloney of Connecticut.

H.R. 761: Mr. Gary Miller of California.

H.R. 776: Ms. Schakowsky.

H.R. 783: Mr. Ehlers.

H.R. 784: Mr. McHugh, Mr. Costello, Mrs. Myrick, and Mr. Price of North Carolina.

H.R. 828: Mr. Lucas of Kentucky.

H.R. 860: Ms. Lee.

H.R. 872: Ms. McKinney, Mr. Luther, and Mr. Engel.

H.R. 895: Ms. Baldwin, Mr. Holt, Ms. Eshoo, Mr. Rodriguez, and Mr. Gonzales.

H.R. 903: Mr. Engel.

H.R. 922: Mr. Calvert.

H.R. 933: Mr. McNulty and Mr. Rahall.

H.R. 961: Mr. Abercrombie, Mr. Brown of Ohio, Mr. Clay, Mrs. Clayton, Mr. Cummings, Mr. Engel, Mr. Lipinski, Mr. Nadler, Ms. Waters, Mr. Barrett of Wisconsin, and Ms. Lee.

H.R. 976: Mrs. Meek of Florida, Mr. Davis of Illinois, Mr. Martinez, and Ms. Woolsey.

H.R. 977: Mr. Romero-Barcelo and Mrs. Myrick.

H.R. 985: Mr. Burr of North Carolina.

H.R. 1041: Mr. Simpson.

H.R. 1063: Mr. Conyers, Mr. Hinchey, and Mr. McNulty.

H.R. 1068: Mr. Gilchrest, Mr. Deutsch, and Mr. Wynn.

H.R. 1071: Mr. Brady of Pennsylvania, Mr. Meehan, Mr. Levin, Mr. Thompson of Mississippi, Mr. Towns, Ms. Lee, and Mr. Maloney of Connecticut.

H.R. 1079: Mr. Strickland and Mr. Olver.

H.R. 1082: Ms. McCarthy of Missouri.

H.R. 1083: Mr. Lucas of Kentucky.

H.R. 1095: Mr. Waxman, Mr. Gejdenson, Ms. Kilpatrick, Mr. Weiner, Mr. Fattah, Mr. Kildee, Mr. Campbell, Mr. Udall of Colorado, Mr. Davis of Illinois, and Mr. Meeks of New York.

H.R. 1102: Mr. Crane, Mr. Baird, and Mr. Thompson of California.

H.R. 1108: Mr. Camp.

H.R. 1109: Mr. Barcia.

H.R. 1130: Ms. Woolsey.

H.R. 1175: Mr. Campbell, Mr. Ford, Mr. Hall of Ohio, Mr. King, Mr. Maloney of

Connecticut, Mr. OLVER, Mr. TIERNEY, Ms. STABENOW, and Mr. VENTO.

H.R. 1214: Mr. CAPUANO and Mr. CRAMER.

H.R. 1222: Mr. CHAMBLISS and Mr. OBERSTAR.

H.R. 1237: Mr. GOSS.

H.R. 1244: Mr. TERRY and Mr. ROEMER.

H.R. 1248: Mr. MCDERMOTT.

H.R. 1250: Mr. GONZALEZ.

H.R. 1256: Mr. BOUCHER and Mr. SWEENEY.

H.R. 1276: Mr. WAXMAN.

H.R. 1281: Mr. HASTINGS of Washington and Mr. RILEY.

H.R. 1286: Mr. CAPUANO.

H.R. 1292: Mr. TIERNEY.

H.R. 1293: Ms. SANCHEZ and Mr. BORSKI.

H.R. 1304: Ms. MCCARTHY of Missouri, Mr. PRICE of North Carolina, Mr. ISAKSON, Mr. MASCARA and Mr. SCOTT.

H.R. 1315: Mr. ROGAN.

H.R. 1355: Mr. STUPAK.

H.R. 1358: Mrs. BONO and Mr. FILNER.

H.R. 1366: Mr. POMBO, Mr. BEREUTER, and Mr. SHOWS.

H.R. 1381: Mr. HILLEARY, Mr. BARRETT of Nebraska, and Mr. BOEHNER.

H.R. 1399: Mr. CAPUANO, Ms. WOOLSEY, Mr. RANGEL, and Mr. ENGEL.

H.R. 1433: Mr. TANNER and Mrs. CUBIN.

H.R. 1469: Mrs. EMERSON.

H.R. 1485: Mr. ENGEL, Mr. WEINER, and Mr. NADLER.

H.R. 1505: Mr. BROWN of Ohio and Mr. PITTS.

H.R. 1568: Mr. BROWN of Ohio, Mr. BISHOP, Mr. REYES, Mr. SANDERS, Mr. BUYER, Mr. BAKER, Mr. LAHOOD, Mr. PETERSON of Minnesota, Mr. PASTOR, Mr. GREEN of Texas, Mr. COMBEST, Mr. CUMMINGS, Mrs. MYRICK, Mr. FORBES, Mr. HILL of Montana, Mr. DOOLEY of California, Mr. DEMINT, and Mrs. NAPOLITANO.

H.R. 1592: Mr. ISAKSON and Mr. STEARNS.

H.R. 1595: Mr. SHAYS.

H.R. 1598: Mr. CHAMBLISS, Mr. PICKERING, Mr. COLLINS, Mrs. JOHNSON of Connecticut, and Mr. NEY.

H.R. 1644: Mrs. NAPOLITANO, Mr. WATT of North Carolina, Mr. OBEY, Mr. DICKS, Mr. WEINER, Ms. CARSON, and Mr. GREENWOOD.

H.R. 1691: Mr. COBURN, Mr. HALL of Ohio, and Mr. WALDEN of Oregon.

H.R. 1702: Mr. THOMPSON of Mississippi, Ms. LEE, and Mr. GUTIERREZ.

H.R. 1739: Mr. PALLONE.

H.R. 1764: Ms. KAPTUR.

H.R. 1812: Mr. ACKERMAN.

H.R. 1814: Mr. HASTINGS of Washington, Mr. ANDREWS, Mr. TANNER, Mr. STUMP, Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. HOBSON, Mr. PRICE of North Carolina, Mr. CLEMENT, Mr. ROGAN, Mr. COMBEST, and Mr. LIPINSKI.

H.R. 1824: Mr. HILL of Montana.

H.R. 1827: Mr. SCHAFFER and Mr. LAZIO.

H.R. 1838: Mr. EHRLICH, Mrs. MYRICK, Mr. GARY MILLER of California, Mr. ENGLISH, Mr. BLILEY, Mrs. MORELLA, Mr. CRANE, Mr. HEFLEY, and Mr. DEAL of Georgia.

H.R. 1842: Mr. REYES, Mr. INSLEE, and Mr. SKELTON.

H.R. 1861: Mr. NUSSLE.

H.R. 1862: Mr. HOLDEN.

H.R. 1871: Mr. DIAZ-BALART, Mr. CAPUANO, and Mr. ROMERO-BARCELO.

H.R. 1874: Mr. METCALF and Mr. SOUDER.

H.R. 1884: Mr. ROMERO-BARCELO.

H.R. 1932: Ms. DELAURO.

H.R. 1967: Ms. WOOLSEY.

H.R. 1990: Mrs. MYRICK, Ms. KILPATRICK, Mr. DUNCAN, and Mr. MCINNIS.

H.R. 2028: Mr. ARMEY and Mr. MCNULTY.

H.R. 2038: Mr. SHAW.

H.R. 2056: Mr. HAYWORTH, Mr. COOK, Mr. SAXTON, and Mr. SHOWS.

H.R. 2066: Mr. DICKEY, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. SHOWS, Mr. MCHUGH, and Mr. COOKSEY.

H.R. 2077: Mr. OLVER, Mrs. TAUSCHER, and Mr. WEXLER.

H.R. 2096: Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, Mr. TOWNS, Mr. OWENS, and Mrs. MCCARTHY of New York.

H.R. 2116: Mr. COOKSEY and Mr. RODRIQUEZ.

H.R. 2136: Mr. CHAMBLISS and Mr. CALLAHAN.

H.R. 2175: Mr. FROST.

H.R. 2216: Mr. DELAHUNT, Ms. KILPATRICK, Mr. MEEHAN, Mr. HOBSON, Mrs. NORTHUP, and Mr. KASICH.

H.R. 2243: Mr. CAMPBELL.

H.R. 2260: Mr. BARTLETT of Maryland and Mr. CALVERT.

H.R. 2265: Mr. BONIOR, Mr. FORBES, Mr. DELAHUNT, Mr. PAUL, Mr. FATTAH, Mr. MATSUI, Mr. STARK, Mr. DOYLE, Mr. CONYERS, Mr. BORSKI, and Mr. THOMPSON of Mississippi.

H.R. 2282: Mr. SHOWS.

H.R. 2283: Mr. GILCHREST and Ms. BROWN of Florida.

H.J. Res. 35: Mr. GOODLATTE.

H.J. Res. 43: Mr. GOODLATTE.

H.J. Res. 55: Mr. SMITH of Michigan.

H. Con. Res. 60: Mr. LAHOOD, Ms. HOOLEY of Oregon, Ms. LEE, and Mr. DAVIS of Florida.

H. Con. Res. 74: Ms. KILPATRICK.

H. Con. Res. 77: Ms. HOOLEY of Oregon and Mr. GEJDENSON.

H. Con. Res. 107: Mr. NORWOOD.

H. Con. Res. 113: Mr. THOMPSON of Mississippi.

H. Con. Res. 124: Mr. ACKERMAN, Mr DEFAZIO, Mr. HINCHEY, and Mr. HASTINGS of Florida.

H. Con. Res. 130: Mr. MALONEY of Connecticut, Mr. EVANS, Mrs. CLAYTON, and Mr. STUPAK.

H. Res. 89: Mr. FORBES.

H. Res. 169: Mr. LUTHER.

H. Res. 187: Ms. ROS-LEHTINEN, Mr. MCNULTY, and Mr. FARR of California.

H. Res. 211: Mrs. JOHNSON of Connecticut, Ms. PRYCE of Ohio, Mr. SPENCE, Mr. MARTINEZ, Mr. JENKINS, and Mr. GIBBONS.

H. Res. 212: Mr. SHERMAN, Mr. RUSH, Ms. SCHAKOWSKY, and Mrs. MALONEY of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 804: Mr. FOLEY.

H.R. 815: Mr. CONYERS.

H.R. 987: Mr. TRAFICANT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1658

OFFERED BY: MR. GILMAN

AMENDMENT NO. 1: Page 6, line 5 insert before the semicolon the following:

", was not willfully blind to such conduct, and did not demonstrate a deliberate indifference to such conduct".

H.R. 1658

OFFERED BY: MR. GILMAN

AMENDMENT NO. 2: Page 6, line 5 insert before the semicolon the following:

", was not willfully blind to such conduct, or did not consent or was not privy to such conduct".

H.R. 1658

OFFERED BY: MR. GILMAN

AMENDMENT NO. 3: Page 15, insert after line 8 the following:

SEC. 7. CIVIL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 981 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting after subparagraph (F) the following:

"(G) Any property, real of personal—

"(i) used, or intended to be used, in committing or facilitating the commission of, or

"(ii) constituting, derived from, or traceable to any proceeds obtained, directly or indirectly, from,

an offense or conspiracy to commit an offense under section 1541, 1542, 1543, 1544, or 1546 of this title of an offense, or conspiracy to commit an offense under section 1028 of this title, if either conspiracy or offense was committed in connection with passport or visa issuance."; and

(2) in subsection (b)(1)—

"(C) subject to forfeiture to the United States under subsection (a)(1)(G) of this section in a case investigated by the Secretary of State may be seized by the Secretary of State.";

(3) by striking "the Attorney General, the Secretary of the Treasury, or the Postal Service" each place it appears (other than in subsection (b)(1)(C)) and inserting "the Attorney General, the Secretary of the Treasury, the Postal Service, or the Secretary of State";

(4) in subsection (i), by striking "the Attorney General or the Secretary of the Treasury" each place it appears and inserting "Attorney General, Secretary of the Treasury, or the Secretary of State;

(5) in subsection (j)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by adding at the end the following:

"(3) the term 'Secretary of State' means the Secretary of State or the Secretary's delegate."; and

(6) by adding after subsection (j) the following:

"(k) Notwithstanding any other provision of law, at the discretion of the Secretary of State and the Attorney General, property forfeited pursuant to a law enforced or administered by a Department of State law enforcement component may be deemed forfeited pursuant to a law enforced or administered by a Department of Justice law enforcement component.".

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 4: Page 2, line 12, strike "(A)".

Page 3, strike lines 1 through 8.

Page 15, insert after line 8 the following:

SEC. 7. CHALLENGES TO ADMINISTRATIVE FORFEITURES.

Section 981 of title 18, United States Code, is amended by adding at the end the following:

"(l) CHALLENGES TO ADMINISTRATIVE FORFEITURES.—

(1) Any motion to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609), as incorporated by subsection (d), must be filed not later than 2 years after the entry of the declaration of forfeiture. Such motion shall be granted if—

"(A) the moving party had an ownership or possessory interest in the forfeited property, and the Government failed to take reasonable steps to provide such party with notice of the forfeiture; and

"(B) the moving party did not have actual notice of the seizure within sufficient time to file a claim within the time period provided by law.

"(2) If the court grants a motion made under paragraph (1), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(3) If, at the time a motion made under this paragraph (1) is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (2) against a substitute sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

"(4) The institution of forfeiture proceedings under paragraph (2) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was initiated before the expiration of such limitations period.

"(5) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

"(6) This subsection shall apply to any administrative forfeiture under this section, and to any administrative forfeiture under the Controlled Substances Act, or under any other provision of law that incorporates the provisions of the customs laws."

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 5: Page 4, strike line 23 and all that follows through line 16 on page 5 and redesignate paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 6: Page 5, line 20, strike "by clear and convincing evidence" and insert "by a preponderance of the evidence".

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 7: Page 5, strike line 22 and all that follows through line 5 on page 9.

Page 15, after line 8 insert the following:

SEC. 7. INNOCENT OWNER DEFENSE.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 982 the following:

"§983. Innocent owners

"(a) An innocent owner's interest in property shall be forfeited in any judicial action under any civil forfeiture provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act of 1952.

"(b)(1) With respect to a property interest in existence at the time the illegal act giving rise to forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence—

"(A) that the person did not know that the property was being used or was likely to be used in the commission of such illegal act, or

"(B) that upon learning that the property was being used or was likely to be used in the commission of such illegal act, the person promptly did all that reasonably could be expected to terminate or to prevent such use of the property.

"(2) With respect to a property interest acquired after the act, giving rise to the forfeiture, took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence, that the person acquired the property as a bona fide purchaser for value who at the time of the purchase did not know and was reasonably without cause to believe that the property was subject to forfeiture. A purchaser is 'reasonably without cause to believe that the property was subject to forfeiture' if, in light of the circumstances, the purchaser did all that reasonably could be expected to ensure that he or she was not acquiring property that was subject to forfeiture.

"(3) Notwithstanding any provision of this section, no person may assert an ownership interest under this section in contraband or other property that it is illegal to possess. In addition, except as set forth in paragraph (2), no person may assert an ownership interest under this section in the illegal proceeds of a criminal act, irrespective of State property law.

"(c) For the purposes of this section—

"(1) an 'owner' is a person with an ownership interest in the specific property sought to be forfeited, including but not limited to a lien, mortgage, recorded security device or valid assignment of an ownership interest. An owner does not include—

"(A) a person with only a general unsecured interest in, or claim against, the property or estate of another person;

"(B) a bailee, unless the bailor is identified, and the bailor has authorized the bailee to claim in the forfeiture proceeding, pursuant to the Supplemental Rules for Admirality and Maritime Claims;

"(C) a nominee who exercises no dominion or control over the property; or

"(D) a beneficiary of a constructive trust; and

"(2) a person shall be considered to have known that his or her property was being used or was likely to be used in the commission of an illegal act if the government establishes the existence of facts and circumstances that should have created a reasonable suspicion that the property was being or would be used for an illegal purpose.

"(d) If the court determines, in accordance with this section, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

"(1) serving the property;

"(2) transferring the property to the government with a provision that the government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets, or if neither (1) or (2) is reasonably practical under all of the circumstances; and

"(3) permitting the innocent owner to retain the property subject to a lien in favor of the government to the extent of the forfeitable interest in the property. To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of State law.".

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 8: Page 9, strike line 6 and all that follows through line 2 on page 11.

Page 15, insert after line 8 the following:

SEC. 7. RETURN OF SEIZED PROPERTY.

Section 981 of title 18, United States Code, is amended by adding the following at the end:

"(k)(1) SUPPRESSION OF EVIDENCE.—A party with standing to challenge a seizure and forfeiture under this section may move to suppress the use of the property as evidence on the ground that the Government lacked probable cause at the time of the seizure. Suppression of the property as evidence shall not affect the right of the Government to proceed with a forfeiture action based on independently derived evidence.

"(2) RETURN OF SEIZED PROPERTY.—A person with standing to challenge the forfeiture of property seized under this section may file a motion for the return of the property in the manner described in Rule 41(e), Federal Rule of Criminal Procedure. If such motion is filed, the court shall conduct a hearing within 90 days and shall order the release of the property, pending trial on the forfeiture and the entry of judgment, unless—

"(A) the Government establishes probable cause to believe that the property is subject to forfeiture, based on all information available to the Government at the time of the hearing;

"(B) the Government has filed a civil forfeiture complaint against the property, and a magistrate judge has determined there is probable cause for the issuance of a warrant of arrest in rem pursuant to the Supplemental Rules for Admiralty and Maritime Claims;

"(C) a grand jury has returned an indictment that includes an allegation that the property is subject to criminal forfeiture;

"(D) the person filing the motion had notice of the Government's intent to forfeit the property administratively pursuant to 19 U.S.C. 1608, and failed to file a claim to the property within the specified time period;

"(E) the property is contraband or other property that the moving party may not legally possess; or

"(F) the property is needed as evidence in a criminal investigation or prosecution.".

"(3) COMPLAINT; MOTION TO DISMISS.—A party with standing to challenge a forfeiture under this section may move to dismiss the complaint for failure to comply with Rule E(2) of the Supplemental Rules, or on any other ground set forth in Rule 12(b) of the Federal Rules of Civil Procedure. Notwithstanding the provision of section 615 of the Tariff Act of 1930 (19 U.S.C. 1615), a party may not move to dismiss the complaint on the ground that the evidence in the possession of the Government at the time it filed its complaint was insufficient to establish the forfeitability of the property.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 9: Page 14, strike line 20 and all that follows through line 8 on page 15.

Page 15, insert after line 8 the following:

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—Unless otherwise specified in this Act, the amendments made by this Act apply to forfeiture proceedings commenced on or after the date of the enactment of this Act.

(b) ADMINISTRATIVE FORFEITURES.—The amendments in this Act relating to seizures and administrative forfeitures shall apply to seizures and forfeitures occurring on or after the 60th day after the date of the enactment of this Act.

(c) CIVIL JUDICIAL FORFEITURES.—The amendments in this Act relating to judicial procedures applicable once a civil forfeiture complaint is filed by the Government shall apply to all cases in which the forfeiture complaint is filed on or after the date of the enactment of this Act.

H.R. 1658

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 10: Page 15, insert after line 8 the following:

SEC. 8. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by inserting the following at the end.

"§ 2467. Fugitive disentitlement

"Any person who, in order to avoid criminal prosecution, purposely leaves the jurisdiction of the United States, declines to enter or re-enter the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court where a criminal case is pending against the person, may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 163 of title 28, United States Code, is amended by inserting the following at the end:

"2467. Fugitive disentitlement".

H.R. 1658

OFFERED BY: MR. HUTCHINSON

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 11: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Civil Asset Forfeiture Reform Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Prejudgment and postjudgment interest.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting the following new section after section 982:

"§ 983. Civil forfeiture procedures

"(a) ADMINISTRATIVE FORFEITURES.—(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to have an ownership or possessory interest, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the seizing agency's determination of the identity of the party or the party's interest.

"(B) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

"(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

"(3) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609). Such motion shall be granted if—

"(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

"(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).

"(4) If the court grants a motion made under paragraph (3), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(5) If, at the time a motion under this subsection is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (4). The property which will be the subject of the forfeiture proceedings instituted under paragraph (4) shall be a sum of money equal to the value of the forfeited property at the time it was disposed of plus interest.

"(6) The institution of forfeiture proceedings under paragraph (4) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was completed before the expiration of such limitations period.

"(7) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

"(b) FILING A CLAIM.—(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

"(2) A claim under paragraph (1) may not be filed later than 30 days after—

"(A) the date of final publication of notice of seizure; or

"(B) in the case of a person receiving written notice, the date that such notice is received.

"(3) The claim shall set forth the nature and extent of the claimant's interest in the property.

"(c) FILING A COMPLAINT.—(1) In cases where property has been seized or restrained by the Government and a claim has been filed, the Attorney General shall file a complaint for forfeiture in the appropriate court in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims not later than 90 days after the claim was filed, or return the property pending the filing of a complaint. By mutual agreement between the Government and the claimants, the 90-day filing requirement may be waived.

"(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1). Such an extension shall be granted based on a showing of good cause.

"(3) Upon the filing of a civil complaint, the claimant shall file a claim and answer in accordance with the Supplemental Rules for Certain Admiralty and Maritime Claims.

"(d) APPOINTMENT OF COUNSEL.—(1) If the person filing a claim is financially unable to obtain representation by counsel and requests that counsel be appointed, the court may appoint counsel to represent that person with respect to the claim. In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account—

"(A) the nature and value of the property subject to forfeiture, including the hardship to the claimant from the loss of the property seized, compared to the expense of appointing counsel;

"(B) the claimant's standing to contest the forfeiture; and

"(C) whether the claim appears to be made in good faith or to be frivolous.

"(2) The court shall set the compensation for that representation, which shall be the equivalent to that provided for court-appointed representation under section 3006A of this title, and to pay such cost, there are authorized to be appropriated such sums as are necessary as an addition to the funds otherwise appropriated for the appointment of counsel under such section.

"(3) The determination of whether to appoint counsel under this subsection shall be made following a hearing at which the Government shall have an opportunity to present evidence and examine the claimant. The testimony of the claimant at such hearing shall not be admitted in any other proceeding except in accordance with the rules which govern the admissibility of testimony adduced in a hearing on a motion to suppress evidence. Nothing in this paragraph shall be construed to prohibit the admission of any evidence that may be obtained in the course of civil discovery in the forfeiture proceeding or through any other lawful investigative means.

"(e) BURDEN OF PROOF.—In all suits or actions brought for the civil forfeiture of any property, the burden of proof at trial is on the United States to establish, by a preponderance of the evidence, that the property is subject to forfeiture. If the Government proves that the property is subject to forfeiture, the claimant shall have the burden of establishing any affirmative defense by a preponderance of the evidence.

"(f) INNOCENT OWNERS.—(1) An innocent owner's interest in property shall not be forfeited in any civil forfeiture action.

"(2) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place, the term 'innocent owner' means an owner who—

"(A) did not know of the conduct giving rise to the forfeiture; or

"(B) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

"(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property, was a bona fide purchaser for value and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture.

"(B) Except as provided in paragraph (4), where the property subject to forfeiture is real property, and the claimant uses the property as his or her primary residence and is the spouse or minor child of the person who committed the offense giving rise to the forfeiture, an otherwise valid innocent owner claim shall not be denied on the ground that the claimant acquired the interest in the property—

"(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

"(ii) in the case of a minor child, as an inheritance upon the death of a parent,

and not through a purchase. However, the claimant must establish, in accordance with subparagraph (A), that at the time of the acquisition of the property interest, the claimant was reasonably without cause to believe that the property was subject to forfeiture, and was an owner of the property, as defined in paragraph (6).

"(4) Notwithstanding any provision of this section, no person may assert an ownership interest under this section—

"(A) in contraband or other property that it is illegal to possess; or

"(B) in the illegal proceeds of a criminal act unless such person was a bona fide purchaser for value who was reasonably without cause to believe that the property was subject to forfeiture.

"(5) For the purposes of paragraph (2) of this subsection a person does all that reasonably can be expected if the person takes all steps that a reasonable person would take in the circumstances to prevent or terminate the illegal use of the person's property. There is a rebuttable presumption that a property owner took all the steps that a reasonable person would take if the property owner—

"(A) gave timely notice to an appropriate law enforcement agency of information that led to the claimant to know the conduct giving rise to a forfeiture would occur or has occurred; and

"(B) in a timely fashion, revoked permission for those engaging in such conduct to use the property or took reasonable steps in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

The person is not required to take extraordinary steps that the person reasonably believes would be likely to subject the person to physical danger.

"(6) As used in this subsection—

"(A) the term 'civil forfeiture statute' means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

"(B) the term 'owner' means a person with an ownership interest in the specific property sought to be forfeited, including a lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

"(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

"(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

"(iii) a nominee who exercises no dominion or control over the property;

"(C) a person shall be considered to have known that the person's property was being used or was likely to be used in the commission of an illegal act if the person was willfully blind.

"(7) If the court determines, in accordance with this subsection, that an innocent owner had a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

"(A) severing the property;

"(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

"(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government, to the extent of the forfeitable interest in the property, that will permit the Government to realize its forfeitable interest if the property is transferred to another person.

To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of state law.

"(8) An innocent owner defense under this subsection is an affirmative defense.

"(g) MOTION TO SUPPRESS SEIZED EVIDENCE.—At any time after a claim and answer are filed in a judicial forfeiture proceeding, a claimant with standing to contest the seizure of the property may move to suppress the fruits of the seizure in accordance with the normal rules regarding the suppression of illegally seized evidence. If the claimant prevails on such motion, the fruits of the seizure shall not be admitted into evidence as to that claimant at the forfeiture trial. However, a finding that evidence should be suppressed shall not bar the forfeiture of the property based on evidence obtained independently before or after the seizure.

"(h) USE OF HEARSAY AT PRE-TRIAL HEARINGS.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

"(i) STIPULATIONS.—Notwithstanding the claimant's offer to stipulate to the forfeitability of the property, the Government shall be entitled to present evidence to the finder of fact on that issue before the claimant presents any evidence in support of any affirmative defense.

"(j) PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE.—The court, before or after the filing of a forfeiture complaint and on the application of the Government, may—

"(1) enter any restraining order or injunction in the manner set forth in section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e));

"(2) require the execution of satisfactory performance bonds;

"(3) create receiverships;

"(4) appoint conservators, custodians, appraisers, accountants or trustees; or

"(5) take any other action to seize, secure, maintain, or preserve the availability of property subject to forfeiture under this section.

"(k) EXCESSIVE FINES.—(1) At the conclusion of the trial and following the entry of a verdict of forfeiture, or upon the entry of summary judgment for the Government as to the forfeitability of the property, the claimant may petition the court to determine whether the excessive fines clause of the Eighth Amendment applies, and if so, whether forfeiture is excessive. The claimant shall have the burden of establishing that a forfeiture is excessive by a preponderance of the evidence at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure, by the Court without a jury. If the court determines that the forfeiture is excessive, it shall adjust the forfeiture to the extent necessary to avoid the Constitutional violation.

"(2) The claimant may not object to the forfeiture on Eighth Amendment grounds other than as set forth in paragraph (1), except that a claimant may, at any time, file a motion for summary judgment asserting that even if the property is subject to forfeiture, the forfeiture would be excessive. The court shall rule on such motion for summary judgment only after the Government has had an opportunity—

"(A) to conduct full discovery on the Eighth Amendment issue; and

"(B) to place such evidence as may be relevant to the excessive fines determination before the court in affidavits or at an evidentiary hearing.

"(l) PRE-DISCOVERY STANDARD.—In a judicial proceeding on the forfeiture of property, the Government shall not be required to establish the forfeitability of the property before the completion of discovery pursuant to the Federal Rules of Civil Procedure, particularly Rule 56(f) as may be ordered by the court or if no discovery is ordered before trial.

"(m) APPLICABILITY.—The procedures set forth in this section apply to any civil forfeiture action brought under any provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act.".

(b) RELEASE OF PROPERTY.—Chapter 46 of title 18, United States Code, is amended to add the following section after section 984:

"§ 985. Release of property to avoid hardship

"(a) A person who has filed a claim under section 983 is entitled to release pursuant to subsection (b) of seized property pending trial if—

"(1) the claimant has a possessory interest in the property sufficient to establish standing to contest forfeiture and has filed a nonfrivolous claim on the merits of the forfeiture action;

"(2) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

"(3) the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the claimant from working, leaving the claimant homeless, or preventing the functioning of a business;

"(4) the claimant's hardship outweighs the risk that the property will be destroyed, damaged, lost, concealed, diminished in value or transferred if it is returned to the claimant during the pendency of the proceeding; and

"(5) none of the conditions set forth in subsection (c) applies;

"(b)(1) The claimant may make a request for the release of property under this subsection at any time after the claim is filed. If, at the time the request is made, the seizing agency has not yet referred the claim to a United States Attorney pursuant to section 608 of the Tariff Act of 1930 (19 U.S.C. 1608), the request may be filed with the seizing agency; otherwise the request must be filed with the United States Attorney to whom the claim was referred. In either case, the request must set forth the basis on which the requirements of subsection (a)(1) are met.

"(2) If the seizing agency, or the United States Attorney, as the case may be, denies the request or fails to act on the request within 20 days, the claimant may file the request as a motion for the return of seized property in the district court for the district represented by the United States Attorney to whom the claim was referred, or if the claim has not yet been referred, in the district court that issued the seizure warrant for the property, or if no warrant was issued, in any district court that would have jurisdiction to consider a motion for the return of seized property under Rule 41(e), Federal Rules of Criminal Procedure. The motion must set forth the basis on which the requirements of subsection (a) have been met and the steps the claimant has taken to secure the release of the property from the appropriate official.

"(3) The district court must act on a motion made pursuant to this subsection within 30 days or as soon thereafter as practicable, and must grant the motion if the claimant establishes that the requirements of subsection (a) have been met. If the court grants the motion, the court must enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including permitting the inspection, photographing and inventory of the property, and the court may take action in accordance with Rule E of the Supplemental Rules for Certain Admiralty and Maritime Cases. The Government is authorized to place a lien against the property or to file a lis pendens to ensure that it is not transferred to another person.

"(4) If property returned to the claimant under this section is lost, stolen, or diminished in value, any insurance proceeds shall be paid to the United States and such proceeds shall be subject to forfeiture in place of the property originally seized.

"(c) This section shall not apply if the seized property—

"(1) is contraband, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a business which has been seized,

"(2) is evidence of a violation of the law,

"(3) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

"(4) is likely to be used to commit additional criminal acts if returned to the claimant."

"(d) Once a motion for the release of property under this section is filed, the person filing the motion may request that the motion be transferred to another district where venue for the forfeiture action would lie under section 1355(b) of title 28 pursuant to the change of venue provisions in section 1404 of title 28.".

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 46 of title 18, United States Code, is amended—

(1) by inserting after the item relating to section 982 the following:

"983. Civil forfeiture procedures"; and

(2) by inserting after the item relating to section 984 the following:

"985. Release of property to avoid hardship".

(f) CIVIL FORFEITURE OF PROCEEDS.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C) by inserting before the period the following: "or any offense constituting 'specified unlawful activity' as defined in section 1956(c)(7) of this title or a conspiracy to commit such offense"; and

(2) by striking subparagraph (E).

(d) UNIFORM DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, as amended by subsection (c), is amended—

(A) in paragraph (1), by striking "gross receipts" and "gross proceeds" wherever those terms appear and inserting "proceeds"; and

(B) by adding the following after paragraph (1):

"(2) For purposes of paragraph (1), the term 'proceeds' means property of any kind obtained, directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the commission of the offense. In a case involving the forfeiture of proceeds of a fraud or false claim under paragraph (1)(C) involving billing for goods or services part of which are legitimate and part of which are not legitimate, the court shall allow the claimant a deduction from the forfeiture for the amount obtained in exchange for the legitimate goods or services. In a case involving goods or services provided by a health care provider, such goods or services are not 'legitimate' if they were unnecessary.

"(3) For purposes of the provisions of subparagraphs (B) through (H) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, only the portion of such property derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment."

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking "law-enforcement" and inserting "law enforcement"; and

(2) by inserting before the period the following: ", except that the provisions of this chapter and section 1346(b) of this title do apply to any claim based on the destruction, injury, or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if the property was seized for the purpose of forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense but the interest of the claimant is not forfeited".

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the United States Government and arose within the scope of employment.

SEC. 4. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2465 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Upon"; and

(2) adding at the end the following:

"(b) INTEREST.—

"(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

"(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

"(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

"(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

"(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.".

H.R. 1658

OFFERED BY: MR. HYDE

AMENDMENT NO. 12: Page 8, line 10, redesignate paragraph (8) as paragraph (9), and insert after line 9 the following:

"(8) When a State or local law enforcement agency participated directly in the seizure or forfeiture of property forfeited under any civil forfeiture statute, that part of the property to be transferred to any State and local entities shall be distributed according to the rules set forth in that State's law or Constitution as to property forfeited under the State forfeiture law.

H.R. 1658

OFFERED BY: MR. HYDE

AMENDMENT NO. 13: Page 11, strike line 3 and all that follows through line 3 on page 12 and redesignate sections 4, 5, and 6 as sections 3, 4, and 5, respectively.

Page 12, line 17, strike "forfeiture" and insert "forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense".

Page 13, beginning in line 20 strike "under any Act of Congress" and insert "under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense".

Page 13, line 25, strike "pre-judgment interest" and insert "pre-judgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense''.

Page 14, line 17, strike "any intangible benefits" and insert "any intangible benefits in a proceeding under any provision of Federal law (than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense''.

H.R. 1658

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 14: Page 15, insert after line 8 the following:

SEC. 7. FORFEITURE FOR ALIEN SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(l(1) Any conveyance, including any vessel, vehicle, or aircraft which has been used or is being used in commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); and

"(2) Any property, real or personal that—

"(A) constitutes, is derived from, or is traceable to the proceeds obtained, directly or indirectly, from the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); or

"(B) is used to facilitate, or is intended to be used to facilitate, the commission of a violation of such section.

H.R. 1658

OFFERED BY: MR. PAUL

AMENDMENT NO. 15: Strike all after the enacting clause and insert the following:

SECTION 1. FORFEITURE CONDITION.

No property may be forfeited under any civil asset forfeiture law unless the property's owner has first been convicted of the criminal offense that makes the property subject to forfeiture. The term "civil forfeiture law" refers to any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

H.R. 1658

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 16: Page 4, strike lines 9 through 11 and insert the following:

"(F) A claim filed under subparagraph (A) shall include the posting of a bond to the United States in the sum of $5,000 or 10 percent of the value of the claimed property, whichever is lower, but not less than $250, with sureties to be approved by the Attorney General. No bond shall be required if the property is seized by the Attorney General and a timely claim is filed *in forma pauperis* with all supporting information as required by the Attorney General. The Attorney General has the authority to waive or reduce the bond requirement in any additional category of cases where the Attorney General determines that posting bond is not required in the interests of justice.

H.R. 1658

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 17: Page 6, line 5 insert before the semicolon the following: ", was not willfully blind to such conduct, and did not demonstrate a deliberate indifference to such conduct".

H.R. 1658

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 18: Page 6, strike line 14 and all that follows through page 7, line 13 and insert the following: "was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value).".

H.R. 1658

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 19: Page 14, strike line 25 and all that follows through page 15, line 8.

H.R. 1658

OFFERED BY: MR. SWEENEY

[Amendment to the Hutchinson Substitute]

AMENDMENT NO. 20: In subsection (b) of the proposed section 983 of title 18, United States Code, add at the end the following:

"(4) A claim filed under paragraph (1) shall include the posting of a bond to the United States in the sum of $5,000 or 10 percent of the value of the claimed property, whichever is lower, but not less than $250, with sureties to be approved by the Attorney General. No bond shall be required if the property is seized by the Attorney General and if the claim is filed *in forma pauperis* with all supporting information as required by the Attorney General. The Attorney General has the authority to waive or reduce the bond requirement in any additional category of cases where the Attorney General determines that posting bond is not required in the interests of justice.

EXTENSIONS OF REMARKS

DRUG COVERAGE MEANS EXTRA COST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BEREUTER. Mr. Speaker, this Member highly commends this June 11, 1999 editorial from the Norfolk Daily News regarding President Clinton's plan for including prescription drug coverage under Medicare.

DRUG COVERAGE MEANS EXTRA COST

PRESIDENT HAS A PLAN FOR INCLUDING PRESCRIPTIONS UNDER MEDICARE PROGRAM

President Clinton believes he has a plan for including prescription drugs under Medicare coverage that is superior to the one suggested by the co-chairmen of his 17-member advisory commission. The latter plan advanced by Sen. John Breaux, D-La., and Rep. Bill Thomas, R-Calif., would provide the elderly participants under Medicare with a fixed amount for purchasing either a public or private health plan, which could include expenses for prescription drugs.

That had the advantage of simplicity, but a political disadvantage of not providing opportunity for presidents and members of Congress to get credit for periodic improvement of all kinds of health care benefits.

The Clinton plan, promised to be presented in detail later this month, proposes drug coverage for Medicare beneficiaries through the payment of an extra premium. It was predicted as being as low as $10 a month and certainly less than $25 a month.

In either event, it would be relatively cheap coverage, and appealing to those now covered by this government program whereby Social Security beneficiaries pay a $45.50 premium for health insurance. Inclusion of drugs in the program will boost costs, though White House advisers claim they will be offset by reducing hospital admissions and nursing homes, and reduce the need for home health care. The question is: Who will pay?

Today's wage-earners should not be saddled with extra payroll taxes to provide this new coverage; neither should employers who are partners in paying the payroll taxes.

The problems with future solvency for the systems that provide Social Security retirement and Medicare arise from a political inability to fix benefit limits. Any expansion of benefits—especially for prescription drugs—must be accompanied by a sound program by which those who are served share the extra expense.

Using a federal surplus—which accumulates because Americans are already taxed too heavily—to expand government benefits is a politically devious way to resolve solvency problems of a program already destined for insolvency on its present path.

Better coverage will cost more; and those costs ought to be paid largely through realistic premiums for those who wish and can afford the extras.

COMMENDING TAIWAN'S EFFORTS TO ASSIST KOSOVAR REFUGEES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. PAYNE. Mr. Speaker, the United States Department of State said on June 7 that it welcomes Taiwan's plan to offer the United States $300 million to help Kosovar refugees and for reconstruction of Kosovo. I think Taiwan is most praiseworthy in its willingness to assist other nations. As a major economic power in the Far East, Taiwan feels that it must not shirk its responsibilities to help other countries in need. Taiwan hopes to set a good example for other wealthy nations in the world to extend a helping hand to all those displaced Kosovar refugees.

As a matter of fact, even though Taiwan is not a member of the United Nations, Taiwan has always committed itself to help other countries in the Far East and Africa. Taiwan's willingness to be a donor nation deeply reflects its people's firm commitment to protect and promote human rights and their humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction.

I applaud Taiwan's people for their assistance to the Kosovar refugees and their President.

HONORING THE 1999 DUNBAR HIGH SCHOOL BOYS 4X100-METER RELAY TEAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. FROST. Mr. Speaker, I rise today to recognize the 1999 Dunbar High School Boys 4x100-meter relay team for bringing the gold home to Fort Worth. With a championship time of 40.30 seconds at the University Interscholastic League in Austin, the Flying Wildcats electrified the crowd with blazing speed and power.

But the path to glory didn't end in Austin for the Wildcats. Instead of hanging up their spikes for the summer they took their show on the road to the Foot Locker National Championship at North Carolina State University in Raleigh. The Wildcats were eager to show the nation what everyone in North Texas already knew: the Wildcats from Stop Six, Ft. Worth couldn't be stopped in Austin and weren't about to be slowed down in Raleigh.

At the National Championship last week, the Wildcats took their stellar performance to North Carolina State University and won the 4x100 and 4x200-meter relays. The winning effort showed the whole country what Texas and Ft. Worth already knew: Fort Worth is "Speed City."

Once again congratulations to Coach Tom Allen and the Dunbar Boy sprinters: Jerome Braziel, Jerrod Braziel, James Hall, and James Shaw.

RECOGNIZING ALAN EMORY

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. HOUGHTON. Mr. Speaker, today I rise in recognition of Alan Emory. On June 7, Mr. Emory began his 53rd year with the Watertown Daily Times. He has spent more than 47 of those years reporting and analyzing news in Washington. A year ago he became the paper's senior correspondent, reporting on politics and Canadian-United States relations, in addition to writing two columns a week, one Op-ed in midweek, one in the Times' Sunday Opinion Weekly Section.

Mr. Emory's most recent work includes breaking stories on: the dispute over the John Kennedy assassination film between the Zapruder family and the government, the assassination review board's failure in its last report to end the theories of how the President died, the continued federal secrecy surrounding the late physicist Glenn Seaborg's diaries, the significance of the Supreme Court's ruling that a sitting President must answer civil suit charges involving pre-White House activities, the fact that the House of Representatives has never censured a sitting President, the saga of the Navy crew making the most daring air-sea rescue in World War II's Pacific fighting and the service high command's refusal to give the crewmen the medals they had been promised 54 years ago, and the word that the only New York City mayor ever to ascend to a higher political office in the state was named Clinton (DeWitt).

Two years ago President Clinton and Vice President GORE saluted Mr. Emory's 50 years with The Times, and last year my colleagues JOHN MCHUGH, Jerry Solomon, JIM WALSH and TOM DAVIS commended him on the House floor. Today I would like to echo their praise and thanks to Alan for his good work, and wish him well as he continues as the Johnson Newspaper Corp.'s (Watertown's) senior correspondent and Washington columnist.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE HIGH COST OF PRESCRIPTION DRUGS: THE STORY OF LUCILLE BRUCE

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. SHOWS. Mr. Speaker, I stand before you and the American people today to address the high cost of prescription drugs. Over the last several weeks, I have had the opportunity to visit with many of my constituents to address this burdensome problem.

As a matter of fact, I conducted a study, which conclusively proves that senior citizens in Mississippi pay outrageous amounts of money for much needed prescription drugs. Let me illustrate this by highlighting the story of one of my constituents—Ms. Lucille Bruce.

Ms. Bruce lived in Federation Towers in Clinton, Mississippi. She enjoyed all the freedoms and dignities that should come with being a senior citizen. That is until the cost of her prescription medicine forced her to move in with her daughter. She pays $200 a month for prescription medicine and has a fixed income. Ms. Bruce told me that without her daughter she would have no money to stay healthy. She wonders how many senior Americans there are that don't have the family support she receives. She often feels she is a burden on her daughter, and recent hospital visits may result in more prescribed medicine and costs.

Mr. Speaker, I can think of no other issue that deserves being addressed more than the cost of medicine our senior citizens have to pay. That is why I cosponsored the Prescription Drug Fairness for Seniors Act. It is time to do right by our seniors and make them favored customers just like the large HMO's and Federal Government.

Mr. Speaker, schedule this crucial issue today for floor debate and a vote. Folks like Ms. Bruce need us.

ON THE OCCASION OF THE FAREWELL RECEPTION HONORING CHARLES N. DUNCAN

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mrs. CLAYTON. Mr. Speaker, on Wednesday, friends, family and co-workers will gather in the Indian Treaty Room at the White House to honor a Son of the South, a Native North Carolinian, Mr. Charles N. Duncan.

Charles is leaving his position as Special Assistant to the President and Associate Director of Presidential Personnel. He will be greatly missed.

Since graduating from Howard University some two and a half decades ago, he has devoted his life to a career in public service and politics. Yet, Charles is more than a public servant. He is more than a political consultant as his resume presents him. He is an ordinary person who is special, and a special person who is ordinary. He has worked with those on the lowest rungs of the ladder. He has sat with Presidents and served the homeless. More than anything else, Charles cares.

Mr. Speaker, Public service and politics requires the best and brightest, the most dedicated and committed, the cream of the crop, the pick of the pack, the faithful, the loyal, the steadfast. Charles Duncan has reflected those qualities in all that he has done, over the years. It is hard to imagine a Democratic Administration or a Democratic political campaign, without Charles in the picture.

He represents what is good about North Carolina and our Nation. He understands that little happens when one stands alone. He works to ensure that the families and children of America have a future that is worthy of our past. In his deeds, Charles has always made the right choice. The right choice between communities that are average and those that are exceptional. The right choice between individual comfort and functioning families.

Charles has taken his tasks and won them well, no matter how large or small. And while unselfishly giving of his time and energy, he has never neglected those things most important—family and church. It is rare these days, indeed, when we find a person of talent and humility, one who is capable and modest, common yet exceptional. The White House is losing a person with a ready smile, a friendly disposition, a concern for all. I do not know what Charles Duncan will do next, but if he returns home, the Nation's loss will be North Carolina's gain.

TRIBUTE TO LAURIE A. GOMER

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. WHITFIELD. Mr. Speaker, I rise before you today to congratulate Laurie A. Gomer, the Kentucky winner of the National 1999 Voice of Democracy Broadcast Scriptwriting Contest.

Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the contest. The theme this year was "My Service to America." Ms. Gomer's winning essay creatively depicts a flight attendant describing different aspect of American patriotism to passengers during a flight into America's future. Ms. Gomer succinctly describes four different citizen forums dealing with education, community activism, participation in elections and the exhibition of national pride.

Ms. Gomer is the daughter of Larry and Mary Ann Gomer of Franklin, Kentucky. She is a senior at Franklin-Simpson High School, who has been highly involved within numerous student organizations. This well-rounded young lady will be attending either Center College, Emory University, Vanderbilt University or Georgetown University in the fall with hopes of pursuing a career in Pediatrics.

The VFW's Voice of Democracy Program is a National Audio/Essay Competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. The VFW and its Ladies Auxiliary became involved in assisting the National Association of Broadcasters in the 1950's and took over primary sponsorship in 1961.

The National Finals take place in Washington, D.C. when the finals judges listen to the fifty-four tapes representing winners from each of our fifty states, the District of Columbia, Pacific Areas, Latin America/Caribbean and Europe. This year's program involved more than 6,700 schools and 80,000 students participated while over 4,200 VFW Posts and over 3,400 Auxiliaries sponsored the program.

The VFW provides fifty-six fully-funded scholarships totaling $132,000. The overall first-place winner receives a $20,000 scholarship and all national finalists receive at least a $1,000 scholarship. The total monetary value of scholarships, bonds, and awards provided by VFW Posts, Auxiliaries, Districts, County Councils, Departments and National amount to over $2.6 million this past year. Ms. Gomer is a recipient of the $1,000 scholarship.

Mr. Speaker, I want to congratulate Ms. Gomer for her impressive achievement and wish her the best of luck in the future.

CENTRAL NEW JERSEY RECOGNIZES EDUCATOR JEAN G. LARSON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Dr. Jean G. Larson, Ed.D., a member of the Freehold Township Schools' Child Study Team. Dr. Larson will be retiring this month after serving our public school system for 30 years as a teacher and learning consultant.

Dr. Larson's colleagues describe her as a "constant and tireless advocate for the children and for good, effective teachers and teaching methods." She began her career as a reading teacher, and went on to work primarily with elementary school children who have learning and/or other disabilities. In addition, Dr. Larson assisted in curriculum development as a consultant to other teachers within the district.

For the last 27 years, Dr. Larson has been on staff at Freehold Township School District in several capacities. During that time, she received her doctorate in education from Fairleigh Dickinson University. Her commitment to the district and to her students has been complete and unwavering.

Teachers are our nation's greatest commodities because of their instrumental role in shaping the future of America. Skilled and dedicated educators like Dr. Larson make it possible for students to succeed and become productive, knowledgeable citizens.

I urge all of my colleagues to join me in honoring Dr. Larson for her many achievements and for her contribution to the education of our children. I wish her well in future endeavors.

RECOGNIZING SANDRA SOPAK

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. HOUGHTON. Mr. Speaker, today I rise to recognize a constituent of mine, Sandra Sopak. Sandy is the County Clerk for Chautauqua County, New York and recently won the National Genealogical Society's Award of Merit. It reads:

> Sandra Sopak receives the NGS Award of Merit for her willingness to cooperate with the Chautauqua County Genealogical Society in order to make records more available to the public. Her latest efforts include arranging to have photocopies made of all county tax lists, many of which date from 1850 and before, so the Society's publications committee can extract, index, and ultimately publish this valuable historical information. The Society, in turn, donated a set of their genealogical indexes to aid the county clerk when she is asked for vital record information. This is a fine example of record-keepers and record-seekers working together for the benefit of both.

This is the first time that this award has been given to a County Clerk—and a popular County Clerk at that. Sandy was elected in 1993, and was re-elected in 1997 overwhelmingly. In praise of her contribution, a friend and coworker of Sandra writes, "She is a thoughtful leader within Chautauqua County government, a former town supervisor, a former hospital nurse, as well as a dedicated mother and wife. Her example should be recognized by Americans from not only New York but from all across America."

Mr. Speaker, today I rise to spread that recognition across America. Thank you, Sandy, for your hard work.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. PASCRELL. Mr. Speaker, I was granted a leave of absence for Friday, June 18, 1999 after 12 noon. At that time, I received word of a family emergency at home in New Jersey and immediately left Washington D.C. Following are the votes I missed and how I would have voted:

Representatives Sessions and Frost amendment (No. 8) to H.R. 2122, the Mandatory Gun Show Background Check Act: On rollcall No. 239, I would have voted "nay".

Representative Goode Amendment (No. 9) to H.R. 2122, the Mandatory Gun Show Background Check Act: On rollcall No. 240, I would have voted "nay".

Representative Hunter Amendment (No. 10) to H.R. 2111, the Mandatory Gun Show Background Check Act: On rollcall No. 241, I would have voted "nay".

Representative Rogan Amendment (No. 11) to H.R. 2122, the Mandatory Gun Show Background Check Act: On rollcall No. 242, I would have voted "yea".

Representatives Conyers and Campbell Amendment (No. 12) to H.R. 2122, the Mandatory Gun Show Background Act: On rollcall No. 243, I would have voted "yea".

On Passage of H.R. 2122: On rollcall vote No. 244, I would have voted "nay".

COMMENDING TAIWANESE AMERICANS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. SCHAFFER. Mr. Speaker, last month I joined people throughout Colorado and across the nation in celebrating Pacific American Heritage Month. The Pacific American community represents an important foundation of America's future and I commend their proud celebration of heritage and community.

Taiwanese American Heritage Week of Pacific American Heritage Month celebrates the unique and diverse contributions of the more than 500,000 Taiwanese Americans in the United States. This portion of the population has made countless significant achievements in this country and their accomplishments can be found in every facet of American life. For instance, Taiwanese Americans have succeeded as successful and notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, this is an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Since 1987, the Taiwanese people have possessed the rights to select their own leaders, practice the religion of their choice, and express their thoughts openly and freely. Taiwan is a vibrant and democratic participant in the family of nations.

Most importantly, Mr. Speaker, Taiwanese American Heritage Week recognizes the long-standing friendship between the United States and Taiwan. Earlier this year, I joined my Congressional colleagues in proudly celebrating the 20th Anniversary of the signing of the Taiwan Relations Act (TRA) into law. The TRA is an important reminder of the strong bond of friendship between our two nations.

Mr. Speaker, I commend the great accomplishments and contributions of the Taiwanese American community.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes:

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong opposition to this amendment. Many of us here in Congress are working to keep guns out of the hands of criminals. But if this amendment is approved, it will do just the opposite because it will give law enforcement officials less time to complete background checks at gun shows. It is a step backward.

This amendment is ineffective and is riddled with loopholes. It would weaken existing laws and put the safety of law enforcement officials and every person in this nation at risk. It is no coincidence that the gun lobby supports this measure.

It would be a sad commentary on the state of Congress if the gun lobby is successful in strong-arming members of Congress to support this measure. Should this amendment pass, American families will soon find out that the gun lobby, with its deep pockets, calls the shots in the U.S. House of Representatives.

I urge my colleagues to oppose this amendment and support the McCarthy/Roukema/Blagojevich amendment and other measures that will be offered during this debate. We must put the safety and security of our children ahead of the interests of the gun lobby.

These measures include the sale of child-safety locks with each handgun, instant background checks at gun shows, and the importation ban of ammunition magazines with a capacity of ten or more rounds of ammunition.

This is what a majority of our constituents want and it is the duty of Congress to respond to their outcry.

THE STANLEY CUP CHAMPION DALLAS STARS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, instead of being relegated to a long and cold life in Buffalo, the Stanley Cup will be deep in the warm heart of Texas, specifically the great city of Dallas.

We have the Dallas Stars to thank for bringing the cup to us after coming close to winning the cup in the semifinals last year. However, we cannot say we thank our lucky stars, for they defeated Buffalo with skill, determination and hard work. That was not luck.

This determination was exemplified by the play of Dallas Stars goaltender Eddie Belfour, who made 53 saves in the winning game of the Stanley Cup series.

The result of their defeating the Buffalo Sabers means more than a Stanley Cup coming to the best city in the world. The victory by the Dallas Stars has made a proud city even more proud.

Mr. Speaker, this was evident yesterday morning in Dallas as thousands of her citizens and Stars fans joined the team in downtown Dallas to honor our Stanley Cup champions.

Mr. Speaker, the Stars truly shine bright "deep in the heart of Texas." Green and black are the colors of the National Hockey League and, I will wager that next year, they will shine even brighter.

Mr. Speaker, what makes this victory even sweeter is the fact that for 3 years, the Stars have won the President's trophy that goes to the team with the best record in the National Hockey League. At the same time, the Stanley Cup was out of the reach of such a deserving team during those years.

Mr. Speaker, I join the constituents of the 30th Congressional District and the residents of Dallas who are Stars fans in congratulating the 1999 Stanley Cup Champions, the Dallas Stars. Thank you for bringing the cup home to our proud city.

HUNGER RELIEF IS CONFLICT PREVENTION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise to call my colleagues' attention to an OpEd by President Jimmy Carter ("First Step Toward Peace is Eradicating Hunger," International Herald Tribune, June 17, 1999). I ask that the text of this article be entered into the RECORD, and I urge my colleagues to heed its wise message: that where there is mass hunger and poverty there is fertile ground for tyranny, civil strife, internal displacement, and social upheaval. Our own economic and security interests are threatened by the fact that one-fifth of the world's people lives in extreme poverty, struggling to survive on incomes equivalent to less than a dollar a day. And we know that an ounce of crisis prevention through well-spent poverty relief is worth of pound of cure, in the form of massive humanitarian operations, military intervention, and post-war reconstruction. A study by the Congressional Budget Office itself found a "striking correlation between economic malaise on the one hand, and domestic unrest on the other."

For impoverished countries that are serious about raising standards of living, there can be no substitute for good governance and sound economic policies. But even the best trade and investment-led strategies will fail if they leave the poor behind. And, as President Carter points out, agriculture is the economic backbone of most of the world's poorest countries, and the primary source of livelihoods for the poor, rural majority.

The United States took a significant step in the right direction last year by passing and enacting into law the "Africa Seeds of Hope Act," (H.R. 4283, now Public Law: 105–385). This measure was designed to better focus existing programs of assistance to Africa on the needs of rural producers who represent a majority of Africans, yet have the lowest incomes and suffer from the worst food shortages in the world. By focusing resources on farmers, the measure works to ensure the long-term political stability and economic growth of the world's most famine-prone region. Congress should closely follow its implementation, but next steps must include payment of arrears to the United Nations, passage of debt relief legislation, and a reversal in the decline of our foreign aid budget. These are our cheapest and surest lines of defense against costly and destabilizing wars and crippling constraints to our own economic growth and expansion.

[From the Paris International Herald Tribune, June 17, 1999]

FIRST STEP TOWARD PEACE IS ERADICATING HUNGER

(By Jimmy Carter)

WASHINGTON—When the Cold War ended 10 years ago, we expected an era of peace. What we got instead was a decade of war.

The conflict in Kosovo is only the latest to embroil the international community. Conflicts have raged in Latin America, Europe, Africa and Asia in the 1990s, often involving the entire international community in costly relief operations and peacekeeping missions, frequently under hostile conditions. These conflicts—mostly civil wars—have been extraordinarily brutal, with most victims being children, women and the elderly.

Why has peace been so elusive? A recent report sponsored by Future Harvest and generated by the International Peace Research Institute in Oslo examines conflicts around the world and finds that—unlike that in Kosovo—most of today's wars are fueled by poverty, not by ideology.

The devastation occurs primarily in countries whose economies depend on agriculture but lack the means to make their farmland productive. These are developing countries such as Sudan, Congo, Colombia, Liberia, Peru, Sierra Leone and Sri Lanka—places with poor rural areas where malnutrition and hunger are widespread. The report found that poorly functioning agriculture in these countries heightens poverty, which in turn sparks conflict.

This suggests an obvious but often overlooked path to peace: Raise the standard of living of the millions of rural people who live in poverty by increasing agricultural productivity. Not only does agriculture put food on the table, but it also provides jobs, both on and off the farm, that raise incomes. Thriving agriculture is the engine that fuels broader economic growth and development, thus paving the way for prosperity and peace.

The economies of Europe, the United States, Canada and Japan were built on strong agriculture. But many developing countries have shifted their priorities away from farming in favor of urbanization, or they have reduced investments in agriculture because of budget shortages. At the same time, industrialized countries continue to cut their foreign aid budgets, which fund vital scientific research and extension work to improve farming in developing countries.

Unfortunately, much of the farming technology developed in industrialized nations does not transfer to the climates and soils of developing nations. It is not a priority for agricultural giants in affluent nations to focus on the poor regions of the world or to share basic research advances with scientists from poor nations.

This neglect should end. Leaders of developing nations must make food security a priority. In the name of peace, it is critical that both developed and developing countries support cultural research and improved farming practices, particularly in nations often hit with drought and famine.

For example, the report finds that India, one of the world's largest and poorest nations, has managed to escape widespread violence in large measure because the Indian government made food security a priority.

Beginning in the 1960s, farmers in India were given the means to increase their agricultural output with technology packages that included improved seeds, fertilizers, irrigation and training. Today India no longer experiences famines as it did in the first half of this century. India's food security contributes to its relative political stability.

While food is taken for granted in industrialized countries, many parts of the world—sub-Saharan Africa and large parts of Asia, for example—suffer serious food shortages. Today, per capita food production in sub-Saharan Africa is less than it was at the end of the 1950s. The report concludes that new wars will erupt if the underlying conditions that cause them are not improved.

The message is clear: There can be no peace until people have enough to eat. Hungry people are not peaceful people. The Future Harvest report is a reminder that investments in agricultural research today can cultivate peace tomorrow.

Former President Carter is chairman of the nonprofit Carter Center, which seeks to advance peace and health around the world. He contributed this comment to the International Herald Tribune.

OUTSTANDING YOUNG KENTUCKIANS FROM OHIO COUNTY HIGH SCHOOL IN HARTFORD, KENTUCKY, WIN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION"

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. WHITFIELD. Mr. Speaker, I rise before you today to recognize 15 talented and patriotic young scholars from my district who competed in the national finals of the "We the People . . . The Citizen and the Constitution" competition earlier this month.

I am pleased to recognize the class from Ohio County High School in Hartford, Kentucky who represented our Commonwealth in this national competition including teams from every state and the District of Columbia. These outstanding young Kentuckians are: Kyle Autry, Josh Benton, Hollie Bratcher, Jacqueline Bryant, Keara Daughtery, Jarrod Frizzell, Hillary Grant, Ashley Hale, Emily Harris, Erika Hawley, Michelle Jarvis, Nakayah Myers, Meredith Shrewsbury and Alex Taylor. They are coached by John Stofer, a teacher at Ohio County High School.

"We the People . . . The Citizen and the Constitution" is the nation's most extensive program dedicated to educating young people about our Constitution and the Bill of Rights. The three-day national competition simulates a Congressional hearing in which students defend positions on historical and contemporary constitutional issues. This format provides students an opportunity to demonstrate their knowledge and understanding of constitutional principles while providing teachers with an excellent means of assessing performance.

This year's competition involved 1,500 schools and provided literature and course-related materials on the history and principles of constitutional democracy in the United States to more than 75,000 teachers and 24 million students.

High school competition begins at the congressional district level with teams from each school vying for the district championship. District winners go on to compete at a statewide hearing and state champions travel to Washington, D.C. in the spring to represent their state in the national finals.

I am proud of this Ohio County team because this is the first time a school from my district has represented Kentucky in the national event. In a time when public cynicism and apathy are high, it is reassuring to know that this program is instilling a sense of civic duty and understanding in our future leaders.

RECOGNIZING THE LADIES AUXILIARY OF THE WEST TRENTON VOLUNTEER FIRE DEPARTMENT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of the 50th anniversary of the Ladies Auxiliary of the West Trenton Volunteer Fire Department. Over the last half-century, the women of this organization have made a tremendous contribution to their community by lending both financial and moral support to the members of the Fire Department.

Founded on June 8, 1949, the Ladies Auxiliary focused from the very beginning on innovative and creative fundraising ventures. The first year, members assisted the firemen with a Block Dance by volunteering as food stand operators and Bingo judges. They also threw a Halloween Party in the fall. By December 1949, the Auxiliary was able to present the Fire Department with a check for $200.

In the years since, the Auxiliary's yearly donations have grown. The first $5000 check was presented in 1972, followed by a record $17,600 check in 1976. Fundraisers including organized trips to dinner shows, pasta dinners, and flea markets have continued to garner large sums in recent years, and the annual Dinner-Dance has become a township tradition. The funds collected over the years have helped ensure that the West Trenton Fire Department can serve the community effectively.

The Ladies Auxiliary has had a long and rich history on the county and state levels. They have marched in the State Fair and at July 4th parades, are a part of the Ladies Auxiliary of the Mercer County Firemen's Association, and have several Life Members who have joined the State Auxiliary. At their 50th Anniversary Dinner-Dance on June 19, they honored three still-active original charter members: Kitty Canulli, Edith Guadagno, and Grace Diesel Wilwol.

I urge my colleagues to join me in recognizing the past and present members of the Ladies Auxiliary to the West Trenton Fire Department on their 50th anniversary. Their dedication to the community is to be commended, and I send them my warmest wishes for another successful 50 years.

TRIBUTE TO WESTHILL MUSIC DEPARTMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. WALSH. Mr. Speaker, on April 9, 1999, 220 student performers and chaperones of the Westhill High School Music Department from Syracuse, New York, came to the Washington D.C. area for the "Festivals of Music." This event was sponsored by local corporations to bring schools from around the nation to the District of Columbia. Westhill was one of seven schools to give band and chorus performances in front of three judges. These college professor judges evaluated the groups in writing and listened closely and repeatedly to taped sessions. The Westhill group gave an outstanding performance that day, putting Westhill's Music Department among the best in the country. Thomas Lindemann, Department Leader, said the chorus and band received an "excellent" and "superior" rating, respectively, in both concert performances and the music reading exam. Out of the seven schools, the band came in second. The Westhill chorus came in third. These high marks signify how well these group of students performed based on these national standards.

The Westhill Music Department held their spring band concert on May 25th and the final choral concert on June 2nd.

I am very proud of these young people, who have exhibited discipline, sensitivity, and love of music while representing their school in the very finest Westhill tradition. I am equally proud of the Westhill Music Department, the parents, and administrators who are so supportive of this outstanding group.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes;

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Conyers' Democratic Substitute Amendment to H.R. 2122, the Mandatory Gun Show Background Check Act. Today, in this sacred chamber, we have an opportunity to address this nation's most pressing problem, gun violence, in a meaningful and effective fashion. We have a mandate from the people to take action that stems the tide of violence that is sweeping across our nation from Washington, DC to Chicago and LA. The biggest victim of this tide of violence is our children. From Chicago's west side to Colorado and over to Georgia, we have felt the pain of lost precious lives. Now, before we lose another precious life, we must take meaningful action.

Today, we have the opportunity to put in place meaningful gun control legislation, a task that we failed to complete last nite. Lets close the gun show loophole, lets ban the importation of large ammunition clips, lets raise the age to possess a handgun and semi-automatic weapon, lets make sure that every gun is sold with a safety device, lets adopt the Conyers' substitute. Why do we need these protections. Well I'll tell you why, in Chicago we have a gun problem, our children are shooting children. In 1997 firearms were used in over ¾ of the murders committed in Chicago. What makes this statistic so disturbing is that over half of the persons committing murder were under the age of 21. In 1997 Chicago had 246 murders of people under the age of 21 and there were 290 people under the age of 21 charged with committing murder. Chicago contributes more than its fair share of children to a terrible statistical category: children killed too soon by hand guns, and it must stop. How can we in good conscious let this situation go on. Did you know that since 1969 that firearms are the leading cause of death among African-American youths? For thirty years handguns have been killing African-American youth and we still debate whether or not we need this common sense gun legislation. When will we take this necessary action?

Now is not the time for loopholes in the bill that's trying to close loopholes. No one here is saying that someone can't own a gun, all they are saying is you have to wait, that your background must be checked out, and that children should not have guns. These are simple, straight forward, common sense proposals. Lets do it and make America safer and better. Lets not fail America's children again, lets take this opportunity to the right thing and pass meaningful gun reform.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes:

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of the McCarthy/Roukema/Blagojevich amendment. Common sense dictates that we, as representatives of the American people, support this measure.

This amendment is not about taking rights away from law abiding citizens. It is about closing a loophole in the law that gives criminals a free pass at gunshows. This amendment would provide law enforcement officials with the same three business days to conduct background checks at gunshows that they are now given when guns are bought in stores. This amendment would go a long way in ensuring that guns stay out of the hands of criminals.

The American people demand action from this House of Representatives. Mothers and fathers are demanding action to protect the most vulnerable among us, our children, from the onslaught of gun violence that is taking the lives of 13 of them each day. They are telling us that "It's the guns—stupid."

How many more children will be lost before Congress gets the message? How many more mothers will have to suffer before we act?

The American people are watching. We cannot shy away from our responsibility. We must rise to the occasion and pass meaningful gun safety legislation that will help end the cycle of violence.

CELEBRATING THE 96TH ANNIVERSARY OF THE ST. PAUL AFRICAN METHODIST EPISCOPAL CHURCH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues an extraordinary church that is celebrating 96 years of service to the community of Santa Barbara—the St. Paul African Methodist Episcopal Church.

The St. Paul African Methodist Episcopal Church was founded in 1903 by Reverend J.P. Wright. The following year, the first church was established on the corner of Haley and Canal Streets. In September of 1913, during the pastorate of Reverend J.A. Duncan, the present building was completed. From the first organization of only one actual member in 1903, the membership has grown to approximately 175 worshipers in 1999.

Mr. Speaker, I am inspired by the A.M.E. Church's service and dedication to the city of Santa Barbara. The congregation has been an integral partner in the creation and success of local programs that fight racism and violence, programs such as Beyond Tolerance, the Pro-Youth Coalition and Dr. Martin Luther King, Jr. celebrations. The church has shown a commitment and vision that continues to be a beacon of hope to our community.

Mr. Speaker, I was honored to join the A.M.E. Church this past weekend in celebrating 96 years of fellowship. I thank the congregation for all that it has done through the years and wish many more years of success to the St. Paul African Methodist Episcopal Church.

HONORING ERVIN'S ALL-AMERICAN YOUTH CLUB, INC. OF CLEARWATER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize and honor Ervin's All-American Youth Club, Inc., an organization which is having a positive influence on hundreds of Ninth District residents in the North Greenwood neighborhood of Clearwater.

Ervin's All-American Youth Club, Inc. has been changing lives since 1981, when Mr. Ervin Ajamu Babalola realized that something had to be done to help the next generation of children in Clearwater. With only his backyard and plenty of energy and ideas, Mr. Babalola began to develop positive programs for at-risk youth to prevent them from becoming involved in negative behavior. The club has grown tremendously and is now housed at Ervin's Community Enrichment Center.

On June 26, Ervin's All-American Youth Club, Inc. will celebrate its 18th year of focusing on solutions to the problems in its community rather than on the problems. Ervin's quality services encourage self-sufficiency and self-empowerment for the many African American youth and families in the community. Mr. Babalola's achievements have been recognized by the City of Clearwater, the Clearwater Times, and our local Fox television affiliate. In addition, the Florida Department of Corrections presented Mr. Babalola and Ervin's All-American Youth Club, Inc. with Harry K. Singletary, Jr. Crime Prevention Awards.

Ervin's All-American Youth Club, Inc. offers a wide variety of important and valuable programs to the community including:

A community food pantry, which distributes food to community residents through its Common-Unity Food Pantry.

The Generations Program, which is an adopt-a-grandparent program to enable seniors to participate in community service with youth.

A youth employment program during the summer for children ages 10–15.

An After School Enrichment Program, which provides homework and tutoring assistance provided by Pinellas County School volunteers, tutors, staff and certified teachers. A computer center is available along with other resources to help develop healthy attitudes and build self-esteem.

The Dream Builders Academy, which incorporates the Rites of Passage program, develops family bonding, educational experiences and self-image enhancement.

The Youth Empowerment Project, a youth leadership program that motivates at-risk youth and adults to develop their vocational and entrepreneurial skills in business.

Camp Nguzo Saba, a camp for children ages 5–13 designed to develop learning, belonging and contributing in youth.

The SANKOFA Community Theater, which promotes the development and growth of amateur theater and the amateur performing arts in the North Greenwood community.

The Youth Academy of Entrepreneurship, a partnership program which introduces and fosters the entrepreneurial development of youth ages 8–18 from all social, racial, ethnic and national backgrounds.

In addition to all of these worthy initiatives, Ervin's All-American Youth Club, Inc. provides: assistance and referral services for individual and family needs, positive role models who share their experiences and wisdom with youth, field trips, supervised recreation, and participation in the National African American Male Collaboration, an innovative grass roots effort to help men and boys reach their fullest potential.

Ervin's All-American Youth Club, Inc. deserves to be recognized for fulfilling its goal of providing a clean and wholesome environment for the youth and families of Pinellas County, so they may grow and become more productive citizens of the community. Indeed, Mr. Babalola's organization has had such a positive impact that many area youth have gone on to college, joined the work force or elected to serve in the Armed Forces of the United States.

I want to publicly commend Mr. Babalola and the members of his family for their dedicated service on behalf of the youth of North Greenwood and for their outreach programs which have helped provide direction and positive growth for many in the Clearwater community.

JOY OF BEING A FATHER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. HYDE. Mr. Speaker, Father's Day brought lots of memories and warm thoughts to all of us. One very special person I know named Philip H. Corboy had a bittersweet Fathers Day which was beautifully acknowledged by Steve Neal of the Chicago Sun-Times on Friday, June 18th. Phil and I went all through school together, from grammer and high school through Law school, and have remained close friends ever since.

Steve Neal is a highly respected political analyst and journalist who shares my admiration and respect for Phil Corboy.

I suggest my colleagues read Mr. Neal's column about this extraordinary man.

JOY OF BEING A FATHER SUMMED UP IN EULOGY

He has made a career out of rising to the challenge.

Philip H. Corboy, one of the nation's more accomplished trial lawyers, has effectively represented seriously injured people for a half century. His law firm has won hundreds of settlements or verdicts worth more than $1 million each. He once negotiated a $25 million settlement for plaintiffs in a case involving the crash of a DC–10. Corboy is former chairman of the American Bar Association's litigation unit and a former president of the Chicago Bar Association. He is among President Clinton's staunchest political allies and is the former general counsel of the Illinois Democratic Party.

But for all his achievements, the snowy-haired Corboy takes more pride in the accomplishments of his children. He was dealt a most devastating blow in 1976 when his 12-year-old son Robert was killed in an automobile accident. Then last winter, tragedy struck again. Circuit Judge Joan Marie Corboy, the lawyer's only daughter, died in another accident.

There is nothing more painful or difficult for any parent to endure. But Corboy responded to this challenge with a deeply moving tribute to his daughter. On this Father's Day weekend, Corboy's eulogy carries special significance and reminds us that parenthood is the greatest gift.

"She was outspoken, intelligent and fun," Corboy told more than 1,500 people at Joan

Marie's memorial service in Northwestern University's law school auditorium. "As a young girl, she held her own in a house full of boys. The truth of the matter is, she ruled the roost

"Joan was not one to mince words. Whenever I had the opportunity, and it was often, I would tell her that a lawyer who appeared before her had told me what a good judge she was, how fair, how smart, how judicious. Ever the practicalist, she would reply, 'Well, Dad, if he—and it was most times as he—thought I was an inept horse's rear, do you think he would have told you that?'

"Once when she was a prosecutor, a judge convened his call by asking Joan, 'Are you ready, sweetie?' To which Joan replied, 'Only if you are, Judgie.'

"Joan was true to herself and she was full of self-confidence. Some time after Joan and Jim married, she was asked why she kept her father's name. To which she replied, 'I didn't keep my father's name, I kept my name.'"

In dealing with the most haunting question of why she died, Corboy said, "I gently and reverently suggest that tragic accidents are not God's plan. There is no intentional taking of young people from their husband and children, their parents and siblings."

Corboy then talked about the meaning of his daughter's life. "What has she taught us in 46 years? That's an easy one. She taught us to respect others, and she taught us how to love. Let me remind you, my sons, that many millions of people have never had a sister. Many millions of fathers and mothers have never had a daughter . . . many millions of people have never had children. . . . We have been fortunate in having the loving, beautiful, smart, strong Joan Marie Corboy with us for the better part of our lives."

He concluded: "Do not think of Joan Marie Corboy as a memory. Think of her spirit and carry her spirit and her love of life in your hearts forever."

In his loss, Corboy has something in common with famed Kansas editor William Allen White, whose only daughter, Mary Katherine, was killed in a 1921 horseback riding accident. Like Joan Corboy, Mary White had a passion for life and a democratic spirit. White wrote a wonderful tribute that was widely reprinted. "I cannot help feeling that her life has reached out and touched other lives through this article, and I hope it has touched them for good," White wrote in a letter to an old college friend.

"Mary was a joyous child. We can't think of her for five minutes consecutively without breaking into a laugh," White went on. "And you can't go around weeping yours eyes out and laughing at the same time. We have to laugh if we think of Mary, and we love to think of Mary."

Joan Corboy will be long remembered for the same reasons. When students once asked how she got her job, she replied, "I'm a judge because my father has a lot of clout." But she also was highly qualified and had special grace.

IN HONOR OF EARL H. SIEGMAN FOR HIS DEDICATED COMMUNITY SERVICE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. SAXTON. Mr. Speaker, in honor of Mr. Earl H. Siegman for his remarkable dedication and efforts toward the improvement of the Southern New Jersey community at large, I would like to commend him for his extensive involvement with a myriad of volunteer organizations. Mr. Siegman is the recipient of the Southern New Jersey Development Council's Chairman's Award for expanding development in the Southern New Jersey region. As an accomplished businessman, Mr. Siegman uses his professional talents in assisting many service organizations.

Mr. Siegman served as treasurer and helped to start the 200 Club of Burlington County. The Club provides scholarships and assistance to widows and their families through the collection of donations from businesses and individuals. He has volunteered with the fire fighting community with enormous dedication for many years and continues to do so. His involvements include 22 years of service with the Evesham Board of Fire Commissioners, the Kettle Run Volunteer Fire Company where he once served as Chief Fire Fighter, and the New Jersey State Fire Relief Association where he was treasurer. Mr. Siegman has additionally enjoyed 24 years of faithful service as a member of local and regional school boards. The Lenape Regional High School district has had the benefit of having Mr. Siegman participate in policy discussions which have helped to make the school system one of the best in the region. Its programs have encouraged many students to continue with great success at premier learning institutions throughout the country. Indeed, Earl Siegman has spent his entire adult life serving as a role model to the young people who have had the privilege of knowing him.

As a steadfast leader, Mr. Siegman has served as President of the Southern New Jersey Development Council, where he continues to play an active role in the organization's endeavors to make the Southern New Jersey region a more conducive, as well as lucrative, place for doing business. His 25 years of service to this organization have helped it become a very unique public/private partnership where business leaders and legislators continually strive to improve this often-forgotten area of New Jersey.

Mr. Speaker, Mr. Siegman represents the type of leader who is a tremendous source of inspiration for volunteers and the organizations that they assist. His endless enthusiasm, boundless energy and dedicated interest in improving the communities that he serves comprise a compendium of qualities for which we should all strive.

I personally have known Earl Siegman for over 20 years and have witnessed first-hand his sincere devotion to the public good. Earl deserves a great deal of our gratitude and admiration for his tireless service. We congratulate you, Earl H. Siegman, on this well-deserved award.

IN RECOGNITION OF MAL KELLEY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of Mal Kelley, who is stepping down this year as Head Football Coach at Wachusett Regional High School.

Mal Kelley started his coaching career at Millbury High School, spent time at Holy Name High School and in 1985 joined the staff at Wachusett. In 1987 he took over head coaching duties, where he spent over a decade coaching and teaching young men.

In fact, many of Mal Kelley's players have gone on to find success, not only on the field but in other endeavors. Several have earned distinction at top colleges and our military academies. Their success is a tribute to Mal Kelley's dedication and commitment to his players and his community.

Career opportunities in Mal Kelley's chosen field, elementary education, have led him to relinquish his coaching duties. He was recently named principal at the Nelson Place Elementary School in Worcester, MA.

Mr. Speaker, Mal Kelley may not be spending much time on the football field in the future, but I'm quite certain he will continue to improve the lives of young people. I know the rest of the House joins me in paying tribute to Mal Kelley for a job very well done, and wishing him the best of luck in the future.

COST OF GOVERNMENT DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. PACKARD. Mr. Speaker, today is Cost of Government Day. June 22 marks the first day this year when the average family can keep their paycheck, not send it to the government.

The Cost of Government Day symbolizes the total cost of government, not just the cost of taxes. In other words, so far this year, Americans have worked 173 days to have every penny of earnings sent to Washington to pay for our government's oversized financial burden.

Americans already pay more for taxes than for food, clothing, shelter and transportation combined! After today, our families can finally spend their paycheck as they see fit, rather than on regulatory costs and government programs.

Mr. Speaker, let's take this opportunity to reaffirm our commitment to lower taxes and cut government spending. It is time we put a stop to this absurd abuse of taxpayer money and start providing needed tax relief for American families.

ACCLAMATION OF THE CHARETTE HEALTH CARE CENTER

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. PICKETT. Mr. Speaker, I offer for inclusion into the CONGRESSIONAL RECORD this statement describing the extraordinary capabilities of the Charette Health Care Center at Naval Medical Center Portsmouth and the favorable impact this military treatment facility will have on members of the Armed Services in the Hampton Roads Area of Virginia.

Since its opening on March 15, 1999, the Charette Health Care Center at Naval Medical Center Portsmouth has proved to be an invaluable asset and a visible quality of life improvement for active duty service members and other beneficiaries in and around Tidewater, VA.

The Navy's newest, largest and most modern hospital includes over one million square feet of floor space, housing over 300 clinical/exam rooms and over 140 special treatment rooms. The technology incorporated in this new facility is state-of-the-art, and includes two MRIs, two CT scanners, two angiography suites, two linear accelerators, two mammography rooms, three dedicated ultrasound rooms, radiographic head and chest units, and twenty-two dental exam rooms. Two hyperbaric chambers, used in the treatment of wounds and compression illnesses are scheduled to be installed in January of 2000. The additional services being made available to our uniformed men and women are of the highest quality and the latest state-of-the-art technology.

Other advanced technology that will enhance the quality of care and improve the efficiency of service includes a digital imaging picture archive system which replaces conventional x-rays; a computerized tube system to transfer prescriptions, samples, and test results; and a high speed data transfer system which powers the hospital's integrated computer network system and training data base.

The most significant and dramatic technology improvements can be found in the hospital's OB/GYN and Labor and Delivery departments. To meet the evolving needs of a military force comprised of a growing number of women, as well as continue to meet the requirements of female family members, the Charette Health Care Center offers a comprehensive in-hospital birthing center. Ten birthing rooms allow patients to progress from the onset of labor to delivery and recovery in the same room. If complications arise during labor, four critical care labor rooms are easily accessible, as well as a state-of-the-art neonatal intensive care unit that is second to none anywhere either in the military or civilian medical community. Moving the labor and delivery service from the historic 1830 hospital building to the new Charette Health Care Center has allowed the Navy to increase capacity and easily accommodate a significant number of additional patients who previously received care elsewhere due to facility restrictions.

Naval Medical Center Portsmouth is one of the Navy's premier locations for graduate medical education. The opening of the Charette Health Care Center will help make an outstanding Graduate Medical Education even better, by providing fellows, residents and interns a hands-on milieu where state-of-the-art technology can be paired with a world class teaching experience. More specifically, there are 11 Medical and Surgical Residencies and 1 Fellowship which account for 137 Residents and Fellows. Also, there are 5 Categorical Internships and 1 Transitional Internship which account for 72 Interns. Additionally, Naval Medical Center Portsmouth is a medical education partner on both a regional and national level as evidenced by the numerous training Memoranda of Understanding that are established and maintained with a myriad of other health care facilities.

The most impressive feature of Naval Medical Center Portsmouth is the caring environment provided by an outstanding team of military and civilian medical professionals. This fantastic staff accounts for the seamless transition into the Charette Health Care Center, in just five months, when the industry standard to relocate a hospital of this magnitude is typically longer than twelve months. The staff at Naval Medical Center Portsmouth continue to find innovative ways to make quality patient care accessible and have developed numerous patient-friendly amenities in the Charette Health Care Center. The opening of the Charette Health Care Center provides this dedicated team of medical professionals with the tools required to set a new and superior standard for healthcare delivery to the over 400,000 military beneficiaries in the Hampton Roads Area.

TRIBUTE TO BRUCE HARRIS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BERRY. Mr. Speaker, I rise today on a bittersweet note. One of the most valuable people on my staff will leave soon to pursue further professional goals and ideals. During my time as a Member of Congress, I have had the great pleasure of working with an extremely dedicated Chief of Staff, Bruce Harris. Bruce has been extremely loyal to me personally, and I am most grateful for that. More importantly, he has been loyal and devoted to the people of the First Congressional District of Arkansas.

Bruce will soon leave the office of the 1st Congressional District to go back to his home state of Arkansas and will be leaving huge shoes to fill. But he also leaves behind an outstanding record of achievement for the people of the 1st Congressional District of Arkansas, who have come to know, respect, and love him for his administrative talents, legislative skill, and his warm and caring personality.

Bruce is a native Arkansan. He has served the people of Arkansas first, as an aide to then-Representative Blanche Lincoln and then as chief of staff since 1997 when I came to office. He is remembered fairly and fondly by the many people with whom he has worked.

Bruce Harris is the kind of person who commands not only the respect and admiration of the staff, but also earns their fondness and loyalty as well. In short, he is a leader.

His personal style and professionalism will be missed, yet I know he will serve well in his new endeavor. It has been my extreme pleasure to have watched him develop and grow in running my operation, and although we will miss him, it is with great pride and admiration that I watch him take on this new and deserved challenge.

Mr. Speaker, my wife Carolyn and I, along with the entire 1st District staff, wish Bruce the very best in the future, and though we are said to lose such talent, we know we have in him the very best kind of friend, for life.

INTRODUCTION OF THE PROTECTION FOR TEMPORARIES IN THE WORKPLACE LEGISLATIVE PACKAGE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. EVANS. Mr. Speaker, I am proud to introduce "Protection for Temporaries in the Workplace," legislation designed to address the lack of equity and economic security so prevalent among today's temporary workforce.

Our strong economy has yielded more jobs for Americans than at any other time in recent history. Indeed, joblessness is now far below what many economists thought could be sustained in a modern economy. Yet, the changes in the labor market over the past generation has raised concerns with job security, workplace protection and employee benefits. Once secure, a growing sector of today's workforce no longer has the luxury of working for the same employer until retirement.

Today, many full-time permanent jobs are being replaced by temporary positions as "flexibility" becomes a driving force sustaining our economic expansion. According to the National Association of Temporary Staffing Services, over 10 percent of today's workforce is temporary. These temporary jobs rarely offer adequate health or pension benefits. Additionally, many employees are misclassified as "temporary" when they are in fact, full-time employees. Many employment law protections are antiquated and often leave temporary workers no recourse against abusive employer practices. This is not only bad for the employees, but also bad for employers who do the "right thing" by taking responsibility for their workers by putting them at a competitive disadvantage with companies who skirt the law.

The temporary work industry is flourishing in large part because employers are turning to these work arrangements to cut costs and raise revenues because they can exclude employees from benefit plans and deny them protection under labor laws. This is creating a new working underclass and lowering our national living standard.

Although temporary work provides flexibility and independence for some Americans, others resort to "temping" only because they have not been able to secure permanent, full-time jobs. According to a report by Dr. Helene Jorgensen of the 2030 Center, temporary employees lack many of the benefits and protections that are standard with permanent employment. According to the report, only 5 percent of temporary workers age 25–34 have health insurance through their employer, whereas 50.5 percent of the general population is covered. In addition, these temporary employees earn on average 16.5 percent less than they would have earned working in a regular job.

More alarming are the instances in which companies regularly hire "temporary" employees for extended periods and continually exclude them from any benefit plans that they offer their "permanent" employees. In many cases, temporaries are performing the same work alongside a "permanent" employee, yet are taking home lower pay and have no access to health, vacation, or pension benefits. Employers regularly use this practice of hiring "Permatemps" to keep the costs of their benefit plans at a minimum.

My legislative package will remedy these situations, and prohibit employers from evading their legal and moral responsibilities to their employees, without placing a mandate on America's businesses. Businesses are not required to provide benefits for temporary employees, but are prohibited from using underhanded tactics to exclude full-time employees who would be otherwise eligible to participate in a benefit plan.

The ERISA Clarification Act, amends the Employee Retirement Income Security Act of 1974 (ERISA) to prevent employers from misdesignating employees as "temporary", who are otherwise eligible for health, pension and other employee benefits.

Specifically, the bill defines "Year of Service" in ERISA to include all service for the employer as an employee under the common law, regardless of how or where the worker is paid—through an employment agency, payroll agency, temporary help agency or staffing firm.

The Equity for Temporary Workers Act, provides additional protection in the workplace for temporary employees by prohibiting discrimination in benefit plans that are not governed by ERISA, requiring temporary employees to receive equal pay for equal work and amending OSHA to ensure that employers are responsible for the health and safety of all employees at the worksite—not just those who are "permanent."

TRIBUTE TO GORDON BYNUM

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. SANFORD. Mr. Speaker, I rise tonight to pay tribute to, and say good-bye to, a dear friend. Gordon you will be missed, but not forgotten. Gordon Bynum was the living definition of the word, "friend." This spring, on what turned out to be his last trip down to Coosaw, he called my wife, Jenny, ahead of time to say he wanted to come early to get things ready for the party. He was there and helped. This was part of a well worn pattern in the way he lived his life. Getting there early, staying later—going the extra mile—was what he thought normal. If I had ever found myself in real trouble with the option of only one call, it would have been to Gordon.

In his 44 years he did not spectate on life, he lived it. When Atlanta was still sleeping, I remember leaving town in the early morning hours to go on one of his crazy mountain canoe trips. Exotic locations, atlases, wilderness maps were part of Gordon's world; Jenny and I still have at the house National Geographic books he had sent after our wedding. In fact, his birthday card to me, this year, one I received two days after his death, had penned at the bottom, "Adventure soon?"

Finally, he lived a life that towers as an example to each of my four boys. At dinner on Tuesday upon hearing the story of Gordon's death, a friend asked, "Was he a Christian?" I said, "Absolutely." Whereupon he asked, "How do you know?" I said, "Because Matthew 5:16 says let your light so shine before men that they may see your good works and give glory to your Father who is in Heaven." He had the light, you could see it in his eyes and in his actions. One of those actions was his work at the Sheppard Clinic. He loved the patients and they loved him, despite the fact volunteerism is a trait lost on most bachelors. In short, he didn't spend his time talking about his faith, he lived it. Love, joy, peace, patience, kindness, gentleness, faithfulness, and self-control are what the Bible calls the fruit—the byproduct—of the spirit. He had it in abundance. He would have given love and more generously to Marilee, who he was to have married two weeks after his death. Love was the easiest word to describe him, and I suppose what I will most miss. Good-bye.

IN HONOR OF JUAN CARLOS RUIZ, OF MILWAUKEE, WISCONSIN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to talk today about a remarkable, courageous man who has dedicated himself to improving the lives of those around him. Mr. Juan Carlos Ruiz is a fine member of my home community of Milwaukee, Wisconsin and I am proud to announce that he has been recognized for his good work with the nation's most distinguished citation for community health leadership: the Robert Wood Johnson Foundation's Community Health Leadership Award.

Mr. Ruiz has been committed to social justice since he was politically active in his home country of Peru. Fourteen years ago, Mr. Ruiz discovered that his life may be in danger because of some work he was doing in opposition to "Shining Path" and was forced to flee his homeland. Four years later, he arrived in the United States where he secured political asylum. Mr. Ruiz quickly returned to community activism and leadership, helping develop a community nursing center at Riverwest Elementary School while working at the East Side Housing Action Coalition (ESHAC). He also coordinated a crime prevention campaign to identify and close down 50 suspected drug houses, as well as mobilize over 300 city residents behind a liquor license reform.

And, in his spare time, Mr. Ruiz helped to create and continue to run a neighborhood group, the Cleaning Out Riverwest Committee (CROC). CROS has redeveloped Gordon Park and provides recreational activities to youth.

For the past several years, Juan Carlos Ruiz has led the fight against childhood lead poisoning in inner-city Milwaukee. Ruiz is a community organizer for the Wisconsin Citizen Action Fund's Community Lead-Safe Zones project. He directs the Parents Against Lead Task Force (PAL) which focuses on inner-city low-income neighborhoods where over one-half the children tested have elevated levels of lead in their blood and lead poisoning rates are estimated at five times the national average. PAL recruits parents, and trains individuals to become community organizers and provide door-to-door and community-wide education forums. There are now over 50 active PAL members working in partnership with federal, state and local health departments, schools, churches, health centers, and parents to fight childhood lead poisoning in Milwaukee.

Mr. Ruiz has coined a rallying cry for parents and others concerned about childhood lead poisoning: "Stop Using Our Children as Lead Detectors." Under this banner, Ruiz scored a major victory for children when his group pushed an ordinance through City Hall that will make rental properties lead-safe homes for children. The program he championed also provides financing to help landlords in targeted neighborhoods assess and eliminate the problem. This initiative is the result of years of work, and Juan Carlos Ruiz built an effective partnership to get the job done. He worked with the Milwaukee Health Department and key members of the Milwaukee Common Council to build public awareness of childhood lead poisoning and support for the ordinance. He also helped me to get involved in the effort to help secure HUD funding that the City will use to implement the ordinance.

Juan Carlos Ruiz is a dedicated community servant, activist, and leader. He was selected as one of ten out of more than 300 nominated for this honor. Juan Carlos Ruiz is a credit to Milwaukee, and through his tireless work, my home town has become a better place to live and a safe replace to grow up. I am proud to join his family, his colleagues and the Community Health Leadership Program in congratulating Juan Carlos Ruiz on a job well done.

HELP US TO PRESERVE THE HISTORY OF THE HOUSE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. LARSON. Mr. Speaker, I rise today to inform my colleagues about legislation I am introducing today to help preserve the history of the House.

Every time we pass through Statuary Hall, which is the old House chamber, we are reminded by the statue of Clio that our actions as members of the House should be recorded for the benefit of future generations. Unfortunately, however, we do not have an updated narrative history of the House of Representatives, especially one arranged chronologically. Moreover, it seems that the only time we take stock of the history of the individual members of the House is either when they retire, such as the recent tribute to Representative Robert L. Livingston, or when they die, such as the recent memorial service for Representative Mo Udall. These events, however, are fleeting snapshots of the rich portrait that is the House and its members, which is why we need a more comprehensive history.

My bill, the History of the House Awareness and Preservation Act, would authorize the Library of Congress to commission eminent historians to assemble a written history of the House. The history is intended for Members, staff, and the general public. Copies will be provided to each Member and will also be sold to the general public by the Library of Congress. It is expected that there will be no cost to the federal government for this book. The bill lets the experts at the Library decide whether the cost of this book should be paid for by selling it or through the raising of private funds.

The bill would also allow the Library to update and expand the collection of oral histories of members given to the Library by the Association of Former Members of Congress, and it is hoped that the oral histories will be made available in digital format so they can be downloaded from the Library's Internet Web Page. Additionally, the bill contains two sense of the Congress provisions, which state that orientation programs for freshman members of the House should contain a seminar on the history of the House, and that the Speaker of the House should conduct a series of fora on the history of the House.

I am introducing this bill with over 240 original co-sponsors, including the Speaker of the House, the Honorable J. DENNIS HASTERT, and the Democratic Leader, the Honorable RICHARD A. GEPHARDT. I sincerely appreciate their endorsement and encouragement.

I am including a copy of a letter in support of this bill from the Librarian of Congress, Dr. James H. Billington, for which I am very grateful. I would like to urge the rest of my colleagues to support this bi-partisan effort in order to ensure that we do our best to preserve the history of this great body in which we serve.

THE LIBRARIAN OF CONGRESS

June 22, 1999.

HON. JOHN B. LARSON,

U.S. House of Representatives, Washington, DC.

DEAR MR. LARSON: I very much appreciate the opportunity to review the final version of your draft bill authorizing the Library of Congress to oversee the preparation of a written history of the House of Representatives. I believe the legislation you have developed allows the Library to bring together a number of necessary elements to produce an authoritative publication that will fill a void in the annals of the Congress, and I support both the bill's goal and substance.

Your legislation will allow the Library's publishing office and curatorial staff to work together to develop the project, identify primary source material in our collections, and explore various options for its publication. As I indicated in my comments on an earlier draft of the legislation, I envisage appointing a scholarly advisory board, including historians as well as current and former Members of Congress, to assist in the selection of one or more historians to provide the text of the book, and to continue to be involved through the publication stage. The legislation provides sufficient discretion for the Library to work out the details of funding, publication, marketing and distribution in a manner consistent with the best interests of the House of Representatives.

The legislation also reflects the appropriate roles of the Library of Congress and the U.S. Association of Former Members of Congress in the collection and preservation of oral histories of the Congress. These will undoubtedly prove invaluable to some future historian in continuing the narrative begun by your legislation.

I would like to extend again my offer to hold a lecture series on the history of the House of Representatives in the Members' Room, as a way of both stimulating interest in the published history and drawing together Members, former Members, historians and the Library's incomparable collections for the enjoyment and enlightenment of all.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

TRIBUTE TO FRANK D. STELLA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. LEVIN. Mr. Speaker, on Monday, June 28, 1999, a large group of people from a wide variety of walks of life will gather to spend some time with, and pay tribute to, a distinguished citizen of Michigan—Frank D. Stella. In many cases, those in attendance will be meeting one another for the first time. They may have little in common in terms of their occupations or their political affiliations and they will come from virtually all ethnic and religious backgrounds.

What they will have most in common is their friend, Frank Stella, the warmth of his friendship, and the depth of his humanity that each has witnessed over the years.

Frank Stella has been involved in a unique breadth of community activities, incessantly finding time from his highly successful entrepreneurship as Chairman and CEO of F.D. Stella Products, which he founded after his return from service in World War II. The following are just a sample of his activities over four decades: Board of Trustees at the University of Detroit-Mercy; Chairman, Merger Committee, Mt. Carmel Mercy Hospital and Samaritan Hospital; Chairman, Wayne State University Advisory Board; Board of Directors and Board of Trustees, Michigan Cancer Foundation; Board of Directors, Hispanics Organized to Promote Entrepreneurs (H.O.P.E., Inc.); Board of Directors, Detroit Renaissance; Board of Directors, New Detroit, Inc.; Board of Trustees of the National Shrine of the Immaculate Conception, Washington, DC; National Committee for the Vatican Judaica Exhibition; Chairman, Board of Directors and Executive Committee, Save Orchestra Hall, Inc.; Board of Directors, Michigan Opera Theatre; Board of Directors of the Detroit Round Table (Christians and Jews); Board of Trustees, WTVS/Channel 56—Detroit Public Television; and Member of the Board and Executive Committee, Detroit Symphony Orchestra Hall.

I have been particularly privileged to work with Frank Stella in an arena that embodies his love of life—music. He was instrumental in the efforts to save Orchestra Hall. That magnificent and historic amphitheater for the sound of music was threatened by a wrecker's ball. Frank Stella jumped into action with others and today its unique acoustics spread the joy of classical and other music, instead of being replaced by a proposed fast food establishment. He also has been instrumental in the development of the Michigan Opera Theater.

Frank Stella's life has been a testament to the American truth. Diversity is a source of strength. Pride in one's heritage empowers our nation, especially when it is blended with an appreciation for the heritage of all others.

On June 28, hundreds of friends will gather—in Frank Stella's style—with informality, no long speeches, no pretenses, some good food and exuberant cheer. Proceeds from the dinner will not go for fancy personal gifts but to help others, the next generation, through the F.D. Stella Scholarship Fund at the National Italian American Foundation.

Mr. Speaker, it is my privilege to rise today to enter these words into the CONGRESSIONAL RECORD. It is so fitting they be placed in the proceedings of this institution, which embodies Frank Stella's faith in American democracy and is built on the kind of political activity in which he has participated but which in the end can rise above all partisanship.

PERSONAL EXPLANATION

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. ROGAN. Mr. Chairman, on rollcall No. 242, I was present, but inadvertently failed to be recorded as voting. I should have been recorded as an "aye" vote.

TRIBUTE TO THE HONORABLE BARBARA BOUDREAUX

HON. MAXINE WATERS

OF CALIFORNIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Ms. WATERS. Mr. Speaker, my colleague, Mr. DIXON and I, rise today to pay tribute to the Honorable Barbara M. Boudreaux, a dedicated public servant who is ending her service today as a member and Vice President of the Board of Education for the Los Angeles Unified School District. We are proud to join her many friends and colleagues today in honoring and celebrating her many years of exemplary service.

Barbara's remarkable record includes not only eight years as a member of the Board of Education, but more than thirty years of service as a highly respected career educator. During the span of her career she has been a teacher, a training teacher, a vice-principal, and a principal.

She also has served the district as a mentor for teachers, as a leader of the district's Academy for Administrators, and as an assessor of promotional examinations for principals. She was also an evaluator of textbooks, and assisted in development of the district's handbook on preventing and controlling anti-social behavior among our youth.

Barbara always understood that the health of our educational institutions is closely linked to the health of our communities. She has been, and continues to be, heavily involved in the life of our community.

in 1991, Barbara was elected to represent District 1, on the Board of Education. During her tenure, the Board was faced with some of its most difficult challenges. One of the most pressing of these were the problems of infrastructure and the need to modernize older facilities, and build new campuses in underserved communities.

Barbara realized that these barriers to learning had to be removed. Under her leadership, the Board placed a school bond initiative, Proposition BB, on the ballot which would address the district's infrastructure needs. More important, she reached out to the larger community and invested the hard work and persuasive power required to obtain the unprecedented two-thirds voter margin required for passage.

Armed with resources from the bond measure, the Board has set out to repair and renovate older schools, build new schools and reduce overcrowding. As a result of her tireless efforts, classrooms that were once too hot, have been retrofitted with air conditioners creating a more conducive learning environment for the school children.

Barbara understood, however, that more than cooling the classrooms would have to be done to help our children succeed. So she marshaled the needed funds that will ultimately put computers in all of our classrooms. And, when the district's under-achieving schools were identified, she made sure that there was a special intervention of resources and talent that has resulted in higher test scores.

As Barbara prepares to leave the Board of Education, she can take great satisfaction in knowing that she leaves the district in better shape than when she was first elected, and that the foundation for a successful future has been built.

Mr. Speaker, Barbara Boudreaux has made an important difference for our children in Los Angeles. We appreciate this opportunity to honor the exceptional legacy she leaves, and to salute her distinguished contributions to the Los Angeles community. We know our colleagues join us in wishing her and her husband Albert and their family a future that is full of good health and prosperity.

SAN PIETRO APOSTOLO PAYS TRIBUTE TO ANGELINE BONFORTE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. PALLONE. Mr. Speaker, on Saturday, June 26, the Saint Peter Society (San Pietro Apostolo) of Long Branch, NJ, will pay tribute to one of our leading citizens, Mrs. Angeline Bonforte. It is a great honor for me to join in recognition and raise of someone who has contributed so much to our community.

Angie Bonforte's motto is "never stop." Seeing all that she has accomplished, and continues to do, makes it clear that these are the words she lives by. The daughter of Dominick and Florence Pingitore, Angeline was born in Little Falls, NY. The family moved to Long Branch, and Angeline graduated from Long Branch Senior High School. She went on to earn a B.S. degree from Trenton State Teachers College, and then pursued a distinguished career as an elementary school teacher at Star of the Sea School in Long Branch for 25 years. In addition to being a teacher, she also became a real estate agent.

Angeline married Rocco Bonforte and they have two daughters, Mary Ann and Carol Lynn. Mr. Bonforte is also one of Long Branch's best known and most celebrated citizens, having served as Police Commissioner of our City. While steadfastly supporting her husband's political endeavors, Angeline Bonforte has been a leader in her own right. He served as President of the Women's Auxiliary of the Amerigo Vespucci Society, President of the Women's Democratic Club of Long Branch and the Women's Democratic Club of Monmouth County. She has also served as a Trustee of the Long Branch Public Library and has been associated with several civil and local clubs and activities.

While Angeline is "officially" in retirement now, she is still extremely active, including her involvement on a daily basis in Carol Lynn and Don Chetkin Art Gallery in Red Bank, NJ. When here in the nation's capital, she is at work in her granddaughter's business.

Mr. Speaker, it's a privilege to include in the pages of the CONGRESSIONAL RECORD some of the achievements of Angeline Bonforte on the occasion of her being honored by San Pietro Apostolo.

TRIBUTE TO GENERAL DENNIS J. REIMER

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. SPENCE. Mr. Speaker, I rise today to recognize the outstanding service to our Nation of General Dennis J. Reimer, the United States Army's 33rd Chief of Staff, who retired on June 21, 1999. General Reimer's career has spanned over 36 years, during which time he has distinguished himself as a soldier, a leader, and a trusted advisor to both the President and the United States Congress.

As Chief of Staff, General Reimer has prepared our Nation's Army well for the challenges of the 21st Century. He leaves the Army trained and ready, a superbly disciplined force that supports our Country and its interests in 81 countries around the globe. In a period fraught with leadership challenges, General Reimer has defined and inculcated the Army's values of "Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage" throughout the total force. As a result of his efforts, he has created a seamless force which maximizes the unique and complementary capabilities of its three components—Active, Army Reserve, and National Guard, creating a "Total Army." He can take great pride in the Army's accomplishments, under his leadership, as well as its current state of preparedness.

General Reimer has created the vision and set the stage for the Army of the 21st Century, a strategically responsive force. Throughout his career, General Reimer has distinguished himself in numerous command and staff positions with American Forces stationed both overseas and in the continental United States. In Asia, he served two tours of duty in Vietnam and a tour in Korea. In Europe, his assignments included serving at the Commander, Division Artillery and the Chief of Staff of the 8th Infantry Division.

General Reimer's stateside assignments have included serving as the Commanding General, 4th Infantry Division, at Fort Carson, Colorado, and as the Commanding General, Forces Command, at Fort McPherson, Georgia. Since June 1995 General Reimer has served in his present assignment at the 33rd United States Army Chief of Staff. He has served with great distinction. I would like to offer my congratulations to General Reimer on a job well done, and to wish him and his wife, Mary Jo, much continued success in their future endeavors.

IN THE INTRODUCTION OF V.I. LEGISLATURE REDUCTION ACT

HON. DONNA MC CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Ms. CHRISTENSEN. Mr. Speaker, I rise today to introduce a bill which was submitted to me, by the members of the Legislature of my Congressional District, to make it possible for the Virgin Islands Legislature to reduce its size. This proposal was also introduced in the previous Congress but was not acted upon in time to become law.

Mr. Speaker, the Virgin Islands and the other U.S. Territories continue to strive for full local self-government. While we have achieved local self-government in many ways already, from time to time, those of us that have not yet adopted a local constitution, have to petition Congress to make changes in the general law, or Organic Act, which governs us. This bill is one of those times.

In a resolution petitioning the Congress to reduce the number of Virgin Islands Senators, it stated that the people of the Virgin Islands is represented by a 15 member Legislature which is among the highest ratio of legislators to constituents currently existing in any U.S. jurisdiction. The bill that I introduce today does not proscribe what the number of Virgin Islands Senators will be but leaves it up to the legislature and people of the Virgin Islands to decide.

I urge my colleagues to support its passage.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

Ms. ROYBAL-ALLARD. Mr. Chairman, I regretfully rise in opposition to H.R. 1000. Our country's aviation system is integral to our nation's transportation system and there's no question we need to continue to invest in America's aviation infrastructure.

The problem is that this bill takes the Aviation Trust Fund "off-budget" which means aviation taxes cannot be used for any other purpose, creating what's called a firewall around billions of dollars in aviation taxes. As a former member of the Budget Committee and a current member of the Appropriations Committee, I can safely say this makes a mockery of the budget process and threatens our surplus.

Supporters of the bill argue that since the money in the aviation trust fund comes from aviation taxes, it should all be spent for aviation purposes. As a matter of tax fairness, federal taxes should be spent for their intended purposes.

But this is simply a red-herring argument to justify placing aviation spending at the absolute head of the line in competition for federal funds. Furthermore, taking the trust fund off-budget means that there would be no budgetary constraints to control aviation spending.

This is troubling for two reasons.

First, why are we exempting aviation programs from the normal budget scrutiny that all other programs must endure? Do we really want to place aviation funding ahead of all other federal priorities such as education, health care, Medicare, or national defense?

Second, taking the trust fund off-budget means we jeopardize our surplus. AIR–21 will spend $14.3 billion more over five years on airport construction, busting the budget caps. This additional funding, since it's not subject to the normal budget rules which require offsets, will be paid out of the surplus. While Republicans may be confused as to what their priorities are, Democrats are unified that any budget surplus should be dedicated to shoring up Social Security and Medicare.

Let's be clear. This bill is nothing more than an attempt to put one small part of the budget ahead of the other. At the same time, it busts our spending caps, eviscerates any notion of reasonable fiscal discipline and handicaps our ability to preserve the surplus.

If Congress feels we should increase the nation's investment in aviation, let's do that. But let's not permanently put one category of spending ahead of another. In the spirit of budget discipline and fairness, I urge my colleagues to vote against this bill.

RESOLVING THE CONFLICT IN SRI LANKA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. CAPUANO. Mr. Speaker, I would like to submit the following article from The Boston Globe on December 4, 1998 for the RECORD. The conflict in Sri Lanka has existed for over 16 years without any solution. We must encourage the parties involved to stop the terror and to accept a third party mediation to end the war.

[From the Boston Globe, December 4, 1998]

A CHANCE FOR PEACE IN SRI LANKA

For the first time in four years, there is a glimmer of hope for peace talks to end one of the world's bloodiest conflicts, the war between the government of Sri Lanka and that country's Tamil minority. Terrible suffering on both sides has induced a war-weariness that may become the prelude to peacemaking.

A call for negotiations last Friday from the leader of the Liberation Tigers of Tamil Eelam drew a wary but welcoming response from Sri Lanka's main opposition party. "This is a major move by the Tigers, and it is a very positive one to which the government must respond," said the leader of the United National Party. This response is promising because for too long the opposition and the governing People's Alliance of President Chandrika Kumaratunga have competed to appear the more inflexible foe of dialogue with the Tamils.

Because Washington maintains warm relations with the Sri Lankan government, even providing training and arms sales to its armed forces, and since the Tiger leader Velupillai Prabhakaran called for third-party mediation in his offer of negotiations, the United States could play a crucial role in ending Sri Lanka's long nightmare.

The State Department has been reluctant to become involved in the conflict because neither side had been willing to accept the premise of a negotiated solution, as the antagonistic parties did for the Oslo accords in the Middle East and the peace talks that George Mitchell guided in Northern Ireland. Even now the State Department does not want to rush ahead of events.

Nevertheless, Tamil intermediaries are sending exploratory messages to the Tiger leadership asking about the chances for a cease-fire. If the Tigers want to shed their well deserved reputation as incorrigible terrorists, they will accept the idea of a cease-fire. In return, the Chandrika government should agree to withdraw its troops from the northeast province. If these gestures of good will are made by the belligerents, the United States would do well to take on the role of third-party mediator in peace talks.

TRIBUTE TO COLONEL GILPIN RAY FEGLEY, UNITED STATES ARMY, ON THE OCCASION OF HIS RETIREMENT

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to pay tribute to Colonel Gilpin R. Fegley as he prepares to culminate his active duty career in the United States Army. Gil is the epitome of an outstanding officer and leader.

Colonel Fegley began his career more than 25 years ago when he was commissioned as a second lieutenant, and first served as an Assistant Staff Judge Advocate Trial Counsel in Grafonver, Germany. A graduate of the Dickinson School of Law in Carlisle, Pennsylvania and the Command and General Staff College, Gil Fegley has met the many challenges of military service as an Army Officer, and has faithfully served his country in a variety of command staff assignments in the Continental United States, Hawaii, and Germany. Gil also deployed in support of Operation Desert Storm as the Deputy Staff Judge Advocate.

Gil has served in the Army Legislative Liaison Investigation and Legislative Division as the Chief, Legislative Counsel. During his tenure in the Legislative Liaison Office, Gil worked hard to represent the interests of the Army to Members of Congress. He presented a positive and impressive image of the Army during the course of his duties there.

He concludes his career as the Special Assistant for Installations and Legal Issues in the Office of the Assistant Secretary of Defense for Legislative Affairs. Always thorough and precise in applying his legal skills, Gil was also very generous with colleagues, both senior and subordinate, who sought out his advice on legislative matters. Senior Defense officials depended on Gil for his studious approach to matters and Congressional Members and staff looked to him for his honesty and professional assessment of any given situation.

Mr. Speaker, service and dedication to duty have been the hallmarks of Colonel Fegley's career. He has served our nation and the Army well during his years of service, and we are indebted for his many contributions and sacrifices in the defense of the United States. I am sure that everyone who has worked with Gil joins me in wishing him and his wife, Marion, health, happiness, and success in the years to come.

NATIONAL JUNETEENTH CELEBRATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. CUMMINGS. Mr. Speaker, I rise today on behalf of the Juneteenth National Museum, located in my home district of Baltimore, Md., and in observance of the National Juneteenth Celebration.

On Saturday, June 19, 1999, the Juneteenth National Museum held its 11th annual "Juneteenth" celebration commemorating the Emancipation Proclamation. Juneteenth is generally celebrated on June 19, which is considered as the day of emancipation from slavery of African-Americans in Texas. It was this day in 1866 that Union Major General Gordon Granger read General Order #3 to the people of Galveston, Texas, informing them of their new status as free men. Since then, Juneteenth was celebrated in Texas, and quickly spread to other southern states, such as Louisiana, Arkansas, Oklahoma, and eventually the rest of the country. In addition to a festival, the celebration included the purchase of lands or "emancipation grounds" by freed slaves in honor of the celebration. On January 1, 1980, under the provisions of House Bill No. 1016, the 66th Congress of the United States declared June 19th "Emancipation Day in Texas," making Juneteenth a legal state holiday.

"Ring the Bell of Freedom" was the Juneteenth National Museum's festival theme for 1999. Juneteenth is an important event in Baltimore that celebrates American history and historical figures. The annual occurrence of Juneteenth attracts people from across the state to downtown Baltimore in observance of this event.

Among the various festivities, the celebration included lectures on important historical figures, spoken word readings, musical attractions, and food venues that satisfied every taste imaginable. There were shopping opportunities for antique buffs, and a vast array of arts and crafts available for purchase. In keeping with this year's theme, the celebration featured an emotionally stirring re-enactment of a slave auction. Still, along with the painful images that accompany an event like a slave auction, came the sweet and pleasant visions of liberation and freedom. There was also a walk through a historical exhibit on Paul Robeson, along with a lecture from Dr. Beryl Williams, Dean Emeritus of Morgan State University.

Further, the Juneteenth festival featured both a tap and step dance exhibition, along with a family tent with activity and game tables for children and adults. It concluded with a performance by the New Baltimore Hand Dancers at the dance pavilion. The Juneteenth Festival has grown to be a vitally important part of not only Baltimore, but African-American culture as well. True to tradition, this year's celebration proved to be as exciting as ever.

I congratulate Juneteenth National Museum on a successful Juneteenth celebration.

IN REMEMBRANCE OF SUSAN YOACHUM—POLITICS WITH PASSION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Ms. PELOSI. Mr. Speaker, sadly I rise to remind my colleagues that today marks the first anniversary of the passing of Susan Yoachum, one of the most respected political writers in California.

Born on May 12, 1955 in Dallas, Texas, Susan Gail Yoachum graduated in 1975 from Southern Methodist University in Dallas with bachelors' degrees in journalism and political science. She was a reporter for the Dallas Morning News, the Independent Journal in Marin County and the San Jose Mercury-News, where she was part of the news team that won a 1990 Pulitzer Prize for coverage of the Loma Prieta earthquake.

At the Mercury-News she exposed chemical contamination of drinking water in South San Jose, disclosed unsatisfactory medical care for the indigent, and wrote about industrial espionage. She joined the San Francisco Chronicle in 1990. She wrote some of the biggest political stories of the 80's and 90's. She covered national, state, and local politics for the Chronicle. Her assignments included the 1992 presidential campaign, the governor's race in 1990 and 1994, the 1991 San Francisco Mayoral race and the 1992 U.S. Senate race. She also wrote in-depth about issues, from affirmative action to abortion, from tobacco tax to the hazards of toxic chemicals. Susan was promoted to political editor in 1994.

Her love of language surfaced at an early age: She become the National Spelling Bee Champion in 1969, winning her title by correctly spelling the word, 'interlocutory." Susan was renowned for her wonderful wit and sense of humor.

In 1992, she was the first to call Democratic Senate candidates Dianne Feinstein and Barbara Boxer the "Thelma and Louise of American politics."

She had a passion for politics—the drama, the intrigue and, most important, the effect on the lives of ordinary citizens. She brought an unusual combination of idealism, pragmatism, and skepticism to her work.

Last year, when the candidates for California's governorship debated, Susan wrote one last memorable piece of political analysis.

"What I was hoping for, while I've been sidelines by illness, was a discussion of issues and what difference it would make who ends up being elected governor in a time of prosperity," she wrote. "I wanted to see the candidates discuss their plans for schools instead of acting like school bullies in their 30-second ads."

Susan brought to her fight against breast cancer the same indomitable spirit, tenacity, passion, and humor that served her so well as a political writer.

She was called a "real life Murphy Brown" for her courage in sharing her personal battle with cancer with hundreds of thousands of readers. But Susan was more than that. Her work has been a lighthouse beam through the fog of local and national politics," wrote the Wall Street Journal's Marilyn Chase. "She stands as a model of professionalism and courage in the workplace. The lesson for colleagues of cancer survivors: Professionalism doesn't disappear with a diagnosis."

Susan wrote movingly about the 180,000 women who get breast cancer each year. "I have metastatic breast cancer," she wrote last September. "It's a tough word to spell and an even harder one to say, but it's meaning is rather simple. It means a runaway strain is careening through my body. I want there to be a face that goes with these statistics. It certainly doesn't have to be my face: it can be the face of someone you surely know and love who has had her life torn apart by this disease. This carnage has to stop. I wrote to plead for more and better research, for more and better treatment. Like too many women before me, I wrote to plead: Find something to save my life. To save all of our lives."

We can best remember Susan by working to ensure that America's families are spared the suffering she experienced.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at guns shows, and for other purposes;

Mr. EVERETT. Mr. Chairman, during last week's consideration of the Gun Show Protection Act (H.R. 2122), my vote in support of the Rogan amendment to prohibit individuals who have committed "violent acts of juvenile delinquency" from possessing firearms as adults was not tallied by the electronic voting machine.

Although I opposed the underlying bill because the focus was on penalizing law-abiding citizens rather than criminals, I support the intent of the Rogan amendment to toughen penalties for violent criminals.

SPACE POLICY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to address the important topic of America's space policy in the post-Cold War world. One of America's leading experts on this subject, Mr. James H. Hughes of Englewood, Colorado, has written many articles concerning this topic. I would like to submit Mr. Hughes' latest article entitled "Space Policy" for the RECORD.

The end of the Cold War brought with it the dissolution of the Soviet Union, and a euphoric victory, more completely realized after the 1991 Persian Gulf War. The U.S. sought to convert its "peace dividend" from winning the Cold War, into a new social order, rather than understanding the Cold War and seeking a responsible victory, much like the Marshall Plan after World War II.

Aided by a minor downturn in the economy and third party candidate Ross Perot who split the vote with George Bush, Bill Clinton won the 1992 presidential election, and utilized the "peace dividend" for an agenda of cutting spending for defense, and funding social programs. Accelerated spending of the "peace dividend" became a prominent theme in Bill Clinton's first term of office (1993–1997).

The Cold War victory of the U.S. was recognized by some as an incomplete victory. The Cold War—communism—had cost the Soviet Union dearly. The U.S. and Western Europe had won. The Soviet Union and Eastern Bloc were in transition, coming out of their socialist state economies and dictatorships. While time has shown that the Eastern Bloc is becoming westernized with the introduction of freedom, democracy, and private enterprise (for example, East and West Germany have become unified), Russia and many of the former members of the U.S.S.R. remain in transition, ten years later.

Today, Russia is vacillating between forces for democracy and economic reform, versus a crime dominated underground economy run by gangs and mafia, many of whom served in the former communist government. In a sense, many of Russia's economic woes derive from its unfamiliarity with free enterprise, the market economy, and a very primitive infrastructure, not the "failure" of reform.

The Soviet Union collapsed because its economy had collapsed. No country can devote itself to war forever, even Sparta failed. In addition, communism in Russia had led to the economically inefficient—the wasteful development—of the Soviet economy. Stories were rampant about how a Sears Catalogue was viewed as subversive propaganda because it would show the Russian people how a free society lived.

The Soviet Union was a world power, a superpower, because of its warships, fighters, nuclear weapons, and ballistic missiles. It was not a superpower because of any intrinsic feature of its communist society. Only its vast mineral, oil, and gas resources, and the very high degree of technical training given to its scientists and engineers enabled the Soviet Union to produce nuclear arms and ballistic missiles, cloaking itself with military strength as a world superpower.

To pursue its agenda of world communism, the Soviet Union supported a defense establishment absorbing, toward the end of the Cold War, upwards of 30-40% of its GNP, and most of its industrial and scientific talent. In contrast, even at the height of President Reagan's buildup, the Cold War absorbed only 6% of U.S. GNP, and that within the context of a sophisticated research and development program and free enterprise economy. Thus, the failure of communism left the Soviet Union with its legacy of an industrial base designed for the inefficient production of weapons, rather than a thriving economy as in the U.S.

Leaders in Congress, recognizing the tremendous investment the Soviet Union made in the production of nuclear weapons, including the training of thousands of nuclear missile scientists and engineers, sought to avert the sale of this talent and its stockpile of nuclear weapons by means such as the Nunn-Lugar Cooperative Threat Reduction Program. Nunn-Lugar sought to find ways to gainfully employ talented Soviet engineers and scientists outside the production of nuclear weapons and ballistic missiles. Without such steps, it was feared, and correctly so as events proved out in, for example, Iran, that other nations hostile to the U.S. would siphon off Russia's scientists, using them for their own weapons production programs.

The broader context of the Nunn-Lugar Cooperative Threat Reduction Program needs to be addressed. It was developed within the context of defending U.S. national security interests. A broader viewpoint should look at the role of Nunn-Lugar in U.S. foreign policy toward Russia, and U.S. defense and immigration policy.

1991 PERSIAN GULF WAR

The 1991 Persian Gulf War deserves some understanding. For it was after this war the U.S. felt itself vindicated in its application of advanced technology for defense (our high-tech weapons worked in the Gulf War), and in the development of war-fighting doctrine and training that reflected the lessons of Vietnam. The leaders of the Persian Gulf War, General Colin Powell, General Norman Schwarzkopf, and others of their generation, had served their time in Vietnam. They were dedicated to reforming the U.S. military from the inside, and did not wish to repeat Vietnam.

Our victory in the Persian Gulf War came through the coalition building efforts of President George Bush and Secretary of State Jim Baker, and the defense buildup initiated by President Reagan in the 1980s.

It is no small matter to realize we won the Persian Gulf War on the shoulders of the military force we had built to fight the Cold War against the Soviet Union. Bush had already begun the process of spending the "peace dividend" without respect to learning the main lesson of President Reagan's defense strategy—the importance of developing advanced technology with commercial applications, and the importance of ballistic missile defense to warfighting.

In this respect, the Iran/Iraq war of the 1980s passed largely unnoticed and unstudied by the West. The Iran/Iraq war featured carnage and attrition. It also featured the use of ballistic missiles—Scuds—to attack each other cities in a war of terror. Thus, the Iran/Iraq war was a precursor, a warning, to Iraq's heavy of ballistic missiles during the 1991 Persian Gulf War.

Congress responded to our vulnerability to ballistic missiles seen in the Gulf War (videos of incoming Scuds made an impression) by passing the 1991 Missile Defense Act. But this act, by itself, was not enough to prompt the U.S. to build a national missile defense, even though the warning bells were already being sounded over the proliferation of long range ballistic missiles, such as China's sale of intermediate range ballistic missiles to Saudi Arabia.

It does little good to criticize the past, but three lessons do stand out from the Gulf War that we need to absorb. First, U.S. military strength needs to be rebuilt. We have been in decline and decay for over a decade. Second, U.S. military strength needs to be redeveloped in the research and development of advanced technology. We need to fund new initiatives for advanced technology. Third, the U.S. needs to complete the plan of the Strategic Defense Initiative by deploying ballistic missile defenses in space.

We have yet to fully appreciate the role of space in our defense. It has been said the 1991 Persian Gulf War was a one-sided space war where the U.S. was able to freely use its satellites in space to give it leveraging over Iraq, in intelligence, communications, weather, and navigation. It is not as clearly recognized the Gulf War was also a one-sided space war from Iraq's side, where Iraq was able to launch its Scud ballistic missiles traveling through space. While the Air Force was successful in suppressing Iraq's use of Scuds, once a Scud was launched, the U.S. had no means to stop the Scud except for the short-range Patriot. Iraq was able to effectively use space for its ballistic missiles as the U.S. had no ballistic missile defenses in space.

HEAVY LIFT BOOSTER

The U.S. has needed a heavy lift booster capability for decades. While the Space Shuttle comes close to meeting this need, its payload has been cutback for safety considerations. Lockheed Martin's Titan IV–B is still proving itself, and lacks the capability for launching large, very heavy payloads such as a laser for missile defense.

The opening of the international space launch market to international consortiums has resulted in the development of heavy lift booster capability by Russia, China, and Europe's Ariane. Free trade issues would call for laissez-faire. In some respects, the application of Nunn-Lugar to the Proton launch vehicle has blurred free trade and defense issues for the goal of softening Russia's economic collapse.

Concern over the transfer of critical ballistic missile and satellite technology to Russia can be tempered with the knowledge that Russia has developed sophisticated ballistic missile technology. U.S. policy, however, needs to take on broader view.

1. We need to clarify our foreign policy goals with Russia. The support of free enterprise and democracy must continue in this country in transition.

2. We need to develop a U.S. heavy lift booster, if only because we will not be able to rely on international consortiums in time of war.

The class of heavy lift booster we need should be capable of putting into orbit a payload of the same size and weight as a chemical Space Based Laser. This would call for a payload bay capable of supporting an 8 meter diameter mirror (possibly larger), and a payload weight of nearly 80,000 pounds. Furthermore, this heavy lift booster will need to be capable of launching this payload into Medium Earth Orbit, at altitudes of about 600-750 miles.

SPACE POLICY

Space is a medium for the projection of global power, a theater for deploying ballistic missile defenses, and a frontier for development. German rocket scientists in World War II recognized the potential of space for world-wide domination, developing the German V–2 as a precursor to building intercontinental ballistic missiles, and developing plans for a large solar lens and spaceplanes such as the Sänger glide bomber that would use the upper atmosphere to coast to targets aroung the world.

The threat of long range ballistic missiles armed with nuclear weapons became obvious to defense leaders and scientists in the 1950s. They wanted to use space for intercepting and destroying long range ballistic missiles. The 1958 "Argus" experiment, exploding small nuclear warheads in space to energize electrically charged particles, was an attempt to devise a global approach to ballistic missile defense using space. On another track, Project Defender anticipated the use of space for deploying interceptors to defend against long range ballistic missiles.

Development of a U.S. heavy lift booster is essential for the U.S. to realize its future in space. Space is essential for deploying ballistic missile defenses, especially high energy lasers that can take advantage of the long lines of sight found in space, and offer a boost phase defense capability with their speed of light operation.

Space is at the edge of being developed as a medium for the projection of global power, a theater for operating defenses against intermediate and long range ballistic missiles, and an economic frontier, especially with the discovery of water on the moon.

How we develop space is critical. We will need to deploy ballistic missile defenses in space, and we will need to defend our investment in space against the encroaching programs of China and Russia. Space also offers itself as a medium for applying and developing advanced technology, and can restore our leadership in defense and advanced technology.

It will do very little good for the U.S. to deny itself the use of the Russian Proton heavy lift booster, especially when the Clinton administration has not taken the lead in creating a U.S. heavy lift booster. For the sake of its future in space and its defense, the U.S. needs to build its own heavy lift booster.

Mr. Speaker, Mr. Hughes has provided insightful considerations and recommendations for the development of future U.S. space policy. Such informed and practical forward-thinking by American men and women is what made our nation the world's economic, political, military, and industrial superpower.

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY

ELLIS ISLAND, NY, May 8.—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their award in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century. "Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Mr. Fugazy added," It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity—ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here.

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1,100 ethnic American citizens have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has founded The Children of the World Foundation which brings children from developing nations needing life-saving surgery to the United States for treatment. This year alone, NECO's efforts have helped save the lives of six infants from around the world.

Ellis Island Medal of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors.

Past Ellis Island Medal of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson and Dr. Michael DeBakey.

CONGRATULATIONS TO THE 1999 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

MEDALIST LIST 1999

Name	Heritage	Occupation
Joseph V. Adamec	Slovak	Religious Leader.
Roger E. Ailes	English/Scottish	Media Executive.
Frank Andrea, Jr.	Italian	Business Leader.
Karl G. Andren	Finnish	Business Leader.
Thomas A. Athens	Hellenic	Business Leader.
Inge Auerbacher	German	Chemist/Author/Lecturer.
Adrien Barbey	Swiss	Restaurateur.
William G. Barry	Irish/Dutch	Business Leader.
Hans W. Becherer	German	Business Leader.
Marylou Berk	Italian	Business Leader.
Morris Biller	Austrian/Hungarian	Labor Leader.
Karl L. Boeckmann	German	Business Leader.
Nicholas J. Bouras	Hellenic	Business Leader.
Douglas W. Brandrup	Danish	Attorney/Business Leader.
Richard L. Bready	Irish	Business Leader.
David V.B. Britt	Welsh/English	Educational Communitor.
Bard E. Bunaes	Norwegian	Business Leader.
Renzo C. Casellini	Swiss	Business Leader.
Ping Kee Chan	Chinese	Community Leader.
Richard F. Chormann	German	Business/Community Leader.
Hillary Clinton		Author, Attorney, Children's Advocate.
John E. Connelly III	Irish/English/German	Military Officer.
Tony Conza	Italian	Entrepreneur/Business Leader.
Antonia Cortese	Yugoslavian/Italian	Educator/Labor Leader.
Richard Clarke Crabtree	Irish	Entrepreneur.
Robert M. Devlin	Irish	Business Leader.
Derek E. Dewan	Lebanese	Business Leader.
Arturo DiModica	Italian	Artist.
Martin P. Doolan	Irish	Business Leader.
Theofanis V. Economidis	Hellenic	Community Leader.
Peter C. Economus	Hellenic	US District Judge.
Riad Farah, M.D.	Palestinian/Syrian	Physician.
Frank A. Fariello	Italian	Business Leader.
Andrew Farkas	Hungarian/German	Business Leader.
Herbert Feinberg	Russian/Polish	Business Leader.
Lawrence J. Ferolie	Italian	Business Leader.
George N. Fishman	Russian/Austrian	Business Leader.
Joe T. Ford	Irish	Business Leader.
M. Irene Fugazy	Irish/Italian	Author/Educator.
George N. Fugelsang	Danish/English/Swiss	Business Leader.
Mark E. Galantowicz	Polish	Surgeon.
Richard D. Gidron, Sr.	African	Business Leader.
Rosa Maria Gil	Cuban	Government Health Leader.
Tom Gleason	Irish	Business Leader.
John Glenn		Astronaut/Former US Senator.
Marc Goldman	Russian/Polish	Business Leader.
Ernest P. Gonzalez	Nicaraguan/Panamanian	Business Leader.
Virginia Hanrahan	Irish	Community Leader.
Fred Hassan	Pakistani	Business Leader.
James A. Henderson	Scottish	Business Leader.
William J. Hudson	Eng/Welsh/French	Business Leader.
H. Wayne Huizenga	Dutch	Business Leader/Entrepreneur.
Constantine Iordanou	Cypriot	Business Leader.
Thomas S. Johnson	Swedish/Irish	Business/Community Leader.
Quincy Jones	African	Producer/Composer.
Richard J. Kaminski	Polish/Ukrainian	Business Leader.
George Kantakis	Hellenic/Italian	Business Leader.
Constantine N. Katsoris	Hellenic	Educator.
Raymond J. Kayat, Sr.	Syrian	Business Leader.
Patrick E. Kelleher	Irish	Law Enforcement Officer.
Sue Kelly	German	Member of Congress.

MEDALIST LIST 1999—Continued

Name	Heritage	Occupation
Jeong H. Kim	Korean	Business Leader.
Lila Kim	Korean	Artist/Community Leader.
Emanuel M. Kontokosta	Hellenic	Entrepreneur.
Edward Kopko	Polish	Business Leader.
Arthur G. Koumantzelis	Hellenic	Business Leader.
Robert Kenneth Kraft	Russian/Polish	Business Leader/Entrepreneur.
Ute Wolff Lally	German	Justice.
Frank Lanza	Italian	Business Leader.
Michael D. Lappin	Russian	Community Leader.
Peter N. Larson	Norwegian/Eng/Ger	Business Leader.
Kun Y. Lee	Korean	Community Leader.
Kenneth R. Leibler	German/Austrian	Business Leader.
Vernon R. Loucks Jr.	Dutch/Eng/Welsh	Business Leader.
Alex Machaskee	Yugoslavian	Publisher.
Paula Madison	Jamaican/Chinese	Television News Executive.
Nadine Malone	Irish/German	Business Leader.
Nick Mamatakis	Hellenic	Community Leader.
Andrew E. Manatos	Hellenic	Community Leader.
Charles Marangoudakis	Hellenic	Entrepreneur.
Victor Marrero	Puerto Rican	Ambassador.
Rose Mattus	Irish/Russian	Business Leader/Entrepreneur.
John M. Mavroudis	Hellenic	Business Leader.
H. Carl McCall	African	NYS Comptroller.
Richard D. McCormick	Irish	Business Leader.
Marianne McDonald	Irish	Educator/Author.
James M. McGuire	Irish	Attorney.
Robert Merrill	Polish	Opera Baritone.
Barbara A. Mikulski	Polish	United States Senator.
Edward D. Miller	Lithuanian/Italian	Business Leader.
Jolene Moritz Molitoris	Polish/Slovakian	Administrator/Federal Railroad Adminis.
William T. Monahan	Irish	Business Leader.
Angelo R. Mozilo	Italian	Mortgage Industry Leader.
Joseph T. Mullen	Scottish/Irish	Business Leader.
Arthur Nadata	Danish	Entrepreneur.
Vincent J. Naimoli	Italian	Business Leader.
Carolann S. Najarian, MD	Armenian	Physician.
Robert C. Nakasone	Japanese	Business Leader.
Wayne Newton	Native American/Irish/German	Entertainer/Actor.
Raymond T. O'Keefe, Jr.	Irish/English/Dutch	Business Leader.
Thomas D. O'Malley	Irish	Business Leader.
Peter L. O'Neill	Irish	Business Leader.
Nicholas P. Papadakos	Hellenic	Jurist.
Tom Pappas	Hellenic	Educator/Labor Leader.
Poozant Piranian	Armenian	Community Leader.
John J. Pomerantz	Polish/Austrian	Business Leader.
Lois Berrodin Pope	French/Welsh	Community Leader/Philanthropist.
Charles G. Preble	Eng/French/Irish	Business Leader.
Heinz C. Prechter	German	Business Leader/Entrepreneur.
Richard B. Priory	Irish/Eng/Dutch	Business Leader.
Rodney R. Proto	Italian	Business Leader.
Max Recone	Ukrainian/Polish	Business Leader.
William Rehnquist	Swedish	Chief Justice.
Victor M. Richel	Italian	Business Leader.
Richard Dean Rockwell	Austrian	Business Leader.
Eric A. Rose, MD	Russian/Austrian	Physician.
Jack Ryan	Irish	Labor Leader.
Edward San Luis	Filipino/English	Business Leader.
Michael Sawruk	Ukrainian	Entrepreneur.
Lewis D. Schiliro	Italian	Law Enforcement Officer.
Irving Schneider	Russian	Business Leader.
Berge Setrakian	Armenian/Lebanese	Community Leader.
Richard C. Shadyac	Lebanese/Irish	Non-Profit CEO.
Clarence O. Smith	African	Entrepreneur.
Joseph A. Spinelli	Italian	Business Leader.
Nicholas J. St. George	Italian	Business Leader.
Dickran Tevrizian	Armenian	Judge.
Charles F. Thomas	Irish/English	Business Leader.
Marlo Thomas	Lebanese/Italian	Actress, Producer, Social Activist.
John M. Tsimbinos	Hellenic	Business Leader.
Nicholas A. Tzimas, MD	Hellenic	Physician.
Louis V. Varone	Italian	Real Estate Broker.
George R. Wackenhut	German	Business Leader.
Chrsitine M. Warnke	Hellenic/German	Community Leader.
Mark H. Willes	English	Business Leader.
Susan J. Willis	Russ/Eng/Pol/Aust	Community Leader/Entrepreneur.
John Wren	Irish	Business Leader.
Alejandro Yemenidjian	Armenian	Business Leader.
George Younan, MD	Lebanese	Diplomat in Internal Medicine.

SENATE—*Wednesday, June 23, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You are more willing to bless and guide us than we are to ask for Your help. Forgive that obstinance in us that resists Your intervention and inspiration with "I'd rather do it myself!" independence. Father, enable us to be open to receive Your wisdom, vision, and direction. We know in our hearts that we were never meant to make it on our own. When You step in to assist us, things just go better, problems are resolved, and relationships are more open, real, and mutually encouraging. Grant us the courage to admit our need for You and make this day one of consistent awareness of Your eternal presence in everything. You are Lord of all and come to aid us in our problems—big and small. Thank You, dear God. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of the agriculture appropriations bill. Amendments are expected to be offered, and it is my hope the Senate can consider agriculture-related amendments during today's session of the Senate. All Senators can therefore expect rollcall votes throughout the session.

As a reminder, there will be no votes on Friday, June 25. However, votes are expected very likely into the evening on Thursday in an effort to complete action on the important agriculture appropriations bill.

I might also say that Senator DASCHLE and I are in the process of exchanging some suggestions of how we might further consider the Patients' Bill of Rights issue.

Mr. President, I ask unanimous consent that Senator INHOFE be permitted to speak in morning business for up to 30 minutes.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair now recognizes the Senator from Oklahoma for 30 minutes.

Mr. INHOFE. I thank the Chair.

Mr. KENNEDY. Mr. President, will the Senator yield for just a brief question? The Senator, as he knows, is recognized for 30 minutes. I would like to ask that 30 minutes be reserved on this side as well.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I am reserving the right to object.

The PRESIDING OFFICER. Was there a reservation on the request?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I am still reserving the right to object.

Mr. KENNEDY. I will withdraw the request for the moment.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Oklahoma is now recognized.

Mr. INHOFE. I thank the Chair.

Mr. KENNEDY. I apologize to the Senator. If I could make that request——

Mr. INHOFE. I object.

Mr. KENNEDY. I think the matter has been cleared.

Mr. INHOFE. All right. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is again recognized.

THE CLINTON NATIONAL SECURITY SCANDAL AND COVERUP

Mr. INHOFE. Mr. President, I ask that you listen again. I am going to pick up on the incredible but true story of the Clinton administration's betrayal of national security and the scandalous coverup that continues as we speak. In doing so, I fully realize that the majority of Americans will not believe me. They have continued to believe our President even after he has demonstrated over and over that he has no regard for the truth.

Though you would never realize it by listening to the national media or the Clinton spin doctors, the recently released Cox Report has revealed a wealth of information on how the Clinton administration has undermined national security to simultaneously pursue its misguided foreign policies and self-serving domestic political agendas.

On the one hand, there is the mind-boggling story of how the Clinton administration deliberately changed almost 50 years of bipartisan security policies—relaxing export restrictions, signing waivers to allow technology transfers, ignoring China's violation of arms control agreements, and its theft of our nuclear secrets, opening up even more nuclear and high technology floodgates to China and others—thus harming U.S. national security.

On the other hand, there is the continuing coverup—the effort to hide from Congress and the American people the true damage that has been done to national security and the Clinton administration's central role in allowing so much of it to happen on their watch.

Over three months ago—on March 15—I spoke on this floor about China's theft of the W-88 nuclear warhead. To remind you, this is the crown jewel of our nuclear arsenal. It is the warhead that has 10 times the explosive power of the bomb that was dropped on Hiroshima and yet just a fraction its size. I spoke about how serious this was to our national security—how it was a story with life and death implications for millions of Americans.

I told how President Clinton was directly responsible for downplaying the significance of and covering up this story. While the information on the W-88 design—the crown jewel of our nuclear arsenal—was stolen in the late 1980's, the theft was first discovered in 1995 by this administration. So people remember, it was the Chinese walk-in informant to the CIA that gave us all this information. I told how it was this administration and this President who deliberately covered up this vital information from Congress and the American people and, at the same time, lulled our people into a false sense of security by repeating the lie that there were no nuclear missiles targeted at America's children.

At that time, I spoke of six proven incontrovertible facts, and let me repeat them now:

1. President Clinton hosted over 100 campaign fundraisers in the White House, many with Chinese connections.
2. President Clinton used John Huang, Charlie Trie, Johnny Chung, James Riady, and others with strong Chinese ties to raise campaign money.
3. President Clinton signed waivers to allow his top campaign fundraiser's aerospace company to transfer U.S. missile guidance technology to China.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

4. President Clinton covered up the theft of our most valuable nuclear weapons technology.

5. President Clinton lied to the American people over 130 times about our nation's security while he knew Chinese missiles were aimed at American children.

6. President Clinton single-handedly stopped the deployment of a national missile defense system, exposing every American life to a missile attack, leaving America with no defense whatsoever against an intercontinental ballistic missile.

On March 15, I began my speech by asking the American people to listen as I told them "a story of espionage, conspiracy, deception, and cover-up—a story with life and death implications for millions of Americans—a story about national security and a President and an administration that deliberately chose to put national security at risk, while telling the people everything was fine."

In the three months since I made these statements, none has been refuted.

Now, I come before you to tell some of the rest of the story that we have learned since March 15. And it is a truly astounding story. We thought the W-88 story was bad—and it is. But with the release of the Cox Report last month, the American people have been presented with documented evidence that the harm President Clinton has done to U.S. national security is enormously worse than we thought.

On March 15, I said that, as damaging as the W-88 breach was, I believed we had not yet scratched the surface of the national security scandal exposed by this one revelation. I must say that I was right—even beyond my own worst fears.

Let's not be distracted by the self-serving Clinton spin: that everybody does it; that it all happened during previous administrations; that this is only about security at the nuclear weapons lab; that there is equal blame to go around on all sides; that President Clinton acted quickly and properly when he found out; and that the only problem is now being fixed.

I am here today to tell you that all of this is wrong. The Clinton spin is nothing more than a dishonest smokescreen designed to divert attention from the real issues. It is also, I believe, an attempt to dissuade people from actually reading the Cox Report and discovering for themselves that the Clinton spin is a snare, a delusion, and a lie.

This is why I want to take some time to walk through some of the more important revelations in the Cox Report and to remind my colleagues that we have an obligation to tell the American people the truth—the truth that the media is inexplicably ignoring and that the President seems to hope the people will never find out on their own.

First, let us begin with a simple fact: Sixteen of the 17 most significant major technology breaches revealed in the Cox Report were first discovered after 1994. With the lone exception of the W-70 technology that was discovered back in the 1970's during the Clinton administration, all the rest of them were discovered since 1994. Again, that is when they had the individual who came into the CIA and exposed all of those.

Let me repeat—sixteen of the 17 most significant major technology breaches revealed in the Cox Report were first discovered during the Clinton administration. Those who tell you otherwise are willfully lying to you.

Second, of the remaining 16 technology breaches, one definitely occurred during the Reagan administration—the W-88 Trident D-5. Seven occurred sometime before 1995, though it is unclear exactly when. And eight occurred—without question—during the Clinton administration.

Let's take a closer look at these. The seven that occurred before 1995 included breaches of information on all of the currently deployed nuclear warheads in the U.S. intercontinental ballistic missile arsenal: the W-56 Minuteman II; the W-62 Minuteman III; the W-76 Trident C-4; the W-78 Minuteman Mark 12A; and the W-87 Peacekeeper. In addition, there was the breach of classified information on reentry vehicles, the heat shield that protects warheads as they reenter the Earth's atmosphere when delivered by long-range ballistic missiles.

Let me repeat that all of these technology breaches were first discovered in 1995. They were discovered when a Chinese "walk-in" agent actually approached the CIA at a location outside of China and handed them a secret Chinese government document containing state-of-the-art classified information about the W-88 and the other U.S. nuclear warheads. We still don't know why he did this, but he did.

The Cox Report also tells us that the Energy Department and FBI investigations of this matter have focused exclusively on the loss of the W-88, which we know happened around 1988. There have been no investigations undertaken about the loss of the other warheads, the timing of whose loss cannot be as clearly pinned down.

Next, we move to the other eight major technology breaches revealed in the Cox Report. All of these were not only first discovered during the Clinton administration, they also happened during the Clinton administration:

No. 1, the transfer of the so-called Legacy Codes containing data on 50 years of U.S. nuclear weapons development including over 1,000 nuclear tests;

No. 2, the sale and diversion to military purposes of hundreds of high performance computers enabling China to enhance its development of nuclear weapons, ballistic missiles, and advanced military aviation equipment;

No. 3, the theft of nuclear warhead simulation technology enhancing China's ability to perfect miniature nuclear warheads without actual testing;

No. 4, the theft of advanced electromagnetic weapons technology useful in the development of anti-satellite and anti-missile systems;

No. 5, the transfer of missile nose cone technology enabling China to substantially improve the reliability of its intercontinental ballistic missiles;

No. 6, the transfer of missile guidance technology (by President Clinton to China) enabling China to substantially improve the accuracy of its ballistic missiles—these same missiles that are targeting U.S. cities;

No. 7, the theft of space-based radar technology giving China the ability to detect our previously undetectable submerged submarines; and

No. 8, the theft of some other "classified thermonuclear weapons information" which "the Clinton administration" (not the Cox committee) "has determined . . . cannot be made public."

We used to think China was decades behind us in terms of building a modern advanced nuclear arsenal. Now we learn that, later this year, China is planning to test its new JL-2 long range ICBM, a submarine launched ballistic missile with MIRV capability—meaning multiple independently targeted warheads on each missile—almost a replica of our Trident ICBM. This missile will have a range of over 13,000 kilometers and could reach anywhere in the United States from protected Chinese waters.

In addition, we know that China has been helping North Korea, among others, with weapons and technology. North Korea is also expected to test its long range Taepo Dong II missile later this year.

I am reminded of something that happened last August when I made a request to sort of see where we were and where North Korea was in terms of a threat to the United States.

In a letter that I received from General Shelton, who was depending on our intelligence system for his response, he said it would be at least three years before the North Koreans would have a multiple-stage rocket. That was August 24. Seven days later, on August 31, they fired a multiple-stage rocket.

I remind my colleagues we have no defense against either of these potential threats, because of the policy decisions of the Clinton administration. Someone very smart back in 1983 determined that we would need a national missile defense system in place by Fiscal Year 98. We were on track to meet the deadline until 1993 when President Clinton, through his veto power, stopped this missile defense system.

But as the Cox Report points out, nuclear espionage by China is only one part of the problem. China's efforts to acquire U.S. military related technology is pervasive. Operating through a maze of government and quasi-government entities and front companies, China has established a technology gathering network of immense proportions.

The Congressman from Pennsylvania, Congressman CURT WELDON, has done extensive research in putting this together, and other charts to show exactly what capacity China has to collect our nuclear secrets.

When there is time to look at it, it shows you operational entities of the Chinese military in red, the Chinese military entities and those in contact involving financial entities in green, and you have the Chinese military front companies in blue.

You can see that this is well thought out. It took many years to put it together to make it effective.

They are willing and able to trade, bribe, buy, or steal to get U.S. advanced technology—all for the purpose of enhancing their long-term military potential. Their success is often determined largely by our willingness to make it easier for them to get what they want.

The Cox Report has shed light on the fact that the Clinton administration has actually helped China in its technology acquisition efforts or made it easier for them to commit thefts and espionage. You know the truth is always difficult and controversy is difficult. It is easier to take polls and tell people what they want to hear. But I have to make a decision—who do I love more—this President or America.

I find that to be very easy in this case.

The following are just some of the things that the Clinton administration has done. And I want to applaud Congressman WELDON for helping to bring many of these things to light.

No. 1, in 1993, the Clinton administration removed the color-coded security badges that had been used for years at Energy weapons labs claiming they were "discriminatory"—as if that makes any sense whatsoever. Now just a few weeks ago, in the wake of all these revelations, the Energy Department has reinstated the color-coded badges.

But during the time that these thefts took place, they were not able to wear these badges.

No. 2, in 1993, the Clinton administration put a hold on doing FBI background checks for lab workers and visitors, an action which helped to dramatically increase the number of people going to the labs who would previously have not been allowed to have access.

No. 3, in 1995, the Clinton administration took the extraordinary action of overturning its own agency's decision to revoke the security clearance of an employee found guilty of breaching classified information. When this happened, it sent a message to employees throughout the Department, that this administration was not serious about countering breaches of classified information.

No. 4, the Clinton administration deliberately, and many would say recklessly, declassified massive amounts of nuclear-related information in what the Clinton administration touted as a new spirit of openness.

No. 5., in the W–88 investigation, the Clinton administration turned down four requests for wiretaps on a suspect who was identified in 1996 and allowed to stay in his sensitive job until news reports surfaced in 1999.

No. 6, in 1995, someone at the Department of Energy gave a classified design diagram of the W–87 nuclear warhead to U.S. News & World Report magazine which printed it in its July 31 issue that year. Representative CURT WELDON is still trying to get answers about how this leak was investigated and what was determined. He has good reason to believe the investigation was quashed because it was going to lead straight to President Clinton's Energy Secretary.

No. 7, career whistle-blowers at the Department of Energy who tried to warn of serious security breaches—including Notra Trulock, the former Director of Intelligence for the Energy Department, and Ed McCallum, the former Security and Safeguards Chief—were thwarted for years by Clinton political appointees who refused to let them brief Congress and others about what they knew. Trulock was demoted but will now get to keep his job. McCallum appears to be on his way to being scapegoated and perhaps fired for trying to tell the truth.

Members will remember we had extensive hearings. Notra Trulock testified under oath that he thought that the theft of the W–88 was so significant, he wanted to give it to Congress. He was refused being allowed to do that by the then-Acting Secretary of the Energy Department.

No. 8, rejecting advice from his Secretaries of State and Defense, President Clinton approved switching the licensing authority for satellites and other technology from the State Department to the Commerce Department, making it easier for China to acquire U.S. missile technology.

No. 9, President Clinton granted waivers making it easier for U.S. companies to transfer missile and satellite technology to China during the launching of U.S. satellites on China's rockets.

No. 10, in 1994, President Clinton ended COCOM, the Coordinating Committee on Multinational Export Control, the multinational agreement among U.S. friends and allies that they would not sell certain high-technology items to countries like China. When this happened, it opened the commercial floodgates. Ever since, there has been a wild scramble for competition to sell more and more advanced technology to China. As a result, the proliferation has never been worse than it has been in the last 6 years.

No. 11, in a series of decisions throughout his Presidency—and many surrounding the 1996 election—Clinton has consistently relaxed export and trade restrictions on various forms of high technology of interest to China.

Again, I applaud Congressman WELDON who put this chart together. This timeline was not put together because President Clinton took office in 1993, but that is when all the compromises took place. This timeline shows categories including machine tools, telecommunications, propulsion. All were compromised, or as we normally say stolen.

No. 12, President Clinton has ignored or downplayed numerous Chinese arms control violations by not imposing sanctions required by law. While we are selling more and more high tech to China, China is sending prohibited military technology to countries such as Pakistan, Iran, North Korea, Syria, Libya and Egypt.

What does the Clinton administration do? They do nothing. What are the motives for all this? Why did the Clinton administration act the way it did, with almost total disregard for any traditional concern for U.S. national security?

The Cox Report did not answer these questions because it was only concerned with the facts of the security breaches themselves, not what was behind it.

But FBI Director Louis Freeh did assign one man to look into this. His name was Charles LaBella, who became head of the Justice Department's China Task Force. He and his investigators spend months looking into the connections, trying to connect the dots with campaign contributions, foreign influences and administration actions. What he found is laid out in a 100-page memo he prepared for Janet Reno. We know this memo argues in favor of the appointment of an independent counsel to carry on the investigation.

But the memo itself has reminded secret, even through it has been subpoenaed by Congress. Janet Reno, who rejected its recommendation for an independent counsel, has refused to release the memo to the Congress or to the public. It is time for that memo to be released.

FBI Director Freeh has testified that the public knows only about one percent of what the FBI knows about the Chinagate scandal. It is time for the truth to come out. It is time for the public to get some sense of the other 99 percent which is contained in the LaBella memo.

Mr. President, over the last six years, President Clinton and his administration have shown a pervasive disregard for national security. In both actions and inactions, this President has broken ranks with the bipartisan consensus about national security that helped us win the cold war.

His policies and attitudes-towards export controls, nuclear weapons, militarily important high technology, and dealing with our adversaries in the world—have been strikingly different from those of all of his predecessors in the modern era.

His administration has acted as if the end of the cold war gave them carte blanche license to open the commercial and technology floodgates to countries like china simply because it was good for business, or good for getting campaign contributions, or good for other domestic political reasons.

The traditional concern about national security—about protecting our nuclear secrets, about maintaining our military and technological superiority, about sanctioning those in the world who engaged in flagrant and hostile espionage and proliferation—all that went out the window, replaced by other priorities this President somehow thought were more important.

President Clinton claims he has "redefined" national security. In fact—as the Cox Report conclusively documents—he has "harmed" national security. This is the message that every American must understand.

My hope is that we never again have a President who is so disrespectful of, and inattentive to, traditional national security concerns.

Yesterday at the joint hearing of the Armed Services, Energy and Intelligence Committees, I asked whether or not it would be possible to put in place some safeguards so that no future President could ever again so successfully undo the country's national security defenses as this President has. We are working on an answer.

Some of us will continue to speak, out—seeing it as our highest duty of public service. As I said on March 15—and repeat again here today—I only hope America is listening. We have a nation to save.

The truth will get out. Winston Churchill said:

> Truth is incontrovertible: Panic may resent it, ignorance may deride it, malice may destroy it, but there it is.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, last evening Senator DASCHLE was prepared to offer an amendment to the agricultural bill that was at the heart of the Patients' Bill of Rights. I believe that will be offered shortly on behalf of the Senator from California, Senator FEINSTEIN. We will have an opportunity to get into that discussion and debate.

I am hopeful, as are others, that we can work out a process and procedure by which we can have a full discussion and debate on this issue, and where we can have an orderly way of disposing of various amendments on the Patients' Bill of Rights. I am, however, somewhat distressed and disturbed by some of the comments I have read this morning on the AP relating to my friend from Oklahoma, Senator NICKLES, the Republican assistant majority leader.

He said he was willing to vote on the issue if the Democrats would agree to limit debate, but he said he was worried that Democrats will pressure some Republicans into supporting amendments that will increase the cost of health care, and therefore the number of Americans without any insurance. He also said he was worried the Democrats will force votes that can be misconstrued for political purposes. He would rather allow a yes or no on the entire package with only a handful of amendments.

I have more confidence than the assistant majority leader in our colleagues' ability to make discerning decisions about the merit of these various amendments, and that having been elected by the people, we are charged to make judgments on these measures. This is a new reason for not bringing legislation to the floor. Apparently, one of the leaders is concerned the members of their party would not be able to exercise a balanced and informed judgment in the best interests of the particular States the Senators represent. Of course, if that is going to continue to be the position of the leadership, it does not bode well for a full discussion and debate on this issue.

We have seen for the last 2 years a policy of delay and denial of the ability to debate the issues that we referred to yesterday and on other occasions, and which we will have an opportunity again to debate today. But it is out of frustration that Senator DASCHLE has used the unusual procedure of offering this legislation on an appropriations bill, in the hopes we can work out an orderly process or procedure. I certainly support that process, since we have effectively been closed out from any opportunity to debate this issue.

It is a simple, fundamental, basic issue: whether decisions relating to the health of patients in this country are going to be decided by the health care professionals who have the training and skill and competency to make those judgments and decisions, or whether the decisions will be made by accountants in the insurance companies or the HMOs. That is really the basis of this whole debate and discussion. That is why virtually every leading health care organization, virtually every major professional health organization—the spokesmen and spokeswomen for children, for women's health, for the disabled, and for the patients' coalitions—has universally supported our proposal.

It is not, certainly, because it says "Democrat" on it. These organizations support measures on the basis of the merits, whether they are proposed by Democrats or Republicans.

There is uniformity among the various groups and organizations that the basic, fundamental issue of who decides what is medically necessary is really at the heart of the whole debate. It is reflected in different ways, as we illustrated in the course of the discussion over the past few days and today, but that is basically what is at the core of this proposition.

The Democratic leader indicated that if we took up the Republican proposal that was passed out of committee on a party-line vote—even though we had more than 20 amendments at that time dealing with the substance of the issues—we would limit our side to 20 amendments. He indicated he would be willing to limit discussion of these various amendments to a reasonable time period, expecting the opposition would have similar amendments.

Frankly, though, if the Republicans have the opportunity to put their bill before the Senate, I do not understand why they would need a great many more amendments. They already have their bill. If we had our bill before the Senate, we would not have to have a great many amendments because it is our bill. I think we can all understand the logic of that. If we have a particular proposal before us, we ought to be able to debate the changes that may be offered from the other side.

The other side has the right, their right as the majority, to lay their bill down. So when we say we need 20 amendments and they say they will need 20 as well, I do not quite follow that. But so be it.

I think we will find from the discussions taking place at the leadership level, and I heard the exchanges last evening, I heard from our leader he was prepared to move ahead. He urged there be cooperation by all Members. That certainly would be the case, I know, for those who are most involved in the Patients' Bill of Rights. They would be willing to expedite consideration of various appropriations bills with the understanding we will have an opportunity to debate this issue in a reasonable period of time with a chance to offer amendments.

We will hold the Senate accountable to answer the questions that parents have about their children and medical care: Will you will be able to get specialty care when a child has special needs, or just be given access to a general pediatrician? Will you get a pediatric oncologist if the child has cancer? What about access to new prescription drugs? Will children and others have access to the clinical trials?

The opposition fails to mention that gap in their program. The most they do about it is to include a study about clinical trials. I think most American families understand the importance of clinical trials in their family's life experience or their health care. They may not have been part of a clinical trial themselves—although my family has, my son has, and very successfully, I will add. But I doubt if there is a family that does not have a member of their extended family who has not been involved in those programs.

Patients need to have access to necessary prescription drugs. This is so important to many different groups in our society: those challenged with mental illness, those with disabilities or other chronic conditions. There are many in our communities who require those essential prescriptions drugs. We do not see those guarantees in the Republican plan. There was reference to those: They will get access to those—but at exorbitant prices. They didn't mention that. They said: We'll make sure they have access to those drugs—but the plan can charge exorbitant prices.

We will have an opportunity to come back to the issue on prescription drugs, though probably not on this piece of legislation. But there are important guarantees which we provide in our Patients' Bill of Rights. We will come back to those measures. They are important.

I will say a few words now about the subject matter that will be included in the amendment offered by the Senator from California. It will deal with medical necessity. This is an interesting concept, because it reaches the heart of this issue, this debate. When consumers sign up for health care coverage, they assume, I think—it is not presumptuous to assume this—they assume they will be able to get from their doctors and their health care facilities the best care that the medical profession has to offer. Right? Wrong. Our bill will ensure that the best care is given. Their bill does not.

You say: I do not understand that. Let me clarify it. The Republican legislation that was reported out of the Health committee permits the HMO to decide what is medically necessary. They let the HMOs decide what is medically necessary. Then, when you have a certain illness and your doctor believes you should receive X, Y, or Z treatment, but the HMO defines "medical necessity" in a particular way, your doctor is restricted in the kind of treatment they can give you to whatever it says in the particular contract.

I do not think most consumers, when they sign up for health insurance, look into or read the various definitions in those contracts. You have scores of different definitions, each allowing for abusive actions that can have devastating effects on the health of patients across the country.

We have one included in here from a HMO that happens to be in Missouri. This is what it says: X company, I will not mention the name here, will have the sole discretion to determine whether care is medically necessary. Here it is—a small provision in the contract that an individual may never see.

If they came in and said: The doctor says you may very well need to have this kind of treatment.

And then the HMO says: Oh, no, they do not need that treatment, it is too expensive.

And the patient says: Why? Is that in my best interests of my best health?

Maybe the doctor will say: Yes.

Then the person says to the HMO: My doctor says it is in the best interest of my health to have that treatment.

Then the HMO says: Let me tell you something. Our definition of what is medically necessary for you is in the sole discretion of our HMO. We say you don't need that treatment. You signed that contract, and that is what you are going to get.

Then the person says: I appeal. I appeal this. I appeal. I want the best.

Under the Republican proposal—listen to this—the HMOs will decide who will listen to that appeal. They will also decide that appeal on the basis of what the contract says. That person gets an appeal, and then it goes to their HMO. The appeal officer looks at this and says: Here it is, it is their sole discretion whether care is medically necessary. And that is it; you are out.

Then that person says: Maybe I will bring a case. Let's get this out into the courts. This is absolutely outrageous. It is violating the basic, common law of good medical treatment.

The patient does not get to the courts. It is nonappealable under the Republican proposal. You are stuck there, your child is stuck there, and your wife may be stuck there. A member of your family is stuck there.

What does our bill do? It says that plans must use the best evidence and practices to determine what is medically necessary. It uses the best up-to-date scientific information or, if that is not available, clinical practices.

At a hearing in our committee earlier this year, there was some question about the definition and the use of various words in our proposal. We said: You develop the words. We have tried to take those words, which have been recommended by the best practitioners and by the medical associations, and put those in the bill. If the opposition has better words, we welcome them, we will embrace them, we will include them. Work with us, and we will work with you. Do they understand what we are trying to get at? We want to ensure that any individual who signs up with a plan is going to get what professionals in a particular field believe is in their best interest.

I have in my hand 30 definitions of what is medically necessary, depending on the HMO. Why should American citizens play roulette, and allow their health care to depend on which HMO they are a member of? That is what is happening.

Is this such a revolutionary idea? It is not. This basic concept has been supported not only by the medical societies, the medical associations, nurses associations, but countless other patient groups and others. The only people who oppose it are those who seek to preserve the status quo. It is similar to what is used to treat our parents and our grandparents under Medicare, and we do not hear any complaints about it.

I ask any Member on the other side to bring in a single letter which demonstrates how that best standard of medically necessary is either being abused or not effective for those people under Medicare. Bring them in. Shouldn't that be the answer? Mr. President, 39 million Americans are being treated that way. Bring in the examples. I will give my colleagues examples on the other side. Let's debate that issue. Let the Senate decide. I will give my colleagues examples.

If my colleagues want to take a little time, I will go right through these and let the Senate hear this debate.

They may say on the other side: Is that some new idea, some crazy Democratic concept? We know it is being used today to treat our parents. They welcome it. It is good and sound.

We want to make sure people are protected. That is what we are concerned with. That is why this issue reaches the heart of the whole debate and why the whole question of medical necessity is of such importance.

If that is not a core factor, if we do not have the best judgments guiding what is medically necessary, and if we do not have the assurance this is going to protect the doctor to make that judgment, then this legislation is not worth the paper on which it is written.

We can name any bill a Patients' Bill of Rights. But if it has a medical necessity definition that is so construed as to deny people adequate protection or that and they are able to question the doctor giving the best information on the best medical process and procedure, we are not giving those assurances that the consumers of this country need and deserve, and we will not avoid the human tragedies which we have heard mentioned day after day in the Senate. We hear instance after instance where timely treatment is being denied because doctors are not able to practice what is medically necessary.

This is the heart of this debate today. I can mention some other definitions. I see other colleagues in the Chamber who want to address the Senate. I am going to come back and review with the Senate some other definitions that have been included in the HMOs and how they have worked in ways which have been tragic to the medical profession.

I have a definition from another major HMO, one of the largest in the country. I am not interested in using names, but I will be glad to if Members are questioning this issue. This is their definition in use today:

> Health care services that are appropriate and consistent with the diagnosis in accordance with accepted medical standards and which are likely to result in demonstrable medical benefit and which are—

Listen to this—

> the least costly of alternatives.

There it is, "least costly of alternatives." Not what is in the best interest of the patient, not what can save that person's life, not what can reduce pain and suffering and offer the best hope and opportunity for the future but which is least costly.

Here is another HMO. This is the definition of medical necessity in another very prominent HMO:

> . . . the shortest, least expensive or least intensive level of treatment, care or services rendered or supplies provided.

How many Americans, when they go in to look at their HMOs and sign that contract, say: Look. I have a health insurance proposal. Look what it's going to do. It's going to cover me and going to cover my family and going to cover my children, and going to cover my wife. This is what it's going to cost. This is what the drug benefit is.

How many are going to look at the fine lines and look into "medical necessities" and are going to wonder whether they are using the most modern and comprehensive care for "medical necessity." Virtually none of them are going to. That is why we have so many examples of the kinds of tragedies that have been mentioned. We will talk about those later in the day.

I see my friend and colleague from California. We all look forward to hearing from her on the amendment she will be proposing.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. How much time is remaining for Senator KENNEDY?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 30 seconds.

Mr. REID. The Senator from Massachusetts has 7 minutes. There are three of us. Will the Senator yield his time to the three of us to divide equally?

Mr. KENNEDY. I yield it to the leadership here, Senator REID, to allocate in whatever way he desires.

Mr. REID. Would the Chair advise the Senator when he has used 2½ minutes?

The PRESIDING OFFICER. The Chair would be delighted.

Mr. REID. Mr. President, the question always arises as to whether we have sufficient time in this body to take care of all the business before us, especially the appropriations bills, and still have time to properly handle the Patients' Bill of Rights? The obvious answer is yes.

We have had a number of bills brought before this body this year. We have had, for example, the military bill of rights with 26 amendments, the Education Flexibility Act with 38 amendments, the supplemental appropriations bill with 66 amendments, the first budget resolution with 104 amendments, and the budget process reform bill with 11 amendments. We are asking for 20 amendments. Certainly we have the opportunity to do that.

I agree with my friend, the Senator from Massachusetts, that we are talking about real people's problems. He has spent a great deal of time emphasizing the importance of the access to specialists.

I have a letter from a girl from Minden, NV, by the name of Karrie Craig. She wrote:

> . . . my mother found out she had cancer [in] November 1997. After about two years of going in circles with her primary care physician, she was [finally] admitted to a urologist.

I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXCERPT OF A LETTER TO SENATOR REID DATED 1/11/99 FROM KARRIE CRAIG OF MINDEN, NV

. . . my mother found out she had cancer November of 1997. After about two years of going in circles with her primary care physician, she was admitted to a urologist. Her primary care doctor had prevented this visit with a specialist until my mom was very sick. I believe that the HMO company looked down upon specialized doctor visits, as they are more expensive. What my mother found out was she needed an operation for a small growth, left in her bladder from birth. Actually, after surgery they realized she had advanced bladder cancer that only a sooner visit to urologist would have prevented. Within five months my mother died.

The only good thing about the HMO services was they provided us with Hospice services the last week and a half of my mom's life. I feel that HMO's policies of primary care physicians and the negative feelings they portray about specialists causes more problems that it solves. In the end, my mother cost the company more money than if she would have been permitted to see a specialist earlier.

Mr. REID. In short, this letter says that after the 2 years passed, it was too late. Had her mother received permission to see a specialist early on, she may still be alive today. By the time she was referred to the specialist, a tumor had developed. It was later determined that she had advanced bladder cancer that a sooner visit to the urologist could have prevented. Her mother died. This is a real-life case that illustrates the importance of access to specialty care.

I hope the majority will allow us to go to the Patients' Bill of Rights at the earliest possible date. This is something we need the do.

I yield to my friend from Illinois 2½ minutes.

Mr. DURBIN. I thank the Senator from Nevada for yielding to me.

This debate really gets down to some very fundamental and basic questions about whether, when you go into your doctor's office and present yourself with an illness, you can trust that your doctor is going to be honest with you, tell you what is best for you or your family, or whether you have to worry about the fact that there may be some insurance company bureaucrat involved in this decision.

When it comes down to these basic life or death situations for a member of a family, there is enough emotional strain on an individual in trying to keep their wits about them, trying to keep their family together; but to think that you not only have to battle those things in your own mind but then, on a daily basis, battle the insurance company bureaucrats, that, to me, is the worst part of what we are debating.

I want to show you a photograph of a great little boy. He is 11 months old. His name is Roberto Cortes. He is from Elk Grove Village, IL—a cute kid, but a kid who has a serious problem, spinal muscular atrophy. He is currently on a home ventilator, as you can see in this photograph.

That is enough of a strain on any family—to try to make sure this little fellow has a chance to live a good life. But the sad part of this debate is that the parents of this little boy are self-employed. They have a little business.

The Republican Patients' Bill of Rights provides no protection whatsoever to self-employed people. Roberto Cortes and his family would not be protected at all by the Republican version of the Patients' Bill of Rights.

The Democratic version, supported by over 200 groups, representing doctors and hospitals and consumers and labor and businesses across America, would provide protection to the Cortes family. That is how basic this is.

When the Republicans tell us: We don't have time to debate this issue; we don't have time to debate whether or not you have a fighting chance when it comes to your health insurance, they are just wrong.

You are going to hear a lot about this issue from Members on the Democratic side. We are not going to quit until we get a chance to have this debate.

Since I see my colleague from California is here, and I know she has an important contribution to make to this discussion, I yield the floor back to the Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that this side be granted an additional 15 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Acting in my capacity as an individual Senator from the State of Kansas, I object.

Mr. REID. I ask unanimous consent that the minority be granted 15 minutes of additional time in morning business and the majority be granted 15 minutes additional time in morning business.

The PRESIDING OFFICER. Is there an objection?

Acting in my capacity as an individual Senator from the State of Kansas, I object.

Mr. REID. Mr. President, how much time is left for the Senator?

The PRESIDING OFFICER. Two minutes 30 seconds.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. FEINSTEIN. I thank the Chair, and I thank the Senator from Nevada.

Mr. President, when we return to the bill, it will be my intention to offer an amendment to the agriculture appropriations bill. I think that my amendment will deal with one of the most fundamental concerns in health care today; that is, the restoration to the physician of the basic right of patient care, patient treatment, and to be the determinator of patient care and the length of hospital stay.

I think one of the things we have seen emerge in health care throughout the United States in the past 2 to 3 years is the development of the so-called green eyeshade of an HMO determining what is appropriate patient care, regardless of the physical condition of an individual patient.

The amendment I will offer essentially says that a group health plan or a health insurance issuer, in connection with health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered, if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit. In other words, if you have coverage for a treatment in your plan, the physician determines that treatment based on you, based on your needs, based on your illness—not based on the calculation of a green eyeshade in a health insurance plan.

My father was a surgeon. He was chief of surgery at the University of California. My husband, Bert Feinstein, was a neurosurgeon. I grew up and lived a good deal of my life in a medical family. In all of that time, the doctors determined the appropriateness of care, the doctors determined the length of hospitalization, the doctors determined whether a particular treatment was suitable for an individual—not an arbitrary HMO, not physicians out of context of an individual physician and patient.

Every person sitting in this gallery today is different, one from the other. They are different in how they react to drugs. They are different in how they react to radiation—

The PRESIDING OFFICER. The time allotted to the distinguished Senator from California has expired.

Mrs. FEINSTEIN. If I may finish my sentence.

Mr. NICKLES. If I might just interrupt. I apologize. I was not on the floor earlier.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. I ask unanimous consent that each side have 20 minutes of additional time for morning business.

The PRESIDING OFFICER. Is there an objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The time has expired in regard to the Senator from California.

Hearing none, without objection, it is so ordered.

Mr. REID. Mr. President, I ask through the Chair to the Senator from California, how much additional time does the Senator need?

Mrs. FEINSTEIN. If I could have another 7 to 10 minutes at this time, I would appreciate it very much.

Mr. REID. How about 7 minutes?

Mrs. FEINSTEIN. I will do my best with 7 minutes.

Mr. REID. Okay.

The PRESIDING OFFICER. The distinguished Senator is recognized for 7 minutes.

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Nevada.

At an appropriate time, I will submit that amendment.

Let me tell you some of the things we are increasingly told: That is, that doctors have to spend hours hassling with insurance company accountants and adjusters to justify medical necessity decisions—why a person needs another day in a hospital, why a patient needs an MRI, why a patient needs a blood test, why a patient should get a particular drug, this drug rather than that drug. Doctors increasingly say they have to exaggerate or lie so their patients can get proper medical care.

In USA Today, an article was run saying that 70 percent of doctors interviewed said they exaggerate patients' symptoms to make sure HMOs do not discharge patients from hospitals prematurely. Seventy percent of doctors indicate that they do not tell the truth about a patient's condition so they can be assured that that patient gets adequate hospital care.

Now, is this what we want? I don't think it is. I think the doctor's decision, based on an individual's condition, should be the overriding decision that determines medical necessity. The amendment I will introduce will ensure that that happens.

In the HHS inspector general's report of June 1998, the following finding was made: Most doctors think working in a Medicare HMO restricts their clinical independence and that HMOs' cost concerns influence their treatment decisions. Mr. President, every patient is different and brings to a situation his or her own unique history and biology. Only a physician who is trained to evaluate the unique needs and problems of a patient can properly diagnose and treat an individual.

A Los Angeles doctor by the name of Lloyd Krieger said:

> Many doctors are demoralized. They feel like they have taken a beating in recent years. Physicians train years to learn how to practice medicine. They work long hours practicing their field. Under this health care system, that training and hard work often seems irrelevant. A bureaucrat decides how doctors are allowed to treat patients.

Dr. Krieger says:

> When I tell someone he is fit to leave the hospital after an operation, I am often given an accusing stare. Sometimes my patient asks: Is that what you really think or are you caving in to HMO pressure to cut corners on care?

Here's another example: A California pediatrician treated a baby with infant botulism, a toxin that spread from the intestine to the nervous system so the child really couldn't breathe well. The doctor prescribed a 10- to 14-day hospital stay. That doctor thought that length of stay was medically necessary for that particular baby. The insurance plan cut it short, saying the maximum that baby could remain in the hospital was 1 week. That shouldn't happen.

The amendment I will introduce at the appropriate time, and that I so hope this body will agree to, will ensure that medically appropriate and necessary treatment is prescribed by the physician and not contradicted by a green eyeshade.

I very much hope this body will accept it. I have introduced this kind of amendment now with Senator D'AMATO as a cosponsor and with Senator OLYMPIA SNOWE as a cosponsor. Perhaps the time has come to have the opportunity to pass this amendment and to get it done once and for all.

I thank the Chair, I thank the Senator from Nevada, and I thank the Senator from Massachusetts as well.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, is there an order for the conduct of business at this point?

The PRESIDING OFFICER. The Senate is now in morning business, with the majority having 25 minutes remaining and the minority having approximately 15 minutes remaining.

Mr. COCHRAN. I thank the Chair.

Mr. REID. Mr. President, I say to the Presiding Officer, we were given 20 minutes and we have approximately how much time remaining?

The PRESIDING OFFICER. The Senator has 14 minutes 59 seconds.

Mr. REID. Has the Senator from California completed her statement?

Mrs. FEINSTEIN. I have completed it. I could go on.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The question is: Are we going to be able to go forward with a debate on the Patients' Bill of Rights?

It seems to me that would be the right thing to do. I am a member of the Appropriations Committee. I recognize that we are working under very difficult budget constraints because of the budget we have now in this body. I think it is important we move forward on the appropriation bills. We have done fairly well thus far.

We have already passed four appropriation bills. The agriculture appropriations bill is currently pending. Yesterday, we reported the interior appropriations bill out of the subcommittee. Tomorrow, we will take up three appropriation bills in full committee. I agree that we need to continue to move these bills forward.

I think we could complete all debate on the Patients' Bill of Rights in 3 legislative days. If we had 3 long, hard days, we could do that. If we use the majority's bill as a working model, they should not require any amendments, because it is their bill.

We have acknowledged that we need 20 amendments. As we have stated on a number of occasions, we have had other bills that have been brought before this body, in this Congress, that have had a lot more than 20 amendments. The military bill of rights had 26 amendments; the supplemental appropriations bill had 66 amendments; and the first budget resolution had 104 amendments. Twenty amendments is a reasonable request.

We could agree, as far as this Senator is concerned, on having time limits on these amendments. We could do that. We could have good debates on what should be done on the Patients' Bill of Rights. We should do that.

We are not going to allow this legislation to move forward until we have the opportunity to debate our amendments. As I indicated, in this Congress, the Y2K bill had 51 amendments; DOD authorization, 159; defense appropriations, 67; juvenile justice, 52; the first budget resolution, 104; Education Flexibility Act, 38; supplemental appropriations, 66. Relative to these bills, 20 amendments is nothing.

We should proceed to the Patients' Bill of Rights as quickly as possible. We are, in effect, wasting time by having to come here and talk about why we need the opportunity to consider this legislation. It is not a question of whether we are going to debate the Patients' Bill of Rights, but when we are going to do it. We are going to offer our Patients' Bill of Rights as an amendment to every vehicle moving through this body. Under Senate rules, we can't be stopped from doing that.

We believe it is important that Americans have access to specialty care. We are talking about the real life stories of real people who have been and will continue to be denied access to specialty care until we pass a meaningful Patients' Bill of Rights.

As I mentioned earlier, Karrie Craig from Minden, NV, wrote me a letter. In her letter, she explained to me that her mother is dead because she was not able to see a specialist, even when her primary care physician recommended that she see one. She was denied specialty care because her managed care organization, not her physician, did not think it was necessary.

We believe that patients should not be subjected to a one-size-fits-all brand of health care. We believe there are situations where the doctor and the patient—not some bureaucrat—should decide what care is necessary. The American people also believe that. We think there are some real problems with the majority's so-called "Patients' Bill of Rights". We are willing to debate this issue and to determine whether or not our legislation is better than that of the majority. Clearly, we are willing to set time limits on our debate.

We are allowing a limit on the number of amendments we offer, but the majority should allow this bill to go forward. The most striking loophole in the majority's plan—and it is hard to say what this is because there are so many of them—is that it doesn't cover most Americans. In fact, the Republican bill leaves out almost 120 million Americans. Their bill would only cover a small number of people. Only one-third of the 161 million people protected by our bill would be covered by the Republican proposal.

All Americans who have insurance should be protected. That is what our legislation is all about. The Republican bill uses our title, "Patients' Bill of Rights," but that is all it uses. It does not extend coverage to the people who deserve to be covered.

All Americans deserve guaranteed access to specialty care, and we believe that we should at least be able to debate this issue. There are many different areas we need to talk about regarding the Patients' Bill of Rights.

NATIONAL RIFLE ASSOCIATION

Mr. President, while my friend from the State of Illinois is present, I would like to shift and talk about something else that is certainly important. As I have indicated, we are going to spend whatever time is necessary making sure that we have the right—I should not say the right, but that we have a debate on our Patients' Bill of Rights. We have the right, and that is why we are here today talking about this. So we are going forward until we have the debate on it.

I would like to discuss with my friend from Illinois another issue that seems to have been lost in the shuffle, which is the debate related to guns. I say to my friend from Illinois that I have here a letter from a man from Reno, NV, by the name of David Brody. I would like my friend to comment on this.

He writes:

> I am writing in regards to the enclosed National Rifle Association membership that was mailed to my 13-year-old daughter. I am not a gun advocate and have never voiced an opinion and I certainly believe in our Constitution and the right to bear arms, but I am rather astonished that the membership application is addressed to my 13-year-old daughter.

I say to my friend from Illinois, do you think the NRA should be sending applications to 13-year-old children to join the NRA? This isn't something that is made up. I have here the National Rifle Association 1999 membership identification. It gives her a number, and the letter is addressed to Brittany Brody. The NRA also sent this 13-year-old girl a survey wanting to know how she feels about opposing President Clinton on his gun issues. Does the Senator think this is appropriate to send to a 13-year-old girl?

Mr. DURBIN. I thank my colleague for raising this issue. This really gets to the heart of the debate we had a few weeks ago on the floor of the Senate. Remember how America reacted to Littleton, CO, and the Columbine High School shooting? I think it fixed the attention of this Nation unlike any other event I can remember. We felt we needed to come to the floor of the Senate to try to find a way to reduce the likelihood that guns would get into the hands of children and criminals. The debate went on for a full week, and it ended finally when we had six Republican Senators join the overwhelming majority of Democrats for a tie vote, 50–50, at which point Vice President GORE came to the floor and cast the tie-breaking vote and sent a good, sensible gun control bill over to the U.S. House of Representatives where, unfortunately, the same organization, the National Rifle Association, tore it to pieces, leaving nothing.

So we have our Senate bill, but the National Rifle Association prevailed over in the House. I say to the Senator from Nevada, I wish that I could tell you that I was shocked that the National Rifle Association would be so careless as to send a membership application to a 13-year-old. But when I look at what they did in the U.S. House of Representatives to a good bill, a bill that would have said we are going to have background checks at gun shows so we know that we are not selling to criminals and kids, and Senator Feinstein's amendment that would have prohibited importing these big magazine clips that are just used by gangbangers—they have no value in sport or hunting—and to make sure we have trigger locks so when kids find a gun in the house, they won't pull the trigger and kill themselves, the NRA opposed that.

Mr. REID. I say to my friend from Illinois, that kind of reminds me of our debate on the Patients' Bill of Rights. They call their bill a "Patients' Bill of Rights", but it does not give patients any rights. On the gun issue, they say they had in the House bill protection against gun shows because they had a 24-hour time limit, but they know that most gun shows are on weekends and they can't research on the weekends, so basically nothing would happen; is that right?

Mr. DURBIN. They are very similar, and the Senator is correct. The National Rifle Association is trying to put up some figleaf and say they are really for gun control. America knows better. We have been listening to these folks for a long time. They were opposed to the prohibition against cop-killer bullets—special bullets that would penetrate the bulletproof vests worn by policemen—because it infringed on people's constitutional rights. Give me a break. There isn't a right in the Bill of Rights that isn't limited for the common good.

Mr. REID. I would like the Senator from Illinois to comment on the second and third paragraphs of this letter from Mr. Brody:

> As we strive in our community to ensure that our schools are safe for our children, one of the biggest fears that parents have is a gun at school. We have been able to turn her particular school around from a very violent and non-academic oriented institution to one that we are all very proud of and where the students are doing extremely well.
>
> I am absolutely amazed that the National Rifle Association would have the audacity to mail membership applications to children. At some point, I believe this must be part of our government regulations. Will my youngest 11-year-old daughter be contacted next with another outrageous suggestion that is only supporting violence?

Would the Senator say that Mr. Brody is out of line in writing this letter and crying out for help that his 11-year-old daughter and 13-year-old daughter aren't given a membership—I mean, they got it; she has a card here that looks like a credit card. It says 13-year-old Brittany Brody is a member of the NRA.

Mr. DURBIN. I say to my colleague, I know he is a father and he is proud of his family, and I am, too. Think about this. This father saw this come through the mail. Think of the world we live in, with the Internet and the webs. How many others are trying to lure kids into the purchase of weapons or a membership in a National Rifle Association and the like? I really think when we talk about responsibility and accountability, it applies to parents and it applies to organizations such as the NRA as well.

I say to my friend from Nevada that he raises an excellent point. If we are going to make sure our kids have a fighting chance, we have to keep guns out of their hands. When the Senator from Nevada and I were both growing up a few years ago, there were always troubled kids in the schools. We called them bullies in those days. You feared getting punched in the nose on the playground. I wish that is all our kids had to fear today. Now they have to fear that the bully will get a gun and show up in school, as it happened in Conyers, GA; at Columbine High School; Jonesboro; West Paducah; Springfield, Oregon; Pearl, Mississippi. Those unfortunate incidents are the reality of the dangers our kids can face.

Mr. REID. My time is about to expire, but I am here today to alert this body that we are going to make sure that when there is a call for conferees to be appointed on the juvenile justice bill, that we act appropriately, that we send a message to the conferees that we don't want business as usual, that we want the National Rifle Association to understand that the vast majority of Americans do not agree with them.

The Senator from Illinois would agree that when the conferees are called, we are going to ask for a resolution to send to the conferees that they should follow what is already taking place in the Senate that, in effect, says a majority of the people of this country are in agreement with the Senate; is that true?

Mr. DURBIN. I say to the Senator from Nevada that the Democrats may be in the minority in the Senate. I believe our position for sensible gun control to keep guns out of the hands of criminals and kids is a majority opinion in America. I think our position for the Patients' Bill of Rights, so doctors make decisions and not insurance companies, is a majority opinion in America. We are going to fight for that.

I thank the Senator for his leadership.

Mr. REID. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. The Senator from Nevada has 12 seconds.

Mr. REID. I yield that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Maryland just arrived. I ask unanimous consent that she be allowed to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Acting as an independent Senator from Kansas, I object.

Mr. REID. I ask unanimous consent that the Senator from Maryland be allowed to speak in morning business for 10 minutes.

The PRESIDING OFFICER. The acting Presiding Officer informs the Senator from Nevada that the majority has 25 minutes and that there is a Senator expected on the floor at any moment. Would the Senator like to repeat his request?

Mr. REID. I ask unanimous consent the Senator from Maryland be allowed to speak 10 minutes and that the morning hour be extended for 35 minutes.

The PRESIDING OFFICER. Acting as an independent Senator from Kansas, I object.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for no more than 5 minutes.

Mr. NICKLES. Will the Senator repeat the request?

Ms. MIKULSKI. I ask unanimous consent that I be allowed to speak as if in morning business for no more than 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. If I might engage my colleague from Nevada, are there additional Senators requesting time on his side?

Mr. REID. No.

Mr. NICKLES. This Senator has no objection to the request. I was going to suggest that we give an additional 15 minutes on both sides.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended for an additional 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The distinguished Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the whip from the Democratic side, and I also thank the Senator from Oklahoma for his graciousness.

PATIENTS' BILL OF RIGHTS

Ms. MIKULSKI. Mr. President, I come here today to talk about something that is very compelling to the women of this country; that is, the Patients' Bill of Rights.

The Patients' Bill of Rights is a women's issue, because it is the women of America's families who often make the decisions that are very important in terms of the health care of their family. They are the ones who often read the fine print of insurance documents. They fill out the paperwork in order to make sure their children have access to the health care they need. They are often the ones on the front line either trying to get health insurance for their families or also ensuring they have the best benefit package.

But, guess what. When it comes down to them getting the health care they need, they are often denied it. They are often denied having access to an OB/GYN who is the primary care provider for most American women, because they are called "a specialist."

Also, when they face a tremendous problem in their lives, such as a mastectomy, they are often denied the time they need to get the care they need because of the insurance gatekeepers. We call this the drive-by mastectomy situation. We call it a drive-by mastectomy, because a procedure is performed on a woman, she is driven to the hospital, and she is driven out of the hospital—sometimes within hours.

What is a mastectomy? Make no mistake, the term "mastectomy" is a technical term. But what it really means to a woman is that it is a breast amputation with all of the horror, terror, and trauma that an amputation brings out. When one faces such a horrific procedure, certainly you should have the kind of care you need. And that should be decided by the doctor and the patient—not by an insurance gatekeeper.

What does a mastectomy mean? For every woman in the United States of America, the one phrase that she is terrified to hear is: You have breast cancer. The next phrase that she is terrified to hear is: It has gone so far that we have to do a mastectomy.

It is traumatic for her, because it is not only body altering, but it is family altering, and it is relationship altering. When one looks at one woman facing a mastectomy, she needs to discuss this with her spouse. He is as scared as she is. He is terrified that she is going to die. He is terrified about how he can support her when she comes home from the hospital. And then they know they have to sort out a relationship under such difficult situations.

When a woman has a mastectomy, they need to recover where they recover best. That is decided by the doctor and the patient. Women are sent home still groggy from anesthesia and sometimes with drainage tubes still in place, with infection, and are not sure if that is the right place.

Make no mistake. We can't practice cookbook medicine. Insurance gatekeepers can't give cookbook answers. An 80-year-old who needs a mastectomy needs a different kind of care than a 38-year-old woman.

We go out there, and we race for the cure. I think it is wonderful. We do it on a bipartisan basis. But if we find the cures, we need access to the clinical trials. It is being denied in the Republican Patients' Bill of Rights. We need to be able to talk to our own OB/GYN. That is called "a specialist"; we can't do that.

We need to have access to the care. This is the United States of America. We have discovered in this century more medical and scientific breakthroughs than any other century in American history. It is in America where we found how to handle infectious diseases. It is in America where we have come up with lifesaving pharmaceuticals. It is in America where we have had lifesaving new surgical techniques only to find that in America, though we invented something to save your life, we also invented insurance gatekeepers that prevent you from having access to those lifesaving mastectomies. This can't be so.

If we are going to really take America into the 21st century, we must continue our discovery. We must continue our research, and we have to have access to our discoveries.

The Republicans, through Senator D'Amato, offered legislation on drive-by mastectomies. When the Republicans offered their bill in the committee, it was strikingly absent. Senator MURRAY and other Members offered the D'Amato amendment. However, along party lines it was rejected, 10–8. Certainly what was good for D'Amato a year ago should be good now, at least to have the opportunity to debate this year.

The Democratic alternative Senator MURRAY and other Members want to offer simply says that decisions should be made by the doctor in consultation with the patient.

A few months ago I had gallbladder surgery. I could stay overnight for my gallbladder surgery because it was medically necessary and medically appropriate. Surely if I can stay overnight for gallbladder surgery, a woman should be able to stay overnight if she has had a mastectomy.

I yield the floor.

Mr. REID. Mr. President, how much time does the minority have remaining for morning business?

The PRESIDING OFFICER (Mr. HUTCHINSON). The minority has 8 minutes 30 seconds remaining.

Mr. REID. While the assistant leader for the majority is on the floor, I ask unanimous consent we be allowed to extend on an equal basis the time for morning business until 12 noon.

Mr. NICKLES. Reserving the right to object, and I probably will not, how much time remains on our side?

The PRESIDING OFFICER. Forty minutes.

Mr. NICKLES. My colleague would be asking for an additional 10 minutes on each side?

Mr. REID. I think that would be appropriate.

Mr. NICKLES. Mr. President, if my colleague would modify his request and ask for an additional 10 minutes on each side, there would be no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I extend my appreciation to my friend, the senior Senator from Oklahoma, my counterpart on the majority.

Mr. President, I think it is time we did a little comparison as to what we really mean when we talk about the Patients' Bill of Rights.

The majority has something called the Patients' Bill of Rights, but it is this only in name. For example, does the majority's bill protect all patients with private insurance? No. It covers about 40 million; ours covers about 170 million.

What about the majority's ability to hold plans accountable? Does their bill hold plans accountable? No. Does ours? Absolutely, yes.

What about arbitrary interference from the management, from the bureaucrats? In the minority's bill, our Patients' Bill of Rights, there is no arbitrary HMO interference; in the majority's bill, of course there is.

We have heard so much about guaranteed access to specialists. The Democrats' Patients' Bill of Rights guarantees access to specialists; the majority's does not.

That is important. We have heard so much today about the need for the ability to see a specialist when needed. I spoke earlier about the daughter from Minden, NV, who writes to me:

> If my mother had been able to get to the urologist earlier, she would be alive today, but she had to wait for 2 years. The tumor had grown, she died five months afterwards.

She also said in the letter it was such a waste of resources, because the HMO did spend money putting her mother in a hospice while she died. That was very expensive.

That is the whole point of our legislation. There is talk about it being so expensive. It is not expensive. In the long run, it saves the country money to have people taken care of when they need medical care.

Guaranteed access to specialists is what our legislation is all about. It is important we understand that.

What about access to out-of-network providers? They are needed on occasion. Ours gives that access; the Republicans', the majority's, does not.

How about specialists who need to work together to coordinate care? Ours guarantees that; the Republicans' does not.

What about prohibition of improper financial incentives? Some of the plans have incentives. The more you keep people out of hospitals, the more money you make. A doctor has an incentive to keep people out of the hospital. That is wrong. That is absolutely wrong. Our legislation prohibits improper financial incentives; the Republicans', or the majority's, does not.

Access to clinical trials. This really isn't anything fancy, or complicated. There are certain diseases—cancer is the one that comes to mind—where people have no standard therapy left. Should they be allowed to go to the most modern programs that are lifesaving in nature? We don't know for sure they work, but we think they will work. However, we need experiments, clinical trials, to determine if these new procedures work. Our legislation allows these clinical trials to go forward. Our legislation says we don't give up on someone and simply say we have used all standard procedures, we will not allow these great scientists, these medical researchers who have found new ways they believe can cure a disease—we will not allow your mother, father, brother, or sister to have cutting-edge treatments.

Under our program, we say patients should have access to clinical trials. People's lives are saved every day because of these clinical trials.

Access to OB/GYN—obstetrician/gynecologist. This is absolutely critical for women. It is guaranteed under our legislation that women would have access to OB/GYN physicians. That is extremely important. Under the Republican version, there are certain instances, certain times—very minute, very limited—that women can see an OB/GYN physician. We believe this should be a matter of routine. A woman should be able to see a gynecologist or obstetrician when she believes it appropriate.

We know in America today, when women see a gynecologist, often these physicians become the primary care physician for women. We believe our legislation is what women deserve and what they need in America today.

What about access to doctor-prescribed drugs? We have had a problem develop around the country and in Las Vegas when one of our providers found a new way to dispense drugs. If someone needs one 50-milligram pill, the provider sends them a 100-milligram pill and tells them to cut it in half, giving them the instrument to cut it in half.

That is not the way medicine should be practiced. Just because the HMOs get a good deal on a bunch of medicine, on a bunch of drugs, does not mean that patients should be subjected to that kind of treatment. Shouldn't they be given the prescribed drugs the doctor says they need?

How would you feel if you went to a pharmacist and the prescription ordered a 50-milligram pill and the pharmacist said: I will give you half as many, but they are twice as powerful, so just cut them in half?

That is what is going on in America today with managed care. Our legislation would prohibit these practices.

There are significant numbers of people who are fired from managed care entities for telling the truth, for being advocates, for saying: This is not the way you should be treated. Go talk to your doctor. Go back to someone else. They get fired.

In our legislation, we have protections for patient advocates. If a nurse, for example, says, this is not the way I believe you should be treated, you should go talk to your doctor, or you should appeal a decision, under our legislation, this nurse would be protected for advocating on behalf of her patient. Under the proposal of the majority, there is no similar protection.

Another problem is that managed care facilities put their physicians on an index. They go out every year and hustle doctors in order to get good deals. They find a doctor who will do an appendectomy cheaper than a doctor did last year, so that doctor gets put on their list. All of a sudden, the patient no longer has the right to see the doctor who has been treating him or her for 10 years, because the doctor is not on the HMO's list.

What we say in our legislation is that you can keep your doctor throughout treatment, that you need not change even though the managed care entity, in effect, has fired that doctor. The doctor is fired not for doing anything wrong as far as rendering bad treatment, but simply because they no longer want them on their approved list. Maybe they had an argument with one of the administrators. Maybe they think they charged too much. Maybe they can get a better deal. That is usually what it is, a better deal from other physicians.

Under our Patients' Bill of Rights, we, as I have said, allow patient advocacy. But we also prohibit gag rules. Under the majority's Patients' Bill of Rights, and I use that term very loosely, you will find they have language prohibiting gag rules but it is relatively meaningless. It is not enforceable.

We also believe there should be external appeals. There was a speech made here yesterday that the majority's legislation does allow independent external appeals. That is simply not true. They have words that say that occurs, but it really has no merit. Under our legislation, there is a guarantee of an independent external appeal. And it is done quickly.

There are also very important considerations as to whether or not a person who is part of a plan has the right to go to an emergency room. We have heard numerous examples of people denied payments after going to an emergency room. One of my favorites was a young woman who was out hiking, fell off a cliff, broke her pelvis and leg, was taken to an emergency room, and the cost was over $10,000. It was denied by the managed care entity because she did not get prior approval to go to the emergency room.

If that were only one case where that happened, maybe we would not pay much attention to it. But this happens all the time. People are constantly denied the right to go to an emergency room. Under the majority's legislation, they have a little bit of language that gives a little bit of protection for emergency room access, but this is not enough.

One of the key provisions in our legislation is that we have an ombudsman. What is an ombudsman? An ombudsman is a person you can go to who works for the managed care entity, so if there is a complaint, "I was denied care and I should not have been," it is that person's job to get to the bottom of it. An ombudsman can take a look at that and find out what went wrong. There is someone to go to if there is a problem with the managed care entity. Under our legislation, it is a requirement. It is not even mentioned in the majority plan.

Plan quality—isn't it just right that there be somewhere where a patient, a member of a plan, can go to find out what happens when certain procedures are done in this managed care entity? Are they successful? Are they not successful? Our legislation provides that people who are members of a plan can get information on the quality of their plan. That is critically important.

As I have asked before, why are we here today talking about the Patients' Bill of Rights? We are here because we believe there should be a debate taking place in the greatest debating society in the world, as the Senate is often referred to, on this issue. What should be done with these managed care entities around the country as far as providing information, protecting all patients? Do we want a debate on whether the Patients' Bill of Rights should cover 40 million Americans or whether it should cover 60 million? Do we want to debate on whether we can hold plans accountable? Do we want a debate on whether there can be arbitrary HMO interference in the practice of medicine? Do we want a debate on guaranteed access to specialists? Do we want a debate on access to out-of-network providers? Do we want a debate on specialists being able to coordinate care? Do we want a debate on standing referrals to specialists? Do we want a debate on improper financial incentives given to doctors who are part of these entities? Do we want a debate on access to clinical trials? Do we want a debate on having an obstetrician and gynecologist for women when they want one? Do we want a debate on access to doctor-prescribed drugs? Do we want a debate on patient protection advocacy? Do we want a debate on keeping a doctor throughout your entire treatment? Do we want a debate on prohibition of gag rules? Do we want a debate on how the guaranteed network meets the needs of a patient? Do we want a debate on access to nonphysician providers? Do we want a debate on choice of provider point-of-service? Do we want a debate on emergency room access? Do we want a debate on whether or not these plans should have an ombudsman?

The answer to every one of these questions is yes, we do. That is why we are here in this body. This great debating society says: Yes, let's debate these issues. If the majority is putting forth this bill that they call a Patients' Bill of Rights—and we submit it is only in name a Patients' Bill of Rights—we say we are willing to debate this because the American people are protected under our Patients' Bill of Rights. People need protection. They have been taken advantage of.

In America today there are only two groups of people who cannot be sued: foreign diplomats and HMOs. I was at dinner in Nevada Saturday with a friend who is one of the chief administrative officers for a big managed care entity in northern Nevada. She said to me: I kind of like your plan, except these lawyers.

I said to her: Every other business in America has to deal with lawyers. Why shouldn't people who take care of me, people who take care of my daughter, people who take care of my son, my wife, if they do something wrong, why should they not also have to respond in the legal system? That is really invalid. People are saying this is going to make all this litigation. That is simply not true. Lawyers, especially when they deal with people's health, have to be very careful litigating. In the entire history of the State of Nevada, which is now not the smallest State in the Union, although certainly not one of the largest, it is about 35th in population, in the entire time we have been a State, there have only been a handful of cases, medical malpractice cases that have gone to a jury. So this is a bogeyman that does not exist.

What we are saying is we want a debate on the Patients' Bill of Rights. We think ours is certainly one in keeping with the standards the American people want. In the light of day, we are willing to debate what the Patients' Bill of Rights on the other side has, which is nothing. It is a Patients' Bill of Rights in name only. We want to come to this body and have a reasonable number of amendments. That is a concession on our part, a reasonable number of amendments. We should be able to offer all the amendments we want, but we believe so strongly about this issue that our leader has said to the majority leader we are willing to limit our amendments to 20 and to set a time for completing this bill.

That certainly seems fair and reasonable when one considers that in this Congress, we already have taken up bills which have not taken a lot of time but had far more amendments.

Y2K problem, 51 amendments; DOD authorization, 159 amendments. We spent 4 days on that bill. On the Y2K problem, we spent 13 days on it and many of those were very short days.

Defense appropriations, 67 amendments. We were able to finish that bill in 1 day. We debated the juvenile justice bill for 8 days, and we were able to dispose of 52 amendments.

We are saying, with something as important as people's health care and well-being, we are willing to take 20 amendments. We feel we can finish the bill in 3 days with 20 amendments. Certainly, we are entitled to that time. We had 8 days on juvenile justice. In that regard, we came up with some good legislation.

On the budget resolution, which is a guide for this body and which I believe was not a very good piece of legislation—I voted against it as did most everyone on this side of the aisle—there were 104 amendments, and we disposed of that bill in 2 days.

In short, we certainly should have this debate, and we should do it right away. We recognize we are only going to have one more legislative day this week and then we go back to our States to do other things. Let's do it next week. Let's begin this bill next week, and after the Fourth of July break, we can come back and work on the appropriations bills. We are not going to complete any of the appropriations bills until we have a meaningful debate on the Patients' Bill of Rights, one where we are not gagged and we are allowed to offer the amendments we want to offer as to the substantive merits of this legislation.

I hope the majority will allow this debate to take place. It will take place. It is only a question of when it will take place. We will save a great deal of time and anxiety if we just get to it. As Mills Lane, the famous fight referee, now the TV judge says: Let's get it on.

We are willing to get it on with this debate. We feel so strongly about the merits of our case, we are willing to debate it in the dead of night or early in the morning. We do not care when we do it, but let's do it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

AMENDMENTS TO AGRICULTURE APPROPRIATIONS

Mr. KERREY. Mr. President, I had intended to come over and talk on the ag appropriations bill. I am not going to talk about the ag appropriations bill since we are not on it. I am going to talk about a couple of amendments I intend to offer, if we ever get to that point. I will put us back into a quorum call when I am through.

There are many important things in this ag appropriations bill that I strongly support. I have a great deal of respect and appreciation for the work that both Senator COCHRAN and Senator KOHL have done on this piece of legislation. Every appropriator, every Senator who has the responsibility of working on the Appropriations Committee, understands we are seeing a decline, a deterioration in our capacity to invest in our future as a result of a growing problem we have with our budget; that is, a larger and larger share that is going to mandatory programs and a smaller and smaller share available for these long-term investments, whether it is in soil, whether it is in research, all the other things that are in this particular piece of legislation. The problem is only going to get worse.

I didn't come to talk about that, but I did feel obliged to say I understand that all these men and women who serve on the Appropriations Committee are under an awful lot of pressure, and that pressure is going to grow.

We currently take from the American people about 20.5 percent of GDP to spend on Federal programs. That one-fifth of total GDP that we have been taking for the last 50 or 60 years has remained relatively constant, though at 20.5 it has not been at that high level since 1945. I say that only because there is an upper limit as to what we can take. I think we are there. Indeed, I support cutting taxes right now; I believe we can cut taxes. Indeed, part of the reason I am for it is that, at 20.5, in order to send a signal, we need to understand there is an upper limit. Otherwise, we are apt to spend it on a variety of things, and all the fiscal discipline we have had throughout most of this decade will be evaporated in a hurry.

But as to this bill itself, whenever it becomes appropriate, I intend to offer a couple amendments. As I said, while this piece of legislation does support a number of very important aspects of agriculture spending, from agriculture research to food stamps, in fact, it can't, given its mission, address the enormous amount of changes sweeping across rural Nebraska. I get calls all the time from farmers who ask me: Does anybody in Washington understand what is going on? I answer, genuinely, yes. I think both Republicans and Democrats are scratching their heads trying to figure out what we can do.

I was encouraged by the chairman's comments during the markup of the dire emergency supplemental bill for Kosovo; he does understand that both Republicans and Democrats understand there is a need to do an additional supplemental appropriations bill at some time for emergency purposes to help agriculture. But this merely underscores the problem we are experiencing in rural America today. Unfortunately, what is happening is that family farmer, who very often has a job outside of agriculture, is not certain there is any opportunity left.

I want to say to my colleagues, though, I am very much a free market person; I support free trade. I believe we ought to have rules and laws that support the free enterprise system.

In agriculture, we do a lot more on these family farms than just produce food. The food is important, a vital part of our export strategy, and it has economic value that one cannot deny. But these farms produce human beings. All of us who have had the pleasure of working with boys and girls who are working for the 4-H organization, or the Future Farmers of America, when you see these young men and women, you see kids with unusually good character and values that are acquired as a result of living in an environment where you understand that this biblical motto that says you can't reap what you don't sow is true; where you live constantly in an environment of understanding that, though you may have a good or a bad farm program, and like or not like what is going on in Congress, still the most important act you have is the act that occurs when you are on your knees in the morning, or in evening, or you are bowing your head at lunch or supper and praying and being grateful for what you have but hoping that Mother Nature delivers enough and the right amount of rain, enough and the right amount of other conditions that are necessary in order to produce this product.

As the distinguished occupant of the Chair knows, being from Arkansas, food production is unusual because, unlike manufacturing businesses, it is produced out of doors. It may seem like an obvious fact, but in my businesses I regulate the environment. I have an air conditioner; I have a heater; I have a furnace that produces heat in the winter; and I have an air conditioner that produces cool air in the summertime. I can control that environment 365 days a year. I did get wiped out once by a tornado in 1975, but I don't, in the normal course of business, worry about hail or about not getting enough rain. I don't have a growing season where I can be wiped out with a single event, and I don't have all my annual sales gone just like that as a result of something way beyond my control.

So we understand that we have basics that we are dealing with. I hope we understand that agriculture produces people with values. There is a rural policy aspect of our farm program that is not really economic. We want people to live in rural America. We understand that our program has to provide them with some hope of economic prosperity, and we understand that these farms produce more than just some thing, some commodity that has economic value.

The question is how to do that. We had a great debate in 1995 over Freedom to Farm. Though I didn't vote for it, let me say that I was very sympathetic to the idea that the Government should not be out there regulating every single thing the farmer does. Under the old farm program, that happened. Farmers were saying to me: I am not making decisions anymore. All my decisions are made down at the Farm Service Agency. I have to go down and find out from USDA and Soil Conservation Service and other people what I can do before I make plans.

They wanted those handcuffs taken off. They were also very uncomfortable and not happy with the Government's performance in owning grain reserves. They watched the Government operate those reserves at times that caused the price to go low and subsidies to go up, and then their neighbors were saying to them: You are farming for your welfare check.

They didn't like being on welfare. I am not here this morning to attack Freedom to Farm, but I do think there are a number of things about our underlying law that deserve attention and deserve modification.

First of all, we are spending way more than we thought we were going to spend. Last year, we spent $20 billion. It is estimated we will spend more than that this year. We have an Uruguay Round commitment not to spend more than $19 billion on production or price-related support. We are already at $12 billion to $13 billion, and there is an anticipation that there will be additional spending, especially for loan deficiency payments under the soybean program.

The Commodity Credit Corporation is out of money for the first time since 1987. CCC borrowing has an authority of $30 billion, so this is not what we considered to be too low of a ceiling but with the combination of direct payments, loan deficiency payments, dairy price supports, and export programs, we have already exhausted what we thought was a generous amount of money to provide the Commodity Credit Corporation. These are all technicalities.

(Mr. BURNS assumed the Chair.)

Mr. KERREY. Now we have a new "Mr. President" in the Chair with slightly different agriculture interests but still substantial agriculture interests. So I feel that I am speaking to a kindred spirit. I notify anybody who happens to be watching this on television that the occupant of the Chair is the only person here listening to me other than the pages and the staff. I appreciate very much that he is now looking at me. I appreciate that.

Freedom to Farm was supposed to cost $43.5 billion over 7 years. It has cost more than that already. That is before we have an additional payment, which is likely to occur. We have 2 more years to go. I said earlier I am not attacking either Freedom to Farm or those who support it. I understand exactly why it was there. There are many aspects of it that I like a great deal. But I will offer, when it is an appropriate time, two amendments to this appropriations bill that I hope get due consideration by both supporters and opponents of Freedom to Farm.

First of all, I will offer an amendment that will reestablish the farmer-owned reserves. I will offer it, as I said, as an amendment to the bill at the appropriate time. The farmer-owned reserve is a proven tool; it works. I will not offer documentation this morning, but I will if the debate becomes a serious debate. It is a tool that will increase market prices; it will decrease expenditures by the Government. History has shown that for feed grains every 100 million bushels removed from the immediate market stream increases prices 3 to 5 cents. Wheat is double that, 8 to 10 cents a bushel. This sets very strict release trigger points based upon existing loan rates, and though critics have said this puts a ceiling on the market price, a market price of $2.78 for corn and $4.12 for wheat looks rather appealing, I argue, both today and in the foreseeable future for any family out there producing either one of those two commodities.

Increased market prices, not Government payments, are the most equitable way to provide income to farmers. The farmer-owned reserve is embraced in Nebraska as a commonsense way to help farmers without throwing out Freedom to Farm. The idea originally came to me in testimony that was offered by the Nebraska corn growers at a hearing that was conducted by Congressman BILL BARRETT in Nebraska.

The corn growers and the wheat growers have endorsed this idea. They understand that it has worked in the past. It is a way to decrease the payments that are being made by taxpayers and increase the margin of the price the farmers are receiving at the market. I hope when I have an opportunity to offer that amendment we can get by some of the normal ideological fears about the farm program itself and put this reasonable change into law.

I also intend to offer an amendment to put the antitrust authority for agriculture on a par with the antitrust authority over other industries; that is, to remove it from Packers and Stockyards and take it under the law over to the Antitrust Division of the Department of Justice. I would love for the jurisdiction to stay at USDA. By it staying at USDA, I retain authority as a result of being on the Agriculture Committee. I am not on the Judiciary Committee. I understand that I am surrendering some jurisdiction when I do that. But the fact is that the USDA will never have the resources to be as aggressive as Justice, and producers, in my view, who want competition, who want the marketplace to work now more than ever, need to know that somebody in Washington, DC, is going to be making certain that that marketplace is, indeed, competitive.

The appropriations bill provides no new funding for Packers and Stockyards. Indeed, the recommendation is to provide $2.5 million less than last year's appropriations. I understand that last year's appropriations provided for a one-time revolving GIPSA. I criticize the committee for cutting GIPSA's budget. However, the fact still remains that Packers and Stockyards will have no additional resources next year.

In the meantime, the Antitrust Division appropriations in Commerce-State-Justice is $14 million more than we had in 1999.

To his credit, the President asked for an additional $600,000 to investigate packer competition. But not to his credit, the President proposed to pay for it with additional user fees, which the committee quite appropriately refused to do. It leaves us with the status quo. What I am hearing from Nebraska producers is, that is not enough.

I pause to say that last year during debate in the Agriculture Appropriations Committee, I offered an amendment that would increase competition, that would provide for a change in the law so prices that were offered under contract or formula had to be reported. The distinguished occupant of the Chair, with his great courage, great wisdom, and great leadership, enabled that amendment to be agreed to in the agriculture appropriations. Unfortunately, it was stuck in the murky process that led to $500 million or $600 million being spent. It was dropped, unfortunately. We will be back to revisit that issue again.

This is very much an issue that dovetails with mandatory price reporting. Earlier this year, Americans who went to motion pictures shows, who went to movie theaters to watch a movie, were concerned because in their communities they didn't have access to movies that were nominated for Academy Awards. They feared, quite correctly, that the theater owners were not allowing them to see movies that they wanted to see. There is a concentration of ownership in the theater business. So where did they go? They went to the Antitrust Division of Justice. Guess what. The Antitrust Division of Justice opens an investigation against concentration of ownership, trying to ask the question, Do we have competition in the marketplace, and is the lack of competition having a negative impact upon people who are consuming motion pictures, who go and spend 6 or 8 bucks—whatever it costs—in their local communities to see the movies that they wanted to see? They have the law on their side. People who go to motion picture shows have the law on their side.

Our packers are out there saying, my gosh, if the Federal Government is willing to forcefully intervene on behalf of those consumers, why are they not willing to forcefully intervene on our side?

We met with Joel Klein. We have met with other agencies of government. They say to us—especially Antitrust—that they simply lack authority.

The Federal Trade Commission said the same thing to us—that the only thing we have on our side is the Packers and Stockyards Administration. But Congress constantly underfunds this agency. As a consequence, they have been either unable or unwilling, since this law has been enacted, to file any antitrust action against individuals who are out there in the business.

I believe in the American way. I don't want anybody to be prevented from becoming as big and as prosperous as they want. These larger companies, in my view, are organizing for success. They contribute an enormous amount of tax revenue to the Federal Government. They contribute by building jobs. They are doing lots of really good things.

But if you are going to have the United States of America be the land of opportunity, you have to have the rules written so that a man or woman who wants to start a small business has a chance to compete and has a chance with an operation with a small amount of resources. They are not going to have anybody lobby the Government. They are not likely to have the money to hire an accountant, or lawyer, or all of the other sorts of people you can hire when you became a larger entity. They are not likely, as a consequence of commanding fewer resources, to be able to survive by pricing their product under their cost for very darned long. As a result, they are vulnerable.

That is why we have antitrust laws. The laws are there to protect not just the small businessperson but to protect the United States of America so that we are the land of opportunity. That is where the jobs are created. That is where the innovation occurs.

I will offer this amendment transferring authority from Packers and Stockyards, regrettably, because, as I have said, I have jurisdiction over that, being a member of the Agriculture Committee, and I don't like to surrender jurisdiction. But the evidence to me is overwhelming. Consumers have somebody on their side in the Antitrust Division at Justice. Consumers and producers, when it comes to Packers and Stockyards, do not.

In conclusion, as I said earlier, when it comes to the agriculture crisis, I intend to work in a bipartisan fashion.

I know the distinguished occupant of the Chair is very concerned about what is going on in rural America today. I hope we are able to do much more than just talk. I don't intend to try to command an issue. I prefer to produce results.

My hope is that either on this piece of legislation or at some later time we can take action and have the farmers in Nebraska and the farmers in Montana and the farmers in Oklahoma and throughout the country say they believe the Congress understands what is going on in rural America today and is making a concerted effort to finally do something about it.

I yield the floor.

Mr. NICKLES. Mr. President, I compliment my colleague, the Senator from Nebraska, for his statement.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, for the information of all of our colleagues, we have been negotiating with the minority leader. I say "we." Senator LOTT, I, others, and Senator KENNEDY have been negotiating, trying to come up with some type of time agreement on the so-called Patients' Bill of Rights.

As I stated yesterday, it doesn't belong on the agriculture bill. We are working, and I think we are making good progress. Hopefully, we will have an agreement in the not too distant future as far as the timing to take up the bill.

With that in mind, I ask unanimous consent that the Senate continue in morning business until the hour of 1 o'clock with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. DASCHLE. Mr. President, I will take just a few moments to share with my colleagues where we are with regard to our negotiations, and then talk a little bit about the bill itself, the Patients' Bill of Rights.

Senator LOTT and I have had a number of discussions this morning. We are trying to find a way to proceed. I think it is fair to say that we are continuing to lose precious time in an effort to try to resolve our procedural differences. I am hopeful we might be able to reach some agreement. I am not wedded to the latest proposal I have shared with the majority leader, but we do need a time certain for consideration of this bill in the very near future. We certainly need to have the assurance that the amendments we will offer will be considered and voted upon by the Senate.

Those are our two principles: No. 1, a time certain for consideration of this bill; No. 2, some assurance that we will have the opportunity to debate amendments and have votes.

We recognize that with 45 Democrats we may not have the necessary votes to win a contest with our Republican friends on a comprehensive bill. However, we do know there are a good number of Senators who have expressed their support for various issues in our bill. We hope we can work through those issues and have the assurance we can have a good debate and good votes.

We cannot agree to any time certain for final passage if we cannot agree that we will have at least an opportunity to debate these amendments and have votes.

Again, our two principles: A date certain, and an opportunity to have up-or-down votes, or even tabling votes, on the amendments we want to offer.

I am hopeful we can work through those two principles and find a way that is mutually acceptable. The majority leader, as always, is attempting to be as responsive as he can. I appreciate the cooperative spirit with which we have been undertaking these discussions over the last 24 hours.

One of the reasons we feel so strongly about amendments is that they cause the Senate to focus on what it is we are talking about when we say the words "Patients' Bill of Rights." I don't know that a lot of people fully understand the magnitude of those words. What does "Patients' Bill of Rights" actually mean? We want to be able to spell out what it means.

I want to give one example, because it will be an amendment if we can't get an agreement. Our first amendment will deal with medical necessity. Medical necessity simply suggests that medical decisions ought to be made by medical professionals, not bureaucrats. Our amendment would prevent arbitrary interference by insurers regarding treatment decisions such as hospital length of stay. It also would establish a fair definition of medical necessity. Medical necessity, in our judgment, should simply be an opportunity to use good, professional, medical judgment about the course of action involving a patient. That is what we mean by medical necessity.

I will read for our colleagues two other definitions of medical necessity that are currently in insurance policies for HMOs. I must add, I am not making this up. The first is from a Missouri insurance contract. I will read the definition of medical necessity taken right from the insurer's policy.

> The company will have the sole discretion to determine whether care is medically necessary. The fact that care has been recommended, provided, prescribed or approved by a physician or other provider will not establish that care is medically necessary.

Let me just make sure everybody understands what this says. It says we do not care whether a doctor or a nurse or any kind of provider has recommended, provided, prescribed, or approved a given treatment. We are going to be the ones to make the decision about medical necessity, not them. Could it be any more blatant than that?

Mrs. BOXER. Will the Senator yield for a question on that, just to make sure I understand it? And I am so happy to hear my leader on the floor on this issue.

Mr. DASCHLE. I am happy too.

Mrs. BOXER. For example, a doctor examined a child and determined that child had a rare form of cancer. I had a constituent with this circumstance. It was a rare form of cancer, say, of the kidney, which happened to be the case, and she needed immediate surgery by a specialist who had done this operation before, because, by the very nature of it, it is a very dangerous operation, and the doctor said this is the only way this child could live.

Is my friend saying in that particular situation the bureaucrats and the businessmen in the HMO could essentially say: That is very interesting, but the child will have to go see the cancer doctor who is in our plan, and she may not go and see this specialist who actually could, in fact, save her life because he or she has done this operation before? Is that the essence of it?

Mr. DASCHLE. That is the essence of it. The Senator from California has put her finger on it precisely. What it is saying is, we as an insurance company or we as a HMO will override whatever decisions are made by doctors, by nurses, by nurse practitioners, by any kind of provider, if we find it is in our financial interest to do so.

Mrs. BOXER. What my friend is saying, further, is that in the Democratic Patients' Bill of Rights, we were going to offer an amendment as soon as we could on this—and that would be our first amendment—to ensure that the definition of what is medically necessary is made by the physician and health care professionals, not by the business people with the green eyeshades who have no degree in medicine. Is that correct?

Mr. DASCHLE. The Senator is absolutely right. Let me just say, she asks exactly the right question because there is a followup requirement here which we will deal with in another amendment. What happens if there is a dispute? Right now, the insurance company holds all the cards.

The insurance company says: In the case of a dispute, we will make the decision about whether the patient is right or wrong. Our bill says: No, wait a minute; we are going to have a fresh review of the facts by an outside authority. They will make the decision as to whether the procedure was medically necessary or not. There has to be somebody outside the insurance company making that decision, or what good is it for us to guarantee these very important rights to all patients?

But I really appreciate the Senator from California making that point.

I yield to the Senator from Illinois.

Mr. DURBIN. I thank the minority leader for coming to the floor.

For those who have been following this debate for the 10 days or more now that we have tried to focus the attention of the Senate on this Patients' Bill of Rights, this is the health insurance issue which American families are focused on already. We have talked about a lot of things on Capitol Hill, but it is time to talk about the things that are important to them.

In the example the Senator from South Dakota and the Senator from California addressed, about a doctor being overruled, is it not also the case that in some of these same insurance policies the doctor cannot even tell the patient that he has been overruled by an insurance company, that, in fact, it is not his best medical judgment, but, in fact, the judgment of some bureaucrat in an insurance company that is going to dictate the treatment the patient receives?

Mr. DASCHLE. The Senator is absolutely right. In fact, in response to the good question posed by the Senator from Illinois, let me read the second statement of policy by another insurance company regarding this very question. Here is the statement of policy relating to medical necessity of a second insurance company.

Again, my colleagues, I am not making this up. We did not write this. This is written by the insurance company:

> Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered, or supply provided, as determined by us, to the extent required to diagnose or treat an injury or sickness.

This is actually out of the policy:

> Medical necessity means the shortest, least expensive or least intense level of

treatment, care or service rendered, or supply provided, as determined by us. . . .

Do we need a Patients' Bill of Rights, when you take this right out of a health insurance manual: Medical necessity is determined by the shortest or least expensive way with which to provide service to a patient?

It doesn't end there:

The service or supply must be consistent with the insured person's medical condition at the time the service was rendered, and it is not provided primarily for the convenience of the injured person or doctor.

No wonder people go nuts when they talk about insurance policies today and what is going on out there, when they combat an insurance company that includes a provision like this. They may not have read all the fine print, but when a company says we are going to determine medical necessity by what is the shortest or least expensive—the Senator from Illinois is exactly right—this overrides everything.

Mr. DURBIN. I ask the Senator from South Dakota, the Democratic leader, to yield for this question. This is clearly an interesting and important debate on health insurance and protection for American families. What is stopping the Senate from engaging in this debate?

Mr. DASCHLE. I must say, some of our colleagues on the other side tell us they would rather not have to vote on this. They do not want to have to vote on amendments about medical necessity. That is what is stopping it right now. We are at an impasse because we believe this is such an important issue that votes and amendments on questions like medical necessity ought to be a part of any legitimate debate on a Patients' Bill of Rights. That is why we are not in agreement today. We feel those amendments are required if we are going to have a good debate. Our colleagues have at least today refused to allow them.

Mr. DORGAN. I wonder if the Senator from South Dakota will yield?

When he talks about medical necessity, I am reminded of two specific issues. One, the doctor who testified at a hearing before the Congress who worked for a managed care organization, who said: I caused the death of a man. She said it to a near-empty hearing room when the television cameras were gone. She was the last witness of a day.

I caused the death of a man, she said. I wasn't reproached for that. I wasn't issued any sanctions. In fact, my employer really felt quite good about it. I was rewarded for it. I withheld treatment that could have saved that person's life.

She was dealing at that point as an employee of an HMO, and a patient apparently needed some kind of heart procedure that was very expensive. The HMO said it was not a medical necessity. The patient died. This lady left her employment and later testified before the Congress and said it was a matter of dollars and cents. I caused the death of a man, but I was lauded for that by my employer because, to them, it was a matter of dollars and cents. So that relates to medical necessity. What is necessary?

The second item I was thinking about, I know the Senator from South Dakota was at an event one day; the Senator from California, Mrs. BOXER, was at the same event. Dr. GANSKE, a Member of the House of Representatives, who is a Republican and has been a strong supporter of the Patients' Bill of Rights, held up a poster, a colored picture of a young boy. That young boy had no upper lip and no structure beneath his nose—a giant gaping hole. He was born with a very severe birth defect. It looked awful. One was hardly able to look at that young boy's face and not immediately say what incredible disfigurement this young boy has.

Dr. GANSKE, who was speaking that day, said: The HMO said there was not a medical necessity for this young boy to receive repairs. In dollars and cents, the repair of that horrible disfigurement did not make any sense to the HMO. But then he showed a picture of this young boy having gone through reconstructive surgery, and you saw a face, a wonderful face of a young boy which had been repaired and now that young boy had hope. One could sense the smile in that picture, and that is what medical necessity is.

It is not convenience. It is not just dollars and cents. It is investments in human beings, giving hope to a young boy.

I have one other person, if I may, whom I want to mention and whom I have mentioned before. He is a young boy born with horrible problems. The doctors said he would have a 50-percent chance of walking by age 5 if he had a certain kind of therapy.

The HMO said: A 50-percent chance of walking by age 5 is "insignificant," which means that in dollars and cents they withhold the therapy and the young boy is not able to walk. He doesn't have the chance to learn to walk.

That is dollars and cents versus medical necessity. That is what is at issue. What is at issue is the ability to empower patients with the opportunity to get needed medical treatment, not necessarily the cheapest treatment, but the best treatment, not necessarily the treatment that someone in an insurance office a thousand miles away thinks might or might not be necessary, but what the doctor in the doctor's office thinks is necessary for that young boy's life, such as the reconstructive surgery of that boy's face.

That is what I think about when the Senator speaks about medical necessity. This is not theory. It is not some abstract term. It is an important part of lives, and that is why the Patients' Bill of Rights is so critically important and why the difference between what we are talking about and others are talking about is so stark.

We adopt the title, Patients' Bill of Rights, and then they say: We have one, too. Sure you have one. It is like picking up a turtle shell without a turtle in it. It is a shell. It does not mean anything. It does not provide the guarantees for people. That young boy would not have had his reconstructive surgery. The other young boy would not have had a chance to walk. And the list goes on. That is why these differences are so important.

Medical necessity, guaranteed emergency room treatment, the gag rule, understanding all your medical options for treatment, not just the cheapest—all of these things are critical differences, and it is why I believe they do not want to allow the Senator from South Dakota to bring the bill before the Senate. We need to vote on these things, if not in total, then one by one, to find out where do my colleagues stand on it. Do they stand for the right of emergency room treatment? Do they stand for the right of reconstructive surgery for that young boy? Where do they stand on these specific issues?

That is what is going to happen in the coming days. Like it or not, we are going to force them to face that, because the American people deserve the opportunity to have a Patients' Bill of Rights passed by this Congress empowering them.

Mrs. BOXER. Will the Senator yield for 30 seconds before he responds?

Mr. DASCHLE. I yield to the Senator from California.

Mrs. BOXER. In 30 seconds, I want to put a bigger picture on it. I had the pleasure of being at a press conference with the Senator from Maryland, Ms. MIKULSKI, and she made a point. She said this century has been the greatest century known to humankind for finding new options for care, new research, gene research. We know more now than we ever knew before, and how ironic it is that at a point in time, going into the next century, when we know more than any other nation in the world, in this country HMOs are denying our people access so they cannot benefit from this research.

As the Senator from South Dakota talks about medical necessity, if he can weave that into his comments, I will be very interested in his response.

Mr. DASCHLE. The Senator from California makes a very important point. It is our research and the extraordinary benefits that have come from it that have made a difference in people's lives all over the world. How ironic, after the American people spend valued tax dollars in support of research which is changing the quality of life for millions of people, that there are insurance companies denying patients the opportunity to benefit from research today.

What happens? The benefits of that research goes abroad. It goes to Europe. It goes to Asia. It goes to Latin America. Thank goodness it does. But why should it go there and not be allowed here?

We use the term "clinical trials." It is a technical term. I like to get away from it, because I am not sure people understand what clinical trials are. Basically, when we talk about clinical trials, we talk about the right to ensure we benefit from innovative research. We should encourage experimental treatments when they are in the interest of the patient, and the doctor recommends them. That should be part of a Patients' Bill of Rights. But there is a chasm between Republicans and Democrats on that issue. Our Republican colleagues said: No, oh, no, that ought to be a decision the insurance company makes, not the doctor, not the patient.

I hope we keep talking about research and who benefits and how preposterous it is that in this country, even though we have these fundamental and extraordinary new possibilities to improved lives, there are insurance companies at this very moment that have just denied somebody access to that research.

The Senator from North Dakota is always so eloquent and so compelling in his comments. Again this morning he demonstrated why he enjoys the extraordinary respect of Senators on both sides of the aisle. One cannot talk in human terms, in personal terms very long, as he did, and not understand the importance of this issue. You can talk legalisms all you want. But if you put it in human life terms, as the Senator from North Dakota did—he put it in terms of life and death; he put it in terms of helping a young child—all of a sudden the light comes on and you understand why, when an insurance company actually has the audacity to write, "Medical necessity means shortest, least expensive, or least intense level of treatment," why that young boy did not get his facial problems fixed. It certainly did not fit "shortest, least expensive, or least intense level."

That case probably is expensive. It is not a short recovery. It is intense. It is the absolute reverse of the definition this particular company uses for medical necessity. Of course, it was medically necessary if that young boy's life meant anything. Of course, it was required if our society is going to be responsive at all. But for any company to say, we don't care what the doctor says, we don't care how inappropriate it may be to override a decision made by a doctor and his or her patient, we are going to decide the medical necessity of a treatment based on how short it is, how inexpensive it is or how much it lacks intensity, that says in spades why this debate is important. It says why we will not give up our rights to offer amendments to ensure that issues like this are properly addressed. We will not walk away from this debate.

We must have an opportunity to have a good debate with good amendments on issues as important as this, and we can do it. There is a way to work through this procedure. This can be a win-win situation. I want to find a way with which to ensure we can get a lot done in the next 10 days, and yet accomplish what we believe so strongly must be a part of the Senate's agenda in this session of Congress. I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATING WAR CRIMES

Mr. SPECTER. Mr. President, I have sought recognition to compliment the prompt action of the Federal Bureau of Investigation in sending a forensic team to gather evidence in Kosovo for the prosecution of those indicted under the War Crimes Tribunal in the former Yugoslavia, which would include President Milosevic.

Earlier this morning, FBI Director Louis Freeh announced that some 59 agents of the Federal Bureau of Investigation, working with the Armed Forces Institute of Pathology, have been dispatched to Macedonia—will be in Kosovo—and will be, starting tomorrow, preserving evidence for the prosecution of those under indictment by the War Crimes Tribunal.

This is a very important step because we have already had a series of reports about tampering with evidence, about the removal of massive grave sites. The prompt action by the Federal Bureau of Investigation, moving to the scene of the crimes to gather evidence for use in court, is of the utmost importance.

For some 12 years, as an assistant district attorney and later as district attorney in Philadelphia, I had experience in the gathering of evidence for use in the criminal prosecution process. I can personally attest to the importance of prompt action.

If you do not get the evidence while it is fresh, it may disappear; its quality may change unless it is preserved. So the very prompt action of the FBI in moving on this is very important. It is especially important as the evidence is unfolding of the crimes against humanity by the Serbian Armed Forces under the direction of President Milosevic.

President Milosevic has already been indicted. The acquisition of this evidence will be key in preparing for the trial of the case. The long arm of the law extends very far. It is my prediction that one day President Milosevic will be in the dock at the Hague in the criminal court there, as will be Radovan Karadzic, the former head of Bosnia, General Mladic, and the others who are under indictment.

As I have noted before on the floor of the Senate, I believe that a condition of the cease-fire should have been having Milosevic turned over to the NATO forces. We learned from the bitter experience in Iraq—20/20 hindsight—we would have been wiser to have taken the steps necessary to take Saddam Hussein into custody. Our failure to do so has caused enormous problems. We have seen with Milosevic that he has started some three wars, and if he is at liberty, who knows what he may do in the future. That action has already been taken.

It is vitally important that the evidence be preserved so that when—and I do not say if—but when Milosevic and the other indictees are taken into custody, we will be in a position to have the prosecutors at the War Crimes Tribunal present that evidence.

I have had the honor to visit the War Crimes Tribunal in the Hague on a number of occasions. The prosecutors there are a very fine team. They have received support from a variety of Federal agencies. The CIA has been helpful with the overhead satellites. The Department of State has been of continuing assistance. The Department of Defense has been of assistance. Now the action by the FBI, with the approval of the Attorney General, is very important.

This is unprecedented for the FBI to undertake this kind of acquisition of evidence. There are precedents in the field where the FBI has worked overseas on the Khobar Tower bombing in Saudi Arabia and with the U.S. embassies in Kenya and Tanzania. The FBI was deployed to El Salvador for the investigations of murders that occurred in 1983. The FBI was involved in the investigation of war crimes in the former Yugoslavia in 1993, and involved in a polygraph examination in a murder case in Guatemala in 1995, and supported the investigation of a murder in Haiti in 1995.

The authority for the FBI to act on these premises is set forth in the Federal statute in 28 United States Code, section 533. The regulations which have been promulgated under that statute make a specific reference as follows:

> As provided for in procedures agreed upon between the Secretary of State and the Attorney General, the services of the Federal Bureau of Investigation laboratory may also be made available to foreign law enforcement agencies and courts.

The War Crimes Tribunal would fit within that qualification as an international court.

The FBI will be undertaking a variety of evidence-preserving matters in Kosovo. They intend to establish the exact location of the crime scenes. They will photograph the scenes, the deceased victims, the evidence, map the crime scenes, collect the physical evidence related to indictments, examine victims for indications of the cause of death, indications of restraint and physical abuse, and preliminary identifications. They will collect appropriate samples from victims for possible future identification using DNA techniques. They will work on forensic and scientific investigations with the Armed Forces Institute of Pathology. I think this is very good news, acting as promptly as they are, moving in with very substantial equipment and personnel to undertake this important work.

The gathering of this evidence is indispensable for the trials. We have an opportunity here at the War Crimes Tribunal to establish an international precedent of tremendous importance for the future. It is the establishment of the rule of law in international matters to let any future Milosevics, who might be inclined to commit crimes against humanity, know they will be brought to justice, that there is an international rule of law. I believe the apprehension and trial of Milosevic himself is very important, because it will be the first time that a head of state will have been subjected to the criminal process.

I applaud what the Department of Justice is doing here. I applaud what the FBI is doing. I had an opportunity to discuss this matter yesterday with Director Freeh; I have talked to him from time to time. I think this very prompt action will be enormously important and instrumental in securing justice for the convictions of the people who are now under indictment.

I thank the Chair.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, I ask unanimous consent that the period for morning business be extended until the hour of 2 p.m. under the same terms as previously submitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. Again, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM CRISIS

Mr. DORGAN. This morning, as chairman of the Democratic Policy Committee, I convened a hearing on the farm crisis. About 10 to 12 of my colleagues came to the hearing. We had a number of family farmers from across the country testify.

We had Woody Barth, a farmer from Solen, ND, testify; Rob Lynch, a farmer from Zillah, WA; Glenn Brackman, a farmer from Lafayette County, AR. We had some folks from Illinois, Iowa, and Kentucky. We talked about the farm crisis and about public policies that ought to be employed by this Congress to respond to the farm crisis.

I pointed out that a lot of people are not aware of the farm crisis. It is probably a circumstance that farmers working in quiet desperation, many of them threatened with losing their farms, are going through a period that most Americans do not understand and don't know about.

Every day we hear the stock market is up or down, mostly up—the stock market has gone to 11,000, now back down a bit. But the fact is, this country generally hears good economic news about where the stock market is going, about new information technology, about the progress of new companies, about the new day, about the global economy. Yet the folks who stay at home and produce America's food on our family farms are in desperate trouble.

Wendell Barry, a farmer from Port Royal, KY, testified today. He is also an author, a wonderful guy, kind of a philosopher-writer type. He wrote some things. In fact, he has written a book called "Another Turn of the Crank."

I will read a couple things he has written that I think really bear on this issue. I do it in the context of the bill that is to be on the floor. We did have the agriculture appropriations bill on the floor of the Senate. It will come back, hopefully, as soon as an agreement is reached with respect to the Patients' Bill of Rights.

When it comes back to the floor, Senator HARKIN and I intend to offer an amendment similar to the amendment we offered during the emergency supplemental appropriations bill. That amendment lost on a 14-to-14 tie vote in the conference.

We also offered a proposal in the agriculture appropriations subcommittee. But this is the time, when the agriculture appropriations bill is on the floor, for the Congress to decide what it will do with respect to emergency responses to the farm crisis.

There are some who might counsel we should do nothing, that it doesn't matter whether there are farmers in this country. They would say: Food will be produced anyway, and it doesn't matter much who produces it. We can farm America from California to Maine with corporate farms, and that is just fine.

I do not happen to share that view. I think that is a view that is devoid of all common sense. It suggests there is no worth and no value at all to the culture of family farming, that family farming doesn't contribute to our country, that the fact there are people living out on the land is irrelevant. The fact that those people combine to make small communities and build our main streets and build our churches and create good neighborhoods is irrelevant; that kind of investment and that kind of creation in our country doesn't count.

I guess those who think that way look through the lens of perhaps Wall Street or others who see only dollars and cents, only rows of columns. You add them up or you subtract them. You reach a balance, and that is the cost. It just eliminates, of course, the question of what is the value. Are family farmers contributing value to this country? Will the loss of family farmers matter to our country? The answer is yes on both counts.

Mr. Wendell Barry from Port Royal, KY, writes:

> As we all know, we have much to answer for in our use of this continent from the beginning, but in the last half century we have added to our desecrations of nature a deliberate destruction of our rural communities. The statistics I cited at the beginning are incontrovertible evidence of this.

He cited statistics about the loss of farms, the depopulation of our farm belt, and so on.

> But so is the condition of our farms and forests and rural towns. If you have eyes to see, you can see that there is a limit beyond which machines and chemicals cannot replace people; there is a limit beyond which mechanical or economic efficiency cannot replace care.
>
> I am talking here about the common experience, the common fate of rural communities in our country for a long time. It has been, and it will increasingly be, the common fate of rural communities in other countries. The message is plain enough, and we have ignored it too long: the great, centralized economic entities of our time do not come into rural places in order to improve them by "creating jobs." They come to take as much value as they can take, as cheaply and as quickly as they can take it. They are interested in "job creation" only so long as the jobs can be done much more cheaply by humans than by machines.

Mr. Barry writes, about liberals and conservatives, an interesting admonition:

> Long experience has made it clear—as we might say to the liberals—that to be free we

> must limit the size of government and we must have some sort of home rule. But it is just as clear—as we might say to the conservatives—that it is foolish to complain about big government if we do not do everything we can to support strong local communities and strong community economies.

He is right about that.

We must decide as a Congress whether we are going to support America's family farms. I spoke at the hearing today, when I questioned the witnesses, about where I come from. I have told colleagues often about that. I come from a rural county in southwestern North Dakota that is the size of the State of Rhode Island. That county had 5,000 people when I left, and there are now 3,000 people living in that county. The county next to it is about the same size and there are 900 people living in that county.

We are fast depopulating rural America. Rural economies in small towns are shrinking like prunes. We now have prices for commodities, when the family farmer raises a crop and hauls it to the market, that are deplorable. The family farmer is told when he or she takes a truckload of wheat to the country elevator—the grain trade says: This doesn't have value. The food you produce is not of great interest to us. It is not worth very much.

At the same time, we have people who come and testify before the Congress that the Sudan, for instance, old women climb trees to try to find leaves to eat. We know much of the world is hungry, and we also know that while much of the world is hungry, the grain market tells our farmers their food isn't worth very much.

Something is not connected there, and this Congress must try to reconnect it.

We only have two choices, it seems to me. One is an opportunity, on an short-term emergency basis, to pass an emergency farm bill. It seems to me the question for this Congress is: Are we going to pass a short-term emergency bill to try to help family farmers? Second, are we going to repair the farm program, and the trade agreements, and other things that conspire to injure family farmers?

On the first issue, Senator HARKIN and I intend to offer an amendment for $5 billion to $6 billion to try to provide short-term emergency help for family farmers on this agriculture appropriations bill when it is brought back to the floor. We will have a fight about that. I don't know how that will turn out. I hope Congress will say that family farmers matter.

It was interesting to me that when the President sent a request down for military aid to restore and refresh the accounts in the Pentagon for conducting airstrikes in Kosovo, Congress said to the President: No, you are wrong about that, Mr. President, you didn't ask for enough money. We insist that you give $6 billion more. Mr. President, you shortchanged us in your request for defense, so we are going to give you what you ask for and we are going to add $6 billion more to your request for defense.

Well, gee, that came from conservatives. I hope those same conservatives will agree that the effort to save America's family farmers is as important. Don't tell me there is not money. There was money to say to the President we want to add $6 billion above what the Pentagon said it needed. If there is money to do that, there is surely money to invest in family farmers in rural America. So my hope will be that we are able, on a short-term basis, to pass an emergency bill; and, second, having done that, we will then revisit the question of the underlying farm program.

This farm program is not working. It ought to be apparent to everyone. The farm program that the Congress passed essentially said let us do whatever the marketplace says ought to be done. But there is not a free market in agriculture. There is not now, and has not been, a free market in agriculture. Our farmers look at trade, and what they find is that markets are closed to them in many corners of the world. So we raise a product we want to sell overseas and the markets are closed. Or if you raise, for example, beef, you will discover not only are the markets closed in some areas, but in other areas, such as Japan, you will pay a 45-percent tariff to get American beef into Japan, only to find out that the Canadian beef —both live cattle and hogs, and slaughtered beef and hogs—coming down is increasing at a very rapid pace. So we have grain and livestock coming in undercutting our markets. We find foreign markets are not open to us, and we have all of these trade negotiators running around doing trade agreements that have undercut our agriculture producers.

We need a farm program that works and trades policies that make more sense than the current policies. I voted against NAFTA and the United States-Canada free trade agreement, and I voted against the GATT agreement. I did all of that because I think that, while we need expanded trade, we do not, and should not, embrace trade agreements that are fundamentally unfair to rural America.

I recall when I was on the House Ways and Means Committee and the United States-Canada free trade agreement came to the committee, and the Trade Ambassador, who I won't name—Clayton Yeutter—said to us that the trade agreement itself would not result in a massive flood of Canadian grain coming across our border. I said, well, I think it will, and you know it will. "Put it in writing," I said. The Trade Ambassador wrote to us on the committee guaranteeing that it would not happen. It wasn't worth the paper it was written on.

It happened, and it happened quickly. Not only did it happen—massive quantities of durum and spring wheat came across our border flooding our market, undercutting the market for American farmers—but we were then neutered in our ability to respond to it because he also traded away the remedies. So we didn't have a remedy for it.

That was in the United States-Canada free trade agreement. That passed the House Ways and Means Committee 34–1. I was the one. I didn't feel lonely a bit because I knew exactly what was going to happen with the agreement. Farmers' interests were traded away. In my judgment, we ought not accept trade agreements like that, whether it is United States-Canada, NAFTA, or GATT.

Speaking of NAFTA, after the United States-Canada free trade agreement, they negotiated NAFTA. The economists were telling us what a great deal it was. After the trade agreement with Canada and Mexico, the trade surplus we had with Mexico turned into a big deficit in a short time. The trade deficit with Canada doubled in a short time. Instead of creating new jobs in this country, we lost massive numbers of jobs. All these economists who were predicting 300,000 jobs were just fundamentally wrong. We lost a lot of jobs as a result of that.

They said if we just pass these agreements, we will get from Mexico the product of low-skill wages. Do you know what we got? The three biggest products coming in from Mexico are automobiles, electronics, and automobile parts—all products of high-skilled labor. We now have more automobiles imported into this country from Mexico than the United States exports to all the rest of the world. That is what we got with NAFTA—again, undercutting our interests, hurting a lot of producers in this country, and especially injuring family farmers.

Well, the point I am making is this: We had testimony this morning from folks who came from across the country to say we have a very serious problem in rural America. We can't fix that problem on a partisan basis. We need Republicans and Democrats together to agree that, No. 1, there is a farm crisis, and, No. 2, they are willing to do something about it, to respond on an emergency basis, and then to repair a farm program that is fundamentally deficient, which doesn't value family farming, a farm program that says it doesn't matter who farms. That, in my judgment, misses a lot of what is important in American life.

My hope is that in the next couple of days, as we offer amendments—Senator HARKIN, myself, and others—on an emergency basis, we will be able to strike a bipartisan agreement to do the right thing on behalf of family farmers. I know that it is a message that some get tired of hearing, perhaps, but I come from farm country and I care a lot about what is happening out in our part of the country.

North Dakota is a wonderful State. It has a lot of rural counties, and the fact is that not just family farmers but machinery and equipment dealers, Main Street businesses, and so many other people are suffering so much through this economic distress, even at a time when the rest of the country seems to be doing so well.

I had a letter from a young boy who talked about the distress his folks were going through while trying to hang onto their family farm. He said: My dad can feed 180 people, and he can't feed his family. He was talking about the fact that the family farm is so productive in this country, and they are losing so much money. You hear this over and over again.

This Congress, it seems to me, must respond. We are going to try to force that response, first with respect to the underlying agriculture appropriations bill with an emergency package, and, second, hopefully, to revisit and readdress the entire structure embodied in the underlying farm bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the body for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATIENTS' BILL OF RIGHTS

Mr. SCHUMER. Mr. President, I am here, of course, to discuss what many of my colleagues have discussed in the past—the need for us to debate totally and openly the Patients' Bill of Rights. It is an issue of great concern to the people of my State. Everywhere I go—urban, rural, suburban—people are asking: What is happening to the Patients' Bill of Rights?

This is an issue many of us have discussed. I know this body debated it for a little while last year, but, unfortunately, things were left unresolved. It has not been left unresolved for the millions of Americans who are now having their medical policies dictated, not by their doctor, not by their nurse, not by their family, but rather by some unknown bureaucrat who has no medical education but is simply part of an HMO.

When you go to hospital after hospital throughout the State of New York and sit with doctors, you see the frustration in their eyes as they tell you story after story. They have been negotiating with these actuaries. They say to the actuary: Are you a medical doctor? How can you tell me the patient does not need this type of operation or this type of medication? They get no good medical answers. To them, it is similar to going to medical school and spending years of internship and residency and it makes very little difference.

For that reason, our health care system—by the way, I give good marks to our health care system. It has been overwhelmingly successful. The average age of Americans is higher than ever before. Not only do we live longer but we live healthier longer.

I look at my parents. Thank God. Praise God. Just last week each of them had a birthday. One is 76 and one is 71. My dad has had a few health mishaps, but he is in good health. It is in part because of our medical system. But we have been losing so many of these benefits in the last several years, because the pendulum has swung too far in the direction of the HMOs. We find more people who have had no training in medicine overruling doctors in medical procedures, because the book of standard operating procedures dictates the limited number of options. We don't want that. Most Americans don't want it.

That is why we need to debate this Patients' Bill of Rights. We need to debate its scope: Should it cover only 50 million Americans, or should it cover closer to 150 million Americans? We need to debate its provisions: How long a review process should there be? Should it be internal or external? Should an HMO be allowed to have the last word on a life-or-death procedure that the physician believes is very much needed? Should there be a gag rule? Should physicians be ordered not to tell their patients about certain procedures or certain medications that are available? Should women have the right to choose their obstetrician and gynecologist who is often their primary care physician?

These are all important issues. I know there are Members on the other side who talk about freedom of choice. People talk about costs. I don't agree with those arguments, but I would certainly like to debate them in this distinguished Chamber.

I ran, as I know you did, Mr. President, and many others, for the Senate from the House because I thought that we would have the opportunity to debate the great issues. There was certainly no guarantee that we would win. There was certainly no guarantee that my beliefs would prevail. But I thought there was something of a guarantee—that the wide open debate the Senate has been known for for over 200 years would be guaranteed even to somebody who sits way over in this corner of the Chamber, which means you are a freshman at the bottom of the seniority pecking order. It hasn't happened.

The reason this floor is silent right now, and the reason we are not debating other bills, is that many of us believe strongly we should debate the Patients' Bill of Rights. But we also believe the ability to debate issues of importance to us—that has been a hallmark of this body—should not be extinguished, should not be snuffed out.

I would like to know answers to certain things. I would like to know answers to the kinds of examples I have heard about in my State and throughout the country.

I would like to know, for instance, what happened to a woman who had terrible back pain and required two surgeries to repair her spine. The HMO denied coverage for the $7,000 for the second surgery. The doctor then stated to the woman that he would be committing malpractice if he didn't perform the second operation, because the whole procedure entailed two of them; the HMO said one. The patient offered to pay out of pocket. Both surgeries were done. But in this case the surgeon—a very generous person—declined to take the money from the woman. Why did that happen? Why did this physician believe so strongly that the woman needed the second surgery that was denied by the HMO?

How about an incident where a New York man slipped and cracked his skull as he was getting out of the taxi? The taxi driver called 911. The victim was rushed to an emergency room for treatment. But this episode did not have prior authorization as an emergency, so the HMO refused to pay the bill.

Again, what has happened here? Have we become so bureaucratic and so narrow in the way we practice health care in America that common sense has been thrown out the window?

Another example: An HMO denied another New Yorker who suffered from multiple sclerosis physical therapy despite the opinion of the doctor and the neurologist that this was the only way this patient could recover.

Another example: A mother called her HMO at 3:30 a.m. to report that her 6-month-old boy had a fever of 104 degrees and was panting and was limp. The hotline nurse told the woman to take her child to the HMO's network hospital 42 miles away, passing several closer hospitals. By the time the baby reached the hospital, he was in cardiac arrest and had already suffered severe damage to his limbs. As a result, both his hands and legs had to be amputated. The court found the HMO at fault. The family received a large financial settlement. As sure as we are here, that family would give back every nickel and pay more for that not to have happened.

These are not isolated examples. There are so many that it is hard to go through our jobs as Senators of the 50

States without hearing when you go to a town hall meeting, or when you go to a veterans hall, or when you go to a chamber of commerce meeting that somebody makes their complaint about this issue.

These examples need answers. I believe the answers in this bill, the Patients' Bill of Rights, are the right answers. I may be dissuaded from all or parts of that answer by my colleagues. If we don't debate the issues, we are never going to be able to determine that. If we don't debate the issues, we are not going to be able to move forward on a Patients' Bill of Rights.

If we continue in a pro forma fashion—we vote our bill; the other side votes their bill; then the issue is forgotten because we know the bill on the other side will not become law—we are not helping our constituency.

The bottom line is simple: I believe strongly we need the Patients' Bill of Rights or something close to it. My colleagues and I want to debate. We want the opportunity to debate these issues. If the other side changes our mind, so be it; if we change their mind, great.

Without debate, we will have no progress, and we will continue to hear the stories we are hearing, much to the detriment of the health care of the American people.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank my colleagues for their efforts on the floor to highlight the Patients' Bill of Rights, a bill to empower people around the country who rely on HMOs and other managed care programs for their health care needs. I join them today in enthusiastic support for badly needed legislation that will expand protections for patients who are at the mercy of managed care practices.

I strongly support the principles of improving access, quality, and accountability in the delivery of managed care. I believe we can achieve valuable patient protections by passing a bill that ensures some commonsense protections, access to emergency care, access to specialists, and a strong internal as well as external appeals process.

We need to keep medical decisions in the hands of doctors. We have to ensure that managed care entities are held legally accountable for administrative decisions that affect patient care and well-being. Protections are extremely important to restoring a sense of security and control to managed care enrollees and their doctors.

The protections in this bill are being debated on the Senate floor, but they are also being lobbied furiously in the halls of Congress. Some of the most powerful and influential interest groups in this country have a huge stake in seeing this bill fail, while others want it to succeed.

Last week, I announced on the floor that from time to time I will point out the role of special interest money in our legislative process. I call it the 800-pound gorilla sitting in this Chamber every day that nobody talks about, but that cannot be ignored. I said I will start calling attention to this gorilla more often through an effort that I have dubbed, "The Calling of the Bankroll," where I discuss how much money different interests lobbying a particular bill have made in campaign contributions in order to influence our work in this Chamber.

I can't think of a better issue than managed care and the future of managed care to once again call the bankroll.

Let me give four quick examples. One, the managed care industry: What does it want? The managed care industry wants to prevent any further regulation of the industry, and it doesn't want to be held liable when administrative decisions and policies affect the health, or even the very lives, of patients.

What did managed care give? During the last election cycle, managed care companies and their groups made more than $3.4 million in soft money, PAC and individual contributions. This is roughly double what they spent during the last mid-term election cycle of 1993–1994. Their contributions keep increasing.

A second example is the pharmaceutical industry. What do they want? They have a big interest in the kind of drugs managed care patients have access to.

What did they give? Behind their point of view is the weight of at least $10.6 million in PAC and soft money contributions. That is how much the pharmaceutical and medical supplies industries gave during 1997 and 1998.

A third example: The doctors, the AMA, what do they want? Of course, doctors have an interest in seeing managed care reform. They want to eliminate restrictions on doctor-patient communication. More broadly, they want to prevent managed care companies from exerting further control over the way they practice medicine.

What did they give? The AMA made significant PAC and soft money donations during the last election cycle, more than $2.4 million worth.

A fourth example: Organized labor, what does it want? It is a strong supporter of the Patients' Bill of Rights. Unions are also major campaign contributors.

What did they give? The AFL-CIO alone gave parties and candidates close to $2 million in 1997 and 1998.

I am sure there are other interests that should be included on this list. I urge my colleagues to come to the floor and add to this list so there will be as full a picture as possible of the money behind and against this piece of legislation. I think it is relevant to what is happening on the Senate floor.

Why should Americans care? While many Americans rightly worry about the quality of their health care, I believe the quantity of campaign contributions that may affect that care should also be of serious concern. The huge quantity of campaign contributions influences the very terms of the health care debate itself, how health care is discussed, and whether some health care issues are even discussed at all.

Wouldn't it be better if the public could have confidence that we are deciding crucial issues such as the rights of Americans covered by managed care, without the shadow cast by campaign contributions, without the 800-pound gorilla sitting here on the floor?

I thank my colleagues for the opportunity to call the bankroll on this issue. Information about campaign contributions should be easily available to my colleagues and to the public to clearly demonstrate the connection between what the wealthy interests want in Washington and what the average American gets on Main Street.

It is time to debate, amend, and come to conclusion on a Patients' Bill of Rights. These are health care issues with real consequences for ordinary Americans at the doctor's office, the pharmacy, the emergency room, and the admitting desk.

We have to ask: When your critically ill child needs to see a specialist, do you want to think that laws affecting decisions on care are influenced by campaign contributions or have been made based on a thoughtful, reasoned debate.

I think the American people deserve better than this. Until we have campaign finance reform, our debate on crucial issues such as health care is going to be carried out under the shadow of these huge amounts of money and the influence that so many Americans are convinced they wield.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Senator from Wisconsin, the Senator from New York, and so many others who have come to the floor this morning and early this afternoon to talk about the Patients' Bill of Rights. For those who may not be familiar with the term, it is an effort to pass into law protections for individual Americans and their families when they have to deal with an insurance company.

The Rand Corporation tells us that 115 million Americans have had a bad experience with a health insurance company, or they know someone who has—perhaps someone in their family. Those bad experiences run the gamut of being denied access to the doctor you want to go to, being denied access to a specialist in a case where you think one is necessary, or medically necessary in the view of another doctor, being unable to go to the emergency room closest to your home because your policy said no, you have to go across town or perhaps to another location for the emergency room in another hospital, dealing with a doctor who may not be able, under the terms of his contract, to even tell you what is best for you medically, having doctors who are losing out in the debate with bureaucrats at health insurance companies.

One doctor in Joliet, IL, frustrated with the voice on the other end of the telephone at the insurance company who kept saying no, no, no, every time this doctor told the insurance company what the insured patient needed, finally said to this voice: Wait a minute, are you a doctor?

And the voice said: No.

Well, are you a nurse?

No.

Are you a college graduate?

Well, no.

Are you a high school graduate?

Yes.

What gives you the authority in this insurance company to overrule my medical decision?

She said: I go by the rules—the rules of the insurance company.

Rules, frankly, that are driven not so much by the need for quality care but by the bottom line.

The health care system in this country is in a state of crisis. The question is whether this body, the Senate, which is supposed to be the most deliberative body in American politics, will even consider the issue. We are now tied up in knots over whether we can debate this issue. Isn't it ironic. The argument made by the Republican side is, we do not have time to debate this issue. Time? It is 1:30 in the afternoon. We spent the entire morning talking about this issue. Why don't we spend this time actually debating the issue? Let the Republicans put their best plan forward, let us put our plan forward, and let's vote. That is what this body is supposed to be about—not ducking and weaving and avoiding the issue but facing it. That is what it is about.

I stand by the Democratic Patients' Bill of Rights. I think our approach is a better approach. It includes a lot of provisions that, frankly, just make sense to most people.

First, doctors should make medical decisions, not insurance company bureaucrats.

Second, if you need a specialist and your doctor says that is the best thing for you or your baby, you have access to that specialist.

Third, if you are a woman and believe your primary care physician should be your OB/GYN, whom you are confident in dealing with, you have that right.

Fourth, if the insurance company makes a bad decision—if the insurance company denies you care, overrules your doctor, sends you home—you have a right to hold that insurance company accountable.

Let me be honest about what that means. It means the possibility the insurance company might have to go to court. The Republican side of the aisle just says, oh, you are not for health care; you are for more litigation; you want more people in court.

No. But I can tell you, every American, every American company, is subject to that same rule except health insurance companies. They have an exception in the law. You cannot sue them for anything more than the cost of the procedure.

This Senator and everyone in the gallery and all listening will be held accountable for their actions. If I did something so foolish as to drink and drive and hurt someone, I would be hauled into court. I should be. That is something you expect in America. If you ask businessmen, they say: Yes, if we sell a product that is defective and we hurt someone, we are going to be held accountable. But health insurance companies are not held accountable. They make life-and-death decisions, and the Republicans in their so-called Patients' Bill of Rights do not want them to be held accountable. They think insurance companies should be above the law, the only businesses in America above the law. I don't think that is right.

The provisions in the Republican version, as opposed to the Democratic version, leave 115 million Americans behind. Who is involved in that? If you happen to be a farmer—and I come from an agricultural State, Illinois—you are not going to get a protection from the Republican version of the bill, only the Democratic version. If you happen to be a small businessperson, self-employed, you have no protection in the Republican bill. There is protection in the Democratic bill. State and local employee? Same story.

Why would we do that? Why would we write a law saying we respect the rights of individual Americans in dealing with their health insurance company—unless they happen to be small businesses, unless they happen to be farmers, unless they happen to be the local policemen we rely on for safety in our community? This is worthy of a debate.

I think the Republicans would want to stand up and defend their point of view and let us defend our point of view. Then vote. But that is not what has happened. For 2 weeks we have talked about debating. For 2 weeks we have been here day after day asking for recognition on the floor to talk about this issue, because the Republican leadership does not want to face a debate and does not want to face tough votes, votes that may be hard to explain back home.

I have quoted him before and he is worthy of another quote, a former Congressman from Oklahoma named Mike Synar, who used to say to squeamish Congressmen when a tough vote was coming: If you don't want to fight fires, don't be a fireman. If you don't want to cast tough votes, don't run for Congress.

That is what we are here for, to do the best we can, debate this, and come up with a law that is good for America. Maybe we should bring in some of the better provisions from the Republican side, some of the better provisions from the Democrat side, and put forth a bill that will help the families in this country. But we have been stopped in our tracks. The leadership on the Republican side refused to give us that opportunity.

We tried yesterday, incidentally. We had an effort to amend the agriculture appropriations bill. You say, What does that have to do with health care? Well, people who live in rural areas are concerned about health care, but it was an available bill on which to try to bring up this issue. When we tried, we were stopped again. A vote to table that effort, to stop the debate, to stop the amendments prevailed.

I have here a story, which I am sorry I will not have time to tell you, about Michael Cahill who lives in my home State, in Chicago, IL. It is a long, sad story. Michael had dizzy spells and went to a doctor who thought it might have been an inner ear problem. He was sent back and forth. Finally, he was referred to a neurologist who performed a CAT scan, and 3 years after the symptoms began, they determined he had multiple sclerosis, and then the insurance company said: You have to go back to the original doctor who did not diagnose it properly.

He went through a period—this goes on for pages—of fighting his insurance company. This is a man who comes to realize in his adult life that he has a serious medical illness, one he worries about. He worries about its effect on him and his family and his future. Instead of just fighting the illness, he is fighting the insurance company at the same time.

I wish this were an isolated story. It, unfortunately, is a story that has been repeated time and again. It is a story which reflects the reality most Americans now face when it comes to health insurance.

We only have a limited time left this week and next before we break for the Fourth of July. I am sure there will be many important issues we will consider. But I will bet if I went back to Chicago or any part of Illinois, my hometown of Springfield, and started asking people: What really concerns you? What could we do on Capitol Hill that might have an impact on your life?—if I brought up the issue of health insurance, my guess is a lot of those people would say, Can you do something about this? Are your hands tied? Can the Senate really act on it?

The answer is, we can do a lot. There was a press conference this morning by the women Senators who came forward and talked about some of the terrible things that have occurred in the treatment of women receiving these so-called drive-by mastectomies, where women literally have mastectomies and, under the insurance policies, cannot stay in the hospital overnight. A lot of State legislatures are changing the law in their States, but federally this should be a standard we all agree to, that people can stay in the hospital long enough for a good recovery.

Clinical trials are another real concern. Clinical trials are opportunities for medical researchers to come up with new cures. But, of course, they are not the most cost-efficient things. It takes extra time to try to find the patients who are appropriate for the test, get their permission, go through the testing and procedure, and a lot of health insurance companies say: We cannot be bothered by that. It is the bottom line. The longer they stay in the hospital, the worse for us.

But think about it. How can we expect to develop the cures we need in this country, the important things that challenge us and our families, if we do not have that? So we want to make certain clinical trials can still go on as a result of health care in this country.

Let me return for a moment to one of the basic frustrations that seems to attack the medical profession. I spoke to the Illinois State Medical Society a few weeks ago. It was an amazing experience, because as they started to ask questions afterwards, a lot of the questions circled around the question whether or not, as doctors, they could form a union. You know, there was a time if you said the word "union" in the presence of doctors, they would say: Wait a minute, we have nothing to do with that; that's some other group of people.

Why are doctors talking about forming unions or associations now? Because they have to have the power to bargain with the health insurance companies. Otherwise, they are being treated as employees and denied their professional rights, rights which they have earned with their education and their licensure.

It is an indication, too, of a concern I have that unless we change the way health care is managed in this country, fewer and fewer women and men will go to medical school. They will opt out of the opportunity of being health insurance company employees or servants and try something else. That is something that is not good for America if it occurs.

I can tell you if I am on a gurney in a hospital needing medical care and I look up into the eyes of that doctor, I want to see the best and the brightest. I will be praying that doctor was top of the class, the No. 1 graduate. I do not want someone who thought about this as a second option in their life, if they ever could.

I am afraid if this debate does not take place, if health insurance does not change, we could jeopardize the possibility of having the kind of men and women we want going to medical school and certainly jeopardize our ability, as individuals and members of families, to have health insurance and health care that we really can count on.

When Americans are asked across the board about their concerns, what they would like to see us work on, they tell us over and over: Take the decisions out of the hands of the health insurance companies and give them back to the doctors and medical professionals.

That is what this debate should be about. This empty Chamber should be filled with 100 Senators, Democrats and Republicans, debating this most important issue. Instead it is empty. We give these speeches calling for the issue to come before the Senate, and we are told by the other side we cannot; it would take too much time. And the clock continues to tick.

We have the time. The question is whether or not we can summon the courage to address an issue which, frankly, is controversial. On one side, the Democratic Patients' Bill of Rights has some 200 different organizations endorsing it. Doctors and hospitals, consumer groups, children advocacy groups, labor, business—all endorsing the Democratic plan. On the Republican side, their plan is endorsed by only one group, but it is a big one—the insurance companies. They do not want to see this changed. They are making a lot of money.

It goes beyond money. It goes to a question of quality of life for America's families. We had a similar debate just a few weeks ago, a debate that really followed the tragedy in Littleton, CO, when families across America and individuals stopped to ponder whether or not it was safe to send their kids to school anymore. It wasn't just Littleton, CO. It was Conyers, GA; West Paducah, KY; Pearl, MS; Springfield, OR; Jonesboro, AR; and maybe your hometown is next.

Finally, after a week of pointless debate, we came down to a sensible gun control bill that was enacted only when Vice President GORE cast the deciding vote. Six Republicans and 44 Democrats voted for this bipartisan plan. It was sent to the House of Representatives and, unfortunately, there the National Rifle Association prevailed. The bill was basically defeated, and the opportunity for sensible gun control was lost.

I hope we have another chance in this session. I hope we have a chance to address not only gun control but the Patients' Bill of Rights, an improvement in the minimum wage in this country, and doing something about the future of Medicare—these things I believe are the reason we are here. It is the agenda with which most American families can identify—doing something about our schools to improve education. Instead we seem to be caught up in a lot of other issues that are at best only secondary. It is time to move to the primary agenda and the primary agenda is the Patients' Bill of Rights and that is what this Senate should be considering.

I thank the Chair for the opportunity to speak in morning business. I hope that as I end my remarks and we go into a quorum call, which is really a time out in the Senate, that all those who watch this quorum call will ask the same question: Why then, during that moment in time, isn't the Senate even talking about or debating the Patients' Bill of Rights? Why isn't that bill on the floor? Why aren't the Senators of both parties offering their best suggestions on how to improve health insurance in America?

Sadly, that has not happened. I hope it happens soon, and the sooner the better. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. I understand we are in morning business until the hour of 2 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Is there a limitation of 5 minutes or 10 minutes?

The PRESIDING OFFICER. There is no limitation.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I join with my friend from Illinois and others who have spoken before the Senate on the issue of the Patients' Bill of Rights, which, translated into layman's terms, means legislation that will give assurance to all Americans who are fortunate enough to have health insurance policies that medical decisions are being made by trained professional medical personnel and not by insurance company agents.

That is the underlying concept of this legislation, as has been pointed out during the course of the morning with the examples that have been given, and there are scores more. If we get the chance during the debate on the provisions, hopefully later in the afternoon, we will be able to review the various protections that we are attempting to achieve and why they are important to the children and families of this country.

Under the Republican program, there is a guarantee of getting direct access to a pediatrician for a child, but if that child has cancer, there is no guarantee the child will see a pediatric oncologist. Or if one has a disability, there is no guarantee that person will have access to the needed specialists. The guarantee they will have the best care available is important to patients, and there is no country which has better quality health care.

We have a challenge nationwide regarding access to health care, and we have a challenge nationwide in terms of the cost of health care, particularly in a number of different areas. One that comes to mind now is the issue of prescription drugs. We are going to have an opportunity, hopefully in this Congress, to address that issue.

On the issue of what we call quality, meaning that patients are going to get the best health coverage in terms of recommendations made by the professionals who have been trained and who have a wealth of experience in this area, we are trying to make sure that every medical decision will be based upon sound and meaningful medical teaching and experience.

That is the heart of this legislation. It is very important we get this kind of protection. Otherwise, we will continue to have today, tomorrow, and the day after tomorrow the tragic circumstances we have experienced and are being experienced in communities and towns all over this country.

Earlier in the day, we had some important statements and speeches by our colleagues. Senator FEINSTEIN talked about a provision making sure every health insurance proposal has as its basis of treatment the best in terms of medical necessity. The best that is available will be the standard used in providing treatment for individuals.

I took some time earlier today and illustrated how different health insurance programs have different definitions. Sometimes a definition works to the advantage of the HMO and works to the advantage of the insurance company but to the disadvantage of the individual. Such a definition can even threaten the life of that individual.

It may be favorable to the HMO regarding its bottom line financially, but it certainly is not favorable to the patient. We ought to be about the business of doing what is important for the patient.

Senator FEINSTEIN has talked about this issue very eloquently and persuasively today. That certainly would be an area that we ought to be able to debate and discuss. I do not believe we have that kind of standard with the language which is included in the provision being advanced by our Republican friends.

It is not only my opinion that this is important, but it is the opinion of the health practitioners in this country—the doctors, the American Medical Association, the nurses, the various specialists. They are concerned that the Republican proposal does not provide a good standard to protect the health and safety of children, of women, of patients in our country.

We ought to be able to debate that issue. It is a very important issue. Senator FEINSTEIN has spoken eloquently about that particular problem. But we cannot. We are virtually prohibited from being able to do so. We cannot even get this measure up. We were told yesterday to either take the whole package or we were not going to get anything at all. That has been repeated time in and time out. There appears to be the continuation of that policy now by the Republican leadership—delay and deny, delay and deny.

Then later we had the excellent statement that was made by our colleague and friend, Senator MIKULSKI, who was talking about the importance of the kinds of protections that are guaranteed in our Patients' Bill of Rights, particularly with regard to women and children.

She very eloquently pointed out how these gatekeepers who are part of these HMOs—the gatekeeper being the person who ultimately dictates to the doctor what they can effectively prescribe in terms of treatment and in terms of medicines—makes those medical judgments and decisions. That is what is happening out there; and that is startling.

People can say, well, that really isn't happening in America. It is happening. We have given examples of the devastating results that occur as a result of that kind of interference. She illustrated the importance of having those kinds of specialists who are particularly trained and understand the particular needs of women and children.

She talked from her own personal experience in a very significant and important way about how she had a gallbladder operation and was able to stay in the hospital in order to recover. But if a woman had a mastectomy—and she used the word "amputation" because she said that is what a mastectomy is she would still be required to leave the hospital that same day. She reminded us about the unsuccessful efforts we made in the committee to try to alter and close that gap in the Republican bill. It makes no sense how those efforts were defeated.

It seems to me we ought to be able to have some debate. I do not think that issue would take a long period of time. I thought that Senator MIKULSKI, in about an 8- or 10-minute presentation, made a presentation that was powerful and convincing and compelling.

Maybe there is a good argument on the other side. We certainly have not heard it yet. We never heard it in the committee when we were marking this bill up. We did not hear one. So maybe there is an argument on the other side that we haven't heard yet. A woman who is going to have a mastectomy ought to be under the care of the doctor, and the doctor and the patient ought to decide whether that person can leave the hospital that day or ought to be there 1 or 2 or 3 more days. Leave it up to the doctors and their recommendations. That is not permitted under the majority's bill.

We heard a great deal of talk about that. That is not in the bill that is the Republican proposal. The specific amendment that the Senator talked about on the Senate floor would be an amendment that we ought to be able to debate. We ought to be able to debate why it is not in the Republican bill that will eventually, hopefully, be laid down before the Senate.

There is not that protection for women in this country. There is not that protection that will permit the doctor to make a judgment about how long it will be medically necessary to keep that woman in the hospital if she has a mastectomy. That protection is not there. It was defeated when it was offered.

Let's have a brief debate on that issue, and let's have the call of the roll. Why is it we are being denied that today? Why is it we are being foreclosed from that kind of an opportunity? Why is it we cannot have the kind of debate in relation to the excellent presentation that the Senator from California, Senator FEINSTEIN, made, the excellent presentation that the Senator from Maryland, Senator MIKULSKI, made on two different kinds of phases?

Yesterday we talked with our Democratic leader, Senator DASCHLE, about the importance of clinical trials and the necessary aspects of increasing the clinical trials. Historically, the insurance companies of this country have basically supported clinical trials. There is a very good reason why they should, because—besides the medical reason that it is important for the patient—if the person gets better they will not need as many services, and that means the insurance company will pay out less in the long run. That is something that should be a financial incentive for the insurance companies; and it is.

Let me repeat that. While clinical trials make sense in terms of the treatment for the patient, they make sense for the insurance companies, too. But what we are seeing, under the health maintenance organizations, is the gradual squeeze and decline in terms of the insurance companies' payments for routine health needs of the particular patients.

Under our proposal, they would only pay for routine costs, as they have historically. The research regime pays for the special kinds of attention, treatment, and tests that are necessary in order to review whether that particular pharmaceutical drug or other therapy is useful or not. That is not paid for by the insurance companies. So they only have to pay for the routine health needs—the costs that they would pay for even in the absence of a clinical trial. The regime, the testing group or organization or pharmaceutical company that is having that clinical trial, pays for the rest.

But what we are seeing is virtually the beginning of the collapse of clinical research taking place. I will just make a final point on this issue. The group that has had the greatest amount of clinical research done on them in this country has been children. The greatest progress that has been made in the battle for cancer has been—where?—with children.

Most of the clinical researchers who have reviewed this whole question of our efforts on cancer would make the case that one of the principal reasons that we have made the greatest progress in the war on cancer in children, in extending their lives and improving their human condition, is because of these clinical trials.

We want to continue to encourage participation in clinical trials. They offer hope for the future. If the doctor says this is what is necessary for the life and the health of a woman who has cancer, that this is the one way she may be able to save her life, and there is a clinical trial available, we want to be able to say she ought to be able to go there. The opposition says: Let's study it. I say: Let's vote on it.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent to extend morning business until 3 o'clock, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. I have a question and I shall not object. Can our friend tell us if there is any progress being made on getting the Patients' Bill of Rights to the floor so the good Senator from California, Senator FEINSTEIN, can offer an amendment to assure that doctors make the decisions when people are sick and not a bureaucrat? Is there any chance we might have that on the floor this afternoon?

Mr. NICKLES. Mr. President, I am happy to respond. Our colleagues from California may want to join our bill; we have doctors make the decisions. To answer the Senator's question, we are negotiating in good faith. We are getting closer, I believe, to coming to an agreement that would have consideration of the Patients' Bill of Rights be the pending business when we return from the Fourth of July break. Hopefully, we will have that resolved in the not-too-distant future.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, Mrs. FEINSTEIN, is recognized.

PATIENTS' BILL OF RIGHTS

Mrs. FEINSTEIN. Mr. President, I am on the floor because I anticipated that at 2 o'clock we would be returning to the agriculture appropriations bill. I indicated this morning that I would be proposing an amendment to that bill that has to do with giving the physician the right to provide medically necessary services in a setting which that physician believes is best for the patient. I now see that this has been postponed an hour, so I would like to speak to the amendment now and then introduce it at 3 o'clock. I hope there will be no objection to that.

Let me begin by saying, once again, what this amendment does. Essentially, the amendment says that a group health plan or a health insurance issuer, in connection with health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or the setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis, to the extent that such treatment or diagnosis is otherwise a covered benefit.

I read that specific language because it is important to understand that because most people buying a health insurance plan believe that their doctor is, in fact, going to be prescribing the treatment that is best for them, not the treatment that is the least cost effective, not the treatment that might run a risk to the patient but be good for somebody else, but the treatment or the procedure, in an appropriate setting, that is right for that patient. What is right for a patient who is 18 years old may not be right for a patient who is 75 years old, and so on. I will read from the legislation the definition of "medical necessity" or "appropriateness":

> The term "medical necessity" or "appropriate" means, "with respect to a service or a benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice."

That is something that everyone expects, that everyone is accustomed to in this Nation, and I believe that is the way medicine should, in fact, be practiced. I am very pleased to say the language of this amendment, from the larger Patients' Bill of Rights (S. 6) is supported by some 200 organizations all across the United States, including the American Academy of Emergency Medicine; the American Academy of Neurology; American Academy of Pediatrics; American Association of University Women; American Cancer Society; American College of Physicians; American Heart Association; American Lung Association, and the American Medical Association, which is the largest association of practicing physicians in the country.

Then there is the American Psychological Association; the American Public Health Association; the American Society of Clinical Oncology; virtually every breast cancer organization; the Consumer Federation of America; the Epilepsy Foundation; the Leukemia Society; the National Alliance of Breast Cancer Organizations; the National Association of Children's Hospitals; the National Association of People with AIDS; the National Council of Senior Citizens; the National Black Women's Health Project; the National Breast Cancer Coalition; the Older Women's League; the Paralyzed Veterans of America—on and on and on.

This is a widely accepted amendment that virtually has the support of every professional and patient organization that deals with health care anywhere in the United States.

Let me read a statement from the American College of Surgeons, certainly the most prestigious body for surgeons, and one to which my husband, Bert Feinstein, belonged:

> We believe very strongly that any health care system or plan that removes the surgeon and patient from the medical decision-making process only undermines the quality of that patient's care and his or her health and well-being.
>
> Similarly, the American Medical Association has said, "Medical decisions should be made by patients and their physicians, rather than by insurers or legislators."

I have worked on this now for 3 years. In the last Congress, I introduced legislation to allow doctors to decide when to discharge a woman from the hospital after a mastectomy. I did this with Senator D'Amato in the last Congress and with Senator SNOWE in this Congress. And I introduced a bill that would allow doctors to decide when to discharge a person from the hospital after any procedure or treatment, with Senators D'Amato and SNOWE.

Why do we need these bills? Senator MIKULSKI from Maryland this morning made a very impassioned case about mastectomies. And we learned in 1997 that women were being pushed out of the hospital on the same day after a mastectomy.

I was amazed to hear from a woman named Nancy Couchot of Newark, CA, who wrote me in 1997 that she had a modified radical mastectomy at 11:30 in the morning and was released from the hospital by 4:30 that afternoon. She could not walk to the bathroom without help. She said in her letter:

> Any woman, under these circumstances, should be able to opt for overnight stay to receive professional help and strong pain relief.

Victoria Berck of Los Angeles wrote that she went in at 7:30 a.m. and was released at 2:30 p.m. with drains attached to her body. She said, "No civilized country in the world has a mastectomy as an outpatient procedure."

It was a very large health care network in California that was doing these "drive-through" mastectomies on the same day.

I believe "drive-through" mastectomies have been largely stopped, but patients had to rise up, and patients had to say you can't do this to me. You can't push me out a few hours after an anesthetic with drains in my body, having had a radical mastectomy and not being able to take care of myself.

What if the woman is 75 instead of 25? It makes no sense.

We also learned that insurance plans were insisting one-night hospital stays if you had a child.

We learned that babies—infants—were going home with jaundice, and they had to come back to the hospital for treatment once, twice, or three times. There was a lot of "tsk-tsking." What a terrible procedure. How could they do this? Now it has changed because Congress acted, requiring a minimum of two days for childbirth, for a normal delivery. What if you need 5 days for care, or 6 days for care?

The point is that it should be a decision made by the physician. It should not be countermanded by someone unqualified to make that decision.

A California neurologist told us about a 7-year-old girl with an ear infection who went to the doctor with a high fever which developed into pneumonia, and she was hospitalized. The HMO insisted that she be sent home after 2 days. She ended up returning to the hospital three times, sicker each time to the point where she developed meningitis. The doctor said that if she had stayed in the hospital for 5 to 7 days the first time that she could have been given antibiotics, been monitored, and would not have gotten meningitis.

What is the problem?

Let me read the definition of medical necessity in an insurance contract provided to me by the American Medical Association. This is from the Aetna/U.S. Healthcare standard Texas contract. I quote: "Health care services that are appropriate and consistent with the diagnosis in accordance with accepted medical standards and which are likely to result in demonstrable medical benefit," and here is the point, "and which are the least costly of alternative supplies or levels of service."

It is not "and/or." It is "and which are the least costly."

So if you belong to that plan and there is a drug that is the least costly, perhaps not as effective or perhaps not good for you with your present condition, or because of your age, that is the drug you are forced to take because the insurance plan says so, despite what the doctor says. If there is a diagnostic process that may be less effective than an MRI, that MRI is very often prohibited for you.

What is happening out there? What is the problem?

The problem is that doctors are finding insurance plans overriding their decisions, dictating their decisions, second-guessing their decisions about what is medically necessary.

We aim in this amendment to give that basic right of medical practice back to the physician.

In fact, today doctors all across this Nation will tell you that they spend hours hassling with insurance company accountants and adjusters to justify medical necessity decisions —why a person needs another day in a hospital, why a person needs an MRI, why a patient needs a blood test, why a patient should get this drug instead of that drug.

Seventy percent of doctors across this great Nation say they are forced to exaggerate a patient's symptoms to make sure HMOs don't discharge patients from hospitals prematurely.

Is this the kind of medical care that we want to see HMOs press us toward where a doctor has to lie, fabricate, or exaggerate the condition of the patient to be sure that patient gets what is medically appropriate for that particular patient? I truly think not.

Every patient is different. Every patient brings to a situation his or her own unique history and biology. Doctors should be able to use their best professional judgment in each individual case based upon the needs or condition of the patient.

Pneumonia in a 30-year-old patient is different from pneumonia in a 70-year-old patient. Doctors know the difference, and most of us do, too.

A Maryland nurse said: I spend my days watching the care in my unit be directed by faceless people from insurance companies on the other end of the phone. My hospital employs a full-time nurse whose entire job is to talk to insurance reviewers.

I myself in 1989 had to have a hysterectomy. I was extraordinarily anemic. As I was in the hospital for a blood transfusion, the phone rang. I picked up the phone. It was my insurance company. What they said to me is: Why are you still in the hospital? You are supposed to be out of there by now.

My only response was: I am here because I am currently having a blood transfusion.

A patient shouldn't have to go through this. It happened to me. You can be sure it is happening all across this country.

Doctor Robert Weinman told the San Jose Mercury News that a doctor prescribed a brain wave test for a convulsing epileptic child. The HMO board—consisting of one accountant, the chief financial officer, and one doctor—refused coverage, depriving the doctor of the necessary diagnostic information.

On June 14, just a couple of weeks ago, a California nurse practitioner told my staff that insurance plans will allow people with ulcers to take Prilosec for only 4 to 6 weeks, even though the gastroenterologists say that it is needed for a longer period. Plans say patients can take Tagamet, which is cheaper but not as effective for this particular condition.

This is what this amendment seeks to avoid.

The doctor should be able to prescribe based on medical necessity what is appropriate to each patient—a hallmark of good medical care.

A California doctor told us about a patient who needed a total hip replacement because her hip had failed. The doctor said that patient should remain in the hospital for 7 days. The plan would only authorize 5 days.

Let me quote once again from a Los Angeles physician.

> Many doctors are demoralized. They feel like they have taken a beating in recent years. . .physicians train years to learn how to practice medicine. They work long hours practicing their field. Under this health care system, that training and hard work often seem irrelevant. A bureaucrat dictates how doctors are allowed to treat parties. . . When I tell someone he is fit to leave the hospital after an operation, I am often given an accusing stare. Sometimes my patients even say: "Is that what you really think or are you caving in to HMO pressure to cut corners on care?"

Medicine shouldn't have to be practiced this way in the United States of America.

Over 80 percent of the people of my State are in some form of managed care. California has been a laboratory for managed care. Californians are speaking out on the issue. Over one half of Californians say that major changes are needed in our health care system. Californians say they have to wait for care longer, they are rushed through appointments, they have to navigate impersonal systems when they are trying to get care.

A survey of 900 doctors in California found that 7 out of 10 were dissatisfied with managed care organizations. Insurance companies have invaded the examining room, the emergency room, and the hospital room. The "care" is rapidly going out of health care. Getting good health care should not be a battle.

I think everyone in this body understands HMOs can be effective good, they can reduce costs in a medically acceptable way. And that is the key—in a medically acceptable way, without adversely impacting the patient. The way to do this is not to countermand the physician, not to tell the physician what drug he or she can or cannot give a patient based on the cost, not to tell a physician he has to conduct a radical mastectomy at 7:30 in the morning, removing sometimes both of a woman's breasts and lymph nodes, and push her out on the street with drains in her chest and pain coursing through her body. That isn't good health care for anyone.

This is a simple amendment. It is supported by virtually over 200 health organizations.

Some might say why not wait until we work out an agreement so a Patients' Bill of Rights—whether it be Democrat or Republican—can come to the floor. I have waited for 3 years for an opportunity to move this kind of legislation. We cannot wait any longer. Senator D'AMATO and I, 3 years ago, held a press conference urging this kind of legislation. Senator SNOWE and I, in this Congress, have introduced similar legislation.

The beauty of this amendment, that I want to bring before the Senate for a vote, is that it states very simply that health insurance coverage may not arbitrarily interfere or alter the decision of the treating physician regarding the manner or setting—hospital, emergency room, outpatient clinic, whatever it is—in which particular services are delivered, if the services are medically necessary or appropriate for treatment or diagnosis.

Every single patient in managed care anywhere in the United States of America will be better off the sooner this amendment becomes law.

I believe to wait is wrong. I believe to wait will cost lives. I believe to wait will increase morbidity. I believe to wait is unfair to the physicians who are trained, able, and ready to carry out their profession.

I am hopeful I will have an opportunity, in 25 minutes when the agricultural appropriations bill is on the floor, to offer this amendment which is broadly and widely supported all across the United States. Once and for all, the physician and the patient will together make the medical decisions—not a green eyeshade somewhere in a remote HMO office.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island. The Chair notes the Senator has 2 minutes 2 seconds.

Mr. REED. I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I take this opportunity to talk about the Patients' Bill of Rights in one particular area. That is the area of appeals, both internal appeals and external appeals.

Both versions of this legislation, both the Republican proposal and the Democratic proposal, purport to have provisions for appeals of denial of service to consumers of health care in HMOs. Looking closely at the proposals, we find that the Republican process is significantly deficient.

We will hear discussions about these various proposals, but I will highlight a couple of the areas which suggest the deficiencies that are inherent in the Republican proposal versus the Democratic proposal.

First, under the Republican plan, an internal review—one that is being conducted by the HMO itself—that reviewer is restricted from looking at all the evidence in a case.

For example, if a patient thought they were not receiving appropriate care, they might go to another physician outside of their network and ask for an opinion. That type of information cannot be used by the internal reviewer to make a judgment about the decision rendered by the HMO. This narrowly restricted access to information prejudices the review process against the patient. It also leads to something I think is evident today and would be even more pronounced in the future, a growing cynicism that the managed care companies simply want to protect the bottom line, not the health of the patient.

I strongly suggest the internal review process in the Republican legislation is deficient since it will not allow, essentially, a de novo review of the case by the reviewing authority.

The second weakness with respect to the Republican proposal is with regard to external reviews. External reviews are reviews which are conducted by an outside party. Under the Republican plan, a review could only be conducted if there is a claim that some type of medical necessity has been violated, or the proposed treatment is experimental—again, two very narrow grounds.

A patient cannot have an external review if the claim is about contractual rights. In the world of HMOs, it is so easy for the HMO to claim: This is not really an issue of medical necessity. It is not an issue even of innovative treatment. This treatment is just not covered under your plan.

These contracts are pages and pages of small print. When the average consumer or family tries to figure out what the contract says, they are no match for the reviewing authorities and spokespeople for the HMOs.

As a result, there is a very real possibility an aggrieved party will never get an external review. They will be buried in a barrage of verbiage indicating "it is not covered in the contract" or it "doesn't meet our definition of medical necessity." I refer to the text provided by my colleague from California where part of the definition of "medical necessity" included the low-cost alternative in the provision of services.

All of this, in my view, is an invitation to endless argumentation about legalisms at a time when people need a prompt response to a health care crisis in their family.

There is another deficiency with respect to the external review provisions. Under the Republican proposal, the HMO actually picks the reviewing authority. Now that just does not sound fair. If it does not sound fair to us, it will certainly not sound fair to the families of America.

Mrs. BOXER. Will the Senator yield on that point?

Mr. REED. Certainly.

Mrs. BOXER. Because the Senator has made a point that is rather stunning to me. In other words, he is saying that in the Republican proposal which purports to be a Patients' Bill of Rights, if a patient believes he or she has not received the appropriate treatment and there is an internal review—and let's pass over that—and then there is an external review; in other words, people are coming in from the outside to take a look at whether or not you should have had a different treatment for your cancer, let's say, the Senator is saying to me that under the Republican proposal, the very organization that denied you a certain kind of treatment gets to pick the people who are going to decide if that HMO was wrong? So if they pick their friends, naturally, what chance does the patient have? I say to my friend, this seems like a kangaroo court if I have ever heard of one. Does he not agree?

Mr. REED. I agree completely. The Senator is absolutely right. Both the perception of an unfair, unbalanced procedure, and I would also argue the reality, ultimately, will be such that you are not going to get a fair evaluation of your claim.

I cannot conceive of a company—and the HMOs are famous now for their concern for the bottom line—that would go out of its way to retain people who are sensitive to the needs of patients versus the needs of the company and its bottom line. They will pick reviewing authorities who will invariably decide that this expensive procedure, or this inexpensive procedure, is not needed by a patient.

What you are doing also is creating a degree of cynicism about the whole process of appeals. As a result, rather than making a sound, objective, external evaluation of the merits of the case with all the evidence and telling the patient, no, this is not necessary for you, or, yes, it is, a huge legal, bureaucratic labyrinth is created, at the end of which you find yourself facing somebody who basically works for the HMO.

Mrs. BOXER. I wonder, in comparing these two bills, if my friend has made an analysis of the way the Democratic bill treats the appeals process? And can he tell us the difference here?

Mr. REED. The Democratic legislation tries to create, and I think succeeds in creating, a situation where there is an external review where a party who is not beholden to the HMO, an individual reviewing authority outside of the company will review external appeals. It would be truly independent and there would not be a conflict of interest, and that, I believe, is the appropriate way to proceed.

By creating an independent external review procedure, it will, No. 1, strengthen the confidence of consumers that they are getting a fair shake and, No. 2, it will lead to better judgments about the type of health care that should be necessary.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. If I understand the Republican proposal, if you had a child, for example, with cancer, and you had a pediatrician, but what you needed was an oncologist for that child, one who is a specialist in pediatrics, and the HMO denied you that, and you believed this was enormously important for the treatment for the child, under the Republican proposal you have no right to appeal that particular decision. I understand that the right to an independent appeal applies only to certain decisions, and a denial of access to a specialist is not one of them. I believe I am correct.

We heard our wonderful friend, Dr. FRIST, yesterday talk about how any child who had cancer would be guaranteed a specialist and everybody said: Doesn't that do the trick? No.

We know you need not just a pediatrician, but as the Senator from Rhode Island knows—as one who has been a leader in the Senate on children's issues regarding access, and has introduced special legislation on this—that child needs a pediatric oncologist. That kind of specialist is absolutely crucial, if that child is to have a fighting chance; but denial of access to that particular specialist would not be eligible for appeal under the majority's program.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. KENNEDY. Mr. President, I ask for 6 more minutes evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I was just asking whether the Senator's understanding is the same understanding as mine? If the Senator would just reflect on the significance of that, I would appreciate it. How important, really, is specialty care access, I ask the Senator, as an expert on this issue for the treatment of a child?

Mr. REED. The Senator is exactly correct. The way the appeals process is drafted in the Republican legislation, a child who has a serious cancer might be offered the services of an oncologist for adults. In the view of the plan, that would be adequate, sufficient for the purposes of the medical necessity. As a result, the parents of the child, who want access to a pediatric oncologist, may not even get the chance to even protest internally, externally, or in any way.

That is wrong. Frankly, I have been trying to learn as much as I can about pediatric specialties. I, like so many people, once thought an oncologist is an oncologist is an oncologist like a rose is a rose is a rose. It turns out pediatric oncology is a very specialized part of medicine.

I was talking to a specialist recently who pointed out the case of a young child who was discovered with a particular type of cancer and was treated by an adult's oncologist using what is standard procedure for an adult. In fact, using the adult procedure produced additional problems for the child and only further complicated the situation. As a result, the child has to have an additional regime of chemotherapy. All of this could have been avoided, of course, had that child seen a pediatric oncologist immediately.

The provisions in this legislation do not give a fair chance to appeal a denial of access to a specialist like the case I have just outlined. They do not give Americans, but particularly children, a fair chance to get good health care. That is what we want to do and should do.

Mr. KENNEDY. Will the Senator yield just for another moment? It is now approaching 3 o'clock. To the best of my recollection, the good Senator from California, Senator FEINSTEIN, has been here since 10 o'clock this morning, prepared to go ahead and introduce her amendment and has still not been able to do it. There has been an extension of the time limits, evidently because of some negotiations about which all of us are hopeful. But I think we probably could have disposed of the amendment of the Senator and probably the proposal of the Senator from Rhode Island also. I do not know whether the Senator would agree with me or not.

Mr. REED. I do agree. I have been listening to Senator FEINSTEIN's very eloquent and thoughtful comments about the need for access to specialists and the need to have a physician make a decision about your health care and not an accountant.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. REED. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair, acting in his capacity as a Senator from New Hampshire, notes the absence of a quorum. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, objects. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, for the information of all colleagues, we are still in the process of negotiating a time agreement on proceeding. We are not quite there. We are getting closer.

Mr. President, I ask unanimous consent that morning business be extended for 30 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I say to the distinguished whip, I have been here for a long time hoping to offer an amendment to the agriculture appropriations bill.

Can you give me any time when that bill might be coming to the floor?

Mr. NICKLES. I will be happy to respond.

It is our intention that the ag bill will not be the vehicle for the Patients' Bill of Rights or any amendments related to it. The unanimous consent request we are proposing or negotiating would bring up the Patients' Bill of Rights when we return from the Fourth of July break, with the bill to be brought up on, I believe, July 11, to be completed by July 15. So no amendments relating to the Patients' Bill of Rights will be offered on the ag appropriations bill.

Mrs. FEINSTEIN. In exchange for a definitive date of bringing up the Patients' Bill of Rights?

Mr. NICKLES. Correct. Absolutely.

Mrs. FEINSTEIN. We would have minority rights to amend that bill?

Mr. NICKLES. That is correct.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. Is there objection the request of the Senator from Oklahoma?

Without objection, it is so ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Washington.

Mrs. MURRAY. It is my understanding that the Democrats now have 15 minutes?

The PRESIDING OFFICER. That is correct.

Mrs. MURRAY. Then I will proceed.

PATIENTS' BILL OF RIGHTS

Mrs. MURRAY. Mr. President, I hope we can work out an agreement, but I rise today really to express my frustration and outrage with the inability of the Republican leadership to allow a fair and open debate on the real Patients' Bill of Rights.

I do not like the idea of tying up must-do appropriations bills to try and force a fair and open debate on access to health care services. However, due to the inability to find a reasonable compromise on the number of amendments, we have been forced to bring this issue to every possible vehicle.

I hope we can work out an arrangement with the majority party to do this and to have our opportunity to offer amendments that we think are very important.

Sometimes we spend far too much time on issues of little significance to the American people. One of the majority's showcase pieces of legislation in 1999 was to change the name of National Airport to the Ronald Reagan Washington National Airport. We spent more time talking about the name change than we have on debating the Patients' Bill of Rights.

When it comes to access to emergency room treatment, or access to experimental lifesaving treatments, we cannot seem to find 3 days for its consideration on the Senate floor. This is the kind of legislation that really does impact American working families. I would argue that it deserves a full and open debate on the Senate floor, allowing us to offer our amendments.

The Republican reform legislation reported out of the HELP Committee is not—and let me repeat, is not—a patients' bill of rights. Oddly enough, it excludes most insured Americans and, in many cases, simply reiterates current insurance policy. It does not provide the kinds of protections and guarantees which will ensure that when you need your insurance, it is there for you and your family.

Let's face it. Most people do not even think about their health insurance until they become sick. Certainly, insurance companies do not notify them every week or month, when collecting their premiums, that there are many services and benefits they do not have access to. It is amazing how accurate insurance companies can be in collecting premiums, but when it comes time to access benefits, it becomes a huge bureaucracy with little or no accountability.

The Republican leadership bill is inadequate in many areas. Let me point out a couple of the major holes that I see in this legislation.

During markup of this legislation in the HELP Committee, I offered two important amendments. The first one was a very short and simple amendment to prohibit so-called drive-through mastectomies.

My amendment would have prohibited insurance companies from requiring doctors to perform major breast cancer surgery in an outpatient setting and discharging the woman within hours. We saw this happen before when insurance companies decided it was not medically necessary for a woman to stay more than 12 hours in a hospital following the birth of a child. They said there was no need for followup for the newborn infant beyond 12 hours. There was no understanding of the effects of childbirth on a woman and no role for the woman or physician to determine what is medically necessary for both the new mother and the new infant.

I offered the drive-through mastectomy prohibition amendment only because an amendment offered earlier in that markup would continue the practice of allowing insurance personnel to determine what was medically necessary—not doctors, not patients, but insurance companies. I offered my amendment to ensure that no insurance company would be allowed to engage in drive-through mastectomies.

My amendment did not require a mandatory hospital stay. It did not set the number of days or hours. It simply said that only the doctor and the patient would be able to determine if a hospital stay was medically necessary. The woman who had suffered the shock of the diagnosis of breast cancer, the woman who was told the mastectomy was the only choice, the woman who faced this life-altering surgery, decides, along with her doctor.

Unfortunately, my colleagues on the other side did not feel comfortable giving the decision to the woman and her doctor. They did not like legislating by body part; and neither do I. But I could not sit by and be silent on this issue. Defeating the medically necessary amendment, offered prior to my amendment, forced me to legislate by body part. And I will do it again to ensure that women facing a mastectomy are not sent home prematurely to deal with both the physical and emotional aftershocks.

For many years, I have listened to many of my colleagues talk about breast cancer and breast cancer research or breast cancer stamps. When it comes to really helping breast cancer survivors, some of my Republican colleagues voted no. I hope we are able to correct this and give all of my colleagues, not just those on the HELP Committee, the chance to vote yes.

The other amendment I offered in committee addressed the issue of emergency room coverage. The Republican legislation falls short of ensuring that when you have a sick child with a very high fever, and you rush them to the emergency room in the middle of the night, the child will receive emergency care as well as poststabilization care. The Republican bill simply adopts a prudent layperson standard on emergency care, not care beyond the emergency.

That means that a child with a fever of over 104 degrees may not receive the full scope of care necessary to determine what caused the fever to prevent the escalation of a fever once the child has been stabilized. As many parents know, simply controlling the fever is not enough; you have to control the virus or infection to prevent the fever from escalating again.

I tried in committee to address the inequities in the Republican bill regarding emergency room coverage. Unfortunately, my amendment was defeated. Let me point out to my colleagues, if they think their language will protect individuals seeking emergency care, they are sadly mistaken.

The insurance commissioner's office in my home State of Washington recently initiated a major investigation of insurance companies that had denied ER coverage based on a prudent layperson's standard. The commissioner's office discovered that despite a State regulation requiring a prudent layperson standard, there were numerous examples of individuals being denied appropriate care in the emergency room.

In Washington State, a 15-year-old girl with a broken leg was taken by her parents to a hospital emergency room. The claim was denied by the family's insurer, which ruled that the circumstances did not constitute an emergency.

A 17-year-old victim of a beating suffered serious head injuries and was taken to an ER. A CAT scan ordered by the ER physician was rejected by the insurer because there was no prior authorization. This 17-year-old child was stabilized, but the physician knew that only through a CAT scan would they know the full extent of the child's injuries. Yet the insurance company denied payment because they had not approved the procedure. They obviously did not think that a CAT scan was part of ER care.

These are examples of gross misconduct by insurance companies in the State of Washington that are supposed to meet the same standard that is included in the Republican bill. As the insurance commissioner learned, a prudent layperson standard still allows for a loophole large enough to drive a truck through.

I also want to remind many of my colleagues who support doubling research at NIH that we are facing a situation where we have all of this great research we are funding, and yet we allow insurance companies to deny access. Yesterday we heard testimony at the Labor-HHS Subcommittee hearing about juvenile diabetes. It was an inspiring hearing. We had more than 100 children and several celebrities testify. Yet as I sat there listening to the testimony from NIH about the need to increase funding for research and how close we are to finding a cure, I was struck by the fact that the Republican leadership bill would allow the continued practice of denying access to clinical trials, access to new experimental drugs and treatments, access to specialties, and access to specialty care provided at NCI cancer centers.

It does little good to increase research or to find a cure for diabetes or Parkinson's disease if very few people in this country can afford the cure or are denied access to that cure. We need to continue our focus on research, but we cannot simply ignore the issue of access.

I urge my colleagues to join me in supporting a real Patients' Bill of Rights that puts the decision of health care back into the hands of the consumer and their physician, that doesn't dismantle managed care but ensures that insurance companies manage care, not profits.

I don't want to increase the cost of health care. I simply want to make sure people get what they pay for, that they have the same access to care that we, as Members of the Senate, enjoy as we participate in the Federal Employees Health Benefit Program. The President has made sure we have patient protections. Our constituents deserve no less.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have a couple comments. Again, we are trying to come up with an arrangement. I think all my colleagues are aware of the fact that we have been negotiating on this most of the day. Hopefully, we will come up with an arrangement that is mutually satisfactory to all participants in the debate.

I will respond to a couple of the comments, because maybe they haven't been responded to adequately. There has been a lot of discussion about the Republican package doesn't do this or the Democrat package does so many wonderful things. The Democrat package before the Senate increases health care costs dramatically.

I stated, maybe 2 years ago: When the Senate considers legislation, we should make sure we do no harm. By doing no harm, I stated two or three propositions. One, we should not increase health care costs; that makes health care unaffordable for a lot of Americans. Unfortunately, the package proposed by my colleagues on the Democrat side—the Kennedy bill—increases health care costs 4.8 percent, according to the CBO, over and above the inflation that is already estimated for this next year, estimated to be about 8 percent.

If you add 5 percent on top of 8 percent, that is a 13-percent increase in health care costs. The result is, probably a million and a half Americans will lose their health care if we pass the Democrat package.

I have heard a lot of my colleagues say: We need to pass the Kennedy bill; it is going to do all these wonderful things, because we are going to protect, we have a prudent layperson. It is just a great idea. We have emergency care. It is a wonderful idea. We are going to guarantee everybody all this assortment of benefits. We are going to mandate all kinds of little coverages that all sound very good.

But they do have a cost. If we make insurance unaffordable and move a million and a half people from the insured category to the uninsured category, I think we are making a mistake; I think we are making a serious mistake.

There are some costs involved, and there is a little difference in philosophy. Some of our colleagues said the Republican package doesn't cover this or doesn't do this, doesn't do that. What we don't try to do is rewrite health care insurance, which is basically a State-controlled initiative. We don't have the philosophy that Washington, DC, knows best. There is a difference in philosophy.

The Kennedy bill says: States, we don't care what you are doing. We know what is best. We have a package, an emergency care package, that you have to have ER services under the following scenarios. We don't care what you are doing, States.

I just looked at a note. Forty States have emergency care mandates. The Kennedy bill says: We don't care what you are doing, States. Here is what we say, because we know what is best.

I wonder if the State of Massachusetts has it. The State of Washington has it. I heard my colleague from Washington, Senator MURRAY, talk about emergency care. The State of Washington has emergency care mandates in their health care packages for State-regulated health care plans. I heard the Senator from Washington talk about "prudent layperson." The State of Washington has a prudent layperson mandate. Maybe that is not adequate. Maybe somebody in the State legislature in the State of Washington said: We need to strengthen this; we need improvement.

There is a difference of philosophy. We, on our side, are saying we shouldn't try to rewrite health care plans all across America. We don't believe in national health insurance, that the Government in Washington, DC, is the source of all wisdom, has all knowledge, can do all things exactly right, and we should supersede the governments of every State.

We don't have that philosophy. There is a difference of philosophy. The Kennedy bill says: States, you have emergency room provisions. We do not think they are adequate. We know what is best.

Then the health care plans say: Wait a minute, we have been regulated since our inception by the States, as far as insurance regulation. Now we have the Federal regulation. Whom should we follow? They are different.

Who is right? Do we just take the more stringent proposal, or are we now going to have HCFA regulate not only Medicare and Medicaid, but are we now going to have HCFA regulating private insurance? I do not think we should.

I will tell my colleagues, HCFA has done a crummy job in regulating Medicare. HCFA has not complied with the mandates we gave them in 1997 for giving information to Medicare recipients on Medicare options. They haven't done that yet. They haven't notified most seniors of options that are available to them that this Congress passed and this President signed. They haven't notified people of their options. They have done a crummy job of complying with the regulations that they have now. They haven't even complied with—some of the States—the so-called Kennedy-Kassebaum legislation that passed a few years ago. There are some States, including the State of Massachusetts, which don't even comply with the Kennedy-Kassebaum kid care formulations. HCFA is supposed to take that over. They haven't done it.

My point is, people who have the philosophy, wait a minute, we need to have this long list of mandates, we are going to say it, and we are going to regulate it and dictate it from Washington, DC, I just happen to disagree with.

It may be a very laudable effort. Some of the horror stories that were mentioned—this person didn't get care, and it is terrible—are tough stories. But we have to ask ourselves, is the right solution a Federal mandate? Is the Federal mandate listing here of what every health care plan in America has to comply with, dictated by Washington, DC, dictated by my friend and colleague from Massachusetts, is that the right solution? I don't think so.

Is there a cost associated with that? Yes, there is. I mention that to my colleagues and to others who are interested in the debate.

We will have this debate. I think there will be an agreement reached that we will take this up on July 11, and we will have open availability for individuals to offer amendments with second-degree amendments, and hopefully a conclusion to this process.

I did want to respond to say that this idea of somebody finding a horror story or finding an example of a problem and coming up with the solution, or the fix being "Washington, DC, knows best," I don't necessarily agree with.

I do think we can make some improvements. I do hope, ultimately, we will have bipartisan support for what I believe is a very good package. I am not saying it is perfect. It may be amended. It may be improved. I hope we will come up with a bipartisan package.

We do have internal/external appeals which are very important and, I think, could make a positive contribution towards solving some of the problems many of the individuals have addressed earlier today.

I yield the floor.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. May I inquire how much time remains?

The PRESIDING OFFICER. The minority has 5 minutes 10 seconds. The majority still has 15 minutes 50 seconds.

Mr. EDWARDS. Mr. President, I come to the floor to address the important issue of the Patients' Bill of Rights. I will respond briefly to a couple of issues raised by my colleague, the distinguished Senator from Oklahoma, when the bulk of his argument and response to our Patients' Bill of Rights has to do with the issue of cost. I just want to point out that the most reliable studies done by the GAO indicate that the increased costs across America will be somewhere between $1 and $2 per patient per month, which I think is less than a cup of Starbuck's coffee. My suspicion is that most Americans would be willing to bear that cost to have real and meaningful health care reform.

There is a lot of rhetoric about national health insurance, and they are not for that. This bill has absolutely nothing to do with national health insurance. What it has to do with is creating rights for patients that provide them with protections against HMOs and health insurance companies that are taking advantage of them on a daily basis.

There is another huge difference between these two bills. I prefer not to talk about them as the Democratic or Republican bill because, for me at least, this is not a partisan issue; it is a substantive issue. If we have a bill that is a real, meaningful Patients' Bill of Rights, whether it is Democratic or Republican, or a compromise between the two, I would support it. It makes no difference to me who authors the bill. I came here to talk about an issue that is critical to the people of North Carolina, to the people of America.

The people of America are not interested in partisan bickering on the floor of the Senate. They are not interested in that; they don't care about it. What they do care about, and what I care about, is addressing the issue of health care and the issue of the Patients' Bill of Rights in a real substantive and meaningful way.

I want to talk briefly, if I can, about a real case I was involved in personally—at least my law firm was involved in—before I came to the Senate this past January. The case involved a young man named Ethan Bedrick. Ethan was born with cerebral palsy. As a result of his cerebral palsy, he needed a multitude of medical treatments, including therapists—physical and speech—to help him with mouth movement and his limbs. The physical therapy was prescribed specifically for the purpose of being able to pull his limbs out and back and out and back, so he didn't develop what is called muscle contractures, so that he didn't get in a condition where he could not move his arms and legs any longer.

Ethan is from Charlotte, NC. Ethan's doctors who were seeing him—a multitude of doctors, including physical therapists, a general practice physician, a pediatric neurologist who specialized in making determinations about what children in his condition needed—all of those physicians, every single one of them, everybody treating him came to the conclusion that Ethan needed physical therapy.

When the family went to their health insurance company to try to get reimbursed for the physical therapy, the health insurance company denied paying for the physical therapy. Basically, they decided it based upon an extraordinarily limited and arbitrary reading of the term "medical necessity." They basically found the most limited definition and they looked around and found a doctor who was willing to support that position. So they denied the claims.

I want the American people to understand that every doctor who was treating Ethan said he needed this care. It was absolutely standard care for a young child with cerebral palsy. But there was some doctor working for an insurance company somewhere in America who was willing to say: No, I don't think he needs it. Therefore, they denied coverage, regardless of what all his treating physicians said.

We filed a lawsuit on behalf of Ethan against the insurance company. We had to jump through extraordinary hoops because it is so difficult to bring any kind of action against a health insurance company or an HMO. The case was decided, ultimately, by the U.S. Court of Appeals for the Fourth Circuit, which covers a number of States in the southeastern United States. That court, which is well known for its conservative nature, issued an opinion on Ethan's case. I will quote very briefly from that opinion. The court addressed in very stark terms what they saw as the problem. I am reading now from the opinion of the Fourth Circuit:

> . . . The precipitous decision to give up on Ethan was made by Dr. Pollack, who could provide scant support for it. The insurance company boldly states that she [Dr. Pollack] has a "wealth of experience in pediatrics and knowledge of cerebral palsy in children." We see nothing [in the Record] to support this. . . . In fact, she was asked whether, in her twenty years of practice, she ever prescribed either speech therapy, occupational therapy, or physical therapy for her cerebral palsy patients. Her answer: "No, because in the area where I practiced, the routine was to send children with cerebral palsy to the Kennedy Center and the Albert Einstein College of Medicine. We took care only of routine physical care.
>
> So much for Dr. Pollack's "wealth of experience."

This was a physician who had absolutely no experience with prescribing physical therapy for children with cerebral palsy. Yet this physician was the sole basis for the insurance company denying this very needed care for this young boy with cerebral palsy.

It gets worse. Dr. Pollack was then asked whether physical therapy could prevent contractures, which is what is caused when children with cerebral palsy don't get this. Their arms and legs become contracted and they can't be pulled out.

This was her answer: No.

She was asked: Why not?

Answer: Because it is my belief that it is not an effective way of treating contractures.

This is the insurance company doctor.

She was asked: Where did this belief come from?

She says: I cannot tell you exactly how I developed it because the truth is I haven't thought about it for a long time.

The nadir of this testimony was reached soon thereafter because the baselessness for this insurance company doctor's decision became very apparent. The Fourth Circuit quotes from the questions and answers to Dr. Pollack:

> Question: . . . If Dr. Lesser and Dr. Swetenburg were of the opinion that physical therapy at the rate and occupational therapy at that rate were medically necessary for Ethan Bedrick, would you have any reason to oppose their opinion?
>
> Answer: I am not sure I understand the question. Using what definition of medical necessity?
>
> Question: Well, using the evaluation of medical necessity as what is in the best interests of the child, the patient.
>
> Answer: I think we are talking about two different things.
>
> Question: All right. Expand, explain to me what two different things we are talking about?
>
> Answer: I'm speaking about what is to be covered by our contract.
>
> Question: Is what is covered by your contract something that's different than the

> best interests of the child as far as medical treatment is concerned?
>
> Answer: I find that's a little like "have you stopped beating your wife?"
>
> Question: That's why I ask it. If Doctor Swetenburg and Dr. Lesser recommended physical therapy and occupational therapy at the rates prescribed, do you have any medical basis for why this is an inappropriate treatment that has been prescribed [for this boy]?

Remember, this is the insurance company doctor on the basis for which the insurance company had denied all coverage for this care.

> Answer: I have no idea. I have not examined the patient. I have not determined whether it is appropriate or inappropriate. But that isn't a decision I was asked to make.

So what happened is, we have an insurance company doctor with no experience, never examined the child, who has decided this care is not medically necessary or medically appropriate, based on nothing and the insurance company denies coverage in the face of every single health care provider saying this child with cerebral palsy needs to be treated.

This is a perfect example of what is wrong with the system. It is why we need real external review. It is why we need an independent body that can look at a decision made by an insurance company and decide—it would be obvious in this case—that the decision was wrong and that a child is suffering as a result.

When I say an independent review, I mean a really independent review, not an independent review board made up of people chosen by the insurance company. That is an enormous difference between one of the bills being offered by our opponents and the bill being offered by us. We would set up a real and meaningful independent review board so that when something like this happens to Ethan Bedrick, a child with cerebral palsy, there would be a way to go to an independent board immediately and get a review, the result of which the decision would be reversed and in a matter of weeks, at the most, this child would get the therapy he so desperately needs.

The long and the short of it is, even after we won this case in the court of appeals, it was over a year before Ethan Bedrick began to receive the care he deserved.

This case illustrates perfectly why this is such an acute problem and why we need to address it. We need desperately to address it in a nonpartisan way. We need to do what is in the best interests of the American people; that is, to pass a real and meaningful Patients' Bill of Rights.

Thank you, Mr. President.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, are we still in morning business?

The PRESIDING OFFICER. The Senate is in morning business. The Republican side has 8 minutes remaining.

Mr. CRAIG. I ask unanimous consent we stay in morning business under the current restriction and continue until 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, for the last several days this Senate has been engaged in a fascinating exercise. I say that because last Thursday evening before I left the Senate I was approached by an individual in the media, a press person on Capitol Hill, who said: I understand the Democrats are about to slow the process down.

I said: What do you mean?

> They think the Republican Senate is on a roll, you have accomplished a good many things this week, and they are about to slow you down.

I said: What is the strategy here?

That person said: We think they are going to offer the Patients' Bill of Rights to the agriculture appropriations bill.

Of course, we now know that is exactly what happened. Their tactic is to slow the process down. I am not sure why. Obviously, they are going to get ample opportunity to make their statements and to have their votes on the issue of a Patients' Bill of Rights.

Whether Democrat or a Republican, we can mutually agree that there is a very real problem in the health care community of our country specific to Americans and health care coverage. I am not sure we get there by punching American farmers in the face, or by acting as if they are of little to no importance and placing other national issues ahead of them.

That is what has happened. I am amazed some of my colleagues on the other side of the aisle from dominant agricultural States and who have oftentimes led the agricultural debate on the floor would use these tactics to move their national agenda well beyond agriculture.

What is important is that we deal with the ag appropriations bill, that we deal with it in a timely fashion to address those concerns of the American agricultural community within the policies of our government but also recognize we have a problem in the agriculture community today. We have turned to the Secretary of Agriculture and to the President to work with us to identify and shape that issue; we will come back with the necessary vehicle to address it beyond the current appropriations bill.

We are waiting for their response.

Agriculture issues have never been partisan. They shouldn't be partisan. I am amazed my colleagues on the other side of the aisle have used this dilatory tactic that all but "partisanizes" an agriculture appropriations bill, almost saying it doesn't count; our political agenda is more important than the policies of the government handled in an appropriate and timely fashion.

Our leaders are negotiating at this moment to determine the shape of the debate over a Patients' Bill of Rights. I hope they are able to accomplish that. The clock ticks. American agriculture watches and says, there goes that Congress again, playing politics with a very important issue for our country.

I will be blunt and say, there goes the Democrat side of this body playing politics with a very important appropriations bill that I hope we can get to.

I see Senator FEINGOLD on the floor. Our staffs have been working together on a very critical area of this bill, as I have been working with the Presiding Officer, to make sure that we shape the agriculture appropriations bill and deal with dairy policy in a responsible fashion.

I come to the floor to associate patients' rights and health care with an agriculture policy. Is that possible to do? Well, it is. My colleagues on the other side of the aisle have attempted to do that. I hope my colleagues will listen as I shape this issue. There is a very important connection.

It will not be debated on the agriculture appropriations bill, but we all know that American agriculture—farmers and those who work for farmers—is within the sector of about 43 percent of all workers in America who are not working for an industry that insures them. As a result, they must provide for themselves. They must self-insure and provide for their individual workers within their farms or ranches.

The Patients' Bill of Rights that my colleagues on the other side of the aisle want to bring to the floor—and I trust their sincerity in wanting it to become law—will very much change the dynamics of the self-insured in this country. They do so in a very unique way. The average family premium in the individual self-insured market—I am talking about American farm families—is about $6,585 today. That is what it costs for them to insure themselves. Under the Democrat Kennedy bill, they are going to pay at least another $316.

Figure this one out: As my colleagues on the other side of the aisle talk about the worst depression in farm country in its history, with depression-era prices for commodities, in the same breath they stop the agriculture appropriations bill and say: Hey, farm family, on our Patients' Bill of Rights, because we are about to increase your medical costs by an average of $316 a year, that is money you don't have, but we will force you to do it anyway. Your premiums will go up by the nature of the bill we want to fashion.

Some have stated this bill will cause over 2 million Americans to lose their health care insurance. This chart demonstrates a problem that all Members are sensitive to but a problem that we don't want to cause to be worse.

A phrase that has been used on this floor in a variety of debates in the last couple of months is "unintended consequences." If we pass the Kennedy health care Patients' Bill of Rights, there is a known consequence. You can't call it "unintended."

By conservative estimates it would add one million uninsured Americans to the health rolls. That is the conservative estimate. I said 2 million a moment ago. That is the liberal estimate. It is somewhere in that arena. The other side knows that America's farmers and farm families will have to pay $300 to $400 more per year in health care premiums because they are self-insured.

That is the nexus with the farm bill and the agriculture appropriations bill in its strange and relatively obscure way. But it is real. I hope our leaders can be successful in shaping the debate around the Patients' Bill of Rights that says we will have that debate, here is the time line, and here are the amendments that can be offered.

It is going to be up or down. We will all have our chance to make our points, but let's not play the very dangerous game of tacking it onto any bill that comes along that stops us from moving the appropriation bills in a timely fashion. We will debate in a thorough nature why their legislation creates a potential pool of between 1 to 2 million Americans who will become uninsured because of an increase in premiums.

On the other side of the equation is the Patients' Bill of Rights crafted by the Republican majority in the Senate. We go right to farm families. We say to farm families, we are going to give you a positive option in your self-insurance, and that is, of course, to create a medical savings account.

In States made up of individual farms—Wisconsin, Indiana, Ohio, Illinois, and Iowa—already the meager efforts in creating medical savings accounts we have offered in past law have rapidly increased the coverage for health care at the farm level.

So if we want to create a true nexus between an agriculture bill and a Patient's Bill of Rights, it is the Republican version that says let's expand medical savings accounts, let's give small businesspeople, farmers, ranchers, the option of being able to self-insure in a way that will cost them less money and have insurance to deal with, of course, the catastrophic concerns in health care that we would want to talk about.

The reason I have always been a supporter of medical savings accounts is that it really fits the profile of my State. Farmers, ranchers, loggers, miners—small businesspeople make up a dominant proportion of the population of my State. Increasingly, many of them would become uninsured if the Democratic version, the Kennedy bill, were to pass this Congress and become law. The unintended, or maybe the intended, consequence would be to push these people out of private health care insurance and therefore have them come to their Government begging for some kind of health care insurance.

Why should we set up an environment in which we force people to come to the Government for their health care instead of creating an environment, a positive environment, that says we will reward you for insuring yourself by creating for you the tools of self-insurance and therefore create also a tax environment we want, where today health care premiums for the self-employed are fully deductible, as they are for big businesses which offer health care plans to their employees.

There is a strange, unique, and somewhat curious nexus between Democrats blocking an agriculture appropriations bill coming to the floor and the politics of the Kennedy bill on health care. It is that they would cause even greater problems in the farm community by raising the premiums, by forcing certain costs to go into health care coverage today. Our Patients' Bill of Rights would go in a totally opposite direction, creating an environment in which people could become more self-insured at less money, at a time in American agriculture when it is estimated the average income of the American farmer, having dropped 15 percent last year, could drop as much as 25 to 30 percent this year, with commodity prices at near Depression-era levels.

We need to pass the agriculture appropriations bill. We will then work with the Department of Agriculture and the Clinton administration to examine the needs, as harvest goes forward, to assure we do address the American farmers' plight, as we did effectively last year. But it should be done in the context of agriculture appropriations and a potential supplemental, if necessary, to deal with that. It does not fit, nor should it be associated with, a Patients' Bill of Rights.

I hope the end result today is to clear the track, provide a designated period of time for us to debate the Kennedy bill and a true Patients' Bill of Rights, as has been offered by the Republican majority here in the Senate, and then to allow us to move later today, this evening, and on tomorrow, to finish the agriculture appropriations bill and get on with the debate on that critical issue.

American agriculture is watching. I hope they write my colleagues on the other side of the aisle and say: Cut the politics. Get on with the business of good farm policy. Do not use us as your lever.

I hope that message is getting through to my colleagues on the other side. Let us deal with agriculture in the appropriate fashion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, our leaders are still in negotiation as to terms and conditions under which the Senate will deal with the Patients' Bill of Rights. With that understanding, I ask unanimous consent that morning business be extended until 4:30 p.m. under the conditions of the previous extension.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that morning business be extended until 5 o'clock and that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Howard Kushlan, an intern in my office, be allowed to be on the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PATIENTS' BILL OF RIGHTS

Mr. ROCKEFELLER. Mr. President, I join what I suspect are one or two

Democratic colleagues of mine who have come out to the floor to speak about the Patients' Bill of Rights and the need to move forth with that. I think I am correct, but in listening to National Public Radio this morning, I heard that the American Medical Association was meeting and that one of the matters under discussion was the right of physicians to unionize. Since you cannot replay NPR, or ask for a repeat, I had to just hear what I heard; I think I heard it correctly. That is an amazing thing. I know physicians have been unionizing in Arizona and places where one would expect it. But to have the American Medical Association actually considering that, and the President, Dr. Dickie, a woman, discussing the frustration of physicians with their ability to give health care to their patients in a way that they believe and, in fact, were trained to do is extraordinary.

I could name any group in the world that would be looking for a place to find a union and I would put physicians among the very last. But, evidently, it is not that way. That in itself is an extraordinary call for this Congress to move forward with health care. The call comes from the American people also. They are calling for action on our part because of their sense of deep dissatisfaction.

Last year, we were told there wasn't enough time to take up a Patients' Bill of Rights. I don't think that could be the case this year, since time seems to be mostly what we have, and therefore one might conclude there might be a lack of willingness to take up a Patients' Bill of Rights this year. So we have to keep our priorities straight. I intend to, and I think a lot of my colleagues on both sides of the aisle feel that way.

Every single day that passes without enactment of patient protections is another day that millions of Americans, and thousands of the people I represent from West Virginia, are subject to the denial of needed treatments because of the instinct of insurance companies to go to their bottom line and stay there. Every single day that we, as a Congress, fail to act on the Patients' Bill of Rights is another day that Americans are left vulnerable to health care decisions that are made perhaps not by their doctors, as they wish, but by business executives, or by boards, or people at the end of 1-800 numbers. We used to talk about this years ago, and we agreed it was a terrible thing and it had to stop. We were all going to do that, except that we have not. We just haven't.

Every day we don't act, Americans are refused, No. 1, the specialty treatments they need and deserve; No. 2, the ability to use any emergency room.

Imagine that. The Senator from Illinois is here. This Senator remembers being in Chicago a number of years ago, for whatever purpose, and I was told that six emergency rooms in the city of Chicago were closed, and there were relatively few left. That is one of the largest cities in all of America. Emergency rooms are the most expensive form of health care, and they are always the things closed down when business decisions are dominating hospitals.

On the other hand, the only way, having 43 million, 44 million, 45 million uninsured Americans, they can get health insurance is by going to emergency rooms. They have to have that right. It has to be accessible to them, not just somewhere out in the next State, or on the other side of the Mississippi River but accessible so they can get to it.

Third, they have to have the right to appeal the decision of their health care plans. It is a basic right. I will talk more about it.

Fourth, they should have the ability to ensure that medical decisions are made by their doctors, not by a board of executives.

We all know that managed care has changed the way health care is done in this country. We started saying that in the Finance Committee 10 or 12 years ago. The question was, Does managed care save money for 1 year or 2 years? The general consensus was that managed care would save money for about 2 years, then it would come up against a hard wall and people would have to start cutting. That was the general consensus then. It is clearly showing itself to be even more the case now. That is for both delivery and the payment of health care in our country.

Obviously, a lot of problems have been created along the way. Americans are very dissatisfied with the quality of their health care. They make their feelings about that very clear. They don't like their lack of choice. They don't like the indiscriminate nature of insurance company decisionmaking.

Meanwhile, physicians often have, from their point of view —and from my point of view—much too little input into health care decisions, and hence the NPR story this morning. They believe so strongly that they are doing something, which is an anathema, it would seem to me, to any physician. But they are evidently doing this, or they are voting on that as a matter of "doctor rights," or whatever, at the American Medical Association meeting.

I think doctors think they face too much interference from the insurance companies. Patients and doctors alike see health care decisions driven by the financial concerns of something called health plans. What do we have to do? We have to guarantee access to specialty care. I hear it all the time. We all hear it all the time in our homes and wherever we go.

Under managed care plans—most of them, not all of them—the patient's primary care physician may refer a patient to a specialist if they determine that specialty care is necessary. However, things may change, if the specialist is not on the list of the plan.

Then you come to this amazing situation of trying to ask a consumer of health care to understand that they are allowed to go to a specialist, but they cannot because that specialist is not on their plan. Even the much criticized Clinton health care plan allowed that. You could always go outside your HIPAA. You could always go to your specialist, no matter where your specialist was. You could always go to your specialist. Under the present system of health care, you can't do that.

Then somebody from the "administrative office," or some other division, takes over this whole question of whether you can or whether you can't. Suddenly, the patient asks to see a specialist and finds out that the executives in charge are not doctors. They are not medical people. They refuse the right to go see a specialist. They refuse payment for the specialist who in fact was recommended by the patient's original primary care physician. That is wrong.

We must put an end to insurance company "gag rules." That is another point.

Patients need to trust the providers—that they are acting in the best interests of the patients. There cannot be a situation where HMOs preclude doctors from prescribing necessary treatments or making referrals to a specialist in the name of preserving the company's bottom line.

There is a sacred trust between a patient and a doctor. I don't have to elaborate on that. It is Norman Rockwell stuff. In fact, there are many, many. He did many pictures of it. It is the classic American situation—the trust between, the bond between, the patient and the doctor.

For the doctor to be second-guessed by an insurance company bureaucrat just doesn't make sense.

I have listened to literally hundreds of patients and doctors complain that managed care plans are making decisions about care, about what types of procedures are allowed and are not allowed, and this decision just creates a division between the patient and the doctor. The patient is confused. The doctor is angry. It is not right.

Another point: Real access to emergency room care 24 hours a day has to be. It has to be 7 days a week. Wherever they are, it has to be. They cannot be concerned about their insurance company second-guessing their health concerns.

Americans must be able to go to the nearest emergency room without the fear that they will not be able to afford it, and they must be able to receive all necessary care in that facility to take care of their situation.

In the United States of America we have been through this before. We are the only country in the world that doesn't have universal health insurance. If we don't have that, at least let's allow a Patients' Bill of Rights so that people can have—including those who are not insured—certain rights.

Another point: We must let people challenge the decisions made by HMOs and seek retribution when HMO decisions lead to harm.

Is that radical? No. That is a standard part of American life, except it is more important in a lot of American life because of the actual health and physical safety of a patient. When Americans go to a doctor, they should get the care they need. If they don't get it, they should have the means and the right to address disputes. They should not have to worry about insurance companies cutting that off.

A central element of the Democratic Patients' Bill of Rights is that point—the ability to hold health care plans accountable for the medical decisions that lead to harm.

The Republican plan fails to hold HMOs accountable. Under the Republican plan, the only remedy available when a patient is harmed by an HMO decision is recovery of the actual cost of a denied procedure, even if the patient is already dead or disabled for life.

Make no mistake. If we don't respond quickly and forcefully enough, more and more Americans are going to lose confidence in our system and in us. Already 90 percent of Americans are unhappy with their plan. Shocking, shocking. We can do something about it. I think we have a moral obligation to take up the Patients' Bill of Rights. We certainly have the time because we are not doing a whole lot of other things around here that I can put my hands on. I think it is time that Congress take up and pass these patient protections this year.

I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, in case others come to speak—I don't want to take that time—I ask unanimous consent to extend the time until 5:10, with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. WELLSTONE. Mr. President, I thank my colleague from West Virginia.

Let me try to talk about this in a more blunt way, not in a bitter way, but let me be direct about it.

I think it is just outrageous. Mr. President, you are a friend. I hate to have such angry words. But we should be debating. Personally, I wish we were talking about universal health care coverage. The insurance industry took it off the table. They dominate too much of this political process.

I think Senator FEINGOLD and I, before this debate is over, will come out and just talk about the contributions from all the different parties that are affected by this health care legislation. We should be talking about universal health care coverage. But we certainly also should be talking about patient protection.

We have a system where the bottom line is becoming the only line. It is becoming the incorporated and industrialized system.

The Republicans say they have a plan—the Republican "patient protection plan"—which I think really is an insurance company protection plan. It covers about 48 million people. The people who aren't covered, because of the risk—they can't be covered, because they are in self-insured plans because of what the States do.

Our plan covers 163 million people.

No wonder my colleagues on the other side of the aisle don't want to debate this.

Second point: Who defines "medical necessity"?

Our plan makes it clear that the providers decide what the care should be for the consumer, for our children, for ourselves, for our loved ones. The Republican plan is not so clear on this question.

No wonder my colleagues don't want to have any debate.

Point of service option: I remember having an amendment in committee when we wrote this bill which at least would let people, if they are willing to pay a little more, be able to purchase care outside of the network, outside of the plan. If they need to go to see a specialist they hear about who would make such a difference and would give them the care they need, or for their loved one, we provide for that. The Republican plan—the insurance-company protection plan—doesn't.

No wonder they don't want to debate this.

Who does the review?

When you want to make an appeal and you say you have been denied the access to the physician you need to see, or your family can't get the care they need, do you have an external review process? Is there an ombudsman program back in our States? Make it grass roots. Do not talk about centralized public policy. Make it happen back in our States. An ombudsman program with external review, somewhere consumers can say: I have been denied the care I need.

The Republican insurance company protection plan doesn't provide for that. Our legislation does. We have a difference, America, between the two parties, that makes a difference in your lives.

With all due respect, I understand why my colleagues on the other side of the aisle don't want to debate. The Senate is supposed to be the world's greatest deliberative body. Our colleagues on the other side of the aisle don't get the right to tell us that we won't be able to bring amendments to the floor, we won't be able to have a full-scale discussion, and we won't be able to have a thorough debate.

I can't wait for this debate. I introduced the patient protection bill 5 years ago, half a decade ago. This will be a great debate. I think the country will love this debate. The people in Minnesota and the people in our different States will say they are talking about a set of issues that are important to their lives.

The pendulum has swung too far in the direction of the big insurance companies that own and control most of the managed care plans in our country. Consumers want to know where they fit in. Ordinary citizens want to know where they fit in. The caregivers, the doctors and the nurses, want to know where they fit in. When they went to nursing school and when they went to medical school, they thought they would be able to make the decisions and provide people with care. Now they find they can't even practice the kind of medicine that they imagined they would practice when they were in medical school.

Demoralized caregivers are not good caregivers. We have demoralized doctors and nurses; we have consumers who are denied access to care they need; we have corporatized, bureaucratized bottom-line medicine, dominated by the insurance industry in this country.

We have a piece of legislation to at least provide patients with some protection and caregivers with some protection, and our Republican colleagues don't want to debate this. I am not surprised. I am not surprised.

On the other hand, you can't have it all ways. We wrote this bill in the Health, Education, Labor and Pension Committee. We had a pretty good markup where we sat down, wrote the bill, and had pretty good debate. I was disappointed that a lot of important amendments protecting consumers were defeated on a straight party vote.

Now it is time to bring this legislation to the floor. As a Senator from Minnesota, I say to Senator DASCHLE that I absolutely support what he is doing. I absolutely support what we are doing as Democrats. In fact, I am particularly proud right now to be a Democrat because I always feel a lot better when we are talking about issues that make a real difference to people's lives.

As far as I can tell, most of the people in our country are still focused on how to earn a decent living, how to give their children the care they need and deserve, how to do good by our kids, to do good by our State and country, how to not fall through the cracks on decent health care coverage, how to make sure we have affordable, dignified, germane, good health care for our citizens.

This doesn't even get us all the way there. It seems to me the Senate, by bringing this bill to the floor, by having the opportunity to offer amendments and having the debate, can do something very positive. We can do something to make an enormous difference in the lives of people we represent.

The Democrats aren't going to let up. We are going to keep bringing our amendments to the floor. We are going to keep talking about health care policy. We are going to keep talking about consumer protection and patient protection. We are going to keep talking about how to make sure the people we represent get a fair shake in this health care system. We are going to keep saying that it is not our responsibility to be Senators representing the insurance companies; we are supposed to be representing the vast majority of people who live in our States. That is what we are going to do, as long as it takes.

I am ready for this debate. I am ready. Let's start it now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, just a footnote. Altogether, we had 16 Democrats come to the floor to speak about the importance of patient protection and we have had two Republicans.

In one way I am not surprised because I don't think my colleagues have a defensible case. They don't want to bring this motion to the floor. They don't want to have a debate. They don't want to vote on the amendments. But that is what it is all about.

We are not here to dodge; we are not here not to make difficult decisions. We are not here to not be willing to debate legislation that is important to people's lives.

I say to the majority leader and my colleagues on the other side, it is true; we will have amendments. I have some great amendments in my-not-so-humble opinion. Others may have a different view.

The point is, that is what it is about. Bring the amendments to the floor. As Democrats, we will discuss what we believe, we will talk about the legislation and the amendments we have that we think will lead to the best protection for people we represent in our States. And Republicans will come out and they can talk about why they think these amendments are a profound mistake and why their amendments will do better. They can talk about their legislation and we can talk about our legislation. Maybe we will have plenty of compromise and maybe we will come up with a great bipartisan bill. Who is to say?

Right now, all we have on the other side is silence, an unwillingness to debate this issue. If I didn't think I was taking advantage of the situation, part of me is tempted to keep talking and asking Members to come on out and debate. I won't. I think I made my point about 20 different times in 20 different ways.

Since the Senator from Alabama is presiding, I do want to say this for people who are watching: The Senator from Alabama can't debate because he is the Presiding Officer. He would. I know him well enough.

I say to Senator SESSIONS, we will get a chance, and all the rest of the Senate will have a chance, to come out and debate patient protection legislation. Let's have a good, substantive, serious debate. I know the Senator from Alabama loves a debate and he is good at it. So are many other Senators. It will not be debate for the sake of debate. It will not be fun and games. It will be a very serious issue.

Honest to gosh, I came here as a Senator from Minnesota to do good for people in my State. I can't do good for people in my State when I have a majority party that wants to block patient protection legislation. I didn't come here to represent the insurance industry. I didn't come here to represent the pharmaceutical industry. I came here to represent people in Minnesota.

I want us to debate this legislation. I certainly hope Republican colleagues will come out here and we will get going on this. Otherwise, for as long as it takes, I think we are committed to using every bit of leverage we have to force a debate on this question.

Mr. President, if there are other colleagues on the floor, and it looks as if maybe there are, I will yield the floor. I see my colleague from Tennessee. I say to my colleague from Tennessee, I am delighted he is out here. I hope this is the beginning of a discussion. Then we will have this legislation on the floor soon. Let's have the debate. Let's pass good legislation that will help people in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that morning business be extended to 5:30, as under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I rise in part to respond to much of the discussion that has gone on this afternoon. But really, I think more important, to put in perspective where we are today with this issue of the Patients' Bill of Rights and what we can do as a legislative body to address some very real problems, very real challenges that face the health care system, that face individuals, that face patients, and face potential patients as they travel through a health care structure that in some ways is very confusing, in some ways is conflicting but underneath provides the very best care of anyplace in the world.

Many of the challenges we face today are a product of an evolving health care system where we have Medicare, which treats about 39 million seniors and individuals with disabilities. We have real challenges in Medicare because it is a government-run program that is going bankrupt. It is a program that has a wonderful, over 30-year history of treating seniors, people over the age of 65, and individuals with disabilities. These are people who probably could not get care anywhere near the degree of quality they can get today. Yet we have huge problems and we have tried to address them through a Medicare Commission. Unfortunately, even though we had a majority of votes supporting a proposal there called Premium Support, the President of the United States felt he could not support that proposal and thus, right before the final vote, pulled back and said I will provide a solution to Medicare in the next several weeks.

To date we have not heard from the President of the United States. Yet we have a program with 39 million people in it going bankrupt. It is going bankrupt in—now the year is 2014. That is about 39 million people. About 30 million people are in Medicaid. That is another government-run program, the joint Federal-State program, funded principally, almost half and half, by Federal and State but run by the States. That is directed at the indigent population, principally. There are just over 30 million people in it. It is a program that I think also has been very effective.

As a physician in Tennessee, I had the opportunity, the blessed opportunity of taking care of hundreds and hundreds and hundreds of Medicaid patients. But also, as you talk about States in the Medicaid program, there is a lot of discussion of how we can improve it, how we can improve quality. That discussion needs to continue. It is going on in every courthouse in every State, every legislative body, every Governor's office, every community townhall right now.

Then we have the third area, the nongovernmental area, where this whole Patients' Bill of Rights issue is one we must address.

I should say, because we have heard so much to the contrary, we have a bill, the Republican bill. It is called the Patients' Bill of Rights Plus. That was introduced in the last Congress. That was talked about along with the Kennedy-Daschle bill from last year. Both of those bills were brought into Congress. It was the Republican bill which was what we call "marked up." That means it was taken to the Committee on Health, Education, Labor and Pensions, the Health Committee, the appropriate committee. In that committee, it was debated; it was talked about. We probably had, I don't know—we started with about 40 amendments in that committee about 3 or 4 months ago on the Patients' Bill of Rights Plus. They were debated. We had some good debate. Some things we did not debate and they need to be taken forward and further discussed.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FRIST. No, I will not. For the last 2 hours I really had not had an opportunity to talk. If I can just finish my remarks?

Mr. WELLSTONE. I thought the Senator would yield for a question.

Mr. FRIST. The issue is have we been able to debate or talk about or discuss this. Let's remember through the appropriate senatorial committee process we have debated this very bill. We have debated such things as consumer protection standards. We have debated specialty care, access to specialists, continuity of care, emergency care, choice of plans, access to medication, access to specialists, grievance and appeals. These were introduced and we talked about discrimination by insurance companies using genetic information, medical savings accounts. These are all issues that have been debated.

I, for one, as a physician, as a United States Senator, as a chairman of the Subcommittee on Public Health, and as a member of the Health, Education, Labor, and Pensions Committee, have been involved in those debates and in those discussions. So when we have people coming to the floor again and again with so much rhetoric and so much fire saying those bad Republicans out there really just do not care, do not want to talk about it, do not want a debate, do not want to study the issues—let me just say that is absolutely false. It is absolutely false. The American people need to know that. I think the sort of rhetoric we have heard this afternoon and over the last several days is clearly political points they want made.

I would like us to come back and continue the debate, the important debate on the issue of this nongovernmental sector, to make sure we consider that individual patient. Again, I have had the opportunity to treat thousands, probably tens of thousands, of these patients. Those issues need to be addressed, but I think they need to be addressed in a more mature, more sophisticated, more thoughtful way. And we have done just that. The Republican leadership bill is a bill that has been debated in committee. It has been discussed. It is called the Patients' Bill of Rights Plus Act. It basically has six components to address this whole issue of health care and Patients' Bill of Rights and a few other things.

One is strong consumer protection standards. No, it does not include everybody. Why does it not just include everybody? Because about half, a little over half of those people are already protected under State law. The States are doing a good job. I guess people can bash the States and say the States don't care, the Governors don't care, State legislatures don't care, but I think they do care. We do not have any great ownership of concern in this body, being the only ones who care. Our Governors do care and they have made great strides.

So when it comes to emergency care, prohibition of gag clauses, continuity of care, access to obstetricians and gynecologists and pediatricians, access to specialists—such as me, as a heart surgeon—access to medications, consumer protections, we say let's apply those to the unprotected, the people who are not protected now by State law. That is about 48 million people.

We address issue No. 2, of comparative information. It is very confusing today. It is confusing because we had this evolution of managed care, which is a new concept. Mr. President, 15 or 20 years ago there was no such thing as managed care. Yet right now, 80 percent of all care delivered is through managed care through networks and through coordinated care. But nobody has the answer yet. We are not smart enough to know exactly what is the best way to manage that care.

Some people think all managed care is a staff model health maintenance organization, and there is a lot of anger by the American people against health maintenance organizations. But let me at least introduce the concept that coordinated care, or organized delivery of care so there is an appropriate input of resources, has a very good outcome today. That is because of the great dynamism of our health care system. Because this is America, because we encourage innovative thought and creativity, we are still searching for the model, and we are probably not going to come up with a one-size-fits-all cookie-cutter model. We will probably come up with a range of ways in which that coordinated care can be delivered.

As we go through that process, it is very confusing to the consumer, to the patient, to the individual, what is the best plan. Is it a particular HMO? Is it a point-of-service plan? Is it a provider-sponsored organization?

In the Patients' Bill of Rights Plus Act, we address that. Basically, we say comparative information about health insurance coverage, not just for 48 million people but for all 124 million Americans covered by self-insured plans and fully insured group plans, must be made available. That comparative information is important, because that is the only way an individual can really know whether plan A or plan B or HMO A or managed care C or fee for service is best for them.

Internal and external appeal rights: This is the third component of the Patients' Bill of Rights Plus Act. Again, it is a very important aspect, because it says let's fix the system, instead of what some of the other proposals have introduced, which is let's put lawyers and trial lawyers in there and let's threaten to sue and that is going to change the system.

What we say is, let's fix the system. An example is, if as a member of a health care plan I have a question on coverage and I think a particular procedure should be covered, yet there is some question about it, I can go to a person in that plan and say: Is this covered or not? They will say yes or no. If I disagree, I can contest that, and there is an internal appeals process where that questioning can be taken care of in a timely fashion.

Our bill says, if that is the case in this internal appeals process and you still disagree, you do not have to stop there; there are options, and that is the so-called external appeals process.

The external appeals process is set up in our Patients' Bill of Rights Plus Act to be independent, to be outside the plan—that is why it is called external appeals—to be a physician or a medical specialist reviewing that coverage decision in the exact same field where the coverage decision is in question.

Internal appeals, external appeals. Let's say you have gone through the internal appeals process and the external appeals process, and a decision is made by that independent medical reviewer that the individual patient is right and the health care plan is wrong. That decision in our plan is binding, and therefore you have to receive coverage under that plan.

I walked through that because it is an important part of the Patients' Bill of Rights Plus Act and because that is the component which fixes the system. It fixes the system instead of having this threat of lawsuits trying to put a system back into place but with no guarantee.

A fourth component of the Patients' Bill of Rights Plus Act that has been talked about, that passed out of the Committee on Health, Education, Labor, and Pensions and has been sent to the floor, is a ban on the use of predictive genetic information. This particular aspect of the bill does apply to 140 million Americans who are covered by self-insured and fully insured group health plans, as well as the individual plans. I say 140 million people. I talked about the 39 million people in Medicare and over 30 million people in Medicaid, and for the nongovernmental aspect, the ban on the use of predictive genetic information applies to all 140 million people.

Why is that important? That is in the Republican bill. It is not in the Kennedy bill. I believe it is an important aspect, because what it recognizes is that technology is changing, new tests are being introduced almost daily with a genetic basis, in large part because of the Human Genome Project which has introduced about 2 billion bits of information that we simply did not know 4 or 5 years ago and because of the investments the Federal Government had made in medical science.

The real problem is, with all of this new testing coming on board, there is the potential for an insurance company to discriminate against a patient, either to raise premiums or to basically say, "We are not going to cover you." Therefore, in this Patients' Bill of Rights Plus Act, we put a ban on the use of predictive genetic information, which is a very important part of this bill.

A fifth area that is in our bill, that has passed through the Committee on Health, Education, Labor, and Pensions under Senator JEFFORDS' leadership, is a real quality focus. The impression is, we know what good quality of care is and we know what bad quality of care is. All of us, after we see a doctor, like to think we have good quality of care. For the most part, the quality of care in our country is very high. In truth, how we measure quality of care in this country as a science is in its infancy. We are just learning about it. When I was in medical school, there was no such field as outcomes research, what is the outcome after a particular procedure.

Mr. President, the Patients' Bill of Rights Plus Act, as we have heard, has been debated in the Health, Education, Labor, and Pensions Committee and passed successfully by a majority of members and sent to the Senate. It is a bill that has really six different components.

It addresses, I believe, the fundamental challenge that we have; that is, to improve the quality of health care, real quality of health care for individuals; to improve access to health care, something that I believe is very important. The Kennedy bill does the opposite. Instead of improving access, diminishing the number of uninsured, his bill does just the opposite. It drives people to the ranks of the uninsured, increasing the number of uninsured people today by as many as a million. Nobody has refuted that.

The third very important part of the Patients' Bill of Rights Plus Act that passed through the Health, Education, Labor, and Pensions Committee successfully is that of consumer protections. Again, I keep hearing that the Patients' Bill of Rights Plus Act does not do this for specialists, does not do this for emergency care, does not offer true point of service, and does not offer true continuity of care. I have to take a few minutes and run through it.

Emergency care: Under our bill, plans will be required to use the so-called "prudent layperson" standard for providing in-network and out-of-network emergency screening exams and stabilization. This prudent layperson standard simply means, if you are in a restaurant and somebody begins choking, that makes sense as an emergency service. If you think you are having a heart attack and it may be indigestion, or it may be a heart attack and you go to the emergency room and you find it is indigestion, the initial screening exams and stabilization would be taken care of. That is a very important component of our bill.

No. 2, we have heard about pediatricians, obstetricians, gynecologists. Under our bill, health plans would be required to allow direct access to obstetricians, to gynecologists, and to pediatricians for routine care without gatekeepers, without referrals.

Why is that the case? The reasons are obvious. The pediatricians, obstetricians, and gynecologists are in the business of doing what we call in the medical field "primary care." You don't need a gatekeeper. You shouldn't have a gatekeeper. No managed care company, I believe, should require a gatekeeper in terms of access for obstetricians, gynecologists, and pediatricians for routine care.

Thirdly, this issue of continuity of care: I have heard it again and again. In our bill, the Patients' Bill of Rights Plus Act, plans who terminate physicians or do not renew physicians from their networks would allow continued use of that physician, of that provider, at the exact same payment or cost-sharing arrangement as before in the plan for up to 90 days. If the enrollee is receiving any type of institutional care or is terminally ill, or if they happened to be pregnant and there is termination or nonrenewal of your physician with that plan, you would be covered through the pregnancy through that postpartum care. That gives security to the patients. That is why it is important to have this very important consumer protection standard.

Access to specialists: I have heard all day long and over the last several days that the Republican bill doesn't give you access to specialists. Let me tell you what it does. Health plans would be required, under our bill, to ensure that patients have access to covered specialty care to a heart surgeon, to a pulmonologist, to an arthritis specialist within the network or, if necessary, through contractual arrangements outside of the network with specialists. It is in the bill.

People say it is not in the bill. It is in the bill. What more can one say. That is why it is important to get rid of the rhetoric and go to the heart of the matter—how we improve quality of health care and access to health care, and put strong consumer protections in so that the patients can work with the health care plan to not sue somebody, not empower trial lawyers, not to have angry, rhetorical sort of comments but to improve health care, the quality of health care.

This access to specialists, again, the other side seems to ignore what is in the bill. I know they probably haven't had a chance yet to read the bill, even though it has gone through the Health, Education, Labor, and Pensions Committee. It has been debated. Scores of amendments were introduced there. Well over a dozen, I know, were debated and voted upon.

In this access to specialists component, if the plan, under our bill, requires authorization by a primary care provider, it must provide for an adequate number of referrals to that specialist—I think that is an important component—not just one referral where you have to go back to a gatekeeper, back and forth, but if you are going to have treatment by a specialist, that an adequate number of referrals are made.

Choice of plans: How many times have we heard: Our plan provides real choice and that Republican plan doesn't provide choice?

Let me tell you what our plan does. Plans that offer network-only plans would be—I use the word "required" again—required to offer enrollees the option to purchase real point-of-service coverage. And there can be an exemption for the small employer out there. Other health plans could potentially be exempt if they offered two or more options.

People may say, why would you exempt somebody from offering a point-of-service plan if they have two other health care plans? The reality is, if you offer health care plan A and plan B, and they are different providers, with different physicians and different nurses in plan A than there are in plan B, then you do have a choice among plans. Therefore, you don't have to require a very specific out-of-network, point-of-service option.

This whole consumer protection field is an important component, and this was actually improved in what we call markup in the Health, Education, Labor, and Pensions Committee—access to medications, to make sure if you are in a health care plan that offers certain coverage, you have access to the appropriate medicines.

What is in our plan is as follows:

Health plans that do provide prescription drugs through a formulary would be required to ensure the participation of people who understand clinical care—physicians and pharmacists—in developing and reviewing that formulary.

That is important. As a physician, you don't want bureaucrats putting formularies together, but people who understand clinical care. Therefore, that bill was improved to say that physicians and pharmacists must be involved.

In addition, in our bill, plans would also be required to provide for exceptions from the formulary limitation when a nonformulary alternative is medically necessary and appropriate. I think that is an important part of the bill because, as you can imagine, in a formulary you can't predict and put on every single medicine for every single disease. Therefore, there must be enough flexibility to give alternatives if what is in that formulary is not—I use these words because it is in the bill—medically necessary and appropriate.

These are just some of the consumer protections that are part of the bill. I think it is important to stress those. Others that are in the bill include issues surrounding behavioral health, issues surrounding gag clauses. Again, it is inexcusable that a managed care company would come forward to a physician and say: Physician, for you to be a member of our HMO or our managed care, you cannot and should not discuss the full range of alternatives of treatment and care with the patient. That has to be prohibited.

In our bill, in terms of gag rules, plans would be prohibited from including any type of gag rules in doctor contracts, physician contracts, provider contracts, or restricting providers from communicating with patients about treatment options. No more gag rules.

The Patients' Bill of Rights Plus Act is a piece of legislation that we have all worked very hard on over the last year, year and a half. It has gone through the process that has been set up in terms of debate and in terms of improving the bill in the Health, Education, Labor, and Pensions Committee. It is a bill that I look forward to having on the floor so we can debate it and improve it over time, and make sure that we have a real balance between the rights of a patient versus the rights of managed care.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator's time has expired.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Tennessee, if my colleague believes this legislation the Republicans introduced in committee—and I am on the same committee—is such a great piece of legislation protecting patients' rights, then what in the world is the delay in bringing it before this body?

Again, what I am saying is self-evident. If my colleagues on the Republican side think this is such good legislation, why the delay? Why the delay and the delay?

The only reason we are fighting it out on an ag appropriations bill is that we want to make it crystal clear we are here to represent the people in our States. This piece of legislation which my colleague from Tennessee has talked about—I was in the markup on that bill, which is when we write a bill in committee—has holes like Swiss cheese. No wonder they do not want to bring this bill to the floor.

They have about a third of the people covered. I will start out with the question of who is covered and who is not covered. Their bill covers 48 million people. The Democratic bill covers 163 million people.

My colleague says it is the States. Why should a child or a family in one State, i.e. like Mississippi, not have any protection because he or she lives in Mississippi but have protection in Minnesota or Wisconsin? Does that make any sense? Why should a small businessperson in Mississippi or a farmer in Mississippi not have any coverage whatsoever but have some kind of protection in Wisconsin or Minnesota?

I would love to have that debate. I would love to have my Republican colleagues talk about why they only want to cover about a third of the people in the country.

I would love for them to defend the proposition that many families will receive no protection whatsoever, vis-a-vis these large insurance companies that practice this bottom-line medicine which basically say, when people want access to specialists they need, specialists for their children, specialists for women, they are not going to have access and there is not going to be any protection for them, because they do not live in the right State. Let's debate that.

There are 200 consumer, patient, and provider organizations that support the Democratic Patients' Bill of Rights legislation; not any that I can identify, except for the insurance industry, that support the Republican plan.

Surely these consumer organizations and the providers, the caregivers, know something about this topic. Surely they have a position that is important. But I do not see any support for this Republican plan.

The Democratic plan protects all patients with private insurance; the Republican plan, no.

The Democratic plan holds these health insurance plans accountable; the Republican plan, no.

In the Democratic plan, we make sure that the physicians, the doctors, the nurses, define "medical necessity." We do not have the insurance industry's managed care plans dominate—unlike the Republican plan.

In the Democratic plan, we do have a real point-of-service option where people are given a choice. It drives people crazy when their employer shifts plans and all of a sudden—they had been taking their child to a family doctor—they can no longer take that child to that doctor. Does the Republican plan assure they will be able to do so? No.

When are we going to make sure that consumers really do have some due process? I heard my colleague from Tennessee talk about an internal appeals process. That is within the managed care plans, most of which are dominated, owned, by these large insurance companies.

We are talking about a strong external appeals process. I say to my colleague from Wisconsin, we are talking about somewhere that a consumer can go and make an appeal. We are talking about an ombudsman program where you have an office, you have a telephone number, you have advocates to call. Do my Republican colleagues want to do this? No.

Specialists who can coordinate care. Your child needs to see a pediatrician who specializes in oncology because your child is struggling with cancer. Do we make sure you have access to that specialist? Yes. Does the Republican plan make sure that you—a family in Minnesota or Michigan—have access to that specialist you so desperately need for your child? No.

My colleagues come out on the floor—again, with the Senator from Tennessee that makes four Republicans who have been out here today—16 Democrats. They can come out, and they can give a speech and say: Well, we have a bill, and it's a very good bill. But you know what. If it is such a good bill, bring it out to the floor. If you have such a good proposal, bring it out to the floor. Let's debate this. We have had enough delay. That is all we have had—delay, delay, delay.

Emergency room access is really important. I heard my colleague talk about that. But I say to the American people, Minnesotans, when you get a chance to carefully examine the "Republican Insurance Company Protection Act"—that is what I call it—you will find out there is a little bit of protection for emergency room access but it is not really strong. Our plan does not equivocate at all. We make sure you have that access. We make sure it is covered. You get to keep your doctor throughout treatment. The Republican plan gives you a little bit of protection. We think you should have complete protection.

I tell you, this has gone on long enough. My challenge to my Republican colleagues is, if you think your plan is so good—and I certainly believe you operate in good faith; you have to believe it is a good plan or why would you write it—then bring it out here. We have to have the debate. We have amendments. We are committed to making sure there is good patient protection legislation passed by this Senate. We are ready for the debate.

We would love to debate a plan that covers only one-third of the Americans in our country. We would love to debate a plan that does not assure a family with a child who is gravely ill that that child will have access to the best care available, to the best care that is there. We would love to debate that plan. We would love to debate a plan that does not provide consumers with a real choice to be able to go out and get the very best care they need for their loved ones. We would love to debate a plan that does not give consumers the right to really challenge some of these bean counters, some of these managed care plans owned by these large insurance industries. We would love to debate the "Republican Insurance Company Protection Plan" versus our patient protection plan.

But, again, I am on the floor, and now another speech has been given; but I have nobody to debate. I asked if anyone wanted to yield for questions. They do not want to yield for questions. Let's debate this. It will not be a bitter debate. It will not be a debate with hatred. But you know what. It is going to be serious. It is a pretty important question for families in our country. It is pretty important to people.

In case anybody has not noticed—I imagine every Senator has; all you have to do is spend 1 minute in your State—people are really getting fed up with this. They do not much like the way in which the insurance industry dominates health care. They do not much like the fact that they believe they have just been left out of the loop. You know what else. The caregivers—the doctors and nurses—feel the same way.

It is time that we pass legislation with teeth. The Republican plan, the "Insurance Company Protection Plan," pretends that it is a patient protection act. It is full of loopholes. It is Swiss cheese legislation. It is hard to defend it.

I can understand why my colleagues do not want to defend it. I can understand why they do not want to debate. I can understand why they have blocked our efforts, so far, to bring patient protection legislation to the floor. But I am telling you something: People in the country are demanding that we pass this legislation.

We are on a mission. The Democrats are on a mission. We are going to bring these amendments to the floor. We are going to insist there be a good, strong, honest debate; and we are going to do well by the people we represent.

I would be pleased to debate anybody, but in the absence of anyone to debate, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to speak for just a few minutes.

What is the status of business in the Senate?

The PRESIDING OFFICER. The Senator from New Mexico should be informed we are in morning business and there are 4 minutes remaining under the control of the Democratic side.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Robert Mendoza, a fellow in my office, be granted floor privileges during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I would like to use those 4 minutes to say a few things about the Patients' Bill of Rights and the importance of the issue to a great many people in my State and around the country.

I think it is clear, from surveys I have seen, the American people want reform of this system of managed care and health maintenance organizations. There are a great many instances that have been called to our attention in our home States. I have heard of them in New Mexico, where people think the quality of care and the adequacy of care they are being provided with is not what it should be.

Without passage of some type of meaningful managed care reform, critical health care services will continue to be denied to many of the people we represent. One of the issues I believe is very important is what is referred to as provider nondiscrimination. We need a managed care health system that does not permit health plans to leave out nonphysician providers. I am talking about groups of health care providers such as nurse practitioners, psychologists, nurse midwives, leaving those people out of the network so that patients of these health maintenance organizations, customers of these health maintenance organizations are denied the ability to obtain their health care from those types of individuals.

In New Mexico, this is a critical concern. We have a shortage of physicians in our State. It is, in many parts of our State, very difficult to get health care, if you are required by your HMO to obtain that health care through a physician.

What we would like to do as part of the bill, which we hope to get to vote on in the next week or so, is to ensure that health maintenance organizations, where these people are qualified and certified, permit nonphysician health care providers to participate in these networks.

This is a critical concern in my State. I am sure it is a critical concern in many States.

Another issue that clearly needs to be addressed here is access to specialists. That is an issue I know came up when we had the debate in the Health and Education Committee. An amendment was offered to correct that. I believe Senator HARKIN offered that amendment; it was not successful. I believe it is a very important issue that needs to be revisited on the Senate floor.

There are many people who need the care of a specialist. Whether it is a pediatrician, whether it is an oncologist, whatever the specialty is, those people should not have to go through a family practitioner prior to going to that specialist. We would try to correct that in the legislation as well.

There are many other concerns we have with the bill that came out of the Health and Education Committee. I hope very much we get a full debate in the Senate on the deficiencies of that bill. I hope we get a chance to amend that bill.

The American people have been anxious to see reform in this area now for two Congresses that I am aware of. I think for us to continue to delay and put off and evade this issue is not the responsible course for us to follow. Our constituents, the people we represent in our States, expect better of us.

The people I represent in New Mexico expect me to do something about these very real problems they believe exist. In New Mexico, under the Republican bill that was reported out of the Health and Education Committee, there are almost 700,000 people who will not have substantive protections. In my State, there are 350,000 people who will not be covered at all if we pass the bill that came out of committee.

Mr. President, I see my time is up. I appreciate the opportunity to make comments, and I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXTENSION OF MORNING BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to extend morning business for 15 minutes under the previous conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CHANGE OF VOTE

Mr. SMITH of New Hampshire. Mr. President, yesterday on vote No. 180, which was the State Department authorization bill, in that legislation was $819 million in U.N. back payments that the United States would pay to the U.N. In addition, there was $107 million the U.N. owed to the United States that was forgiven.

I was unaware that those provisions were in the legislation, and I voted yea.

Had I been aware of this, I would have voted nay.

Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I yield the floor.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1271 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MILITARY CHANGE OF COMMANDS

Mr. ALLARD. Mr. President, in the June edition of Leatherneck magazine, the Commandant of the Marine Corps, Gen. Charles Krulak, quotes his father as saying: "The American people believe that Marines are downright good for the country."

Mr. President, I agree with the Commandant's father. And I am pleased General Krulak also holds that well founded opinion. The U.S. Marine Corps is collectively good for this country, and the services of individual marines such as General Krulak are a big part of that positive contribution made by the corps.

Unfortunately, the title of the article in which General Krulak quoted his father was "A farewell to the Corps." General Krulak will be retiring after 4 years from his position as Commandant at the end of this month.

I would like to thank him for his service and efforts on behalf of his corps and his nation.

Although I have been on the Armed Services Committee a short 6 months, I have had several good experiences with the Commandant.

I think the most notable was in May of this year, when a large group of my constituents were taking a tour of the Pentagon, and the Commandant invited them into his office. He said then that he usually tries to do something similar—bring tourists into his personal office—everyday. I do not think Krulak was fully aware of what he was getting himself into, but all 50 or so crowded their way into his office, and listened while he spoke about the corps, the moving of his office down from the 'barbed wire surrounded hill of the Naval Annex' to the corridors of the Pentagon, and the corps' efforts and ability to turn young men and women into marines.

Let me tell you, they were impressed. They were impressed with his position, they were impressed with his efforts, they were impressed with his commitment, and they were impressed with the man.

I have also had correspondence with General Krulak relating to our work on S. 4, and for the process of preparing the defense authorization. He consistently strikes me as a man who is well aware of the challenges his position holds, and works to meet them.

He has been straightforward and dependable. Hearing testimony from him at committee hearings is always a pleasure. He does not rattle off bland platitudes. I felt that I could always rely on his opinion to be the truest possible interpretation of the situation, and one that held the best interests of the country at the foremost.

Mr. President, let me end by repeating: General Krulak has been fundamentally good for this country. I wish him well in whatever new course he sets for himself.

Also, I would like to welcome Gen. James Jones into his role as the 32d Commandant of the Marine Corps. I have met with him only very briefly, but I look forward to working with him. I am sure he will follow in the able footsteps of all the past U.S. Marine Corps Commandants, and serve the Marines and America admirably.

COOPERATIVE THREAT REDUCTION AGREEMENT EXTENSION

Mr. BINGAMAN. Mr. President. I take the opportunity today to call to the attention of Members of the Senate and to the American people a very important event that took place last week but was not widely publicized. On Wednesday, June 16, representatives from the Department of Defense and Russia's Ambassador to the United States, Mr. Yuri Ushakov, signed an agreement extending the Cooperative Threat Reduction (CTR) program sponsored in 1991 by our distinguished colleagues, Senator Sam Nunn and Senator RICHARD LUGAR. The agreement signed last week extends the Nunn-Lugar threat reduction programs for 7 years until 2006. That extension will build upon the critical work already accomplished that has reduced Russia's military threat to the United States and our allies more effectively than any other measures undertaken since the end of the Cold War. In the context of these uncertain times and Russia's uncertain future, the investments made through Cooperative Threat Reduction programs promise to yield dividends that are essential to long-term peace and stability throughout the world.

Indeed, the accomplishments of CTR are a more cost effective means to enhancing national security than any I know. Between 1992 and 1999, the Nunn-Lugar programs have eliminated the potential for nuclear threats from former members of the Soviet Union including Kazakhstan, Ukraine, Belarus, and Uzbekistan. For $2.7 billion that the United States has spent on CTR since 1992, a bit more than the cost of a single B-2 bomber, there are now 1,538 fewer nuclear warheads available for use against the U.S. or our allies. The Russians have eliminated 50 missile silos and 254 intercontinental ballistic missiles. In addition, we are in the process of dismantling some 30 strategic ballistic missile submarines that formerly threatened the United States from deep ocean sites. So far, U.S. and Russian teams have dismantled 148 missile launch tubes on those submarines and 30 sea-launched ballistic missiles. CTR programs have eliminated more than 40 Russian strategic bombers that used to be within hours of American military and civilian targets. Collectively, those actions under CTR have ensured that Russia has met and continues to meet its treaty obligations under the Strategic Arms Reduction Treaty, START. More important, they have significantly cut back on the potential threat posed by those weapons to the United States, our allies, and our worldwide security interests.

The Cooperative Threat Reduction program extends beyond the elimination of nuclear weapons and their means of delivery. Funds for this program are allocated to ensure the safe transportation, storage, security, accounting, and monitoring of strategic and tactical nuclear weapons scheduled for destruction and for weapons grade nuclear materials from weapons that have been dismantled. I have visited Russia and personally observed implementation of the Department of Energy's Materials Protection, Control, and Accounting program which enhances day-to-day security at dozens of nuclear sites across Russia. I remain deeply concerned that without that assistance, the possibility of smuggling nuclear materials into the wrong hands is a serious possibility that could threaten the entire world.

Looking toward the future, funds from CTR are helping to convert Russia's reactors that produce plutonium to eliminate that capability. Ultimately, the cutoff of production of fissile materials is the tool by which we can help prevent the proliferation of nuclear materials from becoming an even greater problem than it is today. Conversion of Russia's nuclear production capability is a key part of addressing that problem.

The Cooperative Threat Reduction program also assists the Russians in meeting obligations assumed under the Chemical Weapons Convention we ratified in the Senate two years ago. Under this program, the United States has assisted Russia in planning the construction of a chemical weapons destruction facility needed to destroy the large volume of aging chemical munitions in their inventory. Funds are essential to keep this program moving forward in order to ensure that we can reduce the threat of proliferation of chemical weapons and their use against our security interests. I am aware that some in the Congress believe that Russia has not shouldered its responsibilities under this and other CTR programs, but I prefer to consider such matters from our own selfish security point of view. To the extent that we are able to purchase or finance reductions to Russian military capabilities that directly threaten us, those are funds well spent. When Russians are able and agree to provide funding or support in kind for CTR programs, so much the better.

I would like to point out an additional benefit to the Nunn-Lugar programs that is not often recognized or understood. I am certain that the Members of this body can recall the perceptions shared by many Americans concerning the government and people of the Soviet Union during the Cold War. I need not remind us of the unbridgeable gap that existed between our governments, our political systems, and our cultures. In the wake of the Cold War, however, many of those gaps have been bridged and important bonds have been forged between our two countries and citizens. Thousands of American and Russian technical and support personnel have built a foundation of trust and understanding through their cooperative efforts under the CTR program. I firmly believe that those bonds will pay dividends and serve the long-term interests of peaceful relations between our two countries—particularly if we in the United States continue to hold the course in supporting CTR and other cooperative programs such as the Initiative for Proliferation Prevention, the Nuclear Cities Initiative, and the Russian American Cooperative Satellite program. Key Russian personnel in implementing those programs have come to know Americans with whom they frequently meet and vice versa. I have spoken personally with many Russians and Americans who are directly involved in these programs all of whom share the same conviction that cooperation is the key to a peaceful future.

These are very uncertain times. We are at a crucial juncture in our relations with Russia that could determine the direction of the global political climate for many years to come. No one is certain what the future of Russia will bring once President Yeltsin leaves office. Everyone is aware that a deep reservoir of distrust and fear exists among Russian citizens, officials, and military personnel concerning the United States and NATO. We have done much in the past couple of years to feed those fears and anxieties, thereby generating hostility that could threaten to reawaken Cold War tensions. On the other hand, we have established critical relationships that could weigh against such a reprise through programs such as CTR. The impending post-Yeltsin debate within Russia regarding its future direction must include the voice of cooperation rather than confrontation as the way to peace and stability. The Cooperative Threat Reduction program has built a constituency in Russia to articulate that voice. I salute its sponsors, Senators Nunn and LUGAR for their visionary contribution, and celebrate its extension into the next millennium. I strongly encourage my colleagues to continue to support CTR and related programs through the ebbs and flows of U.S.-Russian relations. The prospects for long term global peace and stability will be the better for it.

SENATE INACTION ON THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, it is the responsibility of the Senate Foreign Relations Committee to consider treaties submitted by the President as soon as possible after their submission. Normally, most treaties are considered within a year of being submitted. The President of the United States transmitted the Comprehensive Nuclear Test Ban Treaty to the Senate on September 23, 1997.

The Senate Foreign Relations Committee has not held a single hearing on this important Treaty in the 639 days since the President sent the CTBT to the Senate for its consideration. In comparison, the START I Treaty was ratified in 11 months, the SALT I Treaty in 3 months, the Conventional Armed Forces in Europe Treaty in 4 months, and the Limited Nuclear Test Ban Treaty in 3 weeks.

As of today, 152 countries have signed the CTBT, including Russia and China, and 37 countries have ratified the Treaty. The world is waiting for the United States to lead on this issue. I hope my colleagues will urge for this Treaty's rapid consideration.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 22, 1999, the Federal debt stood at $5,593,512,029,751.90 (Five trillion, five hundred ninety-three billion, five hundred twelve million, twenty-nine thousand, seven hundred fifty-one dollars and ninety cents).

One year ago, June 22, 1998, the Federal debt stood at $5,496,660,000,000 (Five trillion, four hundred ninety-six billion, six hundred sixty million).

Five years ago, June 22, 1994, the Federal debt stood at $4,597,075,000,000 (Four trillion, five hundred ninety-seven billion, seventy-five million).

Ten years ago, June 22, 1989, the Federal debt stood at $2,781,401,000,000 (Two trillion, seven hundred eighty-one billion, four hundred one million) which reflects a debt increase of more than $2 trillion—$2,812,111,029,751.90 (Two trillion, eight hundred twelve billion, one hundred eleven million, twenty-nine thousand, seven hundred fifty-one dollars and ninety cents) during the past 10 years.

1997 ANNUAL REPORT OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1999.*

MESSAGES FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes.

H.R. 1175. An act to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

H.R. 1501. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability relating to juvenile delinquency; and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1175. An act to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action; to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 1501. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability relating to juvenile delinquency; and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3899. A communication from the Under Secretary of Defense, transmitting pursuant to law, the report of a violation of the Antideficiency Act, case number 97–01; to the Committee on Appropriations.

EC–3900. A communication from the Secretary of Transportation, transmitting a report entitled "Buckle Up America: The Presidential Initiative for Increasing Seat Belt Use Nationwide"; to the Committee on Appropriations.

EC–3901. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Status of NHTSA Plan for Side Impact Regulation Harmonization and Upgrade"; to the Committee on Appropriations.

EC–3902. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Office of Inspector General audit recommendations for the period ending March 31, 1999; to the Committee on Governmental Affairs.

EC–3903. A communication from the Treasurer, National Gallery of Art, transmitting, pursuant to law, the annual report for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC–3904. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to a vacancy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

EC–3905. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to a vacancy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

EC–3906. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to a vacancy in the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC–3907. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Refugee Resettlement Program for fiscal year 1997; to the Committee on the Judiciary.

EC–3908. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report entitled "Defense Environmental Quality Program Annual Report" for fiscal year 1998; to the Committee on Armed Services.

EC–3909. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report for fiscal year 1998 and an opinion letter and corporate decisions relative to state law with respect to national banks; to the Committee on Banking, Housing, and Urban Affairs.

EC–3910. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Program" (FR Doc. 99–12100, published in 64 FR 26273, May 14, 1999), received June 22, 1999; to the Committee on Small Business.

EC–3911. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Engineering Services; Architectural Services, Surveying, and Mapping Services" (FR Doc. 99–12267, published in 64 FR 26275, May 14, 1999), received June 22, 1999; to the Committee on Small Business.

EC–3912. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Disaster Loan Program; Correction" (FR Doc. 99–6856, 3/19/99, 64 FR 13667), received June 22, 1999; to the Committee on Small Business.

EC–3913. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Surety Bond Guarantees" (FR Doc. 99–9268, 4/13/99, 64 FR 18324), received June 22, 1999; to the Committee on Small Business.

EC–3914. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Program" (FR Doc. 99–559, 1/13/99, 64 FR 2115. Also see correction: FR Doc. 99–12574, 5/20/99, 64 FR 27445), received June 22, 1999; to the Committee on Small Business.

EC–3915. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Branch Closings", received June 21, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3916. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Policies and Operations; Leasing; General Provisions; Accounting and Reporting Requirements" (RIN3052–AB63), received June 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3917. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Adjustment in Payment Amounts for New Technology; Intraocular Lenses Furnished by Ambulatory Surgical Centers" (HCFA–3831–F), received June 22, 1999; to the Committee on Finance.

EC–3918. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry—Notice of Solicitation for Applications" (RIN0648–ZA09), received June 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3919. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Date of an Emergency Interim Rule (Established additional observer coverage requirements for the 20 catcher/processor vessels and established in-season authority to manage the non-pollock harvest limitations required under the American Fisheries Act)" (RIN0648–AM06), received June 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3920. A communication from the Acting Director, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commercial Quota Harvested for Summer Period for the Scup Fishery" (RIN0648–AL74 for final specifications), received June 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3921. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Assistance to States for the Education of Children with Disabilities Program" (RIN1820–AB40), received June 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3922. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" (RM86–2–000), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3923. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filings Fees" (RM98–15–000), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3924. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines" (RM96–1–009; Order No. 587–I), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3925. A communication from the Attorney, General and Administrative Law, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Project Cost and Annual Limits" (RM96-19-000), received June 22, 1999; to the Committee on Energy and Natural Resources.

EC–3926. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation amending the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–210. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to abandoned mine reclamation; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 123

Whereas, The biggest water pollution problem facing this Commonwealth today is polluted water draining from abandoned coal mines; and

Whereas, Over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, This Commonwealth has over 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of Pennsylvania's 67 counties, more than any other state in the nation; and

Whereas, The Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, The Commonwealth now receives about $20 million a year from the Federal Government to do reclamation projects; and

Whereas, There is now a $1 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine, and

Whereas, The Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, Pennsylvania is not seeking to rely on the Federal appropriation to solve the abandoned mine lands problem in Pennsylvania and is actively considering additional funding on its own; and

Whereas, Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

Whereas, Making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, The Federal Office of Surface Mining, the United States Environmental Protection Agency and Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the House of Representatives of Pennsylvania urge the President of the United States and Congress make the $1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress.

POM–211. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to diabetic treatment; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 175

Whereas, There are 15.7 million diabetics in the United States, 40% of whom do not know they have the disease; and

Whereas, Almost 20% of people over 65 years old have diabetes; and

Whereas, Diabetes is the seventh leading cause of death in the United States and the third leading cause of death by disease in Pennsylvania; and

Whereas, Nationwide there are 187,000 diabetes-related deaths annually, including an estimated 12,000 diabetes-related deaths in Pennsylvania each year, three times the number of deaths from AIDS, Alzheimer's disease and homicide; and

Whereas, Diabetes is a controllable disease in which sharp reductions in rates of complications can be obtained with proper management of blood glucose levels, specifically, a 56% reduction in the incidence of kidney disease, a 60% reduction in blindness and a 61% reduction in nerve disease; and

Whereas, The Pennsylvania Health Care Cost Containment Council, in its report on the act of October 16, 1998 (P.L. 784, No. 98) (Act 98 of 1998), stated that it "finds evidence to suggest that providing diabetics with supplies, medication, self-management education and medical nutrition therapy can be both medically and cost effective"; and

Whereas, In 1998, Pennsylvania became the 30th state to require private and group health insurance plans to provide comprehensive coverage for diabetic supplies and self-management training; and

Whereas, Act 98 of 1998 provides new benefit coverage to an estimated 4.5 million Pennsylvanians who have health insurance policies that can be regulated by the State; however, no State mandate applies to insurance programs run or regulated by the Federal Government; and

Whereas, The Federal Government has provided for general Medicare coverage of some supplies needed for persons with diabetes; however, insulin and syringes are excluded; and

Whereas, A large number of individuals who have insurance under self-funded health plans regulated by the Employee Retirement Income Security Act of 1974 have no guarantee of any sort of coverage; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to enact the same mandated benefits as contained in Act 98 of 1998 in all Federal insurance programs and all federally regulated, self-funded health insurance programs governed by the Employee Retirement Income Security Act of 1974; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–212. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the municipal waste; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 192

Whereas, The United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, Over the past ten years, owners and operators of solid waste landfills located in the Commonwealth of Pennsylvania have significantly increased the amount of unwanted municipal waste they accept from other states; and

Whereas, New York City released a long-term waste management plan on December 2, 1998, that allows New York City to close the Fresh Kills Landfill as planned on December 31, 2001, and calls for the exportation of approximately 13,000 tons of solid waste a day now disposed of at the Fresh Kills Landfill to Pennsylvania and other states; and

Whereas, The states of Pennsylvania, West Virginia, Virginia, New Jersey and Maryland notified the Mayor of New York City that the recently released plan to manage waste displaced by the closure of the Fresh Kills Landfill did not adequately address limiting the exportation of waste or other viable waste management alternatives; and

Whereas, The present and projected future levels of unwanted municipal waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and are unfair to citizens of this Commonwealth, particularly citizens living in areas where landfills and incinerators are located; and

Whereas, In 1988 the Commonwealth enacted a law designed to reduce the need for additional landfills and incinerators by requiring and encouraging recycling of certain materials; and

Whereas, Pennsylvania has met its recycling goal of 25% and has established a new goal of 35% by the year 2003; and

Whereas, It is within the power of the Congress of the United States to delegate authority to the states to restrict the amount of unwanted municipal waste they import from other states; and

Whereas, Legislation has been introduced in Congress which will regulate and restrict the amount of unwanted municipal waste imported from other states; and

Whereas, Governor Thomas J. Ridge and the governors of the Great Lakes States of Ohio, Michigan and Indiana wrote to Congress expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, The failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be if further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to support legislation that gives communities hosting landfills and incinerators the right to decide by agreement whether to accept waste from other states and that creates a rational municipal waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–213. A resolution adopted by the County Commission, Knox County, Tennessee relative to the Department of Energy and Oak Ridge Facilities; to the Committee on Appropriations.

POM–214. A joint resolution adopted by the legislature of the State of Nevada relative to the Payments in Lieu of Taxes Act; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 1

Whereas, The Federal Government manages and controls approximately 87 percent of the land in the State of Nevada, and in several counties in the State of Nevada the Federal Government manages and controls between 97 and 99 percent of the land; and

Whereas, Because the land managed and controlled by the Federal Government in the State of Nevada is not taxable, counties that have an extensive amount of such land located within their boundaries experience tremendous fiscal burdens; and

Whereas, Congress enacted the Act of October 20, 1976, which, as amended, is commonly known as the Payments In Lieu of Taxes Act, and which requires the Federal Government to make annual payments to local governments to compensate the local governments for the loss of revenue they experience because of the presence of certain land within their boundaries that is managed and controlled by the Federal Government; and

Whereas, Pursuant to the Act, the Secretary of the Interior is required to make a payment for each fiscal year to each of the 17 counties in the State of Nevada because those counties have such land within their boundaries, including land that is administered by the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service and the United States Forest Service; and

Whereas, The Bureau of Land Management was chosen by the Secretary of the Interior to administer the payments required to be made pursuant to the Act; and

Whereas, Congress appropriates money each year that the Bureau of Land Management distributes to the counties in the State of Nevada and other states pursuant to a statutory formula set forth in the Act; and

Whereas, From the inception of the payments in 1977 to the end of the 1997–98 fiscal year, the money appropriated by Congress has been insufficient to provide full payment to the counties in the State of Nevada pursuant to the statutory formula; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 70th session of the Nevada Legislature hereby urge Congress to appropriate for distribution to the counties in the State of Nevada the amount of money necessary to correct the underpayments to those counties pursuant to the Act for the previous fiscal years; and be it further

Resolved, That in lieu of an appropriation by Congress to correct such underpayments, the members of the 70th session of the Nevada Legislature hereby urge Congress to authorize the transfer of land of equivalent value from the Federal Government to the affected counties in the State of Nevada; and be it further

Resolved, That the Secretary of the Senate of the Nevada Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–215. A joint resolution adopted by the legislature of the State of Nevada relative to land management and livestock; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 12

Whereas, The livestock industry comprises a significant portion of the rural economy of the State of Nevada; and

Whereas, Recent declines in the authorization of the grazing of livestock on public lands in this state and throughout the West have had measurable negative impacts on the economic viability of ranchers and rural communities; and

Whereas, Studies by federal agencies have revealed that public lands have improved or are improving through the use of controlled grazing of livestock on public lands; and

Whereas, Recent management policies and directives established by federal agencies including the Bureau of Land Management of the United States Department of the Interior and the Forest Service of the United states Department of Agriculture have resulted in significant and costly reductions in the number of livestock allowed to graze on public lands in this state; and

Whereas, These reductions are having a negative effect on the value of ranches and the economic viability of ranchers who depend on the use of public land for the successful production of livestock, resulting in an adverse effect on the economic condition of the State of Nevada; and

Whereas, Continuation of these federal policies will have adverse effects that are far reaching and costly, including an increase in wildfires, a diminished tax base, loss of wildlife habitat and a decrease in economic activity; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature do hereby encourage the United States Congress to support all efforts for the establishment of a working partnership between federal land management agencies, local governments and other interested parties on issues relating to the use of public lands; and be it further

Resolved, That this legislative body supports all efforts to review the methodologies and practices that have been employed by public land management agencies which have resulted in the unnecessary reduction in the use of public lands by ranchers for the grazing of livestock; and be it further

Resolved, That the Division of Agriculture of the Department of Business and Industry is hereby encouraged to develop a statewide database to further demonstrate the cumulative losses to this state and its counties because of the reduction in the use of public land for the grazing of livestock; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, each member of the Nevada Congressional Delegation and the Executive Director of the Nevada Association of Counties; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–216. A joint resolution adopted by the legislature of the State of Montana relative to the American Heritage Rivers initiative; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the President of the United States has, by Executive Order 13061, created the American Heritage Rivers initiative; and

Whereas, the initiative allows a local river community to nominate its river for designation by the President as an American Heritage River; and

Whereas, the initiative provides no meaningful protection of state or private property along designated rivers; and

Whereas, the initiative creates a new layer of federal bureaucracy and engages 12 federal agencies in its implementation; now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature oppose the nomination or designation of any river in Montana as an American Heritage River under the American Heritage Rivers initiative; be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Vice President of the United States, the President Pro Tempore of the Senate of the U.S. Congress, the Speaker of the House of Representatives of the U.S. Congress, the Chair of the Council on Environmental Quality, and the Montana Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 918. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes (Rept. No. 106–84).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, for the Committee on Veterans Affairs:

John T. Hanson, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

By Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

Sylvia de Leon, of Texas, to be a Member of the Reform Board (Amtrack) for a term of five years.

Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.

Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy.

Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1998.

Ann Brown, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1999.

Ann Brown, of Florida, to be Chairman of the Consumer Product Safety Commission.

Johnnie E. Frazier, of Maryland, to be Inspector General, Department of Commerce.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination list which was printed in the RECORD of May 12, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

In the Cost Guard nomination of James W. Seeman, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1267. A bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. CHAFEE, Mr. REED, Mr. MACK, Ms. MIKULSKI, Mrs. MURRAY, Mr. CLELAND, Mr. HELMS, Mr. WARNER, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. ROBERTS, and Mr. REID):

S. 1268. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. HATCH):

S. 1269. A bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DOMENICI):

S. 1270. A bill to establish a partnership for education progress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1271. A bill to improve the drug certification procedures under section 490 of the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Mr. LIEBERMAN, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. BROWNBACK, Mr. COVERDELL, Mr. ENZI, Mr. HAGEL, Mr. INHOFE, Mr. CRAIG, and Mr. SESSIONS):

S. 1272. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND:

S. Res. 126. A resolution expressing the sense of the Senate that appreciation be shown for the extraordinary work of Mildred Winter as Missouri teacher and leader in creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program; considered and agreed to.

By Mr. LOTT:

S. Res. 127. A resolution to direct the Secretary of the Senate to request the return of certain pages; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 1267. A bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials; to the Committee on Health, Education, Labor, and Pensions.

CLINICAL TRIALS DISCLOSURE ACT OF 1999

Mr. SCHUMER. Mr. President, I rise today to introduce the Clinical Trials Disclosure Act of 1999. As the Senate debates important health care issues such as Medicare, prescription drug access, and managed care reform, I want to call our attention to another important health care matter: doctors and other health care providers accepting payments from drug companies and their contractors to refer patients to clinical trials. Each of us understands that by providing a forum for medical research, clinical trials play a vital role in our health care system. Unfortunately, some providers are violating the patient-doctor relationship by not informing patients of the fees they receive for referrals to the clinical trials.

Recent media reports have highlighted this growing trend that threatens the important relationship between doctor and patient. In one case in California, a doctor received over $1,600 to refer a patient to a prostate cancer drug trial despite the fact that the patient's prostate was healthy. Other drug companies offer bonuses to physicians who refer numbers over and above a certain quota. Providers benefit in other ways, too. A cooperative doctor may get his or her name attached to an academic study authored by a ghost writer based on the drug company's data. No matter how the doctor benefits, however, he or she is not compelled to inform the patient of his or her relationship with the drug company. This is why today I introduce the Clinical Trials Disclosure Act of 1999.

This bill simply requires that if a health care provider receives payments or other compensation for referring a patient to a clinical trial, the provider must inform the patient both orally and in writing. The measure is not intended to discourage patient participation in important medical research. Instead, it will strengthen the relationship between doctor and patient and help ensure that clinical trials attract patients who will benefit from their important work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clinical Trials Disclosure Act of 1999".

SEC. 2. REQUIRED DISCLOSURE OF REFERRAL FEES.

(a) THROUGH CONTRACTS WITH INSURERS.—

(1) AMENDMENT TO ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. REQUIRED DISCLOSURE OF REFERRAL FEES.

"The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of providers) shall require that, if the provider refers a patient to a clinical trial, the provider shall disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.".

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Required disclosure of referral fees.".

(2) AMENDMENTS TO PHSA.—

(A) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. REQUIRED DISCLOSURE OF REFERRAL FEES.

"The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of providers) shall require that, if the provider refers a patient to a clinical trial, the provider shall disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.".

(B) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. REQUIRED DISCLOSURE OF REFERRAL FEES.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) OTHER PROVIDERS.—A health care provider who provides services to beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall, with respect to any patient that such provider refers to a clinical trial, disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.

By Mr. HARKIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. CHAFEE, Mr. REED, Mr. MACK, Ms. MIKULSKI, Mrs. MURRAY, Mr. CLELAND, Mr. HELMS, Mr. WARNER, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. ROBERTS, and Mr. REID):

S. 1268. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Health, Education, Labor, and Pensions.

21ST CENTURY RESEARCH LABORATORIES ACT OF 1999

Mr. HARKIN. Mr. President, today I am pleased to introduce the Twenty-First Century Research Laboratories Act of 1999. I am joined in this effort by Senators FRIST, KENNEDY, CHAFEE, REED of Rhode Island, MACK, MIKULSKI, MURRAY, CLELAND, HELMS, WARNER, SARBANES, SCHUMER, COCHRAN, DURBIN, MOYNIHAN, BOXER, ROBERTS, and REID of Nevada. I want to thank my colleagues for cosponsoring this legislation.

First though, let me say how pleased I was that we were able to provide the biggest increase ever for medical research last year. The Conference Agreement of the Fiscal 1999 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provided a $2 billion, or 15 percent, increase for the National Institutes of Health. And this year, I and Senator SPECTER will continue our work to make sure that Congress stays on course to double funding for the NIH over the next five years, a target that was agreed to by the Senate, 98 to 0, in 1997.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal Government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have dramatically declined, ranging from zero to $20 million annually over the past decade. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

In order to realize major medical breakthroughs in Alzheimer's, diabetes, Parkinson's, cancer and other major illnesses, our Nation's top researchers must have top quality, state-of-the-art laboratories and equipment. Unfortunately, the status of our research infrastructure is woefully inadequate.

A recent study by the National Science Foundation finds that academic institutions have deferred, due to lack of funds, nearly $11.4 billion in repair, renovation, and construction projects. Almost one quarter of all research space requires either major renovation or replacement and 70% of medical schools report having inadequate space in which to perform biomedical research.

A separate study by the National Science Foundation documents the laboratory equipment needs of researchers and found that 67 percent of research institutions reported an increased need for laboratory instruments. At the same time, the report found that spending for such instruments at colleges and universities actually declined in the early 1990's.

Several other prominent organizations have documented the need for increased funding for research infrastructure. A March 1998 report by the Association of American Medical Colleges stated that "The government should reestablish and fund a National Institutes of Health construction authority. . . ." A June 1998 report by the Federation of American Societies of Experimental Biology stated that "Laboratories must be built and equipped for the science of the 21st century . . . Infrastructure investments should include renovation of existing space as well as new construction, where appropriate."

As we work to double funding for medical research over the next five years, the already serious shortfall in the modernization of our Nation's aging research facilities and labs will continue to worsen unless we take specific action. Future increases in NIH must be matched with increased funding for repair, renovation and construction of research facilities, as well as the purchase of modern laboratory equipment.

Mr. President, the bill we are introducing today expands Federal funding for facilities construction and state-of-the-art laboratory equipment through the NIH by increasing the authorization for this account within the National Center for Research Resources to $250 million in FY 2000 and $500 million in FY 2001. In addition, the bill authorizes a "Shared Instrumentation Grant Program" at NIH, to be administered by the Center. The program will provide grants for the purchase of shared-use, state-of-the-art laboratory equipment costing over $100,000. All grants awarded under these two programs will be peer-reviewed, as is the practice with all NIH grants and projects.

We are entering a time of great promise in the field of biomedical research. We are on the verge of major breakthroughs which could end the ravages of cancer, heart disease, Parkinson's and the scores of illnesses and conditions which take the lives and health of millions of Americans. But to realize these breakthroughs, we must devote the necessary resources to our Nation's research enterprise.

The Association of American Universities, the Association of American Medical Colleges and the Federation of American Societies of Experimental Biology have all expressed their support for this legislation.

I hope the rest of my colleagues will soon sign on as cosponsors to this important effort to improve the research capacity of this country.

By Mr. MCCONNELL (for himself and Mr. HATCH):

S. 1269. A bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes; to the Committee on the Judiciary.

LITIGATION FAIRNESS ACT

Mr. McCONNELL. Mr. President, I rise today to introduce the Litigation Fairness Act of 1999. This common sense legislation says that whenever the government sues private-sector companies to recover costs, the government plaintiff gets no more rights than the ordinary plaintiff. If the law is good enough for the average citizen, then it's good enough for the government.

This legislation to codify rules of fair play for government-sponsored lawsuits is necessary for three reasons:

First, the Litigation Fairness Act is necessary to prevent an avalanche of lawsuits against law-abiding companies. Let me say at the outset: this legislation is not about tobacco. Tobacco was just the beginning—the Model Act for hungry and enterprising trial lawyers.

After tobacco, there was speculation that the government would sue the men and women who manufacture and sell guns in America. The speculation was right. And now that we've got government-sponsored lawsuits against gun companies, the speculation turns to other legal industries, such as automobile manufacturers, paint manufacturers, and—yes, even the fast food industry.

Before some of you begin to shake your head about this widespread speculation, let me share some recent theories I've heard that verify that the theater of the absurd continues to move ever closer to legal reality. As reported recently by the Associated Press, a Yale professor is espousing a theory that, "There is no difference between Ronald McDonald and Joe Camel." Both market products that are—and I quote this Professor from a recent seminar—"luring our children into killer habits" ultimately increasing healthcare costs for the public—so the theory goes. And I promise that I'm not making this up. This Ivy League professor was in Washington just yesterday discussing this emerging theory.

Second, this legislation ensures basic fairness for individual citizens. Under established principles of tort law, private plaintiffs are often barred from recovering damages based on a failure to prove direct causation. For example, if a person is injured in an automobile accident, but cannot prove that his or her injuries were caused by a defect of the automobile then that person cannot recover from the manufacturer. This legislation simply says that if the injured party couldn't recover from the auto manufacturer, then the government should not be able to sue the manufacturer to recover the health care expenses incurred by the government on behalf of the injured person.

In short: Government plaintiffs should not have rights superior to those rights of private plaintiffs.

Third, the Litigation Fairness Act is necessary to prevent taxation through litigation. The power to tax is a legislative function and those who raise taxes should be directly accountable to the voters. Fortunately, it is getting more and more difficult to raise taxes in the Congress and the State legislatures—so money-hungry trial lawyers and big-government public officials are bypassing legislatures to engage in taxation and regulation through litigation. The Litigation Fairness Act will discourage lawyer-driven tax increases being dressed up and passed off as government lawsuits.

In closing, I want to point out some things that the Litigation Fairness Act does not do: it does not prohibit government lawsuits; it does not close the courthouse door to injured parties; it does not place caps on recoveries or limits on lawyer fees. Further, the Litigation Fairness Act cannot be construed to create or authorize any cause of action for any governmental entity.

In fact, the Litigation Fairness Act does not even prohibit the unholy marriage between plaintiffs' lawyers and government officials—although it admittedly makes such a marriage of money and convenience a bit less desirable. My legislation will simply ensure that the government plays by the same rules as its citizens.

This bill has broad support. I ask unanimous consent that the RECORD include statements in support of the bill from the United States Chamber of Commerce, the American Tort Reform Association, and Citizens for a Sound Economy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Chamber of Commerce News, June 23, 1999]

U.S. CHAMBER ENDORSES McCONNELL BILL TO STOP GOVERNMENTS FROM UNDERMINING BUSINESS LEGAL DEFENSES

WASHINGTON, D.C.—The U.S. Chamber of Commerce today endorsed legislation that would stop the growing trend of governments stripping legitimate industries of their legal defenses and rights and then suing them to raise revenue outside the constraints of the political process.

The "Litigation Fairness Act," sponsored by Senator Mitch McConnell (R–KY), would prevent governments at any level from changing laws to retroactively strip businesses of their traditional legal rights and defenses in order to sue them.

"The U.S. Chamber is greatly concerned this dangerous trend of governments changing the laws to facilitate their revenue-grabbing lawsuits," said Chamber Executive Vice President Bruce Josten. "This practice began in the state lawsuits against the tobacco industry to recover Medicaid funds and, just as the Chamber predicted, has now spread to other industries. President Clinton's plan to use the Justice Department to sue the tobacco industry is a prime example of this problem.

"Unfortunately, these lawsuits are becoming all too common," Josten added. "If this trend continues, economic and social decisions affecting all Americans will be made not by the democratically elected legislatures, but instead by trial lawyers.

"McConnell's legislation would help curtail this abusive situation," Josten said, noting that the legislation does not affect any individual's rights or ability to sue a company that has caused them harm.

The bill simply says that a government entity filing suite to directly recover funds expended by that government on behalf of a third-party (such as a Medicare or Medicaid patient) would only be entitled to the same rights as an individual suing that defendant. In addition, such a government plaintiff would be subject to the same substantive and procedural rules and defenses as any other individual plaintiff. The legislation recognizes that an indirectly injured party should not have any greater rights than a directly injured person.

"This legislation will stop the erosion of the two hundred years of tort law, while fairly protecting the rights of American industries from the litigious trial lawyers collaborating with federal, state and local governments," Josten concluded.

Josten's comments followed a day-long conference, "The New Business of Government Sponsored Litigation: State Attorneys General and Big City Lawsuits," sponsored by the Institute for Legal Reform, the Chamber's legal policy arm, The Federalist Society and The Manhattan Institute. The conference featured Oklahoma Gov. Frank Keating, Alabama Gov. Don Siegelman, attorneys general from New York, Alabama, Delaware and Texas, and noted plaintiff's lawyers such as Richard Scruggs and John Coale. The event can still be viewed on the Chamber's website, at *www.uschamber.org*.

[From the Citizens for a Sound Economy News, June 23, 1999]

SENATOR McCONNELL'S LITIGATION FAIRNESS ACT WOULD HELP END 'TAXATION THROUGH LITIGATION'

WASHINGTON.—J.V. Schwan, Deputy Director and Counsel for Civil Justice Reform at Citizens for a Sound Economy (CSE), made the following statement in support of Senator Mitch McConnell's bill, *The Litigation Fairness Act*.

"Taxation through litigation is the latest scheme in Washington. When the Administration can't accomplish their goals through legislation, they sue. This is not what our Founding Fathers intended. 'The Litigation Fairness Act' would help stop their 'taxation through litigation scheme.'

"Specifically, the bill would assure that when governments file lawsuits for economic losses allegedly incurred as a result of harm to citizens, the government's legal rights will not be greater than those injured citizens. The bill would preserve and in some instances restore that equitable rule of law.

"McConnell's bill does not bar suits by governments against private defendants, place a cap on the recoveries that may be obtained, or limit attorney fees. It simply codifies a traditional tort law rule that has existed for over 200 years."

[From the American Tort Reform Association]

GOVERNMENT LITIGATION AGAINST INDUSTRIES

Robert Reich recently wrote in USA Today that "The era of big government may be over, but the era of regulation through litigation has just begun." He advocated that courts should be the regulators of society, deciding whether certain products or services should be available and at what price.

Mr. Reich is referring to the new phenomenon of governments entering into partnerships with private contingency fee attorneys to bring lawsuits against entire industries. Manufacturers of tobacco products and firearms have already been targets of litigation at the State and local levels. At the federal level, President Clinton announced in his 1999 State of the Union address that he has directed the Department of Justice to prepare a litigation plan to sue tobacco companies to recover federal funds allegedly paid out under Medicare.

Future targets of federal and/or state or local cost recovery, or "recoupment," litigations could include producers of beer and wine and other adult beverages, and manufacturers of pharmaceuticals, chemicals, and automobiles. Even Internet providers, the gaming industry, the entertainment industry, and fast food restaurants could be targeted.

THE CHANGES TO BLACK-LETTER TORT LAW

Under traditional tort law rules, third party payors (e.g., employers, insurers, and governments) have long enjoyed subrogation rights to recover costs for healthcare and other expenses that they are obligated to pay on behalf of individuals.

For example, if a worker is injured in the workplace as a result of a defective machine tool, tort law permits the worker's employer to recover the cost of worker compensation and other medical expenses paid on behalf of the employee. Through the process of subrogation, the employer can join in the employee's tort claim against the manufacturer of the machine tool or put a lien on the employee's recovery, but the employer cannot bring a direct action on its own.

Governmental cost recovery actions seek to radically change the traditional subrogation rule. In the State tobacco cases, the attorneys general argued that the States could bring an "independent" cause of action against the tobacco companies. Furthermore, the attorneys general argued, because the States' claims were "independent" of the claims of individual smokers, the States were not subject to the defenses that could be raised against individual plaintiffs, especially with respect to assumption of risk.

Despite the current unpopularity of the tobacco companies, most courts have followed basic principles of law and dismissed cost recovery claims against the tobacco companies. One federal district court, however, bent the rules and partially sustained a healthcare reimbursement suit in Texas based on a unique expansion of the "quasi-sovereign" doctrine. Before the Texas federal court's decision, the quasi-sovereign doctrine had been limited to suits for injunctive relief; it did not extend to suits seeking monetary damages. Even the "pro-plaintiff" Minnesota Supreme Court recognized this fact in a tobacco case. The Texas decision produced an avalanche of claims that were ultimately settled out of court.

THE ROLE OF OUTSIDE COUNSEL

Another characteristic of the new "era of regulation through litigation" is the partnering of governmental entities and private contingency fee attorneys. This new partnership raises a number of serious ethical and "good government" issues:

Contingent fee retainers were designed to give less-affluent persons (who could generally ill-afford hourly rates and up-front retainers) access to the courthouse. Governmental entities have their own in-house legal staff; taxpayers should not have to pay excessive fees for legal work that could be done by the government itself.

In the State tobacco litigation, it seemed that many of the cases were awarded to private attorneys who had been former law partners or campaign supporters of the elected official. Furthermore, there appears to have been a lack of competitive bidding in the attorney selection process. As a result, experts estimate that some plaintiffs' attorneys were paid in excess of $100,000 per hour.[1]

Should the prosecutorial power of government be brought against lawful, though controversial, industries? "As the Supreme Court cautioned more than 60 years ago in Berger v. United States, an attorney for the state, 'is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all'."[2]

ALL INDUSTRIES COULD BE TARGETS OF LITIGATION

To date, recoupment lawsuits have been filed against politically disfavored industries because plaintiff attorneys know that if courts bend the rules for controversial products, those precedents will apply equally to other industries.

In fact, some contingency fee lawyers have already publicly stated that tobacco and firearms are just the first of many industries likely to be sued in the new era of regulation by litigation. As stated, future targets of litigation could include producers of beer and wine and other adult beverages, manufacturers of pharmaceuticals, chemicals, and automobiles, Internet providers, the gaming industry, the entertainment industry, and fast food restaurants.

SEPARATION OF POWERS VIOLATED

Legislating public policy in the courtroom violates the "separation of powers doctrine"—the fundamental rule upon which this country's entire system of government is based. The job of legislatures is to legislate; the job of courts is to interpret the law. This bedrock principle of government should not be eroded for the sake of political expediency and political theater.

STATEMENT BY VICTOR E. SCHWARTZ, COUNSEL, AMERICAN TORT REFORM ASSOCIATION, JUNE 23, 1999

THE PRINCIPLE OF EQUAL JUSTICE UNDER LAW IS PRESERVED BY THE LITIGATION FAIRNESS ACT

The Litigation Fairness Act helps assure equal justice under law; that is why the American Tort Reform Association supports it. Liability law should be neutral. Its principles should apply in the same way to all defendants. A basic principle of system of justice is equal justice under law.

Unfortunately, legal principles developed in a few tobacco cases did not apply neutral principles. They gave power to state governments under a fiction called the "quasi-sovereign doctrine," greater power in the law than was possessed by an injured individual. New cases filed by cities against gun manufacturers also may create new principles of law that give those cities greater rights than injured persons. There is little doubt that an engine behind these new principles is the unpopularity of those defendants.

These principles may be limited to so-called "outlaw defendants"—people who make guns, tobacco, liquor, or other products that significant segments of our society do not like. On the other hand, the principles may apply equally to others. If that is true, those principles can apply against people who make fast foods, automobiles that can go over 100 mph, motorcycles, hunting knives, and even the entertainment industry.

The Litigation Fairness Act preserves the principle that an injured person's right to sue is paramount over government rights, where the government has suffered some indirect economic loss because of that person's harm. It restores equal justice under law and neutrality within our tort system.

For those reasons, the Americans Tort Reform Association supports the Litigation Fairness Act.

By Mr. FRIST:

S. 1270. A bill to establish a partnership for education progress; to the Committee on Health, Education, Labor, and Pensions.

THE EDUCATION EXPRESS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that a summary of the Education Express Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE EDUCATION EXPRESS ACT (ED-EXPRESS)

OBJECTIVE

Funds would reaffirm our national commitment to state and local control of education. The purpose of this Act is to infuse significant new dollars into the hands of parents, communities, and state and local governments to improve the education achievement of students. This legislation unties the burdensome and expensive federal strings on education dollars by sending more money straight back to the states and classrooms.

States may elect to receive elementary and secondary education funding by "Direct Check." Most importantly, it requires that 98 percent of the funding be used directly at the local level. Incentives such as replacing existing burdensome federal categorical programs are provided to encourage states to choose the Direct Check. However, states may choose to remain in the categorical system.

The legislation creates three local/state programs to enhance educational excellence: Challenge Fund, Teacher Quality Fund, and Academic Opportunity Fund. These programs will result in a substantial increase in federal education assistance—$36.5 billion over five years.

HOW IT WORKS

Those states that opt for the "Direct Check" flexibility will receive their educational funding upon the adoption of a state plan written by the governor or the governor's designee that outlines the goals and objectives for the funds—how the state will improve student achievement and teacher quality, and the criteria used to determine and measure achievement.

Decisons on how funds will be used to meet state goals and objectives will be made at the local level.

PROGRAMS

Challenge Fund ($17 billion over five years) to improve education achievement. Direct

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[1] Professor Lester Brickman, "Want To Be a Billionaire? Sue a Tobacco Company," The Wall Street Journal, December 30, 1998.

[2] Robert A. Levy, "The Great Tobacco Robbery, Hired Guns Corral Contingent Fee Bonanza" Legal Times, Week of February 1, 1999, 27.

Check states will receive an additional 10% of their allotment.

Teacher Quality Fund ($14 billion over five years) to improve education achievement. Direct Check states will receive an additional 10%.

Academic Opportunity Fund ($6 billion over 5 years) to reward student achievement, implement statewide reforms, and reward schools and school districts meeting state goals and objectives. Only Direct Check states will be eligible to receive these funds. States may receive an additional 10% of their allotment if they (1) devote 25% or more of their Challenge Fund allotment for Special Education; (2) demonstrate improved education performance among certain disadvantaged populations; or (3) adopt or show improved performance on state-level National Assessment of Education Progress tests (NAEP).

By Mr. GRASSLEY:

S. 1271. A bill improve the drug certification procedures under section 490 of the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

MOST FAVORED ROGUE STATES ACT OF 1999

Mr. GRASSLEY. Mr. President, today I am introducing legislation to help clarify for the administration certain aspects of drug policy that seem to have caused confusion. The confusion seems to lie in how to think about our friends and enemies when it comes to drug policy. There seems to be a willingness to overlook the actions and activities of certain rogue states when it comes to their involvement in drug production and trafficking.

The purpose of our international drug policy is to establish a framework for achieving results that sustain the national interest. As part of that, the goal is to identify countries that are major producers or transit zones for drugs. It is also to determine whether those countries are committed to cooperate with the United States, with other countries, or are taking steps on their own to stop illegal drug production and transit. This goal is clearly in the national interest.

Most illegal drugs used in this country are produced overseas and smuggled to this country. In accomplishing this, international drug thugs violate our laws, international laws, and, in most cases, the laws in the source and transit countries. Those drugs kill and maim more Americans every year than have all international terrorists in the last 10 years. In addition, they have made many of our schools, workplaces, our streets and our homes unsafe and dangerous.

There are few threats more direct, more immediate, and more telling in our everyday lives than drug use and the activities of those who push them on our young people. We pay the costs in our hospitals, in our jails, and in our families. It is a devastation that we share with other countries. And the problem overseas is growing worse. Not only is drug production up but so is use. The source and transit countries are now facing growing drug use problems. Thus, in addition to attacks on the underpinnings of decent government from criminal gangs, many countries now face epidemic drug use among young people.

What other countries do or do not do to confront this threat is of interest to us. The nature of the drug trade, production as well as transit, is an interconnected enterprise with international reach. Many drug trafficking gangs have contacts with each other. They share markets, expertise, and facilities. In some cases, they can count on the complicity of foreign governments or of significant individuals in those governments. This means that a serious policy to get at the trade and its connections must be international, coherent, and integrated. It cannot be piecemeal, episodic, and disjointed. But that is what we have today.

Congress has over the years repeatedly pushed for an integrated, coherent approach, often over the reluctance of administrations. Dealing with the drug issue is often messy and uncomfortable. It disturbs the pleasantries of diplomatic exchanges. Progress is hard to achieve and difficult to document. And sometimes taking drug policy serious upsets other plans.

This seems to be the case in this administration's dealings with several major drug producing or transit countries. It seems the administration would rather not know what these countries are up to on drugs, lest knowing make it difficult to pursue other goals. In several of these cases, the countries involved are not friends of the United States. One, Iran, is a sworn enemy. It has used terrorism and other tactics to attack U.S. interests and to kill Americans. it is also a drug producing and transit country.

For many years, the lack of cooperation or reliable information of Iranian counter drug efforts placed them squarely on the list of countries decertified by the United States. Last year, however, the administration removed Iran from the list. it did so on feeble pretexts, with limited information, and in a less than forthright manner. The administration used lawyerly interpretation of statute to drop Iran from the so-called Majors' List. Doing this meant the administration could then duck the question of whether to certify Iran as cooperating on drugs or not.

To accomplish this little sleight of hand, the administration had to ignore the interconnectedness of drug trafficking, congressional intent, and the national interest. So far as I can determine, it did this in the vague hope that a unilateral gesture towards Iran on drugs would see a reciprocal gesture leading to detente. It is hard to account for the change otherwise. And even so it is hard to comprehend. Never mind Iran's continuing hostility, its past and current support of terrorism aimed at the U.S. and American citizens. Never mind the facts. Never mind drug production and transit. Never mind the national interest. This is another case of the triumph of hope over experience that seems to be the lodestar of this Administration's foreign policy.

What makes the case even more disturbing is the apparent subterfuge the administration resorted to in order to evade explaining this major shift in policy. I say major because Iran had been on every drug list since its inception and Iran has been decertified for that whole history. I say subterfuge because of the pettifoggery the administration resorted to.

Given the facts of Iran's past, what is reasonable to assume would be a responsible way of dealing with the issue? It is the clear intent of the law on these matters that the administration would consult with Congress before making a major change in policy. But what did it, in fact, do? Not only did the administration not consult, it nitpicked. The law requires the administration to submit the Majors List by November 1. Instead of complying with this known statutory requirement, the administration delayed by over a week the submission of the list, conveniently waiting until after Congress had adjourned. Mere coincidence? Well, the administration did precisely the same stalling routine the year before when Syria was similarly spirited off the list. Without any prior notice to Congress. Once is accidental, twice is beginning to look like a pattern.

Weeks after this move, the administration finally provided an explanation. It deserves a full retelling to appreciate. First, some basic facts. Iran has a long history of drug production, most opium. It is a major transit country for opium and heroin from Afghanistan and Pakistan. Major Iranian criminal gangs have been involved in the drug trade for years.

Since the Iranian revolution, it has been difficult for any outsiders to determine what, if anything, the Islamic Government is doing to stop this trade. It is also important to understand that Iran was on the Majors List as a producing country. The law requires that any country that grows more than 1,000 hectares of opium poppy be put on the list. Iran met this qualification. The standard for classifying a transit country is not so precise and it is this imprecision that the administration exploited.

Here, in brief, is the administration's explanation for dropping Iran from the list: Iran no longer grows more than 1,000 hectares, and the transited heroin does not come to the United States, so it does not qualify for the list.

This latter rationalization is based on the administration's own favored way of reading the law. In this reading, a major transit country does not qualify for the list if current intelligence information does not show a direct flow to the United States. Since the underground nature and fungibility of the international drug trade is hard to quantify precisely, this leaves a lot of room for interpreting the facts to reach a politically correct conclusion. This, of course, leaves aside the question of whether such an exception was ever part of congressional intent or is consistent with the law or the national interest. The reasoning is shaky on both policy and information. It also ignores the nature of international drug trade and criminal organizations and what must be done to get at them. And it relies on how little we know about what goes on inside Iran.

In reality, the administration's approach is a resort to technicalities and convenient interpretations to dodge the real issues. But as we have been instructed, it all depends upon what the meaning of "is" is. But let's remind ourselves that what is being done here is to base a weighty policy decision involving serious issues of national security and well being on lawyerly gamesmanship. And this on the unanchored hope that the gesture, and that's all it is, might get a friendly reaction in Iran. What did Iran actually do in response? What you would expect. It thumbed its nose in our direction. But let me illustrate a little further the way facts have been employed.

Recall that Iran used to be on the Majors List for producing over 1,000 hectares of opium. Drop below this number, in the administration's reasoning, and you automatically fall off the list. In this very careful parsing of meaning, I would suppose that if a country produced 999 hectares, no matter what other facts applied, it wouldn't qualify. But is this the case in Iran? The administration's explanation is that they could not find opium production in Iran in 1998, ergo, they do not qualify on this criteria. But this so-called objective assessment needs a little closer look.

In most cases, we base our estimates of illicit crop production on overhead imagery and photo interpretation. While we are pretty good at it, this is not a precise science, whether we're talking vegetables or missiles. And it is, by the way, even more difficult when it comes to counting vegetables. Good analysis is dependent of weather, adequate overhead coverage, information from corroborating sources, and a track record of surveying that builds up a reliable picture over time. What was the case in Iran? Before the so-called objective, imagery-based assessment in 1998, the last overhead coverage of Iran had been in the early 1990s.

The 1998 decision was therefore based on a one-time shot after years of no informaiton. Corroborating information is also scant. But the situation is even more dubious.

Based on the past estimates, Iran cultivated nearly 4,000 hectares of opium in various growing regions across the country. The 1998 survey concentrated in only one of those traditional growing areas. Although in the early 1990s it was the major one, it still only accounted for some 80 percent of total cultivation. The 1998 survey could find no significant growing areas in these areas. But if we are to believe Iranian authorities, they have specifically attacked this cultivation with vigorous eradication efforts. The imagery would seem to support this claim. But we also know that growers adjust to enforcement. It is not unreasonable, therefore, to assume that drug producers might shift the locus of cultivation to less accessible areas and resort to measures to disguise production. The 1998 survey did not examine other areas.

We cannot, of course, prove a negative, but that should not lead us to jump to conclusions, especially when those conclusions are what we want. Let me illustrate the point. If 20 percent of Iranian opium production—a number based on earlier assessments—was in areas other than those checked, that figure alone gives us close to 800 hectares. Since those other areas—which cover an immense amount of countryside—were not checked, we cannot know if there was any production for sure. But, it would only require a little effort on the part of growers to shift a small amount of production to get us to our 1,000 hectare threshold. Also remember that opium is an annual plant. In some areas it has more than one growing season. Thus, a region that only had 500 hectares of opium at any one time but had two growing seasons, would have an actual total of 1,000 productive hectares per year. I do not know that this was the case in Iran, but neither does the administration. It doesn't know because it didn't look. It didn't look because it was not convenient.

I would suggest, even if you agree with the assumptions the administration is making about the intent of the law, that there are enough uncertainties in estimating Iranian opium production to counsel caution in reinterpreting the data. And even more caution in using this to revise policy. All the more so, given the nature of Iran's past actions and attitudes towards the United States. But even if you buy all the rationalizations leading to a decision to drop Iran from the Majors List, we are left with this: Is it responsible or creditable to make such a major shift in policy without even the pretense of consultation with Congress? Without an effort to explain the decision and shift to the public?

If there are grounds for reconsidering Iran's counter narcotics efforts, why was it necessary to resort to gimmicks? Is there something wrong with presenting the facts publicly and reaching a reasonable consensus consistent with the national interest? Not to mention that in this decision on Iran and the earlier one on Syria that we did not consult with Israel, our most consistent ally in the region? Was it necessary? Was it wise?

Is this the way we conduct serious counter drug policy as part of our international efforts? But this is not the only disturbing case.

I earlier alluded to a similar situation with regard to Syria. I will not review the details of that case. Suffice it to say, they are in keeping with what was done about Iran. The case I would like to look at more closely is that of North Korea. Here we have another rogue state and enemy of the United States that seems to get favored treatment when it comes to drugs.

There is credible and mounting evidence that North Korea is a major producing country of opium and processor of heroin. Stories of these activities have circulated for years, including details provided by defectors. Information that is further supported by the arrests of North Korean diplomats in numerous countries for drug smuggling using the diplomatic pouch. Defectors have indicated that illegal opium production and heroin sales have been used to fund North Korea's overseas activities and its nuclear program.

These reports also indicate that opium cultivation in North Korea far exceed the 1,000 hectare level, ranging from 3,000 to 7,000 hectares depending on the climate and growing conditions. In a country plagued by famine, precious arable land has been turned to illicit opium production by the government to fund terrorism and the development of nuclear weapons. Until this year, however, the administration did not report on these activities. It was not until Congress required such a report that we have even a hint of all of this in official reporting. When I asked the administration two years ago to supply data on opium cultivation in North Korea, it responded by saying they did not have any detailed information. Why? Because the administration was not looking for it. Under pressure, it is now beginning to look. While I welcome this, I am concerned that this search for information will be handled in the same manner as was used in the case of Iran. Information will be collected, but it will be carefully scripted and narrowly interpreted.

I find it puzzling that we should be willing to cut such corners. What is it about nations that are declared enemies of this country and many of our allies that we look the other way when it comes to drugs? What do we gain from empty gestures? And why do we make these gestures on an issue as basic to the national interest and well being of U.S. citizens as drug policy? I am at a loss to explain it. So, rather than trying to guess at motives, I am offering legislation to clarify the situation and to require more overt explanations. I therefore send to the desk the Most Favored Rogue States Act of 1999 and ask my colleagues to join me in supporting it. It addresses a serious issue that needs our immediate attention.

By Mr. NICKLES (for himself, Mr. LIEBERMAN, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. BROWNBACK, Mr. COVERDELL, Mr. ENZI, Mr. HAGEL, Mr. INHOFE, Mr. CRAIG, AND Mr. SESSIONS):

S. 1272. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PAIN RELIEF PROMOTION ACT OF 1999

Mr. NICKLES. Mr. President, end-of-life issues are some of the most complicated our society wrestles with today, as medical technology dramatically advances and life expectancies continue to increase. Many of us have relatives, or know someone, who has grappled with grave and terminal illnesses. Doctors, caregivers, and family members work together in such situations, not just in an effort to save a loved one's life, but to give them the comfort and palliative care they deserve. However, love and concern can often come up against a confusing and complicated set of Federal and state laws which govern and influence care and treatment decisions in such situations.

Today I, along with Senators LIEBERMAN, LOTT, ABRAHAM, ALLARD, BROWNBACK, COVERDELL, ENZI, HAGEL, HELMS, INHOFE, and CRAIG, introduce the Pain Relief Promotion Act of 1999. This comprehensive legislation will restore the uniform national standard of the Controlled Substances Act (CSA) to all 50 states. The Pain Relief Promotion Act will:

Affirm and support aggressive pain management as a "legitimate medical purpose" for the use of federally-controlled substances—even in cases where such use may unintentionally hasten death as a side-effect ("principle of double effect").

Encourage practitioners to dispense and distribute federally-controlled substances as medically appropriate to relieve pain and other distressing symptoms, by clarifying that such conduct is consistent with the Controlled Substances Act.

Provide that a state law authorizing or permitting assisted suicide or euthanasia does not change the federal government's responsibility to prevent misuse of federally-controlled, potentially dangerous, drugs. The Federal government's responsibility to prevent such misuse in states which have not legalized assisted suicide is already conceded by the Attorney General and would not change.

Provide education and training to law enforcement officials and health professionals on medically accepted means for alleviating pain and other distressing symptoms for patients with advanced chronic disease or terminal illness, including the legitimate use of federally-controlled substances.

Establish a "Program for Palliative Care Research and Quality" within the Agency for Health Care Policy and Research (AHCPR) to develop and advance scientific understanding of palliative care, and collect, disseminate and make available information on pain management, especially for the terminally ill health professionals and the general public.

Authorize $5 million for a grant program within the Health Resources and Services Administration (HRSA) to make grants and contracts for the development and implementation of programs to provide education and training in palliative care. It states that physicians entrusted by the federal government with the authority to prescribe and dispense federally-controlled substances may not abuse that authority by using them for assisted suicide; however, it strongly affirms that it is a "legitimate medical purpose" to use these federally-controlled substances to treat patient's pain and end-of-life symptoms, even in light of the unfortunate and unintended side effect of possibly hastening a patient's death.

Recognize that this policy promoting pain control does not authorize the use of federally-controlled substances for intentional assistance in suicide or euthanasia.

Restore the uniform national standard that federally-controlled substances can not be used for the purpose of assisted suicide by applying the current law in 49 states to all 50 states. This bill does not create any new regulatory authority for the DEA.

This is a straight-forward, very positive bill that would merely apply what is current law in 49 states to all 50 states, without increasing the federal regulatory authority of the Drug Enforcement Administration (DEA). The bill has been endorsed by organizations including the National Hospice Organization, American Society of Anesthesiologists, American Academy of Pain Management, and former Surgeon General Dr. C. Everett Koop. And, today I was informed that the House of Delegates of the American Medical Association voted to support the bill.

A variety of provisions in this legislation is in direct response to the June 5, 1998, letter by the Attorney General, allowing Oregon to use federally-controlled substances for assisted suicide, a decision that was in direct opposition to an earlier policy determination by her own Drug Enforcement Administration.

It is significant to remember that in 1984 Congress passed amendments to strengthen the Controlled Substances Act, due to specific concerns regarding the use of prescription drugs in lethal overdoses. Congress's view was that while the states are the first line of defense against misuse of prescription drugs, the federal government must enforce its own objective standard as to what constitutes such misuse—and it must have the authority to enforce that standard when a state cannot or will not do so.

Again, Congress clearly spoke on the issue of assisted suicide when it passed the Assisted Suicide Federal Funding Restriction Act of 1997 by a nearly unanimous vote. Signing the bill President Clinton said it "will allow the Federal Government to speak with a clear voice in opposing these practices," and warned that "to endorse assisted suicide would set us on a disturbing and perhaps dangerous path."

It is time for Congress to speak again.

Federal law is clearly intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. The DEA currently pursues cases where a physician's negligent use of controlled substances has led to the death of a patient, it was inappropriate for the Attorney General to allow for the intentional use of controlled substances to cause the death of a patient. The Pain Relief Promotion Act will clarify federal law, to affirm use of controlled substances to control pain and reject their deliberate use to kill patients.

This legislation is overdue. Already physicians have used these federally controlled substances to cause the death of their patients. There is no role for the Federal government in providing assisted suicide.

I urge my colleagues to support and enact this urgently needed bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters, of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pain Relief Promotion Act of 1999".

TITLE I—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 101. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

"(2) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

"(3) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.".

SEC. 102. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) educational and training programs for local, State, and Federal personnel, incorporating recommendations by the Secretary of Health and Human Services, on the necessary and legitimate use of controlled substances in pain management and palliative care, and means by which investigation and enforcement actions by law enforcement personnel may accommodate such use.".

TITLE II—PROMOTING PALLIATIVE CARE

SEC. 201. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

"SEC. 906. PROGRAM FOR PALLIATIVE CARE RESEARCH AND QUALITY.

"(a) IN GENERAL.—The Administrator shall carry out a program to accomplish the following:

"(1) Develop and advance scientific understanding of palliative care.

"(2) Collect and disseminate protocols and evidence-based practices regarding palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

"(b) DEFINITION.—For purposes of this section, the term 'palliative care' means the active total care of patients whose prognosis is limited due to progressive, far-advanced disease. The purpose of such care is to alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.".

SEC. 202. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.), as amended by section 103 of Public Law 105–392 (112 Stat. 3541), is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following section:

"SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PALLIATIVE CARE.

"(a) IN GENERAL.—The Secretary, in consultation with the Administrator for Health Care Policy and Research, may make awards of grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in palliative care.

"(b) PRIORITIES.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

"(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include information and education on—

"(1) means for alleviating pain and discomfort of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

"(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

"(3) recent findings, developments, and improvements in the provision of palliative care.

"(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

"(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding palliative care.

"(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes one or more individuals with expertise and experience in palliative care.

"(g) DEFINITION.—For purposes of this section, the term 'palliative care' means the active total care of patients whose prognosis is limited due to progressive, far-advanced disease. The purpose of such care is to alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.".

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in subsection (b)(1)(C) by striking "sections 753, 754, and 755" and inserting "section 753, 754, 755, and 756".

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 203. EFFECTIVE DATE.

The amendments made by this title take effect October 1, 1999, or on the date of the enactment of this Act, whichever occurs later.

NATIONAL HOSPICE ORGANIZATION,
Arlington, VA, June 11, 1999.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The National Hospice Organization has recently endorsed your bill, "The Pain Relief Promotion Act of 1999."

Your legislation would provide a mechanism for health care professionals to collect, review and disseminate vital practice protocols and effective pain management techniques within the health care community and the public. In addition, increased educational efforts focused within the health professions community about the nature and practice of palliative care are important components of your initiative.

Our 2,000 member hospices provide what Americans say they want if they were confronted with a terminal illness—to die in their home, free of pain, and with emotional support for themselves and their loved ones. For over 20 years, hospices have been in the forefront of managing the complex medical and emotional needs of the terminally ill. It is unfortunate that we continue to see individuals living and dying in unnecessary pain when the clinical and medical resources exist but widespread education is lacking.

Your legislation is a step toward a better awareness of effective pain management techniques and should ultimately change behavior to better serve the needs of terminally ill patients and their families.

Sincerely,

KAREN A. DAVIE,
President.

AMERICAN ACADEMY
OF PAIN MANAGEMENT,
Sonora, CA, June 15, 1999.

Senator DONALD NICKLES,
Washington, DC.

DEAR SENATOR NICKLES: The American Academy of Pain Management, America's largest multidisciplinary pain organization, applauds your efforts to end the pain and suffering for Americans. The Board of Directors of the American Academy of Pain Management supports The Pain Relief Promotion Act of 1999. We share your belief that opioid analgesics should be available for those unfortunately suffering from the pain associated with terminal illnesses. The alternatives to assisted suicide and euthanasia are compassionate and appropriate methods for prescribers to relieve pain without fear of regulatory discipline.

The Pain Relief Promotion Act of 1999 provides for law enforcement education, the development and dissemination of practice guidelines, increased funding for palliative care research, and safeguards for unlawful prescribers of controlled substances. This bill appropriately reflects the changing philosophy about pain control as a significant priority in the care of those facing terminal illnesses.

The American Academy of Pain Management thanks you for your effort to improve the quality of life for Americans.

Sincerely,

RICHARD S. WEINER, Ph.D.,
Executive Director.

American Society
of Anesthesiologists,
Washington, DC, June 16, 1999.

Hon. Don Nickles,
Assistant Majority Leader, U.S. Senate, Washington, DC.

Dear Senator Nickles: In my capacity as President of the American Society of Anesthesiologists, a national medical association comprised of 34,000 physicians and other scientists engaged or especially interested in the practice of anesthesiology, I am pleased to offer our endorsement of the Pain Relief Promotion Act of 1999, which I understand you will introduce this week.

Many ASA members engage in a pain management practice, and such a practice regularly includes the treatment of intractable pain, experienced by terminally or severely ill patients, through the prescription of controlled substances. As you are aware, a major concern among these practitioners has involved the possible that aggressive treatment of intractable pain involving increased risk of death—however medically necessary to provide the patient with the best possible quality of life—could be the subject of criminal prosecution as involving alleged intent to cause death.

ASA's House of Delegates has formally expressed the Society's opposition to physician assisted suicide as incompatible with the role of the physician. At the same time, the Society believes anesthesiologists "should always strive to relieve suffering, address the psychological and spiritual needs of patients at the end of life, add value to a patient's remaining life and allow patients to die with dignity".

We find your bill to be fully consistent with these principles, in that (1) it denies support in federal law for intentional use of a controlled substance for the purpose of causing death or assisting another person in causing death, but (2) it includes in federal law recognition that alleviating pain in the usual course of professional practice is a legitimate medical purpose for dispensing a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death.

ASA believes that the bill articulates an appropriate standard for distinguishing between assisted suicide and medically-appropriate aggressive treatment of severe pain. Although we have some continuing concern whether law enforcement officers will regularly recognize and honor this critical distinction, we believe much can be accomplished through the education and training programs contemplated by section 102 of the bill. We look forward to the opportunity, during congressional consideration of the bill, to work with you and your staff to strengthen this provision to assure that the these programs include input from medical practitioners regularly engaged in a pain management practice.

If we can be of further assistance, please ask your staff to contact Michael Scott in our Washington office, at the address and telephone number listed above.

Sincerely,

John B. Neeld, Jr., M.D.,
President.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. McCain, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 26, a bill entitled the "Bipartisan Campaign Reform Act of 1999."

S. 42

At the request of Mr. Helms, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 242

At the request of Mr. Johnson, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 285

At the request of Mr. McCain, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 510

At the request of Mr. Campbell, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 530

At the request of Mr. Gorton, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 530, a bill to amend the Act commonly known as the "Export Apple and Pear Act" to limit the applicability of that act to apples.

S. 579

At the request of Mr. Brownback, the names of the Senator from Alabama (Mr. Shelby) and the Senator from Mississippi (Mr. Lott) were added as cosponsors of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 632

At the request of Mr. DeWine, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 664

At the request of Mr. Chafee, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 820

At the request of Mr. Chafee, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 873

At the request of Mr. Durbin, the names of the Senator from Vermont (Mr. Jeffords) and the Senator from Wisconsin (Mr. Kohl) were added as cosponsors of S. 873, a bill to close the United States Army School of the Americas.

S. 880

At the request of Mr. Inhofe, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 882

At the request of Mr. Murkowski, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1172

At the request of Mr. Torricelli, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1244

At the request of Mr. Thompson, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 1253

At the request of Mr. Inouye, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1253, A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes.

S. 1266

At the request of Mr. Gorton, the names of the Senator from Mississippi

(Mr. LOTT), the Senator from Florida (Mr. MACK), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 59, resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 126—EXPRESSING THE SENSE OF THE SENATE THAT APPRECIATION BE SHOWN FOR THE EXTRAORDINARY WORK OF MILDRED WINTER AS MISSOURI TEACHER AND LEADER IN CREATING THE PARENTS AS TEACHERS PROGRAM ON THE OCCASION THAT MILDRED WINTER STEPS DOWN AS EXECUTIVE DIRECTOR OF SUCH PROGRAM

Mr. BOND submitted the following resolution; which was considered and agreed to:

S. RES. 126

Whereas Mildred Winter has, with determination, expertise, and unflagging energy, dedicated her professional life to early childhood and parent education;

Whereas Mildred Winter began her remarkable career as an educator and leader as a teacher in the Berkeley and Ferguson-Florissant School Districts in Missouri;

Whereas Mildred Winter served as Missouri's first Early Childhood Education Director from 1972 until 1984, during which time the early childhood education services to Missouri families and children improved and increased dramatically;

Whereas Mildred Winter was a leader in initiating the Parents as Teachers program in Missouri in 1981 to address the critical problem of children entering school in need of special help;

Whereas the Parents as Teachers program gives all parents, regardless of social or economic circumstances, the support and guidance necessary to be their children's best teachers in the critical early years;

Whereas Mildred Winter worked to secure passage in the Missouri General Assembly of the Early Childhood Education Act of 1984, landmark legislation which led to the creation of Parents as Teachers programs in Missouri;

Whereas Mildred Winter is recognized as a visionary leader by her peers throughout the country for her unwavering commitment to early childhood education;

Whereas Mildred Winter and the Parents as Teachers program have received numerous prestigious awards at the State and national levels;

Whereas today there are over 2,200 Parents as Teachers programs in 49 States, the District of Columbia, and 6 other countries;

Whereas while continually striving to move the Parents as Teachers program forward, in 1995 Mildred Winter recognized the importance of sharing with parents what is known about early brain development and the role parents play in promoting that development in their children, and used this foresight to develop the vanguard Born to Learn Curriculum; and

Whereas after nearly 2 decades of leadership of the Parents as Teachers program, Mildred Winter has chosen to step down as Executive Director of the organization: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF MILDRED WINTER.

That it is the sense of the Senate that—

(1) admiration and respect be shown for the visionary and innovative work of Mildred Winter in the field of childhood education; and

(2) appreciation be shown for the work that Mildred Winter has done through the Parents as Teachers program which has enriched the lives of hundreds of thousands of children and provided such children with a far better chance of success and happiness in school and in life.

SENATE RESOLUTION 127—TO DIRECT THE SECRETARY OF THE SENATE TO REQUEST THE RETURN OF CERTAIN PAPER

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 127

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

GRAHAM (AND HOLLINGS) AMENDMENT NO. 732

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 76 between lines 6 and 7, insert the following:

SEC. 7 . INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.—In this section:

(1) FOOD SERVICE ESTABLISHMENT.—The term 'food service establishment' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility, operated as an enterprise engaged in the business of selling foods to the public.

(2) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms 'perishable agricultural commodity' and 'retailer' have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b))

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—Except as provided in subsection (c), a retailer of a perishable agricultural commodity imported into the United States shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity.

(c) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Subsection (b) shall not apply to a perishable agricultural commodity imported into the United States to the extent that the perishable agricultural commodity is—

(1) prepared or served in a food service establishment; and

(2)(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

(d) METHOD OF NOTIFICATION

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the imported perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES.—If the imported perishable agricultural commodity is already individually labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

(e) VIOLATIONS.—If a retailer fails to indicate the country of origin of an imported perishable agricultural commodity as required by subsection (b), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the same violation continues.

(f) DEPOSIT OF FUNDS.—Amounts collected under subsection (e) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(g) APPLICATION OF SECTION.—This section shall apply with respect to a perishable 37 agricultural commodity imported into the United States after the end of the 6-month period beginning on the date of the enactment of this Act.

RELATING TO PLEDGE OF ALLEGIANCE IN THE SENATE CHAMBER

SMITH (AND McCONNELL) AMENDMENTS NO. 733

Mr. SMITH of New Hampshire (for himself and Mr. MCCONNELL) proposed an amendment to the resolution (S. Res. 113) to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate; as follows:

On page 2, line 4, strike all after "Presiding Officer" and insert ", or a Senator designated by the Presiding Officer, leads the Senate from the dais in reciting the

Pledge of Allegiance to the Flag of the United States.

CONCERNING RACIAL MINORITIES IN IRAN

SCHUMER AMENDMENT NO. 734

Mr. SCHUMER proposed an amendment to the concurrent resolution (S. Con. Res. 39) expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community; as follows:

On page 3, line 3, strike "Clinton Administration" and insert "United States".

On page 3, strike line 4 to line 5 before "continue".

On page 3, beginning with line 7, strike the word "recommendation" and insert "the recommendation of resolution 1999/13."

On page 3, line 9, insert after "(2)" "continue to".

FUELS REGULATORY RELIEF ACT

CHAFEE AMENDMENT NO. 735

Mr. GRASSLEY (for Mr. CHAFEE) proposed an amendment to the bill (S. 880) to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program; as follows:

Strike section 4 and insert the following:

SEC. 4. PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.

(a) In General.—Section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)) is amended by adding at the end the following:

"(H) Public access to off-site consequence analysis information.—

"(i) Definitions.—In this subparagraph:

"(I) Covered person.—The term 'covered person' means—

"(aa) an officer or employee of the United States;

"(bb) an officer or employee of an agent or contractor of the Federal Government;

"(cc) an officer or employee of a State or local government;

"(dd) an officer or employee of an agent or contractor of a State or local government;

"(ee) an individual affiliated with an entity that has been given, by a State or local government, responsibility for preventing, planning for, or responding to accidental releases and criminal releases;

"(ff) an officer or employee or an agent or contractor of an entity described in item (ee); and

"(gg) a qualified researcher under clause (vii).

"(II) Criminal release.—The term 'criminal release' means an emission of a regulated substance into the ambient air from a stationary source that is caused, in whole or in part, by a criminal act.

"(III) Official use.—The term 'official use' means an action of a Federal, State, or local government agency or an entity referred to in subclause (I)(ee) intended to carry out a function relevant to preventing, planning for, or responding to accidental releases or criminal releases.

"(IV) Off-site consequence analysis information.—The term 'off-site consequence analysis information' means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases, and any electronic data base created by the Administrator from those portions.

"(V) Risk management plan.—The term 'risk management plan' means a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B).

"(ii) Regulations.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—

"(I) assess—

"(aa) the increased risk of terrorist and other criminal activity associated with the posting of off-site consequence analysis information on the Internet; and

"(bb) the incentives created by public disclosure of off-site consequence analysis information for reduction in the risk of accidental releases and criminal releases; and

"(II) based on the assessment under subclause (I), promulgate regulations governing the distribution of off-site consequence analysis information in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and criminal releases and the likelihood of harm to public health and welfare, and—

"(aa) allows access by any member of the public to paper copies of off-site consequence analysis information for a limited number of stationary sources located anywhere in the United States;

"(bb) allows other public access to off-site consequence analysis information as appropriate;

"(cc) allows access for official use by a covered person described in any of items (cc) through (ff) of clause (i)(I) (referred to in this subclause as a 'State or local covered person') to off-site consequence analysis information relating to stationary sources located in the person's State;

"(dd) allows a State or local covered person to provide, for official use, off-site consequence analysis information relating to stationary sources located in the person's State to a State or local covered person in a contiguous State; and

"(ee) allows a State or local covered person to obtain for official use, by request to the Administrator, off-site consequence analysis information that is not available to the person under item (cc).

"(iii) Availability under freedom of information act.—

"(I) First year.—Off-site consequence analysis information, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, during the 1-year period beginning on the date of enactment of this subparagraph.

"(II) After first year.—If the regulations under clause (ii) are promulgated on or before the end of the period described in subclause (I), off-site consequence analysis information covered by the regulations, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, after the end of that period.

"(III) Applicability.—Subclauses (I) and (II) apply to off-site consequence analysis information submitted to the Administrator before, on, or after the date of enactment of this subparagraph.

"(iv) Availability of information during transition period.—The Administrator shall make off-site consequence analysis information available to covered persons for official use in a manner that meets the requirements of items (cc) through (ee) of clause (ii)(II), and to the public in a form that does not make available any information concerning the identity or location of stationary sources, during the period—

"(I) beginning on the date of enactment of this subparagraph; and

"(II) ending on the earlier of the date of promulgation of the regulations under clause (ii) or the date that is 1 year after the date of enactment of this subparagraph.

"(v) Prohibition on unauthorized disclosure of information by covered persons.—

"(I) In general.—Beginning on the date of enactment of this subparagraph, a covered person shall not disclose to the public off-site consequence analysis information in any form, or any statewide or national ranking of identified stationary sources derived from such information, except as authorized by this subparagraph (including the regulations promulgated under clause (ii)). After the end of the 1-year period beginning on the date of enactment of this subparagraph, if regulations have not been promulgated under clause (ii), the preceding sentence shall not apply.

"(II) Criminal penalties.—

"(aa) Knowing violations.—A covered person that knowingly violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined not more than $5,000 for each unauthorized disclosure of off-site consequence analysis information. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. Section 3571 of title 18, United States Code, shall not apply to an offense under this item. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $100,000 for violations committed during any 1 calendar year.

"(bb) Willful violations.—A covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined under section 3571 of title 18, United States Code, for each unauthorized disclosure of off-site consequence analysis information, but shall not be subject to imprisonment. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $1,000,000 for violations committed during any 1 calendar year.

"(III) Applicability.—If the owner or operator of a stationary source makes off-site consequence analysis information relating to that stationary source available to the public without restriction—

"(aa) subclauses (I) and (II) shall not apply with respect to the information; and

"(bb) the owner or operator shall notify the Administrator of the public availability of the information.

"(IV) List.—The Administrator shall maintain and make publicly available a list of all stationary sources that have provided notification under subclause (III)(bb).

"(vi) Guidance.—

"(I) Issuance.—Not later than 60 days after the date of enactment of this subparagraph, the Administrator, after consultation with the Attorney General and the States, shall issue guidance that describes official uses of off-site consequence analysis information in a manner consistent with the restrictions in items (cc) through (ee) of clause (ii)(II).

"(II) RELATIONSHIP TO REGULATIONS.—The guidance describing official uses shall be modified, as appropriate, consistent with the regulations promulgated under clause (ii).

"(III) DISTRIBUTION.—The Administrator shall transmit a copy of the guidance describing official uses to—

"(aa) each covered person to which off-site consequence analysis information is made available under clause (iv); and

"(bb) each covered person to which off-site consequence analysis information is made available for an official use under the regulations promulgated under clause (ii).

"(vii) QUALIFIED RESEARCHERS.—

"(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator, in consultation with the Attorney General, shall develop and implement a system for providing off-site consequence analysis information, including facility identification, to any qualified researcher, including a qualified researcher from industry or any public interest group.

"(II) LIMITATION ON DISSEMINATION.—The system shall not allow the researcher to disseminate, or make available on the Internet, the off-site consequence analysis information, or any portion of the off-site consequence analysis information, received under this clause.

"(viii) READ-ONLY INFORMATION TECHNOLOGY SYSTEM.—In consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator shall establish an information technology system that provides for the availability to the public of off-site consequence analysis information by means of a central data base under the control of the Federal Government that contains information that users may read, but that provides no means by which an electronic or mechanical copy of the information may be made.

"(ix) VOLUNTARY INDUSTRY ACCIDENT PREVENTION STANDARDS.—The Environmental Protection Agency, the Department of Justice, and other appropriate agencies may provide technical assistance to owners and operators of stationary sources and participate in the development of voluntary industry standards that will help achieve the objectives set forth in paragraph (1).

"(x) EFFECT ON STATE OR LOCAL LAW.—

"(I) IN GENERAL.—Subject to subclause (II), this subparagraph (including the regulations promulgated under this subparagraph) shall supersede any provision of State or local law that is inconsistent with this subparagraph (including the regulations).

"(II) AVAILABILITY OF INFORMATION UNDER STATE LAW.—Nothing in this subparagraph precludes a State from making available data on the off-site consequences of chemical releases collected in accordance with State law.

"(xi) REPORT ON ACHIEVEMENT OF OBJECTIVES.—

"(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress a report that describes the extent to which the regulations promulgated under this paragraph have resulted in actions, including the design and maintenance of safe facilities, that are effective in detecting, preventing, and minimizing the consequences of releases of regulated substances that may be caused by criminal activity.

"(II) INTERIM REPORT.—Not later than 270 days after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress an interim report that includes, at a minimum—

"(aa) the preliminary findings under subclause (I);

"(bb) the methods used to develop those findings; and

"(cc) an explanation of the activities expected to occur that could cause the findings of the report under subclause (I) to be different from the preliminary findings.

"(xii) SCOPE.—This subparagraph—

"(I) applies only to covered persons; and

"(II) does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan or an electronic data base created by the Administrator from off-site consequence analysis information.

"(xiii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Attorney General such sums as are necessary to carry out this subparagraph (including the regulations promulgated under clause (ii)), to remain available until expended.".

(b) REPORTS.—

(1) DEFINITION OF ACCIDENTAL RELEASE.—In this subsection, the term "accidental release" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) REPORT ON STATUS OF CERTAIN AMENDMENTS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the status of the development of amendments to the National Fire Protection Association Code for Liquefied Petroleum Gas that will result in the provision of information to local emergency response personnel concerning the off-site effects of accidental releases of substances exempted from listing under section 112(r)(4)(B) of the Clean Air Act (as added by section 3).

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) describes the level of compliance with Federal and State requirements relating to the submission to local emergency response personnel of information intended to help the local emergency response personnel respond to chemical accidents or related environmental or public health threats; and

(B) contains an analysis of the adequacy of the information required to be submitted and the efficacy of the methods for delivering the information to local emergency response personnel.

(c) TERMINATION OF AUTHORITY.—The authority provided by this section and the amendment made by this section terminates 6 years after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 23, 1999, at 9:30 a.m. in open session, to receive testimony on recommendations to reorganize Department of Energy national security programs in response to espionage threats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, to conduct a hearing on "Export Administration Act Reauthorization: Government Views."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 23, 1999, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 23, 1999, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, at 4 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, June 23, 1999, at 10 a.m. for a hearing on the Interagency Inspectors General Report on the Export-Control Process for Dual-Use and Munitions List Commodities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Title VI" during the session of the Senate on Wedkesday, June 23, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. NICKLES. Mr. President I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, at 9:30 a.m. to conduct a hearing on the Report of the National Gambling Impact Study Commission. The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Religious Liberty, during the session of the Senate on Wednesday, June 23, 1999, at 11 a.m., in SD-226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. NICKLES. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation.

The hearing will be held on Wednesday, June 23, 1999, at 2 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing on the recovery of salmon Wednesday, June 23, 1:30 p.m., hearing room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 23, for purposes of conducting a Forests and Public Land Management Subcommittee hearing which is scheduled to begin at 2:15 p.m. The purpose of this hearing is to receive testimony on S. 503, the Spanish Peaks Wilderness Act of 1999; S. 953, the Terry Peaks Land Conveyance Act of 1999; S. 977, the Miwaleta Park Expansion Act; S. 1088, the Arizona National Forest Improvement Act of 1999; and H.R. 15 and S. 848, the Otay Mountain Wilderness Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, June 23, 1999, at 11 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATIONS OFFERED TO PAYNE STEWART

• Mr. ASHCROFT. Mr. President, I welcome the opportunity to congratulate Payne Stewart for his recent victory at this year's U.S. Open. Payne captured the championship with a dramatic 15-foot putt on the 72nd hole, the final hole of the tournament. Originally from Springfield, Missouri, Payne has continually brought an air of class and dignity to the game of golf that is a true inspiration to all Americans, myself included. In fact, his recent performance has inspired me to hit the greens again.

For his triumph in the tournament, Stewart drew strength from the memory of his late father, William Stewart, a two-time Missouri State Amateur Champion. On June 20, the final day of the U.S. Open and also Father's Day, NBC ran a special on the relationship between Payne and William Stewart. Taking the time to watch the special, Payne was moved to tears. This time of reflection may have provided the inspiration needed to make the difference in the tournament. I, too, had a father who was a major influence on my life. I, too, find strength and guidance in the moments I take to remember.

Payne Stewart is a credit to the game of golf and an example for all Missourians of what dedication and perseverance bring forth. With his second U.S. Open championship, he has shown the entire world that with enough determination and faith—coupled with a crucial putting tip from his wife—dreams really do come true. Again, I offer an enthusiastic congratulations.•

CONGRATULATIONS TO THE BUFFALO SABRES, NATIONAL HOCKEY LEAGUE EASTERN CONFERENCE CHAMPS

• Mr. MOYNIHAN. Mr. President, I rise today to add my voice to the growing chorus of people congratulating the Buffalo Sabres for their outstanding performance in the Stanley Cup Finals. Led by team captain Michael Peca, and their indefatigable goalie, Dominik Hasek, the entire team accomplished what was thought by many to be the impossible. Their heartfelt play brought a level of excitement to the Stanley Cup finals not seen in years. I am proud to stand with the City of Buffalo and Western New York to honor our team.

Considered underdogs in all of their playoff series, the Sabres played with pure heart and soul to sweep the Ottawa Senators in the first round, defeated the Boston Bruins and then the Toronto Maple Leafs to win the Eastern Conference and the Prince of Wales Trophy for the first time in 24 years. The triple overtime loss in Game 6 of the Stanley Cup finals showed the hockey community what a team with determination and true grit is. The controversial goal that ended the dreams of the Sabres will not dampen the spirits of the most devoted fans in the world—Buffalo Sabres fans.

As the Stanley Cup Finals end, I extend my deep appreciation to the Knox Family for bringing the Sabres to Buffalo 29 years ago, John J. Rigas, owner and Chairman of the Board, Darcy Regier, General Manager, Lindy Ruff, Head Coach, and the entire Buffalo Sabres team, their coaching staff, their families and their fans for their great efforts and support. I know next season will bring even more to celebrate.

In this spirit, I ask that an article from The Buffalo News, be printed in the RECORD.

[From the Buffalo News, June 23, 1999]

RALLY FOR SABRES PROVES BUFFALO HAS SOMETHING SPECIAL

It was noon Tuesday and they streamed into Niagara Square from all directions. White-haired men and middle-aged ladies and mothers pushing strollers made the pilgrimage down Niagara Street, Franklin Street, Delaware Avenue.

They came, in all colors and sizes. Shirt-and-tie businessmen, smooth-skinned teens wearing black-and-red jerseys with Hasek or Peca stitched across the back, little kids holding their mother's hand. They came in cares, on bikes, on Rollerblades. They all came downtown, washed in the summer sun, because this is Buffalo and sometimes you win even when you lose.

They crowded in front of City Hall, more than 20,000 of them. Men in business suits climbed atop the marble railings of the McKinley Monument. Dozens stood on the roofs of the Federal Court Building and the Buffalo Athletic Center and the Turner Parking Ramp.

They do not have rallies for teams that lose in most cities.

Most cities are not Buffalo.

A lot of people around the country would read that and say "Thank God."

I ran into one of them on a plane to Dallas a couple of weeks ago. She said she was going home and asked where I was from. When I told her, she said, "Why would anybody want to live there?"

Lady, this is why.

Yes, there are things wrong with this place and I don't just mean high taxes. A streak of negativity runs through some folks. Our so-called leaders habitually put self-interest ahead of our interest. We get told we're the pits so often we sometimes forget this is a truly nice place to live.

But there's a sense of community here, a shared bond, you don't find in most other places, at least not most other places I've been. It's a hard thing to prove, but then a day like Tuesday comes and there it is, 20,000 people for all the world to see.

They didn't come to this rally for a hockey team that lost in the Stanley Cup finals because Buffalo loves a loser or likes to cry in its Genesee Cream Ale.

They came because this team carried the city's name on its jerseys the way we want it to be carried.

They came not to lament what might have been, but to celebrate what was.

The hockey team was a lot like the town, overlooked and underappreciated. Yet they left team after supposedly better team dazed and bleeding by the side of the road. They finally got beat—with the help of officials too gutless to enforce the rules—by a tough, character-laden Dallas team many expected would swat them aside like a bothersome fly. Instead, the Sabres took them to their limit, made them sweat and ache and pay for every pass and shot and goal they got—and even one they didn't.

At the end, after absorbing a mind-boggling 82 hits in the final game, the Dallas trainer compare their locker room to a M.A.S.H. unit. Some Dallas players took intravenous fluids between the overtime periods of the 5½-hour game; a half-dozen ended the series with torn ligaments or other damage.

You lay a team out like that and end up losing—losing on a tainted goal—and it doesn't mean you're losers. It means time ran out, fate didn't smile, the story is To Be Continued next season. If these guys had any doubt about that, 20,000 people Tuesday told them otherwise.

They didn't abandon a team that tried mightily and never backed down and came up an illegally placed skate short. Just like you don't stop loving your kid or your brother or best friend. That's not the way it works around here.

Diana and Nicole Jarosz, 21 and 18, came down 90 minutes early so they could be close to the stage. They have lived in Buffalo all their lives and they could not imagine not coming to this.

"We're here to say we still love you and we're still proud of you," said Diana. "As hard as (Saturday night) was for us, I can't imagine how hard it must have been sitting on the (players') bench."

We don't want to pick on Dallas, but it's a town of shameless front-runners. Some folks were interviewed in downtown Dallas a couple of weeks ago, before this series started. One of them said, "If this team starts losing, people will drop them like a hot poker."

Well, this Buffalo team lost early Sunday morning, and most folks just held them closer.

The Stars won the Cup, and all of 150 people showed up to meet their plane at the airport. Buffalo lost it, and 20,000 came out to say, "Thanks for the ride."

The players seemed genuinely touched by it all, at times nudging each other and grinning when the crowd went nuts, or waving to the kids in Sabres jerseys sitting on their dads' shoulders.

"We really didn't expect that kind of excitement," said team captain Michael Peca afterwards. "This is not a city that forgets (about) you, absolutely not."

Dallas has a pewter Cup. We have something they'll never have. Something not about towering glass skyscrapers and money and jobs. It's a spirit, a feeling, a connection you don't get in big cities.

It's something so many of those who move away from here, usually in search of greener job pastures, never find again. They go somewhere else, start a new life, but a piece of them stays.

You can leave Buffalo, but you can never leave it behind.

Tuesday, we showed the world why.●

TRIBUTE TO REVEREND HUBERT DONALD COCKERHAM

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the Rev. H. Donald Cockerham for 30 years of dedicated service to the members of Zion Missionary Baptist Church in Louisville. His devoted congregation recently honored him by writing and performing a play about his life, and I am proud to join in their celebration of this milestone anniversary for both Rev. Cockerham and the church body.

Rev. Cockerham, born in McComb, Mississippi, first came to Louisville in 1969, to preach at a foreign missions rally. At that time, he was the minister at Calvary Baptist Church in Chicago, but after filling-in as speaker at Zion one Sunday, Zion began to pursue Cockerham as a candidate for pastor. Although he was serving another church, he said he felt called to accept the invitation to lead Zion's congregation.

By all accounts, Zion flourished under Rev. Cockerham's leadership. During his 30 years as pastor, the church building changed significantly, with the construction of a new wing. Also, the addition of a new organ and piano have surely been a blessing to the church choir when they perform their well-known presentation of the "Messiah" each Christmas. During Rev. Cockerham's time as pastor, Zion has also significantly increased opportunities for youth through additional ministry programs.

Rev. Cockerham was not only deeply involved in his church, but was also an integral part of the community. Over the years, he has been involved in the WHAS Crusade for Children, a project which raises funds to help with the care and treatment of handicapped children in Kentucky and southern Indiana. Reverend Cockerham has won numerous awards and distinctions during the past 30 years, and was recognized most recently by the Louisville YMCA as a 1999 Adult Black Achiever.

I am certain that the legacy of commitment to faith that Rev. Cockerham has left will continue on, and will encourage and inspire those who follow. Reverend, best wishes for many more years of service, and know that your efforts to better Zion Missionary Baptist Church and the Louisville community will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.

Mr. President, I also ask that an article which ran in Louisville's Courier-Journal on June 12, 1999, be printed in the RECORD following my remarks.

The article follows:

[From The Courier-Journal, June 12, 1999]

FAITH IN ACTION—CHURCH HONORS PASTOR'S 30 YEARS WITH PLAY

At Zion Missionary Baptist Church, members are busy showing their pastor how much they appreciate his hard work and dedication.

The Rev. H. Donald Cockerham will celebrate 30 years as pastor of the church tomorrow, and the congregation wants this to be a celebration Cockerham will never forget.

"It is rare for a pastor to have remained at a church for 30 years, so I wanted to know how I could make this anniversary more special," said Beverly Jones, anniversary chairwoman.

When Troy Bell, co-chairman of the anniversary committee, suggested that they write a play as a tribute to Cockerham, she couldn't resist.

Bell, who has a background in musical theater, wrote, directed and starred in the play, which is based on the Broadway musical "Purlie Victorious."

"I changed the title to 'Hubert Victorious' because it is our pastor's first name, and I rewrote this play to correlate with the pastor's life," Bell said. "This adaptation was a combination of fiction and non-fiction."

For a month, Bell and others worked to make the play a success.

"I contacted actors and actresses . . . and we went to the DAV to find clothes and wigs reminiscent of the 1960s," Bell said.

They performed the play Monday night at Derby Dinner Playhouse.

Cockerham cried and then he laughed and then he cried again, Bell said.

"It was a hilarious play," Cockerham said. "Although I had known about the play for weeks, I did not know that it would be about me. I was surprised."

Sheivel Johnson, publicity and program director for the church, said faith explains why Cockerham is still pastor after 30 years.

Cockerham said the congregation's love and compassion for the community makes his job more pleasurable.

"A love affair between the people and myself began, almost," when he came to Zion, he said.

The 68-year-old pastor, a native of McComb, Miss., was pastor of Calvary Baptist Church in Chicago when he was asked to join Zion in 1969.

"I came to Louisville to preach at a foreign-mission rally. At the time, Zion did not have a pastor," he said. "Their candidate could not speak at their service because he became ill. When the pulpit committee discovered that I was in town, they asked me to speak and I accepted."

Impressed by his sermon, the church body asked him to become their pastor, but he declined initially.

"I did not want to change churches because I was their (Calvary's) first full-time pastor. I had dedicated myself to building that congregation."

But shortly afterward, Cockerham changed his mind, believing that coming to Zion was his fate. "It occurred to me that Zion did not have to ask me to be their pastor simply because they needed one. I believed that the Lord was moving me in a different direction."

In 1969, Cockerham received a unanimous vote by Zion's governing body.

Under Cockerham's leadership, the church has greatly expanded youth activities and made improvements to the building including a new annex and a new organ and piano.

Over the years, he has received many awards, including being named an Adult Black Achiever this year by the YMCA.

For Bell, Cockerham's many accomplishments and recognition come as no surprise.

"If there was ever a pastor that was loved unconditionally by his church family, it is him," he said. "He is the father to the fatherless."

Zion Missionary Baptist has been celebrating Cockerham's anniversary with services all week. The grand finale will begin at 11 a.m. tomorrow, with dinner served after morning worship.●

SANTA CLARA COUNTY HOUSING TRUST FUND

● Mrs. BOXER. Mr. President, I rise today to recognize the accomplishments of a remarkable public/private partnership in California's Silicon Valley that is moving aggressively to address a problem which plagues many communities: the shortage of available and affordable housing.

In Silicon Valley, the fast-growing home to some of the Nation's most dynamic and innovative high technology firms, housing costs have risen as dramatically as the supply of available housing has diminished. Since 1992, Santa Clara County has created some 250,000 new jobs; however, only 50,000 new homes and apartments have been constructed. This combination of rapid growth and scarce housing has created a volatile situation in which renters and potential home buyers alike must compete mercilessly for the few units that are to be found. To address this challenge, a coalition of concerned businesses, nonprofit groups and local governments formed the Santa Clara County Housing Trust Fund.

The Santa Clara County Housing Trust Fund is a broad-based working group consisting of the Community Foundation of Silicon Valley, the Silicon Valley Manufacturing Group, the Santa Clara County Collaborative on Housing and Homelessness, the Santa Clara County Board of Supervisors, the Housing Action Coalition and the Housing Leadership Council. Through donations from nonprofit organizations, commitments from local governments and financial backing from the business community, the trust fund hopes to raise $20 million. With this money, the trust fund plans to house more than 1,000 homeless individuals and families, assist in building up to 3,000 new apartments and help nearly 800 first-time home buyers.

I pay special tribute to five companies that recently pledged a remarkable $1 million to the trust fund, hopefully paving the way for other Silicon Valley businesses to follow suit. On June 10, Adobe Systems, Applied Materials, Cisco Systems, Kaufman & Broad, and the Solectron Corporation each stepped up to the plate with contributions sure to improve the quality of life in their communities. This is responsible corporate citizenship at its best. I hope that these five companies represent only the first wave of firms that will rise to the challenge of tackling the housing problems in Silicon Valley.•

TRIBUTE TO CELEBRATE NEW HAMPSHIRE CULTURE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Celebrate New Hampshire Culture, a nonprofit organization formed by the New Hampshire Commission on the Smithsonian Folklife Festival that works in partnership with the New Hampshire State Council on the Arts and the Department of Cultural Resources.

I commend the many dedicated volunteers and participants from my State for their hard work in planning, organizing, and demonstrating our New Hampshire culture through the exhibits for this year's Smithsonian Folklife Festival.

Since being elected to Congress 15 years ago, I have had the pleasure of sharing with my fellow Members of Congress why I believe New Hampshire is such a special place in which to live. I am extremely proud that they, and countless others, will now have the opportunity to experience firsthand all the wonderful things New Hampshire has to offer.

In 1994, Mervin Stevens of Walpole began working towards New Hampshire's participation after attending the festival over the years. Curators Lynn Martin and Betty Beland have made Mervin's dream a reality. These two women, along with many volunteers, have worked tirelessly for months to make sure that the more than 1 million visitors to the Folklife Festival on the Mall this week will have a meaningful and memorable experience.

New Hampshire's diversity, vibrancy, and entrepreneurship will be portrayed through several themes: Music of New Hampshire; Town and Community; Ingenuity and Enterprise; Seasons of Work and Recreation; and Farm, Forests, Mountains, and Sea. The themes and displays will be enhanced through several hands-on examples of living traditions. These exhibits include a 35-foot-long by 15-foot-high covered bridge, a timber-framed barn, a wrought-iron archway, and granite walls.

There will also be two music stages set up. One will be a replica of a town hall and the other of a New England front porch with rocking chairs and benches. These fascinating displays of New Hampshire culture will be celebrated in three ways: First, at this summer's Smithsonian festival. Next, a reenactment will take place next summer during Festival New Hampshire at the Hopkinton State Fairgrounds in Contoocook. Finally, an educational program for schools and communities will be based on the extensive research of culture needed to launch the festival.

Mr. President, I wish to offer my most sincere congratulations to Celebrate New Hampshire Culture and the countless volunteers. Their hard work and dedication will now help show the world what makes New Hampshire the greatest State in America. It is an honor to represent Celebrate New Hampshire Culture and all the people of New Hampshire in the Senate.•

HONORING DOUG AURAND

• Mr. DURBIN. Mr. President, I rise today to pay tribute to my longtime friend, Douglas R. Aurand of Rockford, IL. Doug has served as Winnebago County Treasurer for 28 years and Rockford Township Trustee for 2 years. He retired earlier this month as treasurer.

Doug has been an Illinois resident his entire life, born in Dixon and raised in Pecatonica. He married the former Julie Moore and they have two children, David and Christine. Retirement will give Doug more time to spend with his grandchildren, Billy and Tommy Schwengels.

After graduating from Pecatonica High School, Doug served in the U.S. Air Force for four years. He was first elected to public office as Winnebago County Treasurer in 1970, at the age of 29. He held his office for six consecutive terms, becoming the longest serving elected official in the same office in northern Illinois.

Doug has worked tirelessly for more than 28 years as a public servant and for the taxpayers of Winnebago County. During this time, he has reduced his staff by 60 percent.

Responsible for funds exceeding $387 million year, he has earned over $44 million in interest for taxpayers in Winnebago County through his wise investments. He is responsible for the administration and collection of 110,000 tax bills which bring in approximately $285 million for the 72 taxing districts in his county.

In short, Doug Aurand has given remarkable service as Winnebago County Treasurer, and I commend him for his achievements. His leadership and fiscal management skills have made a difference in Winnebago County and he will most certainly be missed.

I congratulate Doug Aurand and, once again, commend him for the last impact he will leave on Rockford, Winnebago County, and the State of Illinois. My best wishes to Doug and Julie Aurand as Doug begins his well deserved retirement.•

EXPRESSION OF SYMPATHY FOR RON SANTO FOLLOWING A HEART ATTACK

• Mr. FITZGERALD. Mr. President, I rise today to express my hope for the speedy recovery of someone who gave so many Illinoisans, including me, joy throughout his great career. Ron Santo, former third baseman for the Chicago Cubs and the Chicago White Sox, suffered a heart attack Monday in Denver, and I wanted to take a moment to recognize him and express my hopes for a speedy recovery.

Ron Santo played fourteen seasons for the Chicago Cubs from 1960 to 1973 and one for the Chicago White Sox in 1974, during which time he appeared in nine All-Star Games and won five Gold Glove Awards at the "hot corner." He was also a member of the 1969 Chicago Cubs team which lost its chance at the playoffs because of the famous, or to Illinoisans, infamous, run of the "Miracle" Mets. When I was a boy, I was lucky enough to have Santo autograph a Cubs' game program for me, which I still have.

His career statistics measure up well against those of anyone to ever play the game. He finished his illustrious career with 2254 hits, 342 of which were home runs, 1331 Runs Batted In, and a .277 career batting average. In 1964, Santo even led the league in triples with 13. He ranks in the top 10 among players for the Chicago Cubs in games played, at bats, runs scored, hits, doubles, runs batted in, and extra-base hits.

Now that his playing days are over, Santo continues to make a contribution to the Cubs and to Chicago as a broadcaster, and one of the best and most energetic in the game at that. Mr. President, I would like to call on the Senate to join me in wishing Mr. Santo, his wife Vicki, and his four children the very best and expressing the sincere hope that he gets well soon.•

TRIBUTE TO SISTER MARY REILLY

• Mr. REED. Mr. President, I rise today to honor Sister Mary Reilly, an important figure in social progress and education in Rhode Island for the past fifty years.

Since joining the Sisters of Mercy in 1948, Sister Mary Reilly's mission has always focused on helping individuals of modest means meet their basic needs and improve themselves through education. Whether in the heart of Providence, or in the classrooms of Honduras and Belize, or in her forthcoming work in New York City, these are the constants of Sister Mary Reilly's career ministry.

To be sure there have been many changes for Sister Mary Reilly. Indeed, she recently told the Providence Journal that her life has been filled with beginnings.

Born in Providence, she began her career with the Sisters of Mercy as a teacher there, first at St. Mary School and then at St. Mary Academy at Bay View. Later, she was able to fulfill one of her goals by becoming a missionary and teaching in Central America.

Returning to Rhode Island in 1970, Sister Mary Reilly began establishing the groundwork for institutions that have become a significant part of Rhode Island's landscape for social improvement. She was among the founders of McAuley House, a soup kitchen serving the homeless in Providence; the Good Friday Walk for Hunger and Homelessness; the COZ (Child Opportunity Zone), an innovative community effort to link schools with critical social service agencies and non-profit organizations; and the Annual Walk for Literacy. Sister Mary Reilly was also among those who began the Washington lobby, NETWORK.

However, the endeavor to which Sister Mary Reilly is most closely linked is Dorcas Place, which she helped found nearly 20 years ago with her colleague Deborah Thompson. Dorcas Place began as a literacy center for low-income young women. As Sister Mary Reilly and other leaders at Dorcas Place saw the need to address a greater array of issues in the community, the center grew to include women and men and took on a host of issues including literacy, employment and training, parenting, and advocacy. It has reached out to other organizations from Salve Regina University, with which Dorcas recently joined to create a certificate program for low-income and welfare dependent individuals, to Fleet Bank, to Rhode Island Legal Services, to the Rhode Island Department of Health, and many others. From a small corps of volunteers at first, Dorcas Place has grown to include 65 volunteer tutors and nearly 50 mentors. While all of this is the result of a team effort, Sister Mary Reilly certainly deserves the lion's share of the credit. She has indeed been the inspiration behind this wonderful organization.

Given Sister Mary Reilly's role in influencing the climate of social progress in Rhode Island, it was with great sadness that many Rhode Islanders learned of her decision to resign her post as Executive Director of Dorcas Place. She leaves to embark on a year's sabbatical in New York to work with other Sisters of Mercy who are following-up on the historic 1995 United Nations' Beijing Women's Conference.

For Sister Mary Reilly, it is another beginning, and we know that she will not be far from Rhode Island or from Dorcas Place. Her legacy of good will and service to others will foster the continuation the work important work at Dorcas Place, and I join all of her colleagues in wishing her well in her newest adventure. We all hope to see her in Rhode Island again before long.•

PLEDGE OF ALLEGIANCE

Mr. SMITH of New Hampshire. Mr. President, several weeks ago a young woman named Rebecca Stewart of Enfield, NH, notified me by telephone there was no flag salute before the opening ceremonies when we opened the Senate in the morning. Due to the cooperation of both the minority and the majority side, I think we have a 100-to-0 agreement that we do that.

So at this point, I ask unanimous consent that S. Res. 113, which is the resolution to salute the flag at the beginning of the opening of the Senate each morning, be discharged from the Rules Committee, and further, the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 113) to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 733

Mr. SMITH of New Hampshire. Mr. President, there is an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. MCCONNELL, proposes an amendment numbered 733.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 4, strike all after "Presiding Officer" and insert ", or a Senator designated by the Presiding Officer, leads the Senate from the dais in reciting the Pledge of Allegiance to the Flag of the United States".

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 733) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to S. Res. 113 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 113), as amended, was agreed to.

The preamble was agreed to.

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 39, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. Mr. President, I offer this resolution on behalf of Mr. BROWNBACK of Kansas, Mr. LIEBERMAN of Connecticut, and many other cosponsors.

Last March, 13 Iranian Jews from the southern cities of Shiraz and Esfahan were arrested on preposterous charges of spying for Israel and the United States. These men have not been allowed visits by family or legal counsel, nor has any evidence been produced to warrant their arrest and imprisonment. For more than 2 months, leaders of the American Jewish community and the U.S. Government officials have worked behind the scenes for the release of these men.

Iran has done this sort of thing many times before, and they are usually just seeking some ransom money. Unfortunately, this situation is different. Iran went public with this issue first, meaning something far more nefarious is at work.

It is clear that these 13 people are being used as unfortunate pawns between two warring political factions in Iran: moderate followers of President Mohammad Khatami and hardline ayatollahs who remain entrenched in high positions of power and seek to undermine Khatami's domestic reforms and overtures to the West. These men may very well be hanged without a trial under preposterous and trumped-up charges. We must not let that happen. Indeed, we must do all we can to secure their release.

We have a resolution before the Senate condemning in the strongest possible terms the arrest of these men and calling for their immediate release. I thank all my colleagues for supporting this resolution which denounces the worst form of religious intolerance.

The notion that Iranian Jews, particularly those living hundreds of miles from Teheran, even have the capacity to spy for Israel or the United States is laughable. What access would these individuals have to any valuable information whatsoever?

The truth is that since 1979, Iran has habitually utilized the term "spy" for anyone it arrests for political reason. Schoolgirls and blind old men have been hanged as "spies" simply because they were religious minorities.

Some say we should not come down too hard on Iran on this issue, lest we play into the hands of the hardline ayatollahs and set back Khatami's reform movement. I say that is out of the question. We are not going to sacrifice innocent lives to help one side in a political battle of wills.

Khatami has the power to stand up to the hardliners on behalf of these 13 pawns and for all of Iran's 30,000-member Jewish community, as well as other religious minorities. He won the Presidency with a 70-percent landslide vote, and moderate candidates continue to score big victories in local elections. He can choose the political battles he wishes to fight, and this resolution before us today makes it perfectly clear that this needs to be one of those battles.

In fact, any talk of a kinder, gentler Iran under the supposedly moderate President Khatami is simply empty rhetoric as long as Jews and other religious minorities are victims of the most vicious forms of religious intolerance.

The Koran in Islam treats justice like all the great religions, as something at the highest pinnacle of human values. If Khatami cannot deliver on this issue, then what is his reform movement about in the first place? And if Iran seeks to do this in the name of Islamic fundamentalism, what about the teachings of the Koran in terms of justice and fairness?

The administration has spoken out strongly on this issue, but they have to make this a top priority. President Clinton and Secretary of State Albright should immediately press influential regional states—Syria, Saudi Arabia, Russia—to help secure the release of the 13.

Iran must know from the United States, and the world, that should these men be executed, as 17 other Jews have been since 1979, Iran will slip back into pariah status for decades. That means no loans, no trade, no international respect.

With this resolution, the Congress, the Senate, has spoken today, and the world is watching.

AMENDMENT NO. 734

Mr. SCHUMER. Mr. President, I ask unanimous consent that my amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The amendment (No. 734) was agreed to, as follows:

On page 3, line 3, strike "Clinton administration" and insert "United States".

On page 3, Strike line 4 to line 5 before "continue".

On page 3, begin with line 7, strike the word "recommendation" and insert "the recommendation of resolution 1999/13".

On page 3, line 9, insert after "(2)" "continue to".

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 39), as amended, was agreed to.

The preamble was agreed to.

[The resolution (S. Con. Res. 39) will be printed in a future edition of the RECORD.]

Mr. SCHUMER. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING APPRECIATION FOR THE WORK OF MILDRED WINTER

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, submitted earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 126) expressing the sense of the Senate that appreciation be shown for the extraordinary work of Mildred Winter as a Missouri teacher and leader in creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas Mildred Winter has, with determination, expertise, and unflagging energy, dedicated her professional life to early childhood and parent education;

Whereas Mildred Winter began her remarkable career as an educator and leader as a teacher in the Berkeley and Ferguson-Florissant School Districts in Missouri;

Whereas Mildred Winter served as Missouri's first Early Childhood Education Director from 1972 until 1984, during which time the early childhood education services to Missouri families and children improved and increased dramatically;

Whereas Mildred Winter was a leader in initiating the Parents as Teachers program in Missouri in 1981 to address the critical problem of children entering school in need of special help;

Whereas the Parents as Teachers program gives all parents, regardless of social or economic circumstances, the support and guidance necessary to be their children's best teachers in the critical early years;

Whereas Mildred Winter worked to secure passage in the Missouri General Assembly of the Early Childhood Education Act of 1984, landmark legislation which led to the creation of Parents as Teachers programs in Missouri;

Whereas Mildred Winter is recognized as a visionary leader by her peers throughout the country for her unwavering commitment to early childhood education;

Whereas Mildred Winter and the Parents as Teachers program have received numerous prestigious awards at the State and national level;

Whereas today there are over 2,200 Parents as Teachers programs in 49 States, the District of Columbia, and 6 other countries;

Whereas while continually striving to move the Parents as Teachers program forward, in 1995 Mildred Winter recognized the importance of sharing with parents what is known about early brain development and the role parents play in promoting that development in their children, and used this foresight to develop the vanguard Born to Learn Curriculum; and

Whereas after nearly 2 decades of leadership of the Parents as Teachers program, Mildred Winter has chosen to step down as Executive Director of the organization: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF MILDRED WINTER.

That it is the sense of the Senate that—

(1) admiration and respect be shown for the visionary and innovative work of Mildred Winter in the field of childhood education; and

(2) appreciation be shown for the work that Mildred Winter has done through the Parents as Teachers program which has enriched the lives of hundreds of thousands of children and provided such children with a far better chance of success and happiness in school and in life.

RETURN OF OFFICIAL PAPERS—S. 331

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 127, submitted earlier by Senator LOTT, and I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 127) was agreed to, as follows:

S. RES. 127

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

FUELS REGULATORY RELIEF ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141, S. 880.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 880) to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuels Regulatory Relief Act".

SEC. 2. FINDINGS.

Congress finds that, because of their low toxicity and because they are regulated sufficiently under other programs, flammable fuels, such as propane, should not be included on the list of substances subject to the risk management plan program under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

SEC. 3. REMOVAL OF FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.

Section 112(r)(4) of the Clean Air Act (42 U.S.C. 7412(r)(4)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking "Administrator shall consider each of the following criteria—" and inserting the following: "Administrator—

"(A) shall consider—";

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

["(B) shall not regulate non-acute toxic flammable fuels when used or stored for fuel purposes or retail sale unless the fuels are hazardous waste.".**]**

"(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse heath effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion.".

SEC. 4. PUBLIC AVAILABILITY OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION IN RISK MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section:

(1) ACCIDENTAL RELEASE.—The term "accidental release" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term "off-site consequence analysis information" means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases.

(4) RISK MANAGEMENT PLAN.—The term "risk management plan" means a risk management plan submitted by an owner or operator of a stationary source under section 112(r)(7)(B) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)).

(5) STATE.—The term "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).

(6) STATIONARY SOURCE.—The term "stationary source" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(b) EXEMPTION FROM AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

(1) IN GENERAL.—Off-site consequence analysis information, or information derived from off-site consequence analysis information, shall not be made available under section 552 of title 5, United States Code.

(2) EFFECT ON CERTAIN AVAILABILITY.—Except as provided in subsection (c), nothing in this section affects the obligation of the Administrator under section 112(r)(7)(B)(iii) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(iii)) to make available off-site consequence analysis information or information derived from that information.

(c) AVAILABILITY OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

(1) GENERAL AVAILABILITY.—

(A) ELECTRONIC FORM.—An officer or employee of the United States may make available in electronic form off-site consequence analysis information only in the manner provided in paragraphs (2), (5), and (6) and subsection (d).

(B) PAPER FORM.—An officer or employee of the United States may make available in paper form off-site consequence analysis information only in the manner provided in paragraphs (3), (4), and (5), and subsection (d).

(2) AVAILABILITY IN ELECTRONIC FORM FOR OFFICIAL USE BY STATE OR LOCAL GOVERNMENTS.—The Administrator may make available in electronic form off-site consequence analysis information to a State or local government officer or employee for official use.

(3) AVAILABILITY TO PUBLIC IN PAPER FORM.—

(A) IN GENERAL.—In response to a request for off-site consequence analysis information or for a risk management plan, the Administrator shall make available a copy of off-site consequence analysis information, but only in paper form.

(B) CONDITIONS.—The conditions under which off-site consequence analysis information shall be made available, including the maximum number of requests that any single requester may make, and the maximum number of stationary sources for which off-site consequence analysis information may be made available in response to any single request, shall be determined by the Administrator in guidance issued under subsection (e)(1).

(C) PROMPT RESPONSE.—Consistent with this paragraph, the Administrator shall promptly respond to off-site consequence analysis information requests.

(D) FEE.—The Administrator may levy a fee applicable to the processing of off-site consequence analysis information requests that covers the cost to the Administrator of processing the requests and reproducing the information in paper form.

(4) AVAILABILITY TO STATES AND LOCAL GOVERNMENTS IN PAPER FORM.—At the request of a State or local government officer acting in the officer's official capacity, the Administrator may provide to the officer in paper form, for official use only, the off-site consequence analysis information submitted for the stationary sources located in the State in which the State or local government officer serves.

(5) AVAILABILITY FOR LIMITED PUBLIC INSPECTION.—

(A) IN GENERAL.—The Administrator shall ensure that every risk management plan submitted to the Environmental Protection Agency is available in paper or electronic form for public inspection, but not copying, during normal business hours, including in depository libraries designated under chapter 19 of title 44, United States Code.

(B) LIMITATION ON AVAILABILITY OF RISK MANAGEMENT PLANS IN ELECTRONIC FORM.—For the purposes of this paragraph, the Administrator may make risk management plans available in electronic form only if the electronic form does not provide an electronic means of ranking stationary sources based on off-site consequence analysis information.

(C) FEDERAL ASSISTANCE.—The Public Printer and the Attorney General shall assist the Administrator in carrying out this paragraph in order to ensure that the information provided to the depository libraries is adequately protected.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and to the Public Printer such sums as are necessary to carry out this paragraph, to remain available until expended.

(6) AVAILABILITY TO PUBLIC OF GENERAL INFORMATION IN ELECTRONIC FORM.—

(A) FROM THE ADMINISTRATOR.—After consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator may make off-site consequence analysis information available to the public in an electronic form that does not include information concerning the identity or the location of the stationary sources for which the information was submitted.

(B) FROM OTHER GOVERNMENT OFFICERS AND EMPLOYEES.—Except as provided in subparagraph (A), an officer or employee of the United States, or an officer or employee of a State or local government, shall not make off-site consequence analysis information available to the public in any form except as authorized by the Administrator.

(7) AUTHORITY OF STATES AND LOCAL GOVERNMENTS TO MAKE INFORMATION AVAILABLE.—Notwithstanding any provision of State or local law, and except as provided in subsection (d)(2), an officer or employee of a State or local government may make off-site consequence analysis information available only to the extent that an officer or employee of the United States would be permitted to make the information available, consistent with the guidance and any regulations promulgated under subsection (e), except that a State or local government officer or employee may make available only the information that concerns stationary sources located in the State in which the officer or employee serves.

(8) COLLECTION AND MAINTENANCE OF RECORDS OF PERSONS SEEKING ACCESS TO INFORMATION.—

(A) LIMITATION ON AUTHORITY OF THE ADMINISTRATOR.—

(i) IN GENERAL.—The Administrator may collect and maintain records that reflect the identity of individuals and other persons seeking access to information under this section only to the extent that the collection and maintenance is relevant to, and necessary to accomplish, a purpose of the Environmental Protection Agency that is required to be accomplished by statute or by executive order of the President.

(ii) APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Records collected under clause (i) shall be subject to section 552a of title 5, United States Code.

(B) LIMITATION ON AUTHORITY OF STATE OR LOCAL GOVERNMENTS.—An officer or employee of a State or local government may collect and maintain records that reflect the identity of individuals and other persons seeking access to information under this section only to the extent that the collection and maintenance is relevant to, and necessary to accomplish, a purpose of the employing agency that is required to be accomplished by State statute.

(9) CRIMINAL PENALTIES.—An officer or employee of the United States, or an officer or employee of a State or local government, who knowingly violates a restriction or prohibition established by this subsection shall be fined under section 3571 of title 18, United States Code, imprisoned not more than 1 year, or both.

(d) AVAILABILITY OF INFORMATION TO AND FROM AGENTS AND CONTRACTORS.—

(1) AVAILABILITY FROM UNITED STATES.—

(A) IN GENERAL.—An officer or employee of the United States may make off-site consequence analysis information available in any form to officers and employees of agents and contractors of the Federal Government for official use only.

(B) RESTRICTIONS AND PENALTIES.—For the purposes of this section, with respect to information made available under subparagraph (A), officers and employees of agents and contractors shall be considered to be officers and employees of the United States and shall be subject to the same restrictions and penalties as apply to officers and employees of the United States under this section.

(2) AVAILABILITY FROM STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—An officer or employee of a State or local government may make off-site consequence analysis information available in any form to officers and employees of agents and contractors of the State or local government for official use only.

(B) RESTRICTIONS AND PENALTIES.—For the purposes of this section, with respect to information made available under subparagraph (A), officers and employees of agents and contractors shall be considered to be officers and employees of the State or local government and shall be subject to the same restrictions and penalties as apply to officers and employees of the State or local government under this section.

(e) GUIDANCE AND REGULATIONS.—

(1) ISSUANCE OF GUIDANCE.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall issue guidance setting forth procedures and methods for making off-site consequence analysis information available to the public in a manner consistent with this section.

(B) CONSULTATION.—The Administrator shall consult with the heads of other appropriate Federal agencies in developing the guidance.

(C) REVISION OF GUIDANCE.—The Administrator may revise the guidance, as appropriate, in consultation with the heads of appropriate Federal agencies.

(D) JUDICIAL REVIEW.—Guidance issued under this paragraph, and any revision of the guidance, shall not be subject to judicial review.

(E) REGULATIONS IN LIEU OF GUIDANCE.—To the extent that the Administrator determines to be appropriate, the Administrator may promulgate regulations instead of issue guidance under this subsection.

(2) REGULATIONS.—

(A) IN GENERAL.—The Administrator may promulgate such regulations as are necessary to carry out the duties of the Administrator under this section.

(B) JUDICIAL REVIEW.—Regulations promulgated under this paragraph shall be subject to judicial review to the same extent and in the same manner as regulations promulgated under section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)).

(f) AUTHORITY TO ISSUE ORDERS.—The Administrator may exercise the authority provided under section 112(r)(9) of the Clean Air Act (42 U.S.C. 7412(r)(9)) to withhold, or prevent the release of, off-site consequence analysis information if the Administrator determines that release of the information may present an imminent and substantial endangerment to human health or welfare or the environment.

(g) DELEGATION.—To the extent that the Administrator determines to be appropriate, the Administrator may delegate the powers or duties of the Administrator under this section to any officer or employee of the Environmental Protection Agency.

(h) SITE SECURITY REVIEW AND PERIODIC RECOMMENDATIONS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Attorney General may review industry practices regarding site security and the effectiveness of this section.

(2) CONDITIONS OF REVIEW.—A review under paragraph (1)—

(A) shall use, to the maximum extent practicable, data available as of the date of the review; and

(B) shall be conducted in consultation with appropriate governmental agencies, affected industries, and the public.

(3) RECOMMENDATIONS.—The Attorney General may periodically submit to Congress recommendations relating to the enhancement of site security practices and the need for continued implementation or modification of this section.

AMENDMENT NO. 735

(Purpose: To provide for controlled public access to off-site consequence analysis information)

Mr. GRASSLEY. Mr. President, I understand that Senator CHAFEE has an amendment at the desk, and I ask for the consideration of that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. CHAFEE, proposes an amendment numbered 735 to the reported committee amendment.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, I rise in support of the managers' amendment to S. 880, the Fuels Regulatory Relief Act. S. 880 was voted out of the Senate Environmental and Public Works Committee on May 11. The risk management program, RMP, created by Section 112(r) of the Clean Air Act, was designed to focus companies and emergency response personnel on reducing the change of an accidental chemical release and on improving the response to releases when they happen. The RMP was partly a reaction to the Bhopal, India chemical disaster and is part of a larger set of programs designed to reduce the likelihood of future accidental releases. In its regulation, EPA included propane and some other fuels in the program. This was seen as a problem because the RMP was not intended to address traditional fuel use. Senator INHOFE introduced S. 880 to relieve propane users from participation in the RMP.

During markup of S. 880, the Environment and Public Works Committee adopted an administration proposal to address public access to a part of a facility's risk management plan, known as off-site consequence analysis. The

EPA had intended to release this information on its website, until the FBI raised concerns that posting this information on the Internet would provide an attractive targeting tool for terrorists and criminals. The administration's proposal, which the managers' amendment would modify, attempted to balance the benefits of public access to this information with the legitimate safety concerns raised by its public availability.

At the May 11 business meeting, members of the Environment and Public Works Committee raised some concerns about the administration's proposal. We had received the proposal little more than a day before the markup. Since then, committee staff from both sides of the aisle have worked diligently to resolve the difference and crafted a compromise that I believe improves upon the administration proposal. This amendment ensures that state and local emergency response officials have immediate and full access to this information. A greater measure of public access will be established within one year through a public notice and comment rulemaking.

There are two important differences between this amendment and the administration's proposal that the Environment and Public Works Committee adopted. First, this amendment requires a rulemaking process, with public notice and comment, in the final determination of the extent of public access. Second, the exemption from FOIA is only temporary, rather than the permanent exemption proposed by the administration. In this amendment, the FOIA exemption is waived unless the rule is finalized within one year. The entire provision, including the FOIA exemption, expires after six years. If it is appropriate at that time, Congress could reauthorize the FOIA exemption.

Both the managers' amendment and the administration language attempt to address the safety concerns raised by the availability of a national database of worst-case chemical accident information. To that end, the language in this bill will preempt State and local law regarding public access to government information. It makes little sense for us to limit public access at the federal level but not at the State level. As a former Governor, I believe the federal government must use the greatest restraint in exercising a preemption of State law. With that in mind, the managers' amendment makes clear that the preemption only applies to that information collected by the federal government. In other words, if a State were to require the submission of similar—or even identical—information about chemical releases, no federal restrictions would apply to its distribution.

I believe most companies will want to work with community leaders and emergency response personnel to reduce the risks associated with their facility. This amendment includes several tools to assist in the process of reducing risks. First, this amendment ensures that emergency response personnel get full and immediate access to this information. Second, the regulation will allow access to a limited number of copies for any member of the public so each of us can have the information about facilities in our community. Third, this amendment will allow access to a national database of this information that does not identify the facilities. This will allow people to compare their local facility with others around the country.

Finally, this amendment directs the administrator to create an information technology system that allows public access to off-site consequence analysis information on a read-only basis. This database would be centrally controlled by the federal government, much like the system the FBI uses to do background checks. Terminals to access the database could be placed in libraries and government offices around the nation where users could assess the information for research purposes, but not make copies of the information.

This product is not perfect, everyone had to make concessions in order to reach agreement, but what we have is a product that strikes an appropriate balance between public access to this information and the safety concerns raised by posting it on the Internet. I want to thank Senator INHOFE and Senator BAUCUS for their efforts to achieve a reasonable and speedy solution acceptable to all parties.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 735) was agreed to.

Mr. GRASSLEY. I ask unanimous consent that the committee amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

Mr. BAUCUS. Mr. President, the Fuels Regulatory Relief Act is a good measure. It has two major pieces. The first exempts flammable substances used as fuels, including propane, from the regulatory requirements of the Clean Air Act's risk management program. The second is the matter of public access to worst case scenario data.

The committee and all of Congress has heard the concerns of propane users and distributors. I have met with propane distributors from Montana on this subject. They feel that the burden imposed by the EPA's risk management program is costly and provides little public health protection. They have achieved some relief in court, but prefer, and this bill provides, a clearer statement of Congress' intent.

In the Clean Air Act Amendments of 1990, Congress directed EPA to compile a list of at least 100 substances that "pose the greatest risk of causing death, injury, or serious adverse effects to human health or the environment from accidental releases." EPA was to consider the severity of acute health effects, the likelihood of releases, and the potential magnitude of exposure associated with accidental releases of a substance before putting it on the list.

I was a member of the conference committee on that bill. And, I believe that Congress did not intend that propane or flammables used as fuels would pass those tests and be listed. Congress was focused on preventing major toxic catastrophes, such as occurred in Bhopal, India, not the type of accidents that are covered by existing Federal or State fire safety or transportation laws. Because it was not Congress' intent that they be added, I am supporting removing them from the list.

As I mentioned during the committee's markup of S. 880, I wanted to be responsive to concerns of the firefighters and fire chiefs. They had hoped to get information on flammables used as fuels as part of the risk management program. But, as we discussed the matter further, it became clearer that their interests would be best served by the comprehensive GAO study we have placed in the bill on their information needs and the ability of Federal and State laws and programs to help them do their jobs.

The bill also directs the GAO to do an additional study on the status of changes to the National Fire Protection Association Code for propane (NFPA 58). This voluntary industry standard was often cited by members of the propane industry as sufficiently protective of the public so that no additional regulations were necessary. The GAO will report back on changes to NFPA 58 that will hopefully provide at least the same level of public benefit as would have been provided by the listing of propane under the RMP requirements. I look forward to seeing progress on NFPA 58 that is responsive to the fire fighting community.

I am pleased to note that we have been able to come to an agreement on a managers' amendment which is a substitute for section 4 of the reported version of S. 880. That was largely the Administration's proposal for providing appropriate public access to the sensitive parts of the risk management plans. Our amendment will help the administration continue implementing the accident prevention provisions of the Clean Air Act in a sensible way. The amendment balances the public's right to know information about extremely hazardous substances with the need to place some limits on access to that information to prevent terrorists and other criminals from misusing it.

Section 4 is a response to a potential threat identified by the administration and industry. The Federal Bureau of Investigation (FBI) has testified before the Committee about its concerns that Internet posting of parts of the risk management plans (RMPs) required under section 112(r) of the Clean Air Act could increase the threat of criminal or terrorist actions. The FBI is particularly concerned about the possible use of off-site consequence or worst case scenario information in the RMPs by terrorists to rank targets and maximize harm to the public. That section of the Act was created to help prevent incidents like the one in Bhopal, India, where 3,000 people died and 200,000 were injured due to a chemical plant disaster.

I thank Senators LAUTENBERG, CHAFEE, INHOFE and representatives of the Administration for their work in developing the managers' amendment and moving this process along. It represents a real bipartisan team effort. Senator LAUTENBERG and his staff were particularly helpful in achieving a balanced agreement on the risk management plan portions of the amendment.

In early May, the administration sent up a legislative proposal to create a more secure system for handling sensitive RMP information. The administration's hope was that Congress would act before June 21, 1999, because that is the statutory deadline under the Clean Air Act for significant users of extremely hazardous substances to submit their RMP information to EPA. The act directs EPA to make that information available to local emergency responders, the States and the public. Unless this bill or similar legislation is passed soon, with a retroactivity clause included, the Administration cannot limit public access to this sensitive information and would not be able to prevent it from getting on the Internet. The Freedom of Information Act, FOIA, requires this kind of information be made available to the public, since it is not classified or considered confidential business information. The RMP information is a truly new category of government information.

The committee approved the administration's proposal on May 11, 1999, with the understanding that changes would have to be made before it would be ready for the full Senate's consideration. Fundamentally, this managers' amendment is similar to the Administration proposal. They both establish a system for accessing RMP information which is separate and distinct from the usual FOIA process. However, the approach in the managers' amendment provides a one-year exemption from FOIA while regulations are developed to govern the handling of and access to worst-case scenario information. This rulemaking period is a recognition of the need to air the many issues rising from the creation of this new information access system. Concerns about it have been raised by the public, the States' Attorneys General, first responders, librarians and environmental groups, since the Administration proposal was approved.

To encourage an expedited rulemaking process, the FOIA exemption would be lifted if the rule is not completed within one year. In any event, the FOIA exemption would be lifted six years after enactment. This deadline ensures that Congress revisits and oversees the matter and is in keeping with the probable obsolescence of any information technology developed to satisfy the security concerns of the FBI and the public access concerns of the EPA.

State and local government personnel and affiliated individuals who need the worst case information for the official use of detecting, preventing, and responding to chemical facility accidents and their off-site consequences would be assured of getting it during the rulemaking period and after the rule is issued. However, to limit the chances that this information could get on the Internet, these people would be required to exercise great care in their use and distribution of it. The same restrictions would be placed on qualified researchers. Guidance will be issued by EPA, as part of the rulemaking, describing the official uses of the sensitive RMP information.

The amendment establishes penalties for those who knowingly or willfully violate the restrictions on the dissemination of the sensitive parts of the RMP. There would be a two-tiered approach. People who knowingly misuse the information could be fined up to $5,000 for each infraction. People who violate willfully, meaning that they know what the law or regulations prohibit and proceed anyway regardless of potential consequences, could face fines up to $1 million per calendar year.

The Clean Air Act's risk management program was created by Congress to help prevent chemical accidents that can harm our communities. People living near chemical plants do not care whether an accident occurs because of operator negligence or criminal activity. They want to feel and be secure from such threats. That is why we are taking this step today. We want to reduce the opportunity that Internet dissemination of worst case scenario information could be used by criminals to cause terror or destruction. We have even included an emphasis on preventing criminal releases of extremely hazardous substances, to make it clear that these should be an important focus of the accidental release prevention program.

But, we also want to preserve the important incentive created by public knowledge about chemical accidents and their consequences. That knowledge encourages manufacturers to improve the efficiency of their processes and plant safety. That is why we have provided the maximum possible public access to RMP information in this amendment and the Clean Air Act.

The right-to-know effect has been very successful in reducing overall toxic emissions to air, water and land. Knowing more about the off-site consequences of these substances should encourage companies to build safer facilities and look for alternative manufacturing methods. After all, it is part of the general duty under section 112(r) for owners and operators of chemical plants "to design and maintain a safe facility taking such steps as are necessary to prevent [accidental] releases." Clearly, measures which entirely eliminate the presence of potential hazards, through substitution of less harmful substances or by minimizing the quantity of an extremely hazardous substance, as opposed to those which merely provide additional containment, are the most preferred and would be most effective in reducing the risk of accidental releases. The amendment specifically authorizes EPA and the Department of Justice to help owners and operators develop voluntary industry standards to carry out the various objectives of the general duty clause.

Mr. President, we are prepared for final passage. I urge my colleagues to support the measure, and I hope the House will take up this matter and send it quickly to the President.

Mr. INHOFE. Mr. President, after many weeks of intensive negotiations, I am pleased the members of the Environment and Public Works Committee and the administration were able to come to an agreement on S. 880, the Fuels Regulatory Relief Act. I take this opportunity to clarify certain points of this important legislation.

One item that is of particular concern is the possibility for circumvention by covered persons. New subparagraph (H)(xii)(II) states that it "does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan." My concern is that this provision would seem to allow a government official in possession of this information to alter it in some minor, trivial way—like white out the words "Risk Management Plan" at the top of the page—and then distribute it with complete impunity. That possibility would obviously undermine the entire purpose of the legislation.

The purpose of this part of the bill is simply to clarify that covered persons can talk generally to the public about off-site consequence information—so that they can prepare documents that discuss the overall effect of OCAs in a particular state or locality, or so that they can prepare summaries like the executive summaries of risk management plans. But this provision would not allow them to release OCA information about a particular facility, or in a way that would tend to identify a particular facility, except to the extent allowed by the regulations envisioned in the bill, or in the event that the one-year moratorium expired without any regulations having been promulgated. The only exception would be where the covered person came into possession of information that could be described as "off-site consequence information," but which was generated by some totally different process than the Risk Management Program.

I am also troubled about the provision entitled "Effect on State or Local Law." On the one hand, subparagraph (H)(x)(I) states that the bill, and the regulations under it, shall supersede any inconsistent provision of state or local law. But on the other hand, that preemption is "subject to" subparagraph (H)(x)(II), which says "nothing in [the bill] precludes a State from making available off-site consequence analysis information collected in accordance with State law."

The issue of preemption of State laws is always a concern of mine, and I believe this legislation provides the proper balance of necessary protection of information and the guidance for States to follow. The bill prevents States from disseminating any information that they receive from a facility directly, or indirectly from any other person, that was generated in the course of complying with Clean Air Act section 112(r)(7). The only way a State can disseminate such information is pursuant to the regulations called for by the bill, or if the moratorium created by the bill expires without any regulations having been promulgated.

In plain language, what paragraph (H)(x)(II) does is say that where a State enacts its own, completely free-standing statute that calls for the independent collection of information that fits the definition of "offsite consequence analysis information," then the State is allowed to release that information in accordance with State law. So far as I am aware, no such State law currently exists. Obviously, I would hope that before a State enacted such a law, it would carefully consider the reasons that have led us to entertain this legislation today; the need to keep such sensitive information from being put on the Internet or otherwise made widely available without adequate assessment of the security risks created thereby.

Many responsible companies regulated by the RMP program realized a long time ago that they needed to reach out and engage their local communities about the possible offsite consequences of releases from their facilities. Many companies started this dialogue process years ago, and many more are engaged in it right now. Clearly this sort of voluntary outreach is precisely the sort of behavior that we want to encourage, not discourage. I am worried about subparagraph (H)(v)(III), which says that where a facility "makes off-site consequence analysis information relating to that stationary source available to the public without restriction," the prohibitions and sanctions created by the bill would no longer apply. I'm concerned that this provision will lead facilities to be very hesitant to reveal any information about offsite consequences, for fear that they will thereby be authorizing government agencies to put their OCA data on the Internet.

Under the legislation, "offsite consequence analysis information" is a defined term which is defined as "those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases . . . ." So before a facility would lose the protections provided by this bill, it would have to release its risk management plan, or at least the OCA portion of that plan, and do so without any restrictions whatsoever. They would be free to summarize or repackage the information in a different form without triggering the provision in question. I think this creates a real bright-line test that should give facilities the kind of assurance they need to allow them to continue doing the sort of outreach I also want to encourage.

Section (H)(ii) of the amendment requires, first, that the President assess the risks associated with posting off-site consequence analyses on the Internet, and second, based on that assessment, to regulate in a manner that minimizes the likelihood of both accidental and criminal releases from covered facilities. At a minimum, these regulations should accomplish the following goals in providing access to off-site-consequence information:

Minimize the likelihood of accidental and criminal releases;

Allow limited access to paper copies of the analyses;

Allow other public access as appropriate; and

Provide access for official uses.

I note that the "other public access" contemplated under this provision relates to the availability of summaries or other discussions of off-site consequence analyses that do not identify the specific facility or location, and to mechanisms such as "read-only" approaches that preclude copying. Further, for the access by officials in contiguous states or localities indicated in (H)(ii)(II)(cc)-(ee), the intention is to provide official access to off-site consequence analyses in cases where the affected facilities have worst-case scenarios that impact the contiguous state or locality.

Mr. PRESIDENT, I thank the distinguished chairman, Senator CHAFEE, for his guidance and also the tremendous cooperation by the ranking member, Senator BAUCUS. Their work has ensured the passage of this important legislation. I yield the floor.

EXEMPTED SUBSTANCES

Mr. INHOFE. Mr. President, I rise to make a few remarks about S. 880, the Fuels Regulatory Relief Act. This bill is designed to address the listing of certain flammable fuels under section 112(r)(3) of the Clean Air Act. The Committee determined that propane and flammables used as fuels should not be listed as a regulated or extremely hazardous substances because they do not comport with the Act's criteria for such listing. However, the National Association of Fire Fighters are concerned that removing these substances from Federal regulation under section 112(r) of the act will limit information regarding these fuels that would have been available to the public through the Risk Management Plans, RMP required by EPA's final rule implementing that section.

Mr. BAUCUS. Mr. President, I want to thank my colleague from Oklahoma for his work on this piece of legislation. I think it is responsive to the concerns that we heard from the fire fighters and the other first responders. They are concerned about losing access to information that would have been included in RMPs for those substances exempted by this bill. The RMP information was intended by Congress to aid emergency responders and communities in the prevention of loss of life and property that might occur due to accidental releases of hazardous substances. The component of the RMPs of greatest interest to the emergency responders is the hazard assessment required by section 112(r)(7)(B)(ii)(I).

Mr. INHOFE. I also thank my colleague from Montana for his work on this bill. We are very aware of the dangers fire fighters and other emergency response personnel face every day protecting the lives of our people and we want to provide them with the information they need to handle threats posed by extremely hazardous substances. Nonetheless, the substances generally addressed by S. 880, section 3, do not warrant coverage by a Clean Air Act requirement to submit RMPs. A voluntary, non-regulatory approach, such as the voluntary standards of the National Fire Protection Association for Liquified Petroleum Gas (NFPA 58), can better supply the information needed by fire fighters to protect their and the public's health and welfare.

Mr. BAUCUS. I agree with my colleague, but NFPA 58 does not currently require the development of hazard assessment or off-site consequence analysis information. NFPA 58 also does not make specific provision for communicating or sharing this information with local emergency response authorities or personnel. Another problem with the NFPA Code is that state fire protection codes laws refer to NFPA 58 as of a certain date. Therefore, when the Code is updated, state laws do not automatically reflect subsequent changes to it.

Mr. INHOFE. That is true. There are two reports included in this legislation designed to address those specific problems. The first report will examine the status of amendments to NFPA 58 that will provide to local emergency response personnel information concerning the off-site effects of accidental releases of those substances exempted from listing by section 3 of this legislation. We strongly encourage all the parties involved in this NFPA amendment process to work together in good faith and in a timely manner. The second report is designed to examine the sufficiency of the information local emergency response personnel receive to help them respond to chemical accidents. Specifically, the report will address the level of compliance with all federal and state requirements for submission of this information to emergency response personnel. Also, the report will examine the adequacy of the methods for delivering this information to emergency response personnel.

Mr. BAUCUS. I believe these reports will be of great help to firefighters and other emergency responders in looking at the adequacy of the information they need and get to do their jobs well. If the reports come back showing that the Federal government has not done its share to make their job of protecting the public easier, then this committee and others should take quick action to address any gaps in the system.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 880), as amended, was read the third time and passed, as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuels Regulatory Relief Act".

SEC. 2. FINDINGS.

Congress finds that, because of their low toxicity and because they are regulated sufficiently under other programs, flammable fuels, such as propane, should not be included on the list of substances subject to the risk management plan program under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

SEC. 3. REMOVAL OF FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.

Section 112(r)(4) of the Clean Air Act (42 U.S.C. 7412(r)(4)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking "Administrator shall consider each of the following criteria—" and inserting the following: "Administrator—

"(A) shall consider—";

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse heath effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion.".

SEC. 4. PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.

(a) IN GENERAL.—Section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)) is amended by adding at the end the following:

"(H) PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) COVERED PERSON.—The term 'covered person' means—

"(aa) an officer or employee of the United States;

"(bb) an officer or employee of an agent or contractor of the Federal Government;

"(cc) an officer or employee of a State or local government;

"(dd) an officer or employee of an agent or contractor of a State or local government;

"(ee) an individual affiliated with an entity that has been given, by a State or local government, responsibility for preventing, planning for, or responding to accidental releases and criminal releases;

"(ff) an officer or employee or an agent or contractor of an entity described in item (ee); and

"(gg) a qualified researcher under clause (vii).

"(II) CRIMINAL RELEASE.—The term 'criminal release' means an emission of a regulated substance into the ambient air from a stationary source that is caused, in whole or in part, by a criminal act.

"(III) OFFICIAL USE.—The term 'official use' means an action of a Federal, State, or local government agency or an entity referred to in subclause (I)(ee) intended to carry out a function relevant to preventing, planning for, or responding to accidental releases or criminal releases.

"(IV) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term 'off-site consequence analysis information' means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases, and any electronic data base created by the Administrator from those portions.

"(V) RISK MANAGEMENT PLAN.—The term 'risk management plan' means a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B).

"(ii) REGULATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—

"(I) assess—

"(aa) the increased risk of terrorist and other criminal activity associated with the posting of off-site consequence analysis information on the Internet; and

"(bb) the incentives created by public disclosure of off-site consequence analysis information for reduction in the risk of accidental releases and criminal releases; and

"(II) based on the assessment under subclause (I), promulgate regulations governing the distribution of off-site consequence analysis information in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and criminal releases and the likelihood of harm to public health and welfare, and—

"(aa) allows access by any member of the public to paper copies of off-site consequence analysis information for a limited number of stationary sources located anywhere in the United States;

"(bb) allows other public access to off-site consequence analysis information as appropriate;

"(cc) allows access for official use by a covered person described in any of items (cc) through (ff) of clause (i)(I) (referred to in this subclause as a 'State or local covered person') to off-site consequence analysis information relating to stationary sources located in the person's State;

"(dd) allows a State or local covered person to provide, for official use, off-site consequence analysis information relating to stationary sources located in the person's State to a State or local covered person in a contiguous State; and

"(ee) allows a State or local covered person to obtain for official use, by request to the Administrator, off-site consequence analysis information that is not available to the person under item (cc).

"(iii) AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

"(I) FIRST YEAR.—Off-site consequence analysis information, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, during the 1-year period beginning on the date of enactment of this subparagraph.

"(II) AFTER FIRST YEAR.—If the regulations under clause (ii) are promulgated on or before the end of the period described in subclause (I), off-site consequence analysis information covered by the regulations, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, after the end of that period.

"(III) APPLICABILITY.—Subclauses (I) and (II) apply to off-site consequence analysis information submitted to the Administrator before, on, or after the date of enactment of this subparagraph.

"(iv) AVAILABILITY OF INFORMATION DURING TRANSITION PERIOD.—The Administrator shall make off-site consequence analysis information available to covered persons for official use in a manner that meets the requirements of items (cc) through (ee) of clause (ii)(II), and to the public in a form that does not make available any information concerning the identity or location of stationary sources, during the period—

"(I) beginning on the date of enactment of this subparagraph; and

"(II) ending on the earlier of the date of promulgation of the regulations under clause (ii) or the date that is 1 year after the date of enactment of this subparagraph.

"(v) PROHIBITION ON UNAUTHORIZED DISCLOSURE OF INFORMATION BY COVERED PERSONS.—

"(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, a covered person shall not disclose to the public off-site consequence analysis information in any form, or any statewide or national ranking of identified stationary sources derived from such information, except as authorized by this subparagraph (including the regulations promulgated under clause (ii)). After the end of the 1-year period beginning on the date of enactment of this subparagraph, if regulations have not been promulgated under clause (ii), the preceding sentence shall not apply.

"(II) CRIMINAL PENALTIES.—

"(aa) KNOWING VIOLATIONS.—A covered person that knowingly violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined not more than $5,000 for each unauthorized disclosure of off-site consequence analysis information. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. Section 3571 of title 18, United States Code, shall not apply to an offense under this item. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $100,000 for violations committed during any 1 calendar year.

"(bb) WILLFUL VIOLATIONS.—A covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined under section 3571 of title 18, United States Code, for each unauthorized disclosure of off-site consequence analysis information, but shall not be subject to imprisonment. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed $1,000,000 for violations committed during any 1 calendar year.

"(III) APPLICABILITY.—If the owner or operator of a stationary source makes off-site consequence analysis information relating to that stationary source available to the public without restriction—

"(aa) subclauses (I) and (II) shall not apply with respect to the information; and

"(bb) the owner or operator shall notify the Administrator of the public availability of the information.

"(IV) LIST.—The Administrator shall maintain and make publicly available a list of all stationary sources that have provided notification under subclause (III)(bb).

"(vi) GUIDANCE.—

"(I) ISSUANCE.—Not later than 60 days after the date of enactment of this subparagraph, the Administrator, after consultation with the Attorney General and the States, shall issue guidance that describes official uses of off-site consequence analysis information in a manner consistent with the restrictions in items (cc) through (ee) of clause (ii)(II).

"(II) RELATIONSHIP TO REGULATIONS.—The guidance describing official uses shall be modified, as appropriate, consistent with the regulations promulgated under clause (ii).

"(III) DISTRIBUTION.—The Administrator shall transmit a copy of the guidance describing official uses to—

"(aa) each covered person to which off-site consequence analysis information is made available under clause (iv); and

"(bb) each covered person to which off-site consequence analysis information is made available for an official use under the regulations promulgated under clause (ii).

"(vii) QUALIFIED RESEARCHERS.—

"(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator, in consultation with the Attorney General, shall develop and implement a system for providing off-site consequence analysis information, including facility identification, to any qualified researcher, including a qualified researcher from industry or any public interest group.

"(II) LIMITATION ON DISSEMINATION.—The system shall not allow the researcher to disseminate, or make available on the Internet, the off-site consequence analysis information, or any portion of the off-site consequence analysis information, received under this clause.

"(viii) READ-ONLY INFORMATION TECHNOLOGY SYSTEM.—In consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator shall establish an information technology system that provides for the availability to the public of off-site consequence analysis information by means of a central data base under the control of the Federal Government that contains information that users may read, but that provides no means by which an electronic or mechanical copy of the information may be made.

"(ix) VOLUNTARY INDUSTRY ACCIDENT PREVENTION STANDARDS.—The Environmental Protection Agency, the Department of Justice, and other appropriate agencies may provide technical assistance to owners and operators of stationary sources and participate in the development of voluntary industry standards that will help achieve the objectives set forth in paragraph (1).

"(x) EFFECT ON STATE OR LOCAL LAW.—

"(I) IN GENERAL.—Subject to subclause (II), this subparagraph (including the regulations promulgated under this subparagraph) shall supersede any provision of State or local law that is inconsistent with this subparagraph (including the regulations).

"(II) AVAILABILITY OF INFORMATION UNDER STATE LAW.—Nothing in this subparagraph precludes a State from making available data on the off-site consequences of chemical releases collected in accordance with State law.

"(xi) REPORT ON ACHIEVEMENT OF OBJECTIVES.—

"(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress a report that describes the extent to which the regulations promulgated under this paragraph have resulted in actions, including the design and maintenance of safe facilities, that are effective in detecting, preventing, and minimizing the consequences of releases of regulated substances that may be caused by criminal activity.

"(II) INTERIM REPORT.—Not later than 270 days after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress an interim report that includes, at a minimum—

"(aa) the preliminary findings under subclause (I);

"(bb) the methods used to develop those findings; and

"(cc) an explanation of the activities expected to occur that could cause the findings of the report under subclause (I) to be different from the preliminary findings.

"(xii) SCOPE.—This subparagraph—

"(I) applies only to covered persons; and

"(II) does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan or an electronic data base created by the Administrator from off-site consequence analysis information.

"(xiii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Attorney General such sums as are necessary to carry out this subparagraph (including the regulations promulgated under clause (ii)), to remain available until expended.".

(b) REPORTS.—

(1) DEFINITION OF ACCIDENTAL RELEASE.—In this subsection, the term "accidental release" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) REPORT ON STATUS OF CERTAIN AMENDMENTS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the status of the development of amendments to the National Fire Protection Association Code for Liquefied Petroleum Gas that will result in the provision of information to local emergency response personnel concerning the off-site effects of accidental releases of substances exempted from listing under section 112(r)(4)(B) of the Clean Air Act (as added by section 3).

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) describes the level of compliance with Federal and State requirements relating to the submission to local emergency response personnel of information intended to help the local emergency response personnel respond to chemical accidents or related environmental or public health threats; and

(B) contains an analysis of the adequacy of the information required to be submitted and the efficacy of the methods for delivering the information to local emergency response personnel.

(c) TERMINATION OF AUTHORITY.—The authority provided by this section and the amendment made by this section terminates 6 years after the date of enactment of this Act.

ORDERS FOR THURSDAY, JUNE 24, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 24. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and immediately resume consideration of the agriculture appropriations bill. It is hoped that an agreement can be reached to consider agriculture-related amendments during Thursday's session of the Senate. All Senators can expect rollcall votes throughout the session tomorrow as the Senate works to make progress on the agriculture appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, June 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1999:

COMMODITY FUTURES TRADING COMMISSION

WILLIAM J. RANIER, OF NEW MEXICO, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE BROOKSLEY ELIZABETH BORN, RESIGNED.

WILLIAM J. RANIER, OF NEW MEXICO, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2004, VICE BROOKSLEY ELIZABETH BORN, RESIGNED.

DEPARTMENT OF LABOR

IRASEMA GARZA, OF MARYLAND, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE KAREN BETH NUSSBAUM, RESIGNED.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE MARIA ECHAVESTE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GEORGE D. LANNING, 1598
ANDREW W. SHATTUCK, 4053
RAYMOND L.G. TAIMANGLO, 1432
DAVID T. YOHMAN, 6357
GREGORY J. ZANETTI, 5277

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL K. ABATE, 8316
BRADFORD E. ABLESON, 3564
JOSEPH ACEVEDO, 5385
DON C.B. ALBIA, 5924
ANGELA M. ALSBERRY, 9952
JAMES K. AMSBERRY, 8594
CHARLES J. ANDERSON, 9974
NILS ANDERSON, 0004
JAMES M. ANDREANO, 0479
ROBERT E. ANDRES, 8076
DIANNE A. ARCHER, 5681
LUISITO J. AREVALO, 4489
THOMAS C. ARMEL, 3851
MICHAEL J. ARNOLD, 6305
MARIE A. AUBINKELLY, 7075
EUNICEA S. AUGUSTUS, 9381
VINCENT G. AUTH, 3436
GARY L. BAKER, 0096
M. K. BALDWIN, 8414
KATHRYN A. BALLANTYNE, 6315
MICHAEL J. BANGS, 8828
JEFFREY R. BAQUER, 5088
JAMES M. BARNARD, 8528
WILLIAM M. BARNETT, 1962
JOANN BASLER, 4168
DEBRA D. BASSETTMITCHELL, 4220
GREGORY M. BEAVERS, 7289
STEPHEN S. BELL, 8466
IOANA BETTIOS, 2495
JOSEPH E. BIRON, 2328
RONALD L. BLACK, 6299
GREGORY S. BLASCHKE, 7946
JEFFREY P. BLICE, 9067
PETER C. BONDY, 1783
DOUGLAS S. BORREBACH, 5119
SHIRLEY M. BOWENS, 6454
ERIC A. BOWER, 1287
WILLIAM S. BOWMAN, 1269
WILLIAM P. BRADLEY, 8510
KENNETH W. BRANCH, 0394
DOUGLAS F. BREWSTER, 9858
KENNETH J. BRINSKO, 5147
GARY A. BROADWELL, 8540
JOHN E. BROWN, 1728
WALTER M. BROWN, JR., 7222
JOHN P. BROWNING, 3154
JOSEPHINE BRUMIT, 4154
CRAIG E. BUCHMANN, 6524
ROBERT H. BUCKLEY, 2727
BONNIE A. BULACH, 3101
CARRIE L. BURGER, 3917
JOHN B. BURGESS, JR., 7636
TIMOTHY W. BURNS, 5641
BARBARA A. BURR, 3147
LOURDES E. BURTH, 6403
BARBARA K. BUTLER, 1302
ROBERTO J. CABASSA, 6382
DONALD B. CAMPBELL, JR., 7086
JOHN W. CAMUSO, 1867
PHILIP J. CANDREVA, 8670
JESUS V. CANTU, 7931
DOUGLAS N. CARBINE, 1889
JAMES L. CARUSO, 1663
ROBERT A. CARUSO, JR., 1378
DAVID W. CASH, 7528
DAVID CASTELLAN, 4894
GREGG A. CERVI, 1359
ROBERT J. CHAMBERLAIN, 8646
ALEXANDER C. CHAVEZ, 8445
ROBERT W. CHENIER, 3710
RUTH A. CHRISTOPHERSON, 9302
JEFFREY B. COLE, 2619
ROBERT W. COLE, JR., 6350
TIMOTHY P. COLLINS, 9494
JEFFREY A. CONWELL, 6209
KEVIN D. COOK, 1519
RICHARD D. COOK, 3908
MARK N. COPENHAVER, 8307
WILLIAM F. CORDS, 3863
JOSEPH P. COSTELLO, 1696
CLAUDE J. COUCOULES, 0075
JEFFREY J.S. COX, 5097
JUDITH A. COX, 3250
DARRYL K. CREASY, 9535
RICHARD E. CROMPTON, 3385
MIGUEL A. CUBANO, 1821
LATANYA D. DAVIDSONWILSON, 7225
DAVID A. DAVIES, 1971
BRENDA DAVIS, 1305
CHRISTIAN C. DECKER, 2477
THOMAS J. DELANEY, 2995
CAROLINE V. DELIZO, 1777
JOHNNY M. DENHAM, 4418
EDWARD D. DIGGES, 3959
ANNE M. DIGGS, 2335
SUSAN E. DIONNE, 8136
KAREN A. DIRENZO, 7618
JEFFREY D. DISNEY, 2883
HENRY V. DOBSON, JR., 5915
STEVEN W. DOLLASE, 0162
RONALD F. DOMMERMUTH II, 3564
CATHARINE H. DUGGAN, 2425
MITCHELL DUKOVICH, 7598
KENNETH C. EARHART, 0207
LEE G. EBERT, 7984
ELAINE C. EHRESMANN, 4693
JAMES K. ELLIS, 0414
HELENA G. ELY, 1842
ROBERT G. FAHEY, 0429
KAREN FALLON, 7862
DAVID P. FAULK, 4075
EDMOND F. FEEKS, 5080
MATTHEW S. FEELY, 0726
JAMES P. FLINT, 9855
DAVID W. FLOYD, 4478
KEVIN F. FLYNN, 6304
JERRY A. FORMISANO, JR., 2371
KIRK A. FOSTER, 9265
DAVID P. FOWLER, 4887
LINO L. FRAGOSO, 4888
LAFRANCIS D. FRANCIS, 1220
DAVID J. FRYAUFF, 2869
STEVEN M. GALESKI, 9207
EDDIE A. GARCIA, 5971
THERESA S. GEE, 4260
SUSAN M. GIANINO, 2631
PATRICK J. GIBBONS, 3528
ROBERT J. GIBBS, 9836
EDUARD GONZALEZ, 5005
VIDAL E. GONZALEZ, 2065
ROBERT A. GOODMAN, 0216
WALTER A. GRAUER, 0661
LINDA K. GREENE, 3669
JEFFREY S. GRIFFITH, 7581
STEVEN L. GRIFFITTS, 5732
SANGSOO J. GRZESIK, 4759
JASON E. GUEVARA, 5036
KEITH B. GUSTAFSON, 5694
PAUL HAMMER, 9512
MARK E. HAMMETT, 0483
JAMES W. HANSEN, 1133
STEFFANI H. HANSEN, 2540
JEFFREY M. HARDIN, 0349
ROBERT R. HARFORD, 9020
DAVID M. HARMATZ, 5012
DAVID W. HARRIS II, 5210
GAIL L. HATHAWAY, 2752
CYNTHIA L. HEINS, 0860
JOHN J. HEINZEL, 8065
DAVID H. HELLMAN, 9355
JOSEPH P. HENNESSY, 2031
ERIC HERBERT, 3000
RENE S. HERNANDEZ, 0907
JENNIFER S. HEROLD, 6696
CRAIG L. HERRICK, 6072
CYNTHIA J. HILL, 2663
DEBORAH L. HILL, 1100
BRUCE R. HILT, 9906
JAMES D. HOAG, 0919
SCOTT H. HOLDEN, JR., 1071
RAYMOND J. HOOD, 2725
DIANE L. HOOVER, 6310
JAMES H. HOOVER, 6221
JEFFREY C. HORTON, 9398
CYNTHIA W. IZUMIYA, 4155
JASON A. JACKSON, 1385
MOORE H. JAN, 3058
CARLOS V. JARAMILLO, 9483
JANET R. JENISTA, 4999
CHRISTOPHER J. JENNINGS, 7007
EVAN K. JOHNSTON, 6570
DOUGLAS A. JONES, 7161
JAMES W. JOSLYN, 3141
MARK A. JUMPER, 6115
STEPHAN F. JUN, 5241
KEVIN T. KALANTA, 7552
MARY A. KASPRZAK, 1992
TIMOTHY R. KENNEDY, 4106
BRIAN G. KERR, 9642
SIDNEY J. KIM, 5744
THOMAS J. KIM, 8523
JOHN G. KING, 8596
KATHERINE KITSVANHEYNINGEN, 3029
CHRISTOPHER H. KIWUS, 2267
BARBARA A. KLUS, 4516
JOHN W. KNOWLES, 3702
BRADLEY S. KOCH, 4097
PETER E. KOPACZ, 5959
MARK P. LAMBRECHT, 5775
ALLEN H. LAMSON, 7208
FREDERICK J. LANDRO, 2892
JOHN J. LANDRY, 2039
MICHAEL W. LANGSTON, 4498
JAMES W. LANTRY, JR., 9710
TIMOTHY S. LANTZ, 2669
THERESA M. LAVOIE, 5774
RUSSELL S. LAWRY, 2468
BRYCE E. LEFEVER, 2221
JAMES C. LEIBOLD, 9209
LISA J. LEIBY, 2493
BETH E. LEINBERRY, 8044
DAVID LEONARD, 3344
THOMAS J. LEONARD, 3377
HERMAN G. LEONG, 9164
RUPERT F. LINDO, 1749
MICHAEL LIPSKI, 6779
EDWIN T. LONG, 5059
ARTURO A. LOPEZ, 5618
LOUISE A. LOY, 0127
WILLIAM H. LYNCH, 1697
JOHN F. LYNN, 0349
MARK R. MALEBRANCHE, 2288
KENNETH J. MAMOT, 6212
CHRISTOPHER J. MANN, 0917
CAMERON A. MANNING, 6995
EMILIO MARRERO, JR., 0067
SHARI E. MARSH, 9648
ROBERT W. MARSHALL, 0829
LESLIE D. MARTIN, 5968
TAMARA C. MARTIN, 0205
JEFFREY MARTINEZ, 8595
MICHAEL MATHIEU, 0109
CLIFFORD M. MAURER, 2705
NICHOLAS MAZZEO, 7671
JENNIFER B. MC COY, 3166
GEOFFREY MC CULLEN, 8119
SHARON M. MC DONALD, 1673
K NIEMANTSVERDRIET MC DONALD, 6564
ROBERT J. MC GARRITY, 1772
JOHN R. MC KONE II, 2458
NEAL P. MC MAHON, 6019
MICHAEL B. MC PEAK, 4510
LISA K. MC WHORTER, 6456
GRETCHEN A. MEYER, 2532
CARY H. MEYERS, 9176
KATHLEEN A. MICHEL, 4646
JOHN F. MILLER, 7918
JACK Q. MILLS, 3296
KURT S. MILSON, 1418
Y. D. C. O. E. MINOSO, 6156
JOHN D. MITCHELL, 9322
PAUL MITCHELL, 9918
STEVEN W. MOLL, 8273
KENNETH R. MONTGOMERY, 0050
RANDALL W. MOORE, 0069
THOMAS K. MOORE, 7124
ANDREW S. MORGAN, 7541
TIMOTHY M. MORGAN, 0696
DAVID K. MORRIS, 3804
ALAN L. MORRISON, 1417
BRET J. MUILENBURG, 8508
DREW K. MULLIN, 1139
ROBERT J. MULVANNY, 2144
CRAIG M. NEITZKE, 1156
YVES NEPOMUCENO, 2561
LINDA K. NESBIT, 8565
AN B. NGUYEN, 9670
PAUL F. NICHOLS, 9638
DAYNE E. NIX, 2311
CURTIS OLLAYOS, 7470
RONALD L. OLSON, 8642
EDGAR P. O'NEILL, 4659
DENNIS P. O'REAR, 8475
KENNETH J. O'ROURKE, 4036
WILLIAM A. OSTER, 0366
DEAN A. PAGE, 2637
ROSEMARIE J. PARADIS, 7800
ANDREW PARSONS, 5766
JOSEPH PASTERNAK, 8459
PHILIP W. PERDUE, 2017
WILLIAM G. PERDUE, JR., 1815
BEN P. PERSINGER, 3131
JANICE M. PETERSEN, 2749
ALAN F. PHILIPPI, 9939
TRAVIS M. PHILLIPS, JR., 1477
JAMES T. PIBURN, 3117
CYNTHIA B. PICCIRILLI, 6049
GREGORY R. PORTER, 1397
MARK S. POSVISTAK, 5904
REBECCA J. POWERS, 6610
GEORGE A. PREGEL, 7432
DAVID E. PRICE, 2976
DAVID A. PRY, 9358
FRANK A. PUGLIESE, 1196
MICHAEL C. PUNTENNEY, 7876
TERENCE S. PURCELL, 9405
DWIGHT L. PURVIS, 0333
MELISSA QUINONES, 5672
ALFREDO E. RACKAUSKAS, 3793
LISA H. RAIMONDO, 2520
HARVEY E. RANARD, JR., 2526
DAVID RANDALL, 3056
DOMINICK A. RASCONA, 5189
MITCHELL J. READING, 6240
KEVIN J. REED, 8342
SCOTT R. REICHARD, 0277
GINGER B. RICE, 9312
JOHN D. RICE, 7809
JAMES V. RITCHIE, 1603
KENNETH J. RODES, 4892
PAUL M. ROSE, 7316
DEREK K. ROSS, 8225
ANTHONY M. ROWEDDER, 3600
LISA M. ROYBAL, 3729
RENDELL R. ROZIER, 8602
GIACINTO F. RUBINO, 7254
DANIEL J. RYAN, 5943
MORGAN T. SAMMONS, 6299
GUY R. SANCHEZ, 8121
SUSANNE M. SANDERS, 1128
PATRICK A. SANDERSON, 9671
ADAM R. SAPERSTON, 2202
WALTER SAWHER III, 7277
THOMAS J. SAWYER, 8629
EILEEN SCANLAN, 0827
STEVEN R. SCHARPNICK, 0882
DAVID A. SCHAUER, 7430
ROBERT M. SCHLEGEL, 4526
MARK A. SCHMETZ, 7449
PHILIP SCHOENFELD, 0958
JAMES M. SCHOFIELD, 8830
RICHARD L. SCHROFF, 0220
STEPHEN R. SHAPRO, 2799
STERLING S. SHERMAN, 7133
ALEXANDER SHIN, 4996
ROBERT SIMPSON, 9854
EUGENE F. SMALLWOOD, JR., 6122
CHARLOTTE D. SMITH, 9955
DANIEL J. SMITH, 7944
DAVID P. SMITH, JR., 0558
BRIAN D. SMULLEN, 8114
KELLY R. SNOOK, 7622
KEITH E. SONNIER, 2641
TIMOTHY C. SORRELLS, 1817
JOHN S. SPICER, 3555
DONNA J. STAFFORD, 7276
MARK E. STANLEY, 5468
ROSS R.P. STEVENS, 5998
MARK A. STILES, 2679
BRUCE A. STINNETT, 9167
MARK E. STMORITZ, 7158
PHILIP M. STOLL, 3387
BRUCE R. STRICKLAND, 7456
GREGORY F. STROH, 3903
RITA M. SULLIVAN, 7882
KATHRYN A. SUMMERS, 7607
FAY Y. SUNADA, 7380
MARK V. SUTHERLAND, 8125
ELIZABETH A. SWATZELL, 5195
SUSAN L. SWINEHART, 9916
JAMES H. TARVER, 0296
GEORGE E. TAYLOR II, 0539
STEPHEN D. TELA, 5671
PAUL D. THAYER, 5103
ROBERT W. THERRIAULT, 9576
GLENN F. THIBAULT, 0869
MICHAEL A. THOMPSON, 1354
SCOTT R. THON, 6770
JEFFREY W. TIMBY, 9263
DAVID I. TINDLE, 8700
LEE P. TOCCHI, 8164
CARLA G. TOLBERT, 2077
SANDRA S. TOMITA, 9492
GEORGE L. TRASK, 5304
CATHERINE E. TURNER, 6984
EDWIN D. TURNER, 0715
ANN M. UETZ, 9657
WILLIAM J. UPHAM, 2316
CHRISTIAN E. VALLE, 8860
GENE A. VANDERVORT, 4330
KARL F. VANORDEN, 6521
HENRY B. VILLAREAL, 0799
ROBERT C. VOGLER, JR., 0865
MICHAEL R. WAGNER, 2916
MICHAEL H. WALLNER, 9211
BRIAN D. WATKINS, 3965
DAVID M. WATT, 8295
BRYAN J. WEAVER, 6307
DAVID K. WEIL, 0350
DENTON D. WEISS, 5437
WILLIAM H. WELLMAN, 8003
BRIAN L. WENGER, 4523
DANIEL G. WHALEN, 0194
ROBERT C. WHEATLEY, 2623
THOMAS J. WHEATON, 3007
CHARLES K. WILSON, 8463
SHARON K. WINKLERPEISER, 7908
JEFFERY S. WOLFE, 9919
MICHAEL J. WOLFGANG, 5674
CLIFTON WOODFORD, 6695
SUSAN W. WOOLSEY, 5756
DAVID G. WRIGHT, 8828
PAUL R. WRIGLEY, 9105
ELLIOTT C. YODER, 0840
THOMAS R. YOUNG, 9053
JOSEPH B. YUDISKI, JR., 1966
DARLENE V. ZECKSER, 4431
GREGG W. ZIEMKE, 5131

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

DAVID J. ABEL, 6154
JENNIFER A. ALRIDGE, 5809
CHRISTOPHER J. AMBS, 7512
CHARLES W. ANDERSON, 2702
RANDALL C. BAKER, 4943
THOMAS E. BLAKE, 8108
RICHARD A. BOWERS, 0924
JOHN W. BRADWAY, JR., 0761
TRACY G. BROOKS, 1287
RONALD J. BRUEMLEVE, JR., 0573
MICHAEL F. CAMPBELL, 6260
FRANK M. CHURCHILL, 9946
KYLE T. DEBOER, 6904
ROMEO DELOSSANTOSCOY, JR., 5214
LAFE B. ELLIOTT, 0940
KEITH E. ENYART, 8083
JEFFREY A. FULTZ, 0430
ROBERT D. GINGRAS, 3668
WILLIAM P. GORDON, 9022
PHILIP W. GRAHAM, 3063
CARLTON D. HAGANS, 5309
RONALD P. HEFLIN, 3839
JOHN E. HEIN, 2012
RICHARD A. HILL, 6010
CALVIN L. HYNES, 0898
EDWIN N. LLANTOS, 9714
ERIC R. MC BEE, 4956
JOHN M. MC KEON, 6366
BRET M. MC LAUGHLIN, 3391
CHARLES S. MORROW, JR., 2871
JUAN J. NAVARRO, JR., 9665
CHRISTOPHER RAMSEY, 9007
MANUEL RANGEL, JR., 2624
LOUANN RICKLEY, 6550
JEFFREY P. RUPPERT, 3143
MOSES P. SALDANA, JR., 5568
JERRY B. SCHMIDT, 3552
EDWARD L. SCOTT, JR., 6387
WILLIAM M. SIMONS, 3042
JOSEPH G. SINESE, 2603
STEVEN J. SKIRNICK, 8777
JEFFREY W. SMITH, 2859
PAUL J. SMITH, 3136
ROGER D. SMITH, 6245
MATTHEW E. SUTTON, 1710
TROY A. TYRE, 7338
DOUGLAS E. WEDDLE, 5774
RALPH L. WHIPKEY, JR., 5656
JOE S. WOLFE, 1284
WILLIAM E. WOODALL, JR., 5278
RAYMON ZAPATA, JR., 9757

HOUSE OF REPRESENTATIVES—Wednesday, June 23, 1999

The House met at 10 a.m.

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Of all the gifts that You so generously have given, O God, we are appreciative of the gift of friendship. For those who support us all the day long and for those whose kindness and concern help us meet the challenges of the day, we offer these words of thanksgiving and praise. May each of us learn to support each other with respect and appreciation, with trust and faith and with that bond of love that stands all the tests of time. May Your blessing, O God, be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minutes on each side this morning.

SUPPORT H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Washington Times has reported that the Clinton administration is planning to ban public use on 5 million acres of public land before the 2000 presidential election.

Now, why would this President deny Americans the right to use their public lands? Well, the Times says it is to woo environmentalists.

Do I need to remind the President that not just environmentalists but conservationists, bird hunters, bird watchers and other outdoor recreationists have all the rights to use that public land as well, and they all have the right to pull the lever on the voting booth.

To make matters worse, the President's own Cabinet is acknowledging the recklessness of this proposal. Secretary Bruce Babbitt is quoted as saying, "We have switched the rules of the game. We are not trying to do anything legislatively."

The implication is clear. If Congress does not pass the laws that the President wants passed, then he will make his own laws through regulation, executive orders and policy directives.

Therefore, I ask my colleagues to help stop this abuse of executive power, protect our constitutional rights as Members of Congress and support H.R. 1487, the National Monument NEPA Compliance Act.

PATIENTS' BILL OF RIGHTS

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, sadly, over 50 percent of Americans believe that with managed care the quality of health care has declined. They feel powerless and unprotected.

The solution? A Bill of Rights.

Our Nation's forefathers were concerned about the government becoming unresponsive to the will of the people, so they enacted citizen protections and guarantees. Today, managed care has become unresponsive to the will of our Nation's patients. Lack of access to medical care or prescription drugs, inability to determine when medical care is necessary, and inability to seek legal redress on medical decisions.

Enactment of a Patients' Bill of Rights is ripe. As lawmakers, it is our duty. Let us adopt our forefathers' insight, renew our citizens' sense of empowerment in their health care, and pass a Patients' Bill of Rights.

IRS TARGETS POOR SOUTHERNERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, every day there seems to be a new horror story coming out of the IRS. I sort of feel like David Letterman, because the stories I have to tell are so implausible, so hard to believe, that I should probably say, "I'm not making this up."

It turns out that poor Southerners are more likely than almost anyone else to be audited by the IRS. Why do you think this is? Well, of course, one reason is because, there is rampant abuse, truly massive abuse in the earned income tax credit program and the IRS is perfectly correct in going after tax cheats who are ripping off their fellow Americans.

The problem is that there is another reason why poor Southerners are being targeted. That reason is more sinister and it is a reason the IRS does not want to talk about.

The poor do not have the resources to defend themselves against an army of IRS lawyers.

So here we have the United States Government embarked on a deliberate policy to take advantage of the weak and vulnerable just struggling to get by, barely making it to the next payday.

I think that is wrong.

MANAGED CARE DISCHARGE PETITION

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, instead of addressing the crisis of health care in our Nation, we keep finding excuse after excuse to block progress on this issue.

Let us stop the delay. We have a road map for reforming HMO care, the Democratic Patients' Bill of Rights.

There is not a one of us who would choose an MBA over an M.D. when it comes to our family's medical health, but that is exactly what has happened to our health care system. We have taken the power away from those who know and care about saving lives and we have given it to people whose priority is simply making money.

It needs to change, and that change can begin today.

I ask every Member on both sides of the aisle to join me in signing this petition to make sure that the needs of America's families are not pushed aside yet again, and to make sure we fulfill our responsibility to working families and prevent them from worrying about whether their children will get the care they need and deserve for another year.

Let us stop the obstruction, let us sign the petition, and let us get to work.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KHRUSHCHEV'S SON WILL NOT VOTE DEMOCRATIC

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, last month the previous speaker suggested Congress raise taxes and lower our national defense. Last week, the head of the Democrat Congressional Campaign Committee said Democrats have written off rural America in the 2000 election. What could be next?

According to the Washington Post, Nikita Khrushchev's son, Sergei Khrushchev, becomes a United States citizen today after living in the United States for 8 years.

Now, before my Democrat friends celebrate another socialist joining their ranks, consider this. Mr. Khrushchev says, "I will not vote for Democrats. It is too dangerous now for the country."

At a time when even the children of Communists have rejected the Democrats as too dangerous, the American people are preparing another message for them in the 2000 election: "We will bury you."

MANAGED CARE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, some of us think the problem is that too many people across America are being buried, buried unnecessarily because they have been managed out of their managed health care.

We gather here today to sign a petition to discharge from a Republican committee stranglehold a bill of rights for health care consumers. We gather to discharge this vital legislation because the Republican leadership has failed to discharge its responsibilities to the American people.

For too many folks, managed health care just means being managed out of the care that they need. Under our bill, physicians will be able to provide the best quality health care available rather than having some clerk be rewarded for denying care with a bonus.

The Republican leadership has served the insurance industry very well in blocking this bill. We believe it is time to discharge it for floor action, time to serve America's health care consumers, not the insurance lobby and the HMOs that are denying Americans the quality of care and the rights that they deserve.

BATTLE BETWEEN CONGRESSIONAL LIBERALS AND REPUBLICAN PARTY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, there is a battle going on in this country, a fierce struggle between two opposing forces, each of enormous strength.

The battle is between the greedy hand of big government and the people. Individual liberty is at stake.

On one side stands the defenders of the greedy hand of big government, the liberals in Congress. On the other side stands the defenders of individual liberty, the Republican Party.

One side defends the greedy hand of big government at every turn, every day, on every bill, on every bureaucratic decision. The other side strains mightily to provide tax relief for working Americans and resists the siren call of the Washington politicians who claim that big government is the answer to all our problems.

Does anyone doubt the truth of this? If so, who on the other side will step forward and refute them? Who on the other side will denounce the greedy hand of big government and voice this support for individual liberty through tax relief and against the forces which erode our liberty with each passing day?

INTERNATIONAL TRADE LAW VIOLATIONS COST 10,000 STEELWORKER JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, over 10,000 steelworkers have lost their jobs because Japan, Russia, South Korea and China are violating international trade laws. And after all of that, the White House says, America will not violate international trade laws, and the White House has helped to kill the import steel quota bill.

Beam me up, Mr. Speaker. There is not one citizen of Japan, Russia, China or South Korea that voted for this White House crew. Nearly 99 percent of those steelworkers who lost their job voted for that White House crew.

I think it is time that Uncle Sam requires everybody to heed the law, but if they are going to break it, by God, we should impose strict import quotas.

I yield back any manufacturing jobs still left in our country.

TIME FOR A TAX CUT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, time and time again my liberal friends march down to the well of the House to rail against tax cuts for the rich. Ironically, their misleading rhetoric never includes a definition of what constitutes being rich. This is because many of the people they are talking about would be shocked to learn that big-spending politicians consider them rich.

Take, for example, a young married couple earning $72,000 a year. This couple falls into the top 10 percent of taxpaying households and would surely be branded as greedy and undeserving of any tax relief by the rhetorical rants coming from the left side of the aisle.

Mr. Speaker, this is demagoguery, it is disingenuous, and it is not true. I would hope it would come to an end. I implore my Democratic colleagues to stop their misleading tactics and join the Republican Party's majority effort to provide an across-the-board tax cut to every American who pays Federal income taxes.

MANAGED CARE REFORM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we stand here this morning, we know that we are in the greatest country in the world. We have been responsible for finding all kinds of interventions for our health care, and we enjoy the best skill and best knowledge in the world for health care.

Yet American people do not have access to that care, the care that they have paid for through their tax dollars for the research. And yet we beg now and plead with the HMOs and the managed care insurance to allow people to have access to just basic health care. They need access to just needed care. They do not want to be treated one-size-fits-all.

Whether you are 7 or 70 in this country under HMOs, if you have got a certain diagnosis, you all get treated the same. That does not address individual needs. Doctors need the freedom to practice the art and the science that they have learned and that they are capable of doing. They do not have that right under our present system. They are pushed out on the line and given instructions by the HMOs, and yet the HMOs do not even want to be responsible for what they tell the physicians to do.

It is time for change. The American people are calling for it.

□ 1015

FREEDOM FOR EDUCATION

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, the essence of America, as we all know, is freedom, but somehow, that does not apply to education. Because the door slams shut on so many parents across this country when they want to have the freedom to choose the best education possible for their children.

Too often, too many Federal dollars are wasted here in Washington and not enough spent back home in Staten Island and across this country where the parents and the teachers, the local communities know better how to spend their funds.

Well, the Republican Party recently is embarking on a path towards freedom when it comes to education, and that is to allow States the opportunity and local communities to spend the money as they see fit. Can anyone in this country acknowledge that the folks here in Washington are in a better position to spend the money on education than back home where they are? Where the parents and teachers and administrators are? I think not.

Mr. Speaker, let us support freedom for education. Let us support the opportunity to send Federal money back home across America, and not be wasted here in Washington.

MANAGED CARE REFORM

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, the gentleman from Colorado that said he would bury us as Democrats, I guess going on their experience, they buried managed care reform for 2 years, so they have that kind of experience.

Let me talk this morning about some ads that are in the Washington publications that talk about how the Dingell bill will be more expensive. Well, let me give my colleagues the Texas experience. We have had managed care reform in Texas for 2 years and the reason it is going to be more expensive is that they are going to have to start paying claims. They have lost half of the appeals process, so I would much rather have better than a flip-of-the-coin odds if I am going to managed care for health care.

Mr. Speaker, a 500 percentage may be great if one is a baseball player who will be making $10 million, but when one is deciding whether one is going to have adequate health care, I would rather have a better percentage than a flip of the coin. They are actually going to have to pay those claims.

We need a real patients' bill of rights that has everything in it: accountability, access to specialists, a real appeals process, and no gag rules and medical necessity. That is why I do not think they are going to have the experience in burying this bill any more.

PHARMACEUTICAL BENEFITS FOR MEDICARE PATIENTS

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, I am a physician. Thirty years ago when I finished medical school, most of the patient's care was in-patient, and most of the pharmaceutical benefit was in-patient. Today, 25 percent of the cost of health care for Medicare patients is the pharmaceutical benefit. This is because most of health care for seniors and for everyone else is carried out on an outpatient basis today.

I feel that Medicare patients need some help with their pharmaceutical benefits. The truth is, two-thirds of Medicare patients already have a benefit. This two-thirds of the Medicare population does not need a pharmaceutical benefit. That leaves one-third who, in many cases, have high expenses for their pharmaceutical costs and desperately need some help with their Medicare benefits.

Medicare needs an integrated system with Medicare that will pay for these benefits. We have the best pharmaceutical industry in the world. We do not need to put them under the bureaucracy.

Mr. Speaker, this Republican supports a Medicare benefit for pharmaceuticals.

IMPROVING AMERICANS' ACCESS TO HEALTH CARE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, first it was campaign finance reform, then it was gun safety and school violence, now it is health care reform. There is an unfortunate pattern taking place here with the Republican leadership. On issue after issue, issues that are important to the people, the Republican leadership uses its power to stomp out real discussion.

Fortunately, we have an alternative, and that is the discharge petition, and we are signing it here today. Democrats have been waiting for 2 years to pass the Patients' Bill of Rights, and today we step forward to improve Americans' access to health care. Let us not be fooled by breaking last year's sham bill into eight pieces. The Republican leadership wants health care reform to be in small pieces. This will not sell. The American Medical Association says that the Republican package of bills falls short of the mark and it does not solve any of the problems of doctors and patients.

It is time to put doctors and their patients back in charge of health care reform.

FREE SOCIAL SECURITY LOCKBOX LEGISLATION

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, today is day number 63 of the latest hostage crisis. It is a hostage crisis that is not getting much attention in the mainstream media, but it has grave implications for current and future retirees nonetheless.

Since April 21 of this year, Democrats in the other body have blocked a Herger lockbox proposal, refusing to allow it to even come to a vote.

What is being held hostage is legislation to create a Social Security lockbox; in other words, legislation to create a safe deposit box that would put an end to the time-honored practice in Washington of raiding the Social Security Trust Fund whenever politicians want to expand government.

Republicans in the House of Representatives have passed Social Security lockbox legislation. We want to protect the Social Security Trust Fund from further raids. The other side is adamantly against it. Once we get into the habit of raiding a cookie jar, it is awfully tough to quit. It is time to end the hostage crisis and free the Social Security lockbox and protect seniors from more raids on the Social Security Trust Fund.

FEDERAL RESERVE SHOULD NOT RAISE INTEREST RATES

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, last week, the Chairman of the Federal Reserve Board appearing before the Joint Economic Committee hinted broadly that the Federal Reserve is about to raise short-term interest rates. It would be a serious mistake for them to do so.

When asked why it was necessary to raise interest rates at this time, the Federal Reserve Chairman was at a loss to give a good reason. The only reason he could point to was that unemployment was now at about 4 percent, and they felt that that was too low.

To raise interest rates now would choke off the kind of economic progress that we have been enjoying for the last several years; and, it would create a situation whereby people who are just now beginning to benefit from this economic circumstance would be deprived of the ability to do so.

Wages and benefits of the average working people are now just beginning to go up over the course of the last couple of years. The Federal Reserve would cut that off. People who have not been able to find a job up until now are working. The Federal Reserve would cut that off.

It is a mistake to raise short-term interest rates, and we need to make it clear to the Federal Reserve that they ought not do so.

NATIONAL IDENTIFICATION CARD BAD IDEA FOR AMERICA

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the American people strongly oppose the instituting of a national identification card. The authority was given for a national I.D. card in 1996. I have been working very hard to try to repeal this authority.

Today, we would have had an opportunity under the transportation bill to repeal this authority and to prevent a national I.D. card from coming into existence.

Unfortunately, that will not be permitted, due to the rule that is coming up for the transportation bill. I think this is a serious mistake. It is not just 30 or 40 or 50 percent of the American people who reject a national I.D., but almost all Americans reject this idea. I find it a shame that we are not able to vote on the repeal authority.

It was never intended that the Social Security number would be the universal, national identifier. It is given to a child at birth and one cannot even be buried without it. So the national I.D. card, when instituted, will be used for everything: To get on an airplane, to get a job, open up a bank account; whatever we want to do, we will have to show our papers.

This is un-American. It is something that we should not be doing, and unfortunately, we will not get to vote on it today.

DISCHARGE PETITION FOR HEALTH CARE REFORM

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I have introduced a discharge petition today, number 3. I am urging all of my colleagues to join in signing it on both sides of the aisle.

The discharge petition provides for essentially an open rule. It allows full opportunity for open debate, and it allows full opportunity for amendment. It permits the minority to do what they feel is necessary, but it also assures that my colleagues on the Majority side will have full opportunity to participate.

There is no funny rule here, no cooking of the process. It is a full, open and fair process, both with regard to the amendment process and with regard to the actual handling of time and other parts of the legislation.

I urge all of my colleagues on both sides to join in signing this discharge petition on the patients' bill of rights. It is almost the first of July. The important part of the session is almost behind us, and all that we really are going to have time on from now on is to address budget appropriation and spending matters.

Mr. Speaker, I urge my colleagues to do something that the American people want. Sign the discharge petition and support the patients' bill of rights.

PUTTING POLITICS BEFORE OUR CHILDREN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as a father of four, I was very disappointed in the White House's behavior last week and many of the Democrat leadership Members in the House. We had a gun control debate. We had a good debate on juvenile justice, and we agreed, ultimately, on four out of five key issues. Included in that was closing the loophole for gun shows, stricter enforcement, stricter penalties that involved guns, trigger locks, and yet, because it was not exactly what the White House and the Democrat leadership wanted, they put politics over children and torpedoed the bill, killed it, voted it down, and now we have nothing.

In the political body, something is always better than nothing if we want to advance the cause, but it is just obvious that politics count more than children's safety. As a father, I take off my Republican hat and I say, I regret it as a parent.

Something is going on out there with our children. We need to look at all aspects of the pop culture. Is it the violent video games? Is it the fact that the average TV-viewing child has seen 16,000 murders on TV by the time he is 18 years old? Is it a problem in our schools that maybe our classrooms are too large? We should look at all of those things. I am sorry that the White House put politics over children.

SUPPORT THE PATIENTS' BILL OF RIGHTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for the past 2 years, the American public has been very clear in its desire for managed care reform. It has sent the same consistent message time and time again that medical decisions should be made by doctors and patients and not by insurance company bureaucrats.

Yet, the Republican leadership foiled meaningful HMO reform in the last Congress, and they are stalling as we speak. Today, congressional Democrats are signing a discharge petition calling for real managed care reform to be brought to the House floor immediately, because the Republican leadership will not bring that bill to the floor of the House.

This petition calls for a very, very simple set of comments: the ability to choose one's own doctor, an easy thing to grasp on to, guaranteed access to emergency rooms, guaranteed access to specialty care. Freedom from gag rules to prevent doctors from offering care, and the ability to hold HMOs accountable.

Mr. Speaker, I urge my colleagues to sign on to the discharge petition. The families of this country should be able to make their medical decisions free from the heavy hand of HMO accountants. Let us sign our names today and support a real patients' bill of rights.

SUPPORT MANAGED CARE REFORM

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, last week, our children and families were denied protection from guns. This week, and for 2 years, we have been denied protection from managed care. We have been denied a patients' bill of rights.

I promised the people of the 11th Congressional District of Ohio that when I got to Congress, I would work for a patients' bill of rights and campaign finance reform.

□ 1030

I am chagrined, however, that I have not had the opportunity to debate these two issues. This is the second discharge petition I have had to sign. Over 122 million Americans are not insured with enforceable patient protections without a Federal Patients' Bill of Rights. Over 5,960,000 persons in Ohio alone are denied that protection.

I rise with my colleagues, my Democratic colleagues, to sign this discharge petition seeking a debate on a Patients' Bill of Rights that will allow patients access to needed care, allow them to have doctors make a determination with regard to their health care, and provide patients the opportunity to appeal.

EDUCATION

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today on behalf of our Nation's children. Our children are being denied basic educational opportunities.

As a former teacher, I know one of the most important challenges facing this country is improving our educational system. We need to expand opportunities, set rigorous standards so our children learn the basics before being promoted to the next grade. This is crucial to our country's social and economic well-being.

A talented and dedicated teacher must be in every classroom. Creativity and innovation in public education must be encouraged, while still holding them accountable for results. Every classroom and library should be connected to the Internet so all students can be computer literate and be prepared for the 21st century.

Finally, we need to make sure our schools are healthy places to learn. Next week I intend to introduce legislation to improve air quality in our Nation's school buildings based on an existing Environmental Protection Agency program. Our children must have a healthy learning environment.

Let us make the commitment not only to our children but also to the future of this great Nation, and make education our number one priority.

SIGNING THE DISCHARGE PETITION TO ALLOW DEBATE ON THE PATIENTS' BILL OF RIGHTS

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, today many of us are signing the discharge petition to bring a Patients' Bill of Rights to the floor for free and open debate. I know the American public want it. I certainly know my constituents want it.

They want a restoration of the doctor-patient relationship so that doctors can determine medical necessity, so that doctors and their patients can make the medical decisions, so that health care plans are held accountable for their medical decisions or lack of decisions.

I am certainly proud that I have able to take the first legislative action in the Congress on the subject by introducing in subcommittee an amendment to hold health care plans accountable for their medical decisions.

The leadership has been holding the American public in the waiting room. This discharge petition will allow us to get out of the waiting room and get the health care that we Americans deserve.

WHAT A DEMOCRATIC MAJORITY IN CONGRESS WOULD MEAN

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, not counting social security, the Congressional Budget Office or CBO projects an $824 billion in budget surpluses over the next 10 years. Again, that is not counting the temporary surplus in the social security trust fund.

Guess what the Democrats are planning to do with the surplus. Well, if the statements by the President, the House Minority Leader, and the Minority Leader in the other body are any indication, we might be surprised to learn that what they want to do is take this surplus and raise taxes; Members have heard that right, raise taxes, not cut them.

Many people in Washington are shaking their heads over the recent statements by Democratic Party leaders, the gentleman from Missouri (Mr. GEPHARDT) and Mr. DASCHLE. The gentleman from Missouri said earlier this month while in Ann Arbor, Michigan, unbelievably, that he would consider cutting defense and raising taxes in order to expand Washington's role in our schools.

Now we have a Democratic leader in the other body who stated on CNN's Evans and Novak that tax increases were "on the table." I guess there is really no need to ask what a Democrat majority in Congress would mean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KINGSTON). Members must be reminded to not make reference to statements off the floor of Members of the other body.

DEMOCRATS TAKE THE NEXT STEP TOWARD REAL PATIENT PROTECTIONS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, today Democrats take the next step in the long, arduous road to real patient protections, despite the fact that Republicans continue to construct roadblocks to meaningful managed care reform.

Republicans will claim that they are moving managed care reform through the committee process, but what they will not tell us is that these so-called reforms lack meaning and enforcement.

The American people deserve more than empty promises and rhetoric. They deserve to choose their doctor. They deserve access to specialists. They deserve to have doctors, not health care bureaucrats, making their vital medical decisions. Most importantly, they deserve legal remedies to hold their health plans accountable.

The Democratic Patients' Bill of Rights provides these guarantees. Republicans are up to the same old tricks again this year. They will not even allow us to bring the Democratic Patients' Bill of Rights to a debate here on the floor for the American people to listen and ultimately for all of us to vote on.

Last year, protecting their special interests, they narrowly defeated the real patient protections Democrats pushed to the floor. Then realizing that we represented the views of Americans across this country, they put forth a watered down proposal to try to detract from the real issues.

Again this year Republicans are doing the same thing. This discharge petition should serve as a wake-up call to Republicans that Americans want real patient protections and they want it now.

REAL REFORM FOR THE TAX CODE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, oftentimes people come up to me and say, the politicians are always talking about reforming the Tax Code, getting rid of the Tax Code, making it easier to file our taxes, but nothing ever changes. How come that is?

The short answer is that the special interests benefit from the Tax Code, and the complexity of the Tax Code is a source of enormous government power. Thus, it would not be in the interests of anyone who wants to expand government power to change the Tax Code in a more sane direction.

Another reason is equally valid. It is called Tax Code progressivity. Any attempt to change the Tax Code into something that made sense, that actually looked like it was designed on purpose, would be met with howls of protests from the liberals. They would say it was unfair because it would undermine progressivity.

A flat tax, one rate, meaning that the more you make the more taxes you pay, is already a system that is fair and that makes high earners pay their fair share. A sales tax would also be fair.

In my view, if Members are against the flat tax or the sales tax, all the talk about reforming the Tax Code is simply empty rhetoric.

THE HOUSE MUST ADDRESS CERTAIN DISTURBING TRENDS IN GUN VIOLENCE

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, among the disturbing trends in America relating to gun violence are those loopholes where teenagers and criminals can get guns at gun shows. This House has yet to address this issue.

Another dangerous trend is the increasing availability of military-style weapons to the civilian market. Examples of these are laser sights, high-capacity ammunition clips, and the 50-caliber sniper rifle.

Mr. Speaker, the 50-caliber sniper rifle is among the most destructive and powerful weapons available today. It fires armor-piercing ammunition. It was designed to take out armored personnel, helicopters, and concrete bunkers. It was used in the Gulf War. It has a range of up to 4 miles. You can shoot one of these from the Capitol and hit the Washington Monument with accuracy. It is 5 feet long and weighs over 28 pounds. You do not need it for hunting, yet you can buy it legally. It is less regulated than handguns, and it ought to be available only if you are in the military fighting a war.

Mr. Speaker, this House must address this issue immediately.

A TRIBUTE TO WILLIAM RONEY, A TENNESSEE HERO, AND A PLEA FOR CONGRESS TO DEBATE AND PASS MEANINGFUL LEGISLATION

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I wanted to rise and pay tribute to a young man in my district, a hero in my district, William Roney, who just recently on Sunday, June 20, alerted families in a Park Estates apartment in East Memphis Park in my district of a fire that had developed and which eventually consumed portions, large portions of the building.

Because of his actions, he certainly could have driven right by and made a phone call, but he jumped out of his car, knocked on doors, waved and yelled, and got all the families out of this building. It is my hope that those in my community will certainly pay the type of respects and certainly honor him in a way that he deserves.

I would say to my colleagues here in the Congress, we have heard a lot of talk this morning about guns and HMO reform and campaign finance. I would hope my colleagues, particularly on this side of the aisle and even on my side of the aisle, would realize that all we have really done in this Congress is pass a bunch of suspension bills. We fly back on Monday evenings and Tuesday evenings to vote on naming Post Offices and other Federal buildings.

HMO reform, people are crying out for it. Campaign finance reform, people are crying out for it. People want some action on guns, maybe not what we want, maybe not what the other side wants, but people want something. Let us rise up and do what the American people have elected us to do: not pass suspension bills, but pass meaningful legislation.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES ACT, 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 218

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the house resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 10, line 16, through page 13, line 13; "Notwithstanding any other provision of law," on page 13, line 16; "Notwithstanding any other provision of law," on page 15, line 20; "Notwithstanding any other provision of law," on page 17, line 14; "Notwithstanding any other provision of law," on page 18, line 4; "Notwithstanding any other provision of law," on page 19, line 5; "Notwithstanding any other provision of law," on page 19, line 25; "Notwithstanding any other provision of law," on page 25, line 9; "Notwithstanding any other provision of law," on page 32, line 8; page 50, lines 1 through 9; page 50, line 22, through page 51, line 12; and page 52, lines 1 through 10. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to amendment. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 218 is an open rule that governs the consideration of H.R. 2084, the Department of Transportation and related agencies appropriations bill for the fiscal year ending September 30, 2000.

The rule waives clause 4(c) of rule 13 requiring a 3-day availability of printed hearings on a general appropriations bill, and section 401(a) of the Congressional Budget Act prohibiting consideration of legislation containing contract authority not subject to appropriation against consideration of the bill.

☐ 1045

The rule also provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

In addition, the rule waives clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, against provisions in the bill, except as otherwise specified in the rule.

The rule waives clause 2 of rule XXI against the amendment printed in the report accompanying this resolution, which may be offered only by a Member designated in the report and at the appropriate point in the reading of the bill, shall be considered as read, and shall not be subject to amendment.

Mr. Speaker, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Further, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this bill provides for the appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000.

The underlying legislation represents an increase in safety measures and resources in every area of America's transportation system, from our airports and roads to bridges and railroads.

The Committee on Appropriations carefully looked into each area and determined how best to target our valuable transportation dollars for maximum efficiency and safety.

H.R. 2084 urges our transportation agencies to set priorities for competing requirements and compels those agencies to select priorities among their vast ranges of programs.

The bill meets the funding obligation limitations set by the 105th Congress in the transportation legislation known as TEA 21, which provides $27.7 billion in highway program obligation limitations, a $3.5 billion increase over last year's level.

This much needed funding is directed to the States to construct and improve roads and highways. This includes the bridge replacement and rehabilitation program that provides assistance for bridges on public roads, including a discretionary set-aside for high cost bridges and for seismic retrofit of bridges.

The bill also includes technical assistance to other agencies and organizations involved in road building activities.

The bill provides for $5.8 billion in transit program obligations, the funding level guaranteed in TEA 21, an $824 million increase over last year's level. This includes Federal financial assistance programs for planning, developing, and improving comprehensive mass transportation systems in both urban and nonurban areas.

The bill recommends $4.6 billion for air traffic services, a 7.1 percent increase over the fiscal year 1999 level. Air traffic services make up an integral part of aviation safety.

Over the past several years, the problem of runway incursion continues to worsen, now occurring at a rate of almost one per day.

The bill also includes a general aviation provision to improve safety, including a $5 million grant for contract tower cost sharing and an additional $500,000 for the important aviation safety program.

In addition, the bill provides $571 million for grants to the National Railroad Passenger Corporation, Amtrak, which has undergone remarkable rehabilitation over the past 4 years.

This funding will cover capital expenses and preventative maintenance. In addition, the Federal Government will continue to work with Amtrak to help it reach its goal of total self-sufficiency.

Mr. Speaker, safety should remain the Federal Government's highest responsibility in the transportation area. Clearly, this bill addresses those needs and concerns.

In conclusion, I would like to commend the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their hard work on this measure.

I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

This is an open rule which will allow for full consideration of the bill making appropriations for the Department of Transportation.

As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments which are germane and which follow the rules for appropriation bills.

Assisting transportation is one of the oldest and most important duties of the Federal Government. Our leaders, going back to the Founding Fathers, knew that transportation is the glue that holds the Nation together. Therefore, passage of this bill, which funds the Department of Transportation and related agencies, is one of the highest priorities of the Congress.

The bill funds highway construction and highway safety and transit. It assists our Nation's air traffic control system and airport improvements. It makes possible Amtrak and Federal railroad programs.

I call attention to the report of the committee, which directs the Federal Aviation Administration to give priority consideration of grant applications for the development of Dayton International Airport, in my district. Dayton is considering three projects, including an aircraft parking apron, site development work, and engineering for an aircraft hangar, and expansion of de-icing facilities.

This bill was adopted by a voice vote in the Committee on Appropriations. It is supported on both sides of the aisle.

I want to commend the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for a great job, and the gentleman from Minnesota (Mr. SABO), the ranking minority member, for their work in bringing this bill to the House floor.

The resolution was reported by a voice vote in the Committee on Rules. It is an open rule. I urge adoption of the rule and the bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 15, as follows:

[Roll No. 247]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson

Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—3

Baldwin
Kolbe
Wu

NOT VOTING—15

Barton
Brown (CA)
DeFazio
Diaz-Balart
Engel
Fletcher
Gilchrest
Granger
Kaptur
Kuykendall
Leach
Olver
Portman
Rogers
Towns

□ 1113

Mr. INSLEE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KUYKENDALL. Mr. Speaker, on rollcall No. 247, I was inadvertently detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2084.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. CAMP in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

□ 1115

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House considers the third appropriations bill for Fiscal Year 2000, the Department of Transportation and Related Agencies Appropriations bill. This bill includes appropriations for our Nation's highways, transit systems, funding for the Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, and several other smaller agencies both within and separate from the Department of Transportation.

The bill totals $12.7 billion in discretionary budget authority, an increase of over $400 million over the fiscal year 1999 freeze level. Several of my colleagues have sought reductions to previous appropriations bills to bring those bills more in line with the levels provided in fiscal year 1999.

Mr. Chairman, it is important for the House to understand that more than 70 percent of the funding provided in this bill as discretionary spending is not within the control of the Committee on Appropriations. Funding of $28.8 billion for the highways and transit programs, though included in this bill, is mandatory. This committee has no control over the spending levels.

The bill does include increases for highway and transit programs, but the committee had no other choice. The bill presented to the House in no way alters the funding levels contained in TEA21.

Let me also note, Mr. Chairman, that the House recently passed the authorization for the Federal Aviation Administration. That bill contains provisions which had the effect of increasing funding for the FAA by $14 billion over the levels assumed in the budget resolution. It guarantees $3 billion a year in general fund subsidies for aviation programs within the discretionary caps.

Next year, if the FAA authorization bill were enacted, the only truly discretionary program over which this subcommittee would exert any control would be the Coast Guard. Creating new mandatory programs, whether they are off-budget or within the discretionary caps, creates more Federal spending, not less. Such mandatory spending is uncontrollable and makes the Congress' job of balancing the budget and reducing the national debt doubly difficult.

If the committee were required to reduce program levels within the bill to the levels provided last year, the House would be asked to do one of three things: One, reduce funding for the Federal Aviation Administration just days after passing an authorization containing $14 billion in new spending above the budget resolution and a few weeks after an aviation accident in Arkansas; two, reduce funding for the Coast Guard search and rescue operations and drug interdiction activities; or three, nearly eliminate all the Federal funding for Amtrak. The reported bill is a lean and balanced bill given the TEA21 aviation needs and one that should be supported by the House.

To briefly summarize, $4 billion for the Coast Guard, including $521 million for drug interdiction; $10.5 billion for the FAA, including $2.25 billion for the AIP program; $27.7 billion for the Federal-aid highways program, the same level as guaranteed by TEA21; $368 million for NHTSA, again the same level as authorized; $718 million for the Federal Railroad Administration, including $571 million for Amtrak; $5.8 billion for the Federal Transit Administration, the same level as guaranteed by TEA21; and several smaller appropriations for other modal administrations and independent agencies.

The bill has been developed in cooperation with the minority and the gentleman from Minnesota (Mr. SABO). We have had a good close working relationship over the past several years, and this year was no different. The bill has encountered no significant disagreements, passing through both the subcommittee and the full committee markups with only minor amendments. The administration has also indicated its support for the bill.

The overarching priority for the committee in developing this bill has been safety, and I would like to bring several initiatives to the attention of the Members. Recently, the Inspector General of the Department of Transportation found that the Office of Motor Carriers, the office responsible for keeping trucks on the roads safe, had less than an arm's length relationship with the industry it regulates. Last year, the committee tried to transfer the Office of Motor Carriers from the Federal Highway Administration to the National Highway Traffic Safety Administration. The committee was unsuccessful.

This year the bill provides a total of $70 million more for inspectors but includes a limitation that none of these funds are available if the Office of Motor Carriers remains within the Federal Highway Administration. Hopefully, this limitation will encourage the administration and others to have legislation or to change the current placement and management of the Office of Motor Carriers as they have indicated they will do.

I would just tell the Members, on Monday I went out on a highway truck inspection. A large number of the trucks that were inspected off of Route 50 in my Congressional district were in such violation of the law that they were pulled off the road, meaning they could not move until they were either fixed there or towed away. One out of every five trucks on the major interstates that my colleagues and their constituents and their families are driving on are very, very unsafe.

This is an issue of safety. Fourteen to 15 people die every day with regard to accidents involving trucks. The bill provides a total of $4 billion for the Coast Guard, an increase of $150 million over the 1999 enacted level. Within the funds provided for the Coast Guard is $521 million for drug interdiction activities, a 40 percent increase over last year's level.

All in all, Mr. Chairman, it is a balanced bill, and I urge its adoption.

Mr. Chairman, I include the following for the RECORD.

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses:					
Immediate Office of the Secretary	1,624	1,967	1,867	+243	-100
Immediate Office of the Deputy Secretary	585	612	612	+27	
Office of the General Counsel	8,750	9,150	9,000	+250	-150
Office of the Assistant Secretary for Policy	2,808	2,924		-2,808	-2,924
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	-18	-100
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	+421	-20
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	+98	
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	-1,955	-1,080
Office of Public Affairs	1,565	1,836	1,836	+271	
Executive Secretariat	1,047	1,102	1,102	+55	
Board of Contract Appeals	561	520	520	-41	
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	+202	
Office of Intelligence and Security	1,036	1,574	1,454	+418	-120
Office of the Chief Information Officer	4,875	5,075	5,000	+125	-75
Office of Intermodalism	957	1,187		-957	-1,187
Office of the Assistant Secretary for Transportation Policy and Intermodalism			3,781	+3,781	+3,781
Subtotal	60,490	62,577	60,602	+112	-1,975
Y2K conversion (emergency funding)	(7,754)			(-7,754)	
Office of civil rights	6,966	7,742	7,742	+776	
Transportation planning, research, and development	9,000	6,275	2,950	-6,050	-3,325
Transportation Administrative Service Center	(124,124)		(157,965)	(+33,841)	(+157,965)
Minority business resource center program	1,900	1,900	1,900		
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)		
Minority business outreach	2,900	2,900	2,900		
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)			(+815)	
Total, Office of the Secretary	81,256	81,394	76,094	-5,162	-5,300
Coast Guard					
Operating expenses	2,400,000	2,607,039	2,491,000	+91,000	-116,039
Defense function	300,000	334,000	300,000		-34,000
Title I - Readiness (emergency funding)	(100,000)			(-100,000)	
Title IV - Counterdrug (emergency funding)	(16,300)			(-16,300)	
Y2K conversion (emergency funding)	(27,715)			(-27,715)	
Y2K conversion (emergency funding)	(4,058)			(-4,058)	
Emergency funding (P.L. 106-31)	(200,000)			(-200,000)	
Acquisition, construction, and improvements:					
Vessels	219,923	165,760	205,560	-14,363	+39,800
Aircraft	35,700	22,110	38,310	+2,610	+16,200
Other equipment	36,569	53,726	59,400	+22,831	+5,674
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	+977	
Personnel and related support	48,450	52,930	50,930	+2,480	-2,000
Subtotal, A C & I appropriations	395,465	350,326	410,000	+14,535	+59,674
Offsetting collections (user fees)		-41,000			+41,000
Title I - Counterdrug (emergency funding)	(100,000)			(-100,000)	
Hurricane Georges (emergency funding)	(12,600)			(-12,600)	
Title IV - Counterdrug (emergency funding)	(117,400)			(-117,400)	
Environmental compliance and restoration	21,000	19,500	18,000	-3,000	-1,500
Alteration of bridges	14,000		15,000	+1,000	+15,000
Retired pay	684,000	721,000	721,000	+37,000	
Reserve training	69,000	72,000	72,000	+3,000	
Title I - Readiness (emergency funding)	(5,000)			(-5,000)	
Research, development, test, and evaluation	12,000	21,709	21,039	+9,039	-670
Title I - Readiness (emergency funding)	(5,000)			(-5,000)	
Total, Coast Guard	3,895,465	4,084,574	4,048,039	+152,574	-36,535
Federal Aviation Administration					
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000	5,925,000	+362,442	-114,000
Y2K conversion (emergency funding)	(14,946)			(-14,946)	
Y2K conversion (emergency funding)	(13,852)			(-13,852)	
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	+300,000	-119,000
Title II - Antiterrorism (emergency funding)	(100,000)			(-100,000)	
Y2K conversion (emergency funding)	(106,612)			(-106,612)	
Y2K conversion (emergency funding)	(15,521)			(-15,521)	
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	+23,000	
Y2K conversion (emergency funding)	(147)			(-147)	
Y2K conversion (emergency funding)	(220)			(-220)	
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(+267,000)	(+117,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(+300,000)	(+650,000)
Total, Federal Aviation Administration	7,612,558	8,531,000	8,298,000	+685,442	-233,000
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(+300,000)	(+650,000)
Total budgetary resources	(9,562,558)	(10,131,000)	(10,548,000)	(+985,442)	(+417,000)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Highway Administration					
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(+28,967)	(+5,948)
Limitation on transportation research			(422,450)	(+422,450)	(+422,450)
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(+734,000)	
(Revenue aligned budget authority) (RABA)		(1,456,350)	(1,456,350)	(+1,456,350)	
(RABA transfer under Title III)		(-502,120)			(+502,120)
(Adjustment)		(63,000)			(-63,000)
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(+2,190,350)	(+439,120)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(+2,125,000)	
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(+5,000)	(-50,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(+5,000)	
(RABA transfer under Title III)		(50,000)			(-50,000)
Additional provisions - Division A P.L. 105-277:					
Surface transportation projects, Massachusetts	100,000			-100,000	
Surface transportation projects, Arkansas	100,000			-100,000	
Appalachian development highway system, Alabama	100,000			-100,000	
Appalachian development highway system, West Va	32,000			-32,000	
State infrastructure banks (rescission)	(-6,500)			(+6,500)	
Total, Federal Highway Administration	332,000			-332,000	
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(+2,195,350)	(+389,120)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(+1,571,419)	(+389,120)
National Highway Traffic Safety Administration					
Operations and research (Highway Trust Fund)	87,400		87,400		+87,400
Operations and research (highway trust fund):					
(Limitation on obligations)	(72,000)	(72,000)	(72,000)		
(RABA transfer under Title III)		(125,450)			(-125,450)
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)		(-125,450)
Y2K conversion (emergency funding)	(752)			(-752)	
National Driver Register (highway trust fund)	2,000	2,000	2,000		
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)		(-38,050)
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(+6,800)	
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(+2,800)	
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)		
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(+1,000)	
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(+3,000)	
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400		+87,400
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(+6,800)	(-125,450)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(+6,800)	(-38,050)
Federal Railroad Administration					
Office of the administrator	21,215			-21,215	
Railroad safety	61,488			-61,488	
Safety and operations		95,462	94,448	+94,448	-1,014
Offsetting collections (user fees)		-66,461			+66,461
Subtotal	82,703	29,001	94,448	+11,745	+65,447
Railroad research and development	22,364	21,800	21,300	-1,064	-500
Offsetting collections (user fees)		-21,300			+21,300
Next generation high-speed rail	20,494	12,000	22,000	+1,506	+10,000
Alaska Railroad rehabilitation	10,000			-10,000	
Alaska Railroad capital improvements (Division A)	28,000			-28,000	
Rhode Island Rail Development	5,000	10,000	10,000	+5,000	
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	-38,254	
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):					
(Liquidation of contract authorization)		(35,400)			(-35,400)
(Limitation on obligations)		(35,400)			(-35,400)
Total, Federal Railroad Administration	777,791	622,477	718,724	-59,067	+96,247
(Limitations on obligations)		(35,400)			(-35,400)
Total budgetary resources	(777,791)	(657,877)	(718,724)	(-59,067)	(+60,847)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Transit Administration					
Administrative expenses	10,800	12,000	12,000	+1,200	
Administrative expenses (Highway Trust Fund, Mass Transit Account)					
(Limitation on obligations)	(43,200)	(48,000)	(48,000)	(+4,800)	
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(+6,000)	
Y2K conversion (emergency funding)	(250)			(-250)	
Formula grants	570,000	619,600	619,600	+49,600	
Formula grants (Highway Trust Fund):					
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(+198,400)	
(RABA transfer under Title III)		(212,270)			(-212,270)
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(+248,000)	(-212,270)
University transportation research	1,200	1,200	1,200		
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)		
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)		
Transit planning and research (general fund)	19,800	21,000	21,000	+1,200	
Transit planning and research (Highway Trust Fund, Mass Transit Account):					
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(+7,800)	
(RABA transfer under Title III)		(4,000)			(-4,000)
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(+9,000)	(-4,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)		
National transit institute	(4,000)	(4,000)	(4,000)		
Transit cooperative research	(8,250)	(8,250)	(8,250)		
Metropolitan planning	(43,842)	(49,632)	(49,632)	(+5,790)	
State planning and research	(9,158)	(10,368)	(10,368)	(+1,210)	
National planning and research	(27,500)	(33,500)	(29,500)	(+2,000)	(-4,000)
Subtotal	(98,000)	(111,000)	(107,000)	(+9,000)	(-4,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Capital investment grants (general fund)	451,400	490,200	490,200	+38,800	
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(+155,200)	
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(+194,000)	
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(+77,600)	
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(+38,800)	
(New starts)	(902,800)	(980,400)	(980,400)	(+77,600)	
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(+194,000)	
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)			(-2,000,000)	
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)		(1,500,000)	(1,500,000)	(+1,500,000)	
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	-20,000	
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(+20,000)	
(RABA transfer under Title III)		(75,000)			(-75,000)
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)		(-75,000)
Washington Metropolitan Area Transit Authority (general fund)	50,000			-50,000	
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)			(+665)	
Interstate transfer grants - transit (rescission)	(-600)			(+600)	
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	+20,800	
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(+407,000)	(-291,270)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496		12,042	+546	+12,042
Mandatory proposal		(12,042)			(-12,042)
Subtotal	(11,496)	(12,042)	(12,042)	(+546)	
Research and Special Programs Administration					
Research and special programs		33,340			-33,340
Hazardous materials safety	16,063		17,813	+1,750	+17,813
Emergency transportation	997		1,459	+462	+1,459
Research and technology	3,676		3,547	-129	+3,547
Program and administrative support	8,544		9,542	+998	+9,542
Subtotal, research and special programs	29,280	33,340	32,361	+3,081	-979

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Offsetting collections (user fees)		-4,575			+4,575
Y2K conversion (emergency funding)	(182)			(-182)	
Y2K conversion (emergency funding)	(100)			(-100)	
Pipeline safety:					
Pipeline Safety Fund	29,000	33,939	30,598	+1,598	-3,341
Oil Spill Liability Trust Fund	4,248	4,248	5,494	+1,246	+1,246
Pipeline safety reserve	(1,400)		(1,300)	(-100)	(+1,300)
Subtotal, Pipeline safety	33,248	38,187	36,092	+2,844	-2,095
Y2K conversion (emergency funding)	(150)			(-150)	
Emergency preparedness grants:					
Emergency preparedness fund	200	200	200		
(Limitation on obligations)	(11,000)		(14,300)	(+3,300)	(+14,300)
Total, Research and Special Programs Administration	62,728	67,152	68,653	+5,925	+1,501
(Limitations on obligations)	(11,000)		(14,300)	(+3,300)	(+14,300)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(+9,225)	(+15,801)
Office of Inspector General					
Salaries and expenses	43,495	44,840	44,840	+1,345	
Surface Transportation Board					
Salaries and expenses	16,000	17,000	17,000	+1,000	
User fees		-2,600			+2,600
Offsetting collections	-2,600	-14,400	-1,600	+1,000	+12,800
General Provisions					
Transportation Administrative Service Center reduction	-15,000		-10,000	+5,000	-10,000
Transit discretionary grants (rescission of contract authorization)	(-392,000)			(+392,000)	
National Aviation Review Commission (rescission)	(-849)			(+849)	
Amtrak Reform Council	450	750	750	+300	
Urban discretionary grants (rescission)	(-4,026)			(+4,026)	
Net total, title I, Department of Transportation	14,486,343	14,593,187	14,520,942	+34,599	-72,245
Appropriations	(14,043,239)	(14,593,187)	(14,520,942)	(+477,703)	(-72,245)
Rescissions	(-405,455)			(+405,455)	
Emergency appropriations	(848,559)			(-848,559)	
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(+2,891,650)	(+601,300)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	
Net total budgetary resources	(48,006,190)	(50,111,453)	(50,640,508)	(+2,634,318)	(+529,055)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,847	4,633	4,633	+786	
Y2K conversion (emergency funding)	(60)			(-60)	
National Transportation Safety Board					
Salaries and expenses	53,473	57,000	57,000	+3,527	
Rental payments (supplemental P.L. 160-31)	2,300			-2,300	
Offsetting collections		-10,000			+10,000
Emergency fund	1,000			-1,000	
Total, National Transportation Safety Board	56,773	47,000	57,000	+227	+10,000
Total, title II, Related Agencies	60,680	51,633	61,633	+953	+10,000
Appropriations	(60,620)	(51,633)	(61,633)	(+1,013)	(+10,000)
Emergency appropriations	(60)			(-60)	
Net total appropriations	14,547,023	14,644,820	14,582,575	+35,552	-62,245
Scorekeeping adjustments:					
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-4,400	+2,000
General Provision (Sec. 329)	4,000			-4,000	
FTA: Job access (mass transit category)	-25,000			+25,000	
FTA: Job access (non-defense discretionary)	25,000			-25,000	
Emergency funding	-848,619			+848,619	
FY 1999 adjustments to CBO rescissions	205			-205	
Total, adjustments	-843,014	-5,000	-3,000	+840,014	+2,000
Net grand total	13,704,009	14,639,820	14,579,575	+875,566	-60,245
Appropriations	(14,109,464)	(14,639,820)	(14,579,575)	(+470,111)	(-60,245)
Rescissions	(-405,455)			(+405,455)	
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(+2,891,650)	(+601,300)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(-291,931)	
Net grand total budgetary resources	(47,223,856)	(50,158,066)	(50,699,141)	(+3,475,285)	(+541,055)

TRANSPORTATION APPROPRIATIONS BILL, 2000 (H.R. 2084)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
302B SUMMARY					
Total mandatory and discretionary	12,982,809	13,480,820	13,420,575	+437,766	-60,245
Mandatory	684,000	721,000	721,000	+37,000	
Discretionary:					
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(+2,202,150)	(+263,670)
Mass Transit category	721,200	1,159,000	1,159,000	+437,800	
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(+386,200)	(-291,270)
Total, Mass Transit category	(4,973,000)	(6,088,270)	(5,797,000)	(+824,000)	(-291,270)
General purpose discretionary	12,298,809	12,759,820	12,699,575	+400,766	-60,245

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of the bill/rule. I would like to thank Chairman WOLF and Ranking Member SABO for all the hard work they've put into this bill.

On June 1st of this year, Norfolk Southern and CSX Transportation finalized their acquisition of Conrail. As a result of this acquisition, train traffic through parts of my district, has increased significantly. The rail crossings in these cities literally split the cities in half, and increased traffic has been causing traffic backups and delays.

With the Chairman's assistance and with commitments from NS and CSX and the State of Ohio, funds have been secured to construct grade separations at three different rail crossings in my district. When construction is completed, residents in Berea, Olmsted Falls and Olmsted Township will be relieved of traffic backups and delays as a result of train traffic.

In too many cases they will still have to contend with train whistle noise. Once the grade separations are built, trains will not be required to sound their whistles when passing those specific intersections. Several densely populated neighborhoods in my congressional district will, however, experience an increase in whistle noise from passing trains. Many of these homes are located within 30 to 40 feet of the railroad tracks, and the increased traffic through this area means increased noise for these residents.

Currently, Federal regulations require each lead locomotive to have a warning device that produces a sound level of 96 decibels at least 100 feet ahead of the locomotive. The State of Ohio requires trains to sound their whistles 1,320 feet before a crossing and continuously while passing through it.

In addition, all major railroads have operating rules that require their engineers to blow train horns—normally four consecutive times—at highway-rail grade crossings as a warning to motorists and pedestrians.

These regulations were implemented to protect public safety, but the disturbance train whistles cause nearby residents should be addressed. In 1994, Congress passed the Swift Rail Development Act which directs the Federal Railroad Administration to mandate the use of train horns at all public crossings.

This legislation also allows for "quiet zones" whenever communities establish alternatives that provide the same level of safety at crossings as that provided by train whistles. The FRA is in the process of drafting new regulations on train whistles and "quiet zones."

I have written to Secretary Slater on the issue of quiet zones. I have proposed that the railroad tracks through the 10th District be designated as "Pilot Corridors" and be used to demonstrate the use of supplementary safety measures that would provide the same level of safety as the sounding of a locomotive horn.

The pilot corridors would include Norfolk Southern's Nickel Plate Line, which runs through some of the very densely populated residential neighborhoods. The stretch of the Nickel Plate Line through Lakewood includes 27 at-grade crossings within 2.7 miles of track. The other tracks that should be included in the pilot corridors are the Conrail Mainline through Berea, Olmsted Falls, and Olmsted Township; and the stretch of the Berea-Greenwich line that runs through Berea and Olmsted Falls.

All of these tracks are experiencing significant increases in freight traffic due to the operating changes of the Conrail acquisition. While I understand the importance of warning motorists, pedestrians, and cyclists at these crossings, my constituents are being awakened in the middle of the night by train operators that blow their horns loud and long. There must be a way that we can have safe railroad crossings without the railroads being a nuisance to residents living near tracks.

Through a pilot corridor demonstration project in my district, we can use some of the latest safety procedures to ensure safety while protecting the peace and quiet of the neighborhoods. Photo-enforcement, median strips, 4-quadrant gates, long arm gates, one-way paired streets, and enforcement/education efforts are among the most up-to-date supplementary safety measures available that may help maintain safety while keeping peace in our residential areas.

I applaud the FRA in its efforts to draft and implement quiet zone regulations, and I hope that a portion of the funds appropriated in this bill can be used for that purpose. I believe we can maintain the safety of these rail lines while making areas like the cities in my district quieter environments in which to live.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. SABO. Mr. Chairman, I will not go through the details of the bill as the chairman did. But let me commend the gentleman from Virginia (Mr. WOLF) for conducting fair and very professional hearings in an excellent bill before us today.

Let me mention the staff of the committee on the minority side. Cheryl Smith from the minority staff; Marjorie Duske from my personal staff, who worked very hard on this bill. Let me also thank the members of the majority staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone, all of whom have worked very hard and in a very professional way on this bill. This work is outstanding.

The bill before us is a good one, and should be passed. As always, one has a few concerns. I have some concern that funding for FAA operations may be a little tight. I am a little concerned over some technical language as relates to transit. But we will continue to look at those issues as we go to conference.

But it is a good bill. It moves transportation funding in this country forward in a positive fashion. I would hope the bill would remain intact, and it would serve the House well.

Mr. Chairman, I rise in strong support of the fiscal year 2000 Transportation and related agencies appropriations bill. Let me start by commending Chairman WOLF for his hard work in putting together a bill that addresses the transportation needs of our citizens, communities and businesses. I also want to thank the majority staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir and David Whitestone—for the fine job that they do.

This bill was developed in a bipartisan manner and is balanced and fair.

The bill provides $12.7 billion in new budget authority and $50.7 billion in total resources. While technically speaking this level is $400 million over last year, the bill actually provides new budget authority about equal to last year's level, adjusted for $400 million in one-time rescissions adopted last year that cannot be continued into 2000.

Mr. Chairman, two-thirds of the outlays in the bill are mandated highways and transit firewalls in TEA–21. As a result, obligation levels for highway programs increase by $2.2 billion or 8.5 percent over 1999 and $6.2 billion or 29 percent since 1998. Transit obligation authority will increase by $432 million or 8.1 percent over 1999 and $953 million or 20 percent since 1998.

The FY2000 Transportation appropriations bill is just $425 thousand below its 302(b) allocation in budget authority and at the 302(b) allocation in outlays. These 302(b) allocations are adequate, but not generous, and they are absolutely necessary if we are to fund vital safety, security and operational requirements of the Coast Guard, the FAA, and AMTRAK.

COAST GUARD

The bill provides $3.3 billion in discretionary resources and $721 million in mandatory resources for the Coast Guard. This provides a discretionary increase of $116 million or 3.6 percent over 1999, excluding mandatory retired pay and excluding 1999 emergency supplementals which will fund some year 2000 pay requirements. While these levels are short of the President's request, I believe they are adequate for the Coast Guard to accomplish its national defense, search and rescue, and law enforcement missions.

Coast Guard drug interdiction activities are funded at $541 million—a 40 percent increase over the 1999 level.

In addition, we have had great interest from some members in certain Coast Guard facilities. This bill does not mandate the closure of any facilities. In fact, the bill ensures that air facilities in Long Island and Michigan will remain open, and provides funding for a new air facility in Illinois for southern Lake Michigan.

FEDERAL AVIATION ADMINISTRATION

With regard to aviation, this bill does not shortchange the FAA. It includes $10.5 billion for the FAA, primarily to fund increased air traffic control and airport development requirements. This provides a 10 percent increase of $985 million, including a $300 million or 15 percent increase for the airport improvement program—funded at its highest level ever of $2.25 billion.

Mr. Chairman, I understand that there is concern about some of the reductions in the FAA operations budget, particularly those that may impact the air traffic controllers pay agreement. I share these concerns and intend to work diligently in conference with the Senate to ensure that we have adequately funded all aspects of the new air traffic controllers compensation agreement negotiated with the FAA last year.

AMTRAK

Mr. Chairman, this bill also includes $571 million in capital grants for AMTRAK—An amount that is $37 million or 6 percent below last year's level. Since FY1995, funding for AMTRAK in this bill has been cut by over $200 million or nearly 30 percent.

The bill also provides AMTRAK with the flexibility it needs to use these funds for preventive maintenance on equipment and track—a good business practice adopted by other transportation modes.

In our hearings this year, we heard testimony from both AMTRAK and the DOT inspector general about the progress AMTRAK is making toward operational self-sufficiency. Ridership is up. Revenues are up.

Nevertheless, we also heard testimony that AMTRAK must receive the entire $571 million in this bill if AMTRAK is to continue to launch high speed rail, make improvements in its performance, and meet its on-going financial obligations. AMTRAK is relying on receiving the full amount of its FY2000 request, and anything less than that amount could effectively force the railroad into bankruptcy.

In closing, the FY2000 Transportation appropriations bill deserves our strong support. I urge members to support it and to reject any amendments to cut the funding provided in the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise for the purpose of engaging the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, in a colloquy.

Mr. Chairman, as you know, Salt Lake City has been selected the site of the 2002 Winter Olympic Games. Hosting the games poses a significant challenge to any area, particularly with respect to transportation. This challenge is manageable, however, with support from the Federal Government.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. COOK. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the committee recognizes the importance of a successful Winter Olympic Games to the Salt Lake community, the State of Utah, and to the entire country. In light of the national interest in a successful Olympic experience in Salt Lake City, the subcommittee bill includes almost $75 million for various transportation infrastructure investments. These funds are available for transportation planning, park and ride lots, intelligent transportation systems, buses, highways, and the south-north light rail system. These appropriations were secured, I might say, by the diligence of the gentleman from Salt Lake City.

The bill, however, does include a prohibition on the use of Federal funds to execute a letter of no prejudice, a letter of intent or full funding grant agreement for the west-east light rail line. This limitation was added by the committee and was not requested by the gentleman from Utah (Mr. COOK). I and the committee staff have spoken with the gentleman and his staff to discuss the reasons why, in the opinion of the committee, this limitation is necessary and appropriate and in the interest of the American taxpayer.

Mr. COOK. Mr. Chairman, I appreciate the generosity of the committee for including appropriations for Salt Lake City and its surrounding communities to meet the requirements of the Olympic Games. The chairman and his staff of the committee have spoken with me and my staff about the reasons why the limitation on the west-east line was included in the bill.

It is my hope that over the next several months that I and other members of the Utah delegation could address the issues identified by the committee and seek ways to provide the necessary appropriations to ensure a successful Winter Games in Salt Lake Valley.

Mr. WOLF. Mr. Chairman, I say to the gentleman from Utah (Mr. COOK), we look forward, the committee and the members, to working with the gentleman from Utah and other members of the delegation to address the most critical transportation requirements related to the Salt Lake City 2002 Winter Olympic Games, and I appreciate the help of the gentleman.

Mr. COOK. Mr. Chairman, I commend the gentleman for his work.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I want to commend the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from Minnesota (Mr. SABO), the ranking member, for their good work on this bill.

Mr. Chairman, I rise in support of H.R. 2084.

Metropolitan Atlanta is facing a crisis. Declining air quality and bumper to bumper traffic are clouding Atlanta's future.

The people who bear the heaviest burden of air pollution—poor people, the elderly, and children—are those who most need our protection. As we speak, Atlanta's hospitals are bracing for a rush of respiratory emergencies as this season's ozone season approaches.

Traffic in and around Atlanta is so congested that the term "quick commute" has become an oxymoron. Parents spend more time in traffic than attending little league games and PTA meetings. Atlantans now rank traffic, public transportation and air pollution alongside education and crime as their top concerns.

More roads will not solve Atlanta's problem. In fact, more roads are not an option. Federal funding cannot be used for road construction because Georgia has not filed the State Improvement Plan required by the Clean Air Act.

The best way to improve this situation and the quality of life for my constituents is to expand the Metropolitan Atlanta Rapid Transit Authority system.

MARTA's Board has identified the western light rail extension as the most cost effective addition to the system. The project would reduce congestion and air pollution, and improve access to educational and employment resources—linking thousands of students to Georgia Tech University and workers to Fulton County Industrial Park.

While I realize the severe constraints we face in making responsible decisions about spending our transportation tax dollars, one million dollars dedicated to studying the MARTA west side extension is a sound and responsible investment.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. PASTOR), a very hard-working member of our subcommittee.

Mr. PASTOR. Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) for bringing forth a fair, bipartisan bill through the subcommittee and also through the full committee, and I want to thank him for working with us and congratulate him on the bill.

There are two issues that are addressed in this bill that I would like to take a few minutes to talk about. One deals with an issue that he talked about and it deals with the issue of truck safety on our highways. He should be commended for bringing that issue forth and highlighting it.

We had a hearing in which we had interest groups that were making presentations at that hearing, and there were several options that were proposed. One would be to strengthen the Office of Motor Carriers to ensure that the enforcement of safety becomes its objective. Also, the possibility of creation of an office within the Department of Transportation whose only objective would be truck safety.

There are several hybrids. The most recent one that I read about was former Congressman Mineta's proposal and suggestion what we can do and should adopt in terms of strengthening the enforcement of truck safety on our highways. So I commend the chairman and I look forward to working with him to resolving this issue.

The other issue that I would like to commend the committee, the ranking member, and also the chairman is the issue of truck safety as it deals with our borders. The Inspector General, in a report, told us that California seems to have adequate safety inspection along the borders, but Texas, New Mexico, and Arizona are lacking somewhat in terms of ensuring that the trucks coming across from Mexico meet all the safety standards.

The chairman and the ranking member have addressed this problem by providing monies so that the Department of Transportation would have additional Federal inspectors at the borders and also would provide monies to the States so that they could establish facilities where we could conduct these safety inspections.

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I hope that as this bill goes forward through the House to conference that the issue of truck safety at the borders will be addressed with additional resources made available to the States and additional Federal inspectors also being made available to the border. I congratulate the ranking member and the chairman for a great bill and move its adoption.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise in strong support of H.R. 2084, the fiscal year 2000 Transportation Appropriations Bill. I would like to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their hard work in crafting this bill in such a good, bipartisan manner. H.R. 2084 appropriates $13.4 billion in new budget authority for transit programs for fiscal year 2000, $437.8 million more than last year.

Some of the dollars have a great deal of importance to my district which includes Ontario International Airport located in my district. $2.25 billion is appropriated for the Airport Improvement Program, $300 million more than last year and $650 million more than the President requested.

$957.1 million to procure air traffic control facilities and equipment, an increase of 13.4 percent from the previous fiscal year. The bill also provides funding for key projects located in and around my district. H.R. 2084 provides $3 million for fleet replacement for the Foothill Transit Agency, $1 million for the Orange County Transitway Corridor, $1 million for the purchase of compressed natural gas buses for San Bernardino County, and $7 million for acquisition of buses for Los Angeles County.

Finally, the bill provides $5 million for oceanic air traffic modernization which is extremely important to American airline passengers traveling to and from Asia.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a new member of our subcommittee.

Ms. KILPATRICK. Mr. Chairman, I thank very much the gentleman from Virginia (Mr. WOLF), the chairman of our subcommittee, for his tireless, equal, just work and the gentleman from Minnesota (Mr. SABO), our ranking member, who has certainly been a leader in providing for each of us the input we have wanted as we discussed this transportation appropriations bill for fiscal year 2000.

Mr. Chairman, I rise in support of the legislation. As a member of Michigan's appropriations transportation team for 14 years, I find coming here to the United States Congress to be quite a blessing to work in a bipartisan way on such a very important bill that affects all of us as American citizens.

We heard a lot of testimony on truck safety and what we need to do to begin to address it, and we did that in a bipartisan fashion. I know there were many, many requests for transit assistance and because of the limited dollars that we are able to work with, we were not able to fill all of those. We hope to work more on this.

I thank the committee and the staff for, in a bipartisan way, making sure that we did what we could with those dollars that were available to us. A few of my colleagues from Michigan are a bit upset that some of their concerns were not taken into heed, and that is mainly because I did not know about them, but I will work with the entire Michigan delegation as we move to conference.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from Georgia (Mr. LEWIS) have certain interests that they would like to see addressed. Again we will work with them as we move to conference. As a new member of this subcommittee and under the leadership of the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO), I urge my colleagues to vote "yes" for this most important, very fine, bipartisan appropriations bill.

Mr. Chairman, I want to rise in strong support for H.R. 2084, the Transportation Appropriations bill for the next fiscal year. This responsible, reasonable and rational bill is the result of a lot of hard work, long hours and diligence on behalf of both my Democratic and Republican colleagues and staff, and shows that Congress can be both fiscally prudent and make a real change for improving the transportation needs of our nation.

As one of the newest members to the august Appropriations Committee, I am pleased to be part of this debate that will be the first bill from one of the two subcommittees on which I am honored to serve. While this bill provides $50.7 billion in total funding to highway, highway safety, and mass transit programs, almost 70 percent of this money is part of the guarantee from the Transportation Efficiency Act of the 21st Century, or TEA–21. As my colleagues know, this money is beyond the scope and control of the House Appropriations Subcommittee on Transportation. As we point out in our Committee Report, the funding increases associated with TEA–21 have used up most of the 8.5 percent increase in outlays allocated for the next fiscal year. As a result, we had to make many difficult decisions with the meager amount of funds that was available.

This bill does many great things, and I would like to point out some specific additions:

The bill will expedite the backlog of sexual harassment cases at the FAA. FAA Administrator Jane Garvey is to be commended for her hard work and effort at eliminating the problem of sexual harassment at the FAA, and we were successful in getting language added that would hopefully eliminate this backlog of cases.

The bill provides that the Department of Transportation work hard to ensure that qualified small businesses, women-owned businesses, and minority-owned businesses get their fair share of the advertising pie.

This bill provides more funding for road safety and innovative programs that will make travel safer for all Americans.

I am especially honored to serve on this Subcommittee as I served the majority of my career as an elected member for the Michigan House of Representatives on the same Subcommittee. As such, I have over 20 years of experience working with transportation-related issues and budgets for the State of Michigan, and I am glad to be able to use this knowledge to improving the transportation needs of all Americans. As the first Democratic Member of this Committee since the retirement of Congressman Bob Carr, I want to add and note that I am ready and willing to work with all of the different transportation entities of the State of Michigan to ensure that Michigan retains its fair share of these meager resources. While we were not able to meet everyone's transportation needs, it is my sincere hope and desire that we will be able to sit down together and try to help my colleagues during conference committee.

As I said earlier, I want to work with all of my Michigan colleagues—Democratic and Republican alike—during conference committee on this bill. I want to, however, cite some specific examples. Congressman DALE E. KILDEE has been ardently working with the Federal Aviation Administration (FAA) to secure funding to upgrade the antenna system at Bishop Airport. According to the December 8, 1998 edition of the Flint Journal, "In dozens of documents cases this year, air traffic controllers have lost radar signals of aircraft in Flint's airspace. Federal Aviation Administration documents show the radar is not scheduled to be replaced until September 2002. FAA officials, controllers and technicians have said they do not believe the system's weaknesses are compromising the safety of pilots and fliers, but could cause delays and added stress for controllers." Because Congressman KILDEE was focusing his efforts at the FAA, Congressman KILDEE was not able to make a formal request to the Subcommittee in time for consideration of this budget. I want to make a formal request that, among my Michigan colleagues, we give full consideration to Congressman KILDEE'S issue, and hope that we can work out something during conference consideration.

I also wanted to assist Congressman JOHN LEWIS of Georgia in confronting the difficult task of meeting the transportation needs of a rapidly growing population in Atlanta, Georgia. Congressman LEWIS is seeking support for expanding the service of his region's wonderful Metropolitan Atlanta Rapid Transit Authority, and it is also may hope that we are able to work with Congressman LEWIS during conference committee on this issue as well.

Finally, I would like to once against thank the hard work that Ms. Cheryl Smith and Mr. John Blazey on putting this whole package together. Sometimes, we forget that we are fortunate to have a dedicated staff willing to pay the price of long hours and thankless service that public service requires.

Again, I strongly encourage my colleagues to support this bill.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First, I would like to congratulate my colleague from Virginia for his work on the transportation bill today. I have an issue, however, that I would like to bring to his attention.

Mr. Chairman, the Rock County Airport which is located in the district that I serve has recently begun to see an increase in air traffic for business deliveries to local employers.

In order to accommodate these important deliveries, the Rock County Airport is in desperate need of improvement. Rock County began work on these improvements, but Federal assistance is needed to address this immediate need. These improvements are critical not only to the local businesses in the district I represent but also to the local economy and the livelihood of the employees who work at these businesses.

I understand the committee report has included a list of airports which the committee directs the FAA to give priority consideration for grant funding next year. Would the gentleman be willing to communicate to the Federal Aviation Administration that these improvements to the Rock County Airport are to be considered a priority for grant funding as well?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Virginia.

Mr. WOLF. Absolutely. I appreciate my colleague from Wisconsin bringing this important issue to our attention. I understand the merits of the project. I am committed to making sure that it is communicated to the FAA that this project receives the same priority consideration as those included in the committee report. The gentleman has my word on that.

Mr. RYAN of Wisconsin. I thank the gentleman from Virginia. I sincerely appreciate my colleague's commitment. I look forward to working with him on the Rock County Airport issues.

Mr. SABO. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), one of the members who always has very high interest in the Coast Guard.

Mr. DELAHUNT. I thank the ranking member for yielding me this time.

Mr. Chairman, I do stand here in strong support for the United States Coast Guard and to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. Sabo) for their leadership in crafting this bill under such tight budget constraints. I also applaud them for increasing the Coast Guard's acquisition, construction, and improvements account to help replace its aging vessels and aircraft and to thank them for including readiness funding in the supplemental bill passed earlier this year. However, the administration's requested level for operating expenses represents the absolute minimum required for the Coast Guard to perform the fundamental duties it has been assigned by the Congress.

Let us not forget that these services often are matters of life and death. The men and women of the Coast Guard have put their lives on the line every day for 200 years to save thousands of recreational and commercial mariners. Over 45,000 people in the last decade alone have been saved by the Coast Guard.

Moreover, the General Accounting Office has documented that during the 1990s, the Coast Guard has been assigned vastly increased responsibilities while its workforce has been shrunk by nearly 10 percent and has operated within a budget that has risen by only 1 percent in actual dollars. The Coast Guard's new assignments go considerably beyond basic vessel safety and search-and-rescue, including marine environmental protection, fisheries management, overseas military port security, international maritime training, and, of course, drug interdiction.

In the wake of these increased mandates, at the same time as a decrease is planned in search-and-rescue spending, the Coast Guard needs adequate funding to meet its new tasks and perform its traditional but critical basic services to protect people, the environment, and the United States economic interests.

Again, I thank the appropriators for their hard work in meeting the challenges of assembling this spending bill and look forward to continuing to work with the committee to increase funding to at least the administration's requested level.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KING), the great author of a new book which he hopes becomes a best seller.

Mr. KING. Mr. Chairman, I thank the gentleman for yielding me this time, and, most importantly, I thank him for his kind remarks about the book.

Mr. Chairman, I would like to express my support for this important legislation to fund transportation projects in fiscal year 2000 and to communicate my sincere appreciation to the gentleman from Virginia (Mr. WOLF) for his efforts in including $4 million for a project of great importance to me and my constituents, the New York Metropolitan Transportation Authority's Long Island Railroad East Side Access Project. This project, to be completed by the year 2009, is a major commuter rail improvement project which will enable 50,000 existing and tens of thousands of new commuters on the Nation's busiest commuter rail line, the Long Island Railroad, to travel directly to final destinations on Manhattan's East Side without spending over half an hour backtracking on subways from Penn Station on the West Side.

Over $100 million in combined prior Federal appropriations and State and local funds have already been dedicated to this critical project which will greatly improve transit flow and reduce vehicular traffic in the New York City region. East Side access is supported by a Statewide bipartisan majority of New York's congressional delegation and is the top funding transportation priority of Governor Pataki.

I look forward to working with the gentleman from Virginia and the other members of the committee as this vital project goes forward. I thank the gentleman for all his courtesies and generosity on this project.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KING. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the remarks of the gentleman from New York. I would like to point out that the Federal Transit new starts funds provided in H.R. 2084 for this project will help. They would not be there without his effort, and will help to maximize previous Federal investments in the 63rd Street Subway Tunnel and Connector Project. All these projects are linked together to alleviate congestion, promote environmentally sound transportation, and enable weary commuters to spend more quality time with their families by reducing lengthly daily commutes.

I look forward to working with the gentleman from New York and other members of the New York delegation to ensure that this project will be adequately funded as it moves into the heavy construction phase.

Mr. KING. I thank the gentleman from Virginia.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN), one of the members of our subcommittee.

Mr. CLYBURN. I thank the ranking member for yielding me this time.

Mr. Chairman, I know the gentleman from Virginia is aware of the recent media reports detailing the use of racial profiling by numerous law enforcement agencies as they patrol our Nation's highways. Indeed, one study by a nongovernmental entity found that along the I–95 corridor in Maryland, African Americans comprised only 17 percent of all drivers, yet accounted for 73 percent of all police searches.

As chairman of the Congressional Black Caucus, I have been directed by the Caucus to request the General Accounting Office to conduct its own comprehensive study to determine the extent and magnitude of this problem.

Mr. Chairman, I call this to the gentleman's attention so that he will know that next year, I will address this issue in our hearings. These citizens are driving on roads paid for with funding in the Transportation Appropriations bill, yet are experiencing discriminatory law enforcement practices on these highways. I hope that next year we can explore whether there are avenues through the Department of Transportation to assist in eradicating this unfair practice.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. CLYBURN. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman from South Carolina for drawing our attention to this important matter. I am hopeful that his GAO study will be completed by our hearing schedule next year, and I look forward to examining its results. I look forward to working with the gentleman from South Carolina in addressing the issue.

Mr. CLYBURN. I thank the gentleman for his commitment to working together to find a solution to an issue about which millions of African Americans harbor intense feelings.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished ranking member for yielding me the time.

Mr. Chairman, I rise in my capacity as the ranking Democrat on the Subcommittee on Ground Transportation. I want to express my appreciation to the gentleman from Virginia for giving some funding priority to those transit new start projects which are under full funding grant agreements.

The authorizing committee undertook an extensive review of these projects when preparing legislation enacted last year as TEA 21 which among its many initiatives authorized the transit program through fiscal year 2003.

Among the new start projects being funded in the pending legislation is the Tren Urbano in San Juan, Puerto Rico. As I noted in a recent letter to the gentleman from Virginia, San Juan is densely populated and at times its transportation facilities appear to be paralyzed with congestion. In fact, downtown San Juan has an exceedingly high vehicle density, some 4,200 vehicles per square mile, which is expected to increase by almost 50 percent by 2010.

In a situation like this, the Tren Urbano system is a logical, environmentally benign means to facilitate transportation in the area.

The pending measure, in accordance with the recommendations of the FTA, would appropriate $82 million for Tren Urbano for the next fiscal year. I applaud the committee and the ranking member for making this recommendation.

However, what I find disturbing is language included in the Committee Report accompanying this appropriation measure.

In the Report, the Committee notes it is troubled by the findings of a financial management oversight contractor which indicate that the Commonwealth of Puerto Rico may not have sufficient financial resources to build and maintain the project. Consequently, a number of time consuming reports are required before the appropriation would be available.

First, I would note that the Committee on Transportation and Infrastructure, in its extensive review of this project, did not at any point find anything which would lead one to question the ability of Puerto Rico to meet its financial responsibilities with respect to Tren Urbano and at the same time adequately meet other transportation requirements of the region. In addition, earlier this year the Transportation and Infrastructure Committee requested that the General Accounting Office conduct a review of all existing projects under Full Funding Grant Agreements. The results of this review are expected shortly.

Second, it is my understanding that the financial management report referenced by the Committee Report does not exist, at least, in final form. With all due respect to the Committee, it is relying on hearsay and innuendo rather than official reports with respect to this particular project. The fact of the matter is that the so-called financial management report at issue here was never approved by the FTA.

Third, I would urge the Committee to rethink the costly bells and whistles it has recommended be attached to this appropriation. The various reports called for in the Committee Report are simply not necessary, especially since a GAO review is already underway, and will cause delays. As we all know, delays in transportation projects lead to increased costs, and cost overruns, and that is something we are all seeking to avoid. In this regard, I would emphasize that statements made in a Committee Report, even from the Appropriations Committee, do not carry the force of law.

Again, I applaud the Committee's funding recommendation in this matter but strongly urge that the appropriation be made final by the Conference Committee without unnecessary strings attached.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Transportation Appropriations Bill. Unlike the bill on the Senate side, the House version understands that each State has different needs. The Senate bill placed a cap on transit spending for a State.

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This cap, if enacted, would mean a loss of over $160 million in transit aid to New York City and State alone. In a country which is trying to emphasize the importance of using public transportation these caps are counterproductive.

The House bill uses a funding formula which takes into account the number of mass transit riders a region handles. The same Senators who may support caps for mass transit I would assume would be opposed to similar caps on highway spending. The House bill shows an understanding that funding for mass transit is equally as important as other transportation funding.

I commend both the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for constructing a bipartisan balanced bill. I do wish to raise one concern:

In this bill there is money earmarked for the East Side Connector, which will allow commuters from Queens and Long Island to end up in New York City. This project is worthy and important, but it only makes sense if at the same time we institute a plan to finish the Second Avenue subway in New York City. When the estimated 50,000 new commuters wind up in Grand Central in New York most of them will have to continue on an additional commuter line, the Lexington Avenue line. Currently the Lexington Avenue line is the only one that goes up the East Side of Manhattan, and it is already terribly crowded. Adding thousands of additional commuters will only add to the already overburdened state of this line. The solution is to create a line along Second Avenue in Manhattan, which has been in the works on and off for over 30 years, and part of it has already been constructed. This subway line will allow the city's economic growth to continue and make the subway system an asset and not a hindrance. The Senate bill allows for funding to continue the process of building the Second Avenue subway, and I do support this bill, but I hope that in conference the appropriators will follow the Senate version.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank the gentleman from Virginia (Mr. WOLF) for all his incredible work, and I rise today in support of this bill and commend him for his efforts. I especially want to thank the gentleman from Virginia for including $6 million in this bill for the redesign of the New Jersey/New York Metropolitan airspace. This is a critical effort that will benefit not only the residents of northern New Jersey and New York State, but other parts of the region. Once completed, this redesign will become the model for other regions such at Boston, Washington, D.C., Chicago and Miami.

For over a decade residents in my district in northern New Jersey have been plagued by the problem of aircraft noise. According to the Federal Aviation Administration, redesign of the airspace will solve many of the region's air noise problems. The airspace over Newark, Kennedy and LaGuardia airports is the busiest, most congested and most complex in the Nation. These three major airports have over 1 million flight arrivals and departures a year. Further, the high volume of flights is complicated by the fact that these three airports share the same airspace. When Newark changes departure and arrival patterns, adjustments have to be made at Kennedy and LaGuardia airports as well.

Last year the FAA announced it would begin the process of redesigning the airspace over New Jersey and New York Metropolitan region. This was to be the first area in the country addressed by the FAA, and results could be applied to other regions during future airspace redesign processes. The $6 million included in the transportation appropriations bill will enable the airspace redesign to move ahead in a timely manner. It will provide much needed relief from the constant loud intrusion of aircraft noise.

Again, my thanks to the gentleman from Virginia (Mr. WOLF) for including this critical funding in his bill, and I urge my colleagues to support it.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the subcommittee for yielding this time to me. I wish to comment on section 332 of the transportation appropriations bill.

The Committee on Appropriations has seen fit to include language which prohibits the National Highway Transportation Safety Agency from implementing a final rule for Section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. By preventing the implementation of a final rule, section 332 will undermine the key provision of the 1996 immigration law, a law passed by overwhelming majorities in both Houses of Congress. By nullifying laws to the appropriations process, this measure undermines the legislative process itself.

Regarding the section 656(b) of the immigration law, it is unfortunate to see the national ID card hysteria is alive and well. I do not support a national ID card and do not know anyone in Congress who does. I do support immigration laws that stop illegal aliens from using fraudulent documents to take jobs and benefits away from Americans. There is no national ID card in the 1996 immigration reform law. It merely directed the Department of Transportation to establish reasonable standards for permitting the abuse of State issued driver's licenses. It is entirely optional for States to use a Social Security number on State driver's licenses. The 1996 immigration reform law encourages States to create driver's licenses, birth certificates and other forms of ID that are hard to counterfeit. Fourteen States, for example, already have tamper resistant driver's licenses, but only in the wildest imagination does any of this constitute a national ID card.

Neither the legislation, nor the proposed rules, require that the individual States include an individual's Social Security number on the driver's license. This will remain a State option. It is not mandatory.

Driver's licenses and Social Security cards are the most fraudulently duplicated IDs, and without making them tamper resistant we are asking illegal aliens to use them to commit fraud and, of course, wrongfully gain citizenship.

While I will not ask my colleagues to vote against H.R. 2084, the transportation appropriations bill we are now considering, I wish to voice my strong concerns about this provision and the process which allowed it to be included in the bill. If the legislative process means anything, we have to stop overturning and changing legislation through appropriation bills.

Mr. Chairman, I plan to work with members of the Committee on Appropriations, including the gentleman from Virginia (Mr. WOLF), to ensure that this does not happen again.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise to engage in a brief colloquy with the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation, regarding Federal Aviation Administration's acquisitions of transponder landing systems.

Mr. Chairman, H.R. 2084 and the accompanying committee report directs the FAA to acquire and install several transponder landing systems. Is it the gentleman's understanding that the intent of the report language also directs FAA to move immediately to commission these systems pending a successful in-service review and validation of TLS at the Watertown, Wisconsin, airport, and further, that FAA should perform the in-service review and validation at Watertown as soon as possible?

Mr. WOLF. Mr. Chairman, would the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is my understanding, that the transponder landing system was issued a type certificate by FAA Administrator Jane Garvey during May of 1998, and barring any setbacks with the review and validation, FAA should proceed to acquire and commission these systems as soon as practicable.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Virginia very much for allowing me to engage in this colloquy.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I just wanted to thank the committee for its work and to ask that they once again consider in conference as they come back with the Senate report and obviously the House report; in the House Report there is $2 million for the Blue Line in Chicago. It is a line that needs to be completely rebuilt at a cost estimate of $425 million. The State of Illinois has passed a rather robust transportation authorization of over a billion dollars that the Chicago Transit Authority will receive to redo those lines, so from the State point of view, and of course Mayor Daley and the Governor of the State of Illinois have worked together on the legislative process, so we have got the dollars from the State of Illinois to really make a big infusion, but we have only been able to receive $3 million thus far from the authorized amount of money at $325 million from the House of Representatives.

So I would simply ask that in conference my colleagues take another look at the needs of the Blue Line in Chicago, and I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their work on this issue.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in support of this legislation. I want to take a moment just to thank the gentleman from Virginia (Mr. WOLF) for not only his friendship but his leadership on issues important to Illinois and the district I represent, and I particularly want to thank him, Mr. Chairman, for his assistance in response to the Amtrak tragedy that occurred in my district in the village of Bourbonnais, and I really appreciate the assistance and the extraordinary effort that he gave on behalf of the local communities there.

I also want to point out that this legislation today that is before us is good for Illinois. I would point out that this legislation includes $25 million in new start funds for extensions, for new extensions, for Metro which is the mass transit rail system serving the suburbs as well as Chicago Metropolitan Area. I point out particularly that one of the beneficiaries of this new funding will be extension of the Southwest Line, an additional 11 miles out to the village of Manhattan in the district that I represent; would also note that this will allow for additional expansion beyond Manhattan, out to the Joliet Arsenal development at the Midway National Tall Grass Prairie and Abraham Lincoln National Cemetery.

This legislation also includes $1.6 million for the city of Joliet to assist with their maintenance of mass transit facility and help us with a bridge in the Morris area.

So, Mr. Chairman, I thank my colleagues very much for their able assistance and leadership.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in support of this transportation appropriation. The business of transportation and appropriations is to fund important national projects, and few are as important as this. Transportation is the lifeline of our national economy. Our roads, our bridges, our highways, our railways and our airports are what connect the various parts of our American family. Product made in San Francisco can reach a market in San Antonio on a safe road in a short period of time, and this propels the economic growth of our Nation and protects the safety of our drivers.

So I commend the gentleman from Virginia (Mr. WOLF) for his leadership on this issue. He has done his best to make the most of this bill, and he and his staff have accepted the very difficult budget constraints we currently work under and produced a bill that we can all be proud of. I am proud to serve on his committee and proud of his work.

I am especially pleased to point out to my colleagues that the bill includes a $1.6 billion increase for highway improvements and a $333 million increase for airport improvements. These increases are in addition to a forty percent increase for the Coast Guard's Drug Interdiction Program. These increases represent priority funding for priority goals.

I would also like to praise Chairman WOLF'S ability to work with the other side of the aisle, identify key transportation needs and still develop a fiscally sound transportation bill. This bill proves that we in Congress can get it done if we get it together.

When we lower our voices and raise our sights, it's amazing what we can accomplish. And this bill is proof of that. I am proud to be a member of this important and bipartisan committee and I look forward to working with Chairman WOLF in the future.

In closing, I want to commend again Mr. WOLF for successfully steering this bill down the road to passage. And I urge all my colleagues to end this journey by voting this bill into law.

Mr. GUTIERREZ. Mr. Chairman. I rise today to reiterate my strong support for much-needed and already authorized funding for the Douglas Branch of the Chicago Transit Authority's Blue Line.

I am extremely concerned about the inadequate level of funding H.R. 2084 includes for the Blue Line and I urge conferees from the House and the Senate who will consider this legislation to dramatically increase funding for this vital project.

The Douglas branch of the Blue Line is more than a century old. It has never undergone systematic capital improvements. Due to its age and deterioration, the Blue Line has become increasingly difficult to operate efficiently and safely.

The House of Representatives clearly recognized the need to improve and rebuild the Douglas branch of the Blue Line and authorized federal funding of $315 million in TEA–21 legislation passed last year. Obviously, many projects were competing for this limited pool of money and this authorization represented a thoughtful and reasonable response to the needs of Chicago-area residents who use the Blue Line.

In response to this federal authorization of funds, the State of Illinois has appropriated more money than is needed for the local matching portion of this project. Improving the Blue Line has the strong support of the entire Illinois Congressional delegation, the Illinois Legislature, Governor George Ryan and Chicago Mayor Richard M. Daley.

The need for an adequate appropriation of funds could not be more urgent. The Chicago Transit Authority has reduced services on the line drastically, with weekend and late evening services eliminated. Speeds have been reduced considerably on the Blue Line, making daily commutes impossible or extremely inefficient for the 27,000 passengers who rely on this route to travel to work, school, health care facilities and other essential destinations.

Mass transit is absolutely vital to the economic health of the Chicago area and the many communities this transit link serves directly, including the Pilsen and Little Village neighborhoods. The funding request I have been joined by local, state and federal leaders in making for the Blue Line is very important to the economic vitality of the community I represent.

Unfortunately, H.R. 2084 includes only two million dollars in funding for the Douglas Branch of the Blue Line, far less than the $77 million that was requested for this year. This level of funding is inadequate to serve the needs of the residents who count on this vital transit line. I urge the members of this Congress to respond to the needs of the people of the Chicago area and provide the requested level of funding for the Blue Line.

Mr. MATSUI. Mr. Chairman, I rise to extend my most sincere thanks to Chairman WOLF and the Ranking Member, Mr. SABO, and the Members of the Committee, for their willingness to provide funding for Sacramento's transportation priorities contained in the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 2000.

Funding in this legislation will allow Sacramento to make significant advancements on projects that are urgently needed to address the population growth and transportation inadequacies confronting our region. Specifically, I am grateful for $25 million for the Sacramento light rail extension project and the $1.25 million allocation for the Sacramento compressed natural gas bus program. Both projects are needed to assist efforts to ease traffic congestion and provide efficient, affordable, and environmentally sound modes of transportation to our region.

I also thank the Committee for the $1 million in funds for the Sacramento Transportation Information Technology Project and seek clarification in noting that this program supports the efforts of Sacramento County, California. This project represents the latest undertaking by Sacramento County under a program that will permit our community to develop and implement a model intelligent transportation system. Watt Avenue is a major north-south artery in the region surrounded by tremendous geographic restrictions, making expansion extremely impractical. These restrictions result in much larger than normal traffic flows for an arterial of its character. By creating a transit priority system to permit queue jumping for buses, this program will improve transportation efficiency, increase traffic flow, reduce emissions of air pollutants, improve traveler information, and build on existing projects among other priorities.

Again, on behalf of the Sacramento community, I thank the Committee for its recognition of these transportation priorities so vital to the stability and growth of our region.

Ms. JACKSON-LEE of Texas. Mr. Chairman I rise to urge my colleagues to vote in favor of H.R. 2084, the Transportation Appropriations for FY 2000. I would like to thank both Chairman WOLF of the Appropriations Subcommittee on Transportation and the Ranking Member, Congressman SABO, for including much needed projects for the city of Houston, as well as those for the entire State of Texas.

The bill provides a total of 50.7 Billion, 7% more than current funding, with nearly 70% of the total earmarked for highway safety and mass transit programs under guarantees set by the new highway and transit law ("TEA21") enacted by Congress last year. The amount provided for highways includes $1.5 Billion more than initially authorized, due to a TEA21 mechanism that automatically increases guaranteed highway spending to match increases in gas tax revenues to the Highway Trust Fund.

Both the Congress and the Administration recognized the need to invest more resources in our transportation system with the enactment last year of TEA–21 and the firewalls established for road, bridge and mass transit needs. H.R. 2084 affirms the goal by funding roads, bridges and mass transit systems at TEA–21's firewall levels. In addition, this measure will increase funding for federal transportation programs, including additional resources for needed improvements to airports and aviation infrastructure.

The investment levels contained in this bill are a major step in beginning to close America's infrastructure funding shortfall and reversing decades of infrastructure disinvestment. As a result of that disinvestment, 59 percent of our roads are in poor to fair condition and nearly one third of our bridges are in disrepair. In addition, 22 percent of all buses and 33 percent of all rail vehicles are over aged. The number of seriously congested airports rose from 22 percent to 32 percent in less than 10 years.

The measure provides $28.9 Billion for highway programs (6% more than the current level). $5.8 Billion for mass transit (8% more than current funding), $2.8 Billion for Coast Guard operations (8% less than in FY 1999), $10.5 Billion for the FAA (10% more than the current amount), and $571 million from Amtrak (6% less than current funding).

I am pleased by this report and would like to thank the Committee for the hard and diligent effort. I know that each member on the committee and their staffs put long hours into the formation of this bill, considering each request with the best interest of the nation in mind.

Mr. Chairman, I am disappointed that the light rail option in Houston, Texas has not been explored as a viable alternative. As congestion continues to grow in our metropolitan areas we need to explore other options besides the automobile. I would have liked to see funds dedicated to the study of a light rail system in Houston.

I would like to thank the Committee for including a total appropriation of $52.7 Million for the Houston Regional bus project. The plan, developed by Houston METRO, consists of a package of major improvements to the region's existing bus system. It includes major service expansion in most of the region, new and extended HOV facilities and ramps, several transit centers and park-and-ride lots, and supporting facilities.

I am also thankful, Mr. Chairman, that the City of Houston received $1 million dollars for the redevelopment of its Main Street Corridor. This money will go to the revitalization of the heart of the 2000 square mile Houston region. This backbone runs through both my district and that of Representative KEN BENTSEN.

The corridor runs from Buffalo Bayou north through downtown, midtown, Hermann Park, and Texas Medical Center. Main Street links two important economic hubs—Downtown and Texas Medical Center, as well as entertainment, cultural, and governmental centers.

To reinforce and sustain the development activity in the corridor, the City of Houston initiated the Main Street Corridor Redevelopment Program. The program focuses on the coordination of transportation, land development, and community systems. This program will ensure that the Main Street Corridor linking downtown to the Astrodome becomes an urban place befitting of local, national and international recognition in the next millennium.

This project focuses on coordinated transportation and Community system planning for the eight-mile long Main Street Corridor—the ten-mile square historic heart of the Houston region. Current and proposed highway, street, and transit investments will be planned in concert with substantial economic redevelopment to maximize efficiency of transport systems and guide real estate development and to preserve significant community assets. Long term results will increase development density, increase access to jobs, reduce automobile trips, lower emissions, and reduce long term capital investment in regional infrastructure.

I thank both Chairman WOLF and Ranking member SABO for their recognition of the worthiness of this investment in the infrastructure of Houston. I am hopeful that the Chairman and Ranking Member will protect this project when we proceed to conference, and add the additional $500,000 I have requested to keep this project on schedule. This revitalization is vital to ensuring the future of this center of commerce and business.

I know that my constituents in the 18th Congressional District support providing the resources to meet these transportation needs. I believe that spending on America's infrastructure is truly a strong investment in the future of America.

Once again, I want to urge my colleagues to support H.R. 2084 and vote, yes for America's infrastructure future.

Mr. SENSENBRENNER. Mr. Chairman, I rise today to support the research and development provisions in H.R. 2084, the Department of Transportation and Related Agencies Appropriations Bill, for FY 2000. As Chairman of the Committee on Science, I believe this bill's research funding provisions meet the requirements for a solid research and development base in support of the Department of Transportation's (DOT) mission. Like Chairmen YOUNG and WOLF, I too recognize that investing in research today will improve the safety and efficiency of travel in the future.

Last month the Science Committee passed H.R. 1551, the Federal Aviation Administration Civil Aviation Research and Development Act. The bill included a $208.5 million authorization for research and development programs at the Department of Transportation. Like H.R. 2084, H.R. 1551 proposes a $173 million dollar commitment to the Research, Engineering and Development account at the Federal Aviation Administration. This is an increase of $23 million over the FY 1999 enacted or a 15.3 percent increase for FAA Research and Development programs and will provide FAA with the resources necessary to expand their Research and Development activities.

In addition, I am pleased H.R. 2084 funds the Advanced Technology Development and Prototyping function of the FAA's Facilities and Equipment account at a level of $33 million dollars. These critical projects and activities are assisting us to develop the next generation of communications, navigation and surveillance capabilities necessary to meet the projected increases in aviation in the 21st century.

Similarly, the bill supports the Safe Flight 21 program at FAA at the authorized level of $16 million. Although I would have liked to have seen Safe Flight 21 in the research account, and not in the Facilities and Equipment account, I do believe this is a program of merit and worthy of support.

While I believe H.R. 2084 provides DOT and FAA with the resources necessary to conduct world class research that is mission critical to DOT, I cannot support the bill as a whole. I believe that the $50.7 billion appropriated by this legislation is more than we can afford for the Department of Transportation.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 2084, the FY 2000 Transportation Appropriations Bill.

While this bill contains many worthy provisions, I was disappointed that no funding was included for Broward County's (FL) busing program. As my colleagues may recall, last year Congress appropriated $1 million for new buses in Broward County.

Considering that Broward County is still rapidly expanding, and that current transit service is inadequate (especially in the western areas of the county), I am hopeful that some funding can be added in conference committee for this worthwhile program.

Mr. Chairman, considering the numerous budgetary constraints Chairman WOLF is operating under, he did a commendable job in bringing this bill to the floor today, I urge my colleagues to support this legislation.

Mr. SERRANO. Mr. Chairman, I rise in strong support of H.R. 2084, the bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year 2000.

As a new member of the Subcommittee, it has been a pleasure to be part of such a fair, bipartisan process. I particularly commend our Chairman, the gentleman from Virginia (Mr. WOLF) and our Ranking Democrat, the gentleman from Minnesota (Mr. SABO) for the good work they have done in developing this bill and the attention they have paid to fairly distributing funds among the various modes of transportation, and to balancing the needs of the nation with the needs of individual members and their districts.

And I would be remiss if I did not express my appreciation and thanks to the staff, Cheryl Smith and Marjorie Duske on our side, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone. They are thoroughly professional and dedicated public servants.

Given the stringent budget constraints facing the Subcommittee, this bill is quite an accomplishment. Of considerable importance, the bill fully funds the highway and transit programs as called for in TEA–21, so that projects many of us worked hard to achieve can proceed without interruption. But it also provides the resources needed to continue the safe and efficient operation of our nation's transportation system. This system has been described as the circulatory system of America, without which our economy would clog and slow.

Again, Mr. Chairman, I would like to thank Mr. WOLF and Mr. SABO and all the other talented people who have worked so hard to develop this bill, and I urge my colleagues to support it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Act. This bill provides a total of $50.7 billion in FY 2000 for the Transportation Department and related agencies. The bill's funding includes $14.6 billion in direct appropriations and nearly 70% of the bills funding comes from guarantees set forth in the Transportation Equity Act for the 21st Century—TEA–21.

I would like to commend Chairman FRANK WOLF and Ranking Member SABO and the leadership of the Full Committee on Appropriations for putting together a bill that increases funding for highways, highway safety, transit, and operations at the Federal Aviation Administration.

This bill provides $7 million for bus acquisition for Los Angeles County and $5 million for the Municipal Transit Operators Coalition. Further, this bill meets the transportation needs for the State of California. However, I am concerned that once this bill passes the House and moves to conference that it may be subject to the language offered to the Senate's bill. As part of last year's landmark highway and transit authorization bill, TEA–21, California is slated to receive 14.6% of the total federal allocation for transit funding. However, the so-called "Transit Equity Provision" included as part of the Senate Appropriations

Committee's FY 2000 Transportation Appropriations bill artificially caps California's share of transit funding at 12.5%. This reduction will result in a loss of at least $120 million for the State of California in fiscal year 2000.

California accounts for roughly one-quarter of the nation's transit users, yet we receive only about 15% of the federal transit funding. A majority of our statewide transit capital programs are financed from state and local resources, but we need the federal funding to continue to provide and expand effective service and to spur economic growth. Furthermore, capping the state's federal transit aid will reopen the carefully crafted distribution formulas enacted just one year ago, and invite a host of new problems.

When this bill goes to conference, I urge the leadership of both the Committee and Subcommittee to fight this provision and avoid reopening TEA–21. I urge passage of this legislation and I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2084, the FY2000 Transportation Appropriations Act.

This Member would like to begin by commending the distinguished gentleman from Virginia (Mr. WOLF), the Chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee, for their hard work in bringing this bill to the floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Transportation Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes $1 million in funding for vital improvements to the bus maintenance facility in the City of Lincoln, Nebraska.

The City's of Lincoln's bus system, known as StarTran, is the primary provider of public transportation services in the area, with 65 buses and vans serving over 1.7 million riders annually. The need for increased bus service in the area continues to grow, but Lincoln's share of Federal transit assistance has steadily declined over the last several years. As a result, the City has had to use more and more of its General Fund revenues just to maintain current StarTran services, which makes major projects such as facility improvements next to impossible without a one-time infusion of Federal dollars.

For several years, the bus maintenance and operations facility have not provided adequate space for the duties that must be performed there and the result has been decreased safety and efficiency. For example, none of the current stalls in the maintenance area are capable of lifting a bus any more than a few inches because of lack of overhead clearance, sloping floors prevent what should be simple maintenance functions, and narrow stalls provide insufficient workspace around the buses.

In order to correct these deficiencies, StarTran will use the Federal funds for the construction of a 15,000 square foot expansion adjacent to the current facility. This expansion would include new repair bays that would be properly sized with lift capabilities; an improved service and cleaning area; a level, safe, and more efficient work area; and a relocated tire and brake shop that will eliminate the need to perform tire work in the parking lot. These improvements would go a long way in providing the proper tools with which to maintain StarTran buses as well as a safe area for the department employees.

Mr. Chairman, this Member urges his colleagues to support H.R. 2084.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

Mr. SABO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having been yielded back, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 106–196 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read and shall not be subject to amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

For necessary expenses of the Immediate Office of the Secretary, $1,867,000.

Immediate Office of the Deputy Secretary

For necessary expenses of the Immediate Office of the Deputy Secretary, $612,000.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $9,000,000.

Office of the Assistant Secretary for Aviation and International Affairs

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,632,000: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

Office of the Assistant Secretary for Budget and Programs

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,770,000, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

Office of the Assistant Secretary for Governmental Affairs

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,039,000.

Office of the Assistant Secretary for Administration

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,767,000.

Office of Public Affairs

For necessary expenses of the Office of Public Affairs, $1,836,000.

Executive Secretariat

For necessary expenses of the Executive Secretariat, $1,102,000.

Board of Contract Appeals

For necessary expenses of the Board of Contract Appeals, $520,000.

Office of Small and Disadvantaged Business Utilization

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

Office of Intelligence and Security

For necessary expenses of the Office of Intelligence and Security, $1,454,000.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, $5,000,000.

Office of the Assistant Secretary for Transportation Policy and Intermodalism

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy and Intermodalism, $3,781,000.

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $7,742,000.

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $2,950,000.

Transportation Administrative Service Center

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $157,965,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: *Provided further,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Minority Business Resource Center

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,791,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $410,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $205,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $38,310,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $59,400,000 shall be available for other equipment, to remain available until September 30, 2002; $55,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; and $50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001: *Provided*, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $18,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $721,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: *Provided*, That no more than $23,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,039,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,925,000,000, to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program and $600,000 shall be for the Centennial of Flight Commission: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That no more than $28,600,000 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

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POINTS OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "to be derived from the Airport and Airway Trust Fund" on page 11, line 8, through page 11, line 9 on the grounds that this is legislation on an appropriations bill in violation of clause 2 of Rule XXI of the Rules of the House.

This provision is legislation on an appropriations bill because it provides funding for FAA operations solely from the Airport and Airway Trust Fund. Funding the program entirely out of the Trust Fund has the effect of changing existing law, which precludes funding from the Trust Fund in a fiscal year unless a general fund component has been included and, therefore, constitutes legislation on an appropriations bill.

My point of order would strike the provision which makes the source of funding for FAA operations, the Airport and Aviation Trust Fund, but leaves the overall funding level for FAA operations in place. This would have the effect of making all funding provided for FAA operations from the General Fund.

Mr. Chairman, I want to strongly emphasize that it is not my intention that all FAA operations funding should come from the general fund. My goal is that the FAA operations funding should be from both the Trust Fund and the General Fund at levels consistent with the levels determined by the House last week in AIR 21. There, the House overwhelmingly, by a vote of 316-to-110, and I might add with 67 percent of the Republicans voting in favor of it, passed the bill which provided a general fund component for FAA operations. By contrast, the appropriations bill being considered today provides no general fund component at all, thereby ignoring the overwhelming will of the House just last week.

However, I would certainly acknowledge that it ultimately would be irresponsible to eliminate all funding for FAA operations, which would mean no funding for important services such as flight safety inspectors and the air traffic control system.

I had intended to cure this problem of having all FAA operation funding coming from the general fund by offering an amendment to restore the levels of Trust Fund and General Fund spending for FAA operations to the levels that were overwhelmingly approved by this House last week in AIR 21. Unfortunately, my friends on the Appropriations Committee objected to making this amendment in order, even though the House had overwhelmingly expressed its will just last week.

I regret having to take this action, and I still would be amenable to agreeing on an amendment that would restore the balance between General Fund spending and Trust Fund spending, if my friends on the Appropriations Committee would be interested in doing this. I again emphasize, it is not my intention to have to do this, I regret having to do it. I had an amendment to cure it which was not made in order by the Committee on Rules, and I regret that as well.

So it leaves me no recourse but to object on this point of order.

Mr. COBURN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, I make a point of order against provisions of the bill and would request that the point of order that the gentleman from Pennsylvania (Mr. SHUSTER) just made be expanded to include starting on page 10, line 17 and include through page 13, line 13.

The Federal Aviation Administration operations are unauthorized. They have never been authorized by this Congress and, therefore, are in violation of clause 2, rule XXI prohibiting the expenditure of funds for programs not authorized by law.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. Is there any other Member who wishes to be heard on the point of order?

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair is then prepared to rule on the points of order.

The language identified by the point of order provides that the amendment appropriated in the pending paragraph be derived from the Airport and Airway Trust Fund. In the absence of any provision of existing law to support the inclusion of that language in a general appropriation bill, the language constitutes legislation in violation of clause 2 of Rule XXI.

The point of order is sustained.

In response to the point of order of the gentleman from Oklahoma (Mr. COBURN), the entire paragraph from line 17 on page 10 through line 13 on page 13 is stricken from the bill unauthorized.

Are there any amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,200,000,000, of which $1,917,000,000 shall remain available until September 30, 2002, and of which $283,000,000 shall remain available until September 30, 2000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I rise to a point of order against the phrase "notwithstanding any other provision of law" on page 13, line 16, on the grounds that it is legislation on an appropriations bill and violates clause 2 of Rule XXI of the Rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all other legislative constraints on the provision of funds for FAA facilities and equipment.

I would emphasize, Mr. Chairman, that there are approximately 35 legislative provisions in this appropriations bill. We were not consulted on any of them. Had we been, we might have been able to work out many of these points. Nevertheless, we will not be objecting to a majority of these legislative provisions, even though we were not consulted on them. Indeed, had we been consulted, I believe we could have worked out many of them.

So I insist upon my point of order on this particular matter at this time.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $173,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,867,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $2,250,000,000 in fiscal year 2000 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER: Mr. Chairman, I rise to a point of order against the phrase, "notwithstanding any other provision of law" on page 15, line 20 on the grounds that it is legislation on an appropriations bill and violates clause 2 of Rule XXI of the rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all legislative constraints on the provision of liquidating cash from the airport and airways Trust Fund for aviation improvement program grants.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

Mr. SHUSTER. Some have argued that the TEA–21 highway and transit firewalls somehow have caused the appropriators to underfund other discretionary spending. This is false. The truth is that TEA–21 provided more, not less, funds for remaining discretionary appropriations.

First, all the increased spending for the highway and transit firewalls was fully reflected in the firewalls and fully offset by other saving provisions in TEA–21.

Second, the current, overall discretionary spending caps were only adjusted downward by the amount of highway and transit spending provided in 1998.

In other words, existing discretionary spending was not reduced by the amount of firewall spending, but rather by the amount that the appropriations had previously provided for FY 1998.

Third, there is no longer any pressure on the existing discretionary spending caps to fund increased highway trust fund spending.

Without a doubt, if these new highway and transit firewalls had not been created, there would have been inordinate pressure within the existing caps to increase trust fund spending above FY 1998 levels.

Fourth, because of differences in CBO's and OMB's scoring of the discretionary cap adjustments an extra $900 million of outlays was added to the Appropriations Committee's 302 allocation for FY 1999.

Over the next five years, the effect of this adjustment is between $4 and $5 billion.

The fact is that TEA–21 made more funds available for remaining discretionary programs. If certain non-firewall transportation programs remain underfunded, the cause is not TEA–21, but rather decisions by the appropriators to spend the money elsewhere.

Finally, the argument that other transportation programs are underfunded because the appropriators cannot reduce firewalled spending to increase other, general fund programs has already been rejected by the Congress and the President.

The sole purpose of the firewalls—which I remain my colleagues was a compromise from the House position of taking the highway trust fund off-budget—was to guarantee that future gasoline taxes are spent for their intended purposes.

TEA–21 settled for once and for all that this Congress will no longer continue the charade of masking the size of general fund spending through raiding the Highway Trust Fund.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA.

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

Page 16, after line 8, insert the following:

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the obligated balances authorized under section 48103 of title 49, United States Code, $300,000,000 are rescinded.

Mr. YOUNG of Florida. Mr. Chairman, this is an amendment that is authorized by the rule and it is an amendment to reduce the unobligated balances in the FAA airport improvement program by $300 million. Because of a limitation on obligations, most of these funds would not be obligated over the next year, so we estimate that the impact on the program will be relatively minor.

The obligation limitation in the bill for fiscal year 2000 will remain at $2.25 billion, which we believe will provide adequately for our Nation's airports.

Mr. Chairman, this bill is a good bill, and it has been worked out by the subcommittee and the full committee to bring to the floor under a pretty good bipartisan agreement. But we were able to reduce this $300 million without having a severe impact on the programs.

Now, this bill, because of the T-21 program, has been stripped of a lot of its ability to fund other transportation projects. In this bill, some of those other transportation projects are Amtrak, which is funded at only $570 million, but the United States Coast Guard, which was funded at approximately $4 billion.

Now, in an attempt to reduce the overall cost of this bill, we could have gone to Amtrak. But to arrive at a number that we thought we should arrive at, we would have to basically wipe out Amtrak, and I do not think that most of the Members of the House want to do that.

In addition, we could go deeply into the Coast Guard budget, but the Coast Guard budget is already inadequate, and it is recognized by this bill that it is inadequate by assuming that part of the Coast Guard funding will be taken up by another subcommittee.

Now, that has happened in the past, and we have done that, and we have done it fairly successfully. But what the Members need to know is that the Coast Guard as it went to war in Kosovo, and regardless of where that war stands today, the Coast Guard went to war. They were there. They sent three ships. They did not get any extra money in the supplemental that we provided for the other services, except to bring their pay raise situation into line with the other uniformed military services.

Mr. Chairman, we cannot afford to be cutting into the Coast Guard's ability to do search and rescue missions. We cannot afford to cut into the Coast Guard's ability to do drug interdiction. We cannot afford to cut into the Coast Guard's ability to do port security and other responsibilities they have with seaports, not only in the United States, but in other parts of the world. So in order to get to the level that we thought was more acceptable to the House, we offer this amendment, $300 million. And the $300 million is just coming out of funds that are not going to be obligated over the next year anyway for the most part.

So I would suggest to my colleagues that this is a good amendment. This makes this good bill even better, and I would hope that the Members would be willing to accept this amendment and move on to further consideration of the bill.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would agree with my friend that this is a good bill; while I do not think anybody would agree with every sentence in it, I agree it is a good bill. I support the bill.

Further, I would say that my good friend, the gentleman from Florida (Mr. YOUNG) and his people did consult with us on this particular amendment and we agree with him, even though this is legislation on an appropriations bill, we do agree with him on this, and so we support him in this effort.

I also must add that with regard to T-21, T-21 took absolutely no money from Amtrak. T-21 took absolutely no money from the Coast Guard. T-21 funding was all offset, even the general portion part of it. So I would respectfully say it is a red herring to talk in terms of T-21 being a culprit in terms of causing limited funding for other provisions.

That having been said as an aside, I come back to the main issue here which is the amendment which is before us. I thank the gentleman for consulting with us on this amendment. We agree with him, and we support his amendment.

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Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of these amendments and one of these proposals we seem to have seen regularly this session, like we had on the emergency supplemental. It is a pretend that we are cutting when in fact we are not.

The amendment really does not do any damage to the bill, because it does not cut any money that we were planning to spend in the year 2000. It does not provide any outlay savings. It does not complicate the AIP program through August 6. I assume that program will eventually be extended, at which point new contract authority will be given to fund it throughout the balance of the fiscal year.

So it is one of these amendments, if it makes someone feel good, I guess that is a plus. But it is also one of our pretend schemes which really is not doing anything.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this bill was developed by an appropriations subcommittee in an attempt to represent all of the elements of the House. After months of hearings and weeks of negotiations, that subcommittee was able to produce a bipartisan product. Nobody got what they wanted, but it was a reasonable compromise.

Now, once again, we are faced with the fact that the chairman of the committee has been forced to unilaterally attempt to alter a bill which had been put together originally in a bipartisan manner.

We have seen the chairman come to the floor and amend the agriculture bill. We have seen the chairman come to the floor and amend the legislative branch bill. In his defense, he is not doing that because he wants to start a fight. He has done it because he has been instructed, apparently by his leadership, to change the funding level in these bills in order to satisfy a hardline element within the caucus of the majority party.

They have a perfect right to do that if they want, but I think we need to really lay out what the reality is. We are being asked to believe that somehow, because of the tiny cut that was made in the legislative appropriations bill and the tiny cut that was made in the agriculture bill and now the tiny cut which is being offered in this bill, that somehow some progress is being made by this Congress in reaching or in producing appropriation bills which will be passable and signable by the President.

In fact, that is not the case at all. This chart shows what I mean. Because the majority party has made a decision to increase the military budget by about $19 billion, the fact is that they have produced cuts on the domestic side of the ledger in their 302 allocations, as they are known in the budget. They have produced cuts which total almost $40 billion below last year's budget, adjusted for inflation.

We are being asked to believe that these bills are going to be made passable by the tiny cuts that were made in the legislative branch, the agriculture branch, and now this bill today, when in fact if we total up all the cuts made so far by the majority party in response to the demands of the hardliners and their caucus, this is all that we fill up the thermometer with.

As we can see, the amount of money represented by those cuts is so small it is virtually impossible to see unless one is standing next to it, as I am. So we are being asked to believe that this amendment today will actually contribute in any meaningful way to savings, and in fact it does not.

The fact is that the majority party and elements in this caucus can continue to deny that they are in denial if they want, but the fact is that in order to be able to pass all 13 appropriation bills, they are going to have to do something besides pretending that these tiny little cuts will fill up this bottle, in the end.

The fact is that this House is not going to vote for a labor-health-education appropriation bill which is $10 to $12 billion below last year's level in terms of current services. This House is not going to vote for funding for EPA and HUD and veterans benefits. They are not going to vote for a bill which takes those programs down $6 billion to $8 billion below current services.

So we are going to continue to come out here with these tiny little amendments pretending that some progress is being made, when in fact the gap between the rhetoric and the reality is the gap between the top level of this little amount of red in the bottom of the thermometer up to the top of the thermometer.

When the Majority gets real, when you get into this range, let us know. Until then, there is not a whole lot that the minority can do to help the other side.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very important that the American public know that every Member of this House voted for a budget resolution that would not touch social security money. Only two Members of this House voted for the President's budget, which said that we have to spend some social security money.

Having said that, to me actually the savings thus far are $170 million. To most people in Oklahoma and the rest of the country, $170 million saved is a lot of money. I know it is not here in Washington, but to those who are actually paying the taxes, $170 million is a lot of money.

I think we as a House have to tell the American public either we meant what we said when we voted on our respective budgets that we would not spend social security money, and I would note for the RECORD that the gentleman from Minnesota (Mr. SABO) did in fact vote for his party's budget and did not vote for the President's budget; that in fact, then, if Members say something, i.e., we are not going to spend social security money, regardless of how hard it is and regardless of how tough a job it is, that we ought to make every effort in good faith to try to do that.

The gentleman makes some real points. I would tend to agree with him. I do not think we will pass a bill in Labor-HHS with those kinds of cuts. But I think it is entirely possible that we can pass a Labor-HHS bill that has $700 million or $800 million or $900 million less because we are obligated to do that, recognizing that any money that we spend above our level target of $438 billion will in fact come from social security money.

Mr. Chairman, the gentleman has great experience in the appropriations process. I understand that. But I also understand that it is time for us to do what we say we are going to do. That means honoring our commitment and making sure that when we vote for something, we mean it.

It is fine if we all want to disavow the votes on the budgets, the respective votes on the budgets. I do not intend to do that. Yes, I am part of that portion of the Republican conference that, number one, believes that the government is too big; number two, believes if we tell people we are not going to spend social security, we should not do it, and which should die trying not to spend their money. We can do that.

This amendment that is before us will delay the expenditure of money. No, it does not save any money right now, but it will delay the spending of the money. In Washington, if we can delay spending money, we may be able to get better at not spending it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Minnesota.

Mr. OBEY. I thank the gentleman for yielding, Mr. Chairman. Just three points, Mr. Chairman.

First, I am not from Minnesota. The gentleman from Minnesota (Mr. SABO) is from Minnesota.

Secondly, it was not this Member that voted for the Republican proposition to move $19 billion out of domestic funds into the military budget. That has nothing whatsoever to do with saving money for social security, it has a lot to do with priorities.

Thirdly, I would simply make the point, the gentleman has misstated my votes. He has said that I had voted for the Democratic alternative on the budget. The fact is that when we voted, I took the well of the floor and I stated that I voted for that amendment only as a substitute for the Republican amendment, but that I would vote against both on final passage because I felt that neither reflected reality. I still feel that way.

Mr. COBURN. I thank the gentleman. I stand corrected.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I want to agree with what the gentleman from Wisconsin (Mr. OBEY) said and what the gentleman from Oklahoma (Mr. COBURN) said and just make one further comment on the chart of the gentleman from Wisconsin.

There is another number that should have been on there. That is the agreed-upon budget as established in 1997, which would be $17 billion below the lowest number that the chart of the gentleman from Wisconsin (Mr. OBEY) showed.

Whether we like it or not, everybody has pretty much signed off on that number. That is the number we are working to, and not to the $25 billion or the other.

Mr. COBURN. Reclaiming my time, Mr. Chairman, there are three principles.

One is that almost every Member of the House, and in one way or another every Member of the House, has cast a vote to not spend social security money.

Number two, we do have a 1997 budget agreement that is law that the President has already said he is not going to follow, but that does not mean we should not.

Number three, one of our obligations as Members of this body is to rebuild confidence in it, not to tear it down. If we say we are not going to touch social security money, then we ought to make the effort.

Finally, I would say $170 million is not much. We have a long ways to go. But the assumption we are going to pass a bill that has $19 billion in increased defense spending, I do not think that is a true assumption.

So I am willing to work with anybody that will help me fund Labor-HHS adequately.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 1 additional minute.)

Mr. COBURN. Mr. Chairman, I am willing to work with anyone that will help us fund veterans affairs appropriately, that will help us make appropriate judgments in all the other areas where we are worried about the balances and the targets that have been set.

One of the ways to do that is to make sure we do not spend money in these early bills that we do not have to. If we can take $300 million or $570 million, which is my goal for this bill, and move towards it, that is a half a billion.

In Oklahoma half a billion dollars is a lot of money.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. COBURN was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that the idea that somehow social security is going to be saved because out of a gap of anywhere from $25 billion to $35 billion these cuts are going to save the grand total of almost $300 million is patently preposterous. That does not begin to save either social security or provide a rational balance of priorities within accounts in the appropriation bill.

So I would simply suggest this debate has nothing to do with social security. It has a whole lot to do with spending priorities.

I would also add, in disagreement with the gentleman from Florida, not all of us did sign onto that budget deal 2 years ago. At the time I called it a giant "Public Fib," and I still regard it as being such, as the numbers in that chart demonstrate.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just a couple of points. Mr. Chairman, with regard to this amendment, this $300 million reduction is a cut in budget authority currently available to the FAA.

Just a few minutes ago, or now probably a half-hour ago, the CBO reaffirmed to the staff that this bill will result in savings. Apparently others have raised technical points over the last days as to what CBO has considered but CBO does not find these agreements convincing.

Certainly this amendment is less painful, as the gentleman from Florida (Mr. YOUNG) than cuts to the Coast Guard drug interdiction, which both sides want; the FAA, and other programs. This is precisely the responsible action to take.

Let me just say one other thing that I just thought of when I was listening to the gentleman from Oklahoma (Mr. COBURN). I think this is all going to work out.

I did not support the amendments that the gentleman offered to the agriculture bill, but I think I would be less than honest if I did not say that the gentleman has been courageous and has come here to propose and to argue for his point of view. Everyone ought to have the ability to come here and make their case. He has made his case I think in a fair, fair way. I did not vote that way. But I think this process has come together. I think he has actually been helpful on this bill.

I think the gentleman from Florida (Mr. YOUNG) has been very, very faithful in trying to keep to the numbers. I think it will come together with the other side of the aisle whereby we can pass these appropriation bills, spending as little as possible, with integrity and faithfulness to the American people, recognizing the difference in views that we may have. The gentleman from Florida (Mr. YOUNG) is committed to doing that just as the gentleman from Oklahoma (Mr. COBURN) is.

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It takes a lot of courage to kind of do what the gentleman from Oklahoma (Mr. COBURN) has done. Although I have not, and he knows that I have not, agreed, there is a great quote, and I do not have it with me, but I use it in speeches that I give. It was a quote by Bobby Kennedy that he gave in South Africa to a group of students in 1966. It is a profound speech that moves me every time that I read it, where he talks about moral courage and timidity and to brave the censure of your colleagues. The gentleman from Oklahoma (Mr. COBURN) has done that. Again, I feel an obligation to say I did not vote for those amendments, but one has to respect that, and one has to admire that.

I respect the gentleman from Florida (Mr. YOUNG) in what he is doing. I hope that we can work together to pass bills in a way in which we all can be proud.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $356,380,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That $70,484,000 shall be available to carry out the functions and operations of the office of motor carriers.

LIMITATION ON TRANSPORTATION RESEARCH

Necessary expenses for transportation research of the Federal Highway Administration, not to exceed $422,450,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration: *Provided*, That this limitation shall not apply to any authority previously made available for obligation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000.

Mr. SABO. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Maine (Mr. BALDACCI) for the purpose of a colloquy.

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from Minnesota (Mr. SABO) for yielding to me, and I thank him for extending this courtesy.

Mr. Chairman, we have an unusual situation in Maine where the weight limit on trucks that are traveling through Maine is much lower than it is in the surrounding States and in the provinces in Canada.

Presently in the surrounding States, in New Hampshire, New York, and Massachusetts and in Eastern Canada and the provinces is in excess of 100,000 pound trucks. In the State of Maine, because of the Federal Highway Administration and a weight limitation of 80,000 pounds on the interstate system, it has forced the State of Maine trucks and the trucks coming in from the surrounding communities to have to go on State and local roads.

This has created a tremendous safety problem on our roads. We have had deaths and tragedies and accidents because of these heavy trucks being forced to use State and local roads because of these inequities and those exemptions that have been given around Maine and through the provinces.

I solicit the help and want to work together with the gentleman from Minnesota (Mr. SABO) to see if we can look into this and try to resolve this in a fair and equitable manner.

Mr. SABO. Mr. Chairman, I thank the gentleman from Maine for his presentation. It is a new problem, and we will try and work with the gentleman in the future.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,125,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 17, line 14 on the grounds that it is legislation on an appropriations bill and violates clause 2 of rule XXI of the rules of the House.

This phrase has long been recognized as legislative in nature and has the effect of waiving all legislative constraints on the provisions of liquidating cash from the highway trust fund for the Federal Aid Highway Program.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, $105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $105,000,000 for "Motor Carrier Safety Grants".

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" at page 18, line 4 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, U.S.C., and part C of subtitle VI of title 49, U.S.C., $87,400,000 of which $62,928,000 shall remain available until September 30, 2002: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any provision of law" on page 19, line 5 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411, to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411, of which $152,800,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $8,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 19, line 25 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $94,448,000, of which $6,800,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Railroad Research and Development

For necessary expenses for railroad research and development, $21,300,000, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $22,000,000, to remain available until expended.

Rhode Island Rail Development

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $570,976,000 to remain available until expended: *Provided*, That the Secretary shall not obligate more than $228,400,000 prior to September 30, 2000.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: *Provided*, That no more than $60,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $800,000 shall be transferred to the Department of Transportation Inspector General for costs associated with the audit and review of new fixed guideway systems.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: *Provided*, That no more than $3,098,000,000 of budget authority shall be available for these purposes.

University Transportation Research

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

Transit Planning and Research

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: *Provided*, That no more than $107,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314).

Trust Fund Share of Expenses

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,638,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 25, line 9 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

Capital Investment Grants

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: *Provided*, That no more than $2,451,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000; and there shall be available for new fixed guideway systems, $980,400,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$45,142,000 for the Atlanta, Georgia, North line extension project;

$5,000,000 for the Baltimore central LRT double track project;

$4,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$25,000,000 for the Chicago METRA commuter rail project;

$2,000,000 for the Chicago Transit Authority Douglas branch line project;

$2,000,000 for the Chicago Transit Authority Ravenswood branch line project;

$2,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

$2,000,000 for the Clark County, Nevada, fixed guideway project;

$1,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$35,000,000 for the Dallas north central light rail extension project;

$1,000,000 for the Dayton, Ohio, light rail study;

$35,000,000 for the Denver Southwest corridor project;

$25,000,000 for the Dulles corridor project;

$12,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$4,000,000 for the Houston advanced transit program;

$52,770,000 for the Houston regional bus project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$4,000,000 for the Long Island Railroad East Side access project;

$5,000,000 for the Los Angeles Mid-City and East side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$703,000 for the MARC commuter rail project;

$1,000,000 for the Massachusetts North Shore corridor project;

$5,000,000 for the Memphis, Tennessee, Medical Center rail extension project;

$3,000,000 for the Miami-Dade Transit east-west multimodal corridor project;

$3,000,000 for the Miami-Dade Transit North 27th corridor project;

$1,000,000 for the Nashville, Tennessee, commuter rail project;

$99,000,000 for the New Jersey Hudson Bergen project;

$2,000,000 for the New Orleans Canal Street corridor project;

$6,000,000 for the Newark rail link MOS–1 project;

$1,000,000 for the Norfolk-Virginia Beach corridor project;

$4,000,000 for the Northern Indiana south shore commuter rail project;

$2,000,000 for the Oceanside-Escondido, California light rail system;

$5,000,000 for Olympic transportation infrastructure investments: *Provided*, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: *Provided further*, That none of these funds shall be made available for the Salt Lake City west-east light rail project, any segment thereof, or a downtown connector in Salt Lake City, Utah;

$1,000,000 for the Orange County, California, transitway project;

$20,000,000 for the Orlando Lynx light rail project (phase 1);

$1,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$7,000,000 for the Phoenix metropolitan area transit project;

$3,000,000 for the Pinellas County, Florida, mobility initiative project;

$11,062,000 for the Portland Westside light rail transit project;

$2,000,000 for the Puget Sound RTA Link light rail project;

$12,000,000 for the Puget Sound RTA Sounder commuter rail project;

$12,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$25,000,000 for the Sacramento south corridor LRT project;

$1,000,000 for the San Bernardino, California Metrolink project;

$7,000,000 for the San Diego Mid Coast corridor project;

$23,000,000 for the San Diego Mission Valley East light rail transit project;

$84,000,000 for the San Francisco BART extension to the airport project;

$20,000,000 for the San Jose Tasman West light rail project;

$82,000,000 for the San Juan Tren Urbano project;

$53,962,000 for the South Boston piers transitway;

$1,000,000 for the South DeKalb-Lindbergh, Georgia, corridor project;

$3,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$3,000,000 for the St. Louis, Missouri, MetroLink cross county corridor project;

$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;

$1,000,000 for the Tampa Bay regional rail project;

$5,433,000 for the Twin Cities Transitways projects;

$46,000,000 for the Twin Cities Transitways—Hiawatha corridor project;

$37,928,000 for the Utah north/south light rail project;

$2,000,000 for the Virginia Railway Express Woodbridge station improvements project;

$1,000,000 for the West Trenton, New Jersey, rail project; and

$3,000,000 for the Whitehall terminal reconstruction project.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 32, line 8 on the same grounds that I have previously stated.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the described language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: *Provided*, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $32,361,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,704,000 shall remain available until September 30, 2002: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word. I do so for the purpose of engaging in a colloquy with the gentleman from Virginia (Chairman WOLF).

Mr. Chairman, I understand that the gentleman from Virginia (Chairman WOLF) is concerned, as we all are, with the effects of peanut allergies on individuals who fly on our Nation's airlines, as well as for other reasons.

As the gentleman knows, included in the 1999 Omnibus Appropriations bill was language to ban the Department of Transportation from implementing peanut-free buffer zones on airlines without the Department first conducting a study on peanut allergies. In fact, in Fiscal Year 2000's Agriculture, Rural Development, Food and Drug Administration Appropriations bill, $300,000 was earmarked for the peanut industry to conduct research to find a vaccination for peanut allergies and eliminate the allergy that is contained in the peanut.

I ask the gentleman from Virginia (Chairman WOLF), is it true that the language included in the omnibus bill was a change to permanent law and does not need to be addressed again this year?

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, that is correct. The language included in the omnibus bill is permanent law.

Mr. CHAMBLISS. Moreover, Mr. Chairman, can the gentleman from Virginia verify if a peanut allergy study has been conducted by the Department of Transportation as specified in the 1999 omnibus bill?

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the Department of Transportation has yet to issue a report on their peanut allergy study.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for his clarification in this matter and the leadership that he provides for this committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,092,000, of which $5,494,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which $30,598,000 shall be derived from the Pipeline Safety Fund, of which $17,074,000 shall remain available until September 30, 2002: *Provided*, That in addition to amounts made available from the Pipeline Safety Fund, $1,300,000 shall be available for grants to States for the development and establishment of one-call notification systems, emergency notification, damage prevention, and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2000 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than $15,400,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,633,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $57,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 311. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 314. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 315. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 316. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 317. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 318. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $10,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $147,965,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 319. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 320. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 321. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 322. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 324. (a) None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 326. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 327. Notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

□ 1245

Mr. LAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as assistant majority leader and as a member of the New York delegation to seek support from the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Virginia (Mr. WOLF), to protect funding crucial to New York State and to uphold the historic legislation covering highway and transportation programs, which is known colloquially as TEA–21.

This time last year, the Transportation Equity Act for the 21st Century, known as TEA–21, was signed into law. The success of this bill is due to a 3-year effort of the authorizing committee, the appropriating committee, and support from a broad coalition. TEA–21 has been an enormous success. It established a new funding formula structure for distributing funds to States. This funding formula represents a carefully crafted, well-balanced compromise.

Mr. Chairman, the Senate will soon consider its version of the transportation appropriations bill for the fiscal year 2000. On May 27, the Senate Committee on Appropriations included a controversial provision that unfairly caps transit aid at 12.5 percent of the total amount of transit dollars that any one State may receive. This legislation, as crafted, adversely affects the Nation's two most transit-dependent States, those of California and New York, and would result in an estimated loss of $1.2 billion over a 6-year period or at a minimum $200 million per year for New York and $120 million per year for California.

This artificial cap was included in the Senate Committee on Appropriations with no notice or public debate on its merits. I wanted to ask the distinguished subcommittee chairman for his support for maintaining that historic compromise.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this to my attention, and also the gentleman from New York (Mr. SWEENEY). I have also spoken to the gentleman from California (Mr. DREIER) about the same thing.

The gentleman has my commitment to do everything we can to attempt to make this the way it should be with regard to fairness. We have never been into punishing one State over another, so I can assure the gentleman we will work with the gentleman, and the gentleman from New York (Mr. SWEENEY), and the other members of the New York delegation, and also the California delegation who have come to me again, as I said, the gentleman from California (Mr. DREIER) and others, to make sure that there is fairness.

Mr. LAZIO. Mr. Chairman, I want to express my gratitude to the subcommittee chairman and my friend on behalf of the House who supported the compromise, and as a member of the New York delegation, and I just wanted to reiterate how important this is.

New York has one-third of the Nation's transit riders, California has about 14 percent. Combined the two

States make up almost half of the entire Nation's transit users. On a daily basis, New York State has over 7.5 million transit riders. On the MTA system alone, the daily ridership is 7.2 million. For the millions of people who use mass transit, the environment and the economy, we should uphold the allocation formulas we worked so hard for in that historically crafted bill.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I would just tell him that a member of my family lives in New York City and I understand how congested the traffic is and the needs and everything else, so the gentleman makes a very credible point.

Mr. LAZIO. I ride on that subway myself.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from New York (Mr. SWEENEY) who has been working very hard on this issue and, as a matter of fact, has gathered on a bipartisan basis signatures for the subcommittee chairman.

Mr. SWEENEY. Mr. Chairman, I thank my good friend, the gentleman from New York (Mr. LAZIO).

Quickly, I want to applaud this effort, and I am proud to join it. As the chairman knows, 81 members from both the New York and California delegation sent a letter to the chairman last week, and I wanted to add a point to this.

I represent a rural area, and on behalf of the rural areas in New York and California, I wanted to just stress that rural transit systems have few sources of revenue to make up for huge cuts to their Federal formula funding allocation. So this will hit disproportionately those areas pretty significantly.

As the gentleman from New York (Mr. LAZIO) has pointed out, we in New York have committed to a high standard on infrastructure repair and transportation repair. A higher share of our own resources are committed to transit than any other State; nearly 70 percent of our $12 million Statewide transit capital program financed from State and local resources.

So this is a critical issue for us in my district and throughout New York State. And, again, I want to applaud the efforts of my colleague, the gentleman from New York (Mr. LAZIO), and ask the Chairman for his support and thank the gentleman for the opportunity to express this concern.

Mr. WOLF. Mr. Chairman, will the gentleman once again yield?

Mr. LAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. I would give the gentleman the same type of commitment, Mr. Chairman, as with the gentleman from New York (Mr. LAZIO), and I appreciate the gentleman bringing it to my attention. Both gentlemen have talked to me about it a number of times, and we will do everything we can to help.

Mr. LAZIO. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his support.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 328. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 329. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

Page 42, line 15, after the dollar amount, insert the following: "(plus an additional reduction of $1,000,000)".

Page 42, line 18, after the dollar amount, insert the following: "(reduced by $1,000,000)".

POINT OF ORDER

Mr. SABO. Mr. Chairman, I rise to make a point of order against the gentleman's amendment because he seeks to amend a paragraph that has already been read under the 5-minute rule. The House manual clearly states in Section 876(2) that when a paragraph or section has been passed, it is not in order to return thereto.

I regret to say the gentleman's amendment comes too late, and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) wish to be heard on the point of order?

Mr. SANFORD. No, Mr. Chairman, I will withdraw the amendment. It was a last chance to save the taxpayers $1 million. We had indeed passed this section of the bill, but, nonetheless, I wanted to try.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 330. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2001.

SEC. 331. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 332. None of the funds appropriated by this Act may be used to issue a final standard under docket number NHTSA 98–3945 (relating to section 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996).

SEC. 333. (a) Section 110(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4109(b)(2)) is amended by striking all that follows "research" and inserting a period.

(b) Section 312 of the Arctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441) is amended by striking subsection (c).

SEC. 334. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 335. None of the funds in this Act may be used to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration.

SEC. 336. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note: 112 Stat. 336) is amended by adding at the end the following:

"(e) Government share for operating assistance to certain smaller urbanized areas.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a five-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.".

SEC. 337. Section 130 of Title 23, United States Code, is amended in subsection (f) by striking "90 percent" where it appears in the last sentence and inserting "100 percent".

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 337 on page 50, lines 1 through 4. This is legislation on an appropriation bill and is in violation of clause 2 of rule XXI.

This provision is an amendment to section 130 of title 23 to raise the Federal share for rail-highway grade crossing projects funded under the Transportation Equity Act for the 21st Century, TEA–21.

Mr. WOLF. Mr. Chairman, I would like to be heard on that, if I may.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) may be heard on the point of order.

Mr. WOLF. I am going to concede the point of order, Mr. Chairman, but this is the provision that deletes the non-Federal match for the section 130 grade crossing program.

In 1998, the unobligated national balance totaled $148 million and now may be as high as $220 million. Many States have difficulty expanding the section 130 funds and, as a result, some States have a few years of unobligated balances that could be used to eliminate grade crossings.

For example, the State of Wisconsin has $13 million in unobligated balances. The State of Oregon has $6,888,000 in unobligated balances. If we were to delete the non-Federal match, it would permit States to reduce those unobligated balances and eliminate a greater number of grade crossing hazards than previously planned and, therefore, improving safety for the American family.

Mr. Chairman, maybe this is an area the authorizers could look at, because I think it would enable States to move that money quickly and, I think, bring about safety. Each year there are 3,500 collisions at grade crossings with nearly 1,500 injuries and 500 deaths. The tragic accident we heard of earlier, that we worked with the gentleman from Illinois (Mr. WELLER) on, certainly demonstrates that more needs to be done to upgrade safety at grade crossings. With that, hopefully, this can be looked at in some way, because I think it would be good in helping to save lives.

Mr. Chairman, I do concede the point of order.

The CHAIRMAN. The language cited by the point of order directly amends existing law. As such, it constitutes legislation. The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 338. Section 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373–375) is amended by adding at the end the following:

"(71) Dane County Corridor—East-West Madison Metropolitan Area.".

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 338 on page 50 lines 5 through 9. This is legislation on an appropriation bill and is in violation of clause 2 of rule XXI. This provision is an amendment to TEA–21 to authorize a mass transit project in Dane County, Wisconsin.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) concedes the point of order.

The language cited directly amends existing law. As such, it constitutes legislation, and the point of order is sustained. This section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 339. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 340. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by deleting "Light Rail".

SEC. 341. Notwithstanding any other provision of law, the federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 342. The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

□ 1300

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 342, on page 50, line 22 through page 51, line 4.

This is legislation on an appropriations bill and is in violation of clause 2 of rule XXI. This provision reauthorizes the payments from the War Risk Insurance Program. The House has twice passed versions of the War Risk Insurance Program this year, and a 5-year reauthorization of the program has passed the House and is currently pending in the Senate.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded.

The language cited by the point of order conveys authority to the Executive. As such, it constitutes legislation.

The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read, as follows:

SEC. 343. Notwithstanding current policies or guidelines of the Department of Transportation, the Administrator of the Federal Aviation Administration is hereby authorized to issue grant awards utilizing funds limited in this bill under "Grants-in-aid for airports" fifteen days after transmittal of recommended grant awards to the Office of the Secretary of Transportation for Congressional notification purposes.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 343, on page 51, lines 5 through 12.

This is legislation on an appropriations bill and is in a violation of clause 2 of rule XXI.

This provision mandates changes in the FAA's grant award and processing policies so that all grant awards must be issued within 15 days of the notification of their approval.

A similar provision was included in H.R. 1000, which passed this House overwhelmingly last week.

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The language cited by the point of order conveys authority to the Executive. As such, it constitutes legislation.

The point of order is conceded and sustained.

The section is stricken.

The Clerk will read.

The Clerk read, as follows:

SEC. 344. None of the funds in this Act shall be available to execute a letter of no prejudice, letter of intent or full funding grant agreement for the Salt Lake City west-east light rail line, any segment thereof, or a downtown connector in Salt Lake City, Utah.

SEC. 345. Of the funds made available to the Coast Guard in this Act under "Acquisition, construction, and improvements", $10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at $128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in the Great Lakes, to remain available until September 30, 2005.

SEC. 346. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to subsection (b), the Secretary of Transportation may waive any term contained in the deed of conveyance dated April 3, 1956, by which the United States conveyed lands to the city of Safford, Arizona, for use by the city for airport purposes: *Provided*, That no waiver may be made under subsection (a) if the waiver would result in the closure of an airport.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 346, on page 52, lines 1 through 10.

This is legislation on an appropriations bill in violation of clause 2 of rule XXI. This provision waives deed restrictions for an airport in Safford, Arizona. Moreover, it would allow the airport to sell land without having to reinvest the proceeds of the sale in the airport, which is contrary to provisions in Title 49 of the U.S. Code and to the usual practice of the House when deed restrictions have been removed for other airports across the country.

Mr. KOLBE. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, while I will concede the point of order, I would like to inquire of the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman, about his reasons for objecting to this.

Let me just state, for the record, that I have been working closely with the local community, the local FAA representatives, the Aircraft Owners and Pilots Association, for years to draft language that is acceptable and have attempted to work with his committee and committee staff to do that. This has been the result of long discussions to get us to where we are. It only allows the FAA to waive terms contained in the 1956 deed of conveyance more than 40 years ago. It does not require them to do so.

This is land which is vitally needed in order for this small rural community where unemployment is three times the rate of other areas in Arizona to develop an industrial park in this area. I am just curious as to why this particular provision, looking at all the provisions in here that were not singled out, as to why this one has been singled out.

Mr. SHUSTER. Mr. Chairman, continuing to rise on my point of order, I will respond to the gentleman by pointing out that he did ask us to put this in AIR–21, and we said that if they could provide us with information showing that it conformed with other actions of the past, we would be happy to consider it.

Moreover, and even more importantly, we have required other airports across America to conform, particularly even an airport in my own congressional district in Chambersburg, Pennsylvania. So when we have required this of other airports, including an airport in my own congressional district, it hardly seems fair to provide this special consideration for an airport in another part of the country. And those are my reasons, I say to my good friend.

Mr. KOLBE. Mr. Chairman, I would simply state that we are prepared to use language that conforms precisely to language that was used in AIR-21 last week on another project in Newport News that would apparently do that. We have attempted to have discussions with the staff about this and apparently have not had a great deal of success.

I must say that this objection is very devastating to this community, which has been trying very hard for a long time to get this very small project of economic development off the ground. I would just simply say that I do not think that this language is different than has been provided in other cases, and I do believe we can point to that.

Mr. SHUSTER. Mr. Chairman, I would like to respond to further emphasize that requiring my own community of Chambersburg, Pennsylvania, to adhere to the law certainly was difficult for them. But having required them to adhere to the law, it would seem very, very unfair to give a special waiver to another community.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The language cited by the point of order explicitly waives existing law. As such, it constitutes legislation.

The point of order is sustained.

The section is stricken.

Mr. SABO. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I want to thank the gentleman from Minnesota for yielding and for his hard work on this piece of legislation.

Mr. Chairman, I have a concern about this legislation in regard to an authorization for a critical transit project in Dane County, Wisconsin, which is in my district. I would like to engage the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Ground Transportation, in a colloquy.

Mr. Chairman, Dane County and the City of Madison are currently examining future transportation needs, including various mass transit options. Traffic congestion and the need for additional parking will need to be addressed as the population of the region continues to grow into the next century. Dane County, which contains Madison, is working hard to promote concentrated development along existing and potential transit corridors.

In addition, I would like to note the strong potential of new mass transit options since Madison Metro consistently ranks as one of the finest in the Nation with excellent service and ridership that ranks higher than most similar cities.

Unfortunately, Dane County was not ready for new start projects authorization when TEA-21 was enacted last year. Their planning for future transit needs has now reached a point where an authorization for a new start project would be appropriated.

I understand that such an authorization would be most appropriately included on a bill from the committee of jurisdiction, the House Subcommittee on Ground Transportation. I would like to obtain the assurance of the gentleman from Wisconsin (Mr. PETRI) that an authorization for the Dane County project would be considered in the subcommittee's next appropriate vehicle.

Mr. PETRI. Mr. Chairman, if the gentlewoman would yield, I would like to thank the gentlewoman and assure her that the subcommittee would be pleased to consider an authorization for the Dane County project in our next appropriate vehicle.

I understand that Dane County has a number of transit options under consideration and would be seeking Federal funding for continued planning and evaluation in budget year 2002. And I am quite sure that the need of the county can be addressed by our committee on a timely basis, and I look forward to working with my colleague toward that end.

Ms. BALDWIN. Mr. Chairman, I thank the gentleman for his comments. I look forward to working with him to address the transit needs of Dane County.

Mr. SABO. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purposes of a colloquy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, the ranking member, for yielding.

Mr. Chairman, I thank the chairman for his hard work. I would like to enter into a colloquy on an important matter in my community that many of us have worked on, and that is included in H.R. 2084, the Houston, Texas Main Street Corridor Project, of which a request was made for some $8 million. It received $1 million in funding for fiscal year 2000.

I would hope, as we move this bill to conference, that, in recognizing the commitment that the committee has made to infrastructure and making our communities less congested, that we could seek an additional funding of $500,000 to keep this project on schedule.

Traffic congestion and a depleted infrastructure threatens the future of this vital backbone of transit. Houston's Main Street Corridor has been the heart of the 2,000 square mile Houston region for many years. In fact, we have gathered together a diverse community collaboration and coalition that have organized around enhancing the Main Street Corridor.

The Corridor runs from Buffalo Bayo north through Downtown, Midtown, Hermann Park, and the Texas Medical Center. Main Street links two important economic hubs, Downtown and Texas Medical Center, as well as the entertainment, cultural, and governmental centers. The City of Houston and I and others believe that this funding is necessary to ensure that effective traffic management will continue the redevelopment of this center of commerce and business, the very principles of this committee.

Long-term, this project will result in increased development density, increased access to jobs, reduced automobile inventories, lower emissions, and reduced long-term capital investment in the regional infrastructure, again, the principles of this committee.

I would ask my colleagues, the ranking member, and the chairman to work with me on this matter.

Mr. SABO. Mr. Chairman, I thank the gentlewoman from Texas for bringing this important matter to the consideration of the subcommittee.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

(By unanimous consent, Mr. SABO was allowed to proceed for 1 additional minute.)

Mr. SABO. Mr. Chairman, as we go to conference and consider all our alternatives, we will keep the request of the gentlewoman in mind.

Let me add, however, for the gentlewoman and for all other Members that part of this bill carries very significant increase in transit formula funding for local transit agencies and we may have limits as to what we can do in discretionary funding. But communities should also look to the additional formula funding for potential use in preliminary engineering on some of these projects.

I thank the gentlewoman for bringing this to our attention.

Mr. Chairman, I yield to my friend, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the gentlewoman has spoken to me about this. Everything is very tight. The gentleman from Minnesota (Mr. SABO) and I can work together and see. But we will certainly take a very, very close look at it, I promise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would continue to yield, this is most helpful to me, and I thank the gentlemen very much for their cooperation in working on this very important project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 347. None of the funds in this Act may be expended to review or issue a waiver for a vessel deemed to be equipped with a double buttom or double sides.

This act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2000".

AMENDMENT OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogan:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the U.S. Department of Transportation, Federal Highway Administration, on April 13, 1998).

Mr. ROGAN. Mr. Chairman, in order to defer to my colleague from South Carolina (Mr. SANFORD) I ask unanimous consent to withdraw my amendment for the time being.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sanford:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be further reduced by $1,000,000.

Mr. SANFORD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DUNCAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

☐ 1315

Mr. SANFORD. Mr. Chairman, first of all I would applaud the gentleman from Pennsylvania (Mr. SHUSTER), I would applaud the gentleman from Virginia (Mr. WOLF), I would applaud the gentleman from Oklahoma (Mr. COBURN) for what they have done to in essence refine this bill as we go through this process here on the House floor. What this amendment does is it basically continues that simple theme of refining and focusing this bill, because this bill looks at the Transportation Administrative Service Center which was basically founded by the Department of Transportation back in 1997.

It last year was funded at about $109 million. This year it is projected to be funded at about $148 million. All this amendment does is it takes one of those million dollars of increase, and again, there are roughly about $50 million of increase, it takes one of those million dollars and it cuts it. The reason it does that is because it is basically a shot over the bow to this service center to say, "Let's really look under the hood at some of these expenses and really examine closely whether or not they are in the best interests of the taxpayer."

A lot of the things that this service center does basically for the Department of Transportation makes a whole lot of sense. Whether it is with photocopying or telecommunications services, there are certain advantages to one-stop-shopping which this center does. But some of the expenses when we really looked at them to me did not pass the litmus test of best interests of the taxpayer.

Let me give my colleagues just a few of those. First of all, it has like career development seminar and workshops designed to assist organizations in promoting employee empowerment. It goes on to say, "Emphasis is on providing employees with the tools, the information, the resources they need to seek opportunities that will make them more marketable and enhance their careers."

That is a good thing, but I do not know that it is really in the best interest of building more roads and bridges and airports across this country. Similarly, another component of the center was fitness center equipment consulting.

I read from their own web page:

"If you're thinking of purchasing exercise equipment for your employees but are not sure what it should cost, what's most effective, what's currently popular, let our staff with over 50 years of experience in exercise physiology and fitness equipment handling assist you to facilitate your plans." That is a very nice thing, but again it is almost a bureaucracy within a bureaucracy. I do not think the taxpayer really wants to see a lot of those.

Another one here I see, responding to employee stress. It says here, "These are difficult times, downsizing, changing work styles, uncertainty about the future, family stresses. The effects of too much stress can start showing up in the workplace in big and small ways. Let us help you help them."

A lot of these things, I am sure, are very reasonable things. That is why this bill only cuts $1 million of the basic $50 million of increase, asking them to carefully look under the hood to really examine whether or not all these expenses are warranted. I think the committee has already taken up the Inspector General's study which basically discontinued the computer operations over at the service center. This is again a shot over the bow. It is nothing more than that.

Mr. DUNCAN. Mr. Chairman, I withdraw my point of order and state that I have no objection to this amendment.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. SABO. Mr. Chairman, I rise in opposition to this amendment.

This amendment cuts $1 million from the Transportation Administrative Service Center, which has already been cut in the request by $10 million in this bill.

The center finances common administrative services, such as payroll, accounting, copying and telecommunications that can be performed more economically and efficiently through a central organization rather than the various modal administrations of the Department of Transportation.

Mr. Chairman, the entire purpose of the Transportation Administrative Service Center is to save the government money by consolidating redundant administrative overhead and functions. Individual departmental agencies may purchase administrative services outside the Transportation Administrative Service Center only if they can demonstrate that doing so is cost beneficial to the department as a whole.

Rather than supporting the Transportation Department's effort to control costs by centralizing administrative functions, this amendment would penalize the Department.

The net effect of the Sanford amendment might well be that the various agencies in the Department will seek out other sources for their needs which could cause duplication of procurement, accounting and other administrative services and higher costs overall.

In the end, Mr. Chairman, this amendment will not save money, it will cost the government money, and it should not be adopted.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I have no objection to the amendment offered by the gentleman from South Carolina.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a good amendment. It takes a million dollars away from a $39 million increase. The reason it does, it says to the people who are working in this center, you can spend the money more wisely, more efficiently.

The concept of the center is fine, but a 45 percent increase in your spending this year? We are going to cut some of that back. We recognize the value of this center, but we can save a million dollars and send a signal that "next year, if you are not better, you are not going to see this kind of increase. Regardless of what is there, you cannot justify the inefficiencies that you are generating."

The Sanford amendment takes just $1 million out of a $39 million increase and says, "We want you to wake up and smell the roses, do some things a little more efficiently, and let's save some money." It is not even 1 percent of their budget, it is about three-quarters of 1 percent, and it is of an increase. They had $109 million last year, we are going to give them $148 million this year.

I want to make one other statement. Earlier in our debate today, we talked about how $170 million was not much. $170 million will pay for the Social Security for 1.8 million Americans this year. When this bill is finished, if we pass it, we are going to have savings of about $555 million. That is enough to pay the Social Security for 5.4 million Americans. That is a good achievement. We ought not to lose sight of that.

Let us save an additional $1 million, we can save another couple of hundred thousand people their opportunity for Social Security, and we can live up to the commitment that we all agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Andrews:

Page 52, after line 13, insert the following new section:

SEC. 348. The amount otherwise provided by section 330 for the Amtrak Reform Council is hereby reduced by $300,000.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. ANDREWS. Mr. Chairman, I believe that one of the bipartisan success stories of the last few years in America's transportation policy has been the improvements that have taken place in Amtrak. I am a frequent rider on Amtrak and a great devotee of its efforts. I salute all the men and women who work so hard for Amtrak.

I also believe that the efforts of the chairman of the authorizing committee the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the appropriations subcommittee the gentleman from Virginia (Mr. WOLF), together with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Minnesota (Mr. SABO), their ranking members, have helped to take what was a very critical and difficult situation just a few years ago and turn it into a success story. I commend and congratulate them for that.

This amendment is really offered in the spirit of continuing the success that I believe they and the thousands of men and women who work for Amtrak have achieved, because it is based on the idea, Mr. Chairman, that too many cooks spoil the broth. Amtrak has achieved a labor-management cooperation. It is achieving a program of progress together with its unions and its management that have improved service, increased revenues and expanded future opportunities for Amtrak for years to come.

I believe when something is on the right track, when something is proceeding the way that it should, that second-guessing and Monday morning quarterbacking really is inappropriate. The role of the Amtrak Reform Council lends itself to the possibility of that Monday morning quarterbacking and second-guessing.

There is a delicate balance that has been established in labor and management in Amtrak, with the cooperation of the rail unions, with the able leadership of the board of directors of Amtrak, and its management headed by Mr. Warrington. I think that the possibility of mischief being created that would upset that delicate balance, that frankly would roll back meaningful and important labor protections for men and women who work for Amtrak would be the wrong thing to do.

Now, I had contemplated offering an amendment that would have the effect of defunding, or zeroing out, or eliminating the Amtrak Reform Council. In retrospect, I believe that would be the wrong approach to take at this time. Again, I would salute the efforts of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Virginia (Mr. WOLF) in contributing to the worthy mission of the Amtrak Reform Council.

In lieu of that idea, I offer this amendment which limits the funding in the new fiscal year for the Amtrak Reform Council to the same amount that the reform council received in fiscal year 1999, namely, $450,000. I would commend the gentleman from Virginia as chairman of the subcommittee and the gentleman from Minnesota as ranking member for their efforts they have already made in reducing the funding request, which was well over $1 million, down to $750,000, and I thank them for that. I believe, though, that there is no evidence that justifies an increase in the funding of the Amtrak Reform Council, so it is the express intent of my amendment and the effect of my amendment that we reduce the funding for the Amtrak Reform Council down to its fiscal year 1999 level of $450,000.

Those of us who believe that there is risk of mischief, that there is the chance that important labor protections would be undone, those of us who believe that the balance that the board of directors and the management and labor of Amtrak are achieving would be disrupted, believe that the best way to limit that risk is to appropriately limit the funding of the Amtrak Reform Council to the level that it was funded in the 1999 budget of $450,000.

To summarize, this is a compromise between those of us who believe that maybe there is no role at all for the Amtrak Reform Council and those who would wish to see it do more. The compromise calls for the limitation of funds to the 1999 level. The amendment cuts $300,000 from the level of appropriation. I again express my appreciation to the chairman and ranking member for the fiscally prudent steps they have already taken. I would just respectfully say I believe we should just go a little further and limit the funding to the 1999 level, in particular importance to making sure that the important labor protections that are in our law protecting Amtrak employees and passengers remain in the law.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey which would restrict funding for the Amtrak Reform Council to $450,000, or the level enacted in fiscal year 1999. The bill before my colleagues contains an appropriation for the ARC of $750,000 which is what the administration asked for, well below the $1.3 million that the ARC requested for fiscal year 2000. We have taken them down dramatically to the level requested by the administration.

Secondly, this was part of the Amtrak authorization bill. We want to do everything we can to see that Amtrak makes it. For those of us who voted for the ARC in the authorization bill, we need to give them the ability to do their work. If we don't, it would be a mistake.

I have a letter from Mr. Carmichael, Chairman of the Amtrak Reform Council. He says:

"Cutting ARC's funding to $450,000 would damage ARC severely. Specifically, the cut would mean eliminating our valuable program of field hearings that are providing important insights into the problems of Amtrak and rail passenger service throughout the Nation, and laying off at least two of our small staff of six"—they only have a staff of six—"just at the time when we will be preparing our first annual report under the Congressional mandate."

□ 1330

The Congress created the panel. I think to wound the panel at this time would be a mistake.

In 1998 Amtrak lost $930 million. Amtrak's high speed program, the most important element in Amtrak's program to improve its financial performance to meet the goals of the Amtrak Reform and Accountability Act, is now falling behind schedule, and now for Congress to try to save $300,000, which is the amount that Amtrak loses in about an 8-hour period, by underfunding the organization as it is trying to bring fiscal sanity and some semblance of making this organization run appropriately would really be shortsighted. It would be self-defeating for those who really want Amtrak to survive, to make it, as the members of this committee and most Members of the Congress want. It would be a mistake.

So I have great respect, and sometimes we just say those things, but I am not just saying it for the gentleman from New Jersey (Mr. ANDREWS), but I really think this would actually hurt Amtrak. Since Congress in its wisdom set up the ARC to help Amtrak stay alive, we should not take their ability away.

So, therefore, I urge the defeat of the amendment, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment also.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. SHUSTER. I withdraw my point of order; yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER) for 5 minutes.

Mr. SHUSTER. Mr. Chairman, I join with the chairman of the Committee on Appropriations' subcommittee in opposing this amendment.

We made a deal, and the deal when we decided to continue to support Amtrak was that there would be this independent commission of public spirited, unpaid volunteers appointed by the congressional leadership and the President under our reform law to have them look at Amtrak.

Now why does Amtrak need looked at?

Amtrak lost $930 million last year. The Federal Government, the taxpayers of America, subsidized Amtrak to the tune of $1.7 billion last year. So this paltry $300,000 that we are debating right here now represents 2 ten-thousandths of 1 percent of the money that the taxpayers put into Amtrak. We need this tiny sum so that the commission can do its work. One of the reasons we need this additional tiny sum is because the President was so tardy in appointing the commissioners. We need to let them do their work. If they can come up with one small recommendation, to figure out how to save 2 ten-thousandths of 1 percent of the money the taxpayers put in this bill, this will cover this tiny amount of money that we are speaking about here today.

But the issue really is not the money. The issue here is there are those who do not want any oversight of Amtrak, any independent oversight of Amtrak. They want us to keep pouring billions of dollars into Amtrak without having any outside group looking over their shoulder. It is wrong, and it is causing me to rethink my support of Amtrak.

We have got to provide adequate funding, and if we do not provide adequate funding, then it is time, I guess, for us to start looking at more drastic measures concerning Amtrak.

Let us not renege on the deal we made when we passed Amtrak reform, which included having this provision in it. Let us adequately fund it, tiny as those funds may be, so that they can do the job they are supposed to do, and I urge a vote against this amendment which breaks the deal that we made previously.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I just want the record to show some of the fiscal facts about the Amtrak Reform Council and, in particular, what many of us believe is its potential for doing mischief to the rights of working men and women in the hard-fought rights of those who belong to collective bargaining units to unions in the Amtrak company.

The director, the executive director of the commission, makes $148,000 a year, more than we do. Now I am sure that individual works very hard, but so do we, and I am not sure that that is an appropriate expenditure.

There is $700,000 for technical support and analysis that was requested without much delineation as to what that was for. One of our concerns is that there would be the overuse of outside consultants, often at the cost of $400 an hour or so, and again I want to say for the record that the gentleman from Virginia (Mr. WOLF) I think has done an admirable job in paring down this request, and I acknowledge and respect that. They have proposed a great deal of travel from their travel budgets.

And I would also point out that ARC, the Amtrak Reform Council, has at its disposal the resources of the Department of Transportation already. We do not need to reinvent this wheel or charge the public twice for something already at its disposal. The Inspector General's office at the DOT is also conducting an ongoing assessment of Amtrak. The GAO is available with its resources to investigate and think about these questions, and then various other offices under the auspices of the Secretary of Transportation.

So I simply believe that it is prudent and right to strike a balance by limiting funding of the ARC to last year's amount that was in last year's bill of $450,000, and I would just caution that many of us are concerned that broader financing means broader power, and broader power means the ability to do broader mischief to the hard-fought rights that were won in collective bargaining of the men and women who work for Amtrak.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 218, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there any other amendments?

AMENDMENT OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogan:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the U.S. Department of Transportation, Federal Highway Administration, on April 13, 1998).

Mr. ROGAN. Mr. Chairman, I offer this amendment for the residents of Pasadena and South Pasadena in California. Their historic communities are threatened today by a proposal to construct an extension to the 710 freeway through South Pasadena. This extension will cost the taxpayers over $1½ billion and will slice the historic community of South Pasadena into quarters. My amendment offered today will prohibit funds from this bill from being allocated to the planning or construction of the 710 freeway project.

Mr. Chairman, as my colleagues may know, we face considerable traffic and congestion problems in that region. Steps must be taken to alleviate this challenge. However, building an expensive, environmentally-harmful freeway in the middle of historic South Pasadena is not the only or the best solution. Studies indicate that the 710 freeway extension will destroy more than 1,000 South Pasadena historic homes and dislocate more than 4,000 people. More than 7,000 old trees and 70 national historic buildings will be razed. In fact, the National Trust for Historic Preservation has vehemently opposed the 710 freeway and has worked to stop this devastating project. This is the first time in the history of the National Trust For Historic Preservation that they have taken a stand against a Federal Highway project, but this organization has seen the danger of continuing the 710 freeway.

Mr. Chairman, the Federal Government shares the concerns of the community leaders regarding this pork barrel project. A tentative ruling on ordering a preliminary injunction was issued by Judge Dean Pragerson in the U.S. Federal District Court on June 2 of this year. Judge Pragerson found that the FHA and Cal Trans failed to properly evaluate Pasadena's multimode, low-build alternative. In fact, Judge Pragerson found a lack of new consideration regarding the impact upon historic homes and upon the environment in this community.

We do have options which reduce traffic and minimize the impact of traffic mitigation efforts upon the area's environment. Studies show that a multi-modal, low-build alternative could move traffic through the affected area at average speeds of almost 18 miles per hour. As proposed, the 710 extension would only move traffic at an average speed of 18½ miles per hour. This is a meager improvement that does not justify leveling a community or spending $1.5 billion on a project that is not needed.

Further, the low-build alternative will provide 90 percent of the transportation benefits of the proposed 710 extension for one-tenth of the cost.

I share with the Chair a strong desire to improve our infrastructure in a manner that enhances communities, protects the environment and uses taxpayer dollars in a sensible way, but the 710 freeway project stands in direct opposition to these principles. My amendment will stop this project in its tracks for the year so that more sensible alternatives to reduce traffic in the area can be pursued.

Mr. Chairman, I urge adoption of the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ROGAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that we have examined this amendment. It does not affect the firewalls in TEA–21, and therefore I have no objection to the gentleman's amendment.

Mr. ROGAN. Mr. Chairman, I thank the gentleman from Pennsylvania for those words.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

We did this several years ago for the gentleman from New York (Mr. NADLER). In fact, I believe, if my memory serves me, that we actually carried it in the bill. I think we should defer to a Member who known firsthand their own congressional district. Each member knows their Congressional districts needs. This was the same principle we used with regard to Mr. NADLER in the past, and it is the same principle we would use here.

So I rise in support of the amendment offered by the gentleman from California (Mr. ROGAN).

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really do not know why this amendment is before us since there is no mention in the appropriation bill of the 710 freeway. Regardless, I understand that the gentleman is here to try to protect one of his cities that he represents, and that is commendable except that all the other cities in his district are in support of the completion of the freeway.

Let me try to explain to my colleagues what the situation is with a little bit of the background since the distortion I have heard here today from the gentleman from the district to my north which is understandable given his contention about the completion of the freeway in regards to that city.

First, let me correct something. The City of Pasadena is not in support of his amendment. They, in fact, passed a resolution in support of the completion of the freeway. We have letters which we will provide at the appropriate time in the full committee from the Transportation Department, from Cal Trans, from everybody else involved except the City of South Pasadena.

Now, why I find this is illogical is because the record of decision that was signed by Rodney Slater, the Secretary of Transportation, was only to move the freeway from the present closure that it has now on Fremont and Valley to Huntington Drive, which is a much wider street, to alleviate the traffic congestion, the accidents and the environmental and soundness of having that freeway dump out on Valley Boulevard.

Now the low-built proposition that has been offered several times and in several different manners has been studied over the period of some 35 years, and everyone that studied that has found that it is inappropriate and that it would not correct the situation that exists and would only make matters more complicated.

The gentleman uses statistic of 18 miles per hour on surface streets; that is absolutely true; and then 18 miles per hour on a freeway that cannot possibly be except in the heaviest of congestion, and if that freeway were completed, there would not be that congestion.

□ 1345

But more than that, the whole misunderstanding of this situation, as I said earlier, is that the record of decision only takes the freeway, relieving that congestion to the City of Alhambra to Huntington Drive, and the portion that goes to that point is not in the gentleman's district, but is in my district.

I have certainly the right to stand and try to protect my city of Alhambra from all of the impacts that have been created, because South Pasadena is unwilling to be a good neighbor, because through South Pasadena that freeway would not present all of the problems that the gentleman has described, because it would be undergrounded through there, the top of it would be landscaped, historical buildings would be replaced and refurbished, so everything would be put back in order and it would not cut the city into quarters, as he has stated.

More than that, this situation has existed there for 34 years. If the Transportation Department did not intend to complete this freeway, they should have never built it, because every city along that route suffers from lack of completion of that freeway.

As far as displacing people, the freeway has for a long time displaced people in that the State was required to buy homes and over 40 percent of the homes in that area have been purchased by the State and are already owned by the State towards the eventual completion of that freeway.

But the record of decision that everybody agreed to came to the conclusion that the first thing to do was to move it from Fremont and the valley where it has created such a problem to Huntington Drive. Then the decision would be made. So at this point in time, any funding that would be denied would be denied for a completion that does not go through the gentleman's district, but up to the gentleman's district and, thereby, relieving the situation in the city below it.

If that at that time comes to pass, that the freeway would need to be completed, that would have to be addressed at that time with new environmental impact reports done and the like.

At this point in time, the only thing he would be prohibiting is from funding for, if at some future date somebody would decide to fund that portion of the freeway to Huntington Drive, he would be preventing us from alleviating a series of problems that are created not only by the lack of completion of the freeway, but because of the elevated corridor, which is now going to put an extensive amount of train traffic through the district with many of the crossings being at grade, not below grade, and in this record of decision also, money was appropriated or was established that would be appropriated for the taking of those railroad crossings and putting them below grade.

So at this point in time I oppose the gentleman's amendment, and I would urge my colleagues to oppose it, since the completion that is taking place is within my district.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a question for the gentleman from California (Mr. ROGAN), and I would like to engage him in a colloquy at this time.

Mr. Chairman, I do not know anything about this project, although I do not know where it is, what it is, and I suspect most House Members do not. Is this a highway demo?

Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Minnesota.

Mr. ROGAN. Mr. Chairman, this is a completion of a freeway project that was designed 50 years ago.

Mr. SABO. Mr. Chairman, reclaiming my time. Is this a highway project that was designed by the State of California with general highway funds?

Mr. ROGAN. Mr. Chairman, if the gentleman will yield, I cannot answer the question of the gentleman. It was designed before I was born. I am not sure where the source of the design came from.

Mr. SABO. But it is not a demo project that we have specifically designated by Federal law?

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, the answer to the gentleman's question is yes. The State of California designed that freeway with the intention of completing it.

Mr. SABO. Mr. Chairman, reclaiming, my time, but it is not a demo?

Mr. MARTINEZ. No, Mr. Chairman.

Mr. SABO. So this is a project, Mr. Chairman, that has proceeded under whatever the procedures are in California, I assume using general Federal highway aid money, through the normal environmental process, dealing in whatever fashion they do in California with local units of government. I gather some of this project is built right now, and right now it is at a stop; is that accurate?

Mr. MARTINEZ. Mr. Chairman, if the gentleman will yield, yes, it is.

Mr. SABO. Mr. Chairman, I am finding it difficult to understand why on the House floor where most of us do not know what we are doing, we should make a judgment on what happens in the State of California with funds that they control, subject to the normal procedures that we have.

Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, I appreciate the gentleman's inquiry, and I will try to enlighten the gentleman.

In fact, the point the gentleman makes is the point that is currently before the Federal court. A permanent ruling is going to come down on July 1, but the Federal court, in a temporary ruling to an injunction has said a number of these factors have not been considered, such as the environmental impact, the impact upon the historic area of the community. So what I am attempting to do in this amendment is to stop the spending of Federal dollars on a project that could go forward through the general funds of the FHWA when, in fact, it may be a waste of money and certainly would have a very bad impact on the community.

Mr. SABO. So, Mr. Chairman, reclaiming my time, this highway is also in the courts?

Mr. ROGAN. Yes.

Mr. SABO. And we are going to prejudge what the courts are going to do?

Mr. ROGAN. Mr. Chairman, if the gentleman will continue to yield, all I am attempting to do, as I indicated in my opening statement, is try to protect an historic area of the community and protect the environment.

Mr. SABO. Mr. Chairman, reclaiming my time, I am sure the gentleman is, but I am sort of curious why the U.S. House of Representatives on a late afternoon on the House floor, where most of us are not familiar with the project, should override whatever the normal procedures are and adopt an amendment saying we cannot do something which one normally can do in the State of California.

Mr. ROGAN. Mr. Chairman, if the gentleman will again yield, it is because we have the purse strings here, and we have the right in the oversight to say whether or not such projects are going to be developed.

Mr. SABO. Mr. Chairman, reclaiming my time, I do not know that we have often done that, although I hate to say never, on particular projects that are not demos.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I think we did several years ago, and the gentleman from New York (Mr. NADLER) can better explain, as the gentleman is here.

Mr. SABO. Mr. Chairman, that was that big elevated thing in New York?

Mr. WOLF. Yes, Mr. Chairman. We interceded against it.

Mr. SABO. But was that not a highway demo?

Mr. WOLF. Mr. Chairman, the staff tells me that it was not. That was in opposition to the State of New York in defense to the gentleman from the district.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, just as much as I can shed light on this for the benefit of my colleague from California, I guess it was the year before last there had been basically authorization within the Federal highway bill for an interstate to run down to Charleston, South Carolina.

Our environmental community did not want that road running down to Charleston, and so we were actually able, with the help of the gentleman from Pennsylvania (Mr. SHUSTER), to take it out and stop the road in Georgetown, South Carolina. So I do think there is historical precedence here.

Mr. SABO. Mr. Chairman, reclaiming my time, was that a demo?

Mr. SANFORD. No, it was not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

(By unanimous consent, Mr. SABO was allowed to proceed for 2 additional minutes.)

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, there are several differences between the examples that have been given here today. The freeway was set for completion, the design was there. The reason it was stopped is because in the State of California, we have a law that requires the cities to give permission for street closures when freeways were being built through a city. South Pasadena used that gimmick to stop the freeway because they refused to close the streets for the freeway to be built.

Some 17 years later, when I was elected to the State legislature, with a negotiation with South Pasadena, we were able to pass a law that took that right of veto, because it actually amounts to veto, away from cities so that freeways that were for the best interests of the community and the surrounding communities and the whole area of L.A., because that completes a circulation pattern in the county of L.A., then that was passed and signed by the governor. Subsequent to that, we have had at every instance a roadblock put by South Pasadena trying to stop the freeway.

Now, every community in southern California has got a freeway running to it, by it or through it. We have all had to suffer the indignation during the building of it and we have all had to put up with a lot of inconveniences, in many cases no sound walls until more recently a bill was passed to require more sound walls.

All of these things have been mitigated for South Pasadena in every way. As I said, it will be undergrounded through South Pasadena, no on ramps or off ramps, everything that is possible to be done for South Pasadena has been done, and yet they refuse. Every county in L.A. at one time or another has passed a resolution in order to complete that freeway because of the suffering that it causes everywhere else, and more than that, the State Transportation Department is in total support of the completion of that freeway. CALTRANS is in total support of that freeway. Everybody except South Pasadena is in support of completion of that freeway because of the need for it.

Mr. SABO. Mr. Chairman, I remain confused.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MARTINEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House resolution 218, further proceedings on the amendment offered by the gentleman from California (Mr. ROGAN) will be postponed.

Mr. BENTSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. I was unable to be here for the earlier part of the debate. I wanted to rise in strong support of the fiscal year 2000 Transportation Appropriations bill, and in particular, to commend the chairman and the ranking member for crafting this bipartisan legislation.

In particular, I want to express my appreciation to the committee for providing $1 million appropriations for the planning and design of the Main Street Corridor project in Houston, Texas, a large part of which runs through my congressional district. The city of Houston, in collaboration with the Houston Metro and the Main Street Coalition, Incorporated is about to undertake a study of one of the most comprehensive urban redevelopment projects in Houston's history.

The city of Houston is committed to redeveloping Main Street. Redeveloping the city's "urban spine" is critical to Houston's ability to compete economically, culturally, and socially in the next century. This project has the potential for becoming a thriving retail and commercial anchor for the future of economic growth.

I again appreciate the work of both the chairman and the ranking member for including this, and I recommend passage of the bill.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to support the Transportation Appropriations bill, but I want to raise an issue that was discussed last year during the TEA–21 debate. The Federal Government is mandating that communities reduce their emissions from air pollution and is requiring that the private sector clean up its act on air emissions, yet it continues to provide funds to local transportation agencies that are, in fact, polluting the environment. I will give my colleagues an example, and I would ask us to reconsider our priorities in the very near future.

We are going to spend $2.7 billion on traditional polluting mass transit using diesel fuel while only $50 million is going to clean technology.

I would just ask both Chairmen WOLF and SHUSTER, who are here today, that next year, when we bring this spending bill up, that the Federal Government makes more of an effort to lead through example and make sure that every Federal transit dollar that is spent, no matter who spends it, is spending it in the purchase and the use of clean technology, clean buses and clean mass transit.

For those of us that have worked on air pollution issues, it is frustrating to see the Federal Government, State governments, and local governments mandate that private citizens and the private sector clean up their act, while we have not redirected our resources towards the cleanest technology available. I would just ask the subcommittee chairman if he would be willing to work with we in the next fiscal year to make sure next year's allocation places a priority on the cleanest technology available and that Federal funds should be used on technology that will not only get our people around, but also do it without polluting the air.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I will. As the gentleman knows, there is money in the bill here, I believe $100 million, directed toward that effort, but we will be glad to work with him to see that we can do a better job for more.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, I appreciate that. I think this is the beginning of a process that we can work together. Mr. Chairman, I want to point out that Chairman SHUSTER on the Transportation Committee has started this process. Traditionally for the last 30 years, Washington has been subsidizing dirty polluting diesel fuel while we have purported to be for clean air.

□ 1400

I appreciate Chairman SHUSTER and WOLF in trying to change that mindset. I would just ask that next year, going into the next millenium, we draw the line and say we will now support the clean air strategies with our commitment of Federal transportation funds.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nadler:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds in this Act shall be available to carry out the project specified in item 732 of the table contained in section 1602 of Public Law 105–178.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. As Yogi Berra said, Mr. Chairman, it feels like deja vu all over again.

This time I rise to offer an amendment to keep valuable taxpayer dollars from being wasted on an outrageous boondoggle in my district in New York.

The issue is simple: The Miller Highway, which is 13 blocks long, the entire thing, 13 blocks, half a mile, was almost completely rebuilt only 5 years ago at a cost to the taxpayers of almost $90 million. It has a life expectancy expectancy of 35 to 40 years before major rehabilitation work may be necessary.

Now Donald Trump wants us to spend $300 to $350 million to tear it down, a brand new highway, and bury it, bury it so it will not block the views of the Hudson River from some of the apartments in his new Riverside South luxury housing development. For $350 million of the taxpayers' money, Donald Trump will get higher prices for his condos.

To add flame to the fire, nobody even pretends there is any transportation purpose for this project whatsoever. Indeed, the proposal is to replace a straight segment of highway with a curved segment, never a good idea from a transportation perspective.

Nobody in the area affected in the community wants this project. It is opposed by every local elected official, the State senator, the State assembly member, the New York City council member, the Manhattan borough president, and the two local community planning boards.

In past years this project has been opposed consistently by the Porkbusters Coalition, the Council for Citizens Against Government Waste, the National Taxpayers Union, the Taxpayers for Common Sense, not to mention the administration.

Much is said in this Chamber about stopping waste and put an end to taxpayers' subsidies for millionaires and billionaires. Today we have an opportunity to buttress these statements with actions.

To make it even worse, this is a project that is not going to happen. What we are doing is wasting money on planning an engineering studies for a project that will not happen.

In the letter that was quoted on the floor last year from the mayor of the city of New York, he says as follows, dated March 26, last year: "While the administration is fully committed to the Miller Highway relocation," they think it is a good project, unlike me, "it is critical that the funds for the project not redirect or act as an offset for Federal or State funds for other Transportation and Infrastructure projects in New York City. The city has numerous pressing highway and transportation needs that have Federal financial support, and the administration would not be able to support a relocation proposal that reduced the Federal commitments to these other projects."

In other words, they are only going to do this project if the House decides that we are going to take $300 million over and above what New York normally gets for transportation and give it specifically for this project. That is obviously not going to happen.

They are not willing to, the city government is not willing to take $300 million from the normal city Federal aid for transportation, take it away from other projects for this. So what we are left with is a project that is not going to happen because no one is going to put the money into it, but we will waste 6 million a year, $5 million a year on environmental and planning studies and engineering studies for a project that will never happen.

My amendment is simply saying, do not waste that $6 million, $10 million on planning study for a project that should not happen and that will not happen.

Mr. SHUSTER. Mr. Chairman, I move to strike the word.

Mr. Chairman, it will be my intention in a moment to withdraw my reservation on my point of order, but I would make the point that I do not see any additional dollars being spent beyond T-21 on this project unless there is very substantial investment in the project by both the State and the city.

As the gentleman has pointed out, that seems to be, in all probability, not going to happen.

Therefore, Mr. Chairman, I would withdraw my reservation on my point of order and ask the gentleman if he would withdraw his amendment.

The CHAIRMAN. The point of order is withdrawn.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Chairman, if I heard correctly, and if in fact what the gentleman from Pennsylvania (Mr. SHUSTER) is saying is that unless the city and the State come up with a specific financing plan to show a commitment for the bulk of the money, three-quarters or whatever of the several hundred million dollars that this will take, which I do not believe can happen, but that unless that happens there will not be additional funding for this project, then I think that is a very wise statement and it would render the amendment unnecessary.

Mr. Chairman, I ask unanimous consent to withdraw the amendment, and I appreciate the commitment from the gentleman from Pennsylvania.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 218, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New Jersey (Mr. ANDREWS);

The amendment offered by the gentleman from California (Mr. ROGAN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 141, not voting 4, as follows:

[Roll No. 248]

AYES—289

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watt (NC)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOES—141

Aderholt
Archer
Armey
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilbray
Bliley
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Everett
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Horn
Houghton
Hunter
Hyde
Isakson
Istook
Johnson (CT)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Lewis (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McIntosh
Mica
Miller (FL)
Miller, Gary
Morella
Nethercutt
Northup
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Terry

Thomas
Thornberry
Tiahrt
Toomey
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Wicker
Wolf
Young (FL)

NOT VOTING—4

Brown (CA)
DeFazio
Fletcher
Gilchrest

☐ 1430

Messrs. MILLER of Florida, HASTINGS of Washington, ADERHOLT, KINGSTON, KASICH, HAYES, BRYANT, SMITH of Michigan, and SHADEGG changed their vote from "aye" to "no."

Messrs. HILL of Montana, FORBES, YOUNG of Alaska, DEMINT, DUNCAN, SALMON, GEORGE MILLER of California, DICKEY, FOSSELLA, STEARNS, MOLLOHAN and METCALF and Mrs. EMERSON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1430

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 218, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 190, not voting 3, as follows:

[Roll No. 249]

AYES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—3

Brown (CA)
DeFazio
Gilchrest

☐ 1438

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

At the end of the bill, insert the following new section:

SECTION ____. Amend paragraph "Capital investment Grants" by striking "$2,451,000,000" and inserting "$1,470,600,000". On page 26, line 15, strike "$980,400,000" and insert "$0".

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I rise to make a point of order against the amendment because the author seeks to amend a paragraph that has already been read under the 5-minute rule.

The House Rules and Manual clearly state in Section 872 that: "When a paragraph or section has been passed it is not in order to return thereto."

This amendment comes too late, and I ask for a ruling from the Chair, but in deference to the gentleman from Michigan (Mr. SMITH), Mr. Chairman, I ask that he be given several minutes to explain his amendment.

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Chairman, parliamentary inquiry. Did I understand my friend from Virginia (Mr. WOLF) to raise a point of order against the amendment but requests unanimous consent that the gentleman from Michigan (Mr. SMITH) might have 2 minutes to explain his amendment before a ruling by the Chair?

The CHAIRMAN. The Chair would ask the gentleman from Virginia (Mr. WOLF) has he made a point of order or has he simply reserved a point of order?

Mr. WOLF. Mr. Chairman, I will reserve a point of order in deference to the gentleman, and then I will make the point of order after the gentleman has an opportunity to explain.

The CHAIRMAN. The point of order is reserved, and the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, this is an amendment that the gentleman from Ohio (Mr. CHABOT) and I had introduced. I understand that TEA-21 might be a reason for claiming it out of order. In addition, it amends page 26 of the bill.

Let me just briefly tell the body our concern with spending millions of dollars for new fixed-rail starts. This amendment, if passed, would have saved $980 million. What happens is, these new subway systems, these new fixed-rail systems are not paying their way. They are extremely expensive.

I am going to say this very quickly and very briefly. It is an issue that should concern us all. I understand that most of these new starts are Republican projects, but a Department of Transportation study has found that subsidies for building and operating mass transit rail programs cost between $4,800 and $17,000 annually for each rider.

Then, after we build the system, we continue to subsidize them. We have increased the Federal Government's cost share because local communities are not interested in putting in 50 percent of the cost. I think it is an issue that we need to consider. We need to look about us as we are threatened with spending the Social Security surplus money. It is a special challenge to each one of us to make sure we be very frugal. There is not a single mass transit rail system in the U.S. that covers its operating cost with fares.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments to the bill?

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 218, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1445

The CHAIRMAN. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 429, nays 3, not voting 3, as follows:

[Roll No. 250]

YEAS—429

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth
Paul
Royce

NOT VOTING—3

Brown (CA)
DeFazio
Gilchrest

☐ 1503

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 217 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 217

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair and appropriate rule for consideration of a constitutional amendment. This is not something we do every day. The rule provides the minority with two bites at the apple by making in order a substitute as well as the motion to recommit. It should engender no opposition, and I urge all Members to support this rule.

Mr. Speaker, the United States flag is a cherished symbol of the very best our Nation represents. It signifies the lasting ideals that have come to define our Nation, ideals that men and women have risked and often lost their lives for; ideals like freedom.

There are some well-intentioned, honorable Americans who will assert that it is precisely this freedom that allows us to defile our flag. I politely disagree with those folks. The flag may be just a symbol, but burning it flies in the face of the respect that we have for our liberties, our Constitution, and our history as a Nation. Worst of all, it strikes a devastating blow to our national unity, and our unity is what makes us great. While we all come from different backgrounds and may worship different gods, we can all come together as Americans under our flag. We can disagree on the most challenging issues in our great democracy and have great debate, but at the end of the day we know that our flag is still flying and it represents all of us together, united. The soldier serving overseas understands it in the same way that the World War II vet saluting "Old Glory" on Memorial Day does. It is an unspoken pride and it comes from the heart. It is not something easily explained. It is something easily understood.

Today, we have the opportunity to affirm our commitment to our uniquely American values and to uphold the will of the American people. I say that because 49 States, including my home State of Florida, have asked us to take action to protect the flag. This will require amending the Constitution, an action which is not to be taken lightly. But it is an action that our Founding Fathers deemed appropriate on issues of integral national importance, and I believe this is one of them. This, I believe, is what the American people are asking us to do, for those individuals who have fought to preserve our freedom and for those individuals who are interested in the future of our country.

I urge support for this rule, and I urge thoughtful consideration on the final vote on the matter before us.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend the gentleman from Florida (Mr. GOSS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Florida (Mr. GOSS) in cosponsoring this resolution to prohibit desecration of the flag.

Mr. Speaker, as one who served in World War II, I served not only to defend our flag but also, and probably even more importantly, I served to defend the ideas for which the flag stands.

Still, I do not believe that people should be allowed to desecrate the flag. I think there are far better ways to express unhappiness than by engaging in an act that so many American citizens find offensive.

Mr. Speaker, every time I meet with American Legion veterans, they tell me their number one priority is protecting the flag that they fought so hard to defend. I think this is the least this country can do for these men and the many other Americans who risked their lives for the United States to grant that wish to them.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a man whose experience on behalf of his Nation is well-known to those who know him. We are very proud to have him be the author and lead speaker on this.

Mr. CUNNINGHAM. Mr. Speaker, first of all, I would say that even though I am the author of this amendment, I am not the author of this amendment. I was just flying close wing on Congressman Solomon, a Marine Corps who always hates to hear that the Navy owns the Marine Corps. Jerry Solomon since 1990 has persevered on this particular issue. When he retired, he asked myself and his replacement to push the issue, to bring it before the American people and have a constructive dialogue.

In 1989, in a 5–4 decision, the Supreme Court wiped out 200 years of tradition. In 1990, there was another vote but just for a resolution. The Supreme Court acted again with the same five individuals. The Supreme Court has told us that this is the only way to proceed, and many legal scholars agree.

Mr. Speaker, I would say from the onset, some of my colleagues have a difference of opinion on this issue. This has won by over 300 votes every time it has come up and we will pass this here today with over 300 votes. But I would chastise anybody that would characterize an opponent of this particular issue as nonpatriotic. As a matter of fact, I would stand side by side with that individual, because people have different beliefs on this issue. Fortunately, they are in a minority of those.

Secondly, that 85 percent of the American people feel that those individuals are wrong that oppose this particular amendment. Forty-nine States have asked us to pass this amendment, and their legislatures and the governors. The 50th State has actually passed this in the House and the Senate but not in the same year, and they plan to do it.

Some people will say that this is an unnecessary Federal statute, but yet the Supreme Court told us that this is necessary.

I would ask my colleagues not to bring a circus event, of bringing bandanas, underwear, those kinds of things with the American flag on them. That is not what we are talking about here. We are talking about the desecration of an American flag.

There would be those people that say it abridges the first amendment. Legal scholars again disagree, that this is expressive conduct, not actual speech; that no one is prevented from expressing themselves on an idea such as the flag through speech, or any other manner, except for the desecration of a flag.

We are not talking about burning handkerchiefs or underwear as some of my colleagues have brought forward or other things. We are talking about the American flag. This amendment is supported by 120 different organizations. The Flag Alliance has put together a grassroots. Eighty-five percent of the citizens, 49 States, and prior to the Supreme Court decision, by one vote, 48 States already had laws in which they did not feel that the first amendment was abridged.

In 1995, this House passed this 312–120. We lost it by three votes in the Senate. Since that time, we have had a change in the Senate to where now we can pass this bill in the Senate. This bill can go forward. In 1997, we passed it in the House but we got tied up with other judiciary legislation and it was not taken up in the Senate.

Mr. Speaker, this is the opportunity that we have been waiting for since 1989, not only in the House and in the Senate, the American people, but every State legislature in this country that disagree with the minority dissenting views on this particular issue. The Citizens Flag Alliance has put together a good coalition. Jerry Solomon, the original author of this, has put together a coalition.

□ 1515

And for those that would chastise us saying this is a political issue, I would beg difference with them. For many of us, and including my friend the gentleman from Massachusetts (Mr. MOAKLEY), this is a deeply reserved and caring issue for us, important to the core, to the heart, and to the mind and the soul. If anything, this brings unity to people, it brings freedom and the idea of what the flag stands for, and for those reasons we go forth with this amendment with hope and prayer that this amendment will pass in the House and Senate, it will be ratified by three-quarters of the States, which we agree that it will be.

I thank the chairman of the committee, the gentleman from Illinois (Mr. HYDE), the gentleman from Florida (Mr. CANADY) of the subcommittee and my colleagues on both sides of the aisle for the support of this amendment.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the rule, I support the amendment. I want to commend former Member Mr. Solomon and the Duke-ster, the gentleman from California (Mr. CUNNINGHAM), and all those involved.

My colleagues, in some cities in America it is illegal to kiss in public. It is illegal to sing and yodel in public. It is illegal to ride a skate board. It is illegal to burn trash and to burn leaves, but someone can burn the flag. In America it is illegal to tear the labels off of pillows, it is illegal to touch or desecrate a mailbox, but someone could literally rip the stars and stripes off our flag.

Beam me up.

Mr. Chairman, I have been listening to all the scholars. They say the Constitution allows for Americans to burn the flag, and the courts have ruled that Americans can burn the flag. That is why today we must change and move the process to change the Constitution.

Let me remind Members the first Constitution permitted and allowed slavery, slavery. The first Constitution allowed and in fact treated women and Native American Indians like cattle. That was wrong, and it was right to change the Constitution.

The bottom line is a people who do not honor and respect the flag do not respect their neighbors or their country, and a people that do not honor and respect the flag do not actually respect themselves, nor our great freedoms.

I say today if dissidents wish to express their first amendment rights and to proclaim their political statements: Burn their money, Burn their brassieres, Burn their pantyhose, Burn their BVDs, But leave the flag alone.

The flag is sacred, and it is time that we start protecting it and paying tribute and honor to our flag which represents our great republic.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I appreciate the comments of the gentleman from California earlier that said that those of us who oppose this amendment should not be challenged on our patriotism. That certainly should be true. But I do rise in support of the rule because obviously it is constitutional to amend the Constitution; that we cannot object to. But I do have questions about what we are doing to the spirit of America, the spirit of the Constitution in a desire to protect a symbol.

Not too long ago Hong Kong was taken over by Red China. The very first law that Red China passed on Hong Kong was to make it illegal to burn a flag. The first time Hong Kong ever had that law, the British do not have a law like this. Red China, as soon as they took over Hong Kong, they pass a law to make it illegal to burn a flag.

But it does not stop there. On an annual basis we, the Congress, require the State Department to report to us any human rights violations around the world. The human rights violations in Red China are used specifically to decide whether or not they will get Most Favored Nation status. Last year, in 1998, the report came to the Congress in April of this year, and it reported that indeed there were violations of human rights. What were the human rights violations that we are condemning by this report and we are going to use against the Red Chinese? Two individuals burned the Hong Kong or the Red Chinese flag.

I think it is just a little bit hypocritical if we want to claim the Red Chinese are violating human rights because somebody there burned the flag at the same time we intend to pass that law here.

The spirit of the Constitution did not require this. We have had 212 years of our history since the Constitution was passed. We have not had this pass. We have not required this. Where is the epidemic? I cannot remember ever seeing, and of course I am sure it has been on television where an American citizen burned the flag. It must happen; it will happen again. As a matter of fact, it will probably happen more often because there will be more attention given to it once this law is passed.

Where I see the burning of the American flag, where I get outraged is when the foreigners are doing it because they are so defiant about our policies around the world. But that is a lot different. We are not dealing with that hatred toward America that we are dealing with here.

We are dealing with a few deranged individuals that were willing to challenge the spirit of the Constitution. They say this is not free speech, but it is indeed expression, just as religion is, just as the study of philosophy is, just as our personal convictions. To say that this is not protected under the Constitution, the current Constitution, I think is quite wrong. I think we do protect that.

And, yes, one would say this is egregious, this is horrible, to burn this flag. But that is the purpose of the first amendment, to protect obnoxious and uncomfortable speech.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say in response to what the gentleman from Texas (Mr. PAUL) has said about the Chinese's first act was to ban the burning of flags, I understand that was also the same act of Adolf Hitler.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I just simply wanted to make a couple of comments before I yield back. I think that the flag is obviously very much part of our life every day here. We start out with the pledge, many of our institutions. When we sing the national anthem, whatever occasion, before sports events, we speak of what so proudly we hailed before the twilight's last gleaming. When we have the tragedy of death in our military, we have the presentation of the flag at the ceremonial part of that process, and I think quite often the flag is so much part of our life that when somebody desecrates it in any way most Americans are outrageously offended.

I suppose for many overseas who still see the American flag as the last best hope for freedom and opportunity it must be puzzling if that flag is devalued in its homeland, in the United States of America. What would that mean if one sees Americans burning the American flag? It is a curious message to send.

I believe that there are limitations on the first amendment. I think they have been recognized, I think they are appropriate for public safety and public well-being. They are well understood. I believe this is an area where a case can be made clearly for the well-being of the United States of America and its people. We should accept the responsibility of protecting the one symbol that unites us, our flag.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR POSTPONEMENT OF FURTHER CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES, AFTER GENERAL DEBATE TODAY; TO A TIME DESIGNATED BY THE SPEAKER

MR. CANADY of Florida. Mr. Speaker, I ask unanimous consent that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill to a time designated by the Speaker on which consideration may be resumed at a time designated by the Speaker.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Reserving the right to object, Mr. Speaker, let me be clear, and I do not intend to object. What I have been told is that the debate on the substitute amendment will be conducted tomorrow. I assume we are not contemplating carrying it beyond tomorrow; are we?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. That is my understanding. We would proceed with general debate today and then conclude consideration of this bill tomorrow with the debate on the substitute amendment.

Mr. WATT of North Carolina. That is a little different than the unanimous-consent request.

I guess the only thing that leaves me a little uneasy is that this could go on, and on, and on, and on.

Mr. CANADY of Florida. If I could address that, I believe that my objection to that would be as great or perhaps greater than the objection lodged by the gentleman from North Carolina (Mr. WATT), so I believe that it is the intention to have this bill come to a final vote tomorrow morning.

Mr. WATT of North Carolina. I wonder if the gentleman might consider revising his unanimous-consent request to that effect, and then if it becomes necessary to go beyond tomorrow, we could come back and address that tomorrow.

I am just trying to make the record absolutely clear on this. I do not think either he or I can bind the leadership to this.

Mr. CANADY of Florida. Mr. Chairman, I will withdraw the unanimous-consent request, and we will discuss it further.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 775. An act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 775) "An Act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on Commerce, Science, and Transportation: Mr. McCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, and Mr. WYDEN;

Committee on the Judiciary: Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; and

Special Committee on the Year 2000 Technology Problems: Mr. BENNETT and Mr. DODD; to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 1554, SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. BLILEY; TAUZIN; OXLEY; DINGELL; and MARKEY.

Provided that Mr. BOUCHER is appointed in lieu of Mr. MARKEY for consideration of sections 712(b)(1), 712(b)(2), and 712(c)(1) of the Communications Act of 1934 as added by section 104 of the House bill.

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE; COBLE; GOODLATTE; CONYERS; and BERMAN.

There was no objection.

□ 1530

POSTPONING FURTHER CONSIDERATION OF H.J. RES. 33, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES, AFTER GENERAL DEBATE TODAY TO A TIME DESIGNATED BY THE SPEAKER

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that after debate on H.J. Res. 33, notwithstanding the operation of the previous question, it may be in order at that point for the Chair to postpone further consideration of the bill until the following legislative day on which consideration may resume at a time designated by the Speaker.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 217, I call up the joint resolution (H.J. Res 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 33 is as follows:

H.J. RES. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 217, the joint resolution is considered as having been read for amendment.

After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour of debate on the joint resolution.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J.Res. 33.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 33 proposes to amend the Constitution of the United States to restore the power of Congress to protect the flag of the United States from physical desecration. An identical constitutional amendment was approved by the House in the 105th Congress and a similar measure was also approved by the House in the 104th Congress.

House Joint Resolution 33 provides simply, and I quote, the Congress shall have the power to prohibit the physical desecration of the flag of the United States. The amendment itself does not prohibit flag desecration; rather, it empowers Congress to enact legislation to prohibit the physical desecration of the flag. Subsequent legislation passed by Congress would define, within the parameters established by the constitutional amendment, what constitutes the flag of the United States and what constitutes physical desecration of the flag.

Under the amendment, such legislation would not stop anyone from expressing any idea or opinion. No one would be prevented from saying anything about the flag or anything else. Free, full, and robust debate of public issues would proceed unimpeded. The only thing that would be prohibited would be conduct involving physical acts against the flag which are designed to cause the desecration of the flag.

Mr. Speaker, we are considering this amendment to the Constitution because in 1989, in the case of Texas v. Johnson, the Supreme Court of the United States, by a 5-to-4 margin, ruled that flag-burning is an act of expression protected by the First Amendment of the Constitution.

The Congress initially responded to the decision in Texas v. Johnson by passing the Flag Protection Act of 1989. This statute was specifically crafted to address concerns raised by the Supreme Court in the Johnson opinion. However, in 1990, the Supreme Court in United States v. Eichmann, another 5-to-4 decision, struck down the Flag Protection Act as inconsistent with the First Amendment. The court stated that even though the Federal statute "contains no explicit content-based limitation. . . . the Government's asserted interest is related to the suppression of free expression."

Based on the decisions in Johnson and Eichmann, it is apparent that the Supreme Court, as presently constituted, would find any meaningful flag protection statute unconstitutional. This reality was recognized in 1995 by Assistant Attorney General Walter Dellinger of the Office of Legal Counsel, when he wrote, and I quote, that the "Supreme Court's decision in the Eichmann case, invalidating the Federal Flag Protection Act, appears to foreclose legislative efforts to protect flag burning."

As I noted earlier, Texas v. Johnson was decided by the slimmest of majorities and it overthrew what until then was settled law; until the Johnson decision, punishing flag desecration had been viewed by most as compatible with both the letter and the spirit of the First Amendment. Indeed, noted civil libertarians such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas had unequivocally supported the legal protection of the flag.

In 1969, Justice Black wrote, and I quote: "It passes my belief that anything in the Federal Constitution bars . . . making the deliberate burning of the American flag an offense." Chief Justice Warren said, and I quote again: "I believe that States and the Federal Government do have power to protect the flag from acts of desecration and disgrace." Finally, Justice Fortas has expressed the view that "the flag is a special kind of personality. Its use is traditionally and universally subject to special rules and regulations. The States and the Federal Government have the power to protect the flag from acts of desecration." This constitutional amendment which is before the House today is based on the conviction that Warren, Black, and Fortas were right, and that both the Johnson and the Eichmann cases were improperly decided.

It is well established that when speech or expressive conduct infringes on certain conventionally protected rights and interests, the First Amendment does not provide for the speech or expressive conduct.

As Professor George Fletcher has observed, and I quote, "Several historically entrenched exceptions to the First Amendment illustrate this general thesis. Using words to defame another invades the right to a good name. . . . Making copies of another's artistic or literary creation trenches upon copyright, the author's property right in her work. Under circumstances, verbal insults constitute intentional infliction of emotional distress, entailing a duty to pay compensation for the injury."

Obscenity, which undermines fundamental standards of civilized life, is recognized as outside the protection of the First Amendment. Symbolic speech or expressive conduct can also cause harm by infringing on protected rights and interests. It is essential to understand that as Professor Fletcher notes, "there are instances of conduct in which the relevant harm is not only to individuals, but to a collective sense of minimally decent behavior necessary to sustain group living." Public nudity, public fornication, and other indecent acts may be intended to convey a particular message. The expressive element of such conduct does not, however, insulate that conduct from proscription.

Now, we all agree that the government should not attempt to suppress ideas because we happen to find them offensive or disagreeable. But as Justice Stevens said in his dissent in Eichmann and I quote: "It is equally well settled that certain methods of expression may be prohibited if (a) the prohibition is supported by a legitimate societal interest that is unrelated to suppression of the ideas that the speaker desires to express; (b) the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and (c) the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition."

A prohibition on the physical desecration of the flag of the United States easily satisfies the test set forth by Justice Stevens. There is a compelling societal interest in maintaining the physical integrity of the flag as a national symbol by protecting it from acts of physical desecration. Such protection can be afforded without any interference with the right of individuals to express their ideas by other means. The interest of the American people in protecting the flag far outweighs any interest in allowing the crude and inarticulate expression involved in burning, shredding, trampling, or otherwise desecrating our flag.

Mr. Speaker, 49 of the 50 States have adopted resolutions calling upon the Congress to pass a flag protection amendment and send it back to the States for ratification. The legislatures of these States have recognized that the desecration of our flag does harm to our collective sense of minimally decent behavior necessary to sustain our life as a Nation. The legislators of these States know, as we do, that passing another statute will not restore protection for the flag. They know that a constitutional amendment is the only means to restore the protection for the flag of the United States.

The constitutional process for amendments established by Article V recognizes that the Constitution is ultimately grounded in the will of the people. Today, we simply respond to the clear and strong message sent to us by the people speaking through the legislatures of 49 States.

The purpose of this amendment is not to change the First Amendment. There is no problem with the First Amendment. The problem is with the Supreme Court's interpretation of the First Amendment. The measure before the House today is simply designed to correct the novel and flawed interpretation of the First Amendment adopted by the court a decade ago and to restore the protection which was previously given to the flag of the United States.

Chief Justice Rehnquist in his dissent in Texas v. Johnson, summed up the case for protecting the flag as well as anyone. He said, "The American flag . . . throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular party, and it does not represent any particular political philosophy. The flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree," the Chief Justice said, "that the First Amendment invalidates the act of Congress and the laws of 48 of the 50 States which make criminal the public burning of the flag."

I would submit to the House that the Chief Justice of the United States had it right. As we today act under Article V of the Constitution, we in this House of Representatives should now recognize on behalf of the people of the United States that the physical desecration of the flag does not deserve the protection of the law, and we should accordingly adopt this resolution and move forward with this measure to restore protection for the flag of our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to express my gratitude to the gentleman from North Carolina (Mr. WATT) for agreeing to manage this bill. He is the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary, and I appreciate the hard and continuing work he has put in on this subject matter.

I would like to join in this discussion to begin by asking the question that must be asked of all legislation that comes on the floor: What is the problem? In other words, why are we here today? When we deal with questions of civil rights, when we deal with questions of police abuse, when we deal with questions of international policy, when we deal with the crisis in Haiti, we are all brought here because there is a problem.

Does anyone know how many cases of flag-burning have occurred in this year or last year, or any of the years? Well, I am glad I asked that question, because I will provide my colleagues with the answer. The answer is that since 1990, we have had 72 reported cases of flag burning that I can bring to my colleagues' attention. I do not know of any in recent times. I think it is important that we consider in the midst of all of the issues that weigh upon the House of Representatives why this measure keeps coming back up time and time again.

The issue is really around the First Amendment and the Bill of Rights, not flag burning because the test that we will be putting the Members of this great body to is whether we have the strength to remain true to our forefather's constitutional ideals and defend our citizens' rights to express themselves, even if we disagree vehemently with their method of expression.

☐ 1545

Madam Speaker, I have always deplored flag-burning as a tactic, as a strategy, as a policy. But I am strongly opposed to this attempt to amend or start the process to amend the Constitution of the United States because it simply goes against the ideals and elevates a symbol of freedom over freedom itself.

How ironic that we would now take the symbol and forget the message, the purpose which this symbol represents. For if this resolution were adopted, and thankfully it has never been finally processed out of the legislative system, it would represent the first time in our Nation's history that the people's representatives in this House voted to alter the Bill of Rights to limit the freedom of speech of our citizens.

So what we are considering here, notwithstanding the explanations that it is very popular to do this, is that we are saying that now, in the year 1999, over 200 years after the Bill of Rights, we have now decided that there was a flaw in the Bill of Rights and we now need to make a change. There was a mistake.

I resist that argument, and it would it seem to me that if we were going to alter the Bill of Rights, it would have to be over a measure far, far more grave and threatening than merely the conduct, one particular form of conduct that we might resent.

What about burning the Bible? Does that not raise Members' temper a few degrees? How obscene it would be to burn a Bible publicly. Of course, someone might say, well, sure, we ought to include that, too, or we ought to look at that next. But these acts, as despicable as they are, are protected speech under the First Amendment.

So I would say to the Members that the true test of any Nation's commitment to freedom, to this freedom of expression, lies in the ability to protect unpopular expression, the kinds of things, the conduct that we do not like, exactly like flag-burning and Bible-burning.

Remember what Justice Oliver Wendell Holmes stated: "The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate, the conduct and action we seriously dislike."

So what we are really doing is saying that since this is such a repulsive act, we are going to take it out from under the protection of the Bill of Rights, from the First Amendment. So by limiting the free speech protections and the First Amendment, I suggest we are setting the most dangerous precedent that has ever come out of the Subcommittee on the Constitution in the Committee on the Judiciary.

If we open the doors to criminalizing constitutionally protected expression related to the flag, I am afraid that there will be further efforts to limit and censor speech or conduct that we do not like.

We do not like it, we do not like flag-burning. That is why we want to stop it. But guess what, there are some other things that we do not like and we may want to start curbing just as well. Once we decide to limit freedom of speech in any respect from a constitutional point of view, the limitations on freedom of the press and limitations on freedom of religion may not be far behind. This is not a road that I would like to go down.

The courts have ruled. The ultimately deciders of what is constitutional, they have said that. They have said that flag-burning, as despicable as it is, is protected freedom of speech.

So it is tempting for us, the only people in government that have the power, to say we will show the court who is boss, we will show that Supreme Court. We will amend the Constitution to outlaw flag-burning. We will pass this amendment through the States, and then they will not be able to write any more decisions about this conduct that we dislike so much.

However, if we do, we will be carving an awkward exception into the document designed to last for the ages, and that with only 27 amendments, has never been modified. We will be undermining the very constitutional structure that Thomas Jefferson and James Madison designed to protect our rights.

In effect, we will be glorifying the very people in our national community who disrespect the flag and what it stands for while we will be denigrating the constitutional vision of James Madison and Thomas Jefferson.

The concern about the tyranny of the majority led the Framers to create an independent judiciary, free of political pressure, to ensure that the legislative and executive branches would honor the Bill of Rights. A constitutional amendment like this banning flag desecration flies in the very face of this carefully balanced structure.

Madison warned against using the amendment process to correct every perceived constitutional defect. I repeat that warning here, because it applies to what we are considering, particularly concerning issues which easily inflame public passion.

Unfortunately, there is no better illustration of Madison's concern than this proposed flag-burning or anti-flag-burning amendment. History has proved that efforts to legislate respect for the flag only serve to increase flag-related protests, as few as they are, and a constitutional amendment would be far more inflammatory than even a statute.

Almost as significant as the damage this resolution would do to our own Constitution is the harm it would inflict upon our international standing in the area of human rights. Consider the demonstrators who ripped apart Communist flags before the fall of the Iron Curtain and committed crimes against their country. Yet, freedom-loving Americans applauded their brave actions.

If we pass this amendment, we will be beginning to align ourselves with autocratic regimes such as those in Iran and the former South Africa, and diminish our own moral stature as a protector of freedom in all its forms. Let us not do it.

For those who believe a constitutional amendment will honor the flag, I just want to read them the two sentences from the Supreme Court's 1989 decision on the subject, Texas and Johnson: "The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving one's own; no better way to counter a flag-burner's message than to salute the flag. We do not consecrate the flag by punishing its desecration. For in doing so, we dilute the freedom that this cherished emblem represents."

Madam Speaker, I close with only one additional comment. That is, as soon as the polls that are taken on this subject let our citizens know that this would be the first time in our Nation's history to cut back the First Amendment freedoms of speech and expression, then, guess what happens? They do not support the flag-burning proposal.

So please join with those of us who are patriots in a perhaps deeper sense, who really believe that protecting freedom of speech includes the kind we abhor, the kinds we like least, the kinds that we detest. Join me in opposing this flag desecration amendment.

Madam Speaker, I thank the ranking member of the subcommittee who is now managing the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), the chief sponsor of this amendment.

Mr. CUNNINGHAM. Madam Speaker, I thank my colleagues for their views, but I would say, Madam Speaker, 85 percent of the American people feel those views are wrong, they are absolutely wrong, and 49 States have asked us to pass this, and 49 legislatures have asked us to pass this amendment.

We have passed this on the House floor by over 300 votes every time it comes up. Unfortunately, the Senate has not reacted in one case, and in 1997 the Senate did not have time to take it up. This is the first time that we can.

I would say to my friend, whose 85 percent of the American people do not give a rat's rear how many times flag-burning has existed, I ask Members to give themselves a vision, Iwo Jima, and the men, Ira Hayes and the rest of them that put up that American flag. Now allow some hippie to go up there and burn it. They do not care how many times. It is the issue.

Madam Speaker, my colleague brings fear into this, fear that we are doing something. Well, this country ran fine for 200 years-plus until one liberal Supreme Court said no to 200 years of tradition. Forty-eight States have laws to protect the American flag. Is that radical, that 48 States believed that the First Amendment is not abridged, that the First Amendment is not abridged, it is expressive conduct, and the Supreme Court has ruled on that?

There are more Supreme Court Justices in history that have said that this amendment is in line and should be passed than there are of the five that ruled against this in 1989. And we say that that is wrong.

My colleague, the gentleman from California (Mr. BILBRAY) does not care how many times. The flag in his office was draped over his father's coffin. He has that flag in his office today.

I would tell my colleague that if he cringed at people burning the Communist flag, I cheered. My mother and father were Democrats. They voted for Ronald Reagan, but they were Democrats. They taught my brother and I that the lowest thing on Earth is a socialist and a Communist. So if Members want to burn the Communist flag, be my guest. My mom and dad are Democrats. I lost my dad.

I would tell my colleagues, they say that this is despicable to burn the American flag. Yet they would allow it to happen. The 85 percent of the American people that support this, and we will pass this bill, I say to the Members in the minority view, and who will remain so, we are going to pass this in the House, we are going to pass this in the Senate, and 49 States have vowed to ratify it. All that does is it gives Congress the right to proceed.

□ 1600

It is not a self-enacting bill. The 48 States have got to react to what they believe. I believe in States rights.

So I would say to my colleagues, if one thinks something is despicable, change it. If one wants to spread fear, fear of 200 years of tradition, it is okay by 85 percent of the American people.

Mr. WATT of North Carolina. Madam Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Madam Speaker, our Founding Fathers must be very puzzled looking down on us today. Instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring under this compulsion to amend the document that underpins our democracy.

They see a house of dwarfs trying to give this government a great new power at the expense of the people, the power for the first time to stifle dissent.

The threat must be great, they must be saying, to justify changing the Bill of Rights and, for the first time, decreasing rather than increasing the rights of the people. They see their beloved Bill of Rights being eroded into the Bill of Rights and Restrictions.

What is the threat? What is the threat? Madam Speaker, I ask again, what is the threat? Is our democracy at risk? What is the crisis to the Republic? What is the challenge to our way of life? Where is our belief system being threatened? Are people jumping from behind parked cars, waiving burning flags at us, trying to prevent us from getting to work and causing America to grind to a halt?

Do we really believe that we are under such a siege because of a few loose cannons? Do we need to change our Constitution to save our democracy? Or, Madam Speaker, are we offended?

The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as pagans would, rather than to keep it as the beloved symbol of our freedom that is to be cherished.

These rare but vile acts of desecration that have been cited by those who would propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk and we are not threatened. My colleagues, we are offended. To change our Constitution because someone offends us is in itself unconscionable.

The Nazis, Madam Speaker, the Nazis and the fascists and the imperial Japanese army combined could not diminish the rights of even one single American. Yet, in an act of cowardice, Madam Speaker, we are about to do what they could not.

Where are the patriots? Where are the patriots? Where are the patriots? Whatever happened to fighting to the death for somebody's right to disagree? We now choose, instead, to react by taking away the right to protest. Even a despicable low-life malcontent has a right to disagree, and he has a right to disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Is it an endangered species? Burning one flag or burning 1,000 flags does not endanger it. It is a symbol. But change just one word of our Constitution of this great Nation, and it and we will never be the same.

We cannot destroy a symbol. Yes, people have burnt the flag, but, Madam Speaker, there it is again right in back of the Speaker's chair. It goes on. It cannot be destroyed. It represents our beliefs.

Now poets and patriots will tell us that men have died for the flag. But that language itself, Madam Speaker, that language itself is symbolic. People do not die for symbols. They fight and die for freedom. They fight and die for democracy. They fight and die for values. They fight and die for the flag means to fight and die for the cause in which we believe. My colleagues would have us change that.

We love and we honor and respect our flag for that which it represents. It is different from all other flags. I notice in the amendment that we do not make it illegal to burn some other country's flags, and that is because our flag is different. No, it is not because of the colors or the shape or the design. They are all relatively the same.

Our flag is unique, because it represents our unique values. It represents tolerance for dissent. This country was founded by dissenters that others found to be obnoxious.

What is a dissenter? In this case, it is a social protester who feels so strongly about an issue that he would stoop so low as to try to get under our skin, to try to rile us up, to prove his point, and to have us react by making this great Nation less than it was.

How do we react? Dictators and dictatorships make political prisoners out of those who burn their Nation's flags, not democracies. We tolerate dissent and dissenters, even the despicable dissenters.

What is the flag, Madam Speaker? The American flag? Yes, it is a piece of cloth. It is red and white and blue, and it has 50 stars and 13 stripes. But if we pass this amendment and desecrators decide to go into a cottage industry and make flags with 55 stars and burn them, will we rush to the floor to amend our Constitution again?

If they add a stripe or two and set it ablaze, it surely looks like our flag, but is it? Do we rush in and count the stripes before determining whether or not we are constitutionally offended? What if the stripes are orange instead of red? How do we interrupt that? What mischief do we do here? If it is a full-size color picture of a flag they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents this great Nation, Madam Speaker. We love our flag. Because there is a Republic for which it stands, made great by a Constitution that we want to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Madam Speaker, I call upon the patriots of the House to rise and defend the Constitution, resist the temptation to drape ourselves in the flag, and hold sacred the Bill of Rights. Defend our Constitution. Defeat this amendment.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time. I want to start by commending the gentleman from California (Mr. CUNNINGHAM) for his diligent hard work on this amendment and to help carry the good work brought forward by my predecessor, Gerald Solomon.

Madam Speaker, I rise today as one of the lead cosponsors and supporters of this constitutional amendment. There are many reasons to do so. As we know, there is a deeply reserved desire by many Americans to protect the flag because they recognize that the American flag holds a sacred place in their hearts.

Prior speakers spoke of the flag serving as a mere symbol. He said that this country was founded by dissenters. I would like to say that it was not founded just by dissenters, it was founded by dissenters who risked their lives, their blood, who took action because it requires action to provide freedom. They did so for their flag.

I would also like the prior speaker and those who would dissent here to consider that the Medal of Honor is specifically awarded to those who have fought for their flag and on its behalf.

I take very personally the issue. I recall a year ago my own father, a veteran of World War II, passed away. Prior to his passing, one of his great concerns was that the flag that is bestowed upon veterans by our country for their service be provided at his wake, be shown at his wake in the most meaningful way. If it means nothing, then why does one have, as their last thoughts, thoughts of the flag? If it means nothing, then tell that to those who go to war and march behind it. If it means nothing, then those who have gone and given their lives and made the ultimate sacrifice have done so because of the flag.

Further, I believe that, as an elected public official, it is our duty to represent the views of an overwhelming majority of Americans who want us to restore to them the power to prohibit the physical desecration of our flag.

Madam Speaker, as citizens of the United States, we are concerned with protecting individual rights. We fight to protect our freedom of religion. We fight to protect our freedom of assembly. Essentially, we protect our right to live as free citizens.

So, Madam Speaker, why would anybody find fault with protecting the very symbol of that freedom. Here, in Congress, we are here to pass laws to protect and rename old buildings, and laws to protect citizens from creditors, and laws to protect citizens from predators. We do these things for the right reasons and good reasons. Can we not do the same for the very symbol of what is right and good and just in our Nation?

Every Member of Congress takes the time to have his or her picture taken with the flag of the United States as a backdrop. Every Member of Congress takes the time to march in parades with our flag. Every Member of Congress takes the time to present the American flag to groups of constituents back in their district. Why? Is it because this is just some sort of studio prop? No. It is because the flag is a symbol that everyone understands and respects.

Madam Speaker, we cannot use the flag of the United States as a prop and then fail to protect it and what it stands for. We cannot, we should not, we must not cave in to intellectual snobbery. Being patriotic and sharing a deep love for the American flag is not politically incorrect. So let us stop acting like we are all too smart to be patriotic.

Madam Speaker, some of my colleagues will argue today that this amendment would infringe on the individual right to free speech. The right to free speech is the bedrock of America's founding. I will be the first to passionately defend the First Amendment. But burning an American flag is not free speech. It is inexcusable conduct that must be condemned. We should not protect such reprehensible behavior any more than we should protect arsonists and vandals.

Madam Speaker, I am not alone in this argument. There are many people far more distinguished than I who believe that flag burning does not deserve to be a constitutionally protected form of speech.

As the gentleman from California (Mr. CUNNINGHAM) has pointed out, nearly 10 years ago to this very day the Supreme Court ruled that flag burning was an act of free expression by the slimmest margins, one vote. In that case, the four dissenters based their opposition on the fact that flag desecration is expressive conduct as distinguished from actual speech.

□ 1615

In this regard they stated that the government's interest in preserving the value of the flag is unrelated to the suppression of ideas that flag burners are trying to suppress.

Madam Speaker, let me finish by quoting Harvard law professor Richard D. Parker. Mr. Parker is a self-proclaimed liberal Democrat who has spoken so eloquently in support of this amendment in the past. He said, "The American flag doesn't stand for one government or one party or one party platform. Instead, it stands for an aspiration to national unity despite, and transcending, our differences and diversity. A robust system of free speech depends, after all, on maintaining a sense of community. It depends on some agreement that, despite our differences, we are 'one'; that the problem of any American is 'our' problem. It is thus for minority and unpopular viewpoints that the aspiration to and respect for the unique symbol of national unity is thus most important."

Madam Speaker, I move to protect that symbol of unity, and I urge all of my colleagues to vote in support of this resolution.

Mr. WATT of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have yielded time to several people, and I want to thank them for debating this issue. I wanted to accommodate their schedules, but now I want to kind of set the framework for this debate a little bit.

I want to thank my colleagues, the gentleman from Florida (Mr. CANADY) and the gentleman from California (Mr. CUNNINGHAM), for already during the debate on the rule and the debate on the bill making it clear that this is not about one side being patriotic and the other side being unpatriotic. I do not think there is a single Member of the Congress of the United States that I would dare call unpatriotic. We all are patriots. We all believe in our country. This is an honest dispute about how we reflect that patriotism.

The gentleman from Florida (Mr. CANADY) has gone out of his way, particularly this year, to set a framework for us to have this debate in a way that we can honor each other and honor our differences on this issue. And I was never more proud of the process than I was at the hearing that we had on this proposed constitutional amendment when I saw my colleagues, the gentleman from California (Mr. CUNNINGHAM), a decorated hero, and the gentleman from Maryland (Mr. GILCHREST), a Republican also and a decorated hero, on opposite sides of this important issue.

This is not about one side being patriotic and the other side being unpatriotic. And I hope that throughout the course of this debate today and tomorrow my colleagues will keep that fact in mind and not stoop to calling one side unpatriotic or not make this about who is patriotic. This is not about that.

I want to correct my good friend, the gentleman from California (Mr. CUNNINGHAM), who earlier in the debate suggested that this was about liberals versus conservatives. It is not about that either, Madam Speaker. If we look at the lineup of the members of the Supreme Court who decided this issue we will not find the liberals lined up on one side of the issue and the conservatives lined up on the other side of the issue.

The members who joined in the opinion to declare the burning of the flag a protected expression under the first amendment were Justices Brennan, Marshal, Blackmun, Scalia and Kennedy. Three of those five justices were Republican justices, Republican appointees, to the court. And I do not think there is anybody who is running around these days saying that Justice Scalia is a liberal.

So this is not about liberals versus conservatives. It is about how we believe the First Amendment protects us, and what expressions we believe ought to be protected, and how we play out our own patriotism.

Now, I want to acknowledge that the very first time I came to the Congress of the United States and debated this amendment I did not believe what I just said. I was one of those people who came to the Congress saying I do not know how anybody who supports the Constitution of the United States could not believe that the First Amendment to the Constitution is protective of somebody who expresses themselves by burning the flag.

But over the last four sessions of Congress, and this is the fourth time we will have debated this issue in the four terms that I have been in the Congress of the United States, what I have started to do is I have started to listen to my colleagues, like the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Florida (Mr. CANADY), who are on the opposite side of this issue. What I have seen is that people on our side of this issue have started to listen to the other side, and I have heard them start to listen to us. And where we are today is a product of listening to each other, because we now understand that a patriot like the gentleman from California (Mr. CUNNINGHAM) can disagree with a patriot like the gentleman from Maryland (Mr. GILCHREST) on this important issue. This is not about who is patriotic.

We are going to recognize today that anybody who comes to this well, Republican or Democrat, regardless of which side of this issue they are on, is going to be recognized to engage in the debate. We are not censoring anybody. If somebody wants some time, I welcome them to come and state their position on this proposed constitutional amendment.

So this is not about patriotism, it is not about liberal versus conservative, it is not about Republican versus Democrat. It is about how we learned what the first amendment was about, and how we learned what patriotism was about, and what we think the Constitution protects, and what we think ought to be unprotected by the Constitution. That is what this debate will be about.

So I want to right here welcome and encourage my colleagues to come to the floor, debate this important proposal, tell us what their experiences have been with the first amendment and how it gets applied to them. I invite my colleagues to tell us what their experiences have been regarding patriotism, and tell us what their experiences have been regarding liberty and honoring the liberties that we have in this country. And if my colleagues come to the floor and engage in the debate with that attitude, this will be one of the most powerful debates ever conducted on the floor of the House.

I want people to come and debate this important issue, and I want them to bring their stories. I want to start by telling my colleagues my story.

I went to law school, and some people say it is the best law school in the country, although I am sure we could generate a serious amount of debate on that.

Mr. CANADY of Florida. Madam Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Madam Speaker, I would agree with the gentleman on that.

Mr. WATT of North Carolina. Madam Speaker, reclaiming my time, I thought the gentleman was going to spring up, because we went to the same law school. So it is even about people from the same law school disagreeing on this, as my colleagues will see.

I thought I knew the Constitution. I had studied it. By the time I got to the third year of law school, I thought nobody could teach me anything else. And then I went into the practice of law in a small law firm that was known for its civil rights reputation.

One day I got a call from my senior law partner and he asked me to go down to another county and represent some people who had been charged with disturbing the peace and resisting arrest and various and sundry other offenses that people get charged with when they engage in demonstrations, and I said, fine.

So I went traipsing off to the next county, and what I found when I started to investigate was that a group of Native Americans, with tomahawks and other such kinds of instruments, had gathered in front of a school to demonstrate and to express their position on an issue. And I kept inquiring about what the issue was, and I found that those Native Americans were there demonstrating because they did not want to go to school with black students. They did not want their children to go to school with black students.

Well, I was black then, I am still black, and I said to myself, now, I do not know if I want to be here representing these people who are demonstrating against going to school with black kids. And I called up my senior law partner and I said, "Julius, why did you send me down here to represent these people knowing what they were demonstrating about?" And he asked me one simple question. He said, "Do you not believe in the first amendment to the Constitution?" It stopped me dead in my tracks.

I will never ever forget that question that my senior law partner asked me on that occasion. It brought home to me, after all the education I had gotten about what the first amendment meant, the book learning, what the first amendment was really about. It is about tolerating the views and defending the rights of people to express those views even if they disagree with the views we hold.

□ 1630

That is what our First Amendment is all about. It did not come as any surprise to me later in my legal practice to find that my law firm went to represent the Ku Klux Klan. There was not a single person in my law firm who believed in anything that the Ku Klux Klan stood for. But when it came time to defend their right to demonstrate and express themselves, we were right in court there saying we may not agree with the ideas they express, but we will defend until the end their right to express them.

I am not here today, my colleagues, to defend people who burn the flag. I abhor flag burners. But I am here to defend the Constitution of the United States. I am here to defend the First Amendment. I am here to defend the freedom of expression. I am here to defend the right of people who have views that are contrary to mine to express those views and to be heard in a democracy that we call America.

I believe that is what the First Amendment and our Bill of Rights is about. The Bill of Rights was not put in place by the majority to protect the majority. It was put in place to protect the minority from the tyranny of the majority. And when we diminish that, we diminish our constitutional government.

Now, my colleagues are going to be put in this debate to a clear choice. I want to applaud the Committee on Rules, I do not get to do that very often, for giving us the opportunity to exercise that clear choice. Because the underlying proposed amendment to the Constitution of the United States that my friend and colleague from Yale University also supports reads like this. It says, "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

My colleague says he does not object to the First Amendment, he objects to the Supreme Court's interpretation of the First Amendment. That is one choice that we all have to vote on the amendment that has been proposed by my colleague the gentleman from Florida (Mr. CANADY). We are going to have an opportunity tomorrow to vote on an alternative. It is an alternative that I will offer to this House to be voted on, and it reads like this. It says, "Not inconsistent with the First Article of Amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States."

So if they believe that the First Amendment is sacred, if they are honoring the First Amendment, if they believe that this new guy on the block, the new proposed amendment, is important but they want it to be interpreted subordinate and in conformity with the First Amendment to the Constitution that is currently on the books, I am going to ask my colleagues to vote for the substitute, then, because I believe in the First Amendment.

Now, I am not going to say that those who believe that the First Amendment is different than my interpretation of it are not patriots. I would not dare call my good colleague the gentleman from California (Mr. CUNNINGHAM) unpatriotic. I have seen him. He is a wonderful patriot. But I submit to this body that we must not put in the Constitution an amendment that we believe to be at odds with the First Amendment. And if we do, we must make it clear that the First Amendment is to be the ruling amendment in our Constitution. It has served us for over 200 years, and it will continue to serve us. But it will do so only if we allow it.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will just speak briefly. I want to express my appreciation to the gentleman from North Carolina (Mr. WATT) for the spirit in which he has approached this debate concerning this constitutional amendment throughout the process, from the subcommittee hearing through the subcommittee markup, full committee markup, and now on the floor today.

I believe that the gentleman from North Carolina (Mr. WATT) is exactly right when he says that no one should question the patriotism of anyone who might take a differing viewpoint on this particular issue. I understand that those who are opposed to this amendment base their opposition on principles that they hold very dear. This is the sort of issue which tends to engender passionate feelings. And I respect that.

I just again want to express my gratitude to the gentleman from North Carolina (Mr. WATT) for approaching this issue and dealing with it on the merits rather than on the basis of an attack on the motivations or the patriotism of those who have a differing viewpoint.

Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, I would say to my colleague that if he thinks he was opposed to the Ku Klux Klan, my opposition was to those that protested in a war that many of my friends lost their lives, but yet I would fight for the right for them to protest.

Many of us felt that the Tom Haydens, the Jane Fondas, and the Bill Clintons went too far by protesting in the enemy's camp. That was different. But I would also say that 90 percent, 90 percent, of the Supreme Court justices through history have supported this amendment. It was only one Supreme Court in 1989, the same Supreme Court that in 1990 by one vote overrode 200 years of tradition.

That is why 85 percent of the American people, 120 organizations, say that this is the correct thing to do and disagree with my colleagues on the other side of this issue. They also support the First Amendment.

When I went into the camps of those anti-war protesters and sat down with them, disagreed with them, I supported their First Amendment rights to do that. In this amendment, it does not take away from those rights. This particular amendment does not enfranchise the First Amendment. They still have full ability to speak, to express themselves in any legal way outside of the desecration of the American flag.

Forty-eight States had this prior to that one Supreme Court vote. It is wrong, Madam Speaker.

Mr. CANADY of Florida. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank my colleague for yielding my the time.

Madam Speaker, I rise in strong support of House Joint Resolution 33.

First I would like to agree with my colleague the gentleman from North Carolina (Mr. WATT) that what we should hear today and I believe what we are going to hear today is a series of speakers on both sides talking about their personal experiences and what all of the issues arising from this mean to us. I think that is appropriate. That is a good debate for us all to have.

We have heard from my good friend and colleague the gentleman from New York (Mr. SWEENEY) about how much this means to him and to his family. My story is more brief but I think sheds light on my own view.

I am the first native born American in my family. My parents were immigrants. They came to this country as so many other immigrants do, even today, because they want for their children the freedoms and opportunities that this country offers, more importantly what this country should offer.

My parents were not born American. That means that they had to affirmatively choose to take up the values and the principles and the ideals that are the foundation of our citizenship. They did so gladly and they did so naturally. I sometimes think that those Americans who had to choose to be American, that had to take that affirmative step, perhaps they have a greater appreciation for what this country offers.

At an early age, my parents taught me respect for our Nation, her leaders, and her most distinct symbol, Old Glory. I learned that from an early age. But I have to admit, Madam Speaker, I never really appreciated just how important the flag was as a symbol until I left this country, until I lived and worked overseas in a land where there was no Declaration of Independence, there was no Bill of Rights, the sort of wonderful document that we are all talking about and debating and interpreting today.

As my wife Sue and I traveled around East Africa is where we were, every time we saw Old Glory, whether it be at embassies or at private homes, our spirits were lifted by what it symbolized not just for us but for the rest of the world, nations and people struggling to be free. If we fail to protect the flag, that symbol both here and abroad is tarnished. And I submit to my colleagues, each time the flag suffers physically, our stature in the eyes of the world suffers just as clearly.

If we fail to protect the flag, people around the world may believe that we do not care, that we have become tired or complacent or self-doubting. The flag is a symbol. But in a time where the eyes of the world are upon us, symbols matter; and no symbol matters more than our flag. Our constituents are not complacent. Our constituents care. Every survey ever done tells us that. They want to protect the flag. So should we.

Finally, I think part of the debate is going to be what the First Amendment means today. And I think it is easy to draw lines between action and thought and expression. We have done so in the past. We have created hate crime laws. We do have laws for destruction of symbols like gravestones and synagogues and churches. We have done that.

I urge us all today, as we go through this debate, to follow the principles and respect what my colleague has suggested and support this House resolution.

Mr. WATT of North Carolina. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise in opposition to this amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. But I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

We have not had a law against flag desecration in the 212 years of our constitutional history. So I do not see where it is necessary. We have some misfits on occasion burn the flag, which we all despise. But to now change the ability for some people to express themselves and to challenge the First Amendment, I think we should not do this carelessly.

□ 1645

Let me just emphasize how the first amendment is written. "Congress shall write no law." That was the spirit of our Nation at that time. "Congress shall write no laws."

We have written a lot of laws since then. But every time we write a law to enforce a law, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government to arrest him and it is done with a gun. This is in many ways patriotism with a gun. So if you are not a patriot, you are assumed not to be a patriot and you are doing this, we will send somebody to arrest them.

It is assumed that many in the military who fought, but I think the gentleman from North Carolina pointed out aptly that some who have been great heroes in war can be on either side of this issue. I would like to read a quote from a past national commander of the American Legion, Keith Kreul. He said:

> Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

I think that is what we are trying to do. Out of our frustration and exasperation and our feeling of helplessness when we see this happen, we feel like we must do something. But I think most of the time when we see flag burning on television, it is not by American citizens, it is done too often by foreigners who have strong objection to what we do overseas. That is when I see it on television and that is when I get rather annoyed.

I want to emphasize once again that one of the very first laws that Red China passed on Hong Kong was to make flag burning illegal. The very first law by Red China on Hong Kong was to make sure they had a law on the books like this. Since that time they have prosecuted some individuals. Our State Department tallies this, keeps records of this as a human rights violation, that if they burn the flag, they are violating human rights. Our State Department reports it to our Congress as they did in April of this year and those violations are used against Red China in the argument that they should not gain most-favored-nation status. There is just a bit of hypocrisy here, if they think that this law will do so much good and yet we are so critical of it when Red China does it.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. We should not be careless in accepting this approach to enforce a sense of patriotism.

Mr. GOODLATTE. Madam Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. I would address my colleague that just spoke in the well. Is it not true that the gentleman votes "no" on over 90 percent of the issues and finds reason not to vote for issues on this House floor? Is that true?

Mr. PAUL. If the gentleman will yield, I think that is correct, because probably 90 percent of the time, this Congress is doing things that are not constitutional, and I think they are very legitimate.

Mr. CUNNINGHAM. My point is made. I thank the gentleman.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I want to share with Members some words written by a third grader:

"I feel so proud whenever I see
my country's flag flying over me.
The red's so bold
the white's so clear
the brightness of the blue is all so dear.
I love my country
my family, too,
but most of all I love
the red, white and blue."

Madam Speaker, these words were written because this child was allowed to value our flag, to understand the importance of the symbolism embodied in our flag and its importance in representing the values of our country.

Madam Speaker, the child who wrote these words, Carolyn Holmes, is grown now. She still values this country. She still values our flag. Madam Speaker, we must teach our children values.

If we allow the desecration of our flag, we allow those who desecrate it to teach our children a values lesson which may yield bitter fruit.

Madam Speaker, this issue is important. We worry about how to help our children learn the basic values for a civil society. Respect is one of the most important of these. Children need to be taught respect. Respect for the flag seems a very good place to begin. Let it spread from there to respect for others and their ideas.

It is important to remember here that it takes the States to ratify what we do and it takes the voice of the people in those States. So let the people speak. Let them speak.

Madam Speaker, the flag desecration amendment should be passed.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I rise today in strong support of House Joint Resolution 33, and I commend the gentleman from California for bringing this forward.

Madam Speaker, it was on June 14, 1777, that the Continental Congress passed the first Flag Act, calling for the symbol of the United States of America to bear its Stars and Stripes.

Over the years, the flag has grown to become a symbol of freedom and a faithful tribute to those, living and deceased, who have fought to protect and preserve peace both here and abroad.

Madam Speaker, we stand and pledge our allegiance to the flag every day, but it is our United States soldiers who salute and serve beneath the flag who truly bear the burden of ultimate allegiance. They sacrifice their lives to protect our freedom and our liberty.

Madam Speaker, I want to share with Members a poem by Father Denis Edward O'Brien, United States Marine Corps, that shows the special relationship our soldiers have with the flag of the United States. I quote Father O'Brien:

It is the soldier, not the reporter,
who has given us freedom of the press.

It is the soldier, not the poet,
who has given us freedom of speech.

It is the soldier, not the campus organizer,
who has given us the freedom to demonstrate.

It is the soldier
who salutes the flag,
who serves beneath the flag,
and whose coffin is draped by the flag
who allows the protester to burn the flag.

Madam Speaker, when we allow our flag, the very essence of our country, to be destroyed, in my opinion we dishonor the men and women who gave their lives serving under that flag so that every one of us could live free.

I know, Madam Speaker, that many of my colleagues will raise important constitutional questions about adding an amendment to protect the flag. But when it comes down to it as a representative of the people, I believe that we have the support from the majority of the American people on this issue.

Madam Speaker, I have had the honor of serving the citizens of the Third District of North Carolina for 5 years. I can say with absolute honesty that I have never personally spoken with any citizen on this issue who did not express support for congressional action to protect and preserve the integrity of the United States flag.

With many of our United States veterans and a majority of the American people backing this measure, it has my full and absolute support.

Madam Speaker, I hope this House will support House Joint Resolution 33.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of the constitutional amendment to protect the American flag. I want to commend the gentleman from California (Mr. CUNNINGHAM) for bringing this forward. His leadership is important in this because of his background. But I also want to relate to the American people how I feel that they feel about why Congress should be called upon to enact a flag protection amendment. They have done this ever since 1989 when the Supreme Court did the decision-making as to burning or desecrating the flag. The storm of protest coming from the American people since that time, I think, has been consistent.

While public opinion on most issues tends to be volatile, every reliable survey, every single one that they have conducted on this issue over the last 10 years indicates, shows clearly, that 75 percent or better of the American people believe it should be illegal to burn, trample or destroy Old Glory. They tell me it is illegal to burn trash, but we can burn the flag. It is illegal to destroy Federal property, even a mailbox. But it is okay to destroy the flag.

This indicates that while Americans hold their first amendment rights dear to their hearts, they also understand that our flag should be honored and protected against senseless acts of vandalism. People can still express their views without resorting to vandalism.

Madam Speaker, the American flag is not just a piece of cloth. It is a symbol that reflects the values, the struggles and the storied history of our great country.

I urge my colleagues, those that oppose this amendment, to rethink exactly what the flag means to the American people, those who protest what has taken place, what took place in 1989. I would urge everyone to defend the principles that it embodies by voting for this very important amendment to the Constitution.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding me this time.

Madam Speaker, today the House has this opportunity to make an important statement on behalf of all of us and on behalf of every soldier who has fought and died for the principles upon which our Nation was founded. I commend the gentleman from California (Mr. CUNNINGHAM) for introducing this important legislation and the gentleman from Illinois (Mr. HYDE) for bringing this measure to the floor.

I have long been a strong supporter of prohibiting the desecration of our Nation's flag, and I have served and fought to protect the freedoms of our Nation, freedoms represented by our flag, to people throughout the world.

Although opponents of this measure contend that this amendment infringes upon the freedom of speech, to that I take exception. While we defend the right of any person, no matter how misguided, to argue against the principles for which our Nation stands, we should not contend that destroying our flag is in any sense such an argument.

Our flag has been a citadel of freedom and a beacon of hope to the world. It has stood with our courageous servicemen and women in two world wars, in Korea, Vietnam, in Panama, Grenada, Kuwait, Bosnia and more recently Yugoslavia, and anywhere that Americans have fought and died to oppose oppression. Our flag represents everything good about our Nation and its desecration stands as an insult to every American.

Our flag symbolizes our Nation's great history. Within that field of stars and stripes stands the devotion of countless numbers of citizens who have loved and honored the principles of freedom and justice.

In this city of many monuments representing our Nation's pride, honor and history, let us take this opportunity to protect the greatest monument of them all, our flag, the flag of the United States of America. It is proudly displayed as a monument in virtually every courthouse, every school, library, city, town and village throughout our Nation.

In closing, Madam Speaker, and in urging my colleagues to support this amendment, let me remind my colleagues of the thoughts reflected by Supreme Court Justice John Paul Stevens who said, and I quote, "The flag uniquely symbolizes the ideas of liberty, equality and tolerance, ideas that Americans have passionately defended and debated throughout our history."

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

□ 1700

Mr. BILBRAY. Madam Speaker, I rise in support of the resolution, and, Madam Speaker, I would just ask my colleagues to remember that when the Constitution, including every amendment, was drafted the drafting fathers assumed they would be reasonable, commonsense applications of laws, and I would like to remind my colleagues that the first amendment existed, A, because of the fifth article which specifically says not only do the legislators of America have a right to amend the Constitution when they think there has been a mistake or there needs to be something clarified, but they have a responsibility to do it. In fact, the first amendment would not be here if the fifth article had not been acted on by the legislative body and other legislators.

Madam Speaker, I want to point out one thing, is that we are not talking about the first amendment being restricted. We are talking about, as we have talked about with other amendments, that reasonable commonsense restrictions are not a threat to our constitutional freedoms, but they are the best safeguards that abuses and extremist approaches to our first amendment, second amendment, third amendment and every part of the Constitution is the greatest threat to those constitutional protections.

As Thomas Jefferson articulated quite clearly his intention for freedom of speech and the articulation of the first amendment, and that was to encourage the intellectual exchange in our society and not as just a protection to the individual who wanted to speak up, but to the protection of society so that they could get the intellectual exchange and contribute to the dialogue in our community.

Madam Speaker, the burning of the American flag is not being expressed as an intellectual exchange. It is just like somebody screaming fire in a movie house. It is someone trying to invoke an emotional response. Screaming fire happens to invoke fear. Burning the American flag is trying to invoke outrage and purposefully trying to invoke an emotional response. That emotional response, just like carnal pornography, is not protected under the first amendment. It has never been perceived to be protected. The intellectual exchange of disagreement about political activity is. But when we get to this emotional response I think we have got to be the reasonable, commonsense approach and say there are some things like burning the flag which do not encourage intellectual exchange in our society.

And I want to point out again that those who would not change the Constitution no matter what, we need sometimes to correct mistakes made by the Supreme Court. That is why our Constitution has Article V. I think we all agree, I think everyone agrees, that the Dred Scott decision was an absolute farce, it was wrong, it should not have been done. So the 14th amendment was passed to address that mistake, and I think history has proven that the 14th amendment overall was a good piece of legislation and was an amendment that was needed.

Madam Speaker, I think history is going to prove that this amendment to the Constitution is desperately needed to correct a wrong the Supreme Court has made just recently that they had not for 200 years.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentleman from Florida for the time and the opportunity to share today.

I join to support this proposal to protect our flag, the red, white and blue, the leading symbol of freedom not in just this country, but in the world. Much of the world, when they look at that flag, they know it means freedom, the greatest freedom in the world.

My grandfather was an immigrant from Sweden, and he taught me at a very young age to be so proud to be an American because he was so proud to be an American, and he was so proud of the red, white and blue; it meant so much to him. We all know young men who have given it all. Today I want to mention three that left the small town I come from of Pleasantville, a thousand people. Three young men, Roger, Danny and Bruce, went to Vietnam at about the same time. The only one to return was my brother Bruce. Roger and Danny gave it all. They left their blood in the swamps of Vietnam, they left their life there, they gave everything. They gave their future to preserve that flag.

Four out of five Americans support this proposal. When do we get 80 percent to agree on anything? Forty-nine States have passed resolutions urging us to do this. When do we get 49 State governments of both parties to agree on anything?

This is the symbol of freedom. Should it not have a higher priority than money or mailboxes or other things that we are not allowed to desecrate?

As Justice Rehnquist noted, the flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence. All should. In my view it is literally the fabric which binds us together, it is the symbol of who we are and the emblem we rally around when times get tough.

A businessman from my district, an immigrant from Iran, recently invited me to the opening of his new facility, and instead of cutting a ribbon he run up the American flag on the pole, and he allowed me to do that, and he said the reason I want that flag on my pole that looks right out my window of my office, because I understand the freedom in this country that I did not have in Iran, that I did not have when I was in Germany for a short time. I want to look at that flag and never forget. He said also outside my window at the house from my dining room table I want a flag that I can look out there in light hours and see the symbol of freedom that America has presented to the whole world.

Let us join those, the majority of Americans, the majority of States, who realize this is more than a flag. It is a symbol that embodies the bloodshed by Americans so that we can be free.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, if there is one bright shining star in our constitutional constellation, it is the first amendment of the Bill of Rights. That is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution. But here we are yet again in the 106th Congress debating an amendment that would seriously weaken the first amendment and freedom of expression in this country.

Now I want to be clear. I am going to oppose this amendment, not because I condone or I do not feel repulsed by the senseless act of disrespect that is shown from time to time against one of the most cherished symbols of our country, the American flag, but because I recognize that our Constitution can be a pesky document sometimes. It challenges us, and it reminds us that this democracy of ours requires a lot of hard work. It was never meant to be easy. Our democracy rather is all about advanced citizenship. It is about the rights and liberties embodied in the Constitution that will put up a fight against what we believe and value most in our lives. Our Constitution is going to challenge us, and it is going to say, "Hey, you believe in freedom of expression or free speech in this country? Let's see how we react when someone steps up on their soap box at high noon and expresses at the top of their lungs ideas and beliefs that are completely contrary to ideas and beliefs that we have fought for and believed in during our entire lives."

That is what advanced citizenship is about. That is what the challenge in the Constitution is for us. And yes, the Supreme Court has ruled on numerous occasions that the repulsive disrespect and the idiotic act of desecrating the American flag is freedom of expression protected under the first amendment.

As former Supreme Court Justice Jackson said in the Barnette decision, and I quote:

"Freedom to differ cannot just be limited to those things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the very heart of the existing order."

There are few things that evoke more emotion, passion, pride or patriotism than the American flag; I recognize that. But if we pass this amendment today, where do we stop? Do we next try to prohibit the desecration of the Bible? Or the Koran? Or the Torah? Or perhaps even this book that I like to carry around in my pocket to remind me how difficult our democracy is? The Constitution? The Declaration of Independence? Or the very Bill of Rights itself? They too are symbols of our country that young men and women have fought for and died for.

Let us not go down that path today. We have done pretty well these passed 210 years without having to amend the Constitution to deal with a few individuals' act of senseless desecration.

There are other ways of dealing with content neutral acts. If someone steals my flag, they can be prosecuted for theft and trespassing. If they steal my flag and burn it, they can be prosecuted for theft, trespass, criminal damage to property. If they burn it on a crowded subway station, they can also be prosecuted for inciting a riot, reckless endangerment, criminal damage to property and theft. There are other ways that this type of conduct can be prosecuted, but if someone buys a flag, goes down in their basement and because they do not like the government decides to desecrate it or burn it, are we going to obtain search warrants and arrest warrants to go in and arrest that person and prosecute them? We do not need to do that.

That is why I encourage my colleagues today, Madam Speaker, to oppose this amendment and not change 210 years of history in this country.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Madam Speaker, I thank the gentleman for time, and, Madam Speaker, if colleagues would listen to the debate today, they would conclude that we are here to make a choice between defending the flag and defending the Constitution. In fact, the opposite is true. What we are here doing today is to try to reconcile our respect and our affection for the flag for our respect and our commitment to the Constitution.

I happen to disagree with the Supreme Court decision, but this process that we are following today does not do damage to the first amendment or to the Constitution. In fact, we are following a constitutional process.

I believe that we owe the blessings of liberty and freedom to those who served and sacrificed for this Nation, and as I attend the Memorial Day parade or Memorial Day service and I watch the tears streaming down the face of those veterans that are there, I know that our flag is more than a symbol. Somehow it is a link to the friends that they left on the battlefield or their friends who left parts of themselves on the battlefield.

I believe that the desecration of our flag is an insult. It is an insult to our Constitution, it is an insult to the liberty and freedom that is in it. It is an insult to the sacrifice, and it is an insult to the values that these men and women share: Honor and value, valor and courage.

Veterans groups. I think every major veteran group supports this. Forty-nine States have expressed to the Congress that we ought to act on this.

I would just urge my colleagues to support this amendment.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I rise in strong support of the legislation that we have here to have a constitutional amendment to prohibit the desecration of the United States flag.

I listened to some of the debate, I respect my colleagues, but this is not an issue about speech. What one can say is anything they want in this country, but conduct is what we are focusing on.

I suppose if someone believes that they, in fact, are embodied with the right to burn this flag being displayed directly behind me, go ahead, but they have to get through me first, and when they do that, they really upset me. Now why do they upset me? I suppose that that statement written on a blackboard long ago when I was a college student at the Citadel that said those who serve their country on a distant battlefield see life in the dimension the protected may never know.

I have seen that flag on a distant battlefield. I understand what it represents, the physical embodiment of everything that is great about our Nation and perhaps not so great. Each of us individually when we see that flag, we get a tingle inside, and it is personal. We should do everything we can to protect that which is so vitally important to us as a Nation.

As I listened to some of my colleagues here, I am puzzled. I am puzzled because some of those who are in opposition to this amendment are also in opposition to our efforts to bring prayer back into school, our efforts to revitalize America to find its moral center. I do not know how those advocates want to see America. See, America, a little over 200 years young; are we going to be seen as some meteor that shined brightly but moved quickly across the span of world history?

□ 1715

Or, do we believe, as I do, if we permit the eyes of our mind to see a greater vision, I believe America has what it takes to reach deep, to revitalize itself, to find its center, its moral center, its proper balance, to seek the greater understanding, to have wise tolerance, and to respect each other for an enduring peace. As we do that, there are certain things that we have to respect in our society, and one that represents the physical embodiment of this Nation, and we are sensitive to liberty, is, in fact, Old Glory.

That is what this amendment is about. I respect the Committee on the

Judiciary for bringing it to the floor, and I ask all of my colleagues to vote for this constitutional amendment.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Madam Speaker, I can think of no greater symbol of freedom, no higher embodiment of American ideals than the flag of the United States of America. Since the Revolutionary War, our flag has served as a sacred reminder of who we are, what we stand for, and the dreams we hope to achieve. Therefore, I am pleased to rise today in support of H.J. Res. 33, which reaffirms our national commitment to protect our great flag. As in the 104th and 105th Congress, I am proud to say that I am once again a cosponsor of H.J. Res. 33.

Madam Speaker, support for prohibiting the desecration of our flag is apparent not just from my constituents in the 18th District of Pennsylvania, but from 279 of my colleagues that have cosponsored this resolution. Our flag represents the very essence of what it means to be an American. By honoring and respecting our flag, we, in turn, honor and respect those who gave their lives and lost loved ones in the fight to protect this important symbol of America.

Under our great flag, many different cultures, beliefs, and ethnicities can find common ground and come together as one. It is this unit and freedom that is represented by our flag and forms the cornerstone of America. Throughout our history, the United States has called upon her husbands and wives, sons and daughters to travel to foreign lands and defend freedom and liberty at all costs. We owe it to them to ensure the American flag, the very symbol they fought and died to protect, is respected and cherished by all.

Prohibiting the desecration of the flag does not deny any individuals any freedoms or beliefs, but it does serve to strengthen our commitment to these very ideals. We should join together in this effort to preserve the symbol of our national unit.

Madam Speaker, I urge my colleagues to support the sacrifices of all of our Nation's citizens; support the very beliefs that our great country was founded upon, and support our great American flag.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I thank the gentleman for yielding and for his leadership on this issue.

Madam Speaker, I rise in strong support of this constitutional amendment. Not all physical actions constitute free speech, and I am hardly alone in asserting that flag desecration is not free speech to be protected under the first amendment.

I believe that the States and Federal Government do have the power to protect the flag against acts of desecration and disgrace, wrote former Chief Justice Earl Warren. This view is shared by many past and present Justices of the U.S. Supreme Court across the ideological spectrum, including Hugo Black, Abe Fortas, Byron White, John Paul Stevens, Sandra Day O'Connor, and current Chief Justice William Rehnquist.

These eminent men and women have not taken a merely political stance based upon shallow assumptions. Rather, they rely upon well-established principles. "Surely one of the high purposes of a democratic society" wrote Rehnquist, "is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people, whether it be murder, embezzlement, pollution or flag-burning."

The flaw with the opposition's entire line of reasoning is their concept of free speech. It is not and never has been the right to do anything you want to do any time you want to do it. Rather, it is a precious liberty founded in law; a freedom preserved by respect for the rights of others.

To say that society is not entitled to establish rules of behavior governing its members is either to abandon any meaningful definition of civilization, or to believe that civilization can survive without regard to the feelings or decent treatment of others. To burn a flag in front of a veteran or someone else who has put his or her life on the line for their country is a despicable act not deserving of protection.

It is well established that certain types of speech may be prevented under certain circumstances, including lewd, obscene, profane, libelous, insulting or fighting words. When it comes to actions, the limits may be even broader. That is where I will vote to put flag desecration, where 48 State legislatures thought it was when they passed laws prohibiting it.

This amendment does not in any way alter the first amendment. It simply corrects a misguided 5-to-4 court interpretation of that amendment. As Justice Rehnquist eloquently observed in concluding his dissent, "Uncritical extension of constitutional protection to the burning of the flag risks the frustration of the very purpose for which organized governments are instituted. The Government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight."

Madam Speaker, I am proud to play a part in trying to right that wrong.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Madam Speaker, I rise in support of H.J. Res. 33.

Madam Speaker, the American flag is a symbol of our nation's freedom and liberty. Today we have an opportunity to protect that sacred symbol by approving House Joint Resolution 33, a Constitutional Amendment authorizing Congress to prohibit the physical desecration of the flag of the United States.

Our children learn the story of Francis Scott Key waiting throughout the night of September 13, 1813 in hopes that the British had not broken through the American defenses in Baltimore Harbor. At the break of dawn, Key's fears were quieted as he awoke to find that the flag, battered with holes ripped by cannon fire, was still flying proudly over Fort McHenry. Since the early part of this century, millions of visitors have flocked to the Smithsonian to view this huge flag and continue to do so today, nearly two hundred years after that fateful night in Baltimore. This national symbol is so important that it is now being carefully restored so that future generations of Americans can reflect on our distinct and glorious heritage.

American service members have proudly marched, sailed, or flown under the flag in every conflict from the Mexican War to the recent Kosovo campaign. Just this past April, an American pilot was shot down deep in Serb territory while flying a mission during the war in Kosovo. Clutching a small American flag that he had kept tucked away in his flight suit, the pilot said it was the Stars and Stripes that gave him the hope, strength, and endurance that was required to withstand such an ordeal. For the benefit of my colleagues who may not have seen this story, I will include this story in the Congressional Record following my remarks.

The American Flag is a symbol of courage and bravery. We all recall the famous scene of our Marines in World War II raising Old Glory high above the blood stained beaches of Iwo Jima, signifying that America had just won one of this century's fiercest battles. Today, a sea of small flags quietly stands guard over the graves of these fallen heroes across our nation's cemeteries. These men and women fought and died to protect our nation and the sanctity of our flag, and that is precisely why we must approve this legislation today. We must pay tribute to this strength and pride of America and her people by honoring Old Glory.

Madam Speaker, the flag stands for much more than the 50 states and 13 original colonies. It stands for freedom, liberty, and democracy, ideals attributed to our great country by peoples from around the globe. The great naval hero John Paul Jones once wrote, "The Flag and I are twins . . . So long as we can float, we shall float together. If we must sink, we shall go down as one." Madam Speaker, today we must heed the words of John Paul Jones. May the flag always fly freely and proudly over our land, and may we revere and cherish it forever.

[From the St. Petersburg Times, April 7, 1999]

U.S. FLAG GAVE DOWNED PILOT HOPE WHILE AWAITING RESCUE

WASHINGTON—Crouched in a shallow culvert deep in Serb territory, one of the worst moments for the F-117A stealth fighter pilot downed over Yugoslavia came when barking search dogs drew within 30 feet of his hiding place.

The U.S. pilot reached for a folded American flag that he had tucked inside his flight suit next to his skin and said a silent prayer.

"It helped me not let go of hope," the pilot said in an interview released Tuesday by the *Air Force News*, "Hope gives you strength. . . . It gives you endurance,"

The dogs moved on, and after he spent six hours watching passing headlights on a nearby road, helicopters from the Air Force's 16th Special Operations Group picked him up, backed by support planes that swooped in for the rescue.

The Pentagon is withholding the pilot's name and details surrounding the crash of his F-117A and his rescue, although senior defense officials say a Serb missile probably shot the plane down March 27. It was the first F-117A to go down in combat.

The plane went down near Budjenovci, 35 miles northwest of the Yugoslav capital, Belgrade, and the pilot bailed out as "enormous" G-forces worked against him.

"I remember having to fight to get my hands to go down toward the (ejection seat) handgrips," he said. "I always strap in very tightly, but because of the Intense G-forces, I was hanging in the straps and had to stretch to reach the handles."

He can't remember reaching the handle. "God took my hands and pulled," he said.

Although slightly disoriented, the pilot began radio contact with NATO forces as he parachuted toward a freshly plowed field 50 yards from a road and rail intersection.

"I knew I was fairly deep into Serbian territory," he said, but he remembered his training. "It didn't panic me. I just got very busy doing what I needed to do."

After he hit the ground, the pilot buried a life raft and other survival equipment and spent the next six hours in a "hold-up site"—a shallow culvert 200 yards from his landing site. He made only infrequent radio contact with NATO rescuers in order to avoid detection by Serb forces who might be listening and racing to capture him.

"For the downed guy," he said, "it's very unsettling to not know what's going on. You're thinking, 'Do they know I'm here? Do they know my locations? Where are the assets and who is involved: What's the plan? Are they going to try to do this tonight?' It's the unknowns that are unsettling."

Passing cars and trucks might have been Serb military or police, but the pilot said he couldn't confirm they were looking for him, although search dogs came close.

"There was some activity at that intersection," he said. "Thank God no one actually saw me come down."

The pilot said he concentrated on staying low and on the American flag, which a fellow airman gave him as he strapped in for his mission at an air base in Aviano, Italy.

"Her giving that flag to me was saying, 'I'm giving this to you to give back to me when you get home,'" the pilot said. "For me, it was representative of all the people who I knew were praying. It was a piece of everyone and very comforting."

The airman who gave the pilot the U.S. flag was among the first to greet him when he returned to Aviano and he opened his flight suit to show her he still had it, the *Air Force News* reported. The airman's name also was withheld by the Pentagon.

So far, the pilot hasn't rejoined the NATO airstrikes, although he has asked his commanders to put him back into combat. "All I asked was that I be able to stay here for as long as possible before heading back" to the United States, he said.

The distinctive arrowhead-shaped F-117A, which has a 43-foot wingspan, is armed with laser-guided bombs and equipped with sophisticated navigation and attack systems. Stealth technology uses curved or angular surfaces to reduce radar reflections.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Virginia for yielding me this time. I thank the ranking member, the gentleman from North Carolina (Mr. WATT), and the gentleman from Florida (Mr. CANADY), the chairman of the subcommittee.

One of the good things that has occurred in this debate is the recognition that no one's patriotism is diminished, and we would hope that that is a clear and salient point as we debate this constitutional issue.

Before I came to the floor, I thought for a moment where my patriotism might have developed. Where did I first refine and understand what a glory it is to live and love and be free under the flag of the United States of America. I was reminded of going to school, and I am always encouraging my youngsters to make sure they pledge allegiance to the flag every day, as we do.

I would hope in every school our children are taught to pledge allegiance to the flag of the United States of America. It is symbolic of all of who we are, and it is symbolic of the fact that we stand as a people in this Nation, united, because of the freedom that is offered through those who have died, and the wisdom of our Founding Fathers who structured this fragile Nation on the premise of a democratic unit and on the premise of a Bill of Rights. Not an afterthought, but rather, something that was separate and set aside to reinforce the fact that we have freedom of expression.

Madam Speaker, I say to my colleagues, be reminded that we have lasted these 400 plus years not because we keep people from expressing themselves, but we have managed not to have coups and revolutions and deposing of leaders in an illegal and unconstitutional manner, because people believe they can petition the government. I go to my American Legion halls. I am supporting my good friend, Mr. Lee, who is going to put up a monument to World War II veterans in my district. We believe in exercising pride in our country.

But this amendment says something different, and I am not sure if it is because Gregory Lee Johnson burned a flag in Dallas, Texas, and I am from Houston, against protesting the Reagan administration policies. But the Supreme Court and the Court of Appeals indicated that the Texas law was wrong because freedom of expression is one that is guaranteed by the first amendment, and the intent of the burning of a flag is not to create a fire, but it is to inflame passions because I am so vigorously against policies of the government or otherwise.

So I thought for a moment, what made me a patriot. Does this amendment, my vote for or against it, make me stand taller than my neighbor? And I disagreed with myself; it does not. My vote against it does not diminish my patriotism, because I stand with the likes of Senator John Glenn, a hero who just these past months made us to proud of his recent trip into space, and he acknowledged the fact that those who served in the Armed Forces risked their lives, believed it was our duty to defend our Nation, Senator Glenn said. I can tell my colleagues that in combat, I did not start thinking with the philosophy of our Nation, I put my life on the line. I fight for the flag because it symbolizes freedom.

Let us fight for the freedom of expression and not vote for this amendment; vote it down.

Madam Speaker, I stand to oppose this amendment to the Constitution to prohibit physical desecration of the flag of the United States. This effort to amend the Constitution is an exercise in misjudgment and a waste of precious time. This is not the first time we have visited this issue, and I renew my opposition.

In 1984, in front of the Dallas City Hall, Gregory Lee Johnson burned an American flag as means of protest against Reagan administration policies. Johnson was tried and convicted under a Texas law outlawing flag desecration. He was sentenced to one year in jail and assessed a $2,000 fine.

After the Texas Court of Criminal Appeals reversed the conviction, the case went to the Supreme Court. In a 5-to-4 decision, the Court held that Johnson's burning the flag was protected expression under the First Amendment. The Court found that Johnson's action fell into the category of expressive conduct and had a distinctively political nature.

The Court found that fact that an audience takes offense to certain ideas or expression does not justify prohibitions of speech. The Court also held that state officials did not have the authority to designate symbols to be used to communicate only limited sets of messages noting that "[i]f there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

The flag is a symbol of freedom. The red bars are tributes to the blood shed by the colonists who revolted against tyrannical oppression, including censorship and the inability to protest government policies. The proposed amendment slaps the faces of those marvelous patriots and decries the very freedoms for which the flag flies.

The intent of burning the flag is not to start a fire, but to inflame passions. That simple fact is why it is a form of expression protected by the First Amendment to our Constitution.

And that is why it would be a contradiction of the Constitution itself to make this particular form of free speech a crime.

For those who say our brave men and women did not die in all the wars the past 200 years to end up have people free to burn our country's flag with impunity, I say those patriots died to uphold the notion of freedom, including freedom of speech and freedom of expression.

In 1990, Congress considered and rejected H.J. Res 350—a similar Amendment to the U.S. Constitution. Again in 1995 Congress considered the same amendment, (H.J. Res. 79), but did not get the necessary two third majority vote of the Senate.

The First Amendment implication of this resolution is most damaging. If passed, this would be the very first time in the history of our nation that we altered the Bill of Rights to place a severe limitation on the prized freedom of expression. This would be a dangerous precedent to set, because it would open the door to the erosion of our protected fundamental freedoms.

The Amendment as written is vague. It states that, "Congress shall have power to prohibit the physical desecration of the flag of the United States." What does the term desecration actually mean?

Is it the burning of the flag? Flag burning is the preferred means of disposing of the flag when it is old. The Court noted in Texas versus Johnson, that according to Congress it is proper to burn the flag, "When it [the flag] is in such a condition that it is no longer a fitting emblem for display." What criteria would be used to determine when the flag is no longer fit for display and can thus be burned without penalty?

It is rare that a flag is ever burned in our country as a form of political speech or otherwise. From 1777 through 1989, only 45 incidents of flag burning were reported; since the 1989 flag decision, fewer than ten (10) flag burning incidents have been reported per year.

After all, the importance of our flag is not in its cloth, it is in what it symbolizes. The important thing about symbols is that they don't burn. No matter how much cloth goes up in flame, no matter how much hatred is hurled at it, our flag is still there.

American patriotism cannot be legislated, because the right to criticize the government is at the very heart of what it means to be an American. It was dissent that brought this country into being, and dissent has helped make us what we are today.

Madam Speaker, for these reasons, I urge my colleagues to vote "no" on H.J. Res. 33.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Madam Speaker, I thank my colleague for yielding me this time. I thank the gentleman from California (Mr. CUNNINGHAM) for bringing this to the floor of the House.

To put this issue in context, I was at Fort Bragg this Monday morning for the retirement ceremony for Sergeant Major David Henderson. To see over 500 of our finest young men and women of the 82nd Airborne assembled behind our colors, just put this whole issue in the proper perspective for me.

I support the resolution of the gentleman from California (Mr. CUNNINGHAM). Our Nation's history is replete with tales of courageous Americans who have ventured to foreign lands to defend the principles represented by the Stars and Stripes. These young patriots fought for our freedom and democracy, not because they were forced, but because they knew in their hearts that their cause was righteous, that making the ultimate sacrifice for freedom, liberty, and justice was worth the risk. We today, as a Congress, also have the opportunity to do in our hearts what we know is right.

The American flag is a symbol of more than nationhood. It is a symbol of the land we love, the home of the free and the brave. It is known around the world as a symbol for democracy and the noble ideals that characterize our democratic republic: Rights, responsibility, equal opportunity, and freedom. I, along with the vast majority of Americans, believe that Congress can afford our flag protections, consistent with the first amendment. It is my duty, it is our duty to defend our flag from desecration and to protect the honor of generations of courageous Americans who have fought and died for the freedoms that all Americans enjoy today.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, I thank my colleague for yielding me this time. Let us remind our colleagues what we are voting on a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States .

Madam Speaker, last night I was at a documentary over at the National Air and Space Museum; perhaps many other Members also went. The gentleman from Texas (Mr. SAM JOHNSON) was there, and I believe Pete Peterson, a former member, was there. The documentary was a film that took oral history from the prisoners of war who were in Vietnam, particularly Hanoi Hilton, and they took these oral histories that were given to the Air Force Academy and made them into the film, and it traced the background of the cadets, their training, these young cadets in the academies to their capture by the North Vietnamese where they were finally put into prison and they were tortured.

The whole depiction in this film would bring home the point that they had a sense of honor, and all of them together decided they would not go home unless the person who was most hurt went home first, and they would not go home unless ultimately, all of them went home at the same time, and they decided that when they returned to America, they would return with honor, and nothing less, nothing more.

So they were there under very difficult situations, being tortured, and at this point in their lives they had no hope perhaps of even coming home, and many of them died.

□ 1730

But the most poignant part of the whole film is when they were told they were going to be released. They put on their uniforms that the North Vietnamese gave them and they went out to the tarmac. Down came this large plane, a C–130, and it had a big American flag. As soon as they saw that American flag, the tears were in their eyes.

Once they got on board the aircraft they were all given a uniform, the uniform of their rank. And they looked at the buttons and they saw the symbol of the United States. Again, they broke down and that forced all of them to cry.

What I am saying to my colleagues today, would Members want to allow these prisoners of war to come home and to see our citizens desecrating the flag in front of these very noble individuals who spent their entire lives behind a door with no knob? In fact, near the end one of the prisoners said that to him, he feels so much gratefulness and thanksgiving now that he is back in the United States, and every morning when he gets up and he realizes the doorknob is on his side, that is another day of freedom.

I urge support for this House Joint Resolution 33.

Mr. CANADY of Florida. Madam Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I thank my colleague, the gentleman from Florida, for yielding time to me and allowing me to speak on behalf of House Joint Resolution 33.

I am a strong supporter of everyone's First Amendment rights to the freedom of speech and expression, and I feel a hallowed symbol like our flag deserves to be respected and protected as a national treasure.

We do have limits. Court-made law restricts our freedom of speech, as limited by the example in lots of law school classes of not screaming fire in a crowded theater. That is court-made law that restricts my freedom of speech. What we are trying to do today with this amendment is by legislation to say there is something on the same level of yelling fire in a crowded theater unjustly. One of them is desecrating or burning the symbol of our country.

Those who desecrate our flag undermine the powerful symbol that thousands of Americans have died trying to defend, as my colleague, the gentleman from Florida, just talked about.

Our flag represents the principles our Nation was founded upon. I feel it should be afforded the maximum protection we can under legislative-made law, just like court-made law has protected people from being unjustly stomped by leaving a crowded theater when someone says, but wait a minute, I have a right to yell in a crowded theater. That is my freedom of speech. They do not have that, just like we need to protect our flag using the same idea, but this is legislative-made protections.

For these reasons, I am proud to be a cosponsor of House Joint Resolution 33, and I urge my colleagues to join me in support of this important resolution.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from North Carolina (Mr. WATT) for his leadership in the subcommittee and in this debate, and the spirit in which he has approached this issue. This is an issue which stirs emotions on both sides, but I believe today we have conducted a debate which for the most part focuses on the substance of what is at stake here.

I also want to thank the gentleman from Virginia (Mr. SCOTT) for his leadership in the past on this issue. I believe that he conducted the debate with the same spirit when he was the ranking member during the last session of the Congress. I appreciate that as well.

I think it is important that we acknowledge someone who is not here today. That is the gentleman from New York, Mr. Solomon, who has provided leadership in bringing forward this amendment during the last two Congresses. He brought a real passion to this issue which I think resulted in the success that we saw in the last two Congresses.

Finally, I want to acknowledge the great leadership that the gentleman from California (Mr. CUNNINGHAM) has provided. He has picked up the banner from the, no pun intended, from the former chairman of the Committee on Rules, and has provided outstanding leadership for this issue.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. SCOTT) is recognized for 6 minutes.

Mr. SCOTT. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, this proposed amendment, if enacted by Congress and ratified, would reduce our rights of freedom of speech and expression embodied in the Bill of Rights for the first time in over 200 years. Those freedoms have made this country the envy of the world, and those freedoms have protected us from the kinds of upheavals over religious and political expressions that plague other countries even today.

But freedom is not a popularity contest. If that were the case, we would not need a Bill of Rights. Popular expression does not need protection. In fact, the First Amendment only comes into play when there is a need to protect unpopular religious or political expression.

I would ask my colleagues to consider the consequences before they start chipping away at the First Amendment. Some refer to this amendment as the anti-flag-burning amendment, but this amendment will not prohibit flag-burning. The truth is that even if this amendment is adopted, flag-burning will still be considered the proper way to honor the flag at ceremonies in order to properly dispose of a worn-out flag.

So this amendment has nothing to do with the act of burning the flag. It is the expression, the speech, which is the target of this amendment. Proponents of this amendment seek to prohibit activities and expressions with the flag when they disagree with those expressions. That is why the term "desecration" is used, not "burning." "Desecration" has religious connotations.

In other words, this amendment would give government officials the power to decide that one can burn the flag if he is saying something reverent in a ceremony, but he is a criminal if he burns the flag while saying something disrespectful at a protest. This is absurd, and in direct contravention with the whole purpose of the First Amendment.

The government has no business deciding which political expressions are sufficiently reverent and which expressions are criminal because someone important got offended. That is why the practical effect of this amendment will be jailing of political protestors and no one else, because those who steal flags and destroy them, or those who provoke riots by burning a flag, can already be prosecuted under current law.

We have already seen the dangers of going down the path of patriotic legislation when in World War II we had laws compelling schoolchildren to pledge allegiance to the flag. We got so wrapped up in our drive to compel patriotism that we lost sight of the high ideals for which our flag stands, and passed laws that forced schoolchildren to salute and say a pledge to the flag, even if such acts violated their religious beliefs.

Fortunately for the American people, the Supreme Court put an end to that coercion with the landmark case of West Virginia State Board of Education versus Barnett. Obviously the majority in Barnett, Justice Jackson wrote, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein."

Madam Speaker, unfortunately today we are poised and anxious to prescribe what is orthodox in politics and nationalism, even when there is no disagreement on this subject matter, and even when there is no evidence that flags are being burned in protest in any number sufficient to provoke an amendment to our Bill of Rights.

In fact, history reflects that the only time flag-burning occurs with any frequency is when these constitutional amendments are being considered.

Furthermore, Madam Speaker, the proscription required under this amendment is undefined. The text of the resolution states that "Congress shall have the power to prohibit the physical desecration of the flag of the United States."

This is the same language presented in the last Congress, and even after several hearings on the subject in the House and Senate, we have no idea of what will constitute desecration or what will constitute a flag.

At a hearing during the last Congress, at least one witness supporting the amendment agreed that the use of the flag in advertising could be considered desecration. How many car dealers or political candidates using flags in advertisements will be considered criminals, or will it depend on their political views?

Even wearing a flag tie could be an offense punishable by jail under this amendment, because the Federal flag code now considers the flag worn as apparel as a violation. When is a flag a flag? Is a picture of a flag a flag? Is it a flag when the wrong numbers of Stars and Stripes are there before the flag is destroyed?

With so many unanswered questions and unintended consequences, I would hope that we would take a closer look at this amendment before we consider passing it. Otherwise, any criminal statute enacted under this amendment will be inherently vague and unworkable.

In conclusion, Madam Speaker, I would urge that this body be guided by the words of Justice Brennan when he wrote: "We do not consecrate the flag by punishing its desecration, for in so doing we dilute the freedom that this cherished emblem represents."

Madam Speaker, let us not betray the freedom our flag represents. I would urge everyone to stand up for the high ideals that the flag represents by opposing this attack on our Bill of Rights.

Mr. CANADY of Florida. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr.

CUNNINGHAM), the prime sponsor of this amendment, for the purpose of closing the general debate.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 3½ minutes.

Mr. CUNNINGHAM. Madam Speaker, I would like to thank not only the gentleman from Florida (Mr. CANADY) for his candor, but my colleagues on the other side as well for the way they have conducted themselves on this particular issue. I feel they are wrong, and that is why I am offering the amendment.

Mr. Pete Peterson was a good friend of mine. The gentleman from Kentucky (Mr. ROGERS) asked me to go to Vietnam and raise the American flag for the first time over Ho Chi Minh City. We used to call it Saigon. I refused the gentleman from Kentucky. It was too hard. Pete called me personally and said, DUKE, I was a prisoner for 6½ years. I need you to help me raise this flag over Vietnam.

Both of us cried because of what it means, not only to us but to the people that we buried, the people that we fought with, and to the people that believe from the deepest part of their heart that this symbol should be protected.

This is not a matter of freedom of speech. There is free speech. There is nothing in this amendment that prevents someone from speaking or writing or doing any of the other things, but just the radical burning of the symbol that we hold dear. It is despicable.

I had plane captains cry when their pilots did not come back overseas. My plane captain, Willy White, grabbed me by the arm one day and said, Lieutenant Cunningham, Lieutenant Cunningham, we got our MIG today, didn't we, because of his involvement in that team concept.

And we talk quite often about what we do, whether it is Kosovo, or what message we give to our men and women under arms. Can Members imagine what message we would send to our men and women if this goes down, the symbol that they fight for? It is more to them than just an inanimate object. It is very, very important.

The gentleman knows that there is not a political motive in my body on this particular issue. It is something I believe deeply, from the bottom of my heart, and feel emotionally about. We have over 282 cosponsors from both sides of the aisle on this. We expect to have well over 300 votes on this and pass it in the Senate. It is because the American people also feel this.

My colleagues talk about the Supreme Court and their decisions. Look at history. Over 200 years of Supreme Courts have held that 48 States could rule that desecration of a flag is wrong, and have penalties. Only one Supreme Court in the history of the United States in 1989, by a narrow vote of one vote, changed 200 years of history.

The American people are saying that is wrong; that we believe that this flag, this dimension, the support of unity for all the things that both sides of the aisle fight for, is very important.

□ 1745

I would ask, I would beg my colleagues to vote for this amendment.

Mr. DINGELL. Madam Speaker, I rise today to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the United States flag. Behind the Speaker hangs our flag. It is the most beautiful of all flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 states descended from the original 13 colonies. I love it. I revere it. And I have proudly served it in war and peace.

However, today I rise in opposition to H.J. Res. 33, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Madam Speaker, throughout our history, millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully understand the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country. The Constitution of the United States is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order; the document which defines our rights, liberties; and the structure of our government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people in this great republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation in the world. And it is because of my firm belief in these principles—the same principles I swore an oath to uphold—that I must oppose this amendment. Because if this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on our liberties as Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define Constitutional rights and to assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to support our American Flag and as an original cosponsor of House Joint Resolution 33 which will protect our most cherished national symbol.

The American Flag is probably the most recognizable symbol in the world. Wherever it stands, it represents freedom. Millions of Americans who served our nation in war have carried that flag into battle. They have been killed or injured just for wearing it on their uniform because it represents the most feared power known to tyranny and that is liberty. Where there is liberty there is hope. And hope extinguishes the darkness of hatred, fear and oppression.

America is not a perfect nation, but to the world our flag represents that which is right and to Americans it represents what Chief Justice Charles Evans Hughes referred to as our "national unity, our national endeavor, our national aspiration." It is a remembrance of past struggles in which we have persevered to remain as one nation under God, indivisible, with liberty and justice for all. Those who would desecrate our flag and all it represents have no respect for the brave men and women for whom the ideals and honor of this nation were dearer than life.

Madam Speaker, this bill will not make individuals who desecrate our flag love our nation and those who sacrificed to secure the freedoms we have today. But it will give Americans a unified voice in decrying these reprehensible acts.

Mr. WELDON of Florida. Madam Speaker, today I rise in strong support of H.J. Res. 33, the Flag Desecration Constitutional Amendment.

Our nation's flag is a sacred symbol of our country's liberty that so many men and women in uniform have fought and died to defend. As the symbol of that liberty, the flag deserves, better yet, demands our greatest respect. Additionally, the flag of the United States of America is a symbol of the perseverance of American values. It is greatly disturbing that it is sometimes burned or otherwise desecrated as an act of protest. It is disgraceful that some individuals would desecrate the flag that our nation's veterans have fought so valiantly to defend. It is also disheartening that we would even have to debate this issue on the floor of the House of Representatives.

Madam Speaker, as we draw near to the new millennium, it is important that we finally enact protections for our flag. I believe that this Congress is committed to doing everything we can to ensure the flag that signifies the very liberties and responsibilities that we hold dear.

Mr. RILEY. Madam Speaker, I rise today in strong support of this amendment. Our flag represents the best qualities America has to offer—freedom, equal opportunity, and religious tolerance. Furthermore, it serves as a symbol of the blood, sweat, hard work and sacrifices many before us have made. We owe so much of what we have and who we are to those who have fought to protect our country.

It disturbs me every time I hear of attacks on our Nation's symbol of freedom. An attack on the flag is an attack on our heritage and everything our ancestors fought for. Thousands of people have lost their lives protecting our flag and the liberties we enjoy today.

Madam Speaker, we should not tolerate flag desecration and I urge your support of this very important amendment.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong opposition to House Joint Resolution 33. I firmly believe that passing this bill would abandon the very values and principles upon which this country was founded.

Make no mistake, I deplore the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage; and I find it unfortunate that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that, unfortunately, I have no choice but to oppose this well-intentioned yet misguided legislation.

Our country was founded on certain principles. Chief among these principles are freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the government. Yet that is exactly what this amendment would do. It begins a dangerous trend in which the government can decide which ideas are legal and which must be suppressed.

I believe that the true test of a nation's commitment to freedom of expression is shown through its willingness to protect ideas which are unpopular, such as flag desecration. As Supreme Court Justice Oliver Wendell Holmes wrote in 1929, it is an imperative principle of our Constitution that it protects not just freedom for thought and expression we agree with, but "freedom for the thoughts we hate."

Ultimately, we must remember that it is not the flag we honor, but rather, the principles it embodies. To restrict peoples' means of expression would do nothing but abandon those principles—and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

As I said, I admire the well-intentioned thoughts of those who support the flag desecration amendment, however, I believe their efforts are misdirected. It is essential that we maintain our country's ideals including those which allow for differences of opinion, at whatever the cost; and I ask my colleagues to join me in opposing this bill that violates the ideals and principles of our country.

Mr. BARRETT of Nebraska. Madam Speaker, I am proud to rise today in strong support for H.J. Res. 33, the Flag Desecration Constitutional Amendment.

Our flag was adopted as a sign of independence and as a national identity by the 13 original colonies. And though our country has changed significantly since that time, the flag still represents the same ideals.

It symbolizes freedom, equal opportunity, religious tolerance and goodwill for people of the world. It has represented our nation in peace, as well as in war; and it symbolizes our nation's presence around the world.

When I walk down the halls of our congressional office buildings, it strikes me that the flag hangs everywhere. No matter what our differences—and there are many—most members of Congress have a flag outside their office door. The flag unifies us in the way no other symbol does. It expresses our love for our country and tradition. It represents democracy, and it expresses our respect for those who died defending values that we, as Americans, hold dear.

Because of our deep reverence for the American flag, there are those who make extreme statements against the government and its policies by desecrating the flag. Unfortunately, the Supreme Court has ruled this disrespectful act is protected by the First Amendment of the Constitution.

Now, I have the utmost love and respect for our First Amendment rights—our freedom of speech is the most important right we have. But we can't allow the U.S. flag to be desecrated as a form of political expression. These acts are not protected speech, they are violent and destructive conduct that should insult every American.

The flag isn't just another piece of cloth. Allowing protesters to desecrate the flag is a slap in the face to brave men and women who laid down their lives in the name of U.S. flag and for all it stands.

Mr. PORTER. Madam Speaker, the first amendment to the Constitution, the supreme law of our land, proclaims that Congress shall make no law abridging the freedom of speech or of the press. The principle of free speech in our Constitution is an absolute, without proviso or exception.

The citizens of the newly freed Colonies had lived through the tyranny of a repressive government that censored the press and silenced those who would speak out to criticize it They wanted to make certain no such government would arise in their new land of freedom. The first amendment, as with all ten amendments of the Bill of Rights, was a specific limitation on the power of government.

Throughout the 210-year history of the Constitution, not one word of the Bill of Rights has ever been altered. However, the sponsors of this amendment today, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression. I submit that only the most dangerous of acts of the existence of our Nation could possibly be of sufficient importance to require us to qualify the principle of free speech which lies at the bedrock of our free society.

The dangerous act that threatens America, they claim, is the desecration of the flag in protest or criticism of our Government. Now, Mr. Speaker, desecration of the flag is abhorrent to me, as to anyone else. It is offensive in the extreme to all Americans. But as I have said before, it is hardly an act the threatens our existence as a nation.

Such an act, Madam Speaker, is in fact exactly the kind of expression our Founders intended to protect. They themselves had torn down the British flag in protest. Our founders' greatest fear was of a central government so powerful that such individual protests and criticisms could be silenced.

No, Madam Speaker, we are not threatened as a nation by the desecration of our flag. Rather, our tolerance of this act reaffirms our commitment to free speech and to the supremacy of individual expression over governmental power, which is the essence of our history and the very essence of our values.

Madam Speaker, this issue was addressed in a very eloquent and impassioned letter to the editor of the Chicago Sun-Times written by one of my constituents, David Haas of Grayslake, IL, a teacher at Waukegan High School. I believe that every member of this House should read Mr. Haas's words before casting their vote on this measure, and I include it for the RECORD.

[From the Chicago Sun-Times, June 23, 1999]

FREEDOM UP IN FLAMES WITH FLAG BURNING LAW

(By David Haas)

When I fought in the Vietnam War, I never dreamed that I would have to fight to defend the Bill of Rights when I got home. But that is what I must do now because Congress is just a few votes shy of amending the Constitution to outlaw the desecration of the American flag.

As a proud veteran, I strongly oppose this amendment, and it grieves me that I must caution our senators and representatives not to tamper with a basic freedom spelled out in the Bill of Rights.

To prohibit the symbolic act of flag burning would be an unnecessary abridgement of that freedom, an unwitting mockery of our most essential principles. We must not amend our Bill of Rights for the first time in our nation's history in an attempt to force patriotism on those who disagree with us.

I served my country for more than 21 years, both on active duty and as a naval reservist. I continue to serve my country as a teacher at Waukegan High School. My continual message to my students is that they must never give up on freedom; that their collective voices can make a difference, and will be heard and listened to, if only they will speak; and that even though they may be immigrants, minorities or poor, the Bill of Rights applies to them as much as to me.

My quiet patriotism comes from deep within, and always has taken the form of action, not displays, and I do not believe that displays of patriotism should be forced upon others. Such force never can lead to heartfelt, active patriotism, but only to weak and dishonest conformity. Is this what we want? It is where we are headed with this proposed amendment.

Like most Americans, I am deeply offended to see someone burn or trample the Stars and Stripes. I love my country, and proudly salute the flag. But I did not serve my country to protect a symbol of freedom. I served to protect our freedoms.

This constitutional amendment would do us all a grave and irreparable injustice by chipping away at the right of free speech. Those who support the amendment intend to protect the flag, but they would do so at too great a cost: the loss of our right to dissent, something the Supreme Court consistently has reaffirmed through the years.

This amendment is a clear case of good intentions gone awry. If the flag were to become sacred, who would monitor its use? A flag commission? The flag police? And what would the act of desecration entail—putting flag in paintings or clothes, or flying the flag upside down?

The flag is not a sacred object. To regard it as such would be an affront to all religious people. Ultimately, we must be able to realize that when a flag goes up in smoke, only cloth is burned. The freedom that flag symbolizes can only glow brighter from such an event. Our principles will continue to thrive in the heart.

Mr. STUMP. Madam Speaker, I rise in strong support of this resolution to protect the American flag.

This resolution does nothing to infringe upon the First Amendment's protection of free speech.

Speech is supposed to communicate something.

When a protester burns a flag in public, he knows he's doing it to insult and provoke, not to communicate.

Citizens of this great Nation enjoy more rights than any other on Earth.

But no right is absolute.

Every society has an obligation to set standards of conduct.

I support this resolution because it allows standards to be put in place while protecting our rights as individual Americans.

It merely grants Congress the ability to protect our Nation's most cherished symbol—the American flag.

The gentleman from Illinois is once again bringing legislation to the House floor based upon conviction and heartfelt sincerity.

Many American patriots have suffered and died to protect the flag.

As a fellow combat veteran of World War II, I commend his efforts and urge all my colleagues to support the resolution.

Every society, especially one changing as rapidly as ours, has to have some common bond, some symbol of unity. There's something about the human heart that demands such symbols for its affections.

For Americans, that symbol has always been "Old Glory," perhaps the most recognizable national flag in the world. I don't think any other flag, or object of any kind, triggers such immediate associations as the Stars and Stripes. No other nation, to my knowledge honors its flag with a holiday as we do on Flag Day, June 14.

No mere abstraction like "freedom" or "rights" or "pursuit of happiness" can possibly have the same effect. People need something they can see or touch or feel. They need something real. The U.S. flag has been a heartfelt reality since it received its first salute when Captain John Paul Jones sailed into a French harbor.

The same emotion that inspired Francis Scott Key one war later to compose the national anthem has inspired generations of Americans. The sight of the U.S. flag has inspired tears of joy from Rome to Paris to Manila to Kuwait City, and every other city American troops have liberated.

From that day to this, our history and public life have been filled with sincere love for the flag. Many Americans are still moved when they see the old '40's film "Yankee Doodle Dandy," and James Cagney's performance as George M. Cohan singing "It's a Grand Old Flag." But one of the most valid images of that decade's central event—World War II—is the raising of the American flag on Mt. Suribachi by U.S. Marines.

Astronaut Neil Armstrong thrilled a nation when he planted the flag on the moon in 1969. Eleven years later in Lake Placid, New York, a proud goalie wrapped himself in the flag after the U.S. hockey team upset the once invincible Russians at the Winter Olympics.

A few years ago, the Phoenix Art Museum exhibited "Old Glory: the American Flag in Contemporary Art," a display veterans and most Americans found offensive. One of these "works of art" was the American flag used as a doormat. This was to much for 11-year-old Fabian Montoya, who picked the doormat up and handed it too his father.

"I don't want anyone stepping on it," he said.

But my favorite is the story of Mike Christian, a naval aviator held captive in the "Hanoi Hilton" during the Vietnam War. It's a story told best by Leo K. Thorsness, a Congressional Medal of Honor winner whose condensed speech was published a year ago in John McCaslin's "Inside the Beltway" column in the Washington Times. It's worth quoting in full.

> You've probably seen the bumper sticker somewhere along the road. It depicts an American flag, accompanied by the words "These colors don't run." I'm always glad to see this because it reminds me of an incident from my confinement in North Vietnam at the Hoa Lo POW Camp, or the "Hanoi Hilton," as it became known.
>
> Then a major in the U.S. Air Force, I had been captured and imprisoned from 1967 to 1973. Our treatment was frequently brutal. After three years, however, the beatings and torture became less frequent. During the last year, we were allowed outside most days for a couple of minutes to bathe. We showered by drawing water from a concrete tank with a homemade bucket.
>
> One day, as we all stood by the tank, stripped of our clothes, a young naval pilot named Mike Christian found the remnants of a handkerchief in a gutter that ran under the prison wall. Mike managed to sneak the grimy rag into our cell and began fashioning it into a flag. Over time, we all loaned him a little soap, and he spent days cleaning the material. We helped by scrounging and stealing bits and pieces of anything he could use.
>
> At night, under his mosquito net, Mike worked on the flag. He made red and blue from ground-up roof tiles and tiny amounts of ink and painted the colors onto the cloth with watery rice glue. Using thread from his own blanket and a homemade bamboo needle, he sewed on the stars.
>
> Early in the morning a few days later, when the guards were not alert, he whispered loudly from the back of our cell, "Hey gang, look here!" He proudly held up this tattered piece of cloth, waving it, as if in a breeze. If you used your imagination, you could tell it was supposed to be an American flag. When he raised that smudgy fabric, we automatically stood straight and saluted, our chests puffing out, and more than a few eyes had tears.
>
> About once a week the guards would strip us, run us outside and go through our clothing. During one of those shakedowns, they found Mike's flag. We all knew what would happen. That night they came for him. Night interrogations were always the worst. They opened the cell door and pulled Mike out. We could hear the beginning of the torture before they even had him in the torture cell. The beat him most of the night. About daylight they pushed what was left of him back through the cell door. He was badly broken. Even his voice was gone.
>
> Within two weeks, despite the danger, Mike scrounged another piece of cloth and began making another flag. The Stars and Stripes, our national symbol, was worth the sacrifice for him. Now, whenever I see the flag, I think of Mike and the morning he first waved that tattered emblem of a nation. It was then, thousands of miles from home in a lonely prison cell, that he showed us what it is to be truly free.
>
> Such contemporary stories convince me that Americans have not lost their love for the flag, and never will. They convince me that the overwhelming majority of patriotic Americans support our Constitutional amendment to protect the flag, the symbol of our national unity. They convince me that the same majority recognizes flag desecration to be a physical act of contempt, not a protected exercise in free speech. A nation with confidence in its own institutions and values will not hesitate to say, "this you shall not do."
>
> Flag Day is dedicated to heroes and patriots like Fabian Montoya and Mike Christian. Like them, we should recall the things the flag represents. If we continue to do that on Flag Day and every other day, "Long may she wave" will never be a mere slogan. It will be a prayer etched in the hearts of every American and every lover of freedom.
>
> And stitched into the very fabric of the United States Flag.

Mr. MURTHA. Madam Speaker, I'm proud to have joined with Congressman CUNNINGHAM in leading the effort in the 106th Congressman to pass a Constitutional amendment to protect the American Flag from desecration.

Our Flag is the symbol of our great nation—of who we are and how we got here. It is the symbol of hard-won freedom, democracy and individual rights. It is the symbol of our patriotism. It is the symbol that binds us together in our hearts and inspires us to strive to protect and preserve this land, this country and each other. It is an enduring symbol that unites generations. It is the embodiment of our struggles of the past, our strength in the present and our hopes for the future. It is the symbol of freedom.

Each of us associates a memory with our flag. We solemnly pledge allegiance to it as children with our hands on our hearts. It took our breath away to watch the astronauts place it on the moon. It flies proudly over the doors of our homes, the rooftops of our workplaces, and in our parades on Memorial Day and the Fourth of July. It has given many Veterans the will to persevere in conflicts against oppression around the world.

An American pilot was recently shot down in Yugoslavia and spent time hiding in hostile territory to avoid capture. After he was rescued, he was asked what he kept his thoughts focused on during hiding. His answer: the American Flag.

The debate over this amendment is a debate about the sanctity of America's ideals and of the sacrifices made by countless millions of fellow citizens for this country to become and remain free and strong and united under one Flag. It is not a debate about free speech. Burning and destruction of the flag is not speech. It is an act. However, it does inflict insult—insult that strikes at the very core of who we are as Americans and why so many of us fought—and many died—for this country. And many a lesser insult is not wholly protected under the First Amendment—we have laws against libel, slander, copyright infringement, and "fighting words" which pass muster under the First Amendment test.

We should hold our Flag sacred in our Constitution. It is the symbol of what we are, who we are, and all we have been through and fought against to get where we are together as a strong, free and united nation. I urge my Colleagues to support this Constitutional amendment today.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

Pursuant to the order of the House, further consideration of the joint resolution will be postponed until the following legislative day.

APPOINTMENT AS MEMBERS TO INTERNATIONAL FINANCIAL INSTITUTION ADVISORY COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C. 262r, the Chair announces the Speaker's appointment of the following Members on the part of the House to the International Financial Institution Advisory Commission:

Mr. CAMPBELL of California,

Mr. Allan H. Meltzer of Pennsylvania.

There was no objection.

ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1999.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESTORE PRAYER AND BIBLE READING TO THE SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, one of my constituents, Ernest Chase, of Englewood, Tennessee, has just sent me a cartoon showing two students standing outside of Columbine High School.

The drawing shows a young girl saying, "Why didn't God stop the shooting?" A young boy then replies, "How could he? He's not allowed in school anymore."

I know that God is everywhere and omnipresent. So I realize the cartoon is not theologically correct. However, it does make a very important point.

I know that this Congress will not put prayer and Bible reading back in the schools, but I believe we should. The problems of our children and our schools have grown much worse since we took prayer and Bible reading out.

I know that when we had prayer and Bible reading in the schools, most kids did not pay attention and were probably thinking about other things. But one could never know which young people had come to school hurting that morning, due to a family squabble, a health problem, loss of a loved one, or something else.

One could never know when a student who was hurting inside might be comforted or helped, even if in a small way, by some prayer or some Bible verse.

I know that some people say that prayer and Bible reading are the responsibilities of the family and the home, and I agree with that. But I also think it is a responsibility of the schools and society to teach and encourage good morals and values and ethics. As a popular phrase today says, character counts, and this should be taught in the schools.

George Washington once said, "You cannot have good government without morality. You cannot have morality without religion; and you cannot have religion without God."

We open up every session of this House and the Senate with prayer, and this has never been a problem. We have Catholic Priests, Protestant Ministers, Jewish Rabbis, and others lead us in prayer, and I do not think there has ever been a complaint. But we do not allow our schools to have the same privilege.

Some people say or think we cannot have prayer in public schools because one cannot mix church and State. Well, these words and even this idea are not mentioned in the Constitution. Our Founding Fathers came here to get freedom of religion, not freedom from religion; and there is a big, big difference.

In 1952, our U.S. Supreme Court said there is "no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence." Let me repeat that. The U.S. Supreme Court, in 1952, in Zorach v. Clauson said there is "no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence." Yet, this is exactly what government has done over the last 35 or 40 years.

William Raspberry, the great columnist of the Washington Post, wrote a few years ago, "Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?"

That is such a good question. Let me repeat it. William Raspberry said, "Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?"

He then told of something that Dennis Prager, a Jewish talk show host, once said on one of his shows. He said, "if you were walking down the street of one of our Nation's largest cities late one night, in a high crime area, and you heard footsteps approaching rapidly from behind, and you turned and saw four well-built young men coming toward you, would you not feel relieved to learn that these young men were coming home from a Bible study."

Today, most public high schools believe they cannot even allow nondenominational prayers at high school graduations.

We have come too far down the wrong road, and we need to do better, much better for the sake of our children. Prayer and Bible reading helped many children and never hurt anyone. It sent a message, even to young people who may not have been helped at the time, that there was a higher power to turn to when times got tough, as they do for all of us.

To those who say we should not try to impose morality on others, listen to the words of Judge Robert Bork in his book "Slouching Towards Gomorrah": "Modern liberals try to frighten Americans by saying that religious conservatives 'want to impose their morality on others.' That is palpable foolishness. All participants in politics want to 'impose' on others as much of their morality as possible, and no group is more insistent than liberals."

If we do not instill good morals and values and ethics of the Bible, then we will, by default, be teaching the bad morals found in our modern day obscene and violent movies, video games, the Internet, and in Godless classrooms.

We need to restore prayer and Bible reading to the schools of this Nation. It certainly would not solve all of our problems, but it would help.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Madam Speaker, I rise today to talk about the subject that is I think most on the minds of my constituents and most of the constituents throughout our country, and that is the subject of education. It is definitely the building block for the future; and as we head towards a more and more complicated future with more and more rapid change, that education basically life-long education is going to be critical to the prosperity of our country and certainly of our people.

We seem to have an unfortunate choice that is laid out before us if we are watching public policy makers on education; and that choice is, either bash public education or blindly support it. I am here to say that I do not think that is the choice that is put before us, and I would urge public policy makers to find a middle ground.

Basically, support for public education makes a great deal of sense. It has educated somewhere around 90 percent of the population. I personally benefited from it, as have millions of others. It has done a wonderful job of educating our children. It is one of the better things we did in the 20th century. But just because we support it does not mean that we should do so blindly or that we should never ask for reforms or never ask for it to be held accountable or to improve or for standards to be set.

I worry that, given that false choice between supporting and bashing public education, that we will miss out on that opportunity to reform it and set the standards that we should set. That is why I as a member of the New Democratic Coalition, a group of moderate Democrats. We are searching for that middle ground to try to find an area where, yes, we can support public education, but we can also set the standards and make the changes we need to improve it.

It makes a great deal of sense to say that we should spend money on school construction and to reduce class sizes, and I think we should. I think it is wrong to run away from a Federal obligation to help public education.

But it is equally wrong to continue the current Federal role in public education in the manner that we have set it up. That manner is totally bureaucratic and process oriented and not results oriented and not oriented towards encouraging local control, which could make an incredible difference in our education system.

So, yes, the Federal Government should support public education, but we should stop driving dollars out the way we are driving them out now, which is basically in a blizzard of programs, some 300 or 400. I have actually tried to count them over the course of the last 6 months and still have not quite tracked them all down.

They are designed totally along the lines of process. If one meets certain standards, one gets a certain amount of money. Basically, we have turned our school district personnel in this country into people who are more interested and spend more of their time, I am sorry, they are not more interested, they are forced to spend more of their time justifying their existence to the federal bureaucracy than they are spending time educating our children.

Why do they do that? Because they have to get the money. They have to fill out a variety of grants and a variety of programs to prove that they deserve the money in the first place, and then prove that they are spending it exactly how we told them to in the second place.

All of this takes away time from the classroom. I believe that it would make a good deal more sense to drive those dollars out far more narrowly and to drive them out based on standards and based on actual accountability and accomplishments. Instead of just driving money out based on whether or not they filled out a grant form properly, we should take a look at it and say, let us set a measurable standard for the school district. Let them set the standard. It does not have to be driven down from the national government. Then measure them against their own standard in the future and reward improvement. Reward people who are accountable and are moving forward in education instead of just those who fill out the proper grant form.

I think this would help in two regards. One, it would give the right incentives to school district to work towards improving achievement for their students as opposed to work toward meeting some requirement that has been set by the Federal Government.

I will give one example of that. In my home State, for a while, we drove the money out for special ed based on how many special ed students there were, period. There was no ceiling on it. So slowly but surely we saw the creeping increase in the number of special ed students in school districts, not because there were more coming in, but because the school districts knew, if they could qualify more as special ed, they would get more money.

Did this do anything to improve the quality of education? No, but that was the incentive that we gave the school district.

Let us give the right incentive. Let us tell them that we will drive more dollars out to the degree to which they are improving the academic achievement of their students.

Another good idea that I have seen is one that was introduced by the gentleman from Florida (Mr. DAVIS) and the gentleman from Indiana (Mr. ROEMER) on alternative certification of teachers. In addition to encouraging local control and higher standards and accountability, we also need to make sure that we have the level-best teachers out there and as many of them as we need.

The idea of setting up alternative certification procedures so that professionals who may have worked in a variety of different fields who now want to get into teaching can without necessarily having to go through the normal certification process.

If we have somebody who has been a professional physicist for a number of years, it does not make sense to say to them they somehow cannot teach physics. Let us take advantage of that brain power we have out there to help our students.

But the biggest point I want to make today is one does not have to simply blindly support education. Support it, but expect results.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Madam Speaker, I think the previous speaker, I think millions of Americans agree that, among the most important priorities for any family, particularly young family, is their child's education. Along those lines, I believe that the essence of this country is about freedom. However, it seems that too often when it comes to education, there is no such thing as freedom.

□ 1800

There are many, many families across America who have no choice when it comes to selecting a school for their child. In fact, the controls dictate that they send the child to the school that has been zoned for them.

Now, frankly, I think ultimately what we need to do is to ensure that every parent across this country, regardless of income, because regrettably it is the low- and middle-income families that suffer the most, that regardless of income those parents have the ability, the opportunity, and the freedom to choose the best school possible for their child. I do not think there is a more important decision that a parent can make, yet in making that decision too many are deprived.

Along those lines we can also take steps to get to that point. Recently, the Republican Party has introduced legislation that will take us down the path to true freedom when it comes to education. The notion that we can take billions of dollars out of Washington and send it back home, whether Staten Island or Brooklyn, where I am from, or anywhere else across America, I think is common sense to the ordinary American. Because the average, ordinary American says, I think that my community, with the teachers and the principals and the administrators and the local PTAs, if given that money, would be in a better position to determine what is best for their children. Perhaps it would be smaller classrooms, perhaps more money dedicated to math and science. It could be a range of issues. It could be more money dedicated to arts.

But, sadly, the model that has been created over the last number of years is let us send billions to Washington with strings attached, with endless reams of red tape and bureaucracies that make it almost unreasonable to deliver quality education to the folks back home.

So that is why I think when we provide flexibility and reduce the amount of red tape and send that money back home to the communities that need the money and to the classrooms where that money belongs we are doing the right thing for America and for the families and the children across America. And at the same time we should demand appropriate accountability from school districts that too often are unaccountable to anybody.

So I think we have to move down this path of getting funds away from Washington. Because this money does not just fall out of the trees. The reality is that people get up every morning and go to work and at the end of the week, or every 2 weeks, out of that paycheck goes money to Washington. And that money stays here. But we want to send that money back home to where Americans really are.

I hope everyone will listen to the debate in the next few months. It could even go on for a year, because there are a lot of defenders of the status quo here. There are a lot of defenders of the status quo who believe in their heart that taxpayer money is better spent here in Washington by people who will never set foot in the communities of those taxpayers. They believe they know what is best for all America's children and all America's families.

And I just throw that out there; that if we believe that wherever we are in America, that our local school districts and our local communities and schools are in the best position and the best able to determine what is best for their children, then we should support common sense legislation like Straight A's: demands accountability and sends the money back home. However, if we do not believe the status quo is serving our children correctly, if we believe that there should be as many strings attached to the decision-making at the local level, if we believe that folks in Washington know best what is going on in Staten Island or Kansas or Texas or Alaska, if we believe that, then we probably do not support this legislation and we do not support initiatives to move to the path of freedom when it comes to education.

Madam Speaker, the next several months will underscore, I believe, this Congress' desire to improve education and raise academic standards. I would only hope all Members would support this legislation.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 591(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (112 STAT. 2681-210), I hereby appoint to the National Commission on Terrorism: Honorable Jane Harman of Torrance, California and Mr. Salam Al-Marayati of Shadow Hills, California.

Yours Very Truly,
RICHARD A. GEPHARDT.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, let me say that this evening my plan is to discuss the Democrats' Patients' Bill of Rights.

I think many of my colleagues know that within the Democratic party we have, for several years now, highlighted and prioritized HMO reform as one of the major issues that we would like to see addressed in the House of Representatives, and our answer to the need for managed care/HMO reform is a bill called the Patients' Bill of Rights. And we call it the Patients' Bill of Rights essentially because it is a comprehensive way to provide protections to patients against some of the abuses that we have seen within managed care and within HMOs.

The reason I am here tonight, Madam Speaker, is because I want to highlight the fact that once again in this session of Congress, and just like the last session of Congress, Democratic Members, including myself, have been forced to resort to a petition process, what we call a discharge petition, that many of us signed. Today we started the process, this morning, and I believe now there are 167 Members, Democratic Members, who have signed a discharge petition at this desk over here near the well, because we have not been able to get the Republican leadership, which is in charge of the House of Representatives, to have a hearing or have a committee markup or bring to the floor the Patients' Bill of Rights.

That is an extraordinary procedure, to move to the discharge petition. It is something that the minority usually is not required to do because the majority party allows debate, or should allow debate, on issues that are of importance to the average American. But in this case, once again, I would suggest that the reason is because the Republican leadership is so dependent on the insurance industry and so determined to carry out the will of the insurance industry that they have been unwilling to let the Patients' Bill of Rights be considered in committee or come to the floor.

In fact, what we saw last year in the House and what we are seeing again this year in the House is essentially a three-pronged strategy by the Republican leadership to deny a full debate and vote on the Patients' Bill of Rights.

First of all, they simply delay for 6 months, since January, by not allowing the bill to be heard in committee or marked up in the committee. And then, when that seems to fail because the pressure gets too strong that they have to do something, they come forward with what I call a piecemeal approach.

Just the other day, about a week ago, in the Committee on Education and the Workforce, one member of the Republican leadership brought eight individual bills that were purported to deal with the need for HMO or managed care reform. But those were individually bills or collectively bills that did not add up to much in terms of adequate protections for patients in HMOs. And I would say that, once again, this piecemeal approach is a way to avoid having the comprehensive bill, the Patients' Bill of Rights, heard.

In fact, when the ranking member, the senior Democrat on the Subcommittee on Postsecondary Education, Training and Life-Long Learning, that sought to bring up the Patients' Bill of Rights, he was essentially gaveled down and told that he was out of order in trying to raise the Patients' Bill of Rights in committee.

And what happened today, my understanding is, that even some of the Republicans on the committee, who are not in the leadership and basically did not support the Republican leadership, threatened if they were not allowed to bring more comprehensive patient reform or HMO reform to the full Committee on Education and the Workforce, that they would basically support the Democrats and ask that the Patients' Bill of Rights or a more comprehensive approach be brought up. They essentially defied the Republican leadership.

It is nice to know that there are some Republicans here that are willing to defy the leadership over this very important issue of HMO reform. But, unfortunately, the leadership is still in charge and they simply postponed the markup on those HMO reform bills.

Now, the next step is, because we are signing this discharge petition, because so many of us will eventually sign this discharge petition, the next step in the effort to stifle managed care reform was what we saw last year in the Republican Congress, which is they then bring up a bill which is so loaded down with nongermane issues, like medical malpractice, medical savings accounts, health marts, that it obscures the basic patient protection legislation and causes such mucking up of HMO reform that the bill ultimately dies of its own accord.

So I do not know what the Republicans are going to do this year, but from what I can see they are simply stalling, refusing to bring up the Patients' Bill of Rights, and we are all, Democrats and friendly Republicans, going to have to keep pushing and pushing with our discharge petition.

I would like to yield now to a member of the Committee on Education and the Workforce, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding, and I wanted to agree with him and reemphasize some of the points that he has made.

Just a very simple one, and a point that I think is very important with regard to HMO reform, and that is that only the Congress, only the National Government can make the types of changes that need to be made with regard to HMO reform in this instance because of the nature of our laws in terms of interstate businesses and HMO involvement and insurance.

Our State lawmakers cannot modify the conditions that are placed and the requirements imposed in terms of those HMO agreements. They must fundamentally be made by the United States Congress. The States alone cannot do this. So it is not a repeat or a reiteration of what States have done.

Now, I think that along the way, many HMOs have, in fact, extended some of the benefits and some of the reforms on a single and a voluntary basis, and I commend them for that. But I think all too often this becomes a patchwork quilt of policy which does not have any symmetry, and it is necessary for Congress to act. And Congress has, frankly, not been able to get its act together and to, in fact, present a rational health care policy.

I think as the changes have occurred very rapidly in the health care programs and in the insurance benefits that are extended to our working families, clearly it means that in many instances consumers really do not have a place at the table when the HMO or health care decisions are made that affect their families and their lives.

And of course, as we know, increasingly health care professionals, including medical doctors, do not have a place at that table. So I think the primary effort here is to try to build a policy in which there is a voice for consumers, that there is a voice for health care professionals, along with those that are trying to obviously make health care efficient in terms of saving dollars and providing a benefit to service.

That is the ultimate goal. But we must act here because of the nature of interstate laws. And Congress is reluctant to do that. Today I signed the discharge petition. I was number 65. I think the gentleman from New Jersey was probably before me in that number. I think we have maybe 100 signatures, and if we can accomplish the goal of getting 218 signatures, then notwithstanding the fact that the majority, the leadership in this House, has not saw fit to schedule this bill for the floor, not even permitted votes on it to date in the committees of our House, then we, in fact, could bring that important priority that the American people have and that American families need to the House floor and act on that policy.

I know our counterparts in the Senate, the Senate Democrats, are experiencing the same problems; that it is being frustrated in terms of deliberate consideration. I think this system that we have is somewhat cumbersome and somewhat difficult, but it is the only recourse that we have based on the policy that is being enunciated in terms of trying to prevent these matters from being voted upon on the floor.

So I hope we can get the type of bipartisan support that is necessary to bring this important matter to the floor, and I commend the gentleman for his efforts in terms of voicing these concerns tonight on the floor and to the public.

□ 1815

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. If I could just follow up on a couple of things that he said.

We had today in the Committee on Commerce a subcommittee hearing on the question of independent and external review, which again I was somewhat critical of the fact that the Committee on Commerce, which has the major jurisdiction over health care in the Congress, has not had a hearing on the Patients' Bill of Rights but now again is sort of taking this piecemeal approach and looking at little pieces of this. But I would say that the issue of holding managed care companies responsible for denial of care with a real, reliable, and enforceable appeal and remedy is an important issue.

One of the things that came up was we had testimony from someone who was involved in the Texas law, and Texas has a very good law on the books that incorporates a lot of the patient protections that we have in the Patients' Bill of Rights, but one of the points that she made was exactly what the gentleman from Minnesota (Mr. VENTO) made, which is that this is great for Texas but the majority of Texans do not take advantage or cannot because of the ERISA Federal preemption that we have as a matter of Federal law.

One of the things that was stressed was that when Texas imposed an independent external review process, if they had been denied a particular treatment, one of the Federal courts has recently actually ruled that Texas did not have the power to do that at all because of the ERISA Federal preemption. So it just, once again, brings home the fact of why we need action on the Federal level.

The other thing that I thought was interesting was that I thought it was sort of painfully obvious at this hearing that there were several Republican Members who really supported a comprehensive approach and essentially agreed with all the Democrats that this is what we should be doing, yet it was very obvious that the Republican leadership had no intention of doing that.

So again, there are some Members that will join us on the other side and, hopefully, will sign our petition so we get to the 218. But so far, the Republican leadership has slammed the door and said, there is no way we are going to consider this Patients' Bill of Rights, and that is very unfortunate and what we have to keep fighting for.

I want to just briefly, if I could, mention some of the key things that we are fighting for in the Patients' Bill of Rights. And then maybe I will yield to one of my colleagues that are here joining me this evening.

The two most important things that I would say, one is this whole issue of providing for real enforceability. What happens now with many HMOs is that if they deny them care or particular treatment, the only review or appeal they have is an internal one within the HMO. And of course, they, being very prejudiced in most cases, will simply deny the appeal.

What we are saying is that there has to be an independent external appeal outside the HMO; and, in addition to that, there has to be ultimately the right to sue the HMO, which does not exist today under the Federal preemption. That is one of the most important aspects of the Patients' Bill of Rights.

The other one that is linked to that is the definition of "medical necessity." Right now the insurance company decides what is medically necessary; and if they define that and all that happens once they are denied care or treatment is that that is reviewed, their own definition of what is medically necessary, then, even if they have a good independent appeal or the right to sue, it will not necessarily help them because they are using their definition.

What we say in the Patients' Bill of Rights is that the decision about what is medically necessary, what kinds of care they should receive should be made by the physician and the patient based on standard norms within the medical community for that particular specialty or whatever it happens to be and not by the insurance company. Those are the two key aspects that are not included in any of these eight piecemeal bills that are being circulated by the Republicans in the House or the legislation that the Republicans are bringing up in the Senate. Neither of those key points are included.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS), who has a background as a nurse and who has been on the floor many times talking about this issue in very real terms because of her own experience.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from New Jersey (Mr. PALLONE) for organizing this time for us to speak together.

It has been a day on behalf of patients, I believe, here in the Congress, and that feels good to me as a nurse that we are finally now speaking clearly. What we need to do now is move this discussion from a march onto the floor by many Members who seek to have it be placed on the agenda. We need to move it from the hearing room. We need to move it right to the deliberation stage.

It is fine for us to talk here, and I am glad we can have a chance to do that and maybe summarize some of the things that have been going on and some points that my colleague has been making. And it is wonderful to see a colleague from Illinois here, as well, ready to speak. Because this is not a situation particular to one part of the country. I am from California, and it involves me personally and directly with all of my constituents. It addresses all of us.

This is a national crisis now. This is an issue that needs to be addressed across this country and, for that reason, needs to be dealt with in this House. Yes, we have great examples of States, and I commend a State like Texas that has put into place within their State framework strong patient protection rights and has seen clearly that when they do this it does not make the cost of health care skyrocket. It really does not do that.

So it is wonderful to have the examples of communities and entities and States even where strong steps are taking place. But for us to speak on behalf of all of the citizens of this country, we need to do it here in this body, and I am pleased that we can do that.

Now a year has gone by. I was first running for office a year and a half ago as a nurse, as a school nurse, in my community for 20 years. The strongest stories that were told to me were told to me by patients who were so frustrated with their managed care, we have had managed care in California for a long time, and the flaws in it. That was good. That happened in the beginning when the cost of health care, which had skyrocketed, was brought down. But then the excesses began to show themselves and so many citizens, also patients, came up to me and talked to me about their stories, real horror stories, of what had happened to them, many of them quietly. They never really told anyone before. But we reached out to them.

I believe that the Patients' Bill of Rights gives voice to many of these concerns, the frustration about not being able to choose their own doctor, having any say in what choices they have for health care; the gag rules that prevent a health care provider from telling them all the options, whether or not their insurance covers it; access to specialties, to second opinions, to emergency room treatments.

These seem common sense to me, something that we should not really have to legislate about. But, unfortunately, we do because of these excesses that have come to bear.

The bottom line, as my colleague has pointed out, the bottom line has to do with who is making the important lifesaving health and medical decisions, who do we trust our lives with, the lives of our loved ones with? Do we want it to be a bureaucrat who is an accountant, may be a whiz at being an accountant, or do we want to take advantage of someone's highly skilled training and dedication, someone we can look in the eye and can also look at our bodies and understand what health conditions we are talking about? So many of these decisions now are made without even access to the patient's records let alone meeting with the patient.

The second bottom line is who is going to be accountable when grave mistakes are made? And again, I hark the situation we heard about in our hearing today, when accountability is put into a protection clause in the health care law, it does not necessarily skyrocket the prices. And when a life is at stake, I believe we need to really focus on that.

The hearing that my colleague and I attended today on the importance of a strong appeals process, that was a good hearing. But again, it is time to move it here to the floor where we can take some action on this.

Our country's health care system has changed from fee-for-service to managed care by and large. We have seen a revolution in health care, and we need to address the attendant issues which have gotten out of control. We do not want patients to have their medical needs denied because some third-party person is following a form here that has nothing to do with their own individual needs, and that is what we are talking about.

The patient that I am thinking of right now is a mother really with a very young child who came to me desperate with the situation that had happened to her, gave birth to twins, already had a child. So the household was full. One of the twins was born with many critical health problems. They discharged the little baby to this newly delivered mother and denied the request for skilled nursing care in the home.

It was an awful situation, just an awful situation. By the time they were able to seek redress and seek remedy for this, so much damage had been done to that young baby. And here was this household stressed to the limit with what was placed upon them, entirely inappropriate. The doctor recommended skilled nursing care in the home, and it was denied by the managed care company.

Now, this is exactly where we want this external appeal situation to be in place, but also the ability to seek redress when grievances are incurred.

This was during the campaign, and I made a pledge to this young family that I would work as diligently as I can. And I am. And I know that there is a commitment on the part of so many of us to do this, because we do have people's faces in our hearts as we are doing this. This is not some theory that we are trying to expound. We are talking about real-life situations, and we need to do it now. The longer we wait, the more hardships our country is faced with and the harder it is to really address some situations that have gotten so far out of control.

So I believe my message is to the leadership of this House that we need to pay attention to our constituents and come together. We can talk about Republican bills. We can talk about Democrat bills. This is really not a partisan issue. We should be able to demonstrate to the American people who send us here that we can enact common sense, patient first legislation that really speaks to the needs of our constituents and really addresses health care in our country. And it is about time that we do it.

Mr. Speaker, reclaiming my time, I want to thank the gentlewoman for her comments. I really appreciate when she uses those examples of her own constituent, because I keep stressing that this is really common sense. We are coming at this because our constituents have cried out and even from personal experiences.

I think I was actually gesturing to the gentlewoman today about the fact that at the hearing one of the, I do not know if he represented the HMOs, but he certainly seemed to be an apologist for the HMOs, who said that there was no reason to allow HMOs to be sued because they do not make medical decisions. And I was outraged by that. Because, in fact, that is the problem. They are making the medical decisions.

And I did not use the example today, but when my colleague was talking about the twins that were born, I was thinking about my own son, who is now four. When he was born, he was born C-section. And they had that rule then, it has been changed now in New Jersey because of the State law, that said that for a C-section they could only stay in the hospital 2 days. I guess the normal length of time that is recommended by physicians is 4 days. And after the second day, the doctor came to us and said, "Well, you know, your wife has to go home because we have this policy that you can only stay 2 days. I do not agree with the policy," the doctor said outright to us, "but I have no choice."

Then I guess the law in D.C. requires that a pediatrician see the baby before it leaves the hospital. And he came and saw our son and said that he was jaundiced. And so they made an exception, said he could stay an extra day, the third day.

But to me that just brought home, of course they are making the medical decision. They are telling the doctor what to do. So how can they say they are not making the medical decision? They clearly are. And that is what we do not want. We do not want the insurance company to make the medical decisions that contrary to what physicians and nurses think should be the general practice. And that is what we have.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has also been out front on this issue on many occasions on the House floor.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his leadership on this issue and for organizing this discussion tonight.

I was happy to join that long line of people this morning who were signing a discharge petition to allow us to fully debate HMO reform on the floor of this House. I guess we are up to about 167 Members now who are saying simply, let us discuss HMO reform, let us bring up this important legislation so that we can represent what we are hearing from constituents.

But I did something else today. I put an appeal to my constituents on my website today so that they can join and be a force in helping to pass this legislation.

□ 1830

When you get to my web site, which by the way is www.house.gov/schakowsky, and if anyone wants to go there, I would welcome it. Whether or not you are in my district, I would appreciate hearing from you about this. It says, in flashing letters, "Help me end HMO abuses." What I am asking them for, it is a constituent alert, send me your HMO horror stories. I think it will be helpful to us if we get them to tell us. All of us have heard and I have got lots of letters myself, but I am hoping to collect a lot more.

Let me read my colleagues this invitation. It says, "The time is now for Congress to pass the Patients' Bill of Rights, H.R. 358. It is time for HMOs to be held accountable for their actions and for medical decisions to be made by doctors and nurses, not by HMO accountants.

There are proposals in Congress that claim to offer reform but instead would let HMOs go about their business of cutting care, limiting services, and raising costs while enjoying record profits. I need your help to pass real reform and defeat phony legislation. I know that many of you have fought battles with your HMOs and more often than not you lost. If you believe that it is time to stop HMO abuses, the time to act is now. E-mail me your HMO horror story, let me know if you have been denied care, forced to change your doctor in the middle of treatment, lost coverage, refused access to a specialist, or had to work for days to get what you deserved. Together, we can convince Congress to pass the Patients' Bill of Rights."

The other thing that is on the web site is a petition that has been on many web sites around the country now calling on Congress to pass the Patients' Bill of Rights so that we can get our constituents involved in the process here, bring their voice here to Congress. That, I think, ultimately is going to be the thing that will pass this legislation. I want to urge people, and I think we are making a commitment today to do everything we can, but I am urging people who may be listening and I am certainly trying to urge my constituents to pick up the phone, call your Member of Congress, let the President know, let the Speaker of the House, DENNIS HASTERT, know that you want real HMO reform.

By that, we should be talking about H.R. 358. I think the gentleman has done a good job in describing the important pieces that are in that legislation that are not in others. I am a new Member of Congress. I have found that there are a whole lot of ways to either skirt an issue or to water it down. One of them is, first of all just do not bring it up. So that is why today so many of the Members of this body signed this discharge petition so that we could have the debate. I think it is too bad that we have to go through these kinds of mechanisms in order to just discuss things.

One is, do not bring it up, delay it as long as you can. But the other is to offer a solution that sounds like a solution but is not really a solution. That is the other thing that is going on here. There are bills that people want to be able to stand up and say, "Oh, this is the Patients' Bill of Rights. This will really solve the problem."

We have looked carefully at all those proposals and seriously at all those proposals; and we know that the elements that need to be in there, really putting health care decisions in the hands of health care professionals, making sure that HMO plans are held accountable. I had a similar experience in Illinois where I was in the general assembly. The lobbyist for the HMO who came to testify before our health committee said, "Oh, no, we don't make health care decisions. We only make coverage decisions. We're an insurance company."

I said, "Well, excuse me, sir, but in the real world, there is no difference between a health care decision and a coverage decision, because you are saying then to people, oh, you can have your heart transplant, but you have to go out and pay for it yourself. That bone marrow transplant might do you some good in your cancer treatment, but we aren't going to cover it, but you can go buy it yourself."

Ordinary people cannot go out and buy expensive tests, expensive treatments, go off to a specialist that they feel that they need or that even their primary care doctor may feel that they need. So health care decisions are made every day by HMOs because they will only cover certain things. And so they should be held accountable.

That is what H.R. 358 does. It also gives patients the right to appeal those decisions and not just to appeal it to the HMO who just denied them the care, they will have the right to external appeal, someone outside, an objective observer to look in and say, "Were you wrongfully denied the care that you asked for?"

So there is phony HMO reform and there is real HMO reform. That is what we are involved in with our discharge petition. I hope that is what we can engage the American people in, in a debate on this, real health care reform, HMO reform, and I hope that people will send their horror stories to me, will get the petition signed through the Internet and get this bill on the floor and get it passed.

Mr. PALLONE. I want to thank the gentlewoman. One of the things that I have noticed about newer Members like yourself is that you are always trying to get the public more involved through the Internet process. That is really great. I assure you that you are going to get all kinds of people contacting you, because the number one issue that I get contacted about in my district offices are problems with HMOs and managed care.

Again, I just stress what I said before, which is that we are not coming at this out of some cloud or pie in the sky notion. This is just what people are telling us on a regular basis. People are shocked when you tell them as the gentlewoman from California brought up and talked about the gag rule. I have told some of my constituents, the way the law is, the insurance company can tell the doctor that they cannot discuss with you a mode of treatment that is not covered by the insurance, even though they think you should have it. They cannot believe it. They think that that is a violation of the first amendment or un-American. Of course it is, all those things, but they are just shocked to find out that that is okay under the law.

Really we are just talking about common sense proposals that are coming to us. You will get a lot of them, I am sure, on the web site.

Mr. Speaker, I yield to the gentleman from New York (Mr. SERRANO) who again has joined me quite often in the past on this and other issues and I am pleased to see him here tonight.

Mr. SERRANO. I want to thank the gentleman once again. It has been said quite a few times on the floor, but you always manage to get us involved in discussing the issues that we should discuss. I am reminded of a conversation that I had with the spouse of a foreign dignitary from one of the Latin American countries that I will not mention, not to get into a discussion, a country that is not as advanced as we are, and I did with that spouse what I do with a lot of people. I said, what impresses you the most about our country and what do you find hard to understand?

She said, well, obviously your overabundance of food. You have so much food in this country, you hire people to keep food from falling out of the bins in the supermarket. That is how much food you have.

I said, "What touched you or made an impression on you in a negative way?" She said, "Well, I got sick and it took me more time to discuss where I was going, who was going to treat me and what was available to me than the time it took me to realize that I was hurting and sick. I can't understand why your country would take such red tape and put it in front of people."

Obviously that person, as you said, like many of our constituents, just do not understand until we try to explain it to them that there are things that are happening in this industry, this so-called health providers industry, that is just hard to believe, that a doctor, as you just mentioned, that a doctor would not be allowed to do what a doctor does best, which is to advise a patient on what he or she feels that patient should have because they are ordered basically or not allowed by an HMO or the coverage group to present that as an alternative.

This is the United States of America in 1999. We cannot seem to get people to understand that you just cannot do that. The whole idea, I mean, sometimes I have watched my wife during the times when we have to sign up here, we, Members of Congress, have to sign up for our health plans, and I have seen my wife sit there at the dinner table with the thought of three children at home ranging in ages from 17 to 10 and trying to figure out which one, is it three from this column and seven from that, if we are covered for this, we are not covered for this. We have to ask permission for this so that we can get that. I join her in that, I say, my God, if this is what we go through and we supposedly get told all the time that we have this fabulous plan, what is everybody else who has no clue as to what they are dealing with are going through?

Again it is picking from this column and from that column. I was very proud today, and I can say this with all honesty, when we marched into this Chamber and began to sign that petition to get this bill on the House floor. I have been here now 9 years and on many occasions I have to scratch my head and wonder why the other party in the last few years will not bring a bill to the floor. As I have said, I have stood here and scratched my head, but I have never scratched my head as much as on this bill.

I mean, this is something the American people want. This is something that you provide to everyone. This is not partisan in any way, shape or form. This is not something that one party can take and run with and say we did it, this is something we as a House, as a Congress, can say we did it because we did it for our families, we did it for the public, we did it for our friends, we did it for all of us.

And yet this resistance, this desire to either say no to bringing a bill to the floor or trying to present other measures which sound like they are addressing the issue when they are not addressing the issue. I think what has happened here tonight and for the next days and weeks is exactly what was mentioned here before by the prior speaker and, that is, to get the American public involved, to get the American public to let us know that their Members of Congress how they feel about this.

If there is a parent this evening who is going through the same kind of situations where you are trying to figure out what is the best way to get coverage and you have gone through these experiences where you cannot get the right information or the proper information or the right support from your doctor because his hands or her hands are tied, if you have to spend hours trying to figure out, do I ask for this medicine, do I allow this prescription, am I covered by it, am I not covered, if any of this has happened to you, it is time you wrote, it is time you e-mailed, it is time you visited a web page, it is time you made a phone call, because I do not know of an issue that affects more Americans than this one at this moment.

I mean, we have stood on this floor and discussed an issue that we are making some gains on, which was the issue of the uninsured children. The gentleman was the first one to bring this to the House floor, the whole issue of uninsured people throughout this country. We have made some gains on that. But this continues still to be the one area in this country where we just do not want to budge.

I do not know who it is we are concerned that we are upsetting. Are HMOs more important than your family doctor? Is your family doctor someone that you are so proud of and then you turn around and you say, "Well, don't prescribe this and don't prescribe that?" What are we talking about here? Just a few minutes ago, and I want to close with this, we were debating and we will be debating tomorrow this whole issue of desecration of the flag. I remember my first time here on the House floor when I looked at that flag behind the podium and I said, I wonder if that flag could speak to us, what would it tell us.

It may not tell us to protect it from physical abuse. It may surprise us by telling us, "Why don't you do that which makes me feel good and symbolizes everything I stand for." So on the same day that some people here are saying we have got to protect that flag, they reject a notion of protecting one of the things that the flag stands for, which is providing basic care to our children, to our women, to our elderly, to our working families in this country. And so what a better way to honor and respect the flag this week than for the Republicans to agree that they will bring this bill to the floor and discuss that issue here and give people the opportunity to get the coverage we deserve.

We are the greatest country on earth, we are the wealthiest country on earth, we are the greatest democracy on earth, but there are still a few pieces missing that we have to put together to fulfill our full potential. One of them right at the top is this inability we have to deal with this issue without worrying about who we upset, because we are not going to upset children, we are not going to upset the elderly, we are not going to upset the American people, and if we upset a few insurance companies, if we upset a few HMOs, we are not out to kill anybody.

□ 1845

We will work, and all we want is dialogue and the ability to give people their right. At the same time we protect the industry. Our job here is not to destroy one to save the other; it is to protect that which is right.

So I want to thank the gentleman once again. I know that he will be on the floor at other times with this issue again, and I will be glad to join him then as I have joined him today and in the past.

Mr. PALLONE. I want to thank the gentleman, and if I could just comment on what he said about why the Republicans will not bring it up. I sound so cynical in saying it, but I believe strongly that it is the power of the insurance industry and the power of the insurance lobby, and I, as my colleagues know, witnessed that myself. I mean they spend millions and millions of dollars on TV ads talking about why the Patients' Bill of Rights and HMO reform should not take place. In fact, in my last election about $4 million was spent in independent expenditure by, primarily by, the HMOs to try to defeat me because they see me as a spokesman on the issue. So they are willing to spend all this money.

Mr. SERRANO. Mr. Speaker, if the gentleman would yield because I want to get that right? He said that $4 million was spent by HMOs and insurance companies to try to get a Member of Congress out of here who supports children and elderly getting their fair share.

Mr. PALLONE. Absolutely, and it was not just done to me; it was done to others as well. And the irony of it is what you just said which is that, you know, if you look at what we are actually asking be done, it is not going to put them out of business.

In fact, today in the Committee on Commerce we had someone come in who was responsible and put together the Texas law which is very similar to our Patients' Bill of Rights, and as my colleagues know, one of the things she said was that all the debate in the State legislature in Texas about this, all the managed care and HMOs were saying we are going to be out of business, there will no longer be any managed care in Texas. In fact just the opposite is true. They have not suffered at all. There are more managed care options in Texas today in fact than in a lot of other States even though they have a very similar law on the books.

So we are not hurting them, but obviously they perceive that we are, and they are wrong, but we just have to keep making the point, so I want to thank you again for coming down.

And I would like to yield now to the gentleman from Maine who has not only been outspoken on this issue, but also on the issue of the cost of prescription drugs in a bill that he has sponsored to try to correct that problem, and he has been concentrating on these health care issues that impact all Americans.

I yield to the gentleman.

Mr. ALLEN. I want to thank the gentleman from New Jersey for organizing this special order on the Patients' Bill of Rights, and as you indicated, I have been spending a lot of time trying to lower the cost of prescription drugs for elderly. I think it is a very important issue and one we ought to be dealing with. In fact, that is one of the frustrations these days of being in this Congress. It seems hard to get good legislation up to the floor here for a vote.

As my colleagues know, last year the Patients' Bill of Rights legislation failed by just five votes, and in the past year the need for that legislation has not diminished. We ought to be able to get it up for a vote, but the Republican leadership is preventing that from happening.

So I am proud that we as Democrats today took the first step to filing a discharge petition, and lots of people around the country do not know what a discharge petition is, but it is a procedure by which we can bring legislation to the floor if we get 218 signatures on that petition without having it to go through the Republican leadership and the Committee on Rules.

As my colleagues know, we have already had to start a discharge petition in this House to try to get campaign finance reform legislation to the floor. Again, there was legislation that passed in the last Congress by 252 votes. With 252 Members supporting the legislation we still cannot bring that up. So we are going to try the same procedural tactic that we have used there.

As my colleagues know, my home State of Maine has been slow to move to managed care particularly under Medicare. We only have a few hundred people signed up for managed care under Medicare. But people are still anxious about HMOs and about managed care. In many respects what managed care companies are doing is good. The emphasis on prevention, when it is there is a real step forward in helping people take care of themselves in ways that perhaps they have not before.

But it is very important that managed care be more than managed cost. In the early days of managed care it has been clear that the companies have been successful in driving down costs. All we are saying with the Patients' Bill of Rights is we want to make sure that driving down costs does not come at the expense of quality care. That is really what this is all about. We want to make sure that certain provisions are really there for everyone.

Some States have enacted patient protections. My home State of Maine has, but there are still people because of Federal preemption who are not covered by those State laws. In Maine there are 250,000 people roughly who are not covered by the State patient protection provisions. My constituents recognize we need a national solution to a national problem, and that national solution is the Patients' Bill of Rights Act.

I know you have mentioned this before, but I want to go over what it would do. First of all, it would guarantee access to necessary care. The bill provides direct access to a specialist for patients with serious ongoing conditions. The bill requires access to and payment for emergency service. People who go to the emergency room when they are hurting need to know that as long as a reasonably prudent lay person would do that, they are going to be paid, they are going to get coverage for that service. The bill also allows doctors to prescribe prescription drugs that are not on an HMO's predetermined list so that the doctor is making the decision, the doctor and the patient are making the decision, about the most appropriate care.

The Patients' Bill of Rights Act also provides a fair and timely appeal process when health plans deny care. The bill holds managed care plans accountable when their decisions to withhold or limit care injures patients, and it also guarantees protections for the provider patient relationship.

The bill bans gag clauses as well as bonuses and other financial incentives to doctors to deny care. The bill protects providers who advocate on behalf of their patients with the insurance company. And furthermore, the bill prevents drive-through mastectomies and other arbitrary medically inappropriate decisions by plans.

The American people are clear on this issue. They want real protection, they do not want a watered down bill, and we have a chance in this Congress to enact real reform, and that real reform would make health care plans accountable for their mistakes just as everyone else in this country except foreign diplomats are responsible for their mistakes.

I think this is a case where, as my colleagues know, we know the problem, we are just this far away from finding the right solution to the problem. We ought to pass the Patients' Bill of Rights Act. I regret that we have to go through this discharge petition process in order to try to bring this matter to the floor. It ought to come to the floor now.

We have had some Republicans in the past Congress who have been willing to sign on and support this legislation, and I hope we will have Republicans supporting this again, but for now we are simply going to do everything we can as Democrats just to say: Give us a vote, give the American people a chance to express their opinion, and let their representatives cast the vote on the Patients' Bill of Rights Act. We ask for support for that particular legislation.

And I just want to say to the gentleman from New Jersey (Mr. PALLONE), my friend and colleague, "We really appreciate all the work you do on health care in general, and in particular, on the Patients' Bill of Rights Act.

Mr. PALLONE. I want to thank the gentleman, and I am glad you brought up the point about the drug formularies as well because there is that aspect of the bill as well, and the other thing I wanted that you brought up and I want to stress again is that, as my colleagues know, in some ways maybe we are fortunate in that we had to move this discharge process very late in the session last time. Even though 6 months have passed, if we are able to get not only all the Democrats to sign on to this discharge petition, but also able to get a few of our Republican colleagues, we still do have some time left to try to get this to the floor, and hopefully we will be successful, and we are certainly going to keep trying until we are successful and we do bring the bill to the floor.

So I want to thank the gentleman again, and I also want to yield now to the gentleman from Texas (Mr. GREEN), my colleague on the Committee on Commerce, and he has been really outstanding in particular in pointing out how in his home State of Texas where they have actually enacted significant patient protections and what a positive impact that has had on the State even though it does not apply, of course, to so many people that have been preempted by the federal law. I yield to the gentleman.

Mr. GREEN of Texas. Mr. Speaker, the biggest concern I have in comparing what we are trying to do here in Washington and what has been done in State of Texas and other States is that the States can pass laws that regulate insurance policies in their States.

Now I have employers that are multi State, employers who are self insured, and they come under federal law. So the State of Texas, the State of New Jersey, the State of Maine, State of California can do all they want and pass a Patients' Bill of Rights, but it only affects in fact less than 40 percent, in some cases maybe even less than 20 percent of the insurance policies that are issued in their State. In the State of Texas we have over 8 million people who have insurance policies that are covered by ERISA. When you think we have about 11 million, a little over 11 million people covered, that is a little less than 80 percent of the people are not covered by the State protections that were passed not only in 1997, but even earlier over the last 4 or 5 years, and that is why we need to have a federal legislation. And today is a special day, I guess, because we, a few of us, because of a frustration of not being able to have a managed care bill to debate here on the floor of the House and to compare our ideas or my ideas and yours or my colleagues' on the Republican side; we do not have that opportunity, and so we had to, all of us, a number of us, sign a discharge petition today to actually take a bill away from the committee you and I serve on. We serve on the Committee on Commerce. I am proud to be on that Committee on Commerce, but we are literally not doing the people's business by not addressing managed care reform and Patient Bill of Rights.

One of the concerns I had back during the Memorial Day recess, I spoke to some business owners in my district, and they said, well, we are concerned that this Patient Bill of Rights that you have will let our employees sue their employer, and I said that is the further these thing from the truth, and tonight I would like as much time as you have left to address some of those half truths and outright untruths that we have been hearing.

One, there is nothing in this bill that will allow for an employee to sue an employer. All this does is that employer buys an insurance policy, it is covered under Federal law, that that employer, that employee will have some rights under that insurance policy. Never would there ever be a suit against the employer because again employers can afford a Cadillac insurance plan, or they can afford the Chevy insurance plan, but as my colleagues know, some will pay for everything, some pay for only certain things, maybe higher deductibles and things like that.

But that is not what is in this bill, so they are using scare tactics to say we are going to have employees suing employers. That is just not true.

The other thing that they used is, is it going to raise the cost of health care? In fact, one publication I saw said it could increase insurance rates 40 percent, which is outrageous. Today I heard testimony; I think you did, too; that the State of Texas that did the managed care reforms that we are trying to do, there were hardly any increases at all. In fact, the increases in managed care rates were comparable to States that had no reforms that were passed. In fact, even my argument, I think, that some of those increases were already built in because the managed care companies were increasing rates 3 or 6 percent depending on the market, and they were doing that in other States that have not done it.

So what we are trying to do and the other concern I have is that they say that it will increase rates. Well, it may increase rates, but maybe it will increase them because they are having to pay some of those claims because in the State of Texas one of the items that is important in a Patient Bill of Rights is an appeals process, a fair and accurate and fast appeals process. In the State of Texas, the number of appeals that have been appealed by the patient to an impartial body, 50 percent of those appeals have been found for the patient.

So granted, it may increase rates because for 50 percent they are going to have to start paying for actual health care instead of denying it unfairly, and that is what we found in the State of Texas. And so maybe that will increase their rates. I hope not because I think their actuaries already have premiums based on what those experiences ought to be.

So in the Texas experience, for less than the cost of a happy meal at McDonald's patients in managed care could really have some fairness and protection and accountability.

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In my home State, we have passed a lot of these patient protections, including the external appeals and the accountability and the liability. Physicians are always frustrated, health care providers saying wait a minute, if I do something wrong, my patient can sue me, but if I call an insurance company and they say no, you cannot do that, you have to do this and the patient is injured by that, that is not fair, because they cannot sue that insurance company because they are the one practicing medicine. So that is why accountability is so important.

I would hope we would have the same experience as the State of Texas has, who has had that accountability and liability in law now for 2 years. Again, I have heard testimony today literally that there was only one or two cases filed, simply because if we have a fair appeals process, people will get what they need, and that is adequate health care. People do not want to sue insurance companies, they just want to have them pay for what they should be paying for in their health care.

Again, one of the old truths that we have heard is that there will be a mass exodus in employers dropping insurance coverage. Again, in the State of Texas, we have had literally an increase in the number of people who are covered under managed care plans, even under the new rules we have. In fact, again today, under sworn testimony, we heard that Aetna Insurance said that the State of Texas, and I assume this was recently, said the State of Texas's insurance market is the filet mignon of insurance markets, and that is a quote from a hearing today that we both attended. I have to admit, if the State of Texas under our managed care reform is the filet mignon, all I am concerned about is the hamburger.

Typically, most of our folks can afford decent hamburger. So there will be no mass exodus of employers dropping health care coverage just because we are giving insurance companies some rules to live by.

Emergency care so that a person does not have to drive by the closest emergency room to get to the one that may be on their list, because frankly, we want to make sure they have the quickest and fastest emergency room care as possible.

Anti-gag. A physician or health care provider should be able to talk to their patients. They ought to be able to say, this is what your insurance company will pay for, this is what they will not pay for. Again, we have employers who can pay for the Cadillac plan and the Cadillac plan may pay for everything, but the Chevrolet plan may not pay for everything, but that doctor ought to be able to talk to their patients.

Open access to specialists for women and children, particularly chronically ill patients, so that every time they do not have to go back to their family practice person or their gatekeeper before they go to their oncologist, for example, if they are diagnosed with cancer. That should not have to be the case. Women ought to be able to use their OB-GYN as their primary care. Children ought to be able to go to a pediatrician without having to go back to a primary care doctor.

Of course, I talked about the external and binding appeals process and how important it is, and how important it is to have the accountability linked to that, that the accountability is hardly ever used if one has a real effective appeals process.

Those are the important things that managed care reform bill offers. I do not know, I heard we had 161 signatures, 167 now, so I would hope that we get to the 218. Of course, we are going to have to have it bipartisanly, and last session it was. We had some Republican Members who were supportive of the Dingell bill, and hopefully we will see them come together over the next few weeks so we can really see some national managed care reform, similar to what the States have been doing and doing so successfully.

I hear all the time that we do not want to in Washington tell States what to do. Well, I do not want to do that. But we can use the States as a laboratory, as an example, and say, okay, it is working in Texas, has been for 2 years. There is not a lot of lawsuits, there is not an increase in premiums. Actually, people are winning half of those cases.

I like to use the example that if I was a baseball player and had a 300 batting average, which is a 30 percent batting average, I would be making $8 million a year. But for my managed care provider, if they are only right half the time when they decide my health care, I want a better percentage than the flip of a coin.

In Texas, that is our experience. We have seen that we have the flip of the coin. We want a better percentage. Managed care providers I hope will see that percentage where they are not overturned, because they are actually providing better care and they are providing for more adequate care to their customers, our doctors, patients, and our constituents.

So that is why I think it is important. This year we need to have a real Patients' Bill of Rights. Last session we had one that was worse than a fig leaf, because it actually overturned laws that were passed by our State legislatures. So it would have hurt the State of Texas, the bill that passed this House last session by 5 votes. Thank goodness the Senate killed it. This year, hopefully we will have a real managed care and Patients' Bill of Rights.

I thank the gentleman for his leadership as our health care task force person on the Democratic side. We are doing the Lord's work in trying to do this.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I know our time has run out, but I think the gentleman said it well about using the Texas example to show how what we are proposing here works and has worked in Texas over the last two years.

EQUAL ACCESS FOR CHEMICAL DEPENDENCY TREATMENT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 60 minutes as the designee of the majority leader.

Mr. RAMSTAD. Mr. Speaker, every day politicians talk about the goal of a drug-free America. Mr. Speaker, let us get real. We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million Americans presently addicted to drugs and/or alcohol. That is right, Mr. Speaker. Twenty-six million American alcoholics and addicts today.

Mr. Speaker, 150,000 people in America died last year from drug and alcohol addiction. In economic terms, alcohol and drug addiction cost the American people $246 billion last year alone. That is with a B, $246 billion. American taxpayers paid over $150 billion for drug-related criminal and medical costs alone. That is more than the American taxpayers spent on education, transportation, agriculture, energy, space, and foreign aid combined; more than in all of those areas combined the American taxpayers spent for drug-related criminal and medical costs.

According to the Health Insurance Association of America, each delivery of a new baby that is complicated by chemical addiction results in an expenditure of $48,000 to $150,000 in maternity care, physician's fees, and hospital charges. We also know, Mr. Speaker, that 65 percent of emergency room visits are alcohol or drug-related.

The National Center on Addiction and Substance Abuse found that 80 percent of the 1.7 million men and women in prisons today in this country are there because of alcohol and/or drug addiction.

Another recent study showed, Mr. Speaker, that 85 percent of child abuse cases involve a parent who abuses drugs and/or alcohol; 85 percent of child abuse cases are related to alcohol and drug abuse. Seventy percent of all people arrested in this country test positive for drugs; two-thirds of all homicides are drug-related.

Mr. Speaker, I ask the question: how much evidence does Congress need that we have a national epidemic of addiction, an epidemic crying out for a solution that works; not more cheap political rhetoric, not more simplistic quick fixes that obviously are not working. Mr. Speaker, we must get to the route cause of addiction and treat it like any other disease.

The American Medical Association in 1956 told Congress and the American people that alcoholism and drug addiction are a disease that requires treatment to recover. Yet, today in America, only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment; only 2 percent of those with insurance for chemical dependency treatment are able to get effective treatment.

That is because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays, as well as other restrictions on chemical dependency treatment that are not there for other diseases. If we are really serious about reducing illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. Providing equal access to chemical dependency treatment is not only the prescribed medical approach, it is also the cost-effective thing to do; it is also the cost-effective approach.

We have all the empirical data, including actuarial studies, to prove that parity for chemical dependency treatment will save billions of dollars nationally, while not raising premiums more than one-half of 1 percent in the worst case scenario. It is well documented that every dollar spent for chemical dependency treatment saves $7 in health care costs, criminal justice costs, and lost productivity from job absenteeism, injuries, and subpar work performance. A number of studies have shown that health care costs alone are 100 percent higher for untreated alcoholics and addicts than for people who have gone through treatment; 100 percent higher for those who go untreated.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment, and as a grateful recovering alcoholic for 18 years, I am absolutely alarmed by the dwindling access to treatment for people who need it. In fact, over the last decade in America, 50 percent of the treatment beds for adults are gone. Even more alarming, 60 percent of the treatment beds for adolescents are gone.

Mr. Speaker, we must act now to reverse this alarming trend. We must act now to provide greater access to chemical dependency treatment.

That is why I have introduced the Harold Hughes, Bill Emerson Substance Abuse Treatment Parity Act named for two departed colleagues, one Democrat, one Republican, who did so much in this field of addiction; so much to raise public awareness, so much to help people in need, people who are suffering the ravages of drug and alcohol abuse. This is the same bill, Mr. Speaker, by the way, that last year had the broad bipartisan support of 95 House cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. The bill prohibits discriminatory caps, prohibits higher deductibles and copayments that exist for treatment of other diseases. It also prohibits limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases. All we are saying, Mr. Speaker, is treat chemical addiction like other diseases.

Mr. Speaker, this is not another mandate. It does not require any health plan which does not already cover chemical dependency treatment to provide such coverage. It merely says that those which offer chemical dependency coverage cannot discriminate, cannot treat chemical dependency different from coverage for medical or surgical services for other diseases. In addition, the legislation waives the parity for substance abuse treatment if premiums increase by more than 1 percent, and it also exempts small businesses with 50 or fewer employees.

Mr. Speaker, it is truly the time to knock down the barriers to chemical dependency treatment. It is time to end discrimination against people with addiction. It is time to provide access to treatment, to deal with America's number 1 public health and public safety problem.

We can deal with this epidemic now or be forced to deal with it later. But, this problem, this epidemic will only get worse if we continue to allow discrimination against the disease of addiction.

As last year's television documentary by Bill Moyers pointed out, medical experts and treatment professionals agree that providing access to chemical dependency treatment is the only way to combat addiction in America.

We can build all the fences on our borders, we can build all of the prison cells that money can buy, we can hire thousands of new border guards, thousands of new drug enforcement officers, but simply dealing with the supply side of this problem will never solve it.

That is because, Mr. Speaker, our Nation's supply-side emphasis does not adequately attack the underlying problem. The problem is more than illegal drugs coming into our Nation, coming across our borders. The problem is more than that. The problem is the addiction that causes people to crave and demand those drugs.

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That is the problem, the addiction that causes people to crave drugs and to demand those drugs. So we need more than simply tough enforcement and interdiction. We need extensive education, and we need access to treatment.

Drug czar Barry McCaffrey understands. He said recently, and I am quoting, "Chemical dependency treatment is more effective than cancer treatment, and it is cheaper." General McCaffrey also said, "We need to redouble our efforts to ensure that quality treatment is available." Mr. Speaker, the director of our National Office of Drug Policy is right. All the studies back him up. Treatment does work, and treatment is cost-effective.

Last September the first national study of chemical dependency treatment results confirmed that illegal drug and alcohol use are substantially reduced following treatment. This study by the Substance Abuse and Mental Health Services Administration shows that treatment rebuilds lives, puts families back together, and restores substance abusers to productivity.

According to Dr. Ronald Smith, United States Navy Captain in the Medical Corps, and also Dr. Smith was formerly vice chairman of psychiatry at the National Naval Medical Center at Bethesda, Dr. Smith says "The U.S. Navy substance abuse program works. It has an overall recovery rate of 75 percent."

The Journal of the American Medical Association on April 15 of last year reported that a major review of more than 600 research articles and original data conclusively showed that addiction conforms to the common expectations for chronic illness, and addiction treatment has outcomes comparable to other chronic conditions, outcomes comparable to other chronic conditions.

The same study by the American Medical Association said that "Relapse rates for treatment for drug and alcohol addiction are 40 percent," relapse rates. That compares favorably with those for three other chronic disorders: adult onset diabetes, 50 percent; hypertension, 30 percent; and adult asthma, 30 percent.

A March 1998 GAO report also surveyed the various studies on the effectiveness of chemical dependency treatment and concluded that treatment is effective and beneficial in the majority of cases. A number of State studies have also been done that showed treatment is cost-effective and good preventative medicine.

A Minnesota study, a study in my home State, Mr. Speaker, extensively evaluated the effectiveness of its treatment programs and found that Minnesota saves $22 million in annual health care costs because of our treatment programs, $22 million in the State of Minnesota alone saved because of treatment programs. A California study reported a 17 percent improvement in other health conditions following treatment, and dramatic decreases in hospitalization.

A New Jersey study by Rutgers University found that untreated alcoholics incur general health care costs 100 percent higher than those like me who have received treatment. So the cost savings and the effectiveness of chemical dependency treatment are well documented.

But putting the huge cost savings aside for a minute, Mr. Speaker, what will treatment parity cost? That is a question that is asked by a number of people. First, there is no cost to the Federal budget. Parity does not apply to the Federal Employees Health Benefit Plan, does not apply to Medicare or Medicaid.

According to a national research study that based projected costs on data from States which already have chemical dependency treatment parity, the average premium increase due to full parity it would be two-tenths of 1 percent, that is from a Mathematica Policy Research study in March of 1998, a two-tenths of 1 percent increase in premiums for policyholders.

A recently published Rand study by the Rand Corporation found that removing an annual limit of $10,000 a year on substance abuse care will increase insurance payments by 6 cents per member per year, 6 cents per member per year. Removing a limit of $1,000 increases payments by only $3.40 a year, or 29 cents a month.

The worst case scenario we could find, the study that showed the worst case scenario, estimated the cost would be five-tenths of 1 percent increase in premiums per month, which translates to 66 cents a month per insured.

So the bottom line, Mr. Speaker, for the cost of a cup of coffee per month we can treat 16 million Americans addicted to drugs and/or alcohol today, for the cost of a cup of coffee per month to the 113 million Americans covered by health plans. At the same time, Mr. Speaker, the American people would realize $5.4 billion in cost savings from treatment parity, according to a recent California study.

So we could treat these 16 million American alcoholics and addicts who are addicted today, who are hooked today on alcohol and/or drugs. For the price of a cup of coffee we can treat 16 million Americans, and we can save in the process $5.4 billion to the American taxpayers.

United States companies that provide treatment have already achieved substantial savings. Chevron, for example, reports saving $10 for every $1 it spends on treatment. GPU saves $6 for every $1 spent. United Airlines reports a $17 return, a $17 return for every dollar spent on treatment by United Airlines.

Mr. Speaker, no dollar value can quantify the impact that greater access to treatment will have on people who are addicted and their families. No dollar value can measure the impact on spouses, children, other family members who have been affected by the ravages of addiction. Broken families, shattered lives, broken dreams, ruined careers, messed up kids, children on Ritalin, divorces, I could go on and on with the human impact of the ravages of this epidemic that has swept our Nation. How can we put a dollar cost on those horrible factors, those horrible results of addiction?

Mr. Speaker, this is not just another public policy issue. This is a life or death issue for 16 million Americans and their families, 16 million Americans who are chemically dependent covered by health insurance but unable to access treatment.

We know one thing for sure, Mr. Speaker. Treatment taught me that addiction, if not treated, is fatal. This is a fatal disease if not treated. Last year 95 House Members from both sides came together in a bipartisan way to support and cosponsor this substance abuse treatment parity legislation. This year let us knock down the barriers to treatment for 16 million Americans. This year let us do the right thing and the cost-effective thing and provide access to treatment. This year let us pass substance abuse treatment parity legislation to deal with the epidemic of addiction in America.

Mr. Speaker, the American people cannot afford to wait any longer. I urge all Members to cosponsor H.R. 1977, the Substance Abuse Treatment Parity Act of 1999. I ask my fellow recovering alcoholics and addicts, all 2 million of them, to write their Members of Congress, their Member of the House, their United States Senators, and urge them to cosponsor this treatment parity bill, H.R. 1977, the Substance Abuse Treatment Parity Act. That is H.R. 1977.

We need to mobilize the recovering community, we need to mobilize concerned people throughout America to pass this life and death legislation.

Finally, Mr. Speaker, I ask the loved ones of those still suffering the ravages of addiction and chemically dependent people themselves who are unable to access treatment to contact their United States Senators tomorrow, contact their United States representatives tomorrow, and urge them to cosponsor H.R. 1977, 1977, the Substance Abuse Treatment Parity Act.

Working together, Mr. Speaker, as Americans, as Members of Congress, working together we will knock down those barriers to treatment. We will provide access to treatment for those people suffering the ravages of addiction. We will, Mr. Speaker, get this done, but only only if the American people demand it. I hope and pray that the responses are there and that Congress wakes up to the need to deal with addiction, and this year passes the Substance Abuse Treatment Parity Act.

THE COMMUNITY REINVESTMENT ACT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. VENTO) is recognized for 60 minutes.

Mr. VENTO. Mr. Speaker, I have taken this hour special order this evening to highlight an important law and an important policy that has existed since 1977 with regard to financial institutions, with regard to banking. It is called the Community Reinvestment Act.

What this law and policy that has been in place for these 22 years accomplishes is it requires that banks go through an examination of the nature of loans, not the nature but the place that they actually make credit available in their community.

Most banks, whether they are chartered by our national government or by our State governments, receive a franchise. They receive an area in which they can do business. Of course, those geographic areas have changed greatly as the nature of our economy and population has moved across the landscape of our Nation. But the fact is that they receive certain benefits from that franchise of banking.

One is, for instance, that they receive support from the license from the State or the national government to do a banking business which fundamentally means they can take in deposits and they can in fact loan out on a money multiplier basis multiples of what they actually have taken as deposits. In the event that they need dollars, the Federal Reserve Board has an open window that they can of course, on a short-term basis, borrow at very low-interest rates from.

Furthermore, of course, the deposits now that are within that institution, that are placed there by individuals from across the country, their savings, are in fact, of course, insured by the Federal deposit insurance corporation under a number of different programs.

So these are substantial benefits in terms of actually a license to be in the business. It sets up a relationship between our national government and State governments and the free marketplace. It has been very successful.

Our model of banking grows out of the egalitarian roots of the times of Thomas Jefferson, and of course there are many efforts during the first century of our Nation's existence in which banking did not work out as successfully as we would like, so coming to this model was very difficult.

Of course, as in the course of most economic activities, banking has changed greatly over the years. In 1977 it was apparent that credit needs were not being met in some of the local communities, whether they be urban communities or rural communities. So then Senator Bill Proxmire from Wisconsin in 1977 was able to enact something called the Community Reinvestment Act, which provides, as it were, an examination of meeting local credit needs of the community in which these banks exist, the geographic area, and of course in a practical sense the areas that they serve and which they draw deposits from especially.

Lo and behold, through many years that examination process developed. There is one thing that banks probably do not like and probably do not really think that they need and that is more regulations. To be candid about it, I think that the early laws and rules that tried to implement CRA did in fact present more regulations. I do not think there is any banker or any citizen, for that matter, that would like to see more regulatory burden.

But the fact was that over the years that has not been a hindrance. As this law has developed and has been serving our country, the fact is that the regulators have accomplished and streamlined many aspects of the Community Reinvestment Act.

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One of the most important legislative changes occurred in 1989 when then Congressman Joe Kennedy added an open disclosure provision to CRA; and since then, it has really, I think, taken off and come to significant attention in terms of the public.

As that has happened, there has been a new awareness and new impetus upon making this law even more effective than it was. There are a couple of factors that have influenced that. One is, increasingly, banks do not have as many deposits as other financial institutions that are nonbanks. It is estimated that in 1977, when this law was first passed, that about two-thirds of the savings and deposits existed in our financial institutions, our banks and in our savings and loans or thrifts.

Today, it is estimated that that amount may be something less than 30 percent, less than half of what one time existed. The necessity is, of course, to try to keep existing CRA law in place.

If we look at CRA, since its inception, it is estimated that nearly $1 trillion in loans and creditworthy instruments have been extended to these communities in which these financial institutions exist under the auspices of fulfilling the CRA requirements, which only requires banks to loan to creditworthy customers in these geographic and other service areas in which they exist.

It does not require financial institutions to make loans or take activities which, in essence, would cause them to lose money, to issue bad loans, or to issue services that would be inappropriate, that would be costly to them.

As a matter of fact, of course, I think, after the history of this is actually demonstrated, that some banks, which were perhaps reluctant to in fact make these types of loans initially, they have now discovered an entirely new book of business in terms of serving these communities.

The consequence has been dramatic in terms of expanding opportunities for some low and moderate-income people and, in some cases, people of color that before had been denied credit.

I think that most folks from the rural area well understand what the limitations are concerning credit in their own communities. After all, without the credit extension for loans in farms and ranches and, for that matter, in the urban areas, the small businesses in those cases would not be able to grow, would not be able to have the ability to in fact engage actively in the enterprise that they have chosen to participate in.

But CRA has meant that that type of credit, that that test, that type of examination falls upon these financial institutions to actually serve the community.

So, often, the demonstration where there had been problems with CRA was a case where the deposits came in from the local community, but the dollars and loans did not go out to that same local community, even though there were creditworthy applications and loans that could have been made in those cases.

What CRA has done has caused banks, in a partnership I would say, more than anything else, to reexamine what they are doing, not just to become a deposit collector and then a purchaser of bond or securities or, in fact, even investment in other investments that maybe were not even within the borders of the United States, but might have been in a territory or someplace else where the interest rates might have been a little higher, the fact was that it has caused them to reexamine what they are doing and to reorient their business.

Now, we hold our financial institutions in this country out as being international, as being aware, and being involved. But most importantly, as we go forward, we want to make certain that the basic needs are met at home as they are justified.

CRA is now of course under attack. It is ironic, as we move to pass legislation which would modernize our financial institutions, that some have sought to attach to this banking modernization legislation provisions which would renege and which would withdraw, or at least take away, the commitment and the examination that exists under CRA.

To date, in the House, we have been successful in fighting off most of those in this session but in past sessions, indeed amendments have passed on this floor which have, in fact, pulled the rug out from under this law, this CRA law that is working and serving our families and serving our Nation so very well these last 22 years.

But in the Senate of course, they have, in fact, pulled back the requirements of CRA and in essence pulling away at the same time, I might say, that we are providing for financial modernization.

Well, one, financial modernization must indeed serve, not just the needs of the financial entities, that is banks, the insurance companies, and security firms, we must keep in mind that and focus, and the major focus should be on the people of this country that are served and the small businesses that need the type of help that only these financial institutions can offer. That in fact is the reason that of course we have in the first instance developed and provided the type of franchise and license that they have within our States and within the boundaries of this Nation.

So now more than ever, as we move to provide for these banks to have more opportunities and more powers to work together, we also need to be certain that the basic needs, the basic finance needs, the basic credit needs of our local communities are available for the small businesses, are available for home purchases, are available to serve, that they merely do not take the deposits and investments out of a community, but, in fact, they extend to that community the type of credit needs that are essential for a viable economy in our urban areas, in our rural areas, and in many others.

In my state, we have 550 banks. Nationwide, we have only 9,700 banks. So Minnesota disproportionately has about 5 percent of the banks. But many jurisdictions, there are not as many banks.

So it is very important that in fact the banks that are there are in fact taking up the responsibility and that they have in fact accepted, when they accepted the franchise, to serve these needs.

I see some of my colleagues on the floor this that I know are interested, as I am, in maintaining this important community reinvestment act law.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE), the ranking Democrat on the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Minnesota very much for yielding to me.

Mr. Speaker, I am so pleased to join the gentleman from Minnesota (Mr. VENTO), who has been a real champion of financial services reform, of housing and community development, and most especially of the Community Reinvestment Act.

There have been great successes with respect to the Community Reinvestment Act. Possibly within the next week, surely if the House passes a financial services reform bill, surely in conference with the Senate, we are going to have to take up the issue of CRA. We ought not backtrack on our commitment to the Community Reinvestment Act one iota.

Now, some within the United States Congress may seek to portray the CRA as an impediment rather than as an incentive to sound banking practice. They are absolutely wrong. The Community Reinvestment Act has resulted in a tremendous amount of capital investments in our communities. It is the Community Reinvestment Act that has caused that investment in our community.

As the gentleman from Minnesota (Mr. VENTO) said, this law was passed by the Congress in 1977. There was a reason for it. To combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve.

When we view the 2 decades plus that have passed since 1977, we can say that it has been a resounding success. Its success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community minded financial institutions. Working together, the CRA has proven that local investment is not only good for business, but critical to improving the quality of life, especially for low and moderate-income residents in the communities financial institutions serve.

We can applaud the financial institutions for the work they have done in meeting the CRA requirements, the CRA obligations. At present, it is estimated that almost 98 percent of all financial institutions have achieved at least a satisfactory or better CRA compliance rating. So obviously it is not that difficult of a requirement if 98 percent of the institutions are being rated at least satisfactory.

In my own district, for example, CRA loans have led to the development, one example, of 138 units of low-income senior housing as well as permanent financing for a group home for the developmentally disabled. Local banks participate in the Buffalo Neighborhood Housing Services Revolving Loan Fund, the Niagara Falls Housing Services Revolving Loan Fund, et cetera. These enable local neighborhood housing service agencies to acquire and rehabilitate numerous vacant properties and resell them to low and moderate-income constituents.

CRA lending by local banks in my district has also lead to job growth. For example, local banks have worked with the minority and women-owned loan program of western New York to create pro bono counseling and monitoring services to minority and women loan applicants during the pre-application and post-loan periods of a new business.

In addition, CRA lending has resulted in the construction and financing for manufacturing facilities, which resulted in the retention of hundreds of jobs, the creation of hundreds of jobs in Niagara, Erie, Orleans, and Monroe County.

Mr. Speaker, I strongly support the Community Reinvestment Act and the successes achieved in combatting discrimination. I applaud our financial institutions for their strong compliance record. I welcome their continued success. I repeat, we will pass no banking legislation in this Congress if there is even a scintilla of a retreat from the CRA commitment.

Mr. VENTO. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for his strong statement, the ranking member of the Committee on Banking and Financial Services.

I also would point out that, as he read the recognition in Buffalo, New York, his hometown, of the accomplishments, that CRA accomplishes all this without any Federal grants of dollars, without any taxation passed. It accomplishes all of that simply by permitting banks to do what banks are supposed to do, to loan money to creditworthy individuals. That is the only test here, and to be certain that that is done in the jurisdictions or service areas in which they are doing business.

It is, I think, very important to understand that this is what banks are expected to do, why they are licensed. They have a franchise. This is a law and a policy that is working, that has reoriented, that has helped banks focus on the major impetus and the nature of the business that they are involved and so fundamental to the working of our economy.

Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania (Mr. KANJORSKI), the ranking member on the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, a good friend and a strong supporter of CRA.

Mr. KANJORSKI. Mr. Speaker, I rise today in support of what the gentleman from New York (Mr. LAFALCE), our ranking member, has stated and what the gentleman from Minnesota (Mr. VENTO) has stated.

But I want to give a different perspective. I am sure that the people that are observing this discussion tonight may be asking some very fundamental questions, like what is the responsibility of government to get involved in the banking business and tell them what they have to do with their money? I want to give just some concrete examples as to why we derive that authority and why it is important.

Banking institutions are licensed in the United States, and they derive two great measures of support from the American people. That is, one, that the deposits made in national and insured banks in America are insured by the full faith and credit of the United States, so that every individual who makes a deposit in an American bank up to $100,000 is absolutely certain that regardless of the economic circumstances that may occur in this country their money is secure and receivable by them on demand.

□ 1945

So the insured deposit feature is unique. In no other instance that I am aware of does government insure the private sector's potential losses so that their customer, the bank, can be satisfied that their money is not at risk.

The second factor and special opportunity that is offered to banks that is not offered to other private businesses in America is the fact that they have the right to use the open window at the Federal Reserve for drawing down funds to maintain solvency. No other institution that I am aware of can draw funds at Federal Treasury rates in order to see that their liquidity remains constant and sufficient to carry on the success of their business, particularly at those times when the economy gets out of whack and there may be a run on a bank or there may be an unusual demand or a need for funds. The bank knows that it can go to the open window and derive those funds and that the open window issues those funds because the United States Treasury stands behind them.

Now, that is the reason why we have a unique set of circumstances that allows the Congress to work with the private sector, the banking institutions, as to how they can better serve the community.

Quite frankly, it was my opinion that Community Reinvestment Act provisions were not working very well in the beginning. And as I traveled around my district and traveled around the State of Pennsylvania and the Nation and I talked to bankers, there was a great deal of discomfort with CRA. And their discomfort was that there was a great deal of documentation required in order to satisfy the process and that performance or the process of documentation was extremely expensive to the banks.

I remember on one occasion being asked to come by a small bank run by a friend of mine, Paul Reichart, at Columbia County Farmers National Bank in Columbia County, Pennsylvania, and he led me in to meet with his counsel and some members of his board and himself, and a table much like the size of the table I am speaking from now was piled about a foot high with material. What he expressed to me was the little bank in Columbia County, Pennsylvania, had to go through all this documentation in order to comply with CRA.

I believe, if I recall correctly, it was 1991. And the cost of that compliance was about $55,000. They were disturbed. And the argument, made very simply, was that as a small community bank, why do we have to spend all this money that is directly off the bottom line to document compliance with an act of Congress when, in fact, we could not survive if we were not making loans, primarily to the community and to the participants that surround us within a very small radius, maybe 30 miles. I thought they had a strong logical argument.

As a matter of fact, based on their argument, I came back to Washington and prepared an amendment in 1991 that I offered to some of the banking acts that were going through at that time which would have exempted small institutions of less than $100 million in assets from CRA documentation requirements. At that time, the amendment did not go through, and no progress was made and frustration continued to exist for at least another year. But, luckily, the new administration of President Bill Clinton recognized that problem and, primarily as it applied to small banks, and it directed a reform of the situation.

The President directed the then-Comptroller of the Treasury, Gene Ludwig, who did a comprehensive interagency review and reform of CRA. And what he did basically reinvent and streamline the entire process of documentation and performance and, as a matter of fact, laid down the condition that it was no longer the documentation that was important it was, instead, the performance that was important. And on the basis of that, now banks with little documentation and little expense, regardless of their size, can comport with the standards in the Community Reinvestment Act to be assured that there is satisfaction and compliance.

And as my friend, the gentleman from New York (Mr. LAFALCE) just stated, 98 percent of the banks in the

United States today are in satisfactory compliance at much less cost because of the reforms made under Ludwig's administration as Comptroller of the Currency.

Today, as I travel around banks in Pennsylvania and the Nation, I do not hear the horrendous stories or complaints. As a matter of fact, I find now a new partnership has arisen between community banks and larger banks and the communities they serve. They are reaching out in ways they have never reached out before and are performing in ways they have never performed before.

Now, I have to be thorough in my disclosure, because before I came to Congress I had the opportunity to serve on a small community bank board of directors, and I know that it was extremely difficult at that time for small banks and small boards of that nature to answer to big government in Washington as to what could get done. But with the reforms that Mr. Ludwig put into place, that very bank today is operating, and when I talked to the President not more than a month ago, he is very satisfied and actually seeking out community reinvestment loans wherever they can happen.

So from the smallest community bank to the largest regional banks to the largest national banks the process has been changed, focusing away from documentation and focusing more on performance and ease and speed and less cost and less conflict in arriving at the standards to satisfy these requirements.

I think, now, in 1999, there is really not a sane, logical argument that can be made that in any way do Community Reinvestment Act requirements prohibit the private banking system or cause it any great cost or exposure, but in fact has made them address that return; that banks are private businesses but also the holders of great benefits from the licensing of their bank by the insurance they have in deposits and by access to the open window. They now know that they can perform even something better for their community by being a good citizen.

And quite frankly, I would like to take the time to congratulate these banks, the community banks, the regional banks and the large banks. Over the last 8 years, since I drafted that amendment, I think they have made major strides, proving that smart reinvented government, as instituted under President Clinton and Gene Ludwig, when he was Comptroller of the Currency, have really established a program, cleaned away the problem areas, and have led to real participation.

Let me mention some of that participation. In 1997, banks and thrifts subject to CRA reporting requirements made $2.6 million small business loans totaling $159 billion. And they also made $18.6 billion in community development loans and investments.

This is an incredible record of the private sector of America recognizing that in conjunction with a cooperative regulator and with a policy established and enunciated by this Congress that the public's interest can be well served to the benefit of not only the government and the regulators but to the communities across America. Thousands of new jobs have been created all over America and in distressed communities.

And I happen to look at CRA now from an entirely different viewpoint. This is one of the arrows in our quiver to meet the distressed areas of America in offering opportunities for community development and economic development in the place that really counts and with the private sector participation in market forces to make better judgments of economic development money than the government could ever make on its own.

This is not a panacea. This does not solve all our problems, but it certainly does show that a government program, properly administered, properly defined and judged on performance and not documentation alone, can in fact, change the opportunities, both economic and community opportunities, of many millions of American citizens.

So tonight, I come to the Congress to join my friend from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, reclaiming my time, and not to cut the gentleman off, but to have him as an ally, I must say that the anxiety that he created by challenging CRA has, I think, in that legislation that was proposed some decade or so ago, has actually been turned into a motivation. Because I think the gentleman from Pennsylvania, as always, was operating in very good faith and is of quite a significant ability. And I think the result has been that, as he pointed out, that Gene Ludwig and the other regulators were brought to the table, including the Federal Deposit Insurance Corporation and the office of Comptroller of the Currency, as well as the Federal Reserve Board, who are now all strong proponents of CRA.

In streamlining the process, we made it easier for smaller banks to comply and able to deliver the tremendous results in 1996 that the gentleman talked about. We are talking about hundreds of billions of dollars of investment. That means homes, that means jobs. Obviously, a good economy has helped, but, clearly, CRA is meeting those local needs. It is a great success, even if Congress did have something to do with crafting the policy and perhaps perfecting it and getting an administration that frankly has operated in good faith. Instead of fighting this, this administration decided to use it and to shape it and to craft it so it would serve working families across this Nation.

So I thank the gentleman from Pennsylvania (Mr. KANJORSKI), and I welcome my colleague, the gentleman from Vermont (Mr. SANDERS), who is an able member of our committee and a strong advocate of CRA and consumer law generally, and I yield to the gentleman.

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. VENTO) very much for organizing this special order, and I want to go on record in agreeing with the remarks that the gentleman has made, as well as the comments of the ranking member of the committee, the gentleman from New York (Mr. LAFALCE), and the gentleman from Pennsylvania (Mr. KANJORSKI). I think what they had to say is appropriate, and I am in agreement with it.

Mr. Speaker, we see on the television virtually every night and we read in the newspapers that the economy is booming, and some people say it has never been so good. But when I speak to working families in the middle class in the State of Vermont they have a slightly different interpretation of what is going on in the economy. Because for many of those people, they are working longer hours for lower wages than they were 20 years ago. And while we are all delighted that Bill Gates saw a $40 billion increase in his wealth last year, that is really not the case for most the people in the State of Vermont. They are struggling hard to keep their heads above water.

One of the major problems we face in the State of Vermont has to do with affordable housing. If anything, that crisis is becoming more acute not only in my State but in States throughout this country. So it is very clear to me that one of the important tools that we have to build affordable housing, and to have the banks throughout this country play a responsible role in their communities is what we have done through the Community Reinvestment Act, which, in fact, is working extremely well in this country today and which must not be weakened.

I would agree with the gentleman from New York (Mr. LAFALCE) in his remarks of a few moments ago that if CRA is weakened, we should not pass any banking legislation that does that, and I would strongly urge the President to veto any legislation which weakens CRA.

Mr. Speaker, I recently took part in a ribbon cutting celebration to commemorate the successful redevelopment of the Applegate Housing Development in Bennington, Vermont. The successful redevelopment project involved the efforts of many good people and organizations, including the residents, who in fact came together through a strong tenants' association. A nonprofit housing developer, civic leaders, the people in Bennington and their local government played a very positive role in this effort, as well as government officials and local banks. And the CRA was a vital part of that effort.

Until recently, Applegate was an apartment complex where the plumbing water backed up into the bathtubs, vacancy rates exceeded 50 percent, and crime was a serious problem. Today, Applegate is a completely renovated community where families can live in peace and comfort and children have the kind of opportunities to which they are entitled.

□ 2000

The truth of the matter is that the State of Vermont has a network of excellent community banks that is working with local nonprofit housing developers to build and rehabilitate housing for the benefit of low- and moderate-income families. CRA helps them make an important part the American dream, a decent and safe place to live accessible to all Vermont.

The CRA encourages federally insured financial institutions to provide deposit and credit services throughout the communities in which they do business, including low- and moderate-income areas, and it is working. I think that there should not be major disagreement in this body that we simply do not want to see banks lend to institutions and businesses that are running off to Mexico or China and investing in those countries. We want to see banks reinvest in our communities. And that is what the CRA process is about.

The CRA is helping to rebuild the economies of the stressed communities. It is making homeownership accessible to more Americans. It is helping to start small businesses and to create decent paying jobs. Since it was passed in 1977, CRA is credited with lending $1 trillion in loans to low- and moderate-income communities. And this is a significant achievement.

CRA is good for consumers, and it is good for communities. It is also good for the banking business because it encourages financial institutions to look for business opportunities they might otherwise miss.

Mr. Speaker, as I mentioned earlier, not everyone in our society is benefiting from the growth in our economy. An estimated 10 million Americans lack decent, affordable housing. It is not uncommon in the State of Vermont and, I dare say, in Minnesota to find families paying 40, 50 or more percent of their limited income for housing. That is not affordable housing.

In rural America, more than 9 million people are living in poverty. Rural communities across the country cannot get the development funds or the consumer credit they need, and in urban areas the lack of affordable housing leaves more and more working Americans without homes.

Instead of dismantling the CRA, as some in Congress would have us do, we must strengthen it. Congress is once again considering a bill to quote, unquote modernize the financial services system. But that bill fails to modernize the CRA to preserve its effectiveness in the changing financial system. The changes taking place in today's financial marketplace threaten to make it even more difficult for low- and moderate-income families to get the bank services they need and deserve. Without access to private capital that the CRA provides for low- and moderate-income consumers and communities, homes will not be renovated, small businesses will not be started, new jobs will not be created, and neighborhoods will not be rebuilt.

We need to save the CRA from those in Congress who would tear it down. I urge my colleagues to resist any effort to weaken the CRA.

Again, I want to thank the gentleman from Minnesota (Mr. VENTO) for his leadership role in this.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for his poignant comments with regards to this.

As we look at a successful economy today with low income rates, at least we hope for the near future, and with high employment and low inflation, and the gentleman reminds us all again that while these numbers look very good in some folks' view, the fact is that nobody lives on the average. I think we want to come forward together.

One of the things that CRA has done is to try to reach back and to pull up those in our society that have not had the opportunity. We hold forth the promise in this Nation that is we work hard that we can get ahead, that we are going to be treated fairly. And of course an essential part of that is to have employment, to have a fair wage, and to have a fair opportunity to participate in the economy to achieve the American dream.

I must say that this administration has, by virtue of its goals and by virtue of the economy, been successful in achieving that. For the first time in our history, 67 percent of the families in our nation have homeownership.

That still, of course, leaves out many of those that do not. And, of course, we are experiencing higher rents and all sorts of housing programs. But CRA specifically addresses housing. One of the statistics, for example, is that from 1993, I believe these statistics are through 1998, African-Americans homeownership mortgage loans increased by 58 percent and those to Hispanics by 62 percent and to low- and moderate-income borrowers by 38.

So the low and moderate market was getting a 38-percent increase. And we can see the African-American population and the Hispanic population greatly exceeded that, which I think indicates that in fact the CRA efforts tailored and targeted to meet and to try to serve those communities are very helpful.

Now, there are many aspects that have happened simply because CRA has acted as a catalyst. In other words, the necessity is that banks need to do this and they are looking for creditworthy, sound business decisions to make in their local communities and that precipitates other organizations to come forward, whether they are community development corporations, whether they are local governments, whether they are faith-based organizations, whether they are neighborhood housing services, some of the very laws that we put in place.

One, of course, is the Neighborhood Reinvestment Corporation, which has set up a goal over a period of years to in fact provide 25,000 new homeowners by 2002. And they are almost halfway there. And just to read the numbers, the median income for participating families is about $25,000. And that is 36 percent below the national median income. The Neighborhood Reinvestment Corporation, 67 percent have very low incomes and 26 percent have moderate. So here they are meeting these needs. But they condition do it without the seeds.

We have some folks who for a long time the national Government provided housing programs which they paid for building it, maintaining it, paid the subsidies, paid to keep it repaired. And it produced some pretty good housing. Much of it still exists, as a matter of fact, and it is not being threatened by the opt-out. But there are a lot of Members here on the floor and some other places that think all we have to do is provide the fertilizer. And I would suggest that we need these seeds. And the seeds that make these housing programs grow are the CRA provisions, are these small programs in local organizations.

That is why local communities such as our mayor organizations, the counties, the States all are strong proponents of the Community Reinvestment Act. It works. It is a great success. And it is an insurance that banks will be questioned as to whether they are meeting those local needs and serving those working families and their service areas need to be served. So it is a tremendous success.

It is a fact, of course, that many now I think belatedly based on perhaps past problems or impressions that they have seek to try and erode this important consumer law, this important focus that we have established for financial institutions.

Mr. Speaker, I yield further to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. I would concur with what my friend from Minnesota said. But the bottom line for me is that in this great and wealthy country, we should be outraged that so many millions of families are still not latching on to the American dream despite the fact that they are working long and hard hours. Clearly an essential part of what the American dream is about is to have a decent house in a decent community.

We should also understand that, if my memory is correct, the banking industry right now is enjoying record-breaking profits. And I think, as the gentleman from New York (Mr. LAFALCE) made very clear, because of acts of the United States Congress, banks have certain benefits, among other things, the FDIC, which guarantees the money that is in those banks. And banks, therefore, have a responsibility to their communities and many banks understand that.

But essentially, if this institution, the Congress, is to mean anything, we have got to stand up for those people who are not earning huge sums of money, those people who are not living on the mansions on the Hill. We have got to address the needs of senior citizens and working families who are paying 40, 50, 60 percent of their limited incomes for housing.

As my colleague the gentleman from Minnesota (Mr. VENTO) indicated, the CRA in fact has been an extremely successful program. It has done what it is supposed to do. It has created affordable in Vermont and throughout this country. It has helped small business create decent paying jobs.

We must stand firm against anyone in this institution who wants to weaken a program that has worked so well for working families in this country.

Mr. VENTO. Mr. Speaker, I would point out that today many large financial institutions have in fact developed departments and units within their banks that are called CRA units. So they are actively engaged.

The phenomenal effect of this law has changed in a sense the corporate structure of banks. So where before they might have been more interested in loans in the Grand Cayman Islands or some other exotic place, which obviously they thought they could make money with, and there is nothing wrong with profits, nothing wrong with financial institutions making money, but the fact is that we also want them to serve these communities. And so they have developed within their corporate structure offices that specialize in meeting these needs.

So within our large financial institutions and some middle-size institutions, they actually have assigned this responsibilities with officers that exclusively work on community reinvestment activities and they have discovered, lo and behold, they can make money out of that part of the portfolio. And so with small banks I think they have a phenomenal record.

I am looking at one small bank from my community called the University National Bank, and the comptroller has given them great credit, but I just want to give the gentleman from Vermont (Mr. SANDERS) and my other colleagues an idea that the percentage of CRA loans in their portfolio in 1994 was only 14 percent. In 1995 it was 38 percent of the portfolio. In 1996 it was 60 percent. And in 1998, it is, get this, 75 percent. It is inner city bank that was not acting much like an inner city bank. It was not an active participant in the community. This is just one example.

I know that I have Western Bank in my area that is headed by a friend, Bill Sands, this is president, long-time name in Minnesota, and is doing an excellent job both in terms of economic development and in terms of mortgage lending.

So many of these small banks, even their organizations, for instance today the American Banking Association supports the CRA law. And of course their counterpart, which represents a significant number of bank and sometimes smaller banks, the Independent Bankers Association of America, also supports and recognizes the changes made in the law have been helpful.

Now, individually there are probably some banks that are still in a state of denial with regard to this law.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield further, I would comment that those banks that he is referring to I presume are not losing money, they are making money and they are making money the right way, by reinvesting in their communities.

I think, not to wander away from the subject at hand, there is a real concern throughout this country about the loss of decent paying jobs and the fact that big money interests are much more interested in investing in China or Mexico to help companies make a quick buck exploiting cheap labor in those countries rather than reinvesting in the United States, rather than reinvesting in our community.

What CRA is about, which is so essential and so right, it says reinvest in our communities, create new jobs in our communities, start small businesses in our communities, give people affordable housing in our communities. And you know what, banks? You can make money doing that. You do not have to just help people invest in China.

So I think the gentleman and I are in agreement, the CRA is a success story. And I hope very much that no one in Congress wants to come forward to dismantle it or to weaken it. And if they do, I hope that the President will do the right thing and inform them that any legislation which weakens CRA will be vetoed.

Mr. VENTO. Mr. Speaker, we are going to be certain that the banks assume these new responsibilities, that there is an opportunity to examine whether or not there is in fact CRA activity that they are meeting, that they will have satisfactory rates, and that that rating is something that holds up, that CRA rates and exams go on at the same time as other exams go on. We want banks to have enough capital. We want them to be subject to what we call our CAMEL's rates in terms of capital assets management and other liquidity and other factors that are so important.

But also, I think we want them in a sense to say CRA says you cannot just be passive, you cannot just be reactive, you have to be proactive. And that is exactly what they are doing.

□ 2015

There are many ways that they can do this. There are in fact new aspects where individual companies, entities have sprung up that permit banks to buy securities that will help them meet their CRA requirement.

Supporting home ownership efforts. As the gentleman from Vermont knows from our interest in terms of housing, that very often today we need to in fact school individuals on what it is to be a homeowner. For instance, in my community, I have a large population of Southeast Asians that has emigrated from Laos. The fact is that they did not have as much information about what it is to be homeowners. Today that is turning around. Now we have realtors that are Southeast Asians that are Hmong that are in fact selling the homes. We have others of course that are buying them. They are going to be a very important part of our community. Banks reaching out, working with these communities, trying to teach how you become a homeowner. What the procedures are, the requirements, how you take care of a home, how you manage the dollars and keep it in repair are very important in terms of home ownership.

We have programs, as an example, that deal with single parent families, very often women, and trying to give them the resources and the know-how so that they can become homeowners. These are all programs that are helped and assisted by CRA, that provide some of the seed money for creditworthy types of ventures. We know that if we educate and invest in people, that they then have the ability, they may not have as much income but they have the ability then to understand what is necessary and they may have a network of support very often through a neighborhood housing services program, through a church, through social activities so that they have the network support that permits them to become successful homeowners.

We are doing the same thing, as the gentleman knows, through the community development financial institutions, programs like the PRIME program and the Microenterprise programs, all of which depend upon banks to come forward after we have built capacity in the communities to in fact invite people to become owners of business, to be involved in our economy. This is very essential in fulfilling the promise of what this Nation is about in terms of earning your own way, the sort of rugged individualism. It is fine, but we need to build the types of capacity in terms of the people that we represent and the working families, which may not be like yesterday's working families, but build the capacity so that they can be successful. Our financial institutions, have always been an important part of that. Our banks have. CRA today is one way of ensuring that they can demonstrate and pointing the way, keeping in focus the service to the geographic area and the service areas in which these financial entities derive their deposits and provide their loans and play that essential role that is the magic of our great American economy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered into, was granted to:

The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:

Ms. Norton, for 5 minutes, today.

Ms. Carson, for 5 minutes, today.

Mr. Allen, for 5 minutes, today.

Mrs. Maloney of New York, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. Hinchey, for 5 minutes, today.

Mr. Lipinski, for 5 minutes, today.

The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:

Mr. Burton of Indiana, for 5 minutes each day, on June 29 and 30.

Mr. Duncan, for 5 minutes, today.

Mr. Fossella, for 5 minutes, today.

Mr. Wamp, for 5 minutes, on June 28.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, June 24, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2702. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Eighty-Fifth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 1998, pursuant to 12 U.S.C. 247; to the Committee on Banking and Financial Services.

2703. A letter from the Comptroller General, transmitting a report of the Research Notification System; to the Committee on Government Reform.

2704. A letter from the Management Analyst, Office of the Inspector General, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1998, through March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2705. A letter from the Writer/Editor, Office of the Inspector General, National Science Foundation, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2706. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the first six-months of fiscal year 1999 which ended on March 31, 1999, pursuant to 40 U.S.C. 188a-3; to the Committee on House Administration.

2707. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands [Docket No. 990304063-9063-01; I.D. 051499A] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2708. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 042399B] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2709. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, MO [Airspace Docket No. 99-ACE-10] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2710. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Shenandoah, IA [Airspace Docket No. 99-ACE-16] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2711. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rolla/Vichy, MO [Airspace Docket No. 99-ACE-26] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2712. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottawa, KS [Airspace Docket No. 99-ACE-21] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2713. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cresco, IA [Airspace Docket No. 99-ACE-13] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2714. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29581; Amdt. No. 1934] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2715. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Neosho, MO [Airspace Docket No. 99-ACE-11] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2716. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Thedford, NE [Airspace Docket No. 99-ACE-23] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2717. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Washington, IA [Airspace Docket No. 99-ACE-18] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2718. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29579; Amdt. No. 1932] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2719. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29580; Amdt. No. 1933] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2720. A letter from the Director, Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule—National Cemetery Administration; Title Changes (RIN: 2900-AJ79) received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2721. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Expense Deduction for Smoking-Cessation Programs [Rev. Rul. 99-28] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1651. A bill to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (Rept. 106–197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. EMERSON (for herself, Ms. McKinney, Mrs. Lowey, Mrs. Kelly, Mrs. Maloney of New York, and Ms. Ros-Lehtinen):

H.R. 2316. A bill to amend the Public Health Service Act to develop monitoring systems to promote safe motherhood; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mrs. Roukema, and Mr. Holt):

H.R. 2317. A bill to designate a portion of the Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. Sam Johnson of Texas, Mr. Lewis of Kentucky, Ms. Dunn, Mr. English, Mr. Crane, Mr. McCrery, Mr. Watkins, and Mrs. Johnson of Connecticut):

H.R. 2318. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 2319. A bill to make the American Battle Monuments Commission and the World War II Memorial Advisory Board eligible to use nonprofit standard mail rates of postage; to the Committee on Government Reform.

By Mr. GARY MILLER of California (for himself and Mr. Green of Wisconsin):

H.R. 2320. A bill to allow States to use a portion of their welfare block grants for general education spending; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 2321. A bill to amend title 5, United States Code, to ensure that coverage under the health benefits program for Federal employees is provided for hearing aids and examinations therefor; to the Committee on Government Reform.

By Mr. OBEY:

H.R. 2322. A bill to amend the Agricultural Adjustment Act to terminate Federal milk marketing orders; to the Committee on Agriculture.

H.R. 2323. A bill to require the national pooling of receipts under Federal milk marketing orders; to the Committee on Agriculture.

H.R. 2324. A bill to amend the Agricultural Adjustment Act to terminate Federal milk marketing orders and to replace such orders with a program to verify receipts of milk; to the Committee on Agriculture.

By Mr. STARK (for himself and Mrs. Thurman):

H.R. 2325. A bill to amend titles XVIII and XIX of the Social Security Act with respect to changing the requirements for surety bonds of home health agencies, durable medical equipment suppliers, and others under the Medicare and Medicaid Programs; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 2326. A bill to prohibit the expenditure of the Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; referred to the Committee on Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2327. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the United States Government exists; referred to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 2328. A bill to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; to the Committee on Transportation and Infrastructure.

By Mr. VISCLOSKY:

H.R. 2329. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida (for himself, Mr. Bilirakis, Mr. Stearns, Ms. Brown of Florida, Mr. Goss, Mr. Diaz-Balart, Mr. Young of Florida, Mrs. Fowler, Mr. Scarborough, Mr. Mica, Mr. Shaw, Mr. McCollum, Mr. Boyd, Mrs. Thurman, Mr. Davis of Florida, Mr. Canady of Florida, Mr. Miller of Florida, Mr. Foley, Mrs. Meek of Florida, Ms. Ros-Lehtinen, Mr. Hastings of Florida, Mr. Deutsch, and Mr. Wexler):

H.R. 2330. A bill to name the Department of Veterans Affairs outpatient clinic under construction at 2900 Veterans Way, Melbourne, Florida, as the "Jerry O'Brien Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Ms. DUNN (for herself, Mr. Matsui, Mr. Dreier, Ms. Eshoo, Mr. Goodlatte, Mr. Dooley of California, Mr. Davis of Virginia, and Mr. Weller):

H.R. 2331. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock and to provide that the exclusion relating to incentive stock options will no longer be a minimum tax preference; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 2332. A bill to authorize the United States to enter into an executive agreement with Canada relating to the establishment and operation of a binational corporation to operate, maintain, and improve facilities on the Saint Lawrence Seaway, and for other purposes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROMERO-BARCELO (for himself, Mr. McDermott, Mr. McGovern, Mr. Kennedy of Rhode Island, Mrs. Christensen, Mr. Frank of Massachusetts, Mr. Waxman, Mr. Serrano, and Mr. Rangel):

H.R. 2333. A bill to amend title XIX of the Social Security Act to remove special financial limitations that apply to Puerto Rico and certain other territories under the Medicaid Program with respect to medical assistance for Medicare cost-sharing and for veterans; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. Skelton, Ms. Millender-McDonald, Mr. Davis of Illinois, Mrs. McCarthy of New York, Mr. Pascrell, Mr. Hinojosa, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Gonzalez, Ms. Berkley, Mrs. Napolitano, Mr. Serrano, Ms. Brown of Florida, Mr. Clyburn, Mr. Fattah, Ms. Jackson-Lee of Texas, Ms. Kilpatrick, Mr. Rangel, Mr. Cummings, Mr. Wynn, Mrs. Clayton, Ms. Lee, Mr. Menendez, Mr. Ortiz, Mrs. Meek of Florida, Ms. Waters, Mr. Gutierrez, and Ms. Sanchez):

H.R. 2334. A bill to amend title 10, United States Code, to extend and make improvements to the provisions relating to procurement contract goals for small disadvantaged businesses and certain institutions of higher education, and for other purposes; to the Committee on Armed Services.

By Mr. STEARNS:

H. Con. Res. 142. A concurrent resolution to express the sense of the Congress that the Congress shall have the power to prohibit the desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Porter, Mr. Lewis of Georgia, Mr. Ackerman, Ms. Berkley, Mr. Berman, Mrs. Capps, Mr. Deutsch, Mr. Gejdenson, Mrs. Lowey, Mr. Martinez, Mr. George Miller of California, Mr. Nadler, Ms. Pelosi, Mr. Rothman, Ms. Schakowsky, Mr. Sherman, Mr. Waxman, Mr. Weiner, and Mr. Wexler):

H. Res. 219. A resolution expressing the sense of the House of Representatives condemning the arson attacks against three California synagogues on June 18, 1999; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD (for herself, Mr. Barrett of Wisconsin, Mr. Bonior, Mr. Coyne, Mr. Cummings, Mr. Frost, Mr. Gutierrez, Ms. Norton, Ms. Jackson-Lee of Texas, Mrs. Kelly, Ms. Kilpatrick, Mr. McNulty, Mrs. Meek of Florida, Mr. Meehan, Mrs. Napolitano, Mr. Shows, Mr. Thompson of Mississippi, and Mrs. Jones of Ohio):

H. Res. 220. A resolution expressing the sense of the House of Representatives with regard to the heart disease in women; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

21. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Concurrent Resolution No. 45 memorializing the President, the Congress, and the Navy of the United States of America, on behalf and in representation of the People of Puerto Rico, to immediately respond to the plea of our people to immediately and permanently cease air and naval firing and bombing military practices with live ammunition in the island municipality of Vieques and surrounding waters; to the Committee on Armed Services.

122. Also a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1608 memorializing the United States Congress to repeal Section 656(b) of P.L. 104–208; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Saxton.

H.R. 8: Mr. Dooley of California and Mr. Engel.

H.R. 25: Mr. Greenwood.

H.R. 90: Ms. Pelosi and Mr. Phelps.

H.R. 123: Mr. Bachus, Ms. Calvert, Mrs. Johnson of Connecticut, and Mr. Rogers.

H.R. 303: Mr. Gilman, Mr. Frost, and Ms. Rivers.

H.R. 306: Mr. Upton.

H.R. 347: Mr. Taylor of North Carolina.

H.R. 413: Mr. Udall of New Mexico and Mr. Abercrombie.

H.R. 423: Mr. Ose.

H.R. 456: Mr. Bartlett of Maryland.

H.R. 489: Mr. Weiner and Mr. Thompson of Mississippi.

H.R. 531: Mr. Aderholt.

H.R. 557: Mr. Kucinich and Mr. Bentsen.

H.R. 583: Mr. Borski and Mr. Ehlers.

H.R. 614: Mr. Lucas of Kentucky.

H.R. 625: Mr. Stupak.

H.R. 697: Mr. Burton of Indiana, Mr. DeMint, and Mr. Jenkins.

H.R. 721: Mr. Lewis of Georgia.

H.R. 750: Mr. Largent.

H.R. 772: Mr. Udall of New Mexico.

H.R. 784: Mr. Bliley and Mr. Moran of Virginia.

H.R. 798: Mr. Crowley, Ms. Rivers, Mr. Wu, and Mr. Evans.

H.R. 826: Mr. Lampson.

H.R. 860: Mr. Oberstar, Mr. Quinn, and Mr. Menendez.

H.R. 925: Mr. Delahunt and Mr. Rahall.

H.R. 933: Mr. Hall of Ohio and Mrs. Mink of Hawaii.

H.R. 958: Mr. Matsui.

H.R. 1020: Mr. Berman, Ms. Pelosi, Mr. Bishop, Mr. McGovern, Mr. Oberstar, Ms. Slaughter, Ms. Lee, and Mr. Lampson.

H.R. 1039: Ms. Pelosi, Mr, Dixon, and Mr. Leach.

H.R. 1057: Mr. Waxman and Ms. Pelosi.

H.R. 1083: Mr. Goodlatte.

H.R. 1115: Ms. Valazquez, Ms. DeLauro, and Mr. Roemer.

H.R. 1168: Ms. Woolsey and Mr. Taylor of North Carolina.

H.R. 1217: Mr. Weller, Mr. Stump, Mr. Ackerman, Mr. Clement, and Mr. Jenkins.

H.R. 1221: Mrs. Wilson and Mr. Terry.

H.R. 1224: Ms. Berkley, Mr. Larson, and Mr. Davis of Illinois.

H.R. 1238: Mr. Davis of Illinois, Ms. Kaptur, and Mr. DeFazio.

H.R. 1257: Ms. Eddie Bernice Johnson of Texas.

H.R. 1265: Ms. DeLauro and Mr. Engel.

H.R. 1300: Mr. Allen and Mr. Dreier.

H.R. 1303: Mr. Rangel, Mr. Lewis of Georgia, and Mr. Gutierrez.

H.R. 1317: Mr. Lewis of Kentucky and Mr. Sherwood.

H.R. 1325: Mr. LaFalce, Mrs. Meek of Florida, Mr. Borski, and Mr. Blumenauer.

H.R. 1358: Mr. Walden of Oregon.

H.R. 1396: Mrs. Maloney of New York, Ms. Schakowsky, Mr. Sherman, Mr. Nadler, Mr. Serrano, Mr. Watt of North Carolina, Mr. Meehan, Ms. Jackson-Lee of Texas, Mrs. McCarthy of New York, Mr. Engel, Ms. Pelosi, Mr. Neal of Massachusetts, Mr. Pallone, and Mr. Evans.

H.R. 1402: Mr. Dicks, Mr. Martinez, Mr. Abercrombie, Mr. Cunningham, Mr. Duncan, Mr. Kennedy of Rhode Island, and Mr. Gibbons.

H.R. 1427: Mr. Bliley.

H.R. 1435: Mr. Manzullo.

H.R. 1509: Mr. Fossella, Mr. Baldacci, Mr. Skelton, Ms. DeLauro, Mr. Hall of Texas, Mr. Kennedy of Rhode Island, Mr. Foley, and Mr. Gephardt.

H.R. 1531: Mr. Rahall and Mr. Thompson of Mississippi.

H.R. 1549: Mr. Phelps.

H.R. 1567: Mr. Edwards.

H.R. 1590: Mr. Davis of Illinois.

H.R. 1671: Mr. Davis of Florida and Mr. Luther.

H.R. 1684: Mr. Martinez and Ms. Slaughter.

H.R. 1714: Mr. Shadegg.

H.R. 1796: Mr. Kennedy of Rhode Island and Ms. Hooley of Oregon.

H.R. 1816: Mr. Inslee.

H.R. 1832: Ms. McKinney and Mr. Martinez.

H.R. 1842: Mr. Dicks and Mr. Jenkins.

H.R. 1850: Mr. Andrews and Mr. Crane.

H.R. 1858: Mr. Blunt, Mr. Stearns, and Mr. Etheridge.

H.R. 1920: Mr. Kind.

H.R. 1932: Mr. Davis of Illinois, Mr. Lucas of Kentucky, and Mr. Green of Wisconsin, Ms. Berkley, and Ms. Carson.

H.R. 1962: Mr. Ganske.

H.R. 1990: Ms. Eddie Bernice Johnson of Texas.

H.R. 1991: Mr. Jefferson.

H.R. 2028: Mr. Hostettler, Mr. English, and Mr. Hyde.

H.R. 2088: Mr. Hall of Texas.

H.R. 2125: Ms. Roybal-Allard.

H.R. 2172: Mr. McNulty, Mr. LaTourette, Mr. Franks of New Jersey, and Mr. Pascrell.

H.R. 2241: Mr. Wexler, Ms. Ros-Lehtinen, Mr. Lucas of Oklahoma, and Mr. Maloney of Connecticut.

H.R. 2244: Mr. Baker.

H.R. 2252: Mr. Largent.

H.R. 2260: Mr. Pombo, Mr. Hostettler, Mr. Armey, and Mr. English.

H.R. 2282: Mr. Aderholt.

H.R. 2283: Mr. Clay and Mr. Bishop.

H.R. 2300: Mrs. Chenoweth, Mrs. Emerson, Mr. Regula, Mr. Cunningham, Mr. Aderholt, Mr. Barr of Georgia, Mr. Coburn, Mr. Weldon of Pennsylvania, Mr. Fossella, Mr. Isakson, Mrs. Roukema, Mr. Souder, Mr. Sweeney, Mr. Green of Wisconsin, and Mrs. Bono.

H.R. 2306: Mrs. Meek of Florida and Mr. McNulty.

H.J. Res. 41: Mrs. Mink of Hawaii, Mrs. Lowey, and Ms. Stabenow.

H.J. Res. 55: Mr. Bartlett of Maryland, Mr. Dickey, Mr. Hostettler, Mr. Largent, Mr. Souder, Mr. Shadegg, Mr. Pitts, and Mr. Herger.

H.J. Res. 57: Mr. Hunter, Ms. Woolsey, Mr. Cook, Ms. Kaptur, Mr. Kucinich, Mr. Taylor of Mississippi, Mr. Stearns, and Ms. McKinney.

H.J. Res. 58: Mr. Royce.

H. Con. Res. 30: Mr. Sununu.

H. Con. Res. 38: Mr. Engel, Ms. McKinney, Mr. Brady of Pennsylvania, and Ms. Schakowsky.

H. Con. Res. 62: Mrs. Mink of Hawaii, Mr. Rohrabacher, Mr. Udall of New Mexico, Mr. Crane, and Mr. McHugh.

H. Con. Res. 100: Mr. Davis of Illinois and Mrs. Lowey.

H. Con. Res. 124: Mrs. Napolitano, Ms. Velázquez, Mr. Gejdenson, and Mr. Frost.

H. Con. Res. 130: Mr. LaTourette.

H. Con. Res. 133: Ms. Millender-McDonald, Mr. Hinchey, and Mr. Berry.

H. Res. 89: Mr. McGovern.

H. Res. 115: Mr. Inslee.

H. Res. 144: Mr. Engel.

H. Res. 146: Mr. Fattah, Mr. Greenwood, Ms. DeLauro, Mr. Pallone, Ms. Schakowsky, Mr. Blagojevich, Mr. Abercrombie, Ms. Kilpatrick, Mr. Houghton, Mr. Hinchey, Mr. Kleczka, Mr. Hall of Ohio, Mr. McNulty, Mr. Dingell, Mr. Lewis of Georgia, Mr. Sherman, Mr. Udall of Colorado, Ms. Eddie Bernice Johnson of Texas, Mr. Rodriguez, Mr. Becerra, Mrs. Thurman, Mr. Watt of North Carolina, Mr. Serrano, Mr. Crowley, Mr. Foley, Ms. Slaughter, and Mr. Young of Florida.

H. Res. 201: Mr. Stark.

PETITIONS, ETC.

Under clause 3 of rule XII,

20. The SPEAKER presented a petition of the Los Angeles County Federation of Republican Women, relative to Resolution No. 1–99 petitioning support for House Concurrent Resolution No. 30; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1658

Offered By: Mr. Hutchinson

Amendment No. 21: Page 5, strike line 22 and all that follows through line 5 on page 9 and insert the following:

"(6)(A) An innocent owner's interest in property shall not be forfeited in any judicial action under any civil forfeiture provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act of 1952.

"(B)(i) With respect to a property interest in existence at the time the illegal act giving rise to forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence—

"(I) that the person did not know that the property was being used or was likely to be used in the commission of such illegal act, or

"(II) that upon learning that the property was being used or was likely to be used in the commission of such illegal act, the person promptly did all that reasonably could be expected to terminate or to prevent such use of the property.

"(ii) With respect to a property interest acquired after the act giving rise to the forfeiture took place, a person is an innocent owner if the person establishes, by a preponderance of the evidence, that the person acquired the property as a bona fide purchaser for value who at the time of the purchase did not know and was reasonably without cause to believe that the property was subject to forfeiture. A purchaser is 'reasonably without cause to believe that the property was subject to forfeiture' if, in light of the circumstances, the purchaser did all that reasonably could be expected to ensure that he or she was not acquiring property that was subject to forfeiture.

"(iii) Notwithstanding any other provision of this paragraph, no person may assert an ownership interest under this paragraph in contraband or other property that is illegal to possess. In addition, except as set forth in clause (ii), no person may assert an ownership interest under this paragraph in the illegal proceeds of a criminal act, irrespective of State property law.

"(C) For the purposes of this paragraph:

"(i) An 'owner' is a person with an ownership interest in the specific property sought to be forfeited, including but not limited to a lien, mortgage, recorded security device or valid assignment of an ownership interest. An owner does not include—

"(I) a person with only a general unsecured interest in, or claim against, the property or estate of another person;

"(II) a bailee, unless the bailor is identified, and the bailor has authorized the bailee to claim in the forfeiture proceeding, pursuant to the Supplemental Rules for Admirality and Maritime Claims;

"(III) a nominee who exercises no dominion or control over the property; or

"(IV) a beneficiary of a constructive trust.

"(ii) A person shall be considered to have known that such person's property was being used or was likely to be used in the commission of an illegal act if the Government establishes the existence of facts and circumstances that should have created a reasonable suspicion that the property was being or would be used for an illegal purpose.

"(D) If the court determines, in accordance with this paragraph, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

"(i) serving the property;

"(ii) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of the owner's ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

"(iii) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property. To effectuate the purposes of this paragraph, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of State law.

H.R. 1658

Offered By: Mr. Hutchinson

Amendment No. 22: Page 9, strike line 6 and all that follows through line 25 on page 10 and insert the following:

"(k)(1) A person with standing to challenge the forfeiture of property seized under this section may file a motion for the return of the property in the manner described in Rule 41(e), Federal Rule of Criminal Procedure. If such motion is filed, the court shall conduct a hearing within 90 days and shall order the release of the property, pending trial on the forfeiture and the entry of judgment, unless—

"(A) the Government establishes probable cause to believe that the property is subject to forfeiture, based on all information available to the Government at the time of the hearing;

"(B) the Government has filed a civil forfeiture complaint against the property, and a magistrate judge has determined there is probable cause for the issuance of a warrant of arrest in rem pursuant to the Supplemental Rules for Admiralty and Maritime Claims;

"(C) a grand jury has returned an indictment that includes an allegation that the property is subject to criminal forfeiture;

"(D) the person filing the motion had notice of the Government's intent to forfeit the property administratively pursuant to 19 U.S.C. 1608, and failed to file a claim to the property within the specified time period;

"(E) the property is contraband or other property that the moving party may not legally possess; or

"(F) the property is needed as evidence in a criminal investigation or prosecution.

"(2) A party with standing to challenge a forfeiture under this section may move to dismiss the complaint for failure to comply with Rule E(2) of the Supplemental Rules, or on any other ground set forth in Rule 12(b) of the Federal Rules of Civil Procedure. Notwithstanding the provision of section 615 of the Tariff Act of 1930 (19 U.S.C. 1615), a party may not move to dismiss the complaint on the ground that the evidence in the possession of the Government at the time it filed its complaint was insufficient to establish the forfeitability of the property.".

H.R. 1658

Offered By: Mr. Hutchinson

Amendment No. 23: Page 2, strike lines 12 through 20.

Page 3, strike lines 1 through 8 and insert the following:

"(j)(1)(A) Any motion to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609), as incorporated by subsection (d), must be filed not later than 2 years after the entry of the declaration of forfeiture. Such motion shall be granted if—

"(i) the moving party had an ownership or possessory interest in the forfeited property, and the Government failed to take reasonable steps to provide such party with notice of the forfeiture; and

"(ii) the moving party did not have actual notice of the seizure within sufficient time to file a claim within the time period provided by law.

"(B) If the court grants a motion made under paragraph (1), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(C) If, at the time a motion made under this paragraph is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under subparagraph (B) against a substitute sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

"(D) The institution of forfeiture proceedings under subparagraph (B) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was initiated before the expiration of such limitations period.

"(E) A motion made under this paragraph shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

"(F) This paragraph shall apply to any administrative forfeiture under this section, and to any administrative forfeiture under the Controlled Substances Act, or under any other provision of law that incorporates the provisions of the customs laws.

Page 3, line 9, strike "C" and insert "G".

H.R. 1658

Offered By: Mr. Hutchinson

Amendment No. 24: Page 14, line 21, strike "(a) In General.—" and strike line 25 and all that follows through line 8 on page 15.

H.R. 1658

Offered By: Mr. Hutchinson

(Amendment in the Nature of a Substitute)

Amendment No. 25: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Civil Asset Forfeiture Reform Act".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Prejudgment and postjudgment interest.
Sec. 5. Applicability.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) In General.—Chapter 46 of title 18, United States Code, is amended by inserting the following new section after section 982:

"§ 983. Civil forfeiture procedures

"(a) Administrative Forfeitures.—(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to have an ownership or possessory interest, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the seizing agency's determination of the identity of the party or the party's interest.

"(B) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

"(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

"(3) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609). Such motion shall be granted if—

"(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

"(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).

"(4) If the court grants a motion made under paragraph (3), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(5) If, at the time a motion under this subsection is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (4). The property which will be the subject of the forfeiture proceedings instituted under paragraph (4) shall be a sum of money equal to the value of the forfeited property at the time it was disposed of plus interest.

"(6) The institution of forfeiture proceedings under paragraph (4) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was completed before the expiration of such limitations period.

"(7) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

"(b) Filing a Claim.—(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

"(2) A claim under paragraph (1) may not be filed later than 30 days after—

"(A) the date of final publication of notice of seizure; or

"(B) in the case of a person receiving written notice, the date that such notice is received.

"(3) The claim shall set forth the nature and extent of the claimant's interest in the property.

"(4) Any person may bring a direct claim under subsection (b) without posting bond with respect to the property which is the subject of the claim.

"(c) Filing a Complaint.—(1) In cases where property has been seized or restrained by the Government and a claim has been filed, the Attorney General shall file a complaint for forfeiture in the appropriate court in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims not later than 90 days after the claim was filed, or return the property pending the filing of a complaint. By mutual agreement between the Government and the claimants, the 90-day filing requirement may be waived.

"(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1). Such an extension shall be granted based on a showing of good cause.

"(3) Upon the filing of a civil complaint, the claimant shall file a claim and answer in accordance with the Supplemental Rules for Certain Admiralty and Maritime Claims.

"(d) Appointment of Counsel.—(1) If the person filing a claim is financially unable to obtain representation by counsel and requests that counsel be appointed, the court may appoint counsel to represent that person with respect to the claim. In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account—

"(A) the nature and value of the property subject to forfeiture, including the hardship to the claimant from the loss of the property seized, compared to the expense of appointing counsel;

"(B) the claimant's standing to contest the forfeiture; and

"(C) whether the claim appears to be made in good faith or to be frivolous.

"(2) The court shall set the compensation for that representation, which shall be the equivalent to that provided for court-appointed representation under section 3006A of this title, and to pay such cost, there are authorized to be appropriated such sums as are necessary as an addition to the funds otherwise appropriated for the appointment of counsel under such section.

"(3) The determination of whether to appoint counsel under this subsection shall be made following a hearing at which the Government shall have an opportunity to present evidence and examine the claimant. The testimony of the claimant at such hearing shall not be admitted in any other proceeding except in accordance with the rules which govern the admissibility of testimony adduced in a hearing on a motion to suppress evidence. Nothing in this paragraph shall be construed to prohibit the admission of any evidence that may be obtained in the course of civil discovery in the forfeiture proceeding or through any other lawful investigative means.

"(e) Burden of Proof.—In all suits or actions brought for the civil forfeiture of any property, the burden of proof at trial is on the United States to establish, by a preponderance of the evidence, that the property is subject to forfeiture. If the Government proves that the property is subject to forfeiture, the claimant shall have the burden of establishing any affirmative defense by a preponderance of the evidence.

"(f) Innocent Owners.—(1) An innocent owner's interest in property shall not be forfeited in any civil forfeiture action.

"(2) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place, the term 'innocent owner' means an owner who—

"(A) did not know of the conduct giving rise to the forfeiture; or

"(B) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

"(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property, was a bona fide purchaser for value and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture.

"(B) Except as provided in paragraph (4), where the property subject to forfeiture is real property, and the claimant uses the property as his or her primary residence and is the spouse or minor child of the person who committed the offense giving rise to the forfeiture, an otherwise valid innocent owner claim shall not be denied on the ground that the claimant acquired the interest in the property—

"(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

"(ii) in the case of a minor child, as an inheritance upon the death of a parent,

and not through a purchase. However, the claimant must establish, in accordance with subparagraph (A), that at the time of the acquisition of the property interest, the claimant was reasonably without cause to believe that the property was subject to forfeiture, and was an owner of the property, as defined in paragraph (6).

"(4) Notwithstanding any provision of this section, no person may assert an ownership interest under this section—

"(A) in contraband or other property that it is illegal to possess; or

"(B) in the illegal proceeds of a criminal act unless such person was a bona fide purchaser for value who was reasonably without cause to believe that the property was subject to forfeiture.

"(5) For the purposes of paragraph (2) of this subsection a person does all that reasonably can be expected if the person takes all steps that a reasonable person would take in the circumstances to prevent or terminate the illegal use of the person's property. There is a rebuttable presumption that a property owner took all the steps that a reasonable person would take if the property owner—

"(A) gave timely notice to an appropriate law enforcement agency of information that led to the claimant to know the conduct giving rise to a forfeiture would occur or has occurred; and

"(B) in a timely fashion, revoked permission for those engaging in such conduct to use the property or took reasonable steps in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

The person is not required to take extraordinary steps that the person reasonably believes would be likely to subject the person to physical danger.

"(6) As used in this subsection—

"(A) the term 'civil forfeiture statute' means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

"(B) the term 'owner' means a person with an ownership interest in the specific property sought to be forfeited, including a lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

"(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

"(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

"(iii) a nominee who exercises no dominion or control over the property;

"(C) a person shall be considered to have known that the person's property was being used or was likely to be used in the commission of an illegal act if the person was willfully blind.

"(7) If the court determines, in accordance with this subsection, that an innocent owner had a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

"(A) severing the property;

"(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

"(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government, to the extent of the forfeitable interest in the property, that will permit the Government to realize its forfeitable interest if the property is transferred to another person.

To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of state law.

"(8) An innocent owner defense under this subsection is an affirmative defense.

"(g) Motion To Suppress Seized Evidence.—At any time after a claim and answer are filed in a judicial forfeiture proceeding, a claimant with standing to contest the seizure of the property may move to suppress the fruits of the seizure in accordance with the normal rules regarding the suppression of illegally seized evidence. If the claimant prevails on such motion, the fruits of the seizure shall not be admitted into evidence as to that claimant at the forfeiture trial. However, a finding that evidence should be suppressed shall not bar the forfeiture of the property based on evidence obtained independently before or after the seizure.

"(h) Use of Hearsay at Pre-Trial Hearings.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

"(i) Stipulations.—Notwithstanding the claimant's offer to stipulate to the forfeitability of the property, the Government shall be entitled to present evidence to the finder of fact on that issue before the claimant presents any evidence in support of any affirmative defense.

"(j) Preservation of Property Subject to Forfeiture.—The court, before or after the filing of a forfeiture complaint and on the application of the Government, may—

"(1) enter any restraining order or injunction in the manner set forth in section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e));

"(2) require the execution of satisfactory performance bonds;

"(3) create receiverships;

"(4) appoint conservators, custodians, appraisers, accountants or trustees; or

"(5) take any other action to seize, secure, maintain, or preserve the availability of property subject to forfeiture under this section.

"(k) Excessive Fines.—(1) At the conclusion of the trial and following the entry of a verdict of forfeiture, or upon the entry of summary judgment for the Government as to the forfeitability of the property, the claimant may petition the court to determine whether the excessive fines clause of the Eighth Amendment applies, and if so, whether forfeiture is excessive. The claimant shall have the burden of establishing that a forfeiture is excessive by a preponderance of the evidence at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure, by the Court without a jury. If the court determines that the forfeiture is excessive, it shall adjust the forfeiture to the extent necessary to avoid the Constitutional violation.

"(2) The claimant may not object to the forfeiture on Eighth Amendment grounds other than as set forth in paragraph (1), except that a claimant may, at any time, file a motion for summary judgment asserting that even if the property is subject to forfeiture, the forfeiture would be excessive. The court shall rule on such motion for summary judgment only after the Government has had an opportunity—

"(A) to conduct full discovery on the Eighth Amendment issue; and

"(B) to place such evidence as may be relevant to the excessive fines determination before the court in affidavits or at an evidentiary hearing.

"(l) Pre-Discovery Standard.—In a judicial proceeding on the forfeiture of property, the Government shall not be required to establish the forfeitability of the property before the completion of discovery pursuant to the Federal Rules of Civil Procedure, particularly Rule 56(f) as may be ordered by the court or if no discovery is ordered before trial.

"(m) Applicability.—The procedures set forth in this section apply to any civil forfeiture action brought under any provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act.".

(b) Release of Property.—Chapter 46 of title 18, United States Code, is amended to add the following section after section 984:

"§985. Release of property to avoid hardship

"(a) A person who has filed a claim under section 983 is entitled to release pursuant to subsection (b) of seized property pending trial if—

"(1) the claimant has a possessory interest in the property sufficient to establish standing to contest forfeiture and has filed a nonfrivolous claim on the merits of the forfeiture action;

"(2) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

"(3) the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the claimant from working, leaving the claimant homeless, or preventing the functioning of a business;

"(4) the claimant's hardship outweighs the risk that the property will be destroyed, damaged, lost, concealed, diminished in value or transferred if it is returned to the claimant during the pendency of the proceeding; and

"(5) none of the conditions set forth in subsection (c) applies;

"(b)(1) The claimant may make a request for the release of property under this subsection at any time after the claim is filed. If, at the time the request is made, the seizing agency has not yet referred the claim to a United States Attorney pursuant to section 608 of the Tariff Act of 1930 (19 U.S.C. 1608), the request may be filed with the seizing agency; otherwise the request must be filed with the United States Attorney to whom the claim was referred. In either case, the request must set forth the basis on which the requirements of subsection (a)(1) are met.

"(2) If the seizing agency, or the United States Attorney, as the case may be, denies the request or fails to act on the request within 20 days, the claimant may file the request as a motion for the return of seized property in the district court for the district represented by the United States Attorney to whom the claim was referred, or if the claim has not yet been referred, in the district court that issued the seizure warrant for the property, or if no warrant was issued, in any district court that would have jurisdiction to consider a motion for the return of seized property under Rule 41(e), Federal Rules of Criminal Procedure. The motion must set forth the basis on which the requirements of subsection (a) have been met and the steps the claimant has taken to secure the release of the property from the appropriate official.

"(3) The district court must act on a motion made pursuant to this subsection within 30 days or as soon thereafter as practicable, and must grant the motion if the claimant establishes that the requirements of subsection (a) have been met. If the court grants the motion, the court must enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including permitting the inspection, photographing and inventory of the property, and the court may take action in accordance with Rule E of the Supplemental Rules for Certain Admiralty and Maritime Cases. The Government is authorized to place a lien against the property or to file a lis pendens to ensure that it is not transferred to another person.

"(4) If property returned to the claimant under this section is lost, stolen, or diminished in value, any insurance proceeds shall be paid to the United States and such proceeds shall be subject to forfeiture in place of the property originally seized.

"(c) This section shall not apply if the seized property—

"(1) is contraband, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a business which has been seized,

"(2) is evidence of a violation of the law,

"(3) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

"(4) is likely to be used to commit additional criminal acts if returned to the claimant."

"(d) Once a motion for the release of property under this section is filed, the person filing the motion may request that the motion be transferred to another district where venue for the forfeiture action would lie under section 1355(b) of title 28 pursuant to the change of venue provisions in section 1404 of title 28.".

(c) Chapter Analysis.—The chapter analysis for chapter 46 of title 18, United States Code, is amended—

(1) by inserting after the item relating to section 982 the following:

"983. Civil forfeiture procedures"; and

(2) by inserting after the item relating to section 984 the following:

"985. Release of property to avoid hardship".

(f) Civil Forfeiture of Proceeds.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C) by inserting before the period the following: "or any offense constituting 'specified unlawful activity' as defined in section 1956(c)(7) of this title or a conspiracy to commit such offense"; and

(2) by striking subparagraph (E).

(d) Uniform Definition of Proceeds.—Section 981(a) of title 18, United States Code, as amended by subsection (c), is amended—

(A) in paragraph (1), by striking "gross receipts" and "gross proceeds" wherever those terms appear and inserting "proceeds"; and

(B) by adding the following after paragraph (1):

"(2) For purposes of paragraph (1), the term 'proceeds' means property of any kind obtained, directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the commission of the offense. In a case involving the forfeiture of proceeds of a fraud or false claim under paragraph (1)(C) involving billing for goods or services part of which are legitimate and part of which are not legitimate, the court shall allow the claimant a deduction from the forfeiture for the amount obtained in exchange for the legitimate goods or services. In a case involving goods or services provided by a health care provider, such goods or services are not 'legitimate' if they were unnecessary.

"(3) For purposes of the provisions of subparagraphs (B) through (H) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, only the portion of such property derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment."

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking "law-enforcement" and inserting "law enforcement"; and

(2) by inserting before the period the following: ", except that the provisions of this chapter and section 1346(b) of this title do apply to any claim based on the destruction, injury, or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if the property was seized for the purpose of forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense but the interest of the claimant is not forfeited.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the United States Government and arose within the scope of employment.

SEC. 4. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2465 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Upon"; and

(2) adding at the end the following:

"(b) INTEREST.—

"(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

"(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

"(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

"(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

"(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.".

SEC. 5. APPLICABILITY.

Unless otherwise specified in this Act, the amendments made by this Act apply with respect to claims, suits, and actions filed on or after the date of the enactment of this Act.

H.R. 1658

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 26: At the end add the following:

SEC. 5. FORFEITURE FOR ALIEN SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(I)(1) Any conveyance, including any vessel, vehicle, or aircraft which has been used or is being used in commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); and

"(2) Any property, real or personal that—

"(A) constitutes, is derived from, or is traceable to the proceeds obtained, directly or indirectly, from the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); or

"(B) is used to facilitate, or is intended to be used to facilitate, the commission of a violation of such section.

H.R. 1658

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 27: Page 15, insert after line 8 the following:

SEC. 7. BULK CASH SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(G)(i) Any monetary instrument, or combination of monetary instruments, in excess of $10,000 for which a currency report required by any provision of subchapter II of chapter 53 of title 31, United States Code, has not been filed and which has been concealed in any conveyance, article of luggage, merchandise, or other container being transported or transferred in interstate or foreign commerce or on the person of any individual who transports, transfers, or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside the United States or from a place outside the United States to a place within the United States.

"(ii) Upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to forfeiture under clause (i) were derived from a legitimate source and were intended for a lawful purpose, the court shall determine what portion of the property, if any, may be forfeited without being grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstance that have a bearing on the gravity of the offense. Such circumstances include the following: the value of the currency or other monetary instruments involved in the offense, efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice, and whether the offense is part of a pattern of repeated violations.".

H.R. 2084

OFFERED BY: MR. SANFORD

AMENDMENT NO. 3: Page 42, line 15, after the dollar amount, insert the following: "(plus an additional reduction of $1,000,000)".

Page 42, line 18, after the dollar amount, insert the following: "(reduced by $1,000,000)".

EXTENSIONS OF REMARKS

HAPPY 90TH BIRTHDAY, GOVERNOR ELMER ANDERSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. VENTO. Mr. Speaker, today Governor Elmer L. Anderson is 90 years of age. My sincere best wishes and congratulations. While serving in public office, Elmer Anderson has had a profound impact shaping discourse as well as public, social and environmental policy in our state of Minnesota.

Elmer Anderson is a businessman, public official and citizen—a Minnesota 20th century renaissance man. Happy Birthday, Governor Anderson.

Mr. Speaker, I submit this June 17, 1999 St. Paul Pioneer Press article by Steve Dornfeld for the RECORD.

[From the Pioneer Press, June 17, 1999]

A MINNESOTA TREASURE

(Steven Dornfeld)

Former Gov. Elmer L. Anderson has had more careers than most of folks could manage in several lifetimes—politician, corporate CEO, newspaper publisher, farmer, philanthropist and civic leader. And he's been enormously successful at all of them.

But Anderson, who turns 90 today, will be remembered most for his high ideals his innovative mind and his selfless dedication to the public good throughout a life that spanned most of the 20th century. He is a genuine Minnesota treasure.

"It would be pretty hard to quarrel with the notion that Elmer Anderson is Minnesota's greatest living citizen," says Tom Swain, a long-time friend who headed Anderson's gubernatorial staff.

The people who know Anderson best tend to speak of him in superlatives.

"He's about the wisest, the most principled, the most visionary person I have ever met," says former U.S. Sen. Dave Durenberger, who handled community affairs for H.B. Fuller Co. when Anderson was CEO of the St. Paul adhesives manufacturing firm.

Russell Fridley, a leading Minnesota historian and former director of the Minnesota Historical Society, says Anderson "exemplifies the best of the citizen politician."

The former governor is more restrained in assessing his accomplishments. Several days ago, as he reflected on his long life, Anderson said, "I cannot help but have a great sense of appreciation and gratitude. I have been very lucky to have survived for so long and to have done well in a number of different areas.

"Everyone seems so kind and so indulgent as you grow old—and of course, all of your enemies die off," he added with a chuckle.

Anderson held public office for just 12 years—10 as a state senator and two as governor. He served in the Senate in the 1950s when it was dominated by rural conservatives who say a very limited role for state government.

Then, as now, Anderson prided himself on being a "liberal Republican." Anderson achieved the chairmanship of the Senate Public Welfare Committee, and championed mental health and child welfare programs.

Fridley recalls one legislative session in which the DFL-oriented Liberal Caucus captured control of the House, while the Republican-oriented Conservatives held the Senate. When the major appropriations bills emerged from committee, Fridley says, a leading House Liberal complained, "You know what Elmer Anderson did? He put $10 million more into welfare than we did."

In 1960. Anderson won election as governor, defeating DFL incumbent Orville Freeman. But the term of governor was just two years at that time and his stint as Minnesota's chief executive was short-lived.

DFLers accused Anderson of rushing the completion of Interstate 35 so he could reap the political benefits. They charged that the rush job resulted in shoddy construction that would cost the state millions to repair. The charges ultimately proved to be false, but Anderson lost to DFL Lt. Gov. Karl Rolvaag by a scant 91 votes.

The close election triggered a protracted recount in which thousands of disputed ballots were examined, one by one. But the result did not change.

Many Anderson stalwarts wanted him "to appeal it all the way" to the Supreme Court, Swane recalls. But he says Anderson did not want to appear to be usurping the office and throw the state into political turmoil, so he "gulped hard" and accepted the outcome.

"In my early years, when I was a young politician, I used to think what a waste it was that Elmer could only serve two years as governor—that the state was deprived of all that talent," Durenberger says.

But Durenberger says he has come to see Anderson's defeat as Minnesota's "good fortune"—because it freed Anderson from the constraints of partisan politics and enabled the ex-governor to be the principal statesman and civic leader he has been for the last four decades.

After leaving public office, Anderson returned to H.B. Fuller and helped build it into a Fortune 500 company—one known for an employee- and customer-centered philosophy that would be ridiculed on Wall Street today.

"I always had a philosophy at Fuller that making a profit was not our No. 1 priority," Anderson says. He believed that if a business paid attention to it customers and generously rewarded employees who did their best, profits would follow.

But Anderson did not disappear from the political scene. He took the lead in pushing two major initiatives from his term as governor—the enactment of the so-called Taconite Amendment to help revitalize Minnesota's Iron Range, and the creation of Voyageurs National Park.

In later years, Anderson distinguished himself as chairman of the University of Minnesota Board or Regents, president of the Minnesota Historical Society, a leader in efforts to protect Minnesota's natural resources, a lover of books and a promoter of reading.

In 1976, after retiring from H.B. Fuller, Anderson fulfilled a life-long dream when he acquired two weekly newspapers in Princeton, merged them and began building a publishing enterprise. Today it has 25 community newspapers and 7 shoppers with $30 million in annual sales and 475 employees.

Until recently, when he began working on his autobiography, Anderson produced two signed editorials a week for his newspapers that frequently were quoted by pundits and policymakers throughout the state.

While Anderson's eyes and limbs are failing him, his mind is as nimble as ever—and he still is involved in projects like preserving endangered areas along the North Shore of Lake Superior. "I've always had projects and when I get involved in projects, I like to see them through," Anderson says.

Not long ago, Tom Swain arranged a get-acquainted luncheon between Anderson and new University of Minnesota President Mark Yudof. Swain, who was serving as a university vice president at the time, through the ex-governor and regents' chairman was someone Yudof should meet.

Swain figured the luncheon would be strictly a social occasion "But when we sat down, by golly, Elmer has his own agenda. He had four for five things he wanted Yudof to be aware of. His mind just never quits."

If Elmer Anderson has one shortcoming, it is this: the man simply does not know how to retire.

IN HONOR OF THE BANGLADESH CULTURAL ALLIANCE OF THE MIDWEST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Bangladesh Cultural Alliance of the Midwest on the occasion of the Tenth Annual Convention.

The BCAM was established in 1990 to unite the ethnic resident Bangladeshis of the Midwest region for preservation and promotion of Bangladeshi culture, and to promote friendship and greater understanding between the peoples of Bangladesh and America. So far seven states have taken pride in promoting this ideal. Every year BCAM organizes a cultural program that includes Bangladeshi dances, dramas and songs by participants from each state.

Bangladeshi cuisine, a fashion show, and special performances by prominent performing artists from Bangladesh are the highlights of the program. In addition, discussions on issues related to the role of ethnic Bangladeshis in the community are carried out in a friendly environment.

Promoting cultural diversity and tolerance of other cultures, BCAM is a wonderful example of how to protect cultural diversity while at the same time promoting harmony. I salute the Tenth Annual Convention of Bangladesh Cultural Alliance of the Midwest and commend its

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

work on promoting cultural and religious diversity and tolerance among all the people in the United States.

IN SUPPORT OF THE COMMUNITY REINVESTMENT ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. McDERMOTT. Mr. Speaker, I'd like to take a moment to address an issue of great importance: fair and equal access to capital and credit. The American dream of providing for one's family and achieving happiness and security is bolstered when one is able to own one's own home or business. Unfortunately, the American dream fades away when a financial institution discriminates and unfairly denies a loan to a hardworking, creditworthy American who happens to be a minority or live in a minority or working class neighborhood.

Fortunately, blatant discrimination in lending is declining, and homeownership and small business lending is on the rise. We can attribute much of this progress against so called "redlining" to the Community Reinvestment Act (CRA). Under CRA, federal banking agencies grade lending institutions on how well they meet the credit and capital needs of all the communities in which they are chartered and from which they take deposits. Community organizations, Mayors, religious leaders, and ordinary citizens have a right to offer their opinions regarding the CRA performance of lenders during CRA exams or when banks ask federal regulatory agencies for permission to merge with other lenders.

In my hometown of Seattle, Washington, CRA has helped to make the dream of homeownership a reality for hundreds of low-income families. CRA negotiations between banks and community groups have resulted in housing programs like Self Help, which allows families to use sweat-equity to help them purchase their homes. The Self Help program empowers traditionally underserved families to participate in the homebuying process. The program is also a unique tool for fostering community relations, as the families who eventually will become neighbors, begin to develop relationships with each other as they build their homes. Over the years, Self Help has worked with families to build over 500 homes, and CRA has been integral in financing this process.

CRA also helps to create new jobs for the community. In the state of Washington, CRA has been a wonderful instrument by which entrepreneurs work with banks to finance loans for small businesses. As a result, The Evergreen Community Development Association—Washington state's top Small Business Administration lender—reports that CRA has leveraged over $360 million in the past five years for small business loans, and has created more than 5,000 jobs. Furthermore, CRA provides economic opportunities for individuals without spending a penny of taxpayer money. Thus, CRA works to put valuable money and resources back into the communities in which they are located.

As the House of Representatives considers legislation to reform financial institutions, I must emphasize that I oppose any attempts to weaken CRA and thus deny communities access to much-needed mortgages, consumer and/or small business loans, and basic financial assistance.

I urge my colleagues to stand firm and not undo the significant progress that we have made in expanding economic opportunities for all segments of our society. As we consider H.R. 10, let's continue to make the American dream a reality for millions more Americans by strengthening and preserving the CRA and data disclosure laws.

IN HONOR OF THE CENTENNIAL ANNIVERSARY OF E.J. ELECTRIC INSTALLATION COMPANY IN THE ONE HUNDRED YEAR ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to the E.J. Electric Installation Company in honor of their membership on this, their centennial anniversary, in the One Hundred Year Association of New York.

For a century, E.J. Electric Installation has been a leader in its field, growing from an era of paper and wood-line conduits and gas/electric lighting fixtures to one of the leading full-service electrical contractors in the world.

Jacques R. Mann, the first of three generations to run the company, joined E.J. Electric in 1912, going on to pioneer the electrification of the entertainment industry, including almost every large East Coast studio.

Jacques Mann designed and installed the Paramount Astoria motion picture studio, which was modernized 40 years later by his son and current E.J. Electric president, J. Robert Mann, Jr. The company's credits now include such renowned venues as the Rockefeller Center complex and the Metropolitan Opera House.

E.J. Electric was an important contributor to the World War II effort by introducing lightweight, pressed steel watertight panels and outlet boxes to the U.S. Navy, an innovation now used throughout the Navy. The Navy recognized E.J. Electric with five "E" awards.

Under Bob Mann's guidance, E.J. Electric is the expert electrical firm on installation of nationwide computerized airline reservation systems. The company is also a leader in design and installation of complicated and specialized electrical systems for hospitals and health care facilities.

Noteworthy communication installations include the Merrill Lynch primary data center at the World Financial Center, AT&T World Headquarters in Manhattan, and American Airlines, as well as installation and maintenance of all voice, data, audio, video, satellite, security, and fire safety systems for U.N. buildings in New York. New York City's 911 Police Command Center, utilizing advanced business communication expertise, the New York Public Library, and a $10 million Telecommunications and Multimedia system for the United States Tennis Center are among E.J.'s credits. Important repowering projects include the Museum of Modern Art, NBC, CBS, Delta Airlines, Tower Airlines and British Airways at JFK Airport.

The tradition of hands-on leadership continues with the Mann family's third generation. Tony Mann oversaw the $22 million expansion of the Long Island Railroad car repair facility, spread over 15 acres with one of the most advanced robotic systems in the world. He was also responsible for the intricate and sensitive Rockefeller University co-generation high tech laboratories and computer facilities. Continuing an E.J. Electric tradition, Tony Mann enjoys an excellent working relationship with Local 3 I.B.E.W. and the community. Tony sees value engineering as a principal strength of E.J., leading to cost savings for customers.

E.J. Electric Installation Co. is committed to early identification of advanced trends in equipment and systems design and industry ramifications of these innovations. The company brings to its projects the highest degree of service, professionalism, and technology.

Mr. Speaker, I am honored to bring to your attention the century of outstanding work offered by the E.J. Electrical Installation Company.

WANTED: GOOD FATHERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, fill it out, send it in. You never know. My dad's advice about junk-mail sweepstakes never led to any prize money, but I'm still cashing in on his simple lessons of life.

My brother, sister and I received many pearls of wisdom: Practice makes perfect. Stand attentive when the flag is raised. Respect your elders. Speak the truth. Fight the good fight, finish the race, keep the faith. Wait until you're married, and above all, never, ever wear street shoes on a gym floor (he taught physical education).

A public school teacher, he worked two jobs to put us through Catholic schools. No television or friends were permitted until homework was complete. "D's" were forbidden. "C's" warranted serious discussion. "B's" meant we could do better. "A's" were expected.

We had a big vegetable garden. Most summer evenings were spent pulling weeds, snapping beans, turning compost and listening to Dad's boyhood stories, like the one about his missing index finger, a camping trip, and an errant hatchet.

I can recall each encounter with Betsy, my Dad's paddle. "Bend over. This hurts me more than it hurts you." I never made the same mistake twice. Right and wrong were absolute.

American can't survive without dads like mine. Confronted with the recent horrifying news accounts of youth violence and broader moral indifference, the importance of devoted fathers couldn't be more apparent. June 20th was Father's Day, and this year's observance compels more reflection than ever.

Any sensible American, especially in the wake of April's Columbine massacre, has to be concerned about the status of our nation's youth. Children bereft of a fully engaged father suffer perilous disadvantage.

The magnitude of the anomaly shouldn't surprise anyone. Clerics and social scientists have long warned of the debilitating trends associated with divorce and single-parent households. Few families overcome the dysfunction of children disconnected from their fathers.

The cost is enormous. Seventy percent of men in prison, and an equal percentage of juveniles in long-term detention facilities, grew up in fatherless homes. Children living without a father are more likely to have trouble in school, become an unwed parent or involved with gangs or drugs.

Nor are girls immune. Girls whose parents divorce may grow up deprived not experiencing the day-to-day interaction with an attentive, caring and loving adult man. A University of Michigan study of such girls concluded, "* * * parental divorce has been associated with lower self-esteem, precocious sexual activity, greater delinquent-like behavior, and more difficulty establishing gratifying, lasting adult heterosexual relationships."

In Colorado, children in single-parent families are nearly five times more likely to be poor than children in two-parent families. Over eighteen percent of Colorado's children do not live with their fathers.

Coupled with powerful destructive trends and obsessions, today's children are bombarded with evil temptations placing fatherless children at grave risk. Our society's preoccupation with death, sex, and instant gratification has led to a culture in decay trivializing human life itself, degrading the dignity of the human person, and leaving children most vulnerable.

There is still, however, abundant cause for optimism in the legions of great American fathers like mine. Those faithfully accepting the responsibility of fatherhood earn our respect and praise as heroes in today's culture war.

Truly, genuine fathers regard all children as gifts from God. Children are the sacred living outward expression of conjugal love between men and women.

Relying equivalently upon their mothers, all children deserve devoted fathers who strive to raise their children in God's likeness. Accordingly, all devoted fathers deserve our profound admiration on Fathers Day and every day.

May God bestow His richest blessings upon them all.

MARKING THE 100TH BIRTHDAY OF GLADYS TANTAQUIDGEON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to join every member of the Mohegan Tribe and countless residents across southeastern Connecticut in wishing a very happy 100th birthday to Gladys Tantaquidgeon. Gladys is an extraordinary figure in the history of the Mohegan Tribe and something of an institution in our area of Connecticut.

Gladys was born June 15, 1899 and has lived in southeastern Connecticut for the past fifty years. She is an accomplished author, anthropologist and historian. She is widely recognized for her work researching and chronicling herbal medicines used by Native American tribes up and down the east coast of the United States. She is most well known in our area for helping to found, and maintaining for so many years, the Tantaquidgeon Museum—the oldest Indian-run museum in America today. Along with her father and brother, Gladys founded the museum in 1931. Over more than six decades, Gladys—often single-handedly—maintained and expanded the museum. Thanks to her hard work and dedication, thousands upon thousands of school children have learned about Native American and Mohegan history. I have attached an article about Gladys from the New London Day which I request be included following my remarks.

Mr. Speaker, on behalf of residents across eastern Connecticut I want to thank Gladys Tantaquidgeon for a century of dedication to Native Americans across our country.

[From the New London Day, June 16, 1999]

CELEBRATING A LIFE LIVED FOR HER PEOPLE

(By Karen Kaplan)

Gladys Tantaquidgeon, one of Indian Country's most venerated members, a keeper of Mohegan tribal culture, longtime Mohegan Tribal Medicine Woman and a noted writer, curator and herbalist, celebrated her 100th birthday Tuesday with a gala party that gathered hundreds of friends, relatives, tribal members and dignitaries.

A crowd packed the tent set up late Tuesday morning on the grounds of Shantok, Village of Uncas, the former Fort Shantok State Park that is now part of the tribe's reservation.

Tantaquidgeon, wearing a powder blue suit and seated to the left of the podium at the front of the tent with her sister, Ruth, received gifts on a blanket set in front of her. Visitors said they were delighted to see Tantaquidgeon, as there had been a question of whether she would be well enough to attend.

Because of her frailty Tantaquidgeon came to the party for only an hour, and tribal officials did not permit visitors to get close. Tantaquidgeon is perhaps best known as curator of the Tantaquidgeon Indian Museum, the oldest Indian-operated museum in the country.

The Mohegan Tribal Council, led by tribal Chairman Roland J. Harris; the Mohegan Council of Elders, led by Carleton Eichelberg; and Chief G'Tinemong, Ralph Sturges, greeted Tantaquidgeon and guests upon their arrival and wished the guest of honor a happy birthday.

"These girls have been around a long time," said Sturges of the Tantaquidgeon sisters. "They're very, very close to the tribe and they helped me. . . . Gladys is a very steadfast friend of mine. Happy birthday, and we'll catch up to you someday, Gladdy."

Led by M.C. Bethany Seidel, daughter of Tribal Vice Chairwoman Jayne Fawcett and sister of Tribal Historian Melissa Fawcett, everyone in the tent next read "Strawberry Moon," an original poem written in honor of the centenarian. Sidney J. Holbrook, Gov. John G. Rowland's co-chief of staff, read a proclamation from Rowland that declared Tuesday to be Gladys Tantaquidgeon Day in the state, prompting a huge roar and lengthy applause from the crowd. "This is a great day for a great lady and a great people," he said.

Kenneth Reels, Mashantucket Pequot Tribal Council chairman, greeted Tantaquidgeon and wished her a happy birthday before a brief talk.

"Thank you for all you've done for our people, thank you for preserving the heritage of the Pequot people (and)keeping our ways alive," he said, presenting her with an eagle feather. "The eagle climbs the highest, and also represents balance, integrity and honor. We give this feather to you because that's what you represent to us."

The Mashantuckets also gave Tantaquidgeon a large maroon-and-cream quilt embroidered with the tribe's familiar fox-and-tree logo and different scenes from the Mashantucket Pequot reservation.

James A. Cunha Jr., tribal chief of the Paucatuck Eastern Pequots, greeted Tantaquidgeon and said he remembers his grandfather telling stories about her when he was young. Officials from other tribes also spoke, including the Narragansetts of Rhode Island; the Schaghticokes of central Connecticut; the Mashapee of Cape Cod and a representative from the Connecticut Indian Council.

Outside the ceremony, Harris said Tantaquidgeon exerted a tremendous, positive influence on him as he was growing up.

"If I learned anything, she taught me never to give up," he said. "You always do what's right . . . The (Mohegan Tribal) nation is truly where it is because of her."

Jayne Fawcett, who lived with her aunts Gladys and Ruth while growing up during World War II, said she could not overestimate the role her aunt Gladys played in her life. Fawcett said Tantaquidgeon was a pioneer for women's rights and accomplishments long before they became a political issue.

Fawcett pointed out that Tantaquidgeon was the first American Indian to work for the federal Bureau of Indian Affairs, and also was the curator of the federal Museum of Natural History and ran the federal Indian Arts and Crafts Board.

"She was responsible for working with Indian people and helping them to bring back (their) traditions," Fawcett said.

"She was one of the ones who refused to ride in the back of the bus," Fawcett said. "She appeared on national radio in the '30s, and her book on natural herbal remedies has become a standard. She fought to preserve traditional ceremonies and to preserve our old stories and the meaning of our ancient symbols. These are some of the things I think she will be remembered for.

"This was being done at a time when women simply didn't do these things. Women didn't go to college, and they didn't strike out on their own, let alone minority women," Fawcett added. "The encouragement she's given to so many tribal members, to seek higher education, myself included, has helped strengthen us as a nation. Certainly she has served as a strong role model in that respect."

Fawcett said Tantaquidgeon's dedication to the Mohegan tribe and its culture and history was so complete that she never married.

"Everything was focused on preserving and teaching—not only Mohegans and (other) Indians but non-Indians as well—about Mohegans," Fawcett said. "All of us felt for awhile that we might have been on the brink of extinction, and this made her work even more important."

Tantaquidgeon, whose accomplishments were recognized last year in a book, "Remarkable Women of the 20th Century: 100 Portraits of Achievement," played a major role in the Mohegans' successful bid for federal recognition, a status that made it possible for them to build a casino. Letters and documents she stored in Tupperware containers under her bed have been credited as important pieces of history that helped the tribe obtain federal recognition.

After working with the BIA and the Indian Crafts Board in the 1930s and '40s, she returned home in 1948 to help her family run the museum. She wrote a book, "Folk Medicine of the Delaware and Related Algonkian Indians," and has received numerous awards, including honorary doctorates from Yale University and the University of Connecticut.

TRIBUTE TO THE LATE JOHN LAVOO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and pay tribute to the memory of John LaVoo who died in Vietnam during an ill-fated combat mission. Mr. LaVoo will, at long last, be laid to rest on July 19, 1999, in Arlington Cemetery in Arlington, Virginia.

Mr. LaVoo was a native of Pueblo and a graduate of the United States Naval Academy. On September 19, 1968, John and his navigator, Robert Holt, were killed when their plane crashed in North Vietnam. LaVoo was declared missing and was believed to be dead by the Marines, and in his honor, his widow, Rosalie Rusovick, commissioned the fabrication of a memorial anchor.

Over the years, the memorial, which has hung in the Orman Street entryway of Tabor Lutheran Church, has served as a special place for family and friends, and in the absence of a gravesite, has provided them with some solace. The memorial serves as a constant reminder of the life and sacrifice of John LaVoo and none pass through without learning of the history behind the anchor.

Recently, the remains of Mr. LaVoo were discovered through DNA evidence, and now his courage and sacrifice shall be honored through burial in Arlington. Though John will finally be put to rest in Virginia, his spirit will always rest in Pueblo where the anchor hangs in his memory. It is with this that I wish to pay my respects to Mr. John LaVoo, and I would like to express my gratitude to the LaVoo family for John's strength, patriotism, and service for our country.

TRIBUTE TO FATHER ALBERT JEROME

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate Father Albert Jerome of St. Ann's church in Nashville, Illinois who celebrated his 40th Anniversary of ordination. When speaking of how he maintains his positive outlook on the world today, Father Jerome said, ". . . the answer to stop becoming a pessimist is to have a sense of humor. It has really been the mark of the greatest men . . ."

Father Jerome has given and received a great deal of love to and from the dedicated members he has ministered for in his numerous stops over the past forty years. It would serve us all if he could minister for another forty years. However long his service is, it will be a service to the people of his ministry and the rest of the community.

HONORING THE OUTSTANDING GRADUATES OF P.S. 15. THE PATRICK F. DALY SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following outstanding students from P.S. 15, the Patrick F. Daly School: David Watson and Precious Scott.

TRIBUTE TO SADAKO OGATA

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LAMPSON. Mr. Speaker, I rise today to salute and honor the United Nations High Commissioner for Refugees and its Commissioner, Mrs. Sadako Ogata.

Mrs. Ogata as the United Nations High Commissioner for Refugees is responsible for protecting and finding solutions for refugees around the world. I would like to pay tribute to this organization today and to the work it is doing to help refugees around the world, but particularly the Kosovars.

Mrs. Ogata's organization is now working with more than 850,000 refugees from Kosovo, most of whom are in Albania and Macedonia, two small countries, who are struggling to aid these refugees despite their own substantial economic problems. UNHCR is the lead UN agency working throughout the countries of the former Yugoslavia. It has been hard pressed to raise the funds and find the staff and management skills, diplomatic support and logistical support needed to handle such an enormous undertaking as the Kosovo refugee emergency. The organization has had its problems. It depends on voluntary contributions to fund its programs and must respond to emergencies by moving staff from other duties to the latest crisis and unfortunately in refugee emergencies, no one is ever sure just how many people will be forced to flee their homelands, or how long they will have to live under difficult conditions.

Recently, the UNHCR told donor governments that it still needed $30 million to meet costs for the month of June ($143 million required from March to June 30) and an additional $246 million to continue its operations over the next 6 months.

UNHCR as an intergovernmental organization works with governments, other UN and international organizations and private voluntary organizations to aid the refugees. The U.S. has been one of UNHCR's major supporters both politically and financially. One of the important tasks that UNHCR must fulfill is to protect the lives and well being of refugees, particularly those who are vulnerable or at-risk because of physical or mental illness, insecurity, or separation from their families.

Despite all the big problems UNHCR faces in Kosovo, it can't forget the needs of individual families, like that of my constituents, the Halili family of San Leon, Texas whose relatives from Macedonia are safe today in Texas.

Mr. Speaker, I ask that my colleagues join me in recognizing the tremendous contributions of UNHCR and to its hard working staff and the NGO partners in Albania and Macedonia, and in Washington, who were willing to put in extra hours and deal with lots of paperwork and overcome many obstacles to speed the evacuation and the suffering of the Halili family.

IN TRIBUTE TO OLGA M. JONES, RECIPIENT OF THE AWARD 1999 DISTINGUISHED WOMEN OF NORTH CAROLINA

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. CLAYTON. Mr. Speaker, one hundred and twenty-six women were nominated to receive an award for 1999 Distinguished Women Of the Year. Seven were selected. Among the seven is one of my constituents, Olga M. Jones.

A Native North Carolinian, Mrs. Jones attended public schools in our state and graduated from the Community Hospital School of

Nursing. Later, she did post-graduate work at the University of Colorado and other institutions. In 1950, she became a Registered Nurse, launching a career that has taken her around the World, including Japan, Korea, Germany, Egypt and the Scandinavian Region. She has also traveled extensively, throughout the United States, including Alaska. And, currently she serves as Director of the Martin County Alzheimer's Group Respite Program in Williamston, North Carolina.

More than three decades of her nursing career was spent in the United States Army Nurse Corps, where she attained the rank of Colonel. Her experience with the Army and the opportunities she was afforded to travel helped cement her deep, unflinching commitment to health care and to a concern for others. She always knew she wanted to be a nurse, recounting how despite her mother's death when she was only five, the white nursing uniform that her mother wore remained etched in her mind.

Mr. Speaker, health care demands the most attentive and considerate among us, those who are faithful, loyal, and steadfast. It is a profession that requires individuals who are courteous, thoughtful and kind. Mrs. Olga M. Jones has reflected those qualities in all that she has done, over the years. She is an inspiration, a breath of fresh air, a pillar of strength, a tough lady with a tender heart. She has dared to be different, and she has made a difference.

One must gasp for air when reviewing all that Mrs. Jones has done. She has taught nursing classes. She has given instruction in nutrition. She has organized exercise classes. She has recruited many, many volunteers for community work. She has coordinated youth programs. She has organized blood drives. And, she is a member of numerous civic organizations. Despite all that she does, this loving wife and devoted mother keeps the proper priorities in perspective, reserving important time and effort to family and church. I urge all of my colleagues to join me in saluting, Mrs. Olga M. Jones, a 1999 Distinguished Woman of North Carolina.

IN HONOR OF ANTHONY C. REGO AND DONNA KELLY REGO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Anthony C. Rego and Donna Kelly Rego, on the occasion of being honored with The John R. Cunin Lamplighter Humanitarian Award. This award is to honor philanthropic leaders whose involvement in business and community assists individuals and families in meeting their needs through programs of service and empowerment.

Anthony C. Rego is a dedicated businessman is the supermarket industry. As a teenager, he started his career in the supermarket industry by working in the family grocery business. He helped the family business grow from two supermarkets to ten stores by dedicating 25 years of his life in the Rego's Stop-n-Shop Supermarket chain. His motivation and hard work has granted him several awards such as, Cleveland Food Dealers Association "Retailer of the Year" Award in 1983, the "Leadership and Service Award" in 1989 from the Associated Grocery Manufactures Representatives, and the Cleveland Food Dealers "Honor Award" in 1993. In 1997 Mr. Rego received the Ohio Grocers Association's "Industry Service Award."

Donna Kelly Rego presently serves as Chairperson of the MetroHealth System. For the past twenty-one years, Mrs. Rego has served as Pastoral Associate at St. Malachi Church and is presently engaged as an organization specialist working with religious and non-profit organizations. Also, Mrs. Rego is an educator and a certified pastoral Minister in the Diocese of Cleveland. Mrs. Rego currently chairs the Board of Trustees for the St. Malachi Center and serves as trustee for the Cleveland Health Network, the Center for Health Affairs, the Federation for Community Planning and the Benjamin Rose Center. She has received several awards such as: The Henry F. Meyers Award, Outstanding Women of Achievement (Cleveland YWCA, 1992), Belle Sherwin Award (League to Woman Voters 1993), Crain's Women of Influence (1997).

I ask that my distinguished colleagues join me in commending Anthony C. Rego and Donna Kelly Rego for their lifetime dedication, service, and leadership to their community. Their large circle of family and friends can be proud of the significant contribution these prominent individuals have made. Our community has certainly been rewarded by the true service and uncompromising dedication of Anthony C. Rego and Donna Kelly Rego.

INTRODUCTION OF THE TAMPON SAFETY AND RESEARCH ACT OF 1999 AND THE ROBIN DANIELSON ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, earlier this year I introduced two important pieces of women's health legislation—H.R. 890, The Tampon Safety and Research Act of 1999, and H.R. 889, The Robin Danielson Act. The research and reporting called for in these bills will finally give women the accurate information they need to make informed decisions about their health as it relates to tampon use.

Why is the issue of tampon safety important? Because tampons are used by 73 million American women—that's 53% of American women and almost a third of the total population. A woman may use as many as 16,500 tampons in her lifetime. Given these numbers, shouldn't we be certain that these products are safe?

I introduced two tampon safety bills because there are two separate issues that must be addressed.

Why is The Tampon Safety and Research Act important? Because tampons and other related products often contain additives, synthetic fibers, and dioxin. Dioxin is a toxic byproduct of the paper manufacturing process. Wood pulp, as well as the rayon used in nearly all tampons, undergo several production processes, including bleaching. The majority of pulp and paper producers use a chlorine bleaching method that results in the formation of dioxin and other contaminants. As a result, trace amounts of dioxin are present in most paper products, from toilet paper to tampons.

Dioxin is also found in varying levels throughout the environment, but are women being subjected to additional and potentially avoidable exposures to dioxin through tampon use? Let me put dioxin in perspective, because we only have to consult recent history to know of the potentially disastrous effects of this substance. Dioxin is a member of the organochlorine group, which includes the contaminants found in Agent Orange, the Vietnam War-era defoliant, and at Love Canal.

But let's consult the experts as well. According to a 1994 report issued by the Environmental Protection Agency, dioxin is a known cancer-causing agent in animals, as well as a probable human carcinogen. My bill is specifically concerned with the possible links between dioxin in tampons and ovarian, cervical, and breast cancers, as well as other potential hazards.

A 1996 EPA study has also linked dioxin exposure with increased risks for endometriosis, an often painful menstrual-related condition that is a leading cause of infertility. Further, the EPA has concluded that people with high exposure to dioxin may be at risk for other effects which could suppress the immune system, increase the risk of pelvic inflammatory disease, reduce fertility, and possibly interfere with normal fetal and childhood development.

The EPA conclusions regarding dioxin exposure are particularly alarming in light of a 1989 Food and Drug Administration report, which stated that "possible exposures from all other medical device sources would be dwarfed by the potential tampon exposure." Why? Because the average woman may use as many as 16,500 tampons during her lifetime. If dioxin is putting women at risk, could the long-term use of tampons increase that risk?

What makes these toxic residues in tampons even more disturbing is they come in direct contact with some of the most absorbent tissue in a woman's body. According to Dr. Philip Tierno, Jr., director of microbiology and immunology at New York University Medical Center, almost anything placed on this tissue—including trace amounts of dioxin—gets absorbed into the body.

According to researchers, dioxin is stored in fatty tissue—just like that found in the vagina. And women have more body fat than men, possibly allowing them to more efficiently store dioxin from all sources, not just tampons. Worse yet, the effects of dioxin are cumulative, and can be measured as much as 20 or 30 years after exposure. This accumulation is cause for particular concern, because a woman may be exposed to dioxin in tampons for approximately 55 years over the course of her reproductive life.

The question, of course, is why it is acceptable to have this toxic substance in tampons—despite the advice of an FDA scientist to the contrary. A 1989 agency document reported that "the most effective risk management strategy would be to assure that tampons, and menstrual pads for good measure, contain no dioxin." Why has there been far more testing on the possible health effects of chlorine-bleached coffee filters than on chlorine-bleached tampons and related products? My bill seeks to address this inadequacy, and finally give women the most accurate, up-to-date information available regarding this critical health concern.

Although the FDA currently requires tampon manufacturers to monitor dioxin levels in their finished products, the results are not available to the public. When I—as a Member of Congress—requested the information, the FDA told me it was proprietary and therefore could not be released. It should be noted the dioxin tests relied upon by the FDA are done by the manufacturers themselves, who, not surprisingly insist their products are safe. Some of my constituents have written to say that this is the equivalent of the fox guarding the henhouse.

How much dioxin exposure is considered safe for humans? And does the fact that tampons are in direct contact with absorbent tissue, and for extended periods of time, make whatever levels of dioxin tampons possess even more dangerous? Is this the equivalent of a ticking time bomb, capable of increasing women's risks for several life-threatening or fertility-threatening diseases? Unfortunately there are no easy answers. We simply don't have instructive, persuasive evidence either way.

Many experts believe, however, if the slightest possibility exists that dioxin residues in tampons could harm women, the dioxin should simply be eliminated. I also believe we should err on the side of protecting women's health. Tampon manufacturers are not required to disclose ingredients to consumers, although many have taken the positive step of voluntarily disclosing this information. Unfortunately, women are still being forced to take the word of the industry-sponsored research that these products are completely safe.

I should also not that this is not the first time a Member of Congress has expressed concern about this issue. In 1992, the late Representative Ted Weiss of New York brought the issue up in a subcommittee hearing of the Committee on Government Operations. He did this after his staff had uncovered internal FDA documents which suggested the agency had not adequately investigated the danger of dioxin in tampons.

My bill, The Tampon Safety & Research Act (H.R. 890), would direct the National Institutes of Health (NIH) to conduct research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and related menstruation products pose any health risks to women. An NIH study would provide American women with independent research, so they will not have to rely solely on research funded by tampon manufacturers.

The second bill I have introduced, The Robin Danielson Act, calls for a program at the Centers for Disease Control and Prevention (CDC) to track instances of Toxic Shock Syndrome (TSS). This bill is named in memory of Robin Danielson, a 44 year-old mother of two who last year of TSS. This bill addresses the many potentially harmful additives in tampons, including chlorine compounds, absorbency enhancers, and synthetic fibers, as well as deodorants and fragrances. Most people are surprised to learn these additives are commonly found in these products.

Toxic Shock Syndrome is a rare bacterial illness which caused over 50 deaths between 1979 and 1980, when the link between tampons and TSS was first established. According to a 1994 study, of the Toxic Shock cases occurring in menstruating women, up to 99% were using tampons. Obviously Toxic Shock Syndrome is still a women's health concern, and its link to tampons has become more clear. We do not know enough about the potential risks associated with such additives. Independent research has already shown synthetic fiber additives in tampons amplify toxins, which are associated with Toxic Shock Syndrome.

Reporting of TSS to the Centers for Disease Control and Prevention is currently optional and uneven. No one knows the actual number of TSS occurrences or deaths. Because doctors do not report all cases of TSS and because local health departments are swamped with other higher-ranking concerns, Toxic Shock is greatly under-reported. My bill establishes a CDC program to implement mandatory collection of Toxic Shock Syndrome data.

I want to share an excerpt from a letter written to me by a TSS survivor addressing the importance of The Robin Danielson Act and TSS research: "I think women are misinformed about the dangers and risks that go with using tampons. I know that I remember hearing about it years ago but had always thought that tampons now were very safe to use. Apparently this is not true and many women today are dying from this disease and it goes unreported.

Women, like Robin Danielson, are still dying from this terrible disease. It is imperative that we are able to accurately inform women of the risk of Toxic Shock associated with tampon use, and that women are well aware of that risk. We know there is a dangerous link between tampon use and TSS. What we don't know is how prevalent the disease is among tampon users. The only means to determine the current risk of Toxic Shock and to raise awareness of the disease is to require systematic reporting through the CDC.

Currently, the CDC believes that women are at increased risk for developing Toxic Shock due to a false sense of security, believing that there is no longer a risk for developing the disease. To make matters worse, the diagnosis of Toxic Shock is difficult because the symptoms are flu-like and can be easily mis-diagnosed or ignored. Knowing the continued risk for contracting Toxic Shock is the only way to raise awareness among women and their physicians. More knowledgeable women and physicians will recognize TSS symptoms earlier, diagnose Toxic Shock more readily, and prevent needless deaths.

The fact is, women do not have the information they need to make sound decisions about their health. For the sake of women's well-being, we need accurate, independent information. American women have a right to know about any potential hazards associated with tampons and other related products. It is only when women fully understand the consequences that they can make truly informed decisions about their reproductive health.

Mr. Speaker, I hope my colleagues will join me in this fight to get accurate health information to the women of America. Their future fertility, and perhaps their lives, may depend on it.

HONORING COLORADO BOYS STATE TRACK 2A CHAMPIONS—HOLYOKE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Holyoke boys track team on their impressive State 2A Championship. These young men displayed an impressive combination of talent, determination, and teamwork to earn a share of the 2A State Championship.

The State 2A Championship is the highest achievement in high school track. The champions receive a coveted trophy which symbolizes more than just the team and its coach, Mr. Vann Manly. It also represents the staunch support of the runners' families, fellow students, school personnel and the community. From now on, these people can point to the 1999 boys track team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to Holyoke and the school will see a sign proclaiming the boys 2A State Championship, and know something special had taken place there.

The Holyoke track team is a testament to the old adage that the team wins games, not individuals. Each team member should be proud of his own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Holyoke runners, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to the team as they move forward from their State 2A Championship to future endeavors.

IN MEMORY OF DONALD L. ALFIERO

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise with great sorrow on the passing of Donald L. Alfiero of Norwick, Connecticut. Don was a friend to me and thousands in Norwick, a dedicated husband and a tireless public servant.

Don Alfiero worked hard day-in and day-out on behalf of everyone in Norwich. He served on several boards and commissions and was a senior member of the City Council. He recognized the importance of education and fought to ensure that the students in his community had the very best. Don Alfiero was more than a remarkable public servant, he was a great person. He was gregarious and outspoken, but compassionate above all else. I have attached an editorial from the Norwich Bulletin that describes Don well which I request be included following my statement.

Mr. Speaker, Don Alfiero's memory will live on and endure in Norwich. He will always be a model for those of us in public service.

[Editorial from the Norwich Bulletin]

LOSS OF DON ALFIERO STUNS AND DIMINISHES NORWICH AND COUNCIL

Donald L. Alfiero died suddenly yesterday morning and his loss has stunned and saddened this city.

As husband, neighbor, alderman, volunteer—and simply a good guy—Don Alfiero touched a lot of people hereabouts and always for the better.

Don was 62, retired from Electric Boat, and the senior member of the Norwich City Council. A Democrat, Don represented Precinct 9. But you didn't have to be a Democrat or live in his precinct to call Don Alfiero a friend.

If ever there were anyone of whom it could be said led by example, Don Alfiero was that man. He was involved, he listened and—regardless of what others thought—Don always spoke his mind and did what he thought best. That didn't always win him great popularity; but for Don being popular was secondary to being right.

His service to the city was extensive. Don was vice chairman, then chairman of the Democratic Town Committee, and remained active with it after that. He was a member of the Mohegan Park Advisory Committee, the Public Parking Commission, City Hall Renovations Committee and the Public Works and Capital Improvements Committee.

Don's and his wife Anna's commitment to education is well known. Anna is chairwoman of the Norwich Board of Education.

Lines on a resume do not adequately describe Don Alfiero. Though they had no children, Don was a grandfatherly kind of guy who loved his city and the people who live here.

It's appropriate to recall that shortly before he died, Don was on the radio with Johnny London, cheerleading for his city and summer festivals at Howard T. Brown Park.

Don Alfiero was a nice man, but more importantly he was a good man. His presence in this city will be missed.

Anna has our sympathy. Don has our prayers. The Norwich City Council has big shoes to fill.

TRIBUTE TO MEL TAKAKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize one of Colorado's outstanding individuals, Mel Takaki. In doing so, I would like to pay tribute to an individual who, time and again, has exemplified the notion of public service and civic duty.

A resident of Pueblo, Colorado, Mel Takaki has taken an active role to better his community. Recently, Mr. Takaki, a Pueblo civic leader, was recognized with a "Distinguished Service Award" from the University of Colorado for his work in medicine and community service.

A graduate of the Northwestern Dental School, Mel Takaki has previously been honored by the University of Colorado as an honorary alumnus. He was nominated for the "Distinguished Service Award" by Dr. Robert Schrier, chairman of the CU Health Services Center in Denver, Colorado.

Mr. Takaki has worked to better the community of Pueblo in various capacities. He has cared for the citizens of Pueblo through his work as a dentist, and he has provided leadership as an economic-development leader and former City Council president. He is an outstanding citizen and great contributor, and for this I would like to express my gratitude and pay tribute to him for his extraordinary efforts.

TRIBUTE TO GERALDINE "GERRY" SCHNEIDER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate Geraldine "Gerry" Schneider on completing her general educational development certificate at Lewis and Clark Community College on June 10, 1999, at age 58. Ms. Schneider was born with cerebral palsy.

Despite this disability, Ms. Schneider diligently worked to learn the three R's. Her work at Lewis and Clark Community College that began in 1994, has allowed her to become actively engaged in issues on disabilities as a resident of Godfrey, Illinois. She was appointed to the Illinois Planning Council on Development by former Governor Jim Edgar, and has moved out of nursing and group homes to live with a companion Raymond Boyle since her educational progress.

Her success can also be attributed to Support Systems Services; a nonprofit organization that provided the funds allowing Gerry to pay for her classes. I believe this is an excellent example of local service organizations caring about people, and helping dreams become realities. I commend both Geraldine Schneider and Support Systems Inc. for their efforts.

I want to congratulate Gerry, in particular, for receiving her hard-earned and much deserved GED. Her personal efforts to persevere and overcome adversity are an inspiration to us all.

HONORING THE OUTSTANDING GRADUATES OF THE EL PUENTE ACADEMY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has lead and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following outstanding students from the El Puente Academy: Lily Andugar, Indra Camo, Isable Espinal, Ana Hernandez, Evelyn Hernandez, Mia Hilton, Luis Johnson, Miriam Nunez, Maria Perez, Marvin Rodriquez, Luis Ramos, Gerson Santillana, Rodlofo Solis, Omar Torres, Jennifer Valentin, Octovio Vargas, Taiesah Vasquez, and Essany Velazquez.

INTRODUCTION OF ZERO CAPITAL GAINS PROPOSAL

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. DUNN. Mr. Speaker, Mr. MATSUI and I are introducing a bold proposal to zero out capital gains taxes for those who invest in our burgeoning high tech industry. We are joined by our colleagues on both sides of the aisle who are leaders in the effort to foster a healthy economic climate in which our nation's high tech companies can continue to thrive.

The American economy is moving quickly from one dominated by large corporations to one whose growth is fueled by emerging entrepreneurial high-growth companies. Entrepreneurial companies are today's leaders in job creation, technological innovation, and international competitiveness. America's future economic well-being lies in the hands of today's emerging companies and the central organizing principle for our nation's economic policy should be entrepreneurship.

Over the course of many years, a complex fabric of public policies have created the environment in which entrepreneurial firms compete. Due to the fact that the public policy needs of this community have not been articulated in a united fashion or widely understood by policy makers, however, the basic "building blocks" used to enhance economic growth have not been properly constructed. I rise today to begin to lay the foundation for this policy and ensure that the engine that drives this economy has access to the fuel it needs to thrive: capital.

Entrepreneurs are synonymous with jobs. In the last three years there has been over a million new jobs created in the high tech sector alone. More importantly, the average wage of a high tech job is $53,000 per year, 77 percent higher than the private sector as a whole. By creating an environment for entrepreneurship to thrive, we also ensure that "spin off" companies develop to foster even greater job creation and technological development. Nowhere is this more clearly demonstrated than in the biotechnology and computer industries that have grown up in my home state of Washington.

The bill I am introducing today will ensure that these new capital-intensive small businesses will have the money they need to create innovative technologies and create jobs. By raising the Section 1202 definition of small business from $50 million to $300 million and raising the capital gains exclusion from 50% to 100% for both individuals and corporations, we can create a climate in which individual investors are rewarded for their risky investment and entrepreneurs have the tools they need to succeed.

Capital gains taxes are one of this nation's primary obstacles to job creation and technological innovation. Anything to reduce the effective or actual rate on capital gains taxes will help put more money in the hands of our nation's most enterprising citizens and lift the standard of living for everyone.

In addition to the capital gains provisions in the bill, I am also posposing to eliminate Incentive Stock Options from the calculation of the individual Alternative Minimum Tax. Today's high tech employers are having a difficult time recruiting and retaining skilled professionals because of the incredibly high demand for people knowledgeable about computers. One of the principal ways employers can retain qualified employees is through Incentive Stock Options, which help supplement the employee's income while giving them an ownership role in the company. Unfortunately, the Alternative Minimum Tax is preventing many employees from receiving more compensation and, therefore, is limiting the use of ISOs as a retention tools. This bill will fix this problem to ensure that both employers and employees can continue to benefit from the economic boom being created by the high tech sector.

Over the course of the next year, I expect a healthy debate over tax policy. It is my hope that this bill will put the primary focus of this debate where it ought to be: removing incentives to economic freedom and entrepreneurship.

I urge my colleagues to support this effort.

A TRIBUTE TO PEGGY AND FOSTER BURTON

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. PASTOR. Mr. Speaker, fifty years ago, on June 18, 1949, Peggy and Foster Burton were married in Wheeling, West Virginia. Peggy is the daughter of Larry Gideon, a first generation American of Austrian immigrant parents and Blanch Van Kirk, whose American roots date to the 17th century New Amsterdam colony and Scotch-Irish settlement in Pennsylvania. Foster is descended largely from Scottish Highlanders with Scotch, English and Irish ancestors.

Foster Burton was born in Wheeling, West Virginia. He served three years in the United States Marine Corp before receiving an Honorable Discharge in 1946. Dr. Burton earned bachelor degrees in Civil Engineering and Industrial Management from Carnegie Tech. He then earned his Master of Business Administration from New York University and a Ph.D. in economics from the University of Pittsburgh. Dr. Burton accepted a teaching position in my home state, at Arizona State University (ASU), where he served as a professor of the Del Webb School of Construction for 24 years.

Peggy Burton was born in Washington, Pennsylvania. Her family moved to Wheeling when she was fourteen. Mrs. Burton received both her Bachelors degree in Fine Arts and Master of Education degree from ASU while maintaining a household with three children. Mrs. Burton was the first official Director of the Tempe Historical Museum. She also served as the Exhibition Coordinator for ASU's Public Events Division.

Since their retirement, Peggy and Foster Burton's primary source of enjoyment has been their five grandchildren. Now their three children, Foster, Margaret (Meg) and Elizabeth, carry on their parent's legacy of service to Arizona.

In this day and age, it is rare to see couples with the fortitude to remain committed to each other and truly honor their wedding vows. The Burton's dedication to their family, community and each other is an inspiration to all Americans. I know that my fellow members will join me in wishing them a sincere congratulations for their fifty years together.

MS. BILLIE RICHARDS AND "BILLIE RICHARDS DAY"

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to join the constituents of the 30th Congressional District of Texas, the resident of Dallas and my colleagues in the House of Representatives in taking great pleasure to proclaim June 24, 1999 as "Billie Richards Day."

Mr. Speaker, Ms. Richards has served the Dallas County commissioner's court as manager of the Dallas County Home Loan Counseling Center for more than ten years. She has demonstrated continued dedication to help those low to moderate income level households in reaching the American dream of home ownership. Her hard work has allowed many families to take part in a dream that would otherwise have been unattainable.

Mr. Speaker, Ms. Richards accomplished a lot during her tenure as executive director of the Neighborhood Housing Services of Dallas, Inc. and the Bethlehem Community Center. Her public relations and managerial skills, as well as her commitment to serve others, are second to none.

Ms. Richards' educational credentials are impressive. She has utilized her creativity and social skills in her teaching position at Dunbar High School in Temple, Texas. Indeed, she has made it a priority to pass on her educational skills to others. In addition, she has received many awards in recognition of her commitment to community development. Her volunteer efforts have touched the lives of many.

On June 24, 1999, we should take a moment to look back at more than 30 years of great achievements that Billie Richards has given to the Dallas community.

Therefore, I ask that all citizens of Dallas join in celebrating June 24, 1999 as "Billie Richards Day."

CONGRATULATIONS TO COACH RED HILL, ABRAHAM BALDWIN AGRICULTURAL COLLEGE, NJCAA CHAMPIONS MEN'S TENNIS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Abraham Baldwin Agricultural College in Tifton, Georgia for recently winning the National Junior College Athletic Association's men's tennis title. The Stallions had previously won the title in 1984, and have once again proven to be the best Junior College tennis team in the nation. Both national titles were won with the Stallions under the direction of Coach Norman "Red" Hill. This year's title is especially sweet, as Coach Hill retired after thirty-four years of dedication to ABAC, and to its students.

Red Hill began his career at ABAC in 1965. During the past thirty-four years, Coach Hill has built a nationally recognized, well-respected program. Having recruited some 300 students from around the world to play tennis at ABAC, Coach Hill was much more than a coach. Sure, he was building a nationally recognized program, but he was also instilling character, integrity, and hard work in those whose lives he influenced.

Coach Hill has won more men's college tennis matches than any other coach in America. He led ABAC teams to national tournaments thirty-four consecutive times, won twenty-nine regional championships, has been ranked in the top five national rankings for the past five years, and has won two national championships.

Red became the fourth person in 1993 to be inducted into the NJCAA Men's Tennis Hall of Fame. The Georgia Sports Hall of Fame awarded Coach Hill with an Achievement in Sports Award; he has been designated as an Honorary Alumnus by ABAC's Alumni Association, and will retire with Emeritus status.

Mr. Speaker, Red Hill spent his career making a difference in the future of this country. Those thirty-four years contributed to the success of the many lives that Red influenced.

Now, ending his career with another national championship, Coach Red Hill retires a legend. I commend Coach Hill and the ABAC Tennis program for their success.

GUN SAFETY LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. UDALL of Colorado. Mr. Speaker, last week, the House of Representatives had the opportunity to pass sensible gun safety laws to keep guns out of the hands of juveniles and criminals, and to make our communities safer—but we didn't.

When we debated the bill, I supported the McCarthy amendment because it contained common sense proposals that would have closed the gun show loophole, banned large capacity ammunition clips and required child safety locks on newly purchased handguns.

After that amendment was defeated, I voted against the final version of the gun bill because its background check provision would have given criminals the opportunity to buy guns at gun shows and it would have weakened our current background check laws. The final House bill would have made it easier for a criminal to purchase handguns, and that was unacceptable.

As I have gone door-to-door talking with people and visiting schools in my district, there is no doubt that people overwhelmingly support common sense laws to keep guns out of the hands of kids and criminals. My constituents don't care about politics. They care about whether their children are going to be safe when they are at school. And as a father of two children in public schools, I understand their concerns.

Those concerns were eloquently expressed in a letter I received from Tom Mauser, whose son Daniel was one of the students murdered at Columbine High School. I am attaching his letter to this statement, and I urge all Members of the House—particularly the leadership of the Judiciary Committee—to review it carefully as we move toward a conference with the Senate on the Juvenile Justice legislation.

DEAR REPRESENTATIVES HEFLEY, MCINNIS, SCHAFFER and UDALL: I am Tom Mauser, father of Columbine High School victim Daniel Mauser. While I do not live in your district, as an advocate for common sense gun laws I have heard from people from all over Colorado through a web site I've set up in honor of my son (www.danielmauser.com). These people have expressed fear about the safety of their children. Many believe in common sense gun laws, and though they don't speak with the intensity of NRA members, I think their voices should also be heard.

I urge you to pass the Juvenile Justice bill now before the House with the gun control amendments as passed by the Senate intact. Please don't water them down, don't create more loopholes, and don't approve poison pills that would deter passage.

There are those who think I am singularly focused on gun control. No, in ALL of my public appearances I have clearly stated that there are many factors that are responsible for the tragedy at Columbine and other schools (lack of parental oversight, lack of value placed on human life, violence in the media, etc.) However, addressing these cultural factors will take time. Most must be addressed by families and communities, not Congress. One of the only major things Congress can do is to tighten loopholes and reduce children's access to guns. So the question is, will you show leadership to address this one action you can take? Or will you pretend that the status quo is okay?

I urge you once again to pass the Juvenile Justice bill with the gun control amendments passed by the Senate. If you are unwilling to do so, I ask you to ponder these questions: What useful purpose is there for the semi-automatic weapons like the one used to kill my son? Why do we need imported gun clips holding more than ten bullets, like the one used to kill my son? How many more school shootings or how many more gun deaths would there have to be before you would put aside concerns about 'bureaucratic burdens on gun owners' and vote against the NRA and for common sense gun laws? How many???

On my son's web site I will place your voting record on this issue. Just as the NRA pressures you and holds you accountable, so too will I. In just 12 days since it began, the web site has had well over 5,000 hits, and I expect more as time goes on. I hope you will honor Coloradans and our God by doing the RIGHT thing.

I encourage you to visit my son's web site (www.danielmauser.com) so you'll be reminded of the human costs of these tragic shootings. I welcome your response to this letter, as would the thousands of Coloradans logging on to the web site.

Sincerely,

TOM MAUSER.

TRIBUTE TO COLONEL JOHN FRANCIS KELLY, UNITED STATES MARINE CORPS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SPENCE. Mr. Speaker, I rise today to recognize an exceptional United States Marines officer, Colonel John Francis Kelly. Next week, Colonel Kelly completes a highly successful four year tour as the Marine Corps' Liaison to this body. It is a pleasure for me to recognize a few of his many outstanding achievements.

A native of Brighton, Massachusetts, John Kelly initially served in the United States Merchant Marines until 1969. On September 10, 1970, John Kelly dedicated himself to the service of this Country by enlisting in the Marine Corps. Upon graduating from the Marine Corps Recruit Depot at Parris Island, South Carolina in November 1970, he was designated as a Rifleman and conducted training with the Infantry Training Regiment, until February 1971. Due to his exemplary performance, he was meritoriously promoted ahead of his peers to the grades of Private First Class, Lance Corporal, Corporal, and Sergeant. He was discharged from the Marine Corps in September 1972. Soon after graduating from the University of Massachusetts, Colonel Kelly was commissioned as a Marine Corps Second Lieutenant, in November 1975.

Then, Second Lieutenant Kelly reported to The Basic School in Quantico, Virginia, for six months of basic officer training. Upon his graduation from that school, John Kelly reported for duty with the Second Battalion, Second Marine Regiment, Camp Lejeune, North Carolina, where he served as a Platoon Commander, a Rifle Company Executive Officer, an Assistant Operations Officer, and Commanding Officer of a rifle company. In November 1977, he was promoted to First Lieutenant. Subsequent non-Fleet Marine Force assignments from 1979 to 1984 included service as the Executive Officer for Marine Detachments, aboard the USS FORRESTAL and the USS INDEPENDENCE, and as the Ground Officer Assignment Monitor at Headquarters, United States Marine Corps, Washington, DC. During this time, he was promoted to Captain. He also graduated from Georgetown University in 1978, where he earned a Masters Degree in National Security Studies.

In June of 1984, Captain Kelly was assigned to the Third Battalion, Fourth Marine Regiment, and he commanded both Rifle and Weapons Companies. Upon being promoted to the rank of Major, John Kelly served as the Battalion's Operation Officer. In June 1987, Major Kelly was transferred to Quantico, Virginia, where he was initially assigned as the Section Head, Offensive Tactics at The Basic School. In April 1988, Major Kelly was assigned as the Officer in Charge and Chief Instructor at the Marine Corps Infantry Officer Course, also located at Quantico, Virginia. He held this position until August 1990, at which time he was reassigned as a student at Marine Corps Command and Staff College and later to the School for Advanced Warfighting. In June 1992, Major Kelly transferred to the First Marine Division, Camp Pendleton, California, and he assumed the duties as Commanding Officer of the First Light Armored Reconnaissance Battalion, where he was promoted to Lieutenant Colonel.

John Kelly arrived for duty as the Marine Corps' Liaison Officer at the House of Representatives in June of 1995. In this capacity, he has been instrumental in providing the Congress with in-depth knowledge of the Marine Corps. Most importantly, Mr. Speaker, Colonel John Kelly has come to epitomize those qualities that we as a Nation have come to expect from our Marines—absolutely impeccable integrity and character, as well as professionalism.

John Kelly was promoted to Colonel, at a ceremony in which I had the honor to participate, at the House of Representatives in July 1998. His personal awards include two Meritorious Service Medals, four Navy-Marine Corps Commendation Medals and the Navy-Marine Corps Achievement Medal. Mr. Speaker, John Kelly has served our Country with distinction for the past twenty-six years. As he continues to do so, I call upon my colleagues from both sides of the aisle to wish him, his lovely wife Karen, and their three children, John Jr., Robert, and Kathleen, much continued success in the future, as well as fair winds and following seas.

TRIBUTE TO WEST POINT GRADUATE RALPH WARE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise to recognize a young man dedicated to excellence in the service of his Country. On May 29, 1999, Cadet Captain Ralph Ware of Aurora, Colorado, Graduated from the United States Military Academy at West Point, New York.

The United States Military Academy is among the most prestigious military academies in all the world. The Academy selects only the best and brightest young people of our nation to serve and study at West Point for four years. Once admitted, the cadet must endure the most rigorous training, testing his mind, body and spirit on a daily basis. As the cadet meets each challenge, he is transformed into a new, multifaceted person, capable of serving his country in the face of any obstacle. This transformation culminates in graduation, where each cadet celebrates the achievements of the past and the possibilities of the future.

Mr. Speaker, it is my privilege to congratulate Cadet Captain Ralph Ware and all of the East Point graduates. With confidence, I look forward to their leadership in America.

IN RECOGNITION OF THE CONTRIBUTIONS OF DR. WILLIAM R. WILSON, JR.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate Dr. William R. Wilson, Jr. upon receiving his Norwich Rotary Club's Native Son award for 1999. Dr. Wilson is a distinguished son of Norwich and an extraordinary humanitarian.

Dr. Wilson is a highly skilled cardiac surgeon specializing in pediatric cardiology. He is chief of cardiovascular surgery at The Children's Hospital, University Hospital and Clinics in Columbia, Missouri. Dr. Wilson has performed more than 120 heart transplants, including on the youngest Americans.

However, Dr. Wilson is more than just a surgeon, he is a humanitarian. He has traveled across the world to use his skills to better the lives of people who live in nations which do not enjoy the medical care available in our great country. Thanks to Dr. Wilson, children around the globe have been given a precious gift—the opportunity to grow up healthy and happy. I have attached an editorial from the Norwich Bulletin commending Dr. Wilson which I request be included following my remarks.

Mr. Speaker, I join residents from Norwich in congratulating Dr. William Wilson, Jr. on receiving this prestigious award. He is a humanitarian, a tribute to his family and a great ambassador for our country.

DR. WILLIAM R. WILSON, JR. IS NATIVE SON FOR 1999

William R. Wilson Jr., M.D., today will be awarded the Norwich Rotary Club's Native Son honor for 1999. Bill left Norwich many years ago, and since that departure he has distinguished himself both throughout this country and internationally as a cardiac surgeon and, specifically, a pediatric cardiac surgeon.

The son of Margaret Sullivan Wilson and the late W. Robert Wilson—and the brother of Margaret, known hereabouts as Peggy—Bill was born in Norwich in 1954 and grew up on Lincoln Avenue and Canterbury Turnpike.

During his early years here, Bill learned to golf and ski. He and his sister volunteered for Head Start, and Bill had stints locally with a bank and the American Ambulance Service.

His early learning took place at the John Mason and Samuel Huntington schools, Kelly Junior High and, finally, the Norwich Free Academy from which he graduated in 1972. While his curriculum vitae and individual honors are much too extensive to enumerate here, his education continued at Kenyon College, the University of Connecticut, the Medical Center Hospital of Vermont and Case Western Reserve University.

During his time in Kenyon, Bill served as a town volunteer firefighter. In the course of those duties, he responded to a horrific car accident where one person died at the scene, another at the hospital. That spurred his initial interest in medicine.

Bill's skill today—which includes surgery on infants and more than 125 heart transplants—takes brilliance, a steady hand and enormous dedication.

Bill was 35 before he finished training and went to work.

He has taught anatomy, been staff and chief physician, and today is chief of cardiovascular surgery at The Children's Hospital, University Hospital and Clinics in Columbia, Mo.

He's licensed in Vermont, Minnesota, Illinois, Ohio and Missouri. He's led medical missions to Peru and the Republic of Georgia in the former Soviet Union.

Today, when he's not saving or improving the quality of human lives, Bill and his wife, Joan, and their children Bobby, Brandon and Alaina make their home in Columbia, Mo.

With family, job and an occasional round of golf, the demands on Bill's time are considerable. And though today he calls Missouri home, he will always be a Norwich native, one of whom this community is enormously proud.

The Norwich Rotary Club has made a fine choice in selecting Dr. Wilson as 1999 Native Son. On behalf of the community, we extend our congratulations to a man who has made us very proud.

Well done, Bill, and welcome home.

TRIBUTE TO MR. FRAN GRADISAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize and honor Mr. Fran Gradisar. Later this month, Mr. Gradisar will retire after 39 years as a leading veterinarian in Pueblo, Colorado, and I would like to pay tribute to him for his hard work, dedication and service to citizens of Pueblo and their pets.

After graduating from high school, Mr. Gradisar was drafted and served two years in the Army. Searching for a career after completing his military service, Mr. Gradisar remembered his admiration of dogs and decided to become a veterinarian.

He enrolled at Colorado State University, was accepted to vet school and in 1960, he graduated and returned to Pueblo to work for Dr. Ed Eden for several years. After gaining valuable experience from Dr. Eden, Mr. Gradisar established his own practice which he has maintained since 1964.

His dedication to the health of animals has instilled in the owners of his patients a sense of trust which now brings the third generation of some families to his office. Mr. Gradisar has not only cared for the animals which have visited his office, but he has also volunteered time and services to the humane society.

Individuals such as Mr. Fran Gradisar, who contribute to the community in which they live, and set a good example for all, are a rare breed. Today, as Mr. Gradisar opens the page on a new chapter in his life, I would like to offer my gratitude for his work ethic and for the inspiration which he has provided. It is clear that Pueblo has benefitted greatly from his practice. I would like to congratulate him on a job well done, and wish him the best of luck in all of his future endeavors.

INTRODUCTION OF LEGISLATION TO PROVIDE HEALTH COVERAGE FOR HEARING AIDS FOR FEDERAL EMPLOYEES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation that would provide coverage for hearing aids under the health benefits program for Federal employees.

Hearing loss is a health issue. If hearing loss is not treated, it can affect the general and psychological health of an individual. Studies show that people with hearing loss often suffer serious emotional and social consequences. Untreated hearing loss can lead to depression, anxiety, stress and chemical dependency which results in an increase in medical visits and hospital stays.

Many people feel that there is a stigma attached to hearing loss and try to hide it. This is especially true of employees who fear that they will be seen as less than competent in the workplace if they admit that they have a hearing loss.

Hearing loss affects about nine million Americans over the age of 65 and 10 million Americans between 45 and 64. About three out of five older Americans and six out of seven middle-aged Americans with hearing loss do not wear a hearing aid. More than one-half of the non-users cite the cost as a reason for not wearing a hearing aid.

Hearing aids are a major uncovered health care expense. The average cost of a hearing aid in 1997 was $971. By providing health care coverage, this legislation will ensure that federal employees and their families will be able to afford much-needed hearing aids.

There are a number of insurance policies that cover hearing aids. The California Public Employees Retirement System (CalPERS) provides coverage for hearing tests and hearing evaluations, at no cost. This plan also covers up to $1,000 every three years for hearing aids.

The State of Minnesota Employees Insurance provides coverage for hearing exams and up to 80 percent of the cost of a hearing aid for all its employees. And Hartford Insurance offers hearing testing and the full cost of two aids every five years.

Mr. Speaker, hearing loss is one of the most prevalent chronic conditions in America. We must address this serious problem by making hearing aids more affordable, so that hearing-impaired individuals and their families can improve the quality of their lives.

PERSONAL EXPLANATION

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. HOUGHTON. Mr. Speaker, I rise to say that I missed votes numbered 204–238 from June 14 to 18, 1999, as I was attending the inauguration ceremony of South African President Thabo Mbeki.

Under the authorization of Chairman BEN GILMAN of the House International Relations Committee, I was the sole representative of the U.S. Congress at the inauguration.

IN HONOR OF THE 150TH BIRTHDAY OF DAYTON, KENTUCKY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition and celebration of the 150th birthday of Dayton, Kentucky.

Dayton is a city that has overcome much adversity in its 150 years, including three major floods. Dayton's resilience can be traced to the strong work ethic of its people. The people of Dayton, including its government, business, and education leaders, have always had a "roll up your sleeves and get to work" attitude. It's that kind of work ethic that helped build America's great cities—big and small.

Earlier this month, I was honored to take part in Dayton's sesquicentennial parade to commemorate Dayton's many accomplishments and to celebrate this important milestone. And today, in the U.S. House of Representatives, I rise to congratulate the city of Dayton. To the people of Dayton on the occasion of your city's sesquicentennial—Happy Birthday to you.

COMMEMORATING THE RETIREMENT OF THOMPSON SCHOOL DISTRICT TEACHERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to commemorate the ceaseless service of over 20 school teachers and principals upon their retirement from the Thompson School District in Loveland and Berthoud, Colorado. From first grade to twelfth grade, these hard working citizens have dedicated their lives to America's youth. Through education, these mentors selflessly helped students of all ages to believe in themselves and strive to achieve their goals. A majority of these teachers served the Thompson School District for at least 20 years, and others have dedicated as much as 30 years in the district. Their unrelenting work is truly a tribute to the Thompson School District and to American public schools.

Mr. Speaker, I hereby personally recognize each of these educators on behalf of the House of Representatives of the United States of America: Debra Biernat, Bonnie Bonewitz, Frances Clark, Carol Dormer, Nancy Erickson, Martha Grohusky, Cecilo Gutierrez, Wayne Gutowski, JoAnn Hanson, Vicki Hout, Ellyn Johnson, Marion Kolstoe, James McReynolds, Lee Parsons, Mary Peterson, Sandra Roorda, Terry Roulier, Charles Schoonover, Susan Schoonover, William Shields, William Speiser, James Spoon, Karen Storm, Valerie Trujillo, Mary Vogesser, and Joan Zuboy. These educators' devotion to children has earned the respect of their colleagues, parents, and students. I wish them a very fulfilling retirement and the best in all of their future endeavors.

A TRIBUTE TO JANE QUINE, FORMER CONGRESSIONAL STAFFER; AKRON, OHIO, ACTIVIST

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SAWYER. Mr. Speaker, with her lilting Milledgeville, Georgia, accent, Jane Quine became an improbable but highly effective political leader in Akron, Ohio, for 25 years. Jane Quine died at age 81 last Thursday in Jacksonville, Florida. She has left us with abundant memories of her leadership, her grace, and her seemingly boundless energy.

Mrs. Quine served twice as a congressional staffer. First, she worked for Rep. Carl Vinson during the build-up and height of World War II. This was where she met Akronite John Quine. Mr. Quine, on assignment to Vinson's Naval Affairs Committee, was persuasive enough not only to marry her, but to convince her to make Akron her home.

We didn't call it the "mommy track" back then, but Jane Quine did give up active politics for about two decades while she raised six children. Then she returned to the political arena in 1970 as a campaign worker for John Seiberling, my predecessor in Congress. With Rep. Seiberling, she reprised her role as congressional staffer, becoming his District Director for several years.

Then she ran a number of key local campaigns, including my own campaigns for Mayor of Akron and for the U.S. House of Representatives. Unlike the smoke-filled rooms that local politics sometimes bring to mind, Jane Quine used her gracious home as the setting for countless meetings, both formal and informal, as she built a strong party network. She mentored, and some would say mothered, politicians from across the county. All along, the values she espoused were democratic, in the broadest sense of the word—duty, activism, inclusion, participation, service.

In 1986, Governor Richard Celeste appointed her to the University of Akron board of trustees, where she served through 1995. In 1990, Jane Quine became the first woman to chair the Summit County Democratic Party. She also served on the board of the Akron-Canton Regional Airport for most of the 1980's as it prepared for a period of unprecedented growth.

Those of us left behind in snowy Ohio regretted her leaving in 1995 for St. Augustine, Florida, where she immersed herself in still more worthy causes. Still, a whole generation of Akron's public officials found her departure left a distinct void in our lives, compounded by Thursday's sad news.

Mr. Speaker, I ask that Tuesday's editorial from the Akron Beacon Journal, recounting Mrs. Quine's many contributions to the Akron area, by printed in the RECORD.

JANE QUINE: ALWAYS A DEMOCRAT, ALWAYS THERE FOR DEMOCRATS

If ever there was a person associated with polite politics, it was Jane Quine. A genteel, old-fashioned Southerner, Mrs. Quine believed that slash-and-burn campaigns did the practice of professional politics, which she loved, far more harm than good.

Mrs. Quine, who died last week in Florida at age 81, was the rock on which many local political careers were built. She was a mainstay of local Democratic politics for several decades, including service as the first female county Democratic chairman. A self-described "stamp-licker" for U.S. Rep. John Seiberling's first successful campaign, Mrs. Quine is credited either with launching political careers or helping to sustain them with wise counsel, vast energy and unwavering loyalty.

She couldn't resist the call to help Democrats. She became active in party politics in St. Augustine, Fla., where she moved in 1995. After all, she said, "There aren't many of us down here."

Her innate sense of right and wrong kept her involved. Politics requires two strong parties, and she was a true Democrat. She also believed in her duty to the community, serving on the boards of the University of Akron and the Akron-Canton Regional Airport.

If local politics has turned harsh, it may be because people such as Jane Quine aren't on the scene to give it a firm but far gentler push toward reason.

TRIBUTE TO MS. CECELIA B. HENDERSON, AREA DIRECTOR, THE LINKS, INCORPORATED "THE BIG APPLE CLUSTER"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the accomplishments of Ms. Cecelia B. Henderson of The Links, Incorporated for her contributions to African Americans, especially the youth in eastern cities and communities, preparing them to meet the challenges in professions and fields where African Americans are few in number.

The first Links club was founded in November 1946 in Philadelphia, Pennsylvania, with only nine members. The purpose of the organization at its inception was to foster friendship and render service to needy African-American families. The membership has grown to more than 10,500 today, with 270 chapters located in forty (40) US cities, Nassau, Bahamas, and in Frankfurt, Germany.

Today, The Links is a volunteer service organization of concerned, committed, and talented women who through service, linked in friendship, commits itself to enhancing the quality of life in the larger community. Because of the rich legacy of the organization, it has contributed over 15 million dollars to worthy causes through grants-in-aid, and through many effective initiatives within communities across the country. Through its participation in UNICEF, the organization is active abroad, in building elementary schools in South Africa, contributing to the construction of water wells elsewhere in Africa, and aiding the Caribbean Women's Health Association to improve the lives of Caribbean women and children.

Ms. Henderson has served as the Eastern Area Director of The Links for the past four years. She became a member of the Buffalo, New York, Chapter in 1974, and has held numerous leadership positions in the local chapter, and at the National Level.

In 1997, and again in 1999, under the leadership of Ms. Henderson, The Eastern Area Links presented a classroom-based educational program entitled, HeartPower to school districts in New York City and Philadelphia with a simple message, "you too can have a healthy heart, it's as easy as 1–2–3". This program fits with the overall theme which Ms. Henderson developed for the Eastern Area, "Serve up Success: Build Linkages . . . Empower the Black Family."

A retired educator with a long and commendable professional career in the Buffalo, New York, school system, Ms. Henderson has served the Links with her expertise in promoting health education.

As the community celebrates her years of leadership and service at the thirty-fifth Eastern Area Conference, I offer our congratulations to her as she is recognized for the differences that her efforts have made in cultivating the talents, and developing the abilities of the youth of today, with the potential of becoming local, national and world leaders of the twenty-first century.

UNDER SECRETARY OF STATE STUART EIZENSTAT DISCUSSES RELATIONS WITH THE EUROPEAN UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LANTOS. Mr. Speaker, last week the Committee on International Relations held an excellent and timely hearing on the United States relationship with Europe and the European Union. This hearing was particularly timely as it was held on the eve of the G–7 Summit in Bonn, Germany, at which United States representatives, including our President, held critical discussions with our European allies and the European Union. This hearing was the first in a series of planned committee hearings on the transatlantic relationship and its importance to United States political, economic, and security interests.

Mr. Speaker, with total trade and investment between the United States and the European Union now in excess of $1 trillion annually, the EU is already our largest single trading and investment partner. The EU is also the world's largest single market, and with the establishment of the new single European currency—the euro—this market will continue to be the most important market for American firms and the most important external market for the economic health of our nation.

While we tend to give greater attention to the economic and trade aspects of our relationship with the European Union, we must not ignore the growing importance of the political dimension of our relationship. The European Union is moving toward greater political involvement and it plays a key role in the coordination of member foreign policies, Mr. Speaker. The EU will play a critical role in the reconstruction of Southeastern Europe, it plays a vital role in encouraging the development of democratic political institutions, a civil society and a market economy in Central and Eastern Europe and in Russia. Furthermore, the EU has been a partner with us in encouraging political stability and economic prosperity in North Africa and the Middle East.

The principal administration witness at this important hearing of the Committee on International Relations, Mr. Speaker, was Under Secretary of State Stuart Eizenstat. He is the quintessential outstanding and extraordinary public servant in this city, who has demonstrated his commitment to the highest quality of public service in a variety of most important capacities as our ambassador to the European Union and in key sub-cabinet posts in three departments—the Department of Commerce, the Department of State, and now the President has nominated him to serve as Deputy Secretary of Treasury.

Mr. Speaker, I ask that a summary of the opening statement made by Secretary Eizenstat at our recent hearing be placed in the RECORD. This excellent statement reflects the best current American thinking about the issues of concern regarding the United States and our relationship with Europe and the European Union.

STATEMENT OF UNDER SECRETARY OF STATE STUART EIZENSTAT TO THE COMMITTEE ON INTERNATIONAL RELATIONS, JUNE 15, 1999

Mr. Chairman, I very much appreciate the statements that have been made by the members of the Committee. It is an honor to be here with my good friend David Aaron, the Undersecretary for Trade at the Department of Commerce.

With the European Union, we share a commitment to the promotion of security, prosperity and democracy—not only in the Euro-Atlantic area but beyond it as well. It is no hyperbole to suggest that the relationship between the U.S. and the European Union may be the most important, influential and prosperous bilateral relationship of modern times. Two-way trade and investment flows are now some $1 trillion annually, supporting more than 6 million jobs on both sides of the Atlantic. One in 12 industrial jobs in the United States is in a European owned factory, and European countries are the biggest foreign investors in 41 of our 50 U.S. states.

We have launched the Trans-Atlantic Economic Partnership, covering 10 broad areas to reduce existing trade barriers, improve regulatory cooperation, and establish a bilateral dialogue on multilateral trade issues in the WTO. We've agreed with the EU that the WTO should begin a new broad-based round of trade negotiations, following a structure that will yield results expeditiously in agriculture services and other areas. We've also agreed to seek permanent commitments by WTO members not to impose duties on electronic commerce transactions, an area where Secretary Aaron has had a particular impact.

REBUILDING SOUTHEASTERN EUROPE

There is no more vivid example of our common values and goals than the work we are doing with the EU right now in the post-conflict reconstruction of Southeastern Europe. As the confrontation in Kosovo comes to an end, together we have a big job before us. Our joint aim is to build a solid foundation for a new era of peace and stability, helping a region that has been one of the continent's most violent, become instead part of the European mainstream.

We forged a new stability pact for the region. And we believe that just as we have born the lion's share of the military expenditures, it is only right that the European Union bear the lion's share of the reconstruction. And this is something that they themselves have indicated they wish to do.

ENLARGEMENT OF THE EUROPEAN UNION

The 15 member EU is now about to undertake its largest enlargement ever. It will be one of the most important challenges facing Europe in the 21st Century. I would say to my dear friend, Congressman Lantos, that when he talks about great enterprises, this expansion will be a historic opportunity to further the peaceful integration of the continent, if it is done right.

The EU plans to spend, on its new members, between 2000 and 2006, the equivalent in 1999 dollars of what we spent on Western Europe through the Marshall plan. It will encourage cooperation, reinforce democracy, and reduce nationalistic and ethnic tensions. And if in the end it is successful, the European Union will be the largest single market in the world, with over 500 million citizens in an economy significantly larger than our own.

Thirteen countries have applied for EU membership so far. And the European Commission is in the middle of negotiations, with six of those 13, and another five are going through initial screening. The year 2003 is the likely earliest date for excision of the first wave of candidates, and frankly the balance of writs are for a later rather than an earlier date for enlargement.

Enlargement should be a net-plus for U.S. goods and services, to help the countries of Eastern and Central Europe. Nonetheless, we will insure that our commercial and economic interests are not disadvantaged.

We are working both with the EU and its candidate states to prevent the erection of new barriers to trade as part of the enlargement process. The main problem concerns the interim period between now and ultimate excision. Because at excision, they will take the common external tariff of the European Union which is generally quite low. But in the interim, as tariff levels from EU products drop to zero in the candidate countries, they remain at higher levels for U.S. products to our disadvantage. We're working with the candidate countries to find suitable remedies. We're encouraging them to adopt the lower EU tariff schedules as soon as possible. Slovenia, for example, has begun to do this. The European Commission has agreed with our strategy, and excision candidates are beginning to respond.

Certainly we will be economic competitors, but with our combined strength together, we'll also be able to set a global agenda supporting democracy and open markets. We share, if I may say so, more values with Europe than we do with any other region.

Enlargement of the EU requires the candidate counties to conform their laws and practices to EU norms. It would almost be like saying that a new state coming into the United States has to conform of every page of the code of federal regulations. It is a mammoth job. It requires change not only in the candidate countries, but also on the part of the current member states as well.

COMMON AGRICULTURAL POLICY

The largest step is the reform of the Common Agricultural Policy, or the CAP. The EU has now agreed to put a ceiling on total expenditures over the next several years. But this cannot be done without reforming its agricultural subsidies.

Almost half of the EU's overall budget, over $50 billion, is earmarked for agricultural subsidies. The European Commission's modest CAP reforms are inadequate to do the job. They will complicate the process of enlargement, and they do not go nearly far enough in terms of reducing the distorting effects of the CAP on the world trading system. Other countries, including developing countries will continue to be forced to pay for European farm inefficiencies by losing sales at home and in third markets.

THE AMSTERDAM TREATY/A COMMON FOREIGN POLICY

Historically, every enlargement of the EU has been preceded by a deepening of the level of internal cooperation. They are already slow in many cases to respond to a crisis. This will be further complicated when they expand to 21 members. With the advent of the Amsterdam Treaty on May 1, we're witnessing a dramatic shift in power. The European Parliament now has a greatly enhanced role in EU decision-making, and will enjoy equal say or co-decision with the council administrators on more than two-thirds of all EU legislation.

The Amsterdam Treaty will also result, Mr. Chairman and members of the committee, in major changes in ways the EU conducts its foreign policy. A new high representative for its common, foreign and security policy will give the EU greater visibility on the international scene. They have selected NATO Secretary General Javier Solana as the first High Representative for their common foreign and security policy. He has been an extraordinary Secretary General of NATO and we believe he will perform equally well at the EU and we look forward to working with him.

An EU with an effective foreign and security policy would be a power with shared values, and strong transatlantic ties with which we could work globally to solve problems. The EU has also chosen former Italian Prime Minister Prodi as the next president of the European Commission. We have worked well with him before, and we have great confidence in him as well.

CURRENT TRADE ISSUES

We often let the immediacy of our current trade disputes blind us to the very real benefits that we both enjoy from access to each other's markets. But obviously there is a tough road ahead. And yet we can't allow our relationship to be defined solely by these disputes.

All too often, nevertheless, the EU takes actions, such as its unilateral hush kits regulation where Ambassador Aaron did such a fabulous job of at least temporarily diverting a problem. Or it's counterproductive response to the previous WTO panels on bananas and beef from exacerbating trade tensions. It's for that reason that we have suggested an early warning system to identify such problems before they burst into full-scale disputes.

We are indeed facing a tough set of trade disagreements, and we continue to hammer home the principle of fair and transparent trade rules: of the need for the EU to respect international commitments and WTO rulings, of abiding by scientific principles and not politics in making health, safety, and environmental decisions.

The need for a clear and rational trading principle may be greatest in the need of biotechnology. Within a few years, virtually 100 percent of our agricultural commodity exports will either be genetically modified organisms (GMO) or mixed with GMO products. And our trade in these products must be based on a framework based on fair and transparent procedures, which address safety on a scientific and not a political basis.

We, since 1994 approve some 20 GMO agricultural products. Since 1998, Europe has not approved any. There is no scientifically based governmental system to approve GMO products, therefore the European public is susceptible to ill-informed scare tactics. The EU approval process for GMOs is not transparent, not predictable, not based on scientific principles, and all too often susceptible to political interference.

We've been working to break this pattern of confrontation and indeed there are leaders in Europe who recognize that an EU regulatory system drawn up in accordance with its own international trade obligations would be a boon to both business and consumers. We have a new biotech-working group to address GMO issues.

The same can be said for beef hormones; where the European public is subjected to daily scare tactics which try to portray the hormone issue as a health and safety issue, when indeed there is broad scientific evidence that beef hormones are completely safe. There is no reason why American beef producers should pay the price for internal political calculations in Europe inconsistent with WTO principles.

To conclude, as we look toward the future, our goal is to work together to promote our goals of security, prosperity and democracy. Together we can accomplish more than either the U.S. or the EU can by acting alone.

WE MUST WORK TOGETHER WITH EUROPE

We want to work more effectively to deal with past breaking crises, to find ways of managing our disagreements before they get out of hand, and to expand areas of joint action and cooperation.

We are working on just that and the hopes that we can articulate a new vision at the June 21 U.S.-EU summit in Bonn through a new Bonn declaration. This would fit in with our larger goal of using 1999 for a series of summits, NATO, OSCE and the U.S.-EU summit to strengthen the abiding European-Atlantic partnership which has been so important to maintain stability in Europe for the 20th Century, and to make sure it does the same for the 21st.

INTRODUCTION OF LEGISLATION TO IMPROVE MEDICARE'S SURETY BOND PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. STARK. Mr. Speaker, on behalf of Congresswoman THURMAN and myself, I am today introducing legislation based on recommendations of the U.S. General Accounting Office to improve the operation of the Medicare home health agency, durable medical equipment, and certain rehabilitation providers' surety bond program.

Enacted as part of the 1997 Balanced Budget Act, the surety bond program was one of a series of anti-fraud, waste, and abuse provisions designed to crack down on the outrageous proliferation and increased utilization of questionable Medicare providers.

The General Accounting Office issued a report in January, 1999 (GAO/HEHS–99–03) entitled, "Medicare Home Health Agencies: Role of Surety Bonds in Increasing Scrutiny and Reducing Overpayments." The report focuses on problems in the surety bond provisions and makes a number of recommendations. Our bill addresses most of those recommendations.

While the BBA has had a huge impact in controlling the growth of spending and weeding out questionable and fraudulent providers, the surety bond program has had severe administrative problems. It needs simplification and needs to be focused on the start-up providers who have no track record and who may be the source of program abuse. Once a provider has proven that they are a reliable and dependable provider, continuing to require a surety bond just increases program costs. Our bill, therefore requires one surety bond for Medicare and Medicaid (not a separate bond for each program) for the two years of a provider's operations, and limits the size of the bond to $50,000 (not the larger of $50,000 or 15% of an agency's Medicare revenues) and makes it clear that orthotic and prosthethic providers includng angioplastologists, are not meant to be covered by the surety bond requirement.

Mr. Speaker, we hope that this legislation can be enacted. It will reduce hassle and paperwork, while still helping weed out questionale home health and DME providers from starting in the Medicare program.

THE SAFE MOTHERHOOD MONITORING AND PREVENTION RESEARCH ACT OF 1999

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mrs. EMERSON. Mr. Speaker, let me tell you about my district. I represent 26 rural counties in Southern Missouri. These counties are home to some of the most poverty stricken communities in the State. Most of them lack even basic health care services. And many lack decent roads and reliable phone service. Many people in these communities find themselves isolated from their extended family, their friends and their neighbors.

When I was starting my family more than 20 years ago, I was lucky to have my mother, my sister and my mother-in-law to help me through my pregnancies. I was lucky to be able to afford health insurance that covered prenatal care. I was lucky to have access to quality health care in Cape Girardeau. But many American women aren't so fortunate. And they fall through the cracks of our health system.

Many young mothers-to-be in my rural district are isolated from family and friends—and they live miles away from nurses and doctors. This isolation often prevents them from getting prenatal care and adds to the fears and uncertainties that come along with being a new or expectant mother.

Fortunately for some of the young women in rural Missouri, there are people like Sister Rita and Sister Ann looking out for them. Ten years ago, Sister Rita—a parish nurse and midwife serving in Missouri's poor "Lead Belt" and Ozark counties—quickly realized that many of the young women there weren't prepared for healthy pregnancies and births or for caring for their infants. So Sister Rita began to network and build relationships in her community. She branched out and worked with the St. Louis University Medical Center and with State and federal health programs. And she established the "Whole Kids Outreach" in Ellington, Missouri.

Sister Ann is now carrying on the incredible work started by Sister Rita. The Whole Kids Outreach program has grown to include a Resource Mothers Program—a program that educates women about healthy pregnancies and childbirth, promotes access to care, and provides home care visits. The most amazing thing about this program is that it is staffed by experienced moms from the community who are trained as childbirth educators. And these local moms help establish circles of support for expectant and new moms.

It's with great admiration that I mention the Whole Kids Outreach program, because despite its modest size, it has been of tremendous help to many mothers and infants in rural Missouri. The young women in rural Missouri are not alone. Women throughout our nation face great challenges in securing healthy pregnancies and healthy children.

Consider the following: At the turn of this century more American women died in childbirth than from any other cause except for tuberculosis. At the close of this century, after all of the medical advances made in this country, it's easy to assume that today pregnancy and childbirth are safer for American women and their babies.

But this is a false assumption.

The recently released CDC report makes it painfully clear that the promise of safe motherhood is eluding too many women. In fact, during the past 15 years alone, total maternal deaths have not declined one bit in our nation. Just think of it. Today, tuberculosis claims about one American life out of 1,000 a year. But 2–3 women out of 10,000 lose their lives each day due to pregnancy-related conditions. And out of 1,000 live births in our country each year, 8 babies die. More infants die each year in the United States than in 24 other developed nations.

As a Member of Congress and as a mother of four daughters, this maternal and infant mortality rate is simply unacceptable. We've got to find out why safe motherhood is still out of reach for so many American women. I am very proud to join many of my esteemed colleagues—NITA LOWEY, SUE KELLEY, CYNTHIA MCKINNEY, ILEANA ROS-LEHTINEN, and CAROLYN MALONEY—in introducing legislation today that will have a significant impact on the progress of maternal and infant health in this country.

In addition to introducing the Safe Motherhood Monitoring and Prevention Research Act, we would like to call on the Commerce Subcommittee on Health and Environment to hold oversight hearings on maternal and infant health and urge Congress as a whole to make this issue a national priority.

Our bill achieves 3 key goals, all necessary components to true progress in the enhancement of maternal and infant care.

First, it expands CDC's Pregnancy Risk Assessment Monitoring System (PRAMS) so that all 50 states will benefit from a public health monitoring system of pregnancy-risk related factors. Although the PRAMS program has received a lot of recognition for positively affecting maternal and infant health outcomes, currently only 18 states are benefiting from the success of PRAMS. Our bill also supports local and state efforts to collect data on mothers who experience serious complications during their pregnancy.

Second, out bill authorizes an increase in federal funding for preventive research, so we can identify basic health prevention activities to improve maternal health. This aspect of the bill builds upon the Birth Defects Prevention Act, which my colleague, Senator KIT BOND and I sponsored in the 105th Congress and which was signed into law last April.

The third and final component of our bill directs CDC to help states and localities create public education and prevention programs to prevent poor maternal outcomes for American women.

In addition, our bill emphasizes the need to expand existing prevention programs and pregnancy risk assessment systems to include those areas of the country where underserved and at-risk populations reside.

By looking at the list of original cosponsors of this bill, one is amazed at the very diverse groups of women legislators committed to this important piece of legislation. We're conservative and liberal. We're rural and urban. We're pro-life and pro-choice. And we're from multicultural backgrounds. But as a unique coalition of women, we're able to put aside our differences and come together on this common ground—on this precious ground—of the health and well-being of all mothers and infants in our nation. I urge all my colleagues to review the merits of the Safe Motherhood Monitoring and Prevention Research Act of 1999 and cosponsor this important piece of legislation.

REAUTHORIZE THE OLDER AMERICANS ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. LIPINSKI. Mr. Speaker, recently in my home state of Illinois, the State Senate and the State House of Representatives adopted Senate Joint Resolution 39 urging the U.S. Congress to reauthorize the Older Americans Act for the upcoming fiscal year. I would like to commend the Illinois Legislature for their dedication to the elderly in their state and urge the 106th Congress to support the elderly of the country by reauthorizing the Older Americans Act. I enter into the RECORD Senate Joint Resolution No. 39.

Whereas, The Older Americans Act promotes the dignity and value of every older person age 60 and over (numbering 2,000,000 in Illinois) through an Aging Network led by the Illinois Department of Aging, 13 area agencies on aging, 233 community-based senior service agencies and 63 nutrition services agencies throughout Illinois; and

Whereas, The Older Americans Act is a successful federal program, with the U.S. Administration on Aging offering leadership in Washington D.C., the Illinois Department on Aging (the first state department on aging in the nation) at the State level, the area agencies on aging in 13 regions designated by the State covering all of Illinois, and community-based senior service agencies providing services in every community; and

Whereas, The Older Americans Act programs target resources and services to those in greatest economic and social need, promote the dignity and contributions of our senior citizens, support transportation services, provide home care, assist families and individuals with case management, guide those challenged by the legal system through legal assistance, provide for senior community service employment, offer information and assistance, establish multi-purpose senior centers as focal points on aging, serve congregate luncheon and home-delivered meals, provide health promotion and disease prevention activities, involve older persons in nutrition education, reach out to families with respite services for caregivers and small repair and home modifications, provide opportunities, education and services, connect people in shared housing, and advocate to public and private policy makers on the issues of importance to older persons; and

Whereas, The success of this aging network over the past 31 years is marked by the delivery of significant service to older persons in their own homes and community with the following services examples of that success:

(1) 374,538 recipients of access services, including 235,148 Information and Assistance Services clients and 68,493 recipients of Case Management Services;

(2) 53,450 recipients of in-home services, including 6,460,533 home-delivered means to 41,305 elders;

(3) 185,520 recipients of community services, including 3,636,855 meals to 79,012 congregate meal participants at 647 nutrition sites and services delivered from 170 Senior Centers;

(4) 760 recipients of employment services, including 760 senior community service employment program participants; and

(5) 98,600 recipients of nursing home ombudsman services; and

Whereas, The organizations serving older persons employ professionals dedicated to offering the highest level of service and caring workers who every day provide in-home care, rides, educational and social activities, shopping assistance, advice, and hope to those in greatest isolation and need; and

Whereas, The organizations serving older persons involve a multi-generational corps of volunteers who contribute the governance, planning, and delivery of services to older persons in their own communities through participation on boards and advisory councils and in the provision of clerical support, programming, and direct delivery of service to seniors; and

Whereas, The Older Americans Act programs in Illinois leverage local funding for aging services and encourage contributions from older persons; and

Whereas, The Older Americans Act programs are the foundation for the Illinois Community Care Program which reaches out to those with the lowest incomes and the greatest frailty to provide alternatives to long-term care, and the Illinois Elder Abuse and Neglect Interventions Program which assists families in the most difficult of domestic situations with investigation and practical interventions; and

Whereas, The Congress of the United States has not reauthorized the Older Americans Act since 1985 and only extends the program each year through level appropriations; and

Whereas, Expansion of the Older Americans Act is proposed in reauthorization legislation this year to offer family caregiver support, increased numbers of home-delivered meals, improved promotion of elder rights, consolidation of several programs and subtitles of the law; therefore be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, the House of Representatives concurring herein, That we urge the Congress of the United States of America to reauthorize the Older Americans Act this year; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

Adopted by the Senate, May 26, 1999.

Concurred in by the House of Representatives, May 27, 1999.

HONORING JOHN MEISE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. CUMMINGS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy audio-essay scholarship competition. The program is now in its 52nd year and requires high school student entrants to write and record a three-to-five minute essay on an announced patriotic theme. This year's theme is "My Service to America", and over 80,000 students participate in the program nationwide.

It gives me great pleasure to announce that John Meise, a senior at Mount St. Joseph High School in Maryland's 7th Congressional District, has been named a National winner in the 1999 Voice of Democracy Program and recipient of the $1,000 Ervin and Lorraine Rothenbuhler Scholarship Award. He plans a career in medicine. John was sponsored by VFW Post 6484 in Woodlawn Maryland.

Following is Mr. Meise's submission.

Ever since July 4, 1776, the citizens of the United States of America has served their country in a myriad of ways. Such service, is what preserves the ideals for which we stand in the United States: "life, liberty, and the pursuit of Happiness." These three are the most elemental principles on which our great country rests. Through service to America and our fellow citizens, we can guard those ideals from which our forefathers set forth in the declaration of independence.

The right, that we treasure most, is life. Human life is to be held in the highest regard because we believe that everyone is equal. Color, religion, and social standing do not provide a basis on which a person is to be judged. Since we are all citizens of the United States we are equal. Community service can help us to realize this fully.

During my sophomore and junior years of high school, I volunteered at the University of Maryland Hosptial's Shock Trauma Center. I completed approximately two hundred hours of service there and I enjoyed every minute of it. Through the hospital I was able to help people that were in terrible predicaments. I offered by services to people on all rungs of the social ladder and through that I made an important personal discovery. I observed that social class did not pre-determine a person's disposition. Some the the poorest patients I met were probably the most kind-hearted. Whether I was running a patient's blood to the lab for tests or feeding a paraplegic man his dinner, I knew I was helping someone important. I also knew that I was offering such service without expecting anything in return. I believe the satisfaction I received in my efforts at the hospital illustrates what the American character is all about. Through cooperation and helping others we actually provide a service to America itself in what we promote the basis morals and values which our society cannot progress.

As Americans, we hold liberty to be one of the most important aspects of our lives. We have the freedom to choose what we want to do. We may take this liberty for granted, but many people live in countries where they are not granted the freedoms that we use everyday. I feel that this freedom must be protected if we are to continue to live our lives the way we have always lived them.

Our armed forces are one of the instruments, which serve to protect this most precious liberty. I belive the best way for me to serve my country and protect such an ideal is by serving in the armed forces. Presently, I am applying to both the Naval Academy at Annapolis and the Military Academy at West Point in the hope that I may be granted an appointment to one of these institutions, so I might be allowed the opportunity to serve my country this way. I have aspired to serve in the military my entire life and I have been inspired by the many people who have served and by the many who have sacrificed their lives in their country's service.

A few years ago, I was an instructor at a Red Cross program for kids who did not know how to swim. We taught them the rudiments of water activity. I got a thrill seeing children, who had been previously afraid of the water, now able to swim and play in the water and enjoy it. This reminds me that the "pursuit of happiness" in this situation would be quite impossible without the help of the volunteers.

We willingly committed ourselves to helping the children pursue happiness. Once again, this shows how service is one of the underlying factors in the American character.

While many different people give service in many different ways, these citizens ultimately provide a solid core around on which our country can rest. Everyone's individual service to others eventually unfolds to a single service to America: its preservation. Through volunteering our time, we maintain the very ideals for which the thirteen original colonies broke away from England. In service we continue and protect our freedom, our life, and our pursuit of happiness."

IN HONOR OF OUR NATION'S VETERANS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MURTHA. Mr. Speaker, in recognition of Memorial Day, on May 29, 1999, I had the honor of delivering the keynote address at the rededication and 50th anniversary celebration of the Lilly-Washington War Memorial in Lilly, Pennsylvania, a town of fewer than 2,000 people.

As part of the ceremony, we made special recognition of two individuals who made sacrifices in their own right in serving our country.

With my assistance, James A. Lego, Jr., of Gallitzin, Pennsylvania, was presented with the following medals that he had been awarded as a member of the 1st Infantry Division, 16th Regiment, but never received:

The Silver Star, on July 20, 1944.

The Bronze Star for Meritorious Service.

Two Purple Hearts for wounds received April 16, 1943 and July 14, 1944.

The Distinguished Unit Badge and two Oak Leaf Clusters, the Good Conduct Medal, Pre-Pearl Harbor Medal, Combat Infantryman Badge, Five Overseas Bars and the European-African-Middle Eastern Theater Service Medal with one Silver Star and one Bronze Service Star.

We also unveiled a monument in recognition of the late Mrs. Esther McCabe, a native of

Lilly, for her dedication to her country. In 1944 Mrs. McCabe was honored as "America's Number One War Mother" because 10 of her sons were serving in the military. Another son enlisted in 1945. We were honored to have present for the ceremony, two of her sons, Leo and James McCabe, who served in World War II.

In the summer of 1944, Leo McCabe was serving in the Army in Normandy after the D-Day invasion. On a very hot day in France, a German fighter plane came over the town and saw a number of gas trucks moving down the road. The Germans hit the lead truck with a rocket, causing it to ignite. While the driver of the truck was able to escape, a young boy who was with him was caught in the flames.

Leo McCabe left the crowd and ran into the flames, the only person willing to risk his life to save the boy. McCabe emerged from the truck with the boy in his arms and McCabe's own clothing on fire, as well as the boy's. McCabe carried the boy to a field, where the flames were extinguished. He then put the young man into a jeep to be rushed to a hospital. Leo McCabe saved the boy's life with this action.

Earlier this year, when asked to comment on his actions for a local newspaper reporter, Leo McCabe said simply "That was no big deal," and when asked on May 29th to address the crowd at the ceremony, Leo McCabe chose not to make a comment and sat proudly with his family. When given the opportunity, Mrs. McCabe's other son who was present, James McCabe, did step up to the microphone, pointed his hand to his left, said "I worked at that mine over there," and then sat down.

Like thousands of Americans who were called upon to serve their country in World War II, these three men: James Lego, Leo McCabe, and James McCabe, answered that call and served their country proudly. After the war, they returned home, went to work in the steel mills or in the coal mines like James did, and life went on.

It was a distinct honor for me to be able to recognize on this occasion the sacrifices made by James Lego and the entire McCabe family in fighting for our freedom in World War II.

ADVANCES MADE IN FEDERAL FOOD SAFETY LAW

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. STABENOW. Mr. Speaker, I rise today to mark an important anniversary. On this date last year, President Clinton signed the Agricultural Research, Extension, and Education Reform Act of 1998 (Pub. L. 105–185) into law. Among the many important programs that were created and improved by the bill, I am most proud of the advances made in federal food safety efforts.

I would like to take this opportunity to inform Congress of the progress made by the food safety Crisis Management Team created by the Agricultural Research bill. We all remember the terrible tragedy of the contaminated strawberries served by schools as part of the National School Lunch Program. Some of those contaminated strawberries were eaten by students in my district. Although local and federal officials did an excellent job of responding to the crisis, it became clear to me that there was a need for better coordination of existing federal resources to respond to food safety outbreaks. Shortly thereafter, I introduced the Safe Food Action Plan, H.R. 3148. My bill made food safety a priority for the federal government and created a food safety Rapid Response Team. After working closely with Agriculture Committee leadership, the Rapid Response Team provision was included in the final version of the Agricultural Research bill. I would like to include in the RECORD, a letter from Ranking Member STENHOLM thanking me for my contributions to the bill.

Since that time, the U.S. Department of Agriculture has instituted the Food Emergency Rapid Response and Evaluation Team (FERRET). The mission of FERRET is twofold. The team works together to facilitate a prompt, effective and coordinated USDA response to food safety emergencies. Furthermore, the team evaluates emergency episodes and uses what is learned from each crisis to improve long-term strategies to prevent future emergencies.

FERRET is chaired by the Under Secretary for Food Safety and its membership includes: the Under Secretary for Food Nutrition and Consumer Services, the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Research, Education, and Economics, the Under Secretary for Marketing and Regulatory Programs, USDA General Counsel, the USDA Inspector General and the Director of the Office of Communication.

During the past year, FERRET has met whenever levels of contaminants pose a threat to human health and safety. In just one year, FERRET has dramatically increased the pace at which USDA responds to public health problems. The new team ensures a swift response by USDA to contamination and provides a greater assurance to American consumers that their food is safe.

I am proud of the very positive accomplishments achieved by FERRET in just one year. I would like to take this opportunity to thank them for their efforts. I look forward to working with FERRET on future food safety efforts.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 23, 1999.

Hon. DEBBIE STABENOW,
House of Representatives,
Longworth HOB, Washington, DC.

DEAR DEBBIE: One year ago, President Clinton signed the Agricultural Research, Extension, and Education Reform Act of 1998 into law (Pub. L. 105–185). On this anniversary, I would like to take the opportunity to thank you for your important contributions to this bill in the area of food safety.

A significant amount of debate on the bill focused on food safety concerns. Your input, based on the expertise of Michigan State University and the National Center for Food Safety and Toxicology research in your district, contributed significantly to the debate. I would particularly like to thank you for your contribution regarding the Food Safety Crisis Management Team.

Last year, you introduced the Safe Food Action Plan (H.R. 3148) to create a Food Safety Rapid Response team, at the U.S. Department of Agriculture (USDA), to respond to food safety disasters. Your bill helped focus the Committee's attention on this issue, resulting in the inclusion of a similar crisis management team in the final version of the Agriculture Research bill.

Through your efforts, the USDA has created the Food Emergency Rapid Response and Evaluation Team (FERRET). During the past year, the team has met whenever levels of contaminants in food threaten to pose a human health hazard. As you know, they have effectively handled a variety of problems ranging from arsenic in peanut butter to lead in baby food. This is an important tool for the USDA to have in the area of food safety.

Let me also thank you for your important contributions to the overall issue of food safety. I look forward to our continued friendship and to working together on the Agriculture Committee. With best wishes, I am

Sincerely,
CHARLES W. STENHOLM,
Ranking Member.

TRIBUTE TO THE LATE HECTOR GODINEZ

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today in tribute to a great man. We have lost Hector Godinez to illness but his spirit will live on in Santa Ana.

Hector was born at the San Diego Mission in 1924. A year later, his family moved to Santa Ana and that became his home. Immediately after high school, he joined the military and served with distinction. The battles he fought in, including the invasion of France, led to the Allies' victory in Europe during World War II. He was revered for his service in General Patton's tank unit. His decorations include a bronze star and purple heart.

When Mr. Godinez came home from the war, he decided to continue his record of public service as a letter carrier. President Kennedy appointed him Postmaster of Santa Ana in 1960. His employment with the U.S. Postal Service spanned nearly half a century.

But I would do his memory a disservice if I neglected to mention the many other contributions Hector made to our community. As a founding member of the Santa Ana League of United Latin American Citizens, Mr. Godinez and his fellow activists are to be thanked for the landmark civil rights case Mendez v. The Board of Education, which safeguarded the Hispanic children of Orange County against discrimination in local schools.

Hector never stopped fighting, giving or learning. He held a number of degrees, including his Masters', which he received in 1980. His name will forever be associated with the long list of community organizations and boards on which he served.

He guided our citizens through decades of change in Southern California, both as a public servant and an activist. Our lives as Orange County residents are better for his life's work, and I salute him today.

IN MEMORY OF SUSAN YOACHUM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Ms. PELOSI. Mr. Speaker, yesterday I called to the attention of our colleagues the wonderful life and courageous death of Susan Yoachum. No one could better memoralize our loss than Susan's husband Michael Carlson, whose statement I am commending to our colleagues today.

[From the San Francisco Chronicle, June 22, 1999]

GRACE IN THE FACE OF FEAR—SUSAN YOACHUM MET HER DEATH FROM CANCER AS A HERO

(By Michael Carlson)

It was a public event when my wife, Susan Yoachum, died of breast cancer a year ago today. As political editor of The Chronicle and as a television commenter, she had become a familiar name and face. Her funeral was covered on television, San Francisco Mayor Willie Brown ordered city flags to fly at half-staff, and the White House sent a letter of condolence.

Susan's struggle with breast cancer had been no less public.

She had spoken and written movingly about her ordeal. She wanted to put a human face on a disease that is the No. 1 killer of American women ages 25–55. She hoped that by personalizing breast cancer, more might be done to prevent and cure it. And she wanted to spread the word that early detection—through monthly self-exams and regular mammograms—can increase a woman's chance of survival.

My mourning was less public. And I was more private about my reaction to Susan's illness.

Recently, I decided to speak out about Susan and her fight with cancer at the invitation of The Breast Cancer Fund, a research, advocacy and patient-support charity that honored Susan at its annual "Heroes Tribute."

The idea of heroes and the nature of courage are topics that I have thought about a lot since Susan died.

The dictionary defines a hero as a person admired for their courage.

I admire Susan for the courage she showed in facing her own death. What she taught me about courage could be the first chapter of my own self-help book, "All I Need to Know About Living I Learned From How My Wife Chose to Die."

In addition to everything else she is and was to me, Susan is my personal hero.

She did not consider herself courageous and would have been bewildered at being called a hero.

She did not consider herself courageous and would have been bewildered at being called a hero. Two days after realizing her cancer had spread, Susan recorded a conversation with her sister-in-law in her journal: "Patti said last night that she told her friends that I was brave. It sounds so noble and grand that I loved the sound of it at once. Yet I don't feel brave." Susan told me she didn't feel brave because cancer and death scared her so much.

When she was first diagnosed with cancer in 1991, Susan wrote about her fear: "I have met younger women with breast cancer and older women with breast cancer. Some are mothers; some are grandmothers; some are executives; some are artists. They are black, white, Asian, Hispanic, rich, poor, bitter, hopeful—but there is one thing that all of us are, and that is sacred."

Susan was more blunt six years later when her cancer spread. "I'm scared out of my wits," she wrote in 1997. "It's the kind of fear that makes your blood run cold, the sort of fear that floods in when you lose sight of a child in a crowd."

Why do I call such a frightened person courageous?

Courage has nothing to do with being fearless.

"Usually we think that brave people have no fear. The truth is they are intimate with fear," writes Pema Chodron in "When Things Fall Apart." Courageous people are those who persevere in spite of and in the face of their deepest fears.

Susan was intimate with fear. Despite that, from 1991 and until her death in 1998, she lived her life with remarkable energy and spirit. She did more than just persevere. She celebrated life. She faced her illness by living as if each day was a gift. She believed that life was to be enjoyed today, now, before time ran out.

Susan enjoyed her life immensely and brought happiness to those around her. She fought for those things she thought important, including raising awareness about breast cancer. She continued to write about politics for as long as she could because she thought it was important and because it brought her joy. And Susan had fun. In her words, she inhaled life.

That took courage.

Although Susan did not consider herself courageous, she understood what she was doing and wrote about it: "How many times in therapy-kissed California have we heard that the only things we can control are our own responses to what befalls us?" Susan's response to her fear was "to make peace with life and death" and "to make some peace with the cancer." "It is going to be with me every day," she wrote. "If living with cancer every single day is the price of living . . . it is worth it. I'll pay it.

I've been paying it. I will continue to pay it."

Susan believed that having cancer demanded "that you try to grab all that you can from life—even more than you thought was there, even more than you thought you could."

"Breast cancer is a wake-up call: to cherish the laughter of children, to savor the fragrance of flowers and to feel the majesty of the ocean," Susan wrote. When you feel like you're on the cutting edge of life, the sky looks a little more blue, sunsets look a little more red, and the people you love seem a little more dear."

I now have met numerous women with breast cancer who know exactly what Susan meant. Those women have looked their own demons in the eye and have found the courage to celebrate life.

I admire their courage.

They are, as Susan was, heroes living among us.

IN CELEBRATION OF MS. KATHERINE DUNHAM'S 90TH BIRTHDAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. CLAY. Mr. Speaker, today I rise to celebrate the 90th birthday of Ms. Katherine Dunham of East St. Louis, Illinois. Besides being recognized as a Kennedy Center Honoree, as well as the recipient of over seventy international awards, Ms. Dunham has consistently used her abundance of talent and creative energy to enhance the fine arts and humanities in America and worldwide. While well known for her contributions in the areas of dance, poetry, musical composition, and choreography, Ms. Dunham has also worked to advance the causes of human rights and world peace. However, it can be argued that her greatest accomplishments have come through her 31 years of tireless educational efforts in behalf of the residents and especially the children of East St. Louis, Illinois.

Born in Chicago, Illinois, Ms. Dunham has distinguished herself in both academic and artistic venues. A graduate of the University of Chicago, she is the author of "Dances of Haiti: Their Social Organization, Classification, Form and Function," Further, she has shared her intellect with us by writing several books, including Dances of Haiti, Island Possessed, and A Touch of Innocence. Ms. Dunham has been recognized for her academic accomplishments as the recipient of honorary degrees from many institutions of higher education, including Brown University, Howard University, and Washington University in St. Louis, Missouri. Her contributions to the arts have come through various theater productions, motion pictures, operatic performances, and television presentations. Throughout Ms. Dunham's career, she has performed both nationally and internationally in major performances and famous venues, including Aida at New York's Metropolitan Opera House in 1964.

As an advocate for education of the arts and humanities among the citizens of East St. Louis, Illinois, Ms. Dunham has proven her dedication to public service and community involvement for over three decades. Through the Katherine Dunham Centers for Arts and Humanities, she continues to provide cultural enrichment to both adults and children, while presenting opportunities for Master Artists to display and share with others their enormous talents and abilities. At age 90, she continues to develop new projects for the East St. Louis, Illinois community, including the soon to be completed African Artisanal Village on the campus of the Katherine Dunham Museum. A vision of Ms. Dunham and her late husband, John Pratt, this center will provide exposure to the arts of Africa, as well as a performing arts facility for the children of the Dunham Workshop and other visiting artists.

Mr. Speaker, the city of East St. Louis, Illinois is proud to be the direct beneficiary of both Ms. Dunham's philanthropy and hands on involvement in the artistic community. It is a pleasure for me to wish Ms. Dunham a happy and healthy 90th birthday, as I look forward to the exciting new programs she has planned for the City of East St. Louis.

COMMUNITY REINVESTMENT ACT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. MARTINEZ. Mr. Speaker, I want to take a minute this morning to discuss the Community Reinvestment Act. For years, the CRA program has had a tremendous positive impact on low- and middle-income individuals all across America. CRA has let countless citizens achieve the American Dream by enabling them to own a home or business.

Because of CRA, blatant discrimination in lending is declining. Banks are now held responsible for how they use the community's wealth and deposits. CRA has given hope to our inner cities and rural areas by enabling home ownership and small business opportunities to increase.

Not only is CRA good for working people, it's good for the banking industry. Banking officials have told me that, because of CRA, banks have tapped into a "new market" in low- and moderate-income communities.

In the greater Los Angeles region, including my district in East L.A., the Bank of America Community Development Bank and its affiliates have made more than $3.2 billion in new community development loans, and more than $650 million in low-income-housing tax credit investments.

But now CRA is under attack. I urge my colleagues to protect CRA by supporting the Gutierrez Amendment to the Financial Modernization Act.

HONORING THE DALLAS STARS—STANLEY CUP CHAMPIONS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to honor the newest source of pride for north Texas—The Dallas Stars.

Although the city of Dallas is no stranger to winning championships, there was something especially exciting about watching the Stars with the Stanley Cup.

Hockey was a relatively unknown sport in north Texas when the Stars arrived from Minnesota in 1993.

But in the short 6 years since then, the Dallas Stars have developed a loyal following of fans, including myself. As a devoted fan of the Texas Rangers, the Dallas Cowboys, and the Dallas Mavericks I am proud to add the Dallas Stars to my list of hometown teams—Excuse me, Hometown "Championship" teams.

HONORING GLENN SCHATZ: AN EXEMPLARY YOUNG MAN

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. KOLBE. Mr. Speaker, I rise today to pay tribute to the outstanding accomplishments of Glenn Schatz, a senior at University High in Tucson. Glenn has been named winner of the 1999 Tucson Citizen Student Athlete-of-the-Year Award, which is presented annually to a high school senior who excels in scholarship, leadership and extracurricular activities. I met Glenn when I appointed him to be a Congressional Page last spring, a job he approached with the same commitment and zeal as he has the rest of his academic career. A four-sport letterman who has managed to maintain a 3.92 grade point average, while at the same time participating in the school's marching, jazz, and concert bands. He served as president of the school's Distributive Education Club of America, the school chairman of the Young Republicans Club, and a recruiter for the Fellowship of Christian Athletes. Additionally, he has been named a Presidential Scholar Award semifinalist and a National Merit Scholarship finalist.

Glenn will be heading off to the United States Naval Academy in the fall, eventually to join the Navy's Judge Advocate General (JAG) corps. I have no doubt that Glenn has the intelligence, commitment, and ability to accomplish whatever goals he sets for his future. I congratulate him on his enormous accomplishments, and wish him all the good fortune in the future. I am enclosing an article from one of the newspapers in my district, which further details the accomplishments of this impressive young man.

IT'LL BE ANCHORS AWEIGH WHEN SUPERBUSY SENIOR LEAVES UNIVERSITY HIGH

Some students have a full plate in high school. University High senior Glenn Schatz goes back for seconds.

He has balanced a busy athletic schedule with the Rincon/University Rangers with his studies, his music, and on-campus and off-campus activities to post a 3.92 grade-point average.

An impressive list of achievements has made this four-sport lettermen the winner of the 1999 Tucson Citizen Student Athlete-of-the-Year Award.

"You never expect to win this type of award," Schatz said. "There are so many quality nominees, it's a honor just to be nominated."

But Rangers football coach Jeff Green isn't surprised Schatz is this year's winner.

"He certainly deserves the award," Green said. "With all he's involved in, his grades, his leadership on and off the field . . . the future is bright for this young man."

Some of his academic highlights are: Scoring a 1,590 out of 1,600 on his SAT, getting a perfect score on the verbal and missing just one math question; received a Congressional appointment from Jim Kolbe to the United States Naval Academy, which he will attend in the fall; a National Merit Scholarship finalist; recently named a Presidential Scholar Award semifinalist; awarded a Cornell University summer dean's scholarship; and won a Dow Jones Newspaper Fund writing award.

Out of the classroom, Schatz has: served a semester as a Congressional page in Washington; attended the Athletics In Public Service Forum in Washington; was selected by the Academy of Achievement for the Banquet of the Golden Plate, one of 400 students in the nation chosen; a member of the school's marching, jazz and concert bands; and served as president of the school's Distributive Education Club in America, school chairman of the Young Republicans Club and as a recruiter for the Fellowship of Christian Athletes.

"I like to keep busy," said Schatz, a budding master of understatement.

With only 22 players on the Rangers varsity roster football team last fall, Green kept the versatile Schatz busy at numerous positions on offense and defense.

"Because Glenn is quick to learn and such a good athlete, we played him at a lot of different positions," Green said. "On offense, we used him at fullback, tight end, wide receiver and flanker. On defense, we used him at linebacker, end, middle guard and tackle. He never complained. He was willing to do whatever it took to help us win. He showed his leadership abilities every day."

Prior to the football season, Green, in his first year as coach of the Rangers, didn't know what he had in the 6-foot-3, 215-pound Schatz. The senior missed spring practice because he was working as a Congressional page, and he missed most of the summer passing league because he was taking college courses at Cornell.

"I didn't expect Glenn to come back to us in great shape and wasn't expecting that much of him," Green admitted. "He was a pleasant surprise for us. He did a nice job in the brief time we had him for the passing league, but a passing league isn't football. I didn't know how tough he was, both physically and mentally, so I wasn't sure what he could give us."

But Schatz, who lettered three years in football, two in basketball, one in baseball and one in track, showed Green he could be an impact player and impressed the Navy football coaches, who would have offered Schatz a scholarship if he hadn't received a Congressional appointment.

"Can he play at Navy? I think he can because he's so versatile and because he can run well for his size," Green said. "At the next level it's difficult, but his goal is to make the traveling squad as a freshman, and I don't think there are too many goals that Glenn has ever missed."

Schatz already had planned to serve in the armed forces after graduating from college, intending to take ROTC.

"At the beginning of the year, the Naval Academy was a side thought for me," he said. "But the more I thought about it, the more it appealed to me, the way the system works, how everything has a set structure, because that fits my character.

"I have an uncle who went to West Point. My whole family has served in one capacity or another. It's always been part of my background and heritage."

Schatz hopes to become a lawyer and join the Navy's Judge Advocate General (JAG) corps.

"The nice thing is that the Navy will pay for graduate school and law school," he said. "Through ROTC, I would have only served four years, but coming out of the Academy, I think I'll advance pretty quickly, so now I'm thinking about making the Navy my career."

And perhaps later, a career in politics might come along. Schatz called his semester in Washington as a Congressional page "the best experience of my life" and said he might run for Congress some day.

"The experience of working with Congressman, people who control the way the country works, was wonderful," he said. "I worked in the Clerk's office and worked on the House floor. I interacted with all the Congressmen. I had to answer calls, take messages to the Congressmen. It was really something special."

As is the 1999 winner of the Citizen's Student Athlete-of-the-Year award.

ANDREWS HIGH SCHOOL CROWNED 1999 CLASS 4-A TEXAS BASEBALL CHAMPIONS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. COMBEST. Mr. Speaker, I rise today to join the community of Andrews, Texas in celebrating the Andrews High School baseball team's victory in the 1999 4–A State Championship. Their triumph on June 11 marks the first time that the Mustangs of Andrews High School have brought home the Texas state title, an accomplishment that is truly deserving of recognition and praise.

The Andrews High School baseball program has been built upon a firm foundation of hard work and sportsmanship. In its 22 years, Mustang baseball has steadily grown and developed into a force to be reckoned with in Texas athletics. The group of young men who claimed the state crown for Andrews displayed what can be accomplished when West Texas determination and teamwork take the field.

It is with pride that I recognize the members of the Andrews High School baseball team for their hard-fought victory, as well as the coaching staff, faculty, and fans that rallied behind them. Thanks to their tremendous efforts, a corner of West Texas is now home to the 1999 Class 4–A Texas High School Baseball Champions. I wholeheartedly extend my congratulations to the Andrews High School Mustangs, with every best wish for the seasons to come.

HONORING KATHERINE DUNHAM UPON 90TH BIRTHDAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Katherine Dunham as she celebrates her 90th birthday.

Ms. Dunham has made immeasurable contributions to American art and culture. She is an accomplished writer and performer, with appearances in films, theatre, opera houses and on television; however, she is probably best known for her work as a choreographer and dancer. Her choreography incorporates the ethnic and cultural dances she learned of during her travels to Africa and the Caribbean, as well as through her anthropological studies of these cultures.

In addition, Ms. Dunham has spent a significant portion of her life dedicated to the betterment of her community, East St. Louis. She founded the Performing Arts Training Center in East St. Louis to provide area youths with an artistic and culturally diverse activity.

Also in East St. Louis, the Katherine Dunham Museum provides others with the opportunity to share her cultural and artistic knowledge. The museum is expanding to include the African Artisanal Village, which will offer a performing center for children and the teaching of African Arts by Master Artisans, fulfilling one of Ms. Dunham's lifelong goals.

Mr. Speaker, I ask my colleagues to join me in wishing a happy 90th birthday to Katherine Dunham, a truly remarkable woman.

MILLENNIUM CLASSROOMS ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. PACKARD. Mr. Speaker, I rise today to support H.R. 2308, the Millennium Classrooms Act, authored by my Californian colleague DUKE CUNNINGHAM.

The Millennium Classroom Act will provide increased tax relief to companies who donate computers especially those with Multi-Media capabilities, to schools and public libraries, particularly in low-income areas. In today's age, anyone entering the workplace needs to have an understanding of computers. This bill will make it easier for children to have the necessary education they deserve.

Our nation is facing many challenges as we enter the new millennium and I believe it is the responsibility of citizens and elected officials alike to find solutions to these problems. The Millennium Classrooms Act is a fine example of laws that promote cooperation between private sector businesses and their communities.

Mr. Speaker, I commend Congressman CUNNINGHAM for authoring this bill. I urge my colleagues to support its passage.

IN RECOGNITION OF BOBBY J. ROBINSON

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. BAKER. Mr. Speaker, I rise today to pay tribute to a distinguished law enforcement officer. Bobby J. Robinson, Vice President of the National DARE Officer's Association Board of Directors, was sworn in as President on June 10, 1999. Mr. Johnson's dedication to law enforcement and drug education has extended for over 17 years. As President of the Officer's Association, Mr. Johnson will lead over 35,000 officers and educators in DARE program classrooms across the United States and around the world. Their important message to young people across this nation is to "Just Say No" to drugs.

Bobby Johnson's law enforcement career has moved him throughout Louisiana and across the nation. Beginning in 1982, Mr. Johnson worked for the Caddo Parish Sheriff's Office in Shreveport, LA, serving in areas of corrections, patrol, public relation, and DARE; finally ending his 10 year tenure at the rank of Sergeant. In 1993, Bobby was recommended to be the Coordinator for the Louisiana DARE Training Center operated by the Red River Delta Law Enforcement Planning Council. After serving 6 years at this facility, the Louisiana DARE Officer's Association nominated Bobby for the office of 1st Vice President on the National DARE Officer's Association Board of Directors. Mr. Johnson won this election in Salt Lake City that would be a four year position on the board, progressing from 1st Vice President, to Vice President, to President, and concluding with Past President. Presently, the National DARE Officer's Association is holding their annual conference in Washington, DC between the 7th and 10th of July.

The Drug Abuse Resistance Education program is our nation's most prominent and visible attempt to educate young people to resist drug abuse. It reaches over 60% of elementary school children in the United States, and is far and away the most prevalent drug education program in use today.

Mr. Speaker, Bobby Johnson not only serves his country diligently, but also is a fine husband and proud father. He and his wife of 17 years, Kathy, have three beautiful daughters between the ages of 6 to 12.

I, along with his family, and all of the citizens of Louisiana, salute his accomplishments and his active leadership in educating the children of America to "Just Say No." Thank you Mr. Bobby Johnson.

THE CRUISE INDUSTRY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. FOLEY. Mr. Speaker, today I rise to address an issue that is central to our nation's economy, the tourism industry. As co-chairman of the Congressional Travel and Tourism Caucus, I believe this issue is worth bringing to the attention of the American public. The issue I wish to discuss is the vital role which the cruise industry plays in relation to our nation's economy and tourism industry.

In regard to our nation's economy, the cruise industry has made significant contributions. With more than five million annual passengers, the industry is a major contributor to the overall U.S. economy. In 1997 in my home state of Florida, the cruise industry was responsible for direct spending of $2.1 Billion dollars and generated almost 59,000 jobs.

Companies such as those outlined below are but a few examples of domestic U.S. companies that depend on the cruise industry as a steady and important source of income:

Tourism support services such as provided by Amadeus, Strategic Cruise Line Services, and Image Photo Services;

Purchases of ship equipments, and supplies from vendors such as General Hotel and Restaurant, Harbour Marine Systems, International Paint, Mobil Aviation and Marine Sales and Ecolab;

Corporate Services provided by companies such as Maritime Telecommunications Services, the Berkely Group, Howard Snoweiss Design Group and J. Walter Thompson;

Ship repair and maintenance provided by companies across the country such as Atlantic Marine of Mobile, AL., Todd Pacific shipyards of Seattle, WA., Cascade General of Portland, OR., Unitour Ship Services of Long Beach, CA., and United States Marine Repair which owns San Diego Shipyard, San Francisco Drydock and Norshipco in Norfolk, VA.

Food and beverage purchases are made in a number of states from such familiar sources as Coca-Cola, Kraft, Heinz, Nabisco, J.R. Simplot, Fresh Point, Sysco, Ernest & Julio Gallo, and Anheuser Busch. Every week, just one cruise ship will purchase approximately 25,000 pounds of food from U.S. suppliers—everything from beef, pork, chicken, seafood, cheese and other dairy products, to vegetables and fruit.

The cruise industry provides employment for thousands of U.S. citizens aboard its ships, in shoreside corporate jobs, and with its extensive network of suppliers. Cruise lines and their direct suppliers are the largest employer of U.S. citizens in the maritime sector of the United States.

Furthermore, the cruise industry also plays a significant role in our domestic transportation and lodging industry. The cruise industry is America's largest private-sector purchaser of U.S. airline tickets, accounting for more than four million tickets purchased annually. Pre- and post-cruise packages include lodging at some of the nation's largest hotel chains including: Hyatt, Intercontinental, Wyndham and Sheraton.

In view of the cruise industry's contributions, I am proud to highlight some of the benefits which the tourism industry provides to our economy. It is with this thought in mind that I continue to advocate the importance of both the cruise and tourism industries. Support for the cruise and tourism industries will generate jobs and additional revenues for the United States. In conclusion, Mr. Speaker, I wish to introduce several statistics for the record generated by a recent Price Waterhouse Cooper's economic analysis. I thank you for this time.

1997 CRUISE INDUSTRY ECONOMIC IMPACTS

DIRECT U.S. EXPENDITURES BY INDUSTRY—RESULTING FROM THE PASSENGER CRUISE INDUSTRY

	Millions
Air Travel	$1,604
Food & Beverage	464
Financial Services	352
Business Services Including Advertising	351
Ship Maintenance and Repair	220
Other Transportation Services, Primarily Shore Tours	160
Petroleum Refining and Related Industries	143
Hotels and Lodging	124
Insurance	120
Entertainment	96
Other Durable Goods	78
Public Administration	67
Other Publishing and Printing	60
Nonresidential Construction	56
Fabricated Metal Products	55
Motor Vehicles and Parts	49
Other Communications	48
Retail Trade	40
Drugs, Soaps and Sundries	34
Personal and Repair Services	22
Real Estate	19
Apparel and Other Finished Textile Products	19
All other industries	1,841
Total Direct Expenditures	6,150
Total Expenditures Resulting from the Cruise Industry	11,620

U.S. Job Impact of the North American Passenger Cruise Industry

	Total Jobs
Travel Agents, Shore Transportation & Other Transportation	$26,465
Air Travel	25,702
Passenger Cruises	22,000
Business Services	18,451
Retail Trade	10,381
Hotels and Lodging	7,914
Wholesale Trade	7,619
Water Related Services, Primarily Ports	7,243
Membership and Misc. Services	5,894
Ship Maintenance and Repair	4,100
Food	3,714
Entertainment	3,525
Engineering & Management Services	2,486
Insurance	2,219
Banking	1,945
Construction	1,600
Fuel	473
Other Industries	24,702
Total	176,433

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THE MURPHY-HARPST-VASHTI CAMPUSES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. BARR of Georgia. Mr. Speaker, I urge those in Washington who believe government is the solution to every problem to visit the Murphy-Harpst-Vashti (MHV) campuses in the state of Georgia. Located across our state, the MHV programs are making a positive difference in the lives of young people.

MHV focuses its efforts on at-risk children. In other words, they help to turn the lives of endangered children around, and help them to become productive members of society. Each of the MHV agencies reaches out to the communities where they are located, identifies children who may become problems in their homes, schools, and neighborhoods, and extend a helping hand to them.

In an era when many social workers, teachers, and parents respond to troubled children by handing them prescription drugs and sending them on their way, the comprehensive approach to troubled children taken by the Murphy-Harpst-Vashti campuses provides a welcome change. I commend them for their work.

COMMUNITY RENEWAL THROUGH COMMUNITY- AND FAITH-BASED ORGANIZATIONS

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Ms. STABENOW. Mr. Speaker, I rise today to express my deep concern regarding H. Res. 207, "Community Renewal through Community- and Faith-Based Organizations." While there are many statements in the resolution that I support, I oppose this legislation and was very concerned to see it pass on June 22, 1999. We have many wonderful faith-based organizations and nonprofits in Michigan who provide services to people in need. I believe they are an important part of our human service delivery system. My concern arises in this legislation with the language that would allow faith-based organizations receiving Federal funds for charitable services to require that beneficiaries of their services actively participate in religious practices or instruction. This, Mr. Speaker, crosses a very serious line drawn in our Constitution. This legislation violates our individual religious liberties protected by the First Amendment's separation of church and state.

Clearly, H. Res. 207, infringes upon the rights and freedoms guaranteed by our Constitution, and I deeply regret that it was passed by this House.

* * *

TRIBUTE TO MRS. ANNA ROBERTS OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. RUSH. Mr. Speaker, I rise today to recognize and honor the life of Mrs. Anna Roberts who made her heavenly transition on Wednesday, June 16, 1999 at the age of 93. Mrs. Roberts was the youngest of fourteen children born to the union of the late Elizabeth and William Martin in Atlanta, Georgia on October 17, 1905.

She united in Holy martimony to Mr. Roy Roberts, Jr. in 1925. Shortly thereafter, Mrs. Roberts migrated to Chicago with her husband, as God blessed them to have five sons and a daughter. A devoted Christian woman, Mrs. Roberts was a member of the Roman Catholic Church, serving faithfully in the Holy Angels Church parish. She was preceded in death by her husband Roy, Sr., son, William Martin Roberts and daughter, Regina Roberts.

The biblical Greek name Anna is the equivalent of the Hebrew name Hannah which means favored and grace. Hannah was a favored and virtuous woman. And in this day and time, who can find a virtuous woman? One whose price is far above rubies and the heart of her husband is safely entrusted to her. A woman who willingly works with her hands, who with the fruit of her hands plants vineyards, with her hands she stretches out to the poor, with her hands she cares for the needy.

A woman who works through the night to feed her household. A woman whose strength and honor were her clothing. A woman whose mouth speaks and wisdom and tongue with kindness. A woman whose children call her blessed and most of all, a woman who fears the Lord. Annabell, as she was affectionately known, was such a woman. A loving, committed and dedicated wife, mother, grandmother, great grandmother, great-great grandmother, mother-in-law, godmother, aunt and friend. Indeed, she was a virtuous woman.

Mr. Speaker, I am truly honored to pay tribute to the life and legacy of my constituent, Mrs. Anna Roberts.

IN RECOGNITION OF THE UNIVERSITY OF MIAMI'S NATIONAL TITLE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in celebration of the University of Miami's championship victory in the National Collegiate Athletics Association (NCAA) College World Series. It is both an honor and a joy for me to recognize the Hurricanes on their triumphant season.

On Saturday, June 19th, the Miami Hurricanes defeated the Florida State Seminoles by a score of 6 to 5 to win this year's NCAA baseball championship. This is the third championship for Miami and it is a fitting end to a stellar, yet challenging, season in which the 'Canes won 50 games, while losing only 13.

The road to the championship was filled with adversity since the season's beginning as the Hurricanes lost three top hitters to the pros, and six more players to injuries. However, the team overcame these challenges with outstanding performances on Saturday by players such as Kevin Brown and Mike Neu, whose efforts were symbolic of their team's outstanding talent and hard work throughout the season.

Coach Jim Morris deserves a great deal of credit for winning his first national baseball title in six years with the University of Miami. Since 1994, he has led the Hurricanes to very successful seasons, each concluding with heart-wrenching losses in the College World Series. This past Saturday, Coach Morris's perseverance and dedication finally paid off. I wish to congratulate Coach Morris and the University of Miami baseball team for a well deserved victory, a victory of which the entire university and the south Florida community can be very proud.

POLISH WOMEN'S CLUB OF THREE RIVERS, MASSACHUSETTS CELEBRATES ITS 75TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, on Sunday, June 27th, 1999, the Polish Women's Club of Three Rivers, Massachusetts will celebrate its 75th anniversary.

Having the distinct pleasure of representing this community in the Congress, I take this opportunity to publicly congratulate the club's members on their 75 years of dedication and good work to their community. This anniversary is indeed a milestone; an achievement in which they should be proud.

I also take this opportunity to enter into the CONGRESSIONAL RECORD today the complete history of the Polish Women's Club of Three Rivers. May the many years of service and good work of the club forever be remembered as a part of our nation's history.

POLISH WOMEN'S CLUB OF THREE RIVERS, THREE RIVERS, MASSACHUSETTS, 1924–1999—HISTORY

On February 24, 1924, the Polish American Women's Citizens Political Club of Three Rivers and Thorndike was formed. There were 59 charter members. On March 30, 1924, Miss Anna Rusek became the first president.

The purpose was:

1. To encourage women to become citizens and assist them in procuring citizenship papers by teaching them English and related subjects.

2. Take active part in politics and get proper recognition and positions on local, state, and federal level.

3. Support businesses owned by people of Polish extraction.

In 1933 we joined the Massachusetts Federation of Polish Women's Clubs, Inc. This affiliation enables us to further foster our Polish culture and we have gained much through the years in this association. We have hosted their conventions in 1952, 1969, 1979, 1984, and 1989. Our activities within the framework of the Federation includes District V which comprises the Western Massachusetts area. We are very actively and continuously involved in holding various offices and directing the activities of this unit.

On October 20, 1958, our name changed to the Polish Women's Club of Three Rivers. Our constitution was revised to foster our ethnic culture, encourage higher education, and exchange cultural ideals. This remains our purpose to this day.

On May 8, 1949, we observed our twenty-fifth anniversary; on April 27, 1974, our fiftieth; on October 27, 1979, our fifty-fifth; on October 27, 1984, our sixtieth; on October 28, 1989, our sixty-fifth; on October 22, 1994, our 70th, and on June 27, 1999, our 75th.

We also have held or still hold memberships in the United Polish American Organizations Council—Township of Palmer, Polish American Congress, and The Kosciuszko Foundation.

Monetary contributions have been made to numerous organizations, such as The Blind Children of Poland; Child's Wish Come True, Inc.; Kosciuszko Foundation Renovation Fund, Palmer Ambulance Service Inc.; Palmer Library; Polish American Congress for the Polish Room, Museum of Immigration at Ellis Island; Pope John Paul II's Guest House in Rome and Endowment Fund; Pope John Paul II Cultural Center—Washington, D.C., Saints Peter and Paul Church; Support of Solidarity in Poland; United Polish American Organizations Council—Township of Palmer; and Literacy Volunteers of America of Quaboag Valley.

Observance of our 50th, 60th, 65th, and 70th anniversaries and the history of our club have been entered into the Congressional Record of the United States of America.

We contribute our time, talents, and money to various worthwhile projects and causes in a very positive manner. Again, these are too numerous to mention.

We have been able to develop and promote our Polish culture, receive scholarship grants for our daughters and members; have or children of Western Massachusetts take part in the statewide essay contests sponsored by the Federation; serve as executive officers and committee members in the various organizations we are affiliated with.

We have been and are actively participating in religious, civic, political and community affairs.

A scroll signed by members of our club was included on November 13, 1976, in the time capsule buried at that time as part of the commemoration of the 200th Anniversary of the Town of Palmer. The capsule will be reopened in the year 2076.

Our membership today is 127–73 are 65 or over and 54 are under 65. Dues are $2.50 a year. Members 65 years and over are exempt from payment. We follow the calendar year for our meetings, January through December, with no meetings June, July, and August. Meetings are held on the fourth Wednesday of the month, at 7:00 p.m., at the St. Stanislaus Polish Home, Three Rivers.

In order to keep our treasury healthy we hold one big raffle a year during the winter. Our members are to be commended for their enthusiastic response for contributions of prizes and selling of our raffle tickets.

Past presidents: *Anna Rusek, *Mary Jajuga, *Sophie Zerdecki, *Nellie Motyka, *Anna Kulig, *Julie Midura, *Stephanie Kolbusz, Genevieve Janosz, and Edna Pytka. (* deceased)

Officers—Year 1999: Helen Grzywna, President; Debra A. Geoffrion, Vice President; Betty Brozek, Treasurer; Sophie J. Valtelhas, Recording Secretary and Publicity; Phyllis Misiaszek, Financial Secretary; and Alice Pilch and Sophie Walulak, Auditors.

Helen Grzywna has been president for twenty-eight years and the club has progressed under her leadership in many projects and causes too numerous to mention.

The spirit that brought together in 1924 those fifty-nine courageous women is still carried on today. Teamwork is an important part of our organization and each member's contribution is highly valued. We are proud of our beginnings and of what we have accomplished since 1924 and as we commemorate this 75th anniversary we will continue our tradition of exemplary dedication and service to our religious, civic, political, and community establishments.

75TH ANNIVERSARY PROGRAM

Our 75th anniversary will be celebrated on Sunday, June 27, 1999, staring with a Thanksgiving Mass at 11:00 a.m. in the Saints Peter and Paul Church in Three Rivers. Our pastor, Reverend Stefan J. Niemczyk, will be celebrant, assisted by Reverend Mr. Edward Tenczar, concelebrant. Immediately after Mass, we will gather at the church's Parish Center for a 1:00 p.m. dinner catered by Tony and Penny. President Helen Grzywna will welcome everyone and then turn the program over to Toastmistress Mary E. Rusiecki, past president of the Massachusetts Federation of Polish Women's Clubs, Inc., who will have the honor of introducing the head table, officers, past presidents, and guests. The invocation will be given by Reverend Stefan J. Niemczyk. Greetings and best wishes will be given by Patricia C. Donovan, Board of Selectmen, Town of Palmer; Richard E. Neal, Second Congressional District Representative in U.S. Congress; Stephen M. Brewer, our State Senator, Worcester, Franklin, Hampden, and Hampshire District; Reed V. Hillman, Representative in General Court, First Hampden District; Pauline Dziembowski, President of the Massachusetts Federation of Polish Women's Clubs, Inc., and Christine Wurszt, Vice-president of District V, MFPWC. Principal Address will be by our member Suzanne Strempek-Shea, Author—Topic Our Counterpart 75 Years Ago. The St. Cecelia Choir under the direction of Michael Rheault, Organist and director of Music, at Saints Peter and Paul Church, will entertain us with their music. One of the songs they will sing is Polish Pride—Pope John Paul II (composed by Fred Brozek/music by Stephen Lebida). Barbara Marcinkiewicz will sing the American National Anthem and the Polish National Anthem to start our program and at the close of the program she will lead the audience in singing God Bless America and Boze Cos Polske. Reverend Mr. Edward Tenczar will give the benediction.

ALTERNATIVE MINIMUM TAX REFORM

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. HAYWORTH. Mr. Speaker, today I am introducing legislation that will reform the alternative minimum tax (AMT) and mitigate its devastating impact on America's industries. My bill, which would help all types of businesses that are locked in the AMT, has attracted the support of firms in the mining, steel, oil and gas, paper, coal, building, and printing industries, among others.

The corporate AMT was conceived as a way ot ensuring that companies with economic income also paid some income tax. Unfortunately, the AMT has a perverse effect on companies that make large capital investments in plants and equipment but suffer from low prices for their output. Frequently, these businesses make commodity products that have small profit margins and are subject to intense international competition. Start-up businesses and rapidly growing companies whose profit margins may be slim in relation to their investment are also affected by the AMT. Extractive industries are another example of those locked into the AMT. And companies in a loss position must routinely borrow money to pay their AMT, even though they have no economic income.

Once in the AMT, a corporation often has problems getting back into the "regular tax" and then using up the AMT credits accumulated during its time in the AMT. My legislation aims to end this vicious cycle by allowing companies that have AMT credits that are more than three years old to use their AMT credits to offset up to 50 percent of their tentative minimum tax. For firms that are currently of of the AMT but carry AMT credit balances, the bill would increase the amount of credits they are able to use currently, Finally, for companies in an AMT loss position in the current and two prior years, the bill would permit a 10-year AMT loss carryback.

As Congress moves forward on tax relief legislation, it is imperative that we keep in mind the fiscal problems of our nation's basic industries. AMT relief is crtical for long-term AMT taxpayers, and I urge my colleagues to join in this important and timely effort.

INTRODUCTION OF THE BINATIONAL GREAT LAKES-SEAWAY ENHANCEMENT ACT OF 1999

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1999

Mr. OBERSTAR. Mr. Speaker, today, I am introducing legislation, the Binational Great Lakes-Seaway Enhancement Act of 1999, to improve the competitiveness of the Great Lakes-St. Lawrence Seaway system and restore its vitality.

This coming Sunday will mark the 40th anniversary of the opening of the St. Lawrence Seaway. The Great Lakes-St. Lawrence Seaway system is a vital transportation corridor for the United States. The Seaway connects the Great Lakes with the Atlantic Ocean and makes it possible to ship manufactured products from our industrial Midwest and grains from the Upper Plains directly to overseas markets. Benefits of efficient operations of this transportation route are not limited to the Great Lakes region but extend throughout the United States. Congress recognized the broader impacts and, accordingly, designated the Great Lakes as America's fourth sea coast in 1970.

The Great Lakes region, and international markets, recognized the system's potential, as evidenced by the sharp rise in vessel and cargo traffic through the Seaway immediately after its opening in 1959. Unfortunately, that potential was never fulfilled. The upward trend in cargo traffic peaked around 1977–79. It then went into a long decline precipitated in part by a nationwide economic recession that hit the manufacturing sector particularly hard, and prolonged in part because of capacity constraints imposed by the Seaway.

Locks on the Seaway and the Great Lakes were built as long ago as 1895. New locks constructed for the Seaway between the mid- and late-1950s, as authorized by Congress in 1954, were built to the same size as those completed in 1932. Locks and connecting channels were limited to 27 feet of draft. Because vessel size had grown over time, Seaway facilities were too small on its opening day to serve the commercial fleet then in existence. Today, they are capable of accommodating no more than 30% of the world's commercial fleet. An undersized Seaway that denies large, specialized, and efficient vessels access to the system will prevent U.S. products, especially those from the Great Lakes region, from competing effectively in the global economy.

In addition to declining traffic, inadequate investment in Seaway infrastructure caused the mix of cargoes shipped through the system to be transformed from one that was diverse to one composed largely of low-value commodities. Although the trend of cargo tonnage through the system turned up once again in 1993, current cargo mix consists of essentially steel coming to the Great Lakes region from abroad, grains going overseas, and iron ore and coal moving from one port to another within the region. Since the last 1980's industrial manufacturing in the United States has recovered through investment in technology and corporate restructuring. Industrial production is flourishing once more in the Great Lakes region; Midwest economies are booming. Yet, only a small volume of high-value finished goods is shipped through the system. The Great Lakes region, therefore, is unable to fully participate in this resurgence of economic strength due to limitations in the Seaway's capacity.

For more than 2 years, I have been working closely with interested parties in the Great Lakes maritime transportation community and the infrastructure investment finance sector in the United States and Canada to develop a proposal to allow the Seaway to reach its full potential, to guarantee the future viability of the Seaway, and to continue the economic development of the Great Lakes region.

The bill I am introducing today, the Binational Great Lakes-Seaway Enhancement Act of 1999, developed in concert with the Honorable Joe Comuzzi, a dear friend of mine and a member of the Canadian Parliament whose district (Riding) is adjacent to mine, would establish the foundation, create the conditions, and provide the resources to permit the system to achieve its full potential. The bill would authorize the creation of a binational authority to operate and maintain the Seaway. It would also provide for the establishment of a non-federal credit facility to offer financial and other assistance to the Seaway and Great Lakes maritime communities for transportation-related capital investments.

Specifically, the legislation would establish a binational governmental St. Lawrence Seaway Corporation by combining the existing, separate U.S. and Canadian agencies that operate each country's Seaway facilities. It would require the Corporation's top management to run the Seaway in a business-like manner. It would transfer Seaway employees and the operating authority of Seaway assets to the Corporation. It would provide labor protection for current U.S. Seaway employees, whether or not they transfer to the Corporation. It would offer incentives for employment and pay based on job performance. It would set forth a process for the Corporation to become financially self-sufficient. At the same time, it would provide the United States with ample oversight authority over the Corporation.

Through merger of the two national Seaway agencies into a single binational authority, we could eliminate duplication and streamline operations. Improved efficiency would reduce government's cost of operating the Seaway. Moreover, a unified Seaway agency would reduce regulatory burden and help cut the sailing time of ships through the system. This latter efficiency improvement would positively affect the bottom line of Seaway users. All of these efficiencies would make the system a more competitive and viable transportation route for international commerce.

The Great Lakes and the Seaway should be considered as an integrated system in maritime transportation. Improvements to the Seaway infrastructure alone would not be sufficient to deal with the efficiency and competitiveness problems facing the Great Lakes-Seaway system. On the contrary, improvements to the Seaway could stress the capacity of ports on the Great Lakes. A comprehensive approach is necessary to address the system's investment needs.

My legislation, therefore, would provide for the establishment of a Great Lakes Development Bank. It would outline in broad terms the structure of Bank membership. To ensure no taxpayer liability, this legislation would prohibit the United States and the St. Lawrence Seaway Corporation from becoming members of the Bank. It would specify eligible projects for financial and other assistance from the Bank. It would define the forms of such assistance. It would require recipients of Bank assistance, states or provinces in which such recipients are located, contractors for projects financed with Bank assistance, and localities in which such contractors are located to become Bank members to broaden the Bank's membership base. It would establish an initial capitalization level for the Bank, and would provide as U.S. contributions $100 million in direct loan and up to $500 million in loan commitments that could be drawn upon to meet the Bank's credit obligations. It would set interest on U.S. loans to the Bank at rates equal to the current average yield on outstanding Treasury debts of similar maturity plus administrative costs to preclude taxpayer subsidy to the Bank. It would allow the United States to call loans to the Bank if the Bank is not complying with the objectives of this legislation and would provide specific limitations on United States' liability to protect our interests.

Mr. Speaker, my legislation is intended to make the Great Lakes-Seaway system a more efficient, competitive, and viable transportation route. Such a system will enable our manufacturers to bring their goods to the world market at reduced cost, making their products more competitive in the global economy. This is a sensible bill; it is a good-government bill. We should all support it. I will be sending out a Dear Colleague letter seeking co-sponsors for the bill. I hope Members will offer their support and join me in moving this legislation forward. This proposal should be enacted this year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 24, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings on issues relating to the trafficking of women and children in Europe and the United States.
2226 Rayburn Building

3 p.m.
Foreign Relations
To hold hearings on the nomination of John David Holum, of Maryland, to be Under Secretary for Arms Control and International Security, Department of State.
SD–419

JUNE 29

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH–216

Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on arts education and magnet schools.
SD–430

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.
SD–366

JUNE 30

9:30 a.m.
Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on facilities.
SD–430

Indian Affairs
To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting to consider pending calendar business.
SR–485

Rules and Administration
To hold oversight hearings on the operations of the Architect of the Capitol.
SR–301

10 a.m.
Finance
To hold hearings on S. 646, to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities; S. 741, to provide for pension reform; S. 659, to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced; and other related proposals.
SD–215

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service Economic Action programs.
SD–366

JULY 1

9:30 a.m.
Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold oversight hearings on the proposed Work Investment Act.
SD–430

Indian Affairs
To hold hearings to establish the American Indian Educational Foundation.
SR–485

Energy and Natural Resources
To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH–216

10 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the federal food safety system.
SD–342

Foreign Relations
To hold hearings on the role of sanctions in United States national security policy.
SD–419

2 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine United States policy towards Hong Kong.
SD–419

JULY 14

9:30 a.m.
Indian Affairs
Energy and Natural Resources
To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.
Room to be announced

JULY 21

9:30 a.m.

Indian Affairs

To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.

SR-485

JULY 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.

SR-485

AUGUST 4

9:30 a.m.

Indian Affairs

To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, June 24, 1999*

The House met at 10 a.m.

The Reverend Dr. Calvin V. French, Reorganized Church of Jesus Christ of Latter Day Saints, Washington, D.C., offered the following prayer:

Eternal Father, who neither slumbers nor sleeps, we look to Thee at the beginning of the new day for a blessing of enlightenment and wisdom upon this body as they do their work today.

We thank You that You have chosen men and women from the common walks of life, and with Your empowerment, made them leaders of uncommon strength. You have called them to serve with a sense of commitment as truly as if before the altars of Thy sanctuary.

Endow each Member of this body with a sense of divine vocation. May their diversity of thought and vision become the manifestation of strength that comes when diversity is crowned with Thy grace. We stand on common ground when we seek the common good. It is for this purpose we have assembled to ask Thy help.

Finally, we invoke the counsel of Thy servant, David, who said: "Blessed is the Nation whose God is the Lord." Our Forefathers understood that simple truth and so structured our Republic in the security of Thy word.

May the inspiration of the old Gospel hymn prevail today and in the days to come: "Thy word our law, Thy paths our chosen way." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. GILMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. GILMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and a resolution of the following titles, in which the concurrence of the House is requested:

S. 880. An act to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 886. An act to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations; and for other purposes.

S. Res. 127. That the Secretary of the Senate is directed to request the House to return the official papers on S. 331.

The message also announced that pursuant to section 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Alabama (Mr. SESSIONS) as a member of the Senate Delegation to the Mexico-United States Interparliamentary Group Meeting during the First Session of the One Hundred Sixth Congress, to be held in Savannah, Georgia, June 25–27, 1999.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize the gentleman from Iowa (Mr. BOSWELL) and then 15 one-minutes on each side.

WELCOME TO THE REVEREND DR. CALVIN V. FRENCH

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I ask my colleagues to join me in thanking our distinguished guest Chaplain Dr. Calvin French.

Calvin French is a graduate of Graceland College, Lamoni, Iowa, where he presently serves on the board of trustees. He received a B.S. degree in education from the University of Iowa, a master's degree from Temple University, with doctoral studies at Harvard University, and received his doctorate in educational administration from Drake University in Des Moines.

He has given a lifetime of ministry with principal appointments to Philadelphia, Boston and Des Moines. For the past 20 years he has been the Reorganized Church of Jesus Christ of Latter Day Saints Pastor of the Washington, D.C., congregation where he continues to serve on Massachusetts Avenue.

Dr. French is a clinical member of the American Association of Marriage and Family Therapists. For 10 years he served on the board of Park College in Kansas City. He was appointed to the National Institutes of Health Advisory Board for Minorities Health and Education, Bethesda, Maryland, and for many years was a member of the executive board of the National Conference on Ministry to the Armed Forces.

Dr. French was a delegate to the Attorney General's Commission on Pornography. He is currently a member of the Secretary of Education's Advisory Council on Partnership for Family Involvement in Education and has provided liaison services to U.S. Government units for the RLDS Church. On several occasions he has presented opening prayers in the U.S. Senate and the U.S. House of Representatives.

He is an active member of Rotary International and served as president of the Washington, D.C., Rotary Club. He is presently president of the Rotary Foundation Board that provides financial support for 48 charitable organizations in Washington, D.C.

His wife LaVon and their two children, Colin French, an attorney in Dallas, Texas, and Dr. Kelsey French, a clinical psychologist, Washington, D.C., are all graduates of Graceland College.

PASS THE PATIENTS' BILL OF RIGHTS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, one of the most important things that this Congress can do is to pass an effective health plan for American citizens. That is why I am happy that 168 Democrats signed a discharge petition yesterday to bring our Patients' Bill of Rights to the House floor. Let us debate it, debate it now.

Yesterday, the Nation's doctors passed a resolution to unionize. They want to be able to practice medicine, to decide which care their patients should have, to decide what medicines, the length of stay their patients need.

Let us have meaningful debate on the Patients' Bill of Rights today. It is important, Americans want it, and Democrats want to get the job done.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SUPPORT H.R. 2280, VETERANS BENEFITS IMPROVEMENT ACT OF 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the Committee on Veterans' Affairs marked up H.R. 2280, the Veterans Benefits Improvement Act of 1999. I would like to take this opportunity to inform my colleagues of a very important provision of this much-needed bipartisan legislation for our Nation's veterans. That provision is the expansion of the fund-raising authority of the American Battle Monuments Commission to expedite the establishment of the World War II memorial in our Nation's Capital. This memorial, to one of this Nation's greatest generations, is long overdue.

Mr. Speaker, of the 16 million Americans that answered their Nation's call to duty and sacrificed to protect humanity against tyranny and aggression, fewer than 7 million are alive today. We are losing them at the rate of 1,000 of these courageous veterans each and every day. We cannot wait if we are to honor these great men and women while they are still with us.

I encourage all Americans to donate what they can to the World War II memorial and my colleagues to support this important legislation. It is truly time to say thank you and to provide a permanent tribute and inspiration so future generations of Americans will be reminded of the sacrifices that were necessary to preserve the freedoms and opportunities that we enjoy today.

SUPREME COURT IS OUT OF TOUCH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the first amendment says there is freedom of speech, and that freedom of peaceable assembly shall not be abridged. The Supreme Court ruled that this language permits dissidents to burn our flag. Beam me up. I believe the Founding Fathers are rolling over in their graves. From school prayer to flag burning, the Supreme Court is out of touch. They are wrong, and Congress must reverse that wrong. In America, the people govern, not the Supreme Court, and Congress should pass a law to protect our flag. A Nation that does not protect and honor their flag is a Nation that will not survive.

I yield back any common sense left in this Congress.

SUPPORT H.R. 1218, CHILD CUSTODY PROTECTION ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, at my alma mater, Southwest High School in Miami, a student with a headache did not receive an over-the-counter aspirin to relieve her pain because the school nurse did not have a signed parental medical waiver; a teenager who wanted to pierce her ears was not able to because she did not have a parental consent form; and a school field trip accompanied by teachers and chaperones left behind a student because he failed to get a parent's signature. How ironic is it that friends and peers of these same teenagers are undergoing dangerous life-altering and potentially fatal medical procedures without parental consent or even notification.

Yesterday, the Committee on the Judiciary approved my bill, H.R. 1218, the Child Custody Protection Act, which will prevent nonparental adults who deliberately circumvent State parental consent or notification laws so that someone else's daughter or perhaps the teenager whom they have raped could obtain an abortion.

Young girls face complications and perhaps even death from botched abortions that their parents may never know about. This bill will put an end to the exploitation of young, immature, vulnerable girls. I hope the House will soon favorably vote on the Child Custody Protection Act.

ON GUN SAFETY AND MANAGED CARE REFORM LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the question this morning is what is our legislative agenda? Last week this House missed an enormous opportunity to pass real gun safety legislation. The only thing we did was prolong the time that criminals can get guns in their hands, and 13 of our children die every day by gun violence. As a mother, I will never give up on passing real gun safety legislation in this House, and we are going to do it.

Mr. Speaker, I will also not stop the fight for a Patients' Bill of Rights that responds to the needs of seniors and families and children that need real health care in America.

My question, Mr. Speaker, is what is our legislative agenda? Are we here for the American people? Or are we just here for special interests?

RECOGNIZING HASKELL SLOUGH SALMON HABITAT RESTORATION PROJECT

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, recently I attended a demonstration of the Haskell Slough Salmon Rehabilitation Project in my district. Private landowners working cooperatively with government agencies and volunteer groups have been able to restore approximately 3½ miles of old riverbed into prime salmon habitat by excavating 6,000 feet of stream channel, thus connecting 11 existing ponds.

The efforts of private citizens donating their time to projects like this one are absolutely vital as we work to rehabilitate salmon runs. Everyone involved with the undertaking should be proud of what they are doing and what they have already accomplished. All around the State, we are mustering community support for projects like the one at Haskell Slough. These voluntary community efforts are paying big dividends in the salmon rehabilitation effort.

MANAGED CARE REFORM DISCHARGE PETITION

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, yesterday we began signing a discharge petition to bring the HMO reform bill to the floor of the House, simply because of the refusal to bring up the Patients' Bill of Rights for debate on this floor. The American people have been very clear about their desire for meaningful HMO reform. It is estimated that 122 million Americans who have insurance do not have these same patient protections.

In my home State of Texas, we passed health care legislation similar to the Patients' Bill of Rights, which has proven to be very successful. However, we still have 8 million insured people in Texas who fall under ERISA, which preempts Texas law, who do not have these basic patient protections.

This is not about politics, it is about fairness, protection and accountability. The American people deserve a Patients' Bill of Rights that eliminates gag clauses, open access to specialists, external and timely appeals, coverage for emergency room care for families to go to the closest emergency room, and accountability for medical decisions.

□ 1015

Mr. Speaker, the American people cannot afford any more delays. We need to support the Patients' Bill of Rights. Let us sign that discharge petition today.

U.S. MILITARY FORCES FALLING UNDER SEVERE STRAIN

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, we Republicans are the first to urge government to do more with less. However there are limits, and the United States military has reached them. More and more experts are becoming alarmed at the level of funding available to meet our defense needs. U.S. military forces are being called to perform more and more missions, but they are being given fewer and fewer resources to accomplish them.

Mr. Speaker, while precious resources are being diverted to the Balkans, our critical missions in both Iraq and Korea are falling under severe strain. Our forces are short on ammunition, and our force levels have been reduced to dangerously low levels. Since 1989, the Army and Air Force have been cut by almost 50 percent, the Navy by 36 percent, and the Marine Corps by 12 percent. All while our commitments overseas have increased some 300 percent.

This mismatch must not continue, Mr. Speaker.

WE NEED A PATIENTS' BILL OF RIGHTS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to talk about the Patients' Bill of Rights.

As my colleagues know, health care in America works real well until we get sick or until we grow old. Then HMOs begin to tell us, "Well, your concerns don't meet our criteria." or "We're not going to refer you to the specialist that you need to see." or "The person who is reviewing your case is not in; he's on vacation." Then our system breaks down critically.

People are concerned about access to specialists. Sixty-two percent of the American population say they have a problem with HMOs because they cannot get access to needed specialists. "Your specialist is not in our network." That is what we often hear.

We need a Patients' Bill of Rights. We need to guarantee access to specialists. We need to guarantee redress in the courts when HMOs make decisions that hurt our health. We need to have a deterrent which says if they deny people access to specialists, if they deny people access to care, then they can be brought to a court of law, and they can be made to pay for it. That not only gives the victim a remedy, it gives the HMOs a strong incentive to provide high quality care.

SUPREME COURT SHIFTS POWER FROM FEDERAL GOVERNMENT BACK TO THE STATES

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, this morning we hear the hue and cry of big government liberals everywhere, and what are they languishing over today? Not once, not twice, but three times yesterday the Supreme Court struck down overreaching Federal laws and uplifted the concept of State federalism. This was like a punch in the nose to those who relish more and more federal laws. They are now staggering under the blow.

Mr. Speaker, what is their nose bent out of shape about? The Supreme Court shifted power from the Federal Government back to the States. More importantly, it said that the Federal Government has no business in usurping State sovereignty by placing layers and layers of Federal statutes on them.

Mr. Speaker, yesterday the Supreme Court rightly halted decades of presumption and arrogance by the Federal Government, and they are right moving the powers back to where it belongs, outside the Beltway and back to the people.

Three cheers for the checks and balances.

UNIONS IN AMERICA

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to pay tribute to the unions of America.

Unless someone is a member of a union or unless they grew up in a union household they may not understand the advantages in the workplace that have been made because of unions for the American worker.

Like many Americans, I know how hard it is to earn a paycheck. I worked my way through college as a clerk at a Sav-on Drug store in Anaheim, and I was a member of the Retail Clerks Union in Orange County.

If someone is a worker in America and they have a pension, they should thank the unions. They understand about dignity and retirement. Thank the unions for their efforts to secure the 8-hour workday, the 40-hour work week, overtime pay and compensatory time off. Unions have been instrumental in obtaining health benefits for workers. We all know how expensive health care is, and without the unions' efforts think of how many workers and families would be without health insurance.

Quality of life; unions understand this.

Today I thank the unions for all they have done to make our country better.

WHAT DOES IT TAKE TO GET LIBERALS OUTRAGED?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute.)

Mr. SCHAFFER. Mr. Speaker, what would it take to get Congress outraged over high taxes, a tax code that looks like it was designed by Saddam Hussein and an IRS less accountable than the weather man? Is there anything at all that would provoke liberal Democrats to denounce the greedy hand of government, the insatiable force of government and the government's sponsored erosion of our liberties?

If they knew that Taxpayer Freedom Day, the day when Americans are finally finished paying Uncle Sam was May 12, would that outrage them? If the White House knew that average middle class families pay somewhere around half of their income to the government, would that outrage them?

If they knew that most Americans pay more in payroll taxes than they do in Federal income taxes, would that outrage them? If they knew that the tax code was so complicated that even Members of Congress on the House Committee on Ways and Means have to hire professional help to figure out their tax forms, would that get anyone's attention around here?

If they knew that the IRS is simply incapable of reforming itself, would that spark their outrage?

Mr. Speaker, just what does it take?

REPUBLICANS PREVENTING DEBATE ON HEALTH CARE REFORM

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday was a watershed day. I never thought I would pick up the Washington Post and have it read: AMA Votes to Unionize Doctors.

Now I graduated from medical school in 1963, and the thought of being in a union or being an employee of an insurance company never ever crossed our minds. But this world has changed, and doctors are frustrated.

This was not the leadership of the AMA that came forward with this. This came from the grass roots, and the reason it came is that as HMOs have taken over the control of the health care industry in this country, they and the patients have lost control.

Now the Republican party gets total control, and they get total everything for making this happen because they would not have a debate on a Patients' Bill of Rights. The longer they push and prevent us discussing this issue, the more they drive the doctors into the arms of the Democratic party and the labor unions, and they destroy the health care system we know.

Bring up health care debate.

THE MIRACLE AND GIFT OF HUMAN LIFE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today I want to draw attention to an amazing scientific and medical breakthrough that has received little attention in the press. It should cause each of us to pause and ponder the miracle and gift of human life.

Little Neal Borkowski is still a tiny baby, yet he differs from most because he already has undergone brain surgery, not since his birth, but while he was still in his mother's womb. It was discovered as young Neal was only 20 weeks old and in utero that he had a condition of fluid on the brain.

Without corrective measures he surely would not have survived, so at such a critical stage of development doctors opened Neal's mother's uterus, and brain surgery was performed on this unborn baby so that fluid could not collect on his brain.

Mr. Speaker, when will we, as a Nation, begin to see this unborn life as sacred and valuable and protected as it deserves? Let us bring our children and grandchildren into the world where they know that all human life, born and unborn, is a miracle and gift from God.

Not a sermon, just a thought.

WE MUST PASS AN EFFECTIVE PATIENTS' BILL OF RIGHTS

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, my colleague, the gentleman from Washington (Mr. MCDERMOTT) has pointed to the headline in the Washington Post this morning that says the AMA Votes To Unionize Doctors, and that comes at the same time that we are considering in the Committee on the Judiciary granting an exemption for doctors to ban together and not be subject to antitrust laws.

The question I ask is: How do we pass those rights to patients? How do we get them together to assert their rights? HMOs can do it, doctors will be able to do it, but who will be speaking for the patient? Mr. Speaker, that is where the Patients' Bill of Rights comes into play.

We have got to pass an effective Patients' Bill of Rights in this body so consumers and patients will have the rights that are being bargained for by doctors and already given to HMOs in the health care system.

ACCOUNTABILITY IN EDUCATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. I would say to my colleague from Washington (Mr. MCDERMOTT) I do not think the doctors are ever going to run to the Democratic party because they do not want to have socialized medicine.

Now when it comes to education, Mr. Speaker, Republicans and Democrats have different visions. We differ on our assumptions, and that leads to very different policy choices. Democrats start with the assumption that what ails public education is more money. We need much more money.

Republicans do not agree. If money were the problem, and given that Congress has increased federal spending on education every single year since 1960, the schools would long ago have improved. However, both parties agree smaller class size, better teacher training, writing, wiring classrooms for the Internet; that will improve education.

But here is the main point, my colleagues. What it needs is more accountability for the money that is already spent and discipline in the classroom. Democrats believe that competition is bad and that the public school monopolies are good. Republicans do not agree. Competition produces excellence and requires, Mr. Speaker, accountability.

But we do have exactly the same goal: better schools for our children.

LAW ENFORCEMENT OFFICIALS WANT GUN SAFETY LEGISLATION

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, last week's failure by this Republican-led Congress to deliver commonsense, practical gun safety legislation disappointed working families and law enforcement officials of both parties in my suburban district in San Francisco's East Bay.

I would like to call attention to the reaction of a Republican law enforcement official in my district. Saying he had enough, Alameda County Sheriff Charles Plummer, a life long Republican, switched his party registration away from the Republican party. These are Sheriff Plummer's words:

I was coming back from a meeting Friday and listening to a couple of Republicans on the radio talking about gun rights saying this legislation is not needed. I went ahead and changed my registration after being a Republican for 47 years.

Sheriff Plummer said that gun safety, and I quote, "has to be solved nationally . . . Even in the hunting country where I was raised, my friends think if someone needs an AK-47 to kill a deer they are not much of a sportsman."

Mr. Speaker, I could not have said it better myself.

CLOSING THE LOOPHOLE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I was going to make some comments on the Republican agenda and the best program on where we go on saving Social Security, and our best defense, our excellence in education and tax relief, but after the previous speaker, I want to mention my disappointment that we have not closed the loophole in a vote by this House on what happens at gun shows. And for the information of those that voted against the loophole closing bill the other day, I just want to explain what happens if an individual lies on the form in the application to buy the gun and they do not find out that he has committed a felony until maybe 2 days later or 3 days later.

What happens is the FBI and the ATF call local law enforcement because this individual has now committed two felonies, one in lying on the application; second, taking possession of the gun. They go after him.

□ 1030

They do that immediately. They take him, they prosecute him, they confiscate the weapon.

Additionally, States have the right to impose restrictions as they see fit. I am disappointed on that side of the aisle that we did not move ahead with closing the loophole.

HOUSE SHOULD ALLOW DEBATE AND VOTE ON DEMOCRATS' PATIENTS' BILL OF RIGHTS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, yesterday I joined my Democratic colleagues in signing a discharge petition to force the Republican leadership here in the House to bring the Democrats' Patients' Bill of Rights up for debate and a vote. The Republican leadership refuses to permit debate and a vote on the Democrats' Patients' Bill of Rights.

The Democrats' Patients' Bill of Rights is based on a revolutionary idea that managed care should be more about managing the health of our loved ones than managing the profits of the HMOs.

We need to ensure that treatment decisions are made by a patient's doctors, not by an HMO accounting clerk; that patients can enforce their rights by taking HMOs to court if the HMO wrongfully denies surgery, specialists, hospitalization or other medically necessary care that causes the death or injury to the patients.

Moderates on both sides of the aisle have endorsed the Democrats' Patients' Bill of Rights, but the Republican leadership here in the House of Representatives refuses to allow us to debate and vote on it.

I urge my Republican colleagues to persuade your Republican leadership here in the House to allow debate and a vote on the Democrats' Patients' Bill of Rights.

CONGRESSIONAL ACTION REQUIRED ON 50 CALIBER ARMOR-PIERCING AMMUNITION

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, the role of the United States military is to provide for the national security of our country. We are grateful for that. What is not the role of the military is to provide armor-piercing ammunition to the civilian market.

Mr. Speaker, 50-caliber sniper rifles are among the most powerful and destructive weapons available today. Armor-piercing ammunition that that weapon uses can destroy aircraft and armored personnel vehicles. The General Accounting Office reports that, unbelievably, our military provides surplus ammunition to a company in West Virginia that refurbishes the ammunition and then resells it to the civilian market.

Adding insult to injury, we, the taxpayers, pay the company to take the ammunition. This ammunition is easily accessible to the general public. One can buy it by mail order, one can buy it by the Internet, and one can buy it in gun stores.

Who would want to buy this ammunition, one might ask? If one is a hunter and a sportsman, one does not need this ammunition. But if one wants to take out a helicopter, take out a limousine, or commit some sort of heinous crime, one might want that ammunition.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. EMERSON). The unfinished business is the further consideration of the joint resolution (H.J. Res. 33) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on Wednesday, June 23, 1999, pursuant to the previous order of the House, all time for debate on the joint resolution had expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, pursuant to the rule, and as the designee of the ranking member, the gentleman from Michigan (Mr. CONYERS), I offer an amendment in the nature of a substitute, which has been made in order.

The SPEAKER pro tempore. The gentleman from North Carolina is the designee of the gentleman from Michigan (Mr. CONYERS).

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WATT of North Carolina:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 217, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Madam Speaker, I yield myself 1 minute.

Madam Speaker, we engaged in an exciting debate yesterday, and today is the culmination and continuation of that debate in which we have an opportunity to make it explicitly clear that whatever amendment we pass in this body will be subject to the first amendment to the United States Constitution.

My amendment in the nature of a substitute simply says, not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States. That simply makes this proposed constitutional amendment subject to the provisions that have stood us in good stead for 200 years, and shapes and focuses the value of this debate.

Madam Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I urge support of the amendment that has just been offered. The gentleman from North Carolina has, in his service here, distinguished himself by the careful thought he brings to difficult issues, and this amendment today is an example of that.

I am one of those who questioned whether there was a need for any amendment at all. I thought there was not. We have had people say, well, but desecrating the flag is not simply an expression of opinion, as crude and as stupid an expression as it is, and, of course, the first amendment protects crudeness and stupidity in expression; but people have said there is something about the desecration which as a physical act could go beyond expression.

Well, the amendment of the gentleman from North Carolina is very carefully drawn so as to say, to the extent that one is simply engaging in an expression of opinion by desecrating the flag, one is protected, but if there are elements involved in that desecration that go beyond expression, we will leave that to the courts to decide in the specific circumstances. I think that is a reasonable compromise.

I want to address, therefore, the part of the amendment that says, to the extent this desecration is an expression of opinion, we should not make it illegal.

I understand, all of us do, the motivation of those who want to make it illegal. The flag is a very powerful symbol. The flag symbolizes the greatness of this country. Yes, there are veterans who saw their comrades lose their lives, who lost their health, who sacrificed years when they could have been with their families, and they did it under a flag which they understandably want to protect. But we have to look at the implications of what we do.

In the first place, passing the amendment as originally presented says that there are times when one can express oneself in ways that we find so offensive that we will make it illegal. That is a great breach in a wall that we have had between the rights of individuals and the government. And I am surprised that many of my friends who are conservative, who want to limit government, want to put this forward, because what this amendment says, without the refinement added by the gentleman from North Carolina, is there are things that one does to one's property, we are talking about now people who own a flag; remember, this applies to people who own a flag and who desecrate the flag they have bought, the physical flag; no one owns the symbol, but they have bought the physical material, they have desecrated it by writing outrageous words on it, by physically mistreating it. Remember, desecration covers things one would write on the flag that would be abusive and offensive, and we are saying we are so offended by what you have done to your property, on your property; you can be standing in your yard with a flag you own and desecrate it, we are so offended by that, that we will make that illegal. We will perhaps send you to prison.

That is a fundamental line that has been crossed. No one is affecting your property; no one is disrupting your peace of mind; no one is making noise and interfering with your right to privacy. Someone on his or her own property, with his or her own physical property, is doing something you find outrageous. But it does not affect you in any material or physical way.

That is a great expansion in the power of government in and of itself.

I was very impressed with the Special Order I heard the night before last by our colleague, the gentleman from Texas (Mr. PAUL), when he talked about and said correctly, the purpose of a first amendment freedom of speech clause is precisely to protect people's right to be obnoxious and offensive, and we do that not because we think obnoxiousness is a virtue, although sometimes, watching this House, people might fall into the assumption that we do; we do it because we fear government. We do it because there is no neutral, impersonal arbiter that can decide which expressions are so offensive as to ban them and which ones should be allowed. We will do it. Elected officials will do it. Politicians a couple of months before an election will do it. Elected judges will do it.

And we have said, we think the danger of discriminatory and arbitrary interference with freedom of expression is so great that we would rather put up with the occasional obnoxious jerk than to empower the government to decide what is acceptable and what is not.

Of course, we have not had many flag burnings lately. My guess is that this debate will probably increase the number of flag desecrations, because it will put ideas in people's heads. But the fact is, to most of us, the fact that some fool wants to desecrate the flag as a way to get attention ordinarily would not work.

There is one other aspect of this that I want to address. There is no logical way that one can say, if one adopts this principle, that someone who has expressed himself or herself obnoxiously should be banned. How can we limit it to the flag? Because once we have said, look, if we care enough about something, we will make it illegal to desecrate, what are we then saying about people who desecrate venerated religious symbols? What about people who burn crosses? Because the Supreme Court said, and I agree, burning a cross on your own land should not be a crime.

This is a principle it is impossible to limit, because if we say burning a flag, desecrating a flag, writing rude words on a flag is so offensive that we are going to make it illegal, then what we are apparently saying is, but it is okay to do this with anything else. I do not think it will stop. We will ratify this amendment, if we do, and we will soon after be asked to protect important religious symbols, the Constitution, other important symbols of our unity.

We choose here, if we pass this amendment without the gentleman from North Carolina's proposal, to break a very important line, and we say that we, the government, will say what is too offensive to express, and that is a terrible step to take.

Mr. CANADY of Florida. Madam Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) is recognized for 30 minutes.

Mr. CANADY of Florida. Madam Speaker, I do rise in opposition to the substitute amendment offered by the gentleman from North Carolina. While I understand and respect the gentleman's intention in offering this substitute, I must point out that the adoption of the substitute would produce a measure that is, quite frankly, meaningless. The fundamental flaw in the gentleman's proposal arises from the fact that the present Supreme Court would declare that any legislation prohibiting the physical desecration of the flag is inconsistent with the first amendment to the Constitution.

The reason we are here today considering this constitutional amendment is that the Supreme Court has made it clear beyond any doubt in the Johnson and Eichmann cases that, under the Court's current view of the Constitution, individuals who physically desecrate the flag of the United States enjoy the protection of the first amendment.

The decisions of the Court demonstrate that any law which prohibits the physical desecration of the flag will be held to involve an impermissible suppression of free expression. The Court is committed to this position, which I can only view as mistaken, that trampling, shredding, defacing, burning, or otherwise desecrating the flag is protected expression under the first amendment. Everyone understands that this is the Court's view of the issue, and there is really no debate on that.

I would like to quote again what the representative of the Department of Justice said back in 1995 on an earlier constitutional amendment on this subject. Mr. Dellinger wrote on behalf of the Department of Justice that the Supreme Court's decision in Eichmann, invalidating the Federal Flag Protection Act, appears to foreclose legislative efforts to prohibit flag burning. There is really no dispute about that. Everyone has acknowledged that any meaningful legislation to protect the flag would be found unconstitutional by the Supreme Court. That is beyond dispute.

Once we understand that basic point, I think we can all see that the amendment of the gentleman from North Carolina (Mr. WATT) travels in a circle to nowhere. How would the Supreme Court interpret the power of Congress under the gentleman's amendment? What statutory provision would the Court be bound to uphold under the Watt amendment? It is obvious that the Court would find that the introductory phrase of the amendment, not inconsistent with the first article of amendment to this Constitution, is the language that the gentleman uses, and the Court would find that to be the crucial operative language in the measure. The introductory phrase would limit and restrict the clause that follows, and this is no great revelation. That is, I am sure, the very clear intent of the gentleman from North Carolina in offering this substitute.

But the fact remains that, given the Court's interpretation of the first amendment, the introductory language of the amendment of the gentleman would rob the clause granting Congress power to protect the flag of any force or meaning.

□ 1045

Under the amendment of the gentleman from North Carolina (Mr. WATT) the court would continue to strike down any laws protecting the flag from desecration. As the gentleman from North Carolina (Mr. WATT) well knows, when he adds "not inconsistent with the first article of amendment to the Constitution," he simply ratifies the constitutional status quo.

But we are here today because the status quo created by the Supreme Court is unacceptable. We are here today because, a decade ago, the Supreme Court imposed novel and flawed interpretation of the First Amendment. We are here today because the Supreme Court, in its mistaken interpretation of the First Amendment, stripped our flag of the protection to which it is entitled. We are not here to ratify that mistaken interpretation. We are here to repudiate it.

It is important for us all to understand that this was something that was new, prior to these decisions about a decade ago, the flag had enjoyed protection against desecration. It was the virtually universal view that such legislative restrictions protecting the flag were constitutional.

Indeed, as I pointed out in my statement yesterday, some of the greatest civil libertarians of this century who have served on the Supreme Court, recognized the power of the government to protect our national symbol from acts of desecration. Justice Hugo Black, Justice Earl Warren, Justice Abe Fortas, all clearly expressed their view that it was not inconsistent with the First Amendment to protect the flag from acts of desecration.

Let me also address the point that has been made by the gentleman from Massachusetts that somehow the First Amendment provides absolute protection for expression in any form, in any circumstance. That is simply not so.

We know that the First Amendment does not protect obscenity, for instance. That is carved out by the Supreme Court's interpretation of the First Amendment, and I think it is a proper interpretation. I do not believe the First Amendment was ever intended to protect that sort of expression.

We also know that certain conduct, which may have an expressive element in it, and that is what we are really talking about here when we talk about the desecration of the flag, it is conduct which admittedly can have an expressive element is not always protected under the First Amendment simply because of the expressive element.

There are certain indecent things that people will not be permitted to do in public simply because they have chosen to use that indecent act as a way of expressing themselves.

People may wish to parade through the streets unclothed as a way of expressing a particular viewpoint. Now, that conduct may have an expressive element in it, but the fact that the people engage in that conduct have chosen that means to express a particular viewpoint or idea does not mean that the indecent public conduct has a protection of the First Amendment.

It is the same point here with the flag. We are not limiting anyone who wishes to express any idea about anything. They can say whatever they choose about the flag, about the leaders of this country, about our Constitution, about the Congress. The list goes on and on.

Free and full public debate can go forward without any restriction under this proposal. All we are saying is that, when people choose to engage in conduct that involves the physical desecration of the flag, they have gone too far, they have transgressed a limit into behavior that is not acceptable, and behavior that is not, like obscenity, expression which is not protected by the First Amendment of our Constitution.

That is why we are here on the underlying proposal. The amendment of the gentleman from North Carolina (Mr. WATT) would simply undo what we are trying to accomplish through the underlying proposal.

So I would submit to the House that the amendment of the gentleman from North Carolina (Mr. WATT) should be rejected by the House and that we should proceed with the passage of the proposal of the gentleman from California (Mr. CUNNINGHAM), and we should proceed with the important work of restoring the legal protection for the flag of the United States of America.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, the flag symbolizes our Nation, its history, and its values. We all love the flag, I think, equally.

That is not what this debate is about. The flag is our national symbol of pride, of unity, and of freedom. Many of us have family or friends who died defending it, and so we have to be heard on this. So this becomes deeply personal.

I think what they really died for were the freedoms embodied in the Bill of Rights that the flag represents. We can and should be incensed when the flag is burned or defaced. We have a responsibility to protect the flag.

That is why I have cosponsored the Flag Protection Act which was introduced by the gentleman from Virginia (Mr. BOUCHER). This legislation would protect the flag by punishing those that burned or defaced it. This bill would also punish any person who steals our flag or commits trespass in order to do damage to one.

The Bill of Rights is one of America's greatest gifts to mankind. For over 200 years, the First Amendment, which protects our freedom of speech and expression, has never been amended. Amending the Constitution, I think, is the wrong way to protect the flag.

I urge my colleagues to support a statutory approach which would protect the flag without doing violence to what it stands for. We need a tough law consistent with our Constitutional responsibilities that can be enacted in a timely fashion and can accomplish what we want without compromising the integrity of our Constitution and Bill of Rights.

Mr. CANADY of Florida. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I want to address this issue about a limited statutory approach to protecting the flag. I think the emphasis there should be on the "limited." I have looked at the proposal that has been brought forward as an alternative to the constitutional amendment; and the truth of the matter is, it does nothing to protect the flag from physical desecration. The only thing that that statute does is prohibit some actions that are already crimes, like destroying government property. It prohibits things that would be prohibited under laws that impose penalties for disorderly conduct.

But the bottom line is, it does not protect the flag from physical desecration. There is a very good reason that the statute does not do that. The reason is that the Supreme Court has made very clear that any statute which does that, under their interpretation of the First Amendment, would be struck down. That is the dilemma that those face who wish to talk about offering a statute. It just does not work.

Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Madam Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding to me.

I also want to say to the gentleman from North Carolina (Mr. WATT), he is offering this amendment, he is a true gentleman, he is a friend, and he is an American, but we look at it differently. We can have a difference of opinion without having a difference of principle.

This weekend, I am going to be speaking to the State American Legion Convention in Tennessee in Gatlinburg, Tennessee. I will tell my colleagues that I am proud of those veterans. I am proud of the fact of what they have meant to this country. I am proud of the fact that they were willing to lay their life on the line in order for us to be free.

I rise today in strong support of the flag protection amendment to the Constitution. As one who served in the U.S. Army, and who currently serves as a colonel in the Tennessee Army National Guard, my colleagues do not have to tell me about the significance of the flag.

To me, the flag represents the many sacrifices our veterans have made throughout history to protect our precious freedoms and to preserve our democracy. Historically, the flag has served as a sacred emblem of the principles on which our Nation was founded. The flag is a national asset which I believe deserves our respect and protection.

While I fully support an individual's right to express himself or herself freely, when it comes to the American flag and such a gross disrespect for something so precious as our national symbol of freedom, I feel it is necessary for Congress to take action.

I believe the ideas flag burners want to communicate can be expressed just as effectively without burning our national symbol. We should not protect such horrendous behavior when our forefathers, our veterans, and many patriotic citizens of this great land sacrificed and fought to protect the freedom it symbolizes.

Madam Speaker, I stand up here, not as a legal scholar, but I say that, if the Supreme Court holds that our Constitution permits flag burning, it is time to change our Constitution.

As we prepare to celebrate the independence of this great Nation, I urge my colleagues to join me in saying thank you to every veteran that fought and every soldier that died to defend this flag and the country for which it stands by voting for the flag protection amendment.

A lot of people may not have thought about this, but we celebrated our 200th birthday in 1976. We are now 223 years old. But do my colleagues know what the average longevity of the great democracies of the past is? Two hundred years.

If we want to rededicate and recommit ourselves, we need to fight for this country in order to make sure that we have that opportunity to celebrate our 300th birthday. Vote for the flag protection amendment.

Mr. WATT of North Carolina. Madam Speaker, I yield 3½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the gentleman from North Carolina (Mr. WATT) for yielding to me. I also want to thank the gentleman for all of his good work. He is a good friend, and he is a great American.

Our flag is worthy of the emotion it stirs deep within us. It is worthy of reverence. I love the flag. We all love the flag. Our flag is worthy to stand, by itself, against the attacks of those who seek to denigrate it and all that it stands for.

Is our flag so weak that it cannot withstand public desecration and attack? Is our flag so weak that we must pass a constitutional amendment to protect it? No, our flag is greater than that.

America, our America, is the free-est Nation on earth. In our America, we have freedom of speech, freedom of assembly, freedom of press, freedom of religion. Our Constitution guarantees each of these freedoms.

The Constitution is a sacred document. It is the foundation of our democracy. It is the foundation of our freedom.

Our flag, Old Glory, is worthy of every word of praise and respect that will be spoken here today, tomorrow, and years to come. Throughout the world, the American flag symbolizes freedom, liberty, and the glory of democracy. Old Glory has served as a beacon of hope and opportunity for generation upon generation, not just in the United States, but throughout the world.

But above Old Glory, above a symbol of our liberty, is our sacred Constitution. The Constitution guarantees that we have the freedom to have political belief and express those beliefs openly.

An amendment to our Constitution will not protect Old Glory, it will destroy Old Glory. Because Old Glory is nothing without freedom. When freedom is strong, Old Glory is strong. When we persecute our citizens for expressing political belief, yes, even the burning or desecration of the flag, we weaken our freedom. When freedom is denied, Old Glory dies.

My colleagues, if Old Glory could speak to us today, she would cry for us. She would weep. Today, on the floor of this House, we are attacking freedom. We are attacking the liberties guaranteed in the Bill of Rights.

□ 1100

To honor our flag and all that it stands for, we must reject a constitutional amendment. We must embrace not just a symbol of freedom, but freedom itself. To suppress freedom by passing a constitutional amendment is to make a flag stronger than the people and the Nation it represents.

For the sake of our people, our freedoms and our Constitution, I urge my colleagues to reject this well-meaning but unnecessary constitutional amendment. I urge my colleagues to vote "no."

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Madam Speaker, I thank the gentleman for yielding me this time, and as I listened to the debate, I could not help but come to the floor to talk about this very important bill.

I have the greatest amount of respect for the gentleman from Georgia who preceded me. He is certainly a hero. He has served his country well. And certainly in this Nation where we have freedom of speech and the freedom to disagree, I must respectfully disagree with his opinion on this very important issue.

I also greatly respect the sponsor of this bill, the gentleman from California (Mr. CUNNINGHAM), and people like him who not only can talk about liberty and patriotism and wave that flag, but actually, when it came time to serve his country, he did so greatly. He, too, is a great American hero.

Many of my colleagues that are new to this Congress may not know that the gentleman from California (Mr. CUNNINGHAM) was the inspiration for the movie Top Gun. I think all those military scenes and those kinds of things he certainly stood for and was representative of many of those actual events, and during Vietnam was a top gun pilot himself. I think some of the other scenes he did not represent, but certainly as a military man he is one of our true American heroes, and it is a privilege to serve in Congress with him.

I think people like the gentleman from California, who have fought over the years, and we have heard it argued they fought for the freedom to burn the flag, I do not think that was the case. They fought for the freedom that is in the Constitution, but they stood for that flag. At Iwo Jima they raised those flags, and those marines certainly did not intend for that flag to be burned.

But I think what this comes down to can be boiled down to this. Very simply, the overwhelming majority of the American people, whom we represent in Congress, we are elected to represent these people throughout the country, the majority of the American people want this protection of the American flag. They believe, like I do, that it is the symbol of this country and deserves to be protected, deserves that constitutional protection.

It takes an amendment to the Constitution, because the courts have, over the years, declared any law, any statute, any simple bill that we pass as unconstitutional. But in the end we have had as many as 48 States at one time who had their own individual State laws against burning flags. Right now this Congress has, I believe, resolutions from 49 of the 50 States asking us to pass a constitutional amendment to protect the flag.

And, yes, there are limitations to the first amendment freedom of speech. We have probably heard them argued many times on this floor already. We cannot yell fire in a crowded theater; we cannot slander or libel somebody; and in most places we cannot walk around without clothes on, if that is someone's way of freedom of speech. It is against the law to do that. So we have, as a lawful society, placed some restrictions on freedom of speech. This would simply be another that the people want. Three-fourths of the States have to ratify it. We are simply setting forth that process today that allows them to make that choice.

Madam Speaker, I ask support for this bill.

Mr. WATT of North Carolina. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Speaker, I love our flag. It stirs my heart every time I recite the Pledge of Allegiance, but the Constitution says Congress shall make no law abridging our freedom of speech. We also know that the Supreme Court twice has ruled that flag burning, as upsetting and despicable as it is to many of us, comes under the protection of the first amendment.

I believe that the patriotic thing to do is to condemn flag burning whenever and wherever it happens, but not to ban it. The right thing to do is to leave well enough alone with the Constitution. That means leaving the Constitution the way it is by keeping the first amendment intact.

Cutting into the first amendment, the cornerstone of our great democracy, would curtail what our beautiful flag stands for: freedom, the very freedom that each of us holds so near and dear, the very freedom that so many brave Americans have courageously fought to protect throughout history.

I am so very proud of our veterans, but I believe the best way to honor our veterans is to defend the Constitution. Let us show respect for our precious flag by pledging allegiance to the flag for which it stands and upholding the integrity of the Constitution.

Mr. CANADY of Florida. Madam Speaker, may I inquire of the Chair concerning the amount of time remaining on each side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. CANADY) has 15 minutes remaining, and the gentleman from North

Carolina (Mr. WATT) has 16 minutes remaining.

Mr. CANADY of Florida. Madam Speaker, I yield myself 1 minute.

I wanted to respond again to the point that has been made that here we are attempting to change the first amendment. That is not what we are attempting to do, and that is not what we would do here. We are simply responding here to a flawed and novel interpretation of the first amendment that the Supreme Court imposed a decade ago.

Let me quote once more what Justice Black said back in 1969. He said, "It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense." And Chief Justice Earl Warren said this: "I believe that the States and the Federal Government do have power to protect the flag from acts of desecration and disgrace."

That was the understanding of the first amendment until the Supreme Court 10 years ago changed direction and created this right to desecrate the flag which previously had not been recognized. I think the Supreme Court was wrong, and that is why we are here with this amendment today.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I have to speak out today on this issue because the first amendment means so much to me, and I want to thank the gentleman from North Carolina (Mr. WATT) for yielding me this time and for his hard work on this issue.

As an African American woman, the right to free speech has allowed me to challenge the inequities in the society based on race, gender, age, sexual orientation and disabilities. The proposal to amend the first amendment's guarantee of free speech for the first time in the Constitution's history will have a chilling effect on those who fight for freedom and justice.

Madam Speaker, this amendment will weaken one of our most fundamental rights. Our government cannot, must not, prohibit freedom of expression simply because it disagrees with its message. We condemn other countries for stifling dissent. We condemn the lack of freedom of speech. In fact, we impose blockades against countries which we believe crack down on citizens who oppose their own government. This Congress needs to stop its hypocrisy.

I implore my colleagues not to be superficial and to stand for the freedom, yes, the liberty and the justice that the flag represents.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

I just want to point out that what we are talking about here is conduct which attacks our national symbol. What this amendment represents is the view that the people of the United States have a compelling interest in protecting our national symbol from that sort of physical act which is intended to desecrate it.

Let me refer again to something that Justice Stevens said in his dissent in the Eichmann case where he started off by acknowledging that we all understand that the government should not attempt to suppress ideas because we find them to be objectionable. I certainly accept that the government should not be in the business of suppressing debate about public issues in this country. That is not the purpose of the government. That does contravene the first amendment of the Constitution. But that does not mean that there are no limitations on the type of conduct that people can engage in in this country in the name of freedom of expression.

Justice Stevens said in his dissent that, "In addition to being well settled that we should not attempt to suppress disagreeable or offensive ideas, it is equally well settled that certain methods of expression may be prohibited if, A, the prohibition is supported by a legitimate societal interest that is unrelated to the suppression of the ideas the speaker desires to express; B, the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and, C, the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition."

Now, I believe if we look at this test, which is a very responsible test, and a test which is quite protective of freedom of expression, we will see that prohibitions on the desecration of the flag are not objectionable. The prohibition is supported by a legitimate societal interest that is unrelated to the suppression of the idea the speaker desires to express.

We are not attempting to express any idea when we protect the flag from desecration. The truth of the matter is, desecration of the flag is conduct which is used by people who are trying to express a whole range of different ideas in a very inarticulate way. The Chief Justice, I think, has aptly described this as more like an inarticulate grunt or roar as opposed to real articulate expression.

But what we are doing is not related to the expression of any idea, and we are not interfering, under the second part of this test, with the speaker's freedom to express those ideas by other means. People can choose any other means to express whatever idea they wish to express. We are simply saying that they cross the line and they will not be permitted to use the one means to express their view, which is the desecration of the flag of our Nation, which I believe is the property of the people of the United States and is not to be used for desecration by any one individual.

I believe that that interest of the people of the United States, in protecting the symbol of our Nation, of our national unity, is more important than whatever marginal value some individual might derive from using the particular means of flag desecration to express some viewpoint. I believe that full and robust and free public debate will go forward. There is no question that that will take place. It took place before the Supreme Court decided those cases 10 years ago. There was wide-open debate on public issues. Nobody's opinion was suppressed even though the flag was, before that decision and for many years, had been protected under the laws of the United States and the laws of the various States of the Union.

So looking at this all in context, I think we see how reasonable what we are asking is, and it is just another reason for opposing the gentleman's amendment, which would render the underlying proposal by the gentleman from California (Mr. CUNNINGHAM) meaningless.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me again put in context what this debate is all about. First of all, we all abhor the desecration of the flag, and the proposed constitutional amendment that my colleague the gentleman from Florida (Mr. CANADY) and my colleague the gentleman from California (Mr. CUNNINGHAM) have put forward express that abhorrence for the desecration of the flag in the precise wording of their proposed amendment. It says, "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

□ 1115

My proposed substitute amendment expresses that same abhorrence for the desecration of the flag, but at the same time it expresses a higher commitment to the command of the First Amendment that is already in the Constitution of the United States that has stood our Nation so well for over 200 years.

My proposed substitute to their amendment simply says, not inconsistent with the First Amendment, not inconsistent with the First Amendment, the Congress shall still have the power to prohibit the physical desecration of the flag of the United States. So we have got two clear options.

Now, their defense to my proposal is, on the one hand, that it is meaningless and, on the other hand, that it is too meaningful. Now, they have got to make a choice. And my colleagues must make a choice.

First of all, they say they are not doing anything to the First Amendment by proposing to protect the flag from physical desecration under the amendment that they have offered. If that is the case, if that is the case, the language that I have proposed to insert here in this amendment is meaningless.

Well, it might be meaningless. But if it is, I want to be on record as saying that I support the First Amendment to the Constitution.

The other side of their argument is, well, it is so powerful this language that I have proposed in my amendment that it undermines completely the amendment that they have offered. That is the opposite side of their argument. And if that is what they are saying, what I want my colleagues to know is that that is exactly what should be the case. I am not backing away from that.

But if their proposed constitutional amendment is inconsistent in any respect with the First Amendment to the Constitution, which they say it is not and which I do not know because we do not know how it will be interpreted, but if it is, then I want to go on record right now as saying I want the First Amendment to rule in this conflict. And that is really what this debate is all about.

We talked a lot yesterday about things that the debate is not about, and I want to go through those things one more time. We all agree that this is not about patriotism. There are patriots on every side, both sides of this issue. In the committee, the patriot the gentleman from California (Mr. CUNNINGHAM) came. Another patriot came from the Republican side who was on our side of this issue.

So second, it is not even about partisan politics. Is that not wonderful that we have something on the floor of the House of Representatives that we can debate that we can all stand up and say to America, this is not about partisan politics? We have agreed on that.

Third, we have agreed that it is not a liberal versus conservative issue. Because if we read the opinions of the court, we have got conservative justices and liberal justices on both sides of the Supreme Court's opinion. So it is not a liberal-conservative issue.

The gentleman from Florida (Mr. CANADY) and I even agreed that it is not even about where we went to law school. Because both of us went to law school at the same place. He is on one side of this issue. I am on the other side of it. So it is not even about that.

I want to talk to my colleagues about one other thing that this amendment is not about. It is not about burning the flag. Let me repeat that. This is not about burning the flag. We have heard all this discussion about burning of the flag, but this is not about burning of the flag.

There is a reason that my colleagues decided not to use the word "burning" in this proposed constitutional amendment. The reason is that the appropriate way to dispose of a flag is to burn it. The court has acknowledged that. Where is the language here that I can just point that out and be explicit? I had it right here. Well, I cannot find it right now. But it will come back to me. Here it is. This is from the underlying case that was decided by the Supreme Court.

"The Defendant Johnson was prosecuted because he knew that his politically charged expression would cause serious offense. If he had burned the flag as a means of disposing of it because it was dirty or torn, he would not have been convicted of flag desecration under this Texas law. Federal law designates burning as the preferred means of disposing of a flag when it is in such condition that it is no longer a fitting emblem to display."

So we have got a Federal law that says we can burn the flag. So what is this about? What is this word "desecration" all about? It is about expression of an opinion. Because if we burn the flag in reverence to the flag as an honorable way to put that flag to bed, to end the use of that flag, the Federal statute protects us. But if we go out and we burn that same flag as an expression of our disgust with some idea that our constitutional government has not lived up to or some disgust with the principles for which that flag stands, it is, at that point, desecration, which has a different connotation than burning, kicks into this equation.

So this is not about burning the flag. This is about what they are thinking about, what they are saying, what they are expressing when they burn that flag. That is what this debate is about. The case law clearly says they can have antiburning statutes at the local level. Sure they can have antiburning statutes. But they cannot single out the flag and say they cannot burn the flag as a process for expressing themselves. That is what the underlying amendment does. That is why the word "desecration" is used instead of "burning."

Just think about it. That is a little subtle difference. I know some of my colleagues are just going to say, well, he is just playing on words. But think about why they did not use the word "burning" in the statute, in the proposed constitutional amendment. Because the law already allows the flag to be burned as long as they are thinking good thoughts and supportive thoughts when they burn it.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, may I inquire of the Chair concerning the time remaining.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. CANADY) has 9 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 3½ minutes remaining. The gentleman from Florida (Mr. CANADY) has the right to close.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend the gentleman from North Carolina (Mr. WATT) on the role that he has played in the debate. I think the gentleman from North Carolina has made the best case that can be made against the amendment. I do not think it is a strong case, and I disagree with it. But I think the gentleman has made the case that can be made.

The problem that I think underlies the attack on this proposal is it does not come to terms with the fact that we in this proposal are not preventing anyone from expressing any idea or opinion they wish to express. This is simply a restriction on the means that they have chosen. And this is a point I have made before. But I think this is a fundamental flaw in the argument that is used by those against this amendment who claim that somehow we are undoing the First Amendment or that we are acting in a way that is inconsistent with the purpose of the First Amendment.

It is true that we are acting in a way that is inconsistent with the interpretation of the First Amendment that has come down from the Supreme Court. That is why we are here. But the substitute, in my view, does not, as the gentleman from North Carolina (Mr. WATT) said, express a higher commitment to the command of the First Amendment.

What the substitute of the gentleman from North Carolina (Mr. WATT) does instead is express a higher commitment to the command of the Supreme Court. I would just remind the gentleman that, under our Constitution, the Congress also has a role to play and under Article V, we are playing the role that we have in the constitutional amendment process.

That was put in the Constitution for a purpose. I believe that one of the reasons it was put there is to make certain that the people's representatives and the people themselves ultimately could address mistakes that might be made by the Supreme Court.

Now, the gentleman has also argued that we are claiming that his amendment is meaningful in one sense but not meaningful in another. Well, we are claiming that. I will confess to that. Now, the change that the gentleman is making by his amendment in the amendment that has been offered by the gentleman from California (Mr. CUNNINGHAM), the underlying constitutional amendment, is quite meaningful.

There is no question that the change that the gentleman from North Carolina (Mr. WATT) is attempting to make to the amendment of the gentleman from California (Mr. CUNNINGHAM) is extraordinarily meaningful. It is so meaningful that it destroys the Cunningham proposal. That is true. But another way of looking at that is saying that the end result of making the change that the gentleman from North Carolina (Mr. WATT) would have us make is a constitutional amendment that is meaningless because it would ratify the constitutional status quo, which has been established not by the First Amendment itself but by the Supreme Court of the United States.

So the amendment that the gentleman offers is meaningful in that it changes the proposal that the gentleman from California (Mr. CUNNINGHAM) has brought forward, and it is meaningless in that the end result of adopting the Watt amendment would be a constitutional amendment that simply ratifies the status quo and, thus, does nothing. And I do not know why anyone would want to do that.

I would have to candidly suggest that I find it hard to believe that the gentleman or any of the other opponents of the Cunningham amendment would actually want to adopt the substitute as a part of the Constitution of the United States.

Now, I know they do not want to adopt the amendment of the gentleman from California (Mr. CUNNINGHAM) either, but I really have a hard time believing that they would support adoption of the substitute. Because they understand, of course, that it is a proposal that would simply endorse what the Supreme Court has already said.

□ 1130

For that reason, I think we need to move on, vote down the amendment of the gentleman from North Carolina, and then go on to the important business of passing the resolution that has been brought to this House by the gentleman from California, whose leadership on this has been outstanding.

Madam Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Madam Speaker, first I want to associate myself with the words of the gentleman from North Carolina.

The Constitution has been amended only 27 times over 200 years, and this was to expand our freedom. Why should we amend our Constitution to limit a person's freedom? This Nation stands for freedom, not for enslavement of one's views. The ultimate demonstration of a Nation's commitment to freedom of expression is to allow its symbol of freedom to be used for individual expression.

Freedom of speech is one of the most fundamental rights we as United States citizens have. What makes the United States different from Iran, China, Cuba and other countries is that we can voice our concerns freely under the first amendment without the penalty of being fined or going to jail. If we strip our citizens of this right, we will be taking a step backwards to the practices that are pervasive in many tyrannical countries.

I am not for flag burning. As the gentleman from North Carolina has indicated, this is not about flag burning, but this amendment would infringe on a person's right to express what they feel. For example, I am against the practices of the Ku Klux Klan, but they still have the right to their freedom of expression.

The 1st Amendment protects all people and their opinions—if their opinions disagree with your beliefs—that is what makes this country unique—the environment of discourse and the ability to pick and choose what you believe in.

As we debate many beliefs in this great House, let us not forget that each and everyone of us has the opportunity to hear both sides and make an individual decision on what is right and wrong for their constituents. But, the wrong decision would be to limit a person's freedom of expression by penalizing how they feel.

The First Amendment makes the U.S. unique from all other countries. Let us continue to be a world leader in preserving our citizen's right under the 1st Amendment.

Mr. WATT of North Carolina. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, the people of my district are conflicted on this issue. They and I have a special feeling towards our flag. I represent Fort McHenry in which Francis Scott Key saw the flag that inspired the National Anthem, the symbol of our freedom. But they and I also understand that protecting the first amendment of the Bill of Rights, we must do. It is part of the founding principles of our country, the right to speak out even when it is not popular.

I want to applaud the gentleman from North Carolina for giving us the opportunity to both protect the Constitution and the Bill of Rights and putting this issue in proper context. Yes, we want to protect the flag from desecration, but we also want to protect our Bill of Rights.

Mr. WATT of North Carolina. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from North Carolina is recognized for 1¾ minutes.

Mr. WATT of North Carolina. Madam Speaker, the words keep resonating in my head from my senior law partner that I talked about yesterday, when I was sent to represent people who had demonstrated on an issue that was on the opposite side of a position that I held, and I called my senior law partner and said, "Why would you send me here to represent these demonstrators that are demonstrating against something that I believe in?" And his simple words to me were, "Don't you believe in the first amendment?"

That is what I ask my colleagues today: "Don't you believe in the first amendment?"

This is what Justice Kennedy said in his concurring opinion in the Supreme Court case:

> For we are presented with a clear and simple statute to be judged against a pure command of the Constitution. The outcome can be laid at no door but ours. The hard fact is that sometimes we must make decisions we do not like. We make them because they are right, right in the sense that the law and the Constitution compel the result.

I call on my colleagues today to make the decision that they know is right. It is a difficult political decision. It was not easy for the Supreme Court. But they stood and upheld the first amendment to the Constitution of the United States. I ask my colleagues in this House to do the same in the face of this adversity.

AMERICAN BAR ASSOCIATION,
Washington, DC, June 21, 1999.

DEAR REPRESENTATIVE: On behalf of the American Bar Association, I write to urge you to oppose H.J. Res. 33, the proposed constitutional amendment to prohibit the physical desecration of the flag of the United States.

The Association deplores any desecration of the flag, but we must not forget that the flag is a symbol of both national unity and sovereignty and the individual freedoms we so uniquely enjoy in this country—freedom to think one's own thoughts, to express one's beliefs, and to associate freely with those of like mind. As important as the flag is to all of us, we must never protect it at the expense of the precious freedoms it symbolizes.

Proponents of this measure argue that it would merely restore 200 years of "tradition" of protecting our flag. In fact, the amendment would actually violate our nation's true tradition of preserving and expanding individual freedoms. The Bill of Rights has endured intact since its adoption in 1791. Previous amendments to the Constitution have acted only to expand the individual liberties guaranteed in the Bill of Rights, not to limit them. As Acting Assistant Attorney General Randolph Moss noted, "[p]art of the unique force, security, and stature of our Bill of Rights derives from the widely-shared belief that it is permanent and enduring."

In a recent statement, Keith A. Kreul, a U.S. Army veteran and former National Commander of the American Legion, warns that this amendment "will neither protect the flag nor promote true patriotism." He goes on to say that, "Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and the Bill of Rights." Mr. Kreul cautioned Congress against attempting to impose patriotism by legislative fiat. "We must not delegate to government our responsibility of citizenship lest we endanger our most precious freedoms . . . Respect for our beautiful flag can only come from the hearts of the people. Attempts to bestow honor by government decree upon the flag are idle myths and must not prevail."

Arguments that this amendment is needed in order to address moral malaise in this country are misdirected. Moral malaise did not begin ten years ago with the Supreme Court's ruling in *Texas* v. *Johnson*. The notion of drawing a line in the sand on this issue in order to send a message on morality diverts attention and resources from real and serious problems. The issues of concern facing our nation today—violence in our streets and schools, economic security, questions of race, and armed conflict abroad—will have a far greater impact on the shape of our society than a constitutional amendment on flag desecration. It would better serve our nation if the time and effort Congress is expending on the flag amendment would be directed toward those and other critical issues.

Proponents of the amendment argue that flag desecration is a serious national problem. They cite 72 incidents that have taken place over the past five years and claim that "hundreds" more have occurred but remain unreported. First, if they have been unreported, how can the proponents possibly affirm they have occurred? What evidence of the "hundreds" of cases has been offered? None. Second, of the 72 specific incidents they do cite, almost ⅔ involved actions that are already punishable under existing law.

Amending our Constitution is a serious endeavor that must be reserved for issues of the fundamental structure of American government and social order. As James Madison once stated, amending the Constitution should be reserved for "great and extraordinary occasions." Infrequent incidents of flag desecration do not warrant this unprecedented action to undermine the freedom of speech guaranteed under the First Amendment.

In the more than 200 years since the adoption of the Bill of Rights, we have seen that our institutions cannot be destroyed by the exercise of the First Amendment freedoms, only strengthened. Do we really want or need to go to the extreme of tampering with the First Amendment to deal with the rare actions of a few individuals? Walter Cronkite, a highly respected journalist and one who has personally witnessed and recorded for history some of our nation's most difficult challenges, says emphatically "no." In his own words;

"This tiny band of malcontents has inspired a threat by otherwise thoughtful, serious citizens to amend the very foundation of our liberties, which has stood solid and unshaken through political and economic crises, through insurrection and civil war, through assaults by foreign ideologies. Even if the flag desecrators were of far greater numbers and represented a cause of some significance, they still would cause no threat to the integrity of our national emblem. But those who would amend the Constitution do threaten the integrity of that far more precious of our possessions—our freedom of thought and speech."

The American Bar Association urges you to oppose the amendment and vote "no" to protect the American flag by preserving one of the most precious constitutional principles it represents—the First Amendment's guarantee of freedom of expression.

Sincerely,

ROBERT D. EVANS.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 22, 1999.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.J. RES. 33—CONSTITUTIONAL AMENDMENT AGAINST FLAG DESECRATION

(Cunningham (R) California and 279 cosponsors)

The President is deeply committed to protection of the United States flag and will continue to condemn those who show it any form of disrespect. The Administration believes, however, that efforts to limit the First Amendment to make a narrow exception for flag desecration are misguided. The Congress should be deeply reluctant to tamper with the First Amendment.

AMERICAN SOCIETY OF NEWSPAPER EDITORS,
Reston, VA, May 5, 1999.

AMERICAN SOCIETY OF NEWSPAPER EDITORS STATEMENT ON FLAG AMENDMENT

In order to defend the foremost symbol of freedom, the American flag, proponents of this amendment are prepared to diminish freedom itself.

For more than two centuries, our Bill of Rights has guarded individual liberties against the awesome power of government. It has been the blueprint for freedom around the world, as other societies seek to establish and emulate the democratic traditions they so admire here.

And now, with the Cold War won and liberty blossoming in soil once ruled by tyranny, Congress is considering a proposal to trim back the Bill of Rights for the first time in our history and give itself the power to punish offensive speech.

What urgent national interest demands that America turn even slightly away from its singular heritage of freedom and liberty? Is it public order? Does violence against the flag create a climate of physical violence, even chaos among the public as a whole?

No, it does not. Even the proponents of this amendment cite only a handful of flag-burning and other disrespectful acts each year, and those episodes hardly constitute a pressing threat to public order. Thirty years ago, this country weathered a thunderstorm of political turmoil and civil unrest. These current acts of flag-desecration cannot begin to test our democratic resilience and resolve.

To the contrary, this amendment would likely encourage the very acts it seeks to punish. Criminal prosecution would provide the attention that those who set the flag on fire most crave.

Is common decency, then, the reason to erode the liberties established by the Bill of Rights? Does even a single act of flag-burning so offend the patriotic spirit that we must outlaw this particular expression?

Such disrespect does offend all who honor the values the flag symbolizes and the heroic sacrifices made defending them. But offensive speech comes in many varieties beyond desecration of the flag. Is flag desecration a special category of speech, clearly more hateful than other brands of offensive expression?

Does the person who sets fire to a flag, for example, clearly do greater damage to the public good than the person who advocates racism or other bigotry? and if not, how will the rest of us know where to stop, once we start putting limits on the things that may be said and defining some ideas that cannot find voice?

That is the great threat posed by this amendment, a threat that far exceeds the harm it is supposed to prevent. The occasional act of disrespect for the American flag creates but a flickering insult to the values of democracy—unless it provokes America into limiting the freedoms that are its hallmark.

The architects of the Constitution were themselves veterans of a war that began as a revolution against the power of government. To guarantee the liberties for which they risked everything, those authors of America drafted the Bill of Rights, and they put the freedom of expression first.

After more than 200 years, we must not diminish their enduring promise of freedom by putting this footnote on the First Amendment.

PAUL C. TASH, *Chair,*
FREEDOM OF INFORMATION COMMITTEE,
St. Petersburg Times, Florida.

Mr. CANADY of Florida. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM).

The SPEAKER pro tempore. The gentleman from California is recognized for 4 minutes.

Mr. CUNNINGHAM. Madam Speaker, this is a very difficult issue for many of us. I would like to thank my friend the gentleman from North Carolina (Mr. WATT), and he is my friend. I would also like to thank Mr. Solomon who I am just the torch bearer of a long evolution, as well as Major General Patrick Brady who is President of the Citizens Flag Alliance that put most of this whole effort together in the grassroots. I would say to my friend that I laud him. It would be very difficult for me to represent David Duke or the KKK or anybody of that kind, but I would support him in the same manner on the first amendment.

Nothing in this amendment prevents anyone from expressing themselves in writing, speech, or any other way except for the desecration of the flag. For over 200 years, all the Supreme Courts in the United States, the Congress and the American people agreed. It does not violate the first amendment. That is why 48 States had laws to protect the flag from desecration. One bad, in my opinion, Supreme Court voted against 200 years of tradition. My friend's amendment would throw this whole amendment back to that pack of wolves, that particular Supreme Court, and it would destroy this whole process, or the amendment. We think that is wrong.

The Massachusetts' 54th Regiment, a regiment of African American soldiers who fought for the Union for freedom. Among its leaders was Frederick Douglass. The movie "Glory" was produced about this whole episode. It was a suicide mission, these African Americans knew it, but they were fighting for freedom and their country, and the Constitution of the United States. Colonel Robert Shaw, commander of the 54th asked these men, he said, "I will carry the flag into battle, but when the flag falls, who will carry it for me?"

There have been people given the Medal of Honor specifically for protecting the flag. Article 5 of the Constitution allowed us to have the first amendment to give us the freedom for speech. I was amazed at my colleague from California (Mr. BILBRAY) that brought up the fact that article 5 also used in the Dred Scott decision that said African Americans were only property, they could not be citizens of this great country. The Supreme Court ruled that. And quite often, as the gentleman from California (Mr. BILBRAY) pointed out, the Supreme Court has been wrong. Fortunately, Congress enacted the 14th amendment which protected those rights.

I would say to my friend, if I felt the first amendment was abridged, as much anger as I felt for Jane Fonda during the Vietnam War when she wanted to open a sports store, I was there protecting her right to do that. I think she stepped over the line in that particular issue. But I would support every issue and my friend, but to support this amendment would kill everything that we are trying to do as far as this bill that the gentleman from North Carolina has offered.

Many of us were moved by the speech of the gentlewoman from New York (Mrs. MCCARTHY) last week, deeply moved, because we knew that she was speaking from the heart. But many of us disagreed on that issue because of a second amendment right.

Mr. WATT of North Carolina. Madam Speaker, I ask unanimous consent that the gentleman be granted 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CUNNINGHAM. But many of us disagreed with the gentlewoman, not because of special interest groups but because we have a strong belief in the second amendment, and we thought it would be violated. In the same vein, my friend feels that the first amendment would be violated. We disagree. Two hundred years of Supreme Courts disagree with my friend.

I am not worried if God is on the side that we are portraying, because God is always on the right side. I think we need to ask ourselves, are we on the side of God?

Mr. PRICE of North Carolina. Madam Speaker, two pictures of the American flag are etched in our minds, and they embody the kind of nation we are: one is of the U.S. Marines planting the flag at Iwo Jima and the other is Neil Armstrong standing next to the flag on the moon. Those visions move us because they show the commitment and courage of our people, representing what we can overcome and what we can achieve as a nation working together.

I do not understand people who are unmoved by these visions, or the even smaller minority who, for whatever reasons, feel compelled to desecrate our flag. These people do not reflect my values or the values of our people. To me, the American flag is a symbol of our nation's greatness, of our aspiration toward "liberty and justice for all," and of the Constitutional protections that we offer our citizens.

I don't think any of us would disagree with the goals we are discussing today, protecting our flag and honoring the values it stands for. But we do have significant disagreement about the means by which this can best be accomplished.

Along with a bipartisan group of members, I am cosponsoring the Flag Protection Act, which would protect the flag without compromising or changing the Constitutional protections which the flag symbolizes. I am reluctant to base a change in the Bill of Rights—something we have not done in over 200 years—on the misguided actions of a small group of people who choose to express themselves by desecrating the flag. The Flag Protection Act would let us honor and protect both the flag and the Constitution, which is what I believe most of our fellow citizens and most of us here today wish to accomplish.

The alternative Constitutional amendment offered by my friend from North Carolina would leave the Bill of Rights intact and is consistent with the approach I am advocating. It would state simply that "not inconsistent with the First Amendment, the Congress shall have the power to prohibit the physical desecration of the flag of the United States." I believe this is the proper and appropriate way to prevent the desecration of the American flag. We don't need to change the Bill of Rights to protect our nation's most powerful symbol.

I urge passage of the Watt substitute.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 217, the previous question is ordered on the joint resolution and on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 115, nays 310, not voting 9, as follows:

[Roll No. 251]

YEAS—115

Abercrombie
Ackerman
Allen
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Dicks
Dixon
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Greenwood
Hastings (FL)
Hinchey
Hoeffel
Hoekstra
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McIntosh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Minge
Mink
Moore
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Porter
Price (NC)
Rivers
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Stark
Tauscher
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NAYS—310

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt

Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Barton
Brown (CA)
Davis (VA)
Gilchrest
Hefley
Kasich
Millender-McDonald
Rangel
Towns

☐ 1203

Mrs. KELLY, and Messrs. PEASE, GOODLING, MATSUI, SAXTON, SHAYS, DOGGETT, HOBSON, and HILLIARD changed their vote from "yea" to "nay."

Mrs. MEEK of Florida and Mrs. MALONEY of New York changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Madam Speaker, during rollcall vote no. 251 on June 24, 1999, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. STARK. Madam Speaker, I rise today in strong opposition to H.J. Res. 33, "The Flag Desecration Constitutional Amendment." This constitutional amendment would undermine the very principles for which the flag stands—freedom and democracy.

The First Amendment to the Constitution reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Those who founded our nation recognized that the First Amendment to the Constitution must protect citizens from their objections to the workings of their government. Freedom of expression is what makes the United States of America strong and great—it is the bedrock of our nation and has kept our democracy strong for over 200 years.

In an effort to overturn two Supreme Court decisions that upheld flag burning as symbolic speech protected by the Constitution, the Flag Desecration Amendment would be the first to amend the Bill of Rights and limit Americans' freedom of expression.

It would also open the door to other "well-intentioned" limits on our free speech. Just last week this Congress debated an amendment that would have barred the sale of films, books, pictures, and sculptures that qualify as "patently offensive" or lack "serious literacy, artistic, political or scientific value."

Who is to decide what is offensive, what is desecration, and what is free expression? While the idea of someone burning or destroying an American flag is upsetting, the thought of police arresting peaceful protesters is even more so. Our government's toleration of criticism is one of America's greatest strengths.

This is not an issue of patriotism, it is an issue of preserving every American's protected right to dissent. Our commitment to freedom can best be displayed with a vote against this misguided constitutional amendment.

Mr. LEACH. Madam Speaker, as has been the case in past Congresses, this amendment is being brought forward in an attempt to affirm all that is good about our great country. This is an honorable motive and I am reluctant to oppose it.

Moreover, as in the past this amendment is championed by organizations—particularly the American Legion, VFW and DAV—which represent those without whose sacrifices this country and its values would not exist. Had it not been for our nation's veterans, the only competition in the world today would be between totalitarianism of the Left and totalitarianism of the Right.

These are honorable men and women, and I am reluctant to oppose them.

Yet I remain unable to support this amendment because I remain convinced that to do so is to undercut the very essence of the system of governance for which the flag itself stands.

At the heart of our democracy is a struggle, an ongoing conflict of ideas for which the Constitution provides the rules. It is in this conflict that the e pluribus unum—the "one out of many," as the motto borne on the ribbon held in the mouth of the American bald eagle on The Great Seal of the United States puts it—arises. And it is precisely this unity in multiplicity for which our flag with its 50 stars and 13 stripes stands.

The genius of our Constitution lies in the way in which it structures and ensures the continuity of this conflict of ideas which is our democracy. It does so through the system of checks and balances and separation of powers with which it structures our government on the one hand, and the protection of freedom of expression it provides in the First Amendment on the other. the former ensures that the fight is always a fair one and that no momentary majority uses its temporary advantage to destroy its opponents; the latter ensures that no idea, however obnoxious, is excluded from consideration in the debate.

It should be stressed that the protection provided by the First Amendment is a two-edged sword. In fact, the Bill of Rights does not exempt ideas and the actions that embody them from criticism, but ensures they are exposed to it. As Jefferson put it in his "Act for Establishing Religious Freedom" in Virginia:

> Truth is great and will prevail if left to herself; . . . she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapon, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Thus any abridgment of the protections provided by the First Amendment, no matter how nobly motivated, would diminish freedom and in all likelihood precipitate, in this instance, more symbolic incidents tarnishing the flag than would otherwise be the case. Accordingly, great care must be taken not to take actions in the name of protecting the flag that have the effect of misinterpreting the meaning of the flag.

In making this assessment, the distinction between liberties to protect and symbols to rally behind remains essential. Freedom of speech and freedom of religion require constitutional protection. The flag, on the other hand, demands respect for what it is—the greatest symbol of the greatest country on the face of the earth. It is appropriate to pass laws expressing reverence for the flag and applying penalties, wherever possible, to those who would desecrate it, but I have grave doubts the Constitution is the right place to address these issues.

Mr. BLUMENAUER. Madam Speaker, the authors of the Constitution and the Bill of Rights gave us a wise and enduring framework, one that has guided this Nation for over 200 years. We should but rarely and in moments of absolute necessity alter their work. I can say unequivocally, that this flag burning amendment does not meet that test.

Americans cherish their flag and all it represents. It is fitting and proper to honor this symbol. This proposed constitutional amendment however, is the wrong way to attempt to protect the flag. Ironically, the fastest way to take the very rare occurrences of flag burning and make them more frequent would be to pass this amendment.

Once it is illegal, and after all the publicity surrounding ratification by the states occurs, we will have made our flag the target for every publicity-seeking kook in America. Burning the flag will be the fastest way to go to court, to jail and onto the evening news.

Regardless of how distasteful burning or otherwise desecrating the flag is to most Americans—it is important to note that flag burning is not a major problem today. What is clear is that making flag burning illegal would backfire.

The First Amendment doesn't need any help from this Congress.

Mr. KOLBE. Madam Speaker, Congress enacted the first Federal flag protection act in the midst of the Vietnam War protests. However, Madam Speaker, I was not here to see these protests, I was in Vietnam, fighting for the very freedoms some are seeking to limit today. The flag is a special symbol for our country, but it is certainly no more than the Constitution itself. Embodied in our Constitution is the First Amendment.

The First Amendment is no small part of the protections that make our country unique in the history of civilization and no small part of the freedoms others and I fought to protect. Freedom of speech protects both those with whom we agree and those with whom we disagree.

What we are debating today is a proposal to chip away at the First Amendment and I cannot support that. I would like to see the intellectual prowess of this institution brought to bear upon the task of drafting legislation would make it illegal to desecrate the flag of the United States and still meet the Constitutional standard. However, taking the simplistic but dangerous task of amending the Constitution to accomplish this end is neither agreeable nor advisable. I ask my colleagues to consider the monumental implications of today's proposal. We are toying with a right we all hold dear: that of free speech.

Though this Amendment may sound reasonable on the surface, I implore you to look beyond the superficial. Recall that in the 1975 case of Spence v. Washington, taping a peace symbol to the flag was at issue. Do you really believe imprisonment is the appropriate punishment for such an act? The fundamental issue is public protest—that is what gave rise to this issue and that is also the heart of First Amendment protection.

The Supreme Court articulated a standard in the 1989 case of Texas v. Johnson by which each of us should consider this issue. In that flag desecration case, the Court said: the First Amendment stops the government from prohibiting expression of an idea merely because society finds the idea offensive, even when the flag is involved. Can anyone stand before us with intellectual honesty and deny that this is precisely what we aim to do? Consider the language of the 1990 flag case of U.S. v. Eichman:

> The Government's desire to preserve the flag as a symbol for certain national ideals is implicated "only when a person's treatment of the flag communicates [a] message" to others that is inconsistent with those ideals.

To me freedom is greater than any symbol can encapsulate. How can we possibly promote freedom by restricting an object that is so clearly identified as a symbol of freedom? What should give all of us pause is that we stand in the Capitol of the government and debate outlawing speech with which we disagree. I cannot support such an Orwellian piece of legislation.

Mr. SHAYS. Madam Speaker, today I rise in opposition to the Flag Desecration Constitutional Amendment.

I find it abhorrent anyone would burn our flag. It's a symbol of all the values we cherish—freedom, democracy and tolerance for others.

When I think of the flag I think about the men and women who died defending it. What they really were defending was the Constitution of the United States and the rights it guarantees.

The Constitution has been amended only 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that guarantees freedom of speech and freedom of religion, and that eventually outlawed slavery and gave blacks and women the right to vote.

These are monumental, historic issues—issues that directly affect people's lives. Amending the Constitution is a very serious matter. I don't think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now, and there is no constitutional amendment.

Madam Speaker, I love the flag for all that it represents, but I love the Constitution even more. The Constitution is not just a symbol. It's the very principles on which our nation was founded.

Mr. MOORE. Madam Speaker, I rise in opposition to H.J. Res. 33, a bill to prohibit the physical desecration of the flag of the United States of America.

Since our nation was born in battle 223 years ago, hundreds of thousands of American soldiers, sailors, airmen and women, and Marines have fought and died across the globe to preserve the great American experiment in freedom and democracy. One of the cornerstones of our freedom is our Constitution, including the Bill of Rights. The Bill of Rights, including the First Amendment protections for speech and political expression, has been the envy of the world for more than two hundred years.

Our democracy has withstood many tests over time, and has been strengthened as a result. The occasional, random, despicable acts of public desecration of our flag by a few malcontents presents another such test. There is no more important protection provided by the First Amendment than its protection of political expression.

I love our country. I love our flag—and the principles for which it stands. The American flag is a symbol for liberty and justice, for freedom of speech and expression and all of the other rights we cherish which are guaranteed in the Bill of Rights. But as important as the symbol may be, more important are the ideals and principles which the symbol represents.

That our nation can tolerate dissension and even disrespect for our flag is proof positive of the strength of our nation. It would be a hollow victory to preserve the symbol of freedom by chipping away at the freedoms we hold sacred.

As one who served with the U.S. Army and the Army Reserves, I know how deeply our veterans love and revere our flag. I share those feelings for our flag and all that it represents. I have absolute faith and every confidence that even without amending our Bill of Rights, our nation and our flag are strong and will survive and continue to be a source of hope and inspiration to all Americans and freedom loving people around the world.

Ms. PELOSI. Madam Speaker, as an issue, the flag-desecration amendment is, of course, entirely symbolic. Its sponsors believe that support is, symbolically speaking, tantamount to being a patriotic American.

But what is true patriotism in the context of the American experiment? At its heart, I believe, is an abiding tolerance—a tolerance so deep and so pervasive that it easily absorbs all insults. The American saga is, in essence, a tale of ever-expanding realms of acceptance and inclusion.

Tolerance of extraordinary diversity is the mystery that lies at the heart of our origins and our destiny, the magnificent quality that renders the American project unique in human experience—diversity in ethnic and religious origins; diversity in language and lifestyle; diversity in aptitude and ambition; and, yes, diversity in behavior, including the bizarre, the distasteful, and even the contemptuous.

We Americans are most patriotically American when we display our tolerance of virtually all behavior short, of course, of crimes against people and property. Simply turning away from even such objectional behavior as the burning of the flag is, then, a true test of our tolerance, a measure of our patriotism, a demonstration of our Americanism.

E Pluribus Unum!

The SPEAKER pro tempore (Mrs. EMERSON). The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CANADY of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 305, noes 124, not voting 5, as follows:

[Roll No. 252]

AYES—305

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam

Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—124

Abercrombie
Ackerman
Allen
Baldwin
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Capuano
Cardin
Carson
Clay
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gejdenson
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hoeffel
Hoekstra
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Jones (OH)
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McKinney
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Minge
Mink
Moore
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Petri
Porter
Price (NC)
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Shays
Slaughter
Snyder
Stark
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu

NOT VOTING—5

Brown (CA)
Gilchrest
Kasich
Millender-McDonald
Towns

□ 1221

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. MILLENDER-McDONALD. Madam Speaker, during rollcall vote No. 252 on June 24, 1999, I was unavoidably detained. Had I been present, I would have voted "no."

APPOINTMENT OF CONFEREES ON H.R. 775, YEAR 2000 READINESS AND RESPONSIBILITY ACT

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill H.R. 775 be instructed to ensure, within the scope of conference, that their eventual report to the House reflects due regard for—

The substantive concerns of the high-technology community and the possible implications of the "Y2K" date change on that community and on the Nation's economy;

The substantive inputs of the Administration and of the bipartisan Leaderships in the Congress on the issues committed to conference; and

The sense of the House that a decision not to follow this process will lead to a failure to enact legislation.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge my colleagues to support the motion to instruct the conferees to engage the administration and the congressional leadership of both parties in a substantive discussion to make every effort possible to produce a Y2K bill that President Clinton can sign.

The information technology community, as we know, has legitimate concerns due to the unique nature of the Y2K problem that should be and could be addressed through legislation. This legislation would first encourage remediation, it would then encourage mitigation, and finally, deter as much as possible frivolous lawsuits.

We are all interested in legislation that will solve the concerns of the high-tech community as we recognize the possible implications of the Y2K date change on the high-tech community and on the Nation's economy.

We are optimistic that the conference will result in a bipartisan compromise through a substantive discussion of the concerns of the information technology community, the administration, and the congressional leadership, and that we will address the unique nature of the Y2K problem. I urge this cooperation on the part of all the different forces that will be part of this conference.

We on the Democratic side are willing to engage in a deliberative conference that makes every effort to avert an impasse and to produce a bipartisan bill.

Mr. Speaker, I urge all my colleagues to support this motion to instruct, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to my good friend, the gentleman from Michigan, that we are prepared to accept the motion to instruct that the gentleman has offered, and I would say with regard to the legislative process that we have been through that we have from the outset been concerned about the substantive inputs of the administration and the leadership of both the House and Senate and both the Democratic and Republican leadership, and in fact, the House bill, which I think is an outstanding piece of legislation, which will go a long way to address the concerns of the American people, of the business community, of those who have been negatively affected by the failure to have certain equipment or software, whatever the case may be, ready for Y2K needs; that in all those cases we have in the legislation we passed listened to everyone who had input in this process, and have adapted the legislation that passed the House while taking those inputs into consideration, agreeing with some and disagreeing with others. I know that same process has taken place in the Senate, where they also have passed a good bill.

So when the conference meets and considers the relative merits of both the House bill and the Senate bill, we will be interested in hearing the input of the leadership, and have heard the input of the administration in that process.

For that reason, we are prepared to accept this motion to instruct. I would say, however, that the House of Representatives is a sovereign body, that it is duly designated on the basis of the United States Constitution to represent the will of the people that we represent, and we will do so with input from a number of different sources, but most importantly, with input from the majority of the Members of the House who supported the bill that we passed through the House of Representatives, taking into account the fact that we want to see legislation signed into law by the President which will reflect the need to address the Y2K problem to avoid frivolous and fraudulent lawsuits, to encourage parties to work on solving the Y2K problem and not on an increasing amount of litigation.

We believe those things are reflected in the bill passed by the House. We believe they are also reflected in the bill passed by the Senate. So we will proceed in a fashion that will allow us to come up with legislation that surely the President will want to sign because it is urgent that we solve this problem.

One of the points to be made about Y2K legislation addressing this problem is that time is of the essence. It is not only important that we pass this before January 1, 2000, it is important that we pass this and get it signed into law by the President now, because the effects of this legislation will take place immediately.

Those who need to solve Y2K problems will be less fearful of getting into a litigation mess and more anxious to get about the business of correcting the actual technological problems that individuals and businesses face with their computer systems if they know now that they can get started now or continue work now without fear of a massive problem with litigation. That is what this bill that we have passed through the House is designed to do. I know that is what the Senate intended, as well.

So surely when we work out the differences between the House and Senate bills, we will be able to present to the President something that he should sign immediately, given, I know, the concern that the President has for addressing this problem and addressing it immediately and not dragging us through a long process involving a veto; the addressing of this problem with new legislation that we would have to take up with another version passed through the House, another version passed through the Senate, another conference, and then still not knowing whether the version that that we come up with in that conference would be signed by the President.

□ 1230

So it would be my hope that the version that we pass out of the conference will be signed into law by the President, recognizing that we have already been taking into account the concerns raised by the President, have, in the legislation passed in the House and in the legislation passed in the Senate, a reflection of a number of those concerns, but obviously not all of those concerns because, as I said, this is a body that must do the will of the people that we represent.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am pleased to hear the comments of the gentleman from Virginia (Mr. GOODLATTE) and glad to learn that the motion will be accepted.

But, at the very least, I want to explore a little bit further where I think we are in this whole process. I received yesterday a letter from the Year 2000 Coalition to the Speaker, to the gentleman from Texas (Mr. ARMEY), to the gentleman from Texas (Mr. DELAY), to the gentleman from Oklahoma (Mr. WATTS), and to the gentleman from Virginia (Mr. DAVIS). The letter outlines the hopes and expectations of many high-tech community leaders.

Let me just read a couple of important points they made in this letter. The Coalition points out that: "A legislative process that terminates in a veto would be viewed as a complete failure, and would possess substantial risk to the American economy and could result in a serious economic set-back."

The letter continues: "We are confident that, in the course of discussions that may occur, resolution of differences can be achieved." They then go on to offer their assistance in whatever way they could to help us as we seek a resolution.

This letter is signed by dozens of associations; among them, there are: the American Electronics Association, the Business Software Alliance, the Computing Technology Industry Association, the Information Technology Association of America, the National Venture Capital Association, and the Semiconductor Industry Association. I might add that there are many others.

I think the concern expressed in this letter is based on various press reports as well as rumors that I think we should discuss openly.

In the Washington Post today, and I have no idea whether this quote is accurate so I shall just read it from the paper. Mr. HASTERT, the Speaker's spokesperson, was quoted as saying, "You know that the President has to make a choice. Basically it is a take it or leave it proposition on the bill."

The President's people are quoted in turn, saying that the bill that passed the Senate will be vetoed by the President. So I do not think there is a doubt about the veto. We have the President's statement on that.

So what I see unfolding here is a train wreck that we can avoid, and that, I believe, it is our obligation to avoid.

I note further that, in today's National Journal, in Congress Daily, that there is a suggestion, and I do not know if this is what is really going to happen, that the conferees will meet only for a short period of time, the sole purpose of which meeting would be to remove a section of the Senate bill inserted by Senator HOLLINGS, and that no further work would be done.

If this is the case, if this is what does happen, I think it will be a tremendous mistake. I think we ought to listen to the 2000 Coalition people and understand that we need to work through this and to compromise and to come up with legislation that will become law.

Now, as the gentleman from Virginia (Mr. GOODLATTE) and I have said privately from the beginning, it is my belief—and I think maybe his—that, if he and I were to go sit in the Speaker's lobby together, we could write up a bill that would be acceptable, and would be signed by the President.

There are six or seven different ways to approach the very contentious issues that are before us. There is no one magic solution. Part of legislation in an issue such as this is to stretch out, to reach your hand across the aisle and I would say down Pennsylvania Avenue as well, to come up with rational solutions that are flexible, that are narrowly tailored, that work.

I know we can do this. I know that we could do it together. I hope that we do it together. If we do not, if instead, we insist, having fallen in love with our own work product, that we cannot produce an alternative, we shall have failed. We must let go of the love we have for the work product we have created, and instead try and understand the other person's point of view, craft together narrowly tailored, rational responses. I know that we can solve this problem, and we can do so promptly.

But we are not going to be able to achieve this if, instead, we do what the press reports suggest, which is to go through a sham of a conference that really does not get into the substantive work.

So I do hope that we can approach this in this way. I am willing to do my very best to be flexible and respectful and to come together with my colleagues across the aisle and in the Senate and in the White House.

With that, in the spirit of optimism and hope, I appreciate the willingness to accept the motion, but I hope that it is more than just a motion. I hope it results in some good, solid hard work that extends more than an hour and is certainly not what the rumor control has said.

Mr. Speaker, I include the letter from the Year 2000 Coalition as follows:

YEAR 2000 COALITION,
June 22, 1999.

Hon. J. DENNIS HASTERT,
Hon. RICHARD K. ARMEY,
Hon. TOM DELAY,
Hon. J.C. WATTS,
Hon. THOMAS M. DAVIS III,
U.S. House of Representatives.

DEAR HOUSE LEADERSHIP: The Y2K Coalition, which has been working with all interested parties to successfully enact legislation which will promote Y2K remediation, is concerned by recent statements by the President's senior advisors that they will recommend the President veto the bill passed by the Senate if that were presented to him for his signature. We are convinced that if such a bill were vetoed, the momentum to legislate on this important matter would be lost. A legislative process that terminates in a veto would be viewed as a complete failure, and would pose substantial risk to the American economy and could result in a serious economic set-back. We therefore urge congressional leaders and the Administration to make every effort possible to avert an impasse and avoid such a catastrophe.

We are confident that, in the course of discussions that may occur, resolution of differences can be achieved. The Coalition will be prepared to offer suggestions for the resolution of such differences.

We further urge you to initiate and conclude such efforts before the 4th of July recess.

Sincerely,

Aerospace Industries Association, Airconditioning & Refrigeration Institute, Alaska High-Tech Business Council, Alliance of American Insurers, American Bankers Association, American Bearing Manufacturers Association, American Boiler Manufacturers Association, American Council of Life Insurance, American Electronics Association, American Entrepreneurs for Economic Growth, American Gas Association, American Institute of Certified Public Accountants, American Insurance Association, American Iron & Steel Institute, American Paper Machinery Association, American Society of Employers, American Textile Machinery Association, American Tort Reform Associates, America's Community Bankers, Arizona Association of Industries, Arizona Software Association, Associated Employers, and Associated Industries of Missouri.

Associated Oregon Industries, Inc., Association of Manufacturing Technology, Association of Management Consulting Firms, BIFMA International, Business and Industry Trade Association, Business Council of Alabama, Business Software Alliance, Chemical Manufacturers Association, Chemical Specialties Manufacturers Association, Colorado Association of Commerce and Industry, Colorado Software Association, Compressed Gas Association, Computing Technology Industry Association, Connecticut Business & Industry Association, Inc., Connecticut Technology Association, Construction Industry Manufacturers Association, Conveyor Equipment Manufacturers Association, Copper & Brass Fabricators Council, Copper Development Association, Inc., Council of Industrial Boiler Owners, Edison Electric Institute, Employers Group, and Farm Equipment Manufacturers Association.

Flexible Packaging Association, Food Distributors International, Grocery Manufacturers of America, Gypsum Association, Health Industry Manufacturers Association, Independent Community Bankers Association, Indiana Information Technology Association, Indiana Manufacturers Association, Inc., Industrial Management Council, Information Technology Association of America, Information Technology Industry Council, International Mass Retail Association, International Sleep Products Association, Interstate Natural Gas Association of America, Investment Company Institute, Iowa Association of Business & Industry, Manufacturers Association of Mid-Eastern PA, Manufacturer's Association of Northwest Pennsylvania, Manufacturing Alliance of Connecticut, Inc., Metal Treating Institute, Mississippi Manufacturers Association, Motor & Equipment Manufacturers Association, National Association of Computer Consultant Business, National Association of Convenience Stores, National Association of Hosiery Manufacturers, National Association of Independent Insurers, National Association of Manufacturers, National Association of Mutual Insurance Companies, National Association of Wholesaler-Distributors, National Electrical Manufacturers Association, National Federation of Independent Business, National Food Processors Association, National Housewares Manufacturers Association, and National Marine Manufacturers Association.

National Retail Federation, National Venture Capital Association, North Carolina Electronic and Information Technology Association, Technology New Jersey, NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies, Optical Industry Association, Printing Industry of Illinois-Indiana Association, Power Transmission Distributors Association, Process Equipment Manufacturers Association, Recreation Vehicle Industry Association, Reinsurance Association of America, Securities Industry Association, Semiconductor Equipment and Materials International, Semiconductor Industry Association, Small Motors and Motion Association, Software Association of Oregon, Software & Information Industry Association, South Carolina Chamber of Commerce, Steel Manufacturers Association, Telecommunications Industry Association, The Chlorine Institute, Inc., The Financial Services Roundtable, The ServiceMaster Company, Toy Manufacturers of America, Inc., United States Chamber of Commerce, Upstate New York Roundtable on Manufacturing, Utah Information Technology Association, Valve Manufacturers Association, Washington Software Association, West Virginia Manufacturers Association, and Wisconsin Manufacturers & Commerce.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a distinguished member of the committee.

Mr. SENSENBRENNER. Mr. Speaker, I support the motion to instruct, as does the gentleman from Virginia (Mr. GOODLATTE). But since the gentlewoman from California (Ms. LOFGREN) has expressed concerns of the administration, let me say that, first of all, the administration does not legislate under the Constitution. They have the choice of signing or vetoing the work product of both Houses of Congress.

However, the Senate, during its deliberations on this bill, moved in major efforts towards the President's position to try to modify the legislation to address many of the President's concerns. Included are changes in the proportional liability section of H.R. 775, the elimination of the liability caps on directors and officers, the elimination of the reasonable efforts defense, the tort claims, modification of the punitive damages provision in H.R. 775, and elimination of obligations on attorneys to disclose and report certain information to their clients, all of which were in the statement of administration position expressing opposition both to the House bill and to the Senate bill.

So there has been a huge movement in the direction of the President. However, we all know that this President has been very strongly opposed to any changes in tort liability law and any changes in product liability law. This is kind of a product liability bill, because it is dealing with software that is manufactured by computer companies that may or may not fail when the odometer rolls over next New Year's Eve, the danger that exists in agreeing to everything that the President objects to is, by the time we are done, the bill does not do anything. It is merely cosmetic in nature.

Then I think that, if that is the case, the President and the Congress will be equally guilty in fooling the American public that something is being done to shield people from frivolous litigation and destructive litigation when, in fact, that is not the case.

So the conferees, I think, have got to be careful. They have got to make sure that we give a conference report for consideration by this House and the other body which does address this problem and prevent frivolous litigation rather than simply passing a piece of paper, all of us taking a bow, and this bill becomes law, knowing full well that this bill really does not solve the legal problems relating to Y2K liability.

As a conferee, those are the goals I am going to try to achieve, and that is to pass a bill that does something, that addresses these problems. I would hope that the President, in the spirit of compromise, recognizing that the Senate really met him more than halfway with his objections to the House bill, would move a little bit by himself.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I appreciate the dialogue coming from both the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Wisconsin (Mr. SENSENBRENNER), and I would say to the gentleman from Wisconsin, many of those issues that he mentioned, as good as we were about working them out, they are more largely peripheral issues.

Now, some have made it clear that the conference's only purpose is to take up the Senate bill, and that is the troublesome part of our job in front of us, strip the Hollings language and send it to the President.

Now, we are not looking for veto bait. What he will do almost surely, if his word can be relied on, and I think that it can, is that he will veto the bill as he has suggested.

Now, the truth of the matter is that I do not think that the sides, the two sides are that far apart. I think that we can work something out. That is my desire and my hope.

But let us confront what the larger differences are. The first point is the extent to which punitive damages are capped. That has not been worked out. It is one that we need to give our most vigorous attention to. Then there is the situation, the extent to which joint liability is limited. That has yet to be resolved. But I think that we are, we are, within close proximity to which we can move forward on it. Then we have the extent to which we will federalize State class actions, another matter that needs to get our careful and cooperative attention.

Now, these are issues that can be resolved. They can be resolved between Republicans and Democrats, and they can be resolved between the administration. Now, I want a bill, and I think all of us here on the floor do. If we want a bill, we are going to resolve these issues. I hope that we will. I know that we can.

If there is any desire on anyone's part to kill the bill, then we can engage in a campaign, a season of finger pointing, and we will end up having a conference that does not attempt real negotiation.

So the question that this motion poses is, which road will we take? How are we going to move here, serious and sincere negotiation which will result in a bill within a week or weeks or an insincere process which will result in failed legislation and probably a veto?

I am confident that we can do the former. I am prepared to bring to the table conferees that will be working very sincerely on accomplishing that.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. DAVIS), the sponsor of the legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. GOODLATTE) yielding me this time.

It is ironic that we have a Year 2000 Coalition letter referred to on the other side of the aisle, quoting it as somehow gospel. When they supported our legislation here in the House, they were not quoting it then, because they opposed what this Coalition wanted at that point. They did not give this Coalition the tools they wanted.

The Coalition, I have met with them subsequent to this letter. I might add, the letter was not addressed to the gentlewoman. The letter was not addressed to anyone on the other side. It was addressed to the Republican leadership, and we have subsequently had discussions with members of this group. I think that the representation coming from the other side is not quite appropriate, I think, to where everyone is.

□ 1245

We want a solution to this problem. The difficulty is on the other side of the aisle there is absolutely no willingness, no willingness that was put forward in their substitute to put any kind of caps on punitive damages to any companies at all. Small companies, large companies, anyone.

Their proportion liability was a joke. We cannot have proportion liability if, in fact, it is under the circumstances that they have outlined. What they have outlined is that if everybody can pay their proportion, then they get proportional liability. In point of fact, someone is always missing from the table. And it is a jury question, as they have defined how we get to it. It goes to a jury. And it just, I think, does not give the protection to companies that they need.

I was general counsel for an IT company out in Fairfax. It does a billion dollars a year in sales. I understand the issues that are raised here. What has been proposed by the administration to date does not advance the agendas of these companies one step. Now, if the President would reengage, if he would come and sit with us or send an emissary up to work something out, we have been waiting for this for 6 months. But it was 5 months ago that John Koskinen, who is their Y2K guru, came before our committee in the House and said, we do not need any legislation on Y2K at all.

They subsequently backed off that, but they have offered nothing in the way of punitive damage caps. They have offered nothing in the way of proportion liability that makes any sense today. They have offered nothing in the way that gives anybody any kind of protection that we want. If they have some suggestions, we are happy to hear from them.

We know what their, quote, bipartisan substitute was that was brought up on the House floor during the debate. It got one Republican vote. That is how bipartisan it was. We got 28 for our legislation. Now, we are willing to compromise with the Senate, and we are willing to work with the President, but we have to have something on the table, and at this point they have remained silent. As the chief author of the legislation, we have had zero contact from the White House on this, despite numerous entreaties that we engage in a dialogue.

American industry wants this problem resolved. The worst thing that can happen is to pass the legislation they put before the House earlier that does absolutely nothing and to have tens of billions of dollars, perhaps a trillion dollars, as the Gardener Group estimated, from these companies going into attorneys' fees, litigation, or punitive damages instead of going to putting these profits into the production of new products so they can compete in the global marketplace, and instead of hiring and training new workers so we can remain atop the world economy on these IT issues. And that is what this is about.

We certainly, certainly entreat our colleagues to engage in a dialogue with us, but it has to be a real dialogue. And nothing I have heard from the other side today and, more importantly, nothing we have heard from the White House indicates any willingness at this point to come to the table at all on these issues.

We have a House version that is a pretty strong and a pretty good bill, and I do not just say that because I authored it, I say it because 230 Members of this body supported it and lined up behind it. We have a much, much weaker Senate version. And we are, I think, willing, in a very short period of time, within a very limited window of time, to engage in discussions with the administration and interested Members to bring about a solution to this problem. But we are not going to let the administration string this thing out for months and let this roll, which, if we left it up to them, is exactly what would happen.

We have to force the issue. If a veto is the end result, it will be regrettable. It will not have achieved the goals we had coming in, and we will do anything we can to work this out. But it takes two to talk, and to date the White House has been silent.

So I think we need to move ahead and appoint the conferees. I think we need to move with the Senate. If the President wants to engage in a dialogue, now is the time. This legislation has got to be out and working and in operation before we go to the July 4 recess, and if the outcome is a veto, so be it.

I just hope that the administration will engage. We can put legislation on his desk that will have the vast majority, if not veto-proof numbers from both Houses, and we can show the President that the American people as well as the titans of industry want this legislation and need it, and that they will come around and work with us.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

I want to say to my good friend from Virginia (Mr. DAVIS), let us keep hope alive. Let us not assume that the White House has shut down negotiations or the process. That is not the case at all.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am concerned, as I hear the tenor of this discussion, that we might, in fact, not have the kind of substantive conference that I think is going to be required.

I do not agree with the White House on everything, far from it, but I have contacted senior members in the White House repeatedly to find out what their views are, why they hold those views. I have also contacted key players in the technology community. As my colleagues might expect, because my district is Silicon Valley, I have talked often to general counsels and CEOs on this issue, and I know that there is plenty of room to craft a bill that resolves issues for high technology and that will get a signature from the President.

But it is going to take some time and work to do that, and to say that we need to pass the Senate bill before the July 4 recess, and if there is a veto, well, so be it, that does not solve the problem. What we need is a law to be enacted. And we can do that, but it has taken 6 months for this conference to begin. The maximum allowable time for a conference is 20 days. I do not think we would need 20 days, but we are going to need more than an hour to find common ground.

Mr. GOODLATTE. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, the gentlewoman referred to the letter that was sent to the Republican leadership, and yet she indicates that we need to take some time to resolve this. This letter urges us to conclude the process by the July 4 recess.

Ms. LOFGREN. Reclaiming my time, Mr. Speaker, I think it is quite possible to do that. But if instead of doing a conference and coming up with a piece of legislation that can get support from both sides of the aisle and can get a signature from the White House, which I know we could do, if instead of that effort in a productive conference we instead just jam the Senate bill through both bodies up to the White House for the veto that he has already said awaits it, then we will have done something before July 4, but it will not have been anything very productive for the companies that require a resolution and remediation of this problem.

I hope, and I believe my colleague the gentleman from Virginia (Mr. GOODLATTE), who I have worked very closely with on many technology issues, I believe him when he says he wants to accept the motion to instruct. I am just concerned that some of the rhetoric can lead me to a contrary conclusion; that we are not really, all of us, going to work together in the way we need to and that we could do.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentlewoman by saying that the President has not indicated that he would veto this legislation. Some of his advisers have indicated that they will recommend to the President that he veto it.

I think that is very poor advice, given the urgency that we address this problem immediately, given the fact that we have two good bills to work with between the House and the Senate and that we will come up with a very good solution that we would urge the President to sign.

Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, let me just ask, what is wrong with appointing conferees today? I think we can all agree that until we get the conferees in place, we cannot negotiate with anybody. So we appoint the conferees today, and I hope we will get a unanimous vote on that, and then we can argue it in conference, and, hopefully, the administration will engage.

But I might add that the substitute put up by my friend, the gentlewoman from California (Ms. LOFGREN), was overwhelmingly rejected by this White House when it was put up before. The members of the Year 2000 Coalition, many of the members in her own district, did not support that legislation. And if that is the basis for a compromise, that is not a compromise at all.

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I congratulate him for his fine efforts on this, and my friends on the other side of the aisle who have worked on this, and, of course, our lead sponsor, the gentleman from Virginia (Mr. DAVIS), who has been working long and hard on it.

Let us look at what it is we are trying to address. Y2K litigation reform is about one thing and one thing only, and it is about keeping our economy strong. We have to take a close look at where we have been on this Y2K litigation reform issue. I began working on it over a year ago. So what is it that has now happened? The House passed a very solid, bipartisan, comprehensive bill. And again, I underscore the fact that it was reported out of this House with bipartisan support.

The Senate passed a bill that is unquestionably weaker than the House bill. It is the Dodd-Wyden-McCain bill. It is not a Republican bill. And, in fact, it is really a bare bones bill when we get right down to it. Finally, we have we have what is known as the Kerry proposal, which industry groups unanimously agree is so weak that it would not help to alleviate the Y2K litigation concerns out there. In fact, it failed miserably in both the House and the Senate. And the main reason for that is that those individuals, those companies, those engineers, those technicians who are trying their doggonedest to find a solution to the Y2K problem are, in fact, not helped at all with any kind of relief if we were to go ahead with the Kerry proposal.

So I want very much to see the President sign an effective bipartisan Y2K litigation reform bill, even if it is not exactly what we did here in the House, which is the measure that I support most strongly. We are, in fact, on this side, looking forward with what I believe is really a spirit of compromise. I sincerely want to see us do that. In fact, I am not one of those who is a proponent of gross politicization of this issue. Why? Because we have a very serious potential problem out there, and uncertainty is very great.

So as we have actually said since day one, we want to address the Y2K concerns just as quickly as possible. And that gets to the point that was just discussed between my friends on this side of the aisle and the other. We have that letter that was just referred to by the gentleman from Virginia (Mr. GOODLATTE) where the Coalition talked about a July 4 date. We want to move quickly. In fact, one of the jokes was that we might come up with some kind of Y2K litigation reform by 2001. Obviously, that would be way too late. We have been working for 6 months on this measure. And with uncertainty out there, I think everyone can agree that it is our desire to move just as quickly as we possibly can.

This legislation has, in fact, been working its way through what has been a very open legislative process in both Houses over the last several months. The compromise that was reached in the Senate was the product of very, very long and hard bipartisan efforts that were launched. Again, it is not a Republican bill that passed over there. It is a bill that has people like our former colleagues, Mr. WYDEN and Mr. DODD, working with Mr. MCCAIN. So it is itself is a bipartisan measure.

In many ways, and this is the argument that we are making, the bill that did pass the Senate is what could really be considered a conference compromise. But what we have said is that there are some concerns that do need to be addressed, and so what we are doing here today is we are moving to go ahead with the conference. We want very much to do that.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to commend the chairman of the Committee on Rules for what he said here, because his remarks have underscored what I think we are saying: compromise.

We have to move to another position. We can do it. A week or so would be adequate. And I am just putting that on the table. But the whole point is that the gentleman is right. A legislative process that ends in a veto would be a huge setback, and that is what I think the Coalition was trying to tell us in the letter.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank my friend for his contribution, and let me just say that I think a veto would be a veto of what really is a bipartisan compromise. And we have to recognize that what has emerged from the other body is not a Republican bill. And again, what emerged from this body was not a Republican bill, it was a bipartisan measure.

Trying to find that balance between something that is strong enough to ensure that those who are looking for a solution are in a position to address it and, at the same time, addresses the concerns of others is the wisest thing we could do. We need to move ahead with a streamlined, bipartisan compromise, and I think we have got it in the Senate with a couple of minor modifications.

So I wholeheartedly support this effort to go to conference.

☐ 1300

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Michigan (Mr. CONYERS) has 15 minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 11 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I still commend the chairman of the Committee on Rules. I just wanted to caution him that a couple of things remain, and they may not be tiny. Joint liability, class action, and punitive action do not sound like small issues that can be resolved easily or quickly. That is why we want to move forward, and that is why we come to my colleague and support this motion.

We want conferees appointed. We want to begin our work. But it seems to me not totally accurate to say that the administration has not been involved in the process. They have not been silent. They have been working with us. The high-tech community says that they want us to work together to resolve the differences.

I want to conclude before July 4, but I would rather conclude with something we can take back to both bodies if it takes a little longer than that then to end up in a veto position. We do not want to serve up veto bait. I think the warnings of the administration's representatives have been pretty clear in that regard.

I hark back to this letter that has been re-interpreted here. "A legislative process," this is the Year 2000 Coalition, "that terminates in a veto would be viewed as a complete failure." I could not agree more. And I think we are all in agreement with that.

So let us get to it, gentlemen. Let us roll up our sleeves and let us start moving along.

Let me pose this question to the gentleman from Virginia (Mr. GOODLATTE). Are the issues of joint liability and class actions and punitive damages really on the table, or are these issues really not on the table and we are going to end up with the Senate bill minus Hollings? Because it seems to me that is the heart of how we move forward and make sure there is no impasse.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Everything is on the table before we go to conference. I will, on my own time in a moment, address the efforts that have been made to take into account the input that the administration claims to seek with regard to that.

Mr. CONYERS. Mr. Speaker, reclaiming my time, can the gentleman assure us that the conference will have a serious discussion on these three items? Because I know everything is on the table, but not everything is in dispute.

Mr. GOODLATTE. Mr. Speaker, if the gentleman would further yield, surely there are differences between both the House and the Senate on those two items. So, therefore, there will have to be some discussion with regard to the final disposition of the legislation.

Mr. CONYERS. Mr. Speaker, then will we be able to negotiate not only with ourselves but with the administration on these subject matters?

Mr. GOODLATTE. Mr. Speaker, it is my hope that we will have input from the administration.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to work with the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. LOFGREN) on this issue. I will say to them that I appreciate their concern about the administration's input but, quite frankly, their concern exceeds the concern of the administration.

Let me just point out a few things. First of all, I have had the honor of managing this bill both in the Committee on the Judiciary and on the floor of the House, and to this day I have not received one contact, one communication from the administration with regard to this legislation.

The gentleman from Virginia (Mr. DAVIS) is the principal sponsor of the legislation and he has never received one bit of input from the administration. I checked with my staff to see if perhaps the staff was contacted. Neither my legislative director nor the committee staff has been contacted by the administration to give their input on this legislation.

In fact, the only contact with the administration regarding their input came from the committee, because the committee contacted the administration and invited them to testify before the Committee on the Judiciary, and they declined our offer to have a representative of the administration come and testify before the committee and have input with the committee regarding this.

So while I know the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. LOFGREN) are sincere in their desire to have input from the administration, I certainly hope that the administration's statements regarding this legislation contain the sincerity to work out this problem and address Y2K in a manner that immediately puts to work the Nation on solving the problem rather than setting up a massive problem with litigation.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, let me ask my friends, the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. LOFGREN), we are talking about compromising, but from their perspective, not the administration's, are they willing to support the Senate bill, basically the outlines, the parameters of the Senate bill in terms of concept, particularly in mind with punitive damages caps, or is that too far for them?

Mr. CONYERS. Mr. Speaker, if the gentleman would yield, the problem is that framework that the President has said that he would veto.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman would continue to yield, so my colleagues would not support it because the President would not support it?

Mr. CONYERS. Mr. Speaker, let me ask the gentleman, can we negotiate with the administration? Maybe they were talking to so many staff that they did not know that the staff of the gentleman was not there.

Mr. DAVIS of Virginia. Mr. Speaker, let me just say to the gentleman, they know how to reach me. They know my interest in this.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, let me say that while the administration has not contacted us, they have put out into thin air their administration's Statement of Policy, which we have carefully reviewed. In fact, they put out two, one prior to the House legislation and one prior to the Senate legislation. We have carefully studied these statements, and I can tell my colleague that the overwhelming majority of the principles outlined by the President are contained in either the House bill or the Senate bill or both.

And so, if the President is intent upon vetoing this legislation because of the few small remaining matters that are not addressed in either the House bill or the Senate bill, I think there is a great deal of disingenuous behavior on the part of the administration if that is the case.

Mr. DAVIS of Virginia. Mr. Speaker, would the gentleman yield for just a comment?

Mr. GOODLATTE. I yield to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, it seems to me that we could be helped by our friends on the other side if instead of representing the administration they would represent their constituents and urge the administration to work towards signing a bill instead of trying to give them cover and not voting for a bill unless they approve it. I think that is what our constituents are telling me, let us put forward that. And if the administration wants to come in, we are open to negotiate even at this late hour even though they declined to come to the hearings and testify and have declined to notify and talk to our offices.

Mr. GOODLATTE. Mr. Speaker, the gentleman makes a very good point. But let me point out the things that are in the Statement of Administration Policy that are contained in these bills.

The pre-litigation procedures contained in the legislation are compatible with the pre-litigation procedures outlined in the Statement of Policy. The pleading requirements are compatible. The class action, with the exception of the point regarding class action remedies, should be retained and State courts should continue to hear State class actions, in point of fact, States will continue to hear State class actions. It is only class actions that involve a Federal class that would be changed. The duty to mitigate damages that they set forth, that is contained in either the House or the Senate or both.

The contract interpretation provisions are the same in the House and the Senate or both. The joint and several liability they have expressed in their statement support for change from the traditional joint and several liability to proportionate liability. They expressed some concerns about the House version. Those are addressed in the Senate version. The economic loss issue is addressed in either the House or the Senate or both.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, let me just say I want desperately to work something out with the administration and that has been our goal from day one. But I am not going to surrender principles, and I am not going to surrender on issues the point that we are not passing any legislation at all that does any good to the people we are trying to help. I cannot do that in good conscience.

I would rather, under those circumstances, let my constituents know I did my best to help them and the President vetoed them than to come up with nothing. But we are willing to compromise our goal. Our goal and our hope is that we can work something out in this. But time is very, very short. We have been playing a delay game now for months. It cannot go on much longer. The conference will start. I hope they will address the conference, give their input, and we can work something out. But if not, we have got to move ahead.

Mr. GOODLATTE. Mr. Speaker, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I just want to make this point. I think sometimes we rush and abbreviate and then we end up paying for it down the road.

Looking back, I know it certainly was not the fault of the gentleman from Virginia (Mr. GOODLATTE) because he and I had a private discussion on this, but the draft of this legislation was not available for very long before the Committee on the Judiciary went into markup. There was one business day between Judiciary markup and being in the Committee on Rules.

So we rushed it through. We could have gotten I think better input had we taken more time. That is history now. We cannot undo it. But I think that if we take the time at this point, we will be able to resolve these issues.

As I said, we put together an alternative. It got 190 votes. But I am not wedded to that. I have got very favorable feedback from CEOs in Silicon Valley on that effort. But it is not perfect. And there are ways to make that better or to make the Senate bills better. But we need to think outside the box. We cannot just be controlled by the Senators' names on which bills. It is think outside the box. It is think in terms of the functionality of relief that is required, and we will get there.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, I hope that we do have a substantive conference that considers the House bill, which I think is a very strong bill. I was pleased to work with the gentleman from Virginia to craft it and see that it got through the House with a strong bipartisan vote. The Senate bill, while it does not go as far as I would like to see the legislation go, is a bill that I certainly can work with Senator MCCAIN and other representatives of the Senate, and we certainly want to have that input from the administration.

The only issue that I have not mentioned yet with regard to the broad subjects of this bill is the cap on punitive damages. It is clear the administration does not like the House bill. The Senate version is considerably watered down from the House version. So between the House bill and the Senate bill there is a lot to work with to enable us to come up with a very, very good bill; and we welcome the administration's input as we work to come up with that.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just a couple corrections. One is that the White House has communicated to every member on the committees and the leadership, indeed every Member in the House. So they have not heard back. If my colleagues have not communicated with them, I mean these letters are to initiate communication. So that the communication may have been one way, but it certainly is not the White House's responsibility after they have reached out.

Secondly, the Department of Justice sought to testify in the House Committee on the Judiciary and they were put in a very difficult position and were not able to do that.

So it is not the White House that has not been out of communication. But that is not the issue here today. What we are talking about is whether or not the questions of joint liability, class action, and punitive damages caps are really on the table.

I think I have heard from the Members on the other side of the aisle that they are. If they are, we are all set to take care of the real problems. And if we do that, we will be able to take care of a conference that will, I think, reflect confidently and positively on both Houses.

The main thing that we want to do is not end up in a situation where we have ignored one branch of Government that would force them into a veto situation. And that is the only reason I am mentioning them today in this debate.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Virginia (Mr. MORAN) from the other side of the aisle to close the debate for us.

□ 1315

Mr. MORAN of Virginia. Mr. Speaker, I would hope that when we get into conference, that we support as much as possible the principal elements of the House bill, because the House bill makes common sense.

A special committee of the American Bar Association was put together to look at the potential Y2K litigation. They concluded that the potential cost of litigation on Y2K could be more than asbestos, breast cancer implants, tobacco and Superfund combined. They concluded that the litigation cost associated with Y2K could be as much as $1 trillion.

Now, if the cost of fixing the problem is only a small fraction of that $1 trillion, do we not have a responsibility as representatives of the American people to try to fix the problem, to avoid injuries, damages, problems before they occur? We do not want to wait, do we, until January 1st of the year 2000 and then get into a long, extended legal battle in every part of our economy and our society? We have a responsibility to fix the problem.

When we talk about punitive damages, basically the lesson is, "Go and sin no more." That is the lesson we want to tell people. But the fact is, this is a one-time occurrence. The same rules do not apply. We have got one serious situation and it arises by virtue of the fact we are in a technology revolution, things have changed, we have got to get over this change in dates. We can do it, we can do it responsibly, we can avoid spending $1 trillion to accomplish nothing, or we can do the people's will and prevent problems before they occur.

Let us do the right thing. I would hope we would get a conference report that would resemble the House bill as much as possible.

Mr. CONYERS. Mr. Speaker, I yield myself 45 seconds to ask my friend from Virginia if he supports the principle of compromise that we have argued, that all parties, not just the House and the Senate, but the White House, too, has to indulge in for us to accomplish our goal? This is where we are at now.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I totally agree with that, but I think the gentleman also agrees, our job is not to pad the pockets of the trial lawyers but it is to prevent problems from occurring and to ensure that we represent what is in the best interests of the American economy and the American society. Sometimes there is a conflict between those two. But I agree with what the gentleman said, and I hope that we can be in agreement when the conference report comes back on the floor.

Mr. CONYERS. I tell the gentleman that that is absolutely not in contention now. I am just hoping that he can support the Conyers-Lofgren motion to instruct which is about the compromise around three major issues that are still out.

Mr. MORAN of Virginia. The answer is yes, I think we all will and we all should.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I just would note that the gentleman from Virginia mentioned the study done by the American Bar Association on the potential exposure of the American economy to litigation, and I think that is a serious issue. That is why we are all here. But I would note that, I think all of us received a copy of the letter sent by the American Bar Association to the President yesterday pointing out that the ABA opposes both the Senate bill and the House bill and this letter details the reasons why.

One of the issues that is in contention has to do with federalizing all the class actions relative to Y2K litigation. The Chief Justice of the United States Supreme Court opposes that, and I think he knows how Federal courts work and how our court system works. So these are serious issues. They need to be addressed, they need to be remediated, and they can be.

I have been in communication, as I have mentioned, with many, many of my constituents in Silicon Valley who are interested in this issue. Some of the issues in the Senate bill are meaningless to them, it is not important to them in terms of resolving things. Some of the issues are important. For example, joint and several liability is a very important issue and does need to be addressed.

I will say this, that the White House has moved from no change in joint and several liability to the possibility of change in joint and several liability, but I would also note that there are five or six different ways to deal with that issue, all of which would resolve the problem for high tech. And so it is that kind of approach we are going to need, thinking outside the box, and applying solutions to problems rather than embracing bills that have been drafted and are in play.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, we have made it clear that, first of all, we want everyone to support the Conyers-Lofgren motion to instruct. Secondly, if we want a bill, then we will resolve these outstanding issues. Everyone has spoken in the spirit of compromise. The question that this motion poses is which road we will take. Are we going to engage in serious, sincere negotiation which will result in a bill in a week or so or an insincere process that will lead to the finger-pointing that will be inevitable with a veto?

I urge my colleagues to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 253]

YEAS—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee

Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Brown (CA)
Clement
DeLay
Ehrlich
Gilchrest
Kasich
Rogan
Towns

☐ 1343

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SENSENBRENNER, GOODLATTE, CONYERS, and Ms. LOFGREN.

From the Committee on Commerce, for consideration of section 18 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, OXLEY, and DINGELL.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 216 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 216

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the bill modified by the amendment recommended by the Committee on the Judiciary now printed in the bill. Each section of that amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Hyde or his designee, may amend portions of the bill not yet read for amendment, and shall be considered as read. No further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1345

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 216 is a modified, open rule providing for the consideration of H.R. 1658, the Civil Asset Forfeiture Reform Act.

The Committee on the Judiciary reported the bill by a bipartisan vote of 27-to-3, which demonstrates the broad support this legislation has garnered across the ideological spectrum.

The list of organizations that have endorsed H.R. 1658 ranges from the Eagle Forum, Americans for Tax Reform, and the NRA, to the National Association of Criminal Defense Lawyers, the American Bar Association, and the ACLU.

Despite this broad support, there are some who feel that this legislation may go too far, and the rule accommodates these concerns by providing ample opportunity to debate and amend the bill.

Under the rule, 1 hour of general debate will be equally divided among the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill and, for the purpose of amendment, the rule makes in order the amendment in the nature of a substitute modified by the amendment recommended by the Committee on the Judiciary, which is now printed in the bill.

First, it will be in order to consider an amendment printed in the Committee on Rules report, which may be offered by the gentleman from Illinois (Mr. HYDE) or his designee.

The Hyde amendment clarifies that the bill applies only to civil asset forfeiture, not criminal asset forfeiture. Few dispute that it is proper for the government to seize the yachts, planes and mansions of convicted drug dealers who finance their possessions with illegal drug money. Therefore, the bill does not alter the law with regard to criminal asset forfeiture.

What H.R. 1658 seeks to address are the abuses of civil asset forfeiture law, where the government can seize the property of a person who may never be accused of any crime or wrongdoing. The Hyde amendment makes the focus of this bill unmistakably clear.

After consideration of the amendment of the gentleman from Illinois (Mr. HYDE), the rule allows the House to debate and vote on any amendment, as long as it has been preprinted in the CONGRESSIONAL RECORD and complies with the Rules of the House.

To ensure the orderly and timely consideration of H.R. 1658, the Chair is given the option of postponing votes and reducing voting time to 5 minutes on postponed questions, as long as the first vote in the series is a 15-minute vote.

Finally, the rule provides the minority with the option of offering a motion to recommit with or without instructions.

Mr. Speaker, American citizens hold dear the protections they are afforded under our Constitution. Sometimes, we take these rights for granted, but we are quick to identify violations of the principles that serve as a foundation of our system of justice and government.

Our current civil asset forfeiture laws, at their core, deny basic due process, and the American people have reason to be both offended and concerned by the abuse of individual rights which happens sometimes under these laws.

Today, the government may seize the assets of any individual if there is probable cause to believe that these assets have been part of some illegal activity. Strange as it may sound, the legal tenet behind this process is that it is the property that is being accused, not the person. That means that even if there is no related criminal charge or extra conviction against the individual, the government may confiscate his or her property. And the current law gives little consideration to whether the forfeiture of the property results in a mere inconvenience to the owner, or jeopardizes the owner's business or very livelihood.

All that is required of the government is a demonstration of probable cause, an unreasonably low standard of proof, given the fundamental property rights at stake. Then the burden shifts to the property owner, who may have done nothing wrong and may have absolutely no knowledge of any crime to prove that his property is not subject to forfeiture.

To reclaim his property, the owner must overcome a number of obstacles that turn the principles of presumed innocence on its head.

To contest a seizure of property, the owner must come up with $5,000 or a 10 percent cost bond, whichever is less. This serves little purpose other than to discourage individuals from seeking justice, and may even preclude low-income folks or those who have been made poor by the seizure of their assets altogether.

Then, if the owner can come up with the money and afford to hire a lawyer, he has the burden of proving, by a preponderance of the evidence, that his property is "innocent." And again, under current law, if the owner succeeds in reclaiming his property, the government owes him nothing for his trouble; no apology, no interest, no compensation, nothing whatsoever.

H.R. 1658 would put into check the possibility of government to unintentionally trample over the rights of innocent citizens in its rightful pursuit of the criminal element in our society.

Again, this bill does nothing to prevent the confiscation of assets owned by convicted criminals. It applies only to civil asset forfeiture in an effort to restore due process for law-abiding citizens who are not accused of doing any wrongdoing.

The bill includes eight reforms to restore fairness to the law.

Under H.R. 1658, if a property owner challenges a seizure, the burden would be placed on the government to prove by clear and convincing evidence that the property is "guilty" and is subject to forfeiture. In cases where the confiscation of property imposes substantial hardship on a citizen, judges would have the flexibility to release the property before final disposition of the case. Judges also would be able to appoint counsel for indigent citizens in civil forfeiture proceedings to ensure that the poorest in society are protected from the government's exercise of power. In addition, property owners would no longer have to file a bond, and they could sue if their property is damaged while in the government's possession.

The bill also provides for interest payments to a property owner who is successful in winning his money back.

Other reforms would increase the time period during which a citizen may challenge civil forfeiture and provide a uniform defense for innocent owners who knew nothing of the illegal use of their property or did all that they could reasonably do to prevent it.

Mr. Speaker, these are reasonable reforms that bring the scales of justice closer to balance and to protect the rights of Americans. For those who disagree, the rule provides an opportunity to debate the finer points of the law and amend the legislation, if it is the will of this House.

I look forward to today's debate, and I hope my colleagues will give serious consideration to the fundamental issues of fairness that this legislation embodies. I urge the swift passage of the rule so that the House may proceed with the bill's consideration.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my good friend, the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, while I generally support this rule, I do not support the requirement that amendments to this bill must be preprinted in the CONGRESSIONAL RECORD. We offered an amendment in the Committee on Rules to delete this provision from the bill, but it was defeated.

I am concerned that there seems to be an increasing pattern on the part of my friends on the Committee on Rules majority to report rules which allow only those amendments which are preprinted. This may be helpful to the committee of jurisdiction in preparing for the floor, but it can be troublesome to the rest of the House Members who are then limited in their opportunities to contribute their ideas to the overall debate. A truly open rules process does not limit the offering of amendments in this way.

The Civil Asset Forfeiture Reform Act, H.R. 1658, gives people whose property has been seized by the Federal Government because of alleged connection to criminal activity improved chances to recover that property.

To some degree, we are today attempting to amend the law of unintended consequences, a law of nature which usually applies in situations where apparent only through the luxury of hindsight.

Civil asset forfeiture in its current form was created to fight the war on drugs. Law enforcement officials have reported that civil asset forfeiture is one of law enforcement's most effective tools and have expressed concern that H.R. 1658 would impair the ability of law enforcement to deprive criminals of the proceeds of their illegal activities, and I hope that an amendment will pass today that will satisfy the concerns of law enforcement.

However, in recent years, many have complained that the government's authority to seize property has been used excessively and has resulted in abuse suffered by innocent property owners.

Civil assets forfeiture differs from criminal assets forfeiture in that criminal forfeitures are part of a criminal proceeding against a defendant, and the verdict of forfeiture is rendered by a court or jury only if a defendant is found guilty of the underlying crime.

In contrast, civil asset forfeiture focuses on property connected to an alleged crime. The government targets the property, and because the property itself is the defendant, the guilt or innocence of the property owner is said to be irrelevant.

This bill requires the government to prove by clear and convincing evidence that the property confiscated was subject to forfeiture because of illegal misuse. Under current law, the burden of proof lies with the person whose property was seized, and the government has only to show probable cause that the property is subject to forfeiture.

Under the bill, an owner would not be required to forfeit property at the time of the illegal conduct if the person did not know of the conduct giving rise to forfeiture; or, if the property owner did all that he reasonably could to keep the property from being used illegally. The bill requires the Federal Government to give 60 days written notice when confiscating private property.

Under the bill, a person would also be entitled to the immediate release of seized property if continued possession by the government would cause substantial hardship, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless.

Moreover, the bill provides financial damages to be paid for the destruction, injury or loss of goods or merchandise while forfeited property is in the government's possession.

As was pointed out during the hearing in the Committee on Rules hearing, this bill is sponsored by the members of the Committee on the Judiciary on both sides of the aisle who often represent divergent points of view. The fact that they are in concert regarding this measure favorably commends it to the House.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. HUTCHINSON), a member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I want to express my support for this rule which allows consideration of the base bill, but also a substitute bill that has been offered by myself, the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. SWEENEY). This substitute that is being offered is drawn from the provisions of a bill that passed out of the Committee on the Judiciary last year that was supported by both the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS), the ranking member of that committee, and the Justice Department.

□ 1400

It was a compromise proposal that accomplished significant reform, but also did not do damage to the legitimate interests of law enforcement. So that is the essence of the substitute that will be considered under this rule.

I want to take this opportunity to extend my appreciation to the gentleman from Illinois (Chairman HYDE) for his leadership on this critical issue. Certainly in our society we know there is need for reform, so he has led the fight on that. This substitute I believe improves on the effort that he is trying to accomplish in a way that is consistent and balances the interests of law enforcement.

Some of the things provided in the substitute include very similar provisions to the base bill in terms of protecting our citizens. It includes eliminating the cost bond, it includes reimbursing claimants for damage the government might do to an innocent person's property. Most importantly, it shifts the burden of proof to the government in an asset forfeiture case, and it also provides paying of interest on assets that are returned.

So there are many similarities and significant reform, accomplished both in the substitute and the base bill. But there are some significant differences as well.

The first one and probably the most significant is the burden of proof. The substitute that is offered continues to ensure that the government bears the burden of proving that the property has been used in illegal activity, but maintains the same standard of proof as in all civil cases, which is a preponderance of the evidence.

Let us examine the distinction, here. If the standard of proof is clear and convincing, then there will be cases in which the government can show by the weight of the evidence that the money was used in criminal activity, but yet the criminal will be able to maintain those assets. I believe that is fundamentally wrong.

The greatest problem with the high standard of proof, clear and convincing standard, is whenever there is that sophisticated international money laundering on behalf of the south American drug cartels. Such schemes invariably involve shadowy transactions through bank secrecy jurisdictions conducted by shell corporations claiming to be in the travel, import-export, or money remitting businesses.

Most of these cases are dependent upon circumstantial evidence, so it would be difficult to prosecute to obtain those assets with such a standard that is unusual in ordinary civil cases.

The American people certainly want fairness in their forfeiture laws, but they do not want to grant extraordinary protections to the financial henchmen of the drug lord. So that is the distinction.

Another one is in reference to appointment of counsel. The Department of Justice undertakes 30,000 seizures a year, most of them in drug and alien smuggling cases. The base bill authorized the appointment of counsel in all of those cases, at taxpayers' expense. For anyone who asserts an interest in the seized property, the potential for abuse is clearly there.

The substitute continues to allow for the appointment of counsel, but with greater safeguards to eliminate that abuse.

There are other distinctions in there. The innocent owner defense is somewhat different in the substitute language. The base bill provides that when there is an innocent owner, and there are de facto innocent owners who are bona fide purchasers, and those also who receive the property through probate. We see that as a problem. The substitute maintains that innocent owner defense but ensures that the provision will not be used by criminals to shield their property through sham transactions.

For example, the probate provision would allow a drug dealer to amass a large fortune, and then to transfer that by his will to his criminal cohorts or his mistress, and upon his death, if he has died in a shootout or an arrest, then it would transfer without being able to to be seized, even though it is clearly the result of drug trafficking. So that is fundamentally wrong, and the substitute would correct that problem.

There are a number of other distinctions, Mr. Speaker, in the base bill and the substitute that is being offered, but we believe that the rule is fair that allows this. It would allow a fair debate on this.

I will point out that law enforcement has expressed concern in the base bill, from the Drug Enforcement Administration to the International Association of Chiefs of Police. So I would ask my colleagues to support the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, I rise to indicate that on our side we support the rule, a modified open rule, and urge its support by all the Members. We want to try to proceed to general debate and the amendments, and hope that this measure may terminate and be concluded in final passage by this evening.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me reiterate that the criteria does nothing to undermine laws that allow for the confiscation of property in the case of a convicted criminal. Instead, the bill focuses on the potential abuse under civil forfeiture laws when a property owner may not be accused of any crime or wrongdoing.

The reforms in the bill protect the rights of innocent citizens to basic due process. The bill has the support of numerous organizations who span the ideological spectrum, but if my colleagues do not share the views of this broad coalition, they are free to offer amendments under this fair rule.

Every Member of the House should support this rule, which provides for a full and fair debate on civil asset forfeiture reform in the interest of restoring fairness to our system of justice. I urge a yes vote on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 1658.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CIVIL ASSET FORFEITURE REFORM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 216 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1658.

□ 1406

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, about 6 years ago I was reading a newspaper and I read an op ed article in the Chicago Tribune explaining a process that goes on in our country, and I must tell the Members, I could not believe it. I thought that over 200 years we had ironed out what due process meant, what equal protection under the law meant. But I found out that there are corners in our legal proceedings into which light needs to be shed. One of them concerns civil asset forfeiture.

There are two kinds of forfeiture, criminal asset forfeiture and civil asset forfeiture. What is the difference? The difference is in criminal asset forfeiture you must be indicted and convicted. Once that happens, the government then may seize your property if your property was used, however indirectly, in facilitating the crime for which you have been convicted.

You are a criminal, you are convicted, and they seize your property. I have no problem with that. I think that is useful in deterring drug deals and extortionists and terrorists. I have no problem with criminal asset forfeiture.

But the other type is civil asset forfeiture. That is a horse of a different color. In civil asset forfeiture, the government, the police, the gendarmes, can seize your property upon the weakest, most flimsy, diaphenous charge, probable cause. Probable cause will let you execute a search warrant or maybe frisk somebody, but no, they use probable cause as the basis to seize your property. I do not just mean your roller skates, they can take your business, they can take your home, they can take your farm, they can take your airplane. They take anything and everything premised on the weakest of criminal charges, probable cause.

What is also unbelievable is that unless you take action in court, you cannot get your property back. They do not have to convict you, they do not have to even charge you with a crime, but they have your property because they allege probable cause.

How do you get your business back, your home back? You go to court, you hire a lawyer, you post a bond, and then you have to prove within 10 days, you have 10 days to do all this, you have to prove that your property was not involved in a crime. In other words, you prove a negative.

I do not know how you do that. I have been a lawyer since 1950, and I do not know how you prove that something did not happen. But nonetheless, that is the burden now. Under our jurisprudence, the burden of proof should be with the government. If you are guilty of anything, then prove it. The standard is beyond a reasonable doubt in a criminal case.

So what we are asking is to turn justice right side up, to switch the burden of proof from the poor victim, who has been deprived of his property and not convicted of anything, to the government, who has seized this property.

Now, may I suggest there are some incentives for some police organizations not to do this, because they share in the proceeds of the seized property. It is like the speed trap along the rural highway where the sheriff waits for us, takes us to a magistrate, and his salary is paid out of the fines he levies against us. We do not have a very great chance at equal justice.

That is the situation here. Civil asset forfeiture as allowed in our country today is a throwback to the old Soviet Union, where justice is the justice of the government and the citizen did not have a chance.

So I suggest we remedy this, and that is what we are trying to do.

The bill before us makes eight changes. First, the burden of proof goes to the government, where it belongs.

Secondly, the standard is clear and convincing. The reason it is not a mere, simple preponderance is that this is quasi-criminal. They are punishing you when they have taken charge of your assets and of your property.

The next thing it does, it permits the judge to release the property pending the disposition in case a hardship exists and you are out of business or you have no place to live.

The third thing is the court can, in an appropriate case, appoint counsel. That is important if you are broke, if they have taken your property. You need help, you cannot afford a lawyer. The reason some organizations resist appointing counsel is because if you cannot get a lawyer, you cannot file a claim, so the forfeiture stands. You have a disincentive, you are discouraged from filing a claim because you cannot pay for a lawyer.

We also eliminate the bond, and I am happy to see that the gentleman from Arkansas (Mr. HUTCHINSON) eliminates the bond, too.

Our bill provides an innocent owner defense which is uniform across the country. If you own something and somebody else performed a crime in it or with it, and you are perfectly innocent and that can be established, that is a defense. You can sue the government under my bill if they destroy your property, and you can get interest if they have held your cash, and you can have 30 days to file your claim, not 10 or 20.

Lastly, let me just say this. This bill puts civil liberties and due process back in our criminal justice system. I am so delighted at the sponsors of this bill, both Democrats and Republicans, liberals and conservatives.

I am also delighted at the organizations that have endorsed it: The American Bar Association, the National Rifle Association, the National Association of Criminal Defense Lawyers, the American Civil Liberties Union, Americans for Tax Reform, the National Association of Realtors, the Credit Union National Association, the American Bankers Association, National Association of Home Builders, and on and on; the U.S. Chamber of Commerce. There is the widest possible spectrum of support for this reformation of our civil asset forfeiture laws.

I beg Members to listen carefully and join me in this essential reform.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the Members of the House of Representatives, I would like Members to understand that there is wide, wide support not only in the committee but among organizations for reforming civil asset forfeiture.

□ 1415

When we bring together the gentleman from Illinois (Mr. HYDE), chairman of Committee on the Judiciary, myself, the ranking member, the distinguished gentleman from Massachusetts (Mr. FRANK), and the gentleman from California (Mr. FARR), then we have a combination that covers, I think, the entire political philosophical spectrum of the Congress.

When we bring also the American Civil Liberties Union, the Criminal Defense Lawyers, the United States Chamber of Commerce, the Cato Institute, and the National Rifle Association, we have a combination of organizations that I think they come together every 10 years on a legislative agreement.

But it is wide, it is deserved, it is merited only because we have now found a process that is so abominable that it must be corrected, and we are very proud to have this wide array of philosophical views joining behind the Civil Asset Forfeiture Act, H.R. 1658.

Would my colleagues believe that, under current law, the government can confiscate an individual's private property on a mere showing of probable cause and then, even though the person may never have been convicted of a crime, require the person to file an action in Federal court to prove that the property is not subject to forfeiture in order to get the property back?

Well, that is the state of the law. There is no question that forfeiture laws, as Congress has intended to serve legitimate law enforcement purposes, and in the greater instances, they do, but they are currently susceptible to abuse and abuse that this measure proposes to correct.

There is also a problem for racial minorities. For example, a 10-month Pittsburgh Press investigation of drug law seizure and forfeiture included an examination of court records on 121 sole suspected drug courier stops, where money was seized and no drugs were discovered.

The Pittsburgh Press found that African-American, Latino, and Asian persons accounted for 77 percent of these arrests. So this bill before us today, the Civil Asset Forfeiture Act, seeks to change this and to make Federal civil forfeiture laws more equitable in a number of ways.

First of all, we change the burden of proof. Very few places in our law other than this, if any, require that the person coming in carry the burden of proof. Well, not so in forfeiture law. So if a property owner challenges a seizure, we want the government to prove by clear and convincing evidence that the property is subject to forfeiture. There cannot be any problems with that.

Now it is just the reverse. The government comes in, and the person seized has to prove that the property should not have been seized. This provision that we correct places the burden of proof where it historically belongs under United States jurisprudence within the government agency that performed the seizure. It protects individuals from the difficult task of proving a negative, in other words, that their property was not subject to forfeiture, which may be pretty hard to prove.

Secondly, I think it is important that the bill provide for the appointment of legal counsel if the person challenging the forfeiture is indigent or cannot otherwise afford proper legal counsel. What this provision does is simply recognize that legal representation is appropriate, indeed necessary, to defend against this type of deprivation of property.

Now, in determining whether or not to appoint counsel, the court must consider whether the claim appears to be made in good faith. Because if it is, they should get counsel. If it is not, they should not be provided counsel.

Third, the bill permits a court to provisionally return the seized property to the owner before the final adjudication is complete if the claimant can prove and demonstrate substantial hardship. Now this could occur, for example, if the forfeiture crippled the functioning of a business, which oftentimes is the case, prevented an individual from working, or left an individual homeless in the case of where homes are seized. Individuals lives and livelihoods should not be in peril during the course of a legal challenge to a seizure.

The next thing we do that I think commends the bill to the Members of the House of Representatives is that we create a uniform innocent owner defense against forfeiture to prevent people from losing their property because of the wrongdoing of others.

The presumption of innocence is fundamental to the American criminal justice system and should be in the case of civil asset forfeiture. This basic tenet, however, is seriously compromised whenever assets are confiscated, as they are now often seized under these forfeiture statutes without proof of wrongdoing by the owner.

The next thing that we do that I think should attract the attention and support of the Members is that we permit individuals who prevail in their forfeiture challenges to be able to sue the government if their property was destroyed or damaged, what could be more fair than that, while it was in government custody. It makes little sense to grant the right to reclaim the property only to find that it has lost all or half of its value.

The next item that is in this bill that I commend to the Members' attention is the requirement that the government pay successful claimant post-judgment interest as well as prejudgment interest on currency. This provision prevents the government from gaining a windfall on improperly seized property and puts the property owner in the position he or she would have been if the property had not been seized in the first instance.

The next thing that we do is eliminate the current requirement that a claimant must file a bond before challenging a forfeiture. This lifts a financial hurdle to filing a forfeiture challenge.

Finally, we expand the time to file a forfeiture challenge by 10 days from 20 to 30 days, giving additional persons time to learn about their rights and file a claim. We believe that this measure is long overdue in coming.

We have had a very thorough and fair hearing in the Committee on the Judiciary. Everybody is pleased about it. But I should warn my colleagues that a substitute may be offered that would expand the categories of crime, that would worsen the measure that is before us, expanding categories of crime subject to a civil forfeit, and includes a seize now, fish for evidence later provision that allows the government to hold the property with no evidence, and then use their powerful Federal civil discovery tools to seek more evidence to try to build their case.

So I would like to put our colleagues on notice that there is a substitute that would completely reverse the benefits of this bill. I urge Members, both Democratic and Republican, to join us in the bill that has the widest support both in and out of the House.

Mr. Chairman, I include the following document, entitled "The Need for H.R. 1658: Recent Cases of Civil Asset Forfeiture Abuses of Innocent, Legitimate Businesspeople and Entities" as follows:

THE NEED FOR H.R. 1658

RECENT CASES OF CIVIL ASSET FORFEITURE ABUSES OF INNOCENT, LEGITIMATE BUSINESSPEOPLE AND ENTITIES

Houston, Texas: Red Carpet Motel—Raise Your Prices or Else!

February 17, 1998, the U.S. Attorney's Office in Houston seized a Red Carpet Motel in a high-crime area of the city. The government's action was based on a negligence theory—that the motel owners, GWJ Enterprises Inc. and Hop Enterprises Inc., had somehow "tacitly approved" alleged drug activity in the motel's rooms by some of its overnight guests.

There were no allegations that the hotel owners participated in any crimes. Indeed, motel personnel called the police to the establishment dozens of times to report suspected drug-related activity. U.S. Attorney James DeAtley readily bragged to the press that he envisioned using current civil asset forfeiture laws in the same fashion against similar types of legitimate commercial enterprises, such as apartment complexes.

The government claimed the hotel deserved to be seized and forfeited because it had "failed" to implement all of the "security measures" dictated by law enforcement officials. This failure to agree with law enforcement about what security measures were affordable and wise from a legitimate business-operating standpoint was deemed to be the "tacit approval" of illegality cited by the prosecutors, subjecting the motel to forfeiture action.

One of the government's "recommendations" refused by the motel owners was to raise room rates. A Houston Chronicle editorial pointed to the absurdity and danger of this government forfeiture theory against legitimate business: "Perhaps another time, the advice will be to close up shop altogether." The editorial went on to make these additional, excellent points:

"The prosecution's action in this case is contrary not only to the reasonable exercise of government, but it contradicts government-supported enticements to businesses that locate in areas where high crime rates have thwarted development. Good people should not have to fear property seizure because they operate business in high-crime areas. Nor should they forfeit their property because they have failed to do the work of law enforcement. . . . *This case demonstrates clearly the need for lawmakers to make a close-re-examination of federal drug forfeiture laws.*" . . . (emphasis added)

After more bad publicity all over Texas, in July 1998, the government finally released the motel back to the owners and dropped its forfeiture proceedings. It exacted a face-saving, written "agreement" with the motel owners. The agreement, however, in fact only put into words the security measures and goals the owners had already undertaken and those which it had always strived to meet.

The motel owners had lost their business establishment to the government's seizure for several months, suffered a significant loss of good business reputation, and were forced to spend substantial amounts of time and money on hiring an attorney and defending against the government's forfeiture action, which should never have been undertaken in the first place.

[Source: Houston Chronicle. Mar. 12, 1998 editorial and 1998 articles Dallas Morning News, 1998 articles (unreported case)]

San Jose, California: Aquarius Systems, Inc—Your Buyer, Your Assets!

October 28, 1998, a federal judge in San Jose, California finally granted summary judgment against the government in a civil forfeiture action, ruling that the government must return to Los Angeles-based Aquarius Systems, Inc. (aka CAF Technologies Inc.) the $296,000 it had seized from it 6 years ago. Aquarius and 4 other computer chip dealer companies had been accused of marketing stolen chips. Federal agents, who participated in this "sting" operation, then seized $1.6 million of the companies' chip-buying, operating money.

Unknown to Aquarius Systems, Inc., the buyer used by the company had been operating for his own profit, by purchasing chips for $50.00 each while reporting to his supervisors at the company a unit cost of $296.00 (which at the time was a reasonable price). (The buyer ultimately served a short sentence of conspiracy to buy stolen property.)

In his ruling ordering the government to return to Aquarius $296,000 of its seized operating money, U.S. District Court Judge Jeremy Fogel blamed the government for dragging its feet on due process, by tying up the company's operating assets for so many years. Ruled the Court: "It is incumbent upon the government to institute civil forfeiture proceedings expeditiously." The judge then denied the government's motion for summary judgment against the company, and granted the company's motion for summary judgment against the government. The Court held that Aquarius Systems knew nothing about what its buyer was doing. As the judge noted, the company was unusual in its ability to stave off ruin from the government's seizure and forfeiture action, and in its ability "to fight [it] for six years."

[Source: The (California) Recorder, Nov. 17, 1998 article (unreported case)]

Chicago, Illinois: Family-Owned and Operated Congress Pizzeria—Restaurant+Money+3 Handguns=Forfeiture?

September 3, 1997, Anthony Lombardo, owner and proprietor of the family business, Congress Pizzeria of Chicago, was finally returned over $500,000 in currency improperly seized from his restaurant in early 1993. It took him over four years, and much expensive litigation, all the way to the federal court of appeals for the Seventh Circuit, before former U.S. Attorney and Chief Judge Bauer and his colleagues on the Court ordered the government to return Mr. Lombardo's money.

Based on the "confidential informant" testimony of Josue Torres, the Chicago Police Department conducted a search of Congress Pizzeria. Torres, a crack addict, had been employed as a truck driver for the restaurant up until a few months before he told his story to the police. He told the police that he regularly fenced stolen property at various places in Chicago in order to feed his crack cocaine habit, and that Congress Pizzeria was one of the places in which he did so.

On this, a warrant was issued to authorize police to search the pizzeria and to seize a camera, a snowblower, a television, and three VCRs, which are items the informant said he had sold to the sons at the restaurant. None of these items were found. During the search, however, the police did "find" and seize three unregistered guns, and $506,076 in U.S. currency.

The money was in a make-shift safe in the family-owned restaurant—a forty-four gallon barrel located inside either a boarded-up elevator or a dumb-water shaft (the record was somewhat unclear). It was wrapped in plastic bags and consisted of mostly small bills—such as might be expected from transactions by a pizzeria.

The owner's son, Frank Lombardo, was present at the time of the search. He was arrested and charged with possessing unregistered firearms (the guns at the restaurant). At the state court proceeding, the guns case was thrown out, because "it was not apparent that the guns were contraband per se" and "the guns were seized prior to the establishment of probable cause to seize them." No other state or federal criminal case was every investigated or charged against the Lombardos or their pizzeria.

The federal government nonetheless moved to seize and forfeit the $500,000 "found" in the pizzeria, under current civil asset forfeiture drug laws. The government's theory of why this money was forfeitable as "drug money" was this: The owner's son, Frank Lombardo, was said to have been "extremely distraught" and "visibly shaken when he was told that the money was being seized" from his family's restaurant; and, said the government, he had "offered no explanation for the cash horde." (Later, Frank went to the police station to explain that the money belonged to his father, the owner of the pizzeria, who was then in Florida.)

Drug-sniffing dogs were also brought to the police station (not in the pizzeria), to check out the money for the presence of drugs. A narcotics canine named Rambo was instructed to "fetch dope" and he grabbed on bundle of money from the table and ripped the packaging apart. To the amazement of the court of appeals, this behavior apparently indicated to the officers the presence of drugs on the money.

At best, as the Court noted, the dog only identified narcotics on one bundle of the seized currency even though the officers seized 31,392 separate bills in multiple bundles. And, even the government admitted that no one can place much stock in the results of dog sniffs because at least ⅓ of all the currency circulating in the United States, and perhaps as much as 90–96%, is known to be contaminated with cocaine. (Indeed, as the court of appeals noted, even Attorney General Reno's purse was found by a dog sniff to contain such contaminated currency.)

On this non-evidence of any nexus between the money and drugs, the government kept the money of Mr. Lombardo and his family Pizzeria for 4 years—until the 7th Circuit finally ruled that it must be returned, in late 1998. The Court held that the government had in fact failed to establish even the cursory burden that it is supposed to shoulder under current law—the establishment of "probable cause" to seize property in the first place.

None of the supposed "suspicious factors" cited by the government had "any bearing on the probable cause determination. The existence of any sum of money, standing alone, is not enough to establish probable cause to believe the money is forfeitable." Nor, for the reasons discussed above, was the police-station, drug-sniffing dog episode enough for probable cause. And, "putting to one side the fact that the state court suppressed the guns as evidence against Frank Lombardo, [there is] no reason to believe that the presence of handguns should necessarily implicate narcotics activity or that their presence need be seen as anything other than protection in a small business setting."

In conclusion, the Court wrote: "We believe the government's conduct in forfeiture cases leaves much to be desired. We are certainly not the first court to be 'enormously troubled by the government's increasing and virtually unchecked use of the civil forfeiture statutes and the disregard for due process that is buried in those statutes.'" (Quoting *US* v. *All Assets of Statewide Auto Parts, Inc.*, 971 F.2d 896, 905 (2d Cir. 1992))

[Source: *U.S.* v. *$506,231 in U.S. Currency*, 125 F. 3d 442 (7th Cir. 1997) (Bauer, J.).]

North Dakota and Daytona Beach, Florida: Customs versus Bob's Space Racers—Who's Amusement?

In 1997, on a routine business trip, a large number of circus employees of the Bob's Space Racers Company, of Daytona Beach, Florida, were traveling to Canada. Bob's Space Racers, a privately held company, is one of the leading providers of amusement park games. The company also provides entertainment at traveling circuses.

As normal, the employees had been provided with their salary and traveling expenses for the project in cash. Thus, each of the 14 employees had several hundred dollars in his or her pockets when the group attempted to cross the border into Canada from North Dakota.

Customs agents at the North Dakota border seized all their money on the theory that, when the Customs agents aggregated all the money carried by each of the 14 employees, the total came to just over $10,000—the amount of money triggering the regulations about "declaring" and filing Customs' "cash reporting" forms (Form 4790).

Customs had no basis for "aggregating" the money of the employees. And there was no reason to believe the employees were part of any conspiracy to smuggle money out of the country without filing the appropriate Customs forms. Indeed, the company informed Customs that the money was legitimate traveling expenses.

Into 1998, at least, the company was still trying to get Customs to remit the employee travel expenses seized.

[Source: National Association of Criminal Defense Lawyers (NACDL) Asset Forfeiture Abuse Task Force Co-Chair David B. Smith, Alexandria, Virginia (unreported case)]

Haleyville, Alabama: Doctor, Beware Your Banker?

In 1996, after many years and much costly litigation, Dr. Richard Lowe of the small northwest Alabama town of Haleyville, was finally returned his wrongfully seized life savings of almost $3 million, when the 11th Circuit Court of Federal Appeals ordered the government to return it.

Dr. Lowe, MD, is something of a throwback. He's a country doctor in small-town America, who still charged $5.00 for an office visit in 1997. He drives a used car and lives in a very modest home.

When he was a small child in the Depression, he lost $4.52 in savings when the local bank failed in his home town in rural Alabama. His parents lost all of their savings when that bank collapsed. Because of that experience, he has always hoarded cash. He'd empty his pockets at night into shoe boxes in a closet at home. Over the years, he had accumulated several boxes of cash in the back of a closet in his home.

In 1988, he consolidated his savings in the First Bank of Roanoke, Alabama—in order to set up a charitable account for a small private K-12 school in his hometown that was about to fail. He transferred all of his life savings into the consolidated account. At the time the government first wrongfully seized his account, in June 1991, Dr. Lowe had given the school over $900,000, had saved it from collapse, and was still contributing to it.

In the fall of 1990, his wife was urging him to do something about the boxes of money in the closet. The Doctor said OK, you count it and we'll put it in the school's account. It came to $316,911 in denominations of ones, fives, tens and twenties. Some of the bills were as much as 20 years old. Dr. Lowe took the money to the bank and gave it to the bank president, who was a longtime friend and former neighbor of Dr. Lowe's.

This is the first cash that had ever been placed in the bank account. All the other money had been transferred by check from other banks when CD's matured.

The bank president knew the Doctor was obsessive about anonymity; he did not want to be known as a "rich doctor." So, instead of depositing the money to the account, the bank president just put the money in the bank vault. He gave the Doctor a receipt for the deposit, but he chose to simply put the money in the bank's vault. Then, with some of the money over the next 6 weeks, the bank president went to neighboring banks in the vicinity of Roanoke, and bought $6,000, $7,000, and $8,000 cashier's checks, and then credited it to Dr. Lowe's account.

When some of the other banks thought it was peculiar that the Roanoke bank president was doing this, they made a report to authorities. When FBI agents came to interview the bank president, he told them exactly what he had done and why. He told them that it was his idea and not Dr. Lowe's. And he told them that as he understood the reporting laws, he had done nothing wrong.

Still, the FBI and U.S. Attorney decided to seize Dr. Lowe's account. They did not just seize the $316,000 in cash deposits. They seized his entire account—his entire life savings of some $2.5 million, at the time.

The bank president and his son, who was vice president, were both indicted. The bank president later made a deal with the government to plead guilty to structuring/reporting violations, in exchange for the government's dismissal of charges against his son. And, a full two years after the seizure and attempted forfeiture of the Doctor's accounts, during which time all of his money was held by the government, the government decided to indict Dr. Lowe as well, for the alleged reporting transgressions of his banker.

It is, however, not violation of law, and certainly no crime, for a bank to send cash to another domestic financial institution. That is not within the definition of illegal "structuring." In short, there was no offense here, by even the banker, let alone the totally innocent, ignorant bank customer, Dr. Lowe.

Prosecutors kept pursuing their case against the Doctor anyway. With just one more week to go before his trial was to start, the prosecutors balked at taking their shoddy case to a jury. The government, to save face, offered the Doctor a "pretrial diversion" rather than simply dismissing the case, as they should have done. Under the diversion, the Doctor had to agree to stay out of trouble for one year and the case would be dismissed. Of course, the Doctor had no trouble staying out of trouble, as he had never done anything wrong to begin with, or in his entire life.

Still, even then, the U.S. Attorney General's office in Birmingham refused to drop its civil asset forfeiture action against Dr. Lowe's life savings account—clinging to the fact that, under current law, the burden remained on the Doctor to prove his money innocent!

While prosecutors now understood there was no "structuring" violation by anyone, as they had initially asserted they changed their theory to this Alice in Wonderland claim: Dr. Lowe's account was forfeitable under civil asset forfeiture laws because the bank had failed to file with the government the required regulatory reporting form, a Cash Transaction Report (CRT), upon receipt of Dr. Lowe's $300,000 in currency. At best, this was a violation by the bank, not the customer. Yet, the government deemed this enough to proceed in a civil forfeiture action against the Doctor's life savings—to force him to meet his burden of proof under current law, or else lose his property permanently.

The federal district court judge did rule that there was nothing wrong with the underlying account until the $300,000 cash deposit. And thus, he held that these monies should be returned to the Doctor. This was 3 years after the government's initial seizure—for 3 years, Dr. Lowe was denied access to any of his life savings.

The federal district court judge erred in ruling for the government on the $300,000 in currency, "finding" without any evidence that the Doctor "must have exhorted" the bank president (his words) not to file the technical CRT with the government, even though the government itself had never even noticed that a CRT had not been filed when it started its action against Dr. Lowe, the bank president and his son.

Dr. Lowe somehow had the wherewithal to continue his long fight against the government's wrongful taking of his money, and appealed to the 11th Circuit Court of Appeals. Finally, in late 1996, the court of appeals vindicated Dr. Lowe. It reversed the lower court's erroneous ruling, holding that, even under current, distorted civil asset forfeiture law, the Doctor had shown by evidence clear beyond a preponderance that he knew nothing of the banker's actions.

Meanwhile, though, he was without access to any of his seized life savings for 3 years, and without access to $300,000 of his accounts (which he had donated to the private school) for 6 years. He faced a wrongful indictment and threat of criminal trial. And he endured the financial, physical and emotional devastation of lengthy, costly litigation against a U.S. Attorneys Office blindly pursuing his assets, no matter the shoddy nature of its case.

Perhaps the government thought it could simply sear "the old man" out? The impact of this experience on him was so severe that Dr. Lowe had to be hospitalized at least once for stress and high blood pressure. Very few victims of such governmental abuse would have been able to keep fighting to win, as did the extraordinary Dr. Lowe.

[Source: Hearing before the U.S. House Judiciary Committee, on H.R. 1835 (105th Congress), June 11, 1997 (Testimony of National Association of Criminal Defense Lawyers (NACDL) Asset Forfeiture Abuse Task Force Co-Chair E.E. Edwards III, Nashville, Tennessee) (unpublished case)]

Kent, Washington: Maya's Restaurant—The Sins of the Brother?

In 1993, in the Seattle suburb of Kent, Washington, police officers stormed Maya's Mexican food restaurant in the middle of business hours, ordering customers out of the establishment, and telling the patrons that the restaurant was being forfeited because "the owners were drug dealers." Local newspapers prominently publicized that Maya's restaurant had been closed and seized by the government for "drug dealing."

Exequiel Soltero is the president and sole stockholder in Soltero Corp., the small business owner of the restaurant. The actual allegation was that his brother had sold a few grams of cocaine in the men's restroom of the restaurant at some point.

Exequiel Soltero and the Soltero Corporation Inc. were completely innocent of any wrongdoing and had no knowledge whatsover of the brother's suspected drug sale inside the restaurant. According to the informant relied upon by the law enforcement officers, the brother had told him that he was part owner of the restaurant. This was not true. It was nothing but puffery from the brother. The officers never made any attempt to check it out. If they had, they would have easily learned that Exequiel Soltero was the sole owner of the Soltero Corp., Inc., and Maya's.

There was no notice or any opportunity for Mr. Soltero to be heard before the well-publicized, business-ruining raid and seizure of his restaurant. Fortunately, Mr. Soltero was able to hire a lawyer to contest the government's seizure and forfeiture action, but not until his restaurant had already been raided and his business had suffered an onslaught of negative media attention about being seized for "drug dealing." Further his restaurant was shut down for 5 days before his lawyer was able to get it re-opened.

Finally, when Mr. Soltero volunteered to take, and passed, a polygraph test conducted by a police polygraph examiner, the case was dismissed. However the reckless raid, seizure and forfeiture quest by the authorities cost him thousands of dollars in lost profits for the several days his restaurant was shut down, as well as significant, lingering damages to his good business reputation. And he suffered the loss of substantial legal fees fighting the seizure of his business.

[Source: National Association of Criminal Defense Lawyers (NACDL) Asset Forfeiture Abuse Task Force Co-Chair Richard Troberman, Seattle, Washington (unreported case)]

NOTES ON RECENT CASES AND HYDE/CONYERS ASSET FORFEITURE REFORM ACT, H.R. 1658

Each of the above cases demonstrates the importance of the Hyde/Conyers Asset Forfeiture Reform Act. Several features of the legislation would deter governmental abuse of innocent Americans and legitimate business under the civil asset forfeiture laws.

Placing the burden of proof where it belongs, on the government—to prove its takings of private property are justified, by a clear and convincing standard of evidence—should curb reckless seizures and forfeiture actions like those described above. Now, the government can seize and pursue forfeiture against private property without any regard to its evidence, or lack thereof, without any burden of proof. The burden is borne by the citizen or business, to prove the negative, that the property seized is in fact innocent.

The clarification of a uniform innocent owner defense will also protect businesses and other property owners and stakeholders from wrongful seizures and forfeiture actions, based now on nothing more than a "negligence" theory of civil asset forfeiture liability. The uniform innocent owner provision will protect all innocent owners, no matter which particular federal civil asset forfeiture provision is invoked against their property.

The Hyde/Conyers Asset Forfeiture Reform Act will also place a time-clock on forfeiture actions by the government, akin to the Speedy Trial Act, which protects persons accused of crime. This will prevent the type of post-seizure, foot-dragging in civil forfeiture cases like those above, in which the government can simply wear down and bankrupt innocent individuals and businesses, who cannot withstand the loss of operating assets and lengthy litigation against the government.

The court-appointed counsel provision will ensure a fair fight against the government's forfeiture actions—even for those with less financial resources than the individuals and businesses described above. This is especially important to those the government can otherwise render indigent, and unable to afford counsel, simply by seizing all of their assets.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. BRYANT) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

CIVIL ASSET FORFEITURE REFORM ACT

The Committee resumed its sitting.

Mr. HYDE. Mr. Chairman, may I inquire of the Chair how much time I have remaining.

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 22½ minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for yielding this time to me. It is with great respect that I rise in opposition to the underlying bill and urge my colleagues to support the Hutchinson substitute.

The gentleman from Illinois (Mr. HYDE) and I have been together on many issues, and actually we are not that far apart on this one. The Hyde-Conyers bill, in many ways, has the same provisions that the Hutchinson substitute has, but I think the substitute makes some very important improvements to the bill.

I do not think there is any question that this bill is good. The Hyde-Conyers bill needs to be passed into the law, at least some form of it does. It is time that we have the reform in the area of asset forfeiture that that bill speaks directly to.

It is very important in this country, I think, that we begin to address the due process involved in property rights. Those are very important issues, and I am proud to be a part of this. I just think that the bill, as it is written, while well constructed and well thought out and certainly well intended, needs some fine tuning, if you will, some changes to it, I think, to strike a more reasonable balance.

Before, things were out of balance one way, and I want to be careful, as I urge the adoption of the Hutchinson substitute, that we do not take it too far out of balance the other way.

There are a number of law enforcement, some 19 major law enforcement groups that support the Hutchinson substitute, among those, the Drug Enforcement Administration, the DEA, the Fraternal Order of Police, the National Troopers Association, the National Sheriff's Association, the National Association of Chiefs of Police, and many others.

The reason they support this is because, as we all agree here today, we need to be able to seize the ill-gotten gains of criminals, seize that property, and use that, convert that over and use that to fight more crime. I think that is very important. We agree on that.

Now, I would like to see this go a little further on the other end, and I have asked that report language be put into this bill that there be a little bit more accountability on the use of these funds.

I know in my area back in Western Tennessee, this is a very important issue right now, is what happens to these funds once they get into the hands of law enforcement. I would like to see some very broad community-based, through a government agency, through the mayor, the county mayor, city mayor, oversight of these funds, with all due respect to the necessity sometimes in police work that they have flexibility and secrecy in using some of these funds. But at least there will be some accountability on the end of where it is used to fight crime as it is supposed to be done.

But in the Hutchinson substitute, we have brought the Hyde-Conyers bill, I think, back to a better balance. Rather than requiring that law enforcement prove by a clear and convincing bit of evidence that this money was ill-gotten and as a result of crime, we use the normal, the customary standard in civil cases, which is what this is, and that is a preponderance of the evidence. I am sure we have people that agree with that.

We also talk about furnishing some lawyers to people for free. Now, in the civil context, that is not typically done in any case. There are hardship cases where it is rarely done, and certainly that would apply here given the circumstances of the particular forfeiture, the amount of money involved, the needs of the people. That can be done. But on a routine required basis that the underlying bill would require, I do not think we need that.

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I think that would be very, very expensive and probably result in much more litigation than we really need.

Also, the hardship provision is addressed in the Hutchinson amendment, and it refines that language. Certainly there are circumstances where I think the court should have the authority if it creates a hardship and the property can be protected, that that ought to happen; that the person ought to have that property returned pending the trial. But in many cases it has been shown that evidence, money, or whatever might be seized disappears, along with people sometimes. So if we can assure that there is adequate protection there to ensure that this will be there when the trial comes up, that the property will still be there and the property owner will still be there, then certainly if that is a hardship situation, that can be addressed.

So I would respectfully disagree with my colleague from Michigan (Mr. CONYERS) that we are miles apart on this. I think we are very close on many of the issues, and if we can just work through a couple more of these issues and agree to these, which, again, I think the Hyde-Conyers bill is good but can be made better, then I think we would be better served.

Let me clear up one thing, too, that the gentleman from Michigan (Mr. CONYERS) said in terms of the percentages being high of people being caught with money but no drugs. The way the system works in this is when there are couriers, they do not have them both at the same time. They either have the money or they have the drugs, but they do not have them both. They carry the money to point X to get the drugs to bring back to point Y. So we either find drugs on the person or money on the person, depending which way they are going.

So it is not unusual in that context for there to be a seizure of money without finding any drugs on the person, because we are usually dealing with a mule, a courier, somebody whose job it is to go to a drug source city and bring the drugs back and pay for it as they go down. So that is not anything out of the ordinary.

I think this is a very good cause we are working for. I think we are all trying to achieve the same results, and I just simply ask that we go back to the normal standards that we have in a civil case, preponderance of evidence, no appointed counsel, and work closer on the hardship situations to ensure that the money, the evidence, and the defendant will be there at trial.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

The problem with the assertions of the gentleman from Tennessee (Mr. BRYANT) that a drug courier is either carrying money or drugs is quite correct. But the problem is, unless they are drug couriers, we could end up with a person with large amounts of money on them that they have to then prove where and how they got the money, which is a little bit out of line. And if they are carrying drugs, that is patently illegal, too, so they will be arrested.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), a law enforcement prosecutor of many years and a valued member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of Hyde-Conyers bill and in opposition to the substitute proffered by the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from New York (Mr. WEINER).

Mr. Chairman, a few days from now the sun will finally set on the Independent Counsel Act that has come to embody for many Americans all the evils of prosecutorial excess. But the problems illustrated by the Independent Counsel Act are not unique to special prosecutors, nor are they confined to cases involving Presidents and high civil officials.

The potential for abuse and excess is inherent in a system of justice which delegates such enormous power and discretion to every prosecutor. Now, most prosecutors exercise these awesome responsibilities with decency and restraint. But, unfortunately, there are a few who do not, and they bring the entire system of justice into disrepute, and they encourage, by their actions, public cynicism and, unfortunately, erode respect for the rule of law.

Now, the Hyde-Conyers bill recognizes that asset forfeiture is an extraordinarily powerful tool in the hands of a prosecutor, a tool that is so potent, and under current law so easy to apply, that it is also highly prone to abuse. And, in fact, there is a growing litany of cases documenting that abuse occurs. This bill recognizes that the time has come to impose reasonable, and let me underscore reasonable, restraints on this power so as to maintain public confidence in the fundamental fairness and integrity of our criminal justice system that is so essential in a democracy.

And let us be clear. This bill would not hamper the ability of law enforcement to go after the bad folks, the drug kingpins and racketeers who are the proper targets of forfeiture laws. What it would do is to prevent law enforcement officials from abusing these laws to the detriment of ordinary innocent citizens. It would ensure that when prosecutors wrongfully seize, wrongfully seize the property of owners who are innocent of any crime, the owners have the ability to recover their property and make themselves whole.

And make no mistake, we are not talking about a few marginal cases. Some 80 percent of the people whose property is seized are never even charged with a crime. Think of that, Mr. Chairman, 80 percent of those whose property is seized are never even charged with a crime.

Now, let me put forth some examples; like the traveler whose property was seized at the Detroit airport because he was carrying a large amount of cash and simply happened to fit a profile of a drug courier. No arrest, no conviction; or the 33 tenants in a New York apartment building who were evicted by the government because the building had previously been home to a drug ring, which none of the tenants were connected with and had no knowledge of, yet they were evicted; or the hotel owner in Houston whose hotel was seized by Federal agents after patrons were accused of drug trafficking; or how about the 72-year-old woman in Washington, D.C., right here in the Nation's Capital, whose home and personal effects were seized by the FBI because her nephew, her nephew, who was staying in the house overnight, was suspected of selling drugs from the porch. Suspected of selling drugs from her porch. A 72-year-old woman.

The irony is that all of these people would have been entitled to some due process if they had been charged with a crime. If they had been charged criminally, they would have had a shot. But under the civil forfeiture laws, the government can seize the property of innocent owners without even triggering basic minimal due process requirements. That is not, I daresay, what most of us think about when we think of the American system of justice.

Supreme Court Justice Clarence Thomas has likened this situation to, and I am quoting now, "a roulette wheel employed to raise revenue from innocent but hapless owners whose property is unforeseeably misused," rather than a tool for ensuring that justice is done.

In 1997, the Court of Appeals for the 7th Circuit confessed itself to be enormously troubled by the government's increasing and virtually unchecked use of the civil forfeiture statutes and the disregard for due process that is buried in those statutes.

We cannot allow, I submit, such a situation to continue, Mr. Chairman, and I urge my colleagues to support Hyde-Conyers and defeat the substitute.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me this time, and I, too, rise in support of the Hyde-Conyers Civil Asset Forfeiture Reform Act of 1999, and I would ask the Members listening to the debate to focus their attention on the title and see if it lives up to its billing: Reform Act. What are we trying to do; and is it an act in need of reform; and do the measures envisioned in this bill create some reform.

I would point the Members' attention to the burden of proof. There is a dramatic change in this bill from existing law, and I believe it justifies the title of reform and is very much a necessary measure in terms of reforming the law.

Imagine this: An individual has a piece of property, an innocent owner. At least they want to claim that status. And that individual winds up facing their government after a seizure has occurred through a mere probable cause analysis, and they now have to prove by a preponderance of evidence that they are innocent and that the forfeiture should never have occurred. I think that is appalling. I do not believe in America any citizen should have to go into a court and fight the government and prove that they are innocent in terms of their connection to their property. While it may not be depriving them of a liberty interest, it certainly is depriving them of a property interest.

This bill, quite rightly, corrects that measure, and it does reform the burden of proof because it places upon the government the duty to prove that the assets seized should be taken and denied to the rightful owner by a clear and convincing evidence standard.

The substitute changes the burden, which I think is an acknowledgment that the basic law is very much off base. It is a matter of what standard we would like to place upon the government before people are denied their property. In my opinion, the standard should be more rather than less; that when we are facing the government, they should have a strong burden before they can take our property forever from us. And the clear and convincing evidence standard in civil law, I think, is the appropriate remedy, and the preponderance of evidence standard that the substitute bill has is an inappropriate remedy.

The innocent owner defense. Most of us cannot imagine a situation where we find ourselves before a Federal court, losing our property because of someone else's misdeeds, but it happens every day in this country. As my friend from Massachusetts (Mr. DELAHUNT) indicated, 80 percent of the people affected by this law are never prosecuted. What if an individual owned an asset or were a joint titled owner of a car, and somebody in the family or some friend chooses to engage in criminal activity with that individual's vehicle without their knowledge or without their permission. Under the current law that individual has to go and prove they are innocent before they lose their property.

We have talked about changing the burden. Before an individual's property could be taken under what the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) have done, they have to make a compelling case that that individual was involved, that that individual had knowledge. And what this law does, Mr. Chairman, is it brings uniformity across the board in civil asset forfeiture statutes under the Federal law, bringing uniformity to the innocent owner defense. In civil forfeiture cases involving illegal gambling activities, there is no such innocent owner defense, and I think that is appalling.

So the good thing about this bill, in my opinion, is it brings uniformity and it establishes a standard that makes a lot of common sense; that the government has to prove at the time of the instance in question that an individual did not know of the conduct giving rise to the forfeiture, because if someone does not know of the conduct and was not involved, they should not lose their property because someone intends to violate the law or does violate the law, because that individual has done nothing wrong.

Upon learning of the conduct, if a person does all that is reasonably expected under the circumstances to terminate such use of the property, the law should not allow the taking of a person's property because they acted in a responsible manner.

This bill brings uniformity to the law. It is a haphazard catch-as-you-can series of statutes, and now is the time to correct that as we go into the next century.

□ 1445

An appointment of counsel. This bill I believe remedies a very big problem. A lot of people are subject to losing their assets under this law, and when it comes time to have their day in court and they are an indigent person or without the means to have counsel, for whatever reasons, they are facing the Government alone. That is no place to be when their property is taken from them by the Government.

It is true we normally do not appoint counsels in civil matters because civil matters are usually between two citizens litigating over some property interest. This is different, Mr. Chairman. This is a person fighting the Government for their property. I believe it is only right and fitting that we appoint counsel under those circumstances.

I ask my colleagues to support this measure.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to my friend, the gentleman from New York (Mr. WEINER.)

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Hutchinson amendment and with deep reservations about the base bill, the Hyde-Conyers bill.

There is a great deal, frankly, that we agree about in this debate. My good friend from Massachusetts read a litany of concerns about the present civil forfeiture dynamic. It is broken. It is broken. I believe that the Hyde effort is one that is laudable and goes a long way towards trying to fix the problem. But there also seems to be emerging in this House a fundamental debate about whether or not we should have civil forfeiture at all. And I would argue that we should, and I would argue that it has been a tool that has been very helpful.

I would argue that law enforcement agencies all around this country have rallied to the cause of trying to preserve civil asset forfeiture because it is vitally necessary to continue the downward trend in crime that we have seen. That is why sheriff's associations around the country have supported the Hutchinson-Weiner-Sweeney substitute. That is why the City of New York and Los Angeles and other places have all supported the idea of making it important that the Government prove its case but just have a reasonable standard.

Now, since we have heard so many horror stories about what is wrong with civil forfeiture, I think it is important that we understand that there are many times where it is used in ways that I think we all agree it is important, like a crack house in the Middle District of Tennessee that over and over again was the subject of criminal activity. The owner of the house was not the person who was doing the criminal activity, but it was allowed to go on there. The children, the spouse, people in the community were selling drugs out of that home. Finally that problem, which was right next to a church, was solved by using this civil asset forfeiture.

There are frequently times that the criminal statutes do not allow us to fully sink our teeth into what some of these problems are. I believe that the main difference between the Hyde-Conyers bill and the Hutchinson-Weiner-Sweeney substitute are the burden of proof that we set. We do not make it a burden of proof that is so difficult that localities who are now making this argument will never be able to use civil asset forfeiture laws again.

We make it a reasonable test. The Government still has to prove its case. They cannot seize their property and keep it wantonly. They are going to have a tough test. We are going to have provisions in the amendment that provide for counsel. But we also make sure that these forfeiture laws remain intact so we can continue to confiscate contraband, drugs, obscene matters, explosives, counterfeit money and seize the instrumentalities of crime, crack houses, handguns, and cash.

We have to recognize that there are times that there is not the direct connection between the person and the criminal activity and the fact that we know with some certitude that that is an instrument of crime.

The Hutchinson-Weiner amendment will allow us to get at the crime problem while dealing with many of the abuses that the gentleman from Illinois (Mr. HYDE) has correctly pointed out.

Mr. HYDE. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman from Illinois (Mr. HYDE) the chairman of the Committee on the Judiciary not only for his work in bringing this important piece of legislation to the floor today but over the course of many years for his championing the rights of our citizens both on the law enforcement side of the equation as well as on the civilian side.

The chairman of the Committee on the Judiciary has been a tireless champion in support of our Constitution, all of our Constitution, in this regard.

Mr. Chairman, when we look at asset forfeiture, we have to be struck by the fact that what was originally intended to be an extraordinary remedy to be used in only those most serious of criminal cases has become a commonplace tool of law enforcement. Unfortunately, Mr. Chairman, not only has it become a common tool of law enforcement, but in many jurisdictions, not all, but in far too many it has become the monetary tail wagging the law enforcement dog.

Mr. Chairman, as more and more offenses over the last several years have been added to the predicates on which asset forfeiture seizures and forfeitures can take place, it becomes more and more incumbent on us to take a very close look, a comprehensive look, at exactly where we stand in America with regard to this awesome power the Government has.

It is our responsibility, which we are exercising today under the leadership of the chairman of the Committee on the Judiciary, to bring back into focus this power the Government has that we all believe Government needs to have but to bring it back into proper focus. And that means balancing the important needs of law enforcement to strike at the criminal element where it really hurts, and that is in their pocketbook, but not with a blunderbuss, not to the extent that we also rope into that power the civil rights, the individual rights, the constitutional rights of law-abiding citizens.

Many who are opposed for example, Mr. Chairman, say that the sky will fall if we dare reform asset forfeiture laws. That is not the case. I say that, Mr. Chairman, from the standpoint of both having been a United States Attorney and having exercised in the Northern District of Georgia the tremendous power of asset seizure and forfeiture, but also from the civilian side of the bar.

Let us be perfectly clear, Mr. Chairman. H.R. 1658 does not and will not eviscerate asset forfeiture power. It reforms it. It does not kill it. We need also only to look, Mr. Chairman, to the experiences in recent years of some States which have grappled with the issue of reforming their own asset forfeiture laws to make them more mindful and reflective of individuals' rights to see that despite the naysayers and the Chicken Little sometimes running around saying the sky is going to fall if we dare reform this particular process, that in fact it has not.

I would cite to our colleagues the case of California, which just a few years ago addressed the issue of asset forfeiture reform, changed the process, changed the burdens. Many in law enforcement in California were very concerned that, in fact, those changes to the laws where they shifted the burden and brought a little bit more balance to the process would eviscerate the ability of California law enforcement authorities and prosecutors to truly go after and seize legitimate criminal assets of the criminal element.

In fact, Mr. Chairman, as over the last few years, that reform system in California has worked its way through the system, people have become used to it, the system has brought itself back into balance. Even the prosecutors, one of whom I spoke with just yesterday here in Washington who is currently still with the Attorney General's Office in California, says there has in fact been no precipitous drop-off, as a matter of fact, overall no drop-off in the ability and the amounts of seizures and forfeitures that have, in fact, taken place.

When we look also, for example, Mr. Chairman, at the specifics of this legislation, as the distinguished gentleman from South Carolina (Mr. GRAHAM) just got through talking about, if we look at what this legislation, that is H.R. 1658, does, it is fairness, it is the embodiment of fairness and constitutional due process.

It places the burden where it ought to be, on the Government, to prove by clear and convincing evidence, which is a standard burden that is placed on the Government, in many cases on private parties, in many cases on States in many civil cases, to prove by substantial evidence that the property has in fact been used for the furtherance of criminal activity. It really is hard, Mr. Chairman, to imagine why anybody would object to that.

As a matter of fact, the power of the Government, when they focus on the problem of asset forfeiture honestly in this way, they will recognize that this simply may create just a slight burden, a temporary burden, on law enforcement, but it will force them to pay closer attention to what they are doing.

The gentleman from South Carolina (Mr. GRAHAM) also properly noted several other specific aspects of this legislation that I believe lend itself to strong support for H.R. 1658 and against the substitute proposal, which does not reform the system in any meaningful way.

Mr. Chairman, some who are opposed to civil asset forfeiture reform would have us believe the sky will fall if we dare reform these laws. As someone who has served on both sides of the bar, first as a federal prosecutor, and later as a private attorney, I can tell you this is simply not the case. But don't take my word for it. Let's get to specifics. What exactly does our legislation do? And, what doesn't it do?

First, let's be perfectly clear, H.R. 1658 does not and will not eviscerate asset forfeiture power; it reforms, but it does not kill.

Secondly, it addresses basic procedures, not underlying authority. For example, H.R. 1658 requires the government to prove by clear and convincing evidence that the property being seized has been used in criminal conduct. This goes back to a very basic principle: innocent until proven guilty. We should all be able to agree on that. Otherwise, we end up with justice according to the Queen in Alice in Wonderland, "[s]entence first—verdict afterwards."

Thirdly, our legislation would allow judges to release seized property, pending final adjudication, in order to prevent the property holder from suffering substantial hardship. This would allow judges, for example, to exercise their discretion to prevent a person who has not been convicted for any crime from losing their job because the police have seized the car they use to travel to work.

Again, no sensible person can argue that our legal system will collapse if we trust judges to make this simple judgement call.

Additionally, our legislation eliminates the requirement that an owner file a 10 percent cost bond in order to defend against the seizure of their property. Remember, under current law, if the government simply thinks you're guilty, it can take your property; and then, in addition, require you to post a bond simply for the privilege of walking into a courtroom and arguing your innocence. To make matters worse, the very fact that your assets have been seized, may very well make it impossible for you to post the bond. This kind of treatment is simply not acceptable in a country that purports to balance individual and property rights against necessary law enforcement powers.

Finally, our reform legislation provides the owners of seized property with a reasonable time period within which to contest the seizure in court. Strict and very limited time limits in current law frequently slam the doors of justice shut before the target of a seizure even has a fair opportunity to pass through them into court.

Those who oppose these common sense changes say the government cannot fight crime unless asset forfeiture laws remain dramatically tilted in its favor. However, as the 65,000 member Law Enforcement Alliance of America—which supports our legislation—knows, effective law enforcement depends ultimately on citizens having confidence in its fairness and honesty. Our current asset forfeiture laws undermine this confidence by treating some citizens unfairly, and sending others a message that our legal system is arbitrary, capricious, and motivated by profit rather than principle.

Unfortunately, the substitute being offered today does not address the fundamental problems inherent in the current system. It does not level the playing field, and it does not improve the access to our legal system by innocent citizens whose property has been seized. The substitute resembles rejected legislation from the last Congress; a proposal that was opposed by groups as diverse as the National Rifle Association and the National Association of Criminal Defense Lawyers.

Few, if any in this House, oppose law enforcement having the necessary and appropriate tools with which to fight crime; I certainly don't. One of these appropriate tools is asset forfeiture; but it must be fair and reasonable asset forfeiture; and it must not be allowed to be abused as some jurisdictions now do.

In fact, our legislation preserves assets forfeiture, placing only very reasonable limits on its use; it restores the balance intended in the original legislation. This was done just a few years ago in California; where, despite naysayers predicting the collapse of asset forfeitures, state prosecutors and law enforcement in fact adjusted to the new requirements and continued to seize and forfeit assets.

A vote for the Civil Asset Forfeiture Act is a vote for returning to our law the basic principle that each of us is innocent until proven guilty. Remember, this Act in no way restricts the ability of law enforcement to seize the assets of someone who has been convicted of a crime under criminal asset forfeiture laws. It applies only to civil asset forfeiture provisions, which are used to seize property based not on a guilty verdict or plea—that is, proof beyond a reasonable doubt—but on a much, much lower standard.

Simply put, a vote for the substitute amendment is a vote to presume that an individual citizen is a criminal, and that the government can take their car, cash, or home simply because it harbors reasonable suspicious doubt. This is wrong. We all know it is wrong. Let's take this opportunity to change it.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Massachusetts for yielding me the time.

Mr. Chairman, I come to this debate with a slightly different perspective, some that the Members may have coming from local government and being in the local government arena when the civil asset forfeiture law was, in fact, passed by this body.

I have worked with a number of law enforcement agencies. I have worked with communities, particularly when many of our inner city communities, many of our rural communities suburban communities were under siege with the bad behavior, the bad actors of drug running, drug activity.

I know neighborhoods in my community where crack took over in some of the older neighborhoods. Many times we would find senior citizens still living amongst houses that had been abandoned or the owner had left, or it was a rental property and the crack dealers or crack possessors, the crack sellers would take over.

So some years ago, as this legislation was passed, it became a godsend for our local law enforcement, our sheriffs, our police departments, our constables to protect our neighborhoods. And at the same time, I remember, as a member of city council, those well-needed funds used appropriately added extra resources for clean parks and new equipment for our children.

So I would like to at least acknowledge that we have had good uses, good intentions of this legislation. And I would hope that our law enforcement community would recognize, prosecutors included, that we are supportive of their efforts to still be able to use these tools to effectively fight crime.

We do not want the crack dealers, cocaine dealers, any kind of dealers setting up and getting rich over these criminal activities. We do not want to see the elderly dispossessed from their neighborhoods. We do not want to see young families not able to allow their children to be out playing because these activities have been going on. We do not want the fraudulent activities of money laundering to result in the wealth of individuals while others are suffering.

At the same time, I support the strategies of the Hyde-Conyers amendment because I think there have been a number of abuses that, keeping with the Constitution and property rights, we frankly should address. We should not be frightened to balance the needs of law enforcement along with the needs of citizens to protect their property rights.

In particular, I think it is worth noting, as my colleague noted, there is some 80 percent of those who have had their property civilly taken because they are related to or they are thought to be associated with and have been found to be criminally associated with and have never been prosecuted. For that reason, I think we have a problem. This is a huge number, 80 percent.

Who could that be? Spouses, sisters, brothers, relatives of any kind? Who could that be who have lost their property because they have been associated with someone who has done the wrong thing?

I believe that this is a good balance to take law enforcement needs and consideration into account along with those who have suffered and lost property. I would hope that we would have an opportunity, however, Mr. Chairman, to look at some other aspects of concern that I have.

I had a number of amendments. The substitute includes one of them. But I think, regardless of what happens to the substitute, we should have further discussion as to whether or not the clear and convincing evidence standard is the right balance for law enforcement versus the preponderance of evidence.

I think we should also discuss, Mr. Chairman, the issue as to the district court of a claimant reviewing the district court of a claimant for substantial hardship to render decision on that hardship issue within 10 days. I am concerned that we would have a problem there.

Mr. Chairman, I have another one on 10 days with respect to notice and another one with the Attorney General with respect to 30 days to a motion regarding the claimant's cause.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I think the gentlewoman has raised some very significant issues worthy of study. And I pledge that, should this legislation pass and reach conference, that her concerns will be fully considered and debated and, hopefully, we can do something about them.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I appreciate the fact that we will be engaged in this issue, because it is a balance between property rights and law enforcement.

The one point that I would like to end on, I certainly would like innocent individuals to know early who has their property if it has been seized and I would like to make sure that we bring that time frame down under the 60-day time frame.

Mr. Chairman, I am in support of this bill which calls for civil assets forfeiture reform. Your leadership on this issue is to be commended. This is a good bipartisan bill which now shifts the burden of proof to the government to prove by clear and convincing evidence when seizing property and permits the appointment of counsel for indigent claimants while protecting innocent owners. I believe however in conference we might consider the burden of the government being a preponderance of the evidence.

Unlike criminal forfeiture, civil forfeiture requires no due process before a property owner is required to surrender their property.

Studies suggest that minorities are acutely affected by civil asset forfeitures. As we are well aware by now, racial profiling by the police has alarmingly increased the number of cases of minorities involved in traffic stops, airport searches and drug arrests. These cases afford the government, sometimes justifiably, with the opportunity to seize property. Since 1985, the Justice Department's asset forfeiture fund increased from $27 million to $338 million.

Since a deprivation of liberty is not implicated in a civil forfeiture, the government is not bound by the constitutional safeguards of criminal prosecution. The government needs only show probable cause that the property is subject to forfeiture. The burden shifts to property owner to prove that the property is not subject to forfeiture.

The property owner may exhaust his or her financial assets in attorney's fees to fight for the return of property. If the financial burden of attorney's fees is not crushing enough, the owner has to post a bond worth 10 percent of the value of the property, before contesting the forfeiture. Indigent owners are not entitled to legal counsel.

Interestingly enough, persons charged in criminal cases are entitled to a hearing in court and the assistance of counsel. The government need not charge a property owner with a crime when seizing property under civil laws. The result is that an innocent person, or a person not charged with a crime, has fewer rights than the accused criminal. This anomaly must end.

Reform of civil asset forfeiture laws is long overdue. I have several amendments regarding a sooner notice for property owners whose property as seized—I also hope we can present this in conference. My constituents' property rights must be protected.

I urge you to support this bill to ensure that innocent owners are provided some measure of due process before their property is seized.

□ 1500

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the substitute seems to me to be based on one premise which I reject, that is, that having the government take your property but calling it civil somehow is different than if the government takes your property and says it is criminal. In either case, you lost the property. In either case, you are stigmatized. In either case, the reason for the loss of the property is that you are considered to have done something wrong.

We have already conceded a great deal, it seems to me, in saying that the government, which must prove beyond a reasonable doubt to fine you criminally, need only meet the lesser standard of clear and convincing evidence to fine you civilly. But to go below that to the preponderance of the evidence is to engage the fiction, indulge the fiction that losing your home because someone did something wrong there, a member of your family, is somehow not as serious a penalty as being fined $10,000. We acknowledge the value of what you are losing through this procedure could far exceed what you might be hit with a criminal fine. Indeed, there is no proportionality here, so that you might lose much more through this civil procedure than through the criminal procedure. If, in fact, your property is taken, it is probably going to be known, so that the obloquy is there, so the question then is, does the legal fiction of calling this a civil asset forfeiture when it looks, smells, talks, acts and operates like a criminal penalty justify making it easier for the government to take it away from you, because that is what we are talking about.

The government takes something away from you because you did something wrong. Or because somebody else did something wrong and you did not try hard enough to stop it, in the judgment of the government. Why should the government have a lower standard of proof in that situation than in another situation where the penalty might be less? While imprisonment obviously is more, criminal fines could be less than the amount of the civil forfeiture, but we make it easier for the government to do the one than the other for no good reason.

I must say it has been my experience when I meet with people in this regard that when they ask to have this explained, they are incredulous that the government does this.

I also want to say, I am a great supporter of law enforcement. In the substitute that the gentleman from Michigan put forward to the juvenile justice bill, there was a bill that I had cosponsored with some of my Massachusetts colleagues to renew the COPS program and to allow law enforcement to continue to pay cops who were originally federally paid. I want to provide more money for law enforcement, but I want to do that through the rational process of appropriations. The notion that we should give law enforcement differential incentives by saying that if they enforce this law they are direct financial beneficiaries but not if they enforce that law seems to me a terrible idea. We should not put our police officers on a bounty system. We ought to fund them better than we now fund them but through the regular process.

I congratulate the gentleman from Illinois for the hard work he has done in bringing this forward. He has already, I think, been judicious in his compromises, and there is no reason to indulge the continuing legal fiction that suffering the penalty of the loss of your property through a civil asset forfeiture is somehow less damaging to you than losing it through a criminal conviction. In every real way, the impact is the same on the individual, and thus by dealing with a clear and convincing standard, we have already lowered the bar for government. To lower it further as this substitute requires is to lower too low the protections that a citizen ought to enjoy vis-a-vis the government.

I hope that we will proceed to considering defeating the substitute and passing the legislation as proposed by the gentleman from Illinois.

Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me this time.

Clearly we are all supportive of reform. I think that that has been clear from the debate today. I want to respond to the gentleman from Massachusetts concerning the difference in standard of proof. If a student is sued to collect on a defaulted government loan, the government must prove it by a preponderance of the evidence. But if you go against a drug dealer, it has to be a much higher standard of proof, and I think that is unfair. If the government goes after a doctor or a hospital for overcharging on Medicare, you have a lower standard of proof than if you are going after a drug dealer. I think that is fundamentally unfair. And so I think there is a rational reason for keeping the standard of proof the same.

There have been some complaints about the uses of the forfeiture money. Neither the base bill nor the substitute addresses whether it goes through the appropriation process. That is not addressed in these bills. But we have to acknowledge there have been some very beneficial uses, victims assistance programs, safety equipment for law enforcement officers, helping our local law enforcement communities. This would be severely undermined if we cannot go after the drug dealer's assets.

In East St. Louis, Illinois, $350,000 was used of federally forfeited money for a water park that assisted a community. And then in regards to the appointment of counsel, I think there are certain instances in which that would be appropriate, but you have to have adequate safeguards.

If you have a car transporting drugs from New York to Florida, there is an arrest made and there is $60,000 in there, you could have potentially four different people, from the person in New York to the recipient in Florida, to the individuals in the vehicle that would be claiming that money. Would they all be entitled to have appointed counsel? How much is this going to cost the taxpayers? And so I think that we are for reform.

The gentleman from Illinois has done such an extraordinary job with the gentleman from Michigan and others. We are together on this. But I do believe that the substitute offers some improvements that will continue this as a useful tool for law enforcement. And so I think that we need to consider that as we move forward into the debate.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 4½ minutes.

Mr. HYDE. Mr. Chairman, I want to thank my friends on both sides of the aisle for the enlightening debate on this issue and I would like to respond briefly to my friend from Arkansas. He keeps saying going after a drug dealer. When did he become a drug dealer? You have filed a probable cause. You have not convicted him of anything. But you have confiscated his property, you have put him out of business, you have put him out of house and home. You persist in calling him a drug dealer, but he has not been convicted of anything. He is innocent until proven guilty, unless we follow the perverse logic of our civil asset forfeiture laws.

Now, we want to give some poor guy who has been wiped out by the government on probable cause a lawyer. You say, "Okay, we'll give you a lawyer, but let the government cross-examine him first, extensively, about anything and everything." My God, then he does not need a lawyer. You have held him up to the light and shaken him. You have cross-examined him. Is that the hurdle he has to mount and surmount to get a lawyer? That is really not so.

The preponderance of evidence is fine in a civil suit and the highest standard is beyond all reasonable doubt. We suggest a middle standard, clear and convincing. Why? Because it is not a civil suit. It is a quasi-criminal suit and it is punishment. The Supreme Court has said when they confiscate your property, that is punishment. And so you ought to meet a little higher standard than preponderance and that is the standard of clear and convincing.

The gentleman's bill, his substitute, expands incrementally, exponentially the field of civil asset forfeiture. That may be a good idea, but not in this bill. This is a reform of the process. This is not a bill to broaden the concept of civil asset forfeiture. I am interested in it. If he wants to prepare a bill and file it, I will give him very good hearings and quick hearings. But this bill is to reform the process and ought not to be diluted or diverted into issues over which we have had no hearings.

Now, all I want to do is give the average citizen who is not a sheriff, who does not have a relative in the city council, I want to give him due process of law. That means the government, King Louis XIV, does not confiscate your property on probable cause. That is all. You prove, Mr. Government, that you ought to have that property, that some crime has been committed and it is connected to the defendant and that is fine. I am all for it. I will open the door for you. But on an affidavit of probable cause to inflict drastic punishment on somebody and make them prove they are not guilty is not, in my humble opinion, the American way.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute consisting of the bill, modified by the amendments printed in the bill, shall be considered by sections as an original bill for the purpose of amendment and, pursuant to the rule, each section is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 106–193 if offered by the gentleman from Illinois (Mr. HYDE) or his designee. That amendment shall be considered read and may amend portions of the bill not yet read for amendment.

No further amendment to the amendment in the nature of a substitute is in order except those printed in the appropriate portion of the CONGRESSIONAL RECORD. Those amendments shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider the amendment printed in House Report 106–193.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE:

Page 11, strike line 3 and all that follows through line 3 on page 12 and redesignate sections 4, 5, and 6 as sections 3, 4, and 5, respectively.

Page 12, line 17, strike "forfeiture" and insert "forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense".

Page 13, beginning in line 20 strike "under any Act of Congress" and insert "under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense".

Page 13, line 25, strike "pre-judgment interest" and insert "for pre-judgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense".

Page 14, line 17, strike "any intangible benefits" and insert "any intangible benefits in a proceeding under any provision of Federal law (than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense".

Mr. HYDE. Mr. Chairman, it was always the intent to modify the procedures for Federal civil asset forfeitures. This is a purely technical amendment which clarifies in the few cases where the bill may be unclear that we are talking about civil asset forfeiture and not criminal asset forfeiture. I move its adoption.

Mr. FRANK of Massachusetts. Mr. Chairman, I agree with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Asset Forfeiture Reform Act".

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT NO. 25 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 25 in the nature of a substitute offered by Mr. HUTCHINSON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Civil Asset Forfeiture Reform Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Prejudgment and postjudgment interest.
Sec. 5. Applicability.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting the following new section after section 982:

"§983. Civil forfeiture procedures

"(a) ADMINISTRATIVE FORFEITURES.—(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to have an ownership or possessory interest, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the seizing agency's determination of the identity of the party or the party's interest.

"(B) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

"(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

"(3) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609). Such motion shall be granted if—

"(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

"(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).

"(4) If the court grants a motion made under paragraph (3), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(5) If, at the time a motion under this subsection is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (4). The property which will be the subject of the forfeiture proceedings instituted under paragraph (4) shall be a sum of money equal to the value of the forfeited property at the time it was disposed of plus interest.

‘‘(6) The institution of forfeiture proceedings under paragraph (4) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was completed before the expiration of such limitations period.

‘‘(7) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

‘‘(b) FILING A CLAIM.—(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

‘‘(2) A claim under paragraph (1) may not be filed later than 30 days after—

‘‘(A) the date of final publication of notice of seizure; or

‘‘(B) in the case of a person receiving written notice, the date that such notice is received.

‘‘(3) The claim shall set forth the nature and extent of the claimant's interest in the property.

‘‘(4) Any person may bring a direct claim under subsection (b) without posting bond with respect to the property which is the subject of the claim.

‘‘(c) FILING A COMPLAINT.—(1) In cases where property has been seized or restrained by the Government and a claim has been filed, the Attorney General shall file a complaint for forfeiture in the appropriate court in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims not later than 90 days after the claim was filed, or return the property pending the filing of a complaint. By mutual agreement between the Government and the claimants, the 90-day filing requirement may be waived.

‘‘(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1). Such an extension shall be granted based on a showing of good cause.

‘‘(3) Upon the filing of a civil complaint, the claimant shall file a claim and answer in accordance with the Supplemental Rules for Certain Admiralty and Maritime Claims.

‘‘(d) APPOINTMENT OF COUNSEL.—(1) If the person filing a claim is financially unable to obtain representation by counsel and requests that counsel be appointed, the court may appoint counsel to represent that person with respect to the claim. In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account—

‘‘(A) the nature and value of the property subject to forfeiture, including the hardship to the claimant from the loss of the property seized, compared to the expense of appointing counsel;

‘‘(B) the claimant's standing to contest the forfeiture; and

‘‘(C) whether the claim appears to be made in good faith or to be frivolous.

‘‘(2) The court shall set the compensation for that representation, which shall be the equivalent to that provided for court-appointed representation under section 3006A of this title, and to pay such cost, there are authorized to be appropriated such sums as are necessary as an addition to the funds otherwise appropriated for the appointment of counsel under such section.

‘‘(3) The determination of whether to appoint counsel under this subsection shall be made following a hearing at which the Government shall have an opportunity to present evidence and examine the claimant. The testimony of the claimant at such hearing shall not be admitted in any other proceeding except in accordance with the rules which govern the admissibility of testimony adduced in a hearing on a motion to suppress evidence. Nothing in this paragraph shall be construed to prohibit the admission of any evidence that may be obtained in the course of civil discovery in the forfeiture proceeding or through any other lawful investigative means.

‘‘(e) BURDEN OF PROOF.—In all suits or actions brought for the civil forfeiture of any property, the burden of proof at trial is on the United States to establish, by a preponderance of the evidence, that the property is subject to forfeiture. If the Government proves that the property is subject to forfeiture, the claimant shall have the burden of establishing any affirmative defense by a preponderance of the evidence.

‘‘(f) INNOCENT OWNERS.—(1) An innocent owner's interest in property shall not be forfeited in any civil forfeiture action.

‘‘(2) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place, the term ‘innocent owner’ means an owner who—

‘‘(A) did not know of the conduct giving rise to the forfeiture; or

‘‘(B) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

‘‘(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term ‘innocent owner’ means a person who, at the time that person acquired the interest in the property, was a bona fide purchaser for value and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture.

‘‘(B) Except as provided in paragraph (4), where the property subject to forfeiture is real property, and the claimant uses the property as his or her primary residence and is the spouse or minor child of the person who committed the offense giving rise to the forfeiture, an otherwise valid innocent owner claim shall not be denied on the ground that the claimant acquired the interest in the property—

‘‘(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

‘‘(ii) in the case of a minor child, as an inheritance upon the death of a parent,

and not through a purchase. However, the claimant must establish, in accordance with subparagraph (A), that at the time of the acquisition of the property interest, the claimant was reasonably without cause to believe that the property was subject to forfeiture, and was an owner of the property, as defined in paragraph (6).

‘‘(4) Notwithstanding any provision of this section, no person may assert an ownership interest under this section—

‘‘(A) in contraband or other property that it is illegal to possess; or

‘‘(B) in the illegal proceeds of a criminal act unless such person was a bona fide purchaser for value who was reasonably without cause to believe that the property was subject to forfeiture.

‘‘(5) For the purposes of paragraph (2) of this subsection a person does all that reasonably can be expected if the person takes all steps that a reasonable person would take in the circumstances to prevent or terminate the illegal use of the person's property. There is a rebuttable presumption that a property owner took all the steps that a reasonable person would take if the property owner—

‘‘(A) gave timely notice to an appropriate law enforcement agency of information that led to the claimant to know the conduct giving rise to a forfeiture would occur or has occurred; and

‘‘(B) in a timely fashion, revoked permission for those engaging in such conduct to use the property or took reasonable steps in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

The person is not required to take extraordinary steps that the person reasonably believes would be likely to subject the person to physical danger.

‘‘(6) As used in this subsection—

‘‘(A) the term ‘civil forfeiture statute’ means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

‘‘(B) the term ‘owner’ means a person with an ownership interest in the specific property sought to be forfeited, including a lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

‘‘(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

‘‘(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

‘‘(iii) a nominee who exercises no dominion or control over the property;

‘‘(C) a person shall be considered to have known that the person's property was being used or was likely to be used in the commission of an illegal act if the person was willfully blind.

‘‘(7) If the court determines, in accordance with this subsection, that an innocent owner had a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court shall enter an appropriate order—

‘‘(A) severing the property;

‘‘(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

‘‘(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government, to the extent of the forfeitable interest in the property, that will permit the Government to realize its forfeitable interest if the property is transferred to another person.

To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entireties shall be converted to a tenancy in common by order of the court, irrespective of state law.

‘‘(8) An innocent owner defense under this subsection is an affirmative defense.

‘‘(g) MOTION TO SUPPRESS SEIZED EVIDENCE.—At any time after a claim and answer are filed in a judicial forfeiture proceeding, a claimant with standing to contest the seizure of the property may move to suppress the fruits of the seizure in accordance with the normal rules regarding the suppression of illegally seized evidence. If the claimant prevails on such motion, the fruits of the seizure shall not be admitted into evidence as to that claimant at the forfeiture trial. However, a finding that evidence should be suppressed shall not bar the forfeiture of the property based on evidence obtained independently before or after the seizure.

"(h) USE OF HEARSAY AT PRE-TRIAL HEARINGS.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

"(i) STIPULATIONS.—Notwithstanding the claimant's offer to stipulate to the forfeitability of the property, the Government shall be entitled to present evidence to the finder of fact on that issue before the claimant presents any evidence in support of any affirmative defense.

"(j) PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE.—The court, before or after the filing of a forfeiture complaint and on the application of the Government, may—

"(1) enter any restraining order or injunction in the manner set forth in section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e));

"(2) require the execution of satisfactory performance bonds;

"(3) create receiverships;

"(4) appoint conservators, custodians, appraisers, accountants or trustees; or

"(5) take any other action to seize, secure, maintain, or preserve the availability of property subject to forfeiture under this section.

"(k) EXCESSIVE FINES.—(1) At the conclusion of the trial and following the entry of a verdict of forfeiture, or upon the entry of summary judgment for the Government as to the forfeitability of the property, the claimant may petition the court to determine whether the excessive fines clause of the Eighth Amendment applies, and if so, whether forfeiture is excessive. The claimant shall have the burden of establishing that a forfeiture is excessive by a preponderance of the evidence at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure, by the Court without a jury. If the court determines that the forfeiture is excessive, it shall adjust the forfeiture to the extent necessary to avoid the Constitutional violation.

"(2) The claimant may not object to the forfeiture on Eighth Amendment grounds other than as set forth in paragraph (1), except that a claimant may, at any time, file a motion for summary judgment asserting that even if the property is subject to forfeiture, the forfeiture would be excessive. The court shall rule on such motion for summary judgment only after the Government has had an opportunity—

"(A) to conduct full discovery on the Eighth Amendment issue; and

"(B) to place such evidence as may be relevant to the excessive fines determination before the court in affidavits or at an evidentiary hearing.

"(l) PRE-DISCOVERY STANDARD.—In a judicial proceeding on the forfeiture of property, the Government shall not be required to establish the forfeitability of the property before the completion of discovery pursuant to the Federal Rules of Civil Procedure, particularly Rule 56(f) as may be ordered by the court or if no discovery is ordered before trial.

"(m) APPLICABILITY.—The procedures set forth in this section apply to any civil forfeiture action brought under any provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act.".

(b) RELEASE OF PROPERTY.—Chapter 46 of title 18, United States Code, is amended to add the following section after section 984:

"§ 985. Release of property to avoid hardship

"(a) A person who has filed a claim under section 983 is entitled to release pursuant to subsection (b) of seized property pending trial if—

"(1) the claimant has a possessory interest in the property sufficient to establish standing to contest forfeiture and has filed a nonfrivolous claim on the merits of the forfeiture action;

"(2) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

"(3) the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the claimant from working, leaving the claimant homeless, or preventing the functioning of a business;

"(4) the claimant's hardship outweighs the risk that the property will be destroyed, damaged, lost, concealed, diminished in value or transferred if it is returned to the claimant during the pendency of the proceeding; and

"(5) none of the conditions set forth in subsection (c) applies;

"(b)(1) The claimant may make a request for the release of property under this subsection at any time after the claim is filed. If, at the time the request is made, the seizing agency has not yet referred the claim to a United States Attorney pursuant to section 608 of the Tariff Act of 1930 (19 U.S.C. 1608), the request may be filed with the seizing agency; otherwise the request must be filed with the United States Attorney to whom the claim was referred. In either case, the request must set forth the basis on which the requirements of subsection (a)(1) are met.

"(2) If the seizing agency, or the United States Attorney, as the case may be, denies the request or fails to act on the request within 20 days, the claimant may file the request as a motion for the return of seized property in the district court for the district represented by the United States Attorney to whom the claim was referred, or if the claim has not yet been referred, in the district court that issued the seizure warrant for the property, or if no warrant was issued, in any district court that would have jurisdiction to consider a motion for the return of seized property under Rule 41(e), Federal Rules of Criminal Procedure. The motion must set forth the basis on which the requirements of subsection (a) have been met and the steps the claimant has taken to secure the release of the property from the appropriate official.

"(3) The district court must act on a motion made pursuant to this subsection within 30 days or as soon thereafter as practicable, and must grant the motion if the claimant establishes that the requirements of subsection (a) have been met. If the court grants the motion, the court must enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending; including permitting the inspection, photographing and inventory of the property, and the court may take action in accordance with Rule E of the Supplemental Rules for Certain Admiralty and Maritime Cases. The Government is authorized to place a lien against the property or to file a lis pendens to ensure that it is not transferred to another person.

"(4) If property returned to the claimant under this section is lost, stolen, or diminished in value, any insurance proceeds shall be paid to the United States and such proceeds shall be subject to forfeiture in place of the property originally seized.

"(c) This section shall not apply if the seized property—

"(1) is contraband, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a business which has been seized,

"(2) is evidence of a violation of the law,

"(3) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

"(4) is likely to be used to commit additional criminal acts if returned to the claimant."

"(d) Once a motion for the release of property under this section is filed, the person filing the motion may request that the motion be transferred to another district where venue for the forfeiture action would lie under section 1355(b) of title 28 pursuant to the change of venue provisions in section 1404 of title 28.".

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 46 of title 18, United States Code, is amended—

(1) by inserting after the item relating to section 982 the following:

"983. Civil forfeiture procedures"; and

(2) by inserting after the item relating to section 984 the following:

"985. Release of property to avoid hardship".

(f) CIVIL FORFEITURE OF PROCEEDS.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C) by inserting before the period the following: "or any offense constituting 'specified unlawful activity' as defined in section 1956(c)(7) of this title or a conspiracy to commit such offense"; and

(2) by striking subparagraph (E).

(d) UNIFORM DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, as amended by subsection (c), is amended—

(A) in paragraph (1), by striking "gross receipts" and "gross proceeds" wherever those terms appear and inserting "proceeds"; and

(B) by adding the following after paragraph (1):

"(2) For purposes of paragraph (1), the term 'proceeds' means property of any kind obtained, directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the commission of the offense. In a case involving the forfeiture of proceeds of a fraud or false claim under paragraph (1)(C) involving billing for goods or services part of which are legitimate and part of which are not legitimate, the court shall allow the claimant a deduction from the forfeiture for the amount obtained in exchange for the legitimate goods or services. In a case involving goods or services provided by a health care provider, such goods or services are not 'legitimate' if they were unnecessary.

"(3) For purposes of the provisions of subparagraphs (B) through (H) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, only the portion of such property derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment."

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking "law-enforcement" and inserting "law enforcement"; and

(2) by inserting before the period the following: ", except that the provisions of this chapter and section 1346(b) of this title do apply to any claim based on the destruction, injury, or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if the property was seized for the purpose of forfeiture under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense but the interest of the claimant is not forfeited.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the United States Government and arose within the scope of employment.

SEC. 4. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2465 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Upon"; and

(2) adding at the end the following:

"(b) INTEREST.—

"(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

"(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

"(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

"(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

"(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.".

SEC. 5. APPLICABILITY.

Unless otherwise specified in this Act, the amendments made by this Act apply with respect to claims, suits, and actions filed on or after the date of the enactment of this Act.

Mr. HUTCHINSON. Mr. Chairman, it was Ronald Reagan who understood how to fight and win the war on drugs. It was President Reagan who knew that you had to seize the drug dealers' cars, boats, airplanes and cash that were used to carry on the drug business in order to hit them where it hurts.

Asset forfeiture has proven without any doubt to be an effective weapon in the war on drugs. This is not the time to disarm our soldiers and to demoralize our police on the front line and it is certainly not the right time to send the signal to the drug dealers that we are weakening our resolve.

For that reason, I, along with the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. SWEENEY) have offered a substitute to H.R. 1658 which would accomplish the reform that the gentleman from Illinois has worked so valiantly for but at the same time our substitute will not cripple our drug enforcement agents who put their lives on the line every day.

I agree that no innocent citizen should have to prove his or her innocence to the government in order to protect their property from government seizure. It should not be probable cause as the gentleman from Illinois pointed out. This substitute includes the identical provisions in the base bill on shifting the burden of proof to the government, eliminating the necessity of a cost bond, providing a means to recovery for citizens who have their property damaged, and it pays interest on assets returned. We can all be for protection of our citizens and for reform while also going after the drug dealers. And so there are some corrections in the substitute that provides balance to this legislation.

For example, the drug trafficker who unloads shiploads of cocaine upon our Nation's youth should not be afforded more protection than a student who defaults on his loan. The government has to prove the case by a preponderance against the student, but there is a higher standard when going after the assets of drug dealers by clear and convincing evidence.

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Now, as pointed out, that we do not know they are a drug dealer. Eighty percent of the cases there is an arrest or a charge against the individual. But in some instances we will have assets are abandoned by people who are clearly engaging in drug trafficking, but they will go across the border. We will have someone who is not prosecutable because we do not have good extradition laws, and so we can still seize their assets under those circumstances. This makes sense, and the substitute corrects the problem.

Now, if there was a medal of honor to be given to someone in the war on drugs, it would be to Tom Constantine, the DEA Administrator. Listen to what he has to say:

> Drug trafficking is not a crime of passion, but one of greed. The DEA and the law enforcement community know that to dissolve a drug trafficking organization we must eliminate the financial base and profit. The enactment of H.R. 1658 would severely limit DEA's ability to use its effective law enforcement tool.

He goes on to say that the broad brush of H.R. 1658 would destroy or severely limit the ability of law enforcement to attack drug traffickers and other criminal elements.

This is the DEA Administrator.

I think we have to be consistent here in this Congress. How does disarming law enforcement fit into the war on drugs? We push other countries to adopt laws that allow seizure of assets; we push them to do that, and then we back off from our own commitment to take drug dealers' assets. We form a Speaker's Task Force for a Drug-free America. We want to de-certify Mexico. We get upset about the lack of commitment from other countries. Then we throw up our hands and say that we want to overreact and back off from our support of law enforcement.

We need to ask ourselves how can we weaken the forfeiture laws to such an extent that we discourage law enforcement. We are telling them that we do not have the resolve. We are telling the DEA that we are not going to help them. We cannot demoralize the courageous law enforcement men and women who are trying to save the lives of our teenagers and the next generation.

The bill of the gentleman from Illinois (Mr. HYDE) does extraordinary good to what we are trying to accomplish in making sure citizens are protected, but the reasonable Hutchinson-Weiner-Sweeney amendment makes it a balance so that we do not hamper the legitimate efforts of law enforcement.

So I would ask my colleagues to support this substitute that is offered that would bring reason to the appointment of attorneys, that would make sure that it is not simply retroactive in application, it does not affect pending cases, as the base bill does. Our bill would say it would apply after the date of enactment. It is much a more commonsense approach to the enactment of a bill. Whenever it comes to the hardship cases, we make it clear that there is a difference between the cash and those things that are used for drug crimes during the pendency of an action versus otherwise, and so I ask my colleagues to support this reasonable substitute.

Mr. WEINER. Mr. Chairman, I rise in support of the Hutchinson amendment.

Mr. Chairman, the gentleman from Arkansas (Mr. HUTCHINSON) has outlined for us in great detail how we are simply seeking to make the civil asset forfeiture law, make it a little bit more fair and to make it so it can be used by law enforcement authorities. But there has been some argument here about whether or not we should have civil asset forfeiture at all, and I would like to spend a moment or two just reviewing some of the circumstances that perhaps my colleagues have not considered where civil asset forfeiture is the only way to really get at the root of crime, and it is the reason why we have had such great results against crime in many localities around the country.

First of all, criminal forfeiture, which is something that my colleague from Massachusetts has argued in support of, and frankly I believe we all believe that criminal forfeiture where it is written into the law is the most important tool that should be used against a criminal is useless if the criminal is either dead or fugitive from the law. If someone leaves the scene of a crime, if we are in pursuit of them and they leave behind a sack of money and drugs, under the argument that has been made here we would not be able to seize that unless, of course, we are able to reach a much higher standard than presently exists.

Secondly, criminal forfeiture is limited to the property of the defendant, and just as I said earlier, there are very frequently times, especially in the locality that I am from in New York City where we have homes, where we have apartments, where we have houses that are used for illegal activity and sometimes even used for illegal activity with the knowledge of the occupant. But since the occupant or the owner is not the person that does that criminal activity, civil asset forfeiture is frequently the only way that we can get it. If an airplane that is used for drug smuggling, for example, belongs to the wife of the defendant or belongs to a corporation or to his partner, this is a way that we can get at that article of crime.

Also, civil forfeiture is the only way to seize drug money that is carried by a courier when there is no way to know exactly which drug dealer it belongs to. Eighty-five percent of such civil forfeiture cases are uncontested. Without civil forfeiture this money would have to be released to the courier.

Again civil forfeiture is the only way to shut down a crack house or a property. Civil forfeiture is needed when we do not, we are not, when we are seizing something under federal law when the crime has happened under State law.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. He said, and I thank the gentleman for yielding; he said that some of the 85 percent of them were uncontested. Is the gentleman telling us that one could not meet the standard of clear and convincing in an uncontested case?

Mr. WEINER. If I can reclaim my time, what I am arguing to the gentleman from Massachusetts is that there are some people who have looked on and listened to the debate and said why is it that we should have civil forfeiture statutes at all? Why is it necessary that they exist in the law?

The gentleman from Illinois, the distinguished chairman, raised a very interesting question about whether it is indeed an un-American thing to do, and what I am trying to do is lay out the ways in the real world law enforcement authorities all across this country who from A to Z have lined up in favor of the Hutchinson-Weiner-Sweeney amendment are using it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield again?

Mr. WEINER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I understand, but the amendment is to a bill which leaves civil forfeiture in place, and the gentleman just cited as an argument for the amendment, presumably, that many, many of these are uncontested.

Now the underlying bill says they just have to meet the clear and convincing standard, and I am arguing that in an uncontested case one does not have to be a crack lawyer to meet the standard of clear and convincing, so that is an irrelevancy on the question of the amendment versus the underlying bill.

Mr. WEINER. As I reclaim my time, I guess I understand from that question and that argument that the gentleman from Massachusetts supports civil forfeiture in those cases.

Mr. FRANK of Massachusetts. If the gentleman would yield, I congratulate the gentleman on getting me to acknowledge what has been my policy for years and what is the Chairman's policy. The gentleman is flailing away at a straw man. I do not see anything on here that totally abolishes civil forfeiture anywhere.

Mr. WEINER. In fact, I would say to the gentleman from Massachusetts, the straw man here is the argument that these abuses represent the true state of civil forfeiture law in this country. In fact, these things that I am listing are how indeed law enforcement authorities every day are using the civil forfeiture statute. The abuses that exist, and they do, they represent the straw man in this debate because indeed we all want to do away with the abuses.

The question becomes do we then say by doing away with these abuses do we obviate all civil forfeiture statutes? The gentleman from Illinois, the very distinguished chairman, argued on the well of this House that it was un-American in some way, and all I am trying to delineate for the American people and for the folks in this Chamber; the fundamental argument has emerged: Should we have civil forfeiture, and I believe we should.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

As my colleagues know, we a have a lot of fevered debate around here by well-meaning people, and that is fine, that is what this place is all about. So I just want to say a few things about the amendment offered by my good friend, the gentleman from Arkansas (Mr. HUTCHINSON), the gentleman from New York (Mr. SWEENEY), and the gentleman from New York (Mr. WEINER). It is so unfair, it is unfair.

Mr. Chairman, I will tell my colleagues why it is unfair. The bill, the underlying bill, guarantees a property owner is considered an innocent owner and receives protection from forfeiture if he or she notifies the police of the unauthorized illegal use of his or her property by others and revokes their permission to use the property. That is the innocent owner defense. Is that fair? Well, I think it is, but it is not in their bill. They do not permit an innocent owner who has gone to the police and said, "Some of my tenants are selling dope, and I have tried to evict them, and they threw a knife at me." Well, he loses his building because they do not have an innocent owner defense in their substitute.

Now, they do not protect innocent heirs. Somebody inherits something, and 10 years ago it was used in a crime, he does not know about it, totally innocent; he loses his property. I know the police like that; they like those assets. I understand that. The substitute does not require the government to establish the forfeitability of the property before completion of discovery. As the gentleman from Michigan (Mr. CONYERS) said, seize now and prove later. That is a wonderful idea; that is very fair.

The substitute dramatically expands the field of civil asset forfeiture; no hearings on that at all. It weakens almost all of our reforms. The burden of proof belongs with the government when they are punishing someone, and this is punishment. It has been held to be punishment, quasi criminal, and therefore their standard ought to be, ought to be, clear and convincing.

Now, Mr. Constantine had an interesting quote there, and I have nothing but admiration for people who are fighting the drug battle, but I did not hear a peep out of those people while all of these abuses were going on, while people had their property confiscated on probable cause. I would think more of their essential fairness had they brought this to our attention and not some newspaper man.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, first of all just a point of correction on a couple of points.

We do indeed have an innocent owner defense in the Sweeney-Hutchinson-Weiner substitute, and as to the point that there were not hearings on the bill, this virtually identical bill passed by 26 to 1 last year in the Committee on the Judiciary of this House.

Mr. HYDE. Mr. Chairman, I did not hear the gentleman.

Mr. WEINER. Our substitute passed 26 to 1 last year in the Committee on the Judiciary of this House.

Mr. HYDE. Last year I tried to compromise with the Justice Department. I bent over backwards trying to accommodate everybody, and the more their bill grew and was distorted into areas where I did not want it to go, I lost support, and finally I had a nice shell of nothing. So I decided to get pure and go back to the original bill, and that is what we are doing.

Mr. WEINER. I just want a clarification on the notion that there was no hearings because indeed there were.

Mr. HYDE. There were no hearings on the burden of proof and things like that, and the gentleman from New York was not here.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The gentlewoman's amendment can be considered during a later section in the bill.

Mrs. MEEK of Florida. That is true, but I amended both of them. I amended this particular bill as well as the later bill.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, if there were to be unanimous consent for it to be offered now since it might not get too far along, would that be in order, to ask for unanimous consent that the gentlewoman be allowed to offer it now?

The CHAIRMAN. Does the gentlewoman from Florida have an amendment to this amendment?

Mrs. MEEK of Florida. Yes, I do.

The CHAIRMAN. Would she present it to the Clerk?

Mrs. MEEK of Florida. Yes, it has been presented, and it is preprinted in the CONGRESSIONAL RECORD.

☐ 1530

AMENDMENT OFFERED BY MRS. MEEK OF FLORIDA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. MEEK of Florida to the amendment in the nature of a substitute offered by Mr. HUTCHINSON:

At the end add the following:

SEC. 5. FORFEITURE FOR ALIEN SMUGGLING.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(l)(1) Any conveyance, including any vessel, vehicle, or aircraft which has been used or is being used in commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); and

"(2) Any property, real or personal that—

"(A) constitutes, is derived from, or is traceable to the proceeds obtained, directly or indirectly, from the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); or

"(B) is used to facilitate, or is intended to be used to facilitate, the commission of a violation of such section."

Mrs. MEEK of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mrs. MEEK of Florida. Mr. Chairman, my amendment addresses the pernicious practice of alien smuggling which is so often experienced in my area of south Florida. It is a huge problem there, especially those who bring passengers in from Haiti and Cuba to south Florida, frequently on unsafe and rickety boats, and many times under dangerous conditions, and many times with the loss of life.

For example, in March of this year, Mr. Chairman, an alien smuggler's boat sank off the coast of West Palm Beach, Florida, and depending upon whether or not the Coast Guard or press reports of this horrendous tragedy, whether those reports are correct, there were some 15 to 40 Haitian passengers who drowned because of that illegal smuggling act of bringing these poor and disadvantaged people from Haiti.

These heartless and inhumane alien smugglers are really parasites. They are making huge sums of money from these poor people who are fleeing from very bad conditions in their own countries. They seek to come to this country by any means because of their desperate condition, and they become easy prey for the smugglers, and they want to come to the United States.

We must provide law enforcement with some available remedies to assure that the smugglers cannot continue to exploit vulnerable communities such as the Haitians and the Cubans. Unfortunately, the existing civil asset forfeiture provisions for alien smuggling, they are far more limited than those available to address drug offenses, and there is a considerable need here for stronger, stricter regulations on these alien smugglers.

Current law authorizes the forfeiture of vehicles, vessels, and aircraft used to commit alien smuggling offenses. This has proven to be a very good law enforcement tool that the INS uses more than 12,000 times a year. But the law itself has some very glaring loopholes. We know that there are other types of property other than vessels and vehicles and aircraft that will facilitate the kind of illegal stuff that the smugglers are doing. But this type of property right now is not subject to civil asset forfeiture.

To give just one example of that, alien smugglers use electronic gear to monitor law enforcement activity directed against alien smuggling. The smugglers also use very large and well-equipped warehouses where vehicles, vessels and even human beings, many times, are stashed to avoid detection by the Coast Guard or the Border Patrol. Yet these other types of property currently are not subject to civil asset forfeiture.

Suffice it to say, Mr. Chairman, that there is an arena where current laws do not cover what is going on with these people who are dealing in human cargo. So my amendment seeks to correct these deficiencies by expanding the scope of permissible civil asset forfeiture in alien smuggling.

Law enforcement should have the ability to reach any property that is owned by the smugglers. Right now they do not. There is no logical reason why they cannot.

I thank the distinguished chairman, and I thank the people who are offering this substitute amendment, Mr. Chairman, for expressing their willingness to address this major problem that I have brought up between now and conference.

Mr. Chairman, based upon their statements and upon my understanding of what they have said, that they will address this later, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute presently before us, and I urge my colleagues to support it as well. It is a carefully drawn proposal with the input of the Department of

Justice and the law enforcement community. It, too, has an innocent owner defense. It also works to make certain that the defense will not be used by any criminals to shield their property.

The underlying Hyde bill is opposed by the DEA, the International Association of Chiefs of Police, by the New York State Police, the New York attorneys general, the New York State District Attorneys Association, the National Sheriffs Association, the Fraternal Order of Police, the national drug enforcement officers, among just a few in our law enforcement community. These are the frontline forces in our fight against illicit drugs and crime. We should heed their sound advice and be wary of anything that can make their already difficult job any harder.

Our superintendent of the New York State Police, an outstanding and dedicated police officer, and who once served in my district, put this whole debate in proper perspective when he wrote me on June 18 stating, and I quote, we are aware of no instance since the inception of the Federal equitable forfeiture sharing program of any case involving this agency whereby a hardship was endured by any innocent owner, close quote.

Let us not throw out the baby with the bath water while we try to reform asset forfeiture. Accordingly, I urge a vote for the Hutchinson-Weiner-Sweeney substitute. I think it is a well-crafted and well-thought-out compromise that was developed last year with the input of those who have been fighting the scourge of drugs and crime each and every day all across our Nation.

Mr. Chairman, I insert the following correspondence for the RECORD:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
New York, NY, June 23, 1999.

Hon. BENJAMIN A. GILMAN,
U.S. House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN: I take this opportunity to express New York State's concern with regard to H.R. 1658 which is imminently scheduled to come before the full House of Representatives for vote. Passage of H.R. 1658 will seriously impair law enforcement's ability to seize assets of criminal enterprises. As such, when Congressman Hyde offers H.R. 1658 to address criminal asset forfeitures, I strongly urge members to support the substitute amendment being offered by Congressman Sweeney, Weiner and Hutchinson.

One of the most potent weapons in our efforts to combat illegal drugs and other organized criminal activity has been comprehensive Federal forfeiture statutes that strip criminal enterprises of their accumulated wealth and distribute it to state and local law enforcement agencies. The forfeited assets are then utilized by law enforcement agencies to augment their capacity to combat a broad array of criminal activity.

New York has been the major recipient of these shared forfeited assets. Indeed, since inception of this program in 1985, New York State law enforcement agencies have received over $380 million in forfeited assets, more than three times the amount of any other state. The New York State Police, alone, have received in excess of $100 million, enabling the agency to build a new $25 million Forensic Investigation Center funded entirely by forfeited assets returned to New York State. State and local police and prosecutors throughout the State received over $28 million in federally forfeited criminal proceeds in 1998 alone.

Unfortunately, this very laudable and effective program is threatened by H.R. 1658 as introduced by Congressman Hyde which, in my view, has the potential of decimating the forfeited asset sharing program in New York and across the nation.

Under the legitimate guise of protecting the rights of "innocent" owners, the bill unfortunately goes far beyond what is reasonably necessary to accomplish that goal and restructures the Federal forfeiture law in a manner that tips the scale sharply in favor of the criminal. The unrealistically high burdens of proof the Hyde language places upon police officers and the government, its provisions that eliminate cost bonds, permit transfer of assets to relatives, and permit the utilization of seized assets for legal fees will, I believe, hasten the demise of an outstanding program, and result in millions of dollars of tainted criminal assets being retained by organized criminal enterprises. It is, therefore, no surprise that H.R. 1658 is strongly opposed by virtually every law enforcement organization in the country, as sell as the United States Department of Justice.

Fortunately, to the extent that minor corrective measures are needed with regard to Federal forfeiture, there are realistic alternatives to H.R. 1658 which deserve your consideration and support. The substitute amendment being offered by Congressmen Sweeney, Hutchinson, and Weiner, strengthens the procedures that protect truly innocent owners, while preserving the inherent integrity of the forfeiture laws.

I respectfully request that you vote against H.R. 1658, unless the Sweeney/Weiner/Hutchinson amendment passes.

Please contact me if I can provide further information. Thank you for your assistance.

Sincerely,

KATHERINE N. LAPP.

NEW YORK STATE POLICE,
STATE CAMPUS,
Albany, NY, June 18, 1999.

Hon. BENJAMIN A. GILMAN,
Member of Congress, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.
Re: H.R. 1658.

DEAR CONGRESSMAN GILMAN: As you know, I have expressed our strong opposition to the above-referenced measure. As a result of follow-up discussions by counsel from our respective offices, I would like to reiterate one particular point that has surfaced in relationship to this bill.

We are aware of no instance, since the inception of the federal equitable forfeiture sharing program, of any case involving this agency whereby a hardship was endured by a truly innocent owner.

It is not the intention of this agency, nor, in my opinion, the intention of law enforcement in general, to deprive truly innocent owners of property due to the illegal use of the property by criminals.

I would have no difficulty supporting a measure that protects legitimate innocent owners such as bona-fide purchasers or parents who have no involvement of knowledge of the criminal activity. I do believe however, that the above-referenced measure goes too far in permitting the divestiture of property to others in order to avoid forfeiture.

Thank you for your assistance.

Sincerely,

JAMES W. MCMAHON,
Superintendent.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak on the amendment. I say that because not all of the conversation we have had was on the amendment. My colleague from New York brilliantly argued against a nonexistent proposition, at least existent in the current context; namely, that we should do away with civil asset forfeiture. There was an agreement that we should have it.

The questions are several. One, should the standard that the government has to meet to take someone's property because that person has either committed a crime or not prevented a crime, should the standard be the lowest possible, preponderance of the evidence, or should it be the intermediate standard of clear and convincing?

We are in an ironic situation now, and we will be even after the bill is passed, as I hope it will be, because I do not think it should be changed from that; it is now harder to prove that one is guilty of the crime than to take away one's property, even though the property may be more. In fact, we have this situation: One may be punished here substantially by the loss of one's property not for committing a crime, but for failing to prevent a crime from being committed. One forfeits one's innocent-owner defense if one has not taken steps to prevent the crime from being committed.

Now, the government need only prove, according to the amendment to the amendment, by a preponderance of the evidence that one failed to prevent the crime from being committed, and it can take one's property. That seems to me to be quite astonishing, that there is a lower standard for punishing someone for simply not stopping someone else from committing a crime than from committing the crime. It seems to me one is more culpable if one commits the crime, but it is easier to go after someone in the other circumstance.

Again, I want to stress, the notion that there is some division between losing one's property in a civil forfeiture and losing it in a criminal proceeding exists in very few minds and in no reality. There is no difference between having one's property taken.

The debate here is clear and convincing versus preponderance. The gentleman from New York said, in 85 percent of the cases, they are uncontested. Well, I submit that in 85 percent of the cases, if they are uncontested, establishing this to occur under a clear and convincing standard would not be that hard. One cannot lose, it seems to me, an uncontested case simply because the standard of truth is too high. We could probably meet beyond a reasonable doubt. We could probably meet absolute certainty, but we could certainly meet clear and convincing. So in those cases which are uncontested, the amendment is, of course, irrelevant. In those cases which are uncontested, there is no dispute, and one could easily win.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, we seem to have a problem about the premise. The gentleman seems to believe that the premise of civil asset forfeiture is always to be punitive, to penalize someone. In fact, the way it is most often used, as I described in the examples, is if there is a crack house in the middle of a block that is by being there, that is by its very existence, because someone fails to take action, what the Fed, in cooperation with the city and State authorities, are seeking to do, is take that crack house out of circulation.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman is off the point, and I am not going to let him get off the point in my time.

The question was, should they have to meet the standard of clear and convincing or beyond reasonable doubt. I was quoting the gentleman where he said, in 85 percent of the cases they are uncontested. And my point, which I thought would be uncontested, is that an uncontested case, it is not that hard to meet the standard of clear and convincing, so the gentleman's crack houses would, in fact, be closed down.

But the notion that it is not punitive I would have to reject. It is always punitive for the government to come and take away one's property. The notion that there is this nonpunitive confiscation is what is at the heart of this. The notion that one is found by the government to have done something terrible, and, as a result of that, one is going to lose one's property, and one is, therefore, not punished does not make any sense.

There are a couple of other arguments I want to make. One, the gentleman said that he dislikes this because it covers pending cases. If the gentleman agrees that the current system is unfair, as they say they have, why do we not want to cover pending cases? Is the government entitled to a remaining quota of unfairness? How can one agree that the current system is wrong and needs changing and then say, oh, but all of the poor guys who got caught in this current one, we do not help them. I would think that is a rather contradictory argument.

The final point is the business about a lawyer. Again, we ought to stress, opponents of the bill, supporters of the amendment keep talking about the drug dealer. We are not here talking about drug dealers. We are talking about people who have been accused either of being drug dealers or of not stopping other people from being drug dealers. And the question is not how do we punish acknowledged drug dealers, the question is, by what procedure does the government determine whether or not one is a drug dealer or someone who aided a drug dealer. That is why the underlying bill is so much better than the amendment.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hutchinson-Weiner-Sweeney substitute. This substitute will provide meaningful reform to asset forfeiture without removing the teeth from the most valuable tool in what seems to be a losing war against drugs.

I have been here most of the afternoon listening to the debate, and I recognize that well-meaning people on both sides of this issue, including our chairman, the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Michigan (Mr. CONYERS), have attempted to define and seek what is the balance between protecting the private property rights of innocent individuals, and also, at the same time, give law enforcement the tools they need to combat criminal enterprises.

What we seek in offering this substitute is to define and find those fine points, because we recognize that we are losing ground on the war on drugs, and now, I believe, unfortunately, H.R. 1658 will take us a step backwards when we really should be moving forward, Mr. Chairman.

H.R. 1658, while it protects the rights of law-abiding property owners, and that is its intention, and that is in part what it does do, it also protects lawbreaking property owners as well. Is this what we want in the crosshairs in the middle of the battle on drugs? I do not think so.

Mr. Chairman, H.R. 1658 rewards criminals by allowing them to challenge every forfeiture action, regardless of merit, and provides a free lawyer to do so, inundating the already overburdened Federal court system with frivolous claims. I have heard the Chairman argue that these folks are not criminals because they have not been proven guilty, but as the gentleman from New York (Mr. WEINER) pointed out, in 85 percent of the cases, claims are not made. The Supreme Court has ruled on 11 different forfeiture cases upholding virtually in every one that the constitutional rights of individuals that have broad claims have not been violated.

We seek balance here. Can we not strike a balance between free enterprise and criminal enterprise? I think we can, and I think this substitute achieves that.

The Hutchinson-Weiner-Sweeney substitute is a rational alternative providing rational reform and uniform standards without crippling and tying the hands of law enforcement in the war against drugs.

Now, moving from the rational to the excessive, the most outrageous aspect, in my view, of H.R. 1658 is a provision that allows heirs to inherit drug fortunes. We have a hard enough time as it is in this country allowing legitimate estates to pass to legitimate heirs without making it easier for criminals to literally take the money and run, and that is what we attempt to close here in this substitute.

The loophole in H.R. 1658 would allow drug kingpins and other criminals who have amassed illegal fortunes to pass their wealth to their heirs, not just wives and children, but also friends, mistresses and business associates.

Mr. Chairman, this substitute protects legitimate, innocent owners such as bona fide purchasers, or parents who have no involvement in or knowledge of criminal activity, without undercutting the ability of law enforcement to forfeit property from drug dealers, terrorists, alien smugglers and other criminals.

At a time when the street price of heroin has dropped dramatically and the supply has increased, we must not weaken law enforcement's ability to fight drugs. I rise, therefore, in strong support of this substitute because it brings about balanced reforms to civil asset forfeiture without compromising law enforcement's ability to seize the assets of drug dealers and racketeers. When the heroin market rivals the stock market, why would we want to scale back the efforts of our police?

□ 1545

Law enforcement officers risk their lives every day to keep our neighborhoods safe. They patrol the dark ally, raid the drug dens and meth labs, and they patrol the borders in the dark of night. Many men and women do these things every day, risking their lives to make our neighborhoods safer.

I am not prepared to undercut the good work of law enforcement, Mr. Chairman. That is why I support this substitute, and strongly urge my colleagues to do the same.

If Members seek safer streets, support this substitute. If they believe that we ought to be tougher on criminals than on innocent people, support the Hutchinson-Weiner-Sweeney substitute. If Members support the good work of law enforcement, they should support this substitute. If they seek to do the right thing for America, support this substitute.

Mr. Chairman, I urge my colleagues to do that.

AMENDMENT NO. 15 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PAUL AS A SUBSTITUTE FOR AMENDMENT NO. 25 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

Mr. PAUL. Mr. Chairman, I offer an amendment in the nature of a substitute as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment No. 15 in the nature of a substitute offered by Mr. PAUL as a substitute for amendment No. 25 in the nature of a substitute offered by Mr. HUTCHINSON:

Strike all after the enacting clause and insert the following:

SECTION 1. FORFEITURE CONDITION.

No property may be forfeited under any civil asset forfeiture law unless the property's owner has first been convicted of the criminal offense that makes the property subject to forfeiture. The term "civil forfeiture law" refers to any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

Mr. PAUL. Mr. Chairman, I rise to offer a substitute amendment for the Hutchinson amendment. My understanding is that the Hyde amendment would improve current situations very much when it comes to seizure and forfeiture, and I strongly endorse the motivation of the gentleman from Illinois (Mr. HYDE) in his bill. I have a suggestion in my amendment to make this somewhat better.

But I rise in strong opposition to the Hutchinson amendment, because not only do I believe that the Hutchinson amendment would undo everything that the gentleman from Illinois (Mr. HYDE) is trying to do, but I sincerely believe that the Hutchinson amendment would make current law worse. I think it is very important that we make a decision here on whether or not we want to continue the effort to build an armed police force out of Washington, D.C.

The trends have been very negative over the last 20 or 30 years. It has to do a lot with the exuberance we show with our drug laws. I know they are all well-intended, but since 1976, when I recall the first criminal law that we passed here, they always pass nearly unanimously. Everyone is for law and order. But I think this is a perfect example of unintended consequences, the problems that we are dealing with today, because it is not the guilty that suffer. So often it is the innocent who suffer.

I guess if Members are for a powerful national police and they want to be casual about the civil liberties of innocent people, I imagine they could go along and ruin this bill by passing the Hutchinson amendment.

I think it is very important to consider another alternative. Mine addresses this, because in spite of how the gentleman from Illinois (Mr. HYDE) addresses this, which is in a very positive way, I really would like to go one step further. My bill, my substitute amendment, says this: "No property may be forfeited under any Federal civil asset forfeiture law unless the property owner has first been convicted of the criminal offense that makes the property subject to forfeiture."

Is that too much to ask in America, that we do not take people's property if they are not even convicted of a crime? That seems to be a rather modest request. That is the way it used to be. We used to never even deal with laws like this at the national level. It is only recently that we decided we had to take away the State's right and obligation to enforce criminal law.

I think it is time we thought about going in another direction. That is why I am very, very pleased with this bill on the floor today in moving in this direction. I do not think we should have a nationalized police force. I think that we should be very cautious in everything that we do as we promote law.

This bill of the gentleman from Illinois (Mr. HYDE) could be strengthened with my amendment by saying that no forfeiture should occur, but the Hutchinson amendment makes it just the preponderance of evidence that they can take property. This is not right. This is not what America is all about. We are supposed to be innocent until proven guilty, but property is being taken from the American people with no charge of crime.

They lose their property and they never get it back. They cannot afford to fight the courts, and there is a lot of frustration in this country today over this. This is why this bill is on this floor today. I am delighted it is here on this floor.

I ask people to vote for my amendment, which would even make this a better bill, but certainly I think it would be wise not to vote for the Hutchinson amendment to make it much worse. I certainly think that on final passage, we certainly should support the Hyde bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the spirit of the gentleman from Texas. I think it goes further than it ought to. I do not think we ought to restrict this only to cases where there was a criminal conviction, but the gentleman does highlight once again the importance of fundamental reform.

There is one aspect of the issue that I wanted to go into further. That is, in the substitute offered by the gentleman from Arkansas and the two gentlemen from New York, one of the things that seems to me most egregious was this notion that yes, we will appoint you a lawyer, but before we will appoint you a lawyer our lawyer gets to question you. It really is quite an extraordinary notion.

The current situation is one in which people, in some cases who have been convicted of nothing whatsoever, and who may, remember, only be accused, and again, let us be clear about this because of the innocent owner issue, they may be accused not of doing anything wrong, but of not sufficiently working to stop someone else. The someone else may be a very dangerous person.

So one of the things we need to calibrate here is that if other armed people, dangerous people, bad people are doing something wrong and someone knows about it, and maybe they are using their property, you have to calibrate how much risk you have to take to stop it. You may be accused of not having done enough because you may have tried to do something anonymously, and you may not have wanted to acknowledge that.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I just wanted to ask the gentleman from Massachusetts, in reference to the statement that you can question a claimant who seeks an appointment of attorney, there is a provision in the substitute that says the testimony of the claimant at such a hearing shall not be admitted in any other proceeding except in accordance with the rules which govern the testimony.

So it is excluded, it would appear to me. That was the intent.

Mr. FRANK of Massachusetts. I understand that. The gentleman is correct. One can only further terrify this unsophisticated and impoverished individual whose property you have taken, and you cannot use that in certain circumstances.

Again, I want to go back to where I was. We are talking about someone here who is not even accused of a crime. We are talking about someone who is accused of not having been sufficiently enterprising in stopping someone else who may have been a very dangerous person or persons from committing a crime.

The person who failed to be enough of an aggressive stopper has property taken. And because that property is taken, and this individual now has to prove that he or she is innocent to get the property back, the person who is accused of not having been vigorous enough in stopping a crime has his or her property taken. He or she then has to prove that they were innocent and that they really did try to stop it to get the property back. And they cannot afford a lawyer, and probably because the property which they maybe would have used to pay a lawyer has been seized and is held by the government, to get the property back, first of all they have to prove that the property that was seized is worth enough compared to what a lawyer might cost. That seems to me outrageous.

Secondly, they can then be questioned by the people who seized their property. So they set up this extraordinarily intimidating situation and say, do not worry, we took your property because we did not think you worked hard enough to stop somebody dangerous from doing something bad, and we know you cannot afford a lawyer. Maybe we will appoint you a lawyer, but first, the people who took your property are going to question you about things. But do not worry, they will not use it against you.

That is a statement that is less likely to be believed, and we can in fact chill people out of the effective exercise of their rights.

Mr. HUTCHINSON. If the gentleman will yield further, Mr. Chairman, the gentleman made the statement that this person would not be under indictment. A person under indictment could also be subject to a seizure of assets and there could be a hearing. This person very well would be under criminal indictment.

Mr. FRANK of Massachusetts. I would say two things to the gentleman. First of all, I invite him to read the RECORD. I have poor diction, but I never said indictment. I never used that. I don't know where it came from. That is not what I said.

I am talking about someone who would not even be indictable because under the gentleman's innocent owner defense, he is talking about someone, again, and we are making the law for everybody, we are talking about people who are not even accused of a crime. They are accused of, and my friend, the gentleman from New York, cited these people, they own a piece of property that was being used by someone else for a crime, and the people using it might not be the nicest people in the world. They might be people who are a little intimidating. You could lose your property if you were not sufficiently vigorous in trying to stop them.

What if you tried to stop them through an anonymous phone call because you did not want to have your name used, and they did not know you made the anonymous phone call? You would then have this difficult situation.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute amendment offered by my colleague, the gentleman from Arkansas (Mr. HUTCHINSON).

Let me say first that I have the deepest respect and admiration for the author of the underlying bill, the gentleman from Illinois (Chairman HYDE). During my 4 years on the Committee on the Judiciary, I saw firsthand his absolute integrity and effective leadership, and as I have said hundreds of times before, nobody in this body represents more integrity or greater character than our beloved gentleman from Illinois (Chairman HYDE).

However, that does not mean he is always right. As chair of the House Law Enforcement Caucus, I have serious concerns about the effect that the Civil Asset Forfeiture Reform Act would have on the law enforcement community's antidrug efforts.

As Hennepin County Sheriff Pat McGowan, Hennapin County in Minnesota, in my district, Sheriff Pat McGowan told me recently, this legislation would absolutely gut the most important tool of law enforcement in the war against drugs. Make no mistake about it, this forfeiture law as it currently exists is the most important tool of law enforcement in fighting the war on drugs on the supply side.

The clear and convincing standard would deprive law enforcement officers of a crucial deterrent, as was explained to me by Sheriff McGowan and others, while the substantial hardship exemption in the underlying bill would let drug dealers hide their assets before trial and allow them to continue dealing drugs pending trial.

Also, frivolous claims would be encouraged by this legislation, and would further damage enforcement of drug laws. According to many law enforcement officers with whom I have spoken about this legislation, the so-called buy money to enforce drug laws would essentially dry up, because much if not most of the buy money comes from forfeiture of these assets.

I think Congress needs to listen to the men and women of the Fraternal Order of Police who put their lives on the line every day in fighting the drug war. We need to help the police and not hurt them by adopting the preponderance of the evidence standard of proof in the Hutchinson amendment, which is eminently reasonable, and eliminating some of the other extreme restrictions on law enforcement in the underlying bill.

As a former Criminal Justice Act attorney, Mr. Speaker, a former adjunct professor of civil rights and liberties, certainly, like every Member of this body, I support individual rights under our Bill of Rights.

However, the current law has consistently been upheld as constitutional. Furthermore, Congress should not aid and abet drug dealers so they can profit from their illegal actions by weakening this important law.

Yes, there have been some abuses under current law. We all know that. But several unfortunate anecdotal experiences do not justify legislation that would turn back the clock in the war against drugs.

Let us be smarter than that. Let us support our police officers and other drug enforcement officers on the front lines every day in this battle. Support the Hutchinson amendment, that represents the original compromise. Let us not tie the hands of law enforcement. Let us not make their difficult and dangerous jobs even harder. Vote for the Hutchinson substitute.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to express the fact that I heartily disagree with the statement that we are helping drug dealers. The gentleman is assuming a fact that is not in evidence.

□ 1600

The civil asset forfeiture involves no drug dealers. It involves people who are accused of something at the level of probable cause, and it is punishing them before they have been adjudicated guilty by confiscating their property. That is the Soviet Union's way of justice, not America, where one should be, even if one is accused of being a drug dealer, innocent until one is proven guilty. It is quasi criminal. It is punishment. The Supreme Court has said that, and that is why we need clear and convincing rather than preponderance.

Mr. RAMSTAD. Mr. Chairman, reclaiming whatever time might remain, the current law, I am sure the gentleman will agree, has been upheld consistently as constitutional and not violative of the First, Fourth, Fifth, Sixth, Eighth or Fourteenth Amendments, any of the amendments in the Bill of Rights that give us our precious civil rights and liberties.

Virtually every police officer with whom I have spoken, both in Minnesota and nationally, as well as FBI Director Freeh, have stressed the urgency of retaining present law here. That is what I mean by weakening law enforcement's efforts by tying their hands. Let us not do that. Let us accept the Hutchinson amendment.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with regard to the last speaker, I would cite a recent case just in the last year by the Supreme Court, United States versus Bajakhaian, whatever in the heck that is pronounced, B-A-J-A-K-H-A-I-A-N. Its significance lies, not in its spelling, but in holding that there is a specific amendment to the Constitution, the Eighth Amendment, that indeed was the basis just last year in an opinion by Justice Clarence Thomas of the United States Supreme Court that struck down forfeiture on Eighth Amendment excessiveness grounds.

So there is very strong judicial authority for the proposal underlying H.R. 1658 as put forward by myself, the gentleman from Massachusetts (Mr. FRANK), the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. HYDE), and others that, indeed, our civil forfeiture laws do need to be reformed. Reform is what we are trying to do here. But let us again be very clear.

Yes, as the gentleman from Illinois (Mr. HYDE) has stated, if H.R. 1658 is passed by the House, passed by the Senate, and signed by the President, there will be some slight crimping in the style of law enforcement in terms of proceeding civilly against seized assets in order to forfeit them. But it will not in any way, shape, or form stop or take away the important tool that law enforcement has and needs.

H.R. 1658 reforms, it does not eviscerate, it does not kill, it does not repeal, and it will not result in the repeal, the killing, or the gutting of civil asset forfeiture as a tool for Federal prosecutors.

Of course, remember also, Mr. Chairman, that this does not reach State forfeitures. We are only talking about Federal civil asset forfeitures here.

This proposal, H.R. 1658 reforms it. It does not do away with it. If, however, somebody likes civil asset forfeiture reform, then they will love the Hutchinson amendment, because the Hutchinson amendment, in addition to not truly reforming civil asset forfeiture at its core, vastly, vastly, Mr. Chairman, expands the scope of civil asset forfeiture powers of this government.

Let me repeat that. The Hutchinson amendment vastly expands the scope, the jurisdiction, the reach of the Federal Government's current civil asset forfeiture power. The power, the scope currently that the Federal Government enjoys is already extensive. We are not arguing that today. It is extensive. It reaches many different provisions of title 18, which is the Criminal Code.

If, however, one makes even a cursory reading, Mr. Chairman, of the Hutchinson amendment, they will see very readily that it expands exponentially, as the Chairman said previously in his remarks, the scope, the power, the jurisdiction of the Federal Government to civilly seize and forfeit assets.

At pages 772 and 773 of the Federal Criminal Code and Rules, published by the West Group, one can see very clearly, I could hold this up, but the Chairman could not read it, because the writing, the printing of the United States Criminal Code is indeed very small. Yet, the list of the additional predicates or that is base offenses for which civil asset forfeiture rely cover almost two pages, almost two full columns of the United States Criminal Code listing line after line after line after line after line after line of additional offenses for which the government can use civil asset forfeiture powers.

Therefore, let me repeat this, the Hutchinson amendment, for anybody who wishes to reform, reign in, and refocus back to its original purpose, which was an extraordinary remedy for law enforcement, the civil asset forfeiture powers of the government, they must vote against the Hutchinson amendment, because the Hutchinson amendment vastly expands the asset forfeiture power of the government. There is no way getting around that. It is crystal clear on its face, and that is a defect in addition to the others that the Chairman and others have already pointed out reasons why this amendment proposed in the nature of a substitute to H.R. 1658 must be rejected in favor of the underlying bill, H.R. 1658, which does indeed reform, but does not take away the ability of our Federal prosecutors and law enforcement to seize truly those aspects of criminal endeavor, the assets that are truly used in furtherance of criminal activity.

I urge rejection of the proposed amendment in the nature of a substitute, and adoption of the underlying bill, H.R. 1658.

Mr. CANADY of Florida. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute which has been offered by the gentleman from Arkansas (Mr. HUTCHINSON). I want to begin by thanking the gentleman from Illinois (Mr. HYDE) for his outstanding leadership on this important issue. This is the sort of issue that the Committee on the Judiciary should be very much concerned about, and I am very pleased that the Chairman has made this issue a priority.

I also want to thank my constituent, Mr. David Pobjecky, who brought to my attention a case that highlights the need for the legislation of the gentleman from Illinois (Mr. HYDE) and the importance of not weakening the legislation that the gentleman from Illinois (Mr. HYDE) has brought to the floor.

Mr. Pobjecky, my constituent, is an attorney who has represented the Jones family of Glades County, Florida, whose property was seized by the Federal Government. It took that family 6 years to gain control of their property even though they were innocent of any wrongdoing.

In September of 1988, the United States Government seized 4,346 acres of the Jones family ranchland and filed a civil forfeiture action against the ranch based on a plane crash that occurred 2½ years earlier and on property a quarter of a mile from their ranch.

The government alleged that the property was intended to be used as a landing site for cocaine smugglers. The Jones family denied any knowledge, consent, or participation in the alleged wrongful acts.

The case went to trial 5 years later in October of 1993. In May of 1994, the U.S. District Court for the Southern District of Florida found for the owners of the ranch. The court ruled that the case presented by the claimants is so clear, and the response by the United States is sufficiently wanting, that the court has determined that the claimants are, indeed, innocent owners entitled to the remedy and return of their property.

Judge Hoeveler who wrote for the court noted that fundamental rights of ownership and the loss of those rights were the core of this case and concluded with this caution, "in the understandable zeal to enforce the criminal laws, constant vigilance must be exercised to protect the rights of all, especially those who may be caught up in a net loosely thrown around those who are guilty."

The same court subsequently awarded attorneys' fees and costs to the Jones family for their claim filed under the Equal Access to Justice Act. The court found that the United States did not have a reasonable basis in law or fact for bringing the case to trial and should have concluded that the owners of the ranch could establish an innocent owner defense.

The legislation we are considering today would have ensured that the Jones family would not have suffered this injustice at the hands of the government. The bill would change the standard of proof to be satisfied by the government from probable cause to clear and convincing evidence, as we have been discussing here. The bill would require the government to prove its case and would eliminate the requirement that a property owner prove his innocence.

The seizure of the Jones family ranch never would have been approved if the United States had been required to prove by clear and convincing evidence that the ranch was subject to forfeiture.

In 1994 when he finally decided for the Jones family, Judge Hoeveler said that it is questionable whether this forfeiture action ever really had a valid basis. That is the kind of cases that are being brought. Those are the kind of cases where people are having their property tied up for year after year after year, and it is not right.

Now, this bill would also allow a property owner who prevails in a forfeiture action to sue the government for any destruction or damage to his property. I go back to the Jones case. The Jones family was unable to maintain their land, more than 4,000 acres of their ranch from September of 1988 to May of 1994. This resulted in significant damage to the property, since ranchland needs to be constantly maintained.

Under current law, the Jones family can sue the United States for damage to their land. The bill before the House today would provide the Jones family with at least the possibility of recovering compensation for resulting damage to their property.

The case of the Jones family is only one example of innocent Americans who have had to undergo lengthy and costly battles to regain their property. No one in the United States of America should have to go through a legal nightmare like this. No one in America should be treated this way by the government of the United States. No one in America should be subjected to such an arbitrary and destructive use of governmental power.

Now, I want to conclude by urging the rejection of the substitute offered by the gentleman from Arkansas (Mr. HUTCHINSON). I believe that the gentleman has a proposal here that falls short of solving the problem with current law and in some respects actually makes the problem worse. I understand he is operating under the best of intentions, but I think his proposal does fall short in those respects.

I would also urge the rejection of the amendment offered by the gentleman from Texas (Mr. PAUL). I believe that there is a proper place for civil asset forfeiture, and his amendment should be rejected, and the Hyde proposal should be adopted.

Mr. FRANK of Massachusetts. Mr. Chairman, having consulted with various parties, I ask unanimous consent that debate on this substitute and all amendments thereto end at 4:45 p.m., with the remaining time to be divided equally between the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Illinois (Mr. HYDE), chairman of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Under the terms of the unanimous consent agreement, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Illinois (Mr. HYDE) each will control 15 minutes. Debate will conclude at 4:45 p.m.

Mr. HUTCHINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman from Arkansas for yielding to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. PAUL) in support of the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON) in opposition to H.R. 1658.

I think the good Lord knows that, any time we have the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, as an advocate in alliance with the distinguished gentleman from Massachusetts (Mr. FRANK), and the gentleman from Georgia (Mr. BARR), we have formidable proponents for any proposition. I reluctantly rise in opposition to their proposal, H.R. 1658.

I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources dealing with illegal narcotics. I can only say that I have never been so inundated in the past number of months on any issue as much as in opposition to H.R. 1658 than by those in our law enforcement community. So I am reluctant to rise in opposition, but let me make a few comments.

Asset forfeiture is a very critical tool in law enforcement. It allows law enforcement to take the profit out of crime and pay restitution to victims of crime. Forfeiture is a critical element in the fight against drug trafficking, and it literally ensures that crime does not pay.

In the vast majority of cases, the asset forfeiture laws, as we have heard, have been very fairly applied and effectively applied for the benefit of both law enforcement and the public and our citizens. Forfeiture is an essential component on the war on drugs today. Weakening the laws or placing any unnecessary procedural hurdles in the paths of prosecutors could undercut these law enforcement efforts and could provide a windfall to criminal organizations that commit crime for profit.

These are not just my words. This is what is being said about this proposed legislation, H.R. 1658, to me by those in the law enforcement community.

□ 1615

They say that the burden of proof is too high; that H.R. 1658 forces the government to prove its case by clear and convincing evidence. The usual standard for civil enforcement actions involving property is the preponderance of evidence. Thus, 1658 makes the government's burden in drug cases higher than it does in cases involving bank fraud, health care fraud or procurement fraud, giving, in this instance, those who deal in drugs more protection than bankers, doctors and defense contractors.

Again, this is what is being said to me by the law enforcement community.

They also charge that this proposal could encourage the filing of thousands of frivolous claims by criminals, their families, their friends and associates. They also are telling me, again, that H.R. 1658 lets criminals abscond potentially with cash, vehicles and airplanes. The Hutchinson amendment, I might say, addresses each of these concerns that have been raised by the law enforcement community.

Also, they say that H.R. 1658 allows drug dealers to pass drug profits on to their heirs, and this provision is eliminated by the Hutchinson proposal. And, finally, they are telling me that this could provide a windfall to criminals that we should eliminate.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time. I think this is important because we continue to hear about the issue of the burden of proof being a preponderance of the evidence. Well, that is true in most civil litigation. But this is not purely civil litigation, and I think it is important that my colleagues and the American public understand that.

In asset forfeiture cases it has been clearly described by the United States Supreme Court as quasi-criminal in nature. This is a decision that was promulgated by the United States Supreme Court. And I daresay to equate the customary civil litigation that is transacted daily in our Federal courts with the kind of proceeding that we are discussing here today on the floor of the House, asset forfeiture, is absolutely incorrect. It is inaccurate. It is quasi-criminal in nature.

To suggest that a standard of proof of clear and convincing is a burden that cannot be met by prosecutors, I daresay, is not an argument that holds water. Because in the vast majority of these cases the seizure of the asset is done in conjunction with a criminal investigation, and hopefully, hopefully, that investigation will produce an indictment which will meet an even higher standard, proof beyond a reasonable doubt.

So I have to conclude that clear and convincing is an acceptable burden of proof in these cases.

Mr. McCOLLUM. Mr. Chairman, I wish to make just a few points.

First, I want to salute Chairman HYDE's commitment to reforming asset forfeiture. He has long been guided by a principled commitment to civil liberties for all citizens and a genuine concern that our forfeiture laws not be abused. He has been a leader in pursuing needed reforms of our forfeiture laws, and I want to commend his efforts to bring this bill to the floor. I share Chairman HYDE's concerns. We may disagree on some of the specifics, but I support his goal and the core reforms contained in H.R. 1658.

Second, I want to note that H.R. 1658 is actually part of a larger trend to reform asset forfeiture that has been underway for most of this decade. Indeed, over the last 7 years the U.S. Supreme Court has handed down 11 asset forfeiture cases, that, taken together, have led to substantial reforms of our asset forfeiture laws and increased the due process protections afforded individuals. These cases, in turn, have led the Departments of Justice and Treasury to substantially revise their seizure and forfeiture policies.

Because of these shifts over the last 7 years, it is now the case that under current law, property owners have a right to a jury trial in civil forfeiture cases; real property may not be seized without prior notice and a hearing; and all forfeitures must be proportional to the gravity of the underlying criminal offense. In other words: the law has been evolving to reflect more and more the concerns of Mr. HYDE. Changes to the law have anticipated his criticism.

Mr. Chairman, now more than ever, asset forfeiture is a vital law enforcement tool. In my home state of Florida it may well be the single most important weapon that Federal, State and local law enforcement use in their heroic efforts to combat the illegal drug trade.

And that, Mr. Chairman, continues to be my principal concern when we talk about reforming asset forfeiture: Will our ability to effectively combat the flood of illegal drugs into our country be unduly hampered by the proposed reforms?

Heroin and cocaine continue to pour into the United States from abroad, endangering the future of our children and spreading fear through countless neighborhoods and communities. Clandestine methamphetamine labs are now operating throughout the entire country, pumping out their poison that destroys people and pollutes our environment.

Today, on the streets of our country drug quantity is up, drug purity is at all-time highs and the price is down. We shouldn't be surprised then to learn that drug use among our children is skyrocketing. Indeed, there is a drug crisis engulfing our young people today. The numbers are simply shocking. From 1992–1997, drug use among youth aged 12 to 17 has more than doubled. It's up 120%! That's an increase of 27% in the last year alone. For kids aged 12 to 17, first-time heroin use has increased 875% from 1991 to 1996! From 1992 to 1996, marijuana use increased by 253 percent among eighth-graders, 151 percent among tenth-graders, and 84 percent among twelfth-graders. Overall, among kids aged 12 to 17, marijuana smoking has jumped 125% from 1991 to 1997!

Mr. Chairman, I believe this is unacceptable. We owe our children every effort to rid our streets and schools of drugs and the violence that accompany the drug trade. We must rededicate ourselves to a drug-free America.

And that means we must take care when we seek to reform our forfeiture laws that we do not render them ineffective.

Last Congress, I supported the compromise forfeiture bill that Mr. HYDE steered through the Judiciary Committee by a vote of 26 to 1. That bill contained the core reforms that are in H.R. 1658. It also won the support of the law enforcement community as a balanced set of reforms that left forfeiture a viable tool. I continue to support the provisions from that bill, and for that reason, I will be supporting the Hutchinson amendment which reflects the key provisions of that compromise bill. I believe that H.R. 1658, as amended by the Hutchinson amendment, reforms our forfeiture laws while leaving them still useful in our nation's counter-drug efforts.

Mr. PICKERING. Mr. Chairman, I rise in support of Mr. HUTCHINSON's substitute to H.R. 1658, the Asset Forfeiture Bill.

We all agree the fundamental principle of fairness should play a central role in asset forfeiture proceedings: the burden of proof should be on the government; the government should not hold property without probable cause; a property owner should have an early opportunity to challenge a seizure of assets and innocent owners should be protected.

These examples of fairness are already important features of current asset forfeiture law, and are advanced in the Hutchinson substitute without undermining the important role asset forfeiture law plays in modern law enforcement.

Today in my district, State and Local Law Enforcement officials confront sophisticated criminals and criminal enterprises in possession of illegal property, and in many circumstances, controlling vast ill-gotten resources. Asset forfeiture law allows State and Local law enforcement officials to separate these criminals and enterprises from their illegal resources, denying them the use of these resources to continue their criminal businesses or defend themselves from personal criminal charges. Any modification in asset forfeiture law should preserve this important effect of asset forfeiture on criminals.

While reform of asset forfeiture law to reduce the already infrequent, occasional unfair outcome for a particular individual is appropriate, criminals should not benefit from the modifications designed to improve and bolster the rights of innocent property owners and law abiding citizens.

The Hutchinson substitute produces this sensible reform without removing from our local law enforcement officials one of their most important and effective tools against criminals and their crack houses, drug money, drug vehicles and the myriad of other resources and property criminals possess.

It is important to remember the focus of asset forfeiture law is the illegal property. The illegal property itself, be it drug money or its proceeds in the form of cars, or planes or houses, is subject to forfeiture because it constitutes the bounty of a criminal enterprise, and thus is illegal. It is illegal in and of itself, like heroin itself, or cocaine, and thus similarly subject to forfeiture. Insofar as a person unconnected to the criminal enterprise has a legal property interest in the property, he or she may state their claim and reclaim their property.

Under current law, criminals and those with illegal interests in the property are distinguished from those with legal interests by procedures in the law which the Substitute preserves. Unlike the bill advanced by the respected Chairman of the Judiciary Committee, the substitute strengthens this distinction, protecting the innocent while disentitling the criminal. I urge passage of the Hutchinson substitute.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. PAUL) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment in the nature of a substitute offered as a substitute for the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 11, as follows:

[Roll No. 254]

AYES—155

Allen
Andrews
Bachus
Baird
Ballenger
Barcia
Barrett (WI)
Barton
Bateman
Bilbray
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Boswell
Boyd
Brady (TX)
Bryant
Buyer
Calvert
Capps
Cardin
Castle
Chambliss
Coburn
Collins
Condit
Cooksey
Cramer
Crowley
Cubin
Deal
Deutsch
Dickey
Dixon
Doggett
Dooley
Dunn
Edwards
Ehlers
Ehrlich
Etheridge
Fowler
Frelinghuysen
Gekas
Gilman
Gordon
Goss
Green (WI)
Greenwood
Gutierrez
Hayes
Herger
Hill (IN)
Hilleary
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kildee
Kind (WI)
Kleczka
Knollenberg
Kuykendall
Larson
Latham
Leach
Levin
Lowey
Luther
Maloney (CT)
Maloney (NY)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McIntyre
McNulty
Mica
Miller (FL)
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Norwood
Nussle
Ose
Oxley
Pallone
Pascrell
Peterson (MN)
Pickering
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reyes
Reynolds
Rogers
Ros-Lehtinen
Rothman
Roukema
Salmon
Sanchez
Saxton
Shaw
Shays
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Souder
Stabenow
Stearns
Stupak
Sweeney
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Turner
Visclosky
Vitter
Walden
Walsh
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wolf
Wu
Young (FL)

NOES—268

Abercrombie
Ackerman
Aderholt
Archer
Armey
Baker
Baldacci
Baldwin
Barr
Barrett (NE)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Callahan
Camp
Campbell
Canady
Cannon
Capuano
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Combest
Conyers
Cook
Cox
Coyne
Crane
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Graham

Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy
Kilpatrick
King (NY)
Kingston
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McGovern
McIntosh
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Price (NC)
Radanovich
Rahall
Rangel
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Thompson (MS)
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
Wicker
Wilson
Woolsey
Wynn
Young (AK)

NOT VOTING—11

Berman
Brown (CA)
Costello
Gilchrest
Kasich
Largent
Lazio
McInnis
Mollohan
Packard
Wise

☐ 1643

Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, and Messrs. LAFALCE, NEY, ROGAN, KINGSTON, BURTON of Indiana, FORBES, HUNTER, and BARTLETT of Maryland changed their vote from "aye" to "no."

Ms. SLAUGHTER and Messrs. VITTER, BARCIA, BONIOR, EHLERS, WELDON of Pennsylvania, and MORAN of Kansas changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

Section 981 of title 18, United States Code, is amended—

(1) by inserting after subsection (i) the following:

"(j)(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must give written notice to interested parties, such notice shall be given as soon as practicable and in no case more than 60 days after the later of the date of the seizure or the date the identity of the interested party is first known or discovered by the agency, except that the court may extend the period for filing a notice for good cause shown.

"(B) A person entitled to written notice in such proceeding to whom written notice is not given may on motion void the forfeiture with respect to that person's interest in the property, unless the agency shows—

"(i) good cause for the failure to give notice to that person; or

"(ii) that the person otherwise had actual notice of the seizure.

"(C) If the government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property and may not take any further action to effect the forfeiture of such property.

"(2)(A) Any person claiming property seized in a nonjudicial forfeiture proceeding may file a claim with the appropriate official after the seizure.

"(B) A claim under subparagraph (A) may not be filed later than 30 days after—

"(i) the date of final publication of notice of seizure; or

"(ii) in the case of a person entitled to written notice, the date that notice is received.

"(C) The claim shall state the claimant's interest in the property.

"(D) Not later than 90 days after a claim has been filed, the Attorney General shall file a complaint for forfeiture in the appropriate court or return the property, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

"(E) If the government does not file a complaint for forfeiture of property in accordance with subparagraph (D), it shall return the property and may not take any further action to effect the forfeiture of such property.

"(F) Any person may bring a claim under subparagraph (A) without posting bond with respect to the property which is the subject of the claim.

"(3)(A) In any case where the Government files in the appropriate United States district court a complaint for forfeiture of property, any person claiming an interest in the seized property may file a claim asserting such person's interest in the property within 30 days of service of the Government's complaint or, where applicable, within 30 days of alternative publication notice.

"(B) A person asserting an interest in seized property in accordance with subparagraph (A) shall file an answer to the Government's complaint for forfeiture within 20 days of the filing of the claim.

"(4)(A) If the person filing a claim is financially unable to obtain representation by counsel, the court may appoint counsel to represent that person with respect to the claim.

"(B) In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account such factors as—

"(i) the claimant's standing to contest the forfeiture; and

"(ii) whether the claim appears to be made in good faith or to be frivolous.

"(C) The court shall set the compensation for that representation, which shall be equivalent to that provided for court-appointed representation under section 3006A of this title, and to pay such cost there are authorized to be appropriated such sums as are necessary as an addition to the funds otherwise appropriated for the appointment of counsel under such section.

"(5) In all suits or actions brought under any civil forfeiture statute for the civil forfeiture of any property, the burden of proof is on the United States Government to establish, by clear and convincing evidence, that the property is subject to forfeiture.

"(6)(A) An innocent owner's interest in property shall not be forfeited under any civil forfeiture statute.

"(B) With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, the term 'innocent owner' means an owner who—

"(i) did not know of the conduct giving rise to forfeiture; or

"(ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

"(C) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property, was—

"(i)(I) a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); or

"(II) a person who *acquired* an interest in property through probate *or inheritance*; and

"(ii) at the time of the purchase or *acquisition* reasonably without cause to believe that the property was subject to forfeiture.

"(D) Where the property subject to forfeiture is real property, and the claimant uses the property as the claimant's primary residence and is the spouse or minor child of the person who committed the offense giving rise to the forfeiture, an otherwise valid innocent owner claim shall not be denied on the ground that the claimant acquired the interest in the property—

"(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

"(ii) in the case of a minor child, as an inheritance upon the death of a parent,

and not through a purchase. However, the claimant must establish, in accordance with subparagraph (C), that at the time of the acquisition of the property interest, the claimant was reasonably without cause to believe that the property was subject to forfeiture.

"(7) For the purposes of paragraph (6)—

"(A) ways in which a person may show that such person did all that reasonably can be expected may include demonstrating that such person, to the extent permitted by law—

"(i) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

"(ii) in a timely fashion revoked or attempted to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property; and

"(B) in order to do all that can reasonably be expected, a person is not required to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger.

"(8) As used in this subsection:

"(1) The term 'civil forfeiture statute' means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

"(2) The term 'owner' means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

"(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

"(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

"(iii) a nominee who exercises no dominion or control over the property.

"(k)(1) A claimant under subsection (j) is entitled to immediate release of seized property if—

"(A) the claimant has a possessory interest in the property;

"(B) the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless; and

"(C) the claimant's likely hardship from the continued possession by the United States Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the proceeding.

"(2) A claimant seeking release of property under this subsection must request possession of the property from the appropriate official, and the request must set forth the basis on which the requirements of paragraph (1) are met.

"(3) If within 10 days after the date of the request the property has not been released, the claimant may file a motion or complaint in any district court that would have jurisdiction of forfeiture proceedings relating to the property setting forth—

"(A) the basis on which the requirements of paragraph (1) are met; and

"(B) the steps the claimant has taken to secure release of the property from the appropriate official.

"(4) If a motion or complaint is filed under paragraph (3), the district court shall order that the property be returned to the claimant, pending completion of proceedings by the United States Government to obtain forfeiture of the property, if the claimant shows that the requirements of paragraph (1) have been met. The court may place such conditions on release of the property as it finds are appropriate to preserve the availability of the property or its equivalent for forfeiture.

"(5) The district court shall render a decision on a motion or complaint filed under paragraph (3) no later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown."; and

(2) by redesignating existing subsection (j) as subsection (l).

SEC. 3. *AMENDMENT* TO THE CONTROLLED SUBSTANCES ACT.

Section 518 of the Controlled Substances Act (21 U.S.C. 888) is repealed.

SEC. 4. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking "law-enforcement" and inserting "law enforcement"; and

(2) by inserting before the period the following: ", except that the provisions of this chapter and section 1346(b) of this title do apply to any claim based on the destruction, injury, or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if the property was seized for the purpose of forfeiture but the interest of the claimant is not forfeited".

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the United States Government and arose within the scope of employment.

SEC. 5. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2465 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Upon"; and

(2) adding at the end the following:

"(b) INTEREST.—

"(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any Act of Congress, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

"(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

"(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

"(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

"(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.".

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—Unless otherwise specified in this Act, the amendments made by this Act apply with respect to claims, suits, and actions filed on or after the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The standard for the required burden of proof set forth in section 981 of title 18, United States Code, as amended by section 2, shall apply in cases pending on the date of the enactment of this Act.

(2) The amendment made by section 5 shall apply to any judgment entered after the date of enactment of this Act.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1645

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes, pursuant to House Resolution 216, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HYDE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 48, not voting 11, as follows:

[Roll No. 255]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich

Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—48

Andrews
Bachus
Barrett (WI)
Bilbray
Blumenauer
Boswell
Boyd
Bryant
Chambliss
Collins
Condit
Crowley
Cubin
Deutsch
Gekas
Gilman
Hayes
Hill (IN)
Houghton
Hutchinson
John
Johnson (CT)
Jones (NC)
Kind (WI)
Latham
Maloney (CT)
McCrery
Mica
Moore
Myrick
Pascrell
Peterson (MN)
Pickering
Portman
Ramstad
Reyes
Reynolds
Roukema
Shays
Shows
Souder
Sweeney
Taylor (MS)
Thompson (CA)
Turner
Visclosky
Weiner
Weldon (FL)

NOT VOTING—11

Berman
Brown (CA)
Costello
Gilchrest
Kasich
Lazio
McInnis
Mollohan
Packard
Waters
Wise

☐ 1705

Mr. HOUGHTON changed his vote from "aye" to "no."

Mr. ADERHOLT and Mr. HOLT changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PACKARD. Mr. Speaker, I was unavoidably detained for Rollcall 255, which was final passage of H.R. 1658, the Civil Asset Forfeiture Reform Act. I am a cosponsor of this legislation. Had I been present, I would have voted "aye."

Mr. BERMAN. Mr. Speaker, I was unable to cast a vote on final passage of H.R. 1658, the Civil Asset Forfeiture Reform Act. Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 222 AND H.R. 1145

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor from H.R. 222 and H.R. 1145.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

COMMUNICATION FROM DISTRICT AIDE OF HON. TERRY EVERETT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Joe Williams, District Aide of the Honorable TERRY EVERETT, Member of Congress:

Washington, DC, June 18, 1999.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena (for testimony) issued by the Circuit Court for Houston County, Alabama in the case of *Floyd* v. *Floyd*, No. DR-1998-000040.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOE WILLIAMS,
District Aide.

SALUTE TO PAYNE STEWART

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, on an evening when our rivalries on the floor are transferred to the baseball diamond, I want to talk for a minute about sports.

Seldom are we allowed to see deep into a person's mind, but last week in Springfield, Missouri, native Payne Stewart let us see deep into his. Standing on the green of the 72nd hole of the U.S. Open, Stewart needed to make a 15 foot putt to win the championship.

Despite the enormous pressure involved and knowing that the world was watching, Stewart stepped to the ball and sank the seemingly impossible putt for the tenth PGA Tour victory of his career. As the rain fell, Stewart and his caddy celebrated with a jumping embrace on the 18th green in Pinehurst, North Carolina. With this win, Stewart also earned himself a spot on the U.S. Ryder Cup team. However Payne Stewart says that no other tournament he ever wins will be bigger than the 1982 Quad Cities Open championship. That was the only tournament victory his father, a golf pro in Springfield who taught him to play golf, ever saw him win. So on Father's Day 1999, with his wife at his side and his children watching from home, Payne Stewart proved not only to be a great golfer, but also someone with strong family values. These are the attributes we should all strive to maintain no matter what profession we choose to pursue.

A hearty congratulations is in order to Payne Stewart for the winning of his second U.S. open and third PGA major of his career. I thank Payne for setting a good example for families across America. Fellow southwest Missourians are proud of him.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1802, FOSTER CARE INDEPENDENCE ACT OF 1999

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–199) on the resolution (H. Res. 221) providing for consideration of the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROTOCOL AMENDING THE AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF CANADA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b) and (d)), the text of a proposed Protocol Amending the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada signed at Washington on June 15, 1955, as amended. I am also pleased to transmit my written approval, authorization, and determination concerning the Protocol, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Protocol. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), I have submitted to the Congress under separate cover a classified annex to the NPAS, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Protocol has been negotiated in accordance with the Atomic Energy Act of 1954, as amended, and other applicable law. In my judgment, it meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Protocol amends the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada in two respects:

1. It extends the Agreement, which would otherwise expire by its terms on January 1, 2000, for an additional period of 30 years, with the provision for automatic extensions thereafter in increments of 5 years each unless either Party gives timely notice to terminate the Agreement; and

2. It updates certain provisions of the Agreement relating to the physical protection of materials subject to the Agreement.

The Agreement itself was last amended on April 23, 1980, to bring it into conformity with all requirements of the Atomic Energy Act and the Nuclear Non-Proliferation Act of 1978. As amended by the proposed Protocol, it will continue to meet all requirements of U.S. law.

Canada ranks among the closest and most important U.S. partners in civil nuclear cooperation, with ties dating back to the early days of the Atoms for Peace program. Canada is also in the forefront of countries supporting international efforts to prevent the spread of nuclear weapons to additional countries. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. It also subscribes to the Nuclear Supplier Group (NSG) Guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the Zangger (NPT Exporters) Committee Guidelines, which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. It is a party to the Convention on the Physical Protection of Nuclear Material, whereby it has agreed to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control.

Continued close cooperation with Canada in the peaceful uses of nuclear energy, under the long-term extension of the U.S.-Canada Agreement for Cooperation provided for in the proposed Protocol, will serve important U.S. national security, foreign policy, and commercial interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Protocol and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Protocol and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediate consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 24, 1999.*

REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 24, 1999.*

IN OPPOSITION TO WORLD BANK LOAN TO CHINA

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GILMAN. Mr. Speaker, today the World Bank is about to decide whether to give China a loan to help in its efforts to colonize occupied Tibet with Chinese. Beijing's scheme with the Bank's approval would use $160 million to pay for the relocation of poor Chinese farmers onto the Tibetan Plateau.

Editorials in the Washington Post, the Washington Times and the New York Times have urged the Bank not to go through with this project. I request that copies of these editorials be included in the RECORD.

The U.S. Treasury announced on Tuesday that it is going to oppose the loan. Chinese officials have demarched embassies in Beijing with threats of economic repercussions if member states vote to oppose the loan. Twelve bank board members have cosigned a letter to President Wolfensohn expressing opposition to this project. Activists and parliamentarians from around the globe have deluged the World Bank with letters and e-mail messages opposing the loan. Over 60 Members of this Chamber signed a letter to the President of the Bank urging him to reject the loan.

For Tibetans this is not development or poverty alleviation, it is cultural genocide. This project will lead to increased ethnic tension and conflict over access to scarce natural resources. I ask my colleagues to join in opposition to this loan.

Mr. Speaker, today the World Bank will decide whether or not to give China a loan to help it in its efforts to colonize occupied Tibet with Chinese. Beijing's scheme with the Bank's approval would use 160 million dollars to pay for the relocation of poor Chinese farmers onto the Tibetan Plateau.

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China's population transfer program is a long-standing effort to resettle Chinese in Tibet to increase its assimilation.

The World Bank loan would be the first time international financing, including U.S. dollars would be funding population transfer.

For Tibetans, it is not development or poverty alleviation, it is cultural genocide.

The World Bank, in violation of World Bank policy, failed to make an environmental analysis available to the public before the project went to appraisal.

The Bank also failed to undertake a full environmental assessment, provided no accounting of the impact on indigenous Tibetan and Mongolian peoples in the resettlement area, and neglected to evaluate the impact on fragile natural habitats.

The project will likely lead to increased ethnic tension and conflict over access to scarce natural resources.

And opposition to the project could land Tibetans in a Chinese prison. The official Chinese news agency has labeled opposition to the resettlement as a part of an "anti-China" plot.

Mr. Speaker, the World Bank has been placed on notice that it has to stay out of politics. It should stick to its mandate of poverty alleviation and not disenfranchise people who are struggling for their very existence.

China is one of the major recipients of World Bank money. It should not be dictating to terms of the loans to anyone.

[From the Washington Post, June 22, 1999]

THE U.N.'S NEW CHINA PROJECT

The World Bank's technical people, having launched 31 "poverty reduction projects" in China, saw no problem with No. 32. That is why, incredibly, only when British Tibet advocates started spreading the word seven or eight weeks ago did the bank learn of the project's political aspect: It would resettle some 60,000 poor Chinese farmers on land Tibetans say is traditionally theirs.

The word offended the bank's biggest shareholder, the United States. Treasury Secretary Robert Rubin, expressing doubt about the staff-proposed $160 million loan, has said he is "inclined" to oppose it. Needless to say, the bank's largest borrower, China, is also among the offended. It has threatened to "reevaluate its relationship with the bank" if the project does not unfold as planned.

The World Bank's board is due to vote on the question today. From an American standpoint, any vote on the merits has to be a simple one. As the Tibet lobbyists say, the project puts the bank in the position of underwriting the resettlement of Han Chinese and Chinese Muslims into a traditionally Tibetan and Mongolian area on the Tibetan plateau. Had this factor been fed into deliberations in a more timely fashion, no doubt the project would have been handled differently. It becomes a political embarrassment to deal with the project now. But it is an unavoidable and manageable embarrassment. The World Bank cannot accidentally become the instrument of a Chinese policy that affects the survival of Tibetans as a distinct people and culture.

The bank itself has a structural problem. The line between technical and political is obviously too sharp. Or the bank has been slow to grasp that decentralization works poorly when a heavy burden of accountability is devolved upon countries such as China that do not provide adequately for a free flow of information or for a space for dissent.

[From the Washington Times, June 22, 1999]

ETHNIC CLEANSING AND THE WORLD BANK

In a stunning display of insensitivity towards the plight of the Tibetan people, today the World Bank board is scheduled to vote on a project that would grant the Chinese government a $160 million loan to resettle 57,775 Han Chinese and Chinese Muslims farmers into a historically Tibetan territory. The move is being defended by China and the World Bank as a simple initiative to give poor farmers greater access to arable land. The undeniable byproduct of such a project would be to undercut Tibetan territory and dilute the Tibetan culture.

It seems inconceivable that in the wake of NATO's air campaign to enforce human rights in Yugoslavia, the World Bank would fund an ethnic cleansing initiative in China. This is what the World Bank project would amount to if approved, however.

"In order to consolidate control over Tibetan areas, the Chinese government has undertaken a policy of moving Chinese citizens into these areas," 60 congressmen said in a letter to World Bank President James Wolfensohn. The project would "facilitate the Chinese government's destructive transfer policy." The administration, on the other hand, has failed to voice clear opposition to the project. U.S. Treasury Secretary Robert Rubin said he was "inclined" to oppose it. He should try to incline himself to muster vigorous opposition.

The area in which the project would be carried out has the highest concentration of prisoners of any single county in China. According to John Ackerly, a spokesperson for International Campaign for Tibet, the bank would inevitably support prison labor by working in such a territory. The bank would have to depend on either prison labor itself or on goods produced by that labor, Mr. Ackerly added.

Not so, claims the World Bank. David Theis, chief of the World Bank's external affairs, said that local and provincial Chinese authorities assured the bank no "prison labor will be involved or benefit from this project." Somehow, these assurances are not comforting.

The World Bank is also accused of running roughshod over its own environmental guidelines to give the loan swift approval. The bank insists that it gave the project a rigorous environmental review, but circumstantial evidence isn't supportive. China, due to its economical development of the past few years, will no longer be eligible for loans doled out by the bank's International Development Association after July 1. These loans are typically interest free and paid over a 40 year period. Interestingly, the vote on the project was scheduled suspiciously close to the cut off date and the project's environmental review was conducted swifter than most.

Unsurprisingly, China is allegedly pushing hard to get the loan approved. Apart from the obvious economic benefits, the loan would effectively grant the regime an international rubber stamp of its relocation policy. The regime has threatened to reevaluate its relationship with the bank if the loan isn't approved. The World Bank should make clear it is free to do so.

The bank has long been derided for aiding and abetting corrupt and spendthrift regimes. It surely doesn't want to be labeled the benefactor of ethnic cleansing campaigns. The board should vote down the project today.

[From The New York Times, June 23, 1999]

LOAN FOR A LAND GRAB

The World Bank's board of executive directors ought to reject a loan package to China that would be used to relocate about 58,000 impoverished Chinese and Hui Muslim farmers to a remote area on the Tibetan plateau traditionally inhabited by Tibetans and Mongolians. In the past, China has used migration policies to tighten control over Tibetan areas and to diminish the viability of the distinct Tibetan culture. The World Bank should not be in the business of financing this destructive scheme.

The Chinese Government has rejected criticism of the project and insists on going forward. But approving this loan may violate the bank's own guidelines for assessing the social and environmental impacts of its projects. Dozens of international environmental groups, Tibetan activists and 60 members of Congress have written to James Wolfensohn, president of the World Bank, to oppose the resettlement. The Clinton Administration also announced its opposition yesterday.

The ostensible purpose of the project is to give desperately poor farmers in Western

China a better life. But this plan would move them from badly eroded land to a barren high-altitude plain, currently used by nomads, that is itself environmentally fragile. Even though the project would involve construction of a dam and extensive irrigation works, it did not receive a full environmental assessment. Nor does it appear that the plan fully complies with World Bank policies designed to protect ethnic minorities and indigenous peoples from the adverse effects of development.

The World Bank has worked hard to overcome its reputation for insensitivity to local cultural and ecological concerns. Approval of this loan would be a significant step backward.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BASEBALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, America has a long-standing fascination with baseball.

Perhaps only apple pie and the American flag can compete with its association to this country.

And with good reason.

Baseball, like many team sports, is beloved in part because of the unity it brings to our nation's communities.

Poet Walt Whitman once wrote, "I see great things in baseball. It's our game—the American game. It will take our people out-of-doors, fill them with oxygen, give them a larger physical stoicism. (It will) repair these losses and be a blessing to us."

Throughout times of hardship and strife, baseball has been a constant source of entertainment and pride, on both a local and national level.

In towns and cities across the country, friends and family gather together to pull for the home team, play baseball together in their backyards, or gather around their televisions to cheer for their favorite players.

In the Third District of North Carolina, which I am proud to represent, a group of young men recently gave their community and the entire state a reason to celebrate.

The Rose High baseball team from Greenville, NC had an undefeated season this year, winning 28 games and capturing the second 4–A State title in three years.

These 29 young men embody the spirit of teamwork.

They have proven that with enough hard work and dedication, success is within the reach of every young person who dares to achieve it.

Mr. Speaker, I have no doubt that every one of these outstanding baseball players can appreciate their victory.

But what they have learned on their path to success may be even more valuable than a perfect 28–0 season.

One of the greatest lessons that I learned growing up, playing team sports, is the ability to work together to accomplish a goal.

Playing baseball and basketball in school, I learned to work hard because I knew that my teammates were depending on me to always do my best.

This work ethic is something that I have carried with me throughout my life.

I use it now in Congress to face the challenges of working with 434 other Members of the House.

Sometimes we have disagreements, but our greatest successes come when we work together as a team.

The Rose High Rampant's have already mastered this lesson.

And all the while, they have let us watch and cheer from the sidelines.

Mr. Speaker, part of the enjoyment in watching these young men play and succeed is watching the families and the community that rally behind the players.

Baseball is a team sport and its instills a sense of excitement and enthusiasm to all that watch and participate behind the scenes.

Because of the community spirit that baseball inspires, when Rose won, we all won.

I salute the players, coaches, families, and fans that made this championship possible.

To the players . . . James Bengala, Jr., Kenneth Biggs, Jeffrey Blick, William Brinson, Ashley Capps, David Creech, John Finch, Brian Flye, Michael Gordon, Matthew Grace, Michael Harrington, Kelly Hodges, Dylan Jackson, John Landen, Vincent Langston, Jefferson Lea, Vincent Logan, Demond Mayo, Julian Morgan, Adrian Moye, James Paige, IV, Bryan Pair, Justin Phillips, Robert Riggs II, William Teel, Reid Twine, Adam Tysinger, Joseph White, and Jesse Williams III.

Coach Ronald Vincent and assistant coaches . . . Paul Hill, Marvin Jarman, Steven Lovett, Ryan Meadows, and Eric Jarman and coaches, congratulations.

You brought together your community.

And through your dedication and hard work, you have made us all proud.

Thank you Rose High State champions for letting us share in your success.

SMALLER SCHOOLS FOR BETTER EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, right after the Columbine shootings I mentioned as one of the many causes of some of these problems the fact that many of our high schools are simply too big. We have done a good job in getting class sizes down, but we made a bad mistake going from small neighborhood or community-based high schools to centralized, consolidated mega-sized high schools.

Columbine had almost 2,000 students. Most young people can handle this, but some feel they have to resort to weird or sometimes even dangerous behavior to get noticed or get attention in a school where they are little more than a number.

In a small school, a young person has a better chance of making a team or being a leader in a club or a cheerleader or being elected to the student council or standing out in some positive way. I wish we did not have to have a high school of more than 500 students. Young people will be much better off going to a smaller school even if they had to go into an older building or where fewer courses were offered.

Bill Kauffman, writing in the new issue of Chronicles Magazine has some very interesting comments concerning the need for smaller schools and the shootings in Colorado, and this is a very lengthy quote, but I think it is worth listening to. Writing about our mobile and anonymous society he said,

□ 1715

"Harris was an Army brat, spawn of a bizarre subculture that prizes rootlessness and places transience next to godliness. He grew up on a series of Socialist reservations. The family's final move was from Plattsburgh, New York, to Littleton, 2,000 miles distant. There he became just another brick in the wall of the inhumanly large Columbine High, whose 1,950 students were connected by a web so attenuated that dozens might fall through the cracks without the principal even knowing their names.

"Impersonal education factories like Columbine were a domestic innovation of the Cold War. The consolidation of small and rural schools into centralized warehouses was given its greatest push by Harvard President James B. Conant, who, subsidized by the Carnegie Corporation, produced a series of postwar reports arguing for the 'elimination of the small high school.'

Mr. Kaufman continued, "According to Conant, defenders of human-scale education were still living in a dream world which knew neither nuclear weapons nor Soviet imperialism. They believe they can live and prosper in an isolated, insulated United States." Conant, the barbarian, triumphed: The number of school districts plummeted from 83,000 in 1950 to 18,000 in 1970. Mr. Kaufman said, "Brutish kids will always make fun of others, but in a small school, parents or other adults have a fighting chance to enforce at least a minimal code of respect. And children in small, settled communities grow up with each other; by high school they almost certainly will have been to each other's homes and birthday parties and been on each other's ball clubs. Each student is essential to the small rural or neighborhood school; sports teams and the school play and a handful of clubs, 4-H rather than a model U.N., depend upon widespread participation. In a stable, which is to say blessedly immobile, community, kids know one another, and while to know Eric and Dylan may not have been to love them, the ties of human sympathy and lifelong friendship with at least some of their classmates might have braked the homicidal slide."

So, Mr. Speaker, I would say again, we need to go back to smaller high schools, even if in older buildings or even with fewer courses.

Let me mention one other thing, Mr. Speaker. Insight Magazine, a publication of the Washington Times, had a cover story a few days ago which said, almost all of these school shootings over the last 2 or 3 years have been done by young people who were taking or had recently taken very strong, mood-altering drugs such as Ritalin or Prozac.

I remember another article in the Knoxville News-Sentinel, which said we were prescribing Ritalin in the United States at six times the rate of any other industrialized Nation.

This article quoted a former top official of the DEA who said Ritalin had the same properties as cocaine and some of the strongest illegal narcotics. One study I heard about said Ritalin was most often taken by young boys who had both parents working full time.

I know some of this may be necessary, but I question whether we need it at six times the rate of other industrialized nations. Some of it may be essential, but some of these children may be just boys crying out for more attention.

We certainly should not be turning our children into drug addicts.

To sum up, Mr. Speaker, we need smaller schools and fewer drugs and more time and attention for our children.

HONORING NEW PSALMIST BAPTIST CHURCH ON ITS 100TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize significant events that occurred 100 years ago, in the year of 1899.

A century ago our Nation was engaged in the Philippine-American War and ending the Spanish-American War. Two great literary works were being created by two of the few African-American authors, Booker T. Washington's Up From Slavery and W.E.B. DuBois' The Philadelphia Negro. Two automobile empires would begin to prosper, with the entrance of Henry Ford and David Buick into the industry; and Duke Ellington and Ernest Hemingway, and, most significantly, New Psalmist Baptist Church of Baltimore City were born.

As we reflect 100 years later on this rich history, it is my honor and privilege to congratulate my pastor, Dr. Walter Scott Thomas, and my New Psalmist Baptist Church family on our 100th anniversary to be celebrated this week. What a blessing for our church celebration to be a part of a centennial anniversary of so many momentous events in our Nation's history.

From its meager beginnings in an alley, New Psalmist was guided by Reverend Junius Gray, its founder and visionary leader. From its home at Riggs Avenue and Woodyear Street to North and Druid Hill Avenues in Baltimore, Reverend Frederick Atkins took the reins and preserved the traditions and spirit of the church.

Over the years, New Psalmist Baptist Church has flourished, expanding from a membership of 5 to more than 5,000. Under the illustrious leadership of its current pastor, Dr. Walter Scott Thomas, the church has done the following:

Birthed 13 ministers; founded a fully accredited Christian school, grades pre-K through 5; an education ministry; establish a 3-year discipleship program; launched two radio broadcasts aired throughout the Mid-Atlantic region and a television ministry aired twice weekly; and established several outreach ministries, including those focused on seniors, youth, health and prison.

I was especially honored to welcome our Nation's top leader, President Bill Clinton, to our church on November 1, 1998.

Mr. Speaker, 100 years after the birth of New Psalmist, our Nation has also made tremendous strides. Our Nation has fought and won numerous wars and strives to encourage the principles of democracy worldwide.

African-American literature, movies and music have infiltrated American culture and have become widely recognized by the mainstream. The automobile industry has developed battery-operated and electric motor vehicles, and there are 39 African-Americans that have been elected to serve as Members of the United States House of Representatives.

Even with all of these changes, albeit positive, it is still good to know that some things do remain the same. New Psalmist remains a key cornerstone of spiritual leadership to my home district of Baltimore and to the Nation, as well as a source of inspirational outreach and education.

Pastor Thomas, associate ministers, officers and members have carried on a legacy of selfless dedication and commitment to the greater Baltimore community. Not only are souls being saved, but lives are being revitalized and uplifted. Members are educating Baltimore's youth, assisting in getting people to work, and ensuring that citizens are getting appropriate health care. In other words, the church is helping real people with real-life issues.

Walking in faith and working together for good, New Psalmist has provided leadership and strength to families, men, women and children, searching for a church home. Personally, Pastor Thomas and the members have had a profound impact and have been a constant source of strength in my life and that of my family's, and it is good to have my minister and my church to call upon in good and tough times.

So it is today that I applaud New Psalmist on its continued spiritual tradition and congratulate Pastor Walter Scott Thomas and my church family on its 100th anniversary.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, at first it was campaign finance reform, then it was gun safety and school violence; now it is health care reform where we see an unfortunate recurring pattern taking place by our Republican leadership.

Mr. Speaker, on issue after issue, the leadership uses its power to stomp out any real discussion on the House floor. Once again, those of us who care about patients' rights have no alternative, no alternative but to sign a discharge petition to force a discussion on managed care reform, because, my colleagues, serious proposals for meaningful health care reform have been rejected by the Republican leadership.

Why? I am not sure, but it certainly looks like they are trying to protect the profits of the managed care industry. And that is protecting managed care industry's profits over the protection of all of our constituents, every single Member of the House of Representatives and the people we work for.

While they claim reform would actually allow the Federal Government to interfere with the doctor-patient relationship, our families are left unprotected.

Democrats in Congress have been waiting 2 years to pass a Patients' Bill of Rights, because we are ready. We are ready to improve Americans' access to health care. On the other hand, the leadership in this Congress has taken their sham bill from last year, broken it into eight pieces, eight pieces that they want to sell this year as health care reform.

Well, we have to be clear about this. There is no real change in their piecemeal approach. Their same refusal to protect doctors and patients from the insult of an insurance clerk's ability to dictate medical treatment procedures remains. The American Medical Association, in fact, says that their package falls short of the mark; says it does not solve any of the problems our doctors and patients have.

It is time, Mr. Speaker, to put doctors and patients back in charge of our health care system. There must be enforceable rights to make consumer protections real for all Americans.

Mr. Speaker, we know that many States have passed legislation making a patchwork of protections. This patchwork does not provide a good fix. This fix does not work for over 160 million Americans who need a real effort to fix the problems of managed care.

While there are many top-notch managed care organizations, many in my own district; I represent Sonoma and Marin Counties in California, just north of the Golden Gate Bridge; in other areas, there are too many horror stories that we hear across this country. Doctors tell us horror stories about how they are gagged by insurance companies, companies that dictate what they can tell their patients, what they can tell their patients about their patients' treatment options. They tell us that a patient's treatment decisions are often overruled by a clerk, and that patients are denied a specialist's care, and that patients are shuttled out of hospitals before full recovery.

Americans are demanding, they are demanding that this Congress take action and that we do it now. But instead, the Republican leadership has provided legislation that does not ensure that patients have the right to see a specialist, nor do they prevent insurance companies from continuing to send women who have had mastectomies home early, against the advice of their physician.

Under the Republicans' bill, if patients are denied care, they would not have the right to a meaningful external appeal.

That is why we need to debate managed care reform. That is why we need a Patients' Bill of Rights. This legislation will make sure that doctors and patients are free to make decisions about the patient's health. The Patients' Bill of Rights will ensure that patients can openly discuss with their doctors their treatment options. The Patients' Bill of Rights will ensure that patients receive uniform information about their health plan, and they will be able to go to emergency rooms when the need arises, see a specialist, and seek a remedy from the courts when the claims have been unfairly denied.

It is time to put doctors and patients back in charge of our health care system. I urge my colleagues to support a full debate on managed care reform and support a Patients' Bill of Rights. I urge the Speaker and I urge my colleagues to give the American people what they want. I urge my colleagues to work for managed care reform.

□ 1730

THIRD ANNIVERSARY OF THE KHOBAR TOWERS BOMBING IN SAUDI ARABIA

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight on the eve of the third anniversary of the Khobar Towers bombing in Saudi Arabia.

Tomorrow will mark the third anniversary of the Khobar Towers bombing. Shortly before 10 p.m. on Tuesday, June 25, 1996, a van parked outside the Khobar Towers military complex in Saudi Arabia exploded. The van held an estimated 2,000 pounds of explosives which killed 19 American servicemen and injured approximately 500 other people.

One of those servicemen who was killed was U.S. Airman Brian W. McVeigh from DeBary, Florida.

Mr. Speaker, I had the opportunity to speak at Brian's high school graduation. I had the honor to speak at the unfortunate circumstance of his funeral and memorial service, and I was so honored to be asked to be part of that in memory of Brian after he was killed.

I had an opportunity on this Memorial Day to join with citizens of central Florida and the city of DeBary and others who chipped in to create a memorial park for Brian McVeigh, in memory of Brian and other U.S. servicemen and women who served our country and lost their lives. The parents of Brian were there; Jim and Sandy Wetmore, Brian McVeigh's parents.

But a park is not satisfactory. It is a nice memorial, but what I think we all demand on the eve of this horrible anniversary is justice. The investigation of this terrorist attack has included countless closed-door top secret briefings of government officials in which I have participated, and we still do not have answers.

Regardless of those closed-door briefings and discussions held to date, there have been no indictments. The families who lost their loved ones in this terrible crime deserve to have justice and see those responsible prosecuted. We know where some of the responsible parties are, and we have the ability to detain and to prosecute and go after them. Why have the victims' families not received justice?

While we have been informed that the Saudi Government is being extremely cooperative, they are still not producing results, while they have strong indications of who the perpetrators of this terrible crime were and are. Let us move away from international politics and bring these terrible criminals to justice.

Mr. Speaker, I include for the RECORD the names of the service members killed in the bombing of Khobar Towers, in addition to Brian McVeigh.

The list referred to is as follows:

Following is the list of names of service members killed in the bombing of Khobar Towers near King Abdul Aziz Air Base, Dhahran, Saudi Arabia, in June 1996:

Capt. Christopher J. Adams, Massapequa Park, N.Y.

Capt. Leland T. Haun, Clovis, Calif.

Master Sgt. Michael G. Heiser, Palm Coast, Fla.

Master Sgt. Kendall K. Kitson Jr., Yukon, Okla.

Tech. Sgt. Patrick P. Fennig, Greendale, Wis.

Tech. Sgt. Thanh V. Nguyen, Panama City, Fla.

Staff Sgt. Daniel B. Cafourek, Watertown, S.D.

Staff Sgt. Kevin J. Johnson, Shreveport, La.

Staff Sgt. Ronald L. King, Battle Creek, Mich.

Sgt. Millard D. Campbell, Angelton, Texas

Senior Airman Earl F. Cartrette Jr., Sellersburg, Ind.

Senior Airman Jeremy A. Taylor, Rosehill, Kan.

Airman First Class Christopher B. Lester, Pineville W. Va.

Airman First Class Brent E. Marthaler, Cambridge, Minn.

Airman First Class Brian W. McVeigh, Debary, Fla.

Airman First Class Peter J. Morgera, Stratham, N.H.

Airman First Class Joseph E. Rimkus, Edwardsville, Ill.

Airman First Class Justin R. Wood, Modesto, Calif.

Airman First Class Joshua E. Woody, Corning, Calif.

This information was confirmed by the Office of Assistant Secretary of Defense, Public Affairs.

Mr. Speaker, that list, as I said, includes 19 American servicemen who lost their lives in service to this country 3 years ago tomorrow. All the relatives of those servicemen deserve justice, Jim and Sandy Wetmore, the parents of Brian McVeigh, deserve justice, the American people demand justice, and Congress must demand justice.

On the eve of this tragic anniversary, I urge the Congress to continue its effort, I urge this administration to continue their efforts, I urge each and every agency responsible, including the Department of Justice, including the Department of State, and all of our Federal agencies, to see that justice does prevail, again, not only for Brian McVeigh, our hero, but for the parents and the families of the 18 other servicemen who lost their lives on June 25, 1996, in a terrorist attack in Saudi Arabia.

TRIBUTE TO AN AMERICAN HERO, CAPTAIN CURTIS J. ZANE, UNITED STATES NAVY RETIRED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Alaska (Mr. YOUNG) is recognized for 60 minutes as the designee of the majority leader.

Mr. YOUNG of Alaska. Mr. Speaker, on the eve of his 80th birthday, I rise tonight to pay tribute to an American hero, Captain Curtis J. Zane, United States Navy Retired.

Captain Zane, or Casey, as he is known among his friends, is not a hero in the popular sense of media. He is really one of those many silent and unsung American heroes who, when their Nation called, put everything on the line to protect our freedom. He is one of those heroes who strives every day to find the right balance between devoting time to work and financial success and just taking time to experience the sheer joy of living.

Born on July 4, our Independence Day, in 1919, in Cleveland, Ohio, Casey Zane has seen and lived the greatest part of this century, the American century. His parents came from Poland at the turn of the century, and like so many millions of immigrants, came to this country to begin a new life.

They married here and had five children. Casey is the youngest. While his father worked long and hard hours in the Cleveland steel mills, Casey attended school in Cleveland, selling newspapers before and after school with his brothers, Hank and Al.

After taking a year off to work following the tragic death of his father at the hands of a drunk driver, Casey graduated from John Hay High School in 1938. He was elected president of his graduating class. Casey's mom and brothers and sisters pulled together and were determined that he, Casey, would be the first of the family to attend college.

In 1939, he started at Ohio State University. After 3 years there, with war clouds looming, Casey signed up for and took Navy flight training from November of 1941 through September, 1942, in Kansas City and Corpus Christi.

From November, 1942, through June, 1943, Casey flew PBY's and B-24s in combat patrol missions in the South Pacific with Patrol Squadron 14, and beginning in March of 1943, with the famed Black Cat Patrol Squadron 101, under the command of Lord Louie Mountbatten.

Casey flew combat patrol missions that covered areas in Australia, Papua New Guinea, New Caledonia, the Coral Sea, the Solomon Islands, Indonesia, and the Java Sea. During those perilous years of combat and sacrifice, some of Casey's closest friends lost their lives or were wounded at the hands of the imperial Japanese forces. Fortunately for us and for myself, Casey is one of the survivors.

After combat duty from July, 1944, through May, 1946, Casey was instructing B-24 pilots at Hutchinson, Kansas. He was married on March 10, 1945, to a wonderful lady, Dorothy Dix Kavanagh, Dickey, as we call her, Kavanagh, whom Casey had met while in Ohio State, one of seven children born to Ohio farmers Fred and Mabel Kavanagh. All seven of the Kavanagh children have lived to see their 50th wedding anniversaries.

Casey and Dickey have been married for 54 years and have two daughters, two sons-in-law, one son, a daughter-in-law, four grandchildren, and two great grandchildren. They have the kind of mutual respect and supportive relationship that lasts forever. Both Casey and Dickey have a deep and abiding faith in God and continue to live honest and moral lives.

Throughout the remainder of Casey's Navy career, he continued to put it on the line for this country. After the war, Casey and Dickey served in Saipan. In fact, after transiting aboard the vessel Breckenridge from Norfolk to Saipan, Dickey and new daughter Susan had more sea time than Casey did at that time.

Further assignments included Fleet Air Wing Staff, Naval Air Station, Jacksonville, Florida, then aboard the aircraft carrier the USS Leyte as communications officer. Later the Zanes were transferred back to Jacksonville, Florida, where Casey served as executive, then commanding officer, Patrol Squadron 18, performing anti-submarine warfare missions off Florida and in the Caribbean.

During the Cuban missile crisis, Casey served at the Command Post of the CINCLant Fleet, Norfolk, Virginia. In the early sixties he was stationed at the Navy's Bureau of Personnel, and in 1965 took command of vital Cold War U.S. Navy communications bases at Londonderry, Northern Ireland, and Thurso, Scotland.

After duty in Ireland and Scotland, Casey returned to his last hitch at the Pentagon and retired as a Navy Captain in November of 1968, having served our Nation defending our freedom for a little over 27 years.

During his Navy years, Casey completed Navy flight and aviation pilot training, U.S. Command and General Staff College, Aviation Ordnance School, General Line School, postgraduate Naval Command Communications School, and U.S. Naval War College.

His medals and decorations include the American Defense Service Medal; the American Campaign Medal; the Air Medal; the Asiatic-Pacific Campaign Medal, for three stars; World War II Victory Medal; National Defense Service Medal, one star.

After the Navy, Casey was not finished by a long shot. He and his wife decided it was time to work, to hunker down and make a little money. Throughout the 1970s and 1980s and early nineties Casey and Dickey both became hard working real estate agents and brokers in the greater Northern Virginia area. Casey had a very successful second career in land development and commercial and industrial real estate.

My personal relationship with Casey goes back for more than 25 years. During that time he visited my home State of Alaska many times. In fact, as a great campaign supporter and worker he rightfully credits himself with more than one of my narrow campaign victories.

As a young man Casey was a scratch golfer and later carried a single digit handicap for years. Over 30 years a member of the Army-Navy Country Club, Casey can still break 90 on a regular basis.

Even as he approaches his 80 years young this Fourth of July, Casey is as active as ever. He works out three times a week, stays in excellent shape, maintains a delightful sense of humor, and still drinks his vodka on the rocks, sports a license plate that declares life is too short to smoke cheap cigars. God willing, my wife Lu and I will have many more years of close friendship to look forward to with this very special man and his very special family.

As I recollect on the meaning of July 4, I will, along with many other friends and family, celebrate on that day the birth of a particularly good friend, an American hero who was willing to give his all to our Nation.

Mr. Speaker, please join my colleagues and me in wishing a very happy 80th birthday to Captain Curtis J. Zane, United States Navy Retired. Happy birthday, Casey. You are my sweetheart.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for the balance of the majority leader's hour.

Mr. GANSKE. Mr. Speaker, I plan to talk about three things concerning health care, the status of managed care reform legislation, the problem of the uninsured and access to health care, and briefly, some problems with the Medicare Reform Act of 1997.

Mr. Speaker, another week has gone by without health care reform reaching the floor of the House of Representatives. As Yogi Berra would say, it is deja vu all over again. Why do I say that? Last year we debated an HMO reform bill on this floor that was drafted in the middle of the night by the HMO lobbyists and should have been labeled "the HMO Protection Act of 1998."

Last week in the Committee on Education and the Workforce components of last year's sadly deficient HMO bill were debated again. Members would think that since we passed decent HMO legislation for Medicare in 1997 dealing with HMO gag rules that prevent doctors from telling patients all their treatment options, that it would not be too difficult to duplicate that for everyone.

No, on the Committee on Education and Workforce, the subcommittee bill's rules of construction suggested that a plan's own guidelines can still be enforced, even if they have the effect of preventing full and open communication between patients and their health care providers.

Members would think that the subcommittee bill's provisions on emergency care could simply mirror what we passed for Medicare in 1997. After all, if it is good enough for seniors, it should be good enough for the rest of us, right? Well, not according to the K Street lobbyists who wrote this provision, too.

The subcommittee bill, as passed last week, narrows the prudent layperson definition so that patients would only be covered for an initial but undefined appropriate screening examination. For all other services, including potentially lifesaving treatments, emergency physicians would have to certify in writing that the patient needed immediate emergency medical care.

□ 1745

Now, think of that for a moment. In the middle of saving a patient's life, an ER doc is supposed to write a letter to an HMO. Just how long would it take for the HMO to get that letter? I would not recommend holding one's breath.

This new HMO protection bill would then make the plan cover such care only if retrospectively the plan itself agreed to. Furthermore, patients in severe pain would not be fully protected under the Committee on Education and the Workforce subcommittee bills.

What about a man or a woman whose only symptom of a heart attack is crushing chest pain? This type of patient protection is a joke. This is just another example, and on a simple issue at that, of trying to look like one is for patient protection when one is really only looking for a fig leaf.

But the bills that passed the subcommittee last week are not just bad bills, they would actually make it harder for patients to fight HMO abuses under ERISA, the Employee Retirement Income Security Act. For instance, one of the Committee on Education and the Workforce bills, the Group Health Plan Review Standards Act of 1999, requires that group health plan's arbitrary definitions and guidelines be followed throughout the review process when determining medical necessity.

Thus, the bills fail to address what we would call the smart bomb of HMOs, and that is their ability under ERISA to justify any decision they want in denying care, even if that care is well within prevailing standards of medical care.

Now, Mr. Speaker, I have spoken many times on this floor about how important it is for patients to have care that fits prevailing standards of medical care. Let me give my colleagues an example. One particularly aggressive HMO defines medically necessary as the cheapest, least expensive care, quote-unquote. So what is wrong with that, my colleagues say?

Well, take a look at this child. Prior to coming to Congress, I cared for children with this defect, cleft lip and palate. The prevailing standard of care for this defect, this birth defect is surgery. But according to that HMO's definition to give the cheapest, least expensive care, he could use his own definition under current Federal law to justify using a piece of plastic to fill in the roof of this child's mouth. After all, that would be the cheapest, least expensive treatment.

Of course, the child would not speak as well. If the plastic obturator fell out, he would get food and his drink coming out of his nose. But of what difference is that to the HMO since they are providing the cheapest, least expensive care?

This Committee on Education and the Workforce bill would, not only fail to correct that travesty, but it would move in the opposite direction by permanently stopping the development of ERISA case law that has slowly been forcing plans to account for negligent decisions.

This bill violates the dictum that all who treat patients learn early in their training, "primum non nocere", first do not harm. I urge my colleagues on the Committee on Education and the Workforce to remember that dictum. I urge the Committee on Education and the Workforce chairman to work with the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Georgia (Mr. NORWOOD) to adopt real patient protections.

Fortunately, enough of my Republican colleagues on the Committee on Education and the Workforce have joined their Democratic committee members and have forced the chairman to delay the full committee markup of those HMO industry bills. Maybe if the Members of that committee hear from enough of their concerned consumers back home, they may yet come up with some legislation worthy of the name "patient protection."

Mr. Speaker, common sense proposals to regulate managed care plans do not constitute a rejection of the market model for health care. In fact, they are just as likely to have the opposite effect, to preserve the market model by saving it from its most destructive tendencies.

Surveys show that there is a significant public concern about the quality of HMO care. If these concerns are not addressed, I think that it is likely that the public will ultimately reject the market model. However, if we can enact true managed care reform such as that embodied in my own Managed Care Reform Act of 1999, or the bill of the gentleman from Michigan (Mr. DINGELL) or the bill of the gentleman from Georgia (Mr. NORWOOD), then consumer rejection of a market model is less likely.

Mr. Speaker, this is not a novel situation. Congress has stepped in to correct abuses in many industries. That is why we have child labor laws and food and drug safety laws. That is why Teddy Roosevelt broke up the trusts. Those laws, in my opinion, helped preserve a free market system. Congress would not be dealing with this issue were it not for past law enacted by Congress.

For a long time, Congress had left insurance regulation to the States. By and large, the States have done a pretty good job. But Congress passed a law called the Employee Retirement Income Security Act, known as ERISA, some 25 years ago to simplify pension management.

Almost as an afterthought, employer health plans were included in the exemption from State law. Unfortunately, nothing was substituted for effective oversight in terms of quality, marketing, or other functions that State insurance commissioners or legislatures have effectively done.

That lack of oversight, coupled with lack of responsibility for medical decisions that they make, has led to many tragedies. Let me tell my colleagues about just one example.

This is little Jimmy Adams tugging on his sister's shirt sleeve before his HMO health care. About 3 weeks or so after this picture was taken, at 3:30 in the morning, Lamona Adams, Jimmy's mother, found Jimmy sweating, panting, moaning. He had a temperature of over 104. So she phoned her HMO to ask for permission to go to the emergency room.

The voice at the other end of the 1-800 number told her to go to Scottish Rite Hospital. Where is it, asked Lamona. I do not know; find a map, came the reply. It turns out that the Adams family lived south of Atlanta, Georgia, and Scottish Rite was an hour away on the other side of the Atlanta metro area.

Lamona held little Jimmy in her arms while dad drove as fast as he could. Twenty miles into the trip, Mr. and Mrs. Adams passed Emory University Hospital's emergency room. They passed the emergency room at Georgia Baptist. They passed Grady Memorial's emergency room. But they pushed on to Scottish Rite Medical Center, still 22 miles away, because they knew that, if they stopped at one of those unauthorized hospitals, they would get stuck with the bill.

They also knew that Jimmy was sick. They just did not know how sick he was. I mean, after all, they were not trained medical professionals.

With miles yet to go, Jimmy's eyes fell shut, and they would not open. Lamona franticly called out to him, but he did not awaken. His heart had stopped. Imagine Jimmy's dad driving as fast as he could while Lamona is trying to keep her little 6-month-old baby alive.

They finally pulled into the emergency room. Lamona leaped out of the car screaming, "help my baby, help my baby." A nurse rushed out, gave him mouth-to-mouth resuscitation. They brought out the crash cart. They started the lines. They intubated him. They gave him medicines. They did everything that modern medicine could do to save this little infant.

Well, Jimmy was a tough little guy. He survived despite the delay in his emergency care caused by that medical decision by his HMO which told him to go a long ways and not go to the nearest emergency room. But he did not end up whole.

Because of that cardiac arrest caused by that HMO's decision, Jimmy ended up with gangrene in both hands and both feet. The doctors had to amputate both of Jimmy's hands and both of Jimmy's feet. This is Jimmy after his HMO health care.

Well, today, Jimmy is learning to put on his leg prostheses with his arm stumps. But it is tough for him to get on his bilateral arm hooks by himself.

The HMO industry calls victims like this "anecdotes." Well, this little anecdote will never play basketball. He will never be able to caress the cheek of the woman that he loves with his hand. I will tell my colleagues this little anecdote, if he had a finger, and one pricked it, it would bleed.

Jimmy's mom and dad tried to get care for him. They followed their HMO's instructions. They phoned their gatekeeper. The problem was they were dealing with a managed care system that emphasizes cost over quality.

Lamona never spoke to a doctor when she called at 3:30 in the morning. They were not allowed to speak to a doctor, nor were they allowed to go to the nearest ER with what a layperson would have said surely was a true emergency.

A judge looked at the case of James Adams and said this HMOs margin of safety was "razor thin", and I would add to that about as razor thin as the scalpel that had to amputate little Jimmy's hands and feet.

Well, under current Federal law, this funny law called ERISA, if one receives one's insurance from one's employer, and one has a tragedy happen to one's family like happened to little Jimmy Adams, one's HMO that has made that decision is liable for nothing. That is right, nothing. Congress created this law, ERISA, with a loophole that prevents health plans from being responsible for the tragedies that they create like that that happened to little Jimmy Adams.

The Ganske Managed Care Reform Act of 1999 would help prevent a case like this. It would also make health plans responsible for their actions. So to my Republican colleagues, I call out, we Republicans talk about people being responsible for their actions. I have heard on this floor many times that we think we Republicans think that a murderer or a rapist should be responsible for his actions. We think an able-bodied person should be responsible for providing for his children. Well, my fellow Republicans, HMOs should be responsible for their actions, too. Let us walk the walk on responsibility when it comes to HMOs, just as we do for criminals, and deadbeat fathers.

Mr. Speaker, opponents to real managed care reform always try to inflate fears that this legislation will cause premiums to go up, that people will be priced out of coverage. Not so. Studies have shown that the price of managed care reform would be minimal, probably less than $35 a year for a family of four.

In fact, the CEO of Iowa's Blue Cross Wellmark told me that they are implementing HMO reforms, and they do not expect to see any premium increases from those changes.

Now, the HMO industry last year spent more than $100,000 per Congressman lobbying on this issue and has been running ads all around the country claiming larger costs for this legislation. I advise my colleagues to take their numbers with a grain of salt.

The industry took an estimate of last year's Patients' Bill of Rights, which was scored by the Congressional Budget Office at 4 percent cumulative increase over 10 years, but the industry reported the increase as if it were 4 percent annually.

The HMO industry also conveniently ignored page 2 of the Congressional Budget Office summary, which said that only about two-thirds of that 4 percent over 10 years would be in the form of raised premiums. Yes, the HMOs predict dire consequences if Congress passes a bill like my Managed Care Reform Act of 1999. They say lawsuits will run rampant. They say costs will skyrocket, that managed care will shrink.

Well, Mr. Speaker, these Chicken Littles remind me of the opponents years ago to legislation to clean water, to clean air a decade ago. At that time, they said the sky will fall, the sky will fall if that legislation is passed. Instead, what do we have today, Mr. Speaker? We have clean air, and we have clean water at a reasonable cost.

So let us look at the facts as they relate to this HMO legislation. In Texas, after a series of highly publicized hearings during which numerous Texans told of injury or death resulting from denial of treatment by their HMOs, the Texas Senate passed a strong HMO reform bill, making HMOs liable for their medical decisions by a vote of 25 to 5.

□ 1800

The Texas House passed that bill unanimously. And under Governor George W. Bush, that bill became law in May 1997.

Yesterday, in the House Committee on Commerce, we heard testimony from Texans that refutes those dire predictions by the HMOs. A deluge of lawsuits? There has been one lawsuit in the 2 years since passage of the Texas Managed Care Liability Act. That lawsuit, Plocica v. NYLCare, is a case in which the managed care company did not obey the law and a man died because of that. This case exemplifies why we need accountability at the end of external review.

Mr. Plocica was discharged from the hospital suffering from severe clinical depression. His treating psychiatrist informed the HMO that he was suicidal and that he needed additional hospitalization until he could be stabilized. Texas law requires an expedited review by an independent review organization prior to discharge. Such a review was not offered by the plan. Mr. Plocica's wife took him home. During the night he went to his garage, he drank antifreeze, and he died a horrible, painful death.

That case shows that external review and liability go hand in hand, Mr. Speaker. Without the threat of legal accountability, HMO abuses, like those that happened to little Jimmy Adams or to Mr. Plocica, will go unchecked. But a lesson from Texas also is that lawsuits will not go crazy. In fact, when HMOs know that they will be held accountable, there will be fewer tragedies like these.

And just as there has not been a vast increase in litigation, neither has there been skyrocketing increases in premiums in Texas. The national average for overall health care costs increased 3.7 percent in 1998, while the Dallas and Houston markets were well below average at 2.8 percent and 2.4 percent respectively. Other national surveys show Texas premium increases to be consistent with those of States that do not have the extensive patient protections passed by the Texas Legislature.

And the managed care market in Texas certainly has not shrunk. In 1994, the year prior to the Texas managed care reforms, there were 30 HMOs in Texas. Today there are 51. In a recent newspaper article, Aetna's CEO Richard Huber referred to Texas as the filet mignon when asked about Aetna's plans to acquire Prudential. None of these facts support the HMOs' accusations that the Texas patient protection laws would negatively impact on the desires of HMOs to do business in Texas.

Perhaps all of the above is why Governor George W. Bush personally told me that he thinks that Texas patient protection laws are working "pretty good" in his State.

It is time for this Congress to get off its duff, to fix this problem which it created when it took health insurance oversight away from States two decades ago. I call on my Republican colleagues to bombard our leadership with demands that this legislation be brought to the floor in the next 4 weeks for a fair debate. A fair debate is already long overdue.

I would tell my colleagues that just half an hour ago I had a talk with the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). I begged him to bring this legislation to the floor, and he assured me that we will have a debate on the floor here in Congress, in the House of Representatives, by the middle of July. That is his intent. So, Mr. Speaker, I am anxiously awaiting.

Now, Mr. Speaker, let me talk for a minute about the uninsured, because I think Congress should address this issue, and I have some thoughts on this important issue.

First of all, who are the uninsured? Well, there are about 43 million people without any form of health insurance coverage. About 25 percent of the uninsured are under the age of 19, 25 percent are Hispanic, 25 percent are legal noncitizens, 25 percent are poor, which is noteworthy because 46 percent of the poor do not have Medicaid even though they qualify. These groups overlap so that if someone is below the age of 19, Hispanic, poor and a legal noncitizen, the chances of being uninsured are very high. A significant proportion, however, are not poor and have incomes more than two times the poverty level, but these people tend to be aged 19 to 25. Fewer than 15 percent of those older than 25 do not have health insurance.

Well, knowing these facts, a few solutions to help solve the problem of the uninsured should be obvious. First, there are 11 million uninsured children living in this country, one-quarter of the uninsured. About 5 million of those children qualify for Medicaid or for the Children's Health Insurance Program, known as CHIP, but they are not enrolled. They are not enrolled.

Hispanic Americans represent 12 percent of the under-65 population, but 24 percent of the uninsured. The income of many Hispanics qualifies them for Medicaid, but they, too, are frequently not getting health coverage they are qualified to receive. Why? Because the government bureaucracy has made it difficult for families to access the system.

In my own State of Iowa, the application is not only long, but a Medicaid recipient must report his income each month in order to get Medicaid. I encourage my colleagues back in the State of Iowa to correct this.

In Texas, to be eligible for Medicaid, the uninsured must first apply in person at the Department of Human Services, usually located way off the beaten track and out of range of public transportation. And if even one of the receipts to prove eligibility is forgotten, the applicant then has to spend another day traveling and waiting in line.

In California, the uninsured person who is poor must first fill out a 25-page application for Medicaid, often in a language the applicant can barely read. In fact, English is frequently a second language.

So the first thing we can do to reduce the number of the uninsured is to make sure that the poor who qualify for Medicaid are, in fact, receiving Medicaid. Simplify forms, reach out to the Hispanic and other ethnic communities and oversee the CHIP program to see why more people who qualify are not taking advantage of that program. In many cases it is as simple as the uninsured not knowing about the programs.

What about those aged 19 through 23? Many are in college. This is a healthy group. They should be inexpensive to cover. Some colleges say they can cover these people for only $500 a year for a catastrophic insurance plan. That is a small price to pay compared to tuition. I know, I have a daughter in college. So why have we not made a commitment to health care coverage for that group? Maybe we should look at tying student loans to health coverage.

I do believe that tax policy also determines to some extent whether an individual has health insurance. Businesses get 100 percent deductibility for providing health care to employees. Individuals purchasing their own insurance should get the same treatment. This would lower the cost of insurance for many.

But, Mr. Speaker, in trying to address the uninsured, Congress should be very careful not to pass legislation that could actually increase the number of uninsured through unintended consequences of potentially harmful ideas such as health marts and association health plans.

Let me explain my concern. Under court interpretations of the Employee Retirement Income Security Act, ERISA, State insurance officials cannot regulate health coverage by self-insured employers. This regulatory loophole created many problems with the association health plans. The benefit of being able to create a favorable risk pool motivated many to self-insure, but without the discipline of State insurance oversight, many of the association health plans became insolvent during the 1970s and the early 1980s, and they left hundreds of thousands of people stranded without coverage.

Some of those plans went under because of bad management and financial miscalculations. Remember, they did not have insurance regulatory oversight. Others were started by unscrupulous people whose only goal was to make a quick buck and to get out without any concern about the plight of those covered in those "association plans." I would encourage my colleagues to read Karl Polzer's article "Preempting State Authority to Regulate Association Plans: Where Might It Take Us." It is in National Health Policy Forum, October 1997.

My colleagues, those who do not know history are bound to repeat it. The rash of failures led Congress in 1983 to amend ERISA, to give back to the States some of that authority to regulate self-insured, multiple-employer welfare associations or AHPs, association health plans. Only self-insured plans established or maintained by a union or a single employer remained exempt from insurance regulation.

Unfortunately, there are now those who want to ignore the hard lessons of the past. They want to repeat the mistakes of pre-1983. If anything, some mismanaged and fraudulent associations continue to operate. Some associations try to escape State regulation by setting up a sham union or sham employer associations. Then they self-insure, and then they claim they are not an MEWA, a multiple-employer welfare association.

To quote an article by Wicks and Meyer in an article called "Small Employer Health Insurance Purchasing Arrangement: Can They Expand Coverage?": "The consequences are sometimes disastrous for people covered by these bogus schemes." If anything, Mr. Speaker, Congress should crack down on these fraudulent activities, not promote them.

Wicks and Meyer summarized the two big problems with expanding ERISA exemption to association health plans. First, if they bring together people who have below-average risk, and they exclude others, and they are not subject to small group rating rules, then they draw off people from the larger insurance pool, thereby raising premiums for those who remain in the pool.

Second, if they are not subject to appropriate insurance regulation to prevent fraud and to ensure solvency and long-run financial viability, they may leave enrollees with unpaid medical claims and no coverage for future medical expenses. Mr. Speaker, that certainly would not help the problem of the uninsured.

I recently asked a panel that appeared before the Committee on Commerce if they agreed with those concerns that I just mentioned about association health plans, and they unanimously did. And that panel even included proponents of association health plans.

Mr. Speaker, let us pass real HMO reform legislation. Let us learn from States like Texas. After all, is it not Republicans who say that the States are the laboratories of democracy? Let us address the uninsured by making sure that those who qualify for the safety net are actually enrolled. And, yes, let us have equity in health insurance tax incentives, but let us also be wary of repeating past mistakes with ERISA.

And, finally, Mr. Speaker, I want to talk briefly about Medicare as it relates to access to health care for all of us. In 1997, Congress passed and the President signed the Balanced Budget Act. In that bill were provisions to slow the growth of Medicare expenditures in order to extend the solvency of that trust fund.

□ 1815

But Mr. Speaker, the effect of that bill on our rural and teaching hospitals is more profound than what was anticipated. We are not seeing just slowed growth rates for our rural and teaching hospitals. We are seeing real and significant cuts.

A survey in Iowa found that Medicare's lower reimbursement will cost small rural Iowa hospitals on the average to lose $1 million each in the next 5 years. Larger rural hospitals will lose between $2 million and $5 million. And urban teaching hospitals will lose between $10 million and $40 million.

The University of Iowa hospitals and clinics is projected to lose $64 million over 5 years. And this is in Iowa, with one of the lowest reimbursement rates in the country.

Let me give my colleagues some specific examples for hospitals in Iowa. Current payment to Iowa rural hospitals for cataract operations is about $1,300. The proposed payment will be $980, a 30-percent reduction, not just a "reduced rate of growth."

A rural hospital in Iowa today receives about $500 for a colonoscopy. The proposed payment will be $300, a 40-percent reduction. Medicare today pays about $45 for a mammogram to rural hospitals. The future payment will be $30. And this is happening in rural and teaching hospitals everywhere in this country.

The Washington Post just published an article that Georgetown University Hospital is projected to lose $75 million because of the 1997 Balanced Budget Act. This hemorrhage in our rural and teaching hospital will cause some to fail. This will certainly not help people's access to care.

If a county seat town in Iowa loses its hospital, it will lose its doctors and the town itself will start to fade away. And I am sure that my colleague from Vermont would say the same thing about Vermont.

Mr. Speaker, I took a lot of heat from my colleagues back in 1995 when I pointed out that $250 billion in Medicare reduced payments would severely hurt health care. Fortunately, arguments like mine were able to scale back the cuts. However, it is now clear that Congress needs to restriction adjust that bill. There are reports that the savings from that legislation are significantly greater than anticipated.

Now, I am not talking about a wholesale rewrite of the Medicare bill, because a lot of it is working well. Reducing payments to HMOs was a positive. In fact, a recent GAO report shows that HMOs are still being overpaid because they select healthy seniors and they shed the sick. However, we ought to be able to afford some adjustments for our rural and teaching hospitals.

After all, Mr. Speaker, what good does it do to have insurance, whether private or Medicare, if we do not have a hospital to go to if we are sick?

Let us not bury our heads in the sand about either HMO abuses or this Medicare problem, or I will guarantee my colleagues, Mr. Speaker, the people in the next election will remember.

I am anxiously awaiting a fair and a complete debate on this floor. We owe it to the Jimmy Adamses in our country.

YOUNG AMERICANS MUST PARTICIPATE IN POLITICAL PROCESS

The SPEAKER pro tempore (Mr. DEMINT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, it has always seemed to me that the major crisis that we face as a country is not that we do not know the answers to the most serious problems that we face but rather, for a variety of reasons, we refuse to ask the right questions.

As the only independent in the Congress, I want to raise some issues that are usually ignored by most of my Democratic colleagues and most of my Republican colleagues and are often ignored by the mass media, as well.

Let me start off with one question that I think is the most important of all; and that is, why is it that tens and tens of millions of people in our country, most especially the young people, are giving up on the political process? Why is it that virtually every day we become a less and less democratic and participatory society? Why is it that in the last election, in November of 1998, only 36 percent of the American people bothered to vote, which was the lowest turnout that we have had in many years? And this compares, as my colleagues know, Mr. Speaker, with the recent election that took place in Israel, where 90 percent of the eligible people voted, compared to 36 percent in the United States.

It is not uncommon in Canada, in Europe, in Scandinavia to have elections in which 70 or 80 or 90 percent of eligible voters participate.

Why is that? Why is that that so many people say, "oh, democracy, oh, voting, oh, participating in the political system, do not be silly. I would not think of doing that."

Now, as bad as the general situation is, as bad as a 36-percent voter turnout is, what is even worse and more frightening is that, in the last election, if my colleagues can believe it, only 18 percent of the young people under 24 years of age voted. That means 82 percent of people 24 years of age or younger did not vote. And that in itself is a very serious situation.

But what is even more frightening is that we know that, by and large, if people do not vote and participate when they are young, they are much less likely to vote as they age. So that means that, everything being equal, as low as our voter turnout is right now, it is likely that in years to come it will become even lower.

Now, not only is the voter turnout among young people distressingly low, but what is also very frightening is that polls indicate that young people know very little about the political process. There was a poll recently done by the National Association of Secretaries of State, and what they discovered when they asked young people three questions. They said, very hard question, "Can you name the vice president of the United States?" Pretty hard question. "Can you name the governor of your States?" Pretty hard question. And lastly they said, "How long is a congressional term?" "How long do Members of Congress serve?"

Those are not very hard questions. Those are questions that we would hope that kids in the sixth grade would know. And yet, three-quarters of the young people 24 years of age and younger were unable to answer that question.

Poll after poll shows not only that young people but people of all ages have very little understanding of what our budget is about, of how appropriations are made, of how they can participate in the political process.

I go to many, many schools in the State of Vermont because I think it is important for a Member of Congress to do that. What we find is that people in Vermont, young people, and people all over this country, they know the rules of basketball. They know that when you throw a ball through a hoop you make two points. They know all about football. You score six points when you make a touchdown, one point an extra point, two points if you throw a pass. They know all about that. Field hockey. They know hockey. They know all of these things.

And yet they say, "Tell me something, young people. Are you concerned about the high cost of college?" And young people say, "Oh, yeah. Twenty, thirty thousand dollars. My family cannot afford that." And then you say to them, "Okay. From a democratic political perspective, how do you change that? How do you make your voice heard? How do you make sure that the Federal Government helps middle class and working families better able to go to college and to pay for college tuition?" "Gee, I do not know. I have not got a clue. How do you do that? We do not know how to do that."

Well, the reason is, if young people came together on this issue and they said to the United States Congress, "get your priorities right, put more money into Pell grants, put more money into higher education so that middle class and working families can afford to get to college, and if you do not do that, Members of Congress, we are not going to vote for you," and that if a few million young people said, "you know what," just like that suddenly Members of Congress would wake up and say, "Oh, golly gee. College education is very expensive. We are going to deal with that. Maybe we are going to cut back on corporate welfare. Maybe we are going to cut back on tax breaks for the rich."

But that is not going to happen unless young people participate in the political process. So the first point that I want to make is that I consider the most serious problem facing this country is the growing alienation of the American people and especially the young people from politics and government. And not only does that alienation mean that working people and young people are going to be less able to achieve their goals through the political process, it means something else.

In my view, it is an insult to the men and women who have put their lives on the line defending American democracy that people are not utilizing our democratic system. Clearly, we are not going to have a democratic system if people do not utilize it and participate in it. And if ordinary folks, if working people, if low-income people, if young people do not participate in the political process, who do you think is going to fill the gap?

The answer is quite clear. The people who have the money. The people who have the power want nothing more than for the American people and for working people and young people and elderly people, they want those people not to participate in the political process. Why is that? Well, because then their money can have an even greater impact over the political process than it has right now.

Today we have the outrageous situation that the wealthiest one-quarter of one percent of the American population makes 80 percent of the campaign contributions. And then we combine that with the fact that only 36 percent of the people vote and we end up with a Congress that does exactly what this Congress does, and that is to represent the interests of the wealthy and the powerful.

It seems to me, if young people are serious about education, what do they think education is? It means learning how to participate, learning how to use their ideas to make this country and their community and this world a little bit better place. So they are cheating themselves and they are demeaning the education that they have received if they are not participating.

Mr. Speaker, I am delighted that I am being joined this evening by the gentleman from Oregon (Mr. DEFAZIO). I am proud that I chaired the Progressive Caucus here in Congress, which now has some 55 members, for 8 years. I am delighted that the gentleman from Oregon is now chair of the Progressive Caucus, and he has been a valiant fighter for working people and the elderly and people who do not make the $50,000 contributions to both political parties. I am delighted that the gentleman is with us this evening.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, just to expand on the point of my colleague. I think it is a statistic the American people need to pay attention to. It is one-quarter of one percent. One-quarter of one percent of the people in America gave more than $200 to a political campaign last year and yet constituted 80 percent of the contributions.

So who do we think are in the Republican leader's office when the decisions are being made on tax relief or reforming Social Security or on whether or not we are going to have HMO reform that gives patients rights? Guess what, the insurance company executives are in the office, not the patients, not the people who desperately need access to health care and cannot get it because their HMO is more interested in profits than in their health care. Guess who is in those offices when we are talking about tax reform?

Now, we could do some tax reform around here that would benefit the majority of the working people in America. In fact, I have introduced some legislation to reform Social Security that would vouchsafe Social Security for 75 years, certified by the board of trustees, and it would give tax relief to 95 percent of the wage earning Americans in this country.

It is simple. Right now we pay Social Security tax on the first $72,600 of income. After that, we do not pay Social Security tax. If we earn a million dollars a year, our tax rate under Social Security is less than one percent. If we earn $15,000 a year, our tax rate on Social Security, which is part of the FICA, is six percent. We make six times more out of a meager income on which we cannot make ends meet.

□ 1830

So if we just lifted the cap and said, fair is fair, all these people want to talk about a flat tax, well, let us make Social Security a flat tax on all income, not a regressive, super-regressive flat tax which is only on the first $72,600 of income. That would vouchsafe Social Security into the indefinite future. But you can also use some of that money to give a $4,000 exemption from FICA tax. Forty percent or 45 percent of Americans pay more in taxes to Social Security than they pay in income taxes. Ninety-five percent of Americans would benefit under that system. Everybody who earned less than $76,000 a year would get a tax break. But guess what? The same people are sitting in the leaders of the office of the Committee on Ways and Means and the Republican leader's office when I talk about a progressive Social Security reform, something to make this vital program safe, and saying, "You better worry about your campaign contributions here if you raise my taxes." They want to tax the little people, and they want tax relief at the top.

It is time to change this system. But it is not going to change, as the gentleman from Vermont pointed out, until more people who have more on the line choose to vote, and that is the majority of the American people, who are losing under the current system. Often I give speeches like this on the floor and I have had colleagues and friends from the Republican side of the aisle say, "You're talking about class warfare. We don't want class warfare around here." That is what they say. That is not the truth. What they want is they want to continue the current class warfare, which is winning warfare against middle-income and working families and the poor in America to the advantage of that one-half of 1 percent at the top. That is what they want to perpetuate. They do not want to talk about it. They do not want the truth out there. It goes to so many issues. It goes to Social Security reform. It could be progressive. It goes to trade. I hope the gentleman does not mind if I switch to trade for a moment.

Mr. SANDERS. Before you do, because trade is certainly an issue that you and I have worked together very hard on, I wanted to pick up on a point that the gentleman made. When we talk about campaign contributions, let us be demonstrative and very clear what we mean when we talk about the wealthiest one-quarter of 1 percent making 80 percent of the campaign contributions.

One of the issues that I have been working on very hard for the last several years and is an issue of great, great concern in my State of Vermont among the elderly, among almost the entire population, is the outrageously high cost of prescription drugs. In the United States today, we have by far, it ain't even close, the highest cost for prescription drugs of any country in the industrialized world. Many of those drugs are manufactured by American companies. They sell it to Canada far cheaper than they sell it to Americans. They sell it to Mexicans far cheaper than they sell it to those of us in the United States. They sell it throughout Europe.

Now, how is that? One of the answers lies in the fact that the pharmaceutical industry spends more money on campaign contributions and lobbying than any other industry in the United States. In the first 18 months of the last election cycle leading up to the 1998 campaign, they spent over $83 million on lobbying and campaign contributions. Today, in a Washington publication, there is an article which says that the pharmaceutical industry is becoming very nervous. They are becoming very nervous because all over this country, people are saying, "We can't afford to pay these outrageously high prices for prescription drugs." It is obscene that elderly people have to choose between food and prescription drugs. Here in Congress many of us are now saying, let us have Medicare include prescription drugs, so that elderly people do not have to make that choice.

Well, what do we read in the paper today? We read that the pharmaceutical industry is now prepared to spend between 20 and $30 million on TV ads and on lobbying so that Congress does not protect the elderly and the sick in terms of prescription drugs. That is how life goes and will continue to go until we have real campaign finance reform. So at a time when the pharmaceutical industry last year had the biggest increase in profits of any industry, over 18 percent, when the top 10 pharmaceutical companies had an average increase in profits of over 26 percent, what they do is they take those profits, they put it into lobbying, they put it into campaign funds of Members of Congress so that their interests are protected, and we continue to have the highest price for prescription drugs in the world.

Mr. DEFAZIO. I would like to expand on that because this is very important to my constituents and in a moment I will talk about a study that was just done in my district on prescription drug prices. But I will just give a personal example. There is a drug called Lomotil that you take if you get an intestinal problem and you are traveling overseas. My wife and I on a private trip were traveling overseas. My doctor said, "You ought to take some of this with you." He gave me a prescription. Okay. I went to a local pharmacy. The pharmacies are not the ones that are ripping us off on this and that is something the American people need to know. They need to know where to focus their anger and it is not on the pharmacist because they are paying more than the drug company is selling the drug for to other customers. The pills were about a buck each. I got to India. I was sick. I was out of the pills. I went into a local pharmacy there, same manufacturer, exactly the same drug, made in America, that was good, I was happy to have a made in America drug, six cents per pill.

Mr. SANDERS. Compared to a dollar.

Mr. DEFAZIO. Somehow that pill is shipped from the United States to India and sold, with all the middle men, to India at a profit at six cents, but here in America I have to pay $1. You go just north of the border to Canada and, in fact, because the government is exacting some controls and scrutiny on the pharmaceutical industry, the drugs cost between 20 and 40 percent less, sometimes even more. It is extraordinary. These are life-saving drugs that Americans need. I have talked to seniors who say, "Congressman, I've got to choose between paying my light bill and my heat, eating, the mortgage, and my drugs for my high blood pressure, or my cholesterol, or my heart condition," or whatever ails them. They say, "You know what goes." I say, "I know what goes, the prescription." Some of them are taking prescriptions and they will buy half the prescription and they will take drugs at half the dose, because they cannot afford a full dose of the drugs. The funny thing is that these same drugs, even in America, are sold for less. Now, that is getting really peculiar. You can understand there is some government scrutiny overseas and the governments there are not allowing the pharmaceutical companies to rob people blind, but here in America you find in my district, in Oregon, we just did a drug study. Let us take one drug, called Zocor, which is made by Merck, it is used for high cholesterol, quite commonly by seniors, and for favored customers, that is, for companies that will promise to only buy that drug, as there are competing drugs, from Merck, some insurance industries, HMO plans and others who will make their insureds buy that particular drug no matter what the doctor wants to give them, that will be the formulary, it is $34.80 a dose. Now, if a senior walks in with Medicare which does not cover prescription drugs today, the price in my district is $106.12. That is interesting. We know Merck is not giving it away at $34.80. They are making money to their best customers. But somehow the poor little old senior who walks in, who does not have one of those plans, is paying $106.12, 205 percent more. That is a scandal. That needs to change. But it is not going to change in this body because, as the gentleman from Vermont pointed out, that industry is a very generous contributor to campaigns, not mine, but to other Members. And the executives of that industry are very generous givers to campaigns, and they have got the ear of many powerful Members of Congress. Here is something that cries out for regulation. Here is something that is being done in other democracies and republics around the world, but not in the United States of America. It is outrageous.

Mr. SANDERS. I know the gentleman shares with me the outrage that people throughout this country are suffering and dying and are forced to take money out of their food budget or their heat budget in order to pay for the outrageously high cost of prescription drugs. What we have learned is that in terms of the drugs that seniors use, I do not know that it is different for the general population, but in terms of seniors' needs, in my State of Vermont, the most commonly used drugs by seniors cost 81 percent more in the State of Vermont than they do in Canada, same exact drugs, manufactured by companies, American companies, and they cost 112 percent more in Vermont than they do in Mexico.

Let me also mention some other information. You mentioned about how the cost of drugs in India, at least one particular drug, was significantly cheaper, the same exact product, in the same exact bottle, than you purchase here in the United States. In terms of the drugs most commonly used by seniors, if we use a figure of $1 for a drug paid in the United States, in Germany that same product would cost 71 cents, in Sweden 68 cents, in the United Kingdom 65 cents, in Canada 64 cents, France 57 cents, and Italy 51 cents. Half price in Italy. Meanwhile, the drug companies are experiencing record-breaking profits and they spend that money very freely here in Washington in campaign contributions and in lobbying.

Mr. DEFAZIO. I would like to just congratulate the gentleman on legislation he has tried to pass here in the House a couple of times which embarrassingly enough for the House of Representatives we have yet to be successful on, which is to say, when the drug is developed with public research, that the government, the taxpayers, would be reimbursed. Many of the most successful drugs were not from the pharmaceutical companies. That is what they say, we need those obscene profits to invest in research. That is not where the money goes. It goes to the stockholders, the chief executive officers, and other places. Yes, some of it goes into research, but not an inordinate amount. In fact, many of the most successful drugs are a result of research done by the National Institutes of Health. When a private company takes their research and produces and markets a drug with exclusive rights for 8 to 10 years, as happened recently with a drug for uterine cancer, this was doubly ironic, not only was the research done and the drug developed by the National Institutes of Health, at total taxpayer expense, the product, before they developed an artificial one, which produced the drug was harvested off of Federal lands, yew bark. So this company was given not only the exclusive right to use and sell these drugs which were taxpayer-created but they were also given exclusive rights to go out and harvest the yew bark off of Federal lands, and no controls were put on their profits. None. That is absolutely obscene.

The gentleman has tried over a number of years to say, here is a simple principle. If a drug company takes the public research, patents it and puts it into a drug, then we should get some reimbursement, the taxpayers should get some reimbursement for that drug development. You might even talk about that.

Mr. SANDERS. I thank the gentleman. The bottom line is very simple. The taxpayers of this country have spent, appropriately, billions of dollars in research through the National Institutes of Health to develop very important anticancer drugs, anti-AIDS drugs and many other types of drugs. We have had a good result. What the outrage is, is that after the taxpayer pays for the development and the research of that drug, what we have right now is the government then simply gives over that product to the private pharmaceutical company which can charge any price it wants. So the taxpayer gets screwed twice. After you pay for the research, then you have to pay some outrageous price to purchase that product.

We are going to continue on that legislation, and we are going to bring it up as soon as we can on the floor of the House. But I want to mention another piece of legislation that we have recently introduced, and that is that given the reality of what goes on right now, that the price for American prescription drugs are sold in Canada and Mexico far, far cheaper than the United States, I have legislation which would do a very simple thing.

We are going to talk about trade in a minute, and a lot of the folks here think, oh, free trade is a great idea. You and I have problems with certain aspects of, quote-unquote, free trade. But here is something very interesting. If a prescription drug distributor in the United States wanted to do business with a distributor in Canada and wanted to purchase a prescription drug there at the same price that the Canadians are able to purchase it from American companies, that is currently illegal. The theory of free enterprise is that a businessperson can go shopping around and get the best price and the consumer benefits and everything else. It is a nice theory, I guess, except it does not apply, NAFTA notwithstanding, to prescription drugs.

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So right now an American distributor cannot negotiate with a Canadian distributor to purchase a prescription drug at the same price as the Canadians are getting it. So we have very simple conservative legislation in that says: Let the free market work, and when you have exactly the same product approved by the FDA, let American prescription drug distributors get the best price, sell it to the pharmacist, and as the gentleman from Oregon (Mr. DEFAZIO) indicated a moment ago, the problem is not with the pharmacist in the United States; he or she is paying significantly higher prices than pharmacists all over the world, and we are saying: Hey, let us have a level playing field, let us have a little free trade when it comes to protecting the American consumers.

So this is a piece of legislation that we look forward to bringing to the floor of the House and passing.

Mr. DEFAZIO. In fact, in speaking further to that issue, some seniors in border States have actually formed little clubs and rented buses to go across the border to pick up their needed drugs, their lifesaving drugs, at an incredibly cheaper price, and now, of course, I understand the border patrol is starting to crack down on that.

Mr. SANDERS. Well, we have actually worked with the Customs people, and in fact I am planning to do just that. We border on Canada, and already we had a hearing in Montpelier, Vermont, well attended, and a number of folks were coming up and they say, "You know, BERNIE, we go over the border. We have a particular problem. The drug there is 50 percent, so we are going to organize a little bit of a trip to our neighbors to the north and bring back some prescription drugs."

And the goal of all of that is to highlight the absurdity, the outrageous situation, and let us reiterate this once again in case people get confused. We are not talking about generics, we are not talking about look-alikes. We are talking about the same exact product often in the same exact bottle sold all over the world at significantly lower prices than the United States, and we are going to do something to change that situation.

I am tired of seeing we are also asking for a study. Can you imagine how many folks, in fact, have died in this country because they cannot afford the prescription drugs? Can you imagine the absurdity of elderly people or sick people in general not being able to pay relatively small sums for their prescription drugs; what happens when they are ill? They end up in emergency rooms, they end up in the hospital, and Medicare kicks in thousands of dollars that could have been saved if these folks had their prescription drug in the first place.

Bottom line of this situation is that people are dying, people are suffering while pharmaceutical companies are enjoying record breaking profits and spending their cash all over Washington trying to prevent the Congress from doing the right thing, and the gentleman from Oregon (Mr. DEFAZIO) and I are going to do our best to turn the tables and finally give the American health care consumers a break, and we are going to save lives, and we are going to ease suffering, and we are going to finally help lead the effort in standing up to this very, very greedy industry.

Mr. DEFAZIO. Well, I do not want to get too far afield, but I think at this point, as I said earlier, I would like just to address the issues of trade a little bit because we do seem to have these kind of strange standards. If it would benefit American consumers to be able to purchase their drugs, the exact same drugs manufactured mostly in America, in Puerto Rico for the most part, in Canada seems trade law does not allow that. But if an American firm wants to export jobs, export capital, if an American firm wants to blackmail their suppliers into moving to Mexico to get cheaper labor, now that is okay. It is kind of an odd world.

I mean when are the American consumers and workers going to truly come out ahead on trade, or is it all just about corporate profits and driving down wages in this country? I have got to believe that that maybe is more of the agenda.

I just, as my colleagues know, have been watching for years our trade balance, and we are headed toward a record trade deficit this year. The funny thing is that the Commerce Department loves to talk about trade and how much trade benefits American people, and they say: Hey, every billion dollars of trade is worth 20,000 jobs. But if you are running a $200 billion trade deficit and you apply the ruler of our own Commerce Department, that means we have just lost a lot of jobs.

Mr. SANDERS. Is the gentleman actually suggesting that we should look at both sides of the equation?

Now that is a radical concept.

Mr. DEFAZIO. Well, they do not, but, as my colleague knows, I think that I mean they want to use the ruler for our exports, let us use the ruler on the imports which exceed our exports by 200 hundred million dollars. So then you multiply 200 times 20,000. I am not really very good at math, but it seems like that is going to come out to about a lot of jobs, like probably a job for just about every American who would want one and then more.

But, as my colleagues know, our greatest trade deficit has been with Japan, but that probably will be eclipsed this year by China, and the extraordinary thing is, of course, we have got a few problems with the way the Chinese behave in the international community. They are identified as the least fair trading Nation on earth. They have been identified as a Nation that provides weapons and nuclear technology to rogue States. You know, they have committed a few human rights abuses, running over students with tanks and a few other things, have, as my colleagues know, basically destroyed the country of Tibet and taken it into their country. Of course we said nothing about that because it would interfere with business.

Well, what are we so desperate about in terms of business when we are running an $80 billion trade deficit with the Chinese, an $80 billion trade deficit is what we are heading toward this year; what do they do with that money? They use that money to go around the world and buy technology to become our economic and military competitor in the next century. Credibly they are using American dollars. They allow, as my colleagues know, in a few critical American goods where they can use the technology, but for the most part they keep our goods out, but their goods are flooding into the United States.

And now the President apparently is going to propose making this situation permanent, to give China permanent, as my colleagues know, Most Favored Nation status, and secondly, to allow them to get into the World Trade Organization because the theory is some day, some how we will whip them into line and they will drop all those trade barriers and we will start to sell them Coca-Cola or something else in the billions, and we will make a lot of money.

But right now it is just a few American corporations that are in China making a bundle of money, trying to drive down wages here. Boeing has time and time again threatened to export jobs to China to their workers here in the United States as they export the technology. Of course Chinese say do not worry, we will not build airplanes, we are not going to use your technology in any critical way, and then, of course, they lied again.

Mr. SANDERS. The gentleman forgets one very important point. China is a very good place to do business. It is a wonderful place to do business. Why would you want to pay an American worker $15 an hour or $20 an hour? Why would you have to live up to and obey environmental standards and work safety standards? Why would you have to deal with workers who might actually be members of unions? Why would you want to deal with workers who have the freedom to vote and to elect or un-elect their officials when you can go to China and pay workers 20 cents an hour, 25 cents an hour, where workers cannot form unions, where workers cannot go out on strike, where workers cannot protect their safety on the job?

It is an absolutely outrage, prima facie, right on the surface, that you have tens of billions of dollars being invested in China by the largest American corporations who at the same exact time have laid off millions of American workers, and they are going there because they can pay desperate people slave wages.

And that is the essence of our trade policy which is what? Two hundred billion dollars deficit this year? And yet when you hear the administration or you hear the Chamber of Commerce or the National Association of Manufacturing, they tell us about all the jobs that we are creating by exporting, and, as you just indicated a moment ago, they forget to tell us about the millions of jobs that we have lost.

Not only have we lost jobs, but another very important factor is taking place, and that is that if an employer has the option to run to Mexico and pay a desperate person there 50 cents an hour through NAFTA or runs to China and pays a worker there 20 cents an hour, what do we think this does to the wage structure in the United States? All over this country workers are given a proposition. They say either you are going to take a wage cut, take cuts in your health insurance, or we are going to move to Mexico, we are going to move to China.

So our whole trade policy has not only cost us jobs, it has lowered wages in the United States.

Mr. DEFAZIO. Well, we just do need to expand on that point a little bit; as my colleagues know, the fact that these companies are chasing the lowest labor around the world and the least enforcement. As my colleagues know, actually I saw, not to be humorous about a serious subject, but I saw a cartoon once, and it was one a guy asked another, "Why do you think it is we are spending all this money on NASA, National Aeronautics and Space Administration?"

And the other guy said; well, he says no because we know somewhere out there in the universe there are people who work for less than a dollar a day.

As my colleague knows, I mean it is kind of a sad commentary, but unfortunately there is some truth in it. Under this guise of free trade American corporations are chasing around the world, and multinational corporations, after the cheapest labor from the most desperate people or from children, as we have seen in many countries where children are exploited in horrible conditions as young as age 7 and 8 in some countries, basically indentured into their jobs, deprived of an education or any opportunity to get ahead, to make products that are marketed in the United States and other developed countries. And trade law does not allow us to prohibit those goods from coming into our country.

Mr. SANDERS. You are not suggesting that we should interfere with, quote, unquote, free trade just because we are importing products made by children who are virtual slaves; the gentleman is not suggesting that, is he?

Mr. DEFAZIO. Well, I understand it is not the policy of this Congress or this administration to interfere in those workings of the market, but as an individual Member of Congress and someone who is concerned about humanity worldwide, I kind of would like to see us take a stand there. I mean slave labor, prison labor, child labor; it seems to me these are sort of basic things that should be allowed and should be part of your trade policy. Project your values, and, yes, this is even more radical to talk about maybe looking toward the people at home and protecting their jobs.

Now say, oh, well, you are talking about protectionism. I say no, I am just talking about leveling the playing field. Let us not have unfair competition. Let us not let American firms go south of the border and dump their pollutants out the back-door into the rivers in Mexico. Let us have them follow the same environmental laws there. Let us allow the Mexican people to organize and strike and not be bullied or even killed sometimes by their own government because they are trying to organize and help their wages. If we get level playing field, then workers all around the world will benefit, and I think these companies will ultimately do well too. They forget something:

In America, in our country, we have kind of a compact. As the middle class grew, the companies did better because they could consume the goods. They seem to have forgotten that now because with families desperate more and more to make ends meet, they are becoming less and less capable.

Mr. SANDERS. The gentleman has led us in an interesting direction, and he talks about families making ends meet. But wait a second. I looked at the newspaper this morning, and I watched television. We are in the greatest economic boom in the history of this country.

Is the gentleman suggesting that not all of the people in Oregon or in Vermont are doing extraordinarily well? Gee, that is what I saw on television. What is the reality of this great economic boom?

As my colleagues know, when I speak in the State of Vermont, I go from one end of our State to the other, and I talk to a lot of middle class audiences and working class audiences, I talk to family farmers. I always ask one question. I start off, and I would like to ask the people of America this question, and that is you see on the television and you read in the newspaper that the economy is booming.

So my question is: Is the economy booming for you? And in the State of Vermont you ask that question of 300 people in an audience, one or two people raise their hands. What does a booming economy mean? A booming economy for you means that you are making more money and working fewer hours; that is what a booming economy is. You have better health care, you are better able to send your kids to college. Your housing situation is better.

What is the reality? Well, let me say first the good news, and we have to be honest about this. The good news is that last year Bill Gates had a very good year, and I mean a very good year. Bill saw his wealth increase by $40 billion, increase up to 90 billion.

What is 40 billion? Let me put it in a context. In my State of Vermont, which is a small State, we have our entire state budget which covers all of the needs of the people of 580,000 people in the State of Vermont. It is a little over $1 billion. That means that in Gates' increase in wealth in 1 year, could run the State of Vermont for 40 years, which brings him to a total, by the way, of 90 billion.

So Gates had a good year; what about the average American? Let us go over some facts here.

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During the period of 1979 through the present, the growth in income has disproportionately flowed to the top. The bottom 60 percent of the population actually saw their real income, that is inflation-accounted income, decrease in 1990 dollars. The top 20 percent saw modest gains, but the wealthiest 1 percent saw their incomes explode over 80 percent.

In other words, when we talk about the great economic boom, most people today are worse off in terms of what they earn than they were in 1979. People are working longer hours for lower wages, and a lot of that reason has to do with the absurd trade policy that the gentleman described. We have 43 million Americans with no health insurance. And, here is a fact that is not very much discussed: today, the average American is working 160 hours a year more than was the case 20 years ago.

We had hoped as we entered the 20th century, and remember, the unions were saying 40 hours, they wanted a 40 hour work week 100 years ago; that is what workers were fighting for. Today we are lucky to find the workers only working 40 hours. People are working 50 and 60 hours; people are working two jobs, three jobs. So how do we have an economy booming when people are forced to work 50 or 60 hours at wages less than was the case 20 years ago; when they do not have health insurance and they cannot afford their basic needs.

Mr. DEFAZIO. Mr. Speaker, I have talked to a lot of people in Oregon and different places and I just remember one young man, I pulled into the gas station late one night after I flew back across the country, as I do almost every week, and he was kind of almost apologetic about it; he recognized me, and he said, I got to tell you, Congressman, I am not doing too good, I am not making it. And Oregon has the highest minimum wage in the United States, and guess what, our economy is booming, all the companies have not fled the State as we heard they would with the highest minimum wage in the country.

But he said I have two jobs, my wife has a job, and he said, we are really not making it. We want to have a kid. We are not really sure we can afford to have a kid, because, he said, I have two minimum wage jobs at the Oregon minimum wage, the highest minimum wage in the United States; my wife has a minimum wage job, but after we pay the rent and the car payment and the other stuff, he said, there is not much left over. That is the unfortunate reality for many Americans.

There have been a lot of jobs created, but compare the salaries and wages and benefits of those jobs. The largest employer in the United States of America now is not General Motors, it is not even Microsoft; it is something called Manpower, Inc., which is a temporary employment firm, with no benefits and, obviously, very little security and not the greatest wages in the world for most of the people they place. That is the largest employer in America. There is something wrong with that picture.

It goes to trade policy, it goes to tax policy; it goes back to who funds the elections in this country. I mean there are a whole host of things contributing to this. It is very complex. It also goes to the Federal Reserve Board, who are a bunch of bankers who meet downtown at the largest, heaviest, most expensive marble and exotic hardwood table in the world, in secret, by the way, to determine monetary policy for the United States of America. And now, they are obsessed. They are obsessed. It is now, will a one-rate increase satisfy the Fed? What are they worried about? Another cartoon, I saw it. There are all these old guys, pretty much older guys, bankers and stuff, standing around behind Frankenstein, who is tied town, and Frankenstein's label is inflation, and one of them says, his eye lid twitched, his little toe moved, I think he is starting to breath.

They are worried about inflation that does not exist; the lowest real rate of inflation in the last 50 years in the United States. Highest real interest rates, though, if we borrow money, and guess what? If there was a little bit more inflation, debtors, which is most of the people in America, the ones certainly I care the most about; everybody has a credit card, a mortgage, a home loan, a car loan, if inflation ticked up a half percent or 1 percent, guess what, you come out a little bit ahead, but your banker, your banker loses a little bit on the margin.

So the obsession is we have to worry that wages might go up. The Fed is petrified, petrified that wages might go up. We have a law that says we are supposed to work to our full employment and keep down inflation. They do not look at the full employment side, and they particularly look negatively upon the idea of a real increase in wages. They do not want that to happen. And they are willing to drive up interest rates, which raises the credit card of virtually every American who has credit card debt, makes car loans more expensive, makes housing loans more expensive, because they are worried that the profits of the banks, that some of them who actually sit there and make policy in secret work for, might go down a little bit.

There is a very strange system we are running here. What happened to the policymakers? What happened to the Congress? What happened to the President? Why can we not make monetary policy to drive up wages in this country, to create full employment? Why are those things anathema. Something is very wrong. Why can they make policy in secret? How can they do this?

Mr. SANDERS. Mr. Speaker, my friend obviously misses the main point about what the function of the United States Congress is supposed to be. Does the gentleman not think that the function of the Congress is to represent the interests of the large banks and the rich? Does he really have the radical idea that the United States Congress is supposed to represent the vast majority of the people, the working people, the elderly people, the people who are struggling?

Ah, he forgets. Those are not the people who contribute $50,000 a plate at fund-raising dinners, so those are not the people who are going to get a fair shake.

If my friend will allow, I want to quote something from a very interesting book. It is called Shifting Fortunes, the Perils of the Growing American Wealth Gap by Chuck Collins and some other people, and it touches on an issue that we very rarely talk about, and that is the fact that the United States has by far the greatest disparity of wealth and income in the industrialized world; that we now have the obscene situation where the wealthiest 1 percent of the population owns more wealth than the bottom 95 percent. And in the book, and let me quote it, he says, "The top 1 percent of households have soared, while most Americans have been working harder to stay in place, if they have not fallen further behind."

Now, this is not income, this is all together what you own.

Well, since the 1970s, the top 1 percent of households have doubled their share of the national wealth at the expense of everyone else. The top 1 percent have doubled their share of the national wealth. Using data from the Fed, Federal Reserve Survey of Consumer Finances, economist Edward

Wolf of New York University says that 40 percent of the Nation's household wealth as of 1997, the top 1 percent of households have more wealth than the bottom 95 percent. And in fact, what we are seeing today is a greater concentration of wealth than at any time in the modern history of this country.

Mr. DEFAZIO. Mr. Speaker, there are some policy issues at stake here. We talked about trade and we will not go back to that, but we could have a trade policy that helped in those areas. But the other issue is tax policy.

The majority party here in the House very much wants to give a tax break to the American people, and the question becomes first off, are they going to give that tax break out of the Social Security surplus; that is a question and a problem; or, are they going to give a tax break by cutting programs like Pell grants and other things the gentleman talked about. But maybe it can be justified, but we can only justify it if we look and see where those tax benefits are going to flow. There are ways that we can provide substantial tax relief to the majority of the American people, but I fear, as in the last several tax bills since I have been here, the wealth and what they are talking about, the people at the top are going to do very well, and those average people are not.

They want to reduce the capital gains tax again. Now, this is not quite clear to me, but let me see if I totally understand this. If I invest for a living, my effective tax rate is just slightly more than half of a retail check-out, unionized check-out clerk or a teacher, is that correct? A teacher is paying at 28 percent on the margin and if I do capital gains, I do not have them, so I do not know, but I think it is 18 or 19 percent, as I recall.

So what are we saying to the American people? Is this like the Leona Helmsley theory of taxation, only the little people pay taxes? I mean they are talking about a world in which they would do away with the inheritance tax, and let us say we were lucky enough to be Bill Gates' kids. But he says he is going to give most of the money away and not to his kids. So maybe he only gives his kid $1 billion. So his kid only gets $1 billion. The rest, the other $89 billion goes to charity. That would be nice. But then the kid goes to college and vests that $1 billion and becomes an investor for a living. Does not work for wages.

Guess what? That person would not pay any inheritance taxes under the brave new world of tax reform they are talking about, and would pay no income taxes, because they would exempt capital gains from income taxes. So the guy selling the burgers down on the corner, well, they are paying FICA tax, Social Security, they are paying income tax; they are subject to all of these taxes, but the person who inherited and invests for a living does not.

What is wrong with this picture? If they want to talk about leveling the playing field, why should it be that people who invest for a living pay a lower rate of taxes than people who earn through blood, sweat and tears and time away from their home and their families, wages? Let us equalize the two. Why would we not do that? What is wrong with that idea? Would that not help most people?

Mr. SANDERS. Mr. Speaker, it makes a lot of sense to me, but unfortunately, those people who make $10 or $12 an hour are not making the huge contributions to both political parties and to their Members of Congress, or to the United States Senate.

The gentleman a moment ago, and maybe we can get back to this point, touched on a very important issue that I do not think is very widely known by the American people. That is when some of our friends talk about taxes, talk about income taxes, two points to be made. Number one, when we hear somebody on television saying, let us have an across-the-board reduction in income tax, it sounds pretty good. But please understand that the bulk of those tax breaks are going to go to upper income people.

Now, the gentleman a moment ago touched on the FICA tax and Social Security. It seems to me that if we want to make our tax system a bit fairer and protect middle income and working families, we might want to take a hard look at the Social Security tax, which is extremely regressive. As the gentleman said a moment ago, somebody makes $1 billion a year, somebody makes $72,000 a year, who contributes more into the Social Security system? Answer: they both contribute exactly the same. A worker making $20,000 a year pays 6.2 percent; somebody making $1 million a year pays 6.2 percent on the first $72,000. Very regressive system.

I know that the gentleman has brought forth a proposal which is far more progressive, and maybe he might want to say a word on it, which not only protects middle and low-income workers, but it does something else very interesting. When we hear all of our friends telling us how Social Security is falling apart, the gentleman's approach would extend the life of Social Security for many years.

Mr. DEFAZIO. Mr. Speaker, it is pretty simple. They are talking about destroying the system to save it; moving toward a privatized, sink-or-swim, on-your-own system, but there is one simple fact. If we just lifted the cap and said every American will pay the same amount of Social Security tax on all of their wages, that sounds pretty fair to me. It is not progressive, even. It is not. We are not saying low income people will pay less, we are saying everybody would pay the same amount on every dollar, and that would provide more than enough money to make Social Security solvent beyond the 75-year window.

But I went a step further in my bill. I said okay, I like that, that is pretty good. We do not have to cut benefits, raise the retirement age or do things that hurt working people, and we do not have to roll the dice on some sort of individualized accounts, which have not worked out real well in Great Britain and in Chili, but what we could do also is exempt the first $4,000 of income. I would like to give a little tax relief.

So the plan I have would lift the cap and use some of that money to provide tax relief by exempting the first $4,000 of income for self-employed and for wage-earning Americans who pay FICA taxes.

Now, guess what that means? That means 95 percent of the people in the United States of America who work for wages would get a tax cut, and they would still collect their full Social Security. But 5 percent, those who earn over $76,600 a year, would pay the same amount as the other people who earn less than them.

Now, would that not be a fairer way to fix Social Security?

Mr. SANDERS. Mr. Speaker, if I could interrupt the gentleman, what he is suggesting is that his proposal would lower taxes for 95 percent of the American people and in fact would provide a very substantial tax break for lower income working people, and at the same time, we would be able to extend the life of Social Security for the 75 years that the actuaries think we need; is that what the gentleman is saying?

Mr. DEFAZIO. Mr. Speaker, that is correct.

Mr. SANDERS. Now, Mr. Speaker, that sounds like a pretty good proposal to me, and let us see how many of our colleagues here who tell us day after day how the Social Security system is going bankrupt, which certainly is not true, let us see how many of them are going to join us in that type of an approach.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman. In fact, I went before the Committee on Ways and Means. They would only accept bills that the actuaries had certified as meeting the 75-year requirement, so they only had testimony I believe on five pieces of legislation before the Committee on Ways and Means, and mine was one of the five certified by the trustees of Social Security. The chairman of that committee, who is also I believe for a flat tax, he did not just like latch on to it. I said, well, Mr. Chairman, this is going to be right down your alley; this is a flat tax. People are going to pay the same if they earn $1 million, if they earn $75,000 a year. Would that not be fair? And, we fix the system and we do not have to go through this whole disassembly and reassembly and rolling the dice and taking chances on whether something else would work, and whether the "something else" that they might put in place of Social Security, the system that is responsible for lifting millions of Americans, older Americans out of poverty, disabled Americans out of poverty, survivors of workers who died at a young age; we would lose or risk all that in the newly fractioned, independent sort of account kind of system.

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Yes, a few people would do better, but most would not. Here is an option that would provide tax relief and save the system, but it just somehow did not capture the chairman's attention right off. I do not intend to drop the idea. I have final legislation and I am ready to introduce it soon. I am hoping to begin a debate about a better way to fix social security.

Mr. SANDERS. Mr. Speaker, we are running out of time, and I want to thank the gentleman from Oregon (Mr. DEFAZIO) for joining me this evening.

The bottom line of this discussion is the following, that unless ordinary people, working people, middle-income people, young people, get actively involved in the process and fight and stand up for social justice, what will happen is that the people who have the money, the people who make the campaign contributions, they will continue to call the tune here in the Congress and in the administration.

What will happen is that the policies, whether they are trade policies, health care policies, prescription drug policies, labor policies, environmental policies, whatever, those policies will be heavily influenced by the interests of those people who have the money, and they will work against the interests of the vast majority of the people.

The bottom line of this whole discussion is that we are a great and wealthy Nation. If we all stood together and became actively involved in the political process, we could create a society where every man, woman, and child had a decent standard of living. That is not utopian vision, that is concrete reality. That is what we could do. We could join the rest of the industrialized world and provide health care to every man, woman, and child, including prescription drugs.

We will not do that unless people stand up and be prepared to fight for what is right. I just want to thank the gentleman from Oregon (Mr. DEFAZIO) for joining me this evening.

THE VITAL ROLE OF THE FEDERAL GOVERNMENT IN AMERICA'S EDUCATION SYSTEM

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, abolishing the Federal role in education will produce a long-term monumental disaster for this country. I open with that statement to make it clear what I want to talk about tonight. Abolishing the Federal role in education would produce a long-term monumental disaster for this country.

I want to make it clear what I am speaking about because I have had a couple of people, interns in my office and constituents, say that I ramble a bit, and they are not sure what my basic subject is about because of my examples that are far-reaching, et cetera.

It is about education. I am here to talk about education again because it is important that we not allow education to get off of the radar screens of the people who make decisions here in Washington.

Members of Congress and the White House must understand that it is a subject that the voters have indicated in poll after poll that they consider to be the number one priority. They want the Federal government to do more in the area of aid to education. That is a priority, and they are on target. The common sense of the voting public is more on target than the priority-setting here in Congress. Education is the number one priority.

The reaction of the political leadership here in this city, in Washington, has been not to deal with education in a straightforward way which recognizes the need to provide more resources for education. No, instead we are avoiding the issue with rhetoric and trickery. I am here tonight because the latest active trickery deserves immediate exposure.

On Tuesday, June 22, the Republican majority, and this includes the majority in both Houses, let it be known what their basic thrust is going to be with respect to education. The reauthorization of the Elementary and Secondary Education Act per se has been put on the back burner, but it is being preempted by an obvious assault on the Federal role in the process of education.

The same Republicans who came to power in 1995 and said they wanted to abolish the Department of Education are now pursuing that same goal through a different route. They have found that the American people did not approve of a frontal assault on education which talked about abolishing the Department of Education. That was unacceptable.

Instead of a frontal assault, now we are going through a different route, through the back door, and waging guerilla warfare against the Federal role in education.

On Tuesday, June 22, Republican leaders, and I am reading from an article in the New York Times, page A-18, Tuesday, June 22, "Republican leaders in Congress today unveiled an education bill that builds significantly on their previous efforts to give State and local governments even broader discretion over the spending of Federal money."

I appreciate the wisdom of the writer of this article, Mr. Frank Bruno. He starts out with an indication of exactly what is happening: "It builds significantly on their previous efforts to give State and local governments even broader discretion over the spending of Federal money."

The article continues, "Under the proposal, a State could opt out of the current Federal financing system which allocates money for specific purposes and instead use most of that Federal aid as it wishes, provided that the State first enters into a 5-year contract with the Department of Education that holds the State to certain performance goals."

The trickery here is that this proposal follows the same course as the Welfare Reform Act, where there were supposed to be contracts and specific plans made, and most States have reneged on their contracts already. The Federal government seems to be paralyzed and unable to monitor them properly or to enforce those welfare reform agreements.

Now we propose to follow the same course with education. The same people who wanted to abolish education in 1995 are not saying we should abolish the Department of Education, but instead take all the money, give it to the States, and let the Department of Education monitor it.

However, we will hear them shortly after that saying that the Department of Education is a swollen bureaucracy, and therefore, we should cut the administrative costs by cutting the size of the Department of Education. The staff to monitor these programs I assure the Members in a few years, they will not be around at all. Right now they are all too few.

Continuing in the New York Times article, "The plan, which would apply to more than $10 billion in Federal money nationally, faces an uncertain fate. There is not yet a timetable for its procession to the floor of either the House and Senate, and Democrats in both chambers denounced it as a reckless experiment."

The Democrats who have been quoted are the same Democrats who voted against the Ed-Flex bill, which is the forerunner for this present, broader block grant approach. The Ed-Flex bill was taking a portion of the existing Federal funds and allowing States to use that as they saw fit. That was quite popular and a large number of Democrats voted for it.

My fear is that despite the recklessness of this and the extremism involved here, large numbers of Democrats are going to be caught sleeping, and the idea is going to look very attractive when the Governor calls and the State Department of Education people call and say, yes, we would like maximum flexibility. Give it to us. They will have an immediate targeted approach to the Members of Congress while the public is still out there wandering in confusion about the meaning of this kind of flexibility.

The meaning of this kind of flexibility is that the States, which have traditionally and presently always had the power to forge education policy to improve schools and to get better results, the States that have failed to keep our education systems up to par and promote the kinds of education systems which are able to keep up with a world that is rapidly moving towards a cyber civilization, demanding more and more education of workers, a high-tech civilization where those who do not have a first-rate education will find it difficult to find employment, the States have failed to do that, and they have had 93 percent of the responsibility.

In another part of the same article they point out, the writer, Mr. Bruno points out the fact that "Overall, the Federal government provides only about 7 percent of the education budget." I cannot emphasize this fact too much, because the core of Republican propaganda about education insists that education has been ruined by Federal intervention.

The Federal government intervenes to the tune of 7 percent of the total allocation, the total appropriation for education. The States and the local governments are responsible for the rest, 93 percent. They have 93 percent of the funding authority and responsibility. They have 93 percent of the control. So this preoccupation with grabbing the 7 percent from the Federal government has no basis in any rational philosophy of trying to improve education. It is just a grab for more money, and it is an extremist act.

It is extreme because it will push the Federal government completely out of the process of trying to improve our schools and to reform education. This is the last big amount of money the Federal government has invested, or the only significant amount it has invested to date. So if we push the Federal government out, then we only have the States left, and we have an extreme system.

Our system already is weighted in terms of local control and State control. Unlike any other industrial democracy or industrial Nation, democracy or otherwise, we have decentralized policy-making, decentralized control of our education system. We are way at the other end of the spectrum from those nations that have total control in a central education ministry like Japan and France, and Great Britain has decentralized to a great extent.

Basically all of the European countries have strong central roles for the development of education policies and practices and procedures, enforcement of accountability, et cetera. We have always been out there as the most decentralized system, and we are not apologetic about that. There is a lot to say about the American decentralized approaches to education.

It started with Thomas Jefferson opposing a central national university, but he was the first to establish a university at the State level, and many other States followed suit. The Morrill Act created land grant colleges in all the States, and we have had a decentralized system in terms of elementary and secondary education as well as higher education for the life of this Republic.

However, there are weaknesses in a system which is so extreme that it only involves the States and local governments. We discovered those weaknesses in a big way in World War II, and even more so later on when the Russians challenged us in the scientific race for new high-tech weaponry and the race into space, et cetera.

The Russian challenge led to a great intervention by the Federal government in the form of incentives and new ways to stimulate science education, math and science education in our local schools. The involvement of the Federal government has been there to some degree since then.

Later on under Lyndon Johnson, of course, we created the Title I program, which seeks to provide greater aid for the poorest school districts, the poorest schools in the poorest school districts in the country.

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But total involvement, even after the Federal intervention, is minuscule compared to the involvement of other Nations in terms of their central government involvement with education.

So we have a system which is at one extreme already. We are going to make it even more extreme by pushing the Federal Government totally out of the process. There is a great deal to be said about the present involvement in the Federal Government. I think it is far too little. It should be more.

But even if we increase the Federal appropriations from 7 percent of the total to 25 percent of the total, we still would only have a minor role, a secondary role being played by the Federal Government. The States and localities would have 75 percent of the control. That would be a greater balance.

The check and balance approach that we have found very useful in our overall national government, the check and balance approach is good in a number of different kinds of activities and enterprises, the check and balance approach where one does have some participation by another body to help to sort of balance off the kind of extremes that are negative on one side at the same time not take over and not smuggle the process.

We need a check and balance of the Federal Government with respect to the State and local governments on education. There is nothing negative about having some ideas and some initiatives, innovations, research, statistics gathering, comparative analyses, sharing of information from one State to another, a number of things that the Federal Government does and does very well that it will not be able to do if it is pushed out of the process.

It has to have a role which is significant, and the fact that it actually makes funds available to States and local governments gives it a role of some significance, however minor it may be. But to totally eliminate that is extremism.

It is the kind of Republican extremism we heard in 1995. It is just more subtle now. Instead of screaming that we should abolish the Department of Education, they now propose a rational reallocation of the dollars that the Federal Government provides for education.

It is like Marie Antoinette, when they said they have no bread, the poor have no bread, she said let them eat cake. The Republican majority, answering the call of the common sense of the voters who say we should have more Federal aid to education, they say let us just scramble the resources we have now. No more resources. Nothing new is going to be offered.

We are going to scramble the existing money that is being provided in federal aid to education and make it appear that we are doing something great by giving control of all of the Federal funds to the States, which have done a bad job, I will not say bad, but inadequate, they certainly have not been able to keep up, and their resources are dwindling while the Federal resources are increasing. It is an extreme position.

The bill which both houses of the Congress are praising as their new approach to education, they call it the Academic Achievement For All Act. They have already got a good nickname called the Straight A's Act. Their public relations people have done a good job. That is very, very effective, Academic Achievement For All, Straight A's Act.

But it is only scrambling the Title I money primarily. We already have Title I funds. We already have a few other funds. They are going to take that, put it in a pot, scramble it, give it away to the States, and will claim that they have done something new for education.

Let me just quote again from the article, "But the extraordinary fanfare with which it was introduced suggested the extent to which Republicans in Congress eyeing next year's critical elections have decided to seize education as an issue and make local control their battle cry.

"Education is number one on the Republican agenda, said Senator TRENT LOTT of Mississippi, the majority leader, at an early afternoon news conference just outside the Capitol. Mr. LOTT was joined by Speaker J. DENNIS HASTERT of Illinois. They stood with other lawmakers in front of a yellow school bus brimming with fresh-faced students. Dozens of other students fanned out around the lawmakers, clapping and cheering their assent to each policy point, no matter how arcane."

I am quoting from the New York Times article Tuesday, June 22. "Mr. HASTERT described the bill which Republicans have titled the Academic Achievement For All Act and nicknamed the Straight A's as a historic step. Democrats said the direction of that movement was backward. Representative GEORGE MILLER, Democrat of California, said it was unclear from the Republican plan how accountable schools would be. Mr. MILLER also said States would be able to shift money from poor districts and children to wealthier ones. Communities will be pitted against each other to lobby their State Capitols for school money, he said.

"We know how that fight will turn out. Education Secretary Richard W. Riley issued a statement denouncing the bill along similar lines. The bill is a far-reaching extension of the philosophy behind the Education Flexibility Partnership Act, or Ed-Flex, which Congress passed with broad bipartisan support this year and President Clinton signed the bill into law."

Let me repeat that last paragraph. I quote from the New York Times article, "The bill is a far-reaching extension of the philosophy behind the Education Flexibility Partnership Act, or Ed-Flex, which Congress passed with broad bipartisan support this year and President Clinton signed into law."

I reread that because I want to make it clear that I am not an alarmist. I am not here upset and frightened for no reason. What was done before on a bipartisan basis, with large numbers of Democrats participating, was a precedent-setting action. It is the forerunner of what is about to come back to us in the form of a take-it-all flexibility-for-all-of-it, meaning take everything that the Federal Government has invested in education and give it to the States.

Democrats, beware. Democrats, do not fall into this kind of appeal for local control reasonableness. The local control is already 93 percent. Why not let the Federal Government remain in the process with its measly 7 percent?

Continuing to read the article from the New York times, "The law authorizes States to grant waivers to local school districts that want to spend Federal dollars in ways differ slightly from the specifically intended purpose.

"The new Republican bill whose chief sponsors are Representative BILL GOODLING from Pennsylvania and Senator SLADE GORTON of Washington would allow precisely that kind of reshuffling. Republicans said the safeguard preventing any particular area of education or school district from neglect would be the performer's contract which would oblige States to prove that achievement was not suffering."

The performance contract, the same kind of thing that they have in the welfare reform bill. The States must show that they are doing certain kinds of things, only they have not bothered to do it, and no one in the Federal Government has been strong enough to force them to live up to the contract.

Thus, it will be with education. Once the States have the money and the Department of Education has less of a reason to exist, less staff, less budget, who will go out to enforce the contract? No one. This is a rip-off, a grab for the 7 percent of the Federal dollars that are now devoted to education by the States, who have, as I said before, done a very poor job up to now.

Democrats contended that many students could fall by the way side before the Federal Government was able to determine that a State had fallen short of its goals. Like Ed-Flex, the new bill would affect slightly more than $10 billion of Federal money, largely the same pool of money to which Ed-Flex applies. That represents most of what the Federal Government spends on primary and secondary education.

So we are about to make a monumental mistake. It is on extremist's proposal that will be clothed in sweet reasonableness, and a lot of people are going to be caught off guard and fall for it. Why have total control, total involvement only by States and local governments and leave the Federal Government totally out of the picture with respect to the effort to reform education and improve our schools?

There was a time when States were totally responsible for housing, States and local governments, housing for the poor. Nothing ever happened. Only the Federal Governments intervention provided decent housing in areas for people for whom there was no other answer.

There was a time when health care was not a Federal responsibility. Federal Government did not get involved with health care. We had a monumental disaster across the Nation in terms of health care later. Later on, the Federal Government, through Medicaid and Medicare, through Lyndon Johnson, began to play a greater role.

Whatever my colleagues may consider wrong with our health system at present, I am certain that my colleagues would not try to take away Medicare. Medicaid, they are trying to take away, but even Medicaid, one would have great resistance in taking that away from the American people.

Senior citizens and retirement and care for people who are aging was totally neglected by the States. We had the poor houses. We had all kinds of bizarre ways in which they made a token effort to help aging people. But only Social Security, a Federal program saved senior citizens from abject poverty and suffering.

The States had the ball, and they would not run with it. The States traditionally are controlled by people who have not bothered to govern for everybody. The temptation and the tendency of the States is always to govern for the powerful, and to do as little as possible to please the majority, and let the minority go completely. Triage systems. Do not provide health care at all. Do not provide housing at all. Social Security. Do not provide anything for the aging. It is the Federal Government that has made the effort to close the gap and provide the safety nets.

In education, that has not been the case. It is still primarily a State responsibility, a local responsibility. So why move to the extreme position of trying to make it a total State local responsibility using Federal funds?

I spoke last time about the fact that the Federal Government, in its intervention, redistributes funds in ways that have aroused a great deal of opposition in certain quarters, because if one distributes funds according to the population, the big cities are likely to get a larger percentage of the funds than other areas, the States that have large populations. For some reason, that is considered to be undesirable. If one distributes funds according to population it seems to me the fairest way in the world to distribute them. But that is undesirable.

There was a move afoot last week to try to cut back on the mass transit funds received by California and New York because the mass transit funds were going a larger percentage to California and New York. Well, that is where most of the mass transit is. That is where the people who ride on subways and buses live. So why was there a great outcry about the fact that they got a larger proportion of the mass transit funds than most other areas?

Highways and road were getting large amounts of money in areas where the per capita utilization of the highways is minimal. If one had to give highway and road money out on the basis of how often the roads are used, then the large population centers would get more highway money because, actually, the number of people utilizing the highways and utilizing the roads are far greater in the areas where the people live. People are there, therefore they should get from the Federal Government a proportional share of the resources that are available.

But this has not happened; and for that reason, I use an example which several people called me about and said, well, what does that have to do with education? What does it have to do with justice for the big cities? Why are you reverting to reciting statistics about who died in all the wars? It just seems to me a very graphic way to try to bring home the point I am trying to make.

□ 1945

The resources for education, the resources which involve helping people, should go where the people are. The fact that we are abandoning public schools means that the largest concentration of public schools and the largest concentration of people voting in public schools are in the big cities and the States that have the big cities.

Why do we want to abandon them with respect to education and leave them in a situation where they will not be able to get decent employment in the future? We are going to create an uneducated underclass, an inadequately educated class or half educated class or poorly educated class. Whatever title we may choose to give it, it is a class of people that will not be able to qualify for the high-tech jobs. They will not be able to participate in the cyber civilization that is coming. That will be a great tragedy. And if we do that, we are generating a great unjust situation against a segment of the population which repeatedly has been called upon to defend the country.

In all the wars, the largest number of casualties have been in the big States and the big cities where most of the people live. I used that example before and I will repeat it again. I think it is important to recognize that the demographics of the war dead, the demographics of heroism. These are heroes. Everybody who gave their life is automatically a hero. They gave all they could give in defense of this country in World War I, in World War II, in Vietnam, in Korea. The demographics stand out.

But the people who died in the greatest numbers came from the places where people live in greatest numbers, where the population is. They might have had other factors that contribute to the heroism, but it was there.

Even the battle of Gettysburg. On the Union side, the largest number of soldiers who died were New Yorkers. Because New York was probably clearly the State which is most densely populated at that time which furnished soldiers and troops for the Union's cause. That is certainly one of the biggest factors. And there might have been other factors. But the greatest number of soldiers on the Union side who died were from New York and Massachusetts and Pennsylvania, the States with the largest population.

In World War I, New York and Pennsylvania again are way up there ahead of everybody else; 35,100 casualties, 7,307 combat deaths from New York in World War I. Pennsylvania 5,996 combat deaths. Illinois 3,016. These are the big cities of New York, Buffalo, Philadelphia, Pittsburgh, Chicago.

California was just beginning to boom in population, and they had far fewer deaths. But later on, California, where the people live, where the population is, they are the people who send the largest number of soldiers to the wars and they died in great numbers. Eighty-nine thousand casualties in World War II from New York State. Twenty-seven thousand of those, almost 28,000, were combat deaths.

Why should we quibble about the portion of Federal funds that New York receives for mass transit or that they receive for education or for Medicaid? That is where the people live.

California, big jump in World War II, 47,000 casualties. Seventeen thousand died. But even then, it was less than half of New York, which was still the largest population center during the Second World War. Where the people live, that is where we have the casualties, that is where we have the heroes, and that is where we have the public schools that are being abandoned now. Those are the people that we call upon and order to go to war. But in peacetime suddenly they become a nuisance.

We have a philosophy that is sometimes weakly expressed, and sometimes there are high-powered people who come right out and say it: We do not need poor people.

There was a member of the editorial board of the New York Times more than 15 years ago who used the phrase, "planned shrinkage," that instead of trying to rebuild poor communities, instead of trying to take care of the poor, let us just plan for the city to shrink in size and population. Planned shrinkage sounds like a perfectly respectable, acceptable term.

Now, that was long before anybody ever talked about ethnic cleansing. Ethnic cleansing you would say cannot be equated to planned shrinkage, and I would agree. But it is on the way. Low-income cleansing is what happens when you have plan shrinkage, low-income cleansing. Let us make life difficult for people who are poor and maybe they will move away. Let us make life difficult and hostile and they will solve the problem for us by moving away. We do not really need people. We only need people in times of war. We only need people when the Vietnam War takes place, and out of our cities comes a larger percentage of combat deaths than any other part of the Nation.

In the big cities we will have the names on the Vietnam Wall Memorial. Go look at the names. And I am glad we have such a memorial, as I said before, because it brings war home in a very human way. We are not talking about unknown soldiers. We are not talking about tombs for unknown soldiers. We are talking about human beings that lived and breathed and they lived and breathed in the big cities. That is where the soldiers came from. They died in large numbers. Their names are on the Vietnam Memorial. They are the soldiers whose families and friends and neighbors still in those big cities that we should make a pledge to provide first-class education.

The Federal Government should participate in provisional education because those people are very important to our Nation. I hope I do not just have to use that example, but that example is a graphic which brings it home.

What about the future of the Nation if we do not educate the people in the big cities, we do not educate the folks who go to our public schools large numbers?

There are a couple of other items that appeared recently in the paper that I think are significant. I am here repeatedly to talk about improving education and improving schools. I talk about the need to have a massive construction program, a school construction program, which not only deals with the problem of overcrowding in our big cities and in rural areas, replacement of schools that are falling down, replacement of the trailers that are inadequate in so many places, but also school construction which would provide for the wiring of schools so that we can get more technology in schools.

They need new computers to do the construction. They need to be hooked up to the Internet. That is where the world is going. We have thousands of thousands of jobs. I think now they talk about right now there being 300,000 vacancies. There are 300,000 vacancies in the information technology industry. They expect the number to climb to 1.5 million in 2 or 3 years. And these estimates are based on the fact that they look at the number of youngsters who are taking computer science in our colleges and they say that number is totally inadequate.

We need more youngsters going into college. We need more youngsters at every level, not only the colleges where they can get the computer program training, but the junior colleges where they are going to become computer technicians, or even high school where they get enough training to become computer mechanics or in some way assist. Because the world is going in that direction.

The age of cyber civilization is going to be here sooner than we realize. And in order to participate in that and hold a job, they have got to have the education necessary.

Let me just highlight this report that appeared yesterday in the New York Times.

A report was issued by the Commerce Department which describes the economic benefits from the Internet. The economic benefits from the Internet have greatly benefited our economy. Our overall economy is fed by a new kind of phenomena which requires a highly educated work force.

The article was in the New York Times on June 23. It reads as follows:

The financial benefits of the Internet and high technology extend beyond the quick riches they have brought high-profile entrepreneurs and investors in recent years to the Nation's economy as a whole, a new Government study shows.

The information technology industry, which includes everything from the Dell Computer Corporation PC's to the Microsoft Corporation's software, to Cisco System, Inc.'s routers, generated at least a third of the Nation's economic growth between 1995 and 1998, the Commerce Department said in a report released today. During that period, the gross domestic product rose 22 percent, to $8.7 trillion.

The Internet as a force in our economy did not exist 20 or 30 years ago. But between 1995 and 1998, it expanded to reach the point where it is now third. Internet related activities are a third of our economy.

Those goods and services also got cheaper and allowed businesses to become more productive, cutting inflation by seven-tenths of a percentage point in 1996 and 1997, the report says.

"The improvement in technology, in productivity, is what has made the economy so incredibly attractive in the last couple of years," said William J. McDonough, president of Federal Reserve Bank of New York.

Today's Commerce Department report, the second in a series of three on technology, does not provide figures measuring total spending on high technology. Instead, it focuses on growth of on-line businesses and companies that cater to the technology industry. For example, it says almost half of all American workers will be employed in high-technology industries or at companies that rely heavily on technology by 2006.

I repeat. The report says, "Almost half of all American workers will be employed in high-technology industries or at companies that rely heavily on technology by 2006."

I cannot say that too often. Because as I move through my own district, which has very serious problems with respect to resources that schools have, most of them are not appropriately wired, they do not have enough computers, and many of those who have computers are not wired to the Internet.

I move about among people who say that I am talking about a luxury. "Let us get enough books, enough crayons enough blackboards. Let us deal with the basics," they say, "and then you can come back to us and talk to us about computers and the Internet."

No, we cannot wait because we are galloping forward and if half of the people employed, if half of the American workers in the year 2006 are going to be in the high-tech industries, our youngsters in the schools in my district, unless they have more exposure to computers and there is an effort to interject and interweave the Internet and the kind of things it can do, computer literacy, computer competency, we will not be able to qualify for those jobs.

The unemployment rate is already very high in my district. It is already very high. There is no hope for it going down even if the number of jobs increase, as they have in New York City. We have a large amount of vacancies in the high-technology industry in New York City. But the unemployment rate among the young people in my district is still up around 20 percent. They cannot qualify for the jobs if they do not have the education. That is a simple fact, and we have to understand that.

I cannot speak too often or too long or too forcefully about education when we are talking about the livelihood of these young people. They have no future if they do not get the education that they need.

Workers in information technology have been at least twice as productive as other workers from 1990 to 1997 and earn 78 percent more than other workers, the report said.

The report "provides fresh evidence that our Nation's massive investments in these sectors are producing gains in productivity and that these sectors are creating new and higher-paying jobs faster than any other," Commerce Secretary William M. Daley said in the report.

Meanwhile, those who invested in high technology have reaped rewards that outpaced the market as a whole. The Standard and Poor's High Technology index rose more than five times since June of 1994, while the broader S.&P. 500 stock index tripled. Spending on information technology has quadrupled over the last decade, rising as a share of all business spending on equipment to 53 percent from 29 percent, according to the Commerce Department in a separate report.

□ 2000

"Internet activity is driving deflationary boom conditions," said Ed Hyman, an economist for the ISI Group in New York. "It's official."

Mr. Speaker, I ask to enter the article which describes the report from the Commerce Department on the impact of high technology and information technology in its entirety for the RECORD.

[The New York Times, June 23, 1999]

COMMERCE REPORT DESCRIBES ECONOMIC BENEFITS FROM INTERNET

WASHINGTON, June 23 (Bloomberg News)—The financial benefits of the Internet and high technology extend beyond the quick riches they have brought high-profile entrepreneurs and investors in recent years to the nation's economy as a whole, a new Government study shows.

The information technology industry—which includes everything from the Dell Computer Corporation's PC's, to the Microsoft Corporation's software, to Cisco Systems Inc.'s routers—generated at least a third of the nation's economic growth between 1995 and 1998, the Commerce Department said in a report released today. During that period, the gross domestic product rose 22 percent, to $8.7 trillion.

Those goods and services also got cheaper and allowed businesses to become more productive, cutting inflation by seven-tenths of a percentage point in 1996 and 1997, the report says.

"The improvement in technology, in productivity, is what has made the economy so incredibly attractive in the last couple of years," William J. McDonough, president of the Federal Reserve Bank of New York, said in a speech in New Jersey today.

Today's Commerce Department report, the second in a series of three on technology, does not provide figures measuring total spending on high technology. Instead, it focuses on growth of on-line businesses and companies that cater to the technology industry. For example, it says almost half of all American workers will be employed in high-technology industries or at companies that rely heavily on technology by 2006.

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"Internet activity is driving deflationary boom conditions," said Ed Hyman, an economist for the ISI Group in New York. "It's official."

Mr. Speaker, it cannot be said too often, if we do not educate our young people in our big cities, a whole segment of the population will be out there wandering in the wilderness, nowhere to go, in terms of employment. I will not begin to postulate on what the consequences will be. I just know that a just America, which seeks to have a continuation of law and order, of promulgation of the right to pursue happiness, is an America which will not shut down the public school system and cut off the opportunities for the young people in our biggest cities and the poor people in our rural areas. That is what will happen if the Republican Academic Achievement for All Students Through Freedom and Accountability Act goes through. Because all it does is take the Federal initiative, the Federal dollars, scramble them up and put them in the hands of State and local governments who have not been able to measure up to the job, to the requirements, up to now.

How can we improve education by giving more money, throwing more money, taking Federal money which exists now, throwing it into the State and local coffers? What is the great automatic, obvious advantage of local control? Why is local control sacred? There are many examples of local control degenerating into complete corruption. There are more examples of local control being stagnant. For long periods of time school systems did not move off dead center in terms of improving the performance of their students. This is not just true of low-income areas but large numbers of middle-income communities had stagnation. When the Federal Government intervened shortly after the Russian Sputnik triumph in space and began to offer greater incentives and offer greater amounts of money and money for training and for leadership to promote more science and education, better science and education teachers, the public schools began to do a better job in science and math. The effect of that was to create something that has continued. We have a large number of very good public schools in the Nation. In areas where you have low performance overall, there are schools that stand out. We have some of the best schools in the world in New York City. Some of the high schools have repeatedly taken the largest share of science prizes whether it is Westinghouse or some other science prizes. If you move into the area of debate, any other area, you find other high schools who stand out there. So we have individual schools that have done a magnificent job, but the system overall is lagging. The system overall that seeks to educate 1 million children in New York City has many, many problems. A majority of the youngsters in these schools are receiving an inadequate education. Some of them have never been able to sit in a classroom with a teacher of science or math who majored in math or science in college. In our junior high schools a survey was done which showed that in the areas where most of the African Americans and Latino students live, the poorest students in the city, most of the junior high school teachers teaching science and math had not majored in science or math in college. They were people who were thrown in there and had to try to do a job because no other bodies were available. This is a chronic problem. It was not just for that year or the year after, it still exists. There are some schools that lost their physics teachers, high schools, several years ago. They still do not have a physics teacher who majored in physics and has some expertise in the area 3 or 4 years later. The problem is acute. In an area where larger salaries are paid in the suburbs surrounding the city, they attract off the best teachers and you have a situation where the ones who need the greatest amount of help and the most expertise, the most creative, the most imaginative teachers, get the least from the teachers.

The shrinking teacher pool, the number of teachers available, the fact that it is becoming more and more difficult to find good teachers, is part of the larger problem. Because of the fact that we have not appropriately funded the education system, we have not appropriately insisted on accountability, you do not have enough youngsters going into college, you do not have enough coming out. So those who are graduating from college, they choose other professions in large numbers and the number of students who go into teaching as a percentage of the professions chosen, that number keeps shrinking. We need more youngsters going into the college from high schools, youngsters who are qualified to do college work, who can come out of college and become those good teachers which would back up the system's effort to teach those who need help most. Nothing of that kind will happen if we take away from the big city schools the title I funds that go in large amounts to big city schools. This Academic Achievement for All Students Through Freedom and Accountability, Straight A's Act, that was described by the Republicans the day before yesterday is an attempt to move in a direction where the ultimate, the final result would be that States would have the power to move the money that the Federal Government appropriates now for the poorest schools, they can move it anywhere. We know from past history they will move it to the areas where they are seeking votes, where the greater number of votes are. They will move it to the areas where the people have the most political power. Those who have political power now have the best schools now already. In New York State, we have some of the world's best schools, best outfitted high technology schools, schools who have had computers, that the ratio of students to computers has been very good for years and they have been hooked up to the Internet for years. They have not had problems of wiring their schools because there is an asbestos problem. We cannot wire a lot of schools because asbestos still exists and when you start boring holes just to put wires in, that is a big problem. They have not had the problem of appropriations being too small for books so that the teachers and the principals do not even want to ask for additional appropriations for computers. They have not had those kinds of problems. They have not had the problems that there is no room to place the computers even if they were given to you because the schools are overcrowded. There are a number of schools in my district that are operating at a capacity of twice the number of students that they were built for. An elementary school built for 500 students has 1,000. A high school built for 2,000 students has 4,000. They go from 7 in the morning until late in the afternoon. Many schools have three lunch periods because the lunchroom cannot accommodate all of the students so they have to have lunches in shifts. That forces some elementary school students to eat lunch as early as 10 o'clock in the morning. That is child abuse, to force a child to eat lunch at 10 o'clock in the morning. It happens in large numbers of schools.

So without the Federal help, the first opportunity to learn factor, a decent building, a place where you can go and feel safe, a place which is adequate, adequate and conducive for learning, a place which nowadays would be able to accommodate technology and allow computers which are not a luxury anymore, wiring to the Internet which is not a luxury, to allow all of those factors to be involved in the education process, it is impossible to achieve that without more help from the Federal Government.

The greatest emphasis that I have placed on my role as a member of the Committee on Education and the Workforce is to focus on the basic problem of school construction. We may talk about a lot of other factors, and I do not want to minimize the need for more research, I do not want to minimize the need for more teacher training and teacher accountability. All of these problems, all of these factors are important. But before anything happens, we need to have a massive school construction program which says to the Nation that we have not abandoned the public schools. The fact that schools are literally falling down sends a message that is highly visible and highly symbolic, that we do not care about public education anymore. We talk about improving the teaching of reading, computer literacy and computer competence, but when a child walks into a school with a coal-burning furnace, the risk to that child's health is greatly increased, it would be better off if at a young age they stayed away from school because the more you are exposed to certain fumes, the greater the likelihood that you are going to have asthma or other respiratory illnesses. Why should we have children go to school and have their health jeopardized, be placed at risk because they go to school? If a child goes to a school which still has paint that had lead in it, and they are first graders or kindergarten children, they play with the paint and they get some of that in their system, their health is greatly threatened. We still have those kinds of problems. We still have asbestos problems, but the greatest problem is, of course, the overcrowding, where you cannot teach 40 children in one room, especially when they are children who need a great deal of attention. You need the space before you can use the additional teachers.

I am very proud of the fact that President Clinton forged an initiative on increasing the number of teachers per classroom, especially in the early grades. That was a $1.2 billion initiative in last year's budget which was not easily gained. It took a lot of hard negotiating. The Republican majority resisted it all the way and they are still resisting. They want to convert that into something else. But it is important that we made the effort, we recognized the need to have a ratio of students to teachers, especially in the early grades, which is better than the kind of 35 to 40 ratio of students to teachers that exist in some schools now.

But in New York, the truth is where they need the teachers to relieve the burden of teachers having too many students, they do not have the classrooms. You cannot put a teacher with 20 children in the front of the room, a teacher with 20 children in the back of the room and expect to really have education among young children. It is not going to happen. That is too many kids in one room. The fact that there is another adult, another teacher, will not solve the problem. You need space. You need a classroom. You need a well-lighted classroom. You need a classroom that does not have the threat of coal dust from a coal-burning furnace. You need a classroom that is properly ventilated. You need new classrooms in many of these situations.

The Republicans claim in their new initiative that the way to solve the problem is to give it all to the States and let them solve the problem, let the States and the localities have the Federal money, that measly 7 percent that we provide for the overall education budget, give it to the States and that is the solution to the problem. Well, the States, some States have large surpluses at this point. In fact, quite a number of States have surpluses. The prosperity that has benefited the Federal treasury has also benefited State treasuries. In New York State, the State had more than $2 billion as a surplus in last year's budget. The Democrats in the legislature sought to get a measly $500 million of that to provide for school repairs and school construction in the areas of greatest need. The governor vetoed the $500 million out of the $2 billion budget.

At the city level, New York City had a surplus of at least $2 billion, and the mayor of the city of New York did not bother to appropriate a single penny to relieve the overcrowding in schools, to get rid of more coal-burning furnaces, to deal with asbestos problems, not a penny went out of that surplus. Are we going to give more money to the mayors and the governors, are we going to give the Federal money and expect an improvement in the situation when their behavior has indicated that they do not themselves care about their public schools? They are abandoning public schools. The great talk of vouchers and charter schools, et cetera was designed to deflect attention away from the fact that you need to invest heavily in public schools.

I introduced, on May 14, a bill, H.R. 1820, to amend the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools. Title XII already exists in present law. This is a very germane approach. There is no need to depend only on the Committee on Ways and Means to provide loans for school districts as a means of dealing with the problem of construction. We have a massive need for more school construction. We might recall that last year, we authorized $218 billion over a 6-year period for highway construction. I do not know why the Federal Government has to be so involved in highways and roads, but $218 billion was authorized for highway construction. I was not against that. I think that is a proper use of public dollars. But I am proposing in this bill, H.R. 1820, that over a 5-year period we spend $110 billion on school construction, $22 billion a year. The $110 billion is close to the $112 billion that the General Accounting Office said in 1995 we needed in order to, at that time, revamp, repair and keep our public school inventory at its present level, in proper condition. They did not talk about the expanding enrollments which now require probably, if we were trying to meet the need, about $200 billion for school construction all across the Nation.

□ 2015

H.R. 1820 is based on the fact that there are certain findings we cannot turn away from. There are 52,700,000 students in 88,223 elementary and secondary schools across the United States. The current expenditure of the Federal Government for education infrastructure is only $12 million. The present federal expenditure per enrolled student for education infrastructure, any kind of physical facility, is 23 cents per student, and appropriation of $22 billion a year would result in a federal expenditure for education infrastructure of only $417 per student per fiscal year, $417 per student per year compared to the present 23 cents.

That is what I am talking about. Let us not be overwhelmed by the big numbers; 22 billion a year sounds so great, but when you look at the number of children involved, we are talking about spending $417 per year.

My bill, H.R. 1820, proposes to provide, to distribute, the money across the country in accordance with the number of school aged children that each State has. Therefore my use of the statistics of the number of students divided into the amount of money is correct.

I do not propose to try to make judgments on priorities. We just proposed to address the problem. Some schools will spend majority of their money on building new schools, some may spend the funds on repairing existing schools, in some cases schools will choose to use some of the money for improving their schools for technology. Those are the options that they would have at the local level, but we must understand that there is a need to move and not to leave this up to the local and State governments that are obviously not going to deal with the problem.

Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and region exams than do students in other schools. We must meet the challenge of a cyber civilization by educating all of our children. The Republican approach which proposes to end the federal role in education is the wrong one; we need more help, not less, for our public schools.

The article I referred to is as follows:

[The New York Times, June 23, 1999]

BILL OFFERS STATES LEEWAY ON EDUCATION AID

(By Frank Bruni)

WASHINGTON, June 22.—Republican leaders in Congress today unveiled an education bill that builds significantly on their previous efforts to give state and local governments ever broader discretion over the spending of Federal money.

Under the proposal, a state could opt out of the current Federal financing system, which allocates money for specific purposes, and instead use most of that Federal aid as it wishes, provided that the state first enters into a five-year contract with the Department of Education that holds the state to certain performance goals.

If the state failed to meet those goals, which the Secretary of Education would have to approve, the state would return to the old system of financing.

The plan, which would apply to more than $10 billion in Federal money nationally, faces an uncertain fate. There is not yet a timetable for its procession to the floor of either the House or the Senate, and Democrats in both chambers denounced it as a reckless experiment.

But the extraordinary fanfare with which it was introduced suggested the extent to which Republicans in Congress, eyeing next year's critical elections, have decided to seize education as an issue and make local control their battle cry.

"Education is No. 1 on the Republican agenda," said Senator Trent Lott of Mississippi, the majority leader, at an early after news conference just outside the Capitol.

Mr. Lott was joined by Speaker J. Dennis Hastert of Illinois. They stood with other lawmakers in front of a yellow school bus brimming with fresh-faced students. Dozens of other children fanned out around the lawmakers, clapping and cheering their assent to each policy point, no matter how arcane.

Mr. Hastert described the bill, which Republicans have titled the Academic Achievement for All Act and nicknamed Straight A's, as a "historic step."

Democrats said the direction of that movement was backward. Representative George

Miller, Democrat of California, said it was unclear from the Republican plan how accountable schools would be. Mr. Miller also said states would be able to shift money from poor districts and children to wealthier ones. "Communities will be pitted against each other to lobby their state capitols for school money," he said. "We know how that fight will turn out."

Education Secretary Richard W. Riley issued a statement denouncing the bill along similar lines.

The bill is a far-reaching extension of the philosophy behind the Education Flexibility Partnership Act, of Ed-Flex, which Congress passed with broad bipartisan support this year and President Clinton signed into law.

The law authorizes states to grant waivers to local school districts that want to spend Federal dollars in ways that differ slightly from the specfically intended purpose. But the districts can deviate only so much; money meant to combat substance abuse can be shuttled from a program specified by the Federal Government to one that is not, but the money cannot be used, for example, to improve reading skills.

The new Republican bill, whose chief sponsors are Representative Bill Goodling of Pennsylvania and Senator Slade Gorton of Washington, would allow precisely that kind of reshuffling. Republicans said the safeguard preventing any particular area of education or school district from neglect would be the performance contract, which would oblige states to prove that achievement was not suffering.

Democrats contended that many students could fall by the wayside before the Federal Government was able to determine that a state had fallen short of its goals.

Like Ed-Flex, the new bill would affect slightly more than $10 billion in Federal money, largely the same pool of money to which Ed-Flex applies. That represents most of what the Federal Government spends on primary and secondary education.

Over all, the Government provides only about 7 percent of the education budget for the nation's public schools and education experts have said that even striking changes in Federal policy have limited impact.

THE REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I would like to take the opportunity to talk about a number of the items on the Republican agenda, the agenda that I believe provides us with the opportunity to really build on the prosperity that this country has experienced over the last 7 to 8 years, the opportunity to take that prosperity and to reform the programs that we have in here in Washington, to reform our budget priorities and to address some of the systematic problems that we are experiencing.

Let me give my colleagues one example. In the budget resolution that we passed earlier this year this Congress took a historic step. We stated that for the budget horizon, the next 10 years, that we would lock away every dollar of Social Security surplus, that we would lock it away and allow those funds to be only used to reform and save Social Security and Medicare.

When we take a look at the commitment that we have made of locking away 1.8 trillion dollars, we see that that is a historic change. It provides the framework for shoring up Social Security and Medicare and at the same time ensures that those dollars will not be spent to grow other segments of government.

That is exactly what has happened over the last 30 years. Every American today, they get their paycheck at the end of the week, and they recognize how much they have grossed, and between their gross and their net is this thing called FICA. That is the amount that your employer, actually that you, pay to Washington for Social Security. It is 6.2 percent of your income.

The interesting thing is that your employer also matches that with another 6.2 percent. It means that you are paying or based on the hours and the salary that you have earned, 12.4 percent of your income is going to Washington, and it was going and it is supposed to be coming to Washington to deal with Social Security and to be set aside so that when you reach retirement income those dollars will be there and they will be there for you.

But what has happened over the last 30 years is those dollars have come into Washington. They have been set aside. They have been set aside with IOUs. Government then went in, and took that money, and put in the IOU and spent it on other federal programs. So what we now have in the Social Security Trust Fund is not all of the 30 years of surplus in Social Security, but what we have is a stack of IOUs, and on this hand we have got a bunch of federal programs that we have grown and expanded.

We want to set aside the total Social Security surplus for the next 10 years, $1.8 trillion. That is a hundred billion dollars more than what the President plans to set aside for Social Security. As a matter of fact, when you take a look at a shorter window rather than 10 years out, you take a look at what this President and this administration is proposing for the next 5 years, they are going to spend $146 billion of the Social Security surplus. They are not saving every dime of Social Security over the next 5 years and setting it aside to save and reform Social Security and Medicare; they are actually going out and continuing the practices of the past, and they are going out, and they are going to spend it one more time.

What happens when we set aside $1.8 trillion? What it means is that we can go out and we can reduce the public debt. We will reduce the public debt by $1.8 trillion over the next 10 years. That is $450 billion more of debt reduction than what the President's budget proposes. Under our budget it means that the debt held by the public declines from $3.6 trillion to $1.9 trillion by the year 2009.

The other thing that we have in our budget plan is that we maintain the spending discipline of the 1997 balanced budget agreement. As the Chair will remember, in 1997 we passed a historic budget agreement. It laid out a 5-year plan for spending, it laid out a 5-year plan for revenues, and it said by the year 2002 we will be out of surplus budget.

Some positive things have happened. The economy and Federal tax revenues have been stronger than what we anticipated. What it means is that we move closer and we have actually moved to a surplus budget, as it is defined in Washington, this year. There are those now that would say, well, now that we are at surplus, let us forget about the spending restraints that we agreed to in 1997, let us open up the vault, and let us start spending the surplus.

There are many here in the House who believe that that is the wrong thing to do. We believe that this is an opportunity where we can really continue the fiscal discipline and commit to meeting the spending targets that were outlined in 1997 which then enables us to save every dime for Social Security and then also provides us with the opportunity to another step which we think is very positive, which is to provide tax relief to the American people.

When you take a look at taxes and why we need tax relief, think about the two-parent working family today. The second working adult usually earns about 40 percent of the combined income. It is interesting enough to note that the average American today pays 40 percent of their income in one form of tax or another, a State tax, a local tax or a Federal tax. What that means is that in a two-parent or two-working-parent family, the second person is not working to support the family. The second person is working to support Washington, their State government or their local government. They are paying 40 percent of their income.

We have an opportunity to relieve the stress that that places on American families and that places on American workers. Think about it. You go out, and you earn a dollar; you lose 40 cents of it before you ever go home and use it to buy food, to pay for a vacation, to invest in your child's education. The first 40 cents always comes to government.

We think that there is an opportunity to reduce taxes in three different areas. In one way we will propose in our tax relief package something that provides an immediate benefit to the American people. What does that mean? It means that your take-home pay is larger, means that your check at the end of the week for what you have worked that week, means that you get to keep more of it and Washington gets to take less of it.

We want to provide tax relief in a way that says you can prepare for your long-term future. Because a tax code is being restructured, you can be better prepared to plan your financial future so that you will be more secure and you will have the freedom to get financial security.

How do we do that? For those of you that save, for those of you that invest, we can reduce the capital gains tax. We can encourage you through the Tax Code to invest in individual retirement accounts so that you can prepare for your retirement, or perhaps that you can set aside dollars so that if you want to go out and purchase your first home, you can use those dollars for that, or if you are really talking about long-term security, would it not be great if you can take more of your income and set it aside so that you can prepare to help your child get a better education?

That is what we mean when we talk about enabling you to have more freedom to plan for your future and to get your financial independence.

There is another area that we think we can reduce taxes in, and that is we think you have got the opportunity, and we have got the opportunity, to let Washington know who is in charge. Do you ever have these fees or services that you just think where did they come from? And why are they doing this? Let me give you two examples:

A few years ago we passed a telecommunications reform bill. As part of that we said that we were going to encourage the expansion of the Internet into the schools, a very good goal. We have got a bureaucracy that said: Wow, that gives us the latitude to impose a fee on every American's phone bill.

□ 2030

It is called the Gore tax. It is the Vice President's idea. It was not passed by Congress; it was an interpretation by a bureaucracy and a group of bureaucrats as a way to get money from the American people. This is a wonderful opportunity to say, no. The American people are in charge. We are going to repeal that bureaucratic abuse of power and we are going to eliminate that "fee." It is not a fee. It was a tax that was initiated by bureaucrats who had no right and no authority to do it.

There is another one that is currently going through, and I think it is maybe going to affect only a small number of Americans today, but again, it is an abuse of power, and it is an abuse of power by the Postal Service. For those of us that have a box, a mailbox, but it is not at the Post Office and it is now at a private business, there is a whole new set of rules and regulations that the Postal Service has put on the small businesses and has put this cost on Americans who say, I would really like a Post Office box or a place of business that can receive my mail, because it can do things that the Postal Service cannot do, meaning that this business will sign and accept a delivery by an overnight delivery company. The Post Office will not do that. But if one now wants to do that, this company that has provided someone with this service is going to have to go through and provide a whole series of documents on that box to the Post Office.

The bottom line: rules, regulations. They do not come free. It is a huge new cost and another way, again for, in this case, not for the government to collect more money, but for someone who is providing a service that may be in direct competition to a government monopoly, to penalize this service and make it more expensive for the American people to use an alternative delivery service or a Post Office box that provides additional services.

This is a wonderful opportunity for us to go back and say, no. We are not going to let the government do that. We are going to repeal that. We are going to pass a bill here that says, you cannot put these kinds of costs on the American people. You cannot put these kinds of costs on small businesses who, because the Postal Service could not deliver the service, found a niche, identified a need, and in the great spirit of the American entrepreneurs, created a business, only now to be penalized by the Postal Service. We need to change that, and this will provide us an opportunity to do that.

Mr. Speaker, underlying our direction on taxes where we want to increase take-home pay, we want to let Americans understand that they are going to have more freedom for planning their financial security in the future and for sending a message back to Washington that says, we are in charge and you are not, we want to overlay two broad themes. It is time to simplify the Tax Code, and it is time to make it fairer. Perhaps the most unfair component of our Tax Code today, although there are probably a number of different items competing for that title, but perhaps the most unfair is that our Tax Code continues to penalize married couples. Think about it. We have a Tax Code in America that penalizes people for being married. That is not fair. Not only that, it is the wrong thing to do. So as we move forward through our agenda this year, as we continue building on the balancing of the budget, as we plan for solidifying Social Security, solidifying Medicare, we are doing the right things, and we are using the prosperity to get our house in order.

I want to spend a little time now moving on to another priority that over the last number of years I have spent a lot of time on, and that is education. I am glad that I came to the House Floor tonight to be able to respond to my colleague's comments about what those Republicans did this week with our Straight As program, where we are going to move more flexibility back to the local level and we are going to move the dollars down there so that people at the local and at the State level can have the flexibility to deal with the issues and the problems at their local level and not worry about whether their problems match the problems that we here in Washington have identified as national issues.

I have a great quote. My colleague earlier was asking the question, do we really trust people at the local level and at the State level to do what is right for our kids? Do we really trust those people who know the names of the kids in their class and in their school to do the right thing for those kids? And the answer, obviously, from my colleague was, of course we do not. There is a Federal role here because Washington knows best.

As my colleague in the chair remembers, back in 1995 when we began the welfare debate, we began the welfare debate very much on the same tone and tenor, and we really accelerated the debate on welfare reform when I came down to the floor with a number of my colleagues from Wisconsin. And the reason we came to the floor was that Wisconsin had proposed a reform of welfare. It had passed the State legislature in a bipartisan way. The governor had signed it. They sent their application here to Washington, because somebody in Washington in Health and Human Services had to approve what the State of Wisconsin wanted to do to help their people in their State get off of welfare, to go to work, to get training, and to become more productive.

I believe that it was something like 287 days later that we came to the floor, 287 days or something like that after Wisconsin had sent their application to a bureaucracy in Washington, a bureaucracy that probably had some people from Wisconsin working in it, but the reform proposal maybe was not read by anybody that had ever been to Wisconsin. But 280-some days later, Health and Human Services had not acted.

Now, get this. It is the State of Wisconsin, the governor, the State legislature saying, we think we have a better idea. We think we have a model that we would like to try that is better for our people and it is better for the people on welfare than what the national Washington one-size-fits-all model is. And after roughly two-thirds of a year, the people in Washington had not thought it was important enough to go through this, to study the issue, and to answer the people in the State of Wisconsin as to whether this was or was not something that they were going to let them do. And that is the same attitude that our colleagues are expressing when it comes to education.

What finally happened in welfare reform? We pushed for flexibility, we pushed for local accountability, and now that welfare reform has passed the House, that it has been implemented at the State level where we have given this authority to the governors and to the State legislatures and said, you have a great degree of flexibility, you have a huge opportunity here to take the Washington resources, to break the rules, to break the mold, and use the money to solve the problems in your own State.

A couple of years ago we heard the same types of claims: they will not do the right thing. They will move the money into the wrong places. They do not really care about the people that are on welfare. They are not going to help. They are going to take the money and move it to different places.

What we found in welfare reform is exactly the opposite. It is a wonderful success story. The States have taken the freedom, they have taken the flexibility to reach out and help those that were on welfare get work, to come off of the welfare rolls, and the wonderful thing is that I am not sure what they are doing in Wisconsin. Wisconsin has a model that works for them. Michigan has a model that has worked for us. Michigan is probably learning from Wisconsin and Wisconsin is learning from Michigan, and both programs are moving forward. What they are doing in Hawaii is probably a little bit different or very different from what they are doing in New York, but as we go around the country, it is one success story after another. And, we have 50 models of welfare reform, all working, all learning from each other, and all moving forward. And what a wonderful difference it makes to have 50 States learning from each other and all competing to have the best welfare program, or the best welfare reform program; to have the best statistics about saying we have moved this percentage of people off of welfare into being more productive members of society. What a wonderful way to compete versus where we were before.

Because what has happened now is States are forced to focus on results, not process. Under the old model, Wisconsin had to focus on process. They had to fill out all of the Washington forms. They had to fill out all of the forms and make sure that they dotted the I's and crossed the T's correctly, and they would send it to Washington and Washington would make sure that they had dotted the I's and crossed the T's and if they had filled out something slightly wrong, they would send it back to Wisconsin to fix it or they would send it back to Michigan to fix it and the paper would flow back and forth eating up dollars. But as soon as we reformed welfare, we moved away from a paper work shuffle, we moved away from a bureaucratic red-tape system to a system that is doing exactly what it is supposed to. It is focusing on people. It is focusing on how, with key help, people get off of welfare.

Why am I talking about welfare reform? Because I think it is a beautiful model for what we are proposing to do with education. And we know that the same broken bureaucratic model that we suffered under in welfare reform is also found in education. That model is Washington Knows Best. We are going to take the 7 percent of the dollars that any school district gets from Washington and we are going to use that 7 percent to, on a significant scale, impact what goes on in the school because we know best and the people at the local level do not. That is the broken model.

How do we know that that is the model that people at the local level believe exists today? We know because we went to over 15 States, had something like 18, 19 different hearings, and learned about what is going on in education. But the thing that we found over and over and over again, really two things. Number one, we saw great schools, we saw great kids, we saw great teachers, great administrators, parents, administrators, and teachers who knew the child's name and had a passion for making sure that that child would have the best opportunities to learn that they could provide.

Now what do we see? Here is what somebody basically found out and what they said about Washington. I think there is an arrogance on the part of the school bureaucracy, that is Washington, that assumes that they know what is best for everybody's children. I assume the opposite. I do not think that anybody can make a better decision for their children than the parent.

☐ 2045

The focus of directing a child's education does not need to be here in a bureaucracy in Washington, it needs to be at the local level, starting with a parent or an adult guardian, moving to a teacher, moving to an administrator, and the last person in the food chain is a bureaucrat in Washington. We need to improve education.

Let me just talk about why we believe it is important to reform education and why the current model does not work. We published a report called "America's Education System at a Crossroads," "Education at a crossroads." It is the result of a whole series of hearings around the country, a series of hearings here in Washington meeting with the education experts here in Washington, and other research and analysis that we completed here.

We know that America's education system needs to be reformed. Why? What are some of the statistics? Forty forty percent of fourth-graders do not read at even a basic level. Half of the students from urban school districts fail to graduate on time, if at all. The average NAPE scores among 17-year-olds are lower than they were in 1984. That is a year after a Nation at Risk was released. We are not necessarily making progress.

U.S. 12th graders only outperformed two of 21 nations in mathematics. What does that mean? Here are the statistics. In the Third Annual International Math and Science Study, called TIMS, 12th grade U.S. lags behind in math and sciences.

Here are the nations with average scores significantly higher than the U.S.: the Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, France, New Zealand, Australia, Canada, Austria, Slovenia, Germany, and Hungary. Nations with average scores not significantly different from the U.S.: Italy, the Russian federation, Lithuania, the Czech Republic, and the U.S. are in this category. The two nations that did score below us, Cyprus and South Africa; not a very impressive showing.

Another startling statistic: American students fall further behind students from other countries the longer they are in school.

One of our first hearings a couple of years ago was in California. We had one on K through 12 and then we had one on higher ed.

The first year, the hearing with people from the colleges, they said, make sure you do not cut our remedial education budgets. You kind of do a double-take and say, excuse me? These are kids who have gotten into college. What are we remediating? They are remediating basic skills. Public institutions of higher education annually spend $1 billion on remedial education. It is a huge problem.

The other thing that I can tell the Members, even though those are the national statistics, as we went around the country we saw success story after success story of people at the local level achieving some wonderful things. That is where the reform is taking place. It is where parents and people at the local level have control over their local schools.

What other stuff did we find out as we took a look at Washington's answer to education, one of which says we are going to take the 7 percent of the Washington dollars and we are going to come up with a solution for almost every problem? We wonder, how does 7 percent really drive so much of a local curriculum?

Think about it. In Washington we have a program that will pay and contribute for a child's breakfast and a child's lunch. I am not saying these programs are not needed, but they come along with bureaucracy and red tape.

There are people in Washington who want to build the schools, they want to pay for putting in technology, they want to buy the technology, they want to pay for the technology classes. We already pay for drug education. We pay for sex education. We pay for arts in the schools. They want to hire our teachers. They want to test our kids. They want to develop curriculum. They want to develop after-school programs.

So when we take a look at it, they want to feed our kids breakfast, build our schools, pay for the technology, teach them about sex, teach them about drugs, teach them art, get involved with curriculum. They want to test our kids, hire our teachers, feed them lunch, do after-school programs, maybe midnight basketball. But other than that, it is our local school.

That is how 7 percent of Washington's Federal education dollars drive into a local school district to drive administrators from, rather than focusing on the child, rather than focusing on the education, to recognize that they have become just like welfare. They have become process-driven.

I want administrators, I want teachers focused on helping our children learn, not pushing paper. How do we know that they push paper? We surveyed the Federal government, and these are not all K through 12, but when we asked the question, how many Federal education programs are there, there are 760. Like I said, they are not all K through 12, but there are lots of programs.

We say, wow, that is why we have a Department of Education, to take these programs and centralize them in one department? Wrong. These 760 programs are spread over 39 different agencies that spend over $100 billion a year. It has gotten to be so complex that there is a cottage industry, again, the wonderful entrepreneurial spirit in America.

There is a company called the Education Funding Research Council. What do they do? They will sell a book for $400. What is it? It is the guide to Federal Funding for Education. We have a business out here that has decided that they can make a living by telling the rest of America where the dollars are in education, and help them go through the process of getting Federal education dollars.

There is another one that says, they talk about 500 education programs. There is another one that is called "The Aid for Education Report." Here is what they say: "Huge sums are available. In the Federal government alone there are nearly 800 different education programs that receive authorization totalling almost $100 billion a year."

What do 760, 800 programs, what do they lead to? Even accounting for recent reductions, the U.S. Department of Education still requires over 48.6 million hours of paperwork per year, 48.6 million hours. This is for the paperwork. This is the focus on process rather than on results.

The President talks about hiring maybe 100,000 teachers. We do know that when you require 48.6 million hours of paperwork, that is about the equivalent of 25,000 people working full-time, 25,000 people working to meet the paperwork requirements of the Department of education and other Federal agencies.

The Department of Education talks about, well, there are only 4,637. We are one of the smallest agencies in Washington. They have been smart. They have moved the paperwork and the requirements down to the State level. At the State level there are another 13,400 full-time employees funded with Federal dollars to administer these programs.

The end result is that when we send a dollar to Washington, there is a good chance that only 65 to 70 cents actually reaches the classroom. If we are really concerned about educating our children, let us take a look at the welfare model, the welfare reform model that has been so successful, and let us focus on results rather than paperwork and process. Let us focus on educating our children, rather than administering 760 programs with mountains of paperwork that are run by a shadow education department that consume 30 to 40 cents of every dollar before it gets back to the child.

How does this work? Vice President GORE's National Performance Review discovered that the Department of Education's discretionary grant process, now think about this, in a world today where a new product in a high-tech business can be developed in India and can be in the room next door in a matter of seconds, if we want to get money from the Department of Education to help educate a child, the process is 26 weeks long and goes for 487 steps.

I have good news, the Department of Education has streamlined the process. They are now in the Information Age. But they define their Information Age and their streamlining as resulting in a process that now only takes 20 weeks and only has to go through 216 steps of review.

Think about this. This is the model that we have for 7 percent of our education funding: 760 programs, mountains of paperwork, three employees in the States for every Federal employee here in Washington chewing up every dollar in education so there is only about 65 to 70 cents left for the classroom, a process that goes through 216 steps and takes 20 weeks.

Where does this money go? It is kind of like, well, at least we have 65 to 70 cents of every dollar going to help educate our children in the basics. Wrong. Let me just give one good example: The Department of Education's Office of Special Education and Rehabilitative Services.

The objective of this program is supposedly to promote the general welfare of the deaf and hard of hearing, a very appropriate goal. How is that mandate and objective interpreted in Washington? It means that in Washington our taxpayer dollars, when we have this kind of performance that I mentioned earlier in education, what we are doing is in Washington educational meaningful programs include paying for the closed captioning of Baywatch, Ricki Lake, the Montel Williams Show, and Jerry Springer. And they have a special program dedicated to closed captioning for major sports programs. That is defined as a high priority program in Washington.

Other education programs, and remember, this is in context with where we were earlier for how our kids are performing internationally. Our education department believes that, here, they print a cartoon book. The title is "The Ninjas, the X-men, and the Ladies, Playing with Power and Identity in the Urban Primary School."

□ 2100

They have got one for the bakery industry. Lesson plans prepared for grocery employees. The lessons focused on topics from the workplace in the following areas: bakery, cake orders, courtesy clerk, and sushi bard. It is 96 pages long. Fifth grade pipe fitters. Building workplace vocabulary for pipe fitters, 27 pages.

I am not sure that those are the right priorities. My colleague said that is why we need more money in Washington and we need more focus in Washington, because we cannot trust people at the local level.

There is a better way to address education. What do we want to do? Let me talk a little bit about the values that are the foundation for our Academic Achievement For All Act, Straight A's, because there is a different approach. It builds on the welfare approach.

What it says simply is, we are going to take these Federal programs, and we are going to provide States with the opportunity, this is not a mandated program, this is a choice for the States, we are going to provide them with the opportunity to go through the categorical programs, the model that my colleague thinks is the most appropriate; and my colleague should be pleased to know that that program is going to stay in place.

But we also then provide the States with the opportunity of coming to Washington and presenting a plan and saying, we have got some special need and some special focus and some special priorities that we have in Wisconsin or that we have in Michigan that we really think we need to focus on.

So they reach an agreement with the Department of Education on a charter. So they get a 5-year waiver from the rules and the regulations. And, yes, they do get flexibility. They get flexibility to move their dollars around to their areas of focus and their areas of need.

In exchange for that increase to flexibility and in exchange for eliminating the paperwork, they reach an accountability agreement that says, for that flexibility for the dollars and that freedom from the red tape, we are going to focus on results, and we are going to agree on these accountability standards for all of our students, to make sure that we deal with all of our students and do not forget about any of our students. The State then gets that flexibility.

If, after 5 years, the States have not met their accountability guidelines, the Federal Government can come back and say they did not do what they said they were going to do. They did not get the results that they were going to get. They have got to go back into the categorical programs.

Flexibility, elimination of red tape, and a freedom to focus on results. It is the welfare model. What do we believe that this will lead to, and what are the values that drive this kind of a strategy? We believe that education needs to be student centered. Successful schools are not forced to rely and focus on Federal paperwork. They have the opportunity and the freedom to focus on each and every child. They are results oriented, not process oriented.

We believe in equality. Each and every child in America must be given the opportunity to succeed in his or her school.

Another value we have is that parental involvement and local control. Schools thrive, and we have seen this wherever we went, schools thrive when parents are integrated into the learning process, when parents and adults are viewed as equal partners in decision making and direction setting, and when decisions are made at the local level by individuals who know the names and understand the needs of each child in their school.

Freedom. We believe that families and students deserve the opportunity to choose the school that they will attend.

Safety. Successful schools are free from violence. Children and parents need schools which can provide a secure learning environment.

Basic academics. It is another core value much the schools and the successful schools that we have seen focus on basic academics. Reading, writing, and math are taught as the foundation of lifelong learning and a sound future. The methods used to teach these subjects and others should be based on sound science and reliable and reputable research.

Discipline. Successful schools maintain disciplined environments where all are respected.

Flexibility. Schools need the ability to shape programs and policies that fit their particular needs. One size does not fit all. It did not work in welfare. It does not work in education. No two school districts or States are the same, and a one-size-fits-all Federal education system just will not work. One size fits all cannot replace the knowledge or the concern. To imply that people at the local level and that parents and teachers and administrators do not care about their children at the local level sells them short. It does not sell them short, it is just a total lack of understanding of what is going on in local America today.

Results. Successful schools implement accountability mechanisms which measure whether or not a child is learning.

Finally, another value is we believe that dollars need to be spent in the classroom and not on bureaucracy. Successful schools spend less time and resources on paperwork and more time on classroom resources.

We all want a better education system. We want common sense principles that drive our education strategy. For us, that means parental involvement. It means basic academic. It means flexibility. It means dollars to the classroom, and it means eliminating red tape.

For the other side, it means creating a Federal school board and running one's local school in a much more direct way from Washington than at the local level. That is just not going to work. It is not the right way to go.

We have a wonderful opportunity in today's prosperity to reform and to rethink the education model. We did part of it earlier this year when we did the Education Flexibility Act, providing a certain degree of latitude and flexibility in States to deal with the paperwork that has been imposed upon them.

We can build off that now by giving States and local schools the flexibility in how they spend their dollars and focusing on meeting the needs of their children's learning.

We can provide parents with the opportunity and the flexibility to secure their child's education by providing tax relief in the form of education savings accounts.

We can get more resources focused into the classroom by saying, when it comes to Federal education spending, Washington comes last. It does not mean we cut our Washington spending. It says that, for every dollar we spend in Washington, instead of getting 60 or 65 to 70 cents back to a local classroom, which is where the leverage point is, which is where we can have an impact on learning, we are saying we are going to get 95 cents of every Federal dollar back.

So without even expending more money in Washington, we can increase the amount of Federal dollars that get to the classroom, the local classroom, by 50 percent. That is an effective way to improve education.

We have made a lot of progress. We are going to continue working on this issue.

As I wrap up, I take a look at what we have accomplished and what we want to accomplish this year. We are going to have a balanced budget. We are going to begin the process of setting aside $1.8 trillion for Social Security and Medicare. We are going to provide tax relief to the American people. We are going to strengthen our national security so that we can be secure at home and abroad.

We are going to focus on education. We are going to allow parents and local schools to focus on meeting the needs of their children. We are going to provide States the flexibility. We are going to take the model that worked in welfare, and we are going to take that same kind of criteria, which is a trust in the local level, a trust in the State level, and saying the top-down structure does not work. We have got a model that works. We have seen it work. People have experienced it. People are benefiting from it. We need to take that same model and apply it to education.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILCHREST (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

Mr. SANFORD (at the request of Mr. ARMEY) for after 5 p.m. today and the balance of the week on account of official business.

Mr. PACKARD (at the request of Mr. ARMEY) for after 4 p.m. today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:

Mr. DUNCAN, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Friday, June 25, 1999, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1998 and the first quarter of 1999 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 1999, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 31 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bill Archer:											
Hotel cancellation fees, 11/7/98			Chile						2,508.00		2,508.00
Committee total											2,508.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, May 12, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Stephen Horn	1/10	1/12	Finland		568.00						
	1/12	1/14	Germany		508.00						
	1/14	1/16	France		502.00						
	1/16	1/18	Austria		480.00						
Hon. John Mica	1/10	1/12	Finland		568.00						
	1/12	1/14	Germany		508.00						
	1/14	1/16	France		502.00						
	1/16	1/18	Austria		480.00						
	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Robert Charles	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Michael Yeager	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Sean Littlefield	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Hon. Mark Souder	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Hon. Doug Ose	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		499.00		88.89		
Hon. Judy Biggert	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Kevin Long	2/13	2/14	Panama		217.00		92.00		54.55		
	2/14	2/15	El Salvador		210.00		87.85		114.70		
	2/15	2/16	Peru		306.00		43.10				
	2/16	2/17	Bolivia		398.50		173.34		1,052.64		
	2/18	2/21	Mexico		455.00		183.00		88.89		
Committee total					16,808.00		4,950.32		10,486.24		32,244.56

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Conyers, Jr	1/27	1/28	Dominican Republic		161.00		(3)				161.00
	1/28	1/28	Haiti								
Hon. Bob Goodlatte	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00						332.00
	2/18	2/20	Belgium		582.00						582.00
Hon. Rick Boucher	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00						332.00
	2/18	2/20	Belgium		582.00						582.00
Debra Laman	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00						332.00
	2/18	2/20	Belgium		582.00						582.00
Robert Jones	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00						332.00
	2/18	2/20	Belgium		582.00						582.00
Delegation expenses	2/18	2/20	Belgium				765.26		455.75		1,221.01
Committee total					8,197.00		765.26		455.75		9,418.01

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HENRY HYDE, Chairman, May 6, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Heymsfeld	1/12	1/17	China		1,047.00		4,422.40				5,469.40
Committee total					1,047.00		4,422.40				5,469.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BUD SHUSTER, Chairman, May 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Stopher, Staff	1/8	1/20	Europe		3,207.00						3,207.00
Commercial Airfare							5,301.97				5,301.97
Patrick Murray, Staff	1/8	1/20	Europe		2,843.00						2,843.00
Commercial Airfare							6,586.47				6,586.47
Catherine Eberwein, Staff	1/24	2/1	Asia		2,045.00						2,045.00
Commercial Airfare							5,920.20				5,920.20
Jay Jakub, Staff	1/24	2/3	Asia		2,473.00						2,473.00
Commercial Airfare							7,383.40				7,383.40
Christopher Barton, Staff	1/28	1/29	Caribbean		161.00		(3)				161.00
Tom Newcomb, Staff	1/12	1/21	Europe and Asia		2,097.00		(3)				2,097
Commitee Total					12,826.00		25,192.04				38,018.04

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PORTER J. GOSS, Chairman, May 12, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, ALBANIA, MACEDONIA, ITALY, AND BELGIUM, EXPENDED BETWEEN APR. 16 AND APR. 18, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. C.W. Bill Young		4/16	USA								
	4/16	4/17	Germany								
	4/17	4/17	Albania								
	4/17	4/17	Macedonia								
	4/17	4/17	Italy								
	4/17	4/18	Belgium		100.00						
	4/18		USA								100.00
Identical itinerary and Per diem for:											
Hon. Steny Hoyer[3]					100.00						100.00
Hon. Henry Bonilla[3]					100.00						100.00
Hon. Ernest Istook[3]					100.00						100.00
Hon. Mac Collins[3]					100.00						100.00
Hon. Mark Souder[3]					100.00						100.00
Hon. Jim Gibbons[3]					100.00						100.00
Hon. Robin Hayes[3]					100.00						100.00
Hon. Nancy Pelosi[3]					100.00						100.00
Hon. Donald Payne[3]					100.00						100.00
Hon. Neil Abercrombie[3]					100.00						100.00
Hon. Rod Blagojevich[3]					100.00						100.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, ALBANIA, MACEDONIA, ITALY, AND BELGIUM, EXPENDED BETWEEN APR. 16 AND APR. 18, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bill Inglee [3]					100.00						100.00
Doug Gregory [3]					100.00						100.00
Greg Dahlberg [3]					100.00						100.00
Scott Paul [3]					100.00						100.00
Committee Total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Identical itinerary and per diem as Hon. C.W. Bill Young.

BILL YOUNG, Chairman, May 13, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, ALBANIA, MACEDONIA, ITALY, AND BELGIUM, EXPENDED BETWEEN APR. 30 AND MAY 2, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard Armey	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Chris Smith	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Peter Hoekstra	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Rick Lazio	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Ed Royce	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Sue Kelly	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Mark Sanford	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Mac Thornberry	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. John Cooksey	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Bob Riley	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Steven Kuykendall	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Tony Hall	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Sheila Jackson-Lee	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Frank Mascara	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Bill Pascrell	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Brad Sherman	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Tammy Baldwin	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Grace Napolitano	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Hon. Mike Thompson	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Wilson Livingood	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Scott Palmer	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Brian Gunderson	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Jim Wilkinson	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Kathleen Moazed	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Bill Natter	4/30	5/2	Belgium		218.19		(3)		140.51		358.70
Committee total					5,672.94				3,653.26		9,326.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DICK ARMEY, Chairman, June 3, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 11 AND JAN. 14, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Wolf	1/11	1/14	Russia		1,002.00		4,961.00				6,113.00
Committe total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, Chairman, May 17, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ITALY, ISRAEL, EGYPT, JORDAN, TUNISIA, AND MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 8, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation				Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dr. James Ford	3/27	3/28	Italy		328.00						
	3/28	3/30	Israel		658.00						
	3/30	4/1	Egypt		452.00						
	4/1	4/3	Jordan		588.00						
	4/3	4/5	Tunisia		358.00						
	4/5	4/8	Morocco		661.00						
Committtee total					3,045.00						

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DR. JAMES FORD, May 12, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2722. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Performance of Certain Functions by National Futures Association With Respect to Those Foreign Firms Acting in the Capacity of a Futures Commission Merchant—received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2723. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Rules of Practice; Final Rules; Correction—received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2724. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Applications for Contract Market Designation—received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2725. A letter from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Retailer Integrity, Fraud Reduction and Penalties (RIN: 0584–AC46) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2726. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kresoxim-methyl; Pesticide Tolerances [OPP–300873; FRL–6085–4] (RIN: 2070–AB78) received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2727. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Extension of Tolerance for Emergency Exemptions [OPP–300840; FRL–6074–2] (RIN: 2070–AB78) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2728. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns [DFARS Case 98–D310] received May 12, 1999; to the Committee on Armed Services.

2729. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Applicability of Buy American Clauses to Simplified Acquisitions [DFARS Case 98–D031] received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2730. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Antiterrorism Training [DFARS Case 96–D016] received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2731. A letter from the Secretary of Defense, transmitting approval of the retirement of Lieutenant General Joseph J. Redden, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2732. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2733. A letter from the Commissioner, National Center for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Educational Statistics (NCES), "The Condition of Education," pursuant to 20 U.S.C. 1221e–1(d)(1); to the Committee on Education and the Workforce.

2734. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors [OPPTS–62158A; FRL–6058–6] (RIN: 2070–AD11) received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2735. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Enhanced Inspection and Maintenance Program [DC036–2017; FRL–6356–4] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2736. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Permits and Sulfur Dioxide Allowance System Regulations Under Title IV of the Clean Air Act: Compliance Determination [FRL–6341–2] (RIN: 2060–AI27) received May 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2737. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Emissions From Existing Hazardous/Medical/Infectious Waste Incinerators [FRL–6340–6] received May 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2738. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for South Coast Air Quality Management District [CA012–0144a, FRL–6335–3] received May 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2739. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Halosulfuron; Pesticide Tolerance [OPP–300854; FRL–6078–5] (RIN: 2070–AB78) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2740. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Meyersdale, Pennsylvania) (Richwood, West Virginia) (Newell, Iowa) (Superior, Wyoming) (La Center, Kentucky) (Lovell, Wyoming) (Royal City, Washington) [MM Docket No. 98–28; RM–9234] [MM Docket No. 98–33; RM–9224] [MM Docket No. 98–71; RM–9266] [MM Docket No. 98–109; RM–9282] [MM Docket No. 98–114; RM–9298] [MM Docket No. 98–116; RM–9281] [MM Docket No. 98–150; RM–9302] received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2741. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules [MM Docket No. 98–93] received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2742. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted For Direct Addition to Food For Human Consumption; Sucrose Acetate Isobutyrate [Docket No. 91F–0228] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2743. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 99–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2744. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning United States Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on International Relations.

2745. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports to Cuba [Docket No. 990427108–9108–01] (RIN: 0694–AB93) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2746. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released by the GAO in April 1999, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

2747. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1998, through March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2748. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Bering Sea and Aleutian Islands Management Area; Exempted Fishing Permit [I.D. 052699D] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2749. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of the San Juan High Offshore Airspace Area, PR [Airspace Docket No. 97–ASO–21] (RIN: 2120–AA66) received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2750. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; West Union, IA [Airspace Docket No. 99–ACE–12] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2751. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Back Bay of Biloxi, MS [CGD8–96–049] (RIN: 2115–AE47) received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2752. A letter from the Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Notice and Request for Proposals [Docket No. 990416102–9102–01] (RIN: 0648–ZA64) received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2753. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Diseases of the Ear and Other Sense Organs (RIN: 2900–AF22) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 853. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes; with an amendment, adversely, (Rept. 106–198 Pt. 1). Ordered to be printed.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 221. Resolution providing for consideration of the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes (Rept. 106–199). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOWNS (for himself, Mr. Gillmor, Mr. Hall of Texas, Mr. Burr of North Carolina, Mr. Bishop, and Mr. Hastings of Washington):

H.R. 2335. A bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes; to the Committee on Commerce.

By Mr. MCCOLLUM:

H.R. 2336. A bill to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. Barr of Georgia, Mr. Hinchey, Mr. Hostettler, Mr. Meeks of New York, and Mr. Campbell):

H.R. 2337. A bill to repeal section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on Government Reform.

By Mr. RAMSTAD:

H.R. 2338. A bill to require the Secretary of Health and Human Services to provide an individual who seeks to have a particular type of item or service to be covered benefit under the Medicare Program the option to meet with the Secretary in advance to develop a written agreement specifying the information necessary for the Secretary to make a national coverage determination under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. Vento, Mr. Hefley, Mr. Rahall, Mr. Castle, Mr. Pickett, Mr. Barrett of Nebraska, Mr. Sawyer, Mr. Boehlert, Mrs. Tauscher, Mr. Gilchrest, Mrs. Northup, Mr. McInnis, Mr. Oberstar, Ms. Pelosi, Mr. Faleomavaega, Mr. Lipinski, Mr. Leach, Mr. Hinchey, Mr. Mollohan, Mr. Ehrlich, Mr. English, Mr. Kucinich, Mr. Evans, Mr. Stark, Mr. Lantos, Mr. Porter, Ms. Woolsey, Mr. Costello, Mr. Davis of Illinois, Mrs. Morella, Mr. Phelps, Mr. Udall of Colorado, Ms. Norton, Mr. Moran of Virginia, Mr. Ehlers, Mr. Weller, Mr. Clay, Mr. Gilman, and Mr. Blumenauer):

H.R. 2339. A bill to amend the National Trails System Act to authorize an additional category of national trail known as a national discovery trail, to provide special requirements for the establishment and administration of national discovery trails, and to designate the cross country American Discovery Trail as the first national discovery trail; to the Committee on Resources.

By Mr. BISHOP (for himself and Mr. Chambliss):

H.R. 2340. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

By Mr. BURR of North Carolina (for himself and Mr. Towns):

H.R. 2341. A bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics; to the Committee on Commerce.

By Mr. BURR of North Carolina (for himself and Mr. Ballenger):

H.R. 2342. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H.R. 2343. A bill to amend the Endangered Species Act of 1973 to provide for the review and recommendation by the National Academy of Sciences of species that should be removed from lists of endangered species and threatened species; to the Committee on Resources.

By Mr. DAVIS of Florida (for himself, Mr. Roemer, Mr. Etheridge, Mr. Gonzalez, Mr. Ford, Mr. Shows, Mr. Bentsen, Mr. Martinez, Mrs. Mink of Hawaii, Mr. Kucinich, Ms. Sanchez, Mr. Fattah, Mr. Holt, Ms. Woolsey, Mr. Romero-Barceló, Mr. Scarborough, Mr. Foley, Mr. Hinojosa, Ms. Stabenow, Ms. Berkley, Mrs. Thurman, Mr. Kind, Mr. Smith of Washington, Mr. Lampson, and Mr. Wynn):

H.R. 2344. A bill to provide funds to assist high-poverty school districts meet their teaching needs; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Mrs. Lowey, Mr. Roemer, Mr. Bonior, Mr. Frost, Ms. Kaptur, Mr. Hinchey, Mr. Serrano, Mr. Crowley, Mr. McDermott, Ms. Roybal-Allard, Mr. McGovern, Ms. Kilpatrick, Mr. Waxman, Mr. Doyle, Mr. Faleomavaega, Mr. Pallone, Mr. Wynn, Mr. Kildee, Mr. Latham, Mr. Davis of Illinois, Mr. Lipinski, and Mr. Cummings):

H.R. 2345. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Agriculture, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. Coble, Mr. Dingell, Mr. Upton, Mr. Hobson, Mr. Hoekstra, Mr. Traficant, and Mr. Campbell):

H.R. 2346. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce.

By Mr. ENGLISH (for himself, Mr. Hill of Montana, and Mr. Nethercutt):

H.R. 2347. A bill to amend the Internal Revenue Code of 1986 to provide that the look-back method shall not apply to construction contracts required to use the percentage of completion method; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. Cook, Mr. Cannon, Mr. Udall of Colorado, Mr. McInnis, Mr. Schaffer, Mr. Tancredo, and Mrs. Cubin):

H.R. 2348. A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Resources.

By Mr. HERGER (for himself and Ms. Dunn):

H.R. 2349. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the unified credit against the estate and gift taxes; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. McINTOSH, Mr. DOOLITTLE, Mr. ISTOOK, Mr. BURTON of Indiana, Mr. HILLEARY, Mr. HOSTETTLER, Mrs. CHENOWETH, Mr. GRAHAM, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. PITTS, Mr. DICKEY, Mr. JONES of North Carolina, Mr. SUNUNU, Mr. HANSEN, Mr. SOUDER, Mr. WELDON of Florida, Mr. CHABOT, Mrs. CUBIN, Mr. DEMINT, Mr. HERGER, Mr. McINNIS, Mr. WATKINS, Mr. HULSHOF, Mr. HAYWORTH, Mr. DELAY, Mr. PAUL, Mr. MANZULLO, Mrs. MYRICK, Mr. SKEEN, Mr. BILIRAKIS, Mr. HEFLEY, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. THORNBERRY, Mr. BONILLA, Mr. COBURN, Mr. POMBO, Mr. ISAKSON, Mr. SESSIONS, Mr. PICKERING, Mr. RYUN of Kansas, Mr. GREEN of Wisconsin, Mr. RILEY, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. DREIER, Mr. HOBSON, Mr. HYDE, Mr. SPENCE, and Mr. METCALF):

H.R. 2350. A bill to amend the Internal Revenue Code of 1986 to repeal taxes on American Values; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself, Mr. WATT of North Carolina, Mr. VENTO, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, and Mr. LUTHER):

H.R. 2351. A bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. McCOLLUM (for himself and Mr. SHAW):

H.R. 2352. A bill to provide for a judicial remedy for United States persons injured as a result of violations by foreign states of their arbitral obligations under international law; to the Committee on the Judiciary.

H.R. 2353. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. GIBBONS):

H.R. 2354. A bill to grant a federal charter to the Association of American State Geologists; to the Committee on the Judiciary.

By Mr. SHAYS (for himself, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Mr. BARRETT of Wisconsin, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAMPBELL, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. COYNE, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. FORBES, Mr. FORD, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KLINK, Mr. KOLBE, Mr. KUCINICH, Mr. KUYKENDALL, Mr. LAFALCE, Mr. LANTOS, Mr. LARSON, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. McCARTHY of New York, Mr. McDERMOTT, Mr. McGOVERN, Ms. McKINNEY, Mr. McNULTY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOORE, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms. PRYCE of Ohio, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. STABENOW, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WEYGAND, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 2355. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. McCRERY, Mr. SAM JOHNSON of Texas, Mr. CAMP, Mr. RAMSTAD, Mr. ENGLISH, Mr. McINTOSH, and Mr. LOBIONDO):

H.R. 2356. A bill to amend title XVIII of the Social Security Act to improve review procedures under the Medicare Program by making those procedures more equitable and efficient for beneficiaries and other claimants, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2357. A bill to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office"; to the Committee on Government Reform.

By Mr. VISCLOSKY (for himself, Mr. BURTON of Indiana, Mr. ROEMER, Mr. BUYER, Ms. CARSON, Mr. McINTOSH, Mr. HILL of Indiana, Mr. HOSTETTLER, Mr. SOUDER, and Mr. PEASE):

H.R. 2358. A bill to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office"; to the Committee on Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. FROST, Ms. PELOSI, Mr. ABERCROMBIE, Mr. FOLEY, Mr. McINNIS, Mr. UDALL of Colorado, Mr. PALLONE, Mr. WATKINS, Mr. HAYWORTH, Mr. KENNEDY of Rhode Island, Mr. SMITH of Washington, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Mr. HOUGHTON, Mr. TOWNS, Ms. WATERS, Mr. NETHERCUTT, and Mr. STUPAK):

H.R. 2359. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Ways and Means.

By Mr. SANDERS (for himself and Mr. BURTON of Indiana):

H.R. 2360. A bill to provide that benefits under chapter 89 of title 5, United States Code, may be afforded for covered services provided by a licensed or certified chiropractor, acupuncturist, massage therapist, naturopathic physician, or midwife, without supervision or referral by another health practitioner; to the Committee on Government Reform.

By Mr. SANDERS:

H.R. 2361. A bill to repeal the interim payment system for home health services furnished under the Medicare Program, to eliminate the mandatory 15 percent reduction in payment amounts for such services under the prospective payment system, to continue periodic interim payments for such services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. LAMPSON, Ms. GRANGER, Mr. BAKER, Mr. BONILLA, Mr. BURR of North Carolina, and Mr. CANNON.

H.R. 25: Mr. SANDERS.

H.R. 72: Mr. SCHAFFER.

H.R. 82: Mr. CLEMENT.

H.R. 148: Mr. ORTIZ and Mr. SWEENEY.

H.R. 172: Mr. DEAL of Georgia.

H.R. 175: Mr. SAXTON, Mr. LOBIONDO, Mr. STUPAK, and Mr. BLILEY.

H.R. 220: Mr. WAMP.

H.R. 303: Mr. PETERSON of Minnesota.

H.R. 323: Mr. CONYERS.

H.R. 355: Mr. MEEHAN.

H.R. 357: Mr. GORDON.

H.R. 405: Mr. DICKEY.

H.R. 406: Mr. OBERSTAR.

H.R. 486: Mr. WYNN, Mr. HILLIARD, Mr. LOBIONDO, and Mr. KANJORSKI.

H.R. 490: Mr. JOHN, Mr. WATTS of Oklahoma, Mr. STENHOLM, Mr. BENTSEN, Mr. COOK, Mr. GREEN of Texas, Mr. SHOWS, Mr. SESSIONS, Mr. SANDLIN, Mr. ISTOOK, Mr. SHIMKUS, Mr. HALL of Texas, Mr. SCHAFFER, Mr. SAM JOHNSON of Texas, and Mr. MANZULLO.

H.R. 516: Mr. PETERSON of Minnesota.

H.R. 518: Mr. PETERSON of Minnesota.

H.R. 555: Mr. GEORGE MILLER of California.

H.R. 597: Ms. GRANGER, Ms. KAPTUR, Mr. ROEMER, and Ms. SCHAKOWSKY.

H.R. 614: Mr. MILLER of Florida.

H.R. 623: Mr. SKELTON and Mr. SYNDER.

H.R. 628: Mr. GOODE.

H.R. 639: Mr. PHELPS.

H.R. 655: Mr. MALONEY of Connecticut.

H.R. 664: Mr. CLEMENT.

H.R. 675: Mr. MANZULLO.

H.R. 692: Mr. BAKER.

H.R. 742: Mr. DEUTSCH, Mr. GORDON, Mr. MENENDEZ, and Mr. QUINN.

H.R. 756: Mr. PITTS.

H.R. 765: Mr. CLEMENT and Mr. COSTELLO.

H.R. 783: Mr. BROWN of California and Mr. SHAYS.

H.R. 784: Mrs. MCCARTHY of New York.

H.R. 797: Mr. GUTIERREZ and Mr. TRAFICANT.

H.R. 804: Mr. COSTELLO and Mr. KIND.

H.R. 835: Mr. LAMPSON and Mr. SPRATT.

H.R. 853: Mr. RYAN of Wisconsin.

H.R. 864: Mr. FOSSELLA, Mr. LUTHER, Mr. JOHN, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. STUPAK, Mr. DEFAZIO, Mr. LOBIONDO, Mr. CONYERS, Mr. SAXTON, and Mr. COLLINS.

H.R. 865: Mr. RANGEL and Mr. SISISKY.

H.R. 903: Mr. CALVERT.

H.R. 922: Mr. GOODLING.

H.R. 976: Mr. GORDON and Mr. DOOLITTLE.

H.R. 1020: Mr. STUPAK, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. THURMAN.

H.R. 1046: Mr. MCHUGH.

H.R. 1052: Mr. MCINTOSH, Mr. WEINER, and Mr. GOODLATTE.

H.R. 1070: Mr. COOKSEY, Mr. HEFLEY, Mr. ENGLISH, and Mr. SAXTON.

H.R. 1081: Mr. HOLDEN.

H.R. 1083: Mr. GOODE and Mr. JEFFERSON.

H.R. 1090: Mr. GILMAN, Mr. CLYBURN, Mr. CLAY, Ms. VELÁZQUEZ, and Mr. STUPAK.

H.R. 1092: Mrs. CAPPS.

H.R. 1103: Mr. BECERRA, Mr. BORSKI, Mr. BOYD, Ms. BROWN of Florida, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. KING, Mrs. LOWEY, Mr. MEEKS of New York, Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. OWENS, Mr. RAHALL, Mr. VISCLOSKY, and Mr. BLUMENAUER.

H.R. 1144: Mr. GIBBONS.

H.R. 1176: Ms. RIVERS.

H.R. 1180: Mr. KUCINICH, Mr. HOYER, Mr. BECERRA, and Mr. YOUNG of Alaska.

H.R. 1182: Mr. BAKER.

H.R. 1188: Mr. BOUCHER.

H.R. 1193: Mr. DEUTSCH and Mr. MURTHA.

H.R. 1218: Mr. PHELPS.

H.R. 1221: Mr. SKEEN and Mr. SHAW.

H.R. 1222: Mr. PHELPS.

H.R. 1247: Ms. SCHAKOWSKY.

H.R. 1260: Ms. BROWN of Florida.

H.R. 1264: Mr. SENSENBRENNER.

H.R. 1271: Mr. HINCHEY, Mr. MALONEY of Connecticut, Mr. FROST, Mr. NADLER, Ms. LEE, Mr. BROWN of Ohio, Mr. RAHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. KAPTUR, Ms. BROWN of Florida, Mr. BRADY of Pennsylvania.

H.R. 1287: Mr. TERRY.

H.R. 1300: Mr. HUTCHINSON and Mrs. ROUKEMA.

H.R. 1323: Mr. SMITH of Washington, Mr. BLUNT, and Mr. SKEEN.

H.R. 1329: Mr. MANZULLO and Mr. ANDREWS.

H.R. 1344: Mr. TAYLOR of North Carolina and Mr. DICKEY.

H.R. 1352: Ms. LOFGREN, Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. EVANS, Ms. DANNER, Mrs. LOWEY, Mr. ALLEN, Ms. DELAURO, and Ms. PELOSI.

H.R. 1407: Mr. HOLT.

H.R. 1412: Ms. KAPTUR.

H.R. 1422: Mr. BISHOP, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. LANTOS, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. RAHALL, Mr. FROST, Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Mrs. EMERSON, Ms. KAPTUR, and Mr. EVANS.

H.R. 1443: Mr. BLUMENAUER.

H.R. 1450: Mr. JEFFERSON.

H.R. 1477: Mr. WEINER, Mr. JEFFERSON, and Mr. KNOLLENBERG.

H.R. 1495: Mr. GILCHREST and Mr. SHOWS.

H.R. 1505: Mr. KASICH and Mr. FOLEY.

H.R. 1507: Mr. DOOLITTLE.

H.R. 1523: Mr. MCINNIS, Mr. WATKINS, and Mr. ROHRABACHER.

H.R. 1524: Mr. BOYD.

H.R. 1525: Mr. FILNER, Mrs. MALONEY of New York, and Mr. CAPUANO.

H.R. 1543: Ms. KILPATRICK, Mr. FROST, Mr. GUTIERREZ, and Mr. BENTSEN.

H.R. 1592: Mr. DOOLEY of California and Mrs. FOWLER.

H.R. 1622: Mrs. LOWEY and Ms. BALDWIN.

H.R. 1634: Mr. JEFFERSON and Mr. COOKSEY.

H.R. 1645: Mr. HINCHEY.

H.R. 1650: Mr. CASTLE, Mr. BOEHNER, Mr. CLYBURN, Mr. MCNULTY, Mr. GONZALEZ, and Mr. JACKSON of Illinois.

H.R. 1671: Mr. WEXLER.

H.R. 1681: Mr. CUMMINGS, Mr. CONYERS, Mr. MEEKS of New York, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mrs. CLAYTON, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. PAYNE, Ms. NORTON, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. SCOTT, Mr. WATT of North Carolina, Ms. BROWN of Florida, Ms. LEE, Mrs. JONES of Ohio, Mr. RANGEL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1728: Mr. RODRIGUEZ.

H.R. 1730: Mr. ENGLISH, Ms. LOFGREN, Mr. MCHUGH, Mr. FALEOMAVAEGA, and Mr. DEUTSCH.

H.R. 1732: Mr. THOMPSON of California.

H.R. 1736: Mr. THOMPSON of Mississippi and Mr. BALDACCI.

H.R. 1760: Mrs. MORELLA and Ms. STABENOW.

H.R. 1785: Mrs. MALONEY of New York, Mr. NADLER, Mr. DAVIS of Illinois, Mr. RAHALL, Mr. CROWLEY, Mr. OLIVER, Ms. MCCARTHY of Missouri, and Mr. BLUMENAUER.

H.R. 1788: Mr. WAXMAN, Mrs. MYRICK, Mr. SNYDER, Mr. DOYLE, Mr. GONZALEZ, Mr. ENGLISH, Mr. SHERMAN, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. MCNULTY, and Mr. TIAHRT.

H.R. 1791: Mr. STENHOLM.

H.R. 1793: Mr. UPTON and Mr. CAMPBELL.

H.R. 1794: Mr. BEREUTER, Mr. LANTOS, Mr. ACKERMAN, Mr. BERMAN, Mr. WEXLER, Mr FALEOMAVAEGA, and Mr. DAVIS of Florida.

H.R. 1795: Mrs. MORELLA, Mr. BOUCHER, Mr. LOBIONDO, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. FILNER, and Mr.OBERSTAR.

H.R. 1837: Mr. GOODE, Mr. HALL Of Texas, Mr. BALDACCI, Mr. OXLEY, Mrs. JOHNSON of Connecticut, and Mr. MCGOVERN.

H.R. 1839: Mr. BARCIA.

H.R. 1841: Mr. NADLER, Ms. SCHAKOWSKY, Mr. UNDERWOOD, and Ms. LOFGREN.

H.R. 1884: Mr. FROST, and Ms. LEE

H.R. 1899: Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Mr. ENGEL, Mr. SMITH, of New Jersey,. Mr. LAMPSON, Mr. RAHALL, Mr. WALSH, Mr. DAVIS of Illinois, Ms. KAPTUR, Mr. DIXON, Mr. BROWN of California, and Mr. DAVIS of Florida.

H.R. 1929: Mr. JEFFERSON.

H.R. 1935: Mr. LUTHER.

H.R. 1966: Mr. BONIOR, Mr. FOLEY, Mr. LANTOS, and Mr. BORSKI.

H.R. 1994: Mr. BEREUTER.

H.R. 2013: Mr. WAMP.

H.R. 2021: Mr. FROST, Mr. WEINER, Mr. CUMMINGS, Ms. PELOSI, and Ms. SCHAKOWSKY.

H.R. 2025: Ms. SCHAKOWSKY.

H.R. 2031: Mr. GILLMOR, Mr. GARY MILLER of California, Mr. SKELTON, Mr. BAKER, Mr. KILDEE, Mr. GUTKNECHT, and Mr. HILLIARD.

H.R. 2038: Mr. MCINNIS and Mr. SHIMKUS.

H.R. 2086: Mr. CAMPBELL, Mr. LARSON, Mr. COSTELLO, Mr. BARTON of Texas, and Mr. LAMPSON.

H.R. 2101: Mr. CHAMBLISS.

H.R. 2106: Mr. PALLONE.

H.R. 2116: Mr. SMTIH of New Jersey and Mr. BILIRAKIS.

H.R. 2136: Mr. SHOWS and Mr. MCHUGH.

H.R. 2170: Mrs. THURMAN, Mr. RAHALL, Mr. MOAKLEY, Mr. PORTMAN, Mr. SISISKY, and Mr. REYES.

H.R. 2174: Ms. LEE and Mr. THOMPSON of Mississippi.

H.R. 2202: Mr. KIND and Mr. JONES of North Carolina.

H.R. 2227: Mr. SANDERS, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. FROST, Ms. PELOSI, and Mrs. MINK of Hawaii.

H.R. 2243: Mr. MCHUGH.

H.R. 2247: Mr. LATOURETTE, Mr. TIAHRT, and Mr. GOODE.

H.R. 2252: Mr. BARTON of Texas.

H.R. 2260: Mr. TAYLOR of Mississippi, Mr. HUNTER, Mr. PACKARD, and Mr. EHLERS.

H.R. 2265: Mr. GILMAN, Mrs. JONES of Ohio, Ms. PELOSI, Mr. MASCARA, and Mr. BARCIA.

H.R. 2280: Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. SANDLIN, Mr. REYES, Ms. BROWN of Florida, Mr. DOYLE, Ms. CARSON, Mr. SNYDER, Mr. SHOWS, Mr. ABERCROMBIE, Mr. PASCRELL, Mr. CRAMER, Mr. OLVER, MR. GUTIERREZ, and Mr. HILL of Indiana.

H.R. 2283: Mrs. MEEK of Florida, Ms. CARSON, Ms. LEE, and Mr. GREEN of Texas.

H.R. 2287: Ms. SANCHEZ, Mr. FORD, Mr. FROST, Mr. GUTIERREZ, Ms. ROS-LEHTINEN, Mr. LEWIS of Georgia, and Mr. MEEKS of New York.

H.R. 2306: Mr. FROST, Ms. MILLENDER-MCDONALD, Ms. DELAURO, and Mr. GREEN of Texas.

H.J. Res. 34: Mr. PASCRELL.

H.J. Res. 55: Mr. KUYKENDALL and Mr. PACKARD.

H. Con. Res. 60: Mr. TANNER, Mr. MENENDEZ, and Mr. BARRETT of Wisconsin.

H. Con. Res. 64: Ms. BALDWIN and Mrs. JONES of Ohio.

H. Con. Res. 97: Ms. WOOLSEY, Mr. BLUMENAUER, Mr. FARR of California, Ms. KILPATRICK, Mr. MINGE, Mr. ENGLISH, Mr. GUTIERREZ, Mr. HOEFFEL, Mr. BLAGOJEVICH, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, Mr. CONYERS, Mr. HINCHEY, Mr. BERMAN, Mr. MCNULTY, Ms. LOFGREN, and Mr. OBERSTAR.

H. Con. Res. 111: Mr. STARK, Ms. PELOSI, Ms. VELÁZQUEZ, Mr. MARTINEZ, and Mr. BECERRA.

H. Con. Res. 124: Ms. RIVERS, Mr. BECERRA, and Ms. WOOLSEY.

H. Con. Res. 128: Mrs. LOWEY, Mr. KENNEDY of Rhode Island, Mr. SALMON, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. GUTKNECHT, Mr. DELAHUNT, Mr. TALENT, Mr. FORD, Mr. KING, Mr. BILBRAY, and Mr. HUNTER.

H. Con. Res. 131: Ms. WOOLSEY, Mr. ROTHMAN, Mr. SHOWS, Mr. FROST, Mr. CROWLEY, Mr. ANDREWS, Mrs. NORTHUP, Mr. SHERMAN, Mr. WAXMAN, and Mr. FOLEY.

H. Con. Res. 132: Ms. LEE, Mr. KUCINICH, Mr. JACKSON of Illinois, Mr. STARK, and Ms. WATERS.

H. Res. 41: Mr. BARTLETT of Maryland, Mr. LATOURETTE, and Ms. SCHAKOWSKY.

H. Res. 184: Mr. BRADY of Texas, Mr. BROWN of California, Mr. ENGEL, and Ms. MCKINNEY.

H. Res. 201: Mr. BURR of North Carolina, Mr. MOAKLEY, Mr. FROST, and Mr. FRANKS of New Jersey.

H. Res. 214: Mr. STUPAK and Mr. TANCREDO.

H. Res. 215: Mr. KING.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 222: Mrs. MYRICK.

H.R. 1145: Mrs. MYRICK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 10

OFFERED BY: MR. DREIER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Services Act of 1999".

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To enhance competition in the financial services industry, in order to foster innovation and efficiency.

(2) To ensure the continued safety and soundness of depository institutions.

(3) To provide necessary and appropriate protections for investors and ensure fair and honest markets in the delivery of financial services.

(4) To avoid duplicative, potentially conflicting, and overly burdensome regulatory requirements through the creation of a regulatory framework for financial holding companies that respects the divergent requirements of each of the component businesses of the holding company, and that is based upon principles of strong functional regulation and enhanced regulatory coordination.

(5) To reduce and, to the maximum extent practicable, to eliminate the legal barriers preventing affiliation among depository institutions, securities firms, insurance companies, and other financial service providers and to provide a prudential framework for achieving that result.

(6) To enhance the availability of financial services to citizens of all economic circumstances and in all geographic areas.

(7) To enhance the competitiveness of United States financial service providers internationally.

(8) To ensure compliance by depository institutions with the provisions of the Community Reinvestment Act of 1977 and enhance the ability of depository institutions to meet the capital and credit needs of all citizens and communities, including underserved communities and populations.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; purposes; table of contents.

TITLE I—FACILITATING AFFILIATION AMONG SECURITIES FIRMS, INSURANCE COMPANIES, AND DEPOSITORY INSTITUTIONS

Subtitle A—Affiliations

Sec. 101. Glass-Steagall Act reformed.
Sec. 102. Activity restrictions applicable to bank holding companies which are not financial holding companies.
Sec. 103. Financial holding companies.
Sec. 104. Operation of State law.
Sec. 105. Mutual bank holding companies authorized.
Sec. 105A. Public meetings for large bank acquisitions and mergers.
Sec. 106. Prohibition on deposit production offices.
Sec. 107. Clarification of branch closure requirements.
Sec. 108. Amendments relating to limited purpose banks.
Sec. 109. GAO study of economic impact on community banks, other small financial institutions, insurance agents, and consumers.
Sec. 110. Responsiveness to community needs for financial services.

Subtitle B—Streamlining Supervision of Financial Holding Companies

Sec. 111. Streamlining financial holding company supervision.
Sec. 112. Elimination of application requirement for financial holding companies.
Sec. 113. Authority of State insurance regulator and Securities and Exchange Commission.
Sec. 114. Prudential safeguards.
Sec. 115. Examination of investment companies.
Sec. 116. Limitation on rulemaking, prudential, supervisory, and enforcement authority of the Board.
Sec. 117. Equivalent regulation and supervision.
Sec. 118. Prohibition on FDIC assistance to affiliates and subsidiaries.
Sec. 119. Repeal of savings bank provisions in the Bank Holding Company Act of 1956.
Sec. 120. Technical amendment.

Subtitle C—Subsidiaries of National Banks

Sec. 121. Permissible activities for subsidiaries of national banks.
Sec. 122. Safety and soundness firewalls between banks and their financial subsidiaries.
Sec. 123. Misrepresentations regarding depository institution liability for obligations of affiliates.
Sec. 124. Repeal of stock loan limit in Federal Reserve Act.

Subtitle D—Wholesale Financial Holding Companies; Wholesale Financial Institutions

CHAPTER 1—WHOLESALE FINANCIAL HOLDING COMPANIES

Sec. 131. Wholesale financial holding companies established.
Sec. 132. Authorization to release reports.
Sec. 133. Conforming amendments.

CHAPTER 2—WHOLESALE FINANCIAL INSTITUTIONS

Sec. 136. Wholesale financial institutions.

Subtitle E—Preservation of FTC Authority

Sec. 141. Amendment to the Bank Holding Company Act of 1956 to modify notification and post-approval waiting period for section 3 transactions.
Sec. 142. Interagency data sharing.
Sec. 143. Clarification of status of subsidiaries and affiliates.
Sec. 144. Annual GAO report.

Subtitle F—National Treatment

Sec. 151. Foreign banks that are financial holding companies.
Sec. 152. Foreign banks and foreign financial institutions that are wholesale financial institutions.
Sec. 153. Representative offices.
Sec. 154. Reciprocity.

Subtitle G—Federal Home Loan Bank System Modernization

Sec. 161. Short title.
Sec. 162. Definitions.
Sec. 163. Savings association membership.
Sec. 164. Advances to members; collateral.
Sec. 165. Eligibility criteria.
Sec. 166. Management of banks.
Sec. 167. Resolution Funding Corporation.
Sec. 168. Capital structure of Federal home loan banks.

Subtitle H—ATM Fee Reform

Sec. 171. Short title.
Sec. 172. Electronic fund transfer fee disclosures at any host ATM.
Sec. 173. Disclosure of possible fees to consumers when ATM card is issued.
Sec. 174. Feasibility study.
Sec. 175. No liability if posted notices are damaged.

Subtitle I—Direct Activities of Banks

Sec. 181. Authority of national banks to underwrite certain municipal bonds.

Subtitle J—Deposit Insurance Funds

Sec. 186. Study of safety and soundness of funds.
Sec. 187. Elimination of SAIF and DIF special reserves.

Subtitle K—Miscellaneous Provisions

Sec. 191. Termination of "know your customer" regulations.
Sec. 192. Study and report on Federal electronic fund transfers.
Sec. 193. General Accounting Office study of conflicts of interest.
Sec. 194. Study of cost of all Federal banking regulations.
Sec. 195. Study and report on adapting existing legislative requirements to online banking and lending.
Sec. 196. Regulation of uninsured State member banks.
Sec. 197. Clarification of source of strength doctrine.
Sec. 198. Interest rates and other charges at interstate branches.

Subtitle L-Effective Date of Title

Sec. 199. Effective date.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

Sec. 201. Definition of broker.
Sec. 202. Definition of dealer.
Sec. 203. Registration for sales of private securities offerings.
Sec. 204. Information sharing.
Sec. 205. Treatment of new hybrid products.
Sec. 206. Definition of excepted banking product.
Sec. 207. Additional definitions.
Sec. 208. Government securities defined.

Sec. 209. Effective date.
Sec. 210. Rule of construction.
Subtitle B—Bank Investment Company Activities
Sec. 211. Custody of investment company assets by affiliated bank.
Sec. 212. Lending to an affiliated investment company.
Sec. 213. Independent directors.
Sec. 214. Additional SEC disclosure authority.
Sec. 215. Definition of broker under the Investment Company Act of 1940.
Sec. 216. Definition of dealer under the Investment Company Act of 1940.
Sec. 217. Removal of the exclusion from the definition of investment adviser for banks that advise investment companies.
Sec. 218. Definition of broker under the Investment Advisers Act of 1940.
Sec. 219. Definition of dealer under the Investment Advisers Act of 1940.
Sec. 220. Interagency consultation.
Sec. 221. Treatment of bank common trust funds.
Sec. 222. Investment advisers prohibited from having controlling interest in registered investment company.
Sec. 223. Statutory disqualification for bank wrongdoing.
Sec. 224. Conforming change in definition.
Sec. 225. Conforming amendment.
Sec. 226. Church plan exclusion.
Sec. 227. Effective date.
Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies
Sec. 231. Supervision of investment bank holding companies by the Securities and Exchange Commission.
Subtitle D—Disclosure of Customer Costs of Acquiring Financial Products
Sec. 241. Improved and consistent disclosure.
TITLE III—INSURANCE
Subtitle A—State Regulation of Insurance
Sec. 301. State regulation of the business of insurance.
Sec. 302. Mandatory insurance licensing requirements.
Sec. 303. Functional regulation of insurance.
Sec. 304. Insurance underwriting in national banks.
Sec. 305. Title insurance activities of national banks and their affiliates.
Sec. 306. Expedited and equalized dispute resolution for Federal regulators.
Sec. 307. Consumer protection regulations.
Sec. 308. Certain State affiliation laws preempted for insurance companies and affiliates.
Sec. 309. Interagency consultation.
Sec. 310. Definition of State.
Subtitle B—National Association of Registered Agents and Brokers
Sec. 321. State flexibility in multistate licensing reforms.
Sec. 322. National Association of Registered Agents and Brokers.
Sec. 323. Purpose.
Sec. 324. Relationship to the Federal Government.
Sec. 325. Membership.
Sec. 326. Board of directors.
Sec. 327. Officers.
Sec. 328. Bylaws, rules, and disciplinary action.
Sec. 329. Assessments.
Sec. 330. Functions of the NAIC.
Sec. 331. Liability of the Association and the directors, officers, and employees of the Association.
Sec. 332. Elimination of NAIC oversight.
Sec. 333. Relationship to State law.
Sec. 334. Coordination with other regulators.
Sec. 335. Judicial review.
Sec. 336. Definitions.
Subtitle C—Rental Car Agency Insurance Activities
Sec. 341. Standard of regulation for motor vehicle rentals.
Subtitle D—Confidentiality
Sec. 351. Confidentiality of health and medical information.
TITLE IV—UNITARY SAVINGS AND LOAN HOLDING COMPANIES
Sec. 401. Prohibition on new unitary savings and loan holding companies.
Sec. 402. Retention of "Federal" in name of converted Federal savings association.
TITLE V—PRIVACY
Subtitle A—Privacy Policy
Sec. 501. Depository institution privacy policies.
Sec. 502. Study of current financial privacy laws.
Subtitle B—Fraudulent Access to Financial Information
Sec. 521. Privacy protection for customer information of financial institutions.
Sec. 522. Administrative enforcement.
Sec. 523. Criminal penalty.
Sec. 524. Relation to State laws.
Sec. 525. Agency guidance.
Sec. 526. Reports.
Sec. 527. Definitions.

TITLE I—FACILITATING AFFILIATION AMONG SECURITIES FIRMS, INSURANCE COMPANIES, AND DEPOSITORY INSTITUTIONS

Subtitle A—Affiliations

SEC. 101. GLASS-STEAGALL ACT REFORMED.

(a) Section 20 Repealed.—Section 20 of the Banking Act of 1933 (12 U.S.C. 377) (commonly referred to as the "Glass-Steagall Act") is repealed.

(b) Section 32 Repealed.—Section 32 of the Banking Act of 1933 (12 U.S.C. 78) is repealed.

SEC. 102. ACTIVITY RESTRICTIONS APPLICABLE TO BANK HOLDING COMPANIES WHICH ARE NOT FINANCIAL HOLDING COMPANIES.

(a) In General.—Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended to read as follows:

"(8) shares of any company the activities of which had been determined by the Board by regulation or order under this paragraph as of the day before the date of the enactment of the Financial Services Act of 1999, to be so closely related to banking as to be a proper incident thereto (subject to such terms and conditions contained in such regulation or order, unless modified by the Board);".

(b) Conforming Changes to Other Statutes.—

(1) Amendment to the bank holding company act amendments of 1970.—Section 105 of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1850) is amended by striking ", to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act,".

(2) Amendment to the bank service company act.—Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by striking the period and adding at the end the following: "as of the day before the date of enactment of the Financial Services Act of 1999.".

SEC. 103. FINANCIAL HOLDING COMPANIES.

(a) In General.—The Bank Holding Company Act of 1956 is amended by inserting after section 5 (12 U.S.C. 1844) the following new section:

"SEC. 6. FINANCIAL HOLDING COMPANIES.

"(a) Financial Holding Company Defined.—For purposes of this section, the term 'financial holding company' means a bank holding company which meets the requirements of subsection (b).

"(b) Eligibility Requirements for Financial Holding Companies.—

"(1) In general.—No bank holding company may engage in any activity or directly or indirectly acquire or retain shares of any company under this section unless the bank holding company meets the following requirements:

"(A) All of the subsidiary depository institutions of the bank holding company are well capitalized.

"(B) All of the subsidiary depository institutions of the bank holding company are well managed.

"(C) All of the subsidiary depository institutions of the bank holding company have achieved a rating of 'satisfactory record of meeting community credit needs', or better, at the most recent examination of each such institution;

"(D) The company has filed with the Board a declaration that the company elects to be a financial holding company and certifying that the company meets the requirements of subparagraphs (A), (B), and (C).

"(2) Foreign banks and companies.—For purposes of paragraph (1), the Board shall establish and apply comparable capital and other operating standards to a foreign bank that operates a branch or agency or owns or controls a bank or commercial lending company in the United States, and any company that owns or controls such foreign bank, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(3) Limited exclusions from community needs requirements for newly acquired depository institutions.—Any depository institution acquired by a bank holding company during the 12-month period preceding the submission of a notice under paragraph (1)(D) and any depository institution acquired after the submission of such notice may be excluded for purposes of paragraph (1)(C) during the 12-month period beginning on the date of such acquisition if—

"(A) the bank holding company has submitted an affirmative plan to the appropriate Federal banking agency to take such action as may be necessary in order for such institution to achieve a rating of 'satisfactory record of meeting community credit needs', or better, at the next examination of the institution; and

"(B) the plan has been accepted by such agency.

"(c) Engaging in Activities That Are Financial in Nature.—

"(1) Financial activities.—

"(A) In general.—Notwithstanding section 4(a), a financial holding company may engage in any activity, and acquire and retain the shares of any company engaged in any activity, that the Board has determined (by regulation or order and in accordance with subparagraph (B)) to be—

"(i) financial in nature or incidental to such financial activities; or “(ii) complementary to activities authorized under this subsection to the extent that the amount of such complementary activities remains small.

“(B) COORDINATION BETWEEN THE BOARD AND THE SECRETARY OF THE TREASURY.—

“(i) PROPOSALS RAISED BEFORE THE BOARD.—

“(I) CONSULTATION.—The Board shall notify the Secretary of the Treasury of, and consult with the Secretary of the Treasury concerning, any request, proposal, or application under this subsection, including a regulation or order proposed under paragraph (4), for a determination of whether an activity is financial in nature or incidental to such a financial activity.

“(II) TREASURY VIEW.—The Board shall not determine that any activity is financial in nature or incidental to a financial activity under this subsection if the Secretary of the Treasury notifies the Board in writing, not later than 30 days after the date of receipt of the notice described in subclause (I) (or such longer period as the Board determines to be appropriate in light of the circumstances) that the Secretary of the Treasury believes that the activity is not financial in nature or incidental to a financial activity.

“(ii) PROPOSALS RAISED BY THE TREASURY.—

“(I) TREASURY RECOMMENDATION.—The Secretary of the Treasury may, at any time, recommend in writing that the Board find an activity to be financial in nature or incidental to a financial activity.

“(II) TIME PERIOD FOR BOARD ACTION.—Not later than 30 days after the date of receipt of a written recommendation from the Secretary of the Treasury under subclause (I) (or such longer period as the Secretary of the Treasury and the Board determine to be appropriate in light of the circumstances), the Board shall determine whether to initiate a public rulemaking proposing that the subject recommended activity be found to be financial in nature or incidental to a financial activity under this subsection, and shall notify the Secretary of the Treasury in writing of the determination of the Board and, in the event that the Board determines not to seek public comment on the proposal, the reasons for that determination.

“(2) FACTORS TO BE CONSIDERED.—In determining whether an activity is financial in nature or incidental to financial activities, the Board shall take into account—

“(A) the purposes of this Act and the Financial Services Act of 1999;

“(B) changes or reasonably expected changes in the marketplace in which bank holding companies compete;

“(C) changes or reasonably expected changes in the technology for delivering financial services; and

“(D) whether such activity is necessary or appropriate to allow a bank holding company and the affiliates of a bank holding company to—

“(i) compete effectively with any company seeking to provide financial services in the United States;

“(ii) use any available or emerging technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions, in providing financial services; and

“(iii) offer customers any available or emerging technological means for using financial services.

“(3) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—The following activities shall be considered to be financial in nature:

“(A) Lending, exchanging, transferring, investing for others, or safeguarding money or securities.

“(B) Insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death, or providing and issuing annuities, and acting as principal, agent, or broker for purposes of the foregoing.

“(C) Providing financial, investment, or economic advisory services, including advising an investment company (as defined in section 3 of the Investment Company Act of 1940).

“(D) Issuing or selling instruments representing interests in pools of assets permissible for a bank to hold directly.

“(E) Underwriting, dealing in, or making a market in securities.

“(F) Engaging in any activity that the Board has determined, by order or regulation that is in effect on the date of enactment of the Financial Services Act of 1999, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto (subject to the same terms and conditions contained in such order or regulation, unless modified by the Board).

“(G) Engaging, in the United States, in any activity that—

“(i) a bank holding company may engage in outside the United States; and

“(ii) the Board has determined, under regulations issued pursuant to section 4(c)(13) of this Act (as in effect on the day before the date of enactment of the Financial Services Act of 1999) to be usual in connection with the transaction of banking or other financial operations abroad.

“(H) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

“(i) the shares, assets, or ownership interests are not acquired or held by a depository institution;

“(ii) such shares, assets, or ownership interests are acquired and held by an affiliate of the bank holding company that is a registered broker or dealer that is engaged in securities underwriting activities, or an affiliate of such broker or dealer, as part of a bona fide underwriting or investment banking activity, including investment activities engaged in for the purpose of appreciation and ultimate resale or disposition of the investment;

“(iii) such shares, assets, or ownership interests are held only for such a period of time as will permit the sale or disposition thereof on a reasonable basis consistent with the nature of the activities described in clause (ii); and

“(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not actively participate in the day to day management or operation of such company or entity, except insofar as necessary to achieve the objectives of clause (ii).

“(I) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

“(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or a subsidiary of a depository institution;

“(ii) such shares, assets, or ownership interests are acquired and held by an insurance company that is predominantly engaged in underwriting life, accident and health, or property and casualty insurance (other than credit-related insurance) or providing and issuing annuities;

“(iii) such shares, assets, or ownership interests represent an investment made in the ordinary course of business of such insurance company in accordance with relevant State law governing such investments; and

“(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not directly or indirectly participate in the day-to-day management or operation of the company or entity except insofar as necessary to achieve the objectives of clauses (ii) and (iii).

“(4) AUTHORIZATION OF NEW FINANCIAL ACTIVITIES.—The Board shall, by regulation or order and in accordance with paragraph (1)(B), define, consistent with the purposes of this Act, the following activities as, and the extent to which such activities are, financial in nature or incidental to activities which are financial in nature:

“(A) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

“(B) Providing any device or other instrumentality for transferring money or other financial assets.

“(C) Arranging, effecting, or facilitating financial transactions for the account of third parties.

“(5) POST-CONSUMMATION NOTIFICATION.—

“(A) IN GENERAL.—A financial holding company that acquires any company, or commences any activity, pursuant to this subsection shall provide written notice to the Board describing the activity commenced or conducted by the company acquired no later than 30 calendar days after commencing the activity or consummating the acquisition.

“(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—Except as provided in section 4(j) with regard to the acquisition of a savings association or in paragraph (6) of this subsection, a financial holding company may commence any activity, or acquire any company, pursuant to paragraph (3) or any regulation prescribed or order issued under paragraph (4), without prior approval of the Board.

“(6) NOTICE REQUIRED FOR LARGE COMBINATIONS.—

“(A) IN GENERAL.—No financial holding company shall directly or indirectly acquire, and no company that becomes a financial holding company shall directly or indirectly acquire control of, any company in the United States, including through merger, consolidation, or other type of business combination, that—

“(i) is engaged in activities permitted under this subsection or subsection (g); and

“(ii) has consolidated total assets in excess of $40,000,000,000,

unless such holding company has provided notice to the Board, not later than 60 days prior to such proposed acquisition or prior to becoming a financial holding company, and during that time period, or such longer time period not exceeding an additional 60 days, as established by the Board, the Board has not issued a notice disapproving the proposed acquisition or retention.

"(B) Factors for consideration.—In reviewing any prior notice filed under this paragraph, the Board shall take into consideration—

"(i) whether the company is in compliance with all applicable criteria set forth in subsection (b) and the provisions of subsection (d);

"(ii) whether the proposed combination represents an undue aggregation of resources;

"(iii) whether the proposed combination poses a risk to the deposit insurance system;

"(iv) whether the proposed combination poses a risk to State insurance guaranty funds;

"(v) whether the proposed combination can reasonably be expected to be in the best interests of depositors or policyholders of the respective entities;

"(vi) whether the proposed transaction can reasonably be expected to further the purposes of this Act and produce benefits to the public; and

"(vii) whether, and the extent to which, the proposed combination poses an undue risk to the stability of the financial system in the United States.

"(C) Required information.—The Board may disapprove any prior notice filed under this paragraph if the company submitting such notice neglects, fails, or refuses to furnish to the Board all relevant information required by the Board.

"(D) Solicitation of views of other supervisory agencies.—

"(i) In general.—Upon receiving a prior notice under this paragraph, in order to provide for the submission of their views and recommendations, the Board shall give notice of the proposal to—

"(I) the appropriate Federal banking agency of any bank involved;

"(II) the appropriate functional regulator of any functionally regulated nondepository institution (as defined in section 5(c)(1)(C)) involved; and

"(III) the Secretary of the Treasury, the Attorney General, and the Federal Trade Commission.

"(ii) Timing.—The views and recommendations of any agency provided notice under this paragraph shall be submitted to the Board not later than 30 calendar days after the date on which notice to the agency was given, unless the Board determines that another shorter time period is appropriate.

"(d) Provisions Applicable to Financial Holding Companies That Fail To Meet Requirements.—

"(1) In general.—If the Board finds, after notice from or consultation with the appropriate Federal banking agency, that a financial holding company is not in compliance with the requirements of subparagraph (A), (B), or (C) of subsection (b)(1), the Board shall give notice of such finding to the company.

"(2) Agreement to correct conditions required.—Within 45 days of receipt by a financial holding company of a notice given under paragraph (1) (or such additional period as the Board may permit), the company shall execute an agreement acceptable to the Board to comply with the requirements applicable to a financial holding company.

"(3) Authority to impose limitations.—Until the conditions described in a notice to a financial holding company under paragraph (1) are corrected—

"(A) the Board may impose such limitations on the conduct or activities of the company or any affiliate of the company as the Board determines to be appropriate under the circumstances; and

"(B) the appropriate Federal banking agency may impose such limitations on the conduct or activities of an affiliated depository institution or subsidiary of a depository institution as the appropriate Federal banking agency determines to be appropriate under the circumstances.

"(4) Failure to correct.—If, after receiving a notice under paragraph (1), a financial holding company does not—

"(A) execute and implement an agreement in accordance with paragraph (2);

"(B) comply with any limitations imposed under paragraph (3);

"(C) in the case of a notice of failure to comply with subsection (b)(1)(A), restore each depository institution subsidiary to well capitalized status before the end of the 180-day period beginning on the date such notice is received by the company (or such other period permitted by the Board); or

"(D) in the case of a notice of failure to comply with subparagraph (B) or (C) of subsection (b)(1), restore compliance with any such subparagraph by the date the next examination of the depository institution subsidiary is completed or by the end of such other period as the Board determines to be appropriate,

the Board may require such company, under such terms and conditions as may be imposed by the Board and subject to such extension of time as may be granted in the Board's discretion, to divest control of any depository institution subsidiary or, at the election of the financial holding company, instead to cease to engage in any activity conducted by such company or its subsidiaries pursuant to this section.

"(5) Consultation.—In taking any action under this subsection, the Board shall consult with all relevant Federal and State regulatory agencies.

"(e) Safeguards for Bank Subsidiaries.—A financial holding company shall assure that—

"(1) the procedures of the holding company for identifying and managing financial and operational risks within the company, and the subsidiaries of such company, adequately protect the subsidiaries of such company which are insured depository institutions or wholesale financial institution from such risks;

"(2) the holding company has reasonable policies and procedures to preserve the separate corporate identity and limited liability of such company and the subsidiaries of such company, for the protection of the company's subsidiary insured depository institutions and wholesale financial institutions; and

"(3) the holding company complies with this section.

"(f) Authority To Retain Limited Nonfinancial Activities and Affiliations.—

"(1) In general.—Notwithstanding section 4(a), a company that is not a bank holding company or a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) and becomes a financial holding company after the date of the enactment of the Financial Services Act of 1999 may continue to engage in any activity and retain direct or indirect ownership or control of shares of a company engaged in any activity if—

"(A) the holding company lawfully was engaged in the activity or held the shares of such company on September 30, 1997;

"(B) the holding company is predominantly engaged in financial activities as defined in paragraph (2); and

"(C) the company engaged in such activity continues to engage only in the same activities that such company conducted on September 30, 1997, and other activities permissible under this Act.

"(2) Predominantly financial.—For purposes of this subsection, a company is predominantly engaged in financial activities if the annual gross revenues derived by the holding company and all subsidiaries of the holding company (excluding revenues derived from subsidiary depository institutions), on a consolidated basis, from engaging in activities that are financial in nature or are incidental to activities that are financial in nature under subsection (c) represent at least 85 percent of the consolidated annual gross revenues of the company.

"(3) No expansion of grandfathered commercial activities through merger or consolidation.—A financial holding company that engages in activities or holds shares pursuant to this subsection, or a subsidiary of such financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company which is engaged in any activity which the Board has not determined to be financial in nature or incidental to activities that are financial in nature under subsection (c).

"(4) Continuing revenue limitation on grandfathered commercial activities.—Notwithstanding any other provision of this subsection, a financial holding company may continue to engage in activities or hold shares in companies pursuant to this subsection only to the extent that the aggregate annual gross revenues derived from all such activities and all such companies does not exceed 15 percent of the consolidated annual gross revenues of the financial holding company (excluding revenues derived from subsidiary depository institutions).

"(5) Cross marketing restrictions applicable to commercial activities.—A depository institution controlled by a financial holding company shall not—

"(A) offer or market, directly or through any arrangement, any product or service of a company whose activities are conducted or whose shares are owned or controlled by the financial holding company pursuant to this subsection or subparagraph (H) or (I) of subsection (c)(3); or

"(B) permit any of its products or services to be offered or marketed, directly or through any arrangement, by or through any company described in subparagraph (A).

"(6) Transactions with nonfinancial affiliates.—A depository institution controlled by a financial holding company may not engage in a covered transaction (as defined by section 23A(b)(7) of the Federal Reserve Act) with any affiliate controlled by the company pursuant to section 10(c), this subsection, or subparagraph (H) or (I) of subsection (c)(3).

"(7) Sunset of grandfather.—A financial holding company engaged in any activity, or retaining direct or indirect ownership or control of shares of a company, pursuant to this subsection, shall terminate such activity and divest ownership or control of the shares of such company before the end of the 10-year period beginning on the date of the enactment of the Financial Services Act of 1999. The Board may, upon application by a financial holding company, extend such 10-year period by a period not to exceed an additional 5 years if such extension would not be detrimental to the public interest.

"(g) DEVELOPING ACTIVITIES.—A financial holding company may engage directly or indirectly, or acquire shares of any company engaged, in any activity that the Board has not determined to be financial in nature or incidental to financial activities under subsection (c) if—

"(1) the holding company reasonably concludes that the activity is financial in nature or incidental to financial activities;

"(2) the gross revenues from all activities conducted under this subsection represent less than 5 percent of the consolidated gross revenues of the holding company;

"(3) the aggregate total assets of all companies the shares of which are held under this subsection do not exceed 5 percent of the holding company's consolidated total assets;

"(4) the total capital invested in activities conducted under this subsection represents less than 5 percent of the consolidated total capital of the holding company;

"(5) neither the Board nor the Secretary of the Treasury has determined that the activity is not financial in nature or incidental to financial activities under subsection (c);

"(6) the holding company is not required to provide prior written notice of the transaction to the Board under subsection (c)(6); and

"(7) the holding company provides written notification to the Board describing the activity commenced or conducted by the company acquired no later than 10 business days after commencing the activity or consummating the acquisition.".

(b) FACTORS FOR CONSIDERATION IN REVIEWING APPLICATION BY FINANCIAL HOLDING COMPANY TO ACQUIRE BANK.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following new paragraph:

"(6) 'TOO BIG TO FAIL' FACTOR.—In considering an acquisition, merger, or consolidation under this section involving a financial holding company or a company that would be any such holding company upon the consummation of the transaction, the Board shall consider whether, and the extent to which, the proposed acquisition, merger, or consolidation poses an undue risk to the stability of the financial system of the United States.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended by adding at the end the following new subsection:

"(p) INSURANCE COMPANY.—For purposes of sections 5, 6, and 10, the term 'insurance company' includes any person engaged in the business of insurance to the extent of such activities.".

(2) Section 4(j) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)) is amended—

(1) in paragraph (1)(A), by inserting "or in any complementary activity under section 6(c)(1)(B)" after "subsection (c)(8) or (a)(2)"; and

(2) in paragraph (3)—

(A) by inserting ", other than any complementary activity under section 6(c)(1)(B)," after "to engage in any activity"; and

(B) by inserting "or a company engaged in any complementary activity under section 6(c)(1)(B)" after "insured depository institution".

(d) REPORT.—

(1) IN GENERAL.—By the end of the 4-year period beginning on the date of the enactment of this Act and every 4 years thereafter, the Board of Governors of the Federal Reserve System and the Secretary of the Treasury shall submit a joint report to the Congress containing a summary of new activities which are financial in nature, including grandfathered commercial activities, in which any financial holding company is engaged pursuant to subsection (c)(1) or (f) of section 6 of the Bank Holding Company Act of 1956 (as added by subsection (a)).

(2) OTHER CONTENTS.—Each report submitted to the Congress pursuant to paragraph (1) shall also contain the following:

(A) A discussion of actions by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, whether by regulation, order, interpretation, or guideline or by approval or disapproval of an application, with regard to activities of financial holding companies which are incidental to activities financial in nature or complementary to such financial activities.

(B) An analysis and discussion of the risks posed by commercial activities of financial holding companies to the safety and soundness of affiliate depository institutions.

(C) An analysis and discussion of the effect of mergers and acquisitions under section 6 of the Bank Holding Company Act of 1956 on market concentration in the financial services industry.

(D) An analysis and discussion, by the Board and the Secretary in consultation with the other Federal banking agencies (as defined in section 3(z) of the Federal Deposit Insurance Act), of the impact of the implementation of this Act, and the amendments made by this Act, on the extent of meeting community credit needs and capital availability under the Community Reinvestment Act of 1977.

SEC. 104. OPERATION OF STATE LAW.

(a) AFFILIATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no State may, by statute, regulation, order, interpretation, or other action, prevent or restrict an insured depository institution or wholesale financial institution, or a subsidiary or affiliate thereof, from being affiliated directly or indirectly or associated with any person or entity, as authorized or permitted by this Act or any other provision of Federal law.

(2) INSURANCE.—With respect to affiliations between insured depository institutions or wholesale financial institutions, or any subsidiary or affiliate thereof, and persons or entities engaged in the business of insurance, paragraph (1) does not prohibit—

(A) any State from requiring any person or entity that proposes to acquire control of an entity that is engaged in the business of insurance and domiciled in that State (hereafter in this subparagraph referred to as the "insurer") to furnish to the insurance regulatory authority of that State, not later than 60 days before the effective date of the proposed acquisition—

(i) the name and address of each person by whom, or on whose behalf, the affiliation referred to in this subparagraph is to be effected (hereafter in this subparagraph referred to as the "acquiring party");

(ii) if the acquiring party is an individual, his or her principal occupation and all offices and positions held during the 5 years preceding the date of notification, and any conviction of crimes other than minor traffic violations during the 10 years preceding the date of notification;

(iii) if the acquiring party is not an individual—

(I) a report of the nature of its business operations during the 5 years preceding the date of notification, or for such shorter period as such person and any predecessors thereof shall have been in existence;

(II) an informative description of the business intended to be done by the acquiring party and any subsidiary thereof; and

(III) a list of all individuals who are, or who have been selected to become, directors or executive officers of the acquiring party or who perform, or will perform, functions appropriate to such positions, including, for each such individual, the information required by clause (ii);

(iv) the source, nature, and amount of the consideration used, or to be used, in effecting the merger or other acquisition of control, a description of any transaction wherein funds were, or are to be, obtained for any such purpose, and the identity of persons furnishing such consideration, except that, if a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential if the person filing such statement so requests;

(v) fully audited financial information as to the earnings and financial condition of each acquiring party for the 5 fiscal years preceding the date of notification of each such acquiring party, or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence, and similar unaudited information as of a date not earlier than 90 days before the date of notification, except that, in the case of an acquiring party that is an insurer actively engaged in the business of insurance, the financial statements of such insurer need not be audited, but such audit may be required if the need therefor is determined by the insurance regulatory authority of the State;

(vi) any plans or proposals that each acquiring party may have to liquidate such insurer, to sell its assets, or to merge or consolidate it with any person or to make any other material change in its business or corporate structure or management;

(vii) the number of shares of any security of the insurer that each acquiring party proposes to acquire, the terms of any offer, request, invitation, agreement, or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at;

(viii) the amount of each class of any security of the insurer that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

(ix) a full description of any contracts, arrangements, or understandings with respect to any security of the insurer in which any acquiring party is involved, including transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, and identification of the persons with whom such contracts, arrangements, or understandings have been entered into;

(x) a description of the purchase of any security of the insurer during the 12-month period preceding the date of notification by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid, or agreed to be paid, therefor;

(xi) a description of any recommendations to purchase any security of the insurer made during the 12-month period preceding the date of notification by any acquiring party or by any person based upon interviews or at the suggestion of such acquiring party;

(xii) copies of all tender offers for, requests or invitations for tenders of, exchange offers for and agreements to acquire or exchange any securities of the insurer and, if distributed, of additional soliciting material relating thereto; and

(xiii) the terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of securities of the insurer for tender and the amount of any fees, commissions, or other compensation to be paid to broker-dealers with regard thereto;

(B) in the case of a person engaged in the business of insurance which is the subject of an acquisition or change or continuation in control, the State of domicile of such person from reviewing or taking action (including approval or disapproval) with regard to the acquisition or change or continuation in control, as long as the State reviews and actions—

(i) are completed by the end of the 60-day period beginning on the later of the date the State received notice of the proposed action or the date the State received the information required under State law regarding such acquisition or change or continuation in control;

(ii) do not have the effect of discriminating, intentionally or unintentionally, against an insured depository institution or affiliate thereof or against any other person based upon affiliation with an insured depository institution; and

(iii) are based on standards or requirements relating to solvency or managerial fitness;

(C) any State from requiring an entity that is acquiring control of an entity that is engaged in the business of insurance and domiciled in that State to maintain or restore the capital requirements of that insurance entity to the level required under the capital regulations of general applicability in that State to avoid the requirement of preparing and filing with the insurance regulatory authority of that State a plan to increase the capital of the entity, except that any determination by the State insurance regulatory authority with respect to such requirement shall be made not later than 60 days after the date of notification under subparagraph (A);

(D) any State from taking actions with respect to the receivership or conservatorship of any insurance company;

(E) any State from restricting a change in the ownership of stock in an insurance company, or a company formed for the purpose of controlling such insurance company, for a period of not more than 3 years beginning on the date of the conversion of such company from mutual to stock form; or

(F) any State from requiring an organization which has been eligible at any time since January 1, 1987, to claim the special deduction provided by section 833 of the Internal Revenue Code of 1986 to meet certain conditions in order to undergo, as determined by the State, a reorganization, recapitalization, conversion, merger, consolidation, sale or other disposition of substantial operating assets, demutualization, dissolution, or to undertake other similar actions and which is governed under a State statute enacted on May 22, 1998, relating to hospital, medical, and dental service corporation conversions.

(3) PRESERVATION OF STATE ANTITRUST AND GENERAL CORPORATE LAWS.—

(A) IN GENERAL.—Subject to subsection (c) and the nondiscrimination provisions contained in such subsection, no provision in paragraph (1) shall be construed as affecting State laws, regulations, orders, interpretations, or other actions of general applicability relating to the governance of corporations, partnerships, limited liability companies or other business associations incorporated or formed under the laws of that State or domiciled in that State, or the applicability of the antitrust laws of any State or any State law that is similar to the antitrust laws.

(B) DEFINITION.—The term "antitrust laws" has the same meaning as in subsection (a) of the first section of the Clayton Act, and includes section 5 of the Federal Trade Commission Act to the extent that such section 5 relates to unfair methods of competition.

(b) ACTIVITIES.—

(1) IN GENERAL.—Except as provided in paragraph (3), and except with respect to insurance sales, solicitation, and cross marketing activities, which shall be governed by paragraph (2), no State may, by statute, regulation, order, interpretation, or other action, prevent or restrict an insured depository institution, wholesale financial institution, or subsidiary or affiliate thereof from engaging directly or indirectly, either by itself or in conjunction with a subsidiary, affiliate, or any other entity or person, in any activity authorized or permitted under this Act.

(2) INSURANCE SALES.—

(A) IN GENERAL.—In accordance with the legal standards for preemption set forth in the decision of the Supreme Court of the United States in Barnett Bank of Marion County N.A. v. Nelson, 517 U.S. 25 (1996), no State may, by statute, regulation, order, interpretation, or other action, prevent or significantly interfere with the ability of an insured depository institution or wholesale financial institution, or a subsidiary or affiliate thereof, to engage, directly or indirectly, either by itself or in conjunction with a subsidiary, affiliate, or any other party, in any insurance sales, solicitation, or cross-marketing activity.

(B) CERTAIN STATE LAWS PRESERVED.—Notwithstanding subparagraph (A), a State may impose any of the following restrictions, or restrictions which are substantially the same as but no more burdensome or restrictive than those in each of the following clauses:

(i) Restrictions prohibiting the rejection of an insurance policy by an insured depository institution, wholesale financial institution, or any subsidiary or affiliate thereof, solely because the policy has been issued or underwritten by any person who is not associated with such insured depository institution or wholesale financial institution, or any subsidiary or affiliate thereof, when such insurance is required in connection with a loan or extension of credit.

(ii) Restrictions prohibiting a requirement for any debtor, insurer, or insurance agent or broker to pay a separate charge in connection with the handling of insurance that is required in connection with a loan or other extension of credit or the provision of another traditional banking product by an insured depository institution, wholesale financial institution, or any subsidiary or affiliate thereof, unless such charge would be required when the insured depository institution or wholesale financial institution, or any subsidiary or affiliate thereof, is the licensed insurance agent or broker providing the insurance.

(iii) Restrictions prohibiting the use of any advertisement or other insurance promotional material by an insured depository institution or wholesale financial institution, or any subsidiary or affiliate thereof, that would cause a reasonable person to believe mistakenly that—

(I) a State or the Federal Government is responsible for the insurance sales activities of, or stands behind the credit of, the institution, affiliate, or subsidiary; or

(II) a State, or the Federal Government guarantees any returns on insurance products, or is a source of payment on any insurance obligation of or sold by the institution, affiliate, or subsidiary;

(iv) Restrictions prohibiting the payment or receipt of any commission or brokerage fee or other valuable consideration for services as an insurance agent or broker to or by any person, unless such person holds a valid State license regarding the applicable class of insurance at the time at which the services are performed, except that, in this clause, the term "services as an insurance agent or broker" does not include a referral by an unlicensed person of a customer or potential customer to a licensed insurance agent or broker that does not include a discussion of specific insurance policy terms and conditions.

(v) Restrictions prohibiting any compensation paid to or received by any individual who is not licensed to sell insurance, for the referral of a customer that seeks to purchase, or seeks an opinion or advice on, any insurance product to a person that sells or provides opinions or advice on such product, based on the purchase of insurance by the customer.

(vi) Restrictions prohibiting the release of the insurance information of a customer (defined as information concerning the premiums, terms, and conditions of insurance coverage, including expiration dates and rates, and insurance claims of a customer contained in the records of the insured depository institution or wholesale financial institution, or a subsidiary or affiliate thereof) to any person or entity other than an officer, director, employee, agent, subsidiary, or affiliate of an insured depository institution or a wholesale financial institution, for the purpose of soliciting or selling insurance, without the express consent of the customer, other than a provision that prohibits—

(I) a transfer of insurance information to an unaffiliated insurance company, agent, or broker in connection with transferring insurance in force on existing insureds of the insured depository institution or wholesale financial institution, or subsidiary or affiliate thereof, or in connection with a merger with or acquisition of an unaffiliated insurance company, agent, or broker; or

(II) the release of information as otherwise authorized by State or Federal law.

(vii) Restrictions prohibiting the use of health information obtained from the insurance records of a customer for any purpose, other than for its activities as a licensed agent or broker, without the express consent of the customer.

(viii) Restrictions prohibiting the extension of credit or any product or service that is equivalent to an extension of credit, lease or sale of property of any kind, or furnishing of any services or fixing or varying the consideration for any of the foregoing, on the condition or requirement that the customer obtain insurance from an insured depository institution, wholesale financial institution, a subsidiary or affiliate thereof, or a particular insurer, agent, or broker, other than a prohibition that would prevent any insured depository institution or wholesale financial institution, or any subsidiary or affiliate thereof—

(I) from engaging in any activity described in this clause that would not violate section 106 of the Bank Holding Company Act Amendments of 1970, as interpreted by the Board of Governors of the Federal Reserve System; or

(II) from informing a customer or prospective customer that insurance is required in order to obtain a loan or credit, that loan or credit approval is contingent upon the procurement by the customer of acceptable insurance, or that insurance is available from the insured depository institution or wholesale financial institution, or any subsidiary or affiliate thereof.

(ix) Restrictions requiring, when an application by a consumer for a loan or other extension of credit from an insured depository institution or wholesale financial institution is pending, and insurance is offered or sold to the consumer or is required in connection with the loan or extension of credit by the insured depository institution or wholesale financial institution or any affiliate or subsidiary thereof, that a written disclosure be provided to the consumer or prospective customer indicating that his or her choice of an insurance provider will not affect the credit decision or credit terms in any way, except that the insured depository institution or wholesale financial institution may impose reasonable requirements concerning the creditworthiness of the insurance provider and scope of coverage chosen.

(x) Restrictions requiring clear and conspicuous disclosure, in writing, where practicable, to the customer prior to the sale of any insurance policy that such policy—

(I) is not a deposit;

(II) is not insured by the Federal Deposit Insurance Corporation;

(III) is not guaranteed by the insured depository institution or wholesale financial institution or, if appropriate, its subsidiaries or affiliates or any person soliciting the purchase of or selling insurance on the premises thereof; and

(IV) where appropriate, involves investment risk, including potential loss of principal.

(xi) Restrictions requiring that, when a customer obtains insurance (other than credit insurance or flood insurance) and credit from an insured depository institution or wholesale financial institution, or its subsidiaries or affiliates, or any person soliciting the purchase of or selling insurance on the premises thereof, the credit and insurance transactions be completed through separate documents.

(xii) Restrictions prohibiting, when a customer obtains insurance (other than credit insurance or flood insurance) and credit from an insured depository institution or wholesale financial institution or its subsidiaries or affiliates, or any person soliciting the purchase of or selling insurance on the premises thereof, inclusion of the expense of insurance premiums in the primary credit transaction without the express written consent of the customer.

(xiii) Restrictions requiring maintenance of separate and distinct books and records relating to insurance transactions, including all files relating to and reflecting consumer complaints, and requiring that such insurance books and records be made available to the appropriate State insurance regulator for inspection upon reasonable notice.

(C) Limitations.—

(i) OCC deference.—Section 306(e) does not apply with respect to any State statute, regulation, order, interpretation, or other action regarding insurance sales, solicitation, or cross marketing activities described in subparagraph (A) that was issued, adopted, or enacted before September 3, 1998, and that is not described in subparagraph (B).

(ii) Nondiscrimination.—Subsection (c) does not apply with respect to any State statute, regulation, order, interpretation, or other action regarding insurance sales, solicitation, or cross marketing activities described in subparagraph (A) that was issued, adopted, or enacted before September 3, 1998, and that is not described in subparagraph (B).

(iii) Construction.—Nothing in this paragraph shall be construed to limit the applicability of the decision of the Supreme Court in Barnett Bank of Marion County N.A. v. Nelson, 116 S. Ct. 1103 (1996) with respect to a State statute, regulation, order, interpretation, or other action that is not described in subparagraph (B).

(iv) Limitation on inferences.—Nothing in this paragraph shall be construed to create any inference with respect to any State statute, regulation, order, interpretation, or other action that is not referred to or described in this paragraph.

(3) Insurance activities other than sales.—State statutes, regulations, interpretations, orders, and other actions shall not be preempted under subsection (b)(1) to the extent that they—

(A) relate to, or are issued, adopted, or enacted for the purpose of regulating the business of insurance in accordance with the Act of March 9, 1945 (commonly known as the "McCarran-Ferguson Act");

(B) apply only to persons or entities that are not insured depository institutions or wholesale financial institutions, but that are directly engaged in the business of insurance (except that they may apply to depository institutions engaged in providing savings bank life insurance as principal to the extent of regulating such insurance);

(C) do not relate to or directly or indirectly regulate insurance sales, solicitations, or cross-marketing activities; and

(D) are not prohibited under subsection (c).

(4) Financial activities other than insurance.—No State statute, regulation, interpretation, order, or other action shall be preempted under subsection (b)(1) to the extent that—

(A) it does not relate to, and is not issued and adopted, or enacted for the purpose of regulating, directly or indirectly, insurance sales, solicitations, or cross marketing activities covered under paragraph (2);

(B) it does not relate to, and is not issued and adopted, or enacted for the purpose of regulating, directly or indirectly, the business of insurance activities other than sales, solicitations, or cross marketing activities, covered under paragraph (3);

(C) it does not relate to securities investigations or enforcement actions referred to in subsection (d); and

(D) it—

(i) does not distinguish by its terms between insured depository institutions, wholesale financial institutions, and subsidiaries and affiliates thereof engaged in the activity at issue and other persons or entities engaged in the same activity in a manner that is in any way adverse with respect to the conduct of the activity by any such insured depository institution, wholesale financial institution, or subsidiary or affiliate thereof engaged in the activity at issue;

(ii) as interpreted or applied, does not have, and will not have, an impact on depository institutions, wholesale financial institutions, or subsidiaries or affiliates thereof engaged in the activity at issue, or any person or entity affiliated therewith, that is substantially more adverse than its impact on other persons or entities engaged in the same activity that are not insured depository institutions, wholesale financial institutions, or subsidiaries or affiliates thereof, or persons or entities affiliated therewith;

(iii) does not effectively prevent a depository institution, wholesale financial institution, or subsidiary or affiliate thereof from engaging in activities authorized or permitted by this Act or any other provision of Federal law; and

(iv) does not conflict with the intent of this Act generally to permit affiliations that are authorized or permitted by Federal law.

(c) Nondiscrimination.—Except as provided in any restrictions described in subsection (b)(2)(B), no State may, by statute, regulation, order, interpretation, or other action, regulate the insurance activities authorized or permitted under this Act or any other provision of Federal law of an insured depository institution or wholesale financial institution, or subsidiary or affiliate thereof, to the extent that such statute, regulation, order, interpretation, or other action—

(1) distinguishes by its terms between insured depository institutions or wholesale financial institutions, or subsidiaries or affiliates thereof, and other persons or entities engaged in such activities, in a manner that is in any way adverse to any such insured depository institution or wholesale financial institution, or subsidiary or affiliate thereof;

(2) as interpreted or applied, has or will have an impact on depository institutions or wholesale financial institutions, or subsidiaries or affiliates thereof, that is substantially more adverse than its impact on other persons or entities providing the same products or services or engaged in the same activities that are not insured depository institutions, wholesale financial institutions, or subsidiaries or affiliates thereof, or persons or entities affiliated therewith;

(3) effectively prevents a depository institution or wholesale financial institution, or subsidiary or affiliate thereof, from engaging in insurance activities authorized or permitted by this Act or any other provision of Federal law; or

(4) conflicts with the intent of this Act generally to permit affiliations that are authorized or permitted by Federal law between insured depository institutions or wholesale financial institutions, or subsidiaries or affiliates thereof, and persons and entities engaged in the business of insurance.

(d) Limitation.—Subsections (a) and (b) shall not be construed to affect the jurisdiction of the securities commission (or any agency or office performing like functions) of any State, under the laws of such State—

(1) to investigate and bring enforcement actions, consistent with section 18(c) of the Securities Act of 1933, with respect to fraud or deceit or unlawful conduct by any person, in connection with securities or securities transactions; or

(2) to require the registration of securities or the licensure or registration of brokers, dealers, or investment advisers (consistent with section 203A of the Investment Advisers Act of 1940), or the associated persons of a broker, dealer, or investment adviser (consistent with such section 203A).

(e) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Insured depository institution.—The term "insured depository institution" includes any foreign bank that maintains a

branch, agency, or commercial lending company in the United States.

(2) State.—The term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

SEC. 105. MUTUAL BANK HOLDING COMPANIES AUTHORIZED.

Section 3(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(g)(2)) is amended to read as follows:

"(2) Regulations.—A bank holding company organized as a mutual holding company shall be regulated on terms, and shall be subject to limitations, comparable to those applicable to any other bank holding company.".

SEC. 105A. PUBLIC MEETINGS FOR LARGE BANK ACQUISITIONS AND MERGERS.

(a) Bank Holding Company Act of 1956.—Section 3(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)(2)) is amended—

(1) by striking "Factors.—In every case" and inserting "Factors.—

"(A) In general.—In every case"; and

(2) by adding at the end the following new subparagraph:

"(B) Public meetings.—In each case involving 1 or more insured depository institutions each of which has total assets of $1,000,000,000 or more, the Board shall, as necessary and on a timely basis, conduct public meetings in 1 or more areas where the Board believes, in the sole discretion of the Board, there will be a substantial public impact.".

(b) Federal Deposit Insurance Act.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended by adding at the end the following new paragraph:

"(12) Public Meetings.—In each merger transaction involving 1 or more insured depository institutions each of which has total assets of $1,000,000,000 or more, the responsible agency shall, as necessary and on a timely basis, conduct public meetings in 1 or more areas where the agency believes, in the sole discretion of the agency, there will be a substantial public impact.".

(c) National Bank Consolidation and Merger Act.—The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by adding at the end the following new section:

"SEC. 6. PUBLIC MEETINGS FOR LARGE BANK CONSOLIDATIONS AND MERGERS.

"In each case of a consolidation or merger under this Act involving 1 or more banks each of which has total assets of $1,000,000,000 or more, the Comptroller shall, as necessary and on a timely basis, conduct public meetings in 1 or more areas where the Comptroller believes, in the sole discretion of the Comptroller, there will be a substantial public impact.".

(d) Home Owners' Loan Act.—Section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1463) is amended by adding at the end the following new paragraph:

"(7) Public meetings for large depository institution acquisitions and mergers.—In each case involving 1 or more insured depository institutions each of which has total assets of $1,000,000,000 or more, the Director shall, as necessary and on a timely basis, conduct public meetings in 1 or more areas where the Director believes, in the sole discretion of the Director, there will be a substantial public impact.".

SEC. 106. PROHIBITION ON DEPOSIT PRODUCTION OFFICES.

(a) In General.—Section 109(d) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(d)) is amended—

(1) by inserting ", the Financial Services Act of 1999," after "pursuant to this title"; and

(2) by inserting "or such Act" after "made by this title".

(b) Technical and Conforming Amendment.—Section 109(e)(4) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(e)(4)) is amended by inserting "and any branch of a bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)" before the period.

SEC. 107. CLARIFICATION OF BRANCH CLOSURE REQUIREMENTS.

Section 42(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831r-1(d)(4)(A)) is amended by inserting "and any bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)" before the period.

SEC. 108. AMENDMENTS RELATING TO LIMITED PURPOSE BANKS.

(a) In General.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking "and" at the end of subclause (IX);

(B) by inserting "and" after the semicolon at the end of subclause (X); and

(C) by inserting after subclause (X) the following new subclause:

"(XI) assets that are derived from, or are incidental to, consumer lending activities in which institutions described in subparagraph (F) or (H) of section 2(c)(2) are permitted to engage,";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) any bank subsidiary of such company engages in any activity in which the bank was not lawfully engaged as of March 5, 1987, unless the bank is well managed and well capitalized;

"(C) any bank subsidiary of such company both—

"(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

"(ii) engages in the business of making commercial loans (and, for purposes of this clause, loans made in the ordinary course of a credit card operation shall not be treated as commercial loans); or

"(D) after the date of the enactment of the Competitive Equality Amendments of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in such bank's account at a Federal reserve bank, on behalf of an affiliate, other than an overdraft described in paragraph (3)."; and

(3) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

"(3) Permissible overdrafts described.—For purposes of paragraph (2)(D), an overdraft is described in this paragraph if—

"(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate;

"(B) such overdraft—

"(i) is permitted or incurred on behalf of an affiliate which is monitored by, reports to, and is recognized as a primary dealer by the Federal Reserve Bank of New York; and

"(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations which are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system; or

"(C) such overdraft—

"(i) is incurred on behalf of an affiliate solely in connection with an activity that is so closely related to banking, or managing or controlling banks, as to be a proper incident thereto, to the extent the bank incurring the overdraft and the affiliate on whose behalf the overdraft is incurred each document that the overdraft is incurred for such purpose; and

"(ii) does not cause the bank to violate any provision of section 23A or 23B of the Federal Reserve Act, either directly, in the case of a member bank, or by virtue of section 18(j) of the Federal Deposit Insurance Act, in the case of a nonmember bank.

"(4) Divestiture in case of loss of exemption.—If any company described in paragraph (1) fails to qualify for the exemption provided under such paragraph by operation of paragraph (2), such exemption shall cease to apply to such company and such company shall divest control of each bank it controls before the end of the 180-day period beginning on the date that the company receives notice from the Board that the company has failed to continue to qualify for such exemption, unless before the end of such 180-day period, the company has—

"(A) corrected the condition or ceased the activity that caused the company to fail to continue to qualify for the exemption; and

"(B) implemented procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.

The issuance of any notice under this paragraph that relates to the activities of a bank shall not be construed as affecting the authority of the bank to continue to engage in such activities until the expiration of such 180-day period.".

(b) Industrial Loan Companies Affiliate Overdrafts.—Section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)) is amended by inserting before the period at the end ", or that is otherwise permissible for a bank controlled by a company described in section 4(f)(1)".

SEC. 109. GAO STUDY OF ECONOMIC IMPACT ON COMMUNITY BANKS, OTHER SMALL FINANCIAL INSTITUTIONS, INSURANCE AGENTS, AND CONSUMERS.

(a) Study Required.—The Comptroller General of the United States shall conduct a study of the projected economic impact and the actual economic impact that the enactment of this Act will have on financial institutions, including community banks, registered brokers and dealers and insurance companies, which have total assets of $100,000,000 or less, insurance agents, and consumers.

(b) Reports to the Congress.—

(1) In general.—The Comptroller General of the United States shall submit reports to the Congress, at the times required under paragraph (2), containing the findings and conclusions of the Comptroller General with regard to the study required under subsection (a) and such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(2) Timing of reports.—The Comptroller General shall submit—

(A) an interim report before the end of the 6-month period beginning after the date of the enactment of this Act;

(B) another interim report before the end of the next 6-month period; and

(C) a final report before the end of the 1-year period after such second 6-month period."

SEC. 110. RESPONSIVENESS TO COMMUNITY NEEDS FOR FINANCIAL SERVICES.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Federal banking agencies (as defined in section 3(z) of the Federal Deposit Insurance Act), shall conduct a study of the extent to which adequate services are being provided as intended by the Community Reinvestment Act of 1977, including services in low- and moderate-income neighborhoods and for persons of modest means, as a result of the enactment of this Act.

(b) REPORT.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Federal banking agencies, shall submit a report to the Congress on the study conducted pursuant to subsection (a) and shall include such recommendations as the Secretary determines to be appropriate for administrative and legislative action with respect to institutions covered under the Community Reinvestment Act of 1977.

Subtitle B—Streamlining Supervision of Financial Holding Companies

SEC. 111. STREAMLINING FINANCIAL HOLDING COMPANY SUPERVISION.

Section 5(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)) is amended to read as follows:

"(c) REPORTS AND EXAMINATIONS.—

"(1) REPORTS.—

"(A) IN GENERAL.—The Board from time to time may require any bank holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

"(i) its financial condition, systems for monitoring and controlling financial and operating risks, and transactions with depository institution subsidiaries of the holding company; and

"(ii) compliance by the company or subsidiary with applicable provisions of this Act.

"(B) USE OF EXISTING REPORTS.—

"(i) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that a bank holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

"(ii) AVAILABILITY.—A bank holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

"(iii) REQUIRED USE OF PUBLICLY REPORTED INFORMATION.—The Board shall, to the fullest extent possible, accept in fulfillment of any reporting or recordkeeping requirements under this Act information that is otherwise required to be reported publicly and externally audited financial statements.

"(iv) REPORTS FILED WITH OTHER AGENCIES.—In the event the Board requires a report from a functionally regulated nondepository institution subsidiary of a bank holding company of a kind that is not required by another Federal or State regulator or appropriate self-regulatory organization, the Board shall request that the appropriate regulator or self-regulatory organization obtain such report. If the report is not made available to the Board, and the report is necessary to assess a material risk to the bank holding company or any of its subsidiary depository institutions or compliance with this Act, the Board may require such subsidiary to provide such a report to the Board.

"(C) DEFINITION.—For purposes of this subsection, the term 'functionally regulated nondepository institution' means—

"(i) a broker or dealer registered under the Securities Exchange Act of 1934;

"(ii) an investment adviser registered under the Investment Advisers Act of 1940, or with any State, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(iii) an insurance company subject to supervision by a State insurance commission, agency, or similar authority; and

"(iv) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

"(2) EXAMINATIONS.—

"(A) EXAMINATION AUTHORITY.—

"(i) IN GENERAL.—The Board may make examinations of each bank holding company and each subsidiary of a bank holding company.

"(ii) FUNCTIONALLY REGULATED NONDEPOSITORY INSTITUTION SUBSIDIARIES.—Notwithstanding clause (i), the Board may make examinations of a functionally regulated nondepository institution subsidiary of a bank holding company only if—

"(I) the Board has reasonable cause to believe that such subsidiary is engaged in activities that pose a material risk to an affiliated depository institution, or

"(II) based on reports and other available information, the Board has reasonable cause to believe that a subsidiary is not in compliance with this Act or with provisions relating to transactions with an affiliated depository institution and the Board cannot make such determination through examination of the affiliated depository institution or bank holding company.

"(B) LIMITATIONS ON EXAMINATION AUTHORITY FOR BANK HOLDING COMPANIES AND SUBSIDIARIES.—Subject to subparagraph (A)(ii), the Board may make examinations under subparagraph (A)(i) of each bank holding company and each subsidiary of such holding company in order to—

"(i) inform the Board of the nature of the operations and financial condition of the holding company and such subsidiaries;

"(ii) inform the Board of—

"(I) the financial and operational risks within the holding company system that may pose a threat to the safety and soundness of any subsidiary depository institution of such holding company; and

"(II) the systems for monitoring and controlling such risks; and

"(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any subsidiary depository institution and its affiliates.

"(C) RESTRICTED FOCUS OF EXAMINATIONS.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a bank holding company to—

"(i) the bank holding company; and

"(ii) any subsidiary of the holding company that, because of—

"(I) the size, condition, or activities of the subsidiary; or

"(II) the nature or size of transactions between such subsidiary and any depository institution which is also a subsidiary of such holding company, could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

"(D) DEFERENCE TO BANK EXAMINATIONS.—The Board shall, to the fullest extent possible, use, for the purposes of this paragraph, the reports of examinations of depository institutions made by the appropriate Federal and State depository institution supervisory authority.

"(E) DEFERENCE TO OTHER EXAMINATIONS.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and instead reviewing the reports of examination made of—

"(i) any registered broker or dealer by or on behalf of the Securities and Exchange Commission;

"(ii) any investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State, whichever is required by law;

"(iii) any licensed insurance company by or on behalf of any state regulatory authority responsible for the supervision of insurance companies; and

"(iv) any other subsidiary that the Board finds to be comprehensively supervised by a Federal or State authority.

"(3) CAPITAL.—

"(A) IN GENERAL.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, guidelines, standards, or requirements on any subsidiary of a financial holding company that is not a depository institution and—

"(i) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority;

"(ii) is registered as an investment adviser under the Investment Advisers Act of 1940, or with any State, whichever is required by law; or

"(iii) is licensed as an insurance agent with the appropriate State insurance authority.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to—

"(i) activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities; or

"(ii) activities of a licensed insurance agent other than insurance agency activities or activities incidental to insurance agency activities.

"(C) LIMITATIONS ON INDIRECT ACTION.—In developing, establishing, or assessing holding company capital or capital adequacy rules, guidelines, standards, or requirements for purposes of this paragraph, the Board shall not take into account the activities, operations, or investments of an affiliated investment company registered under the Investment Company Act of 1940, unless the investment company is—

"(i) a bank holding company; or

"(ii) controlled by a bank holding company by reason of ownership by the bank holding company (including through all of its affiliates) of 25 percent or more of the shares of the investment company, and the shares owned by the bank holding company have a market value equal to more than $1,000,000.

"(4) TRANSFER OF BOARD AUTHORITY TO APPROPRIATE FEDERAL BANKING AGENCY.—

"(A) IN GENERAL.—In the case of any bank holding company which is not significantly engaged in nonbanking activities, the Board, in consultation with the appropriate Federal banking agency, may designate the appropriate Federal banking agency of the lead insured depository institution subsidiary of such holding company as the appropriate Federal banking agency for the bank holding company.

"(B) AUTHORITY TRANSFERRED.—An agency designated by the Board under subparagraph (A) shall have the same authority as the Board under this Act to—

"(i) examine and require reports from the bank holding company and any affiliate of such company (other than a depository institution) under section 5;

"(ii) approve or disapprove applications or transactions under section 3;

"(iii) take actions and impose penalties under subsections (e) and (f) of section 5 and section 8; and

"(iv) take actions regarding the holding company, any affiliate of the holding company (other than a depository institution), or any institution-affiliated party of such company or affiliate under the Federal Deposit Insurance Act and any other statute which the Board may designate.

"(C) AGENCY ORDERS.—Section 9 of this Act and section 105 of the Bank Holding Company Act Amendments of 1970 shall apply to orders issued by an agency designated under subparagraph (A) in the same manner such sections apply to orders issued by the Board.

"(5) FUNCTIONAL REGULATION OF SECURITIES AND INSURANCE ACTIVITIES.—The Board shall defer to—

"(A) the Securities and Exchange Commission with regard to all interpretations of, and the enforcement of, applicable Federal securities laws (and rules, regulations, orders, and other directives issued thereunder) relating to the activities, conduct, and operations of registered brokers, dealers, investment advisers, and investment companies;

"(B) the relevant State securities authorities with regard to all interpretations of, and the enforcement of, applicable State securities laws (and rules, regulations, orders, and other directives issued thereunder) relating to the activities, conduct, and operations of brokers, dealers, and investment advisers required to be registered under State law; and

"(C) the relevant State insurance authorities with regard to all interpretations of, and the enforcement of, applicable State insurance laws (and rules, regulations, orders, and other directives issued thereunder) relating to the activities, conduct, and operations of insurance companies and insurance agents.".

SEC. 112. ELIMINATION OF APPLICATION REQUIREMENT FOR FINANCIAL HOLDING COMPANIES.

(a) PREVENTION OF DUPLICATIVE FILINGS.—Section 5(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(a)) is amended by adding the following new sentence at the end: "A declaration filed in accordance with section 6(b)(1)(D) shall satisfy the requirements of this subsection with regard to the registration of a bank holding company but not any requirement to file an application to acquire a bank pursuant to section 3.".

(b) DIVESTITURE PROCEDURES.—Section 5(e)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(e)(1)) is amended—

(1) by striking "Financial Institutions Supervisory Act of 1966, order" and inserting "Financial Institutions Supervisory Act of 1966, at the election of the bank holding company—

"(A) order"; and

(2) by striking "shareholders of the bank holding company. Such distribution" and inserting "shareholders of the bank holding company; or

"(B) order the bank holding company, after due notice and opportunity for hearing, and after consultation with the primary supervisor for the bank, which shall be the Comptroller of the Currency in the case of a national bank, and the Federal Deposit Insurance Corporation and the appropriate State supervisor in the case of an insured nonmember bank, to terminate (within 120 days or such longer period as the Board may direct) the ownership or control of any such bank by such company.

The distribution referred to in subparagraph (A)".

SEC. 113. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.

(a) BANK HOLDING COMPANIES.—Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following new subsection:

"(g) AUTHORITY OF STATE INSURANCE REGULATOR AND THE SECURITIES AND EXCHANGE COMMISSION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any regulation, order, or other action of the Board which requires a bank holding company to provide funds or other assets to a subsidiary insured depository institution shall not be effective nor enforceable with respect to an entity described in subparagraph (A) if—

"(A) such funds or assets are to be provided by—

"(i) a bank holding company that is an insurance company, a broker or dealer registered under the Securities Exchange Act of 1934, an investment company registered under the Investment Company Act of 1940, or an investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State; or

"(ii) an affiliate of the depository institution which is an insurance company or a broker or dealer registered under the Securities Exchange Act of 1934, an investment company registered under the Investment Company Act of 1940, or an investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State ; and

"(B) the State insurance authority for the insurance company or the Securities and Exchange Commission for the registered broker, dealer, investment adviser (solely with respect to investment advisory activities or activities incidental thereto), or investment company, as the case may be, determines in writing sent to the holding company and the Board that the holding company shall not provide such funds or assets because such action would have a material adverse effect on the financial condition of the insurance company or the broker, dealer, investment company, or investment adviser, as the case may be.

"(2) NOTICE TO STATE INSURANCE AUTHORITY OR SEC REQUIRED.—If the Board requires a bank holding company, or an affiliate of a bank holding company, which is an insurance company or a broker, dealer, investment company, or investment adviser described in paragraph (1)(A) to provide funds or assets to an insured depository institution subsidiary of the holding company pursuant to any regulation, order, or other action of the Board referred to in paragraph (1), the Board shall promptly notify the State insurance authority for the insurance company, the Securities and Exchange Commission, or State securities regulator, as the case may be, of such requirement.

"(3) DIVESTITURE IN LIEU OF OTHER ACTION.—If the Board receives a notice described in paragraph (1)(B) from a State insurance authority or the Securities and Exchange Commission with regard to a bank holding company or affiliate referred to in that paragraph, the Board may order the bank holding company to divest the insured depository institution not later than 180 days after receiving the notice, or such longer period as the Board determines consistent with the safe and sound operation of the insured depository institution.

"(4) CONDITIONS BEFORE DIVESTITURE.—During the period beginning on the date an order to divest is issued by the Board under paragraph (3) to a bank holding company and ending on the date the divestiture is completed, the Board may impose any conditions or restrictions on the holding company's ownership or operation of the insured depository institution, including restricting or prohibiting transactions between the insured depository institution and any affiliate of the institution, as are appropriate under the circumstances.".

(b) SUBSIDIARIES OF DEPOSITORY INSTITUTIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 45. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any regulation, order, or other action of the appropriate Federal banking agency which requires a subsidiary to provide funds or other assets to an insured depository institution shall not be effective nor enforceable with respect to an entity described in paragraph (1) if—

"(1) such funds or assets are to be provided by a subsidiary which is an insurance company, a broker or dealer registered under the Securities Exchange Act of 1934, an investment company registered under the Investment Company Act of 1940, or an investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State; and

"(2) the State insurance authority for the insurance company or the Securities and Exchange Commission for the registered broker or dealer, the investment company, or the investment adviser, as the case may be, determines in writing sent to the insured depository institution and the appropriate Federal banking agency that the subsidiary shall not provide such funds or assets because such action would have a material adverse effect on the financial condition of the insurance company or the broker, dealer, investment company, or investment adviser, as the case may be.

"(b) NOTICE TO STATE INSURANCE AUTHORITY OR SEC REQUIRED.—If the appropriate Federal banking agency requires a subsidiary, which is an insurance company, a broker or dealer, an investment company, or an investment adviser (solely with respect to investment advisory activities or activities incidental thereto) described in subsection (a)(1) to provide funds or assets to an insured depository institution pursuant to any regulation, order, or other action of the appropriate Federal banking agency referred to in subsection (a), the appropriate Federal banking agency shall promptly notify the State insurance authority for the insurance company, the Securities and Exchange Commission, or State securities regulator, as the case may be, of such requirement.

"(c) DIVESTITURE IN LIEU OF OTHER ACTION.—If the appropriate Federal banking agency receives a notice described in subsection (a)(2) from a State insurance authority or the Securities and Exchange Commission with regard to a subsidiary referred to in that subsection, the appropriate Federal banking agency may order the insured depository institution to divest the subsidiary not later than 180 days after receiving the notice, or such longer period as the appropriate Federal banking agency determines consistent with the safe and sound operation of the insured depository institution.

"(d) CONDITIONS BEFORE DIVESTITURE.—During the period beginning on the date an order to divest is issued by the appropriate Federal banking agency under subsection (c) to an insured depository institution and ending on the date the divestiture is complete, the appropriate Federal banking agency may impose any conditions or restrictions on the insured depository institution's ownership of the subsidiary including restricting or prohibiting transactions between the insured depository institution and the subsidiary, as are appropriate under the circumstances.".

SEC. 114. PRUDENTIAL SAFEGUARDS.

(a) COMPTROLLER OF THE CURRENCY.—

(1) IN GENERAL.—The Comptroller of the Currency may, by regulation or order, impose restrictions or requirements on relationships or transactions between a national bank and a subsidiary of the national bank which the Comptroller finds are consistent with the public interest, the purposes of this Act, title LXII of the Revised Statutes of the United States, and other Federal law applicable to national banks, and the standards in paragraph (2).

(2) STANDARDS.—The Comptroller of the Currency may exercise authority under paragraph (1) if the Comptroller finds that such action will have any of the following effects:

(A) Avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund.

(B) Enhance the financial stability of banks.

(C) Avoid conflicts of interest or other abuses.

(D) Enhance the privacy of customers of the national bank or any subsidiary of the bank.

(E) Promote the application of national treatment and equality of competitive opportunity between subsidiaries owned or controlled by domestic banks and subsidiaries owned or controlled by foreign banks operating in the United States.

(3) REVIEW.—The Comptroller of the Currency shall regularly—

(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including any purpose described in paragraph (2); and

(B) modify or eliminate any restriction or requirement the Comptroller finds is no longer required for such purposes.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System may, by regulation or order, impose restrictions or requirements on relationships or transactions—

(A) between a depository institution subsidiary of a bank holding company and any affiliate of such depository institution (other than a subsidiary of such institution); or

(B) between a State member bank and a subsidiary of such bank,

which the Board finds are consistent with the public interest, the purposes of this Act, the Bank Holding Company Act of 1956, the Federal Reserve Act, and other Federal law applicable to depository institution subsidiaries of bank holding companies or State banks (as the case may be), and the standards in paragraph (2).

(2) STANDARDS.—The Board of Governors of the Federal Reserve System may exercise authority under paragraph (1) if the Board finds that such action will have any of the following effects:

(A) Avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund.

(B) Enhance the financial stability of bank holding companies.

(C) Avoid conflicts of interest or other abuses.

(D) Enhance the privacy of customers of the State member bank or any subsidiary of the bank.

(E) Promote the application of national treatment and equality of competitive opportunity between nonbank affiliates owned or controlled by domestic bank holding companies and nonbank affiliates owned or controlled by foreign banks operating in the United States.

(3) REVIEW.—The Board of Governors of the Federal Reserve System shall regularly—

(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including any purpose described in paragraph (2); and

(B) modify or eliminate any restriction or requirement the Board finds is no longer required for such purposes.

(4) FOREIGN BANKS.—

(A) IN GENERAL.—The Board may, by regulation or order, impose restrictions or requirements on relationships or transactions between a branch, agency, or commercial lending company of a foreign bank in the United States and any affiliate in the United States of such foreign bank that the Board finds are consistent with the public interest, the purposes of this Act, the Bank Holding Company Act of 1956, the Federal Reserve Act, and other Federal law applicable to foreign banks and their affiliates in the United States, and the standards in paragraphs (2) and (3).

(B) EVASION.—In the event that the Board determines that there may be circumstances that would result in an evasion of this paragraph, the Board may also impose restrictions or requirements on relationships or transactions between operations of a foreign bank outside the United States and any affiliate in the United States of such foreign bank that are consistent with national treatment and equality of competitive opportunity.

(c) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) IN GENERAL.—The Federal Deposit Insurance Corporation may, by regulation or order, impose restrictions or requirements on relationships or transactions between a State nonmember bank (as defined in section 3 of the Federal Deposit Insurance Act) and a subsidiary of the State nonmember bank which the Corporation finds are consistent with the public interest, the purposes of this Act, the Federal Deposit Insurance Act, or other Federal law applicable to State nonmember banks and the standards in paragraph (2).

(2) STANDARDS.—The Federal Deposit Insurance Corporation may exercise authority under paragraph (1) if the Corporation finds that such action will have any of the following effects:

(A) Avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund.

(B) Enhance the financial stability of banks.

(C) Avoid conflicts of interest or other abuses.

(D) Enhance the privacy of customers of the State nonmember bank or any subsidiary of the bank.

(E) Promote the application of national treatment and equality of competitive opportunity between subsidiaries owned or controlled by domestic banks and subsidiaries owned or controlled by foreign banks operating in the United States.

(3) REVIEW.—The Federal Deposit Insurance Corporation shall regularly—

(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including any purpose described in paragraph (2); and

(B) modify or eliminate any restriction or requirement the Corporation finds is no longer required for such purposes.

SEC. 115. EXAMINATION OF INVESTMENT COMPANIES.

(a) EXCLUSIVE COMMISSION AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Commission shall be the sole Federal agency with authority to inspect and examine any registered investment company that is not a bank holding company or a savings and loan holding company.

(2) PROHIBITION ON BANKING AGENCIES.—Except as provided in paragraph (3), a Federal banking agency may not inspect or examine any registered investment company that is not a bank holding company or a savings and loan holding company.

(3) CERTAIN EXAMINATIONS AUTHORIZED.—Nothing in this subsection prevents the Federal Deposit Insurance Corporation, if the Corporation finds it necessary to determine the condition of an insured depository institution for insurance purposes, from examining an affiliate of any insured depository institution, pursuant to its authority under section 10(b)(4) of the Federal Deposit Insurance Act, as may be necessary to disclose fully the relationship between the depository institution and the affiliate, and the effect of such relationship on the depository institution.

(b) EXAMINATION RESULTS AND OTHER INFORMATION.—The Commission shall provide to any Federal banking agency, upon request, the results of any examination, reports, records, or other information with respect to any registered investment company to the extent necessary for the agency to carry out its statutory responsibilities.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term "bank holding company" has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

(2) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(3) FEDERAL BANKING AGENCY.—The term "Federal banking agency" has the same meaning as in section 3(z) of the Federal Deposit Insurance Act.

(4) REGISTERED INVESTMENT COMPANY.—The term "registered investment company" means an investment company which is registered with the Commission under the Investment Company Act of 1940.

(5) SAVINGS AND LOAN HOLDING COMPANY.—The term "savings and loan holding company" has the same meaning as in section 10(a)(1)(D) of the Home Owners' Loan Act.

SEC. 116. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by inserting after section 10 the following new section:

"SEC. 10A. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

"(a) LIMITATION ON DIRECT ACTION.—

"(1) IN GENERAL.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a regulated subsidiary of a bank holding company unless the action is necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty by such subsidiary that poses a material risk to—

"(A) the financial safety, soundness, or stability of an affiliated depository institution; or

"(B) the domestic or international payment system.

"(2) CRITERIA FOR BOARD ACTION.—The Board shall not take action otherwise permitted under paragraph (1) unless the Board finds that it is not reasonably possible to effectively protect against the material risk at issue through action directed at or against the affiliated depository institution or against depository institutions generally.

"(b) LIMITATION ON INDIRECT ACTION.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a financial holding company or a wholesale financial holding company where the purpose or effect of doing so would be to take action indirectly against or with respect to a regulated subsidiary that may not be taken directly against or with respect to such subsidiary in accordance with subsection (a).

"(c) ACTIONS SPECIFICALLY AUTHORIZED.—Notwithstanding subsection (a), the Board may take action under this Act or section 8 of the Federal Deposit Insurance Act to enforce compliance by a regulated subsidiary with Federal law that the Board has specific jurisdiction to enforce against such subsidiary.

"(d) REGULATED SUBSIDIARY DEFINED.—For purposes of this section, the term 'regulated subsidiary' means any company that is not a bank holding company and is—

"(1) a broker or dealer registered under the Securities Exchange Act of 1934;

"(2) an investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State, whichever is required by law, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(3) an investment company registered under the Investment Company Act of 1940;

"(4) an insurance company or an insurance agency, with respect to the insurance activities and activities incidental to such insurance activities, subject to supervision by a State insurance commission, agency, or similar authority; or

"(5) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.".

SEC. 117. EQUIVALENT REGULATION AND SUPERVISION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of—

(1) section 5(c) of the Bank Holding Company Act of 1956 (as amended by this Act) that limit the authority of the Board of Governors of the Federal Reserve System to require reports from, to make examinations of, or to impose capital requirements on bank holding companies and their nonbank subsidiaries or that require deference to other regulators; and

(2) section 10A of the Bank Holding Company Act of 1956 (as added by this Act) that limit whatever authority the Board might otherwise have to take direct or indirect action with respect to bank holding companies and their nonbank subsidiaries,

shall also limit whatever authority that a Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act) might otherwise have under any statute to require reports, make examinations, impose capital requirements or take any other direct or indirect action with respect to bank holding companies and their nonbank subsidiaries (including nonbank subsidiaries of depository institutions), subject to the same standards and requirements as are applicable to the Board under such provisions.

(b) CERTAIN EXAMINATIONS AUTHORIZED.—No provision of this section shall be construed as preventing the Federal Deposit Insurance Corporation, if the Corporation finds it necessary to determine the condition of an insured depository institution for insurance purposes, from examining an affiliate of any insured depository institution, pursuant to its authority under section 10(b)(4) of the Federal Deposit Insurance Act, as may be necessary to disclose fully the relationship between the depository institution and the affiliate, and the effect of such relationship on the depository institution.

SEC. 118. PROHIBITION ON FDIC ASSISTANCE TO AFFILIATES AND SUBSIDIARIES.

Section 11(a)(4)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)(B)) is amended by striking "to benefit any shareholder of" and inserting "to benefit any shareholder, affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act), or subsidiary of".

SEC. 119. REPEAL OF SAVINGS BANK PROVISIONS IN THE BANK HOLDING COMPANY ACT OF 1956.

Section 3(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(f)) is amended to read as follows:

"(f) [Repealed].".

SEC. 120. TECHNICAL AMENDMENT.

Section 2(o)(1)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)(1)(A)) is amended by striking "section 38(b)" and inserting "section 38".

Subtitle C—Subsidiaries of National Banks

SEC. 121. PERMISSIBLE ACTIVITIES FOR SUBSIDIARIES OF NATIONAL BANKS.

(a) FINANCIAL SUBSIDIARIES OF NATIONAL BANKS.—Chapter one of title LXII of the Revised Statutes of United States (12 U.S.C. 21 et seq.) is amended—

(1) by redesignating section 5136A as section 5136C; and

(2) by inserting after section 5136 (12 U.S.C. 24) the following new section:

"SEC. 5136A. SUBSIDIARIES OF NATIONAL BANKS.

"(a) SUBSIDIARIES OF NATIONAL BANKS AUTHORIZED TO ENGAGE IN FINANCIAL ACTIVITIES.—

"(1) EXCLUSIVE AUTHORITY.—No provision of section 5136 or any other provision of this title LXII of the Revised Statutes of the United States shall be construed as authorizing a subsidiary of a national bank to engage in, or own any share of or any other interest in any company engaged in, any activity that—

"(A) is not permissible for a national bank to engage in directly; or

"(B) is conducted under terms or conditions other than those that would govern the conduct of such activity by a national bank, unless a national bank is specifically authorized by the express terms of a Federal statute and not by implication or interpretation to acquire shares of or an interest in, or to control, such subsidiary, such as by paragraph (2) of this subsection and section 25A of the Federal Reserve Act.

"(2) SPECIFIC AUTHORIZATION TO CONDUCT ACTIVITIES WHICH ARE FINANCIAL IN NATURE.—Subject to paragraphs (3) and (4), a national bank may control a financial subsidiary, or hold an interest in a financial subsidiary, that is controlled by insured depository institutions or subsidiaries thereof.

"(3) ELIGIBILITY REQUIREMENTS.—A national bank may control or hold an interest in a company pursuant to paragraph (2) only if—

"(A) the national bank and all depository institution affiliates of the national bank are well capitalized;

"(B) the national bank and all depository institution affiliates of the national bank are well managed;

"(C) the national bank and all depository institution affiliates of such national bank have achieved a rating of 'satisfactory record of meeting community credit needs', or better, at the most recent examination of each such bank or institution; and

"(D) the bank has received the approval of the Comptroller of the Currency.

"(4) ACTIVITY LIMITATIONS.—In addition to any other limitation imposed on the activity of subsidiaries of national banks, a subsidiary of a national bank may not, pursuant to paragraph (2)—

"(A) engage as principal in insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death (other than in connection with credit-related insurance) or in providing or issuing annuities;

"(B) engage in real estate investment or development activities; or

"(C) engage in any activity permissible for a financial holding company under paragraph (3)(I) of section 6(c) of the Bank Holding Company Act of 1956 (relating to insurance company investments).

"(5) SIZE FACTOR WITH REGARD TO FREESTANDING NATIONAL BANKS.—Notwithstanding paragraph (2), a national bank which has total assets of $10,000,000,000 or more may not control a subsidiary engaged in financial activities pursuant to such paragraph unless such national bank is a subsidiary of a bank holding company.

"(6) LIMITED EXCLUSIONS FROM COMMUNITY NEEDS REQUIREMENTS FOR NEWLY AFFILIATED DEPOSITORY INSTITUTIONS.—Any depository institution which becomes an affiliate of a national bank during the 12-month period preceding the date of an approval by the Comptroller of the Currency under paragraph (3)(D) for such bank, and any depository institution which becomes an affiliate of the national bank after such date, may be excluded for purposes of paragraph (3)(C) during the 12-month period beginning on the date of such affiliation if—

"(A) the national bank or such depository institution has submitted an affirmative plan to the appropriate Federal banking agency to take such action as may be necessary in order for such institution to achieve a rating of 'satisfactory record of meeting community credit needs', or better, at the next examination of the institution; and

"(B) the plan has been accepted by such agency.

"(7) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(A) COMPANY; CONTROL; AFFILIATE; SUBSIDIARY.—The terms 'company', 'control', 'affiliate', and 'subsidiary' have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

"(B) FINANCIAL SUBSIDIARY.—The term 'financial subsidiary' means a company which is a subsidiary of an insured bank and is engaged in financial activities that have been determined to be financial in nature or incidental to such financial activities in accordance with subsection (b) or permitted in accordance with subsection (b)(4), other than activities that are permissible for a national bank to engage in directly or that are authorized under the Bank Service Company Act, section 25 or 25A of the Federal Reserve Act, or any other Federal statute (other than this section) that specifically authorizes the conduct of such activities by its express terms and not by implication or interpretation.

"(C) WELL CAPITALIZED.—The term 'well capitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act and, for purposes of this section, the Comptroller shall have exclusive jurisdiction to determine whether a national bank is well capitalized.

"(D) WELL MANAGED.—The term 'well managed' means—

"(i) in the case of a depository institution that has been examined, unless otherwise determined in writing by the appropriate Federal banking agency—

"(I) the achievement of a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under an equivalent rating system) in connection with the most recent examination or subsequent review of the depository institution; and

"(II) at least a rating of 2 for management, if that rating is given; or

"(ii) in the case of any depository institution that has not been examined, the existence and use of managerial resources that the appropriate Federal banking agency determines are satisfactory.

"(E) INCORPORATED DEFINITIONS.—The terms 'appropriate Federal banking agency' and 'depository institution' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

"(b) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—

"(1) FINANCIAL ACTIVITIES.—

"(A) IN GENERAL.—For purposes of subsection (a)(7)(B), an activity shall be considered to have been determined to be financial in nature or incidental to such financial activities only if—

"(i) such activity is permitted for a financial holding company pursuant to section 6(c)(3) of the Bank Holding Company Act of 1956 (to the extent such activity is not otherwise prohibited under this section or any other provision of law for a subsidiary of a national bank engaged in activities pursuant to subsection (a)(2)); or

"(ii) the Secretary of the Treasury determines the activity to be financial in nature or incidental to such financial activities in accordance with subparagraph (B) or paragraph (3).

"(B) COORDINATION BETWEEN THE BOARD AND THE SECRETARY OF THE TREASURY.—

"(i) PROPOSALS RAISED BEFORE THE SECRETARY OF THE TREASURY.—

"(I) CONSULTATION.—The Secretary of the Treasury shall notify the Board of, and consult with the Board concerning, any request, proposal, or application under this subsection, including any regulation or order proposed under paragraph (3), for a determination of whether an activity is financial in nature or incidental to such a financial activity.

"(II) BOARD VIEW.—The Secretary of the Treasury shall not determine that any activity is financial in nature or incidental to a financial activity under this subsection if the Board notifies the Secretary in writing, not later than 30 days after the date of receipt of the notice described in subclause (I) (or such longer period as the Secretary determines to be appropriate in light of the circumstances) that the Board believes that the activity is not financial in nature or incidental to a financial activity.

"(ii) PROPOSALS RAISED BY THE BOARD.—

"(I) BOARD RECOMMENDATION.—The Board may, at any time, recommend in writing that the Secretary of the Treasury find an activity to be financial in nature or incidental to a financial activity (other than an activity which the Board has sole authority to regulate under subparagraph (C)).

"(II) TIME PERIOD FOR SECRETARIAL ACTION.—Not later than 30 days after the date of receipt of a written recommendation from the Board under subclause (I) (or such longer period as the Secretary of the Treasury and the Board determine to be appropriate in light of the circumstances), the Secretary shall determine whether to initiate a public rulemaking proposing that the subject recommended activity be found to be financial in nature or incidental to a financial activity under this subsection, and shall notify the Board in writing of the determination of the Secretary and, in the event that the Secretary determines not to seek public comment on the proposal, the reasons for that determination.

"(C) AUTHORITY OVER MERCHANT BANKING.—The Board shall have sole authority to prescribe regulations and issue interpretations to implement this paragraph with respect to activities described in section 6(c)(3)(H) of the Bank Holding Company Act of 1956.

"(2) FACTORS TO BE CONSIDERED.—In determining whether an activity is financial in nature or incidental to financial activities, the Secretary shall take into account—

"(A) the purposes of this Act and the Financial Services Act of 1999;

"(B) changes or reasonably expected changes in the marketplace in which banks compete;

"(C) changes or reasonably expected changes in the technology for delivering financial services; and

"(D) whether such activity is necessary or appropriate to allow a bank and the subsidiaries of a bank to—

"(i) compete effectively with any company seeking to provide financial services in the United States;

"(ii) use any available or emerging technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions, in providing financial services; and

"(iii) offer customers any available or emerging technological means for using financial services.

"(3) AUTHORIZATION OF NEW FINANCIAL ACTIVITIES.—The Secretary of the Treasury shall, by regulation or order and in accordance with paragraph (1)(B), define, consistent with the purposes of this Act, the following activities as, and the extent to which such activities are, financial in nature or incidental to activities which are financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

"(B) Providing any device or other instrumentality for transferring money or other financial assets.

"(C) Arranging, effecting, or facilitating financial transactions for the account of third parties.

"(4) DEVELOPING ACTIVITIES.—Subject to subsection (a)(2), a financial subsidiary of a national bank may engage directly or indirectly, or acquire shares of any company engaged, in any activity that the Secretary has not determined to be financial in nature or incidental to financial activities under this subsection if—

"(A) the subsidiary reasonably concludes that the activity is financial in nature or incidental to financial activities;

"(B) the gross revenues from all activities conducted under this paragraph represent less than 5 percent of the consolidated gross revenues of the national bank;

"(C) the aggregate total assets of all companies the shares of which are held under this paragraph do not exceed 5 percent of the national bank's consolidated total assets;

"(D) the total capital invested in activities conducted under this paragraph represents less than 5 percent of the consolidated total capital of the national bank;

"(E) neither the Secretary of the Treasury nor the Board has determined that the activity is not financial in nature or incidental to financial activities under this subsection; and

"(F) the national bank provides written notice to the Secretary of the Treasury describing the activity commenced by the subsidiary or conducted by the company acquired no later than 10 business days after commencing the activity or consummating the acquisition.

"(c) PROVISIONS APPLICABLE TO NATIONAL BANKS THAT FAIL TO MEET REQUIREMENTS.—

"(1) IN GENERAL.—If a national bank or depository institution affiliate is not in compliance with the requirements of subparagraph (A), (B), or (C) of subsection (a)(3), the appropriate Federal banking agency shall notify the Comptroller of the Currency, who shall give notice of such finding to the national bank.

"(2) AGREEMENT TO CORRECT CONDITIONS REQUIRED.—Not later than 45 days after receipt by a national bank of a notice given under paragraph (1) (or such additional period as the Comptroller of the Currency may permit), the national bank and any relevant affiliated depository institution shall execute an agreement acceptable to the Comptroller of the Currency and the other appropriate Federal banking agencies, if any, to comply with the requirements applicable under subsection (a)(3).

"(3) COMPTROLLER OF THE CURRENCY MAY IMPOSE LIMITATIONS.—Until the conditions described in a notice to a national bank under paragraph (1) are corrected—

"(A) the Comptroller of the Currency may impose such limitations on the conduct or activities of the national bank or any subsidiary of the bank as the Comptroller of the Currency determines to be appropriate under the circumstances; and

"(B) the appropriate Federal banking agency may impose such limitations on the conduct or activities of an affiliated depository institution or any subsidiary of the depository institution as such agency determines to be appropriate under the circumstances.

"(4) FAILURE TO CORRECT.—If, after receiving a notice under paragraph (1), a national bank and other affiliated depository institutions do not—

"(A) execute and implement an agreement in accordance with paragraph (2);

"(B) comply with any limitations imposed under paragraph (3);

"(C) in the case of a notice of failure to comply with subsection (a)(3)(A), restore the national bank or any depository institution affiliate of the bank to well capitalized status before the end of the 180-day period beginning on the date such notice is received by the national bank (or such other period permitted by the Comptroller of the Currency); or

"(D) in the case of a notice of failure to comply with subparagraph (B) or (C) of subsection (a)(3), restore compliance with any such subparagraph on or before the date on which the next examination of the depository institution subsidiary is completed or by the end of such other period as the Comptroller of the Currency determines to be appropriate,

the Comptroller of the Currency may require such national bank, under such terms and conditions as may be imposed by the Comptroller of the Currency and subject to such extension of time as may be granted in the Comptroller of the Currency's discretion, to divest control of any subsidiary engaged in activities pursuant to subsection (a)(2) or, at the election of the national bank, instead to cease to engage in any activity conducted by a subsidiary of the national bank pursuant to subsection (a)(2).

"(5) CONSULTATION.—In taking any action under this subsection, the Comptroller of the Currency shall consult with all relevant Federal and State regulatory agencies.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended—

(1) by redesignating the item relating to section 5136A as section 5136C; and

(2) by inserting after the item relating to section 5136 the following new item:

"5136A. Subsidiaries of national banks.".

SEC. 122. SAFETY AND SOUNDNESS FIREWALLS BETWEEN BANKS AND THEIR FINANCIAL SUBSIDIARIES.

(a) PURPOSES.—The purposes of this section are—

(1) to protect the safety and soundness of any insured bank that has a financial subsidiary;

(2) to apply to any transaction between the bank and the financial subsidiary (including a loan, extension of credit, guarantee, or purchase of assets), other than an equity investment, the same restrictions and requirements as would apply if the financial subsidiary were a subsidiary of a bank holding company having control of the bank; and

(3) to apply to any equity investment of the bank in the financial subsidiary restrictions and requirements equivalent to those that would apply if—

(A) the bank paid a dividend in the same dollar amount to a bank holding company having control of the bank; and

(B) the bank holding company used the proceeds of the dividend to make an equity investment in a subsidiary that was engaged in the same activities as the financial subsidiary of the bank.

(b) SAFETY AND SOUNDNESS FIREWALLS APPLICABLE TO SUBSIDIARIES OF BANKS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 45 (as added by section 113(b) of this title) the following new section:

"SEC. 46. SAFETY AND SOUNDNESS FIREWALLS APPLICABLE TO SUBSIDIARIES OF BANKS.

"(a) LIMITING THE EQUITY INVESTMENT OF A BANK IN A SUBSIDIARY.—

"(1) CAPITAL DEDUCTION.—In determining whether an insured bank complies with applicable regulatory capital standards—

"(A) the appropriate Federal banking agency shall deduct from the assets and tangible equity of the bank the aggregate amount of the outstanding equity investments of the bank in financial subsidiaries of the bank; and

"(B) the assets and liabilities of such financial subsidiaries shall not be consolidated with those of the bank.

"(2) INVESTMENT LIMITATION.—An insured bank shall not, without the prior approval of the appropriate Federal banking agency, make any equity investment in a financial subsidiary of the bank if that investment would, when made, exceed the amount that the bank could pay as a dividend without obtaining prior regulatory approval.

"(3) TREATMENT OF RETAINED EARNINGS.—The amount of any net earnings retained by a financial subsidiary of an insured depository institution shall be treated as an outstanding equity investment of the bank in the subsidiary for purposes of paragraph (1).

"(b) OPERATIONAL AND FINANCIAL SAFEGUARDS FOR THE BANK.—An insured bank that has a financial subsidiary shall maintain procedures for identifying and managing any financial and operational risks posed by the financial subsidiary.

"(c) MAINTENANCE OF SEPARATE CORPORATE IDENTITY AND SEPARATE LEGAL STATUS.—

"(1) IN GENERAL.—Each insured bank shall ensure that the bank maintains and complies with reasonable policies and procedures to preserve the separate corporate identity and legal status of the bank and any financial subsidiary or affiliate of the bank.

"(2) EXAMINATIONS.—The appropriate Federal banking agency, as part of each examination, shall review whether an insured bank is observing the separate corporate identity and separate legal status of any subsidiaries and affiliates of the bank.

"(d) FINANCIAL SUBSIDIARY DEFINED.—For purposes of this section, the term 'financial subsidiary' has the meaning given to such term in section 5136A(a)(7)(B) of the Revised Statutes of the United States.

"(e) REGULATIONS.—The appropriate Federal banking agencies shall jointly prescribe regulations implementing this section.".

(c) TRANSACTIONS BETWEEN FINANCIAL SUBSIDIARIES AND OTHER AFFILIATES.—Section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d), the following new subsection:

"(e) RULES RELATING TO BANKS WITH FINANCIAL SUBSIDIARIES.—

"(1) FINANCIAL SUBSIDIARY DEFINED.—For purposes of this section and section 23B, the term 'financial subsidiary' means a company which is a subsidiary of a bank and is engaged in activities that are financial in nature or incidental to such financial activities pursuant to subsection (a)(2) or (b)(4) of section 5136A of the Revised Statutes of the United States.

"(2) APPLICATION TO TRANSACTIONS BETWEEN A FINANCIAL SUBSIDIARY OF A BANK AND THE BANK.—For purposes of applying this section and section 23B to a transaction between a financial subsidiary of a bank and the bank (or between such financial subsidiary and any other subsidiary of the bank which is not a financial subsidiary) and notwithstanding subsection (b)(2) and section 23B(d)(1), the financial subsidiary of the bank—

"(A) shall be an affiliate of the bank and any other subsidiary of the bank which is not a financial subsidiary; and

"(B) shall not be treated as a subsidiary of the bank.

"(3) APPLICATION TO TRANSACTIONS BETWEEN FINANCIAL SUBSIDIARY AND NONBANK AFFILIATES.—

"(A) IN GENERAL.—A transaction between a financial subsidiary and an affiliate of the financial subsidiary shall not be deemed to be a transaction between a subsidiary of a national bank and an affiliate of the bank for purposes of section 23A or section 23B of the Federal Reserve Act.

"(B) CERTAIN AFFILIATES EXCLUDED.—For purposes of subparagraph (A) and notwithstanding paragraph (4), the term 'affiliate' shall not include a bank, or a subsidiary of a bank, which is engaged exclusively in activities permissible for a national bank to engage in directly or which are authorized by any Federal law other than section 5136A of the Revised Statutes of the United States.

"(4) EQUITY INVESTMENTS EXCLUDED SUBJECT TO THE APPROVAL OF THE BANKING AGENCY.—Subsection (a)(1) shall not apply so as to limit the equity investment of a bank in a financial subsidiary of such bank, except that any investment that exceeds the amount of a dividend that the bank could pay at the time of the investment without obtaining prior approval of the appropriate Federal banking agency and is in excess of the limitation which would apply under subsection (a)(1), but for this paragraph, may be made only with the approval of the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) with respect to such bank.".

(d) ANTITYING.—Section 106(a) of the Bank Holding Company Act Amendments of 1970 is amended by adding at the end the following new sentence: "For purposes of this section, a subsidiary of a national bank which engages in activities pursuant to subsection (a)(2) or (b)(4) of section 5136A of the Revised Statutes of the United States shall be deemed to be a subsidiary of a bank holding company, and not a subsidiary of a bank.".

SEC. 123. MISREPRESENTATIONS REGARDING DEPOSITORY INSTITUTION LIABILITY FOR OBLIGATIONS OF AFFILIATES.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1007 the following new section:

"§ 1008. Misrepresentations regarding financial institution liability for obligations of affiliates

"(a) IN GENERAL.—No institution-affiliated party of an insured depository institution or institution-affiliated party of a subsidiary or affiliate of an insured depository institution shall fraudulently represent that the institution is or will be liable for any obligation of a subsidiary or other affiliate of the institution.

"(b) Criminal Penalty.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 5 years, or both.

"(c) Institution-Affiliated Party Defined.—For purposes of this section, the term 'institution-affiliated party' has the same meaning as in section 3 of the Federal Deposit Insurance Act and any reference in that section shall also be deemed to refer to a subsidiary or affiliate of an insured depository institution.

"(d) Other Definitions.—For purposes of this section, the terms 'affiliate', 'insured depository institution', and 'subsidiary' have same meanings as in section 3 of the Federal Deposit Insurance Act.".

(b) Clerical Amendment.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following new item:

"1008. Misrepresentations regarding financial institution liability for obligations of affiliates.".

SEC. 124. REPEAL OF STOCK LOAN LIMIT IN FEDERAL RESERVE ACT.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by striking the paragraph designated as "(m)" and inserting "(m) [Repealed]".

Subtitle D—Wholesale Financial Holding Companies; Wholesale Financial Institutions

CHAPTER 1—WHOLESALE FINANCIAL HOLDING COMPANIES

SEC. 131. WHOLESALE FINANCIAL HOLDING COMPANIES ESTABLISHED.

Section 10 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended to read as follows:

"SEC. 10. WHOLESALE FINANCIAL HOLDING COMPANIES.

"(a) Companies That Control Wholesale Financial Institutions.—

"(1) Wholesale financial holding company defined.—The term 'wholesale financial holding company' means any company that—

"(A) is registered as a bank holding company;

"(B) is predominantly engaged in financial activities as defined in section 6(f)(2);

"(C) controls 1 or more wholesale financial institutions;

"(D) does not control—

"(i) a bank other than a wholesale financial institution;

"(ii) an insured bank other than an institution permitted under subparagraph (D), (F), or (G) of section 2(c)(2); or

"(iii) a savings association; and

"(E) is not a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978).

"(2) Savings association transition period.—Notwithstanding paragraph (1)(D)(iii), the Board may permit a company that controls a savings association and that otherwise meets the requirements of paragraph (1) to become supervised under paragraph (1), if the company divests control of any such savings association within such period not to exceed 5 years after becoming supervised under paragraph (1) as permitted by the Board.

"(b) Supervision by the Board.—

"(1) In general.—The provisions of this section shall govern the reporting, examination, and capital requirements of wholesale financial holding companies.

"(2) Reports.—

"(A) In general.—The Board from time to time may require any wholesale financial holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

"(i) the company's or subsidiary's activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions with depository institution subsidiaries of the holding company; and

"(ii) the extent to which the company or subsidiary has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

"(B) Use of existing reports.—

"(i) In general.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that the wholesale financial holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

"(ii) Availability.—A wholesale financial holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

"(C) Exemptions from reporting requirements.—

"(i) In general.—The Board may, by regulation or order, exempt any company or class of companies, under such terms and conditions and for such periods as the Board shall provide in such regulation or order, from the provisions of this paragraph and any regulation prescribed under this paragraph.

"(ii) Criteria for consideration.—In making any determination under clause (i) with regard to any exemption under such clause, the Board shall consider, among such other factors as the Board may determine to be appropriate, the following factors:

"(I) Whether information of the type required under this paragraph is available from a supervisory agency (as defined in section 1101(7) of the Right to Financial Privacy Act of 1978) or a foreign regulatory authority of a similar type.

"(II) The primary business of the company.

"(III) The nature and extent of the domestic and foreign regulation of the activities of the company.

"(3) Examinations.—

"(A) Limited use of examination authority.—The Board may make examinations of each wholesale financial holding company and each subsidiary of such company in order to—

"(i) inform the Board regarding the nature of the operations and financial condition of the wholesale financial holding company and its subsidiaries;

"(ii) inform the Board regarding—

"(I) the financial and operational risks within the wholesale financial holding company system that may affect any depository institution owned by such holding company; and

"(II) the systems of the holding company and its subsidiaries for monitoring and controlling those risks; and

"(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any depository institution controlled by the wholesale financial holding company and any of the company's other subsidiaries.

"(B) Restricted focus of examinations.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a wholesale financial holding company under this paragraph to—

"(i) the holding company; and

"(ii) any subsidiary (other than an insured depository institution subsidiary) of the holding company that, because of the size, condition, or activities of the subsidiary, the nature or size of transactions between such subsidiary and any affiliated depository institution, or the centralization of functions within the holding company system, could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

"(C) Deference to bank examinations.—The Board shall, to the fullest extent possible, use the reports of examination of depository institutions made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision or the appropriate State depository institution supervisory authority for the purposes of this section.

"(D) Deference to other examinations.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and by instead reviewing the reports of examination made of—

"(i) any registered broker or dealer or any registered investment adviser by or on behalf of the Commission; and

"(ii) any licensed insurance company by or on behalf of any State government insurance agency responsible for the supervision of the insurance company.

"(E) Confidentiality of reported information.—

"(i) In general.—Notwithstanding any other provision of law, the Board shall not be compelled to disclose any nonpublic information required to be reported under this paragraph, or any information supplied to the Board by any domestic or foreign regulatory agency, that relates to the financial or operational condition of any wholesale financial holding company or any subsidiary of such company.

"(ii) Compliance with requests for information.—No provision of this subparagraph shall be construed as authorizing the Board to withhold information from the Congress, or preventing the Board from complying with a request for information from any other Federal department or agency for purposes within the scope of such department's or agency's jurisdiction, or from complying with any order of a court of competent jurisdiction in an action brought by the United States or the Board.

"(iii) Coordination with other law.—For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered to be a statute described in subsection (b)(3)(B) of such section.

"(iv) Designation of confidential information.—In prescribing regulations to carry out the requirements of this subsection, the Board shall designate information described in or obtained pursuant to this paragraph as confidential information.

"(F) Costs.—The cost of any examination conducted by the Board under this section may be assessed against, and made payable by, the wholesale financial holding company.

"(4) Capital adequacy guidelines.—

"(A) Capital adequacy provisions.—Subject to the requirements of, and solely in accordance with, the terms of this paragraph, the Board may adopt capital adequacy rules or guidelines for wholesale financial holding companies.

"(B) Method of calculation.—In developing rules or guidelines under this paragraph, the following provisions shall apply:

"(i) FOCUS ON DOUBLE LEVERAGE.—The Board shall focus on the use by wholesale financial holding companies of debt and other liabilities to fund capital investments in subsidiaries.

"(ii) NO UNWEIGHTED CAPITAL RATIO.—The Board shall not, by regulation, guideline, order, or otherwise, impose under this section a capital ratio that is not based on appropriate risk-weighting considerations.

"(iii) NO CAPITAL REQUIREMENT ON REGULATED ENTITIES.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, standards, guidelines, or requirements upon any subsidiary that—

"(I) is not a depository institution; and

"(II) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority.

"(iv) LIMITATION.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, standards, guidelines, or requirements upon any subsidiary that is not a depository institution and that is registered as an investment adviser under the Investment Advisers Act of 1940, except that this clause shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities.

"(v) LIMITATIONS ON INDIRECT ACTION.—In developing, establishing, or assessing holding company capital or capital adequacy rules, guidelines, standards, or requirements for purposes of this paragraph, the Board shall not take into account the activities, operations, or investments of an affiliated investment company registered under the Investment Company Act of 1940, unless the investment company is—

"(I) a bank holding company; or

"(II) controlled by a bank holding company by reason of ownership by the bank holding company (including through all of its affiliates) of 25 percent or more of the shares of the investment company, and the shares owned by the bank holding company have a market value equal to more than $1,000,000.

"(vi) APPROPRIATE EXCLUSIONS.—The Board shall take full account of—

"(I) the capital requirements made applicable to any subsidiary that is not a depository institution by another Federal regulatory authority or State insurance authority; and

"(II) industry norms for capitalization of a company's unregulated subsidiaries and activities.

"(vii) INTERNAL RISK MANAGEMENT MODELS.—The Board may incorporate internal risk management models of wholesale financial holding companies into its capital adequacy guidelines or rules and may take account of the extent to which resources of a subsidiary depository institution may be used to service the debt or other liabilities of the wholesale financial holding company.

"(c) NONFINANCIAL ACTIVITIES AND INVESTMENTS.—

"(1) GRANDFATHERED ACTIVITIES.—

"(A) IN GENERAL.—Notwithstanding section 4(a), a company that becomes a wholesale financial holding company may continue to engage, directly or indirectly, in any activity and may retain ownership and control of shares of a company engaged in any activity if—

"(i) on the date of the enactment of the Financial Services Act of 1999, such wholesale financial holding company was lawfully engaged in that nonfinancial activity, held the shares of such company, or had entered into a contract to acquire shares of any company engaged in such activity; and

"(ii) the company engaged in such activity continues to engage only in the same activities that such company conducted on the date of the enactment of the Financial Services Act of 1999, and other activities permissible under this Act.

"(B) NO EXPANSION OF GRANDFATHERED COMMERCIAL ACTIVITIES THROUGH MERGER OR CONSOLIDATION.—A wholesale financial holding company that engages in activities or holds shares pursuant to this paragraph, or a subsidiary of such wholesale financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company which is engaged in any activity which the Board has not determined to be financial in nature or incidental to activities that are financial in nature under section 6(c).

"(C) LIMITATION TO SINGLE EXEMPTION.—No company that engages in any activity or controls any shares under subsection (f) of section 6 may engage in any activity or own any shares pursuant to this paragraph.

"(2) COMMODITIES.—

"(A) IN GENERAL.—Notwithstanding section 4(a), a wholesale financial holding company which was predominately engaged as of January 1, 1997, in financial activities in the United States (or any successor to any such company) may engage in, or directly or indirectly own or control shares of a company engaged in, activities related to the trading, sale, or investment in commodities and underlying physical properties that were not permissible for bank holding companies to conduct in the United States as of January 1, 1997, if such wholesale financial holding company, or any subsidiary of such holding company, was engaged directly, indirectly, or through any such company in any of such activities as of January 1, 1997, in the United States.

"(B) LIMITATION.—The attributed aggregate consolidated assets of a wholesale financial holding company held under the authority granted under this paragraph and not otherwise permitted to be held by all wholesale financial holding companies under this section may not exceed 5 percent of the total consolidated assets of the wholesale financial holding company, except that the Board may increase such percentage of total consolidated assets by such amounts and under such circumstances as the Board considers appropriate, consistent with the purposes of this Act.

"(3) CROSS MARKETING RESTRICTIONS.—A wholesale financial holding company shall not permit—

"(A) any company whose shares it owns or controls pursuant to paragraph (1) or (2) to offer or market any product or service of an affiliated wholesale financial institution; or

"(B) any affiliated wholesale financial institution to offer or market any product or service of any company whose shares are owned or controlled by such wholesale financial holding company pursuant to such paragraphs.

"(d) QUALIFICATION OF FOREIGN BANK AS WHOLESALE FINANCIAL HOLDING COMPANY.—

"(1) IN GENERAL.—Any foreign bank, or any company that owns or controls a foreign bank, that operates a branch, agency, or commercial lending company in the United States, including a foreign bank or company that owns or controls a wholesale financial institution, may request a determination from the Board that such bank or company be treated as a wholesale financial holding company other than for purposes of subsection (c), subject to such conditions as the Board considers appropriate, giving due regard to the principle of national treatment and equality of competitive opportunity and the requirements imposed on domestic banks and companies.

"(2) CONDITIONS FOR TREATMENT AS A WHOLESALE FINANCIAL HOLDING COMPANY.—A foreign bank and a company that owns or controls a foreign bank may not be treated as a wholesale financial holding company unless the bank and company meet and continue to meet the following criteria:

"(A) NO INSURED DEPOSITS.—No deposits held directly by a foreign bank or through an affiliate (other than an institution described in subparagraph (D) or (F) of section 2(c)(2)) are insured under the Federal Deposit Insurance Act.

"(B) CAPITAL STANDARDS.—The foreign bank meets risk-based capital standards comparable to the capital standards required for a wholesale financial institution, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(C) TRANSACTION WITH AFFILIATES.—Transactions between a branch, agency, or commercial lending company subsidiary of the foreign bank in the United States, and any securities affiliate or company in which the foreign bank (or any company that owns or controls such foreign bank) has invested, directly or indirectly, and which engages in any activity pursuant to subsection (c) or (g) of section 6, comply with the provisions of sections 23A and 23B of the Federal Reserve Act in the same manner and to the same extent as such transactions would be required to comply with such sections if the bank were a member bank.

"(3) TREATMENT AS A WHOLESALE FINANCIAL INSTITUTION.—Any foreign bank which is, or is affiliated with a company which is, treated as a wholesale financial holding company under this subsection shall be treated as a wholesale financial institution for purposes of subsections (c)(1)(C) and (c)(3) of section 9B of the Federal Reserve Act, and any such foreign bank or company shall be subject to paragraphs (3), (4), and (5) of section 9B(d) of the Federal Reserve Act, except that the Board may adopt such modifications, conditions, or exemptions as the Board deems appropriate, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(4) SUPERVISION OF FOREIGN BANK WHICH MAINTAINS NO BANKING PRESENCE OTHER THAN CONTROL OF A WHOLESALE FINANCIAL INSTITUTION.—A foreign bank that owns or controls a wholesale financial institution but does not operate a branch, agency, or commercial lending company in the United States (and any company that owns or controls such foreign bank) may request a determination from the Board that such bank or company be treated as a wholesale financial holding company, except that such bank or company shall be subject to the restrictions of paragraphs (2)(A) and (3) of this subsection.

"(5) NO EFFECT ON OTHER PROVISIONS.—This section shall not be construed as limiting the authority of the Board under the International Banking Act of 1978 with respect to the regulation, supervision, or examination of foreign banks and their offices and affiliates in the United States.

"(6) APPLICABILITY OF COMMUNITY REINVESTMENT ACT OF 1977.—The branches in the

United States of a foreign bank that is, or is affiliated with a company that is, treated as a wholesale financial holding company shall be subject to section 9B(b)(11) of the Federal Reserve Act as if the foreign bank were a wholesale financial institution under such section. The Board and the Comptroller of the Currency shall apply the provisions of sections 803(2), 804, and 807(1) of the Community Reinvestment Act of 1977 to branches of foreign banks which receive only such deposits as are permissible for receipt by a corporation organized under section 25A of the Federal Reserve Act, in the same manner and to the same extent such sections apply to such a corporation.".

SEC. 132. AUTHORIZATION TO RELEASE REPORTS.

(a) FEDERAL RESERVE ACT.—The last sentence of the eighth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 326) is amended to read as follows: "The Board of Governors of the Federal Reserve System, at its discretion, may furnish reports of examination or other confidential supervisory information concerning State member banks or any other entities examined under any other authority of the Board to any Federal or State authorities with supervisory or regulatory authority over the examined entity, to officers, directors, or receivers of the examined entity, and to any other person that the Board determines to be proper.".

(b) COMMODITY FUTURES TRADING COMMISSION.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(1) in section 1101(7) of the (12 U.S.C. 3401(7))—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) the Commodity Futures Trading Commission; or"; and

(2) in section 1112(e), by striking "and the Securities and Exchange Commission" and inserting ", the Securities and Exchange Commission, and the Commodity Futures Trading Commission".

SEC. 133. CONFORMING AMENDMENTS.

(a) BANK HOLDING COMPANY ACT OF 1956.—

(1) DEFINITIONS.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended by inserting after subsection (p) (as added by section 103(b)(1)) the following new subsections:

"(q) WHOLESALE FINANCIAL INSTITUTION.—The term 'wholesale financial institution' means a wholesale financial institution subject to section 9B of the Federal Reserve Act.

"(r) COMMISSION.—The term 'Commission' means the Securities and Exchange Commission.

"(s) DEPOSITORY INSTITUTION.—The term 'depository institution'—

"(1) has the meaning given to such term in section 3 of the Federal Deposit Insurance Act; and

"(2) includes a wholesale financial institution.".

(2) DEFINITION OF BANK INCLUDES WHOLESALE FINANCIAL INSTITUTION.—Section 2(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(1)) is amended by adding at the end the following new subparagraph:

"(C) A wholesale financial institution.".

(3) INCORPORATED DEFINITIONS.—Section 2(n) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(n)) is amended by inserting "'insured bank'," after "'in danger of default',".

(4) EXCEPTION TO DEPOSIT INSURANCE REQUIREMENT.—Section 3(e) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(e)) is amended by adding at the end the following: "This subsection shall not apply to a wholesale financial institution.".

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(q)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(2)(A)) is amended to read as follows:

"(A) any State member insured bank (except a District bank) and any wholesale financial institution subject to section 9B of the Federal Reserve Act;".

CHAPTER 2—WHOLESALE FINANCIAL INSTITUTIONS

SEC. 136. WHOLESALE FINANCIAL INSTITUTIONS.

(a) NATIONAL WHOLESALE FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136A (as added by section 121(a) of this title) the following new section:

"SEC. 5136B. NATIONAL WHOLESALE FINANCIAL INSTITUTIONS.

"(a) AUTHORIZATION OF THE COMPTROLLER REQUIRED.—A national bank may apply to the Comptroller on such forms and in accordance with such regulations as the Comptroller may prescribe, for permission to operate as a national wholesale financial institution.

"(b) REGULATION.—A national wholesale financial institution may exercise, in accordance with such institution's articles of incorporation and regulations issued by the Comptroller, all the powers and privileges of a national bank formed in accordance with section 5133 of the Revised Statutes of the United States, subject to section 9B of the Federal Reserve Act and the limitations and restrictions contained therein.

"(c) COMMUNITY REINVESTMENT ACT OF 1977.—A national wholesale financial institution shall be subject to the Community Reinvestment Act of 1977.

(2) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136A (as added by section 121(d) of this title) the following new item:

"5136B. National wholesale financial institutions.".

(b) WHOLESALE FINANCIAL INSTITUTIONS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

"SEC. 9B. WHOLESALE FINANCIAL INSTITUTIONS.

"(a) APPLICATION FOR MEMBERSHIP AS WHOLESALE FINANCIAL INSTITUTION.—

"(1) APPLICATION REQUIRED.—

"(A) IN GENERAL.—Any bank may apply to the Board of Governors of the Federal Reserve System to become a State wholesale financial institution, or to the Comptroller of the Currency to become a national wholesale financial institution, and, as a wholesale financial institution, to subscribe to the stock of the Federal reserve bank organized within the district where the applying bank is located.

"(B) TREATMENT AS MEMBER BANK.—Any application under subparagraph (A) shall be treated as an application under, and shall be subject to the provisions of, section 9.

"(2) INSURANCE TERMINATION.—No bank the deposits of which are insured under the Federal Deposit Insurance Act may become a wholesale financial institution unless it has met all requirements under that Act for voluntary termination of deposit insurance.

"(b) GENERAL REQUIREMENTS APPLICABLE TO WHOLESALE FINANCIAL INSTITUTIONS.—

"(1) FEDERAL RESERVE ACT.—Except as otherwise provided in this section, wholesale financial institutions shall be member banks and shall be subject to the provisions of this Act that apply to member banks to the same extent and in the same manner as State member insured banks or national banks, except that a wholesale financial institution may terminate membership under this Act only with the prior written approval of the Board and on terms and conditions that the Board determines are appropriate to carry out the purposes of this Act.

"(2) PROMPT CORRECTIVE ACTION.—A wholesale financial institution shall be deemed to be an insured depository institution for purposes of section 38 of the Federal Deposit Insurance Act except that—

"(A) the relevant capital levels and capital measures for each capital category shall be the levels specified by the Board for wholesale financial institutions;

"(B) subject to subparagraph (A), all references to the appropriate Federal banking agency or to the Corporation in that section shall be deemed to be references to the Comptroller of the Currency, in the case of a national wholesale financial institution, and to the Board, in the case of all other wholesale financial institutions; and

"(C) in the case of wholesale financial institutions, the purpose of prompt corrective action shall be to protect taxpayers and the financial system from the risks associated with the operation and activities of wholesale financial institutions.

"(3) ENFORCEMENT AUTHORITY.—Section 3(u), subsections (j) and (k) of section 7, subsections (b) through (n), (s), (u), and (v) of section 8, and section 19 of the Federal Deposit Insurance Act shall apply to a wholesale financial institution in the same manner and to the same extent as such provisions apply to State member insured banks or national banks, as the case may be, and any reference in such sections to an insured depository institution shall be deemed to include a reference to a wholesale financial institution.

"(4) CERTAIN OTHER STATUTES APPLICABLE.—A wholesale financial institution shall be deemed to be a banking institution, and the Board shall be the appropriate Federal banking agency for such bank and all such bank's affiliates, for purposes of the International Lending Supervision Act.

"(5) BANK MERGER ACT.—A wholesale financial institution shall be subject to sections 18(c) and 44 of the Federal Deposit Insurance Act in the same manner and to the same extent the wholesale financial institution would be subject to such sections if the institution were a State member insured bank or a national bank.

"(6) BRANCHING.—Notwithstanding any other provision of law, a wholesale financial institution may establish and operate a branch at any location on such terms and conditions as established by, and with the approval of—

"(A) the Board, in the case of a State-chartered wholesale financial institution; and

"(B) the Comptroller of the Currency, in the case of a national bank wholesale financial institution.

"(7) ACTIVITIES OF OUT-OF-STATE BRANCHES OF WHOLESALE FINANCIAL INSTITUTIONS.—A State-chartered wholesale financial institution shall be deemed to be a State bank and an insured State bank for purposes of paragraphs (1), (2), and (3) of section 24(j) of the Federal Deposit Insurance Act.

"(8) DISCRIMINATION REGARDING INTEREST RATES.—Section 27 of the Federal Deposit Insurance Act shall apply to State-chartered wholesale financial institutions in the same manner and to the same extent as such provisions apply to State member insured banks and any reference in such section to a State-chartered insured depository institution shall be deemed to include a reference to a State-chartered wholesale financial institution.

“(9) Preemption of state laws requiring deposit insurance for wholesale financial institutions.—The appropriate State banking authority may grant a charter to a wholesale financial institution notwithstanding any State constitution or statute requiring that the institution obtain insurance of its deposits and any such State constitution or statute is hereby preempted solely for purposes of this paragraph.

“(10) Parity for wholesale financial institutions.—A State bank that is a wholesale financial institution under this section shall have all of the rights, powers, privileges, and immunities (including those derived from status as a federally chartered institution) of and as if it were a national bank, subject to such terms and conditions as established by the Board.

“(11) Community reinvestment act of 1977.—A State wholesale financial institution shall be subject to the Community Reinvestment Act of 1977.

“(c) Specific Requirements Applicable to Wholesale Financial Institutions.—

“(1) Limitations on deposits.—

“(A) Minimum amount.—

“(i) In general.—No wholesale financial institution may receive initial deposits of $100,000 or less, other than on an incidental and occasional basis.

“(ii) Limitation on deposits of less than $100,000.—No wholesale financial institution may receive initial deposits of $100,000 or less if such deposits constitute more than 5 percent of the institution's total deposits.

“(B) No deposit insurance.—Except as otherwise provided in section 8A(f) of the Federal Deposit Insurance Act, no deposits held by a wholesale financial institution shall be insured deposits under the Federal Deposit Insurance Act.

“(C) Advertising and disclosure.—The Board and the Comptroller of the Currency shall prescribe jointly regulations pertaining to advertising and disclosure by wholesale financial institutions to ensure that each depositor is notified that deposits at the wholesale financial institution are not federally insured or otherwise guaranteed by the United States Government.

“(2) Minimum capital levels applicable to wholesale financial institutions.—The Board shall, by regulation, adopt capital requirements for wholesale financial institutions—

“(A) to account for the status of wholesale financial institutions as institutions that accept deposits that are not insured under the Federal Deposit Insurance Act; and

“(B) to provide for the safe and sound operation of the wholesale financial institution without undue risk to creditors or other persons, including Federal reserve banks, engaged in transactions with the bank.

“(3) Additional requirements applicable to wholesale financial institutions.—In addition to any requirement otherwise applicable to State member insured banks or applicable, under this section, to wholesale financial institutions, the Board may impose, by regulation or order, upon wholesale financial institutions—

“(A) limitations on transactions, direct or indirect, with affiliates to prevent—

“(i) the transfer of risk to the deposit insurance funds; or

“(ii) an affiliate from gaining access to, or the benefits of, credit from a Federal reserve bank, including overdrafts at a Federal reserve bank;

“(B) special clearing balance requirements; and

“(C) any additional requirements that the Board determines to be appropriate or necessary to—

“(i) promote the safety and soundness of the wholesale financial institution or any insured depository institution affiliate of the wholesale financial institution;

“(ii) prevent the transfer of risk to the deposit insurance funds; or

“(iii) protect creditors and other persons, including Federal reserve banks, engaged in transactions with the wholesale financial institution.

“(4) Exemptions for wholesale financial institutions.—The Board may, by regulation or order, exempt any wholesale financial institution from any provision applicable to a member bank that is not a wholesale financial institution, if the Board finds that such exemption is consistent with—

“(A) the promotion of the safety and soundness of the wholesale financial institution or any insured depository institution affiliate of the wholesale financial institution;

“(B) the protection of the deposit insurance funds; and

“(C) the protection of creditors and other persons, including Federal reserve banks, engaged in transactions with the wholesale financial institution.

“(5) Limitation on transactions between a wholesale financial institution and an insured bank.—For purposes of section 23A(d)(1) of the Federal Reserve Act, a wholesale financial institution that is affiliated with an insured bank shall not be a bank.

“(6) No effect on other provisions.—This section shall not be construed as limiting the Board's authority over member banks or the authority of the Comptroller of the Currency over national banks under any other provision of law, or to create any obligation for any Federal Reserve bank to make, increase, renew, or extend any advance or discount under this Act to any member bank or other depository institution.

“(d) Capital and Managerial Requirements.—

“(1) In general.—A wholesale financial institution shall be well capitalized and well managed.

“(2) Notice to company.—The Board shall promptly provide notice to a company that controls a wholesale financial institution whenever such wholesale financial institution is not well capitalized or well managed.

“(3) Agreement to restore institution.—Not later than 45 days after the date of receipt of a notice under paragraph (2) (or such additional period not to exceed 90 days as the Board may permit), the company shall execute an agreement acceptable to the Board to restore the wholesale financial institution to compliance with all of the requirements of paragraph (1).

“(4) Limitations until institution restored.—Until the wholesale financial institution is restored to compliance with all of the requirements of paragraph (1), the Board may impose such limitations on the conduct or activities of the company or any affiliate of the company as the Board determines to be appropriate under the circumstances.

“(5) Failure to restore.—If the company does not execute and implement an agreement in accordance with paragraph (3), comply with any limitation imposed under paragraph (4), restore the wholesale financial institution to well capitalized status not later than 180 days after the date of receipt by the company of the notice described in paragraph (2), or restore the wholesale financial institution to well managed status within such period as the Board may permit, the company shall, under such terms and conditions as may be imposed by the Board subject to such extension of time as may be granted in the discretion of the Board, divest control of its subsidiary depository institutions.

“(6) Well managed defined.—For purposes of this subsection, the term ‘well managed’ has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

“(e) Resolution of Wholesale Financial Institutions.—

“(1) Conservatorship or receivership.—

“(A) Appointment.—The Board may appoint a conservator or receiver to take possession and control of a wholesale financial institution to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank.

“(B) Powers.—The conservator or receiver for a wholesale financial institution shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

“(2) Board authority.—The Board shall have the same authority with respect to any conservator or receiver appointed under paragraph (1), and the wholesale financial institution for which it has been appointed, as the Comptroller of the Currency has with respect to a conservator or receiver for a national bank and the national bank for which the conservator or receiver has been appointed.

“(3) Bankruptcy proceedings.—The Comptroller of the Currency (in the case of a national wholesale financial institution) or the Board may direct the conservator or receiver of a wholesale financial institution to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the wholesale financial institution in lieu of otherwise applicable Federal or State insolvency law.

“(f) Board Backup Authority.—

“(1) Notice to the comptroller.—Before taking any action under section 8 of the Federal Deposit Insurance Act involving a wholesale financial institution that is chartered as a national bank, the Board shall notify the Comptroller and recommend that the Comptroller take appropriate action. If the Comptroller fails to take the recommended action or to provide an acceptable plan for addressing the concerns of the Board before the close of the 30-day period beginning on the date of receipt of the formal recommendation from the Board, the Board may take such action.

“(2) Exigent circumstances.—Notwithstanding paragraph (1), the Board may exercise its authority without regard to the time period set forth in paragraph (1) where the Board finds that exigent circumstances exist and the Board notifies the Comptroller of the Board's action and of the exigent circumstances.

“(g) Exclusive Jurisdiction.—Subsections (c) and (e) of section 43 of the Federal Deposit Insurance Act shall not apply to any wholesale financial institution.”.

(c) Voluntary Termination of Insured Status by Certain Institutions.—

(1) Section 8 designations.—Section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively.

(2) VOLUNTARY TERMINATION OF INSURED STATUS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 8 the following new section:

"SEC. 8A. VOLUNTARY TERMINATION OF STATUS AS INSURED DEPOSITORY INSTITUTION.

"(a) IN GENERAL.—Except as provided in subsection (b), an insured State bank or a national bank may voluntarily terminate such bank's status as an insured depository institution in accordance with regulations of the Corporation if—

"(1) the bank provides written notice of the bank's intent to terminate such insured status—

"(A) to the Corporation and the Board of Governors of the Federal Reserve System, in the case of an insured State bank, or to the Corporation and the Comptroller of the Currency, in the case of an insured national bank authorized to operate as a wholesale financial institution, not less than 6 months before the effective date of such termination; and

"(B) to all depositors at such bank, not less than 6 months before the effective date of the termination of such status; and

"(2) either—

"(A) the deposit insurance fund of which such bank is a member equals or exceeds the fund's designated reserve ratio as of the date the bank provides a written notice under paragraph (1) and the Corporation determines that the fund will equal or exceed the applicable designated reserve ratio for the 2 semiannual assessment periods immediately following such date; or

"(B) the Corporation and the Board of Governors of the Federal Reserve System, in the case of an insured State bank, or the Corporation and the Comptroller of the Currency, in the case of an insured national bank authorized to operate as a wholesale financial institution, has approved the termination of the bank's insured status and the bank pays an exit fee in accordance with subsection (e).

"(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

"(1) an insured savings association; or

"(2) an insured branch that is required to be insured under subsection (a) or (b) of section 6 of the International Banking Act of 1978.

"(c) ELIGIBILITY FOR INSURANCE TERMINATED.—Any bank that voluntarily elects to terminate the bank's insured status under subsection (a) shall not be eligible for insurance on any deposits or any assistance authorized under this Act after the period specified in subsection (f)(1).

"(d) INSTITUTION MUST BECOME WHOLESALE FINANCIAL INSTITUTION OR TERMINATE DEPOSIT-TAKING ACTIVITIES.—Any depository institution which voluntarily terminates such institution's status as an insured depository institution under this section may not, upon termination of insurance, accept any deposits unless the institution is a wholesale financial institution subject to section 9B of the Federal Reserve Act.

"(e) EXIT FEES.—

"(1) IN GENERAL.—Any bank that voluntarily terminates such bank's status as an insured depository institution under this section shall pay an exit fee in an amount that the Corporation determines is sufficient to account for the institution's pro rata share of the amount (if any) which would be required to restore the relevant deposit insurance fund to the fund's designated reserve ratio as of the date the bank provides a written notice under subsection (a)(1).

"(2) PROCEDURES.—The Corporation shall prescribe, by regulation, procedures for assessing any exit fee under this subsection.

"(f) TEMPORARY INSURANCE OF DEPOSITS INSURED AS OF TERMINATION.—

"(1) TRANSITION PERIOD.—The insured deposits of each depositor in a State bank or a national bank on the effective date of the voluntary termination of the bank's insured status, less all subsequent withdrawals from any deposits of such depositor, shall continue to be insured for a period of not less than 6 months and not more than 2 years, as determined by the Corporation. During such period, no additions to any such deposits, and no new deposits in the depository institution made after the effective date of such termination shall be insured by the Corporation.

"(2) TEMPORARY ASSESSMENTS; OBLIGATIONS AND DUTIES.—During the period specified in paragraph (1) with respect to any bank, the bank shall continue to pay assessments under section 7 as if the bank were an insured depository institution. The bank shall, in all other respects, be subject to the authority of the Corporation and the duties and obligations of an insured depository institution under this Act during such period, and in the event that the bank is closed due to an inability to meet the demands of the bank's depositors during such period, the Corporation shall have the same powers and rights with respect to such bank as in the case of an insured depository institution.

"(g) ADVERTISEMENTS.—

"(1) IN GENERAL.—A bank that voluntarily terminates the bank's insured status under this section shall not advertise or hold itself out as having insured deposits, except that the bank may advertise the temporary insurance of deposits under subsection (f) if, in connection with any such advertisement, the advertisement also states with equal prominence that additions to deposits and new deposits made after the effective date of the termination are not insured.

"(2) CERTIFICATES OF DEPOSIT, OBLIGATIONS, AND SECURITIES.—Any certificate of deposit or other obligation or security issued by a State bank or a national bank after the effective date of the voluntary termination of the bank's insured status under this section shall be accompanied by a conspicuous, prominently displayed notice that such certificate of deposit or other obligation or security is not insured under this Act.

"(h) NOTICE REQUIREMENTS.—

"(1) NOTICE TO THE CORPORATION.—The notice required under subsection (a)(1)(A) shall be in such form as the Corporation may require.

"(2) NOTICE TO DEPOSITORS.—The notice required under subsection (a)(1)(B) shall be—

"(A) sent to each depositor's last address of record with the bank; and

"(B) in such manner and form as the Corporation finds to be necessary and appropriate for the protection of depositors.".

(3) DEFINITION.—Section 19(b)(1)(A)(i) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(i)) is amended by inserting ", or any wholesale financial institution subject to section 9B of this Act" after "such Act".

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE BANKRUPTCY CODE.—

(1) BANKRUPTCY CODE DEBTORS.—Section 109(b)(2) of title 11, United States Code, is amended by striking "; or" and inserting the following: ", except that—

"(A) a wholesale financial institution established under section 5136B of the Revised Statutes of the United States or section 9B of the Federal Reserve Act may be a debtor if a petition is filed at the direction of the Comptroller of the Currency (in the case of a wholesale financial institution established under section 5136B of the Revised Statutes of the United States) or the Board of Governors of the Federal Reserve System (in the case of any wholesale financial institution); and

"(B) a corporation organized under section 25A of the Federal Reserve Act may be a debtor if a petition is filed at the direction of the Board of Governors of the Federal Reserve System; or".

(2) CHAPTER 7 DEBTORS.—Section 109(d) of title 11, United States Code, is amended to read as follows:

"(d) Only a railroad and a person that may be a debtor under chapter 7 of this title, except that a stockbroker, a wholesale financial institution established under section 5136B of the Revised Statutes of the United States or section 9B of the Federal Reserve Act, a corporation organized under section 25A of the Federal Reserve Act, or a commodity broker, may be a debtor under chapter 11 of this title.".

(3) DEFINITION OF FINANCIAL INSTITUTION.—Section 101(22) of title 11, United States Code, is amended to read as follows:

"(22) 'financial institution' means a person that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, wholesale financial institution established under section 5136B of the Revised Statutes of the United States or section 9B of the Federal Reserve Act, or corporation organized under section 25A of the Federal Reserve Act and, when any such person is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741 of this title, such customer,".

(4) SUBCHAPTER V OF CHAPTER 7.—

(A) IN GENERAL.—Section 103 of title 11, United States Code, is amended—

(i) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(ii) by inserting after subsection (d) the following:

"(e) Subchapter V of chapter 7 of this title applies only in a case under such chapter concerning the liquidation of a wholesale financial institution established under section 5136B of the Revised Statutes of the United States or section 9B of the Federal Reserve Act, or a corporation organized under section 25A of the Federal Reserve Act.".

(B) WHOLESALE BANK LIQUIDATION.—Chapter 7 of title 11, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—WHOLESALE BANK LIQUIDATION

"§ 781. Definitions for subchapter

"In this subchapter—

"(1) the term 'Board' means the Board of Governors of the Federal Reserve System;

"(2) the term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any wholesale bank;

"(3) the term 'national wholesale financial institution' means a wholesale financial institution established under section 5136B of the Revised Statutes of the United States; and

"(4) the term 'wholesale bank' means a national wholesale financial institution, a wholesale financial institution established under section 9B of the Federal Reserve Act, or a corporation organized under section 25A of the Federal Reserve Act.

"§ 782. Selection of trustee

"(a) Notwithstanding any other provision of this title, the conservator or receiver who files the petition shall be the trustee under this chapter, unless the Comptroller of the Currency (in the case of a national wholesale financial institution for which it appointed the conservator or receiver) or the Board (in the case of any wholesale bank for which it appointed the conservator or receiver) designates an alternative trustee. The Comptroller of the Currency or the Board (as applicable) may designate a successor trustee, if required.

"(b) Whenever the Comptroller of the Currency or the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Comptroller or the Board, as applicable, in the same way and to the same extent that they apply to a United States trustee.

"§ 783. Additional powers of trustee

"(a) The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and Iv of this chapter.

"(b) The trustee under this subchapter may, after notice and a hearing—

"(1) sell the wholesale bank to a depository institution or consortium of depository institutions (which consortium may agree on the allocation of the wholesale bank among the consortium);

"(2) merge the wholesale bank with a depository institution;

"(3) transfer contracts to the same extent as could a receiver for a depository institution under paragraphs (9) and (10) of section 11(e) of the Federal Deposit Insurance Act;

"(4) transfer assets or liabilities to a depository institution;

"(5) transfer assets and liabilities to a bridge bank as provided in paragraphs (1), (3)(A), (5), (6), and (9) through (13), and subparagraphs (A) through (H) and (K) of paragraph (4) of section 11(n) of the Federal Deposit Insurance Act, except that—

"(A) the bridge bank shall be treated as a wholesale bank for the purpose of this subsection; and

"(B) any references in any such provision of law to the Federal Deposit Insurance Corporation shall be construed to be references to the appointing agency and that references to deposit insurance shall be omitted.

"(c) Any reference in this section to transfers of liabilities includes a ratable transfer of liabilities within a priority class.

"§ 784. Right to be heard

"The Comptroller of the Currency (in the case of a national wholesale financial institution), the Board (in the case of any wholesale bank), or a Federal Reserve bank (in the case of a wholesale bank that is a member of that bank) may raise and may appear and be heard on any issue in a case under this subchapter.

(C) CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—WHOLESALE BANK LIQUIDATION

"781. Definitions for subchapter.
"782. Selection of trustee.
"783. Additional powers of trustee.
"784. Right to be heard.".

(e) RESOLUTION OF EDGE CORPORATIONS.—The 16th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 624) is amended to read as follows:

"(16) APPOINTMENT OF RECEIVER OR CONSERVATOR.—

"(A) IN GENERAL.—The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

"(B) EQUIVALENT AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed for a corporation organized under the provisions of this section under this paragraph and any such corporation as the Comptroller of the Currency has with respect to a conservator or receiver of a national bank and the national bank for which a conservator or receiver has been appointed.

"(C) TITLE 11 PETITIONS.—The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.".

Subtitle E—Preservation of FTC Authority

SEC. 141. AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956 TO MODIFY NOTIFICATION AND POST-APPROVAL WAITING PERIOD FOR SECTION 3 TRANSACTIONS.

Section 11(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)(1)) is amended by inserting "and, if the transaction also involves an acquisition under section 4 or section 6, the Board shall also notify the Federal Trade Commission of such approval" before the period at the end of the first sentence.

SEC. 142. INTERAGENCY DATA SHARING.

To the extent not prohibited by other law, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System shall make available to the Attorney General and the Federal Trade Commission any data in the possession of any such banking agency that the antitrust agency deems necessary for antitrust review of any transaction requiring notice to any such antitrust agency or the approval of such agency under section 3, 4, or 6 of the Bank Holding Company Act of 1956, section 18(c) of the Federal Deposit Insurance Act, the National Bank Consolidation and Merger Act, section 10 of the Home Owners' Loan Act, or the antitrust laws.

SEC. 143. CLARIFICATION OF STATUS OF SUBSIDIARIES AND AFFILIATES.

(a) CLARIFICATION OF FEDERAL TRADE COMMISSION JURISDICTION.—Any person which directly or indirectly controls, is controlled directly or indirectly by, or is directly or indirectly under common control with, any bank or savings association (as such terms are defined in section 3 of the Federal Deposit Insurance Act) and is not itself a bank or savings association shall not be deemed to be a bank or savings association for purposes of the Federal Trade Commission Act or any other law enforced by the Federal Trade Commission.

(b) SAVINGS PROVISION.—No provision of this section shall be construed as restricting the authority of any Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) under any Federal banking law, including section 8 of the Federal Deposit Insurance Act.

(c) HART-SCOTT-RODINO AMENDMENTS.—

(1) BANKS.—Section 7A(c)(7) of the Clayton Act (15 U.S.C. 18a(c)(7)) is amended by inserting before the semicolon at the end the following: ", except that a portion of a transaction is not exempt under this paragraph if such portion of the transaction (A) is subject to section 6 of the Bank Holding Company Act of 1956; and (B) does not require agency approval under section 3 of the Bank Holding Company Act of 1956".

(2) BANK HOLDING COMPANIES.—Section 7A(c)(8) of the Clayton Act (15 U.S.C. 18a(c)(8)) is amended by inserting before the semicolon at the end the following: ", except that a portion of a transaction is not exempt under this paragraph if such portion of the transaction (A) is subject to section 6 of the Bank Holding Company Act of 1956; and (B) does not require agency approval under section 4 of the Bank Holding Company Act of 1956".

SEC. 144. ANNUAL GAO REPORT.

(a) IN GENERAL.—By the end of the 1-year period beginning on the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit a report to the Congress on market concentration in the financial services industry and its impact on consumers.

(b) ANALYSIS.—Each report submitted under subsection (a) shall contain an analysis of—

(1) the positive and negative effects of affiliations between various types of financial companies, and of acquisitions pursuant to this Act and the amendments made by this Act to other provisions of law, including any positive or negative effects on consumers, area markets, and submarkets thereof or on registered securities brokers and dealers which have been purchased by depository institutions or depository institution holding companies;

(2) the changes in business practices and the effects of any such changes on the availability of venture capital, consumer credit, and other financial services or products and the availability of capital and credit for small businesses; and

(3) the acquisition patterns among depository institutions, depository institution holding companies, securities firms, and insurance companies including acquisitions among the largest 20 percent of firms and acquisitions within regions or other limited geographical areas.

(c) SUNSET.—This section shall not apply after the end of the 5-year period beginning on the date of the enactment of this Act.

Subtitle F—National Treatment

SEC. 151. FOREIGN BANKS THAT ARE FINANCIAL HOLDING COMPANIES.

Section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)) is amended by adding at the end the following new paragraph:

"(3) TERMINATION OF GRANDFATHERED RIGHTS.—

"(A) IN GENERAL.—If any foreign bank or foreign company files a declaration under section 6(b)(1)(D) or receives a determination under section 10(d)(1) of the Bank Holding Company Act of 1956, any authority conferred by this subsection on any foreign bank or company to engage in any activity which the Board has determined to be permissible for financial holding companies under section 6 of such Act shall terminate immediately.

"(B) RESTRICTIONS AND REQUIREMENTS AUTHORIZED.—If a foreign bank or company that engages, directly or through an affiliate pursuant to paragraph (1), in an activity which the Board has determined to be permissible for financial holding companies under section 6 of the Bank Holding Company Act of 1956 has not filed a declaration with the Board of its status as a financial holding company under such section or received a determination under section 10(d)(1) by the end of the 2-year period beginning on the date of enactment of the Financial Services Act of 1999, the Board, giving due regard to the principle of national treatment and equality of competitive opportunity, may impose such restrictions and requirements on the conduct of such activities by such foreign bank or company as are comparable to those imposed on a financial holding company organized under the laws of the United States, including a requirement to conduct such activities in compliance with any prudential safeguards established under section 114 of the Financial Services Act.".

SEC. 152. FOREIGN BANKS AND FOREIGN FINANCIAL INSTITUTIONS THAT ARE WHOLESALE FINANCIAL INSTITUTIONS.

Section 8A of the Federal Deposit Insurance Act (as added by section 136(c)(2) of this Act) is amended by adding at the end the following new subsection:

"(i) VOLUNTARY TERMINATION OF DEPOSIT INSURANCE.—The provisions on voluntary termination of insurance in this section shall apply to an insured branch of a foreign bank (including a Federal branch) in the same manner and to the same extent as they apply to an insured State bank or a national bank.".

SEC. 153. REPRESENTATIVE OFFICES.

(a) DEFINITION OF "REPRESENTATIVE OFFICE".—Section 1(b)(15) of the International Banking Act of 1978 (12 U.S.C. 3101(15)) is amended by striking "State agency, or subsidiary of a foreign bank" and inserting "or State agency".

(b) EXAMINATIONS.—Section 10(c) of the International Banking Act of 1978 (12 U.S.C. 3107(c)) is amended by adding at the end the following: "The Board may also make examinations of any affiliate of a foreign bank conducting business in any State if the Board deems it necessary to determine and enforce compliance with this Act, the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or other applicable Federal banking law.".

SEC. 154. RECIPROCITY.

(a) NATIONAL TREATMENT REPORTS.—

(1) REPORT REQUIRED IN THE EVENT OF CERTAIN ACQUISITIONS.—

(A) IN GENERAL.—Whenever a person from a foreign country announces its intention to acquire or acquires a bank, a securities underwriter, broker, or dealer, an investment adviser, or insurance company that ranks within the top 50 firms in that line of business in the United States, the Secretary of Commerce, in the case of an insurance company, or the Secretary of the Treasury, in the case of a bank, a securities underwriter, broker, or dealer, or an investment adviser, shall, within the earlier of 6 months of such announcement or such acquisition and in consultation with other appropriate Federal and State agencies, prepare and submit to the Congress a report on whether a United States person would be able, de facto or de jure, to acquire an equivalent sized firm in the country in which such person from a foreign country is located.

(B) ANALYSIS AND RECOMMENDATIONS.—If a report submitted under subparagraph (A) states that the equivalent treatment referred to in such subparagraph, de facto and de jure, is not provided in the country which is the subject of the report, the Secretary of Commerce or the Secretary of the Treasury, as the case may be and in consultation with other appropriate Federal and State agencies, shall include in the report analysis and recommendations as to how that country's laws and regulations would need to be changed so that reciprocal treatment would exist.

(2) REPORT REQUIRED BEFORE FINANCIAL SERVICES NEGOTIATIONS COMMENCE.—The Secretary of Commerce, with respect to insurance companies, and the Secretary of the Treasury, with respect to banks, securities underwriters, brokers, dealers, and investment advisers, shall, not less than 6 months before the commencement of the financial services negotiations of the World Trade Organization and in consultation with other appropriate Federal and State agencies, prepare and submit to the Congress a report containing—

(A) an assessment of the 30 largest financial services markets with regard to whether reciprocal access is available in such markets to United States financial services providers; and

(B) with respect to any such financial services markets in which reciprocal access is not available to United States financial services providers, an analysis and recommendations as to what legislative, regulatory, or enforcement changes would be required to ensure full reciprocity for such providers.

(3) PERSON OF A FOREIGN COUNTRY DEFINED.—For purposes of this subsection, the term "person of a foreign country" means a person, or a person which directly or indirectly owns or controls that person, that is a resident of that country, is organized under the laws of that country, or has its principal place of business in that country.

(b) PROVISIONS APPLICABLE TO SUBMISSIONS.—

(1) NOTICE.—Before preparing any report required under subsection (a), the Secretary of Commerce or the Secretary of the Treasury, as the case may be, shall publish notice that a report is in preparation and seek comment from United States persons.

(2) PRIVILEGED SUBMISSIONS.—Upon the request of the submitting person, any comments or related communications received by the Secretary of Commerce or the Secretary of the Treasury, as the case may be, with regard to the report shall, for the purposes of section 552 of title 5, of the United States Code, be treated as commercial information obtained from a person that is privileged or confidential, regardless of the medium in which the information is obtained. This confidential information shall be the property of the Secretary and shall be privileged from disclosure to any other person. However, this privilege shall not be construed as preventing access to that confidential information by the Congress.

(3) PROHIBITION OF UNAUTHORIZED DISCLOSURES.—No person in possession of confidential information, provided under this section may disclose that information, in whole or in part, except for disclosure made in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the confidential information of any person.

Subtitle G—Federal Home Loan Bank System Modernization

SEC. 161. SHORT TITLE.

This subtitle may be cited as the "Federal Home Loan Bank System Modernization Act of 1999".

SEC. 162. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) in paragraph (1), by striking "term 'Board' means" and inserting "terms 'Finance Board' and 'Board' mean";

(2) by striking paragraph (3) and inserting the following:

"(3) STATE.—The term 'State', in addition to the States of the United States, includes the District of Columbia, Guam, Puerto Rico, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands."; and

(3) by adding at the end the following new paragraph:

"(13) COMMUNITY FINANCIAL INSTITUTION.—

"(A) IN GENERAL.—The term 'community financial institution' means a member—

"(i) the deposits of which are insured under the Federal Deposit Insurance Act; and

"(ii) that has, as of the date of the transaction at issue, less than $500,000,000 in average total assets, based on an average of total assets over the 3 years preceding that date.

"(B) ADJUSTMENTS.—The $500,000,000 limit referred to in subparagraph (A)(ii) shall be adjusted annually by the Finance Board, based on the annual percentage increase, if any, in the Consumer Price Index for all urban consumers, as published by the Department of Labor.".

SEC. 163. SAVINGS ASSOCIATION MEMBERSHIP.

Section 5(f) of the Home Owners' Loan Act (12 U.S.C. 1464(f)) is amended to read as follows:

"(f) FEDERAL HOME LOAN BANK MEMBERSHIP.—On and after January 1, 1999, a Federal savings association may become a member of the Federal Home Loan Bank System, and shall qualify for such membership in the manner provided by the Federal Home Loan Bank Act.".

SEC. 164. ADVANCES TO MEMBERS; COLLATERAL.

(a) IN GENERAL.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(2) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) ALL ADVANCES.—Each";

(3) by striking the 2d sentence and inserting the following:

"(2) PURPOSES OF ADVANCES.—A long-term advance may only be made for the purposes of—

"(A) providing funds to any member for residential housing finance; and

"(B) providing funds to any community financial institution for small business, agricultural, rural development, or low-income community development lending.";

(4) by striking "A Bank" and inserting the following:

"(3) COLLATERAL.—A Bank";

(5) in paragraph (3) (as so designated by paragraph (4) of this subsection)—

(A) in subparagraph (C) (as so redesignated by paragraph (1) of this subsection) by striking "Deposits" and inserting "Cash or deposits";

(B) in subparagraph (D) (as so redesignated by paragraph (1) of this subsection), by striking the 2d sentence; and

(C) by inserting after subparagraph (D) (as so redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) Secured loans for small business, agriculture, rural development, or low-income community development, or securities representing a whole interest in such secured loans, in the case of any community financial institution.";

(6) in paragraph (5)—

(A) in the 2d sentence, by striking "and the Board";

(B) in the 3d sentence, by striking "Board" and inserting "Federal home loan bank"; and

(C) by striking "(5) Paragraphs (1) through (4)" and inserting the following:

"(4) Additional bank authority.—Subparagraphs (A) through (E) of paragraph (3)"; and

(7) by adding at the end the following:

"(5) Review of certain collateral standards.—The Board may review the collateral standards applicable to each Federal home loan bank for the classes of collateral described in subparagraphs (D) and (E) of paragraph (3), and may, if necessary for safety and soundness purposes, require an increase in the collateral standards for any or all of those classes of collateral.

"(6) Definitions.—For purposes of this subsection, the terms 'small business', 'agriculture', 'rural development', and 'low-income community development' shall have the meanings given those terms by rule or regulation of the Finance Board.".

(b) Clerical Amendment.—The section heading for section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended to read as follows:

"SEC. 10. ADVANCES TO MEMBERS.".

(c) Conforming Amendments Relating to Members Which Are Not Qualified Thrift Lenders—The 1st of the 2 subsections designated as subsection (e) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(e)(1)) is amended—

(1) in the last sentence of paragraph (1), by inserting "or, in the case of any community financial institution, for the purposes described in subsection (a)(2)" before the period; and

(2) in paragraph (5)(C), by inserting "except that, in determining the actual thrift investment percentage of any community financial institution for purposes of this subsection, the total investment of such member in loans for small business, agriculture, rural development, or low-income community development, or securities representing a whole interest in such loans, shall be treated as a qualified thrift investment (as defined in such section 10(m))" before the period.

SEC. 165. ELIGIBILITY CRITERIA.

Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended—

(1) in paragraph (2)(A), by inserting, "(other than a community financial institution)" after "institution"; and

(2) by adding at the end the following new paragraph:

"(3) Limited exemption for community financial institutions.—A community financial institution that otherwise meets the requirements of paragraph (2) may become a member without regard to the percentage of its total assets that is represented by residential mortgage loans, as described in subparagraph (A) of paragraph (2).".

SEC. 166. MANAGEMENT OF BANKS.

(a) Board of Directors.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(1) by striking "(d) The term" and inserting the following:

"(d) Terms of Office.—The term"; and

(2) by striking "shall be two years".

(b) Compensation.—Section 7(i) of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended by striking ", subject to the approval of the board".

(c) Repeal of Sections 22A and 27.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking sections 22A (12 U.S.C. 1442a) and 27 (12 U.S.C. 1447).

(d) Section 12.—Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended—

(1) in subsection (a)—

(A) by striking ", but, except" and all that follows through "ten years";

(B) by striking "subject to the approval of the Board" the first place that term appears;

(C) by striking "and, by its Board of directors," and all that follows through "agent of such bank," and inserting "and, by the board of directors of the bank, to prescribe, amend, and repeal by-laws governing the manner in which its affairs may be administered, consistent with applicable laws and regulations, as administered by the Finance Board. No officer, employee, attorney, or agent of a Federal home loan bank"; and

(D) by striking "Board of directors" where such term appears in the penultimate sentence and inserting "board of directors"; and

(2) in subsection (b), by striking "loans banks" and inserting "loan banks".

(e) Powers and Duties of Federal Housing Finance Board.—

(1) Issuance of notices of violations.—Section 2B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(a)) is amended by adding at the end the following new paragraphs:

"(5) To issue and serve a notice of charges upon a Federal home loan bank or upon any executive officer or director of a Federal home loan bank if, in the determination of the Finance Board, the bank, executive officer, or director is engaging or has engaged in, or the Finance Board has reasonable cause to believe that the bank, executive officer, or director is about to engage in, any conduct that violates any provision of this Act or any law, order, rule, or regulation or any condition imposed in writing by the Finance Board in connection with the granting of any application or other request by the bank, or any written agreement entered into by the bank with the agency, in accordance with the procedures provided in section 1371(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992. Such authority includes the same authority to take affirmative action to correct conditions resulting from violations or practices or to limit activities of a bank or any executive officer or director of a bank as appropriate Federal banking agencies have to take with respect to insured depository institutions under paragraphs (6) and (7) of section 8(b) of the Federal Deposit Insurance Act, and to have all other powers, rights, and duties to enforce this Act with respect to the Federal home loan banks and their executive officers and directors as the Office of Federal Housing Enterprise Oversight has to enforce the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, the Federal National Mortgage Association Charter Act, or the Federal Home Loan Mortgage Corporation Act with respect to the Federal housing enterprises under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992. .

"(6) To address any insufficiencies in capital levels resulting from the application of section 5(f) of the Home Owners' Loan Act.

"(7) To sue and be sued, by and through its own attorneys.".

(2) Technical amendment.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "Federal Home Loan Bank Board," and inserting "Director of the Office of Thrift Supervision, "the Federal Housing Finance Board,".

(f) Eligibility To Secure Advances.—

(1) Section 9.—Section 9 of the Federal Home Loan Bank Act (12 U.S.C. 1429) is amended—

(A) in the 2d sentence, by striking "with the approval of the Board"; and

(B) in the 3d sentence, by striking ", subject to the approval of the Board,".

(2) Section 10.—Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(A) in subsection (c)—

(i) in the 1st sentence, by striking "Board" and inserting "Federal home loan bank"; and

(ii) by striking the 2d sentence;

(B) in subsection (d)—

(i) in the 1st sentence, by striking "and the approval of the Board"; and

(ii) by striking "Subject to the approval of the Board, any" and inserting "Any"; and

(C) in subsection (j)(1)—

(i) by striking "to subsidize the interest rate on advances" and inserting "to provide subsidies, including subsidized interest rates on advances";

(ii) by striking "Pursuant" and inserting the following:

"(A) Establishment.—Pursuant"; and

(iii) by adding at the end the following new subparagraph:

"(B) Nondelegation of approval authority.—Subject to such regulations as the Finance Board may prescribe, the board of directors of each Federal home loan bank may approve or disapprove requests from members for Affordable Housing Program subsidies, and may not delegate such authority.".

(g) Section 16.—Section 16(a) of the Federal Home Loan Bank Act (12 U.S.C. 1436(a)) is amended—

(1) in the 3d sentence—

(A) by striking "net earnings" and inserting "previously retained earnings or current net earnings"; and

(B) by striking ", and then only with the approval of the Federal Housing Finance Board"; and

(2) by striking the 4th sentence.

(h) Section 18.—Section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)) is amended by striking paragraph (4).

SEC. 167. RESOLUTION FUNDING CORPORATION.

(a) In General.—Section 21B(f)(2)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(C)) is amended to read as follows:

"(C) Payments by federal home loan banks.—

"(i) In general.—To the extent that the amounts available pursuant to subparagraphs (A) and (B) are insufficient to cover the amount of interest payments, each Federal home loan bank shall pay to the Funding Corporation in each calendar year, 20.75 percent of the net earnings of that bank (after deducting expenses relating to section 10(j) and operating expenses).

"(ii) Annual determination.—The Board annually shall determine the extent to which the value of the aggregate amounts paid by the Federal home loan banks exceeds or falls short of the value of an annuity of $300,000,000 per year that commences on the issuance date and ends on the final scheduled maturity date of the obligations, and shall select appropriate present value factors for making such determinations.

"(iii) PAYMENT TERM ALTERATIONS.—The Board shall extend or shorten the term of the payment obligations of a Federal home loan bank under this subparagraph as necessary to ensure that the value of all payments made by the banks is equivalent to the value of an annuity referred to in clause (ii).

"(iv) TERM BEYOND MATURITY.—If the Board extends the term of payments beyond the final scheduled maturity date for the obligations, each Federal home loan bank shall continue to pay 20.75 percent of its net earnings (after deducting expenses relating to section 10(j) and operating expenses) to the Treasury of the United States until the value of all such payments by the Federal home loan banks is equivalent to the value of an annuity referred to in clause (ii). In the final year in which the Federal home loan banks are required to make any payment to the Treasury under this subparagraph, if the dollar amount represented by 20.75 percent of the net earnings of the Federal home loan banks exceeds the remaining obligation of the banks to the Treasury, the Finance Board shall reduce the percentage pro rata to a level sufficient to pay the remaining obligation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on January 1, 1999. Payments made by a Federal home loan bank before that effective date shall be counted toward the total obligation of that bank under section 21B(f)(2)(C) of the Federal Home Loan Bank Act, as amended by this section.

SEC. 168. CAPITAL STRUCTURE OF FEDERAL HOME LOAN BANKS.

Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended to read as follows:

"SEC. 6. CAPITAL STRUCTURE OF FEDERAL HOME LOAN BANKS.

"(a) REGULATIONS.—

"(1) CAPITAL STANDARDS.—Not later than 1 year after the date of enactment of the Financial Services Act of 1999, the Finance Board shall issue regulations prescribing uniform capital standards applicable to each Federal home loan bank, which shall require each such bank to meet—

"(A) the leverage requirement specified in paragraph (2); and

"(B) the risk-based capital requirements, in accordance with paragraph (3).

"(2) LEVERAGE REQUIREMENT.—

"(A) IN GENERAL.—The leverage requirement shall require each Federal home loan bank to maintain a minimum amount of total capital based on the aggregate on-balance sheet assets of the bank and shall be 5 percent.

"(B) TREATMENT OF STOCK AND RETAINED EARNINGS.—In determining compliance with the minimum leverage ratio established under subparagraph (A), the paid-in value of the outstanding Class B stock shall be multiplied by 1.5, the paid-in value of the outstanding Class C stock and the amount of retained earnings shall be multiplied by 2.0, and such higher amounts shall be deemed to be capital for purposes of meeting the 5 percent minimum leverage ratio.

"(3) RISK-BASED CAPITAL STANDARDS.—

"(A) IN GENERAL.—Each Federal home loan bank shall maintain permanent capital in an amount that is sufficient, as determined in accordance with the regulations of the Finance Board, to meet—

"(i) the credit risk to which the Federal home loan bank is subject; and

"(ii) the market risk, including interest rate risk, to which the Federal home loan bank is subject, based on a stress test established by the Finance Board that rigorously tests for changes in market variables, including changes in interest rates, rate volatility, and changes in the shape of the yield curve.

"(B) CONSIDERATION OF OTHER RISK-BASED STANDARDS.—In establishing the risk-based standard under subparagraph (A)(ii), the Finance Board shall take due consideration of any risk-based capital test established pursuant to section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) for the enterprises (as defined in that Act), with such modifications as the Finance Board determines to be appropriate to reflect differences in operations between the Federal home loan banks and those enterprises.

"(4) OTHER REGULATORY REQUIREMENTS.—The regulations issued by the Finance Board under paragraph (1) shall—

"(A) permit each Federal home loan bank to issue, with such rights, terms, and preferences, not inconsistent with this Act and the regulations issued hereunder, as the board of directors of that bank may approve, any 1 or more of—

"(i) Class A stock, which shall be redeemable in cash and at par 6 months following submission by a member of a written notice of its intent to redeem such shares;

"(ii) Class B stock, which shall be redeemable in cash and at par 5 years following submission by a member of a written notice of its intent to redeem such shares; and

"(iii) Class C stock, which shall be nonredeemable;

"(B) provide that the stock of a Federal home loan bank may be issued to and held by only members of the bank, and that a bank may not issue any stock other than as provided in this section;

"(C) prescribe the manner in which stock of a Federal home loan bank may be sold, transferred, redeemed, or repurchased; and

"(D) provide the manner of disposition of outstanding stock held by, and the liquidation of any claims of the Federal home loan bank against, an institution that ceases to be a member of the bank, through merger or otherwise, or that provides notice of intention to withdraw from membership in the bank.

"(5) DEFINITIONS OF CAPITAL.—For purposes of determining compliance with the capital standards established under this subsection—

"(A) permanent capital of a Federal home loan bank shall include (as determined in accordance with generally accepted accounting principles)—

"(i) the amounts paid for the Class C stock and any other nonredeemable stock approved by the Finance Board;

"(ii) the amounts paid for the Class B stock, in an amount not to exceed 1 percent of the total assets of the bank; and

"(iii) the retained earnings of the bank; and

"(B) total capital of a Federal home loan bank shall include—

"(i) permanent capital;

"(ii) the amounts paid for the Class A stock, Class B stock (excluding any amount treated as permanent capital under subparagraph (5)(A)(ii)), or any other class of redeemable stock approved by the Finance Board;

"(iii) consistent with generally accepted accounting principles, and subject to the regulation of the Finance Board, a general allowance for losses, which may not include any reserves or allowances made or held against specific assets; and

"(iv) any other amounts from sources available to absorb losses incurred by the bank that the Finance Board determines by regulation to be appropriate to include in determining total capital.

"(6) TRANSITION PERIOD.—Notwithstanding any other provisions of this Act, the requirements relating to purchase and retention of capital stock of a Federal home loan bank by any member thereof in effect on the day before the date of enactment of the Federal Home Loan Bank System Modernization Act of 1999, shall continue in effect with respect to each Federal home loan bank until the regulations required by this subsection have taken effect and the capital structure plan required by subsection (b) has been approved by the Finance Board and implemented by such bank.

"(b) CAPITAL STRUCTURE PLAN.—

"(1) APPROVAL OF PLANS.—Not later than 270 days after the date of publication by the Finance Board of final regulations in accordance with subsection (a), the board of directors of each Federal home loan bank shall submit for Finance Board approval a plan establishing and implementing a capital structure for such bank that—

"(A) the board of directors determines is best suited for the condition and operation of the bank and the interests of the members of the bank;

"(B) meets the requirements of subsection (c); and

"(C) meets the minimum capital standards and requirements established under subsection (a), and other regulations prescribed by the Finance Board.

"(2) APPROVAL OF MODIFICATIONS.—The board of directors of a Federal home loan bank shall submit to the Finance Board for approval any modifications that the bank proposes to make to an approved capital structure plan.

"(c) CONTENTS OF PLAN.—The capital structure plan of each Federal home loan bank shall contain provisions addressing each of the following:

"(1) MINIMUM INVESTMENT.—

"(A) IN GENERAL.—Each capital structure plan of a Federal home loan bank shall require each member of the bank to maintain a minimum investment in the stock of the bank, the amount of which shall be determined in a manner to be prescribed by the board of directors of each bank and to be included as part of the plan.

"(B) INVESTMENT ALTERNATIVES.—

"(i) IN GENERAL.—In establishing the minimum investment required for each member under subparagraph (A), a Federal home loan bank may, in its discretion, include any 1 or more of the requirements referred to in clause (ii), or any other provisions approved by the Finance Board.

"(ii) AUTHORIZED REQUIREMENTS.—A requirement is referred to in this clause if it is a requirement for—

"(I) a stock purchase based on a percentage of the total assets of a member; or

"(II) a stock purchase based on a percentage of the outstanding advances from the bank to the member.

"(C) MINIMUM AMOUNT.—Each capital structure plan of a Federal home loan bank shall require that the minimum stock investment established for members shall be set at a level that is sufficient for the bank to meet the minimum capital requirements established by the Finance Board under subsection (a).

‘‘(D) ADJUSTMENTS TO MINIMUM REQUIRED INVESTMENT.—The capital structure plan of each Federal home loan bank shall impose a continuing obligation on the board of directors of the bank to review and adjust the minimum investment required of each member of that bank, as necessary to ensure that the bank remains in compliance with applicable minimum capital levels established by the Finance Board, and shall require each member to comply promptly with any adjustments to the required minimum investment.

‘‘(2) TRANSITION RULE.—

‘‘(A) IN GENERAL.—The capital structure plan of each Federal home loan bank shall specify the date on which it shall take effect, and may provide for a transition period of not longer than 3 years to allow the bank to come into compliance with the capital requirements prescribed under subsection (a), and to allow any institution that was a member of the bank on the date of enactment of the Financial Services Act of 1999, to come into compliance with the minimum investment required pursuant to the plan.

‘‘(B) INTERIM PURCHASE REQUIREMENTS.—The capital structure plan of a Federal home loan bank may allow any member referred to in subparagraph (A) that would be required by the terms of the capital structure plan to increase its investment in the stock of the bank to do so in periodic installments during the transition period.

‘‘(3) DISPOSITION OF SHARES.—The capital structure plan of a Federal home loan bank shall provide for the manner of disposition of any stock held by a member of that bank that terminates its membership or that provides notice of its intention to withdraw from membership in that bank.

‘‘(4) CLASSES OF STOCK.—

‘‘(A) IN GENERAL.—The capital structure plan of a Federal home loan bank shall afford each member of that bank the option of maintaining its required investment in the bank through the purchase of any combination of classes of stock authorized by the board of directors of the bank and approved by the Finance Board in accordance with its regulations.

‘‘(B) RIGHTS REQUIREMENT.—A Federal home loan bank shall include in its capital structure plan provisions establishing terms, rights, and preferences, including minimum investment, dividends, voting, and liquidation preferences of each class of stock issued by the bank, consistent with Finance Board regulations and market requirements.

‘‘(C) REDUCED MINIMUM INVESTMENT.—The capital structure plan of a Federal home loan bank may provide for a reduced minimum stock investment for any member of that bank that elects to purchase Class B, Class C, or any other class of nonredeemable stock, in a manner that is consistent with meeting the minimum capital requirements of the bank, as established by the Finance Board.

‘‘(D) LIQUIDATION OF CLAIMS.—The capital structure plan of a Federal home loan bank shall provide for the liquidation in an orderly manner, as determined by the bank, of any claim of that bank against a member, including claims for any applicable prepayment fees or penalties resulting from prepayment of advances prior to stated maturity.

‘‘(5) LIMITED TRANSFERABILITY OF STOCK.—The capital structure plan of a Federal home loan bank shall—

‘‘(A) provide that—

‘‘(i) any stock issued by that bank shall be available only to, held only by, and tradable only among members of that bank and between that bank and its members; and

‘‘(ii) a bank has no obligation to repurchase its outstanding Class C stock but may do so, provided it is consistent with Finance Board regulations and is at a price that is mutually agreeable to the bank and the member; and

‘‘(B) establish standards, criteria, and requirements for the issuance, purchase, transfer, retirement, and redemption of stock issued by that bank.

‘‘(6) BANK REVIEW OF PLAN.—Before filing a capital structure plan with the Finance Board, each Federal home loan bank shall conduct a review of the plan by—

‘‘(A) an independent certified public accountant, to ensure, to the extent possible, that implementation of the plan would not result in any write-down of the redeemable bank stock investment of its members; and

‘‘(B) at least 1 major credit rating agency, to determine, to the extent possible, whether implementation of the plan would have any material effect on the credit ratings of the bank.

‘‘(d) TERMINATION OF MEMBERSHIP.—

‘‘(1) VOLUNTARY WITHDRAWAL.—Any member may withdraw from a Federal home loan bank by providing written notice to the bank of its intent to do so. The applicable stock redemption notice periods shall commence upon receipt of the notice by the bank. Upon the expiration of the applicable notice period for each class of redeemable stock, the member may surrender such stock to the bank, and shall be entitled to receive in cash the par value of the stock. During the applicable notice periods, the member shall be entitled to dividends and other membership rights commensurate with continuing stock ownership.

‘‘(2) INVOLUNTARY WITHDRAWAL.—

‘‘(A) IN GENERAL.—The board of directors of a Federal home loan bank may terminate the membership of any institution if, subject to Finance Board regulations, it determines that—

‘‘(i) the member has failed to comply with a provision of this Act or any regulation prescribed under this Act; or

‘‘(ii) the member has been determined to be insolvent, or otherwise subject to the appointment of a conservator, receiver, or other legal custodian, by a State or Federal authority with regulatory and supervisory responsibility for the member.

‘‘(B) STOCK DISPOSITION.—An institution, the membership of which is terminated in accordance with subparagraph (A)—

‘‘(i) shall surrender redeemable stock to the Federal home loan bank, and shall receive in cash the par value of the stock, upon the expiration of the applicable notice period under subsection (a)(4)(A);

‘‘(ii) shall receive any dividends declared on its redeemable stock, during the applicable notice period under subsection (a)(4)(A); and

‘‘(iii) shall not be entitled to any other rights or privileges accorded to members after the date of the termination.

‘‘(C) COMMENCEMENT OF NOTICE PERIOD.—With respect to an institution, the membership of which is terminated in accordance with subparagraph (A), the applicable notice period under subsection (a)(4) for each class of redeemable stock shall commence on the earlier of—

‘‘(i) the date of such termination; or

‘‘(ii) the date on which the member has provided notice of its intent to redeem such stock.

‘‘(3) LIQUIDATION OF INDEBTEDNESS.—Upon the termination of the membership of an institution for any reason, the outstanding indebtedness of the member to the bank shall be liquidated in an orderly manner, as determined by the bank and, upon the extinguishment of all such indebtedness, the bank shall return to the member all collateral pledged to secure the indebtedness.

‘‘(e) REDEMPTION OF EXCESS STOCK.—

‘‘(1) IN GENERAL.—A Federal home loan bank, in its sole discretion, may redeem or repurchase, as appropriate, any shares of Class A or Class B stock issued by the bank and held by a member that are in excess of the minimum stock investment required of that member.

‘‘(2) EXCESS STOCK.—Shares of stock held by a member shall not be deemed to be ‘excess stock’ for purposes of this subsection by virtue of a member's submission of a notice of intent to withdraw from membership or termination of its membership in any other manner.

‘‘(3) PRIORITY.—A Federal home loan bank may not redeem any excess Class B stock prior to the end of the 5-year notice period, unless the member has no Class A stock outstanding that could be redeemed as excess.

‘‘(f) IMPAIRMENT OF CAPITAL.—If the Finance Board or the board of directors of a Federal home loan bank determines that the bank has incurred or is likely to incur losses that result in or are expected to result in charges against the capital of the bank, the bank shall not redeem or repurchase any stock of the bank without the prior approval of the Finance Board while such charges are continuing or are expected to continue. In no case may a bank redeem or repurchase any applicable capital stock if, following the redemption, the bank would fail to satisfy any minimum capital requirement.

‘‘(g) REJOINING AFTER DIVESTITURE OF ALL SHARES.—

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding any other provision of this Act, an institution that divests all shares of stock in a Federal home loan bank may not, after such divestiture, acquire shares of any Federal home loan bank before the end of the 5-year period beginning on the date of the completion of such divestiture, unless the divestiture is a consequence of a transfer of membership on an uninterrupted basis between banks.

‘‘(2) EXCEPTION FOR WITHDRAWALS FROM MEMBERSHIP BEFORE 1998.—Any institution that withdrew from membership in any Federal home loan bank before December 31, 1997, may acquire shares of a Federal home loan bank at any time after that date, subject to the approval of the Finance Board and the requirements of this Act.

‘‘(h) TREATMENT OF RETAINED EARNINGS.—

‘‘(1) IN GENERAL.—The holders of the Class C stock of a Federal home loan bank, and any other classes of nonredeemable stock approved by the Finance Board (to the extent provided in the terms thereof), shall own the retained earnings, surplus, undivided profits, and equity reserves, if any, of the bank.

‘‘(2) NO NONREDEEMABLE CLASSES OF STOCK.—If a Federal home loan bank has no outstanding Class C or other such nonredeemable stock, then the holders of any other classes of stock of the bank then outstanding shall have ownership in, and a private property right in, the retained earnings, surplus, undivided profits, and equity reserves, if any, of the bank.

‘‘(3) EXCEPTION.—Except as specifically provided in this section or through the declaration of a dividend or a capital distribution by a Federal home loan bank, or in the event of liquidation of the bank, a member shall have no right to withdraw or otherwise receive distribution of any portion of the retained earnings of the bank.

"(4) LIMITATION.—A Federal home loan bank may not make any distribution of its retained earnings unless, following such distribution, the bank would continue to meet all applicable capital requirements.".

Subtitle H—ATM Fee Reform

SEC. 171. SHORT TITLE.

This subtitle may be cited as the "ATM Fee Reform Act of 1999".

SEC. 172. ELECTRONIC FUND TRANSFER FEE DISCLOSURES AT ANY HOST ATM.

Section 904(d) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(d)) is amended by adding at the end the following new paragraph:

"(3) FEE DISCLOSURES AT AUTOMATED TELLER MACHINES.—

"(A) IN GENERAL.—The regulations prescribed under paragraph (1) shall require any automated teller machine operator who imposes a fee on any consumer for providing host transfer services to such consumer to provide notice in accordance with subparagraph (B) to the consumer (at the time the service is provided) of—

"(i) the fact that a fee is imposed by such operator for providing the service; and

"(ii) the amount of any such fee.

"(B) NOTICE REQUIREMENTS.—

"(i) ON THE MACHINE.—The notice required under clause (i) of subparagraph (A) with respect to any fee described in such subparagraph shall be posted in a prominent and conspicuous location on or at the automated teller machine at which the electronic fund transfer is initiated by the consumer; and

"(ii) ON THE SCREEN.—The notice required under clauses (i) and (ii) of subparagraph (A) with respect to any fee described in such subparagraph shall appear on the screen of the automated teller machine, or on a paper notice issued from such machine, after the transaction is initiated and before the consumer is irrevocably committed to completing the transaction.

"(C) PROHIBITION ON FEES NOT PROPERLY DISCLOSED AND EXPLICITLY ASSUMED BY CONSUMER.—No fee may be imposed by any automated teller machine operator in connection with any electronic fund transfer initiated by a consumer for which a notice is required under subparagraph (A), unless—

"(i) the consumer receives such notice in accordance with subparagraph (B); and

"(ii) the consumer elects to continue in the manner necessary to effect the transaction after receiving such notice.

"(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer' includes a transaction which involves a balance inquiry initiated by a consumer in the same manner as an electronic fund transfer, whether or not the consumer initiates a transfer of funds in the course of the transaction.

"(ii) AUTOMATED TELLER MACHINE OPERATOR.—The term 'automated teller machine operator' means any person who—

"(I) operates an automated teller machine at which consumers initiate electronic fund transfers; and

"(II) is not the financial institution which holds the account of such consumer from which the transfer is made.

"(iii) HOST TRANSFER SERVICES.—The term 'host transfer services' means any electronic fund transfer made by an automated teller machine operator in connection with a transaction initiated by a consumer at an automated teller machine operated by such operator.".

SEC. 173. DISCLOSURE OF POSSIBLE FEES TO CONSUMERS WHEN ATM CARD IS ISSUED.

Section 905(a) of the Electronic Fund Transfer Act (15 U.S.C. 1693c(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) a notice to the consumer that a fee may be imposed by—

"(A) an automated teller machine operator (as defined in section 904(d)(3)(D)(ii)) if the consumer initiates a transfer from an automated teller machine which is not operated by the person issuing the card or other means of access; and

"(B) any national, regional, or local network utilized to effect the transaction.".

SEC. 174. FEASIBILITY STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the feasibility of requiring, in connection with any electronic fund transfer initiated by a consumer through the use of an automated teller machine—

(1) a notice to be provided to the consumer before the consumer is irrevocably committed to completing the transaction, which clearly states the amount of any fee which will be imposed upon the consummation of the transaction by—

(A) any automated teller machine operator (as defined in section 904(d)(3)(D)(ii) of the Electronic Fund Transfer Act) involved in the transaction;

(B) the financial institution holding the account of the consumer;

(C) any national, regional, or local network utilized to effect the transaction; and

(D) any other party involved in the transfer; and

(2) the consumer to elect to consummate the transaction after receiving the notice described in paragraph (1).

(b) FACTORS TO BE CONSIDERED.—In conducting the study required under subsection (a) with regard to the notice requirement described in such subsection, the Comptroller General shall consider the following factors:

(1) The availability of appropriate technology.

(2) Implementation and operating costs.

(3) The competitive impact any such notice requirement would have on various sizes and types of institutions, if implemented.

(4) The period of time which would be reasonable for implementing any such notice requirement.

(5) The extent to which consumers would benefit from any such notice requirement.

(6) Any other factor the Comptroller General determines to be appropriate in analyzing the feasibility of imposing any such notice requirement.

(c) REPORT TO THE CONGRESS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing—

(1) the findings and conclusions of the Comptroller General in connection with the study required under subsection (a); and

(2) the recommendation of the Comptroller General with regard to the question of whether a notice requirement described in subsection (a) should be implemented and, if so, how such requirement should be implemented.

SEC. 175. NO LIABILITY IF POSTED NOTICES ARE DAMAGED.

Section 910 of the Electronic Fund Transfer Act (15 U.S.C 1693h) is amended by adding at the end the following new subsection:

"(d) EXCEPTION FOR DAMAGED NOTICES.—If the notice required to be posted pursuant to section 904(d)(3)(B)(i) by an automated teller machine operator has been posted by such operator in compliance with such section and the notice is subsequently removed, damaged, or altered by any person other than the operator of the automated teller machine, the operator shall have no liability under this section for failure to comply with section 904(d)(3)(B)(i).".

Subtitle I—Direct Activities of Banks

SEC. 181. AUTHORITY OF NATIONAL BANKS TO UNDERWRITE CERTAIN MUNICIPAL BONDS.

The paragraph designated the Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24(7)) is amended by adding at the end the following new sentence: "In addition to the provisions in this paragraph for dealing in, underwriting or purchasing securities, the limitations and restrictions contained in this paragraph as to dealing in, underwriting, and purchasing investment securities for the national bank's own account shall not apply to obligations (including limited obligation bonds, revenue bonds, and obligations that satisfy the requirements of section 142(b)(1) of the Internal Revenue Code of 1986) issued by or on behalf of any State or political subdivision of a State, including any municipal corporate instrumentality of 1 or more States, or any public agency or authority of any State or political subdivision of a State, if the national bank is well capitalized (as defined in section 38 of the Federal Deposit Insurance Act).".

Subtitle J—Deposit Insurance Funds

SEC. 186. STUDY OF SAFETY AND SOUNDNESS OF FUNDS.

(a) STUDY REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall conduct a study of the following issues with regard to the Bank Insurance Fund and the Savings Association Insurance Fund:

(1) SAFETY AND SOUNDNESS.—The safety and soundness of the funds and the adequacy of the reserve requirements applicable to the funds in light of—

(A) the size of the insured depository institutions which are resulting from mergers and consolidations since the effective date of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994; and

(B) the affiliation of insured depository institutions with other financial institutions pursuant to this Act and the amendments made by this Act.

(2) CONCENTRATION LEVELS.—The concentration levels of the funds, taking into account the number of members of each fund and the geographic distribution of such members, and the extent to which either fund is exposed to higher risks due to a regional concentration of members or an insufficient membership base relative to the size of member institutions.

(3) MERGER ISSUES.—Issues relating to the planned merger of the funds, including the cost of merging the funds and the manner in which such costs will be distributed among the members of the respective funds.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Before the end of the 9-month period beginning on the date of the

enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress on the study conducted pursuant to subsection (a).

(2) Contents of report.—The report shall include—

(A) detailed findings of the Board of Directors with regard to the issues described in subsection (a);

(B) a description of the plans developed by the Board of Directors for merging the Bank Insurance Fund and the Savings Association Insurance Fund, including an estimate of the amount of the cost of such merger which would be borne by Savings Association Insurance Fund members; and

(C) such recommendations for legislative and administrative action as the Board of Directors determines to be necessary or appropriate to preserve the safety and soundness of the deposit insurance funds, reduce the risks to such funds, provide for an efficient merger of such funds, and for other purposes.

(c) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Insured depository institution.—The term "insured depository institution" has the same meaning as in section 3(c) of the Federal Deposit Insurance Act.

(2) BIF and SAIF members.—The terms "Bank Insurance Fund member" and "Savings Association Insurance Fund member" have the same meanings as in section 7(l) of the Federal Deposit Insurance Act.

SEC. 187. ELIMINATION OF SAIF AND DIF SPECIAL RESERVES.

(a) SAIF Special Reserves.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by striking subparagraph (L).

(b) DIF Special Reserves.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is amended—

(1) by striking subsection (b); and

(2) in subsection (d)—

(A) by striking paragraph (4);

(B) in paragraph (6)(C)(i), by striking "(6) and (7)" and inserting "(5), (6), and (7)"; and

(C) in paragraph (6)(C), by striking clause (ii) and inserting the following:

"(ii) by redesignating paragraph (8) as paragraph (5).".

Subtitle K—Miscellaneous Provisions

SEC. 191. TERMINATION OF "KNOW YOUR CUSTOMER" REGULATIONS.

(a) In General.—None of the proposed regulations described in subsection (b) may be published in final form and, to the extent any such regulation has become effective before the date of the enactment of this Act, such regulation shall cease to be effective as of such date.

(b) Proposed Regulations Described.—The proposed regulations referred to in subsection (a) are as follows:

(1) The regulation proposed by the Comptroller of the Currency to amend part 21 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(2) The regulation proposed by the Director of the Office of Thrift Supervision to amend part 563 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(3) The regulation proposed by the Board of Governors of the Federal Reserve System to amend parts 208, 211, and 225 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

(4) The regulation proposed by the Federal Deposit Insurance Corporation to amend part 326 of title 12 of the Code of Federal Regulations, as published in the Federal Register on December 7, 1998.

SEC. 192. STUDY AND REPORT ON FEDERAL ELECTRONIC FUND TRANSFERS.

(a) Study.—The Secretary of the Treasury shall conduct a feasibility study to determine—

(1) whether all electronic payments issued by Federal agencies could be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(2) whether all electronic payments made by the Federal Government could be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(3) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(4) the estimated costs of implementing, if so recommended, the processes and controls described in paragraphs (1), (2), and (3); and

(5) a possible timetable for implementing those processes if so recommended.

(b) Report to Congress.—Not later than October 1, 2000, the Secretary of the Treasury shall submit a report to Congress containing the results of the study required by subsection (a).

(c) Definition.—For purposes of this section, the term "electronic payment" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tapes so as to order, instruct, or authorize a debit or credit to a financial account.

SEC. 193. GENERAL ACCOUNTING OFFICE STUDY OF CONFLICTS OF INTEREST

(a) Study Required.—The Comptroller General of the United States shall conduct a study analyzing the conflict of interest faced by the Board of Governors of the Federal Reserve System between its role as a primary regulator of the banking industry and its role as a vendor of services to the banking and financial services industry.

(b) Specific Conflict Required to Be Addressed.—In the course of the study required under subsection (a), the Comptroller General shall address the conflict of interest faced by the Board of Governors of the Federal Reserve System between the role of the Board as a regulator of the payment system, generally, and its participation in the payment system as a competitor with private entities who are providing payment services.

(c) Report to Congress.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the study required under this section, together with such recommendations for such legislative or administrative actions as the Comptroller General may determine to be appropriate, including recommendations for resolving any such conflict of interest.

SEC. 194. STUDY OF COST OF ALL FEDERAL BANKING REGULATIONS.

(a) In General.—In accordance with the finding in the Board of Governors of the Federal Reserve System Staff Study Numbered 171 (April, 1998) that "Further research covering more and different types of regulations and regulatory requirements is clearly needed to make informed decisions about regulations", the Board of Governors of the Federal Reserve System, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) shall conduct a comprehensive study of the total annual costs and benefits of all Federal financial regulations and regulatory requirements applicable to banks.

(b) Report Required.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit a comprehensive report to the Congress containing the findings and conclusions of the Board in connection with the study required under subsection (a) and such recommendations for legislative and administrative action as the Board may determine to be appropriate.

SEC. 195. STUDY AND REPORT ON ADAPTING EXISTING LEGISLATIVE REQUIREMENTS TO ONLINE BANKING AND LENDING.

(a) Study Required.—The Federal banking agencies shall conduct a study of banking regulations regarding the delivery of financial services, including those regulations that may assume that there will be person-to-person contact during the course of a financial services transaction, and report their recommendations on adapting those existing requirements to online banking and lending.

(b) Report Required.—Within 1 year of the date of the enactment of this Act, the Federal banking agencies shall submit a report to the Congress on the findings and conclusions of the agencies with respect to the study required under subsection (a), together with such recommendations for legislative or regulatory action as the agencies may determine to be appropriate.

(c) Definition.—For purposes of this section, the term "Federal banking agencies" means each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act).

SEC. 196. REGULATION OF UNINSURED STATE MEMBER BANKS.

Section 9 of the Federal Reserve Act (12 U.S.C. 321 et seq.) is amended by adding at the end the following new paragraph:

"(24) Enforcement authority over uninsured state member banks.—Section 3(u) of the Federal Deposit Insurance Act, subsections (j) and (k) of section 7 of such Act, and subsections (b) through (n), (s), (u), and (v) of section 8 of such Act shall apply to an uninsured State member bank in the same manner and to the same extent such provisions apply to an insured State member bank and any reference in any such provision to 'insured depository institution' shall be deemed to be a reference to 'uninsured State member bank' for purposes of this paragraph.".

SEC. 197. CLARIFICATION OF SOURCE OF STRENGTH DOCTRINE.

Section 18 of the Federal Deposit Insurance Act (21 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(t) Limitation on Claims.—

"(1) In general.—Notwithstanding any other provision of law other than paragraph (2), no person shall have any claim for monetary damages or return of assets or other property against any Federal banking agency (including in its capacity as conservator or receiver) relating to the transfer of money, assets, or other property to increase the capital of an insured depository institution by any depository institution holding company or controlling shareholder for such depository institution, or any affiliate or subsidiary of such depository institution, if at the time of the transfer—

"(A) the insured depository institution is subject to any direction issued in writing by a Federal banking agency to increase its capital;

"(B) the depository institution is undercapitalized, significantly undercapitalized, or critically undercapitalized (as defined in section 38 of this Act); and

"(C) for that portion of the transfer that is made by an entity covered by section 5(g) of the Bank Holding Company Act of 1956 or section 45 of this Act, the Federal banking agency has followed the procedure set forth in such section.

"(2) EXCEPTION.—No provision of this subsection shall be construed as limiting—

"(A) the right of an insured depository institution, a depository institution holding company, or any other agency or person to seek direct review of an order or directive issued by a Federal banking agency under this Act, the Bank Holding Company Act of 1956, the National Bank Receivership Act, the Bank Conservation Act, or the Home Owners' Loan Act;

"(B) the rights of any party to a contract pursuant to section 11(e) of this Act; or

"(C) the rights of any party to a contract with a depository institution holding company or a subsidiary of a depository institution holding company (other than an insured depository institution)."

SEC. 198. INTEREST RATES AND OTHER CHARGES AT INTERSTATE BRANCHES.

Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831u) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) APPLICABLE RATE AND OTHER CHARGE LIMITATIONS.—

"(1) IN GENERAL.—Except as provided for in paragraph (3), upon the establishment of a branch of any insured depository institution in a host State under this section, the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan or discount made or upon any note, bill of exchange, financing transaction, or other evidence of debt by any insured depository institution in such State shall be equal to not more than the greater of—

"(A) the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved in a similar transaction under the constitution, statutory, or other lows of the home State of the insured depository institution establishing any such branch, without reference to this section, as such maximum interest rate or amount of interest may change from time to time; or

"(B) the maximum rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved in a similar transaction by an insured depository institution under the constitution, statutory, or other laws of the host State, without reference to this section.

"(2) PREEMPTION.—The limitations established under paragraph (1) shall apply only in any State that has a constitutional provision that sets a maximum lawful rate of interest on any contract at not more than 5 percent per annum above the Federal Reserve Discount Rate or 90-day commercial paper in effect in the Federal Reserve Bank in the Federal Reserve District in which the State is located.

"(3) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as superseding section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980.

Subtitle L-Effective Date of Title

SEC. 199. EFFECTIVE DATE.

Except with regard to any subtitle or other provision of this title for which a specific effective date is provided, this title and the amendments made by this title shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

SEC. 201. DEFINITION OF BROKER.

Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended to read as follows:

"(4) BROKER.—

"(A) IN GENERAL.—The term 'broker' means any person engaged in the business of effecting transactions in securities for the account of others.

"(B) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a broker because the bank engages in any one or more of the following activities under the conditions described:

"(i) THIRD PARTY BROKERAGE ARRANGEMENTS.—The bank enters into a contractual or other written arrangement with a broker or dealer registered under this title under which the broker or dealer offers brokerage services on or off the premises of the bank if—

"(I) such broker or dealer is clearly identified as the person performing the brokerage services;

"(II) the broker or dealer performs brokerage services in an area that is clearly marked and, to the extent practicable, physically separate from the routine deposit-taking activities of the bank;

"(III) any materials used by the bank to advertise or promote generally the availability of brokerage services under the arrangement clearly indicate that the brokerage services are being provided by the broker or dealer and not by the bank;

"(IV) any materials used by the bank to advertise or promote generally the availability of brokerage services under the arrangement are in compliance with the Federal securities laws before distribution;

"(V) bank employees (other than associated persons of a broker or dealer who are qualified pursuant to the rules of a self-regulatory organization) perform only clerical or ministerial functions in connection with brokerage transactions including scheduling appointments with the associated persons of a broker or dealer, except that bank employees may forward customer funds or securities and may describe in general terms the types of investment vehicles available from the bank and the broker or dealer under the arrangement;

"(VI) bank employees do not receive incentive compensation for any brokerage transaction unless such employees are associated persons of a broker or dealer and are qualified pursuant to the rules of a self-regulatory organization, except that the bank employees may receive compensation for the referral of any customer if the compensation is a nominal one-time cash fee of a fixed dollar amount and the payment of the fee is not contingent on whether the referral results in a transaction;

"(VII) such services are provided by the broker or dealer on a basis in which all customers which receive any services are fully disclosed to the broker or dealer;

"(VIII) the bank does not carry a securities account of the customer except as permitted under clause (ii) or (viii) of this subparagraph; and

"(IX) the bank, broker, or dealer informs each customer that the brokerage services are provided by the broker or dealer and not by the bank and that the securities are not deposits or other obligations of the bank, are not guaranteed by the bank, and are not insured by the Federal Deposit Insurance Corporation.

"(ii) TRUST ACTIVITIES.—The bank effects transactions in a trustee or fiduciary capacity in its trust department, or another department where the trust or fiduciary activity is regularly examined by bank examiners under the same standards and in the same way as such activities are examined in the trust department, and—

"(I) is chiefly compensated for such transactions, consistent with fiduciary principles and standards, on the basis of an administration or annual fee (payable on a monthly, quarterly, or other basis), a percentage of assets under management, or a flat or capped per order processing fee equal to not more than the cost incurred by the bank in connection with executing securities transactions for trustee and fiduciary customers, or any combination of such fees; and

"(II) does not solicit brokerage business, other than by advertising that it effects transactions in securities in conjunction with advertising its other trust activities.

"(iii) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank effects transactions in—

"(I) commercial paper, bankers acceptances, or commercial bills;

"(II) exempted securities;

"(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

"(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

"(iv) CERTAIN STOCK PURCHASE PLANS.—

"(I) EMPLOYEE BENEFIT PLANS.—The bank effects transactions, as a registered transfer agent (including as a registrar of stocks), in the securities of an issuer as part of any pension, retirement, profit-sharing, bonus, thrift, savings, incentive, or other similar benefit plan for the employees of that issuer or its affiliates (as defined in section 2 of the Bank Holding Company Act of 1956), if—

"(aa) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan; and

"(bb) the bank's compensation for such plan or program consists chiefly of administration fees, or flat or capped per order processing fees, or both.

"(II) DIVIDEND REINVESTMENT PLANS.—The bank effects transactions, as a registered transfer agent (including as a registrar of stocks), in the securities of an issuer as part of that issuer's dividend reinvestment plan, if—

"(aa) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan;

“(bb) the bank does not net shareholders' buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission; and

“(cc) the bank's compensation for such plan or program consists chiefly of administration fees, or flat or capped per order processing fees, or both.

“(III) ISSUER PLANS.—The bank effects transactions, as a registered transfer agent (including as a registrar of stocks), in the securities of an issuer as part of that issuer's plan for the purchase or sale of that issuer's shares, if—

“(aa) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan or program;

“(bb) the bank does not net shareholders' buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission; and

“(cc) the bank's compensation for such plan or program consists chiefly of administration fees, or flat or capped per order processing fees, or both.

“(IV) PERMISSIBLE DELIVERY OF MATERIALS.—The exception to being considered a broker for a bank engaged in activities described in subclauses (I), (II), and (III) will not be affected by a bank's delivery of written or electronic plan materials to employees of the issuer, shareholders of the issuer, or members of affinity groups of the issuer, so long as such materials are—

“(aa) comparable in scope or nature to that permitted by the Commission as of the date of the enactment of the Financial Services Act of 1999; or

“(bb) otherwise permitted by the Commission.

“(v) SWEEP ACCOUNTS.—The bank effects transactions as part of a program for the investment or reinvestment of deposit funds into any no-load, open-end management investment company registered under the Investment Company Act of 1940 that holds itself out as a money market fund.

“(vi) AFFILIATE TRANSACTIONS.—The bank effects transactions for the account of any affiliate (as defined in section 2 of the Bank Holding Company Act of 1956) of the bank other than—

“(I) a registered broker or dealer; or

“(II) an affiliate that is engaged in merchant banking, as described in section 6(c)(3)(H) of the Bank Holding Company Act of 1956.

“(vii) PRIVATE SECURITIES OFFERINGS.—The bank—

“(I) effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 or the rules and regulations issued thereunder;

“(II) at any time after the date that is 1 year after the date of enactment of the Financial Services Act of 1999, is not affiliated with a broker or dealer that has been registered for more than 1 year in accordance with this Act, and engages in dealing, market making, or underwriting activities, other than with respect to exempted securities; and

“(III) effects transactions exclusively with qualified investors.

“(viii) SAFEKEEPING AND CUSTODY ACTIVITIES.—

“(I) IN GENERAL.—The bank, as part of customary banking activities—

“(aa) provides safekeeping or custody services with respect to securities, including the exercise of warrants and other rights on behalf of customers;

“(bb) facilitates the transfer of funds or securities, as a custodian or a clearing agency, in connection with the clearance and settlement of its customers' transactions in securities;

“(cc) effects securities lending or borrowing transactions with or on behalf of customers as part of services provided to customers pursuant to division (aa) or (bb) or invests cash collateral pledged in connection with such transactions; or

“(dd) holds securities pledged by a customer to another person or securities subject to purchase or resale agreements involving a customer, or facilitates the pledging or transfer of such securities by book entry or as otherwise provided under applicable law, if the bank maintains records separately identifying the securities and the customer.

“(II) EXCEPTION FOR CARRYING BROKER ACTIVITIES.—The exception to being considered a broker for a bank engaged in activities described in subclause (I) shall not apply if the bank, in connection with such activities, acts in the United States as a carrying broker (as such term, and different formulations thereof, are used in section 15(c)(3) of this title and the rules and regulations thereunder) for any broker or dealer, unless such carrying broker activities are engaged in with respect to government securities (as defined in paragraph (42) of this subsection).

“(ix) EXCEPTED BANKING PRODUCTS.—The bank effects transactions in excepted banking products, as defined in section 206 of the Financial Services Act of 1999.

“(x) MUNICIPAL SECURITIES.—The bank effects transactions in municipal securities.

“(xi) DE MINIMIS EXCEPTION.—The bank effects, other than in transactions referred to in clauses (i) through (x), not more than 500 transactions in securities in any calendar year, and such transactions are not effected by an employee of the bank who is also an employee of a broker or dealer.

“(C) BROKER DEALER EXECUTION.—The exception to being considered a broker for a bank engaged in activities described in clauses (ii), (iv), and (viii) of subparagraph (B) shall not apply if the activities described in such provisions result in the trade in the United States of any security that is a publicly traded security in the United States, unless—

“(i) the bank directs such trade to a registered broker or dealer for execution;

“(ii) the trade is a cross trade or other substantially similar trade of a security that—

“(I) is made by the bank or between the bank and an affiliated fiduciary; and

“(II) is not in contravention of fiduciary principles established under applicable Federal or State law; or

“(iii) the trade is conducted in some other manner permitted under rules, regulations, or orders as the Commission may prescribe or issue.

“(D) FIDUCIARY CAPACITY.—For purposes of subparagraph (B)(ii), the term 'fiduciary capacity' means—

“(i) in the capacity as trustee, executor, administrator, registrar of stocks and bonds, transfer agent, guardian, assignee, receiver, or custodian under a uniform gift to minor act, or as an investment adviser if the bank receives a fee for its investment advice;

“(ii) in any capacity in which the bank possesses investment discretion on behalf of another; or

“(iii) in any other similar capacity.

“(F) EXCEPTION FOR ENTITIES SUBJECT TO SECTION 15(e).—The term 'broker' does not include a bank that—

“(i) was, immediately prior to the enactment of the Financial Services Act of 1999, subject to section 15(e) of this title; and

“(ii) is subject to such restrictions and requirements as the Commission considers appropriate.”.

SEC. 202. DEFINITION OF DEALER.

Section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)) is amended to read as follows:

“(5) DEALER.—

“(A) IN GENERAL.—The term 'dealer' means any person engaged in the business of buying and selling securities for such person's own account through a broker or otherwise.

“(B) EXCEPTION FOR PERSON NOT ENGAGED IN THE BUSINESS OF DEALING.—The term 'dealer' does not include a person that buys or sells securities for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

“(C) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a dealer because the bank engages in any of the following activities under the conditions described:

“(i) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank buys or sells—

“(I) commercial paper, bankers acceptances, or commercial bills;

“(II) exempted securities;

“(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes of the United States, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

“(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

“(ii) INVESTMENT, TRUSTEE, AND FIDUCIARY TRANSACTIONS.—The bank buys or sells securities for investment purposes—

“(I) for the bank; or

“(II) for accounts for which the bank acts as a trustee or fiduciary.

“(iii) ASSET-BACKED TRANSACTIONS.—The bank engages in the issuance or sale to qualified investors, through a grantor trust or other separate entity, of securities backed by or representing an interest in notes, drafts, acceptances, loans, leases, receivables, other obligations (other than securities of which the bank is not the issuer), or pools of any such obligations predominantly originated by—

“(I) the bank;

“(II) an affiliate of any such bank other than a broker or dealer; or

“(III) a syndicate of banks of which the bank is a member, if the obligations or pool of obligations consists of mortgage obligations or consumer-related receivables.

“(iv) EXCEPTED BANKING PRODUCTS.—The bank buys or sells excepted banking products, as defined in section 206 of the Financial Services Act of 1999.

“(v) DERIVATIVE INSTRUMENTS.—The bank issues, buys, or sells any derivative instrument to which the bank is a party—

“(I) to or from a qualified investor, except that if the instrument provides for the delivery of one or more securities (other than a derivative instrument or government security), the transaction shall be effected with or through a registered broker or dealer; or

“(II) to or from other persons, except that if the derivative instrument provides for the delivery of one or more securities (other than a derivative instrument or government security), or is a security (other than a government security), the transaction shall be effected with or through a registered broker or dealer; or

"(III) to or from any person if the instrument is neither a security nor provides for the delivery of one or more securities (other than a derivative instrument).".

SEC. 203. REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.

Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by inserting after subsection (i) the following new subsection:

"(j) REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.—A registered securities association shall create a limited qualification category for any associated person of a member who effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 and the rules and regulations thereunder, and shall deem qualified in such limited qualification category, without testing, any bank employee who, in the six month period preceding the date of enactment of this Act, engaged in effecting such sales.".

SEC. 204. INFORMATION SHARING.

Section 18 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection:

"(t) RECORDKEEPING REQUIREMENTS.—

"(1) REQUIREMENTS.—Each appropriate Federal banking agency, after consultation with and consideration of the views of the Commission, shall establish recordkeeping requirements for banks relying on exceptions contained in paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934. Such recordkeeping requirements shall be sufficient to demonstrate compliance with the terms of such exceptions and be designed to facilitate compliance with such exceptions. Each appropriate Federal banking agency shall make any such information available to the Commission upon request.

"(2) DEFINITIONS.—As used in this subsection the term 'Commission' means the Securities and Exchange Commission.".

SEC. 205. TREATMENT OF NEW HYBRID PRODUCTS.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

"(i) RULEMAKING TO EXTEND REQUIREMENTS TO NEW HYBRID PRODUCTS.—

"(1) LIMITATION.—The Commission shall not—

"(A) require a bank to register as a broker or dealer under this section because the bank engages in any transaction in, or buys or sells, a new hybrid product; or

"(B) bring an action against a bank for a failure to comply with a requirement described in subparagraph (A);

unless the Commission has imposed such requirement by rule or regulation issued in accordance with this section.

"(2) CRITERIA FOR RULEMAKING.—The Commission shall not impose a requirement under paragraph (1) of this subsection with respect to any new hybrid product unless the Commission determines that—

"(A) the new hybrid product is a security; and

"(B) imposing such requirement is necessary or appropriate in the public interest and for the protection of investors, consistent with the requirements of section 3(f).

"(3) CONSIDERATIONS.—In making a determination under paragraph (2), the Commission shall consider—

"(A) the nature of the new hybrid product; and

"(B) the history, purpose, extent, and appropriateness of the regulation of the new hybrid product under the Federal securities laws and under the Federal banking laws.

"(4) CONSULTATION.—In promulgating rules under this subsection, the Commission shall consult with and consider the views of the Board of Governors of the Federal Reserve System regarding the nature of the new hybrid product, the history, purpose, extent, and appropriateness of the regulation of the new product under the Federal banking laws, and the impact of the proposed rule on the banking industry.

"(5) NEW HYBRID PRODUCT.—For purposes of this subsection, the term 'new hybrid product' means a product that—

"(A) was not subjected to regulation by the Commission as a security prior to the date of enactment of this subsection; and

"(B) is not an excepted banking product, as such term is defined in section 206 of the Financial Services Act of 1999.".

SEC. 206. DEFINITION OF EXCEPTED BANKING PRODUCT.

(a) DEFINITION OF EXCEPTED BANKING PRODUCT.—For purposes of paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a) (4), (5)), the term "excepted banking product" means—

(1) a deposit account, savings account, certificate of deposit, or other deposit instrument issued by a bank;

(2) a banker's acceptance;

(3) a letter of credit issued or loan made by a bank;

(4) a debit account at a bank arising from a credit card or similar arrangement;

(5) a participation in a loan which the bank or an affiliate of the bank (other than a broker or dealer) funds, participates in, or owns that is sold—

(A) to qualified investors; or

(B) to other persons that—

(i) have the opportunity to review and assess any material information, including information regarding the borrower's creditworthiness; and

(ii) based on such factors as financial sophistication, net worth, and knowledge and experience in financial matters, have the capability to evaluate the information available, as determined under generally applicable banking standards or guidelines; or

(6) a derivative instrument that involves or relates to—

(A) currencies, except options on currencies that trade on a national securities exchange;

(B) interest rates, except interest rate derivative instruments that—

(i) are based on a security or a group or index of securities (other than government securities or a group or index of government securities);

(ii) provide for the delivery of one or more securities (other than government securities); or

(iii) trade on a national securities exchange; or

(C) commodities, other rates, indices, or other assets, except derivative instruments that—

(i) are securities or that are based on a group or index of securities (other than government securities or a group or index of government securities);

(ii) provide for the delivery of one or more securities (other than government securities); or

(iii) trade on a national securities exchange.

(b) CLASSIFICATION LIMITED.—Classification of a particular product as an excepted banking product pursuant to this section shall not be construed as finding or implying that such product is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

(c) INCORPORATED DEFINITIONS.—For purposes of this section—

(1) the terms "bank", "qualified investor", and "securities laws" have the same meanings given in section 3(a) of the Securities Exchange Act of 1934, as amended by this Act; and

(2) the term "government securities" has the meaning given in section 3(a)(42) of such Act (as amended by this Act), and, for purposes of this section, commercial paper, bankers acceptances, and commercial bills shall be treated in the same manner as government securities.

SEC. 207. ADDITIONAL DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end the following new paragraphs:

"(54) DERIVATIVE INSTRUMENT.—

"(A) DEFINITION.—The term 'derivative instrument' means any individually negotiated contract, agreement, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets, but does not include an excepted banking product, as defined in paragraphs (1) through (5) of section 206(a) of the Financial Services Act of 1999.

"(B) CLASSIFICATION LIMITED.—Classification of a particular contract as a derivative instrument pursuant to this paragraph shall not be construed as finding or implying that such instrument is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

"(55) QUALIFIED INVESTOR.—

"(A) DEFINITION.—For purposes of this title, the term 'qualified investor' means—

"(i) any investment company registered with the Commission under section 8 of the Investment Company Act of 1940;

"(ii) any issuer eligible for an exclusion from the definition of investment company pursuant to section 3(c)(7) of the Investment Company Act of 1940;

"(iii) any bank (as defined in paragraph (6) of this subsection), savings association (as defined in section 3(b) of the Federal Deposit Insurance Act), broker, dealer, insurance company (as defined in section 2(a)(13) of the Securities Act of 1933), or business development company (as defined in section 2(a)(48) of the Investment Company Act of 1940);

"(iv) any small business investment company licensed by the United States Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958;

"(v) any State sponsored employee benefit plan, or any other employee benefit plan, within the meaning of the Employee Retirement Income Security Act of 1974, other than an individual retirement account, if the investment decisions are made by a plan fiduciary, as defined in section 3(21) of that Act, which is either a bank, savings and loan association, insurance company, or registered investment adviser;

"(vi) any trust whose purchases of securities are directed by a person described in clauses (i) through (v) of this subparagraph;

"(vii) any market intermediary exempt under section 3(c)(2) of the Investment Company Act of 1940;

"(viii) any associated person of a broker or dealer other than a natural person;

"(ix) any foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

"(x) the government of any foreign country;

"(xi) any corporation, company, or partnership that owns and invests on a discretionary basis, not less than $10,000,000 in investments;

"(xii) any natural person who owns and invests on a discretionary basis, not less than $10,000,000 in investments;

"(xiii) any government or political subdivision, agency, or instrumentality of a government who owns and invests on a discretionary basis not less than $50,000,000 in investments; or

"(xiv) any multinational or supranational entity or any agency or instrumentality thereof.

"(B) ADDITIONAL AUTHORITY.—The Commission may, by rule or order, define a 'qualified investor' as any other person, taking into consideration such factors as the financial sophistication of the person, net worth, and knowledge and experience in financial matters.".

SEC. 208. GOVERNMENT SECURITIES DEFINED.

Section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) for purposes of sections 15, 15C, and 17A as applied to a bank, a qualified Canadian government obligation as defined in section 5136 of the Revised Statutes of the United States.".

SEC. 209. EFFECTIVE DATE.

This subtitle shall take effect at the end of the 270-day period beginning on the date of the enactment of this Act.

SEC. 210. RULE OF CONSTRUCTION.

Nothing in this Act shall supersede, affect, or otherwise limit the scope and applicability of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

Subtitle B—Bank Investment Company Activities

SEC. 211. CUSTODY OF INVESTMENT COMPANY ASSETS BY AFFILIATED BANK.

(a) MANAGEMENT COMPANIES.—Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking "(f) Every registered" and inserting the following:

"(f) CUSTODY OF SECURITIES.—

"(1) Every registered";

(3) by redesignating the second, third, fourth, and fifth sentences of such subsection as paragraphs (2) through (5), respectively, and indenting the left margin of such paragraphs appropriately; and

(4) by adding at the end the following new paragraph:

"(6) The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person, promoter, organizer, or sponsor of, or principal underwriter for, a registered management company may serve as custodian of that registered management company.".

(b) UNIT INVESTMENT TRUSTS.—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person of a principal underwriter for, or depositor of, a registered unit investment trust, may serve as trustee or custodian under subsection (a)(1).".

(c) FIDUCIARY DUTY OF CUSTODIAN.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) as custodian.".

SEC. 212. LENDING TO AN AFFILIATED INVESTMENT COMPANY.

Section 17(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(a)) is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) to loan money or other property to such registered company, or to any company controlled by such registered company, in contravention of such rules, regulations, or orders as the Commission may prescribe or issue consistent with the protection of investors.".

SEC. 213. INDEPENDENT DIRECTORS.

(a) IN GENERAL.—Section 2(a)(19)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(A)) is amended—

(1) by striking clause (v) and inserting the following new clause:

"(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

"(I) the investment company;

"(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services; or

"(III) any account over which the investment company's investment adviser has brokerage placement discretion,";

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

"(I) the investment company;

"(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services; or

"(III) any account for which the investment company's investment adviser has borrowing authority,".

(b) CONFORMING AMENDMENT.—Section 2(a)(19)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(B)) is amended—

(1) by striking clause (v) and inserting the following new clause:

"(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

"(I) any investment company for which the investment adviser or principal underwriter serves as such;

"(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such; or

"(III) any account over which the investment adviser has brokerage placement discretion,";

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

"(I) any investment company for which the investment adviser or principal underwriter serves as such;

"(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such; or

"(III) any account for which the investment adviser has borrowing authority,".

(c) AFFILIATION OF DIRECTORS.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)) is amended by striking "bank, except" and inserting "bank (together with its affiliates and subsidiaries) or any one bank holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 2 of the Bank Holding Company Act of 1956), except".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 1-year period beginning on the date of enactment of this subtitle.

SEC. 214. ADDITIONAL SEC DISCLOSURE AUTHORITY.

Section 35(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–34(a)) is amended to read as follows:

"(a) MISREPRESENTATION OF GUARANTEES.—

"(1) IN GENERAL.—It shall be unlawful for any person, issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company—

"(A) has been guaranteed, sponsored, recommended, or approved by the United States, or any agency, instrumentality or officer of the United States;

"(B) has been insured by the Federal Deposit Insurance Corporation; or

"(C) is guaranteed by or is otherwise an obligation of any bank or insured depository institution.

"(2) DISCLOSURES.—Any person issuing or selling the securities of a registered investment company that is advised by, or sold through, a bank shall prominently disclose that an investment in the company is not insured by the Federal Deposit Insurance Corporation or any other government agency. The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the manner in which the disclosure under this paragraph shall be provided.

"(3) DEFINITIONS.—The terms 'insured depository institution' and 'appropriate Federal banking agency' have the same meanings given in section 3 of the Federal Deposit Insurance Act.".

SEC. 215. DEFINITION OF BROKER UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a)(6) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(6)) is amended to read as follows:

"(6) The term 'broker' has the same meaning given in section 3 of the Securities Exchange Act of 1934, except that such term does not include any person solely by reason of the fact that such person is an underwriter for one or more investment companies.".

SEC. 216. DEFINITION OF DEALER UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(11)) is amended to read as follows:

"(11) The term 'dealer' has the same meaning given in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 217. REMOVAL OF THE EXCLUSION FROM THE DEFINITION OF INVESTMENT ADVISER FOR BANKS THAT ADVISE INVESTMENT COMPANIES.

(a) INVESTMENT ADVISER.—Section 202(a)(11)(A) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)(A)) is amended by striking "investment company" and inserting "investment company, except that the term 'investment adviser' includes any bank or bank holding company to the extent that such bank or bank holding company serves or acts as an investment adviser to a registered investment company, but if, in the case of a bank, such services or actions are performed through a separately identifiable department or division, the department or division, and not the bank itself, shall be deemed to be the investment adviser".

(b) SEPARATELY IDENTIFIABLE DEPARTMENT OR DIVISION.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following:

"(26) The term 'separately identifiable department or division' of a bank means a unit—

"(A) that is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank's investment adviser activities for one or more investment companies, including the supervision of all bank employees engaged in the performance of such activities; and

"(B) for which all of the records relating to its investment adviser activities are separately maintained in or extractable from such unit's own facilities or the facilities of the bank, and such records are so maintained or otherwise accessible as to permit independent examination and enforcement by the Commission of this Act or the Investment Company Act of 1940 and rules and regulations promulgated under this Act or the Investment Company Act of 1940.".

SEC. 218. DEFINITION OF BROKER UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(3)) is amended to read as follows:

"(3) The term 'broker' has the same meaning given in section 3 of the Securities Exchange Act of 1934.".

SEC. 219. DEFINITION OF DEALER UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a)(7) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(7)) is amended to read as follows:

"(7) The term 'dealer' has the same meaning given in section 3 of the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 220. INTERAGENCY CONSULTATION.

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 210 the following new section:

"SEC. 210A. CONSULTATION.

"(a) EXAMINATION RESULTS AND OTHER INFORMATION.—

"(1) The appropriate Federal banking agency shall provide the Commission upon request the results of any examination, reports, records, or other information to which such agency may have access with respect to the investment advisory activities—

"(A) of any—

"(i) bank holding company;

"(ii) bank; or

"(iii) separately identifiable department or division of a bank,

that is registered under section 203 of this title; and

"(B) in the case of a bank holding company or bank that has a subsidiary or a separately identifiable department or division registered under that section, of such bank or bank holding company.

"(2) The Commission shall provide to the appropriate Federal banking agency upon request the results of any examination, reports, records, or other information with respect to the investment advisory activities of any bank holding company, bank, or separately identifiable department or division of a bank, which is registered under section 203 of this title.

"(b) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall limit in any respect the authority of the appropriate Federal banking agency with respect to such bank holding company, bank, or department or division under any other provision of law.

"(c) DEFINITION.—For purposes of this section, the term 'appropriate Federal banking agency' shall have the same meaning given in section 3 of the Federal Deposit Insurance Act.".

SEC. 221. TREATMENT OF BANK COMMON TRUST FUNDS.

(a) SECURITIES ACT OF 1933.—Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by striking "or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian" and inserting "or any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term 'investment company' under section 3(c)(3) of the Investment Company Act of 1940".

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A)(iii) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)(iii)) is amended to read as follows:

"(iii) any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term 'investment company' under section 3(c)(3) of the Investment Company Act of 1940;".

(c) INVESTMENT COMPANY ACT OF 1940.—Section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(3)) is amended by inserting before the period the following: ", if—

"(A) such fund is employed by the bank solely as an aid to the administration of trusts, estates, or other accounts created and maintained for a fiduciary purpose;

"(B) except in connection with the ordinary advertising of the bank's fiduciary services, interests in such fund are not—

"(i) advertised; or

"(ii) offered for sale to the general public; and

"(C) fees and expenses charged by such fund are not in contravention of fiduciary principles established under applicable Federal or State law".

SEC. 222. INVESTMENT ADVISERS PROHIBITED FROM HAVING CONTROLLING INTEREST IN REGISTERED INVESTMENT COMPANY.

Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a–15) is amended by adding at the end the following new subsection:

"(g) CONTROLLING INTEREST IN INVESTMENT COMPANY PROHIBITED.—

"(1) IN GENERAL.—If an investment adviser to a registered investment company, or an affiliated person of that investment adviser, holds a controlling interest in that registered investment company in a trustee or fiduciary capacity, such person shall—

"(A) if it holds the shares in a trustee or fiduciary capacity with respect to any employee benefit plan subject to the Employee Retirement Income Security Act of 1974, transfer the power to vote the shares of the investment company through to another person acting in a fiduciary capacity with respect to the plan who is not an affiliated person of that investment adviser or any affiliated person thereof; or

"(B) if it holds the shares in a trustee or fiduciary capacity with respect to any person or entity other than an employee benefit plan subject to the Employee Retirement Income Security Act of 1974—

"(i) transfer the power to vote the shares of the investment company through to—

"(I) the beneficial owners of the shares;

"(II) another person acting in a fiduciary capacity who is not an affiliated person of that investment adviser or any affiliated person thereof; or

"(III) any person authorized to receive statements and information with respect to the trust who is not an affiliated person of that investment adviser or any affiliated person thereof;

"(ii) vote the shares of the investment company held by it in the same proportion as shares held by all other shareholders of the investment company; or

"(iii) vote the shares of the investment company as otherwise permitted under such rules, regulations, or orders as the Commission may prescribe or issue consistent with the protection of investors.

"(2) EXEMPTION.—Paragraph (1) shall not apply to any investment adviser to a registered investment company, or any affiliated person of that investment adviser, that holds shares of the investment company in a trustee or fiduciary capacity if that registered investment company consists solely of assets held in such capacities.

"(3) SAFE HARBOR.—No investment adviser to a registered investment company or any affiliated person of such investment adviser shall be deemed to have acted unlawfully or to have breached a fiduciary duty under State or Federal law solely by reason of acting in accordance with clause (i), (ii), or (iii) of paragraph (1)(B).".

SEC. 223. STATUTORY DISQUALIFICATION FOR BANK WRONGDOING.

Section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) is amended in paragraphs (1) and (2) by striking "securities dealer, transfer agent," and inserting "securities dealer, bank, transfer agent,".

SEC. 224. CONFORMING CHANGE IN DEFINITION.

Section 2(a)(5) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(5)) is amended by striking "(A) a banking institution organized under the laws of the United States" and inserting "(A) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or a branch or agency of a foreign bank (as such terms are defined in section 1(b) of the International Banking Act of 1978)".

SEC. 225. CONFORMING AMENDMENT.

Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2) is amended by adding at the end the following new subsection:

"(c) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.".

SEC. 226. CHURCH PLAN EXCLUSION.

Section 3(c)(14) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(14)) is amended—

(1) by redesignating clauses (i) and (ii) of subparagraph (B) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting "(A)" after "(14)"; and

(4) by adding at the end the following new subparagraph:

"(B) If a registered investment company would be excluded from the definition of investment company under this subsection but for the fact that some of the company's assets do not satisfy the condition of subparagraph (A)(ii) of this paragraph, then any investment adviser to the company or affiliated person of such investment adviser shall not be subject to the requirements of section 15(g)(1)(B) with respect to shares of the investment company.".

SEC. 227. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the date of the enactment of this Act.

Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies

SEC. 231. SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following new subsection:

"(i) INVESTMENT BANK HOLDING COMPANIES.—

"(1) ELECTIVE SUPERVISION OF AN INVESTMENT BANK HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

"(A) IN GENERAL.—An investment bank holding company that is not—

"(i) an affiliate of a wholesale financial institution, an insured bank (other than an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956), or a savings association;

"(ii) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978; or

"(iii) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act,

may elect to become supervised by filing with the Commission a notice of intention to become supervised, pursuant to subparagraph (B) of this paragraph. Any investment bank holding company filing such a notice shall be supervised in accordance with this section and comply with the rules promulgated by the Commission applicable to supervised investment bank holding companies.

"(B) NOTIFICATION OF STATUS AS A SUPERVISED INVESTMENT BANK HOLDING COMPANY.—An investment bank holding company that elects under subparagraph (A) to become supervised by the Commission shall file with the Commission a written notice of intention to become supervised by the Commission in such form and containing such information and documents concerning such investment bank holding company as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this section. Unless the Commission finds that such supervision is not necessary or appropriate in furtherance of the purposes of this section, such supervision shall become effective 45 days after the date of receipt of such written notice by the Commission or within such shorter time period as the Commission, by rule or order, may determine.

"(2) ELECTION NOT TO BE SUPERVISED BY THE COMMISSION AS AN INVESTMENT BANK HOLDING COMPANY.—

"(A) VOLUNTARY WITHDRAWAL.—A supervised investment bank holding company that is supervised pursuant to paragraph (1) may, upon such terms and conditions as the Commission deems necessary or appropriate, elect not to be supervised by the Commission by filing a written notice of withdrawal from Commission supervision. Such notice shall not become effective until one year after receipt by the Commission, or such shorter or longer period as the Commission deems necessary or appropriate to ensure effective supervision of the material risks to the supervised investment bank holding company and to the affiliated broker or dealer, or to prevent evasion of the purposes of this section.

"(B) DISCONTINUATION OF COMMISSION SUPERVISION.—If the Commission finds that any supervised investment bank holding company that is supervised pursuant to paragraph (1) is no longer in existence or has ceased to be an investment bank holding company, or if the Commission finds that continued supervision of such a supervised investment bank holding company is not consistent with the purposes of this section, the Commission may discontinue the supervision pursuant to a rule or order, if any, promulgated by the Commission under this section.

"(3) SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES.—

"(A) RECORDKEEPING AND REPORTING.—

"(i) IN GENERAL.—Every supervised investment bank holding company and each affiliate thereof shall make and keep for prescribed periods such records, furnish copies thereof, and make such reports, as the Commission may require by rule, in order to keep the Commission informed as to—

"(I) the company's or affiliate's activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions and relationships between any broker or dealer affiliate of the supervised investment bank holding company; and

"(II) the extent to which the company or affiliate has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

"(ii) FORM AND CONTENTS.—Such records and reports shall be prepared in such form and according to such specifications (including certification by an independent public accountant), as the Commission may require and shall be provided promptly at any time upon request by the Commission. Such records and reports may include—

"(I) a balance sheet and income statement;

"(II) an assessment of the consolidated capital of the supervised investment bank holding company;

"(III) an independent auditor's report attesting to the supervised investment bank holding company's compliance with its internal risk management and internal control objectives; and

"(IV) reports concerning the extent to which the company or affiliate has complied with the provisions of this title and any regulations prescribed and orders issued under this title.

"(B) USE OF EXISTING REPORTS.—

"(i) IN GENERAL.—The Commission shall, to the fullest extent possible, accept reports in fulfillment of the requirements under this paragraph that the supervised investment bank holding company or its affiliates have been required to provide to another appropriate regulatory agency or self-regulatory organization.

"(ii) AVAILABILITY.—A supervised investment bank holding company or an affiliate of such company shall provide to the Commission, at the request of the Commission, any report referred to in clause (i).

"(C) EXAMINATION AUTHORITY.—

"(i) FOCUS OF EXAMINATION AUTHORITY.—The Commission may make examinations of any supervised investment bank holding company and any affiliate of such company in order to—

"(I) inform the Commission regarding—

"(aa) the nature of the operations and financial condition of the supervised investment bank holding company and its affiliates;

"(bb) the financial and operational risks within the supervised investment bank holding company that may affect any broker or dealer controlled by such supervised investment bank holding company; and

"(cc) the systems of the supervised investment bank holding company and its affiliates for monitoring and controlling those risks; and

"(II) monitor compliance with the provisions of this subsection, provisions governing transactions and relationships between any broker or dealer affiliated with the supervised investment bank holding company and any of the company's other affiliates, and applicable provisions of subchapter II of chapter 53, title 31, United States Code (commonly referred to as the 'Bank Secrecy Act') and regulations thereunder.

"(ii) RESTRICTED FOCUS OF EXAMINATIONS.—The Commission shall limit the focus and scope of any examination of a supervised investment bank holding company to—

"(I) the company; and

"(II) any affiliate of the company that, because of its size, condition, or activities, the nature or size of the transactions between such affiliate and any affiliated broker or dealer, or the centralization of functions within the holding company system, could, in the discretion of the Commission, have a materially adverse effect on the operational or financial condition of the broker or dealer.

"(iii) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Commission shall, to the fullest extent possible, use the reports of examination of an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956 made by the appropriate regulatory agency, or of a licensed insurance company made by the appropriate State insurance regulator.

"(4) HOLDING COMPANY CAPITAL.—

"(A) AUTHORITY.—If the Commission finds that it is necessary to adequately supervise investment bank holding companies and their broker or dealer affiliates consistent with the purposes of this subsection, the Commission may adopt capital adequacy rules for supervised investment bank holding companies.

"(B) METHOD OF CALCULATION.—In developing rules under this paragraph:

"(i) DOUBLE LEVERAGE.—The Commission shall consider the use by the supervised investment bank holding company of debt and other liabilities to fund capital investments in affiliates.

"(ii) NO UNWEIGHTED CAPITAL RATIO.—The Commission shall not impose under this section a capital ratio that is not based on appropriate risk-weighting considerations.

"(iii) NO CAPITAL REQUIREMENT ON REGULATED ENTITIES.—The Commission shall not, by rule, regulation, guideline, order or otherwise, impose any capital adequacy provision on a nonbanking affiliate (other than a broker or dealer) that is in compliance with applicable capital requirements of another Federal regulatory authority or State insurance authority.

"(iv) APPROPRIATE EXCLUSIONS.—The Commission shall take full account of the applicable capital requirements of another Federal regulatory authority or State insurance regulator.

"(C) INTERNAL RISK MANAGEMENT MODELS.—The Commission may incorporate internal risk management models into its capital adequacy rules for supervised investment bank holding companies.

"(5) FUNCTIONAL REGULATION OF BANKING AND INSURANCE ACTIVITIES OF SUPERVISED INVESTMENT BANK HOLDING COMPANIES.—The Commission shall defer to—

"(A) the appropriate regulatory agency with regard to all interpretations of, and the enforcement of, applicable banking laws relating to the activities, conduct, ownership, and operations of banks, and institutions described in subparagraph (D), (F), and (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956; and

"(B) the appropriate State insurance regulators with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'investment bank holding company' means—

"(i) any person other than a natural person that owns or controls one or more brokers or dealers; and

"(ii) the associated persons of the investment bank holding company.

"(B) The term 'supervised investment bank holding company' means any investment bank holding company that is supervised by the Commission pursuant to this subsection.

"(C) The terms 'affiliate', 'bank', 'bank holding company', 'company', 'control', 'savings association', and 'wholesale financial institution' have the same meanings given in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

"(D) The term 'insured bank' has the same meaning given in section 3 of the Federal Deposit Insurance Act.

"(E) The term 'foreign bank' has the same meaning given in section 1(b)(7) of the International Banking Act of 1978.

"(F) The terms 'person associated with an investment bank holding company' and 'associated person of an investment bank holding company' mean any person directly or indirectly controlling, controlled by, or under common control with, an investment bank holding company.".

"(j) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be reported under subsection (h) or (i) or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a broker or dealer, investment bank holding company, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(5) as confidential information for purposes of section 24(b)(2) of this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended by adding at the end the following new subparagraph:

"(H) When used with respect to an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956—

"(i) the Comptroller of the Currency, in the case of a national bank or a bank in the District of Columbia examined by the Comptroller of the Currency;

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System or any corporation chartered under section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of any other bank the deposits of which are insured in accordance with the Federal Deposit Insurance Act; or

"(iv) the Commission in the case of all other such institutions.".

(2) Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended—

(A) by striking "this title" and inserting "law"; and

(B) by inserting ", examination reports" after "financial records".

Subtitle D—Disclosure of Customer Costs of Acquiring Financial Products

SEC. 241. IMPROVED AND CONSISTENT DISCLOSURE.

(a) REVISED REGULATIONS REQUIRED.—Within one year after the date of enactment of this Act, each Federal financial regulatory authority shall prescribe rules, or revisions to its rules, to improve the accuracy, simplicity, and completeness, and to make more consistent, the disclosure of information by persons subject to the jurisdiction of such regulatory authority concerning any commissions, fees, or other costs incurred by customers in the acquisition of financial products.

(b) CONSULTATION.—In prescribing rules and revisions under subsection (a), the Federal financial regulatory authorities shall consult with each other and with appropriate State financial regulatory authorities.

(c) CONSIDERATION OF EXISTING DISCLOSURES.—In prescribing rules and revisions under subsection (a), the Federal financial regulatory authorities shall consider the sufficiency and appropriateness of then existing laws and rules applicable to persons subject to their jurisdiction, and may prescribe exemptions from the rules and revisions required by subsection (a) to the extent appropriate in light of the objective of this section to increase the consistency of disclosure practices.

(d) ENFORCEMENT.—Any rule prescribed by a Federal financial regulatory authority pursuant to this section shall, for purposes of enforcement, be treated as a rule prescribed by such regulatory authority pursuant to the statute establishing such regulatory authority's jurisdiction over the persons to whom such rule applies.

(e) DEFINITION.—As used in this section, the term "Federal financial regulatory authority" means the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Commodity Futures Trading Commission, and any self-regulatory organization under the supervision of any of the foregoing.

TITLE III—INSURANCE

Subtitle A—State Regulation of Insurance

SEC. 301. STATE REGULATION OF THE BUSINESS OF INSURANCE.

The Act entitled "An Act to express the intent of the Congress with reference to the regulation of the business of insurance" and approved March 9, 1945 (15 U.S.C. 1011 et seq.), commonly referred to as the "McCarran-Ferguson Act" remains the law of the United States.

SEC. 302. MANDATORY INSURANCE LICENSING REQUIREMENTS.

No person shall engage in the business of insurance in a State as principal or agent unless such person is licensed as required by the appropriate insurance regulator of such State in accordance with the relevant State insurance law, subject to section 104.

SEC. 303. FUNCTIONAL REGULATION OF INSURANCE.

The insurance activities of any person (including a national bank exercising its power to act as agent under the 11th undesignated paragraph of section 13 of the Federal Reserve Act) shall be functionally regulated by the States, subject to section 104.

SEC. 304. INSURANCE UNDERWRITING IN NATIONAL BANKS.

(a) In General.—Except as provided in section 305, a national bank and the subsidiaries of a national bank may not provide insurance in a State as principal except that this prohibition shall not apply to authorized products.

(b) Authorized Products.—For the purposes of this section, a product is authorized if—

(1) as of January 1, 1999, the Comptroller of the Currency had determined in writing that national banks may provide such product as principal, or national banks were in fact lawfully providing such product as principal;

(2) no court of relevant jurisdiction had, by final judgment, overturned a determination of the Comptroller of the Currency that national banks may provide such product as principal; and

(3) the product is not title insurance, or an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.

(c) Definition.—For purposes of this section, the term "insurance" means—

(1) any product regulated as insurance as of January 1, 1999, in accordance with the relevant State insurance law, in the State in which the product is provided;

(2) any product first offered after January 1, 1999, which—

(A) a State insurance regulator determines shall be regulated as insurance in the State in which the product is provided because the product insures, guarantees, or indemnifies against liability, loss of life, loss of health, or loss through damage to or destruction of property, including, but not limited to, surety bonds, life insurance, health insurance, title insurance, and property and casualty insurance (such as private passenger or commercial automobile, homeowners, mortgage, commercial multiperil, general liability, professional liability, workers' compensation, fire and allied lines, farm owners multiperil, aircraft, fidelity, surety, medical malpractice, ocean marine, inland marine, and boiler and machinery insurance); and

(B) is not a product or service of a bank that is—

(i) a deposit product;

(ii) a loan, discount, letter of credit, or other extension of credit;

(iii) a trust or other fiduciary service;

(iv) a qualified financial contract (as defined in or determined pursuant to section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act); or

(v) a financial guaranty, except that this subparagraph (B) shall not apply to a product that includes an insurance component such that if the product is offered or proposed to be offered by the bank as principal—

(I) it would be treated as a life insurance contract under section 7702 of the Internal Revenue Code of 1986; or

(II) in the event that the product is not a letter of credit or other similar extension of credit, a qualified financial contract, or a financial guaranty, it would qualify for treatment for losses incurred with respect to such product under section 832(b)(5) of the Internal Revenue Code of 1986, if the bank were subject to tax as an insurance company under section 831 of that Code; or

(3) any annuity contract, the income on which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.

SEC. 305. TITLE INSURANCE ACTIVITIES OF NATIONAL BANKS AND THEIR AFFILIATES.

(a) General Prohibition.—No national bank, and no subsidiary of a national bank, may engage in any activity involving the underwriting or sale of title insurance.

(b) Nondiscrimination Parity Exception.—

(1) In general.—Notwithstanding any other provision of law (including section 104 of this Act), in the case of any State in which banks organized under the laws of such State are authorized to sell title insurance as agency, a national bank and a subsidiary of a national bank may sell title insurance as agent in such State, but only in the same manner, to the same extent, and under the same restrictions as such State banks are authorized to sell title insurance as agent in such State.

(2) Coordination with "wildcard" provision.—A State law which authorizes State banks to engage in any activities in such State in which a national bank may engage shall not be treated as a statute which authorizes State banks to sell title insurance as agent, for purposes of paragraph (1).

(c) Grandfathering With Consistent Regulation.—

(1) In general.—Except as provided in paragraphs (2) and (3) and notwithstanding subsections (a) and (b), a national bank, and a subsidiary of a national bank, may conduct title insurance activities which such national bank or subsidiary was actively and lawfully conducting before the date of the enactment of this Act.

(2) Insurance affiliate.—In the case of a national bank which has an affiliate which provides insurance as principal and is not a subsidiary of the bank, the national bank and any subsidiary of the national bank may not engage in the underwriting of title insurance pursuant to paragraph (1).

(3) Insurance subsidiary.—In the case of a national bank which has a subsidiary which provides insurance as principal and has no affiliate other than a subsidiary which provides insurance as principal, the national bank may not directly engage in any activity involving the underwriting of title insurance.

(d) "Affiliate" and "Subsidiary" Defined.—For purposes of this section, the terms "affiliate" and "subsidiary" have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(e) Rule of Construction.—No provision of this Act or any other Federal law shall be construed as superseding or affecting a State law which was in effect before the date of the enactment of this Act and which prohibits title insurance from being offered, provided, or sold in such State, or from being underwritten with respect to real property in such State, by any person whatsoever.

SEC. 306. EXPEDITED AND EQUALIZED DISPUTE RESOLUTION FOR FEDERAL REGULATORS.

(a) Filing in Court of Appeals.—In the case of a regulatory conflict between a State insurance regulator and a Federal regulator as to whether any product is or is not insurance, as defined in section 304(c) of this Act, or whether a State statute, regulation, order, or interpretation regarding any insurance sales or solicitation activity is properly treated as preempted under Federal law, either regulator may seek expedited judicial review of such determination by the United States Court of Appeals for the circuit in which the State is located or in the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in such court.

(b) Expedited Review.—The United States Court of Appeals in which a petition for review is filed in accordance with subsection (a) shall complete all action on such petition, including rendering a judgment, before the end of the 60-day period beginning on the date on which such petition is filed, unless all parties to such proceeding agree to any extension of such period.

(c) Supreme Court Review.—Any request for certiorari to the Supreme Court of the United States of any judgment of a United States Court of Appeals with respect to a petition for review under this section shall be filed with the Supreme Court of the United States as soon as practicable after such judgment is issued.

(d) Statute of Limitation.—No petition may be filed under this section challenging an order, ruling, determination, or other action of a Federal regulator or State insurance regulator after the later of—

(1) the end of the 12-month period beginning on the date on which the first public notice is made of such order, ruling, determination or other action in its final form; or

(2) the end of the 6-month period beginning on the date on which such order, ruling, determination, or other action takes effect.

(e) Standard of Review.—The court shall decide a petition filed under this section based on its review on the merits of all questions presented under State and Federal law, including the nature of the product or activity and the history and purpose of its regulation under State and Federal law, without unequal deference.

SEC. 307. CONSUMER PROTECTION REGULATIONS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 46 (as added by section 122(b) of this Act) the following new section:

"SEC. 47. CONSUMER PROTECTION REGULATIONS.

"(a) Regulations Required.—

"(1) In general.—The Federal banking agencies shall prescribe and publish in final form, before the end of the 1-year period beginning on the date of the enactment of the Financial Services Act of 1999, consumer protection regulations (which the agencies jointly determine to be appropriate) that—

"(A) apply to retail sales practices, solicitations, advertising, or offers of any insurance product by any insured depository institution or wholesale financial institution or any person who is engaged in such activities at an office of the institution or on behalf of the institution; and

"(B) are consistent with the requirements of this Act and provide such additional protections for consumers to whom such sales, solicitations, advertising, or offers are directed as the agency determines to be appropriate.

"(2) Applicability to subsidiaries.—The regulations prescribed pursuant to paragraph (1) shall extend such protections to any subsidiaries of an insured depository institution, as deemed appropriate by the regulators referred to in paragraph (3), where such extension is determined to be necessary to ensure the consumer protections provided by this section.

"(3) Consultation and joint regulations.—The Federal banking agencies shall consult with each other and prescribe joint regulations pursuant to paragraph (1), after consultation with the State insurance regulators, as appropriate.

"(b) Sales Practices.—The regulations prescribed pursuant to subsection (a) shall include anticoercion rules applicable to the sale of insurance products which prohibit an insured depository institution from engaging in any practice that would lead a consumer to believe an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970, is conditional upon—

"(1) the purchase of an insurance product from the institution or any of its affiliates; or

"(2) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

"(c) DISCLOSURES AND ADVERTISING.—The regulations prescribed pursuant to subsection (a) shall include the following provisions relating to disclosures and advertising in connection with the initial purchase of an insurance product:

"(1) DISCLOSURES.—

"(A) IN GENERAL.—Requirements that the following disclosures be made orally and in writing before the completion of the initial sale and, in the case of clause (iv), at the time of application for an extension of credit:

"(i) UNINSURED STATUS.—As appropriate, the product is not insured by the Federal Deposit Insurance Corporation, the United States Government, or the insured depository institution.

"(ii) INVESTMENT RISK.—In the case of a variable annuity or other insurance product which involves an investment risk, that there is an investment risk associated with the product, including possible loss of value.

"(iv) COERCION.—The approval of an extension of credit may not be conditioned on—

"(I) the purchase of an insurance product from the institution in which the application for credit is pending or any of its affiliates or subsidiaries; or

"(II) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

"(B) MAKING DISCLOSURE READILY UNDERSTANDABLE.—Regulations prescribed under subparagraph (A) shall encourage the use of disclosure that is conspicuous, simple, direct, and readily understandable, such as the following:

"(i) 'NOT FDIC–INSURED'.

"(ii) 'NOT GUARANTEED BY THE BANK'.

"(iii) 'MAY GO DOWN IN VALUE'.

"(iv) 'NOT INSURED BY ANY GOVERNMENT AGENCY'.

"(C) ADJUSTMENTS FOR ALTERNATIVE METHODS OF PURCHASE.—In prescribing the requirements under subparagraphs (A) and (D), necessary adjustments shall be made for purchase in person, by telephone, or by electronic media to provide for the most appropriate and complete form of disclosure and acknowledgments.

"(D) CONSUMER ACKNOWLEDGMENT.—A requirement that an insured depository institution shall require any person selling an insurance product at any office of, or on behalf of, the institution to obtain, at the time a consumer receives the disclosures required under this paragraph or at the time of the initial purchase by the consumer of such product, an acknowledgment by such consumer of the receipt of the disclosure required under this subsection with respect to such product.

"(2) PROHIBITION ON MISREPRESENTATIONS.—A prohibition on any practice, or any advertising, at any office of, or on behalf of, the insured depository institution, or any subsidiary as appropriate, which could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to—

"(A) the uninsured nature of any insurance product sold, or offered for sale, by the institution or any subsidiary of the institution; or

"(B) in the case of a variable annuity or other insurance product that involves an investment risk, the investment risk associated with any such product.

"(d) SEPARATION OF BANKING AND NONBANKING ACTIVITIES.—

"(1) REGULATIONS REQUIRED.—The regulations prescribed pursuant to subsection (a) shall include such provisions as the Federal banking agencies consider appropriate to ensure that the routine acceptance of deposits is kept, to the extent practicable, physically segregated from insurance product activity.

"(2) REQUIREMENTS.—Regulations prescribed pursuant to paragraph (1) shall include the following:

"(A) SEPARATE SETTING.—A clear delineation of the setting in which, and the circumstances under which, transactions involving insurance products should be conducted in a location physically segregated from an area where retail deposits are routinely accepted.

"(B) REFERRALS.—Standards which permit any person accepting deposits from the public in an area where such transactions are routinely conducted in an insured depository institution to refer a customer who seeks to purchase any insurance product to a qualified person who sells such product, only if the person making the referral receives no more than a one-time nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

"(C) QUALIFICATION AND LICENSING REQUIREMENTS.—Standards prohibiting any insured depository institution from permitting any person to sell or offer for sale any insurance product in any part of any office of the institution, or on behalf of the institution, unless such person is appropriately qualified and licensed.

"(e) CONSUMER GRIEVANCE PROCESS.—The Federal banking agencies shall jointly establish a consumer complaint mechanism, for receiving and expeditiously addressing consumer complaints alleging a violation of regulations issued under the section, which shall—

"(1) establish a group within each regulatory agency to receive such complaints;

"(2) develop procedures for investigating such complaints;

"(3) develop procedures for informing consumers of rights they may have in connection with such complaints; and

"(4) develop procedures for addressing concerns raised by such complaints, as appropriate, including procedures for the recovery of losses to the extent appropriate.

"(f) EFFECT ON OTHER AUTHORITY.—

"(1) IN GENERAL.—No provision of this section shall be construed as granting, limiting, or otherwise affecting—

"(A) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law; or

"(B) except as provided in paragraph (2), any authority of any State insurance commissioner or other State authority under any State law.

"(2) COORDINATION WITH STATE LAW.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), regulations prescribed by a Federal banking agency under this section shall not apply to retail sales, solicitations, advertising, or offers of any insurance product by any insured depository institution or wholesale financial institution or to any person who is engaged in such activities at an office of such institution or on behalf of the institution, in a State where the State has in effect statutes, regulations, orders, or interpretations, that are inconsistent with or contrary to the regulations prescribed by the Federal banking agencies.

"(B) PREEMPTION.—If, with respect to any provision of the regulations prescribed under this section, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Board of Directors of the Federal Deposit Insurance Corporation determine jointly that the protection afforded by such provision for consumers is greater than the protection provided by a comparable provision of the statutes, regulations, orders, or interpretations referred to in subparagraph (A) of any State, such provision of the regulations prescribed under this section shall supersede the comparable provision of such State statute, regulation, order, or interpretation.

"(h) INSURANCE PRODUCT DEFINED.—For purposes of this section, the term 'insurance product' includes an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.".

SEC. 308. CERTAIN STATE AFFILIATION LAWS PREEMPTED FOR INSURANCE COMPANIES AND AFFILIATES.

Except as provided in section 104(a)(2), no State may, by law, regulation, order, interpretation, or otherwise—

(1) prevent or significantly interfere with the ability of any insurer, or any affiliate of an insurer (whether such affiliate is organized as a stock company, mutual holding company, or otherwise), to become a financial holding company or to acquire control of an insured depository institution;

(2) limit the amount of an insurer's assets that may be invested in the voting securities of an insured depository institution (or any company which controls such institution), except that the laws of an insurer's State of domicile may limit the amount of such investment to an amount that is not less than 5 percent of the insurer's admitted assets; or

(3) prevent, significantly interfere with, or have the authority to review, approve, or disapprove a plan of reorganization by which an insurer proposes to reorganize from mutual form to become a stock insurer (whether as a direct or indirect subsidiary of a mutual holding company or otherwise) unless such State is the State of domicile of the insurer.

SEC. 309. INTERAGENCY CONSULTATION.

(a) PURPOSE.—It is the intention of Congress that the Board of Governors of the Federal Reserve System, as the umbrella supervisor for financial holding companies, and the State insurance regulators, as the functional regulators of companies engaged in insurance activities, coordinate efforts to supervise companies that control both a depository institution and a company engaged in insurance activities regulated under State law. In particular, Congress believes that the Board and the State insurance regulators should share, on a confidential basis, information relevant to the supervision of companies that control both a depository institution and a company engaged in insurance activities, including information regarding the financial health of the consolidated organization and information regarding transactions and relationships between insurance companies and affiliated depository institutions. The appropriate Federal banking agencies for depository institutions should also share, on a confidential basis, information with the relevant State insurance regulators regarding transactions and relationships between depository institutions and affiliated companies engaged in insurance activities. The purpose of this section is to encourage this coordination and confidential sharing of information, and to thereby improve both the efficiency and the quality of the supervision of financial holding companies and their affiliated depository institutions and companies engaged in insurance activities.

(b) EXAMINATION RESULTS AND OTHER INFORMATION.—

(1) INFORMATION OF THE BOARD.—Upon the request of the appropriate insurance regulator of any State, the Board may provide any information of the Board regarding the financial condition, risk management policies, and operations of any financial holding company that controls a company that is engaged in insurance activities and is regulated by such State insurance regulator, and regarding any transaction or relationship between such an insurance company and any affiliated depository institution. The Board may provide any other information to the appropriate State insurance regulator that the Board believes is necessary or appropriate to permit the State insurance regulator to administer and enforce applicable State insurance laws.

(2) BANKING AGENCY INFORMATION.—Upon the request of the appropriate insurance regulator of any State, the appropriate Federal banking agency may provide any information of the agency regarding any transaction or relationship between a depository institution supervised by such Federal banking agency and any affiliated company that is engaged in insurance activities regulated by such State insurance regulator. The appropriate Federal banking agency may provide any other information to the appropriate State insurance regulator that the agency believes is necessary or appropriate to permit the State insurance regulator to administer and enforce applicable State insurance laws.

(3) STATE INSURANCE REGULATOR INFORMATION.—Upon the request of the Board or the appropriate Federal banking agency, a State insurance regulator may provide any examination or other reports, records, or other information to which such insurance regulator may have access with respect to a company which—

(A) is engaged in insurance activities and regulated by such insurance regulator; and

(B) is an affiliate of an insured depository institution, wholesale financial institution, or financial holding company.

(c) CONSULTATION.—Before making any determination relating to the initial affiliation of, or the continuing affiliation of, an insured depository institution, wholesale financial institution, or financial holding company with a company engaged in insurance activities, the appropriate Federal banking agency shall consult with the appropriate State insurance regulator of such company and take the views of such insurance regulator into account in making such determination.

(d) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall limit in any respect the authority of the appropriate Federal banking agency with respect to an insured depository institution, wholesale financial institution, or bank holding company or any affiliate thereof under any provision of law.

(e) CONFIDENTIALITY AND PRIVILEGE.—

(1) CONFIDENTIALITY.—The appropriate Federal banking agency shall not provide any information or material that is entitled to confidential treatment under applicable Federal banking agency regulations, or other applicable law, to a State insurance regulator unless such regulator agrees to maintain the information or material in confidence and to take all reasonable steps to oppose any effort to secure disclosure of the information or material by the regulator. The appropriate Federal banking agency shall treat as confidential any information or material obtained from a State insurance regulator that is entitled to confidential treatment under applicable State regulations, or other applicable law, and take all reasonable steps to oppose any effort to secure disclosure of the information or material by the Federal banking agency.

(2) PRIVILEGE.—The provision pursuant to this section of information or material by a Federal banking agency or State insurance regulator shall not constitute a waiver of, or otherwise affect, any privilege to which the information or material is otherwise subject.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY; INSURED DEPOSITORY INSTITUTION.—The terms "appropriate Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

(2) BOARD; FINANCIAL HOLDING COMPANY; AND WHOLESALE FINANCIAL INSTITUTION.—The terms "Board", "financial holding company", and "wholesale financial institution" have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

SEC. 310. DEFINITION OF STATE.

For purposes of this subtitle, the term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

Subtitle B—National Association of Registered Agents and Brokers

SEC. 321. STATE FLEXIBILITY IN MULTISTATE LICENSING REFORMS.

(a) IN GENERAL.—The provisions of this subtitle shall take effect unless, not later than 3 years after the date of enactment of this Act, at least a majority of the States—

(1) have enacted uniform laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State; or

(2) have enacted reciprocity laws and regulations governing the licensure of nonresident individuals and entities authorized to sell and solicit insurance within those States.

(b) UNIFORMITY REQUIRED.—States shall be deemed to have established the uniformity necessary to satisfy subsection (a)(1) if the States—

(1) establish uniform criteria regarding the integrity, personal qualifications, education, training, and experience of licensed insurance producers, including the qualification and training of sales personnel in ascertaining the appropriateness of a particular insurance product for a prospective customer;

(2) establish uniform continuing education requirements for licensed insurance producers;

(3) establish uniform ethics course requirements for licensed insurance producers in conjunction with the continuing education requirements under paragraph (2);

(4) establish uniform criteria to ensure that an insurance product, including any annuity contract, sold to a consumer is suitable and appropriate for the consumer based on financial information disclosed by the consumer; and

(5) do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(c) RECIPROCITY REQUIRED.—States shall be deemed to have established the reciprocity required to satisfy subsection (a)(2) if the following conditions are met:

(1) ADMINISTRATIVE LICENSING PROCEDURES.—At least a majority of the States permit a producer that has a resident license for selling or soliciting the purchase of insurance in its home State to receive a license to sell or solicit the purchase of insurance in such majority of States as a nonresident to the same extent that such producer is permitted to sell or solicit the purchase of insurance in its State, if the producer's home State also awards such licenses on such a reciprocal basis, without satisfying any additional requirements other than submitting—

(A) a request for licensure;

(B) the application for licensure that the producer submitted to its home State;

(C) proof that the producer is licensed and in good standing in its home State; and

(D) the payment of any requisite fee to the appropriate authority.

(2) CONTINUING EDUCATION REQUIREMENTS.—A majority of the States accept an insurance producer's satisfaction of its home State's continuing education requirements for licensed insurance producers to satisfy the States' own continuing education requirements if the producer's home State also recognizes the satisfaction of continuing education requirements on such a reciprocal basis.

(3) NO LIMITING NONRESIDENT REQUIREMENTS.—A majority of the States do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that countersignature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) RECIPROCAL RECIPROCITY.—Each of the States that satisfies paragraphs (1), (2), and (3) grants reciprocity to residents of all of the other States that satisfy such paragraphs.

(d) DETERMINATION.—

(1) NAIC DETERMINATION.—At the end of the 3-year period beginning on the date of the enactment of this Act, the National Association of Insurance Commissioners shall determine, in consultation with the insurance commissioners or chief insurance regulatory officials of the States, whether the uniformity or reciprocity required by subsections (b) and (c) has been achieved.

(2) JUDICIAL REVIEW.—The appropriate United States district court shall have exclusive jurisdiction over any challenge to the

National Association of Insurance Commissioners' determination under this section and such court shall apply the standards set forth in section 706 of title 5, United States Code, when reviewing any such challenge.

(e) Continued Application.—If, at any time, the uniformity or reciprocity required by subsections (b) and (c) no longer exists, the provisions of this subtitle shall take effect 2 years after the date on which such uniformity or reciprocity ceases to exist, unless the uniformity or reciprocity required by those provisions is satisfied before the expiration of that 2-year period.

(f) Savings Provision.—No provision of this section shall be construed as requiring that any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including countersignature laws, be altered or amended in order to satisfy the uniformity or reciprocity required by subsections (b) and (c), unless any such law, regulation, provision, or action is inconsistent with a specific requirement of any such subsection and then only to the extent of such inconsistency.

(g) Uniform Licensing.—Nothing in this section shall be construed to require any State to adopt new or additional licensing requirements to achieve the uniformity necessary to satisfy subsection (a)(1).

SEC. 322. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) Establishment.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the "Association").

(b) Status.—The Association shall—

(1) be a nonprofit corporation;

(2) have succession until dissolved by an Act of Congress;

(3) not be an agent or instrumentality of the United States Government; and

(4) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29y–1001 et seq.).

SEC. 323. PURPOSE.

The purpose of the Association shall be to provide a mechanism through which uniform licensing, appointment, continuing education, and other insurance producer sales qualification requirements and conditions can be adopted and applied on a multistate basis, while preserving the right of States to license, supervise, and discipline insurance producers and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

SEC. 324. RELATIONSHIP TO THE FEDERAL GOVERNMENT.

The Association shall be subject to the supervision and oversight of the National Association of Insurance Commissioners (hereafter in this subtitle referred to as the "NAIC").

SEC. 325. MEMBERSHIP.

(a) Eligibility.—

(1) In general.—Any State-licensed insurance producer shall be eligible to become a member in the Association.

(2) Ineligibility for suspension or revocation of license.—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

(3) Resumption of eligibility.—Paragraph (2) shall cease to apply to any insurance producer if—

(A) the State insurance regulator renews the license of such producer in the State in which the license was suspended or revoked; or

(B) the suspension or revocation is subsequently overturned.

(b) Authority To Establish Membership Criteria.—The Association shall have the authority to establish membership criteria that—

(1) bear a reasonable relationship to the purposes for which the Association was established; and

(2) do not unfairly limit the access of smaller agencies to the Association membership.

(c) Establishment of Classes and Categories.—

(1) Classes of membership.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, or experience.

(2) Categories.—The Association may establish separate categories of membership for individuals and for other persons. The establishment of any such categories of membership shall be based either on the types of licensing categories that exist under State laws or on the aggregate amount of business handled by an insurance producer. No special categories of membership, and no distinct membership criteria, shall be established for members which are insured depository institutions or wholesale financial institutions or for their employees, agents, or affiliates.

(d) Membership Criteria.—

(1) In general.—The Association may establish criteria for membership which shall include standards for integrity, personal qualifications, education, training, and experience.

(2) Minimum standard.—In establishing criteria under paragraph (1), the Association shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

(e) Effect of Membership.—Membership in the Association shall entitle the member to licensure in each State for which the member pays the requisite fees, including licensing fees and, where applicable, bonding requirements, set by such State.

(f) Annual Renewal.—Membership in the Association shall be renewed on an annual basis.

(g) Continuing Education.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to or greater than the continuing education requirements under the licensing laws of a majority of the States.

(h) Suspension and Revocation.—The Association may—

(1) inspect and examine the records and offices of the members of the Association to determine compliance with the criteria for membership established by the Association; and

(2) suspend or revoke the membership of an insurance producer if—

(A) the producer fails to meet the applicable membership criteria of the Association; or

(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator, and the Association concludes that retention of membership in the Association would not be in the public interest.

(i) Office of Consumer Complaints.—

(1) In general.—The Association shall establish an office of consumer complaints that shall—

(A) receive and investigate complaints from both consumers and State insurance regulators related to members of the Association; and

(B) recommend to the Association any disciplinary actions that the office considers appropriate, to the extent that any such recommendation is not inconsistent with State law.

(2) Records and referrals.—The office of consumer complaints of the Association shall—

(A) maintain records of all complaints received in accordance with paragraph (1) and make such records available to the NAIC and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

(B) refer, when appropriate, any such complaint to any appropriate State insurance regulator.

(3) Telephone and other access.—The office of consumer complaints shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet home page.

SEC. 326. BOARD OF DIRECTORS.

(a) Establishment.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the "Board") for the purpose of governing and supervising the activities of the Association and the members of the Association.

(b) Powers.—The Board shall have such powers and authority as may be specified in the bylaws of the Association.

(c) Composition.—

(1) Members.—The Board shall be composed of 7 members appointed by the NAIC.

(2) Requirement.—At least 4 of the members of the Board shall have significant experience with the regulation of commercial lines of insurance in at least 1 of the 20 States in which the greatest total dollar amount of commercial-lines insurance is placed in the United States.

(3) Initial board membership.—

(A) In general.—If, by the end of the 2-year period beginning on the date of enactment of this Act, the NAIC has not appointed the initial 7 members of the Board of the Association, the initial Board shall consist of the 7 State insurance regulators of the 7 States with the greatest total dollar amount of commercial-lines insurance in place as of the end of such period.

(B) Alternate composition.—If any of the State insurance regulators described in subparagraph (A) declines to serve on the Board, the State insurance regulator with the next greatest total dollar amount of commercial-lines insurance in place, as determined by the NAIC as of the end of such period, shall serve as a member of the Board.

(C) Inoperability.—If fewer than 7 State insurance regulators accept appointment to the Board, the Association shall be established without NAIC oversight pursuant to section 332.

(d) Terms.—The term of each director shall, after the initial appointment of the members of the Board, be for 3 years, with $\frac{1}{3}$ of the directors to be appointed each year.

(e) Board Vacancies.—A vacancy on the Board shall be filled in the same manner as the original appointment of the initial Board for the remainder of the term of the vacating member.

(f) MEETINGS.—The Board shall meet at the call of the chairperson, or as otherwise provided by the bylaws of the Association.

SEC. 327. OFFICERS.

(a) IN GENERAL.—

(1) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, a president, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

(2) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time and in such manner and for such terms not exceeding 3 years as may be prescribed in the bylaws of the Association.

(b) CRITERIA FOR CHAIRPERSON.—Only individuals who are members of the NAIC shall be eligible to serve as the chairperson of the board of directors.

SEC. 328. BYLAWS, RULES, AND DISCIPLINARY ACTION.

(a) ADOPTION AND AMENDMENT OF BYLAWS.—

(1) COPY REQUIRED TO BE FILED WITH THE NAIC.—The board of directors of the Association shall file with the NAIC a copy of the proposed bylaws or any proposed amendment to the bylaws, accompanied by a concise general statement of the basis and purpose of such proposal.

(2) EFFECTIVE DATE.—Except as provided in paragraph (3), any proposed bylaw or proposed amendment shall take effect—

(A) 30 days after the date of the filing of a copy with the NAIC;

(B) upon such later date as the Association may designate; or

(C) upon such earlier date as the NAIC may determine.

(3) DISAPPROVAL BY THE NAIC.—Notwithstanding paragraph (2), a proposed bylaw or amendment shall not take effect if, after public notice and opportunity to participate in a public hearing—

(A) the NAIC disapproves such proposal as being contrary to the public interest or contrary to the purposes of this subtitle and provides notice to the Association setting forth the reasons for such disapproval; or

(B) the NAIC finds that such proposal involves a matter of such significant public interest that public comment should be obtained, in which case it may, after notifying the Association in writing of such finding, require that the procedures set forth in subsection (b) be followed with respect to such proposal, in the same manner as if such proposed bylaw change were a proposed rule change within the meaning of such subsection.

(b) ADOPTION AND AMENDMENT OF RULES.—

(1) FILING PROPOSED REGULATIONS WITH THE NAIC.—

(A) IN GENERAL.—The board of directors of the Association shall file with the NAIC a copy of any proposed rule or any proposed amendment to a rule of the Association which shall be accompanied by a concise general statement of the basis and purpose of such proposal.

(B) OTHER RULES AND AMENDMENTS INEFFECTIVE.—No proposed rule or amendment shall take effect unless approved by the NAIC or otherwise permitted in accordance with this paragraph.

(2) INITIAL CONSIDERATION BY THE NAIC.—Not later than 35 days after the date of publication of notice of filing of a proposal, or before the end of such longer period not to exceed 90 days as the NAIC may designate after such date, if the NAIC finds such longer period to be appropriate and sets forth its reasons for so finding, or as to which the Association consents, the NAIC shall—

(A) by order approve such proposed rule or amendment; or

(B) institute proceedings to determine whether such proposed rule or amendment should be modified or disapproved.

(3) NAIC PROCEEDINGS.—

(A) IN GENERAL.—Proceedings instituted by the NAIC with respect to a proposed rule or amendment pursuant to paragraph (2) shall—

(i) include notice of the grounds for disapproval under consideration;

(ii) provide opportunity for hearing; and

(iii) be concluded not later than 180 days after the date of the Association's filing of such proposed rule or amendment.

(B) DISPOSITION OF PROPOSAL.—At the conclusion of any proceeding under subparagraph (A), the NAIC shall, by order, approve or disapprove the proposed rule or amendment.

(C) EXTENSION OF TIME FOR CONSIDERATION.—The NAIC may extend the time for concluding any proceeding under subparagraph (A) for—

(i) not more than 60 days if the NAIC finds good cause for such extension and sets forth its reasons for so finding; or

(ii) for such longer period as to which the Association consents.

(4) STANDARDS FOR REVIEW.—

(A) GROUNDS FOR APPROVAL.—The NAIC shall approve a proposed rule or amendment if the NAIC finds that the rule or amendment is in the public interest and is consistent with the purposes of this Act.

(B) APPROVAL BEFORE END OF NOTICE PERIOD.—The NAIC shall not approve any proposed rule before the end of the 30-day period beginning on the date on which the Association files proposed rules or amendments in accordance with paragraph (1), unless the NAIC finds good cause for so doing and sets forth the reasons for so finding.

(5) ALTERNATE PROCEDURE.—

(A) IN GENERAL.—Notwithstanding any provision of this subsection other than subparagraph (B), a proposed rule or amendment relating to the administration or organization of the Association shall take effect—

(i) upon the date of filing with the NAIC, if such proposed rule or amendment is designated by the Association as relating solely to matters which the NAIC, consistent with the public interest and the purposes of this subsection, determines by rule do not require the procedures set forth in this paragraph; or

(ii) upon such date as the NAIC shall for good cause determine.

(B) ABROGATION BY THE NAIC.—

(i) IN GENERAL.—At any time within 60 days after the date of filing of any proposed rule or amendment under subparagraph (A)(i) or clause (ii) of this subparagraph, the NAIC may repeal such rule or amendment and require that the rule or amendment be refiled and reviewed in accordance with this paragraph, if the NAIC finds that such action is necessary or appropriate in the public interest, for the protection of insurance producers or policyholders, or otherwise in furtherance of the purposes of this subtitle.

(ii) EFFECT OF RECONSIDERATION BY THE NAIC.—Any action of the NAIC pursuant to clause (i) shall—

(I) not affect the validity or force of a rule change during the period such rule or amendment was in effect; and

(II) not be considered to be a final action.

(c) ACTION REQUIRED BY THE NAIC.—The NAIC may, in accordance with such rules as the NAIC determines to be necessary or appropriate to the public interest or to carry out the purposes of this subtitle, require the Association to adopt, amend, or repeal any bylaw, rule or amendment of the Association, whenever adopted.

(d) DISCIPLINARY ACTION BY THE ASSOCIATION.—

(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a "disciplinary action"), the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

(A) any act or practice in which such member has been found to have been engaged;

(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

(C) the sanction imposed and the reason for such sanction.

(e) NAIC REVIEW OF DISCIPLINARY ACTION.—

(1) NOTICE TO THE NAIC.—If the Association orders any disciplinary action, the Association shall promptly notify the NAIC of such action.

(2) REVIEW BY THE NAIC.—Any disciplinary action taken by the Association shall be subject to review by the NAIC—

(A) on the NAIC's own motion; or

(B) upon application by any person aggrieved by such action if such application is filed with the NAIC not more than 30 days after the later of—

(i) the date the notice was filed with the NAIC pursuant to paragraph (1); or

(ii) the date the notice of the disciplinary action was received by such aggrieved person.

(f) EFFECT OF REVIEW.—The filing of an application to the NAIC for review of a disciplinary action, or the institution of review by the NAIC on the NAIC's own motion, shall not operate as a stay of disciplinary action unless the NAIC otherwise orders.

(g) SCOPE OF REVIEW.—

(1) IN GENERAL.—In any proceeding to review such action, after notice and the opportunity for hearing, the NAIC shall—

(A) determine whether the action should be taken;

(B) affirm, modify, or rescind the disciplinary sanction; or

(C) remand to the Association for further proceedings.

(2) DISMISSAL OF REVIEW.—The NAIC may dismiss a proceeding to review disciplinary action if the NAIC finds that—

(A) the specific grounds on which the action is based exist in fact;

(B) the action is in accordance with applicable rules and regulations; and

(C) such rules and regulations are, and were, applied in a manner consistent with the purposes of this subtitle.

SEC. 329. ASSESSMENTS.

(a) INSURANCE PRODUCERS SUBJECT TO ASSESSMENT.—The Association may establish such application and membership fees as the Association finds necessary to cover the costs of its operations, including fees made reimbursable to the NAIC under subsection (b), except that, in setting such fees, the Association may not discriminate against smaller insurance producers.

(b) NAIC ASSESSMENTS.—The NAIC may assess the Association for any costs that the NAIC incurs under this subtitle.

SEC. 330. FUNCTIONS OF THE NAIC.

(a) ADMINISTRATIVE PROCEDURE.—Determinations of the NAIC, for purposes of making rules pursuant to section 328, shall be made after appropriate notice and opportunity for a hearing and for submission of views of interested persons.

(b) EXAMINATIONS AND REPORTS.—

(1) EXAMINATIONS.—The NAIC may make such examinations and inspections of the Association and require the Association to furnish to the NAIC such reports and records or copies thereof as the NAIC may consider necessary or appropriate in the public interest or to effectuate the purposes of this subtitle.

(2) REPORT BY ASSOCIATION.—As soon as practicable after the close of each fiscal year, the Association shall submit to the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The NAIC shall transmit such report to the President and the Congress with such comment thereon as the NAIC determines to be appropriate.

SEC. 331. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

(b) LIABILITY OF THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES.—Neither the Association nor any of its directors, officers, or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter subject to this subtitle.

SEC. 332. ELIMINATION OF NAIC OVERSIGHT.

(a) IN GENERAL.—The Association shall be established without NAIC oversight and the provisions set forth in section 324, subsections (a), (b), (c), and (e) of section 328, and sections 329(b) and 330 of this subtitle shall cease to be effective if, at the end of the 2-year period beginning on the date on which the provisions of this subtitle take effect pursuant to section 321—

(1) at least a majority of the States representing at least 50 percent of the total United States commercial-lines insurance premiums have not satisfied the uniformity or reciprocity requirements of subsections (a), (b), and (c) of section 321; and

(2) the NAIC has not approved the Association's bylaws as required by section 328 or is unable to operate or supervise the Association, or the Association is not conducting its activities as required under this Act.

(b) BOARD APPOINTMENTS.—If the repeals required by subsection (a) are implemented, the following shall apply:

(1) GENERAL APPOINTMENT POWER.—The President, with the advice and consent of the Senate, shall appoint the members of the Association's Board established under section 326 from lists of candidates recommended to the President by the National Association of Insurance Commissioners.

(2) PROCEDURES FOR OBTAINING NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS APPOINTMENT RECOMMENDATIONS.—

(A) INITIAL DETERMINATION AND RECOMMENDATIONS.—After the date on which the provisions of subsection (a) take effect, the NAIC shall, not later than 60 days thereafter, provide a list of recommended candidates to the President. If the NAIC fails to provide a list by that date, or if any list that is provided does not include at least 14 recommended candidates or comply with the requirements of section 326(c), the President shall, with the advice and consent of the Senate, make the requisite appointments without considering the views of the NAIC.

(B) SUBSEQUENT APPOINTMENTS.—After the initial appointments, the NAIC shall provide a list of at least 6 recommended candidates for the Board to the President by January 15 of each subsequent year. If the NAIC fails to provide a list by that date, or if any list that is provided does not include at least 6 recommended candidates or comply with the requirements of section 326(c), the President, with the advice and consent of the Senate, shall make the requisite appointments without considering the views of the NAIC.

(C) PRESIDENTIAL OVERSIGHT.—

(i) REMOVAL.—If the President determines that the Association is not acting in the interests of the public, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

(ii) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the public interest.

(c) ANNUAL REPORT.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and to the Congress a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

SEC. 333. RELATIONSHIP TO STATE LAW.

(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted as provided in subsection (b).

(b) PROHIBITED ACTIONS.—No State shall—

(1) impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

(2) impose any requirement upon a member of the Association that it pay different fees to be licensed or otherwise qualified to do business in that State, including bonding requirements, based on its residency;

(3) impose any licensing, appointment, integrity, personal or corporate qualifications, education, training, experience, residency, or continuing education requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section; or

(4) implement the procedures of such State's system of licensing or renewing the licenses of insurance producers in a manner different from the authority of the Association under section 325.

(c) SAVINGS PROVISION.—Except as provided in subsections (a) and (b), no provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including countersignature laws.

SEC. 334. COORDINATION WITH OTHER REGULATORS.

(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association shall have the authority to—

(1) issue uniform insurance producer applications and renewal applications that may be used to apply for the issuance or removal of State licenses, while preserving the ability of each State to impose such conditions on the issuance or renewal of a license as are consistent with section 333;

(2) establish a central clearinghouse through which members of the Association may apply for the issuance or renewal of licenses in multiple States; and

(3) establish or utilize a national database for the collection of regulatory information concerning the activities of insurance producers.

(b) COORDINATION WITH THE NATIONAL ASSOCIATION OF SECURITIES DEALERS.—The Association shall coordinate with the National Association of Securities Dealers in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

SEC. 335. JUDICIAL REVIEW.

(a) JURISDICTION.—The appropriate United States district court shall have exclusive jurisdiction over litigation involving the Association, including disputes between the Association and its members that arise under this subtitle. Suits brought in State court involving the Association shall be deemed to have arisen under Federal law and therefore be subject to jurisdiction in the appropriate United States district court.

(b) EXHAUSTION OF REMEDIES.—An aggrieved person shall be required to exhaust all available administrative remedies before the Association and the NAIC before it may seek judicial review of an Association decision.

(c) STANDARDS OF REVIEW.—The standards set forth in section 553 of title 5, United States Code, shall be applied whenever a rule or bylaw of the Association is under judicial review, and the standards set forth in section 554 of title 5, United States Code, shall be applied whenever a disciplinary action of the Association is judicially reviewed.

SEC. 336. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) HOME STATE.—The term "home State" means the State in which the insurance producer maintains its principal place of residence and is licensed to act as an insurance producer.

(2) INSURANCE.—The term "insurance" means any product, other than title insurance, defined or regulated as insurance by

the appropriate State insurance regulatory authority.

(3) Insurance producer.—The term "insurance producer" means any insurance agent or broker, surplus lines broker, insurance consultant, limited insurance representative, and any other person that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

(4) State.—The term "State" includes any State, the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands.

(5) State law.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

Subtitle C—Rental Car Agency Insurance Activities

SEC. 341. STANDARD OF REGULATION FOR MOTOR VEHICLE RENTALS.

(a) Protection Against Retroactive Application of Regulatory and Legal Action.—Except as provided in subsection (b), during the 3-year period beginning on the date of the enactment of this Act, it shall be a presumption that no State law imposes any licensing, appointment, or education requirements on any person who solicits the purchase of or sells insurance connected with, and incidental to, the lease or rental of a motor vehicle.

(b) Preeminence of State Insurance Law.—No provision of this section shall be construed as altering the validity, interpretation, construction, or effect of—

(1) any State statute;

(2) the prospective application of any court judgment interpreting or applying any State statute; or

(3) the prospective application of any final State regulation, order, bulletin, or other statutorily authorized interpretation or action,

which, by its specific terms, expressly regulates or exempts from regulation any person who solicits the purchase of or sells insurance connected with, and incidental to, the short-term lease or rental of a motor vehicle.

(c) Scope of Application.—This section shall apply with respect to—

(1) the lease or rental of a motor vehicle for a total period of 90 consecutive days or less; and

(2) insurance which is provided in connection with, and incidentally to, such lease or rental for a period of consecutive days not exceeding the lease or rental period.

(d) Motor Vehicle Defined.—For purposes of this section, the term "motor vehicle" has the meaning given to such term in section 13102 of title 49, United States Code.

Subtitle D—Confidentiality

SEC. 351. CONFIDENTIALITY OF HEALTH AND MEDICAL INFORMATION.

(a) In General.—A company which underwrites or sells annuities contracts or contracts insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death (other than credit-related insurance) and any subsidiary or affiliate thereof shall maintain a practice of protecting the confidentiality of individually identifiable customer health and medical and genetic information and may disclose such information only—

(1) with the consent, or at the direction, of the customer;

(2) for insurance underwriting and reinsuring policies, account administration, reporting, investigating, or preventing fraud or material misrepresentation, processing premium payments, processing insurance claims, administering insurance benefits (including utilization review activities), providing information to the customer's physician or other health care provider, participating in research projects, enabling the purchase, transfer, merger, or sale of any insurance-related business, or as otherwise required or specifically permitted by Federal or State law; or

(3) in connection with—

(A) the authorization, settlement, billing, processing, clearing, transferring, reconciling, or collection of amounts charged, debited, or otherwise paid using a debit, credit, or other payment card or account number, or by other payment means;

(B) the transfer of receivables, accounts, or interest therein;

(C) the audit of the debit, credit, or other payment information;

(D) compliance with Federal, State, or local law;

(E) compliance with a properly authorized civil, criminal, or regulatory investigation by Federal, State, or local authorities as governed by the requirements of this section; or

(F) fraud protection, risk control, resolving customer disputes or inquiries, communicating with the person to whom the information relates, or reporting to consumer reporting agencies.

(b) State Actions for Violations.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, State insurance regulator, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction.

(c) Effective Date; Sunset.—

(1) Effective date.—Except as provided in paragraph (2), subsection (a) shall take effect on February 1, 2000.

(2) Sunset.—Subsection (a) shall not take effect if, or shall cease to be effective on and after the date on which, legislation is enacted that satisfies the requirements in section 264(c)(1) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033).

(d) Consultation.—While subsection (a) is in effect, State insurance regulatory authorities, through the National Association of Insurance Commissioners, shall consult with the Secretary of Health and Human Services in connection with the administration of such subsection.

TITLE IV—UNITARY SAVINGS AND LOAN HOLDING COMPANIES

SEC. 401. PROHIBITION ON NEW UNITARY SAVINGS AND LOAN HOLDING COMPANIES.

(a) In General.—Section 10(c) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)) is amended by adding at the end the following new paragraph:

"(9) Termination of expanded powers for new unitary holding company.—

"(A) In general.—Subject to subparagraph (B) and notwithstanding paragraph (3), no company may directly or indirectly, including through any merger, consolidation, or other type of business combination, acquire control of a savings association after March 4, 1999, unless the company is engaged, directly or indirectly (including through a subsidiary other than a savings association), only in activities that are permitted—

"(i) under paragraph (1)(C) or (2); or

"(ii) for financial holding companies under section 6(c) of the Bank Holding Company Act of 1956.

"(B) Existing unitary holding companies and the successors to such companies.—Subparagraph (A) shall not apply, and paragraph (3) shall continue to apply, to a company (or any subsidiary of such company) that—

"(i) either—

"(I) acquired 1 or more savings associations described in paragraph (3) pursuant to applications at least 1 of which was filed on or before March 4, 1999; or

"(II) subject to subparagraph (C), became a savings and loan holding company by acquiring control of the company described in subclause (I); and

"(ii) continues to control the savings association referred to in clause (i)(II) or the successor to any such savings association.

"(C) Notice process for nonfinancial activities by a successor unitary holding company.—

"(i) Notice required.—Subparagraph (B) shall not apply to any company described in subparagraph (B)(i)(II) which engages, directly or indirectly, in any activity other than activities described in clauses (i) and (ii) of subparagraph (A), unless—

"(I) in addition to an application to the Director under this section to become a savings and loan holding company, the company submits a notice to the Board of Governors of the Federal Reserve System of such nonfinancial activities in the same manner as a notice of nonbanking activities is filed with the Board under section 4(j) of the Bank Holding Company Act of 1956; and

"(II) before the end of the applicable period under such section 4(j), the Board either approves or does not disapprove of the continuation of such activities by such company, directly or indirectly, after becoming a savings and loan holding company.

"(ii) Procedure.—Section 4(j) of the Bank Holding Company Act of 1956, including the standards for review, shall apply to any notice filed with the Board under this subparagraph in the same manner as it applies to notices filed under such section.".

(b) Technical and Conforming Amendment.—Section 10(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)(3)) is amended by striking "Notwithstanding" and inserting "Except as provided in paragraph (9) and notwithstanding".

(c) Conforming Amendment.—Section 10(o)(5) of the Home Owners' Loan Act (12 U.S.C. 1467a(o)(5)) is amended—

(1) in subparagraph (E), by striking ", except subparagraph (B)"; and

(2) by adding at the end the following new subparagraph:

"(F) In the case of a mutual holding company which is a savings and loan holding company described in subsection (c)(3), engaging in the activities permitted for financial holding companies under section 6(c) of the Bank Holding Company Act of 1956.".

SEC. 402. RETENTION OF "FEDERAL" IN NAME OF CONVERTED FEDERAL SAVINGS ASSOCIATION.

Section 2 of the Act entitled "An Act to enable national banking associations to increase their capital stock and to change their names or locations", approved May 1, 1886 (12 U.S.C. 30), is amended by adding at the end the following new subsection:

"(d) Retention of 'Federal' in Name of Converted Federal Savings Association.—

"(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, any depository institution the charter of which is converted from that of a Federal savings association to a national bank or a State bank after the date of the enactment of the Financial Services Act of 1999 may retain the term 'Federal' in the name of such institution if such depository institution remains an insured depository institution.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'insured depository institution', 'national bank', and 'State bank' have the same meanings as in section 3 of the Federal Deposit Insurance Act.".

TITLE V—PRIVACY

Subtitle A—Privacy Policy

SEC. 501. DEPOSITORY INSTITUTION PRIVACY POLICIES.

Section 6 of the Bank Holding Company Act of 1956 (as added by section 103 of this title) is amended by adding at the end the following new subsection:

"(h) DEPOSITORY INSTITUTION PRIVACY POLICIES.—

"(1) DISCLOSURE REQUIRED.—In the case of any insured depository institution which becomes affiliated under this section with a financial holding company, the privacy policy of such depository institution shall be clearly and conspicuously disclosed—

"(A) with respect to any person who becomes a customer of the depository institution any time after the depository institution becomes affiliated with such company, to such person at the time at which the business relationship between the customer and the institution is initiated; and

"(B) with respect to any person who already is a customer of the depository institution at the time the depository institution becomes affiliated with such company, to such person within a reasonable time after the affiliation is consummated.

"(2) INFORMATION TO BE INCLUDED.—The privacy policy of an insured depository institution which is disclosed pursuant to paragraph (1) shall include—

"(A) the policy of the institution with respect to disclosing customer information to third parties, other than agents of the depository institution, for marketing purposes; and

"(B) the disclosures required under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act with regard to the right of the customer, at any time, to direct that information referred to in such section not be shared with affiliates of the depository institution.

"(3) APPLICABILITY.—For purposes of section 10 of the Home Owners' Loan Act, this subsection and subsection (i) shall apply with regard to a savings and loan holding company and any affiliate or insured depository institution subsidiary of such holding company to the same extent and in the same manner this subsection and subsection (i) apply with respect to a financial holding company, affiliate of a financial holding company, or insured depository institution subsidiary of a financial holding company.".

SEC. 502. STUDY OF CURRENT FINANCIAL PRIVACY LAWS.

(a) IN GENERAL.—The Federal banking agencies shall conduct a study of whether existing laws which regulate the sharing of customer information by insured depository institutions with affiliates of such institutions adequately protect the privacy rights of customers of such institutions.

(b) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Federal banking agencies shall submit a report to the Congress containing the findings and conclusions of the agency with respect to the study required under subsection (a), together with such recommendations for legislative or administrative action as the agencies may determine to be appropriate.

(c) DEFINITIONS.—For purposes of this section, the terms "affiliate", "Federal banking agency", and "insured depository institution" have the meanings given to such terms in section 3 of the Federal Deposit Insurance Act.

Subtitle B—Fraudulent Access to Financial Information

SEC. 521. PRIVACY PROTECTION FOR CUSTOMER INFORMATION OF FINANCIAL INSTITUTIONS.

(a) PROHIBITION ON OBTAINING CUSTOMER INFORMATION BY FALSE PRETENSES.—It shall be a violation of this subtitle for any person to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, customer information of a financial institution relating to another person—

(1) by making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial institution;

(2) by making a false, fictitious, or fraudulent statement or representation to a customer of a financial institution; or

(3) by providing any document to an officer, employee, or agent of a financial institution, knowing that the document is forged, counterfeit, lost, or stolen, was fraudulently obtained, or contains a false, fictitious, or fraudulent statement or representation.

(b) PROHIBITION ON SOLICITATION OF A PERSON TO OBTAIN CUSTOMER INFORMATION FROM FINANCIAL INSTITUTION UNDER FALSE PRETENSES.—It shall be a violation of this subtitle to request a person to obtain customer information of a financial institution, knowing that the person will obtain, or attempt to obtain, the information from the institution in any manner described in subsection (a).

(c) NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES.—No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, to obtain customer information of a financial institution in connection with the performance of the official duties of the agency.

(d) NONAPPLICABILITY TO FINANCIAL INSTITUTIONS IN CERTAIN CASES.—No provision of this section shall be construed so as to prevent any financial institution, or any officer, employee, or agent of a financial institution, from obtaining customer information of such financial institution in the course of—

(1) testing the security procedures or systems of such institution for maintaining the confidentiality of customer information;

(2) investigating allegations of misconduct or negligence on the part of any officer, employee, or agent of the financial institution; or

(3) recovering customer information of the financial institution which was obtained or received by another person in any manner described in subsection (a) or (b).

(e) NONAPPLICABILITY TO INSURANCE INSTITUTIONS FOR INVESTIGATION OF INSURANCE FRAUD.—No provision of this section shall be construed so as to prevent any insurance institution, or any officer, employee, or agency of an insurance institution, from obtaining information as part of an insurance investigation into criminal activity, fraud, material misrepresentation, or material nondisclosure that is authorized for such institution under State law, regulation, interpretation, or order.

(f) NONAPPLICABILITY TO CERTAIN TYPES OF CUSTOMER INFORMATION OF FINANCIAL INSTITUTIONS.—No provision of this section shall be construed so as to prevent any person from obtaining customer information of a financial institution that otherwise is available as a public record filed pursuant to the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934).

(g) NONAPPLICABILITY TO COLLECTION OF CHILD SUPPORT JUDGMENTS.—No provision of this section shall be construed to prevent any State-licensed private investigator, or any officer, employee, or agent of such private investigator, from obtaining customer information of a financial institution, to the extent reasonably necessary to collect child support from a person adjudged to have been delinquent in his or her obligations by a Federal or State court, and to the extent that such action by a State-licensed private investigator is not unlawful under any other Federal or State law or regulation, and has been authorized by an order or judgment of a court of competent jurisdiction.

SEC. 522. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Compliance with this subtitle shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Commission has under the title VIII, the Fair Debt Collection Practices Act, to enforce compliance with such title.

(b) NOTICE OF ACTIONS.—The Federal Trade Commission shall—

(1) notify the Securities and Exchange Commission whenever the Federal Trade Commission initiates an investigation with respect to a financial institution subject to regulation by the Securities and Exchange Commission;

(2) notify the Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act) whenever the Commission initiates an investigation with respect to a financial institution subject to regulation by such Federal banking agency; and

(3) notify the appropriate State insurance regulator whenever the Commission initiates an investigation with respect to a financial institution subject to regulation by such regulator.

SEC. 523. CRIMINAL PENALTY.

(a) IN GENERAL.—Whoever knowingly and intentionally violates, or knowingly and intentionally attempts to violate, section 521 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(b) ENHANCED PENALTY FOR AGGRAVATED CASES.—Whoever violates, or attempts to violate, section 521 while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000 in a 12-month period shall be fined twice the amount provided in subsection (b)(3) or (c)(3) (as the case may be) of section 3571 of title 18, United States Code, imprisoned for not more than 10 years, or both.

SEC. 524. RELATION TO STATE LAWS.

(a) IN GENERAL.—This subtitle shall not be construed as superseding, altering, or affecting the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that such statutes, regulations, orders, or interpretations are inconsistent with the provisions of this subtitle, and then only to the extent of the inconsistency.

(b) GREATER PROTECTION UNDER STATE LAW.—For purposes of this section, a State statute, regulation, order, or interpretation is not inconsistent with the provisions of this subtitle if the protection such statute, regulation, order, or interpretation affords any person is greater than the protection provided under this subtitle as determined by the Commission, on its own motion or upon the petition of any interested party.

SEC. 525. AGENCY GUIDANCE.

In furtherance of the objectives of this subtitle, each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act) and the Securities and Exchange Commission or self-regulatory organizations, as appropriate, shall review regulations and guidelines applicable to financial institutions under their respective jurisdictions and shall prescribe such revisions to such regulations and guidelines as may be necessary to ensure that such financial institutions have policies, procedures, and controls in place to prevent the unauthorized disclosure of customer financial information and to deter and detect activities proscribed under section 521.

SEC. 526. REPORTS.

(a) REPORT TO THE CONGRESS.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Trade Commission, Federal banking agencies, the Securities and Exchange Commission, appropriate Federal law enforcement agencies, and appropriate State insurance regulators, shall submit to the Congress a report on the following:

(1) The efficacy and adequacy of the remedies provided in this subtitle in addressing attempts to obtain financial information by fraudulent means or by false pretenses.

(2) Any recommendations for additional legislative or regulatory action to address threats to the privacy of financial information created by attempts to obtain information by fraudulent means or false pretenses.

(b) ANNUAL REPORT BY ADMINISTERING AGENCIES.—The Federal Trade Commission and the Attorney General shall submit to Congress an annual report on number and disposition of all enforcement actions taken pursuant to this subtitle.

SEC. 527. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) CUSTOMER.—The term "customer" means, with respect to a financial institution, any person (or authorized representative of a person) to whom the financial institution provides a product or service, including that of acting as a fiduciary.

(2) CUSTOMER INFORMATION OF A FINANCIAL INSTITUTION.—The term "customer information of a financial institution" means any information maintained by or for a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

(3) DOCUMENT.—The term "document" means any information in any form.

(4) FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term "financial institution" means any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution.

(B) CERTAIN FINANCIAL INSTITUTIONS SPECIFICALLY INCLUDED.—The term "financial institution" includes any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act), any broker or dealer, any investment adviser or investment company, any insurance company, any loan or finance company, any credit card issuer or operator of a credit card system, and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p)).

(C) SECURITIES INSTITUTIONS.—For purposes of subparagraph (B)—

(i) the terms "broker" and "dealer" have the meanings provided in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(ii) the term "investment adviser" has the meaning provided in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)); and

(iii) the term "investment company" has the meaning provided in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3).

(D) FURTHER DEFINITION BY REGULATION.—The Federal Trade Commission, after consultation with Federal banking agencies and the Securities and Exchange Commission, may prescribe regulations clarifying or describing the types of institutions which shall be treated as financial institutions for purposes of this subtitle.

H.R. 1658

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 28: Page 2, line 16, strike "60" and insert "10".

H.R. 1658

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: Page 3, line 24, strike "90" and insert "30".

H.R. 1658

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 30: Page 5, line 20, strike "by clear and convincing evidence" and insert "by a preponderance of the evidence".

H.R. 1658

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: Page 10, lines 23 and 24 strike "30" and insert "10".

SENATE—*Thursday, June 24, 1999*

The Senate met at 9:33 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Pastor Daniel Holland, Metro Church of Christ, Oviedo, FL.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Pastor Daniel D. Holland, offered the following prayer:

Our Father in Heaven, as we begin a new day, we recognize that You are God and we are Your servants. We confess that we have not always walked in the path of righteousness and ask for Your forgiveness.

May our work this day be honoring to You. Remind us today that You are a promise-keeping God.

As You gave wisdom to King Solomon, so You promise wisdom to those who ask You. We ask for the wisdom to know the difference between what is right and what is wrong.

As You were with Jesus during the difficult days of the cross, so You have promised never to leave us as we serve You. Please give us the spiritual strength to follow wherever You may lead, even when following means a personal price must be paid. As You promise forgiveness, help us forgive those who sin against us. As You promise to provide for our needs, help us to give of ourselves to others.

Father, give us faith to see Your great and precious promises and courage to govern according to them. Through Jesus Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. We will all join now in the Pledge of Allegiance to the flag.

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

FIRST PLEDGE OF ALLEGIANCE

Mr. LOTT. Mr. President, I observe that for the first time, I presume, in history we have just opened the session of the Senate with the Pledge of Allegiance led by our most esteemed President pro tempore.

I yield for some brief comments on that to the Senator from New Hampshire.

The PRESIDENT pro tempore. The distinguished Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. I thank the majority leader for his courtesy.

This is a historic day. Ironically, today, the House of Representatives is scheduled to pass a constitutional amendment protecting our flag from desecration and on this same day we are, for the first time in the history of the Senate, as far as I know, saluting the flag as we begin its proceedings.

I thank both leaders, Senator LOTT and Senator DASCHLE, for their support in bringing this resolution to the floor quickly, and also to thank Senators MCCONNELL, HELMS, DORGAN, MIKULSKI, WARNER, BROWNBACK, FEINSTEIN, ROBB, CONRAD, THURMOND, MURKOWSKI, and Senator GORDON SMITH for their cosponsorship and to thank all of my colleagues as we had a 100-to-0 agreement to do this.

I am proud to be the sponsor of this historic resolution. I stand here at a very historic desk, the desk of Daniel Webster, who was here a few years before me.

This is history being made. I want to give credit to the person who helped make this history happen. Oftentimes, we get letters and phone calls from constituents, sometimes with good ideas, sometimes they are not so good. But in this particular case a young woman, who is in the gallery today, by the name of Rebecca Stewart, of Enfield, NH, made a simple phone call to my office. She said: Why don't we salute the flag before the proceedings begin in the Senate?

I said: That's a good idea. Why didn't I think of that? But I had not.

Thanks to Rebecca, who gave us the idea—and I looked into it with the Rules Committee and everything moved quickly, thanks to both leaders—here we are. Today, Rebecca brought with her the flag that was draped over the coffin of her husband's grandfather, who was a World War II vet.

I think it is very fitting this morning that a young woman from New Hampshire, which has the Nation's first primary, was first to see that the flag of the United States will from now on be saluted prior to the proceedings in the Senate.

I say thank you to Rebecca and to my colleagues for their courtesies in making a good idea come to pass.

I thank the Chair, and I thank my colleague for yielding.

Mr. LOTT. Mr. President, I wish to express our appreciation to the Senator from New Hampshire, Mr. SMITH, for his effort. The fact is that the Rules Committee moved swiftly on the resolution. I think I should note for the record that the House of Representatives started this practice some years ago, and it was instigated by my former colleague in the House, Sonny Montgomery. They have been doing it for a number of years, and I think it is most appropriate that we begin to do the same thing in the Senate.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, I think it is important that I take a minute to sort of review the bidding as to what has been going on. There have been a number of discussions as to how to proceed with the pending agriculture appropriations bill, as well as the two pending Patients' Bill of Rights proposals. Senator DASCHLE and I talked numerous times throughout the day. At one point, beginning on Tuesday night, we talked about trying to find a way to take the Patients' Bill of Rights issues up and deal with them on Wednesday and Thursday. We could not quite get that approved.

Then a proposal was made to go ahead and go forward with the appropriations bills and maybe some other legislative issues that could be cleared and to take up the Patients' Bill of Rights issue on Monday, July 12, when we come back from the recess, and spend until the close of business that week, Thursday, July 15, on the Patients' Bill of Rights issue. Originally, I was thinking it would just be sort of a jump ball; we would get started. We would go forward, no limits on amendments, no limits on time, but understanding everybody had to be fair with each other. There should not be an attempt on this side to block a reasonable number of amendments. Neither should there be an attempt on the other side to say we have to have 18 or 26 or 35 or any requisite number of amendments but just do like we do legislative bills—we take them up and go forward.

Concerns developed on both sides of the aisle, and we modified that proposal two or three times. As of late last night, about 6, we were still exchanging ideas. So we do not have a finalized agreement.

I think progress has been made toward finding a way to complete action on the pending bill; that is, the underlying bill, the appropriations bill, as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

well as other important appropriation bills. We should be able to find a way to consider the Patients' Bill of Rights issue, because there is belief, I think on both sides, that there are some areas that need to be addressed. There are some rights that need to be protected. There should be some way to appeal decisions within HMOs. Once we make up our minds that we will get together and work through it, I think we will be able to do that. We can continue trying to negotiate, which I am always willing to do, or we can just go ahead and go forward and see what happens.

Keep in mind that this Patients' Bill of Rights issue, or pieces of it, would be on the agriculture appropriations bill, which is not the normal place we would want it. Also, I presume it won't be there when the appropriations bill comes back. So I do not quite understand why we would be doing it this way.

To enable us to negotiate, I will ask for a period of morning business, but I would like to discuss that momentarily with Senator DASCHLE and leadership on both sides.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. In order to continue working to find a way to handle these appropriation bills, particularly the underlying bill, the agriculture bill, and the Patients' Bill of Rights, I now ask that there be a period of morning business until 10:30 today, with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. As always, we will notify Senators as to when votes are scheduled, and we will now have the opportunity for Senators who are on the floor and wish to speak to do so while we continue negotiations.

I yield the floor.

Mr. KENNEDY. Mr. President, as I understand, we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I see the Senator from California back on the floor prepared to offer her amendment on the pending legislation. It is an extremely important amendment.

I noted that she was here yesterday morning prepared to offer the amendment, and then in the midmorning, and then at noontime, and then in the early afternoon, midafternoon, and late afternoon.

I am very glad we are going to have a brief period of morning business. But, as one Senator, I hope this is really the last time we are going to have a period of morning business and that we can get on to the business and the substance of this legislation.

We went through all day yesterday with continuations of morning business, and we had some 16 Members—those who are cosponsors of the Patients' Bill of Rights—who came to the floor prepared to speak on the Patients' Bill of Rights, different features of it. Many of them—I think eight of them—are actually prepared to offer amendments but were unable to do so because we were in continued morning business. I see that the Senator from California is prepared to move ahead and move this whole process forward.

I think the American people want us to move ahead on this. I think it is enormously timely that we do, and particularly in the way the Senator from California intends to address the Senate. I know she will speak for herself in a few moments.

We can see what happened in the last few hours among the doctors in this Nation. The American Medical Association is voting to try to come together in a way to advance, one, the quality of health care for the American consumer; and, two, to be able to deal with these economic pressures they are under from the HMOs, in order to give assurance to their patients that they are going to be able to receive the best in terms of health care.

It just underlines, once again, the importance of Senator FEINSTEIN's amendment in terms of what is going to be defined as medically necessary. That is at the heart of this whole issue on the Patients' Bill of Rights. I think we ought to be about the debate on that during the course of the day.

This is a very fundamental, basic difference. I have read carefully—and it didn't take a great deal of time—the comments of those who spoke yesterday in favor of what I call the "patients' bill of wrongs" being submitted by the other side, which was passed out of our Human Resource Committee. There was no real focus and attention on this fundamental and basic issue. We ought to be about it; we ought to debate it and vote on it and move ahead on other pieces of legislation.

I find that it appears with the proposal—I see the Senator on her feet at the present time—I listened with great interest to the proposal made by the Republican leadership suggesting how we proceed next week on the Patients' Bill of Rights.

The way I looked at their proposal that was going to be offered by the majority leader, it would effectively permit only one Democratic amendment per day and we would have only 4 days, because under the proposal they would have a first-degree amendment, a Republican amendment, and then you could have a second-degree Democratic amendment and a second-degree Republican. That would take 6 hours. Then you would have a first-degree Democrat amendment, a second-degree Republican amendment, a second-degree Democrat amendment. That is 6 more hours. That is 12 hours with one amendment.

That is not the Senate, Mr. President. I don't believe that offer deserves to be accepted. We were tied up in morning business for a full day because they did not want to vote on a single proposition of whether the insurance company accountants or the medical profession ought to make the medical decisions. That is a very basic and fundamental one. This body ought to make a judgment and decision on that issue.

I see the Senator from California on her feet now, and I hope that after she makes a presentation on this, we will be able to just have the opportunity to commend our colleagues to her position. I have reviewed both her statement and her amendment; it is an excellent one. With the acceptance of her amendment, it will mean that every insurance policy in this country, virtually, will establish a higher standard of treatment for the American patients, for every child, for every member of a family, and that will be the basic standard that will be used.

I don't believe that the American families ought to have any less than the best. The Senator from California has an amendment to address that issue. We should listen carefully to it, and then we should move to let the Senate make a judgment on this decision. I look forward to the discussion and debate, and hopefully we can have some resolution of it.

I thank the Chair and yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California is recognized.

PATIENTS' BILL OF RIGHTS

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts for his remarks. I don't think anyone in the Senate has ever done more to advance the cause of responsible medical reform than Senator KENNEDY from the State of Massachusetts. He also has been here day after day, with comment after comment, in speech after speech, trying to urge this body to act.

My general style is probably not as forceful as that of the distinguished Senator from Massachusetts. But about this particular issue I am going to be persistent, and I am going to be here for as long as it takes, until there is an opportunity to have a vote on this amendment.

Today, this morning, another arrow in the quiver of reform was played out above the fold in the Washington Post—something, as a doctor's daughter and a doctor's wife for many years, I never thought I would see in the United States of America—and that is, the American Medical Association voting to unionize doctors. The subhead under the headline reads: "Group Acts in Response to Managed Care's Effect on Rights, Duties of Physicians."

I want to quote two brief things from the article:

> In setting up what they are calling a "national negotiating organization," AMA officials contended that only through collective bargaining can doctors win back control over which drugs they may prescribe for patients and how much treatment they can provide.

Mr. President, it is a disturbing day when physicians have to unionize to be able to prescribe and treat patients as they see fit. I can't believe that this day has come in the United States of America.

Let me end on this subject, with one quote from the AMA president, Dr. Nancy Dickey. She said:

> Traditional unions are there primarily to care for their employee's needs. We are looking for a vehicle that will allow us to carry out the covenant we have with our patients.

That is the reason I am proposing this amendment—or hope to propose the amendment. I hope to have an opportunity to offer an amendment that represents the heart of HMO reform.

This amendment will prevent managed care plans from arbitrarily interfering with or altering the physician's decision of what is a medically necessary service. The term medically necessary, or appropriate, is defined as "a service or benefit which is consistent with generally accepted principles of professional medical practice." That is something none of us can be opposed to. If this amendment were in fact the law, it would not be necessary for the American Medical Association to vote to unionize physicians. Physicians would have that right guaranteed by this amendment. Let me prove that by reading the actual wording of the amendment:

> A group health plan, or health insurance issuer, in connection with health insurance coverage, may not arbitrarily interfere with, or alter, the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnose to the extent that such treatment or diagnosis is otherwise a covered benefit.

The amendment is saying that if an individual buys a policy which specifies treatment for certain illnesses, the physician will be free to treat that patient as medically appropriate with respect to both the treatment and the setting.

That is what physicians at the AMA meeting yesterday just voted, to unionize to be able to care for their patients. Why do they need to have a union to achieve something which is self-evident, which is a part of medical training, which is the history of medicine in the United States of America, and has been the history of medicine in this country, up to the growth of managed care, which again could change and alter that history rather dramatically?

The terms "manner" and "setting" mean the location of treatment and the duration of treatment. That means, whether the treatment is in the office or the hospital, the physician has the right to determine the type of treatment and the length of, for example, the hospital stay. The physician would have the right to determine these things.

Physicians today are going to unionize in order to get that basic right, a right which we, the Congress, the Senate of the United States, could, if we chose, give them legislatively.

The term "medically necessary or appropriate" is defined in the amendment as a service or benefit which is consistent with generally accepted medical practice—a very standard definition, a very well-accepted definition.

This amendment is intended to restore the physician to medical care. Very simply stated, I agree with the American College of Surgeons, which said:

> Any health care system or plan that removes the surgeon [or doctor] and the patient from the medical decision-making process only undermines the quality of the patient's care and his or her health and well-being.

Our system today has done just that. And the action taken by doctors to unionize strongly suggests that.

Medical providers today are feeling kicked around, arm twisted, "incentivized," and compromised when they try to provide good care to sick people.

I am compelled to offer this amendment because I have no other choice. Yes, I want to pass an agriculture appropriations bill, but I have been trying for almost 3 years now to pass legislation like this to restore medical decisionmaking to medical professionals. As Congress dawdles, the complaints keep rising, people get poor care, and people die.

Let me talk a little bit about managed care.

Managed care is a growing form of health insurance in America. I support managed care. I believe it can in fact be a cost-effective way of delivering good health care to large numbers of people. But it can't do that if accountants and the "green eyeshade" personnel make the decision for the physician. The physician has to make the decision as to what is appropriate medical care.

Today over 160 million Americans—or 75 percent of the insured population—have managed care plans. My State of California—this is the reason I have decided to be so persistent—has the highest penetration of managed care of any state. Eighty-five percent of insured Californians are in some form of managed care.

As managed care has grown, so have the complaints. There seems to be a steady stream of them into my offices, and into other Congressional offices and in the media.

A Kaiser Family Foundation and Harvard University study found the following:

First, a majority—actually 59 percent of Americans—say managed care plans have made it harder for people who are sick to seek medical specialists.

Second, three out of five—61 percent—say managed care has reduced the amount of time doctors can spend with patients.

Third, a majority of people in managed care—55 percent—say they are worried that if they are sick, their health plan would be more concerned about saving money than about what is the best medical treatment.

In Sacramento, a survey of managed care enrollees found that of those consumers experiencing problems, the most common problems were:

One, delay, or denial of care, or payment, 42 percent;

Two, limited access to physicians, 32 percent, such as difficulty getting an appointment, or limited access to specialists;

Three, concerns about quality of care, 11 percent, including inappropriate treatment, facilities, or diagnosis.

As managed care has grown, the pressures on doctors and other professionals to control costs have come at the expense of people's health. In other words, as the plans grow, the pressures on doctors to cut treatment, to prescribe cheaper drugs, to cut hospital stays also increase.

Doctors report to us that they have to spend hours on the phone with insurance accountants and adjusters justifying medical decisions. That should not happen. They tell me they have to provide mountains of paperwork documenting patients' problems. This is a real change.

When my father was chief of surgery at the University of California Medical Center, he had one secretary. He saw patients in his office at the University of California. He taught surgery in the medical school. And there was very little paperwork. Today, walk into virtually any surgeon's office, and there is a mound of paper, there are rooms full of staff, there are accountants, and there is a huge stream of paperwork.

Medicine has changed dramatically in the United States. Not all of that is bad. I am the first one to say it. Many people have good coverage. The problem is the cost of that coverage and whether that coverage is providing for timely and appropriate diagnoses and treatments, which are the finest, as Senator KENNEDY said, that people can expect.

I am also told that physicians are spending increasing time having to fight insurance companies that try to impose rules on their medical practices—rules that are not considered to be the best medical practice or may not even fit an individual's illness. They tell me they have to exaggerate illnesses to get coverage. They tell me they have to struggle to balance medical necessity against insurance company bottom lines.

One survey of California doctors by the California Medical Association found that fewer than 10 percent of doctors had good experiences with managed care. That is what is leading to this headline, "AMA Votes to Unionize." That is what this amendment can change.

Another study reported in the November 1998 New England Journal of Medicine found that 57 percent of primary care doctors in California felt pressure to limit referrals, and 17 percent said that this actually compromised the care of their patients.

Doctors are trained to diagnose and treat based on the best professional medical practice. They know that every individual brings to their office a unique history, unique biology, and unique conditions. And they know that people vary tremendously. What works in one person may not work in the next.

The point I am trying to make is that people vary tremendously. The drug that works in one and has no side effects may work differently in another person. A 70-year-old with the flu or pneumonia is very different from a 30-year-old with the flu or pneumonia. A person with high blood pressure or anemia may need an extra day or two in the hospital after surgery.

This is why the physician should determine the treatment, the length of treatment, the length of hospital stay. That is what my amendment attempts to accomplish.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

PATIENTS' BILL OF RIGHTS PLUS

Mr. GRAMS. Mr. President, I wish to talk this morning about health care. I find it ironic we are trying to get to a very important agricultural appropriations bill, and the Democratic side of the aisle is preventing the Senate from moving on that. Hopefully we can work out an agreement on these health care issues and discuss and debate them openly. I look forward to the debate.

I find it humorous when Senator KENNEDY calls our bill the "Patient Bill of Wrongs". It seems that if it is not his way, it is the wrong way. Our bill is the Patients' Bill of Rights Plus, which I think goes further in trying to encourage people to get health insurance and to have coverage, rather than leading America toward a government-type system of national health care.

I am looking forward to the debate. I hope the agreement can be worked out and we can discuss the different views on health care reform, listen to Senator KENNEDY on his Patients' Bill of Rights, and also to have adequate time to fully debate the Republican plan, Senator NICKLES' bill, the Patients' Bill of Rights Plus. I think we must have time to compare and contrast those two plans. I think the American people are going to get a good idea where both parties stand on the direction of health care and health care reform in the near future.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1274 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I ask unanimous consent at the conclusion of my remarks that the Senator from North Carolina, Mr. EDWARDS, be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, once again my Democratic colleagues in the Senate have joined this week in a discussion of the overwhelming national need for reform of managed health care. Once again, Senators from States across the Nation have shared the experiences of their constituents, the frustrations of their families at being denied the treatment and care through managed care for which they are paying.

Once again, it has been a one-sided discussion. We have been talking about the need for reform of managed care while our friends and colleagues across the aisle have been preventing any real debate. The American people have waited long enough for a basic and fundamental reform of the managed health care system in America. We have allowed weeks, months and even years to pass while recognizing American families are in jeopardy and not receiving the care they need, deserve, or have even paid for. There is simply no further excuse for delay.

During this session of the Congress, this Senate has spent 7 days considering 38 amendments on the relatively simple concept of educational flexibility. The Senate had 8 days available for 52 amendments on juvenile justice; 4 days for 159 amendments on defense authorization; 13 days to consider 51 amendments on the Y2K problem. These were all important issues, all legitimate. But in each and every instance time was not an issue; the available amendments by Members of the Senate were fully considered. On this single issue, which affects as many or more Americans than any of these others, the Senate does not have time; it cannot give its attention.

Like other Members of the Senate who have come to the floor to discuss the experiences of their constituencies, I want to share the experience of one of mine: A young woman from Spotswood, NJ, Kristin Bolinger. Kristin suffers from a unique condition that causes seizures and scoliosis, but it can be managed with proper treatment. The genius of medical science in America, the care of her doctors, can prevent these seizures that are interrupting her life. Her family is enrolled in an HMO. She was denied access to a specialist, the one with the knowledge to treat her illness. The procedure was deemed unnecessary. She was denied critical home nursing, denied physical therapy, denied reimbursement. The fact of the matter is, the care her parents were paying for, she was paying for, the benefit of the genius of American medical science, was denied to her.

There are 161 million Americans just like Kristin, covered by managed care, who simply cannot wait any longer for this Senate to find their problems, the tragedies of their families, relevant. In my State, in New Jersey, 3.8 million people who are part of health maintenance organizations have no legal protections. Like their fellow citizens across America, they believe it is time for us to act. The American people have been polled and 79 percent are in favor of and demand some reform in the management of health care in America. They believe, as I believe, that doctors, specialists, people trained to care, should be making these medical judgments; not accountants, not financial managers. People should be making decisions to provide care who know what care is required.

There is a lot that has changed in American health care through the years. The family doctor who in the middle of the night knocked on your door to help may be gone. By necessity, it may all have changed. But we do not have to abandon that one principle that has always been at the foundation of private health care in America—doctors make health care decisions.

Mr. President, 30 percent of the American people, an extraordinary number, claim they personally know someone who needed health care, who had a problem, and was denied that care although they were enrolled in and had paid for a managed care plan.

Here is the answer. Here is the legislation we would like to bring to the Senate that addresses these problems—it is overwhelmingly supported by the American people—but we are denied the opportunity to do so.

No. 1, ensure that doctors, not the HMO, determine what is "medically necessary."

No. 2, guarantee access to a qualified specialist for those who need one, even if that specialist is not part of the HMO.

No. 3, ensure independent medical appeals for treatment denied by the HMO, so when you are denied treatment, there is someone else to whom you can make your case to get care for yourself, your family, or your child.

No. 4, guarantee wherever you are in America, if you need to get access to an emergency room, you can get into that emergency room.

In sum, what this would provide is some new sense of security in health care in American life. Americans with cancer would be guaranteed access to an oncologist, not just a family doctor. If their HMO denied access, they could go on and appeal to ensure the right judgment was made, and the oncologist, not the HMO, would decide their treatment. In substance that is what this means. This is important for all Americans.

Let me conclude by saying there is a category of Americans for whom these reforms are the most important. Mr. President, 75 percent of all the medical decisions in families in America are made by women, for themselves and for their children. One of the things that is required in our legislation is that an OB/GYN can be a primary health care provider, can make the necessary judgments on first impression. It is, perhaps, one of the most important reforms in the Democratic Patients' Bill of Rights. It is overwhelmingly supported by American women. But we also prohibit drive-through health procedures like mastectomies and guarantee access by children to pediatric specialists.

From American children to American women to all American families, there is an overwhelming need to begin these reforms. It can be postponed for another year, another few years, maybe another decade. The only thing the Senate guarantees by postponement is that the list of millions of Americans who are not getting to specialists, who are denied access to emergency rooms, whose medical doctors are not allowed to make the ultimate determinations—that list is growing. It is growing, and so is the frustration of the American electorate.

I hope in this session, in this year, in this Senate, the need for a Patients' Bill of Rights finally comes to be recognized and accepted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

Mr. President, I appreciated and enjoyed the remarks of my distinguished colleague from New Jersey. I come again to the Senate Chamber to talk about what I believe is a crisis in America today, which is the issue of health care and the desperate need for a Patients' Bill of Rights.

If we need more glaring evidence of that, all any American needs to do today is open the front page of their newspaper and find that the American Medical Association is supporting doctors being allowed to form unions. Nothing can better exemplify the crisis with which we are confronted.

Here are medical professionals, the last group anyone would imagine, forming a union or finding the need to form a union, who now find, in order to do what they believe is right—to make medical decisions about the patients they care so much about, to be allowed the autonomy to make those decisions and not have those decisions made by health insurance bureaucrats sitting behind a computer screen or a desk somewhere—it necessary to talk about the need to form unions.

I listened to my colleague from California earlier this morning. I agree with everything she said. Only the most skeptical of us would have ever thought this was a possibility. The root cause for the doctors' need to form a union is that they want to make medical decisions about the care of their patients and, more specifically, they want to decide when a procedure is medically necessary and when a procedure is not.

If I can use two examples which I think glaringly show the problem doctors in this country and patients are confronted with today, they are two I have mentioned before on the floor of the Senate. One involves a young man named Ethan Bedrick who developed cerebral palsy as a young child. One of the problems associated with cerebral palsy is the development of what is called muscle contractures. We have all seen adults with cerebral palsy who are all balled up, their arms held up against their bodies. They have little or no control over their limbs. The reason that happens is because, as children and as young adults, these patients do not receive physical therapy to extend their limbs on a regular basis to give them their best use.

What happened with Ethan Bedrick is every single doctor who was treating him for his cerebral palsy—and there were myriad doctors—said it was absolutely essential he receive physical therapy. This was a group of doctors who had seen him every day and was responsible for his care.

Then some insurance company doctor, sitting behind the desk looking at a piece of paper, who had never seen Ethan Bedrick, never examined him and, I will add, unlike all the doctors who were treating him, had absolutely no expertise in treating kids with cerebral palsy or the issue of physical therapy for those kids, made the decision this was not medically necessary. Therefore, the insurance company decided it was not going to pay for any physical therapy for this boy.

After some 2 odd years of going to court and going through a lot of litigation procedures which absolutely should never have been necessary, the U.S. Fourth Circuit Court of Appeals determined the obvious, which is that the treating doctors were correct, that Ethan desperately needed this physical therapy for the purpose of keeping him from becoming like so many adults with cerebral palsy who we have seen all balled up and unable to control their limbs in any way.

They reversed the insurance company decision and said they had to provide this treatment. It took over a year after that decision before the insurance company actually began to do something.

It is a perfect example of insurance company bureaucrats and accountants making health care decisions. That is the reason doctors feel the need to unionize, so they can make these decisions instead of insurance companies.

A second example is a man named Steve Grissom from Cary, NC, who developed leukemia as a young man. As a result of his leukemia, he had a blood transfusion. During the course of his blood transfusion, he acquired AIDS. He became sicker and sicker with his AIDS to the point a pulmonary specialist, a leading authority in the world at Duke University Medical Center, prescribed oxygen for him 24 hours a day, 7 days a week.

What happened was during the time he was being treated, his HMO was providing coverage for him because the pulmonary specialist, the real expert, determined it was necessary. Then his employer changed HMOs. The new HMO—again with some person sitting behind a desk somewhere, not a medical doctor—decided based on a chart that he did not quite meet the numbers for oxygen saturation that were necessary and, therefore, cut off all coverage for the oxygen that his world-renowned specialist had ordered for him.

Now Steve is working desperately—in fact, he is coming to Washington this week to see me and other Senators—to pay for the oxygen that keeps him alive. It is one of the reasons he is alive and able to be with his family, which he loves and cherishes so much.

These are terrific examples of what is fundamentally wrong with our health care system in this country today. The judgments of what is medically necessary have to be made by people who are trained to do it. They have to be made by doctors who are seeing the patients, who have the clinical judgment to make those determinations.

It is critically important for our doctors to do their job. It is critically important for the children, adults, and families they treat. In our Patients' Bill of Rights, we specifically provide that doctors make those decisions. Our opponents' bill does not do that, and that is why the bills are so dramatically different.

One last thing I want to mention is the issue of financial incentives that are sometimes created in HMO contracts either explicitly or implicitly. I know specifically of an example in North Carolina where a mother was in labor. The doctor who was responsible for taking care of her had too many patients to care for. As a result of complications during labor, she needed her doctor. The nurse called for the doctor. The doctor did not come. She did not understand why.

The reason was the doctor had other patients he could not leave. Instead of calling for a backup, the doctor continued to allow this woman to labor with her complications without a doctor by her bedside.

The result of this was a child born severely brain injured. We later learned the reason this is done, the reason no backup doctor is called is because there is enormous pressure, financial and otherwise, put on these physicians by the HMO, by the health insurance company, not to call a backup doctor because it costs them money. It costs the health insurance company and the HMO money, and, further, that they can actually receive bonuses if they prescribe the least expensive treatment for patients, no matter what the patient needs, and if they fail to call backup doctors even though one may be needed. In other words, the HMOs have been putting doctors in the position of having to provide the cheapest treatment, not call other medical personnel who are necessary, solely so they could save a dollar.

These things are what are fundamentally wrong with the way health care is being conducted in this country today. There is a fundamental difference between our bill and our opponents' bill. Our bill specifically provides that these kinds of financial incentives are absolutely prohibited; they cannot occur. Our opponents' bill is silent on that issue.

We cannot continue to allow the American people to be subjected to this. It is the reason we have this crisis. It has gotten to crisis proportions because we have gone this long and done nothing about it. Medical care should be about patients and not about profits.

I say this, in a most nonpartisan way, to my colleagues on both sides of the aisle, for whom I have tremendous respect and who I know want to do the right thing for the people they represent and the American people.

This is not a partisan issue for me. It was an important issue to me in being elected to the Senate. It is an issue I want to talk about while I am here. But I want to talk about it in an ongoing, meaningful dialogue. I am not interested in fighting about it. I am not interested in political bickering. What I am really interested in is what is done in the best interests of the people of North Carolina and what is in the best interests of the people of America.

With that, I yield the floor.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I note the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

The assistant legislative clerk continued with the call of the roll.

Mr. DORGAN. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. Since I hope we have debate, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. Mr. President, as much as I like my colleague from Arkansas, I am going to put in this request. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

The assistant legislative clerk continued with the call of the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

The assistant legislative clerk continued to call the roll.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so we can have debate.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. Mr. President, so we can debate health care, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded so we can debate health care, a matter that is very important to the people in Minnesota.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object to the unanimous consent request.

Mr. WELLSTONE. Mr. President, so we can speak as Senators, Democrats and Republicans, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object to the unanimous consent request of the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting, as in the past, in my capacity as a Senator from Arkansas, I object to the unanimous consent request of the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask, please, unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I regrettably must object to the unanimous consent request.

Mr. WELLSTONE. Mr. President, I know you regret that because you like debate. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so we can have a full-scale discussion on the Family Protection Act on the floor of the Senate as opposed to being gagged.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Arkansas, I object to the unanimous consent request of the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, even though I know Republicans don't want to debate this, I ask unanimous consent that the order for the quorum call be rescinded so we can debate.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, so I can debate my colleague from Oklahoma and other Republicans, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. On behalf of the Senator from Minnesota, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, on behalf of the Senator from North Dakota and all Senators who believe we should honestly debate issues, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, so we can debate the Patients' Protection Act, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. The Senate is in a quorum call.

The assistant legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11:30, at which time there will be a period of morning business not to exceed 1 hour equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, my understanding is there is a conference occurring on the other side that the two Members of the majority party in the Chamber wish to attend. We want to allow that to happen.

I point out, under my reservation, it is my hope that when we reconvene with the hour of morning business, whatever transpires beyond that will be an agenda that allows Members on the floor of the Senate to come and discuss the issues they want to discuss. I will not object with that caveat.

Mr. REID. Mr. President, reserving the right to object, I ask the Senator from Oklahoma to amend the unanimous consent request to allow the Senator from Minnesota, Mr. WELLSTONE, to have 10 minutes during our block of time.

Mr. INHOFE. Before amending my request, I ask the Chair, would the Senator from Minnesota be entitled to 10 minutes of the half hour that they already have under my request?

The PRESIDING OFFICER. Only if he were recognized.

Mr. INHOFE. I so amend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 10:58 a.m., recessed until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUTCHINSON).

ORDER OF PROCEDURE

The PRESIDING OFFICER. Who seeks time?

Mr. BROWNBACK. Mr. President, might I inquire, where are we parliamentary-wise?

The PRESIDING OFFICER. We are in morning business for 60 minutes equally divided.

U.S. POLICY TOWARD INDIA AND PAKISTAN

Mr. BROWNBACK. Mr. President, I rise to address the Senate on an issue regarding an amendment which we have recently passed on this floor: U.S. policy toward India and Pakistan. I want to address the Senate on that issue.

We passed an amendment on a defense appropriations bill that would allow the President to waive certain sanctions we have against India and Pakistan and also suspend economic sanctions we have against India and Pakistan. That passed this body and has gone over to the House. This is something the House is going to be considering, and it is important U.S. policy in a number of regards.

Our relationship toward India has been one where we have been willing to sanction them rapidly and readily, in spite of the fact that they are a democracy and we share a number of institutional values and we have worked together sometimes in the past. But it seems as if we are very willing to sanction them. Yet, at the same time, we are willing to go toward China and say: China, you may steal our weapons technology, you may have human rights abuses, you may be shipping weapons of mass destruction to countries that are opposed to our interests; you have forced-abortion policies in place. Yet we are going to overlook all of those things because we want to have a good, open relationship with you, a good trade relationship. But, India, you tested here and you broke into these areas, so we are going to put economic sanctions on you, put these other sanctions on you, and we are going to hit you hard. It is the same with Pakistan.

I think we have the wrong policies in place, and I don't understand it. I want to draw that to the attention of my colleagues because it appears as if we are putting these on with different balances, that we are saying in the case of China we are going to overlook the problems, overlook the situation, all these abuses, and with India we are going to smack you no matter what you do. They have a democracy, a vibrant democracy and a free press. The same with Pakistan, as far as their issues go, but we are willing to hit them so hard.

So I don't understand why we are doing that, why the Clinton Presidency looks at the two countries differently, and lets China get away with virtually anything, if you look at the record that has built up over a period of time. Toward India, we say we are going to smack you.

Senator ROBERTS and I have put forward an amendment that has passed this body and is going to the House. It would suspend these sanctions, the economic sanctions, toward India and Pakistan.

I think it is high time that the United States aggressively build its relationship with India and aggressively build its relationship with Pakistan. We need to do this. We need to have a broad-based relationship and not one that just has very narrow sanctions associated with it. For instance, as well, the administration is pushing that to lift these sanctions on India, they are telling the Indian Government, basically, they have to agree to CTBT, the Conventional Test Ban Treaty, in spite of the fact that the Senate may never pick this up. They are saying unless they agree to this, we are not going to lift these sanctions. It is a very narrow discussion point that they have with India, instead of having this broad-based discussion about how can we expand trade relationships, expand diplomatic relationships, and work together on issues of key concern.

We should be asking: How can we expand relationships in the broad set of fields that we have? Instead, it is they have to agree to the CTBT, or we are not going to lift these economic sanctions on them, period. That is too narrow of a relationship for us to build with a great nation. India will be the largest nation in the world in the next 10 years, population-wise. It has an extraordinarily large middle class. It has a number of people in a very poor situation, as well, but it has a large middle class.

Look also at Pakistan. It is in the amendment where we suspend economic sanctions for 5 years and have a waiver on others. Pakistan sits in a difficult spot, right next to Afghanistan. They have had a lot of problems with Afghanistan. Pakistan seeks to be a friend of the United States. It is partly, obviously, an Islamic country and has been a key ally of ours in defeating the Soviet Union in Afghanistan. After Afghanistan, the Soviets backed off and we pulled out altogether. We not only sanctioned them under the Glenn amendment, we also had the Pressler amendment that basically removed our relationship with Pakistan, an Islamic country that seeks to be our friend, and we just nail them.

It makes no sense to me why we do these sorts of things, and why the President, the Clinton administration, seeks to sanction a country that seeks to work with us, and closely with us, while with China we have had all this theft of technology, shipment of weapons of mass destruction, all the human rights abuses, and we are willing to look the other way.

I think we ought to have trade relationships with China. I think it is important that we have a broad-based relationship with China. But at the same time we need to be expanding our relationships with India and Pakistan. These are countries—particularly in India's case—that share a lot of our traditions. I think it is wrong for us to have a double standard, particularly against a country that should be a very valuable future partner.

I chair the Foreign Relations subcommittee that deals with both India and Pakistan, and it has been beyond me to understand the difference in U.S. policy toward these giant Asian countries. I think it is wrong of the administration to have this different policy. I think we really need to be much more aggressive and engaged and be a vibrant, broad-based partner with India. I think it can be a good future relationship. It is something we can use as an offset toward China, in some respects, and our large dependency on China. I think it can be a future growth market for States such as mine and many others that have agricultural and aircraft products that we export. I think it can be a growing, vibrant market for us, one that shares a lot of our relationships and views and needs.

I wanted to bring to the attention of my colleagues what is really happening in foreign policy. We also had a hearing yesterday on the issue of Iraq. I wanted to mention this tangentially because I think it is appropriate. We had people testifying from the Iraqi National Congress—a representative of the INC, Mr. Chalabi—and we had other witnesses testifying that Saddam Hussein is probably at his weakest point since the United States was engaged with Iraq. They are having daily reports of insurrection in the southern part of Iraq, and the northern part of the country is no longer in the control of Saddam Hussein.

There are other factions that are controlling much of this Kurdish region. Yet the United States, in the Iraq liberation, provided $97 million of drawdown authority and support for the opposition movement, and all we are giving the opposition movement is file cabinets and fax machines. Why aren't we really supporting this opposition movement that seeks to meet inside Iraq to set up more of a civil society in the region that Saddam doesn't control? Why aren't we really supporting these guys?

I asked the administration witness yesterday—Under Secretary Beth Jones, a bright and good person—Do you think Saddam Hussein is going to outlast another U.S. President? Is he going to outlast President Clinton?

She says: I really don't know.

I said we know how to aggressively push and prosecute these issues in Kosovo. Why is it that we can't do this in Iraq? Why can't we support the opposition groups and give them lethal and nonlethal assistance that we can find truly necessary? Why can't we help them have a meeting of the Iraqi National Congress inside Iraq where they want to meet? It would send a powerful statement across the world that the INC, a potential opposition government, is meeting within Iraq.

Yet the administration is not willing to step forward and is saying they are not so sure about whether or not we should do this. We are willing to give the opposition file cabinets and fax machines, but we won't give them training and lethal technology or the ability to fight. This is an extraordinary situation. It is one on which the Congress needs to speak out more.

We need to aggressively move forward now on Saddam Hussein. We need to do that by supporting the opposition. This isn't about sending in U.S. troops. This is about supporting an opposition that wants to fight with Saddam Hussein, that wants to put the parts together to have a democratic Iraq, that wants to be an ally—not just that but wants the Iraqi people to be proud of and pleased with their government, instead of constantly harassed and killed by their leadership.

Why on earth are we not pushing this and stepping forward and being more aggressive? I fail to get adequate answers from the Clinton administration on why. We know how to push forward aggressively on Kosovo. Why can't we deal in such a manner with Iraq? We know how to build a relationship with China. Why can't we build relationships with India and Pakistan? I really don't understand what is taking place. I ask these questions, and we are going to continue to hold hearings on these issues. We need to move forward in building a better relationship with India and Pakistan and dealing with the situation in Iraq.

I yield the floor.

Mr. WELLSTONE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. We have 18 minutes on the Republican side and 30 minutes remaining on the Democrat side. Ten minutes have been reserved for the Senator from Minnesota.

The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am not going to take my time at this moment. Senator KERREY will precede me.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Alexis Rebane and Sofia Lidshog, two interns, be allowed floor privileges for the debate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator CLELAND be allowed to be in order as the Democrat to speak after I speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

READING SCORES

Mr. KERREY. Mr. President, I am here to take a couple of minutes to point out a success story that appeared in the Lincoln Journal Star.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lincoln Journal Star, June 23, 1999]

READING SCORES RISE AGAIN

(By Joanne Young)

Right before his eyes, Steven Hladik saw his daughter's life change.

"She's just happy. She went from being a sad little girl to totally loving life," Hladik said of his third youngest child, Nikyle, 6.

He attributes the change to Reading Recovery, one program Lincoln Public Schools has used to improve first-graders' reading skills. A dramatic decline over 15 years in reading scores of elementary- and middle-school students prompted LPS to focus on bringing those scores up.

Metropolitan Achievement Test reading scores are up for the second straight year for grades 2–8, according to a report to the Lincoln Board of Education. This snapshot of 1999 achievement showed that since 1997, second-graders have improved 16 percent. Third-graders are up 12 percent, fourth- and fifth-graders up 8 percent. Only ninth-grade scores have held about the same.

Math scores, which had declined along with reading scores, are up in all grades, with six of eight grades working at 70 percent or better of their peers nationwide.

LPS Associate Superintendent Marilyn Moore delivered the good news Tuesday at a school board meeting.

Board member Shirley Doan said the improvements came because of commitment by teachers, principals and students.

"I think we have giants standing on the shoulders of giants here," Doan said. "Can we do it again? It would be very unusual, but I think we can."

About the same number of students were tested in 1998 and 1999. More special education and English as a Second Language students were given accommodations this year, such as more test time and help with instructions. But a second analsis of '98 and '99 scores that excluded all special education and ESL students verified that scores improved, Moore said.

Leslie Lukin, LPS assessment specialist, pointed to several reasons for the reading improvement: Teachers have changed the way they teach reading in kindergarten through third grade, with different teaching plans for each grade. They also are familiarizing students with the format and type of questions on the achievement tests.

But Reading Recovery may have produced the most dramatic results.

Aimed at the 20 percent of first graders having the hardest time learning to read, the program offers one-on-one help with letters, sounds, sentence structure and reading methods. Kids spend half an hour a day with Reading Recovery teachers and special books. Then they read at home with parents.

Jeanette Tiwarld, the LPS Reading Recovery teacher leader said Reading Recovery builds on children's strengths—what they already know—to accelerate their learning and improve their confidence.

The number of children in the program have gone up as more teachers have taken the rigorous Reading Recovery training and more schools have added the curriculum. In the 1994 school year, 78 children passed through the full program. Last year, the number jumped to 527.

Questionnaires from parents of this year's Reading Recovery students sang the praises of the program. Their children were much more confident, they said, far happier after catching up with their schoolmates in reading.

For Nikyle, it was a godsend.

She had changed schools three times in kindergarten, just as she was starting to learn, because her mom and dad were splitting up, her dad said. She started first grade at McPhee Elementary and then when her father got custody of her and three brothers and sisters, she moved to Calvert Elementary.

All the while, because of everything going on in his own life, Steven, Hladik didn't realize the effect on Nikyle. She was being in learning, and she was miserable.

"She hated to go to school. It was hard to get her up and make her go," her father said. "She was insecure and really quite."

Now she loves school. And her confidence has soared.

Not only has her reading improved so have her math and other subjects, her friendships, her self-esteem.

She's making sure what happened to her doesn't happen to her 4-year-old sister, Stephanie.

"Every night she sits and reads books to her," her father said.

Mr. KERREY. Mr. President, this is about the success of a Federally funded program that was implemented by heroic people in Lincoln, NE—they include principals, schoolteachers, and the Lincoln school board. I am talking about Title I. One of the reasons I talk about it a great deal is that, in Nebraska, there are 17,000 students that are eligible for Title I, but because we don't appropriate enough money, they are not funded. They don't get the benefits of this kind of effort.

What this article talks about is a program called Reading Recovery that has been implemented in the Lincoln public school system over the last 3 years—and it's a very rigorous program. The teachers had to train themselves; they had to make a commitment to acquire the skills necessary to implement this program. The article starts off with a parent talking about the exhilaration of seeing his daughter learn how to read and make progress—be successful, in other words. What they have done is quite remarkable. It needs to be observed because citizens need to know that success indeed is possible.

Second graders have improved their reading scores 16 percent; third graders, 12 percent; fourth and fifth graders are up 8 percent. These are dramatic increases. They have achieved the increases by starting at a very early age, using Title I moneys, using this Reading Recovery program, and going after young people who are at risk, who are falling behind, who have come into the school system without these reading skills.

They have said if you want to lift the overall test scores, quite correctly, you have to help those who are most likely to fail if we don't intervene. That is what Title I is. It is not the Federal Government telling these local schools what to do. We recently passed an Ed-Flex bill that provided increased flexibility. I support that. But unless we provide resources, it is impossible for local heroes to take the money and make something of it.

I will point out, in addition to the necessity of an early effort, an additional challenge we face. It's explained in one little paragraph here. Those of us born in 1943 sort of remember schools in the 1950s and 1960s and think, gee, why can't we do it the way we did it? Things have changed. In this article, one little paragraph says the following about this young girl who was given the benefit of this program:

> She had changed schools three times in kindergarten, just as she was starting to learn, because her mom and dad were splitting up, her dad said.

She ended up caught in the middle of a custody battle, a transfer occurred, and as a consequence of the transfer, she fell behind. That is what happened. What Title I enabled her to do was catch up. It is quite a miraculous thing that happened as a consequence, as I said, of significant local commitment and the help of teachers who trained themselves and a principal who was committed. One of the principals is Deann Currin at Elliott Elementary. The Lincoln school board supported Reading Recovery. They used title I money. Again, it is not the Federal Government telling them what to do, but providing them the resources.

I regret to say that in Nebraska, there are 17,000 children eligible for Title I programs that simply are not able to benefit because we are not providing a sufficient amount of resources.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

CHILDREN AND EDUCATION

Mr. WELLSTONE. Mr. President, first of all, I thank Senator KERREY for talking about children and education. It is truly a good news/bad news story. The good news is we have heroes and heroines right in our own communities that, with these resources, can really give children a chance to develop their full potential. If there is anything we should do as a Senate, it is to make sure each child has that chance. The bad news is, I say to my colleague, in Minnesota so many students could be helped, but we don't have the resources. There are schools in Minnesota with up to a 65-student population that don't receive a cent because by the time it is allocated in the cities, the schools aren't eligible, and those kids don't receive the help. It is just as big an issue in rural areas.

Mr. KERREY. Mr. President, this is not a situation where we don't know what to do. This is a situation where there is an answer and we simply are not doing it.

Mr. WELLSTONE. That is correct. This is really just harping on the complexity of it all is the ultimate simplification. We know what to do, and it has worked. We need to make more of a commitment.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I ask unanimous consent to follow Senator CLELAND for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. WELLSTONE. Mr. President, my understanding is that we have not reached an agreement with my colleagues on the other side of the aisle about how we can have a serious, substantive, and important debate about health care, about patient protection in our country. The latest proposal as I understand it from the Republicans basically would amount to Democrats having an opportunity to maybe introduce four amendments. That would be it. Again, I challenge my colleagues on the other side of the aisle, as I said yesterday, to debate this.

The evidence is irrefutable and irreducible: When it comes to who is covered, the Republican plan covers 48 million people, the Democratic plan covers 163 million people. That is a huge difference.

Republicans argue that we rely on States for the coverage, once we deal with what is called the ERISA problem. Our argument is that a child, a family, regardless of where the child lives, where the family lives—be it Mississippi or Minnesota—ought to have some protection. People ought to have the right, or the assurance, that if their child has a serious illness, they will be able to have access to the best care. That assurance for a family should extend to all citizens in our country. It shouldn't be based upon what different States decide or where a family lives.

I repeat, 163 million people with some protection versus 48 million people. It is no wonder my colleagues on the other side of the aisle don't want to debate patient protection.

In the Health Committee, where we wrote this bill, I had an amendment that dealt with the Republican "gag" clause. This amendment would prohibit retaliation by a health plan when a doctor advocates for a patient. There were two parts: First, it said that plans can't penalize doctors who advocate for patients during an appeal process; and, second, it protected licensed and certified health care professionals from retaliation if they reported some problems with the actual quality of care being provided in a hospital or by a plan. Presenting this information to a regulatory authority or private accreditation organization is called whistleblower protection. This amendment was defeated, I think, on an 10–8 vote. It is no wonder the Republicans in the Senate don't want to debate patient protection.

The front page story today says doctors are going to unionize. The American Medical Association announces doctors are going to unionize. No wonder, when doctors don't have protection if they advocate for a patient during an appeal process, when one of these managed care plans, owned by one these insurance companies practicing bottom-line medicine, and the bottom line is the only line, and the plan decides the patient is not going to be able to see a pediatrician who specializes in oncology.

If a child is ill with cancer and that family makes an appeal, if the doctor is there for that family and says, yes, that child needs to see this expert, there is no protection in the Republican plan. There is no whistleblower protection for doctors who say, I have to speak out, I have to say this plan, or this hospital, is not providing the kind of care that people deserve. I don't blame my Republican colleagues for not wanting to debate patient protection.

This chart shows whether or not you will have guaranteed access to specialists. The Republican plan has a little bit of access; the Democrats' plan makes it clear that people will have access.

When it gets to the question of who is going to define medical necessity—that is a critical issue—we make it clear that the provider defines medical necessity, not a 1–800 number you call where you have utilization review by people not necessarily qualified, working for insurance companies that are just trying to keep costs down.

When it comes to the issue of choice of doctor, points-of-service option, being able to find a doctor outside your plan, and making sure your child who needs to see that doctor can see that doctor, we are clear: Families should have that option. The Republican plan doesn't support that. No wonder they don't want to debate.

When it comes to whistleblower protection for providers who advocate for their patients to make sure they don't lose their jobs, the Republican plan doesn't provide the protection. The Democrat plan does. No wonder my colleagues don't want to debate.

When it comes to the concerns and circumstances of women's lives vis-a-vis a health care system that has not been terribly sensitive and responsive to women, or with special emphasis on children and access to pediatric services, or making sure that people who struggle with mental health problems or substance abuse problems are not "defined" out and are not discriminated against, I don't see the protection in the Republican plan. We try to make sure there is that protection.

These are two plans, two proposals, two pieces of legislation where the differences make a difference.

I say one more time to my Republican colleagues, I have been trying to engage people in debate for 2 days. I will yield for any Senator who wants to debate, on my time, so I can ask questions. That is what we should be about. The Senate should be about deliberation and debate. It shouldn't be about delay and delay and delay and delay.

It may be that we will not get the patient protection legislation on the floor today, Thursday, but we will get this legislation on the floor. We will continue to bring up these problems that the people we represent have with this health care system right now. We will continue as Senators to advocate for families, to advocate for consumers, to advocate for children, to advocate for women, to advocate for good health care for people.

If I had my way, the Democratic Party would be out here on the floor also calling for universal health care coverage. We will get there. At the very minimum, let's make sure there is decent protection for consumers.

I say to my colleagues, I have carefully examined your patient protection act. I think it is the insurance company protection act. We went through this in committee. We went through the debate in committee. I see a piece of legislation that pretends to provide protection for people, but once we have the debate and once we get into specifics, I think people in the country are going to be furious. They will say, don't present us with a piece of legislation with a great title and a great acronym that has no teeth in it, that has no enforcement in it, and that will not provide the protection we need.

That is why the majority party, the Republican Party in the Senate, doesn't want to debate this. Republicans in the Senate right now—I hope this will change—do not want to have to come to the floor and debate amendments. They don't want to have to argue why they don't cover a third of the eligible people. They don't want to have to argue why they don't want to make sure families have access to specialized services. They don't want to argue why they don't want to provide doctors with whistleblower protection. They don't want to argue a whole lot of issues that deal with patient protection.

When you want to debate is when you really believe you are right. When you want to debate is when you really think you have a piece of legislation that will lead to the improvement of lives of people. When you want to debate is when you have a piece of legislation that is consistent with the words you speak and you know you are not trying to fool anybody; you know it is authentic; you know it is real.

When you don't want to debate, I say to my Republican colleagues, is when you have a whole set of propositions you cannot defend. When you don't want to debate is when you know in the light of day, with real debate, with people challenging you, you can't defend your proposal. When you don't want to debate is when you are worried you will get into trouble with the people in the country because you haven't done the job.

That is what is going on.

One final time, I come to the floor of the Senate to urge my Republican colleagues to be willing to debate this question.

Let me make a connection to what Senator KERREY said earlier, because it is so important to me. If there is anything we should be about as Senators, it should be about focusing on good education, opportunities for children, good health care for people, making sure families don't fall between the cracks. These are the issues that people talk about all the time in our States. That is what we ought to be focusing on right now.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I thank my distinguished colleague from Minnesota for his remarks today on the subject of health care and HMO reform, and particularly his strong advocacy for what has become known as the Patients' Bill of Rights.

I would like to report to my colleagues in the Senate the most recent Kaiser Family Foundation/Harvard University survey reports that problems with managed care are, indeed, growing and that Americans are increasingly worried about how their health care plan will treat them. The survey found that in 1998 as many as 115 million Americans either had a problem or knew someone who had a problem with a managed care plan.

A number of provisions have been included in the Patients' Bill of Rights to maintain the sanctity of the provider-patient relationship, basically known as the doctor-patient relationship. We used to think that was sacrosanct. Unfortunately, it is not today under many HMO plans. Health plans frequently impose restrictions on that relationship by taking it upon themselves to determine the most appropriate treatment. These determinations are often made on the basis of costs rather than what is in the patient's best interest. The fact that health plans are now making medical decisions that were traditionally made by the treating physician really causes me great concern. I think it concerns a number of Members of this body.

If health plans continue to arbitrarily define medical necessity, patients will be ultimately denied the health care they were promised. In this HMO debate, this debate on reforming health maintenance organizations, I do not think there is any more pressing issue than ensuring that patients are protected against the practice of some health plans of having insurance bureaucrats determining medical necessity rather than trained physicians. I think that is an incredible abuse of the system. I think it is terrible when we treat people based on financial necessity rather than medical considerations.

Health plans, I don't think, should interfere with decisions of treating physicians when those decisions concern a covered benefit that is medically necessary, according to that physician, and appropriate based on generally accepted practices and standards of professional medical practice. It seems to me that is common sense.

The Patients' Bill of Rights protects the sanctity of the doctor-patient relationship by allowing physicians, not accountants, to make medical necessity determinations. I think that is critical. In addition, some managed care organizations use improper financial incentives to pressure doctors to actually deny care to their patients—incredible. The Patients' Bill of Rights, I think, will go a long way to stopping this practice.

I would like to share one personal experience. I am glad that when I was wounded in Vietnam I was not covered by a HMO. I am glad I was covered by the full faith and credit of the U.S. Government. I could see myself laying there after the grenade went off, trying to call an insurance bureaucrat, being told my conditions were not covered by what was in the plan and, second, I was not cost effective.

I am afraid more and more Americans are experiencing that, which is why I personally support the Patients' Bill of Rights. Many of my colleagues do as well.

I appreciate the opportunity to discuss this important issue in the Senate. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE APPROPRIATIONS

Mr. THOMAS. Mr. President, I rise today to talk for a few minutes about agriculture appropriations. That is the bill that is before us. It is one I believe is particularly important. But I want to talk, really, about the need for us to be doing the necessary work of the Congress to be moving forward with our appropriations bills to keep the Government operating. These are the things we have before us. We have to pass 13 bills before this Congress is adjourned, before the 30th of September. We have to do this to keep the operations of the Government moving, particularly in the area of agriculture where we are having one of the toughest times we have had in the economics of agriculture, all over the country. It has been very difficult. Of course the appropriations bill for agriculture will be there to help. There will be other things done as well, but this is the basic effort we will have to make.

I am very sorry to say our colleagues on the other side of the aisle have seen fit to delay this bill by using stalling tactics and bringing up unrelated amendments that have caused us not to be able to move forward. This is not a question of which issue is most important. We believe, with all of these issues, it is a question of an orderly process of moving forward to do the things that we have to do to accomplish our assignments.

I am sorry to say we are not able to do our job. It has been derailed by what I believe is simply an effort to bring partisan political issues to this debate which really do not have a place in this situation.

One, we need to move forward with the appropriations bills; there is no question about that. Two, we are dealing with patients' rights, which we have dealt with before and with which we continue to deal. It is not a question of being willing to do it. We have a Republican bill for patients' rights.

Are there some disagreements, some differences? Of course. We have been talking about this for more than a year. It is completely inappropriate to bring it up now and use it as a stalling tactic.

The unfortunate part is this is not the first time we have had it happen. We had it happen just 2 weeks ago when we were talking about Social Security, and we were unable to move forward with the lockbox legislation. We are finding an unusual amount of disruption in moving forward with the business of this Congress.

I commend the Subcommittee on Agriculture Appropriations for their hard work in putting this bill together. The lion's share of funding, $47 billion, is designated for mandatory programs. Domestic food programs, food stamps, and child nutrition programs account for more than half of the agriculture appropriations bill.

Certainly, the subcommittee faced difficult challenges in crafting this bill. Industry is struggling. The requests for financial assistance are escalating. Those types of things are very real, and we are prepared to deal with them. All we need to do is have the opportunity to move forward.

Unfortunately, the stalling tactics have stopped us. For those of us who are primarily from agricultural States, passage of this bill is fundamental to our economy and fundamental to those agricultural producers.

Recently, I heard several of my colleagues describe the financial problems in agriculture, and I do not disagree with any of them. We are feeling those in my State of Wyoming.

I am very frustrated we cannot take action on a bill because it has been bogged down. We should focus on this bill. We should get this one done. We can do it. There is general agreement on it. We can deal with the disagreements and move forward.

There are a number of programs in this agriculture bill that are particularly important. In addition to the domestic food programs, it contains funding for activities that are essential to an industry that employs more people in this country than any other industry, and that is agricultural producers. It has to do with land grant universities. It has to do with our rural citizens.

Of particular importance to Wyoming, a State where 50 percent of the State belongs to the Federal Government and is managed by the BLM and Forest Service, there are funds for predator management which is particularly important, even important in places like Hawaii. It has to do with decreasing livestock losses and crop losses. It has to do with research and extension.

We have the most efficient agriculture in the world because we have had land grant colleges and we have had the extension service. We have been able to produce more efficiently than anyone else. It is one of the largest exports we have.

There are conservation initiatives. Mr. President, $800 million is provided in this bill to assist farmers and ranchers to be stewards of the land, to be environmental stewards, to reduce soil erosion, to reduce nonpoint water pollution. The list of positive programs in this bill goes on and on.

For food safety, there is $638 million, an increase of $24 million over the fiscal year 1999 level.

Also in the bill are agricultural credit programs—the Presiding Officer is one of the experts with a background in agriculture and has worked on this problem—loan authorization for rural housing, and assistance for rural communities to develop waste disposal and solid waste management programs.

To brush this off and say we have other things to do, we should not undertake to deal with this agricultural appropriations, is distressing to me. I want us to move forward with it.

It is important, of course, not only to producers but to all of us as citizens of this country when we talk about safe food.

When we are finally able to debate the agriculture appropriations bill, there will be numerous amendments, as there should be. Some will be controversial which will further delay the passage of the bill.

We ought to also keep in mind that in order to go forward with the programs of this country, we need to move forward. We have about four appropriations bills that have been passed. Our goal should be to pass at least 11 of them by the end of July. We do not want to find ourselves in this business of having political problems that shut down the Government, as we did several years ago, and trying to blame each other.

Instead, we ought to move forward and do the things we ought to be doing. We have a process and we ought to move forward with it. There is much to be done, and I urge my colleagues to end their tactics of derailing and allow us to move forward on this very important spending bill.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, is the Senate still in morning business?

The PRESIDING OFFICER. The Senator is correct. The majority has 9 minutes and approximately 30 seconds. The minority has 5 minutes 5 seconds.

Mr. CRAIG. Mr. President, I join my colleague from Wyoming who has expressed a frustration that I think many of us in the Senate hold and that a growing number of Americans hold as to the current tactic being used by Democrats to block an ag appropriations bill or to force an issue that is separate and apart from it.

We do have a responsibility in the Senate and in the Congress, and that is to pass 13 appropriations bills on an annual basis to fund the workings of our Government. And the one before us today is agriculture.

There is some $60 billion to be spent in many of the areas outlined by the Senator from Wyoming. They are critical to all our States, not just the agricultural community but for those people who are less fortunate, for their very nutrition—nutrition for women, infants and children, the Food Stamp Program, certainly the School Lunch Program. All of those programs are embodied in this appropriations bill. A tactic to push what now rapidly appears to be a raw political point for the purpose of upcoming campaigns against the normal and necessary workings of our Government is a bit frustrating to me.

I have made that assumption at this moment. Let's assume that I am wrong, that clearly the other side is dedicated to a concern on the part of the average citizen as it relates to his or her health care, and in being so concerned they have offered a Kennedy bill that some call a Patients' Bill of Rights. If I take it at face value, it is a bit of a frustration, and in the next few moments let me express that.

Chairman PATRICK KENNEDY in the House, a Democrat, of the Congressional Campaign Committee, was recently quoted and the national media is saying that "we have written off rural areas." He means that Democrats politically have written off rural areas.

Is it by coincidence the Senator from Massachusetts chooses the ag bill on which to place his political agenda? There seems to be a unique coincidence that PATRICK KENNEDY, Congressman KENNEDY on the other side, says, "We have written off rural areas," and Senator KENNEDY on this side says, "I'm going to attach it to the ag approps bill; I'll bring the ag bill down if I can't have my political agenda for a Patients' Bill of Rights."

Let me look at the substance of what may be offered today, because it is my understanding that there may be an attempt, in an amendment, to offer a portion of the Kennedy health care mandates.

What would that do? That talks about what we now call medical necessities. It is a portion of the bill that I think offers the illusion of the patients being in control, by requiring health care plans and employers to pay for whatever care a physician recommends—without question. If that is what the physician recommends, without peer review or any observation of the total situation, it is paid for.

If that were the case, in today's medical climate, here is the reaction of the Barnitz Group. Who are they? They are an economic consulting firm that deals with health care and health care costs. They evaluate them. They make judgments as to how a given policy would affect the payment for health care for the individual.

Here is what they suggest this particular portion of the Kennedy bill would do. It could cost nearly $60 a year per covered household, per insured household. It could cost employers $180 a year per covered employee. In other words, it shoves the cost of health care up. Arguably, it might improve health care—I cannot debate that—by requiring that anything a doctor suggests gets funded. But it would cost more, or at least that is the observation.

In that cost—this is a marketplace we are dealing with out here—it could result in the loss of 191,000 jobs or it could result in the cancellation of coverage for 1.4 million Americans. That is a provision in an amendment that might be offered this afternoon.

Isn't it unique—I made some of this argument yesterday—that as we deal with ag appropriations, at a time when the chairman of the National Democratic Campaign Committee says, We write the rural areas off, that the Senator from Massachusetts would be offering a bill that would dramatically impact the uninsured by forcing more to be uninsured.

It just so happens that a very large number of the uninsured live in rural America. It just so happens, according to the Employees Benefit Research Institute, nearly half, or 43 percent, of all workers in agriculture, in forestry, and in the fishing sector of our economy have no health insurance. In other words, they have to provide for themselves. Now we are suggesting that we will drive the cost of insurance up for those who are uninsured instead of doing things that bring the cost of that insurance down so that the uninsured can find insurance more affordable.

Is this a coincidence or is there a relationship? I am not sure. But there is one thing that is for sure: The other side has decided to target ag appropriations with a bill that they think is extremely valuable politically. It is also an issue that we have come together on to say that there are some real needs and we are willing to address those needs in a bipartisan and timely fashion.

But let us allow the work of the Congress to go forward in the appropriations area. We will deal with health care, as we should deal with health care, but we cannot deal with it by driving people from it, creating a greater dependency on government programs, as inevitably will happen, as shown by every research institute that has looked at the Kennedy bill.

The Kennedy bill, without question, shoves possibly 2 million people out of insurance; I will be conservative and say at least 1 million, or 1.4 million by conservative estimates.

So let us get on with appropriating money for women, infants, and children for their nutritional needs, for the school lunch program, for food stamps, for ag research, for those things that are important to rural America.

I do not care if Congressman KENNEDY on the House side has written off rural America. This Senator will not write it off. We will pass an ag approps bill. We could do it today. We could finalize it this week and send a very important message to American agriculture that your work and your interests are important to us; that we will deal with you on a timely basis; that we will respond to your needs as best we can; and we will say to those less fortunate, we will feed you, and we will not use it as a political issue. We will do it in a right and responsible and timely way.

I hope our colleagues on the other side of the aisle can agree with that. It is what they ought to be agreeing with. There is enough politics to go around. Let's take politics out of the ag bill. They put it in with the injection of the Patients' Bill of Rights. They now have the opportunity to remove it.

Our leaders have been negotiating for some time to establish a time certain so we can handle this issue and all sides can debate its fairness, its equity, or its lack thereof. We will have a lot more detail. But obstructionist attitudes, blocking the activity of the Senate, gain very few of us anything. And the American public scratches its head and says: What are they doing back there? Why can't they do the work of the people? Pass the ag appropriations bill. Deal with health care in a timely fashion. Move the other appropriations bills and complete the work of Government.

That is what the American people expect of us. That is what they should expect of us. I hope the other side will ultimately agree with that.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

PATIENTS' BILL OF RIGHTS AND THE AGRICULTURE APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I take this opportunity to respond just a bit to some of the discussion that has occurred with respect to both the Patients' Bill of Rights and also the agriculture appropriations bill.

I just heard the discussion about the Kennedy position in the House and the Kennedy bill this and the Kennedy bill that. It is not what this issue is about. This is about a Patients' Bill of Rights. It is about the kind of health care the American people get when they show up with a disease or with an injury and need health care treatment, what kind of treatment do they get under current circumstances, and what kinds of protections are reasonable protections for them to expect in this system.

We have been pushing, for a long while, to try to get a Patients' Bill of Rights enacted by this Congress and by the previous Congress, but our efforts have not met with great success. I will tell you why. Because as health care has reorganized, and the largest insurance companies have herded people into HMOs, they have decided they do not want Congress to pass a Patients' Bill of Rights. They want to be making health care decisions in their insurance offices, often 1,000 miles away from a hospital room or a doctor's office. They do not want Congress, in any way, to pass a Patients' Bill of Rights. They have gotten enough folks here in this Congress, and here in this Senate, to decide that they would block it. And it has been blocked forever.

So it does not matter that it was the agriculture appropriations bill. It would have been any bill. The Democratic leader last week said to the majority leader: We intend to offer it. If you don't give us an agreement and an opportunity to decide that we're going to have a fair and free and open debate on the Patients' Bill of Rights, we're going to offer it.

We are going to pass the agriculture appropriations bill. Before we pass the agriculture appropriations bill, we are going to have a debate on responding to the emergency of the farm crisis. That is not in this bill at the present time. We tried to put it in the bill in the subcommittee and were defeated in our attempts to do so.

But we are going to have a debate that is much larger than just this bill. This bill deals with the funding of USDA programs, research, food stamps—a range of things—but it does not address the farm crisis that exists out there today that deals with income: The fact that farmers go to a grain elevator someplace and the grain trade decides that their food is not worth much, they do not get a fair price for it. Family farmers are in desperate trouble. We are going to debate that bill, but we are also going to debate a bill to try to respond to the farm crisis.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will in a moment.

But let me point out, we are also going to debate the Patients' Bill of Rights. It is not going to be some gatekeeper who is going to tell us what our rights are on the floor of the Senate. Someone will stand over there and say: Well, we have reviewed this amendment. We think we'll allow you to offer that. We are not going to do that. That is not the way the Senate rules exist. The Senate rules exist in a way that says to every Senator: You have a right to offer amendments.

I understand that we are not in the majority and we do not set the agenda. The other side sets the agenda. But when they decide that the agenda will be to enhance all of their interests and shut off any debate of interests on the other side, they miss, in my judgment, the history of the Senate. That is not what this body is about.

We have rights. We intend to exercise those rights. We are going to talk about education. We are going to talk about health care. Yes, we are going to talk about the farm crisis. And we are going to insist on it. The debate at the moment is our insistence that we be able to have a fair opportunity to offer amendments with respect to our Patients' Bill of Rights, that we have a full debate on them, and to have them voted on. We insist on that.

I am happy to yield for a question.

Mr. CRAIG. Very briefly, I was a bit surprised last week when the Senator came to the floor and offered the Patients' Bill of Rights to the ag bill, because I know of his commitment to agriculture. I know of our joint belief about the farm crisis and the reality of it.

What this Senate has not done yet with the Department of Agriculture is shape the size and the scope of the farm crisis. We agree that crisis exists. You and I agree that it exists. The Presiding Officer comes from a farm State. We agree it exists. But we don't know the magnitude of it yet.

We have asked the President and the Secretary of Agriculture to engage with us. That is why it is not attached to this appropriations bill. We are not going to start legislating into a vacuum. We have to legislate because we are dealing with billions of dollars. And the Senator is right about farmers' and ranchers' incomes. That has to be done accurately.

But I am a bit confused. Being the farm State Senator that he is, he seems to be offering the Patients' Bill of Rights to this ag approps bill.

Mr. DORGAN. Reclaiming my time, I offered the amendment the other day on behalf of the Senate Democratic leader. It was an amendment that we said last week we would offer to any bill on the floor of the Senate. This is not going to delay the agriculture appropriations bill. The Senator from Idaho well knows that.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. I will not object, if there is an additional 10 minutes for our side.

The PRESIDING OFFICER. Is that the Senator's request?

Mr. DORGAN. That is my request.

Mrs. BOXER. When the Senator finishes his thought, will he yield for a question?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me just make this point: We are going to pass an agriculture appropriations bill. The Senator from Idaho says: Well, we all agree there is a problem. We need to understand the scope and the depth.

I understand the scope and the depth of this problem. I sat in the Appropriations Committee conference in the basement of this building at midnight one night, when nobody said we needed to understand the scope and depth of the Defense Department issues. The Pentagon asked for $6 billion to prosecute the airstrikes needed to replenish their funds, and the Congress said: Well, you don't know what you are doing. We want to add another $6 billion. You didn't ask for enough money for the Pentagon. We demand that we give you $6 billion more.

Nobody was sitting around saying we need to understand the scope and the depth of that. They said: We demand you take $6 billion more money. That night, about 1 in the morning, Senator HARKIN and I said, if there is an extra $5 or $6 billion around, we demand a debate on the priority of its use. We have people going broke in farm country. We demand that some of it be used for that.

So we offered an amendment. By 14 to 14, we lost on a tie vote; I suppose, because some didn't know the scope and the depth. The Senator from Idaho cares a lot about family farming, as do I. It is mixing, in my judgment, a concoction of bad meals here to suggest that by adding a Patients' Bill of Rights to this particular bill it does something to agriculture or somebody isn't committed to agriculture. That is all fog.

We wouldn't be here talking about this had someone, some long while ago, said, yes, we will give you your rights on the floor of the Senate to bring a bill to the floor and to offer amendments. Yet we have been systematically denied that opportunity. That is why, whether it is this bill or any other bill, you are going to find these kinds of amendments.

As soon as those who are in charge allow the Senate to operate the way it ought to operate and function, you will not see these amendments.

In my judgment, we are here on the Patients' Bill of Rights because we have been told: We don't want you to be able to offer your amendments on the Patients' Bill of Rights dealing with scope, dealing with emergency room treatment, and so on. That is why we are here.

Mrs. BOXER. Will the Senator yield?

Mr. DORGAN. I am happy to.

Mrs. BOXER. I find it quite interesting. I ask my friend, do the people who live in farm country need health insurance? Do the people who live in farm country have problems if they need to go to emergency rooms? Do the people in farm country have problems when their child needs a specialist?

I wonder whether or not we segment things too much. I think people who live in farm country also need health care. If we could reach agreement so we could offer our amendments and give the people in farm country and in suburbia and in urban America the right to decent health care—my friend from Idaho said: Oh, my God, what you are doing will cost so much. We have a letter from GAO. It is $2 a person a month to get decent health care in this country.

I ask my friend, because he is such a stalwart supporter of family farmers, do they not have a problem as well as all the rest of us?

Mr. DORGAN. The answer to that is, of course, they do. This issue is not an issue of urban versus rural. The issue of health care and medical treatment exists all around this country. We have talked on the floor at great length about the specifics of it.

Yesterday I told the story—I will tell it again, because it describes something more than a Patients' Bill of Rights—does someone who was taken a 40-foot fall and has been helicoptered to a hospital and thrown into an emergency room unconscious with fractured bones in three parts of her body, does that person have a right to emergency room treatment? Or does the HMO have a right to say: We won't cover your emergency room cost because you didn't get prior approval to get to an emergency room?

How do you get prior approval when you are unconscious on a gurney being wheeled in from a helicopter, medivac'ed from the mountains where you were hiking? Does a patient in this country who has health care coverage have a right to expect emergency room treatment in those circumstances? Of course.

That is what the Patients' Bill of Rights is about. Not just that, but the right to keep the same doctor, and cancer treatment, a whole series of issues like that. Does that affect rural America? Of course, it does.

But I want to go back to the point made by my colleague. The agriculture appropriations bill does not come to the floor of the Senate with an ag crisis response because it was not deemed appropriate by those who decided they didn't want to put it there. We are going to try to put it there at some point. I hope perhaps we can do that on a bipartisan basis.

I know the scope and the depth of the problem in rural America. The problem is that it costs about $4.50 to produce a bushel of wheat. They drive to the country elevator and the grain trade says wheat is only worth $2.70 a bushel. That is a quick way to go broke. We have a lot of families who are experiencing broken dreams of being able to continue in family farming because the hungry world and the grain trade of the hungry world have said: Your food doesn't have value.

It is not in the bill now, so don't be in such a hurry about the underlying bill. We need to add to the underlying bill the farm crisis package that Senator HARKIN and others are going to push. In the meantime, we will insist on our rights to try to offer a Patients'

Bill of Rights on the floor of the Senate.

Mrs. BOXER. One final question. The Senator from Idaho chastised my friend and said: You are from farm country, yet you are supporting a Patients' Bill of Rights and want that debate now, when the underlying ag bill is so important. What my friend is saying is that this bill, the underlying bill, comes up short for America's farmers.

Mr. DORGAN. Absolutely.

Mrs. BOXER. I watched at 1 in the morning. I saw the Senator, with Senator HARKIN, offer a package that addresses the emergency needs of America's family farmers. It was turned down pretty much on a partisan vote. Is that correct?

Mr. DORGAN. It was a partisan vote except for one.

Mrs. BOXER. So pretty much a partisan vote.

We basically had the Republicans—who are out here saying, oh, bring on this bill, our poor family farmers—voting down an emergency package for those very same farmers and fighting us so those farmers and everyone else in America can't get decent health care.

Lastly, I wonder if my friend sees a connection, because I am thinking about it. I saw my friend from Idaho come out and, instead of debating us on the bill, scare America by saying: Oh, my God, with this Patients' Bill of Rights, 1 million, 2 million people are going to lose their insurance. It sounds like scare tactics.

It reminded me a little bit of the debate we had on the juvenile justice bill, when all we were saying on our side of the aisle was that we wanted to do background checks on criminals and mentally disturbed people before they get a weapon. They said: Oh, my God, they are trying to take everyone's guns away.

America knows that is not the case. When you fight for sensible things, you hear scare tactics from the other side.

I wonder if my friend notices this kind of desperation deal going on, every time we try to do something, of trying to scare the people of this country.

Mr. DORGAN. The only reason I stood up to respond is because there is information from the GAO and elsewhere that suggests that the Patients' Bill of Rights may actually encourage more health care coverage. You may have more people buying health insurance understanding that in their HMO they have rights. They have the right to demand information on all the potential treatments available to them, not just the cheapest, for example. They might well believe that is a pretty good thing.

The GAO and others say this may well increase the coverage. The assumption that a couple million people will opt out, I do not believe that.

The second thing is, we are going to need to solve the farm problem with folks around here from both sides of the political aisle. The Presiding Officer is from Kansas, a big State in dealing with the farm issue. I would never suggest that somehow he doesn't care about farmers. I have served with him in the House and the Senate and know too well how much he cares about family farmers. We need, at some point, to get together on a solution to deal with the farm crisis. I understand that. I have not said—and I could, I suppose—all right, you took $6 billion that you created someplace and gave it to defense.

So my contention is this: You gave the Defense Department money they didn't ask for that should have gone to farmers. I could come out here and make that case, I suppose. But I am not doing that. I have said I thought if there was $6 billion, we should have a debate about the priorities. We didn't. The Defense Department got it, and I am sure they will use it for security needs, readiness, and other things.

My point is, on the underlying bill, I don't think we should be too quick to pass it, because it doesn't have the fundamental resources to deal with the farm crisis.

In any event, last week the Democratic leader informed the majority leader: If you don't give us the opportunity that we insist upon as Senators, to bring these issues to the floor, such as the Patients' Bill of Rights, then we intend to offer it as an amendment to whatever vehicle is on the floor. Anybody who is surprised by that simply wasn't awake last week.

So we will get through this. I think the way we will do it is to have a full debate on the Patients' Bill of Rights at some point, with the ability to offer amendments, as we should, and I hope we will also have a robust debate on the issue of the farm crisis response.

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that the period for morning business be extended until 3 p.m. and that the time be equally divided between the minority and majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. GREGG. Mr. President, I think it is appropriate to respond to some of the commentary from the other side about the Patients' Bill of Rights—the Republican plan versus the Kennedy bill, the proposal that the other side has put forth.

The American public should know and recognize that a majority in this Congress is for moving on an effective proposal and for addressing the needs of the American citizens relative to dealing with HMOs, and that is the Republican Patients' Bill of Rights. It is a very good package of ideas put together after a long and serious amount of consideration. It came out of the committee of jurisdiction with a majority vote, is now on the floor, and has received a majority vote in the Senate. It would significantly improve the situation of patients as they deal with doctors and HMOs across this country.

I think, however, that it also ought to be noted on the other side of the coin that what Senator KENNEDY's proposal does is to continue the Clinton health care plan that we saw about 5 years ago—I guess it was 5 years ago now—"Hillary-Care," as it came to be known. This is sort of the daughter of "Hillary-Care" or son of "Hillary-Care," as put forth by the Senator from Massachusetts. Essentially, if you are going to be honest about the practical effect of the proposal of the Senator from Massachusetts, it is to increase the premiums for private health insurance in this country by at least 4 percent potentially; other estimates have been as high as 6 percent.

When you start raising the premiums for health insurance—especially on self-insured individuals—the impact of that is that people drop out of the health care insurance system. Why is that? Because they can't afford it. If you are a small business of five or six employees, if you are running a restaurant, or if you are running an auto shop or a small software company, and your costs go up 4 percent on your health care premium, that can amount to a significant cost increase, and in many instances that is going to be the difference between making it and not making it in some of these small companies. So you have a situation where people drop the insurance.

The Congressional Budget Office has estimated that the practical effect of the Kennedy health care plan will be that well over 1 million people will drop their health insurance. Why is this important? Why does this tie into "Hillary-Care"? Because, if you will recall, back in the days when we were debating the issues of "Hillary-Care," the basic proposal was to create a nationalized system where the Federal Government would come in and take over all insurance carriers in this country, for all intents and purposes, with the logic behind that being that there were too many uninsured people in the health market to date, too many Americans simply did not have health care insurance, and therefore we needed to have "Hillary-Care."

Nationalization of the health care industry was proposed at that time, and the Kennedy bill was introduced by Senator KENNEDY on behalf the First Lady, and the proposal was, let's nationalize the system so all the uninsured in this country will have a system of insurance.

Of course, it failed miserably, because it was incredibly complex, it was incredibly bureaucratic, and it was extraordinarily expensive for the American taxpayer. The cost increase and the tax burden for the American taxpayer would have far exceeded any savings in premium that would have occurred, and the cost in bureaucracy and the loss of effectiveness in the administration of health care in this country would have had a major impact on the quality of health care.

So out of common sense, good sense, and good politics, the program was rejected out of hand, and in fact it never came to a vote in the Senate because, quite honestly, a majority on the other side of the aisle was embarrassed by the proposal and they decided to walk away from it.

What we have here is essentially is an extension of that, because what we have is a back-door proposal to health care. Unhappy with the fact that they were unable to nationalize the health care system, in order to cover those folks who do not have enough health insurance, they have now decided, by bits and pieces, through small slices—this one is a very large slice but through smaller slices of the pie—to slowly uninsure Americans. So there is such a large pool of uninsured Americans that we will have to come back to a "Hillary-Care" system so there will be justification for nationalization of the health insurance industry, because there will be all these uninsured people out there who have been created and, because of a lack of insurance, we will have to create legislation.

Because of all of these different actions taken—proposals such as we are seeing today on "Kennedy-Care," which will create another 1 million-plus people who are uninsured—next year we will have another proposal which will create another group of uninsured and there will be another proposal to increase the cost of insurance. And they will add something else to private insurance costs—some new benefit, or initiative—that will have all sorts of trappings of nice political sounds so that they will need to raise the cost of insurance premiums. So more people will step off of insurance, and more and more people will end up being uninsured over a period of time, and we will end up with just more people becoming uninsured as we continue down the road of adopting these initiatives which are put forward by the Senator from Massachusetts.

I will tell you, I think the basic game plan here is to create such a pool of uninsured people in this country that we have to turn the corner and come all the way back so that the Senator from Massachusetts and the First Lady can come to us again and say, now, we really need to nationalize the health care system because we have all of these uninsured people.

I think there is a bit of a cynical game plan behind the Democratic proposal, the Kennedy plan. Maybe I am being too suspicious, but, as a practical matter, I think I am being accurate and I am observing what the factual events will be.

The fact is that because of the premium costs that will increase, which are going to be driven by "Kennedy-Care," as proposed by this bill, we will end up with more people uninsured, and the more people that become uninsured in this country, the greater the demand from the other side of the aisle will be for a nationalized system of health care.

I will tell you, if a nationalized system of health care was a bad idea 5 years ago, it would be a bad idea today, and it will be an idea 5 years from now when we hear from the other side of the aisle how important it is because so many people had to drop off the health care system, because they increased the premiums on the health care system by passing their proposed Kennedy health care bill.

I just wanted to make some of those comments in response to some of the comments from the other side.

I think it is ironic that we are holding up agriculture appropriations over the issue of the Patients' Bill of Rights. I have never been a great fan of the way we fund agriculture in this country, as the Senator in the Chair knows. We have been discussing this issue for a number of years both in the House and in the Senate. I recognize that the farmers in this country are a critical part of our economy and that this agricultural appropriations bill is the reasonable, responsible way of addressing those farmers' needs.

We have heard about the crisis in the farm community from the other side of the aisle ad nauseam now for 3 months, and suddenly we are about to pass the agriculture appropriations bill, and on the other side of the aisle Senators from farm States come forward and say, no, we can't do the agriculture appropriations bill.

As someone who is not from a farm-community State—I have a few farmers, but they are not the dominant culture in New Hampshire. We wish they were. They are certainly wonderful, hard-working people. But as somebody who is not from a farm-culture State, I have to scratch my head and say, is the crisis real? If these folks on the other side of the aisle, who for months have been telling us about the severe crisis in farm country, come forward when we are about to do the agriculture appropriations bill and delay it for weeks and weeks, and potentially even months, I ask, is the crisis real in farm country? Should I, when we get another supplemental appropriations bill which has another few billion dollars for the farm crisis, take that seriously, or are we being "gamed"?

I think they put into serious jeopardy the reasonable arguments that have been put forward from our side of the aisle by the Senator from Kansas and the Senator from Montana, who understand the farm issue and who make good arguments on behalf of the farm issue. Those folks who are credible on the farm issue on our side of the aisle are having their credibility undercut by this type of action from the other side of the aisle, which really plays games with the farm crisis and really dilutes the arguments on the farm crisis when they are willing to delay the funding of the farm bill for what is clearly a political initiative undertaken for the purposes of trying to generate a higher polling rate than some poll taken in some political election.

To me, there is a fair amount of cynicism in this Senate today, and most of it is being promoted by the actions brought forward by Members on the other side of the aisle.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, there is strong bipartisan support to address the problem of unequal quorum call time charges. We simply cannot let this injustice go on. Let us take action. So to rectify this situation, I now suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, may I inquire about the state of business?

The PRESIDING OFFICER. The Senator may speak for 25 minutes. We are still in morning business.

AGRICULTURE APPROPRIATIONS

Mr. ASHCROFT. Mr. President, I yield myself as much of the 25 minutes as may be necessary to make my point.

I rise today with substantial concern and significant frustration. The pending business before the Senate is the agriculture appropriations bill. But for the second day in a row, it appears that we will not work on this important legislation. Those on the other side of the aisle have said they will not let any legislative work get done until they are able to have, apparently, an unlimited debate on a so-called Bill of Rights for health care patients.

Those on the other side claim that they must have a debate on their bill, but that is not the point. What they are really doing is thwarting this body, the Senate, in its constitutional duty to pass appropriations bills so that we can make sure that important components of our Government remain viable and continue to do their job.

The agriculture appropriation bill is a very important measure, not just in one State in America but in every State in America. Let me remind all Senators that our responsibility to pass appropriations bills is defined by the U.S. Constitution, which requires "appropriations made by law"—that means we have to pass them—"prior to the expenditure of any money from the Federal Treasury." That is article I, section 9.

I see nothing in my reading of the Constitution that says the Senate must have unlimited debate on some other issue of interest or that the Senate even has the authority to speak on all the issues between a patient and a doctor.

Granted, we have until October 1 to conclude the appropriations process. That seems like a long way off, summer having just started. But I am not sure exactly why we would be dragging our feet now, because I am sure I do not have to remind anybody of what happened last October when we did not do our work early. Congress did not complete its job on time, and the American people are the ones who ended up paying for our irresponsibility with a $20 billion-some so-called emergency appropriation that came when, instead of constitutionally addressing our responsibility on appropriations, the President and a few Members of this body combined to invade the Social Security trust fund for about $22 billion in emergency spending.

Members on both sides of the aisle complained bitterly for months about the process and the outcome. Members from both sides pledged to work together to make sure that history did not repeat itself this year.

I commend the leadership and the Appropriations Committee for the wonderful start that has been made on the appropriations bills. It is June 24, and the Senate has passed four appropriations bills and has five more ready for the floor. If those on the other side ever allow us to return to our duties, we can do the job and do it well.

Let me caution all of us that summer will pass quickly. We should not put off our responsibilities. We are sent here by our constituents to do our jobs for them, not to sit in endless quorum calls and have days of morning business because some group wants a special interest measure to be addressed and demands unlimited debate without any end in sight.

In addition, I am concerned that certain Senators are holding this agriculture appropriations bill hostage at a time when many in our farm communities are undergoing great hardship. America may be in the midst of great prosperity, but it is not a prosperity that has reached the farms. Many of our farmers are working harder and harder, and times are tougher and tougher, not better and better.

Just a few months ago, we passed an emergency supplemental appropriations bill that dealt, in part, with the crisis in the agriculture sector. Members on both sides of the aisle agree that farm families are not enjoying the prosperity that other Americans have recently been enjoying. So this is not the time for the Senate to deal another blow to those who are already hurting. It is not the time for the Senate to kick agriculture while it is down. We need to stand up for our farmers, and we need to stand up for our ranchers, not to try to make political hay out of an issue unrelated to agriculture on the agriculture appropriations bill.

Since we are not on the agriculture appropriations bill, and I am not sure when we will return to it, I want to spend a few minutes talking about an amendment I plan to offer to the agriculture appropriations bill. It is an amendment that will help farmers by opening, and keeping open, foreign markets to their goods.

I want to discuss a commitment the Congress made to America's farmers and ranchers when we passed the Freedom to Farm bill 3 years ago. Then, we promised that as the Government reduced farmer price support programs, we would ensure that farmers had ascending opportunities to be competitive in international markets. As we withdrew the Government involvement in farming, we would expand the opportunities for farmers in markets overseas. This was a promise to open new markets. However, in order to do so, we had to not only remove foreign barriers to U.S. farmers and ranchers, we needed to remove our own barriers to U.S. exports of farm goods. Removing U.S. barriers means agricultural sanctions reform, which is important to America's farmers and ranchers, and especially important to me as a Member who represents a farm State.

For more than 200 years, farmers and ranchers have been vital to the growth and the economic prosperity of the United States. We were an export country, agriculturally, from the beginning. We always responded to challenges in our competitive free market system. I believe the United States has the best farmers in the world—first class in production, processing, marketing, both abroad and at home. However, we are now seeing the effects of depressed farm prices across the Nation. No doubt, we need to face the crisis head on, but while we are passing multiple spending bills this year, there are some basic questions we should answer:

Have we done everything we can to allow farmers to be independent, to allow farmers to have the freedom to compete, to give them opportunities and not just send them money, to consider the long-term well-being of family farms? In the absence of us fulfilling our promise to open markets, is our spending merely keeping farms solvent this year only to be lost in the future?

We have had 3 years to answer these questions, and the answer to all of them is still a resounding no.

The administration and the Congress have many words about open markets and more export opportunities, but our actions have been to bog ourselves down with turf battles and procedural maneuvering. How can we explain this to the agricultural community across America? How can we tell our family farmers in the Midwest, in Missouri, in the Far West, or in the East and the South, that we really want to give them increasing opportunity in world markets, and then thwart our own goal with institutional barricades, and tell them we want to sell abroad but forbid them to sell abroad by having embargoes of our own products, sanctions against countries that are unnecessary and counterproductive, so it makes it impossible for them to have the same markets they would otherwise enjoy?

I believe we must enact reforms that give farmers and ranchers the opportunity both to be productive and to be competitive. Such reforms will strengthen farm families. I believe these policies are ones rooted in the American tradition of increasing opportunity.

One-hundred-plus years ago, my grandfather, John M. "Cap"—they called him Cap—Larsen left northern Norway as a 13-year-old to sail the high seas. He changed his name and, with all his earthly endowment contained in a duffel bag, he switched ships and boarded one destined for the United States as a crew member. He could not speak the language, but he knew that America was a place of ascending opportunity, and he came here.

We have a responsibility to America to keep our opportunity growing. We can't keep our opportunity growing if we are closing the markets in which American farmers can sell their produce. So, clearly, our opportunity is to say to American farmers—and I would like to say to Missouri farmers—we want you to have an opportunity to sell your goods in as many places as is possible.

The agricultural industry is the backbone of my State's economy, accounting for more than $4 billion annually.

While the United States can produce more food than any other country, we account for only 5 percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders. This is an astounding statistic when we put it in terms of creating opportunities. Exports account for 30 percent of the gross cash receipts for America's farmers, and nearly 40 percent of all U.S. agricultural production is exported. However, with the consuming capacity of the world largely outside our borders, our farmers and ranchers need increasing access to foreign demand.

Farmers and ranchers tell me repeatedly that they want more of our help abroad and less of our interference on their farms. They need us to open foreign markets, and they need us to keep those markets open.

Our first task—opening foreign markets—looms before us like a brick barricade. With the same will and authority of President Reagan before the Berlin Wall—when he said, "Mr. Gorbachev, tear down this wall"—we must face head-on the barricades before our farmers and ranchers. It is not an easy task, but then again neither was dismantling the Evil Empire.

The Europeans are standing on their massive wall of protectionism built across the trail of free trade and simply rejecting U.S. beef. For example, May 13 was the last date for them, according to the orders from the World Trade Organization, in which they had exhausted every appeal. That was the last day for them to finally say they will accept U.S. beef. They refused to do so.

We have to blaze a trail. The Europeans cannot be allowed to make a mockery of our competitive spirit, especially that of our cattle ranchers.

Our second task—keeping markets open—is why my colleagues and I are here on the floor today. The picture of ascending opportunity for farmers is incomplete without a view of foreign markets unimpaired by U.S. embargoes.

We have gone from the idea of trade barriers on the part of the Europeans to embargoes on the part of the United States. We keep a number of our farm products from being sold around the world, and unnecessarily.

I might add that using food and medicine as weapons creates a cumbersome trail, an environment of descending opportunities. Agricultural embargoes amount to a denial of much-needed food and medicine for the innocent people of foreign lands with whom we have no quarrel and to a unilateral disarmament of the farmers in a competitive world market. We have simply pulled our farmers out of competition in a number of areas where we need not. We must not use our farmers or innocent people as pawns of diplomacy or allow our embargoes merely to add bricks to the walls of protectionism that other countries have erected.

Our farmers have jumped through all the hoops of foreign trade barriers and redtape to establish trusted relationships with foreign buyers. That has happened. And the U.S. Government should be extremely cautious about interrupting their sales by imposing trade sanctions.

Many farmers' livelihoods depend on sales overseas. For instance, in the mid-1990s, more than one-fourth of Missouri's farm sales were made to overseas consumers. But because the U.S. Government has sanctioned agricultural trade, there has been an estimated $1.2 billion annual decline in the U.S. economy during these years.

In other words, our whole country suffered to the tune of an annual decline of $1.2 billion as a result of agricultural embargoes. This translates into 7,600 fewer U.S. jobs. Even one-third of those 7,600 jobs lost translates into the loss of a family farm. So we have lost about 2,500 family farmers in each of the last several years because of agricultural embargoes.

Sometimes I think we need to ask ourselves: Who are we hurting? We think we are hurting other countries that go into the world market and buy from other suppliers. I don't think we are hurting them badly—perhaps not nearly as badly as we hurt America when we lose 2,500 family farms a year. That is 50 family farms a week. That is a tradition that they no longer pass on—a tradition of resourcefulness, a tradition of independence, a tradition of providing food and fiber to a hungry world.

Additionally, this debate on agricultural sanctions reform is broader than the effect sanctions have on America's farmers. In addition to hurting our sales and damaging our farmers' credibility as suppliers, embargoes deny food and medicine to those who need it most—citizens who have to live under the rule of some of those who are most oppressed.

Also, the United States, by imposing unilateral agricultural embargoes, can actually end up benefiting instead of punishing foreign tyrants. For instance, one of the little-known aspects of the Soviet grain embargo concerns how much money the Soviets saved as a direct result of the United States "punishing" them with an embargo. There may be a number of people who do not remember the U.S. grain embargo with the Soviet Union in the late 1970s, I believe it was. We thought, well, they are not doing things the way we want them to, so we will make it tough on the Soviets. We will embargo exports from the United States to the Soviet Union. The Soviet Union, when we said we would no longer trade with them, was able to cancel 17 million tons of relatively high-priced purchases from the United States. So they wouldn't buy these quality well-produced items from American agriculture. They replaced those purchases they were going to get from American agriculture with purchases from other countries. What do you know? They even bought from other countries at lower prices.

The U.S. embargo unilaterally canceled private contracts and drove the world market prices down by sending our grain into the world market, and at the same time it was estimated that the embargo saved the Soviets about $250 million. In an effort to hurt the Soviets, we saved them $250 million, and we cost the American agricultural community 17 million tons of agricultural sales to a market for which the contracts had already been signed.

That is not exactly the intended result. But all too frequently when we keep our farmers from selling to countries overseas as a result of these sanctions and embargoes, we end up hurting ourselves, and not the other country. We end up destroying family farms in America—not something in the other jurisdiction. We end up making it tough on American farmers.

I agree that in some instances the United States needs to use trade sanctions. They can be a foundation for the protection of our national security interests and to the promotion of our foreign policy goals. However, because I believe agriculture and medicine should rarely be used as a unilateral weapon—they aren't things that really are going to win wars for us generally, especially if the agriculture production that we cut off is really replaced just by production brought on line in other cultures—I think we should be very serious about any effort to use agriculture or medicine as a weapon.

I think both the Congress and the administration need to consider it very carefully, and that they ought to combine their authority to lift most of the remaining restrictions on American farmers and ranchers. We ought to give them a chance to sell to a hungry world.

That is why a number of Senators and I—Senator HAGEL, Senator BOXER, Senator KERREY, Senator ROBERTS, and Senator DODD—are working on this amendment which I would otherwise be offering if we weren't in morning business. I hope many other Senators will join.

We want to be involved in discussing what is good for America—yes—what is good for our farm communities, and our home States, and discuss why sanctions, which really hurt us more than they hurt the other fellow, are really counterproductive to American farmers. If there are costs to be borne in our culture as a result of our antagonism with others, those costs should not be focused solely on the agricultural communities in a way that makes our farmers less competitive, because we narrow in a significant way the markets that they would otherwise have in the world marketplace.

The theme of the amendment I would have proposed is that sanctions should rarely, if ever, be imposed against food or medicine, and, if they need to be imposed, both Congress and the President should be involved. Our farms should not be sanctioned without serious deliberation about the effects. If food and medicine for the world is important—and the Food and Medicine for the World Act should be passed—it is this: That in order to use agriculture or medicine as a part of a sanctions regime, there would have to be an agreement between the administration and Congress.

Let me make this clear. We don't want to tie the hands of the President. We merely want to require the President and Congress to shake hands in agreement, if we are going to ever use food and medicine as a part of a sanctions or an embargo regime.

That is the thrust of the amendment, which I am proposing; and here is how it would happen. Under the amendment, agriculture is carved out of a sanctions package when any new sanctions are imposed. The President would still be able to use his broad sanctions authority, but agriculture and medicine would be treated a little differently.

When any new unilateral sanction is announced by the President, the sanctions he imposes may go into effect, except they would not affect agriculture or medicine unless the President submits a report to the Congress asking the sanctions include agriculture, and Congress approves, by joint resolution on expedited review, his request to sanction agriculture and/or medicine.

Additionally, sanctions on agriculture and medicine that are put in place by the new procedure would sunset after 2 years unless the President made a new request for sanctions and the Congress extended that particular item.

There are certain instances in which the President would not have to get approval from Congress to include agriculture and medicine in a sanctions regime. First of all, we want to make sure we are not aiding terrorists in any way. It is one thing for terrorists to use their money to buy our food. At least they aren't using their money to buy bombs and weapons. However, we need to make sure we don't somehow subsidize our sales to terrorists. That is why we have included an exception in the bill for terrorist governments. In no instance would we extend credit or credit guarantees to governments of state-sponsored terrorism. This is an important point to me: We are not going to be giving tax dollars of the American people to terrorist governments so they can buy our food and, having gotten credit from us, then buy munitions to carry out their terrorism. That is not possible under this act.

Second, we will not give terrorists any dual-use items. This sanctions amendment specifically carves out items on the commerce control list, items on the munitions list, and any item that would be used to manufacture chemical or biological weapons. This is the strongest belt-and-suspenders approach possible. We honor the commerce control list, the munitions list, and we would make sure there were no credit extensions to terrorist regimes.

Finally, if Congress has declared war, the President would be able to include agriculture and medicine in a sanctions regime against the country of which we are at war. If we have declared war, obviously we are not going to be aiding or trading with the enemy in any way. Congress would not have to again provide ratification of the President's sanctions in that setting.

My colleagues and I are genuinely of the belief that this bill is in the best interests of American agriculture. It is the best approach to agricultural sanctions reform. We do not have to balance national security interests versus farm exports because we do not limit the ability of the United States to protect its national security interests. When the national interests are clearly at stake, the Congress and the President should be able to agree.

For the most part, I do not think we should use items such as wheat and soybeans as weapons for foreign policy. However, if the need ever arises to embargo agriculture, Congress and the administration can impose sanctions that would affect the flow of our agricultural goods to nations abroad; we just need to have a deliberative process set in place, and we need to ensure that both the President and the Congress are in agreement.

The food and medicine for the world amendment is fair and it is constitutional. The food and medicine for the world amendment, which is the amendment I would propose today if we were actually on the bill, sends a message to overseas customers that U.S. farmers and ranchers will be reliable, that people can depend on our produce and our production, and we will honor our contracts.

The food and medicine for the world amendment also sends a message to U.S. farmers and ranchers. It says we will not tamper with their capacity to have good, open markets around the world without due deliberation. Also, it begins to fulfill a definite promise made to our farmers and ranchers a little over 3 years ago.

Not only would we be assuring U.S. farmers and ranchers, I think we would be sending a signal to poor citizens around the world who need the food, the produce, the fiber that we produce, the medicines that we have, that we have a heart in America that respects their heart, that they are not subscribing to tyranny because they have to live under it, and that we are not unwilling to provide needs to individuals as long as our provision of needs doesn't sustain the oppression of individuals.

It is time to enact a policy that supports our farmers' efforts to reach their competitive potential internationally, a policy that makes food and medicine available around the world. We must create "ascending" opportunity for our farm families. This measure would provide for that. It also understands that there are times when we need to curtail the flow of our goods overseas, but it requires both the administration and the Congress to come to an agreement in order for that to happen.

I believe the food and medicine amendment which I would be proposing, were those on the other side of the aisle not thwarting our capacity to move forward in addressing the pressing needs of agriculture today, is essential to the well-being of the farmers and ranchers in America, also essential to our well-being and our reputation as a reliable producer and provider of food, fiber, and medicine around the world.

I ask unanimous consent two pertinent letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 23, 1999.

Hon. JOHN D. ASHCROFT,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ASHCROFT: We are pleased that you and other supporters of sanctions reform are preparing to offer an amendment to the Agriculture Appropriations bill today.

The amendment, "Food and Medicine for the World," would exempt agricultural and medical products from unilateral sanctions unless the President submits a report to Congress asking that the sanctions include agriculture and Congress approves his request by joint resolution. If a sanction is imposed on agricultural exports following joint resolution approval, it would sunset in two years unless the process is repeated at that time.

We strongly support this amendment and believe it would result in true sanctions reform for U.S. farmers and ranchers. As you know, unilateral sanctions inflicted the most damage on U.S. producers. They often result in no change in the target country as these nations simply source their agricultural purchases from our competitors. The end result is that our producers are branded unreliable suppliers and lose access to important markets for decades to come. This amendment would begin to restore the U.S. reputation as a reliable supplier of agricultural products.

Access to export markets is more important than ever given the decline in projected exports for 1999 and depressed commodity prices worldwide. We endorse your efforts to keep our export markets open.

American Cotton Shippers Association; American Farm Bureau Federation; American Soybean Association; American Vintners Association; Animal Health Institute; Archer Daniels Midland Company; Biotechnology Industry Organization; Cargill; Central Soya Company, Inc.; Cerestar USA; ConAgra, Inc.; Continental Grain Company; Corn Refiners Association; Farmland Industries, Inc.; Florida Phosphate Council; Independent Community Bankers of America.

National Association of Animal Breeders; National Association of Wheat Growers; National Barley Growers Association; National Cattlemen's Beef Association; National Chicken Council; National Corn Growers Association; National Council of Farmer Cooperatives; National Food Processors Association; National Grain Sorghum Producers; National Grange; National Oilseed Processors Association; National Pork Producers Council; National Renderers Association; North American Millers' Association; Philip Morris Companies Inc.; Sunkist; USA Rice Federation; United Egg Association; United Egg Producers; U.S. Wheat Associates, Inc.

MISSOURI FARM BUREAU FEDERATION,
Jefferson City, MO, June 17, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: Missouri Farm Bureau, the state's largest general farm organization, strongly supports the Ashcroft-Hagel-Baucus-Kerrey amendment that provides U.S. agricultural producers with much-needed protection from unilateral trade sanctions. Furthermore, I commend the sponsors of the amendment for recognizing the damage inflicted upon our nation's farmers when food is used as a weapon.

This amendment is especially important given the current weakness of the U.S. farm economy. Ill-conceived trade policy that prevents U.S. agricultural exports not only has financial ramifications for our farmers but also provides new market opportunities for our competitors.

This amendment exempts agriculture from unilateral trade sanctions, yet recognizes there may be instances where such drastic action is warranted. When a situation arises where the President feels it is necessary to include agriculture, the amendment provides a procedure to obtain this authority.

Unilateral trade sanctions have proven to be a tool best to avoid. I commend your efforts and urge other Senators to support this important amendment.

Sincerely,

CHARLES E. KRUSE,
President.

Mr. ASHCROFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business, and I also ask unanimous consent that Senator DORGAN be allowed to follow me when I have finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS EMERGENCY SERVICES PROVISIONS

Mr. BAUCUS. Mr. President, I join my Democratic colleagues in their fight to have an open and unrestricted debate on the Patients' Bill of Rights. Over the past several days, we have heard the Republican leadership say they are interested in having an up-or-down vote on their bill, followed by a vote on the Democratic bill. We all know this is not how the Senate is supposed to work. We are a deliberative body, and as such, we should have debate on important issues that affect the lives of Americans.

The Patients' Bill of Rights addresses one of the most important issues the Senate can debate: the rights of Americans to have access to quality health care.

Our health care system essentially relies on three important factors: First is access to health care; second is the quality of our health care; and third is cost controls, that is, the cost of our health care.

The problem is it is extremely difficult, if not impossible, to have the best in all three areas. If we concentrate on two of the areas, that usually results in sacrifices in the third area. The whole reason we are trying to have this debate is that this trio of access, of quality, and of cost control has shifted out of balance. Our market-driven health care system has become too focused on controlling costs and protecting corporate profits. Although predictable, this, unfortunately, has led to sacrifices in access to health care and quality health care.

It is important to point out we do need to be concerned about cost control in our health care system, no doubt about it. In fact, managed care has done many of the things we hoped it would do. For example, it has improved the efficiency of health care delivery, it has slowed down the growth in health care costs, and it has enhanced the collection of data to assess the quality of care. It has done all that, and that is good.

The message of this debate is not that managed care is the enemy. As I said, managed care has done a lot of things which are very important. This debate, rather, is about restoring a balance in our health care system.

We certainly could design a health care system that is only concerned about money, but that would miss the point. Unfortunately, though, we are headed in that direction. We need to stop and ask ourselves what we value in our health care system and what it means to have health insurance in America. That is why we want this debate so we can find answers to those questions.

I stand with my Democratic colleagues who have called for an open debate. One of the reasons an open debate would be helpful is there is room for compromise. In fact, I am a cosponsor of a bipartisan patient protection bill that I think strikes an important balance between the two sides which we have heard about in the last few days.

We need to come out of our corners and debate the issues because I believe there is an important middle ground, one that many Senators can support, if we simply have the courage to debate the provisions of these bills and let the votes fall where they may.

I want to address an important area in the Patients' Bill of Rights; that is, the provisions that address coverage for emergency services. Both the Republican and Democratic bills provide coverage for emergency services using a prudent layperson standard. Unfortunately, the Republican version of the prudent layperson standard falls short of the standard that Congress has already enacted for the Medicare and Medicaid programs in the Balanced Budget Act of 1997.

This means that under that bill, hard-working Americans with private insurance will have less protection for emergency services than beneficiaries in Medicaid and Medicare programs. The bipartisan bill that I cosponsor and the Democratic Patients' Bill of Rights contain the real prudent layperson standard for emergency services.

What is the problem with the other version, that is, the Republican version of the prudent layperson standard? There are two important weaknesses in that standard.

First, that standard provides an inadequate scope of coverage for emergency services. We have heard a lot of discussion about the scope of coverage in the two bills over the last 2 days. The best example of why we need to have uniform protections for patients throughout the country is the prudent layperson standard.

The Federal Government is already involved in every emergency room visit in this country. We have strict Federal standards to protect patients with medical emergencies. These standards are embodied in the Emergency Medical Treatment and Labor Act or EMTALA. It is hard to argue that the Federal Government should not be involved in protecting patients with medical emergencies when the Federal Government already is involved.

The prudent layperson standard in the Republican bill only applies to 48 million people. Both the bipartisan bill and the Democratic bill apply this important protection to all 180 million people with private health insurance. We need to realize in the Senate, again, we have already mandated that anybody who goes to an emergency room should receive health care. That is mandated. We now have an opportunity to ensure that patients are not held financially hostage for the decisions they make in an emergency. There is broad bipartisan support for the patient-centered concept of the prudent layperson standard. Now we need to extend this scope of coverage so that it parallels the Federal statutes that are already on the books.

The other major weakness in the prudent layperson provisions in the Republican bill is the lack of provisions for poststabilization services. I want to point out what the debate about poststabilization services is all about. It simply boils down to two questions.

First, is poststabilization care going to be coordinated with the patient's health plan, or is it going to be uncoordinated and inefficient?

Second, are decisions about poststabilization care going to be made in a timely fashion, or are we going to allow delays in the decisionmaking process that compromise patient care and lead to overcrowding in our Nation's emergency rooms?

We have heard a lot of rhetoric about how poststabilization services amount to nothing more than a blank check for providers. If these provisions are a blank check, then why did one of the oldest, largest, and most successful managed care organizations in the world help create them in the first place?

Kaiser-Permanente is a strong supporter of the poststabilization provisions in our bill for a simple reason: They realize that coordinating care after a patient is stabilized not only leads to better patient care, it saves money.

Let me give an example of a case which took place in the past 2 months. It illustrates the problem quite nicely.

A woman came to an emergency department after falling and sustaining a serious and complex fracture to her elbow. The emergency physician diagnosed the problem and stabilized the patient. The stabilization process took less than 2 hours. Unfortunately, the patient's stay at the emergency room lasted for another 10 hours while the staff attempted to coordinate the care with the patient's health plan.

The plan was unable to make a timely decision about the care this patient needed. The broken bone in her elbow required an operation by an orthopaedic surgeon. The patient's health plan did not authorize the operation in the hospital where the patient was located. They denied this care because the hospital was not in its network, even though there was a qualified orthopaedic surgeon available.

After several phone calls, a transfer was arranged to another hospital. Unfortunately, the patient did not leave the hospital emergency room for almost 12 hours.

When the patient arrived at the second hospital, the orthopaedic surgeon looked at the complexity of the broken bone and decided he could not perform the operation. The patient, therefore, had to be transferred to a third hospital, where the operation was finally performed.

Let's look at the extra costs involved in this case. The patient had two ambulance rides and two extra evaluations in hospitals. The patient also laid in the emergency room with a painful broken bone for 12 hours before being transferred. During this time, the emergency room was very busy and the staff had to continue to care for new patients as they arrived.

So why did this occur? In this case, the problem occurred because the plan was unable to make a timely decision about the poststabilization care this patient needed.

This should not be how we in this country take care of patients with a medical emergency. I hope Republicans will join with us to pass a really prudent layperson standard for emergencies.

I urge my colleagues to allow us to have an open debate on the Patients' Bill of Rights. We need to have this debate. Americans want protections in their health plans. Americans want a system that balances the needs for access, quality, and cost control in their health care.

Before I close, I just want to mention how delighted I am to hear my colleagues talk about the needs of the uninsured in America. If they are serious about working to address the problem we have with 43 million uninsured Americans, I obviously look forward to working with them. Once we have established basic, uniform rights in health care, we should return to the equally important task of providing access to health care for the uninsured in America.

It seems important that universal access to adequate health care should be our goal. But unless we recognize the importance of rights in health care, our constituents may end up with access to a system that is indifferent to both their suffering and their rights.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

THE CRIMINAL JUSTICE SYSTEM IN THE DISTRICT OF COLUMBIA

Mr. DORGAN. Mr. President, I want to call the attention of the Senate to a couple of items that relate to an appropriations bill we will be marking up this afternoon in about half an hour in the Senate Appropriations Committee.

We are going to mark up three bills. I will be there as a member of that committee. One of the bills deals with the District of Columbia. I have spoken on the floor in recent weeks about an issue dealing with the criminal justice system in the District of Columbia. I want to comment on it again in light of a news story in today's paper, this Thursday morning's Washington Post.

Some while ago, a young boy was rollerblading in the District of Columbia—a matter of weeks ago—and he was hit and killed by a car that then sped away. That car allegedly was driven by a man who was arrested, Shane DeLeon. He was arrested and put in jail and then, of course, let out of jail, as is so often the case these days.

Shane DeLeon, it says in the paper today, walked away from custody. It says:

> The man charged in the hit-and-run death of an American University student walked away from a District halfway house Tuesday and remained free last night. . . .

I want to read a couple of paragraphs because it describes, I think, the chronic problem in the criminal justice system in the District of Columbia and, I should say, elsewhere as well.

> Shane Simeon DeLeon failed to return to the Community Correctional Center on New York Avenue NE by his 11 p.m. curfew, according to D.C. Department of Corrections officials. [He] was allowed out of the facility from 7 a.m. to 11 p.m. to remodel the basement of his girlfriend's home on MacArthur Boulevard in Northwest Washington. . . .
>
> This is the third time [this fellow] has broken curfew. The first two times, he was under home detention.

Now he walks away again, this fellow who is facing second-degree murder charges.

I have spoken on the floor a lot about a case that was in the news a couple of weeks ago. I spoke about this case some years ago on a number of occasions and then again a couple of weeks ago. It is the case involving the murder of a young woman, Bettina Pruckmayr. Bettina Pruckmayr was a young attorney here in Washington, DC. She was abducted late at night and forced to go to an ATM machine and forced to withdraw money; and then her murderer, Leo Gonzales Wright, stabbed her over 30 times in a brutal murder.

It turns out, a couple of weeks ago, after this murderer was sentenced to Federal prison—3 years later, they discovered he had not been put in Federal prison, he was still out at Lorton. The Federal judge was justifiably angry, wondering, why couldn't they even get that right to send this murderer to Federal prison? My understanding is, he is in Federal prison now.

But the story in today's paper about a fellow facing second-degree murder charges simply walking away—he was allowed, by the way, while facing second-degree murder charges, to go help remodel the basement of his girlfriend's house from 7 a.m. to 11 p.m.—why is a fellow facing murder charges walking around, remodeling his girlfriend's basement?

It is the same story as that of Leo Gonzales Wright. What was he doing walking around on the evening that he eventually murdered Bettina Pruckmayr? Here is a man who robbed a convenience store and shot the convenience store owner; he robbed a cab driver and murdered the cab driver; and then he was sentenced to prison for a minimum of 20 years—not to be let out before 20 years—and he was let out nearly 5 years early, despite the fact that in prison he had 33 different violations for assault and drugs and weapons. Then he was let out on the streets 5 years before his sentence ended, and, while on the streets, he committed theft and tested positive for drugs. When he was brought before the parole board, this fellow, who was a twice-convicted murderer, was told: No; you can stay out on the streets on parole. Taking drugs as a violent offender is not serious enough to put you back in prison. Theft is not serious enough to put you back in prison.

So the message is: The authorities say that a violent offender can commit a theft, can take drugs, can remain on the streets, and remain on the streets in a manner that allowed him, on that fateful evening, to kill this young attorney named Bettina Pruckmayr.

A couple of weeks ago, 3 years after this man was sentenced to Federal prison, the Federal judge found out he was not in Federal prison at all—he was in Lorton—and the judge said: What on Earth is going on?

I looked into it in order to find out what happened. It is a mess. At every step along the way, this inspector's general report—which is some 50 pages long—shows one massive problem after another. This system is completely devoid of common sense. It is a system that says to the fellow who was up for second-degree murder: You go ahead and fix your girlfriend's basement. We'll give you every day, all day, from 7 a.m. to 11 p.m. to do that. Then he walks away on them, and they are surprised. Or a system that says to another fellow: Yes, we know you are violent, we know you are a murderer, but it is fine if you are on the streets taking drugs, and it does not matter if you are convicted of theft or charged with theft. That is a system, in my judgment, that is defective.

I intend to raise some questions at the markup today with respect to the District of Columbia. I notice my colleague from Illinois has come to the floor. He has raised questions that go directly to these issues.

This is the District of Columbia that says: We have a lot of money we want to offer for tax cuts. They do not have enough money, apparently, to have prison space to keep people convicted of murder in prison.

The Senator from Illinois has asked the questions now a good number of times publicly: What about that? What about your priorities? What about your responsibility to the memory of Bettina Pruckmayr, who was murdered by someone who should have never been on the streets to murder anybody? He should have been in prison, but he was let out early.

This fellow Leo Gonzales Wright was in Lorton Prison. Do you know why he was let out early from there? Because he apparently was allowed into the prison system to change his own records; so when they looked at his records, they had all been altered to say he was a good guy when, in fact, he was a bad guy. It is just unforgivable what is happening on the streets in this country, especially in the District of Columbia. And one additional point: It is not just there. There is a county adjacent to the District of Columbia in which two fellows are, I believe, on trial to be convicted for the murder of a couple people in a Mr. Donut shop. I asked my staff to look at the backgrounds of those folks. It seems the same two people carjacked a fellow on the interstate around this beltway, the same two people just months ago carjacked someone in a violent carjacking out on the streets so they could murder a couple people at a Mr. Donut late at night.

Day after day we read this, especially in the District of Columbia. I am sick and tired of it.

I will offer a couple amendments. I will consult carefully with my friend from Illinois, who is the ranking member on that subcommittee. One of the amendments is, if you are on parole in the District of Columbia for a violent crime and you are picked up on the streets as having taken drugs, you ought to find that your next address is back in that same jail cell. We ought not have violent criminals on parole taking drugs and then have parole officers say that is alright; that it is a minor infraction.

If you are a violent offender on parole taking drugs, my friend, your address ought to be a jail cell, once again, to the end of your full term.

I intend to offer that amendment. I hope that is the sort of thing we can get passed.

I yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator for raising this.

In just a few moments, we will go to the Appropriations Committee and consider the D.C. appropriations. I ask my friend from North Dakota to follow with me for just a moment on some of the facts that we will face.

I do love the District of Columbia. I went to college and law school here, and it is a beautiful city. I think anyone who has been here more than 15 minutes knows that it has serious problems when it comes to the crime rate, when it comes to the status in schools. The District of Columbia has an annual budget of about $5 billion; $1.8 billion comes directly from the Federal Government. We are big players when it comes to the District's budget.

The District of Columbia's city council has decided that things are going so well in this city, when it comes to crime and schools, they have $59 million that they are going to give back to the residents in tax cuts.

To a staffer of mine the other day, at the end of the day, I said: Do you need a ride home?

He said: I only live 5 blocks from the Capitol Building of the United States. I ordinarily walk, but last week a woman was stabbed to death in my neighborhood 5 blocks from the United States Capitol Building.

I said: Do you know what you need in your neighborhood, according to the D.C. city council? You need a tax break.

Let's get serious about it. The first thing the residents of the District of Columbia want is safety in the streets and quality schools. This D.C. city council has turned its back on that. They said: We are going to acknowledge the fact that we are the worst in the Nation when it comes to infant mortality, the worst in the Nation when it comes to the basic standards of judging children, and yet we are going to stop spending money and helping these kids. We are going to give it back in a tax cut.

Then they turn around, wanting an additional $17 million for a scholarship program, money that is going to be taken out of the Labor-HHS appropriations.

What could that money do? It is money that goes to the National Institutes of Health for medical research. They want $17 million of that to spend on a scholarship program, while they give away $59 million.

I concur with the Senator from North Dakota. I have never felt it was my congressional responsibility to be the mayor of this town or a member of the city council. But when they are absorbing Federal money, we have the right to say: You have done something which is shameful. To give away $59 million worth of problems that this city faces is just unconscionable.

If you walked into any Senate office or any House office and asked the staff members: Has anybody here been mugged, has your home been broken into or your car? You would be shocked. It is a common occurrence in this town.

We have to do something about it. I salute the Senator from North Dakota. I hope that he is aware of the debate we are about to have in a few moments.

Mr. DORGAN. I am fully aware of that debate and in full support of the statements the Senator from Illinois has made.

Let me put up a chart that shows what has sparked my ire. I am not someone who comes to the floor to beat up on the District of Columbia, nor is the Senator from Illinois. I have simply had a bellyful of this behavior by folks in the criminal justice system in the District of Columbia.

This headline ran a couple of weeks ago: Killer Sent to Wrong Prison after Second Murder. This headline is referring to Leo Gonzales Wright who murdered Bettina Pruckmayr. Three years after he was sentenced by the Federal judge, they still couldn't get him in the cell that he was supposed to be in.

The point is, the inspector general report—I urge all my colleagues to read it—shows a system that is totally corrupt. It portrays a system that says to a violent murderer: You are out on parole. You are out early. You can take drugs. You can be charged with theft, and we don't care. You get to stay on America's streets.

A city that can't keep violent offenders off its streets and behind bars is a city that can't keep its streets safe. American citizens deserve better, especially in America's Capital, Washington, D.C.

The recommendations of the inspector general are really interesting. I read this at home the other night. When I finished reading it, I shook my head and said: This is such an incompetent system. It doesn't take rocket science to know what you have to do. When someone holds up a convenience store and shoots the owner, when the same person then decides to rob and murder a cabdriver, and then when that person is let out of prison early and decides to take drugs and steal, does that person belong on our streets so that this wonderful young attorney Bettina Pruckmayr can show up at an ATM machine one night, only to be savagely murdered by this animal? Does this person belong on the streets? Of course not.

Who was responsible for putting this person on the street? The criminal justice system. Person after person after person failed, and the result is a dead woman, a dead, innocent, young woman, full of promise, who met a killer on the streets of our Nation's Capital.

I say again, when we come to the floor—I will go to the Appropriations Committee in 15 minutes—I will offer two amendments, one of them dealing with drugs. I would have thrown this man back in prison immediately, and he wouldn't have been anywhere near Bettina Pruckmayr to be able to murder her that evening. I would have said: If he is found with drugs, as he was repeatedly, having been a formerly convicted murderer, that man goes back to a prison cell. That is just common sense.

Do you know, the policy of the District of Columbia was that drug use by someone on parole was not a serious enough offense to put them back in prison? What on earth can they be thinking? They are going to give a tax cut, but they don't have enough money for prison cells to keep violent people behind bars.

Shame on those people. Shame on those people who make those judgments. The murder of a young woman and so many others are on their shoulders.

Mr. LEAHY. Will the Senator yield.

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. We represent, I believe, the two States with the lowest crime rates in the country. Our States are about the population of the District of Columbia. I expect either one of us could pick out a 2- or 3-day period last year or in this past calendar year in the District of Columbia where more murders occurred than our States put together for the year.

Without sounding like a poster child for the gun lobby or something else, I express one frustration, also watching what has happened in this recent tragic killing of a grandmother, when what appears to be, at least if the news accounts are accurate, people arguing over whose car bumped into whose car, and suddenly there is a gang on the street armed like the marines landing in Kosovo, and now with the nationwide spotlight on this crime, the police go into action and suddenly start confiscating guns.

I ask the Senator from North Dakota: Is it not his understanding, as it is mine, that the District of Columbia has virtually the toughest gun laws in the country? The carrying of these weapons or possession of them is a crime. Yet have you seen an awful lot of people go to prison for carrying these weapons, even though they are found with them all the time?

Mr. DORGAN. In answer, I think there is a leniency here in this system that is unforgivable. The case that the Senator from Vermont just mentioned is referenced in the newspaper today. That case is the grandmother who was trying to grab these children and get them off the streets as the bullets began to fly last Monday. It says in this same story this morning that Derrick Jackson, age 19, has been charged with the first-degree-murder death of Helen Foster-El by stray bullets on Monday night. He had walked away from a juvenile home in April. He had been placed there in connection with juvenile drug and stolen vehicle charges. I will bet you that if you and I take the time to try to get this person's record, we will find a record as long as your arm and that person ought not to have been anywhere near that neighborhood to be able to fire a gun.

I will bet you that the record would justify, by any standard of any reasonable person, that this young man ought to have been in jail. But he was out on the streets with a gun. I don't have the record, but this is a guy who walked away from a halfway house or a juvenile home in April. Now it is almost the end of June.

Mr. LEAHY. If the Senator will yield further, since he has already read that, if he will look at some of the numbers of unclosed cases, or the number of times when leads are not followed up, the number of complaints I have received in my office, and people making complaints to police departments that have never been followed up, witnesses never sought—we spend an awful lot more in law enforcement in this city than they do in the whole States of North Dakota and Vermont. There are a lot more people, a lot more officers available. I know many of them do excellent work, and they put their lives on the line, and some lose their lives. But I also know there are a lot of areas in this city where drug selling is out in the open and a matter of public knowledge, and where illegal possession of weapons is a matter of open knowledge, and nothing happens until the spotlight of one of these terrible tragedies occurs.

So I appreciate the Senator's comments.

Mr. DORGAN. Let me make one final point. There is one other part of this, the case I have described, the Leo Gonzales Wright case.

I have always thought that in this country, in our criminal system, we ought to have two standards, one for violent offenders and one for nonviolent offenders. In every State, violent offenders should never get time off for good behavior. Your prison cell ought to be your address until the day your sentence ends, period, no time off. Leo Gonzales Wright earned nearly 5 years of time off for good behavior despite 33 violations in prison for assault, weapons, and drugs—5 years off for good behavior. He should not have been on the streets.

I have a bill that is simple. I have never been able to get it passed. It says this: If any jurisdiction in this country lets a violent offender out of prison early and that person commits a violent crime during the time they would have been serving a sentence, then the government—the city, county, or State that let him out—is responsible to the victim or the victim's family and doesn't have immunity from a lawsuit. This bill would force them make a calculation before sending a violent offender back to the street as to, what might this cost us in terms of what that offender might do to a potential victim? I would like to see Congress pass that at some point. I am going to continue to try.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE APPROPRIATIONS

Mr. COVERDELL. Mr. President, there is no community in America that is suffering more difficulty today than rural America in agribusiness. My State is a very large agriculture-based State, and ever since I have been in the Senate, we have been struggling with drought, flood, low commodity prices—you name it. It has been very unsettling to families that have been in agribusiness for over a hundred years, that are facing very difficult personal decisions about their ability to stay in business.

Now, to be candid, by now we should have passed S. 1233, a $60.7 billion budget authority for agriculture, rural development, and nutrition programs. The bill contains provisions for food stamps, child nutrition, payments to the Federal Crop Insurance Program, Commodity Credit Corporation, and discretionary spending for agricultural purposes. It is the people's business because agriculture is the cornerstone of our national security, our quality of life, and our economy. In our State, agriculture is one-third of the economy, and across the Nation it approaches 30 percent.

We are stalled for political purposes. We ought to be doing the Nation's business. We ought to be proceeding with this agriculture bill. This is not the time to have a debate between two very different views about how to deal with the Patients' Bill of Rights. I am stunned that those on the other side of the aisle would choose agriculture—which, as I said, is so terribly stressed—and use that as a vehicle to try to create a political debate in the Senate. I have letters from our school of agriculture, I have documentation of the massive losses that have occurred in agriculture in our State, and we look to this legislation to be a part of the relief, a part of stabilizing agriculture in our State.

Last year alone, we lost $700 million in agriculture interests in the State of Georgia. I will tell you what this reminds me of. It is an uncaring kind of way of dealing with this legislation. It reminds me of the way the administration handled disaster relief. In the omnibus bill of 1998, we gave the Department of Agriculture $3 billion for disaster payments, and October went by, and November went by, December, January, February, March, April, May, and June; and finally, 9 months later, we got disaster payments into the hands of people who have long since passed financing requirements and planning decisions and the like. And here we are once again trying to deal with this critical bill, and we have basically a political filibuster underway that can do nothing but add to more anxiety and worry in this very important economic sector of our country dealing with thousands upon thousands of families every day.

We ought to be on with the business of getting this agricultural appropriations bill handled. We will find the right time to handle these other issues. But right now, it is time for the people's business, and it happens to be a group of people who are in deep trouble in America.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 737

(Purpose: To prohibit arbitrary limitations or conditions for the provision of services and to ensure that medical decisions are not made without the best available evidence or information)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN) proposes an amendment numbered 737.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

QUORUM CALL

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I don't believe there was objection.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7]

Coverdell
Feingold
Feinstein
Fitzgerald
Kennedy
Kohl
Lott
Murkowski
Nickles
Schumer
Sessions
Voinovich

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

The PRESIDING OFFICER. The motion is in order since a quorum is not present.

Mr. LOTT. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) is necessarily absent.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln

Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Breaux

NOT VOTING—2

Gramm
Harkin

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. LOTT. Mr. President, the Senate has a responsibility, obviously, to do the people's business. Up until a couple of days ago, we were doing pretty good this year. We had already moved four appropriations bills. We had taken up a number of important issues including the Y2K liability bill, the financial services modernization, the national missile defense bill, education. We were moving right along. But all of a sudden a couple of days ago that stopped.

Why is that? It is because the Democrats—Senator KENNEDY, Senator DASCHLE, Senator FEINSTEIN, and others—want to offer an unrelated bill to agriculture appropriations. That bill is the Patients' Bill of Rights.

Going back to last fall, we have talked many times about finding a way to have that legislation considered, trying to come up with some timeframe that is fair to all. Consistently we have had requests for many amendments. I don't know, I think it started off with the Democrats saying they had to have 40 amendments. I believe at some point it got down to 20, although it is not clear to me they would even agree to limit it to 20.

On the other hand, we have argued we have a good Patients' Bill of Rights bill, one that was developed by a task force chaired by Senator NICKLES which included Senator COLLINS, Dr. BILL FRIST, Senator SANTORUM, Senator JEFFORDS, and Senator ROTH. A really good group worked very hard to come up with a good bill, with some provisions for protections of patients' rights, with provisions for an appeals process when there is a disagreement with a decision within a managed care facility, both internally and externally. It is a good bill. We are prepared to vote on that.

The Democrats, on the other hand, have a bill of their own that takes a very different approach, and a big part of it is lawsuits will be the final arbiter on how these health decisions will be made.

We say if you have a good package, let's vote on yours. We will vote on ours. This week we, in effect, did that. We voted not to table our proposal, and we voted to table the underlying Kennedy amendment.

We have tried very hard to come up with a way for this to be considered without it becoming an obstruction to the people's business.

What is the people's business? The bill pending is the agriculture appropriations bill, $60.7 billion for the farmers in America. But it goes beyond just farmers. It also includes such programs as food stamps, women, infants, children, school breakfast, and lunch programs. It is a broad bill and an important bill. At a time when our farmers have lost markets and are having a tough time, we are tied up and delaying the agriculture appropriations bill with an unrelated measure.

In addition to that, we have ready for consideration the transportation appropriations bill, the State-Justice-Commerce appropriations bill, the foreign operations appropriations bill, and I believe in short order the Treasury-Postal Service appropriations bill.

In addition to that, we have very important legislation such as the intelligence authorization bill we need to have considered, now that we have passed the defense authorization and appropriations bills. We have the very critical question of how are we going to deal with the nuclear espionage at our labs around the country. We have an important proposal pending on that. We have several very important appropriations bills that we need to move. They are the people's business.

The point is, we want to have our other measure considered. We have gone back and forth. Senator DASCHLE and I have worked through the last 36 hours or so. We have gone back and forth with alternative suggestions. We started out 2 nights ago saying maybe we can do it this Wednesday and Thursday and be through with it Thursday night. That did not get very far.

Then we said, how about if we take it up July 12 when we come back from the recess and we will spend that Monday, Tuesday, Wednesday, Thursday and by the close of business on Thursday we will have completed this debate.

Maybe some people say that is not enough time. That is a pretty long period of time for debate on a legislative measure, and it is a long period of time when you take into consideration the other work that we really must do for the people in passing appropriations bills, in complying with the budget resolution, and the reconciliation bill to allow us to return some of the tax overpayment to the working people of this country. That is a long period of time in the middle of the summer when our focus really needs to be on considering the appropriations bills that provide what the people in this country need from their Government, if you are convinced these appropriations bills do that.

We talk about agriculture and transportation. You can certainly argue that. Foreign operations, here is a time when we have very delicate relations around the world. We just passed the State Department authorization bill after about 3 years of trying. It seems now we need to provide the funds that go along with that. So we went back and forth.

I want to read the latest iteration as of 6:30 last night, June 23, of what we offered to try to get this matter considered by itself and in a reasonable period of time. Apparently, for a variety of reasons, we have not been able to get this agreed to or worked out:

I ask unanimous consent——

I am not asking this, I am just reading the consent request because it is obvious there would be objection to it——

that the text of amendment No. 703, as modified, or 702—

That would be either the Kennedy version or the Republican version—

be introduced by the majority leader, or his designee, and become the pending business at 1 p.m. on Monday, July 12, 1999, with a vote occurring on final passage at the close of business Thursday, July 15, and the bill be subject to the following agreement: That all amendments in order to the bill be relevant to the subject of amendment No. 703 or 702 or health care tax cuts, and all first-degree amendments be offered in an alternating fashion, and all first and second-degree amendments be limited to 2 hours each to be equally divided in the usual form.

Two hours for the first-degree amendment; 2 hours for the second-degree amendment. I don't know quite what that adds up to over a period of a week, but a lot of amendments could be considered under that period of time. I think 2 hours is a reasonable period of time when you take into consideration the significance of some of the issues that would be debated. In some instances it would not take 2 hours; it might not take 30 minutes.

I assume that somebody is going to offer an amendment both sides will like, and we will say: Yes, we'll take that. So it would not take that long.

I further ask consent that second degree amendments be limited to 1 second degree amendment per side, with no motions to commit or recommit in order, or any other act with regard to the amendments in order, and that just prior to third reading of the bill, it be in order for the majority leader, or his designee, to offer a final amendment, with no second degree amendments in order.

I further ask consent that following passage of the bill, that should the bill, upon passage, contain any revenue blue slip matter that the bill remain at the desk and that when the Senate receives the House companion bill, that the Senate proceed to its immediate consideration, all after the enacting clause be stricken, and the text of the Senate passed bill be inserted in lieu thereof, the bill as amended be passed, [and] the Senate insist on its amendment. . . .

Very simply, that is to avoid the blue slip problem with the House of Representatives of a measure we pass that has revenue in it and to make sure this matter does not just die aborning here.

> I further ask consent that no other amendments relative to the Patients' Bill of Rights be in order, for the remainder of the first session of the 106th Congress.
>
> Once again, let's have the debate, have the amendments. Let's have a vote—win or lose, whichever side. Then you move on.
>
> I further ask consent that at any time on Thursday, July 15, it be in order for the Majority Leader, if he deems necessary, to offer a comprehensive amendment containing several provisions, that the amendments/titles therein be considered en bloc and a vote occur on or in relation to that amendment, with no second degree amendments in order, prior to 3rd reading and the offering of the last amendment by the Majority Leader.

That is traditionally the way it has happened. The majority leader—the majority gets to offer the last amendment or substitute, for that matter.

> Finally, [we] announce . . . the two Leaders [will work together to agree] to pass three to five of the remaining appropriations bills available, prior to the July 4th Recess.

And we listed the appropriations bills.

I wanted to make sure everybody knew that—both the Democrats and Republicans, and members of the media, and our constituency—because I think it is a fair proposal. Basically, it is 4 days on this subject, with designated periods of time, with an end date involved—Thursday, July 15.

Amendments could be offered. I do not know how many that would provide for, but I presume as many as 16, maybe more, depending on how long it takes on some of them and how much time would be yielded back.

Let me just say, there is not 100-percent agreement on our side of the aisle that we should do this. But at some point you have to come to an agreement of how you proceed and how you get an issue considered, how you get it voted on. This seemed fair to me.

Frankly, I do not even like the idea of putting time limits on these amendments. I think we ought to have a jump ball, call it up on Monday, the 12th, and offer amendments. Let's debate them and vote and, when we get to the 15th and have final passage. But there was a feeling, to some degree on both sides, that we ought to have some time limit specified in that agreement.

I think we are dealing here with sort of a Molotov minuet. Everything we have tried to do, we are being met with: No. Nyet. We can't do that. No. We can't do something else.

I began to wonder, do we want to address this issue or do we just want the issue? I have been through that before.

I can remember we had the Kennedy-Kassebaum bill a few years ago—3 years ago—and as long as everybody was all dug in and saying, we are not going to consider that, we are not going to do this and not going to do that, nothing happened. Once we finally said, we are going to do it, we did it and moved on.

I think that is what we ought to do—move on here, have a focused debate, have some amendments, vote on them, and be done with it.

Where are we at this particular time? We do have pending, I guess, an amendment by the Senator from California, Mrs. FEINSTEIN, that she feels very strongly about. I would like to get a time agreement on that amendment and have it considered and vote on it and move on.

We have a Frist second-degree amendment by Senator FRIST from Tennessee that will be offered.

But I also should make this point: All of this is legislating on appropriations bills. All of that is possible under the rules because of a ruling that occurred a few years ago which allows this sort of legislating on appropriations bills. I have been heckled in the past: "We ought to change that," on the Democratic side and on the Republican side. And I think we should.

People on both sides of the aisle might say: Wait a minute, that is the only way I can get my legislation considered. Look, that is why we have authorization bills. We—both sides—abuse this. We ought to stop it. That is what contributes to the difficulty we have in passing appropriations bills now every year, because we are busy legislating things on appropriations bills that we might not be able to get through a committee or might not be able to get on an authorization bill.

Somebody said: Well, how would we do it? A novel idea: Go back and do it the way we always did it, on authorization bills, not on appropriations bills. I think you could argue back and forth whether that benefits the majority or the minority. I do not think we ought to get into that on something such as this. It is the right thing to do in eliminating this procedure. We should not be having legislation, a whole bill, put on the agriculture appropriations bill.

So that is sort of where we are.

I propose we go forward and try to get some indication of where the votes are, have some debate on the point of order or legislation on appropriations bills, have the debate on the Feinstein amendment, have some debate on the Frist amendment, and then let's have some votes and see where we are. But I think we need to make up our minds: Are we just going to say no or are we going to move forward?

We could still do a lot of work next week that would be in the people's interests. Last week we passed six bills and made a big start on State Department authorization. We can do that next week. We could go out next week having passed three or four appropriations bills, perhaps the intelligence authorization bill, and several nominations.

We are now beginning to have some nominations come on to the calendar out of the Commerce Committee and out of the Judiciary Committee and out of the Foreign Relations Committee. In fact, I saw we had about 8 or 10 that came on last night, and more have come on. We could wind up with a burst of activity that would serve the Senate well. It would serve the American people well.

Quite frankly, Senator DASCHLE and I like to do that, because we agreed a long time ago, when you do your work, everybody wins, but when you dig in and just find ways to continue the Molotov minuet and say no, everybody loses.

So I think we ought to move forward. I urge my colleagues on the Democratic side to consider how we can get this done. Let's get this agreement worked out, and let's move on with these very important appropriations bills.

Mr. DASCHLE addressed the Chair.

Mr. LOTT. Mr. President, I do have some things I need to do. I know Senator DASCHLE would like to respond.

Does the Senator wish to ask a question or to respond on his own time or I should just yield and keep the floor and wait for you to finish?

Mr. DASCHLE. Mr. President, certainly the majority leader can——

Mr. LOTT. I do have some work I need to do.

Mr. DASCHLE. I do want to respond. If you want to finish —go ahead.

Mr. LOTT. Why don't I do this because I think it would be more appropriate. Let me just yield to Senator DASCHLE so he can respond. When he finishes, I will go back and do this procedural work.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DASCHLE. I thank the majority leader.

Mr. President, let me respond to a number of the comments made by the distinguished majority leader.

He certainly is right in that we have attempted to work our way through this for some time now. But I will say, if this is a Molotov minuet, there is only one side dancing. And in the Senate, both sides have to dance to make progress. In the Senate, if we are going to have a dance, it takes both sides to make it work. We are getting shut out.

That is what this is about. We are shut out. We want to see progress, and there are colleagues on the other side who want to continue to shut us out. We are left with no recourse. We will minuet with anybody so long as there is somebody there to dance with.

Let me just talk about the lament of our distinguished majority leader that this is an amendment to an unrelated bill. Just last week, Senator MURKOWSKI offered the Glacier Bay legislation to the steel bill, and I listened very carefully to see if there was one Senator on the other side who would object to bringing up a glacier amendment on a steel bill. It was a cold steel bill, but it was not a glacier bill.

Yet there we were, unrelated legislation offered with no objection.

The majority leader understandably talked about the ruling on the energy appropriations supplemental. Just for the RECORD, he made mention that it was a ruling. It actually wasn't a ruling. It was the majority overturning the ruling. Fifty-four Republicans, actually 57 people, but 54 Republicans, 100 percent of the Republican caucus, overruled the Chair when the Chair ruled, on March 16, 1995, that you couldn't legislate on appropriations. One hundred percent of the Republican caucus said: Yes, we can, and we are going to say to you, Mr. President, we are overruling you.

Now we hear our colleagues saying: Oh, my goodness, we are legislating on appropriations.

I ask unanimous consent that the text of the amendment and the rollcall be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE VOTING RECORD—NO. 107

[104th Congress, 1st Session, March 16, 1995]

Emergency Supplemental Appropriations, 1995

(Endangered Species)

Amendment No.: 336

Bill No.: H.R. 889.

Title: "Supplemental Appropriations and Rescissions Act, 1995."

Subject: Hutchison appeal of the Chair ruling that the Hutchison, et al., amendment, which rescinds $1.5 million from amounts appropriated for the Fish and Wildlife Service to make determinations regarding whether a species is threatened or endangered, and whether a habitat is a critical habitat under the Endangered Species Act; prohibits any remaining funds designated for Resource Management, under the Fish and Wildlife Service, from being used to make a final determination that a species is threatened or endangered, or that a habitat constitutes a critical habitat; and provides that any court order requiring the Fish and Wildlife Service to make determinations relating to species or habitat by a date certain, shall not apply to the Service if funds are not available to make those determinations by the date required in the court order, violates Rule XVI of the Standing Rules of the Senate. (Subsequently, the amendment was agreed to by voice vote. See also Vote No. 106.)

Note: Rule XVI of the Standing Rules of the Senate prohibits the inclusion of new or general legislation in any appropriations bill. H.R. 889: Vote Nos. 101–103, 105–108.

Result: Decision of Chair not sustained.

YEAS (42)

Democrats (42 or 93%)

Akaka, Baucus, Biden, Bingaman, Boxer, Breaux, Bryan, Bumpers, Byrd, Daschle, Dodd, Exon, Feingold, Feinstein, Ford, Glenn, Graham, Harkin, Heflin, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Mikulski, Moseley-Braun, Moynihan, Murray, Nunn, Pell, Pryor, Reid, Robb, Rockefeller, Sarbanes, Simon, Wellstone.

Republicans (0 or 0%)

None.

NAYS (57)

Democrats (3 or 7%)

Conrad, Dorgan, Hollings.

Republicans (54 or 100%)

Abraham, Ashcroft, Bennett, Bond, Brown, Burns, Campbell, Chafee, Coats, Cochran, Cohen, Coverdell, Craig, D'Amato, DeWine, Dole, Domenici, Faircloth, Frist, Gorton, Gramm, Grams, Grassley, Gregg, Hatch, Hatfield, Helms, Hutchison, Inhofe, Jeffords, Kassebaum, Kempthorne, Kyl, Lott, Lugar, Mack, McCain, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Santorum, Shelby, Simpson, Smith, Snowe, Specter, Stevens, Thomas, Thompson, Thurmond, Warner.

NOT VOTING (1)

Democrats (1)

Bradley (necessarily absent)

Republicans (0)

None.

ANALYSIS OF ISSUE

Party Cohesion

Democrats—93%
Republicans—100%

Measure of Party Support on this Vote

For (42)

Democrats—42 or 100%
Republicans—0 or 0%

Against (57)

Democrats—3 or 5%
Republicans—54 or 95%

Mr. DASCHLE. The majority leader has also said this is a good bill; the Republican Patients' Bill of Rights is a good bill. We don't think so. But if it is such a good bill, what is wrong with just putting it before the Senate and having a good debate about a good bill? That is what we are supposed to do here. We are supposed to put legislation down and have at it.

I have lamented several times that there are those in this Chamber who believe that a good bill ought to be accompanied by a good rule. The rule is, we will allow amendments if we like them. If you want that kind of an environment, run for the House of Representatives because they have all kinds of rules like that. If you want to do it the way we do it here, have at it. Let's have some good debate. Let's not say we are going to have to approve every amendment offered by our colleagues prior to the time we even agree to go to the bill. If it is a good bill, it ought to have a good debate.

The majority leader also read the unanimous consent request agreement. I will not in any way denigrate the effort that the majority leader has made to try to accommodate both sides. He has worked diligently to make that happen. But let me just explain what is wrong with that agreement as we see it.

First of all, it requires an end date. That, perhaps, is the most significant concern we have all had. I dare ask, could somebody come back and tell me when was the last time we said we will take up a bill with an absolute guarantee that we will have an end date? We haven't even talked about—and it is murky—whether we are talking about final passage. I think we are, but we haven't agreed to that. There is just an end date. We would have to quit debating this at a time certain.

Well, in a body such as this, when we agree to consideration of a bill without any other rules than that, if we just say we are going to end this debate at a time certain, guess what happens? Anybody can take the floor and monopolize the floor for days, if they want to. That is the first problem.

The second problem is, as the distinguished majority leader indicated, under this proposal, each amendment would have 2 hours. That is right. He also noted that each amendment would have 2 second-degrees, subject to 2 hours. By my calculation, sophisticated as it is, that is 6 hours per amendment. One first-degree, 2 second-degrees, 2 times 3 is 6. If the majority leader were good enough to allow the Senate to go for 12 hours, that means 2 amendments per day. There are 3 days. Two amendments per day, 2 times 3, ironically, once again, you get 6. It is amazing how this math works out. It always comes down to 6. That is our problem.

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. Let me finish, and I will be happy to yield.

Six amendments. I know our colleagues on the other side say: Certainly, we wouldn't use all that time.

With that end date, who knows? As difficult as it has been to bring up amendments with second-degrees and with tabling motions, who knows how long and how many amendments we will be able to bring up. That is the problem.

Here are the concessions we have made in this agreement. In the Senate, you are able to bring up a farm bill on a peace treaty. But we said on this bill it has to be relevant. We will agree to relevancy. We said we may even agree to an end date.

Now, the majority says: We also are insisting, and it was in this agreement, we are insisting that you never talk about the Patients' Bill of Rights until the next millennium. That is in here. What it says is, you can't bring it up in this entire Congress, but this entire Congress goes into the next millennium. So it is a gag rule until the next millennium on the Patients' Bill of Rights.

Now, they did change it. They would acknowledge a willingness to change it to the end of this session, but we couldn't talk about it anymore this session.

Then, of course, we have the question of how we resolve the outstanding issues on amendments. I have suggested that we leave it to the two leaders to offer amendments without debate at the end. Say we run up to the end of the time and somebody unfortunately has used all of the time and we are stuck here with 20 amendments and we have only debated one, let's take the worst case scenario. I am stuck here with my colleagues demanding that I protect them, and I have got 19 amendments in my hands. I said: At least let us have a vote on that. No debate; we will just have a vote. They wouldn't agree with that. No debate. No votes.

Then the ultimate power the majority has are the two things that the majority leader made reference to. The first is the power of-the second-degree. Anything we lay down, they get to second-degree. And because they have 55 votes, usually they win. Second-degrees are powerful, and they have them. We have agreed to that.

The other thing they have, probably the most powerful of all, is the majority leader's right of first recognition. Let's assume we have worked through all of this and we have won more than our share of amendments. Well, the majority leader, as is his right—and it will certainly be my right when we are in the majority—has the opportunity to say at the end: Well, I am going to lay down an amendment to wipe out everything we have done. That is my right as a majority leader. I am going to offer an amendment to wipe it all out.

He can do that, and that is in this agreement.

I must say, I have to ask, what are they afraid of? What is it about these amendments they don't want to vote on? What is it about a procedure that is so extraordinary if all we want to do is be able to offer the amendments and we will agree with most of everything that has been listed here?

I can't figure it out, but that is for them to share with the rest of us.

We have tried. I think my colleagues have given me a pretty clear indication where they are, as a result of a caucus this afternoon. They weren't very wild about this. I can understand why. We have 48 amendments listed here that my colleagues have all said are important and ought to be determined in debate and in a vote.

There are those on the other side who say: We just don't have time. Well, we had time to take up 159 amendments on the defense authorization bill. We had time to bring up 67 amendments on the defense appropriations bill. We had time to bring up 104 amendments on the budget resolution. We had time to bring up 66 amendments on the supplemental appropriations. We had time to bring up 38 amendments on the Ed-Flex bill. We even had time to bring up and dispose of 26 amendments on the military bill of rights.

If we had 26 amendments that were legitimately considered on the military bill of rights, how about 20 amendments on the Patients' Bill of Rights? That doesn't seem too much to ask to me.

So here we are. This is an important issue. It isn't going to go away. We can do it the easy way or the hard way. It appears that we are inclined to do it the hard way. We are prepared to do it any way. We will minuet with anybody, but it takes two to tango. We are here to do our job.

I yield the floor.

Mr. LOTT. Mr. President, I yield to the Senator from Oklahoma, Mr. NICKLES.

Mr. NICKLES. Mr. President, I am really kind of surprised that our colleagues have not agreed to the unanimous consent proposal that was made last night. I am almost shocked because when you think about it—let me put it in a little different perspective. We have about 8 weeks that we are going to be in session before the end of September, before the end of the fiscal year. We have a lot of work to do in that period of time.

The majority leader basically made a proposal that said you can have almost all of a week. He said we will have a week off on the July 4th break, but then when we come back, you can have Monday, Tuesday, Wednesday, and Thursday. That is 4 days not 3. It is 4 days. Under that proposal, amendments were limited to 2 hours each.

That is a major concession. A Senator has a right to have unlimited debate on any amendment. Some of these amendments are very significant, as I think everybody would agree. Some of the proposals would change every single health care plan in America. Some would be quite expensive. Some would increase everybody's health care costs across the country. So we should not do that lightly. Probably we should not do it in 2 hours. If one amendment can increase every health care premium in the country by 1 percent—and there are a couple proposals to do that—we should discuss that because a lot of people are concerned about the growing cost of health care.

Under our proposal we said every amendment would have a 2-hour time limit. Granted, every amendment could have two second-degree amendments. I would be happy to modify that to one second-degree amendment if you think that advances your cause. I would be happy to do that. It doesn't take a brain surgeon to figure it out. I probably should not say that; Senator FRIST is here. I would not assume a second-degree amendment is exactly the same or that close to the first-degree amendment.

So, really, if you have 2-hour time limits, if you have one amendment and a second-degree, that is two amendments every 4 hours. We don't have to have a second-degree on every amendment. So you can have a lot of amendments in 4 days, a lot of them, probably to accomplish the desires that you have expressed to us, which is that you wanted to have 16 amendments or 20, or something similar to that. Some of those amendments on the list, hopefully, would be agreed upon. I haven't looked at the list. I haven't seen the list. But I am sure we can come to an agreement. I am also sure you don't have to spend 2 hours on every single amendment.

So my point to my colleagues who have had amendments, and to the Senator from California, I mention this: You have the best deal you are ever going to get. It takes unanimous consent. A lot of Senators over here don't want to give unanimous consent to 2 hours on some of these amendments. That was in the proposal. I can't believe you didn't accept it, and then you said you want Friday, too. That is regrettable.

Other people have said, wait a minute, now you are talking about making a point of order that you should not legislate on an appropriations bill. The Senator from South Dakota says we have done it before—a couple weeks ago. We have a real problem. We changed the rules by an action on the floor, and a lot of us voted that way and said, wait a minute, that has not helped us manage the Senate. We have had a rule in the Senate—a rule called rule XVI—which many times is abused and ignored; we legislate a lot on appropriations bills. But it makes it very difficult to accomplish things. Maybe that rule should be reinstated. Both Democrats and Republicans know we should reinstate it. Let's leave the authorizing and legislating up to the authorizing committees that have the experience and expertise to do so.

Mr. GREGG. If the Senator will yield for a question, I noticed that the Democratic leader held up a list of the vote and pointed out that 54 Republicans voted to overrule rule XVI, and that three Democratic Members, I guess, voted with us. Then that would mean that the balance of the Democratic membership—well into the 40s—voted for maintaining rule XVI. As I understand that argument, we are basically saying those guys were right.

Mr. NICKLES. The Senator is correct.

Mr. GREGG. I would think the Democratic membership would be happy about that and would accept our representation that we made a mistake and that we are happy to acknowledge it, and we are going to own up to that mistake and join with them and say they were right the first time we voted on this and we will be with them this time.

Mr. NICKLES. Mr. President, I appreciate the comments of my colleague. My point is that rule XVI is not a Democrat rule or a Republican rule. It is a rule that has been abused in the past, and it ought to be reinstated. It is a rule that would help us do our Nation's business and finish our appropriations bills on time. We should leave the legislating up to the appropriate authorizing committees. If the authorizing committees aren't passing legislation we want, maybe we ought to give them a jump start. It goes through the appropriate legislative process.

I compliment Senator CRAPO from Idaho, who suggested that we should do this. He is right. Many of us suggested that we do this long before we came into this dilemma. I told my friend and colleague from California this amendment doesn't belong on the agriculture appropriations bill. Granted, if you want to try to pass the so-called Patients' Bill of Rights, piece by piece, or body part by body part, on an agriculture appropriations bill, you are wasting everybody's time. There is no way in the world an agriculture appropriations bill is going to come back with a Patients' Bill of Rights. Maybe you are making political statements, but you are not legislating effectively. It is not going to become law.

The majority leader proposed that we will give you basically a week, 4 legislative days, with time limits on amendments, which nobody has seen on either side. That is a tremendous gift. My colleague from Delaware is probably saying: I can't believe they didn't agreed to that. Many people on the other side are saying: I can't believe you haven't agreed.

I am not sure that offer is still going to be out here. I am troubled by that offer, I tell my colleague from South Dakota. I will tell you, there is no way in the world you are going to get another UC after today. I will be shocked if you get one that will be this generous in time, giving 4 legislative days to this particular issue.

I think I heard my colleague from South Dakota say: Wait a minute, we are being squeezed out and we haven't had the opportunity to bring up these amendments.

I think the majority leader, in making this request yesterday, was being very sincere in saying, hey, this is a way we can do this—not piece by piece, not on legislative appropriations bills, but basically we would give you 4 days beginning on July 12. I think that was a very generous offer. I wanted our colleagues to know that. If it is refused, then obviously the Patients' Bill of Rights is not going anywhere this session.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will just take 2 minutes. I thank my colleague for his generosity. I can't tell you how bowled over I am by the generosity of the Republican Party for allowing us 2 hours of discussion when, as I understood the rules, there is no limit on time, assuming you can get the floor. I am truly overwhelmed by that generous offer. And my friend from New Hampshire——

Mr. LOTT. Mr. President, if I may respond to that, I thought the best way to do it was not have any time limits.

Mr. BIDEN. Mr. President, I am impressed.

The second thing I say to my friend from New Hampshire, I find his reasoning absolutely fascinating and appealing. It is a little like saying, you know, we have been in the candy drawer for the last year, but we are going to lock it now because we think you are right; there should have been a lock on this drawer the whole time, as they walk around fat and happy and 300 pounds. I kind of like that.

I have been here 27 years, and I have never been as impressed with the generosity of the other party as I have been today. I wanted to say that and tell you how good it makes me feel.

I yield the floor.

Mr. LOTT. Mr. President, I am glad to yield to the Senator from New Hampshire for an appropriate response.

Mr. GREGG. Mr. President, I also find it amusing that the Senator from Delaware would resist so aggressively our desire to join with him on his original vote when he appears to have been right, and we are saying: Gee, you were.

Mr. BIDEN. If the Senator will yield. Put the candy back in the drawer and I would be happy to help.

Mr. LOTT. I will yield briefly to the Senator from Idaho, who did a lot of work on this sort of issue when he was in the House, and he believes very strongly we should not be legislating on an appropriations bill. He was not here when we made this mistake. He is right, I think, that we should find a way to fix it.

By the way, we are going to have a vote on this issue this summer. I am going to find that sooner or later an amendment will come up in a way that I am going to appeal the ruling of the Chair, and we are going to fix this problem, or at least we are going to vote on it. I believe when we get a vote, it will actually pass. I hope some Democrats will vote for it. I think we changed the rule XVI inadvertently without actually understanding the impact of what we were doing. It has been sitting there for 4 or 5 years, and I think it is time that we do something about it. Would the Senator from Idaho like to comment on that?

Mr. CRAPO. Yes, I would, very much. Mr. President, this is something that I haven't said to the majority leader, but 6 years ago I ran for the House of Representatives. In that campaign, I said that one of the things I thought ought to be fixed in Congress was that we should stop Congress from considering legislation with amendments that have nothing to do with the underlying bill. I used to say they should not be allowed to put nongermane amendments on legislation. I was told that maybe that is too big a word, "nongermane."

I think the American people understand that concept. In fact, the American people understand that one of the problems we face in Congress—both the House and the Senate—is that when a piece of legislation is considered, we don't keep it germane: we don't keep the focus of the debate on that legislation. Americans understand that is why we run into budget problems.

They understand that is why we have so many difficult problems in Congress. They can't understand why we can't come to agreement. The fact is that it is a very sensible commonsense principle that used to be in the rules of the Senate—that when a piece of legislation was brought before the Senate, an amendment cannot be put on that legislation unless the amendment is germane or relevant to that legislation itself. It is something that all Americans have an easy time understanding. Yet for some reason we have a difficult time here in the Senate honoring that basic principle.

This isn't an issue of who is right on this issue or who is right on that issue or who is going to get political advantage out of this rule. It is a rule that cuts the same way all the time, and whichever party or whichever interest would like to abuse it is the one that is going to have to face its consequences. But it is one which is a fair principle that will allow us to properly move forward.

I think it is very critical to recognize that today we are debating this issue because we are trying to finish the appropriations process, and not run into a problem a few months from now when we are not able to get the Government's budgeting process finished, to keep our commitment to the American people to keep a balanced budget, and maybe eke out an opportunity for some tax relief and yet fulfill our responsibilities to the important programs in the Federal Government.

That is the debate today. Part of that debate we are on today is the agriculture appropriations bill. Yet we have stopped the functions of the Senate now for several days, and the threat apparently is permanently, unless we shift the debate to another very important topic—the health care issue.

No one disagrees that we should debate health care issues. We even offered that we can debate those issues. The offer simply has been let's do it in an orderly and a principled way. Let's not allow amendments that are unrelated to the subject of the underlying legislation to be submitted.

I think it is very interesting that the argument was made just a minute ago that, well, you Republicans changed this rule a few years ago. I didn't. I wasn't here a few years ago when that vote was taken. I was campaigning 6 years ago, so that shouldn't be the way this Senate should operate, and it shouldn't be the way the House of Representatives operates. I have taken that position every session that I have been in this Congress. I take that position here today. We have to take the strong position on principles.

I think the American people will recognize that, and they know a lot of politics is being played as we debate here today. But if we will make our decisions on principles by which the American people should be governed, and by which this House of our Congress should be governed, and then let those principles work their way out as the various interests try to play politics on the issues, then at least we will know that the process is fair. That is what this Senate ought to do and what it ought to return to.

I think it is time for us to resolve this impasse by returning to the kind of governing principles that we should follow as a Senate.

I thank the majority leader for yielding and giving me this opportunity.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have some procedures I would like to go through, and then we will put in a time for morning business, and then Senators can engage on their own.

I think we should go on with the people's business of passing our appropriations bills.

I will continue to work with Senator DASCHLE and all of those who are interested in trying to see if we can come up with some agreement to handle a Patients' Bill of Rights separately and aside from the appropriations bills in a specified period of time and an acceptable way. That is obviously not easy. But we have found solutions to complicated problems before. Hopefully, we can find one this time.

CLOTURE MOTION

Mr. LOTT. Mr. President, so we can get a focus on where the problem is, and so everybody will understand that what is being affected here is the regular appropriations process, I send a cloture motion to the desk to the pending agriculture appropriations bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the agriculture appropriations bill:

Senators Trent Lott, Thad Cochran, Ben Nighthorse Campbell, Susan M. Collins, Craig Thomas, Mike Crapo, Kay Bailey Hutchison, Robert F. Bennett, Larry E. Craig, Connie Mack, Charles E. Grassley, Christopher S. Bond, Richard C. Shelby, Tim Hutchinson, Ted Stevens, and Mike Enzi.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to S. 1143, and I send a cloture motion to the desk on the transportation appropriations bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the Transportation Appropriations bill:

Senators Trent Lott, Pete Domenici, Paul Coverdell, Thad Cochran, Pat Roberts, Jesse Helms, Chuck Hagel, Judd Gregg, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Mike Crapo, James M. Inhofe, and Frank H. Murkowski.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, there was a lot of discussion earlier today about the importance of law enforcement agencies and the need for the Federal Government to be a part of fighting crime and drugs in our schools in our streets and our neighborhoods. Therefore, I move to proceed to S. 1217, the Commerce, Justice, and State Department appropriations bill, and I send a cloture motion to the desk on this important bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 153, S. 1217, the Commerce, Justice, State appropriations bill:

Senators Trent Lott, Ted Stevens, Fred Thompson, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, George V. Voinovich, Paul Coverdell, Conrad Burns, Pete Domenici, Christopher S. Bond, Mike DeWine, Slade Gorton, John Ashcroft, Frank H. Murkowski, and Jeff Sessions.

Mr. DASCHLE. Mr. President, will the leader yield for a question prior to proceeding?

Mr. LOTT. I will be glad to yield.

Mr. DASCHLE. The leader mentioned the importance of the Commerce-State-Justice bill for purposes of dealing with the crime issue, and all the other issues. I would be interested, if the majority leader could tell us who the conference nominees would be for the conference committee on the juvenile justice bill. Are we prepared to select the conferees on the juvenile justice bill?

Mr. LOTT. I believe we are. I will need to talk to Senator HATCH. We would have to confer on the Senators who would be conferees. But it is my intent to have conferees appointed on that bill. When we get through here, I would be glad to talk to the minority leader about that.

Mr. DASCHLE. I thank the majority leader.

Mr. LOTT. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATION ACT, APPROPRIATIONS, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to S. 1234, the foreign operations bill, and I send a cloture motion to the desk on that bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 159, S. 1234, the Foreign Operations appropriations bill.

Senators Trent Lott, Ted Stevens, Fred Thompson, Richard G. Lugar, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, Mike DeWine, Conrad Burns, Pete Domenici, Christopher Bond, Slade Gorton, John Ashcroft, George V. Voinovich, Frank H. Murkowski, and Paul Coverdell.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. LOTT. Mr. President, with all of that in mind, I had no other alternative but to file these cloture motions to show the American people just how the funding for our Government agencies is being held up, and not the least of which, of course, is the Department of Agriculture bill. But under rule XXII, these votes will occur in a stacked sequence on Monday, unless changed by consent. And I ask unanimous consent that these cloture votes occur beginning at 5:30 on Monday, and that in each case the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. So those four cloture votes will occur in sequence beginning at 5:30 on Monday.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. KENNEDY. Mr. President, did the leader ask consent?

Mr. LOTT. That we go to morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Democratic leader.

FINDING A SOLUTION

Mr. DASCHLE. Mr. President, I just want to reiterate our desire to see if we can find a way with which to address this issue.

I will reiterate that, if we have the opportunity to present 20 amendments up or down, I will be prepared to go to my colleagues and say: Look, we can live with that. I want you to cooperate and find a way in which we can have a good debate with 20 amendments free-standing with up-or-down votes. We can live with that. We could even live with a time certain so long as we have a good debate on those amendments with a vote on those amendments prior to the time we reach the end date. But that is a simple request. It is a simple desire to find some resolution.

Our colleagues have been more than willing to cooperate in that regard. I hope we can do it. Our door is still open. We will work to see if we can't find a way to accomplish that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought we would be going back to the amendment of the Senator from California. I hope those Americans who have been watching the Senate for the last few minutes—and also for the past few days—have no doubt in their minds what this is all about. This hasn't got anything to do with the Senate rules at all or Senate procedure. It is about a very fundamental and basic issue; it's about whether the Senate of the United States is willing to take up the Patients' Bill of Rights, the core of which states that decisions affecting the medical treatment of an individual are going to be decided by the doctors and trained medical professionals and not by gatekeepers or insurance adjusters or insurance accountants. That is the basic issue.

We can talk about 2-hour amendments, 4 days, a week, we can talk about four cloture motions, but the bottom line is that the Republican majority is refusing to permit the Senate to go about the people's business and schedule a Patients' Bill of Rights and permit the kind of orderly procedure that has been a part of this body for almost 200 years. That is what is going on here. Then they have the effrontery to talk about how they are going to change the rules in order to try and deny any opportunity to have a measure of this kind brought before the Senate.

Let's be very clear what this is about. This is about something which is basic and fundamental to the families in this country. For 2 days, the Senator from California has been trying to bring up her amendment and get action on it. She has been precluded from doing so. The last action this evening—morning business at 5:10 on Thursday evening—has again precluded a debate and vote on her amendment. She was here yesterday at 9:30 in the morning. It doesn't take a Member of the Senate to understand what is going on. She is being denied a vote on the key issue of this whole debate, and that is whether insurance companies which cover American families are going to have to use a definition of what is "medically necessary" that will reflect the best medical training, judgment, and skill in the United States. That is what her amendment is.

I have seen a lot of actions taken in order to preclude a Member of the Senate from getting a vote, but to go through the process of having four cloture votes next Monday, all in an attempt to deny the Senator from California an opportunity to get an up-or-down vote on her amendment, is a very clear indication of what is going on.

This isn't about process. This is about substance. What kind of quality health care programs are we going to have in the United States of America?

We are being denied the opportunity to make that decision. We were denied it last year and we are denied it again this year. We can listen to all the other bills left to do this year, and the Patients' Bill of Rights should be one of them. We tried to get it up last year, but we couldn't get it up under regular order. We have tried to get it up this year, but, again, we can't get it up under regular order.

Earlier today, we heard reference to the process and procedure that was followed during Kassebaum-Kennedy. Let me remind my colleagues that the consent agreement to consider the Kassebaum-Kennedy legislation was reached on February 6 of that year. It said the bill must be brought up no earlier than April 15 and no later than May 3, with no time agreements or limitations on amendments. And we passed it, unanimously, under those terms.

It seems to me that the last two days provide a very clear example of the majority effectively, I believe, abusing the process and procedures of the Senate, to deny the debate, discussion and the vote on an important issue in order to protect themselves on the issue of health care. We should be protecting the American people. They are going to understand it. There can be no other interpretation of what is happening on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I hate to see my colleague and friend from Massachusetts get so exercised—and he happens to be incorrect.

He has to know the rules of the Senate very well. The proposal the majority leader was propounding is very fair. The Senator from California wants a vote on her amendment. I will be very frank. The way she can get a vote on her amendment is to move forward and accept the offer already made. She could offer her amendment, for example, as a second-degree amendment. The Senator can get a vote on her amendment.

The way to do this is not on an appropriations bill. The Senator from Idaho is correct. We shouldn't be doing this on an appropriations bill. Everyone in the Senate knows it. This is not the way to legislate.

We ought to be able to manage the Nation's business in an appropriate manner, not coming up with the Patients' Bill of Rights saying: We will do this piece by piece; we have 40 pieces and we will do it on various bills, bills that are going to go to conferees.

Conferees know absolutely nothing about this issue. They have never had a hearing on this issue, never dealt with this issue. Asking them to legislate on it is wrong. It is not going to happen. It will not pass; it will not become law. We are wasting our time.

It is not anybody's intention on this side to filibuster, to deny the opportunity to offer amendments. The Senator can have the opportunity. Yes, it is quite likely there will be amendments offered in the second-degree, but a lot of amendments wouldn't be offered in the second-degree. Likewise, second-degree amendments are available to Members on both sides. That should be very apparent.

The point is I am a little frustrated by people saying we are not being treated fairly. The Senator has been offered a most generous proposal where Senators could offer lots and lots of amendments and get votes on those amendments. It doesn't take a legislative genius to make that happen.

I encourage our colleagues to see if we can't work together and make this happen instead of offering this piece by piece on an agriculture appropriations bill, even though we know it will not become law.

I think there is a right way to legislate. This is not the right way to legislate. I hope we will work together to come up with something acceptable. I think there has been put off a more than generous proposal from on our side. We have been amending it for the last 2 days, trying to accommodate legitimate concerns. Somebody said originally it was 3 hours on each amendment. Some people say we shouldn't have any debate limit on amendments. I happen to think that is probably closer to correct when considering the magnitude and the scope of some of these amendments.

I urge our colleagues to step back and lower the rhetoric, not get so exercised, and see if we can't come up with an appropriate legislative way to solve this problem, see if we can't come up with a legitimate, positive, legislative approach that will help solve some of the problems that have been acknowledged, without dramatic increases in consumer costs and increases in the number of people who are uninsured. That is what I prefer. The hotter the rhetoric gets, the less likely that is to happen.

We need to work together in order to make positive legislation happen. The Democrats alone will not pass legislation; the Republicans alone will not pass legislation. Nothing will become law if it is strictly partisan.

I urge my colleagues to step back a little bit and look at some of these unanimous consent requests and see if we can find an appropriate vehicle and manner to legislate on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I will take this opportunity to respond to the distinguished—I was going to say the difficult Senator, but I mean the distinguished Senator from Oklahoma.

I feel caught on the horns of a dilemma. On one hand, what I am seeing is this is never going to happen on an agriculture appropriations bill. On the other hand, what I am hearing is, you have an offer to offer your amendment; it will be second-degreed; it will be defeated; there won't be a real opportunity to have an up-or-down vote on the amendment.

Our leader, I believe, is willing to come to a reasonable agreement whereby the main points of the Patients' Bill of Rights can be debated on the floor with an agreement that amendments be voted up or down within a certain period of time. But he is very astute. I do not think he wants us to find out that someone comes on the floor, takes up all the time, there is no opportunity for an up-or-down vote on the amendments, there is one vote en bloc, and then the majority leader can come on the floor and undo it all after it is over.

What we are asking for, and maybe now is as good a time as any—I have learned there are times when you go to the wall and there are times when you do not go to the wall, and it is important to know the difference in the timing.

Let me share with the Senator one story that happened at UCLA, which is why I feel so strongly about this Senate passing legislation that prevents arbitrary interference with the physician's treatment and the setting of that treatment, in other words, the hospital length of stay. If the Senator wants, I can give him the doctor's name and he can verify it.

This is about a neurosurgeon who performed surgery at the UCLA Medical Center to remove a brain tumor. The patient's managed care plan covered 1 day in the intensive care unit. After that day, the patient had uneven breathing and fluctuating blood pressure and heart rate. The doctor wanted her to stay in the hospital another day for monitoring. The HMO utilization reviewer consulted the guidebook that said only 1 day was allowed in the ICU, so she was denied the extra day. The doctor thought it would be medically unethical to move the patient out of the ICU, so he kept her there. The next day, the HMO called again and said the cost of the second day would be deducted from the surgeon's fee.

That is the kind of thing that is happening. We have to put an end to it because the result is going to be terrible for the practice of medicine. There are now doctors voting to unionize, to collectively bargain. I know some people have said with some disdain: Oh well, that's just over their wages. I am here to say it is not.

My own doctor at Great Mount Zion Medical Center, now part of the University of California, after 30 years of practice, says he has never been so disillusioned, never been so disappointed. He said the morale of doctors is so low from being countermanded all the time by medical plans and having to hassle to get a drug approved. Using this kind of disincentive of, if you believe a patient belongs in ICU after brain surgery for an additional day, we are going to deduct it from your fee—what kind of a practice of medicine is that?

These are big issues, I say to the Senator from Oklahoma, because, in my view, they are life-or-death issues. We have a chance to address it. I do not want to legislate on an agriculture appropriations bill, but, on the other hand, I believe to the depth and breadth and height of me in this amendment. Other colleagues have other amendments.

The time has come to have a debate on the issue. Our leader will negotiate a fair agreement. I really think it is in your hands. We want an up-or-down vote on these amendments.

This is not an amendment that has been just quickly put together for what someone might say is a political purpose. This amendment has been worked on, it has been vetted, and it is supported by 200 organizations and supported by every single medical organization in this country—nurses, the American Cancer Society, the American Heart Association, the American Lung Association—across the board.

No one should be afraid to keep a patient, following brain surgery, in intensive care for an extra day. The gall of the health insurance plan to say, OK, we are deducting it from the doctor's fee. I hope the Senator will have some reaction to this, because I know that is not the way he wants to see medicine practiced in this country.

I can go on and on. Perhaps because my State is such a big managed care State, there are so many examples. They need to be stopped, and there is no better time than right now. All we need is an agreement that will allow some amendments—leave it up to our leaders—up-or-down vote, and prevent the opportunity from sidetracking that up-or-down vote. At the end of this, we will have something.

Senator KENNEDY was absolutely right. I remember all the wrangling over the Kennedy-Kassebaum bill, and then finally, bingo, it just got done. That is what we are asking for now. That is what the people of America are asking for now as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments of my colleague from California. She mentioned timing. I do not think the time is now. I do not think it should be on the appropriations bill. We have been pretty straightforward in saying we will give you a few days after the Fourth of July break. Basically, that means next week we will be working on other appropriations bills, and that means the following week we will be working on the Patients' Bill of Rights.

I will tell my colleague—I can easily tell her, and anybody else—the Senator can orchestrate a way to get a vote on her amendment. It can be done. Her amendment can be a second-degree amendment, I tell my colleague. I have already stated we can limit the agreement to one second-degree amendment instead of two. There are many of us willing to do that. The way not to do it, in my opinion, is piecemeal on 20 different legislative items—some on this appropriations bill, some on that appropriations bill—knowing those appropriators are going to conference and will say: What in the world are we going to do with medical necessity? We don't know what that is.

I appreciate the fact she mentioned a brain surgeon who said a patient should stay in a day longer and some managed care idiot, or bureaucrat, said no. I do not happen to think the legislative solution proposed in the Senator's legislation is the right fix. I happen to think the better idea is to give an internal appeal that can be done immediately. It can be appealed. If it is not overturned—the example the Senator cited I think would be overturned immediately, and, if not done immediately, it could be done by an external appeal done by outside peer review experts. They do not have to go to court, they do not have to sue, and they have immediate change. That is the better process.

My point is, as far as process is concerned now, we should not be debating this on an appropriations bill. Offering a few days beginning on July 12 is more than generous. I will try to be flexible in further negotiations, but the give is just about given when, if the Senator looks, we have just about 8 weeks to legislate before the end of the fiscal year.

I think the majority leader has been very, very generous. I will work with my colleague to see if we cannot come to a constructive conclusion. I appreciate her willingness to do so.

Mr. President, I yield the floor.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. NICKLES. I will be happy to yield.

Mr. SCHUMER. I thank the Senator and appreciate everything he said and the graciousness with which he said it.

I will make two points in terms of my question. I am a freshman Senator. I am well familiar with the process of the House. That is something I wished to escape. It is one of the reasons I ran for the Senate. The reason was that we could not debate at any time appropriations bills or authorization bills without really the consent of the Rules Committee, which was controlled by the Speaker 11 to 5. We could not get anything done.

From what I understand in listening to my colleagues and being here myself, this has been like a pressure cooker. On bill after bill, bills that we have done, instead of being given the chance to offer amendments—we did some authorizing bills, but then on a good number of them—Y2K, for instance—the tree was filled. In other words, the majority leader offered an amendment and then put on a second-degree amendment, and then another amendment and put on a second-degree amendment. We were not permitted to, say, add a Feinstein amendment or an amendment that I hoped to offer about scope or other amendments as well.

The frustration on our side—I began to hear my colleagues, who have been here many years longer than I have been, start saying that this is just like the House, that in the past the right of the majority was to sort of set the agenda—chair the committees, call the hearings—but in the Senate, in its grand traditions, the minority always had the right to offer some amendments.

As we moved through the process this year, through a bunch of legislative maneuvers—all within the rules but maybe not within the previous traditions of the Senate—we were not allowed to do that.

So we came to the conclusion that, on something as important to so many of us as the Patients' Bill of Rights, we would not have the opportunity, under any circumstance, to offer those amendments.

My guess is that the kind of offer that was made, which our minority leader has outlined why we think it is inadequate, we never would have gotten to that point if there had been an open process and we had been allowed to offer amendments as we went through that process.

I just ask the majority whip, who is a Senator I have a great deal of respect for—and I understand we have different views on the Patients' Bill of Rights, but he is coming at this and trying to be very fair—what can be done to avoid the kinds of frustration that my colleagues on this side of the aisle are genuinely feeling on the Patients' Bill of Rights or on so many other issues, that we will not have any opportunity, any time, to offer amendments on issues important to us, unless we sort of force the issue, as we have done this week?

I yield. That is my question to the majority whip.

Mr. NICKLES. I tell my friend, and colleagues, there is a lot of work to be done. I think it is in the interest of all Senators to work together. I do not think that necessarily it is really constructive to say we are going to shut down the Senate for a week, as has actually happened the last couple days, unless we get our will. I would like us to work maybe a little more off the floor and a little more behind the scenes and say: What can we do?

That will take cooperation. It will take saying, We are willing to take up this bill and finish it by tomorrow. Then you do not have to get into a whole lot of extended discussion and maybe a lack of trust. Because I heard some people say, well, wait a minute. Under this agreement that we proposed, somebody could filibuster the bill, and you could only have one or two amendments.

That was not our intention. I can tell my colleagues that was not my intention. Do we want to have 25 really tough votes? No. But votes go both ways.

But my point being, there is no one I know of who was saying we are going to have somebody come in and filibuster this bill. Nobody was talking about doing that. Maybe we need to have a little more faith and a little more collegiality and willingness to work together.

This is an item of interest to a lot of people. There are a lot of people on this side who would like us to pass a positive bill.

I have also stated my very sincere conviction that we should not pass a bill that is going to increase health care costs a total of about 13 or 14 percent, after you add in inflation. I really mean that. I am very sincere about that.

So we may have some differences, but, I have not totally given up on the idea of us working something out.

I will suggest the absence of a quorum. Maybe something else can be done to accomplish that.

Mr. President, I suggest the absence of a quorum.

Mrs. FEINSTEIN. I ask the Senator, before you do, may I respond to one quick thing you said on "medical necessity"?

You made the comment: Nobody really knows what "medical necessity" is. Let me just very briefly read you the definition because it is a standard definition. The term "medical necessity" or "appropriateness" means, with respect to a service or benefit, "a service or benefit which is consistent with generally accepted principles of professional medical practice." That is the definition of "medical necessity" or "appropriateness" in this bill.

Mr. NICKLES. Thank you.

Mrs. FEINSTEIN. Thank you very much.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. In morning business, I ask unanimous consent I be given 10 minutes to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

PATIENTS' BILL OF RIGHTS

Mr. SCHUMER. Mr. President, I would just like to first thank my colleagues from South Dakota, Massachusetts, and California for bringing up this issue.

Let me just say that, again, as I travel across my State, the issue of the Patients' Bill of Rights is one that is foremost on the minds of my constituents. I have heard their pleas and complaints. I have heard about horrible situations that people are forced into. I have heard about the fears of tens of thousands of people in each community who do not have a problem now with their HMO, but having heard about a relative, a friend, a professional colleague who has, they worry about having one themselves.

So the bottom line is a simple one. We wish to have a free and open debate. That is our position. It is more important than many of the issues we were debating.

I heard the majority leader say we had to do the foreign operations bill. That is a bill that is important to me and to many of my constituents but hardly one as important as the Patients' Bill of Rights.

So what we are saying on this side is the following: That there has been such a breakdown in the patient-doctor relationship, and with the intrusion of that patient-doctor relationship by an army of accountants and actuaries and bureaucrats who are making decisions that should be made by doctors and nurses and hospitals, that something has to be done.

We disagree on cost issues. The Senator from Oklahoma thought it would raise costs 13, 14, 15 percent. The Senator from Massachusetts has a CBO estimate—CBO is impartial—that says it would be the cost of a Big Mac a month to a family. But the very least is that we should be debating that issue, debating it fully and openly.

The Senator from Oklahoma has said that it was not his intention, when he offered his proposal, that someone filibuster and take the whole 30 hours or the whole week just filibustering.

That may well be the case, but there may be one of the 100 Senators who feels so strongly against this issue that he would take to the floor to filibuster. Unless we can get in the confines of the agreement that we will be able to vote on the very important issues that are part of the Patients' Bill of Rights, then how can we agree? Because if we were to agree now—and there are so many thousands of our constituents on whose hopes and even prayers this legislation rests—and we were not to get those votes, and instead someone would filibuster, they would all think we had let them down.

So the bottom line is a very simple one. The bottom line is, yes, we can come to an agreement, but the agreement, from our point of view, needs to allow open debate and votes on a whole series of issues. My guess is we won't win every one, but my guess is we will win a good number.

To have an agreement that might allow one person to filibuster the whole time, even though it may not be the majority whip's intention, to have an agreement that would not allow the major issues to be not only debated but voted upon would be a serious miscarriage of the hopes of millions of Americans who wish to see the patient-doctor relationship restored. It would have been much better if we had done that debate this week.

As I mentioned to the majority whip, the feeling on this side of the aisle of frustration, that the open process on which the Senate has prided itself for 200 years would no longer be allowed, led to our view that we would make sure and do everything in our power within the rules of the Senate to see that open debate and votes on the Patients' Bill of Rights occurred.

I think we are doing a service to our constituents. I think this is what they sent us to the Senate to do. I will be doing everything I can, helping our minority leader, helping the senior Senator from Massachusetts and all of my other colleagues who care so much about this issue, to see that we get that open, full debate and the votes on the very important issues of the Patients' Bill of Rights to which our constituents are entitled.

I thank the Chair, and I yield back the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, are we in a quorum call?

The PRESIDING OFFICER. We are in morning business.

SENATE DENIAL OF SUPPORT FOR STEELWORKERS

Mr. WELLSTONE. Mr. President, on Tuesday, the Senate voted 57–42 to refuse debate on legislation that would provide some support to steelworkers.

I think those of us who wanted to provide some protection to steelworkers and their families against the illegal dumping of steel from foreign exporters to our country lost mainly because of the White House, which used import data from the month of April and convinced a lot of Members that the steel crisis is over.

Here we are, 2 days later, and there are new, important numbers out for May. We find out 2 days later that the steel crisis is not over. In fact, overall steel imports went up 30 percent from April to May. Most of the increase comes from the import of various kinds of semifinished steel, the very products that our taconite mines in Minnesota compete against. Imports of blooms, billets, and slabs are up a whopping 122 percent. Let me repeat that: 2 days ago the administration was telling us there was no crisis; the surge of imports is over. Now we find out a 30-percent surge of imported steel, the latest figures today, over a 1-month period from April to May, and for billets and slabs and blooms, a 122-percent increase in imports.

This is a disaster. It is a disaster for the women and men who have lost their jobs on the Iron Range and may never get them back. It is a disaster for the workers who are hanging by a thread. It is a disaster for their husbands and their wives and children. For them the steel crisis is not over. If anything, the steel crisis is getting worse.

The question I ask my colleagues who voted against our bill, who voted against even debating our bill, is: What next? To the administration, I say you were successful in defeating the Rockefeller bill. Now what do you propose? Are we going to simply give up on the steel industry?

We cannot give up on the steel industry, and we cannot give up on the iron ore industry in our own country. We have to do something.

I am troubled by the arguments that were made in our Senate debate. I am troubled by some of the newspaper opinion pieces, because they seem to be suggesting that we ought to just give up on this industry. They seem to be suggesting that the extraordinary surge of steel imports, the dumping of cheap steel, the illegal dumping of steel sold below cost of production in our country is actually good for the economy, good for the economy because it keeps prices down in other sectors of our economy.

If that is the case, we should actually encourage foreign countries to dump on our markets. If we want to lower steel prices, then we shouldn't have any antidumping laws. We should repeal them all. We shouldn't even have any antidumping laws on the books. If that is the case, we ought to get rid of a section 201 law which provides for WTO legal quotas to import surges, the likes of which we have been experiencing. The fact of the matter is, we have had this surge of imported steel, and the argument is, it is good for the country because it keeps prices down.

That means we are not going to have a steel industry. That means we will not have an iron ore industry. That means many of these workers and their families are going to be spit out of the economy. Our workers can compete with anybody, any place, any time, anywhere. But they cannot compete with a surge of illegally dumped imports. Our steelworkers, our iron ore workers are the most efficient in the world. They can compete with fairly traded steel, but they cannot compete with this.

I am real worried, because I think this administration and I think too many of my colleagues in the Senate have sent the following message when it comes to trade policy: If it is a top contributor, Chiquita bananas, we are there for you. We will make sure that we put on a real strong import quota. When it comes to investments of Wall Street investors, when they go sour in Korea or Indonesia, Thailand or Mexico, Brazil or Russia, we will pick up the tab.

But when the global economic crisis boomeranged on American steelworkers, the message from the administration and the Senate was: You get stuck with the bill.

The crisis is not over. The May import numbers prove it. The question for all of you who oppose the Rockefeller bill, the question for this administration, a Democratic administration that is supposed to care about working people is: What do you propose to do now?

Let me just repeat this one more time. I was thinking to myself, I wonder why the administration hasn't released figures, since they were making the case that the crisis was over. Surely they will release the May figures. They must have had them a few days ago. Two days ago, one of the major arguments used for opposing our legislation was "the crisis is over." Now we find out 2 days later, overall steel imports are up 30 percent from April to May, and imports of blooms and billets and slabs, which compete against our taconite on the Iron Range, are up 122 percent. We didn't get those figures from the administration 2 days ago. I think I know why.

I say to the President, I say to the administration, and I say to Senators who voted against an opportunity to even debate this legislation: The crisis is not over. The statistics prove it. My question is: What do you propose to do now? What do you propose to do now?

Mr. President—not the President that is presiding on the floor of the Senate, but Mr. President of the United States of America—what do you propose to do now? Your administration told us 2 days ago this crisis was over. Now we have the figures: 30 percent increase in imports of steel, 122 percent in imports of blooms, billets, and slabs. It is going to be an economic convulsion for the Iron Range of Minnesota. It is going to be an economic convulsion for steelworkers, illegally dumped steel. We will compete against anybody. But if you are going to make the argument that we should not do anything about illegally dumped steel, that we can't provide any protection for our workers, that we can't have an administration and a Government that negotiates a fair and a tough trade policy that provides protection to our workers, then what in the world are we here for?

I speak with a little bit of—not bitterness but outrage. I heard what was being said just two days ago. Now the numbers have come out. Now we know we have this crisis. Now we know we have this surge of imports. It is illegally dumped steel.

My question for the President of the United States of America is: What are you going to do? You defeated our legislation. What are you going to do now?

I am not going to give up on this. I hope the steelworkers and their families won't give up on this. My suggestion is that we need to have a meeting with the President and the administration because I have to still believe that they are concerned and they will be willing to take some action. We need to talk about what kind of action we will take soon, because if we don't, there are going to be a lot of broken dreams, a lot of broken lives, and a lot of broken families all across our country, including in Northeast Minnesota, the iron range of Minnesota. I can't turn my gaze away from that. I can't quit fighting because of the vote a couple days ago.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

PATIENTS' BILL OF RIGHTS

Mrs. FEINSTEIN. Mr. President, I don't want to be redundant, but I would like to continue the statement I began to make earlier this morning. Let me quickly put it in perspective.

The statement further explains an amendment that I have at the desk, which essentially says that a group health plan or an insurance issuer may not arbitrarily interfere with, or alter, the decision of the treating physician with respect to the manner or the setting in which particular services are delivered if those services are medically necessary or appropriate.

It then goes on to define "medically necessary" as "that which is consistent with generally accepted principles of professional medical practice." The amendment, of course, means that the doctor can determine what is a medically necessary length for a hospital stay, and the doctor can determine the kind of treatment or drug the patient can be best treated with.

I know some people wonder why am I so vociferous about physicians making medical decisions. California has the largest number of individuals in managed care. We have around 20 million people in managed care plans in California.

I have heard of many different cases. Let me just give you one other case—I just talked about the person with the brain illness. I can also give you the case of the Central Valley man, 27 years old who had a heart transplant and was forced out of the hospital after 4 days because his HMO would not pay for more days. That constituent of mine died. That is the reason I feel so strongly.

Additionally, I know—and the Washington Post this morning documents—that doctors are increasingly frustrated, demoralized, and hamstrung by insurance plans' definitions of medical necessity. An American Medical Association survey reported in the March 2, 1999, Washington Post, quoted an AMA spokeswoman who said that some managed care companies have begun to define explicitly what treatments are "medically necessary," and they have chosen to define them in terms of lowest cost.

She says:

> Doctors used to make that decision solely on the basis of what was best for the patient.

She stressed that doctors are unhappy that managed care organizations are "controlling or influencing medical treatment before the treatment is provided." She said, "Denials and delays in providing care directly harm the health and well-being of the patients."

A fall 1998 report found that "patients and physicians can expect to see more barriers to prescriptions being filled as written," according to the Scott-Levin consultant firm, because HMOs are requiring more "prior authorizations" by the plans before doctors can prescribe them.

Then, as I spoke of a little earlier, there is the issue of financial incentives, another form of interference in medical necessity decisions. In November, the New England Journal of Medicine pointed out:

> Many managed care organizations include financial incentives for primary care physicians that are indexed to various measures of performance. Incentives that depend on limiting referrals or on greater productivity applies selective pressure to physicians in ways that are believed to compromise care.

That is what we are trying to stop.

> Incentives that depend on the quality of care and patients' satisfaction are associated with greater job satisfaction among physicians.

Let me describe how Charles Krauthammer put it in writing in the January 9, 1998 Washington Post under the headline, "Driving the Best Doctors Away":

> The second cause of [doctors leaving the profession] is the loss of independence. More than money, this is what is driving these senior doctors crazy: some 24-year-old functionary who knows as much about medicine as he does about cartography demanding to know why Mr. Jones, a diabetic in renal failure, has not been discharged from the hospital yet. Dictated to by medically ignorant administrators, questioned about every prescription and procedure, reduced in status from physician to "provider," these doctors want out.

Mr. President, that is a sorry commentary, and it is the truth.

One of my deepest interests is cancer. I cochair the Senate Cancer Coalition with the distinguished Senator from Florida, Senator Connie Mack. Let me quote from a report of the President's Cancer Panel:

> Under the evolving managed care system, participating physicians are increasingly being asked to do more with less—to see a greater volume of patients and provide significantly more documentation of care with less assistance or staff. In addition, managed care has dictated a major shift to primary care gatekeepers who are under pressure to limit referrals to specialists and care provided in tertiary care facilities, and may be

financially rewarded for their success in doing so.

Nancy Ledbetter, an oncology nurse and clinical research nurse coordinator for Kaiser Permanente said, ". . . necessary care is being withheld in order to contain costs." This is from the June 16, 1999 Journal of the National Cancer Institute.

A breast cancer surgeon wrote me:

> Severe limitations are being placed upon surgeons in giving these women [with breast cancer] total care . . . Patients feel that their care is reduced to the mechanics of surgery alone, ignoring the whole patient's medical, emotional, and psychological needs.

Surely, one of the oldest axioms of medicine, and the way my father used to practice medicine, is that you can't just treat the wound, you have to treat the whole patient as an individual, as a human being.

In my State, again, over 80 percent of people who have insurance are in managed care. Forty percent of California's Medicare beneficiaries are in managed care. Some say Californians have been pioneers for managed care. Some even say Californians have been the Nation's "guinea pigs."

The complaints don't abate: delaying diagnoses and treatments as tumors grow; trying the cheapest therapies first, instead of the most effective; refusing needed hospital admissions; refusing to refer patients to specialists who can accurately diagnose conditions and provide effective treatments; we hear complaints about shoving patients out of the hospitals prematurely, against doctor's wishes. We hear complaints about misclassifying medically necessary treatments as "cosmetic."

We hear about plans demanding that doctors justify their care and second-guessing doctors' medical judgments.

We have had heard about doctors exaggerating the patient's condition to be able to give them a certain drug, or keep them in a hospital beyond a certain length of time, to get plans to pay for care.

I hope this amendment can restore some balance to the system by empowering patients and the medical profession to provide the kind of quality medical care that people not only pay for but that they deserve.

That is why I feel so strongly about this amendment.

Again, I harken back to the day when I had the first example in 1997 of a woman in a major managed care plan undergoing an outpatient radical mastectomy—7:30 in the morning, surgery; 4:30, out on the street with drains hanging from her chest, and unable to know where she was going.

That is not good medicine.

I can only end my comments on this amendment by saying that the amendment is sincerely presented.

The amendment is the heart of a Patients' Bill of Rights.

The amendment should not increase premium costs.

The amendment is what the American people expect.

And the amendment simply says that an insurance company cannot arbitrarily interfere with the doctor's decision with respect to treatment or hospitalization.

I don't think that is too much to ask this body to legislate and to state unequivocally, and I think every single person in my State, as well as every State, will be much better off once this is accomplished.

Let me end by saying that I believe that Senator DASCHLE is willing to work out an agreement which allows a number of amendments to come to the floor and be debated, provided that these amendments can be voted up or down.

I suspect that what we are going to really end up with is a bipartisan Patients' Bill of Rights. I suspect that if we can get this unanimous consent agreement, we will find that there will be many on the other side of the aisle who will vote for this amendment, and there will be some of us who will vote for some of the amendments on the other side as well.

It seems to me that when you have a situation whereby the physicians in America have reached the point where they have decided to unionize and collectively bargain that this should be a very loud call that all is not well with the practice of medicine in the United States of America.

It should be a very loud call for a unanimous consent agreement which will allow us, on the floor of the Senate, to work out a series of amendments which can provide the kind of quality care that the people of the United States are entitled to, and that certainly 20 million Californians in managed care are.

I thank the Chair.

I yield the floor.

PLEDGE OF ALLEGIANCE RESOLUTION

Mr. FEINGOLD. Mr President, I want to express my support for the resolution, which was adopted by the Senate yesterday, to begin a new tradition in this distinguished body: to begin our days by saying the Pledge of Allegiance each morning in this Chamber. There were about ten of my colleagues on the floor this morning to inaugurate this new tradition, and I only wish there could have been more to join us.

We will pay tribute to our flag, the greatest symbol of our freedom, in the Chamber where we are sworn to uphold the very freedoms the flag symbolizes. There can be no more fitting tribute to our Constitution than the free and unfettered expression of patriotism that the Pledge of Allegiance represents.

Today in the Senate, we honor the flag. In contrast to this voluntary celebration of our flag, the other chamber today may vote on an amendment to our Constitution that asks us to turn away from the freedoms we cherish in order to protect our flag, in effect to compel reverence for the flag. This amendment, in a misdirected attempt to protect a cherished symbol, instead tears at the very fabric of our freedom.

In the past, I have walked in the Appleton, WI, parade on Flag Day. I am told that it is the largest Flag Day parade in our country—it is certainly one of the best. As I saw the faces of those people, those Americans, as they waved the flag, filled with pride in our great nation, I knew then not only that patriotism shouldn't be legislated, but that it doesn't need to be. It is in this Chamber and in the hearts and minds of millions of Americans across this country. Again, I celebrate the effort to pay tribute to the flag, and the freedom it represents, in this Chamber each day. I only hope when and if the amendment that threatens that freedom is considered on this floor, we will remember the Pledge of Allegiance, and remain true to the liberty it speaks of, and that all of us hold so dear.

CUBA

Mr. SPECTER. Mr. President, during the Memorial Day recess, I spent two days in Havana, Cuba, from June 1 to 3. I met with numerous Cuban officials, including a marathon six-and-a-half hour session with President Fidel Castro, with Cuban human rights dissidents, with religious leaders, with several foreign ambassadors and with our U.S. team. I am convinced there are a number of steps we can take, pursuant to our existing U.S. policy, to create closer people-to-people relations with Cuba. Sharing medical research, especially on immunizations, would be appropriate, between the National Institutes of Health and the Cuban Ministry of Health. Former Gen. Barry McCaffrey, head of U.S. drug policy, had suggested to me that we should work closer with the Cuban government on drug interdiction, and I think he is right.

Relations between our two countries, only 90 miles apart, are almost non-existent. We have an embargo and a boycott. We have no exchange of ambassadors, and the limited coordination between our governments does not extend beyond very limited cooperation on drug interdiction.

I believe it is worthwhile to share with my colleagues some of my findings and impressions from my trip. The issue of the embargo is complex, and I am not yet ready to advocate a position. But there are other issues, such as the benefits of increasing contact and cooperation, which merit comment at this time.

Upon arrival in Havana about 2 pm June 1, we were met by Jorge Lexcano

Perez, President of the Commission on International Relation, and Jose Manuel Barrios, Director of the Ministry of Foreign Affairs' U.S. Department. Primarily, all parties agreed that both nations would profit from better relations between the two.

I met next for more than an hour with our country team at the U.S. Embassy. We discussed the steps needed to normalize relations between our two nations and the dynamics of Cuba's government and economy, including the booming black market. We discussed the social climate, including religious freedom and human rights concerns.

I met next with Dr. Jose Miller, President of Casa de la Comunidad Hebrea de Cuba (The Jewish Community House of Cuba) and leader of Cuba's Jewish community, and with Adela Dworin, Dr. Miller's Vice President. Dr. Miller maintained that freedom of religion has been "no problem" in Cuba for both Jews and Christians since the fall of the Berlin Wall eight years ago. Cardinal Jaime Ortega, in a later meeting, also stressed that Cuba has seen an improvement in religious freedom during the past decade. Both said the greater openness came from a recognition on President Castro's part that a religious reconciliation was necessary. President Castro, Dr. Miller noted, has attended Hanukkah services at his synagogue. Dr. Miller and Ms. Dworin estimated that Cuba's Jewish population has shrunk to 1,500 from about 15,000 in 1959, and that they must bring in a rabbi to hold high holiday services.

We held our final meeting June 1 with Dr. Pedro Lopez Saura at The Center for Genetic Engineering and Biotechnology, an impressive biotech facility that has apparently pioneered a vaccination for Meningitis B. Meningitis B, which also plagues the United States, is a severe infectious disease that may lead to permanent neurological damage and even to death in acute cases. Meningitis strikes about 2,600 people annually, more than half under five years old. Meningitis B accounts for 50–55 percent of all U.S. cases. While NIH, our federal medical research arm, has a budget 1,000 times the size of The Cuban center's, the Cuban facility has apparently outstripped American efforts in a couple of narrow areas, including Meningitis B vaccine and interferon work. I found Dr. Lopez, who has trained in Cuba, Belgium, East Germany and Finland, very impressive. I suggested that Dr. Lopez visit NIH Director Dr. Harold Varmus, who has already visited the Cuban facility, for an exchange that could benefit both nations.

We began our meetings the next morning, June 2, with the Cuban Minister of Health, Dr. Carlos Dotres Martinez, at one of Cuba's largest medical teaching facilities on the outskirts of Havana. Dr. Martinez touted the Cuban health system and presented charts and statistics to suggest that Cuba's aggressive research and vaccination program has eradicated polio, diphtheria and other pestilences and improved its citizens' health and longevity. In a common Cuban refrain, Dr. Martinez argued that the U.S. blockade has forced Cubans to spend more for medical imports from Europe and China. He estimated Cuba has spent an estimated $20 million more for freight and other incidental costs on top of the fixed costs of $50 million to $100 million.

I suggested that Dr. Martinez meet with HHS Secretary Donna Shalala.

We met next with Concepcion de la Campa, President and General Director of the Finlay Institute, which manufactures vaccines, including the Meningitis B vaccine pioneered by the Cuban research labs. I had a particular interest in this biotechnology effort because a company with a substantial base in my state of Pennsylvania is negotiating a license to work with Cubans to produce the Meningitis B vaccine. Under their proposed arrangement, the Pennsylvania company would produce the vaccine in quantity for distribution in the United States and elsewhere in the First World and the Cubans would manufacture the vaccine for the rest of the world.

Mrs. Campa, like her Cuban medical colleagues, agreed that medical research would be boosted by closer relations between the United States and Cuba, and by such joint ventures.

We met next at the U.S. Ambassador's Residence with ambassadors from several nations: Charge Josef Marsicek of the Czech Republic, Ambassador Reinhold Huber of Germany, Ambassador Eduardo Junco Bonet of Spain, Ambassador David Ridgway of Britain, and Ambassador Keith Christie of Canada. The ambassadors gave me a frank assessment of President Castro and the Cuban realities. Like the US team, the European diplomats also saw a thawing in the Castro regime's stridency, as demonstrated by Cuban overtures for dialog.

After my talk with the ambassadors, I met at the US residence with five Cuban dissidents and human rights activists: A member of the Christian Liberation Movement; a former Batistaera soldier, an environmental and peace activist; a medical doctor removed from his post for criticizing the Cuban medical establishment; and a member of the Pro-Human Rights Party. We discussed human rights and repression generally and specifically, with a focus on "The Four," four jailed Cuban dissidents whose plight has stirred international human rights complaints. I have omitted their names and limited comments on their statements to protect their identities.

The dissidents told us passionately of the Cuban government's intolerance for any dissent, demonstrated by frequent jailings and loss of jobs and travel opportunities for those who speak out. The dissidents disagreed on remedies for accomplishing change, differing, for example, on whether the United States should lift its embargo.

At 8 pm Wednesday evening, we arrived at the President's complex for a dinner meeting with President Castro. The President arrived 10 minutes later, apologized for his tardiness, and proceeded to host us for a six hour and 37 minute session, ending at nearly 3 am. We had been advised that President Castro enjoyed lengthy talks. We knew we were in for a long night when President Castro said he had worked until 5:45 am the night before and then slept eight hours, waking at 2 pm—just six hours before our meeting. We did not even move from the President's conference room to his dining room until midnight.

I found President Castro, at 73, robust and engaging. Always cordial, he was at times jocular and at other times guarded. He wore his trademark green military uniform with modest insignia and took notes throughout much of our meeting. During our talk, we covered the gamut of subjects.

I asked about the possibility of parole for the four celebrated dissidents. President Castro told me, "I think they should fulfill their sentences because they have done great damage to this country," He insisted that charges against Cuba of human rights abuses "were totally unfair," arguing that Cuba did not torture prisoners, employ death squads or practice assassination.

On the issue of drug trafficking, President Castro said his country has been cracking down, including establishing the death penalty for international drug trafficking. "We are willing to cooperate" with the United States, he said. "We don't ask the Americans for anything in return. We do it as a matter of ethics." He noted that Cuba would not, however, allow the United States to violate its territorial waters or air space.

I asked President Castro about the assassination of President Kennedy, an area of particular interest for me because of my work as a lawyer on the Warren commission. President Castro maintained that the Cuban government played no role in the assassination, and that it would have been insane for it to have become involved, given that the United States, by his reckoning, was looking for provocation or pretense to invade Cuba. Castro said Lee Harvey Oswald, Kennedy's assassin, wanted to go to Cuba—a request the Cubans denied—simply to transit to the Soviet Union. President Castro said he was relieved that the Warren Commission concluded that Cuba was not involved with Oswald.

I asked President Castro if he was concerned that people might think Cuba had been involved with Oswald. He said, "Yes, we were concerned."

President Castro gave an elaborate description of the Cuban Missile Crisis. He described how Cuba initially bought its weapons from Belgium, a NATO country, to avoid inciting the United States. But the second Belgian shipment was sabotaged and blown up on Havana's docks, Castro said, and he eventually arranged to buy Soviet arms. President Castro said former Soviet leader Nikita Kruschev made a mistake in not describing the missiles as defensive weapons and in "getting into a game of definitions" instead of simply maintaining his right to install weapons without question. President Castro noted the United States had weapons at the time in Turkey and Italy. He described his hunting trip in Russia with Kruschev, and how Kruschev had pulled out and read from a letter to Kennedy. When Kruschev read a passage about Kennedy promising to pull U.S. missiles out of Turkey and Italy, President Castro said, Kruschev realized he had made a mistake in revealing that Kruschev was going to breach his deal with Castro and remove the Cuban missiles. That would leave Cuba vulnerable to U.S. invasion, in President Castro's view.

In the end, President Castro said, the Russian withdrawal also served Cuba's purpose. "We preferred the risk of invasion to the presence of Soviet troops, because it would have established an image [of Cuba] as a Soviet base."

President Castro told us about various assassination attempts against him by the United States since 1959, some documented by the U.S. Senate's Church Committee. Plans were launched to poison President Castro's milk shake, to plant an exploding cigar and to blow him up. "Some of them were childish," he said. President Castro said he had survived largely "as a matter of luck."

I asked him how he felt about being the target of so many assassination attempts.

President Castro replied, "Do you play any sports?"

I said, "I play squash every day."

He said, "That is my sport."

Throughout the evening, the Cuban President frequently dispatched an aide or minister in the wee hours to produce a document or find an official's name. The aides performed their research in short order. In one case, President Castro wanted the name of a U.S. Senator who had visited Cuba in 1977, which turned out to be former Sen. Lowell Weicker of Connecticut.

The next morning—or, more accurately, later Thursday morning—we met with Cardinal Ortega. Like Dr. Miller of the Havana synagogue, Cardinal Ortega also said the Cuban regime had adopted a more open attitude toward religion, from the previous "climate of fear." He attributed the thaw in the government's position to a recognition that it was not easy to erase religious faith. He noted there have always been diplomatic relations between Havana and the Vatican.

As for living conditions in Cuba under Castro, the Cardinal said the obvious in noting widespread poverty. On human rights, he said the Castro regime always equates human rights as the right to health, study and education, a low threshold.

Our visit was facilitated by the assistance and cooperation of the U.S. team and the Cuban government.

CHILD ACCESS PREVENTION

Mr. LEVIN. Mr. President, as the 1999 school year came to a close, our Nation was shocked by the incidences of school violence that claimed so many lives. In the aftermath of these tragedies, Americans have become more sensitized to the dangers of guns and the easy access that children have to them. Yet, despite this additional scrutiny by parents, guns continue to claim the lives of young people. Each day, more children are dying, not just in schoolyards, but in the home. They are killed by guns in unintentional shootings.

Unintentional shootings are among the leading causes of death for young people. According to the National Center for Health Statistics, each day at least one person under the age of 19 is killed by an unintentional shooting. Unsafe guns are an enormous danger to these young people, who are the victims of 33 percent of all accidental firearm deaths. And in Michigan, people under the age of 19 make up more than 50 percent of the fatalities caused by unintentional shootings.

Unintentional shootings almost always occur at home, when a child finds a loaded weapon and while playing with it, shoots himself, a sibling, or a young friend. Some parents try to take precautions against these tragedies by hiding their firearm in a drawer, a closet or even under the mattress. Unfortunately, if it is loaded or without a safety lock, it does not matter where that gun is hidden. It has the potential to kill, and for hundreds of kids each year, it does just that.

Daily shootings resulting from the careless storage of guns can easily be prevented. Locking devices for guns are simple to handle and inexpensive, but they must be used. In the Juvenile Justice bill that passed the Senate just a few weeks ago, an amendment was included that would require all sales, deliveries or transfers of handguns to include a secure gun storage or safety device, which was a step in the right direction. But, there was nothing to require that adults, especially with children in the house, use those safety devices. Safe storage laws, or Child Access Prevention, CAP, laws are needed to ensure that adults store loaded guns with safety devices in place and in locations reasonably inaccessible to children.

There is no doubt that owning a firearm requires precaution and responsibility, especially when young children are around. CAP laws hold adults criminally responsible if a loaded firearm was left where it could be reasonably accessed by a juvenile, and the juvenile uses or brings into public the adult's firearm without the permission of his parent or guardian. Criminal liability would not apply to adults who have no reasonable expectation of having a juvenile on their premises or if a juvenile obtains a firearm as a result of an unlawful entry. CAP laws simply require adults to use common sense safety measures, such as secure gun storage devices or trigger locks for their firearms.

Currently, there are 16 States that have enacted CAP laws. And since the first law took effect 10 years ago, state CAP laws have reduced unintentional deaths of children by firearms on an average of 23 percent. In Florida, just one year after CAP was enacted, unintentional shootings dropped more than 50 percent. And for every state that has enacted a safe storage law, there is compelling evidence that because of CAP, children are safer at home.

Despite these successes, there are still an overwhelming number of states, including Michigan, without CAP laws. And until there is awareness that guns should be locked up and stored unloaded, guns will continue to claim the lives of innocent children. Until CAP or safe storage laws are the law of the land, people will continue to learn the hard way that the guns in their home meant for protection will continue to claim the lives of those they are trying to protect.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 23, 1999, the Federal debt stood at $5,594,431,506,414.50 (Five trillion, five hundred ninety-four billion, four hundred thirty-one million, five hundred six thousand, four hundred fourteen dollars and fifty cents).

One year ago, June 23, 1998, the Federal debt stood at $5,500,927,000,000 (Five trillion, five hundred billion, nine hundred twenty-seven million).

Five years ago, June 23, 1994, the Federal debt stood at $4,598,158,000,000 (Four trillion, five hundred ninety-eight billion, one hundred fifty-eight million).

Ten years ago, June 23, 1989, the Federal debt stood at $2,780,957,000,000 (Two trillion, seven hundred eighty billion, nine hundred fifty-seven million) which reflects a debt increase of more than $2 trillion—$2,813,474,506,414.50 (Two trillion, eight hundred thirteen billion, four hundred seventy-four million, five hundred six thousand, four hundred fourteen dollars and fifty cents) during the past 10 years.

NOMINATION OF RICHARD HOLBROOKE

Mr. GRASSLEY. Mr. President, I am announcing, today, my intention to place a hold on the nomination of Mr. Richard Holbrooke to be the next U.S. Ambassador to the United Nations. I would like to explain for the benefit of my colleagues why I have done so.

First, let me explain that I have nothing against Mr. Holbrooke. He is simply caught in the middle. The issue can be cleared up very, very quickly, if reasonable heads come together.

At issue is the outrageous treatment by the State Department of one of its employees. Her name is Linda Shenwick. She is Counselor for Resources Management at the United States U.N. Mission. She is the Mission's expert on financial and management matters.

Ms. Shenwick has been instrumental in bringing to light many of the waste and mismanagement issues associated with the U.N. She's been an invaluable source of information and insight for the people's branch of government. Some people in the State Department, apparently all the way to the top, don't much care for Ms. Shenwick's candor with Congress. And so they painted a big, ol' target on Ms. Shenwick, and have come after her, relentlessly.

You see, Ms. Shenwick is guilty of committing the crime of telling the truth. And when you commit truth, you're history in the State Department.

Here is how the State Department has treated Ms. Shenwick. I'd like my colleagues to know this, so they can judge for themselves whether this is conduct befitting such a grand institution as the State Department.

Ms. Shenwick has been "Felix Bloched." You remember Felix Bloch. He was investigated while under suspicion for espionage. He was put on non-duty status while he was investigated. That's now what they've done to Ms. Shenwick, effective last Friday at 5:30 pm.

That's not all. Before kicking her out of her office last week, she was not allowed to talk to other employees. They could not talk to her. She had to keep her door closed at all times. She could not access the main computer in the office. They forced her to fly to Washington, with little or no notice, for meetings that didn't occur.

At the end of this month, Ms. Shenwick must report to a new job in Washington, in an area in which she has no background. They know that she wants to stay in New York. They seem determined to break this woman down. So far, they have not succeeded.

Mr. President, I have a long-standing practice of taking up the cause of witnesses before the Congress who have done the right thing at great risk to their careers. Before I do this, I must make sure the individual has sufficient credibility, and is being retaliated against for their disclosures in the public interest. I have spoken with my colleagues on both sides of the aisle, and on both sides of Capitol Hill. They all agree she has credibility, and has provided solid, accurate information to Congress. It is information that has led to management reforms and more effective controls of the U.N. budget. No one has ever successfully challenged her information. Instead, the Department has attacked her.

In all the whistleblower cases I have worked over the years, this one stands out. I have never seen such a blatant, raw attempt to harass and silence a whistleblower who simply told the truth. Can the truth be that offensive to the State Department?

My action to put a hold on the Holbrooke nomination is a contest over which message will prevail. By its actions, the message the State Department wants to send is fear. Every other employee of the USUN Mission has their eyes firmly fixed on this case. The State Department wants them to know, if they commit truth like Ms. Shenwick did, that they, too, will get the "Felix Bloch Treatment." I guess committing truth is just as bad as committing espionage.

Mr. President, It's my hope that we in this body will intercept that message, and send one of our own. The people's right to know the truth is what we care about. And those who help Congress know the truth will be protected, not punished.

Until this month, Ms. Shenwick and her attorney had been negotiating with the State Department to find her a new job in New York. There was some progress, but the Department started negotiating in bad faith. The talks broke down, and Ms. Shenwick is being transferred to Washington at the end of the month, to a job for which she has no background.

I am willing to release my hold of the nomination of Mr. Holbrooke forthwith. But before that happens, fairness and civility must prevail. Good faith negotiations must re-start, and an agreement must be reached by both parties. This could happen within 24 hours, if desired.

In 1997, another member of this body put a similar hold on a nominee until the Department resolved Ms. Shenwick's situation. The Secretary agreed to resolve the issues and keep Ms. Shenwick at the USUN Mission. The hold was lifted. But instead of resolving the matter, the harassment continued. And it continues to this day.

That will not happen again. The hold gets lifted when there's an agreement in writing.

Mr. President, I hope that my colleagues appreciate the reasonableness of my position, and the importance of the message that I am asking this body to send. I hope I can count on their support in the public's best interest. And we can then allow Mr. Holbrooke to get on with his important work in New York.

EDUCATION EXPRESS ACT OF 1999 (ED-EXPRESS)

Mr. FRIST. Mr. President, yesterday, Senator DOMENICI and I introduced the Education Express Act (Ed-Express). This legislation builds on the success of the Ed-Flex bill, which earlier this year passed the Senate and House of Representatives by overwhelming margins, and was signed into law in April.

It is critical that this Congress builds on Ed-Flex's themes of flexibility and accountability. As we consider the Reauthorization of the Elementary and Secondary Education Act, we must continue the push to cut red tape and remove overly-prescriptive federal mandates on federal education funding. At the same time, we must hold states and local schools accountable for increasing student achievement.

Flexibility, combined with accountability, must be our objective. The end result of our reform effort must spark innovation—innovation designed to provide all students a world-class education.

This need for flexibility and accountability in education was repeated again and again in hearings held by the Senate Budget Committee's Task Force on Education. The Task Force, on which Senator DOMENICI serves as an Ex-officio member, and I serve as the chairman, issued a report entitled "Prospects for Reform: The State of Education and the Federal Role."

In this report the Task Force made several recommendations of ways to improve the federal education effort. The number one recommendation noted, "In light of the continuing proliferation of federal categorical programs, the Task Force recommends that federal education programs be consolidated. This effort should include reorganization at the federal level, and block grants for the states. The Task Force particularly favors providing states flexibility to consolidate all federal funds into an integrated state strategic plan to achieve national educational objectives for which the state would be held accountable."

The Ed-Express bill is the legislative response to this recommendation. Specifically, $37 billion over the next five years would be provided from the federal government as part of a larger consolidation of duplicative and limiting categorical programs into a much more streamlined and direct funding stream to states and localities for a variety of education purposes.

We have a national emergency in education. To address this crisis, the federal government will commit additional resources for a five-year period in order to improve student achievement and the quality of our teaching force.

This would infuse significant funds to the hands of parents, communities, and local/State governments to improve the education achievement of students.

Under this plan, States may elect to receive elementary and secondary education funding by "Direct Check." Incentives such as replacing existing burdensome federal categorical programs are provided to encourage States to choose the direct check option. A State, however, may choose to remain in the categorical system.

In the spirit of Ed-Flex, this legislation that we introduced also looks to the Governors for leadership. States which opt for the Direct Check Flexibility will receive their education funding upon the adoption of a State plan written by the governor that outlines the goals and objectives for the funds.

The Nation's governors are leading the way for education reform in this country. It was the Nation's Governors who helped bring about the successful passage of Ed-Flex. We at the Federal level must do all we can to advance the reform efforts taking place at the State and local levels.

Ed-Express establishes a Challenge Fund, a Teacher Quality Fund, and an Academic Opportunity Fund.

Challenge Funds would be provided to States and localities with the flexibility to design and implement programs to improve student learning. These funds may be used to purchase new books, hire teachers, promote character education, provide tutoring services for students, and for a variety of other education initiatives.

Teacher Quality Funds may be used for such activities as providing professional development opportunities for teachers, merit pay, increasing teachers' salaries, and alternative certification programs.

Academic Opportunity Funds may be used to provide governors who choose the Direct Check option with the ability to reward school districts and schools that meet or exceed state-defined goals and performance objectives for student achievement and teacher quality.

The need for a consolidated Federal education effort has never been greater. I think that we are all familiar with the statistics that show our students are not able to keep up academically with their international counterparts. In fact, the longer a student stays in an American school the more his/her academic skills deteriorate. We must draw upon innovative methods to correct this problem so that our children will be able to compete in the global economy.

As a scientist, I know the value of looking for new ways to solve problems, and America has long had a proud tradition to innovation. Ed-Express will create a whole new generation of inventors in the field of education—in particular, Governors, local school boards, teachers, and parents will be better able to put good ideas into practice.

REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979 FOR THE PERIOD AUGUST 19, 1998 THROUGH FEBRUARY 19, 1999—MESSAGE FROM THE PRESIDENT—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 24, 1999.*

REPORT OF THE PROTOCOL AMENDING THE AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY BETWEEN THE UNITED STATES AND CANADA—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b) and (d)), the text of a proposed Protocol Amending the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada signed at Washington June 15, 1955, as amended. I am also pleased to transmit my written approval, authorization, and determination concerning the Protocol, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Protocol. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), I have submitted to the Congress under separate cover a classified annex to the NPAS, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Protocol has been negotiated in accordance with the Atomic Energy Act of 1954, as amended, and other applicable law. In my judgment, it meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Protocol amends the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada in two respects:

1. It extends the Agreement, which would otherwise expire by its terms on January 1, 2000 for an additional period of 30 years, with the provision for automatic extensions thereafter in increments of 5 years each unless either Party gives timely notice to terminate the Agreement; and
2. It updates certain provisions of the Agreement relating to the physical protection of materials subject to the Agreement.

The Agreement itself was last amended on April 23, 1980, to bring it into conformity with all requirements of the Atomic Energy Act and the Nuclear Non-Proliferation Act of 1978. As amended by the proposed Protocol, it will continue to meet all requirements of U.S. law.

Canada ranks among the closest and most important U.S. partners in civil nuclear cooperation, with ties dating back to the early days of the Atoms for Peace program. Canada is also in the forefront of countries supporting international efforts to prevent the spread of nuclear weapons to additional countries. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. It also subscribes to the Nuclear Supplier Group (NSG) Guidelines, which set forth standards of the responsible export of nuclear commodities for peaceful use, and to the Zangger (NPT Exporters) Committee Guidelines, which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. It is a party to the Convention on the Physical Protection of Nuclear Material, whereby it has agreed to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control.

Continued close cooperation with Canada in the peaceful uses of nuclear energy, under the long-term extension of the U.S.-Canada Agreement for Cooperation provided for in the proposed Protocol, will serve important U.S. national security, foreign policy, and commercial interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Protocol and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Protocol and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediate consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 24, 1999.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000" (Rept. No. 106–85).

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative Activities of the Committee on Veterans' Affairs' During the 105th Congress" (Rept. No. 106–86).

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 1282: An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–87).

By Mrs. HUTCHISON, from the Committee on Appropriations, without amendment:

S. 1283: An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–88).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 140: A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, and for other purposes (Rept. No. 106–89).

S. 734: A bill entitled the "National Discovery Trails Act of 1999" (Rept. No. 106–90).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 762: A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park (Rept. No. 106–91).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 938: A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes (Rept. No. 106–92).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 939: A bill to correct spelling errors in the statutory designations of Hawaiian National Parks (Rept. No. 106–93).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 946: A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center (Rept. No. 106–94).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 955: A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation (Rept. No. 106–95).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1027: A bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes (Rept. No. 106–96).

H.R. 459: A bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project (Rept. No. 106–97).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1287: An original bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes (Rept. No. 106–98).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 441: A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 768: A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Keith P. Ellison, of Texas, to be United States District Judge for the Southern District of Texas, vice Norman W. Black, retired.

Gary Allen Feess, of California, to be United States District Judge for the Central District of California, vice James M. Ideman, retired.

Stefan R. Underhill, of Connecticut, to be United States District Judge for the District of Connecticut, vice Peter C. Dorsey, retired.

W. Allen Pepper, Jr. of Mississippi, to be United States District Judge for the Northern District of Mississippi, vice L.T. Senter, Jr., retired.

Karen E. Schreier, of South Dakota, to be United States District Judge for the District of South Dakota, vice Richard H. Battey, retired.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1273. A bill to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS (for himself, Mr. ROTH, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mrs. HUTCHISON, Mr. SANTORUM, Mr. THOMAS, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. INHOFE, and Mr. BUNNING):

S. 1274. A bill to amend the Internal Revenue Code of 1986 to increase the accessibility to and affordability of health care, and for other purposes; to the Committee on Finance.

By Mr. KYL:

S. 1275. A bill to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. CHAFEE, Mr. DASCHLE, Mr. SPECTER, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Ms. LANDRIEU, Mr. REID, Mr. WYDEN, Mr. SARBANES, Mr. KERRY, Mr. INOUYE, Mr. LAUTENBERG, Mr. ROBB, Mr. CLELAND, Mr. MOYNIHAN, Mr. SCHUMER, Mr. AKAKA, Mr. DURBIN, Mrs. BOXER, Mr. TORRICELLI, Mr. KERREY, Mr. LEVIN, Mr. FEINGOLD, Mr. BRYAN, Mrs. FEINSTEIN, and Mr. KOHL):

S. 1276. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. CONRAD, Mr. HARKIN, and Mr. ROBB):

S. 1277. A bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics; to the Committee on Finance.

By Mr. FRIST:

S. 1278. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERREY (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 1279. A bill to improve the environmental quality and public use and appreciation of the Missouri River and to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River; to the Committee on Environment and Public Works.

By Mr. BRYAN:

S. 1280. A bill to terminate the exemption of certain contractors and other entities from civil penalties for violations of nuclear safety requirements under Atomic Energy Act of 1954; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. CLELAND):

S. 1281. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Government Affairs.

By Mr. CAMPBELL:

S. 1282. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. HUTCHINSON:

S. 1283. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. NICKLES:

S. 1284. A bill to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any suppliers; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. DEWINE, and Mr. FEINGOLD)

S. 1285. A bill to amend section 40102(37) of title 49, United States Code, to modify the definition of the term "public aircraft" to provide for certain law enforcement and emergency response activities; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, and Mr. DURBIN):

S. 1286. A bill to authorize the Attorney General to make grants to local educational agencies to carry out school violence prevention and school safety activities in secondary schools; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 1287. An original bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; to the Committee on Energy and Natural Resources; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Con. Res. 42. A concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1273. A bill to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL POWER ACT OF AMENDMENTS OF 1999

Mr. BINGAMAN. Mr. President, I rise to introduce the electricity restructuring bill I introduced in the last Congress. I offer the bill today because the Energy and Natural Resources Committee will be holding two legislative hearings next week on the pending electricity restructuring bills, and I want this bill to be included in the discussions. With the exception of two typographical corrections, the text of the bill is identical to S. 1276, which I introduced in the last Congress.

The bill has three principal legislative objectives: (1) clarifying the line between state and federal jurisdiction, (2) strengthening the reliability of the transmission system, and (3) ensuring fair access to the interstate transmission grid. When I introduced the bill in the last Congress it received wide support as the nucleus of the most critical issues that Congress must address in any restructuring legislation.

As many Senators are aware, I am working with the chairman of the Energy and Natural Resources Committee, my good friend Senator MURKOWSKI, on developing a consensus electricity bill that can be marked up and reported to the full Senate. Although I had expected that we would be further along in the process by now, I remain fully committed to following this bipartisan course. My introduction of this bill should not impeded that process.

Much has happened in the electric utility industry since this bill was first drafted nearly two years ago. There are now six approved regional transmission operators, and several more are on the drawing boards. Twenty-two states, including New Mexico, have implemented some form of electric competition and two more may pass legislation this year. And there is now industry-wide consensus on the importance of federal legislation to assure the continued security and reliability of the nation's high-tension transmission grid.

Mr. President, I continue to see a strong need for federal electricity legislation so that states that have elected retail competition can fully enjoy all of the benefits that completion brings. In addition, improvements in federal regulation will streamline wholesale markets in every state. At the same time, I believe Congress should not enact federal legislation that disrupts existing state laws or that forces unwilling states to restructure.

I also have increasing concern about the mounting cloud of litigation pending in the federal courts that could frustrate the development of healthy wholesale and retail markets. Only Congress can clear up jurisdictional issues and let competitive markets fully develop. Interstate transmission must be a federal responsibility.

Mr. President, I believe we now have a consensus on the core issues that Congress must address. The Energy Committee held an oversight hearing last month on the status of restructuring in the states. There was nearly universal agreement among the witnesses on the need for federal legislation addressing interstate transmission and federal-state jurisdiction

I look forward to the legislative hearings next week on this and other bills and to reporting bi-partisan electricity legislation that can pass the Senate this year.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Power Act Amendments of 1999".

SEC. 2. CLARIFICATION OF JURISDICTION.

(a) DECLARATION OF POLICY.—Section 201(a) of the Federal Power Act (16 U.S.C. 824(a)) is amended by—

(1) inserting after "transmission of electric energy in interstate commerce" the following: ", including the unbundled transmission of electric energy sold at retail,"; and

(2) striking "such Federal regulation, however, to extend only to those matters which are not subject to regulation by the States." and inserting the following: "such Federal regulation shall not extend, however, to the bundled retail sale of electric energy or to

unbundled local distribution service, which are subject to regulation by the States.".

(b) APPLICATION OF PART.—Section 201(b) of the Federal Power Act (16 U.S.C. 824(b)(1)) is amended by—

(1) inserting after "the transmission of electric energy in interstate commerce" the following: ", including the unbundled transmission of electric energy sold at retail,"; and

(2) adding at the end the following:

"(3) The Commission, after consulting with the appropriate State regulatory authorities, shall determine, by rule or order, which facilities used for the transmission and delivery of electric energy are used for transmission in interstate commerce subject to the jurisdiction of the Commission under this Part, and which are used for local distribution subject to State jurisdiction.".

(c) DEFINITION OF INTERSTATE COMMERCE.—Section 201(c) of the Federal Power Act (16 U.S.C. 824(c)) is amended by inserting after "outside thereof" the following: "(including consumption in a foreign country)".

(d) DEFINITIONS OF TYPES OF SALES.—Section 201(d) of the Federal Power Act (16 U.S.C. 824(d)) is amended by—

(1) inserting "(1) after the subsection designation;

(2) adding at the end the following:

"(2) The term 'bundled retail sale of electric energy' means the sale of electric energy to an ultimate consumer in which the generation and transmission service are not sold separately.

"(3) The term 'unbundled local distribution service' means the delivery of electric energy to an ultimate consumer if—

"(A) the electric energy and the service of delivering it are sold separately, and

"(B) the delivery uses facilities for local distribution as determined by the Commission under subsection (b)(3).

"(4) The term 'unbundled transmission of electric energy sold at retail' means the transmission of electric energy to an ultimate consumer if—

"(A) the electric energy and the service of transmitting it are sold separately, and

"(B) the transmission uses facilities for transmission in interstate commerce as determined by the Commission under subsection (b)(3).".

(e) DEFINITIONS OF PUBLIC UTILITY.—Section 201 of the Federal Power Act (16 U.S.C. 824) is amended by striking subsection (e) and inserting the following:

"(e) The term 'public utility' when used in this Part or in the Part next following means—

"(1) any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part (other than facilities subject to such jurisdiction solely by reason of section 210, 211, or 212); or

"(2) any electric utility or Federal power marketing agency not otherwise subject to the jurisdiction of the Commission under this Part, including—

"(A) the Tennessee Valley Authority,

"(B) a Federal power marketing agency,

"(C) a State or any political subdivision of a State, or any agency, authority, or instrumentality of a State or political subdivision,

"(D) a corporation or association that has ever received a loan for the purpose of providing electric service from the Administrator of the Rural Electrification Administration or the Rural Utilities Service under the Rural Electrification Act of 1936; or

"(E) any corporation or association which is wholly owned, directly or indirectly, by any one or more of the foregoing,

but only with respect to determining, fixing, and otherwise regulating the rates, terms, and conditions for the transmission of electric energy under this Part (including sections 217, 218, and 219).".

(f) APPLICATION OF PART TO GOVERNMENT UTILITIES.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by striking "No provision" and inserting "Except as provided in subsection (e)(2) and section 3(23), no provision".

(g) DEFINITION OF TRANSMITTING UTILITY.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by striking paragraph (23) and inserting the following:

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any electric utility, qualifying cogeneration facility, qualifying small power production facility, Federal power marketing agency, or any public utility, as defined in section 201(e)(2), that owns or operates electric power transmission facilities which are used for the sale of electric energy.".

SEC. 3. FEDERAL WHEELING AUTHORITY.

(a) COMMISSION AUTHORITY TO ORDER RETAIL WHEELING.—

(1) Section 211(a) of the Federal Power Act (16 U.S.C. 824j(a)) is amended by striking "for resale".

(2) Section 212(a) of the Federal Power Act (16 U.S.C. 824k(a)) is amended by striking "wholesale transmission services" each place it appears and inserting "transmission services".

(3) Section 212(g) of the Federal Power Act (16 U.S.C. 824k(g)) is repealed.

(b) LIMITATION ON COMMISSION AUTHORITY TO ORDER RETAIL WHEELING.—Section 212 of the Federal Power Act (16 U.S.C. 824k) is further amended by striking subsection (h) and inserting the following:

"(h) LIMITATION ON COMMISSION AUTHORITY TO ORDER RETAIL WHEELING.—No rule or order issued under this Act shall require or be conditioned upon the transmission of electric energy:

"(1) directly to an ultimate consumer in connection with a sale of electric energy to the consumer unless the seller of such energy is permitted or required under applicable State law to make such sale to such consumer, or

"(2) to, or for the benefit of, an electric utility if such electric energy would be sold by such utility directly to an ultimate consumer, unless the utility is permitted or required under applicable State law to sell electric energy to such ultimate consumer.".

(c) CONFORMING AMENDMENT.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by striking paragraph (24) and inserting the following:

"(24) TRANSMISSION SERVICES.—The term 'transmission services' means the transmission of electric energy in interstate commerce.".

SEC. 4. STATE AUTHORITY TO ORDER RETAIL ACCESS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 215. STATE AUTHORITY TO ORDER RETAIL ACCESS.

"(a) STATE AUTHORITY.—Neither silence on the part of Congress nor any Act of Congress shall be construed to preclude a State or State commission, acting under authority of state law, from requiring an electric utility subject to its jurisdiction to provide unbundled local distribution service to any electric consumer within such State.

"(b) NONDISCRIMINATORY SERVICE.—If a State or State commission permits or requires an electric utility subject to its jurisdiction to provide unbundled local distribution service to any electric consumer within such State, the electric utility shall provide such service on a not unduly discriminatory basis. Any law, regulation, or order of a State or State commission that results in unbundled local distribution service that is unjust, unreasonable, unduly discriminatory, or preferential is hereby preempted.

"(c) RECIPROCITY.—Notwithstanding subsection (b), a State or state commission may bar an electric utility from selling electric energy to an ultimate consumer using local distribution facilities in such State if such utility or any of its affiliates owns or controls local distribution facilities and is not itself providing unbundled local distribution service.

"(d) STATE CHARGES.—Nothing in this Act shall prohibit a State or State regulatory authority from assessing a nondiscriminatory charge on unbundled local distribution service within the State, the retail sale of electric energy within the State, or the generation of electric energy for consumption by the generator within the State.".

SEC. 5. UNIVERSAL AND AFFORDABLE SERVICE.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 216. UNIVERSAL AND AFFORDABLE SERVICE.

"(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

"(1) every consumer of electric energy should have access to electric energy at reasonable and affordable rates, and

"(2) the Commission and the States should ensure that competition in the electric energy business does not result in the loss of service to rural, residential, or low-income consumers.

"(b) CONSIDERATION AND REPORTS.—Any State or State commission that requires an electric utility subject to its jurisdiction to provide unbundled local distribution service shall—

"(1) consider adopting measures to—

"(A) ensure that every consumer of electric energy within such State shall have access to electric energy at reasonable and affordable rates, and

"(B) prevent the loss of service to rural, residential, or low-income consumers; and

"(2) report to the Commission on any measures adopted under paragraph (1).".

SEC. 6. NATIONAL ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. NATIONAL ELECTRIC RELIABILITY STANDARDS.

"(a) RELIABILITY STANDARDS.—The Commission shall establish and enforce national electric reliability standards to ensure the reliability of the electric transmission system.

"(b) DESIGNATION OF NATIONAL AND REGIONAL COUNCILS.—

"(1) For purposes of establishing and enforcing national electric reliability standards under subsection (a), the Commission may designate an appropriate number of regional electric reliability councils composed of electric utilities or transmitting utilities, and one national electric reliability council composed of designated regional electric reliability councils, whose mission is to promote the reliability of electric transmission system.

"(2) The Commission shall not designate a regional electric reliability council unless the Commission determines that the council—

"(A) permits open access to membership from all entities engaged in the business of selling, generating, transmitting, or delivering electric energy within its region;

"(B) provides fair representation of its members in the selection of its directors and the management of its affairs; and

"(C) adopts and enforces appropriate standards of operation designed to promote the reliability of the electric transmission system.

"(c) Incorporation of Council Standards.—The Commission may incorporate, in whole or in part, the standards of operation adopted by the regional and national electric reliability councils in the national electric reliability standards adopted by the Commission under subsection (a).

"(d) Enforcement.—The Commission may, by rule or order, require any public utility or transmitting utility to comply with any standard adopted by the Commission under this section.

SEC. 7. SITING NEW INTERSTATE TRANSMISSION FACILITIES.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 218. SITING NEW INTERSTATE TRANSMISSION FACILITIES.

"(a) Commission Authority.—Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may order a transmitting utility to enlarge, extend, or improve its facilities for the interstate transmission of electric energy.

"(b) Procedure.—The Commission may commence a proceeding for the issuance of an order under subsection (a) upon the application of an electric utility, transmitting utility, or state regulatory authority, or upon its own motion.

"(c) Compliance With Other Laws.—Commission action under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable state and federal laws.

"(d) Use of Joint Boards.—Before issuing an order under subsection (a), the Commission shall refer the matter to a joint board appointed under section 209(a) for advice and recommendations on the need for, design of, and location of the proposed enlargement, extension, or improvement. The Commission shall consider the advice and recommendations of the Board before ordering such enlargement, extension, or improvement.

"(e) Limitation on Authority.—The Commission shall have no authority to compel a transmitting utility to extend or improve its transmission facilities if such enlargement, extension, or improvement would unreasonably impair the ability of the transmitting utility to render adequate service to its customers.".

SEC. 8. REGIONAL INDEPENDENT SYSTEM OPERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 219. REGIONAL INDEPENDENT SYSTEM OPERATORS.

"(a) Regional Transmission Systems.—Whenever the Commission finds such action necessary or desirable in the public interest to ensure the fair and non-discriminatory access to transmission services within a region, the Commission may order the formation of a regional transmission system and may order any transmitting utility operating within such region to participate in the regional transmission system.

"(b) Oversight Board.—The Commission shall appoint a regional oversight board to oversee the operation of the regional transmission system. Such oversight board shall be composed of a fair representation of all of the transmitting utilities participating in the regional transmission system, electric utilities and consumers served by the system, and State regulatory authorities within the region. The regional oversight board shall ensure that the independent system operator formulates policies, operates the system, and resolves disputes in a fair and nondiscriminatory manner.

"(c) Independent System Operator.—The regional oversight board shall appoint an independent system operator to operate the regional transmission system. No independent system operator shall—

"(1) own generating facilities or sell electric energy, or

"(2) be subject to the control of, or have a financial interest in, any electric utility or transmitting utility within the region served by the independent system operator.

"(d) Commission Rules.—The Commission shall establish rules necessary to implement this section.".

SEC. 9. ENFORCEMENT.

"(a) General Penalties.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is amended by—

(1) striking "subsection" and inserting "section"; and

(2) striking "or 214" and inserting: "214, 217, 218, or 219".

"(b) Civil Penalties.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended by striking "or 214" each place it appears and inserting: "214, 217, 218, or 219".

SEC. 10. AMENDMENT TO THE PUBLIC UTILITY REGULATORY POLICIES ACT.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

"(m) Protection of Existing Wholesale Power Purchase Contracts.—No State or State regulatory authority may bar a State regulated electric utility from recovering the cost of electric energy the utility is required to purchase from a qualifying cogeneration facility or qualifying small power production facility under this section.".

By Mr. GRAMS (for himself, Mr. Roth, Mr. Abraham, Mr. Ashcroft, Mr. Burns, Mr. DeWine, Mr. Frist, Mr. Gorton, Mrs. Hutchison, Mr. Santorum, Mr. Thomas, Mr. Nickles, Mr. Mack, Mr. Craig, Mr. Coverdell, and Mr. McConnell):

S. 1274. A bill to amend the Internal Revenue Code of 1986 to increase the accessibility to and affordability of health care, and for other purposes; to the Committee on Finance.

HEALTH CARE ACCESS AND EQUITY ACT OF 1999

Mr. GRAMS. Mr. President, I rise today with my colleagues Chairman Roth and Senator Abraham, to introduce legislation which will provide access to affordable health insurance for 43 million uninsured Americans, correct the inequities in the tax treatment of certain types of health insurance, and allow for the full deductibility of long term care insurance.

The Health Care Accessibility and Equity Act of 1999 presents us with the opportunity to create the most comprehensive tax-deductible coverage system in our nation's history.

One of the most discriminatory portions of the tax code is the disparate treatment between an employer purchasing a health plan as opposed to an individual purchasing health insurance on their own.

Mr. President, when employers purchase a health plan for their employees, he or she can fully deduct the costs of providing that insurance, effectively lowering the actual costs of providing that coverage.

However, when an employee purchases an individual policy on their own, they must do so with after tax-dollars. They don't have the ability or the advantage offered to employers to reduce the actual costs of the policy by deducting premiums from their taxes every year.

Therefore, they usually wind up without health coverage. The Health Care Accessibility and Equity Act will end this discrimination within the tax code and make health care available for many Americans today.

Further, the legislation offered today by Senator Roth, Senator Abraham, and myself would immediately allow the self-employed to fully deduct health insurance costs. Twenty-five million Americans are in families headed by a self-employed individial—20 percent of those are uninsured.

We always talk about trying to have more Americans covered by health care insurance. Yet, we have a tax code which discriminates against some, while favoring others. This results in fewer people being covered.

Let's make the same tax incentives for purchasing health insurance available to employers apply to everyone—level the playing field and we will have taken the next logical step in the evolution of our health care system,

Mr. President, I believe Congress should be doing all we can to lower the costs of health insurance.

However, it seems most proposals before the Senate do just the opposite by forcing some federal definition of a quality health plan on consumers and sticking them with the bill.

It's not good policy it does nothing for those who are uninsured and it certainly won't help those who will be forced to drop health insurance because they can no longer afford the premiums,.

Mr. President, we've heard a lot of rhetoric about patient protections and why the Federal Government needs to step in and help consumers. Indeed, a better role for the Government is to help consumers by removing restrictions on Medical Savings Accounts as we do in this legislation as well.

MSAs allow the consumers to control their costs when it comes to providing their families with health care. It would allow them to decide which provider they want to see and which services they want and will pay for. Certainly, empowering patients is a much more productive solution to a problem than simply forcing consumers to buy the government's definition of quality health insurance.

When Congress created the medical savings accounts in the Kassebaum-Kennedy Health Insurance Portability and Accountability Act, there were so many restrictions placed upon the program then that it was essentially set up to fail. Yet MSAs have managed to become tremendously successful.

According to the General Accounting Office, 37 percent of all MSA policyholders were previously uninsured. When you gave them the option and the opportunity, they were then able financially to buy insurance. Clearly, MSAs are providing an option for those who before couldn't afford to buy health insurance.

The bill we are introducing today does not force Americans into a government-centered health care plan, a system that they spoke so loudly against back in 1993, if we remember. Senator KENNEDY's Patients' Bill of Rights legislation, I think, is another example of a government-centered approach which actually threatens the accessibility and the affordability of health care.

Again, this morning, our legislation fosters a consumer-centered health care system without raising the costs, which so many of our constituents have favored.

Glenn Howatt of the Minneapolis Star Tribune recently did an article on MSAs and spoke with several policyholders. I will read a portion of his article which I believe demonstrates exactly why Congress needs to lift the restrictions on MSAs so that everyone has the opportunity to purchase an affordable health insurance plan. Mr. Howatt gives an account of Suzanne Eisenreich Roberts.

> Last year, Roberts thought it would be a good idea to dump her individual health insurance policy, which cost $330 every month, because she rarely got sick.
>
> She switched to an MSA last year. Her premiums dropped to $100 per month, but her deductible shot up to $2,250 a year.
>
> Two days after the new policy became effective, Roberts developed a gallstone problem that required surgery. Although the insurance covered the $14,000 surgery, Roberts had to pay $2,250 to satisfy the deductible requirement.
>
> "Financially, I can afford the deductible," said Roberts. And, she noted, "I was really out nothing because I would have spent it in premiums anyway."
>
> If Roberts had kept her old policy, her annual premiums would have been $3,960.
>
> But her new policy's premiums are just $1,200 a year—a $2,760 saving that more than makes up for the deductible cost.

Even though she went with the MSA, even though she had to have surgery the first year, she was far ahead by having a medical savings account compared to her own insurance policy.

I ask unanimous consent to have printed the entire text of Mr. Howatt's article and another pertinent article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Star Tribune, Feb. 28, 1999]

MEDICAL SAVINGS ACCOUNTS OFFER RELIEF FROM HIGH HEALTH CARE PREMIUMS

(By Glenn Howatt)

At time when health care premiums in Minnesota are up 15 to 20 percent over last year's rates, a growing number of small businesses are turning to medical savings accounts as a way to seek relief.

Commonly known as MSAs, medical savings accounts combine a high-deductible insurance policy with a tax-advantaged account the consumer can use to pay the deductible. MSAs represent a departure from the norm in a state serviced primarily by health maintenance organizations and other forms of managed care.

Most health insurance policies in Minnesota provide coverage for a wide range of medical needs—everything from complex surgery to routine clinic visits.

But under MSAs, insurance coverage doesn't kick in until the individual policyholder has paid for thousands of dollars worth of health care out of pocket.

This high-deductible insurance policy is paired with the medical savings account, a tax-advantaged fund that helps the policyholder cope financially with the demands of the deductible.

To its advocates, the MSA is more than a one-time fix to cut costs, instead representing a long-term approach to buying health care.

THE ADVANTAGES

The catastrophic insurance policy results in much lower premiums, the high deductible controls costs by cutting down on unnecessary visits to the doctor, and the attractive savings account gives users an incentive to stay healthy so they can use the money for other things, such as retirement, advocates content.

But MSAs also have critics, who say the high deductible is a burden for those with chronic medical conditions. Some also fear public health consequences if individuals avoid spending money to receive the kind of preventive health care that is fully covered by managed care policies.

Congress asked the General Accounting Office (GAO), the investigative and research arm of the government, to gauge the impact of MSAs on the health insurance market when it authorized the marketing of MSAs under a four-year experiment that began in 1997.

* * * * *

While the policy implications of MSAs are still unclear, in practical terms, MSAs are becoming an option for small businesses and the self-employed, the only groups that are eligible to set up MSAs.

Under the current law, the definition of self-employed is the same as the Internal Revenue Service's: a person who pays self-employment tax or pays Social Security tax as a self-employed person. The plans are not available to people who are unemployed or who have retired early and are not yet covered by Medicare, but a bill proposed in the U.S. House would expand the definition to include those groups.

SMALL BUSINESS BUYER

Eldon Kimball, owner of Edina-based Creative Systems Software, happened upon the MSA option after he received a general mailing from an insurance broker.

Kimball, who provides health benefits for himself and his four employees, was looking for some way to deal with spiraling health care premiums.

"Premiums were going up and up and up and up and for a small company like ours, that was becoming a terrible burden," Kimball said.

Small businesses such as Kimball's have few options—cut benefits, ask employees to shoulder more cost, drop health insurance altogether, or let health care take a bigger bite out of the bottom line.

While Kimball noted that switching to an MSA would lower his total premium bill by nearly $200 a month, he was more impressed with the benefits that the MSA could provide to his employees.

Kimball uses the money he saves on premiums to partially fund the medical savings accounts for his employees, a move that gives him a break on his taxes.

The employees can use the money in their MSAs to pay for medical costs—the annual deductibles for the insurance policy are $2,250 for individuals and $4,450 for families.

Anything that employees don't spend they keep, making the MSA another way of saving for retirement. At that point, the money becomes available for any purpose without penalty. Withdrawals from MSAs can be made before retirement for non-medical purposes, but those are subject to penalties and taxes.

RETIREMENT FUND

"It has a long-term advantage," said Kimball. The MSA "becomes another benefit in the form of a retirement fund if they don't use it."

Under the MSA regulations, employers are not required to put money into employees' accounts.

Edwrd M. Ryan, an Eden Prairie-based certified public accountant who employs 10 workers, said his employees still come out ahead even though he doesn't fund their MSAs.

Before his office switched to MSAs last year, he split the cost of the monthly insurance premium with his workers. Now he pays the entire cost of the premium, freeing up workers' money to fund their MSAs.

But MSAs also come with high deductibles, as Suzanne Eisenreich Roberts, who owns Accountant Profile Inc., a Roseville-based placement agency for accountants, knows well.

Last year, Roberts thought it would be a good idea to dump her individual health insurance policy, which cost $330 every month, because she rarely got sick.

She switched to an MSA last year. Her premiums dropped to $100 per month, but her deductible shot up to $2.250 a year.

Two days after the new policy became effective, Roberts developed a gallstone problem that required surgery. Although the insurance covered the $14,000 surgery. Roberts had to pay $2,250 to satisfy the deductible requirement.

"Financially I can afford the deductible," said Roberts. And, she noted, "I was really out nothing because I would have spent it in premiums anyway."

If Roberts had kept her old policy, her annual premiums would have been $3.960. But her new policy's premiums are just $1,200 a year—a $2,760 saving that more than makes up for the deductible cost.

TARGETING UNINSURED

Companies that sell MSAs obviously are targeting people such as Roberts who have little downside risk. But they also hope to sign up people who could not afford health insurance before.

The GAO reported that of the nearly 42,000 MSA accounts established in 1997, 37 percent were started by individuals who previously did not have health insurance.

"MSAs were intended for having a lower cost mechanism to attract more people without insurance," said Scott Krienke, vice president of marketing for Fortis Insurance in Milwaukee.

The GAO report issued in December said about 40 companies nationally were selling high-deductible insurance policies paired with MSAs. Some insurance companies act as trustee for the account, but sometimes a bank or investment company serves as the trustee.

Insurance companies responding to the GAO survey said they were disappointed with sales, but hoped that growing familiarity with MSAs on the part of consumers and brokers would lead to greater acceptance of the product.

Fortis, which sells MSAs nationwide, is believed to be the largest seller of MSA policies in Minnesota, according to state officials.

Krienke said Fortis sold 260 individual policies in Minnesota in 1997 and nearly doubled that number to 516 in 1998. He hopes sales will reach 700 this year.

* * * * *

NEW CUSTOMERS

MSAs could gain a larger market presence this year through Community Coordinated Health Care, a new health plan being formed by a consortium of clinics and hospitals.

The plan will offer MSAs to small and medium-sized businesses that are part of the Employers Association, a coalition of more than 1,700 companies.

"We are going to appeal to everybody," said Bernie Mackell, of Eden Prairie-based Medical Savings Accounts Inc., who is coordinating MSAs for the new health plan.

Mackell said education will be a large component of the MSA programs being offered to Employers Association companies.

"Having employees involved in their health care is important," Mackell said. Health education would encourage employees to seek preventive care as one way that they can preserve capital in the MSA funds.

The new health plan is expected to be operational by this summer.

And at least two large health insurers are watching the MSA market closely.

Blue Cross and Blue Shield of Minnesota said it is monitoring the market, although right now it has not plans to offer an MSA.

However, HealthPartners said it is actively considering offering an MSA product.

"We already have in our product line a $1,000 deductible plan for individuals that moves in the direction that MSAs go," said George Halvorson, HealthPartners chief executive, adding that there is a "good likelihood" that HealthPartners may add an MSA into the mix at some point.

A NATIONAL EXPERIMENT

Insurance companies began selling medical savings accounts (MSAs) in 1997 under a four-year trial period established by Congress. Self-employed workers and small businesses with 50 or fewer employees are eligible for MSAs. Sales of MSAs have not met expectations, and only 42,000 MSAs were opened in 1997, according to the General Accounting Office (GAO). MSA advocates say the rules laid down by Congress are too restrictive and want the accounts to be available to a wider market. But critics fear that MSAs could siphon healthier individuals from the traditional insurance market. A GAO study on the effect of MSAs was canceled because not enough MSAs have been sold.

HOW MSAS WORK

Medical savings accounts are paired with high-deductible, low-premium health insurance policies.

THE HEALTH INSURANCE POLICY

Premiums on high-deductible policies are typically lower than most other forms of insurance. Employers offering MSAs can require workers to pay part of the premium.

For individual coverage, deductibles must be at least $1,500 but no more than $2,250. For family coverage, deductibles range between $3,000 and $4,500.

The policy might (but is not required to) have additional out-of-pocket costs, such as copayments for office visits. Maximum annual out-of-pocket expenses, including the deductible, are $3,000 for individuals and $5,500 for families.

THE MEDICAL SAVINGS ACCOUNT

DEPOSITS

Money deposited into the MSA, which is separate from the premiums paid on the health policy, can come from the individual or the employer, but not from both in the same year.

There's a limit to how much money can be put into an MSA each year. For individual coverage, up to 65 percent of the deductible amount can be contributed. For family coverage, the maximum goes up to 75 percent of the deductible.

Contributions made by individuals are tax-deductible. Contributions made by employers do not count toward gross income and are not subject to taxes.

Most MSA accounts earn interest similar to passbook savings accounts, but some MSA administrators offer the option to transfer money into money market accounts or mutual funds under certain conditions.

WITHDRAWALS

MSA contributions accrue and are not "use it or lose it" accounts. Individuals are not required to use MSA funds when paying deductible amounts under the insurance policy.

MSA dollars can be used to pay for qualified medical expenses, including doctor visits, prescription drugs, vision and dental care.

Withdrawals from MSAs for non-medical expenses are subject to a 15 percent tax penalty and are counted as gross income.

After the MSA account holder turns age 65, MSA funds can be used for any purpose and are not assessed the 15 percent penalty.

Mr. GRAMS. Clearly, Mr. President, MSAs offer many benefits for the uninsured. Let's lift the restrictions placed on MSAs and allow everyone to open a Medical Savings Account.

The Health Care Accessibility and Equity Act begins the process of dealing with our nation's long term care needs.

Mr. President, it is estimated that, in the history of the world, half of the people who have ever reached age 65 are alive today.

And as the babyboom generation ages, the population of those over age 65 will increase quicker than at any time in history.

The increase in the aged population brings with it a number of complex and vexing issues, one of which is long term care.

The Health Insurance Portability and Accountability Act tinkered slightly with the issue of long term care insurance, but we need to meet the issue head on.

The legislation Chairman ROTH, Senator ABRAHAM, and I are introducing today would eliminate the questions surrounding what constitutes a qualified versus non-qualified long term care plan and their tax treatment.

I have always believed we should encourage individuals to save for their retirement needs and, for a number of reasons, usually cost, long term care insurance is often overlooked during retirement planning.

Unfortunately, this often leads to individuals spending themselves down to poverty and relying on Medicaid. By allowing individuals to deduct the costs of long-term care insurance, we can prevent many of our elderly from impoverishing themselves in order to receive long-term care.

The Health Care Accessibility and Equity Act of 1999 is good policy and will begin to address the crisis of 43 million Americans without access to affordable health care insurance today. Most important, it levels the playing field for those who are purchasing health insurance individually.

I urge my colleagues to support this legislation and to help us get closer to the goal of health care access for all Americans.

Mr. ROTH. Mr. President, there is a serious inadequacy in the treatment of Americans who must pay for their health care on their own and those who receive it on a tax subsidized basis from their employers. In addition, our tax code restricts people from making health care decisions in a tax advantaged way. I am happy to join with my colleagues, Senator GRAMS of Minnesota and Senator ABRAHAM of Michigan in sponsoring the Health Care Access and Equity Act of 1999. Our bill would rectify this situation and provide a level playing field for all Americans who purchase their own health insurance and those who receive employer subsidized insurance. It will also give people more tax-advantaged options in how they use their health care dollars.

Let me explain the current unfairness of our tax code as it relates to health care insurance. Current law provides that any employer subsidy of health benefits is not included in the income of the employee. This means that if an employer pays the entire cost of health care insurance, that entire subsidy is not included in the employee's taxable income.

However, if the employer does not provide health care insurance for its employees or if the employee has to pay the full cost of the insurance, they do not get the same tax benefit as those who have all or a portion of their health care insurance paid for by their employer. Those premiums that are not paid for by the employer can be deducted by the employee—but only to the extent that the total premium amount and other health care costs exceed 7.5% of the employee's adjusted gross income. What this effectively means is that these individuals are denied a tax effective way of paying for health insurance.

Self-employed individuals don't have an employer to cover their health insurance needs; they must pay for their health insurance on their own. Self-employed individuals can only deduct 60% of the amount of their health care premiums. This percentage will increase over time until the year 2003, when health care premiums will be fully deductible.

Our current tax code does not treat all taxpayers the same. Our bill changes this situation.

This bill provides that all taxpayers can fully deduct the amount paid for health insurance—as long as the taxpayer is not eligible to participate in an employer subsidized medical plan. This equalizes the tax treatment of paying for health insurance so that all individuals get a tax incentive when they have health care insurance, regardless of whether their employer pays for the coverage.

This amendment underscores the need to make health care more affordable for more Americans and to begin providing greater equity in the tax treatment of health insurance whether people obtain their coverage at their place of employment or purchase coverage in the individual health insurance market.

It is a sobering fact that there are over 41 million Americans without health insurance.

Largely as a result of the tax incentives I explained before, the number of people covered by employer-provided health insurance has grown from less than 12 million in 1940 to approximately 150 million today.

However, those who do not have tax-subsidized health care benefits do not fare as well. According to the Employee Benefit Research Institute, individuals who must pay for health coverage with after-tax dollars are 24 times more likely to be uninsured as those with employer-provided coverage.

With this change, all individuals who do not receive the employer-provided subsidies for health care insurance will not have the opportunity to have their taxes reduced because they purchased insurance.

This amendment will benefit approximately 12 million taxpayers who do not have health insurance that is subsidized by an employer.

Our bill also provides that more individuals will be able to have long term care insurance in a tax effective manner, by giving them a tax deduction for the payment of premiums for a long term care policy. Current law only allows a deduction for long term care premiums if those premiums, along with other medical expenses exceed 7.5% of adjusted gross income. With this bill, the entire amount of the long term care premium will be deductible. This will benefit at least 3.8 million taxpayers. Clearly more people will be able to prepare for their future needs by buying long term care insurance.

Another important provision of our bill is the expansion of the availability of medical Savings Accounts. MSAs gives individuals more choice in how they spend their health care dollars.

Current law restricts who can participate in an MSA and clearly these restrictions have limited who participate in this program. Our bill would lift these caps on this program and give people more reason to choose to be in an MSA.

Another important point to remember with MSAs is that they encourage those individuals who are not insured to become insured. When the General Accounting Office reviewed what has happened in the MSA market, they reported that approximately one third of those who participated in the MSA program had been previously uninsured. The MSA participated in the MSA program had been previously uninsured. The MSA program has been proven to increase those covered under a health plan; with this bill we expand the program so that more people will be insured.

Finally, our bill provides incentives for employees to contribute to flexible spending accounts. With a flexible spending account, an employee can contribute a portion of his salary—thereby reducing his taxable income—to a flexible spending account and then use the money in that account to pay for health care benefits, whether or not they are covered by his medical insurance. Increasing the availability of these FSAs, will give employees more freedom on how to spend their money when purchasing health care.

The policy behind our bill is clear—increased equity in the tax system for health care insurance and more choice for individuals in how they spend their health care dollars. I am happy to join my two distinguished colleagues—Senator GRAMS and ABRAHAM and the other Senators co-sponsoring this important health care legislation.

By Mr. KYL:

S. 1275. A bill to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund; to the Committee on Energy and Natural Resources.

HOOVER DAM MISCELLANEOUS SALES ACT

Mr. KYL. Mr. President, I rise today to introduce a bill to authorize the Bureau of Reclamation to produce commemorative items for sale at the Hoover Dam Visitor Center.

Mr. President, the Hoover Dam receives more than one million visitors a year. Many of those visitors have expressed an interest in purchasing books, maps, photos, and other memorabilia relating to the Colorado River and the design, construction, and operation of the Dam. This bill would authorize the production and sale of such items, including the minting of commemorative coins from scrap copper that came from electrical cabinets and boxes which were used when the Dam was manually operated. Four to five tons of copper are available for this purpose.

Mr. President, this bill not only responds to the public's demand for Hoover Dam-related items, it also creates a revenue source to help repay the cost of constructing the visitor center and of providing guided tours of the Dam and its power plant. Currently, purchasers of Hoover Dam power in Arizona, California, and Nevada are paying for the construction of the visitor center, which ended up costing approximately $125 million, nearly four times as much as the original estimate. This bill further authorizes the Bureau to select a private concessionaire to manage the gift shop selling these items, thereby creating a new business opportunity for a private or a non-profit entity. Thus, this bill would enhance the visitor experience at Hoover Dam in a taxpayer-friendly way.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoover Dam Miscellaneous Sales Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

SEC. 5. COSTS AND REVENUES.

(a) COSTS.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) REVENUES.—

(1) USE FOR REPAYMENT OF SALES COSTS.—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) USE FOR REPAYMENT OF CONSTRUCTION COSTS.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. CHAFEE, Mr. DASCHLE, Mr. SPECTER, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Ms. LANDRIEU, Mr. REID, Mr. WYDEN, Mr. SARBANES, Mr. KERRY, Mr. INOUYE, Mr. LAUTENBERG, Mr. ROBB, Mr. CLELAND, Mr. MOYNIHAN, Mr. SCHUMER, Mr. AKAKA, Mr. DURBIN, Mrs. BOXER, Mr. TORRICELLI, Mr. KERREY, Mr. LEVIN, Mr. FEINGOLD, Mr. BRYAN, Mrs. FEINSTEIN, and Mr. KOHL):

S. 1276. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

EMPLOYMENT NON-DISCRIMINATION ACT OF 1999

Mr. JEFFORDS. Mr. President, I am delighted to be here today to introduce the Employment Non-Discrimination Act of 1999 (ENDA). I am here today because I believe that the principles of equality and opportunity should be applied to all Americans and that success at work should be based on performance, not prejudice.

Unfortunately, qualified, hard-working Americans continue to be denied job opportunities based instead on sexual orientation. The Employment Non-Discrimination Act will help put an end to this insidious discrimination. By extending to sexual orientation the same federal employment discrimination protections established for race, religion, gender, national origin, age and disability, the Employment Non-Discrimination Act will further ensure that principals of equality and opportunity apply to all Americans.

This bill is about fairness, this bill is about equality, this bill is about basic civil rights. This bill must pass this Congress.

ENDA will achieve equal rights — not "special rights" — for gays and lesbians. This legislation prohibits preferential treatment based on sexual orientation. To remove any doubt, we have added language to expressly prohibit affirmative action on the basis of sexual orientation.

ENDA does not require an employer to justify a neutral practice that may have a statistically disparate impact based on sexual orientation, nor provide benefits for the same-sex partner of an employee. Rather, it simply protects a right that should belong to every American, the right to be free from discrimination at work because of personal characteristics unrelated to successful performance on the job.

We took a fresh look at ENDA and we have made a number of constructive changes this year. We have re-written the discrimination section to more closely track Title VII of the Civil Rights Act of 1964. This new language has the benefit of 35 years of legal interpretation. Employers and courts alike understand this language and what is expected under it.

One concern that we have heard repeatedly during past debates is that this language will create a tidal wave of litigation. In Vermont, one of 11 states to have enacted a sexual-orientation anti-discrimination law, the legal waters have been more like the Tidal Basin. In the 9 years since the enactment of Vermont's law, Vermont's Attorney General has initiated only 25 investigations of alleged sexual orientation discrimination.

Vermont is not unique. According to the GAO, none of the states with ENDA-type laws have experienced a wave of litigation. Instead, these states have ensured that employees working within their borders cannot be discriminated against for being gay.

As I have stated before, success at work should be directly related to one's ability to do the job, period. We first introduced ENDA in 1994. Over the past six years, we have held hearings, listened to the concerns raised and revised this legislation to respond to those concerns. I am pleased to report that it was worth the effort because The Employment Non-Discrimination Act of 1999 is the best bill we have ever introduced. The time has come to make the Employment Non-Discrimination Act the law of the land.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate interstate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term "covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

(3) EMPLOYER.—The term "employer" means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has 15 or more employees (as defined in section 701(f) of such Act (42 U.S.C. 2000e(f)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 401 of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights of 1964 (42 U.S.C. 2000e–16(a)) applies.

(4) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(5) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—Except as provided in section 10(a)(1), the term "employment or an employment opportunity" includes job application procedures, referral for employment, hiring, advancement, discharge, compensation, job training, a term, condition, or privilege of union membership, or any other term, condition, or privilege of employment, but does not include the service of a volunteer for which the volunteer receives no compensation.

(6) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) RELIGIOUS ORGANIZATION.—The term "religious organization" means—

(A) a religious corporation, association, or society; or

(B) a school, college, university, or other educational institution or institution of learning, if—

(i) the institution is in whole or substantial part controlled, managed, owned, or supported by a religion, religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a religion.

(9) SEXUAL ORIENTATION.—The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether the orientation is real or perceived.

(10) STATE.—The term "State" has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

SEC. 4. DISCRIMINATION PROHIBITED.

(a) EMPLOYER PRACTICES.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's sexual orientation; or

(2) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because of such individual's sexual orientation.

(b) EMPLOYMENT AGENCY PRACTICES.—It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the sexual orientation of the individual or to classify or refer for employment any individual on the basis of the sexual orientation of the individual.

(c) LABOR ORGANIZATION PRACTICES.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of the sexual orientation of the individual;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect the status of the individual as an employee or as an applicant for employment, because of such individual's sexual orientation; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) TRAINING PROGRAMS.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the sexual orientation of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) ASSOCIATION.—An unlawful employment practice described in any of subsections (a) through (d) shall be considered to include an action described in that subsection, taken against an individual based on the sexual orientation of a person with whom the individual associates or has associated.

(f) DISPARATE IMPACT.—Notwithstanding any other provision of this Act, the fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

SEC. 5. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this Act or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual's having exercised, enjoyed, or assisted in or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of the domestic partner of such individual.

SEC. 7. COLLECTION OF STATISTICS PROHIBITED.

The Commission shall not collect statistics on sexual orientation from covered entities, or compel the collection of such statistics by covered entities.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(a) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

(c) ORDERS AND CONSENT DECREES.—Notwithstanding any other provision of this Act, an order or consent decree entered for a violation of this Act may not include a quota, or preferential treatment to an individual, based on sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to a religious organization.

(b) UNRELATED BUSINESS TAXABLE INCOME.—This Act shall apply to employment or an employment opportunity for an employment position of a covered entity that is a religious organization if the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 10. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—

(1) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—In this Act, the term "employment or an employment opportunity" does not apply to the relationship between the United States and members of the Armed Forces.

(2) ARMED FORCES.—In paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This Act does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment or an employment opportunity for a veteran.

SEC. 11. CONSTRUCTION.

Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

SEC. 12. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220);

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220);

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to

administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title;

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) Procedures and Remedies.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) Other Applicable Provisions.—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) Prohibition of Affirmative Action—Notwithstanding any other provision of this section, affirmative action for a violation of this Act may not be imposed. Nothing in this section shall prevent the granting of relief to any individual who suffers a violation of such individual's rights provided in this Act.

SEC. 13. STATE AND FEDERAL IMMUNITY.

(a) State Immunity.—A State shall not be immune under the 11th amendment to the Constitution from an action in a Federal court of competent jurisdiction for a violation of this Act.

(b) Remedies Against the United States and the States.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

SEC. 14. ATTORNEYS' FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an entity described in section 12(a) (other than paragraph (4) of such section), in the discretion of the entity, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee (including expert fees) as part of the costs. The Commission and the United States shall be liable for the costs to the same extent as a private person.

SEC. 15. POSTING NOTICES.

A covered entity who is required to post notices described in section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10) shall post notices for employees, applicants for employment, and members, to whom the provisions specified in section 12(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964.

SEC. 16. REGULATIONS.

(a) In General.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) Librarian of Congress.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees of the Library of Congress.

(c) Board.—The Board referred to in section 12(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) President.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 401 of title 3, United States Code.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by the invalidity.

SEC. 19. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

Mr. KENNEDY. Mr. President, I am proud to stand with Senator JEFFORDS, Senator LIEBERMAN, Congressman FRANK, and Congressman SHAYS to announce the introduction of the Employment Non-Discrimination Act of 1999, which has over 30 co-sponsors in the Senate and over 150 co-sponsors in the House of Representatives. Once this bill becomes law, it will ensure that all Americans have the opportunity to work without fear of reprisal because of their sexual orientation. It is the next important step for civil rights in America.

This country has made great progress toward fairness and an end to bigotry in the workplace. Title VII of the Civil Rights Act of 1964 ensures that Americans—without regard to their race, ethnic background, gender, or religion—have the opportunity to obtain and keep a job. The Minimum Wage guarantees a basic standard of living. The Family and Medical Leave Act guarantees that working men and women can balance important family and employment responsibilities without fear of reprisal by their employer. The Americans with Disabilities Act establishes important protections for workers with disabilities.

Now, Congress must take steps to achieve the same kind of fairness for gay men and lesbians who encounter blatant discrimination in the workplace. The Employment Non-Discrimination Act will accomplish that goal by prohibiting employers from using sexual orientation as a basis for hiring, firing, promotion, or compensation.

The bill is important for what it does, as well as what it doesn't do. It does not require domestic partnership benefits. It does not authorize "disparate impact" claims. It does not apply to the Armed Services. It contains a broad exemption of religious organizations. It prohibits quotas and preferential treatment, and bars the EEOC from requiring the collection of statistical information on sexual orientation.

A broad coalition of churches, businesses, and civil rights liberties organizations support the Employment Non-Discrimination Act. 68 percent of Americans from all regions of the country support its passage.

The American people agree that workplace discrimination is wrong, and that clear protections are needed to prevent it. Some states already have such laws, and many businesses have policies similar to our proposal. But this patchwork of protection is inadequate. A national standard is essential for the protection of this basic right.

The discrimination that exists today is a stain on our democracy.

David Horowitz encountered this bigotry when he applied to be an Assistant City Attorney in Mesa, Arizona. He had graduated near the top of his law school class at the University of Arizona. While employed by a private law firm, he applied for a position with the City Attorney. He was not offered a position, but he was told he was the second choice. Six months later, he was called and interviewed for another job opening. The City Attorney asked David for references and told him that, "I only ask for references when I'm ready to make someone an offer." In the interview, David told the City Attorney that he was openly gay, and the tone of the interview suddenly changed. David was told that his sexual orientation posed a problem, and three weeks later he received a rejection letter.

What happened to David Horowitz was wrong, but he had no recourse under State or Federal law against this blatant discrimination. No American should be denied a chance to work because of prejudices. It is long past time to close this loophole in our civil rights law, and I urge the Congress to act this year to close it.

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators JEFFORDS, KENNEDY and over 30 of our colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 1999. By guaranteeing that American workers cannot lose their jobs simply because of their sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our fellow citizens who too often have been denied the benefit of those most basic values.

Our nation's foundational document, the Declaration of Independence, expressed a vision of our country as one premised upon the essential equality of all people and upon the recognition that our Creator endowed all of us with the inalienable rights to life, liberty and the pursuit of happiness. Two hundred and twenty-three years ago, when that document was drafted, our laws fell far short of implementing the Declaration's ideal. But since that time, we have come ever closer, extending by law to more and more of our citizens—to African Americans, to women, to disabled Americans, to religious minorities and to others—a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be treated on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been subject to incidents of discrimination and denied the most basic of rights: the right to obtain and maintain a job. A collection of one national survey and twenty city and state surveys found that as many as 44 percent of gay, lesbian and bisexual workers faced job discrimination in the workplace at some time in their careers. Other studies have reported even greater discrimination—as much as 68 percent of gay men and lesbians reporting employment discrimination. The fear in which these workers live was clear from a survey of gay men and lesbians in Philadelphia. Over three-quarters told those conducting the survey that they sometimes or always hide their orientation at work out of fear of discrimination.

The toll this discrimination takes extends far beyond its effect on those individuals who must live in fear and without full employment opportunities. It also takes an unacceptable toll on America's definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness—that and no more. It says only what we already have said for women, for people of color and for others: that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else. In fact, the bill would even do somewhat less than it does for women and people of color, because it would not give gay men and women all of the protections we currently provide to other groups protected under our civil rights laws.

Mr. President, this bill would bring our nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 223 years ago when he wrote that all of us have a right to life, liberty and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

Mrs. MURRAY. Mr. President, I am very pleased to join Senator JEFFORDS as he reintroduces the Employment Non-Discrimination Act. As before, I speak as a strong supporter of this legislation, because I have always believed that every single American deserves fair treatment under the law no matter his or her gender, race, religion or sexual orientation.

As one of only a few women to ever serve in the United States Senate, and the first ever from Washington state, I understand what it means to be part of a group that seeks fairness and equal opportunity. I have never advocated for any special class, just equal treatment and protection under the law.

Not long ago, many thought it would be impossible for women to serve in the Senate or an elected office of any kind. It was felt this was not a suitable occupation for a woman and that simply being a woman meant a person was incapable of meeting the demands of the job. These people alleged that women would somehow jeopardize the work done in the U.S. Congress. While these statements may seem impossible to believe today, they do illustrate what many women faced. However, to our country's benefit, these stereotypes were overcome. I am confident that none of my colleagues today would deny the tremendous contributions women have made here, in the House, in state and local government, and at every level of public service.

People suffer when stereotypes based on fear or ignorance are used to justify discrimination. I do not believe elected leaders serve our country well if they deny any citizen equal opportunities and equal treatment under the law. A person's success or failure must depend on his or her qualifications, skills, efforts, and even luck. But, no one, I repeat, no one, should be denied opportunities because of race, gender, religion, age or sexual orientation. No one should endure discrimination such as many people have endured in the workplace because of sexual orientation.

I am always disappointed to hear about cases of economic discrimination based solely on sexual orientation. It defies logic that in today's society any employer could refuse to hire an individual, deny them equal pay, or professional advancement and subject them to harassment simply because of their sexual orientation. Our country is based on the ideal of allowing equal opportunity and basic civil rights for all Americans, but we have not fully achieved this goal. The Employment Non-Discrimination Act will correct that wrong.

As we would all agree, discrimination based on race, gender, ethnic origin, or religion is not just unfair, but illegal as well. ENDA would simply add sexual orientation to this list. It is written even more narrowly than current law for other areas of non-discrimination, because it does not allow positive corrective actions such as quotas or other preferential treatment. It simply says that a person cannot be unfairly treated in employment, based on his or her sexuality, whether that person is heterosexual or homosexual. Mr. President, this is a reasonable expectation. In fact, it has become a reality in nine states, including California, Massachusetts, and Minnesota, and in many local jurisdictions across the country. Also, many Fortune 500 companies, such as Microsoft and IBM, have adopted their own non-discrimination policies. Companies such as these recognize that it makes good business sense to value each and every one of their employees equally. It is time that our laws reflect these values as well.

Not only do these companies and governments support a non-discrimination policy in the workplace, but the public also supports ENDA by a wide margin, according to a bipartisan 1998 poll conducted for the Human Rights Campaign. This poll found that 58 percent of Americans support the Employment Non-Discrimination Act. This is compelling evidence that Americans are behind ENDA, support expanding these basic civil rights to all, and believe that everyone deserves these rights. They understand that our country will be a better place when discrimination based on sexual orientation in the workplace is put to an end.

Mr. President, this is not about one group's protection at another's expense. This issue is still not about allowing a greater window for litigation, as opponents have previously argued. It is about common sense, common decency and our fundamental values as Americans.

In the last Congress, we came within one vote of adopting this important, bipartisan legislation. I urge my colleagues now to support this measure so that we can continue our proud tradition of protecting basic civil rights and opportunity for all Americans. Let us join together to pass this bill so that our brothers and sisters, sons and daughters, friends and relatives will have protection against unjust discrimination. We have the opportunity to provide them with these basic civil rights now. I hope my colleagues will seize this opportunity to make our country the just, equal, and fair place it should be.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. CONRAD, Mr. HARKIN, and Mr. ROBB):

S. 1277. A bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics; to the Committee on Finance.

SAFETY NET PRESERVATION ACT OF 1999

• Mr. GRASSLEY. Mr. President, I rise today to introduce a bill co-sponsored by Senator BAUCUS to preserve hundreds of community health centers and rural health clinics across the country. Our bill, The Safety Net Preservation Act of 1999, would remedy a phase-out of the payment system that covers the clinics' cost of caring for Medicaid patients. Congress approved the phase-out of cost-based reimbursement during the Balanced Budget Act of 1997.

The phase-out was meant to save Medicaid money and respond to those who felt cost-based reimbursement imposed an expensive mandate on states. Scheduled to begin on October 1, the phase-out will force the clinics to use scarce federal grants intended to provide care for the uninsured to prop up Medicaid under-payments. The change could force health centers to lose as much as $1.1 billion over the next five years.

Our bill would establish a prospective payment system to ensure that health centers and clinics receive sufficient Medicaid funding. The bill would protect the federal investment in health centers while giving states the flexibility to design their own payment systems for health centers and clinics.

There's no doubt that community health centers and rural health clinics serve a unique and essential role in getting high-quality health care services to those in need. They are the backbone of America's health care infrastructure for millions of medically under-served rural and urban communities, where access to health care is often limited. I've seen first hand the valuable services provided by these centers and the obstacles the providers overcome to do so. Last year, I visited a center in Des Moines. They serve patients who speak nine different languages. In many cases, these clinics are often the difference between seeing a doctor and forgoing treatment. We can't allow money shortfalls to force them to shut down. We have to preserve this safety net for millions of Americans.

I am pleased for the support of Senators MURKOWSKI, ROCKEFELLER, CONRAD, ROBB and HARKIN as original co-sponsors of The Safety Net Preservation Act of 1999. I look forward to passage of this important legislation in the 106th Congress.•

By Mr. KERREY (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 1279. A bill to improve the environmental quality and public use and appreciation of the Missouri River and to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River; to the Committee on Environment and Public Works.

MISSOURI RIVER VALLEY IMPROVEMENT ACT OF 1999

• Mr. KERREY. Mr. President, I am pleased to introduce today, along with my colleagues Senator DASCHLE and Senator JOHNSON, the Missouri River Valley Improvement Act of 1999. This legislation is important for the 10,000 people who live along the 2,321-mile Missouri River, and marks also the upcoming bicentennial anniversary of the Lewis and Clark expeditions along this great River. The intent of the Act is to improve the environmental qualtiy and public use and appreciation of the Missouri River, and to provide additional authorities to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat as part of their ongoing operations on the River.

The Missouri River is a resource of incalculable value to the 10 states which it traverses, but it is a river that has changed dramatically since the pioneering days of Lewis and Clark. The construction of dams and levees over the past 50 years has aided navigation, flood control, and water supply along the Missouri River, but has also reduced habitat for native river fish and wildlife, and resulted in lost opportunities for recreation on the river.

The legislation will help to restore a series of nature areas along the river in time to celebrate the 2004 anniversary of the Lewis and Clark, when we are anticipating greatly increased visitation along the river and to the surrounding areas, due in large part to the records and descriptions as detailed by these explorers on their 1804 trip.

The bill will also aid native river fish and wildlife, help to restore cottonwoods along the river, reduce flood losses, and enhance recreation and tourism, all vital to the economies and quality of life to our communities along the river. It additional provides authorities for the revitalization of historic riverfronts, similar to the ongoing 'Back to the River' revitalization project currently underway in my home state of Nebraska. The Back of the River Project in Nebraska is bringing our families and our businesses back to the Missouri River, for recreational enjoyment as well as for the commercial and business-related opportunities that follow. It is our hope that this will aid other communities to participate in similar efforts in their riverfronts.

Another major provision of this bill is the creation of a long-term, science-based monitoring program on the Missouri River. This program, to be developed and operated through the U.S. Geological Survey-Biological Resources Division in Columbia, Missouri, will monitor the physical, biological, and chemical characteristics of the Missouri River. The program will help us to monitor and assess the quality of biota, habitats, and the water itself in this great river, and to provide information that will enhance our understanding of the Missouri, how it is operated, and how future operation decisions may affect the river.

We currently do not understand a lot about the river, beyond the physical and some of the habitat-based impacts that have been caused by channelization. This program will create a publicly-accessible database of all the information we do have on the river, and all that is collected through the project, and will help to guide our management of the river in the future. The database will also provide additional opportunities for the people who live along the river to interact with the river in another way, and to learn more about the river that they live near.

I have seen how successful educational opportunities related to the River can be, and how excited and involved children and adults get when they learn about and become more involved with their natural resources. The Fontenelle Forest Association in Nebraska, which contains forests and wetlands, and is along the Missouri River, has hands-on exhibits, live animal displays, teaching spaces, and even meeting spaces for Nebraskans. Ken Finch, the Executive Director of the Fontenelle Forest Association, has been instrumental in providing educational programs and opportunities, including a program called H2Omaha, a multi-faceted science education program which uses the Missouri River and its watershed as a living laboratory. I envision that the Missouri River database created by this Improvement Act will greatly expand information and data available to Ken and the participants at Fontenelle Forest, and I know that other communities will find this resource valuable, as well.

I have also seen successful restoration efforts on the river—efforts like Boyer Chute and Hamburg Bend in Nebraska—both side channels created with the aid of the Corps of Engineers. These side channels have been enormously successful in restoring lost habitat for river species by creating slower-moving, more shallow waterways parallel to the river. These restoration areas have attracted not just wildlife, such as the native fish and birds and even river otter that historically lived in large numbers on the Missouri, but have also attracted canoeists and hikers who enjoy the scenic beauty and the recreational opportunities that these sites offer. This bill will help communities to create additional restoration projects like this along the river, projects that will not impact existing uses of the river, but that will add immensely to recreational and wildlife opportunities, and that will also add additional flood protection to surrounding communities.

In anticipation of the greatly increased visitation along the river that will occur with the Lewis and Clark bicentennial celebration, the bill additionally will establish Lewis and Clark Interpretive Centers to educate the public about the Missouri River, and will allow the Corps of Engineers to provide enhancements to recreational facilities and visitors centers.

Mr. President, I urge my colleagues who represent the states and communities along the Missouri River to look closely at this bill, and to join me and the other cosponsors of the bill in supporting this important legislation. The Missouri River Valley Improvement Act of 1999 will help to restore and improve our access and enjoyment of the river, and will provide vital economic, recreational, and educational opportunities for everyone who lives along and visits this great river, the Crown Jewel of the midwest.●

By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. CLELAND):

S. 1281. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

THE SAFE FOOD ACT

Mr. DURBIN. Mr. President, today I am introducing legislation that would replace the current fragmented federal food safety system with a single, independent agency responsible for all federal food safety activities—the Safe Food Act of 1999 (S. 1281). I am pleased to be joined by Senators TORRICELLI, MIKULSKI, and CLELAND in this important effort.

Make no mistake, our country has been blessed with one of the safest and most abundant food supplies in the world. However, we can do better. Foodborne illness is a significant problem.

The safety of our nation's food supply is facing tremendous pressures with regard to emerging pathogens, an aging population with a growing number of people at high risk for foodborne illnesses, broader food distribution patterns, an increasing volume of food imports, and changing consumption patterns.

The General Accounting Office (GAO) estimates that as many as 81 million people will suffer food poisoning this year and more than 9,000 will die. Children and the elderly are especially vulnerable. In terms of medical costs and productivity losses, foodborne illness costs the nation up to $37 billion annually. The situation is not likely to improve without decisive action. The Department of Health and Human Services predicts that foodborne illnesses and deaths will increase 10–15 percent over the next decade.

In 1997, a Princeton Research survey found that 44 percent of Americans believe the food supply in this country is less safe than it was 10 years. ago. American consumers spend more than $617 billion annually on food, of which about $511 billion is spent on foods grown on U.S. farms. Our ability to assure that the safety of our food and to react rapidly to potential threats to food safety is critical not only for public health, but also to the vitality of both domestic and rural economies and international trade.

Many of you are probably following the dioxin crisis in Belgium. Days before the national elections poultry, eggs, pork, beef, and dairy products were withdrawn from supermarket shelves. Butcher shops closed and livestock farms were quarantined. Since then countries, worldwide, have restricted imports of eggs, chickens, and pork from the European Union. Public outrage in Belgium over the dioxin scandal led to a disastrous showing by the ruling party in the national and European elections on June 14, and the government was forced to resign. Food safety concerns and fears are global.

Today, food moves through a global marketplace. This was not the case in the early 1900's when the first federal food safety agencies were created. Throughout this century, Congress responded by adding layer upon layer—agency upon agency—to answer the pressing food safety needs of the day. That's how the federal food safety system got to the point where it is today. And again as we face increasing pressures on food safety, the federal government must respond. But we must respond not only to these pressures but also to the very fragmented nature of the federal food safety structure.

Fragmentation of our food safety system is a burden that must be changed to protect the public health from these increasing pressures. Currently, there are at least 12 different federal agencies, 35 different laws governing food safety, and 28 House and Senate subcommittees with food safety oversight. With overlapping jurisdictions, federal agencies often lack accountability on food safety-related issues.

Last August, the National Academy of Sciences (NAS) released a report recommending the establishment of a "unified and central framework" for managing federal food safety programs, "one that is headed by a single official and which has the responsibility and control of resources for all federal food safety activities." I agree with this conclusion.

The Administration has stepped forward on the issue of food safety—the President's Food Safety Initiatives and the President's Council on Food Safety have focused efforts to track and prevent microbial foodborne illnesses. I commend President Clinton and Secretaries Glickman and Shalala for their commitment to improving our nation's food safety and inspection systems. Earlier this year in response to the NAS report, the President's Council on Food Safety stated its support for the NAS recommendation calling for a new statute that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources.

An independent single food safety agency is needed to replace the current, fragmented system. My proposed legislation would combine the functions of USDA's Food Safety and Inspection Service, FDA's Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine, the Department of Commerce's Seafood Inspection Program, and the food safety functions of other federal agencies. This new, independent agency would be funded with the combined budgets from these consolidated agencies.

With overlapping jurisdictions, federal agencies many times lack accountability on food safety-related issues. There are simply too many cooks in the kitchen. A single, independent agency would help focus our policy and improve enforcement of food safety and inspection laws.

The General Accounting Office has been unequivocal in its recommendation for consolidation of federal food safety programs. GAO's April 1998 report states that "since 1992, we have frequently reported on the fragmented and inconsistent organization of food safety responsibilities in the federal government." In a May 25, 1994 report, GAO cites that its "testimony is based on over 60 reports and studies issued over the last 25 years by GAO, agency Inspectors General, and others." The Appendix to the 1994 GAO report lists: 49 reports since 1977, 9 USDA Office of

Inspector General reports since 1986, 1 HHS Office of Inspector General report in 1991, and 15 reports and studies by Congress, scientific organizations, and others since 1981.

Again, earlier this year, GAO in its 21-volume report on government waste, pointed to the lack of coordination of the federal food safety efforts as an example. "So many cooks are spoiling the broth," says the GAO while highlighting the absurdity of having one federal agency inspecting frozen meat pizza and another inspecting frozen cheese pizza.

Over 20 years ago, the Senate Committee on Governmental Affairs advised that consolidation is essential to avoid conflicts of interest and overlapping jurisdictions. In a 1977 report the committee stated, "While we support the recent efforts of FDA and USDA to improve coordination between the agencies, periodic meetings will not be enough to overcome [these] problems." This statement is just as true today as it was then.

It's time to move forward. Let us stop using multiple federal agencies to inspect pizza. Instead let us "deliver" what makes sense—a single, independent food safety agency.

A single, independent agency with uniform food safety standards and regulations based on food hazards would provide an easier framework for implementing U.S. standards in an international context. When our own agencies don't have uniform safety and inspection standards for all potentially hazardous foods, the establishment of uniform international standards will be next to impossible.

Research could be better coordinated within a single agency than among multiple programs. Currently, federal funding for food safety research is spread over at least 20 federal agencies, and coordination among those agencies is ad hoc at best.

New technologies to improve food safety could be approved more rapidly with one food safety agency. Currently, food safety technologies must go through multiple agencies for approval, often adding years of delay.

In this era of limited budgets, it is our responsibility to modernize and streamline the food safety system. The U.S. simply cannot afford to continue operating multiple systems. This is not about more regulation, a super agency, or increased bureaucracy, it's about common sense and more effective marshaling of our existing federal resources.

With the incidence of food recalls on the rise, it is important to move beyond short-term solutions to major food safety problems. A single, independent food safety and inspection agency could more easily work toward long-term solutions to the frustrating and potentially life-threatening issue of food safety.

Mr. President, together, we can bring the various agencies together to eliminate the overlap and confusion that have, unfortunately, at times characterized our food safety efforts. We need action, not simply reaction. I encourage my colleagues to join me in this effort to consolidate the food safety and inspection functions of numerous agencies and offices into a single, independent food safety agency.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Food Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Establishment of independent Food Safety Administration.
Sec. 5. Consolidation of separate food safety and inspection services and agencies.
Sec. 6. Additional authorities of the Administration.
Sec. 7. Limitation on authorization of appropriations.
Sec. 8. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The safety and security of the food supply of the United States requires efficient and effective management of food safety regulations.

(2) The safety of the food supply of the United States is facing tremendous pressures with regard to the following issues:

(A) Emerging pathogens and the ability to detect them.

(B) An aging population with a growing number of people at high risk for foodborne illnesses.

(C) An increasing volume of imported foods, without adequate monitoring and inspection.

(D) Maintenance of adequate inspection of the domestic food processing and food service industry.

(3) Federal food safety inspection, enforcement, and research efforts should be based on scientifically supportable assessments of risks to public health.

(4) The Federal food safety system is fragmented, with at least 12 primary Federal agencies governing food safety.

(b) PURPOSES.—It is the purpose of this Act—

(1) to establish a single agency, the Food Safety Administration, that will be responsible for the regulation of food safety and labeling and for conducting food safety inspections to ensure, with reasonable certainty, that no harm will result from the consumption of food, by preventing food-borne illnesses due to microbial, natural, or chemical hazards in food; and

(2) to transfer to the Food Safety Administration the food safety, labeling, and inspection functions currently performed by other Federal agencies, to achieve more efficient management and effective application of Federal food safety laws for the protection and improvement of public health.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATION.—The term "Administration" means the Food Safety Administration established under section 4.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of Food Safety appointed under section 4.

(3) FOOD SAFETY LAWS.—The term "food safety laws" means the following:

(A) The Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(B) The Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(C) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(D) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), with regard to food safety, labeling, and inspection under that Act.

(E) Such other laws and portions of laws regarding food safety, labeling, and inspection as the President may designate by Executive order as appropriate to consolidate under the administration of the Administration.

SEC. 4. ESTABLISHMENT OF INDEPENDENT FOOD SAFETY ADMINISTRATION.

(a) ESTABLISHMENT OF ADMINISTRATION; ADMINISTRATOR.—There is established in the executive branch an agency to be known as the "Food Safety Administration". The Administration shall be an independent establishment, as defined in section 104 of title 5, United States Code. The Administration shall be headed by the Administrator of Food Safety, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Administrator shall administer and enforce the food safety laws for the protection of the public health and shall oversee the following functions of the Administration:

(1) Implementation of Federal food safety inspection, enforcement, and research efforts, based on scientifically supportable assessments of risks to public health.

(2) Development of consistent and science-based standards for safe food.

(3) Coordination and prioritization of food safety research and education programs with other Federal agencies.

(4) Coordination of the Federal response to foodborne illness outbreaks with other Federal agencies and State agencies.

(5) Integration of Federal food safety activities with State and local agencies.

SEC. 5. CONSOLIDATION OF SEPARATE FOOD SAFETY AND INSPECTION SERVICES AND AGENCIES.

(a) TRANSFER OF FUNCTIONS.—For each Federal agency specified in subsection (b), there are transferred to the Administration all functions that the head of the Federal agency exercised on the day before the effective date specified in section 8 (including all related functions of any officer or employee of the Federal agency) that relate to administration or enforcement of the food safety laws, as determined by the President.

(b) COVERED AGENCIES.—The Federal agencies referred to in subsection (a) are the following:

(1) The Food Safety and Inspection Service of the Department of Agriculture.

(2) The Center for Food Safety and Applied Nutrition of the Food and Drug Administration.

(3) The Center for Veterinary Medicine of the Food and Drug Administration.

(4) The National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce as it relates to the Seafood Inspection Program.

(5) Such other offices, services, or agencies as the President may designate by Executive order to further the purposes of this Act.

(c) TRANSFER OF ASSETS AND FUNDS.—Consistent with section 1531 of title 31, United States Code, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds that relate to the functions transferred under subsection (a) from a Federal agency shall be transferred to the Administration. Unexpended funds transferred pursuant to this subsection shall be used by the Administration only for the purposes for which the funds were originally authorized and appropriated.

(d) REFERENCES.—After the transfer of functions from a Federal agency under subsection (a), any reference in any other Federal law, Executive order, rule, regulation, document, or other material to that Federal agency or the head of that agency in connection with the administration or enforcement of the food safety laws shall be deemed to be a reference to the Administration or the Administrator, respectively.

(e) SAVINGS PROVISIONS.—The transfer of functions from a Federal agency under subsection (a) shall not affect—

(1) an order, determination, rule, regulation, permit, agreement, grant, contract, certificate, license, registration, privilege, or other administrative action issued, made, granted, or otherwise in effect or final with respect to that agency on the day before the transfer date with respect to the transferred functions; or

(2) any suit commenced with regard to that agency, and any other proceeding (including a notice of proposed rulemaking), or any application for any license, permit, certificate, or financial assistance pending before that agency on the day before the transfer date with respect to the transferred functions.

SEC. 6. ADDITIONAL AUTHORITIES OF THE ADMINISTRATION.

(a) OFFICERS AND EMPLOYEES.—The Administrator may appoint officers and employees for the Administration in accordance with the provisions of title 5, United States Code, relating to appointment in the competitive service, and fix the compensation of the officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Administrator may procure the services of experts and consultants as authorized by section 3109 of title 5, United States Code, and pay in connection with the services travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by section 5703 of such title.

(c) BUREAUS, OFFICES, AND DIVISIONS.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator may determine to be necessary to discharge the responsibilities of the Administration.

(d) RULES.—The Administrator may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules as the Administrator determines to be necessary or appropriate to administer and manage the functions of the Administrator.

SEC. 7. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year that includes the effective date of this Act, the amount authorized to be appropriated to carry out this Act shall not exceed—

(1) the amount appropriated for that fiscal year for the Federal agencies described in section 5(b) for the purpose of administering or enforcing the food safety laws; or

(2) the amount appropriated for these agencies for such purpose for the preceding fiscal year, if, as of the effective date of this Act, appropriations for these agencies for the fiscal year that includes the effective date have not yet been made.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the earlier of—

(1) the date that is 180 days after the date of the enactment of this Act; and

(2) such date during that 180-day period as the President may direct in an Executive order.

By Mr. NICKLES:

S. 1284. A bill to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; to the Committee on Energy and Natural Resources.

Mr. NICKLES. Mr. President, I rise today to introduce the Electric Consumer Choice Act. For the last three years hearings and workshops have been held in both the House and Senate examining the issue of restructuring the electric industry. Many bills have been introduced on this issue by both Congressmen and Senators, some comprehensive and some dealing with more discreet issues such as repeal of the Public Utility Holding Company (PUHCA) or repeal of the Public Utility Regulatory Policies Act of 1978 (PURPA). The bill that I am introducing today cuts to the heart of the issue: do we or don't we support allowing consumers to choose their electric supplier? Do we or don't we support a national competitive market in electricity? I believe the answer to these questions is a resounding "yes"! I believe competition is good, that free markets work and that every American will benefit from a competitive electric industry.

The Electric Consumer Choice Act is intended to begin the process of achieving a national, competitive electricity market. It achieves this in a simple, straight-forward method. Primarily, it eliminates electric monopolies by prohibiting the granting of exclusive rights to sell to electric utilities. It prohibits undue discrimination against consumers purchasing electricity in interstate commerce. It provides for access to local distribution facilities and it allows a state to impose reciprocity requirements on out-of-state utilities. The bill before you today also includes a straight repeal of PUHCA and the prospective repeal of the mandatory purchase provisions of PURPA. The bill also makes it clear that nothing in this act expands the authority of the Federal Energy Regulatory Commission (FERC) or limits the authority of a state to continue to regulate retail sales and distribution of electric energy in a manner consistent with the Commerce Clause of the United States Constitution.

The premise of this bill is that all attributes of today's electric energy market—generation, transmission, distribution and both wholesale and retail sales—are either in or affect interstate commerce. Therefore, any State regulation of these attributes that unduly discriminates against the interstate market for electric power violates the Commerce Clause unless such State action is protected by an act of Congress.

The Supreme Court has interpreted Part II of the Federal Power Act (FPA) as protecting State regulation of generation, local distribution, intrastate transmission and retail sales that unduly discriminates against the interstate market for electric power. The Court has reasoned that Congress, in the FPA, determined that the federal government needed only to regulate wholesale sales and interstate transmission in order to adequately protect interstate commerce in electric energy. Thus, all other aspects of the electric energy market were reserved to the States and protected from challenges under the Commerce Clause. The Electric Consumer Choice Act amends the FPA to eliminate the protection provided for State regulation that establishes, maintains, or enforces an exclusive right to sell electric energy or that unduly discriminates against any consumer who seeks to purchase electric energy in interstate commerce.

This bill provides consumers and electric energy suppliers with the means to achieve retail choice in all States by January 1, 2002. It does not impose a federal statutory mandate on the States. It does not preempt the States' traditional jurisdiction to regulate the aspects of the electric power market in the reserved realm—generation, local distribution, intrastate transmission, or retail sales—it merely limits the scope of what the States can do in that realm. It does not expand or extend FERC jurisdiction into the aspects of traditional State authority.

As I stated earlier, this bill is intended to provide every consumer a choice when it comes to electricity suppliers. It is intended to be the beginning, not the end of the process. There are many other issues that need to be addressed at the federal level to facilitate a national market for electricity. Some of these issues include taxation differences between various electric providers, clarification of jurisdiction over transmission, ensuring reliability, providing for inclusion of the Power Marketing Administrations and the Tennessee Valley Authority in a national market, and other issues that can only be addressed at the Federal level. These issues need to be addressed and should be addressed. But while these issues are being debated we should ensure that progress towards customer choice proceeds.

I am proud to say that my state of Oklahoma has been in the forefront of opening up it's electricity markets to competition. Nineteen other states have also moved to open their markets. It is my hope that the Electric Consumer Choice Act will facilitate this process nationally. To that end, I am introducing this bill today.

Mr. President, I ask unanimous consent that the Electric Consumer Choice Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Consumer Choice Act".

SEC. 2. FINDINGS.

The Congress finds that—

(a) the opportunity for all consumers to purchase electric energy in interstate commerce from the supplier of choice is essential to a dynamic, fully integrated and competitive national market for electric energy;

(b) the establishment, maintenance or enforcement of exclusive rights to sell electric energy and other State action which unduly discriminates against any consumer who seeks to purchase electric energy in interstate commerce from the supplier of its choice constitutes an unwarranted and unacceptable discrimination against and burden on interstate commerce;

(c) in today's technologically driven marketplace there is no justification for the discrimination against and burden imposed on interstate commerce by exclusive rights to sell electric energy or other State action which unduly discriminates against any consumer who seeks to purchase electric energy in interstate commerce from the supplier of its choice; and,

(d) the electric energy transmission and local distribution facilities of all of the nation's utilities are essential facilities for the conduct of a competitive interstate retail market in electric energy in which all consumers have the opportunity to purchase electric energy in interstate commerce from the supplier of their choice.

SEC. 3. DECLARATION OF PURPOSE.

The purpose of this act is to ensure that nothing in the Federal Power Act or any other federal law exempts or protects from Article I, Section 8, Clause 3 of the Constitution of the United States exclusive rights to sell electric energy or any other State actions which unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from the supplier of its choice.

SEC. 4. SCOPE OF STATE AUTHORITY UNDER THE FEDERAL POWER ACT.

Section 201 of the Federal Power Act (16 U.S.C. §824) is amended by adding at the end the following—

"(h) Notwithstanding any other provision of this section, nothing in this Part or any other federal law shall be construed to authorize a State to—

"(1) establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy; or,

"(2) otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier.".

SEC. 5. ACCESS TO TRANSMISSION AND LOCAL DISTRIBUTION FACILITIES.

No supplier of electric energy, who would otherwise have a right of access to a transmission or local distribution facility because such facility is an essential facility for the conduct of interstate commerce in electric energy, shall be denied access to such facility or precluded from engaging in the retail sale of electric energy on the grounds that such denial or preclusion is authorized or required by State action establishing, maintaining, or enforcing an exclusive right to sell, transmit, or locally distribute electric energy.

SEC. 6. STATE AUTHORITY TO IMPOSE RECIPROCITY REQUIREMENTS.

Part II of the Federal Power Act (16 U.S.C. §824) is amended by adding at the end the following:

"SEC. 215. STATE AUTHORITY TO IMPOSE RECIPROCITY REQUIREMENTS.

"A State or state commission may prohibit an electric utility from selling electric energy to an ultimate consumer in such State if such electric utility or any of its affiliates owns or controls transmission or local distribution facilities and is not itself providing unbundled local distribution service in a State in which such electric utility owns or operates a facility used for the generation of electric energy.".

SEC. 7. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective on and after the enactment of this Act.

SEC. 8 PROSPECTIVE REPEAL OF SECTION 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978.

(a) NEW CONTRACTS.—No electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3).

(b) EXISTING RIGHTS AND REMEDIES.—Nothing in this section affects the rights or remedies of any party with respect to the purchase or sale of electricity or capacity from or to a facility determined to be a qualifying small power production facility or a qualifying cogeneration facility under section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) under any contract or obligation to purchase or to sell electricity or capacity in effect on the date of enactment of this Act, including the right to recover the costs of purchasing the electricity or capacity.

SEC. 9. SAVINGS CLAUSE.

Nothing in this Act shall be construed to—

(a) authorize the Federal Energy Regulatory Commission to regulate retail sales or local distribution of electric energy or otherwise expand the jurisdiction of the Commission, or,

(b) limit the authority of a State to regulate retail sales, and local distribution of electric energy in a manner consistent with Article I, Section 8, Clause 3 of the Constitution of the United States.

SEC. 10. EFFECTIVE DATES.

Section 5 and the amendment made by Section 4 of this act take effect on January 1, 2002. The amendment made by section 6 of this act takes effect on the date of enactment of this act.

By Mr. GRAHAM (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 1285. A bill to amend section 40102(37) of title 49, United States Code, to modify the definition of the term "public aircraft" to provide for certain law enforcement and emergency response activities; to the Committee on Commerce, Science, and Transportation.

LAW ENFORCEMENT PUBLIC AVIATION REFORM ACT OF 1999

• Mr. GRAHAM. Mr. President, I am extremely pleased to join with my distinguished colleagues, Senator DEWINE and Senator FEINGOLD, in introducing the Law Enforcement Public Aviation Reform Act of 1999. This legislation will help law enforcement officers in their efforts to protect our citizens. In 1994, the Congress made a terrible mistake when it passed Public Law 103–411. Under this law, aircraft belonging to law enforcement agencies are considered "commercial" if costs incurred from flying missions to support neighboring jurisdictions are reimbursed.

In the last Congress, we were able to include an amendment on the Commerce, State, and Justice appropriations bill that would have made the necessary changes. Unfortunately, this measure was stripped from the final conference committee report.

This law has placed unnecessary restrictions and costly burdens on government agencies who operate public aircraft, particularly law enforcement agencies. At a time when law enforcement faces growing sophistication and organization of criminals, the federal government should not be placing additional mandates on our law enforcement officials. This law is so restrictive that it even prevents assistance from neighboring jurisdictions under mutual aid compacts.

Current law requires that the agency in need of assistance exhaust all commercially available options before requesting assistance from another jurisdiction. Even in the event of "significant and imminent threat to life or property," the requesting agency must first establish that "no service by a private operator was reasonably available to meet the threat." Law officers, pledged to protect public safety and fight crime, need the flexibility to determine the appropriate aircraft for any particular mission. They should not be required to offer private companies the right of first refusal on sensitive law enforcement missions. In many cases, it is simply not appropriate to have private companies performing law enforcement or other governmental functions.

Under this bill, public agencies would be permitted to recover costs incurred by operating aircraft to assist other jurisdictions for the purpose of law enforcement, search and rescue, or imminent threat to life, property or natural resources.

Mr. President, law enforcement organizations strongly support this bill. This legislation has the endorsement of the National Sheriff's Association, Airborne Law Enforcement Association, International Association of Chiefs of Police, Florida Sheriff's Association, and the California State Sheriff's Associations. From my home state in Florida, I have heard from Sheriff George E. Knupp, Jr. of Lake County. Sheriff Knupp stated, "Current law restricts our ability to use this aircraft in the best possible manner and frankly, the law questions the authority of a popularly elected official to exercise the duties and responsibilities of the office."

Our bipartisan proposed is simple, sound, and will serve the interests of law enforcement officials across this country. I urge all my colleagues to support the passage of this much needed legislation. Further delay in this matter will only serve to cost the American people unnecessary tax dollars and hamper the efforts of our law enforcement officials.●

● Mr. FEINGOLD. Mr. President, I rise today to join my distinguished colleague from Florida, Senator GRAHAM, to introduce a bill that will assist our local law enforcement agencies to respond in a timely fashion to life or death situations.

Sheriffs in my state and around this country have found that their hands are tied when it comes to sharing helicopters or other public aircraft with neighboring jurisdictions. The Milwaukee County Sheriff's Department recently became the first sheriff's department in Wisconsin to acquire a helicopter. Neighboring counties would like to borrow that helicopter and reimburse the Milwaukee County Sheriff for the cost of their use of that helicopter. The Milwaukee County Sheriff's Department is perfectly willing to share its helicopter but it can't easily do so. Under current law, in order for the assisting agency to receive a cost reimbursement from the neighboring jurisdiction for use of a helicopter, the neighboring sheriff must first exhaust the possibility that a private commercial helicopter is available. Even when the neighboring sheriff is faced with a serious imminent threat to life or property, the law requires the neighboring sheriff to first determine whether a privately operated helicopter is available. This law is absurd and puts everyone's safety at risk.

Law enforcement agencies use helicopters for a variety of reasons—to chase a suspect fleeing the scene of a crime, in search and rescue missions, to control crowds in public gatherings, to transport prisoners and to detect and eradicate marijuana. Saving lives and maintaining law and order is delayed if we require sheriffs to determine first whether they can find a private helicopter. Public safety is also jeopardized because private commercial pilots are likely not trained law enforcement personnel with experience in sensitive and sometimes dangerous situations. But if we allow sheriffs to share their aircraft with neighboring jurisdictions without first exhausting private avenues, law enforcement response is far more likely to be swift and sure.

This bill modifies the definition of "public aircraft" so that law enforcement agencies no longer need to make an attempt to find a private helicopter operator before using a neighboring jurisdiction's helicopter.

Mr. President, we demand that law enforcement act quickly and professionally to life or death situations. But we're not giving them the tools they need to do their job. We must do our part. I urge my colleagues to join in this bipartisan effort to change the law and give the sheriffs in Wisconsin and across this country the tools they need to keep our communities safe and secure.●

By Mrs. BOXER (for herself and Mr. DURBIN):

S. 1286. A bill to authorize the Attorney General to make grants to local educational agencies to carry out school violence prevention and school safety activities in secondary schools; to the Committee on the Judiciary.

SCHOOL SAFETY FUND ACT

Mrs. BOXER. Mr. President, it has been two months since the tragic shooting at Columbine High School in Colorado. That incident heightened awareness around the country—and I saw it first hand when I traveled throughout California—of the need to take steps to make our schools safer.

It seems to me that being safe in school is a fundamental right. It ought to be a top priority of every school district in America—and I know that a lot of schools are committed to making improvements. But some are having a hard time finding the money to do what needs to be done. I believe it ought to be a top priority of the federal government to help localities do what they need to do to ensure the safety of our children when they are in school.

So, today, I am introducing, along with my colleague, Senator DURBIN, the School Safety Fund Act. This bill would allow the Attorney General to provide grants to school districts to undertake a variety of activities to prevent school violence and to make our schools safer. The key is we want local schools to make the decision about what they need to do, but we want the federal government to provide some financial help.

Now, what are some of the things that schools want to—and should—do?

Schools could establish hotlines and tiplines, so that students could anonymously report potentially dangerous situations. We could put more community police officers in the public schools. Some schools need metal detectors and other security equipment. I think almost all schools could use more counselors, psychologists, and school social workers. Many teachers and administrators need training on the identification of the early warning signs of troubled youth. And, many of our students need conflict resolution programs and mentoring.

The point is, each school needs to decide the extent of its problem and what the best solution will be in that community. We are not dictating here. We are saying that we want to—we need to—help our local schools.

Let me talk about how these grants will be funded, because I think it is an interesting approach. Rather than set up a specific authorization level—rather than pulling a number out of a hat and saying, this is the need—my bill would give discretion to the Attorney General. The bill says that the Attorney General can make these grants out of the Violent Crime Reduction Trust Fund to meet the need that is out there.

For example, if there is a particular crisis in a particular community, the Attorney General has the flexibility to make grants. She does not have to wait for Congress to act—or watch as Congress fails to act. If the problem improves, the Attorney General can spend less or, perhaps someday, no money at all for school safety. Again, the number of grants would be based on an assessment of the needs.

Finally, let me say a word about my cosponsor, Senator DURBIN. I am very pleased to have him join me in this effort because several weeks ago, he fought this fight hard. He was a member of the conference committee on the supplemental appropriations bill, and he tried to get additional emergency funding—and it was and still is, in many respects, an emergency—for many of the activities we are talking about in this bill. Some on the other side of the aisle resisted his efforts, and eventually they voted him down. But, with his previous work on the subject, I am so pleased that he has joined me on this bill.

Mr. President, it is now mid-June, and many schools are closed for the summer or will close shortly. We must reject the notion that because our children are no longer in school, there is no longer a problem. There is a problem, and unless we begin to find ways to solve it—and unless the federal government helps fund the solutions our local communities come up with—I fear that when the school house doors open again in the Fall, the problem might again hit the front pages of the newspapers.

I urge my colleagues to support this bill, and I ask unanimous consent that a copy be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Safety Fund Act of 1999".

SEC. 2. DEFINITIONS.

In this Act, the terms "local educational agency" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 3. PURPOSE.

The purpose of this Act is to assist local educational agencies in preventing and responding to the threat of juvenile violence in secondary schools through the implementation of effective school violence prevention and school safety programs.

SEC. 4. PROGRAM AUTHORIZED.

The Attorney General is authorized to carry out a program under which the Attorney General awards grants to local educational agencies to assist the local educational agencies in establishing and operating school violence prevention and school safety activities in secondary schools.

SEC. 5. APPLICATIONS.

Each local educational agency desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

(1) include a detailed explanation of—

(A) the intended uses of funds provided under the grant; and

(B) how the activities funded under the grant will meet the purpose of this Act; and

(2) a written assurance that the funds provided under the grant will be used to supplement and not supplant other State and local public funds available for school violence prevention and school safety activities in secondary schools.

SEC. 6. AUTHORIZED ACTIVITIES.

A local educational agency may use grant funds provided under this Act—

(1) to establish hotlines or tiplines for the reporting of potentially dangerous students and situations;

(2) to hire community police officers;

(3) to purchase metal detectors, surveillance cameras, and other school security equipment;

(4) to provide training to teachers, administrators, and other school personnel in the identification and detection of, and responses to, early warning signs of troubled and potentially violent youth;

(5) to establish conflict resolution, counseling, mentoring, and other violence prevention and intervention programs for students;

(6) to hire counselors, psychologists, mental health professionals, and school social workers; and

(7) for any other purpose that the Attorney General determines to be appropriate and consistent with the purpose of this Act.

SEC. 7. FUNDING.

From amounts appropriated to the Department of Justice from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211), the Attorney General may make available such sums as may be necessary to carry out this Act for each of the fiscal years 2000 through 2004.

SEC. 8. REPORT TO CONGRESS.

Not later than November 30th of each year, the Attorney General shall report to Congress regarding the number of grants funded under this Act for the preceding fiscal year, the amount of funds provided under the grants for the preceding fiscal year, and the activities for which grant funds were used for the preceding fiscal year.

ADDITIONAL COSPONSORS

S. 71

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 655

At the request of Mr. LOTT, the names of the Senator from Tennessee (Mr. THOMPSON), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 693

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 712

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 817

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the rist that youth will become victims of crime by providing productive activities during after school hours.

S. 894

At the request of Mr. CLELAND, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 911

At the request of Mr. GRAMS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1157

At the request of Mr. SESSIONS, his name was added as a cosponsor of S. 1157, a bill to repeal the Davis-Bacon Act and the Copeland Act.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1212

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1212, a bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services.

S. 1241

At the request of Mr. ASHCROFT, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1241, a bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 1264

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1264, a bill to amend the Elementary and Secondary Education Act of 1965 and the National Education Statistics Act of 1994 to ensure that elementary and secondary schools prepare girls to compete in the 21st century, and for other purposes.

S. 1265

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1265, a bill to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1-A as part of the implementation of the final rule to consolidate Federal milk marketing orders.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Concurrent Resolution 34, A concurrent resolution relating to the observence of "In Memory" Day.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. SCHUMER, the names of the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. DEWINE), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Concurrent Resolution 39, A concurrent resolution expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Resolution 95, a resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE CONCURRENT RESOLUTION—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED BY THE UNITED STATES POSTAL SERVICE HONORING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN AWARDED THE PURPLE HEART

Mr. ROBB submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S CON. RES. 42

Whereas Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the War of the Revolution, but was revived out of respect for the memory and military achievements of George Washington in 1932, the year marking the 200th anniversary of his birth; and

Whereas 1999 is the year marking the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued in 1999, the year marking the 200th anniversary of the death of George Washington.

• Mr. ROBB. Mr. President, I would like to take this opportunity to submit a resolution honoring our veterans that have earned the oldest military decoration in the world, the Purple Heart. This resolution expresses the Sense of the Congress that the U.S. Postal Service should issue a postage stamp honoring Purple Heart recipients.

The Purple Heart was established by General George Washington in 1782 as a badge of distinction for "meritorious action." After the Revolutionary War, however, the Purple Heart was not awarded again until it was revived in 1932, the year marking the 200th anniversary of Washington's birth.

Today, the Purple Heart is awarded to members of the U.S. armed forces who are wounded by an instrument of war in the hands of the enemy. Additionally, it is awarded posthumously to next of kin in the name of those who are killed in action or die of wounds received in combat. This year, the 200th anniversary of George Washington's death, is a fitting time for the Postal Service to honor our Purple Heart recipients with a commemorative postage stamp. They deserve no less.•

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

ASHCROFT (AND OTHERS) AMENDMENT NO. 736

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. HAGEL, Mr. BAUCUS, Mr. ROBERTS, Mr. KERREY, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill (S. 1233), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . REQUIREMENT OF CONGRESSIONAL APPROVAL OF ANY UNILATERAL AGRICULTURAL OR MEDICAL SANCTION.—(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—

(A) IN GENERAL.—The term "agricultural commodity" has the meaning given the term in section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732).

(B) EXCLUSION.—The term "agricultural commodity" does not include any agricultural commodity that is used to facilitate the development or production of a chemical or biological weapon.

(2) AGRICULTURAL PROGRAM.—The term "agricultural program" means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et. seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any commercial sale of agricultural commodities, including a commercial sale of an agricultural commodity that is prohibited under a unilateral agricultural sanction that is in effect on the date of enactment of this Act; or

(D) any export financing (including credits or credit guarantees) for agricultural commodities.

(3) JOINT RESOLUTION.—The term "joint resolution" means—

(A) in the case of subsection (b)(1)(B), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (b)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section (b)(1)(A) of the   Act   , transmitted on   .", with the blank completed with the appropriate date; and

(B) in the case of subsection (e)(2), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (e)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section (e)(1) of the   Act   , transmitted on   .", with the blank completed with the appropriate date.

(4) MEDICAL DEVICE.—

(A) IN GENERAL.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) EXCLUSION.—The term "medical device" does not include any device that is used to facilitate the development or production of a chemical or biological weapon.

(5) MEDICINE.—

(A) IN GENERAL.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) EXCLUSION.—The term "medicine" does not include any drug that is used to facilitate the development or production of a chemical or biological weapon.

(6) UNILATERAL AGRICULTURAL SANCTION.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) UNILATERAL MEDICAL SANCTION.—The term "unilateral medical sanction" means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(b) RESTRICTION.—

(1) NEW SANCTIONS.—Except as provided in subsections (c) and (d) and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity for any fiscal year, unless—

(A) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(i) describes the activity proposed to be prohibited, restricted, or conditioned; and

(ii) describes the actions by the foreign country or foreign entity that justify the sanction; and

(B) Congress enacts a joint resolution stating the approval of Congress for the report submitted under subparagraph (A).

(2) EXISTING SANCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), with respect to any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act for any fiscal year, the President shall immediately cease to implement such sanction.

(B) EXEMPTIONS.—Subparagraph (A) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed with respect to an agricultural program or activity described in subparagraph (B) or (D) of subsection (a)(2).

(c) EXCEPTIONS.—The President may impose (or continue to impose) a sanction described in subsection (b) without regard to the procedures required by that subsection—

(1) against a foreign country or foreign entity with respect to which Congress has enacted a declaration of war that is in effect on or after the date of enactment of this Act; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity that is controlled on—

(A) the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(B) any control list established under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

(d) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—This section shall not affect the prohibition on providing assistance to the government of any country supporting international terrorism that is established by section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(e) TERMINATION OF SANCTIONS.—Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in subsection (b)(1) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years and the request of the President for approval by Congress of the recommendation; and

(2) Congress enacts a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(f) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) REFERRAL OF REPORT.—A report described in subsection (b)(1)(A) or (e)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(2) REFERRAL OF JOINT RESOLUTION.—

(A) IN GENERAL.—A joint resolution shall be referred to the committees in each House of Congress with jurisdiction.

(B) REPORTING DATE.—A joint resolution referred to in subparagraph (A) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

(3) DISCHARGE OF COMMITTEE.—If the committee to which is referred a joint resolution has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after the date of introduction of the joint resolution—

(A) the committee shall be discharged from further consideration of the joint resolution; and

(B) the joint resolution shall be placed on the appropriate calendar of the House concerned.

(4) FLOOR CONSIDERATION.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee to which a joint resolution is referred has reported, or when a committee is discharged under paragraph (3) from further consideration of, a joint resolution—

(I) it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the House concerned to move to proceed to the consideration of the joint resolution; and

(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(ii) PRIVILEGE.—The motion to proceed to the consideration of the joint resolution—

(I) shall be highly privileged in the House of Representatives and privileged in the Senate; and

(II) not debatable.

(iii) AMENDMENTS AND MOTIONS NOT IN ORDER.—The motion to proceed to the consideration of the joint resolution shall not be subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(iv) MOTION TO RECONSIDER NOT IN ORDER.—A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(v) BUSINESS UNTIL DISPOSITION.—If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House concerned until disposed of.

(B) LIMITATIONS ON DEBATE.—

(i) IN GENERAL.—Debate on the joint resolution, and on all debatable motions and appeals in connection with the joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution.

(ii) FURTHER DEBATE LIMITATIONS.—A motion to limit debate shall be in order and shall not be debatable.

(iii) AMENDMENTS AND MOTIONS NOT IN ORDER.—An amendment to, a motion to postpone, a motion to proceed to the consideration of other business, a motion to recommit the joint resolution, or a motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House concerned, the vote on final passage of the joint resolution shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—An appeal from a decision of the Chair relating to the application of the rules of the Senate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the following procedures shall apply:

(A) NO COMMITTEE REFERRAL.—The joint resolution of the other House shall not be referred to a committee.

(B) FLOOR PROCEDURE.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(C) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—On disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(6) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If a House receives a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(7) RULEMAKING POWER.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such this subsection—

(i) is deemed to be a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

(ii) supersedes other rules only to the extent that this subsection is inconsistent with those rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(g) EFFECTIVE DATE.—This section takes effect 180 days after the date of enactment of this Act.

FEINSTEIN AMENDMENT NO. 737

Mrs. FEINSTEIN proposed an amendment to the bill, S. 1233, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROMOTING GOOD MEDICAL PRACTICE.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. PROMOTING GOOD MEDICAL PRACTICE.

"(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—

"(1) IN GENERAL.—A group health plan, or a health insurance issuer in connection with health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

"(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

"(3) MANNER OR SETTING DEFINED.—In paragraph (1), the term 'manner or setting' means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital. Such term does not include the coverage of a particular service or treatment.

"(b) NO CHANGE IN COVERAGE.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

"(c) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In subsection (a), the term 'medically necessary or appropriate' means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

"(d) PLAN SATISFACTION OF CERTAIN REQUIREMENTS.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any provision of this subchapter, the group health plan shall not be liable for such violation unless the plan caused such violation.

"(e) APPLICABILITY.—The provisions of this section shall apply to group health plans and health insurance issuers as if included in—

"(1) subpart 2 of part A of title XXVII of the Public Health Service Act;

"(2) the first subpart 3 of part B of title XXVII of the Public Health Service Act (relating to other requirements); and

"(3) subchapter B of chapter 100 of the Internal Revenue Code of 1986.

"(f) NO IMPACT ON SOCIAL SECURITY TRUST FUND.—

"(1) IN GENERAL.—Nothing in this section shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

"(2) TRANSFERS.—

"(A) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this section has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

"(B) TRANSFER OF FUNDS.—If, under subparagraph (A), the Secretary of the Treasury estimates that the enactment of this section has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such section.

"(g) LIMITATION ON ACTIONS.—

"(1) IN GENERAL.—Except as provided for in paragraph (2), no action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) of section 502 by a participant or beneficiary seeking relief based on the application of any provision in this section.

"(2) PERMISSIBLE ACTIONS.—An action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) of section 502 by a participant or beneficiary seeking relief based on the application of this section to the individual circumstances of that participant or beneficiary; except that—

"(A) such an action may not be brought or maintained as a class action; and

"(B) in such an action relief may only provide for the provision of (or payment for) benefits, items, or services denied to the individual participant or beneficiary involved (and for attorney's fees and the costs of the action, at the discretion of the court) and shall not provide for any other relief to the participant or beneficiary or for any relief to any other person.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting any action brought by the Secretary.".

"(h) EFFECTIVE DATE.—The provisions of this section shall apply to group health plans for plan year beginning after, and to health insurance issuer for coverage offered or sold after, October 1, 2000.".

(b) INFORMATION REQUIREMENTS.—

(1) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

"(7) INFORMATION FROM GROUP HEALTH PLANS.—

"(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

"(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

"(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

"(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security insurance number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

"(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security insurance number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes (of that person's family members) covered under the plan.

"(iii) PLAN ELEMENTS.—

"(I) The items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(iv) ELEMENTS CONCERNING THE EMPLOYER.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

"(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the date of the enactment of this Act.

(c) MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.—

(1) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(A) by striking "in the second preceding taxable year,", and

(B) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to credits arising in taxable years beginning after December 31, 2001.

(d) LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.—

(1) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

"(i) Medical benefits.

"(ii) Disability benefits.

"(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers."

(2) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

"(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

"(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

MOYNIHAN AMENDMENTS NOS. 738–860

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted 123 amendments intended to be proposed by him to the bill (S. 1143) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

AMENDMENT NO. 738

At the appropriate place, insert:

SEC. 3 . STATE AUTHORITY OVER CRUISES-TO-NOWHERE.

Section 5 of the Act entitled "An Act to prohibit transportation of gambling devices in interstate and foreign commerce", approved January 2, 1951 (15 U.S.C. 1175), (popularly known as the "Johnson Act") is amended—

(1) in subsection (b)(2)(A), by striking "enacted" and inserting "in effect"; and

(2) by adding at the end the following:

"(d) NO PREEMPTION OF STATE LAWS.—Nothing in this section shall be construed to preempt the law of any State, the District of Columbia, Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or possession of the United States.".

AMENDMENT NO. 739

At the appropriate place in title III, insert the following:

SEC. 3 . TRANSFER OF MOTOR CARRIER SAFETY FUNCTIONS FROM THE FEDERAL HIGHWAY ADMINISTRATION TO THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) TRANSFER OF FUNCTIONS FROM FEDERAL HIGHWAY ADMINISTRATION.—Section 104(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by adding "and" at the end;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) TRANSFER OF FUNCTIONS TO NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.—Section 105(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315; and".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

(2) ACTIONS BY THE SECRETARY OF TRANSPORTATION.—The Secretary of Transportation may take such action as may be necessary to ensure the orderly transfer of the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code, and employees carrying out such duties and power, from the Federal Highway Administration to the National Highway Traffic Safety Administration.

AMENDMENT NO. 740

On page 91, between lines 9 and 10, insert the following:

TITLE —HIGHWAY TAX EQUITY AND SIMPLIFICATION

SEC. 1. SHORT TITLE.

This title may be cited as the "Highway Tax Equity and Simplification Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Congress should enact legislation to correct the distribution of the tax burden among the various classes of persons using the Federal-aid highways, or otherwise deriving benefits from such highways;

(2) the most recent highway cost allocation study by the Department of Transportation found that owners of heavy trucks significantly underpay Federal highway user fees relative to the costs such vehicles impose on such highways, while owners of lighter trucks and cars overpay such fees;

(3) pavement wear and tear is directly correlated with axle-weight loads and distance traveled, and to the maximum extent possible, Federal highway user fees should be structured based on this fundamental fact of use and resulting cost;

(4) the current Federal highway user fee structure is not based on this fundamental fact of use and resulting cost; to the contrary—

(A) the 12-percent excise tax applied to the sales of new trucks has no significant relationship to pavement damage or road use and does the poorest job of improving tax equity,

(B) the heavy vehicle use tax does not equitably apply to heavy trucks (such tax is capped with respect to trucks weighing over 75,000 pounds) and does not vary by annual mileage, thus 2 heavy trucks traveling 10,000 miles and 100,000 miles, respectively, pay the same heavy vehicle use tax, and

(C) diesel fuel taxes do a poor job recovering pavement costs because such taxes only increase marginally with weight increases while pavement damage increases exponentially with weight, and increasing the rates for diesel fuel will not resolve this fundamental flaw;

(5) truck taxes based on a combination of the weight of vehicles and the distance such trucks travel provide greater equity than a tax based on either of these 2 factors alone; and

(6) the States generally have in place mechanisms for verifying the registered weight of trucks and the miles such trucks travel.

(b) PURPOSES.—The purposes of this title are—

(1) to replace the heavy vehicle use tax and all other Federal highway user charges (except fuel taxes) with a Federal weight-distance tax which is designed to yield at least equal revenues for highway purposes and to provide equity among highway users; and

(2) to provide that such a tax be administered in cooperation with the States.

SEC. 3. REPEAL AND REDUCTION OF CERTAIN HIGHWAY TRUST FUND TAXES.

(a) REPEAL OF HEAVY VEHICLE USE TAX.—Subchapter D of chapter 36 of the Internal Revenue Code of 1986 (relating to tax on use of certain vehicles) is repealed.

(b) REPEAL OF TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—Section 4051(c) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "October 1, 2005" and inserting "July 1, 2000".

(c) REPEAL OF TAX ON TIRES.—Section 4071(d) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "October 1, 2005" and inserting "July 1, 2000".

(d) REDUCTION OF TAX RATE ON DIESEL FUEL TO EQUAL RATE ON GASOLINE.—Section 4081(a)(2)((A)(iii) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking "24.3 cents" and inserting "18.3 cents".

(e) CONFORMING AMENDMENTS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 (relating to certain tax-free sales) is amended by striking "October 1, 2005" and inserting "July 1, 2000".

(2) Subchapter A of chapter 62 of such Code (relating to place and due date for payment of tax) is amended by striking section 6156.

(3) The table of sections for subchapter A of chapter 62 of such Code is amended by striking the item relating to section 6156.

(4) Section 9503(b)(1) of such Code (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively

SEC. 4. TAX ON USE OF CERTAIN VEHICLES BASED ON WEIGHT-DISTANCE RATE.

(a) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986, as amended by section 3(a), is amended by adding at the end the following:

"Subchapter D—Tax on Use of Certain Vehicles

"Sec. 4481. Imposition of tax.

"Sec. 4482. Definitions.

"Sec. 4483. Exemptions.

"Sec. 4484. Cross references.

"SEC. 4481. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—A tax is hereby imposed on the use of any highway motor vehicle (either in a single unit or combination configuration) which, together with the semitrailers and trailers customarily used in connection with highway vehicles of the same type as such highway motor vehicle, has a taxable gross weight of over 25,000 pounds at the rate of—

"(A) the cents per mile rate specified in the table contained in paragraph (2), or

"(B) in the case of a highway motor vehicle with a taxable gross weight in excess of the weight for the highest rate specified in such table for such vehicle, the cents per mile rate specified in paragraph (3).

"(2) RATE SPECIFIED IN TABLE.—The table contained in this paragraph is as follows:

Taxable Gross Weight in Thousands of Pounds	Cents Per Mile								
	2-axle single unit	3-axle single unit	4-axle+ single unit	3-axle combination	4-axle combination	5-axle combination	6-axle combination	7-axle combination	8-axle+ combination
Over 25 to 30	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Over 30 to 35	1.00	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Over 35 to 40	3.00	0.50	0.00	0.50	0.00	0.00	0.00	0.00	0.00
Over 40 to 45	5.00	1.50	0.50	1.00	0.00	0.00	0.00	0.00	0.00
Over 45 to 50	8.00	3.00	1.00	1.50	0.25	0.00	0.00	0.00	0.00
Over 50 to 55	12.00	6.00	2.00	2.50	0.50	0.25	0.00	0.00	0.00
Over 55 to 60	21.00	10.00	4.00	3.50	1.00	0.50	0.00	0.00	0.00
Over 60 to 65	30.00	17.00	7.00	5.00	2.50	1.00	0.25	0.00	0.00
Over 65 to 70	....	25.00	10.00	7.50	4.00	2.00	0.50	0.00	0.00
Over 70 to 75	....	33.00	14.00	11.00	5.50	3.00	1.25	0.00	0.00
Over 75 to 80	....	41.00	19.00	17.00	7.50	3.75	2.00	0.00	0.00
Over 80 to 85	....	50.00	24.00	25.00	13.00	7.00	4.00	0.50	0.00
Over 85 to 90	....	....	30.00	....	19.00	11.00	6.00	1.00	0.00
Over 90 to 95	....	....	36.00	....	25.00	15.00	8.50	1.50	0.25
Over 95 to 100	....	....	42.00	....	....	20.00	11.00	2.00	0.50
Over 100 to 105	....	....	50.00	....	....	25.00	14.00	3.50	1.00
Over 105 to 110	....	....	....	....	....	30.00	17.00	5.00	2.00
Over 110 to 115	....	....	....	....	....	35.00	20.00	7.00	3.00
Over 115 to 120	....	....	....	....	....	....	23.00	9.00	4.00
Over 120 to 125	....	....	....	....	....	....	26.00	11.00	6.00
Over 125 to 130	....	....	....	....	....	....	29.00	13.00	8.00
Over 130 to 135	....	....	....	....	....	....	32.00	15.00	10.00
Over 135 to 140	....	....	....	....	....	....	35.00	17.00	12.00
Over 140 to 145	....	....	....	....	....	....	....	19.00	14.00
Over 145 to 150	....	....	....	....	....	....	....	21.00	16.00

"(3) RATE SPECIFIED IN PARAGRAPH.—The cents per mile rate specified in this paragraph is as follows:

"(A) In the case of any single unit highway motor vehicle with 2 or more axles or any combination highway motor vehicle with 3 or 4 axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 10 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

"(B) In the case of any combination highway motor vehicle with 5 or 6 axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 5 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

"(C) In the case of any combination highway motor vehicle with 7 or more axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 2 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

"(b) DETERMINATION OF NUMBER OF AXLES.—For purposes of this section—

"(1) IN GENERAL.—The total number of axles with respect to any highway motor vehicle shall be determined without regard to any variable load suspension axle, except if such axle meets the requirements of paragraph (2).

"(2) ELIGIBILITY REQUIREMENTS.—The requirements of this paragraph are as follows:

"(A) All controls with respect to the variable load suspension axle are located outside of and inaccessible from the driver's compartment of the highway motor vehicle.

"(B) The gross axle weight rating of all such axles with respect to the highway motor vehicle shall conform to the greater of—

"(i) the expected loading of the suspension of such vehicle, or

"(ii) 9,000 pounds.

"(3) VARIABLE LOAD SUSPENSION AXLE DEFINED.—The term 'variable load suspension axle' means an axle upon which a load may be varied voluntarily while the highway motor vehicle is enroute, whether by air, hydraulic, mechanical, or any combination of such means.

"(4) TERMINATION OF EXCEPTION.—The exception under paragraph (1) shall not apply after June 30, 2004.

"(c) DETERMINATION OF MILES.—

"(1) USE OF CERTAIN TOLL FACILITIES EXCLUDED.—For purposes of this section, the number of miles any highway motor vehicle is used shall be determined without regard to the miles involved in the use of a facility described in paragraph (2).

"(2) TOLL FACILITY.—A facility is described in this paragraph if such facility is a highway, bridge, or tunnel, the use of which is subject to a toll.

"(d) BY WHOM PAID.—The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State or contiguous foreign country in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

"(e) TIME FOR PAYING TAX.—The time for paying the tax imposed by subsection (a) shall be the time prescribed by the Secretary by regulations.

"(f) PERIOD TAX IN EFFECT.—The tax imposed by this section shall apply only to use before October 1, 2005.

"SEC. 4482. DEFINITIONS.

"(a) HIGHWAY MOTOR VEHICLE.—For purposes of this subchapter, the term 'highway motor vehicle' means any motor vehicle which is a highway vehicle.

"(b) TAXABLE GROSS WEIGHT.—For purposes of this subchapter—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'taxable gross weight' means, when used with respect to any highway motor vehicle, the maximum weight at which the highway motor vehicle is legally authorized to operate under the laws of the State in which it is registered.

"(2) SPECIAL PERMITS.—If a State allows a highway motor vehicle to be operated for any period at a maximum weight which is greater than the weight determined under paragraph (1), its taxable gross weight for such period shall be such greater weight.

"(c) OTHER DEFINITIONS AND SPECIAL RULE.—For purposes of this subchapter—

"(1) STATE.—The term 'State' means a State and the District of Columbia.

"(2) USE —The term 'use' means use in the United States on the public highways.

"SEC. 4483. EXEMPTIONS.

"(a) STATE AND LOCAL GOVERNMENT EXEMPTION.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any highway motor vehicle by any State or any political subdivision of a State.

"(b) EXEMPTION FOR UNITED STATES.—The Secretary may authorize exemption from the tax imposed by section 4481 as to the use by the United States of any particular highway motor vehicle, or class of highway motor vehicles, if the Secretary determines that the imposition of such tax with respect to such use will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

"(c) CERTAIN TRANSIT-TYPE BUSES.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any bus which is of the transit type (rather than of the intercity type) by a person who, for the last 3 months of the preceding year (or for such other period as the Secretary may by regulations prescribe for purposes of this subsection), met the 60-percent passenger fare revenue test set forth in section 6421(b)(2) (as in effect on the day before the day of the enactment of the Energy Tax Act of 1978) as applied to the period prescribed for the purposes of this subsection.

"(d) TERMINATION OF EXEMPTIONS.—Subsections (a) and (c) shall not apply on and after October 1, 2005.

"SEC. 4484. CROSS REFERENCES.

"(1) For penalties and administrative provisions applicable to this subchapter, see subtitle F.

"(2) For exemption for uses by Indian tribal governments (or their subdivisions), see section 7871."

(b) ADMINISTRATION OF TAX.—To the maximum extent possible, the Secretary of the Treasury shall administer the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as added by this section)—

(1) in cooperation with the States and in coordination with State administrative and reporting mechanisms, and

(2) through the use of the International Registration Plan and the International Fuel Tax Agreement.

SEC. 5. COOPERATIVE TAX EVASION EFFORTS.

The Secretary of Transportation is authorized to use funds authorized for expenditure under section 143 of title 23, United States Code, and administrative funds deducted under 104(a) of such title 23, to develop automated data processing tools and other tools or processes to reduce evasion of the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as added by section 4(a)). These funds may be allocated to the Internal Revenue Service, States, or other entities.

SEC. 6. STUDY.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall conduct a study of—

(1) the tax equity of the various Federal taxes deposited into the Highway Trust Fund,

(2) any modifications to the tax rates specified in section 4481 of the Internal Revenue Code of 1986 (as added by section 4(a)) to improve tax equity, and

(3) the administration and enforcement under subsection (e) of the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as so added).

(b) REPORT.—Not later than July 1, 2002, and July 1 of every fourth year thereafter, the Secretary of Transportation shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under subsection (a) together with—

(1) recommended tax rate schedules developed under subsection (a)(2), and

(2) such recommendations as the Secretary may deem advisable to make the administration and enforcement described in subsection (a)(3) more equitable.

SEC. 7. EFFECTIVE DATE AND FLOOR STOCK REFUNDS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect on July 1, 2000.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before July 1, 2000, tax has been imposed under section 4071 or 4081 of the Internal Revenue Code of 1986 on any article, and

(B) on such date such article is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such article had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefore is filed with the Secretary of the Treasury before January 1, 2001, and

(B) in any case where an article is held by a dealer (other than the taxpayer) on July 1, 2000—

(i) the dealer submits a request for refund or credit to the taxpayer before October 1, 2000, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR ARTICLES HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any article in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

AMENDMENT NO. 741

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 165. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2003.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2002, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2003, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2004.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2004, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2004.—No funds withheld under this section from apportionment to any State after September 30, 2004, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"165. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

AMENDMENT NO. 742

At the appropriate place in title III, insert the following:

SEC. 3 . TRANSFER OF FUNCTION FROM FEDERAL HIGHWAY ADMINISTRATION.

Section 104(c) of title 49, United States Code, is amended by inserting "and" after the semicolon at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

SEC. 2. TRANSFER OF FUNCTION TO NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

Section 105(c) of title 49, United States Code, is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of this title; and".

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 of this Act shall take effect on the 180th day following the date of enactment of this Act; except that the Secretary of Transportation may take such action as may be necessary to ensure the orderly transfer of the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code, and employees carrying out such duties and powers, from the Federal Highway Administration to the National Highway Traffic Safety Administration.

AMENDMENT NO. 743

At the appropriate place in title III, insert the following:

SEC. 3 . (a) IN GENERAL.—Section 845(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by adding "and" at the end; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

AMENDMENT NO. 744

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . FEDERAL LANDS HIGHWAYS PROGRAM.

Section 1101(8) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended—

(1) by striking "each of fiscal years 1999 through 2003" each place it appears and inserting "fiscal year 1999"; and

(2) by adding at the end the following:

"(E) APPORTIONMENT TO ALL STATES.—For apportionment equally among the 50 States, for use for any activity for which funds may be made available from the Highway Trust Fund, $706,000,000 for each of fiscal years 2000 through 2003.".

AMENDMENT NO. 745

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) STUDY.—The Secretary of the Treasury shall undertake a study of the following issues:

(1) FACTORS IN STATE ALLOCATION FORMULAS.—

(A) IN GENERAL.—The various factors described in subparagraph (B) used in State allocation formulas included in current Federal assistance programs and possible alternative factors described in subparagraph (C), including an analysis of the strengths and weaknesses of such factors and formulas.

(B) CURRENT FACTORS.—Factors described in this subparagraph include—

(i) rolling 3-year average of State per capita income,

(ii) State total taxable resources,

(iii) per capita income squared,

(iv) poverty population, including poverty population 5–17 years old, poverty population under 21, families with incomes between 130 percent and 185 percent of poverty level, children below 130 percent of poverty level, households below 150 percent of poverty level, and rural population in poverty, and

(v) population receiving benefits under a State program funded under part A of title IV of the Social Security Act, adult population receiving such benefits, children 5–17 years old in families above poverty level receiving such benefits.

(C) ALTERNATIVE FACTORS.—Factors described in this subparagraph include—

(i) State gross domestic product,

(ii) the representative tax system,

(iii) the inclusion of user fees in factors based on tax collections,

(iv) poverty measures which reflect State cost-of-living, and

(v) a more accurate measure of State fiscal capacity than State per capita income.

(2) FISCAL CONDITION AND CAPACITY.—The long-term outlook for the fiscal condition and fiscal capacity of Federal, State, and local governments.

(3) IMPACT OF PAYMENTS DEFICIT.—The impact on a State's economy of running a persistent balance of payments deficit with the Federal Government.

(4) MEASURES LEADING TO MORE EQUITABLE RETURNS ON TAX DOLLARS.—Measures, including changes to allocation formulas, which would provide that each State's return on each Federal tax dollar, including direct payments to individuals, grants to State and local government, procurement, salaries and wages, and other Federal spending, is at least $0.95.

(5) IMPACT OF OTHER FACTORS.—The impacts of the cyclical nature of the economy and other factors, such as employment, on the expenditures, needs, and fiscal capacities of Federal, State, and local governments.

(6) RESPONSIVENESS OF DISTRIBUTION OF FEDERAL ASSISTANCE.—The responsiveness of the distribution of Federal assistance to—

(A) the cyclical nature of the economy and other factors identified under paragraph (5),

(B) the fiscal capacities of State and local governments,

(C) the need for services of State and local governments, and

(D) cost-of-living and cost-of-government differentials.

(7) ADMINISTRATION OF ALLOCATION FORMULAS.—The mathematical models, underlying data, and administration of Federal grant formulas, including the formulas examined under paragraph (1).

(b) STUDY PLAN.—The Secretary of the Treasury, in consultation with the Secretary of Commerce, the Comptroller General of the United States, and recognized organizations of elected officials of State and local governments, including regional organizations of such officials and officials of States that may receive substantially reduced funding under alternative methods of allocating Federal assistance, shall develop a plan for the completion of the study required by subsection (a). Such plan may provide for the participation of such individuals and organizations in the conduct of the study.

(c) REPORT OF STUDY.—Upon completion of the study required by subsection (a), the Secretary of the Treasury shall solicit the views of the persons and organizations with whom the Secretary was required to consult by subsection (b) and shall append such views to a final report to the President and Congress. Such report shall be submitted not later than June 30, 2000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated and is hereby appropriated $5,000,000 to carry out this section.

AMENDMENT NO. 746

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be apportioned equally among the States (other than the State referred to in that section) for use for any activity for which funds may be made available from the Highway Trust Fund:".

AMENDMENT NO. 747

At the appropriate place in title III, insert the following:

SEC. 3 . EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) ADMINISTRATOR—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Administrator to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a grant or other form of financial assistance;

(B) a payment under a contract; compensation of an employee or consultant; or

(C) any other form.

(3) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Administrator the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year; and

(2) the Administrator shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Administrator, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under—

(i) other programs administered by the Administrator; or

(ii) transfer funds to the Secretary of Transportation to fund programs that apportion funds to States that are administered by the Secretary under title 23 or 49 of the United States Code.

(2) IMPLEMENTATION.—If, but for this section, the Administrator would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Administrator shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Administrator to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 748

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State, in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract;

(D) compensation of an employee or consultant; or

(E) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public or private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the end of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by all public or private persons or entities in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Director of the Bureau of Land Management, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 749

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State, in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract;

(D) compensation of an employee or consultant; or

(E) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public or private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the end of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of Agriculture, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by all public or private persons or entities in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Chief of the Forest Service, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 750

At the appropriate place in title III, insert the following:

SEC. 3 . EQUITABLE ALLOCATION OF AIRPORT IMPROVEMENT PROGRAM FUNDING.

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(6) STATE PERCENTAGE CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State percentage contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that the State dollar contribution to the Airport and Airway Trust Fund bears to the aggregate of the State dollar contributions to the Airport and Airway Trust Fund collected from all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the fiscal year that are transferred to the Airport and Airway Trust Fund; and

(2) the Secretary shall determine the State dollar contribution to the Airport and Airway Trust Fund and State percentage contribution to the Airport and Airway Trust Fund of each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—

(A) ALLOCATION.—Notwithstanding any other provision of law, each State shall be entitled to receive under each program administered by the Secretary for which funds are authorized to be transferred from the Airport and Airway Trust Fund, an amount for a fiscal year that is not less than 90 percent of the amount that is equal to the aggregate amount to be paid under that program to all of the States for the fiscal year (adjusted for any administrative costs referred to in section 9502(d)(1)(C) of the Internal Revenue Code of 1986) multiplied by the State percentage contribution to the Airport and Airway Trust Fund for the fiscal year.

(B) RULE OF CONSTRUCTION.—Nothing in this section is intended to permit a use of amounts made available to a State under this section in a manner that does not meet the applicable requirements of part B of subtitle VII of title 49, United States Code.

(2) IMPLEMENTATION.—If, but for this section, a State would be entitled to receive less than the amount of its equitable State allocation under a program administered by the Secretary, the Secretary shall deduct from the amounts to be paid to States that would be entitled to receive more than the equitable State allocations for those States, pro rata, the amount necessary to enable the Secretary to pay the State the full amount of its equitable State allocation.

AMENDMENT NO. 751

On page 80, line 11 strike "." and insert:

"*Provided further*, for any state to receive funding under this provision it must match the Federal funding made available under this provision with a commensurate amount of State funding: Provided further, notwithstanding any other provision of law, no funds made available under this provision shall be eligible for use on any title 23 programs."

AMENDMENT NO. 752

At the appropriate place in title III, insert the following:

SEC. 3 . (a) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

(1) by striking "With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered to be a non-divisible load,"; and

(2) by striking "The State of Louisiana may allow, by special permit" and all that follows through the end of the subsection.

(b) Section 1212 of the Transportation Equity Act for the 21st Century (112 Stat. 194) is amended by striking subsection (d).

AMENDMENT NO. 753

On page 80, line 11 strike "." and insert:

"*Provided further*, for any state to receive funding under this provision it must match the Federal funding made available under this provision with a commensurate amount of State funding: Provided further, notwithstanding any other provision of law, no funds made available under this provision shall be eligible for use on any title 23 programs."

AMENDMENT NO. 754

At the appropriate place in title III, insert the following:

SEC. 3 . (a) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

(1) by striking "With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered to be a non-divisible load,"; and

(2) by striking "The State of Louisiana may allow, by special permit" and all that follows through the end of the subsection.

(b) Section 1212 of the Transportation Equity Act for the 21st Century (112 Stat. 194) is amended by striking subsection (d).

AMENDMENT NO. 755

On page 80, strike line 1 and all that follows through page 81, line 11.

AMENDMENT NO. 756

On page 2, line 6 strike "$1,900,000" and insert "$5,000,000."

AMENDMENT NO. 757

On page 10 line 5 insert the following: "U.S. Coast Guard Air Facility (AIRFAC) Long Island"

For necessary expenses, not otherwise provided for, for the operation and maintenance of the AIRFAC Long Island, $2,900,000.

AMENDMENT NO. 758

Beginning on page 80, strike line 1 and all that follows through page 81, line 2 and insert:

"Section 321. Notwithstanding any provision of law; no state shall receive of the total budgetary resources made available by this Act to carry 49 U.S.C. 5307, 5309, 5310, and 5311, a percentage less than that state's percentage of the total annual ridership of programs funded by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311: *Provided further*, That the Secretary of Transportation will use ridership figures of the previous fiscal year in the determination of each state's ridership percentage."

AMENDMENT NO. 759

On page 80, line 6 strike "12.5 percent" and insert "50 percent."

AMENDMENT NO. 760

On page 80, line 2 strike "12.5 percent" and insert "75 percent."

AMENDMENT NO. 761

At the appropriate place in title II, insert the following:

"REIMBURSEMENT FOR SALARIES AND EXPENSES.—The National Transportation Safety Board shall reimburse the State of New York and local counties in New York during the period beginning on June 12, 1997, and ending on September 30, 2000, an aggregate amount equal to $6,059,000 for costs (including salaries and expenses) incurred in connection with the crash of TWA Flight 800."

AMENDMENT NO. 762

On page 2, line 9 strike "$600,000." and insert "1,500,000"

AMENDMENT NO. 763

On page 9, line 25 strike "$12,450,000" and insert "$25,000,000"

AMENDMENT NO. 764

On page 19, line 22 strike "$20,000,000" and insert "$100,000,000."

Amendment No. 765

On page 69, line 9 strike "100" and insert "107."

Amendment No. 766

On page 4, line 4, strike "$1,222,000" and insert "$2,500,000."

Amendment No. 767

On page 4, line 10, strike "$7,200,000" and insert "$12,500,000."

Amendment No. 768

On page 4, line 7, strike "$5,100,000" and insert "$12,500,000."

Amendment No. 769

On page 5, line 25, strike "$2,900,000, of which $2,635,000 shall remain available" and insert "$12,500,000, of which $11,300,000 shall remain available".

Amendment No. 770

On page 17, line 7, strike ".25 percent" and insert "7 percent".

Amendment No. 771

On page 20, line 16, strike "$6,000,000" and all that follows through "and" on line 17.

Amendment No. 772

On page 25, line 1, strike "$2,000,000" and insert "$12,500,000".

Amendment No. 773

On page 29, line 13, strike "$571,000,000" and insert "$650,000,000".

Amendment No. 774

On page 82, line 23, strike "210 miles" and insert "1,000 miles".

Amendment No. 775

On page 34, line 2, following "projects," insert: "giving primary consideration to those projects located in states with the highest state expenditures on public transportation,".

Amendment No. 776

On page 20, line 3, strike "$31,000,000" and insert "35,000,000".

Amendment No. 777

On page 67, line 19, strike "$1,000,000" and insert "2,000,000".

Amendment No. 778

On page 20, line 18, strike "$5,000,000" and insert "$10,400,000".

Amendment No. 779

Beginning on page 86, strike line 5 and all that follows through page 87, line 7.

Amendment No. 780

On page 63, line 13, strike "$11,496,000" and insert "$12,500,000".

Amendment No. 781

On page 3, line 5, strike "$45,000" and insert "$60,000".

Amendment No. 782

On page 84, line 11, strike "12 per centum" and insert "50 per centum".

Amendment No. 783

On page 83, line 19, strike "80 percent" and insert "50 percent".

Amendment No. 784

On page 15, line 25, strike "$150,000,000" and insert "$173,000,000".

Amendment No. 785

On page 19, line 16, strike "$391,450,000" and insert "$641,450,000".

Amendment No. 786

On page 55, line 12, strike ":" and insert the following in lieu thereof:

"Rochester Central Bus facility, New York; Long Beach Central Bus Facility, New York; Broome County Buses and Related Equipment, New York:'.

Amendment No. 787

Beginning on page 34, strike line 4 and all that follows through page 35, line 12.

Amendment No. 788

On page 38, strike lines 12 and 13.

Amendment No. 789

On page 38, strike lines 16 and 17.

Amendment No. 790

On page 39, strike lines 8 and 9.

Amendment No. 791

On page 41, strike lines 12 and 17.

Amendment No. 792

On page 54, strike lines 17 and 18.

Amendment No. 793

On page 56, strike lines 19 and 20.

Amendment No. 794

Beginning on page 57, strike lines 23 and all that follows through page 58, line 8.

Amendment No. 795

On page 58, strike lines 13 and 19.

Amendment No. 796

Beginning on page 59, strike line 5 and all that follows through page 60, line 4.

Amendment No. 797

On page 78, strike lines 16 and 23.

Amendment No. 798

On page 83, line 17, strike :"$950,000," and insert "$1,500,000,".

Amendment No. 799

Beginning on page 78, strike line 24 and all that follows through page 79, line 4.

Amendment No. 800

Beginning on page 84, strike line 15 and all that follows through page 85, line 11.

Amendment No. 801

On page 66, line 22, strike "$4,500,000" and insert "$5,000,000".

Amendment No. 802

On page 41, strike line 24.

Amendment No. 803

On page 42, strike lines 3 through 5.

Amendment No. 804

On page 42, strike lines 23 and 24.

Amendment No. 805

On page 43, strike lines 3 and 4.

Amendment No. 806

On page 43, strike lines 5 and 6.

Amendment No. 807

On page 43, strike lines 7 and 8.

Amendment No. 808

On page 43, strike lines 18 and 19.

Amendment No. 809

On page 44, strike lines 5 and 6.

Amendment No. 810

On page 53, strike line 1.

Amendment No. 811

On page 55, strike line 12.

Amendment No. 812

On page 55, strike lines 10 and 11.

Amendment No. 813

On page 55, strike lines 8 and 9.

Amendment No. 814

On page 55, strike line 7.

Amendment No. 815

On page 55, strike lines 5 and 6.

Amendment No. 816

On page 55, strike lines 3 and 4.

Amendment No. 817

On page 55, strike lines 1 and 2.

Amendment No. 818

On page 54, strike lines 17 and 18.

Amendment No. 819

On page 54, strike lines 15 and 16.

Amendment No. 820

On page 54, strike lines 13 and 14.

Amendment No. 821

On page 54, strike line 12.

Amendment No. 822

On page 54, strike line 11.

Amendment No. 823

On page 54, strike lines 9 and 10.

Amendment No. 824

On page 54, strike lines 7 and 8.

Amendment No. 825

On page 54, strike lines 5 and 6.

Amendment No. 826

On page 54, strike lines 3 and 4.

Amendment No. 827

On page 54, strike line 1.

Amendment No. 828

On page 53, strike lines 24 and 25.

Amendment No. 829

On page 53, strike lines 22 and 23.

Amendment No. 830

On page 53, strike line 21.

Amendment No. 831

On page 53, strike lines 19 and 20.

AMENDMENT NO. 832

On page 53, strike line 18.

AMENDMENT NO. 833

On page 53, strike lines 16 and 17.

AMENDMENT NO. 834

On page 53, strike lines 14 and 15.

AMENDMENT NO. 835

On page 53, strike lines 12 and 13.

AMENDMENT NO. 836

On page 53, strike lines 10 and 11.

AMENDMENT NO. 837

On page 53, strike lines 8 and 9.

AMENDMENT NO. 838

On page 53, strike lines 6 and 7.

AMENDMENT NO. 839

On page 53, strike lines 3 and 4.

AMENDMENT NO. 840

On page 53, strike line 2.

AMENDMENT NO. 841

On page 52, strike line 25.

AMENDMENT NO. 842

On page 52, strike line 24.

AMENDMENT NO. 843

On page 52, strike lines 23.

AMENDMENT NO. 844

On page 52, strike lines 21 and 22.

AMENDMENT NO. 845

On page 52, strike lines 19 and 20.

AMENDMENT NO. 846

On page 52, strike lines 17 and 18.

AMENDMENT NO. 847

On page 52, strike lines 15 and 16.

AMENDMENT NO. 848

On page 52, strike line 14.

AMENDMENT NO. 849

On page 52, strike lines 12 and 13.

AMENDMENT NO. 850

On page 52, strike lines 10 and 11.

AMENDMENT NO. 851

On page 52, strike lines 8 and 9.

AMENDMENT NO. 852

On page 52, strike lines 4 and 5.

AMENDMENT NO. 853

On page 52, strike line 3.

AMENDMENT NO. 854

On page 52, strike lines 1 and 2.

AMENDMENT NO. 855

On page 51, strike lines 23 and 24.

AMENDMENT NO. 856

On page 51, strike lines 21 and 22.

AMENDMENT NO. 857

On page 51, strike lines 17 and 18.

AMENDMENT NO. 858

On page 51, strike line 16.

AMENDMENT NO. 859

On page 51, strike line 8.

AMENDMENT NO. 860

On page 51, strike lines 6 and 7.

FEINSTEIN AMENDMENTS NOS. 861–904

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted 44 amendments intended to be proposed by her to the bill, S. 1143, supra; as follows:

AMENDMENT NO. 861

On page 80, line 2, strike "12.5 percent" and insert "16 percent".

AMENDMENT NO. 862

On page 80, line 4, strike "5309".

AMENDMENT NO. 863

On page 80, strike lines 1 through 11 and redesignate the following sections accordingly.

AMENDMENT NO. 864

On page 80, line 2, strike "12.5" and insert "15.8".

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 5336 of title 49, United States Code, is amended—

(1) in subsection (b)(2), by striking "33.29 percent" and inserting "53.29 percent";

(2) in subsection (c), by striking "66.71 percent" and inserting "46.71 percent";

(3) in subsection (c)(1), by striking "73.39 percent" and inserting "83.39 percent"; and

(4) in subsection (c)(2), by striking "26.61 percent" and inserting "16.61 percent".

AMENDMENT NO. 865

On page 80, line 11, insert after "apportionments" the following: "*Provided further*, That the limitation set forth in this section shall not apply to a State if the Secretary of Transportation determines that such a State has transit capital and operating funding needs that are in excess of the funding that would be provided pursuant to the 12.5 percent limitation".

AMENDMENT NO. 866

On page 80, line 11, insert after "apportionments" the following: ": *Provided further*, That the limitation set forth in this section shall not apply to a State if the total annual transit trips in such State is equal to 12.5 percent or more of the total annual transit trips in all States".

AMENDMENT NO. 867

On page 80, line 11, insert after "apportionments" the following: ": *Provided further*, That the limitation set forth in this section shall not apply to a State if the total net project cost of all new fixed guideway projects in final design or construction in such State is equal to 12.5 percent or more of the total net project cost of all new fixed guideway projects in final design or construction in all States".

AMENDMENT NO. 868

On page 80, line 11, insert after "apportionments" the following: ": *Provided further*, That the limitation set forth in this section shall not apply to any State in which public transportation authority has entered into a Consent Decree that arises out of litigation commenced in Federal Court under title VI of the Civil Rights Act of 1964 and that results in the increased expenditure of public funds for bus services".

AMENDMENT NO. 869

On page 80, strike lines 1 through 11 and insert the following:

SEC 321. Notwithstanding any other provision of law, no State's share of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311 shall exceed the ratio that the total annual transit directional route miles in such State bears to the total annual transit directional route miles in all States: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate state distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

AMENDMENT NO. 870

On page 80, strike lines 1 through 11 and insert the following:

SEC 321. Notwithstanding any other provision of law, no State's share of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311 shall exceed the ratio that the total net project cost of all fixed guideway projects in final design or construction in such State bears to the total net project cost of such projects in all States: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate state distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

AMENDMENT NO. 871

On page 80, strike lines 1 through 11 and insert the following:

SEC 321. Notwithstanding any other provision of law, no State's share of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311 shall exceed the ratio that the total annual transit trips in such State bears to the total annual transit trips in all States: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate state distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

AMENDMENT NO. 872

On page 34, strike line 7.
On page 35, strike lines 15 and 16.
On page 35, strike line 25.
On page 36, strike line 1.
On page 38, strike lines 16 and 17.
On page 39, strike lines 8 and 9.
On page 39, strike line 24 and 25.
On page 41, strike lines 13 through 17.
On page 46, strike lines 1 and 2.
On page 46, strike lines 7 through 10.
On page 54, strike line 2.
On page 59, strike line 22.

AMENDMENT NO. 873

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(1)(A) of title 23, United States Code, relating to the National Highway System Program, is amended by striking "25 percent" in clause (i) and inserting "10 percent" and by striking "35 percent" in clause (ii) and inserting "50 percent".

AMENDMENT NO. 874

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(3)(A) of title 23, United States Code, relating to the Surface Transportation Program, is amended by striking "25 percent" in clause (i) and inserting "10 percent" and by striking "40 percent" in clause (ii) and inserting "55 percent".

AMENDMENT NO. 875

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(4) of title 23, United States Code, relating to the Interstate Maintenance Program, is amended by striking "33⅓ percent" in subparagraph (A) and inserting "23⅓ percent" and by striking "33⅓ percent" in subparagraph (B) and inserting "43⅓ percent".

AMENDMENT NO. 876

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(3)(A) of title 23, United States Code, relating to the Congestion Mitigation and Air Quality Improvement Program, is amended—

(1) in subparagraph (B)(i), by striking "0.8" and inserting "0.6";

(2) in subparagraph (B)(vi), by striking "1.4" and inserting "1.6";

(3) in subparagraph (C)(i), by striking "1.2" and inserting "1.4"; and

(4) in subparagraph (D), by striking "½ of 1 percent" and inserting "¼ of 1 percent".

AMENDMENT NO. 877

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(e) of title 23, United States Code, relating to the Highway Bridge Program, is amended by adding the end of thereof the following new sentence: "Notwithstanding any other provision of this subsection, the ratio which the amount of funding apportioned to a State under this section in any fiscal year bears the amount of such funding apportioned to all States in such year shall not exceed 110 percent of the ratio which the population in such State bears to the population in all States.

AMENDMENT NO. 878

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 114(e) of title 23, United States Code, is amended by striking "more than 10 per centum or less than 0.25 per centum" and inserting "more than 15 per centum or less than 0.10 per centum".

AMENDMENT NO. 879

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, amounts made available under this Act for grants and loans for capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities under section 5309 of title 49, United States Code, shall be allocated among States on a pro rata basis, based on the mass transit ridership of each State, as compared to the total mass transit ridership of the United States, as determined by the Federal Transit Administration.

AMENDMENT NO. 880

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, amounts made available under this Act for grants and loans for capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities under section 5309 of title 49, United States Code, shall be allocated among States on a pro rata basis, based on the population of each State, as compared to the total population of the United States, based on the most recent population statistics compiled by the Bureau of the Census of the Department of Commerce.

AMENDMENT NO. 881

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, amounts made available under this Act for grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems under section 5309 of title 49, United States Code, shall be allocated among States on a pro rata basis, based on the population of each State, as compared to the total population of the United States, based on the most recent population statistics compiled by the Bureau of the Census of the Department of Commerce.

AMENDMENT NO. 882

On page 91, between lines 9 and 10, insert the following:

SEC. 3___. OBLIGATION OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDS.

Notwithstanding any other provision of this Act or any other law, for fiscal year 2000, funds described in section 1101(a)(5) of the Transportation Equity Act for the 21st Century (112 Stat. 112) shall be available for obligation, at the discretion of the Administrator of the Environmental Protection Agency, for the purpose of carrying out any activity that the Administrator is authorized to carry out under any law.

AMENDMENT NO. 883

On page 91, between lines 9 and 10, insert the following:

SEC. 3___. APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) PERISHABLE AGRICULTURAL COMMODITY.—The term "perishable agricultural commodity" has the meaning given the term in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

(3) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the quantity of perishable agricultural commodities produced in the State during the most recent year for which data are available (as determined by the Secretary of Agriculture); bears to

(2) the quantity of perishable agricultural commodities produced in all States during that year (as determined by the Secretary of Agriculture).

AMENDMENT NO. 884

On page 91, between lines 9 and 10, insert the following:

SEC. 3___. MAXIMUM HIGHWAY FUNDS APPORTIONMENT TO EACH STATE.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) DETERMINATION OF RATIO.—For each State, the Secretary of Transportation shall determine the ratio that—

(1) the population of the State (as determined using the latest available annual estimates prepared by the Secretary of Commerce); bears to

(2) the population of all States (as determined using the latest available annual estimates prepared by the Secretary of Commerce).

(c) MAXIMUM APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, a State shall not receive an amount of highway funds that is greater than the State's percentage of the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

(d) REDISTRIBUTION OF HIGHWAY FUNDS.—The amount of highway funds made available by application of subsection (c) shall be redistributed among the States in the ratio determined under subsection (b).

AMENDMENT NO. 885

On page 91, between lines 9 and 10, insert the following:

SEC. 3___. MAXIMUM HIGHWAY FUNDS APPORTIONMENT TO EACH STATE.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) DETERMINATION OF RATIO.—For each State, the Secretary of Transportation shall determine the ratio that—

(1) the population of the State (as determined using the latest available annual estimates prepared by the Secretary of Commerce); bears to

(2) the population of all States (as determined using the latest available annual estimates prepared by the Secretary of Commerce).

(c) MAXIMUM APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, a State shall not receive an amount of highway funds that is greater than the amount obtained by multiplying—

(1) the amount that is equal to 120 percent of the amount of highway funds made available to all States; by

(2) the ratio determined under subsection (b) for the State.

(d) REDISTRIBUTION OF HIGHWAY FUNDS.—The amount of highway funds made available by application of subsection (c) shall be redistributed among the States in the ratio determined under subsection (b).

AMENDMENT NO. 886

On page 80, line 11, insert after "apportionments" the following: ": *Provided further*, That the limitation set forth in this section shall not apply unless authorized by the appropriate authorization committees.

AMENDMENT NO. 887

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the percentage of transit riders in each state during the most recent year for which data are available (as determined by the Secretary of Transportation); bears to

(2) the national totals of transit riders (as determined by the Secretary of Transportation).

AMENDMENT NO. 888

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the amount of coastline of each state-excluding Alaska and Hawaii during the most recent year for which data are available (as determined by the Secretary of Commerce); bears to

(2) the amount of coastline of all States—excluding Alaska and Hawaii—during that year (as determined by the Secretary of Commerce).

AMENDMENT NO. 889

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the number of registered vehicles in each state during the most recent year for which data are available (as determined by the Secretary of Transportation); bears to

(2) the number of registered vehicles in all States during that year (as determined by the Secretary of Transportation).

AMENDMENT NO. 890

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the number of licensed drivers in each state during the most recent year for which data are available (as determined by the Secretary of Transportation); bears to

(2) the number of licensed drivers in all States during that year (as determined by the Secretary of Transportation).

AMENDMENT NO. 891

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the amount of combined tons of imports and exports that arrive and depart the United States from each state during the most recent year for which data are available (as determined by the Secretary of Commerce); bears to

(2) the amount of combined tons of imports and exports that arrive and depart the United States from all States during that year (as determined by the Secretary of Commerce).

AMENDMENT NO. 892

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the number of vehicle occupants who comply with passenger restraint laws in each state during the most recent year for which data are available (as determined by the Secretary of Transportation); bears to

(2) the number of vehicle occupants who comply with passenger restraint laws in all States during that year (as determined by the Secretary of Transportation).

AMENDMENT NO. 893

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . APPORTIONMENT OF HIGHWAY FUNDS.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY FUNDS.—The term "highway funds" means the total apportionments made available for fiscal year 2000 under sections 104(b), 104(f), 105, 117, 144, and 206 of title 23, United States Code, and section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.).

(2) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(b) APPORTIONMENT.—Notwithstanding any other provision of this Act or any other law, the highway funds shall be apportioned among the States in the ratio that—

(1) the amount, as a percentage, spent of its own money on highway spending by each state during the most recent year for which data are available (as determined by the Secretary of Transportation); bears to

(2) the amount, as a percentage, spent of its own money on highway spending by all States during that year (as determined by the Secretary of Transportation).

AMENDMENT NO. 894

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . OBLIGATION OF SURFACE TRANSPORTATION PROGRAM

Notwithstanding any other provision of this Act or any other law, for fiscal year 2000, funds described in section 1101(a)(4) of the Transportation Equity Act for the 21st Century (112 Stat. 112) shall be available for obligation, at the discretion of the Secretary of Transportation, for the purpose of carrying out any activity that the Secretary is authorized to carry out under any law.

AMENDMENT NO. 895

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . OBLIGATION OF NATIONAL HIGHWAY SYSTEM

Notwithstanding any other provision of this Act or any other law, for fiscal year 2000, funds described in section 1101(a)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 112) shall be available for obligation, at the discretion of the Secretary of Transportation, for the purpose of carrying out any activity that the Secretary is authorized to carry out under any law.

AMENDMENT NO. 896

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . OBLIGATION OF BRIDGE PROGRAM

Notwithstanding any other provision of this Act or any other law, for fiscal year 2000, funds described in section 1101(a)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 112) shall be available for obligation, at the discretion of the Secretary of Transportation, for the purpose of carrying out any activity that the Secretary is authorized to carry out under any law.

AMENDMENT NO. 897

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . OBLIGATION OF INTERSTATE MAINTENANCE PROGRAM

Notwithstanding any other provision of this Act or any other law, for fiscal year 2000, funds described in section 1101(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 112) shall be available for obligation, at the discretion of the Secretary of Transportation, for the purpose of carrying out any activity that the Secretary is authorized to carry out under any law.

AMENDMENT NO. 898

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . OBLIGATION OF RECREATIONAL TRAILS PROGRAM

Notwithstanding any other provision of this Act or any other law, for fiscal year 2000, funds described in section 1101(a)(7) of the Transportation Equity Act for the 21st Century (112 Stat. 112) shall be available for obligation, at the discretion of the Secretary of Transportation, for the purpose of carrying out any activity that the Secretary is authorized to carry out under any law.

AMENDMENT NO. 899

At the appropriate place in title III, insert the following:

SEC. 3 . Notwithstanding any other provision of law, including section 47114 of title 49, United States Code (relating to apportionments to States), beginning with fiscal year 2000, the Secretary of Transportation shall allocate to each State, from the funds authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for airport planning and airport development under section 47104 of title 49, United States Code, pursuant to section 48103 of that title, an amount that bears the same ratio to the total amount available for apportionment as the total population of the State bears to the total population of the United States.

AMENDMENT NO. 900

At the appropriate place in title III, insert the following:

SEC. 3 . Notwithstanding any other provision of law, including section 47114 of title 49, United States Code (relating to apportionments to States), beginning with fiscal year 2000, the Secretary of Transportation shall allocate to each State, from the funds authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for airport planning and airport development under section 47104 of title 49, United States Code, pursuant to section 48103 of that title, an amount that bears the same ratio to the total amount available for apportionment as the total boardings of passengers of air transportation for the preceding fiscal year (as that term is defined in section 40102 of that title) of the State bears to the total number of such boardings in the United States for that fiscal year.

AMENDMENT NO. 901

At the appropriate place in title III, insert the following:

SEC. 3 . Notwithstanding any other provision of law, including section 47114 of title 49, United States Code (relating to apportionments to States), beginning with fiscal year 2000, the Secretary of Transportation shall allocate to each State, from the funds authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for airport planning and airport development under section 47104 of title 49, United States Code, pursuant to section 48103 of that title, an amount that bears the same ratio to the total amount available for apportionment as the total takeoffs and landings of passengers of air transportation for the preceding fiscal year (as that term is defined in section 40102 of that title) of the State bears to the total number of such takeoffs and landings in the United States for that fiscal year.

AMENDMENT NO. 902

At the appropriate place in title III, insert the following:

SEC. 3 . Notwithstanding any other provision of law, including section 44502 of title 49, United States Code (relating to general facilities and personnel authority), beginning with fiscal year 2000, the Secretary of Transportation shall allocate to each State, from the funds authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for general facilities under section 44502 of title 49, United States Code, pursuant to section 48101 of that title, an amount that bears the same ratio to the total amount available for apportionment as the total population of the State bears to the total population of the United States.

AMENDMENT NO. 903

At the appropriate place in title III, insert the following:

SEC. 3 . Notwithstanding any other provision of law, including section 44502 of title 49, United States Code (relating to general facilities and personnel authority), beginning with fiscal year 2000, the Secretary of Transportation shall allocate to each State, from the funds authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for general facilities under section 44502 of title 49, United States Code, pursuant to section 48101 of that title, an amount that bears the same ratio to the total amount available for apportionment as the total boardings of passengers of air transportation for the preceding fiscal year (as that term is defined in section 40102 of that title) of the State bears to the total number of such boardings in the United States for that fiscal year.

AMENDMENT NO. 904

At the appropriate place in title III, insert the following:

SEC. 3 . Notwithstanding any other provision of law, including section 44502 of title 49, United States Code (relating to general facilities and personnel authority), beginning with fiscal year 2000, the Secretary of Transportation shall allocate to each State, from the funds authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for general facilities under section 44502 of title 49, United States Code, pursuant to section 48101 of that title, an amount that bears the same ratio to the total amount available for apportionment as the total takeoffs and landings of passengers of air transportation for the preceding fiscal year (as that term is defined in section 40102 of that title) of the State bears to the total number of such takeoffs and landings in the United States for that fiscal year.

BOXER AMENDMENTS NOS. 905–951

(Ordered to lie on the table.)

Mrs. BOXER submitted 47 amendments intended to be proposed by her to the bill, S. 1143, supra as follows:

AMENDMENT NO. 905

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be apportioned equally among the States (other than the State referred to in that section) and the District of Columbia for use for any activity for which funds may be made available under section 5307, 5309, 5310, or 5311 of title 49, United States Code:".

AMENDMENT NO. 906

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be apportioned equally among the States of California and New York for use for any activity for which funds may be made available under section 5307, 5309, 5310, or 5311 of title 49, United States Code:".

AMENDMENT NO. 907

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be distributed in the manner described in section 110 of title 23, United States Code (as added by section 1105(a) of the Transportation Equity Act for the 21st Century (112 Stat. 130)):".

AMENDMENT NO. 908

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be made available to carry out section 5308 of title 49, United States Code:".

AMENDMENT NO. 909

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be made available to carry out section 5506 of title 49, United States Code:".

AMENDMENT NO. 910

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be made available to carry out section 5309 of title 49, United States Code:".

AMENDMENT NO. 911

On page 30, line 13, insert before the period the following: ": *Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be available for these purposes".

AMENDMENT NO. 912

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 352 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–476), that is unobligated as of the date of enactment of this Act shall be made available to carry out section 5506 of title 49, United States Code:".

AMENDMENT NO. 913

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . REPEAL OF CERTAIN AUTHORITY.

Section 365 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–477), is repealed.

AMENDMENT NO. 914

On page 33, line 22, insert before the colon the following: ": *Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by line items 5 through 16 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–454), that is unobligated as of the date of enactment of this Act shall be distributed equally between the States of California and New York".

AMENDMENT NO. 915

On page 69, strike lines 8 through 13.

AMENDMENT NO. 916

On page 20, at the beginning of line 20, insert the following: "*Provided further*, That, notwithstanding any other provision of law, the portion of the funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544), that is unobligated as of the date of enactment of this Act shall be apportioned equally among the States and the District of Columbia for use for any activity for which funds may be made available under section 5307, 5309, 5310, or 5311 of title 49, United States Code:".

AMENDMENT NO. 917

On page 80, strike lines 1 through 11.

AMENDMENT NO. 918

On page 13, lines 12 through 14, strike "*Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program:".

AMENDMENT NO. 919

On page 21, at the beginning of line 1, insert "*Provided further*, That, notwithstanding the preceding proviso, a State shall not receive funds made available under the preceding proviso if the State receives a distribution of amounts recovered from reductions under section 321".

AMENDMENT NO. 920

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . CONDITION ON RECEIPT OF TRANSPORTATION FUNDS.

Notwithstanding any other provision of law, a State shall not receive funds made available by this Act if the State received an exemption from the application of Federal environmental laws to a highway extension linked to a private toll bridge project under section 365 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–477).

AMENDMENT NO. 921

On page 80, line 9, insert before the colon the following: ": *Provided further*, That no State may receive any funding increase by operation of this section if the State has any funds made available by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544) that are unobligated as of the date of enactment of this Act".

AMENDMENT NO. 922

On page 80, line 11, insert before the period the following: ": *Provided further*, That, notwithstanding any other provision of law, if any such funding reduction is made with respect to the State of California, that State shall receive an amount equal to the amount made available to that State by section 112 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–544) that is unobligated as of the date of enactment of this Act".

AMENDMENT NO. 923

On page 62, line 20, insert before the period the following: ": *Provided further*, That no State shall receive any funds under this heading if the State receives a funding increase by operation of section 321 of this Act".

AMENDMENT NO. 924

On page 80, line 4, insert before the colon the following: ", unless the State also has more than 12.5 percent of the passenger miles reported by the Federal Transit Administration".

AMENDMENT NO. 925

On page 17, line 2, before the period, insert the following: ": *Provided further*, That the amount that a State would otherwise receive under this heading shall be reduced by any amount that the State receives in accordance with section 321 of this Act to carry out sections 5307, 5309, 5310, and 5311 of title 49, United States Code".

AMENDMENT NO. 926

On page 80, line 2, strike "12.5 percent" and insert "16 percent".

AMENDMENT NO. 927

On page 80, line 4, strike "5309".

AMENDMENT NO. 928

On page 80, line 2, strike "12.5" and insert "15.8".

On page 91, after line 9, insert the following new Section:

SEC. 342. Section 5336 of title 49, United States Code, is amended—

(1) in subsection (b)(2), by striking "33.29 percent" and inserting "53.29 percent";

(2) in subsection (c), by striking "66.71 percent" and inserting "46.71 percent";

(3) in subsection (c)(1), by striking "73.39 percent" and inserting "83.39 percent"; and

(4) in subsection (c)(2), by striking "26.61 percent" and inserting "16.61 percent".

AMENDMENT NO. 929

On page 80, line 11, insert after "apportionments" the following:

": *Provided further*, That the limitation set forth in this section shall not apply to a State if the Secretary of Transportation determines that such State has transit capital and operating funding needs that are in excess of the funding that would be provided pursuant to the 12.5 percent limitation".

AMENDMENT NO. 930

On page 80, line 11, insert after "apportionments" the following:

": *Provided further*, That the limitation set forth in this section shall not apply to a State if the total annual trips in such State is equal to 12.5 percent or more of the total annual transit trips in all States".

AMENDMENT NO. 931

On page 80, line 11, insert after "apportionments" the following:

": *Provided further*, That the limitation set forth in this section shall not apply to any State in which a public transportation authority has entered into a Consent Decree that arises out of litigation commenced in Federal court under title VI of the Civil Rights Act of 1964 and that results in the increased expenditure of public funds for bus services".

AMENDMENT NO. 932

Page 80, line 11, insert after "apportionments" the following:

": *Provided further*, That the limitation set forth in this section shall not apply to a State if the total net project cost of all new fixed guideway projects in final design or construction in such State is equal to 12.5 percent or more of the total net project cost of all new fixed guideway projects in final design or construction in all States".

AMENDMENT NO. 933

Page 80, strike lines 1 through 11 and insert the following:

SEC. 321. Notwithstanding any other provision of law, no State's share of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311 shall exceed the ratio that the total annual transit directional route miles in such State bears to the total annual transit directional route miles in all States: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate state distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

AMENDMENT NO. 934

Page 80, strike lines 1 through 11 and insert the following:

SEC. 321. Notwithstanding any other provision of law, no State's share of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311 shall exceed the ratio that the total net project cost of all fixed guideway projects in final design or construction in such State bears to the total net project cost of such projects in all States: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate State distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

AMENDMENT NO. 935

Page 80, strike lines 1 through 11 and insert the following:

SEC. 321. Notwithstanding any other provision of law, no State's share of the total budget resources made available by this Act to carry out 49 U.S.C. 5307, 5309, 5310, and 5311 shall exceed the ratio that the total annual transit trips in such State bears to the total annual transit trips in all States: *Provided*, That for purposes of this calculation the Federal Transit Administration shall include the appropriate State distribution of the funding provided to urbanized areas: *Provided further*, That the amounts recovered from such reductions shall be distributed equally: *Provided further*, That such reductions and increases shall be made only to the formula apportionments.

AMENDMENT NO. 936

Page 34, strike line 7.
Page 35, strike lines 15 and 16.
Page 35, strike line 25.
Page 36, strike line 1.
Page 38, strike lines 16 and 17.
Page 39, strike line 8 and 9.
Page 39, strike lines 24 and 25.
Page 41, strike lines 13 through 17.
Page 46, strike lines 1 and 2.
Page 46, strike lines 7 through 10.
Page 54, strike line 2.
Page 59, strike line 22.

AMENDMENT NO. 937

Page 91, after line 9, insert the following new Section:

SEC. 342 Section 104(b)(1)(A) of title 23, United States Code, relating to the National Highway System program, is amended by striking "25 percent" in clause (i) and inserting "10 percent" and by striking "35 percent" in clause (ii) and inserting "50 percent".

AMENDMENT NO. 938

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(3)(A) of title 23, United States Code, relating to the Surface Transportation Program, is amended by striking "25 percent" in clause (i) and inserting "10 percent" and by striking "35 percent" in clause (ii) and inserting "55 percent".

AMENDMENT NO. 939

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(4) of title 23, United States Code, relating to the Interstate Maintenance Program, is amended by striking "33⅓ percent" in subparagraph (A) and inserting "23⅓ percent" and by striking "33⅓ percent" in subparagraph (B) and inserting "43⅓" percent".

AMENDMENT NO. 940

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(2) of title 23, United States Code, relating to the Congestion Mitigation and Air Quality Improvement Program, is amended—

(1) in subparagraph (B)(i), by striking "0.8" and inserting "0.6";

(2) in subparagraph (B)(vi), by striking "1.4" and inserting "1.6";

(3) in subparagraph (C)(i), by striking "1.2" and inserting "1.4"; and

(4) in subparagraph (D), by striking "½ of 1 percent" and inserting "1.4 of 1 percent".

AMENDMENT NO. 941

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 144(e) of title 23, United States Code, relating to the Highway Bridge Program, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this subsection, the ratio which the amount of funding apportioned to a State under this section in any fiscal year bears to the amount of such funding apportioned to all States in such year shall not exceed 110 percent of the ratio which the population in such State bears to the population in all States."

AMENDMENT NO. 942

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(2) of title 23, United States Code, relating to the Congestion Mitigation and Air Quality Improvement Program, is amended in subparagraph (B)(vi), by strking "1.4" and inserting "1.6".

AMENDMENT NO. 943

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(2) of title 23, United States Code, relating to the Congestion Mitigation and Air Quality Improvement Program, is amended in subparagraph (C)(i), by striking "1.2" and inserting "1.4".

AMENDMENT NO. 944

Page 91, after line 9, insert the following new Section:

SEC. 342. Section 104(b)(2) of title 23, United States Code, relating to the Congestion Mitigation and Air Quality Improvement Program, is amended in subparagraph (D), by striking "½ of 1 percent" and inserting "¼ of 1 percent".

AMENDMENT NO. 945

On page 44, line 15, insert the following:

"Los Angeles/City of El Segundo Douglas Street Green Line connection;".

AMENDMENT NO. 946

On page 61, line 1, strike the word "Sepulveda" and insert "El Segundo".

AMENDMENT NO. 947

On page 44, line 15, insert the following:

"Los Angeles/City of El Segundo Douglas Street Green Line connection;".

On page 61, line 1–2, strike the following:

"Los Angeles/City of Sepulveda Douglas Street Green Line connection;".

AMENDMENT NO. 948

On page 20, line 11, after the colon, insert "and 5,000,000 shall be made available to carry out section 1207(c)(1)(C) of Public Law 105–178:".

AMENDMENT NO. 949

On page 91, after line 11, insert the following new section:

SEC. 342. TRANSPORTATION EQUITY FOR FERRY SERVICES.

(a) FINDINGS.—Congress finds that

(1) The San Francisco Bay Area Regional Ferry Plan contains two phases. The first phase of the Plan is devoted to the existing ferry services operating on the Bay. The second phase considers the feasibility of new origins and destinations for passenger ferry services and institutional arrangements to best operate the ferry services on the Bay.

(2) This study is a result of initiatives to improve ferry service in the Bay Area and to develop better ways of evaluating ferry proposals. These include Senate Bill 2169 (Kopp, 1990), which suggests preparation of a Bay Area ferry plan by the Metropolitan Transportation Commission, and Proposition 116, a 1990 initiative which included $30,000,000 in capital funding for ferry improvement projects, including $10,000,000 dedicated for Vallejo service.

(3) Ferry transit has played a significant role in San Francisco Bay for almost 150 years. Vessels which brought people during gold rush days were utilized for San Francisco-Sacramento and cross-bay service. Eclipsed by highway and bridge construction during the 1930's, a faster generation of ferries are once more becoming valuable cross-bay connectors offering alternatives to congestion in some corridors, and as emergency alternatives to these same highways and bridges.

(4) The summary of Phase 1 of the Plan includes (1) goals and objectives for the region's ferry services, (2) description of current ferry services, (3) an evaluation of the existing ferry services, and (4) recommendations to improve the existing ferry services. Funding has been secured for many of the recommended improvements (e.g., vessel purchases and terminal improvements), which will be implemented over the next few years and are expected to significantly increase ferry ridership in the Bay Area.

(5) The summary of Phase 2 of the Plan includes (1) a detailed evaluation of and recommendations for potential new ferry routes throughout the region, and (2) an evaluation of and recommendations for institutional arrangements to best operate ferry services. The evaluation of new routes analyzes the expected performance and the implementation steps needed for potential new services. An important factor for all Phase 2 services is that current services consume all existing funding available.

(6) Any implementation of Phase 2 requires additional new revenue sources.

(7) As regional and local agencies look to the future of the San Francisco Bay Area, goals include transportation mobility, transit coordination, clean air, fully accessible transit, reduction in dependence on the automobile, emergency preparedness transit alternatives, access to recreation and tourism, energy-saving transportation, and environmentally superior and cost-effective alternatives to new highway construction. When applied to the appropriate corridors, ferries can provide the means for achieving all of these regional objectives.

(7) Experience in other metropolitan areas of North America is indicating increasing utilization of ferries for commute and noncommute travel, particularly in New York, Boston, Vancouver, and Seattle. Goals and

objectives vary, but providing attractive alternatives to congested highways and transit linkages are universal, as are goals to reduce the use of automobiles in congested central cities.

(8) A set of goals and polices for Bay Area ferry service are proposed based on the regional transportation and air quality goals, and experience with ferry service in other areas. In sum, the proposed goals are to enhance regional mobility and support regional planning policies, create a transit option that is an attractive alternative to the automobile, offer a transit option that can be initiated in a timely environmentally benign, and cost effective manner, provide transit service that operates efficiently and reduces the need for high cost alternative transportation investments, provide ferry service that is reliable, safe, and fully accessible and develop terminals that are consistent with local and regional plans.

(9) The Plan has developed a comprehensive set of criteria to evaluate the existing services and potential new ferry services. It is important to have a set of evaluation criteria in place for two purposes.

(10) First, criteria are essential for the evaluation of competing proposals for ferry service, where operating and capital funds are limited. Second, the criteria are important for the evaluation of ferry service as a temporary or permanent alternative to other transportation investments such as building a new bridge, widening a freeway, or building an alternative transit project.

(11) This list of criteria can also act as a checklist for consideration when ferries are proposed as traffic mitigation or emergency service providers.

(12) Golden Gate Bridge, Highway, and Transportation District's (GGBHTD) and Red & White both serve Sausalito, but at different times of the day. Geographically, Sausalito is ideally suited for the six mile commute to San Francisco. The terminal facilities in Sausalito are spartan and not accessible to persons with disabilities.

(13) Golden Gate's eleven mile Larkspur to San Francisco route is the most integrated and efficient ferry system in the Bay Area. Three large, medium speed ferries, operating from well engineered terminal facilities, provide very nearly a shuttle service from Marin County to San Francisco. Of approximately 2,000 daily Marin County ferry commuters, the Larkspur service carries 1,400 of them. The two mile Larkspur Channel with its wake restriction is a significant constraint to Larkspur service, and present PM peak period traffic conditions preclude greater use of autos for terminal access.

(14) Like Sausalito, Tiburon has ideal geographic conditions, but rudimentary terminal facilities. Red & white operates non-subsidized service between Tiburon and San Francisco, providing commuter service to downtown San Francisco via the Ferry Building (Pier 1/2) and non-commute service to Fisherman's Wharf.

(15) Subsidized ferry service has been provided from Oakland and Alameda to San Francisco since the 1989 Loma Prieta earthquake. Seventy five percent of the riders are commuters and most of these come from Alameda where the facilities have just been substantially improved. The service is currently provided by a leased vessel which is slow in both loading and crossing. While commute times from Alameda are competitive with auto, bus and BART, the Oakland service is not.

(16) Red & White provides subsidized service to Vallejo in the longest current Bay Area ferry route. The single commute trips in the morning and afternoon are essentially full, while the three non-commute round trips in between account for nearly an equal number of passengers. As is the case in Larkspur, a two mile wake restricted channel adds extra time to the Vallejo commute. The current vessels make the trip in about 70 minutes.

(17) The findings of the evaluation of the existing services fall into three main categories: travel time of ferry services is not competitive with the automobile, frequency of ferry services are not adequate and ferry terminal facilities do not offer basic amenities or adequate accessibility.

(18) The current commute time between Sausalito and San Francisco is 30 minutes, which is not competitive with the automobile.

(19) The terminal facilities in Sausalito do not provide adequate accessibility to persons with disabilities. The terminal facilities do not meet published guidelines for barrier free access in the areas of gangway slope, tactile makings for the sight impaired, and protective railing on floats.

(20) The current Larkspur to San Francisco service is well conceived and provides excellent shoreside facilities. The terminals, both in Larkspur and San Francisco, are well designed for passenger flow, passenger safety, and passenger comfort.

(21) The ferry commute time between Larkspur and San Francisco is excessive (45 minutes), which is not competitive with the automobile.

(22) The access into and out of the parking lot at the Larkspur terminal is not adequate. On the return trips from San Francisco it can take up to 15 minutes to get out of the parking lot, which significantly adds to overall travel time.

(23) The Red & White ferry service to Tiburon is efficient and could accommodate increased patronage.

(24) The terminal facilities in Tiburon do not provide adequate accessibility to persons with disabilities or covered passenger waiting areas.

(25) The total ridership on the Alameda/Oakland service has been increasing. Approximately 70% of commute period ridership is from Alameda.

(26) Alameda shows strong potential as a commute terminal.

(27) With a short channel speed restricted zone, auto commute time is significantly longer than the current ferry travel time of 20 minutes.

(28) The Oakland terminal has limited residential access to the ferry terminal, which results in limited commute trips. However, midday and weekend service from Oakland is and is expected to continue to be productive.

(29) The current vessel on the Alameda/Oakland service is not suitable, both by loading arrangement (accessibility) and speed for commuter service from Alameda and Oakland.

(30) Given the traffic congestion on I–80, Vallejo is an excellent candidate for high speed ferry service.

(31) The current service consists of one commute trip each day, which does not provide adequate capacity or a real commute option for commuters from Solano County.

(32) Ferry travel time between Vallejo and San Francisco is approximately 65–70 minutes, which is marginally competitive with the automobile.

(33) The Pier ½ terminal facility in San Francisco is served by the ferry services from Alameda, Oakland, Tiburon, and Vallejo. The Pier ½ terminal facility is deficient in a number of areas, including:

(34) Ramps and floats are not adequately accessible to persons with disabilities.

(35) There is not adequate sheltered passenger waiting area.

(36) There is no area for convenient and easily accessible connecting bus service, so that ferry passengers can easily transfer to buses servicing Union Square, the Civic Center, and the City's various institutions.

(37) The recommended ferry service improvement plan for the existing services is based on: (1) a plan to resolve the service deficiencies identified in the evaluation of the existing services, and (2) a service plan that supports ridership projections.

(38) In order to carry out one of the major goals of the Plan that the recommendations lead to the implementation of improved services, the plan set out parameters in developing the recommended service improvement plan.

(39) The major parameters/guidelines used in developing the service improvement plan are as follows: a plan that could be implemented, accounts for the current planning of the individual operators, and can be financed (operating and capital), maximizes ridership in relation to funding investment, provides incremental approach to service improvements, coordinate ferry services to extent possible with other transit services.

(40) In general, the major service and capital improvement recommendations in the plan include interlining some of the existing services, so in a sense there are three routes provided: a Larkspur-San Francisco-Sausalito route, an Oakland-Alameda-San Francisco-Tiburon route and a Vallejo to San Francisco route; purchasing five to six new high speed catamarans; constructing terminal improvements at Pier ½ in San Francisco, and in Vallejo, Sausalito and Tiburon; and improving the current feeder bus services to all of the ferry terminals.

(41) The recommended service improvement plan for GGBHTD's Larkspur and Sausalito services include purchasing two high speed catamarans to operate on the Larkspur and Sausalito services, operating a 68 weekday trip schedule (38 Larkspur-San Francisco, 30 Sausalito San Francisco), compared to 46 at present. Hourly midday service would encourage peak hour patronage because of the additional flexibility. This service plan would allow the district to operate 15 to 30 minute headways between Larkspur and San Francisco during the a.m. peak period as opposed to the 30 to 40 minute headways currently being provided, reduce the travel time between Larkspur and San Francisco from the current 45 to 50 minutes down to 30 minutes, which is faster than the automobile between the Larkspur area and San Francisco, allow the District to provide a total of 45% more service in about the same number of operating hours as currently being operated, due to the faster vessels. Therefore, the total operating cost for the increased service level is not that much more than for the current operations, improve parking access to/from the Larkspur ferry terminal (The City of Larkspur is currently improving the access into/out of the terminal), and improving terminal facilities in Sausalito.

(42) It is estimated that this service plan will generate 7,000 daily riders on the Sausalito and Larkspur services compared to about 5,500 riders at present. Service would begin upon the delivery of new, fast vessels and the 1994–95 fiscal year would represent the first full year of operation.

(43) The recommended service improvement plan for the Tiburon-Alameda-Oakland services includes the purchase of two high speed catamarans to provide service on one continuous route between Oakland-Alameda-San Francisco and Tiburon, operating 64 weekday trips compared to 37 on the two routes at present, including hourly service during the midday. This service plan would use vessels more efficiently—one high speed vessel will have difficulty maintaining hourly headways between Oakland-Alameda-San Francisco.

(44) While one vessel would have slack time in operating hourly headways between Tiburon and San Francisco, it will provide more commute service between Alameda and San Francisco, which has the most potential of the three locations for ridership gains. The commute service level for Oakland and Tiburon would remain about the same as it is now.

(45) Improvements to feeder bus services are proposed, including both rerouted Alameda buses and better service to the Tiburon terminal.

(46) It is estimated with this level of service that ridership on these services would increase about from about 1,500 daily riders to over 2,600 daily riders. However, given that Red & White Fleet operates un-subsidized service to Tiburon, some type of coordination between those entities or some type of different institutional arrangement would have to be worked out before this service improvement could be implemented. Given this, at this time, the Plan is recommending that initially one high speed vessel be purchased for the Alameda-Oakland-San Francisco service and the Tiburon service remain unchanged.

(47) The recommended service improvement plan for the Vallejo-San Francisco service includes purchase and operation of two high speed vessels on a 28 day weekday trip schedule in contrast with six trips at present, (this service plan would reduce the one way travel time between Vallejo and San Francisco to about 55 minutes, compared to about a 65 to 70 minute travel time on that service now), provide three to four a.m. commute trips (compared to the one a.m. commute trip currently provided), construct an intermodal facility in Vallejo, and improve local connecting bus services and connecting bus services from locations throughout Solano County.

(48) With this service level and anticipated growth in Solano County, the Plan projects that ridership on the Vallejo service would increase significantly—from about 800 riders per day to about 2,500 riders per day. Expanded service is expected to begin in 1994 and the 1994–95 fiscal year would represent the first full year of operation.

(49) The recommended service improvement plan for the Pier ½ terminal facility are: provision of an adequate number of ferry slips (these slips should accommodate the required number of peak period vessels in an efficient and convenient method), central control over the ferry docking facilities in San Francisco by the Port Commission to ensure that any potential provider of viable ferry service has access to a convenient and coordinated facility, provision of barrier free accessibility for disabled persons to all ferry docks, provision of a convenient passenger environment sheltered from poor weather and featuring comfortable waiting areas, provision of convenient and easily accessible connecting bus service.

(50) The plan looked at a number of different vessel types to operate the recommended service levels. Including conventional monohulls, catamarans, hydrofoils, hovercrafts and surface effect ships.

(51) The vessel types were evaluated on a number of factors including, capital and operating cost, speed, size of the vessel, comfort, reliability, accessibility and ability to be build in the U.S.

(52) Several vessels exist which meet the requirements developed for the individual routes. At the time of bid, other possibilities may exist, but in 1991 the supply of adequate high speed, high capacity boats is limited.

(53) To operate the recommended service plan for the Vallejo and Larkspur services, vessels capable of around 35 knots (38 mph), are necessary to provide transit speeds that are competitive with the automobile. The recommended vessels for these services are either the 37 meter Westamarin catamaran from Norway or the 35(S) meter Incat design from Australia. Both vessels can be build in the U.S., although to date neither has, are capable of appropriate commute speeds, represent existing proven technology and are suitable for all sea and climatic conditions. It is recommended that the GGBHTD and City of Vallejo jointly procure vessels, which result in ship-builder economies of scale and lower costs to the public. The cost of each vessel is projected at $5–5.5 million.

(54) At this time, it is recommended that initially one new vessel be purchased for the Alameda/Oakland-San Francisco service, pending resolution of institutional issues with the Tiburon service and pending successful testing of Alameda service. It it appears that this arrangement can be achieved, it is recommended that a second vessel be procured to operate the service. A 25–26 knot vessel is recommended for the Alameda/Oakland service—at an estimated cost of $2.5–3 million per vessel.

(55) The Plan recommends that the Alameda, Oakland, and Vallejo ferry services continue to be operated by private ferry operators under contract to public agencies. The public agencies would purchase and own the recommended vessels and contract out the operations of those vessels to a private operator(s). It is believed that the free market provides a powerful incentive to the private sector to make a profit and that this motivation can be harnessed to increase overall system productivity.

(56) The Plan evaluated 17 potential ferry routes throughout the Bay Area. The routes that were evaluated were determined by review of past and current ferry service proposals and the routes evaluated as part of MTC's Bay Crossing Study. Considerations were also given to the potential to interline routes—either making multiple stops or alternating service routes with a single vessel in order to gain greater efficiency in the utilization of vessels and crew. While commute routes are the primary focus for this analysis, consideration has also been given to recreational ferry services, facilitation of bicycle access, accommodation of freight, and emergency preparedness capabilities of ferry services. Each of the potential routes was evaluated on number of criteria, including projected patronage levels, financial performance (e.g. cost per passenger), environmental impacts, and capital and operating costs and requirements.

(57) A key factor regarding implementation of new services is that operating and capital subsidy funds for transportation projects are extremely limited. In general, there are limited capital funds available for new projects; however, existing operating funds are used to their maximum. In fact, many transit operators in the region are reducing their services due to the lack of operating support. Therefore, a crucial component of implementing any new ferry service is securing additional fund sources.

(58) The evaluation criteria were assessed individually and as a whole for each route. For example, if a particular route did not perform well on a certain criteria (e.g. no facilities in Place), but performed well on all other criteria, it could be given favorable consideration. At the same time, there could be one criteria (e.g. major environmental issues or other planned transit improvements in the same corridor) that could override other more favorable factors and make the route not feasible. Based on this analysis, the routes were grouped into the three categories, as follows:

(59) Four routes are recommended for further consideration in this Plan. Further study does not represent a recommendation for implementation at this time, but preparation of a more detailed consideration in the regional plan to determine the feasibility of implementation. The four routes are:

—Port Sonoma/Marin—San Francisco
—Martinez—San Francisco
—Berkeley/Albany—San Francisco
—Alameda (Bay Farm Island)—San Francisco

(60) These routes are the best performing routes in terms of patronage and financial performance. All of the routes are projected to recover more than 50% of their costs from the farebox and require subsidy levels that are consistent with other transbay transit services in the region. Major adverse environmental concerns (dredging, wake impact) are not expected with these services.

(61) Port Sonoma-Marin-San Francisco: Of the routes evaluated, this route is projected to have the highest ridership (438 passengers for three A.M. peak departures) and the best financial performance. Ferry travel time (one-way) is projected at about 45 to 50 minutes, which is about 30 minutes faster than driving between Novato and San Francisco (single occupant auto). This service has been proposed by a private organization as a mitigation to a development in the Bel Marin Keys area. The developer has indicated that it will at least partially fund the service. No dredging or major wake impacts are expected due to this service.

(61) Martinez-San Francisco: Ridership projections for this route are 250 peak passengers for one A.M. peak departure. Ferry travel time (one-way) is projected to be about 55 minutes, which is about 30 minutes faster than driving between Martinez and San Francisco (single occupant auto). The Martinez area does not have a high level of other transit options to San Francisco. No dredging or major wake impacts are expected due to this service.

(62) Berkeley/Albany-San Francisco: Morning peak patronage is expected to exceed 270 passengers for three peak trips. The Golden Gate Fields option at Gilman Street promises stronger midday patronage and also serves portions of Berkeley and Albany that are not well served by other transbay transit. It is estimated that on race days total daily ridership would be approximately 1,200 passengers per day for this 20 minute crossing. There would be some dredging needed at the Golden Gate Fields terminal location.

(63) Alameda (Bay Farm Island)-San Francisco: This service was implemented in March, 1992. The proposed service has docking facilities in-place in Alameda and in San Francisco. A.M. peak ridership is expected to

be 217 passengers for three 23 minute trips; current ridership is about 75% of projections. The route is currently supported by a private development firm. No dredging or major wake impacts are expected due to this service.

(64) The routes in this category do not perform as well as the routes recommended for further evaluation. Given limited operating resources, these routes are not recommended for further evaluation at this time, but are worthy of future consideration as circumstances change. These circumstances include population increases near terminal facilities, delays or elimination of other planned transportation improvements, ability to provide lower cost ferry service, and new sources of operating subsidies. The routes recommended in this category are Richmond-San Francisco, San Leandro-San Francisco, Rodeo-San Francisco.

(65) In general, these routes are projected to recover less than 50% of their costs from the farebox and require subsidy levels that are between $3.00 and $5.00 per passenger, which is higher than existing transbay transit services in the region.

(66) Richmond-San Francisco: Of the routes in this group the Richmond service using the Point Richmond docking site has the best overall performance. Projected ridership is about 240 A.M. peak riders generating about a 41% farebox recovery ratio; the subsidy per passenger is projected to be $3.40 per passenger. The major limiting factors for a Richmond service are that patronage is constrained because at this time there is no midday travel generator and there are good commute services between central Richmond and San Francisco provided by AC Transit and BART. Bus services and shared ride auto travel is expected to improve between Richmond and San Francisco with the planned construction of high occupancy vehicle (HOV) lanes on Interstate 80 between Richmond and the San Francisco Bay Bridge. Also, during the construction project period, a number of transit improvements are planned for the I–80 corridor as mitigation measures. As the I–80 improvement project begins and mitigation measures are implemented and evaluated, it is recommended that the City work with Caltrans to determine if there is the need and available mitigation funding to consider ferry service from Richmond as a mitigation project. The City of Richmond has indicated that the commercial and industrial base in Richmond is growing and further developments are expected. As residential and commercial densities grow in the terminal areas, ferry patronage would be expected to increase which would enhance the feasibility of ferry service from Richmond. MTC will be assisting the transit operators in the I–80 corridor to develop a long range finance plan for transit services in the corridor. It is recommended that the City of Richmond participate in these planning efforts so that ferry services between Richmond and San Francisco can be further considered as a long-term transit project for the I–80 corridor. Additionally, the East Bay Regional Park District has expressed interest in examining alternate uses for the Point Richmond docking facility (e.g. shared ferry maintenance facility, etc.). It is recommended that the Park District and City explore alternate uses of these facilities in conjunction with the proposed Ferry Consortium.

(67) Rodeo-San Francisco: Projected ridership for service between Rodeo and San Francisco is about 250 A.M. peak rider for a one vessel service. Projected riders are fairly high for this service because there are not good transit service options to San Francisco from the Rodeo, Crockett, and Pinole areas. The greatest limiting factor for a service from Rodeo is the need to widen and dredge the marina, build a dock, and provide parking, which is estimated to cost about $4.0 million.

(68) San Leandro-San Francisco: Projected ridership for service between San Leandro and San Francisco is about 200 a.m. peak riders. The subsidy per passenger is projected to be $4.77, which is significantly higher than other ferry services. Ridership for a San Leandro service is constrained because the major population centers in the area are east of I–880 and are served by the BART system, while the area near the marina is primarily industrial. Ferry service from San Leandro would only be feasible if higher density residential areas developed near the San Leandro marina.

(69) Based on the evaluation, the routes listed below are not feasible for ferry services. Ridership levels are projected to be low and for many of these areas there are other existing or planned transit services serving the same corridors. These routes are Benicia-San Francisco, Pittsburg-San Francisco, Redwood City-San Franciso, South San Francisco-San Francisco, Redwood City-San Leandro, Benicia-Martinez, and South San Francisco-San Leandro.

(70) In each case, the potential ridership was projected to be under 200 during the a.m. peak period, farebox recovery ratios were projected to be less than 35%, and the subsidy per passenger required to support the services is between $6.00 and $12.00 per passenger, which is significantly higher than current ferry services and other transbay transit services.

(71) Based on the preliminary analysis of airport, recreational and vehicle/freight ferry services, it appears there could be potential for these types of services, but a more thorough analysis of each type is needed. Therefore, it is recommended that MTC, Caltrans, the proposed Ferry Consortium and other interested parties should discuss and examine the need and the method to further evaluate ferry services related to ferry services feeding the San Francisco and Oakland airports, recreational ferry services, and vehicle, truck and freight movement ferry services.

(71) The Plan refined the patronage forecasting, service planning, vessel and facility analysis, and financial analysis for the four routes that were recommended for further evaluation: Port Sonoma-Marin to San Francisco, Martinez to San Francisco, Berkeley/Albany to San Francisco and Alameda/Bay Farm Island to San Francisco.

(72) One of the routes, the Bay Farm Island to San Francisco service, also known as the Harbor Bay Isle Ferry, recently initiated operation. This is a privately funded service intended to operate as a demonstration for at least three years. At the end of this period this service should be evaluated against the goals and objectives outlined in this study.

(73) Of the potential ferry services analyzed, service from Port Sonoma-Marin is found to be overall the most effective. A high speed ferry service from Port Sonoma would significantly reduce the travel time between the Port Sonoma/Novato area and San Francisco.

(74) The financial performance of the Port Sonoma-Marin service is also very good. The required subsidy per passenger trip is estimated to be about $1.60 and the farebox recovery ratio for the Port Sonoma ferry service is approximately 70%, which are both significantly better than most transit systems operating in the San Francisco Bay Area.

(75) The capital cost requirements for the service are significantly greater than the other ferry service analyzed in this report. The contributing factor is that this service requires two high speed vessels to be successful. The capital costs for the vessels and terminal improvements are projected to be about $12.5 million, which is almost twice as much as any of the other services.

(76) At present there is not a midday market for the service. Lack of service during the midday could reduce commute ridership.

(77) Ferry service from Martinez would be effective. One way travel time between Martinez and San Francisco on the ferry service (55–60 minutes) is estimated to be 35% faster than by automobile (drive alone) and 29% faster than the combination of BART express bus and BART rail service.

(78) A major concern regarding the Martinez service is that the proposed level of service (one a.m. and one p.m. departure) does not offer enough of an option for commuters to sustain projected ridership for the long-term. The limited peak period service limits total ridership levels.

(79) There is not a midday market for the service between Martinez and San Francisco. Lack of service during the midday could reduce commute ridership, since returning during the midday is not an option for the commuter. To adequately use the vessel for this service, midday uses for the vessel should be explored.

(80) The Martinez service has the best financial performance and the lowest amount of operating subsidy required of the services analyzed. The required subsidy per passenger trip would be about $1.30 and the estimated farebox recovery ratio for the Martinez ferry service is approximately 75%.

(81) Although its travel time is comparable to BART service and AC Transit express bus service between Berkeley/Albany and San Francisco, this service may be slightly less convenient because it does not offer as frequent service during peak periods.

(82) The Berkeley/Albany service is the only one of the services analyzed that offers a viable midday trip generator. The service would provide direct Golden Gate Fields racetrack access, which reduces traffic during the midday on I–80 and maximizes the use of the vessel and should help support the commute period riders by having the option of returning to their point of origin during the midday.

(83) The financial performance of the Berkeley/Albany service is not as good as the other new ferry services analyzed. The required subsidy per passenger trip is estimated to be about $2.70 and the farebox recovery ratio for the Berkeley/Albany service is approximately 45%. The Berkeley/Albany service also requires the most annual operating subsidy of the services analyzed. It is estimated that this service will require about $700,000 in annual subsidy support.

(84) The Harbor Bay Isle service is currently averaging about 310 total passengers per weekday day, which is about 100 daily riders less than anticipated by Harbor Bay Maritime and about 70% of the ridership projections in this plan.

(85) The current service is significantly faster than other modes of travel between Bay Farm Island and San Francisco. Current one way travel time, including access time, on the Harbor Bay service is approximately 30 minutes including access time, which is about 20 minutes faster than by automobile

(drive alone) and about 14 minutes faster than AC Transit express bus service. However, the ferry service is more costly to the passenger than AC Transit's express bus service.

(86) Based on projected ridership levels and the plan's estimate of costs (excludes vessel lease costs), the required subsidy per passenger is estimated to be about $2.15 per passenger and the estimated farebox recovery ratio for the service is approximately 62%.

(87) Overall, all of the potential new services (Port Sonoma, Martinez and Berkeley/Albany) would represent a beneficial enhancement to the matrix of transportation options available in the Bay Area. While the new services would not have a large impact on San Francisco bound commute traffic, together with existing transit services they offer another viable option to the private automobile. The Alameda Bay FarmIsland/Harbor Bay service has expanded ridership levels from the City of Alameda without significantly diverting patronage from the preexisting Alameda ferry service. AR of the services would: (1) be faster than autos; (2) provide new transit service without significant capital investment compared to alternatives; (3) provide an emergency preparedness option; and (4) take vehicles completely off of the bridge/highway system. Also, a few of the routes include opportunities for long-term private investment which is of critical importance during this period of greatly constrained public revenues. Private investment in ferries increases the overall economic viability of the services.

(88) However, the implementation of any of the new services relies on a number of outstanding factors. The most important include determining a project sponsor(s) to pursue the implementation of the services, and securing capital funds and long-term operating support for the services.

(89) The first step for a new service is to determine what entity or entities (local jurisdiction, private party, etc.) will implement and operate the services. This plan analyses the expected performance, the operating and capital needs, and the remaining implementation steps for each of the services. It will ultimately be up to the project sponsors to use this analysis and their own information to determine if the implementation of the ferry services are consistent with their plans and within current resources. At present, there are inadequate federal, state, and regional funds to support the operations of the new services without adversely affecting existing transit services.

(90) The report recommendations are presented as: (1) the step(s) on the part of the project sponsors that need to take place to begin implementation and/or continuation of the services; and (2) policy direction and role for the Metropolitan Transportation Commission (MTC) in the review, planning, and funding of new ferry services.

(91) The steps required for implementation of the potential services address the critical issues that will need to be resolved by the local jurisdictions/project sponsors for each route to determine their ultimate ability to be implemented. These issues include securing operating and capital funds for the services, completing access improvements to the terminals, finding sponsoring agencies to manage and operate the services, and securing required governmental approvals. Many of these issues hinge upon one another and most will need to be fully satisfied prior to investments in the services. It is recommended that MTC support and public fund investments in any of these services be contingent upon completion and/or substantial progress being made on all of the outstanding implementation issues. For example, it would not be prudent to invest public funds into capital requirements (e.g. vessels purchases) for any service until required governmental approvals (e.g. BCDC, PUC, local jurisdiction approvals) or adequate operating funds have been secured. The implementation steps are outlined for each service below.

(92) Operating and Capital Financial Support. A commitment on the part of the private sponsor is needed for the required capital equipment and to support long term operations. The proposed sponsor's interest (Venture Corporation) is contingent upon approval of the Bel Marin Keys development. Without approval and construction of that project, Venture Corporation will not develop the system. If Venture Corporation does not exceed with its current plans, another public and/or private sponsor will be required to implement the service. Such entity will need to secure funding and obtain landing rights at Port Sonoma.

(93) Terminal Access: Access improvements are needed to the terminal facility (traffic light at the intersection of the marina access road and Highway 37) and additional traffic impact analysis would be needed to fully determine the traffic impacts on Lakeville Road and Highway 37 to determine other needed roadway improvements. The sponsor will need to discuss with GGBHTD re-routing and expanding its bus service to the proposed ferry terminal.

(94) Project Sponsor: The sponsor should contract the management of the service with the Golden Gate Bridge, Highway and Transportation District.

(95) Governmental Approvals: Approvals must be secured from Sonoma County, BCDC, and the Corps of Engineers for required terminal construction or any other required shoreside improvements.

(96) Operating and Capital Financial Support: A commitment of funding is needed from local jurisdictions/transit operation(s) for the required capital equipment (vessel and terminal construction) and to support long-term service operations.

(97) Terminal Access: Local jurisdictions and CCCTA will need to work together for CCCTA to extend buses to provide feeder bus service to the ferry terminal.

(98) Project Sponsor Project sponsor(s) will need to be determined. Local jurisdictions will need to work with CCCTA to sponsor the service.

(99) Governmental Approvals: Approvals are needed from BCDC for required terminal construction, terminal parking use and improvements and any other shoreside improvements. The East Bay Regional Park District and City approvals are also required.

(100) Project Sponsor: Project sponsor(s) will need to be determined; it is recommended that AC Transit sponsor the service.

(101) Operating and Capital Financial Support: A commitment of funding is needed from local jurisdictions/transit operator(s) for the required capital (vessel and terminal construction), channel dredging costs, and to support long-term operations. Given that the midday service would serve patrons of Golden Gate Fields racetrack, local jurisdictions should work with Golden Gate Fields.

(102) Terminal Access: Local jurisdictions will need to work with AC Transit to reroute buses to provide feeder bus service to the ferry terminal.

(103) Governmental Approvals: Approvals must be secured from BCDC for required terminal construction, dredging or any other shoreside improvements. Corps of Engineers approval will be needed for dredging and the protective breakwater. Because of the more complex facility approvals required in addition to construction, implementation of this route would take longer than others.

(104) The service has been implemented as a privately operated and funded service and is expected to remain so for at least three years. If Harbor Bay Maritime does not intend to operate and fund the service beyond the current agreement, a project sponsor(s) for the service will need to be determined. It has been indicated that the City of Alameda may consider taking over the operation and financing of the service after Harbor Bay's commitment. If the City is going to pursue the service, it is recommended that the first step to determine the continuation of this service be that the City of Alameda further evaluate the service based on its performance as a privately operated service over the next two years.

(105) Operating and Capital Financial Support: A commitment of long-term operating funding will be needed if Harbor Bay Maritime does not operate and fund the project beyond the current agreement.

(106) Potential service sponsors/operators should be required to participate in the proposed Ferry Consortium (see Institutional Analysis), to increase the level of coordination between services and identification of potential benefits of joint activity.

(107) MTC should require the long-term operating support be identified and secured for new services before any public fund investments (federal, state and regional funds) are granted for new services. It is recommended that existing funding not be diverted from other projects.

(108) MTC should require that other approvals (BCDC, U.S. Army Corp of Engineers, etc) and other identified service requirements (e.g. terminal access improvements) are in place prior to investments of public funds in the services.

(109) MTC should work with project sponsors/operators to find additional fund sources that can be used for capital and operating purposes. If new, stable operating fund sources are secured for transit service, these new ferry services should be considered for regional financing to add to the Bay Area transportation network.

(110) MTC should require inter-operator coordination for all new services, so that the potential ferry services operate in conjunction with planned feeder transit service. MTC could facilitate local jurisdictions and transit operators to exploring varying institutional arrangements to operate and manage the services.

(111) MTC should not be in a lead position on the implementation of the proposed services, but it should provide planning assistance and provide guidance on funding issues, where needed. Planning assistance could include further examination of ways vessels could be best utilized for ferry services on the Bay, including sharing vessels between services, interlining existing services with new points of origin, finding midday markets/uses for vessels used only during commute periods, and assessing the need for 'spare' vessels.

(112) MTC should require that project sponsors purchasing new vessels consider the ability to interchange parts with other vessels operating in the region and the coordination of maintenance activities as part of their vessel bid and specifications and vessel maintenance planning.

(113) MTC should work with regulatory agencies (BCDC, PUC and U.S. Army Corps of Engineers, PUC, U.S. Coast Guard) to make governmental approval process understandable, coordinated and as streamlined as possible.

(114) MTC, Caltrans, the proposed Ferry Consortium and other interested parties should participate in examining the need to further evaluate ferry services related to: (1) ferry services feeding the San Francisco and Oakland airports including serving the United Airlines maintenance/operational facilities, (2) ferry services as they relate to emergency preparedness, (3) recreational ferry services, and (4) vehicle, truck and freight movement ferry services.

(115) There are a number of opportunities to improve the planning and operation of ferry services on the Bay by coordinating and/or consolidating ferry service operations. Based on our review of the varying institutional arrangements, a two pronged approach is recommended to immediately improve the coordination, planning and operations of ferry services on the Bay:

(116) First, existing and potential publicly operated or funded ferry services should be institutionally merged with existing transit operators/ districts, where feasible; and

(117) Second, a consortium or working group of public and private ferry operators should be established. The consortium would include public and private ferry operators, ports, cities, connecting transit operators, and concerned citizens, who would meet on a regular basis to discuss policy, planning and operational objectives to advance and coordinate ferry services on the Bay.

(118) The combination of these options would facilitate bus/ferry coordination, faster and coordinate regional and sub-regional policy and planning for ferry services, and increase funding to the region and for ferry operations, and could be implemented readily and immediately.

(119) Although not recommended at this time, the possibility remains that some form of a regional ferry agency may eventually be both warranted and readily feasible. As described above, a regional ferry agency, either a JPA or a legislated regional ferry district could provide many operational improvements, such as coordinated maintenance and marketing, ability to share vessels between services to maximize labor efficiencies, and savings from consolidated vessel and equipment purchases. Therefore, it is further recommended that MTC in conjunction with the ferry operators further examine the opportunities that may exist with a regional ferry agency, especially as the network of ferry services grow on the Bay.

(120) This arrangement includes incorporating the operational and planning functions for the Bay's publicly operated ferry services into the existing operations of connecting bus services. This is already the situation for GGBH&TD and the City of Vallejo, which operate both the bus systems and ferry services within their respective service areas. For example, under this arrangement ferry services from the East Bay would be operated by AC Transit, or BART; services from Marin, Sonoma and San Francisco Counties would be operated by GGBH&TD or San Francisco Muni; and services started from San Mateo County would be operated by SamTrans.

(121) This arrangement limits the number of transit operators, thereby not duplicating transit planning and operational activities: facilitates better bus/ferry schedule and transfer connections; and allows ferry services to be part of comprehensive transit planning activities.

(122) The Bay Ferry Consortium appears to be an immediately feasible option for ferry services. This arrangement would provide a forum for ferry operators to share information, be involved jointly in activities, coordinate planning and form regional objectives for ferry services. Initial consortium membership should include public and private ferry operators (GGBH&TD, Red & White Fleet, Blue & Gold Fleet, the Cities of Alameda, Vallejo, Oakland), MTC, BCDC, representatives of intermodal transit agencies which would connect with the ferries (MUNI, AC Transit, etc.), Caltrans, rider group representatives, and others as determined by the membership. The Consortium would be expected to meet as a committee of the whole quarterly or on an as needed basis.

(123) The activities of the consortium would be the basis for implementing the recommendations of the Regional Ferry Plan and for continued regional ferry planning. However, the major shortcoming of the consortium is that it does not have policy authority over individual ferry operators; therefore, the operators are not bound to follow the direction of the consortium. To offset this, it is recommended that the consortium be advisory to MTC on ferry issues.

(124) MTC already provides substantial operating and capital funds for ferry services and is responsible for certain coordination activities for transit systems in the region. The consortium should explicitly acknowledge the role of MTC as the lead agency in coordinating regional ferry planning and in reconciling differences and coordinating the activities of the individual ferry operators and other transit operators. While the concept of a consortium would be to establish mutually beneficial relationships between the parties providing ferry services, it is recommended that MTC make operator participation in the consortium a requirement for the receipt of operating and capital funding. This would give policy direction to and the ability to implement the recommendations of the consortium.

(125) The Regional Ferry Plan contains two phases. The first phase of the Plan is devoted to the existing ferry services operating on the Bay. The second phase considers the feasibility of new origin and destinations for passenger ferry services and institutional arrangements to best operate the ferry services on the Bay. Phase I of the Plan includes (1) goals and objectives for the region's ferry services, (2) description of current ferry services, (3) an evaluation of the existing ferry services, and (4) recommendations to improve the existing ferry services. Phase 2 of the Plan includes (1) a detailed evaluation of and recommendations for potential new ferry routes throughout the region, and (2) an evaluation of and recommendations for institutional arrangements to best operate ferry services.

(126) The City of Vallejo and the Metropolitan Transit Commission, in response to legislative mandate, bond issue direction, and local and regional transit plans, have jointly undertaken this Regional Ferry Plan to analyze existing ferry transit resources and to plan for new ferry services in San Francisco Bay. The two specific mandates for the study are Senate Bill 2169 (1990) and Proposition 116 from the June 1990 general election.

(127) The key legislation which shapes the San Francisco Bay Ferry Study is California Senate Bill No. 2169. Filed in response to the experience of the 1989 Loma Prieta Earthquake, and increasing interest in ferry transit by a variety of interests, including the Bay Area Water Transit Task Force, it is intended to give transit planners an evaluative tool in decision-making for ferry systems in the future.

(128) Senate Bill 2169 (Kopp, 1990) authorizes the Metropolitan Transportation Commission to develop and adopt a long-range plan implementing high-speed water transit on the bay. Its language indicates: "The commission may develop and adopt a long-range plan for implementing high-speed water transit on San Francisco Bay, including, but not limited to, all of the following:

"a. Policies and procedures for allocating capital and operating assistance from local, state, or federal funds.

"b. Criteria and standards for evaluating and selecting services to be funded with local, state, or federal funds, based upon, but not limited to fare box revenue to operating cost ratio, amount of subsidy per passenger and local financial support, local support in providing ground access, and impact on bridge traffic."

(129) The California Clean Air and Transportation Improvement Act of 1990 initiative measure, passed by the voters in June 1990, while primarily oriented to investment in rail improvements, contained an element for capital improvements to ferry service. This included the following sections:

"99646. Ten million dollars ($10,000,000) shall be allocated to the City of Vallejo for expenditures on water-borne ferry vessels and terminal improvements.

"99651. Twenty million dollars ($20,000,000) shall be allocated to fund a program of competitive grants to local agencies for the construction, improvement, acquisition, and other capital expenditures associated with water-borne ferry operations for the transportation of passengers or vehicles, or both."

(130) This study has been undertaken within the framework of existing regional transit and environmental Policies with the aim of establishing a short-term action plan for the implementation of expanded ferry service in San Francisco Bay and specifically for Vallejo. It builds on the 1985 High Speed Water Transit Study for the San Francisco Bay Area prepared by MTC.

(131) The recently completed San Francisco Bay Crossing Study (mandated by Senate Concurrent Resolution 20) also studied a ferry alternative including up to 17 terminals served by a fleet of fast ferries as an option to additional bridge or rail crossings of the Bay, but that study focused on a more conceptual approach and longer time frame for implementation than this current study which will evaluate more specific options and develop more refined implementation projects.

(132) Today's visitor to the San Francisco Bay area is never far away from the great recreational, scenic and working resource which is the Bay. From every hill, bridge or high-rise office building, the Bay is the focal point. Of the San Francisco work force of 570,000, some 130,000 commute into San Francisco each day for work over the Golden Gate and Bay Bridges, or on BART. An additional 3,500 commute by water over the Bay from Larkspur, Sausalita, Tiburon, Vallejo, Alameda and Oakland.

(133) Water transportation was the earliest mode used to cross San Francisco Bay. Rowboats, sailing craft and packets provided the first connections. Steam ferries appeared in 1847. Steamships bringing Gold Rush adventurers, such as the "New World", which arrived from New York in 1850, sailed in from the East Coast, and became part of the San

Francisco Bay and river ferry system. "New World", used in Sacramento service, was eventually sold to Oregon, but returned finally to Vallejo, where she provided ferry service until she was dismantled in 1879. These steamers provided the links that connected the early mining and farming communities.

(134) Transbay ferry service began in 1850, with the establishment of a route between San Francisco and the Oakland Estuary, served by the "Kangaroo". In 1852, Oakland granted what was to be the first Bay ferry franchise to a "reliable" operator of a public ferry. Over the last century and a half, up to thirty major cross-bay ferries existed, serving 29 destinations. The great period of ferry transit reached its peak in the 1930's when 60 million persons crossed the bay annually, along with 6 million autos.

(135) The Ferry Building was the second busiest transportation terminal in the world in the early 1930s. Each day, some 250,000 persons travelled through the Ferry Building to work or other destinations. Ferries made approximately 170 landings a day at this time, and the Ferry Building was served by trolley lines which left every 20 seconds for city destinations. Ferries to Oakland could carry 4,000 persons, and were designed to incorporate restaurants, shoe shine parlors, and luxury surroundings, including mohair hangings, teak chairs, hammered copper lighting fixtures, and leather chairs in the ladies lounges. The highly efficient Key Route ferry/train transfer at the Oakland Mole enabled 9,000 commuters to load and unload in less than 20 minutes.

(136) As in most cities in the United States, the building of bridges and tunnels and the expansion of the use of the train and then the automobile led to the demise of ferry routes. These same cities are now dealing with the result of suburban development patterns—severe bridge, highway and tunnel congestion, and, in some cases, the need to provide alternate transportation routes during reconstruction of these aging structures. In San Francisco, for example, the Golden Gate Bridge, Highway and Transportation District, which the state created in 1923 to construct the Golden Gate Bridge, recognized 32 years after its completion that increasing bridge congestion suggested a need for a wider choice of modes. Studies in the early 1970s recommended establishing an integrated system of buses, ferries, and park-and-ride facilities in an attempt to delay the need for a more costly second deck, tunnel, or additional bridge.

(137) After a series of vessel and terminal modifications, Bridge District ferry service from Larkspur to San Francisco now carries about 4,000 passengers a day, and continues to grow. Buses meet the ferries on peak commuter runs, and serve 12 Marin County routes. District ferry service to Sausalito carries some 1,700 passengers daily, both commuters and tourists.

(138) East Bay ferry service to San Francisco ended in 1958. With the temporary resumption of Berkeley-San Francisco ferry service during the 1979 BART Transbay Tube closure, Harbor Bay Island demonstrations, and, more recently, service to Vallejo, supplemental post earthquake service, and continuing Alameda/Oakland service, East Bay water transit access to San Francisco is gradually being restored.

(139) Throughout the world, more passengers are transported by ferry each day than by air. In the United States, the two largest ferry systems, Washington State (50,000 passengers per day) and Staten Island (80,000 passengers per day) carry the bulk of United States' ferry commuters, even though there are over 275 separate ferry operations in the country. The "Wall Street Journal" estimated in a recent article that there were only 150,000 passengers travelling by ferry every day in the entire United States, which is equivalent to a day's ferry usage in the city of Lisbon, Portugal.

(140) Fast ferries (over 25 knots) have become key to successful ferry operations in many countries since World War II. Today, there are about 155 operators of fast ferries worldwide. (83) Of these, six are located in the United States. The three operators which provide commuter service (Washington State, Red & White Fleet, TNT) all use Incat catamarans. Because of US restrictions on foreign hulls, fast ferries have, with few exceptions, not been available for United States use. US manufacturers of fast vessels have chosen to focus on military applications with four exceptions: the Boeing Jetfoil (now only produced in Japan), glass-hulled planing craft, a demonstration Air Ride surface-effect vessel and the Incat catamaran of Australian design. Several US shipyards have licenses to build Scandinavian catamarans, British hovercraft and surface-effect vessels; these have not yet been constructed. New SWATH (small water area twin hull) craft in San Diego and Hawaii have generated interest in the marine community.

(141) During the 60's and 1970's, there were two high-speed ferry demonstrations on San Francisco Bay, utilizing a hydrofoil and an amphibious hovercraft. A year-long hovercraft demonstration served the Oakland and San Francisco Airports, and, according to the Port of Oakland's Air Cushion Vehicle Mass Transportation Demonstration Project Final Report' (April 1967), was favorably received passengers. According to the 1984 UMTA review 'Existing and Former High Speed Water-borne Transportation Operations in the United States', the service, which was "the first use of hovercraft for a revenue service in the United States" carried 12,510 passengers during the year, with an overall load factor of 27.3 percent. Wind gusts, wave height, and vessel reliability adversely affected the particular vessel used. Hydrofoil service was demonstrated by the FMC Corporation in the early 1970s as a potential market opportunity.

(142) Additionally, a short-term demonstration with a surface-effect craft was put into place by Harbor Bay Maritime in 1985 from Bay Farm Island (Alameda) to San Francisco. This rigid sidewall, air cushion Hovermarine vessel was built in England, and required a Jones Act waiver to operate between two points in the Bay. Like the hovercraft, the speed of the service was attractive to riders. However, ride comfort was not acceptable. Harbor Bay Maritime intends to initiate regular ferry service during 1991 with a fast planing monohull to connect Bay Farm Island with the San Francisco Ferry Building.

(143) San Francisco Bay today has a ferry fleet of approximately twenty-five vessels, with a passenger capacity of 10,500 persons. Speeds range from 25 knots provided by the catamarans, to 12 knots, the speed of the harbor tour vessels. Seven of these vessels provide commuter transportation, and the remainder provide transportation to recreational and tourist destinations, or are dedicated to charter work. Each year, about two million commuter trips are made on San Francisco Bay. There are about one million tourist trips to Alacatraz, Angel Island (180,000 visitors a year), Vallejo, Sausalito, Tiburon, Alameda and Oakland each year. It is estimated that there are about two million harbor tour and charter passengers as well.

(144) The Red & White Fleet has been the chief private provider of commuter service, and operates both non-subsidized routes to Sausalito and Tiburon, as well as subsidized services to Vallejo and to Alameda and Oakland in the East Bay. Red & White also runs ferries to Angel Island State Park, tour service to Alcatraz under an agreement with the National Park Service, and provides mid-day connections to Vallejo.

(145) Other passenger vessel operators in San Francisco Bay in 1991 include Blue and Gold, which carries 300,000 tour visitors a year, and Hornblower Dining Yachts, which provides dinner and charter cruises on San Francisco Bay. The Angel Island Ferry provides a short connection between Tiburon and the Island, and carries about half of the 180,000 visitors each year. The California Parks Department has purchased a new 48-passenger crew boat 'Ayala' to serve park functions between Tiburon and Angel Island. Finally, a small crew boat, based in Vallejo, is used to transport refinery workers to Pacific Refinery's terminal off Rodeo. Mare Island ferry service carried Shipyard workers between Vallejo and the Island until 1988.

(146) During the 1989 Loma Prieta Earthquake recovery period, Caltrans, the Metropolitan Transportation Commission, the City of Vallejo, and other East Bay communities participated in an extension of commuter ferry services. The Golden Gate District also augmented service from Marin County. From a normal situation, where 6,000 persons travel by ferry each day, ferries met a demand of 20,000 riders each day while the Bay Bridge was closed to automobiles. Although ferry service expanded by more than 300% while the Bay Bridge was closed, commuter numbers dropped shortly after the restoration of bridge service. Realizing that an attractive, dependable, reliable, stress-free transportation mode exists, public interest in cross-bay ferries has grown since the earthquake.

(147) Along the waterfront in San Francisco, the Port of San Francisco is exploring new maritime uses for its property, and directing investment of earthquake emergency monies (from the Federal Highway Administration and Caltrans) into initial improvements of the ferry landing at Pier 1/2. Oakland and Alameda are also using similar funds for terminal improvements. Recent passage of Proposition 116 will make $30 million available state-wide for investment in ferries and related infrastructure, with $10 million targeted to the Vallejo-San Francisco ferry link. Caltrans, under its Traffic Mitigation Program for the reconstruction of the Cypress Street freeway in Oakland, has designated monies for ferry marketing and terminal improvements in Alameda and Oakland.

(148) Key legislators and individuals, agencies, such as the Metropolitan Transportation Commission, Caltrans, and the Golden Gate Bridge, Highway, and Transportation District, and key communities, such as Alameda, Oakland and Vallejo, have moved the Bay Area towards restoration of a greater San Francisco Bay ferry network. In addition, state legislative interest in decreased traffic congestion, regional interest in transit service coordination, and local efforts to promote waterfront development also contributed to desire for an overall ferry plan.

(149) The study team has conducted comprehensive interviews, reviewed existing

studies, policies, and legislation from San Francisco Bay and appropriate sources outside the Bay Area, and participated in public meetings in order to build the background from which to view this project. A review of ferry experiences—both historical and current—has provided unique hands-on perspectives. Ferry captains who deal each day with channel siltation and debris, herring and other fishing activity, high speed ferry technology in action, and the dilemmas of mixing commuter and tourist traffic added valuable observations to the study. Ferry operators, who continue to refine the day-to-day management and operations issues, and ferry commuters, who have made a definite transit mode choice, and who recognize the benefits and shortcomings of existing services, offered suggestions for future ferry service as well. Public agency planners and decisionmakers generously shared their own transit and environmental plans, polices and objectives.

(150) A roster of those interviewed during the course of the study is appended to this report. Additionally, a bibliography is appended which lists historical volumes, as well as ferry and transit studies from the Bay Area, and others which seem appropriate from other cities and countries. These reports and policies have been collected and reviewed by the study team, and cited where appropriate. Other ferry system goals and service standards, terminal and vessel designs, lessons learned, and government policies can be found among these reports. Bay Area ferry and transit schedules have been collected and are incorporated into the analyses. Federal transportation documents, ferry system analyses and agency standards, and transportation texts have also been reviewed for relevant criteria, and extensive commuter surveys have been undertaken for the Phase I analysis.

(151) This section includes goals and policies and evaluation criteria for ferry services operating in the San Francisco Bay Area. They have been created based on three primary sources: transportation and related goals by Bay Area regional agencies, counties and cities; goals and policies of ferry operations elsewhere; and the views of key informants expressed in interviews.

(152) A description of ferry operations elsewhere, and associated goals, objectives, and policies is contained in Appendix B. The lessons learned from these operations include the fact that there is no single approach to initiating new ferry service. Congestion relief and alternatives to new bridge construction have been successfully implemented goals for several services. Intermodal connections have also been important components. Appropriate and reliable vessels, attention to vessel access, and attention to environmental constraints, particularly wake restraints, have been important. Finally, in order to compete for scarce public subsidy funds for transit service, it is important to develop cost-effective and efficient operations.

(153) Summarizing the goals, ferries on San Francisco Bay will be considered where they offer the potential to: improve mobility; alleviate bridge and highway congestion; provide a cost-effective, flexible, dependable, comfortable, attractive and safe mode of transportation that helps the region to meet air quality, energy consumption, and accessibility goals; and enhance tourism, recreation and regional economic development.

(154) Goal 1. Enhance regional mobility and support regional planning policies.

Policy 1. Ferry services must enhance mobility in congested corridors and help meet goals of Congestion Management Plans.

Policy 2. Ferry services should reduce the number of vehicles entering San Francisco.

Policy 3. Ferry service projects must help achieve regional air quality and environmental goals.

Policy 4. Ferries must provide a seamless network of interconnecting regional services with other public transit and para-transit programs.

Policy 5. A set of core ferry facilities and equipment suitable for rapid expansion should be available if alternative modes become inoperable as a result of natural or man-made disasters.

Policy 6. Ferry service alternatives should be considered for vehicles transporting hazardous materials or other vehicles that reduce the efficiency of the regional highway network.

Policy 7. Ferry services should support bikeway programs.

(155) Goal 2. Create a transit option that is an attractive alternative to the automobile.

Policy 1. Ferry service must be competitive with the automobile in travel time, cost, reliability and comfort.

Policy 2. Schedules, intermodal facilities, fare policy, and marketing must be oriented to provide a single integrated system.

Policy 3. A ferry system should provide an amenity and comfort level that win attract commuters, off-peak and weekend riders, and new riders unfamiliar with water transportation.

Policy 4. Ferry services should increase public access to recreational destinations.

Policy 5. Ferry and terminal concessions which enhance the ferry experience should be provided.

(156) Goal 3. Offer a transit option that can be initiated in a timely, environmentally benign, and cost effective manner.

Policy 1. Ferry vessels to be acquired for the Bay Area must be cost-effective and represent proven technology.

Policy 2. Public/private partnerships should be utilized, maintaining the most cost-effective role for each sector.

Policy 3. Terminals must be functional, attractive and cost-effective, while providing shelter, amenities, efficient access and egress, and adequate intermodal connections.

Policy 4. Improvements should be developed incremental as required to meet ridership.

Policy 5. Ferry service should be expanded within the institutional framework of agencies that now exist.

Policy 6. The application/permit process for new ferry services should be simplified and coordinated by a single agency.

Policy 7. Ferry services must complement the navigational waterways of the Bay, reflecting draft, wake, speed, and harbor traffic constraints.

(157) Goal 4. Provide transit service that operates efficiently and reduces the need for high cost alternative transportation investments.

Policy 1. Ferry transit should be implemented to reduce or delay the need for high capital cost highway and transit projects where the projected fare box recovery ratio and subsidy per passenger indicate fiscal benefits.

Policy 2. Vessels selected should be of appropriate size and speed to meet the need, and of sufficient number to provide the desired schedule frequency.

Policy 3. Competitive bidding should be used to procure and operate boats efficiently.

Policy 4. Joint purchasing, service interlining, recreational sub-lets, and joint use of spare equipment should be utilized to reduce system cost.

Policy 5. Local financial and in-kind support should be required for new and continuing ferry services.

(158) Goal 5. Provide ferry service that is reliable, safe, and fully accessible.

Policy 1. Require vessels of proven reliability and terminals compatible with the vessels.

Policy 2. Vessels must meet or exceed all Coast Guard safety requirements.

Policy 3. All terminals and vessels should meet all state and federal accessibility standards.

(159) Goal 6. Develop terminals that are consistent with local and regional plan.

Policy 1. Terminals must meet the requirements of the BCDC Plan, the Corps of Army Engineers permitting procedures, the Bikeways Program, transit coordination objectives, and accessibility standards.

Policy 2. Terminals must support local planning, economic development, tourism, regional marketing, environmental and design objectives.

Policy 3. Terminals should be developed as local (and regional where appropriate) transit hubs.

(160) It is important to have a set of criteria in place for two purposes. First, criteria are essential for the evaluation of competing proposals for ferry service, where operating and capital fund are limited. Second, the criteria are important for the evaluation of ferry service as a temporary or permanent alternative to other transportation investments such as building a new bridge, widening a freeway, or building an alternative transit project. This list of criteria can also act as a checklist for consideration when ferries are proposed as traffic mitigation or emergency service providers. Criteria are categorized into the following categories:

—Mobility/Performance
—Energy and Environment
—Socio-economic
—Financial
—Service
—Ease of Implementation

(b) of the funds appropriated under the heading "Federal-Aid Highways", $5,000,000 shall be made available to carry out section 1207(c)(1) of Public Law 105–178."

AMENDMENT NO. 950

Page 91, strike lines 10–12, and insert:

"This Act may be cited as the 'No TEA for Two Department of Transportation and Related Appropriations Act, 2000' ".

AMENDMENT NO. 951

At the appropriate place in title III, insert the following:

SEC. 3 . TRANSFER OF MOTOR CARRIER SAFETY FUNCTIONS FROM THE FEDERAL HIGHWAY ADMINISTRATION TO THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) TRANSFER OF FUNCTIONS FROM FEDERAL HIGHWAY ADMINISTRATION.—Section 104(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by adding "and" at the end;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) TRANSFER OF FUNCTIONS TO NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.—Section 105(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315; and".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

(2) ACTIONS BY THE SECRETARY OF TRANSPORTATION.—The Secretary of Transportation may take such action as may be necessary to ensure the orderly transfer of the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code, and employees carrying out such duties and power, from the Federal Highway Administration to the National Highway Traffic Safety Administration.

SCHUMER AMENDMENTS NOS. 952–1036

(Ordered to lie on the table.)

Mr. SCHUMER submitted 85 amendments intended to be proposed by him to the bill, S. 1143, supra; as follows:

Amendment No. 952

On page 31, line 3, strike "$29,500,000" and insert "$28,000,000".

On page 31, line 25, strike "$1,500,000" and insert "$3,000,000".

Amendment No. 953

On page 27, line 9, strike "$1,000,000" and insert "$999,000".

On page 27, line 21, strike "$22,364,000" and insert "$22,365,000".

Amendment No. 954

On page 17, line 23, strike "$370,000,000" and insert "$365,500,000".

On page 31, line 12, strike "$1,000,000" and insert "$1,500,000".

Amendment No. 955

On page 17, line 23, strike "$370,000,000" and insert "$363,000,000".

On page 30, line 17, strike "$21,000,000" and insert "$27,000,000".

Amendment No. 956

On page 17, line 23, strike "$370,000,000" and insert "$350,000,000".

On page 33, line 2, strike "$60,000,000" and insert "$80,000,000".

Amendment No. 957

On page 17, line 23, strike "$370,000,000" and insert "$368,250,000".

On page 30, line 20, strike "$5,250,000" and insert "$7,000,000".

Amendment No. 958

On page 17, line 23, strike "$370,000,000" and insert "$369,800,000".

On page 33, line 4, strike "$1,960,800,000" and insert "$1,961,000,000".

Amendment No. 959

On page 17, line 23, strike "$370,000,000" and insert "$368,600,000".

On page 30, line 21, strike "$4,000,000" and insert "$5,400,000".

Amendment No. 960

On page 17, line 23, strike "$370,000,000" and insert "$369,990,000".

On page 33, line 12, strike "$2,451,000,000" and insert "$2,461,000,000".

Amendment No. 961

On page 17, line 23, strike "$370,000,000" and insert "$369,789,000".

On page 26, line 14, strike "$91,789,000" and insert "$92,000,000".

Amendment No. 962

On page 17, line 23, strike "$370,000,000" and insert "$364,500,000".

On page 28, line 19, strike "$20,500,000" and insert "$26,000,000".

Amendment No. 963

On page 17, line 23, strike "$370,000,000" and insert "$369,232,000".

On page 30, line 25, strike "$49,632,000" and insert "$50,400,000".

Amendment No. 964

On page 17, line 23, strike "$370,000,000" and insert "$369,100,000".

On page 31, line 10, strike "$1,500,000" and insert "$2,400,000".

Amendment No. 965

On page 17, line 23, strike "$370,000,000" and insert "$369,600,000".

On page 31, line 12, strike "$1,000,000" and insert "$1,400,000".

Amendment No. 966

On page 17, line 23, strike "$370,000,000" and insert "$369,850,000".

On page 31, line 15, strike "$250,000" and insert "$400,000".

Amendment No. 967

On page 17, line 23, strike "$370,000,000" and insert "$369,000,000".

On page 31, line 17, strike "$3,000,000" and insert "$4,000,000".

Amendment No. 968

On page 17, line 23, strike "$370,000,000" and insert "$369,000,000".

On page 31, line 18, strike "$3,000,000" and insert "$4,000,000".

Amendment No. 969

On page 17, line 23, strike "$370,000,000" and insert "$369,000,000".

On page 31, between lines 12 and 13, insert the following:

"New York, bus and garage equipment, $1,000,000;".

Amendment No. 970

On page 17, line 23, strike "$370,000,000" and insert "$354,000,000".

On page 29, between lines 8 and 9, insert the following:

STATEN ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a connection between the Staten Island Railroad and the Chemical Coast Line in Union County, New Jersey, $16,000,000, to remain available until expended: *Provided*, That the Port Authority of New York and New Jersey (or a designee thereof) shall provide matching funds from non-Federal sources on a dollar-for-dollar basis.

Amendment No. 971

On page 28, line 20, insert before the period the following: ", of which $250,000 shall be provided to the State of New York for a High Speed Rail Program Land Access Study".

Amendment No. 972

On page 28, line 20, insert before the period the following: ", of which $250,000 shall be made available to the State of New York for the Empire Corridor Advanced Train Control".

Amendment No. 973

On page 28, line 20, insert before the period the following: ", of which $5,750,000 shall be made available to the State of New York for the Empire Corridor High Speed Safety Program".

Amendment No. 974

On page 17, line 23, strike "$370,000,000" and insert "$355,000,000".

On page 31, line 20, strike "$5,000,000" and insert "$20,000,000".

Amendment No. 975

On page 17, line 23, strike "$370,000,000" and insert "$369,700,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Rochester ITS Evaluation and Integration Initiative, NY	300,000

Amendment No. 976

On page 17, line 23, strike "$370,000,000" and insert "$366,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Statewide ITS Deployment, NY	4,000,000

Amendment No. 977

On page 17, line 23, strike "$370,000,000" and insert "$366,200,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Lower Hudson Multi-Operator Transit Communications Standards Implementation, NY	3,800,000

Amendment No. 978

On page 17, line 23, strike "$370,000,000" and insert "$366,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Rural Transit Automated Vehicle Location System Network, NY	4,000,000

Amendment No. 979

On page 17, line 23, strike "$370,000,000" and insert "$360,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Capital District Regional Traffic Signal System Improvements, NY	10,000,000

Amendment No. 980

On page 17, line 23, strike "$370,000,000" and insert "$367,500,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Hudson Line High Speed Smart Rail/Highway Crossings	2,500,000

Amendment No. 981

On page 17, line 23, strike "$370,000,000" and insert "$365,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

FDR Drive Traffic Management System	5,000,000

AMENDMENT NO. 982

On page 17, line 23, strike "$370,000,000" and insert "$366,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

System Integration of Subregional ITS in New York City	4,000,000

AMENDMENT NO. 983

On page 17, line 23, strike "$370,000,000" and insert "$365,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Cross Westchester Expressway Advanced Transportation Management System, Westchester County	5,000,000

AMENDMENT NO. 984

On page 17, line 23, strike "$370,000,000" and insert "$367,500,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Long Island Railroad Intelligent Grade Crossing Expansion	2,500,000

AMENDMENT NO. 985

On page 17, line 23, strike "$370,000,000" and insert "$366,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Capital District Smart Transit System, NY	4,000,000

AMENDMENT NO. 986

On page 17, line 23, strike "$370,000,000" and insert "$366,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

New York State-Rural Transit Automated Vehicle Location System Network	4,000,000

AMENDMENT NO. 987

On page 17, line 23, strike "$370,000,000" and insert "$368,500,000".

On page 21, in the table preceding line 1, and insert the following:

State of New York	1,500,000

AMENDMENT NO. 988

On page 17, line 23, strike "$370,000,000" and insert "$368,000,000".

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Monroe County traffic operations center, NY	2,000,000

AMENDMENT NO. 989

On page 17, line 23, strike "$370,000,000" and insert "$366,000,000

On page 21, in the table preceding line 1, insert before the item relating to "Kansas City, MO" the following:

Statewide ITS Urban Integration, NY	4,000,000

AMENDMENT NO. 990

On page 48, between lines 8 and 9, insert the following:

"Oneida County buses for bus consortium, New York".

AMENDMENT NO. 991

On page 44, between lines 10 and 11, insert the following:

"Long Beach Central Bus Facility, New York".

AMENDMENT NO. 992

On page 48, between lines 8 and 9, insert the following:

"Oneida County bus facilities, New York".

AMENDMENT NO. 993

On page 50, between lines 8 and 9, insert the following:

"Rochester alternative fuel buses, New York".

AMENDMENT NO. 994

On page 50, between lines 8 and 9, insert the following:

"Rochester Central Bus Facility, New York".

AMENDMENT NO. 995

On page 52, between lines 24 and 25, insert the following:

"Staten Island Rapid Transit Demonstration, New York".

AMENDMENT NO. 996

On page 53, between lines 2 and 3, insert the following:

"Suffolk County Automated Vehicle Locator System, New York".

AMENDMENT NO. 997

On page 53, between lines 2 and 3, insert the following:

"Sullivan County coordinated public transportation, New York".

AMENDMENT NO. 998

On page 53, between lines 11 and 12, insert the following:

"Tompkins County Transit Center, New York".

AMENDMENT NO. 999

On page 53, between lines 15 and 16, insert the following:

"Town of Huntington paratransit vehicles, New York".

AMENDMENT NO. 1000

On page 34, between lines 11 and 12, insert the following:

"Albany Paratransit Bus Facility and replacement vehicles, New York".

AMENDMENT NO. 1001

On page 58, between lines 8 and 9, insert the following:

"Poughkeepsie Intermodal Project, New York".

AMENDMENT NO. 1002

On page 54, between lines 24 and 25, insert the following:

"Westchester County, replace 40 commuter coaches, New York".

AMENDMENT NO. 1003

On page 55, between lines 11 and 12, insert the following:

"Yonkers Intermodal Center, New York".

AMENDMENT NO. 1004

On page 36, between lines 16 and 17, insert the following:

"Broome County, buses and related equipment, New York".

AMENDMENT NO. 1005

On page 80, strike lines 1 through 11 and insert the following:

SEC. 321. MAXIMUM HIGHWAY APPORTIONMENT TO EACH STATE.

(a) DEFINITION OF STATE.—In this section, the term "State" means any of the 50 States and the District of Columbia.

(b) IN GENERAL.—Notwithstanding any other provision of law, no State shall receive more than $120 per capita of the total budget resources made available by this Act to carry out sections 103(b), 105, 119, 133, 144, and 149 of title 23, United States Code.

(c) REDISTRIBUTION OF BUDGET RESOURCES.—The amount of funds made available by application of subsection (b) shall be redistributed equally among the States.

(d) AFFECTED APPORTIONMENTS.—Reductions and increases required under subsections (b) and (c) shall be made only to the formula apportionments under the sections referred to in subsection (b).

AMENDMENT NO. 1006

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . REPEAL OF GUARANTEE OF 90.5 PERCENT RETURN.

Section 105 of title 23, United States Code, is amended by striking subsection (f).

AMENDMENT NO. 1007

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . TERMINATION OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502 of the Internal Revenue Code of 1986 (relating to the Airport and Airway Trust Fund) is repealed.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 9503(b) is repealed.

(c) EFFECTIVE DATE.—The repeals made by this section take effect on October 1, 1999.

AMENDMENT NO. 1008

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . TERMINATION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 (relating to the Highway Trust Fund) is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) takes effect on October 1, 1999.

AMENDMENT NO. 1009

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . TERMINATION OF EXCISE TAX ON HIGHWAY MOTOR FUELS.

(a) IN GENERAL.—Section 4041 (other than subsections (c) and (d)(2)) and subpart A of part III of subchapter A of chapter 32 of the Internal Revenue Code of 1986 (relating to special fuels and gasoline) are repealed.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) take effect on October 1, 1999.

AMENDMENT NO. 1010

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . TERMINATION OF EXCISE TAX ON AVIATION FUELS.

(a) IN GENERAL.—Subections (c) and (d)(2) of section 4041 and subpart B of part III of subchapter A of chapter 32 of the Internal Revenue Code of 1986 (relating to aviation fuels) are repealed.

(b) Effective Date.—The repeals made by subsection (a) take effect on October 1, 1999.

Amendment No. 1011

On page 80, strike lines 1 through 11 and insert the following:

SEC. 321. SURFACE TRANSPORTATION.

(a) High Priority Projects Flexibility.—Section 117 of title 23, United States Code, is amended by adding at the end the following:

"(i) Use of Other Funds.—

"(1) In general.—

"(A) Projects eligible for apportioned funds.—A State may use for a project under this section any funds apportioned under this title for which the project is eligible.

"(B) Projects not eligible for apportioned funds.—If a project under this section is not eligible for funds apportioned under this title, a State may use for the project funds apportioned to the State under section 104(b)(3), other than funds set aside or suballocated under section 133(d).

"(2) Reimbursement.—Apportioned funds used under paragraph (1) shall be reimbursed from amounts allocated for the project under this section in an amount equal to the amount used under paragraph (1), but not to exceed the total of the amounts allocated for the project under this section.".

(b) Funding Flexibility and High Speed Rail Corridors.—

(1) Eligibility of passenger rail for highway funding.—

(A) National highway system.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

"(Q) Acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity rail passenger facilities and rolling stock.".

(B) Surface transportation program.—Section 133(b)(2) of title 23, United States Code, is amended by inserting before the period at the end the following: ", rail, or a combination of bus and rail".

(C) Congestion mitigation and air quality improvement program.—Section 149(b) of title 23, United States Code, is amended—

(i) in paragraph (4), by striking "or" at the end;

(ii) in paragraph (5), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(6) if the project or program will have air quality benefits through acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity rail passenger facilities and rolling stock.".

(2) Transfer of highway and transit funds to Amtrak and publicly-owned passenger rail lines.—Section 104(k) of title 23, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by inserting after paragraph (2) the following:

"(3) Transfer to Amtrak and publicly-owned passenger rail lines.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds."; and

(C) in paragraph (4) (as redesignated by subparagraph (A)), by striking "paragraphs (1) and (2)" and inserting "paragraphs (1) through (3)".

(c) Historic Bridges.—Section 144(o) of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by inserting "amount of" before "costs eligible"; and

(B) by striking "subsection shall not" and inserting "subsection that are funded with funds made available to carry out this section shall not"; and

(2) in paragraph (4)—

(A) in the second sentence, by striking "up to an amount not to" and inserting ", except that the amount of reimbursable project costs that are funded with funds made available to carry out this section shall not"; and

(B) in the last sentence, by striking "title" and inserting "section".

(d) Accounting Simplification.—Section 1102(c)(4) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended by striking "$2,000,000,000" each place it appears and inserting "$2,161,000,000".

Amendment No. 1012

Beginning on page 80, strike line 14 and all that follows through page 81, line 2, and insert the following:

(1) by striking the section heading and inserting the following:

"SEC. 3021. PILOT PROGRAM FOR INTERCITY PASSENGER RAIL SERVICE FUNDED FROM HIGHWAY TRUST FUND (OTHER THAN MASS TRANSIT ACCOUNT).";

(2) in subsection (a)—

(A) by striking the first sentence and inserting "The Secretary shall establish a pilot program to determine the benefits of allowing States to use funds from the Highway Trust Fund (other than the Mass Transit Account) for intercity passenger rail service."; and

(B) in the second sentence, by striking "Any" and all that follows through "United States Code" and inserting "The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code, and sections 133 and 149 of title 23, United States Code";

(3) in subsection (b)(1), by striking "the Committee on Banking, Housing, and Urban Affairs" and inserting "the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation"; and

(4) by adding at the end the following:

Amendment No. 1013

On page 69, strike lines 14 through 18.

Amendment No. 1014

On page 91, insert the following new section:

"Sec. . (a) None of the funds make available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) Sense of the Congress; Requirement Regarding Notice.—

(1) Purchase of American-made equipment and products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) Notice to recipients of assistance.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Amendment No. 1015

On page 91, insert the following new section:

Sec. . (a) Findings.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into water;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and thereby reduce the overall pollution in that area.

(b) Purpose.—The purpose of this Act is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

SEC. . DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term "airport bubble" means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

SEC. . STUDY OF USING AIRPORT BUBBLES.

(a) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(b) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(1) the Administrator of the Federal Aviation Administration (or a designee);

(2) the Secretary of Defense (or a designee);

(3) the Secretary of Transportation (or a designee);

(4) a representative of air quality districts;

(5) a representative of environmental research groups;

(6) a representative of State Audubon Societies;

(7) a representative of the Sierra Club;

(8) a representative of the Nature Conservancy;

(9) a representative of port authorities of States;

(10) an airport manager;

(11) a representative of commanding officers of military air bases and stations;

(12) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(13) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(14) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(15) a representative of the Air Transport Association;

(16) a representative of the Airports Council International-North America;

(17) a representative of environmental specialists from airport authorities; and

(18) a representative from an aviation union representing ground crews.

(c) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(1) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(A) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(B) buses, taxis, and limousines that serve airports;

(2) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(3) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(4) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(5) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(6) propose boundaries of the areas to be included within airport bubbles;

(7) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(8) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(9) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(10) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(11) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(d) Report.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this section.

SEC. . STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.

(a) In general.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this section.

SEC. . PROGRESS REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter until the reports under sections 4 and 5 are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out sections 4 and 5.

SEC. . REPORTING OF TOXIC CHEMICAL RELEASES.

(a) In general.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate regulations requiring each airport that regularly serves commercial or military jet aircraft to report, under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (42 U.S.C. 13106), releases and other waste management activities associated with the manufacturing, processing, or other use of toxic chemicals listed under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023), including toxic chemicals manufactured, processed, or otherwise used—

(1) during operation and maintenance of aircraft and other motor vehicles at the airport; and

(2) in the course of other airport and airline activities.

(b) Treatment as a facility.—For the purpose of subsection (a), an airport shall be considered to be a facility as defined in section 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049).

SEC. . FUNDING.

The Administrator shall carry out this Act using existing funds available to the Administrator.

AMENDMENT NO. 1016

On page 82, line 22, strike "$200" and insert "$90".

AMENDMENT NO. 1017

On page 82, line 22, strike "$200" and insert "$100".

AMENDMENT NO. 1018

On page 82, line 20, strike "70" and insert "60".

AMENDMENT NO. 1019

On page 82, line 20, strike "70" and insert "300".

AMENDMENT NO. 1020

On page 82, line 22, strike "$200" and insert "$140".

AMENDMENT NO. 1021

On page 17, line 23, strike "$370,000,000" and insert "$341,000,000".

On page 29, line 13, strike "$571,000,000" and insert "$600,000,000".

AMENDMENT NO. 1022

On page 69, line 9, strike "100" and insert "115".

AMENDMENT NO. 1023

On page 18, line 24, after "Code:", insert the following: "*Provided further*, That none of the funds appropriated by this Act may be obligated or expended to fund the Office of Highway Policy Information:".

AMENDMENT NO. 1024

On page 34, line 1, insert after "Appropriations" the following: ", the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives".

AMENDMENT NO. 1025

On page 55, line 20, insert after "tions" the following: ", the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives".

AMENDMENT NO. 1026

On page 84, line 14, before the period, insert the following: ", the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on

Transportation and Infrastructure of the House of Representatives".

Amendment No. 1027

On page 27, strike lines 17 and 18 and insert the following:

proved by the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

Amendment No. 1028

On page 27, line 16, strike "10 percent" and insert "85 percent".

Amendment No. 1029

On page 35, strike line 25.

Amendment No. 1030

On page 35, strike lines 15 and 16.

Amendment No. 1031

On page 34, strike line 7.

Amendment No. 1032

On page 91, insert the following new section:

SEC. .

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN STATION.

The Amtrak station to be constructed in the James A. Farley Post Office Building in New York, New York, shall be known and designated as the "Daniel Patrick Moynihan Station".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Amtrak station referred to in section 1 shall be deemed to be a reference to the "Daniel Patrick Moynihan Station".

Amendment No. 1033

On page 91, insert the following new section:

SEC. .

SECTION 1. SHORT TITLE.

This Act may be cited as the "Acid Deposition and Ozone Control Act".

SEC. 2. FINDINGS AND PURPOSES.

(A) FINDINGS.—Congress finds that—

(1) reductions of atmospheric nitrogen oxide and sulfur dioxide from utility plants, in addition to the reductions required under the Clean Air Act (42 U.S.C. 7401 et seq.), are needed to reduce acid deposition and its serious adverse effects on public health, natural resources, building structures, sensitive ecosystems, and visibility;

(2) nitrogen oxide and sulfur dioxide contribute to the development of fine particulates, suspected of causing human mortality and morbidity to a significant extent;

(3) regional nitrogen oxide reductions of 50 percent in the Eastern United States, in addition to the reductions required under the Clean Air Act, may be necessary to protect sensitive watersheds from the effects of nitrogen deposition;

(4) without reductions in nitrogen oxide and sulfur dioxide, the number of acidic lakes in the Adirondacks in the State of New York is expected to increase by up to 40 percent by 2040; and

(5) nitrogen oxide is highly mobile and can lead to ozone formation hundreds of miles from the emitting source.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the current scientific understanding that emissions of nitrogen oxide and sulfur dioxide, and the acid deposition resulting from emissions of nitrogen oxide and sulfur dioxide, present a substantial human health and environmental risk;

(2) to require reductions in nitrogen oxide and sulfur dioxide emissions;

(3) to support the efforts of the Ozone Transport Assessment Group to reduce ozone pollution;

(4) to reduce utility emissions of nitrogen oxide by 70 percent from 1990 levels; and

(5) to reduce utility emissions of sulfur dioxide by 50 percent after the implementation of phase II sulfur dioxide requirements under section 405 of the Clean Air Act (42 U.S.C. 7651d).

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AFFECTED FACILITY.—The term "affected facility" means a facility with 1 or more combustion units that serve at least 1 electricity generator with a capacity equal to or greater than 25 megawatts.

(3) NO_X ALLOWANCE.—The term "NO_X allowance" means a limited authorization under section 4(3) to emit, in accordance with this Act, quantities of nitrogen oxide.

(4) MMBTU—The term "mmBtu" means 1,000,000 British thermal units.

(5) PROGRAM.—The term "Program" means the Nitrogen Oxide Allowance Program established under section 4.

(6) STATE.—The term "State" means the 48 contiguous States and the District of Columbia.

SEC. 4. NITROGEN OXIDE ALLOWANCE PROGRAM.

(A) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall establish a program to be known as the "Nitrogen Oxide Allowance Program".

(2) SCOPE.—The Program shall be conducted in the 48 contiguous States and the District of Columbia.

(3) NO_X ALLOWANCES.—

(A) ALLOCATION.—The Administrator shall allocate under paragraph (4)—

(i) for each of calendar years 2002 through 2004, 5,400,000 NO_X allowances; and

(ii) for calendar year 2005 and each calendar year thereafter, 3,000,000 NO_X allowances.

(B) USE.—Each NO_X allowance shall authorize an affected facility to emit—

(i) 1 ton of nitrogen oxide during each of the months of October, November, December, January, February, March, and April of any year; or

(ii) ½ ton of nitrogen oxide during each of the months of May, June, July, August, and September of any year.

(4) ALLOCATION.—

(A) DEFINITION OF TOTAL ELECTRIC POWER.—In this paragraph, the term "total electric power" means all electric power generated by utility and nonutility generators for distribution, including electricity generated from solar, wind, hydro power, nuclear power, cogeneration facilities, and the combustion of fossil fuel.

(B) ALLOCATION OF ALLOWANCES.—The Administrator shall allocate annual NO_X allowances to each of the States in proportion to the State's share of the total electric power generated in all of the States.

(C) PUBLICATION.—The Administrator shall publish in the Federal Register a list of each State's NO_X allowance allocation—

(i) by December 1, 2000, for calendar years 2002 through 2004;

(ii) by December 1, 2002, for calendar years 2005 through 2007; and

(iii) by December 1 of each calendar year after 2002, for the calendar year that begins 61 months thereafter.

(5) INTRASTATE DISTRIBUTION.—

(A) IN GENERAL.—A State may submit to the Administrator a report detailing the distribution of NO_X allowances of the State to affected facilities in the State—

(i) not later than September 30, 2001, for calendar years 2002 through 2004;

(ii) not later than September 30, 2003, for calendar years 2005 through 2012; and

(iii) not later than September 30 of each calendar year after 2013, for the calendar year that begins 61 months thereafter.

(B) ACTION BY THE ADMINISTRATOR.—If a State submits a report under subparagraph (A) not later than September 30 of the calendar year specified in subparagraph (A), the Administrator shall distribute the NO_X allowances to affected facilities in the State as detailed in the report.

(C) LATE SUBMISSION OF REPORT.—A report submitted by a State after September 30 of a specified year shall be of no effect.

(D) DISTRIBUTION IN ABSENCE OF A REPORT.—

(i) IN GENERAL.—Subject to subsection (e), if a State does not submit a report under subparagraph (A) not later than September 30 of the calendar year specified in subparagraph (A), the Administrator shall, not later than November 30 of that calendar year, distribute the NO_X allowances for the calendar years specified in subparagraph (A) to each affected facility in the State in proportion to the affected facility's share of the total electric power generated in the State.

(ii) DETERMINATION OF FACILITY'S SHARE.—In determining an affected facility's share of total electric power generated in a State, the Administrator shall consider the net electric power generated by the facility and the State to be—

(I) for calendar years 2002 through 2004, the average annual amount of electric power generated, by the facility and the State, respectively, in calendar years 1997 through 1999;

(II) for calendar years 2005 through 2012, the average annual amount of electric power generated, by the facility and the State, respectively, in calendar years 1999 through 2001; and

(III) for calendar year 2013 and each calendar year thereafter, the amount of electric power generated, by the facility and the State, respectively, in the calendar year 5 years previous to the year for which the determination is made.

(E) JUDICIAL REVIEW.—A distribution of NO_X allowances by the Administrator under subparagraph (D) shall not be subject to judicial review.

(b) NO_X ALLOWANCE TRANSFER SYSTEM.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall promulgate a NO_X allowance system regulation under which a NO_X allowance allocated under this Act may be transferred among affected facilities and any other person.

(2) ESTABLISHMENT.—The regulation shall establish the NO_X allowance system under this section, including requirements for the allocation, transfer, and use of NO_X allowances under this Act.

(3) USE OF NO_X ALLOWANCES.—The regulation shall—

(A) prohibit the use (but not the transfer in accordance with paragraph (5)) of any NO_X

allowance before the calendar year for which the NO_X allowance is allocated; and

(B) provide that the unused NO_X allowances shall be carried forward and added to NO_X allowances allocated for subsequent years.

(4) Certification of transfer.—A transfer of a NO_X allowance shall not be effective until a written certification of the transfer, signed by a responsible official of the person making the transfer, is received and recorded by the Administrator.

(c) NO_X Allowance Tracking System.—Not later than 18 months after the date of enactment of this Act, the Administrator shall promulgate regulations for issuing, recording, and tracking the use and transfer of NO_X allowances that shall specify all necessary procedures and requirements for an orderly and competitive functioning of the NO_X allowance system.

(d) Permit Requirements.—A NO_X allowance allocation or transfer shall, on recordation by the Administrator, be considered to be a part of each affected facility's operating permit requirements, without a requirement for any further permit review or revision.

(e) New Source Reserve.—

(1) In general.—For a State for which the Administrator distributes NO_X allowances under subsection (a)(5)(D), the Administrator shall place 10 percent of the total annual NO_X allowances of the State in a new source reserve to be distributed by the Administrator—

(A) for calendar years 2002 through 2005, to sources that commence operation after 1998;

(B) for calendar years 2006 through 2011, to sources that commence operation after 2000; and

(C) for calendar year 2012 and each calendar year thereafter, to sources that commence operation after the calendar year that is 5 years previous to the year for which the distribution is made.

(2) Share.—For a State for which the Administrator distributes NO_X allowances under subsection (a)(5)(D), the Administrator shall distribute to each new source a number of NO_X allowances sufficient to allow emissions by the source at a rate equal to the lesser of the new source performance standard or the permitted level for the full nameplate capacity of the source, adjusted pro rata for the number of months of the year during which the source operates.

(3) Unused NO_X Allowances.—

(A) In general.—During the period of calendar years 2000 through 2005, the Administrator shall conduct auctions at which a NO_X allowance remaining in the new source reserve that has not been distributed under paragraph (2) shall be offered for sale.

(B) Open auctions.—An auction under subparagraph (A) shall be open to any person.

(C) Conduct of auction.—

(i) Method of bidding.—A person wishing to bid for a NO_X allowance at an auction under subparagraph (A) shall submit (by a date set by the Administrator) to the Administrator (on a sealed bid schedule provided by the Administrator) an offer to purchase a specified number of NO_X Allowances at a specified price.

(ii) Sale based on bid price.—A NO_X Allowance auctioned under subparagraph (A) shall be sold on the basis of bid price, starting with the highest priced bid and continuing until all NO_X allowances for sale at the auction have been sold.

(iii) No minimum price.—A minimum price shall not be set for the purchase of a NO_X allowance auctioned under subparagraph (A).

(iv) Regulations.—The Administrator, in consultation with the Secretary of the Treasury, shall promulgate a regulation to carry out this paragraph.

(D) Use of NO_X allowances.—A NO_X allowance purchased at an auction under subparagraph (A) may be used for any purpose and at any time after the auction that is permitted for use of a NO_X allowance under this Act.

(E) Proceeds of auction.—The proceeds from an auction under this paragraph shall be distributed to the owner of an affected source in proportion to the number of allowances that the owner would have received but for this subsection.

(f) Nature of NO_X Allowances.—

(1) Not a property right.—A NO_X allowance shall not be considered to be a property right.

(2) Limitation of NO_X allowance.—Notwithstanding any other provision of law, the Administrator may terminate or limit a NO_X allowance.

(g) Prohibitions.—

(1) In general.—After January 1, 2000, it shall be unlawful—

(A) for the owner or operator of an affected facility to operate the affected facility in such a manner that the affected facility emits nitrogen oxides in excess of the amount permitted by the quantity of NO_X allowances held by the designated representative of the affected facility; or

(B) for any person to hold, use, or transfer a NO_X allowance allocated under this Act, except as provided under this Act.

(2) Other emission limitations.—Section 407 of the Clean Air Act (42 U.S.C. 7651f) is repealed.

(3) Time of use.—A NO_X allowance may not be used before the calendar year for which the NO_X allowance is allocated.

(4) Permitting, monitoring, and enforcement.—Nothing in this section affects—

(A) the permitting, monitoring, and enforcement obligations of the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.); or

(B) the requirements and liabilities of an affected facility under that Act.

(h) Savings Provisions.—Nothing in this section—

(1) affects the application of, or compliance with, the Clean Air Act (42 U.S.C. 7401 et seq.) for an affected facility, including the provisions related to applicable national ambient air quality standards and State implementation plans;

(2) requires a change in, affects, or limits any State law regulating electric utility rates or charges, including prudency review under State law;

(3) affects the application of the Federal Power Act (16 U.S.C. 791a et seq.) or the authority of the Federal Energy Regulatory Commission under that Act; or

(4) interferes with or impairs any program for competitive bidding for power supply in a State in which the Program is established.

SEC. 5. INDUSTRIAL SOURCE MONITORING.

Section 412(a) of the Clean Air Act (42 U.S.C. 7651k(a)) is amended in the first sentence by inserting ", or of any industrial facility with a capacity of 100 or more mmBtu's per hour," after "The owner and operator of any source subject to this title".

SEC. 6. EXCESS EMISSIONS PENALTY.

(a) In General.—

(1) Liability.—The owner or operator of an affected facility that emits nitrogen oxides in any calendar year in excess of the NO_X allowances the owner or operator holds for use for the facility for that year shall be liable for the payment of an excess emissions penalty.

(2) Calculation.—The excess emissions penalty shall be calculated by multiplying $6,000 by the quantity that is equal to—

(A) the quantity of NO_X allowances that would authorize the nitrogen oxides emitted by the facility or the calendar year; minus

(B) the quantity of NO_X allowances that the owner or operator holds for use for the facility for that year.

(3) Overlapping penalties.—A penalty under this section shall not diminish the liability of the owner or operator of an affected facility for any fine, penalty, or assessment against the owner or operator for the same violation under any other provision of law.

(b) Excess Emissions Offset.—

(1) In general.—The owner or operator of a affected facility that emits nitrogen oxide during a calendar year in excess of the NO_X allowances held for the facility for the calendar year shall offset in the following calendar year a quantity of NO_X allowances equal to the number of NO_X allowances that would authorize the excess nitrogen oxides emitted.

(2) Proposed plan.—Not later than 60 days after the end of the year in which excess emissions occur, the owner or operator of an affected facility shall submit to the Administrator and the State in which the affected facility is located a proposed plan to achieve the offset required under paragraph (1).

(3) Condition of permit.—On approval of the proposed plan by the Administrator, as submitted, or as modified or conditioned by the Administrator, the plan shall be considered a condition of the operating permit for the affected facility without further review or revision of the permit.

(c) Penalty Adjustment.—The Administrator shall annually adjust the amount of the penalty specified in subsection(a) to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics.

SEC. 7. SULFUR DIOXIDE ALLOWANCE PROGRAM REVISIONS.

Section 402 of the Clean Air Act (42 U.S.C. 7651a) is amended by striking paragraph (3) and inserting the following:

"(3) Allownce.—The term 'allowance' means an authorization, allocated to an affected unit by the Administrator under this title, to emit, during or after a specified calendar year—

"(A) in the case of allowance allocated for calendar years 1997 through 2004, 1 ton of sulfur dioxide; and

"(B) in the case of allowances allocated for calendar year 2005 and each calendar year thereafter, ½ ton of sulfur dioxide.".

SEC. 8. REGIONAL ECOSYSTEMS.

(a) Report.—

(1) In general.—Not later than December 21, 2002, the Administrator shall submit to Congress a report identifying objectives for scientifically credible environmental indicators, as determined by the Administrator, that are sufficient to protect sensitive ecosystems of the Adirondack Mountains, mid-Appalachian Mountains, Rocky Mountains, and Southern Blue Ridge Mountains and water bodies of the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay.

(2) Acid neutralizing capacity.—The report under paragraph (1) shall—

(A) include acid neutralizing capacity as an indicator; and

(B) identify as an objective under paragraph (1) the objective of increasing the proportion of water bodies in sensitive receptor areas with an acid neutralizing capacity greater than zero from the proportion identified in surveys begun in 1984.

(3) Updated Report.—Not later than December 31, 2008, the Administrator shall submit to Congress a report updating the report

under paragraph (1) and assessing the status and trends of various environmental indicators for the regional ecosystems referred to in paragraph (1).

(4) REPORTS UNDER THE NATIONAL ACID PRECIPITATION ASSESSMENT PROGRAM.—The reports under this subsection shall be subject to the requirements applicable to a report under section 103(j)(3)(E) of the Clean Air Act (42 U.S.C. 7403(j)(3)(E)).

(b) REGULATIONS.—

(1) DETERMINATION.—Not later than December 31, 2008, the Administrator shall determine whether emissions reductions under section 4 are sufficient to ensure achievement of the objectives stated in subsection (a)(1).

(2) PROMULGATION.—If the Administrator determines under paragraph (1) that emissions reductions under section 4 are not sufficient to ensure achievement of the objectives identified in subsection (a)(1), the Administrator shall promulgate, not later than 2 years after making the finding, such regulations, including modification of nitrogen oxide and sulfur dioxide allowance allocations or any such measure, as the Administrator determines are necessary to protect the sensitive ecosystems described in subsection (a)(1).

SEC. 9. GENERAL COMPLIANCE WITH OTHER PROVISIONS.

Except as expressly provided in this Act, compliance with this Act shall not exempt or exclude the owner or operator of an affected facility from compliance with any other law.

SEC. 10. MERCURY EMISSION STUDY AND CONTROL.

(a) STUDY AND REPORT.—The Administrator shall—

(1) study the practicality of monitoring mercury emissions from all combustion units that have a capacity equal to or greater than 250 mmBtu's per hour; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress a report on the results of the study.

(b) REGULATIONS CONCERNING MONITORING.—Not later than 1 year after the date of submission of the report under subsection (a), the Administrator shall promulgate a regulation requiring the reporting of mercury emissions from units that have a capacity equal to or greater than 250 mmBtu's per hour.

(c) EMISSION CONTROLS.—

(1) IN GENERAL.—Not later than 1 year after the commencement of monitoring activities under subsection (b), the Administrator shall promulgate a regulation controlling electric utility and industrial source emissions of mercury.

(2) FACTORS.—The regulation shall take into account technological feasibility, cost, and the projected reduction in levels of mercury emissions that will result from implementation of this Act.

SEC. 11. DEPOSITION RESEARCH BY THE ENVIRONMENTAL PROTECTION AGENCY.

(a) IN GENERAL.—The Administrator shall establish a competitive grant program to fund research related to the effects of nitrogen deposition on sensitive watersheds and coastal estuaries in the Eastern United States.

(2) CHEMISTRY OF LAKES AND STREAMS.—

(1) INITIAL REPORT.—Not later than September 30, 2001, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report on the health and chemistry of lakes and streams of the Adirondacks that were subjects of the report transmitted under section 404 of Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (104 Stat. 2632).

(2) FOLLOWING REPORT.—Not later than 2 years after the date of the report under paragraph (1), the Administrator shall submit a report updating the information contained in the initial report.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a), $1,000,000 for each of fiscal years 2000 through 2005; and

(2) to carry out subsection (b), $1,000,000 for each of fiscal years 2000, 2001, 2007, and 2008.

AMENDMENT NO. 1034

At the end of the bill add the following:

TITLE —PATIENTS' BILL OF RIGHTS

SEC. 1. SHORT TITLE.

This title may be cited as the "Patients' Bill of Rights Act of 1999".

Subtitle A—Health Insurance Bill of Rights

CHAPTER 1—ACCESS TO CARE

SEC. 101. ACCESS TO EMERGENCY CARE.

(a) COVERAGE OF EMERGENCY SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

(A) without the need for any prior authorization determination;

(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee by a nonparticipating health care provider without prior authorization by the plan or issuer, the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider with prior authorization by the plan or issuer; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term "emergency services" means—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)), and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—In the case of services (other than emergency services) for which benefits are available under a group health plan, or under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided to a participant, beneficiary, or enrollee other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) (and shall otherwise comply with the guidelines established under section 1852(d)(2) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable), or, in the absence of guidelines under such section, such guidelines as the Secretary shall establish to carry out this subsection), if the services are maintenance care or post-stabilization care covered under such guidelines.

SEC. 102. OFFERING OF CHOICE OF COVERAGE OPTIONS UNDER GROUP HEALTH PLANS.

(a) REQUIREMENT.—

(1) OFFERING OF POINT-OF-SERVICE COVERAGE OPTION.—Except as provided in paragraph (2), if a group health plan (or health insurance coverage offered by a health insurance issuer in connection with a group health plan) provides benefits only through participating health care providers, the plan or issuer shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan or coverage and at such other times as the plan or issuer offers the participant a choice of coverage options.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to a participant in a group health plan if the plan offers the participant—

(A) a choice of health insurance coverage; and

(B) one or more coverage options that do not provide benefits only through participating health care providers.

(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term "point-of-service coverage" means, with respect to benefits covered under a group health plan or health insurance issuer, coverage of such benefits when provided by a nonparticipating health care provider. Such coverage need not include coverage of providers that the plan or issuer excludes because of fraud, quality, or similar reasons.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) as requiring coverage for benefits for a particular type of health care provider;

(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options; or

(3) as preventing a group health plan or health insurance issuer from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option.

(d) NO REQUIREMENT FOR GUARANTEED AVAILABILITY.—If a health insurance issuer offers health insurance coverage that includes point-of-service coverage with respect to an employer solely in order to meet the requirement of subsection (a), nothing in section 2711(a)(1)(A) of the Public Health Service Act shall be construed as requiring the offering of such coverage with respect to another employer.

SEC. 103. CHOICE OF PROVIDERS.

(a) PRIMARY CARE.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall permit each participant, beneficiary, and enrollee to receive primary care from any participating primary care provider who is available to accept such individual.

(b) SPECIALISTS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such individual for such care.

(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating providers with respect to such care.

SEC. 104. ACCESS TO SPECIALTY CARE.

(a) OBSTETRICAL AND GYNECOLOGICAL CARE.—

(1) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care provider—

(A) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider; and

(B) if such an individual has not designated such a provider as a primary care provider, the plan or issuer—

(i) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

(ii) may treat the ordering of other gynecological care by such a participating health professional as the authorization of the primary care provider with respect to such care under the plan or coverage.

(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

(b) SPECIALTY CARE.—

(1) SPECIALTY CARE FOR COVERED SERVICES.—

(A) IN GENERAL.—If—

(i) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer,

(ii) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, and

(iii) benefits for such treatment are provided under the plan or coverage,

the plan or issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

(B) SPECIALIST DEFINED.—For purposes of this subsection, the term "specialist" means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

(C) CARE UNDER REFERRAL.—A group health plan or health insurance issuer may require that the care provided to an individual pursuant to such referral under subparagraph (A) be—

(i) pursuant to a treatment plan, only if the treatment plan is developed by the specialist and approved by the plan or issuer, in consultation with the designated primary care provider or specialist and the individual (or the individual's designee), and

(ii) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an individual from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

(D) REFERRALS TO PARTICIPATING PROVIDERS.—A group health plan or health insurance issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the individual's condition and that is a participating provider with respect to such treatment.

(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers an individual to a nonparticipating specialist pursuant to subparagraph (A), services provided pursuant to the approved treatment plan (if any) shall be provided at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist that is a participating provider.

(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—A group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care. If such an individual's care would most appropriately be coordinated by such a specialist, such plan or issuer shall refer the individual to such specialist.

(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the individual without a referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term "special condition" means a condition or disease that—

(i) is life-threatening, degenerative, or disabling, and

(ii) requires specialized medical care over a prolonged period of time.

(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

(3) STANDING REFERRALS.—

(A) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the plan or issuer, or if the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to such a specialist.

(B) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

SEC. 105. CONTINUITY OF CARE.

(a) IN GENERAL.—

(1) TERMINATION OF PROVIDER.—If a contract between a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in paragraph (3)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or coverage is undergoing a course of treatment from the provider at the time of such termination, the plan or issuer shall—

(A) notify the individual on a timely basis of such termination, and

(B) subject to subsection (c), permit the individual to continue or be covered with respect to the course of treatment with the provider during a transitional period (provided under subsection (b)).

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE ISSUER.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) TERMINATION.—In this section, the term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by the plan or issuer for failure to meet applicable quality standards or for fraud.

(b) TRANSITIONAL PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least 90 days from the date of the notice described in subsection (a)(1)(A) of the provider's termination.

(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and also shall include institutional care provided within a reasonable time of the date of termination of the provider status if the care

was scheduled before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date was on an established waiting list or otherwise scheduled to have such care.

(3) PREGNANCY.—If—

(A) a participant, beneficiary, or enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(4) TERMINAL ILLNESS.—If—

(A) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, and

(B) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the individual's life for care directly related to the treatment of the terminal illness.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under subsection (a)(1)(B) upon the provider agreeing to the following terms and conditions:

(1) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or issuer after the date of the termination of the contract with the health insurance issuer) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

SEC. 106. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

(a) COVERAGE.—

(1) IN GENERAL.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(C) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "qualified individual" means an individual who is a participant or beneficiary in a group health plan, or who is an enrollee under health insurance coverage, and who meets the following conditions:

(1)(A) The individual has a life-threatening or serious illness for which no standard treatment is effective.

(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

(2) Either—

(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

(B) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

(c) PAYMENT.—

(1) IN GENERAL.—Under this section a group health plan or health insurance issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

(2) PAYMENT RATE.—In the case of covered items and services provided by—

(A) a participating provider, the payment rate shall be at the agreed upon rate, or

(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

(d) APPROVED CLINICAL TRIAL DEFINED.—

(1) IN GENERAL.—In this section, the term "approved clinical trial" means a clinical research study or clinical investigation approved and funded (which may include funding through in-kind contributions) by one or more of the following:

(A) The National Institutes of Health.

(B) A cooperative group or center of the National Institutes of Health.

(C) Either of the following if the conditions described in paragraph (2) are met:

(i) The Department of Veterans Affairs.

(ii) The Department of Defense.

(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

SEC. 107. ACCESS TO NEEDED PRESCRIPTION DRUGS.

(a) IN GENERAL.—If a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(1) ensure participation of participating physicians and pharmacists in the development of the formulary;

(2) disclose to providers and, disclose upon request under section 121(c)(6) to participants, beneficiaries, and enrollees, the nature of the formulary restrictions; and

(3) consistent with the standards for a utilization review program under section 115, provide for exceptions from the formulary limitation when a non-formulary alternative is medically indicated.

(b) COVERAGE OF APPROVED DRUGS AND MEDICAL DEVICES.—

(1) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) that provides any coverage of prescription drugs or medical devices shall not deny coverage of such a drug or device on the basis that the use is investigational, if the use—

(A) in the case of a prescription drug—

(i) is included in the labeling authorized by the application in effect for the drug pursuant to subsection (b) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, without regard to any postmarketing requirements that may apply under such Act; or

(ii) is included in the labeling authorized by the application in effect for the drug under section 351 of the Public Health Service Act, without regard to any postmarketing requirements that may apply pursuant to such section; or

(B) in the case of a medical device, is included in the labeling authorized by a regulation under subsection (d) or (3) of section 513 of the Federal Food, Drug, and Cosmetic Act, an order under subsection (f) of such section, or an application approved under section 515 of such Act, without regard to any postmarketing requirements that may apply under such Act.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any coverage of prescription drugs or medical devices.

SEC. 108. ADEQUACY OF PROVIDER NETWORK.

(a) IN GENERAL.—Each group health plan, and each health insurance issuer offering health insurance coverage, that provides benefits, in whole or in part, through participating health care providers shall have (in relation to the coverage) a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage. This subsection shall only apply to a plan's or issuer's application of restrictions on the participation of health care providers in a network and shall not be construed as requiring a plan or issuer to create or establish new health care providers in an area.

(b) TREATMENT OF CERTAIN PROVIDERS.—The qualified health care providers under subsection (a) may include Federally qualified health centers, rural health clinics, migrant health centers, and other essential community providers located in the service area of the plan or issuer and shall include such providers if necessary to meet the standards established to carry out such subsection.

SEC. 109. NONDISCRIMINATION IN DELIVERY OF SERVICES.

(a) APPLICATION TO DELIVERY OF SERVICES.—Subject to subsection (b), a group health plan, and health insurance issuer in relation to health insurance coverage, may not discriminate against a participant, beneficiary, or enrollee in the delivery of health care services consistent with the benefits covered under the plan or coverage or as required by law based on race, color, ethnicity, national origin, religion, sex, age, mental or physical disability, sexual orientation, genetic information, or source of payment.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as relating to the eligibility to be covered, or the offering (or guaranteeing the offer) of coverage, under a plan or health insurance coverage, the application of any pre-existing condition exclusion consistent with applicable law, or premiums charged under such plan or coverage. Pursuant to section 192(b), except as provided in section 152, nothing in this subtitle shall be construed as requiring a group health plan or health insurance issuer to provide specific benefits under the terms of such plan or coverage.

CHAPTER 2—QUALITY ASSURANCE

SEC. 111. INTERNAL QUALITY ASSURANCE PROGRAM.

(a) REQUIREMENT.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

(b) PROGRAM REQUIREMENTS.—The requirements of this subsection for a quality improvement program of a plan or issuer are as follows:

(1) ADMINISTRATION.—The plan or issuer has a separate identifiable unit with responsibility for administration of the program.

(2) WRITTEN PLAN.—The plan or issuer has a written plan for the program that is updated annually and that specifies at least the following:

(A) The activities to be conducted.

(B) The organizational structure.

(C) The duties of the medical director.

(D) Criteria and procedures for the assessment of quality.

(3) SYSTEMATIC REVIEW.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

(4) QUALITY CRITERIA.—The program—

(A) uses criteria that are based on performance and patient outcomes where feasible and appropriate;

(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate;

(C) includes methods for informing covered individuals of the benefit of preventive care and what specific benefits with respect to preventive care are covered under the plan or coverage; and

(D) makes available to the public a description of the criteria used under subparagraph (A).

(5) SYSTEM FOR REPORTING.—The program has procedures for reporting of possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

(6) DATA ANALYSIS.—The program provides, using data that include the data collected under section 112, for an analysis of the plan's or issuer's performance on quality measures.

(7) DRUG UTILIZATION REVIEW.—The program provides for a drug utilization review program in accordance with section 114.

(c) DEEMING.—For purposes of subsection (a), the requirements of—

(1) subsection (b) (other than paragraph (5)) are deemed to be met with respect to a health insurance issuer that is a qualified health maintenance organization (as defined in section 1310(c) of the Public Health Service Act); or

(2) subsection (b) are deemed to be met with respect to a health insurance issuer that is accredited by a national accreditation organization that the Secretary certifies as applying, as a condition of certification, standards at least a stringent as those required for a quality improvement program under subsection (b).

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

SEC. 112. COLLECTION OF STANDARDIZED DATA.

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall collect uniform quality data that include a minimum uniform data set described in subsection (b).

(b) MINIMUM UNIFORM DATA SET.—The Secretary shall specify (and may from time to time update) the data required to be included in the minimum uniform data set under subsection (a) and the standard format for such data. Such data shall include at least—

(1) aggregate utilization data;

(2) data on the demographic characteristics of participants, beneficiaries, and enrollees;

(3) data on disease-specific and age-specific mortality rates and (to the extent feasible) morbidity rates of such individuals;

(4) data on satisfaction (including satisfaction with respect to services to children) of such individuals, including data on voluntary disenrollment and grievances; and

(5) data on quality indicators and health outcomes, including, to the extent feasible and appropriate, data on pediatric cases and on a gender-specific basis.

(c) AVAILABILITY.—A summary of the data collected under subsection (a) shall be disclosed under section 121(b)(9). The Secretary shall be provided access to all the data so collected.

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

(e) EXCEPTION FOR NON-MEDICAL, RELIGIOUS CARE PROVIDERS.—The requirements of subsection (a), insofar as they may apply to a provider of health care, do not apply to a provider that provides no medical care and that provides only a religious method of healing or religious nonmedical nursing care.

SEC. 113. PROCESS FOR SELECTION OF PROVIDERS.

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall, if it provides benefits through participating health care professionals, have a written process for the selection of participating health care professionals, including minimum professional requirements.

(b) VERIFICATION OF BACKGROUND.—Such process shall include verification of a health care provider's license and a history of suspension or revocation.

(c) RESTRICTION.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

(d) NONDISCRIMINATION BASED ON LICENSURE.—

(1) IN GENERAL.—Such process shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed—

(A) as requiring the coverage under a plan or coverage of particular benefits or services or to prohibit a plan or issuer from including providers only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan or issuer; or

(B) to override any State licensure or scope-of-practice law.

(e) GENERAL NONDISCRIMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), such process shall not discriminate with respect to selection of a health care professional to be a participating health care provider, or with respect to the terms and conditions of such participation, based on the professional's race, color, religion, sex, national origin, age, sexual orientation, or disability (consistent with the Americans with Disabilities Act of 1990).

(2) RULES.—The appropriate Secretary may establish such definitions, rules, and exceptions as may be appropriate to carry out paragraph (1), taking into account comparable definitions, rules, and exceptions in effect under employment-based nondiscrimination laws and regulations that relate to each of the particular bases for discrimination described in such paragraph.

SEC. 114. DRUG UTILIZATION PROGRAM.

A group health plan, and a health insurance issuer that provides health insurance coverage, that includes benefits for prescription drugs shall establish and maintain, as part of its internal quality assurance and continuous quality improvement program under section 111, a drug utilization program which—

(1) encourages appropriate use of prescription drugs by participants, beneficiaries, and enrollees and providers, and

(2) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

SEC. 115. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES.

(a) Compliance with Requirements.—

(1) In general.—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section.

(2) Use of outside agents.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) Utilization review defined.—For purposes of this section, the terms "utilization review" and "utilization review activities" mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) Written Policies and Criteria.—

(1) Written policies.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) Use of written criteria.—

(A) In general.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians. Such criteria shall include written clinical review criteria described in section 111(b)(4)(B).

(B) Continuing use of standards in retrospective review.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(c) Conduct of Program Activities.—

(1) Administration by health care professionals.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions. In this subsection, the term "health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

(2) Use of qualified, independent personnel.—

(A) In general.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

(B) Peer review of sample of adverse clinical determinations.—Such a program shall provide that clinical peers (as defined in section 191(c)(2)) shall evaluate the clinical appropriateness of at least a sample of adverse clinical determinations.

(C) Prohibition of contingent compensation arrangements.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

(i) provides incentives, direct or indirect, for such persons to make inappropriate review decisions, or

(ii) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

(D) Prohibition of conflicts.—Such a program shall not permit a health care professional who provides health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) Accessibility of review.—Such a program shall provide that appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) Limits on frequency.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary or appropriate.

(5) Limitation on information requests.—Under such a program, information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

(d) Deadline for Determinations.—

(1) Prior authorization services.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services for an individual, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 3 business days after the date of receipt of information that is reasonably necessary to make such determination.

(2) Continued care.—In the case of a utilization review activity involving authorization for continued or extended health care services for an individual, or additional services for an individual undergoing a course of continued treatment prescribed by a health care provider, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 1 business day after the date of receipt of information that is reasonably necessary to make such determination. Such notice shall include, with respect to continued or extended health care services, the number of extended services approved, the new total of approved services, the date of onset of services, and the next review date, if any.

(3) Previously provided services.—In the case of a utilization review activity involving retrospective review of health care services previously provided for an individual, the utilization review program shall make a determination concerning such services, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, within 30 days of the date of receipt of information that is reasonably necessary to make such determination.

(4) Reference to special rules for emergency services, maintenance care, and post-stabilization care.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see subsections (a)(1) and (b) of section 101, respectively.

(e) Notice of Adverse Determinations.—

(1) In general.—Notice of an adverse determination under a utilization review program shall be provided in printed form and shall include—

(A) the reasons for the determination (including the clinical rationale);

(B) instructions on how to initiate an appeal under section 132; and

(C) notice of the availability, upon request of the individual (or the individual's designee) of the clinical review criteria relied upon to make such determination.

(2) Specification of any additional information.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, the person making the determination in order to make a decision on such an appeal.

SEC. 116. HEALTH CARE QUALITY ADVISORY BOARD.

(a) Establishment.—The President shall establish an advisory board to provide information to Congress and the administration on issues relating to quality monitoring and improvement in the health care provided under group health plans and health insurance coverage.

(b) Number and Appointment.—The advisory board shall be composed of the Secretary of Health and Human Services (or the Secretary's designee), the Secretary of Labor (or the Secretary's designee), and 20 additional members appointed by the President, in consultation with the Majority and Minority Leaders of the Senate and House of Representatives. The members so appointed shall include individuals with expertise in—

(1) consumer needs;

(2) education and training of health professionals;

(3) health care services;

(4) health plan management;

(5) health care accreditation, quality assurance, improvement, measurement, and oversight;

(6) medical practice, including practicing physicians;

(7) prevention and public health; and

(8) public and private group purchasing for small and large employers or groups.

(c) Duties.—The advisory board shall—

(1) identify, update, and disseminate measures of health care quality for group health plans and health insurance issuers, including network and non-network plans;

(2) advise the Secretary on the development and maintenance of the minimum data set in section 112(b); and

(3) advise the Secretary on standardized formats for information on group health plans and health insurance coverage.

The measures identified under paragraph (1) may be used on a voluntary basis by such plans and issuers. In carrying out paragraph (1), the advisory board shall consult and cooperate with national health care standard setting bodies which define quality indicators, the Agency for Health Care Policy and Research, the Institute of Medicine, and other public and private entities that have expertise in health care quality.

(d) REPORT.—The advisory board shall provide an annual report to Congress and the President on the quality of the health care in the United States and national and regional trends in health care quality. Such report shall include a description of determinants of health care quality and measurements of practice and quality variability within the United States.

(e) SECRETARIAL CONSULTATION.—In serving on the advisory board, the Secretaries of Health and Human Services and Labor (or their designees) shall consult with the Secretaries responsible for other Federal health insurance and health care programs.

(f) VACANCIES.—Any vacancy on the board shall be filled in such manner as the original appointment. Members of the board shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. Administrative support, scientific support, and technical assistance for the advisory board shall be provided by the Secretary of Health and Human Services.

(g) CONTINUATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the advisory board.

CHAPTER 3—PATIENT INFORMATION

SEC. 121. PATIENT INFORMATION.

(a) DISCLOSURE REQUIREMENT.—

(1) GROUP HEALTH PLANS.—A group health plan shall—

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to participants and beneficiaries, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) HEALTH INSURANCE ISSUERS.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) INFORMATION PROVIDED.—The information described in this subsection with respect to a group health plan or health insurance coverage offered by a health insurance issuer includes the following:

(1) SERVICE AREA.—The service area of the plan or issuer.

(2) BENEFITS.—Benefits offered under the plan or coverage, including—

(A) covered benefits, including benefit limits and coverage exclusions;

(B) cost sharing, such as deductibles, coinsurance, and copayment amounts, including any liability for balance billing, any maximum limitations on out of pocket expenses, and the maximum out of pocket costs for services that are provided by non participating providers or that are furnished without meeting the applicable utilization review requirements;

(C) the extent to which benefits may be obtained from nonparticipating providers;

(D) the extent to which a participant, beneficiary, or enrollee may select from among participating providers and the types of providers participating in the plan or issuer network;

(E) process for determining experimental coverage; and

(F) use of a prescription drug formulary.

(3) ACCESS.—A description of the following:

(A) The number, mix, and distribution of providers under the plan or coverage.

(B) Out-of-network coverage (if any) provided by the plan or coverage.

(C) Any point-of-service option (including any supplemental premium or cost-sharing for such option).

(D) The procedures for participants, beneficiaries, and enrollees to select, access, and change participating primary and specialty providers.

(E) The rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers.

(F) The name, address, and telephone number of participating health care providers and an indication of whether each such provider is available to accept new patients.

(G) Any limitations imposed on the selection of qualifying participating health care providers, including any limitations imposed under section 103(b)(2).

(H) How the plan or issuer addresses the needs of participants, beneficiaries, and enrollees and others who do not speak English or who have other special communications needs in accessing providers under the plan or coverage, including the provision of information described in this subsection and subsection (c) to such individuals and including the provision of information in a language other than English if 5 percent of the number of participants, beneficiaries, and enrollees communicate in that language instead of English.

(4) OUT-OF-AREA COVERAGE.—Out-of-area coverage provided by the plan or issuer.

(5) EMERGENCY COVERAGE.—Coverage of emergency services, including—

(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

(B) the process and procedures of the plan or issuer for obtaining emergency services; and

(C) the locations of (i) emergency departments, and (ii) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

(6) PERCENTAGE OF PREMIUMS USED FOR BENEFITS (LOSS-RATIOS).—In the case of health insurance coverage only (and not with respect to group health plans that do not provide coverage through health insurance coverage), a description of the overall loss-ratio for the coverage (as defined in accordance with rules established or recognized by the Secretary of Health and Human Services).

(7) PRIOR AUTHORIZATION RULES.—Rules regarding prior authorization or other review requirements that could result in noncoverage or nonpayment.

(8) GRIEVANCE AND APPEALS PROCEDURES.—All appeal or grievance rights and procedures under the plan or coverage, including the method for filing grievances and the time frames and circumstances for acting on grievances and appeals, who is the applicable authority with respect to the plan or issuer, and the availability of assistance through an ombudsman to individuals in relation to group health plans and health insurance coverage.

(9) QUALITY ASSURANCE.—A summary description of the data on quality collected under section 112(a), including a summary description of the data on satisfaction of participants, beneficiaries, and enrollees (including data on individual voluntary disenrollment and grievances and appeals) described in section 112(b)(4).

(10) SUMMARY OF PROVIDER FINANCIAL INCENTIVES.—A summary description of the information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(11) INFORMATION ON ISSUER.—Notice of appropriate mailing addresses and telephone numbers to be used by participants, beneficiaries, and enrollees in seeking information or authorization for treatment.

(12) AVAILABILITY OF INFORMATION ON REQUEST.—Notice that the information described in subsection (c) is available upon request.

(c) INFORMATION MADE AVAILABLE UPON REQUEST.—The information described in this subsection is the following:

(1) UTILIZATION REVIEW ACTIVITIES.—A description of procedures used and requirements (including circumstances, time frames, and appeal rights) under any utilization review program under section 115, including under any drug formulary program under section 107.

(2) GRIEVANCE AND APPEALS INFORMATION.—Information on the number of grievances and appeals and on the disposition in the aggregate of such matters.

(3) METHOD OF PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians, including information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(4) SPECIFIC INFORMATION ON CREDENTIALS OF PARTICIPATING PROVIDERS.—In the case of each participating provider, a description of the credentials of the provider.

(5) CONFIDENTIALITY POLICIES AND PROCEDURES.—A description of the policies and procedures established to carry out section 122.

(6) FORMULARY RESTRICTIONS.—A description of the nature of any drug formula restrictions.

(7) PARTICIPATING PROVIDER LIST.—A list of current participating health care providers.

(d) FORM OF DISCLOSURE.—

(1) UNIFORMITY.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area.

(2) INFORMATION INTO HANDBOOK.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from making the information under subsections (b) and (c) available to participants, beneficiaries, and enrollees

through an enrollee handbook or similar publication.

(3) UPDATING PARTICIPATING PROVIDER INFORMATION.—The information on participating health care providers described in subsection (b)(3)(C) shall be updated within such reasonable period as determined appropriate by the Secretary. Nothing in this section shall prevent an issuer from changing or updating other information made available under this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed as requiring public disclosure of individual contracts or financial arrangements between a group health plan or health insurance issuer and any provider.

SEC. 122. PROTECTION OF PATIENT CONFIDENTIALITY.

Insofar as a group health plan, or a health insurance issuer that offers health insurance coverage, maintains medical records or other health information regarding participants, beneficiaries, and enrollees, the plan or issuer shall establish procedures—

(1) to safeguard the privacy of any individually identifiable enrollee information;

(2) to maintain such records and information in a manner that is accurate and timely, and

(3) to assure timely access of such individuals to such records and information.

SEC. 123. HEALTH INSURANCE OMBUDSMEN.

(a) IN GENERAL.—Each State that obtains a grant under subsection (c) shall provide for creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers. Such Ombudsman shall be responsible for at least the following:

(1) To assist consumers in the State in choosing among health insurance coverage or among coverage options offered within group health plans.

(2) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers and group health plans in regard to such coverage or plans and with respect to grievances and appeals regarding determinations under such coverage or plans.

(b) FEDERAL ROLE.—In the case of any State that does not provide for such an Ombudsman under subsection (a), the Secretary shall provide for the creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers and that is responsible for carrying out with respect to that State the functions otherwise provided under subsection (a) by a Health Insurance Ombudsman.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services such amounts as may be necessary to provide for grants to States for contracts for Health Insurance Ombudsmen under subsection (a) or contracts for such Ombudsmen under subsection (b).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent the use of other forms of enrollee assistance.

CHAPTER 4—GRIEVANCE AND APPEALS PROCEDURES

SEC. 131. ESTABLISHMENT OF GRIEVANCE PROCESS.

(a) ESTABLISHMENT OF GRIEVANCE SYSTEM.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain a system to provide for the presentation and resolution of oral and written grievances brought by individuals who are participants, beneficiaries, or enrollees, or health care providers or other individuals acting on behalf of an individual and with the individual's consent, regarding any aspect of the plan's or issuer's services.

(2) SCOPE.—The system shall include grievances regarding access to and availability of services, quality of care, choice and accessibility of providers, network adequacy, and compliance with the requirements of this subtitle.

(b) GRIEVANCE SYSTEM.—Such system shall include the following components with respect to individuals who are participants, beneficiaries, or enrollees:

(1) Written notification to all such individuals and providers of the telephone numbers and business addresses of the plan or issuer personnel responsible for resolution of grievances and appeals.

(2) A system to record and document, over a period of at least 3 previous years, all grievances and appeals made and their status.

(3) A process providing for timely processing and resolution of grievances.

(4) Procedures for follow-up action, including the methods to inform the person making the grievance of the resolution of the grievance.

(5) Notification to the continuous quality improvement program under section 111(a) of all grievances and appeals relating to quality of care.

SEC. 132. INTERNAL APPEALS OF ADVERSE DETERMINATIONS.

(a) RIGHT OF APPEAL.—

(1) IN GENERAL.—A participant or beneficiary in a group health plan, and an enrollee in health insurance coverage offered by a health insurance issuer, and any provider or other person acting on behalf of such an individual with the individual's consent, may appeal any appealable decision (as defined in paragraph (2)) under the procedures described in this section and (to the extent applicable) section 133. Such individuals and providers shall be provided with a written explanation of the appeal process and the determination upon the conclusion of the appeals process and as provided in section 121(b)(8).

(2) APPEALABLE DECISION DEFINED.—In this section, the term "appealable decision" means any of the following: .

(A) Denial, reduction, or termination of, or failure to provide or make payment (in whole or in part) for a benefit, including a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(B) Failure to provide coverage of emergency services or reimbursement of maintenance care or post-stabilization care under section 101.

(C) Failure to provide a choice of provider under section 103.

(D) Failure to provide qualified health care providers under section 103.

(E) Failure to provide access to specialty and other care under section 104.

(F) Failure to provide continuation of care under section 105.

(G) Failure to provide coverage of routine patient costs in connection with an approval clinical trial under section 106.

(H) Failure to provide access to needed drugs under section 107(a)(3) or 107(b).

(I) Discrimination in delivery of services in violation of section 109.

(J) An adverse determination under a utilization review program under section 115.

(K) The imposition of a limitation that is prohibited under section 151.

(b) INTERNAL APPEAL PROCESS.—

(1) IN GENERAL.—Each group health plan and health insurance issuer shall establish and maintain an internal appeal process under which any participant, beneficiary, or enrollee, or any provider or other person acting on behalf of such an individual with the individual's consent, who is dissatisfied with any appealable decision has the opportunity to appeal the decision through an internal appeal process. The appeal may be communicated orally.

(2) CONDUCT OF REVIEW.—

(A) IN GENERAL.—The process shall include a review of the decision by a physician or other health care professional (or professionals) who has been selected by the plan or issuer and who has not been involved in the appealable decision at issue in the appeal.

(B) AVAILABILITY AND PARTICIPATION OF CLINICAL PEERS.—The individuals conducting such review shall include one or more clinical peers (as defined in section 191(c)(2)) who have not been involved in the appealable decision at issue in the appeal.

(3) DEADLINE.—

(A) IN GENERAL.—Subject to subsection (c), the plan or issuer shall conclude each appeal as soon as possible after the time of the receipt of the appeal in accordance with medical exigencies of the case involved, but in no event later than—

(i) 72 hours after the time of receipt of an expedited appeal, and

(ii) except as provided in subparagraph (B), 30 business days after such time (or, if the participant, beneficiary, or enrollee supplies additional information that was not available to the plan or issuer at the time of the receipt of the appeal, after the date of supplying such additional information) in the case of all other appeals.

(B) EXTENSION.—In the case of an appeal that does not relate to a decision regarding an expedited appeal and that does not involve medical exigencies, if a group health plan or health insurance issuer is unable to conclude the appeal within the time period provided under subparagraph (A)(ii) due to circumstances beyond the control of the plan or issuer, the deadline shall be extended for up to an additional 10 business days if the plan or issuer provides, on or before 10 days before the deadline otherwise applicable, written notice to the participant, beneficiary, or enrollee and the provider involved of the extension and the reasons for the extension.

(4) NOTICE.—If a plan or issuer denies an appeal, the plan or issuer shall provide the participant, beneficiary, or enrollee and provider involved with notice in printed form of the denial and the reasons therefore, together with a notice in printed form of rights to any further appeal.

(c) EXPEDITED REVIEW PROCESS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer, shall establish procedures in writing for the expedited consideration of appeals under subsection (b) in situations in which the application of the normal timeframe for making a determination could seriously jeopardize the life or health of the participant, beneficiary, or enrollee (including in the case of a child, development) or such an individual's ability to regain maximum function.

(2) PROCESS.—Under such procedures—

(A) the request for expedited appeal may be submitted orally or in writing by an individual or provider who is otherwise entitled to request the appeal;

(B) all necessary information, including the plan's or issuer's decision, shall be transmitted between the plan or issuer and the requester by telephone, facsimile, or other similarly expeditious available method; and

(C) the plan or issuer shall expedite the appeal if the request for an expedited appeal is submitted under subparagraph (A) by a physician and the request indicates that the situation described in paragraph (1) exists.

(d) Direct Use of Further Appeals.—In the event that the plan or issuer fails to comply with any of the deadlines for completion of appeals under this section or in the event that the plan or issuer for any reason expressly waives its rights to an internal review of an appeal under subsection (b), the participant, beneficiary, or enrollee involved and the provider involved shall be relieved of any obligation to complete the appeal involved and may, at such an individual's or provider's option, proceed directly to seek further appeal through any applicable external appeals process.

SEC. 133. EXTERNAL APPEALS OF ADVERSE DETERMINATIONS.

(a) Right to External Appeal.—

(1) In general.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for an external appeals process that meets the requirements of this section in the case of an externally appealable decision described in paragraph (2). The appropriate Secretary shall establish standards to carry out such requirements.

(2) Externally appealable decision defined.—For purposes of this section, the term "externally appealable decision" means an appealable decision (as defined in section 132(a)(2)) if—

(A) the amount involved exceeds a significant threshold; or

(B) the patient's life or health is jeopardized (including, in the case of a child, development) as a consequence of the decision.

Such term does not include a denial of coverage for services that are specifically listed in plan or coverage documents as excluded from coverage.

(3) Exhaustion of internal appeals process.—A plan or issuer may condition the use of an external appeal process in the case of an externally appealable decision upon completion of the internal review process provided under section 132, but only if the decision is made in a timely basis consistent with the deadlines provided under this chapter.

(b) General Elements of External Appeals Process.—

(1) Contract with qualified external appeal entity.—

(A) Contract requirement.—Subject to subparagraph (B), the external appeal process under this section of a plan or issuer shall be conducted under a contract between the plan or issuer and one or more qualified external appeal entities (as defined in subsection (c)).

(B) Restrictions on qualified external appeal entity.—

(i) By state for health insurance issuers.—With respect to health insurance issuers in a State, the State may provide for external review activities to be conducted by a qualified external appeal entity that is designated by the State or that is selected by the State in such a manner as to assure an unbiased determination.

(ii) By federal government for group health plans.—With respect to group health plans, the appropriate Secretary may exercise the same authority as a State may exercise with respect to health insurance issuers under clause (i). Such authority may include requiring the use of the qualified external appeal entity designated or selected under such clause.

(iii) Limitation on plan or issuer selection.—If an applicable authority permits more than one entity to qualify as a qualified external appeal entity with respect to a group health plan or health insurance issuer and the plan or issuer may select among such qualified entities, the applicable authority—

(I) shall assure that the selection process will not create any incentives for external appeal entities to make a decision in a biased manner, and

(II) shall implement procedures for auditing a sample of decisions by such entities to assure that no such decisions are made in a biased manner.

(C) Other terms and conditions.—The terms and conditions of a contract under this paragraph shall be consistent with the standards the appropriate Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external appeal activities. Such contract shall provide that the direct costs of the process (not including costs of representation of a participant, beneficiary, or enrollee) shall be paid by the plan or issuer, and not by the participant, beneficiary, or enrollee.

(2) Elements of process.—An external appeal process shall be conducted consistent with standards established by the appropriate Secretary that include at least the following:

(A) Fair process; de novo determination.—The process shall provide for a fair, de novo determination.

(B) Determination concerning externally appealable decisions.—A qualified external appeal entity shall determine whether a decision is an externally appealable decision and related decisions, including—

(i) whether such a decision involves an expedited appeal;

(ii) the appropriate deadlines for internal review process required due to medical exigencies in a case; and

(iii) whether such a process has been completed.

(C) Opportunity to submit evidence, have representation, and make oral presentation.—Each party to an externally appealable decision—

(i) may submit and review evidence related to the issues in dispute,

(ii) may use the assistance or representation of one or more individuals (any of whom may be an attorney), and

(iii) may make an oral presentation.

(D) Provision of information.—The plan or issuer involved shall provide timely access to all its records relating to the matter of the externally appealable decision and to all provisions of the plan or health insurance coverage (including any coverage manual) relating to the matter.

(E) Timely decisions.—A determination by the external appeal entity on the decision shall—

(i) be made orally or in writing and, if it is made orally, shall be supplied to the parties in writing as soon as possible;

(ii) be binding on the plan or issuer;

(iii) be made in accordance with the medical exigencies of the case involved, but in no event later than 60 days (or 72 hours in the case of an expedited appeal) from the date of completion of the filing of notice of external appeal of the decision;

(iv) state, in layperson's language, the basis for the determination, including, if relevant, any basis in the terms or conditions of the plan or coverage; and

(v) inform the participant, beneficiary, or enrollee of the individual's rights to seek further review by the courts (or other process) of the external appeal determination.

(c) Qualifications of External Appeal Entities.—

(1) In general.—For purposes of this section, the term "qualified external appeal entity" means, in relation to a plan or issuer, an entity (which may be a governmental entity) that is certified under paragraph (2) as meeting the following requirements:

(A) There is no real or apparent conflict of interest that would impede the entity conducting external appeal activities independent of the plan or issuer.

(B) The entity conducts external appeal activities through clinical peers.

(C) The entity has sufficient medical, legal, and other expertise and sufficient staffing to conduct external appeal activities for the plan or issuer on a timely basis consistent with subsection (b)(3)(E).

(D) The entity meets such other requirements as the appropriate Secretary may impose.

(2) Certification of external appeal entities.—

(A) In general.—In order to be treated as a qualified external appeal entity with respect to—

(i) a group health plan, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting the requirements of paragraph (1) by the Secretary of Labor (or under a process recognized or approved by the Secretary of Labor); or

(ii) a health insurance issuer operating in a State, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting such requirements by the applicable State authority (or, if the State has not established an adequate certification and recertification process, by the Secretary of Health and Human Services, or under a process recognized or approved by such Secretary).

(B) Recertification process.—The appropriate Secretary shall develop standards for the recertification of external appeal entities. Such standards shall include a specification of—

(i) the information required to be submitted as a condition of recertification on the entity's performance of external appeal activities, which information shall include the number of cases reviewed, a summary of the disposition of those cases, the length of time in making determinations on those cases, and such information as may be necessary to assure the independence of the entity from the plans or issuers for which external appeal activities are being conducted; and

(ii) the periodicity which recertification will be required.

(d) Continuing Legal Rights of Enrollees.—Nothing in this subtitle shall be construed as removing any legal rights of participants, beneficiaries, enrollees, and others under State or Federal law, including the right to file judicial actions to enforce rights.

CHAPTER 5—PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

SEC. 141. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) Prohibition.—

(1) General rule.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with the provider's patient.

(2) Nullification.—Any contract provision or agreement that restricts or prohibits medical communications in violation of paragraph (1) shall be null and void.

(b) Rules of Construction.—Nothing in this section shall be construed—

(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a group health plan or health insurance issuer to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

(2) to permit a health care provider to misrepresent the scope of benefits covered under the group health plan or health insurance coverage or to otherwise require a group health plan health insurance issuer to reimburse providers for benefits not covered under the plan or coverage.

(c) Medical Communication Defined.—In this section:

(1) In general.—The term "medical communication" means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

(A) the patient's health status, medical care, or treatment options;

(B) any utilization review requirements that may affect treatment options for the patient; or

(C) any financial incentives that may affect the treatment of the patient.

(2) Misrepresentation.—The term "medical communication" does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

SEC. 142. PROHIBITION AGAINST TRANSFER OF INDEMNIFICATION OR IMPROPER INCENTIVE ARRANGEMENTS.

(a) Prohibition of Transfer of Indemnification.—

(1) In general.—No contract or agreement between a group health plan or health insurance issuer (or any agent acting on behalf of such a plan or issuer) and a health care provider shall contain any provision purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the plan, issuer, or agent (as opposed to the provider).

(2) Nullification.—Any contract or agreement provision described in paragraph (1) shall be null and void.

(b) Prohibition of Improper Physician Incentive Plans.—

(1) In general.—A group health plan and a health insurance issuer offering health insurance coverage may not operate any physician incentive plan (as defined in subparagraph (B) of section 1876(i)(8) of the Social Security Act) unless the requirements described in subparagraph (A) of such section are met with respect to such a plan.

(2) Application.—For purposes of carrying out paragraph (1), any reference in section 1876(i)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with the plan or organization, respectively.

SEC. 143. ADDITIONAL RULES REGARDING PARTICIPATION OF HEALTH CARE PROFESSIONALS.

(a) Procedures.—Insofar as a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits through participating health care professionals, the plan or issuer shall establish reasonable procedures relating to the participation (under an agreement between a professional and the plan or issuer) of such professionals under the plan or coverage. Such procedures shall include—

(1) providing notice of the rules regarding participation;

(2) providing written notice of participation decisions that are adverse to professionals; and

(3) providing a process within the plan or issuer for appealing such adverse decisions, including the presentation of information and views of the professional regarding such decision.

(b) Consultation in Medical Policies.—A group health plan, and health insurance issuer that offers health insurance coverage, shall consult with participating physicians (if any) regarding the plan's or issuer's medical policy, quality, and medical management procedures.

SEC. 144. PROTECTION FOR PATIENT ADVOCACY.

(a) Protection for Use of Utilization Review and Grievance Process.—A group health plan, and a health insurance issuer with respect to the provision of health insurance coverage, may not retaliate against a participant, beneficiary, enrollee, or health care provider based on the participant's, beneficiary's, enrollee's or provider's use of, or participation in, a utilization review process or a grievance process of the plan or issuer (including an internal or external review or appeal process) under this subtitle.

(b) Protection for Quality Advocacy by Health Care Professionals.—

(1) In general.—A group health plan or health insurance issuer may not retaliate or discriminate against a protected health care professional because the professional in good faith—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, or enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer; or

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided by such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) Good faith action.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or of a generally recognized professional or clinical standard or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable internal procedures of the plan, issuer, or institutional health care provider established for the purpose of addressing quality concerns before making the disclosure.

(3) Exception and special rule.—

(A) General exception.—Paragraph (1) does not protect disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) Notice of internal procedures.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are reasonably expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) Internal procedure exception.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.

(4) Additional considerations.—It shall not be a violation of paragraph (1) to take an adverse action against a protected health care professional if the plan, issuer, or provider taking the adverse action involved

demonstrates that it would have taken the same adverse action even in the absence of the activities protected under such paragraph.

(5) NOTICE.—A group health plan, health insurance issuer, and institutional health care provider shall post a notice, to be provided or approved by the Secretary of Labor, setting forth excerpts from, or summaries of, the pertinent provisions of this subsection and information pertaining to enforcement of such provisions.

(6) CONSTRUCTIONS.—

(A) DETERMINATIONS OF COVERAGE.—Nothing in this subsection shall be construed to prohibit a plan or issuer from making a determination not to pay for a particular medical treatment or service or the services of a type of health care professional.

(B) ENFORCEMENT OF PEER REVIEW PROTOCOLS AND INTERNAL PROCEDURES.—Nothing in this subsection shall be construed to prohibit a plan, issuer, or provider from establishing and enforcing reasonable peer review or utilization review protocols or determining whether a protected health care professional has complied with those protocols or from establishing and enforcing internal procedures for the purpose of addressing quality concerns.

(C) RELATION TO OTHER RIGHTS.—Nothing in this subsection shall be construed to abridge rights of participants, beneficiaries, enrollees, and protected health care professionals under other applicable Federal or State laws.

(7) PROTECTED HEALTH CARE PROFESSIONAL DEFINED.—For purposes of this subsection, the term "protected health care professional" means an individual who is a licensed or certified health care professional and who—

(A) with respect to a group health plan or health insurance issuer, is an employee of the plan or issuer or has a contract with the plan or issuer for provision of services for which benefits are available under the plan or issuer; or

(B) with respect to an institutional health care provider, is an employee of the provider or has a contract or other arrangement with the provider respecting the provision of health care services.

CHAPTER 6—PROMOTING GOOD MEDICAL PRACTICE

SEC. 151. PROMOTING GOOD MEDICAL PRACTICE.

(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) MANNER OR SETTING DEFINED.—In paragraph (1), the term "manner or setting" means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital. Such term does not include the coverage of a particular service or treatment.

(b) NO CHANGE IN COVERAGE.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

(c) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In subsection (a), the term "medically necessary or appropriate" means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

SEC. 152. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

(a) INPATIENT CARE.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted medical standards, in consultation with the patient, to be medically appropriate following—

(A) a mastectomy;

(B) a lumpectomy; or

(C) a lymph node dissection for the treatment of breast cancer.

(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

(c) RULES OF CONSTRUCTION.—

(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

(A) to undergo a mastectomy or lymph node dissection in a hospital; or

(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

(d) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(e) EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1) of the Public Health Service Act) for a State that regulates such coverage that is described in any of the following subparagraphs:

(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

(2) CONSTRUCTION.—Section 2723(a)(1) of the Public Health Service Act and section 731(a)(1) of the Employee Retirement Income Security Act of 1974 shall not be construed as superseding a State law described in paragraph (1).

CHAPTER 7—DEFINITIONS

SEC. 191. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 2971 of the Public Health Service Act shall apply for purposes of this subtitle in the same manner as they apply for purposes of title XXVII of such Act.

(b) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury and the term "appropriate Secretary" means the Secretary of Health and Human Services in relation to carrying out this subtitle under sections 2707 and 2753 of the Public Health Service Act, the Secretary of Labor in relation to carrying out this subtitle under section 714 of the Employee Retirement Income Security Act of 1974, and the Secretary of the Treasury in relation to carrying out this subtitle under chapter 100 and section 4980D of the Internal Revenue Code of 1986.

(c) ADDITIONAL DEFINITIONS.—For purposes of this subtitle:

(1) APPLICABLE AUTHORITY.—The term "applicable authority" means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this subtitle, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) CLINICAL PEER.—The term "clinical peer" means, with respect to a review or appeal, a physician (allopathic or osteopathic) or other health care professional who holds a non-restricted license in a State and who is appropriately credentialed in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review or appeal and includes a pediatric specialist where appropriate; except that only a physician may be a clinical peer with respect to the review or appeal of treatment rendered by a physician.

(3) HEALTH CARE PROVIDER.—The term "health care provider" includes a physician or other health care professional, as well as an institutional provider of health care services.

(4) NONPARTICIPATING.—The term "nonparticipating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(5) PARTICIPATING.—The term "participating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

SEC. 192. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this subtitle shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of this subtitle.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this subtitle shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) RULES OF CONSTRUCTION.—Except as provided in section 152, nothing in this subtitle shall be construed as requiring a group health plan or health insurance coverage to provide specific benefits under the terms of such plan or coverage.

(c) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term "State" includes a State, the Northern Mariana Islands, any political subdivisions of a State or such Islands, or any agency or instrumentality of either.

SEC. 193. REGULATIONS.

The Secretaries of Health and Human Services, Labor, and the Treasury shall issue such regulations as may be necessary or appropriate to carry out this subtitle. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this subtitle.

Subtitle B—Application of Patient Protection Standards to Group Health Plans and Health Insurance Coverage under Public Health Service Act

SEC. 201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2707. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each group health plan shall comply with patient protection requirements under subtitle A of the Patients' Bill of Rights Act of 1999, and each health insurance issuer shall comply with patient protection requirements under such subtitle with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with such notice requirement as if such section applied to such issuer and such issuer were a group health plan.".

(b) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting "(other than section 2707)" after "requirements of such subparts".

SEC. 202. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Subpart 3 of part B of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2753. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under subtitle A of the Patients' Bill of Rights Act of 1999 with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of such subtitle as if such section applied to such issuer and such issuer were a group health plan.".

Subtitle C—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following:

"SEC. 714. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of subtitle A of the Patients' Bill of Rights Act of 1999 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

"(b) PLAN SATISFACTION OF CERTAIN REQUIREMENTS.—

"(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of subtitle A of the Patients' Bill of Rights Act of 1999 with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) section 101 (relating to access to emergency care).

"(B) section 102(a)(1) (relating to offering option to purchase point-of-service coverage), but only insofar as the plan is meeting such requirement through an agreement with the issuer to offer the option to purchase point-of-service coverage under such section.

"(C) section 103 (relating to choice of providers).

"(D) section 104 (relating to access to specialty care).

"(E) section 105(a)(1) (relating to continuity in case of termination of provider contract) and section 105(a)(2) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

"(F) section 106 (relating to coverage for individuals participating in approved clinical trials.)

"(G) section 107 (relating to access to needed prescription drugs).

"(H) section 108 (relating to adequacy of provider network).

"(I) Chapter 2 of subtitle A (relating to quality assurance).

"(J) section 143 (relating to additional rules regarding participation of health care professionals).

"(K) section 152 (relating to standards relating to benefits for certain breast cancer treatment).

"(2) INFORMATION.—With respect to information required to be provided or made available under section 121, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

"(3) GRIEVANCE AND INTERNAL APPEALS.—With respect to the grievance system and internal appeals process required to be established under sections 131 and 132, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such system and process (and is not liable for the issuer's failure to provide for such system and process), if the issuer is obligated to provide for (and provides for) such system and process.

"(4) EXTERNAL APPEALS.—Pursuant to rules of the Secretary, insofar as a group health plan enters into a contract with a qualified external appeal entity for the conduct of external appeal activities in accordance with section 133, the plan shall be treated as meeting the requirement of such section and is not liable for the entity's failure to meet any requirements under such section.

"(5) APPLICATION TO PROHIBITIONS.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any of the following sections, the group health plan shall not be liable for such violation unless the plan caused such violation:

"(A) section 109 (relating to nondiscrimination in delivery of services).

"(B) section 141 (relating to prohibition of interference with certain medical communications).

"(C) section 142 (relating to prohibition against transfer of indemnification or improper incentive arrangements).

"(D) section 144 (relating to prohibition on retaliation).

"(E) section 151 (relating to promoting good medical practice).

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(7) APPLICATION TO CERTAIN PROHIBITIONS AGAINST RETALIATION.—With respect to compliance with the requirements of section 144(b)(1) of the Patients' Bill of Rights Act of 1999, for purposes of this subtitle the term 'group health plan' is deemed to include a reference to an institutional health care provider.

"(c) ENFORCEMENT OF CERTAIN REQUIREMENTS.—

"(1) COMPLAINTS.—Any protected health care professional who believes that the professional has been retaliated or discriminated against in violation of section 144(b)(1) of the Patients' Bill of Rights Act of 1999 may file with the Secretary a complaint within 180 days of the date of the alleged retaliation or discrimination.

"(2) INVESTIGATION.—The Secretary shall investigate such complaints and shall determine if a violation of such section has occurred and, if so, shall issue an order to ensure that the protected health care professional does not suffer any loss of position, pay, or benefits in relation to the plan, issuer, or provider involved, as a result of the violation found by the Secretary.

"(d) CONFORMING REGULATIONS.—The Secretary may issue regulations to coordinate the requirements on group health plans under this section with the requirements imposed under the other provisions of this title.".

(b) SATISFACTION OF ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 503 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1133) is amended by inserting "(a)" after "SEC. 503." and by adding at the end the following new subsection:

"(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of chapter 4 (and section 115) of subtitle A of the Patients' Bill of Rights Act of 1999 in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.".

(c) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Patient protection standards.".

(3) Section 502(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(b)(3)) is amended by inserting "(other than section 144(b))" after "part 7".

SEC. 302. ERISA PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS INVOLVING HEALTH INSURANCE POLICYHOLDERS.

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following subsection:

"(e) PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS ARISING OUT OF PROVISION OF HEALTH BENEFITS.—

"(1) IN GENERAL.—Except as provided in this subsection, nothing in this title shall be construed to invalidate, impair, or supersede any cause of action brought by a plan participant or beneficiary (or the estate of a plan participant or beneficiary) under State law to recover damages resulting from personal injury or for wrongful death against any person—

"(A) in connection with the provision of insurance, administrative services, or medical services by such person to or for a group health plan (as defined in section 733), or

"(B) that arises out of the arrangement by such person for the provision of such insurance, administrative services, or medical services by other persons.

"(2) EXCEPTION FOR EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) does not authorize—

"(i) any cause of action against an employer or other plan sponsor maintaining the group health plan or against an employee of such an employer or sponsor acting within the scope of employment, or

"(ii) a right of recovery or indemnity by a person against an employer or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

"(B) SPECIAL RULE.—Subparagraph (A) shall not preclude any cause of action described in paragraph (1) against an employer or other plan sponsor (or against an employee of such an employer or sponsor acting within the scope of employment) if—

"(i) such action is based on the employer's or other plan sponsor's (or employee's) exercise of discretionary authority to make a decision on a claim for benefits covered under the plan or health insurance coverage in the case at issue; and

"(ii) the exercise by such employer or other plan sponsor (or employee of such authority) resulted in personal injury or wrongful death.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting a cause of action under State law for the failure to provide an item or service which is not covered under the group health plan involved.

"(4) PERSONAL INJURY DEFINED.—For purposes of this subsection, the term 'personal injury' means a physical injury and includes an injury arising out of the treatment (or failure to treat) a mental illness or disease.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts and omissions occurring on or after the date of the enactment of this Act from which a cause of action arises.

Subtitle D—Application to Group Health Plans under the Internal Revenue Code of 1986

SEC. 401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 (as amended by section 1531(a) of the Taxpayer Relief Act of 1997) is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient freedom of choice."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

"A group health plan shall comply with the requirements of subtitle A of the Patients' Bill of Rights Act of 1999 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.".

Subtitle E—Effective Dates; Coordination in Implementation; Limitation

SEC. 501. EFFECTIVE DATES AND RELATED RULES.

(a) GROUP HEALTH COVERAGE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 201(a), 301, and 401 (and subtitle A insofar as it relates to such sections) shall apply with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning on or after January 1, 2000 (in this section referred to as the "general effective date").

(2) TREATMENT OF COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by sections 201(a), 301, and 401 (and subtitle A insofar as it relates to such sections) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this title shall not be treated as a termination of such collective bargaining agreement.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The amendments made by section 202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

(c) TREATMENT OF RELIGIOUS NONMEDICAL PROVIDERS.—

(1) IN GENERAL.—Nothing in this title (or the amendments made thereby) shall be construed to—

(A) restrict or limit the right of group health plans, and of health insurance issuers offering health insurance coverage, to include as providers religious nonmedical providers;

(B) require such plans or issuers to—

(i) utilize medically based eligibility standards or criteria in deciding provider status of religious nonmedical providers;

(ii) use medical professionals or criteria to decide patient access to religious nonmedical providers;

(iii) utilize medical professionals or criteria in making decisions in internal or external appeals regarding coverage for care by religious nonmedical providers; or

(iv) compel a participant or beneficiary to undergo a medical examination or test as a condition of receiving health insurance coverage for treatment by a religious nonmedical provider; or

(C) require such plans or issuers to exclude religious nonmedical providers because they do not provide medical or other required data, if such data is inconsistent with the religious nonmedical treatment or nursing care provided by the provider.

(2) RELIGIOUS NONMEDICAL PROVIDER.—For purposes of this subsection, the term "religious nonmedical provider" means a provider who provides no medical care but who provides only religious nonmedical treatment or religious nonmedical nursing care.

SEC. 502. COORDINATION IN IMPLEMENTATION.

Section 104(1) of Health Insurance Portability and Accountability Act of 1996 is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, chapter 100 of the Internal Revenue Code of 1986, and subtitle A of the Patients' Bill of Rights Act of 1999".

SEC. 503. LIMITATION.

Notwithstanding any other provision of law, the provisions of section 321 of this Act shall not apply and shall be considered null and void.

AMENDMENT NO. 1035

On page 80, strike lines 1 through 11 and insert the following:

SEC. 321. Section 701 of title 49, United States Code, is amended to read as follows:

"§ 701. Establishment of Board

"(a) ESTABLISHMENT.—There is established within the Department of Transportation the Surface Transportation Board referred to in this section as the 'Board'.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Board shall consist of 11 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 6 members may be appointed from the same political party.

"(2) QUALIFICATIONS OF MEMBERS.—At any given time, at least 8 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation or transportation regulation, and at least 3 members shall be individuals with professional or business experience (including agriculture) in the private sector. The members of the Board shall be representative of the major rail-dependent regions of the United States.

"(3) TERMS.—

"(A) IN GENERAL.—The term of each member of the Board shall—

"(i) be 5 years; and

"(ii) begin when the term of the predecessor of that member ends.

"(B) VACANCIES.—An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed 1 year.

"(C) REMOVAL.—The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

"(4) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no individual may serve as a member of the Board for more than 2 terms.

"(B) EXCEPTIONS.—Any individual who, as of the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 2000, is serving as a member of the Board for the remainder of a term for which that member was originally appointed to the Interstate Commerce Commission or is appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, may not be appointed for more than 1 additional term.

"(5) PROHIBITION.—A member of the Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

"(6) ADMINISTRATION.—A vacancy in the membership of the Board does not impair the right of the remaining members to exercise all of the powers of the Board. The Board may designate a member to act as Chairman during any period in which there is no Chairman designated by the President.

"(c) CHAIRMAN.—

"(1) IN GENERAL.—There shall be at the head of the Board a Chairman, who shall be designated by the President from among the members of the Board. The Chairman shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

"(2) RESPONSIBILITIES OF CHAIRMAN.—Subject to the general policies, decisions, findings, and determinations of the Board, the Chairman shall be responsible for administering the Board. The Chairman may delegate the powers granted under this paragraph to an officer, employee, or office of the Board. The Chairman shall—

"(A) appoint and supervise, other than regular and full-time employees in the immediate offices of another member, the officers and employees of the Board, including attorneys to provide legal aid and service to the Board and its members, and to represent the Board in any case in court;

"(B) appoint the heads of offices with the approval of the Board;

"(C) distribute Board business among officers, employees, and offices of the Board;

"(D) prepare requests for appropriations for the Board and submit those requests to the President and Congress with the prior approval of the Board; and

"(E) supervise the expenditure of funds allocated by the Board for major programs and purposes.".

AMENDMENT NO. 1036

On page 80, strike lines 1 through 11 and insert the following:

SEC. 321. AIRLINE COMPETITION.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102(2) of title 49, United States Code.

(2) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102(6) of title 49, United States Code.

(3) AIRPORT.—The term "airport" has the meaning given that term in section 40102(9) of title 49, United States Code.

(4) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) PREFERENCE FOR LOW-COMPETITION AIRPORTS.—

(1) DEFINITIONS.—Section 41714(h) of title 49, United States Code, is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) LARGE HUB AIRPORT.—The term 'large hub airport' means an airport described in section 47134(d)(2).

"(4) LOW-COMPETITION AIRPORT.—The term 'low-competition airport' means an airport that—

"(A) is not a large hub airport; and

"(B) the Secretary determines has substantially—

"(i) less service than the average service at airports in the United States; or

"(ii) higher airfares than average airfares for airports in the United States.".

(2) PREFERENCE.—Section 41714(c)(1) of title 49, United States Code, is amended by adding at the end the following: "In granting exemptions under this paragraph, the Secretary shall give preference to air transportation provided to low-competition airports that are located within a 500-mile radius of a high density airport.".

(c) UNFAIR COMPETITION.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that define predatory practices and unfair methods of competition of air carriers for the purposes of applying this subsection to complaints of predatory practices or unfair methods of competition filed under section 41712 of title 49, United States Code, or any other applicable provision of law.

(2) DETERMINATIONS REGARDING ACTIONS FILED.—

(A) ACTIONS FILED BEFORE THE DATE OF ENACTMENT OF THIS ACT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall complete action on any complaint alleging a predatory practice or unfair method of competition by an air carrier that was filed with the Secretary under section 41712 of title 49, United States Code, or any other applicable provision of law before the date of enactment of this Act.

(B) Actions Filed on or After the Date of Enactment of This Act.—

(i) In General.—Not later than 90 days after a complaint alleging a predatory practice or unfair method of competition by an air carrier is filed with the Secretary under section 41712 of title 49, United States Code, or any other applicable provision of law, the Secretary shall make an initial finding concerning whether the practice that is the subject of the complaint constitutes a predatory practice or unfair method of competition.

(ii) Applicability.—Clause (i) shall apply to a complaint filed with the Secretary on or after the date of enactment of this Act.

(3) Restraining Orders.—

(A) In General.—In a manner consistent with section 41712 of title 49, United States Code, or any other applicable provision of law, the Secretary shall enjoin, pending final determination, any action of an air carrier that the Secretary finds to be a predatory practice or unfair method of competition under paragraph (2).

(B) Period for Taking Action.—The Secretary shall carry out the requirements of subparagraph (A) not later than 15 days after an initial finding is made with respect to a complaint under paragraph (2) (or if the initial finding is made before the date of enactment of this Act, not later than 15 days after the date of enactment of this Act).

(d) Limits on Competition in Aviation Industry.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a report concerning barriers to entry, predatory practices (including pricing), and other limits on competition in the aviation industry.

(e) Provisions To Prevent Increased Aircraft Noise.—

(1) Secretarial Authority Under This Section.—Nothing in this section or the amendments made by this section shall authorize the Secretary to take any action that would increase aircraft noise in any community in the vicinity of an airport.

(2) Stage 4 Noise Levels.—

(A) Proposed Regulations.—Section 47523 of title 49, United States Code, is amended by adding at the end the following:

"(c) Stage 4 Noise Levels.—

"(1) Proposed Regulations.—Not later than 1 year after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 2000, the Secretary shall issue proposed regulations that—

"(A) establish, in a manner consistent with this chapter, stage 4 noise levels applicable to aircraft designated by the Secretary as stage 4 aircraft; and

"(B) provide for the implementation of the stage 4 noise level requirements by the date that is 36 months after the date of issuance of the proposed regulations.

"(2) Criteria for Noise Levels.—The stage 4 noise levels established under this subsection shall—

"(A) provide for a significant reduction in the level of noise generated by aircraft; and

"(B) be consistent with the noise levels attainable through the use of the most effective noise control technology available for stage 3 aircraft (as that term is used under section 47524(c)), as of January 1, 1999.".

(2) Legislative Proposals.—At the same time as the Secretary issues proposed regulations under section 47523(c) of title 49, United States Code, as added by paragraph (1) of this subsection, the Secretary shall submit to Congress such proposed legislation (including amendments to chapter 475 of title 49, United States Code) as is necessary to ensure the implementation of stage 4 noise levels (as that term is used in such section 47523(c)).

(f) Clarification of Legal Standing.—Section 41713(b) of title 49, United States Code, is amended by adding at the end the following:

"(5) Actions Not Barred.—This subsection shall not bar any cause of action brought against an air carrier by 1 or more private parties seeking to enforce any right under the common law of any State or under any State statute, other than a statute purporting to directly prescribe fares, routes, or levels of air transportation service.".

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

CLELAND AMENDMENT NO. 1037

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, S. 1233, supra; as follows:

At the appropriate place, insert the following:

Sec. . Redesignation of National School Lunch Act as Richard B. Russell National School Lunch Act.—(a) In General.—The first section of the National School Lunch Act (42 U.S.C. 1751 note) is amended by striking "National School Lunch Act" and inserting "Richard B. Russell National School Lunch Act".

(b) Conforming Amendments.—The following provisions of law are amended by striking "National School Lunch Act" each place it appears and inserting "Richard B. Russell National School Lunch Act":

(1) Sections 3 and 13(3)(A) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237).

(2) Section 404 of the Agricultural Act of 1949 (7 U.S.C. 1424).

(3) Section 201(a) of the Act entitled "An Act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes", approved September 21, 1959 (7 U.S.C. 1431c(a); 73 Stat. 610).

(4) Section 211(a) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4004(a)).

(5) Section 245A(h)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(A)).

(6) Sections 403(c)(2)(C), 422(b)(3), 423(d)(3), 741(a)(1), and 742 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(C), 1632(b)(3), 1183a note, 42 U.S.C. 1751 note, 8 U.S.C. 1615; Public Law 104–193).

(7) Section 2243(b) of title 10, United States Code.

(8) Sections 404B(g)(1)(A), 404D(c)(2), and 404F(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–22(g)(1)(A), 1070a–24(c)(2), 1070a–26(a)(2); Public Law 105–244).

(9) Section 231(d)(3)(A)(i) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2341(d)(3)(A)(i)).

(10) Section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

(11) Section 1397E(d)(4)(A)(iv)(II) of the Internal Revenue Code of 1986.

(12) Sections 254(b)(2)(B) and 263(a)(2)(C) of the Job Training Partnership Act (29 U.S.C. 1633(b)(2)(B), 1643(a)(2)(C)).

(13) Section 3803(c)(2)(C)(xiii) of title 31, United States Code.

(14) Section 602(d)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(d)(9)(A)).

(15) Sections 2(4), 3(1), and 301 of the Healthy Meals for Healthy Americans Act of 1994 (42 U.S.C. 1751 note; Public Law 103–448).

(16) Sections 3, 4, 7, 10, 13, 16(b), 17, and 19(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1772, 1773, 1776, 1779, 1782, 1785(b), 1786, 1788(d)).

(17) Section 658O(b)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(3)).

(18) Subsection (b) of the first section of Public Law 87–688 (48 U.S.C. 1666(b)).

(19) Section 10405(a)(2)(H) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2489).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 13, 1999 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 729, the National Monument Public Participation Act of 1999. A bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on Federal land.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday June 24, 1999. The purpose of this meeting will be to discuss agricultural issues related to a variety of trade topics

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 24, 1999, to conduct a hearing on "Export Administration Act Reauthorization: Private Sector Views."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 24, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to examine the implications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, June 24, 1999 beginning at 10:00 a.m. in room SD-215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 24, 1999 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting, during the session of the Senate on Thursday, June 24, 1999, at 11:00 a.m. in Senate Dirksen, Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 24, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 24, 1999, at 2:15 pm on FAA research and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing on NO_X/State Implementation Plans Thursday, June 24, 9:00 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Thursday, June 24, 1999 at 2:45 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. THOMAS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Thursday, June 24, 1999 at 11:00 a.m. for a hearing on H.R. 974—The District of Columbia College Access Act and S. 856—Expanded Options in Higher Education for District of Columbia Students Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THREE GEORGIAN HEROES

• Mr. CLELAND. Mr. President, I am deeply honored to rise today to recognize Douglas Scales, Floyd Eugene Collins, Jr., and Richard Floyd Burnham, Jr., three young men from my home town of Lithonia, Georgia who fought in Vietnam, but tragically, did not come home. On July 5, 1999, the city of Lithonia will dedicate the Lithonia Vietnam Veterans Memorial to honor the sacrifices of these heroic young men. It is said, "Poor is the nation which has no heroes. Poorer still is the nation which has them, but forgets," We will dedicate this memorial to remember, and to show our heart-felt appreciation to these young men for fighting for our country, and to say thank you to their families for their own sacrifices in the name of our freedom.

As I mentioned, this memorial will be dedicated on July 5, one day after we will celebrate July 4, our Independence Day. On July 4, 1776, the Continental Congress signed the Declaration of Independence in Philadelphia. In that powerful and historic document, the thirteen colonies declared themselves a self-governing body, and rightly stated that King George VIII had "plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people."

It strikes me that those words could have applied to many situations and many cruel and despotic rulers since 1776. I think of Hitler's Germany, I think of Vietnam, I think even of Bosnia and Kosovo. But because of the principals of our founding fathers and because of many great American presidents who have followed, the United States has been in a unique but sobering position to defend not only its own freedom, but the very concept of freedom across the globe. That was the case in 1967 when Specialist Collins was in Bien Hoe. That was the case in 1968 when Private First Class Scales was in Tay Ninh. That was the case in 1968 when Specialist Burnham was in Quan Nam. It is still the case today.

Three Georgians signed the Declaration of Independence in 1776. On July 5, we will unveil and honor the names of three Georgians. Winston Churchill described his concept of duty in this way, "What is the use of living if it be not to strive for noble causes and to make this muddled world a better place for those who will have it after we are gone." Doug Scales, Floyd Eugene Collins, Jr. and Richard Floyd Burnham, Jr. strove for noble causes and made this world a better place for us. My colleague and fellow Vietnam Veteran Senator JOHN KERREY described what he remembered most about his experience. "The shared struggle to do more than survive," he said. "And most of all to bestow honor on our service and to our friends who were lost." In this small way, we in Lithonia hope to bestow honor on our friends, our brothers, our sons and husbands who were lost. Not, we say, in vain.•

TRIBUTE TO ORION COMPUTER SOURCING GROUP

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Orion Computer Sourcing Group for being named one of Entrepreneur Magazine's "Hot 100" fastest growing businesses in the country. Orion was the highest ranking of the three New Hampshire business included on this prestigious list and one of only seven New England businesses recognized by the magazine.

This Portsmouth based company, which purchases excess computer hardware from manufacturers and sells it to clients like Hewlett-Packard, Compaq, and Packard Bell, is definitely on the move. Orion's president, Grant Guilbeault, started the company in his basement in October of 1997 with just $30,000. It has grown to a work force of 14, and continues to expand as business increases. Orion has more than doubled last year's revenue, and similar growth is expected for next year.

Orion Computer Sourcing is not content with resting on its laurels. Grant Guilbeault and the entire Orion team have set their goals for the future and are currently in the process of making plans to grow the company into a $100-million dollar business in the next few years. If their efforts of the past 18 months are any indication, I have no doubt they will reach their goals.

Part of Orion's tremendous success has been their ability to come together as a team and have a good time. One of the centerpieces of the office is a pool table where all the employees can gather to enjoy themselves, escape the pressures of building a business, and get to know each other. It has obviously been a very successful formula for everyone at Orion.

Once again, I wish to congratulate the employees of Orion on their achievement. I am proud to serve you in the United States Senate.●

RETIREMENT OF SAM HARMAN

● Mr. CLELAND. Mr. President, I rise today to recognize a most outstanding and accomplished citizen of Georgia, Mr. Sam Harman, on the eve of his retirement from the public schools system. As an educator for 36 years, Sam Harman's work ethic, coupled with his goal of excellence at each of his schools has earned him the sincere respect and admiration of his Dunwoody, Georgia community.

Mr. Harman began his career as a math, social studies and science teacher. Later, he coached football and driver's education. His first administrative job was as principal of one of Georgia's largest middle schools, in Cobb County, Georgia. In 1987, he was named the principal of Vanderlyn Elementary in Dunwoody, Georgia, where he remains today.

Throughout his tenure at Vanderlyn, Mr. Harman has always put his duties to his school ahead of anything else to make this school an example of excellence not only in the community, but in the public school system at large. He arrives at school at 6 o'clock each morning and stays until 6 o'clock every night. He is a remarkable person with energy to spare.

Sam Harman's dedication to education and his contributions to the community are numerous. To really get an understanding of this wonderful man, you only have to look at his school's many accomplishments. Under his watch, Vanderlyn Elementary has expanded from 400 to more than 700 students. Scholastically, Vanderlyn ranks in the top five schools in Georgia. National test scores for the past five years show Vanderlyn students averaging above the 90th percentile in virtually every academic subject. Teacher transfer rates are extremely low while pupil and teacher attendance rates are among the highest in the country. These statistics are the direct result of Sam Harman's commitment to this school.

Mr. Harman takes a personal interest in every child in his school, and knows each by name. He visits each classroom daily, and supervises both lunchroom and bus duty both to reduce the work of his teachers and to interact with the children. Strong pride exists at Vanderlyn because students, parents and staff know that Principal Harman cares about them as individuals.

While his compassion for others is unique, he is also a firm mediator and strict disciplinarian. Mr. Harman has a rule that students must come to school to learn. Students are well aware that anyone who performs differently will be dealt with swiftly and directly. Simply put, Mr. Harman will not allow any students to disrupt the learning process.

After eleven years at Vanderlyn and 36 years in education, Mr. Harman has now decided to retire. Instead of rising at dawn to herd children, he will be getting up to herd cattle on his farm, where he hopes to spend much more time.

Mr. President, I warmly request that you and my colleagues join me in paying tribute to a most outstanding man, Mr. Sam Harman of Atlanta, GA. We have been richly blessed to find such a caring and dedicated school leader who has positively touched the lives of many. I thank him, as well as his family, for allowing us to occupy so much of his time for these past 36 years.●

TRIBUTE TO PHILLIP I. EARL

● Mr. REID. Mr. President, I rise today to pay tribute to Phillip I. Earl, the Curator of History for the Nevada Historical Society in Reno. Phillip Earl will be retiring from the Nevada Historical Society on June 30, 1999 after 30 years of service to the State of Nevada.

Allow me to introduce Phillip Earl. He grew up in Boulder City, Nevada and graduated from high school there in 1955. After high school, Phillip Earl started working in construction and later in 1957, he joined the U.S. Army and served in Europe until 1960.

After his service to his country, Phillip Earl began attending classes at Nevada Southern university in Las Vegas. He transferred to Reno for his senior year and graduated with a degree in history/political science and education. Phillip Earl was a graduate assistant for two years following his graduation. During that time he taught school in Reno and was married.

In 1973 Phillip Earl began his career at the Nevada Historical Society. During his tenure, he has worked under six governors, two acting directors, and three directors. He has worked with four assistant directors. Phillip Earl has also worked with many photo curators, accountants, registrars, and volunteers. Phillip Earl has survived them all. He has provided his expertise and passion for history with editors, copy writers, authors, curriculum specialists, teachers, exhibit designers and many others whose jobs reflect on history in one way or another.

He started at the Nevada Historical Society as a Museum Attendant and worked his way up to Curator of Exhibits and later Curator of History, his present role at the Historical Society.

Phillip Earl has many achievements since serving as Curator of History. He is best known in Nevada for his popular history column, "This Was Nevada," which went out to some 26 newspapers around the state. When the column's first edition came out in May of 1975, there were six people on the column's staff. But the column eventually fell into the very capable hands of Phillip Earl who became it's only author. In 1986, the Historical Society published the first volume of articles from the column and a second volume is under production and scheduled to be released this summer. This second volume of Phillip Earl's column will probably be a very popular item, because his column, "This Was Nevada" retires with Phillip Earl later this month making his retirement even more special for Nevada and the history he has been able to capture for over 20 years.

Phillip Earl also writes scholarly essays for the Nevada Historical Society Quarterly and the Humboldt Historian, the journal of the North Central Nevada Historical Society.

He has explored many historical topics in depth over his career. Some of these are the Spanish-American War, World Wars I and II, early aviation, automobiling, shortline railroads, outlaw and lawmen history, the movie industry, race relations, boxing, ethnic history, women's history, the Lincoln Highway, county seat fights, county boundary controversies, the Great Spanish Flu Epidemic of 1918 to 1919, and even Searchlight, Nevada. And there is much more, too numerous to list.

Phillip Earl's love for Nevada and the rich history that the State is on display every week during the school year. Since 1976 Phillip Earl has been teaching Nevada History at Truckee Meadows Community College in Reno. He helps bring Nevada's past to life for hundreds of college students who may never have had exposure to the Silver State's rich history before.

Capturing the history of the Great State of Nevada will always be the legacy of Phillip I. Earl. He has preserved Nevada's history for all future generations to reflect upon, to learn from, and to enjoy. As one who has a great deal of respect for Nevada's proud history, it is this Senator's privilege to pay tribute to Phillip I. Earl, a great historian, Nevadan, and American.●

IN RECOGNITION OF FRANK D. STELLA

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a special person who will be honored on June 28, Frank D. Stella.

A ballroom in Cobo Hall in my hometown of Detroit will be filled next Monday with people from all walks of life who have been touched by this remarkable man. In 1946, after serving in World War II, Frank Stella established The F.D. Stella Products Company, a food service and dining equipment design and distribution company, in Detroit. He built his business into one of the most successful of its kind in Michigan, and throughout the years he has used his success to give back to his community. But he is also recognized across the country and worldwide as a leader in the Italian-American community.

I will not list all of the business, national, international, civic, fraternal, religious, veterans and social organizations that Frank Stella belongs to—the list is so long, my colleagues might accuse me of trying to filibuster. But I would like to highlight a few of the honors he has received because I believe that they illustrate just how many lives he has touched. In Metro Detroit, Frank has been recognized for his commitment to the community with many awards, including the Special Distinguished Humanitarian Award by the Arab and Chaldean Community Council, the Distinguished Service Award by Detroit Symphony Orchestra Hall, the State of Israel Bonds Award and the Summit Award by the Greater Detroit Chamber of Commerce. Frank's humanitarian works have also received recognition outside Michigan. He has been invested as a Knight of the Equestrian Order of the Holy Sepulchre of Jerusalem, received the Ellis Island Medal of Honor and was given Italy's highest decoration by the President and Prime Minister of Italy in 1991.

Frank Stella is a man of countless talents and immeasurable dedication. But Frank has something else, too, something he uses periodically to the benefit of the people of Metro Detroit, to wit, clout. While we all know people with clout, Frank's clout is unique. Yes, he has known Presidents, from Richard Nixon to Bill Clinton. He has met the Pope and Mother Teresa. He counts among his friends famous entertainers like Sophia Loren, John Travolta and Tony Bennett. But Frank Stella may be the only individual in the United States who could convince the "Three Tenors," Luciano Pavarotti, Placido Domingo and Jose Carreras to make their only U.S. concert appearance this year (and one of only three worldwide) at Tiger Stadium in Detroit on July 17. This concert will not only be the rarest of treats for Metro Detroit music lovers, but it will also raise a significant amount of money for the Michigan Opera Theatre's $25 million capital campaign.

Mr. President, Frank Stella wears many hats, including those of a businessman, a humanitarian, a community leader and a father. But for those in attendance at Cobo Hall next Monday night, the most important hat that Frank wears is that of friend. The invitation to the gala encourages people to "Please be Frank with us." But, as everyone knows, there is only one Frank Stella. I know my colleagues will join me in congratulating Frank on his years of success in so many arenas, and in thanking him for the truly remarkable contributions he has made to our country.●

TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN

On June 23, 1999, the Senate passed S. Con. Res. 39, the text of which follows:

S. CON. RES. 39

Whereas 10 percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

Whereas, according to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

Whereas the 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over "continued discrimination against religious minorities" in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are "completely emancipated";

Whereas more than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of religious persecution, and many of them now reside in the United States;

Whereas the Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

Whereas five Jews have been executed by the Iranian government in the past five years without having been tried;

Whereas there has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

Whereas, on the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

Whereas, in keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific crime or allow visitation by relatives of the detained for more than two months: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should—

(1) continue to work through the United Nations to assure that the Islamic Republic of Iran implements the recommendations of resolution 1999/13;

(2) continue to condemn, in the strongest possible terms, the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

PLEDGE OF ALLEGIANCE

On June 23, 1999, the Senate passed S. Res. 113, the text of which follows:

S. RES. 113

Whereas the Flag of the United States of America is our Nation's most revered and preeminent symbol;

Whereas the Flag of the United States of America is recognized and respected throughout the world as a symbol of democracy, freedom, and human rights;

Whereas, in the words of the Chief Justice of the United States, the Flag of the United States of America "in times of national crisis, inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of overriding importance . . . and serves as a reminder of the paramount importance of pursuing the ideals that characterize our society";

Whereas the House of Representatives of the United States has opened each of its daily sessions with the Pledge of Allegiance to the Flag of the United States of America since 1988; and

Whereas opening each of the daily sessions of the Senate of the United States with the Pledge of Allegiance to the Flag of the United States would demonstrate reverence for the Flag and serve as a daily reminder to all Senators of the ideals that it represents: Now, therefore, be it

Resolved, That paragraph 1(a) of rule IV of the Standing Rules of the Senate is amended by inserting after "prayer by the Chaplain" the following: "and after the Presiding Officer, or a Senator designated by the Presiding Officer, leads the Senate from the dais in reciting the Pledge of Allegiance to the Flag of the United States".

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

On June 22, 1999, the Senate passed S. 886, the text of which follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Admiral James W. Nance Foreign Relations Authorization Act, Fiscal Years 2000 and 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Appropriate congressional committees defined.
TITLE I—AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF STATE
Sec. 101. Administration of Foreign Affairs.
Sec. 102. International Commissions.
Sec. 103. Migration and Refugee Assistance.

Sec. 104. United States informational, educational, and cultural programs.
Sec. 105. Grants to The Asia Foundation.

TITLE II—DEPARTMENT OF STATE BASIC AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Office of Children's Issues.
Sec. 202. Strengthening implementation of The Hague Convention on the Civil Aspects of International Child Abduction.
Sec. 203. Human rights reporting on the treatment of children.
Sec. 204. Study for establishment of Russian Democracy Foundation.
Sec. 205. Limitation on participation in international expositions.
Sec. 206. Inspector General for the Inter-American Foundation and the African Development Foundation.

Subtitle B—Consular Authorities

Sec 211. Fees for machine readable visas.
Sec. 212. Fees relating to affidavits of support.
Sec. 213. Passport fees.
Sec. 214. Deaths and estates of United States citizens abroad.
Sec. 215. Major disasters and other incidents abroad affecting United States citizens.
Sec. 216. Mikey Kale Passport Notification Act of 1999.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organization Matters

Sec. 301. Legislative liaison offices of the Department of State.
Sec. 302. State Department official for Northeastern Europe.
Sec. 303. Science and Technology Adviser to Secretary of State.

Subtitle B—Foreign Service Reform

Sec. 311. Findings.
Sec. 312. United States citizens hired abroad.
Sec. 313. Limitation on percentage of Senior Foreign Service eligible for performance pay.
Sec. 314. Placement of Senior Foreign Service personnel.
Sec. 315. Report on management training.
Sec. 316. Workforce planning for Foreign Service personnel by Federal agencies.
Sec. 317. Records of disciplinary actions.
Sec. 318. Limitation on salary and benefits for members of the Foreign Service recommended for separation for cause.
Sec. 319. Foreign language proficiency.
Sec. 320. Treatment of grievance records.
Sec. 321. Deadlines for filing grievances.
Sec. 322. Reports by the Foreign Service Grievance Board.
Sec. 323. Extension of use of foreign service personnel system.

Subtitle C—Other Personnel Matters

Sec. 331. Border equalization pay adjustment.
Sec. 332. Treatment of certain persons reemployed after service with international organizations.
Sec. 333. Home service transfer allowance.
Sec. 334. Parental choice in education.
Sec. 335. Medical emergency assistance.
Sec. 336. Report concerning financial disadvantages for administrative and technical personnel.
Sec. 337. State Department Inspector General and personnel investigations.

TITLE IV—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. United States diplomatic facility defined.
Sec. 404. Authorizations of appropriations.
Sec. 405. Obligations and expenditures.
Sec. 406. Security requirements for United States diplomatic facilities.
Sec. 407. Closure of vulnerable posts.
Sec. 408. Accountability Review Boards.
Sec. 409. Awards of Foreign Service stars.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 501. Authorizations of appropriations.
Sec. 502. Reauthorization of Radio Free Asia.
Sec. 503. Nomination requirements for the Chairman of the Broadcasting Board of Governors.

TITLE VI—ARMS CONTROL, NONPROLIFERATION, AND NATIONAL SECURITY

Sec. 601. Short title.
Sec. 602. Definitions.

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

Sec. 611. Key Verification Assets Fund.
Sec. 612. Assistant Secretary of State for Verification and Compliance.
Sec. 613. Enhanced annual ("Pell") report.
Sec. 614. Report on START and START II treaties monitoring issues.
Sec. 615. Standards for verification.
Sec. 616. Contribution to the advancement of seismology.
Sec. 617. Protection of United States companies.
Sec. 618. Preservation of the START Treaty verification regime.

CHAPTER 2—LANDMINE POLICY, DEMINING ACTIVITIES, AND RELATED MATTERS

Sec. 621. Conforming amendment.
Sec. 622. Development of Advanced Humanitarian Demining Capabilities Fund.

Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters

Sec. 631. Reporting burden on United States nuclear industry.
Sec. 632. Authority to suspend nuclear cooperation for failure to ratify Convention on Nuclear Safety.
Sec. 633. Elimination of duplicative Government activities.
Sec. 634. Congressional notification of nonproliferation activities.
Sec. 635. Effective use of resources for nonproliferation programs.
Sec. 636. Disposition of weapons-grade material.
Sec. 637. Status of Hong Kong and Macao in United States export law.

Subtitle C—Miscellaneous Provisions

Sec. 641. Requirement for transmittal of summaries.
Sec. 642. Prohibition on withholding certain information from Congress.
Sec. 643. Reform of the Diplomatic Telecommunications Service Program Office.
Sec. 644. Sense of Congress on factors for consideration in negotiations with the Russian Federation on reductions in strategic nuclear forces.
Sec. 645. Clarification of exception to national security controls on satellite export licensing.
Sec. 646. Study on licensing process under the Arms Export Control Act.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—People's Republic of China

Sec. 701. Findings.
Sec. 702. Funding for additional personnel at diplomatic posts to report on political, economic, and human rights matters in the People's Republic of China.
Sec. 703. Prisoner Information Registry for the People's Republic of China.
Sec. 704. Report regarding establishment of Organization for Security and Cooperation in Asia.
Sec. 705. Sense of Congress regarding organ harvesting and transplanting in the People's Republic of China.

Subtitle B—Other Matters

Sec. 721. Denial of entry into United States of foreign nationals engaged in establishment or enforcement of forced abortion or sterilization policy.
Sec. 722. Semiannual reports on United States support for membership or participation of Taiwan in international organizations.
Sec. 723. Congressional policy regarding United Nations General Assembly Resolution ES–10/6.
Sec. 724. Waiver of certain prohibitions regarding the Palestine Liberation Organization.
Sec. 725. United States policy regarding Jerusalem as the capital of Israel.
Sec. 726. United States policy with respect to Nigeria.
Sec. 727. Partial liquidation of blocked Libyan assets.
Sec. 728. Support for refugees from Russia who choose to resettle in Israel.
Sec. 729. Sense of Congress regarding extradition of Lt. General Igor Giorgadze.
Sec. 730. Sense of Congress on the use of children as soldiers or other combatants in foreign armed forces.
Sec. 731. Technical corrections.
Sec. 732. Reports with respect to a referendum on Western Sahara.
Sec. 733. Self-determination in East Timor.
Sec. 734. Prohibition on the return of veterans memorial objects to foreign nations without specific authorization in law.
Sec. 735. Support for the peace process in Sudan.
Sec. 736. Expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community.
Sec. 737. Reporting requirements under PLO Commitments Compliance Act of 1989.
Sec. 738. Report on terrorist activity in which United States citizens were killed and related matters.
Sec. 739. Sense of Senate regarding child labor.
Sec. 740. Reporting requirement on worldwide circulation of small arms and light weapons.

Subtitle C—United States Entry-Exit Controls

Sec. 751. Amendment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
Sec. 752. Report on automated entry-exit control system.
Sec. 753. Annual reports on entry-exit control and use of entry-exit control data.

TITLE VIII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Subtitle A—Authorizations of Appropriations

Sec. 801. Contributions to international organizations.
Sec. 802. Contributions for international peacekeeping activities.
Sec. 803. Authorization of appropriations for contributions to the United Nations Voluntary Fund for Victims of Torture.

Subtitle B—United Nations Activities

Sec. 811. United Nations policy on Israel and the Palestinians.
Sec. 812. Data on costs incurred in support of United Nations peacekeeping operations.
Sec. 813. Reimbursement for goods and services provided by the United States to the United Nations.

Subtitle C—International Organizations Other Than the United Nations

Sec. 821. Restriction relating to United States accession to the International Criminal Court.
Sec. 822. Prohibition on extradition or transfer of United States citizens to the International Criminal Court.
Sec. 823. Permanent requirement for reports regarding foreign travel.
Sec. 824. Assistance to States and local governments by the International Boundary and Water Commission.
Sec. 825. United States representation at the International Atomic Energy Agency.
Sec. 826. Annual financial audits of United States section of the International Boundary and Water Commission.
Sec. 827. Sense of Congress concerning ICTR.

TITLE IX—ARREARS PAYMENTS AND REFORM

Subtitle A—General Provisions

Sec. 901. Short title.
Sec. 902. Definitions.

Subtitle B—Arrearages to the United Nations

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

Sec. 911. Authorization of appropriations.
Sec. 912. Obligation and expenditure of funds.
Sec. 913. Forgiveness of amounts owed by the United Nations to the United States.

CHAPTER 2—UNITED STATES SOVEREIGNTY

Sec. 921. Certification requirements.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

Sec. 931. Certification requirements.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

Sec. 941. Certification requirements.

Subtitle C—Miscellaneous Provisions

Sec. 951. Statutory construction on relation to existing laws.
Sec. 952. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

TITLE IX—RUSSIAN BUSINESS MANAGEMENT EDUCATION

Sec. 1001. Purpose.
Sec. 1002. Definitions.
Sec. 1003. Authorization for training program and internships.
Sec. 1004. Applications for technical assistance.
Sec. 1005. United States-Russian business management training board.
Sec. 1006. Restrictions not applicable.
Sec. 1007. Authorization of appropriations.
Sec. 1008. Effective date.

SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in section 902(1), in this Act the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs" of the Department of State, $2,837,772,000 for the fiscal year 2000 and $2,837,772,000 for the fiscal year 2001.

(2) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund" of the Department of State, $90,000,000 for the fiscal year 2000 and $90,000,000 for the fiscal year 2001.

(3) SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS.—For "Security and Maintenance of United States Missions", $434,066,000 for the fiscal year 2000 and $434,066,000 for the fiscal year 2001.

(4) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $5,850,000 for the fiscal year 2000 and $5,850,000 for the fiscal year 2001.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $17,000,000 for the fiscal year 2000 and $17,000,000 for the fiscal year 2001.

(6) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $30,054,000 for the fiscal year 2000 and $30,054,000 for the fiscal year 2001.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,760,000 for the fiscal year 2000 and $15,760,000 for the fiscal year 2001.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AMOUNTS AUTHORIZED TO BE APPROPRIATED.—For "Protection of Foreign Missions and Officials", $9,490,000 for the fiscal year 2000 and $9,490,000 for the fiscal year 2001.

(B) AVAILABILITY OF FUNDS.—Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount was appropriated.

(9) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 2000 and $1,200,000 for the fiscal year 2001, for administrative expenses.

(b) ALLOCATION OF FUNDS FOR COMMERCIAL LICENSES.—Of the funds made available to the Department of State under subsection (a)(1), $8,000,000 shall be made available only for the activities of the Office of Defense Trade Controls of the Department of State.

SEC. 102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $20,413,000 for the fiscal year 2000 and $20,413,000 for the fiscal year 2001; and

(B) for "Construction", $8,435,000 for the fiscal year 2000 and $8,435,000 for the fiscal year 2001.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $859,000 for the fiscal year 2000 and $859,000 for the fiscal year 2001.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,819,000 for the fiscal year 2000 and $3,819,000 for the fiscal year 2001.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $16,702,000 for the fiscal year 2000 and $16,702,000 for the fiscal year 2001.

SEC. 103. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $660,000,000 for the fiscal year 2000 and $660,000,000 for the fiscal year 2001.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

SEC. 104. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs" (other than programs described in subparagraph (B)), $112,000,000 for the fiscal year 2000 and $112,000,000 for the fiscal year 2001.

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For other educational and cultural exchange programs authorized by law, $98,329,000 for the fiscal year 2000 and $98,329,000 for the fiscal year 2001.

(2) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For

the "Center for Cultural and Technical Interchange between East and West", $12,500,000 for the fiscal year 2000 and $12,500,000 for the fiscal year 2001.

(3) National endowment for democracy.—For the "National Endowment for Democracy", $31,000,000 for the fiscal year 2000 and $31,000,000 for the fiscal year 2001.

(4) Center for cultural and technical interchange between north and south.—For "Center for Cultural and Technical Interchange between North and South" $1,750,000 for the fiscal year 2000 and $1,750,000 for the fiscal year 2001.

(b) Exchanges With Russia.—

(1) Muskie fellowships.—Of the amounts authorized to be appropriated under subsection (a)(1)(B), $5,000,000 for each of the fiscal years 2000 and 2001 shall be available only to carry out the Edmund S. Muskie Fellowship Program under section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) with the Russian Federation.

(2) Sense of congress on allocation of resources for exchanges with russia.—It is the sense of the Congress that educational and professional exchanges with the Russian Federation have proven to be an effective mechanism for enhancing democratization in that country and that, therefore, Congress should significantly increase the financial resources allocated for those programs.

(c) Muskie Fellowship Doctoral Graduate Studies for Nationals of the Independent States of the Former Soviet Union.—

(1) Allocation of funds.—Of the amounts authorized to be appropriated under subsection (a)(1)(B), not less than $2,000,000 for fiscal year 2000, and not less than $2,000,000 for fiscal year 2001, shall be made available to provide scholarships for doctoral graduate study in the social sciences to nationals of the independent states of the former Soviet Union under the Edmund S. Muskie Fellowship Program authorized by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note).

(2) Requirements.—

(A) Non-federal support.—Not less than 20 percent of the costs of each student's doctoral study supported under paragraph (1) shall be provided from non-Federal sources.

(B) Home country residence requirement.—

(i) Agreement for service in home country.—Before an individual may receive scholarship assistance under paragraph (1), the individual shall enter into a written agreement with the Department of State under which the individual agrees that after completing all degree requirements, or terminating his or her studies, whichever occurs first, the individual will return to the country of the individual's nationality, or country of last habitual residence, within the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), to reside and remain physically present there for an aggregate of at least one year for each year of study supported under paragraph (1).

(ii) Denial of entry into the united states for noncompliance.—Any individual who has entered into an agreement under clause (i) and who has not completed the period of home country residence and presence required by that agreement shall be ineligible for a visa and inadmissible to the United States.

(d) Vietnam Fulbright Academic Exchange Program.—Of the amounts authorized to be appropriated under subsection (a)(1)(A), $5,000,000 for the fiscal year 2000 and $5,000,000 for the fiscal year 2001 shall be available only to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

SEC. 105. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

"Sec. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.".

TITLE II—DEPARTMENT OF STATE BASIC AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. OFFICE OF CHILDREN'S ISSUES.

(a) Director Requirements.—At the earliest date practicable, the Secretary of State is requested to fill the position of Director of the Office of Children's Issues of the Department of State (in this section referred to as the "Office") with a career member of the Senior Executive Service. Effective January 1, 2001, only a career member of the Senior Executive Service may occupy the position of Director of the Office. In selecting an individual to fill the position of Director, the Secretary of State shall seek an individual who can assure long-term continuity in the management of the Office.

(b) Case Officer Staffing.—Effective April 1, 2000, there shall be assigned to the Office of Children's Issues of the Department of State a sufficient number of case officers to ensure that the average caseload for each officer does not exceed 75.

(c) Embassy Contact.—The Secretary of State shall designate in each United States diplomatic mission an employee who shall serve as the point of contact for matters relating to international abductions of children by parents. The Director of the Office shall regularly inform the designated employee of children of United States citizens abducted by parents to that country.

(d) Coordination.—

(1) Particular abductions.—Not later than 24 hours after notice of the possible abduction of a child by a parent to a location abroad has been submitted to the Department of State, the Secretary of State shall submit to the National Center for Missing and Exploited Children a report including the following:

(A) The name of the abducted child.

(B) The name and contact information of the parent or guardian who is searching for the child.

(C) The name and contact information for the law enforcement officials, including the agencies which employ the officials, assisting in the effort to return the child.

(D) The country to which the child is believed to have been abducted.

(E) The name of the person believed to have abducted the child.

(2) General case information.—At least once every six months, the Secretary shall submit to the Center a report on the following:

(A) Any case of abduction of a child by a parent previously submitted to the Secretary that has been closed during the preceding six months, including the reason for closing the case.

(B) Any case for which the Department of State has received a request during such months for assistance from a parent concerned about preventing the abduction of a child to a location abroad.

(e) Reports to Parents.—

(1) In general.—Except as provided in paragraph (2), beginning 6 months after the date of enactment of this Act, and at least once every 6 months thereafter, the Secretary of State shall report to each parent who has requested assistance regarding an abducted child. Each such report shall include information on the current status of the abducted child's case and the efforts by the Department of State to resolve the case.

(2) Exception.—The requirement in paragraph (1) shall not apply in a case of an abducted child if—

(A) the case has been closed and the Secretary of State has reported the reason the case was closed to the parent who requested assistance; or

(B) the parent seeking assistance requests that such reports not be provided.

SEC. 202. STRENGTHENING IMPLEMENTATION OF THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

(a) Reports on Compliance With the Convention.—Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277) is amended—

(1) in the first sentence, by striking "during the period ending September 30, 1999";

(2) in paragraph (4), by inserting before the period at the end the following: ", including the specific actions taken by the United States chief of mission in the country to which the child is alleged to have been abducted"; and

(3) by adding at the end the following new paragraph:

"(6) a description of the efforts of the Secretary of State to encourage the parties to the Convention to facilitate the work of nongovernmental organizations within their countries that assist parents seeking the return of children under the Convention.".

(b) Coordination in the United States.—It is the sense of Congress that the Secretary of State should continue to work with the National Center for Missing and Exploited Children in the United States to assist parents seeking the return of, or access to, children brought to the United States in violation of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

SEC. 203. HUMAN RIGHTS REPORTING ON THE TREATMENT OF CHILDREN.

(a) In General.—It is the sense of Congress that the annual human rights report by the Department of State should include a section on each country regarding the treatment of children in that country.

(b) Contents of Report Sections.—Each report section described in subsection (a) should include—

(1) a description of compliance by the country with the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980;

(2) a description of the cooperation, or lack thereof, in resolving cases of abducted children by each country that is not a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980;

(3) the number of children who were abducted and remain in the country, with special emphasis on cases of more than one year in duration; and

(4) an identification of those cases that have resulted in the successful return of children.

SEC. 204. STUDY FOR ESTABLISHMENT OF RUSSIAN DEMOCRACY FOUNDATION.

(a) In General.—The Secretary of State shall conduct a study of the feasibility of establishing a Russia-based foundation for the promotion of democratic institutions in the Russian Federation.

(b) Allocation of Funds.—Of the funds authorized to be appropriated for the Department of State for fiscal year 2000, up to $50,000 shall be available to carry out this section.

(c) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees setting forth the results of the study conducted under subsection (a).

SEC. 205. LIMITATION ON PARTICIPATION IN INTERNATIONAL EXPOSITIONS.

Section 230 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2452 note) is amended—

(1) by striking "Notwithstanding" and inserting "(a) Limitation.—Except as provided in subsection (b) and notwithstanding"; and

(2) by adding at the end the following:

"(b) Exceptions.—Notwithstanding subsection (a), the United States Information Agency may use funds to carry out any of its responsibilities—

"(1) under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)) to provide for United States participation in international fairs and expositions abroad;

"(2) under section 105(f) of such Act (22 U.S.C. 2455(f)) with respect to encouraging foreign governments, international organizations, and private individuals, firms, associations, agencies, and other groups to participate in international fairs and expositions and to make contributions to be utilized for United States participation in international fairs and expositions; or

"(3) to facilitate support to the United States Commissioner General for participation in international fairs and expositions.

"(c) Statutory Construction.—Nothing in subsection (b) authorizes the use of funds available to the United States Information Agency to make any payment for—

"(1) any contract, grant, or other agreement with any other party to carry out any activity described in subsection (b); or

"(2) the satisfaction of any legal judgment or the cost of any litigation brought against the United States Information Agency arising from any activity described in subsection (b).".

SEC. 206. INSPECTOR GENERAL FOR THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION.

Notwithstanding any other provision of law, the Inspector General of the Agency for International Development shall serve as the Inspector General of the Inter-American Foundation and the African Development Foundation and shall have all the authorities and responsibilities with respect to the Inter-American Foundation and the African Development Foundation as the Inspector General has with respect to the Agency for International Development.

Subtitle B—Consular Authorities

SEC. 211. FEES FOR MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note) is amended—

(1) by striking the first sentence of paragraph (3), and inserting "For each of the fiscal years 2000 and 2001, any amount collected under paragraph (1) that exceeds $300,000,000 may be made available for the purposes of paragraph (2) only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706)."; and

(2) by striking paragraphs (4) and (5).

SEC. 212. FEES RELATING TO AFFIDAVITS OF SUPPORT.

(a) Authority To Charge Fee.—The Secretary of State may charge and retain a fee or surcharge for services provided by the Department of State to any sponsor who provides an affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) to ensure that such affidavit is properly completed before it is forwarded to a consular post for adjudication by a consular officer in connection with the adjudication of an immigrant visa. Such fee or surcharge shall be in addition to and separate from any fee imposed for immigrant visa application processing and issuance, and shall recover only the costs of such services not recovered by such fee.

(b) Limitation.—Any fee established under subsection (a) shall be charged only once to a sponsor who files essentially duplicative affidavits of support in connection with separate immigrant visa applications from the spouse and children of any petitioner required by the Immigration and Nationality Act to petition separately for such persons.

(c) Treatment of Fees.—Fees collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing consular services.

(d) Compliance With Budget Act.—Fees may be collected under the authority of subsection (a) only to such extent or in such amounts as are provided in advance in an appropriation Act.

SEC. 213. PASSPORT FEES.

(a) Applications.—Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), is amended—

(1) in the first sentence—

(A) by striking "each passport issued" and inserting "the filing of each application for a passport (including the cost of passport issuance and use)"; and

(B) by striking "each application for a passport;" and inserting "each such application"; and

(2) by adding after the first sentence the following new sentence: "Such fees shall not be refundable, except as the Secretary may by regulation prescribe.".

(b) Repeal of Outdated Provision on Passport Fees.—Section 4 of the Passport Act of June 4, 1920 (22 U.S.C. 216) is repealed.

SEC. 214. DEATHS AND ESTATES OF UNITED STATES CITIZENS ABROAD.

(a) Repeal.—Section 1709 of the Revised Statutes (22 U.S.C. 4195) is repealed.

(b) Amendment to State Department Basic Authorities Act.—The State Department Basic Authorities Act of 1956 is amended by inserting after section 43 (22 U.S.C. 2715) the following new sections:

"SEC. 43A. NOTIFICATION OF NEXT OF KIN; REPORTS OF DEATH.

"(a) In General.—Whenever a United States citizen or national dies abroad, a consular officer shall endeavor to notify, or assist the Secretary of State in notifying, the next of kin or legal guardian as soon as possible, except that, in the case of death of any Peace Corps volunteer (within the meaning of section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), any member of the Armed Forces, any dependent of such a volunteer or member, or any Department of Defense employee, the consular officer shall assist the Peace Corps or the appropriate military authorities, as the case may be, in making such notifications.

"(b) Reports of Death or Presumptive Death.—The consular officer may, for any United States citizen who dies abroad—

"(1) in the case of a finding of death by the appropriate local authorities, issue a report of death or of presumptive death; or

"(2) in the absence of a finding of death by the appropriate local authorities, issue a report of presumptive death.

"(c) Implementing Regulations.—The Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

"SEC. 43B. CONSERVATION AND DISPOSITION OF ESTATES.

"(a) Conservation of Estates Abroad.—

"(1) Authority to act as conservator.—Whenever a United States citizen or national dies abroad, a consular officer shall act as the provisional conservator of the portion of the decedent's estate located abroad and, subject to paragraphs (3), (4), and (5), shall—

"(A) take possession of the personal effects of the decedent within his jurisdiction;

"(B) inventory and appraise the personal effects of the decedent, sign the inventory, and annex thereto a certificate as to the accuracy of the inventory and appraised value of each article;

"(C) when appropriate in the exercise of prudent administration, collect the debts due to the decedent in the officer's jurisdiction and pay from the estate the obligations owed by the decedent;

"(D) sell or dispose of, as appropriate, in the exercise of prudent administration, all perishable items of property;

"(E) sell, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, such additional items of property as necessary to provide funds sufficient to pay the decedent's debts and property taxes in the country of death, funeral expenses, and other expenses incident to the disposition of the estate;

"(F) upon the expiration of the one-year period beginning on the date of death (or after such additional period as may be required for final settlement of the estate), if no claimant shall have appeared, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, sell or dispose of the residue of the personal estate, except as provided in subparagraph (G), in the same manner as United States Government-owned foreign excess property;

"(G) transmit to the custody of the Secretary of State in Washington, D.C. the proceeds of any sales, together with all financial instruments (including bonds, shares of stock, and notes of indebtedness), jewelry, heirlooms, and other articles of obvious sentimental value, to be held in trust for the legal claimant; and

"(H) in the event that the decedent's estate includes an interest in real property located within the jurisdiction of the officer and such interest does not devolve by the applicable laws of intestate succession or otherwise, provide for title to the property to be conveyed to the Government of the United States unless the Secretary declines to accept such conveyance.

"(2) Authority to act as administrator.—Subject to paragraphs (3) and (4), a consular officer may act as administrator of an estate in exceptional circumstances if expressly authorized to do so by the Secretary of State.

"(3) Exceptions.—The responsibilities described in paragraphs (1) and (2) may not be performed to the extent that the decedent has left or there is otherwise appointed, in the country where the death occurred or where the decedent was domiciled, a legal representative, partner in trade, or trustee appointed to take care of his personal estate. If the decedent's legal representative shall appear at any time prior to transmission of the estate to the Secretary and demand the proceeds and effects being held by the consular officer, the officer shall deliver them to the representative after having collected any prescribed fee for the services performed under this section.

"(4) Additional requirement.—In addition to being subject to the limitations in paragraph (3), the responsibilities described in paragraphs (1) and (2) may not be performed unless—

"(A) authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled; or

"(B) permitted by established usage in that country.

"(5) Statutory construction.—Nothing in this section supersedes or otherwise affects the authority of any military commander under title 10 of the United States Code with respect to the person or property of any decedent who died while under a military command or jurisdiction or the authority of the Peace Corps with respect to a Peace Corps volunteer or the volunteer's property.

"(b) Disposition of Estates by the Secretary of State.—

"(1) Personal estates.—

"(A) In general.—After receipt of a personal estate pursuant to subsection (a), the Secretary may seek payment of all outstanding debts to the estate as they become due, may receive any balances due on such estate, may endorse all checks, bills of exchange, promissory notes, and other instruments of indebtedness payable to the estate for the benefit thereof, and may take such other action as is reasonably necessary for the conservation of the estate.

"(B) Disposition as surplus United States property.—If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate under subsection (a), no legal claimant for such estate has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States Government-owned property is disposed or by such means as may be appropriate in light of the nature and value of the property involved. The expenses of sales shall be paid from the estate, and any lawful claim received thereafter shall be payable to the extent of the value of the net proceeds of the estate as a refund from the appropriate Treasury appropriations account.

"(C) Transfer of proceeds.—The net cash estate after disposition as provided in subparagraph (B) shall be transferred to the miscellaneous receipts account of the Treasury of the United States.

"(2) Real property.—

"(A) Designation as excess property.—In the event that title to real property is conveyed to the Government of the United States pursuant to subsection (a)(1)(H) and is not required by the Department of State, such property shall be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 511 et seq.).

"(B) Treatment as gift.—In the event that the Department requires such property, the Secretary of State shall treat such property as if it were an unconditional gift accepted on behalf of the Department of State under section 25 of this Act and section 9(a)(3) of the Foreign Service Buildings Act of 1926.

"(c) Losses in Connection With the Conservation of Estates.—

"(1) Authority to compensate.—The Secretary is authorized to compensate the estate of any United States citizen who has died overseas for property—

"(A) the conservation of which has been undertaken under section 43 or subsection (a) of this section; and

"(B) that has been lost, stolen, or destroyed while in the custody of officers or employees of the Department of State.

"(2) Liability.—

"(A) Exclusion of personal liability after provision of compensation.—Any such compensation shall be in lieu of personal liability of officers or employees of the Department of State.

"(B) Liability to the department.—An officer or employee of the Department of State may be liable to the Department of State to the extent of any compensation provided under paragraph (1).

"(C) Determinations of liability.—The liability of any officer or employee of the Department of State to the Department for any payment made under subsection (a) shall be determined pursuant to the Department's procedures for determining accountability for United States Government property.

"(d) Regulations.—The Secretary of State may prescribe such regulations as may be necessary to carry out this section.".

(c) Effective Date.—The repeal and amendment made by this section shall take effect six months after the date of enactment of this Act.

SEC. 215. MAJOR DISASTERS AND OTHER INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.

Section 43 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2715) is amended—

(1) by inserting "(a) Authority.—" before "In";

(2) by striking "disposition of personal effects" in the last sentence and inserting "disposition of personal estates pursuant to section 43B"; and

(3) by adding at the end the following new subsection:

"(b) Definitions.—For purposes of this section and sections 43A and 43B, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to perform consular services pursuant to such regulations as the Secretary may prescribe.".

SEC. 216. MIKEY KALE PASSPORT NOTIFICATION ACT OF 1999.

(a) Not later than 180 days after the enactment of this Act, the Secretary of State shall issue regulations that—

(1) provide that, in the issuance of a passport to minors under the age of 18 years, both parents, a guardian, or a person in loco parentis have—

(A) executed the application; and

(B) provided documentary evidence demonstrating that they are the parents, guardian, or person in loco parentis; and

(2) provide that, in the issuance of a passport to minors under the age of 18 years, in those cases where both parents have not executed the passport application, the person executing the application has provided documentary evidence that such person—

(A) has sole custody of the child; or

(B) the other parent has provided consent to the issuance of the passport.

The requirement of this paragraph shall not apply to guardians or persons in loco parentis.

(b) The regulations required to be issued by this section may provide for exceptions in exigent circumstances involving the health or welfare of the child.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organization Matters

SEC. 301. LEGISLATIVE LIAISON OFFICES OF THE DEPARTMENT OF STATE.

(a) Development of Plan.—The Secretary of State shall develop a plan for the establishment of legislative liaison offices for the Department of State within the office buildings of the House of Representatives and the Senate. In developing the plan, the Secretary should examine existing liaison offices of other executive departments that are located in the congressional office buildings, including the liaison offices of the military services.

(b) Plan Elements.—The plan developed under subsection (a) shall consider—

(1) space requirements;

(2) cost implications;

(3) personnel structure; and

(4) the feasibility of modifying the Pearson Fellowship program in order to require members of the Foreign Service who serve in such fellowships to serve a second year in a legislative liaison office.

(c) Transmittal of Plan.—Not later than October 1, 1999, the Secretary of State shall submit to the Committee on International Relations and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate the plan developed under subsection (a).

SEC. 302. STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE.

The Secretary of State shall designate an existing senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.

SEC. 303. SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE.

(a) Establishment of Position.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(g) Science and Technology Adviser.—

"(1) In general.—There shall be within the Department of State a Science and Technology Adviser (in this paragraph referred to as the 'Adviser'). The Adviser shall report to the Secretary of State through the Under Secretary of State for Global Affairs.

"(2) Duties.—The Adviser shall—

"(A) advise the Secretary of State, through the Under Secretary of State for Global Affairs, on international science and technology matters affecting the foreign policy of the United States; and

"(B) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.".

(b) Report.—Not later than six months after receipt by the Secretary of State of the report by the National Research Council of the National Academy of Sciences with respect to the contributions that science, technology, and health matters can make to the foreign policy of the United States, the Secretary of State, acting through the Under Secretary of State for Global Affairs, shall submit a report to Congress setting forth the Secretary of State's plans for implementation, as appropriate, of the recommendations of the report.

Subtitle B—Foreign Service Reform

SEC. 311. FINDINGS.

Congress makes the following findings:

(1) To carry out its international relations and diplomacy, the United States has relied on a professional career Foreign Service that was established by law in 1924.

(2) The Foreign Service Act of 1980 accurately states that the United States career foreign service is essential to the national interest in that it assists the President and the Secretary of State in conducting the foreign affairs of the United States.

(3) The career Foreign Service is premised on a membership that is characterized by excellence, intelligence, professionalism, and integrity.

(4) Ethical, professional, and financial misconduct by career members of the Foreign Service, while uncommon, must be met with fair but swift disciplinary action. A failure to adequately discipline, and in some cases remove from the Foreign Service, those career members who violate laws or regulations would erode the qualities of excellence required of United States Foreign Service members.

(5) Retention of members of the Foreign Service who do not meet high standards of conduct would in the long term harm important national interests of the United States.

SEC. 312. UNITED STATES CITIZENS HIRED ABROAD.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the last sentence—

(1) by striking "(A)" and all that follows through "(B)"; and

(2) by striking "this total compensation package" and insert "the compensation plan".

SEC. 313. LIMITATION ON PERCENTAGE OF SENIOR FOREIGN SERVICE ELIGIBLE FOR PERFORMANCE PAY.

Section 405(b)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(1)) is amended by striking "50" and inserting "33".

SEC. 314. PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL.

The Director General of the Foreign Service shall submit a report on the first day of each fiscal quarter to the appropriate congressional committees containing the following:

(1) The number of members of the Senior Foreign Service.

(2) The number of vacant positions designated for members of the Senior Foreign Service.

(3) The number of members of the Senior Foreign Service who are not assigned to positions.

SEC. 315. REPORT ON MANAGEMENT TRAINING.

Not later than February 1, 2000, the Department of State shall report to the appropriate congressional committees on the feasibility of modifying current training programs and curricula so that the Department can provide significant and comprehensive management training at all career grades for Foreign Service personnel.

SEC. 316. WORKFORCE PLANNING FOR FOREIGN SERVICE PERSONNEL BY FEDERAL AGENCIES.

Section 601(c) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)) is amended by striking paragraph (4) and inserting the following:

"(4) Not later than March 1, 2001, and every four years thereafter, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall include the following:

"(A) A description of the steps taken and planned in furtherance of—

"(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

"(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204.

"(B) A workforce plan for the subsequent five years, including projected personnel needs, by grade and by skill. Each such plan shall include for each category the needs for foreign language proficiency, geographic and functional expertise, and specialist technical skills. Each workforce plan shall specifically account for the training needs of Foreign Service personnel and shall delineate an intake program of generalist and specialist Foreign Service personnel to meet projected future requirements.

"(5) If there are substantial modifications to any workforce plan under paragraph (4)(B) during any year in which a report under paragraph (4) is not required, a supplemental annual notification shall be submitted in the same manner as reports are required to be submitted under paragraph (4).".

SEC. 317. RECORDS OF DISCIPLINARY ACTIONS.

(a) In General.—Section 604 of the Foreign Service Act of 1980 (22 U.S.C. 4004) is amended—

(1) by striking "Confidentiality of Records.—" and inserting "Records.—(a)"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding subsection (a), any record of disciplinary action that includes a suspension of more than five days taken against a member of the Service, including any correction of that record under section 1107(b)(1), shall remain a part of the personnel records until the member is tenured as a career member of the Service or next promoted.".

(b) Effective Date.—The amendments made by this section apply to all disciplinary actions initiated on or after the date of enactment of this Act.

SEC. 318. LIMITATION ON SALARY AND BENEFITS FOR MEMBERS OF THE FOREIGN SERVICE RECOMMENDED FOR SEPARATION FOR CAUSE.

Section 610(a) of the Foreign Service Act (22 U.S.C. 4010(a)) is amended by adding at the end the following new paragraph:

"(6) Notwithstanding the hearing required by paragraph (2), at the time the Secretary recommends that a member of the Service be separated for cause, that member shall be placed on leave without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.".

SEC. 319. FOREIGN LANGUAGE PROFICIENCY.

(a) Report on Language Proficiency.—Section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022) is amended by adding at the end the following new subsection:

"(c) Not later than March 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

"(1) became vacant during the previous calendar year; and

"(2) were filled by individuals having the required foreign language competence.".

(b) Repeal.—Section 304(c) of the Foreign Service Act of 1980 (22 U.S.C. 3944(c)) is repealed.

SEC. 320. TREATMENT OF GRIEVANCE RECORDS.

Section 1103(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4133(d)(1)) is amended by adding at the end the following new sentence: "Nothing in this subsection prevents a grievant from placing in the grievant's personnel records a rebuttal to accompany a record of disciplinary action, nor prevents the Department from placing in the file a statement that the disciplinary action has been reviewed and upheld by the Foreign Service Grievance Board.".

SEC. 321. DEADLINES FOR FILING GRIEVANCES.

(a) In General.—Section 1104(a) of the Foreign Service Act of 1980 (22 U.S.C. 4134(a)) is amended in the first sentence by striking "within a period of 3 years" and all that follows through the period and inserting "not later than two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance.".

(b) Grievances Alleging Discrimination.—Section 1104 of that Act (22 U.S.C. 4134) is amended by striking subsection (c).

(c) Effective Date.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and shall apply to grievances which arise on or after such effective date.

SEC. 322. REPORTS BY THE FOREIGN SERVICE GRIEVANCE BOARD.

Section 1105 of the Foreign Service Act of 1980 (22 U.S.C. 4135) is amended by adding the following new subsection:

"(f)(1) Not later than March 1 of each year, the Chairman of the Foreign Service Grievance Board shall prepare a report summarizing the activities of the Board during the previous calendar year. The report shall include—

"(A) the number of cases filed;

"(B) the types of cases filed;

"(C) the number of cases on which a final decision was reached, as well as data on the outcome of cases, whether affirmed, reversed, settled, withdrawn, or dismissed;

"(D) the number of oral hearings conducted and the length of each such hearing;

"(E) the number of instances in which interim relief was granted by the Board; and

"(F) data on the average time for consideration of a grievance, from the time of filing to a decision of the Board.

"(2) The report required under paragraph (1) shall be submitted to the Director General of the Foreign Service and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.".

SEC. 323. EXTENSION OF USE OF FOREIGN SERVICE PERSONNEL SYSTEM.

Section 202(a) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)) is amended by adding at the end the following new paragraph:

"(4)(A) Whenever (and to the extent) the Secretary of State considers it in the best interests of the United States Government, the

Secretary of State may authorize the head of any agency or other Government establishment (including any establishment in the legislative or judicial branch) to appoint under section 303 individuals described in subparagraph (B) as members of the Service and to utilize the Foreign Service personnel system with respect to such individuals under such regulations as the Secretary of State may prescribe.

"(B) The individuals referred to in subparagraph (A) are individuals hired for employment abroad under section 311(a).".

Subtitle C—Other Personnel Matters

SEC. 331. BORDER EQUALIZATION PAY ADJUSTMENT.

(a) IN GENERAL.—Chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 et seq.) is amended by adding at the end the following new section:

"SEC. 414. BORDER EQUALIZATION PAY ADJUSTMENT.

"(a) IN GENERAL.—An employee who regularly commutes from the employee's place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization pay adjustment equal to the amount of comparability payments under section 5304 of title 5, United States Code, that the employee would receive if the employee were assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

"(b) EMPLOYEE DEFINED.—For purposes of this section, the term 'employee' means a person who—

"(1) is an 'employee' as defined under section 2105 of title 5, United States Code; and

"(2) is employed by the Department of State, the United States Agency for International Development, or the International Joint Commission of the United States and Canada (established under Article VII of the treaty signed January 11, 1909) (36 Stat. 2448), except that the term shall not include members of the Service (as specified in section 103).

"(c) TREATMENT AS BASIC PAY.—An equalization pay adjustment paid under this section shall be considered to be part of basic pay for the same purposes for which comparability payments are considered to be part of basic pay under section 5304 of title 5, United States Code.

"(d) REGULATIONS.—The heads of the agencies referred to in subsection (b)(2) may prescribe regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents for the Foreign Service Act of 1980 is amended by inserting after the item relating to section 413 the following new item:

"Sec. 414. Border equalization pay adjustment.".

SEC. 332. TREATMENT OF CERTAIN PERSONS REEMPLOYED AFTER SERVICE WITH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Title 5 of the United States Code is amended by inserting after section 8432b the following new section:

"§ 8432c. Contributions of certain persons reemployed after service with international organizations

"(a) In this section, the term 'covered person' means any person who—

"(1) transfers from a position of employment covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 to a position of employment with an international organization pursuant to section 3582;

"(2) pursuant to section 3582 elects to retain coverage, rights, and benefits under any system established by law for the retirement of persons during the period of employment with the international organization and currently deposits the necessary deductions in payment for such coverage, rights, and benefits in the system's fund; and

"(3) is reemployed pursuant to section 3582(b) to a position covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 after separation from the international organization.

"(b)(1) Each covered person may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which a covered person may contribute under paragraph (1) is equal to—

"(A) the total amount of all contributions under section 8351(b)(2) or 8432(a), as applicable, which the person would have made over the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)), minus

"(B) the total amount of all contributions, if any, under section 8351(b)(2) or 8432(a), as applicable, actually made by the person over the period described in subparagraph (A).

"(3) Contributions under paragraph (1)—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8351(b)(2) or 8432(a), as applicable;

"(B) shall be made over the period of time specified by the person under paragraph (4)(B); and

"(C) shall be in addition to any contributions actually being made by the person during that period under section 8351(b)(2) or 8432(a), as applicable.

"(4) The Executive Director shall prescribe the time, form, and manner in which a covered person may specify—

"(A) the total amount the person wishes to contribute with respect to any period described in paragraph (2)(A); and

"(B) the period of time over which the covered person wishes to make contributions under this subsection.

"(c) If a covered person who makes contributions under section 8432(a) makes contributions under subsection (b), the agency employing the person shall make those contributions to the Thrift Savings Fund on the person's behalf in the same manner as contributions are made for an employee described in section 8432b(a) under sections 8432b(c), 8432b(d), and 8432b(f). Amounts paid under this subsection shall be paid in the same manner as amounts are paid under section 8432b(g).

"(d) For purposes of any computation under this section, a covered person shall, with respect to the period described in subsection (b)(2)(A), be considered to have been paid at the rate which would have been payable over such period had the person remained continuously employed in the position that the person last held before transferring to the international organization.

"(e) For purposes of section 8432(g), a covered person shall be credited with a period of civilian service equal to the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)).

"(f) The Executive Director shall prescribe regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432b the following:

"8432c. Contributions of certain persons reemployed after service with international organizations.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons reemployed on or after the date of enactment of this Act.

SEC. 333. HOME SERVICE TRANSFER ALLOWANCE.

Section 5922 of title 5, United States Code is amended by adding at the end the following new subsection:

"(f) Upon the death of an employee, a transfer allowance under section 5924(2)(B) may be furnished to any spouse or dependent of such employee for the purpose of returning such spouse or dependent to the United States.".

SEC. 334. PARENTAL CHOICE IN EDUCATION.

Section 5924(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "between that post and the nearest locality where adequate schools are available," and inserting "between that post and the school chosen by the employee, not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available,"; and

(2) by adding at the end the following new subparagraph:

"(C) In those cases in which an adequate school is available at the post of the employee, if the employee chooses to educate the dependent at a school away from post, the education allowance which includes board and room, and periodic travel between the post and the school chosen, shall not exceed the total cost to the Government of the dependent attending an adequate school at the post of the employee.".

SEC. 335. MEDICAL EMERGENCY ASSISTANCE.

Section 5927 of title 5, United States Code, is amended—

(1) by inserting "(a)" before "Up"; and

(2) by adding at the end the following:

"(b)(1) Subject to paragraph (2), up to three months' pay may be paid in advance to—

"(A) a United States citizen employee of an agency (other than a United States citizen employed under section 311(a) of the Foreign Service Act of 1980 (22 U.S.C. 3951(a))—

"(i) who is assigned or located outside of the United States pursuant to Government authorization; and

"(ii) who must, or has a family member who must, undergo outside of the United States medical treatment of the nature specified in regulations promulgated by the Secretary of State; and

"(B) each foreign national employee appointed under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943) and each United States citizen employed under section 311(a) of that Act (22 U.S.C. 3951(a)) who is not a family member of a government employee assigned abroad—

"(i) who is located outside of the country of employment pursuant to United States Government authorization; and

"(ii) who must undergo outside the country of employment medical treatment of the nature specified in regulations promulgated by the Secretary of State.

"(2) Not more than 3 months pay may be advanced to an employee with respect to any single illness or injury, without regard to the number of courses of medical treatment required by the employee.

"(3)(A) Subject to the adjustment of the account of an employee under subparagraph

(B) and other applicable provisions of law, the amount paid to an employee in advance shall be equal to the rate of pay authorized with respect to the employee on the date the advance payment is made under agency procedures governing other advance payments permitted under this subchapter.

"(B) The head of each agency shall provide for—

"(i) the review of the account of each employee of the agency who receives any advance payment under this section; and

"(ii) the recovery of the amount of pay or waiver thereof.

"(4) For the purposes of this subsection, the term 'country of employment' means the country outside the United States where the employee was appointed for employment or employed by the United States Government.".

SEC. 336. REPORT CONCERNING FINANCIAL DISADVANTAGES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL.

(a) FINDINGS.—Congress finds that administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees concerning the extent to which administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status, including proposals to alleviate such disadvantages.

SEC. 337. STATE DEPARTMENT INSPECTOR GENERAL AND PERSONNEL INVESTIGATIONS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT of 1980.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(5) INVESTIGATIONS.—

"(A) CONDUCT OF INVESTIGATIONS.—In conducting investigations of potential violations of Federal criminal law or Federal regulations, the Inspector General shall—

"(i) abide by professional standards applicable to Federal law enforcement agencies; and

"(ii) permit each subject of an investigation an opportunity to provide exculpatory information.

"(B) REPORTS OF INVESTIGATIONS.—In order to ensure that reports of investigations are thorough and accurate, the Inspector General shall—

"(i) make every reasonable effort to ensure that any person named in a report of investigation has been afforded an opportunity to refute any allegation or assertion made regarding that person's actions;

"(ii) include in every report of investigation any exculpatory information, as well as any inculpatory information, that has been discovered in the course of the investigation.".

(b) ANNUAL REPORT.—Section 209(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) a description, which may be included, if necessary, in the classified portion of the report, of any instance in a case that was closed during the period covered by the report when the Inspector General decided not to afford an individual the opportunity described in subsection (c)(5)(B)(i) to refute any allegation or assertion, and the rationale for denying such individual that opportunity.".

(c) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section may be construed to modify—

(1) section 209(d)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(4));

(2) section 7(b) of the Inspector General Act of 1978 (5 U.S.C. app.);

(3) the Privacy Act of 1974 (5 U.S.C. 552a); or

(4) the provisions of section 2302(b)(8) of title 5 (relating to whistleblower protection).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to cases opened on or after the date of the enactment of this Act.

TITLE IV—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

SEC. 401. SHORT TITLE.

This title may be cited as the "Secure Embassy Construction and Counterterrorism Act of 1999".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) On August 7, 1998, the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attack.

(2) The United States personnel in both Dar es Salaam and Nairobi showed leadership and personal courage in their response to the attacks. Despite the havoc wreaked upon the embassies, staff in both embassies provided rapid response in locating and rescuing victims, providing emergency assistance, and quickly restoring embassy operations during a crisis.

(3) The bombs are believed to have been set by individuals associated with Osama bin Laden, leader of a known transnational terrorist organization. In February 1998, bin Laden issued a directive to his followers that called for attacks against United States interests anywhere in the world.

(4) Following the bombings, additional threats have been made against United States diplomatic facilities.

(5) Accountability Review Boards were convened following the bombings, as required by Public Law 99-399, chaired by Admiral William J. Crowe, United States Navy (Ret.) (in this section referred to as the "Crowe panels").

(6) The conclusions of the Crowe panels were strikingly similar to those stated by the Commission chaired by Admiral Bobby Ray Inman, which issued an extensive embassy security report more than 14 years ago.

(7) The Crowe panels issued a report setting out many problems with security at United States diplomatic facilities, in particular the following:

(A) The United States Government has devoted inadequate resources to security against terrorist attacks.

(B) The United States Government places too low a priority on security concerns.

(8) The result has been a failure to take adequate steps to prevent tragedies such as the bombings in Kenya and Tanzania.

(9) The Crowe panels found that there was an institutional failure on the part of the Department of State to recognize threats posed by transnational terrorism and vehicular bombs.

(10) Responsibility for ensuring adequate resources for security programs is widely shared throughout the United States Government, including Congress. Unless the vulnerabilities identified by the Crowe panels are addressed in a sustained and financially realistic manner, the lives and safety of United States employees in diplomatic facilities will continue to be at risk from further terrorist attacks.

(11) Although service in the Foreign Service or other United States Government positions abroad can never be completely without risk, the United States Government must take all reasonable steps to minimize security risks.

SEC. 403. UNITED STATES DIPLOMATIC FACILITY DEFINED.

In this title, the terms "United States diplomatic facility" and "diplomatic facility" mean any chancery, consulate, or other office building used by a United States diplomatic mission or consular post or by personnel of any agency of the United States abroad, except that those terms do not include any facility under the command of a United States area military commander.

SEC. 404. AUTHORIZATIONS OF APPROPRIATIONS.

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury of the United States an appropriations account for the Department of State which shall be known as the "Embassy Construction and Security" account.

(b) PURPOSES.—Funds made available under the "Embassy Construction and Security" account may be used only for the purposes of—

(1) the acquisition of United States diplomatic facilities and, if necessary, any residences or other structures located in close physical proximity to such facilities, or

(2) the provision of major security enhancements to United States diplomatic facilities,

necessary to bring the United States Government into compliance with all requirements applicable to the security of United States diplomatic facilities, including the relevant requirements set forth in section 406.

(c) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State under "Embassy Construction and Security"—

(A) for fiscal year 2000, $600,000,000;

(B) for fiscal year 2001, $600,000,000;

(C) for fiscal year 2002, $600,000,000;

(D) for fiscal year 2003, $600,000,000; and

(E) for fiscal year 2004, $600,000,000.

(2) AVAILABILITY OF AUTHORIZATIONS.—Authorizations of appropriations under paragraph (1) shall remain available until the appropriations are made.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 405. OBLIGATIONS AND EXPENDITURES.

(a) REPORT AND PRIORITY OF OBLIGATIONS.—

(1) REPORT.—Not later than 90 days after the date of enactment of this Act, and on February 1 of each year for 5 years thereafter, the Secretary of State shall submit a classified report to the appropriate congressional committees identifying each diplomatic facility that is a priority for replacement or for any major security enhancement because of its vulnerability to terrorist attack (by reason of the terrorist threat and the current condition of the facility). The report shall list such facilities in groups of 20.

The groups shall be ranked in order from most vulnerable to least vulnerable to such an attack.

(2) PRIORITY ON USE OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available in the "Embassy Construction and Security" account for a particular project may be used only for those facilities which are listed in the first four groups described in paragraph (1).

(B) EXCEPTIONS.—Funds made available in the "Embassy Construction and Security" account may be used for facilities which are not in the first four groups, if the Secretary of State certifies to the appropriate congressional committees that such use of the funds is in the national interest of the United States.

(b) CONGRESSIONAL NOTIFICATION REQUIRED PRIOR TO TRANSFER OF FUNDS.—Prior to the transfer of funds from the "Embassy Construction and Security" account to any other account, the Secretary of State shall notify the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)).

(c) SEMIANNUAL REPORTS ON ACQUISITION AND MAJOR SECURITY UPGRADES.—On June 1 and December 1 of each year, the Secretary of State shall submit a report to the appropriate congressional committees on the embassy construction and security program authorized under this title. The report shall include—

(1) obligations and expenditures—

(A) during the previous six months; and

(B) since the establishment of the "Embassy Construction and Security" account;

(2) projected obligations and expenditures during the four fiscal quarters following the submission of the report, and how these obligations and expenditures will improve security conditions of specific diplomatic facilities; and

(3) the status of ongoing acquisition and major security enhancement projects, including any significant changes in—

(A) the anticipated budgetary requirements for such projects;

(B) the anticipated schedule of such projects; and

(C) the anticipated scope of the projects.

SEC. 406. SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.

(a) IN GENERAL.—The following security requirements shall apply with respect to United States diplomatic facilities:

(1) THREAT ASSESSMENTS.—

(A) EMERGENCY ACTION PLAN.—The Emergency Action Plan (EAP) of each United States mission shall address the threat of large explosive attacks from vehicles and the safety of employees during such an explosive attack.

(B) SECURITY ENVIRONMENT THREAT LIST.—The Security Environment Threat List shall contain a section that addresses potential acts of international terrorism against United States diplomatic facilities based on threat identification criteria that emphasize the threat of transnational terrorism and include the local security environment, host government support, and other relevant factors such as cultural realities.

(2) SITE SELECTION.—

(A) IN GENERAL.—In selecting sites for new United States diplomatic facilities abroad, all personnel of United States Government agencies except those under the command of a United States area military commander shall be located on the same compound.

(B) WAIVER.—

(i) IN GENERAL.—The Secretary of State may waive subparagraph (A) if—

(I) the Secretary and the head of each agency employing affected personnel determine and certify to the appropriate congressional committees that security so permits, and it is in the national interest of the United States to do so; and

(II) the Secretary provides the appropriate congressional committees in writing the reasons justifying the determination under subclause (I).

(ii) AUTHORITY NOT DELEGABLE.—The Secretary may not delegate the authority provided in clause (i).

(C) CONGRESSIONAL NOTIFICATION.—Any waiver under this paragraph may be exercised only on a date that is at least 15 days after notification of the intention to waive this paragraph has been provided to the appropriate congressional committees.

(3) PERIMETER DISTANCE.—

(A) REQUIREMENT.—Each newly acquired United States diplomatic facility shall be sited not less than 100 feet from the perimeter of the property on which the facility is to be situated.

(B) WAIVER.—

(i) IN GENERAL.—The Secretary of State may waive subparagraph (A) if—

(I) the Secretary determines and certifies to the appropriate congressional committees that security so permits, and it is in the national interest of the United States to do so; and

(II) the Secretary provides the appropriate congressional committees in writing the reasons justifying the determination under subclause (I).

(ii) AUTHORITY NOT DELEGABLE.—The Secretary may not delegate the authority provided in clause (i).

(4) CRISIS MANAGEMENT TRAINING.—

(A) TRAINING OF HEADQUARTERS STAFF.—The appropriate personnel of the Department of State headquarters staff shall undertake crisis management training for mass casualty and mass destruction incidents relating to diplomatic facilities for the purpose of bringing about a rapid response to such incidents from Department of State headquarters in Washington, D.C.

(B) TRAINING OF PERSONNEL ABROAD.—A program of appropriate instruction in crisis management shall be provided to personnel at United States diplomatic facilities abroad.

(5) STATE DEPARTMENT SUPPORT.—

(A) FOREIGN EMERGENCY SUPPORT TEAM.—The Foreign Emergency Support Team (FEST) of the Department of State shall receive sufficient support from the Department, including—

(i) conducting routine training exercises of the FEST;

(ii) providing personnel identified to serve on the FEST as a collateral duty;

(iii) providing personnel to assist in activities such as security, medical relief, public affairs, engineering, and building safety; and

(iv) providing such additional support as may be necessary to enable the FEST to provide support in a post-crisis environment involving mass casualties and physical damage.

(B) FEST AIRCRAFT.—

(i) REPLACEMENT AIRCRAFT.—The President shall develop a plan to replace on a priority basis the current FEST aircraft funded by the Department of Defense with a dedicated, capable, and reliable replacement aircraft and backup aircraft, to be operated and maintained by the Department of Defense.

(ii) REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees describing the aircraft selected pursuant to clause (i) and the arrangements for the funding, operation, and maintenance of that aircraft.

(6) RAPID RESPONSE PROCEDURES.—The Secretary of State shall enter into a memorandum of understanding with the Secretary of Defense setting out rapid response procedures for mobilization of personnel and equipment of their respective departments to provide more effective assistance in times of emergency with respect to United States diplomatic facilities.

(7) STORAGE OF EMERGENCY EQUIPMENT AND RECORDS.—All United States diplomatic facilities shall have emergency equipment and records required in case of an emergency situation stored at an off-site facility.

(b) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The President may waive the application of paragraph (2) or (3) of subsection (a) with respect to a diplomatic facility, other than a United States diplomatic mission or consular post or a United States Agency for International Development mission, if the President determines that—

(A) it is important to the national security of the United States to so exempt that facility; and

(B) all feasible steps are being taken, consistent with the national security requirements that require the waiver, to minimize the risk and the possible consequences of a terrorist attack involving that facility or its personnel.

(2) PERIODIC REPORTS.—

(A) IN GENERAL.—Not later than January 1, 2000, and every six months thereafter, the President shall submit to the appropriate congressional committees a classified report describing—

(i) the waivers that have been exercised under this subsection during the preceding six-month period or, in the case of the initial report, during the period since the date of enactment of this Act; and

(ii) the steps taken to maintain maximum feasible security at the facilities involved.

(B) SPECIAL RULE.—Any waiver that, for national security reasons, may not be described in a report required by subparagraph (A) shall be noted in that report and described in an appendix submitted to the congressional committees with direct oversight responsibility for the facility.

(c) STATUTORY CONSTRUCTION.—Nothing in this section alters or amends existing security requirements not addressed by this section.

SEC. 407. CLOSURE OF VULNERABLE POSTS.

(a) REVIEW.—The Secretary of State shall review the findings of the Overseas Presence Advisory Panel.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after submission of the Overseas Presence Panel Report, the Secretary of State shall submit a report to Congress setting forth the results of the review conducted under subsection (a).

(2) ELEMENTS OF THE REPORT.—The report shall—

(A) specify whether any United States diplomatic facility should be closed because—

(i) the facility is highly vulnerable and subject to threat of terrorist attack; and

(ii) adequate security enhancements cannot be provided to the facility;

(B) in the event that closure of a diplomatic facility is required, identify plans to provide secure premises for permanent use by the United States diplomatic mission, whether in country or in a regional United States diplomatic facility, or for temporary occupancy by the mission in a facility pending acquisition of new buildings;

(C) outline the potential for reduction or transfer of personnel or closure of missions if technology is adequately exploited for maximum efficiencies;

(D) examine the possibility of creating regional missions in certain parts of the world;

(E) in the case of diplomatic facilities that are part of the Special Embassy Program, report on the foreign policy objectives served by retaining such missions, balancing the importance of these objectives against the well-being of United States personnel; and

(F) examine the feasibility of opening new regional outreach centers, modeled on the system used by the United States Embassy in Paris, France, with each center designed to operate—

(i) at no additional cost to the United States Government;

(ii) with staff consisting of one or two Foreign Service officers currently assigned to the United States diplomatic mission in the country in which the center is located; and

(iii) in a region of the country with high gross domestic product (GDP), a high density population, and a media market that not only includes but extends beyond the region.

SEC. 408. ACCOUNTABILITY REVIEW BOARDS.

Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831) is amended to read as follows:

"SEC. 301. ACCOUNTABILITY REVIEW BOARDS.

"(a) In General.

"(1) Convening a board.—Except as provided in paragraph (2), in any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this title referred to as the 'Board'). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

"(2) Department of defense facilities and personnel.—The Secretary of State is not required to convene a Board in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 106 of this Act. In any such case, the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

"(b) Deadlines for Convening Boards.—

"(1) In general.—Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for two additional 30-day periods if the Secretary determines that the additional period or periods are necessary for the convening of the Board.

"(2) Delay in cases involving intelligence activities.—With respect to breaches of security involving intelligence activities, the Secretary of State may delay the establishment of a Board if, after consultation with the chairman of the Select Committee on Intelligence of the Senate and the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the chairmen of such committees of each determination pursuant to this paragraph to delay the establishment of a Board.

"(c) Notification to Congress.—Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

"(1) that a Board has been convened;

"(2) of the membership of the Board; and

"(3) of other appropriate information about the Board.".

SEC. 409. AWARDS OF FOREIGN SERVICE STARS.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 36 (22 U.S.C. 2708) the following new section:

"SEC. 36A. AWARDS OF FOREIGN SERVICE STARS.

"(a) Authority to Award.—The President, upon the recommendation of the Secretary, may award a Foreign Service star to any member of the Foreign Service or any other civilian employee of the Government of the United States who, after August 1, 1998, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death) in a case described in subsection (b)—

"(1) as the person was performing official duties;

"(2) as the person was on the premises of a United States mission abroad; or

"(3) by reason of the person's status as a United States Government employee.

"(b) Cases Resulting From Unlawful Conduct.—Cases covered by subsection (a) include cases of wounds or other injuries incurred as a result of terrorist or military action, civil unrest, or criminal activities directed at any facility of the Government of the United States.

"(c) Selection Criteria.—The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a Foreign Service star and for selecting the persons to be recommended for the award.

"(d) Award in the Event of Death.—If a person selected for award of a Foreign Service star dies before being presented the award, the award may be made and the star presented to the person's family or to the person's representative, as designated by the President.

"(e) Form of Award.—The Secretary shall prescribe the design of the Foreign Service star. The award may not include a stipend or any other cash payment.

"(f) Funding.—Any expenses incurred in awarding a person a Foreign Service star may be paid out of appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.".

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.

(a) In General.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

(1) International broadcasting activities.—For "International Broadcasting Activities", $408,979,000 for the fiscal year 2000, and $408,979,000 for the fiscal year 2001.

(2) Radio construction.—For "Radio Construction", $20,868,000 for the fiscal year 2000, and $20,868,000 for the fiscal year 2001.

(3) Broadcasting to cuba.—For "Broadcasting to Cuba", $22,743,000 for the fiscal year 2000 and $22,743,000 for the fiscal year 2001.

SEC. 502. REAUTHORIZATION OF RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(3) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B);

(B) in paragraph (2), by striking "September 30, 1999" and inserting "September 30, 2005";

(C) in paragraph (4), by striking "$22,000,000 in any fiscal year" and inserting "$28,000,000 in each of the fiscal years 2000 and 2001";

(D) by striking paragraph (5); and

(E) by redesignating paragraph (6) as paragraph (5); and

(4) by amending subsection (f) (as redesignated by paragraph (2)) to read as follows:

"(f) Sunset Provision.—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 2005.".

SEC. 503. NOMINATION REQUIREMENTS FOR THE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

Section 304(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6203 (b)(2)), is amended—

(1) by striking "designate" and inserting "appoint"; and

(2) by adding at the end the following: ", subject to the advice and consent of the Senate".

TITLE VI—ARMS CONTROL, NONPROLIFERATION, AND NATIONAL SECURITY

SEC. 601. SHORT TITLE.

This title may be cited as the "Arms Control, Nonproliferation, and National Security Act of 1999".

SEC. 602. DEFINITIONS.

In this title:

(1) Assistant secretary.—The term "Assistant Secretary" means the position of Assistant Secretary of State for Verification and Compliance designated under section 612.

(2) Convention on nuclear safety.—The term "Convention on Nuclear Safety" means the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6).

(3) Executive agency.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(4) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) START TREATY OR TREATY.—The term "START Treaty" or "Treaty" means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

(6) START II TREATY.—The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.

(7) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

SEC. 611. KEY VERIFICATION ASSETS FUND.

(a) IN GENERAL.—The Secretary of State is authorized to transfer funds available to the Department of State under this section to the Department of Defense, Department of Energy, or any agency, entity, or other component of the intelligence community, as needed, for retaining, researching, developing, or acquiring technologies or programs relating to the verification of arms control, nonproliferation and disarmament agreements or commitments.

(b) PROHIBITION ON REPROGRAMMING.—Notwithstanding any other provision of law, funds made available to carry out this section may not be used for any purpose other than the purposes specified in subsection (a).

(c) FUNDING.—Of the total amount of funds authorized to be appropriated to the Department of State by this Act for the fiscal years 2000 and 2001, $5,000,000 is authorized to be available for each such fiscal year to carry out subsection (a).

(d) DESIGNATION OF FUND.—Amounts made available under subsection (c) may be referred to as the "Key Verification Assets Fund".

SEC. 612. ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE.

(a) DESIGNATION OF POSITION.—The Secretary of State shall designate one of the Assistant Secretaries of State authorized by section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) as the Assistant Secretary of State for Verification and Compliance. The Assistant Secretary shall report to the Under Secretary of State for Arms Control and International Security.

(b) DIRECTIVE GOVERNING THE ASSISTANT SECRETARY OF STATE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall issue a directive governing the position of Assistant Secretary.

(2) ELEMENTS OF THE DIRECTIVE.—The directive issued under paragraph (1) shall set forth, consistent with this section—

(A) the duties of the Assistant Secretary;

(B) the relationships between the Assistant Secretary and other officials of the Department of State;

(C) any delegation of authority from the Secretary of State to the Assistant Secretary; and

(D) such other matters as the Secretary considers appropriate.

(c) DUTIES.—

(1) IN GENERAL.—The Assistant Secretary shall have as his principal responsibility the overall supervision (including oversight of policy and resources) within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements or commitments.

(2) PARTICIPATION OF THE ASSISTANT SECRETARY.—

(A) PRIMARY ROLE.—Except as provided in subparagraphs (B) and (C), the Assistant Secretary, or his designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters, including interagency intelligence committees concerned with the development or exploitation of measurement or signals intelligence or other national technical means of verification.

(B) REQUIREMENT FOR DESIGNATION.—Subparagraph (A) shall not apply to groups or organizations on which the Secretary of State or the Undersecretary of State for Arms Control and International Security sits, unless such official designates the Assistant Secretary to attend in his stead.

(C) NATIONAL SECURITY LIMITATION.—

(i) The President may waive the provisions of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(ii) With respect to an interagency group or organization, or meeting thereof, working with exceptionally sensitive information contained in compartments under the control of the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, such Director or Secretary, as the case may be, may waive the provision of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(iii) Any waiver of participation under clause (i) or (ii) shall be transmitted in writing to the appropriate committees of Congress.

(3) RELATIONSHIP TO THE INTELLIGENCE COMMUNITY.—The Assistant Secretary shall be the principal policy community representative to the intelligence community on verification and compliance matters.

(4) REPORTING RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State for—

(A) all reports required pursuant to section 37 of the Arms Control and Disarmament Act (22 U.S.C. 2577);

(B) so much of the report required under paragraphs (5) through (10) of section 51(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) as relates to verification or compliance matters; and

(C) other reports being prepared by the Department of State as of the date of enactment of this Act relating to arms control, nonproliferation, or disarmament verification or compliance matters.

SEC. 613. ENHANCED ANNUAL ("PELL") REPORT.

Section 51(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon;

(3) in paragraph (6), by inserting:

(A) "or commitments, including the Missile Technology Control Regime," after "agreements" the first time it appears;

(B) "or commitments" after "agreements" the second time it appears; and

(C) "or commitment" after "agreement";

(4) by adding at the end the following:

"(8) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States."; and

(5) by adding at the end the following new subsection:

"(d) Each report shall include a discussion of each significant issue contained in a previous report issued during 1995, or after December 31, 1995, pursuant to paragraph (6), until the question or concern has been resolved and such resolution has been reported to the appropriate committees of Congress (as defined in section 601(7) of the Foreign Relations Authorization Act, Fiscal Years 2000 and 2001) in detail.".

SEC. 614. REPORT ON START AND START II TREATIES MONITORING ISSUES.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of Central Intelligence shall submit a detailed classified report to the appropriate committees of Congress including the following:

(1) A comprehensive identification of all monitoring activities associated with the START and START II treaties.

(2) The specific intelligence community assets and capabilities, including analytical capabilities, that the Senate was informed, prior to the Senate giving its advice and consent to ratification of the treaties, would be necessary to accomplish those activities.

(3) An identification of the extent to which those assets and capabilities have, or have not, been attained or retained, and the corresponding effect this has had upon United States monitoring confidence levels.

(4) An assessment of any Russian activities relating to the START Treaty which have had an impact upon the ability of the United States to monitor Russian adherence to the Treaty.

(b) COMPARTMENTED ANNEX.—Exceptionally sensitive, compartmented information in the report required by this section may be provided in a compartmented annex submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 615. STANDARDS FOR VERIFICATION.

(a) DEFINITIONS.—It is the sense of the Senate that the following terms when used in publications of the United States Government, or in oral representations by officials of the United States Government, should have the following meanings:

(1) EFFECTIVELY VERIFIABLE.—The term "effectively verifiable" means that the requirements of subparagraphs (A) and (B) are met, as follows:

(A) The Director of Central Intelligence has certified to the President that the intelligence community has a high degree of confidence, with respect to a particular treaty or other agreement, in its ability to detect any militarily significant violation of the treaty or other agreement in a timely fashion, and to detect patterns of marginal violation over time. In determining the intelligence community's confidence, the Director should assume that all measures of concealment could be employed and that standard practices could be altered so as to impede monitoring.

(B) The Secretaries of State and Defense and the Chairman of the Joint Chiefs of Staff have certified to the President that they have a high degree of confidence, with respect to a particular treaty or other agreement, that the United States will be able to reach a legal and technical determination regarding any militarily significant violation of the treaty or other agreement in a timely fashion, and to reach such a determination regarding patterns of marginal violation, once detected. In determining the level of confidence under this subparagraph, the Secretaries of State and Defense and the Chairman of the Joint Chiefs of Staff should assume that all measures of concealment could be employed and that standard practices could be altered so as to impede monitoring.

(2) MILITARILY SIGNIFICANT VIOLATION.—The Chairman of the Joint Chiefs of Staff, in consultation with the Secretary of Defense, has sole responsibility for determining with specificity, for purposes of any treaty or other international agreement having implications for the national security of the United States, what constitutes a militarily significant violation. In making such a determination, the Chairman should give great weight to his judgment that the violation could pose a threat to the national security interests of the United States.

(3) TIMELY FASHION DEFINED.—In this section, the term "timely fashion" means in sufficient time for the United States to take remedial action to safeguard the national security.

(b) CONFORMING AMENDMENTS.—Section 37(a) of the Arms Control and Disarmament Act (22 U.S.C. 2577(a)) is amended—

(1) by striking "adequately";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following new subsection:

"(b) ASSESSMENTS UPON REQUEST.—Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, in case of an arms control, nonproliferation, or disarmament proposal—

"(1) under consideration for presentation to a foreign country by the United States;

"(2) presented to a foreign country by the United States; or

"(3) presented to the United States by a foreign country;

the Secretary of State shall submit a report to the Committee on the degree to which elements of the proposal are capable of being verified.".

SEC. 616. CONTRIBUTION TO THE ADVANCEMENT OF SEISMOLOGY.

The United States Government shall make available to the public in real time, or as quickly as possible, all raw seismological data provided to the United States Government by any international organization that is directly responsible for seismological monitoring.

SEC. 617. PROTECTION OF UNITED STATES COMPANIES.

The United States National Authority (as designated pursuant to section 101 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in division I of Public Law 105-277)) shall reimburse the Federal Bureau of Investigation for all costs incurred by the Bureau in connection with implementation of section 303(b)(2)(A) of that Act, except that such reimbursement may not exceed $1,000,000 in any fiscal year.

SEC. 618. PRESERVATION OF THE START TREATY VERIFICATION REGIME.

(a) FINDINGS.—The Senate makes the following findings:

(1) Paragraph 6 of Article XI of the START Treaty states the following: "Each Party shall have the right to conduct reentry vehicle inspections of deployed ICBMs and SLBMs to confirm that such ballistic missiles contain no more reentry vehicles than the number of warheads attributed to them.".

(2) Paragraph 1 of Section IX of the Inspections Protocol to the START Treaty states that each Party "shall have the right to conduct a total of ten reentry vehicle inspections each year".

(3) Paragraph 4 of Section XVIII of the Inspections Protocol to the START Treaty states that the Parties "shall, when possible, clarify ambiguities regarding factual information contained in the inspection report" that each inspection team must provide at the end of an inspection, pursuant to paragraph 1 of Section XVIII of that Protocol.

(4) Paragraph 12 of Annex 3 to the Inspections Protocol to the START Treaty states that, once a missile has been selected and prepared for reentry vehicle inspection, the inspectors shall be given "a clear, unobstructed view of the front section [of the missile], to ascertain that the front section contains no more reentry vehicles than the number of warheads attributed to missiles of that type".

(5) Paragraph 13 of Annex 3 to the Inspections Protocol to the START Treaty states the following: "If a member of the in-country escort declares that an object contained in the front section is not a reentry vehicle, the inspected Party shall demonstrate to the satisfaction of the inspectors that this object is not a reentry vehicle.".

(6) Section II of Annex 8 to the Inspections Protocol to the START Treaty provides that radiation detection equipment may be used during reentry vehicle inspections.

(7) Paragraph F.1 of Section VI of Annex 8 to the Inspections Protocol to the START Treaty states the following: "Radiation detection equipment shall be used to measure nuclear radiation levels in order to demonstrate that objects declared to be non-nuclear are non-nuclear.".

(8) While the use of radiation detection equipment may help to determine whether an object that "a member of the in-country escort declares..is not a reentry vehicle" is a reentry vehicle with a nuclear warhead, it cannot help to determine whether that object is a reentry vehicle with a non-nuclear warhead.

(9) Article XV of the START Treaty provides for a Joint Compliance and Inspection Commission that shall meet to "resolve questions relating to compliance with the obligations assumed".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should assert and, to the maximum extent possible, exercise the right for reentry vehicle inspectors to obtain a clear, unobstructed view of the front section of a deployed SS-18 ICBM selected for reentry vehicle inspection pursuant to paragraph 6 of Article XI of the START Treaty;

(2) the United States should assert and, to the maximum extent possible, obtain Russian compliance with the obligation of the host Party, pursuant to paragraph 13 of Annex 3 to the Inspections Protocol to the START Treaty, to demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle;

(3) if a member of the in-country escort declares that an object contained in the front section of a deployed SS-18 ICBM selected for reentry vehicle inspection pursuant to paragraph 6 of Article XI of the START Treaty is not a reentry vehicle, but the inspected Party does not demonstrate to the satisfaction of the inspectors that this object is not a reentry vehicle, the United States inspection team should record this fact in the official inspection report as an ambiguity and the United States should raise this matter in the Joint Compliance and Inspection Commission as a concern relating to compliance of Russia with the obligations assumed under the Treaty;

(4) the United States should not agree to any arrangement whereby the use of radiation detection equipment in a reentry vehicle inspection, or a combination of the use of such equipment and Russian assurances regarding SS-18 ICBMs, would suffice to demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle; and

(5) the United States should not agree to any arrangement whereby the use of technical equipment in a reentry vehicle inspection would suffice to demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle, unless the Director of Central Intelligence, in consultation with the Secretaries of State, Defense, and Energy, has determined that such equipment can demonstrate to the satisfaction of the inspectors that an object which is declared not to be a reentry vehicle is not a reentry vehicle.

(c) START TREATY DEFINED.—In this section, the term "START Treaty" means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

CHAPTER 2—LANDMINE POLICY, DEMINING ACTIVITIES, AND RELATED MATTERS

SEC. 621. CONFORMING AMENDMENT.

Subsection (d) of section 248 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1958) is amended by inserting ", and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives," after "congressional defense committees".

SEC. 622. DEVELOPMENT OF ADVANCED HUMANITARIAN DEMINING CAPABILITIES FUND.

(a) IN GENERAL.—The Secretary of State is authorized to transfer funds available to the Department of State under this section to the Department of Defense, Department of Energy, or any of the military departments, for researching, developing, adapting, and deploying technologies to achieve the destruction or other removal of antipersonnel landmines for humanitarian purposes.

(b) PROHIBITION ON REPROGRAMMING.—Notwithstanding any other provision of law, funds made available to carry out this section may not be used for any purpose other than the purposes specified in subsection (a).

(c) FUNDING.—Of the total amount of funds authorized to be appropriated to the Department of State by this Act for the fiscal years 2000 and 2001, $5,000,000 is authorized to be available for each such fiscal year to carry out subsection (a).

(d) DESIGNATION OF FUND.—Amounts made available under subsection (c) may be referred to as the "Development of Advanced Humanitarian Demining Capabilities Fund".

Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters

SEC. 631. REPORTING BURDEN ON UNITED STATES NUCLEAR INDUSTRY.

In carrying out any United States obligation under the Convention on Nuclear Safety, no Executive agency may impose any new reporting obligation upon any United States business concern.

SEC. 632. AUTHORITY TO SUSPEND NUCLEAR COOPERATION FOR FAILURE TO RATIFY CONVENTION ON NUCLEAR SAFETY.

Section 132 of the Atomic Energy Act of 1954 (42 U.S.C. 2160b) is amended—

(1) in the section heading, by inserting before the period the following: "OR THE CONVENTION ON NUCLEAR SAFETY"; and

(2) by inserting "or the Convention on Nuclear Safety" after "Material".

SEC. 633. ELIMINATION OF DUPLICATIVE GOVERNMENT ACTIVITIES.

(a) PRIMARY RESPONSIBILITY OF THE SECRETARY OF STATE.—Congress urges the Secretary of State, in consultation with the Nuclear Regulatory Commission, to ensure that the functions performed by the International Nuclear Regulators Association are undertaken to the maximum extent practicable in connection with implementation of the Convention on Nuclear Safety.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the President shall submit a report to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives—

(1) detailing all activities being undertaken by the United States in the field of international nuclear regulation and nuclear safety, and justifying continuation of such activities if the activities in any way duplicate an activity undertaken pursuant to the Convention on Nuclear Safety; and

(2) identifying all activities terminated pursuant to his certification made on April 9, 1999, in accordance with Condition (1) of the resolution of ratification for the Convention on Nuclear Safety.

SEC. 634. CONGRESSIONAL NOTIFICATION OF NONPROLIFERATION ACTIVITIES.

Section 602(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)) is amended to read as follows:

"(c)(1) The Department of State, the Department of Defense, the Department of Commerce, the Department of Energy, the Commission, and, with regard to subparagraph (B), the Director of Central Intelligence, shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to—

"(A) their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, including the proliferation of nuclear, chemical, or biological weapons, or their means of delivery; and

"(B) the current activities of foreign nations which are of significance from the proliferation standpoint.

"(2) For the purposes of this subsection with respect to subparagraph (B), the phrase 'fully and currently informed' means the transmittal of information not later than 60 days after becoming aware of the activity concerned.".

SEC. 635. EFFECTIVE USE OF RESOURCES FOR NONPROLIFERATION PROGRAMS.

(a) PROHIBITION.—Except as provided in subsection (b), no assistance may be provided by the United States Government to any person who is involved in the research, development, design, testing, or evaluation of chemical or biological weapons for offensive purposes.

(b) EXCEPTION.—The prohibition contained in subsection (a) shall not apply to any activity conducted to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 636. DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

(b) SUBMISSION OF THE FABRICATION FACILITY AGREEMENT PURSUANT TO LAW.—Whenever the President submits to Congress the agreement to establish a mixed oxide fuel fabrication or production facility in Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), it is the sense of Congress that the Secretary of State should be prepared to certify to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House Representatives that—

(1) arrangements for the establishment of that facility will further United States nuclear non-proliferation objectives and will outweigh the proliferation risks inherent in the use of mixed oxide fuel elements;

(2) a guaranty has been given by Russia that no fuel elements produced, fabricated, reprocessed, or assembled at such facility, and no sensitive nuclear technology related to such facility, will be exported or supplied by the Russian Federation to any country in the event that the United States objects to such export or supply; and

(3) a guaranty has been given by Russia that the facility and all nuclear materials and equipment therein, and any fuel elements or special nuclear material produced, fabricated, reprocessed, or assembled at that facility, including fuel elements exported or supplied by Russia to a third party, will be subject to international monitoring and transparency sufficient to ensure that special nuclear material is not diverted.

(c) DEFINITIONS.—

(1) PRODUCED.—The terms "produce" and "produced" have the same meaning that such terms are given under section 11 u. of the Atomic Energy Act of 1954.

(2) PRODUCTION FACILITY.—The term "production facility" has the same meaning that such term is given under section 11 v. of the Atomic Energy Act of 1954.

(3) SPECIAL NUCLEAR MATERIAL.—The term "special nuclear material" has the meaning that such term is given under section 11 aa. of the Atomic Energy Act of 1954.

SEC. 637. STATUS OF HONG KONG AND MACAO IN UNITED STATES EXPORT LAW.

(a) PRELICENSE VERIFICATION.—Notwithstanding any other provision of law and except as provided in subsections (c) and (f), no license may be approved for the export to Hong Kong or Macao, as the case may be, of any item described in subsection (d) unless appropriate United States officials are provided the right and ability to conduct prelicense verification, in such manner as the United States considers appropriate, of the validity of the stated end-user, and the validity of the stated end-use, as specified on the license application.

(b) POST-SHIPMENT VERIFICATION.—Notwithstanding any other provision of law and except as provided in subsections (c) and (f), in the event that appropriate United States officials are denied the ability to conduct post-shipment verification, in such manner as the United States considers appropriate, of the location and end-use of any item under their jurisdiction that has been exported from the United States to Hong Kong or Macao, then Hong Kong or Macao, as the case may be, shall thereafter be treated in the same manner as the People's Republic of China for the purpose of any export of any item described in subsection (d).

(c) WAIVER AUTHORITY.—The Secretary of State, with respect to any item defined in subsection (d)(1), or the Secretary of Commerce, with respect to any item defined in subsection (d)(2), may waive or remove the imposition of the requirements imposed by subsections (a) and (b) upon a written finding, which shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, that—

(1) the case that warranted the imposition of such requirements has been settled to the satisfaction of the United States; or

(2) there are specific reasons why the waiver or removal of such requirements is in the national interest of the United States.

(d) ITEM DEFINED.—The term "item" as used in this section means—

(1) any item controlled on the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(2) any item for which export controls are administered by the Department of Commerce for foreign policy or national security reasons.

(e) EFFECTIVE DATE.—Effective January 1, 2000, this section shall apply to Macao.

(f) EXCEPTION.—The provisions of this section do not apply to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

Subtitle C—Miscellaneous Provisions

SEC. 641. REQUIREMENT FOR TRANSMITTAL OF SUMMARIES.

Whenever a United States delegation engaging in negotiations on arms control, nonproliferation, or disarmament submits to the Secretary of State a summary of the activities of the delegation or the status of those negotiations, a copy of each such summary shall be further transmitted by the Secretary of State to the Committee on Foreign Relations of the Senate promptly.

SEC. 642. PROHIBITION ON WITHHOLDING CERTAIN INFORMATION FROM CONGRESS.

(a) PROHIBITION.—No officer or employee of the United States may knowingly withhold information from the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the

House of Representatives that is required to be transmitted pursuant to subsection (c) or (d) of section 602 of the Nuclear Non-Proliferation Act of 1978.

(b) Issuance of Regulations.—Not later than January 1, 2000, the Secretaries of State, Defense, Commerce, and Energy, the Director of Central Intelligence, and the Chairman of the Nuclear Regulatory Commission shall issue directives to implement their responsibilities under subsections (c) and (d) of section 602 of the Nuclear Non-Proliferation Act of 1978. Copies of such directives shall be forwarded promptly to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives upon the issuance of the directives.

SEC. 643. REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) Additional Resources.—In addition to other amounts authorized to be appropriated for the purposes of the Diplomatic Telecommunications Service Program Office (DTS-PO), of the amounts made available to the Department of State under section 101(a)(2), $18,000,000 shall be made available only to the DTS-PO for enhancement of Diplomatic Telecommunications Service capabilities.

(b) Improvement of DTS-PO.—In order for the DTS-PO to better manage a fully integrated telecommunications network to service all agencies at diplomatic missions and consular posts, the DTS-PO shall—

(1) ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization;

(2) not later than December 31, 1999, terminate all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances;

(3) institute a system of charges for utilization of bandwidth by each agency beginning October 1, 2000, and institute a comprehensive chargeback system to recover all, or substantially all, of the other costs of telecommunications services provided through the Diplomatic Telecommunications Service to each agency beginning October 1, 2001;

(4) ensure that all DTS-PO policies and procedures comply with applicable policies established by the Overseas Security Policy Board; and

(5) maintain the allocation of the positions of Director and Deputy Director of DTS-PO as those positions were assigned as of June 1, 1999, which assignments shall pertain through fiscal year 2001, at which time such assigments shall be adjusted in the customary manner.

(c) Report on Improving Management.—Not later than March 31, 2000, the Director and Deputy Director of DTS-PO shall jointly submit to the appropriate committees of Congress the Director's plan for improving network architecture, engineering, operations monitoring and control, service metrics reporting, and service provisioning, so as to achieve highly secure, reliable, and robust communications capabilities that meet the needs of both national security agencies and other United States agencies with overseas personnel.

(d) Funding of DTS-PO.—Funds appropriated for allocation to DTS-PO shall be made available only for DTS-PO until a comprehensive chargeback system is in place.

SEC. 644. SENSE OF CONGRESS ON FACTORS FOR CONSIDERATION IN NEGOTIATIONS WITH THE RUSSIAN FEDERATION ON REDUCTIONS IN STRATEGIC NUCLEAR FORCES.

It is the sense of Congress that, in negotiating a START III Treaty with the Russian Federation, or any other arms control treaty with the Russian Federation making comparable amounts of reductions in United States strategic nuclear forces—

(1) the strategic nuclear forces and nuclear modernization programs of the People's Republic of China and every other nation possessing nuclear weapons should be taken into full consideration in the negotiation of such treaty; and

(2) such programs should not undermine the limitations set forth in the treaty.

SEC. 645. CLARIFICATION OF EXCEPTION TO NATIONAL SECURITY CONTROLS ON SATELLITE EXPORT LICENSING.

Section 1514(b) of Public Law 105-261 is amended by striking all that follows after "Exception.—" and inserting the following: "Subsections (a)(2), (a)(4), and (a)(8) shall not apply to the export of a satellite or satellite-related items for launch in, or by nationals of, a country that is a member of the North Atlantic Treaty Organization (NATO) or that is a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)) of the United States unless, in each instance of a proposed export of such item, the Secretary of State, in consultation with the Secretary of Defense, first provides a written determination to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that it is in the national security or foreign policy interests of the United States to apply the export controls required under such subsections.".

SEC. 646. STUDY ON LICENSING PROCESS UNDER THE ARMS EXPORT CONTROL ACT.

Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on International Relations of the House of Representatives a study on the performance of the licensing process pursuant to the Arms Export Control Act, with recommendations on how to improve that performance. The study shall include:

(1) An analysis of the typology of licenses on which action was completed in 1999. The analysis should provide information on major categories of license requests, including—

(A) the number for nonautomatic small arms, automatic small arms, technical data, parts and components, and other weapons;

(B) the percentage of each category staffed to other agencies;

(C) the average and median time taken for the processing cycle for each category when staffed and not staffed;

(D) the average time taken by White House or National Security Council review or scrutiny; and

(E) the average time each spent at the Department of State after a decision had been taken on the license but before a contractor was notified of the decision. For each category the study should provide a breakdown of licenses by country. The analysis also should identify each country that has been identified in the past three years pursuant to section 3(e) of the Arms Export Control Act (22 U.S.C. 2753(e)).

(2) A review of the current computer capabilities of the Department of State relevant to the processing of licenses and its ability to communicate electronically with other agencies and contractors, and what improvements could be made that would speed the process, including the cost for such improvements.

(3) An analysis of the work load and salary structure for export licensing officers of the Office of Defense Trade Control of the Department of State as compared to comparable jobs at the Department of Commerce and the Department of Defense.

(4) Any suggestions of the Department of State relating to resources and regulations, and any relevant statutory changes that might expedite the licensing process while furthering the objectives of the Arms Export Control Act.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—People's Republic of China

SEC. 701. FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the conclusions of the Department of State, as set forth in the Country Reports on Human Rights Practices for 1998, on human rights in the People's Republic of China in 1998 as follows:

(A) "The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. . . . Citizens lack both the freedom peacefully to express opposition to the party-led political system and the right to change their national leaders or form of government.".

(B) "The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities' very limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms.".

(C) "Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process.".

(D) "Prison conditions at most facilities remained harsh. . . . The Government infringed on citizens' privacy rights. The Government continued restrictions on freedom of speech and of the press, and tightened these toward the end of the year. The Government severely restricted freedom of assembly, and continued to restrict freedom of association, religion, and movement.".

(E) "Discrimination against women, minorities, and the disabled; violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution, trafficking in women and children, and the abuse of children all are problems.".

(F) "The Government continued to restrict tightly worker rights, and forced labor remains a problem.".

(G) "Serious human rights abuses persisted in minority areas, including Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.".

(H) "Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference and repression.".

(I) "Although the Government denies that it holds political or religious prisoners, and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views.''.

(2) In addition to the State Department, credible press reports and human rights organizations have documented an intense crackdown on political activists by the Government of the People's Republic of China, involving the harassment, detainment, arrest, and imprisonment of dozens of activists.

(3) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(4) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is a signatory to the International Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights.

SEC. 702. FUNDING FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO REPORT ON POLITICAL, ECONOMIC, AND HUMAN RIGHTS MATTERS IN THE PEOPLE'S REPUBLIC OF CHINA.

Of the amounts authorized to be appropriated for the Department of State by this Act, $2,200,000 for fiscal year 2000 and $2,200,000 for fiscal year 2001 shall be made available only to support additional personnel in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, in order to monitor political and economic conditions, including in particular respect for internationally recognized human rights, in the People's Republic of China.

SEC. 703. PRISONER INFORMATION REGISTRY FOR THE PEOPLE'S REPUBLIC OF CHINA.

(a) Requirement.—The Secretary of State shall establish and maintain a registry which shall, to the extent practicable, provide information on all political prisoners, prisoners of conscience, and prisoners of faith in the People's Republic of China. The registry shall be known as the "Prisoner Information Registry for the People's Republic of China".

(b) Information in Registry.—The registry required by subsection (a) shall include information on the charges, judicial processes, administrative actions, uses of forced labor, incidents of torture, lengths of imprisonment, physical and health conditions, and other matters associated with the incarceration of prisoners in the People's Republic of China referred to in that subsection.

(c) Availability of Funds.—The Secretary may make funds available to nongovernmental organizations currently engaged in monitoring activities regarding political prisoners in the People's Republic of China in order to assist in the establishment and maintenance of the registry required by subsection (a).

SEC. 704. REPORT REGARDING ESTABLISHMENT OF ORGANIZATION FOR SECURITY AND COOPERATION IN ASIA.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report assessing the feasibility and utility of establishing an Organization for Security and Cooperation in Asia which would be modeled after the Organization for Security and Cooperation in Europe.

SEC. 705. SENSE OF CONGRESS REGARDING ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals subject to the jurisdiction of the United States who are determined to be participating in or otherwise facilitating the sale of organs harvested should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

Subtitle B—Other Matters

SEC. 721. DENIAL OF ENTRY INTO UNITED STATES OF FOREIGN NATIONALS ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF FORCED ABORTION OR STERILIZATION POLICY.

(a) Denial of Entry.—Notwithstanding any other provision of law, the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any foreign national whom the Secretary finds, based on credible and specific information, to have been directly involved in the establishment or enforcement of population control policies forcing a woman to undergo an abortion against her free choice or forcing a man or woman to undergo sterilization against his or her free choice.

(b) Exceptions.—The prohibitions in subsection (a) shall not apply in the case of a foreign national who is a head of state, head of government, or cabinet level minister.

(c) Waiver.—The President may waive the prohibitions in subsection (a) with respect to a foreign national if the President—

(1) determines that it is important to the national interest of the United States to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 722. SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) Reports Required.—Not later than 60 days after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall submit to Congress a report on the status of efforts by the United States Government to support—

(1) the membership of Taiwan in international organizations that do not require statehood as a prerequisite to such membership; and

(2) the appropriate level of participation by Taiwan in international organizations that may require statehood as a prerequisite to full membership.

(b) Report Elements.—Each report under subsection (a) shall—

(1) set forth a comprehensive list of the international organizations in which the United States Government supports the membership or participation of Taiwan;

(2) describe in detail the efforts of the United States Government to achieve the membership or participation of Taiwan in each organization listed; and

(3) identify the obstacles to the membership or participation of Taiwan in each organization listed, including a list of any governments that do not support the membership or participation of Taiwan in each such organization.

SEC. 723. CONGRESSIONAL POLICY REGARDING UNITED NATIONS GENERAL ASSEMBLY RESOLUTION ES–10/6.

(a) Findings.—Congress makes the following findings:

(1) In an emergency special session the United Nations General Assembly voted on February 9, 1999, to adopt Resolution ES–10/6, entitled "Illegal Israeli Actions in Occupied East Jerusalem And The Rest Of The Occupied Palestinian Territory", to convene for the first time in 50 years the parties to the Fourth Geneva Convention for the Protection of Civilians in Time of War.

(2) That resolution unfairly places full blame for the deterioration of the peace process in the Middle East on Israel and dangerously politicizes the Geneva Convention, which was established to address critical humanitarian crises.

(3) The adoption of that resolution is intended to prejudge direct negotiations in the peace process in the Middle East, put additional and undue pressure on Israel to influence the results of such negotiations, and single out Israel for unprecedented enforcement proceedings which have never been invoked, even against governments with records of massive violations of the Geneva Convention.

(b) Statement of Policy.—Congress—

(1) commends the Department of State for the vote of the United States against United Nations General Assembly Resolution ES–10/6, thereby affirming that the text of the resolution politicizes the Fourth Geneva Convention, which is primarily humanitarian in nature; and

(2) urges the Department of State to continue its efforts against convening the conference specified in the resolution.

SEC. 724. WAIVER OF CERTAIN PROHIBITIONS REGARDING THE PALESTINE LIBERATION ORGANIZATION.

(a) Authority to Waive.—The President may waive any prohibition set forth in section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1407; 22 U.S.C. 5202) if the President determines and so certifies to the appropriate congressional committees that—

(1) it is in the national interest of the United States to do so; and

(2) after the date of the enactment of this Act, neither the Palestine Liberation Organization, the Palestinian Authority, the Palestinian Legislative Council, nor any Palestinian governing body with jurisdiction over territories controlled by the Palestinian Authority has made a declaration of statehood outside the framework of negotiations with the State Israel.

(b) Period of Applicability of Waiver.—Any waiver under subsection (a) shall be effective for not more than 6 months at a time.

SEC. 725. UNITED STATES POLICY REGARDING JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) Construction of United States Embassy in Jerusalem.—Of the amounts authorized to be appropriated by section 101(a)(3) of this Act for "Security and Maintenance of United States Missions",

$50,000,000 for the fiscal year 2000 and $50,000,000 for the fiscal year 2001 may be available for the construction of a United States embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act should be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR CERTAIN PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be obligated or expended for the publication of any official government document which lists countries and their capital cities unless the document identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 726. UNITED STATES POLICY WITH RESPECT TO NIGERIA.

(a) FINDINGS.—Congress makes the following findings:

(1) A stable and democratic Nigeria is important to the interests of the United States, the West African region, and the international community.

(2) Millions of Nigerians participated in four rounds of multiparty elections as part of a transition program that will culminate in the inauguration of a civilian president, members of the National Assembly, governors, and local leaders on May 29, 1999. Although turnout in each of the four rounds was lower than expected, a clear majority of Nigerians demonstrated their support for a swift and orderly transition to democratic civilian rule through participation in the elections or through other means.

(3) Nevertheless, continued rule by successive military regimes in Nigeria has harmed the lives of the people of Nigeria, undermined confidence in the Nigerian economy, damaged relations between Nigeria and the United States, and threatened the political and economic stability of West Africa.

(4) Although the current military regime, under the leadership of General Abdusalami Abubakar, has made significant progress in liberalizing the political environment in Nigeria, including increased respect for freedom of assembly, expression, and association, numerous decrees are still in force that suspend the constitutional protection of fundamental human rights, allow indefinite detention without charge, and revoke the jurisdiction of civilian courts over executive actions.

(5) Despite the optimism expressed by many observers about the progress that has been made in Nigeria, the country's recent history raises serious questions about the potential success of the transition program. In particular, events in the Niger Delta in early 1999 underscore the critical need for ongoing monitoring of the situation and indicate that a return by the Government of Nigeria to repressive methods remains a possibility.

(b) DECLARATION OF POLICY.—Congress declares that the United States—

(1) supports a timely, effective, and sustainable transition to democratic, civilian government in Nigeria; and

(2) encourages the incoming civilian government in Nigeria to make the political, economic, and legal reforms necessary to ensure the rule of law and respect for human rights in Nigeria, including establishing effective democratic institutions, integrating the military into democratic society, and creating mechanisms for transparency and accountability.

SEC. 727. PARTIAL LIQUIDATION OF BLOCKED LIBYAN ASSETS.

(a) LIQUIDATION OF CERTAIN BLOCKED LIBYAN ASSETS.—The President shall vest and liquidate so much of blocked Libyan assets, ordered pursuant to Executive Order No. 12544 (January 8, 1986), as is necessary to pay for the reasonable costs of travel to and from The Hague, Netherlands, by immediate family members of United States citizens who were victims of the crash of Pan American flight 103 in 1988 and wish to attend the trial of those individuals suspected of terrorist acts causing the crash.

(b) DEFINITIONS.—In this section—

(1) BLOCKED LIBYAN ASSETS.—The term "blocked Libyan assets" refers to property and interests of the Government of Libya, its agencies, instrumentalities, and controlled entities and the Bank of Libya, blocked pursuant to Executive Order No. 12544 (January 8, 1986).

(2) IMMEDIATE FAMILY MEMBERS.—The term "immediate family member" means parents, siblings, children, spouse, or a person who stood in loco parentis or to whom he or she stood in loco parentis, of a crash victim.

SEC. 728. SUPPORT FOR REFUGEES FROM RUSSIA WHO CHOOSE TO RESETTLE IN ISRAEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The Russian Jewish community is the third largest Jewish community in the world.

(2) Anti-Semitic rhetoric from members of the Duma of the Russian Federation has increased during the past year.

(3) The Duma failed to pass a resolution condemning the anti-Semitic statements made by Russian lawmakers on March 19, 1999.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should support members of Russia's Jewish community; and

(2) the United States should continue to provide assistance to Russian Jewish refugees resettling in Israel.

SEC. 729. SENSE OF CONGRESS REGARDING EXTRADITION OF LT. GENERAL IGOR GIORGADZE.

(a) FINDINGS.—Congress makes the following findings:

(1) On Tuesday, August 29, 1995, President Eduard Shevardnadze of Georgia was the victim of an attempted assassination plot as he was departing his offices in the Georgian Parliament building to attend the signing ceremony for a new Georgian constitution.

(2) Former Chief of the Georgian National Security Service, Lt. General Igor Giorgadze, has been implicated in organizing the August 29, 1995 car bomb attack on President Shevardnadze, and allegedly fled from the Varziani air base, one of Russia's four military bases in Georgia at that time, and the same Russian base on which three Georgia aircraft SU 25's were sabotaged, preventing them from performing fighter escort duty for President Shevardnadze's aircraft.

(3) Lt. General Igor Giorgadze has subsequently been seen walking freely on the streets of Moscow as well as living and utilizing facilities of the Government of Russia.

(4) Interpol is conducting a search for Lt. General Igor Giorgadze for his role in the assassination attempt against President Shevardnadze.

(5) In the aftermath of the attack on President Shevardnadze, and regularly since that time, the Government of Georgia has made repeated requests for the extradition of Lt. General Igor Giorgadze to Tbilisi, Georgia.

(6) The Russian Interior Ministry has claimed that it is unable to locate Giorgadze.

(7) The Georgian Security and Interior Ministries on repeated occasions have provided to the Russian Interior Ministry—

(A) the exact locations in Russia where Giorgadze could be found, including the exact location in Moscow where Giorgadze's family lived;

(B) the exact location where Giorgadze himself stayed outside of Moscow in a dacha of the Russian Ministry of Defense;

(C) people he associates with;

(D) apartments he visits; and

(E) the places, including restaurants, markets, and companies, he frequents.

(8) Russian newspapers regularly carry interviews with Giorgadze in which Giorgadze calls for a change in regime in Tbilisi.

(9) Giorgadze is actively engaged in a propaganda campaign against President Shevardnadze and the democratic forces in Georgia, with the assistance of his father who is the Communist Party chief in Georgia.

(10) Giorgadze continues to organize and plan attempts on the life of President Shevardnadze.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President and other senior United States Government officials should raise at each bilateral meeting between officials of the United States Government and officials of the Russian Federation the issue of the extradition of Lt. General Igor Giorgadze to Georgia.

SEC. 730. SENSE OF CONGRESS ON THE USE OF CHILDREN AS SOLDIERS OR OTHER COMBATANTS IN FOREIGN ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) There are at least 300,000 children who are involved in armed conflict in at least 25 countries around the world. This is an escalating international humanitarian crisis which must be addressed promptly.

(2) Children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand.

(3) Children are most likely to become child soldiers if they are orphans, refugees, poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education.

(4) Child soldiers, besides being exposed to the normal hazards of combat, are also afflicted with other injuries due to their lives in the military. Young children may have sexually related illnesses, suffer from malnutrition, have deformed backs and shoulders which are the result of carrying loads too heavy for them, as well as respiratory and skin infections.

(5) One of the most egregious examples of the use of child soldiers is the abduction thousands of children, some as young as 8 years of age, by the Lord's Resistance Army (in this section referred to as the "LRA") in northern Uganda.

(6) The Department of State's Country Reports on Human Rights Practices For 1999 reports that in Uganda the LRA abducted children "to be guerillas and tortured them by beating them, raping them, forcing them to march until collapse, and denying them adequate food, water, or shelter".

(7) Children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, missing, dead, or fearful of having their children return home.

(8) A large number of children have participated and been killed in the armed conflict in Sri Lanka, and the use of children as soldiers has led to a breakdown in law and order in Sierra Leone.

(b) SENSE OF CONGRESS.—

(1) CONDEMNATION.—Congress hereby joins the international community in condemning the use of children as soldiers and other combatants by governmental and non-governmental armed forces.

(2) FURTHER SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should—

(A) study the issue of the rehabilitation of former child soldiers, the manner in which their suffering can be alleviated, and the positive role that the United States can play in such an effort; and

(B) submit a report to Congress on the issue of rehabilitation of child soldiers and their families.

SEC. 731. TECHNICAL CORRECTIONS.

(a) Section 1422(b)(3)(B) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105–277; 112 Stat. 2681–792) is amended by striking "divisionAct" and inserting "division".

(b) Section 1002(a) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105–277; 112 Stat. 2681–762) is amended by striking paragraph (3).

(c) The table of contents of division G of Public Law 105–277 (112 Stat. 2681–762) is amended by striking "DIVISION " and inserting "DIVISION G".

SEC. 732. REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than each of the dates specified in paragraph (2), the Secretary of State shall submit a report to the appropriate congressional committees describing specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a free, fair, and transparent referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by July 2000.

(2) DEADLINES FOR SUBMISSION OF REPORTS.—The dates referred to in paragraph (1) are January 1, 2000, and June 1, 2000.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of preparations for the referendum, including the extent to which free access to the territory for independent international organizations, including election observers and international media, will be guaranteed;

(2) a description of current efforts by the Department of State to ensure that a referendum will be held by July 2000;

(3) an assessment of the likelihood that the July 2000 date will be met;

(4) a description of obstacles, if any, to the voter-registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles; and

(5) an assessment of progress being made in the repatriation process.

SEC. 733. SELF-DETERMINATION IN EAST TIMOR

(a) FINDINGS.—The Congress finds as follows:

(1) On May 5, 1999, the Governments of Indonesia and Portugal signed an agreement that provides for an August 8, 1999 ballot organized by the United Nations on East Timor's political status.

(2) On June 22, 1999, the ballot was rescheduled for August 21 or August 22 due to concerns that the conditions necessary for a free and fair vote could not be established prior to August 8.

(3) On January 27, 1999, President Habibie expressed a willingness to consider independence for East Timor if a majority of the East Timorese reject autonomy in the August ballot.

(4) Under the May 5th agreement the Government of Indonesia is responsible for ensuring that the August ballot is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference.

(5) The inclusion of anti-independence militia members in Indonesian forces responsible for establishing security in East Timor violates the May 5th agreement which states that the absolute neutrality of the military and police is essential for holding a free and fair ballot.

(6) The arming of anti-independence militias by members of the Indonesian military for the purpose of sabotaging the August ballot has resulted in hundreds of civilians killed, injured or disappeared in separate attacks by these militias who continue to act without restraint.

(7) The United Nations Secretary General has received credible reports of political violence, including intimidation and killings, by armed anti-independence militias against unarmed pro-independence civilians.

(8) There have been killings of opponents of independence, including civilians and militia members.

(9) The killings in East Timor should be fully investigated and the individuals responsible brought to justice.

(10) Access to East Timor by international human rights monitors and humanitarian organizations is limited, and members of the press have been threatened.

(11) The presence of members of the United Nations Assistance Mission in East Timor has already resulted in an improved security environment in the East Timorese capital of Dili.

(12) A robust international observer mission and police force throughout East Timor is critical to creating a stable and secure environment necessary for a free and fair ballot.

(13) The Administration should be commended for its support for the United Nations Assistance Mission in East Timor which will provide monitoring and support for the ballot and include international civilian police, military liaison officers and election monitors.

(b) POLICY.—(1) The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through the United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(A) disarm and disband anti-independence militias;

(B) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(C) allow Timorese who have been living in exile to return to East Timor to participate in the ballot.

(2) The President should submit a report to the Congress not later than 21 days after passage of this Act, containing a description of the Administration's efforts and his assessment of steps taken by the Indonesian Government and military to ensure a stable and secure environment in East Timor, including those steps described in paragraph (1).

SEC. 734. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

SEC. 735. SUPPORT FOR THE PEACE PROCESS IN SUDAN.

(a) FINDINGS.—Congress finds that—

(1) the civil war in Sudan has continued unabated for 16 years and raged intermittently for 40 years;

(2) an estimated 1,900,000 Sudanese people have died as a result of war-related causes and famine;

(3) an estimated 4,000,000 people are currently in need of emergency food assistance in different areas of Sudan;

(4) approximately 4,000,000 people are internally displaced in Sudan;

(5) the continuation of war has led to human rights abuses by all parties to the conflict, including the killing of civilians, slavery, rape, and torture on the part of government forces and paramilitary forces; and

(6) it is in the interest of all the people of Sudan for the parties to the conflict to seek a negotiated settlement of hostilities and the establishment of a lasting peace in Sudan.

(b) SENSE OF CONGRESS.—(1) Congress—

(A) acknowledges the renewed vigor in facilitating and assisting the Inter-Governmental Authority for Development (IGAD) peace process in Sudan; and

(B) urges continued and sustained engagement by the Department of State in the IGAD peace process and the IGAD Partners' Forum.

(2) It is the sense of Congress that the President should—

(A) appoint a special envoy—

(i) to serve as a point of contact for the Inter-Governmental Authority for Development peace process;

(ii) to coordinate with the Inter-Governmental Authority for Development Partners Forum as the Forum works to support the peace process in Sudan; and

(iii) to coordinate United States humanitarian assistance to southern Sudan.

(B) provide increased financial and technical support for the IGAD Peace Process and especially the IGAD Secretariat in Nairobi, Kenya; and

(C) instruct the United States Permanent Representative to the United Nations to call on the United Nations Secretary General to consider the appointment of a special envoy for Sudan.

SEC. 736. EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN, AND PARTICULARLY THE RECENT ARRESTS OF MEMBERS OF THAT COUNTRY'S JEWISH COMMUNITY.

(a) FINDINGS.—The Senate finds that—

(1) ten percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

(2) according to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

(3) the 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over "continued discrimination against religious minorities" in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are "completely emancipated";

(4) more than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of religious persecution, and many of them now reside in the United States;

(5) the Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

(6) five Jews have been executed by the Iranian government in the past five years without having been tried;

(7) there has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

(8) on the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

(9) in keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific crime or allow visitation by relatives of the detained for more than two months.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should—

(1) continue to work through the United Nations to assure that the Islamic Republic of Iran implements the recommendations of Resolution 1999/13;

(2) condemn, in the strongest possible terms, the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

SEC. 737. REPORTING REQUIREMENTS UNDER PLO COMMITMENTS COMPLIANCE ACT OF 1989.

(a) FINDINGS.—Congress makes the following findings:

(1) The PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) requires the President to submit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate every 180 days, on Palestinian compliance with the Geneva commitments of 1988, the commitments contained in the letter of September 9, 1993 to the Prime Minister of Israel, and the letter of September 9, 1993 to the Foreign Minister of Norway.

(2) The reporting requirements of the PLO Commitments Compliance Act of 1989 have remained in force from enactment until the present.

(3) Modification and amendment to the PLO Commitments Compliance Act of 1989, and the expiration of the Middle East Peace Facilitation Act (Public Law 104–107) did not alter the reporting requirements.

(4) According to the official records of the Committee on Foreign Relations of the Senate, the last report under the PLO Commitments Compliance Act of 1989 was submitted and received on December 27, 1997.

(b) REPORTING REQUIREMENTS.—The PLO Commitments Compliance Act of 1989 is amended —

(1) in section 804(b), by striking "In conjunction with each written policy justification required under section 604(b)(1) of the Middle East Peace Facilitation Act of 1995 or every" and inserting "Every";

(2) in section 804(b)—

(A) by striking "and" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10); and

(C) by adding at the end the following new paragraphs:

"(11) a statement on the effectiveness of end-use monitoring of international or United States aid being provided to the Palestinian Authority, Palestinian Liberation Organization, or the Palestinian Legislative Council, or to any other agent or instrumentality of the Palestinian Authority, on Palestinian efforts to comply with international accounting standards and on enforcement of anti-corruption measures; and

"(12) a statement on compliance by the Palestinian Authority with the democratic reforms, with specific details regarding the separation of powers called for between the executive and Legislative Council, the status of legislation passed by the Legislative Council and sent to the executive, the support of the executive for local and municipal elections, the status of freedom of the press, and of the ability of the press to broadcast debate from within the Legislative Council and about the activities of the Legislative Council.".

SEC. 738. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this legislation and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) the date of each attack, the total number of people killed or injured in each attack;

(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993 and the response to each request from the Palestinian Authority and Israel.

(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against United States citizens as listed in the report.

(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is available, any stated claim of responsibility and the resolution or disposition of each case, including information as to the whereabouts of the perpetrators of the acts: *Provided*, That this list shall be submitted only

once with the initial report required under this section, unless additional relevant information on these cases becomes available.

(9) The amount of compensation the United States has requested for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority since September 13, 1993, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

(c) INITIAL REPORT.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 739. SENSE OF SENATE REGARDING CHILD LABOR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The International Labor Organization (in this resolution referred to as the "ILO") estimates that at least 250,000,000 children under the age of 15 are working around the world, many of them in dangerous jobs that prevent them from pursuing an education and damage their physical and moral wellbeing.

(2) Children are the most vulnerable element of society and are often abused physically and mentally in the work place.

(3) Making children work endangers their education, health, and normal development.

(4) UNICEF estimates that by the year 2000, over 1,000,000,000 adults will be unable to read or write on even a basic level because they had to work as children and were not educated.

(5) Nearly 41 percent of the children in Africa, 22 percent in Asia, and 17 percent in Latin America go to work without ever having seen the inside of a classroom.

(6) The President, in his State of the Union address, called abusive child labor "the most intolerable labor practice of all," and called upon other countries to join in the fight against abusive and exploitative child labor.

(7) The Department of Labor has conducted 5 detailed studies that document the growing trend of child labor in the global economy, including a study that shows children as young as 4 are making assorted products that are traded in the global marketplace.

(8) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment among adults, low living standards, and insufficient education and training opportunities among adult workers and children.

(9) The ILO has unanimously reported a new Convention on the Worst Forms of Child Labor.

(10) The United States negotiators played a leading role in the negotiations leading up to the successful conclusion of the new ILO Convention on the Worst Forms of Child Labor.

(11) On September 23, 1993, the United States Senate unanimously adopted a resolution stating its opposition to the importation of products made by abusive and exploitative child labor and the exploitation of children for commercial gain.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) abusive and exploitative child labor should not be tolerated anywhere it occurs;

(2) ILO member States should be commended for their efforts in negotiating this historic convention;

(3) it should be the policy of the United States to continue to work with all foreign nations and international organizations to promote an end to abusive and exploitative child labor; and

(4) the Senate looks forward to the prompt submission by the President of the new ILO Convention on the Worst Forms of Child Labor.

SEC. 740. REPORTING REQUIREMENT ON WORLDWIDE CIRCULATION OF SMALL ARMS AND LIGHT WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) In numerous regional conflicts, the presence of vast numbers of small arms and light weapons has prolonged and exacerbated conflict and frustrated attempts by the international community to secure lasting peace. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, among others, and has contributed to the violence endemic to narcotrafficking in Colombia and Mexico.

(2) Increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to United States participants in peacekeeping operations and United States forces based overseas, as well as to United States citizens traveling overseas.

(3) In accordance with the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998, effective March 28, 1999, all functions and authorities of the Arms Control and Disarmament Agency were transferred to the Secretary of State. One of the stated goals of that Act is to integrate the Arms Control and Disarmament Agency into the Department of State "to give new emphasis to a broad range of efforts to curb proliferation of dangerous weapons and delivery systems".

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing—

(1) an assessment of whether the export of small arms poses any proliferation problems including—

(A) estimates of the numbers and sources of licit and illicit small arms and light arms in circulation and their origins;

(B) the challenges associated with monitoring small arms; and

(C) the political, economic, and security dimensions of this issue, and the threats posed, if any, by these weapons to United States interests, including national security interests;

(2) an assessment of whether the export of small arms of the type sold commercially in the United States should be considered a foreign policy or proliferation issue;

(3) a description of current Department of State activities to monitor and, to the extent possible ensure adequate control of, both the licit and illicit manufacture, transfer, and proliferation of small arms and light weapons, including efforts to survey and assess this matter with respect to Africa and to survey and assess the scope and scale of the issue, including stockpile security and destruction of excess inventory, in NATO and Partnership for Peace countries;

(4) a description of the impact of the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998 on the transfer of functions relating to monitoring, licensing, analysis, and policy on small arms and light weapons, including—

(A) the integration of and the functions relating to small arms and light weapons of the United States Arms Control and Disarmament Agency with those of the Department of State;

(B) the functions of the Bureau of Arms Control, the Bureau of Nonproliferation, the Bureau of Political-Military Affairs, the Bureau of International Narcotics and Law Enforcement, regional bureaus, and any other relevant bureau or office of the Department of State, including the allocation of personnel and funds, as they pertain to small arms and light weapons;

(C) the functions of the regional bureaus of the Department of State in providing information and policy coordination in bilateral and multilateral settings on small arms and light weapons;

(D) the functions of the Under Secretary of State for Arms Control and International Security pertaining to small arms and light weapons; and

(E) the functions of the scientific and policy advisory board on arms control, nonproliferation, and disarmament pertaining to small arms and light weapons; and

(5) an assessment of whether foreign governments are enforcing their own laws concerning small arms and light weapons import and sale, including commitments under the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or other relevant international agreements.

Subtitle C—United States Entry-Exit Controls

SEC. 751. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through online searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border or seaport of the United States for any alien; or

"(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 752. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Requirement.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) Contents of Report.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 753. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) Annual Reports on Implementation of Entry-Exit Control at Airports.—Not later than 30 days after the end of each fiscal year until the fiscal year in which the Attorney General certifies to Congress that the entry-exit control system required by section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 751 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—

(1) provides an accurate assessment of the status of the development of the entry-exit control system;

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

(3) includes a detailed estimate of the funding, if any, needed for the development of the entry-exit control system.

(b) Annual Reports on Visa Overstays Identified Through the Entry-Exit Control System.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that sets forth—

(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

(2) the number of departure records of aliens that were successfully matched to records of such aliens' prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens' authorized period of stay, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) Incorporation Into Other Databases.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

TITLE VIII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Subtitle A—Authorizations of Appropriations

SEC. 801. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated under the heading "Contributions to International Organizations" $940,000,000 for the fiscal year 2000 and $940,000,000 for the fiscal year 2001 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) Availability of funds for civil budget of nato.—Of the amounts authorized in paragraph (1), $48,977,000 are authorized in fiscal year 2000 and $48,977,000 in fiscal year 2001 for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(b) No Growth Budget.—Of the funds made available under subsection (a), $80,000,000 may be made available during each calendar year only after the Secretary of State certifies that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease during that calendar year elsewhere in the United Nations budget of $2,533,000,000, and cause the United Nations to exceed the initial 1998–99 United Nations biennium budget adopted in December 1997.

(c) Inspector General of the United Nations.—

(1) Withholding of funds.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) Certification.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) Action by the united nations.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Services to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) Authority by oios.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) Amendment of the foreign relations authorization act, fiscal years 1994 and 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

"(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Services are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals."; and

(B) by striking "Inspector General" each place it appears and inserting "Office of Internal Oversight Services".

(d) Prohibition on Certain Global Conferences.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expense related to the holding of any United Nations global conference, except for any conference scheduled prior to October 1, 1998.

(e) Prohibition on Funding Other Framework Treaty-Based Organizations.—None of the funds made available for the 1998–1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, the Desertification Convention, and the International Criminal Court.

(f) Foreign Currency Exchange Rates.—

(1) Authorization of appropriations.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 and 2001 to offset adverse fluctuations in foreign currency exchange rates.

(2) Availability of funds.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) Refund of Excess Contributions.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 802. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) Authorization of Appropriations.—There are authorized to be appropriated under the heading "Contributions for International Peacekeeping Activities" $235,000,000 for the fiscal year 2000 and $235,000,000 for the fiscal year 2001 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) Codification of Required Notice of Proposed United Nations Peacekeeping Operations.—

(1) Codification.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

"(e) Consultations and Reports on United Nations Peacekeeping Operations.—

"(1) Consultations.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) Information to be provided.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, and command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.

"(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

"(3) Form and timing of information.—

"(A) Form.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) Timing.—

"(i) Ongoing operations.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) New operations.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

"(4) New United Nations peacekeeping operation defined.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) where the authorized force strength is to be expanded;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

"(5) Notification and quarterly reports regarding United States assistance.—

"(A) Notification of certain assistance.—

"(i) In general.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) Exception.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) Quarterly reports.—

"(i) In general.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) Matters included.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) Fourth quarter report.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) Designated Congressional Committees.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) Conforming repeal.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) Relationship to Other Notice Requirements.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

"(g) Relationship to Other Notification Requirements.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

There are authorized to be appropriated to the President $5,000,000 for each of the fiscal years 2000 and 2001 for payment of contributions to the United Nations Voluntary Fund for Victims of Torture.

Subtitle B—United Nations Activities

SEC. 811. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) Congressional Statement.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations regional blocs.

(b) Policy on Abolition of Certain United Nations Groups.—It shall be the policy of the United States to seek the abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) Annual Reports.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States under subsection (b) to secure abolition by the United Nations of groups described in that subsection.

(d) Annual Consultation.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 812. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

"(a) United States Costs.—The President shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States Department of Defense during the preceding year in support of all United Nations Security Council resolutions.

"(b) United Nations Member Costs.—The President shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such resolutions.".

SEC. 813. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

"(a) Requirement To Obtain Reimbursement.—

"(1) In general.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

"(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

"(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

"(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

"(2) Exceptions.—

"(A) In general.—The requirement in paragraph (1) shall not apply to—

"(i) goods and services provided to the United States Armed Forces;

"(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

"(iii) assistance furnished before the date of enactment of this section;

"(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

"(v) any assistance commitment made before the date of enactment of this section.

"(B) Deployments of United States military forces.— The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

"(3) Form and amount.—

"(A) Amount.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

"(B) Form.—Reimbursement under this subsection may include credits against the United States assessed contributions for United Nations peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

"(b) Treatment of Reimbursements.—

"(1) Credit.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

"(2) Availability.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

"(c) Covered Assistance.—Subsection (a) applies to assistance provided under the following provisions of law:

"(1) Sections 6 and 7 of this Act.

"(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

"(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

"(d) Waiver.—

"(1) Authority.—

"(A) In general.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

"(B) Congressional notification.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

"(2) Congressional review.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

"(3) Senate procedures.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(e) Relationship to Other Reimbursement Authority.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

"(f) Definition.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.".

Subtitle C—International Organizations Other than the United Nations

SEC. 821. RESTRICTION RELATING TO UNITED STATES ACCESSION TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition.—The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act.

(b) Prohibition.—None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act.

(c) International Criminal Court Defined.—In this section, the term "International Criminal Court" means the court established by the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

SEC. 822. PROHIBITION ON EXTRADITION OR TRANSFER OF UNITED STATES CITIZENS TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition on Extradition.—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(b) Prohibition on Consent to Extradition by Third Countries.—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country that is under an obligation to surrender persons to the International Criminal Court to a third country, unless the third country confirms to the

United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the third country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(c) DEFINITION.—In this section, the term "International Criminal Court" has the meaning given the term in section 821(c) of this Act.

SEC. 823. PERMANENT REQUIREMENT FOR REPORTS REGARDING FOREIGN TRAVEL.

Section 2505 of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277) is amended—

(1) in subsection (a), by striking "by this division for fiscal year 1999" and inserting "for the Department of State for any fiscal year"; and

(2) in subsection (d), by striking "not later than April 1, 1999," and inserting "on April 1 and October 1 of each year".

SEC. 824. ASSISTANCE TO STATES AND LOCAL GOVERNMENTS BY THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) AUTHORITY.—Upon the request of a State or local government, the Commissioner of the United States Section of the International Boundary and Water Commission may provide, on a reimbursable basis, technical tests, evaluations, information, surveys, or other similar services to that government.

(b) REIMBURSEMENTS.—

(1) AMOUNT OF REIMBURSEMENT.—Reimbursement for services under subsection (a) shall be made before the services are provided and shall be in an amount equal to the estimated or actual cost of providing the goods or services, as determined by the United States Section of the International Boundary and Water Commission. Proper adjustment of amounts paid in advance by the recipient of the services shall be made as agreed to by the United States Section of the International Boundary and Water Commission on the basis of the actual cost of goods or services provided.

(2) CREDITING APPLICABLE APPROPRIATION ACCOUNT.—Reimbursements received by the United States Section of the International Boundary and Water Commission for providing services under this section shall be deposited as an offsetting collection to the appropriation account from which the cost of providing the services has been paid or will be charged.

SEC. 825. UNITED STATES REPRESENTATION AT THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) AMENDMENT TO THE UNITED NATIONS PARTICIPATION ACT OF 1945.—Section 2(h) of the United Nations Participation Act of 1945 (22 U.S.C. 287(h)) is amended by adding at the end the following new sentence: "The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency.".

(b) AMENDMENT TO THE IAEA PARTICIPATION ACT OF 1957.—Section 2(a) of the International Atomic Energy Agency Participation Act of 1957 (22 U.S.C. 2021(a)) is amended by adding at the end the following new sentence: "The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to individuals appointed on or after the date of enactment of this Act.

SEC. 826. ANNUAL FINANCIAL AUDITS OF UNITED STATES SECTION OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) IN GENERAL.—An independent auditor shall annually conduct an audit of the financial statements and accompanying notes to the financial statements of the United States Section of the International Boundary and Water Commission, United States and Mexico (in this section referred to as the "Commission"), in accordance with generally accepted Government auditing standards and such other procedures as may be established by the Office of the Inspector General of the Department of State.

(b) REPORTS.—The independent auditor shall report the results of such audit, including a description of the scope of the audit and an expression of opinion as to the overall fairness of the financial statements, to the International Boundary and Water Commission, United States and Mexico. The financial statements of the Commission shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the independent auditor shall be included in a report which the Commission shall submit to the Congress not later than 90 days after the end of the last fiscal year covered by the audit.

(c) REVIEW BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") may review the audit conducted by the auditor and the report to the Congress in the manner and at such times as the Comptroller General considers necessary. In lieu of the audit required by subsection (b), the Comptroller General shall, if the Comptroller General considers it necessary or, upon the request of the Congress, audit the financial statements of the Commission in the manner provided in subsection (b).

(d) AVAILABILITY OF INFORMATION.—In the event of a review by the Comptroller General under subsection (c), all books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Commission and the auditor who conducts the audit under subsection (b), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

SEC. 827. SENSE OF CONGRESS CONCERNING ICTR.

(a) FINDINGS.—The Congress finds as follows:

(1) The International Criminal Tribunal for Rwanda (ICTR) was established to prosecute individuals responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda.

(2) A separate tribunal, the International Criminal Tribunal for the Former Yugoslavia (ICTY), was created with a similar purpose for crimes committed in the territory of the former Yugoslavia.

(3) The acts of genocide and crimes against humanity that have been perpetrated against civilians in the Great Lakes region of Africa equal in horror the acts committed in the territory of the former Yugoslavia.

(4) The ICTR has succeeded in issuing at least 28 indictments against 48 individuals, and currently has in custody 38 individuals presumed to have led and directed the 1994 genocide.

(5) The ICTR issued the first conviction ever by an international court for the crime of genocide against Jean-Paul Akayesu, the former mayor of Taba, who was sentenced to life in prison.

(6) The mandate of the ICTR is limited to acts committed only during calendar year 1994, yet the mandate of the ICTY covers serious violations of international humanitarian law since 1991 through the present.

(7) There have been well substantiated allegations of major crimes against humanity and war crimes that have taken place in the Great Lakes region of Africa that fall outside of the current mandate of the Tribunal in terms of either the dates when, or geographical areas where, such crimes took place.

(8) The attention accorded the ICTY and the indictments that have been made as a result of the ICTY's broad mandate continue to play an important role in current United States policy in the Balkans.

(9) The international community must send an unmistakable signal that genocide and other crimes against humanity cannot be committed with impunity.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should instruct the United States United Nations Representative to advocate to the Security Council to direct the Office for Internal Oversight Services (OIOS) to reevaluate the conduct and operation of the ICTR. Particularly, the OIOS should assess the progress made by the Tribunal in implementing the recommendations of the Report of the United Nations Secretary-General on the Activities of the Office of Internal Oversight Services, A/52/784, of February 6, 1998. The OIOS should also include an evaluation of the potential impact of expanding the original mandate of the ICTR.

(c) REPORT.—Ninety days after enactment of this Act, the Secretary of State shall report to Congress on the effectiveness and progress of the ICTR. The report shall include an assessment of the ICTR's ability to meet its current mandate and an evaluation of the potential impact of expanding that mandate to include crimes committed after calendar year 1994.

TITLE IX—ARREARS PAYMENTS AND REFORM

Subtitle A—General Provisions

SEC. 901. SHORT TITLE.

This title may be cited as the "United Nations Reform Act of 1999".

SEC. 902. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term "designated specialized agency" means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term "United Nations peacekeeping operation" means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

Subtitle B—Arrearages to the United Nations

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

SEC. 911. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) FISCAL YEAR 1998.—

(A) REGULAR ASSESSMENTS.—In title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119), under the heading "Contributions to International Organizations", the first proviso shall not apply.

(B) PEACEKEEPING ASSESSMENTS.—In title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119), under the heading "Contributions for International Peacekeeping Activities", the first and second provisos shall not apply.

(2) FISCAL YEAR 1999.—Pursuant to the first proviso under the heading "Arrearage Payments" in title IV of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), the obligation and expenditure of funds appropriated under such heading for payment of arrearages to meet obligations of membership in the United Nations, and to pay assessed expenses of international peacekeeping activities are hereby authorized, and the second proviso under such heading shall not apply.

(3) FISCAL YEAR 2000.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997, $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made using funds made available under subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 912. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 911 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsections (e) and (f), funds made available pursuant to section 911 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts made available for fiscal year 1998, upon the certification described in section 921.

(2) Amounts made available for fiscal year 1999, upon the certification described in section 931.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 941.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 911 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY WITH RESPECT TO FISCAL YEAR 1999 FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 911 for fiscal year 1999 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that the condition described in section 931(b)(1) has been satisfied.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive the condition described in paragraph (1) of this subsection may be exercised only if the Secretary of State—

(i) determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1), the condition described in that paragraph shall be deemed to have been satisfied for purposes of making any certification under section 941.

(3) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph (1)(A) is exercised, the Secretary of State shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 931(b)(1).

(f) WAIVER AUTHORITY WITH RESPECT TO FISCAL YEAR 2000 FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding subsection (b), funds made available under section 911 for fiscal year 2000 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that the condition described in paragraph (1) of section 941(b) has been satisfied.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) may be exercised only if the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 941.

SEC. 913. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(e) EFFECTIVE DATE.—This section shall take effect on the date a certification is transmitted to the appropriate congressional committees under section 931.

CHAPTER 2—UNITED STATES SOVEREIGNTY

SEC. 921. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

SEC. 931. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 921 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account does not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

SEC. 941. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), a certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied.

(2) SPECIFIED CERTIFICATION.—A certification described in this section is also a certification that, with respect to the United Nations or a particular designated specialized agency, the conditions in subsection (b)(4) applicable to that organization are satisfied, regardless of whether the conditions in subsection (b)(4) applicable to any other organization are satisfied, if the other conditions in subsection (b) are satisfied.

(3) EFFECT OF SPECIFIED CERTIFICATION.—Funds made available under section 912(b)(3) upon a certification made under this section with respect to the United Nations or a particular designated specialized agency shall be limited to that portion of the funds available under that section that is allocated for the organization with respect to which the certification is made and for any other organization to which none of the conditions in subsection (b) apply.

(4) LIMITATION.—A certification described in this section shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 921 and 931 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the system-wide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly, and of programs of the designated specialized agencies, in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General or the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term "5 largest member contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service system, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

(10) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for any designated specialized agency does not exceed 22 percent for any single member of the agency.

Subtitle C—Miscellaneous Provisions

SEC. 951. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note), section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 952. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

TITLE X—RUSSIAN BUSINESS MANAGEMENT EDUCATION

SEC. 1001. PURPOSE.

The purpose of this title is to establish a training program in Russia for nationals of Russia to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

SEC. 1002. DEFINITIONS.

(a) BOARD.—The term "Board" means the United States-Russia Business Management Training Board established under section 1005(a).

(b) DISTANCE LEARNING.—The term "distance learning" means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

(c) ELIGIBLE ENTERPRISE.—The term "eligible enterprise" means—

(1) a business concern operating in Russia that employs Russian nationals; and

(2) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia.

(d) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 1003. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

(a) TRAINING PROGRAM.—

(1) IN GENERAL.—The Secretary of State, acting through the Under Secretary of State for Public Diplomacy, and taking into account the general policies recommended by the United States-Russia Business Management Training Board established under section 1005(a), is authorized to establish a program of technical assistance (in this title referred to as the "program") to provide the training described in section 1001 to eligible enterprises.

(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by Russian nationals who have been trained under the program or by those who meet criteria established by the Board. Such training may be carried out—

(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in Russia, including facilities of the armed forces of Russia, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

(B) by "distance learning" programs originating in the United States or in European branches of United States institutions.

(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—The Secretary, acting through the Under Secretary of State for Public Diplomacy, is authorized to pay the travel expenses and appropriate in-country business English language training, if needed, of certain Russian nationals who have completed training under the program to undertake short-term internships with business concerns in the United States upon the recommendation of the Board.

SEC. 1004. APPLICATIONS FOR TECHNICAL ASSISTANCE.

(a) PROCEDURES.—

(1) IN GENERAL.—Each eligible enterprise that desires to receive training for its employees and managers under this title shall submit an application to the clearinghouse established by subsection (d), at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require.

(2) JOINT APPLICATIONS.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

(b) CONTENTS.—The Secretary shall approve an application under subsection (a) only if the application—

(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

(2) describes the level of training for which assistance under this title is sought;

(3) provides evidence that the eligible enterprise meets the general policies adopted by the Secretary for the administration of this title;

(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

(5) provides such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this title.

(c) COMPLIANCE WITH BOARD POLICIES.—The Secretary shall approve applications for technical assistance under the program after taking into account the recommendations of the Board.

(d) CLEARINGHOUSE.—There is established a clearinghouse in Russia to manage and execute the program. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

SEC. 1005. UNITED STATES-RUSSIAN BUSINESS MANAGEMENT TRAINING BOARD.

(a) ESTABLISHMENT.—There is established within the Department of State a United States-Russian Business Management Training Board.

(b) COMPOSITION.—The Board established pursuant to subsection (a) shall be composed of 12 members as follows:

(1) The Under Secretary of State for Public Diplomacy.

(2) The Administrator of the Agency for International Development.

(3) The Secretary of Commerce.

(4) The Secretary of Education.

(5) Six individuals from the private sector having expertise in business administration, accounting, and marketing, who shall be appointed by the Secretary of State, as follows:

(A) Two individuals employed by graduate schools of management offering accredited degrees.

(B) Two individuals employed by eligible enterprises.

(C) Two individuals from nongovernmental organizations involved in promoting free market economy practices in Russia.

(6) Two nationals of Russia having experience in business administration, accounting, or marketing, who shall be appointed by the Secretary of State upon the recommendation of the Government of Russia, and who shall serve as nonvoting members.

(c) GENERAL POLICIES.—The Board shall make recommendations to the Secretary with respect to general policies for the administration of this title, including—

(1) guidelines for the administration of the program under this title;

(2) criteria for determining the qualifications of applicants under the program;

(3) the appointment of panels of business leaders in the United States and Russia for the purpose of nominating trainees; and

(4) such other matters with respect to which the Secretary may request recommendations.

(d) CHAIRPERSON.—The Chairperson of the Board shall be designated by the President from among the voting members of the Board. Except as provided in subsection (e)(2), a majority of the voting members of the Board shall constitute a quorum.

(e) MEETINGS.—The Board shall meet at the call of the Chairperson, except that—

(1) the Board shall meet not less than 4 times each year; and

(2) the Board shall meet whenever one-third of the voting members request a meeting in writing, in which event 7 of the voting members shall constitute a quorum.

(f) COMPENSATION.—Members of the Board who are not in the regular full-time employ of the United States shall receive, while engaged in the business of the Board, compensation for service at a rate to be fixed by the President, except that such rate shall not exceed the rate specified at the time of such service for level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

SEC. 1006. RESTRICTIONS NOT APPLICABLE.

Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation shall not apply with respect to the funds made available to carry out this title.

SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2000 and 2001 to carry out this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

SEC. 1008. EFFECTIVE DATE.

This title shall take effect on October 1, 1999.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
Cambodia	Dollar		625.00						625.00
Indonesia	Dollar		625.00						625.00
Australia	Dollar		625.00						625.00
New Zealand	Dollar		625.00						625.00
Robin Cleveland:									
Cambodia	Dollar		625.00						625.00
Indonesia	Dollar		625.00						625.00
Australia	Dollar		625.00						625.00
New Zealand	Dollar		625.00						625.00
Senator Patrick Leahy: Cuba	Dollar		686.00						686.00
Tim Rieser: Cuba	Dollar		686.00						686.00
Steve Cortese:									
So. Africa	Dollar		758.00						758.00
So. Africa	Dollar		830.00						830.00
Uganda	Dollar		75.00						75.00
Kenya	Dollar		1,170.00						1,170.00
United States	Dollar			6,932.06					6,932.06
M. Sidney Ashworth:									
So. Africa	Dollar		758.00						758.00
So. Africa	Dollar		830.00						830.00
Uganda	Dollar		75.00						75.00
Kenya	Dollar		1,170.00						1,170.00
United States	Dollar			6,932.06					6,932.06
Jennifer Chartrand:									
So. Africa	Dollar		758.00						758.00
So. Africa	Dollar		830.00						830.00
Uganda	Dollar		75.00						75.00
Kenya	Dollar		1,170.00						1,170.00
United States	Dollar				6,932.06				6,932.06
Total			14,871.00		20,796.18				35,667.18

TED STEVENS,
Chairman, Committee on Appropriations, Mar. 31, 1999.

AMENDMENT TO CONSOLIDATED REPORT FILED FEB. 22, 1999 FOR LAST QUARTER 1998.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, FOR HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Russia	Dollar		503.00						503.00
Lithuania	Dollar		500.00						500.00
Neil Campbell:									
Russia	Dollar		556.00						556.00
Lithuania	Dollar		500.00						500.00
Total			2,059.00						2,059.00

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs, April 7, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JAN. 9 TO JAN. 17, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sue A. Nelson: Sweden	Dollar		2,000.00		4,285.20				6,285.20
Total			2,000.00		4,285.20				6,285.20

PETE V. DOMENICI,
Chairman, Committee on the Budget, Mar. 26, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
China	Dollar		620.25						620.25
Hong Kong	Dollar		347.00						347.00
Senator Craig Thomas:									
China	Dollar		620.25						620.25
Hong Kong	Dollar		347.00						347.00
Taiwan	Dollar		409.50						409.50
Stephen Biegun:									
Germany	Dollar		500.00						500.00
United States	Dollar				3,900.01				3,900.01

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert Epplin:									
China	Dollar		620.25						620.25
Honk Kong	Dollar		347.00						347.00
Taiwan	Dollar		409.50						409.50
Garrett Grigsby:									
Netherlands	Dollar		589.00						589.00
United States	Dollar				4,829.13				4,829.13
Michael Haltzel:									
Germany	Dollar		500.00						500.00
United States	Dollar				3,905.15				3,905.15
Richard Houghton:									
China	Dollar		620.25						620.25
Hong Kong	Dollar		347.00						347.00
Taiwan	Dollar		409.50						409.50
James Jones:									
Switzerland	Dollar		1,150.00						1,150.00
United States	Dollar				907.62				907.62
Kirsten Madison:									
Honduras	Dollar		147.00						147.00
Nicaragua	Dollar		6.00						6.00
Michael Miller:									
Kenya	Dollar		1,960.00						1,960.00
Uganda	Dollar		375.00						375.00
United States	Dollar				7,082.17				7,082.17
Kurt Pfotenhauer:									
China	Dollar		620.25						620.25
Hong Kong	Dollar		347.00						347.00
Taiwan	Dollar		409.50						409.50
Danielle Pletka:									
Turkey	Dollar		941.00						941.00
Iraq	Dollar		250.00						250.00
United States	Dollar				4,553.40				4,553.40
Linda Rotblatt:									
Nigeria	Dollar		1,630.00						1,630.00
United States	Dollar				4,536.05				4,536.05
Marc Thiessen: United Kingdom	Dollar		945.00						945.00
Natasha Watson:									
Vietnam	Dollar		820.00						820.00
Thailand	Dollar		240.00						240.00
United States	Dollar				2,792.40				2,792.40
Total			16,527,25		32,505.93				49,033.18

JESSE HELMS,
Chairman, Committee on Foreign Relations, May 5, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			2,007.32		4,545.23				6,552.55
Taylor W. Lawrence			3,894.25		5,102.90				8,997.15
James Stinebower			2,582.00		6,018.91				8,600.91
Peter Cleveland			1,419.00		4,833.39				6,252.39
Total			9,902.57		20,500.43				30,403.00

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Apr. 22, 1999.

ADDENDUM TO 4TH QUARTER OF 1998.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Lautenberg			2,351.00		3,441.00				5,792.00
Lorenzo Goco			2,146.00		4,683.51				6,829.51
Frederic Baron			2,072.00		4,683.51				6,755.51
Total			6,569.00		12,808.02				19,377.02

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Apr. 22, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM JAN. 1 TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Luke Albee: Cuba	Dollar		875.00						875.00
Total			875.00						875.00

TOM DASCHLE,
Democratic Leader, Apr. 27, 1999.

ORDERS FOR MONDAY, JUNE 28, 1999

Mr. LOTT. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 28. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business with Senators speaking for up to 10 minutes each until the hour of 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILING OF FIRST-DEGREE AMENDMENTS

Mr. LOTT. Notwithstanding the adjournment of the Senate, I ask consent that Senators be allowed to file first-degree amendments until 1 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, on Monday the Senate will convene at 12 and we will have a period of morning business until 1. At 1 o'clock we will resume consideration of the agriculture appropriations bill. Under a previous order, the Senate will begin a series of up to four stacked votes at 5:30 on Monday. Those votes will be on invoking cloture on the agriculture appropriations bill, followed by a cloture motion to proceed to the transportation appropriations bill, a cloture motion to proceed to the Commerce, Justice, and State Department appropriations bill, and cloture on the motion to proceed to foreign operations appropriations. Therefore, Senators can expect the first vote on Monday to begin at 5:30.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order at the conclusion of remarks by the Senator from Nebraska, Mr. KERREY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIA AND PAKISTAN

Mr. KERREY. Mr. President, I come to the floor to call my colleagues' attention to the current conflict between India and Pakistan over the line of control of Kashmir. I have a great deal of respect for the problem of watching situations that are not only a long way away from us but are so remote that it is hard to get a camera crew there. I fear that is what is going on. A lot of cameras and journalists are in Kosovo watching the return of refugees and watching the United States troops come back into that region, as well they should.

There is a real danger in not watching and paying attention to what is going on between India and Pakistan, and there is a danger that our lack of attention to this particular problem could produce a confrontation that not only would be deadly but would draw in the rest of the world as well.

One of my principal concerns about the Kosovo operation, though I supported the bombing and I am pleased it is over and pleased that we have had some measure of success, was that it drew our attention away from non-NATO missions. The United States of America, unlike many of our NATO allies—indeed, unlike most of our NATO allies—has very important missions that we are performing throughout the world.

India and Pakistan is one of those missions. We were all surprised last year—and nobody should be surprised this time around—after India and Pakistan detonated nuclear weapons—surprised our State Department, surprised our CIA. We had a hearing trying to figure out why we were not able to predict this, even though the Prime Minister who won the race for the Parliament had, as part of his party platform, a promise to detonate and become a nuclear power. I do not think we should have been surprised. We were surprised.

We should not be surprised in this situation if this deteriorates into an additional war. India and Pakistan have had not only three wars since independence in the last 50 years, but there have been many serious and deadly skirmishes that have taken place over the line of control in Kashmir.

This could not only deteriorate again, and there is a bloody battle going on as we speak, but in addition to that, unlike the United States and the Soviet Union that over the last 50 years developed protocols to deal with nuclear weapons—and we have fairly substantial impressive margins for error—there have been no such discussions between India and Pakistan. Both of them are nuclear powers. Both of them could detonate nuclear weapons and use nuclear weapons in a confrontation of this kind.

I have come before the Senate only to say to my colleagues I hope we pay an increasing amount of attention to what is clearly an issue that is vital to the security of the United States of America. This is not one where there is any doubt. It is a good example of the kind of non-NATO mission to which the United States of America, our diplomats, and our warfighters have to pay attention. This is a region of the world that is extremely unstable at the minute, and that instability could produce a confrontation with deadly consequences to us and deadly consequences to our interests in the region as well.

Just because it does not appear on this evening's news or in the newspapers, or it does not appear we are getting lengthy stories and coverage of the problems going on between India and Pakistan in Kashmir right now, no one should be surprised if, through our own failure to intervene with both significant diplomacy and other efforts, this confrontation gets larger and, as a consequence, we find ourselves suffering an awful lot more than the suffering we are currently seeing in Kosovo.

Mr. President, I appreciate the opportunity to speak. I yield the floor.

ADJOURNMENT UNTIL MONDAY, JUNE 28, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 6:27 p.m., adjourned until Monday, June 28, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 24, 1999:

DEPARTMENT OF AGRICULTURE

PAUL W. FIDDICK, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE WARDELL CLINTON TOWNSEND, JR., RESIGNED.

DEPARTMENT OF STATE

EVELYN SIMONOWITZ LIEBERMAN, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY. (NEW POSITION)

EXTENSIONS OF REMARKS

UNSOLICITED LOAN CHECK CONSUMER PROTECTION ACT OF 1999

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to address the problem of "live" loan checks that are mailed to consumers as part of credit solicitations. My bill, the "Unsolicited Loan Check Consumer Protection Act of 1999," amends the Federal Truth in Lending Act to prohibit credit solicitations involving "live", or negotiable checks and to clarify that consumers cannot be held liable for any debt created by live check solicitations.

Each month financial companies mail out thousands of live checks to consumers to entice them to accept credit offers. They come in official looking envelopes and are accompanied by letters instructing the recipient that all the check requires is their signature to become instant cash—and a fixed-term, high cost loan with interest rates often as high as 25 percent!

Live check solicitations target senior citizens, young families in need of credit and individuals generally who are already heavily in debt. The amounts of the checks may appear manageable at first glance—typically between $1,500 and $3,000. But they can trap consumers in fixed loan payments for three or four years, with any default or late payment triggering high fees, higher interest charges and demands for immediate payment in full.

At a minimum, live check solicitation create widespread anxiety about potential liability if the checks are stolen and cashed. In some instances, they have been mistaken for government benefits or insurance reimbursement checks and cashed by elderly recipients. More often, however, live check solicitations entice consumers to take on added debt they didn't request, they can't request, they can't afford and, often, they can't repay.

The problem of unsolicited live loan checks was brought to my attention by several constituent letters I received earlier this year. In one letter a man asked how his wife, who had earned only $1,850 the previous year, could possibly qualify to receive a $5,000 loan check based on her "excellent credit standing". Another letter described a young man in his early twenties who had received several loan check solicitations, between $1,500 and $2,000 each, despite the fact that he worked at an entry level job and had little credit history. The letter asked how any responsible financial institution could offer this young man thousands of dollars "just for extra cash" and expect him to repay the debt at 22 percent interest.

The answer in both instances is that no responsible credit underwriting was involved. Credit was offered without any debt to income calculation to determine if the recipient could afford additional debt. No effort was made to determine whether the recipient had sufficient income to make monthly payments. The lenders didn't even care how the loan proceeds would be used. Live check solicitations have one purpose, and one purpose only—to entice and trap consumers into high-cost debt that they would never accept if offered by more legitimate means.

Live check solicitations are not a new problem. They first began appearing in consumers' mailboxes in 1996 and immediately raised widespread concerns regarding consumer liability and abuse. The live loan checks were equated by the press and consumer groups with the live credit card solicitations that had caused similar consumer concerns in the 1960s. Congress responded to these earlier concerns in 1970 with a broad prohibition against all mailing of unsolicited credit cards to consumers.

Seeking to avoid a similar prohibition on live check solicitations, the financial industry promised in 1997 to implement voluntary disclosure and security measures to minimize consumer confusion and potential liability. While of questionable benefit to begin with, these so-called "protections" were never uniformly implemented in live check solicitations in 1998. And they have largely disappeared from many of the live check solicitations that consumers have received this year.

At a White House briefing in May, President Clinton equated the problem of live loan checks with the earlier problems of unsolicited credit cards and called upon Congress to enact a similar prohibition against live loan check solicitations. "Consumers should not feel they have to shred their daily mail," the President noted, in order to avoid the potential liability and credit record hassles that can result from live check solicitations.

The legislation I am introducing would address the problem of live loan check credit solicitations in several ways. First, it proposes a broad and unequivocal prohibition against any credit solicitation to consumers involving a check or other negotiable instrument that has not been applied for or requested in advance by the consumer. Second, it clarifies that no consumer will be held liable for repayment of any debt arising from a live check solicitation, nor may creditor submit adverse information about a consumer to a credit bureau relating to any debt arising from such solicitations. Third, the bill requires the Federal Reserve Board to publish final regulations to implement this prohibition within 6 months after enactment.

The bill section that clarifies consumer liability is extremely important and distinguishes my bill from earlier proposals to address this issue. While proposing a prohibition on live check solicitations these proposals would continue to make consumers liable for any prohibited live check solicitation they voluntarily or inadvertently Deposit. This approach fails to address the problems of individuals who don't understand the implications of the check solicitations, or who confuse them with the other check payments or reimbursements, and would continue to encourage live check solicitations targeted to the most vulnerable groups.

The bill also includes a provision to provide the Federal Reserve with authority to issue regulations, if it becomes necessary, to address the related problem "look-alike" checks in credit solicitations. Look-alike checks are typically for amounts significantly larger than live loan checks and are used primarily by so-called sub-prime lenders to solicit second mortgages and home equity loans. While non-negotiable, the "checks" often have all the elements of negotiable instruments, including what appear to the consumer as account numbers, clearance bar codes, official signatures—with some even including the FDIC logo or other government-related symbols. Their purpose is clearly to attract consumer attention by looking as close to an official bank or government check as possible. In some instances the fact that they are non-negotiable is not clearly apparent, or is disclosed only in very small print.

My concerns with "look-alike" checks center on the possibility, if we success in prohibiting live check solicitations, that numerous creditors will shift to "look-alike" checks to attract and confuse consumers. If this becomes as widespread as I fear it will, the Federal Reserve would have the authority to address it with guidelines that could, for example, restrict the use of government symbols or require that these "checks" state prominently that they are "non-negotiable." Such regulation is merely discretionary in the bill, it is not required.

I agree with President Clinton that consumers should not feel they have to shred their daily mail to avoid liability for unsolicited loan checks. I do not believe that senior citizens should be deceived into high-cost debt by mailings designed to look like government checks. I oppose any practices that attempt to lure low-income families with easy credit under terms they clearly cannot afford. And I strongly believe that all solicitations of consumer credit should be subject to thorough and responsible credit underwriting.

Mr. Speaker, the problems of unsolicited loan checks parallel those of unsolicited credit cards three decades ago. I urge the Congress to respond in similar fashion by enacting a board and unambiguous prohibition on live loan check solicitations. I urge consideration of this legislation at the earliest opportunity.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unsolicited Loan Check Consumer Protection Act of 1999".

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SEC. 2. UNSOLICITED LOAN CHECKS PROHIBITED.

(a) IN GENERAL.—Chapter 2 of the Consumer Credit Protection Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 140. SOLICITATIONS FOR CONSUMER LOANS.

"(a) 'LIVE' LOAN CHECKS PROHIBITED.—No consumer credit which is otherwise subject to this title may be extended by any creditor through the use of a check or other negotiable instrument which has been sent by the creditor to the consumer in connection with a solicitation by the creditor for such extension of credit, unless the consumer has submitted an application for, or otherwise requested, such extension of credit before receiving the check or instrument.

"(b) CONSUMER NOT LIABLE.—If any creditor includes a check or other negotiable instrument in a solicitation to a consumer for an extension of credit sent by a creditor to a consumer in violation of subsection (a)—

"(1) the consumer shall not be liable for the amount of any such check or other negotiable instrument; and

"(2) no information on any liability of the consumer alleged by the creditor to have been established through such check or other negotiable instrument may be reported to or received by any credit agency (as defined in section 603 of the Fair Credit Reporting Act) or included in any consumer credit report under such Act.

"(c) REGULATIONS.—

"(1) REGULATIONS REQUIRED.—

"(A) IN GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of the Unsolicited Loan Check Consumer Protection Act of 1999, the Board shall prescribe final regulations to implement the requirements of this section.

"(B) MODIFICATIONS.—The Board shall modify and clarify any regulation prescribed under subparagraph (A) whenever the Board determines such action to be necessary to prevent any circumvention of the requirements of this section or to facilitate compliance with such requirements.

"(2) LIMITATIONS ON 'LOOK-ALIKE' CHECKS.—

"(A) REGULATIONS AUTHORIZED.—The Board may, if the Board finds that such action is necessary to prevent confusion by consumers, prescribe regulations setting forth guidelines for the use, in a solicitation for an extension of credit, of certificates, vouchers, or other non-negotiable instruments that are intended to have the appearance of a check or other negotiable instrument, but which do not violate subsection (a) of this section.

"(B) DISCLOSURES AND OTHER REQUIREMENTS.—Any regulation prescribed under subparagraph (A) shall include such disclosures and modifications relating to the appearance and use of certificates, vouchers, or other non-negotiable instruments in a solicitation for an extension of credit as the Board determines necessary or appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Consumer Credit Protection Act is amended by adding at the end the following new item:

"140. Solicitations for consumer loans.".

(c) SCOPE OF APPLICATION.—The requirements of this Act and the amendments made by this Act shall apply to solicitations for extensions of credit made to consumers after the date of enactment of this Act.

IN HONOR OF RICHARD W. POGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Richard W. Pogue for his outstanding dedication and contribution to public service in Greater Cleveland. Today, Richard joins a select group of individuals by being saluted with the "In Tribute to the Public Service" Award.

Mr. Pogue is a native of Cambridge, Massachusetts and received a BA from Cornell University and a JD from the University of Michigan. Over the years, Pogue has used his expertise and time in a variety of ways. He has been actively involved in the business, education, social services, nonprofit and cultural sectors of our Cleveland community.

Pogue has served in a wide array of organizations, including The Cleveland Foundation, University Hospitals Health System, the Greater Roundtable, Cleveland Institute of Music, Cleveland Bicentennial Commission (Co-chair), and the 1989 Untied Way Cleveland Campaign, which raised about $52,000,000. In addition, he is the principal organizer of an innovative organization: the Northeast Ohio Regional Business Coalition. As if this was not enough, he currently serves as a Director of Continental Airlines, Inc. (Houston), Derlan Industries Limited (Toronto), M.A. Hanna Company, IT Group, Inc. (Pittsburgh), KeyCorp, LAI Worldwide Inc. (New York City), Rotek incorporated (Aurora) and TRW Inc.

Mr. Pogue's commitment and dedication has not gone unnoticed. Pogue is also recipient of the "Humanitarian Award" from the National Conference of Christians and Jews, the "Excellence in Philanthropy Award" from the Ohio Council of Fund Raising Executives, "Economic Development Leadership Award" from the Council for Urban Economic Development, and "Man of the Year" by Plymouth Church of Shaker Heights, just to name a few.

My fellow colleagues, join me in saluting Richard W. Pogue for his continual commitment to our community. He is a renowned citizen of Cleveland and I am pleased to recognize his accomplishments.

IN TRIBUTE TO BILLY K. HIGGINS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. WOLF. Mr. Speaker, I want to pay tribute today to a gentleman I met in my early days in Washington in the 1970's at the Department of the Interior, and whose path I again crossed when I came to Congress.

Billy K. Higgins has worked for more than 25 years to advance our nation's transportation system, first as a congressional liaison officer for the Federal Highway Administration, and since 1977 as the governmental relations director of the American Association of State Highway and Transportation Officials (AASHTO). He has also worked for the Republican National Committee, and the Standard Oil Company of Indiana, now Amoco Oil Company.

But for the past 22 years he has represented the state departments of transportation through a period of tremendous change, as the construction of the Interstate system was completed, as the focus of federal transportation interests broadened, and as the world became increasingly dependent on the economic lifeline transportation provides.

He has guided AASHTO through five reauthorizations of the federal-aid highway and transit program, through 22 years of transportation appropriations bills, through the designation of the National Highway System and a host of other transportation legislation. He has always worked closely and fairly with the state departments of transportation, the construction and contracting industries, the National Governors' Association and numerous other organizations representing state and local government interests.

And in all those years, from the first time I ever met Billy, he has been a true model of integrity, honesty, courtesy and compassion. Billy has decided to retire from his full-time duties at AASHTO, but fortunately for those of us in Congress who've had the pleasure to work with him on so many transportation matters, he intends to continue to keep his hand in the legislative process on a part-time basis as a consultant with AASHTO on governmental affairs.

I was honored to be asked to speak at a reception for Billy on Capitol Hill this past Tuesday evening, June 22. One of the most impressive things about that event was that Billy's family was there, too. Billy's greatest joy is his family He and his wife Nancy have been married for 45 years and have raised a wonderful family including three sons and a daughter, all of whom are married, with their own children, a total of 10 grandchildren for Billy and Nancy. His oldest or "number one" son, as Billy calls him, is Craig Higgins, with his wife Wendy and their two children Kristen and Keith. Next in order is his son Duane Higgins, his wife Cynthia and their four children, Lauren, Michael, Danielle and Samantha. Then there is daughter Marcy, with her husband Bill Davis and their two children, Carter and Paige. His youngest son is Ron Higgins, with his wife Amy and their two children Rebecca and Tim.

I would like to share my prepared remarks at the reception for Billy Higgins and urge all our colleagues who have had the chance to work with Billy to take the opportunity to wish him well.

IN TRIBUTE TO BILLY HIGGINS

Many of you may not know that Billy and I go way back in Washington, all the way back to the 1970's—when our hair was much darker! We worked together at the Department of the Interior. Billy was at the Bureau of Mines and I was with Secretary Rogers C.B. Morton's office.

It was easy to strike up a friendship with Billy because he was such a genuinely nice guy. In describing him, words immediately come to mind such as fair, honest, trustworthy, principled, hard-working, highest moral standards, a man of character.

The first time we met, too, I saw in Billy a quality that hasn't wavered one millimeter over the years. And that's integrity. A lot of people in this town aspire to be called people of integrity. But along the way there may be a slip here, or a fudge there, and pretty soon, they're compromised and just don't measure up. There's never been a minute in Billy's career when he didn't measure up.

When we walk out the door of whatever business we're in for the last time, all we take with us is our name. Billy Higgins today takes with him his good name—followed by well done, good and faithful servant.

He is truly one of the good guys. He's also one of the most dedicated family men around this town, and it's so good to see his family here this evening. I know how important family is to Billy. I even ran into him a few summers ago on the Outer Banks where he and Nancy and all the kids and grandkids have a tradition of spending vacation time together each year.

And I also know how important faith is to Billy. I have a quotation on my office wall from Dr. James Dobson, which I'd like to share with you because I believe it could very well describe Billy:

"I have concluded that the accumulation of wealth, even if I could achieve it, is an insufficient reason for living. When I reach the end of my days, a moment or two from now, I must look backward on something more meaningful than the pursuit of houses and land and machines and stocks and bonds. Nor is fame of any lasting benefit. I will consider my earthly existence to have been wasted unless I can recall a loving family, a consistent investment in the lives of people, and an earnest attempt to serve the God who made me. Nothing else makes much sense."

That's Billy's legacy.

Billy, I am grateful that our paths in life crossed and have run together for so many years, and I am proud to call you my friend. God bless you.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. ANDREWS. Mr. Speaker, on roll call numbers 167–169, I was unable to cast my vote. Had I been present, I would have voted Aye on each of them. At the time of the votes, I was proudly attending a ceremony in honor of my wife, Camille Spinello Andrews.

In addition to her tireless dedication as the mother of our two children, Jacquelyn and Josie, Camille serves as the Associate Dean of Enrollment and Projects for Rutgers University School of Law-Camden Campus. Her work in this capacity is well-regarded both by her colleagues and throughout the New Jersey legal community.

On June 7, her excellent work was publicly recognized in a ceremony in which she was awarded the Alfred C. Clapp Distinguished Service Award. Presented by the New Jersey Institute for Continuing Legal Education, this award is an expression of appreciation to legal professionals whose voluntary service has significantly contributed to the field of continuing legal education.

At this ceremony, I was proud to honor Camille with a Congressional Commendation. Proclaiming June 7, 1999 to be Camille Spinello Andrews Day throughout the First Congressional District of New Jersey, this commendation is a small token of the great respect I have for Camille's work. Her service to our community deserves the thanks and gratitude of us all. I am fortunate to love and receive the love of such a special woman.

Balancing the dual responsibilities of public service and family life is always a challenging task. I thank my constituents for their understanding and appreciate the strong support they have given to me and my family.

HONORING CARMEN DIAZ FOR HER LIFETIME DEDICATION TO THE COMMUNITY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in honoring Ms. Carmen Diaz for her years of leadership and contribution to the communities of the 12th Congressional District.

In 1953 Ms. Diaz came to the United States to fulfill her dream of creating a better life for herself and her family. She began by working hard for $42 a week as a machine operator in a woman's garment factory. She saved money, and was diligent and with great determination, in 1955 she was able to send for her children in Puerto Rico. With herself and two children to feed she continued to toil. She ensured the children were healthy and that they received an education.

She also took time to further her own education, making the effort to become a bilingual teacher. Once she received her degree, she began teaching bilingual education which she did for eight years.

During this time she became active in the community, working for Community Board 1. She was able to use her experience, education and determination to help other people in the community. Wanting to do more, striving to succeed, she enrolled in Boricua College in Brooklyn. With the same kind of dedication and effort that made her a success, she was able to earn a Bachelor's Degree in Sociology. With that accomplishment, she engaged in increased community work as a social worker.

From that point on, she remained deeply committed to civil service, working hard to help people throughout Brooklyn. She played a key role in many organizations including the Los Sures Senior Center and later in the Diana Jones Senior Center.

She did this kind of work until last year when she became ill and was unable to continue working. Despite the fact that she can no longer work, she still has an impact on our community. The work she does still helps people, but more importantly, she stands as a role model to thousands of people. She truly embodies the American Dream. She is a great woman and a great American, and I urge my colleagues to join me in honoring her.

A TRIBUTE TO HONOR OF THE 175TH ANNIVERSARY OF THE CITY OF TECUMSEH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SMITH of Michigan. Mr. Speaker, on June 25, 1999 the city of Tecumseh will celebrate its 175th anniversary. Tecumseh has a long and rich history dating back to 1824, when Musgrove Evans, Joseph Brown and Austin Wing founded the town making Tecumseh one of the first three settlements in the Michigan Territory along with Detroit and Monroe.

Tecumseh shares its unique name with the Shawnee Chief Tecumseh, who used the site as a meeting place for local Indian tribes and war councils in his effort to form a unified Indian nation.

The residents of Tecumseh have always been civic-minded and concerned with the conditions of their fellow man. Prior to the Civil War Tecumseh, along with several other communities in Lenawee County, was a common transit point for slaves seeking freedom along with the Underground Railroad.

While maintaining its distinctive small town atmosphere and agricultural roots, Tecumseh has been home to a multi-national Fortune 500 company, Tecumseh Products Inc., since 1934.

It is a testament to the perseverance and faith of her residents that Tecumseh has prospered for so long. I am proud of the city of Tecumseh and what its residents have accomplished over the last 175 years and I wish them another successful 175 years. I am proud to represent Tecumseh and offer them my heartfelt congratulations on this truly remarkable milestone.

VICRYL SUTURES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. STARK. Mr. Speaker, on May 20 of this year I commented on the 1994 recall of Vicryl sutures produced by the Ethicon Corporation. In my comments, I noted that according to FDA records, only 2% of the sutures were recovered in the recall. The numbers given to me by the FDA were incorrect. In fact, approximately 25% of the sutures were recovered in the recall. I include a letter from Melinda K. Plaisier, Interim Associated Commissioner for Legislative Affairs, describing the cause of the error and the correct facts.

FOOD AND DRUG ADMINISTRATION,
Rockville, MD, May 28, 1999.

HON. PETE STARK,
House of Representatives, Washington, DC.

DEAR MR. STARK: In the Food and Drug Administration's (FDA) May 18, 1999 letter of response to your April 19, 1999 letter regarding the distribution and recall of Vicryl sutures manufactured by Ethicon, Inc., there was a mistake. This letter is intended to correct that mistake. A response has also been sent to your cosigner, Representative Henry A. Waxman.

When Ethicon originally provided distribution information to FDA, the manner in which the figures were reported was misunderstood by FDA. The number of sutures understood by FDA to have been distributed was considerably larger than the actual quantity. The 2% recovery rate therefore was inaccurate. The correct recovery figure was approximately 25%. This is based on distribution of 293,452 dozens and recovery of 72,929 dozens of sutures. If you have any questions regarding this information, we would be happy to discuss it with you further.

We trust this responds to your concerns. If we may be of further assistance, please let us know.

Sincerely,
MELINDA K. PLAISIER,
Interim Associate Commissioner for Legislative Affairs.

IN HONOR OF DANIEL JOSLYN

HON. DENNIS J. KUCINICH

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the winner of the Plain Dealer Cuyahoga County Spelling Bee, Mr. Daniel Joslyn.

Daniel Joslyn is an extraordinary student at North Olmsted Middle School. He is very dedicated to his school work and it shows through this accomplishment. Daniel is the first North Olmsted Middle School student to win this competition in its twenty year history.

The National Spelling Bee is a wonderful program that motivates students to focus on the fundamentals of their education. It is a remarkable achievement for this young man to receive such an honor and to represent his school at the national level.

I would ask my fellow colleagues to join me in honoring young Daniel for his accomplishment and wishing him luck in his future endeavors.

INTRODUCTION OF THE DEATH TAX INFLATION ADJUSTMENT ACT

HON. WALLY HERGER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 24, 1999

Mr. HERGER. Mr. Speaker, today I rise to announce the introduction of The Death Tax Inflation Adjustment Act, legislation which would provide an annual cost-of-living adjustment for the unified credit—a major estate tax reduction tool—beginning in 2007.

Despite a tax system that discourages savings, many American families work hard to set aside a portion of their earnings because they hope to be able to leave something to their children. Not only are these lifelong savings subject to the death tax, however, but the value of the unified credit—a major death tax reduction tool—had, until recently, been seriously eroded by inflation.

As a result of the historic "Taxpayer Relief Act of 1997," the unified credit will now be gradually increased from an affective exemption of $600,000 in 1998 to an effective exemption of $1,000,000 in 2006. Regrettably, while both the House- and Senate-passed versions of that landmark tax reduction package indexed this $1,000,000 exemption annually for inflation, this provision was dropped from the final conference report and was not enacted into law.

Mr. Speaker, the legislation I am introducing today would simply provide for an annual cost-of-living adjustment to the unified credit beginning in 2007. While many of us in Congress would like to eliminate the death tax entirely, I hope we can all at least agree that the value of this important benefit should never again be eaten away by inflation. The time to act is now. I would urge all of my colleagues to cosponsor The Death Tax Inflation Adjustment Act.

TRIBUTE TO JOEL SKLAR

HON. JOSÉ E. SERRANO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 24, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Joel Sklar, an outstanding individual who has dedicated his life to public service and education. He will be honored on Thursday, June 24, during the graduation ceremony at Lehman High School in my South Bronx Congressional district for his outstanding contributions to the community. Mr. Sklar, Principal of the Lola Rodriguez de Tio Academy of Future Technologies at Intermediate School 162 will be leaving his current position at the end of this month. He has devoted his entire career of 28 years to bettering the lives of the students in district 7.

A graduate of Yeshiva University and the City University of New York, Mr. Sklar began his teaching career in 1970 at P.S. 5 where he was a 6th grade teacher. A year later he moved to the Middle School level and became a science teacher at I.S. 162. While teaching science at I.S. 183, Mr. Sklar demonstrated the active engagement of students as they pursued the challenges of the world of science. After becoming a grade leader at I.S. 183 Mr. Sklar was soon recruited to the District 7 Office where he worked in the Curriculum & Instruction Unit. This led to his becoming the assistant to the Deputy Superintendent in the Office of Funded Programs.

Mr. Speaker, Joel Sklar's leadership abilities were fine-tuned during his tenure at the District 7 Office. He soon found his way to I.S. 151, where he helped redefine the instructional program before being appointed principal of I.S. 162 on August 7, 1987. During his twelve years at the helm of the school, he brought the students to the new age of technology. A New York State Magnet School in 1995 led the way to the birth of the Lola Rodriguez de Tio Academy of Future Technologies at I.S. 162. A model middle school for New York City and New York State, it has been the number one choice of middle schools for more than half of all the students graduating from District 7 elementary schools over the past 4 years. The Academy is currently the top middle school in District 7 in both reading and mathematics achievements. Its technology program is one that is being replicated in schools throughout the City of New York, as well as in New Jersey.

Mr. Sklar leaves us with many lessons learned in leadership, education and wisdom. A talented leader and educator, Mr. Sklar will continue sharing his knowledge and views with Yeshiva University High School for Boys, his alma mater.

Mr. Speaker, I ask my colleagues to join me in wishing continued success to Mr. Joel Sklar and in recognizing him for his outstanding achievements in education and his enduring commitment to the community.

CONGRATULATING TRINIDAD CATHOLIC HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BOB SCHAFFER

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 24, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Trinidad Catholic High School Girls basketball team on their Class A District 6 Championship. The Trinidad Catholic players, led by Coach Mike Vecellio, made their families and community proud in their achievement.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

May the Trinidad Catholic High School girls team rise to next year's challenge and find themselves the winner of the Colorado Class A State Championship. No matter what the outcome of next season, this team has proven it has the heart of a champion, and can take pride in the District 6 Championship.

CHILDREN'S CONGRESS

HON. RON PACKARD

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 24, 1999

Mr. PACKARD. Mr. Speaker, today I would like to recognize the children who are here in our Nation's Capital this week for the first Children's Congress. Children from all 50 States are meeting with Members of Congress to discuss funding for research to find a cure for juvenile diabetes.

The Children's Congress was organized by the Juvenile Diabetes Foundation International. JDF was founded in 1970 by parents of children with diabetes. The mission of JDF is to find a cure for this disease through research within their children's lifetime. I can't think of a better way to understand the daily frustrations experienced by children with diabetes than to listen to their concerns. These children are helping others by sharing their own experience with diabetes and teaching us about its impact on their lives.

Many may not realize the extent of the negative effects diabetes can have on people. This dreadful disease attacks 16 million Americans and is a leading cause of blindness, kidney disease, heart disease, and amputations. The reality is, people with diabetes live 15 years less than those without. As Members of Congress, we have the unique opportunity to help find a cure for diabetes by funding further research.

Mr. Speaker, I encourage my colleagues to support the cause of the Children's Congress and support allocations for more resources and medical research. I would like to thank the courageous young boys and girls of Children's Congress for taking the time to educate my colleagues and me on this terrible disease.

TRIBUTE TO ELFLORA K. AIKMAN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. PHELPS. Mr. Speaker, I rise today to honor and pay tribute to Elflora K. Aikman of Marion, IL. On July 1 of this year, Elflora will retire from the Marion Senior Citizens Center as Administrator. For twenty years, since February of 1981, Elflora has done an outstanding job at Marion Senior Citizens Center where she will be sorely missed. Elflora has been a blessing to both the Marion Senior Citizens Center and to the residents of Southern Illinois.

Mr. Speaker, as the nation ages, and our senior citizens live longer and longer, it can sometimes be a burden to families both financially and psychologically to give appropriate care to the seniors they love. I know everyday that families across the Southern Illinois and America struggle with this hardship. Elflora has eased this burden on countless families by providing a nurturing and wonderful place for the elderly. I am sure that her hard work and diligence at the Marion Senior Citizens Center has provided many families, who sought caring geriatric care for their loved ones, with answers to their prayers.

Elflora helped to create the Marion Senior Citizens Center in 1981 and since then has played a leading role in making it the exceptional Senior Center it is today. She has also been extremely active in the community as a whole and particularly at her church, where she has served as a Sunday School teacher, member of the Church Council, Logos instructor, organist, pianist and choir member. This year on Christmas Eve, Elflora will celebrate the 50th Anniversary of her marriage to her husband Sam. She has a large and loving family, who I am sure she will spend a great deal of her time with, when she is not playing her piano or gardening. Mr. Speaker, I would like to wish Elflora the best of luck in her retirement and God's speed. Her accomplishments will not soon be forgotten and never overlooked.

TRIBUTE TO THE LATE GORDON BYNUM

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SANFORD. Mr. Speaker, I rise tonight to pay tribute to, and say good-bye to, a dear friend. Gordon you will be missed, but not forgotten. Gordon Bynum was the living definition of the word, "friend." This spring, on what turned out to be his last trip down to Coosaw, he called my wife Jenny ahead of time to say he wanted to come early to get things ready for the party. He was there and helped. This was part of a well worn pattern in the way he lived his life. Getting there early, staying later—going the extra mile—was what he thought normal. If I had ever found myself in real trouble with the option of only one call, it would have been to Gordon.

In his forty-four years he did not spectate on life, he lived it. When Atlanta was still sleeping, I remember leaving town in the early morning hours to go on one of his crazy mountain canoe trips. Exotic locations, atlases, wilderness maps were part of Gordon's world; Jenny and I still have at the house National Geographic books he had sent after our wedding. In fact his birthday card to me, this year, one I received two days after his death, had penned at the bottom. "Adventure soon?"

Finally, he lived a life that towers as an example to each of my four boys. At dinner on Tuesday upon hearing the story of Gordon's death a friend asked, "Was he a Christian?" I said, "Absolutely." Whereupon he asked, "How do you know?" I said because Matthew 5:16 says let your light so shine before men that they may see your good works give glory to your father who is in heaven. He had the light, you could see it in his eyes and in his actions. One of those actions was his work at the Sheppard Clinic. He loved the patients and they loved him, despite the fact volunteerism is a trait lost on most bachelors. In short, he didn't spend his time talking about his faith, he lived it. Love, joy, peace, patience, kindness, gentleness, faithfulness, and self control are what the Bible calls the fruit—the byproduct—of the spirit. He had it in abundance. He would have given love and more generously to Laura Lee, who he was to have married two weeks after his death. Love was the easiest word to describe him, and I suppose what I will most miss.

Good-bye.

A TRIBUTE TO JERRY BERGER, SUFFOLK COUNTY BOARD OF ELECTIONS COMMISSIONER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. FORBES. Mr. Speaker, I rise today to honor a true community leader, a visionary in the election process—Jerry Berger, the Suffolk County Republican Commissioner of Elections, who will be sorely missed upon his upcoming retirement.

Jerry Berger started at the Suffolk County Board of Elections on June 1, 1974 working on voting machines in the warehouse. Shortly thereafter, Jerry was appointed to the position of Campaign Finance Director. Since this was a new position, Jerry worked with the New York State Board of Elections and proceeded to co-author the first Campaign Finance Guide Book that was used throughout New York State. In 1978, he was appointed Deputy Commissioner, and in 1992 he was appointed Commissioner of Elections and was reappointed in 1994 and 1998.

As Commissioner, Jerry implemented the computerization and modernization of the Suffolk County Board of Elections which has been the first throughout New York State to certify its election results during his entire tenure as Commissioner. Due to Jerry's innovative thinking, an inspector's instructional video was developed and is being used at all inspector training seminars. A natural leader, Jerry knows that ensuring the outstanding management of the election process meant forming an effective training system of its administrators—a move that will benefit the voters of Suffolk County for years to come.

Jerry's propensity for fairness and his devotion to his position as Commissioner can only be emulated, never replaced. He has worked tirelessly for the people of Suffolk County, putting aside politics in the most political of environments. Jerry typifies what the public wants in a "Public Servant" and we have been truly blessed to count him as our friend and neighbor.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Jerry Berger and to recognize his commitment to promoting all that is good in Suffolk County for his family and his community. We will sure miss Jerry, and we wish he and his wife, Marion, a wonderful retirement in West Palm Beach, Florida.

TRIBUTE TO JOHN R. JONES

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SCARBOROUGH. Mr. Speaker, the citizens of Escambia County and the State of Florida have been blessed with a man who has dedicated his career to the pursuit of excellence in all aspects of life. This gentleman distinguished himself as a community leader and the model of an honest and effective public servant. The man that I speak about is John R. Jones.

Most of the residents of Northwest Florida remember John R. Jones for his over 40 years of public service, during which he served as an Escambia County Commissioner and as the Escambia County Property Appraiser. We are better because of his belief that the needs of each taxpayer are equally important, and his insistence that he wasn't just elected by the people of Escambia County, he was employed by them.

However, what I admire most about Mr. Jones, is that he always went above and beyond the call of duty to help others. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a professional who always went the extra mile to represent the under-represented and to promote equality within the community, the State of Florida, and the nation. During his distinguished career, John never forgot how important the little guy is to the American way of life.

Mr. Speaker, on Tuesday, June 29, an athletic park in Escambia County will be dedicated in Mr. Jones' honor. I can't think of a more fitting way to honor the life of a man who has been such an integral part of our community.

As we celebrate the accomplishments of John R. Jones, we can take pride in knowing that he has influenced so many people in a positive way. As a fellow elected official and as a friend, I appreciate the importance of dedication and devotion to public office. Mr. Jones' overall attitude and dedication to public service has been a model in the lives of the public servants that he has trained, supervised, and encouraged. His legacy will be a constant reminder that one person can make an extraordinary difference in the lives of many.

IN HONOR OF HUFF-N-PUFFERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the participants in the Huff-N-Puffers senior citizen baseball league.

This is a wonderful organization that provides and promotes physical activity for seniors. This is a great way for seniors to get together to socialize and partake in aerobic activities. The Huff-N-Puffers is open to anybody who is over the age of 65. This program was started in 1985 and has more than doubled in size since that time.

These senior citizens participate in many games and tournaments around the country as well as a championship tournament at the end of each season. They have a very busy schedule consisting of around 20 games against other teams in their league. These seniors are an inspiration to us all by getting the best out of what life has to offer.

My fellow colleagues please join me in honoring the dedication of these outstanding athletes.

CONGRATULATING MS. NICOLE SIEMINSKI

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. INSLEE. Mr. Speaker, I rise today to congratulate Ms. Nicole Sieminski for earning the honor of 1999 Class Valedictorian at Marysville-Pilchuck High School in Marysville, WA. Ms. Sieminski is the first member of the Tulalip Tribes to achieve this distinguished position at Marysville-Pilchuck High School. I want to commend her for her dedication and commitment to education. Clearly, great achievements such as this do not occur by chance. Ms. Sieminski worked very hard throughout her high school years. I know that the knowledge and skills she gained at Marysville-Pilchuck High School will help her reach even higher goals in the future.

INTRODUCTION OF H.R. 2337, THE "MEDICARE COVERAGE INFORMATION DECISION ACT OF 1999"

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to greatly improve the Medicare coverage decision-making process.

While Medicare law provides for the coverage of various categories of benefits, it does not specify a list of covered technologies and services. That's where the Health Care Financing Administration (HCFA) and its coverage process come in to play.

Medical technology and innovation play an important role in this critical health care program for America's seniors. As new life-enhancing and life-saving technologies and procedures are developed, and more Americans learn about them, the process for making these coverage decisions becomes increasingly important.

HCFA recently published its new proposal to completely overhaul the decision-making process, and I applaud the hard work and time HCFA staff put into developing this new process. HCFA has been attempting to make these much needed changes for over a decade, and it was Dr. Jeffrey Kang's leadership and thoughtful approach at HCFA that finally brought the effort to fruition.

HCFA's proposal is a good first step in making the coverage process transparent, timely and understandable. However, I believe there are a few additional issues that need to be addressed.

In addition to addressing the issue of appeals—which my good friend and Health Subcommittee Chairman Thomas is working on—and timely payment and coding updates—which I outlined in my other bill, H.R. 2030, the Medicare Patient Access to Technology Act—we also need to ensure the process encourages HCFA to work in a collaborative way with those petitioning for coverage.

For example, current Food and Drug Administration law provides for early meetings and a written agreement between manufacturers and the FDA on the studies to be done for premarket approvals. Both parties have found this to be a beneficial tool because both know what is required. In addition, I am told FDA staff has found it improves their efficiency when agreed-upon data is submitted for review.

I strongly believe HCFA's coverage process should include a similar step.

HCFA currently allows stakeholders to come in and informally discuss the required data, but no written agreement is ever reached. The importance of this agreement cannot be understated. Without an agreement, HCFA is not required to accept the data given to them, even when HCFA initially suggested it at the early meeting. HCFA's ability to continuously change what constitutes appropriate data has left many companies in my district stuck in an endless loop of data collection. In fact, one constituent company of mine, Empi, has been petitioning for a coverage decision for over 7 years!

Given the handful of national coverage decisions that are announced each year, I believe HCFA's informal discussions could be transformed into more formalized collaborative meetings at which binding agreements could be written. That's why I am introducing this legislation today to require HCFA to meet with stakeholders and develop an agreement on the required data, should the stakeholders request to do so.

Just as with the FDA process, there are exceptions in the legislation to give HCFA flexibility for changing the agreement should it become aware of a new, substantial scientific issue that would impact its ability to adequately review the technology or procedure. In addition, should HCFA wish to change the agreement for other reasons, it can do so with the written consent of the stakeholders.

These meetings and agreements are practical and beneficial additions to the coverage decision-making process. I urge my colleagues to cosponsor this legislation to further improve this important process and ensure Medicare beneficiaries have timely access to life-saving and life-enhancing medical innovations.

INTRODUCTION OF A BILL TO NAME A POST OFFICE IN EAST CHICAGO, INDIANA AFTER LANCE CORPORAL HAROLD GOMEZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. VISCLOSKY. Mr. Speaker, today I was joined by the other nine members of the Indiana House delegation in introducing legislation to name a post office in East Chicago, Indiana, after a true hero of my congressional district, Marine Corps Lance Corporal Harold Gomez. Lance Corporal Gomez was the first citizen of Northwest Indiana to give his life for his country during the Vietnam War. My colleagues and I firmly believe that the time has come to honor him in a way that will value his memory and his sacrifice. To name a post office after Lance Corporal Gomez, a place that is synonymous in our country with the center of a community's life, is an appropriate way to accomplish this worthy goal.

Lance Corporal Gomez was born in East Chicago in 1946 and graduated from East Chicago's Washington High School in June 1965. After working briefly at Inland Steel Company, he enlisted in the U.S. Marine Corps and was ordered to Vietnam in 1966. A fire team leader in a rifle company of the Third Marine Division, a land mine killed Lance Corporal Gomez on

February 21, 1967, while on duty in South Vietnam. For his valiant leadership and bravery during that day's combat, the Marine Corps posthumously awarded him the Silver Star Medal. Lance Corporal Gomez was also awarded the Purple Heart Medal, a Combat Action Ribbon, a Presidential Unit Citation, the National Defense Service Medal, the Vietnam Campaign Medal, and the Rifle Sharpshooters Badge.

In Harold Gomez's all-too-brief life, he touched many lives and was admired by friends and comrades alike. I consider it a privilege to take this opportunity to honor a true hero who still serves us now as a source of inspiration to the citizens of East Chicago and the whole of Northwest Indiana. On behalf of those citizens from my district who answered their country's call, those who made it home and those who did not, I am proud to introduce this legislation to name an East Chicago post office in honor of Lance Corporal Harold Gomez.

HONORING THE MOST REVEREND G. AUGUSTUS STALLINGS, JR., D.D., ARCHBISHOP AND FOUNDER ON HIS 25TH ANNIVERSARY AS A PRIEST AND THE 10TH ANNIVERSARY OF THE IMANI TEMPLE

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mrs. CLAYTON. Mr. Speaker, on Sunday, July 4, 1999, at 10:00 a.m., when the Nation pauses to celebrate its independence, the Imani Temple, African-American Catholic Congregation, will also pause to celebrate its founding and to properly pay tribute to its Archbishop and Founder, the Most Reverend G. Augustus Stallings, Jr. D.D. This native North Carolinian has made our state proud.

Archbishop Stallings is not an ordinary man. He has braved perilous waters, daring to be different, daring to walk alone, daring to have a purpose firm and daring to make it known. He understands Saint Matthew at Chapter 16, Verse 18, which reminds us that, "Upon this rock I will build my church; and the gates of hell shall not prevail against it." He follows the instruction of Ecclesiastes, Chapter 4, Verse 12, which teaches that, ". . . though a man might prevail against one who is alone, two will withstand him. A threefold cord is not quickly broken."

With faith as his instrument and God as his guide, in the Imani Temple, Archbishop Stallings has created a formless rock, and by joining in a strong, woven cord, the Church helps our families avoid stumbling blocks and helps them shape stepping stones. That is because Father Stallings recognizes that the real strength of America, and the real strength of his Church, is compassion for people, those who live in the shadows of life—the poor, the weak, the frail, the disabled, our children, our seniors, the hungry.

More importantly, unlike some, Archbishop Stallings does not sit in comfortable pews, shielded by stained glass windows, protected from the people and things that many do not wish to see. No, he makes certain his Church goes out and embraces the huddled masses, crouched beneath the street lights of our Nation.

The common fabric that can be found in Archbishop Stallings and other great leaders of our time is compassion. He cares. He is comfortable, embracing the infirm, hugging a child, standing up for the downtrodden. He responds to the less fortunate among us, those who work hard yet can not make ends meet, those who dwell in the back alleys and on the rear stoops of our towns and cities, in the gutters of America, those who need a little help to make it through the day.

And, so it is fitting, that we pause and pay tribute to Archbishop Stallings on the 10th Anniversary of the founding of Imani Temple and on the 25th Anniversary of his tenure as a Priest.

INTRODUCTION OF A BILL TO CLARIFY THE TAX TREATMENT OF SETTLEMENT TRUSTS ESTABLISHED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to clarify the tax treatment of Settlement Trusts authorized by the Alaska Native Claims Settlement Act. This legislation is very similar to a bill that I introduced with my colleagues, Congressman GEORGE MILLER and J.D. HAYWORTH, last Congress.

The bill has been further improved from last Congress and a companion measure was introduced in the Senate recently. This bill will be cited as the "Alaska Native Claims Settlement Act Settlement Trusts Remedial Tax Act of 1999".

Federal law first authorized settlement trusts in 1988 to permit Alaska Native Corporations to provide a variety of benefits to their shareholders in a long term permanent manner. Present law requires settlement trusts to report tax information to their beneficiaries on Form K–1, rather than Form 1099 which corporations use. This causes confusion to the beneficiaries and encourages misreporting of income. This legislation requires all settlement trusts to use Form 1099.

In recent years I have written to the Chairman of the Ways and Means Committee informing him that what had started as a simple proposition, promoted by Congress in the Settlement Trust legislation—to provide aid from a protected source to Alaska Natives who often have very little in other available assets to sustain them and in particular in their retirement years—had become a complex and bewildering situation which frustrated the use of the settlement trust provisions in law. This result stems from an IRS interpretation calling for the immediate taxation to potential beneficiaries when these trusts are established by Alaska Native corporations which have earnings and profits, as opposed to taxation when the money is actually received by the beneficiaries. Put simply, in the case of some beneficiaries, particularly the elderly, who have to prepay taxes in order to receive their benefits and, if they die prematurely, they will not even receive the amount of their prepaid taxes back. Needless to say, this is a substantial impediment to setting up and continuing such beneficial trusts.

But those Native corporations having favorable tax situations which enable them to make contributions to trusts which are not immediately taxable to their beneficiaries face other impediments. The IRS has taken the position that there is no authority to withhold tax from beneficiary payments, which prevents a simple way for a Native to pay his or her tax. The IRS requires that trust reporting to beneficiaries be accomplished via the complex so-called "K–1" form as opposed to the simple 1099 form, so familiar to most of us. As you can imagine, the requirement to use the former, particularly in rural areas in the state of Alaska where accountants may not be readily available, presents major reporting problems. We believe the IRS internally has been supportive of such a change but has advised in the past that it would need to be accomplished by statute.

Finally, the original authorizing legislation failed to provide a mechanism to encourage sustaining the longevity of these trusts dedicated to the goals enumerated. Such trusts are currently treated as regular trusts and penalized for accumulating income with an assessment of the highest marginal tax rate. Accordingly, from the standpoint of a settlement trust, it currently makes good tax sense to distribute all income to the beneficiaries rather than leaving it to be taxed at the current trust tax rate. This, however, does not make good social sense and encourages the opposite result one would envision for these entities, whose goal is to sustain the funds on a long-term basis in order to fulfill the objectives envisioned for Settlement Trusts.

Therefore, I am pleased that, on a bipartisan basis, I can join my colleague and Ranking Minority Member on the Resources Committee, Mr. MILLER, and my other distinguished colleagues Mr. HAYWORTH, Mr. KILDEE and at least 16 other cosponsors to introduce this important remedial legislation. I am attaching a brief summary and section by section analysis of the legislation.

SETTLEMENT TRUST CORRECTIVE TAX LEGISLATION

Federal law first authorized settlement trusts in 1988 to permit Alaska Native corporations to provide a variety of benefits for their Native shareholders in a long term, permanent fashion. Although Alaska Native corporations are not governments, they do provide many social services to their shareholders. We have worked with the Treasury Department on the proposed legislation, which clarifies present law and provides an elective tax structure to encourage use of these trusts as follows:

(1) Contributions to an electing settlement trust are not taxable to the shareholders. Present IRS ruling policy is that contributions to settlement trusts are deemed distributions to the Native corporation's shareholders. If that corporation has earnings and profits under the tax law, the deemed distributions will then be taxable to the shareholders even though they have not actually

received any money. The legislation eliminates this significant disincentive by providing that contributions to an electing trust are not currently taxable to the shareholders.

(2) Permit electing settlement trusts to retain up to 45% of their annual taxable income without adverse tax consequences. Present law imposes a severe penalty for inflation proofing these trusts (which permits constant dollar benefits to be provided), by taxing reinvested income at the maximum individual tax rates (presently 39.6 percent). The legislation provides that up to 45 percent of the trust's annual income can be reinvested in the trust without current taxation, but this reinvested income will be eventually taxable at ordinary income rates to shareholders when distributed. This treatment continues so long as the only persons who hold the beneficial interests in the trust are persons who could hold the Native corporation's own stock.

(3) Impose severe penalties on electing settlement trusts which no longer benefit Alaska Natives. The settlement trust election is intended to benefit Alaska Natives. In the event that a settlement trust ceases to benefit Alaska Natives, the trust will no longer be permitted to receive the elective benefits discussed above. In addition, unless the trust terminates through a distribution of its assets, a one-time tax is imposed at the highest marginal income tax rates upon the value of the trust's assets.

(4) Require withholding on certain trust distributions. Present law does not require any income tax withholding on trust distributions. Under the proposed legislation, withholding on distributions by any settlement trust is required to the extent the annualized distributions exceed the basic standard deduction and personal exemption amounts under the Tax Code.

(5) Modify information reporting requirements. Present law requires settlement trusts to report tax information to their beneficiaries on Form K–1, rather than Form 1099 which corporations use. This causes confusion to the beneficiaries and encourages misreporting of income. The proposed legislation requires all settlement trusts to use Form 1099.

SECTION-BY-SECTION ANALYSIS

ANCSA SETTLEMENT TRUST REMEDIAL TAX LEGISLATION

Federal law authorized in 1988 Alaska Native corporations to use their own funds to establish settlement trusts to "promote the health, education and welfare of its beneficiaries and preserve the heritage and culture of Natives." Although Alaska Native corporations are not governments, they do help provide certain social services as contemplated in the Alaska Native Claims Settlement Act (ANCSA) to their shareholders. This proposed legislation corrects several deficiencies in and clarifies present law while providing an elective tax structure to lessen the current impediments to the establishment and maintenance of these trusts. The following is a section-by-section analysis of the legislation:

Section 1 is the Short Title of the bill.

Section 2(a) (identification of ANCSA settlement trust as eligible to elect tax exempt status). This provision of the legislation provides a partial exemption from income taxes for Alaska Native Settlement Trusts which make a one-time election. The partial exemption is accomplished by adding settlement trusts as entities which can be tax exempt under Tax Code section 501(c), and then requiring that to qualify for the tax exemption a settlement trust must currently distribute at least 55% of its annual taxable income.

Section 2(b) (detailing new 501(p) elective tax treatment). New subsection 501(p) has six paragraphs.

Paragraph (1) describes the taxation of both electing and non-electing settlement trusts. Contributions to electing trusts are not currently taxable to the beneficiaries; by contrast, current IRS ruling policy is that contributions to non-electing trusts are currently taxable to beneficiaries to the extent of corporate earnings and profits. Electing trusts will be tax exempt if they currently distribute 55% of their income and if transfers of trust units are restricted similarly to transfers of ANCSA corporate stock. Eventual distributions to beneficiaries of the trust's exempt income, as well as any other distributions by the electing trust, are taxed to the beneficiaries at ordinary income rates. Non-electing trusts remain subject to present law.

Paragraph (2) provides the basic mechanism by which a settlement trust elects tax exemption. Paragraph (3) imposes a rule to assure that primarily Alaska Natives receive the benefits of this elective tax exemption, just as the Alaska Native Claims Settlement Act (43 USC 1601 et seq.) limits transferability of the stock in Native corporations to assure that the benefits of stock ownership accrue primarily to Alaska Natives. Under this bill, if at any time the beneficial interests in an electing trust become transferable in a manner which would be prohibited if those beneficial interests were ANCSA stock, the trust becomes permanently ineligible to continue the election. Also, a one-time penalty tax equal to the highest marginal tax rate under section 1(e) times the asset value of the trust is imposed. This tax can be avoided by a distribution of the trust assets to the beneficiaries before the close of the taxable year in which the trust beneficial interests became transferable. Paragraph (3) also causes the foregoing rule to apply if a Native corporation which is not governed by the non-transferability rules makes a transfer to an electing settlement trust.

Paragraph (4) imposes an annual distribution requirement (55% of taxable income) on electing trusts. The consequence of a failure to make these annual distributions is a nondeductible tax at ordinary income rates upon the income which should have been distributed.

Paragraph (5) describes the taxation of the beneficiaries of both electing and non-electing trusts. All distributions to a beneficiary of an electing trust produce ordinary income. But for this rule, the character of income earned by the trust would flow out to the beneficiaries and distributions of capital and accumulated income would be tax free to the beneficiaries. Distributions by a non-electing trust are taxable to the extent required by Subchapter J of the Tax Code, which generally limits beneficiary taxation to the amount of income of the trust and flows the character of the trust's income out to the beneficiary.

Paragraph (6) provides certain definitions applicable to the election.

Section 2(c) (Withholding on distributions by electing trusts). Present law does not require any tax withholding on trust distributions. Many Alaska Natives have income levels so low that they are not required to file income tax returns. In such circumstances, requiring withholding on distributions increases the administrative burden to both the government and settlement trusts since these Alaska Natives would have to apply for refunds of over collected taxes. Therefore, under this legislation, withholding on distributions by any settlement trust is required to the extent the annualized distributions of the Trust exceed the basic standard deduction and personal exemption amounts under the Tax Code.

Section 2(d) (Modify information reporting requirements.) Under present law, settlement trusts report to their beneficiaries on Form K–1s, which with extensions, can be sent as late as October of the year following the taxable year to which the information relates. Much of Form K–1 is inapplicable to the typical settlement trust and can be confusing to beneficiaries. Native corporations, by contrast, have long reported to their shareholders on Form 1099s which must be sent by January 31 of the following year. This section requires all settlement trusts to provide annual information on Form 1099s (rather than on Forms K–1s). In the case of a non-electing settlement trust, the From 1099 would differentiate among the different types and character of income being distributed. Form 1099 reporting would be in lieu of the requirement that a non-electing settlement trust attach a copy of beneficiary Form K–1s to its own tax return.

Section 2(e) (effective date). In general, the provisions of the bill are applicable to taxable years ending after the date of enactment of the bill and to contributions to trusts made after such date.

CRISIS IN KOSOVO (ITEM NO. 12) REMARKS BY CHRISTOPHER SIMPSON OF AMERICAN UNIVERSITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, on June 10, 1999, I joined with Representative CYNTHIA A. MCKINNEY, Representative BARBARA LEE, and Representative JOHN CONYERS in hosting the fifth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

The presentation is by Christopher Simpson, an associate professor specializing in national security, new media and the psychological warfare at American University School of Communication here in Washington. He is the author of four books on international human rights law, genocide and national security, including The Splendid Blond Beast (1993) and the Science of Coercion (1994). His work has won many awards including the National Jewish Book Award, the Investigative Reporters and Editors Prize, the Cavior Prize for Literature and the 1997 Freedom Award.

Presentation by Christopher Simpson, American University

Thank you for inviting me to this briefing, and thanks especially to Rep. Dennis Kucinich for his leadership in these issues.

I'm going to discuss three main ideas. First, I'll look briefly at the most basic principles of international law concerning war.

Second, I'll bring forward new information on what is known as "infrastructure warfare," which is today central to the way that the United States and NATO choose targets for aerial attacks. Bombing and cruise missile attacks, as you know, have been the primary U.S. strategy in Yugoslavia and in the on-going, de facto war with Iraq. In Yugoslavia, infrastructure warfare targets have thus far included the electrical power generation and distribution grid for the entire country; sewage treatment and water purification plants in at least three cities (and the destruction of those plants, by the way, affects not only those cities, but everyone downstream from the city as well); natural gas pipelines and pumping stations; the Yugoslav federal reserve; and purely economic targets of no military consequence in towns and villages that have no military barracks, storage facilities or any other known military significance.

This leads me to my third point. "Infrastructure warfare" has become in part a means of making war on Yugoslavia's civilian population. In many cases it has had a minor or negligible military effect compared to the damage it has done to civilians. As such, these tactics skate very close to becoming a war crimes under international treaties and the United States military's own definitions of such crimes.

In fact, a recent U.S. presidential commission defined the intentional destruction of urban infrastructures such as electrical power grids, water treatment plants and banking networks as a form of criminal "terrorism"—that's their word—if used against U.S. cities.[1]

See footnotes at end of article.

This is called "terrorism" at home and is presently being used by the administration to create or expand repressive federal laws authorizing political surveillance of people in the United States, particularly those who use computer networks.

But interestingly enough, the Defense Department's representative on that presidential commission has been simultaneously engaged in designing U.S. Air Force offensive tactics for destroying precisely the same type of targets abroad.[2] When one compares the U.S. government's various definitions of infrastructure warfare side by side, we find that criminal "terrorists" use car bombs to attack the basic urban services necessary to sustain life and maintain order, while the U.S. Air Force prefers to strike the identical types of targets with cruise missiles and bombs dropped from B–52's. Not surprisingly, the Air Force generally does a more thorough and devastating job in eliminating its target.

The most basic principle of international law concerning warfare is to separate noncombatant civilians from the punishment of war to the greatest extent possible, taking into account what are termed legitimate military objectives. This is much easier said than done, of course. Nevertheless, the United States, all the NATO states, Yugoslavia, Russia and more than 100 other nations all agree, at least on paper, that making war on civilians is in almost every circumstances a prima facie war crime. This includes, by the way, aerial attacks on civilian economic centers carried out with the aim of undermining civilian morale or inducing a country to overthrow an established government.[3]

These elementary principles are codified with increasing specificity in the Hague Convention of 1907, the United Nations charter, the 1949 Geneva conventions, the unanimously adopted UN resolution on Respect for Human Rights in Armed Conflict of 1969 (Resolution 2444), similar protocols adopted in 1977 and, not least, in the on-paper rules of the U.S. Air Force itself.[4]

Today, NATO representatives often speak of what they term the relatively low degree of "collateral damage" to civilians caused by modern bombing and cruise missile attacks on Yugoslavia. Those claims should be disputed.

But we should also recognize that NATO representatives use the collateral damage argument to obscure the more telling point, which are tactics and target selection practices that are clearly on the record. Wanton destruction of non—combatant civilians or their ability to sustain life is a prima facie war crime, and NATO knows it.

Let me give you an example. Virtually all experts agree that intentionally poisoning civilian water wells or food processing centers is in most circumstances a war crime. Poisoning a farmer's well may kill or incapacitate a dozen or more people. Yet the infrastructure warfare tactic of destroying sewage treatment plants in Baghdad or Belgrade spreads disease to thousands or even tens of thousands of people at a time, and is apparently intended to do so because the results of destroying such plants are well known. Most of the Western news media, the Pentagon and much of the U.S. Congress refuse to come to grips with the reality that this tactic poisons civilian water supplies, spreads cholera and helps spread other epidemic diseases, and is particularly dangerous to civilian children and the elderly, whose death rate increases dramatically in the wake of such attacks. The journal Foreign Affairs—which is certainly not a hotbed of radicalism—reports in its current issue that the destruction of water works in Baghdad combined with on-going sanctions has—quoting now—"contributed to hundreds of thousands of [civilian] deaths. By 1998 Iraqi infant mortality had reportedly risen from the pre-Gulf War rate of 3.7 percent to 12 percent. Inadequate food and medical supplies, as well as breakdowns in sewage and sanitation systems and in the electrical power systems needed to run them, reportedly cause an increase of 40,000 deaths annually of children under the age of five and of 50,000 deaths annually of older Iraqis."[5] Nevertheless, this infrastructure warfare tactic remains widely used today when NATO selects targets in Yugoslavian cities.[6]

Another example. Intentionally bombing a hospital is almost certainly a war crime, and everyone knows it. Yet bringing down the electrical grid of any city produces an identical result at all of the hospitals in a city, without physically hitting the hospital buildings. The hospital refrigerators that hold medicine fail, destroying antibiotic drugs, vaccines and other medicines; soon it becomes impossible to sterilize surgical tools; bedridden patients die without clean water to drink or, for that matter, without clean water for the staff to use to wash the floors. That's because hospitals can rapidly become vectors for spreading disease if they are not kept clean. The city's hospitals have been effectively damaged just as surely as if they had been directly bombed. In fact, considering what has taken place in Baghdad in the eight years since the Gulf War took place, it may take considerably longer to return such hospitals to safe operation.

As with any issue in international law, things are often more complicated than they seem at first. NATO's military rationale for the destruction of Belgrade's or Novi Sad's infrastructure is that the attacks degrade the Milosevic government's ability to wage its own war against civilians in Kosovo, and they are therefore legitimate military targets. Preventing Yugoslav military and paramilitary atrocities in Kosovo, in turn, provide NATO's legal justification for what would otherwise be a transparently illegal attack on a sovereign state. If past experience is a guide, it is unlikely that NATO commanders responsible for these attacks will ever be regarded as anything other than heroes in the Western news media.

Yet Congress should look very closely at such claims. First, the mere fact that something might be a military target does not provide legal grounds for destroying it. Even the destruction of infrastructure in Belgrade, which is ostensibly the seat of the Milosevic government, has produced few military results compared to the damage it has wrecked on purely civilian activities. That is because most of the national security apparatus of the Milosevic government dispersed from the capitol city well before the bombing began. Such dispersal of key security assets is a well established contingency for virtually every modern military power, including the United States.

I'd like to conclude with these remarks. I hope that some of you will point out that it is all well and good to oppose the NATO bombing campaign. But what about the other atrocities, including massacres of Albanian men killed by certain Yugoslav military units and paramilitary organizations? What about the mass deportations of civilians from Kosovo and the examples of gang rapes of Albanian refugee women? How do you propose to stop those crimes?

First of all, there is no sound-bite solution to the crisis in the Balkans, no matter what Madeline Albright may say on the Sunday morning talk shows. People who say they have a simple solution are either ignorant or attempting to deceive you. Second, the cease fire plan announced today should be welcome news for all people of good will. But once the euphoria has passed, we will see exactly how difficult it will be to make a just peace work. Regardless of whether the cease fire holds, the NATO bombing campaign has made stabilization of the Balkan conflict significantly more difficult for years to come. It is also transparently clear that the primary victims of NATO's intervention have been those whom NATO was purportedly attempting to assist. NATO Supreme Commander Wesley Clark once told reporters that the mass deportations from Kosovo and the violence that accompanied them was "entirely predictable" once the NATO air strikes began. He was right about that, but the NATO publicity line soon changed and his public relations handlers have told him to change his tune.

So called "ethnic cleansing" and the crimes that have accompanied it are the direct and predictable result of attempting to redraw Balkan national boundaries along ethnic lines. Germany's former Chancellor Helmut Kohl bears much of the responsibility for setting off the present debacle. Germany underwrote establishing independent countries of Slovenia and Croatia back in the late 1980s as a means of extending German economic and geopolitical interests in the Balkans. But regardless of what Kohl may have intended at the time, the crisis his maneuver precipitated has long since spun out of his or anyone else's control.

The plight of the hundreds of thousands Albanian refugees is reported daily. Less understood in the West is that there are some 400,000 Serbian refugees from the ethnic cleansing that was set off by the redrawing of national borders. Their number will almost certainly grow by tens or hundreds of thousands of new Serbian refugees from Kosovo in the months ahead.

If you care about justice for ethnic Albanians and for Serbians, the way forward is to: Stabilize national and regional borders; prevent new fighting or persecution by any of the parties involved, particularly the KLA; demand some responsible reporting for a change from much of the major news media of the United States; and de-politicize accusations of war crimes and instead work to identify and bring to justice the perpetrators of particular crimes.

Here in the U.S. Congress, the time has come to re-examine the administration's claims about "infrastructure warfare," "information warfare," and the latest buzz word from the RAND Corporation, "Netwar." These deserve close scrutiny because of their cost, their questionable legality under international treaties and U.S. law, and their use as a rationale for expansion of National Security State powers aimed at the people of the United States itself. Congress could begin by asking the administration how it has come to pass that what a Presidential commission terms a terrorist crime has now become an established part of U.S. military doctrine and target selection practices in the Balkans and in Iraq.

There is much more to do, but I must close now. Thank you for your time and your patience with my talk.

FOOTNOTES

[1] President's Commission on Critical Infrastructure Protection, *Report Summary*, (March 1998 summation of PCCIP's *Critical Foundations* study), *http://www.pccip.gov/summary.html*. downloaded June 7, 1999.

[2] President's Commission on Critical Infrastructure Protection, "Commissioner Brenton C. Greene," (n.d.) *http://www.pccip.gov/greene.html* and Information Warfare Research Center. "Organization: Infrastructure Policy Directorate, Office of the Undersecretary of Defense (Policy)" *http://www.terrorism.com/infowar/j6kdefense.html*, both downloaded June 7, 1999.

[3] Human Rights Watch, *Needless Deaths in the Gulf War: Civilian Casualties during the Air Campaign and Violations of the Laws of War*, New York: Middle East Watch, 1991, p.32–33, "Terror and Morale Attacks."

[4] For a useful summary of this evolution and specific provisions, see Ibid, pp. 26–64. "The Legal Regime Governing the Conduct of Air Warfare."

[5] John Mueller and Karl Mueller, "Sanctions of Mass Destruction," *Foreign Affairs*, May–June 1999, p. 49.

[6] For example, *see USAF Intelligence Targeting Study Guide*, (unclassified), Air Force pamphlet 14-210. 1 February 1998:

McANDREWS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to John A. McAndrews on the occasion of his retirement following 41 years in government service. Jack has served as the Personnel Officer of Tobyhanna Army Depot for more than 37 years.

The largest employer in Northeastern Pennsylvania, Tobyhanna Army Depot's existence was threatened by the 1995 round of base closures. Jack was an integral part of the team of legislators, community leaders, and thousands of Depot employees who succeeded in convincing the base-closing commission to keep the Depot open. Jack's presentation outlining the high quality of the workforce was extremely persuasive and was noted by at least one commissioner who talked to me about it. After it was determined that Tobyhanna would not be closed, Jack traveled to Sacramento, California to offer Air Force civilian personnel the opportunity to continue their careers at Tobyhanna.

Jack has been a distinguished representative of the Depot, addressing personnel and labor relations issues throughout the region. His progressive approach to labor-management relations earned him recognition by President Clinton's National Partnership Council. He has been commended by every depot commander he has served throughout his long career. He has been honored by area educators and businesses and has received commendations from the Secretary of the Army, the Director of the U.S. Office of Personnel Management, General Colin Powell, and Vice President Albert Gore.

Under his able leadership, Tobyhanna developed a workers compensation program that has saved the Depot million of dollars and now serves as a model for the entire federal government. Jack has traveled across the country sharing this program with other agencies.

A native of Northeastern Pennsylvania, Jack personifies family values and exemplary character. He is the proud father of two and grandfather of one. Jack's devotion to his beloved wife as her caregiver during her long struggle with Multiple Sclerosis was recognized nationally when Oprah Winfrey named him "Husband of the Year" on her show in 1989. Lamentably, Jack's high school sweetheart and beloved wife died on New Year's Day of this year.

Mr. Speaker, Jack has been a credit to his profession and to the United States Army for all of his adult life. His devotion to his family, community, and career has set an example to his colleagues and all those whose lives he has touched as the Depot and the surrounding community. I am pleased and proud to join in this salute of an outstanding leader and public servant. I send my very best wishes for a happy, healthy, and productive retirement to Jack McAndrews.

PRIVACY PROJECT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. PAUL. Mr. Speaker, I rise today to introduce the Privacy Protection Act, which repeals those sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizing the establishment of federal standards for birth certificates and drivers' licenses. This obscure provision, which was part of a major piece of legislation passed at the end of the 104th Congress, represents a major power grab by the federal government and a threat to the liberties of every American, for it would transform state drivers' licenses into national ID cards.

If this scheme is not stopped, no American will be able to get a job; open a bank account; apply for Social Security or Medicare; exercise their Second Amendments rights; or even take an airplane flight unless they can produce a state drivers' license, or its equivalent, that conforms to federal specifications. Under the 1996 Kennedy-Kassebaum health care reform law, Americans may even be forced to present a federally-approved drivers' license before consulting their physicians for medical treatment!

Mr. Speaker, the Federal Government has no constitutional authority to require Americans to present any form of identification before engaging in any private transaction such as opening a bank account, seeing a doctor, or seeking employment. Any uniform, national system of identification would allow the federal government to inappropriately monitor the movements and transactions of every citizen. History shows that when government gains the power to monitor the actions of the people, it eventually uses that power to impose totalitarian controls on the populace.

Any member who is reluctant to support this legislation should consider the reaction of the American people when they discover that they must produce a federally-approved ID in order to get a job or open a bank account. Already many offices are being flooded with complaints about the movement toward a national ID card. If this scheme is not halted, Congress and the entire political establishment could drown in the backlash from the American people. In fact, I am holding in my hand a letter from almost all citizens' groups from across the political spectrum, representing thousands of Americans, opposing the plans to implement a national ID.

Although the Transportation Appropriations bill restricts the Department of Transportation from implementing a final rule regarding this provision, the fact is that unless the House acts this year to repeal the provision, states will begin implementing the law so as to be in compliance with the mandate. Therefore, Congress must repeal Section 656 in order to comply with the Constitution and the wishes of the vast majority of the American people who do not want to be forced to carry a national ID card.

National ID cards are a trademark of totalitarianism and are thus incompatible with a free society. In order to preserve some semblance of American liberty and republican government I am proud to introduce the Privacy Protection Act. I urge my colleagues to stand up for the rights of American people by cosponsoring the Freedom and Privacy Restoration Act.

NATIONAL CONFERENCE OF STATE LEGISLATURES [NCSL]; AND AMERICAN CIVIL LIBERTIES UNION [ACLU]; ELECTRONIC PRIVACY INFORMATION CENTER [EPIC]; NATIONAL COUNCIL OF LA RAZA [NCLR]; EAGLE FORUM; ELECTRONIC FRONTIER FOUNDATION; FREE CONGRESS FOUNDATION/COALITION FOR CONSTITUTIONAL LIBERTIES; AND AMERICANS FOR TAX REFORM

We represent a broad-based coalition of state legislators, county officials, public policy groups, civil libertarians, privacy experts, and consumer groups from across the political spectrum. We urge the Congress to repeal Section 656 of the Illegal Immigration Reform and Immigrant Responsibilities Act of 1996 that requires states to collect, verify and display social security numbers on state-issued driver's licenses and conform with federally-mandated uniform features for driver's license. The law preempts state authority over the issuance of the state driver's licenses, violates the Unfunded Mandate Reform Act of 1994 (UMRA) and poses a threat to the privacy of citizens. Opposition to the law and the preliminary regulation issued by the National Highway Traffic Safety Administration (NHTSA) has been overwhelmingly evidence by the more than 2,000 comments submitted by individuals, groups, state legislators, and state agencies to NHTSA.

THE LAW IS COUNTER-DEVOLUTIONARY, PREEMPTIVE AND VIOLATES THE UNFUNDED MANDATE REFORM ACT

The law and the proposed regulation run counter to devolution. The law preempts the traditional state function of issuing driver's licenses and places it in the hands of officials at NHTSA while imposing tremendous costs on the states that have been vastly underestimated in the Preliminary Regulatory Evaluation. The actual cost of compliance with the law and the regulation far exceeds the $100 million threshold established by UMRA. In addition, the law and proposed regulation require states to conform their drivers' licenses and other identity documents to a detailed federal standard. Proposals for a national ID have been consistently rejected in the United States as an infringement of personal liberty.

THE LAW RAISES SERIOUS PRIVACY CONCERNS

The law raises a number of privacy concerns relating to the expanded use and dissemination of the Social Security Number (SSN), the creation of a national ID cared, and the violation of federal rules of privacy. The law and proposed rule require that each license contain either in visual or electronic form the individual's SSN unless the state goes through burdensome and invasive procedures to check each individuals's identify with the Social Security Administration. This will greatly expand the dissemination and misuse of the SSN at a time that Congress; the states, and the public are actively working to limit its dissemination over concerns of fraud and privacy. Many states are taking measures to reduce the use of SSNs as the driver's identify number. Only a few states currently require the SSN to be used as an identifier on their driver's licenses.

While the impact of Section 656 may not been fully comprehended in 1996, we urge the Congress now to act swiftly to repeal this provision of law that has been challenged by many diverse groups. If you or your staff have any further questions, please contact Dawn Levy of the National Conference of State Legislatures at (202) 624-8687.

QUOTES FROM THE BOOK OF PEACE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate Louis David Brown. Louis was fifteen and a tenth grader in the fall of 1993. He dreamed about college and graduate school in aeronautical engineering. He dreamed about space travel and he worked in his community. On December 20, 1993, on his way to a meeting of Teens Against Gang Violence, he was shot dead, caught in the crossfire of a gang fight.

Louis's parents, Joseph and Clementina (Tina) Chery have coped heroically with their grief. They created in memory of their son, the Louis D. Brown Peace Institute. The Institute supports a variety of peace initiatives, including a literature-based high school curriculum and an elementary school arts program. Each year, high school essayists are chosen as Louis D. Brown Peace Fellows, honored for their writing and their community service.

In Louis's memory, with thanks to the dedicated teachers who use and refine the curriculum, and with the deepest sympathy and respect for Joseph and Tina Chery, I have the honor to present excerpts from the writings of the Louis D. Brown Peace Fellows of 1998 (sic.):

The person, who has peace in his or her heart, must be near to God . . . peace also means forgiveness, thankfulness, and patience.—Student: Mary Hanna, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

We chase after peace, why does it run?
Is it too busy chanting and having fun,
Or is it worse, does it run away in fear
Worried we'll try to destroy it, rip and tear
Thinking that once we have it we'll get upset
If it doesn't turn out to be just as we bet?—Student: Meichelle (ADARKPOET) Ferguson, Grade: 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

Peace is the strength you have to fight the negativity.—Student: Johnnye Garcia, Grade: 9, School: Charlestown High, Teacher: Julia Jenkins.

We are all from the same source, we bleed the same color, we breathe the same air, and we all share the same feature . . the human heart.—Student: Trell Payne, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

Everyone [must] come together and make a change before it is too late—Student: Suzanne Morson, Grade: 10, School: Charlestown High, Teacher: Julia Jenkins.

Peaceful Everlasting Actions Control Everything—Student: Kimberly Baia, Grade: 10, School: Charlestown High, Teacher: Julia Jenkins.

. . . we will have peace when we all accept each other for who we are and not for what we look like—Student: Silea Williams, Grade: 10, School: Charlestown High, Teacher: Mrs. Ogluike.

Peace can be simply participating in an after school program or caring for a younger brother or sister or simply helping an elder person when in need. Anyone can do it.—Student: Andrea Stallings, Grade: 10, School: Jeremiah E. Bruke, Teacher: Kelly Mathews.

This Louis D. Brown Peace Curriculum gives me a wonderful opportunity to express my feelings and thoughts to everyone.—Student: Ricardo Brown, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

Start building a better living for the sake of our children . . . Lead'em, feed'em knowledge and the words of wisdom.—Student: Thomas Hernandez, Grade: 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

I, as a person, promote peace by rejecting violence. I don't fight, I settle my differences with people nonviolently, and I help out in my neighborhood with young children.—Student: Ciara Washington, Grade: 10, School: Health Careers Academy at Dorchester High School, Teacher: Bethany Wood.

Sometimes they [teenagers] just need someone to love them, to hang out with them, and just show them what's right and what's wrong.—Student: Channell Burt, Grade: 10, School: Jeremiah E. Burke High, Teacher: Warren Cutler.

I would love to see a more peaceful world, and it could happen if we talked more with love in our minds and hearts instead of using threats and weapons.—Student: Chermion Lawson, Grade: 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

I do not want my kids to grow up in a world where countries are at war, family members are being killed or crippled and every one is in tears. I want my kids to grow up in a world where every body gets along with each other and helps each other out, and where guns do not exist.—Student: Lissy Baez, Grade: 11, School: West Roxbury High, Teacher: Daniel Jordan.

The young teenagers today are surrounded by violence on television, music, ideas and movies, as well as in school and in the streets. Violence is almost becoming second nature to us.—Student: Nina Abdillahi, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

If people knew how to cope with themselves, maybe instead of hitting or killing someone they would learn how to be more peaceful.—Student: Gilbert Perea, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

. . . before we start working on getting rid of the hatred and violence in our streets and cities, and, hopefully the world, we are going to need to have peace with ourselves and our families.—Student: Sarita Manigat, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

I believe unlocking the door towards peace is a long and hard goal that no one race of people can achieve alone. We all have to meet each other halfway.—Student: Jason R. Walters, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

I help make peace by keeping a positive attitude in front of younger kids.—Student: Ezequiel Cardoso, Grade 10, School: Jeremiah E. Burke School, Teacher: Warren Cutler.

Peace cannot be taught or enforced if it is not practice . . . peace can be the future we look forward to if children, parents, teachers, policymakers, and all humankind take action.—Student: Patricia Abdi, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I think that peace is a very important part of the life of a community because it keeps it organized, it keeps your neighborhood calm, quiet and makes it a better place to live . . . To keep the peace we need good parents.—Student: Ebony Williams, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

. . . if you keep busy there's no room for thinking violently.—Student: Adina Sutton, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I think that teaching kids about God will promote peace in the community because the kids will be going to church every Sunday instead of going somewhere else to get themselves into trouble or even getting killed.—Student: Joliane Charlotin, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I . . . help many of my peers get involved in programs that keeps them off the street. This is the way I promote peace.—Student: Raquel Pinto, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I tried to influence [children] by setting a good example.—Student: Julia C. Austin, Grade 11, School: West Roxbury High, Teacher: Daniel Jordan.

I devoted all of my knowledge to each one of these children to help them become a better person.—Student: Kevin Stallings, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

Instead of trying to see who is the jiggiest, who is the hardest, and who is down with whom, we need to be down for each other, unite as one and make and promote peace.—Student: Gracie White, Grade 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

. . . peace does begin with a simple friendship.—Student: Jada Reid, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

FOUNDATIONS OF DEMOCRACY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today we honor Mr. Richard Goldstein and his students Alan Amaya, Cynthia Barber, Maria Benner, Christopher Bond, Elliott Bundy, Cynthia Clark, Daniel Cleary, Leah Davis, Courtney Duffin, Lizza Easley, Earlene Eaton, Karoline Enzenberger, Lindsey Faulkner, Justin Garretson, Katherine Greim, Namita Kalyan, Rebecca Lindermann, Kristin McCarrey, James McElligott, Brooks Miner, Justin Mohr, Aaron Tucker, Benjamin Wagner, James Welt, Gretchen Wieman, and Eric Wieman from West High School in Anchorage, Alaska.

These students won an award at the We the People . . . the Citizens and the Constitution national finals held in Washington D.C. in May 1999. These students were recognized for their expertise on Unit 1: What are the Philosophical and Historical Foundations of the American Political System? Of the We the People . . . text. This award is presented to the school achieving the highest cumulative score during the first two days of the national finals in each of the six units. These outstanding young people competed against 50 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

Congratulations students and Mr. Goldstein on your achievement!

IN MEMORY OF ARLIE WAYNE NEAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Arlie Wayne Neal, 59, City Manager of Nevada, Missouri.

Mr. Neal was born Aug. 18, 1939, in Higgenson, Arkansas, to Ira Earl and Viola Pearle Cole Neal. He married Patricia Walters on July 19, 1960, in Uxbridge Middlesex, England.

Mr. Neal joined the Air Force in 1959. He served in the Viet Nam conflict and two tours in Germany and Thailand. He served for 31 years, retiring in 1990 at the rank of Colonel. His decorations include the Commendation Medal with one oak leaf cluster, the Meritorious Service Medal with four oak leaf clusters and the Legion of Merit Medal.

Mr. Neal was the City Manager in Frontenac, Missouri, prior to his move to Nevada, Missouri in 1993. He served as City Manager of Nevada from 1993 to present.

Mr. Neal was active in the community. He managed the Nevada Boxing Club for the past four and one-half years. He was also a member of the All Saints' Episcopal Church in Nevada, Missouri. He belonged to many running clubs in Germany and Mississippi, participating in numerous marathons. He was a member of the Kansas City Golden Gloves Boxing Association, and coach of the year in 1997.

Survivors include his wife, Patricia; his four daughters, Carol Ann Michaels, Donna Davenport, Patricia New, and Sara Lundin; his mother, Pearle Neal, three brothers, Earl, Jimmy, and Archie; one sister, Rita Davis, and six grand-children. Mr. Speaker, I know this body joins me in expressing sympathy to the family of this great Missourian.

CELEBRATE THE PAST

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. DEFAZIO. Mr. Speaker, one of my constituents, Margaret Ingram of Albany, Oregon, has made it a personal crusade to encourage people to keep journals and otherwise record the events of their lives. The following bill was introduced in the Oregon Legislature at Ms. Ingram's request. In honor of her efforts and to advance the pursuit of journal and diary-keeping, I would like to insert the text of that resolution in the CONGRESSIONAL RECORD.

OREGON HOUSE CONCURRENT RESOLUTION 8

ENCOURAGES CITIZENS OF STATE TO OBSERVE MEMOIR TRAIL 2000: CELEBRATE THE PAST.

Whereas history is an account of the past events of all persons, individuals, families and communities; and

Whereas historians are writers of history, preparers of records and finders of past events, and the people of Oregon and the United States are historians; and

Whereas history informs, measures change, preserves a way of life and shares stories, legends and tales; and

Whereas today's Oregonians are the proud inheritors of a trail of personal stories that winds through the past century; and

Whereas recording and collecting memoirs will help preserve the past for future generations; and

Whereas the year 2000 will mark the end of the 20th Century and the beginning of another 100 years; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Seventieth Legislative Assembly, encourage all citizens to observe Memoir Trail 2000: Celebrate the Past.

HONORING RABBI HOWARD SIMON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. DUNCAN. Mr. Speaker, this week, Knoxville is losing a wonderful spiritual and community leader who has devoted many years to our community. After serving thirteen years, Rabbi Howard Simon is retiring from the oldest Jewish Congregation in East Tennessee, Temple Beth El, founded in 1864.

Rabbi Simon received his Bachelor of Hebrew Letters degree from Hebrew Union College Jewish Institute of Religion in 1960, a masters of Hebrew Letters along with his rabbinic ordination in 1963 and a doctor of divinity in 1988.

Rabbi Simon has served on the board of directors of the United Way, Leadership Knoxville, the Knox County Mental Health Association and the executive committee of the Knoxville Jewish Federation.

He is also a member of the Knoxville Ministerial Alliance and the ministerial board for East Tennessee Children's Hospital.

Rabbi Simon has also been honored by the National Conference of Christians and Jews for his dedication and service to the community.

Before coming to Temple Beth El, Rabbi Simon served as rabbi at Har Sinai Temple in Baltimore; Beth Israel Congregation in Atlantic City, N.J., and K.K. Bene Israel Rockdale Temple in Cincinnati, Ohio.

Mr. Speaker, Rabbi Simon has been a tremendous spiritual leader in our Nation, but I would like to highlight one of his accomplishments that I am especially proud of. Rabbi Simon had a huge impact on the creation of the Interfaith Health Clinic in Knoxville. This clinic provides medical services for those who otherwise would not be able to afford proper medical care. I believe this says a tremendous amount about Rabbi Howard Simon.

Mr. Speaker, I know that I join with all Americans in thanking Rabbi Simon for his service to Temple Beth El and the Knoxville community for the past thirteen years. I have included a copy of a story written in the Knoxville News-Sentinel honoring Rabbi Simon that I would like to call to the attention of my fellow members and other readers of the RECORD.

[From the Knoxville News-Sentinel, June 12, 1999]

TIME FOR NEW CHAPTER TO BEGIN—RABBI HOWARD SIMON LOOKS AHEAD TO RETIREMENT

(By Jeannine F. Hunter)

Rabbi Howard Alan Simon greets people as if they shared many moments of tears and cheers together.

He embraces one with a firm grip and an engaging smile. To him, they are family.

For 13 years, he served as spiritual leader at Temple Beth El, East Tennessee's oldest Jewish congregation. The Jewish Reform congregation was established in 1864 and became a member of the Union of American Hebrew Congregations 11 years later.

Members are like siblings, calling upon one another and adhering to Simon's open door policy.

"And people waltz in all the time, which is nice," he said, in his nearly empty office. "We've shared so much together."

Friday, June 25, marks the beginning of Simon's last weekend at the temple. He will retire from the temple, ending his 36-year rabbinic career.

During a recent visit, Simon and his wife, retired educator Rona Simon, discussed Simon's rabbinate, their philosophy on teaching and humanity, and their retirement plans.

As the pair talked about their time at Temple Beth El, they smiled frequently.

"The people have been so warm. We have a loving, warm congregation," Rona Simon said.

Howard Simon agreed.

Simon will be replaced by Rabbi Beth L. Schwartz, the temple's first woman rabbi.

Schwartz is a newly ordained graduate of the Hebrew Union College-Jewish Institute of Religion in Cincinnati, where Simon also was ordained. Her work experience includes being an academic adviser at George Mason University; a senior analyst for the U.S. Department of Education; a senior business analyst for the Federal Home Loan Mortgage Corp. in McLean, Va., and a book buyer.

Schwartz assumes leadership of Temple Beth El on July 1. She is married to Larry Washington, and they have two adult children.

"I told the congregation I feel the best years at Temple Beth El are ahead of them," Simon said. "It's difficult to leave. It has been wonderful for us."

After 10 years as director of education at the temple, Rona Simon retired in 1998. In May, she retired from her private practice as an educational consultant, specializing in learning disabilities.

The temple's school grew from 36 to 120 children during their tenure.

"The focus of my attention the first few years of being here was our religious school, seeing it grow in numbers and enhancing its curriculum," he said.

Howard Simon said another goal of his administration was to create a familial atmosphere so that the membership interacted with each other in a variety of ways.

Outreach and adult education were also emphasized.

"We learned more and more people want the temple, and they want it to be a focal point of their lives," Simon said.

Simon, the only rabbi in his family, said his experiences at his home temple in Colorado and subsequent leadership roles at a youth camp influenced him.

"Teaching the kids Judaism, I loved the interaction we had with the children," he said, adding in college he initially wanted to study law.

Throughout his rabbinate he has met officials from former Israeli Prime Minister Benjamin Netanyahu to the late Dr. Martin Luther King Jr.

He was among the first religious leaders to spearhead the creation of Knoxville's Interfaith Health Clinic in 1991. He has served as chairman of the clinic's board of directors.

He cited it as one of his most important endeavors.

"I am proud to have been a part of the group that brought this into being," he said.

When commenting about service, Simon used a Hebrew term which means "repair the world," a Judaic belief.

"We're supposed to, as individuals, try to make the world a better place," he said. "Part of my rabbinic is to be committed to the community we live in. We do not live in a vacuum. Fortunately I had a congregation that agreed with that and supported me."

Simon, a humanitarian and scholar, also is an author. He has a book of poetry, "Back from the Abyss: Thoughts on Life and Death" and looks forward to completing other works, one on his experiences as a rabbi in New Jersey, before and after gambling was legalized in Atlantic City.

One book may be about retirement: How to plan for it and how to respond to the emotions it may evoke.

"You need to be active," he said. "Also you need to have a realization that retirement is not a lowering of your self-esteem but an opening of a new chapter in your life."

Rona Simon added, "It's a new beginning."

In their new beginning, the Simons will reduce but not eliminate all of their civic commitments. They want to spend more time with each other, their children and three grandchildren.

A few of their road trips will be to away Lady Vols basketball games.

When the Lady Vols basketball team's schedule is released, the Simons, who are perennial ticket holders, have a planning meeting.

"She tells me to block those nights out so I try not to have meetings," says Simon. "At this point, the ideal job for me would be the team's chaplain."

He laughed.

"They have done so much for Knoxville and are excellent role models," Rona Simon said. "They are role models not because they win but because they inspire young people and are committed to various causes."

A special Shabbat service, prepared by Simon, on June 25 will be followed by a special oneg Shabbat to honor Simon at the temple. On Saturday, June 26, there will be a program beginning at 7:30 p.m. that will also celebrate the 80th birthday of temple member Millie Gelber.

At 6:30 p.m. Sunday, June 27, there will be a special dinner honoring Simon's 36 years of service to Reform Judaism and his 13 years at the temple. It will be at the Hyatt and will feature a toast and a roast of Simon by his relatives and friends.

AT A GLANCE: RABBI HOWARD SIMON

Born in Davenport, Iowa, and moved to Denver, Colo. He graduated from Colorado University in 1958.

Bachelor of Hebrew Letters degree from Hebrew Union College—Jewish Institute of Religion in 1960; master of Hebrew Letters and rabbinic ordination both in 1963; and doctor of divinity in 1968.

Temple Beth El is Simon's fourth congregation. Also served as rabbi at Har Sinai Temple in Baltimore; Beth Israel Congregation in Atlantic City, N.J.; and K.K. Bene Israel Rockdale Temple in Cincinnati.

Samuel Neustadter Memorial Award for Service to the state of Israel, 1977.

Rabbinic Services Award from the Council of Jewish Federation, 1989.

Participated in study mission to Poland and to the Soviet Union.

Was scholar in residence at the Sam and Esther Rosen Institute in Knoxville; adjunct professor at Hebrew Union College-Jewish Institute of Religion from 1981–86; taught at Xavier College and Hiwassee College.

National affiliations: Union of American Hebrew Congregations' Committee on Judaism and Health and its Committee on Cults and Missionary Movements; National Rabbinic Cabinet of United Jewish Appeal.

Local affiliations: Board of directors for the Interfaith Health Clinic, the United Way, Leadership Knoxville; the Knox County Mental Health Association; executive committee of the Knoxville Jewish Federation.

In 1996, became a UT Chancellor's Associate, one of several Knoxville-area community leaders who advised Chancellor Bill Snyder and his staff on community issues.

Members of Knoxville Ministerial Alliance, the Knox County Steering Committee for the Tennessee Bicentennial Celebration, the Metropolitan Drug Commission's Faith Committee and the ministerial board for East Tennessee Children's Hospital.

Chair of Leadership Knoxville Class of 2000's selection committee.

Awards include National Conference of Christians and Jews, now known as the National Conference for Community and Justice and the American Organization for Rehabilitation through Training Federation based in Israel.

GRANT OF FEDERAL CHARTER TO THE AMERICAN ASSOCIATION OF STATE GEOLOGISTS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. RAHALL. Mr. Speaker, today I along with the gentleman from Nevada, JIM GIBBONS, are introducing a bill to grant a federal charter to the American Association of State Geologists. Indeed, the grant of a federal charter to this organization would have a direct correlation to the very first such charter ever granted by the Congress, in 1863 to the National Academy of Science. Both organizations are premised on serving the general public through scientific research and the advancement of knowledge.

The American Association of State Geologists was established in 1908 and today is a nonprofit organization whose mission is to advance the science and practical application of geology and related earth sciences. Its membership is comprised to the heads of Geological Surveys in the various States, territories and commonwealths of the United States. In fact, the first State geological survey was established in 1823 in North Carolina and by the time the U.S. Geological Survey was established in 1879, 35 State geological surveys already existed.

Over the past 91 years, the AASG has served the Nation and each and every State by bringing its unique and important state perspective to the deliberations of the federal government on issues related to or involving geology or geoscience. State geological surveys have generated and made publically available much of the geological and geoscience information and services that led to the growth of our Nation, its economic development, general prosperity, environmental quality and the quality of life we enjoy today. Their mission remains equally important to our Nation's future.

Every member of Congress and their staff have, at one time or another, consulted the State geological surveys concerning issues related to geology in their districts. State geological surveys are universally relied upon for their expertise and relevant, credible, and timely maps, information and services concerning energy, mineral, water, land, biological/ecological and environmental resources, as well as information relevant to avoid or mitigate natural hazards such as earthquakes, volcanoes, landslides and the like.

There is no doubt that the AASG has earned a high reputation within the federal government for its expertise, credibility, candor and trust. It is frequently called upon by the executive, legislative, and judicial branches to bring the state perspective on geological issues to the attention and consideration of the federal government and especially Congress.

In my view, the nature, extent, magnitude, and high quality of the contributions of State geological surveys and AASG to our Nation fully merits recognition of their critical role through issuance of a federal charter. AASG is exactly the sort of organization that federal charters were intended to recognize.

Mr. Speaker, it would be completely fitting and proper for Congress to grant a federal charter to AASG and by doing so would return to the spirit of the first federal charter granted to the National Academy of Science in 1863 recognizing the importance of science to our Nation.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes;

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the McCarthy provisions and against the Dingell provisions. I agree with Mr. Alvin Bell of Garland, Texas when we said:

> The congressional measures passed at the stroke of midnight, by a Congress in the grasp of the National Rifle Association and the religious right, are a sad commentary to how insulated the Capitol can become to the real needs of the American people. The very idea that the posting of the Ten Commandments in schools and the loosening of gun control measures can achieve less school violence is lunacy.
>
> I would not be surprised if this Congress would soon legislate the passing out of crucifixes in schools, under the guise of warding off vampires.
>
> June 18, 1999: Charlton Heston 2–The American people 0.

IN HONOR OF THE LATE J.B. WHITTEMORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. McINNIS. Mr. Speaker, it is with a great deal of sadness that I wish to recognize the remarkable life and spirit of Mr. J.B. Whittemore of Pueblo, Colorado. With this, I would like to take a moment to pay tribute to Mr. Whittemore who embodied and exemplified hard work, dedication, and compassion. For more than half of a century, he dedicated his energy to ensuring the happiness of thousands of Pueblo children, never letting a lack of money keep children from enjoying a ride on the carousel.

J.B. Whittemore was born in Pueblo, Colorado in 1914, the same year in which the City Park carousel was manufactured. With nickels earned by milking cows, Mr. Whittemore escaped the world by riding the carousel.

On March 1, 1943, he joined the City Parks Department staff—a job which became a career spanning 33 years. While working for the City Parks Department, Mr. Whittemore also worked nights, Sundays and holidays as the maintenance man and operator of the City Park carousel. Just as Mr. Whittemore cared about the happiness of children, he also cared about his family. He loved and appreciated his family and shared his light with all.

Mr. Whittemore was a man of kindness and generosity. Through his involvement in the community, he touched the lives of many. His smile, his devotion, and his zest for life will long be remembered and admired. Those who have come to know J.B. Whittemore will miss him greatly. I am confident however, that in spite of this profound loss, the family and friends of Mr. Whittemore can take comfort in the knowledge that he made a significant impact on the quality of life of the citizens of Pueblo.

THE INTERNATIONAL ARBITRATION ENFORCEMENT ACT AND THE NEW YORK CONVENTION COMPLIANCE ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation, the International Arbitration Enforcement Act and the New York Convention Compliance Act, to protect American businesses from foreign backed companies who fail to act in good faith.

In 1991, Ross Manufacturing, a Florida company, filed a claim with the Stockholm Arbitration Institute against a Chinese state-owned corporation for defaulting on a contractual agreement. Even though the arbitration panel found in favor of Ross Manufacturing, the Chinese company refused to pay the settlement. Furthermore, the Chinese courts initially refused to accept the claim. By the time the claim was eventually accepted by the Chinese courts, the Chinese company had been liquidated and the Chinese offered no remedy to enforce the settlement. This was so even though the liquidated company was a state-run industry and it appears may have been liquidated as a pretense just to give cover to avoiding this debt.

There are companies throughout this country that have ventured into business relationships with China and been burned. That is why I am introducing two pieces of legislation to protect U.S. companies and make sure that foreign companies live up to pre-existing trade agreements.

The International Arbitration Enforcement Act, would create a civil remedy against foreign states that either ignore or prohibit arbitral awards entered in favor of United States persons. If the President certifies that a person has been injured and has exhausted every avenue of relief in pursuing enforcement of a foreign arbitral award then that person gets his or her day in Federal Court to pursue a civil action against the foreign state.

The New York Convention Compliance Act, would direct the President to withhold extension of the WTO Agreement to any country that is not in compliance with its obligations under the New York Convention. This would require foreign countries to meet their outstanding obligations before receiving full consideration for WTO ascension.

While I believe that American companies need to be prudent in their dealings with entities overseas, having a company fully backed by the Chinese government default on a legal and binding contract is unacceptable. I urge my colleagues to support this timely legislation.

ACTIVIST PHYSICIAN NAMED "OUTSTANDING LEADER" BY LEADERSHIP MONTGOMERY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate Dr. Horace W. (Bud) Bernton for receiving the Bell Atlantic Outstanding Leader Award at Leadership Montgomery's graduation ceremonies. Dr. Bernton graduated from Leadership Montgomery in 1994, and quickly thereafter began to recruit other community-mined individuals and organizations to join him in his life-long effort to make medicine more accessible to persons of limited income.

Leadership Montgomery selected Dr. Bernton for its annual award after he was nominated by fellow graduate and county health officer, Dr. Carol Garvey. Dr. Garvey noted that Dr. Bernton's active nature took over when he retired from practicing medicine seven years ago, leading him to join Community Clinic, which offers care to low-income county residents. As a board member he helped launch the Primary Care Coalition, a consortium of local hospitals, the medical society, the health department, and various providers and supporters of indigent care. The coalition is dedicated to enhancing access to primary medical care for the growing numbers of low income county residents, who often face language and cultural differences.

Once Dr. Bernton joined Leadership Montgomery, he tapped its considerable community connections, some of which helped him develop the Primary Care Coalition. He nurtured the coalition through its founding, became its first chair, solicited pro bono legal services to make it a non-profit corporation, and worked aggressively with several coalition members to attract grants to fund Project Access. The initiative now connects low income patents with private physicians who agree to provide care at minimal cost.

Dr. Bernton's advocacy has now come full circle: Project Access has also absorbed PARS, the Patient Advocacy Referral Service for low income patients. Dr. Bernton started PARS back in 1972 to refer patients to physicians building their practices, as long as they agreed to accept uninsured, low income patients. His policy demanded that no one be turned away due to an inability to pay for care, and it is this demonstrated compassion that makes him such a deserving recipient of this year's 'outstanding leader' award.

LUIS SABINES, OF CAMACOL, CELEBRATES 20TH HEMISPHERIC CONGRESS IN MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to congratulate Mr. Luis Sabines, President of the United States Latin American Chamber of Commerce (Camacol), for his devoted labor in establishing the annual Hemispheric Congress and for having been honorably elected to preside as President of the Hemispheric Congress for the year 2000.

Luis Sabines has worked tirelessly and extensively with a variety of trade organizations and businesses in order to promote this year's Hemispheric Congress which, under his leadership and guidance, proved to be a resounding success. Due to his guidance and leadership, he was selected to preside in the upcoming Hemispheric Congress on May 3rd to the 6th of next year, which should prove to be an even bigger success.

This year's recent conference, entitled "Globalization with Integral Development," brought in individuals from 60 different businesses and chambers of commerce, representing 34 countries. It hosted an additional exposition of non-traditional products from overseas that were available for purchase. Contract negotiations among American businesses occurred, promoting both American products abroad, and Latin American products in the United States. Next year's Hemispheric Congress promises to continue the negotiations among American businesses, and to add on to the number of countries taking part in the negotiating, and promotion of trade between Latin American and the United States.

Luis Sabines has done a remarkable job promoting international trade and educating businesses, helping them to foster their growth. Today, I congratulate him on having been elected as President of the 21st Congress. Future Congresses will continue to make important contributions to South Florida's vital role in international trade.

INTRODUCING TO THE RECOVERY IMPLEMENTATION PROGRAM FOR ENDANGERED FISH SPECIES IN THE UPPER COLORADO AND SAN JUAN RIVER BASIN PROGRAMS

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. HANSEN. Mr. Speaker, it is with pleasure that I am introducing an Act that would authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River Basins. This Act is needed so that two cooperative intergovernmental programs can continue working to achieve recovery of four endangered fish in the Upper Colorado River and San Juan River Basins while meeting continuing demands for water in the arid West. To date, requests for funding for the recovery programs have received considerable support in Congress because the programs serve as a dispute resolution and provide a means to solve a very complex set of problems. However, as the amount of funding required increases because capital construction projects are underway, program participants are seeking clear statutory authority to help ensure that needed funds continue to be appropriated by Congress.

The Recovery Program is a mutually supported program including the states, government agencies, Indian tribes, private organizations, and environmental organizations. Participants in the Upper Colorado River program alone include the state of Colorado, the state of Utah, the state of Wyoming, the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, the Western Area Power Administration, environmental organizations, water development interests, and federal power customers.

This bill would authorize the appropriation of $46 million to the Bureau of Reclamation and the Bureau of Indian Affairs and ensure the completion of the capital projects and research needed to recover the listed species. Once the bill is enacted, non-federal participants like the states and those who purchase power from federal hydroelectric projects, will also share in the cost of the capital projects.

This bill is a good example of how the recovery of listed species can coincide with existing and future uses of water for states needs. Also, this is an opportunity to set a precedent for other regions of the country who could be impacted by the recovery of a listed species. These implementation programs are running models—showing how cooperation between states, government agencies, and private organizations can achieve results. Participants in these programs are eager to move ahead and willing to share the costs. I urge all my colleagues to support and co-sponsor this Act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River Basins.

D.R.O.P. SPECIES ACT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. CALVERT. Mr. Speaker, today I am dropping the fourth in a series of single-issue bills to make common sense corrections to the Endangered Species Act. My bill, the Direct Review of Protected Species Act, would amend the ESA to provide for the review and recommendation by the National Academy of Sciences of species that should be removed from the list of endangered and threatened species.

During ESA's 26 years, over 1,154 animals and plants have been listed as endangered or threatened, yet only 27 species have been removed from the list. 27! That is a recovery rate of 2 percent, which leads me to believe that either the Fish and Wildlife Service is not keeping up with their mandate to review the list every five years and remove recovered species, or their best efforts to conserve habitat at the expense of billions of dollars to taxpayers are failing. Either conclusion is unacceptable. The DROP Species Act would take the de-listing process out of the hands of politicians and place it in the hands of a well-respected, independent panel of scientists.

I'm unhappy with the Fish and Wildlife Service, Mr. Speaker. So unhappy that I will introduce one ESA reform bill every week until the Resources Committee field hearing in California on July 9. The agency has a responsibility to balance the rights of species with the rights of taxpaying citizens. This is a call to common sense.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

HARRISBURG, Pa. (AP)—The question of whether ex-cons should be able to vote is becoming an issue in Pennsylvania and nationally.

Human-rights groups and prison-rights advocates plan to challenge the law because of its "racial implications," said Pennsylvania Prison Society director William DiMascio said.

In addition, there is legislation in Harrisburg seeking to overturn the law. And the chairman of the state Senate Judiciary Committee, Sen. Stewart Greenleaf, R–Montgomery County, a former prosecutor, said he is "willing to look at" a reconsideration of the law.

State Rep. Jerry Birmelin, R–Wayne County, chairman of the House Subcommittee on Crime and Corrections, said that while he opposes inmates voting, he'd consider extending the vote to ex-cons.

Pennsylvania's law, which passed virtually unnoticed as part of the 1995 "motor voter" legislation, bans felony ex-cons from registering to vote for five years after release from prison. Before 1995, ex-cons could register as soon as they got out of prison.

The law's supporters, including state Attorney General Mike Fisher, say criminals should pay for their crimes, and that losing the vote is part of the price.

"Since the Legislature has determined a convicted felon does not enjoy the same rights as people who are not convicted felons, I have no problem with that," Philadelphia District Attorney Lynne M. Abraham said through spokeswoman Cathie Abookire.

The effort to eliminate the ban comes as the prison inmate population rises to record levels nationally and in the face of a new Justice Department report that says blacks are six times more likely to be jailed than whites, and 2 times more likely than Hispanics.

It also comes as some Pennsylvania politicians become more concerned about losing 100,000 potential voters because of the ban.

A state-by-state study by Human Rights Watch, an international research group, estimates that 3.9 million Americans currently are banned from the ballot box. About 13 percent of black men, more than 1.3 million men nationally, cannot vote, according to the study.

While the ban applies to anyone convicted of a felony, it does not apply to people convicted or jailed on misdemeanor charges. The only problem is that many minor criminals think they also are forbidden from voting, critics say.

"We find ex-offenders and other non-felony folks under the impression they can't vote," said Leodus Jones, director of Community Assistance for Prisoners, a nonprofit advocacy group. "I really believe there are thousands in Philadelphia alone."

Only four states—Maine, Vermont, Massachusetts and New Hampshire—allow inmates to vote.

Estimating exactly how many Pennsylvanians are affected is difficult due to recidivism and because no one adequately tracks state, local and federal releases. The Pennsylvania Commission on Crime and Delinquency offered "rough numbers," saying there are about 86,000 to 101,000 inmates and ex-cons who currently cannot vote.

The irony for those who believe the law is discriminatory is that in the 1995 "motor voter" law the ban is a part of what was designed to increase minority voting by making registration easier. However, many lawmakers say they were unaware of the felony provision, which was inserted at a time the Legislature was being hurried, under a federal court order, to pass a motor voter bill.

"We call it 'the mickey bill,' because they caught everybody asleep when they passed it," Jones said.

State Rep. Harold James, D–Philadelphia, a former Philadelphia police officer, said, "When we voted on 'motor voter,' we didn't even know that was in there."

[From the Washington Post, Apr. 20, 1999]

WORKER BIAS LAWSUITS FLOOD AGRICULTURE DEPT—MINORITIES, WOMEN ALLEGE DISCRIMINATION

(By Michael A. Fletcher)

The U.S. Department of Agriculture is grappling with a flood of discrimination complaints from minority and female employees who describe the agency as a hotbed of racial bias and harassment, where women assigned to remote work crews are physically threatened by male colleagues and minorities are routinely passed over for promotions.

Minority and women employees have long complained about what they call a deeply entrenched culture of discrimination at the sprawling federal agency, which is often derided as "the last plantation." The problems have intensified in recent months as more employees have stepped forward with formal complaints, even as top USDA officials have acknowledged longstanding civil rights problems. Earlier this year, the agency agreed to a huge court settlement that could result in hundreds of millions of dollars being paid to thousands of black farmers for past discrimination.

With a work force of 89,000 and a sweeping mandate that includes administering farm aid programs, managing national forests and running the food stamp program, USDA is one of the federal government's largest departments. With many of its workers deployed in rural outposts, critics charge that USDA's rank-and-file often seems impervious to the civil rights edicts that flow from the agency's Washington headquarters.

The agency is facing at least five class action or proposed class action complaints, either in federal court or before the Equal Employment Opportunity Commission, where groups of female and minority employees allege that they have been the victims of blatant racial bias or repeated sexual discrimination and harassment. In addition, more than 1,500 individual employment discrimination complaints are pending at USDA. And of the 1,800 cases resolved over the past two years, more than 1,000 ended with settlements, indicating that they had merit, said Rosalind Gray, USDA's director of civil rights.

Charges lodged against the agency either in lawsuits or individuals' complaints run the gamut:

In several bathroom stalls at USDA headquarters, someone had scrawled "NAACP" and underneath it, "now apes are called people." Some employees say such graffiti is evidence of workplace hostility that the agency has not done enough to address.

Black and Hispanic employee complained about working in rural offices under white supervisors who assign them few important tasks or the kind of training that would put them in line for promotions.

Women such as Ginelle O'Connor, 42, who work as Forest Service firefighters say they were subjected to a never-ending stream of taunts and sexually laced comments and even threats of rape from male colleagues.

The men "were making bets on how they could get rid of me," said O'Connor, now a USDA biologist working in Northern California. "But I was determined they weren't going to run me off."

The settlement with the black farmers was part of Agriculture Secretary Dan Glickman's effort to "change the culture" of the agency. "For far too long USDA has been ignoring serious, pervasive problems within our civil rights system," he said.

"Clearly, Secretary Glickman is concerned by the number of EEO complaints against USDA," said Tom Amontree, Glickman's spokesman, noting that the department has "resolved the vast majority of the EEO complaints that were part of the so-called backlog."

Amontree said that Glickman "is impressed with the progress and the changes instituted" under Gray. "Under her leadership, USDA is implementing procedures that will hold people accountable, and the secretary will continue to keep a close eye on that progress."

Despite Glickman's efforts, the barrage of slights, insults and outright harassment over the years has helped foster a culture that makes many female and minority employees at USDA complain that they feel like outsiders on their own jobs.

In a case now before the EEOC, a group of 300 African American managers at the Farm Service Agency, the branch of USDA found to have discriminated against black farmers, says they have been repeatedly passed over for promotions in favor of less qualified whites.

Charles W. Sims Sr., 55, a program coordinator at USDA's Washington headquarters, says he has been ignored for promotions on more than 40 separate occasions over the past 18 years. "Management will not tell me why they will not hire me for a higher position," said Sims, who says that he was given meaningless assignments after he began filing EEO complaints against the department. "They always tell me that I'm a great employee, so the only thing I can surmise from that is that it is a race thing."

During his 23 years at USDA, Carnell McAlpine, a program complaint specialist in Alabama, said he has learned to "expect the worst" from his job. He has been passed over for promotions given to whites with less experience and made to feel excluded from the flow of information.

"Those are the adversities a black person has to deal with," McAlpine said. "You just have to harden yourself. . . . When I've had good things happen to me on the job, I've learned to view them as surprises."

Harold Connor, 46, deputy director of USDA's Price Support Division, says he has faced insults since his first days at the agency. More than 20 years ago, it was the white local farm committee member who vowed to "go out the back door" the day Connor, who is black, entered the front door as a new director in the St. Louis area. Now that he works in Washington, the insults are often indirect: He was advised not to seek promotions initially because he was too new. Later, he was discouraged by superiors who said he had been in Washington too long and that the agency needed fresh thinking.

"You just kind of do a slow burn," he said. "First you doubt yourself. But then you realize it is not you, it's them."

While some employee activists cite USDA as among the worst federal agencies when it comes to civil rights complaints, they point out that charges of racial and gender discrimination are not uncommon within the federal government. That is seen as a troubling reality because for years federal employment was seen as a sure route to the middle class for women and minorities, particularly African Americans. Blacks make up 17.2 percent of the federal work force, compared with only 10.6 percent of the U.S. labor force.

Groups of minority employees have filed successful class action discrimination complaints against several federal agencies, including the Library of Congress, the Army Corps of Engineers and the State Department. Suits also are pending at other agencies, including the Internal Revenue Service and the Department of Commerce. Black employees also allege bias at the Social Security Administration [Details, Page A21]. Activists call the complaints evidence of the growing civil rights problems within the federal government.

Many employee activists say that nowhere in the federal government is the problem more pronounced than at the Department of Agriculture, an agency whose roots reach deep into rural America.

While 20 percent of USDA's employees are minorities, whites hold 91 percent of the senior management positions, a reality that critics call a direct outgrowth of the agency's culture. Some 80 percent of USDA's best-paid employees are men, although women make up more than 40 percent of the work force.

USDA officials have pointed to enforcement of civil rights laws as a priority in recent years. Since assuming his job in 1995, Secretary Glickman has convened a blue-ribbon panel on the matter, ordered a civil rights review and reactivated the agency's dormant civil rights office. Yet the problem continues to grow.

The employee complaints are buttressed by the findings of the department's own civil rights task force, which two years ago issued a report that described widespread bias both within the department's work force and in its delivery of programs to the public.

The report was a key piece of evidence in a federal lawsuit brought by black farmers. The farmers charged that USDA officials unfairly discouraged, delayed or rejected their applications for federal loans. The suit resulted in a settlement that lawyers involved in the case said could cost the federal government as much as $1 billion. A federal judge approved the deal last week.

Ironically, some USDA officials say privately that Glickman's aggressive rhetoric and work to attack employee complaints—the backlog of unresolved employee discrimination complaints has been cut significantly during his tenure—have opened the agency to more charges of discrimination. Also, top USDA officials say their civil rights efforts have been met with significant resistance.

"There are some people who don't want their way of life changed," said Gray, who was appointed by Glickman to be the department's lead civil rights enforcer. "Their way of life is based on their local culture, and we have a work force that is spread out throughout the country."

While acknowledging the hurdles, some activists complain that Glickman has not moved boldly enough. While he has threatened to fire employees found participating in reprisals against those who make discrimination complaints, few have faced such punishment.

"The secretary is selling snake oil," said Leroy W. Warren Jr., who chaired an NAACP task force that last summer issued a critical report on employment discrimination in the federal government. "It is all good rhetoric. But I'm waiting on the substance."

Similarly, many of the employees who have brought complaints against the agency say they also are waiting for justice.

O'Connor, who joined a class action filed by female Forest Service employees, said she faced harassment throughout much of her 17-year tenure at the Forest Service. In 1982, she was the only woman on the Fulton Hot Shots, an elite firefighting brigade that battles blazes in national forests.

One day, she made her way to the fire camp's bathroom for a shower. She unwittingly dropped her panties on the way from the shower. Hours later, she found her underwear flying on the antennae of a fire engine. Her colleagues drove the truck for a day before removing the underwear.

For O'Connor and other women at the Forest Service, the incident represented far more than a boorish prank: It was another example of the harrowing sexual harassment and hostility they had to endure.

Lesa L. Donnelly, a 19-year Forest Service employee and lead plaintiff in the lawsuit, said some of the hostility grew out of resentment of a federal court order requiring the Forest Service to hire more women in its western region.

In the wake of the order, she says, female firefighters were threatened with being pushed into wildfires. They were spit at and hit during physical training. Other women said they were stalked or tormented with dead animals. Some were allegedly left in the woods without transportation.

The women's class action suit is in mediation and a federal judge in San Francisco has set a May 26 deadline for settlement efforts.

"We have heard horror story after horror story," said Lawrence Lucas, president of the USDA Coalition of Minority Employees. "But unless people are held accountable, nothing is going to change at USDA."

Congressional Black Caucus Begins Police Brutaliity Hearings

(By Paul Shepard)

WASHINGTON (AP)—Rep. James Clyburn pledges that the Congressional Black Caucus' first hearing on police brutality will yield more than a report that will sit on a bookshelf and collect dust.

"We are focused on solutions," Clyburn, D-S.C., said Monday. "Panels like this often focus only on the horror stories, but we are talking solutions. We need to stay focused and achieve some meaningful results."

The caucus on Monday hosted the first of a planned national series of hearings on police brutality designed to measure whether the recent spate of high-profile deaths of young blacks at the hands of police are an aberration or a troubling new outgrowth of tougher policing policies nationwide.

Early in the five-hour hearing, the panel heard from representatives of the civil rights community, including National Urban League President Hugh Price and Raul Yzaguirre, president of the National Council of La Raza.

"The problem isn't only excessive use of force but dragnet techniques" that include racial profiling of suspects on traffic stops and the random stopping and frisking policies employed by New York City police, Price said.

Later, Bill Lann Lee, acting assistant attorney general for civil rights, told the caucus members that although his office is limited in its ability to bring federal prosecutions in local police jurisdictions, it has reached settlements with the cities of Pittsburgh and Steubenville, Ohio, which were judged by the Justice Department to discriminate in policing.

Lee said investigations of the Washington, New York City and New Orleans police departments are continuing.

"We have seen several tragedies in the last few months," Lee said. "We have to see how we as a nation as a whole respond, not by pointing fingers but by moving forward."

Witnesses like Dorothy Elliott provided tearful testimony of how their loved ones died at the hands of police. Mrs. Elliot's son, Archie Elliott III, 24, was stopped by Prince George's County, MD, police in June 1995 for driving erratically.

Police said Elliott, with his hands cuffed behind him in a police car, pointed a gun at them. The official version of events was that after refusing police orders to drop the gun, Elliott was shot 14 times and died.

"You can call it a tragedy, but I call it a murder," Mrs. Elliott sobbed. "My son didn't resist arrest, My son's life had value."

The shooting was ruled justified by authorities. Seated next to Mrs. Elliott was Saiko Diallo, whose son Amadou Diallo, a street vendor from Guinea, was killed Feb. 4 outside his apartment in the Bronx when four white police officers fired 41 shots, striking him 19 times and making the young immigrant a national symbol of police abuse.

"The police officers have been indicted for (second-degree) murder," Mrs. Diallo said in halting tones. "But they are still working full time with a full salary. This is unfair. This is not right."

Additional hearings are planned for New York, Los Angeles, Houston, Chicago and Atlanta.

Bell Atlantic Workers Sue Company for $100 Million

(By Genaro C. Armas)

PHILADELPHIA.—A group of current and former employees of Bell Atlantic Corp. filed a $100 million federal lawsuit against the company Monday charging that a racially hostile environment led to the suicides of three employees who worked at a company garage.

The lawsuit filed in U.S. District Court alleges that company executives did not do enough to stem the discrimination allegations lodged by 10 plaintiffs against two men who were supervisors at the garage where the suicide victims worked. The three workers, all black males, died between 1994 and 1997.

The suit said the alleged harassment against the victims, as well as other black workers in the Philadelphia garage by white supervisors, Thomas Flaherty and Nick Pomponio, who were named as defendants in the lawsuit, was so harsh that some workers considered "taking the laws into their own hands."

"But (they) opted to endure the suffering instead, believing that Bell Atlantic would take the action it promised to take (to investigate complaints and take corrective action)," court documents said.

Both Flaherty and Pomponio have since been transferred out of the garage, plaintiffs' attorney John Hermina said. Flaherty, reached by phone, referred comment to corporate attorneys. A number the company provided for Pomponio was incorrect and he could not be reached for comment.

Joan Rasmussen, a Bell Atlantic spokesperson in Arlington, VA., said Hermina had tried to file a similar lawsuit in federal court in Washington seeking class status but a judge "denied their claim of a pattern of discrimination.

"Bell Atlantic is proud of its record on diversity," said Ms. Rasmussen, who declined to comment specifically on the Philadelphia lawsuit because she had not seen it. "Discrimination is totally unacceptable in the workplace at Bell Atlantic."

The lawsuit accuses the company of racial discrimination and retaliation, negligence, breach of contract, and intentional infliction of emotional distress.

"Bell Atlantic knew this was going on," Hermina said. "It's a culture of neglect, because apparently Bell Atlantic felt that these African-American employees don't matter."

IN SUPPORT OF COLORADO HOUSE JOINT RESOLUTION 99–1020

HON. BOB SCHAFFER

OF COLORADO

HON. THOMAS G. TANCREDO

OF COLORADO

HON. JOEL HEFLEY

OF COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SCHAFFER. Mr. Speaker, in the matter of designating certain additional wilderness lands in Colorado, the Colorado General Assembly has spoken clearly.

By the passage of Colorado House Joint Resolution 99–1020, the General Assembly has established Colorado's official position on pending federal legislation designating approximately 1.4 million acres of land in Colorado as wilderness.

We hereby submit for the RECORD the full text of the resolution adopted in both houses of Colorado's General Assembly and urge all colleagues to consider the stated official policy of our state regarding this important matter.

Furthermore, we commend the leadership of the authors and prime sponsors of H.J.R. 99–1020, State Representative Diane Hoppe and State Senator Gigi Dennis.

Mr. Speaker, we hereby serve notice of our intent to support and represent Colorado's official position, as expressed in H.J.R. 99–1020, regarding the relevant legislation pending consideration by the U.S. House of Representatives.

HOUSE JOINT RESOLUTION 99–1020

By Representatives Hoppe, Smith, Alexander, Berry, Clapp, Kester, Larson, McKay, Miller, Mitchell, Spradley, Taylor, Webster, T. Williams, Allen, Dean, Decker, Fairbank, Hefley, King, Lawrence, Lee, McElhany, McPherson, Nunez, Paschall, Scott, Young.

Also Senators Dennis, Anderson, Arnold, Chlouber, Dyer, Epps, Evans, Hillman, Musgrave, Teck, Wattenberg, Wham, Congrove, Lamborn, Owen, Powers.

CONCERNING OPPOSITION TO H.R. 829, THE "COLORADO WILDERNESS ACT OF 1999"

Whereas, H.R. 829, the "Colorado Wilderness Act of 1999", proposes to designate another approximately one million four hundred thousand acres of land in Colorado as wilderness prior to the revision of many of Colorado's forest plans, thereby usurping the United States Forest Service's land management review process and ignoring the original wilderness recommendations made to the United States Congress by the United States Bureau of Land Management ("BLM") that totaled four hundred thirty-one thousand acres; and

Whereas, H.R. 829 was drafted without input from either the general public or local elected officials and does away with local control over land management; and

Whereas, Federal lands in Colorado have been exhaustively studied for their wilderness suitability under the "Wilderness Act" of 1964, the Department of Agriculture's second roadless area review and evaluation (RARE II), the wilderness evaluation by the BLM, the "Colorado Wilderness Act of 1980", and the "Colorado Wilderness Act of 1993"; and

Whereas, Many acres of federal lands slated for wilderness designation do not qualify as pristine as required by the "Wilderness Act" of 1964; and

Whereas, The United States Congress considered the option of wilderness designation for federal lands in Colorado and designated several areas under the "Wilderness Act" of 1964 and approved two statewide wilderness bills. One of those statewide wilderness bills was enacted in 1980 and classified one million four hundred thousand acres as wilderness. The other was enacted in 1993 and provided wilderness protection for six hundred eleven thousand seven hundred acres, bringing the total wilderness acreage in Colorado to three million three hundred thousand to date; and

Whereas, The United States Congress declared that lands once studied and found to be unsuitable for wilderness designation should be returned to multiple-use management; and

Whereas, H.R. 829 creates a federal reserved water right for each wilderness area, an approach specifically rejected in the 1980 and 1993 wilderness bills; and

Whereas, The designation of downstream wilderness areas may result in the application of the federal "Clean Water Act of 1977" requirements in a manner that interferes with existing and future beneficial water uses in Colorado; and

Whereas, The overall effect of the designation of downstream wilderness areas will be to destroy Colorado's ability to develop and use water allocated to the citizens of this state under interstate compacts, thereby forfeiting Colorado's water to downstream states; and

Whereas, Many of our rural economies are dependent on a combination of multiple uses of our public lands, such as timber production, oil, gas, and mineral development, and motorized and mechanized recreation, all of which are prohibited by a wilderness designation and also severely inhibits the ability to conduct grazing activities on public lands; and

Whereas, Wilderness designations limit the land management options available to public land managers to protect forest health and dependent watersheds; and

Whereas, Additional wilderness designation puts increased pressure on the new designated lands as well as lands currently open to multiple-use activities and limits access to only the most physically capable individuals; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That the members of the Sixty-second General Assembly oppose H.R. 829, the "Colorado Wilderness Act of 1999".

Be It Further Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Secretary of the Interior, the Director of the United States Bureau of Land Management, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

RUSSELL GEORGE,
Speaker of the House of Representatives.
RAY POWERS,
President of the Senate.
JUDITH M. RODRIGUE,
Chief Clerk of the House of Representatives.
PATRICIA K. DICKS,
Secretary of the Senate.

HOUSE OF REPRESENTATIVES—*Friday, June 25, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. KNOLLENBERG).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 1999.

I hereby appoint the Honorable JOE KNOLLENBERG to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Help us to see more clearly, O gracious God, that just as the issues that are presented in this place are to be taken seriously and with critical concern, we ought not take ourselves with that same seriousness or concern. Remind us of the healthy humility that ought to pervade our actions and our thoughts, knowing that too often we miss the mark or we go astray. Forgive us, strengthen us and make us whole, that being made strong by Your spirit, we will be the people You would have us be and do those good things that honor You and serve the people of this Nation. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. HOYER) come forward and lead the House in the Pledge of Allegiance.

Mr. HOYER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minutes per side.

REPUBLICANS TRIUMPH IN ANNUAL CONGRESSIONAL BASEBALL GAME

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I proudly hold the Roll Call Trophy signifying the Republican victory last evening, 17–1, over the Donkeys. We are very proud of this and our team. We want to thank MARTIN SABO, the manager of the Democrats, and all of the participants in this game. The real winner, of course, was charity. We raised over $100,000 for three charities, and we are quite proud of that. That is almost twice as much money as we have ever raised in this game, and we have raised that game to a new level.

I want to congratulate MVP ZACH WAMP, who hit an inside-the-park home run and was sterling in the field and STEVE LARGENT, who pitched another brilliant game, not walking one batter and has only given up two runs in 14 innings, two runs in two games, against the Democrats, this time even with a little bit of a sore arm. We are very pleased with this. We will have this over on our side of the aisle, Mr. Majority Leader, for everyone to see. Thanks again to all the sponsors and people who participated. This was a wonderful event. It just gets better and better every year.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I feel constrained to respond in light of the fact that our manager is not here. When you lose 17–1, not showing up is probably the best advice. But I want to say to my brother OXLEY, he and I are fraternity brothers and good friends. He is the manager of the Republican team. This was his first year as the manager. I hope it is not a preface of what is to come, because if it is, we on this side of the aisle are in a lot of trouble. But it was a good time. We played at one of the beautiful stadiums in America, in Bowie, Maryland, in my district.

On behalf of the gentleman from Minnesota (Mr. SABO), our manager and all the players on both sides, I want to congratulate all of those who were responsible for raising over $100,000. That is the purpose of the game, to raise dollars for young people, for organizations in the city and in this community, to enhance the lives of children.

And some very old people feeling much older today than they felt the day before played last night so that much younger people, probably much better athletes, will have opportunities that they might not otherwise have.

I want to congratulate both Manager OXLEY and Manager SABO for their leadership.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. The Chair would like to announce that one speech on either side concerning the Congressional baseball game will be accommodated outside the limit of five one-minute speeches per side.

TAX RELIEF

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in the preamble to the Constitution, the people of the United States declared that one of the purposes of having a Constitution was to promote the general welfare and secure the blessings of liberty to ourselves and to our posterity. Mr. Speaker, one of the best ways to promote the general welfare and secure the blessings of liberty to ourselves and to our children would be to pass meaningful tax relief, letting people keep more of what they earn means that their standard of living will go up.

It means that people can better save and provide for their families, better save for their children's education and maybe even better save for their own retirement. The Constitution speaks of providing the blessings of liberty to ourselves and our posterity and reducing death taxes means that family farms can stay in the family, and the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

family business can remain in the hands of the people who built it.

I urge my colleagues to support the tax relief bill when it comes before the House. I think that is in the best interests of our Constitution and our people and their posterity.

ILLEGAL STEEL IMPORTS IS NOT FREE TRADE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, just knowing that the President would veto any steel quota bill, in 1 month steel imports from Japan rose 40 percent; from South Korea 50 percent; from Brazil 80 percent; from Indonesia 140 percent; and from Russia, our good buddies in Russia, 550 percent increase, in 1 month. Unbelievable. While the administration is getting tennis elbow over there for patting themselves on the back for killing the steel bill, foreign companies are getting hernias all over America unloading steel on American docks.

Beam me up. If this is free trade, I am a fashion leader.

TAX CUTS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Republicans are in a quandary. We face some difficult choices. As the chairman of the Committee on Ways and Means the gentleman from Texas (Mr. ARCHER) works on his tax cut package, Republicans in Congress are engaged in a fierce debate. What taxes should we cut? CBO, or the Congressional Budget Office, projects budget surpluses totalling $824 billion over the next 10 years. That is real surplus, not counting Social Security surplus.

Some Republicans want to cut taxes on capital gains. That is the best way to keep the economy growing. Other Republicans want to cut or eliminate death taxes as a simple question of fairness. Some Republicans want to eliminate the senior tax. It is unfair to tax seniors who want to continue working at age 65. And some Republicans want to cut the marriage tax penalty, an obvious candidate for elimination because penalizing people because they are married is just plain stupid.

Democrats are arguing about which taxes to raise, but Republicans are considering tax cuts, tax cuts for all Americans.

PATIENTS' BILL OF RIGHTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I once again would like to call on the Republican leadership to bring up the Patients' Bill of Rights. I think many know that on Wednesday of this week, the Democrats initiated a discharge petition on the Patients' Bill of Rights, and as of yesterday afternoon, we had over 180 Democratic Members who had signed that petition to bring this HMO reform bill to the floor.

Yesterday also in the Senate, there was major action on the part of the Democrats to try to bring up the Patients' Bill of Rights, and also I should point out that the AMA, the American Medical Association, had a vote the other day which strongly indicated why we need HMO reform. I think it is abundantly clear that the American people, the Democrats and even some of the Republicans other than the Republican leadership are very supportive of HMO reform in a comprehensive way that essentially would be brought about most effectively by the Patients' Bill of Rights.

It is time to bring this up. It is time to stop talking and have some action on this issue which is so critical to the American people. More people contact my office about the problems that they have with managed care and the lack of patient protections than any other issue, and the horror stories continue. We must take action.

REPUBLICANS UNVEIL BEST AGENDA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I was asked by someone the other day, "What is the Republican agenda?"

Now, of course my first reaction was to think clearly this is someone who has never watched the 1-minute speeches.

But instead I told them about the Republicans' BEST agenda:

B is for best defense, E is for excellence in education, S is for saving Social Security, and T is for tax relief.

Republicans clearly have the BEST agenda.

A stronger military, improved education, a reformed Social Security system that will protect present and future seniors into the 21st century and tax relief for the middle class, investors, job creators and families. That is our agenda.

B for best defense, E for excellence in education, S for saving Social Security, T for tax relief. It is a positive, winning agenda for the Republican Party and for securing our Nation's future.

BUSINESS AS USUAL IN WASHINGTON

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, in Washington, the usual pattern is for the liberals to completely avoid any talk about raising taxes and then lo and behold they end up raising taxes once they get in office. In fact, this is how taxes got to be as high as they are today.

But this year it appears that the liberals are changing their strategy. To the shock of Washington insiders and even to some Members of the Democrat side, the leader of the Democrat Party in the House and the leader of the Democrat Party in the other body have announced in advance their enthusiasm for tax increases.

You heard that right, tax increases. Now, you have to admire their courage and you have to admire their daring. Middle-class families are not going to be so impressed, but lovers of expanded government, they are going to be ecstatic.

The House minority leader wants to expand Washington's control over our local schools and he wants to fund that with a tax increase on Americans. And the minority leader in the other body agrees. He said last weekend that tax increases are on the table.

I guess the Democrats really are serious when they say they are against business as usual in Washington.

FAIR CARE FOR THE UNINSURED ACT

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, this morning I am introducing the Fair Care for the Uninsured Act. This bill would create a new refundable tax credit for the purchase of private health insurance. The credit would be $1,000 per adult, $3,000 per family. No mandates, no bureaucracy. Your choice of plans, your choice of doctors.

Who is this bill for? Mr. Speaker, it is for the 44 million Americans who today lack health insurance. Their ranks are growing by 100,000 people a month. A decade from now, there could be 53 million, or 60 million if the economy softens.

Who are these people without insurance? They are the working poor, low-wage workers, people between jobs, the self-employed, cleaning ladies, African Americans, and Hispanics.

In California, Mr. Speaker, nearly 40 percent of the Hispanics are uninsured. Forty percent. And why is it they cannot afford insurance coverage? Because the tax code punishes you when you buy your own insurance outside the workplace. If your employer cannot afford a plan, you are out of luck. If your job is not full time, you are out of luck. That is not fair, and it is not necessary.

If the high-paid CEO is going to receive a big tax break for health care, then should the cleaning lady not that makes minimum wage?

Mr. Speaker, nowadays Democrats seem more eager to pile new mandates onto health care insurance than to help people who do not have any, but the truth is access to affordable health coverage is the first patient protection.

☐ 0915

So let us protect patients by helping those 44 million get good health insurance.

ONCE AGAIN REPUBLICAN LEADERSHIP TRYING TO TALK CAMPAIGN FINANCE REFORM TO DEATH

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, can there be any doubt now that the leadership wants to kill campaign finance reform? If my colleagues will listen closely, they can even hear the leadership trying to talk this issue to death one more time.

The leadership has ordered 2 months of hearings. Last Thursday was our first. What did we learn? Nothing, nothing that we did not learn in 15 hours of floor debate last year on the Shays-Meehan bill, a bill that passed this House by 252 to 179; nothing that we have not learned already in the 12 committee hearings on the issue since the 104th Congress.

Mr. Speaker, the time for talk has long since passed. The Americans want and expect action. We can pass the bipartisan Shays-Meehan bill right now. These hearings are a sham designed to delay actions. As our colleague, the gentleman from Tennessee (Mr. WAMP), observed, if we wait until September, the Senate will just run out the clock.

Mr. Speaker, I urge my colleagues to sign the discharge petition to bring Shays-Meehan to the floor. Otherwise these hearings promise to be the death knell for meaningful campaign finance reform this year.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 10, FINANCIAL SERVICES ACT OF 1999

Mr. DREIER. Mr. Speaker, first I am proud to stand next to this trophy for the 17-to-1 victory last night.

Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 10, the Financial Services Act of 1999. Today I inform the House of the Committee on Rules' plans regarding this bill in a "Dear Colleague" letter which I have just sent out.

The Committee on Rules will be meeting the week of June 28 to grant a rule which may restrict the offering of amendments to the Financial Services Act of 1999.

The bill was reported by the Committee on Banking and Financial Services on March 23 of 1999 and by the Committee on Commerce on June 15, 1999.

Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Committee on Rules up in H–312 of the Capitol no later than Tuesday, June 29, at 3 p.m.

Amendments should be drafted to the amendment in the nature of the substitute printed in the GPO Committee on Rules print which will be available to Members later today in the Committee on Rules' office. A version of the amendment in the nature of a substitute is now available on our Committee on Rules Web site. Members should use the Office of Legislative Counsel to assure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

FOSTER CARE INDEPENDENCE ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules. I call up House Resolution 221 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 221

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401(b) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed 80 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 401(b) of the Congressional Budget Act of 1974 are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. KNOLLENBERG). The gentlewoman from Ohio is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 221 is a structured rule providing for the consideration of H.R. 1802, the Foster Care Independence Act of 1999. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. An additional 20 minutes of debate time will be equally divided and controlled by the chairman and ranking member of the Committee on Commerce.

The rule waives clause 41(b) of the Congressional Budget Act against both the bill's consideration and the consideration of the amendment in the nature of a substitute recommended by the Committee on Ways and Means which the rule makes in order for the purpose of amendment. These waivers are required because there are provisions in both bills, in both the bill and the substitute amendment, that provide new entitlement authority. This authority will allow States to provide Medicaid coverage to adolescents leaving foster care and allow continued SSI benefits to certain Filipino veterans who fought in World War II, two worthwhile causes.

The Committee on Rules heard testimony yesterday which revealed that there is little controversy surrounding H.R. 1802; however, a few amendments were filed with the Committee on Rules which would make minor but important changes to the legislation. Of the six amendments filed, two were withdrawn, and three were made in order. One other amendment, which pertained to the Higher Education Act, was not germane to the bill.

The amendments made in order under the rule are printed in the Committee on Rules report. The amendments will be considered in the order specified by the report, if offered by the Member designated, and are debatable for the time indicated in the report.

Debate on each amendment will be equally divided between a proponent and an opponent, and the amendment shall not be subject to amendment or to a demand for division of the question.

To assure efficient consideration of the Foster Care Independence Act, the rule allows the Chair to postpone votes and reduce voting time to 5 minutes on a postponed question as long as it follows a 15-minute vote.

Finally, the rule provides for a motion to recommit with or without instructions.

Mr. Speaker, we have a crisis in this Nation which can be seen on the faces of thousands of children who are languishing in our foster care system. As an adoptive mother, I know firsthand the joy of opening one's heart and their home to a child. It is heartbreaking to look into the eyes of children who are so desperate to have someone to call mom or dad, to have a place to call home and to have a sense of peace that comes with permanency.

In 1997, Congress tried to help these children by passing legislation to facilitate the adoption of children in foster care. As a result, the dream of a permanent family and a loving home is becoming a reality for more and more children. Yet despite our best efforts to streamline the system and find willing families to adopt these kids, the reality is that there are thousands of children who will never leave the foster care system during their childhood.

Every year approximately 20,000 adolescents are forced out of the foster care system because they have reached the age of 18. On their 18th birthday they are emancipated and left to their own devices to create a life for themselves, often with no one to rely on for emotional, financial or moral support. It is not surprising that these young people are more likely to quit school, be unemployed, have children out of wedlock, end up on welfare or in jail. Without a support system, these kids often develop mental health problems, become dependent on drugs or turn to lives of delinquency and crime that put them at great risk of violence.

We simply cannot turn our backs on these young people. As parents, we do not cut off our children once they turn 18, although I think it is safe to say that even if we did, our children would have a better chance at survival than the products of the foster care system. These adolescents, more than most, need personal support and a helping hand if they are going to succeed in adulthood, and it is common sense to make a small investment in these kids to ensure they become productive taxpaying citizens who can make contributions to society rather than become lifelong dependents on the government.

The Foster Care Independence Act doubles the money available to the States for the independent living program to help children make the transition from foster care to self-sufficiency. The bill expands this program to provide assistance to former foster kids between the age of 18 and 21 by helping them prepare for secondary education, plan a career or train for a job. These programs also may offer personal and emotional support through mentors as well as offer financial assistance and housing.

Under the bill States are encouraged, though not required, to provide health care coverage through Medicaid to young adults who have left foster care. H.R. 1802 also increases the amount of savings children may accumulate and still be eligible for foster care payments. It makes little sense to discourage kids from saving some money to prepare for the day when they will be on their own. This legislation allows children to remain eligible for foster care assistance if they have resources up to $10,000.

To encourage innovation the bill provides flexibility to States and localities so that they can build on their own unique strengths and utilize their existing resources to meet the purposes of the independent living program. There are only a few requirements States are expected to meet, including a 20 percent match of Federal dollars. By requiring a State investment in a program, H.R. 1802 encourages wise use of funds. States also are expected to collect data and report outcome measures so that the Federal Government can assess what is working.

In addition to the worthwhile goals of this legislation with regard to foster children, the bill incorporates a number of reforms that will reduce fraud and inefficiency in the SSI program. The SSI program has been on the General Accounting Office's list of programs that are at high risk for fraud and abuse. Reforms of H.R. 1802 will save taxpayers nearly a quarter of a billion dollars over 5 years.

I hope my colleagues will agree with me on the merits of the Foster Care Independence Act which furthers the cause of good government by providing assistance to the neediest in our society while safeguarding the taxpayers' dollars by attacking fraud and abuse in government programs.

Mr. Speaker, a childhood spent in foster care is enough of a challenge for one lifetime. Let us help these children find a brighter future in their adulthood. I urge my colleagues to support this fair rule and passage of the Foster Care Independence Act.

□ 0930

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

This is a structured rule. It will allow for consideration of H.R. 1802, which is a bill that increases spending for the Federal program which provides job training and other services to foster children.

This rule provides one hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule permits only 3 amendments.

Most of us agree that primary support for children must come from their parents. However, when children do not have parents, the responsibility often falls to the State. Unfortunately, we do not always do a good enough job, especially for older children and for children who have left foster care and are trying to live on their own.

This bill doubles the funding for the Independent Living Program from $70 million to $140 million. This program helps foster children make the transition from foster care to living on their own, and it requires States to use a portion of these funds for children who have left foster care up to the age of 21. It makes a number of other changes aimed at improving the lives of foster children, including helping children save for education or other essentials.

This bill is the product of 2 years of hearings by the Committee on Ways and Means and extensive consultation with government agencies and private organizations. It is a bipartisan bill with the support of House Democrats and the administration.

The rule is very restrictive, because it makes in order only 3 amendments. However, there are special circumstances which make this rule acceptable. The Committee on Rules made in order all germane amendments which were submitted in advance. Moreover, the bill is a bipartisan effort that was drafted in an open committee process. Therefore, I support the rule, and I urge Members to vote for the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise to congratulate both of my friends from Ohio for their superb management of this very important rule. To me, this bipartisan rule represents perfectly the bipartisan nature of this legislation.

I think in the testimony yesterday delivered before the Committee on Rules, the gentleman from Maryland (Mr. CARDIN) said it best when he said, would a parent, upon seeing their child turn 18, all of a sudden take that child and throw them out and provide them no direction and no assistance whatsoever. And the answer is a resounding "no."

This legislation is designed to provide the States with flexibility within a framework that will ensure that many of the problems that those young people, once they reach the age of 18, have been facing, will, in fact, be addressed. It increases, in fact doubles, the level of funding for the program, and at the same time realizes that we cannot micromanage it from here in Washington, D.C. Every year, the figures that we have seen show that there are about 20,000 adolescents who leave the foster care program simply because they have reached the age of 18, and they are then expected to provide full support for themselves.

We know that there are many people who are between the ages of 18 and 21 who end up facing serious problems. In fact, they are inclined to quit school once they have come out of this program, to be unemployed, to be on welfare, to have mental health problems, to be parents outside of marriage, to be arrested, to be homeless, to be victims of violence and other crimes. As a Nation, we obviously want to do everything that we can to mitigate those sorts of challenges that are there.

So I simply would like to congratulate again the managers of the rule for helping us put together what is a structured, bipartisan rule for very important bipartisan legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN), one of the main sponsors of this bill, and certainly one of the guiding lights behind it, along with the gentlewoman from Connecticut (Mrs. JOHNSON).

Mr. CARDIN. Mr. Speaker, let me thank my friend from Ohio for yielding me this time.

This rule gives the Members of this body a rare opportunity: A chance to vote for legislation that has the enthusiastic support of the President of the United States and the majority whip of this body.

The Foster Care Independence Act has received its broad-based support because there is a general recognition that we are not doing enough for the 20,000 children who age out of foster care every year.

I want to inform my colleagues that the information that they may have received from the American Public Human Services Association on H.R. 1802 is very misleading. First, contrary to their letter sent to our congressional offices yesterday, H.R. 1802 provides increased Independent Living funds for every State, except South Dakota and the District of Columbia. The only reason why South Dakota and the District of Columbia do not receive increased funding is because we are updating the number of children in foster care for the formula that is currently about 15 years old, and both of those jurisdictions have had a reduction in the number of children in foster care.

Second, the same number overstates the number of States and the overall funding impacted by the bill's changes in the child support hold harmless provision.

Third, the letter's suggestion that States should be allowed to continue Medicaid coverage under SSI-related eligibility criteria for individuals denied SSI is already addressed by the manager's amendment which will be made in order when we adopt this rule.

Mr. Speaker, I urge the adoption of this rule and the adoption of the Foster Care Independence Act.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, there is little controversy surrounding this rule or the underlying bipartisan legislation which will help us meet the needs of some of our most vulnerable citizens, children who have spent their lives in the foster care system. I hope all of my colleagues can see the wisdom of investing some Federal dollars in the programs that will prevent more young people from falling through the cracks once they turn 18 and leave foster care. Let us give them a fighting chance at some success and happiness in life.

Mr. Speaker, I urge a "yes" vote on the rule and the Foster Care Independence Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Pursuant to House Resolution 221 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1802.

□ 0938

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes, and the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Michigan (Mr. DINGELL) each will control 10 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am grateful for this opportunity to present to the House H.R. 1802, the Foster Care Independence Act of 1999. H.R. 1802 provides important help to children who are leaving foster care so that they can establish themselves as self-reliant adults. The goal is to prepare these young people to be able to move into the work force or to continue with their education on the very day they leave foster care. These children face very difficult problems and we must create programs to help them learn to be self-reliant.

I want to thank my colleagues and lead cosponsor, the gentleman from Maryland (Mr. CARDIN) for his leadership in drafting this legislation. His great interest in these young people, and knowledge of their problems and of the current programs has made him an invaluable coauthor of this legislation. The gentleman from Maryland and I have also worked with numerous highly qualified and experienced people in the administration, State governments, and private and nonprofit sectors, and have gained from their experience. Consequently, this bill enjoys broad bipartisan support and is endorsed by the administration.

Our bill contains five central innovations. First of all, we double the money available to the States for helping children leaving foster care establish themselves as adults.

Second, we require States to in effect conduct two programs, one for adolescents before they leave foster care, and a second program for young adults who have left foster care and are in the process of establishing themselves as independent adults.

Third, we require States to prepare every adolescent in foster care by age 18 to either get a job or attend an institution of higher education. On the very day they leave foster care, it is our expectation that State programs will have these children ready to follow one or both of these paths.

Fourth, we have worked with the Committee on Commerce to modify Medicaid law so that many of the 18, 19, and 20 year olds who leave foster care may receive Medicaid coverage.

And fifth, we raise the asset level so that these young people can save as they work in high school for a security deposit on an apartment, down payment on insurance on a car, and build a cushion for life's inevitable challenges.

The services States must provide to these young people so they will succeed are broad: Assistance in obtaining high school diploma; postsecondary education; career exploration, vocational training, job placement and retention; training in daily life skills; budgeting; substance abuse prevention education; education in preventive health care, including smoking avoidance; nutrition education; pregnancy prevention; and for the first time, foster children must be involved in designing their program and accepting personal responsibility for carrying it out.

Lastly, States must coordinate their independent living programs with their school-to-work programs, other work force training programs, community college and university programs, and other relevant programs like abstinence training.

Finally, let me briefly outline the contents of the manager's amendment. Actually, I am going to skip through this in defense to many who want to speak on this bill and just mention that one of the things that we do in this bill is to authorize additional payments to States for increasing their rate of adoptions. The amount of bonus money we appropriated in previous legislation is inadequate because States have done such a remarkable job of increasing the number of adoptions of children in foster care.

Mr. Chairman, many of these kids have suffered more hard knocks in their lives than any of us ever will, but they have skills and abilities. They have dreams and hopes. Many of them are an inspiration. They not only deserve our support, but they are a good investment. Today, two-thirds do not complete high school, 61 percent have no job experience, and 38 percent are diagnosed emotionally disturbed. Most end up jobless, addicted, pregnant, or in jail. That is a terrible thing, to waste a child's life when they are filled with the same abilities and dreams that our own children are.

We can and must change that. With common sense and resources, with focus on work and education, with just good care, common sense and concern, these kids can fulfill their dreams like all American children should be able to.

Mr. Chairman, I am pleased to present this legislation to the Members today.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me commend the gentlewoman from Connecticut (Mrs. JOHNSON) and the ranking member, the gentleman from Maryland (Mr. CARDIN) for seeing a serious problem and working together in a bipartisan way to find a solution that Members on both sides of the aisle would be anxious and proud to support.

Most all of us know as parents that a child becoming 18 does not necessarily mean that they are ready to assume the responsibility of adulthood. This is especially so for those children who find themselves in foster homes where most of the benefits would just be terminated because they are 18 but not out of foster homes.

This legislation gives them a chance to get their lives together, allows the State to continue to give Medicaid support, and allows them also to give the type of assistance that is necessary so that they will be more able to adapt to negotiate adulthood, in seeking jobs and entering into society.

□ 0945

This has been paid for by provisions to amend and improve the supplementary Social Security Income program. Most of these provisions that are paid for have been requested by the SSA, and also a provision on child support from President Clinton's budget.

Nearly 20,000 children out of our foster care system are placed in high risk of homelessness and sometimes are the perpetrators as well as the victims of crime.

As the gentlewoman from Connecticut (Mrs. JOHNSON) has pointed out, this legislation provides the tools of education, it provides the continued health coverage, it provides for the ability for them to find a place to live so that they can become productive and independent.

I cannot thank the Members enough for their work, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN). As the gentlewoman from Connecticut has pointed out, it has broad-based support: The Child Welfare League of America, the Children's Defense Fund, and of course, President Clinton.

Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. CARDIN), the ranking member of the Subcommittee on Human Resources, and I ask unanimous consent that he be allowed to allocate the time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I also would like to commend the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their excellent work on this legislation.

The Committee on Ways and Means had primary jurisdiction for this legislation. I am here as a member of the Committee on Commerce because in the Committee on Commerce we have jurisdiction for Medicaid, and this bill quite intelligently and compassionately extends the opportunity for States to extend Medicaid eligibility to foster children during their 18th, 19th, and 20th years.

I am also here because prior to my commitment to public service, I was a foster care worker. I worked with these very children. It was my job to identify children who were physically abused, who were neglected, who were in many cases sexually abused. If it was not safe or in the children's interest for them to remain with their biological parents, we went to court and got custody of these children, and tried our best to find good foster homes.

The foster care system in America is the system that we use to compassionately come to the rescue of these children, who have had the most, in many cases, horrific and tragic childhoods. But the problem with our foster care system, as good as it is up until that 18th year, is that suddenly and arbitrarily we withdraw support from children.

I have watched these children age out of the system. I have seen how one day, up until their 18th birthday, they are in a foster home, they have a bedroom, they have a refrigerator, they have a mom and a dad, and the next day they are on their own, they are out into the cold, fending for themselves. Maybe they have a low-paying job, maybe they do not. Maybe they have a place to live, maybe they do not. It is sad.

When we think of ourselves as parents, how many of us with our children, who have the fortune to have had good, stable upbringings where they are loved, how many of us say, here is your 18th birthday card, hit the street? We do not do that. Certainly for those kids who are most vulnerable, who have the most emotional and sometimes physical scars, we should not be so callous, as well. This bill reverses that.

If we look at any of the dysfunctional characteristics of people in America, over and over again the data shows that the primary predicter for all kinds of dysfunctional behavior, substance abuse, criminal behavior, mental health problems, is a childhood of trauma and abuse. We know these children coming out of foster care very frequently are the kids who most need help in transition.

Many of them have been involved in much needed and very important mental health therapy. They have been going to a counselor to talk about their sexual abuse that they have received at the hands of a parent, or their physical abuse. And again, at the age of 18, without this legislation, we stop that arbitrarily and not only send them out into the streets without any physical help, but without any psychological help as well.

Again, this legislation wisely would permit the transition for these children to continue to have mental health therapy, if that is what they need.

Mr. Chairman, I have not been a caseworker since 1980. That is 19 years ago. I still have some of my kids call me. They call me at home on holidays, they come into my congressional office. Most of them are doing okay. Some of them are still, 20 years after being released from foster care, still on the streets, still struggling because they did not have the help that they needed in making that transition.

This legislation is consistent with other changes that we have made in social welfare policy, where we no longer encourage or even tolerate people to remain with lives of dependency, but nor do we suddenly and arbitrarily pull the rug out from under them; but rather, we help people who are in need to transition from the time in their lives where they need support from others to a time in their lives where they can successfully transcend their dependency and become independent.

Again, I commend the authors of this legislation. We think this legislation is wise and compassionate.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first compliment the gentlewoman from Connecticut (Mrs. JOHNSON) for her leadership on this legislation.

As chair of the committee, she held early hearings so that we could establish the record that we all knew would be there that we are not doing enough for the children aging out of foster care. Due to her leadership, we are able to bring forward a bill that is supported by both the Democrats and the Republicans, and has the strong support of the Clinton administration.

I want to also compliment Ron Haskins, the majority staff person, Nick Gwyn, the Democratic staff, for the work they have done in bringing this bill to the point where it enjoys very, very broad support.

Mr. Chairman, we are here today because we are the parents of children aging out of foster care. We are responsible for them. Twenty thousand children every year age out of foster care. These children are very vulnerable. In many cases they were removed from their natural parents because of abuse, neglect, or abandonment. They may have been in two, three, four, five, or more foster homes during their childhood. Now they turn 18 and we say they are on their own.

How many of us as parents tell our children at 18 that they are on their own? We have a responsibility. These children are very vulnerable at the age of 18. In many cases, they lack housing. They have poor employment prospects, inadequate educational achievement, absence of health care coverage, and tragically, many have substance abuse and will become homeless.

The legislation that we bring forward contains five major provisions in order to deal with this circumstance. First, we double the amount of money available in the independent living program from $70 million to $140 million. We expand counseling services, not just for children over the age of 18 but for children under the age of 18, so they can be prepared upon reaching that age to be more self-sufficient.

We expand educational opportunity, training, job accomplishment, and other resources available so that they have a better chance to be able to make it in independent living.

Second, for the first time we allow the use of independent living program funds for housing assistance for children aging out of foster care between the ages of 18 and 21. This is a major change in Federal law. It acknowledges that 18-year-olds coming out of foster care have difficulty finding adequate and safe housing. Yes, many end up homeless today, and we want to do something about that.

Third, the legislation allows an 18-year-old to have a little bit more money in the bank. Under current law the limit is $1,000, almost penniless, expected to make it on their own. This bill allows a foster child to at least accumulate up to $10,000 so they may have some money in order to put down a deposit on an apartment or to be able to get an automobile for transportation, so they can make it in the real world.

Fourth, the legislation improves the data and research on children in foster care. Mr. Chairman, we have a responsibility to establish reasonable goals of what we want to achieve in our foster care program. Yet, we do not have the information today in order to evaluate that.

This legislation will give us the tools to be able to assess what the Federal programs should be accomplishing and to hold our local governments accountable to reasonable results.

Fifth and last, it allows the States to provide Medicare coverage for those children between the ages of 18 and 21. A recent study shows that as much as 44 percent in that age group are having great difficulty finding health insurance.

Mr. Chairman, this legislation is not without cost. It has been scored to cost $500 million over 5 years. The legislation is paid for, which we think is the responsible thing to do. We have done that in a way that we think adds to the benefit of the legislation before us, first by curbing abuse in SSI fraud so that we can make the system more accountable; secondly, by allowing veterans of World War II to collect SSI at a reduced amount if they desire to return to their homeland; and third, by repealing the child support hold harmless provisions that were put in the law during welfare reform in 1995.

I think all of us know that welfare rolls have dropped dramatically since 1995. The hold harmless, which was questionable when it was put into the law, certainly today tends to provide more Federal resources than the States actually spend in child support enforcement, but we decided to do a good thing in repealing the hold harmless.

That is, we adopted an approach in the manager's amendment that was suggested by the gentleman from Wisconsin (Mr. KLECZKA) to reward those States that passed through their child support collections to the families, to the families coming off of welfare, so we encourage the family units; so that the noncustodial parent believes, and rightly so, that he or she is part of supporting the family.

Mr. Chairman, this is good legislation. I encourage my colleagues to support H.R. 1802.

Mr. Chairman, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a member of the subcommittee.

Mr. FOLEY. Mr. Chairman, let me very much thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her chairmanship of this important committee, and the ranking member, the gentleman from Maryland (Mr. CARDIN), for their hard work on this important bill, the Foster Care Independence Act of 1999.

We can all remember how hard growing up can be. Fortunately for most of us we had loving and supportive of family and parents to nurture, encourage, and teach us how to gradually enter adulthood. I could never imagine the feelings of fear or uncertainty that a foster care approaching his or her 18th birthday must have. While most teens are celebrating their graduation from high school and working at part-time jobs while they anxiously wait to leave for college, foster children are trying to figure out how to find a job and who will pay enough to put a roof over their head and to put food on their own table.

Last year Florida had 3,103 youths who were eligible for independent living programs. Although some of these kids have foster parents who stick with them and are willing to help, including giving them money out of their own pockets, many have been shuffled around so much that they do not have anyone to turn to.

These foster children have barely been able to be kids, and suddenly they are forced to become instant adults. It is no wonder that many of them end up on the streets or on welfare, or as teenaged parents.

By getting States to provide 18- to 21-year-old foster children with job training, job skills, financial planning classes, information on higher education, counseling, life skills, housing, and health care, we are giving these kids a better chance to become responsible adults. We are giving them a chance to have a life that is not characterized by fear and by hardship.

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We are giving them their independence, not only from their foster parents, but from Federal assistance. But we are also preparing them to handle this independence and to make choices that lead to positive results.

My own State of Florida has already provided Medicaid and tuition assistance to older foster children. There are many programs that teach independent living skills. However, we can not always reach all of the children that need these services or provide all of the programs in every area of the State. This bill will enhance the ability. It will give foster children a chance.

I urge passage of this very, very important legislation.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Chairman BILIRAKIS) for taking swift action on the Foster Care Independence Act of 1999. I thank my colleagues on the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL), for taking up this bill, which will provide financial assistance for former foster care children between the ages of 18 and 21.

As these young people age out of foster care without a permanent family or a structure of continued support, they can face problems with the social, emotional, and basic skills necessary for self-sufficiency. By increasing the availability of services designed to improve the transition into independent living, such as budgeting, career planning, and safe housing, these young people can face a brighter future.

By increasing funding for the Independent Living Program, this bill would provide Ohio's and my State's foster care children with 10 percent more funding, increasing that funding from $2.8 million to $3.2 million.

In addition to providing financial support for adolescents leaving foster care homes, this bill would give States the option of providing Medicaid benefits to these teenagers until they reach the age of 21. The security of comprehensive health insurance is critical, not only for their health, but to give them the freedom to concentrate on preparing for the future.

Young people leaving the foster care system who are just starting out on their own need our assistance. This will do just that. I urge my colleagues to support its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

I want to join with my colleagues in encouraging support of this bill. This bill really provides significant transition that is not readily there for foster kids who, by the time they reach 18, have, on many occasions, if not most occasions, faced more adversity than most of us face in a lifetime: the insecurity of the life as a foster child, the not knowing the situation with one's parents, the not knowing what may come next.

In fact, statistics show that foster kids do have greater problems as adults with alcoholism, with homelessness, with crime, with poverty. This bill helps give that independent living transition the leg up that is needed.

The gentleman from Ohio (Mr. BROWN) just talked about the importance of continuation of health insurance. Many, many kids in our society have health insurance from 18 to 21, or maybe even 18 until 23 because they are continuing their education, and their parents are able to extend their coverage to them. That is not available to foster children. So foster children, during that time of transition, during that decision about further schooling, have to deal with this critical question of health care and insurance as well. This helps bridge part of that gap. This is a bill that really does address the needs of foster kids.

This Congress needs to be committed to foster care. The gentleman from Texas (Mr. DELAY), the majority whip, is a foster parent. He and his wife have foster children. Others in this body have really been leaders in trying to extend to foster care and foster children the care that is missing in their life.

This Congress can show we care today about these kids. We care about what happens to them as they make that transition often, and most often without the benefit of that parental involvement in their life, the transition to the work force, transition to adult responsibility, a transition to taking care of themselves. This bill helps make that happen.

I urge my colleagues to support it.

Mr. CARDIN. Mr. Chairman, I am now pleased to yield 3 minutes to the gentleman from California (Mr. FILNER), the sponsor of legislation that is incorporated in the legislation we have before us that gives flexibility to our veterans.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I want to speak to one provision of H.R. 1802, a provision introduced as H.R. 26, which, for the RECORD, was originally sponsored by the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

I thank the gentlewoman from Connecticut (Ms. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for taking this legislation, broadening it, and fitting it into this bill today.

The provision I am speaking of allows Filipino World War II veterans, and others currently on SSI and living in the United States, to return to the Philippines if they wish to do so, taking a portion of their SSI with them.

When many Filipino World War II veterans immigrated to the United States, they thought they would get full veterans benefits once they arrived here to allow them to live in dignity. However, they were denied these benefits, and many are living alone and in poverty today, unable to bring their families here with them to the United States.

So this legislation will allow those who wish to return to the Philippines to be with their loved ones in their final days to do so. This is a humanitarian gesture and one which finally recognizes these soldiers as true veterans.

It will also save us money. It is possible that as much as $30 million a year could be saved.

As many of my colleagues know, during World War II, the military forces of the Commonwealth of the Philippines served in our Armed Forces by Executive Order of the President of the United States. With their vital participation so crucial to the outcome of this war, one would assume that the United States would be grateful to their Filipino comrades. So it is hard to believe that, soon after the war ended, the 79th Congress voted to take away those benefits and recognition that Filipino World War II veterans were promised earlier.

Over 50 years have passed since that action took place, 50 long years in which Filipino veterans and their sons and daughters have been waiting for justice. Two hundred nine cosponsors of last year's Filipino Veterans Equity Act, again introduced by the gentleman from New York (Mr. GILMAN), have asked our colleagues to correct these injustice that veterans have endured.

This bill is a significant step on behalf of many of these brave colleagues who served side by side with the forces from the United States. Let us join together in this bipartisan effort to correct this monumental injustice. I urge my colleagues to support H.R. 1802.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), who is chairman of the Committee on International Relations, but for today's purpose introduced the legislation that is bringing to our Filipino veterans really a very humane and wonderful option. I thank the gentleman from New York for his work.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time, and I thank her for her kind remarks.

Mr. Chairman, this Foster Care Independence Act is an excellent act, and I commend the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their bipartisan leadership on this important measure.

This legislation accomplishes three worthy goals. First, it makes changes to Federal foster care programs by providing additional funding that is needed, as well as granting greater flexibility for various States to help prepare foster care teenagers for independent living once they leave the program at age 18.

Second, this measure establishes additional procedures to crack down on fraud and abuse within the Supplemental Security Income Program.

Finally, this legislation incorporates language from a bill that I introduced, along with the gentleman from California (Mr. FILNER), H.R. 26, which permits Filipino World War II veterans who currently are recipients of SSI benefits to be able to retain those benefits if they decide to return to their homes in the Philippines.

Each Filipino veteran who chooses to do this will still have his SSI benefits, but at a 25 percent reduced rate to reflect the lower cost of living in the Philippines.

I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Subcommittee on Human Resources, and the gentleman from Maryland (Mr. CARDIN), the ranking member, for permitting our Filipino veterans the opportunity to testify on this measure at their hearing earlier this year, and for incorporating our language in H.R. 26 in the overall bill.

It is estimated that several thousand Philippine veterans will be affected by this change in law. Many of these veterans are financially unable to petition their families to immigrate for our country, causing them to live alone. When this bill is adopted, these veterans are going to be able to return to their families in the Philippines, bringing a decent income with them.

Accordingly, I urge my colleagues to fully support this worthy measure.

Mr. CARDIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD), who has also been very actively involved in helping our Filipino veterans.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 1802, and I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) and of course the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. FILNER) for their efforts in particular for the provision regarding extending SSI benefits as a humanitarian gesture to World War II veterans, particularly the focus is Filipino veterans.

Under current law, World War II veterans who live in the continental United States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands are eligible for such benefits. However, if such veterans move to a foreign country, like the Philippines or the other U.S. territories, their benefits would stop.

Over the years many of us have tried to rectify this matter to extend such SSI benefits to our veterans who desire to return abroad to the Philippines or who wish to be united with their families in the territories. Some of us, particularly from the territories, have also tried to address the inequities of those in the territories who currently do not receive any SSI benefits because, under the original legislation, Guam, the U.S. Virgin Islands, Puerto Rico, and American Samoa were excluded.

Today, we address one of those inequities under the current law by allowing World War II veterans who qualify for SSI now to be able to continue their benefits should they desire to return to the Philippines or to the territories; and, of course, we are in full support of this measure. Our Filipino veterans in particular who fought valiantly alongside U.S. troops in World War II deserve this recognition.

I remain, however, concerned that World War II veterans who already reside in the U.S. territories, U.S. citizens, all who are not currently receiving SSI benefits, will not be eligible under this provision simply because of the fact that current benefits extend only to those veterans who live in the continental United States.

Mr. Chairman, while we try to resolve one inequity for Filipino veterans, let us not forget the inequities which exist for other U.S. citizens.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to return briefly to the foster care issue. I think it is important to underscore who is an 18-year-old foster child. Some of us think of a child coming into foster care at a very early age and remaining there for 18 years. That should not happen and rarely does happen.

Usually a child who comes into care early is either reunited with their biological family after they have overcome some of their difficulties, or, if that is not possible, the child is adopted.

An individual who turns 18 years of age in foster care probably came into foster care relatively late. It underscores the abruptness, when one had a horrendous event in a child's life, where one finally detects a bad home life at the age of 13 or 14 or 15, one brings that child into foster care. It is very difficult to find an adoptive home who will adopt a teenager.

So, again, these kids have come into care abruptly. To release them from care abruptly does them a terrible disservice. This bill corrects all of that. It is a tremendous bill.

Mr. Chairman, since the Committee on Commerce has no additional requests for time, I ask unanimous consent to yield the balance of my time to the gentlewoman from Connecticut (Mrs. JOHNSON).

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I would like to thank the gentleman from Ohio (Mr. BROWN), the ranking member, for recognizing me for this time, and for the work that has been done on this bill by both the leaders of the Committee on Ways and Means, the jurisdiction of the Committee on Commerce, and certainly the gentleman from Maryland (Mr. CARDIN) and the gentlewoman from Connecticut (Mrs. JOHNSON) for their work on this bill.

So I rise in support of H.R. 1802, the Foster Care Independence Act. I support providing more resources to the States to help children make the very important transition from foster care to independent living.

I also want to express my support for the critical provision in the bill for World War II veterans, especially the Filipino-American veterans. I know that there are many of us that have worked on this provision for a long, long time and support it. I want to salute those that have seen fit to put it in this bill.

For the more than 500,000, that is a half a million, children in our country today in the foster care system, turning 18 can be a frightening time. They have had a rough time being in the foster care system, because we know it is not a system that we can at all times say that we are proud of.

I know of what I speak, because I rise as a foster parent. One of my kids came to us at 13 years old, and we were her 26th placement. It is very difficult to move on in life having moved through a system that is rough, children that have really not had a real home and parents to love them. So I think I know of what I speak because I have dealt with the system.

For those of us that have raised teenage children, we know that it is a very, very difficult time. It is difficult for them to move out on their own and pay their own bills.

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So H.R. 1802 addresses this by providing States the flexibility and the necessary funding.

We can do all the talking we want about these things, but if there are not the necessary resources to continue supporting these kids through the age of 21 and what comes with it, then what we want to happen really will not happen. We can do better for our Nation's children. I think this bill sets this aside and does that.

There is another group of people, Mr. Chairman, who I think deserve better than the current system, and that is the underinsured and uninsured women in our country that are diagnosed with breast and cervical cancer. I am using some of this time to once again highlight something that has been left so far unattended by this Congress and I think that we need to move on it.

In 1990, the Congress directed the CDC to provide screening for breast and cervical cancer for underinsured and uninsured low-income women. It was a very, very important step that the Congress took. But we need to take the next step, because women that are diagnosed through the screening are then informed by us that they are on their own; that there is not any resources for the treatment that needs to take place.

A bill that I introduced with my colleague the gentleman from New York (Mr. LAZIO) would close this loophole, and I urge the leadership to not only hold a hearing on this bill that has 250 cosponsors but also to move on a markup. I think we can do this, along with what we are doing today with the foster care bill, and I thank my colleagues for giving me the time to not only underscore this but to rise in support of 1802.

I support providing more money to states to help children make the very important transition from foster care to independent living.

For the more than 500,000 children now in the foster care system, turning 18 can be a frightening time. That is because the system we currently have in place drops them on their 18th birthday.

For those of us with teenage children, we know that 18-year-olds aren't often prepared to live on their own, paying their own bills. H.R. 1802 addresses this by providing states the flexibility and funding to continue supporting these kids until age 21.

I support this bill because the Nation's children deserve better than the current system.

There is another group of people who deserve better than the current system, Mr. Chairman—uninsured and underinsured women diagnosed with breast or cervical cancer.

In 1990, Congress enacted the Breast and Cervical Cancer Mortality Prevention Act, authorizing a breast and cervical cancer-screening program for low-income, uninsured or underinsured women through the Centers for Disease Control (CDC).

This law was an important first step, but it was only a first step. While the current program covers screening services, it does not cover treatment for women who are diagnosed with cancer through the program.

A bill I have introduced with my colleague, RICK LAZIO of New York, would close this loophole.

The Breast and Cervical Cancer Treatment Act (H.R. 1070) would establish an optional state Medicaid benefit for the coverage of uninsured and underinsured women who were screened by the CDC program and diagnosed with breast and cervical cancer.

The federal government should not be in the business of telling low-income women, "We've helped you find out whether you have cancer, now that you do, you're on your own."

H.R. 1070 is a matter of life or death.

Breast cancer kills over 46,000 women each year and is the leading cause of death among women between 40 and 45.

Cervical cancer has a mortality rate over 30%.

Yet, it lies in the drawer of a Commerce Committee staffer with no floor action scheduled and no date for a markup.

The Committee Leadership has said we don't have time for the Breast and Cervical Cancer bill.

Yet, twice in the past week, the Commerce Committee has discharged its jurisdiction on legislation and brought it immediately to the floor for a vote.

On Tuesday, a resolution on prostate cancer with 65 cosponsors.

Today, a bill on foster care with no cosponsors.

And yet, the Breast and Cervical Cancer bill—a bill with 250 cosponsors, including over three-quarters of the Commerce Committee—remains in limbo.

What kind of message are we sending to the women of this country? We have time for prostate cancer and foster care but no time for a breast and cervical cancer treatment bill that has the overwhelming support of over half the Congress and yet we have time to push through other bills?

Thankfully, Mr. Chairman, we possess the technology to detect and treat breast and cervical cancer. But we must pair this with the will to help women fight this disease.

Treatment for breast and cervical cancer should not be a partisan issue.

In the last decade we have made great strides in diagnosing and treating breast and cervical cancer. But the causes of these cancers remain unknown and for many women how they will pay for their treatment remains unknown as well. H.R. 1070 would change that for thousands of women each year.

The women of this country deserve consideration of H.R. 1070. The 18 organizations that endorse the bill deserve its consideration. The 250 Members of Congress who are cosponsors deserve its consideration.

I implore the Commerce Committee Leadership to schedule a markup of H.R. 1070, the Breast and Cervical Cancer Treatment Act.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a member of the subcommittee. I appreciate his work on this bill.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to express my support for H.R. 1802. Each year 20,000 young people leave the foster care system when they turn 18 years old. All young people face new challenges on their 18th birthday, but as we learned in committee, many foster care individuals face individual hurdles.

By continuing our efforts to fight fraud and abuse in the SSI program we are able to return more money to the States for independent living programs. These programs identify adolescents who are getting ready to leave the foster care system and help them achieve self- sufficiency.

The SSI fraud prevention provisions in this bill build on the seccess of the 1996 welfare reform bill. For example, SSA, Social Security Administration, is required to share its prisoner database with other Federal agencies to prevent the continued fraudulent payment of other benefits to prisoners.

Under H.R. 1802, the prisoners and fugitives are barred from SSI eligibility for 10 years if they fail to report receiving payments while in prison or violated a repayment schedule. Representative payees who do not return SSI payments made after the death of a beneficiary would be held liable for repayment under this legislation.

H.R. 1802 also cracks down on doctors and lawyers convicted of SSI fraud. So by stopping fraud and abuse, we can benefit the needs of foster kids.

In closing, I would like to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their work on this important legislation. It is my hope my colleagues will join me in voting for H.R. 1802.

Mr. BROWN of Ohio. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CARDIN) of the Committee on Ways and Means.

Mr. CARDIN. Mr. Chairman, I yield 6 minutes to the gentlewoman from Ohio (Mrs. JONES), who has been one of the real leaders in this Congress on the issues of children.

Mr. JONES. Mr. Chairman, I rise today in support of H.R. 1802. As Cuyahoga County prosecutor, I oversaw a unit of 18 attorneys responsible for litigating issues of abuse and neglect. In that capacity this issue of foster care children aging out of the child welfare system arose in both the civil and criminal arena.

I would like to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. Cardin) for asking me to come to the floor to speak on this issue. Mrs. Jackie Ashby, a constituent from my district, wrote the following letter, which best expressed the need for change. She originally wrote in support of H.R. 671, however, her comments are just as applicable to 102.

Miss Ashby is a social worker in my district.

She writes: "Dear Representative Tubbs-Jones: It has come to my attention that the house resolution is being debated concerning abused and neglected children who are aging out of foster care. I would strongly urge you to support this bill. I work in an independent living program in Cleveland. The children I work with are 18 years old and are exactly the children for whom this resolution is aimed. I know from first-hand experience that these kids need your help.

"Ten years ago I kept watching children leave our residential center or even our group home to the street because they had nowhere else to turn. Once they turned 18 they were too old for the child welfare system to take care of them anymore and they were unprepared to manage job, school, bills, relationships, drugs, sex, and all the other things that go with adult life. They ended up back with the same parents who abused or neglected them or in relationships that mirrored those poor parental relationships. Often this resulted in them becoming homeless, abusing drugs or becoming either victims or perpetrators of crime.

"There were many good programs out there, and my agency gave me the freedom to look at these programs and find a model that worked for these kids and start it. Five years ago three staff and myself began the independent living program. We had our share of troubles. The scenarios above still happen for some kids. But I can tell you more kids now graduate from high school. More kids than before learn what it takes to be a good worker and how to keep a job, and more kids know that they can never go home, at least not to stay again. And they do have other choices.

"The sad thing is that sometimes all those revelations happen after they have been kicked out of the children's welfare system. Being homeless, jobless or overcome by drug abuse are powerful lessons that many kids could be helped with when they ask for it, but the system doesn't allow for reentry into the children's system once they are 18. The adult system here in Cleveland, although better than most, doesn't cater to the specific problems of young adults. Consequently, young people who are belligerent, present poorly, and are reluctant to follow through without a good deal of follow-up by the case manager won't get services.

"Let me give you an example. Linda spent her whole life in foster care. From foster care home to foster care home, even a failed adoption. All she wanted was to be able to live with her mother, for whom she knew was parenting her other three siblings. Reunification was tried and failed. One home after another couldn't tolerate her belligerent attitude, skipping school and her sexual acting out. Out of frustration, certainly not because she was mature enough, the child protection worker recommended an independent living program.

"Linda loves the idea. Finally she has a home of her own. And for the first month of the program she does wonderfully. She is compliant, eager to learn and has made a nice connection with the staff. School starts to fall apart. She was behind in school so now she starts cutting classes. She has all-night parties with all her friends in her apartment, and now her counselor thinks she is using marijuana. The program tries intervention after intervention. Linda states she wants out, out of the system and out on her own.

"Her wish gets granted, mostly because there are so few services to offer an adult who is unwilling to comply with basic rules. So Linda goes back with mom, which is where she always wanted to be. But Linda's fantasy of having mom waiting at the door with open arms is quickly dashed by the reality of a mom who now has other children to attend. Linda and mom never worked out the problems of the past, so the past repeats itself and Linda at some point either leaves mom's house or gets kicked out.

"Linda now ends up either going from friend's house to friend's house, if she is lucky to have friends, or on the street. Now Linda is calling the program back saying, gee, I learned my lesson, you were all right all along. Take me back, I'll be better. And the social worker says, sorry, we would love to have you back. I really believe you have learned your lesson, but you're not a kid any more. You're an able-bodied adult, and you should get yourself a job and make a life for yourself.

"After reading this you might say, tough love is the best medicine. And for some, a good dose is. But how many 18 years old do you know who have had sometimes 20 caregivers over the course of their young life and who have to decide where they are going to live, how they are going to support themselves, what they're going to do without anyone's support all by their 18th birthday. It is tough when you have no one to rely on.

"This kind of funding that the house resolution offers is a chance to give a child like Linda help at a time when she can really use it."

The letter goes on, but I think it specifically states what we are all talking about here on the floor. She says, "I have 20 more stories like this." Her words can better express, based on her experience, anything that I or my colleagues would say, and I urge the support of this resolution.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. Chairman, around here and in this process we rarely get a chance to see the dimensions of any Member, and I would have to say when he testified before our committee he was the first one to describe the agony of foster parents as they have to deal with the 18th birthday issue.

So I commend the gentleman for both his work on this legislation and for his good work as a foster father.

Mr. DELAY. Mr. Chairman, I rise in very strong support of this bill. I cannot thank the gentleman from Maryland (Mr. CARDIN) and the gentlewoman from Connecticut (Mrs. JOHNSON) enough for bringing this very, very important piece of legislation that will have a very strong impact on children in America.

There is no better investment that a Nation can make than in its children, and it is time that the welfare of all of America's kids are furthered, all of them, including the abused and neglected and children in the foster care system.

Approximately 20,000 young Americans are released from foster care every year, often without any previous experience with independence. This bill provides direction and assistance for these young adults struggling to make a new start.

American youths are let out of the foster care system on their 18th birthday. Now, for many of those children this can be a bittersweet occasion. In many of the instances they have not graduated from high school, have never held a job, are unemployable for the near future, and they lack basic every day living skills, such as just cooking or keeping a checkbook. Leaving foster care translates into leaving the only security many of these children have ever had.

Now, today, it is taken for granted a loving supportive family is important for youth. But all children are not so blessed. My wife Christine and I are foster parents and we know firsthand the struggles that confront these kids. It is difficult for the average American to understand just how scary it must be for a teenager to be alone. Add the necessity to be self-sufficient for the first time, and a strong recipe for defeat is concocted. But such despair can be avoided, and this pending foster care legislation sets foster children down the right path to adulthood.

My foster daughter turned 18 yesterday. And she, by all rights, should be out on the street. But she is staying in our home, getting ready to go to college. And this bill gives new flexibility to States to develop programs that provide skills to foster children during and after they are in foster programs. It requires States to guarantee that everyone is either employed or in school when they leave foster care. It also lets them keep their medical benefits after they turn age 18, which now are stripped from them the day they turned 18.

An old cliche relates that an ounce of prevention is worth a pound of cure. This argument is even more compelling where young lives are concerned. Some early preventive measures save a lifetime of grief and trouble, partly because the failures in current foster care transition periods, the rates of crime, jail time, homelessness, and welfare dependency are very high among Americans formerly in foster programs. There is no reason to accept these costs to society and to the individual when they can be prevented.

Mr. Chairman, imagine the hopelessness of a young person's world where there is no security, no comfort, and no one willing to help.

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We are sentencing too many of our kids to certain failure and chronic dependency if we do not arm them with the skills and the resources they need as they transition out of the foster care system. The Foster Care Independence Act simply offers a helping hand to those who desperately need it. I strongly urge my colleagues to support this bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. McCRERY) not only a member of the subcommittee as we developed this bill but the member of the subcommittee that has put enormous time into understanding the SSI program and the needs of the disabled. I thank him for the provisions in this bill that address the problems of fraud and abuse in that system.

Mr. McCRERY. Mr. Chairman, I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their hard work on this legislation and I particularly thank the gentlewoman from Connecticut for her kind remarks regarding my work on SSI, particularly the SSI for children program that we revised in the welfare reform bill a couple of years ago that was signed into law.

The gentlewoman from Connecticut knows that I would not have been nearly as active in crafting those provisions were it not for a valued member of my staff, Ms. Angel Vallillo. Ms. Vallillo recently died of brain cancer. Part of the reason I am speaking now is to thank her parents, to thank Angel for the work that she has done on this very important subject. I remember very well following our victory in welfare reform and having recognized Angel's work in that bill on SSI, it was not long after that that Angel came to me with a report in her hand, as she often did, and said, "You need to look at this." I said, "What is it?"

She said, "This is a new report by the GAO on SSI, and it talks about all the fraud, waste and abuse in SSI, and this is one of the highest risk programs in the Federal Government for fraud and abuse, even after all the work we did in the welfare reform bill."

I said, "Okay, I will take a look at it." Sure enough, the GAO wrote a fairly scathing report on fraud and abuse in the SSI program.

So we set to work, Angel did mostly, on crafting some provisions to correct the fraud and abuse in the program. We have heard a lot here today about the foster care provisions of this bill and how good they are. I agree. They are. I am very thankful that we are able to make these changes in the law with respect to foster care. We are financing those good provisions on foster care with the savings that we are going to create through the changes in the SSI program.

Mr. Chairman, I think that you, like I, hear all the time from folks back home, "If you all would just cut out the fraud and abuse in the Federal Government, you could save enough money to balance the budget."

Well, we have balanced the budget now partly because we have cut out a lot of fraud and abuse in the Federal Government, but there is still work to be done. This bill does that. It helps us to cut the waste, cut the fraud, the abuse in a very important Federal program, and with those savings, Mr. Chairman, we are going to re-create a foster care program that I think will do worlds of good for foster children in this country for years to come.

I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Chairman, I rise to inform the Congress and the Nation of the debt we owe Ms. Angel Vallillo for her hard work in crafting the legislation before us today. Angel served for ten years on my staff, first as a campaign volunteer and ultimately as my legislative director until she died of a brain tumor on October 2, 1998. I know her parents, Mr. and Mrs. Raymond Vallillo of Shreveport, Louisiana, and all of her family and friends are as proud of Angel today as they were throughout her life and career.

I have no doubt that Angel is watching over us as we consider H.R. 1802, the "Foster Care Independence Act of 1999". This important bill, which will help thousands of foster children make the transition to adulthood and independent lives, will pass the House today thanks to her hard work in drafting many provisions to end fraud and abuse in the Supplemental Security Income (SSI) program. Without those provisions and the savings they produce—by, for example, blocking benefits for prisoners and fugitives, improving recovery of benefit overpayments, and ensuring recipients are not hiding resources they should rely on—this bill would not be on the House floor today.

I will always remember Angel as a driving force behind the 1996 welfare reform law, and especially the provisions reforming the SSI program for children. As a caseworker in my district, Angel often saw this program perpetuate poverty rather than alleviate it. As a trusted legislative assistant, Angel helped me and all the Members of the Ways and Means Committee and, in the end, the House, the Senate and the President, make the changes needed. Thanks to Angel's skills and determination, welfare reform is working and an entire generation of children is being saved from lives of dependency.

As a parent of two young children, I want to address a thought to Angel's parents. Regretfully, the evidence that raising children is difficult is all around us. Of all the goals we set for ourselves in life, for those of us blessed to be parents, the single most important goal is raising our children to be honest, moral, hardworking, and honorable citizens of this great country. As Angel's boss, colleague, mentor, and most importantly friend, I knew Angel about as well as you can know someone who is not in your own family. I want her parents to know that she exemplified the very best of everything we raise our children to be. I fervently hope my own children achieve the high standards set by Angel. Raymond and Marie, you are deeply honored as parents by the life and achievements of your wonderful daughter.

Mr. Chairman, few Americans know the great privilege of serving in the people's House, and fewer still of actually developing major legislation that improves the lives of American citizens. But that is exactly what Angel Vallillo did with the few years God granted her on this earth. On behalf of my family and the families of the Fourth Congressional District of Louisiana, I join with all Members of the U.S. House of Representatives today in recognizing Angel's all too short lifetime of dedicated service.

Mr. CARDIN. Mr. Chairman, I yield myself 1 minute.

I just want to underscore the point of my friend from Louisiana, and, that is, this bill does a lot of good things in helping children aging out of foster care and we pay for it in part by dealing with fraud and abuse. I want to thank the gentleman for his help. I also want to thank the Clinton administration for working with us. These provisions have all been mutually agreed upon as an effort to make the program do what we think it should do and provide savings so that we can help children. It is a win-win situation.

Mr. Chairman, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank my colleague and my friend from Connecticut for yielding me this time. I want to say that we have both worked long and hard on a number of issues concerning children. I did want to come here today because I have been a pioneer on child support issues, having served on the national commission that really gave us a comprehensive interstate child support enforcement system. Recently issues and concerns have been raised not about the body of your bill but how it is paid for and its relationship to child support.

I would like to have a colloquy with my colleague from Connecticut, the author of the bill, concerning the issues raised by the American Public Human Services Association and the fact that the bill does eliminate the State hold harmless provision in the present child support program.

It is my understanding that there have been concerns raised that the moneys will be reduced severely for at least 23 States in terms of their levels of reimbursement, I guess, by $300 million over 5 years, and there are other numbers that are being used here, $230 million. If the gentlewoman would please help us understand these.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I thank the gentlewoman for her question. I do regret that that letter is fairly inaccurate. Many States get no money at all under the hold harmless provisions. And, in fact, the money that States get under the hold harmless provisions varies widely. In 1997, only seven States received hold harmless funds. In 1998, 21 States received hold harmless funds. There is a great variation in this provision in the law and its impact on the States.

Overall, it is absolutely true that the States make a profit on child support and the Federal Government loses money. I do want to point out that in repealing the hold harmless, which I think is good policy, we do protect up to 50 percent of their loss, those States that actually pass those funds through to women coming off welfare and do not allow it to interfere with their eligibility for benefits or the level of those benefits.

There is not time to go in on the floor here to the fact that at the time we made these changes, we gave the States the right to retain a 50 percent pass-through and save $1.2 billion for themselves.

This is, in my estimation, good policy and we have moderated its impact on those States that had a just cause.

Mrs. ROUKEMA. Will my colleague then state categorically that this is not undermining the collection system for interstate child support?

Mrs. JOHNSON of Connecticut. It absolutely does not undermine the collection system for interstate child support.

Mr. CARDIN. Mr. Chairman, I yield myself 4 minutes.

Just to follow up on that colloquy, the hold harmless was put in in 1995. It was put in to protect States on child support collections. It was based upon the collections then which already reimburse some States more than the actual cost of child support collections. But as my colleagues know, the number of people on welfare has diminished dramatically since that time and, therefore, there have been significant reductions in the burdens to the various States. But Members are going to have a chance in the manager's amendment to vote on a modification of that, that allows for a good policy with the hold harmless, if the States want to pass through those funds to the families so the families actually get the advantage of the funds and we maintain a family unit. So we are going to have a chance to modify that in the manager's amendment.

The gentleman from Wisconsin (Mr. KLECZKA) had recommended that in our committee and it is incorporated in the manager's amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I really appreciate that statement. I see the gentleman from Wisconsin has arrived. He and I have worked on a number of issues over time. I appreciate that. It sounds as though he has looked realistically at this question and hopefully we will not have unintended consequences here and we will pledge to continue to work together to assure that the enforcement system is in place and not damaged by the lack of funding that may be out there.

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. I thank the gentleman from Maryland for yielding.

First, Mr. Chairman, let me rise and indicate my strong support for the bill. It did come before the committee I serve on, the Committee on Ways and Means. I think to provide this continuum of care to foster children is so important. However, one of the pitfalls of doing so was to find a funding source which had a direct impact not only on my State but on other States who pass through their child support payments. I had made note of that at the committee and I should indicate that the gentlewoman from Connecticut was aware of the problem, did indicate at the committee that she would work with me and the gentleman from Maryland to try to find a resolve and as the days went by, it was looking bleaker and bleaker because we could not find the necessary financial resources to pay for continuance of the hold harmless. Thanks to her efforts and her diligence, a day ago I was informed that a funding source has been found and that the manager's amendment as it does today will contain a continuance of paying States this hold harmless which is policy that I think this Congress should encourage not only for Wisconsin, Vermont but for all the States. If in fact you have a court-ordered child support payment, that should not be revenue for the State, that should be income for the family. With this incentive in the manager's amendment to continue it, even though at a lesser degree, States will be encouraged to continue the hold harmless and to advantage the families and not the State coffers.

Mr. Chairman, I want to publicly thank the gentlewoman from Connecticut for the hard work she did on helping us retain this in part, and also I want to thank publicly the gentleman from Maryland who also felt that this is good Federal policy.

Mr. Chairman, I am pleased to support the Johnson amendment to the Foster Care Independence Act.

Earlier, during the consideration of this legislation, I voiced my serious concerns about the impact this legislation would have on the child support system. Specifically, I was very concerned about the elimination of the hold harmless provision for the state share of distribution of collected child support. The outright elimination of the hold harmless would penalize states—like Wisconsin—who make giving child support payments to families a priority over state revenues.

I believe that when a state collects the child support payments that the courts have decided a family needs, the family—and not the state—should get that money. This is money families need to buy clothes and food.

When this bill was considered in the Ways and Means Committee, I introduced an amendment which would have encouraged states to give families the child support to which they are entitled. Although my amendment was not in the final bill reported out of Committee, Representatives JOHNSON and CARDIN expressed strong support for the proposal.

Since the committee consideration of the Foster Care Independence Act, Representatives JOHNSON and CARDIN have worked diligently to ensure that states would retain the financial flexibility to adopt this policy. I am pleased that their efforts were successful.

The manager's amendment includes a provision to retain funding for those states that value child support payments to families over state revenues. I would like to thank Representatives JOHNSON and CARDIN for ensuring that states like Wisconsin can continue to provide families with the full child support payment they deserve.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I rise in strong support of H.R. 1802, the Foster Care Independence Act. This is bipartisan legislation that is aimed at one of the most vulnerable populations in our society, children who age out of foster care.

This legislation is vital because it provides States with increased funding and gives them greater flexibility to help these children who are faced with decisions about their future, whether it is finding a job or continuing their education.

It is important that we help these young adults make the transition from foster care to self-sufficiency. Many of these children when they reach the age of 18 will be balancing a checkbook, paying bills and working for the first time. Under this legislation, States can provide guidance and training to help these children with their newfound responsibilities.

In addition, it encourages personal savings by these clients by increasing the savings threshold from $1,000 to $10,000. This amount is assets or savings that foster care children can have while maintaining their benefits. We should encourage them to save to build for their future.

H.R. 1802 also encourages States to provide Medicaid coverage to 18- through 20-year-olds who have aged out of the foster care system.

This legislation, in a nutshell, is a common sense and compassionate approach to helping these young adults make the transition to adulthood and self-sufficiency. I urge my colleagues strongly to support it.

I thank the gentlewoman and I commend her for bringing this legislation as a bipartisan product to the floor of the House so promptly, and I commend the gentleman from Maryland for his seminal role in developing this legislation.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN) who has been very helpful to us in putting this legislation together.

Ms. LOFGREN. Mr. Chairman, I rise in support of this very fine piece of legislation, this good, solid, bipartisan bill. There is much good in the bill. I join with my colleague in noting the great difficulty of young people, at age 18, all of a sudden at immediately assuming all adult responsibility. Those of us who have teenagers know that when the child becomes 18, they still need the guidance, the support, the direction of parents. I think this will help considerably in putting structure into young lives and we will have a wonderful result from this.

I also, however, wanted to rise in particular praise of a provision in the gentlewoman from Connecticut's amendment to be heard soon, and that is the provision that will finally provide some assistance to the Filipino war veterans.

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This group fought side by side with my father's generation in World War II. The sad story of the disappointments and false promises made over decades is not worth going through here today, but I do look forward with great appreciation to the adoption of the provision that will allow some assistance to these men who fought so bravely and are now old and broken and deserve the thanks of our Nation and also the honoring of the commitments made at the time of when my father was a young man.

So I thank the gentlewoman from Connecticut (Mrs. JOHNSON). I look forward to supporting her amendment and thank her greatly for her attention to this matter.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. WATKINS). He and his wife have also been foster parents over many years, and his experience has been of great value to the subcommittee.

Mr. WATKINS. Mr. Chairman, I rise in support of the Foster Care Independence Act, and I ask the gentlewoman from Connecticut (Mrs. JOHNSON) for a question.

Under the training activities of the foster parents in this bill will there be an emphasis on encouraging foster children to continue their education and to seek higher education or skill training to better their employment and career opportunities.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. The whole focus of this bill is to help kids look early at preparing themselves for work or education or both after they turn 18. From the time they were 14 the bill encourages career exploration opportunities, it requires coordination with work study programs and high school. These kids are often the last to have any access to the work study program when they should frankly be at the top of the list.

So the whole goal of this is to help kids have an opportunity to work, develop a resume, develop recommendations, prepare for when they turn 18 to either go into the work force full time as a skilled, developed worker, or go on to college or a combination of the two. That is our goal, and that is going to be the main measure of these programs as we hold oversight hearings on them in the future.

Mr. WATKINS. The gentlewoman has indicated my wife Lou and I are foster parents. There are some great rewards in being foster parents. I would like to say to my colleagues and the American people. We had our homes licensed for homeless girls. We ended up adopting one of those young ladies, Sally. Sally is our daughter who become a professional person after receiving a college education. We put every dollar into an educational fund. It is rewarding from foster care experience, and our daughter Sally now has made us very proud grandparents of a granddaughter named Rena Cheyenne.

Let me say also to my colleagues, the parents and to the foster children out there that education, is the quickest way to lift themselves up out of the poverty and out of the conditions they have. I want to encourage them, and I want to encourage parents to be able to bring children in their homes and let them be an uplifting experience and a role model hopefully for that child. That is the best way we can lift them out of the problem.

Mrs. JOHNSON of Connecticut. I thank the gentleman. I know from talking to him and his wife that his wife helped these kids learn how to be smart shoppers, how to clean, how to do laundry, how to stretch money, how to do all those things about budgeting and managing that will make them successful adults, and I thank him and his wife for their contribution to their lives.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, I want to take just a moment and recognize both the gentleman from Texas (Mr. ARCHER) and the gentlewoman from Connecticut (Mrs. JOHNSON) for including a provision I have been working on, the Criminal Welfare Prevention Act, part three. As section 204 of the legislation before us today, this commonsense provision, which I first introduced last Congress and have reintroduced this year, would require the Social Security Administration to share its prisoner data base with other Federal departments and agencies, such as the Department of Agriculture, Education, Labor and Veterans' Affairs, to help prevent the continued payment of fraudulent benefits to prisoners.

Since the enactment of my original Criminal Welfare Prevention Act as part of the welfare reform of 1996, the Social Security Administration's prisoner database has become an extremely effective tool in detecting and cutting off fraudulent SSI and Social Security benefits that would otherwise go to prisoners. In fact, according to Social Security Administration's inspector general, that provision will help save taxpayers $3.46 billion through the year 2001. It not only makes sense to require SSA to share this improved prisoner database with other agencies to help prevent further inmate fraud; after all, taxpayers already foot the bill for prisoners' food, clothing and shelter. The last thing we need to do is send in monthly bonus checks as well.

I look forward to seeing this provision enacted into law, and I urge all of my colleagues on both sides of the aisle to support this worthy legislation.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Connecticut, the chairwoman of the subcommittee, for the time.

I salute Members on both sides of the aisle who have brought forth this common-sense, bipartisan legislation, and I would simply direct the committee's attention to the special needs reflected in the Sixth Congressional District of Arizona and indeed throughout a portion of our Nation that has come to be called Indian country. As the Representative of the Sixth Congressional District of Arizona, one in every four of my constituents is Native American, and during consideration of this bill, our committee adopted a tribal welfare amendment that would aid tribal communities in fulfilling their duty to serve Indian foster children and the underprivileged.

In the initial language of H.R. 1802, a requirement was that States inform tribes of the services available, and that is an improvement over current law that remains silent with reference to the role of tribal governments, but our amendment strengthens the provision by requiring States to consult with tribes about the development of independent living services rather than simply informing tribes of such services. It also requires that the States make an effort to coordinate with tribes in providing these services.

This reaffirms something that we have come to acknowledge as basic truth here in the last part of the 20th century, that those closest to the problem can help identify it and help solve it. Tribes are in the best position to know the needs of Indian children and of possible local resources available for assistance, and this amendment is a first step in recognizing the level of communication and coordination that is necessary for the provision of independent living services.

One other point. Under current welfare law, States have unlimited authority to carry over unobligated funds under the heading of temporary assistance to needy families, the acronym known as TANF, and the second provision in my amendment would allow tribes likewise to carry over unobligated tribal TANF moneys, and this would allow tribes greater flexibility and is very important that the foster children of the first Americans not remain forgotten, and I salute the committee and those on both sides of the aisle who have taken that step.

Again I ask for passage of this important piece of legislation.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I am greatly encouraged to see this bill, and I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON). H.R. 1802 helps our children in need to make a smooth transition from foster home to independence. The investment we make in these young adults will have long-term positive results. I have three children of my own. I cannot imagine just because they turn 18, it does not mean that a child is ready for independence.

We in the Congress have a responsibility to equip foster children who stay in foster care until they are 18, so I think the gentlewoman's bill is excellent. By helping these young people to have a more successful transition to independent adulthood, we lessen the likelihood that they will drop out of school, become unemployed, turn to crime and/or, more importantly, face homelessness again.

School completion, gainful and lawful employment and safe and stable housing should not be out of the reach to young people for whom the government has taken the responsibility to raise after their family is found unable to do so. We need to treat these children as we would treat our own, for indeed, my colleagues, these are our own. These children have been through some tough situations that most of us could never understand, and for us to close a door of assistance at 18, I think, is not correct. I encourage my colleagues to support this bill and provide the necessary help to these needy young adults.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Sixteen years ago a young man showed up on my doorstep of myself and my then wife, and he had been in long-term foster care. I had met him in a high school while I was visiting there. He literally had no place to turn at that point. The foster care system dumped him out, he just turned 18, he had no place to go. We were able to help him, to take him in, to help provide an education, to get him started with a job, and, as a result, he has gone on to be an enormously successful executive today.

But I think of his experience and how many young people did not have someplace to turn and the problems that they have, because surely when a young person turns 18, a young man, a young woman turns 18, they are not ready completely to be independent. They need some assistance, they need some help, and this legislation, and I commend the gentlewoman for bringing this legislation to us, is exactly what we need to help these young people get on their own feet and to be able to go forward.

This is the kind of legislation that we must have if we are going to provide these young people with the opportunity to go forward with their lives. For many of them, it is the lack of an education, it is the lack of job training, and they suddenly find themselves turned out by the system. It is a cold day when they turn 18 and the system says we no longer have any responsibility and we no longer have any legal ability to help them. This changes that. This makes it possible for us to help these young people get started, and I believe with this legislation we will be able to assist young people to get a start in the world, to become productive tax-paying citizens and citizens that we can all be very proud of.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to support H.R. 1802.

Mr. Chairman, I yield my remaining 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), and I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman and the gentleman for yielding the time, and, Mr. Chairman, I rise in very strong support of the Foster Care Independence Act.

I want to thank my good friend and colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), for introducing it and my good friend from the great State of Maryland, with whom I have served for many years in the Maryland Legislature as well as here in Congress (Mr. CARDIN), for initiating such important changes in our foster care system.

We know that there are approximately 20,000 young people who leave foster care each year, and this legislation is going to enable more foster care youth to make a successful transition to independent adulthood, and without these improvements foster care children, many of them, may continue to suffer from disproportionately low rates of school completion, employment, poor medical care, high rates of victimization, and homelessness.

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I know that in looking at the record, the Committee on Ways and Means Subcommittee on Human Resources found evidence in Wisconsin that in the 12 to 18 months after leaving the foster care system, 37 percent had not completed high school, 50 percent were not employed, 44 percent had problems obtaining the proper medical care, and 37 percent had been victimized sexually, incarcerated, or homeless during that period.

So this act is going to provide, for the first time, the continued attention and support to the young people who are truly our responsibility and who need our support. They will be able to gain education, vocational or career development training, as well as mentoring programs that they need to succeed.

Mr. Chairman, the transition into adulthood is not easy for any child, and those children who do not have the benefit of family should be shown that they are not alone. I urge that we look to our Nation's children and support this bill. I also think the manager's amendment adds a great deal more to the bill.

I am also pleased that recognition is given to Filipino veterans of WWII who served with the U.S. Armed Forces by expanding the provision to allow them to receive SSI benefits at a reduced rate if they moved back to the Phillipines.

It also enhances the bill to require states to certify they train prospective foster parents before a child is placed with them.

Let's give our nation's children a better chance at success and pass the Foster Care Independence Act.

Mr. BLILEY. Mr. Chairman, I rise in strong support of H.R. 1802, the Foster Care Independence Act of 1999. This bill will provide a needed leg-up for foster children who face many barriers trying to get ahead in their young lives.

The legislation gives the States greater flexibility and additional funding for operating the Foster Care Independent Living Program, and in so doing will help foster children in their transition out of the foster care system.

This bill meets a real need. Foster children often face great challenges overcoming the fact that their birth parents were unwilling or unable to care for them. Statistics show that this can lead to costly mental health and substance abuse problems. The available studies on foster children indicate that they have health care costs that may be two to five times higher than other children on Medicaid, primarily due to a greater need for mental health services.

I think this small but significant measure will also provide additional financial security and peace of mind for the parents of foster kids who are concerned about their welfare. We should do what we can to ease the burden of parents who want to provide a loving home for these children in need.

Mr. Chairman, I believe providing temporary Medicaid assistance to these young adults as they try to establish their independence and become productive members of society addresses a growing need. The Congressional Budget Office estimates that in 1998, there were 65,000 former foster kids between the ages of 18 and 21. CBO expects this number to increase to 80,000 by the year 2004. While many of these young adults are still eligible for Medicaid based on other eligibility criteria, about 40 percent are not.

This bill does not require states to expand their Medicaid programs to former foster kids. But this bill provides added incentive for states to target former foster kids for assistance. In fact, the CBO estimates that H.R. 1802 will increase enrollment for Medicaid health coverage to at least 24,000 former foster kids ages 18, 19 and 20.

Mr. Chairman, H.R. 1802 was referred to the Commerce Committee because of the Medicaid provisions. The Committee discharged this popular, bipartisan bill without formal consideration in order to expedite the process and bring this bill to the floor. I did so with the understanding that the Commerce Committee will have a seat at the table during future conference negotiations with the other body on this legislation.

Again, I'm pleased to support this measure today. Foster children are dealt a difficult hand in life and should have every opportunity to succeed as they move into adulthood. For those who need our help, I believe we are doing the right thing by providing this temporary assistance. I urge all my colleagues to support the passage of this important measure.

Ms. ROYBAL-ALLARD. Mr. Chairman, I am delighted to support H.R. 1802, which will allow World War II Filipino veterans who receive Supplemental Security Income (SSI) to move back to the Philippines and take a portion of these benefits with them.

This long overdue and humanitarian gesture will allow many of these elderly and ailing Filipino veterans to return to their home country, reunite with their families and continue to receive the benefits they deserve.

Our Filipino veterans fought with the understanding that they had earned the right to receive the same compensation and benefits given to other men and women who served our country during World War II. To the shame of our nation, this promise was never honored. Today's vote is a small step to correct this injustice and recognize these men as true heroes.

In the South Pacific, Filipino soldiers fought alongside American soldiers in some of the bloodiest battles of the war. For almost four years, during the most intense and strategically important phases of World War II, more than 200,000 Filipinos fought side-by-side with Allied forces.

It is my hope that the Senate will follow the House's lead so that we can sign this bill into law as soon as possible. But we still have much more to do—we need to once and for all restore full benefits for the Filipino veterans residing in this country in the same manner as furnished to our other U.S. veterans. I look forward to working with my colleagues in the House and Senate to erase this black mark on our country's history.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 1802, the Foster Care Independence Act. I would first like to thank my colleagues, the gentlelady from Connecticut, Mrs. JOHNSON, and the gentleman from Maryland, Mr. CARDIN, for championing this bill and bringing it so swiftly to the floor of the House.

Mr. Chairman, each year the foster care system emancipates approximately 20,000 youth—with expectations of self-sufficiency. Unfortunately, the woefully inadequate Independent Living Program has not equipped many of these individuals with necessary life skills. The consequences of this inadequate program have meant that many young adults leave the foster care system with serious lifelong problems such as: alcoholism, homelessness, lack of employment stability, incarceration, and pregnancy at early age.

The Foster Care Independence Act increases flexibility for States to structure their programs to meet the unique needs of their foster care population. In addition to increased flexibility, the bill doubles the funding available for Independent Living Programs. The bill also assures that participants in the Independent Living Programs receive job and vocational training, education assistance, and other valuable services by requiring States to demonstrate the success of these programs.

In addition, this bill extends health services to foster care youth by allowing States to expand their Medicaid programs to foster care youth ages 18–20. Currently, many young people leaving foster care at age 18 lose their health care coverage, at a time in which they may need this coverage the most. Studies have indicated that health care costs for foster care children are two to five times greater than other children on Medicaid. This is primarily due to a greater need for mental health services. H.R. 1802 provides added incentives for States to expand their coverage to emancipated foster care youth, giving them access to needed health care services.

I thank my colleagues for their swift action on this bill and strongly support its passage.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 1802 the Foster Care Independence Act of 1999.

An estimated 20,000 young people leave foster care at age 18 each year with no formal connections to family; they have not been returned to their birth families or adopted. Federal and state financial support for these young people ends just as they are making the critical transition to independence.

Without the emotional, social, and financial support that families provide, many of these youth are not adequately prepared for life on their own.

The federal Independent Living Program currently provides $70 million a year to states for services for youths ages 16 and older in foster care, including help obtaining a high school diploma, GED, or vocational training, and providing life skills training, counseling and other social services. Funding must end when they reach 18, or 19 if they are expected to graduate from high school by then. In some states, these activities are supplemented by investments from other public entities and/or the private sector. In Texas, for example, the state college system provides free tuition for youths aging out of foster care. In other communities, businesses offer mentoring and jobs for youths preparing to leave care. The Bridges for Independence Program, a public private partnership in Los Angeles County, offers a full array of housing, education, employment and life skills support for youths who have exited from foster care. Young people who have spent time in foster care also are extremely effective advocates for independent living in a number of states.

This bipartisan bill will increase the likelihood that many of the 20,000 children who leave foster care at age 18 or 19 each year with no formal connection to families will find the stability and supports they need to succeed. While the 1997 Adoption and Safe Families Act will offer all young people in foster care permanent homes more quickly in the future, we must not ignore the needs of young people who are currently being discharged from care and left to fend for themselves.

Without the emotional, social, and financial support that families provide, many of these youths are not adequately prepared for life on their own. Evidence from a careful study in Wisconsin of a group of young people leaving foster care found that: 12 to 18 months after leaving care, 37% had not yet completed high school, 50% were not employed, 44% had a problem obtaining medical care, despite their mental health needs, and 37% of the group had been seriously physically victimized, sexually assaulted, raped, incarcerated of homeless during that period.

H.R. 1802 increases funds to states to assist youths to make the transition from foster care to independent living.

Federal funding for the Independent Living Program is doubled from $70 million to $140 million a year. Funds can be used to help youths make the transition from foster care to self-sufficiency by offering them the education, vocational and employment training necessary to obtain employment and/or prepare for post secondary education, training in daily living skills, substance abuse prevention, pregnancy prevention, and preventive health activities, and connections to dedicated adults.

States must contribute a 20 percent state match for Independent Living Program funds.

States must use federal training funds (authorized by Title IV–E of the Social Security Act) to help foster parents, group home workers, and case managers address issues confronting adolescents preparing for independent living.

H.R. 1802 recognizes the need for special help for youths ages 18 to 21 who have left foster care.

States must use some portion of their funds for assistance and services for older youths who have left foster care but have not reached age 21.

States can use up to 30 percent of their Independent Living Program funds for room and board for youths ages 18 to 21 who have left foster care.

H.R. 1802 helps older youths transitioning from foster care have access to needed health and mental health services.

States may extend Medicaid coverage to youths transitioning from foster care who have attained age 18 but not 21, or to a subset of this population.

H.R. 1802 offers states greater flexibility in designing their independent living programs.

H.R. 1802 establishes accountability for states in implementing the independent living programs.

The Secretary of Health and Human Services, in consultation with state and local officials, child welfare advocates, members of Congress, researchers, and others must develop outcome measures to assess state performance and data elements necessary to track how many children are receiving services, what they are receiving, and state performance on outcomes.

States should coordinate the independent living funds with other funding sources for similar services.

States are subject to penalty if they misuse funds or fail to submit required data on state performance.

$2.1 million is set aside for a national evaluation and for technical assistance to states in assisting youth's transitioning from foster care.

Mr. Chairman, I ask my colleagues to vote yes for H.R. 1802 so that these foster children will have the opportunity to become productive citizens of this country.

Mr. CAMP. Mr. Chairman, I rise in strong support of what our bill today seeks to accomplish.

I want to thank Chairman NANCY JOHNSON for her leadership on this very important bill. I was very proud to be a part of our efforts to revamp the Foster Care system when this House passed the Adoption and Safe Families Act two years ago. And our efforts are paying off—preliminary numbers show that adoptions of foster children have increased 40 percent since 1995.

But this bill takes the next step—it recognizes that no matter how hard we work, some kids will turn 18 in foster care. They'll "age out" of the foster care system without a network of family and loved ones to turn to. And the evidence our Subcommittee has heard suggests these kids often have a very tough time. Up to two-thirds of the 18-year olds don't even complete high school or get a GED.

The bill's provisions to help our young people who age out of foster care are very strong. Our Subcommittee has worked very hard to get bipartisan and widespread agreement on the best ways to do this.

I believe it's important, however, to raise some concerns about how we pay for this bill today. I firmly believe that increases in one human services program should not come at the expense of another critical program. The bill repeals the "hold harmless" provision that was a part of the welfare reform law.

In a nutshell, the "hold harmless" provision in current law ensures that if, in a given year, the states do not reach their 1995 level of child support collections, the federal government will hold them harmless and provide funds to make up for the state shortfalls.

But repeal of "hold harmless" points to a bigger issue—the commitments that we have made to the states as a part of the welfare reform effort. Welfare reform is a partnership, between the Federal Government and all 50 states. Two issues are central to that commitment:

First, this was a promise, I fear that this sets a bad precedent, and other promises that this Congress has made to the states in welfare will erode. We've seen it already, with the issue of administrative expenses for TANF funding. We're seeing it again today, and if we're not careful, we'll see it again tomorrow on another issue.

Second, the states have made budget decisions for their entire human services budgets based on the promises they've been made—it's an interlocking and complex web, and pulling back from our financial commitment in one area is going to require the sates to make up that shortfall in other ways.

I applaud our Subcommittee Chairman for her efforts to help these 20,000 children coming out of the foster care system each year. I also applaud her for the important efforts she's made in her Manager's Amendment, to allow at least a partial "hold harmless" payment to states that share more of their child support collections with families.

Today I will support this bill, for the important ways it helps our nation's foster care children. But I would strongly urge the Chairman and others to continue to seek other ways to pay for the provisions in our bill, as the process moves forward.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my support for H.R. 1802, the Foster Care Independence Act of 1999. I commend you for bringing this legislation to the Floor.

I am particularly pleased that this bill will allow all U.S. Veterans who decide to move out of the country, to continue receiving a portion of their SSI benefits. Although when H.R. 1802 passed out of committee, this section was intended to provide special recognition to certain World War II Filipino Veterans who served under the U.S. flag and were abandoned by the U.S. government soon after the war ended, I certainly do support expanding this provision to include all U.S. Veterans.

Nonetheless, I still think the United States must uphold the promises it made to Filipino Veterans who served under the U.S. flag while the Republic of the Philippines was a possession of the United States. The Philippines was a United States possession from 1898, when it was ceded from Spain following the Spanish-American War, until Independence in 1946.

With the impending threat of World War II, on July 26, 1941, President Roosevelt, by executive order brought the Philippine Commonwealth Army into the service of the U.S. Army Forces of the Far East. Subsequently, the U.S. Army took over responsibility for supply and pay of the Philippine Commonwealth Army. Five months later on December 7, 1941, the Japanese attacked Pearl Harbor in Hawaii and Clark Airfield in the Philippines. Despite the fall of the Philippines to Japan in 1942, resistance efforts by organized Filipino soldier and guerrilla groups led by the United States Commanders, continued throughout the Japanese occupation of the Philippines. These brave resistance efforts slowed the Japanese advance and bought the U.S. the precious time it needed to rebuild the Pacific Fleet.

There are four groups of Filipino nationals who are entitled to all or some of the benefits to which U.S. veterans are entitled: 1. Filipinos who served in the regular components of the U.S. Armed Forces; 2. Those who enlisted in the Filipino-manned units of the U.S. Army prior to October 6, 1945, known as Old Scouts; 3. Those who enlisted in the U.S. Armed Forces between October 6, 1945, and June 30, 1947, known as New Scouts; and Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the U.S. Armed Forces. This group also includes guerrilla resistance units that were recognized by the U.S. Army.

Filipinos residing in the U.S. who were in the first two groups mentioned, the regular components of U.S. Armed Forces and in the Old Scouts, are eligible for outpatient care, hospital care, and nursing home care for their service-connected disabilities and nonservice-connected disabilities, on the same basis as any U.S. veteran. Contract care for these services is also authorized for these groups. They are also entitled to: service-connected compensation and dependents' education benefits; nonservice-connected pension; and both service-connected and nonservice-connected burial benefits, life insurance and the home loan program.

Filipinos residing in the U.S. who were however in the second two groups, the New Scouts and the Philippine Commonwealth Army, are only eligible for outpatient, hospital, and nursing home care for service-connected disabilities and within the limits of the DVA facilities. They are not eligible for contract care for these services. Both groups are also eligible for service-connected compensation and dependents' education benefits at half the rate provided to other U.S. veterans. Both groups are eligible for both service and nonservice connected life insurance but only members of the Commonwealth Army are eligible for service-connected burial benefits and neither are eligible for nonservice-connected burial benefits.

Despite the Old Scouts, New Scouts, Commonwealth Army and U.S. Armed Forces fighting side by side all under U.S. command and while the Philippines was a U.S. possession, their benefits and recognition by the U.S. Government vary significantly. It is time that we provide all of these veterans the recognition they deserve.

Historical records show that many U.S. Government officials, in their official capabilities, publicly conveyed that these Filipino Veterans should be entitled to full U.S. Veterans' benefits. General MacArthur broadcast numerous radio messages recommending that members of the Philippine Commonwealth Army be paid the same as members of the U.S. Army. The War Department reported to General MacArthur that the New Filipino Scouts were entitled to all benefits, including the G.I. Bill of Rights and VA benefits. General Omar Bradley, as Director of the VA, advised the Senate Appropriations Committee that the term "veterans" included Philippine Commonwealth Army veterans. Finally President Truman "took exception" to the provision in Public Law 79–301 which limited benefits for Commonwealth Army veterans and initiated an intergovernmental committee to examine opportunities for restoring benefits to these veterans. These documented statements provide sound evidence that Filipino soldiers were led to believe they would be entitled to full U.S. Veterans benefits after their service.

Despite the heroism and sacrifices of these valiant soldiers who served under the U.S. flag, the U.S. turned its back on them denying them the benefits and more importantly, the honor, that they had fought for, deserved and earned. It is time the United States make good on its promises. H.R. 1802 is a step in the right direction as it will enable all U.S. Veterans, including many of these WWII Filipino Veterans who are now living in or near poverty in the U.S., to keep part of their SSI benefits if they choose to live in another country.

I am pleased to support H.R. 1802 and I am delighted that we are extending these additional benefits to our veterans, but we must not rest until those WWII Filipino Veterans, whom the U.S. has neglected for so many years, receive the benefits and honor they deserve.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Ways and Means is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foster Care Independence Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Subtitle B—Related Foster Care Provision

Sec. 111. Increase in amount of assets allowable for children in foster care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of medicaid coverage for adolescents leaving foster care.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.

Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 203. Additional debt collection practices.

Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

Sec. 205. Rules relating to collection of overpayments from individuals convicted of crimes.

Sec. 206. Treatment of assets held in trust under the SSI program.

Sec. 207. Disposal of resources for less than fair market value under the SSI program.

Sec. 208. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 209. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 210. State data exchanges.

Sec. 211. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 212. Annual report on amounts necessary to combat fraud.

Sec. 213. Computer matches with medicare and medicaid institutionalization data.

Sec. 214. Access to information held by financial institutions.

Subtitle B—Benefits for Filipino Veterans of World War II

Sec. 251. Provision of reduced SSI benefit to certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II after they move back to the Philippines.

TITLE III—CHILD SUPPORT

Sec. 301. Elimination of enhanced matching for laboratory costs for paternity establishment.

Sec. 302. Elimination of hold harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

(2) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves.

(3) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently the target of crime and physical assaults.

(4) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

(b) IMPROVED INDEPENDENT LIVING PROGRAM.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended to read as follows:

"SEC. 477. INDEPENDENT LIVING PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

"(1) to identify children who are likely to remain in foster care until 18 years of age and to design programs that help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, and substance abuse prevention;

“(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

“(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;

“(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

“(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of 5 consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

“(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

“(A) Design and deliver programs to achieve the purposes of this section.

“(B) Ensure that all political subdivisions in the State are served by the program, though not necessarily in a uniform manner.

“(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

“(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

“(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

“(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

“(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

“(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care but have not attained 21 years of age.

“(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care and have attained 18 years of age but not 21 years of age.

“(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

“(D) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

“(E) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth, especially transitional living youth projects funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974.

“(F) A certification by the chief executive officer of the State that each Indian tribe in the State has been informed about the programs to be carried out under the plan; that each such tribe has been given an opportunity to comment on the plan before submission to the Secretary; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

“(G) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

“(4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

“(A) the application is submitted on or before June 30 of the calendar year in which such period begins;

“(B) the Secretary finds that the application contains the material required by paragraph (1); and

“(C) all children in the State who have left foster care and have attained 18 years of age but not 21 years of age are eligible for medical assistance under the State plan approved under title XIX.

“(5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

“(6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

“(c) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the amount specified in subsection (h) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the same ratio to such remaining amount as the number of children in foster care under a program of the State in the most recent fiscal year for which such information is available bears to the total number of children in foster care in all States for such most recent fiscal year.

“(2) HOLD HARMLESS PROVISION.—The Secretary shall ratably reduce the allotments made to States pursuant to paragraph (1) for a fiscal year to the extent necessary to ensure that the amount allotted to each State under paragraph (1) and this paragraph for the fiscal year is not less than the amount payable to the State under this section (as in effect before the enactment of the Foster Care Independence Act of 1999) for fiscal year 1998.

“(3) REALLOTMENT OF UNUSED FUNDS.—The Secretary shall use the formula provided in paragraph (1) of this subsection to reallot among the States with applications approved under subsection (b) for a fiscal year any amount allotted to a State under this subsection for the preceding year that is not payable to the State for the preceding year.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

“(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

“(e) PENALTIES.—

“(1) USE OF GRANT IN VIOLATION OF THIS PART.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

“(2) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

“(3) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

“(f) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

“(1) IN GENERAL.—The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, members of Congress, youth service providers, and researchers, shall—

“(A) develop outcome measures (including measures of educational attainment, employment, avoidance of dependency, homelessness, nonmarital childbirth, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

“(B) identify data elements needed to track—

“(i) the number and characteristics of children receiving services under this section;

“(ii) the type and quantity of services being provided; and

“(iii) State performance on the outcome measures; and

“(C) develop and implement a plan to collect the needed information beginning with the 2nd fiscal year beginning after the date of the enactment of this section.

“(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1).

“(g) EVALUATIONS.—

“(1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

"(2) Funding of Evaluations.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

"(h) Limitations on Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.".

(c) Payments to States.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:

"(4) the lesser of—

"(A) 80 percent of the amount (if any) by which—

"(i) the total amount expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

"(ii) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

"(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.".

(d) Regulations.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: "In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B)).".

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) In General.—Title XIX of the Social Security Act is amended—

(1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))—

(A) by striking "or" at the end of subclause (XIII);

(B) by adding "or" at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

"(XV) who are independent foster care adolescents (as defined in (section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State;"; and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

"(v)(1) For purposes of this title, the term 'independent foster care adolescent' means an individual—

"(A) who is under 21 years of age;

"(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

"(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

"(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

"(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.".

(b) Effective Date.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) Amendment to Title II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.".

(b) Amendment to Title XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.".

(c) Effective Date.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) In General.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by inserting "monthly" before "benefit payments"; and

(2) by inserting "and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment," before "unless fraud".

(b) Effective Date.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) In General.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

"(B) For purposes of subparagraph (A), the term 'delinquent amount' means an amount—

"(i) in excess of the correct amount of payment under this title;

"(ii) paid to a person after such person has attained 18 years of age; and

"(iii) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.".

(b) Conforming Amendments.—Section 3701(d)(2) of title 31, United States Code, is amended by striking "section 204(f)" and inserting "sections 204(f) and 1631(b)(4)".

(c) Technical Amendments.—Section 204(f) of the Social Security Act (42 U.S.C. 404(f)) is amended—

(1) by striking "3711(e)" and inserting "3711(f)"; and

(2) by inserting "all" before "as in effect".

(d) Effective Date.—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking "is authorized to" and inserting "shall".

SEC. 205. RULES RELATING TO COLLECTION OF OVERPAYMENTS FROM INDIVIDUALS CONVICTED OF CRIMES.

(a) Waivers Inapplicable to Overpayments by Reason of Payment in Months in Which Beneficiary Is a Prisoner or a Fugitive.—

(1) Amendment to title II.—Section 204(b) of the Social Security Act (42 U.S.C. 404(b)) is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2) Paragraph (1) shall not apply with respect to any payment to any person made during a month in which such benefit was not payable under section 202(x).".

(2) Amendment to title XVI.—Section 1631(b)(1)(B)(i) of such Act (42 U.S.C.

1383(b)(1)(B)(i)) is amended by inserting "unless (I) section 1611(e)(1) prohibits payment to the person of a benefit under this title for the month by reason of confinement of a type described in clause (i) or (ii) of section 202(x)(1)(A), or (II) section 1611(e)(5) prohibits payment to the person of a benefit under this title for the month," after "administration of this title".

(b) 10-Year Period of Ineligibility for Persons Failing To Notify Commissioner of Overpayments in Months in Which Beneficiary Is a Prisoner or a Fugitive or Failing To Comply With Repayment Schedule for Such Overpayments.—

(1) Amendment to title II.—Section 202(x) of such Act (42 U.S.C. 402(x)) is amended by adding at the end the following:

"(4)(A) No person shall be considered entitled to monthly insurance benefits under this section based on the person's disability or to disability insurance benefits under section 223 otherwise payable during the 10-year period that begins on the date the person—

"(i) knowingly fails to timely notify the Commissioner of Social Security, in connection with any application for benefits under this title, of any prior receipt by such person of any benefit under this title or title XVI in any month in which such benefit was not payable under the preceding provisions of this subsection, or

"(ii) knowingly fails to comply with any schedule imposed by the Commissioner which is for repayment of overpayments comprised of payments described in subparagraph (A) and which is in compliance with section 204.

"(B) The Commissioner of Social Security shall, in addition to any other relevant factors, take into account any mental or linguistic limitations of a person (including any lack of facility with the English language) in determining whether the person has knowingly failed to comply with a requirement of clause (i) or (ii) of subparagraph (A).".

(2) Amendment to title XVI.—Section 1611(e)(1) of such Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following:

"(J)(i) A person shall not be considered an eligible individual or eligible spouse for purposes of benefits under this title by reason of disability, during the 10-year period that begins on the date the person—

"(I) knowingly fails to timely notify the Commissioner of Social Security, in an application for benefits under this title, of any prior receipt by the person of a benefit under this title or title II in a month in which payment to the person of a benefit under this title was prohibited by—

"(aa) the preceding provisions of this paragraph by reason of confinement of a type described in clause (i) or (ii) of section 202(x)(1)(A); or

"(bb) section 1611(e)(4); or

"(II) knowingly fails to comply with any schedule imposed by the Commissioner which is for repayment of overpayments comprised of payments described in clause (i) of this subparagraph and which is in compliance with section 1631(b).

"(ii) The Commissioner of Social Security shall, in addition to any other relevant factors, take into account any mental or linguistic limitations of a person (including any lack of facility with the English language) in determining whether the person has knowingly failed to comply with a requirement of subclause (I) or (II) of clause (i).".

(c) Continued Collection Efforts Against Prisoners.—

(1) Amendment to title II.—Section 204(b) of such Act (42 U.S.C. 404(b)), as amended by subsection (a)(1) of this section, is amended further by adding at the end the following new paragraph:

"(3) The Commissioner shall not refrain from recovering overpayments from resources currently available to any overpaid person or to such person's estate solely because such individual is confined as described in clause (i) or (ii) of section 202(x)(1)(A).".

(2) Amendment to title XVI.—Section 1631(b)(1)(A) of such Act (42 U.S.C. 1383(b)(1)(A)) is amended by adding after and below clause (ii) the following flush left sentence:

"The Commissioner shall not refrain from recovering overpayments from resources currently available to any individual solely because the individual is confined as described in clause (i) or (ii) of section 202(x)(1)(A).".

(d) Effective Date.—The amendments made by this section shall apply to overpayments made in, and to benefits payable for, months beginning 24 months or more after the date of the enactment of this Act.

SEC. 206. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) Treatment as Resource.—Section 1613 of the Social Security Act (42 U.S.C. 1382b) is amended by adding at the end the following:

"Trusts

"(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual.

"(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual's spouse) are transferred to the trust other than by will.

"(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual's spouse) and the assets of any other person, this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual's spouse).

"(C) This subsection shall apply to a trust without regard to—

"(i) the purposes for which the trust is established;

"(ii) whether the trustees have or exercise any discretion under the trust;

"(iii) any restrictions on when or whether distributions may be made from the trust; or

"(iv) any restrictions on the use of distributions from the trust.

"(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

"(B) In the case of an irrevocable trust established by an individual, if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual or the individual's spouse, the portion of the corpus from which payment to or for the benefit of the individual or the individual's spouse could be made shall be considered a resource available to the individual.

"(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

"(5) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

"(6) For purposes of this subsection—

"(A) the term 'trust' includes any legal instrument or device that is similar to a trust;

"(B) the term 'corpus' means, with respect to a trust, all property and other interests held by the trust, including accumulated earnings and any other addition to the trust after its establishment (except that such term does not include any such earnings or addition in the month in which the earnings or addition is credited or otherwise transferred to the trust); and

"(C) the term 'asset' includes any income or resource of the individual or of the individual's spouse, including—

"(i) any income excluded by section 1612(b);

"(ii) any resource otherwise excluded by this section; and

"(iii) any other payment or property to which the individual or the individual's spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse.".

(b) Treatment as Income.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to which section 1613(e) applies, and, in the case of an irrevocable trust, with respect to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 207. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) In General.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended—

(1) in the caption, by striking "Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on";

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "paragraph (1) and" after "provisions of";

(ii) by striking "title XIX" the first place it appears and inserting "this title and title XIX, respectively,";

(iii) by striking "subparagraph (B)" and inserting "clause (ii)";

(iv) by striking "paragraph (2)" and inserting "subparagraph (B)";

(B) in subparagraph (B)—

(i) by striking "by the State agency"; and

(ii) by striking "section 1917(c)" and all that follows and inserting "paragraph (1) or section 1917(c)."; and

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking "(2)" and inserting "(B)"; and

(B) by striking "paragraph (1)(B)" and inserting "subparagraph (A)(ii)";

(4) by striking "(c)(1)" and inserting "(2)(A)"; and

(5) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following:

"(c)(1)(A)(i) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (ii)(I), the individual is ineligible for benefits under this title for months during the period beginning on the date described in clause (iii) and equal to the number of months calculated as provided in clause (iv).

"(ii)(I) The look-back date described in this subclause is a date that is 36 months before the date described in subclause (II).

"(II) The date described in this subclause is the date on which the individual applies for benefits under this title or, if later, the date on which the individual (or the spouse of the individual) disposes of resources for less than fair market value.

"(iii) The date described in this clause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

"(iv) The number of months calculated under this clause shall be equal to—

"(I) the total, cumulative uncompensated value of all resources so disposed of by the individual (or the spouse of the individual) on or after the look-back date described in clause (ii)(I); divided by

"(II) the amount of the maximum monthly benefit payable under section 1611(b), plus the amount (if any) of the maximum State supplementary payment corresponding to the State's payment level applicable to the individual's living arrangement and eligibility category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66, for the month in which occurs the date described in clause (ii)(II),

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

"(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

"(ii) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e)), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

"(I) there is made a payment other than to or for the benefit of the individual; or

"(II) no payment could under any circumstance be made to the individual,

then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual's spouse as of the date of the payment or foreclosure, as the case may be.

"(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

"(i) the resources are a home and title to the home was transferred to—

"(I) the spouse of the transferor;

"(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

"(III) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor's home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

"(IV) a son or daughter of the transferor (other than a child described in subclause (II)) who was residing in the transferor's home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

"(ii) the resources—

"(I) were transferred to the transferor's spouse or to another for the sole benefit of the transferor's spouse;

"(II) were transferred from the transferor's spouse to another for the sole benefit of the transferor's spouse;

"(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor's child who is blind or disabled; or

"(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

"(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

"(I) the individual who disposed of the resources intended to dispose of the resources either at fair market value, or for other valuable consideration;

"(II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title; or

"(III) all resources transferred for less than fair market value have been returned to the transferor; or

"(iv) the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

"(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of such resource.

"(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual's spouse if the spouse becomes eligible for benefits under this title.

"(F) For purposes of this paragraph—

"(i) the term 'benefits under this title' includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93–66;

"(ii) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

"(iii) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.".

(b) Effective Date.—The amendments made by this section shall be effective with respect to disposals made on or after the date of enactment of this Act.

SEC. 208. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following:

"SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

"(a) In General.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

"(1) monthly insurance benefits under title II; or

"(2) benefits or payments under title XVI,

that the person knows or should know is false or misleading or knows or should know omits a material fact or makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

"(b) Penalty.—The penalty described in this subsection is—

"(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

"(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

"(c) Duration of Penalty.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (a), shall be—

"(1) 6 consecutive months, in the case of a first such determination with respect to the person;

"(2) 12 consecutive months, in the case of a second such determination with respect to the person; and

"(3) 24 consecutive months, in the case of a third or subsequent such determination with respect to the person.

"(d) Effect on Other Assistance.—A person subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

"(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

"(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

"(e) Definition.—In this section, the term 'benefits under title XVI' includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

"(f) Consultations.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.".

(b) Conforming Amendment Precluding Delayed Retirement Credit for any Month

TO WHICH A NONPAYMENT OF BENEFITS PENALTY APPLIES.—Section 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ", and"; and

(3) by adding at the end the following:

"(iii) such individual was not subject to a penalty imposed under section 1129A.".

(c) ELIMINATION OF REDUNDANT PROVISION.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

(1) by striking paragraph (4);

(2) in paragraph (6)(A)(i), by striking "(5)" and inserting "(4)"; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(d) REGULATIONS.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence), and shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to statements and representations made on or after the date of the enactment of this Act.

SEC. 209. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301–1320b–17) is amended by adding at the end the following:

"EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

"SEC. 1148. (a) IN GENERAL.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

"(1) who is convicted of a violation of section 208 or 1632 of this Act,

"(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act, or

"(3) who the Commissioner determines has committed an offense described in section 1129(a)(1) of this Act.

"(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

"(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

"(3)(A) The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

"(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner's decision whether to waive the exclusion shall not be reviewable.

"(C) In the case of an exclusion of an individual under subsection (a) based on a conviction or a determination described in subsection (a)(3) occurring on or after the date of the enactment of this section, if the individual has (before, on, or after such date of enactment) been convicted, or if such a determination has been made with respect to the individual—

"(i) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years, or

"(ii) on 2 or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

"(c) NOTICE TO STATE AGENCIES.—The Commissioner shall promptly notify each appropriate State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—

"(1) of the fact and circumstances of each exclusion effected against an individual under this section, and

"(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

"(d) NOTICE TO STATE LICENSING AGENCIES.—The Commissioner shall—

"(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of the exclusion,

"(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and

"(3) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed with respect to any actions taken in response to the request.

"(e) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is provided in section 205(b), and to judicial review of the Commissioner's final decision after such hearing as is provided in section 205(g).

"(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

"(f) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

"(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the exclusion, that—

"(A) there is no basis under subsection (a) for a continuation of the exclusion, and

"(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

"(3) The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this subsection.

"(g) AVAILABILITY OF RECORDS OF EXCLUDED REPRESENTATIVES AND HEALTH CARE PROVIDERS.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

"(h) REPORTING REQUIREMENT.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

"(i) DELEGATION OF AUTHORITY.—The Commissioner may delegate authority granted by this section to the Inspector General.

"(j) DEFINITIONS.—For purposes of this section:

"(1) EXCLUDE.—The term 'exclude' from participation means—

"(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, as a representative payee under section 205(j) or 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits, and

"(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits for the purpose of assisting such applicant or recipient in demonstrating disability.

"(2) SOCIAL SECURITY PROGRAM.—The term 'social security programs' means the program providing for monthly insurance benefits under title II, and the program providing for monthly supplemental security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66).

"(3) CONVICTED.—An individual is considered to have been 'convicted' of a violation—

"(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except if the judgment of conviction has been set aside or expunged;

"(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

"(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

"(D) when the individual has entered into participation in a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2) of section 1148(a) of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

SEC. 210. STATE DATA EXCHANGES.

Whenever the Commissioner of Social Security requests information from a State for the purpose of ascertaining an individual's eligibility for benefits (or the correct amount of such benefits) under title II or XVI of the Social Security Act, the standards of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

SEC. 211. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the beneficiary's disability, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for any such benefits; and

(2) timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 212. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting “(A)” after “(b)(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 213. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1382(e)(1)), as amended by section 205(b)(2) of this Act, is further amended by adding at the end the following:

“(K) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, such information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician's certification otherwise required under subparagraph (G)(i).”.

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by striking “subparagraph (H)” and inserting “subparagraph (H) or (K)”.

SEC. 214. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended—

(1) by striking “(B) The” and inserting “(B)(i) The”; and

(2) by adding at the end the following new clause:

“(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

“(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subclause (I) of this clause shall remain effective until the earliest of—

“(aa) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this title;

“(bb) the cessation of the recipient's eligibility for benefits under this title; or

“(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner.

“(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

“(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

“(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

“(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

“(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.”.

Subtitle B—Benefits for Filipino Veterans of World War II

SEC. 251. PROVISION OF REDUCED SSI BENEFIT TO CERTAIN INDIVIDUALS WHO PROVIDED SERVICE TO THE ARMED FORCES OF THE UNITED STATES IN THE PHILIPPINES DURING WORLD WAR II AFTER THEY MOVE BACK TO THE PHILIPPINES.

(a) IN GENERAL.—Notwithstanding sections 1611(f)(1) and 1614(a)(1)(B)(i) of the Social Security Act and sections 401 and 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the eligibility of a qualified individual for benefits under the supplemental security income program under title XVI of the Social Security Act shall not terminate by reason of a change in the place of residence of the individual to the Philippines.

(b) BENEFIT AMOUNT.—Notwithstanding subsections (a) and (b) of section 1611 of the Social Security Act, the benefit payable under the supplemental security income program to a qualified individual for any month throughout which the individual resides in the Philippines shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI of such Act for the month, reduced (after disregard of the amount specified in section 1612(b)(2)(A) of such Act) by the amount of the qualified individual's benefit income for the month.

(c) DEFINITIONS.—In this section:

(1) QUALIFIED INDIVIDUAL.—The term “qualified individual” means an individual who—

(A) as of the date of the enactment of this Act, is eligible for benefits under the supplemental security income program under title XVI of the Social Security Act on the basis of an application filed before such date;

(B) before August 15, 1945, served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent military authority in the Army of the United States; and

(C) has not been removed from the United States pursuant to section 237(a) of the Immigration and Nationality Act.

(2) FEDERAL BENEFIT RATE.—The term “Federal benefit rate” means, with respect to a month, the amount of the cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of the Social Security Act or section 212(b) of Public Law 93–66) payable for the month to an eligible individual with no income.

(3) BENEFIT INCOME.—The term "benefit income" means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual changes his place of residence from the United States to the Philippines.

(d) EFFECTIVE DATE.—This section shall be effective with respect to supplemental security income benefits payable for months beginning after the date that is 1 year after the date of the enactment of this Act, or such earlier date that the Commissioner of Social Security determines is administratively feasible.

TITLE III—CHILD SUPPORT

SEC. 301. ELIMINATION OF ENHANCED MATCHING FOR LABORATORY COSTS FOR PATERNITY ESTABLISHMENT.

(a) IN GENERAL.—Section 455(a)(1) of the Social Security Act (42 U.S.C. 655(a)(1)) is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective with respect to calendar quarters beginning on or after October 1, 1999.

SEC. 302. ELIMINATION OF HOLD HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking "subsections (e) and (f)" and inserting "subsections (d) and (e)";

(2) by striking subsection (d);

(3) in subsection (e), by striking the 2nd sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after October 1, 1999.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking "Act" and inserting "section".

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking "part" and inserting "section".

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Act" and inserting "section".

(d) Section 413(i)(1) of the Social Security Act (42 U.S.C. 613(i)(1)) is amended by striking "part" and inserting "section".

(e) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act" each place such term appears.

(f) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6))) is amended—

(1) by inserting ", as in effect before August 22, 1986" after "482(i)(5)"; and

(2) by inserting ", as so in effect" after "482(i)(7)(A)".

(g) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking "Social Security" and inserting "social security".

(h) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking ", or" at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting "; or";

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), (C) and inserting a semicolon; and

(3) by striking ", and" at the end of each of paragraphs (19)(A) and (24)(A) and inserting "; and".

(i) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(j) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (110 Stat. 2236) is amended to read as follows:

"(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

'(B) equal to the percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and'; and".

(k) Section 457(a)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking "Act Reconciliation" and inserting "Reconciliation Act".

(l) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking "Opportunity Act" each place it appears and inserting "Opportunity Reconciliation Act".

(m) Section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)) is amended by striking "1681a(f))" and inserting "1681a(f)))".

(n) Section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking "state" and inserting "State".

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking "(including activities under part F)".

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended by striking "453A(a)(2)(B)(iii))" and inserting "453A(a)(2)(B)(ii)))".

(q) The amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 106–199. Each amendment may be offered only in the order printed in the Report, may be offered only by a Member designated in the RECORD, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–199.

AMENDMENT NO. 1 OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mrs. JOHNSON of Connecticut:

In section 1(b) of the bill, in the table of contents, after the item relating to section 121, insert the following:

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

In section 1(b) of the bill, in the table of contents, strike the item relating to subtitle B of title II and the item relating to section 251, and insert the following:

Subtitle B—Special Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

In section 1(b) of the bill, in the table of contents, strike the item relating to section 301 and insert the following:

Sec. 301. Narrowing of hold harmless provision for state share of distribution of collected child support.

In section 477(a)(1) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike "design programs that".

In section 477(b)(3)(A) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike "but" and insert "because they have attained 18 years of age, and who".

In section 477(b)(3)(A) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike "and have attained 18 years of age but not" and insert "because they have attained 18 years of age, and who have not attained".

In section 477(c)(1) of the Social Security Act, as proposed to be added by section 101(b) of the bill, insert ", as adjusted in accordance with paragraph (2)" before the period.

In section 477(c) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike paragraph (2) and insert the following:

"(2) HOLD HARMLESS PROVISION.—

"(A) IN GENERAL.—The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the amount payable to the State under this section for fiscal year 1998 an additional amount equal to the difference.".

"(B) RATABLE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not described in subparagraph (A) for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) for the fiscal year as the amount so alloted bears to the sum of the amounts allotted to all States not so described.

In section 477(c) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike paragraph (3).

At the end of section 477(d) of the Social Security Act, as proposed to be added by section 101(b) of the bill, add the following:

"(3) 2-YEAR AVAILABILITY OF FUNDS.—Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.''.

At the end of title I of the bill, insert the following:

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

''(j) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

''(A) the amount by which—

''(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (d)(2) if sufficient funds had been available for the payment; exceeds

''(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

''(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) for the State bears to the aggregate of the amounts described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

''(2) FUNDING.—$23,000,000 of the amounts appropriated under subsection (h)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.''.

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 473A(h)(1) of the Social Security Act (42 U.S.C. 673b(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary—

''(A) $20,000,000 for fiscal year 1999;

''(B) $43,000,000 for fiscal year 2000; and

''(C) $20,000,000 for each of fiscal years 2001 through 2003.''.

In section 206 of the bill, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following:

(c) CONFORMING AMENDMENTS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by adding ''and'' at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following:

''(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e);''.

In section 207 of the bill, redesignate subsection (b) as subsection (c) and insert after subsection (a) the following:

(b) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 206(c) of this Act, is amended by striking ''section 1613(e)'' and inserting ''subsections (c) and (e) of section 1613''.

Strike subtitle B of title II of the bill and insert the following:

Subtitle B—Special Benefits For Certain World War II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following:

''TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

''TABLE OF CONTENTS

''Sec. 801. Basic entitlement to benefits.
''Sec. 802. Qualified individuals.
''Sec. 803. Residence outside the United States.
''Sec. 804. Disqualifications.
''Sec. 805. Benefit amount.
''Sec. 806. Applications and furnishing of information.
''Sec. 807. Representative payees.
''Sec. 808. Overpayments and underpayments.
''Sec. 809. Hearings and review.
''Sec. 810. Other administrative provisions.
''Sec. 811. Penalties for fraud.
''Sec. 812. Definitions.
''Sec. 813. Appropriations.

''SEC. 801. BASIC ENTITLEMENT TO BENEFITS.

''Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

''SEC. 802. QUALIFIED INDIVIDUALS.

''Except as otherwise provided in this title, an individual—

''(1) who has attained the age of 65 on or before the date of the the enactment of this title;

''(2) who is a World War II veteran;

''(3) who is eligible for a supplemental security income benefit under title XVI for—

''(A) the month in which this title is enacted, and

''(B) the month in which the individual files an application for benefits under this title;

''(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

''(5) who has filed an application for benefits under this title; and

''(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title,

shall be a qualified individual for purposes of this title.

''SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.

For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

''SEC. 804. DISQUALIFICATIONS.

''Notwithstanding section 802, an individual may not be a qualified individual for any month—

''(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) of the Immigration and Nationality Act and before the month in which the Commissioner of Social Security is notified by the Attorney General that the individual is lawfully admitted to the United States for permanent residence;

''(2) during any part of which the individual is outside the United States due to flight to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

''(3) during any part of which which the individual violates a condition of probation or parole imposed under Federal or State law; or

''(4) during any part of which the individual is confined in a jail, prison, or other penal institution or correctional facility pursuant to a conviction of an offense.

''SEC. 805. BENEFIT AMOUNT.

''The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.

''SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

''(a) IN GENERAL.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

''(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material information from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

''SEC. 807. REPRESENTATIVE PAYEES.

''(a) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual's 'representative payee'). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2), the Commissioner of Social Security shall promptly revoke the person's designation as the qualified individual's representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual under this title would be served thereby, to the qualified individual.

''(b) EXAMINATION OF FITNESS OF PROSPECTIVE REPRESENTATIVE PAYEE.—

"(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

"(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, to the extent practicable, include a face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

"(B) adequate evidence that the arrangement is in the interest of the qualified individual.

"(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

"(A) require the person being investigated to submit documented proof of the identity of the person;

"(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for purposes of the Internal Revenue Code of 1986, verify the number;

"(C) determine whether the person has been convicted of a violation of section 208, 811, or 1632; and

"(D) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively.

"(c) Requirement for Centralized File.—The Commissioner of Social Security shall establish and maintain a centralized file, which shall be updated periodically and which shall be in a form that renders it readily retrievable by each servicing office of the Social Security Administration. The file shall consist of—

"(1) a list of the names and social security account numbers or employer identification numbers (if issued) of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; and

"(2) a list of the names and social security account numbers or employer identification numbers (if issued) of all persons who have been convicted of a violation of section 208, 811, or 1632.

"(d) Persons Ineligible To Serve as Representative Payees.—

"(1) In general.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

"(A) the person has been convicted of a violation of section 208, 811, or 1632;

"(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

"(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

"(2) Exemptions.—

"(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

"(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

"(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual;

"(ii) a legal guardian or legal representative of the individual;

"(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

"(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to locate an alternative representative payee to whom payment would serve the best interests of the qualified individual; or

"(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

"(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

"(i) the person poses no risk to the qualified individual;

"(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

"(iii) no other more suitable representative payee can be found.

"(e) Deferral of Payment Pending Appointment of Representative Payee.—

"(1) In general.—Subject to paragraph (2), if the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual's benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of initial entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

"(2) Time limitation.—

"(A) In general.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

"(B) Exception in the case of incompetency.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

"(3) Payment of retroactive benefits.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

"(f) Hearing.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual's benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security's final decision as is provided in section 809(b).

"(g) Notice Requirements.—

"(1) In general.—In advance of the payment of a qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's initial determination to so make the payment. The notice shall be provided to the qualified individual, except that, if the qualified individual is legally incompetent, then the notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

"(2) Specific requirements.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual's representative payee, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual's legal guardian or legal representative—

"(A) to appeal a determination that a representative payee is necessary for the qualified individual;

"(B) to appeal the designation of a particular person to serve as the representative payee of qualified individual; and

"(C) to review the evidence upon which the designation is based and to submit additional evidence.

"(h) Accountability Monitoring.—

"(1) In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall report not less often than annually with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

"(2) Special reports.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

"(3) Centralized file.—The Commissioner of Social Security shall maintain a centralized file, which shall be updated periodically and which shall be in a form that is readily retrievable, of—

"(A) the name, address, and (if issued) the social security account number or employer identification number of each representative payee who is receiving benefit payments pursuant to this section, section 205(j), or section 1631(a)(2); and

"(B) the name, address, and social security account number of each individual for whom each representative payee is reported to be providing services as representative payee pursuant to this section, section 205(j), or section 1631(a)(2).

“(4) The Commissioner of Social Security shall maintain a list, which shall be updated periodically, of public agencies and community-based nonprofit social service agencies which are qualified to serve as representative payees pursuant to this section and which are located in the jurisdiction in which any qualified individual resides.

“(i) RESTITUTION.—In any case where the negligent failure of the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

“SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.

“(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made, as follows:

“(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment under this title to which the overpaid person (if a qualified individual) is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these two methods, shall seek or pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 3720A of title 31, United States Code.

“(2) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

“(A) is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

“(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

“(b) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

“(c) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

“(d) AUTHORIZED COLLECTION PRACTICES.—

“(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘delinquent amount’ means an amount—

“(A) in excess of the correct amount of the payment under this title; and

“(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual under this title.

“SEC. 809. HEARINGS AND REVIEW.

“(a) HEARINGS.—

“(1) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and decisions as to the rights of any individual applying for payment under this title. The Commissioner of Social Security shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title with respect to entitlement to, or the amount of, benefits under this title, if the individual requests a hearing on the matter in disagreement within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse the Commissioner of Social Security's findings of fact and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security's own motion, hold such hearings and to conduct such investigations and other proceedings as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

“(2) EFFECT OF FAILURE TO TIMELY REQUEST REVIEW.—A failure to timely request review of an initial adverse determination with respect to an application for any payment under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for payments in lieu of seeking review of an adverse determination, provided by any officer or employee of the Social Security Administration.

“(3) NOTICE REQUIREMENTS.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to reapply in lieu of requesting review of the determination.

“(b) JUDICIAL REVIEW.—The final determination of the Commissioner of Social Security after a hearing under subsection (a)(1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security's final determinations under section 205.

“SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.

“(a) REGULATIONS AND ADMINISTRATIVE ARRANGEMENTS.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

“(b) PAYMENT OF BENEFITS.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines are in the interests of economy and efficiency.

“(c) ENTITLEMENT REDETERMINATIONS.—An individual's entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

“(d) SUSPENSION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the temporary suspension of entitlement to benefits under this title as the Commissioner determines is appropriate.

“SEC. 811. PENALTIES FOR FRAUD.

“(a) IN GENERAL.—Whoever—

“(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;

“(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;

“(3) having knowledge of the occurrence of any event affecting—

“(A) his or her initial or continued right to the benefits; or

“(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit,

conceals or fails to disclose the event with an intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or

“(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual,

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If a person or organization violates subsection (a) in the person's or organization's role as, or in applying to become, a representative payee under section 807 on behalf of a qualified individual, and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to the qualified individual.

“SEC. 812. DEFINITIONS.

“In this title:

“(1) WORLD WAR II VETERAN.—The term ‘World War II veteran’ means a person who served during World War II—

“(A) in the active military, naval, or air service of the United States during World War II, and who was discharged or released therefrom under conditions other than dishonorable after service of 90 days or more; or

“(B) in the organized military forces of the Government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946.

"(2) WORLD WAR II.—The term 'World War II' means the period beginning on September 16, 1940, and ending on July 24, 1947.

"(3) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI', except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66.

"(4) FEDERAL BENEFIT RATE UNDER TITLE XVI.—The term 'Federal benefit rate under title XVI' means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66) payable under title XVI for the month to an eligible individual with no income.

"(5) UNITED STATES.—The term 'United States' means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

"(6) BENEFIT INCOME.—The term 'benefit income' means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

"SEC. 813. APPROPRIATIONS.

"There are hereby appropriated for fiscal year 2001 and subsequent fiscal years such sums as may be necessary to carry out this title.".

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY TRUST FUNDS LAE ACCOUNT.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(A) in the 4th sentence of paragraph (1)(A), by inserting after "this title," the following: "title VIII,";

(B) in paragraph (1)(B)(i)(I), by inserting after "this title," the following: "title VIII,"; and

(C) in paragraph (1)(C)(i), by inserting after "this title," the following: "title VIII,".

(2) REPRESENTATIVE PAYEE PROVISIONS OF TITLE II.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (1)(A), by inserting "807 or" before "1631(a)(2)";

(B) in paragraph (2)(B)(i)(I), by inserting ", title VIII," before "or title XVI";

(C) in paragraph (2)(B)(i)(III), by inserting ", 811," before "or 1632";

(D) in paragraph (2)(B)(i)(IV)—

(i) by inserting ", the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "or payment of benefits"; and

(ii) by inserting ", title VIII," before "or title XVI";

(E) in paragraph (2)(B)(ii)(I)—

(i) by inserting "whose designation as a representative payee has been revoked pursuant to section 807(a)," before "or with respect to whom"; and

(ii) by inserting ", title VIII," before "or title XVI";

(F) in paragraph (2)(B)(i)(II), by inserting ", 811," before "or 1632";

(G) in paragraph (2)(C)(i)(II) by inserting ", the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "or payment of benefits";

(H) in each of clauses (i) and (ii) of paragraph (3)(E), by inserting ", section 807," before "or section 1631(a)(2)";

(I) in paragraph (3)(F), by inserting "807 or" before "1631(a)(2)"; and

(J) in paragraph (4)(B)(i), by inserting "807 or" before "1631(a)(2)".

(3) WITHHOLDING FOR CHILD SUPPORT AND ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—

(A) at the end of clause (iii), by striking "and";

(B) at the end of clause (iv), by striking "but" and inserting "and"; and

(C) by adding at the end a new clause as follows:

"(v) special benefits for certain World War II veterans payable under title VIII; but".

(4) SOCIAL SECURITY ADVISORY BOARD.—Section 703(b) of such Act (42 U.S.C. 903(b)) is amended by striking "title II" and inserting "title II, the program of special benefits for certain World War II veterans under title VIII,".

(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 908) is amended—

(A) in subsection (a), by striking "title II" and inserting "title II, title VIII,"; and

(B) in subsection (b), by striking "title II" and inserting "title II, title VIII,".

(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a–8) is amended—

(A) in the title, by striking "II" and inserting "II, VIII";

(B) in subsection (a)(1)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

"(B) benefits or payments under title VIII, or";

(C) in subsection (a)(2), by inserting "or title VIII," after "title II";

(D) in subsection (e)(1)(C)—

(i) by striking "or" at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

"(ii) by decrease of any payment under title VIII to which the person is entitled, or";

(E) in subsection (e)(2)(B), by striking "title XVI" and inserting "title VIII or XVI"; and

(F) in subsection (l), by striking "title XVI" and inserting "title VIII or XVI".

(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b–17) is amended—

(A) in subsection (a)(1)—

(i) by inserting "or VIII" after "title II" the first place it appears; and

(ii) by striking "title II" the second place it appears and inserting "such title"; and

(B) in the title, by striking "SOCIAL SECURITY" and inserting "OTHER".

(8) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (A)(iii), by inserting "or 807" after "205(j)(1)";

(B) in subparagraph (B)(ii)(I), by inserting ", title VIII," before "or this title";

(C) in subparagraph (B)(ii)(III), by inserting ", 811," before "or 1632";

(D) in subparagraph (B)(ii)(IV)—

(i) by inserting "whether the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "and whether certification"; and

(ii) by inserting ", title VIII," before "or this title";

(E) in subparagraph (B)(iii)(II), by inserting "the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "or certification"; and

(F) in subparagraph (D)(ii)(II)(aa), by inserting "or 807" after "205(j)(4)".

(9) ADMINISTRATIVE OFFSET.—Section 3716(c)(3)(C) of title 31, United States Code, is amended—

(A) by striking "sections 205(b)(1)" and inserting "sections 205(b)(1), 809(a)(1),"; and

(B) by striking "either title II" and inserting "title II, VIII,".

Strike section 301 of the bill and insert the following:

SEC. 301. NARROWING OF HOLD HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

"(d) HOLD HARMLESS PROVISION.—If—

"(1) the amounts collected which could be retained by the State in the fiscal year (to the extent necessary to reimburse the State for amounts paid to families as assistance by the State) are less than the State share of the amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on the day before the date of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and

"(2)(A)(i) the State has not retained any of the current support so collected during the preceding fiscal year on behalf of any family that is a recipient of assistance under the State program funded under part A (except any such family in a control group required by a waiver granted to the State under section 1115); and

"(ii) at least the lesser of $150 or the total amount of current support paid to such a family in any month is disregarded in determining the amount or type of assistance to be provided to the family for the month under the State program funded under part A; or

"(B) the State has distributed to families not less than ½ of the child support arrearages collected pursuant to section 464 during the preceding fiscal year, that accrued after the families ceased to receive assistance from the State (as defined in subsection (c)(1)),

then the State share otherwise determined for the fiscal year shall be increased by an amount equal to ½ of the amount (if any) by which the State share in fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).".

(b) AUTHORITY OF STATE TO PASS THROUGH PORTION OF CHILD SUPPORT ARREARAGES COLLECTED THROUGH TAX INTERCEPT.—Section 457(a)(2)(B)(iv) of such Act (42 U.S.C. 657(a)(2)(B)(iv)) is amended in the first sentence by inserting after the 2nd sentence the following: "After making such payment, the

State may distrbute to the family not more than ½ of the remaining amount so retained.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to calendar quarters beginning on or after October 1, 1998.

(d) REPEALER.—Effective October 1, 2001, section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking subsection (d).

The CHAIRMAN. Pursuant to House Resolution 221, the gentlewoman from Connecticut (Mrs. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Let me briefly outline the contents of the manager's amendment. Most of the provisions are highly technical and are included simply to clarify meaning. Four provisions, however, require a brief explanation.

One of these changes our policy on redistributing funds not used by States. We change the policy so that States will have 2 years rather than 1 year to spend each year's appropriations. HHS informs us that with the 2 years to spend the money, there will be no need for redistribution of funds.

The second provision of the manager's amendment authorizes additional payments to States for increasing their rate of adoptions. The amount of bonus money we appropriated in previous legislation was inadequate because States have done such a remarkable job of increasing the number of adoptions of children in foster care.

A third amendment is added to ensure that recipients of supplemental security income who lose their eligibility because of assets they hold in trust will not automatically lose their Medicaid benefits.

A fourth provision broadens our provision on Filipino veterans of World War II that the committee bill allowed to return to the Philippines and still retain their SSI benefits. The new provision provides this option to all World War II veterans.

We think these provisions of the manager's amendment make a good bill even better, and I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I rise to claim the time in opposition.

Mr. Chairman, I rise in support of this amendment, and I yield myself such time as I may consume.

I have already gone over the different provisions during the general debate that is in the manager's amendment. I want to compliment the gentlewoman from Connecticut (Mrs. JOHNSON) for putting together this manager's amendment to take care of some very technical points, to expand the provisions concerning the World War II veterans, to deal with some unintended consequences that deal with the hold harmless provision for pass-through to child support to the families.

Mr. Chairman, I want to quickly discuss three of the improvements to the Foster Care Independence Act in the amendment being offered by Mrs. JOHNSON and myself.

First, the amendment expands a provision that would allow U.S. World War II veterans to return to their homeland, including the Philippines, and still receive ¾ of their SSI benefit. This provision provides Members with a rare opportunity to vote for proposal that is supported by veterans and saves money.

Second, the amendment would ensure that the bill's restrictions on asset transfers and trusts under SSI do not have unintended impacts on Medicaid coverage. More specifically, the amendment would clarify that individuals who are not receiving SSI do not lose Medicaid coverage because of changes in SSI eligibility rules, which are sometimes used to determine Medicaid eligibility.

And third, the amendment would continue to provide half of the current child support hold harmless payments to States that pass-through child support payments to families on and leaving welfare. The bill generally repeals the hold-harmless provision, which has created an unintended windfall for States, but the amendment provides this limited extension to help more States that are passing through child support to low-income families, rather than keeping it to recoup past welfare costs.

I urge my colleagues to support this amendment and the underlying bill.

Mr. Chairman, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I submit for the RECORD some additional information in regard to this portion of the amendment that alters the hold-harmless provisions in the child support enforcement bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS, SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, DC, June 10, 1999.

Hon. TOMMY G. THOMPSON,
Hon. FRANK O'BANNON,
Co-Lead Governors on Welfare, National Governors Association, Washington, DC.

DEAR GOVERNORS THOMPSON & O'BANNON: Thanks for your letter expressing your opposition to our policy of ending the child support hold harmless provision. Bill Archer has asked me to respond to the letter because I negotiated the hold harmless provisions in 1995–96 and I now chair the Subcommittee with jurisdiction over child support enforcement. Here is my response to your arguments about why we should not end the hold harmless provision.

First, I think it is somewhat of a stretch to argue that governors accepted the mandates on child support in exchange for fixed child support funding. As someone who was directly involved in the negotiations, I can tell you that to my knowledge this point was never made by either side during the negotiations. Rather, the hold harmless agreement was developed because a specific provision of the Republican bill required States to share collections on arrearages with families after they left welfare. Our thinking was that federal policy should give families more child support money after they leave welfare and less while they remain on welfare. After all, the point of welfare reform was to get people off welfare. Thus, providing them with more child support money after they left the rolls would help them stay off welfare. In addition, ending the $50 passthrough provided states with significant compensation for sharing more post-welfare collections with families. In fact, according to CBO states saved in excess of $1.2 billion over 6 years (and lots of administrative hassle) by our policy of ending the $50 passthrough.

Despite this huge savings by states and the federal government, some states felt they were still financially at risk. So we agreed both to an arrangement in which the arrearages collections would be roughly split between states and families and to a provision requiring the federal government to make up the difference if the collections states could retain in any given year were less than retained collections in 1995. These provisions were negotiated between a small group of members of the Ways and Means and Financial Committees and one state IV–D director. The provisions were not part of the overall agreement between Congress and the governors on the TANF welfare reform law.

A broader issue raised in your letter is that the repeal of the hold harmless provision comes at a time when state collections in former welfare cases are declining because there are fewer welfare cases. But your letter does not mention that as welfare cases decline, states save considerable funds in their TANF block grant. In fact, on average across states, the 45 percent reduction in TANF caseloads since 1994 means that states have a very substantial surplus of TANF funds over which they have nearly complete control. Recently, the Congressional Budget Office estimated that by the end of 2003, States will have excess funds of over $24 billion. To raise the problems caused in child support financing because of the TANF caseload decline without mentioning the substantial savings in the TANF block grant is a one-sided presentation of state benefits.

Another important consideration in this discussion is that most states make a profit on their child support enforcement program. The enclosed table shows that in 1996, the last year for which we have complete data, 33 states made a profit on their child support program and that the total profit to states was a net of $407 million. While states were showing a positive net cash flow, the federal government had a negative cash flow of nearly $1.2 billion. The second enclosed table shows that the federal government has had a negative cash flow while states have enjoyed a positive cash flow every year since the program began. There is no doubt that the child support program is a good investment, but it is difficult to understand why the federal government should lose money on the program while states enjoy a profit.

It may well be the case that the child support financing arrangements that have been adequate for a quarter of a century are now outdated, primarily because of the dramatic changes in the TANF program. We are certainly open to suggestions about new ways to efficiently and fairly fund this vital federal-state program. But in the meantime, we intend to more equitably share the financing burden between the federal government and the states.

Thanks for your thoughtful letter. I'm sorry that I am not in closer agreement with your perspectives on these child support financing issues. Nonetheless, in accord with the recommendation in your letter, we have agreed to drop the provision that would have ended federal 90 percent funding for blood testing and other expenses of establishing paternity.

Sincerely,

NANCY L. JOHNSON,
Chairman.

Enclosures.

TABLE 8–5.—FINANCING OF THE FEDERAL/STATE CHILD SUPPORT ENFORCEMENT PROGRAM, FISCAL YEAR 1996

[In thousands of dollars]

State	State income: Federal administrative payments	State income: State share of collections	State income: Federal incentive payments	State administrative expenditures (costs)	State net	Collections-to-costs ratio
Alabama	31,161	5,737	3,548	46,314	(5,868)	3.41
Alaska	11,517	8,085	2,973	17,439	5,136	3.31
Arizona	31,177	6,647	3,842	46,909	(5,244)	2.41
Arkansas	19,048	4,163	3,195	28,669	(2,263)	2.77
California	293,731	222,548	66,752	437,991	145,040	2.36
Colorado	25,399	15,001	5,590	38,361	7,628	2.82
Connecticut	29,035	12,645	7,086	43,027	5,740	2.91
Delaware	9,941	3,393	1,112	14,168	279	2.50
District of Columbia	7,731	2,526	1,103	11,696	(336)	2.38
Florida	86,999	30,216	13,501	131,363	(647)	3.13
Georgia	45,496	16,780	15,110	68,505	8,881	3.92
Guam	1,744	289	281	2,624	(310)	2.57
Hawaii	16,113	5,396	1,758	23,907	(640)	2.18
Idaho	12,535	2,942	1,961	18,928	(1,490)	2.32
Illinois	68,905	28,513	10,691	103,803	4,304	2.41
Indiana	21,416	14,186	7,658	30,091	13,170	6.54
Iowa	19,209	12,911	6,319	29,048	9,391	5.23
Kansas	12,296	10,704	5,265	18,489	9,776	5.82
Kentucky	27,927	9,646	5,514	42,210	877	3.43
Louisiana	23,058	6,266	4,270	34,495	(900)	4.16
Maine	10,224	9,459	4,907	15,435	9,155	4.05
Maryland	43,688	19,120	6,540	66,017	3,332	4.36
Massachusetts	40,626	30,494	9,828	61,286	19,662	4.05
Michigan	94,572	60,098	22,323	143,132	33,860	6.63
Minnesota	48,457	25,680	9,017	73,195	9,960	4.36
Mississippi	9,522	3,959	3,553	29,463	(2,430)	2.87
Missouri	52,173	22,161	9,635	74,419	9,549	3.75
Montana	8,038	2,122	1,326	12,120	(634)	2.42
Nebraska	20,007	3,964	1,750	30,179	(4,457)	3.16
Nevada	14,782	3,737	2,279	22,346	(1,548)	2.53
New Hampshire	9,377	4,518	1,539	14,091	1,343	3.42
New Jersey	73,147	39,238	12,698	110,735	14,348	4.52
New Mexico	15,914	1,344	975	21,129	(2,896)	1.43
New York	115,020	79,891	28,461	174,183	49,188	4.03
North Carolina	59,282	20,653	10,732	89,147	1,521	2.94
North Dakota	4,352	1,662	990	6,563	441	4.34
Ohio	106,594	41,141	17,008	161,618	3,125	6.07
Oklahoma	16,968	6,674	3,666	24,040	3,269	3.06
Oregon	21,129	10,544	5,480	31,874	5,278	5.60
Pennsylvania	82,784	49,576	18,619	123,808	27,171	7.74
Puerto Rico	19,504	291	372	28,569	(8,401)	4.44
Rhode Island	5,451	6,839	3,262	8,251	7,300	4.31
South Carolina	23,296	6,797	4,154	35,100	(853)	3.37
South Dakota	3,173	1,936	1,399	4,770	1,738	5.87
Tennessee	26,165	10,195	5,328	39,342	2,347	4.06
Texas	96,614	32,915	15,873	144,984	418	3.71
Utah	19,497	5,136	3,217	29,170	(1,321)	2.66
Vermont	4,467	2,602	1,346	6,701	1,714	3.79
Virgin Island	1,597	94	67	2,418	(660)	2.25
Virginia	40,844	18,475	5,988	61,507	3,800	4.18
Washington	76,319	49,348	16,449	115,322	26,795	3.53
West Virginia	15,578	3,230	2,065	23,358	(2,484)	3.61
Wisconsin	50,394	19,115	10,659	74,058	6,110	5.94
Wyoming	5,575	1,835	647	8,455	(398)	2.96
Nationwide	2,039,569	1,013,437	409,681	3,054,821	407,866	3.93

Note.—The "State net" column in this table is not the same as the comparable figure presented in annual reports of the Office of Child Support Enforcement (see for example, 1996, p. 78 and table 8–23 below) because estimated Federal incentive payments are used in the annual reports while final Federal incentive payments were used in this table.

Source: Office of Child Support Enforcement, U.S. Department of Health and Human Services.

TABLE 8–6.—FEDERAL AND STATE SHARE OF CHILD SUPPORT "SAVINGS," FISCAL YEARS 1979–96

[In millions of dollars]

Fiscal year	Federal share of child support savings[1]	State share of child support savings	Net public savings[1]
1979	−43	244	201
1980	−103	230	127
1981	−128	261	133
1982	−148	307	159
1983	−138	312	174
1984	−105	366	260
1985	−231	317	86
1986	−264	274	9
1987	−337	342	5
1988	−355	381	26
1989	−480	403	−77
1990	−528	338	−190
1991	−586	385	−201
1992	−605	434	−170
1993	−740	462	−278
1994	−978	482	−496
1995	−1,274	421	−853
1996 (preliminary)	−1,152	407	−745

[1] Negative "savings" are costs.

Source: Office of Child Support Enforcement, Annual Reports to Congress, 1996 and various years.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 17, 1999.
Hon. THOMAS J. BLILEY, Jr.,
Chairman, House Committee on Commerce, Washington, DC.

DEAR CHAIRMAN BLILEY: I write to confirm our mutual understanding with respect to further consideration of H.R. 1802, the "Foster Care Independence Act of 1999." H.R. 1802, as introduced, was referred to the Committee on Ways and Means, and in addition, to the Committee on Commerce.

Specifically, Subtitle C of Title I would change the Medicaid statute to permit States to provide Medicaid coverage to those 18, 19, and 20 year olds who have left foster care. States would also be permitted to use means testing to provide Medicaid to former foster care youths if their income and resources are below certain specified levels.

I understand that, following advance consultations, you are in agreement with this provision. I further understand that, in order to expedite consideration of this legislation, the Committee on Commerce will not be marking up the bill. The Commerce Committee will take this action based on the understanding that it will be treated without prejudice as to its jurisdictional prerogatives on this measure or any other similar legislation. Further, I have no objection to your request for conferees with respect to matters in the Commerce Committee's jurisdiction if a House-Senate conference is convened on this or similar legislation.

Finally, I will include in the Record a copy of our exchange of letters on this matter during floor consideration. Thank you for your assistance and cooperation in this matter.

With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 17, 1999.
Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN ARCHER: Thank you for your recent letter regarding H.R. 1802, the Foster Care Independence Act of 1999. As you noted in your letter, the Committee on Commerce is an additional committee of jurisdiction for H.R. 1802.

The Committee on Commerce will not exercise its right to act on the legislation and the Committee has no objections to the inclusion of those provisions within its jurisdiction. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over H.R. 1802. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I appreciate your commitment to support a request by the Commerce Committee for conferees on H.R. 1802 or similar legislation.

I ask that you include a copy of your letter and this response in the Record during consideration of the bill on the House floor. Thank you for your consideration and assistance.

I remain,
Sincerely,
TOM BLILEY,
Chairman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House report 106–199.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

Mr. THOMPSON of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. THOMPSON of California:

In section 1(b) of the bill, in the table of contents, after the item relating to section 111, insert the following:

Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

At the end of subtitle B of title I, insert the following:

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following:

"(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I yield myself as much time as I may consume.

First, I would like to commend the Committee on Ways and Means for bringing this measure to the floor. I would like to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their good work on this issue.

Improving foster care is an important goal and providing transition assistance, as this bill does, is particularly important. Mr. Chairman, there is another way that we can improve foster care and that is to improve the training for prospective foster parents and to provide continuing training and education after the child is in that foster care parent's home.

States have a variety of training programs, but there is no standard. They vary in the number of hours in which the training occurs and in the curriculum as well. Particularly interesting is the fact that the training of foster care parents is not expressly required in the States' plan submitted in order for the States to receive Federal funding to support their foster care programs. My amendment addresses and rectifies this situation.

Working with a range of child advocacy groups, as well as the majority and the minority staff, this amendment before the committee focuses renewed attention on the need to improve foster care training and preparation. Such training is crucial.

According to many observers, one of the largest crises facing the child welfare system is the inability to recruit qualified foster care parents as well as the ability of the system to retain those parents once they are found. In addition, in too many cases, foster children are not fully integrated into the their foster families. They are not recognized as individuals in the same way and in the same manner emotionally, educationally and economic needs as birth children, and as such, are treated as temporary tenants without the opportunity to develop and grow into self-sufficient young adults. To the extent foster parents' ill-preparedness is the cause, it can be overcome by improving training, counseling, and aid.

To encourage the improvement of both preplacement training and training after a child's placement, this amendment requires States to expressly include in their State plan a certification that prospective parents, are adequately prepared with the appropriate knowledge and the appropriate skills to provide for the needs of those children.

In addition, the amendment requires States to certify that such preparation will be continued as necessary after the placement of the youngster. Improving the training of prospective foster parents will encourage more individuals and couples to accept children in the State's care. More parents will be better prepared to recognize and respond to the problems associated with these children. By continuing and improving the training of parents after the placement is made, fewer parents will decline future foster care placements. More important, children in foster care will be better cared for and better assisted in their transition to independent adulthood.

Mr. Chairman, I urge the support of this amendment, and I again would like to thank the gentlewoman from Connecticut and the gentleman from Maryland and their staffs for their help in crafting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

I rise not to oppose the amendment, but to point out that States do have an open-ended entitlement to Federal money for training, one of the real strengths of the underlying law. The match is only 25 percent in State money. But I accept the gentleman's amendment, because it does clarify and strengthen not only the underlying law, but the intent of this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I want to congratulate the gentleman from California (Mr. THOMPSON) for this amendment. I think it is a very important amendment, and it improves the bill that is before us. It makes it clear that foster parents need to be prepared adequately with appropriate knowledge and skills to provide for the needs of the child.

We are trying to give additional flexibility to States to help children aging out of foster care and into independent living, but part of that depends upon having foster parents that are adequately trained and have the right skills, and I think this amendment adds to that. I want to congratulate the gentleman, and we certainly accept it on our side.

Mr. THOMPSON of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this amendment. I think it will make it an even stronger bill. I am so pleased about what is happening on this particular legislation.

The Foster Care Independence Act of 1999 is precisely what we need to deal with foster care problems in our country. I am particularly excited about the idea that we are finally going to do something to help transition 18-year-olds who come out of the foster care system and help them to become productive adults and not just dump them out on the streets.

So again, I commend my colleague from California (Mr. THOMPSON) and say that I believe that this is the way to go. This is the thing to do. I commend all of those who have worked on support of this amendment. I urge an "aye" vote on the bill.

Mr. THOMPSON of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106–199.

AMENDMENT NO. 3 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BUYER:

In section 1(b), in the table of contents, after the item relating to section 251, insert the following:

Subtitle C—Study

Sec. 261. Study of denial of SSI benefits for family farmers.

At the end of title II, insert the following:

Subtitle C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the deeming process unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such farmers who have been denied such benefits during each of the preceding 10 years.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

I congratulate the ranking member from Maryland for his work on the bill and the gentlewoman from Connecticut (Mrs. JOHNSON). This is Congress at its best. This is bipartisanship at its best. I have a compliment that comes from the leadership out of the subcommittee out of the Committee on Ways and Means, and both members are entitled to the compliment, from all members.

The inspiration for the amendment I have here before everyone comes from a constituent of mine named Tim Tanner. His son, Danny, is severely disabled and were if not for the loving sacrifice of his father, Danny would have been institutionalized.

Mr. Tanner is a single dad earning his living as a dairy farmer. Mr. Tanner repeatedly applied for the SSI benefits for Danny, and he was consistently denied, even though he would always go for the appeals. Although Danny qualified medically, and based on his father's income, the benefits were denied because of his father's resources, which were, at least on paper were too great to qualify. He was a minority shareholder of a sub S corporation.

I visited with Mr. Tanner, and I have also met Danny. Let me share Mr. Tanner's view of how the current law had been applied to him. Danny now is 18 and qualifies for SSI as an adult in his own right. But at a time when he needed the money the most, he did not qualify, but would have qualified had the father institutionalized him. But since the father chose to keep Danny at home and sacrificed everything for the son who has a mental capacity of about a 3-year-old, he was penalized. I think that is antifamily, and we should be doing everything we can to help build the family unit.

Mr. Tanner wrote me and he said, "Social Security is wrong to deny my son benefits. But if they were right, then the people in Washington should hang their heads in shame. Mighty people in lofty positions of government deny the most helpless of all: the handicapped children. It is mean. It is cruel to deny my son, based on my attempt to be a father. It is a dastardly deed. Yes, Congress should be ashamed."

Mr. Chairman, I have no interest in creating loopholes for welfare benefits, but here is a situation where a needy, handicapped child could not have received the assistance of SSI because of a father choosing the harder way and the more loving option of care at home and not to institutionalize his son. But because his assets were tied to this dairy farm, his means and his livelihood, the son was, I believe, discriminated against.

I would just like to know if this is a rare case or if there are other cases out there. My amendment would require the Social Security administration to do a study on the SSI benefit of denials for family farmers who choose to care for disabled dependents in the home rather than sending them off to an institution. I do not think it is a lot to ask the Social Security administration to give Congress some data on the application of the law.

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I am grateful to the gentlewoman from Connecticut (Mrs. JOHNSON) for her counsel on this amendment and appreciate her hard work in bringing this bill to the floor, along with the gentleman from Maryland (Mr. CARDIN).

Mr. Chairman, I urge the adoption of the amendment, and I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me point out that I want to compliment the gentleman for his amendment, and for bringing to our attention a real problem, and dealing with it in a way that I think we can get the answers.

I certainly support it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

I, too, look forward to the report. It is the kind of problem that for many years passed us by. We must take the opportunity with this family to find a way to help. We will give that report every consideration.

Mr. CARDIN. Mr. Chairman, I yield back the balance of my time.

Mr. BUYER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes, pursuant to House Resolution 221, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 6, not voting 48, as follows:

[Roll No. 256]

YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Cannon
Chenoweth
Coburn
Hefley
Hostettler
Paul

NOT VOTING—48

Berman
Boehlert
Brown (CA)
Callahan
Capuano
Clay
Conyers
Costello
Cunningham
Danner
DeFazio
Delahunt
Engel
Everett
Fletcher
Forbes
Gallegly
Gilchrest
Granger
Gutierrez
Hall (TX)
Hobson
Hulshof
Jefferson
Kasich
Lipinski
Lowey
McCarthy (NY)
McInnis
McIntosh
McKeon
Menendez
Miller, Gary
Mink
Mollohan
Obey
Olver
Packard
Rogan
Sanford
Scarborough
Slaughter
Smith (WA)
Tauzin
Taylor (MS)
Taylor (NC)
Towns
Weiner

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Mr. DINGELL changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAPUANO. Mr. Speaker, I was unavoidably detained on the morning of June 25, 1999 and was therefore unable to cast a vote on rollcall No. 256. Had I been present, I would have voted "yea" on rollcall No. 256.

Mr. PACKARD. Mr. Speaker, I was unavoidably detained for rollcall 256, which was final passage of H.R. 1802, the Foster Care Independence Act of 1999. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1802.

The SPEAKER pro tempore (Mr. KOLBE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1802, FOSTER CARE INDEPENDENCE ACT OF 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1802, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2056

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I rise to inquire about next week's schedule. I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Texas (Mr. FROST) who agrees with me that our beloved Dallas Stars did in fact win that sixth game in triple overtime with a legal goal and thereby win the Stanley Cup.

Mr. Speaker, I want to thank the gentleman from Texas for yielding to me for the purposes of the schedule.

Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week. Mr. Speaker, Members should note that the House will not be in session on Monday, June 28.

The House will next meet on Tuesday, June 29 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

Members should note that we expect recorded votes after 2 p.m. on Tuesday, June 29. On Wednesday, June 30, and the balance of the week, the House will take up the following bills, all of which will be subject to rules:

H.R. 1218, the Child Custody Protection Act;

H.R. 10, the Financial Services Act of 1999;

and we expect the conference report on H.R. 775, the Year 2000 Readiness and Responsibility Act to be ready next week.

Mr. Speaker, we expect to conclude legislative business by 2 p.m. on Friday, July 2.

Mr. FROST. Mr. Speaker, if I could, I would like to ask the gentleman from Texas (Mr. ARMEY) a few questions. I would ask the majority leader, next Friday has become a tremendous problem for families, trying to get home for the July 4th weekend. There are literally no flights available. Is the gentleman going to keep votes on Friday?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry, and I do understand the concerns we have. We have tried the best we can to adjust the legislative schedule to the convenience of the Members. It is our expectation that work might carry us over to Friday. If at any time I can know with any certainty earlier, I will inform the Members as soon as possible.

Mr. FROST. Mr. Speaker, if I could inquire of the majority leader further, when can we expect conferees to be appointed on juvenile justice and gun safety, critically important legislation that should not be left to languish?

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for his concern, and I share his concern about the importance of this legislation. We worked very hard on it, and we have the committees working, and the conferees are doing some preliminary work. We expect to appoint those conferees. But at this point, we are not prepared to make an announcement.

Mr. FROST. Mr. Speaker, I would further ask the majority leader, in the wake of our victory against Milosevic and his atrocities in Kosovo, we need a resolution to commend our troops and the President for that accomplishment. We did that for President Bush after the Gulf War, and the Senate has already passed such a resolution unanimously. When can we expect a resolution congratulating our troops in the House?

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas again for his inquiry. I know the committees of jurisdiction are looking at that. There have been some discussion among Members on both sides of the aisle. I am sure that the correct resolution will make its way to the floor before too long.

Mr. FROST. Mr. Speaker, does the gentleman from Texas (Mr. ARMEY) expect that to be next week before the break?

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas again for his inquiry, but I can see nothing on the schedule on that subject for next week.

□ 1145

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

WASHINGTON, DC,
June 24, 1999.

Hon. J. DENNIS HASTERT,
The Capitol.

DEAR MR. SPEAKER: Effective immediately, I hereby resign from the House Judiciary Committee.

Yours truly,
ED BRYANT.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

WASHINGTON, DC,
June 24, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, Rayburn House Office Building, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on Transportation and Infrastructure.

Sincerely,
J.C. WATTS, Jr.,
Member of Congress.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

WASHINGTON, DC,
June 24, 1999.

Hon. J DENNIS HASTERT,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER, I hereby resign from the House Committee on Government Reform and Oversight.

Cordially,
JOHN T. DOOLITTLE,
U.S. Representative.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM, COMMITTEE ON THE JUDICIARY, AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. BLUNT. Mr. Speaker, I offer a resolution (H. Res. 223), and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 223

Resolved, That the following named Member be, and he is hereby, elected to the following standing committees of the House of Representatives:

Committee on Government Reform: Mr. VITTER.

Committee on the Judiciary: Mr. VITTER.

Committee on Transportation and Infrastructure: Mr. VITTER.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there any objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO TUESDAY, JUNE 29, 1999

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, June 29, 1999, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection and pursuant to the provisions of 22 U.S.C. 276h and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE Arizona, Chairman, appointed on February 11, 1999:

Mr. GILMAN of New York, Vice Chairman,

Mr. DREIER of California,
Mr. BARTON of Texas,
Mr. BALLENGER of North Carolina,
Mr. STENHOLM of Texas,
Mr. FILNER of California,
Mr. REYES of Texas, and
Mrs. NAPOLITANO of California.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MORE DEBATE ON GUN SAFETY AND INSTANT CHECKS REQUIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, some might read the headline in The Washington Post as another attempt to blame the FBI. The headline reads, "Delays in FBI Checks Put 1,700 Guns in the Wrong Hands." What the headline means is that guns, 1,700 of them, 1,700 persons or maybe a little less, 1,700 criminals or people who may be with other problems that would suggest they should not have guns, have gotten guns.

The reason why this is an extremely important announcement, and I am wondering what happened with this report in the debate last week, is that last week this House attempted to even lower the time frame for the instant check on gun shows to 24 hours, and it is clear that this loophole is an enormous loophole to give guns to criminals, guns to criminals.

This article indicates that the process is that after 3 days, if there has been no determination on the individual trying to seek the gun, then it automatically goes to that person. So, 1,700 guns got in the hands of criminals. And the real element is what would we have done with a 24-hour check when that allows for the very problem that we are talking about.

Just this morning a tragedy was reported about someone who got a gun and killed their three children, three daughters, because the restraining order that had been issued against this father did not get on the computer in time. And in the State of Colorado he was able to get the gun and shoot his three daughters.

Mr. Speaker, I would hope that we would not let the gun lobby take this issue from us because of all the money that they have. It is reasonable, it is rational, and the American people see the basis in it.

We cannot fight technological problems. We hope the FBI fixes its system, but glaringly we can tell that the fact that there is a 3-day instant check is not even enough. There are problems with the system to the extent that even if we had 3 days we are not getting all of the guns out of the hands of criminals. What would happen if we had a 24-hour instant check; and after the 24 hours expired, the individual could get a gun?

Mr. Speaker, I would simply hope that this House would take up again gun safety legislation to keep the guns out of the hands of criminals. Does this headline need to be even more glaring by showing us the tragedies and loss of life because criminals have guns? Criminals have guns.

I hope that we will come to our senses and stand up for the American people.

NATO GOT IT RIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Sunday one of the newspapers in my home State of New Jersey, the Newark Star-Ledger summed up the outcome of the Kosovo conflict in an insightful editorial. The headline of the editorial says it all, in my opinion: "NATO Got It Right."

I would like to read a few passages from the editorial. It begins, and I quote,

> The case for our intervention in Kosovo is still being made. The evidence turns up daily corpse by corpse, mass grave by mass grave, massacre by massacre. Claims of ethnic cleansing were treated with a certain skepticism when the bombing went on. Were the atrocities really that bad or was this just a case of war-time exaggeration? We now have our answer.

The editorial goes on to cite an estimate by the British Foreign Office that 10,000 Kosovars were the victims of mass executions by the Serbs. Then the editorial poses perhaps the most important question of all, and I quote, "Still, how much worse would it have been if NATO had not intervened? The dimensions of unchecked genocides are a matter of guesswork."

What we have seen, Mr. Speaker, in Kosovo is a genocidal campaign by the Serb forces that was halted by NATO's intervention. Moreover, the success of our military intervention resulting in the quick withdrawal of the Serb forces has allowed for the genocide to be documented essentially in real time. Yes, there were some crude efforts by the Serbs to conceal the evidence of the atrocities that they had committed, but the grizzly discoveries being made every day by the allied troops offer compelling proof, irrefutable testimony of what happened. It will be difficult for future revisionist historians to deny what happened in the villages and fields of Kosovo.

Mr. Speaker, this is an extremely important development. Throughout the 20th century genocide has occurred while the world looked the other way. It is, of course, impossible to conceal all evidence of the mass murders of thousands or millions of people. But in past cases of genocide, the world only found out what happened after the fact. For example, in the years during and after World War I, 1.5 million Armenians were massacred by the Ottoman Turkish Empire. At that time the term genocide had not yet been coined to describe mass murder of a civilian population as part of a government policy.

During the Armenian genocide, word started to filter out about mass atrocities and a flood of refugees into neighboring countries offered firsthand testimony. Relief operations were set up, but the Ottoman forces were able to cover up much of the evidence, not only while the genocide was occurring but also after the fact. After the collapse of the Ottoman Empire, there was no allied occupation. The killing fields remained under the control of those who committed the genocide. To this day, Turkey still denies that the Armenian genocide took place.

Mr. Speaker, during the Second World War there were strong indications that the Nazi persecution of European Jews had reached a new level of barbarism. There are many indications that the allied governments were largely aware of the Nazi holocaust while it was going on, although this information was not known to the general public. With the defeat and occupation of Germany and the liberation of the concentration camps, it became apparent for the world to see what had occurred was a degree of mass murder so extreme a new word had to be invented, the word genocide.

The evidence of the holocaust was documented. The world was utterly shocked by what happened and the international community solemnly vowed: "Never again." The genocide was documented, but only after 6 million Jews and millions of other victims had been murdered.

What we have seen in Kosovo may represent a major historical turning point. Not only have we documented genocide as it occurred, but we have acted to prevent more widespread slaughter. And I hope this will serve as a precedent for our future resolve and commitment. More important, I hope our action in Kosovo will deter a future Milosevic before he imbarks on a policy of genocide.

To quote again from the Star-Ledger editorial:

> Our intervention in Kosovo demonstrates our internationalist tradition is still in place and that a multi-national intolerance of mass murder has developed. While we cannot be policemen to the world, we are also not willing to see this type of barbarism prevail, particularly in an area that was a battleground for two world wars.

Mr. Speaker, America's military intervention, with our NATO allies, on behalf of the people of Kosovo, was a just and a moral cause, a noble effort. The successful campaign in the Balkans, like so many of our country's international triumphs, was motivated both by idealism and by our national interests.

There was clearly an altruistic motive in stopping the Serb dictator Milosevic from carrying out his plans to drive the ethnic Albanians from their homes in Kosovo. But there was also the pragmatic recognition that instability in the heart of Europe threatens American interests. We fought two world wars on European soil, and held the line against Soviet expansionism for nearly half a century. We have learned the lesson of history, that a murderous, aggressive, genocidal regime must be stopped before causing widespread instability and death.

We can be very proud of the courage and professionalism of our men and women in uniform who carried out this operation. We can be proud of the American technology that allowed us to achieve our objectives so successfully with no combat casualties. And we should also be proud of our political leaders for taking a stand against aggression and ethnic cleansing, and for staying the course when a successful outcome appeared far from certain. President Clinton and his national security team deserve great credit for their leadership. The leaders of some of the allied nations faced difficult internal opposition but still showed great resolve, for which they deserve our respect and gratitude.

Mr. Speaker, in the past few months, there has been a shocking lack of support for our commander-in-chief on the floor of this House, as members of the Republican Party, including some in very senior leadership positions, have talked about the Kosovo campaign as the "Clinton-Gore War," trying to score cheap political points while our armed forces were involved in combat operations. I don't want to cast this debate in purely partisan terms; there were some members of the Republican Party who strongly supported this operation, while other Republicans at least had the decency and good taste to express their reservations in more restrained language. And there were also members on this side of the aisle who expressed misgivings about the operation. Fair enough; this is a democracy and this House should be a place of vigorous, sometimes partisan debate. But now that we have clearly achieved a military victory and are implementing our political objectives, I would have hoped that the opponents of the Kosovo operation would offer at least grudging support. Instead, during the recent debate on the Defense Authorization bill, there were some in this House who, because of their animosity for our President, still saw fit to criticize the President and his national security advisers and to try to argue that the Kosovo operation was not a success.

I guess you have to accept a certain amount of partisanship, but I still remember the days when our differences ended at the water's edge. You only have to go back to the early part of this decade, to the Gulf War. I voted to support President Bush's decision to use force to oust Iraqi forces from Kuwait. Many in my party did not support that decision. But once the conflict began, there was bipartisan support—not only for the troops and the operation, but for the President himself and his national security team. After our victory in the Gulf War, President Bush, a Republican, received an enthusiastic, triumphant reception here from a Democratic Congress. I hope we can get back to that kind of bipartisan consensus when it comes to our nation's international commitments.

Mr. Speaker, I did want to cite one positive development that came out of the human tragedy in Kosovo. Thousands of Kosovar refugees have been given temporary shelter at Fort Dix in my home state of New Jersey. The outpouring of support from the community has been extremely impressive. I think it says a lot about the true character of the American people, about our willingness to help out those who are in need.

Mr. Speaker, it's true: NATO did get it right. We still have a lot of hard work ahead of us. Slobodan Milosevic and his henchmen must be held accountable for their crimes. The challenges of rebuilding Kosovo are enormous. Likewise, helping a post-Milosevic Serbia get re-integrated into the family of civilized nations is a daunting, but urgent challenge. I am very hopeful that we can move forward as a nation—with the support and commitment of our European allies—to achieve these goals.

In the half-century since the Holocaust, we have said "Never again." In Kosovo, we finally proved that we meant it.

Mr. Speaker, I provide for the RECORD the complete article I referred to earlier.

[From the Sunday Star-Ledger, June 20, 1999]

NATO GOT IT RIGHT

The case for our intervention in Kosovo is still being made. The evidence turns up daily—corpse by corpse, mass grave by mass grave, massacre by massacre.

Claims of ethnic cleansing were treated with a certain skepticism while the bombing went on. Were the atrocities really that bad or was this just a case of wartime exaggeration? We now have our answer.

As NATO troops entered Kosovo, they found each day substantial evidence of widespread slaughter. Much came from eyewitnesses, but there was accompanying testimony from those who could not speak, the dead, buried in mass graves.

The assessment by the British Foreign Office that 10,000 Kosovars had been the victims of mass executions by the Serbs is chilling. Still, how much worse would it have been if NATO had not intervened? The dimensions of unchecked genocide are a matter of guesswork.

The international war crimes tribunal has begun its forensic investigation in Kosovo, and it will not be hard to find further proof of such atrocities. While the war may have been bungled and the assumptions that prompted our tactics were sometimes naive, there now should be little doubt that our resolve that action had to be taken was well-founded.

Our intervention in Kosovo demonstrates that our internationalist tradition is still in place and that a multinational intolerance of mass murder has developed. While we cannot be policemen to the world, we also are not willing to see this type of barbarism prevail, particularly in an area that was a battleground for two world wars.

There is one more step to be taken. Yugoslav President Slobodan Milosevic has been cited as a war criminal by an international tribunal. We must see that he, along with the other butchers of Bosnia and Kosovo, answers to these charges.

EDUCATIONAL SYSTEM IN U.S. IS DEFICIENT IN PRODUCING SCIENTISTS AND ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I rise today to address the Congress about a matter of great importance, and that is our future economic well-being.

We are blessed with an excellent economy today, and when we ask why that is and look at the statistics we find out that approximately one-third of all the economic growth today in our Nation arises from information technology; computers, Internet and so forth. And if we look at how much is caused by scientific developments in technology and engineering, overall it is greater than one-half of our economic expansion. Clearly, the economic health of our Nation depends very strongly upon good scientists, good engineers, good mathematicians and good research.

The reason I rise to speak here today, my colleagues, is that there is a danger that we are not recognizing the importance of these issues. We have not funded scientific research as well as we should have the past half decade. We do very well with health issues in the National Institutes of Health, but we have not done as well with some of our other enterprises, such as NASA, the Department of Energy, National Science Foundation and other very important endeavors. But perhaps the greatest problem lies in the deficiencies of our educational system in producing scientists and engineers and educating our citizens.

Particularly in our elementary and secondary schools, we are falling short not only of what we should achieve, but even more importantly we are falling short compared to the other nations of the world. In international comparisons, such as the Third International Mathematics and Science Study, we came in near the bottom of the developed nations in our high school science programs. We came in at the bottom in our high school physics programs. And overall we had a dismal record.

Now, how do we address this? There are various things we must do. First of all, we have to find good teachers; we have to train good teachers; we have to recruit good teachers; and, above all, we have to keep good teachers.

□ 1200

When we talk about training teachers, it is not just a matter of training the new ones. We have to have good professional development programs to help teachers in the classrooms now because the science that should be taught today is not the science that they learned when they were in colleges and universities. The field changes too dramatically, too rapidly.

We also need better curricula, curricula that recognize the nature and substance of science today and also that recognize the needs of the teachers in the classrooms so that they can effectively teach science.

I am not here to cast aspersions upon any group or any individuals, I think we are all trying very hard. But the simple point is we are not succeeding, and so we have to do better.

If we look at our graduate schools today, across our Nation in science and engineering we have more graduate students from other nations than we do from our own Nation. This tells us that our students competing on a level playing field in our own universities cannot make the grade and other nations' students are filling in.

We have to change that. And I believe we have to change our math and science educational system from preschool through grad school to ensure three things. First of all, that we have an adequate number of good scientists, engineers, and mathematicians. Secondly, that our graduates of our schools are ready for the workplace of tomorrow. Because the workplace of tomorrow is going to require considerable knowledge of mathematics, science, and technology. Finally, we have to improve our educational system so that we will have better consumers and better voters in this Nation.

We need better consumers because today increasingly in the marketplace technical information is needed and is often provided but many in the public are not able to interpret it, whether it relates to health foods, whether it relates to medicine or other areas of life.

So I think, for those three reasons, producing better scientists and engineers, making our students ready for the workplace of tomorrow, and educating good consumers and good voters for the future, we must improve our math and science educational system. I am dedicating myself to helping the Congress and the Nation to improve our math and science educational programs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOEHLERT (at the request of Mr. ARMEY) for today on account of attending daughter's wedding.

Mr. GARY MILLER of California (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. ROGAN (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today on account of attending son's graduation.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNulty) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. EHLERS, for 5 minutes, today.

ADJOURNMENT

Mr. EHLERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 29, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2754. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries [Docket No. FV99-930-2 IFR] received June 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2755. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District [CA 192-0132a; FRL-6334-5] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2756. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Approval Under Section 112(1); State of Iowa [IA 069-1069a; FRL-6340-3] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2757. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards, Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM10 Nonattainment Area [UT10-1-6700a; UT-001-0014a; UT-001-0015a; FRL-6340-1] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2758. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of Fuel Control Program under Section 211(c) [ME61-7010A; A-1-FRL-6338-2] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2759. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Appendix A—Test Methods: Three New Methods for Velocity and Volumetric Flow Rate Determination in Stacks or Ducts [FRL-6337-1] received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2760. A letter from the Acting Chief, Enforcement Division, Common Carrier Bureau, Federal Communication Commission, transmitting the Commission's final rule—Truth-in-Billing and Billing Format [CC Docket No. 98-170] received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2761. A letter from the Chief, Fees Section, Financial Operations Division, OMD, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1107 of the Commisson's Rules [GEN Docket No. 86-285] received June 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2762. A letter from the Attorney, General & Administrative Law, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Annual Update of Filling Fees [Docket No. RM98-15-000] received

June 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2763. A letter from the Attorney, General & Administrative Law, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [Docket No. RM86-2-000] received June 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2764. A letter from the Attorney, General & Administrative Law, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-009; Order No. 587-I] received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2765. A letter from the Attorney, General & Administrative Law, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Projects Cost and Annual Limits [Docket No. RM81-19-000] received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2766. A letter from the Attorney, General & Administrative Law, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-012] received June 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2767. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the Investigation of U.S.-Origin Military Equipment in Cyprus and Azerbaijan; to the Committee on International Relations.

2768. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period [Docket No. 981014259-8312-02; I.D. 061699C] received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2769. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Departmemt of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes, Model MD-88 Airplanes, and Model MD-90-30 Airplanes [Docket No. 98-NM-109-AD; Amendment 39-11201; AD 99-13-07] (RIN: 2120-AA64) received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2770. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29594; Amendment No. 1935] received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2771. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29594; Amdt. No. 1936] received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2772. A letter from the Chief, Office of Regulations and Administrative Law, USGC, Department of Transportation, transmitting the Department's final rule—Year 2000 (Y2K) Reporting Requirements for Vessels and Marine Facilities [USGC-1998-4819] (RIN: 2115-AF85) received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2773. A letter from the Chief, Office of Regulations and Administrative Law, USGC, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Fireworks Displays within the First Coast Guard District [CGD01-99-009] (RIN: 2115-AE46) received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2774. A letter from the Chief, Office of Regulations and Administrative Law, USGC, Department of Transportation, transmitting the Department's final rule—Safety Zone: Mashantucket Pequot Fireworks display, Thames River, Groton, CT [CGD01-99-061] (RIN: 2115-AA97) received June 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2775. A letter from the Chief, Office of Regulations and Administrative Law, USGC, Department of Transportation, transmitting the Department's final rule—Safety Zone: Saybrook Summer Pops Concert, Saybrook Point, Connecticut River, CT [CGD01-99-074] (RIN: 2115-AA97) received June 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2776. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29584; Amdt. No. 416] received June 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2035. A bill to correct errors in the authorizations of certain programs administered by the National Highway Traffic Administration (Rept. 106-200). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1652. A bill to establish the Yukon River Salmon Advisory Panel; with an amendment (Rept. 106-201). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2280. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes; with amendments (Rept. 106-202). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 2014. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents (Rept. 106-203). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 1218. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions (Rept. 106-204). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of the rule X, the Committee on Commerce discharged. H.R. 1802 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARMEY:

H.R. 2362. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to provide for a report on State health insurance safety-net program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN (for himself, Mr. Towns, Mr. McCrery, Mr. Murtha, Mr. Young of Alaska, Mr. Goode, Mr. Norwood, Mr. Stenholm, Mr. Doolittle, Mr. Dooley of California, Mr. Bilbray, Mr. Peterson of Pennsylvania, Mr. Baker, Mr. Bartlett of Maryland, Mr. Thornberry, Mr. Linder, Mr. Graham, Mr. Wicker, Mr. Cooksey, Mr. Scarborough, Mr. Ney, and Mr. Frelinghuysen):

H.R. 2363. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes; to the Committee on Commerce.

By Mr. ENGLISH:

H.R. 2364. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2365. A bill to authorize the Director of the Office of National Drug Control Policy to enter into negotiations with representatives of the Government of Cuba to provide for increased cooperation between Cuba and the United States on drug interdiction efforts; to the Committee on International Relations.

By Mr. ROGAN (for himself, Mr. Holden, Mr. Burr of North Carolina, and Mr. Moran of Virginia):

H.R. 2366. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN:

H. Con. Res. 143. Concurrent resolution expressing the sense of Congress that Billerica, Massachusetts, should be recognized as "America's Yankee Doodle Town"; to the Committee on Government Reform.

By Mr. HYDE:

H. Res. 222. A resolution expressing the sense of the House of Representatives about the Federal Bureau of Investigation Crisis Negotiation Program; to the Committee on the Judiciary.

By Mr. BLUNT:

H. Res. 223. A resolution designating majority membership on certain standing committees of the House; considered and agreed to

By Mr. EWING (for himself and Mr. DOOLEY of California):

H. Res. 224. A resolution expressing the sense of the House of Representatives on agricultural trade negotiations; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. OSE, Mr. POMBO, Mr. DOOLITTLE, Mr. HERGER, Mr. THOMPSON of California, and Mr. CONDIT):

H. Res. 225. A resolution expressing the sense of the House of Representatives condemning the arson at three Sacramento, California, area synagogues on June 18, 1999, and affirming its opposition to all forms of hate crimes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

123. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution No. 8013 memorializing the President and the Federal Emergency Management Agency to favorably respond to any requests by the Governor and authorize the needed maximum available disaster recovery support to address the needs of Washington's citizens devastated by the record rainfall; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. PAUL.

H.R. 116: Mr. GONZALEZ.

H.R. 353: Ms. MILLENDER-MCDONALD, Mr. ENGEL, and Mr. STRICKLAND.

H.R. 363: Ms. PRYCE of Ohio, and Mr. WELDON of Florida.

H.R. 383: Mr. CAPUANO and Mr. BAKER.

H.R. 531: Mr. GILMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLAGOJEVICH, and Mr. TURNER.

H.R. 534: Mr. BARR of Georgia and Mr. BOUCHER.

H.R. 552: Mr. CHABOT, Mr. DAVIS of Illinois, Mr. CALVERT, Mrs. THURMAN, Mr. BARRETT of Nebraska, Ms. WOOLSEY, Mr. QUINN, and Mr. BOEHLERT.

H.R. 554: Mr. FRANK of Massachusetts.

H.R. 637: Mr. RAHALL, Mr. STARK, and Mrs. MINK of Hawaii.

H.R. 714: Mr. BORSKI, Mr. RAHALL, and Mr. ENGEL.

H.R. 772: Ms. SLAUGHTER.

H.R. 957: Mr. HINOJOSA, Mr. KANJORSKI, and Mr. SHERWOOD.

H.R. 987: Mr. DUNCAN, Mr. ROGERS, Mr. SMITH of Texas, Mr. CAMP, and Mr. HOSTETTLER.

H.R. 996: Mr. BROWN of Ohio, Mr. GUTIERREZ, Ms. LEE, and Mr. MEEKS of New York.

H.R. 1001: Mr. PICKERING, Mr. BORSKI, Mr. BARRETT of Nebraska, and Mrs. EMERSON.

H.R. 1071: Ms. HOOLEY of Oregon, Ms. RIVERS, Mr. BROWN of California, Mrs. CAPPS, and Mr. CLAY.

H.R. 1083: Mr. EVERETT.

H.R. 1091: Mr. GUTKNECHT.

H.R. 1144: Mr. BRYANT.

H.R. 1187: Mr. WEINER, Mr. THOMPSON of California, Mr. BARRETT of Wisconsin, Mr. ENGEL, Mrs. JONES of Ohio, Mr. JOHN, and Mr. EVANS.

H.R. 1188: Mr. DAVIS of Illinois.

H.R. 1190: Mr. PETERSON of Minnesota.

H.R. 1194: Mr. PAUL and Mr. PITTS.

H.R. 1218: Mr. LUCAS of Oklahoma.

H.R. 1304: Mr. KENNEDY of Rhode Island, Ms. LEE, and Mr. LEWIS of California.

H.R. 1317: Mr. PETRI.

H.R. 1337: Mr. MATSUI.

H.R. 1355: Ms. PELOSI.

H.R. 1366: Ms. GRANGER and Mr. SHAW.

H.R. 1388: Mr. DICKS, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. FILNER, Mr. BLUMENAUER, Mr. WEINER, Mr. HILLIARD, Mr. DAVIS of Illinois, Ms. STABENOW, Mr. BACHUS, Mr. WICKER, and Ms. ROS-LEHTINEN.

H.R. 1399: Mr. FARR of California, Mrs. MALONEY of New York, Ms. LOFGREN, and Mr. MARTINEZ.

H.R. 1433: Mr. HALL of Texas and Mr. FORD.

H.R. 1485: Mr. CUMMINGS.

H.R. 1496: Mr. TERRY and Mr. SHAYS.

H.R. 1579: Mr. EHLERS, Mr. COSTELLO, Mr. BONIOR, Mr. FOLEY, Mr. MARTINEZ, Mr. STRICKLAND, Mr. BERRY, Mr. ADERHOLT, Mr. DICKEY, Ms. STABENOW, Ms. DEGETTE, Mr. REGULA, Ms. GRANGER, Mr. HOBSON, and Mr. LAHOOD.

H.R. 1777: Mr. BENTSEN.

H.R. 1796: Mr. GILCHREST.

H.R. 1854: Mr. DAVIS of Illinois.

H.R. 1855: Mr. RYAN of Wisconsin.

H.R. 1887: Mr. FARR of California.

H.R. 1891: Mr. PORTMAN.

H.R. 1967: Mr. MALONEY of Connecticut and Mr. FRANK of Massachusetts.

H.R. 1977: Mr. CUMMINGS.

H.R. 1998: Mr. PETERSON of Minnesota, Mr. STARK, Mr. STUMP, Mr. MINGE, Mr. SHADEGG, Mr. PASTOR, and Mr. OLVER.

H.R. 1999: Mr. LUTHER and Mr. EWING.

H.R. 2000: Mr. COOKSEY, Mr. SHOWS, Mr. FILNER, Mr. SCHAFFER, Mr. BONILLA, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. RAHALL, Mr. GOODE, and Mr. COLLINS.

H.R. 2004: Mr. THOMPSON of Mississippi.

H.R. 2028: Mr. HAYWORTH.

H.R. 2060: Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. MASCARA, Mr. PHELPS, and Ms. SCHAKOWSKY.

H.R. 2087: Mr. HILL of Montana, Mr. MANZULLO, Mrs. KELLY, Mr. PITTS, Mr. EWING, and Mr. COMBEST.

H.R. 2102: Mr. FROST, Mr. RAMSTAD, and Mrs. MALONEY of New York.

H.R. 2260: Mr. BARR of Georgia.

H.R. 2277: Mr. ABERCROMBIE, Mr. BERMAN, and Mr. DAVIS of Illinois.

H.R. 2280: Mr. EVERETT, Ms. DEGETTE, and Mr. UDALL of New Mexico.

H.R. 2282: Mr. FROST.

H.R. 2283: Ms. RIVERS Mr. FROST, and Mr. HOYER.

H.R. 2294: Mr. WISE and Ms. BALDWIN.

H.R. 2303: Mr. TAYLOR of North Carolina, Mr. LATOURETTE, and Mr. RODRIGUEZ.

H.R. 2317: Mr. TOOMEY.

H.R. 2318: Mr. FOLEY.

H. Con. Res. 58: Mr. MALONEY of Connecticut.

H. Con. Res. 100: Mr. RADANOVICH, Mr. CALVERT, Mr. MATSUI, Mr. BLAGOJEVICH, and Mr. PASCRELL.

H. Con. Res. 117: Mr. GEJDENSON, Mr. WEXLER, Mr. MCNULTY, Mr. FALEOMAVAEGA, Mrs. MEEK of Florida, Mr. TANCREDO, Mr. DELAHUNT, and Mr. TIAHRT.

H. Con. Res. 120: Mr. MURTHA and Mr. INSLEE.

H. Con. Res. 123: Mr. LIPINSKI, Mr. SHAYS, Mr. LANTOS, Ms. MILLENDER-MCDONALD, and Mrs. NAPOLITANO.

H. Con. Res. 134: Mr. PAYNE, Mr. BISHOP, Mr. WAXMAN, Ms. CARSON, and Ms. LEE.

H. Con. Res. 140: Mr. RANGEL, Mr. DICKS, and Mr. PETRI.

H. Res. 146: Mr. GARY MILLER of California and Mr. BONIOR.

H. Res. 205: Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2056: Mr. LAHOOD.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 3, Wednesday, June 23, 1999, by Mr. DINGELL on House Resolution 197, was signed by the following Members: John D. Dingell, Richard A. Gephardt, Frank Pallone, Jr., David E. Bonior, Rosa L. DeLauro, Patrick J. Kennedy, Eddie Bernice Johnson, Dale E. Kildee, Nick Lampson, Mike Thompson, Nita M. Lowey, Dennis Moore, Carolyn B. Maloney, Grace F. Napolitano, Lloyd Doggett, David D. Phelps, John F. Tierney, Martin Frost, Stephanie Tubbs Jones, James A. Traficant, Jr., Robert Menendez, Lois Capps, Barbara Lee, Rush D. Holt, Lucille Roybal-Allard, Shelley Berkley, James H. Maloney, Zoe Lofgren, Thomas H. Allen, Karen McCarthy, William (Bill) Clay, Lynn N. Rivers, Sam Farr, Steny H. Hoyer, Jim McDermott, Jose E. Serrano, Joseph Crowley, Major R. Owens, John Lewis, Janice D. Schakowsky, Albert Russell Wynn, Ed Pastor, Michael E. Capuano, Solomon P. Ortiz, Gary L. Ackerman, Carrie P. Meek, James P. McGovern, Robert E. Andrews, Lynn C. Woolsey, Ellen O. Tauscher, Gene Green, Ted Strickland, Bobby L. Rush, Maurice D. Hinchey, Chaka Fattah, Julia Carson, Joseph M. Hoeffel, Jay Inslee, Harold E. Ford, Jr., Cynthia A. McKinney, Robert A. Borski, Tony P. Hall, Martin Olav Sabo, Benjamin L. Cardin, Bruce F. Vento, Mark Udall, Leonard L. Boswell, Martin T. Meehan, John Elias Baldacci, Frank Mascara, Max Sandlin, Jesse L. Jackson, Jr., Steven R. Rothman, Eva M. Clayton, Sander M. Levin, Anthony D. Weiner, Tammy Baldwin, Robert A. Brady, David E. Price, Barney Frank, Thomas M. Barrett, Ike Skelton, Norman Sisisky, Nancy Pelosi, Bill Luther, Sheila Jackson-Lee, Silvestre Reyes, Brad Sherman, Anna G. Eshoo, Tom Udall, Louise McIntosh Slaughter, Juanita Millender-McDonald, Corrine Brown, Ronnie Shows, Ruben Hinojosa, Sherrod Brown, Robert A. Weygand, Debbie Stabenow, William D. Delahunt, Tom Lantos, Jerry F. Costello, Dennis J. Kucinich, Christopher John, George Miller, Neil Abercrombie, Carolyn C. Kilpatrick, Fortney Pete Stark, Gerald D. Kleczka, Michael R. McNulty, John W. Olver, Thomas C. Sawyer, Elijah E. Cummings, Brian Baird, Sam Gejdenson, Eliot L. Engel, Lane Evans, Luis V. Gutierrez, Nydia M. Velázquez, Ron Klink, Rod R. Blagojevich, Julian C. Dixon, Patsy T. Mink, Bart Stupak, William J. Jefferson, Paul E. Kanjorski, Earl F. Hilliard, Robert E. Wise, Jr., Jim Davis, Bernard Sanders, Henry A. Waxman, Bennie G. Thompson, James E. Clyburn, Danny K. Davis, Karen L. Thurman, John M. Spratt, Jr., Carolyn McCarthy, Sanford D. Bishop, Jr., John J. LaFalce, Bob Filner, Matthew G. Martinez, Alcee L. Hastings, Gregory W. Meeks, Darlene Hooley, Jim Turner, Donald M. Payne, Vic Snyder, Howard L. Berman, John Conyers, Jr., Ralph M. Hall, Diana DeGette, Robert Wexler, Edolphus Towns, Bob Clement, Tim Holden, Bill Pascrell, Jr., Michael F. Doyle, Ron Kind, Loretta Sanchez, David Wu, William J. Coyne, Melvin L. Watt, David R. Obey, Ciro D. Rodriguez, Pat Danner, Earl Blumenauer, Edward J. Markey, Marcy Kaptur, Ken Bentsen, William O. Lipinski, James A. Barcia, Peter A. DeFazio, Xavier Becerra, Robert T. Matsui, Marion Berry, Charles A. Gonzalez, Charles B. Rangel, Gary A. Condit, Jerrold Nadler, Baron P. Hill, and Norman D. Dicks.

EXTENSIONS OF REMARKS

INTRODUCING THE FAIR CARE FOR THE UNINSURED ACT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. ARMEY. Mr. Speaker, today, I am introducing the Fair Care for the Uninsured Act, a bill to give the nation's 44 million uninsured a refundable tax credit of $1,000 per adult and $3,000 per family for the purchase of private health insurance.

Right now, there are 44 million uninsured people. That number is growing by 100,000 a month. A decade from now, it could be 53 million, or 60 million if the economy softens.

Most of these people are young, healthy, working people. Many are employed in small businesses. Many don't have full-time positions. Indeed, one recent study estimates that in California, nearly 40 percent of Hispanics are uninsured—40 percent.

There's something wrong when the richest nation on earth, with the best health-care system in the world, the lowest poverty, and the highest employment, has a constantly growing percentage of its population going without medical-expense protection, either because it is unavailable, unaffordable, or undesirable.

Nowadays, the Democrats seem more eager to pile new mandates on health insurance than to help people who don't have any. In our haste to protect patients from HMO abuses—and we'll take up a bill on that subject in the House next month—we should never forget about what mandates and higher costs mean for the millions of Americans who don't even have the first patient protection, health insurance coverage.

It's both for those who lack coverage, and those who dislike their coverage, that I'm introducing this bill. I think we can offer better solutions for the uninsured, help end frustrations with HMOs, and preserve the high quality of American medicine, all at the same time. How is this possible? By shifting more choice and control to individual patients, so they can take more responsibility for their health care—and take their business elsewhere when dissatisfied.

It's no secret why people are frustrated with work-based coverage today, or why they're calling on Congress for relief. Virtually all of today's problems in health care can be traced back to one source, the lack of a consumer-driven market. And the main culprit behind that problem is the tax code.

Millions of Americans are innocent victims of what I call the Health Penalty Tax. They're actually punished for trying to buy their insurance on their own, outside the workplace. Just as the Marriage Penalty Tax punishes people for doing the right thing and getting married, the Health Penalty Tax punishes people for doing the right thing and buying their own health insurance. This tax falls hardest on low-income, part-time, and contract workers, and the unemployed. That's not fair. But we can remedy this injustice.

The bill I'm introducing today would create a refundable tax credit of $1,000 per adult, $500 per dependent, and a maximum of $3,000 per family, for the purchase of private health insurance. It would be available to people who don't get their coverage through the workplace or a federal government program. People could use their credit to shop for a basic plan that best suits their needs and is portable from job to job. If they want more generous coverage, they could buy it with after-tax dollars. And of course the states could supplement the credit.

Let's think about what this reform would do. For one thing, it would give 44 million uninsured Americans access to a modest level of private health coverage. It would give them access to insurance that's portable. And it would give them a real choice of plans. Best of all, it would give them the power to keep their doctor and fire their HMO, instead of the other way around.

We shouldn't stop there, of course. We should give consumers additional tools—I'm thinking of innovative ideas like medical savings accounts, healthmarts, association health plans, and medical-malpractice reform. We should also encourage state-based "high-risk" pools to act as charitable safety-nets for people who are too sick to insure at any price. In combination with the Fair Care credit, these market-oriented reforms would go far toward creating a true consumer-driven marketplace in the 21st century.

Some say we can't afford to restore tax fairness for the uninsured. I say we can't afford not to. If the wealthy CEO is going to receive government-subsidized health care, then so should the waitress earning the minimum wage. Period.

Tax fairness is a nonpartisan idea. Even my liberal colleague from California, Mr. Stark, agrees we should use the tax code to help the uninsured. In fact, just the other day he and I published a joint opinion piece in the Washington Post on this very topic. It appeared on page A41 of the Washington Post of Friday, June 18, 1999. I would like to take the liberty here of quoting that article in full.

"MEDICAL COVERAGE FOR ALL: THE ULTIMATE CONGRESSIONAL ODD COUPLE WEIGHS IN

(By Dick Armey and Pete Stark)

"We may be the ultimate congressional odd couple. We seldom agree on anything. But on this we do agree: Congress should act now to help the 43 million Americans who have no health insurance.

"The ranks of the uninsured are growing by 100,000 a month. And this is happening during a time of strong economic growth, despite continuing congressional attempts to expand coverage. Imagine what will happen come the next economic downturn.

"For individuals being uninsured is a problem because too often it means health care forgone, small warning signs ignored and minor illnesses allowed to become costly crises. It's problem for families because unpaid medical bills are a leading cause of personal bankruptcy. And it's a problem for the nation because uncompensated care is an unfair burden on doctors, hospitals and taxpayers.

"Why is the problem growing? Because Americans are increasingly unable to get coverage through their jobs. With health premiums going up, employers are bearing a smaller share of those premiums, and the work force is becoming increasingly mobile, and part-time. More and more people find themselves working in places where coverage is either unavailable, unaffordable or undesirable ("one crummy HMO"). And when these workers try to buy insurance outside their jobs, they lose a generous tax break, making coverage that much less affordable.

"Indeed, today's tax code discriminates against not only insurance purchased outside the workplace but also lower-paid, part-time and small-business workers. The highly paid CEO gets a more lavish health-care tax break than the waitress earning the minimum wage.

"These problems cry out for remedy. And happily, a bipartisan remedy is available. We think Congress should create a new refundable tax credit to enable all Americans to buy decent health coverage.

"Properly designed, such a credit could bring about near-universal coverage without new mandates or bureaucracy. It would eliminate barriers the uninsured face in today's system, enabling them to shop for basic coverage that suites their individual needs and is portable from job to job.

"To be successful, the credit would need to be sufficiently generous to buy a decent policy; available to those who owe no tax liability; and, to prevent fraud, paid directly to insurers or other entities, not to individuals.

"Would the existence of such a credit prompt some employers and employees to drop workplace coverage? Unavoidably. But job-based coverage is already eroding. And the erosion can be minimized by making the credit less attractive than most company plans.

"To be sure, we don't want to end workplace coverage. We do want to permit a gradual transition to a world in which individuals are free to obtain the kind of insurance they want, regardless of where it's purchased.

"What amount is 'sufficiently generous'? That's open to debate. But we note that $3,600 per family is roughly the amount the federal government spends on its own employees' families.

"Obviously this proposal would produce a revenue loss of tens of billions a year, risking a return to deficits. So how do we 'pay' for it? Well, a portion of the surplus could be used. And we note that reducing the numbers of the uninsured would free billions in current federal cross-subsidy programs.

"Admittedly, a tax credit can't help people who are too sick to insure at any price. Although we differ, fairly strongly, about the best way to help such people, we agree a reasonable way can be found to do so, and we'll

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

keep looking for it. (Rep. Stark would prefer to get insurers to take all customers at a common price, regardless of health status. Rep. Army would set up 'high-risk pools' to subsidize sick people's coverage in the 22 states that haven't already done so.)

"Too often, when Congress turns to health issues, it ends up applying legislative Band-Aids. It's time to address underlying causes. The biggest health problem facing the country is the uninsured. The tax code can be used to help them. We urge a bipartisan consensus to do so."

I urge my colleagues to cosponsor this legislation.

CONGRATULATING CALIFORNIA FAMILY BUSINESS AWARD FINALISTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Finalists for the first ever California Family Business Award. Ten Businesses from Bakersfield to Atwater are among the finalists.

Alert-O-Lite, Inc. in Fresno, provides traffic control and construction supply sales and rentals, and also operates a sign division, Signmax! The company has grown rapidly since its founding in 1971 by Eddie Hunsaker and Jake Jensen. Hunsaker bought out his partner in 1979 and brought his four children as partners in 1981. Revenues have doubled in the last seven years, and the company currently has three locations and 27 full-time employees. Alert-O-Lite was presented with the Top 5 Business Award in 1996.

Droogh Dairy in Lemoore, presently milking 1,100 cows with a herd size of 2,200, was founded by Case Droogh and his wife Corrie. They started in the dairy business in 1953 with a small farm in Paramount, California and several years later built a dairy with a herd size of 350 in Chino. They moved their dairy from Chino to Lemoore in 1974. In 1987 they remodeled to accommodate more than 1,000 cows and added a state-of-the-art milking system, fully computerized machines, and 5,000 acres of farmland for growing feed.

Ennis Homes in Porterville develops and builds single family and multifamily residential housing and professional offices and commercial complexes in the Central Valley. The company has grown tremendously in the past five years, with developments in Porterville, Tulare, Handford and Bakersfield. In 1995 it was named "Builder of the Year" by the Building Industry Association of Tulare and Kings County. Ennis Homes, founded in 1979 by Ben Ennis and his wife Roberta, was known as Ennis Development Corporation until March 1998.

Gray Lift, Inc. in Fresno, which provides material handling equipment, was established in 1957 by John L. Waugh, Sr. and Will Gray. From a single location in Fresno with nine employees and five service vehicles, it presently operates throughout 14 counties with approximately 160 full-time employees and more than 70 service vehicles. It has added branches in Bakersfield, Santa Maria and Manteca, California. Three new divisions have been created since 1985; Forklift Wholesale Co., Warehouse Systems, and Construction Rental Services.

Grimmway Farms in Bakersfield is a fully integrated carrot and processed operation, from planting and growing to packing, processing and marketing. Grimmway harvests carrots from a total of 40,000 acres annually, with nearly half of the acreage devoted to "baby" carrots. The cut-and-peeled carrots account for more than half of the total dollar volume. To provide their buyers with year-round supplies, the company sources carrots from Bakersfield, Lancaster, the Imperial Valley and the Cuyama area in California, as well as Colorado.

Hester Orchard, Inc. in Visalia grows plums, walnuts, and oranges, dehydrates walnuts and pecans, and provides compost spreading and truck services. The farming operation started in 1940 with John Hester and his wife Ruth. In 1980, Hester Farms built a permanent office site to meet its growing needs. It is now farming 710 acres of owned and leased property in permanent tree crops. Commercial services include walnut harvesting; walnut hulling and drying at the rate of 220 tons per day; pecan hulling and drying; rental of dry storage space; and trucking.

Horstmann Financial and Insurance Services in Fresno has been providing life insurance services to Valley residents since 1958. John E. Horstmann is the founder of the company and is run by two generations of the family. In 1990, John Horstmann and seven other estate and business planners from across the country founded a national resource center for estate and business succession planning, based in Dallas. From the original eight members, the group has grown to include more than 100 professionals.

J.D. Heiskell & Co. in Tulare, has been in operation since 1886. They recently were named the highest volume single feed production facility in the United States, with nearly twice the volume of its nearest competitor. It was started by Jefferson Davis Heiskell as a branch of the Farmer's Union Warehouse Company of Stockton. Heiskell supervised the construction and operation of the Tulare Warehouse and a subsequent one in Delano. A decade later he bought the grain storage facility and later expanded into grain sales. In 1972, J.D. Heiskell and Co. built a modern computer-operated feed mill on its property. The company also owns and operates retail farm stores in Tulare, Visalia and Porterville. It is in its fourth generation of family operation.

Joseph Gallo Farms in Atwater operates 12,000 acres of land, raising five varieties of wine grapes, dairy cattle, dairy feed and cheese. It was founded in 1946 by Joseph Gallo, who owns Joseph Gallo Farms with his son Michael, CEO, and daughter Linda Gallo Jelacich. Gallo started out growing wine grapes, then cultivated other crops, as well as cattle, for market. The farm moved into milking in 1979, built a cheese-processing plant in 1982, began generic cheese processing in 1983, and developed the Joseph Farms brand in 1984. Joseph Farms, which processes approximately one million pounds of milk daily into award winning cheese, is presently the largest selling, California-brand retail cheese. It is sold in more than 20 states and in Mexico, the South Pacific, Guam, the Caribbean, and Japan.

Lyles Diversified, Inc. in Fresno, is involved in shopping center and business park developments, real estate rental operations, underground pipeline and utility construction, heavy concrete and mechanical construction, manufacturing of closed circuit television surveillance equipment, and agricultural operations. The business was started as a proprietorship in 1945 by W.M. Lyles and Elizabeth V. Lyles, as a contractor specializing in oil field underground pipelines. It soon expanded into other types of underground construction; added orchard in 1974; started acquiring apartment complexes in the early 1970's, and later added office and hotel properties; and in the mid to late 1970's began to develop land for industrial and commercial use. It has grown into an organization consisting of Lyles Diversified, Inc., seven subsidiary corporations, and numerous partnerships. Three generations of Lyles family members currently are involved.

The winner of the California Family Business Award was J.D. Heiskell & Co. These businesses have all shown tremendous growth and achievement. I urge my colleagues to join me in wishing J.D. Heiskell & Co. along with the finalists, many more years of continued success.

S. 1196 A BILL TO IMPROVE THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BISHOP. Mr. Speaker, I rise to day to urge my colleagues to support a bill I introduced yesterday which will improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes. I proudly sponsored the House companion to this bill.

With passage of this bill, the Congress will affirm to our law enforcement professionals that we care enough to provide them with the expertise that they need to do their jobs in an expeditious manner.

Across the country, state and local crime labs, Medical Examiners' and Coroners' offices face alarming shortages in forensic science resources. We see and hear of great advances in technology in all aspects of our lives. Yet, in my State of Georgia, the Georgia Bureau of Investigation headquarters in Decatur, Georgia must still catalog its cases manually. This is not right, Mr. Speaker. Our forensic labs lack the funding to create computer networks that would connect not only their forensic equipment with internal computers, but would also allow them to share information with crime labs across the country.

In a 1996 national survey of 299 crime labs, it was found that 8 out or 10 labs have experienced a growth in their caseloads which exceeds the growth in their budget. Crime data need to be processed using the latest technological advances, in an expeditious a manner as possible to ensure that all parties; interest are served.

The National Forensic Science Improvement Act has been endorsed by organizations such as the National Governors Association, the National Association of Attorneys General, the Association of State Criminal Investigative Agencies, and the International Association of Chiefs of Police.

This is common sense legislation Mr. Speaker. I urge all my colleagues to cosponsor and support this bill when it comes to the floor.

BROTHERS OF MERCY CELEBRATE 75TH ANNIVERSARY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today in honor of the 75th Anniversary of the arrival of the Brothers of Mercy in the United States.

From their modest beginnings in June, 1856, when a German merchant named Peter Loetschert began helping the sick and the poor, the Brothers of Mercy grew rapidly. In 1924, two brothers arrived in Buffalo, New York, where they began what would be three-quarters of a century of service to the Western New York community.

Today, the Brothers of Mercy complex in Clarence, New York, has earned a reputation of excellence in compassionate and professional geriatric care. From Independent Housing and Adult Care to Nursing Care and Rehabilitation, the Brothers of Mercy and their more than 500 employees offer some of the most comprehensive long-term health care in our community.

It is my pleasure, Mr. Speaker, to offer my congratulations and best wishes to the Brothers of Mercy on their 75th Anniversary; and to further extend my hope that the Brothers of Mercy may enjoy another 75 years of assistance and compassion for the elderly population of our community.

TRIBUTE TO THE LATE HON. FLETCHER DANIELS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to remember the Hon. Fletcher Daniels, Missouri State Representative, District 41. Representative Daniels passed away in March, and he is sorely missed in my home State of Missouri and in our Greater Kansas City community. This Saturday, June 26, 1999, Missouri Governor Mel Carnahan will sign a resolution to officially rename the Missouri State Office Building in Kansas City the Fletcher Daniels State Office Building.

I served for a decade with State Representative Daniels in the Missouri General Assembly and continued to seek his counsel and join in his advocacy in the United States Congress. Representative Daniels was a champion of the people, and together we elevated awareness about the plight of many disadvantaged people in the Kansas City area, such as Denise Anderson, who was enduring unbearable working conditions because her employer would not make reasonable accommodation for her handicap.

State Representative Daniels retired from a 30-year career with the U.S. Postal Service to serve on the Kansas City School Board until he was elected to the Missouri State House in 1984. He served in the Missouri House of Representatives for 15 years, and was the first African American Speaker Pro Tem in the history of our State. He also served with distinction on the Appropriations, Criminal and State Institutions, and Criminal Law committees.

Fletcher Daniels missed no opportunity to give back to his community and serve the people who live there. He was a member and Trustee of the Metropolitan Missionary Baptist Church of Kansas City from 1946 until his passing. He also served as the Chairman of the Board of the Kansas City Community Committee for Social Action, Vice President of the Kansas City Chapter of the NAACP, Board Member of the Advisory and Executive Committee of the Kansas City Chapter of the Urban League, and President and Principal Negotiator for the Citizen Coordinator Committee. He was unfailing in his commitment to improving the lives of those who lived in the Kansas City area, and especially those who suffer from inequity.

The Kansas City area and the State of Missouri mourns the loss of this exceptional community leader, and we join together to honor his memory by renaming the Missouri State Office Building for him. It is an honor that he, his loving wife, Sybil, and his family truly deserve.

TRIBUTE TO CONGRESSIONAL CHIEF OF STAFF TIM HUGO

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a man who has worked for me over the past twelve years. Tim Hugo, who has served as my Congressional Chief of Staff for more than three years will be leaving my office this month. Tim has accepted an excellent opportunity as Executive Director of a new high technology trade association, CapNet in Washington. Tim has done an absolutely outstanding job for me during the past three years.

A 1986 graduate of the College of William and Mary, Tim began working in my Congressional office in 1987. Tim has held various positions on my staff, from Legislative Assistant to Legislative Director to Chief of Staff. During the past twelve years Tim has pursued other endeavors which included serving in the U.S. Army as an Intelligence Specialist, and as a Special Assistant for the Assistant Secretary of Defense in the Pentagon. In addition, Tim served as Legislative Director for Congresswoman Jennifer Dunn and as a Professional Staff Member on the Committee on House Administration.

As a fourteen term member of the House of Representatives, Tim has stood with me as a staff member for nearly half of my career in Congress. I place great value on the hard work of the people on my staff, but in no other position do I demand more than that of the Chief of Staff. Tim has carried a great deal of responsibility and demonstrated the skills it takes to be a caring and vigilant public servant. Tim has been an exemplary Chief of Staff. He is a person I can count on in the heat of the battle to make positive things happen for the citizens of the Ninth Congressional District and his contributions to this office and to the residents of my district will not be forgotten.

I thank Tim for his leadership and devotion and wish him well on his new career. He assumes his new position with my full support and confidence. I wish Tim, his wife Paula and daughter Katie all the best. I want them to know that Tim will be greatly missed.

TRIBUTE TO THE CALIFORNIA ADVOCATE NEWSPAPER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the California Advocate Newspaper for their 32 years of service to the community. The California Advocate is a multicultural newspaper and is the voice for the minority community and the social conscious of the San Joaquin Valley.

Former Fresno City Councilman Les Kimber and wife Pauline began publishing the California Advocate Newspaper in 1967. The paper continues to initiate action to promote justice and equality for the minority community with an emphasis on self-esteem and self-determination. The California Advocate Newspaper is also a resource for minorities seeking employment opportunities, especially at Fresno City College and in the city's police and fire departments.

Les Kimber led the committee that hired the first African American on television in Fresno. He also headed the corporation that put together low income housing for West Fresnans, and helped to establish the Ethnic Studies Department at California State University, Fresno. As an advocate and publisher, Kimber founded the United Black Men of Fresno, which is comprised of 100 men who promote economic development by stressing opportunities for minorities to become employers as well as employees.

The California Advocate Newspaper is a member of the West Coast Black Publishers Association and the National Newspaper Publishers Association. The Advocate has also received numerous awards: The ACLU Northern California Civil Liberties Award in 1975 for outstanding contributions; the Governors Award in 1985 for fighting crime; the Chicago Media Award in 1986; the West Coast Black Publishers Award in 1990; the NAACP Heritage

Award in 1992; and the West Coast Black Publisher's Award in 1993.

Mark Kimber is the second-generation publisher in charge of this family-owned newspaper. He has continued to maintain the quality and integrity of the California Advocate. Recently, there have been special sections added to the newspaper that focus on young people throughout the community and pages that have been devoted to schools and student activities.

Mark Kimber has won numerous awards for his innovative design and promotion of his newspaper. He implemented the "Drum Major for Justice Award," which honors the memory of Dr. Martin Luther King, Jr. The event at which the Award is presented has been referred to as the Central Valley's civil rights event of the year. This year's speaker and honoree is Harry Belafonte.

Mr. Speaker, I want to congratulate and thank The California Advocate for its 32 years of service to the community and I urge my colleagues to join me in wishing The Advocate many more years of continued success.

TRIBUTE TO HOWARD F. HORNE, JR., PH.D., PRESIDENT GENERAL OF THE SONS OF THE AMERICAN REVOLUTION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. CASTLE. Mr. Speaker, I rise to honor the newly elected President General of the National Society of the Sons of the American Revolution, Howard F. Horne, Jr., Ph.D. I am particularly pleased to recognize Dr. Horne because he lives in Delaware and will be leading the SAR into the next millennium.

Dr. Horne was born and raised in Johnstown, Pennsylvania. He later moved to Elmira, New York where he developed a fondness and talent for distance running. He enrolled at Pennsylvania State University, where he completed his Bachelors, Masters, and Doctorate in Industrial Relations. He was also a member of several National Championship Track and Cross Country Teams for the University.

Dr. Horne enlisted in the army in 1942 and became a Commissioned Officer. He served in World War II and the Korean Conflict in the Counter Intelligence Corps. After completing his degrees at Penn State, Dr. Horne worked for the DuPont Company as a human relations manager. In 1985 Dr. Horne left DuPont to open his own consulting company, Horne Associates. He has previously served as the President of the Chamber of Commerce and the United Way in Waynesboro, Virginia. Dr. Horne has now retired to devote his full attention to SAR.

The Delaware chapter of the Sons of the American Revolution recognized his leadership beginning in 1987 when he was elected to two terms as Treasurer and two terms as President. He also served as the Vice President General of the Mid-Atlantic district. At the national level, Dr. Horne was elected to serve nine years on the Executive Committee of the National Society, as well as holding the offices of Registrar General, Treasurer General and Secretary General. He has been a member of numerous committees, and personally recruited and sponsored over sixty members. Dr. Horne was responsible for drafting the Society's membership manual and the chapters' "how-to" manual. The National Society has honored him with the Minuteman Award, Patriot Medal, Liberty Medal, Silver Good Citizenship Medal, War Service Medal, Stewart B. McCarty Award, two certificates of Distinguished Service, and Fifteen Certificates of Appreciation. He also received the Distinguished Service Medal, Meritorious Service Medal, and the Centennial Medal.

Dr. Horne is married to Nancy Jean Meyer, and has two sons, Chip and Gary, both of whom are members of SAR. He has three grandchildren, two of whom are members of C.A.R. Dr. Horne has also served as a Deacon and an Elder in the Presbyterian church.

I congratulate the Sons of the American Revolution in their outstanding choice of Dr. Howard F. Horne, Jr. as President General. They could not have made a better choice to lead them into the new millennium.

INTRODUCTION OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1999

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. TAUZIN. Mr. Speaker, I am pleased to introduce a bill today to help America's energy consumers by repealing an outdated law that is keeping the best of the new technologies and innovative services from reaching our marketplace. I am pleased to be joined by twenty-one of my colleagues in introducing this important legislation. Our bill, which is almost identical to legislation passed out of the Senate Banking Committee, would repeal a New Deal Law, the Public Utility Holding Company Act of 1935 (PUHCA).

Our legislation is a bipartisan initiative. The current Democratic and previous Republican Administrations have called for repeal of PUHCA. This legislation would implement the recommendations of the Securities and Exchange Commission (SEC) made in 1995 following an extensive study by the SEC of the effects of this outdated law on today's energy markets.

PUHCA is a law that has outlived its usefulness. It imposes unnecessary costs on consumers and directly undermines the intent of recently enacted federal and state policies designed to bring more competition to America's energy market.

PUHCA was enacted in 1935 to address abuses arising out of pyramid corporate structures at a time when electric utility regulation was just starting at both federal and state level. PUHCA's primary purpose was to dismantle more than 100 complex utility holding company structures that, in many cases, took advantage of weak federal and state regulations to pursue inappropriate business practices. The result of this dismantling is that the number of utility holding companies registered under PUHCA has been reduced to the current 14. These 14 electric and gas utility holding companies are required by PUHCA to operate under arbitrary investment caps that preclude them from investing in areas of need. Other utility companies are exempt from PUHCA's caps, but must operate primarily within one state in order to maintain their exemptions. Our nation's gas and electric utility companies, therefore, must operate principally within certain geographic "boxes." This stifles innovation, hinders competition, and undermines development of regional electricity markets. This inhibits the very competition that Congress has sought to foster in the Energy Policy Act of 1992.

America's natural gas and electric power industries, confronted by lower growth rates, environmental mandates and the need to emphasize conservation, are trying to become more than just suppliers of electricity and natural gas. To succeed in this new economic environment, they must become providers of energy information and services. PUHCA, however, stands in the way of the efforts by our nation's utility industry to serve consumers in a more efficient manner.

The counterproductive restrictions that PUHCA places on these companies are based on historical assumptions that are no longer valid. The factors that existed when PUHCA was enacted in 1935 no longer exist today. Federal and state laws at that time were inadequate to protect consumers and investors 60 years ago. Today, federal and state regulations have become much more comprehensive and sensitive to market conditions. PUHCA, however, remains an economic drag on America's energy industry.

The ability of state commissions to regulate holding company systems and, together with the development of regulation under the Federal Power Act of 1935 and the Natural Gas Act of 1938, have eliminated the regulatory "gaps" that existed in 1935 with respect to wholesale transactions in interstate commerce. The expanded ability of state commissions and the FERC to regulate inter-affiliate transactions has rendered the 1935 Act unnecessary.

Simply put, America no longer can afford the Public Utility Holding Company Act of 1935. Using conservative estimates, the cost of this law runs in to the billions of dollars. Restrictions of the ability of companies registered under PUHCA to diversify range from $2 billion to $4.5 billion in present value terms. PUHCA's utility integration restrictions impose social costs between $1 billion and $8 billion. In addition, the administrative costs of complying with the 1935 Acts requirements are substantial.

Our legislation would reform regulation of utility holding companies by repealing the duplicative SEC-related provisions of the Public Utility Holding Company Act of 1935, while assuring that the SEC retains all of its non-PUHCA jurisdiction of securities and securities markets in order to protect investors. Our bill would put gas and electric power companies on an equal competitive footing, allowing them to take advantage of market opportunities that benefit investors and utility companies.

Our legislation will remove those limitations on registered companies' corporate structures, financing and investments to which they alone have been subject. At the same time, however, under our legislation, registered companies will continue to be subject to all government regulation intended to protect investors to which other industry participants are subject. SEC authority under the 1935 Act, the Trust Indenture Act and State Blue Sky laws will all remain in place. Our bill will assure FERC access to those books, records, accounts, and other documents of holding companies, their affiliates and subsidiaries, that are relevant to costs incurred by a public utility company and are necessary for the protection of consumers with respect to rates.

Our bill also gives states the right to inspect books and records that "have been identified in reasonable detail in a proceeding before the State commission, are relevant to costs incurred by such public utility company and are necessary for the effective discharge of the State commission's responsibility with respect to such proceeding."

In the new environment confronting the utility industry, PUHCA has become nothing more than a bottleneck that constrains the ability of our nation's natural gas and electric power industries to serve consumers. PUHCA is an anachronism that burdens utility systems with costs and restrictions that impair their competitiveness and prevent them from adapting to the new and more competitive environment. PUHCA is no longer a solution because the problems of the 1930's have been replaced by effective state and federal legislation and by the realities of today's marketplace. It is time for Congress to act on the recommendations of the SEC and enact our legislation.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. TIAHRT. Mr. Speaker, on June 22, I was unavoidably detained and missed rollcall vote numbers 245 and 246. Had I been present, I would have voted "yes" on H.R. 659 (PATRIOT Act) and "yes" on H.R. 1175, authorizing an investigation into the disappearance of Zachary Baumel, Yehuda Katz and Zvi Feldman.

CONGRATULATIONS TO STEVE BOYD

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor one of my community's most distinguished broadcast journalists upon the occasion of his departure as an anchor and reporter at WKBW–TV in Buffalo, New York.

A graduate of Canisius College and the State University of New York at Buffalo School of Law, Steve Boyd began his broadcasting career at KOTA–TV in Rapid City, South Dakota. A Buffalo area native, Steve joined the staff of WKBW–TV in 1989.

During his career, Steve has been the recipient of a number of honors and recognitions, including awards from the New York State Broadcasters Association; the Associated Press of New York state; and the Society of Professional Journalists. Steve also garnered a New York State Emmy nomination.

Steve is departing the field of broadcast journalism to begin a new career in the field of law; and as his friends and colleagues join him this evening to wish him success, I ask, Mr. Speaker, that this House join them in extending to Steve Boyd our sincerest best wishes.

RECOGNIZING MR. COSMO C. INSALACO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mr. Cosmo C. Insalaco, Agricultural Commissioner/Sealer of Weights and Measures, upon his retirement after 21 years of service to Fresno County, the number one ranked agricultural county in the United States.

Born and raised on a farm in Watterton Massachusetts, Cosmo has long been involved in the agriculture industry. He graduated from the University of Massachusetts with a degree in Horticulture, and continued his studies in Public Administration through the California college system. In addition to his participation in agriculture, Cosmo also served one year of active duty in the United States Air Force and five years in the Air Force Reserve.

Cosmo served as Deputy Agricultural Commissioner with Santa Clara County, and Assistant Agricultural Commissioner for San Mateo County. He served as vice-president of Agribusiness in the Fresno County and City Chamber of Commerce, and is currently a member of the Board of Directors of the California Agricultural Commissioners' and Sealers' Association. He was the originator of the Fresno County Blossom Trail in 1987, and is founder and past chairman of Fresno Ag Roundtable.

Throughout his impressive career, Cosmo has actively participated in many organizations. He was President of the San Joaquin Valley Agricultural Commissioners' and Sealers' Association, a member of the National and Western Weights and Measures Association, the Rotary Club of Fresno, the Fresno County Farm Bureau and a charter member of the Clovis Elks. He was an advisor to the California State University Fresno Agriculture program for 20 years. He served on Governor Gerry Brown's and Governor Pete Wilson's Exotic Pest Task Force, and on Governor Wilson's Ag Land Task Force. Cosmo also served on the Fresno County Board of Supervisors' Ag Land Preservation Committee, and currently serves as Agricultural Commissioner representative for both the Standardization and Vertebrate Pest Advisory Boards for the Secretary of Agriculture and the California Commissioners' and Sealers Association. Because of his involvement and service, Cosmo was honored as the "1989 Agriculturalist of the Year" in Fresno County.

Mr. Speaker, Cosmo C. Insalaco's many years of service and dedication to agriculture are worthy of great respect and recognition. I urge my colleagues to join me in extending to Cosmo best wishes for continued success and accomplishment following his retirement.

HONORING PAUL DREHER FOR SERVICE TO THE GRAND RAPIDS CIVIC THEATRE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. EHLERS. Mr. Speaker, I rise today to acknowledge the numerous contributions made by Mr. Paul Dreher during his 39 years of dedicated service to the Civic Theatre in Grand Rapids, Michigan and to the arts community of West Michigan. Paul is retiring from his position as Managing Director of the Grand Rapids Civic Theatre and will be recognized by his friends and peers on June 27 on what has been proclaimed by our mayor as "Paul Dreher Day" in Grand Rapids.

A native of South Carolina. Paul began his professional career by serving as a radio announcer in New York. From there he moved on to Manistee, Michigan where he began his professional acting career and also served as a lighting designer for the Manistee Summer Theater. From there it was on to Grand Rapids to serve as a guest director at the Civic Theatre in 1959. A year later he was offered the full-time directorship of the theatre with a staff of three and a budget of under $8,000. Now nearly 40 years later, Paul has over 225 Civic Theatre directing credits on his resume. In addition, the theatre is the second largest community theatre in the United States and the operational budget has increased significantly to well over a million dollars, thanks to the vision and leadership of Paul Dreher.

When you mention the Civic Theatre and the theatre arts in Grand Rapids, the name "Paul Dreher" automatically comes up. During his tenure, Paul has worn many hats. While directing over 90 percent of the plays on the Civic stage over the past 39 years and handling the business affairs of the theatre, Paul has also put in time as a last-minute substitute actor by filling in for others who became ill and were unable to perform.

Paul is responsible for bringing a diverse selection of theatre offerings to our community. There have been Shakespeare plans such as Othello and Henry IV; the classics have included Our Town and Death of a Salesman; musicals have included Annie and South Pacific, and dramas have brought to the stage Miracle Worker and A Streetcar Named Desire. He has also provided the youth of our community with an outlet through the Young People's Theatre program. As managing Director, Paul also made sure productions were accessible to everyone by adding hearing-impaired sections and wheelchair-accessible viewing areas. With Paul in charge no stone was left unturned.

Mr. Speaker, I ask that my colleagues join me today in honoring Paul for his dedication to the Civic Theatre and the arts in Grand Rapids. I also want to thank him personally for dedicating so much of his life to providing quality entertainment to audiences both young and old over the past four decades. He has touched the lives of many, and his talent, wisdom, and leadership will be missed. Thank you, Paul, for making a difference!

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. ROGERS. Mr. Speaker, on Wednesday, June 23rd, I was speaking to a large group of Kentucky high school students on school violence, and was unable to arrive for rollcall vote No. 247. The vote was on passage of H. Res. 218, providing consideration for the FY 2000 Transportation and Related Agencies Appropriations Act. If I had been present, I would have voted "aye."

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. DAVIS of Illinois. Madam Speaker, I rise in opposition to H.J. Res. 33, a proposed Amendment to the Constitution of the United States to ban the desecration of the Flag. I feel this amendment runs contra to the spirit of America's Founding Fathers. When the British sought to oppress the colonies, they attacked the ability to speak freely, they sought to snuff out any different opinions, snuff out that which makes a democracy strong. From this blatant oppression came the impetus for the first Amendment, our Founding Fathers felt so strongly that we should be able to speak our mind regarding political process they embedded the right in our Constitution's Bill of Rights. Now, after 200 years, they seek to change this cherished principle.

I love my flag, but I love it for what it stands for and the principles it represents. People have died for the principles the flag represents, not for the cloth which it is made. Burn the symbol of our country, tear it up, and we only become stronger, more dedicated to the principles the flag represents. An attack against our flag is really an affirmation of our Nation and all that we as a people stand for.

Our courts told us burning the flag is a protected form of free speech and we must respect this. The American Flag is an exceptional symbol of an extraordinary nation that has protected personal liberty for more than 200 years. We must recognize that the flag is an icon, only an icon, and our beliefs and principles are the rock on that we stand.

BRENDA McDONNELL AND HELEN MOONEY RECOGNIZED AS TWO EXTRAORDINARY TEACHERS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. CAPUANO. Mr. Speaker, I rise today to recognize two extraordinary teachers from the eight Congressional District of Massachusetts, Brenda McDonnell and Helen Mooney. Both are educators at East Somerville Community School and have been selected to receive the Time Warner Cable's 1998–1999 National Teacher Award. These exceptional women are two of only fifteen teachers selected out of hundreds of entries from across the country.

Ms. McDonnell and Ms. Mooney together organized a project for their seventh grade students called the "Cable Enhanced Classroom." through this project, students were encouraged to explore an area of their interest that was related to the themes of National History Day: Science, Technology and Inventions. Over a ten-week period, forty-seven seventh-grade students prepared media presentations, plays, display boards, and research papers by referencing programs from sources such as A&E, the Discovery Channel, the History Channel, the Learning Channel, and the Internet.

Time Warner Cable has recognized Ms. McDonnell's and Ms. Mooney's project as an example of exemplary teaching. Both teachers will share the $1,000.00 grant presented to them at an awards dinner honoring their initiative and achievement. These teachers have been a positive influence and an inspiration to other educators and students nationwide. Their achievement illustrates the significant impact teachers make when challenging their students with thought provoking assignments.

Education is of great importance to me. In particular, I believe it is vital to attract and encourage enthusiastic teachers. Honoring dedicated instructors such as Mr. McDonnell and Ms. Mooney helps to reveal our immense appreciation and encourages the same innovation in future projects.

IN HONOR OF LILLIAN WASHINGTON

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Ms. RIVERS. Mr. Speaker, I rise today to pay tribute to Mrs. Lillian Washington, who will be celebrating her 100th birthday on July 1, 1999.

Mrs. Washington was born in Montecello, Georgia, in 1899. She is the eleventh child of Charlie and Amanda Tuggle. During her childhood, she was most happy running and playing outside in the natural settings around her home. She attended Sardis Grade School, and graduated from Montecello High School.

Since moving to the Detroit area over 75 years ago, Mrs. Washington has been a generous and active member of both her church and in her community. After marrying Charles Smith in 1922, she joined the Russel Street Baptist Church. Following the passing of Mr. Smith, she later remarried and joined Smith Chapel African Methodist Episcopal Church. She served faithfully on the church's Stewardess Board for many years, and her loving concern for others, especially children, has touched many hearts. Although she did not have biological children, she has been a "mother" to countless "daughters."

Mrs. Washington lives alone in her apartment surrounded by precious mementos, a testament to her strong will and the fact that she is still "going strong." Her persevering spirit may best be symbolized by her favorite song, "Through it All." She is certainly a treasure for our community, and I ask my distinguished colleagues to join me in wishing her a wonderful birthday and many more years of health and happiness.

CONGRATULATING MARTHA McKINLEY, MOTHER OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Martha McKinley for being honored as Mother of the Year by the Fresno County Women in Chambers of Commerce. Martha is an outstanding and deserving mother in Fresno County.

Martha McKinley was nominated by her daughter, Monna Romagnoli, three grandchildren, and four great grandchildren. Martha married Pete McKinley on February 6, 1937 and they shared their lives together for 40 years. In 1978 Pete passed away.

Martha has worked most of her adult life in several different fields to support her parents and family. She was a nursery school teacher; office manager at Maier Island Naval Shipyard; department head of CA Industrial Division of Welfare. Martha was also active in community and civic organizations and volunteered on several political campaigns. She was a member of the Women's Zonta Club and the Coachella Valley Women's Club. In 1950, Martha McKinley was the first President of Fresno County Women in Chambers of Commerce. She remains an active member today as she enjoys her retirement.

Martha is an exemplary mother who possesses the qualities of compassion, warmth, generosity, humor, and humility. Martha has also instilled these values in her entire family. Furthermore, her great spirit, integrity, loyalty, wit, and generosity are the reasons for her long-lasting friendships.

Martha is quick to share herself with others in need, often times bringing them into her life and home. Martha became a second mother to her neighbor Sally, when she lost her mother. Martha made sure to include Sally in everything her family did. She guided and comforted Sally, treating her like a daughter.

Mr. Speaker, I urge my colleges to join me in congratulating Martha McKinley for being awarded Mother of the Year. Her desire to put family first, her love of God, life, and her neighbor make her truly deserving of this recognition.

U.S. MILITARY AIRCRAFT DENIED REQUEST AT HONG KONG'S CHEK LAP KOK AIRPORT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BEREUTER. Mr. Speaker, unfortunately, the People's Republic of China has denied a request for a United States military aircraft at Hong Kong's Chek Lap Kok airport and indicated it was "denied in view of current circumstances." Undoubtedly this is a Chinese reaction to our bombing of the Chinese Embassy in Belgrade. However, as the following editorial from Hong Kong's South China Morning Post indicates, that action is not only counterproductive for Sino-American relations, it raises further questions in America and the world regarding the autonomy of the Hong Kong Special Administrative Region (SAR) within the Chinese governmental system. It is true that the People's Republic of China does maintain full responsibility for foreign policy and national security for the Hong Kong SAR, but this decision seems an unnecessary further aggravation in the relations between China and the United States of America. I urge my colleagues to read the following editorial in the June 24, 1999, editorial of the South China Morning Post.

EDITORIAL

More than a month after the bombing of the embassy in Belgrade, Beijing's fury is apparently still undiminished. Profound and repeated apologies by the US, including the telephone call from President Bill Clinton to President Jiang Zemin, have failed to get diplomatic communications back on track.

The mainland Government's response was understandable in the emotion of the moment; after all, staff members tragically lost their lives. But by refusing to help defuse the ongoing row, Beijing now risks deepening the harm to Sino-US relations.

No doubt the spying row and repercussions from the Cox report have helped to keep tensions on the boil, but it is disheartening to know the SAR is still a casualty of the discord, more than six weeks after the tragedy.

Banning US warships may have driven home the extent of China's anger, even if it was taken at the cost of HK$385 million in lost revenue at a time when the economy is still struggling to revive. But the decision to refuse US military aircraft permission to land here will inconvenience none but the country concerned, and then only mildly. However, if it is applied to military planes bringing in US delegations during the Washington midsummer break, it will appear to be rather a petty act, and will certainly not enhance Hong Kong's image.

What an irony it would be if Christopher Cox, author of the controversial report, was refused permission to land in a USAF aircraft, after he accepted Chief Secretary for Administration Anson Chan Fang On-sang's invitation to come and witness the mechanisms to prevent the export of sensitive technology across the border.

It is, of course, the mainland's business to decide how long it will continue to wreak revenge, but the point has been made very forcefully with the warship ban, and that should suffice. To implicate the SAR in any further repercussions can only hurt its claims to autonomy.

THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. ROGAN. Mr. Speaker, I rise today and with several of my colleagues from both sides of the aisle to introduce the Small Business Liability Reform Act of 1999. This legislation will provide common sense protection for small businesses in America.

Small businesses in California and across the nation each day face the threat of burdensome litigation. One frivolous lawsuit can put a small business owner out of commission. In many instances, even the threat of a lawsuit can force a small business to settle a frivolous claim for more than it is worth.

Small businesses, like the "mom and pop" family stores, are the backbone of our nation's economy. The Research Institute for Small and Emerging Business estimates that over 20 million small businesses in America generate 50 percent of our country's private sector output. We must protect their right to grow and free them from the threat of frivolous litigation.

Mr. Speaker, every dollar a business spends on litigation is a dollar that could be spent to expand small businesses, provide more jobs, improve employee benefits, and strengthen our economy.

According to a recent Gallup survey, one in every five small businesses decides not to hire more employees, expand its business, introduce a new product, or improve an existing product because of the fear of lawsuits.

Products sellers—like the corner grocery store—incur high legal costs when they are needlessly drawn into product liability lawsuits. Today a business such as this, which does not even produce the product, can still be sued for product defects. While the product seller is rarely found liable for damages, it must still bear the cost of defending itself against these frivolous suits. This unfair treatment of small businesses must stop.

The Washington Legal Foundation reports that punitive damages are requested in 41% of suits against small businesses. Is it possible that such a large number of small businesses are engaging in egregious misconduct that warrants a claim of punitive damages? The National Federation of Independent Business reports that 34% of Texas small business owners have been sued or threatened with court action seeking punitive damages. This hinders business and punishes the backbone of our economy.

My bill will ensure that small businesses will be protected from frivolous suits by limiting the amount of punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses, punitive damages would be available only if the claimant proves that the harm was caused through a conscious and flagrant indifference to the rights and safety of the claimant. Punitive damages would also be limited to the lesser of $250,000, or three times the compensatory damages awarded for the harm.

Second, this legislation limits joint and several liability so that a small business owner would only be liable for non-economic damages in proportion to his or her responsibility for causing the harm. If a small business is responsible for 100% of an accident, then it will be liable for 100% of non-economic damages. But if it is only 70%, 25%, 10%, or any other percent responsible, then the small business will be liable only for the proportional responsibility they share.

Mr. Speaker, the examples of unfairness to small business are just as shocking. In one instance, a product seller was dragged into a product liability suit even though the product it sold was shipped directly from the manufacturer to the plaintiff. In the end, the manufacturer—not the product seller—had to pay compensation to the plaintiff. Unfortunately, this was after the product seller had been forced to spend $25,000 in court expenses—$25,000 that could have been used to expand the business or to provide higher salaries.

Mr. Speaker, the time for small business legal reform is now. Let's remove the threat of unnecessary litigation and help small businesses focus on what is really important—keeping this economy growing. I ask my colleagues to support this important bipartisan and common sense business legislation.

SMALL BUSINESS LIABILITY REFORM ACT OF 1999

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. HOLDEN. Mr. Speaker, I am pleased to join with my colleagues to introduce the Small Business Liability Reform Act of 1999. Like the other pieces of civil justice reform legislation that have recently been enacted into Federal law, this bill departs from the comprehensive approach that advocates of broad product liability and tort reform have taken in the past. Instead, this bill focuses on a few key specific liability issues: the exposure of very small businesses—those with fewer than 25 full-time employees—to joint liability for non-economic damages and punitive damages, and the exposure of retailers, wholesalers, distributors and other non-manufacturing product sellers to product liability lawsuits for harms they did not cause.

Last month, similar legislation was introduced in the other body (S. 1185) and it is my hope and expectation that our efforts in this body will combine with the work of our Senate colleagues to enable the Congress to respond positively and on a bipartisan basis to the concerns we hear year after year from smaller employers about our civil justice system.

Let me emphasize, Mr. Speaker, that the bill we introduce today is careful not to overreach. As I previously indicated, this is a narrowly crafted, tightly focused bill. The provisions restraining joint liability and punitive damages do not apply to civil cases that may arise from certain violations of criminal law or egregious misconduct. Nor do they apply in States that elect to opt-out with respect to cases brought in State court in which all parties are citizens of the State. The product seller liability provisions are strictly confined to product liability actions and protect the ability of innocent victims of defective products to fully recover damage awards to which they are entitled.

Mr. Speaker, the provisions of this legislation have previously won bipartisan support in both houses of Congress. Although limited in scope, their enactment into law will reduce unnecessary litigation and wasteful legal costs and improve the administration of civil justice across this country. I look forward to working with my colleagues on both sides of the aisle to pass this limited but meaningful civil justice reform bill with strong bipartisan support.

CELEBRATING THE LIBERTY FESTIVAL

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BALDACCI. Mr. Speaker, I rise today to recognize a group in my home state of Maine. This dedicated group of volunteers has banded together to produce an exceptional celebration of our nation's Independence called the Liberty Festival.

The neighboring cities of Lewiston and Auburn for years hosted the traditional 4th of July fireworks display. Several years ago, a group got together and shared a dream of a more elaborate celebration of our nation's freedoms, ideals and history. They envisioned an event that would give families a place to gather, enjoy time together and celebrate our country.

These volunteers worked hard and created the Liberty Festival, which has quickly become one of Maine's premier 4th of July celebrations. The three day event features performances by many of Maine's finest bands and the Portland Symphony Orchestra. This year the celebration will be opened by the first ever greater Lewiston/Auburn Air Show. It will conclude with an impressive fireworks display in the heart of the downtown district, launched over the majestic falls of the Androscoggin River.

More than 100,000 citizens—including me—are expected to celebrate our nation's independence at the Liberty Festival. I want to publicly commend all who have given so much of their time and effort to make this outstanding event possible. Your vision, your dedication and your patriotism are deeply appreciated.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF RAISING PUBLIC AWARENESS OF PROSTATE CANCER

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 21, a resolution emphasizing the importance of early detection in the fight against prostrate cancer. I commend Mr. BASS of New Hampshire for his efforts on fighting cancer, especially prostate cancer and breast cancer.

The National Cancer Institute estimates this year that 179,300 American men will be diagnosed with prostate cancer, and that some 37,000 will die from this disease. These cold numbers do little to convey the very human emotions of fear and uncertainty experienced by our fathers, brothers, uncles or grandfathers who are diagnosed with prostate cancer. Every day, too many men in the United States hear the life-changing words "You have prostate cancer."

Like all cancers, the best battle plan is one that emphasizes prevention and early detection, so that we can beat the cancer before it even starts.

According to the American Cancer Society, the chance of having prostate cancer increases rapidly after age 50. More than 80 percent of all prostate cancers are diagnosed in men over the age of 65, and is about twice as common among African-American men as it is among white American men.

It is believed that a good course of action to prevent prostate cancer includes exercise, a diet low in fat and consisting mostly of vegetables, fruits, and grains. Results of most studies suggest that men who eat a lot of fat in their diet have a greater chance of developing prostate cancer. Recent research also suggests that a diet high in calcium and low in fructose (fruit sugar) increases prostate cancer risk.

Early detection is very important, especially if men have the risk factors associated with prostate cancer. Cancers found by early detection testing (using the prostate specific antigen blood test or physical examinations) are, on average, smaller and have spread less than cancers discovered because of symptoms they cause. Since prostate cancer grows so slowly, for men with cancer that is proven not to have spread beyond the prostate gland. the five-year relative survival rate is nearly 100 percent, whether or not they are treated.

More awareness of prevention and early detection strategies of prostate cancer could save hundreds of lives every year. I urge that the House pass H. Res. 211, and I again commend the gentleman from New Hampshire (Mr. BASS) for his work in this area.

ALBERT BORJA IS NAMED WINNER OF THE 1999 CONGRESSIONAL ARTS COMPETITION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. UNDERWOOD. Mr. Speaker, the winner of the 1999 Congressional Arts Competition, "The Artistic Discovery," is fifteen-year old Albert Borja, a recent graduate of Simon Sanchez High School in Yigo, Guam. Albert is the son of Tom Borja and Lou Milligan.

The Congressional Arts Competition was held at the Hilton Hotel, Guam. Albert's art work, entitled "My Planar Self," garnished first place and will be displayed in the Capitol corridor. His winning art work, completed in acrylic, is a two dimensional geometric self portrait. The colors are quite vivid and eclectic. Although it is very exciting that this is his first trip to Washington, D.C., the very fact that his art work represents the talented youth of Guam, for all visitors to the Nation's Capitol to see, adds even more enthusiasm to his visit.

Prior to this competition, Albert has contributed his artistic talent by painting murals in his school. Last year, he received an outstanding recognition award for this contribution. Albert is also academically gifted. He is a co-captain of the Academic Challenge Bowl, Simon Sanchez High School Team Guam. His team won second place in the 1998 island-wide championship. He is also a member of the National Honor Society. When he is not creating artistic masterpieces, he spends his leisure time swimming, biking or hiking.

Albert Borja plans to pursue his post secondary education at the University of Guam, and major in Biology. His undergraduate studies will serve as his foundation for his next journey in life. He plans to obtain a degree in medicine. Mr. Speaker, this young artist aspires to be a medical physician.

I am thankful to the Congressional Arts Caucus for sponsoring a "showcase" of art works from young artists nationwide. I am pleased to have Albert's work represent Guam and I look forward to seeing it in the halls of the Capitol this year.

Congratulations Albert. You have made your parents and the people of Guam proud.

TRIBUTE TO MRS. ERNESTINE B. ELLIOTT OF DECATUR, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Mrs. Ernestine Elliott of Decatur, Alabama for her many years of outstanding service to our community.

Mrs. Elliott's work as a HUD Housing Counselor has been essential in building the quality of life the people of Decatur enjoy today. She is retiring today after 32 years of service.

Today the work and immeasurable contributions of Mrs. Elliott to the betterment of Decatur are being celebrated at a public reception at Decatur's City Hall.

Mrs. Elliott has worked her way up in the Community Action and Community Development Agency (CACDA). Starting as an outreach worker, she spent some time as a financial officer before reaching her current post as a counselor.

I believe this tribute is only fitting for one who has given so much of herself for others.

She says he motto is "Have I helped somebody who couldn't find their way?" She has certainly succeeded in this and in fulfilling her goals of helping clients become self-sufficient.

For Mrs. Elliott, community service is a way of life. In addition to her duties with the CACDA, she is Chairman of the Morgan County Alabama Democratic Conference and Vice Chairman of the Morgan County Democratic Executive Committee. Also, she is involved with Tennessee Valley Outreach, Connect Decatur, the Mental Health Association and serves as Chairman of Women Missionaries of Maccedonia Cumberland Presbyterian Church to name a few of her various affiliations.

She attended Callhoun Community College and Alabama A&M University. She is a proud mother and grandmother with two sons and one grandson. Decatur is fortunate not to lose Mrs. Elliott to retirement all together. She will continue to serve the area starting July 6th as the Morgan County voter registrar.

Since 1967, Mrs. Elliott has set a great example at the CACDA and for all Morgan County of how one person can make a huge difference by helping others. I want to congratulate her on her retirement and wish her well in her new position. Lastly, I want to commend her for her tireless efforts for the people of north Alabama.

COMMEMORATING WILLIAM KOWALKOWSKI ON HIS RETIREMENT FROM THE NATIONAL BOARD OF FEDERATION LIFE INSURANCE OF AMERICA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor William Kowalkowski, an outstanding citizen and community leader who is retiring from the National Board of Federation Life Insurance of America.

Mr. Kowalkowski is an example of the great American success story, embodying the values of hard work and perseverance. In 1925, when he was 5 years old, he left his native Milwaukee with his parents to live on a farm near the Baltic Sea in Poland. His parents had come from Poland to America in 1912 in search of freedom and better opportunities. After Poland regained its independence at the end of World War I, the Kowalkowskis yearned for their homeland. So they returned to Poland and bought a farm.

When William Kowalkowski turned 17, the Polish government urged him to give up his U.S. citizenship and become a citizen of Poland. He refused, and instead decided to return to the United States where he longed for greater freedom and opportunities. His parents stayed in Poland despite his warnings of a possible war in Europe with the rise to power of Hitler in Germany.

He left in 1937, just two years before the Nazi invasion of Poland. During World War II and for decades thereafter, he served as a member of the Polish Relief for Poland Committee, which shipped tons of clothing and food items to Poland and assisted many displaced Poles, including two of his brothers, in finding homes in the U.S. For his service he was awarded in 1995 the Order of Knight's Cross, Poland's highest civilian decoration for service to the Polish Republic. The decoration came from Poland President Lech Walesa.

Since his return to Milwaukee, William Kowalkowski has been active in the Polish-American community, elected as president in 1979 of the Pulaski Council, which is the steering body of some 50 Polish American organizations. He served as president until 1991.

Since 1941, Mr. Kowalkowski has been an active member of the Federation Life Insurance of America, a Milwaukee-based fraternal organization of Polish Americans. He has served for several terms as the organization's national director and national president, a post which he occupied until March of this year.

Because he is a prominent and well-respected member of the community, Mr. Kowalkowski has met with national leaders, including Presidents Gerald Ford, Jimmy Carter and Ronald Reagan.

Mr. Speaker, it is my honor to commemorate William Kowalkowski on the occasion of his retirement from the National Board of Federation Life Insurance of America and commend him on his enduring accomplishments and service to the community.

MEDAL OF HONOR MEMORIAL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BURTON of Indiana. Mr. Speaker, I rise today and take great pride in describing to my colleagues the events surrounding the dedication of this Nation's only memorial to our 3,410 Medal of Honor recipients—the highest award for Valor given by our country.

On May 28th, the last Memorial Day weekend of the 20th century, I was joined by my Hoosier colleagues Representatives BUYER, MCINTOSH, and HILL, Senator BAYH, Lt. Governor Kernan, Mayor Goldsmith of Indianapolis, IPALCO Chairman John Hodowal, and 98 of the 157 living Medal of Honor recipients, to dedicate the new Medal of Honor Memorial. Medal of Honor recipients Sammy L. Davis and Melvin Biddle joined us on the dais, representing their comrades-in-arms.

The new memorial is located along the north bank of the Central Canal in White River State Park, located in downtown Indianapolis. It sits adjacent to Military Park, the site of the city's first recorded 4th of July celebration in 1822, which would later be used as a recruiting and training camp for soldiers from Indiana during the Civil War.

It is at this aptly suited site that the local power utility, IPALCO Enterprises, under the leadership of its Chairman, John Hodowal, who along with his wife, Caroline, and countless IPALCO employees and volunteers, has erected this breathtaking memorial. It was Caroline Hodowal, who first read a newspaper article about the Medal recipients, and then conceived the idea for the new memorial when she and her husband realized that none existed.

Visitors to the site will see citations for each of the 3,410 medal recipients etched into glass walls. The twenty-seven curved glass walls, each between 7 and 10 feet tall, represent the 15 conflicts, dating back to the Civil War, in which selfless acts of bravery resulted in the awarding of the Medal of Honor. Steps, benches and a grassy area provide seating for visitors to rest, reflect and view this magnificent memorial. Additionally, each evening at dusk, a sound system plays a thirty minute recorded account about a medal recipient, his story, and the act for which he received this Nation's highest military honor. As each story is told, lights illuminate the appropriate portion of the memorial to highlight the war or conflict being discussed.

In the words of Mr. Hodowal, this memorial serves two purposes: "It's an opportunity to say thanks for the sacrifices [these men] made, and it's a chance to show the next generation what real heroes look like . . . to show that ordinary people sometimes do extraordinary things."

Mr. Speaker, Indiana has a proud tradition of honoring those who have sacrificed so much to preserve our freedom. We must never forget that our freedom is not free. Because of the selfless sacrifices of so many, we are free to enjoy so much in America. I encourage all of my colleagues to visit Indianapolis and see this newest jewel of our city and State. It is something that you will not soon forget.

Mr. Speaker, I ask unanimous consent to include in the record the list of the Medal recipients who were the guests of the people of Indiana at the festivities during this past Memorial Day weekend.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SHOWS. Mr. Speaker, I rise today in support of H.J. Res. 33, which would outlaw the physical desecration of the American Flag.

Our Flag represents the cherished freedoms Americans enjoy to the envy of others.

To our Nation's veterans and military retirees, it is a constant reminder of the ultimate sacrifice they have made.

Destroying our flag is an affront to all Americans, but to our veterans and military retirees it is much more than that.

Our veterans and military retirees have put their lives on the line for our country, and the

American flag is the one thing they can hold and say: "This is what I have defended with my life."

My father was a prisoner-of-war in World Ware II, captured at the Battle of the Bulge. He fought to protect our democratic freedoms.

But, Madam. Speaker, he did not fight to let Americans destroy the very symbol of their own freedoms that he was willing to die for.

Destroying the flag is tantamount to physically assaulting those heroes who would lay down their lives for their country.

It is against the law for one American to assault another. And so should it be against the law for one American to assault an entire class of American heroes.

Madam Speaker, we need to honor America's heroes and pass this amendment.

SENATE—*Monday, June 28, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, we thank You for outward symbols of inner meaning that remind us of Your blessings. The sight of our flag stirs our patriotism and dedication. It reminds us of Your providential care through the years, of our blessed history as a people, of our role in the unfinished and unfolding drama of the American dream, and of the privilege we share living in this land.

Today, as we pledge allegiance to the flag, we recommit ourselves to the awesome responsibilities You have entrusted to us. May the flag that waves above this Capitol and the flag here in this Chamber remind us that this is Your land.

Our flag also gives us a bracing affirmation of the unique role of the Senate in our democracy. In each age, You have called truly great men and women to serve as Senators. May these contemporary patriots experience fresh strength and vision, as You renew the drumbeat of Your Spirit, calling them to march to the cadence of the rhythm of Your righteousness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. We will now have the Pledge of Allegiance to the flag led by Senator KYL.

The PRESIDING OFFICER (Mr. KYL) led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Alabama is recognized.

SCHEDULE

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I would like to note that the Senate will now be in a period of morning business until 1 p.m. Following morning business, the Senate will resume consideration of the agriculture appropriations bill. Under a previous order, the Senate will begin a series of up to four stacked cloture votes at 5:30 p.m. Those votes will be on invoking cloture on the agriculture appropriations bill, followed by cloture on the motion to proceed to the transportation appropriations bill, cloture on the motion to proceed to the Commerce-State-Justice appropriations bill, and cloture on the motion to proceed to foreign operations appropriations. Therefore, Senators can expect the first vote to begin at 5:30 p.m.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for 10 minutes each.

The Senator from Alabama is recognized.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 1289 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

MEDICARE PRESCRIPTION DRUG COVERAGE

Mr. WYDEN. Mr. President, and colleagues, this is going to be an important week in the debate about the future of the Medicare program. The White House is coming forward with several useful Medicare proposals. Democrats and Republicans on both sides of the Hill are similarly focused.

This morning I have come to the floor to zero in on the issue of prescription drug coverage for older people under Medicare. I believe if the Senate builds on a bipartisan proposal already approved by a majority of Senators, it will be possible to responsibly add prescription drug coverage to the Medicare program in this session of the Congress.

A few weeks ago, 54 Members of this body voted for legislation offered by Senator OLYMPIA SNOWE and myself to finance prescription drug coverage for seniors under Medicare with a tobacco tax. Senator SNOWE and I have now developed a specific proposal that calls for a 55-cent-a-pack tobacco tax that would be used to cover the prescription drug needs of older people under Medicare. We think that is appropriate because, of course, the Medicare program spends upwards of $10 billion a year simply paying for tobacco-related illnesses that older people have suffered.

Under the Snowe-Wyden proposal, we would be able to raise $70 billion in order to cover prescription drug benefits for older people over the next 10 years. That is hard dollars to cover this important benefit. It is not phantom funding. It is not sleight of hand. It is not a kind of wish-and-hope, pie-in-the-sky way to take care of this particular need for older people. It is a concrete, tangible concept.

A majority of the Senate, Senators of both political parties, have voted for it. I am very hopeful that it will be possible now for the Senate to build on this support, with bipartisan approval, to actually get the job done and support older people.

In the legislation that Senator SNOWE and I have put together, we envision this $70 billion being used to assist older people with the insurance premiums that they now pay for Medicare supplemental policies. As we know, many of our seniors have Medicare supplemental policies. Many of our seniors participate in what is called Medicare Choice, a program that involves Medicare HMOs. It may well be that a number of seniors wish to purchase policies that cover only prescription drugs.

But what Senator SNOWE and I have developed would be voluntary. No senior would be required to do it. The Presiding Officer and I will recall the catastrophic care fiasco of several years ago when older people were concerned about being required to pay for something they did not really need or did not particularly want.

That would not be the case under the legislation developed by Senator SNOWE and I. It would be voluntary if an older person chose to participate in the program; and $70 billion in real funding would be eligible to assist the older people who desire to have that coverage as part of their Medicare.

Senator SNOWE and I believe the best way to deliver this coverage is to build on a model that Members of Congress know a fair amount about, and that is the Federal employee health plan.

Senator SNOWE and I recognize that program covers different people than we would be covering under Medicare, so our delivery system for this particular benefit would be a kind of senior citizen's version of the Federal employee health plan. We call it the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SPICE Board. It stands for Senior Prescription Insurance Coverage Equity. We consider it a kind of senior citizens' friendly version of the Federal employee health plan.

We have incorporated some of the very good ideas that have come from Families USA, the seniors' advocacy group, the National Council of Senior Citizens, and a variety of the senior citizens' organizations, to ensure that the SPICE Board that would deliver this system would offer choices and competition for older people but at the same time would not allow cherry-picking; so that a plan could not take just healthy people, it would make sure there were protections against adverse selection.

We bar the use of preexisting conditions. A lot of the problems we have seen with insurance coverage in the past would not be allowed under the SPICE Board because we have incorporated many of the good ideas that have come from AARP and Families USA and the National Council of Senior Citizens so as to ensure that the SPICE Board would offer these benefits to older people in a senior-friendly way.

At the same time, it is important to note that this is a competitive model. This will help us to hold costs down because older people would have the kind of bargaining power, through the SPICE Board, that an HMO has today when it bargains for younger people getting prescription drug coverage under the Federal employee health plan.

I think it is particularly sad to see older people, many of whom have 16, 18, 20 prescriptions they are using in a year, paying well over $1,000 out of pocket for their medicine. It is particularly outrageous that they end up paying a premium, since they don't have coverage, when they walk into a pharmacy and pay out of pocket. They have to pay more because, in effect, they are subsidizing those who have bargaining power in the private sector who get their coverage through a managed care plan.

We use an approach that uses markets, offers choice, avoids price controls, but makes sure that through the SPICE Board, older people would have the kind of bargaining power and clout we see HMOs having in the private sector.

I am very hopeful that this week, as the Congress moves to have a vigorous discussion about Medicare—the President's proposal is coming tomorrow; our colleagues on both sides of the Hill expressing great interest in this issue—Members will reflect on the fact that a majority of the Senate has already voted for the Snowe-Wyden proposal to finance this coverage with a tobacco tax. It is only fair, because of the costs Medicare incurs related to tobacco. We know now that a bipartisan group of Senators is willing to at least look at that approach to finance this coverage.

I am also very hopeful that our colleagues will steer clear of some of these price control ideas that would create more bureaucracy. Incidentally, most of these price controls just shift the cost onto the backs of other consumers. I am very fearful that if we set up a price control regime for older people under Medicare, a lot of low-income folks, African Americans, Hispanics, and others would end up seeing the costs shifted onto them because they wouldn't have any protection from this price control regime.

In addition to the real intangible way that is going to be essential to finance this program, we ought to use a concept the Congress is familiar with for delivering the benefit. Under the Senior Prescription Insurance Coverage Equity Program, the SPICE Program, we would be able to do that. We would be able to deliver the benefit in a way that allows senior citizens to exercise clout in the marketplace and be in a position to hold their costs down. There would be real consumer protections because we have incorporated the good ideas from Families USA and AARP and the National Council of Senior Citizens.

I am very hopeful as this debate goes forward this week, our colleagues in the Senate will see there is a chance to avoid some of the bickering and partisanship that has accompanied other issues, look to giving older people this important preventive benefit that is so critical but financing it in a real way, not with phantom kind of money, and then delivering the benefit in a way that steers clear of price controls but gives older citizens in our country the kind of bargaining power an HMO has so the older people can get reasonable prices for their coverage.

I know the Presiding Officer has a great interest in this issue. He and I have worked often on this matter. He can count on the fact that Senator SNOWE and I will be visiting with him, as well as other colleagues, because it is our intent to do everything possible to keep the Senate, at least on the prescription drug issue, focused on the real needs of older people and the opportunity to address this issue in this session of Congress with real and hard financing and a delivery system that will work for the 21st century.

I yield the floor.

TRIBUTE TO GENERAL JAMES L. JONES, JR.

Mr. CLELAND. Mr. President, it is a distinct honor and personal privilege for me to pay tribute to two distinguished Americans. One of them is General James L. Jones, Jr., the newly confirmed 32nd Commandant of the United States Marine Corps.

The general hails from Kansas City, Missouri. He spent his formative years in France where he acquired his fluency in the French language.

He is a graduate of Georgetown University School of Foreign Service and I understand he still keeps up a Georgetown tradition by playing a little basketball now and then.

General Jones is a warrior—part of a family of distinguished marines. His father commanded a Marine Corps Force reconnaissance company during the Second World War. His uncle, Lieutenant General William Jones, commanded Marine Forces in the Pacific and had a long and distinguished combat record.

On a personal note, General Jones and I served together in Vietnam during the siege of Khe Sahn. The general was twice decorated for bravery, receiving the Silver Star Medal—our Nation's third highest award for valor—as well as the Bronze Star Medal with combat "V."

For me, the general is truly "a brother of the bond"—a member of the small "band of brothers" who have served their country with courage and honor in the crucible of combat.

General Jones is a highly experienced infantry commander and staff officer—during his long and distinguished career he has served as an infantry battalion commander, Marine Expeditionary Unit commander and as the commanding general of the Second Marine Division at Camp Lejeune, North Carolina.

He has led marines from the fire-swept rice paddies of Vietnam to the mountains of Northern Iraq and Turkey.

General Jones just recently completed an assignment as the Military Assistant to the Secretary of Defense, our former colleague Bill Cohen. In this capacity, he accompanied the Secretary around the globe in support of the defense of our Nation's vital national interests.

Many may not know this, but General Jones is also a "veteran" of the United States Senate. He served as the Marine Corps Liaison Officer to the Senate alongside another colleague—then Captain, United States Navy, JOHN MCCAIN.

Mr. President, I, again, welcome Lieutenant General Jones as the 32nd Commandant and as the newest member of the Joint Chiefs of Staff. He will lead one of the finest military organizations on Earth, the United States Marine Corps. He will be responsible for our Nation's premier "911" force, charged with guiding and directing our Corps of Marines into the new century and millennium.

I know I speak for my colleagues on both sides of the aisle in wishing General Jones, his lovely wife Diane—as well as his family Jim Jr., Kevin, Greg, and Jennifer—our very best wishes. On June 30, 1999, he will take on the awesome responsibility of being the 32nd

Commandant of the Marine Corps. Semper Fi and Godspeed, General Jones.

TRIBUTE TO GENERAL ERIC K. SHINSEKI

Mr. CLELAND. Mr. President, I rise today to recognize a distinguished soldier, General Eric K. Shinseki, whose inspiring personal journey is a story that could happen only in America.

My good friend and distinguished colleague, the senior senator from Hawaii, presented a moving tribute to General Shinseki when he formally introduced his fellow Hawaiian to the Armed Services Committee on June 8th. Senator INOUYE reminded us that when the general was born on the island of Kauai in the midst of the Second World War, his Japanese heritage made him, according to the regrettable laws that existed at that time, an enemy alien. Due in large part to the heroism of noble Hawaiians like our colleague, who fought so bravely and honorably and at such great personal sacrifice with the 442d Regimental Combat Team in Europe, Japanese-Americans no longer bear the indignity that the government of their country visited upon them during that time of war. As Senator INOUYE reminded us, President Roosevelt declared that Americanism is a matter of mind and heart and that it is not, and never has been, a matter of racial color. The birthright that Senator INOUYE's blood purchased for these Americans enabled young Ric Shinseki to rise to the top of the military profession in this great country. And for that we owe a tremendous debt of gratitude to our brave and distinguished colleague.

General Shinseki began to show promise at a tender age. An outstanding student, he left the Territory of Hawaii for the first time and came east to become a high school exchange student in New Jersey.

Having broadened his horizons, he sought and secured an appointment to the United States Military Academy. While a cadet at West Point he heard a young president challenge the Nation to "ask not what your country can do for you. Ask what you can do for your country." He listened in the Cadet Mess as General of the Army Douglas MacArthur eloquently defined the words of the Academy motto, "Duty, Honor, Country." Cadet Shinseki has never stopped answering those ringing calls to duty. He answers them still.

He graduated from the Military Academy in 1965 with a commission in the field artillery. He soon found himself en route to Vietnam and a tour of duty with the 25th Infantry Division, the "Tropic Lightning" Division. Onboard a ship crossing the Pacific a veteran non-commissioned officer taught the young lieutenant his craft. For days and days the two men drilled on the techniques of calling for and observing artillery fire. Second Lieutenant Shinseki never forgot the value of skilled and dedicated non-commissioned officers. He has been a soldier's soldier ever since.

Combat wounds cut short his tenure in Vietnam. After a long convalescence, he volunteered to return to the war, to answer the summons of the trumpet once again. While commanding a cavalry troop with the 5th Infantry Division, he received another wound, this one far more serious. For a while, his life was in jeopardy. And even after the healing had begun, there were serious questions about whether he could continue his career.

True to his nature, honoring his birthright and still answering the call to duty, Ric Shinseki fought to stay in the Army. Fortunately for us, the Army saw more than a little potential in this twice-wounded warrior, and granted his request to stay. They sent him to Duke University to get a degree in English literature so that he could return to teach at his alma mater on the banks of the Hudson. There, as a member of the West Point faculty, he could teach and mentor a new generation of officers, inspiring them with his stoic example of duty and sacrifice.

Since that time, General Shinseki has built two great legacies in the Army. First, he is a leader and trainer of soldiers. He has been a commander and operations officer in armored and mechanized formations from the 3rd of the 7th Cavalry in Europe, to my own beloved First Team, the First Cavalry Division at Fort Hood, Texas, where he served as commanding general.

General Shinseki has also built a reputation as a brilliant staff officer who has helped the army to shape its force and modernize its training during tours of duty in five different positions in the Office of the Deputy Chief of Staff for Operations and Plans. There he came to know the army as an institution, to learn the folkways of the Pentagon, and to understand the byzantine nature of this great city.

In 1997 the President and the Senate recognized the enormous potential of this soldier by promoting him to a fourth star and appointing him Commanding General of United States Army, Europe. This critical assignment was all the more important because General Shinseki was also soon to become Commanding General of the Stabilization Force (SFOR) in Bosnia-Herzegovina. There he undertook the difficult and delicate mission of implementing the Dayton Peace Accords among the Bosnians, Croats, and Serbs, a task whose complexity has been underscored by our more recent trials in the Balkans.

Last year, General Shinseki returned home to become Vice Chief of Staff of the Army, to run the staff in the building he knows so well. He has brought a mature, steady hand to his administration of the Army Staff.

A combat veteran, a soldier's soldier, an accomplished trainer, a consummate staff officer, a respected commander, this son of Japanese immigrants who was born an enemy alien has now risen to the pinnacle of the American military profession. Wow, what a story. In a ceremony on June 22, 1999 at Fort Myer, Virginia, General Eric K. Shinseki assumed duty as the 34th Chief of Staff of the Army.

He is a visionary leader and there is no one better qualified to lead the United States Army into the next millennium. I salute his service, his sacrifice, his devotion to duty. I applaud his perseverance, his intelligence, his humility. I feel honored that the members of the Armed Services Committee and I will have many opportunities to work with General Shinseki over the next several years as we labor to guarantee the readiness of the Armed Forces and to maintain our covenant with the men and women of the United States Army, who guarantee our own freedoms and guard our interests at home and abroad.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL SATELLITE SERVICE

Mr. THOMAS. Mr. President, rural States are particularly affected by satellite service. Telecommunications is changing the way things are done, providing more and more of our services through satellites. Yet we have difficulty with people who live in low-density areas, people who live in the country, receiving their local satellite service.

This is a common problem in a low-density State such as Wyoming, where we have fewer people, where we have more rural areas. Many issues we work on have a unique impact on people who live in rural areas. The reregulation of electricity, for example, has a different impact in Wyoming than it does in Pennsylvania. That is true, also, with the delivery of health care services.

It is important, when we deal with nationwide issues, that we also take some time to give special attention to the differences that exist among consumers in the country. That is particularly true with TV. Technology and satellite TV have allowed TV services to be delivered in places it could never be delivered before. However, there are many rural people who cannot receive over the air television signals. That is the case in Wyoming.

Technology and satellite TV are great because they often provide people with more services. Indeed, it does. But it is difficult to provide local TV, local news, and local emergency signals that are given by the local stations. When a satellite company cannot do that, customers get their NBC broadcast in Rawlins, WY, they receive it from Chicago. That is a problem in terms of being able to have those local services available to consumers.

It is important, No. 1, we maintain local broadcast markets. It is important, as well, that people who live in that vicinity have the opportunity to see local news, to hear about local activities, to participate locally. The problem is, how do you provide satellite service and at the same time provide local news and local activities, as well?

This week, the Senate-House conference will be meeting regarding the Satellite Home Viewers Improvement Act. Hopefully, something will come out of that. This is legislation which will enable more customers to receive broadcast network television. The question is, of course, who can adequately receive local service from their own antenna and who can receive these local broadcasts through a staellite provider.

I had meetings in Wyoming this week. We only have two areas in Wyoming where the local TV has a designated area; the others do not. There are 15 States that do not have local-to-local service at all. When people up for satellite TV and they want the national broadcast—which is done locally, if you can receive that from an antenna—viewers are blocked from receiving it on the satellite.

The difficulty is determining the strength of the signal that comes to that antenna. There is a great difference of view about that. Frankly, it is very uncertain who makes that determination.

The first issue is determining the strength of the signal. You have to find out if that signal is strong enough so you qualify to get it over your antenna, or have a technician show that it isn't.

That is the difference of view. There needs to be a third party who says, whether you have adequate signal strength. Some viewers are behind a mountain or in a valley and can't get it. That is part of the problem.

Another problem is considering the local market. Over 25 percent of the viewers in Wyoming receive their TV from satellites. This is the third highest percentage, I believe, in the United States. That is not a huge number of people, but it is a very high percentage of people.

Without satellite access of course, the customers have no TV at all. Under the current situation, the TV they do get often comes from distant network stations.

There are two problems. One is that there has been a moratorium so these viewers could continue to get their services. That moratorium is scheduled to expire at the end of this month for folks in Grade A. In the Grade B contour network service expires at the end of the year; and there is nothing to be done in the interim. We need to deal with the immediacy of the problem—hopefully give customers another moratorium to continue network service. Second, we need to decide how we can get local-to-local coverage, how we can get the local TV station carried in a "must carry" proposition.

There are two difficulties. One, I am told—and I am not completely persuaded—that there is a lack of capacity on the satellites. In order to do that, additional satellites must be launched to carry all the local stations so people can get local broadcasts. Of course, that runs into the third issue—money.

I know the folks in Kansas would be just as excited about having TV coverage as the folks in Wyoming; and I am sure the Presiding Officer would be instrumental in making this happen.

In summary, I think many individuals would like to use satellites for their TV viewing. People in the country also want to have their local station available to them. They do not want to be blocked from receiving NBC or CBS because they are within the area that their local station carries, despite the fact they can't get it well on their own TV.

This is a problem that can have a happy resolution. Ideally, everyone could receive TV and have a good picture. Ideally, everyone could view their local station. We will work toward this end. I hope the conference committee meeting now can help find a way to provide a remedy for the short term and then set up an efficient system as we look to the future.

We have written a letter to the committee—I think there are 24 signatures on this letter—urging they set up a commission to determine how this might be done to resolve the question in the long term. I am optimistic that can be done.

Mr. President, I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 11, 1999.

Hon. JOHN MCCAIN,
Chairman,
The Honorable ERNEST F. HOLLINGS,
Ranking Member, Senate Committee on Commerce, Science, and Transportation, Dirksen Senate Office Building, Washington, DC.
Hon. ORRIN G. HATCH,
Chairman,
The Honorable PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR COLLEAGUES: We are writing today to request your support for efforts to ensure local service for small television markets during conference committee deliberation of comprehensive satellite legislation.

While we support provisions in this legislation that will allow the satellite retransmission of local television signals back into local markets ("local into local"), we are concerned that satellite providers are not expected to provide local service to the 19 million U.S. households in the smallest 150 rural and less populated markets. We believe that all Americans should receive the benefits of educational, informational and entertainment programming resulting from the reception of local signals.

We are particularly concerned that at least 15 states, including many of our own, do not have a single television market which will receive local television retransmission. Therefore, disagreements will continue over importation of distant network signals, and worse, rural America will be deprived of important communications access.

While the legislation passed by the Senate requires the FCC to report on methods of facilitating "local into local", we believe there should be a more focused effort towards the goal of implementing "local into local" as soon as technically possible. To this end, we support the creation of a Local Television Planning Group that would make recommendations to Congress to ensure that all local television signals are retransmitted by appropriate technologies as soon as practicable. This Planning Group should be convened under the auspices of the National Telecommunications and Information Administration (NTIA), and should include representative local broadcasters and knowledgeable senior staff drawn from relevant federal agencies such as the Federal Communications Commission, the Department of Justice, and agencies within the Department of Agriculture that specialize in providing services to rural America. We believe this is a workable approach that ensures no portions of America are left out of the information age.

Thank you for your consideration. We look forward to working with you on this important issue for rural Americans.

Sincerely,

Max Baucus, Tom Daschle, Tim Johnson, Harry Reid, Larry E. Craig, Chuck Grassley, Jim Bunning, Pat Roberts, Bob Smith, Craig Thomas, Bob Kerrey, Tom Harkin, Paul Wellstone, Byron L. Dorgan, Jim Inhofe, Wayne Allard, James M. Jeffords, Michael B. Enzi, Susan Collins, Michael Crapo, Rod Grams, Frank H. Murkowski, Thad Cochran, Ron Wyden.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent—and this has been cleared on both sides—that we continue in morning business until the hour of 3 p.m., with the time equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY

Mr. AKAKA. Mr. President, as a member of the Energy Committee and the Governmental Affairs Committee where I am ranking member on the International Security, Proliferation and Federal Services Subcommittee, I have benefited from numerous briefings and extensive hearings on the issues raised in the House select committee's Report on U.S. National Security and Military/Commercial Concerns With the People's Republic of China. Representative COX and Representative DICKS and their colleagues on the House select committee have done the country a great national service in producing the report.

The bipartisan manner in which they conducted their analysis is an example to us all of the importance of placing bipartisanship above political interests for the sake of national security.

I was dismayed, as other Members have been, by the extent of Chinese espionage efforts exposed in the committee's report. I wish we could say that American efforts and commitment to countering Chinese espionage were as relentless and as persistent as their ongoing efforts to acquire information from us.

Importantly, the President and the entire administration have taken major steps to reform our security at the national nuclear weapons laboratories and to improve our counterintelligence capability. Many of these changes were ordered by the President in February 1998 well before the House Select Committee was formed.

Additional measures were taken during the committee's review as the extent of Chinese espionage became apparent.

Let me make two cautionary statements:

There is a great deal of discussion now in Washington as to whom to blame for the security lapses. There is the usual round of finger-pointing and calls for this or that person to resign.

We should not spend all of our time searching for scapegoats. Only our adversaries take solace when we turn on ourselves and become distracted by partisan squabbling. Let us instead focus our attention on improving our security and rooting out those guilty of betraying America.

Secondly, let us not sacrifice our efforts to build a constructive relationship with the Chinese people because of our justifiable anger at their government's espionage.

Much of what has occurred is to our embarrassment for not being more vigilant.

We need to engage China. We have issues and problems that can only be resolved by cooperation. These include bread and butter issues such as reducing our trade deficit and improving market accessibility for American goods. They include global issues such as global warming and the proliferation of weapons of mass destruction.

The Select Committee's report indicates that, despite international commitments to the contrary, China continues to proliferate weapons of mass destruction.

To convince China to cooperate with us in ending the threat of proliferation we will need to engage China.

Our foreign visitor's program at the national laboratories has provided us with one opportunity to engage the Chinese on issues such as improving export controls. With enhanced restrictions, these programs should continue. it is our openness to the best scientific minds which aids America in keeping its intellectual edge sharp on the frontiers of science.

But engagement is not a one-way street.

China needs to demonstrate that it wants to and can engage the United States in a constructive and cooperative manner.

China can choose to swamp us either with spies or with friends. The choice is theirs.

There is a sense in the country from the revelations contained in the Cox Committee report that the Chinese have "poisoned the well" of relations between the United States and China. The report observes that "the PRC uses a variety of techniques, including espionage, controlled commercial entities, and a network of individuals and organizations that engage in a vast array of contacts with scientists, business people, and academics."

The report further charges that there are an increasing number of Chinese "front companies" in the United States attempting to gain access to our technology and national security secrets. China seems to be almost unchecked in its efforts to gain information on the United States.

This view has two detrimental effects. The first effect is on the overall perception of the benefits of relations with China.

On June 3, the President took the correct step of renewing normal trade relations with China. But it was a step that China needs to match. With a growing trade imbalance of $57 billion in 1998 out of a total trade of $85.4 billion, China is our fourth largest trading partner. We are also the third largest foreign investor in China. During the Asian financial crisis, American trade with China played a substantial role in keeping the Chinese economy afloat as Chinese exports to the U.S. grew even as Chinese exports to other nations fell. The lesson for China is that we are too important for them to ignore. The lesson for us is that China has become too big for us to ignore.

A step in the right direction for both countries is to achieve an agreement on conditions for China's entry into the World Trade Organization. Chinese participation in this international body would be a major leap forward into integrating China in the world economy. Conditions that permit more access for American goods and protection for American investment in China would help accelerate the modernization of the Chinese economy.

I think the battle within China over whether or not to participate in the international economy has been won by the advocates of modernization led by President Jiang Zemin and Premier Zhu Rongji. Granting NTR to China this year will set the stage for a conclusion to the long-running negotiations with China over WTO accession. I support renewal of NTR for China because it is an essential step towards redefining American-Chinese relations in terms of mutual benefit rather than in terms of winner and loser.

The second discouraging effect of the report is to taint Asian Americans, especially Chinese Americans, with the stain of suspicion of espionage. This unfair, but very real, perception came through clearly during a recent visit by Energy Secretary Bill Richardson to Lawrence Livermore National Laboratory where one Asian American employee declared, "we all feel like suspects of espionage." Mr. Hoyt Zia, chief counsel for export administration in the Commerce Department, wrote in the New York Times recently about the unfortunate and unwarranted charge that "Asian-Americans continue to be accused of having dual loyalties to a degree far greater than any other immigrant group to this country."

I commend his article, "Well, Is He A Spy—Or Not?", to my colleagues and ask unanimous consent that the article be printed in its entirety in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. AKAKA. Thank you, Mr. President.

Yes, it is true, according to our counter intelligence specialists, that Chinese intelligence officers target Chinese Americans and that they also rely on Chinese in the United States who are not American citizens, but it has always been true that foreign intelligence services seek out Americans with similar ethnic backgrounds when trying to establish spy networks. There are numerous examples of this. During the cold war, East German operatives targeted German Americans. From an operational perspective, this only makes sense.

It is the job of all Americans to be vigilant, regardless of ethnic background. This is the lesson of the recent concern over national security leaks. We should not overreact or allow ourselves to become sidetracked by unsupported charges that unfairly tarnish any individual or group absent solid evidence. As the recent report about national lab security by a Presidential panel chaired by former Senator Warren Rudman stated, "enough is enough." We need now to sit down, review, improve our security procedures and think seriously anew about our policy towards China.

I urge my colleagues in joining me in examining next steps, not our last steps, in an effort to implement security reforms at the national laboratories and to encourage the development of a more effective policy towards the People's Republic of China.

I thank the Chair for this time. I, again, ask that we seriously look into our relationship with China.

Exhibit No. 1

[From the New York Times, May 26, 1999]

Well Is He a Spy—or Not?

(By Hoyt Zia)

Washington, DC.—After serving almost five years in the Clinton Administration, I've learned a number of things about Washington—and one of them is how innuendo can ruin a reputation in no time.

In my job as chief counsel for export administration in the Commerce Department, I work daily with classified information in order to help regulate technology exports to China and other countries that can be used for military purposes.

As such, I am well familiar with the risks to national security that could result from the improper disclosure of classified information, as well as the highly politicized nature of technology transfers to China. From this vantage point, I find myself greatly troubled by the atmosphere surrounding the espionage allegations leveled against Wen Ho Lee, a nuclear weapons scientist at Los Alamos National Laboratory in New Mexico. I'm afraid this tension is only going to get worse with the release yesterday of the report from the Congressional investigation led by Representative Christopher Cox.

The case against Mr. Lee goes something like this: In 1996, intelligence officials obtains a Chinese document from 1988 containing classified information about an advanced American nuclear warhead. Since Mr. Lee traveled to China for scientific conferences in 1986 and 1988, and in 1982 had called a Chinese-American scientist at another national lab who was suspected of espionage, he was added to the Federal Bureau of Investigation's list of Chinese spies.

After a three-year investigation by the F.B.I. yielded insufficient evidence to support a charge of espionage, Mr. Lee was fired from his job in March for unspecified breaches of security and identified as an espionage suspect. While recent Congressional investigations into the matter, including the one led by Representative Cox, have concluded that Chinese spying at the labs is pervasive and ongoing, there is no other evidence that Mr. Lee passed classified information to the Chinese, intentionally or otherwise. Nonetheless, many in the media and in the Government have pronounced Mr. Lee guilty of passing nuclear weapons secrets to the Chinese.

Let me make clear that I do not defend Mr. Lee's alleged misconduct or contend that he has not done anything wrong. While the F.B.I. has yet to uncover any evidence to support charging him with espionage, he appears to have committed gross violations of the rules for handling classified material. The details of the security violations for which he was fired were never specified, but subsequently it was found that he had transferred highly classified nuclear weapons programs from a protected classified computer system to his unprotected desktop computer. If Mr. Lee indeed mishandled classified information, then he deserves to be punished for those violations, the same as anyone else.

Nevertheless, such violations do not on their face make him a spy. A charge of espionage requires the specific intent to steal the secrets of one in order to turn them over to another. Mishandling classified information has nothing to do with giving secrets away, but simply failing to safeguard them properly.

It has been reported that many of Mr. Lee's colleagues at the national laboratories have also been lax about observing these rules. Even John Deutch, the former head of the Central Intelligence Agency, was reportedly investigated after being accused of mishandling classified information, including allegedly having 31 secret C.I.A. files on his unsecure home computer. And it is well known that the major national weapons labs long resisted F.B.I. and Congressional pressure to tighten their security policies.

While Mr. Lee should not be excused because "everybody does it," neither should he be singled out if he has acted no differently from many of his colleagues of all ethnicities.

Although the problem of lax security has been around for two decades and largely unnoticed, the controversy surrounding Mr. Lee will not let up. Attorney General Janet Reno has been vilified for the Justice Department's decision not to order wiretaps on Mr. Lee. Under normal circumstances would this even have been considered given the inadequate evidence? And there has even been talk of banning those scientists with "dual loyalties" from our scientific laboratories.

Why this single-minded pursuit of Mr. Lee? There is an obvious difference between him and others in his position: He is of Chinese ancestry. For reasons that I cannot fathom, and notwithstanding numerous cases of exemplary service to this country, Asian-Americans continue to be accused of having dual loyalties to a degree far greater than any other immigrant group in this country.

I know—I, too, have been accused of having dual loyalties because, though an American, I happen to be of Chinese ancestry. During the Congressional investigations into improper campaign fund-raising, I, like many other Asian-Americans, was interviewed by Federal and Congressional investigators as well as by self-appointed "watchdog" groups with their own political agendas.

Though I was not involved in fund-raising and had no personal ties to the Chinese Government, I was named as a possible link to China by far-right publications like The American Spectator. The sole evidence was my Chinese ancestry. No official evidence was ever given to support those offensive falsehoods, but the damage to one's reputation from accusations of disloyalty are irreparable.

The link to possible controversy was enough to cause Administration officials to withdraw my appointment to a higher position in the Department of the Navy where, as a former Marine officer, I hoped I could serve. I will forever have to explain to prospective employers why my loyalty as an American was called into question.

It is no secret that the Chinese, like the Israelis, Russians, French, Germans and every other industrialized country, are spying on us every day. Perhaps it is also a fact of life that politicians conjure up fears against minority groups to achieve their objectives.

But in the United States, there is something called due process. If the Government has evidence that Wen Ho Lee committed espionage, it should charge him and let the accusations be aired in a courtroom. If it doesn't, then it should put the matter to rest rather than allow innuendo and rumor not only to smear Mr. Lee but to call into question the loyalty of every Asian-American.

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Voinovich). Without objection, it is so ordered.

PRUDENT LAYPERSON STANDARD

Mr. BAUCUS. Mr. President, I return to the floor today to urge my colleagues to allow an open debate on the Patients' Bill of Rights. For some time now we have been asking for this debate. Actually, we have been asking for about 2 weeks. Yet we still have not reached an acceptable agreement.

I return to the floor today to continue my discussion of a critically important provision in the Patients' Bill of Rights. This provision ensures appropriate coverage for emergency services according to the prudent layperson standard. Unfortunately, the alternative standard that my colleagues on the other side of the aisle are offering falls short of the true prudent layperson standard. It is unfortunate that we are locked into a divisive debate, since I believe we could reach agreement on this provision.

We have already passed the prudent layperson standard for Medicare and Medicaid beneficiaries—a very important point. It is already in the law. Now we need to complete the task and offer the same protection for hard-working Americans with private insurance.

The bipartisan bill I cosponsored and the Democratic Bill of Rights contain the real prudent layperson standard for emergency services. What is the problem with the version of the prudent layperson standard proposed by those on the other side of the aisle? There are two weaknesses in their version.

First, it provides an inadequate scope of coverage for emergency services. The prudent layperson standard in their bill only applies to 48 million people. Both the bipartisan bill and the Democratic bill apply this support and protection to all 180 million Americans with private health insurance.

I heard arguments from the other side of the aisle that the Federal Government shouldn't get involved in private health insurance. The problem with that argument is simply this: We already are involved. Thankfully, we have made the decision that even if there is no other guarantee in our health care system, we will have guaranteed access to emergency services.

Health care that millions of Americans receive during emergencies is a safety net on which our system relies. Federal legislation already mandates this safety net. The prudent layperson standard in our bill—which, I might add, has bipartisan support—parallels the Federal mandate for emergency care.

If we fail to extend the prudent layperson coverage to all privately insured individuals, then we are choosing to continue an unfunded mandate.

The other major weakness in the prudent layperson provisions in the Republican bill is the lack of provisions for post-stabilization services. Mr. President I want to point out what the debate about post-stabilization services is all about. It simply boils down to two questions:

(1) Is post-stabilization care going to be coordinated with the patient's health plan, or is it going to be uncoordinated and inefficient?

(2) Are decisions about post-stabilization care going to be made in a timely fashion, or are we going to allow delays in the decision-making process that compromise patient care and lead to overcrowding in our nation's emergency rooms?

When I have heard arguments about the post-stabilization services, I have heard opponents of these provisions characterize post-stabilization care as "optional."

Mr. President, we need to understand that no matter what Congress decides to do, post-stabilization care will be delivered in our nation's emergency rooms. The care delivered after stabilization is not optional. The choice Congress has is to decide whether the care will be coordinated or uncoordinated.

Kaiser-Permanente is a strong supporter of the post-stabilization provisions in our bill for a simple reason: They realize that coordinating care after a patient is stabilized not only leads to better patient care, it saves money.

Mr. President, I have a letter of support from Kaiser-Permanente which outlines their reasons for supporting our version of the prudent layperson standard. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KAISER PERMANENTE,
Washington, DC, June 24, 1999.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS, since 1996, Kaiser Permanente has supported the passage of federal legislation embracing the Prudent Lay Person concept, which requires insurance coverage of emergency services provided to people who reasonably expect they have a life or limb threatening emergency. In connection with this, we support a requirement that the emergency physician or provider communicate with the health plan at the point where the patient becomes stabilized. This will allow for coordination of post-stabilization care for the patient, including further tests and necessary follow-up care. These concepts are contained in several bills currently pending before Congress. I should note, however, that our favoring of this language should not imply endorsement in its entirety of any specific bill that deals with other issues.

As a result of the Balanced Budget Act of 1997 with its ensuing regulations applicable to Medicare + Choice and Medicaid enrollees and the Executive Order applying the President's Advisory Commission's Bill of Rights to all federal employees, approximately 30 million Americans are now the beneficiaries of a financial incentive to emergency departments to communicate with the patient's health plan after the patient is stabilized. This helps to ensure that the patient's care is appropriate, coordinated and continuous. It is important that emergency departments have the same incentive to coordinate post-stabilization and follow up care for patients who are not federal employees or beneficiaries of Medicare or Medicaid. We have heard of minimal problems implementing this standard in those health plans participating in FEHBP and Medicare + Choice programs. Since a federal standard is in place and working, it is good policy to extend that standard to the general population.

For the past ten years, we have implemented on a voluntary basis a program that embraces these concepts of honoring payments for the care our members receive in non-participating hospital emergency departments up to the point of stabilization. Our Emergency Prospective Review Program has encouraged the treating physicians in such settings to contact our physicians at the earliest opportunity to discuss the need for further care. This has allowed us to make available elements of the patient's medical record pertinent to the problem at hand and to coordinate on-going care as well as the transfer of the patient back to his/her own medical team at one of our facilities. We have found this program to be considerate of the patients' needs, emphasizing both the urgency of treatment for the immediate problem as well as the continuity of high quality care.

This has been a cost-effective practice, affording the patient the highest quality of care in the most appropriate setting. By assuring immediate response to telephone inquiries from non-participating emergency facilities, we have been able to provide substantial assistance to the emergency doctor who otherwise is practicing in an isolated environment without access to the patient's medical record. Our own emergency physicians on the telephone have offered peer consultations provisionally approved coverage for urgently needed tests and treatment, arranged for the coordination of follow up care, and implemented critical care transport of patients back to our own facilities. Of over two thousand patients transported in this fashion, one third have been discharged to their homes. Without this coordination of care, these patients would have been hospitalized at needless expense.

In summary, this program has served the needs of our patients, the treating emergency physicians, and our own medical care teams, while providing substantial savings in both clinical expense and in administrative hassle over retrospective approval of payment for services provisionally approved through the telephone call. We are strongly in favor of the post-stabilization coordination provision as an essential element of the emergency access provision of the Patients Bill of Rights.

Sincerely,

DONALD W. PARSONS,
Associate Executive Director,
Health Policy Development.

Mr. BAUCUS. Mr. President, I need to point out that this letter doesn't endorse all of the provisions in the Patients' Bill of Rights. However, it strongly supports the post-stabilization provisions in our bill. I'll read a small portion of the letter:

> In summary, this program has served the needs of our patients, the treating emergency physicians, and our own medical care teams, while providing substantial savings in both clinical expense and in administrative hassle over retrospective approval of payment for services provisionally approved through the telephone call. We are strongly in favor of the post-stabilization coordination provision as an essential element of the emergency access provision of the Patients Bill of Rights.

Mr. President, I don't know how you can say it any more clearly than that. Our version of the prudent layperson standard for emergency services is the right one for several reasons:

(1) It's patient-centered; (2) It's comprehensive; (3) It promotes coordination of care with the patient's health plan; (4) It decreases overcrowding in our nation's emergency rooms by requiring timely decisions; (5) And last but not least, it saves money.

Frankly Mr. President, I am puzzled by the fact that my Republican colleagues oppose this language. I can't understand why they oppose extending protection for emergency services to all Americans with health insurance. Shouldn't we do the right thing, and approve the real prudent layperson standard?

I urge my Republican colleagues to allow us to have an open debate on the Patients' Bill of Rights. We need to have this debate. Americans want protections in their health plans. Americans want a system that balances the needs for access, quality, and cost-control for their health care.

I am confident that we will have this debate. The last thing any of us want to do is put up barriers for patients who need medical care during an emergency.

Mr. President, this legislation removes barriers and allows patients to get the care they need, providers to deliver care in a timely fashion, and health plans the opportunity to coordinate care efficiently. I am confident that when we have this debate, we will be able to come together and pass the real prudent layperson standard for emergency services.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from North Dakota is recognized.

DEVILS LAKE

Mr. DORGAN. Madam President, I come to the floor today to speak about Devils Lake in North Dakota. Most people don't know about Devils Lake. It is one of only two lakes at the bottom of a closed basin in the entire country. One is the Great Salt Lake, the other is Devils Lake. Devils Lake has a basin about the size of the State of Massachusetts tucked inside the borders of North Dakota.

To set the stage, North Dakota is ten times the size of Massachusetts. Devils Lake has been subject to chronic emergency flooding now for many years. That flooding in Devils Lake over recent years has caused absolute chaos for the folks who live in that region of northeastern North Dakota.

This is a lake that has risen about 25 feet in 7 years. In the past 60 years, it has risen nearly 50 feet. If you were a family living in Minnewaukan, ND, it wasn't too long ago that you lived 7 miles away from a lake. But recently I was standing in Minnewaukan, and the lake is right up to the back yards of that community. In 7 short years, people who lived 7 miles away from the lake now find the lake flooding their property.

The cost of this flooding, in human terms, is massive. The lake continues to rise in a manner that is uncontrolled, and the question for the Corps of Engineers and the Federal Government is: What do we do to respond to the threatening rise of the lake that has occurred in recent years and threatens a fairly large city in North Dakota? It threatens to cut off one region of our state from emergency services and the normal commerce of daily life. It inundates roads, railways and utilities.

In response, over $300 million has been spent in that region raising roads and relocating people and building dikes—doing all the things necessary to combat the flooding. This is a different kind of flood, unlike a river flood, where we see a picture on television of a swollen river moving very rapidly and causing chaos with houses floating down the river. The lake flooding here has come, and it has stayed, slowly destroying homes and businesses. It is causing major problems.

One of the plans with respect to this Devils Lake flooding has been to build an outlet. We are building dikes to protect cities and protect roads. We are raising roads, using roads as dikes. We are doing all of these things over recent years.

One of the pending proposals is to build an outlet to take a small amount of pressure off the lake. The challenge is that there is no problem-free place to put the water. You could put some of it in the Sheyenne River, which goes down to the Red River and up into Canada. An outlet to the Sheyenne River can provide relief but must be well-managed to avoid causing problems for others. We don't want to solve a problem by creating a problem for others. The question of building an outlet has been a very difficult and sensitive one.

By the same token, most everyone believes it is an emergency and we must use a comprehensive strategy to try to take some pressure off this lake, including upland storage in the upper part of the basin and building an outlet to take some pressure off the lake. However, all of the plans and work to build an outlet have been for naught at this point, because the Corps of Engineers is at odds with itself on the question of whether an outlet should be built.

I came to the Senate floor to put in the RECORD two things. One is a "Draft Summary Document for the Report to Congress on the Emergency Outlet from Devils Lake, North Dakota, to the Sheyenne River, North Dakota." This was prepared by the St. Paul District Office of the Army Corps of Engineers. I requested this be made available to me by the Department of the Army's Corps of Engineers Division Office in Vicksburg, MS.

Incidentally, Vicksburg, MS, has jurisdiction over North Dakota. Now, Lord only knows how that can happen. Tell me how it makes sense for a general sitting down in Vicksburg, MS, to tell us about lake flooding in North Dakota. But that is the way it is and the way the Corps is organized.

The St. Paul district, which has spent a great deal of time on this issue, prepared this document. I want to read just a bit from the document. The St. Paul district says pointedly that we face emergency conditions. This is the Corps of Engineers, St. Paul office:

> Clearly we face emergency situations and we need to proceed.

The St. Paul division further says:

> Further study and analysis are not reasonable responses to what is truly an emergency situation. What is required is a proactive, multifaceted emergency flood damage reduction plan to protect not only Devils Lake but the region. The lake is within a single Probable Maximum Flood (PMF) event of overtopping the levees protecting the City of Devils Lake, and for the first time in recorded history, the lake is within single PMF event of spilling into the Sheyenne River . . . . Any project that would prevent the natural overflow would be justified by economics and from a human health and safety perspective.

Accordingly, the St. Paul District recommends immediate action leading to the construction of an emergency outlet.

The Mississippi division, which has charge of the St. Paul division, is 1,500 miles away. The general at the Mississippi division and his staff have come up with a completely different perspective. They are farther away, spend far less time on this issue, and know much less about the issue. The Mississippi commander wrote a letter to the North Dakota congressional delegation questioning the summary recommendations of the St. Paul office, which has done all of the work on this issue and whose experts judged there to be an emergency—one that justifies an outlet.

The Vicksburg office in Mississippi says that is not the case at all. They say they don't need an outlet. They say, first of all, they are not certain there is an emergency at all. They say an outlet is not necessary or appropriate. "Of the outlet plans reviewed, none of the outlet plans show benefits exceeding costs."

Incidentally, this computation by the Division "experts" wouldn't meet third grade math standards. They arbitrarily establish costs and benefits, but then leave out some of the real and major benefits. These benefits include, for example, not having to increase roads in order to keep roads open in this basin. Tens and tens and tens of millions of dollars are required to do that. But maybe if you have an outlet you don't have to do that.

The Corps of Engineers Division Office says: That is not the problem or the complication because we have "principles and guidelines" to use for the computations. So we leave out large categories of costs avoided. Then they say the cost-benefit calculation does not work. The Mississippi division agrees with St. Paul that dikes should be built but only supports building an outlet subject to a favorable analysis.

In fact, the division doesn't believe that on outlet is appropriate.

The St. Paul Corps of Engineers said: Yes to an outlet. They are the ones who know this region. They study it, and are in charge of it. Vicksburg, 1,500 miles away, says no.

When the Corps decided to move its office to Vicksburg, MS, I had a fit. I should have tried to put a wrench in the crankcase then, and I did not do everything I should have done—I admit. It didn't make any sense at all to decide that the Corps of Engineers' headquarters for a region similar to that ought to be in Mississippi, 1,500 miles away.

Here is the evidence. The evidence is that you have the Corps arguing with the Corps. The St. Paul office, which knows the subject best, says: Here is what ought to be done. It is an emergency. We support an outlet for the following reasons. Here is what we ought to do. The folks in Mississippi say: Gee. We don't believe that at all.

The only reason I am putting two documents in the Record today by consent—I would like to include in the Record the summary document prepared by the St. Paul office of the Corps of Engineers and the letter sent to the congressional delegation by General Anderson, who runs the Vicksburg office of the Corps of Engineers—is that they directly contradict each other. Again, it is the same agency.

Let me use a couple of charts because I think it is useful to see.

This is the level of Devils Lake. You can see what is happening with this lake. This shows 1445.5 feet. It is actually now again up to 1447. So this chart is actually out of date in just a month or two. That chart shows what is happening to this lake.

Actually, the most appropriate chart to show for Devils Lake is a chart that I want to put up. This chart is actually a picture taken of a woman in 1993. If you look carefully, you can see she is standing at the bottom of the telephone pole in the Devils Lake area.

I want to show you where the lake is right now. It is not here. This is also out of date. This is 1445.5. The lake is now 1447 feet. It is above this chart. Here is where this woman would be in the lake at the moment with the lake somewhere around 25 or 30 feet above her head. This picture was taken in 1993.

That will describe to you what has happened here.

I mentioned to you that people who used to live 7 miles away from the lake 7 years ago now have a lake behind their homes threatening their houses. This doesn't happen anywhere else in the country. It happens in the Great Salt Lake and in Devils Lake. They are the only two closed basins in America in which you have this kind of flooding. The Great Salt Lake threatened a flood in a very dramatic way and receded. But Devils Lake continues to increase.

I want to show you what is happening. Every single year the Corps of Engineers says: Well, we were at 1437 feet, then the height of that lake. There is less than a 3-percent chance that it will increase. It increased up to 1443. Then they said there was a less than a 1-percent chance it would increase once more. Again, it increased up to 1444.7. They said that there was less than a 1-percent chance again, and it may well increase to 1447.5 by the middle part of this summer.

Every single year we are in a wet cycle, and this basin continues to flood and cause chaos for the people of that region.

Here is the cost. Here is what is happening to us and what happens with respect to this flooding.

At some point, this flows naturally across the divide out of the basin with the worst possible quality of water, with dissolved solids that create a terrible quality of water that everyone is afraid of. And it flows naturally across the divide at 1460, down into the Sheyenne River, up the Red River into Canada, causing very significant problem for major population centers.

That is why all of us have to be concerned about this.

Here is what the damages are when you have that kind of flooding. Again, it is not river flooding where a gushing river grabs a house and throws it downstream and you have dramatic pictures. It is a lake that gobbles up a region, people, property, and hope inch by inch.

What is happening is the cumulative damages, as this lake goes up, are massive—about $300 million to date, and the prospect is much more.

I ask unanimous consent to have printed in the Record the document that I asked the Vicksburg office to provide me which reflects the recommendations by the Corps of Engineers at the St. Paul office, and also the document that is offered by the general who is in charge of the Vicksburg office.

There being no objection, the material was ordered to be printed in the Record, as follows:

Draft Summary Document for the Report to Congress on the Emergency Outlet from Devils Lake, ND to the Sheyenne River.

(Prepared by the St. Paul District Office of the Army Corps of Engineers)

Summary Document

EXECUTIVE SUMMARY

Conditions in the Devils Lake basin have changed dramatically. The continued rise of Devils Lake has exacerbated the flooding concern around the lake. The higher lake level has created a situation where a single catastrophic event would overtop the levees protecting the City of Devils Lake and overflow to the Sheyenne River. This has serious international, regional, and environmental implications. The strategies employed to date cannot be expected to provide a timely solution. Further study and analysis are not reasonable responses to what is truly an emergency situation. What is required is a proactive, multifaceted emergency flood damage reduction plan to protect not only Devils Lake but the region.

Current lake level situation

Devils Lake is now at the highest level (elevation 1445.5) in recorded times. Although the lake is a terminal lake, it has naturally spilled to the Sheyenne River several times in geologic history. The last spill was likely 800 to 1200 years ago. The 1999 forecast is for the lake to rise another 2 feet to elevation 1447.5 by August. The 1999 inflow is forecast to be the second largest on record even though the basin had a reasonably mild winter and near normal preciptation this spring. The lake level is extremely sensitive to small climatic shifts, which might be the case given the persistent wet cycle over the last 7 years. The continuing lake rise is necessitating additional emergency flood control measures to protect urban areas and transportation routes.

Current efforts

Solving the rising lake problem is not easy, and the pursuit of a single solution offers little hope. Currently, three separate flood damage reduction activities are being pursued—upper basin management, infrastructure protection, and a managed outlet. Numerous entities are pursuing water management measures to reduce runoff and store water in the upper basin. Infrastructure protection is being implemented by local counties and cities, the Federal Highway Administration, the North Dakota Department of Transportation, the Federal Emergency Management Agency (FEMA), the Bureau of Indian Affairs (BIA), the Corps of Engineers, and private citizens. To date, infrastructure protection—raising roads and levees and evacuating structures—has been provided in incremental steps that usually just stay ahead of the steadily rising lake, although in some cases the lake has risen faster than the level of protection.

This year, the Corps of Engineers is completing the final authorized raise of the levees protecting the City of Devils Lake to elevation 1450 with top of levee at 1457. FEMA issued a "Continuous Lake Flooding Waiver" in 1996, 1997, and 1998, which changed their policies to allow for buyouts of properties expected to be affected by the forecasted lake rise. A waiver for 1999 is being sought. Highways 19, 20, 57, and 281 have been or are being raised by the North Dakota Department of Transportation. Emergency actions are being pursued for other communities by the State, counties, and Corps of Engineers. Agencies have worked with the Spirit Lake Tribe to try to protect infrastructure on tribal properties and keep transportation routes to and from the Spirit Lake Reservation open.

In response to the Energy and Water Development Appropriations Acts of 1998/99, the Corps of Engineers is also investigating the possibility of developing an emergency outlet from Devils Lake to the Sheyenne River. That authorization is contingent upon there being an emergency declaration and that the project is technically sound, economically justified, environmentally acceptable, and in compliance with the National Environmental Policy Act (NEPA). There also need to be assurances that the discharges from the outlet will not violate the 1909 Boundary Waters Treaty with Canada. A report to Congress is required on the findings of the outlet investigations, which is the purpose of this document.

Preliminary report to Congress findings

The concept of an outlet from Devils Lake has been the subject of several studies. To meet water quality standards in the Sheyenne River and Red River of the North, the only viable plan appeared to be an outlet from the fresher, west end of this saline lake. However, the effectiveness of even a west end outlet is limited because the salinity constrains the rate of releases in order to meet the downstream water quality standards.

A plan developed by the Corps of Engineers in December 1998 indicated that, to be effective in lowering or controlling the rising lake levels while meeting downstream water quality standards, the outlet would have to remove fresh water from the basin before it mixed with Devils Lake water. Studies since December have concentrated on freshwater alternatives that would allow a higher discharge that stays within the water quality and channel capacity constraints on the Sheyenne and Red Rivers.

The constantly changing lake level, flood protection measures, and other circumstances combined with current Corps policies and principles and guidelines have made it challenging and virtually impossible for the hydrologic, economic, and water quality modeling and analysis to keep ahead of events. Consequently, an economically justified solution concentrating on the damages prevented within the basin has been elusive.

Findings from these recent studies indicate that an economically feasible solution cannot be developed using the current economic and hydrologic models. Benefit-cost ratios vary from 0.12 to 0.72 depending on what assumptions for a without-project condition are used. Also, a outlet of 300 cubic feet per second (cfs) has limited effectiveness in terms of reducing peak lake levels, although the maximum drawdown in the lake could be as much as 8 feet. These results, however, do not take into account downstream benefits from an outlet's reduction in the probability, severity, and duration of natural spills to the Sheyenne River.

Of the five separate criteria set forth by Congress for outlet authorization, all but two could be met, assuming satisfactory consultation with the State Department and satisfactory completion of the NEPA process. The current analysis shows that economic feasibility is lacking, and due to the extremely controversial nature of the emergency outlet and many outspoken opponents, a consensus on environmental acceptability would be extremely difficult to achieve.

Reframed problem

With the release of the April 1999 forecast by the National Weather Service (NWS), the flooding problem has changed from protecting the properties around the lake to also protecting the region from a natural overflow from Devils Lake to the Sheyenne River. The lake is within a single Probable Maximum Flood (PMF) event of overtopping the levees protecting the City of Devils Lake and, for the first time in recorded history, the lake is within a single PMF event of spilling to the Sheyenne River.

A natural overflow to the Sheyenne River could cause catastrophic flooding and water quality effects for residents along the Sheyenne and Red Rivers. Ecosystem impacts of a prolonged spill would be devastating. Computer simultations show that an overflow could exceed the Sheyenne River's channel capacity by a factor of more than two and the river's sulfate standard by a factor of more than seven. In addition, should the water flow out naturally, erosion would cut into the divide and increase the discharge and downstream effects even further.

Although, the downstream damages have not been quantified, it is expected that any project that would prevent the natural overflow would be justified by economics and from a human health and safety perspective. The problem now becomes one of dealing with the emergency in time to allow for final design and implementation of a plan before it is too late. To determine the urgency of taking action, the Corps of Engineers analyzed when action would be needed to prevent a natural overflow to the Sheyenne River assuming a continuation of the average net inflow to the lake over the last 7 years and assuming a 2-year construction period. Using this approach, construction should have begun at lake elevation 1441.8 to prevent a PMF from overflowing naturally and at 1451.3 to prevent a natural spill from a Standard Project Flood (SPF). To prevent overtopping of the City of Devils Lake levee system by an SPF, construction would need to begin at lake elevation 1448.0, 0.5 foot above the 1999 forecast lake level. This incidates that plans and specifications for both an outlet and a 3-foot raise of the city's levee should begin immediately to allow for a construction start early in 2000.

To demonstrate how quickly the situation is deteriorating, in February 1999, the Corps of Engineers was working on a plan to divert water from Devils Lake to the Stump Lakes. This plan made sense on the basis of the NWS's initial forecast of a 1446.0 peak lake level. Using the Stump Lakes' storage could limit Devils Lake's near-term rise and buy time to deal with the emergency outlet situation. However, at the NWS's 9 April 1999 revised forecast for a peak lake level of 1447.5, Devils Lake will begin a natural spill to the Stump Lakes, and if Devils Lake continues to rise next year, implementation of this plan may not be a prudent or practical option. Having possibly missed the window of opportunity for a diversion to Stump Lake emphasizes how important it is not to miss the window of opportunity for an emergency outlet that might prevent the lake from overtopping the city's levee or spilling uncontrolled to the Sheyenne River.

Report to Congress

This summary report to Congress has been prepared to present the most recent findings regarding the emergency outlet to the Sheyenne River and to discuss the changing conditions at Devils Lake that warrant a new fast-track approach. Hope, incremental solutions, and constrained measures are no longer an acceptable course of action. The report proposes a solution and a timetable capable of dealing with this evolving emergency situation; details are being worked out. The plan would involve six actions:

Building a west-end outlet with a discharge rate between 500 and 600 cfs to help prevent lake rises; however, this outlet would not be capable of keeping up with inflow from an extreme event.

Raising the height of the City of Devils Lake levee.

Developing a contingency plan for an emergency spillway consisting of a controlled and armored outlet from the east end of Devils Lake into the Sheyenne River to prevent a natural overflow from eroding and causing a catastrophic spill.

Revising Public Law 84–99 Flood and Coastal Stream Emergency Act policies to better deal with the flooding problems on the Spirit Lake Reservation.

Continuing emergency actions at Churchs Ferry, Minnewaukan, and other communities within the Devils Lake basin on an as-needed basis.

Mitigating downstream flooding caused by operation of the outlet.

By implementing the above actions, the risk of the catastrophic damages to the Devils Lake region as well as the risk of significant damages along the Sheyenne and Red Rivers would be substantially reduced. If no action is taken, the decision to accept the consequences is implicit. Further study and analysis is not considered an appropriate response to this emergency situation.

Where do we go from here

The resources of local interests are exhausted from 7 straight years of devastating floods in the Devils Lake basin. The local interests are tired of worrying about the rising lake, the loss of property, the evacuation of their neighbors, and the uncertainty of getting a solution through normal channels. They are proactively pushing for an answer, and they recently passed a resolution supporting local construction of an east-end spillway.

The North Dakota Congressional Delegation and the Governor consider Devils Lake to be one of the most important issues in the State and are working hard to try to solve the Devils Lake problem. The Corps of Engineers role has been to build levees, to protect urban areas, and to study the problem and a possible outlet. But the focus has been on solving the internal flood problem to the Devils Lake basin. Now, with a natural spill to the Sheyenne River being a statistical reality, the focus must change to do what is necessary to protect the region from a disaster by treating the situation as a real emergency.

We first need to use latitude that the Corps of Engineers already has to develop plans and specifications for an outlet, a levee raise, a contingency plan for an emergency spillway, and protection measures for each community around the lake. Second, we need to use the Corps of Engineers emergency authorities under Public Law 84–99 to start construction of the levee raise and community protection measures as well as the west end emergency outlet using the shortest possible implementation methods. We also need to consult with the Council on Environmental Quality regarding concurrent compliance with NEPA. In addition, coordination between the State Department and the International Joint Commission regarding compliance with the Boundary Waters Treaty of 1909 should begin immediately.

Department of the Army, Mississippi Valley Division, Corps of Engineers,
Vicksburg, MS, June 17, 1999.

Hon. Byron L. Dorgan,
U.S. Senate,
Washington, DC.

Dear Senator Dorgan: This is in response to your letter dated June 10, 1999, concerning an outlet for Devils Lake. I have sent this same response to Senator Conrad, Representative Pomeroy, and Governor Schafer. The Corps recognizes that emergency conditions exist within the Devils Lake area. We will continue to respond, to the limit of our authority, to minimize damages within the basin. While I understand your concern and frustration in finding a timely remedy for this rising lake, I have not reached a conclusion that an outlet is a necessary or appropriate solution to the recent rise of water in Devils Lake.

Our analyses and my recommendations will be contained in an Interim Report to Congress that will be completed by St. Paul District and submitted in mid-July for Headquarters, U.S. Army Corps of Engineers and the Assistant Secretary of the Army for Civil Works' review and approval. For your convenience, I have enclosed a copy of my recommendations. I have recommended that we complete the Final Report to Congress, which will include analyses of several alternatives, including outlet plans. One of those plans will have an objective of holding the lake at elevation 1454. The Final Report to Congress will contain a fully coordinated Environmental Impact Statement. It will also address the other criteria of the Energy and Water Development Appropriations Acts of 1998 and 1999.

The recently completed Technical Report is the product of a joint Division and District team that looked into the timing and consequences of an uncontrolled overflow from Devils Lake into the Sheyenne River. Due to time constraints, that report relied heavily on the data and analyses contained in the Limits Study completed by St. Paul District in 1998. The Technical Report did not analyze the benefits of lowering the lake. There would be minor benefits from the reemergence of some of the abandoned secondary roads, but since they were not considered in the Limits Study, these benefits were not included. Some benefits would also result from return of submerged agricultural lands to productivity. However, in accordance with the Limits Study, we assumed that these benefits would be negated by the salinity of the saturating water, which would preclude an early return to productivity. If all the cropland and fallow acreage between elevations 1440 and 1447 were returned to productivity, the average annual benefits would be about $1 million.

As to the hydrologic modeling, it is important to note that the inflows were assumed to equal those experienced during the recent wet period from 1993 through 1998. Thus, a high inflow rate to the lake has been assumed in the Technical Report analysis. Even so, this results in the lake taking longer to rise to higher levels than previously estimated because the recent hydrologic modeling results utilized in the Technical Report are based on a more accurate estimate of future evaporation as the lake rises and its surface area becomes much greater.

The analytical tools used in the Devils Lake study are designed specifically for the unique system at Devils Lake. This, unlike a riverine system, has no outlet and the lake levels are not independent of each other from one year to the next. For example, the model used to estimate the probability of future lake levels, given the current level of the lake, is uniquely suited for a closed basin such as Devils Lake. It has limitations in that following the snow melt and spring runoff each year, the probability of future lake levels must be recomputed. This is required because it is not possible to accurately forecast snow pack and spring runoff for the next year, which will produce next year's lake level.

I appreciate your continued interest in this effort and look forward to working together to solve this most unfortunate problem.

Sincerely,

PHILLIP R. ANDERSON,
Major General, U.S. Army,
Division Engineer.

Enclosure.

RECOMMENDATIONS

1. Establish six (6) feet of freeboard as design standard for advance measures on Devils Lake.

2. Immediately proceed with necessary reports to include NEPA compliance and PCA Amendment to raise Devils Lake Levee to TOL 1460.

3. Following completion of necessary reports and PCA, raise Devils Lake levee to TOL 1460.

4. Complete Interim Report to Congress within 30 days for submittal to HQUSACE and ASA(CW). Interim Report will target holding lake level at elevation 1454 or lower.

5. Complete Final Report to Congress with analyses of several alternatives, including outlet plans. One of those plans will have as an objective holding the lake to elevation 1454. The Final Report to Congress will include a fully coordinated Environmental Impact Statement. The Report to Congress will also address the other criteria of the Energy and Water Development Appropriations Acts, 1998 and 1999. Subject to analyses favorable to an outlet, plan completion of the Report to Congress to allow initiation of P&S if the lake approaches elevation 1452 (about 2005) and construction if the lake approaches elevation 1453 (about 2006).

6. Continue to define trigger points for other actions around the lake. Provide incremental protection for Churchs Ferry, Minnewaukan, Spirit Lake Nation, and other communities in accordance with PL 84-99 and in coordination with local, State and other Federal interests.

Mr. DORGAN. Madam President, I see the Senator from Mississippi, Mr. COCHRAN, is on the floor. I don't know whether he is prepared to call up the bill or speak on the bill. If not, I was going to speak for an additional 5 minutes, but I certainly don't have to do that. I will defer at this point, if the Senator from Mississippi is ready to take up the bill.

EXTENSION OF MORNING BUSINESS

Mr. COCHRAN. Madam President, if the Senator will yield, I have been told that it has been cleared on both sides of the aisle to continue morning business until 3:45 under the same terms with equal division of time between both sides.

I ask that we extend by unanimous consent morning business until 3:45 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTEREST RATES

Mr. DORGAN. Madam President, if the Senator from Mississippi is prepared to speak on something, I would be happy to defer. I want to speak for 5 minutes on something that is going to happen, perhaps, in a day or so. I have spoken about this a great deal. That is the question of interest rates and the Federal Reserve Board that will be meeting this week.

We are told that the Federal Reserve Board will almost certainly increase interest rates later this week. I thought it would be interesting to include in a discussion on the floor an analysis of what has happened to the rate of inflation in this country.

Interest rates are still at a rather high rate after adjusting for inflation. The economic rent for money is still very high given the historic American standards. The inflation rate—especially the core inflation rate—has dropped very dramatically in recent years. Incidentally, despite all the predictions by all of the best economists at the Fed and elsewhere, they used to say if you penetrate through 6 percent unemployment you clearly have massive inflation problems. You just can't have low unemployment and low inflation.

The economy, of course, confounded all of them. I think part of the reason was the models are all wrong. The models reflect traditional economic theory, and that doesn't account for the global economy in which producers produce anywhere they want in the world at lower costs and, therefore, put downward pressure on wages in the industrialized countries. But despite that, even if the models are wrong, what has happened is that as unemployment has reduced in this country and come down rather dramatically over the years, so too has inflation.

Looking at the rates of inflation, the Consumer Price Index, going back to 1990, we were at 6 percent, then down to just over 3 percent, under 3 percent, and down under 2 percent. The fact is inflation is well under control. The downward pressures that the global economy has put on wages in this country, I think, will continue to keep the rate of inflation well under control.

The Federal Reserve Board has a different set of circumstances it will evaluate. The Federal Reserve Board is an interesting board. It was created in the nineteen-teens. President Wilson and those involved promised the country: We are not and will not ever create a strong central bank. We just won't do that.

For many years, of course, the Fed has had a central banking function that has been enormously strong, and largely unaccountable. Some people think that is a virtue to be unaccountable to anything or anyone else in the country so it can run monetary policy as it sees fit, unlike others who are involved in the executive and legislative branch running fiscal policy.

The Federal Reserve Board is made up of a Board of Governors. We have one seat vacant. We have one seat that is being vacated. It is also joined in the Open Market Committee by a rotating group of members of the presidents of the regional Federal Reserve banks. The presidents of the Federal Reserve banks are hired and retained by their boards of directors who are their bankers in their regions. Despite the fact they are not confirmed by anyone and are accountable only to the bankers and boards of directors in their region, they come to town on a rotating basis with the Board of Governors' to vote on interest rate policy.

The Fed will probably, the day after tomorrow, decide it should increase short-term interest rates again. I don't agree with that. I think it is a terrible decision to make. I don't think any evidence that justifies a hike in rates. Some of my colleagues come to the floor and say: What are you talking about? Mr. Greenspan ought to be credited for the great economy.

In my opinion, this nation's economic performance—if you review the record—is in spite of the estimates by Mr. Greenspan and the Federal Reserve Board. They insisted we could not pierce 6-percent unemployment without having a rekindling of inflation. They were wrong. The unemployment rate has remained below 6-percent for nearly five years with low inflation.

Now the Fed will say it has finally seen a demon in a closet somewhere called inflation that they can use to justify increasing interest rates. I think they are wrong. The American people, and especially producers, are already paying a higher economic rent for money than is currently warranted, given the core rate of inflation.

Organizations such as the National Association of Manufacturers believe it is not appropriate to have the Federal Reserve Board once again increase interest rates. The National Association of Manufacturers sent a fax sheet last Friday to 535 Members of the House and the Senate detailing why they think interest rates are already high enough and that an increase in the rates is not justified in light of an already slowing economy.

I happen to agree with that; I know others do not. I also happen to think the Federal Reserve Board and these Members ought to have some basic accountability. We ought to at least give them credit if you think they have done a wonderful job. Here are their names, addresses, pedigrees, and grey suits. Here are their salaries.

If you think, however, they are pursuing an unreasonably high interest rate policy, given the rate of inflation, here is who they are. Here is how much money they make. Here is who the regional Fed bank board of directors have appointed to be in charge of public policy. They come on a rotating basis, galloping into Washington, DC, shutting their large oak doors and make a decision on behalf of America. They will decide they think interest rates aren't high enough.

They have decided for a long while that too many people were working in this country—a decision I did not quite understand. They serve their own constituents; their constituents are their member banks. Perhaps some day we can have a debate about monetary policy in this Senate. A century ago it used to be debated in barber shops and bars.

Not too long ago, I studied money and banking in graduate school. Lyndon Johnson was President and William McChesney Martin was head of the Federal Reserve Board. He was going to increase interest rates by one-quarter of 1 percent. Lyndon Johnson sent for him to come down to the ranch in the Perdinales in Texas for a barbecue. He put his arms around him and almost squeezed barbecue juice over that fellow—all over one-quarter of 1 percent.

Now it is not a big deal. The Fed shuts their door and everybody says: Hosanna—whatever the Fed thinks is what the economic doctrine ought to be.

Not with me. I think there is no justification with respect to the rate of inflation for the Fed to put this additional charge on American producers or the American people. When the Fed meets this week behind closed doors—and this is who they are, where they live, how much money they make—give them credit or blame them, depending on your economic doctrine.

My policy is interest rates are higher than is justified, or higher than justified at this point, given the rate of inflation in this country. The economic rent now charged for money exceeds the economic rent by historical standards over a long period of time. For the Fed to shut its doors and decide the economic rent ought to be higher, in my judgment, is fundamentally wrong.

That is probably a minority view these days, given the reverence for Fed policy, but it is at least therapeutic for me to say it on a Monday, preceding the Fed's meeting. If they increase interest rates at their meeting this week, I will come back with more to say. I hope perhaps they will surprise me and others and decide there is no data to justify an increase in interest rates given the rate of inflation in our economy today.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas is recognized.

HEALTH CARE

Mr. GRAMM. Madam President, we have had a health care debate for the last couple of weeks. The problem is that we are on appropriations bills. We are trying to pass a bill that will help stabilize the condition of farms and ranches all over America.

However, our colleagues on the Democrat side of the aisle have seemed determined to talk about health care. I will talk about health care today.

I begin by saying, first of all, this is not the beginning of the health care debate. Here are some bills we have debated on health care since President Clinton has been in office. This is the Clinton health care bill. We were told in 1993 there was a crisis in America and we needed to deal with it. The way to deal with it was setting up health care collectives where every American would be forced to buy their health care from one in their geographic region that would be set up with a local collective leader, appointed by the Government. Then all the doctors would work for this health care collective and the Government from Washington would issue mandates.

Then people such as myself said that this is a terrible loss of freedom. When you adopt the Clinton health care bill that I have on the desk, when my mama is sick, she will end up talking to a bureaucrat instead of a doctor. We were told by Senator KENNEDY and by President Clinton we have to give up this freedom because we have 30 million American families who have no health insurance.

So in 1993, we were told if we would pass these bills and let Government run the health care system, if we would force every American into a health care collective where Government could run it efficiently and where Government could guarantee our health care, that we would lose some freedom, but we would deal with the problem of lack of coverage. We were told that the problem in 1993 was access.

We had a big debate. At one point 82 percent of the American people thought these health care collectives were a great idea. Finally, a few Members of Congress stood up and said, "Over my cold, dead political body." It was like somebody had taken a pin and stuck it in a big, fat inflated balloon. It just went whoosh, and suddenly everybody decided this was not a debate about health care; this was a debate about freedom.

The reason I go back to this history is two things. First of all, please remember when we are debating the so-called Health Care Bill of Rights, it has the same authors who wrote the Clinton health care bill setting up health care collectives. They have not changed their minds about what kind of American health care they want. They really believe the Government knows best. They really believe if the Government ran the health care system that everybody could have access and everything would be better because the Government, through these health care collectives, could make decisions for us and we are basically ignorant people and we do not know how to make decisions for ourselves. This was and is still their goal.

We defeated the Clinton health care bill because the American people decided it may have been Senator KENNEDY's goal, it may have been Bill Clinton's goal, but it was not their goal. In fact, I would have to say that during the months I debated this bill by talking about cost and about efficiency, it was similar to throwing rocks at a tank. But suddenly when the issue changed to freedom and the right to chose, we blew the tank up.

The same people who several years ago said give up your freedom because the problem is access changed their minds once we defeated them. Now they have a new health care bill they call the Patients' Bill of Rights. Oh, it does have something I guess you could call rights. Let me explain the basic problem and then I want to explain what they call rights and then I want to explain what I call rights and what I think Main Street America would call rights.

Here is the problem in a nutshell. First of all, having spent 2 years trying to sell us on the idea we should give up our freedom to get access, they now say: Access is not a problem. Forget the 30 million people who do not have health insurance. In fact, Senator KENNEDY's bill would take health insurance away from another 1.4 million Americans by driving up costs. These are estimates by the Congressional Budget Office. For the people who did not lose their health insurance, they would pay $57.2 billion more in costs. And by losing their health insurance—by the way, that would mean next year, if we pass the Kennedy health care bill this year, there would be 150,220 fewer breast examinations given to people who might have breast cancer; it would mean there would be 42,194 fewer mammograms; it would mean there would be 107,628 fewer Pap tests; it means there would be 18,458 fewer screenings for prostate cancer.

When I am saying Senator KENNEDY's bill, by the CBO estimates, would take insurance away from 1.4 million people, and for the people who got to keep their insurance because they had enough income, it would cost them $57.2 million, don't think I am just talking about money. Don't think I am just talking about a piece of paper that says "Insurance Policy." I am talking about breast examinations, mammograms, Pap tests, and prostate screenings. I am talking about lives. I am talking about families. I am talking about your mama. I am talking about people you care about. This is a big issue. It is an important issue.

What is the problem that Senator KENNEDY wants, or tells us he wants, to deal with this year. The problem several years ago was too much freedom, and we had to get people in these health care collectives where Government could provide health care. Now the problem is the private HMOs, after which these Government collectives were modeled, are not giving people enough choices. The same things the Kennedy bill denied when it was the Clinton health care bill, such as the right to sue the Government when it was providing health care, now, all of a sudden, Senator KENNEDY wants to give you the right to sue your doctor. So under the Kennedy plan, if your baby is sick and running a 104 fever, you may not be able to get a doctor, but you can sue. For most people, that is not what they want. But it is interesting that Senator KENNEDY, who denied you the right to sue when he was going to let Government run the health care system, now is willing to attack the private sector and to expand lawsuits.

What does he claim he wants to deal with? What he claims he wants to deal with is the following problem. People join HMOs to try to hold down medical costs. You have two people who are working, they have three children, they are trying to make ends meet in their family, they are sitting down the first day of the month at the kitchen table writing those checks, trying to figure out how they are going to pay the bills. So they join an HMO because it is cheaper. The one thing they are very much unhappy about is that the HMO too often gets in between them and their doctor.

Let me just do a little analogy, if I may. It is similar to going into the examination room with your doctor—even with your doctor you feel a little bit uncomfortable taking off your clothes; everybody has had that experience. But with an HMO it is almost like the HMO gatekeeper is in the examination room with you. What you really want is to get him out of the room and leave you just with your doctor. What you want is what we show here—if you will just forget the symbols for a minute and just look at this stethoscope—what you want is you at one end of the stethoscope and your doctor's ears at the other end and you want to get any HMO gatekeeper out of the examining room.

Senator KENNEDY looks at this problem and here is his solution. His solution to the problem is: OK, you are unhappy because you are in the examining room and you have this gatekeeper in there with you and your doctor. Here is how he solves the problem: He solves the problem by saying, OK, you have your doctor in there, you have your HMO in there, and then what he calls your rights—his Patients' Bill of Rights—your right is not to get the gatekeeper from the HMO out of the examining room. That is not your right. Your right is to have a Government bureaucrat join the HMO gatekeeper and your doctor in the examining room with you, and then to have a lawyer join the Government bureaucrat who joins the HMO gatekeeper in getting between you and your doctor.

So Senator KENNEDY's solution to your problem is he puts two more people in the examining room with you. What kind of freedom does he give you? It is an interesting concept of freedom. I do not want to sound too partisan, but it sure defines the difference between the two parties. Freedom to Senator KENNEDY is having a Government bureaucrat who is there who might take your side. Freedom to Senator KENNEDY is freedom to hire a lawyer and sue somebody.

That is not the freedom most Americans are talking about when they talk about freedom. Freedom is the right to choose. Freedom is the right to fire your HMO. Freedom is the right to make your own decisions. That is what freedom is about. This so-called Kennedy Patients' Bill of Rights may be about rights, but it is not about freedom.

The Republican alternative, which we would like to debate and hope to adopt—in fact, to facilitate the debate, our leader has suggested over and over the most eminently reasonable proposal I can imagine. The eminently reasonable proposal is, let the Democrats write the best bill they can write, where they pick exactly the bureaucrat they want who will be there with the gatekeeper in the examining room with you, and then set up the system where you can hire the best lawyer you want to be there, all of them listening to your heartbeat with your doctor—the bureaucrat ready to regulate and the lawyer ready to sue. Let them write the best program they can write, and let us write our best program, and then let's put them before the Senate and let Members choose.

Our Democrat colleagues do not want to do that because they know what will happen. They know that ours will be chosen. Now we have spent weeks and weeks fooling around with this thing.

To get to the point I want to make, because I know our leader is coming over in a minute to start the debate, the Democrat bill is not what people want. This is not freedom. What people want is the right to fire their doctor, if they want to fire their doctor, to fire their HMO, if they want to fire their HMO, and choose for themselves. On a dark night when their baby has a 104-degree fever, they do not want to be given the freedom to call a lawyer, they want to be given the freedom to call a doctor. What good does calling a lawyer do after the fact? They want the ability to call a doctor to get the best medical care they can for their child.

Our bill goes back to this chart. That is, there are two people in the examining room, and you choose to put both of them there under our bill. No. 1, you choose to put yourself there; and, No. 2, you choose the doctor who is in the examining room with you.

How does it work? Under our bill, we give people freedom. We give people the right to choose. One of the choices—and I can go through many provisions of our bill. I am just going through one today, and it has to do with medical savings accounts.

When we first started debating medical savings accounts, a lot of our Democrat colleagues were for them, but now that they understand them, they hate them, and they hate them because they empower people. They empower mothers and they empower fathers to make decisions rather than governments or HMO's.

This is how it works. You have a choice, and one of the choices you can exercise is to set up a medical savings account. You would buy an insurance policy, and you would choose that insurance policy from the company you want to provide the services. It would guarantee your medical expenses beyond, say, $3,000 of expenditures, so that if somebody gets really sick, you have an insurance policy. But then you and your employee would together over time put $3,000 into a medical savings account, and that money would belong to you.

Each year, if you had medical expenses, you could spend it out of the medical savings account, where you choose how to spend it on health care and who provides the service, and if at the end of the year you have not spent the money, it belongs to you. So you have an incentive to be cost conscious and efficient and to have a stake in your health care system. But also, you have the right to choose.

Here is how Senator KENNEDY's plan works. Under his plan—and let me take the Washington phone book because it is on top—under his plan, you have total freedom to look under "lawyer" and hire any lawyer you want to sue, but you do not have the total freedom to look under "physician" and hire any physician.

Under Senator KENNEDY's plan, assume, to make a long story short, it is 2 o'clock in the morning. My youngest son Jeff, let's say he is 3 years old—actually he is 22 now, but he was 3—and let's say he has a 103-degree fever. I am never spooked fever until when I see it in my own children. When my children are sick, like any father, I begin to get nervous.

Under Senator KENNEDY's plan, I get out the telephone book and I look under "physician." I am not interested in a lawyer. A lawyer cannot do me any good. If I do not get help quickly, I may want to look up and call a preacher. I figure he might do me good, but a lawyer is not going to do me any good.

Under Senator KENNEDY's plan, I get out the phone book and look up "physician" and "services." Under his plan, I have to call people up and say: I know it is 2 o'clock in the morning, but I am in such and such HMO. Are you a member of my network? Do you participate in the program I participate in? They may or they may not. Most of them do not. In fact, if one goes down the list and picks the biggest network available in Washington, DC, only a very small fraction of the doctors listed in the phone book are members of that network.

How does our plan work? My wife and I have put money into our medical savings account. We can have it in one of three forms. We can do it with a checking account. This is an actual medical savings account program by Golden Rule Insurance. They give you a checking account, out of which you pay medical bills.

This card is through Mellon Bank, and this is a medical savings account. It is a MasterCard.

This is through Visa, and it is a medical savings account from American Health Value.

It is 2 o'clock in the morning, and I have a sick child. Under our plan, I call up and I have to ask only one question: Do you take a check? Do you take MasterCard? Do you take Visa? If he does, that doctor is my doctor.

I picked a page of the phone book and had my trusty aides call. This is on page 1017 of the DC phone book. On page 1017 of the DC phone book, there is not one doctor on that page who will not take a check. There is not one doctor on that page who will not take a MasterCard. There is not one doctor on that page who will not take Visa. In other words, under the Republican plan, if your baby is sick, you can go to any doctor. If your baby is sick, you choose.

What is freedom? Freedom in health care is not the ability to have a Government bureaucrat second-guess the HMO which is second-guessing your doctor. That is not what freedom is about. Freedom is not being able to have a lawyer who can sue the HMO which is second-guessing the doctor and sue your doctor. That is not what freedom is about.

Freedom is about the ability to fire your HMO. Freedom is about the ability to choose. Why don't we have a situation where we make everybody go to one kind of grocery store and we have the Government regulate it? We can set up the ability to sue them. We do not do that because, basically, it does not work. That is how we run Government, and that is why it works so poorly.

If a grocery store does not sell what I like, I do not go there. If people do not clean my shirts or if the gas I put in the car makes it run poorly, I go to another station and buy another kind of gasoline. All through my life I exercise my freedom to choose. What the Republican plan brings to health care is the freedom to choose.

We have gone so far down this road, where we are making American health care look like this, that even our hometown doctors are talking about joining labor unions because they want somebody to help them negotiate with the bureaucrat, they want somebody to help them negotiate with the HMO, and they want some ability to protect themselves from lawsuits.

Is that what we want in American health care? I don't think so. I think we want freedom. We want people to have the right to choose. What our bill does is do that. It gives you an opportunity to hire anybody you want to hire, to pick up any phone book in any city—I have here a phone book from Atlanta, GA. Again, you open up the part of the phone book that has to do with the listing of physicians, and any time you pick up the phone, when you have a medical savings account, you can say: Do you take a check? Do you take MasterCard? Do you take Visa? If they do, you are in.

Under our bill, you do not find yourself without health care because you are a member of some medical group in Washington but you happen to be in Atlanta when you get sick. Under our plan, the basic currency we use, which is U.S. currency, is taken everywhere.

So that is the choice I think people want. This Democrat bill is not freedom. It almost abuses the English language to call this a Patients' Bill of Rights.

What kind of right do you have in health care when you are guaranteed the right to pick your own lawyer? The right you want in health care is the right to pick your own doctor. The right you want in health care is the right to pick your hospital. The right to choose in health care is the right to say: I don't like how I am being treated. I don't like the kind of service being provided. I think your cost is too high, I think your quality is too low, and I am going to leave.

Those are not freedoms guaranteed in Senator KENNEDY's Patients' Bill of Rights. His freedoms are: Look, if you are not happy with the quality of service, then you wait right here—it may take several hours or you may have to come back on Tuesday at 4 o'clock—but we will have a person from Health and Human Services, and they will listen to you and they will talk to you. If you are not happy, you can meet with them. You will have to sign some forms. They will want to look at your medical records; they will go through them.

It may take weeks and weeks and months and months and years and years, but under Senator KENNEDY's bill you will have these bureaucrats who will be protecting you. That is freedom to Senator KENNEDY.

Then if that fails, Senator KENNEDY said: Well, another freedom you have, you have the freedom to sue.

So let's say you have this terrible health care problem, and you or someone you love may be on the verge of death. What Senator KENNEDY's freedom is that first of all, you can talk to this bureaucrat. You may have to come back next Wednesday. You may have to wait in line. You will have to fill out a lot of forms, but he will be there for you at some point. But if that doesn't work, then you can hire a lawyer, and you can sue. You may die, your loved one may die, but you will have a bureaucrat who will have been there. Maybe they did not make it in time—they meant to be there—but they were there for you. And then you can sue somebody if all that happens. That is what their "freedom" is about.

Our freedom is the right to choose, not a lawyer, but a doctor. If your baby is sick, you have the right to choose the doctor. You can pick up the phone, pick up any Yellow Pages across America, look up in the Yellow Pages under "physician," and then you can pick whoever you want. Under our bill, you can call them up and say: Do you take a check? Do you take MasterCard? Do you take Visa?

If you are covered under our plan, you have the right to choose a program that will let you choose a doctor. So if you think your HMO is doing a good job, you can stay in your HMO. But if you do not think they are doing a good job, you do not have to wait in line to talk to a bureaucrat, you do not have to hire a lawyer, you just simply say to them: You are not doing a good job, and you're fired.

If you like Senator KENNEDY's freedom, you want his bill. If you like our freedom, then you want our bill.

What is real freedom? It is the right to choose.

I thank my colleagues for their patience.

I see the leader is here on the floor. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Would the Senator from Texas respond to a couple questions?

Mr. GRAMM. Sure I would.

Mr. LOTT. This is the Kennedy-care stethoscope you have there demonstrated on that board?

Mr. GRAMM. If I may, what I first have here is the Kennedy bill that we call the Clinton health care bill which, as our leader will remember, we debated on the floor for 2 years. This bill was their bill where, if we would just force every American to go into a health care purchasing collective and let Government make the decision for them, they were going to guarantee that everybody would have coverage. This is what they wanted 3 years ago. We defeated that because we did not want our mama talking to some bureaucrat when she got sick.

What they want to do is set up a system where if you have a patient who wants to be in the room with their doctor, they find themselves in a room with their doctor and a gatekeeper. Senator KENNEDY would help them by putting a bureaucrat and lawyer in the examining room with them.

Mr. LOTT. Let me ask you the critical question. For the average person out there—senior citizen who is worried about their health care—they are in an HMO or managed care organization and they have a problem and they want that problem dealt with, this very graphically shows what the problem is with the bill. It winds up that a bureaucrat is involved and a lawyer is involved.

What I want to know is, the alternative bill that has been developed by you and Senator NICKLES and Senator COLLINS and Senator SANTORUM, Dr. FRIST, and others, does it provide a way for that patient's problem to be dealt with? Is it a timely issue? Is it dealt with in a way where lawyers are not necessary?

Mr. GRAMM. Let me give you a concrete example. Under the Kennedy bill, if you are not happy with the kind of health care you are getting, you can meet with a Government bureaucrat. You may have come back——

Mr. LOTT. I know that makes everybody feel good.

Mr. GRAMM. You might have to wait in line and fill out a lot of forms, but they will be there, potentially, to help you. Then if that does not happen, you can hire a lawyer, you can choose any lawyer you want, and then you can sue.

Under our bill, what we do is we get rid of this. Under our bill, we give you this. What we let you do, if you are not happy with your HMO, instead of fooling around with a bureaucrat and lawyer, you just simply say to your HMO: You're fired. You set up a medical savings account, where for care beyond $3,000 a year you have an insurance policy; and then you and your employer put money in, up to $3,000 a year, out of which you pay medical expenses, through a check. These are various medical savings accounts that are now available through MasterCard and Visa.

So what it enables you to do is, if, at the end of the year, you did not spend the $3,000, it belongs to you, and you spend it on other things.

Mr. LOTT. You give the patient that choice. They can choose to go with an MSA account. They can choose the doctor they want.

But again, I want to ask the question, what if that person decides to stay in their managed care organization and a problem develops? Under your bill, there is a review process—an internal and external process—that has a specified period of time in which action has to occur; is that correct?

Mr. GRAMM. That is exactly right. We have a time-sensitive system for decisionmaking. But beyond that, we give the people, if they are not happy with their HMO, the ability to go somewhere else.

As you know, Mr. Leader, nothing makes somebody providing a service do a better job than to know that you can say to them, if they are not doing the job: You're fired.

Mr. LOTT. All right, sir. I just wanted to emphasize those points. You always do an excellent job with your cards and even your unusual stethoscope.

Let me talk about the issue of where we are. First of all, I think it is very important that we in the Senate act to do the people's business. This time of year, every summer, the Senate is very much involved in passing the annual appropriations bills—the bills that do keep the Government going, bills that have many programs that the administration has asked for and, quite frankly, many programs that the American people rely on.

We are going to have four votes this afternoon, trying to bring up four different appropriations bills to try to get the people's business done: the agriculture appropriations bill, the transportation appropriations bill. So many of us in this country depend on an improved transportation infrastructure. I know that is true in my State and a lot of other States. We have dangerous bridges, narrow, two-lane, hilly roads. We have interstate systems that are in disrepair. We have mass transportation systems that need additional systems. All of that is in the transportation appropriations bill, which we hope to have considered in short order by the Senate.

We have the Commerce-State-Justice appropriations bill. This is a bill that has to do with everything from fisheries in this country to foreign policy to law enforcement. Certainly, we need to get that bill up. We need to have all three of those bills done before this week is out.

Another one is the foreign operations appropriations bill, a bill that has been masterfully put together by the members of the appropriations subcommittee in a bipartisan way, under the leadership of Senator MCCONNELL of Kentucky, a bill that probably could go through here on a voice vote. Yet it appears that these appropriations bills are going to be delayed or obstructed.

The one that is presently pending before the Senate, and has been here now for this being the third week, is the agriculture appropriations bill, a bill that is so important to our farmers in America and important to our consumers and to our children and to the poor people in this country. This bill does provide the farm programs, but it also has programs such as food stamps and school lunches and the Women, Infants, and Children Program. It is the one that determines whether or not in many instances the American people get access to the farm products from our farmers, who are the geniuses of the world in terms of production and what they have done in our lifetime to provide quality high protein food. They have done a magnificent job.

Right now, they have fallen on somewhat hard times. For the second year in a row now we will see a significant downturn in farm production in terms of money that comes to the farmers. This is being brought about by depressed prices, by the fact that we have not been opening up new markets, the fact that we have let countries block our farm products from China to Japan as well as Europe and get away with it. In the case of Europe, they are systematically ignoring WTO decisions with regard to bananas. Now we have the impending problem with beef.

So at a time when our markets are not being expanded and opened up, at a time when prices are depressed, farmers are looking for any sign of hope and encouragement. And yet here we are, for the third week, tangled up with an unrelated issue to agriculture.

This is not a small bill. This is $60.7 billion for agriculture in America. There is a strong feeling that there is probably going to be a need for additional disaster assistance. I saw where some States right now are looking at another serious drought. You add that on top of depressed prices, declining markets instead of growing markets, and now a drought on top of that, you have the prescription for a disaster.

So we may have to come back and take a look at that later on this year. But farmers need some encouragement right now. They need to know what they can depend on.

The schools need to know what they are going to be able to count on in the next school year that begins in August, by the way, not at the beginning of the next fiscal year. They need to know what they are going to be able to count on.

So we have had this delay because an agreement can't be reached as to how to bring up the Patients' Bill of Rights. Frankly, for 8 months I have been trying to find a way to do just that. I have offered repeated suggestions—the fairest one of all probably just to have a jump ball and say, OK, we will begin here and at a date certain, after a reasonable period of time, we will be through with it. But we tried all kinds of variations.

I read into the RECORD last week the complete unanimous consent agreement I had suggested on Thursday that would have allowed us to bring it up, would have had a reasonable time for consideration, 2 hours on first-degree amendments, 2 hours on second-degree amendments. I don't know how I could be any fairer. That, too, was rejected.

So I have tried repeatedly to make this happen. Add to that that this is a charade. This is a farce. This is not for real. So not only are the farmers being taken advantage of, they are being played with. They are being laughed at. Every Senator knows, men and women, Republican, Democrat, regardless of region, no amendment that is added from the Patients' Bill of Rights to the agriculture appropriations bill will ever see the light of day. It will be sheared like wool from a sheep before it gets to the conference just the other side of the Rotunda. It will not happen—not the Feinstein amendment, not some other amendment, not the Kennedy alternative. It will not be a part of the agriculture appropriations bill and shouldn't be. It is still legislating on an appropriations bill. It is an unrelated, nongermane amendment that is being insisted on by, I think, really a few on the Democratic side of the aisle.

So this is a farce, ladies and gentlemen. We should no longer allow the people's business to be shunted aside and delayed and obstructed and held up by this kind of activity. We should treat it for what it is. It is a charade. It is a farce. But it is not a happy one. It is a sad one.

I encourage my colleagues today on both sides of the aisle, don't be a part of this. We should summarily dismiss as frivolous these amendments that are being added or offered to be added to this agriculture appropriations bill. Maybe they are substantive. Maybe some of them have merit. But to offer them here, who are we kidding? Nobody, nobody in this room. I think most Americans know this is not a serious effort.

Can we work out a way, an agreement to bring this up for a reasonable period of time and still get our work done in terms of the appropriations bills and other legislation that is pending, some of it in conference, some of it waiting to come before the Senate? The bankruptcy reform package is waiting for action. The flag burning constitutional amendment has been passed by the House of Representatives. Yet we are over here tangled up in a procedural activity.

I think we should not be a part of that. I am going to insist that we dismiss it and that we move on and get our work done. I really hope and reach out to the leadership on the other side of the aisle and say: Let's see if we can't find a way to deal with this at another time in a way that is fair to all sides. Let's go on and pass these appropriations bills. Several of them that I have not even mentioned here today we could probably move through very quickly, in a limited period of time, with limited amendments, because there are just not going to be a lot of amendments offered, and do some of the other business, including the nominations that we all know should be at least given an opportunity to be considered.

I just wanted to lay that marker down and get that word firmly planted in our lexicon. This procedure is a farce. It will not happen.

And by the way, just to make sure I was on totally safe ground, it always behooves one to check with the appropriations chairman to make sure he agrees. He agrees. He obviously is offended and upset that his bills out of the Appropriations Committee are being delayed, and he agrees we should not have these legislative matters, these extraneous matters being used to delay very important appropriations bills so that we can get our work done.

By the way, the President is out there saying: Let's work together. Great, let's do. I am ready for deeds, not words. I want us to have Medicare reform, but the commission, the bipartisan commission's work was basically rejected. The President didn't allow one of his nominees of the commission to vote for it. Yet we had Democrats and Republicans who were for it. The Finance Committee, I believe, is willing to move forward in a constructive way. If he wants to work on some of these issues, we would certainly be glad to find the time to do it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The Senate will resume consideration of S. 1233.

The legislative clerk read as follows:

A bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Feinstein Amendment No. 737, to prohibit arbitrary limitation or conditions for the provision of services and to ensure that medical decisions are not made without the best available evidence or information.

The PRESIDING OFFICER. The Feinstein amendment is the pending business.

AMENDMENT NO. 1103 TO AMENDMENT NO. 737

Mr. LOTT. Madam President, I send a second-degree amendment to the desk to the pending Feinstein amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1103 to amendment No. 737.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with so that I may explain briefly what is in this amendment, and if the Senator from Wisconsin wishes, he can continue the objection. I will clarify it for those who are curious about exactly what that amendment is.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Madam President, I just offered the Kennedy health care bill, the identical text of amendment No. 703, which was offered by Senator DORGAN to the agriculture appropriations bill. I hope that our colleagues on the other side of the aisle will let this go forward so that we can take appropriate action.

I wanted to explain that. If the Senator insists, the reading can continue.

Mr. FEINGOLD. I thank the majority leader. I have no objection at this point.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Madam President, again, I did offer the Kennedy health care bill to the agriculture appropriations bill. My thinking is that rather than doing this piecemeal, let's go ahead and deal with the overall Democrat bill dealing with the Patients' Bill of Rights. In order to make sure it is properly considered, I will advocate cloture and I will, in fact, vote for cloture. I think that way we can deal with this issue straight up, not playing around with it.

I emphasize again that this is a farce. I am treating it accordingly. When both sides really want to get serious about sitting down and working out a way to consider this bill separately as a legislative vehicle, I will be glad to do that. But it should not continue to tangle up the appropriations bills. I believe Senator DASCHLE and I really want to get some work done this week for the benefit of the country. I am convinced that he has that intent. By taking this action, I think we can still pass some appropriations bills this week and clear our calendar of a lot of nominations.

CLOTURE MOTION

Mr. LOTT. Madam President, I send a cloture motion to the Kennedy amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1103 to the Agriculture Appropriations bill:

Senators Trent Lott, Thad Cochran, Ben Nighthorse Campbell, Susan M. Collins, Craig Thomas, Michael D. Crapo, Kay Bailey Hutchison, Bob Bennett, Larry Craig, Connie Mack, Chuck Grassley, Christopher H. Bond, Richard Shelby, Tim Hutchinson, Ted Stevens, and Michael B. Enzi.

Mr. LOTT. Madam President, I know this is an important issue to the minority leader. He will be here shortly. If he wishes, I would be willing to go ahead and have this cloture vote occur as the last vote in the voting sequence that we have stacked this afternoon at 5:30, notwithstanding rule XXII. I am not asking for that right now, but I make that offer to our colleagues. We can vote on that cloture motion this afternoon if they wish, or we can do it tomorrow. But at some point, it will ripen, and we will then have a chance to vote on cloture. I suggest that we actually vote on it.

At this time, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I have just arrived from Illinois, and I have come at the right moment because we are considering something called cloture in the Senate. The reason you file a motion for cloture—as Senator BYRD knows because he knows the Senate rules better than anyone, and probably wrote most of them—is to bring to an end to debate and to force the Senate to go forward on a vote.

The Republican strategy, as enunciated by Senators LOTT and NICKLES, is to bring an end to this debate. Which debate would they like to see end? The debate about reforming health insurance in America. They do not want us to move forward with amendments pending by Senators FEINSTEIN of California, KENNEDY of Massachusetts, and others, which address the issue of health insurance reform. They do not want to face votes on these amendments. They do not want us to bring the Democratic Patients' Bill of Rights to the floor and ask Members on both sides of the aisle to vote their conscience, up or down, yes or no, on how we can change health insurance in America.

For several days last week, the argument was made that "we don't have time to debate health insurance reform." But as one day flowed into a second day, and now into another week, we are spending a lot of time on the issue without voting on it. We are spending time finding ways to avoid voting on health insurance reform—a Democratic Patients' Bill of Rights.

Now my Republican colleagues have their own version of the bill and, of course, they are very proud of their version, as we are of ours. We have suggested: Bring your bill to the floor and bring your amendments to the floor. We will bring ours, and then we will assume the role of Senators. We will debate and we will vote. Ultimately, we hope to put together a good bill. But whatever the outcome, we will then go home and explain to the people we represent why we voted one way or another. This is not a radical strategy or policy.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. I will yield for a question in a moment, if the Senator will allow me to complete my thought.

What we are suggesting here is reminiscent of what most people expect to occur on the floor of the Senate—that Senators of differing viewpoints come forward and present their points of view and vote on them. We have gone on day after weary day with the Republican leadership trying to find ways to stop us from debating and stop us from voting.

Over this weekend, I made a tour of my State of Illinois, which is a big State. I ran into some people who told me an interesting story about their experience with health care. One group was in a machine shed on a farm near Farmington, IL. About 30 farmers gathered. I asked them about the farm crisis and I asked them about health insurance. They were equally animated on both subjects, concerned about their loss of income and also concerned about the jeopardy they and their families face because of health insurance.

Last weekend, I was in Peoria and I met with Henry Rahn. He raises soybeans and corn. If you go to most Illinois farms, you will find that is the case. He was quoted a price of $17,000 a year for health insurance for himself and his wife. What really wrangled Mr. Rahn was that in spite of his paying top dollar, the insurance companies were always trying to get out of paying for his health care needs. Recently he suffered a heart attack, and his coverage was threatened when he went to an emergency room because he had not called 24 hours in advance to notify the insurance company.

Another farmer, Bob Zinser—he is a farmer in Peoria and is also a chiropractor—told me in no uncertain terms that the HMO and PPO plans were total garbage. Mr. Zinser says, "It seems like insurance companies have infinite wisdom on what's right and what's wrong."

These farmers I met were angry about how they were treated by insurance companies. They wanted action.

Under the GOP version—the Republican version—of managed care reform, these farmers I have just spoken about are not protected. They have written a bill which literally leaves behind 115 million Americans and provides no insurance reform. They do some things for small groups. But unlike the Democratic bill, which covers the vast majority of people with health insurance, the Republican bill leaves many behind, including the farmers and other self-employed people I just mentioned.

When I described this to the farmers at the gathering, they couldn't believe it: You are talking about health insurance reform on the floor of the Senate, and yet it won't help us and our families? I said: The Republican version of the bill will not; the Democratic version will.

Last night I flew to the Chicago area and went to Highland Park and met with a cardiologist. His story was chilling. Let me tell you exactly what he told me last night.

He said a patient came to his office—a woman—on Thursday complaining of chest pains. He didn't think she was in an emergency situation but he wanted her to go to the hospital the next day—the next morning—for a catheterization, a very common diagnostic procedure used in cardiology, to determine just what her heart problem might be.

So they called her insurance company, and the insurance company said: No, we will not let her have a catheterization on Friday, because that hospital that you want to send her to is not covered by her health insurance. So the doctor said: What would you have her do? They said: Let us make an appointment for her. We will call on Saturday to see what we can find.

She passed away on Sunday. A decision about a hospital ended up jeopardizing this woman's health and her life.

This doctor said to me: What am I supposed to tell her family?

Think of how vulnerable each and every one of us is, going into a doctor's office hoping to get the very, very best diagnosis or treatment but always wondering if we will be second guessed by some bureaucrat at an insurance company. That is what this debate is all about.

I understand the frustration of the Republican leadership. Those of us on the Democratic side for 2 weeks now have been pressing to bring this issue to the floor. We have said we will take the outcome of the vote, whatever it might be, but let us have this debate. America is looking for us to initiate that debate. But, sadly, there are those on the Republican side who do not want to face these votes. They don't want to have to vote yes or no. They don't want to have to decide between the insurance companies' agenda and the agenda of families across the Nation.

That is a sad commentary on the state of affairs in the Senate, because the men and women I spoke to in that machine shed at the farm in Farmington, IL, and the doctor I spoke with in Highland Park understand full well that this is an issue that can't be delayed.

There are certainly important bills for us to consider. We have a myriad of important appropriations bills to consider. I hope we can come to them soon. But we have taken the position on the Democratic side that we are only prepared to move to the appropriations bills once we have an agreement from the Republican side that we will debate health insurance reform, we will debate the Patients' Bill of Rights. Unfortunately, as of this moment we do not have that agreement.

There is also a question of accountability. I think this is a bottom line thought: The doctor who told me the story about the woman he wanted to refer for a heart catheterization but was told she couldn't go to the hospital that he wanted and the insurance company would come up with another one, I hope that doctor is never sued by anyone because of that decision. But those things do happen to doctors and hospitals. Despite the fact that the insurance company made the decision—the insurance company took her out of that doctor's care and said she had to go to another hospital—under current law in the United States of America, that health insurance company is protected from liability in court except for the cost of the procedure. If there is suffering, if there is pain, if there is loss of income, or if there is death, the insurance company, having made the decision which it did, will not be held liable.

You say, well, certainly there must be other companies in America which enjoy this kind of special privilege. And the answer is no—not any; none. No other company in America enjoys this protection from liability or enjoys this exemption from accountability like health care insurance companies.

Some on the Republican side have argued, oh, you Democrats just want to bring the health insurance companies in court to make lawyers wealthy. Of course, lawyers would be involved. It would be naive to say they wouldn't be involved. But the bottom line is, if you do not believe that your corporate decision—your insurance company decision—is something you can be held accountable for, how careful will you be? You will make a decision based on the bottom line profit: What is good for my company? How much money will be there at the end of the year? If you make the wrong decision in the interest of the patient, will you be held accountable? Not under the law as written today.

The Democratic Patients' Bill of Rights says no; health insurance companies, as every other company in America, will be held accountable for their conduct. Currently only foreign diplomats and health insurance companies cannot be brought into court in America. We think that should change. When it changes, we think health insurance companies, as in the example I used of the cardiologist, will think twice: Well, Doctor, perhaps you send that letter for a catheterization at the nearest hospital on Friday morning. No. We will not play with the insurance policy. We will work it out later. Let's take care of her health condition.

But they didn't. They decided, let's stick to the letter of the insurance policy.

How frustrating it is for doctors who face this. The doctors I talk to feel helpless.

You read in the paper last week that the American Medical Association is talking about forming a union—the "International Brotherhood of Physicians" or something. What would bring what is typically viewed as a conservative political group such as the AMA to a moment in time where they have decided they have had enough, that they have no voice when it comes to medical decisions, and they have to come together and bargain collectively with insurance companies?

I will tell you what has brought them to this point—the example that I used, and some others, where they realize that they have been overruled time and time again. They are frustrated. They are angry. That is why they have decided to start exploring the possibility of forming a union.

The message is here, America. This is an issue which cannot wait. When the Republican leadership comes to the floor and accuses us of stalling tactics, we are not trying to stall this process; we on the Democratic side are trying to accelerate this process.

Let's bring this bill to the floor. This is our last week before the Fourth of July recess. Let's dedicate this week to the Patients' Bill of Rights. Let's make sure that when we go home on Independence Day and walk down the parade route, the people we are looking at, who are waving sometimes at us, realize we have done our best, we have done our best to address an issue that is critical to every American.

The Rand study said that 115 million Americans have had a bad experience with a health insurance company or know someone in their family, or close friend, who has. The cases I have cited to you are not isolated examples. The letters stack up in our office from people all across my State of Illinois and all across this Nation. I have been speaking on the floor the last couple of weeks on this issue, and I have started receiving these letters. I have asked people to send letters to me in my office and to tell me about their experience with health insurance.

Every single letter tells the same story—letters where women who have chosen an OB/GYN as their primary care physician, a person they are confident of, a person they want to work with, have been overruled by insurance companies that said: We have a new doctor for you; situations where people, as I described earlier, will go into an emergency room only to learn that they are denied coverage because they picked the wrong hospital or they didn't call in advance for an emergency room.

Can you imagine, racing to the hospital with a son who has just fallen out of a tree in the backyard, trying to remember the number of the insurance company? Is that the last thing on your mind? It certainly would be on mine. I can remember taking my son to an emergency room when he decided to catch a baseball with his teeth instead of the glove. Those things happen. And you race off to the emergency room. You don't want to fumble in the glove compartment to find the insurance policy. You are worried about that little boy whom you love like everything in this world, and you want to get him to a good doctor as quickly as possible. You don't want to get tangled up in an insurance company bureaucracy.

Many times we find that the people, for example, who need specialists for medical care learn that they are being overruled by insurance companies that say: No; even though a doctor told you you needed a certain specialist, we don't approve of it.

One doctor who kept calling insurance companies and receiving frustrating answers finally asked the clerk on the phone: Are you a doctor? The voice at the insurance company said no.

He said: Are you a nurse? The voice said no.

He then asked: Do you have a college degree? No.

Do you have a high school diploma? Yes.

What qualifies you on the other end of this telephone to overrule me after years of education and medical school? The clerk said: I've got the rules in front of me. They are in writing. They are very clear, and we disagree.

That is what it comes down to. That is how the decisions are made. That is what this debate would be about. The debate will decide how many Americans will be protected by quality health care, debate will decide whether health insurance companies, as every other company in America, can be held accountable in court if they make a decision which takes away the life of a loved one, causes pain or loss of income—decisions as to whether or not medical necessity will rule when doctors make decisions, including the procedure you should have, what emergency room you can use, things that most Americans think are just common sense. That is what this debate would be about.

At 5 o'clock, we will start a series of four cloture votes. It is an effort by the Republican majority to stop this side of the aisle from offering this debate on the floor of the Senate. They are trying to stop this side from amending any bill so we can bring up these issues. They do not want to talk about these issues. They do not want to face these votes. If they can prevail—and on this side of the aisle hope they will not—if they can come up with the requisite votes, they can shut down the debate and move on to some other issues. If the Republicans are successful in stopping this debate on health insurance reform, they will, as will Senators on this side of the aisle, one day soon have to go home. When they go home, they are going to face families such as those I faced over the weekend, living and dying with this problem every day and every week.

They will have to answer possibly the hardest question posed to any Senator: Why didn't you do something? What stopped you, Senator? Don't you understand? Don't you care about people like us?

That is what it is all about. I say to my friends on the Republican side of the aisle, please join in this debate. Don't be afraid of these votes. Try to look for some opportunities where, frankly, Republicans might find a Democratic amendment they like. I will look for Republican amendments I might like. Let's try to put something together. Let's put politics aside. Let's realize the families across America are not just Democratic families; they are Republican families, Independent families, and families who couldn't give a hoot about politics. But they are hopeful that this system of government and the men and women serving in this Senate care about them, care enough to bring this debate forward.

At 5 o'clock I will vote against the motion for cloture, to keep on the floor this debate on health insurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I support the Patients' Bill of Rights.

Let me thank my friend from Illinois, who is one of the newer Members of this body. He has had much experience in the other body. He comes to this body with a tremendously versatile mind. He can speak almost at the drop of a hat. He is very conversant on every subject. He fights today for a cause which is important. I congratulate him. He has been speaking on the floor for several days on this subject. He speaks with great eloquence. I congratulate him and look forward to hearing him on other occasions. I hope in this situation he and we will be successful at some point.

I support the Patients' Bill of Rights. This is important legislation that, if enacted, will provide important protections to the many millions of Americans who receive their health care from managed care companies. It is therefore critically important that the Senate conduct a full debate on this issue. I am saddened that supporters of this legislation have been put in the position of offering this measure to an appropriations bill, thereby temporarily stalling progress on funding programs that are a priority for yet other Americans.

While I consider a vote on the Patients' Bill of Rights imperative in this Congress, I am also very concerned that putting important issues at loggerheads with one another may ultimately interfere with the smooth operation of the government. We should all strive to avoid a repeat of the train wreck that resulted in last year's Omnibus Consolidated Appropriations bill. Putting the Senate in the position of having to choose between competing critical needs is a dangerous game that we should not play. It is bad public policy. There is still enough room on the calendar for both a thorough debate on the Patients' Bill of Rights and for timely progress on the important work of passing the Fiscal Year 2000 appropriations bills. I urge the leadership to move forward in a fair manner—to allow this bill to be fully considered and debated, and to let amendments to the Patients' Bill of Rights be called up and debated and voted on—voted up or down or amended again.

Action on the Patients' Bill of Rights has been delayed for too long. As the Congress stalls, problems with managed care companies increase. According to a Kaiser Family Foundation/Harvard University survey, the number of people reporting having problems with their health plan, or who know someone who has had a problem with their health plan, rose from 96 million in 1996 to 115 million in 1998. With 85 percent of all insured employees in managed care plans, this issue is too far-reaching to be delayed.

While managed care has been successful in stemming health care inflation in recent years, it has too often compromised patients' health care needs. Unfortunately and tragically, some health insurers have put saving money ahead of patients' well-being. Instead of patient care, we are getting "investor care," with health plans keeping a constant eye on shareholder profits. Our Patients' Bill of Rights would provide important and necessary protections for families to ensure they get the care they need.

Too often, managed care plans erect barriers that interfere with patients getting the medical services they need when confronted with an emergency. Under this measure, patients do not have to fear that their emergency room care will not be covered if they have reason to believe they need emergency care. They will not have to call for permission first and waste precious time hoping for clearance. Someone who experiences chest pain and believes he or she is having a heart attack should not have to check to see whether the health plan will cover the emergency room care. The "prudent layperson" standard gives patients the ability to seek emergency room care with the assurance that it will be covered.

Comprehensive managed care reform legislation should also provide women in managed care plans important protections. Oftentimes, women use their ob/gyn as their primary care provider. Having managed care plans recognize this fact will eliminate time-consuming and costly administrative barriers women face in getting the care they need. A woman and her doctor should be able to make the decision, for example, as to how long she needs to stay in the hospital after a mastectomy, not some health plan bureaucrat.

In recent years, health plan coverage of patients' participation in clinical trials has declined. This is a troubling trend. Under S. 6, of which I am a cosponsor, health plans would be required to cover the routine costs associated with a patient's participation in certain clinical trials. This is an important provision because in some cases clinical trials may be the only option for patients who have not responded to conventional treatments.

The Patients' Bill of Rights also has special protections for children's access to care. The bill provides guaranteed access to pediatric specialists. When a child has a chronic condition our bill allows standing referrals to pediatric specialists which eliminates the extra step of seeking the consent of the primary care provider. Under our bill, if a pediatric specialist is not included in the health plan's network, your child would have the right to see a specialist outside the network without having to pay more.

Patients undergoing treatment need to know that, if their doctor is dropped by the health plan or if their employer changes their health plan, they can still see their doctor. S. 6 offers continuity of coverage by requiring a 90-day transition period during which treatment is continued. For example, a terminally ill patient should not have to go through the disruption of changing doctors as that patient faces death.

I have long been concerned about West Virginians' access to health care and, over the years, I have been successful in bringing facilities and technologies to the State to expand my constituents' access to quality care. Marshall University's Rural Health Center; the VA hospitals and clinics; and Mountaineer Doctor Television (MDTV), West Virginia's Statewide telemedicine program, are projects that have broadened West Virginians' ability to receive quality care in West Virginia. As managed care continues to grow in the State, it is important that common-sense protections are in place so that patients can get the care they need.

The Republicans have introduced their own managed care reform legislation in response to the Democrat's Patients' Bill of Rights. But, the Republican plan would leave over 100 million Americans without protection. By applying reforms only to self-funded employer plans, the Republican bill leaves those most in need of protection—people who buy their insurance without the assistance of their employer and those who work for small businesses—out in the cold.

Scope of coverage is not the only weakness of the Republican plan. Even the protections provided to a limited number of Americans under their plan do not go far enough. While differences exist in the shape and scope of the reform proposals, one thing is clear. There is a crying need in the lives of real Americans for action to address these health care problems. We need a thorough debate, an open debate about this issue, a debate which is not constrained by limits on amendments or by a desire to hold such a critical matter hostage to partisan politics, and we need it now. We also need to move forward on appropriations bills which fund important programs all across the spectrum of American life. I can only hope that reason will prevail in this body, and that we will allow all of these important matters to proceed in a timely and sincere manner as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, this weekend I traveled across my home State discussing the issues that are before us today, and also had the opportunity to travel into Canada to talk about agriculture, to try to solve some of the problems that face agricultural producers today.

What is happening here is a matter of fact. The hostages are those folks who depend on food stamps, those folks who depend on the WIC Program—young women with children and infants who depend on those nutritional programs.

What is happening is we are trying to do the business of the Nation, and that is funding the programs that Americans want. Yes, agriculture is in tough straits. We have seen in this past year commodity prices dip way below the prices they were during the Great Depression. Yet we expect our agriculture producers to produce. We expect our grocery stores to stay full. We expect to buy those foods in any amount, prepared in any way; to be handy—and they are. This Nation is truly a blessed nation in that we have producers like that.

While I realize the debate on health care is very important, let's not lose sight of the Nation's business. Let's not take our eye off the ball. The Nation's business, first and foremost, is to pass the appropriations bills to fund those Departments and those programs that depend on those bills, and then debate health care or Medicare reform. Nobody on either side of the aisle underestimates the importance of that debate. But the business of the Government is to finance and provide funds for programs so this Nation can operate. That is what is being held hostage.

Madam President, 23 percent of the gross national product depends on agriculture. No other part of the American economy contributes so much to our gross national product. Yet here we stand, talking about an amendment to an agriculture bill that is strong enough to be debated as a stand-alone piece of legislation.

I talk to my farmers in Montana. They want the agriculture appropriations bill passed. In this bill there is research money. In this bill there is money needed to open up export markets, to let agriculture producers take advantage of added value to their own products. It allows them to find niche markets. It allows them to live.

The health care bill has nothing to do with agriculture—nothing. You cannot claim germaneness. You cannot claim anything. I think the health care issue deserves a stand-alone debate, but it should not block the financing of Government programs. That is too important. The lives of too many producers are on the line, as are their farms and their ranches.

We hear complaints all the time about legislation on appropriations bills. In the majority of these cases, the amendments at least have some relationship or some germaneness to the issue at hand. But what significant relationship does a Patients' Bill of Rights have to agricultural production? We should pass the appropriations bills, get them into conference, send them down to the President, and let him sign them. There is ample time left to debate health care in the United States.

My farmers and ranchers are a little bit baffled. They do not have a clue as to what is really happening. I say that somewhat in jest because the majority of them do know what is happening. They are being held hostage. How do I explain to them that the money allocated to programs important to them is being held up entirely for a debate on an issue which should be a stand-alone issue?

Let's pass these appropriations bills. Let's get them out of the way. Let's assure the American people we can do the Nation's business. Let's assure the American farm and ranch people their programs will be passed and financed. Let's tell those who depend on food stamps their money is going to be there. Let's tell the elderly people who depend on Meals on Wheels it is going to be there. Let's tell the young mothers with infants and children who depend on nutritional programs the money will be there.

There is no sickness in the world worse than starvation. Do you want to drive health care costs higher? Then disregard the nutritional programs found in this agricultural appropriations bill. Whom are we hurting? Those who can afford it least. Let's get back on track. My farmers and ranchers are tired of waiting and so are the folks who depend on these programs.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

Madam President, I want to spend a few moments talking about aspects of the Patients' Bill of Rights, which is an amendment to the agricultural appropriations bill before us this afternoon. We are faced with a very clear choice: Are we going to finally debate and consider in some detail a Patients' Bill of Rights which will give every American a clear opportunity to have the kind of quality health care we all support and we all want them to have, or will we continue to be shut out, will we continue to avoid confronting a critical issue which, to the people of Rhode Island, is probably one of the most critical issues they face.

If one goes to the people in my State and talks to them about their concerns, particularly since there has been an economic revival, a primary concern for them is whether they will have adequate health care for their families and themselves, particularly for their children, when they need it.

One of the aspects of the Democratic bill, which I think is very salutary and commendable, is with regard to accountability. It provides not only for internal and external review, but also for patient advocacy and patient protection.

There are three procedural points that should be included in any Patients' Bill of Rights. First, there has to be clear liability directed against a health plan if they make mistakes in the care of their patients.

One of the great ironies of our system is that physicians can be sued for their malpractice, yet insurance companies are invulnerable to such suits. To put it in balance, since so many health care decisions are now being made not by physicians but by review specialists, accountants, and analysts, the insurance company itself should also be liable for its decisions.

We also have internal and external appeals processes so there is no rush to the courthouse, but an individual can get relief quickly and efficiently for a health plan decision. When people are dealing with their health insurer, all they want is the best care for themselves and their families. They want their medical problems to be resolved, they want access to the specialists they need, and they want the plan to respond to their needs. In fact, they simply want what they paid for.

There is another aspect to consider—that is to help consumers negotiate through the intricate maze of health insurance rules and regulations and to give them the leverage that will level the playing field between health care consumers and the bureaucrats who run health care plans.

Toward that end, Senator WYDEN, Senator WELLSTONE, and I have introduced a separate legislation which would provide for a health care consumer assistance, or ombudsman program, in every State. It would establish a mechanism whereby States would be able to provide information and counseling services to assist health care consumers.

This provision has been incorporated in the Patients' Bill of Rights, and it is a necessary provision because people are not getting the information they need to make the health care system work effectively for them. For instance, studies show that the existing appeals process, both internal and external, are being underutilized. In fact, there is a very deep suspicion, not only in my mind but the minds of many, that health plans make it almost impossible to get adequate review.

They put up procedural hurdles. They have set up a series of barriers that leave the average consumer without any redress and, as a result, they become frustrated and give up.

Another suspicion which undermines the faith in the managed care industry is that this frustration is a deliberate, calculated attempt by companies to reduce their costs. They are hoping that the consumer, rather than pressing for their rights, will just go away, will give up, and will accept whatever the health plan offers.

I believe we can improve this system dramatically if we have consumer assistance centers in place throughout the United States. These systems will help consumers understand their rights, and will also help to understand in some cases where they do not have a legitimate grievance. One of the virtues of this approach is it will give a consumer of health care an objective place to get an answer. Today some people call the insurance company, where they get different answers and they may get suggestions of what the contract does and does not cover.

Unfortunately, it seems that they get everything except straight answers. As a result, they do not have confidence in the health care system. Consumer assistance, or ombudsman centers that are administered by States can restore a measure of confidence in the system.

Interestingly, this Senate is already familiar with the concept of a health care ombudsman, and at the time, it was supported virtually unanimously. On the Armed Services Committee, we have been studying the issues of managed care in the military, the TriCare system. Many of the complaints with the TriCare system are the same types complaints we hear about managed care in general: Quality is not good, we can't get care, we can't get answers.

As a result, we responded in the defense authorization bill this year. One of the things we did was create within the TriCare system an ombudsman program, an advocacy program, so when military men and women have questions about their families' health, they do not have to get the runaround from the local insurance company; they can go to the ombudsman who can give them help, support, and assistance to get their claim resolved or, in some cases, to explain that the insurance company is well within its rights to make the decision they made.

I find it interesting and ironic that an ombudsman provision could sweep through the defense authorization bill and be endorsed as something not only noncontroversial but terribly helpful. Yet, as we consider managed care reform, we are struggling with this issue, among many others.

My view is simple: If it makes sense for our military personnel—and we are all committed to giving them the best health care—we should have the same type of sensitivity for the broader population of our country. That is why the Reed-Wyden-Wellstone bill, which is part of the Democratic managed care initiative, is an integral part and one that should be considered, debated, and, I hope, adopted when we get—we hope—to the debate and the votes on managed care.

Our consumer assistance, or ombudsman, program would perform several functions.

First, let me point out that our proposal would establish a competitive grant program for States. It would give them the flexibility to set up a program according to their best sense of how to be of assistance and also that it be cost effective. They would, however, be required to meet certain general guidelines.

One of the functions of the ombudsman, would be to inform people about health care plan options that would be available. There are lots of examples where consumers do not find out about their health care coverage until they have a health care crisis.

I was reading the case of a mother who had a daughter who required eye therapy. The daughter was suffering from autism. One of the complications of that disease is eye problems which requires detailed exercises for the eyes. If that is not done, the child rapidly loses the ability to see, the ability to function appropriately.

She went to her health plan and said: I was told to ask you to give my daughter a referral to an eye specialist for therapy. They said: No; you can't do that, because it is not covered under your contract. She went back and read the contract—all the fine print, all the pages and pages and pages—and discovered, much to her disappointment, much to her chagrin, that indeed this was an excluded service.

The point is, if there is a place that parents or anyone can go to beforehand and say: I have a daughter who has a condition, and there are complications with her sight, and other things; what advice do you have for me about plans? what are the best plans? what knowledge do you have about the plans that are available to me? that would be an immense help to the families of America.

The other thing that would be created is a 1-800 telephone hotline to respond to consumer questions. Again, why don't we have this? Why don't we have a place where a consumer can say: I have just talked to my health care plan; they told me I can't do this?

Why can't we have at least a hotline? In effect, we have lots of little fragmented hotlines. Every one of our offices is a 1-800 hotline for people who are frustrated with their health care. We do it in an ad hoc way. We try to help our constituents. But, frankly, we could do it better and more consistently through an ombudsman program.

Also, what we want to do is help people who think they have been improperly denied care. We want to help them, and not in an adversarial way, but to provide technical advice. It could be helping them write a letter to the insurance company to make an appeal, or explaining their appeal rights to them.

As I said before, many people simply do not understand their appeal rights. It could be that insurance companies do not want them to understand their appeal rights, that they would like them to walk away frustrated, but it not costing the insurance companies any extra money. So for all these reasons, I think an ombudsman program is an absolutely critical part of any managed care reform.

One other reason why an ombudsman program is important is that it could be a way to reduce the potential for litigation. This could be a way to solve problems before they get to the point that the only alternative a consumer thinks he or she has is to get a lawyer. This could be a way to make the system work better without running the risk—and I know this risk is conjured up by the insurance companies every day—of litigation run amok across the United States. So for many reasons, I believe an ombudsman program makes so much sense.

This is not a theoretical response to hypothetical problems. Let me offer a couple of real cases which beg for the kind of consumer assistance we are suggesting in the Democratic alternative.

This is the story of Ms. Carolyn Boyer. Ms. Boyer is a 50-year-old woman who has been battling breast cancer for about 6 years. Like so many patients, she has had to wage a separate battle with her insurance company. Time and time again, her health plan has tormented her with payment followups and a host of bureaucratic hurdles that prevented her from getting timely payment for the services she needs.

This is one example. In the spring of 1996, Ms. Boyer received a bill for a bone scan from Washington Sibley Memorial Hospital. She learned that the total cost of the scan was $711.50 and that her portion of the bill, the copayment, was $142.30. She paid her portion of the bill. Thirteen months later, Ms. Boyer received a balance due notice from Sibley Hospital for $569.20, the amount the hospital had indicated was covered by the insurer a year earlier. Then she got a bill from Sibley a few days later for the entire $711.

This was now a battle about who was at fault. Of course, the hospital said it was the insurance company; the insurance company said it was the hospital. Nevertheless, Ms. Boyer struggled through this situation. She had already paid her portion, and now she was going to have to pay more than the original cost if she responded to the last bill.

Now, 3 years later, after much travail, the insurer has paid their full original amount. In fact, they gave Ms. Boyer a refund for the $142.30 she had paid.

This is a daily occurrence. For every one of our constituents, if you ask them, either it has happened to them or it has happened to someone close to them. One of the interesting things about this is, I suspect strongly that the reason Ms. Boyer was successful in her battle with the insurance company was that at the time of her diagnosis she was a lobbyist for the Health Insurance Association of America. She knew a little bit about the way HMOs and insurance companies work. Before that, she was a lawyer for the Internal Revenue Service.

Ask yourself, what about the truck driver who is confronted with this dilemma? Ask yourself, what about the single mother with children? When they are confronted with this dilemma, where do they go? What kind of legal expertise can they call upon? The answer is, very little or none at all. As a result, they often do not get the care they need, or they pay what they should not pay, or they end up paying all they have, and many of them find themselves almost in bankruptcy, if not worse.

The protections that are built in the Democratic Patients' Bill of Rights will help these people. They will give them access to people who know how to deal with the insurance companies—not unfairly, but objectively.

Let me give you another example of how these ombudsman programs have been helpful.

The Rafferty family in Sacramento, CA, were able to get their problem resolved after they appealed to the California Health Rights Hotline. The metropolitan Sacramento area has its own hotline to address problems and questions with managed care plans.

In September 1998, Lynmarie Rafferty gave birth, by cesarean section, to premature twins, Paige and Hannah. Each only weighed 2 and a half pounds. The girls were admitted to the hospital's neonatal intensive care unit in a very medically fragile condition. The Raffertys had chosen the hospital in part because of its intensive care facilities and its location close to their home.

Two weeks later, the Raffertys received a call from their health plan's medical director. He informed them that Hannah and Paige were going to be transferred to another hospital that day—not in a few days, but that same day. He told the Raffertys that if the newborns were not transferred on that day, the plan would not pay their hospital bill. The family was devastated. They had two premature babies in fragile medical condition suddenly being ordered out of the hospital. And if they didn't leave, then the thousands and thousands of dollars in bills that the Raffertys thought were being paid by the insurance company would suddenly be their bills.

They also had another young child at home, and the proximity of the new hospital was much further away than the hospital where the twins were currently hospitalized.

Well, the Raffertys went to the plan, told them of their concerns, but to no avail. They went to the physician. Finally, they called the California health rights hotline. The hotline reviewed their plan's contract and informed the Raffertys of their rights. Then the Raffertys said to their health insurance plan: We are not going to give consent to moving our daughters.

The plan still fought them and said: These babies have to leave. Fortunately, with the help of the hotline, the Raffertys were able to draft an appeal letter outlining the reasons why transferring the newborns would violate their rights. Finally, the health plan backed down and accepted the responsibility for the care of the children, which at that point was over $80,000.

Now, can you imagine where a struggling young family, with a child at home and two newborns, were going to get $80,000, if the insurance company had prevailed, if there was no hotline, if there were no advocates?

I believe very strongly that this kind of patient protection should be an integral part of the legislation we consider for managed care reform. The Democratic alternative provides those types of protections. It provides for internal reviews and external reviews that are objective, not a situation where the insurance company has picked the individuals who reviewing their own decisions, but truly objective. It also applies the principle that if the insurance company has caused grievous harm, they, just like the doctor, should be liable before a court of law.

It also goes a step further and says: Let's see if we can prevent these troubles before they start. Let's create consumer assistance centers. Let's create an ombudsman who can work with individuals and try to resolve their claims long before they reach the stage where it is a matter of life or death or a matter of financial ruin.

I believe our greatest responsibility today is to move on to this debate in a meaningful way, to talk about the issues of health care, to debate them because there are points of difference that are principled and we should vigorously discuss and debate them. But we have to get into that debate. The health of America depends upon it.

I will mention one other area which I am particularly concerned about. I have spent some time talking about the issue of the appeals process, the procedural protections that we have to build in to any patient protection legislation that moves forward.

There is one other area of concern, among many, but one that particularly concerns me. That is that we have to have legislation that is particularly sensitive to the needs of children. The Rafferty example is a good one: Two premature babies who basically are being threatened with eviction from the hospital. We need to be dealing with the issue of children's health care in the managed care system.

We have to recognize, and too often we don't, that there is a difference between adults and kids. Kids are different. They are particularly different when it comes to health care.

Let me suggest some important differences which argue for special treatment for children within managed care reform legislation. Once again, I believe the Democratic alternative incorporates these special treatments.

First, children are developing. This is not an issue that is confronted in the context of adults who are ill. So developmental issues immediately and automatically create differences in the way children must be dealt with. Between birth and young adulthood, children change and grow. They develop intellectually. They develop physically.

These developmental issues are seldom part of the equation when it comes to making decisions about managed care because their models deal with adults. Their models deal with very specific adult diseases and adult outcomes.

For one reason, they can measure them much better. Many times families are faced with extreme difficulties in getting care from their HMO because the rules that are set for adults don't work for kids. Take, for example, the rule which is common in managed care, that you can only have two sets of crutches in the course of your contract, or year or two. That is fine if you are a fully grown person, if you are an adult. But if you are a developing child, you are going to need different types of crutches, because you are going to get bigger, we hope. The same thing is true with wheelchairs. Children with spina bifida have changes in their bodies and changing needs, much more so than adults. These rules, arbitrary as they may be for adults, are completely inappropriate for children because of this developmental issue. We have to recognize that.

The other thing we have to recognize is, symptoms in children which might be dismissed in adults as minor could be the precursors to significant problems down the road that won't develop and be truly obvious for years ahead. That is another reason why children have to have access to pediatric specialists, not general practitioners, who are used to seeing adults. And if you have some sniffles, you don't feel right, take two aspirins and get some rest, that could mean something much more significant and much more serious in a developing child.

There is another issue, too, with respect to children that makes them quite different from the grownup population. They are dependent. One of the major measures of health care outcomes in the United States is independent functioning. Can the person function independently? Can they get up and move about? When you are talking about children, they are, by definition, dependent—dependent on adults; in many cases, they are dependent upon adults to explain their medical problems. It takes their parents or the care givers to explain to the physician what is wrong in many cases. That is a difference that seldom is appreciated in managed care plans because they don't have the kind of pediatric specialists or pediatric primary care providers that are so necessary.

The patterns of injury are different between adults and children. The good news is, the children are generally very healthy. But the bad news is, when a child has a serious disease, it is usually a combination of many different conditions, unlike serious adult diseases which are typically a single disease. Again, these complicated, interrelated conditions that threaten development argue for access to pediatric specialists early in the process. That doesn't happen. It doesn't happen enough in managed care plans.

The answer is not because managed care executives don't like kids; managed care executives have some sort of animus towards children. It happens because of dollars and cents. If you have a very small pool of sick children, why are you going to go out and make arrangements to have pediatric specialists in your care network? That is a lot of overhead for just a couple of kids.

We have a market failure. We have a situation in which the market dictates to these companies to do something which in the aggregate harms greatly the health of the American child. That is why we have to act.

Again, this is all part of the Democratic alternative. This is part of what we have to do. In addition, I would add that we need to develop quality measures that actually track children's health, in addition to adult health. We have to go beyond some of the simple things, such as immunization rates. We need to get into more complicated measures and make parents aware of these statistics so they make informed choices about their health plans. Another thing health plans need to begin doing more is looking at children in the context of some of exposures that are unhealthy, but are not directly, traditionally medical; environmental exposures like lead poisoning; community exposures like violence, and the stress and strain of living in difficult circumstances. Our HMOs have to also begin to think about how, then, they can do what we all thought they were going to do originally—emphasize preventive care, particularly with kids, coordinate not just with their own physicians and medical providers in their networks, but with the schools and community-based care centers, all of the institutions that must be allied together to help the children of America.

Once again, the legislation that we have introduced—the Democratic Patients' Bill of Rights—does this. I can't think of two more compelling reasons to move to this legislation in a meaningful way than the opportunity to give every family a true voice in their health care through the procedural reforms that we have introduced and to give every child in this country the opportunity to get the best health care they can possibly get. I think we owe it to the people who sent us here. I hope we can find a way to move beyond this deadlock and move to vigorous debate on the Patients' Bill of Rights. If we do that, then we will be serving very well the interests of the American people.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, just a week ago efforts were made by Members on this side of the aisle to try to encourage our Republican leadership to schedule what is known as the Patients' Bill of Rights legislation, which Senator DASCHLE has introduced and many of us have cosponsored. The underlying point of the Patients' Bill of Rights is very basic and simple: to make sure that medical decisions are going to be made by the trained medical professionals and the patients, and not by accountants or insurance companies. That is basically the concept behind that legislation.

We have tried over the past week to have that legislation before the Senate. There are differences with the membership here on various provisions. During March of this year, we had an opportunity in our Health and Education Committee to have a discussion and debate on some of these matters, and the committee itself reported out legislation. At that time, we had more than 20 different amendments dealing with a range of different issues. Those were handled in a relatively reasonable period of time. People were familiar with the subject matter, as I think they are here in this body. We had that legislation reported out more than three months ago. I think many of us expected that, given the statements that were made by the majority leader in January of this year on several different occasions, the Patients' Bill of Rights would be brought up before the Senate by now for an opportunity to debate and discuss it.

We have not had that opportunity to do so. We had hoped that was going to be the case last week when we discussed it, and we hoped, at least if we were unable at that time to have this measure actually laid down before the Senate on Tuesday or Wednesday, that the Republican leadership would indicate that we would have the chance to bring it up and debate it now.

It seemed that we might have the chance to bring it up today, with the opportunity to offer amendments, and conclude the legislation by the end of the week, prior to the Fourth of July recess. In the meantime, it seemed that the Democratic leader had given strong assurances that he would do everything he possibly could in urging the Members on this side to work in every possible way to expedite the consideration of various appropriations bills. I think he spoke for all the Members—I am sure he did—on this side on this issue. There are some particular items and some of those measures that should be brought to the Senate for resolution. I thought that when he had indicated he thought it was reasonable that we could conclude a number of the appropriations bills and conclude this legislation, that was a very reasonable suggestion to the leadership.

Now, Mr. President, as those who follow this issue know, this is not the first time the Senate has been effectively closed down—closed down—closed down over their refusal to consider this legislation. That is effectively what is happening here. We will have some procedural kinds of votes, but the American people ought to understand what is really happening here—that these procedural votes that we are going to have later this afternoon really have nothing to do with the underlying legislation; that is, the four different appropriations bills. It is basically an attempt by the leadership to prohibit the debate and discussion on the Patients' Bill of Rights. The American people are beginning to understand that more clearly.

I found when I was back in Massachusetts over this past weekend, talking with various groups, more people are focused on this, more people are paying attention, more people are aware of what is being attempted by the Republican majority—that is, denying us the opportunity for even a reasonable debate and discussion on the Patients' Bill of Rights—than most other issues.

I have taken the time of the Senate before—and I won't take it again this afternoon—to review where we were a little over a year ago. Over a year ago, we were in the exact same position. We were denied the opportunity to bring this measure up for consideration of the Senate. The Republican leadership at that time said that the Democrats were not going to dictate what the agenda will be.

The only problem with that is that it isn't the Democrats who are attempting to dictate the agenda. It's the American people. It's every health care organization that has taken a position in favor of the proposal introduced by Senator DASCHLE and against the one introduced by Senator FRIST and the Republican leadership. Virtually all leading patient and medical groups have supported the Democratic proposal, Senator DASCHLE's proposal. We could understand why, if we had an opportunity to actually debate these issues.

These groups do not care whether Democrats or Republicans are on a piece of legislation; they just want a strong bill. And virtually every single leading medical group in our country supports ours. None support theirs.

You would think that at some time in this body, on a matter that affects all of the families of this country, we would have an opportunity to have some decisionmaking and be ready to call the roll. Of course, if the ramifications weren't so serious, many of us would have been amused by the statements that were made last week by the assistant majority leader when he said: We are not going to let the Members on our side vote because their votes might be misconstrued for political purposes. That would be laughable if it did not relate to an issue as important as the Patients' Bill of Rights.

Imagine a political leader saying they are refusing to permit Members to vote because their votes may be interpreted in ways which might be misconstrued. I think most of us feel that we can stand on our own two feet in facing various votes. I always appreciate their leadership in trying to protect our various interests. But we are not talking about some narrow special interests, we are talking about the people's interests.

As I have mentioned before, this matter is important because it is a children's issue. Virtually every major children's health group in our country—all those that advocate for children's health—has supported and recognized the importance of our legislation in protecting the interests of children.

They haven't gotten a single organization that is committed to the advancement of the interests of children on their side. We have all of them. We have all of them because of some very important reasons. One of the most obvious ones is that we insist that a child who has some special need is not only going to have a pediatrician—but is also going to have a specialist trained in the area of the particular need of that child. If the child has cancer, the child should be treated by a pediatric oncologist. A doctor that specializes in children and also children's cancer.

When our colleagues on the other side say: We don't understand why the Democrats are talking about specialists because we guarantee specialists; they say, "We guarantee that a sick child will see a pediatrician." But that is not the issue. The question is will a child with a specific need for specialty care have access to a pediatric specialist, meaning a pediatric cardiologist, or a pediatric surgeon, or a pediatric oncologist. Under the Republican bill, the answer is no. Under our bill, the answer is yes.

This is a children's bill. The children's groups have spoken passionately, actively, and enthusiastically in support of our program.

This is a women's issue. The women in this country—the groups that have specialized in women's health generally, and particularly those that have been most concerned about issues, for example, of breast cancer—know the importance of having access to OB/GYN professionals, and to be able to designate that OB/GYN as the primary care doctor for women. We have had voluminous testimony about the importance of that.

It makes sense. Women also understand, particularly those who may be afflicted by the devastation of breast cancer, the importance of clinical trials. When they are talking with their doctor, and the doctor says: Well, we know that there is a clinical trial out there that can make a difference in terms of your survival. We know when that patient then asks to be enlisted in that clinical trial—and the doctor says I can't because your HMO won't permit me to do it, the HMO has overridden my judgment on that—that denying access to it is not in the health interest of that woman. It is not in the health interest of her family, and it puts her at greater risk.

These are not tales. We had the testimony. We have given the examples of what is happening out there. This isn't a diminishing threat. To the contrary, the system is becoming more of a threat to women. Women understand that. This is an enormously important issue with regard to women. That is why virtually all of the major women's groups and organizations support our legislation.

This legislation is also enormously important to those who have some physical or mental disability. We don't necessarily like to use the word "disability" because it implies that people may not be able—and we know that those who do have some challenge are able, and in many instances gifted and talented in many different ways. But they often need specialized attention, treatment, and medicine. Prescription drug formularies can deny access to critically important medications. Yet we find that, while you can always go off the particular HMO's formulary, you may have to pay exorbitant prices for the treatment.

I listened to the handful of those who spoke on the other side in the period last week who said: Oh, they can always go off the formulary. Of course they can—and pay an additional arm and a leg. I think most families in this country understand what the problem is in terms of prescription drugs. They sign up for health insurance—and the HMO takes their premium—and when the time comes for them to get the kind of treatment that they need, the HMO denies it.

We understand how important that is. We want to be able to debate these measures, and these matters.

We had an excellent amendment by the Senator from California talking about "medical necessity." Let us use the best definition in terms of "medical necessity." Let's include in the various HMO plans what is going to be necessary in terms of treatment and what is going to represent the best in terms of medical practice. That seems to make sense. That is not a guarantee today.

I read in the RECORD last week about some of the various HMOs and their definitions of what was going to be included and what was going to be excluded. Listen to what is in the Republican bill, as offered in an amendment by the majority leader last week. On page 27, it says only that HMOs have to provide a description of the definition of "medical necessity" used in making coverage determinations by each plan—each plan.

Do we understand that? It isn't what is the best in terms of health care. It is whatever each plan decides. So any of the HMOs can effectively develop whatever they want to use as a definition for "medical necessity." Your doctor might say to you: This is what the best medicine is to save your life, or your child's life, or your wife's life, or your husband's life. And the medical plan will say: No way, Joe Smith. You signed our contract. You signed that contract. And in that contract, we say that treatment is not medically necessary. Make no mistake, the Republican bill says "a description of the definition of medical necessity" will be a determination by your plan. That is the HMO.

Come on. Don't we think this body should be able to make a decision as to whether you want the Republican plan, which on page 27, line 20, provides patients with "a description of the definition of medical necessity used in making coverage determinations by each plan," or, on the other hand, you want medical decisions to be dictated by the best medical practice in the United States of America?

That is what is in the Feinstein amendment.

Why shouldn't we be able to have 1 hour of debate on that, and have a rollcall in here and make a decision? Where are the Republican principles? Why is it that they are denying the American people the chance to hold their elected Representatives accountable?

That is what they are doing. We can't hold them accountable because the other side won't permit us to get a vote on that particular issue. That is what is going on here. We should have the chance. We will have the chance to go through that legislation.

Remember all of last week they were talking about a description of "medical necessity"—the definition of medical necessity used to make coverage determinations is decided by each such plan under the Republican leadership's bill.

That ought to chill every Member of the opposite side—to think that is the position that they are stuck with. That is in their Republican bill.

What we are trying to do with the amendment of the Senator from California is to change that to make sure that decisions of medical necessity will be based on the best that we have in terms of treatment, and in terms of the opinions of trained individuals and research.

Let's let the American people understand who is on our side on this particular issue, and who is on the side of the insurance companies. The HMOs are fundamentally the ones that refuse to use the best medical science in terms of their definitions.

This is just one example. It is a very powerful one, but I believe that if we had been able to get on this legislation last week when the Feinstein amendment was actually brought up, we would have been on the appropriations bill this week. We might have concluded several of those various appropriations bills. Instead the whole of last week has passed without any progress, and we are starting over again evidently in anticipation of this week's activity.

Now, apparently, we are going to take a good part of this week just to deny the Senate the opportunity of making a judgment on whether medical decisions should be made by doctors and patients, or by HMO accountants. They won't permit a number of amendments. They won't even permit Members a chance to debate and conclude this in five days. We took 7 to 9 days on the Y2K legislation to try and deal with some anticipated problem regarding the computer industry, but we won't be able to take the few days necessary to protect the American people.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Agriculture Appropriations bill:

Senators Trent Lott, Thad Cochran, Ben Nighthorse Campbell, Susan M. Collins, Craig Thomas, Mike Crapo, Kay Bailey Hutchison, Robert F. Bennett, Larry E. Craig, Connie Mack, Charles E. Grassley, Christopher S. Bond, Richard C. Shelby, Tim Hutchinson, Ted Stevens, and Mike Enzi.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under rule XXII has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 1233, the agricultural appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

The result was announced—yeas 50, nays 37, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—37

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wyden

NOT VOTING—13

Boxer
Dodd
Edwards
Gorton
Hutchinson
Inhofe
Jeffords
Kohl
Lautenberg
Lieberman
Murkowski
Torricelli
Wellstone

The PRESIDING OFFICER (Mr. FITZGERALD). On this vote, the yeas are 50, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to invoke cloture is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the Transportation Appropriations bill:

> Senators Trent Lott, Pete Domenici, Paul Coverdell, Thad Cochran, Pat Roberts, Jesse Helms, Chuck Hagel, Judd Gregg, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Mike Crapo, James M. Inhofe, and Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under rule XXII has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1143, the transportation appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 40, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—49

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

NAYS—40

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Bryan
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Warner
Wellstone
Wyden

NOT VOTING—11

Boxer
Edwards
Gorton
Hutchinson
Inhofe
Jeffords
Kohl
Lautenberg
Lieberman
Murkowski
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 40.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 153, S. 1217, the Commerce, Justice, State appropriations bill:

> Senators Trent Lott, Ted Stevens, Fred Thompson, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, George V. Voinovich, Paul Coverdell, Conrad Burns, Pete Domenici, Christopher S. Bond, Mike DeWine, Slade Gorton, John Ashcroft, Frank H. Murkowski, and Jeff Sessions.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1217, the Commerce, Justice, and State, the Judiciary Appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 39, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—49

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (NH)
Wellstone
Wyden

NOT VOTING—12

Boxer
Edwards
Gorton
Hutchinson
Inhofe
Jeffords
Kohl
Lautenberg
Lieberman
Mack
Murkowski
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to Rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 159, S. 1234, the Foreign Operations appropriations bill.

Senators Trent Lott, Ted Stevens, Fred Thompson, Richard G. Lugar, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, Mike DeWine, Conrad Burns, Pete Domenici, Christopher Bond, Slade Gorton, John Ashcroft, George V. Voinovich, Frank H. Murkowski, and Paul Coverdell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1234, the Foreign Operations appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 41, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—49

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (NH)
Wellstone
Wyden

NOT VOTING—10

Boxer
Gorton
Hutchinson
Inhofe
Jeffords
Lautenberg
Lieberman
Mack
Murkowski
Torricelli

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. LOTT. Mr. President, our effort with these cloture votes was to find a way to move the people's business forward. We had four cloture votes on four appropriations bills: one on the agriculture appropriations bill and three on motions to proceed to other bills—Commerce-Justice-State transportation, and foreign operations appropriations.

Obviously, these bills are ready to go. We should make every effort to consider those and/or other bills. I understand the District of Columbia appropriations bill is ready and perhaps Treasury-Postal Service. The Appropriations Committee is doing its work, and its work is stacking up now on our calendar.

The business before us is exactly how to proceed with the cloture motion filed on the Kennedy bill, which was offered as a second-degree amendment to the Feinstein amendment. I had suggested we would be willing to do it in the stacked sequence today, but I did not ask consent for that. We need to find some way to move forward on that cloture vote.

Rather than waiting until Wednesday, I want us to find a way to have that vote so we can move on to what is to be the outcome of that and whatever follows next.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on the Kennedy health care bill at 12:15 p.m. on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote on the Kennedy health care bill occur at 2:15 p.m. on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, there is one other option. If we do not get an agreement to handle it sometime tomorrow, we will, of course, handle it in the regular order on Wednesday, either 1 hour after we come in or sometime which the leaders will discuss. I have one more request.

Mr. President, I ask unanimous consent that there be 1 hour of debate on the pending amendment to be equally divided in the usual form and the vote occur on, or in relation to, the amendment at 11 a.m. on Tuesday.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, will the majority leader be prepared to waive points of order on that particular amendment?

Mr. LOTT. I do not believe I am able to do that, although I do not know of any reason that would be used.

But I think at this point I would not be inclined to waive a point of order.

Mr. DASCHLE. Mr. President, until we have been able to clarify that, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me explain briefly our situation.

Early this year, the majority leader stated we would take up the Patients' Bill of Rights in June. We applauded that commitment. That is really what this fight is all about—maintaining the commitment that was made earlier.

Democrats have been saying we will do everything humanly possible to ensure that the Senate engages in a full, meaningful debate on the central issues of managed care reform:

Whether doctors or HMO bureaucrats determine what tests or treatments are medically necessary;

Whether you or your child can see a qualified specialist;

Whether patients have access to a timely, independent, external review to appeal HMO decisions to deny care;

Whether HMOs should be held accountable for medical decisions to deny or delay care that injure or even kill patients;

Whether an HMO bureaucrat, or your doctor, decides what prescription drugs you need;

Whether you or your family member can participate in a clinical trial for a potentially life-saving new treatment;

Whether all privately insured Americans deserve protection.

The list goes on and on. Those are some of the issues, some of the questions.

We have tried to reach an agreement with the majority to call up the bill separately. All we have asked is that we be guaranteed votes on those central issues. So far, the majority has refused.

What we have done in the last few days is what we vowed we would have to do: We are offering our proposal as amendments on the floor, as is our right under the Senate rules.

In my view, it is also our obligation to bring to the floor of the Senate the issues that matter most to the American people.

While some have suggested there isn't time for this debate, others have stated quite clearly their real reason for refusing: They do not want to vote on these issues.

Why don't they want to cast these votes? Because they are, frankly, on the wrong side of the issues. They do not want to have to defend their position.

They said they want to get beyond the Feinstein amendment. They can. All they have to do is vote on it. The majority wants to accuse us of holding up the Senate, but nothing is stopping any member of the majority from moving to table the Feinstein amendment. They can do that tonight. We could have our vote and move on to another amendment. That is all that is required: Table the Feinstein amendment if you do not like it.

But the majority appears not to want to table the amendment. They appear to be afraid to have that vote, afraid to let doctors make medical decisions, afraid to admit they are blocking that patient protection. I have never seen anything like the bob-and-weave tactics that have been employed to date to avoid this vote.

So what are they afraid of? What is wrong with doctors making medical decisions? I believe this is gamesmanship at its worst.

Last week we heard several Republican Senators talk about how good their Patients' Bill of Rights is. Then they voted to strip it from the floor.

Now they are offering the Democratic bill—which they tabled just last week so they could avoid an up-or-down vote on the Feinstein amendment—so they can avoid a vote on whether or not to let doctors and other health care professionals determine what is medically necessary.

Every day the majority makes these decisions, every day they avoid these tough votes, someone's child, someone's parent, someone's spouse is being denied medical care prescribed by a doctor because an insurance company accountant is saying it isn't really necessary or that it costs too much.

Let me make one thing very clear. This dispute isn't about the Senate's time. In the time the majority has spent avoiding a single vote on medical necessity, we could have considered the entire Patients' Bill of Rights amendments. They have turned down every offer we have made to address this issue in an efficient manner. This dispute isn't about time, it is about actual votes on actual rights. We insist on having them—both the votes and the rights. Apparently our colleagues on the other side of the aisle want neither.

Up-or-down votes—isn't that what the Senate is here to do, to vote on the issues that matter the most? If and when the majority is willing to vote on these issues, the Senate can move on. But it is our belief that the Senate should not move on until it has dealt properly with one of the most important issues facing virtually every American—their health care.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

MORNING BUSINESS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICE-LEARNING GOES NATIONAL—LEADING SCHOOLS ARE ANNOUNCED

Mr. KENNEDY. Mr. President, the Corporation for National Service recently announced the first winners of the National Service-Learning Leader Schools program, a Presidential initiative to recognize outstanding schools for their achievements in the field of service-learning.

Learn and Serve America, one of the three national service programs of the Corporation for National Service, is sponsoring the Leader Schools initiative. In this, its pilot year, the program is honoring 70 high schools in 41 states and the District of Columbia for thoughtfully and effectively integrating community service into the lives of students. The goals of the program are to promote civic responsibility, improve school and student performance, and strengthen local communities.

Four schools from Massachusetts—Drury High School in North Adams, Hudson High School, Phillips Academy, and Sharon High School have been leaders in our state on service-learning, and were honored by this designation. I commend them for the important work that they have accomplished in making community service an integral part of school life. These schools are impressive models for Massachusetts and for the nation.

The Leader Schools program is not simply an awards program. The schools being honored today are also making a two year commitment to help other schools include service-learning in their curriculum.

In May 1996, President Clinton announced his intention to identify and honor the schools that have done the best job of encouraging, organizing, and leading the service-learning movement. He said, "We should make service to the community a part of every high school in America and a part of the life of every dedicated citizen in the United States.

Many of us have seen local service-learning programs in action and the inspiring way that students of all ages respond and work together to improve their communities.

The Corporation for National Service also administers AmeriCorps, the domestic Peace Corps that is engaging over 40,000 Americans in intensive, service activities. In addition, it administers the National Senior Service Corps, which is involving nearly half a million Americans age fifty-five and older to share their time and talents to help solve local problems. These three outstanding programs are all achieving great success under the strong leadership of our former colleague in the Senate, Harris Wofford, who is the chief executive officer of the Corporation.

I also commend Carol Kinsley, a member of the Corporation's Board of Directors, for her strong commitment and leadership in the field of service-learning. The dedication of citizens like Carol are contributing immensely to the success of our national service programs.

I ask unanimous consent that the list of Leader Schools be printed in the RECORD.

These seventy schools were honored in a ceremony held at the Kennedy Center last week. These schools are leaders in education reform, and I commend them for all they are doing so well for our country and its future.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1999 NATIONAL SERVICE-LEARNING LEADER SCHOOLS

Charles Henderson High School, Troy, AL; Mesa High School, Mesa, AZ; Saguaro High School, Scottsdale, AZ; Community ACTION Academy at Balboa High School, San Francisco, CA; Los Molinos High School, Los Molinos, CA; Pioneer High School, San Jose, CA; Eagle Rock School and Professional Development Center, Estes Park, CO; Grand Junction High School, Grand Junction, CO.

Waterford High School, Waterford, CT; Bell Multicultural High School, Washington, DC; PEAK (Program for Educational Alternatives in Kent County), Dover, DE; Mainland High School, Daytona Beach, FL; Rutherford High School, Panama, FL; South Lake High School, Groveland, FL; Carver High School, Columbus, GA; Konawaena High School, Kealakekua, HI; Olomana School, Kailua, HI.

Marion High School, Marion, IA; Shelley High School, Shelley, ID; Harry D. Jacobs High School, Algonquin, IL; PACE High School, Blue Island, IL; West Vigo High School, West Terre Haute, IN; DeSoto High School, DeSoto, KS; Glasco High School, Glasco, KS; Airline High School, Bossier City, LA.

Drury High School, North Adams, MA; Hudson High School, Hudson, MA; Phillips Academy, Andover, MA; Sharon High School, Sharon, MA; Fairmount-Harford High School, Baltimore, MD; Orono High School, Orono, ME; ACE High School, Stambaugh, MI; Benilde-St. Margaret's School, St. Louis Park, MN; Carver-Scott Educational Cooperative, Chaska, MN.

Bailey Alternative High School, Springfield, MO; McComb High School, McComb, MS; Jamesville High School, Jamesville, NC; Louisburg High School, Louisburg, NC; Southern Wayne High School, Dudley, NC; Westside High School, Omaha, NE; Bernards High School, Bernardsville, NJ; Cape May County Technical School, Cape May Court House, NJ; Fair Lawn High School, Fair Lawn, NJ.

Monmouth County Academy of Allied Health and Science, Neptune, NJ; La Cueva High School, Albuquerque, NM; Scotia-Glenville High School, Scotia, NY; North Olmsted High School, North Olmsted, OH; Steubenville High School, Steubenville, OH; Upper Arlington High School, Upper Arlington, OH; Ponca City Senior High School, Ponca City, OK; Crook County High School, Prineville, OR.

Abington Senior High School, Abington, PA; Conrad Weiser Area High School, Robesonia, PA; Cumberland High School, Cumberland, RI; Pickens Senior High School, Pickens, SC; Spring Valley High School, Columbia, SC; Wren High School, Piedmont, SC; Teen Learning Center, Cleveland, TN.

American Institute for Learning, Austin, TX; M'Lee Brooks, Bryan High School, Bryan, TX; Dixie High School, St. George, UT; Horizonte Instruction and Training Center, Salt lake City, UT; Judge Memorial Catholic High School, Salt Lake City, UT; Brooke Point High School, Stafford, VA.

Thetford Academy, Thetford, VT; Granite Fall High School, Granite Falls, WA; Malcolm Shabazz City High School, Madison, WI; Menasha High School, Menasha, WI; Elkins Mountain School, Elkins, WV; West Virginia Schools for the Deaf and the Blind, Romney, WV.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 25, 1999, the federal debt stood at $5,599,474,776,223.74 (Five trillion, five hundred ninety-nine billion, four hundred seventy-four million, seven hundred seventy-six thousand, two hundred twenty-three dollars and seventy-four cents).

One year ago, June 25, 1998, the federal debt stood at $5,504,168,000,000 (Five trillion, five hundred four billion, one hundred sixty-eight million).

Twenty-five years ago, June 25, 1974, the federal debt stood at $469,234,000,000 (Four hundred sixty-nine billion, two hundred thirty-four million) which reflects a debt increase of more than $5 trillion—$5,130,240,776,223.74 (Five trillion, one hundred thirty billion, two hundred forty million, seven hundred seventy-six thousand, two hundred twenty-three dollars and seventy-four cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE EXECUTIVE ORDER OF THE IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION AND THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 14, 1994, in light of the danger of the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and of the means of delivering such weapons, using my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), I issued Executive Order 12938, declaring a national emergency to deal with this danger. Because the proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have renewed the national emergency declared in Executive Order 12938 annually, most recently on November 12, 1998. Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), I hereby report to the Congress that I have exercised my statutory authority to further amend Executive Order 12938 in order to more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities.

The new executive order, which implements the Chemical Weapons Convention Implementation Act of 1998, strengthens Executive Order 12938 by amending section 3 to authorize the United States to implement important provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, a multilateral agreement that serves to reduce the threat posed by chemical weapons. Specifically, the amendment enables the United States Government to ensure that imports into the United States of certain chemicals from any source are permitted in a manner consistent with the relevant provisions of the Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 25, 1999.

MESSAGE FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate.

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with transition from the year 1999 to the year 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House.

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. CONYERS, and Ms. LOFGREN.

From the Committee on Commerce, for consideration of section 18 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. OXLEY, and Mr. DINGELL.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. DINGELL, Mr. TAUZIN, Mr. MARKEY, and Mr. OXLEY: *Provided*, That Mr. BOUCHER is appointed in lieu of Mr. MARKEY for consideration of sections 712(b)(1), 712(b)(2), and 712(c)(1) of the Communications Act of 1934 as added by section 104 of the House bill.

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. CONYERS, Mr. COBLE, Mr. BERMAN, and Mr. GOODLATTE.

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the first and second times and placed on the calendar:

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3927. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of Approved Stated Hazardous Waste Management Program" (FRL #6364-2), received June 22, 1999; to the Committee on Environment and Public Works.

EC-3928. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollution for Source Categories; State of Arizona; Pima County Department of Environmental Quality" (FRL #6366-8), received June 22, 1999; to the Committee on Environment and Public Works.

EC-3929. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District" (FRL #6362-9), received June 23, 1999; to the Committee on Environment and Public Works.

EC-3930. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Modoc County Air Pollution Control District, Siskiyou County Air Pollution Control District, Tehama County Air Pollution Control District, and Tuolume County Air Pollution Control District" (FRL #6365-3), received June 23, 1999; to the Committee on Environment and Public Works.

EC-3931. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan" (FRL #6368-6), received June 23, 1999; to the Committee on Environment and Public Works.

EC-3932. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Area; PM-10" (FRL #6365-9), received June 23, 1999; to the Committee on Environment and Public Works.

EC-3933. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Michigan" (FRL #6366-5), received June 23, 1999; to the Committee on Environment and Public Works.

EC-3934. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emissions Standards for Architectural Coatings; Correction" (FRL #6368-7), received June 23, 1999; to the Committee on Environment and Public Works.

EC-3935. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36; Exemption from Temporary Tolerance, Technical Amendment" (FRL #6087-3), received June 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3936. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Pesticide Tolerance for Emergency Exemption" (FRL #6086-3), received June 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3937. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Pesticide Tolerance for Emergency Exemption" (FRL #6086-4), received June 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3938. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexaconazole; Pesticide Tolerance" (FRL #6084-4), received June 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3939. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Conduct at the Mt. Weather Emergency Assistance Center and at the National Emergency Training Center" (64 FR 31136) (06/10/99), received June 18, 1999; to the Committee on Environment and Public Works.

EC-3940. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Listing Endangered and Threatened Species and Designating Critical Habitat: Petition To List Eleven New Species Including One New Genus of Bryozoans From Capron Shoal, Florida, as Threatened or Endangered Under the Endangered Species Act" (Docket No. 990520140-9140-01) (ID No. 041699A), received June 16, 1999; to the Committee on Environment and Public Works.

EC-3941. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Compensation for the 1997–1998 Crop Season" (Docket No. 96–016–35), received June 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3942. A communication from the Secretary of Veterans Affairs, and the Secretary of Education, transmitting jointly, pursuant to law, a report relative to procedures for cancellations and deferments of federal student loans for eligible disabled veterans; to the Committee on Veteran's Affairs.

EC–3943. A communication from the Administrator, General Services Administration, transmitting, a report relative to a lease for the U.S. Attorneys Office in Seattle, WA; to the Committee on Environment and Public Works.

EC–3944. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3945. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al; Additional Option for Handler Diversion and Receipt of Diversion Credits" (Docket No. FV99–930–1 FIR), received June 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3946. A communication from the Chief, Fees Section, Financial Operations Division, Office of the Managing Director, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1107 of the Commission's Rules" (GEN Doc. No. 860285) (FCC 98–87), received June 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3947. A communication from the Acting Regulations Officer, Office of Process and Innovation Management, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors and Disability Insurance; Employer Identification Numbers for State and Local Government Employment" (RIN0960–AE84), received June 23, 1999; to the Committee on Finance.

EC–3948. A communication from the Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Record of Decision; Tongass National Forest; Land and Resource Management Plan; Alaska," received June 17, 1999; to the Committee on Energy and Natural Resources.

EC–3949. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Procedures" (RIN3069–AA86), received June 23, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3950. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of the Lubbock, Texas, Nonappropriated Fund Wage Area" (RIN3206–AH88), received June 23, 1999; to the Committee on Governmental Affairs.

EC–3951. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Kansas City, Missouri, Special Wage Scale for Printing Positions" (RIN3206–AI11), received June 23, 1999; to the Committee on Governmental Affairs.

EC–3952. A communication from the Acting Chief, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Truth-in-Billing Format" (CC Docket No. 98–170, FCC 99–72), received June 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3953. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Limited Ports; Memphis, TN" (Docket Number 98–102–1/2), received June 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3954. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Mississippi Update to Materials Incorporated by Reference" (FRL #6348–4), received June 24, 1999; to the Committee on Environment and Public Works.

EC–3955. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revised Format for Materials Being Incorporated by Reference" (FRL #6367–5), received June 24, 1999; to the Committee on Environment and Public Works.

EC–3956. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Year 2000 (Y2K) Reporting Requirements for Vessels and Marine Facilities (USCG–1998–3917)" (RIN2115–AF85), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3957. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: Skull Creek, Hilton Head, SC (CGD–07–99–037)" (RIN2115–AE46), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3958. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: 4th of July Celebration Ohio River Mile 469.2–470.5, Cincinnati, OH (CGD–08–99–042)" (RIN2115–AE46) (1999–0027), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3959. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: 4th of July Celebration Ohio River Mile 469.2–470.5, Cincinnati, OH (CGD–08–99–041)" (RIN2115–AE46) (1999–0025), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3960. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: Fireworks Displays within the First Coast Guard District (CGD–01–99–009)" (RIN2115–AE46) (1999–0026), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3961. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; San Joaquin Valley Unified Air Pollution Control District Final Rule; Correction" (FRL #6368–4), received June 24, 1999; to the Committee on Environment and Public Works.

EC–3962. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulation: Consumer Confidence Reports; Correction" (FRL #6369–1), received June 24, 1999; to the Committee on Environment and Public Works.

EC–3963. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations" (RIN2120–AG19), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3964. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (26); Amdt. No. 1936 (6–23/6–24)" (RIN2120–AA65) (1999–0030), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3965. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hackensack River, NJ (CGD–01–99–059)" (RIN2115–AE47) (1999–0023), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3966. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hackensack River, NJ (CGD–01–99–084)" (RIN2115–AE47) (1999–0025), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3967. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Gulf Intracoastal Waterway, LA (CGD–08–99–039)" (RIN2115–AE47) (1999–0022), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3968. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Bayou Des Allemands, LA (CGD–08–99–040)" (RIN2115–AE47) (1999–

0024), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3969. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (63); At. No. 1935 (6–23/6–24)" (RIN2120–AA65) (1999–0031), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3970. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, Model MD–88 Airplanes, and Model MD–90–30 Airplanes; Docket No. 98–NM–109 (6–23/6–24)" (RIN2120–AA64) (1999–0250), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3971. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Series Airplanes; Docket No. 99–NM–116 (6–23/6–24)" (RIN2120–AA64) (1999–0252), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3972. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes; Docket No. 97–NM–11 (6–23/6–24)" (RIN2120–AA64) (1999–0251), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3973. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; De Kalb, IL; Docket No. 98–AGL–20 (6–22/6–24)" (RIN2120–AA66) (1999–0208), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3974. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Alexander Schleicher Segelflugzeugbau Model ASK 21 Gliders; Direct Final Rule; Confirmation of Effective Date; Docket No. 91–CE–25 (6–21/6–24)" (RIN2120–AA64) (1999–0253), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3975. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hamilton, OH; Docket No. 99–AGL–18 (6–22/6–24)" (RIN2120–AA66) (1999–0210), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3976. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Savanna, IL; Docket No. 99–AGL–19 (6–22/6–24)" (RIN2120–AA66) (1999–0211), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3977. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Willmar, MN; Docket No. 99–AGL–17 (6–22/6–24)" (RIN2120–AA66) (1999–0209), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3978. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Neillsville, WI; Docket No. 99–AGL–23 (6–22/6–24)" (RIN2120–AA66) (1999–0212), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3979. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Juneau, WI; Docket No. 99–AGL–22 (6–22/6–24)" (RIN2120–AA66) (1999–0213), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3980. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kokomo, IN; Docket No. 99–AGL–21 (6–22/6–24)" (RIN2120–AA66) (1999–0214), received June 24, 1999; to the Committee on Commerce, Science and Transportation.

EC–3981. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Cocos Lagoon, Guam (COTP GUAM 99–011)" (RIN2115–AA97) (1999–0032), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3982. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Heritage of Pride Fireworks, Hudson River, New York (CGD 01–99–056)" (RIN2115–AA97) (1999–0031), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3983. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Clamfest Fireworks, Sandy Hook Bay, Atlantic Highlands, New Jersey (CGD 01–99–071)" (RIN2115–AA97) (1999–0030), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3984. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Glen Cove, New York Fireworks, Hempstead Harbor, NY (CGD 01–99–042)" (RIN2115–AA97) (1999–0035), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3985. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA (CGD 01–99–078)" (RIN2115–AA97) (1999–0034), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3986. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Rowayton Fireworks Display, Bayley Beach, Rowayton, CT (CGD 01–99–081)" (RIN2115–AA97) (1999–0039), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3987. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Saybrook Summer Pops Concert, Saybrook Point, Connecticut River, CT (CGD 01–99–074)" (RIN2115–AA97) (1999–0038), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3988. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Mashantucket Pequot Fireworks Display, Thames River, Groton, CT (CGD 01–99–061)" (RIN2115–AA97) (1999–0037), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3989. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Sag Harbor Fireworks Display, Sag Harbor Bay, Sag Harbor, NY (CGD 01–99–072)" (RIN2115–AA97) (1999–0036), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3990. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Virginia Beach Weekly Fireworks Display, Rudee Inlet, Virginia Beach, Virginia, and Atlantic Ocean, Coastal Waters, between 17th and 20th Street, Virginia Beach, Virginia (CGD 05–99–041)" (RIN2115–AA97) (1999–0033), received June 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3991. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the nomination of an Assistant Secretary of Labor for Policy; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–217. A joint resolution adopted by the General Assembly of the State of Colorado relative to the "Colorado Wilderness Act of

1999"; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 99–1020

Whereas, H.R. 829, the "Colorado Wilderness Act of 1999", proposes to designate another approximately one million four hundred thousand acres of land in Colorado as wilderness prior to the revision of many of Colorado's forest plans, thereby usurping the United States Forest Service's land management review process and ignoring the original wilderness recommendations made to the United States Congress by the United States Bureau of Land Management ("BLM") that totaled four hundred thirty-one thousand acres; and

Whereas, H.R. 829 was drafted without input from either the general public or local elected officials and does away with local control over land management; and

Whereas, Federal lands in Colorado have been exhaustively studied for their wilderness suitability under the "Wilderness Act" of 1964, the Department of Agriculture's second roadless area review and evaluation (RARE II), the wilderness evaluation by the BLM, the "Colorado Wilderness Act of 1980", and the "Colorado Wilderness Act of 1993"; and

Whereas, Many acres of federal lands slated for wilderness designation do not qualify as pristine as required by the "Wilderness Act" of 1964; and

Whereas, The United States Congress considered the option of wilderness designation of federal lands in Colorado and designated several areas under the "Wilderness Act" of 1964 and approved two statewide wilderness bills. One of those statewide wilderness bills was enacted in 1980 and classified one million four hundred thousand acres as wilderness. The other was enacted in 1993 and provided wilderness protection for six hundred eleven thousand seven hundred acres, bringing the total wilderness acreage in Colorado to three million three hundred thousand to date; and

Whereas, The United States Congress declared that lands once studied and found to be unsuitable for wilderness designation should be returned to multiple-use management; and

Whereas, H.R. 829 creates a federal reserved water right for each wilderness area, an approach specifically rejected in the 1980 and 1993 wilderness bills; and

Whereas, The designation of downstream wilderness areas may result in the application of the federal "Clean Water Act of 1977" requirements in a manner that interferes with existing and future beneficial water uses in Colorado; and

Whereas, The overall effect of the designation of downstream wilderness areas will be to destroy Colorado's ability to develop and use water allocated to the citizens of this state and under interstate compacts, thereby forfeiting Colorado's water to downstream states; and

Whereas, Many of our rural economies are dependent on a combination of multiple uses of our public lands, such as timber production, oil, gas, and mineral development, and motorized and mechanized recreation, all of which are prohibited by a wilderness designation and also severely inhibits the ability to conduct grazing activities on public lands; and

Whereas, Wilderness designations limit the land management options available to public land managers to protect forest health and dependent watersheds; and

Whereas, Additional wilderness designation puts increased pressure on the new designated lands as well as lands currently open to multiple-use activities and limits access to only the most physically capable individuals; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein;

That the members of the Sixty-second General Assembly oppose H.R. 829, the "Colorado Wilderness Act of 1999". Be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Secretary of the Interior, the Director of the United States Bureau of Land Management, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

POM–218. A joint resolution adopted by the General Assembly of the State of Colorado relative to hardrock mining activities; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 99–1023

Whereas, The mining industry is vital to the economy of Colorado, with direct and indirect contributions to the state's economy that exceed $7.7 billion annually; and

Whereas, Hardrock miners are the highest paid industrial workers in Colorado, earning average annual wages of approximately $60,000; and

Whereas, The producers of gold, silver, lead, zinc, molybdenum, gypsum, and other minerals located under the general mining laws provide a source of high paying jobs in rural areas of Colorado whose economies are highly dependent upon resource extraction; and

Whereas, Lower mineral commodity prices and other economic factors continue to challenge this industry making it important that state and local governments fashion regulatory programs that are cost effective and yet sufficient to regulate the environmental impacts of hardrock mining activities on public and private lands; and

Whereas, The "Federal Land Policy and Management Act of 1976" requires that mineral activities on federal lands protect the environment and prohibits any mining activity that would result in unnecessary and undue degradation of these areas; and

Whereas, The Bureau of Land Management within the United States Department of the Interior implements the mandate of federal law through regulations codified at 43 C.F.R. subpart 3809, and these laws and regulations are among the many laws that require mineral producers to protect air, water, cultural, historic, fish, wildlife, and other resources; and

Whereas, The division of minerals and geology in the Colorado department of natural resources, through a cooperative agreement with the Bureau of Land Management, is the lead agency responsible for regulating mining activity on both public and private lands; and

Whereas, Colorado effectively regulates mining operations pursuant to the "Colorado Mined Land Reclamation Act", part 1 of article 32 of title 34, Colorado Revised Statutes, that sets forth very comprehensive permitting, bonding, environmental management, monitoring, and reclamation requirements for hardrock mining activities on both public and private lands; and

Whereas, The Colorado General Assembly strengthened this law in 1993 requiring that mining operators using certain toxic chemicals in mineral extraction meet more stringent standards before receiving authorization to mine; and

Whereas, The United States Department of the Interior, through the Bureau of Land Management, has announced its intention to propose revisions to 43 C.F.R. subpart 3809, that would preempt, conflict with, and duplicate the very effective state program now in place, and replace it with a plenary federal program that may well lessen the environmental protections available under state law; and

Whereas, In 1998, the United States Congress enacted legislation directing the National Academy of Sciences to perform a study of the adequacy of state and federal laws governing hardrock mining on public lands and submit its findings and recommendations before the Department of the Interior's Bureau of Land Management may finalize changes to regulations under 43 C.F.R. subpart 3809; and

Whereas, Notwithstanding the express mandate of Congress, the Bureau of Land Management proposed revisions to the regulations promulgated under 43 C.F.R. subpart 3809, in February, 1999, before the National Academy of Sciences has concluded, much less submitted, its study and recommendations, and the Bureau of Land Management has failed to consider the National Academy of Sciences' findings or process in fashioning the various regulatory revisions currently awaiting public comment; and

Whereas, Any changes to the regulations promulgated under 43 C.F.R. subpart 3809 must be based upon sound science and compelling policy reasons, and must take into account the findings and recommendations of the National Academy of Sciences' study before the Bureau of Land Management submits its proposal for public comment, yet the comment period on the proposed rules is set to expire on May 10, 1999, before the National Academy of Sciences completes its study of existing laws; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

1. That the General Assembly calls upon the United States Department of the Interior and the Bureau of Land Management to withdraw the current proposal to amend the federal regulations, 43 C.F.R. subpart 3809 and published at 64 F.R. 6422 on February 9, 1999, governing hardrock mining activity.

2. That the General Assembly calls upon the Bureau of Land Management to await completion of the study currently underway by the National Academy of Sciences of the adequacy of hardrock mining regulations, which must be completed prior to July 31, 1999, and that the Bureau of Land Management refrain from publishing any further changes to the existing rules before it has fully considered the results of the study.

3. That the General Assembly calls upon the Bureau of Land Management, if it decides that further revisions to 43 C.F.R. subpart 3809 are necessary, to fully explain in the preamble to the new regulations how it fashioned its proposals in response to the anticipated findings and conclusions of the National Academy of Sciences' study and give the public at least 90 days to comment on the proposed changes.

4. That the General Assembly opposes changes to 43 C.F.R. subpart 3809 that would preempt the existing Colorado regulatory program or that would duplicate permitting and other requirements.

5. That the General Assembly calls upon the United States Department of the Interior to consider that the mining industry is one of the most heavily regulated industries in the United States and that unreasonable

delays in obtaining permits are a significant disincentive to the location of new mines or expansion of existing mines in the United States.

6. That the General Assembly opposes the concept developed as a result of 43 C.F.R. subpart 3809 of using the "Most Appropriate Technology and Practices" which allows the Bureau of Land Management to dictate what type of equipment and technologies are employed by mining operators. Using the "Most Appropriate Technology and Practices" would replace the existing regulatory scheme that requires mining operators meet performance standards, but allows the individual operators to decide how the individual operator will meet environmental standards.

7. That the General Assembly specifically calls upon the Bureau of Land Management to consider the economic impact on mining and the communities dependent upon mining in Colorado and other states.

8. That the Bureau of Land Management specifically consider the conclusions in the Fraser Report that found that Colorado and many other states were ranked low in investment attractiveness due, in part to the burden that government regulation imposes on the industry. Colorado received a score of only 24 out of a possible 100 in the Fraser Report.

9. That the General Assembly further calls upon the Congress of the United States to impose a moratorium on any appropriations for the continuation or completion of the current rulemaking until the Department of the Interior withdraws the current rulemaking and agrees to fully consider the findings and recommendations of the National Academy of Sciences' study. Be it further

Resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the President of the United States, the Vice-president of the United States, the Secretary of the United States Department of the Interior, the Director of the Bureau of Land Management, and each member of the Colorado Congressional delegation.

POM–219. A joint resolution adopted by the General Assembly of the State of Colorado relative to the Environmental Protection Agency's over-filing against regulated entities in Colorado where Colorado has already taken enforcement action; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 99–1037

Whereas, Protection of public health and the environment are among the highest priorities of government that requires a united and uniform effort at all levels of government; and

Whereas, The United States Congress has enacted environmental laws to ensure the protection of the nation's environment and consequently the health of the citizens of the United States; and

Whereas, These federal environmental laws often provide for the primacy of their administration and enforcement to be delegated to the individual states; and

Whereas, The United States Environmental Protection Agency (EPA) is responsible for the administration and enforcement of these federal environmental laws; and

Whereas, States that have been delegated primacy have demonstrated to the EPA that they have adopted laws, regulations, and policies at least as stringent as federal laws, regulations, and policies; and

Whereas, The individual states are best able to administer and enforce these environmental laws for the benefit of all of their citizens and the citizens of the United States in general; and

Whereas, the EPA and the states have bilaterally developed policy agreements over the past twenty-five years that reflect the roles of the states and the EPA, recognizing that the primary responsibility for enforcement action resides with the individual states, with EPA taking enforcement action principally where an individual state requests assistance or is unwilling or unable to take timely and appropriate enforcement action; and

Whereas, Inconsistent with these policy agreements, the EPA has levied fines and penalties against regulated entities in cases where the state previously took appropriate action consistent with the agreements to bring such entities into compliance; and

Whereas, Colorado statutes give authority to the appropriate state agencies for the administration and enforcement of state and federal environmental laws; and

Whereas, The EPA continues to enforce federal environmental laws despite Colorado's primacy and has acted in areas of violations where the state has already acted; and

Whereas, The EPA has been unwilling to recognize the importance of Colorado's ability to develop methods for the state to meet the standards established by the EPA and federal environmental laws while recognizing state and local concerns and circumstances unique to Colorado; and

Whereas, A cooperative effort between the state and the EPA is essential to ensure such consistency while making certain to consider state and local concerns; and

Whereas, The EPA has been hesitant to recognize that economic incentives and rewarding compliance are acceptable alternatives to acting only after violations have occurred; and

Whereas, The EPA's current enforcement practices and policies result in detailed oversight and over-filing of state actions causing the weakening of Colorado's ability to take effective compliance actions and resolve environmental issues; and

Whereas, The current EPA enforcement policy and actions have had and continue to have an adverse impact on working relationships between the EPA and Colorado and many other western states; and

Whereas, The Western Governors' Association has adopted "Principles for Environmental Protection in the West" which encourages collaboration and not polarization between the EPA and the states, and further encourages the replacement of the command and control structure of the EPA with economic incentives encouraging results and environmental decisions that weigh costs against benefits in taking actions; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we ask Congress to require the EPA to recognize that the State of Colorado has the requisite authority, expertise, experience, and resources to administer delegated federal environmental programs by:

(a) Affording Colorado flexibility and deference in the administration and enforcement of delegated federal environmental programs;

(b) Refraining from over-filing against recognized violators where Colorado has negotiated a compliance action in accordance with its approved EPA management systems, so long as that compliance action achieves compliance with applicable requirements; and

(c) Allowing Colorado the ability to develop plans for achieving national environmental standards established by the EPA that are tailored to meet local conditions and priorities.

(2) That we ask Congress to require the EPA to enter into memoranda of understanding with the individual states that outline performance and set joint goals and measures to ensure compliance with federal environmental laws while recognizing that states that have achieved primacy in environmental programs have the right to direct compliance actions.

(3) That we ask Congress to require the EPA to develop policies and practices that recognize that:

(a) Successful environmental policy and implementation are best accomplished through balanced, open, inclusive approaches where the public and private stakeholders work together to formulate locally-based solutions to environmental issues;

(b) Threats of enforcement action to force compliance with specific technology or processes may not result in environmental protection but, instead, reward delay and litigation, cripple incentives for technological innovation, increase animosity between government, industry, and the public, and increase the cost of environmental protection; and

(c) Effective management of environmental compliance is dependent upon the EPA shifting its focus from threats of enforcement action to one of compliance and the use of all available technologies, tools, and actions of the individual states. Be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional Delegation, the Director of the Environmental Protection Agency, the Director of the Environmental Protection Agency's Office of Enforcement and Compliance Assistance, and the Regional Administrator of EPA Region VIII.

POM–220. A joint resolution adopted by the General Assembly of the State of Colorado relative to the labeling of agricultural products; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION 99–1043

Whereas, It is essential that consumers have access to accurate facts to make informed choices about the food they purchase; and

Whereas, Current federal legislation requires country-of-origin labeling on frozen produce, but not on meat, poultry, or fresh produce, which creates a confusing double standard for consumers; and

Whereas, The current United States Department of Agriculture policy of placing a grading label on imported meats misleads consumers who believe the label means that the product was produced in the United States; and

Whereas, Many of the trading partners for the United States require country-of-origin labels on food products produced in the United States; and

Whereas, It is estimated that 95% of the 625 million pounds of meat imported into the United States annually is imported for the purpose of additional processing and is therefore exempt from import labeling provisions of the federal "Pure Food and Drug Act"; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the General Assembly requests that the United States Congress pass legislation requiring labels that disclose the country of origin on meats, poultry, and fresh produce; and

(2) That the General Assembly requests that the United States Congress pass legislation prohibiting meat and cattle raised or produced outside of the United States and destined for immediate slaughter from carrying the United States Department of Agriculture quality grade label; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, each member of the Congressional delegation from Colorado, the Secretary of the United States Department of Agriculture, and the Federal Trade Commission.

POM-221. A joint resolution adopted by the General Assembly of the State of Colorado relative to the "Regional Haze Rule"; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 99-1047

Whereas, The federal Environmental Protection Agency (EPA) has promulgated the "Regional Haze Rule" which has general national applicability as well as containing alternative provisions that Colorado and other western states may utilize to deal with regional haze problems; and

Whereas, The Grand Canyon Visibility Transport Commission, comprised of the states of Colorado, Arizona, California, New Mexico, Nevada, Oregon, Utah, and Wyoming and the Acoma, Hopi, Hualapai, and Navaho tribe, as well as federal agencies, industry, and environmental groups, spent over 9 million dollars and 3 years of detailed study and analysis to directly address regional haze problems and issued their findings in the 1996 report entitled, "Recommendations for Improving Western Vistas"; and

Whereas, The federal "Regional Haze Rule" ignores the primary recommendations of the Grand Canyon Visibility Transport Commission to seek to improve haze by regulating all sources of haze, including visibility impairing emissions arising from federal lands; and

Whereas, The Grand Canyon Visibility Transport Commission found that unless emissions from all sources of haze are reduced, a recognizable improvement in visibility cannot be achieved; and

Whereas, Colorado is a receptor of haze attributable to upwind sources such as emissions from fires on federal lands, the Republic of Mexico, and sources located in other states; and

Whereas, Colorado has participated since 1996 with other western states in the Western Regional Air Partnership (WRAP), formed as the successor body to implement the Grand Canyon Visibility Transport Commission's comprehensive regional approach to control all sources of regional haze; and

Whereas, As the alternative regional provisions mandated in the "Regional Haze Rule" prevent Colorado from receiving credit in its state implementation plan (SIP) for controlling sources of haze other than stationary sources which the Grand Canyon Visibility Transport Commission report found are not a primary cause of western haze; and

Whereas, Prior to the promulgation of the "Regional Haze Rule", in violation of procedural fair play, the EPA made major substantive changes to the draft rule without making those changes available for public comment; and

Whereas, The United States Congress, in the 1998-99 EPA appropriations measure, specifically recommended to the EPA that the entire "Regional Haze Rule" be redrafted and made available for full public participation and comment on the substantive draft changes; and

Whereas, Amendments by other agencies and by other persons identified as representing "western state interests" to the draft rule were offered by the EPA without the opportunity for the general public to comment and without allowing for states that participated in the WRAP to receive credit in their SIPs for regulating sources of haze other than stationary sources; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the United States Congress is urged to subject the "Regional Haze Rule" to congressional rule review, to reject the rule, and return it to the EPA for proper participation by all interested parties prior to promulgation in accordance with the requirements of the federal "Administrative Procedures Act."

(2) That the member of the General Assembly respectfully request the Governor of Colorado to withdraw from participation in the WRAP until such time as the "Regional Haze Rule" is revised to allow for effective participation of the state of Colorado in control of all sources of haze on an equal basis; and be it further

Resolved, That copies of this resolution be sent to the Governor of the State of Colorado, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional Delegation, the Director of the Environmental Protection Agency, the Director of the Environmental Protection Agency's Office of Enforcement and Compliance Assistance, and the Regional Administrator of EPA Region VIII.

POM-222. A joint resolution adopted by the General Assembly of the State of Colorado relative to the Endangered Species Act of 1973; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 99-1051

Whereas, the "Endangered Species Act of 1973" (ESA) needs to be amended to encourage proactive species conservation efforts at the state level rather than reactive, burdensome, and costly efforts at the federal level; and

Whereas, Merely listing a species as threatened or endangered does little to conserve the species; and

Whereas, Many state programs such as Colorado's nongame program have been very successful in conserving species such as the boreal toad without a federal listing; and

Whereas, The ESA should provide incentives for states to adopt proactive approaches to avoid the listing of species under the ESA rather than penalizing such efforts; and

Whereas, The ESA should be amended to provide that a federal listing is not required where a state has already adopted a program to protect the species unless it is absolutely necessary to avoid nationwide extinction; and

Whereas, If a state has an effective program to protect a listed species in place, that program should be recognized as a reasonable and prudent alternative under the ESA, thereby providing a cost-effective means for species recovery, maintaining state jurisdiction over land and water resources, and allowing economic development to move forward; and

Whereas, States should not be penalized for efforts to enhance or establish populations of species by federal pre-emption once the species is listed, rather, such populations should qualify as experimental under the ESA, thereby maintaining control and regulation of the species by the state; and

Whereas, The ESA should not be applied retroactively, and projects in existence prior to the passage of the ESA that may come up for a federal permit or license renewal but do not involve an expansion of the project or an increase in the environmental impact of the project should not be subject to consultation under Section 7 of the ESA; and

Whereas, Federal implementation of the ESA to protect aquatic species must consider state water rights, and any recovery program should be structured to avoid or minimize intrusion into state authority over water allocation and administration; and

Whereas, The administration's "No Surprises" policy should be adopted as an amendment to the ESA so that permit holders and landowners have some assurance that once ESA requirements have been met, no further mitigation efforts will be required; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado (The Senate concurring herein), That we, the members of the Sixty-second General Assembly, urge Congress to adopt these amendments to the federal "Endangered Species Act of 1973"; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Colorado's Congressional delegation.

POM-223. A joint resolution adopted by the Legislature of the State of Nevada relative to air tours over the Grand Canyon; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 21

Whereas, Tourism is the mainstay of the Nevada economy; and

Whereas, The air tour industry is an exciting and strong attraction for visitors to Southern Nevada; and Air tours over the Grand Canyon have been a tourism tradition for more than 70 years and this industry has maintained a strong safety record; and

Whereas, Approximately 800,000 visitors from around the world enjoyed air tours of the Grand Canyon in 1996 and 500,000 of those visitors originated their flights in Southern Nevada; and

Whereas, Air tours are the only way that persons who have certain physical disabilities can experience the grandeur of the Grand Canyon; and

Whereas, In 1996, a study conducted by the University of Nevada, Las Vegas, estimated that air tourism to the Grand Canyon using Southern Nevada air tour operators contributed more than $374.8 million to the Southern Nevada economy; and

Whereas, The study concluded that the Las Vegas Convention and Visitors Authority generates air tour industry expenditures of $49.8 million each year; and

Whereas, The study determined that more than 142,000 foreign visitors, which constitutes 32.4 percent of all foreign visitors, and more than 9,000 visitors from the United States, which constitutes 23.7 percent of all visitors from within the United States, would forego visits to Southern Nevada if the Grand Canyon air tours were unavailable; and

Whereas, Recent economic downturns in Asia have adversely impacted tourism in Southern Nevada; and

Whereas, The air tour industry provides visual access to back country of the Grand Canyon including many of its most spectacular sights, and without air tours, only a small minority of visitors who have the time and physical ability to hike in the canyon would be afforded the opportunity to appreciate these magnificent sights; and

Whereas, Air tours do not cause a permanent negative impact on the fragile environment of the Grand Canyon as do some other activities; and

Whereas, In 1988, Special Federal Aviation Regulation 50-2 was enacted establishing routes, altitudes and reporting requirements and as a result of this legislation, noise complaints have been dramatically reduced and there has been a substantial restoration of natural quiet to the Grand Canyon; and

Whereas, Since the enactment of the requirements of this regulation, 92 percent of visitors to the park have reported that they were not adversely affected by aircraft sounds, and visitors to the back country have reported seeing or hearing only one or two aircraft a day; and

Whereas, The United States Forest Service concluded in 1992 that there were "few adverse impacts to wilderness users" from aircraft tours and that the flights did not impair the overall enjoyment of the wilderness or reduce the likelihood of repeat visits; and

Whereas, A hearing held on September 2, 1998, by the House National Parks and Public Lands Subcommittee disclosed that the National Park Service noise analysis failed to undergo scientific modeling or peer review; and

Whereas, The National Park Service disclosed on February 2, 1999, its intention to redefine the threshold for substantial restoration of natural quiet in the air tour air space of Grand Canyon National Park at a noticeability level of 8 decibels below natural ambient air sound; and

Whereas, Air tour operators and acoustical experts conclude that this higher threshold proposed by the National Park Service would virtually shut down air tours in the east end air space of the Grand Canyon National Park; and

Whereas, The Federal Aviation Administration now proposes to conduct an environmental assessment of air routes from Las Vegas to the Grand Canyon based solely on sound that could lead to further restriction or capping of flights; and

Whereas, The Nevada Congressional Delegation, the Nevada Commission on Tourism, the Las Vegas Convention and Visitors Authority and McCarran International Airport repeatedly have supported maintaining a viable Southern Nevada air tour industry and continued air access to and from Las Vegas; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada (jointly), That the Nevada Legislature expresses its concern regarding any proposal to redefine the space in which aircraft may be flown over the Grand Canyon and urges the Congress of the United States to effect an outcome for the Southern Nevada air tour industry that will protect, support and sustain the viability of this significant contributor to the tourism economy of the State of Nevada and the enjoyment of visitors and sightseers; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Grand Canyon Air Tour Council and the United States Air Tour Association; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–224. A resolution adopted by the House of the Legislature of the State of Michigan relative to the "Nuclear Waste Policy Act of 1999"; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 40

Whereas, Enactment of H.R. 45, the Nuclear Waste Policy Act of 1999, would allow movement of spent nuclear fuel from 78 individual locations in 35 states to a single location. A permanent underground repository is needed to provide safe and secure long-term disposal of this spent fuel and waste; and

Whereas, The deadline for acceptance of spent fuel and waste by the Department of Energy was one year ago. H.R. 45 would accelerate acceptance of spent fuel and waste by the Department of Energy by authorizing an interim storage facility at Yucca Mountain; and

Whereas, Michigan residents deserve protection of the $323.8 million investment they have made toward the construction of a permanent site. They have every right to demand that the federal government honor its commitment to the nation in a timely and cost-effective manner. There can be no further delay in carrying out the provisions of the Nuclear Waste Policy Act of 1982. Michigan residents are entitled to the safety and economic benefit to be gained by permanent disposal; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Nuclear Waste Policy Act of 1999; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–225. A concurrent resolution adopted by the Legislature of the State of Michigan relative to the "World War II Memorial Completion Act"; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 35

Whereas, Public Law 103–32, signed in 1993, authorized the establishment of a memorial to the valor of World War veterans. The men and women who fought and who died during the century's darkest hours to secure the freedoms we enjoy today command our lasting gratitude. Their supreme sacrifies continue to touch every American. The World War II Memorial is a small but important step in repaying the immeasurable debt we owe these individuals. Many of these men and women have continued serving their country in community service organizations, such as the Veterans of Foreign Wars and the American Legion. This legislation set in motion a long process of securing support, establishing a site and design, and working with the American Battle Monuments Commission and the National Park Service to bring this project to completion; and

Whereas, in an effort to expedite the establishment of this memorial and to ensure adequate funding for its repair and maintenance in perpetuity, Congress has before it H.R. 1247, the World War II Memorial Completion Act. This bill addresses a variety of issues, especially refining powers and purposes of the fund created to handle the collection and disbursement of money, including the authority to borrow, as well as the protection of intellectual property and licensing rights related to the memorial; and

Whereas, The World War II Memorial, which is to be located in the National Mall in Washington, is an important expression of the nation's debt to a remarkable generation. The World War II Memorial Completion Act will play a vital role in ensuring the success of this venture to perpetuate for future generations the memory of valor and sacrifices that must never be forgotten; now, therefore, be it;

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact the World War II Memorial Completion Act. We urge all parties involved to work cooperatively toward the completion of this important piece of our country's history; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–226. A resolution adopted by the House of the Legislature of the State of Michigan relative to the "World War II Memorial Completion Act"; to the Committee on Veteran's Affairs.

HOUSE RESOLUTION NO. 101

Whereas, Public Law 103–32, signed in 1993, authorized the establishment of a memorial to the valor of World War II veterans. The men and women who fought and who died during the century's darkest hours to secure the freedoms we enjoy today command our lasting gratitude. Their supreme sacrifices continue to touch every American. The World War II Memorial is a small but important step in repaying the immeasurable debt we owe these individuals. Many of these men and women have continued serving their country in community service organizations, such as the Veterans of Foreign Wars and the American Legion. This legislation set in motion a long process of securing support, establishing a site and design, and working with the American Battle Monuments Commission and the National Park Service to bring this project to completion; and

Whereas, in an effort to expedite the establishment of this memorial and to ensure adequate funding for its repair and maintenance in perpetuity, Congress has before it H.R. 1247, the World War II Memorial Completion Act. This bill addresses a variety of issues, especially refining powers and purposes of the fund created to handle the collection and disbursement of money, including the authority to borrow, as well as the protection of intellectual property and licensing rights related to the memorial; and

Whereas, The World War II Memorial, which is to be located on the National Mall in Washington, is an important expression of the nation's debt to a remarkable generation. The World War II Memorial Completion Act will play a vital role in ensuring the success of this venture to perpetuate for future generations the memory of valor and sacrifices that must never be forgotten; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the World War II Memorial Completion Act. We urge all parties involved to work cooperatively toward the completion of this important piece of our country's history; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GORTON, from the Committee on Appropriations, without amendment:

S. 1292. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rep. No. 106–99).

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 1552 and 12203:

To be brigadier general

Col. Edward W. Rosenbaum (Retired), 9285

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

John A. Bradley, 1756
Gerald P. Fitzgerald, 6393
Edward J. Mechenbier, 3853
Allan R. Poulin, 0569
Larry L. Twitchell, 5191

To be brigadier general

Thomas L. Carter, 8008
Richard C. Collins, 4411
John M. Fabry, 7726
Hugh H. Forsythe, 0697
Michael F. Gjede, 8335
Leon A. Johnson, 0924
Howard A. McMahan, 7167
Douglas S. Metcalf, 5196
Jose M. Portela, 4065
Peter K. Sullivan, 2189
David H. Webb, 5623

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Archie J. Berberian II, 4968
Verna D. Fairchild, 1283
Daniel J. Gibson, 9540

To be brigadier general

George C. Allen II, 9440
Roger E. Combs, 7932
Michael A. Cushman, 5173
Thomas N. Edmonds, 5967
Jared P. Kennish, 0100
Paul S. Kimmel, 3394
Virgil W. Lloyd, 1408
Alexander T. Mahon, 8661
Marvin S. Mayes, 9378
David E. Mccutchin, 5397
Calvin L. Moreland, 6473
Mark R. Musick, 3561
John D. Rice, 5652
Robert O. Seifert, 4036
Lawrence A. Sittig, 7605
James M. Skiff, 1243

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William J. Begert, 2790

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles R. Holland, 4055

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Maxwell C. Bailey, 0835

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Alan D. Johnson, 8853

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald L. Kerrick, 7369

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James M. Collins, Jr., 4663
Brig. Gen. Robert W. Smith III, 6242

To be brigadier general

Col. Dennis J. Laich, 2608
Col. Robert B. Ostenberg, 8948
Col. Ronald D. Silverman, 3658

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Robert E. Armbruster, Jr., 8136
Joseph L. Bergantz, 5893
William L. Bond, 4943
Colby M. Broadwater III, 6269
Richard A. Cody, 6483
John M. Curran, 6656
Dell L. Dailey, 3747
John J. Deyermond, 7510
Larry J. Dodgen, 5373
James M. Dubik, 1344
Richard A. Hack, 9451
Russel L. Honore, 9939
Roderick J. Isler, 5635
Terry E. Juskowiak, 1217
Geoffrey C. Lambert, 6457
James J. Lovelace, Jr., 0304
Wade H. McManus, Jr., 0485
William H. Russ, 1327
Walter L. Sharp, 4862
Toney Stricklin, 3905
John R. Vines, 5345
Robert W. Wagner, 3914
Craig B. Wheldon, 2831
R. Steven Whitcomb, 7058
Robert Wilson, 1235
Joseph L. Yakovac, Jr., 1273

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, Chaplain Corps

Col. David H. Hicks, 1012

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas N. Burnette, Jr., 2524

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Billy K. Solomon, 4119

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Harry B. Axson, Jr., 8396
Col. Guy M. Bourn, 3022
Col. Ronald L. Burgess, Jr., 2986
Col. Remo Butler, 3143
Col. William B. Caldwell IV, 8600
Col. Randal R. Castro, 5962
Col. Stephen J. Curry, 1664
Col. Robert L. Decker, 3601
Col. Ann E. Dunwoody, 4139
Col. William C. Feyk, 7754
Col. Leslie L. Fuller, 0504
Col. David F. Gross, 0065
Col. Edward M. Harrington, 9537
Col. Keith M. Huber, 0101
Col. Galen B. Jackman, 4626
Col. Jerome Johnson, 6280
Col. Ronald L. Johnson, 8452
Col. John F. Kimmons, 1861
Col. William M. Lenaers, 8865
Col. Timothy D. Livsey, 9286
Col. James A. Marks, 6071
Col. Michael R. Mazzucchi, 4315
Col. Stanley A. McChrystal, 3565
Col. David F. Melcher, 8170
Col. Dennis C. Moran, 4584
Col. Roger Nadeau, 8893
Col. Craig A. Peterson, 3114
Col. James H. Pillsbury, 8970
Col. Gregory J. Premo, 5029
Col. Kenneth J. Quinlan, Jr., 0015
Col. Fred D. Robinson, Jr., 0142
Col. James E. Simmons, 7320
Col. Stephen M. Speakes, 9036
Col. Edgar E. Stanton III, 8742
Col. Randal M. Tieszen, 5163
Col. Bennie E. Williams, 1311
Col. John A. Yingling, 0713

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Carlton W. Fulford, Jr., 5783

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David J. Antanitus, 3481
Capt. Dale E. Baugh, 4331
Capt. Richard E. Brooks, 3863
Capt. Evan M. Chanik, Jr., 9906
Capt. Barry M. Costello, 3332
Capt. Kirkland H. Donald, 3953
Capt. Dennis M. Dwyer, 4756
Capt. Mark J. Edwards, 3734
Capt. Bruce B. Engelhardt, 1205
Capt. Tom S. Fellin, 9886

Capt. James B. Godwin III, 0117
Capt. Charles H. Johnston, Jr., 2065
Capt. John M. Kelly, 6608
Capt. Steven A. Kunkle, 5404
Capt. Willie C. Marsh, 7451
Capt. George E. Mayer, 8977
Capt. John G. Morgan, Jr., 4027
Capt. Dennis G. Morral, 9447
Capt. Eric T. Olson, 6412
Capt. James J. Quinn, 5095
Capt. Ann E. Rondeau, 9812
Capt. Frederick R. Ruehe, 7532
Capt. Lindell G. Rutherford, 1836
Capt. John D. Stufflebeem, 4012
Capt. William D. Sullivan, 3858
Capt. Gerald L. Talbot, Jr., 3890
Capt. Hamlin B. Tallent, 7864
Capt. Richard P. Terpstra, 2198
Capt. Thomas J. Wilson III, 1569
Capt. James M. Zortman, 6747

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Raymond A. Archer III, 0393
Rear Adm. (lh) Justin D. McCarthy, 7761

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Darold F. Bigger, 0447
Capt. Fenton F. Priest III, 5684

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Donald C. Arthur, Jr., 7104
Capt. Linda J. Bird, 2508
Capt. Michael K. Loose, 4983
Capt. Richard A. Mayo, 1835
Capt. Joseph P. Vanlandingham, Jr., 0657

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Robert M. Clark, 8433
Capt. Mark M. Hazara, 3352
Capt. John R. Hines, Jr., 4374
Capt. James Manzelmann, Jr., 4656
Capt. Noel G. Preston, 4806
Capt. Howard K. Unruh, Jr., 3594

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Vernon E. Clark, 8489

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Thomas B. Fargo, 9953

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of April 21, 1999, May 12, 1999, May 19, 1999, May 26, 1999, June 7, 1999 and June 9, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

In the Navy nominations beginning Sylvester P. Abramowicz, Jr., and ending Shelley W. S. Young, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999.

In the Navy nominations beginning Bruce A. Abbott, and ending Bertrand L. Zeller, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999.

In the Navy nominations beginning Thomas Abernethy, and ending Paul M. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1999.

In the Navy nominations beginning Sevak Adamian, and ending John E. Young, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Michael R. Collyer, and ending Renee M. Ponce, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 1999.

In the Navy nomination of Theodore H. Brown, which was received by the Senate and appeared in the Congressional Record of May 19, 1999.

In the Air Force nominations beginning *Raan R. Aalgaard, and ending Steven R. Zwicker, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Navy nominations beginning Richard W. Bauer, and ending Derek K. Webster, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Navy nominations beginning Robert A. Yourek, and ending Lorenzo D. Brown, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Navy nominations beginning Douglas G. Maccrea, and ending Mladen K. Vranjican, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Army nomination of Michael L. Mcginnis, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Marine Corps nomination of Loston E. Carter, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Marine Corps nomination of Jack A. Maberry, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nomination of James N. Frame, which was received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nominations beginning Nils S. Erikson, and ending Edward C. Zeigler, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nominations beginning Thor D. Aakre, and ending Mary M. Zurowski, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 1999.

In the Navy nominations beginning Sheila A. R. Robbins, and ending Daniel E. Wilburn, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1288. A bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself and Mr. COVERDELL):

S. 1289. A bill to amend the Internal Revenue Code of 1986 to provide that the capital gain treatment under section 631(b) of such Code shall apply to outright sales of timber held for more than 1 year; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. CONRAD, Mr. BINGAMAN, Mr. JOHNSON, Mr. DASCHLE, and Mr. AKAKA):

S. 1290. A bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes; to the Committee on Indian Affairs.

By Mr. DEWINE:

S. 1291. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

By Mr. GORTON:

S. 1292. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. COCHRAN:

S. 1293. A bill to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. AKAKA, and Mr. HOLLINGS):

S. 1294. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to limit the number of pieces of carry-on baggage that a passenger may bring on an airplane; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1295. A bill to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office"; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. SANTORUM)):

S. 1296. A bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1288. A bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

COMMUNITY FOREST RESTORATION ACT

Mr. BINGAMAN. Mr. President I rise today to introduce the Community Forest Restoration Act of 1999. This legislation provides incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico.

The densely stocked stands of small diameter trees in New Mexico present an increasing danger of catastrophic wildfire that endangers peoples' lives and livelihoods. These conditions dramatically reduce plant and animal biological diversity, decrease watershed productivity, and provide fewer benefits to people. Healthy, productive watersheds minimize the threat of catastrophic wildfire, provide diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

My goal is to promote healthy watersheds and reduce the threat of catastrophic wildfire, insect infestation, and disease in the forests in New Mexico. To do this we must restore and maintain the forest ecosystem by reducing the unnaturally high number of small diameter trees on Federal, State, and tribal forest lands, and improve the utilization of small diameter material.

This legislation directs the Secretary of Agriculture to create a program that provides forest restoration demonstration project grants to community organizations. The intent of the program is to encourage innovation and collaboration on forest restoration projects among stakeholders at the local level, and provide for multi-party assessment of those projects.

Forest restoration activities that empower local organizations to implement activities which value local and traditional knowledge can help build ownership and civic pride, and can lead to healthy, diverse, productive forest ecosystems. This approach will encourage the development of industries which are based on the creation and maintenance of healthy forest ecosystems. This bill will encourage sustainable community development through collaborative partnerships that improve communication and joint problem solving. The objective of these partnerships is to restore the forests of New Mexico by reducing the density of stands that contain an unnaturally high number of small diameter trees and improving the use of those trees.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Forest Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) forest lands in New Mexico that are densely stocked with small diameter, even-aged trees can erupt in catastrophic wildfire that can endanger human lives and livelihoods;

(2) forest lands that are densely stocked with small diameter trees can reduce biodiversity and provide fewer benefits to human communities, wildlife, and watersheds;

(3) healthy and productive watersheds minimize the threat of catastrophic wildfire, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows;

(4) restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement; and

(5) designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote healthy watersheds and reduce the threat of catastrophic wildfire, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, State, and tribal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to promote the use of small diameter trees; and

(5) to encourage sustainable community and sustainable forests through collaborative partnerships, whose objectives are forest restoration.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term "stakeholder" includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the "Collaborative Forest Restoration Program"). The Federal share of an individual project cost shall not exceed eighty percent of the total cost.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) achieve one or more of the following objectives—

(A) reducing the danger of catastrophic wildfire and re-introducing natural fire regimes on Federal, State, or tribal forest lands;

(B) restoring healthy, biologically diverse, and productive watersheds on Federal, State, or tribal forest lands or

(C) improving the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, State, and tribal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information;

(5) include a multi-party assessment to report, upon project completion, on the impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not cost more than $150,000 annually nor $450,000 total;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by the stakeholders that they will attend an annual workshop with other groups that receive funding pursuant to this Act.

SEC. 6. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider current scientific forest restoration information, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members to be appointed by the Secretary as follows:

(1) a State Natural Resource official from the State of New Mexico;

(2) at least two representatives from Federal land management agencies;

(3) at least one tribal or pueblo representative;

(4) at least one academic or other scientist, qualified to address issues of southwestern forest ecology; and

(5) equal representation from

(1) conservation interests;

(2) local communities; and

(3) commodity interests.

SEC. 7. MONITORING AND EVALUATION.

The Secretary shall establish a multiparty monitoring and evaluation process in order to assess the cumulative accomplishments of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process.

SEC. 8. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

By Mr. SESSIONS (for himself and Mr. COVERDELL):

S. 1289. A bill to amend the Internal Revenue Code of 1986 to provide that the capital gain treatment under section 631(b) of such Code shall apply to outright sales of timber held for more than 1 year; to the Committee on Finance.

TIMBER TAX SIMPLIFICATION ACT OF 1999

Mr. SESSIONS. Mr. President, I rise today to introduce legislation which will simplify and update a provision of the Tax Code that affects the sale of timber. It is both a simplification measure and a fairness measure. We call it the Timber Tax Simplification Act of 1999.

Under the current law, landowners who are occasional sellers of timber are often classified by the Internal Revenue Service as "dealers." As a result, the small landowner is forced to choose, because of the Tax Code, a method of selling timber that they may not prefer. Fundamentally, there are two methods of selling timber. The first method is known as "lump sum" sales, and it is the most popular, but it is subject to a higher tax rate. The second method, pay-as-cut sales, allows for lower capital gains treatment but results in the landowner having to accept unnecessary risks throughout the timber selling process.

Why, one might ask, do these conflicting incentives exist for our Nation's timber growers? Earlier in the century, outright, or "lump sum," sales on a cash advance basis were associated with a "cut-and-run" mentality that did not promote good forest management. "Pay-as-cut" sales, in which a timber owner is only paid for timber as it is actually harvested and taken to the mill, were associated with "enlightened" resource management. Consequently, Congress, in 1943, in an effort to provide an incentive for this preferred method, passed legislation that allowed capital gains treatment under section 631(b) of the IRS Code for "pay-as-cut" plan sales, leaving the "lump sum" sales to pay a much higher rate of tax. It is said that President Roosevelt was not in favor of the bill and almost vetoed it. Ultimately, however, he signed it into law.

Today, however, section 631(b), along with many other provisions of the IRS Code, is completely outdated. Forest management practices are much different from what they were in 1943, and "lump sum" sales are no longer associated with poor forest management. Indeed, there is very little poor forest management today. People recognize the value of timberland, and timber is almost never cut without being properly replanted. While there are occasional special situations when other methods may be more appropriate, most timber owners prefer the "lump sum" method, over the "pay-as-cut" method.

The reasons are simple. When a timber sale is entered into, the title to the timber is transferred on the closing of the sale. Once a contract is assigned, the buyer, who is often a corporation, a sawmill, or a corporate timber company, assumes the risk of any physical loss to the timber due to fire, insects, disease, or storms. Furthermore, the price to be paid for the timber is determined and received by the landowner at the time of the sale.

In addition, such a "lump sum" sale best protects the rights of the landowner, by preventing delays not only in the actual cutting and harvesting of the timber, but in the receiving of payments.

Unfortunately, in order for timber owners to qualify for the favorable capital gains treatment, they are virtually forced to market their timber on a "pay-as-cut" basis under section 631(b), which requires landowners to sell their timber with a "retained economic interest." This means that the landowner, not the buyer, must bear the risk of any physical loss during the time period contracted with the buyer to harvest the timber. Furthermore, the buyer pays for only the timber that is actually harvested. As a result, this type of sale can be subject to fraud and abuse by the timber buyer.

Since the buyer pays only for the timber that is removed and scaled, there is an incentive to waste poor quality timber—by breaking the tree during the logging process—underscale the timber, or remove the timber without scaling.

Many different valuation methods can be utilized by sophisticated buyers against a landowner; the landowner may not fully realize how the timber is being priced, and even then he is paid only when the timber is delivered to the mill at a certain complicated rate.

But because 631(b) provides for the favorable tax treatment, many landowners are forced into exposing themselves to unnecessary risk of loss and complications by having to market their timber in this manner instead of the more preferred "lump-sum" method.

Like many of the provisions in the Tax Code, section 631(b) is outdated and prevents good forestry management. Timber farmers, that have usually spent decades producing their crop, should be able to receive equal tax treatment regardless of the method used for marketing their timber.

The IRS has no business—and, in effect, it does—stepping in and dictating the kind of sales contract a landowner must choose.

The legislation I have introduced will provide greater consistency by removing the exclusive "retained economic interest" requirement in the Internal Revenue Code section 631(b). This change has been supported or suggested by a number of groups for tax simplification purposes, including positive comments from Internal Revenue Service officials who have indicated they see no reason for this present law.

The Joint Committee on Taxation has studied this legislation to consider what impact it might have on the Treasury and found that it would have no real cost—only a "negligible impact" according to their analysis.

Reform of 631(b) is important to our Nation's nonindustrial, private landowners because it will improve the economic viability of their forestry investments and protect the taxpayer from unnecessary exposure to risk of loss. This in turn will benefit the entire forest products industry, the U.S. economy, and especially the small landowners.

So I urge my colleagues to join me and Senator PAUL COVERDELL, of Georgia, who is a cosponsor of this legislation, in this effort to simplify the Tax Code and to promote good forestry management.

There is simply no longer any need for this bizarre, complex tax regulation that is driving individual landowners to make choices they would not otherwise make. Choices that cost them money and unnecessarily shift risk in a way that ought to be decided among the parties—the buyer and the seller—and not the Internal Revenue Service.

By Mr. INOUYE (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. CONRAD, Mr. BINGAMAN, Mr. JOHNSON, Mr. DASCHLE, and Mr. AKAKA):

S. 1290. A bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes; to the Committee on Indian Affairs.

AMERICAN INDIAN EDUCATION FOUNDATION

• Mr. INOUYE. Mr. President, I rise today to introduce a bill to establish an American Indian Education Foundation. I am joined by Senators DOMENICI, DORGAN, CONRAD, BINGAMAN, JOHNSON, DASCHLE and AKAKA as sponsors of this measure, because we believe that this foundation will help American Indian and Alaska native students immeasurably in the years to come.

The foundation will be a charitable, non-profit corporation that would be authorized to: (1) encourage, accept, and administer private gifts in support of the bureau of Indian Affairs' (BIA) Office of Indian Education; (2) conduct activities that will further educational opportunities of American Indians and Alaskan natives attending BIA schools; and (3) assist Federal, State, tribal, and individual entities that will further the educational opportunities of American Indians and Alaskan natives attending BIA schools.

Similar foundations, such as the National Park Foundation and the National Fish and Wildlife Foundation have been extremely successful over the past several years. This foundation is modeled after those foundations.

Indian children are the most important resource in native America. And while the bureau's elementary and secondary education facilities and curricula have improved over the past few years, there is still much that can be done to make the learning environment a better place for Indian students.

We want to motivate tribal students to look forward to school every day. We want them to be eager about learning. But realizing these objectives is difficult when students are forced to learn in dilapidated buildings with outdated books and broken-down or no computer equipment. The foundation will be a start in helping to address these problems.

There are many Americans who have asked how they can contribute to the education of Indian students, but currently, there is no formal mechanism that would enable private resources to be dedicated to the support of the bureau schools. The foundation would serve as a means for channeling private resources to provide that much-needed support.

Considerable thought has gone into the composition of the foundation. The board will consist of eleven directors who must be knowledgeable and experienced in American Indian education. The Secretary of the Interior and the Assistant Secretary of Indian Affairs will both serve as ex officio non-voting members.

The foundation would be based in the District of Columbia and will meet at least once annually. The foundation will submit an annual report of its proceedings and activities to the Congress.

Mr. President, we feel that the foundation will provide greatly-needed opportunities to American Indian and Alaskan native students, and would urge our colleagues to support this measure.●

● Mr. DOMENICI. Mr. President, I am pleased to join Senator INOUYE in sponsoring this legislation to establish the American Indian Education Foundation.

Similar foundations exist for national parks and national fish and wildlife purposes. Many Americans leave assets to benefit American Indians, but there is currently no national foundation to encourage this type of giving for the benefit of Indian children in BIA schools.

The American Indian Education Foundation would primarily benefit elementary and secondary American Indian students with books, computers, school supplies, cultural preservation programs, literacy programs, and many other worthwhile activities.

There is already a pool of about $400,000 held by the Office of Indian Education in the Bureau of Indian Affairs (BIA). These personal assets have been donated over the years for Indian students, but there is no legal mechanism to transfer these funds to BIA schools. This legislation would allow the BIA to direct these funds to BIA schools to meet immediate education needs of today's Indian students.

I am proud to encourage this kind of targeted giving, and I am optimistic about its potential. America is a generous nation. As more Americans become aware of the spectrum of needs at BIA schools on Indian reservations, I predict a huge success for this important foundation.

I commend the Administration for developing this legislation, and I thank my friend Senator INOUYE for taking the initiative to move it forward in the Senate.

I urge my colleagues to encourage private gifts to national Indian education purposes by supporting this proposed foundation.●

By Mr. COCHRAN:

S. 1293. A bill to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION ACT

Mr. COCHRAN. Mr. President, today I am pleased to introduce the Congressional Recognition for Excellence in Arts Education Act. The act establishes awards for schools that include the arts in their regular curriculum.

When Congress passed the Improving America's Schools Act in 1994, we found "that the arts are forms of understanding and ways of knowing that are fundamentally important to education." Since then, many professional studies have been published about the relationship of arts education to brain development, student achievement, career potential and other life quality issues.

The 1997 National Assessment of Educational Progress (NAEP) Arts Report Card was the first ever assessment of the effects of specific arts instruction and the level of fine arts skills in American students. The assessment found that music and visual arts were more likely to be taught than theater or dance, but the percentages of students actually in classes and their achievement varied widely. The report card showed that instruction improved competency and literacy; and without it, very few students were able to create or perform at an advanced or adequate level. This report card makes clear that attaining knowledge and skill in the arts is no different from becoming proficient in any school subject. While a few students are gifted, most have to be taught in order to discover and use our abilities. And gifted students also need training and learning opportunities.

The evidence of the positive effects of arts education on overall scholastic achievement is an incentive for students, parents and schools to support serious sequential course work. In 1997, The College Board reported that high school students with four or more years of arts instruction scored over 100 points higher on the Scholastic Aptitude Test than students with no arts instruction. And according to the medical publication, Neurological Research, a California study determined that young children with six months of keyboard instruction performed 34% higher on tests measuring temporal-spatial ability than other children.

Arts activity has been shown to lower the likelihood of delinquent behavior. In 1996, the Department of Justice and the National Endowment for the Arts began a project called YouthARTS, which developed model after-school arts programs for teenagers. The evaluation of programs in Fulton County, Georgia; Portland, Oregon; and San Antonio, Texas found that YouthARTS participants significantly decreased their delinquent behavior, increased their communication skills, and improved their ability to complete tasks. The National Dropout Prevention Center reported that school arts classes and activities encourage attendance and achievement of at-risk high school students.

Programs teaching arts in schools differ widely from state to state, and from district to district within a state. The effectiveness of the programs also varies. The Arts Education Partnership is a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work. It was formed in 1995 through a cooperative agreement between the National Endowment for the Arts, the United States Education Department, the National Assembly of State Arts Agencies, and the Council of Chief State School Officers.

Mr. President, earlier this year, the Arts Education Partnership, with the President's Committee on the Arts and Humanities, released a report titled, Gaining the Arts Advantage: Lessons From School Districts that Value Arts Education. It is a national study of arts education in schools. Thirteen "critical success factors" of district-wide arts education programs were identified. The introduction to the report summarizes the findings this way, "the presence and quality of arts education in public schools today require an exceptional degree of involvement by influential segments of the community which value the arts in the total affairs of the school district: in governance, funding, and program delivery."

The report profiles 91 American school districts with successful arts curriculum programs. I was very pleased to find the Hattiesburg and Starkville, Mississippi school districts featured in the report.

Outside funding and the success of classes in music, drama, dance and visual arts has turned the arts into a priority in the Hattiesburg Public School District budget. Hattiesburg superintendent Dr. Gordon Walker views arts as a school responsibility to ensure that, "all students' lives are enriched and enhanced through academic achievement in the arts."

Starkville's K–12 arts programs include: theater, visual arts, music labs, television and graphic arts. Other features in their arts education plan are a design program that brings university architecture students to an elementary school and an after school program funded by a U.S. Department of Education grant. Joyce Polk, Starkville School District arts coordinator explained that a comprehensive arts education, ". . . improves academic achievement and results in the development of well-rounded students who are able to leave rural Mississippi and compete in prestigious college and university environments." She also attributes arts opportunities in the schools with a higher quality of life for all community members, an understanding between diverse ethnic and cultural groups, a common bond among students, and long term healthy lifestyles. I am proud of these school districts and the example they set for other American school districts.

An example of innovative efforts to support excellence and commitment in arts instruction is the Mississippi Arts Commission's Whole Schools Institute, which began this year. The institute at Millsaps College in Jackson, Mississippi, is a week of professional development in teaching, planning and implementing new curriculum. School teams of over 150 superintendents, principals, teachers, community and business leaders had one-on-one training with nationally renowned arts educators, child and brain development researchers and arts professionals.

By recognizing the importance of arts instruction, I hope that we make arts classes in schools as common as English or math. My bill establishes the Congressional Recognition for Excellence in Arts Education (CREATE) Awards and a board to direct the activities needed to promote it, to encourage arts curriculum, and to determine eligible schools.

Mr. President, vision and excellence can't be mandated, but through legislation, such as the Congressional Recognition for Excellence in Arts Education Act, we can reward it.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Recognition for Excellence in Arts Education Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Arts literacy is a fundamental purpose of schooling for all students.

(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

(4) Arts education improves teaching and learning.

(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

(7) The 1999 study, entitled "Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education", found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful districtwide arts education.

(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups has demonstrated its effectiveness in addressing the purposes described in section 5(a) and the capacity and credibility to administer arts education programs of national significance.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARTS EDUCATION PARTNERSHIP.—The term "Arts Education Partnership" (formerly known as the Goals 2000 Arts Education Partnership) is a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that—

(A) demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work; and

(B) was formed in 1995 through a cooperative agreement among—

(i) the National Endowment for the Arts;

(ii) the Department of Education;

(iii) the National Assembly of State Arts Agencies; and

(iv) the Council of Chief State School Officers.

(2) BOARD.—The term "Board" means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 4.

(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms "elementary school" and "secondary school" mean—

(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

(4) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 4. ESTABLISHMENT OF BOARD.

There is established as an independent establishment of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 5.

SEC. 5. BOARD DUTIES.

(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the "Congressional Recognition for Excellence in Arts Education Awards Program". The purpose of the program shall be to—

(1) celebrate the positive impact and public benefits of the arts;

(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

(5) recognize school administrators and faculty who provide quality arts education to students;

(6) acknowledge schools that provide professional development opportunities for their teachers;

(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

(9) expand accessibility of the arts to schools in every community.

(b) DUTIES.—

(1) SCHOOL AWARDS.—The Board shall—

(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

(ii) shall be reflective of the dignity of Congress;

(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

(i) that the school provides comprehensive, sequential arts learning and integrates the arts throughout the curriculum; and

(ii) 3 of the following:

(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

(II) that the school principal supports the policy of arts education for all students;

(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

(i) three letters of support for the school, of which—

(I) one shall be from the school's Parent Teacher Association (PTA);

(II) one shall be from community leaders, such as elected or appointed officials; and

(III) one shall be from arts organizations or institutions in the community that partner with the school; and

(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

(D) determine appropriate methods for disseminating information about the program and make application forms available to schools, which methods may include—

(i) the Arts Education Partnership web site and publications;

(ii) the Department of Education Community Update newsletter;

(iii) websites and publications of the Arts Education Partnership steering committee members;

(iv) press releases, public service announcements and other media opportunities; and

(v) direct communication by postal mail, or electronic means;

(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

(F) raise funds for the operation of the program;

(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the 1997 National Assessment of Educational Progress arts education achievement levels; and

(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

(2) STUDENT AWARDS.—

(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

(ii) establish criteria for the making of the awards.

(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts in Schools Week or similarly designated day, week or month, if such designation exists.

(e) REPORT.—

(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

(2) CONTENTS.—The annual report shall contain the following:

(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

(C) A description of the programs formulated by the Director under section 7(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

(G) On the basis of the findings described in section 2 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 5(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

SEC. 6. COMPOSITION OF BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—The Board shall consist of 24 members as follows:

(A) Two Members of the Senate appointed by the Majority Leader of the Senate.

(B) Two Members of the Senate appointed by the Minority Leader of the Senate.

(C) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(D) Two Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(E) The Director of the Board, who shall serve as a nonvoting member.

(F) Fifteen members appointed by the Arts Education Partnership steering committee from among representatives of the Arts Education Partnership.

(2) SPECIAL RULE.—In making appointments to the Board, the individuals and entity making the appointments under paragraph (1) shall consider recommendations submitted by any interested party, including any member of the Board.

(3) INTEREST.—

(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 5(a).

(B) DIVERSITY.—Representatives of the Arts Education Partnership appointed to the Board shall represent the diversity of that organization's membership, so that artistic and education professionals are represented in the membership of the Board.

(b) TERMS.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

(1) one Member of the House of Representatives, 1 Member of the Senate, and 3 members of the Arts Education Partnership shall serve for terms of 2 years;

(2) one Member of the House of Representatives, 1 Member of the Senate, and 4 members of the Arts Education Partnership shall serve for terms of 4 years; and

(3) two Members of the House of Representatives, 2 Members of the Senate, and 8 representatives of the Arts Education Partnership shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

(c) VACANCY.—

(1) IN GENERAL.—Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) EXTENSION.—Any appointed member of the Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(e) COMPENSATION.—Members of the Board shall serve without pay but may be compensated for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the Members of Congress serving on the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

(h) COMMITTEES.—

(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this Act. Members of such committees may include the members of the Board or such other qualified individuals as the Board may select.

(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this Act.

SEC. 7. ADMINISTRATION.

(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be nominated by the Arts Education Partnership steering committee and appointed by a majority vote of the Board.

(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

(c) APPLICATION.—Each school or student desiring a grant under this Act shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

SEC. 8. LIMITATIONS.

(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund pursuant to section 10(e), and from sources other than the Federal Government.

(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

(e) REAL OR PERSONAL PROPERTY.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

(f) PROHIBITIONS.—The Board shall have no power—

(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

(2) to issue any share of stock or to declare or pay any dividends; or

(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

SEC. 9. AUDITS.

The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

SEC. 10. TERMINATION.

The Board shall terminate 6 years after the date of enactment of this Act. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

SEC. 11. TRUST FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Congressional Recognition for Excellence in Arts Education Awards Trust Fund". The fund shall consist of amounts appropriated to the fund pursuant to section 12 and amounts credited to the fund under subsection (d).

(b) INVESTMENT OF FUND ASSETS.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the marketplace.

(2) SPECIAL RULE.—The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(e) EXPENDITURES FROM TRUST FUND.—The Secretary of the Treasury is authorized to pay to the Board from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Board to carry out this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Recognition for Excellence in Arts Education Awards Trust Fund established under section 11, $1,000,000 during the period beginning with fiscal year 2001 and ending with fiscal year 2005.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. SANTORUM)):

S. 1296. A bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to designate the Lower Delaware River as a National Wild and Scenic River. I am pleased to be joined by Senators TORRICELLI and SANTORUM in sponsoring this legislation.

Under the Wild and Scenic Rivers Act, designation as a Wild and Scenic River is reserved for free flowing rivers with at least one "outstandingly remarkable" resource value such as exceptional scenery, recreational opportunities, fisheries and wildlife, historic site, or cultural resources. Mr. President, the Lower Delaware River has several "outstandingly remarkable" resources of national significance and will make a fine addition to the National Wild and Scenic River System.

Henry Hudson called the Delaware River "one of the best, finest, and pleasantest rivers of the world." The river begins in the Catskill Mountains and flows south some 300 miles through forested mountains, farmlands, historic towns, suburban and urban communities, industrial complexes and extensive wetlands as it nears the Atlantic Ocean. Although it is one of the largest rivers in the densely populated Northeast, the river retains much of its natural beauty. Woodlands still cover many of the river's islands, the coast's steeply sloping hills and cliffs, and much of its floodplain along both sides of the river. Threatened and endangered species, such as bald eagles and peregrine falcons, are found in forests within the river's watershed and rare fish species like striped bass, shortnose sturgeon and Atlantic sturgeon are found in its waters.

The Lower Delaware is the natural boundary between New Jersey and Pennsylvania and this magnificent part of the river flows through rolling hills, broad valleys, and cliffs carved and shaped by the river's floods. On these cliffs are a startling variety of plant life. Cactus are found on the cliff shelves on the south-facing New Jersey side of the river, while shelves on the north-facing Pennsylvania side support arctic-alpine plants. The Nature Conservancy has identified over forty "critical habitats" along the river corridor.

The Lower Delaware is also rich in cultural history. The river corridor contains 29 national historic districts and eight national historic landmarks. On Christmas Day in 1776, George Washington crossed the Lower Delaware with his rag-tag Continental Army at present-day Washington Crossing State Park, New Jersey, on his way to a victory over the British and their Hessian mercenaries near Trenton, New Jersey. Villages founded at 18th and 19th century crossroads are located on both sides of the Lower Delaware. Historic canals such as the Delaware and Raritan Canal and the Delaware Canal still parallel portions of the river, and their surviving towpaths provide hiking and bicycling opportunities.

The Delaware Valley hosts a population of more than 5 million people and the river is within close proximity to major population centers. This proximity provides recreational opportunities for thousands of individuals who use the Lower Delaware for canoeing, kayaking, tubing, birdwatching and fishing.

In 1978, both the Upper Delaware and the Middle Delaware River portions were designated as Wild and Scenic Rivers. Upon the designation of the Lower Delaware, the entire length of the Delaware River from Trenton north, with the exception of a few short sections, would have national designation as a Wild and Scenic River, while the portion of the river from Trenton south is already included in the National Estuary Program. Designation of the Lower Delaware would make the Delaware River the only river system in the eastern United States to have this distinctive status.

Lastly, Mr. President, I just wanted to note that designation of a river as Wild and Scenic does not mean that private lands will suddenly be open to public access. Nor does it mean that existing uses of private property will be restricted. Designated rivers do receive permanent protection from federally licensed or assisted dams and other water resource projects that would have direct and adverse effects on the river's free-flowing condition or "outstandingly remarkable" resources. A major factor in determining suitability for designation as a Wild and Scenic River is whether or not there is strong support for designation among the localities that border the river. In fact, the Department of the Interior will support designation of a river as Wild and Scenic only if the localities that adjoin the eligible river pass resolutions in support of designation of their individual segments as Wild and Scenic.

Although designation has received overwhelming support from the great majority of the localities along the river, a handful of localities in Pennsylvania and New Jersey did not pass the necessary resolutions supporting the designation of their river segments as Wild and Scenic. Therefore, although the river segments adjoining these townships are eligible for designation in the future, the legislation that I propose would not designate these river segments as Wild and Scenic River segments under the Wild and Scenic Rivers Act.

Organizations that support designation of this part of the Lower Delaware River as Wild and Scenic include: The Heritage Conservancy, American Rivers, the Delaware River Greenway Partnership, Central Bucks Chamber of Commerce, Lehigh Valley Planning Commission, Tinicum Conservancy, Pennsylvania Department of Conservation and Natural Resources, Delaware River Mill Society and the Delaware and Raritan Canal Commission. Many individuals have worked hard to ensure that designation of this portion of the river becomes a reality including William Sharp of the National Park Service, the members of the Lower Delaware River Wild and Scenic Management Committee and the Lower Delaware Advisory Committee including New Jersey residents Richard Albert, Jim Amon, Maya Vanrossum, Thomas Dallessio, Linda Mead, Christian R. Nielson, Tisha Petrushka, Joseph M. Pylka, Chris Robert, William Rockafellow, Jean Shaddow, Robert Stokes, Caroline Armstrong, Ron Tindall, Celeste Tracy, Pamela Vinicombe, Lori Hixon, Kenneth G. Zinis, Dan Longhi, Patricia McIlvaine, and John Brunner.

I invite my colleagues to join me in support of this legislation to recognize the recreational, scenic and cultural resources of national significance that the Lower Delaware River has to offer both to the citizens of New Jersey and the nation.

I ask that a copy of the bill be printed in the RECORD.

The bill follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Delaware Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102-460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System;

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled "Lower Delaware River Management Plan" and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104-208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104-314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamphrey River, New Hampshire, and enacted by Public Law 104-333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104-333; and

(5) by adding at the end the following:

"(160) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—

"(A) SEGMENTS.—The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

"(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles, 16.9 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles, 22.8 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3 miles, 10.1 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9 miles, 3.0 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles, 9.7 kilometers), to be administered by the Secretary of the Interior as a recreational river;

"(vi) Tinicum Creek (approximately 14.7 miles, 23.7 kilometers), to be administered by the Secretary of the Interior as a scenic river;

"(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles, 17.2 kilometers), to be administered by the Secretary of the Interior as a scenic river; and “(viii) Paunacussing Creek in Solebury Township (approximately 3 miles, 4.8 kilometers), to be administered by the Secretary of the Interior as a recreational river.

“(B) ADMINISTRATION.—The segments shall be administered by the Secretary of the Interior as a component of the National Park System.

“(C) MANAGEMENT OF SEGMENTS.—The segments shall be managed—

“(i) in accordance with the river management plan entitled ‘Lower Delaware River Management Plan’ and dated August 1997, (referred to in this paragraph as the ‘management plan’), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

“(ii) in cooperation with appropriate Federal, State, regional, and local agencies, including—

“(I) the New Jersey Department of Environmental Protection;

“(II) the Pennsylvania Department of Conservation and Natural Resources;

“(III) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

“(IV) the Delaware and Raritan Canal Commission; and

“(V) the Delaware River Greenway Partnership.

“(D) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection (d).

“(E) FEDERAL ROLE.—

“(i) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the national wild and scenic rivers system, the Secretary shall consider the extent to which the project is consistent with the management plan.

“(ii) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) relating to any of the segments shall—

“(I) be consistent with the management plan; and

“(II) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

“(iii) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

“(F) LAND MANAGEMENT.—

“(i) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the segments.

“(ii) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c).

“(G) ADDITIONAL SEGMENTS.—

“(i) IN GENERAL.—In this subparagraph, the term ‘additional segment’ means—

“(I) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles, 14.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(II) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles, 5.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(III) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles, 3.2 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(IV) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, 15.2 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(V) Paulinskill River in Knowlton Township (approximately 2.4 miles, 3.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river; and

“(VI) Cook's Creek (approximately 3.5 miles, 5.6 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a scenic river.

“(ii) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

“(iii) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

“(I) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

“(II) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, under this Act.

“(iv) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.”.●

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 386

At the request of Mr. GORTON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 391

At the request of Mr. KERREY, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. BIDEN), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 593

At the request of Mr. COVERDELL, the names of the Senator from Missouri (Mr. BOND) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 635

At the request of Mr. MACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 636

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title

I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 768

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 768, a bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 791

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 820

At the request of Mr. CHAFEE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 847

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 847, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 914

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

S. 984

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 984, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for electricity produced from certain renewable resources.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1091

At the request of Mr. DEWINE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1091, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 1128

At the request of Mr. KYL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1132

At the request of Mr. BREAUX, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction.

S. 1165

At the request of Mr. MACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1165, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1207

At the request of Mr. KOHL, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1207, a bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax.

S. 1209

At the request of Mr. MURKOWSKI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1209, a bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes.

S. 1229

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1229, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a foreign pesticide for distribution and use within that State.

S. 1255

At the request of Mr. ABRAHAM, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1255, a bill to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

S. 1262

At the request of Mr. REED, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1276

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1276, a bill to prohibit employment discrimination on the basis of sexual orientation.

SENATE JOINT RESOLUTION 27

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Joint Resolution 27, a joint resolution disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 95, a resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

AMENDMENTS SUBMITTED DURING THE ADJOURNMENT

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FY 2000

BOND AMENDMENTS NOS. 1038–1039

(Ordered to lie on the table.)

Mr. BOND submitted, under authority of the order of the Senate of June 24, 1999, two amendments intended to be proposed by him to the bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

AMENDMENT NO. 1038

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . CONTRACTS FOR PROCUREMENT OF FOOD AID COMMODITIES.—None of the funds made available by this Act may be used to award, through the HUBZone program established by section 31 of the Small Business Act (15 U.S.C. 657a), including the price evaluation preference authorized by such program in cases of contract awards through full and open competition, contracts for the procurement or processing of commodities furnished under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), or the Food for Progress Act of 1985 (7 U.S.C. 1736o) if more than 50 percent of the dollar value of the contracts are awarded to any single vendor.

AMENDMENT NO. 1039

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . CONTRACTS FOR PROCUREMENT OF FOOD AID COMMODITIES.—None of the funds made available by this Act may be used to award, through the HUBZone program established by section 31 of the Small Business Act (15. U.S.C. 657a), including the price evaluation preference authorized by such program in cases of contract awards through full and open competition, contracts for the procurement or processing of commodities furnished under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), or the Food for Progress Act of 1985 (7 U.S.C. 1736o) if more than 50 percent of the dollar value of the contracts are awarded to any single vendor.

BURNS AMENDMENT NO. 1040

(Ordered to lie on the table.)

Mr. BURNS submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill, S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . PLANTING OF DRY EDIBLE BEANS AND GARBANZO BEANS ON CONTRACT ACREAGE.—Section 118(b)(1) of the Agricultural Market Transition Act (7 U.S.C. 7218(b)(1)) is amended by striking "and dry peas" and inserting "dry peas, dry edible beans, and garbanzo beans".

LINCOLN AMENDMENT NO. 1041

(Ordered to lie on the table.)

Mrs. LINCOLN submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by her to the bill, S. 1233, supra; as follows:

SEC. . Section 889 of the Federal Agriculture Improvement and Reform Act of 1996 is amended—

(1) in the heading, by inserting "HARRY K. DUPREE" before "STUTTGART"; (2) in subsection (b)(1)—

(A) in the heading,by inserting "HARRY K. DUPREE" before "STUTTGART"; and

(B) in subparagraphs (A) and (B), by inserting "Harry K. Dupree" before "Stuttgart National Aquaculture Research Center" each place it appears.

SMITH AMENDMENT NO. 1042

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted, under authority of the order of the senate of June 24, 1999, an amendment intended to be proposed by him to the bill, S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . CRANBERRY MARKETING ORDERS.—(a) PAID ADVERTISING FOR CRANBERRIES AND CRANBERRY PRODUCTS.—Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first proviso—

(1) by striking "or Florida grown strawberries" and inserting ", Florida grown strawberries, or cranberries"; and

(2) by striking "and Florida Indian River grapefruit" and inserting "Florida Indian River grapefruit, and cranberries".

(b) COLLECTION OF CRANBERRY INVENTORY DATA.—Section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(3) COLLECTION OF CRANBERRY INVENTORY DATA.—

"(A) IN GENERAL.—If an order is in effect with respect to cranberries, the Secretary of Agriculture may require persons engaged in the handling or importation of cranberries or cranberry products (including producer-handlers, second handlers, processors, brokers, and importers) to provide such information as the Secretary considers necessary to effectuate the declared policy of this title, including information on acquisitions, inventories, and dispositions of cranberries and cranberry products.

"(B) DELEGATION TO COMMITTEE.—The Secretary may delegate the authority to carry out subparagraph (A) to any committee that is responsible for administering an order covering cranberries.

"(C) CONFIDENTIALITY.—Paragraph (2) shall apply to information provided under this paragraph.

"(D) VIOLATIONS.—Any person that violates this paragraph shall be subject to the penalties provided under section 8c(14).".

ROBERTS AMENDMENTS NOS. 1043–1045

(Ordered to lie on the table.)

Mr. ROBERTS submitted, under authority of the order of the Senate of June 24, 1999, three amendments intended to be proposed by him to the bill, S. 1233, supra; as follows:

AMENDMENT NO. 1043

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . PROHIBITED ACTIVITIES ON CRP ACREAGE.—None of the funds made available by this or any other Act shall be used to implement Notice CRP–327, issued by the Farm Service Agency on October 26, 1998.

AMENDMENT NO. 1044

On page 76, between lines 6 and 7, insert the following:

SEC. . CONTINUOUS SIGNUP AND OTHER PROCEDURES FOR CRP.—None of the funds made available by this Act shall be used to implement Notice CRP–338, issued by the Farm Service Agency on March 10, 1999.

AMENDMENT NO. 1045

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . CRP CROSS-COMPLIANCE WITH CERTAIN CONSERVATION REQUIREMENTS.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (9), by adding "and" after the semicolon at the end;

(2) in paragraph (10), by striking "; and" and inserting a period;"; and

(3) by striking paragraph (11).

REID AMENDMENT NO. 1046

(Ordered to lie on the table.)

Mr. REID submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

On page 13, line 16, strike the figure "$119,300,000" and insert in lieu thereof the figure "$118,800,000" and on page 13, line 13, strike the figure "$54,276,000" and insert in lieu thereof the figure "$54,776,000".

LEVIN AMENDMENT NO. 1047

(Ordered to lie on the table.)

Mr. LEVIN submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

On page 13, line 13, strike "$54,276,000" and insert "$55,166,000".

On page 13, line 14, before the semicolon, insert the following: ", of which not less than $445,000 shall be used to make a special grant to the State of Michigan to carry out sustainable agriculture research, and of which not less than $445,000 shall be used to make a special grant to the State of Michigan to carry out a research program on improved fruit practices".

On page 13, line 16, strike "$119,300,000" and insert "$118,410,000".

HARKIN AMENDMENT NO. 1048

(Ordered to lie on the table.)

Mr. HARKIN submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

Sec. 7___. Emergency and Market Loss Assistance.—(a) Additional Crop Loss Assistance.—

(1) In general.—In addition to amounts that have been made available to carry out section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277) under other law, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall use not more than $430,000,000 of funds of the Commodity Credit Corporation to provide crop loss assistance in accordance with that section in a manner that, to the maximum extent practicable—

(A) fully compensates agricultural producers for crop losses in accordance with that section (including regulations promulgated to carry out that section); and

(B) provides equitable treatment under that section for agricultural producers described in subsections (b) and (c) of that section.

(2) Citrus crop losses.—Notwithstanding any other provision of law (including regulations), for the purposes of section 1102 of that Act, a loss of a citrus crop caused by a disaster in 1998 shall be considered to be a loss of the 1998 crop of the citrus crop, without regard to the time of harvest.

(b) Market Loss Assistance.—

(1) In general.—Except as provided in paragraphs (4) and (5), the Secretary shall use not more than $4,145,000,000 of funds of the Commodity Credit Corporation to provide assistance to owners and producers on a farm that are eligible for payments for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) to partially compensate the owners and producers for the loss of markets for the 1999 crop of a commodity.

(2) Amount.—Except as provided in paragraphs (4) and (5), the amount of assistance made available to owners and producers on a farm under this subsection shall be proportionate to the amount of the contract payment received by the owners and producers for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

(3) Time for payment.—The assistance made available under this subsection for an eligible owner or producer shall be provided as soon as practicable after the date of enactment of this Act.

(4) Dairy producers.—

(A) In general.—Of the total amount made available under paragraph (1), $200,000,000 shall be available to provide assistance to dairy producers in a manner determined by the Secretary.

(B) Federal milk marketing orders.—Payments made under this subsection shall not affect any decision with respect to rulemaking activities under section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253).

(5) Peanuts.—

(A) In general.—Of the total amount made available under paragraph (1), the Secretary shall use not to exceed $45,000,000 to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for the loss of markets for the 1998 crop of peanuts.

(B) Amount.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under subparagraph (A) shall be equal to the product obtained by multiplying—

(i) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271); by

(ii) an amount equal to 5 percent of the loan rate established for quota peanuts or additional peanuts, respectively, under section 155 of that Act.

(c) Funds for Strengthening Markets, Income, and Supply (Section 32).—For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), there is appropriated, out any money in the Treasury not otherwise appropriated, $355,000,000.

(d) Emergency Livestock Feed Assistance.—For an additional amount to provide emergency livestock feed assistance in accordance with section 1103 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), there is appropriated, out of any money in the Treasury not otherwise appropriated, $180,000,000.

(e) Oilseed Purchases and Donations.—

(1) In general.—Notwithstanding any other provision of law, the Secretary shall use not less than $1,000,000,000 of funds of the Commodity Credit Corporation for the purchase and distribution of oilseeds, vegetable oil, and oilseed meal under applicable food aid authorities, including—

(A) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b));

(B) the Food for Progress Act of 1985 (7 U.S.C. 1736o); and

(C) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

(2) Least developed countries.—Not less than 40 percent of the commodities distributed pursuant to this subsection shall be made available to least developed countries, as determined by the Secretary.

(3) Local currencies.—To the maximum extent practicable, local currencies generated from the sale of commodities under this subsection shall be used for development purposes that foster United States agricultural exports.

(f) Upland Cotton Price Competitiveness.—

(1) In general.—Section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(A) in paragraph (1), by inserting "(in the case of each of the 1999–2000 and 2000–2001 marketing years for upland cotton, at the option of the recipient)" after "or cash payments";

(B) by inserting "(or, in the case of each of the 1999–2000 and 2000–2001 marketing years for upland cotton, 1.25 cents per pound)" after "3 cents per pound" each place it appears;

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

"(A) Redemption, marketing, or exchange.—

"(i) In general.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates for—

"(I) except as provided in subclause (II), agricultural commodities owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates; or

"(II) in the case of each of the 1999–2000 and 2000–2001 marketing years for upland cotton, agricultural commodities owned by the Commodity Credit Corporation or pledged to the Commodity Credit Corporation as collateral for a loan in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness and marketability of United States cotton.

"(ii) Price restrictions.—Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this subparagraph."; and

(D) in paragraph (4), by inserting before the period at the end the following: ", except that this paragraph shall not apply to each of fiscal years 2000 and 2001".

(2) Ensuring the availability of upland cotton.—Section 136(b) of the Agricultural Market Transition Act (7 U.S.C. 7236(b)) is amended—

(A) in paragraph (1), by striking "The" and inserting "Except as provided in paragraph (7), the"; and

(B) by adding at the end the following:

"(7) 1999–2000 and 2000–2001 marketing years.—

"(A) In general.—In the case of each of the 1999–2000 and 2000–2001 marketing years for upland cotton, the President shall carry out an import quota program as provided in this paragraph.

"(B) Program requirements.—Except as provided in subparagraph (C), whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

"(C) TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

"(D) SEASON-ENDING UNITED STATES STOCKS-TO-USE RATIO.—For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States upland cotton stocks-to-use ratio, excluding projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.

"(E) LIMITATION.—The quantity of cotton entered into the United States during any marketing year described in subparagraph (A) under the special import quota established under this paragraph may not exceed the equivalent of 5 weeks' consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.".

(3) REMOVAL OF SUSPENSION OF MARKETING CERTIFICATE AUTHORITY.—Section 171(b)(1)(G) of the Agricultural Market Transition Act (7 U.S.C. 7301(b)(1)(G)) is amended by inserting before the period at the end the following: ", except that this subparagraph shall not apply to each of the 1999–2000 and 2000–2001 marketing years for upland cotton".

(4) REDEMPTION OF MARKETING CERTIFICATES.—Section 115 of the Agricultural Act of 1949 (7 U.S.C. 1445k) is amended—

(A) in subsection (a)—

(i) by striking "rice (other than negotiable marketing certificates for upland cotton or rice)" and inserting "rice, including the issuance of negotiable marketing certificates for upland cotton or rice";

(ii) in paragraph (1), by striking "and" at the end;

(iii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(3) redeem negotiable marketing certificates for cash under such terms and conditions as are established by the Secretary."; and

(B) in the second sentence of subsection (c), by striking "export enhancement program or the marketing promotion program established under the Agricultural Trade Act of 1978" and inserting "market access program or the export enhancement program established under sections 203 and 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623, 5651)".

(g) FARM SERVICE AGENCY.—For an additional amount for the Farm Service Agency, to be used at the discretion of the Secretary, for salaries and expenses of the Farm Service Agency or for direct or guaranteed farm ownership, operating, or emergency loans under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), there is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000.

(h) STATE MEDIATION GRANTS.—For an additional amount for grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(b)), there is appropriated, out of any money in the Treasury not otherwise appropriated, $2,000,000.

(i) RURAL ECONOMIC ASSISTANCE.—For an additional amount for rural economic assistance, there is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000: *Provided*, That such funds shall be administered in accordance with the provisions of section 793 of P.L. 104–127; *Provided further*, That the highest priority in the use of such funds shall be for the most economically disadvantaged rural communities.

(j) EMERGENCY REQUIREMENT.—The entire amount necessary to carry out this section and the amendments made by this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(k) AVAILABILITY.—The amount necessary to carry out this section and the amendments made by this section shall be available in fiscal years 1999 and 2000.

COVERDELL AMENDMENT NO. 1049

(Ordered to lie on the table.)

Mr. COVERDELL submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . LAKE OCONEE LAND EXCHANGE.—(a) DEFINITIONS.—In this section:

(1) DESCRIPTION OF THE BOUNDARY.—The term "description of the boundary" means the documents entitled "Description of the Boundary" dated September 6, 1996, prepared by the Forest Service and on file with the Secretary.

(2) EXCHANGE AGREEMENT.—The term "exchange agreement" means the agreement between Georgia Power Company and the Forest Service dated December 26, 1996, as amended on August 17, 1998, on file with the Secretary.

(3) GEORGIA POWER COMPANY.—The term "Georgia Power Company" means Georgia Power Company, a division of the Southern Company, a Georgia corporation, or its successors or assigns.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Simultaneously with conveyance by Georgia Power Company to the Secretary of all right, title, and interest in and to the land described in paragraph (2), the Secretary shall—

(A) convey to Georgia Power Company all right, title, and interest in and to the land described in paragraph (3), except as provided in the exchange agreement; and

(B) make a value equalization payment of $23,250 to Georgia Power Company.

(2) LAND TO BE CONVEYED TO THE SECRETARY.—The land described in this paragraph is the land within or near the Chattahoochee National Forest and Oconee National Forest in the State of Georgia, comprising approximately 1,175.46 acres, described in the exchange agreement and the description of the boundary.

(3) LAND TO BE CONVEYED TO GEORGIA POWER COMPANY.—The land described in this paragraph is the land in the State of Georgia, comprising approximately 1,275.80 acres, described in the exchange agreement and the description of the boundary.

(c) PARTIAL REVOCATION OF WITHDRAWALS.—

(1) IN GENERAL.—The orders issued by the Federal Energy Regulatory Commission under section 24 of the Federal Power Act (16 U.S.C. 818), authorizing Power Project Numbers 2413 and 2354, issued August 6, 1969, and October 1, 1996, respectively, are revoked insofar as the orders affect the land described in subsection (b)(3).

(2) NO ANNUAL CHARGE.—No interest conveyed to Georgia Power Company or easement right retained by Georgia Power Company under this section shall be subject to an annual charge for the purpose of compensating the United States for the use of its land for power purposes.

LEAHY AMENDMENT NO. 1050

(Ordered to lie on the table.)

Mr. LEAHY submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

Insert under General Provisions, the following:

"OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

"The Secretary may transfer funds from salary and expense accounts within the Department as provided in this Act for activities pursuant to section 2501 of title XXV of the Food, Agriculture, Conservation, and Trade Act of 1990."

KERREY AMENDMENTS NOS. 1051-1054

(Ordered to lie on the table.)

Mr. KERREY submitted, under authority of the order of the Senate of June 24, 1999, four amendments intended to be proposed by him to the bill S. 1233, supra; as follows:

AMENDMENT NO. 1051

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . REGULATORY AUTHORITY OVER PACKERS AND STOCKYARDS.—(a) IN GENERAL.—Notwithstading any other provision of law, the Attorney General shall carry out and exercise regulatory authority over the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(b) FUNDING.—The Secretary of Agriculture shall transfer to the Attorney General unobligated amounts that have been made available to carry out the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(c) CONFORMING AMENDMENTS.—

(1) Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (11) as paragraphs (2) through (10), respectively.

(2) Section 203(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 193(b)), is amended in the last sentence by striking "pay such penalty" and all that follows through "may recover" and inserting "pay the penalty, the Attorney General may recover".

(3) Section 204(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 194(a)), is amended by striking "Secretary's order" and inserting "order of the Attorney General".

(4) Section 312(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 213(b)), is amended in the last sentence by striking "pay such penalty" and all that follows through "may recover" and inserting "pay the penalty, the Attorney General may recover".

(5) Section 315 of the Packers and Stockyards Act, 1921 (7 U.S.C. 216), is amended in the first sentence by striking "the Secretary, or any party injured thereby," and inserting "any party injured thereby,".

(6) Section 404 of the Packers and Stockyards Act, 1921 (7 U.S.C. 224), is amended by striking "The Secretary may report any violation of this Act to the Attorney General of the United States, who" and inserting "In the case of any violation of this Act, the Attorney General".

(7) Sections 406 and 407(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 227, 228(c)), are amended by striking "Secretary of Agriculture" each place it appears and inserting "Attorney General".

(8) Section 408 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228a), is amended—

(A) in the first sentence, by striking "Secretary's order, the Secretary may notify the Attorney General, who" and inserting "Attorney General's order, the Attorney General"; and

(B) in the second sentence, by striking "Secretary of Agriculture may, with the approval of the Attorney General," and inserting "Attorney General may".

(9) Section 411(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228b–2(b)), is amended in the last sentence by striking "pay such penalty" and all that follows through "may recover" and inserting "pay the penalty, the Attorney General may recover".

(10) Section 412(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228b–3(a)), is amended by striking "Secretary's order" and inserting "order of the Attorney General".

(11) Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), is amended by striking "Secretary of Agriculture" each place it appears and inserting "Attorney General".

(12) The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by striking "Secretary" each place it appears and inserting "Attorney General".

(13) Section 285(c)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7005(c)(1)) is amended by striking "grain inspection, and packers and stockyards" and inserting "and grain inspection".

AMENDMENT NO. 1052

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . SUPPLIER CREDITS.—Section 202(a)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(a)(2)) is amended by striking "180 days" and inserting "1 year".

AMENDMENT NO. 1053

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . PAYMENT OF TRANSPORTATION COSTS.—Section 406(b)(6) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(b)(6)) is amended by striking "in the case of commodities for urgent and extraordinary relief requirements (including pre-positioned commodities)".

AMENDMENT NO. 1054

On page 36 of S. 1233, line 3 after the word "systems:" insert the following:

"*Provided further*, That of the total amount appropriated, not to exceed $1,500,000 shall be available to the Grassroots project."

DASCHLE AMENDMENTS NOS. 1055–1059

(Ordered to lie on the table.)

Mr. DASCHLE submitted, under authority of the order of the Senate of June 24, 1999, five amendments intended to be proposed by him to the bill, S. 1233, supra; as follows:

AMENDMENT NO. 1055

On page 6, line 23 strike "3,000,000" and insert in lieu thereof, "$4,499,000".

On page 17, line 9 strike "$35,541,000" and insert in lieu thereof, "$39,499,000".

On page 17, line 13 strike "payments" and insert in lieu thereof the following: "payments for the crops at risk from FQPA implementation program, $1,000,000; payments for the FQPA risk mitigation program systems, $2,958,000; payments".

On page 22, line 26 strike "$24,287,000" and insert in lieu thereof, "$25,499,000".

On page 25, line 16 strike "$2,000,000" and insert in lieu thereof, "2,499,000".

On page 67, line 6 strike "$50,000,000" and insert in lieu thereof, "$30,000,000".

AMENDMENT NO. 1056

On page 25, line 16 strike "$2,000,000" and insert in lieu thereof, "2,499,000".

On page 67, line 6 strike "$50,000,000" and insert in lieu thereof, "$49,999,400".

AMENDMENT NO. 1057

On page 22, line 26 strike "$24,287,000" and insert in lieu thereof, "$25,499,000".

On page 67, line 6 strike "$50,000,000 and insert in lieu thereof, "$40,000,000".

AMENDMENT NO. 1058

On page 6, line 23 strike "3,000,000" and insert in lieu thereof, "$4,499,000".

On page 67, line 6 strike "$50,000,000" and insert in lieu thereof, "$40,000,000".

AMENDMENT NO. 1059

On page 17, line 13 strike "payments" and insert in lieu thereof the following: "payments for the crops at risk from FQPA implementation program, $1,000,000; payments for the FQPA risk mitigation program systems, $2,958,000; payments".

On page 67, line 6 strike "$50,000,000" and insert in lieu thereof, "$47,041,999".

THOMAS (AND OTHERS) AMENDMENT NO. 1060

(Ordered to lie on the table.)

Mr. THOMAS (for himself, Mr. BURNS, Mr. ALLARD, Mr. ROBERTS, Mr. ENZI, Mr. CRAIG, Mr. HAGEL, and Mr. DASCHLE) submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by them to the bill S. 1233, supra; as follows:

On page 14, line 22, before the period at the end, insert the following: ", of which not less than $250,000 shall be provided to carry out programs and activities of the Livestock Marketing Information Center in Lakewood, Colorado".

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . PILOT PROGRAMS.—(a) DOMESTIC MARKET REPORTING PILOT PROGRAM.—Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a) is repealed.

(b) EXPORT MARKET REPORTING PILOT INVESTIGATION.—Section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 1990 (7 U.S.C. 1421 note; Public Law 105–277) is repealed.

(c) MARKET ANALYSIS PROGRAMS.—The Secretary of Agriculture, acting through the Cooperative States Research Education and Extension Service, shall use any unobligated funds for fiscal year 1999 that are made available as the result of the amendments made by this section to carry out market analysis programs at the Livestock Marketing Information Center in Lakewood, Colorado.

JEFFORDS AMENDMENT NO. 1061

(Ordered to lie on the table.)

Mr. JEFFORDS submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . DAIRY COMPACTS; FEDERAL MILK MARKETING ORDERS.—(a) NORTHEAST INTERSTATE DAIRY COMPACT.—Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking "Massachusetts, New Hampshire," and inserting "Maryland, Massachusetts, New Hampshire, New Jersey, New York,";

(2) by striking paragraphs (1) and (7);

(3) in paragraph (3), by striking "concurrent" and all that follows through "section 143" and inserting "on December 31, 2002";

(4) in paragraph (4), by striking "Delaware, New Jersey, New York, Pennsylvania, Maryland, and Virginia" and inserting "Delaware, Ohio, and Pennsylvania";

(5) in paragraph (5), by striking "the projected rate of increase" and all that follows through "Secretary" and inserting "the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code";

(6) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(7) by adding at the end the following:

"(6) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Secretary for the cost of any milk and milk products provided under the special milk program authorized under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.".

(b) SOUTHERN DAIRY COMPACT.—

(1) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among

the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia as specified in section 201(b) of Senate Joint Resolution 22 of the 106th Congress, as placed on the calendar of the Senate, subject to the following conditions:

(A) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class III–A milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (referred to in this subsection as a "Federal milk marketing order") unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(B) DURATION.—Consent for the Southern Dairy Compact shall terminate on December 31, 2002.

(C) ADDITIONAL STATES.—The States of Florida, Georgia, Missouri, Oklahoma, Kansas, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(D) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary of Agriculture (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(E) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Secretary of Agriculture for the cost of any milk and milk products provided under the special milk program authorized under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(F) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(2) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this subsection is reserved.

(c) FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253) is amended by adding at the end the following:

"(e) FLUID OR CLASS I MILK.—In implementing the final decision for the consolidation and reform of Federal milk marketing orders under this section (including the decision of the Secretary published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16026)) (referred to in this section as the 'final decision'), effective beginning on the earlier of the date of enactment of this subsection or October 1, 1999, the Secretary shall implement, as the method for pricing fluid or Class I milk under the orders, the Class I price structure identified as Option 1A in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4975-5020) (as amended on February 25, 1998 (63 Fed. Reg. 9686)).

"(f) CLASS II, III, AND III–A MILK.—

"(1) IN GENERAL.—In implementing the final decision, during the period beginning on the date of enactment of this subsection and ending on the date on which the actions required by paragraph (2) are complete, the Secretary shall implement, as the method for pricing milk classified as Class II, III, or III–A milk under the orders, the pricing published in the Federal Register for—

"(A) Class III–A milk on October 29, 1993 (58 Fed. Reg. 58112);

"(B) Class II milk on December 14, 1994 (59 Fed. Reg. 64524);

"(C) Class II, III, and III–A milk on February 7, 1995 (60 Fed. Reg. 7290); and

"(D) Class III milk on June 4, 1997 (62 Fed. Reg. 30564);

rather than the prices included as part of the final decision.

"(2) FORMAL RULEMAKING.—

"(A) IN GENERAL.—Not later than 60 days after a referendum is conducted to approve a consolidated order under this section, the Secretary shall conduct rulemaking, on the record after opportunity for an agency hearing, on proposed formulae for determining prices for Classes II, III, and III–A milk in accordance with the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(B) RECOMMENDED AND FINAL DECISIONS.—The Secretary shall issue—

"(i) a recommended decision on a formula described in subparagraph (A) not later than 120 days after the close of the hearing; and

"(ii) a final decision on the formula not later than 120 days after the issuance of the recommended decision.

"(3) LIMITATION.—No pricing under this section shall result in any significant reduction of the percentage that the minimum price of milk for a given class represents (on the date of enactment of this subsection) of the value of the finished product used in establishing the minimum prices.

"(4) COMPULSORY REPORTING OF PRICES AND COSTS.—If the Secretary bases any price under this subsection on a survey of prices at which commodities are sold or the costs of plants used to purchase and produce the commodities, the Secretary may, by rule, require all plants purchasing milk, regardless of whether the milk is subject to Federal milk marketing orders, to report such data as are necessary to conduct an accurate survey of those prices and costs.

"(g) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall—

"(A) revise the final decision to reflect and comply with the requirements of subsections (e) and (f); and

"(B) issue proposed consolidated orders under this section.

"(2) REFERENDA.—As soon as practicable after revising the final decision and issuing a proposed consolidated order, the Secretary shall conduct a referendum among affected producers to determine whether the producers approve each consolidated order.".

(2) CONFORMING AMENDMENTS.—Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–30), is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(C) in subsection (a) (as so redesignated)—

(i) by striking "subsection (a)(2) of such section" and inserting "section 143(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)(2))"; and

(ii) by striking "final rule referred to in subsection (a)" and by inserting "final rule to implement the amendments to Federal milk marketing orders required by section 143(a)(1) of that Act".

(d) EFFECTIVE DATE.—The section and the amendments made by this section take effect on the earlier of—

(1) the date of enactment of this section; or

(2) October 1, 1999.

JOHNSON (AND OTHERS) AMENDMENT NO. 1062

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. ENZI, Mr. THOMAS, and Mr. CONRAD) submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by them to the bill S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.—(a) DEFINITIONS.—Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

"(w) BEEF.—The term 'beef' means meat produced from cattle (including veal).

"(x) IMPORTED BEEF.—The term 'imported beef' means beef that is not United States beef, whether or not the beef is graded with a quality grade issued by the Secretary.

"(y) IMPORTED LAMB.—The term 'imported lamb' means lamb that is not United States lamb, whether or not the lamb is graded with a quality grade issued by the Secretary.

"(z) IMPORTED PORK.—The term 'imported pork' means pork that is not United States pork.

"(aa) LAMB.—The term 'lamb' means meat, other than mutton, produced from sheep.

"(bb) PORK.—The term 'pork' means meat produced from hogs.

"(cc) UNITED STATES BEEF.—

"(1) IN GENERAL.—The term 'United States beef' means beef produced from cattle slaughtered in the United States.

"(2) EXCLUSION.—The term 'United States beef' does not include beef produced from cattle imported into the United States in sealed trucks for slaughter.

"(dd) UNITED STATES LAMB.—

"(1) IN GENERAL.—The term 'United States lamb' means lamb produced from sheep slaughtered in the United States.

"(2) EXCLUSION.—The term 'United States lamb' does not include lamb produced from sheep imported into the United States in sealed trucks for slaughter.

"(ee) UNITED STATES PORK.—

"(1) IN GENERAL.—The term 'United States pork' means pork produced from hogs slaughtered in the United States.

"(2) EXCLUSION.—The term 'United States pork' does not include pork produced from hogs imported into the United States in sealed trucks for slaughter.".

(b) MISBRANDING.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) in paragraph (11), by striking "or" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(13)(A) if it is imported beef, imported lamb, or imported pork offered for retail sale as muscle cuts of beef, lamb, or pork and does not bear a label that identifies its country of origin;

"(B) if it is United States beef, United States lamb, or United States pork offered for retail sale as muscle cuts of beef, lamb, or pork, and does not bear a label that identifies its country of origin; or

"(C) if it is United States or imported ground beef, ground lamb, or ground pork and is not accompanied by labeling that identifies it as United States beef, United States lamb, United States pork, imported beef, imported lamb, imported pork, or other designation that identifies the content of United States beef, imported beef, United States lamb, imported lamb, United States pork, and imported pork contained in the product, as determined by the Secretary.".

(c) LABELING.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

"(g) MANDATORY LABELING.—The Secretary shall provide by regulation that the following offered for retail sale bear a label that identifies its country of origin:

"(1) Muscle cuts of United States beef, United States lamb, United States pork, imported beef, imported lamb, and imported pork.

"(2) Ground beef, ground lamb, and ground pork.

"(h) AUDIT VERIFICATION SYSTEM FOR UNITED STATES AND IMPORTED MUSCLE CUTS OF BEEF, LAMB, AND PORK AND GROUND BEEF, LAMB, AND PORK.—The Secretary may require by regulation that any person that prepares, stores, handles, or distributes muscle cuts of United States beef, imported beef, United States lamb, imported lamb, United States pork, imported pork, ground beef, ground lamb, or ground pork for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with the regulations promulgated under subsection (g).".

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to carry out the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section take effect 60 days after the date on which final regulations are promulgated under subsection (e).

GRAHAM (AND MACK) AMENDMENT NO. 1063

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. MACK) submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by them to the bill, S. 1233, supra; as follows:

On page 18, line 12, strike "$437,445,000" and insert "$439,445,000";

On page 18, line 19, after the colon, insert the following: "*Provided further*, That, of the amounts made available under this heading, not less than $24,970,000 shall be used for fruit fly exclusion and detection (including at least $6,000,000 for fruit fly exclusion and detection in the state of Florida);

On page 20, line 16, strike "$7,200,000" and insert "$5,200,000".

HUTCHISON AMENDMENT NO. 1064

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by her to the bill, S. 1233, supra; as follows:

At the appropriate place in the bill, add the following new section:

TITLE I—SHORT TITLE

Agriculture Trade Fairness and Enforcement Act of 1999.

TITLE II—COMPREHENSIVE STRATEGY FOR THE ELIMINATION OF MARKET-DISTORTING PRACTICES AFFECTING THE AGRICULTURE INDUSTRY

SECTION 1. DEFINITIONS.

In this Act:

(1) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(2) COMPREHENSIVE STRATEGY.—The term "comprehensive strategy" means the comprehensive strategy for the elimination of market-distorting practices described in section 101(c) and includes the findings that led to the development of the strategy.

SEC. 2. DIRECTIVE TO THE TRADE REPRESENTATIVE.

(a) INITIATION OF INVESTIGATION.—Not later than 45 days after the date of enactment of this Act, the Trade Representative shall initiate an investigation under section 302(b) of the Trade Act of 1974 of market-distorting practices of foreign governments that have insulated foreign agriculture producers from competitive pressures and have contributed to the investment in, and development of, agriculture on terms inconsistent with competitive market conditions. The provisions of sections 302(b)(1)(B), 303, and 304 of the Trade Act of 1974 shall not apply to the investigation conducted pursuant to this subsection.

(b) IDENTIFICATION OF PRIORITY FOREIGN MARKET-DISTORTING PRACTICES.—

(1) IN GENERAL.—In the course of the investigation described in subsection (a), the Trade Representative shall identify the priority foreign market-distorting practices that have the greatest impact on the United States agriculture industry as targets for further action under subsection (d).

(2) ANNUAL IDENTIFICATION.—The Trade Representative shall annually update and publish in the Federal Register a list of the priority foreign market-distorting practices that have the greatest impact on the United States agriculture industry as targets for further action under title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) or any other provision of law.

(3) INITIATION OF INVESTIGATION.—

(A) IN GENERAL.—By no later than the date that is 30 days after the date on which a practice is identified under paragraph (2), initiate an investigation under section 302(b) of the Trade Act of 1974 with respect to such practice if—

(i) at that time the practice is not the subject of any other investigation or action under this title or under title III of the Trade Act of 1974; and

(ii) the foreign government, with respect to which a priority foreign market-distorting practice has been identified, fails to take steps to eliminate the practice.

(B) EXCEPTION.—The Trade Representative shall not be required to initiate an investigation under subparagraph (A) with respect to any practice of a foreign country if the Trade Representative determines that the initiation of the investigation would be detrimental to the economic interest of the United States and so certifies to Congress.

(c) COMPREHENSIVE STRATEGY.—

(1) IN GENERAL.—The Trade Representative shall, as a result of the investigation required under subsection (a)—

(A) develop a comprehensive strategy for the elimination of the market-distorting practices identified under subsection (b)(1); and

(B) not later than 6 months after the date of enactment of this Act, submit to the President the comprehensive strategy including the findings that led to the development of the strategy.

(2) FACTORS TO BE CONSIDERED.—In developing the comprehensive strategy under this subsection, the Trade Representative shall consider all relevant factors, including—

(A) the market-distorting practices described in subsection (a);

(B) the impact of foreign market-distorting practices on the United States economy generally and on the United States agriculture industry and its workers specifically;

(C) the extent to which a foreign country's market-distorting practices are prohibited under the trade agreements to which that foreign country is a party;

(D) the extent to which a foreign country's market-distorting practices are prohibited under existing commitments made by that foreign country to an international financial institution (as defined in section 401(b));

(E) the extent to which a foreign government's failure to enforce its antimonopoly law leads to market-distorting practices; and

(F) the views of the public, the United States agriculture industry and its workers.

(3) NOTICE; PUBLIC HEARING.—The Trade Representative shall hold at least one public hearing on the comprehensive strategy to consider all relevant factors. Not later than 45 days after the date of enactment of this Act, the Trade Representative shall publish in the Federal Register notice of the investigation and the public hearing to be conducted under this section.

(d) RECOMMENDATIONS FOR ACTION.—The Trade Representative shall include within the strategy described in subsection (c), recommendations for action to address the foreign market-distorting practices identified in subsection (b)(1) and a schedule for implementing any action recommended. The recommendations shall include, where appropriate, one or more of the following actions:

(1) Negotiations on a multilateral or bilateral basis to liberalize trade in agriculture products worldwide, including—

(A) the elimination of tariffs, quantitative restraints, licensing requirements, or any other barrier to imports of agriculture products that have the effect of insulating foreign agriculture producers from competition;

(B) the elimination of any export or production subsidies provided by foreign governments to agriculture producers, including the elimination of the practice of providing capital or other goods at below-market rates or other practices that have the effect of distorting the terms of trade or encouraging investment in agriculture manufacturing capacity on terms inconsistent with competitive market conditions;

(C) the elimination of restrictions on capital movement or investment that—

(i) allow foreign governments to insulate agriculture producers from the competitive effects of a functioning global capital market; or

(ii) otherwise permit foreign governments to direct financing to agriculture producers regardless of market conditions;

(D) the privatization of any agriculture producer where government ownership permits the producer to operate on terms inconsistent with competitive market conditions; and

(E) the elimination of administrative guidance by a foreign government to its agriculture producers that leads to market-distorting practices or prevents the removal of market-distorting practices.

(2) Initiation of action under section 201 of the Trade Act of 1974 (19 U.S.C. 2251).

(3) Use of the authority available to the President under section 122 of the Trade Act of 1974 (19 U.S.C. 2132).

(4) Initiation of a countervailing duty investigation under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.)

(5) Initiation of an antidumping duty investigation under title VII of the Tariff Act of 1930.

(6) Initiation of an action under section 302 of the Trade Act of 1974 (19 U.S.C. 2412).

(7) Consideration by the Attorney General or the Chairman of the Federal Trade Commission of evidence of anticompetitive behavior in foreign markets that has the effect of insulating foreign agriculture producers from competitive pressures of the marketplace and leads to adverse impacts in the United States market, including—

(A) private anticompetitive behavior, such as cartelization;

(B) governmental toleration of anticompetitive behavior; and

(C) governmental action that encourages, requires or prevents the elimination of anticompetitive behavior.

(8) Any other action the Trade Representative deems appropriate.

(e) IDENTIFICATION OF RESOURCES.—The Trade Representative shall, as part of the comprehensive strategy, identify and report to Congress regarding the resources necessary to implement actions recommended in the comprehensive strategy.

SEC. 3. APPOINTMENT OF COORDINATOR AND ESTABLISHMENT OF INTERAGENCY WORKING GROUP.

(a) APPOINTMENT OF COORDINATOR—The Trade Representative shall appoint one Deputy Trade Representative to serve as the coordinator of the development and implementation of the comprehensive strategy required by section 101(c).

(b) ESTABLISHMENT OF WORKING GROUP—Not later than 30 days after the date of enactment of this Act, the President shall establish an interagency working group composed of representatives from the Departments of Commerce, Justice, State, Treasury, and Agriculture, the National Economic Council, the National Security Council, and such other departments and agencies as the President deems appropriate, to assist the Trade Representative in the development and the implementation of the comprehensive strategy required by section 101(c).

SEC. 4. CONSULTATION AND REPORTING REQUIREMENTS.

(a) CONSULTATION.—The Trade Representative shall consult with the Committees on Finance and Agriculture of the Senate and the Committees on Ways and Means and Agriculture of the House of Representatives at least once every 60 days during the course of the investigation required under section 101(a), and regularly thereafter, regarding the implementation of the comprehensive strategy required by section 101(c).

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act the Trade Representative shall submit the comprehensive strategy report required by section 01(c)(1) to the Committees on Finance and Agriculture of the Senate and the Committees on Ways and Means and Agriculture of the House of Representatives.

KERREY AMENDMENTS NOS. 1065—1066

(Ordered to lie on the table.)

Mr. KERREY submitted, under authority of the order of the Senate of June 24, 1999, two amendments intended to be proposed by him to the bill S. 1233, supra; as follows:

AMENDMENT NO. 1065

On page 76, between lines 6 and 7, insert the following:

TITLE VIII—CROP INSURANCE

SEC. 801. SHORT TITLE.

This title may be cited as the "Crop Insurance for the 21st Century Act".

Subtitle A—Crop Insurance Coverage

SEC. 811. PAYMENT OF PORTION OF PREMIUM BY CORPORATION.

(a) EXPECTED MARKET PRICE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (5) and inserting the following:

"(5) EXPECTED MARKET PRICE.—

"(A) IN GENERAL.—For the purposes of this title, the Corporation shall establish or approve the price level (referred to in this title as the 'expected market price') of each agricultural commodity for which insurance is offered.

"(B) AMOUNT.—The expected market price of an agricultural commodity—

"(i) except as otherwise provided in this subparagraph, shall be not less than the projected market price of the agricultural commodity, as determined by the Corporation;

"(ii) may be based on the actual market price of the agricultural commodity at the time of harvest, as determined by the Corporation;

"(iii) in the case of revenue and other similar plans of insurance, shall be the actual market price of the agricultural commodity, as determined by the Corporation; or

"(iv) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity, as determined by the Corporation.".

(b) PREMIUM AMOUNTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended by striking subparagraph (C) and inserting the following:

"(C) In the case of additional coverage at greater than or equal to 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, but less than 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.

"(D) In the case of additional coverage equal to or greater than 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.".

(c) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) MANDATORY PAYMENTS.—For the purpose of encouraging the broadest possible participation of producers in the crop insurance plans of insurance authorized to be insured or reinsured under subsections (b) and (c), the Corporation shall pay a part of the premium in the amounts determined under this subsection.

"(B) DISCRETIONARY PAYMENTS.—In the case of a plan of insurance approved by the Corporation under subsections (a)(7) and (h), the Corporation may pay a part of the premium in the amounts not to exceed the amounts determined under this subsection."; and

(2) in paragraph (2), by striking subparagraphs (B) and (C) and inserting the following:

"(B) In the case of additional coverage less than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 45 percent of the amount of the premium established under subsection (d)(2)(B)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(B)(ii).

"(C) In the case of coverage at greater than or equal to 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, but less than 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 50 percent of the amount of the premium established under subsection (d)(2)(C)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(C)(ii).

"(D) In the case of coverage equal to or greater than 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established for coverage at 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).".

(d) CONFORMING AMENDMENT.—Section 508(h)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(2)) is amended by striking the second sentence.

SEC. 812. ASSIGNED YIELDS.

Section 508(g)(2)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(B)) is amended—

(1) by striking "assigned a yield" and inserting "assigned—

"(i) a yield";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(ii) a yield determined by the Corporation, in the case of—

"(I) a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary;

"(II) a producer that produces an agricultural commodity on land that has not been farmed by the producer; and

"(III) a producer that rotates a crop produced on a farm to a crop that has not been produced on the farm.".

SEC. 813. MULTIYEAR DISASTER ACTUAL PRODUCTION HISTORY ADJUSTMENT.

Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following:

"(4) TRANSITIONAL ADJUSTMENT FOR DISASTERS.—

"(A) DEFINITION OF A PRODUCER THAT HAS SUFFERED A MULTIYEAR DISASTER.—In this paragraph, the term 'a producer that has suffered a multiyear disaster' means a producer that has suffered a natural disaster during at least 3 of the immediately preceding 5 crop years that resulted in a cumulative reduction of at least 25 percent in the actual production history of the crop of an agricultural commodity.

"(B) ELIMINATION OF CERTAIN YEARS OF PRODUCTION HISTORY.—Effective beginning with the 2000 crop year, for the purpose of calculating the actual production history for a crop of an agricultural commodity, a producer that has suffered a multiyear disaster with respect to the crop may exclude 1 year of production history for each 5 years included in the actual production history calculation of the crop for which the producer purchased crop insurance.

"(C) CORPORATION'S SHARE OF CHANGED COSTS.—In the case of an exclusion under subparagraph (B), in addition to any other authority to pay any portion of premium, the Corporation shall pay—

"(i) the portion of the premium that represents the increase in premium associated with the exclusion;

"(ii) all additional indemnities associated with the exclusion; and

"(iii) any amounts that result from the difference in the administrative and operating expenses owed to an approved insurance provider as the result of an adjustment in actual production history under this paragraph.

"(D) INCREASE IN ACTUAL PRODUCTION HISTORY AFTER EXCLUSIONS.—In the case of a producer that has received an exclusion under subparagraph (B), the Corporation shall not limit the increase of the actual production history based on the producer's actual production of the crop of an agricultural commodity in succeeding crop years until the actual production history for the producer reaches the level for the crop year immediately preceding the first year of the multiyear disaster.

"(E) TERMINATION OF EXCLUSION AUTHORITY.—The authority to apply this paragraph to a producer shall terminate with respect to the first crop year in which crop insurance is available to the producer that adequately insures against natural disasters that occur in multiple crop years, as determined by the Corporation.".

SEC. 814. INCREASING COVERAGE POLICY.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (6) and inserting the following:

"(6) INCREASING COVERAGE POLICY.—In the case of a plan of insurance that includes coverage for that percentage of coverage that is not covered under other crop insurance plans offered under this title, the Corporation may pay a portion of the premium of the policy in an amount not to exceed the sum of—

"(A) the cost of administrative and operating expenses, as determined by Corporation; and

"(B) the amount authorized under subsection (e)(2)(D)(i).".

SEC. 815. RATING METHODOLOGIES PILOT PROGRAM.

(a) IN GENERAL.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (8) and inserting the following:

"(8) RATING METHODOLOGIES PILOT PROGRAM.—Not later than September 30, 2000, the Office of Risk Management shall—

"(A) review the methodologies that are used to rate plans of insurance under this title; and

"(B) enter into a contract with a person in the private sector to develop new methodologies for rating plans of insurance under this title that take into account the lower risk pool of—

"(i) producers that elect not to participate in the Federal crop insurance program established under this title; and

"(ii) producers that elect only to obtain catastrophic risk protection under subsection (b).".

(b) CONFORMING AMENDMENT.—Section 507(c) of the Federal Crop Insurance Act (7 U.S.C. 1507(c)) is amended in the last sentence by striking "Nothing" and inserting "Except as provided in section 508(h)(8), nothing".

SEC. 816. LIVESTOCK INSURANCE.

Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by striking "livestock and".

Subtitle B—Federal Crop Insurance Corporation and Risk Management Agency

SEC. 821. BOARD OF DIRECTORS OF CORPORATION.

Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking subsection (a) and inserting the following:

"(a) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The management of the Corporation shall be vested in a Board subject to the general supervision of the Secretary.

"(2) COMPOSITION.—The Board shall consist of—

"(A) 2 members who are active agricultural producers with or without crop insurance;

"(B) 1 member who is active in the crop insurance business;

"(C) 1 member who is active in the reinsurance business;

"(D) the Under Secretary for Farm and Foreign Agricultural Services;

"(E) the Under Secretary for Rural Development; and

"(F) the Chief Economist of the Department of Agriculture.

"(3) APPOINTMENT AND TERMS OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (A), (B), and (C) of paragraph (2)—

"(A) shall be appointed by, and hold office at the pleasure of, the Secretary;

"(B) shall not be otherwise employed by the Federal Government;

"(C) shall be appointed to staggered 4-year terms, as determined by the Secretary; and

"(D) shall serve not more than 2 consecutive terms.

"(4) CHAIRPERSON.—The Board shall select a member of the Board described in subparagraph (A), (B), or (C) of paragraph (2) to serve as Chairperson of the Board.".

SEC. 822. OFFICE OF RISK MANAGEMENT.

Section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933) is amended—

(1) in subsection (a), by striking "Independent Office of Risk Management" and inserting "Office of Risk Management, which shall be under the direction of the Board of Directors of the Federal Crop Insurance Corporation"; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) Assistance to the Board in developing, reviewing, and recommending plans of insurance under section 508(a)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(7)) to ensure that each agricultural commodity (including each new or speciality crop) is adequately served by plans of insurance.".

SEC. 823. OFFICE OF PRIVATE SECTOR PARTNERSHIP.

(a) IN GENERAL.—The Federal Crop Insurance Act is amended by inserting after section 507 (7 U.S.C. 1507) the following:

"SEC. 507A. OFFICE OF PRIVATE SECTOR PARTNERSHIP.

"(a) ESTABLISHMENT.—The Secretary shall establish and maintain in the Department an Office of Private Sector Partnership, which shall be under the direction of the Board.

"(b) FUNCTIONS.—The Office shall—

"(1) provide at least monthly reports to the Board on crop insurance issues, which shall be based on comments received from producers, approved insurance providers, and other sources that the Office considers appropriate;

"(2)(A) review policies and materials with respect to—

"(i) subsidized plans of insurance authorized under section 508; and

"(ii) unsubsidized plans of insurance submitted to the Board under section 508(h); and

"(B) make recommendations to the Board with respect to approval of the policies and materials;

"(3) administer the reinsurance functions described in section 508(k) on behalf of the Corporation; and

"(4) perform such other functions as the Board considers appropriate.

"(c) ADMINISTRATOR.—The Office shall be headed by an Administrator who shall be appointed by the Secretary.

"(d) STAFF.—The Administrator shall appoint such employees pursuant to title 5, United States Code, as are necessary for the administration of the Office, including employees who have commercial reinsurance and actuarial experience.".

(b) FUNDING.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) salaries and expenses of the Office of Private Sector Partnership."; and

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking "; and" and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) salaries and expenses of the Office of Private Sector Partnership, but not to exceed $5,000,000 for each fiscal year; and".

SEC. 824. ADEQUATE COVERAGE FOR AGRICULTURAL COMMODITIES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

"(7) ADEQUATE COVERAGE FOR AGRICULTURAL COMMODITIES.—

"(A) REVIEW.—The Board shall review the plans of insurance that are offered by approved insurance providers under this Act to determine if each agricultural commodity (including each new or speciality crop) is adequately served by the plans.

"(B) RECOMMENDATIONS.—If the Board determines that an agricultural commodity (including a new or specialty crop) is not adequately served by the plans, the Board shall recommend to the Office of Risk Management that the Office—

"(i) develop or (through the Corporation) contract to develop plans of insurance for the agricultural commodity; and

"(ii) provide the plans to approved insurance providers, to be offered for sale to producers.".

SEC. 825. FEES FOR PLANS OF INSURANCE.

(a) IN GENERAL.—Section 508(h)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(5))) is amended—

(1) by striking "Any policy" and inserting the following:

"(A) IN GENERAL.—Any policy"; and

(2) by adding at the end the following:

"(B) FEES FOR EXISTING PLANS OF INSURANCE.—

"(i) IN GENERAL.—Effective beginning with the 2000 reinsurance year, if an approved insurance provider elects to sell a plan of insurance that was developed by another approved insurance provider and the plan of insurance was approved by the Board before January 1, 1999, the approved insurance provider that developed the plan of insurance shall have the right to receive a fee from the approved insurance provider that elects to sell the plan of insurance.

"(ii) AMOUNT.—The amount of the fee that is payable by an approved insurance provider for a plan of insurance under clause (i) shall be—

"(I) for each of the first 5 crop years that the plan is sold, $2.00 for each policy under the plan that is sold by the approved insurance provider;

"(II) for each of the next 3 crop years that the plan is sold, $1.00 for each policy under the plan that is sold by the approved insurance provider; and

"(III) for each crop year thereafter that the plan is sold, 50 cents for each policy under the plan that is sold by the approved insurance provider.

"(C) FEES FOR NEW PLANS OF INSURANCE.—

"(i) IN GENERAL.—Effective beginning with the 2000 reinsurance year, if an approved insurance provider elects to sell a plan of insurance that was developed by another approved insurance provider, the plan of insurance was approved by the Board on or after January 1, 1999, and the plan of insurance was not available at the time the plan of insurance was approved by the Board, the approved insurance provider that developed the plan of insurance shall have the right to receive a fee from the approved insurance provider that elects to sell the plan of insurance.

"(ii) AMOUNT.—

"(I) IN GENERAL.—Subject to subclause (II), the amount of the fee that is payable by an approved insurance provider for a plan of insurance under clause (i) shall be an amount that is—

"(aa) determined by the approved insurance provider that developed the plan; and

"(bb) approved by the Board.

"(II) APPROVAL.—The Board shall not approve the amount of a fee under clause (i) if the amount of the fee unnecessarily inhibits the use of the plan of insurance, as determined by the Board.

"(D) PAYMENTS.—The Corporation shall annually—

"(i) collect from an approved insurance provider the amount of any fees that are payable by the approved insurance provider under subparagraphs (B) and (C); and

"(ii) credit any fees that are payable to an approved insurance provider under subparagraphs (B) and (C).".

(b) FUNDING.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) (as amended by section 823(b)(2)) is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(E) payment of fees in accordance with section 508(h)(5)(C)."; and

(2) in subsection (c)(1), by inserting "and fees" after "premium income".

SEC. 826. FLEXIBLE SUBSIDY PILOT PROGRAM.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

"(11) FLEXIBLE SUBSIDY PILOT PROGRAM.—For each of the 2000 through 2002 crop years, the Corporation shall carry out a pilot program under which flexible subsidies are provided under this title to encourage private sector innovation through exclusive marketing rights and premium rate competition.".

AMENDMENT NO. 1066

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . FARMER OWNED RESERVE PROGRAM.—(a) RESTORATION.—

(1) IN GENERAL.—Section 171(b)(1) of the Agricultural Market Transition Act (7 U.S.C. 7301(b)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (L) as subparagraphs (E) through (K), respectively.

(2) CONFORMING AMENDMENTS.—Section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended—

(A) in subsection (b)—

(i) by striking "price support" each place it appears and inserting "marketing assistance";

(ii) in paragraph (1)—

(I) in the paragraph heading, by striking "PRICE SUPPORT" and inserting "MARKETING ASSISTANCE"; and

(II) in the second sentence, by striking "this title" and inserting "subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.)"; and

(iii) in paragraph (2)—

(I) by striking "not be less than" and inserting "not be greater than"; and

(II) by striking "this title" and inserting "subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.)"; and

(B) in subsections (n) and (p), by striking "1990" each place it appears and inserting "1999".

(b) INTEREST CHARGES.—Section 110(c) of the Agricultural Act of 1949 (7 U.S.C. 1445e(c)) is amended—

(1) in paragraph (1), by striking "105 percent of the then current established price for the commodity" and inserting "150 percent of the loan rate for the commodity under this section"; and

(2) in paragraph (2), by striking "105 percent of the established price for the commodities" and inserting "150 percent of the loan rate for the commodity under this section".

(c) STORAGE PAYMENTS.—Section 110(d) of the Agricultural Act of 1949 (7 U.S.C. 1445e(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) TIMING.—The Secretary shall make storage payments available to participants in this program—

"(A) at the end of each quarter; or

"(B) at the option of the Secretary, not more than 1 year in advance of the date the payments would otherwise be payable under subparagraph (A).

"(3) DURATION.—The Secretary shall cease making storage payments whenever the price of wheat or feed grains is equal to or exceeds 140 percent of loan rate for the commodities under this section, and for any 90-day period immediately following the last day on which the price of wheat or feed grains was equal to or in excess of 140 percent of the loan rate for the commodities under this section.

"(4) RATES.—To the maximum extent practicable, the Secretary shall ensure that the rates of the storage payments are equivalent to the average rates paid for commercial storage.".

(d) QUANTITY OF COMMODITIES IN PROGRAM.—Section 110(f) of the Agricultural Act of 1949 (7 U.S.C. 1445e(f)) is amended—

(1) in paragraph (1), by striking "less than 300 million bushels, nor more than 450 million bushels" and inserting "more than 300,000,000 bushels"; and

(2) in paragraph (2), by striking "less than 600 million bushels, nor more than 900 million bushels" and inserting "more than 1,000,000,000 bushels".

(e) WITHDRAWAL OF WHEAT AND FEED GRAINS.—Section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended by striking subsection (h) and inserting the following:

"(h) WITHDRAWAL OF WHEAT AND FEED GRAINS.—In the case of a producer that has wheat or feed grains stored under this section, if the price of wheat or feed grains is—

"(1) less than 130 percent of the loan rate for wheat or feed grains, respectively, under this section, the producer may not withdraw the wheat or feed grains from storage;

"(2) at least 130 percent, but less than 140 percent, of the loan rate for wheat or feed grains, respectively, under this section, the producer may—

"(A) withdraw the wheat or feed grains from storage and repay any loan made for wheat or feed grains under this section; or

"(B) continue to store the wheat or feed grains under this section and receive storage payments for the wheat or feed grains under subsection (d);

"(3) at least 140 percent, but less than 150 percent, of the loan rate for wheat or feed grains, respectively, under this section, the producer may continue to store the wheat or feed grains under this section, but shall not be eligible for storage payments for the wheat or feed grains under subsection (d); or

"(4) 150 percent or more of the loan rate for wheat or feed grains, respectively, under this section, the producer shall withdraw the wheat or feed grains from storage under this section and repay any loan made for wheat or feed grains under this section.".

(f) FUNDING.—The entire amount necessary to carry out this section and the amendments made by this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the

Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

LEAHY (AND OTHERS) AMENDMENT NO. 1067

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mrs. FEINSTEIN) submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by them to the bill S. 1233, supra; as follows:

On page 35, line 20, after the semicolon, insert the following: "not to exceed $12 million shall be for water and waste disposal systems to benefit Federally Recognized Native American Tribes, including grants pursuant to section 306C of such Act, provided that the Federally Recognized Native American Tribe is not eligible for any other rural utilities programs set aside under the Rural Community Advancement Program;".

STEVENS AMENDMENTS NOS. 1068–1069

(Ordered to lie on the table.)

Mr. STEVENS submitted, under authority of the order of the Senate of June 24, 1999, two amendments intended to be proposed by him to the bill S. 1233, supra; as follows:

AMENDMENT NO. 1068

At the appropriate place insert the following new section:

SEC. . EDUCATION GRANTS PROGRAM FOR ALASKA NATIVE SERVING INSTITUTIONS.

(a) GRANT AUTHORITY.—The Secretary may make competitive grants (or grants without regard to any requirement for competition) to Alaska Native serving institutions for the purpose of promoting and strengthening the ability of Alaska Native serving institutions to carry out education, applied research, and related community development programs.

(b) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(1) to support the activities of consortia of Alaska Native serving institutions to enhance educational equity for under represented students;

(2) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(3) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level including by village elders and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(4) to facilitate cooperative initiatives between two or more Alaska Native serving institutions, or between Alaska Native serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $20,000,000 for each of fiscal years 2000 through 2005.

AMENDMENT NO. 1069

At the appropriate place insert the following new section:

"SEC. . Public Law 95–113, section 16(a) is amended by inserting after the phrase "Indian reservation under section 11(d) of this Act" the following new phrase: "or in a Native village within the State of Alaska identified in section 11(b) of Public Law 92–203, as amended"."

INOUYE AMENDMENT NO. 1070

(Ordered to lie on the table.)

Mr. INOUYE submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . EDUCATION GRANTS PROGRAM FOR NATIVE HAWAIIAN SERVING INSTITUTIONS.

(a) GRANT AUTHORITY.—The Secretary may make competitive grants (or grants without regard to any requirement for competition) to Native Hawaiian serving institutions for the purpose of promoting and strengthening the ability of Native Hawaiian serving institutions to carry out education, applied research, and related community development programs.

(b) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(1) to support the activities of consortia of Native Hawaiian serving institutions to enhance educational equity for underrepresented students;

(2) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(3) to attract and support undergraduate and graduate students from underrepresented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(4) to facilitate cooperative initiatives between two or more Native Hawaiian serving institutions, or between Native Hawaiian serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $20,000,000 for each of fiscal years 2000 through 2005.

BRYAN (AND REID) AMENDMENT NO. 1071

(Ordered to lie on the table.)

Mr. BRYAN (for himself and Mr. REID) submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by them to the bill, S. 1233, supra; as follows:

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . DEREGULATION OF PRODUCER MILK PRICES IN CLARK COUNTY, NEVADA.—Effective October 1, 1999, section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(D) PRODUCER MILK PRICES IN CLARK COUNTY, NEVADA.—The price of milk received by producers located in Clark County, Nevada, shall not be subject to any order issued under this section or any other regulation by the Secretary.".

FEINGOLD AMENDMENTS NOS. 1072–1073

(Ordered to lie on the table.)

Mr. FEINGOLD submitted, under authority of the order of the Senate of June 24, 1999, two amendments intended to be proposed by him to the bill S. 1233, supra; as follows:

AMENDMENT NO. 1072

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . INDICATION OF COUNTRY OF ORIGIN OF IMPORTED GINSENG.—(a) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—A retailer of ginseng imported into the United States shall inform consumers, at the final point of sale to consumers, of the country of origin of the ginseng.

(b) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the imported ginseng or on the package, display, holding unit, or bin containing the ginseng at the final point of sale to consumers.

(2) EXISTING LABELING.—If the imported ginseng is already labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information in order to comply with this section.

(c) VIOLATIONS.—If a retailer fails to indicate the country of origin of imported ginseng as required by subsection (a), the Secretary of Agriculture may impose a monetary penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the violation continues.

(d) DEPOSIT OF FUNDS.—Amounts collected under subsection (c) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(e) APPLICATION.—This section shall apply with respect to ginseng imported into the United States after the end of the 180-day period beginning on the date of enactment of this Act.

SEC. 7 . AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, acting through the United States Customs Service, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

AMENDMENT NO. 1073

On page 76, between lines 6 and 7, insert the following:

SEC. 7 . UNREPORTED IMPORTATION OF GINSENG PRODUCTS.—It is the sense of the Senate that the Secretary of the Treasury, acting through the United States Customs Service, should, to the maximum extent practicable, conduct investigations into, and take such other actions as are necessary to prevent, the importation of ginseng products into the United States from foreign countries, including Canada and Asian countries, unless the importation is reported to the Service, as required under Federal law.

TORRICELLI AMENDMENTS NOS. 1074–1083

(Ordered to lie on the table.)

Mr. TORRICELLI submitted, under authority of the order of the Senate of June 24, 1999, 10 amendments intended to be proposed by him to the bill, S. 1233, supra; as follows:

AMENDMENT NO. 1074

At the appropriate place, insert the following:

SEC. . LICENSING REQUIREMENT FOR COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

The export of any medicine, medical device, or agricultural commodity sold under contract to any country the government of which the Secretary of States determines under section 6(j) of the Export Administration Act of 1979 has repeatedly provided support for acts of international terrorism shall be made pursuant to a specific license.

AMENDMENT NO. 1075

At the end of the amendment, add the following new section:

SEC. . (a) TREATMENT OF SALES IF COUNTRY IS ON THE LIST OF TERRORIST STATES.—At any time during which a country has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), commercial sales of food and medicine to such country shall only be made pursuant to a specific license for each transaction issued by the United States Government.

(b) PREVENTION OF TORTURE AND PROLIFERATION OF CHEMICAL OR BIOLOGICAL WEAPONS.—Nothing in subsection (a) shall be construed as authorizing the sale or transfer of equipment, medicines, or medical supplies that could be used for purposes of torture or human rights abuses or in the development of chemical or biological weapons.

AMENDMENT NO. 1076

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Cuba, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1077

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with North Korea, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1078

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Iran, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1079

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Iraq, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1080

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Libya, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1081

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Sudan, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1082

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Syria, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1083

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing any commercial sale that is otherwise prohibited by law to any country that on June 20, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

HELMS AMENDMENTS NOS. 1084–1093

(Ordered to lie on the table.)

Mr. HELMS submitted, under authority of the order of the Senate of June 24, 1999, 10 amendments intended to be proposed by him to the bill, S. 1233, supra; as follows:

AMENDMENT NO. 1084

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing any commercial sale that is otherwise prohibited by law to any country that on June 20, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1085

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit commercial transactions with Cuba, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1086

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with North Korea, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1087

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or Government States Government credit for commercial transactions with Iran, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1088

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Iraq, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1089

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Libya, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1090

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Sudan, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1091

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Syria, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1092

At the appropriate place, insert the following:

SEC. . LICENSING REQUIREMENT FOR COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

The export of any medicine, medical device, or agricultural commodity sold under contract to any country the government of which the Secretary of State determines under section 6(j) of the Export Administration Act of 1979 has repeatedly provided support for acts of international terrorism shall be made pursuant to a specific license.

AMENDMENT NO. 1093

At the appropriate place, add the following new section:

SEC. . (a) TREATMENT OF SALES IF COUNTRY IS ON THE LIST OF TERRORIST STATES.—At any time during which a country has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), commercial sales of food and medicine to such country shall only be made pursuant to a specific license for each transaction issued by the United States Government.

(b) PREVENTION OF TORTURE AND PROLIFERATION OF CHEMICAL OR BIOLOGICAL WEAPONS.—Nothing in subsection (a) shall be construed as authorizing the sale or transfer of equipment, medicines, or medical supplies that could be used for purposes of torture or human rights abuses or in the development of chemical or biological weapons.

SANTORUM (AND OTHERS) AMENDMENT NO. 1094

(Ordered to lie on the table.)

Mr. SANTORUM (for himself, Mr. LEAHY and Mr. SPECTER) submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by them to the bill S. 1233, supra; as follows:

On page 31, line 5, after "forecasting", insert the following: ", up to $10,000,000 may be used to carry out the farmland protection program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104-127,".

STEVENS AMENDMENT NO. 1095

(Ordered to lie on the table.)

Mr. STEVENS submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

At the appropriate place insert the following new section:

"SEC. . Beginning in the fiscal year 2000 and periodically thereafter, the Secretary shall review the Food Packages listed at 7 C.F.R. 246.10(c) (1996) and consider including additional nutritious foods for women, infants and children."

BAUCUS AMENDMENT NO. 1096

(Ordered to lie on the table.)

Mr. BAUCUS submitted, under authority of the order of the Senate of June 24, 1999, an amendment intended to be proposed by him to the bill S. 1233, supra; as follows:

On page 45, after line 22, insert the following:

INCREASE

Each amount made available under this title shall be increased, on a pro rata basis, by an amount equal to the difference between the total amount made available to carry out this title for fiscal year 1999 and the total amount made available under the other headings of this title.

AMENDMENTS SUBMITTED—JUNE 28, 1999

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES ACT, 2000

SMITH AMENDMENT NO. 1097

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill (S. 1233) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

"SEC. . That notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the city of Berlin, New Hampshire, shall be eligible during fiscal year 2000 for a rural utilities grant or loan under the Rural Community Advancement Program.".

KOHL AMENDMENTS NOS. 1098-1102

(Ordered to lie on the table.)

Mr. KOHL submitted five amendments intended to be proposed by him to the bill S. 1233, supra; as follows:

AMENDMENT NO. 1098

Beginning on page 3 of the amendment, strike line 11 and all that follows through page 6, line 4.

AMENDMENT NO. 1099

Beginning on page 1, line 4, of the amendment, strike "(a)" and all that follows through page 3, line 10.

AMENDMENT NO. 1100

Beginning on page 1, line 4, of the amendment, strike "(a)" and all that follows through page 6, line 4.

AMENDMENT NO. 1101

On page 6 of the amendment, strike lines 9 through 21.

AMENDMENT NO. 1102

Beginning on page 6 of the amendment, strike line 23 and all that follows through page 7, line 15.

LOTT AMENDMENT NO. 1103

Mr. LOTT proposed an amendment to amendment No. 737 proposed by Mrs. FEINSTEIN to the bill, S. 1233, supra; as follows:

Strike all after the first word and insert the following:

TITLE —ACCESS TO QUALITY, AFFORDABLE HEALTH CARE

SEC. 01. SHORT TITLE.

This title may be cited as the "Patients' Bill of Rights Act".

Subtitle A—Health Insurance Bill of Rights

CHAPTER 1—ACCESS TO CARE

SEC. 101. ACCESS TO EMERGENCY CARE.

(a) COVERAGE OF EMERGENCY SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

(A) without the need for any prior authorization determination;

(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee by a nonparticipating health care provider without prior authorization by the plan or issuer, the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider with prior authorization by the plan or issuer; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term "emergency services" means—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)), and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—In the case of services (other than emergency services) for which benefits are available under a group health plan, or under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided to a participant, beneficiary, or enrollee other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) (and shall otherwise comply with the guidelines established under section 1852(d)(2) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable), or, in the absence of guidelines under such section, such guidelines as the Secretary shall establish to carry out this subsection), if the services are maintenance care or post-stabilization care covered under such guidelines.

SEC. 102. OFFERING OF CHOICE OF COVERAGE OPTIONS UNDER GROUP HEALTH PLANS.

(a) REQUIREMENT.—

(1) OFFERING OF POINT-OF-SERVICE COVERAGE OPTION.—Except as provided in paragraph (2), if a group health plan (or health insurance coverage offered by a health insurance issuer in connection with a group health plan) provides benefits only through participating health care providers, the plan or issuer shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan or coverage and at such other times as the plan or issuer offers the participant a choice of coverage options.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to a participant in a group health plan if the plan offers the participant—

(A) a choice of health insurance coverage; and

(B) one or more coverage options that do not provide benefits only through participating health care providers.

(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term "point-of-service coverage" means, with respect to benefits covered under a group health plan or health insurance issuer, coverage of such benefits when provided by a nonparticipating health care provider. Such coverage need not include coverage of providers that the plan or issuer excludes because of fraud, quality, or similar reasons.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) as requiring coverage for benefits for a particular type of health care provider;

(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options; or

(3) as preventing a group health plan or health insurance issuer from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option.

(d) NO REQUIREMENT FOR GUARANTEED AVAILABILITY.—If a health insurance issuer offers health insurance coverage that includes point-of-service coverage with respect to an employer solely in order to meet the requirement of subsection (a), nothing in section 2711(a)(1)(A) of the Public Health Service Act shall be construed as requiring the offering of such coverage with respect to another employer.

SEC. 103. CHOICE OF PROVIDERS.

(a) PRIMARY CARE.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall permit each participant, beneficiary, and enrollee to receive primary care from any participating primary care provider who is available to accept such individual.

(b) SPECIALISTS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such individual for such care.

(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating providers with respect to such care.

SEC. 104. ACCESS TO SPECIALTY CARE.

(a) OBSTETRICAL AND GYNECOLOGICAL CARE.—

(1) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care provider—

(A) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider; and

(B) if such an individual has not designated such a provider as a primary care provider, the plan or issuer—

(i) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

(ii) may treat the ordering of other gynecological care by such a participating health professional as the authorization of the primary care provider with respect to such care under the plan or coverage.

(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

(b) SPECIALTY CARE.—

(1) SPECIALTY CARE FOR COVERED SERVICES.—

(A) IN GENERAL.—If—

(i) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer,

(ii) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, and

(iii) benefits for such treatment are provided under the plan or coverage,

the plan or issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

(B) SPECIALIST DEFINED.—For purposes of this subsection, the term "specialist" means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

(C) CARE UNDER REFERRAL.—A group health plan or health insurance issuer may require that the care provided to an individual pursuant to such referral under subparagraph (A) be—

(i) pursuant to a treatment plan, only if the treatment plan is developed by the specialist and approved by the plan or issuer, in consultation with the designated primary care provider or specialist and the individual (or the individual's designee), and

(ii) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an individual from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

(D) REFERRALS TO PARTICIPATING PROVIDERS.—A group health plan or health insurance issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the individual's condition and that is a participating provider with respect to such treatment.

(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers an individual to a nonparticipating specialist pursuant to subparagraph (A), services provided pursuant to the approved treatment plan (if any) shall be provided at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist that is a participating provider.

(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—A group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care. If such an individual's care would most appropriately be coordinated by such a specialist, such plan or issuer shall refer the individual to such specialist.

(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the individual without a referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term "special condition" means a condition or disease that—

(i) is life-threatening, degenerative, or disabling, and

(ii) requires specialized medical care over a prolonged period of time.

(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

(3) STANDING REFERRALS.—

(A) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the plan or issuer, or if the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to such a specialist.

(B) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

SEC. 105. CONTINUITY OF CARE.

(a) IN GENERAL.—

(1) TERMINATION OF PROVIDER.—If a contract between a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in paragraph (3)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or coverage is undergoing a course of treatment from the provider at the time of such termination, the plan or issuer shall—

(A) notify the individual on a timely basis of such termination, and

(B) subject to subsection (c), permit the individual to continue or be covered with respect to the course of treatment with the provider during a transitional period (provided under subsection (b)).

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE ISSUER.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) TERMINATION.—In this section, the term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by the plan or issuer for failure to meet applicable quality standards or for fraud.

(b) TRANSITIONAL PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least 90 days from the date of the notice described in subsection (a)(1)(A) of the provider's termination.

(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and also shall include institutional care provided within a reasonable time of the date of termination of the provider status if the care was scheduled before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date was on an established waiting list or otherwise scheduled to have such care.

(3) PREGNANCY.—If—

(A) a participant, beneficiary, or enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(4) TERMINAL ILLNESS.—If—

(A) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, and

(B) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the individual's life for care directly related to the treatment of the terminal illness.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under subsection (a)(1)(B) upon the provider agreeing to the following terms and conditions:

(1) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or issuer after the date of the termination of the contract with the health insurance issuer) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

SEC. 106. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

(a) COVERAGE.—

(1) IN GENERAL.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(C) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "qualified individual" means an individual who is a participant or beneficiary in a group health plan, or who is an enrollee under health insurance coverage, and who meets the following conditions:

(1)(A) The individual has a life-threatening or serious illness for which no standard treatment is effective.

(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

(2) Either—

(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

(B) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

(c) PAYMENT.—

(1) IN GENERAL.—Under this section a group health plan or health insurance issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

(2) PAYMENT RATE.—In the case of covered items and services provided by—

(A) a participating provider, the payment rate shall be at the agreed upon rate, or

(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

(d) APPROVED CLINICAL TRIAL DEFINED.—

(1) IN GENERAL.—In this section, the term "approved clinical trial" means a clinical research study or clinical investigation approved and funded (which may include funding through in-kind contributions) by one or more of the following:

(A) The National Institutes of Health.

(B) A cooperative group or center of the National Institutes of Health.

(C) Either of the following if the conditions described in paragraph (2) are met:

(i) The Department of Veterans Affairs.

(ii) The Department of Defense.

(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

SEC. 107. ACCESS TO NEEDED PRESCRIPTION DRUGS.

(a) IN GENERAL.—If a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(1) ensure participation of participating physicians and pharmacists in the development of the formulary;

(2) disclose to providers and, disclose upon request under section 121(c)(6) to participants, beneficiaries, and enrollees, the nature of the formulary restrictions; and

(3) consistent with the standards for a utilization review program under section 115, provide for exceptions from the formulary limitation when a non-formulary alternative is medically indicated.

(b) COVERAGE OF APPROVED DRUGS AND MEDICAL DEVICES.—

(1) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) that provides any coverage of prescription drugs or medical devices shall not deny coverage of such a drug or device on the basis that the use is investigational, if the use—

(A) in the case of a prescription drug—

(i) is included in the labeling authorized by the application in effect for the drug pursuant to subsection (b) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, without regard to any postmarketing requirements that may apply under such Act; or

(ii) is included in the labeling authorized by the application in effect for the drug under section 351 of the Public Health Service Act, without regard to any postmarketing requirements that may apply pursuant to such section; or

(B) in the case of a medical device, is included in the labeling authorized by a regulation under subsection (d) or (3) of section 513 of the Federal Food, Drug, and Cosmetic Act, an order under subsection (f) of such section, or an application approved under section 515 of such Act, without regard to any postmarketing requirements that may apply under such Act.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any coverage of prescription drugs or medical devices.

SEC. 108. ADEQUACY OF PROVIDER NETWORK.

(a) IN GENERAL.—Each group health plan, and each health insurance issuer offering health insurance coverage, that provides benefits, in whole or in part, through participating health care providers shall have (in relation to the coverage) a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage. This subsection shall only apply to a plan's or issuer's application of restrictions on the participation of health care providers in a network and shall not be construed as requiring a plan or issuer to create or establish new health care providers in an area.

(b) TREATMENT OF CERTAIN PROVIDERS.—The qualified health care providers under subsection (a) may include Federally qualified health centers, rural health clinics, migrant health centers, and other essential community providers located in the service area of the plan or issuer and shall include such providers if necessary to meet the standards established to carry out such subsection.

SEC. 109. NONDISCRIMINATION IN DELIVERY OF SERVICES.

(a) APPLICATION TO DELIVERY OF SERVICES.—Subject to subsection (b), a group health plan, and health insurance issuer in relation to health insurance coverage, may not discriminate against a participant, beneficiary, or enrollee in the delivery of health care services consistent with the benefits covered under the plan or coverage or as required by law based on race, color, ethnicity, national origin, religion, sex, age, mental or physical disability, sexual orientation, genetic information, or source of payment.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as relating to the eligibility to be covered, or the offering (or guaranteeing the offer) of coverage, under a plan or health insurance coverage, the application of any pre-existing condition exclusion consistent with applicable law, or premiums charged under such plan or coverage. Pursuant to section 192(b), except as provided in section 152, nothing in this subtitle shall be construed as requiring a group health plan or health insurance issuer to provide specific benefits under the terms of such plan or coverage.

CHAPTER 2—QUALITY ASSURANCE

SEC. 111. INTERNAL QUALITY ASSURANCE PROGRAM.

(a) REQUIREMENT.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

(b) PROGRAM REQUIREMENTS.—The requirements of this subsection for a quality improvement program of a plan or issuer are as follows:

(1) ADMINISTRATION.—The plan or issuer has a separate identifiable unit with responsibility for administration of the program.

(2) WRITTEN PLAN.—The plan or issuer has a written plan for the program that is updated annually and that specifies at least the following:

(A) The activities to be conducted.

(B) The organizational structure.

(C) The duties of the medical director.

(D) Criteria and procedures for the assessment of quality.

(3) SYSTEMATIC REVIEW.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

(4) QUALITY CRITERIA.—The program—

(A) uses criteria that are based on performance and patient outcomes where feasible and appropriate;

(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate;

(C) includes methods for informing covered individuals of the benefit of preventive care and what specific benefits with respect to preventive care are covered under the plan or coverage; and

(D) makes available to the public a description of the criteria used under subparagraph (A).

(5) SYSTEM FOR REPORTING.—The program has procedures for reporting of possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

(6) DATA ANALYSIS.—The program provides, using data that include the data collected under section 112, for an analysis of the plan's or issuer's performance on quality measures.

(7) DRUG UTILIZATION REVIEW.—The program provides for a drug utilization review program in accordance with section 114.

(c) DEEMING.—For purposes of subsection (a), the requirements of—

(1) subsection (b) (other than paragraph (5)) are deemed to be met with respect to a health insurance issuer that is a qualified health maintenance organization (as defined in section 1310(c) of the Public Health Service Act); or

(2) subsection (b) are deemed to be met with respect to a health insurance issuer that is accredited by a national accreditation organization that the Secretary certifies as applying, as a condition of certification, standards at least a stringent as those required for a quality improvement program under subsection (b).

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

SEC. 112. COLLECTION OF STANDARDIZED DATA.

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall collect uniform quality data that include a minimum uniform data set described in subsection (b).

(b) MINIMUM UNIFORM DATA SET.—The Secretary shall specify (and may from time to time update) the data required to be included in the minimum uniform data set under subsection (a) and the standard format for such data. Such data shall include at least—

(1) aggregate utilization data;

(2) data on the demographic characteristics of participants, beneficiaries, and enrollees;

(3) data on disease-specific and age-specific mortality rates and (to the extent feasible) morbidity rates of such individuals;

(4) data on satisfaction (including satisfaction with respect to services to children) of such individuals, including data on voluntary disenrollment and grievances; and

(5) data on quality indicators and health outcomes, including, to the extent feasible and appropriate, data on pediatric cases and on a gender-specific basis.

(c) AVAILABILITY.—A summary of the data collected under subsection (a) shall be disclosed under section 121(b)(9). The Secretary shall be provided access to all the data so collected.

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

(e) EXCEPTION FOR NON-MEDICAL, RELIGIOUS CARE PROVIDERS.—The requirements of subsection (a), insofar as they may apply to a provider of health care, do not apply to a provider that provides no medical care and that provides only a religious method of healing or religious nonmedical nursing care.

SEC. 113. PROCESS FOR SELECTION OF PROVIDERS.

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall, if it provides benefits through participating health care professionals, have a written process for the selection of participating health care professionals, including minimum professional requirements.

(b) VERIFICATION OF BACKGROUND.—Such process shall include verification of a health care provider's license and a history of suspension or revocation.

(c) RESTRICTION.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

(d) NONDISCRIMINATION BASED ON LICENSURE.—

(1) IN GENERAL.—Such process shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed—

(A) as requiring the coverage under a plan or coverage of particular benefits or services or to prohibit a plan or issuer from including providers only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan or issuer; or

(B) to override any State licensure or scope-of-practice law.

(e) GENERAL NONDISCRIMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), such process shall not discriminate with respect to selection of a health care professional to be a participating health care provider, or with respect to the terms and conditions of such participation, based on the professional's race, color, religion, sex, national origin, age, sexual orientation, or disability (consistent with the Americans with Disabilities Act of 1990).

(2) RULES.—The appropriate Secretary may establish such definitions, rules, and exceptions as may be appropriate to carry out paragraph (1), taking into account comparable definitions, rules, and exceptions in effect under employment-based nondiscrimination laws and regulations that relate to each of the particular bases for discrimination described in such paragraph.

SEC. 114. DRUG UTILIZATION PROGRAM.

A group health plan, and a health insurance issuer that provides health insurance coverage, that includes benefits for prescription drugs shall establish and maintain, as part of its internal quality assurance and continuous quality improvement program under section 111, a drug utilization program which—

(1) encourages appropriate use of prescription drugs by participants, beneficiaries, and enrollees and providers, and

(2) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

SEC. 115. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES.

(a) COMPLIANCE WITH REQUIREMENTS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section.

(2) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms "utilization review" and "utilization review activities" mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) WRITTEN POLICIES AND CRITERIA.—

(1) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) USE OF WRITTEN CRITERIA.—

(A) IN GENERAL.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians. Such criteria shall include written clinical review criteria described in section 111(b)(4)(B).

(B) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(c) CONDUCT OF PROGRAM ACTIVITIES.—

(1) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions. In this subsection, the term "health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

(B) PEER REVIEW OF SAMPLE OF ADVERSE CLINICAL DETERMINATIONS.—Such a program shall provide that clinical peers (as defined in section 191(c)(2)) shall evaluate the clinical appropriateness of at least a sample of adverse clinical determinations.

(C) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

(i) provides incentives, direct or indirect, for such persons to make inappropriate review decisions, or

(ii) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

(D) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who provides health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) ACCESSIBILITY OF REVIEW.—Such a program shall provide that appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary or appropriate.

(5) LIMITATION ON INFORMATION REQUESTS.—Under such a program, information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

(d) DEADLINE FOR DETERMINATIONS.—

(1) PRIOR AUTHORIZATION SERVICES.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services for an individual, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 3 business days after the date of receipt of information that is reasonably necessary to make such determination.

(2) CONTINUED CARE.—In the case of a utilization review activity involving authorization for continued or extended health care services for an individual, or additional services for an individual undergoing a course of

continued treatment prescribed by a health care provider, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 1 business day after the date of receipt of information that is reasonably necessary to make such determination. Such notice shall include, with respect to continued or extended health care services, the number of extended services approved, the new total of approved services, the date of onset of services, and the next review date, if any.

(3) Previously provided services.—In the case of a utilization review activity involving retrospective review of health care services previously provided for an individual, the utilization review program shall make a determination concerning such services, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, within 30 days of the date of receipt of information that is reasonably necessary to make such determination.

(4) Reference to special rules for emergency services, maintenance care, and post-stabilization care.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see subsections (a)(1) and (b) of section 101, respectively.

(e) Notice of Adverse Determinations.—

(1) In general.—Notice of an adverse determination under a utilization review program shall be provided in printed form and shall include—

(A) the reasons for the determination (including the clinical rationale);

(B) instructions on how to initiate an appeal under section 132; and

(C) notice of the availability, upon request of the individual (or the individual's designee) of the clinical review criteria relied upon to make such determination.

(2) Specification of any additional information.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, the person making the determination in order to make a decision on such an appeal.

SEC. 116. HEALTH CARE QUALITY ADVISORY BOARD.

(a) Establishment.—The President shall establish an advisory board to provide information to Congress and the administration on issues relating to quality monitoring and improvement in the health care provided under group health plans and health insurance coverage.

(b) Number and Appointment.—The advisory board shall be composed of the Secretary of Health and Human Services (or the Secretary's designee), the Secretary of Labor (or the Secretary's designee), and 20 additional members appointed by the President, in consultation with the Majority and Minority Leaders of the Senate and House of Representatives. The members so appointed shall include individuals with expertise in—

(1) consumer needs;

(2) education and training of health professionals;

(3) health care services;

(4) health plan management;

(5) health care accreditation, quality assurance, improvement, measurement, and oversight;

(6) medical practice, including practicing physicians;

(7) prevention and public health; and

(8) public and private group purchasing for small and large employers or groups.

(c) Duties.—The advisory board shall—

(1) identify, update, and disseminate measures of health care quality for group health plans and health insurance issuers, including network and non-network plans;

(2) advise the Secretary on the development and maintenance of the minimum data set in section 112(b); and

(3) advise the Secretary on standardized formats for information on group health plans and health insurance coverage.

The measures identified under paragraph (1) may be used on a voluntary basis by such plans and issuers. In carrying out paragraph (1), the advisory board shall consult and cooperate with national health care standard setting bodies which define quality indicators, the Agency for Health Care Policy and Research, the Institute of Medicine, and other public and private entities that have expertise in health care quality.

(d) Report.—The advisory board shall provide an annual report to Congress and the President on the quality of the health care in the United States and national and regional trends in health care quality. Such report shall include a description of determinants of health care quality and measurements of practice and quality variability within the United States.

(e) Secretarial Consultation.—In serving on the advisory board, the Secretaries of Health and Human Services and Labor (or their designees) shall consult with the Secretaries responsible for other Federal health insurance and health care programs.

(f) Vacancies.—Any vacancy on the board shall be filled in such manner as the original appointment. Members of the board shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. Administrative support, scientific support, and technical assistance for the advisory board shall be provided by the Secretary of Health and Human Services.

(g) Continuation.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the advisory board.

CHAPTER 3—PATIENT INFORMATION

SEC. 121. PATIENT INFORMATION.

(a) Disclosure Requirement.—

(1) Group health plans.—A group health plan shall—

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to participants and beneficiaries, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) Health insurance issuers.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) Information Provided.—The information described in this subsection with respect to a group health plan or health insurance coverage offered by a health insurance issuer includes the following:

(1) Service area.—The service area of the plan or issuer.

(2) Benefits.—Benefits offered under the plan or coverage, including—

(A) covered benefits, including benefit limits and coverage exclusions;

(B) cost sharing, such as deductibles, coinsurance, and copayment amounts, including any liability for balance billing, any maximum limitations on out of pocket expenses, and the maximum out of pocket costs for services that are provided by non participating providers or that are furnished without meeting the applicable utilization review requirements;

(C) the extent to which benefits may be obtained from nonparticipating providers;

(D) the extent to which a participant, beneficiary, or enrollee may select from among participating providers and the types of providers participating in the plan or issuer network;

(E) process for determining experimental coverage; and

(F) use of a prescription drug formulary.

(3) Access.—A description of the following:

(A) The number, mix, and distribution of providers under the plan or coverage.

(B) Out-of-network coverage (if any) provided by the plan or coverage.

(C) Any point-of-service option (including any supplemental premium or cost-sharing for such option).

(D) The procedures for participants, beneficiaries, and enrollees to select, access, and change participating primary and specialty providers.

(E) The rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers.

(F) The name, address, and telephone number of participating health care providers and an indication of whether each such provider is available to accept new patients.

(G) Any limitations imposed on the selection of qualifying participating health care providers, including any limitations imposed under section 103(b)(2).

(H) How the plan or issuer addresses the needs of participants, beneficiaries, and enrollees and others who do not speak English or who have other special communications needs in accessing providers under the plan or coverage, including the provision of information described in this subsection and subsection (c) to such individuals and including the provision of information in a language other than English if 5 percent of the number of participants, beneficiaries, and enrollees communicate in that language instead of English.

(4) Out-of-area coverage.—Out-of-area coverage provided by the plan or issuer.

(5) EMERGENCY COVERAGE.—Coverage of emergency services, including—

(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

(B) the process and procedures of the plan or issuer for obtaining emergency services; and

(C) the locations of (i) emergency departments, and (ii) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

(6) PERCENTAGE OF PREMIUMS USED FOR BENEFITS (LOSS-RATIOS).—In the case of health insurance coverage only (and not with respect to group health plans that do not provide coverage through health insurance coverage), a description of the overall loss-ratio for the coverage (as defined in accordance with rules established or recognized by the Secretary of Health and Human Services).

(7) PRIOR AUTHORIZATION RULES.—Rules regarding prior authorization or other review requirements that could result in noncoverage or nonpayment.

(8) GRIEVANCE AND APPEALS PROCEDURES.—All appeal or grievance rights and procedures under the plan or coverage, including the method for filing grievances and the time frames and circumstances for acting on grievances and appeals, who is the applicable authority with respect to the plan or issuer, and the availability of assistance through an ombudsman to individuals in relation to group health plans and health insurance coverage.

(9) QUALITY ASSURANCE.—A summary description of the data on quality collected under section 112(a), including a summary description of the data on satisfaction of participants, beneficiaries, and enrollees (including data on individual voluntary disenrollment and grievances and appeals) described in section 112(b)(4).

(10) SUMMARY OF PROVIDER FINANCIAL INCENTIVES.—A summary description of the information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(11) INFORMATION ON ISSUER.—Notice of appropriate mailing addresses and telephone numbers to be used by participants, beneficiaries, and enrollees in seeking information or authorization for treatment.

(12) AVAILABILITY OF INFORMATION ON REQUEST.—Notice that the information described in subsection (c) is available upon request.

(c) INFORMATION MADE AVAILABLE UPON REQUEST.—The information described in this subsection is the following:

(1) UTILIZATION REVIEW ACTIVITIES.—A description of procedures used and requirements (including circumstances, time frames, and appeal rights) under any utilization review program under section 115, including under any drug formulary program under section 107.

(2) GRIEVANCE AND APPEALS INFORMATION.—Information on the number of grievances and appeals and on the disposition in the aggregate of such matters.

(3) METHOD OF PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians, including information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(4) SPECIFIC INFORMATION ON CREDENTIALS OF PARTICIPATING PROVIDERS.—In the case of each participating provider, a description of the credentials of the provider.

(5) CONFIDENTIALITY POLICIES AND PROCEDURES.—A description of the policies and procedures established to carry out section 122.

(6) FORMULARY RESTRICTIONS.—A description of the nature of any drug formula restrictions.

(7) PARTICIPATING PROVIDER LIST.—A list of current participating health care providers.

(d) FORM OF DISCLOSURE.—

(1) UNIFORMITY.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area.

(2) INFORMATION INTO HANDBOOK.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from making the information under subsections (b) and (c) available to participants, beneficiaries, and enrollees through an enrollee handbook or similar publication.

(3) UPDATING PARTICIPATING PROVIDER INFORMATION.—The information on participating health care providers described in subsection (b)(3)(C) shall be updated within such reasonable period as determined appropriate by the Secretary. Nothing in this section shall prevent an issuer from changing or updating other information made available under this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed as requiring public disclosure of individual contracts or financial arrangements between a group health plan or health insurance issuer and any provider.

SEC. 122. PROTECTION OF PATIENT CONFIDENTIALITY.

Insofar as a group health plan, or a health insurance issuer that offers health insurance coverage, maintains medical records or other health information regarding participants, beneficiaries, and enrollees, the plan or issuer shall establish procedures—

(1) to safeguard the privacy of any individually identifiable enrollee information;

(2) to maintain such records and information in a manner that is accurate and timely, and

(3) to assure timely access of such individuals to such records and information.

SEC. 123. HEALTH INSURANCE OMBUDSMEN.

(a) IN GENERAL.—Each State that obtains a grant under subsection (c) shall provide for creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers. Such Ombudsman shall be responsible for at least the following:

(1) To assist consumers in the State in choosing among health insurance coverage or among coverage options offered within group health plans.

(2) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers and group health plans in regard to such coverage or plans and with respect to grievances and appeals regarding determinations under such coverage or plans.

(b) FEDERAL ROLE.—In the case of any State that does not provide for such an Ombudsman under subsection (a), the Secretary shall provide for the creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers and that is responsible for carrying out with respect to that State the functions otherwise provided under subsection (a) by a Health Insurance Ombudsman.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services such amounts as may be necessary to provide for grants to States for contracts for Health Insurance Ombudsmen under subsection (a) or contracts for such Ombudsmen under subsection (b).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent the use of other forms of enrollee assistance.

CHAPTER 4—GRIEVANCE AND APPEALS PROCEDURES

SEC. 131. ESTABLISHMENT OF GRIEVANCE PROCESS.

(a) ESTABLISHMENT OF GRIEVANCE SYSTEM.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain a system to provide for the presentation and resolution of oral and written grievances brought by individuals who are participants, beneficiaries, or enrollees, or health care providers or other individuals acting on behalf of an individual and with the individual's consent, regarding any aspect of the plan's or issuer's services.

(2) SCOPE.—The system shall include grievances regarding access to and availability of services, quality of care, choice and accessibility of providers, network adequacy, and compliance with the requirements of this subtitle.

(b) GRIEVANCE SYSTEM.—Such system shall include the following components with respect to individuals who are participants, beneficiaries, or enrollees:

(1) Written notification to all such individuals and providers of the telephone numbers and business addresses of the plan or issuer personnel responsible for resolution of grievances and appeals.

(2) A system to record and document, over a period of at least 3 previous years, all grievances and appeals made and their status.

(3) A process providing for timely processing and resolution of grievances.

(4) Procedures for follow-up action, including the methods to inform the person making the grievance of the resolution of the grievance.

(5) Notification to the continuous quality improvement program under section 111(a) of all grievances and appeals relating to quality of care.

SEC. 132. INTERNAL APPEALS OF ADVERSE DETERMINATIONS.

(a) RIGHT OF APPEAL.—

(1) IN GENERAL.—A participant or beneficiary in a group health plan, and an enrollee in health insurance coverage offered by a health insurance issuer, and any provider or other person acting on behalf of such an individual with the individual's consent, may appeal any appealable decision (as defined in paragraph (2)) under the procedures described in this section and (to the extent applicable) section 133. Such individuals and providers shall be provided with a written explanation of the appeal process and the determination upon the conclusion of the appeals process and as provided in section 121(b)(8).

(2) APPEALABLE DECISION DEFINED.—In this section, the term "appealable decision" means any of the following:

(A) Denial, reduction, or termination of, or failure to provide or make payment (in whole or in part) for a benefit, including a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(B) Failure to provide coverage of emergency services or reimbursement of maintenance care or post-stabilization care under section 101.

(C) Failure to provide a choice of provider under section 103.

(D) Failure to provide qualified health care providers under section 103.

(E) Failure to provide access to specialty and other care under section 104.

(F) Failure to provide continuation of care under section 105.

(G) Failure to provide coverage of routine patient costs in connection with an approval clinical trial under section 106.

(H) Failure to provide access to needed drugs under section 107(a)(3) or 107(b).

(I) Discrimination in delivery of services in violation of section 109.

(J) An adverse determination under a utilization review program under section 115.

(K) The imposition of a limitation that is prohibited under section 151.

(b) INTERNAL APPEAL PROCESS.—

(1) IN GENERAL.—Each group health plan and health insurance issuer shall establish and maintain an internal appeal process under which any participant, beneficiary, or enrollee, or any provider or other person acting on behalf of such an individual with the individual's consent, who is dissatisfied with any appealable decision has the opportunity to appeal the decision through an internal appeal process. The appeal may be communicated orally.

(2) CONDUCT OF REVIEW.—

(A) IN GENERAL.—The process shall include a review of the decision by a physician or other health care professional (or professionals) who has been selected by the plan or issuer and who has not been involved in the appealable decision at issue in the appeal.

(B) AVAILABILITY AND PARTICIPATION OF CLINICAL PEERS.—The individuals conducting such review shall include one or more clinical peers (as defined in section 191(c)(2)) who have not been involved in the appealable decision at issue in the appeal.

(3) DEADLINE.—

(A) IN GENERAL.—Subject to subsection (c), the plan or issuer shall conclude each appeal as soon as possible after the time of the receipt of the appeal in accordance with medical exigencies of the case involved, but in no event later than—

(i) 72 hours after the time of receipt of an expedited appeal, and

(ii) except as provided in subparagraph (B), 30 business days after such time (or, if the participant, beneficiary, or enrollee supplies additional information that was not available to the plan or issuer at the time of the receipt of the appeal, after the date of supplying such additional information) in the case of all other appeals.

(B) EXTENSION.—In the case of an appeal that does not relate to a decision regarding an expedited appeal and that does not involve medical exigencies, if a group health plan or health insurance issuer is unable to conclude the appeal within the time period provided under subparagraph (A)(ii) due to circumstances beyond the control of the plan or issuer, the deadline shall be extended for up to an additional 10 business days if the plan or issuer provides, on or before 10 days before the deadline otherwise applicable, written notice to the participant, beneficiary, or enrollee and the provider involved of the extension and the reasons for the extension.

(4) NOTICE.—If a plan or issuer denies an appeal, the plan or issuer shall provide the participant, beneficiary, or enrollee and provider involved with notice in printed form of the denial and the reasons therefore, together with a notice in printed form of rights to any further appeal.

(c) EXPEDITED REVIEW PROCESS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer, shall establish procedures in writing for the expedited consideration of appeals under subsection (b) in situations in which the application of the normal timeframe for making a determination could seriously jeopardize the life or health of the participant, beneficiary, or enrollee (including in the case of a child, development) or such an individual's ability to regain maximum function.

(2) PROCESS.—Under such procedures—

(A) the request for expedited appeal may be submitted orally or in writing by an individual or provider who is otherwise entitled to request the appeal; and

(B) all necessary information, including the plan's or issuer's decision, shall be transmitted between the plan or issuer and the requester by telephone, facsimile, or other similarly expeditious available method.

(d) DIRECT USE OF FURTHER APPEALS.—In the event that the plan or issuer fails to comply with any of the deadlines for completion of appeals under this section or in the event that the plan or issuer for any reason expressly waives its rights to an internal review of an appeal under subsection (b), the participant, beneficiary, or enrollee involved and the provider involved shall be relieved of any obligation to complete the appeal involved and may, at such an individual's or provider's option, proceed directly to seek further appeal through any applicable external appeals process.

SEC. 133. EXTERNAL APPEALS OF ADVERSE DETERMINATIONS.

(a) RIGHT TO EXTERNAL APPEAL.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for an external appeals process that meets the requirements of this section in the case of an externally appealable decision described in paragraph (2). The appropriate Secretary shall establish standards to carry out such requirements.

(2) EXTERNALLY APPEALABLE DECISION DEFINED.—For purposes of this section, the term "externally appealable decision" means an appealable decision (as defined in section 132(a)(2)) if—

(A) the amount involved exceeds a significant threshold; or

(B) the patient's life or health is jeopardized (including, in the case of a child, development) as a consequence of the decision.

Such term does not include a denial of coverage for services that are specifically listed in plan or coverage documents as excluded from coverage.

(3) EXHAUSTION OF INTERNAL APPEALS PROCESS.—A plan or issuer may condition the use of an external appeal process in the case of an externally appealable decision upon completion of the internal review process provided under section 132, but only if the decision is made in a timely basis consistent with the deadlines provided under this chapter.

(b) GENERAL ELEMENTS OF EXTERNAL APPEALS PROCESS.—

(1) CONTRACT WITH QUALIFIED EXTERNAL APPEAL ENTITY.—

(A) CONTRACT REQUIREMENT.—Subject to subparagraph (B), the external appeal process under this section of a plan or issuer shall be conducted under a contract between the plan or issuer and one or more qualified external appeal entities (as defined in subsection (c)).

(B) RESTRICTIONS ON QUALIFIED EXTERNAL APPEAL ENTITY.—

(i) BY STATE FOR HEALTH INSURANCE ISSUERS.—With respect to health insurance issuers in a State, the State may provide for external review activities to be conducted by a qualified external appeal entity that is designated by the State or that is selected by the State in such a manner as to assure an unbiased determination.

(ii) BY FEDERAL GOVERNMENT FOR GROUP HEALTH PLANS.—With respect to group health plans, the appropriate Secretary may exercise the same authority as a State may exercise with respect to health insurance issuers under clause (i). Such authority may include requiring the use of the qualified external appeal entity designated or selected under such clause.

(iii) LIMITATION ON PLAN OR ISSUER SELECTION.—If an applicable authority permits more than one entity to qualify as a qualified external appeal entity with respect to a group health plan or health insurance issuer and the plan or issuer may select among such qualified entities, the applicable authority—

(I) shall assure that the selection process will not create any incentives for external appeal entities to make a decision in a biased manner, and

(II) shall implement procedures for auditing a sample of decisions by such entities to assure that no such decisions are made in a biased manner.

(C) OTHER TERMS AND CONDITIONS.—The terms and conditions of a contract under this paragraph shall be consistent with the standards the appropriate Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external appeal activities. Such contract shall provide that the direct costs of the process (not including costs of representation of a participant, beneficiary, or enrollee) shall be paid by the plan or issuer, and not by the participant, beneficiary, or enrollee.

(2) ELEMENTS OF PROCESS.—An external appeal process shall be conducted consistent with standards established by the appropriate Secretary that include at least the following:

(A) FAIR PROCESS; DE NOVO DETERMINATION.—The process shall provide for a fair, de novo determination.

(B) DETERMINATION CONCERNING EXTERNALLY APPEALABLE DECISIONS.—A qualified external appeal entity shall determine whether a decision is an externally appealable decision and related decisions, including—

(i) whether such a decision involves an expedited appeal;

(ii) the appropriate deadlines for internal review process required due to medical exigencies in a case; and

(iii) whether such a process has been completed.

(C) OPPORTUNITY TO SUBMIT EVIDENCE, HAVE REPRESENTATION, AND MAKE ORAL PRESENTATION.—Each party to an externally appealable decision—

(i) may submit and review evidence related to the issues in dispute,

(ii) may use the assistance or representation of one or more individuals (any of whom may be an attorney), and

(iii) may make an oral presentation.

(D) PROVISION OF INFORMATION.—The plan or issuer involved shall provide timely access to all its records relating to the matter of the externally appealable decision and to all provisions of the plan or health insurance coverage (including any coverage manual) relating to the matter.

(E) TIMELY DECISIONS.—A determination by the external appeal entity on the decision shall—

(i) be made orally or in writing and, if it is made orally, shall be supplied to the parties in writing as soon as possible;

(ii) be binding on the plan or issuer;

(iii) be made in accordance with the medical exigencies of the case involved, but in no event later than 60 days (or 72 hours in the case of an expedited appeal) from the date of completion of the filing of notice of external appeal of the decision;

(iv) state, in layperson's language, the basis for the determination, including, if relevant, any basis in the terms or conditions of the plan or coverage; and

(v) inform the participant, beneficiary, or enrollee of the individual's rights to seek further review by the courts (or other process) of the external appeal determination.

(c) QUALIFICATIONS OF EXTERNAL APPEAL ENTITIES.—

(1) IN GENERAL.—For purposes of this section, the term "qualified external appeal entity" means, in relation to a plan or issuer, an entity (which may be a governmental entity) that is certified under paragraph (2) as meeting the following requirements:

(A) There is no real or apparent conflict of interest that would impede the entity conducting external appeal activities independent of the plan or issuer.

(B) The entity conducts external appeal activities through clinical peers.

(C) The entity has sufficient medical, legal, and other expertise and sufficient staffing to conduct external appeal activities for the plan or issuer on a timely basis consistent with subsection (b)(3)(E).

(D) The entity meets such other requirements as the appropriate Secretary may impose.

(2) CERTIFICATION OF EXTERNAL APPEAL ENTITIES.—

(A) IN GENERAL.—In order to be treated as a qualified external appeal entity with respect to—

(i) a group health plan, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting the requirements of paragraph (1) by the Secretary of Labor (or under a process recognized or approved by the Secretary of Labor); or

(ii) a health insurance issuer operating in a State, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting such requirements by the applicable State authority (or, if the State has not established an adequate certification and recertification process, by the Secretary of Health and Human Services, or under a process recognized or approved by such Secretary).

(B) RECERTIFICATION PROCESS.—The appropriate Secretary shall develop standards for the recertification of external appeal entities. Such standards shall include a specification of—

(i) the information required to be submitted as a condition of recertification on the entity's performance of external appeal activities, which information shall include the number of cases reviewed, a summary of the disposition of those cases, the length of time in making determinations on those cases, and such information as may be necessary to assure the independence of the entity from the plans or issuers for which external appeal activities are being conducted; and

(ii) the periodicity which recertification will be required.

(d) CONTINUING LEGAL RIGHTS OF ENROLLEES.—Nothing in this subtitle shall be construed as removing any legal rights of participants, beneficiaries, enrollees, and others under State or Federal law, including the right to file judicial actions to enforce rights.

CHAPTER 5—PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

SEC. 141. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) PROHIBITION.—

(1) GENERAL RULE.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with the provider's patient.

(2) NULLIFICATION.—Any contract provision or agreement that restricts or prohibits medical communications in violation of paragraph (1) shall be null and void.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a group health plan or health insurance issuer to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

(2) to permit a health care provider to misrepresent the scope of benefits covered under the group health plan or health insurance coverage or to otherwise require a group health plan health insurance issuer to reimburse providers for benefits not covered under the plan or coverage.

(c) MEDICAL COMMUNICATION DEFINED.—In this section:

(1) IN GENERAL.—The term "medical communication" means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

(A) the patient's health status, medical care, or treatment options;

(B) any utilization review requirements that may affect treatment options for the patient; or

(C) any financial incentives that may affect the treatment of the patient.

(2) MISREPRESENTATION.—The term "medical communication" does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

SEC. 142. PROHIBITION AGAINST TRANSFER OF INDEMNIFICATION OR IMPROPER INCENTIVE ARRANGEMENTS.

(a) PROHIBITION OF TRANSFER OF INDEMNIFICATION.—

(1) IN GENERAL.—No contract or agreement between a group health plan or health insurance issuer (or any agent acting on behalf of such a plan or issuer) and a health care provider shall contain any provision purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the plan, issuer, or agent (as opposed to the provider).

(2) NULLIFICATION.—Any contract or agreement provision described in paragraph (1) shall be null and void.

(b) PROHIBITION OF IMPROPER PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A group health plan and a health insurance issuer offering health insurance coverage may not operate any physician incentive plan (as defined in subparagraph (B) of section 1876(i)(8) of the Social Security Act) unless the requirements described in subparagraph (A) of such section are met with respect to such a plan.

(2) APPLICATION.—For purposes of carrying out paragraph (1), any reference in section 1876(i)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with the plan or organization, respectively.

SEC. 143. ADDITIONAL RULES REGARDING PARTICIPATION OF HEALTH CARE PROFESSIONALS.

(a) PROCEDURES.—Insofar as a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits through participating health care professionals, the plan or issuer shall establish reasonable procedures relating to the participation (under an agreement between a professional and the plan or issuer) of such professionals under the plan or coverage. Such procedures shall include—

(1) providing notice of the rules regarding participation;

(2) providing written notice of participation decisions that are adverse to professionals; and

(3) providing a process within the plan or issuer for appealing such adverse decisions, including the presentation of information and views of the professional regarding such decision.

(b) CONSULTATION IN MEDICAL POLICIES.—A group health plan, and health insurance issuer that offers health insurance coverage, shall consult with participating physicians (if any) regarding the plan's or issuer's medical policy, quality, and medical management procedures.

SEC. 144. PROTECTION FOR PATIENT ADVOCACY.

(a) PROTECTION FOR USE OF UTILIZATION REVIEW AND GRIEVANCE PROCESS.—A group health plan, and a health insurance issuer with respect to the provision of health insurance coverage, may not retaliate against a participant, beneficiary, enrollee, or health care provider based on the participant's, beneficiary's, enrollee's or provider's use of, or participation in, a utilization review process or a grievance process of the plan or issuer (including an internal or external review or appeal process) under this subtitle.

(b) PROTECTION FOR QUALITY ADVOCACY BY HEALTH CARE PROFESSIONALS.—

(1) IN GENERAL.—A group health plan or health insurance issuer may not retaliate or discriminate against a protected health care professional because the professional in good faith—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, or enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer; or

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided by such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) GOOD FAITH ACTION.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or of a generally recognized professional or clinical standard or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable internal procedures of the plan, issuer, or institutional health care provider established for the purpose of addressing quality concerns before making the disclosure.

(3) EXCEPTION AND SPECIAL RULE.—

(A) GENERAL EXCEPTION.—Paragraph (1) does not protect disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) NOTICE OF INTERNAL PROCEDURES.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are reasonably expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) INTERNAL PROCEDURE EXCEPTION.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.

(4) ADDITIONAL CONSIDERATIONS.—It shall not be a violation of paragraph (1) to take an adverse action against a protected health care professional if the plan, issuer, or provider taking the adverse action involved demonstrates that it would have taken the same adverse action even in the absence of the activities protected under such paragraph.

(5) NOTICE.—A group health plan, health insurance issuer, and institutional health care provider shall post a notice, to be provided or approved by the Secretary of Labor, setting forth excerpts from, or summaries of, the pertinent provisions of this subsection and information pertaining to enforcement of such provisions.

(6) CONSTRUCTIONS.—

(A) DETERMINATIONS OF COVERAGE.—Nothing in this subsection shall be construed to prohibit a plan or issuer from making a determination not to pay for a particular medical treatment or service or the services of a type of health care professional.

(B) ENFORCEMENT OF PEER REVIEW PROTOCOLS AND INTERNAL PROCEDURES.—Nothing in this subsection shall be construed to prohibit a plan, issuer, or provider from establishing and enforcing reasonable peer review or utilization review protocols or determining whether a protected health care professional has complied with those protocols or from establishing and enforcing internal procedures for the purpose of addressing quality concerns.

(C) RELATION TO OTHER RIGHTS.—Nothing in this subsection shall be construed to abridge rights of participants, beneficiaries, enrollees, and protected health care professionals under other applicable Federal or State laws.

(7) PROTECTED HEALTH CARE PROFESSIONAL DEFINED.—For purposes of this subsection, the term "protected health care professional" means an individual who is a licensed or certified health care professional and who—

(A) with respect to a group health plan or health insurance issuer, is an employee of the plan or issuer or has a contract with the plan or issuer for provision of services for which benefits are available under the plan or issuer; or

(B) with respect to an institutional health care provider, is an employee of the provider or has a contract or other arrangement with the provider respecting the provision of health care services.

CHAPTER 6—PROMOTING GOOD MEDICAL PRACTICE

SEC. 151. PROMOTING GOOD MEDICAL PRACTICE.

(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) MANNER OR SETTING DEFINED.—In paragraph (1), the term "manner or setting" means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital. Such term does not include the coverage of a particular service or treatment.

(b) NO CHANGE IN COVERAGE.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

(c) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In subsection (a), the term "medically necessary or appropriate" means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

SEC. 152. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

(a) INPATIENT CARE.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in his or her professional judgment consistent with generally accepted medical standards, in consultation with the patient, to be medically appropriate following—

(A) a mastectomy;

(B) a lumpectomy; or

(C) a lymph node dissection for the treatment of breast cancer.

(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a

hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

(c) RULES OF CONSTRUCTION.—

(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

(A) to undergo a mastectomy or lymph node dissection in a hospital; or

(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

(d) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(e) EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1) of the Public Health Service Act) for a State that regulates such coverage that is described in any of the following subparagraphs:

(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

(2) CONSTRUCTION.—Section 2723(a)(1) of the Public Health Service Act and section 731(a)(1) of the Employee Retirement Income Security Act of 1974 shall not be construed as superseding a State law described in paragraph (1).

CHAPTER 7—DEFINITIONS

SEC. 191. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 2971 of the Public Health Service Act shall apply for purposes of this subtitle in the same manner as they apply for purposes of title XXVII of such Act.

(b) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury and the term "appropriate Secretary" means the Secretary of Health and Human Services in relation to carrying out this subtitle under sections 2707 and 2753 of the Public Health Service Act, the Secretary of Labor in relation to carrying out this subtitle under section 714 of the Employee Retirement Income Security Act of 1974, and the Secretary of the Treasury in relation to carrying out this subtitle under chapter 100 and section 4980D of the Internal Revenue Code of 1986.

(c) ADDITIONAL DEFINITIONS.—For purposes of this subtitle:

(1) APPLICABLE AUTHORITY.—The term "applicable authority" means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this subtitle, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) CLINICAL PEER.—The term "clinical peer" means, with respect to a review or appeal, a physician (allopathic or osteopathic) or other health care professional who holds a non-restricted license in a State and who is appropriately credentialed in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review or appeal and includes a pediatric specialist where appropriate; except that only a physician may be a clinical peer with respect to the review or appeal of treatment rendered by a physician.

(3) HEALTH CARE PROVIDER.—The term "health care provider" includes a physician or other health care professional, as well as an institutional provider of health care services.

(4) NONPARTICIPATING.—The term "nonparticipating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(5) PARTICIPATING.—The term "participating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

SEC. 192. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this subtitle shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of this subtitle.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this subtitle shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) RULES OF CONSTRUCTION.—Except as provided in section 152, nothing in this subtitle shall be construed as requiring a group health plan or health insurance coverage to provide specific benefits under the terms of such plan or coverage.

(c) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term "State" includes a State, the Northern Mariana Islands, any political subdivisions of a State or such Islands, or any agency or instrumentality of either.

SEC. 193. REGULATIONS.

The Secretaries of Health and Human Services, Labor, and the Treasury shall issue such regulations as may be necessary or appropriate to carry out this subtitle. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this subtitle.

Subtitle B—Application of Patient Protection Standards to Group Health Plans and Health Insurance Coverage Under Public Health Service Act

SEC. 201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2707. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each group health plan shall comply with patient protection requirements under subtitle A of the Patients' Bill of Rights Act of 1999, and each health insurance issuer shall comply with patient protection requirements under such subtitle with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with such notice requirement as if such section applied to such issuer and such issuer were a group health plan.".

(b) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2707)" after "requirements of such subparts".

SEC. 202. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Subpart 3 of part B of title XXVII of the Public Health Service Act, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2753. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under subtitle A of the Patients' Bill of Rights Act of 1999 with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of such subtitle as if such section applied to such issuer and such issuer were a group health plan.".

Subtitle C—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following:

"SEC. 714. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of subtitle A of the Patients' Bill of Rights Act of 1999 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

"(b) PLAN SATISFACTION OF CERTAIN REQUIREMENTS.—

"(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of subtitle A of the Patients' Bill of Rights Act of 1999 with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) Section 101 (relating to access to emergency care).

"(B) Section 102(a)(1) (relating to offering option to purchase point-of-service coverage), but only insofar as the plan is meeting such requirement through an agreement with the issuer to offer the option to purchase point-of-service coverage under such section.

"(C) Section 103 (relating to choice of providers).

"(D) Section 104 (relating to access to specialty care).

"(E) Section 105(a)(1) (relating to continuity in case of termination of provider contract) and section 105(a)(2) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

"(F) Section 106 (relating to coverage for individuals participating in approved clinical trials.)

"(G) Section 107 (relating to access to needed prescription drugs).

"(H) Section 108 (relating to adequacy of provider network).

"(I) Chapter 2 of subtitle A (relating to quality assurance).

"(J) Section 143 (relating to additional rules regarding participation of health care professionals).

"(K) Section 152 (relating to standards relating to benefits for certain breast cancer treatment).

"(2) INFORMATION.—With respect to information required to be provided or made available under section 121, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

"(3) GRIEVANCE AND INTERNAL APPEALS.—With respect to the grievance system and internal appeals process required to be established under sections 131 and 132, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such system and process (and is not liable for the issuer's failure to provide for such system and process), if the issuer is obligated to provide for (and provides for) such system and process.

"(4) EXTERNAL APPEALS.—Pursuant to rules of the Secretary, insofar as a group health plan enters into a contract with a qualified external appeal entity for the conduct of external appeal activities in accordance with section 133, the plan shall be treated as meeting the requirement of such section and is not liable for the entity's failure to meet any requirements under such section.

"(5) APPLICATION TO PROHIBITIONS.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any of the following sections, the group health plan shall not be liable for such violation unless the plan caused such violation:

"(A) Section 109 (relating to nondiscrimination in delivery of services).

"(B) Section 141 (relating to prohibition of interference with certain medical communications).

"(C) Section 142 (relating to prohibition against transfer of indemnification or improper incentive arrangements).

"(D) Section 144 (relating to prohibition on retaliation).

"(E) Section 151 (relating to promoting good medical practice).

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(7) APPLICATION TO CERTAIN PROHIBITIONS AGAINST RETALIATION.—With respect to compliance with the requirements of section 144(b)(1) of the Patients' Bill of Rights Act of 1999, for purposes of this subtitle the term 'group health plan' is deemed to include a reference to an institutional health care provider.

"(c) ENFORCEMENT OF CERTAIN REQUIREMENTS.—

"(1) COMPLAINTS.—Any protected health care professional who believes that the professional has been retaliated or discriminated against in violation of section 144(b)(1) of the Patients' Bill of Rights Act of 1999 may file with the Secretary a complaint within 180 days of the date of the alleged retaliation or discrimination.

"(2) INVESTIGATION.—The Secretary shall investigate such complaints and shall determine if a violation of such section has occurred and, if so, shall issue an order to ensure that the protected health care professional does not suffer any loss of position, pay, or benefits in relation to the plan, issuer, or provider involved, as a result of the violation found by the Secretary.

"(d) CONFORMING REGULATIONS.—The Secretary may issue regulations to coordinate the requirements on group health plans under this section with the requirements imposed under the other provisions of this title.".

(b) SATISFACTION OF ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 503 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1133) is amended by inserting "(a)" after "SEC. 503." and by adding at the end the following new subsection:

"(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of chapter 4 (and section 115) of subtitle A of the Patients' Bill of Rights Act of 1999 in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.".

(c) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Patient protection standards.".

(3) Section 502(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(b)(3)) is amended by inserting "(other than section 144(b))" after "part 7".

SEC. 302. ERISA PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS INVOLVING HEALTH INSURANCE POLICYHOLDERS.

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following subsection:

"(e) PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS ARISING OUT OF PROVISION OF HEALTH BENEFITS.—

"(1) IN GENERAL.—Except as provided in this subsection, nothing in this title shall be construed to invalidate, impair, or supersede any cause of action brought by a plan participant or beneficiary (or the estate of a plan participant or beneficiary) under State law to recover damages resulting from personal injury or for wrongful death against any person—

"(A) in connection with the provision of insurance, administrative services, or medical services by such person to or for a group health plan (as defined in section 733), or

"(B) that arises out of the arrangement by such person for the provision of such insurance, administrative services, or medical services by other persons.

"(2) EXCEPTION FOR EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) does not authorize—

"(i) any cause of action against an employer or other plan sponsor maintaining the group health plan or against an employee of such an employer or sponsor acting within the scope of employment, or

"(ii) a right of recovery or indemnity by a person against an employer or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

"(B) SPECIAL RULE.—Subparagraph (A) shall not preclude any cause of action described in paragraph (1) against an employer or other plan sponsor (or against an employee of such an employer or sponsor acting within the scope of employment) if—

"(i) such action is based on the employer's or other plan sponsor's (or employee's) exercise of discretionary authority to make a decision on a claim for benefits covered under the plan or health insurance coverage in the case at issue; and

"(ii) the exercise by such employer or other plan sponsor (or employee of such authority) resulted in personal injury or wrongful death.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting a cause of action under State law for the failure to provide an item or service which is not covered under the group health plan involved.

"(4) PERSONAL INJURY DEFINED.—For purposes of this subsection, the term 'personal injury' means a physical injury and includes an injury arising out of the treatment (or failure to treat) a mental illness or disease.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts and omissions occurring on or after the date of the enactment of this Act from which a cause of action arises.

SEC. 303. LIMITATION IN ACTIONS.

Section 502 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n)(1) Except as provided in this section, no action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) by a participant or beneficiary seeking relief based on the application of any provision in chapter 1 (other than section 109) of subtitle A, chapter 5 of subtitle A, or section 115 or 151 of the Patient's Bill of Rights Act of 1999 (as incorporated under section 714).

"(2) An action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) by a participant or beneficiary seeking relief based on the application of section 101, 104, 105, 106, 107(a)(3), 107(b), 115, or 151 of the Patient's Bill of Rights Act of 1999 (as incorporated under section 714) to the individual circumstances of that participant or beneficiary; except that—

"(A) such an action may not be brought or maintained as a class action; and

"(B) in such an action relief may only provide for the provision of (or payment for) benefits, items, or services denied to the individual participant or beneficiary involved (and for attorney's fees and the costs of the action, at the discretion of the court) and shall not provide for any other relief to the participant or beneficiary and for any relief to any other person.

"(3) Nothing in this subsection shall be construed as affecting any action brought by the Secretary.".

Subtitle D—Application to Group Health Plans under the Internal Revenue Code of 1986

SEC. 401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 (as amended by section 1531(a) of the Taxpayer Relief Act of 1997) is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient freedom of choice."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

"A group health plan shall comply with the requirements of subtitle A of the Patients' Bill of Rights Act of 1999 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.".

Subtitle E—Effective Dates; Coordination in Implementation

SEC. 501. EFFECTIVE DATES AND RELATED RULES.

(a) GROUP HEALTH COVERAGE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 201(a), 301, and 401 (and subtitle A insofar as it relates to such sections) shall apply with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning on or after October 1, 2000 (in this section referred to as the "general effective date").

(2) TREATMENT OF COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this title, the amendments made by sections 201(a), 301, and 401 (and subtitle A insofar as it relates to such sections) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this title shall not be treated as a termination of such collective bargaining agreement.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The amendments made by section 202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

(c) TREATMENT OF RELIGIOUS NONMEDICAL PROVIDERS.—

(1) IN GENERAL.—Nothing in this title (or the amendments made thereby) shall be construed to—

(A) restrict or limit the right of group health plans, and of health insurance issuers offering health insurance coverage, to include as providers religious nonmedical providers;

(B) require such plans or issuers to—

(i) utilize medically based eligibility standards or criteria in deciding provider status of religious nonmedical providers;

(ii) use medical professionals or criteria to decide patient access to religious nonmedical providers;

(iii) utilize medical professionals or criteria in making decisions in internal or external appeals regarding coverage for care by religious nonmedical providers; or

(iv) compel a participant or beneficiary to undergo a medical examination or test as a condition of receiving health insurance coverage for treatment by a religious nonmedical provider; or

(C) require such plans or issuers to exclude religious nonmedical providers because they do not provide medical or other required data, if such data is inconsistent with the religious nonmedical treatment or nursing care provided by the provider.

(2) RELIGIOUS NONMEDICAL PROVIDER.—For purposes of this subsection, the term "religious nonmedical provider" means a provider who provides no medical care but who provides only religious nonmedical treatment or religious nonmedical nursing care.

SEC. 502. COORDINATION IN IMPLEMENTATION.

Section 104(1) of Health Insurance Portability and Accountability Act of 1996 is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, chapter 100 of the Internal Revenue Code of 1986, and subtitle A of the Patients' Bill of Rights Act of 1999".

SEC. 503. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

Subtitle F—Revenue-Related Provisions

SEC. 601. INFORMATION REQUIREMENTS.

(a) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

"(7) INFORMATION FROM GROUP HEALTH PLANS.—

"(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

"(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

"(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

"(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security insurance number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

"(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security insurance number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes (of that person's family members) covered under the plan.

"(iii) PLAN ELEMENTS.—

"(I) The items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(iv) ELEMENTS CONCERNING THE EMPLOYER.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

"(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 602. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 1998, and before January 1, 2010."

(2) EXCISE TAXES.—Section 4611(e) of such Code is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after September 15, 1999, and before October 1, 2009."

(b) EFFECTIVE DATES.—

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1998.

(2) EXCISE TAX.—The amendment made by subsection (a)(2) shall take effect on September 15, 1999.

SEC. 603. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 604. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

"(i) Medical benefits.

"(ii) Disability benefits.

"(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers."

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

"(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

"(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 605. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

"(a) USE OF INSTALLMENT METHOD.—

"(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

"(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2)."

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) of the Internal Revenue Code of 1986 are each amended by striking "(a)" each place it appears and inserting "(a)(1)".

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: "A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

TORRICELLI AMENDMENT NO. 1104

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1092 proposed by Mr. HELMS, to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or others transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1105

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1093 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1106

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1091 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1107

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1090 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1108

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1089 proposed by Mr. HELMS to the bill S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1109

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1087 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1110

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1087 proposed by Mr. HELMS to the bill S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1111

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1086 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1112

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1085 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

TORRICELLI AMENDMENT NO. 1113

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1084 proposed by Mr. HELMS to the bill, S. 1233, supra; as follows:

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

JEFFORDS AMENDMENT NO. 1114

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 1233, supra; as follows:

Beginning on page 1, line 3, strike all that follows "SEC." to the end of the amendment and insert the following:

. DAIRY COMPACTS; FEDERAL MILK MARKETING ORDERS.—(a) NORTHEAST INTERSTATE DAIRY COMPACT.—Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking "Massachusetts, New Hampshire," and inserting "Maryland, Massachusetts, New Hampshire, New Jersey, New York,";

(2) by striking paragraphs (1) and (7);

(3) in paragraph (3), by striking "concurrent" and all that follows through "section 143" and inserting "on December 31, 2002";

(4) in paragraph (4), by striking "Delaware, New Jersey, New York, Pennsylvania, Maryland, and Virginia" and inserting "Delaware, Ohio, and Pennsylvania";

(5) in paragraph (5), by striking "the projected rate of increase" and all that follows through "Secretary" and inserting "the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code";

(6) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(7) by adding at the end the following:

"(6) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Secretary for the cost of any milk and milk products provided under the special milk program authorized under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.".

(b) SOUTHERN DAIRY COMPACT.—

(1) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia as specified in section 201(b) of Senate Joint Resolution 22 of the 106th Congress, as placed on the calendar of the Senate, subject to the following conditions:

(A) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class III–A milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (referred to in this subsection as a "Federal milk marketing order") unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(B) DURATION.—Consent for the Southern Dairy Compact shall terminate on December 31, 2002.

(C) ADDITIONAL STATES.—The States of Florida, Georgia, Missouri, Oklahoma, Kansas, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(D) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary of

Agriculture (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(E) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Secretary of Agriculture for the cost of any milk and milk products provided under the special milk program authorized under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(F) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(2) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this subsection is reserved.

(c) FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253) is amended by adding at the end the following:

"(e) FLUID OR CLASS I MILK.—In implementing the final decision for the consolidation and reform of Federal milk marketing orders under this section (including the decision of the Secretary published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16026)) (referred to in this section as the 'final decision'), effective beginning on the earlier of the date of enactment of this subsection or October 1, 1999, the Secretary shall implement, as the method for pricing fluid or Class I milk under the orders, the Class I price structure identified as Option 1A in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4975-5020) (as amended on February 25, 1998 (63 Fed. Reg. 9686)).

"(f) CLASS II, III, AND III-A MILK.—

"(1) IN GENERAL.—In implementing the final decision, during the period beginning on the date of enactment of this subsection and ending on the date on which the actions required by paragraph (2) are complete, the Secretary shall implement, as the method for pricing milk classified as Class II, III, or III-A milk under the orders, the pricing published in the Federal Register for—

"(A) Class III-A milk on October 29, 1993 (58 Fed. Reg. 58112);

"(B) Class II milk on December 14, 1994 (59 Fed. Reg. 64524);

"(C) Class II, III, and III-A milk on February 7, 1995 (60 Fed. Reg. 7290); and

"(D) Class III milk on June 4, 1997 (62 Fed. Reg. 30564);

rather than the prices included as part of the final decision.

"(2) FORMAL RULEMAKING.—

"(A) IN GENERAL.—Not later than 60 days after a referendum is conducted to approve a consolidated order under this section, the Secretary shall conduct rulemaking, on the record after opportunity for an agency hearing, on proposed formulae for determining prices for Classes II, III, and III-A milk in accordance with the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(B) RECOMMENDED AND FINAL DECISIONS.—The Secretary shall issue—

"(i) a recommended decision on a formula described in subparagraph (A) not later than 120 days after the close of the hearing; and

"(ii) a final decision on the formula not later than 120 days after the issuance of the recommended decision.

"(4) COMPULSORY REPORTING OF PRICES AND COSTS.—If the Secretary bases any price under this subsection on a survey of prices at which commodities are sold or the costs of plants used to purchase and produce the commodities, the Secretary may, by rule, require all plants purchasing milk, regardless of whether the milk is subject to Federal milk marketing orders, to report such data as are necessary to conduct an accurate survey of those prices and costs.

"(g) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall—

"(A) revise the final decision to reflect and comply with the requirements of subsections (e) and (f); and

"(B) issue proposed consolidated orders under this section.

"(2) REFERENDA.—As soon as practicable after revising the final decision and issuing a proposed consolidated order, the Secretary shall conduct a referendum among affected producers to determine whether the producers approve each consolidated order.".

(2) CONFORMING AMENDMENTS.—Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-30), is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(C) in subsection (a) (as so redesignated)—

(i) by striking "subsection (a)(2) of such section" and inserting "section 143(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)(2))"; and

(ii) by striking "final rule referred to in subsection (a)" and by inserting "final rule to implement the amendments to Federal milk marketing orders required by section 143(a)(1) of that Act".

(d) EFFECTIVE DATE.—The section and the amendments made by this section take effect on the earlier of—

(1) the date of enactment of this section; or

(2) October 1, 1999.

LANDRIEU AMENDMENT NO. 1115

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, S. 1233, supra; as follows:

On page 10, line 19, strike "*Provided,*" and insert "*Provided,* That not less than $5,000,000 shall be used to carry out the ongoing formosan termite control and research program at the Southern Regional Research Center: *Provided further,*".

TORRICELLI AMENDMENTS NOS. 1116-1117

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to the bill, S. 1233, supra; as follows:

AMENDMENT NO. 1116

At the appropriate place, add the following:

SEC. . Nothing in this Act shall be construed as authorizing financing or United States Government credit for commercial transactions with Cuba, which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AMENDMENT NO. 1117

Strike all after "Sec." and insert in lieu thereof the following:

SEC. . Nothing in this Act shall be construed as authorizing commercial exports or other transactions with any country that, on June 1, 1999, had been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 28, 1999, at 3:45 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATING ROBERT W. SMITH

• Mr. CRAPO. Mr. President, I rise to bring to the attention of my colleagues a significant achievement in the field of environmental science.

Lockheed Martin Corporation annually recognizes 50 of its 170,000 employees with NOVA awards for technical excellence. Mr. Robert W. Smith of Lockheed Martin Idaho Technologies Company, the operating contractor of the Idaho National Engineering and Environmental Laboratory, INEEL, was cited for his valuable work in utilizing microbial communities in the subsurface to contribute to the remediation of contaminants resulting from nuclear energy and weapons research.

Mr. Smith heads teams comprised of scientists from the Pacific Northwest National Laboratory, Princeton University, and Portland State University. They represent the best in field scale research of biogeochemistry processes. The natural processes that Mr. Smith and his teams uncover will be incorporated into future efforts to clean up the legacy of waste from the nuclear energy complex and contamination problems on other agency lands. Mr. Smith expects that instead of massive engineering solutions to remove the waste, natural processes that cause less environmental disturbance will be more commonly utilized.

I congratulate Mr. Smith on receiving this award. The achievement also recognizes that his success could not have been made without the dedication of his team members. There are an array of environmental stewardship and natural resource problems ranging from mining reclamation to global climate impacts that could be solved through collaborative research. Objective science and reasonable solutions would then be available for policy makers, agency executives, and advocate groups involved in critical natural resource issues. More can be accomplished when parties work together to solve problems than through conflict. I urge each of my colleagues to keep these concepts in mind as we debate and consider investing in basic science, research, and the environment.•

IN RECOGNITION OF THE 175TH BIRTHDAY OF THE CITY OF TECUMSEH, MICHIGAN

• Mr. LEVIN. Mr. President, I rise today to recognize the City of Tecumseh, Michigan, as it celebrates its 175th birthday.

Located in Lenawee County, Tecumseh was one of the first three settlements established in 1824 in what was then the Michigan Territory. The settlement's founders, Musgrove Evans, Joseph Brown and Austin Wing, chose its location because of its fertile soil, good supply of timber and its proximity to the Raisin River. They named their new home after the Shawnee Chief Tecumseh, who is said to have held war councils on the site.

A growing agricultural community, Tecumseh's first rail line was built in 1838, and train service continued until the late 1970s. Tecumseh was not only a stop on the actual railroad, but was also a stop on the Underground Railroad. Many people in Tecumseh displayed their strong anti-slavery sentiment, and their Quaker beliefs, by providing shelter to slaves escaping from the South.

Through the years, the landscape around Tecumseh has changed, as have the ways in which its people make their living. While it was primarily a small agricultural town, today the economy of Tecumseh mostly revolves around industry. In fact, its largest employer, Tecumseh Products, was founded in 1934 and grew to become a Fortune 500 company.

Mr. President, Tecumseh is notable for its significance in Michigan's history, but its most dependable asset over the last 175 years has been its people. It is fitting that we recognize Tecumseh's residents as they celebrate the past while looking to build an even better future. I know my colleagues will join me in offering the people of Tecumseh congratulations and best wishes on this important occasion.•

TRIBUTE TO AURELIE V. BURNHAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Aurelie V. Burnham on her 91st birthday.

Aurelie was born on July 5, 1908 in East Weare, New Hampshire to Fred and May Bellefeuille. Aurelie's mother, May, died in 1915 leaving Aurelie to care for her older brother, four younger brothers and her father Fred. In 1920, the Bellefeuille farm burned down, thus forcing Fred to move his family to the mill town of Manchester, New Hampshire. Fred later remarried a widow with four daughters and one son; together, they had a son—bringing the total number of children in the Bellefeuille family to eleven.

At the age of sixteen, Aurelie began working at the Amoskeag Mills. On December 9, 1938, she married Arthur H. Burnham. Arthur, a native of Peterborough, New Hampshire lived in the Nashua-Hudson area. After their marriage, they resided in Manchester where they raised their three children: Dorothy, Joanne and Arthur, Jr. Dorothy, a senior caseworker in my Manchester office, has been a valued member of my staff for the past fifteen years. Joanne is employed with the Internal Revenue Service and Arthur, Jr. is a computer programmer for the Associates National Bank in Dallas, Texas. Aurelie and Arthur have six grandchildren. Mr. Burnham passed away in September 1979.

Aurelie is known for her kindness and caring. She was a stay-at-home mother who was always there for her children and their friends. Aurlie has been a volunteer on several federal campaigns. Though her physical health is not what she would prefer, she is still an avid reader, crossword puzzle expert, and manages to go shopping at the malls whenever possible. During the summer months, she enjoys a trip to the seacoast where she says she can breathe in the ocean air and feel more comfortable.

Once again, I would like to congratulate Aurelie on reaching her 91st birthday. It is an honor to represent her in the United States Senate.•

A TRIBUTE TO THE LATE JUDGE PHILIP E. LAGANA

• Mr. SCHUMER. Mr. President, I rise today to pay tribute to Judge Philip E. Lagana, a retired Justice of the Supreme Court of the State of New York who recently passed away. Judge Lagana leaves behind a legacy of fairness and compassion as a Justice. He was not afraid to make difficult decisions, explore new concepts, or develop new theories, and he serves as an example to all in terms of not only how to be an exemplary justice but also how to be an exemplary human being.

Judge Lagana was born in Brooklyn, New York, and spent his lifetime serving his community. He attended Georgetown University, and then Brooklyn Law School, after which he began a private practice in the field of criminal law. Soon after, he began a long and distinguished career of public service, beginning in the Kings County District Attorney's Office, where he was appointed an Assistant District Attorney. He was rapidly promoted to the position of Deputy Chief of the Supreme Court Trial Assistants, where he set up a Bureau of Major Offenses. Upon completion of this task, Judge Lagana was appointed Chief of this bureau. In 1974, then-mayor Abe Beame made Judge Lagana the President of the New York City Tax Commission. In 1975, he was elected to the Supreme Court of the State of New York. His election served as recognition by the public of his many years of public service.

As a Justice of the Supreme Court of the State of New York, Judge Lagana acted with firmness, fairness, and compassion. His actions found support from the appellate bench which reviewed them, from the lawyers who argued before him, from his fellow justices, and from the public. He was reelected for an additional 14-year term.

In 1992, Judge Lagana retired from the bench, leaving behind a proud legacy as a distinguished public servant, and taking with him many accolades and honors, among them from the Catholic Lawyers Guild, the Columbian Lawyers Association, the Kings County Criminal Bar Association, the Brooklyn Bar Association, the New York State Real Estate Board, the United Jewish Appeal, Marlboro Memorial Post No. 1437, the American Legion and its Women's Club, and the 46 A.D. Democratic Club.

Judge Lagana will be remembered as a dedicated public servant and as a decent person who had a loving commitment and dedication to his family, country, and society. Judge Lagana will be missed.•

THE SOCIAL SECURITY LOCKBOX

Mr. ASHCROFT. Mr. President, today is a great day for American taxpayers and especially for senior citizens. I come to the floor to welcome the President's endorsement of the lockbox plan to protect the Social Security surplus. I am gratified to hear that he now agrees with our congressional effort to protect every dollar of the current Social Security surplus for future obligations that the Social Security trust fund has to America's retirees.

I believe the President's statement today can lead to a bipartisan agreement to protect Social Security. It is a fact that the President's statement today reverses his earlier policy to use $158 billion out of the Social Security trust fund surpluses over the next 5 years to finance increased spending. So this is welcome news. It is good news. It provides us with the basis for an agreement and the achievement of a public good—to help American citizens, particularly older Americans, in their concerns about their retirement.

When the President first submitted his budget proposal that included spending, instead of saving, a portion of the Social Security surplus, congressional Republicans, in the House and in the Senate, began working to ensure that every dollar—not just some of the money but every dollar—of the forthcoming Social Security surplus was reserved for one thing—for Social Security.

In March, Senator DOMENICI and I introduced S. 502, the Protect Social Security Benefits Act, which would have instituted a point of order preventing Congress from spending any Social Security dollars for non-Social Security purposes.

In April, under the strong direction of Senator DOMENICI, the Senate passed a budget resolution that did not spend any of the Social Security surpluses for the next decade, and included in the resolution was language endorsing the idea of locking away the Social Security surpluses. This language passed with the unanimous approval of the Senate.

Also in April, Senators ABRAHAM and DOMENICI and I introduced the Social Security lockbox amendment which would have added executive responsibilities to the congressional requirement to protect Social Security surpluses. That executive responsibility would have demanded that the President submit budgets that did not invade the Social Security surplus as a means of covering deficits in the rest of Government. The Senate has voted on the Abraham-Domenici-Ashcroft plan three times, and the measure has yet to win a single Democratic vote.

On May 26, the House overwhelmingly passed H.R. 1259. That was Congressman HERGER's measure to protect the surpluses of Social Security. It did so in a bipartisan vote in the House, a vote of 416 to 12. On June 10, the Democrats in the Senate blocked the Herger measure as well, just as they had blocked the measures which had been proposed in this body. But the House, in a bipartisan way, voted 416 to 12.

These repeated votes on a Social Security lockbox demonstrate congressional Republicans' dedication to protecting every dollar of the projected Social Security surpluses and using them to shore up the Social Security system. It is essential to protect Social Security so we can ensure the long-term viability of America's most vital social program. We must restore the public's confidence that money paid into Social Security will be paid out only for Social Security benefits. The lockbox would accomplish this important goal.

Over the next 5 years, Social Security taxes will bring in an estimated $776 billion in surpluses. Those who say they want to protect Social Security should join us in our efforts to create this lockbox so that every dime, every cent, of this money for Social Security, paid in for Social Security, will be reserved for Social Security's future beneficiaries. The lockbox is the way to make this happen.

The Congress is and has been moving to create a Social Security lockbox for this entire year. The President's staff said yesterday that the President will unveil his own Social Security lockbox proposal. If the President does, indeed, have a plan he wishes to offer, I urge him to bring it to Congress immediately so we can examine it and perhaps even vote on it before the Independence Day district work period for the Congress. If he does not have his own plan, I urge the President to support the existing congressional lockbox proposals, one of which has already passed the House with substantial momentum; 416 to 12 is not a vote to be disregarded. In spite of that, it has been disregarded by those on the other side of the aisle in the Senate.

In addition, I ask that the President reach out to his Democratic colleagues, now that he has joined the idea of building a lockbox, and a strong one, to protect Social Security and urge the Democrat Members of the Senate to support efforts to protect Social Security. This is the best way to ensure Social Security's financial integrity for this and future generations.

Again, I say that the American people are the winners when the President of the United States announces that he will support the efforts in Congress to protect all of the Social Security surplus, basically changing his position from spending $158 billion over the next 5 years to saying that he wants to stop the raid and no longer cover shortfalls in Federal spending programs by using Social Security surpluses.

The President's Rose Garden announcement is welcome news. It is a rosy scenario, if it can be carried out. I urge President Clinton to join us in demonstrating his commitment to Social Security protection by backing the congressional Social Security lockbox, which we have been working so carefully to bring into place, as a means of protecting Social Security taxes that people across America work day after day after day to pay. They should be entitled to look forward to the day when those taxes will come back to them in terms of Social Security retirement benefits.

ORDER FOR STAR PRINT—S. 606

Mr. ASHCROFT. Mr. President, I ask unanimous consent that a star print of S. 606, as reported by the Senate Committee on the Judiciary, be printed to correct an error.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAKE OCONEE LAND EXCHANGE ACT

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 162, S. 604.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 604) to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

There being no objection, the Senate proceeded to consider the bill.

Mr. ASHCROFT. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 604) was considered read the third time and passed, as follows:

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Oconee Land Exchange Act".

SEC. 2. LAKE OCONEE LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) DESCRIPTION OF THE BOUNDARY.—The term "description of the boundary" means the documents entitled "Description of the Boundary" dated September 6, 1996, prepared by the Forest Service and on file with the Secretary.

(2) EXCHANGE AGREEMENT.—The term "exchange agreement" means the agreement between Georgia Power Company and the Forest Service dated December 26, 1996, as amended on August 17, 1998, on file with the Secretary.

(3) GEORGIA POWER COMPANY.—The term "Georgia Power Company" means Georgia Power Company, a division of the Southern Company, a Georgia corporation, or its successors or assigns.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Simultaneously with conveyance by Georgia Power Company to the Secretary of all right, title, and interest in and to the land described in paragraph (2), the Secretary shall—

(A) convey to Georgia Power Company all right, title, and interest in and to the land described in paragraph (3), except as provided in the exchange agreement; and

(B) make a value equalization payment of $23,250 to Georgia Power Company.

(2) LAND TO BE CONVEYED TO THE SECRETARY.—The land described in this paragraph is the land within or near the Chattahoochee National Forest and Oconee National Forest in the State of Georgia, comprising approximately 1,175.46 acres, described in the exchange agreement and the description of the boundary.

(3) LAND TO BE CONVEYED TO GEORGIA POWER COMPANY.—The land described in this paragraph is the land in the State of Georgia, comprising approximately 1,275.80 acres, described in the exchange agreement and the description of the boundary.

(c) PARTIAL REVOCATION OF WITHDRAWALS.—

(1) IN GENERAL.—The orders issued by the Federal Energy Regulatory Commission under section 24 of the Federal Power Act (16 U.S.C. 818), authorizing Power Project Numbers 2413 and 2354, issued August 6, 1969, and October 1, 1996, respectively, are revoked insofar as the orders affect the land described in subsection (b)(3).

(2) NO ANNUAL CHARGE.—No interest conveyed to Georgia Power Company or easement right retained by Georgia Power Company under this section shall be subject to an annual charge for the purpose of compensating the United States for the use of its land for power purposes.

ORDERS FOR TUESDAY, JUNE 29, 1999

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, June 29. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator MOYNIHAN for up to 30 minutes from 10:30 to 11 a.m.; Senator GRAMS or his designee for up to 60 minutes from the hour of 11 a.m. to 12 p.m.; Senator SPECTER or his designee for up to 30 minutes beginning at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Further, I ask unanimous consent the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I further ask unanimous consent that when the Senate reconvenes at 2:15 on Tuesday, there be an additional 2 hours of morning business, with Senator DASCHLE in control of the first 60 minutes and Senator LOTT or his designee in control of the second 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ASHCROFT. For the information of all Senators, Tuesday, the Senate will convene at 10:30 a.m. and will be conducting a period of morning business to accommodate a number of Senators who wish to make statements and introduce legislation. The Senate is then expected to resume consideration of the pending appropriations bill. Therefore, votes are expected to occur.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Tuesday, June 29, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 1999:

DEPARTMENT OF STATE

RICHARD MONROE MILES, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

MICHAEL EDWARD RANNEBERGER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

CARL SPIELVOGEL, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. VAN P. WILLIAMS, JR., 9389

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LAWSON W. MAGRUDER III, 0729

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHNNY M. RIGGS, 1680

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL G. BROWN, 2522

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. ACKERMAN, 6573

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PICKLER, 5130

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY R. JORDAN, 0772

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. HILL, 7734

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY T. ELLIS, 0750

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ALBERTO DIAZ, JR., 0577
REAR ADM. (LH) BONNIE B. POTTER, 9786

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LAUREL A. MAY, 3025

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE DENTAL CORPS AND MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

PHIL C. ALABATA, 1679
BRYAN J. ALSIP, 8100
EDWIN T. ANSELMI, 5097
SARAH E. ATANASOFF, 4291
CHRISTOPHER L. ATKINS, 3777
KARLA AUYEUNG, 6642
BRIAN S. BACAK, 1764
MATTHEW J. BAIR, 1154
JOHN B. BAK, 6454
ERIN L. BALDEN, 7305
TAMRA L. BARKER, 1681
MARK A. BARNHARDT, 7900
ANDREW M. BARR, 1311
ROBERT J. BAUER II, 6378
ROMAN S. BAUTISTA, 5455
CHRISTOPHER B. BEACH, 4901
JOHN G. BEAUMAN, JR., 9843
MICHAEL R. BELL, 2992
LINDA J. BELLAMA, 9506
STEVEN BENNETT, 7004
DAVID R. BLAIR, 3148
ROBERT E. BLAKE, 8256
MICHAEL W. BLANEY, 7603
JASON L. BLASER, 0663
LESTER K. BOWSER, 0498
EARL F. BRAUNLICH, 3968
ELIZABETH L. BRILL, 6189
SCOTT A. BRILL, 8479
JOSEPH G. BROOKS, 5294
DAVID L. BROWN, 2802
LINDA K. BROWN, 2177
LINDA L. BROWN, 6729
TOMMY A. BROWN, 6152
JOHN BUCHANAN, 9520
SERGIO BURES, 7181
SCOTT W. BURGAN, 7160
AUSTIN W BURGESS, 6699
BRIAN S. BURLINGAME, 0105
DAVID J. BURRIER, 9927
JEFFREY M. CALLIN, 5489
JONATHAN J. CANETE, 8574
DARREL K. CARLTON, 0169
BRENNAN CARMODY, 6634
BONNIE J. CARYFREITAS, 2509
STEVEN B. CERSOVSKY, 0225
YONG K. CHA, 7089
RICHARD F. CHADEK, 1999
JAMES R. CHATHAM, JR., 1611
RAYMOND I. CHO, 9618
CHRIS A. CLARK, 9585
DONALD M. COLLINS, 6736
GARY COLLINS, 7269
ROSS E. COLT, 6303
STEPHEN J. CONNER, 1031
SUSAN K. CONNOR, 2446
MICHAEL J. CONSUELOS, 0742
TIMOTHY G. COOK, 5993
KEVIN M. COONAN, 9120
SCOTT J. COSTLEY, 5856
ERIC A. CRAWLEY, 6311
MARK A. CRISWELL, 5174
LINDSAY R. CRUEL, 4638
MARK D. CUMINGS, 0359
MARTIN P. CURRY, 5966
LOUIS A. DAINTY, 4064
GEOFFREY C. DAVIS, 6501
KEVIN S. DAVIS, 2302
CHARLES D. DEES, 3898
JEFFREY W. DELANEY, 9329
WILLIAM J. DEMSAR, 4463
NICOLE DEQUATTRO, 7645
JOHN G. DEVINE, 2288
QUAN A. DINH, 7204
WILLIAM C. DIXON IV, 3612
NHAN V. DO, 3045
THOMAS M. DO, 8704
MARK S. DOLZ, 4321
LUBOMYR DOMASHEVSKY, 8345
BLAKE H. DONALDSON, 9140
THOMAS A. DONOHUE, 8770
MICHAEL D. DULLEA, 1087
THOMAS J. DUNCAN, 1299
ANTHONY ECLAVEA, 6140
LONNIE R. EMPEY, 3174
ROBERT J. ENSLEY, 6857
EDWARD M. FALTA, 0419
VAL W. FINNELL, 5150
DAVID C. FLINT, 0652
RONALD L. FREID, 8454
ALEX D. FREITAS, 3990
WILLIAM C. FREY, 6004
HAROLD FRISCH, 2461
RONALD A. GAGLIANO, JR., 9764
DONALD A. GAJEWSKI, 5267
CHRISTOPHER GALLAGHER, 2510
GARY D. GARDNER, 4144
EDWARD R. GARVIN, 8393
ROBERT L. GAUER, 4312
ALAN P. GEHRICH, 4623
MARK P. GELLMAN, 7523
SCOTT A. GERING, 2573
JON A. GIOMETTI, 0998
DOMINADOR G. GOBALEZA, 4066
DEBORAH A. GRADY, 6721
JONATHAN R. GREIFER, 0516
JOHNN GRIFFITH, 5486
KENNETH A. GRIGGS, 1106
KATHLEEN R. GROOM, 2814
PAUL W. GUEVARA, 5008
RICHARD A. GULLICK, 4310
LISA GUSHIN, 4167
BENEDICT R. HAEG, 4187
MARLA R. HAIN, 4174
LEONARD L. HALL, 9717
PAUL D. HAMM, 5551
MICHAEL G. HAMNER, 5496
GERALD J. HARKINS, 1272
WALTER G. HARRY, 0940
CHRISTOS HATZIGEORGIOU, 3613
FRANKLIN H. HAUGER, 4285
KEITH A. HAVENSTRITE, 7062
CHARLES G. HENDERSON, 3585
JAMES P. HENDRICKS, 9408
THOMAS S. HEROLD, 1854
SHONA M. HILLMAN, 0688
THOMAS E. HILTS, 8460
SIDNEY R. HINDS, 1239
JOHN V. HIRSCH, 6745
MICHAEL J. HOILIEN, 3336
DESIREE S. HOMER, 3346
JEFFREY K. HUBERT, 4045
AVA HUCHUN, 1256
TERESA HUCHUN, 3618
POHN P. INTHANOUSAY, 8169
CARLA M. IUDICASOUZA, 9153
DARIN E. JACKSON, 9354
JOHN T. JANOUSEK, 3997
MICHELLE R. JENKINS, 9706
BRYAN G. JOHNSON, 9522
JOHN H. JOHNSON, 1931
STEVE R. JOHNSTON, 5848
TERESA A. JOY, 9010
BRYAN P. KALISH, 9220
SU T. KANG, 5137
LEONARD KAPLAN, 3088
KATHERINE A. KAUFMAN, 8249
WILLIAM C. KEPPLER III, 4430
SARITA D. KEY, 3064
JUN W. KIM, 2350
THEODORE KIM, 6539
ANDREW G. KNOWLES, 3057
RUSS S. KOTWAL, 4067
CONSTANCE A. KUETER, 0029
PATRICIA M. KULAS, 2878
CYRUS S. KUMP II, 4658
MARKIAN G. KUNASZ, 2821
JOHN R. LAFRENTZ, 3785
ROBERT LANE, JR., 6764
ROY LANGLEY, 9296
JOSEPH H. LARGEMAN, 0842
FREDERICK W. LARSEN, 9454
MICHAEL T. LATZKA, 1624
CLAYTON G. LAWRENCE, 5073
BRUCE N. LE, 8245
CURTIS A. LEE, 2344
DANIEL F. LEE, 9041
JEFFREY A. LEE, 5695
SEAN K. LEE, 9273
JEFFREY C. LEGGIT, 2871

DONALD H. LEMIRE, JR., 7506
WADE E. LENZ, 0123
AMALOU V. LIM, 5122
KIMBERLY W. LINDSEY, 4855
MARK A. LITZ, 2011
RICHARD W. LIVINGSTON, 7273
KEITH T. LONERGAN, 6976
LISA M. LOVELLETTE, 1850
BRUCE L. LOVINS, 9226
STEPHEN R. LOWE, 2700
LISA P. LOWRY, 8589
EMINE C. LOXLEY, 7872
LISA M. MADDOX, 4312
JAMES F. MAGUIRE, 7142
MUBASHAR M. MAHMOOD, 5280
RICHARD H. MANSFIELD, 8435
SANDI L. MANUS, 2236
MANUEL MARIEN, 9700
SHARON A. MAXWELL, 7389
PAUL T. MAYER, 9213
SCOTT C. MCCALL, 4110
ERIC D. MCDONALD, 7339
JEROME M. MCDONALD, 9184
SHARON E. MCINTYRE, 6253
WILLIAM G. MCKEAN, 2302
ROBERT C. MCKENZIE, JR., 8427
SHARON P. MCKIERNAN, 3398
HARRY D. MCKINNON, JR., 1877
KEVIN P. MCMULLEN, 1726
MICHELLE V. MEDELLIN, 8597
PATRICK C. MELDER, 2984
STEPHEN V. MENDOZA, 4929
MARGRET E. MERINO, 3638
JOEL E. MEYER, 7236
MITCHELL S. MEYERS, 6510
THERESA A. MILLS, 6641
SIMON V. MITTAL, 9084
RICHARD J. MLKVY, 1554
LAWRENCE MONGER, 0352
DENISE M. MOREHART, 5438
DAVID S. MORISON, 4252
RONALD V. MORUZZI, 0512
JOHN J. MULLON, 0289
LAURA T. MULREANY, 5599
LANCE D. MURPHY, 1640
TIMOTHY J. MURPHY, 6510
EVAN D. MURRAY, 2462
RANDOLPH J. NARTEA, 3792
JOANN V. NEUBAUER, 4931
MICHAEL B. NEWNAM, 0194
TERRY J. NEWTON, 3881
CATALAN J. NICKLAY, 0967
ERIK W. NIEMI, 6581
STEPHEN M. NILSEN, 8668
KAREN L. NIXON, 5301
STEVEN R. NORRIS, 6544
JOSEPH W. OLIVERE II, 8531
JAMES A. OLIVERIO, 8143
KEITH J. OREILLY, 6836
MARISA A. ORGERA, 4628
ERIC M. OSGARD, 9252
DAVID E. PALO, 6979
EDMOND L. PAQUETTE, 4024
ROBERT M. PARIS, 8091
CHRISTOPHER T. PARKER, 6000
ELTON D. PARKER, JR., 8010
REAGAN R. PARR, 3244
FREDERICK PATTERSON, 6298
DEAN C. PEDERSEN, 1568
PATRICK J. PERKINS, 2770
EVERETT L. PERRY, 9554
TERRY W. PERRY, 9385
DAVID W. PERSON, 0393
ROSEMARY P. PETERSON, 2810
RAYFORD A. PETROSKI, 9426
ANDREA J. PFEIFER, 0105
BRIAN T. PIERCE, 8582
GINA M. PITTARD, 8596
BARRY R. POCKRANDT, 0592
CHRISTIAN POPA, 0762
ALICE PUGH, 3834
JODI A. PUNKE, 9917
SHANNON M. PYE, 0838
MICHAEL W. QUINN, 2212
KEVIN C. REILLY, SR, 8736
SHON A. REMICH, 6131
PHILLIP M. RENICK, 4049
THOMAS A. RENNIE, 0181
LUIS R. RIVERO, 7381
WILLIAM B. ROBERSON, 8803
JILL M. ROBINSON, 9445
CARLOS RODRIGUEZ, 2513
ELIZABETH T. ROMANIK, 3460
JEFFREY A. RONDEAU, 0159
STUART A. ROOP, 4791
STEPHEN D. ROSE, 1546
TROY W. ROSS, 8492
MICHAEL G. ROSSMAN, 8597
CHRISTOPHER S. RUSSELL, 0223
BRADLEY W. SAKAGUCHI, 0292
BENJAMIN L. SANDERS, 6795
EARLE G. SANFORD, 5503
GARRY H. SCHWARTZ, 9229
PAUL T. SCOTT, 6286
DANIEL S. SENFT, 1573
NANCY SHAFFER, 8472
JAMES SHEEHAN, JR., 7021
SHEILA A. SHRANATAN, 6421
TERRY A. SIMMONS, 3789
PETER J. SKIDMORE, 3858
CHANNING M. SMITH, 7812
DENNIS L. SMITH, 8068
KEVIN C. SMITH, 4061
LISA H. SMITH, 1086
JOSEPH C. SNIEZEK, 8613
JOSEPH T. SNOW, JR., 7149
CHUN H. SO, 3507
KEN W. SONG, 6992
AARON L. STACK, 3370
PATRICE L. STATEN, 8415
JOHN STATLER, 5081
FRANK A. STEWART II, 5117
JEFFREY P. STEWART, 9874
KEVIN P. STILES, 0334
MARGARET M. SWANBERG, 9255
KENNETH F. TAYLOR, JR., 3377
JENNIFER A. TEMO, 1257
ANDREW W. THAYNE, 3121
BRIAN T. THEUNE, 6485
JOHN J. TIEDEKEN III, 6166
JOHN E. TIS, 5196
PAUL A. TOMCYKOSKI, 6754
ERNESTO TORRES, 0646
DANIEL P. TREMENTOZZI, 0849
PAULUS D. TSAI, 8928
MICHELLE A. TURNER, 3321
TRENT J. TWITERO, 2165
SCOTT D. UITHOL, 4838
DAVID J. VANGURA, 8143
TODD J. VENTO, 3252
DANA J. VICK, 6155
MARTIN J. VINCA, 1570
SIDNEY L. VINSON, 3135
STEVEN A. WAGERS, JR., 4957
WILLIAM J. WALL III, 6285
GARY R. WALLACE, 6634
PAULA M. WALLACE, 7213
DAVID T. WARD, 2120
JEFFREY L. WARHAFTIG, 6129
ZACHARY D. WASSMUTH, 2529
MARK J. WEHRUM, 5852
STEPHEN J. WELKA, 7732
ERIK H. WELLS, 2001
MICHAEL B. WELLS, 8061
DANIEL W. WHITE, 5243
ALLEN C. WHITFORD, JR., 7113
JAY F. WIGBOLDY, 7811
RICHARD H. WILKINS, 5602
HEATHER R. WILLIAMS, 3905
PATRICK WILLIAMS, 7608
BRIAN P. WILSON, 0411
JON J. WILSON, 1537
MICHAEL WIRT, 9113
DOUGLAS W. WISOR, 2422
MICHAEL M. WOLL, 2276
VICTOR R. WORTH, 8484
SCOTT C. WRIGHT, 7151
JASON T. WURTH, 8816
MICHAEL P. WYNN, 1650
ELINA T. XANOS, 4573
SHANE A. YATES, 0384
ROBERT T. ZABENKO, 7924
STANLEY M. ZAGORSKI, 9925
DAVID C. ZENGER, 5311
JOSEPH J. ZUBAK, 7187

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 29, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 30

9:30 a.m.

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on facilities.

SD–430

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR–301

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on issues relating to gambling addiction.

SD–192

10 a.m.

Finance

To hold hearings on S. 646, to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities; S. 741, to provide for pension reform; S. 659, to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced; and other related proposals.

SD–215

Aging

To hold hearings to examine the Health Care Financing Administration's implementation of their nursing home improvement initiative.

SH–216

Indian Affairs

To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting to consider pending calendar business.

SR–485

10:30 a.m.

Foreign Relations

Business meeting to consider pending calendar business.

SD–419

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service Economic Action programs.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings to examine coral reef and marine sanctuary issues.

SR–253

JULY 1

9:30 a.m.

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold oversight hearings on the proposed Work Investment Act.

SD–430

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings on the Department of Housing and Urban Development's Section 8 Opt-out programs.

SD–538

Indian Affairs

To hold hearings to establish the American Indian Educational Foundation.

SR–485

10 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia

Subcommittee

To hold hearings to examine the federal food safety system.

SD–342

Judiciary

Business meeting to consider S. 467, to restate and improve section 7A of the Clayton Act; S. 1257, to amend statutory damages provisions of title 17, United States Code; S. 1258, to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office; S. 1259, to amend the Trademark Act of 1946 relating to dilution of famous marks; S. 1260, to make technical corrections in title 17, United States Code, and other laws; and pending nominations.

SD–628

10:30 a.m.

Foreign Relations

To hold hearings on the role of sanctions in United States national security policy.

SD–419

2 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine United States policy towards Hong Kong.

SD–419

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

JULY 13

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 729, to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

SD–366

JULY 14

9:30 a.m.

Indian Affairs

Energy and Natural Resources

To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.

SH–216

JULY 15

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.

SH–216

JULY 21

9:30 a.m.

Indian Affairs

To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.

SR–485

JULY 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

further self-governance by Indian tribes.

SR-485

AUGUST 4

9:30 a.m.

Indian Affairs

To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Tuesday, June 29, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Shimshon Sherer, Congregation Khal Zichron Mordechai, Brooklyn, NY.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rabbi Shimshon Sherer, offered the following prayer:

Our Father in heaven: We stand before Thee in humble supplication as we yearn for divine inspiration, for guidance, and for wisdom. We turn to Thee in gratitude for this group of exceptional men and women of good faith dedicated to this great Nation and to all its people.

We bless Thee, O God, for a most precious gift that Thou bestowed upon the United States of America, upon the Jewish people, and indeed upon all of mankind, in a person, a man of history who came to be a symbol of visionary leadership and uncompromising integrity. We pay tribute to the life and legacy of the saintly revered rabbi, Rabbi Morris Sherer.

We pray to Thee, Almighty God, that his memory inspire the Members of this august body, the U.S. Senate, to find within their hearts an echo of his nobility of spirit, selfless devotion, and compassion for all in need, to demonstrate for all to see that beneath the outer veneer of our Nation's bureaucracy beats a warm heart in which the anguished cry of the depressed, the deprived, and the disadvantaged strikes a responsive chord.

Give us the understanding, O God, to grasp the true import of the sacred obligation we have, to open our hearts and hands to bring the bounties of life to every man, woman, and child in our midst.

O Father in heaven, bless this distinguished assemblage of people determined to work effectively and tirelessly for the betterment of all the people of this great Nation, that we witness in our time the fulfillment of the vision of the Psalmist, "They that sow in tears, shall reap in joy," so that from all the upheavals which shatter the soul of society today shall emerge a new world of hope, tranquility, and serenity, for the glory of God and all mankind. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator SPECTER will now lead the Senate in the Pledge of Allegiance.

The Honorable ARLEN SPECTER, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. with Senator MOYNIHAN, or his designee, in control of the time between 10:30 a.m. and 11, Senator GRAMS, or his designee, in control of the time between 11 o'clock in the morning and 12 noon, and Senator SPECTER, or his designee, in control of the time between 12 noon and 12:30. Following morning business, the Senate will stand in recess until 2:15 p.m. so the weekly party conferences can meet.

When the Senate reconvenes at 2:15, there will be an additional 2 hours of morning business equally divided between the two leaders. The Senate is then expected to resume consideration of the pending and long-suffering agriculture appropriations bill. Therefore, votes are expected to occur.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The able Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I thank my distinguished colleague, Senator MOYNIHAN, for yielding 2 minutes prior to the time that his special order takes effect.

RABBI MORRIS SHERER

Mr. SPECTER. Mr. President, I have sought this recognition to compliment Rabbi Sherer, who has just delivered the Senate prayer.

We are recognizing the outstanding work of Rabbi Sherer's father, also Rabbi Sherer, who died a little more than a year ago. Present today in the Senate gallery are some 200 representatives of a national convocation to recognize the outstanding work of the departed Rabbi Sherer.

I must say that Rabbi Sherer's comments this morning about freedom of religion and the impact on everyone in America, but with special reference to Jewish Americans, is of great significance to me because both of my parents came from foreign lands to the United States and were pleased and honored to pledge their allegiance to the United States of America.

My father left a shtetl, a small community, Batchkurina, in Ukraine, to come to the United States in 1911 at the age of 18, barely a ruble in his pocket, literally walked across Europe, took steerage in the bottom of a boat to come to America to seek his fortune, as did my mother who came with her parents when she was 5 years old in 1905 from a small town on the Russian-Polish border. They settled in America. They raised their family in America. My father fought in the American Expeditionary Force to help make the world safe for democracy and, in his allegiance to his new-found country, rose to the rank of buck private. Next to his family, the greatest honor he had was serving in the U.S. Army.

Freedom of religion is fundamental Americana, and the Rabbi's prayer today brings it home to us. And I wanted to express my own views of thanks for this country, what it has done for my parents and what it has done for my brother, two sisters and me, and my sons and our granddaughters.

I thank the Chair, I thank Senator MOYNIHAN, and yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I believe Senator ASHCROFT would like to speak at this moment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator for accommodating me from the time reserved for his control.

I am glad for the opportunity to stand in the Senate today to honor Rabbi Morris Sherer, who passed away on May 17 last year. Today, I believe the very best way to pay tribute to Rabbi Sherer's memory is to celebrate his inspiring accomplishments.

When Rabbi Sherer became the executive vice president of Agudath Israel in America in 1941, the organization was but a small group with but a few members. Rabbi Sherer transformed Agudath Israel from the small organization that it was in 1941 to a respected and influential force in the culture and community we call America in both our political and religious life.

Rabbi Sherer's success came primarily from two strong leadership characteristics or character traits for

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which he was most respected. One was that he was not one just to talk about something. He would do something. He was an activist. Second, he knew getting something done required more than just activism or motivation or inspiration. It required persistence. He could stay with a task until there was an achievement.

One often cited example of Rabbi Sherer's activism occurred almost immediately after he became a part of the leadership of Agudath Israel. During Hitler's reign of terror, when all too many here and around the world remained silent about the unspeakable atrocities committed against the Jews in Eastern Europe, Rabbi Sherer spoke and insisted that action was necessary.

While Rabbi Sherer attempted to get others involved in his efforts, he always understood that he must take the initiative and lead, and whether others would be involved or not was not the criterion for his own involvement. He knew that real leadership required the ability and willingness to stand alone. He knew he could not simply wait for someone else to do what he believed should be done.

With his still tiny organization, he sent shipments of food to Jews suffering under the terrible injustices of Hitler's regime, and he helped many to escape to gain refuge here in the United States of America.

Not only was Rabbi Sherer a man of action, but he was a man of persistence. He followed through. When the war ended, he didn't forget about the brothers and sisters who still remained in the ruins of Europe. Under his leadership, Agudath Israel shipped food and religious articles to Jews in displaced persons camps and he helped those who wanted to emigrate.

Rabbi Sherer's story, as we all know, continues in this same line and his philosophy of activism and persistence guided Agudath Israel in America for decades. He fought on behalf of Jews endangered behind the Iron Curtain, those who were endangered in Syria, Iran, and anywhere in the world where he saw that injustice was an imposition upon the liberties of individuals and discrimination that deprived individuals of their opportunity to reach the potential that God placed within.

He brought this attitude with him as he ascended to the presidency of Agudath Israel of America in 1963 and to the chairmanship of Agudath Israel World Organization in 1980.

In all of these roles, Rabbi Sherer demonstrated the unique talent, unique character that provided him with the capacity to unite people from disparate backgrounds and interests. While this was partially a result of his contagious warm personality and charisma, there was something deeper, too. People knew him as a man of integrity. This was rare ore, precious metal to be mined out of the character of this great leader. Though they might have disagreed adamantly with his views, they had to respect the purity of his position, his sincerity and his honesty.

This loyalty and integrity often placed him at odds with or at other times in alliances with unlikely groups. This, however, was Rabbi Sherer's great charm. This is why he was so highly respected. He was loyal and passionate about ideas and truth, never letting political maneuvering get in the way of his ultimate mission.

I am pleased to be on the Senate floor to honor Rabbi Sherer's memory. He taught us that in the face of injustice we must act; in the face of failure, we must persist.

When the battle is over, he taught us there is still a war to fight: to continue to bind up those who had been injured, those who had been separated, and those who had suffered.

Finally, he taught us that there is a way to achieve success and ultimately respect. It is not by trying to appease all sides but by standing firm in one's convictions and holding fast to one's beliefs.

That is the legacy of Rabbi Moshe Sherer. That is what he passed on to Agudath Israel and to all here today who respect his wondrous accomplishment and his faith.

I am delighted and personally privileged to have the opportunity from this podium, in this body, to extend my condolences again to Rabbi Sherer's wife, children, grandchildren, and great grandchildren, and to recommend his stature, his principle, his integrity, his persistence, and his activism as models to all Americans.

I thank the Senator from New York for according me this time and this privilege.

I yield the floor.

Mr. MOYNIHAN. Mr. President, we thank the Senator from Missouri for his moving, eloquent tribute.

I yield such time as he may require to my eminent friend, the Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague from New York. I thank Senator LOTT for agreeing to set aside this time this morning to honor the memory of Rabbi Moshe Sherer. I thank Senator MOYNIHAN for providing the dignity that is always his but the intimacy that reflects the relationship he had with Rabbi Moshe Sherer. I thank my friend and college classmate from Missouri who just spoke so impressively about this extraordinary man.

I am honored to have known Rabbi Moshe Sherer, a blessed memory. I met him after I became a Senator and benefited, as anyone did, from the opportunity to be in his presence, from his wisdom, insights—insights not just on matters of faith but on matters of the broader community.

This was a man of extraordinary personal dignity and discipline, of hard work and of very good humor. He was a pleasure to be with.

The life we celebrate today was a most extraordinary and consequential life, based on values that go back thousands of years, motivated by a single overriding towering motivation to honor God's name, to perform acts of Kiddish Hashem, the sanctification of God's name. That is to say, to do good works, to be true to the values that are set down in the Bible, in the Ten Commandments, in the broadly held ethical system that we call the Judeo-Christian tradition.

Rabbi Moshe Sherer did that, magnificently rising to become, as we end this century, clearly one of the great leaders of the Orthodox Jewish community in America in this century, one of the great leaders of any faith-based community in America during this century.

Those who have spoken before me have spoken of the extraordinary record of service and growth that Rabbi Sherer gave. I spoke to him several times about his involvement in 1943 when he was asked to take a position at this organization, Agudath of Israel. He spoke to friends and they told him he would be foolish to even consider it. This was an organization that had little credibility, few members. In fact, it was at a time when even within the American Jewish community there were predictions that the Orthodox community would not go with much vibrancy into the future. Somebody actually referred to the Orthodox community generally as a "sickly weed." The resilience and feistiness of this man and his commitment to the values that were the foundation of his faith propelled him in the face of those pieces of wise counsel to go forward and prove them wrong. And did he ever do that, devoting the rest of his life to this organization, particularly in the context of the end of the Second World War, and the great suffering that occurred to so many suffering Jews in Europe during the war—watching the growth of this organization as a reaction, a kind of affirmation of faith and life after the temporary victories of death and antifaith, if I can put it that way, and anti-God certainly during the Second World War.

This organization rose out of that experience, and enjoyed the extraordinary, unprecedented liberty that America provided to this community, becoming the great, strong organization it is today. It is as Rabbi Sherer passed away with thousands of members in this country and all over the world in an extraordinary array of religious, social service, and communal activities. It is a remarkable program of study.

I don't know if anyone else has spoken of what is called the "daf yomi" program, a page-a-day of Talmud study done under the auspices of Agudath Israel. It takes 7½ years to finish the Talmud—a compilation of Jewish literature attempting to interpret the values and the specifics of the Torah, the Bible. On the last completion of that cycle, which occurred in September of 1997, if I am correct, 70,000 people gathered, filling Madison Square Garden in New York, Chaplain Ogilvie. It reminds me in some sense of the Promise Keepers or groups of other faiths coming together to do some of the work you have done with Reverend Graham, and others—70,000 people, first filling Madison Square Garden, and then in the halls and chambers all over America and all over the world on one night to celebrate what is called the A Siyum, the completion of the 7½ year day-by-day trek through this experience, a remarkable achievement, and a commitment to live by the values that were part of that organization and that experience.

Rabbi Sherer, it has probably been said here—and I will say it briefly—not only built the inner strength of the American Orthodox Jewish community through study, through social service, through communal strength, but was a remarkable ambassador to the broader community of faith-based organizations working with people of other faiths, and then reaching out into the community, and particularly the political community during his time in recent years. He opened an office here in Washington, a kind of government relations office for the good of Israel—working again with other groups to support across religious lines commonly held principles, even when they were controversial.

On the day that Rabbi Sherer was buried and his funeral occurred, there was a remarkable outpouring in New York to pay tribute to him. More than 20,000 people stood outside the synagogue where the service was held. They lined the streets to pay final honor to Rabbi Moshe Sherer. It was heartfelt, it was emotional, and it was also an expression of gratitude to all he had meant to the organization, to them personally, to their children, to the institutions from which they had benefited, and to their sense of freedom and confidence being religious people in the America context. And now, as we are taught the way to continue to honor his memory is to live by the principles that guided his own life, we are taught that when a person dies and leaves this Earth and their soul ascends to heaven that they are in that sense unable to do more to elevate themselves, that it is up to those of us who survive them here on Earth to try to do deeds that are good in their name, if you will, to be of support and strength to them.

I think that is the work that has continued in the organization and in the lives of the individuals and all of us who were touched by Rabbi Moshe Sherer.

I join my colleagues to pay tribute to him, and to those who continue the strong and important work for the good of Israel, and to offer condolences to his wife, to his children, to his grandchildren, and to his great grandchildren.

May God come forth and give them the strength—as I know He will—to carry on the extraordinary good work that characterizes the life and times of a great Jewish American, Rabbi Moshe Sherer.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Connecticut for his beautiful words.

My dear friend and colleague, the Senator from New York, has asked to speak, and I yield him 3 minutes, if we may, of the time that is beginning to run out. Also, the distinguished majority leader has come on the floor.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague, Senator MOYNIHAN.

I, too, want to join my friends, Senator MOYNIHAN, Senator LIEBERMAN, Senator LOTT, Senator ASHCROFT, and others in honoring the memory—the blessed memory—of Rabbi Moshe Sherer, who is truly one of the great heroes of the Jewish community and of all of America in the second half of the 20th century.

I am proud to have called him a friend as well as a mentor. He would guide me regularly on political and moral events. He is missed by myself, and my wife and my family, as he is by millions of others.

Rabbi Sherer did so many good things. Senator LIEBERMAN spoke about how he gave great strength to the orthodox community which had been through one of the worst periods of history ever inflicted on any people, and they came to America. What Rabbi Sherer did more than anything else was show them that they could live by Torah values, and the values of teaching, as well as by American values—in fact, that the two strengthened each other; that the values we have learned in the Torah, the Bible, and our teachings, the Talmud, which was mentioned by Senator LIEBERMAN, would make people better Americans; and the values that America allowed us to grow in, no matter who you were, or where you came from, if you worked hard, you could achieve something for you and your family, were consonant with Torah values.

What Rabbi Sherer did through the guide of Israel, aside from the way he touched all of our lives, is that he helped my State of New York and our great country grow, because today there are hundreds of thousands—maybe millions—in America who follow Rabbi Sherer and who follow what he taught. They are living the ways that have been lived by our ancestors for thousands of years—the way of Torah, the way of life. But at the same time, they are building this country by the American values consonant with Torah values of hard work and dedication. And as they build and work hard to help themselves and their families, they help America grow; they start companies; they work in other companies; they teach.

So Rabbi Sherer's loss has been a loss for us who know him and knew him and miss him. It has been a loss for the Jewish community in America—one of our greatest leaders who taught us about education and who taught us that living a life of Torah values and being proud Americans is totally consistent. So it is also a great loss for America because America has always depended on and relished in the glory of lives such as that of Rabbi Moshe Sherer.

So I join with my colleagues, my friends in the gallery, in remembering him, remembering his life and his good deeds, and knowing that, as a Jew and as a New Yorker and as an American, I am proud to stand before my colleagues and before all of our country and say words of praise in memory, in blessed memory, of Rabbi Moshe Sherer.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, might I add I am proud of the warm and insightful remarks of my junior colleague. I thank him.

I see the eminent majority leader is on the floor. Through his courtesy, this time has been made available. I wish him to take whatever time he requires.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, I extend my appreciation to the distinguished senior Senator from New York. It is always a pleasure to work with him. I thought it was appropriate we have this time this morning to pay tribute to this great man.

Mr. President, today, along with other Senators from both sides of the aisle, I note the first anniversary of the death of Rabbi Morris Sherer, the longtime president of Agudath Israel of America.

This is a sad memorial, in that the nation has lost his ethical leadership and his commitment to justice and religious liberty. But this should also be a celebratory observance, to honor the memory of a man who, while treasuring the past, always looked forward.

Rabbi Sherer was a living example of President Reagan's favorite saying: there's no limit to what you can accomplish when you don't care who gets the credit for it. But today, we rightly give him credit for a lifetime of good works on behalf of this people, his faith, and his country.

More than a half-century ago, in the worst of times for European Jewry, he put Agudath Israel in the forefront of assisting the persecuted and saving the hunted. And with the defeat of Nazism, his organization pitched in to help refugees and immigrants.

Here at home, he took a small organization that seemed to be on the sidelines of American life and transformed it into an active, weighty, influential factor in the mainstream of national affairs.

He was not reluctant to apply the value of his faith of public policy. Because religious education was at the very core of his community's life, he fought for equitable treatment of students in faith-based schools, whether Christian academies or Orthodox schools.

Because he understood that a culture without values is a culture without a future, he fouht against the moral decline that has brought so much suffering and sorrow to our country in recent decades.

His concern to preserve and strengthen the Jewish religious heritage in American did not prevent him from working with those outside his own community who shared his principles. We need to have more of that in America, not less.

In matters of public policy, it is easy to win applause, but it is even harder to win true respect.

Rabbi Sherer sidestepped the applause and earned the respect that today brings members of the Senate of the United States to pay tribute to his memory.

I know he would be especially pleased by this observance, not because we are here praising him, but because his son, Rabbi Shimshon Sherer, is serving today as our guest Chaplain.

We thank him for that, as we thank the men and women of Agudath Israel for their continuing commitment to defend their faith and advance the humane vision of Rabbi Morris Sherer.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, our time has expired. Might I ask for 1 concluding minute?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the majority leader for his fine, perceptive remarks and for making this occasion possible.

It is a little over a year since the passing of Rabbi Moshe Sherer, one of American Jewry's most distinguished communal leaders. Rabbi Sherer was the president of Agudath Israel of America for over 30 years and served as a reasoned, wise voice whose counsel was widely respected in the Yeshivot of his beloved Brooklyn and the halls of government in lower Manhattan, Albany, Jerusalem, and here in Washington.

I first met Rabbi Sherer in the early days of the Kennedy administration when he came to Washington on behalf of Agudath Israel. I quickly learned to admire his sagacity and rely on his insightful counsel and abiding integrity. For over 35 years he was a treasured mentor and a trusted friend.

Rabbi Sherer's earliest work on behalf of the Jewish community was the grassroots, and largely illegal, organization and transport of food shipments to starving Jews in Nazi-occupied Eastern Europe in 1941. His efforts also produced affidavits for European Jewish refugees that helped them immigrate to the United States.

After the end of World War II, he and Agudath Israel continued to assist European Jews—survivors interned in displaced person camps—with foodstuffs and religious items, and helped facilitate the immigration and resettlement of Jewish refugees on these shores. In ensuring decades, Rabbi Sherer spearheaded Agudath Israel's efforts on behalf of endangered Jews behind the Iron Curtain and in places like Syria and Iran. In 1991, years of clandestine activity on behalf of Soviet Jews culminated in his establishment of an office in Moscow to coordinate Agudath Israel's activities in Russia. Under his leadership, Agudath Israel also played an important role in providing social welfare and educational assistance to Israel Jews, and in advocating for Israel's security needs.

Ignoring the pessimistic predictions about Orthodox Jewry made by sociologists and demographic experts in the 40s and 50s, Rabbi Sherer went on to help engineer a remarkable change in the scope, image and influence of the American Orthodox Jewish world. A staunch advocate of Jewish religious education as a early as the 1960s, he helped establish the principle in numerous federal laws—like the Elementary and Secondary Education Act of 1965—and State laws that, to the full extent constitutionally permissible, children in non-public schools were entitled to governmental benefits and services on an equitable basis with the public school counterparts. In 1972, his efforts on behalf of education led to his being named national chairman of a multi-faith coalition of leaders representing the 5 million non-public school children in the United States.

On the day of his funeral last year I took the Senate floor to declare that:

> World Jewry has lost one of its wisest statesman. America Orthodoxy has lost a primary architect of its remarkable postwar resurgence. All New Yorkers have lost a man of rare spiritual gifts and exceptional creative vision.

Rabbi Sherer passed away only hours before the President of the Senate, Vice President AL GORE, addressed Agudath Israel's 76th anniversary dinner in New York. He spoke for the Senate and for all Americans when he eulogized the Rabbi as "a remarkable force for the understanding and respect and growth of Orthodox Jewry over the past fifty years," whose "contributions to spreading religious freedom and understanding have been truly indispensable in defending and expanding those same rights for all Americans in all faiths."

I know I speak for the entire Senate when I express my condolences to his widow Deborah, his loving children Rachel Langer and Elky Goldschmidt, who join us today in the visitor's gallery, and his son Rabbi Shimshon Sherer whose inspiring prayer opened this morning's Senate session.

"There were giants in the Earth in those days," the book of Genesis teaches. Rabbi Noshe Sherer was a giant in our midst, whose counsel and wisdom will be missed by all of us who were privileged to enjoy his friendship.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be under the control of the Senator from Minnesota, Mr. GRAMS, or his designee.

The Senator from Minnesota.

TAX RELIEF FOR AMERICAN FAMILIES

Mr. GRAMS. Mr. President, we wanted to take a little time this morning to again talk about what I consider the overtaxation of the average working family in the United States. The tax burden is getting larger and larger every day and every year. In fact, under this administration it has grown by about 50 percent in just the last 6 years. To sum up some of these things we do have a number of other speakers who will come down this morning and join us and lay out some of the facts and figures on the current tax status in the United States.

Next Sunday our Nation will celebrate the Fourth of July. Millions of Americans and their families and friends will gather to raise the national flag, parade in their hometown, grill in their backyard, or drive to the beach for a relaxing vacation.

The Fourth of July is always a truly great American holiday.

As we observe this special occasion, I rise to remind the American people of why we celebrate the Fourth of July, Independence Day, and to call upon Congress and the President to take immediate action to provide meaningful tax relief for all overtaxed Americans.

This great Nation was born out of a tax revolt. The revolt was not because of Founding Fathers were selfish but because they did not want to be shackled under more government regulations, bureaucracy, taxing powers, and unjust legislation of their homeland.

They did not want to send their hard-earned money to the Parliament in England that furthered their own special interests in order to keep themselves in power.

This tax revolt was about freedom and liberty, about a person being able to own himself, his labor, and the fruits of his labor. This is the simple moral origin of our Nation.

Our Founding Fathers understood well that low taxes and freedom were directly related. They did their best to ensure that the American people continued to enjoy their freedom.

Unfortunately, this freedom that our Founding Fathers treasured so much and that triggered our Nation's independence has been eroded.

Today, Americans are overtaxed. The tax burden on working Americans is more crushing than ever. In 1913, less than 1 percent of all Americans paid income tax. Only 5 percent of Americans paid any income tax as late as 1939, before World War II.

Today, the Federal tax burden is at a historic high. Federal taxes consume nearly 21 percent of national income. A typical American family pays $9,450 in Federal income tax per year.

A median-income family can expect to pay nearly 40 percent of its income in Federal, State, and local taxes—more than it spends on food, clothing, and housing combined.

But our Democratic colleagues and President Clinton do not believe this rapidly growing tax burden is excessive and have preferred new spending to tax cuts.

One of the best indicators of how exhausting the tax burden has become is the annual arrival of Tax Freedom Day, the day on which Americans stop working just to pay their State, Federal, and local taxes and actually begin keeping their earnings for themselves.

This year, Americans had to wait until May 11 before they marked Tax Freedom Day. At 132 days into the year, it's the latest arrival of Tax Freedom Day ever.

As a sign of just how far and fast taxes have escalated, in 1950, Americans marked Tax Freedom Day on April 3.

Cost of Government Day, a day calculated by Americans for Tax Reform, goes further by including taxes, regulations, and total government spending. This year Cost of Government Day arrived on June 22.

The total cost of government in 1999 is estimated at $3.72 trillion, that is up from $3.56 trillion in 1998.

This is a 4.5-percent increase overall, and that is almost double the rate of inflation. The cost of Government regulation alone will cost taxpayers over $1.06 trillion in 1999. Again, our Democratic colleagues and President Clinton do not believe this rapidly growing tax burden is excessive, and they have repeatedly denied tax cuts to Americans.

Let's take a look at another indicator. Over the course of President Clinton's administration, Washington's income has grown faster than our economy and has grown twice as fast than the income of the average American. In fact, Federal taxes have grown by over 54 percent during this administration. That is nearly $4,000 per year more per person. The income tax rates also indicate Americans are overtaxed.

The average tax rate for the 437,036 individual returns filed for 1916 was 2.75 percent. Again, the average tax rate for nearly the half million Americans who filed returns in 1916 was just 2.75 percent of income. Under President Reagan, we had only two income tax rates: 15 percent and 28 percent. But today, there are now five tax rates, and Americans can be taxed as high as 40 percent in Federal taxes.

In the past few years, over 20 million American workers earning between $30,000 to $50,000 have been pushed from the 15-percent income tax bracket to the 28-percent income tax bracket due to the unfair tax systems we have. On top of that, they have to also pay a 15.3-percent payroll tax. Federal taxes alone account for the loss of 43 percent of the income for those middle-income Americans who have worked hard just to try to get ahead.

The President and the Democrats always like to tell middle-income Americans that, of course, they are only out there taxing the rich while they stick their hands deeper and deeper into the pockets of average Americans. They use class warfare as a cover to tax all Americans at a higher and higher rate.

The rapidly growing tax burdens hurt low-income and minimum wage workers as well. They may not pay income tax, but they still have to pay the payroll tax. As low-income and minimum wage workers work harder and earn more, their payroll tax increases, again taking a huge bite into hard-earned dollars that are most needed to keep those families above the poverty line. Once again, our Democratic colleagues and the President do not believe this rapidly growing tax burden is excessive and have repeatedly refused to support any tax cuts.

Let's ask the American people if they are overtaxed and want a tax refund on their overpaid taxes. Let's ask a full-time mom and former schoolteacher, Susie Dutcher, about the overall tax burden. According to her:

> Taxes are far and away the biggest portion of our family budget.

Susie would love to put more dollars into their retirement account, would love to buy more books for their three children, or put more money in their college fund or spend more money for other family priorities, but she cannot because much of the fruit of their labor is again taken by the Government.

Ask John Batey of Tennessee about the death tax. John runs a 500-acre family farm that has been part of the Batey family for 192 years. John has spent all of his life on his family farm and, like most other farmers, he plans to be a good steward of the land, save and build his assets, and someday try to leave his farm to his children.

After the death of his father 5 years ago and the death of his mother last June, John began to settle his parents' estate. As he was about to take over the family farm, the IRS sent a death tax bill for a quarter of a million dollars. The land value of the farm increased significantly, but the death tax has never been indexed. John had no choice but to sell some of his assets, dip into their lifelong savings, and even borrow some money to pay Uncle Sam.

The Federal death tax was originally levied to pay for the war in 1916 to help fund the efforts of World War I, and estates under $9 million were not taxed at that time. But it later evolved into a mechanism, of course, with a redistribution of private income.

Just like the Batey family, millions of American farmers and small businessowners are faced with paying high taxes or, in fact, losing their farms and businesses to pay the death tax. Unfortunately, again, my Democratic colleagues insist that a cut in the death tax is a tax cut for the rich, and they can hardly justify a costly tax cut that benefits some of the wealthiest taxpayers.

Ask janitor Joe of Virginia about the capital gains tax. Over the last 30 years, Joe saved every penny of his income he could possibly save after paying Federal, State, and local taxes. He took the risk, and he invested his savings smartly in the market. He was excited as he watched his savings grow into $1/2 million in assets. That excitement soon turned into torment upon retirement when he began to withdraw the funds. The Government took nearly one-third of those hard-earned savings for capital gains taxes.

Or you could ask newly wedded Alicia Jones of my home State of Minnesota about the marriage penalty. Alicia and her husband graduated from college and had just begun working full time 2 years ago. In 1998, Alicia and her husband worked full time in professional careers. They had no children and were renting an apartment and trying to save to buy their first house. They had to pay at least an additional $1,400 under the marriage penalty tax in our Tax Code for simply being married.

As a result, on top of the over $10,000 they already had deducted from their checks to pay Federal taxes, they had to take an additional $700 out of their limited savings account to pay for Federal taxes, taxes that they would not have had to pay, by the way, if they had not been married.

She wrote and said:

> I'm frustrated by this. I'm frustrated for the future. How do we get ahead when each

year we have to take money out of our savings to pay more and more for our taxes? I hope that you will remember my concern.

Alicia's story is not uncommon. There are 21 million American families in this same situation. If these individual stories are not convincing, let's take another look at the polls.

A recent Gallup-CNN-USA Today poll shows that over 65 percent of Americans believe taxes are too high. Half of the American population think the tax system itself is not fair. A Fox News poll indicates that 65 percent of Americans believe that no more than 20 percent of their income should go to Federal, State, and local taxes. As I said, about an average of 40 percent today is collected from Americans across the country.

An Associated Press poll also shows that the majority of Americans want to use the non-Social Security surplus that we are hearing so much about this week for tax relief, not for more pet spending programs by this administration.

The list goes on. There are a lot of people around Congress, and especially in the White House, who talk about tax relief, but I believe it is all show.

The message from the American people is loud and clear: We are overtaxed, we want meaningful tax relief, and we want and need tax reform.

I ask my fellow colleagues and the President to ponder a very fundamental question about taxation over this holiday: Should our Government tax working Americans' income when they first earn it? Should the Government be able to tax it again when they save it, tax it again when they spend it, tax it again when they invest it, and tax it yet again when they die?

They talk about redoing taxes for low income people because it takes a larger portion of disposable income. I agree, but there is no excuse to tax others even more to support larger and larger spending plans.

To my fellow Americans, I invite you to think about our country's origin over this Independence Day holiday. Take a closer look at your payroll stubs to see how much in taxes is taken from your income, or just take a few moments to examine the hidden taxes on your holiday spending. You will be shocked to find out how much tax you are actually paying.

Let me give a few examples. If you drive the family car on vacation on the holiday, remember that 45 percent of the cost of your car goes to taxes. Over half of what you pay for a gallon of gasoline ends up going for taxes. Thirty-six percent of the cost of the tires on your car goes to taxes. And if you choose to fly, 40 percent of that cost also will go to the Government.

Staying at a hotel is not cheap either, but did you know about 40 percent of your bill goes to the Government in the form of taxes?

If you decide to stay at home and have a simple barbecue to celebrate Independence Day, the Government will stay there as an uninvited guest, and 43 percent of the cost of beer and 35 percent of the cost of soda will go to taxes. The Government's slice of your pizza is about 38 percent, and taxes account for 72 percent if you want to have a drink. Even 31 percent of what you pay for a loaf of bread is taxed.

I think you get the idea of how much of the price of the average products you will buy over this holiday weekend is going to go to the Government in taxes.

So in closing, I am encouraged by President Clinton's announcement that the budget surplus will grow by an estimated $1 trillion over the next 15 years. This additional budget surplus, I believe, makes tax relief even more necessary and even more feasible.

Even President Clinton is talking about new possible tax relief for the American people this year. I welcome the opportunity to work with the President to try to provide tax relief for all Americans—not to talk about it, not to be all show, but to make sure that some tax reform is passed in tax relief.

Saving Social Security, reducing the national debt, cutting taxes are imperative for our economic security and our economic growth. Our strong economy has offered us a historic opportunity to achieve this three-pronged goal.

Republicans are committed to returning the non-Social Security surplus to overtaxed Americans who are out there working hard and generating it in the first place. We have reserved nearly $800 billion of the non-Social Security money for tax relief in our budget, and we will provide meaningful tax relief for all Americans this year.

Thank you very much, Mr. President.

I now yield the floor to my colleague from Georgia, Senator COVERDELL, for up to 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, first, I compliment the Senator from Minnesota for organizing and bringing this meeting together on the question of tax relief and for the powerful statement he just made in support of giving relief to American workers so they can keep more of what they earn in their checking accounts rather than sending it off to bureaucrats—locally, in the State, and federally.

In the last few days, President Clinton has joined in calling for a strong lockbox to protect Social Security. I am pleased to see this. For the last month, we have been fighting a filibuster from the other side of the aisle on this concept of setting a procedure in place that would make sure Social Security receipts have a new protection device. Hopefully, because the President has now said he supports it, the other side of the aisle will drop their filibuster and we can get on with our proposal to be more protective of Social Security receipts.

Second, the President has said he will now support tax relief. That is important. But tax relief can have a lot of definitions.

Our view of tax relief is that it should be across the board, that everybody should participate, and that the savings which families keep in their checking accounts be used for the decisions those families want to make: Do they need more health insurance? Do they need to pay school tuition? Do they have a leak in the roof? Do they need a new car?

The President's definition of tax relief is that you get it if you do something he wants, for instances if you put a solar panel on your roof or if you buy an electric car, if you can find one. That is behavioral relief. In other words, if you begin to live your life the way we in Washington think you should live it, you will get a break, but we are not going to let you decide what you ought to do.

I would suggest that the tax relief proposal, which is growing in size, ought to be looked at very seriously. I will come to that in just a minute. But let's just talk for a second or two about why tax relief is so important to American families.

First, as was said by the Senator from Minnesota, they are paying the highest taxes they have paid since World War II, which, given the extended periods of general peace, is unconscionable.

This year, American families will have a negative savings rate. That has not happened since the Depression. If you read what several pundits in the country have written, they say it is because American families are greedy. Hogwash. What it is, the Government has been taking more and more of what they earn, and the disposable income, the income they have left to use, is barely enough. In fact, in many cases it is not enough to manage their families so there is nothing left to save, and they are not saving.

That means those families cannot face off an emergency. If somebody loses a job or there is some loss of income, the rent cannot get paid. If there is an unexpected illness, an unexpected educational cost, an emergency, there are no savings in America to deal with that. So you put a whole arena of anxiety across the breadth of the land.

I am not going to overdetail this because of the time we have, but I, Senator TORRICELLI—it is bipartisan, bipartisan in the House, Republican and Democrat with leadership—Senator LOTT, Senator GRAMM of Texas, the chairman of the Banking Committee, are all coauthors of a concept that takes the first tax bracket, which is 15 percent, and increases dramatically the number of people who are in that minimum tax bracket.

So everybody would share equally. But the effect is that about 7 million people would be pushed down into that lowest tax bracket. Then the first $500 of interest that family earns from the savings account would not be taxed. That means about $100 billion over the next 10 years would be saved by those families, and 30 million of those families would have no tax on their savings accounts.

So what we have is a plan that benefits 110 million taxpayers, 30 million of which would be saving tax free, 10 million of which would no longer pay capital gains tax, and 7 million middle-income taxpayers would be returned to the lowest tax bracket.

But we do not tell them what to do with their savings; they can figure that out. It isn't designed to cause them to live in a loft or to use a solar panel or a windmill. It is designed to let them keep more of their income so they can more effectively manage their families and their lives.

Incidentally, this is the only tax plan that has been endorsed by the New York Stock Exchange. It is right on target, because pushing people into the lowest tax bracket is helping them save, and it is simplifying the Tax Code.

I hope that every succeeding year we can take another million-plus taxpayers and push them down into this 15-percent tax bracket. One day we might even get to the point that almost all Americans are there.

So this is a time for tax relief. Americans are paying the highest taxes they have paid since World War II. They have no savings, and therefore they do not run their families as effectively as they could. We all know the results of that. So this is broad public policy that needs the attention of the President and the Congress. It is the right thing to do, and this is the right time to do it.

I yield back to the floor manager.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I thank the Senator from Georgia for his remarks this morning. Also, I thank him for all his hard work during this and previous Congresses to make sure that American families will be allowed to keep a little bit more of their hard-earned money, that less of it will come to Washington, and that they will have a little bit more control over how they spend it and what they spend it on. I appreciate it and thank him for all his efforts and work.

I also recognize this morning the Senator from Missouri, Mr. ASHCROFT, who also has been a leader in the fight against higher taxes and is working very hard for tax relief.

I yield 7 minutes to Senator ASHCROFT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

I am delighted to commend the Senator from Georgia for his outstanding remarks. He is right about giving people a chance to spend their own money in the way they choose to spend it.

So much of our so-called tax relief from time to time is given in ways that try to coach people that they should have it the way we want it done. Freedom is the ability to spend one's own resources the way one particularly wants to spend them. So I am delighted with his remarks.

I rise today in support of Congress' plan to provide over $778 billion in tax cuts over the next 10 years. The President has already announced that the budget surplus will be larger than expected. This onbudget surplus is another name for a tax overpayment. Talk about a budget surplus. It means we are collecting more than we need.

Having collected more than we need from the people who worked hard, the least we could do would be to give it back to them. When you go into a business and hand a $10 bill to the clerk for a $7 item, they don't say: Well, we are going to increase your spending level. We are going to throw in four extra pairs of shoelaces and a can of polish, if you are in a shoe store. They say: No, here is your change. This is your money. You have overpaid.

That is where we are. In the days ahead, Congress will be deciding what to do. Are we going to try to find more ways to spend the money the people have earned or are we going to say our faith is in families; we are going to focus the resources of this country where we have our faith, and that is in the private sector and in families? That is what has made America great.

Or are we going to say our real faith is in bureaucracy; we are going to take more of this money and fund bureaucracy?

I think it is time for us to think about funding families, not funding bureaucracies; funding Main Street, not funding Washington, DC. When we have challenges in this country, I think all of us know they aren't going to be solved by government. As terrible as Littleton, CO, was and is, the real challenge is a cultural challenge.

We need strong families with the right values. We don't need stronger government bureaucracies. If bureaucracies could have solved the Littleton situation and many other challenges, we would have expected to have no challenges by now because we have great bureaucracies. We have more bureaucracy in America than ever before, but we have greater problems.

Instead of the high tax load that really almost forces the second parent to be in the workforce, maybe we ought to think about allowing people to keep some of the money they earn so they don't have to have both parents working and competing with the needs children have for the shaping, the nurturing, the developing, the teaching, and the parenting that is so necessary.

This year, the average American will have to work 173 days just to pay for government. This includes the burdens of Federal taxes, State taxes, and local taxes. We pay more in taxes than at any other time in history.

Some people say: Well, there was a year or two in the Second World War. I dispute that. I don't think they are counting local taxes as well. Some people say: What does the Congress have to do with local taxes? Very frankly, a good bit of the load of taxes at the State and local level is a result of Federal mandates, the Federal Government wanting to force things to be done by government and the bureaucracy, not having the courage to charge for it but just saying to the States: You must get this done.

It is sort of similar to going in to order something without paying for it. We have done that at the Federal level. It is a shame, but it has happened.

It is time for us to say that we need to allow some of the individuals who have built this great Nation to enjoy the fruits of their own labors. When we have overcollected, we have taken more than we need. We have a surplus. Let us give the folks the change back instead of trying to force them to buy more bureaucracy, which they didn't want, didn't order, and don't need. They do need the capacity in families.

According to a Congressional Research Service study, the surplus means that the average household will be paying $5,000 more in taxes over the next 10 years than the government needs. Well, let's just let the American people have some of that money back.

I want to go quickly to one of the most important things we can do to correct a serious error of our Tax Code. For a long time, Members of this body have understood that our Tax Code penalizes people for being married. The way the Tax Code is administered, there is what is called a marriage penalty for people who enter the durable, lasting relationship of marriage, which is the place where children learn and where society and the social order, our culture, renews itself—in durable, lasting, committed marriages. They get taxed more heavily, very frequently, than if they were not married. That is called the marriage penalty.

I may not be one for lots of little nuances in the Tax Code, but it is time for us to take this massive prejudice out of the Tax Code that charges people elevated rates because they are doing the thing government most needs. If government is to promote safety and the stability of the community so people can reach the potential that God has placed within them—and that is what I think government is for—the family does that more effectively and in concert with government better than anybody else. If anything, marriage ought to be the subject of a subsidy, not the pernicious recipient of a penalty that punishes people for being married.

I know KAY BAILEY HUTCHISON, the Senator from Texas, has focused for years on this idea. I have been one who has stood up to say that we ought to focus on this idea. If we have an opportunity to let people keep some of what they earn, let us stop punishing people for the persistent, durable commitment of dedicated marriage that is fundamental to the success of this society in the next century. That would be a tremendous first step.

We all know that we are paying more in taxes than ever before. We have watched, as the tax burden has gone up, families struggle to meet their responsibilities, moms and dads trying to juggle how they can accommodate their schedules and still raise a family. Finally, the second parent goes into the workforce to make ends meet because government demands so substantially.

Let us give the American family the kind of tax relief that allows families to make America great again and to make their own decisions. It is with that in mind that I think one of the tremendous opportunities we have is the opportunity to abolish the marriage penalty in the tax law.

I urge my colleagues, as we consider our responsibilities, to relieve American marriages of this pernicious penalty which punishes people for doing that which we all need.

I thank the Senator from Minnesota and the Presiding Officer.

Mr. GRAMS. I thank the Senator from Missouri for those words and, again, thank him for all his efforts on tax relief.

I now recognize the Senator from Alabama, Mr. SESSIONS, who also wanted to talk about it, for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I express my appreciation for the excellent remarks delivered by the Senator from Missouri. He and the Senator from Minnesota have been champions of lowering the burden of government on American people since they have been in this body. They are known for that. They have given time and effort and passion to it. I really was inspired by the remarks of the Senator from Missouri. I appreciate them very much.

We are in a time of surplus. We have time to make some decisions about what we are going to do with that surplus. The President's own Office of Management and Budget midyear review now indicates that we will have, over 10 years, a $1 trillion surplus outside of Social Security available to us.

I suggest we have to consider allowing working Americans to keep more of what they earn. That is clearly a policy that will nurture freedom. The more money we take from individuals, the more we take from families, the more we shift it to a burdensome bureaucracy in Washington, the more we diminish their freedom, their power vis-a-vis the government. The government is strengthened. The individual and family is weakened. It is just that simple. The power to tax is the power to destroy. A tax diminishes freedom. It penalizes certain behavior, and it encourages other behavior.

I think we have to be honest with ourselves. This great economy has done some wonderful things for America. We are also finding that people are moving up in the tax brackets, higher and higher tax brackets, meaning they are paying a higher percentage of their income to the government each year. And the sad fact is that the total percentage of the gross domestic product; that is, of all goods and services produced in America, is increasing. According to the Federal Government's own statistics, in 1992, when this administration took office, before the big tax increase, we were sending 17.6 percent of the gross domestic product to the Government. It will reach 20.7 this year or next year—a steady increase.

To say that tax decreases are going to destroy the Government and somehow result in a massive reduction in funds to the Government is silly. The year before last we rolled back one-third of the 1993 huge tax increase that the administration pushed for. We rolled that back and included within it a $500 per child tax credit. I know the Senator from Wyoming, the Presiding Officer, was a supporter of that, and the Senator from Minnesota, was a big supporter of that $500 per child tax credit. I made it one of my highest priorities and worked extremely hard to see that that became a reality.

They say: Well, you can't afford a tax cut. If you have a tax cut, we will increase our deficit. That has not happened. In fact, we are continuing to see surpluses accrue.

But what I want to ask the American people to do is think about this: A family with three children making $35,000 a year, or $45,000 a year, will now receive a tax credit—not a tax deduction but a $500 reduction in the amount of money they have to pay in taxes to the Government for each of those children—$1,500. They will be getting those refunds this spring. Many have already received those refunds—$1,500 for a family. That is $120 per month tax free for a family to use for things.

If there is somebody struggling today, as the Senator from Missouri noted, it is working families. It is expensive. They will have $120 a month to buy shoes with, or maybe a new set of tires for the car, or maybe money so the child can go on a school trip that they would like for them to go on but are wondering how they are going to pay for it. They will get it every month, because this Congress said, no, we are not going to keep taking this money from the families; we are going to allow you to keep it and use it as you see fit.

Who cares more about children than a mother who cares about her children? Who can best decide what they need than the family?

It is a myth that if you do not vote for more and more and bigger programs, you love your children less. That is an incorrect statement. It really offends me, because what we are doing is taking that money from families who love their children and who know their children's names. Nobody in Washington knows my children's names or the names of children in Alabama. They can't possibly utilize resources as effectively as the people who love them and who are raising them.

I really believe that was a nice step forward. But it was just one step. I am proud that we accomplished that. It took some effort. It looked as if it wasn't going to happen, until finally the American people understood what was being talked about. They realized that it was in fact possible to achieve it, and the people started speaking. The Congress—some of those who objected—got the message, and the President got the message. He signed that bill. So we are looking at a continual possibility of a surplus in the future.

I am concerned that we are showing an unhealthy increase in the amount taken by Government. I think it is time to send some of that back to our people. We can make reform of Social Security, we can secure Medicare, and I am absolutely strongly committed to the Social Security lockbox—to setting aside our Social Security surplus so we don't spend it, and making sure it is there to allow us to strengthen and improve Social Security.

That is the first step. If we spend the Social Security surplus by new and bigger programs—there is always some new program that somebody has—we are not going to have it to save Social Security.

Likewise, we have an opportunity with a non-Social Security surplus—this $1 trillion, this $1,000 billion, that will be ours in the next decade—to make a decision: Are we going to allow the Government to grow and become more and more a dominating force in our lives, or are we going to encourage families and freedom and prosperity?

Just for example, I support and am working very hard on a program I call "The Class Act." Most States—42 States now—have a plan called a prepaid college tuition plan where you can buy into college tuition, invest your money into it as your children grow, so much a month, how you choose, and when your child gets to the age to go to college, it can be paid for.

We found that the Federal Government taxes all the interest that accrues on that money. The Federal Government is taxing and penalizing families who are doing the right thing by saving for their children's college education at the same time that we are providing tax breaks, interest rate breaks, and interest deferred payments to people who borrow for college. As a result, we have found that borrowing in the last decade has tripled—three times what it was in the previous decade. And savings are down.

Good government policy calls on us and demands of us that we encourage the highest and best qualities in people. Taxing and penalizing people who save, and at the same time subsidizing people who borrow, which we need to do—people need to be helped in borrowing to go to college; we are not eliminating any of those programs—is wrongheaded. It is not encouraging our highest and best instinct as a people.

We are different from the rest of the world. This was never a government-dominated country. It has never been run by a king. It has never been run by a totalitarian Communist dictator. It is made up of millions of independent, free Americans who respect themselves and their communities and care about themselves and their communities.

We don't believe the Government ought to do everything for us. People are prepared in this country, as a part of our very character as a people, to take care of themselves whenever they can. But if the Government continues to take more of their wealth and take more of the money they earn every month, making it more and more difficult for them to meet their responsibilities, then they tend to look to Government to fund them.

That is not a good trend for us. This is basic. This represents a basic divide in this Senate and right down the hall in the Congress between people whose visions differ about the nature of our country.

I say let's celebrate our character of individualism, personal responsibility, personal integrity, good financial management, and frugality. Let's encourage savings and not tax people's money who save.

I think it is time for us as a nation to think about this. We dare not get into a big spending program. We do not dare start taxing and spending again. We have an opportunity for a historic time for America. I am proud to join with the Senator from Minnesota in promoting it.

Mr. GRAMS. Mr. President, I thank the Senator very much. I appreciate the words and all of the efforts of the Senator from Alabama. He is talking about the President announcing that a tax cut is possible. He is agreeing with us that tax cuts are important.

I think we have to be very careful because I think it would be a bad deal for the American people if we got a little bit of a tax cut but it came at the cost of huge increases in spending. We don't want that type of a tradeoff. We want to make sure that tax relief means tax relief and not just some token tax relief while we increase spending over in the other side.

I recognize for up to 5 minutes this morning the Senator from Kansas, Mr. BROWNBACK, and I also want to compliment him for all of his hard work and efforts in the area of taxes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President. I thank our distinguished colleague from Minnesota for all his work in this field.

As long as I have been in this body—I have not been in it that long; I am in my third year—I have known that Senator GRAMS has been really working on the issue of tax cuts. He has pushed forward. He has prodded people on it. He has done a beautiful job of getting us to the point of people saying let's have a tax cut, a serious tax cut, not one where we just issue a bunch of press releases and the press releases cost more than the tax cut but a real tax cut that stimulates the economy and helps people.

I am delighted the President is now apparently willing to work with the Congress in order to provide the American people with the tax cut they need and deserve. Part of the reason the President is now willing to consider a tax cut is the strength of the American economy, which is precisely one of the reasons we should consider a tax cut at this time. We are at this point of a budget surplus because of some fiscal discipline in Washington but mostly because of the strength of our economy. We need to keep that economy going and growing strong. That is the key to having budget surpluses in the future—a strong economy. We can help with tax cuts.

The bottom line, as has been mentioned before, is that growth works. When we have growth, we have more resources to pay down the debt, to do the programs needed for the American public, and now to cut taxes.

If we are going to continue to experience a growing economy, we need to take steps to enhance and sustain our current record of economic expansion in order to pave the way for the next century. We need another "American century." Providing the American people with broad-based progrowth tax relief is one of the ways to help achieve it.

In America there is an emerging class of investors who are more aware of what tax policy means for individuals and for the ability of our economy to perform. This class of investors is citizens who have been able to take part in the American dream through 401(k) programs and expanded IRAs that have been offered as part of a retirement package or encouraged through our Tax Code. They are not wealthy— not yet anyway—but they are increasingly concerned about our Tax Code and what it means to them.

We need to work with the family farmers, cab drivers, construction workers, and small businessmen to allow them to participate in this free market system and have it continue its expansion. They know the best thing Congress can do in order to spur growth is to cut taxes.

There are a variety of options for cutting America's taxes. We can use a budget surplus after accounting for Social Security. We need the Social Security surplus for Social Security, and we need to lock it down, lock it out—create a lockbox for it.

With the budget surplus over and above Social Security, we could widen the 15-percent tax bracket in order to help "flatten" the tax structure and provide the American people with tax relief. An expansion of the 15-percent tax bracket has another desirous effect of alleviating the impact of the marriage penalty. Currently, nearly 21 million families are forced to carry an average of $1,400 more a year in taxes simply for being married. We must bring this institutionalized discrimination against the family to an end. Now is the time to do that.

We could also take steps to encourage savings and investment by cutting the capital gains tax rate, which could stimulate the economy and give back further revenues to the Federal Government. Americans need a higher rate of national savings to continue to grow into the next century. Cutting capital gains tax rates will help. We can look at the possibility of further reductions in the death tax area. I think we need to do this, particularly for small businesses and family farmers who frequently spend a lot of time reorganizing their business, creating trusts and other corporations to get around paying death taxes that would have the impact of killing their business, or of killing their farm, and not allowing them to pass it on to the next generation. We need to do those things.

I congratulate the Senator from Minnesota for his work on this tax-cutting agenda and getting the President to agree that we can and should do a tax cut. For the President to say he isn't opposed to a tax cut is a positive step. Now it is time for the President to deal with the Congress in providing real tax relief to the American public. It stimulates the economy, it keeps us growing, and it supports the American public.

I yield the floor.

Mr. GRAMS. Mr. President, I thank the Senator from Kansas for his efforts in discussing the importance of continued work in reducing the tax burden for average Americans.

The bottom line is that we are overtaxed today. The average family today spends about 40 percent of everything they make on taxes. Compare that to 1916 when the taxes began; it was less than a 3-percent tax burden on those paying taxes at that time, which was only about 5 percent of the American people. Today over 40 percent of a family's income goes into taxes.

When we talk about tax relief, we are talking about giving back money that has been overcharged—in other words, the excess money, the surplus. We are not talking about cutting any Government spending. We are not talking about reducing even the size and scope of the Government under these plans. That we need to do. If we were going to actually cut taxes, we would be giving back the surplus and then looking for ways to reduce the amount of money the Federal Government spends.

A couple of brief facts on the tax burden and how it has grown. Under the Clinton administration, individual income tax relief for income tax receipts has far outstripped our economic output. The tax collections have more than doubled this country's gross domestic product growth in the last 6 years. It is almost double what personal income growth has been. In other words, Washington spending is growing twice as fast as the growth in the entire economy and twice as fast as a person's personal income. I think that is what we are talking about today.

We all need to pay taxes. We need to support Government. There are many good things the Government does. We need to review the excessive spending and Washington's belief that it can do everything for everybody.

In a bipartisan effort and mood, I yield the reminder of my time to the Senator from South Carolina to sneak in some remarks this morning.

I yield the remainder of my time to the Senator.

Mr. HOLLINGS. I thank my distinguished colleague.

Mr. President, so the distinguished Senator from Pennsylvania has time for the independent counsel, I ask unanimous consent to extend his time from 12:05 to 12:35 so his half hour can be preserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Senator.

Mr. HOLLINGS. I thank both of my colleagues on the other side of the aisle.

I awoke with a shock when I saw we had $1 trillion more money to spend. I go right back to 1995, just 4 years ago, when I said I will jump off the Capitol dome if this budget is balanced by the year 2002. I said to myself, it looks as if I am going to have to jump off the dome, because they found another $1 trillion. We just have surpluses everywhere.

I felt that way until I picked up the President's document—the budget of the U.S. Government that they gave us today, hot off the press. Turn to page 42 and Members will see the actual deficit in 1998 at the end of September was $5,478.7 trillion.

The distinguished Presiding Officer, who is a certified public accountant, knows how to add and subtract. For the 5 years, on page 42, the total gross Federal debt goes to $6,298 trillion. The Federal debt by the year 2002 that I was worried about has already increased some $400 billion. By the year 2004, it has increased from the 1999 deficit $551.1 billion.

The debt is going up half a trillion, and everybody is talking surplus. That is totally dismaying to this particular Senator. It is a shabby game and a fraud that we play on the American public. The only entity to keep us honest is the free press. They join in the fraud. They had a debate some years ago, between Mr. Walter Lippmann and John Dewey. This is back before the war. Lippmann's contention was that the way to really build and strengthen a democracy is to get the best of minds in the various disciplines—whether it is in medicine or whether it is in law or whether it is in finance or whether it is foreign policy—get the best of the best minds around a table, determine the needs of the country, and give it to the Congressmen and Senators and let them enact it into law.

John Dewey countered that. He said: No, the better way is to give the American people the truth, and the American people, in a consummate way, through their Representatives in the Congress, the House and Senate, would reflect those truths, and we would have a strong democracy. That is the way since Jefferson's time, when he said:

> [. . . as between] a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

That was because he was depending, over many years—now over the 200 years we have had—on that media expounding and telling us the truth.

The truth is, there is nothing in the lockbox that everybody is talking about. We have been spending it—$857 billion that we owe Social Security this very minute. So there is nothing in the lockbox. You can see from this document, when they say, pay down the public debt, there is no such thing as paying down any kind of special debt. You either have a debt that increases or a debt that decreases and comes into balance. They play that shabby game called "paying down." The President even said, as quoted in the New York Times this morning, that he was going to tear up the credit card.

What they do is transfer the debt from the general indebtedness of Government, namely for defense and spending and everything else, foreign policy and otherwise, and transfer it over to Social Security, over to the military retirees, civilian retirement, over to Medicare, because there is a surplus. So they transfer that debt into these trust funds and say that is paying down the debt. It is like having a Visa and a MasterCard and you pay off your Visa card with the MasterCard. You are still the Government. If you are still the individual, you have your individual debt; if you are still the Government, you have the Government debt.

One more word and I will yield with gratitude to my distinguished friend from Pennsylvania. Just turn to page 43, the next page. You can see the 15-year; they have the debt held by the Government, accounts held at the end of the period, which has to be added up with the debt held by the public at the end of the period, and you will see the debt goes up to $7.587 trillion. The debt goes up almost $2 trillion over that 15 years.

Fortuitously, back 4 years ago I was saying that when President Reagan came to town we had an annual budget deficit from year to year and President Reagan said: I am going to balance it the first year. Then he said: Whoops, this is worse than I ever thought; I'll do it in 3 years. Then, with Gramm-Rudman-Hollings, we did it in 5 years. I said, before long we are going up to 10 or 15 years. And sure enough, this morning they have gone up with all kinds of estimates of revenues.

Really, the way to play, if you want to play this game, is let's have a 25-year budget. We will have enough money for everything. Send the money to the U.N., double the amounts to the United Nations, double the tax cut. Let's double all these things, give it all to investment accounts, health care, whatever you want. Let's have a 25-year budget and really go to spending up here.

It is a wonderful charade. It is a lord-awful fraud. It is only up to the media to cut out this nonsense about surplus when we are spending, this year, $100 billion more than we are taking in. It shows from the President's own figures we will continue to spend more than we take in, increasing the debt, which brings us to the $350 to $365 billion interest costs on the national debt. Before long, I am going to put in a tax allocated to really getting rid of that debt, whereby we will give a $3.5-trillion tax cut, namely, get rid of that interest cost over the 10-year period. That is the kind of tax cut the Senator from South Carolina would like.

I thank my distinguished colleague from Pennsylvania.

The PRESIDING OFFICER. Under the previous order and agreement, the time until the recess shall be under the control of the Senator from Pennsylvania.

The Senator from Pennsylvania.

INDEPENDENT COUNSEL REFORM ACT OF 1999

Mr. SPECTER. Mr. President, I seek recognition today to join my colleagues Senators LEVIN, LIEBERMAN, and COLLINS in introducing the Independent Counsel Reform Act of 1999. Our bill would accomplish two important goals. First, it would reauthorize the institution of the independent counsel for another 5 years. Second, our bill would make significant changes to the existing independent counsel statute to correct a number of problems which have become clear to all of us during the course of the past few years.

Tomorrow, the independent counsel statute will sunset. The law is dying because there appears to be a consensus that it created more problems than it solved. Many of us have forgotten the very serious problems and conflicts that led us to pass the statute in the first place. Any problems with the law can be fixed, and our bill addresses the issues that have caused the most serious complaints. But it would be a serious error to eliminate the institution of the independent counsel.

Many years have passed since President Nixon's infamous Saturday Night Massacre. Yet it is important that we remember this episode because it is such a powerful reminder of why we passed the independent counsel statute and why the statute is still needed today.

Before there was an independent counsel, the Attorney General appointed special prosecutors under his control to conduct investigations of Presidents and other high ranking officials. After the Watergate break-in, Attorney General Elliot Richardson appointed Archibald Cox to serve as the Watergate Special Prosecutor. When President Nixon decided that Cox's investigation was getting too close to the truth, he sought to have Cox fired. The President was legally entitled to fire Cox, of course, since Cox was a Justice Department employee like any other. When Attorney General Elliot Richardson refused to fire Cox, Richardson was fired. When Deputy Attorney General William Ruckelshaus refused to fire Cox, Ruckelshaus was also fired. Finally, Solicitor General Robert Bork agreed to fire Cox.

After Archibald Cox was fired, the White House announced that the office of the Watergate special prosecutor was to be closed and the President's chief of staff sent the FBI to surround Cox's offices and seize the records he had compiled. Henry Ruth, an old friend of mine who was working at the time as Archibald Cox's top deputy, described the following scene in his testimony before the Governmental Affairs Committee on March 3 of this year:

> In anticipation of adverse action, we had secured copies of key documents in secret locations around Washington, D.C. and even removed some key items from the office that Saturday night hidden in underwear and other unlikely locations. We did not know whether the military would raid our homes looking for documents. Unanimously, the staff of the Watergate prosecutor's office just refused to leave or to change anything we were doing unless someone physically removed us. And if an unprecedented 450,000 telegrams of spontaneous protest had not descended upon Washington, D.C. in the few days after that Saturday night, no one really knows if President Nixon would have succeeded in aborting the investigation. In other words, we do not feel that the Department of Justice was an adequate instrument for investigating the President and other high officials of government.

Eventually, as a result of these telegrams and enormous public pressure, Leon Jaworski was appointed as a special prosecutor and the Watergate investigation was continued. But this positive outcome was far from guaranteed. As Mr. Ruth reminded the committee, "it is impossible to describe how thin a thread existed at that time, and for three weeks, for the continuation of what was going on."

It was this dark episode, perhaps more than any other, which convinced the nation that the individual investigating the President must be truly independent of the President. This is a lesson we should have to learn only once. While recent independent counsels have made some mistakes, none of these mistakes are on the scale of a Saturday Night Massacre. With this history as our guide, let us move to fix the statute, not eliminate it.

Senators LEVIN, LIEBERMAN, COLLINS and I have all attended 5 very comprehensive hearings before the Senate Governmental Affairs Committee from February to April of this year. During these hearings, we heard from former independent counsels, former targets of independent counsels, judges on the special division of the court which appoints independent counsels, Independent Counsel Kenneth Starr and Attorney General Reno. The four of us have also met repeatedly to discuss what is wrong with the current law and how to fix it. The bill we introduce today incorporates many of the suggestions made during these hearings and corrects provisions in the bill which lead to the most serious complaints.

First of all, we all agreed that too many independent counsels have been appointed for matters which simply do not warrant this high level of review. For example, I believe that Attorney General Reno made a mistake when she asked for appointment of an independent counsel to investigate Secretary of Labor Alexis Herman. In Secretary Herman's case, there was really insufficient corroboration to justify the allegations made against her. To address this issue, we have raised the evidentiary standard which must be met before the Attorney General is required to appoint an independent counsel. The statute currently requires that an independent counsel be appointed when there are "reasonable grounds to believe that further investigation is warranted." Our bill provides that an independent counsel must be appointed only when there are "substantial grounds to believe that further investigation is warranted." This change will give an Attorney General the discretion to decide that evidence she receives is not sufficiently strong to justify an independent counsel investigation.

As a further step to control the number of independent counsel investigations, our legislation limits the number of "covered persons" under the statute to the President, Vice President, members of the President's Cabinet, and the President's chief of staff. Accordingly, it would no longer be possible to appoint an independent counsel to investigate lower officials and staff whom an Attorney General could properly investigate on his or her own.

The four of us also agreed that it is a mistake to give an independent counsel jurisdiction over more than one investigation. For instance, Kenneth Starr started as the independent counsel for Whitewater. Attorney General Reno later expanded his jurisdiction to cover Travelgate, Filegate, the death of Vince Foster, and, or course, Monica Lewinsky. Unfortunately, the Attorney General's repeated expansion of Mr. Starr's jurisdiction created the mistaken impression that Mr. Starr was on a personal crusade against President Clinton, opening new lines of inquiry when prior ones failed to bear fruit. After Attorney General Reno expanded Mr. Starr's jurisdiction to include Monica Lewinsky, I publicly commented that this was a mistake, not because Kenneth Starr was not competent to handle the investigation, but because I was afraid that the public would see this as yet further proof that Starr was on a vendetta. I'm afraid this is exactly what came to pass.

Our bill would eliminate this problem by deleting the provision which allows the Attorney General to expand the jurisdiction of an independent counsel beyond his or her original mandate. Our bill further provides that the independent counsel can investigate only topics in his original jurisdiction or those "directly related" thereto.

The four of us also agreed that some independent counsel investigations drag on too long. Lawrence Walsh's Iran/Contra investigation lasted 6 years. Kenneth Starr's investigation of President Clinton has been going on for almost 5 years. Investigations of this length are really an anomaly in our criminal justice system. Federal grand juries are empaneled for a period of 18 months. As district attorney of Philadelphia, I had a series of grand juries on complex topics such as municipal corruption, police corruption and drugs all of which lasted 18 months. If you can't find certain facts in 18 months, I think the odds are pretty good that you will never find them.

Our bill sets a 2-year time limit for independent counsel investigations. Since there are some who would try to take advantage of this time limit and "run out the clock" on an investigation, our bill also empowers the special division of the court to extend this original 2-year period for as long as necessary to make up for dilatory tactics. Our bill also provides that the special division can extend the original time period for good cause. Finally, the bill requires the Federal courts to conduct an expedited review of all matters relating to an investigation and a prosecution by an independent counsel.

Another complaint about the Starr investigation was that his report to Congress was a partisan document making an argument for impeachment rather than providing an impartial recitation of evidence. While I believe that Mr. Starr was merely doing his job when he submitted this report, I do agree that requiring such a report inserts an independent counsel into a process—impeachment—which should be left entirely to Congress. Accordingly, our bill deletes the requirement that the independent counsel submit a report to Congress of any substantial and credible information that may constitute grounds for an impeachment.

While Kenneth Starr was blamed for many things that were not his fault, I do believe he made a mistake when he decided to continue his private law practice while he was serving as an independent counsel. The job of being an independent counsel is a privilege and an enormous responsibility—it deserves someone's full-time attention. Accordingly, our bill requires that an independent counsel serve on a full-time basis for the duration of his or her investigation.

It appears that a majority of our colleagues believe that it is better to let independent counsel statute die and return to the old days when special prosecutors appointed and controlled by the Attorney General will investigate the President and his Cabinet. I am confident, however, that after the dust settles and tempers abate, our colleagues will realize that the independent counsel statute provides a better way to handle investigations of the President and his cabinet than any of the alternatives.

We must all remember that the independent counsel statute was passed to address a serious problem inherent in our system of government—the potential for abuse and conflicts of interest when the Attorney General investigates the President and other high-level executive branch officials. After all, it is the President who appoints the Attorney General and is the Attorney General's boss. Often the Attorney General and the President are close friends. Accordingly, there is an inherent conflict of interest in having the Attorney General control an investigation of the President or the President's closest associates. Even if an Attorney General were capable of conducting an impartial investigation, the appearance of a conflict of interest is serious enough to discredit the Attorney General's findings, especially a finding of innocence.

The independent counsel statute is the only way to address this inherent conflict of interest. As memories of the Saturday Night Massacre have been supplanted by memories of Kenneth Starr, the pendulum of public opinion has swung too far against the statute. I am confident that as soon as the Attorney General begins to investigate his or her colleagues in the White House, the pendulum will swing back in the opposite direction. When this occurs, I believe that our colleagues will see that our approach is the best approach—to fix the problems in the statute, not abandon it.

To reiterate, the existing independent counsel statute is set to expire by sunset provisions tomorrow, June 30. There have been a series of five extensive hearings held in the Governmental Affairs Committee chaired by our distinguished colleague, Senator THOMPSON. During the course of those hearings, attended by all four of the cosponsors of this legislation, we have heard extensive testimony. The four of us have met on a number of occasions to craft the legislation which we are introducing today.

Our fundamental conclusion is that the Attorney General, acting through the Department of Justice, has an irreconcilable conflict of interest when it comes to investigating top officials of the administration. This is a judgment which we come to from our various points of view. My own perspective is molded significantly by my experience as district attorney of Philadelphia, knowing in detail the work of a prosecuting attorney, and the backdrop of the independent counsel statute was the "Saturday Night Massacre," where President Nixon was under investigation and fired two Attorneys General until he found one who would fire the special prosecutor, Archibald Cox.

What is not recollected, but was testified to at our hearings by Henry Ruth, later the special prosecutor succeeding Leon Jaworski, was that at a critical moment, when President Nixon decided to eliminate the special prosecutor, the President's Chief of Staff sent the FBI to surround the office of the special prosecutor and to seize the special prosecutor's papers. As Henry Ruth outlined it, those in the office took key documents hidden under their clothing, not knowing what would happen next. It was only the public outrage, and some 450,000 telegrams which descended on Washington, which led President Nixon to change his position.

But the importance of independence in the prosecutor's office cannot be overly emphasized. We have seen experiences with independent counsels, two to be specific, that by Judge Walsh, former Judge Walsh, who investigated President Reagan's administration in Iran-contra, and Judge Starr, former Judge Starr, who investigated President Clinton, where those two investigations have drawn the wrath on both sides of the political aisle. There does appear to be a consensus at the moment that there ought not be a renewal of the independent counsel statute. I personally believe, and Senators LIEBERMAN, LEVIN, and COLLINS concur, that this is a fundamental mistake. So we have worked from the mistakes of the past to craft a reform bill, and we have targeted the errors.

Sooner or later a crisis will arise in Washington. It happens all the time. The crisis will be about the need to investigate the President or the Vice President or some ranking official.

The question will present itself about the inherent conflict of interest of the Attorney General, and this statute will be available to deal with the problem.

We have dealt with the mistakes of Walsh-Starr investigations by limiting the subjects. Only the President, Vice President, Attorney General, and Cabinet members will be subject to investigation. There will not be an expansion of jurisdiction unless directly related to the central charge, which would eliminate the Monica Lewinsky investigation.

The independent counsel would have to be full time. I know from my days as district attorney it was impossible to do the job full time, but that ought to be a minimal requirement. We have imposed a time limit of some 2 years to be extended for cause, or to be extended automatically for delaying tactics, or by priority given by appellate courts on any legal issues raised. The independent counsel would have to submit an annual budget.

My colleagues are on the floor awaiting recognition. I inquire of the Chair how much of the 30 minutes has elapsed.

The PRESIDING OFFICER. Five minutes 40 seconds.

Mr. SPECTER. We reserve the remainder of the time, and in accordance with our procedure of alternating between the parties, Senator LEVIN has been on the floor but has found it necessary to absent himself for a moment. I yield to Senator LIEBERMAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and thank my friend and colleague from Pennsylvania.

Mr. President, I am very pleased to be joining today with my friends and colleagues, Senators SPECTER, LEVIN, and COLLINS, in introducing the Independent Counsel Reform Act of 1999. With this bill, we hope to convince our colleagues, disillusioned perhaps by the conduct of particular investigations, that the Independent Counsel statute serves an essential purpose, and has served us well over the past twenty years. We want to convince our colleagues that our legislation will preserve the essential ideals that motivated the enactment of this statute in the years after Watergate, that no person is above the law, and that our highest government officials must be subject to our laws in the same way as any other person. If they are guilty, they must be held accountable. If they are not, they must be cleared. The American people are more likely to trust the findings of an Independent Counsel's investigation and conclusions. Officials who are wrongly accused will receive vindication that is far more credible to the public than when it comes from the Department of Justice. As a result, the public's confidence in its government is enhanced by the Independent Counsel statute.

We have drafted new provisions that will curb the excesses we have seen in a few recent investigations. These changes are substantial. The Committee on Governmental Affairs held five hearings on the Independent Counsel statute. We heard from numerous witnesses who had served as Independent Counsel, and as Attorney General, from former prosecutors and from defense attorneys. Many witnesses supported the statute, even defense attorneys who had represented targets in Independent Counsel investigations. Both witnesses who opposed the statute outright, and those who advocated keeping it in some form, suggested a number of improvements to the statute. We carefully considered those recommendations before we sat down to draft a bill that retains the essential features of the old law while reducing its scope, limiting the powers of the Independent Counsel, and bringing greater transparency into the process.

As a result of our bill, there will be far fewer Independent Counsel appointed, they will be appointed only to investigate the highest government officials, and their actions will be constrained by the same sorts of guidelines and practical restraints that govern regular federal prosecutors.

For example, officials covered by the statute will be limited to the President, the Vice President, the President's Chief of Staff, and Cabinet members. This is a major reduction in the number of officials currently covered by the Independent Counsel statute. We can trust the Department of Justice to investigate the mid-level officials listed in previous versions of the statute. If any other investigation raises a conflict of interest, the Attorney General retains the authority to appoint her own Special Counsel. The purpose of our bill is to reserve the extraordinary mechanism of a court-appointed Independent Counsel for those rare cases involving allegations against our highest Executive Branch officials.

In another change that will reduce the number of Independent Counsel appointed, the threshold for seeking the appointment of an Independent Counsel will be raised, so that a greater amount of evidence to back up the allegation will be required. The Attorney General will also be entitled for the first time to issue subpoenas for evidence and convene grand juries during the preliminary investigation, and would be given more time to conduct the preliminary investigation. This change responds to concerns that, in the past, the Attorney General's hands have been tied during the preliminary investigation stage. With our bill, the Department of Justice will be able to conduct a more substantial preliminary investigation.

Each Independent Counsel will have to devote his full time to the position for the duration of his tenure. This will prevent the appearance of conflicts that may arise when an Independent Counsel continues with his private legal practice, and it will expedite investigations as well. The Independent Counsel will also be expected to conform his conduct to the written guidelines and established policies of the Department of Justice. The prior version of that requirement contained a broad loophole, which has been eliminated.

There have been many complaints about runaway prosecutors, who continue their investigations longer than is necessary or appropriate. Our bill will impose a time limit of two years on investigations by Independent Counsel. The Special Division of the Court of Appeals will be able to grant extensions of time, however, for good cause and to compensate for dilatory tactics by opposing counsel. Imposing a flexible time limit allows Independent Counsel the time they genuinely need to complete their investigations, and deters adverse counsel from using the time limit strategically to escape justice. But the time limit will also encourage future Independent Counsel to bring their investigations to an expeditious conclusion, and not chase down every imaginable lead.

Our bill makes another important change that will prevent expansion of investigations into unrelated areas. Until now the statute has allowed the Attorney General to request an expansion of an Independent Counsel's prosecutorial jurisdiction into unrelated areas. This happened several times with Judge Starr's investigation, and I believe those expansions contributed to a perception that the prosecutor was pursuing the man and not the crime. An Independent Counsel must not exist to pursue every possible lead against his target until he finds some taint of criminality. His function, our bill makes clear, is to investigate that subject matter given him in his original grant of prosecutorial jurisdiction.

We also considered how we might impose greater budgetary restraints on Independent Counsel. Some have spoken of the need for a strict budget cap, but this idea strikes me as impractical, if not unworkable. It's just impossible to know in advance what crimes a prosecutor will uncover, how far his investigation will have to go to get to the truth, how expensive a trial and any appeals will be. Instead, we are bringing greater budgetary transparency to the process by directing Independent Counsel to produce an estimated budget for each year, and by allowing the General Accounting Office to comment on that budget. At the moment not enough is known about how Independent Counsel spend their money, and this greater transparency will provide more incentive for Counsel to budget responsibly.

A final change that we all readily agreed to was to eliminate entirely the requirement that an Independent Counsel refer evidence of impeachable offenses to the House of Representatives. The impeachment power is one of Congress's essential Constitutional functions, and no part of that role should be delegated by statute to a prosecutor.

This bill should be thought of as a work in progress. We hope to gather input from other Members and from outside experts, and to have committee hearings, and we intend to be flexible about incorporating suggestions. Some of the provisions contained in the bill may raise constitutional concerns, which need to be fully explored. For example, giving the Special Division of the Court of Appeals new authority to decide whether an Independent Counsel has violated Department of Justice guidelines may violate the doctrine of Separation of Powers. Other provisions expanding the Court's role may also have to be reformulated. I hope that all interested parties will be able to work together on amendments as harmoniously as the four of us did in drafting the original legislation.

The occasion of our introducing this legislation is tomorrow's expiration of the current Independent Counsel statute. Many have dismissed any efforts to revive the Independent Counsel as wrong and futile. No doubt it will be an uphill struggle, and I do not expect peoples' minds to be changed overnight. But I do believe that over time several factors will work to change peoples' minds.

First, I feel confident that we can convince our colleagues that this legislation is a better product than previous versions of the statute, and addresses the specific concerns raised by the law's opponents. Those who have predicted the death of the Independent Counsel statute had not seen our legislation. I will work tirelessly, with the bill's other co-sponsors, to convince our colleagues to give this issue a fresh look.

Secondly, several controversial Independent Counsel investigations have clearly soured some people on the law. This is understandable, but it is regrettable, as I do not believe these investigations revealed any flaws in the Independent Counsel statute that cannot be fixed. The passions raised by Judge Starr's investigation of the President, in particular, must be allowed to subside, just as it took some time for the passions inspired by the Iran-Contra investigation to subside before the Independent Counsel statute could be re-authorized in 1994.

Finally, as these passions subside I believe Members of Congress will gradually be reminded that the Independent Counsel statute embodies certain principles fundamental to our democracy. The alternative to an Independent Counsel statute is a system in which the Attorney General must decide how to handle substantive allegations against colleagues in the Cabinet, or against the President. Often the President and the Attorney General are long-time friends and political allies. The Attorney General will not be trusted by some to ensure that an unbiased investigation will be conducted. In other cases, many will question the thoroughness of an investigation directed from inside the Department. In a time of great public cynicism about government, the Independent Counsel statute guarantees that even the President and his highest officials will have to answer for their criminal malfeasance. In that sense, this statute upholds the rule of law and will help stem the rising tide of cynicism and distrust toward our government. The American people support the Independent Counsel statute because it embodies the bedrock American principle that no person is above the law.

Mr. President, I am very pleased to be joining today Senator SPECTER, Senator LEVIN and Senator COLLINS in introducing the Independent Counsel Reform Act of 1999. It has been a great pleasure working with these three colleagues across party lines in what were, first, long hearings in the Governmental Affairs Committee on which we all serve, and then some very good collegial discussions about how to preserve the principles involved in the Independent Counsel Act while responding to what we have learned, particularly in its recent existence and implementation. We have achieved a good balance.

The point to stress—and my friend and colleague from Pennsylvania has just done it—is this is all about the rule of law which is at the heart of what the American experience is about, that no one is above the law. There is no monarchy, there is no autocracy. Everyone is supposed to be governed by the same law.

The question is, When the highest officials of our Government, the most powerful people in this land are suspected of criminal wrongdoing, is it appropriate to have those suspicions investigated by the people who are suspected themselves or by those whom they have appointed? Does that guarantee a thorough and independent investigation, and does it guarantee or at least encourage the kinds of broad-based public acceptance of the credibility of that investigation that is critical to the trust and respect that we hope the American people will have for their Government?

The four of us have answered that what is required is a counsel who is not just special, as others would provide, including the current Attorney General, but one that is genuinely independent, not appointed by the Attorney General, and not able to be fired, dismissed by the Attorney General.

My research has indicated that from the last century right through the Nixon administration, from President Ulysses Grant to President Richard Nixon, there were actually six special counsel appointed to investigate possible criminal behavior by high officials of the Government, and three of those were dismissed by the administration they served, presumably because they began to act in a way that unsettled that administration.

That is the principle of the rule of law, trust in Government, which we tried to embody in this proposal with the changes that Senator SPECTER has mentioned. We have added a presumption of a limited term, a higher threshold for the appointment of an independent counsel, a smaller number of people to be subject to this statute—the President, Vice President, Attorney General, Members of the Cabinet and the Chief of Staff.

The prevailing consensus in this body and the other body is that we should not renew this statute and it will, of course, expire tomorrow. Many have dismissed the efforts we are making now as either wrong or futile. No doubt it will be an uphill struggle, but I am convinced it is the right struggle, and we can convince our colleagues of the justness of our cause.

I will say something else, Mr. President. There will be an independent counsel statute in the future. We are either going to adopt it at a time when we are not in crisis, when somebody high up in our Government is suspected of criminal wrongdoing—and that is our hope, that we do not adopt it in the spirit of crisis, or we will adopt it at that time when someone is suspected of criminal wrongdoing and Members of this body and the other body will demand there not be a special counsel appointed by the Attorney General but an independent counsel.

I plead with my colleagues, as the law is allowed to expire tomorrow and as, hopefully, we have a cooling off period, to take a look at our proposal, to try to separate ourselves from the controversies surrounding Judge Starr's time as independent counsel and that of other recent independent counsel, and focus on the principle of the rule of law, that nobody is above the law in America, and to come to agree with us that the best way to preserve those principles is by readopting an Independent Counsel Act, one that is substantially reformed.

I thank my colleagues, and I yield the floor.

Mr. SPECTER. Mr. President, I inquire how much time has elapsed.

The PRESIDING OFFICER. Eleven and a half minutes has elapsed. Under the previous order, the Senator has control of all time until 12:35 p.m.

Mr. SPECTER. I thank the Chair. I yield to the distinguished Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my good friend from Pennsylvania, and I commend him and Senators COLLINS and LIEBERMAN for their effort in putting together a bill which we believe represents lessons learned but also represents the feeling that we need to have an independent counsel law, that sooner or later it will again appear that this country needs a way in which to independently investigate allegations of serious wrongdoing against high-level officials.

The independent counsel law expires tomorrow. It was enacted in 1978 to establish a nonpartisan process for investigating allegations of criminal conduct by top executive branch officials. The key purpose of the law is to retain public confidence in criminal investigations when the Government investigates its highest officials. The goal is to treat top Federal officials no better and equally important, no worse than a private citizen, and at the end of the investigation, when the judgment is rendered, be it a statement of guilt or innocence, to have the public accept that judgment as a fair and impartial one.

Over the years, there have been many successful investigations by independent counsels, most of which resulted in no indictments or prosecutions but resolved outstanding allegations without partisanship or favor. There have been 20 independent counsel investigations in 20 years. Ten of those were closed without indictment; one was closed because of the death of the covered person. Excluding the top five most expensive investigations, the average cost of an independent counsel investigation was under $1 million. And for all but a handful of the cases investigated by independent counsel, the results of the investigations have had the public's confidence.

While some say the lesson of Watergate was that the previous system worked, I would refer our colleagues to the testimony of Henry Ruth, who was in charge of the Watergate special prosecution force during the Saturday Night Massacre. Referring to the possibility that the coverup by President Nixon could succeed, Mr. Ruth said, "It is impossible to describe how thin a thread existed at that time."

But the independent counsel law, while working most of the time, has also been abused by a few overzealous prosecutors. These prosecutors have made it apparent that before we reauthorize an independent counsel law, it would need to be dramatically revised to prevent a recurrence of the abuses that we have seen. The bill we are introducing today represents the lessons learned, while saving the essential elements of the independent counsel law to preserve public confidence in the prosecution of our top Government officials.

Our bill would, among other things, change the law in the following ways.

First, it would preclude an independent counsel from broadening an investigation to matters not within the original grant of jurisdiction.

Second, it would enforce the requirement that independent counsel follow the established policies of the Department of Justice by giving affected persons the opportunity to challenge questionable independent counsel actions not in line with those policies.

Third, it would eliminate the requirement for an independent counsel to submit an impeachment report to the House of Representatives.

Fourth, it would prohibit persons with an apparent or real conflict of interest from serving as independent counsel.

And, fifth, it would establish a presumptive 2-year term for an independent counsel's investigation.

Those are just five of the many major changes that would be made in the independent counsel law.

A handful of independent counsels have exceeded the intent of the independent counsel law and have taken the law to places that U.S. Attorneys would not go when investigating private citizens.

Independent Counsel Donald Smaltz took 4 years and spent $20 million investigating allegations of graft in the Agriculture Department. Yet his 2-month trial of former Secretary Mike Espy ended in an acquittal on all 30 counts of corruption. Shortly thereafter, the Supreme Court threw out Smaltz' conviction of Sun-Diamond Growers of California, concluding that Smaltz and a Federal district court had stretched the law to punish behavior that is not a crime.

The independent counsel for Samuel Pierce, Secretary of Housing and Urban Development under President Reagan, was in existence for almost 10 years, and that included almost 4 years after the independent counsel publicly announced he had closed the case with respect to Mr. Pierce.

Whitewater independent counsel Kenneth Starr has singlehandedly done more to undermine public confidence in the independent counsel law than anybody else. Well over half the American people think that Kenneth Starr is partisan and do not trust him to be fair. The editorials expressing concern about Mr. Starr's investigation and judgment are voluminous.

Mr. President, I ask unanimous consent that six of those editorials be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Hill, July 8, 1998]

Whither Kenneth Starr?

Whitewater Independent Counselor Kenneth Starr continues to disappoint his friends and delight his enemies in his long-running investigation of President Clinton.

In a week in which Linda Tripp twice testified before one of the three grand juries Starr convened during his four-year, $40 million investigation, he was slapped down by a federal judge who ruled that he exceeded his authority in prosecuting former Associate Attorney General Webster Hubbell.

In a stinging 35-page opinion, U.S. District Judge James Robertson threw out the tax evasion indictment of Hubbell, his wife, his accountant and his tax lawyer, declaring that Starr had gone on "the quintessential fishing expedition" in subpoenaing some 13,000 pages of records from Hubbell after granting him immunity and then using them to build his case against Hubbell.

Starr's behavior toward Hubbell and the late Vince Foster was clearly indefensible. He showed a flagrant disregard for the Constitution by trying to create an exception from the lawyer-client privilege in the Foster case, but he went even further by ignoring Hubbell's constitutional right against self-incrimination when he improperly used information he got from Hubbell under a grant of immunity.

The ruling was the latest in a series of legal and public relations setbacks for Starr. Even as he defended himself against charges by media watchdog Steven Brill that he improperly leaked information about the Monica Lewinsky investigation to reporters, Starr was rebuffed by the U.S. Supreme Court, which rejected his claim that Vincent Foster's right to the lawyer-client privilege ended with his death.

Starr also was put on the defensive by news reports that Tripp asked Lewinsky leading questions about her relationship with President Clinton as she was secretly tape recording the former White House intern. Tripp denied the reports in her grand jury testimony, according to her lawyer.

But Starr seems undeterred by his latest problems. He immediately announced he will appeal the Hubbell decision, even though it is almost certain to further delay the conclusion of his investigation, even as some Republicans hoped he would deliver an interim report to Congress before they hit the campaign trail this fall. Starr's spokesman said Sunday he won't submit an interim report, but will take as long as he needs to determine if there is "substantial and credible information" that crimes have been committed.

Meanwhile, Starr's investigation continues to expand—he now employs approximately 60 people, including 28 attorneys, not counting FBI agents working for him, and recently added 7,400 square feet of office space and opened a new office in Alexandria, Va.

Starr's ultra-marathon probe still has a long way to go,be he should keep in mind the original intent of the independent counsel law, which was to assure a fair and impartial investigation of high government officials. His recent actions indicate that he's forgotten, or lost sight of, the fundamental fact that our criminal justice systems works well only when it ears the respect and confidence of the American people.

[From the New York Times, Feb. 25, 1998]

Ken Starr's Misjudgments

It has long been apparent that Ken Starr has a tin ear for political appearances and public relations, but his decision to subpoena a White House aide, Sidney Blumenthal, undermines important legal and constitutional principles. On the tactical level, this move by the Independent Counsel is bone stupid. As a matter of principle, it is an attack on press freedom and the unrestricted flow of information that is unwarranted by the facts and beyond his mandate as a prosecutor.

This latest blunder fits a pattern of chronic clumsiness and periodic insensitivity to Mr. Starr's public responsibilities. His attempt to slough off his public duty and flee to Pepperdine University was dismaying. His political ties and refusal to give up private legal clients led us, in times past, to call for his removal. In four years he has failed to develop sensitivity to his obligations as custodian of an inquiry of national import. Apparently his staff contains no one who can talk him out of bad ideas.

This time he has failed in his obligation to the law itself. The effort to collect the name of every journalist who talked with a White House communications specialist amounts to a perverse use of the prosecutorial mandate to learn what the Nixon White House attempted to determine through wire-taps. Like any newspaper, we have an obvious selfish interest in the confidentiality of the reporting process. But you do not have to be a journalist to see that Mr. Starr has committed an ignorant assault on one of the most distinctive and essential elements of American democracy.

Mr. Starr created this mess by following a bad example. Two weeks ago the White House started its own demagogic search for leaks in an effort to divert attention from the question whether President Clinton and his associates had committed perjury or suborned others to commit it. Mr. Starr may also be miffed by reports that the White House has turned its trademark tool of personal attack on his prosecutorial staff. But he does not need to follow that pernicious example. He is armed with something more honorable and powerful in the mandate of the Attorney General and the majesty of the law.

But civic health demands that Mr. Starr get on with the investigation he is authorized to conduct and bring it to a speedy conclusion. The public interest does not lie in Mr. Blumenthal's phone records. It lies in getting, as promptly as possible, the testimony of Monica Lewinsky, Vernon Jordan, Bruce Lindsey, Mr. Clinton and others whose testimony bears directly on the issue of false swearing.

In a tightly reasoned article in the National Journal, Stuart Taylor Jr. defended Mr. Starr's investigative procedures, including calling Ms. Lewinsky's mother before the grand jury, but called for him to resign in favor of someone with less political baggage. We are not at that point, because of the amount of time that would be lost. If at all possible, the nation needs to have this business driven to a conclusion without the delay that a switch in leadership would entail. Every time Mr. Starr goes off on one of these tangents or misreads the law he fritters away support from those who believe in the importance of this inquiry but bridle at his loco-weed judgments.

[From the Wall Street Journal, June 25, 1998]

A Prosecutor Without Public Trust

(By Albert R. Hunt)

When Independent Counsel Kenneth Starr continued to represent tobacco companies and spoke to the law school run by televangelist Pat Robertson—two of President Clinton's arch enemies—his supporters insisted he wasn't a partisan. He just lacked political judgment.

When he announced he was going to leave early and accept a deanship at Pepperdine University, partially funded by right-wing Clinton-hater Richard Mellon Scaife, the Starr chorus claimed he wasn't insensitive. He lacked political judgment.

Or when he acknowledged in a lengthy, on-the-record interview with publisher Steven Brill that his office, in essence, had leaked to the press during the Clinton investigation, again Mr. Starr's supporters insisted he wasn't part of the right-wing conspiracy. Again, he just lacked political judgment.

Let's accept the word of Mr. Starr's legal, political and journalistic allies. He's not a right-wing partisan out to destroy the president. He is an inexperienced prosecutor who lacks political judgment. This is the man deciding whether to bring a controversial case in a political setting against the President of the United States.

No matter how this sordid episode unfolds in the ensuring months. Mr. Starr already has failed miserably in the central role of a special prosecutor; to engender public confidence that he is fair, impartial and independent.

This week's Wall Street Journal/NBC News poll shows that Americans think that he is none of the above. People are sick of his investigation, don't believe that what he is investigating is serious enough to even consider impeachment and hold Mr. Starr, far more than the president, responsible for the four year, $40 million inquiry.

Most devastating for Mr. Starr is that nearly three-quarters of the respondents have little confidence that the report the independent counsel is expected to send to Congress will be fair and impartial; even a majority of Republicans feel that way.

Mr. Starr still holds some prosecutorial cards. Say he makes a few headline indictments and assume his report to Congress seems compelling. If this is so persuasive it turns around one-third of the doubters—an ambitious achievement—the country would still be split, making it difficult to consider impeachment.

"In every instance in which the public is asked to select between Bill Clinton and Kenneth Starr, the public consistently lines up on the president's side," note Peter Hart and Robert Teeter, who conducted the survey.

This is not a new problem for the independent counsel. But just as he's rounding into what may be the final turn, his public credibility is lower than ever. This reflects, a few detached prosecutors suggest, his inexperience as a prosecutor, a second rate staff and an obsession to topple the president which causes him to overreach.

Mr. Starr's supporters—many of whom are obsessively hostile to the president—say a prosecutor can't be driven by polls. A decision on whether to subpoena or indict someone should be made on the legal merits and not on whether it will curry favor with the public.

But if any prosecutor lacks public support, that fatally undermines his or her task; in a democracy if people don't believe justice is being served, the system, by definition, isn't working.

In fact, prosecutors who go after crooked politicians, mobsters or businessmen tend to be very popular with the public. From Thomas Dewey to Rudy Guiliani, such prosecutions have been promising stepping stones to higher office. Occasionally a prosecutor over-reaches and stumbles; New Orleans District Attorney Jim Garrison in the Kennedy assassination and more recently Los Angeles DA Ira Reiner after a flawed prosecution of alleged child abuse. Such blunders are rare.

The Starr camp replies that independent counsels have never been so criticized by opponents and potential targets. That will come as news to Iran-Contra Independent Counsel Lawrence Walsh.

In 1992, Senate GOP Leader Bob Dole repeatedly charged that Mr. Walsh was "completely out of control," Earlier, Rep. Henry Hyde complained the Walsh investigation was of "essentially minor violations." Terry Eastland, a former top Justice Department official under Ronald Reagan, charged that the Walsh inquiry had been a "waste of money," having spent more than $18.5 million of taxpayer funds. President Bush complained it "has been investigated over and over again. . . . It's been going on for years."

The notion that Mr. Starr has been a naive, defenseless target was undercut by Mr. Brill's controversial article last week, in which the independent counsel acknowledged that his deputy, Jackie Bennett, spends more than a little time with the press. That's not a surprise. One càn disagree with some of Mr. Brill's sweeping conclusions about the independent counsel and the press and still have contempt for Mr. Starr's pious hypocrisy for pretending earlier that he was above the dirty business of leaking.

Ironically, what infuriates many conservatives is that Mr. Clinton is getting away without paying any price. That's simply not the case. Based on polls, and especially on anecdotal evidence from outside the Beltway, many—probably most—Americans think the president had a sexual relationship with Monica Lewinsky and lied about it.

They don't want him tarred and feathered or thrown out of office for these indiscretions—a typical response is that most people lie about sex—but it's affected their view of him. His high job approval ratings reflect the terrific economy. Bill Clinton today is a much discredited president with virtually no moral authority. The latest example is the tobacco bill, where he was simply unable to rally public and congressional support.

A few weeks ago a delightful retired couple in Carmel Valley, Calif., Earl and Miriam Selby, talked about how for the first time in 30 years of marriage they were arguing about politics. Earl Selby, a former newspaperman and magazine writer, who proudly notes he cast his first vote for FDR's third term in 1940, is "outraged at how Clinton has lowered respect for the presidency." Miriam, a former magazine writer, is equally "outraged at Starr's tactics and prosecutorial abuse."

There is no need for an argument, Selbys. You both are right.

[From the New York Times, June 22, 1998]

Politics by Other Means

(By Anthony Lewis)

Kenneth Starr likes to say that he is going "by the book" in his investigation of President Clinton and Monica Lewinsky. The relevant book is the Justice Department's Rules of Conduct, published in the Code of Federal Regulations.

Rule 77.5 says that a Government lawyer "may not communicate" with a party "who the attorney for the government knows is represented by an attorney concerning the subject matter of the representation without the consent of the lawyer representing such a party."

On Jan. 16 Mr. Starr's office arranged to have Linda Tripp meet Monica Lewinsky at the Ritz-Carlton Hotel in Pentagon City. Suddenly Mr. Starr's agents descended on Ms. Lewinsky. They questioned her for many hours.

Ms. Lewinsky was represented by Francis D. Carter, who was negotiating for her with Paula Jones' lawyers. Mr. Starr did not ask Mr. Carter's consent to speak with his client, or even inform him.

Violation of that rule was not a light matter. The Independent Counsel Act requires such a counsel to follow Justice Department regulations unless that would undermine the purpose of the act—which respecting the right to a lawyer plainly would not—and makes failure to obey the rules "good cause" for the Attorney General to remove the counsel.

Mr. Starr has also violated, wholesale, the rules against prosecutors talking to the press about pending investigations. If anyone doubted that, it has now been made unanswerably clear by Steven Brill's meticulous marshaling of the evidence in the first issue of Brill's Content.

In his angry reply to the article, Mr. Starr never denied saying to Mr. Brill: "I have talked with reporters on background on some occasions, but Jackie [Bennett Jr., his deputy] has been the primary person involved in that. He has spent much of his time talking to individual reporters."

Mr. Brill said that the Starr and Bennett talks with the press violated Rule 6e of the Federal Rules of Criminal Procedure, which forbid disclosure of grand-jury information. Mr. Starr argued in reply that Rule 6e did not apply because he and his staff disclosed not grand-jury testimony but information obtained elsewhere and comments on it.

Whatever the merits of the legal argument about Rule 6e, didn't the Starr leaks violate ethical rules and Justice Department regulations? When Mr. Brill asked that question, Mr. Starr replied that they would be violations except when he was "countering misinformation" about his office. "We have a duty to promote confidence in the work of this office."

What a breathtaking assertion. It means that whenever anyone disagrees with him, Mr. Starr has a right to break the rules and become an unnamed source for some journalist ready to convey his version of the story. In politics, that is called spinning.

Mr. Starr's assertion that his leaks are only to counter misinformation was also false. On the day the Lewinsky story broke, Jan. 21, Mr. Starr told Mr. Brill, Jackie Bennett spent "much of the day briefing the press." That was before there was any "misinformation" to answer.

Mr. Starr's veracity is in question on another matter. The Brill article says Michael Isikoff of Newsweek told Mr. Brill that Jackie Bennett asked him to hold up writing about Monica Lewinsky in January because "they were going to try to get Lewinsky to wire herself and get [Vernon] Jordan and maybe even the President on tape obstructing justice."

Mr. Starr said his office had "never asked Ms. Lewinsky to agree to wire herself for a conversion with Mr. Jordan or the President." But it was not only Mr. Isikoff who said that happened. Ms. Lewinsky's lawyers said in February, in Time magazine, that the prosecutors "wanted her wired . . . to record telephone calls with the President of the U.S., Vernon Jordan and others"—and made her consent a condition of being given immunity from prosecution.

We all know that prosecutors leak. But Kenneth Starr has been so sanctimonious, so insistent that he never leaks.

Far from going "by the book," he has in many ways abused his extraordinary power. Most Americans perceive that. Others are so critical of President Clinton that they overlook Mr. Starr's abuses. They need reminding that however tempting the target of a prosecutor, the end does not justify abusive means.

[From the Los Angeles Times, Feb. 26, 1998]

STARR STEPS OUT OF BOUNDS

Special counsel Kenneth W. Starr plans today to bring a White House advisor and his records before a grand jury to try to find out what he said to reporters about the Monica Lewinsky affair. The basis for this extraordinary assault on privacy is Starr's suspicion that Clinton administration aides have been spreading "misinformation" about personnel in the special counsel's office. As Starr sees it, that could represent an effort to "intimidate prosecutors and investigators, impede the work of the grand jury, or otherwise obstruct justice." All of these are federal crimes.

The subpoena that Starr has issued for White House aide Sidney Blumenthal and his records appears to be allowable under the special counsel's broad powers. At the same time Starr is clearly treading on highly problematical ground with his suggestion that any White House campaign to try to discredit him or his investigators may represent an illegal effort to influence or interfere with the work of prosecutors or grand jurors.

Starr has spent a lot of time in Washington, enough to grasp the difference between engaging in hardball politics and committing a felony. And he has been a lawyer long enough to understand that constitutionally protected comment about the special counsel's office does not constitute a conspiratorial attempt to subvert justice.

The truth is that in the Lewinsky investigation both the independent counsel and the White House have been playing the game of media manipulation to the hilt, using leaks, planted stories, spin control and anything else—some of it pretty nasty stuff indeed—to try to shape public opinion.

What set Starr off were stories about judicial criticism or penalties levied against two of his prosecutors because of their professional conduct years ago. What the two did is a matter of public record. But Starr says many other allegations about personnel involved in his investigation are deliberate falsehoods, and so he has dubiously raised the felonious specter of attempted intimidation.

But intimidation can cut two ways. Surely hauling a White House political adviser and his log of press contacts before a grand jury can be seen as a sly attempt to keep Clinton loyalists from talking with the media, denying the public information it has a right to hear and evaluate for itself. That is not within Starr's mandate.

The special counsel was not hired to act as a censor. His investigation has often been accused of ranging wide afield. This time it has stumbled right off the map.

[From the Detroit Free Press, Feb. 26, 1998]

STARR'S WAR

Whatever else Kenneth Starr may accomplish, he's becoming the best brief for the abolition of the special prosecutor's office that anybody could ever imagine. He is exercising power without wisdom, power without restraint. His latest wave of subpoenas is an attempt to use the grand jury process to punish his critics, an outrageous misuse of prosecutorial gunpowder.

What does Mr. Starr's current onslaught have to do with Whitewater? What does it have to do even with Monica Lewinsky? Mr. Starr is angry that someone at the White House has dredged up old newspaper stories that suggest he's got a couple of pit bulls on his staff, one of whom was once cited for overzealousness in a previous job as a prosecutor. So faxing old New York Daily News stories around, apparently, has just become a federal crime

Mr. Starr is out to bring down the president, and he seems not to care if he brings down the integrity of the justice system with him. The president's defenders, meanwhile, are whipping up the press to investigate the investigators, blasting Mr. Starr for leaks from his own staff and in general tipping over garbage cans in the hope that the clangor will distract attention from the potential obstruction of justice charge that hangs over the president.

This is unseemly behavior by both sides, but the root of it is the unchecked power given to Mr. Starr, Virtually no one has the ability to jerk his leash; the attorney general can remove him only for flagrant violation of the law. He's the only person or institution in the U.S. government that operates without checks and balances.

Come 1999, when the statute is up for renewal, Republicans who are hugely enjoying the spectacle of a Democratic president at bay ought to recall how they felt about Lawrence Walsh, and how they'll feel when some future prosecutor recklessly targets another GOP occupant of the White House.

For now, for a moment, assume the worst is true about Bill Clinton (although Mr. Starr has spend nearly 3 1/2 years and $26 million and come up dry)—sexual indiscretion, something funny about a failed land deal in Arkansas. Then ask who's doing the worse damage to fairness, justice, the conduct of government and the democratic process—the president or his pursuer? We rest our case.

Mr. LEVIN. A few of the headlines read: "A Prosecutor Without Public Trust," "Ken Starr's Misjudgments," and "Starr Steps Out of Bounds." Robert Morgenthau, in fact, the District Attorney for Manhattan, and one of the most respected prosecutors in the country, is quoted as saying that Mr. Starr violated "every rule in the book."

Some argue that the statute should be scrapped. I cannot agree, provided that we can prevent the abuses we have experienced in the past. We need a mechanism to address credible allegations of serious criminal wrongdoing by top executive branch officials. We have made improvements in the statute each of the three times it has been reauthorized over the past 20 years. We have required independent counsel to comply with established Justice Department policies and procedures; we have added standards of conduct for independent counsel; and we have added a whole new host of cost controls, including requiring new independent counsel to comply with the expenditure policies of the Justice Department with respect to salary levels, use of Government office space and travel.

But we obviously have failed to foreclose opportunities for major excesses and clear abuses by independent counsel. Unless we can amend the law sufficiently to stop the excesses and abuses in the future—and I think we can do that—then the law should lapse. We need a law but only if the law ensures that individuals who conduct these investigations are highly qualified, nonpartisan attorneys with good judgment and common sense who are bound in by appropriate limits.

The list of lessons learned over the last few years is long. We have tried to incorporate them into the bill we are introducing today.

The first issues concern the appointment of the independent counsel. There was a high degree of dissatisfaction and concern with the choice of Kenneth Starr as independent counsel in the Whitewater matter. The investigation was already well underway with Special Counsel Bob Fiske who had been appointed by Attorney General Reno. Mr. Fiske was a well-respected, veteran prosecutor who had also been a lifelong Republican. To remove any doubt about whether he could be appointed under the reauthorized independent counsel law as well, Congress had specifically authorized the special division of the court to reappoint him. But the three judge special division took it upon itself to terminate Mr. Fiske and replace him with Mr. Starr. Many of us challenged the court's decision at the time, arguing that Mr. Starr was a highly partisan person who could not bring the necessary appearance of independence to the job. At the time of his appointment he was linked to the Paula Jones case, having argued publicly against the President's position on immunity from civil suit. It turns out he had also conferred numerous times with attorneys for Paula Jones. He had served as the Finance Co-Chairman of the Congressional campaign of a Republican in Alexandria, Virginia. At the time of Mr. Starr's appointment I wrote to the Special Division and urged them to reconsider their decision. "The issue with respect to Mr. Starr," I said, ". . . is that he lacks the necessary appearance of independence essential for public confidence in the process." Our concerns have proven to be true over time, to the point that Mr. Starr is perceived by the public as a partisan prosecutor.

Our bill would make some very important changes in the current process in this regard. First, the special division of three judges who make independent counsel appointments under current law are appointed by the Chief Justice of the Supreme Court, and the court picks an independent counsel from a list of candidates developed by the special division from various recommendations over time. Our bill would require that the judges who serve on the special division court be picked by lottery from a pool of all of the federal appellate court judges. The Special Division would then be required to develop a list of qualified candidates to serve as independent counsels from a list of five candidates from each federal circuit selected by the chief judge of each circuit. Our bill would explicitly prohibit an independent counsel candidate from having an actual or apparent conflict of interest, and it would encourage the appointment of an individual with prosecutorial experience.

Mr. Starr was not a prosecutor. In making a number of critically important judgment calls, Mr. Starr demonstrated a lack of understanding of the discipline a prosecutor needs in order to exercise the tremendous discretion and power of the office with fairness and justice. The bill would seek to remedy this by requiring the individual appointed as independent counsel to have prosecutorial experience "to the extent practicable."

Many people expressed concern over the large and lucrative private practice Mr. Starr continued to have as independent counsel. We will never know if the investigation into the President could have been concluded much more expeditiously had Mr. Starr set aside his private practice from the inception of his appointment, but it's a reasonable possibility at least that it could have been. Independent counsel appointments are supposed to receive the highest priority and the public benefits from a timely resolution of the allegations. Our bill would require an independent counsel to devote full time to the investigation to bring it to a prompt conclusion, because we think doing so has important benefits to the public interest.

Another area has to do with the scope of jurisdiction. This has been an area of great concern to some of us. That relates particularly to Mr. Starr's investigation, because he was originally appointed to investigate the Madison Guarantee Savings and Loan matter as it possibly related to President Clinton. But he ended up prosecuting a multitude of other matters. At one point his office even interviewed Arkansas State troopers about President Clinton's relationship with a number of different women when he was Governor. Moreover, Mr. Starr had his jurisdiction expanded to include Travelgate, Filegate, and the Monica Lewinsky matter. With each expansion, he looked more and more like a prosecutor pursuing a person instead of a prosecutor pursuing a crime.

In the end he became Javert to President Clinton's Jean Valjean. Our bill limits the scope of the original grant of jurisdiction to only those matters that are "directly" related to an independent counsel's original jurisdiction, and eliminates the provision allowing an expansion of jurisdiction. Such matters would be investigated by the Department of Justice or, if appropriate, a new independent counsel could be appointed. Only in this way can we prevent an independent counsel from becoming a permanent prosecutor of the President or any other covered official.

Experience has also taught us that some of these independent counsel investigations develop huge staffs over time—far beyond those that would be available in an ordinary investigation. At one point, it was alleged that the Starr investigation was one of the top three investigations in terms of numbers of FBI agents in the country—ranking right up there with the Unibomber and the World Trade Center bombing. Our bill would limit the number of detailees from the FBI and the Department of Justice to a number reasonably related to the number of staff the Justice Department or FBI normally assigns to a similar case.

One of my greatest concerns in the past five years has been the failure of Mr. Starr to comply with both the spirit and, I believe, the letter of the law with respect to the requirement that an independent counsel follow established Department of Justice policies. I have made several floor statements identifying the particular instances in which I believe Mr. Starr has exceeded Justice Department policies, so I will not elaborate here. The current law requires an independent counsel to follow established Justice Department policies except to the extent to do so would undermine the purposes of the independent counsel law. That exception, which was intended to be a very narrow exception, has been used by Mr. Starr to justify a laundry list of questionable actions. The bill we are introducing today would eliminate that exception and provide that the only policy an independent counsel would be allowed to ignore would be that part of a policy or guideline that requires approval by a top Justice Department official. The bill provides that even in that situation, the independent counsel should consult with a top Justice Department official; he or she just isn't required to get that official's approval.

The bill also creates a remedy for the situation where a target or witness in an independent counsel investigation believes the independent counsel is not complying with established Justice Department procedures. Currently, Justice Department policies are not enforceable in court, and several individuals who attempted to enforce compliance by Mr. Starr were turned away by the court. This bill would give such an individual an explicit right to first obtain an opinion by the Attorney General as to whether an independent counsel was complying with a specific Department of Justice policy, and if the Attorney General determines that the independent counsel is not, the bill allows the person to seek enforcement from the special court.

Mr. Starr took the unusual step in his investigation to hire an outside ethics attorney. The bill requires an independent counsel to use as his or her ethics adviser the person already housed in the Department of Justice who is familiar with the ethical rules and regulations of a Justice Department Attorney—the designated agency ethics official or DAEO. This will help to keep the office of the independent counsel in tune with the ethical requirements of other investigative offices, giving greater assurance that Justice Department policies with respect to ethics issues will be followed.

Great concern has developed over the cost of these independent counsel investigations. Mr. Smaltz spent some $20 million to have a 30 count indictment rejected by a jury. Mr. Starr is likely to be the most expensive independent counsel ever—topping $50 million when all is said and done. These figures are shocking. The bill would address this problem by requiring an independent counsel to establish a budget with consultation of the Attorney General and the General Accounting Office to review the budget and submit a written analysis to Congress. We have tried with every reauthorization of this statute to obtain cost controls over the operations of the independent counsels. We've made some progress, but obviously more needs to be done. The bill also sets a two year presumptive limit on the work of an independent counsel and requires the independent counsel to affirmatively seek an extension for one year from the special court. By requiring an independent counsel to establish a budget and presumptively limiting the term of an independent counsel to two years, I believe we will impose a useful and meaningful cost control on these offices.

A final concern that many of us have had with the independent counsel law is the provision regarding the referral of information to the House of Representatives regarding possible impeachable offenses. Mr. Starr's report to the House was not only shockingly and unnecessarily graphic, it was a brief for impeachment, far beyond the role envisioned by the independent counsel law. Mr. Starr's report also violated the fairness expected by the American people by presenting information on possible impeachable offenses in a biased and prejudicial manner. Under the Constitution, the House has sole responsibility to decide whether or not the President should be impeached. The independent counsel did not have a statutory responsibility to argue for impeachment. His responsibility was to forward "information" to the Congress that "may constitute grounds for an impeachment." Our bill would eliminate the provision with respect to impeachment, removing any obligation on the part of an independent counsel to take any initiative in this which is reserved exclusively to the House of Representatives by the Constitution.

Finally, it is clear, obviously, that the independent counsel law is going to expire tomorrow. We are going to have the cooling off period that former Senator Howard Baker prescribed during our Governmental Affairs Committee hearings. I hope that after a reasonable cooling off period we will turn our attention to reestablishing a reasonable and fair procedure for the investigation of criminal allegations of our top officials and that the legislation we consider at that time contain the necessary protections against abuses of power. The bill we are introducing today is our best effort at drafting such legislation.

I yield the floor.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 7 minutes 48 seconds.

Mr. SPECTER. That is about a quarter of the time.

I yield to my distinguish colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to be a coauthor of the Independent Counsel Reform Act of 1999. At the outset, let me express my deep appreciation to Senators SPECTER, LIEBERMAN, and LEVIN for the bipartisan spirit in which they approached the task of drafting this important legislation. Legislation of this complexity, which must balance innumerable competing but important interests, is never easy to achieve. This is particularly true when the legislation—as is the case in this bill—touches on political nerves that are still raw and fresh.

We have worked very hard to achieve legislation that I believe truly serves the public interest while correcting the significant flaws in the current law.

Supporting the reauthorization of the Independent Counsel Act is not likely to win this bipartisan group much applause from the Clinton administration or congressional partisans on either side of the aisle. Many of our colleagues say let it die. However, I caution my colleagues against short memories. We should not forget what prompted passage of this legislation more than two decades ago and its reauthorization three times since then.

The Congress that passed the independent counsel law after Watergate wanted to assure the public that there were institutional guarantees that would never again allow the political leadership of the Justice Department to obstruct a criminal investigation of the President and the highest Government officials in the land. Their concern was not abstract or based on conjecture. The Justice Department, indeed, the Attorney General himself was implicated in the coverup of criminal acts by the incumbent administration.

Do we think it couldn't happen again? Clearly, unfortunately, it could.

The fact is, there will always be cases in which the Attorney General has an actual or an apparent conflict of interest. The Attorney General simply cannot credibly conduct an extensive investigation and make prosecutorial decisions involving his or her boss, the President, the Vice President, or colleagues in the Cabinet. We must have an institutional mechanism that assures the public that allegations of serious criminal conduct by high level officials will be thoroughly investigated and, if necessary, prosecuted.

Only by resorting to a prosecutor beyond the actual and perceived control of the administration can the public be assured that impartial justice extends to the most influential and powerful leaders of our land. Moreover, the independent counsel law fosters public confidence in the decision not to prosecute high level Government officials. A Government official who has been investigated but cleared by an independent counsel can justifiably and with credibility reclaim his or her public reputation. Political opponents cannot reasonably claim that the official escapes scrutiny and punishment by pulling political strings at the Justice Department.

We should keep in mind that the majority of the independent counsel over the past two decades have conducted prompt and cost-effective investigations that resulted in decisions not to prosecute or indict the official accused of the criminal wrongdoing. Can there be any doubt that the political credibility of these decisions was enhanced significantly because the prosecutor had no political or financial connections to the target or other members of the administration? If we return these important decisions to the Justice Department, I fear we will encourage public skepticism of decisions not to prosecute. There will always be a cloud of suspicion tainting the decision.

The need for the independent counsel mechanism is as evident today as it was back in 1978, when the law was first enacted. We have learned much from our experience with the law. It is flawed. It needs significant reform. That is just what the legislation we are introducing today would do.

Though I strongly believe we should reauthorize the Independent Counsel Act, I am mindful of its many shortcomings. I participated in an excellent series of hearings chaired by my colleague from Tennessee, Senator THOMPSON, and virtually every witness agreed that the law must be changed.

The legislation we are introducing today takes significant steps to rein in the length and the cost of independent counsel investigations. It limits all independent counsel investigations to a maximum of 2 years and only allows the investigation to proceed for additional 1-year periods upon a special showing to the court. It requires independent counsel to serve full time and to submit annual budgets to the General Accounting Office.

We substantially limit the number of covered officials under the act, limiting coverage to only the President, the Vice President, the Cabinet, and the President's chief of staff. By limiting the coverage of the law, we have reserved the extraordinary remedy of an independent counsel for those high-level officials who will always, by virtue of their position, pose a conflict of interest to the Justice Department.

We make many other changes. We heighten the threshold for the appointment of an independent counsel, and we make clear that an independent counsel must follow the prosecutorial guidelines of the Department of Justice.

We also abolish the requirement for independent counsel to report impeachable conduct to the House of Representatives. We have come up with a bill that would preserve this important mechanism while correcting the serious flaws in the current act.

Let me conclude by again recognizing the efforts of my distinguished colleagues and applaud them for their leadership on this important issue. My hope is that the rest of our colleagues will take advantage of this opportunity to remedy the weaknesses in the independent counsel law before the next unfortunate and inevitable crisis occurs and the public is left doubting whether it can have confidence that the laws of this country will be enforced impartially, without regard to rank or privilege.

I thank the Chair.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen seconds.

Mr. SPECTER. I thank my distinguished colleagues, Senator COLLINS, Senator LEVIN, and Senator LIEBERMAN, for their fine presentations.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the independent counsel statute, a section-by-section summary of the Independent Counsel Reform Act of 1999, and the text of the bill.

There being no objection, the referenced materials were ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reform Act of 1999".

SEC. 2. INDEPENDENT COUNSEL STATUTE.

Chapter 40 of title 28, United States Code, is amended to read as follows:

"CHAPTER 40—INDEPENDENT COUNSEL

"Sec.
"591. Applicability of provisions of this chapter.
"592. Preliminary investigation and application for appointment of an independent counsel.
"593. Duties of the division of the court.
"594. Authority and duties of an independent counsel.
"595. Congressional oversight.
"596. Removal of an independent counsel; termination of office.
"597. Relationship with Department of Justice.
"598. Severability.
"599. Termination of effect of chapter.

"§ 591. Applicability of provisions of this chapter

"(a) PRELIMINARY INVESTIGATION WITH RESPECT TO CERTAIN COVERED PERSONS.—The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any person described in subsection (b) may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

"(b) PERSONS TO WHOM SUBSECTION (a) APPLIES.—The persons referred to in subsection (a) are—

"(1) the President and Vice President;

"(2) any individual serving in a position listed in section 5312 of title 5; and

"(3) the Chief of Staff to the President.

"(c) EXAMINATION OF INFORMATION TO DETERMINE NEED FOR PRELIMINARY INVESTIGATION.—

"(1) FACTORS TO BE CONSIDERED.—In determining under subsection (a) or section 592(c)(2) whether grounds to investigate exist, the Attorney General shall consider only—

"(A) the specificity of the information received; and

"(B) the credibility of the source of the information.

"(2) TIME PERIOD FOR MAKING DETERMINATION.—The Attorney General shall determine whether grounds to investigate exist not later than 30 days after the information is first received. If within that 30-day period the Attorney General determines that the information is not specific or is not from a credible source, then the Attorney General shall close the matter. If within that 30-day period the Attorney General determines that the information is specific and from a credible source, the Attorney General shall, upon making that determination, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 30-day period, whether the information is specific and from a credible source, the Attorney General shall, at the end of that 30-day period, commence a preliminary investigation with respect to that information.

"(d) RECUSAL OF ATTORNEY GENERAL.—

"(1) WHEN RECUSAL IS REQUIRED.—

"(A) INVOLVING THE ATTORNEY GENERAL.—If information received under this chapter involves the Attorney General, the next most senior official in the Department of Justice who is not also recused shall perform the duties assigned under this chapter to the Attorney General.

"(B) PERSONAL OR FINANCIAL RELATIONSHIP.—If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General.

"(2) REQUIREMENTS FOR RECUSAL DETERMINATION.—Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to that information.

"§ 592. Preliminary investigation and application for appointment of an independent counsel

"(a) CONDUCT OF PRELIMINARY INVESTIGATION.—

"(1) IN GENERAL.—A preliminary investigation conducted under this chapter shall be of those matters as the Attorney General considers appropriate in order to make a determination, under subsection (b) or (c), with respect to each potential violation, or allegation of a violation, of criminal law. The Attorney General shall make that determination not later than 120 days after the preliminary investigation is commenced, except that, in the case of a preliminary investigation commenced after a congressional request under subsection (g), the Attorney General shall make that determination not later than 120 days after the request is received. The Attorney General shall promptly notify the division of the court specified in section 593(a) of the commencement of that preliminary investigation and the date of commencement.

"(2) LIMITED AUTHORITY OF ATTORNEY GENERAL.—

"(A) IN GENERAL.—In conducting preliminary investigations under this chapter, the Attorney General shall have no authority to plea bargain or grant immunity. The Attorney General shall have the authority to convene grand juries and issue subpoenas.

"(B) NOT TO BE BASED OF DETERMINATIONS.—The Attorney General shall not base a determination under this chapter—

"(i) that information with respect to a violation of criminal law by a person is not specific and from a credible source upon a determination that that person lacked the state of mind required for the violation of criminal law; or

"(ii) that there are no substantial grounds to believe that further investigation is warranted, upon a determination that that person lacked the state of mind required for the criminal violation involved, unless there is a preponderance of the evidence that the person lacked that state of mind.

"(3) EXTENSION OF TIME FOR PRELIMINARY INVESTIGATION.—The Attorney General may apply to the division of the court for a single extension, for a period of not more than 90 days, of the 120-day period referred to in paragraph (1). The division of the court may, upon a showing of good cause, grant that extension.

"(b) DETERMINATION THAT FURTHER INVESTIGATION NOT WARRANTED.—

"(1) NOTIFICATION OF DIVISION OF THE COURT.—If the Attorney General, upon completion of a preliminary investigation under this chapter, determines that there are no substantial grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court, and the division of the court shall have no power to appoint an independent counsel with respect to the matters involved.

"(2) FORM OF NOTIFICATION.—Notification under paragraph (1) shall contain a summary of the information received and a summary of the results of the preliminary investigation.

"(c) DETERMINATION THAT FURTHER INVESTIGATION IS WARRANTED.—

"(1) APPLICATION FOR APPOINTMENT OF INDEPENDENT COUNSEL.—The Attorney General shall apply to the division of the court for the appointment of an independent counsel if—

"(A) the Attorney General, upon completion of a preliminary investigation under this chapter, determines that there are substantial grounds to believe that further investigation is warranted; or

"(B) the 120-day period referred to in subsection (a)(1), and any extension granted under subsection (a)(3), have elapsed and the Attorney General has not filed a notification with the division of the court under subsection (b)(1).

In determining under this chapter whether there are substantial grounds to believe that further investigation is warranted, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the conduct of criminal investigations.

"(2) RECEIPT OF ADDITIONAL INFORMATION.—If, after submitting a notification under subsection (b)(1), the Attorney General receives additional information sufficient to constitute grounds to investigate the matters to which that notification related, the Attorney General shall—

"(A) conduct such additional preliminary investigation as the Attorney General considers appropriate for a period of not more than 120 days after the date on which that additional information is received; and

"(B) otherwise comply with the provisions of this section with respect to that additional preliminary investigation to the same extent as any other preliminary investigation under this section.

"(d) CONTENTS OF APPLICATION.—Any application for the appointment of an independent counsel under this chapter shall contain sufficient information to assist the division of the court in selecting an independent counsel and in defining that independent counsel's prosecutorial jurisdiction so that the independent counsel has adequate authority to fully investigate and prosecute the subject matter and all matters directly related to that subject matter.

"(e) DISCLOSURE OF INFORMATION.—Except as otherwise provided in this chapter or as is deemed necessary for law enforcement purposes, no officer or employee of the Department of Justice or an office of independent counsel may, without leave of the division of the court, disclose to any individual outside the Department of Justice or that office any notification, application, or any other document, materials, or memorandum supplied to the division of the court under this chapter. Nothing in this chapter shall be construed as authorizing the withholding of information from the Congress.

"(f) LIMITATION ON JUDICIAL REVIEW.—The Attorney General's determination under this chapter to apply to the division of the court for the appointment of an independent counsel shall not be reviewable in any court.

"(g) CONGRESSIONAL REQUEST.—

"(1) BY JUDICIARY COMMITTEE OR MEMBERS THEREOF.—The Committee on the Judiciary of either House of the Congress, or a majority of majority party members or a majority of all nonmajority party members of either such committee, may request in writing that the Attorney General apply for the appointment of an independent counsel.

"(2) REPORT BY ATTORNEY GENERAL PURSUANT TO REQUEST.—Not later than 30 days after the receipt of a request under paragraph (1), the Attorney General shall submit, to the committee making the request, or to the committee on which the persons making the request serve, a report on whether the Attorney General has begun or will begin a preliminary investigation under this chapter of the matters with respect to which the request is made, in accordance with section 591(a). The report shall set forth the reasons for the Attorney General's decision regarding the preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin.

"(3) SUBMISSION OF INFORMATION IN RESPONSE TO CONGRESSIONAL REQUEST.—At the same time as any notification, application, or any other document, material, or memorandum is supplied to the division of the court pursuant to this section with respect to a preliminary investigation of any matter with respect to which a request is made under paragraph (1), that notification, application, or other document, material, or memorandum shall be supplied to the committee making the request, or to the committee on which the persons making the request serve. If no application for the appointment of an independent counsel is made to the division of the court under this section pursuant to such a preliminary investigation, the Attorney General shall submit a report to that committee stating the reasons why the application was not made, addressing each matter with respect to which the congressional request was made.

"(4) DISCLOSURE OF INFORMATION.—Any report, notification, application, or other document, material, or memorandum supplied to a committee under this subsection shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, make public such portion or portions of that report, notification, application, document, material, or memorandum as will not in the committee's judgment prejudice the rights of any individual.

"§ 593. Duties of the division of the court

"(a) REFERENCE TO DIVISION OF THE COURT.—The division of the court to which this chapter refers is the division established under section 49 of this title.

"(b) APPOINTMENT AND JURISDICTION OF INDEPENDENT COUNSEL.—

"(1) AUTHORITY.—Upon receipt of an application under section 592(c), the division of the court shall appoint an appropriate independent counsel and define the independent counsel's prosecutorial jurisdiction. The appointment shall be made from a list of candidates comprised of 5 individuals recommended by the chief judge of each Federal circuit and forwarded by January 15 of each year to the division of the court.

"(2) QUALIFICATIONS OF INDEPENDENT COUNSEL.—The division of the court shall appoint as independent counsel an individual who—

"(A) has appropriate experience, including, to the extent practicable, prosecutorial experience and who has no actual or apparent personal, financial, or political conflict of interest;

"(B) will conduct the investigation on a full-time basis and in a prompt, responsible, and cost-effective manner; and

"(C) does not hold any office of profit or trust under the United States.

"(3) SCOPE OF PROSECUTORIAL JURISDICTION.—

"(A) IN GENERAL.—In defining the independent counsel's prosecutorial jurisdiction under this chapter, the division of the court shall assure that the independent counsel has adequate authority to fully investigate and prosecute—

"(i) the subject matter with respect to which the Attorney General has requested the appointment of the independent counsel; and

"(ii) all matters that are directly related to the independent counsel's prosecutorial jurisdiction and the proper investigation and prosecution of the subject matter of such jurisdiction.

"(B) DIRECTLY RELATED.—In this paragraph, the term 'directly related matters' includes Federal crimes, other than those classified as Class B or C misdemeanors or infractions, that impede the investigation and prosecution, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

"(4) DISCLOSURE OF IDENTITY AND PROSECUTORIAL JURISDICTION.—An independent counsel's identity and prosecutorial jurisdiction may not be made public except upon the request of the Attorney General or upon a determination of the division of the court that disclosure of the identity and prosecutorial jurisdiction of that independent counsel would be in the best interests of justice. In any event, the identity and prosecutorial jurisdiction of the independent counsel shall be made public when any indictment is returned, or any criminal information is filed, pursuant to the independent counsel's investigation.

"(c) RETURN FOR FURTHER EXPLANATION.—Upon receipt of a notification under section 592 from the Attorney General that there are no substantial grounds to believe that further investigation is warranted with respect to information received under this chapter, the division of the court shall have no authority to overrule this determination but may return the matter to the Attorney General for further explanation of the reasons for that determination.

"(d) VACANCIES.—If a vacancy in office arises by reason of the resignation, death, or removal of an independent counsel, the division of the court shall appoint an independent counsel to complete the work of the independent counsel whose resignation, death, or removal caused the vacancy, except that in the case of a vacancy arising by reason of the removal of an independent counsel, the division of the court may appoint an acting independent counsel to serve until any judicial review of the removal is completed.

"(e) ATTORNEYS' FEES.—

"(1) AWARD OF FEES.—Upon the request of an individual who is the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, if no indictment is brought against that individual pursuant to the investigation, award reimbursement for those reasonable attorneys' fees incurred by the individual during the investigation which would not have been incurred but for the requirements of this chapter. The division of the court shall notify the independent counsel who conducted the investigation and the Attorney General of any request for attorneys' fees under this subsection.

"(2) EVALUATION OF FEES.—The division of the court shall direct the independent counsel and the Attorney General to file a written evaluation of any request for attorneys' fees under this subsection, addressing—

"(A) the sufficiency of the documentation;

"(B) the need or justification for the underlying item;

"(C) whether the underlying item would have been incurred but for the requirements of this chapter; and

"(D) the reasonableness of the amount of money requested.

"(f) DISCLOSURE OF INFORMATION.—The division of the court may, subject to section 594(h)(2), allow the disclosure of any notification, application, or any other document, material, or memorandum supplied to the division of the court under this chapter.

"(g) AMICUS CURIAE BRIEFS.—When presented with significant legal issues, the division of the court may disclose sufficient information about the issues to permit the filing of timely amicus curiae briefs.

"§ 594. Authority and duties of an independent counsel

"(a) AUTHORITIES.—Notwithstanding any other provision of law, an independent counsel appointed under this chapter shall have, with respect to all matters in that independent counsel's prosecutorial jurisdiction established under this chapter, full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's personal action under section 2516 of title 18. Such investigative and prosecutorial functions and powers shall include—

"(1) conducting proceedings before grand juries and other investigations;

"(2) participating in court proceedings and engaging in any litigation, including civil and criminal matters, that the independent counsel considers necessary;

"(3) appealing any decision of a court in any case or proceeding in which the independent counsel participates in an official capacity;

"(4) reviewing all documentary evidence available from any source;

"(5) determining whether to contest the assertion of any testimonial privilege;

"(6) receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;

"(7) making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of title 18, exercising the authority vested in a United States attorney or the Attorney General;

"(8) inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1986 and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General;

"(9) initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing informations, and handling all aspects of any case, in the name of the United States; and

"(10) consulting with the United States attorney for the district in which any violation of law with respect to which the independent counsel is appointed was alleged to have occurred.

"(b) COMPENSATION.—

"(1) IN GENERAL.—An independent counsel appointed under this chapter shall receive compensation at the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

"(2) TRAVEL EXPENSES.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter I of chapter 57 of title 5, United States Code, including travel, per diem, and subsistence expenses in accordance with section 5703 of title 5.

"(3) TRAVEL TO PRIMARY OFFICE.—

"(A) IN GENERAL.—After 1 year of service under this chapter, an independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel, per diem, or subsistence expenses under subchapter I of chapter 57 of title 5, United States Code, for the purpose of commuting to or from the city in which the primary office of the independent counsel or person is located. The 1-year period may be extended for successive 6-month periods if the independent counsel and the division of the court certify that the payment is in the public interest to carry out the purposes of this chapter.

"(B) RELEVANT FACTORS.—In making any certification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), that employee shall consider, among other relevant factors—

"(i) the cost to the Government of reimbursing those travel and subsistence expenses;

"(ii) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(iii) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that the travel and subsistence expenses would not be incurred; and

"(iv) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.

"(c) ADDITIONAL PERSONNEL.—For the purposes of carrying out the duties of an office of independent counsel, an independent counsel may appoint, fix the compensation, and assign the duties of such employees as such independent counsel considers necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level ES-4 of the Senior Executive Service Schedule under section 5382 of title 5, as adjusted for the District of Columbia under section 5304 of that title regardless of the locality in which an employee is employed.

"(d) ASSISTANCE OF DEPARTMENT OF JUSTICE.—

"(1) IN CARRYING OUT FUNCTIONS.—An independent counsel may request assistance from the Department of Justice in carrying out the functions of the independent counsel, and the Department of Justice shall provide that assistance, which may include access to any records, files, or other materials relevant to matters within that independent counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform that independent counsel's duties. At the request of an independent counsel, prosecutors, administrative personnel, and other employees of the Department of Justice may be detailed to the staff of the independent counsel to the extent the number of staff so detailed is reasonably related to the number of staff ordinarily assigned by the Department to conduct an investigation of similar size and complexity.

"(2) PAYMENT OF AND REPORTS ON EXPENDITURES OF INDEPENDENT COUNSEL.—The Department of Justice shall pay all costs relating to the establishment and operation of any office of independent counsel. The Attorney General shall submit to the Congress, not later than 30 days after the end of each fiscal year, a report on amounts paid during that fiscal year for expenses of investigations and prosecutions by independent counsel. Each such report shall include a statement of all payments made for activities of independent counsel but may not reveal the identity or prosecutorial jurisdiction of any independent counsel which has not been disclosed under section 593(b)(4).

"(e) REFERRAL OF DIRECTLY RELATED MATTERS TO AN INDEPENDENT COUNSEL.—An independent counsel may ask the Attorney General or the division of the court to refer to the independent counsel only such matters that are directly related to the independent counsel's prosecutorial jurisdiction, and the Attorney General or the division of the court, as the case may be, may refer such matters. If the Attorney General refers a matter to an independent counsel on the Attorney General's own initiative, the independent counsel may accept that referral only if the matter directly relates to the independent counsel's prosecutorial jurisdiction. If the Attorney General refers any matter to the independent counsel pursuant to the independent counsel's request, or if the independent counsel accepts a referral made by the Attorney General on the Attorney General's own initiative, the independent counsel shall so notify the division of the court.

"(f) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—

"(1) IN GENERAL.—An independent counsel shall comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws except when that policy requires the specific approval of the Attorney General or another Department of Justice official. If a policy requires the approval of the Attorney General or other Department of Justice official, an independent counsel is encouraged to consult with the Attorney General or other official. To identify and understand these policies and policies under subsection (l)(1)(B), the independent counsel shall consult with the Department of Justice.

"(2) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified material.

"(3) RELIEF FROM A VIOLATION OF POLICIES.—

"(A) IN GENERAL.—A person who is a target, witness, or defendant in, or otherwise directly affected by, an investigation by an independent counsel and who has reason to believe that the independent counsel is violating a written policy of the Department of Justice material to the independent counsel's investigation, may ask the Attorney General to determine whether the independent counsel has violated that policy. The Attorney General shall respond in writing within 30 days.

"(B) RELIEF.—If the Attorney General determines that the independent counsel has violated a written policy of the Department of Justice material to the investigation by the independent counsel pursuant to subparagraph (A), the Attorney General may ask the division of the court to order the independent counsel to comply with that policy, and the division of the court may order appropriate relief.

"(g) DISMISSAL OF MATTERS.—The independent counsel shall have full authority to dismiss matters within the independent counsel's prosecutorial jurisdiction without conducting an investigation or at any subsequent time before prosecution, if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws.

"(h) REPORTS BY INDEPENDENT COUNSEL.—

"(1) REQUIRED REPORTS.—An independent counsel shall—

"(A) file with the division of the court, with respect to the 6-month period beginning on the date of his or her appointment, and with respect to each 6-month period thereafter until the office of that independent counsel terminates, a report which identifies and explains major expenses, and summarizes all other expenses, incurred by that office during the 6-month period with respect to which the report is filed, and estimates future expenses of that office; and

"(B) before the termination of the independent counsel's office under section 596(b), file a final report with the division of the court, setting forth only the following:

"(i) the jurisdiction of the independent counsel's investigation;

"(ii) a list of indictments brought by the independent counsel and the disposition of each indictment, including any verdicts, pleas, convictions, pardons, and sentences; and

"(iii) a summary of the expenses of the independent counsel's office.

"(2) Disclosure of information in reports.—The division of the court may release to the Congress, the public, or any appropriate person, those portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make those orders as are appropriate to protect the rights of any individual named in that report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in that report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that the individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to the final report.

"(3) Publication of reports.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of the independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44.

"(i) Independence From Department of Justice.—Each independent counsel appointed under this chapter, and the persons appointed by that independent counsel under subsection (c), are employees of the Department of Justice for purposes of sections 202 through 209 of title 18.

"(j) Standards of Conduct Applicable to Independent Counsel, Persons Serving in the Office of an Independent Counsel, and Their Law Firms.—

"(1) Restrictions on employment while independent counsel and appointees are serving.—

"(A) Independent counsel.—During the period in which an independent counsel is serving under this chapter—

"(i) that independent counsel shall have no other paid employment; and

"(ii) any person associated with a firm with which that independent counsel is associated may not represent in any matter any person involved in any investigation or prosecution under this chapter.

"(B) Other persons.—During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, that person may not represent in any matter any person involved in any investigation or prosecution under this chapter.

"(2) Post employment restrictions on independent counsel and appointees.—Each independent counsel and each person appointed by that independent counsel under subsection (c) may not—

"(A) for 3 years following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter if that individual was the subject of an investigation or prosecution under this chapter that was conducted by that independent counsel; or

"(B) for 1 year following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter involving any investigation or prosecution under this chapter.

"(3) One-year ban on representation by members of firms of independent counsel.—Any person who is associated with a firm with which an independent counsel is associated or becomes associated after termination of the service of that independent counsel under this chapter may not, for 1 year following that termination, represent any person in any matter involving any investigation or prosecution under this chapter.

"(4) Definitions.—For purposes of this subsection—

"(A) the term 'firm' means a law firm whether organized as a partnership or corporation; and

"(B) a person is 'associated' with a firm if that person is an officer, director, partner, or other member or employee of that firm.

"(5) Enforcement.—The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection. The designated agency ethics official for the Department of Justice shall be the ethics adviser for the independent counsel and employees of the independent counsel.

"(k) Custody of Records of an Independent Counsel.—

"(1) Transfer of records.—Upon termination of the office of an independent counsel, that independent counsel shall transfer to the Archivist of the United States all records which have been created or received by that office. Before this transfer, the independent counsel shall clearly identify which of these records are subject to rule 6(e) of the Federal Rules of Criminal Procedure as grand jury materials and which of these records have been classified as national security information. Any records which were compiled by an independent counsel and, upon termination of the independent counsel's office, were stored with the division of the court or elsewhere before the enactment of the Independent Counsel Reauthorization Act of 1987, shall also be transferred to the Archivist of the United States by the division of the court or the person in possession of those records.

"(2) Maintenance, use, and disposal of records.—Records transferred to the Archivist under this chapter shall be maintained, used, and disposed of in accordance with chapters 21, 29, and 33 of title 44.

"(3) Access to records.—

"(A) In general.—Subject to paragraph (4), access to the records transferred to the Archivist under this chapter shall be governed by section 552 of title 5.

"(B) Access by department of justice.—The Archivist shall, upon written application by the Attorney General, disclose any such records to the Department of Justice for purposes of an ongoing law enforcement investigation or court proceeding, except that, in the case of grand jury materials, those records shall be so disclosed only by order of the court of jurisdiction under rule 6(e) of the Federal Rules of Criminal Procedure.

"(C) Exception.—Notwithstanding any restriction on access imposed by law, the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to the records transferred to the Archivist under this chapter.

"(4) Records provided by congress.—Records of an investigation conducted by a committee of the House of Representatives or the Senate which are provided to an independent counsel to assist in an investigation or prosecution conducted by that independent counsel—

"(A) shall be maintained as a separate body of records within the records of the independent counsel; and

"(B) shall, after the records have been transferred to the Archivist under this chapter, be made available, except as provided in paragraph (3) (B) and (C), in accordance with the rules governing release of the records of the House of Congress that provided the records to the independent counsel.

Subparagraph (B) shall not apply to those records which have been surrendered pursuant to grand jury or court proceedings.

"(l) Cost and Administrative Support.—

"(1) Cost controls.—

"(A) In general.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) Liability for invalid certification.—An employee making a certification under subparagraph (A)(iii) shall be liable for an invalid certification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.

"(C) Department of justice policies.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds.

"(2) Budget.—The independent counsel, after consulting with the Attorney General, shall, within 90 days of appointment, submit a budget for the first year of the investigation and, on the anniversary of the appointment, for each year thereafter to the Attorney General and the General Accounting Office. The General Accounting Office shall review the budget and submit a written appraisal of the budget to the independent counsel and the Committees on Governmental Affairs and Appropriations of the Senate and the Committees on the Judiciary and Appropriations of the House of Representatives.

"(3) Administrative support.—The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(4) Office space.—The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. The office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less. Until the office space is provided, the Administrative Office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies.

"(m) Expedited Judicial Consideration and Review.—It shall be the duty of the courts of the United States to advance on the docket and to expedite to the greatest extent possible the disposition of matters relating to an investigation and prosecution by an independent counsel under this chapter consistent with the purposes of this chapter.

“§ 595. Congressional oversight

“(a) Oversight of Conduct of Independent Counsel.—

“(1) Congressional oversight.—The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and the independent counsel shall have the duty to cooperate with the exercise of that oversight jurisdiction.

“(2) Reports to congress.—An independent counsel appointed under this chapter shall submit to the Congress annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. The report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made.

“(b) Oversight of Conduct of Attorney General.—Within 15 days after receiving an inquiry about a particular case under this chapter, which is a matter of public knowledge, from a committee of the Congress with jurisdiction over this chapter, the Attorney General shall provide the following information to that committee with respect to the case:

“(1) When the information about the case was received.

“(2) Whether a preliminary investigation is being conducted, and if so, the date it began.

“(3) Whether an application for the appointment of an independent counsel or a notification that further investigation is not warranted has been filed with the division of the court, and if so, the date of that filing.

“§ 596. Removal of an independent counsel; termination of office

“(a) Removal; Report on Removal.—

“(1) Grounds for removal.—

“(A) In general.—An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical or mental disability (if not prohibited by law protecting persons from discrimination on the basis of such a disability), or any other condition that impairs the performance of that independent counsel's duties.

“(B) Good cause.—In this paragraph, the term 'good cause' includes—

“(i) a knowing and material failure to comply with written Department of Justice policies relevant to the conduct of a criminal investigation; and

“(ii) an actual personal, financial, or political conflict of interest.

“(2) Report to division of the court and congress.—If an independent counsel is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for the removal. The committees shall make available to the public that report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report. The division of the court may release any or all of the report in accordance with section 594(h)(2).

“(3) Judicial review of removal.—An independent counsel removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia. A member of the division of the court may not hear or determine any such civil action or any appeal of a decision in any such civil action. The independent counsel may be reinstated or granted other appropriate relief by order of the court.

“(b) Termination of Office.—

“(1) Termination by action of independent counsel.—An office of independent counsel shall terminate when—

“(A) the independent counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of the independent counsel or accepted by the independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete those investigations and prosecutions; and

“(B) the independent counsel files a final report in compliance with section 594(h)(1)(B).

“(2) Termination by division of the court.—The division of the court, either on its own motion or upon the request of the Attorney General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of the independent counsel or accepted by the independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete those investigations and prosecutions. At the time of that termination, the independent counsel shall file the final report required by section 594(h)(1)(B). If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 2 years after the appointment of an independent counsel.

“(3) Termination after 2 years.—

“(A) General rule.—Except as provided in subparagraph (B), the term of an independent counsel shall terminate at the expiration of 2 years after the date of appointment of the independent counsel and any matters under investigation by the independent counsel shall be transferred to the Attorney General.

“(B) Exceptions.—

“(i) Good cause.—An independent counsel may petition the division of the court to extend the investigation of the independent counsel for up to 1 year for good cause. The division of the court shall determine whether the grant of such an extension is warranted and determine the length of each extension.

“(ii) Dilatory tactics.—If the investigation of an independent counsel was delayed by dilatory tactics by persons that could provide evidence that would significantly assist the investigation, an independent counsel may petition the division of the court to extend the investigation of the independent counsel for an additional period of time equal to the amount of time lost by the dilatory tactics. If the division of the court finds that dilatory tactics did delay the investigation, the division of the court shall extend the investigation for a period equal to the delay.

“(c) Audits.—

“(1) In general.—On or before June 30 of each year, an independent counsel shall prepare a statement of expenditures for the 6 months that ended on the immediately preceding March 31. On or before December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures on or before the date that is 90 days after the date on which the office is terminated.

“(2) Comptroller general review.—The Comptroller General shall—

“(A) conduct a financial review of a midyear statement and a financial audit of a year-end statement and statement on termination; and

“(B) report the results to the Committee on the Judiciary, Committee on Governmental Affairs, and Committee on Appropriations of the Senate and the Committee on the Judiciary, Committee on Government Reform, and Committee on Appropriations of the House of Representatives not later than 90 days following the submission of each statement.

“§ 597. Relationship with Department of Justice

“(a) Suspension of Other Investigations and Proceedings.—Whenever a matter is in the prosecutorial jurisdiction of an independent counsel or has been accepted by an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding that matter, except to the extent required by section 594(d)(1), and except insofar as the independent counsel agrees in writing that the investigation or proceedings may be continued by the Department of Justice.

“(b) Presentation as Amicus Curiae Permitted.—Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an independent counsel participates in an official capacity or any appeal of such a case or proceeding.

“§ 598. Severability

“If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by that invalidation.

“§ 599. Termination of effect of chapter

“This chapter shall cease to be effective 5 years after the date of enactment of the Independent Counsel Reform Act of 1999, except that this chapter shall continue in effect with respect to then pending matters before an independent counsel that in the judgment of that counsel require the continuation until that independent counsel determines those matters have been completed.”.

SEC. 3. ASSIGNMENT OF JUDGES TO DIVISION TO APPOINT INDEPENDENT COUNSELS.

Section 49 of title 28, United States Code, is amended to reads as follows:

“§ 49. Assignment of judges to division to appoint independent counsels

“(a) In General.—Beginning with the 3-year period commencing on the date of the enactment of the Independent Counsel Reform Act of 1999, 3 judges shall be assigned for each successive 3-year period to a division of the United States Court of Appeals for the District of Columbia to be the division of the court for the purpose of appointing independent counsels. The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

"(b) OTHER JUDICIAL ASSIGNMENTS.—Except as provided in subsection (e), assignment to the division of the court shall not be a bar to other judicial assignments during the term of the division of the court.

"(c) DESIGNATION AND ASSIGNMENT.—The Chief Justice of the United States shall designate and assign by a lottery of all circuit court judges, 3 circuit court judges 1 of whom shall be a judge of the United States Court of Appeals for the District of Columbia, to the division of the court. Not more than 1 judge may be named to the division of the court from a particular court.

"(d) VACANCY.—Any vacancy in the division of the court shall be filled only for the remainder of the 3-year period in which that vacancy occurs and in the same manner as initial assignments to the division of the court were made.

"(e) RECUSAL.—Except as otherwise provided in chapter 40 of this title, no member of the division of the court who participated in a function conferred on the division of the court under chapter 40 of this title involving an independent counsel shall be eligible to participate in any judicial proceeding concerning a matter that—

"(1) involves that independent counsel while the independent counsel is serving in that office; or

"(2) involves the exercise of the independent counsel's official duties, regardless of whether the independent counsel is still serving in that office.".

SUMMARY OF INDEPENDENT COUNSEL STATUTE

1. Limits applicability of the statute to the President, Vice President, members of the Cabinet, and the President's Chief of Staff.

2. Eliminates the provision which allowed the AG to begin a preliminary investigation and appoint an IC with regard to any individual when she believed that investigating this person may result in a personal, financial or political conflict of interest.

3. Eliminates the provision which allowed the AG to begin a preliminary investigation and appoint an IC to investigate a Member of Congress.

4. Grants the AG the power to convene a grand jury and issue subpoenas during the preliminary investigation.

5. Increases the length of the preliminary investigation from 90 to 120 days and increases the length of the extension from 60 to 90 days (to allow more time given the AG's new powers and the higher standard for appointing an IC).

6. Lowers the standard for not appointing an IC due to the suspect's lack of mens rea from "clear and convincing evidence" that he/she lacked the requisite state of mind to a "preponderance of evidence" that he/she lacked the requisite state of mind.

7. Changes the standard necessary for appointing an IC from "reasonable grounds to believe that further investigation is warranted" to "substantial grounds to believe that further investigation is warranted."

8. Requires that the IC be selected from a list of candidates comprised of 5 individuals recommended by the chief judge of each Federal circuit.

9. Provides that an IC shall have "appropriate experience including, to the extent practicable, prosecutorial experience."

10. Provides that an IC shall have "no actual or apparent personal, financial or political conflict of interest."

11. Requires that the IC conduct the investigation on a full-time basis.

12. Eliminates the provision which allows the AG to expand the jurisdiction of an independent counsel beyond his/her original mandate (such as the additions of Filegate, Travelgate, etc. to Starr's original Whitewater mandate).

13. Provides that the IC can investigate only topics in his original jurisdiction or those "directly related" thereto.

14. Provides that DOJ employees can be detailed to the IC in a number which is "reasonably related to the number of staff ordinarily assigned by the Department to conduct an investigation of similar size and complexity."

15. Eliminates the provision which provided that the IC need not comply with written or established DOJ policies "to the extent doing so would be inconsistent with the purposes" of the statute.

16. Provides a mechanism for aggrieved parties to appeal directly to the AG when they believe that the IC has failed to observe written DOJ policies or guidelines. If the AG determined that the IC has in fact violated the guidelines in a manner that has caused a cognizable harm to the complaining party, the AG may file a motion with the Division of the Court seeking appropriate injunctive or declaratory relief.

17. Limits the IC's final report to one which sets forth only a list of indictments brought by the IC, the outcomes of each indictment, and a summary of expenses.

18. Provides that the IC shall submit an annual budget to the AG and the GAO. The GAO shall review the budget and submit a written appraisal of the budget to the IC and the House and Senate Governmental Affairs Committee and Appropriations Committee.

19. Provides for expedited review of all matters relating to an investigation and a prosecution by an IC.

20. Deletes the requirement of a report to Congress of any substantial and credible information that may constitute grounds for an impeachment.

21. Defines the "good cause" for which an AG can remove an IC as a physical or mental disability, a knowing, willful and material failure to comply with relevant, written Department of Justice guidelines, and a personal, financial or political conflict of interest.

22. Provides a 2 year time limit for IC investigation. Empowers the Special Division of the Court to extend this period for additional one year periods for good cause, and to extend this period to make up for dilatory tactics.

23. Provides that the judges of the Special Division of the Court shall be chosen through a lottery of circuit judges (instead of the current system where the Chief Justice chooses them). Extends period of service on the Special Division from 2 to 3 years.

INDEPENDENT COUNSEL REFORM ACT OF 1999—SECTION-BY-SECTION SUMMARY

Sec. 1: Short Title: "Independent Counsel Reform Act of 1999".

Sec. 2: Independent Counsel Statute

United States Code Chapter 40, title 28 is replaced by this Act.

§ 591. Applicability of provisions of this chapter

The Attorney General shall conduct a preliminary investigation whenever there is specific and credible evidence that a covered person may have violated Federal criminal law. Covered persons include the President, the Vice President, the President's cabinet, and the Chief of Staff.

The Attorney General shall determine the need for a preliminary investigation based only on the specificity of the information and the credibility of the source. The Attorney General shall determine whether grounds to investigate exist within 30 days of receiving the information.

Before making any other determinations, the Attorney General shall determine if recusal is necessary and submit this determination in writing to the special court.

§ 592. Preliminary investigation and application for appointment of an independent counsel

The Attorney General shall make a determination regarding the appointment of an independent counsel within 120 days after the preliminary investigation is commenced. The special court shall be notified of the commencement of that preliminary investigation.

During the preliminary investigation, the Attorney General shall have no authority to plea bargain or grant immunity, but will possess the authority to convene grand juries and issue subpoenas.

The Attorney General shall not base a determination to decline the appointment of an independent counsel upon the state of mind of the target unless there is a preponderance of evidence that the target lacked the requisite criminal intent.

At the expiration of the 120 day period, the Attorney General may apply to the special court for a single extension of not more than 90 days.

If the Attorney General determines that there are no substantial grounds to believe that further investigation is warranted, the Attorney General shall notify the special court. Notification shall consist of a summary of the information received and the results of the preliminary investigation.

The Attorney General shall apply to the special court for the appointment of an independent counsel if the Attorney General determines there are substantial grounds to believe that further investigation is warranted or the 120 day period granted for preliminary investigation has elapsed without proper notification to the special court.

In making this determination, the Attorney General shall comply with the written and established policies of the Department of Justice.

If the Attorney General receives additional information after notifying the special court of a decision not to seek an independent counsel, the Attorney General shall conduct an additional preliminary investigation for a period of no more than 120 days.

The Attorney General's determination on the appointment of an independent counsel shall not be reviewable by any court.

Congress may request in writing that the Attorney General apply for the appointment of an independent counsel. No later than 30 days after a congressional request, the Attorney General must report on the status of the preliminary investigation or the reasons for not investigating.

If the preliminary investigation is initiated in response to a congressional request, any communication to the special court shall be supplied to the persons requesting the investigation. If no application for the appointment of an independent counsel is made, the Attorney General shall submit a report explaining the decision.

§ 593. Duties of the division of the court

Upon receipt of an application, the special court shall appoint an appropriate independent counsel and define the independent counsel's prosecutorial jurisdiction. The appointment shall be made from the list of candidates comprised of five individuals recommended annually by the chief judge of each federal circuit.

An independent counsel shall have appropriate experience, including prosecutorial experience if practical. An independent counsel shall have no actual or apparent conflict of interest and shall conduct the investigation on a full-time basis and shall not hold any office of profit or trust under the United States.

The independent counsel shall have the authority to fully investigate and prosecute the subject matter of the appointment and all matters directly related to the prosecutorial jurisdiction and the proper investigation of the subject matter. "Directly related" includes federal crimes, other than certain misdemeanors, that impede the investigation such as perjury and obstruction of justice.

The identity and prosecutorial jurisdiction of the independent counsel shall not be made public until any indictment is returned or criminal information is filed unless the Attorney General requests such public disclosure or the special court determines it is in the best interest of justice.

The special court shall have no authority to overrule the determination of the Attorney General not to investigate further.

If a vacancy in office arises, the special court shall appoint another independent counsel to complete the work. If the vacancy arises by reason of removal, the appointment shall be of a temporary nature until any judicial review of the removal is completed.

If no indictment is brought against the subject of the investigation, the special court may award the subject reasonable attorneys' fees. The independent counsel and the Attorney General shall determine if the fees requested are reasonable.

§ 594. Authority and duties of an independent counsel

The independent counsel shall have full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice except that the Attorney General shall exercise control over matters that specifically require the Attorney General's personal attention under section 2516 of title 18. These include the following: Conducting proceedings before grand juries; engaging in any litigation considered necessary; appealing any decision of a court in which the independent counsel participates officially; reviewing all documentary evidence; determination of an assertion of testimonial privilege; receiving necessary national security clearances; application for a grant of immunity to witnesses, or for warrants, subpoenas or other court orders; exercising the authority of the Attorney General for the purposes of section 6003, 6004 and 6005 of title 18, and section 6103 of the Internal Revenue Code of 1986; inspecting, obtaining or using any tax return; initiating and conducting prosecutions in any court, framing and signing indictments, filing informations and handling all aspects of any case in the name of the United States; and consulting with the United States Attorney for the appropriate district.

Travel expenses shall be compensated. After one year of service, commuting costs shall not be reimbursed unless the special court certifies that it is in the public interest. Relevant factors include cost of reimbursement, time period of office, burden of relocation and burden of appointing a different independent counsel.

An independent counsel may request assistance from the Department of Justice, which shall be provided within reason. The costs relating to the establishment and operation of any office of independent counsel shall be paid through the Department of Justice and reported to the Congress within 30 days of the end of the fiscal year.

The Attorney General or the special court may refer "directly related" matters to the independent counsel, who can also request that such matters be referred.

An independent counsel shall comply with the written and established policies of the Department of Justice, except when such policies require the approval of the Department of Justice. The independent counsel shall comply with all guidelines dealing with classified material.

A person who is a target, witness or defendant or otherwise directly affected by the investigation, who has reason to believe that the independent counsel is violating a written Department of Justice policy that is material to the investigation, may ask the Attorney General to investigate whether there has been a violation. The Attorney General shall respond in writing within 30 days. If the Attorney General determines that there has been a violation of written policy material to the investigation, the Attorney General may ask the special court to order appropriate relief.

The independent counsel may dismiss matters within his or her prosecutorial jurisdiction if it is consistent with Department of Justice policy.

The independent counsel shall report to the special court every 6 months and before termination of the office. The 6-month period report shall include explanations of expenses, and estimates of future expenses. The termination report shall include summaries of expenses and disposition of legal actions taken.

The special court may release appropriate sections of the reports if it is appropriate to protect the rights of any individual named in the report. At the request of an independent counsel, past reports may be printed and made available to the public.

The independent counsel may have no other paid employment and any person with an associated firm may not represent anyone under investigation by the independent counsel. Appointees may not represent anyone under investigation. The independent counsel and appointees may not represent a subject of the investigation for three years. Those parties and an associated law firm are banned for one year from representing any person in any matter involving this chapter.

The independent counsel shall conduct all activities with due regard for expenses and authorize only reasonable and lawful expenditures. An appointee making an invalid certification will be held liable. An independent counsel shall comply with the established expenditure policies of the Department of Justice.

The independent counsel shall within 90 days of appointment submit a budget for the first year, and thereafter on an annual basis. This budget shall be submitted to the Attorney General and the General Accounting Office ("GAO"). The GAO shall review the annual budget and submit a written appraisal to Congress.

It shall be the duty of the courts of the United States to expedite matters relating to an investigation and prosecution by an independent counsel.

§ 595. Congressional oversight

The appropriate committees of Congress shall have oversight jurisdiction. The independent counsel shall submit annually a report on the activities of the independent counsel omitting confidential matters, but sufficient to justify the expenditures.

Within 15 days of a request from an appropriate congressional committee, the Attorney General shall provide the following: when the information regarding the case was received, the starting date of the preliminary investigation, and whether an application for an independent counsel or notification of no further investigation has been filed.

§ 596. Removal of an independent counsel; termination of office

An independent counsel may only be removed from office by the Attorney General for "good cause," physical or mental disability, or any other condition that impairs the performance of the independent counsel's duties. Good cause include a knowing and material failure to comply with the written policies of the Department of Justice, or an actual conflict of interest

Upon removal of an independent counsel, the Attorney General shall submit a report to the special court and the appropriate congressional committees specifying the facts found and the ultimate grounds for the removal. This report shall be made public with necessary protections for the rights of any named individual.

The independent counsel may request judicial review of his or her removal. Remedies may include reinstatement or other appropriate relief.

The independent counsel shall notify the Attorney General when the matters within the prosecutorial jurisdiction have been completed, or completed to the point that it would be appropriate for the Department of Justice to complete those investigations. The independent counsel shall file the final report. The special court may terminate an office of the independent counsel on the same grounds within two years of appointment and thereafter on an annual basis.

The term of an independent counsel shall terminate after two years except for good cause or dilatory tactics. The special court shall review all requests for extensions and may grant an extension for additional one year periods.

By June 30th and December 31st of each year, the independent counsel shall prepare a statement of expenditures covering the previous 6 months. The Comptroller General shall conduct a financial review of the statements and submit the results to the appropriate congressional committees.

§ 597. Relationship with the Department of Justice

Whenever a matter is within the prosecutorial jurisdiction of the independent counsel, the Department of Justice shall suspend all investigation, except if the independent counsel agrees in writing that the matter may be continued by the Department of Justice.

Nothing in this chapter shall prevent either the Attorney General or the Solicitor General from presenting an amicus curiae brief on matters involving the jurisdiction of the independent counsel.

§598. Severability

If any provision of this chapter is held invalid, the remainder of this chapter not similarly situated shall not be affected by that invalidation.

§599. Termination of effect of chapter

This chapter shall sunset five years after the date of enactment.

Sec. 3: Assignment of Judges to Division to Appoint Independent Counsels

Section 49 of title 28, United States Code, is amended to read as follows:

§49. Assignment of judges to division to appoint independent counsel

Three judges shall be assigned for a period of three years to a division of the United States Court of Appeals for the District of Columbia to be the special court for the purpose of appointing independent counsels. This shall not be a bar to other judicial assignments. Assignment shall be by lottery. Vacancies shall be filled by lottery only for the remainder of the assignment. These judges shall not be eligible to participate in any judicial proceeding concerning a matter that involves the independent counsel while the independent counsel is in office, or a matter involving the exercise of the independent counsel's official duties.

Mr. SPECTER. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition for 2 additional minutes to comment about an amendment which I will seek to add when this statute is considered. It is one where I am proceeding by myself. That is a provision to have a mandamus action to compel the Attorney General to appoint an independent counsel where there is an abuse of discretion. It is my view that independent counsel should have been appointed on campaign finance reform, as recommended by FBI Director Louis Freeh and special counsel Charles LaBella.

I will ask consent that at the conclusion of the remarks which I am now making, there be included a draft complaint which I had prepared to compel the appointment of independent counsel.

This draft complaint was never filed because at each stage where it appeared warranted to pursue mandamus, the Attorney General would take some action on extension of investigation, and then it became interwoven with the impeachment proceedings so the time was never quite right. There was a complex issue on standing, although at one time we almost had an agreement by the chairman of the House Judiciary Committee and the chairman of the Senate Judiciary Committee to have their sponsorship, perhaps if not all of the Republicans in each committee, a majority of the Republicans, which would have provided standing for a report and, by analogy, perhaps, standing for such a lawsuit.

I do believe that when independent counsel is again considered and this statute sponsored by the four of us will be ready, willing, and able to proceed, the issue of a mandamus action ought to be considered.

I ask unanimous consent that the text of this draft complaint be printed in the RECORD to preserve the factual allegations for later reference on the general principle of the need for a mandamus provision.

There being no objection, the complaint was ordered to be printed in the RECORD, as follows:

[United States District Court for the District of Columbia, Civil Action No.]

PLAINTIFFS *vs.* THE HONORABLE JANET RENO, ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, DEFENDANT.

COMPLAINT

Plaintiffs, by counsel, complain as follows: COME NOW Plaintiffs, and for cause of action against Defendant, allege as follows:

JURISDICTION

1. This court has jurisdiction by reason of (1) 28 U.S.C. section 1361, which confers jurisdiction over any action in the nature of mandamus to compel an officer or employee of the United States, or any agency thereof, to perform a duty owed to the plaintiff; (2) 5 U.S.C. section 702, which confers jurisdiction over any action to compel an agency of the United States to perform a duty which has been unreasonably withheld; and (3) by reason of its general Federal Question jurisdiction under 28 U.S.C. section 1331.

THE PARTIES AND STATUTORY BACKGROUND

2. This is an action to compel the Attorney General of the United States of America to comply with statutory provisions set forth in the Independent Counsel Statute, 28 U.S.C. sections 591–599 (hereinafter "The Act").

3. [Plaintiffs comprise a majority of the Republican members of the House and Senate Judiciary Committees.] Section 592(g) of the Act provides that a majority of the majority party members of the House or Senate Judiciary Committee shall have the authority to request that the Attorney General apply for appointment of an independent counsel.

4. Defendant is the Attorney General of the United States and is charged with the duty of carrying out the provisions of the Act by reason of the requirements set forth in 28 U.S.C. sections 591–595.

5. Section 591 of the Act provides that the Attorney General "shall" conduct a preliminary investigation whenever the Attorney General receives specific and credible information which is "sufficient to constitute grounds to investigate" whether a covered person under the Act "may have violated" any Federal criminal law. Such covered persons include the President and the Vice President.

6. Section 592(c) of the Act provides that the Attorney General "shall" apply to the special division of the circuit court for appointment of an independent counsel if the Attorney General determines, after reviewing specific and credible evidence, that there are "reasonable grounds to believe that further investigation is warranted."

FACTUAL BACKGROUND

7. The following factual background sets forth specific and credible information sufficient to require the Attorney General to apply for appointment of an independent counsel under the provisions of the Act cited above. This information has been organized as follows:

I. National Security Information Withheld from the President. The Attorney General found that there was sufficient evidence of illegal activity by the President to justify withholding certain national security information from him. Since the evidence was sufficiently compelling to justify such an extreme denial of presidential prerogative, the same evidence is sufficiently specific and credible so as to warrant appointment of independent counsel.

II. Criminal Violations. The Attorney General has ignored specific and credible evidence of at least two violations that warrant appointment of an independent counsel to investigate the President and/or the Vice President:

A. *Coordination between the President and the DNC.* There is specific and credible evidence that President Clinton engaged in illegal coordination of expenditures by the DNC on its television advertising campaign.

B. *Conspiracy to Violate and Evade the Campaign Finance Laws.* There is specific and credible evidence that the President, Vice President, and other high-ranking officials acted in concert to violate the Federal Election Campaign Act.

III. The Failure of the Department of Justice's Investigation and Estoppel of the Attorney General.

A. *Failure of the Department of Justice's Campaign Finance Investigation.* After over one year of investigation, the Justice Department's campaign finance task force has suffered a series of embarrassments and can point to little visible achievement. If a credible investigation is to take place, it must be done by an independent counsel.

B. *Estoppel of the Attorney General.* Attorney General Reno has stated before Congress that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Justice Department and its appointed head, the Attorney General. Furthermore, Attorney General Reno has, until the present, complied with the view she expressed before Congress by appointing independent counsels to investigate Executive Branch officials on four separate occasions. Given the Attorney General's statements and pattern of behavior, and Congress' detrimental reliance thereon, Attorney General Reno is estopped from refusing to appoint an independent counsel in the instant case.

I. NATIONAL SECURITY INFORMATION WITHHELD FROM THE PRESIDENT AND SECRETARY OF STATE

8. The Federal Election Campaign Act provides that "it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value . . . in connection with an election to any political office. . . ." 2 U.S.C. 441e(a). A "foreign national" is defined as someone who is not a citizen of the United States and who is not lawfully admitted for permanent residence in the United States. 2 U.S.C. 441e(b).

9. *National Security Information Withheld from the President.* On June 3, 1996, the F.B.I. briefed two members of the White House National Security Council (the "N.S.C.") on intelligence of Chinese Government efforts to buy influence in the United States government through political contributions. Also in June, the F.B.I. provided individual, classified briefings to 6 members of Congress, warning them that they may have been targeted by the Chinese Government to be the recipients of illegal campaign contributions.

10. President Clinton was not informed of the F.B.I. briefing to the N.S.C. and became aware of it only after reading a February, 1997 report in the Washington Post. After learning about the June briefing, President Clinton explained on March 10, 1997, that the two N.S.C. officials had not reported the F.B.I. briefing to their superiors because the F.B.I. agents involved, "asked that they [the N.S.C. officials] not share the briefing, and they honored the request." Also on March 10, White House Press Secretary Michael McCurry stated that the two N.S.C. officials who received the briefing were "adamant in recalling specifically that they were urged by [by the FBI] not to disseminate the information outside the briefing room."

11. President Clinton further stated on March 10 that such national security information should not have been withheld from him. The President stated, "I should have known. No, I did not know. If I had known, I would have asked the N.S.C. and the chief of staff to look at the evidence and make whatever recommendations were appropriate."

12. *National Security Information Withheld from the Secretary of State.* On February 18, 1997 White House Counsel Charles Ruff wrote to Deputy Attorney General Jamie Gorelick asking for information about the possible involvement of Chinese officials and citizens in a purported plan to make illegal contributions to American political campaigns. He sought this information in order to brief Secretary of State Madeline Albright, who was preparing to make an official visit to China in late February. Mr. Ruff's letter stressed that he did not want information that might interfere with "any criminal investigation."

13. The New York Times reported (March 25, 1997) that F.B.I. and Justice Department officials prepared a thorough response to Mr. Ruff's letter but, at the request of F.B.I. Director Freeh, this response was never sent. As a result, Secretary of State Albright was denied critical information at a time when she was embarking upon a diplomatic mission to Beijing.

14. In response to this decision to withhold this information from the Secretary of State, President Clinton stated on March 26, 1997 that, "I think everyone understands that there are significant national security issues at stake here and that the White House, the National Security Council, and the Secretary of State, as well as the President, need to know when the national security issues are brought into play."

15. On April 30, 1997, Attorney General Janet Reno appeared before the Senate Judiciary Committee for an oversight hearing. At this hearing, Senator Arlen Specter questioned the Attorney General about these reports that the FBI and the Justice Department had withheld national security information from President Clinton and the Secretary of State because the President is a subject in a criminal investigation. In response, Attorney General Reno acknowledged that Director Freeh had told National Security Advisor Sandy Berger that "he [Freeh] would not go into certain matters because of the ongoing criminal investigation."

16. In an op-ed piece published in the Washington Post on May 22, 1997, Senator Arlen Specter noted the inconsistency in Attorney General Reno's position: "Since the facts of the underlying investigation are sufficiently serious in the judgement of the Attorney General to deny the president 'significant national security' data, how can they possibly be insufficiently 'credible' and 'specific' to justify not appointing independent counsel?"

II. CRIMINAL VIOLATIONS

17. There is specific and credible evidence that the President and Vice President have committed criminal violations of the Federal Election Campaign Act ("FECA"). The Attorney General has therefore violated the letter and the spirit of the Independent Counsel Statute by failing to appoint an independent counsel to investigate these allegations.

A. Illegal Coordination of Expenditures of DNC Money by President Clinton

18. There is specific and credible evidence that President Clinton committed a criminal violation of FECA by personally drafting, editing, and planning a series of television advertisements paid for by Democratic National Committee soft money.

19. "Hard money" is money which is raised pursuant to the caps, restrictions, and reporting requirements of FECA. Hard money can be spent in connection with a specific campaign for Federal office. "Soft money" is money that is not governed by the restriction of FECA and can therefore be raised in unlimited amounts. Soft money cannot be spent in connection with specific campaigns for Federal office and must be used for general party building activities.

20. As one of the conditions for receiving $61.8 million in Federal funding for their 1996 general election campaign, President Clinton and Vice President Gore signed a letter to the Federal Election Commission in which they pledged that in exchange for the Federal funding they would not spend any additional money on their campaign.

21. After signing the pledge, President Clinton actively participated in raising funds for the DNC beyond these limits. According to Federal Election Commission records, the President helped raise $27 million in hard and soft money for the DNC through the White House coffees, and an additional $6 million in hard and soft money for the DNC from overnight guests in the Lincoln Bedroom.

22. President Clinton also actively participated in spending DNC money through close coordination with the DNC of the expenditures made on a major television advertising campaign.

23. Former White House Chief of Staff Leon Panetta, appearing on the March 9, 1997 edition of NBC's "Meet the Press," acknowledged that President Clinton helped direct the expenditure of approximately $35 million in DNC soft money on television campaign commercials.

24. Former Presidential advisor Richard Morris, in his book Behind the Oval Office (p. 144), describes his first-hand knowledge of the coordination which took place between President Clinton and the DNC: "[T]he President became the day-to-day operational director of our TV-ad campaign. He worked over every script, watched each ad, ordered changes in every visual presentation, and decided which ads would run when and where. He was as involved as any of his media consultants were. The ads became not the slick creations of admen but the work of the president himself. . . . Every line of every ad came under his informed, critical, and often meddlesome gaze. Every ad was his ad."

25. Section 441a(a)(7)(B)(I) of FECA states that: "Expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate." By this standard, all of the money spent by the Democratic National Committee ("DNC") on express advocacy commercials, as defined under FECA, that were designed, edited and/or purchased in consultation and co-ordination with the Clinton campaign and the President personally were contributions to the Clinton campaign under FECA. The President knowingly violated FECA by (1) coordinating the contributions by the DNC and (2) accepting and expending contributions in violation of his commitment to limit expenditures to the public financing.

26. Violations of FECA are criminal violations when they are done "knowingly and willfully" and involve contributions or expenditures aggregating $2,000 or more. 2 U.S.C. 437g(d)(1)(A).

27. The Federal Election Commission has defined express advocacy ads as: "Communications using phrases such as 'vote for President,' 'reelect your Congressman,' 'Smith for Congress,' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning that to urge the election or defeat of a clearly identified federal candidate." 11 CFR 100.22.

28. On April 30, 1997, Attorney General Janet Reno appeared before the Senate Judiciary Committee for an oversight hearing. At this hearing, Senators Arlen Specter and Fred Thompson questioned the Attorney General about the coordination between the DNC and the President. The Attorney General acknowledged that coordination between President Clinton and the DNC "was presumed at the time by the FEC." The Attorney General further stated that "it would be the content" which controlled whether or not the law was violated, thereby acknowledging that such coordination would be illegal if the advertisements so produced were advocacy ads.

29. Senator Specter then asked Attorney General Reno the following question:

Attorney General Reno . . . I ask you if this advertisement . . . can be anything other than express advocacy. . . . It reads as follows:

'Head Start, student loans, toxic cleanup, extra police, anti-drug programs—Dole-Gingrich wanted them cut. Now, they're safe, protected in the 1996 budget because the president stood firm. Dole-Gingrich—deadlock, gridlock, shutdowns. The president's plan—finish the job, balance the budget, reform welfare, cut taxes, protect Medicare. President Clinton gets it done. Meet our challenge, protect our values.'

Can that possibly be language taken as a whole which does anything other than urge the election expressly of President Clinton?

30. In response to this question, the following exchange took place between Attorney General Reno and Senator Specter:

RENO: Based on the processes that have been established by the Department of Justice, the MOU with the elections commission, this is a situation in which we would not find specific and credible evidence that a crime had been committed that would justify triggering the statute.

SPECTER: Well, Attorney General Reno, that is conclusory. A critical step along the way is your legal judgment as to whether that is express advocacy.

RENO: At this point, the career lawyers who have worked on this issue, who are familiar with the election law, I have met with them. We have discussed it, and they do not believe that it could support a prosecution.

SPECTER: Are you familiar with these ads, Attorney General Reno?

RENO: I have not seen the ads. I have read what could be called the transcripts of the ads.

SPECTER: Well, can you say—listen, I don't have to make a point that you're the attorney general. You have career lawyers. Have you gone over these ads with them specifically to ask them?

RENO: I have specifically gone over the ads. I have read the ads and have discussed the ads and discussed what is involved.

SPECTER: And have your career lawyers told you that the ad I just read to you is not express advocacy?

RENO: What they have told me is that based on their understanding of the law, their structure of the election law, that we could not sustain a prosecution.

SPECTER: Well, I understand your conclusion. But my question to you is a lot more specific than that: Have you gone over that ad with your career prosecutors, and they told you that was issue advocacy . . .

RENO: No, I have not.

SPECTER: Well, Attorney General Reno, I would like to submit these to you, and I would like you to give us your judgment as to whether they are express advocacy or not—your judgment on them. . . . And this is not a judgment for the Federal Election Commission alone. This is jurisdiction for the attorney general of the Department of Justice, because the Federal Election Commission statute has criminal penalties.

31. Senator Arlen Specter wrote to Attorney General Reno on May 1, 1997 requesting a legal judgment as to whether the ads in question constitute express advocacy. A true and correct copy of the May 1, 1997 letter is attached as Exhibit . All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint. Senator Specter included in his letter the following texts of the DNC advertisements:

'American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut. Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposed tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

'60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote no, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. meeting our challenges, protecting our values.

'America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face health care cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

'Head Start. Student Loans. Toxic Cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Now they're safe. Protected in the '96 budget—because the president stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

'The President says give every kid a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

'Protecting families. For million of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protect Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values.'

32. By letter dated June 19, 1997, Attorney General Reno refused to respond to Senator Specter's request and instead referred the request to the Federal Election Commission ("FEC"). A true and correct copy of the June 19, 1997 letter is attached as Exhibit . All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint. By letter dated June 26, 1997, the FEC responded that it would not respond to Senator Specter's inquiry because the letter was not in the form of a formal complaint to the Commission. A true and correct copy of the June 26, 1997 letter is attached as Exhibit . All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

33. The President conceded that these DNC ads were advocacy advertisements intended to further his candidacy in remarks he made at a December 7, 1995 DNC luncheon at the Hay Adams Hotel in Washington. The President said the following in remarks which were captured on videotape: "Now we have come way back. . . . But one of the reasons has been . . . we have been running these ads, about a million dollars a week. . . . So I cannot overstate to you the impact that these paid ads have had in the areas where they've run. Now we're doing better in the whole country. . . . [I]n areas where we've shown these ads we are basically doing ten to fifteen points better than in areas where we are not showing them. . . . And then we realized that we could run these ads through the Democratic Party which meant that we could raise money in twenty and fifty and hundred thousand dollar lots, and we didn't have to do it all in thousand dollars and run down—you know—what I can spend which is limited by law.

34. The facts outlined above constitute sufficient specific and credible evidence to make a prima facie case that the President committed criminal violations of FECA through the knowing and wilful coordination of the expenditure of DNC soft money. The Attorney General has therefore violated the letter and the spirit of the Indpendent Counsel statute by failing to appoint an independent counsel to investigate these allegations.

B. Conspiracy to Violate and Evade the Campaign Finance Laws.

35. 18 U.S.C. 371 provides that a conspiracy to commit an offense against the United States is a criminal offense punishable by up to 5 years in prison. Participation in a conspiracy to violate the Federal campaign finance laws is therefore a criminal violation.

36. After the Democrats lost control of both houses of Congress in the 1994 elections, President Clinton and his associates realized that in order to win reelection in 1996, the Clinton campaign would need to raise large sums of money. President Clinton's former senior advisor, George Stephanopoulos, wrote in Newsweek (March 10, 1997) that President Clinton's reelection would "take cash, tons of it, and everybody from the President on down knew it. So money became a near obsession at the highest levels. We pulled out all the stops: overnights at the White House, coffees, intimate dinners at Washington hotels, you name it."

37. As the events detailed below reveal, "pulling out all of the stops" included ignoring the Federal election law. Accordingly, the White House plan to aggressively pursue campaign contributions was, in practice, a conspiracy to evade and violate the Federal election laws.

38. The acts detailed below were all acts in furtherance of this conspiracy. There is specific and credible evidence that President and Vice President participated in this conspiracy by trading access to the President, Vice President and other Executive Branch officials for political contributions, trading access to the White House for political contributions, engaging in fundraising activities from Federal property, granting public office for political contributions, and soliciting campaign contributions from illegal sources.

Use of the White House for Fundraising—The May 1 Coffee

39. President Clinton personally engaged in fundraising activities from the executive offices of the White House. On April 29, 1997, the Democratic National Committee ("DNC") sent a memorandum to President Clinton which identified five individuals invited to attend a May 1 coffee at the White House. The following personal note is typed at the top of the memo, "Mr. President. . . the five attendees of this coffee are $100,000 contributors to the DNC." In addition, there is a notation on the first page of the memo which reads, "President has seen, 5/1/96." A true and correct copy of the April 29, 1997 memorandum is attached hereto as Exhibit. All of the contents of the attached memorandum are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

40. On May 1, 1996, President Clinton held a coffee in the Oval Office which was attended by the five individuals listed in the DNC memo. Federal Election Commission ("FEC") filings show that within one week of the coffee, four of the five attendees (Peter Mathias, Samuel Rothberg, Barrie Wigmore, and Robert Menschel) had contributed $100,000 each to the DNC. A true and correct copy of a printout from the FEC database of contributors is attached hereto as Exhibit . All of the contents of the attached printout are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

Use of the White House for Fundraising—Overnights in the Lincoln Bedroom

41. President Clinton used the opportunity to spend the night at the White House as a tool to raise funds from large contributors. The overnights in question were arranged by the Democratic National Committee, not the President, and thus do not fall into the category of the President using his residence to entertain friends.

42. White House records indicate that between 1993 and 1996, 178 individuals who were not personal friends of the President or First Family spent the night at the White House. These 178 individuals contributed a total of over $5 million to the DNC during the '96 election cycle. A true and correct copy of the list of 178 overnight guests provided by the White House to the Senate Governmental Affairs Committee is attached hereto as Exhibit . All of the contents of the attached list are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint

43. The Senate Governmental Affairs Committee obtained a list of the dates on which 51 of these 178 individuals spent the night in the White House. Of these 51 individuals, 49 contributed a total of over $4 million to the DNC during the 1996 election cycle. Furthermore, of these 38 families represented by these 51 individuals, 37 families, or 98%, contributed to the DNC during the 1996 election cycle. 21 of the 38 families, or over 50% percent, contributed a total of $900,000 to the DNC within one month of their stay at the White House. A true and correct copy of this list of 51 overnight guests is attached hereto as Exhibit . All of the contents of the attached list are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

The Solicitation of R. Warren Meddoff

44. Appearing before the Senate Governmental Affairs Committee on September 19, 1997, Mr. Warren Meddoff testified to the facts set forth in paragraphs 35, 36 and 37 below.

45. At a fund-raising dinner on October 22, 1996 at the Biltmore Hotel in Coral Gables, Florida, Mr. Meddoff handed one of his business cards to President Clinton with the following message written on the back of the card, "I have an associate that it interested in donating $5 million to your campaign."

46. After reading this message, the President stopped to speak with Mr. Meddoff and stated that someone from his staff would contact him. Two days later, on October 24, the President's Deputy Chief of Staff, Mr. Harold Ickes, called Mr. Meddoff and left a message on his answering machine. On October 26, Mr. Ickes called Mr. Meddoff again, this time from Air Force One, and discussed the possibility that an associate of Mr. Meddoff would contribute as much as $55 million to the DNC over the course of the year.

47. On October 29 or 30, Mr. Ickes called Mr. Meddoff again and asked for an immediate contribution of $1.5 million within 24 hours. On the next morning, Mr. Ickes sent Mr. Meddoff a fax with detailed instructions on where to send the money. Mr. Ickes later called Mr. Meddoff and requested that he shred the fax.

Mr. Roger Tamraz's Contributions

48. Appearing before the Senate Governmental Affairs Committee on September 18, 1997, Mr. Roger Tamraz testified that he gave a total of $300,000 in contributions to the DNC and state Democratic parties during the 1996 campaign. On March 28, 1996, at Mr. Tamraz's request, the DNC's Richard Sullivan drafted a memorandum to Mr. Tamraz listing the Democratic entities to which Mr. Tamraz had contributed and the amounts he had contributed to each entity as of that date. A true and correct copy of the March 28, 1996 memorandum is attached hereto as Exhibit . All of the contents of the attached memorandum are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint

49. In his September 18 testimony, Mr. Tamraz stated that "the only reason" he contributed this money was to gain access to the President and senior government officials. Mr. Tamraz was promoting a plan to build an oil pipeline from the Caspian Sea region of Central Asia to the Mediterranean and was hoping to receive assistance from the Federal government.

50. Mr. Tamraz further testified that, following this donation, Mr. Tamraz was invited to six social functions at the White House. At one of these events, he spoke to President Clinton briefly about the proposed pipeline. Asked whether or not he got his "money's worth" for the $300,000 he gave, Mr. Tamraz replied, "I think next time I'll give $600,000."

51. Appearing before the Senate Governmental Affairs Committee on September 17, 1997, Ms. Sheila Heslin, a former official with President Clinton's National Security Council, testified that she was concerned about Mr. Tamraz's "shady reputation" and advised the White House not to agree to any formal policy meetings with him.

52. Ms. Heslin further testified that she received calls to pressure her to drop her opposition to Roger Tamraz from Don Fowler of the Democratic National Committee, Jack Carter of the Department of Energy, and a CIA officer referred to publicly as "Bob of the CIA." Ms. Heslin testified, for example, that Jack Carter told her that "he [Mr. Tamraz] has already given $200,000, and if he got a meeting with the President, he would give the DNC another $400,000." When Ms. Heslin persisted in her opposition, Mr. Carter told her not to be "such a Girl Scout."

Mr. John Huang in the Commerce Department and the DNC

53. On July 18, 1994, John Huang began to serve as the Deputy Assistant Secretary for International Trade and Economic Policy at the U.S. Department of Commerce. Huang's supervisor at the Commerce Department, Commerce Undersecretary Jeffrey Garten, found Huang "totally unqualified" for his position and limited his activities to administrative duties.

54. Prior to working at the Commerce Department, John Huang had been the chief U.S. representative of the Lippo Group. The Lippo Group is a multi-billion dollar firm based in Indonesia with large investments in the Far East and China. The Lippo Group is controlled by Mochtar and James T. Riady, longtime friends and financial backers of President Clinton dating back to his days as governor of Arkansas.

55. The Lippo Group has extensive investments and contacts throughout China and is currently involved in dozens of large-scale joint ventures in China, including construction and development of apartment complexes, office buildings, highways, ports, and other infrastructure. Appearing before the Senate Governmental Affairs Committee on July 15, 1997, Mr. Thomas Hampsen, president of a business research and investigation firm, testified that "the record is very clear that the Lippo Group has shifted its strategic center from Indonesia to the People's Republic of China." Mr. Hampsen noted that Lippo's principal partner in China is "China Resources," a company wholly owned by the Chinese Government. Mr. Hampsen further testified that "the People's Republic of China uses China Resources as an agent of espionage, economic, military, and political."

56. Documents from the Lippo Group and its subsidiaries show that, upon leaving the Lippo Group for a much lower paying job at the Commerce Department, Huang received a bonus of over $700,000. A true and correct copy of the Lippo Group documents detailing John Huang's bonus are attached hereto as Exhibit . All of the contents of the attached documents are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

57. Records from the U.S. Secret Service show that during his tenure at the Commerce Department, and despite the fact that he was a relatively low level functionary there, Huang made 67 visits to the White House. A true and correct copy of a list of the dates on which the visits took place and, where available, the visitee is attached hereto as Exhibit . All of the contents of the attached list are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

58. While he was at the Commerce Department, Huang was given top secret security clearance. Appearing before the Senate Governmental Affairs Committee on July 16, 1997, Mr. John H. Dickerson, a CIA agent who handled issues relating to the Commerce Department, testified that he gave John Huang 37 confidential intelligence briefings in which he showed Huang hundreds of confidential documents. Mr. Dickerson further testified that he gave Mr. Huang 12 finished intelligence reports—10 classified "secret" and 2 classified "confidential"—which Mr. Huang kept in his possession until the end of his tenure at the Commerce Department. Mr. Dickerson further stated that Huang had a particular interest in China and Taiwan.

59. Appearing before the Senate Governmental Affairs Committee on July 17, 1997, Mr. John H. Cobb, an attorney with the staff of the Governmental Affairs Committee, testified that Mr. Huang had over 300 contacts (phone conversations, faxes and meetings) with the Lippo Group and Lippo-related individuals during his tenure at the Commerce Department. Many of these calls were made from his Commerce Department office. In addition, other calls were made from the offices of Stephen's, Inc., a Little Rock-based investment bank with an office across the street from the Commerce Department, where Huang regularly went to send and receive faxes and make phone calls.

60. Shortly after he left the Commerce Department in December, 1995, John Huang was appointed Finance Vice-Chairman of the DNC. During his 9 months at the DNC, he raised $3.4 million, nearly half of which was returned as illegal, inappropriate or suspect.

John Huang's Solicitation of Funds in the Presence of the President in the White House

61. In his appearance before the Senate Governmental Affairs Committee on September 16, 1997, Mr. Karl Jackson, a former Assistant to the Vice President for National Security Affairs from 1991 to 1993, testified that Mr. John Huang solicited money in front of and within hearing distance of the President in the White House. Mr. Jackson was present at a coffee held in the Map Room of the White House on June 18, 1996 at which the President, John Huang, and eleven others were present. Mr. Jackson testified that after everyone had taken their seats and were listening to opening comments, Mr. Huang stood up and said, "Elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the re-election of President Clinton."

62. A photograph taken of all of the attendees of the June 18 coffee at their seats demonstrates that Mr. Jackson, who heard

Mr. Huang clearly, sat four seats away from Mr. Huang. The President was seated next to Mr. Jackson and only three seats away from Mr. Huang. The President did not object to Mr. Huang's comments or disassociate himself from them. A true and correct copy of the photograph and a legend are attached hereto as Exhibit . All of the contents of the attached photograph and legend are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

Mr. Wang Jun and the Possible Laundering of Foreign Contributions

63. Mr. Wang Jun is the chairman of the state-owned China International Trade and Investment Corp. ("CITIC"), a $21 billion conglomerate. One of CITIC's subsidiaries, Poly Technologies, is one of Beijing's leading weapons companies and has been tied to an attempt to smuggle $4 million worth of AK-47s into the United States. Wang Jun is the son of Wang Zing, who was the Vice President of China.

64. In a deposition taken by the Senate Governmental Affairs Committee on June 18, 1997, Ernest Green, a managing director of the Washington office of Lehman Brothers investment bank, stated that he had written a letter to Wang Jun inviting him to the United States. At the time, Lehman Brothers was competing for underwriting business in the vastly expanding Chinese market.

65. On February 5, 1996, a copy of Wang Jun's bio was faxed to the DNC from Lehman Brothers' offices. A true and correct copy of the fax of Wang Jun's bio received by the DNC is attached hereto as Exhibit . All of the contents of the attached fax are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

66. On February 6, 1996, Wang Jun attended a coffee with President Clinton at the White House. On the morning of this coffee, Mr. Green contributed $50,000 to the DNC. A true and correct copy of the check signed by Mr. Green's wife, Phyllis Clause-Green, is attached hereto as Exhibit . All of the contents of the attached check are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

67. In his June 18, 1996 deposition, Mr. Green testified that towards the end of February, he received a bonus of approximately $50,000 from Lehman Brothers. Mr. Green had already received a bonus of $114,961 on February 1, 1996. The grant of a $50,000 bonus so quickly following Mr. Green's $50,000 donation to the D.N.C. gives rise to the inference that Lehman Brothers, not Mr. Green, was the true source of the contribution to the DNC. Making contributions "in the name of another person" is prohibited by FECA. 2 U.S.C. 441f.

Vice President Gore and the Hsi Lai Buddhist Temple Fundraiser

68. Vice President Gore appeared at a fundraiser in the Hsi Lai Buddhist Temple in Los Angeles on April 29, 1996. The fundraiser at the Temple was illegal since the Temple is a tax-exempt institution which cannot engage in political activity. The Vice President has maintained that he did not know that the event at the Temple was a fundraiser.

69. There is evidence that Vice President Gore did know ahead of time that the Hsi Lai Temple event was a fundraiser. In a deposition taken by the Senate Governmental Affairs Committee on August 6, 1997, the Venerable Man-Ho, an administrative assistant at the Hsi Lai Buddhist Temple, stated that on March 15, 1996, there was a meeting at the White House between Vice President Gore, Hsi Lai Temple Venerable Master Hsing Yun, John Huang, and Maria Hsia. The Los Angeles Times (9/5/97) has reported that Gore was invited to visit the Temple during this meeting. The involvement at the meeting of Huang (a DNC fundraiser) and Hsia (a long-time Gore fundraiser) should have suggested to Gore that the Temple event was planned as a fundraiser from the beginning. The presence of Huang and Hsia at the Temple when Gore arrived should have further suggested to Vice President Gore that this event was a fundraiser.

70. Following the March 15 meeting, Vice President Gore responded via e-mail to an aide (Kimberly H. Tilley) who inquired about whether the Vice President could attend a New York event the night before the April 29 Los Angeles trip. In his e-mail, Vice President Gore stated "If we have already booked the fundraisers, then we have to decline." This demonstrates that the Vice President knew that the Temple event was a fundraiser, since he used the plural term "fundraisers" and the only acknowledged fundraiser he attended on April 29 was a dinner at a home near San Jose. A true and correct copy of a print-out of the Vice President's e-mail message to Kimberly Tilley is attached hereto as Exhibit . All of the contents of the attached print-out are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

71. The facts outlined above constitute sufficient specific and credible evidence to make a prima facie case that the President, Vice President, and other high-ranking executive branch officials conspired to violate the Federal campaign finance laws in order to raise large sums of money to spend on the 1996 presidential campaign. The Attorney General has therefore violated the letter and the spirit of the Independent Counsel Statute by failing to appoint an independent counsel to investigate these allegations.

Johnny Chung, Loral, Inc. and the Launching of American Satellites by China

72. On March 14, 1996, the White House announced that President Clinton had decided to transfer control over export licensing for communications satellites from the State Department to the Commerce Department. This decision makes it much easier for American companies to get permission to export their satellites to be launched by Chinese rockets. (The New York Times, 5/17/98). In February, 1998, the White House gave permission to Loral Space and Communications Ltd. to launch one of its satellites on a Chinese rocket. (The Washington Post, 5/17/98)

73. One of the parties that benefitted from the waivers and eased export restrictions is China Aerospace Corporation, a state-owned company with interests in satellite technology, missile sales and rocket launches. Contracts to launch American satellites are crucial to the financial viability of these ventures. (The New York Times, 5/15/98)

74. Democratic fundraiser Johnny Chung has told Department of Justice investigators that an executive from China Aerospace named Liu Chao-Ying gave him $300,000 to donate to the Democrats' 1996 campaign. According to Mr. Chung, Ms. Liu told him that the money originated with Chinese military intelligence. Mr. Chung has stated that he funneled $100,000 of this money into Democratic party coffers. (The New York Times, 5/16/98)

75. Liu Chao-Ying is a lieutenant colonel in China's People's Liberation Army and vice-president of China Aerospace International Holdings, Ltd., the Hong Kong arm of China Aerospace Corporation. Ms. Liu's father, General Liu, was China's top military officer and a member of the Politburo of China's Communist party. (The New York Times, 5/15/98)

76. Johnny Chung brought Ms. Liu to two fundraisers attended by the President on July 22, 1996. The first fundraiser was a $1,000 a plate affair at the Beverly Hilton. The second fundraiser was a $25,000 per couple dinner at the home of a private donor. At the dinner, Ms. Liu had her picture taken with President Clinton. (The New York Times, 5/15/98)

77. Two American companies, Loral Space and Communications Ltd. and Hughes Electronic Corp., also benefited from the waivers and eased export restrictions on commercial satellites. These companies wanted permission to launch their satellites on Chinese rockets to cut costs and shorten the waiting period prior to launch. These companies repeatedly lobbied the White House to allow them to launch their satellites on Chinese rockets. (The New York Times, 5/17/98)

78. In 1996, a rocket carrying a $200 million Loral satellite crashed upon launch from China. Following this crash, scientists from Loral and Hughes allegedly advised the Chinese on how to improve their guidance systems by sharing technology that had not been cleared for export. (The Washington Post, 5/17/98) A classified Pentagon report concluded that the technology transferred to the Chinese by these companies can be used to significantly improve the accuracy of China's long-range missiles aimed at the United States. (The Chicago Tribune, 4/13/98)

79. The Justice Department started a criminal investigation to determine if Loral and Hughes had illegally transferred technology to the Chinese. That investigation was still underway in February, 1998, when Hughes and Loral petitioned the White House for another waiver to launch a satellite from China. The Justice Department objected to this waiver, arguing that its ability to pursue its investigation would be severely hindered if the government allowed Loral and Hughes to return to China under the same arrangement they had allegedly abused two years earlier. The White House granted the waiver. (The Washington Post, 5/17/98)

80. According to an official familiar with this investigation, the White House decision, "just about killed a major investigation involving a very sensitive national security issue. On the one hand you have investigators and prosecutors needing to be taken seriously so they can gather information, and then on the other hand the White House is saying that suspicions . . . are not serious enough to keep these companies from going back and doing it all over again." (The Washington Post, 5/17/98)

81. Loral's Chief Executive Officer, Bernard L. Schwartz, was the single largest donor to the Democratic party in 1996. According to the Center for Responsive Politics, Mr. Schwartz gave $632,000 in "soft money" donations to the DNC in advance of the 1996 elections. (The Washington Post, 5/17/98). According to the Center for Responsive Politics, Mr. Schwartz has given an additional $421,000 to Democrats in the current election cycle. (The Washington Post, 5/6/98)

III. BEHAVIOR OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE

A. Failure of the Justice Department's Campaign Finance Investigation

82. Attorney General Reno has repeatedly insisted that there is no need to appoint an

independent counsel to investigate the campaign finance activity during the 1996 presidential election because the Department of Justice's own Campaign Finance Task Force was conducting a professional and effective investigation. Yet in the two years it has been conducting its investigation, the Task Force has proved unable to handle this matter.

83. In March, 1996, it was revealed that Vice President Gore had solicited campaign contributions from his White House office.

84. For more than five months following Vice President Gore's public defense of his phone calls, Justice Department investigators did not review Vice President Gore's assertion that he acted legally in seeking these contributions from his White House office in 1995-96 and solicited only soft money.

85. On September 3, the Washington Post reported that more than $120,000 raised by Vice President Gore through these phone calls had actually been deposited into legally restricted "hard money" accounts maintained by the DNC. This report was based on White House and DNC records that had been available to the public. Only after reading the report, Attorney General Reno ordered a 30-day review of the Vice President's phone calls, the first step in the legal procedure leading to appointment of an independent counsel.

86. On September 5, the Attorney General acknowledged that she learned of the deposits to hard money accounts from the press: "The first I heard of it was when I saw the article in the Washington Post . . . . It is my understanding that this is the first time the public integrity section learned of it, as well."

87. On September 20, the Justice Department announced that Attorney General Reno had decided to open a review of President Clinton's fund raising calls from the Oval Office. On September 22, the Washington Post reported that the records that convinced Attorney General Reno to open this review had been turned over to the Justice Department task force several months prior to the decision to open the review, but the Task Force had not examined the documents until that week. The delay in examination was attributed to confused document-handling procedures within the campaign finance task force.

88. On September 11, 1997, Attorney General Reno, FBI Director Freeh and CIA Director Tenet briefed the Senate Governmental Affairs Committee on some matters relating to the campaign finance investigation. At this briefing it was revealed that the Department of Justice had critical information in its files for two years relating to possible illegal contributions without advising the Governmental Affairs Committee without knowing it had the information in the first place.

89. Specifically, CIA Director Tenet advised the Committee that a particular individual (whose identity is confidential) who had been identified in many news accounts as a major foreign contributor to political campaigns and campaign committees, made these contributions as part of a plan of the government of China to buy influence in the United States government through political contributions. According to Senator Arlen Specter, FBI Director Freeh further advised the Committee that one of the reports upon which the briefing was based had been in the FBI's files for over two years, since September/October 1995, and a second report had been on file since January, 1997.

90. On September 16, 1997, Senator Arlen Specter made the following comments about the September 11 briefing from the floor of the Senate: "In those briefings, Senators learned that the Department of Justice had critical information in its files for a long time on the issue of possible illegal foreign contributions without advising the Governmental Affairs Committee and, apparently, without knowing it had the information or acting on it. That again shows the necessity for Independent Counsel to be appointed to investigate the 1996 Federal campaign illegalities and irregularities."

91. These failures of the Justice Department Campaign Finance Task Force have been attributed in part to a policy, pattern and practice which prevented the task force from investigating the President, Vice President and other high level officials covered by the Independent Counsel Statute ("covered persons.")

92. On October 3, 1997, the Washington Post reported that Justice Department prosecutors determined that the law prohibited them from looking at the activities of "covered persons" unless presented with "specific" and "credible" allegations that such covered persons had committed a crime. This approach prevented the Justice Department prosecutors from focusing on or even interviewing senior administration officials, thus insuring that covered persons would be among the last implicated in any possible misdeeds. According to one Justice Department lawyer involved in the investigation, "You can't ask someone whether a covered person committed a crime." That approach and mindset demonstrated the DoJ Task Force could not and did not handle this matter thus calling for Independent Counsel.

93. The Act does not mandate such a passive investigatory approach. The Act requires "specific and credible" evidence of wrongdoing by covered persons before the Attorney General is required to appoint an independent counsel. Nowhere does the Act require "specific and credible evidence" of wrongdoing before the Department of Justice can investigate a covered person on its own.

94. This policy demonstrates that the Justice Department has simply ignored evidence of violations by covered persons and, contrary to its public pronouncements, has failed to conduct a competent investigation of the evidence that has been presented to it.

B. Estoppel of the Attorney General

95. In her May 14, 1993 opening statement before the Senate Committee on Governmental Affairs on the reauthorization of the Independent Counsel Statute, Attorney General Reno stated: "The reason that I support the concept of an independent counsel with statutory independence is that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Department and its appointed head, the Attorney General. The Attorney General serves at the pleasure of the President. . . . It is absolutely essential for the public to have confidence in the system and you cannot do that when there is conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor. There is an inherent conflict here, and I think that is why this Act is so important."

96. Commenting on the Independent Counsel Statute, Attorney General Reno, at the same May 14, 1993 reauthorization hearing, stated: "The Independent Counsel Act was designed to avoid even the appearance of impropriety in the consideration of allegations of misconduct by high-level Executive Branch officials and to prevent, as I have said, the actual or perceived conflicts of interest. The Act thus served as a vehicle to further the public's perception of fairness and thoroughness in such matters, and to avert even the most subtle influences that may appear in an investigation of highly-placed Executive officials."

97. During most of her tenure in office, Attorney General Reno has interpreted the Act in a manner consistent with these statements. On seven previous occasions she sought appointment of independent counsels when presented with evidence of possible violations by covered officials:

A. On May 11, 1998, Attorney General Reno requested the appointment of an independent counsel to investigate allegations that Labor Secretary Alexis Herman accepted payments in return for directing clients towards a consulting firm operated by her friend and a colleague.

B. On February 11, 1998, Attorney General Reno requested the appointment of an independent counsel to investigate allegations that Interior Secretary Bruce Babbitt allowed contributions to the Democratic party to influence his policy decisions.

C. In November of 1996, Attorney General Reno requested the appointment of an independent counsel to investigate allegations that Eli Segal, head of the AmeriCorps program, raised illegal campaign contributions.

D. In July of 1995, Attorney General Reno requested the appointment of an independent counsel to investigate allegations that former Commerce Secretary Ron Brown improperly accepted a $50,000 payment from a former business partner and then filed inaccurate financial disclosure statements.

E. In March of 1995, Attorney General Reno requested the appointment of an independent counsel to investigate allegations that former Housing and Urban Development Secretary Henry Cisneros misled the FBI about payments he made to his former mistress.

F. In September of 1994, Attorney General Reno requested the appointment of an independent counsel to investigate allegations that former Agriculture Secretary Mike Espy violated the law by accepting gifts from companies regulated by his Department.

G. In January of 1994, Attorney General Reno requested the appointment of an independent counsel to investigate President Clinton's Whitewater real estate venture.

98. Congress relied upon the Attorney General's statements and record when amending and then reauthorizing the Independent Counsel Statute subsequent to the hearing. Accordingly, no Senator saw a need to amend the statute to clarify or emphasize the requirement that independent counsel be appointed in circumstances such as those reflected in the facts recited above.

99. Given the Attorney General's statements and pattern of behavior, and Congress' detrimental reliance thereon, Attorney General Reno is estopped from refusing to appoint an independent counsel in the instant case.

C. Conflict of Interest

100. Section 591(c) of the Act provides that the Attorney General "may" conduct a preliminary investigation of any person whenever the Attorney General (1) receives specific and credible information which is "sufficient to constitute grounds to investigate" whether such person "may have violated" any Federal criminal law, and (2) determines that an investigation or prosecution of such person by the Department of Justice "may result in a personal, financial, or political conflict of interest."

101. The independent Counsel statute presumes that it would present a conflict of interest for the Attorney General to investigate the President or Vice President.

102. The Department of Justice campaign finance task force has indicted five individuals with close ties to the President and/or Vice President (as detailed below). Accordingly, the investigation of the five individual currently under indictment will inevitably involve the Justice Department in investigating the President and Vice President. In order to avoid the conflict of interest presented by such an investigation, the Attorney General should exercise her discretion under the Act and appoint an independent counsel.

Howard Glicken

Finance Vice Chairman of the DNC during the 1996 campaign.

Raised over $2 million for the Democratic party during the 1996 campaign.

Made over 70 visits to the Clinton White House.

Served as Vice President Gore's Florida Finance Chairman during his 1988 Presidential bid.

Maria Hsia

Accompanied Vice President Gore on a trip to Taiwan paid for by a Buddhist organization in 1989.

Organized a $250-a-plate Beverly Hills fund-raiser for Gore's 1990 Senate re-election campaign.

Helped organize April 29, 1996 fund-raising lunch at the Hsi Lai Buddhist Temple attended by Vice President Gore which raised $140,000 for the DNC.

Yah Lin "Charlie" Trie

Owned a Chinese Restaurant in Little Rock, Arkansas, frequented by President Clinton during his tenure as Governor of Arkansas.

Raised $640,000 for President Clinton's legal defense fund in 1995–96.

Raised $645,000 for the Democratic party in 1995–96.

Made at least 23 visits to the Clinton White House.

Johnny Chung

Contributed $366,000 to the DNC between August 1994 and August 1996.

Contributed $50,000 to the DNC on March 9, 1995. Handed check to Hillary Clinton's Chief of Staff, Maggie Williams, at the White House.

Two days later, Mr. Chung and a delegation of six Chinese officials were admitted to watch President Clinton tape his weekly radio address.

Made at least 49 visits to the Clinton White House.

Pauline Kanchanalak

Raised $679,000 for the Democratic Party and candidates.

Visited the Clinton White House 26 times.

Appointed Managing Trustee of the DNC.

Recommended by the White House for a position on an executive trade policy committee.

D. Additional Facts relating to the Attorney General's Refusal to Appoint Independent Counsel

Letters to Attorney General Reno from the Senate and House Judiciary Committees and Others

103. On March 13, 1997, Senate Judiciary Committee Chairman Hatch and all Republican members of the Committee sent a letter to Attorney General Reno setting forth, in great detail, evidence of involvement by individuals and associations, including foreign interests, that point to potential involvement by senior Executive Branch officials. The letter also notes the "inherent conflict of interest" in the Attorney General investigating the Executive Branch, and calls on the Attorney General to commence a preliminary investigation. A true and correct copy of the March 13, 1997 letter is attached as Exhibit —-. All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

104. On April 14, 1997, the Attorney General responded by letter to Chairman Hatch that she would not initiate a preliminary investigation under the Act. A true and correct copy of the April 14, 1997 letter is attached hereto as Exhibit ——. All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

105. On October 11, 1996 Senator John McCain wrote to the Attorney General requesting that she appoint an independent counsel. Senator McCain wrote to the Attorney General again on October 29, 1996 in a joint House-Senate letter. True and correct copies of the October 11, 1996 and October 29, 1996 letters are attached hereto as Exhibit —— and ——, respectively. The allegations contained in Exhibits —— and —— are incorporated herein by reference. All of the contents of the attached letters are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

106. On September 3, 1997, House Judiciary Committee Chairman Hyde and all of the Republican members of the Committee sent a letter to Attorney General Reno setting forth, in great detail, the alleged wrongdoings of the Clinton Administration in the 1996 campaign. The letter requests that the Attorney General apply for the appointment of an independent counsel to investigate these matters. A true and correct copy of the September 3, 1997 letter is attached as Exhibit . All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

107. On November 13, 1997, House Judiciary Committee Chairman Hyde and a majority of the Republican members of the Committee sent a letter to Attorney General Reno setting forth, in great detail, the allegation that the U.s. Department of the Interior made policy changes in exchange for campaign contributions. The letter calls on Attorney General Reno to immediately request appointment of an independent counsel to investigate these allegations. A true and correct copy of the November 13, 1997 letter is attached as Exhibit . All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

The Preliminary Investigations and Failure to Appoint an Independent Counsel

108. On September 3, 1997, Attorney General Reno launched a preliminary investigation under The Act into allegations that Vice President Gore may have violated Federal law by making fund-raising telephone calls from his office in the White House.

109. On October 14, 1997, Attorney General Reno launched a preliminary investigation under The Act into allegations that President Clinton may have violated Federal law by making fund-raising telephone calls from the Oval Office.

110. On November 25, 1997, Senator Arlen Specter wrote to Attorney General Reno setting forth in great detail the reasons why her focus on the issue of fund-raising telephone calls in both preliminary investigations was too limited. Senator Specter noted that there is "substantial evidence of wrongdoing which meets the specific and credible threshold in the Independent Counsel Statute" and cited five specific examples of issues other than the telephone calls which require appointment of independent counsel. A true and correct copy of the November 25, 1997 letter is attached as Exhibit . All of the contents of the attached letter are hereby incorporated by reference as part of the factual and evidentiary basis for the relief sought in this complaint.

111. On December 2, 1997, Attorney General Reno announced that she decided not to seek an independent counsel to investigate these allegations against the President and Vice President. On the same day, she formally advised the special panel of three judges who oversee the appointment of independent counsel that "there are no reasonable grounds" for further investigation.

112. On August 26, 1998, Attorney General Reno launched a preliminary investigation under The Act into allegations that Vice President Gore lied when he told investigators that he did not know that a percentage of the money he raised from the White House went into hard money accounts. The investigation was initiated after the Department of Justice received evidence that the Vice President had attended a meeting in which the division of such funds into both hard and soft money was discussed.

113. On November 24, 1998, Attorney General Reno announced that she decided not to seek an independent counsel to investigate the allegations that Vice President Gore lied to the campaign finance investigators. On the same day, she formally advised the special panel of three judges who oversee the appointment of independent counsels that "there are no reasonable grounds" for further investigation of the allegations against the Vice President.

114. On September 1, 1998, Attorney General Reno launched a preliminary investigation under The Act into allegations that former White House deputy chief of staff Harold Ickes lied to the Senate Governmental Affairs Committee about whether he made efforts to aid the Teamsters Union in exchange for campaign contributions.

115. On November 30, 1998, at the end of the 90-day preliminary investigation, Attorney General Reno decided to delay her decision whether to appoint an independent counsel to investigate Harold Ickes. On that date, Attorney General Reno requested and received from the special three judge panel a 60-day extension of the preliminary investigation into Ickes.

Rejection of Advice from Top Investigators to Appoint an Independent Counsel

116. In deciding not to appoint an independent counsel, Attorney General Reno rejected the advice that had been given to her by two individuals she had placed at the top of the Justice Department's campaign finance investigation: Louis Freeh and Charles LaBella.

117. On October 15, 1997, Attorney General Reno testified before the House Judiciary Committee that she had given FBI Director Louis Freeh a leading role in the Justice Department's campaign finance inquiry and that no avenues of investigation would be closed without Freeh's approval.

118. On December 9, 1997, Director Freeh testified before the House Committee on Government Reform and Oversight that he

had recommended to Attorney General Reno that she appoint an independent counsel with respect to the campaign finance investigation. It was later disclosed that in a 22-page memorandum to the Attorney General explaining his conclusions, Director Freeh concluded that, "It is difficult to imagine a more compelling situation for appointing an independent counsel."

119. In September, 1997, Attorney General Reno appointed Charles G. LaBella to direct the Justice Department's campaign finance investigation task force.

120. On May 3, 1998, Mr. LaBella issued a statement confirming that he had recommended to Attorney General Reno that she appoint an independent counsel to investigate whether President Clinton and Vice President Gore violated the law by making telephone solicitations from their offices.

121. On July 16 or 17, 1998, Mr. LaBella delivered a detailed report to Attorney General Reno arguing that she had no alternative but to seek an independent prosecutor to investigate political fund-raising abuses in President Clinton's reelection campaign. In particular, Mr. LaBella concluded that there is enough specific and credible evidence of wrongdoing by high-ranking officials to trigger the mandatory provisions of the Independent Counsel statute. The report was based on all of the evidence gathered by the Department's task force including confidential evidence and grand jury testimony not available to the public.

122. September, 1997, Attorney General Reno appointed James V. DeSarno Jr. to serve as special F.B.I. agent in charge of the campaign finance investigation task force.

123. On August 4, 1998, Mr. DeSarno testified before the House Committee on Government Reform and Oversight that he agreed with the conclusion in Mr. LaBella's memo that Attorney General Reno has no alternative but to seek an independent counsel to investigate campaign finance violations.

Reliance upon Advice from Secondary Advisors

124. In deciding not to appoint independent counsel, Attorney General Reno relied primarily upon the advice of two individuals further removed from the investigation than Freeh, LaBella and DeSarno: Lee Radek and Robert Litt.

125. Robert. S. Litt has plated an active role in the meetings in which Attorney General Reno has concluded not to appoint Independent Counsel. Mr. Litt was nominated to be chief of the Criminal Division of the Department of Justice in 1995, but was never confirmed for this position. He currently serves as Principal Associate Deputy Attorney General and is the de facto head of the criminal division.

126. Prior to moving to the Department of Justice, Mr. Litt was the law partner of David Kendall, the President's private attorney.

127. Lee Radek is a career bureaucrat who currently serves as chief of the Criminal Division's public integrity section. Mr. Radek and the lawyers working under him have been among the strongest advocates for keeping the inquiry inside the Department of Justice. (New York Times, 12/11/97).

128. Mr. Radek has been openly critical of the independent counsel statute and has rejected the fundamental premise of the law—that the Department of Justice should not be in charge of investigating certain high officials in the executive branch. According to Mr. Radek, "The independent counsel statute is an insult. It's a clear enunciation by the legislative branch that we cannot be trusted on certain species of cases." (New York Times, 7/6/97) Radek also complained that the Independent Counsel statute places his prosecutors in a no-win situation, "If we do very well in our investigation, we have to turn the case over to an independent counsel. If we don't find anything, then we're criticized for not making the case." (New York Times, 7/6/97)

Special Standing of the Senate and House Judiciary Committees to Sue for Enforcement of the Independent Counsel Statute

129. The Act provides that: "The Committee on the Judiciary of either House of the Congress, or a majority of majority party members or a majority of all nonmajority party members of either such committee may request in writing that the Attorney General apply for the appointment of an independent counsel." 28 U.S.C. 592(g)(1).

130. The Attorney General must respond in writing to such request and report to the Committees whether she has begun or will begin a preliminary investigation of the matters with respect to which the request was made, and the reasons for her decision. 28 U.S.C. 592(g)(2).

131. This specific inclusion of the Judiciary Committees within the framework of the Act and the role granted these Committees thereunder is evidence that Congress intended to create procedural rights—including the right to sue for enforcement—in members of the Judiciary Committees.

132. Both the D.C. Circuit and the Ninth Circuit have made specific reference to the fact that members of the Judiciary Committees have been given a special oversight role within the scheme of the Act and each court has stated that this role is evidence that Congress intended to create broad procedural rights in the members of these Committees. See *Banzhaf v. Smith*, 737 F.2d. 1167 (D.C. Cir. 1984) and *Dellums v. Smith*, 797 F.2d 817 (9th Cir. 1986).

FIRST COUNT (FOR A WRIT OF MANDAMUS)

133. Plaintiffs repeat and reallege all of the foregoing allegations in the Complaint as if set forth at length herein.

134. Defendant, Attorney General Reno, has been presented with specific and credible evidence pertaining to possible violations of criminal law by covered persons which is sufficient to create reasonable grounds to believe that further investigation is warranted.

135. Given this evidence, Attorney General Reno is required under the Act to make an application to the special division of the circuit court for appointment of an independent counsel.

136. Notwithstanding the duties imposed on her under the Act and repeated requests by Plaintiffs, the Attorney General has refused to apply to the special division of the circuit court for appointment of an independent counsel.

137. The failure of the Attorney General to apply for appointment of an independent counsel despite the evidence that has been presented to her is a violation of her mandatory duty to do so under the Act or, in the alternative, is a gross abuse of her discretion to do so under the Act.

138. The failure of the Attorney General to apply for appointment of an independent counsel injures the plaintiffs, who have requested that she do so in accordance with their special authority under the Act and who have supplied her with information sufficient to trigger such an appointment under the Administrative Procedures Act.

WHEREFORE, the Plaintiffs respectfully pray that the Court require the Defendant, the Attorney General of the United States Janet Reno, to apply to the special division of the circuit court for the appointment of an independent counsel to investigate evidence that criminal violations may have occurred in the 1996 presidential campaign involving covered persons, including possibly the President and/or the Vice President.

SECOND COUNT (FOR A COURT ORDER UNDER THE ADMINISTRATIVE PROCEDURES ACT)

139. Plaintiffs repeat and reallege all of the foregoing allegations in the Complaint as if set forth at length herein.

140. Despite the specific and credible evidence that has been presented to her, the Attorney General has unlawfully withheld and unreasonably delayed applying for the appointment of an independent counsel.

141. The failure of the Attorney General to apply for appointment of an independent counsel injures the plaintiffs, who have requested that she do so in accordance with their special authority under the Act and who have supplied her with information sufficient to trigger such an appointment under the Act.

WHEREFORE, the Plaintiffs respectfully pray that the Court require the Defendant, the Attorney General of the United States Janet Reno, to apply to the special division of the circuit court for the appointment of an independent counsel to investigate evidence that criminal violations may have occurred in the 1996 presidential campaign involving covered persons, including possibly the President and/or the Vice President.

THIRD COUNT (FOR A COURT ORDER)

142. Plaintiffs repeat and reallege all of the foregoing allegations in the Compliant as if set forth at length herein.

143. The failure of the Attorney General to apply for the appointment of an independent counsel despite the specific and credible evidence that has been presented to her is a gross abuse of any discretion she may have to do so under the Act.

144. The failure of the Attorney General to apply for appointment of an independent counsel effectively blocks the proper and orderly administration of justice in the instant case.

145. The failure of the Attorney General to apply for appointment of an independent counsel injures the plaintiffs, who have requested that she do so in accordance with their special authority under the Act and who have supplied her with information sufficient to trigger such an appointment under the Act.

WHEREFORE, the Plaintiffs respectfully pray that the Court exercise its inherent power under common law to issue an order appointing an independent counsel to investigate evidence that criminal violations may have occurred in the 1996 presidential campaign involving covered persons, including possibly the President and/or the Vice President.

FOURTH COUNT (FOR SPECIFIC PERFORMANCE UNDER PROMISSORY ESTOPPEL)

146. Plaintiffs repeat and reallege all of the foregoing allegations in the Complaint as if set forth at length herein.

147. In her May 14, 1993 statement before the Senate Committee on Governmental Affairs on the reauthorization of the Independent Counsel Statute (quoted above), Attorney General Reno made statements which assured the Committee and the Senate that she shared their interpretation of the Independent Counsel Statute and that she understood her obligation to appoint an independent counsel in circumstances such as those reflected in the facts recited above.

148. On four prior occasions during her tenure in office, Attornet General Reno has applied for appointment of an independent counsel. This pattern of conduct further assured the Committee and the Senate that she understood her obligation to appoint an independent counsel in circumstances such as those recited in the facts above.

149. The member of the U.S. Senate relied upon Attorney General's statements and record when amending and then reauthorizing the Independent Counsel Statute subsequent to the hearing. Accordingly, no Senator saw a need to amend the statute to clarify or emphasize the requirement that independent counsel be appointed in circumstances such as those reflected in the facts recited above.

150. The failure of the Attorney General to apply for appointment of an independent counsel injures the plaintiffs, who have requested that she do so in accordance with their special authority under the Act and who have supplied her with information sufficient to trigger such an appointment under the Act.

WHEREFORE, the Plaintiffs respectfully pray that the Court exercise its power under the common law doctrine of promissory estoppel to issue an order appointing an independent counsel to investigate evidence that criminal violations may have occurred in the 1996 presidential campaign involving covered persons, including possibly the President and/or the Vice President.

Dated: December , 1998.

Respectfully submitted,

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Attorney for Plaintiffs.

Mr. SPECTER. I thank the Chair for the extra time, and I yield the floor.

RECESS

The PRESIDING OFFICER. All time having expired, under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the time until 3:15 shall be under the control of the Democratic leader.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield such time as I may need under the time allotted to the distinguished Senator from South Dakota.

PATIENTS' BILL OF RIGHTS

Mr. LEAHY. Mr. President, it is interesting when you think of the debate we are in. Here we are as Americans in the richest and most powerful country the world has ever known. There is really no comparison to it. We have the most highly trained and capable health professionals of any nation. Our technology leads the way on the frontiers of medical science. People come from all over the world to train and to be educated in medical science. But at that same time, millions of American families in our Nation with its first-class medical expertise are subject to second-class treatment because of the policies and practices of our health insurance system.

I have to ask, is it really beyond the ability of this great Nation to ensure access and accountability to help these families? Of course it is not. Is this an important enough problem that solving it should be a high priority for this body, the Senate? Of course it is.

Although the President and many of the Senators have done their utmost for years to encourage the Congress to act, I am afraid that the Republican leadership long ago decided that protection for those Americans insured through private managed care plans was just not a priority for us—this despite the fact that we have had calls from nonpartisan groups from every corner of the Nation. The Republican leadership has refused to schedule a full and reasonable debate to consider the vote on the Patients' Bill of Rights.

Certainly from my experience in the Senate it is clear that the only step left is, of course, to bring the Patients' Bill of Rights directly to the floor. I believe we should keep it there until the Republicans, who are in the majority, agree that it merits the priority consideration that we—and I believe most of the American people, Republican and Democrat—strongly believe it does.

I applaud Senator KENNEDY, Senator DURBIN, and many others for leading this vigilance to save the Patients' Bill of Rights. I commend the distinguished Senate Democratic leader, Mr. DASCHLE, for continuing to insist on a reasonable time agreement as he attempts to negotiate with our friends on the other side of the aisle.

I urge our friends in the Republican Party to make the Patients' Bill of Rights a high priority. Let's get on with the debate, vote it up or vote it down, and then go on to the other matters, things such as the agriculture appropriations bill and other business before us.

The Patients' Bill of Rights that we Democrats have presented reflects a fundamental expectation that Americans have about their health care. That expectation is that doctors—not insurance companies—should practice medicine.

To really sum up our Patients' Bill of Rights, we are saying that doctors—not insurance companies—should be the first decisionmakers in your health care. The rights that we believe Americans should have in dealing with health insurers are not vague theories; they are practical, sensible safeguards. You can hear it if you talk to anybody who has sought health care. You can hear it if you talk to anybody who provides health care. I hear it from my wife, who is a registered nurse. I hear it from her experiences on the medical-surgical floors in the hospitals she has worked in. If you want to see how some of them would work in practice, come with me to Vermont. My state has already implemented a number of these protections for the Vermonters who are insured by managed care plans. I am proud Vermont has been recognized nationally for its innovation and achievements in protecting patients' rights.

I consistently hear from Vermonters who are thankful for the actions that the Vermont legislature has taken to ensure patients are protected. But I also hear from those who do not yet fall under these protections.

This Congress should waste not more time and instead make a commitment to the American people that we will fully debate the Patients' Bill of Rights. We must protect those Vermonters who are not covered under current state law. And we must act now to cover every other American who expects fair treatment from their managed care plan.

I am one of many in this body who firmly believe in the importance of this bill. I hope the leadership is listening and I hope they hear what we are saying. It is what Americans are saying.

As I stated at the beginning of this message, millions of American families in this Nation of first-class medical expertise are subject to second-class treatment because of the policies and practices of our health insurance system.

We have heard a lot of "our bill has this," and "their bill doesn't have that." Here are some of the facts. Our Patients' Bill of Rights will protect every patient covered by private managed care plans. And it offers protections that make sense, such as ensuring a patient has access to emergency room services in any situation that a "prudent layperson" would regard as an emergency, guaranteeing access to specialists for patients with special conditions, and making sure that children's special needs are met, including access to pediatric specialists when they need it.

Our Patients' Bill of Rights provides strong protections for women. It will provide women with direct access to their ob/gyn for preventive care. Through successful research, we have learned that regular screening can prevent breast cancer and cervical cancer in women of all ages.

We stress the importance of regular visits to ob/gyns to the women in our lives: our mothers, our wives, our daughters, and our sisters. But we make it difficult for these women to receive care by requiring referrals and putting other obstacles in the way of their care. Let us make sure women have the direct access they need and deserve.

Our bill also will give women time to recover when they have undergone surgery. We should let doctors and patients determine if a lengthier hospital stay is necessary, and our bill would let them decide.

Health plans must be held accountable for their actions, just as doctors and hospitals are today. Out Patients Bill of Rights provides a variety of ways to achieve this goal.

First, patients must be able to appeal decisions made by their health plans. In our bill, any decision to deny, delay or otherwise overrule doctor-prescribed treatments could be appealed. And our bill says these appeals must be addressed in a timely manner, especially when the life of a patient is threatened. Patients must have the opportunity to question managed care decisions and insurance companies must be held accountable, especially when they decide to overrule the decisions of a trained health care providers.

Our bill would require an external appeals process through an independent body with the ability and the authority to resolve disputes in a variety of instances. We know this is often a successful way of mediating labor disputes. Why can't it work for our patients, too?

Finally, the Patients' Bill of Rights would allow patients to hold health plans liable for their decisions. This is essential. How can we justify holding our physicians responsible for decisions that they are not really making? Doctors must account for the decisions they make. Why shouldn't health insurers be responsible for theirs?

Differences between patients and their managed care plans can readily be resolved without going to court. But that will not and should not always be the case. We must extend this consumer protection to patients.

Mr. President, let us make the Patients' Bill of Rights the high priority that our families want it to be on our agenda.

DELAYS IN CONSIDERATION OF THE NOMINATION OF RONNIE L. WHITE

Mr. LEAHY. Mr. President, I rise to speak on the question of nominations. We are approaching another Senate recess. We ought to act on judicial nominations, the longstanding vacancies in the Federal courts around this country. This is the fourth extended Senate recess this year. So far this year, the Senate has confirmed only two judicial nominees for the longstanding vacancies that plague the Federal courts. That is one judge per calendar quarter; it is one half a judge per Senate vacation. We should do better.

Let me focus on one: Justice Ronnie White. This past weekend marked the 2-year anniversary of the nomination of this outstanding jurist to what is now a judicial emergency vacancy on the U.S. District Court in the Eastern District of Missouri. He is currently a member of the Missouri Supreme Court.

He was nominated by President Clinton in June of 1997, 2 years ago. It took 11 months before the Senate would even allow him to have a confirmation hearing. His nomination was then reported favorably on a 13–3 vote in the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL and DEWINE were the Republican members of the committee who voted for him along with the Democratic members. Senators ASHCROFT, ABRAHAM, and SESSIONS voted against him.

Even though he had been voted out overwhelmingly, he sat on the calendar, and the nomination was returned to the President after 16 months with no action.

The President has again renominated him. I call again upon the Senate Judiciary Committee to act on this qualified nomination. Justice White deserves better than benign neglect. The people in Missouri deserve a fully qualified and fully staffed Federal bench.

Justice White has one of the finest records—and the experience and standing—of any lawyer that has come before the Judiciary Committee. He has served in the Missouri legislature, the office of the city counselor for the City of St. Louis, and he was a judge in the Missouri Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

Having been voted out of Committee by a 4–1 margin, having waited for 2 years, this distinguished African American at least deserves the respect of this Senate, and he should be allowed a vote, up or down. Senators can stand up and say they will vote for or against him, but let this man have his vote.

The Chief Justice of the United States Supreme Court wrote in his Year-End Report in 1997: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

For the last several years I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly and without the years of delay that now accompany so many nominations. I hope the committee will not delay any longer in reporting the nomination of Justice Ronnie L. White to the United States District Court for the Eastern District of Missouri and that the Senate will finally act on the nomination of this fine African-American jurist.

I have been concerned for the last several years that it seems women and minority nominees are being delayed and not considered. I spoke to the Senate about this situation on May 22, June 22 and, again, on October 8 last year. Over the last couple of years the Senate has failed to act on the nominations of Judge James A. Beaty, Jr. to be the first African-American judge on the Fourth Circuit; Jorge C. Rangel to the Fifth Circuit; Clarence J. Sundram to the District Court for the Northern District of New York; Anabelle Rodriguez to the District Court in Puerto Rico; and many others. In explaining why he chose to withdraw from consideration after waiting 15 months for Senate consideration, Jorge Rangel wrote to the President and explained:

> Our judicial system depends on men and women of good will who agree to serve when asked to do so. But public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits.

Last year, Senator KENNEDY observed that women nominated to federal judgeships "are being subjected to greater delays by Senate Republicans than men. So far in this Republican Congress, women nominated to our federal courts are four times—four times—more likely than men to be held up by the Republican Senate for more than a year."

Justice White remains one of the 10 longest-pending judicial nominations before the Senate, along with Judge Richard Paez and Marsha Berzon.

I have noted that Justice White's nomination has already been pending for over two years. By contrast, I note that in the entire four years of the Bush Administration, when there was a Democratic majority in the Senate, only three nominations took as long as nine months from initial nomination to confirmation—that is three nominations taking as long as 270 days in four years.

Last year the average for all nominees confirmed was over 230 days and 11 nominees confirmed last year alone took longer than nine months: Judge William Fletcher's confirmation took 41 months—the longest-pending judicial nomination in the history of the United States; Judge Hilda Tagle's confirmation took 32 months, Judge Susan Oki Mollway's confirmation took 30 months, Judge Ann Aiken's confirmation took 26 months, Judge Margaret McKeown's confirmation took 24 months, Judge Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Judge Rebecca Pallmeyer's confirmation took 14 months, Judge Dan Polster's confirmation took 12 months, and Judge Victoria Roberts' confirmation took 11 months. Of these 11, eight are women or minority nominees. Another was Professor Fletcher, held up, in large measure because of opposition to his mother, Judge Betty Fletcher.

In 1997, of the 36 nominations eventually confirmed, 10 took more than 9 months before a final favorably Senate vote and 9 of those 10 extended over a year to a year and one-half. Indeed, in the four years that the Republican majority has controlled the Senate, the nominees that are taking more than 9 months has grown almost tenfold from 3 nominations to almost 30 over the last four years.

In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. In 1997, the average number of days from nomination to confirmation rose dramatically yet again, and that was during the first year of a presidential term. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. Last year the Senate broke its dismal record. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

As the Senate recesses for the Independence Day holiday, I hope Senators will reflect on this record and the need to maintain the independence of the judiciary by acting more promptly on the nominations of the many fine men and women pending before us. We have 45 nominations still pending, the Senate having only acted on only two all year. The courts are faced with 72 vacancies, many of extensive duration. The Senate recesses with a sorry record of inaction on judicial nominations.

The PRESIDING OFFICER. The Senator from North Dakota.

AGRICULTURE APPROPRIATIONS

Mr. DORGAN. Mr. President, I understand yesterday there was a press conference on the Capitol lawn. They brought in some big, shiny farm tractors and a group of folks held a press conference, with the tractors as a background, wheezing and moaning about the agriculture appropriations bill, saying somehow that bill is getting held up and it will hurt family farmers.

I advise my colleagues, if we had invoked cloture as the majority leader and others wanted with respect to that bill, we would have been prevented the opportunity to offer an amendment on the floor dealing with the farm crisis, an amendment that provides some basic income support to family farmers during this urgent farm crisis. We would not have been able to do that.

Voting yes on cloture, on a bill that the majority leader pulled off the floor and then brought back on a cloture motion, would mean there is no opportunity to vote for some kind of income support package for family farms while there are collapsed prices. We have tried to get that before this Congress.

I sat downstairs at midnight in the emergency conference on appropriations between the House and the Senate. Senator HARKIN and I offered an amendment that would have provided about $5.5 billion in emergency help for family farmers during this collapse of farm prices. We lost on a 14–14 tie vote. Then we tried in the appropriations subcommittee and lost there on a partisan vote.

We intend to offer the amendment on behalf of family farmers on the floor, saying when prices collapse, if this country cares about family farmers, if this Senate is indeed profamily and cares about family farmers and wants to have some family farmers in its future, then it will pass an emergency package to respond to family farmers' needs during this price collapse. We wouldn't have been able to do that if we voted to invoke cloture. We would not have been able to offer the amendment. Now we have people saying somehow those who voted against cloture have disserved the interests of farmers.

The agricultural appropriations bill that came to the floor is a piece of legislation that funds USDA; it funds the research programs and the other programs at USDA. It takes effect October 1. It does not take effect for months.

The delay of the bill is not going to injure, in any way, family farmers. The bill will get passed on time. It will be sent to the President and be signed. Contrary to those standing in front of a tractor yesterday, wheezing and blowing about farm issues—some of whom I bet wouldn't know a bale of hay from a bale of twine—I guarantee before that bill leaves the Senate, we intend to offer an emergency package to say to family farmers: You matter; we are going to help you; when prices collapse, we will help you over the price "valley."

What happens to a company on Wall Street, Long-Term Capital Management, that threatens to lose billions of dollars? What happens is they get bailed out by the Federal Reserve Board.

What would happen if we were talking about big corporations? They would get bailed out, but they are family farmers.

Somehow in the minds of some, it does not matter what happens to family farmers. It matters to me. It does to many of my colleagues on this side of the aisle.

I know why they held the press conference with tractors. It is because they are upset that folks on this side of the aisle offered a Patients' Bill of Rights. The reason the Patients' Bill of Rights was offered in the Senate on agriculture, and it would not have mattered on which bill it was offered, is we said it was going to be offered to the first bill that came up if we were not given the opportunity to have a Patients' Bill of Rights on the floor of the Senate.

It was offered because we have pushed and pushed and pushed and we have been denied the opportunity to debate and offer amendments on a Patients' Bill of Rights. That is not the way the Senate is supposed to work. You are supposed to be able to offer legislation, offer amendments, have debates, and then have a vote. But some do not want the Senate to operate that way. They want to shut the place down, close the blinds, pull the windows shut, and then say: This is our agenda. Here is all we are going to allow you to do. You can offer these three amendments. They have to be worded this way. If we don't agree with them, we will not give you the privilege of speaking on the floor. That is not the way the Senate is supposed to operate and we will not let it operate that way. We have rights.

The American people have rights. In my judgment, patients in this country have the right to know all of their medical options for their treatment, not just the cheapest. Patients have the right to get emergency room treatment when they have an emergency. Patients have a right to keep their own doctors during cancer treatment even if their employers change HMOs. All of those issues are issues we intend to fight for on behalf of patients in this country. But we are denied that right by a majority who says you can only talk about the things we want to talk about.

Then when the agriculture appropriations bill or any other bill comes to the floor and we offer the Patients' Bill of Rights, we are told by the same folks who say they care about farmers that we have delayed the agriculture appropriations bill. This bill will not take effect until October 1 and is to fund the U.S. Department of Agriculture and had we voted for cloture, it would have prevented Senator HARKIN and myself from offering the specific amendment to deal with income support for family farmers during this farm crisis.

I just have to say it takes some imagination to hold a conference and suggest we are the problem.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. DURBIN. Is it not true the course of the debate we have literally taken is to debate measures such as the Y2K liability bill with dozens of amendments, and there was not a complaint made that we were slowing down the process on appropriations?

Mr. DORGAN. That is exactly the case. It is the case that we are in the circumstance which now exists because there are some here in the Senate who simply do not want to have to vote on the issues we are talking about with respect to the Patients' Bill of Rights. They want to have a slogan so they can vote for something titled the Patients' Bill of Rights but one that will not have any strength; one that will really not have any provisions to provide people with the basic rights they ought to be provided with respect to this health care issue.

We have talked at great length about the too many instances in this country where health care decisions are not made by a doctor in a patient's room in the hospital or by a doctor in a doctor's office at a clinic, but where the answer to what kind of patient care will be allowed is to often, in too many circumstances, made by an accountant making medical judgments somewhere in an insurance company office 1,000 miles away. That is what is wrong with the system.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. DURBIN. Is my understanding correct that some 200 groups that represent consumers and doctors and hospitals and business and labor have endorsed the Democratic Patients' Bill of Rights and, to my knowledge, the only group endorsing the Republican approach to this is the insurance industry?

Mr. DORGAN. The Senator describes it exactly. It is the difference between one approach that is toothless and an approach that has some teeth to it that says we are going to make this work; we are going to offer some basic protections to patients.

I have a poster I was going to show today. I will show it later in the day. It is a poster of a young boy in a wheelchair named Ethan who was denied treatment by the HMO. He was born with very difficult problems that impaired the use of his limbs. He was denied treatment because a doctor who had never seen this young patient decided that the patient had a 50-percent chance of being able to walk by age 5, and a 50-percent chance of being able to walk if he gets the appropriate therapy is "not significant." This is from a doctor who did not see the patient. It is not significant that this person might have a 50-percent chance of being able to walk, therefore we deny coverage.

That is the kind of thing that is happening time and time again. I say to the Senator from Illinois, I have talked about this woman who falls off a cliff, drops 40 feet, fractures her bones in three places, is knocked unconscious, taken by medevac helicopter out to a hospital, is brought into the emergency room unconscious, survives, and later is told: We will not pay the emergency room bill because you didn't have prior approval for emergency room treatment. This is a woman unconscious, brought into the emergency room for help. That is the kind of thing that ought to stop. Does she have a right through her health care coverage to emergency room treatment when she is knocked unconscious from a fall in the mountains? The answer is yes, of course. We demand that right be given that patient in this Patients' Bill of Rights.

Mr. DURBIN. If the Senator will yield for one other question, it is my understanding the Republican bill, supported by the insurance industry, provides no protection to 115 million Americans who have no health insurance, whereas the Democratic bill provides protection to all of those in this country who have health insurance. That is a pretty dramatic difference; is it not?

Mr. DORGAN. The Senator is absolutely correct. Again, it is the difference between an approach that is toothless and an approach that has teeth; one that works, makes a difference, one that matters.

So we have a couple of bills ricocheting around here for which the other side has adopted the same title—which is a nice thing to do, I guess: The Patients' Bill of Rights. The question is scope. How many Americans will it cover and what kind of coverage will it offer? Will it, in fact, help people like that young boy who was told a 50-percent chance to be able to walk by age 5 really doesn't cut it with us; we will not provide the therapy you need? Or will it, in fact, provide assurance to someone who is knocked unconscious in an accident, that if he or she goes into an emergency room unconscious nobody is going to say later: You should have gotten prior approval from the emergency room?

Mr. REID. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. REID. I will ask this in the form of a question. Not only are we concerned now about the terrible care that is being given or not given to patients, but would the Senator care to comment on what we are seeing as a result of how doctors are being treated? Could you have imagined 5 or 10 years ago that the doctors would join together to form unions to protect their interests, as they are doing now?

Mr. DORGAN. I say to the Senator, I was as surprised as anyone to read the news these days about doctors wanting to join a union. But the reason is pretty obvious. They are tired of not being able to practice health care on their own. They are tired of someone making decisions about their patients who they have seen. They are the ones who have been in the examining rooms. They are the ones who have visited the hospital beds. Yet an accountant 500 miles away or 1,000 miles away in some insurance office, is telling them how to practice medicine. They are flat sick of it.

Mr. REID. So I say to my friend, it is not only the patients who are rising up, but now we have the doctors rising up because of this managed care program. I think that is the reason the American people have latched onto this issue and are saying please, Washington, do something. Does the Senator think that is a fair statement?

Mr. DORGAN. I think that is exactly the case, the reason over 200 medical, consumer, and labor groups support this legislation. I have a picture loaned to me by Dr. GANSKE, who is a Member of Congress from the House, a Republican, a very thoughtful Congressman. He is a doctor who does reconstructive surgery. He held up the picture of this young boy. Let me hold up that picture, if I might, just so everyone understands what we are talking about. This is a terrible deformity. Dr. GANSKE held this picture up to use it as an illustration.

Obviously, you look at this young boy and you say what an awful deformity to have to live with. But there are ways, of course, to correct this. A young boy doesn't have to live with that deformity. Dr. GANSKE pointed out he did a survey of his fellow doctors and discovered that half of his fellow doctors had experienced the circumstance of having an HMO say: No, this is not medically necessary. You don't need to correct this. It is not medically necessary.

Can this young person live with this? Yes, I suppose so. Would any prudent American say it is medically necessary to help fix this problem, to give this young child the opportunity to get reconstructive surgery? The answer is clearly yes. That is what is at the root of this issue.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. REID. Dr. GANSKE, who is a conservative Republican from the State of Iowa, voted on this issue and joined the Democrats' Patients' Bill of Rights because of this and other instances. Here is a man who also brought in a picture later showing what could happen to a child who has surgery that has been perfected over the decades. This is a child who has a cleft palate; is that not true?

Mr. DORGAN. That is correct.

Mr. REID. I would ask one further question to the Senator.

Isn't it true there are over 200 organizations that support our Patients' Bill of Rights and that the only organization that opposes our Patients' Bill of Rights is the insurance industry basically?

Mr. DORGAN. As I understand it, the Senator describes the case exactly. Virtually every organization in health care supports what we are trying to do. The doctors in this country, the patients all support what we are trying to do because they know we are trying to solve problems.

Let me go back to this notion there are two different approaches. The approach they offer is toothless. It has a title and does not mean anything very much. The approach we offer has teeth, is real, and makes a difference in people's lives.

I want to make one additional point and then conclude because I know there are others who wish to speak. I came to the floor today because the majority leader and others held a press conference yesterday with tractors as a backdrop saying what we have been doing here is shortchanging American farmers. Nothing is further from the truth. American farmers are going to be well served by a Senate that does not push this agriculture appropriations bill through without emergency help which farmers desperately need. That is exactly what would have happened if we had voted for cloture as the majority leader was insisting.

Had we voted for cloture on the agriculture appropriations bill, the amendment that Senator HARKIN and I were going to offer for $6 billion to $7 billion in emergency help for farmers would have been ruled nongermane. It would have been over. We cannot pass an agriculture appropriations bill in the Senate without addressing this farm crisis, and those who stood in front of tractors and talked about farmers know that. They know better than that. We cannot pass an agriculture appropriations bill and say we have done our job if we ignore the crisis which now exists and if we do not pass some basic income support package.

Senator HARKIN, Senator DURBIN, and I tried in the midnight hours of the emergency appropriations bill. We lost on a 14–14 tie vote. We tried to get it in this year's appropriations bill but lost on a partisan vote. We must try again on the floor of the Senate, and we will in the coming weeks.

We had a farmer and author testify before the Democratic Policy Committee named Wendell Berry. He has written a book called "Another Turn of the Crank." I was thinking about that today because yesterday's show in front of these polished tractors was just another turn of the crank.

As I said, some of these folks would not know a bale of hay from a bale of twine and they are telling us about the long-term interests of farmers. Many of us who fight for farmers every day in every way are insistent that before this Senate moves any appropriations bill dealing with agriculture out of this Senate, it does not just deal with the programs and research over in USDA, that it deals with the income needs of family farmers. That is what has been at stake in the last couple of days.

Frankly, I am not a happy person to see the criticism that has been leveled by those who do not know anything about family farmers and those actions which will undercut our attempt to help family farmers.

Mr. EDWARDS. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. EDWARDS. I wonder if the Senator has the same perception I do, being from the State of North Carolina. The Senator and I both know that agriculture and our family farmers are in desperate crisis, and they need help in the worst kind of way. He and I are committed to help them. I know that. I have heard him talk about that subject in this Chamber. I feel very strongly about that.

My question is about this Patients' Bill of Rights issue. It seems to me what we have—there has been a lot of discussion about the Democratic version and the Republican version—is an insurance company bill, on the one hand, and a patients' and doctors' bill on the other hand. Will the Senator agree with that?

Mr. DORGAN. I think that is correct.

Mr. EDWARDS. Also, we have such extraordinary medical technology in this country. We have the most advanced medical treatment available in the world today. Can the Senator explain to us how that treatment and the fact we are the most advanced medical country in the world today does anybody any good if folks cannot get access to it? Does the Senator have any explanation for that?

Mr. DORGAN. The Senator asks a question that relates to the key components of our piece of legislation. I again refer to this picture used by Dr. GANSKE, a Congressman in the House of Representatives, a Republican who supports our basic legislation.

Does current medical technology and all the advances in reconstructive surgery do this young child any good, if the child does not have access to it, if the child's parents belong to an HMO that says, no, it is not medically necessary we correct that deformity, it is not medically necessary at all? Does that kind of medicine help this child? The answer is no. What helps this child is a determination by this Senate that health care plans ought to judge on a uniform basis that this type of deformity is medically necessary and this child would get reconstructive treatment to solve that problem.

Mr. EDWARDS. Will the Senator yield for one last question?

Mr. DORGAN. I will be happy to yield.

Mr. EDWARDS. We discussed it briefly a moment ago, and that is the fact that doctors are finding it necessary to unionize or to make an effort to unionize because they are no longer able to prescribe the treatments and tests for their patients they know their patients need, in fact because they are not able to make determinations about what is medically necessary, whether a child—if the Senator would hold this photograph up one more time—whether such a child medically needs the surgical procedure the Senator talked about in the last few minutes, the fact that doctors find it necessary to unionize in order to do what they have spent their entire lives being trained to do, which is to provide the best possible medical care to their patients. Can the Senator imagine a more powerful indication and symptom of the medical crisis confronting this country today?

Mr. DORGAN. I cannot. The Senator makes a point with his question. This is real trouble for a lot of patients, and what we are trying to do and say is health care is changing and patients ought to have rights. That is what our Patients' Bill of Rights does. It empowers patients and allows them to believe that if they are covered with health care through their HMO, there will be some basic guarantees that just, prudent people expect would be there anyway but which we have now seen in recent years by some HMOs have systematically been denied patients.

Let me make one final point. Not always, but too often health care treatment has become a function of profit and loss for some corporations. Look at their executives. Find how much money they are making in this industry. Then they say: But we can't afford to provide emergency room care for someone who is unconscious and presents himself on a gurney to emergency room workers, or we can't help this young child with a facial deformity which clearly needs attention. We can't help a child in a wheelchair who has a 50-percent chance of walking and told you don't get the therapy because a 50-percent chance of walking by age 5 is insignificant.

We are saying those are not medical judgments made by a doctor. Those are insurance judgments made by HMO accountants 1,000 miles away, and they undercut the very premise of this health care system in which we ought to expect prudent treatment that a doctor believes is necessary for a patient. Yet in too many instances, they are not getting it. This is not just a consumer bill or a patients' bill, it is a bill that really gets at the root of health care in this country. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague from North Carolina has 3 minutes. I wonder if he can speak, and I ask unanimous consent I follow him and Senator BOXER follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Senator.

TRIBUTE TO MICHAEL HOOKER, CHANCELLOR OF THE UNIVERSITY OF NORTH CAROLINA

Mr. EDWARDS. Mr. President, I rise today to note with sadness the death this morning of the Chancellor of the University of North Carolina at Chapel Hill, Michael Hooker.

Chancellor Hooker was a friend and someone whom I have known for a number of years. He was a man of vision, enthusiasm, energy, brilliance, and he had an extraordinary love for the State of North Carolina.

His passing is not only a loss for those of us in the University of North Carolina family, but for all North Carolinians. By making a great university better, Michael Hooker made a lasting contribution to our entire State.

The truth is that his death was both a shock and a blow. Just yesterday he was at work in Chapel Hill.

He was diagnosed this year with non-Hodgkin's lymphoma and had been undergoing treatments at the National Cancer Institute in Maryland and also at the UNC Hospitals.

While he was up here, I had the pleasure of seeing him a few times. Not too long ago, I ran into him and his wonderful wife Carmen, who is an extraordinary woman, right outside the Senate Chamber. He looked well and was feeling optimistic at that time about his health. He did take a brief leave from his job for treatment of the disease, but for most of the year, he was hard at work.

I cannot say how sad I felt to learn this morning the news that his cancer had grown worse and that it took him at an early age—at the age of 53. My thoughts and prayers go out to Carmen, his wonderful wife, and to their children.

Let me tell you, Mr. President, just a little more about Chancellor Hooker and what he has done for my State of North Carolina.

He was the first person in his family to get a college degree—a philosophy degree from Chapel Hill in 1969. His father was a coal miner. He always credited his parents' belief in hard work and good education for his own success.

After graduation, he left North Carolina to get a graduate degree and to enter the world of academics. He taught philosophy at Harvard. He was president of Bennington College and also president of the University of Massachusetts system. He was president of the University of Maryland at Baltimore County.

He returned to North Carolina in July of 1995 to become UNC's eighth chancellor. And he really attacked the job. One year he visited every single county in North Carolina—and we have 100 counties in North Carolina—to make sure that every person in the State knew they were connected with their university. Then he made sure that the faculty and administration at UNC were connected to the State. He once took the new faculty and administrators from other States on a week-long bus tour of North Carolina.

The truth of the matter is that men like Michael Hooker have long lists of accomplishments. They serve on many blue ribbon panels; they get lots of honorary degrees; they write great scholarly pieces; they are placed on many "best of" lists. I could go through a great deal of these with respect to Chancellor Hooker, because he accomplished all of those things.

But in the end, I think Michael Hooker himself valued people most. I believe he would like to be remembered for all of the things he did to make people's lives better. He understood the need for education, not only because it expands men's and women's minds but because it makes our society better, stronger, more prosperous, and more equitable. He was an extraordinary and wonderful man.

He said it best himself, if I could just quote him:

> There is only one reason to have a public university, and that is to serve the people of the state. That should be the touchstone of everything we do: whether it's in the interest of North Carolina and our citizens. Our litmus test is the question: Is what we do in Chapel Hill helping the factory worker in Kannapolis?

The best tribute we can give him is all the good works performed in the future by those who were touched by him and his life. Chancellor Hooker was an extraordinary man. He will be missed by me, he will be missed by every single citizen in North Carolina, and he will be missed by all those who knew him.

With that, I yield the floor, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Let me just thank the Senator from North Carolina. Having been an undergraduate at the University of North Carolina, having done my doctorate work there, having had two children born in Chapel Hill, and having known Chancellor Hooker, I am also very sorry to hear of his death—a very young man. It is really a loss for North Carolina and the country. I appreciate the Senator's eloquence.

There are other Senators on the floor, so I am going to try to be brief and take only an hour or so—less than that, much less than that.

THE FARM CRISIS

Mr. WELLSTONE. Mr. President, first of all, coming from an agricultural State, I just want to, as I think Richard Nixon would say, make one thing "perfectly clear" about agriculture.

Senator DORGAN is right on the mark when he makes the point. It is sort of an inside thing, but it is very important to the outsiders, especially to farmers, and not just to farmers but to those of us who come from farm States. If yesterday the majority leader had been successful on the cloture vote, we would not have been able to bring this amendment to the floor on this ag bill that calls for an additional $6.5 billion of assistance.

Let me just say that this ag appropriations bill that just funds existing USDA programs will not do the job. Let me also say, in my State of Minnesota, and I will not talk about a lot of statistics that I could talk about farm income having dropped 40 percent over the last several years. I could talk about this last decade where farmers have been wondering why they see a 35-percent drop in price, and yet the consumer price goes up while the farm-retail spread grows wider and wider between what farmers make and consumers pay. We want to know what is going on. Let me just tell you, in my State there are a lot of broken lives and a lot of broken dreams and a lot of broken families.

Let me also just simply say that time is not neutral; time moves on. We are confronted with the fierce urgency of now. If we do not get this additional assistance to farmers, much of it directly related to income loss because of record low prices, then a lot of farmers are not going to be able to live to farm another day.

We have to get this assistance to farmers. It has to be in this ag appropriations bill. I will tell you something. I do not even like coming out here and fighting for additional bailout for farmers or additional credit assistance, because most of the farmers in North Carolina and Minnesota, and around the country, are not interested in bailout money. They are interested in being able to get a decent price. That's what they are interested in.

Let me go on. Let me say, again, this appropriations bill will be an appropriations bill that will really help. This amendment calls for this additional $6.5 billion in assistance.

Second point: I do not know what the press conference was about here in Washington. I was back home with a lot of farmers. There were a lot of people from all around the State who came together for a gathering at the capital. But I will tell you this. I hope that some of the folks who held the press conference also talked about how we can make sure that family farms have a future several years from now. I think we have to speak the truth. And the truth of the matter is, this Freedom to Farm bill of 1996 is a freedom to fail bill.

The fundamental crisis is a crisis of price. Right now our corn growers get $1.75 at the local elevator; our wheat growers get $3.13 for wheat. This is nowhere near the cost of production. They cannot cash flow. They cannot make a living. Unless we fix this freedom to fail bill and we go back to some sort of leverage for farmers in the marketplace, some kind of safety net which will give them a decent income, some sort of price stability, our family farmers do not have any future. That is what this is all about.

I am not interested in semantics. If people want to say, I am still for the Freedom to Farm bill, I don't care. But I will say this. The flexibility in that legislation to farm a whole lot of different crops does not do any good if there are record low prices for all of them. So let's get the assistance to people so they can survive.

But let's get beyond the short run, and let's be honest with one another. Let's fix that Freedom to Farm, or freedom to fail, bill, and let's make sure there is some price stability and there is some farm income out there; otherwise, our family farmers have no future.

Finally, if there was a press conference yesterday, I sure as heck hope there was some focus on the distortions in the market. I would like to join all my Republican colleagues in calling for putting free enterprise back into the food industry. I would like to join with all of my Republican colleagues in being a true Adam Smith apostle and calling for a market economy. I would like to join with all my Republican colleagues, in other words, in calling for some antitrust action.

How in the world can our family farmers make it when you have four large firms, the packers dominating the livestock farmers, the grain companies dominating the grain farmers? There has to be some fair competition. Everywhere our family farmers turn, whether it is from whom they buy or to whom they sell, we do not have the competition.

Let's really be on the side of these family farmers and insist on some competition. Let's have the courage to take on some of these conglomerates that have muscled their way to the dinner table exercising their raw political power over our producers and over our consumers, and, I say to the Chair, who is my friend, I think over the taxpayers as well.

So I am all for a focus on family farmers. This is a crisis all in capital letters. I hope we will have some action. But I want to make it crystal clear, I think these are the issues that are at stake.

PATIENTS' BILL OF RIGHTS

Mr. WELLSTONE. Mr. President, I also want to make it crystal clear that I have been proud to join with my Democratic colleagues out here on the floor; and the sooner we have Republican colleagues joining us, the better. We have been focusing on the importance of patient protection legislation. Protection of medical records privacy is very important to the American people. I hope we will have an opportunity to debate the Patients' Bill of Rights because I want to offer an amendment for segregation of records. The right to privacy is deeply rooted in American culture. American citizens expect that we will continue that tradition.

This amendment allows a person to segregate any type or amount of protected health information, and limit the use or disclosure of the segregated health information to those people specifically designated by the person. I want to just give one more example and, in this small example, tell a larger story.

It would allow a person, any of us, to take some of the particular private health information, and make sure it is not a part of a total record by segmenting it off and preserving privacy. We are getting more and more worried about genetic testing. For example, if you are talking about a woman who has genetic testing for breast cancer, she may fear the results if she thinks the life insurance companies are going to get ahold of this information or employers are going to get ahold of this information. She might not want to even be a part of this testing.

We want to protect the privacy rights of people. The same thing could be said for people who are talking to their doctor about mental health problems or substance abuse problems. The same can be said on a whole range of other issues.

There is the whole question of making sure ordinary citizens have some privacy rights, some protection in terms of who gets to see their medical records and who doesn't, making sure it is not abused. I will give a perfect example. I have never said this on the floor, but I will to make a larger point, I had two parents with Parkinson's disease. Research is now showing there is probably some genetic predisposition. As we move forward with this research, I may want to be a part of whatever kind of test or pilot project is put together by doctors. But maybe I wouldn't, if I thought there would be no way that, whatever their research suggested, that I wouldn't have some right to ensure I had some protection.

The right to privacy is relevant for the potential for genetic map research, for testing, and, for that matter, treatment, for maybe even finding cures for diseases. There are a lot of people who are not going to want to be a part of it, and there are a lot of people who are going to worry about that information if we don't have the privacy rights.

Conclusion: The pendulum has swung too far. I think we should be talking about universal health care coverage as well, and we will. At the moment, here is what we are faced with.

In the last several years, since we were stalemated on every kind of major national health insurance legislation or universal health care coverage bill, major changes have taken place in health care, not here in Washington but in the country. They have been revolutionary in their impact on people. The pendulum has swung too far. We have now moved toward an increasingly bureaucratized, corporatized, impersonal medicine where the bottom line has become the only line, where you have a few large insurance companies that own and dominate the majority of the managed care plans to the point where consumers, ordinary people, the people we represent want to know where they fit in. Right now they don't believe they fit in at all.

So without going into all the specifics, because we have been talking about this for a week, what people in the country have been saying is, if you want to do a good job of representing us, please make sure we have some protection for ourselves and our children to make sure we will be able to get the care we need and deserve. That is what we hear from the patients. That is what we hear from the consumers.

What we hear from the providers, the care givers, is, Senators, we are no longer able to practice the kind of medical care we thought we would be able to practice when we went to medical school or nursing school. We have become demoralized. Demoralized care givers are not good care givers. So we have a lot of work to do to make sure we have families in our States getting the health care they deserve. That is what this debate is all about.

We have been trying for a week to get some commitment from the majority party that we would have a substantive debate. That is the Senate. I hope that we will have an agreement. I hope we can come back to this. I hope we will have an agreement, and then I hope we can have the substantive debate and Senators can bring amendments to the floor.

There are several amendments I am very interested in, and probably a number of other Senators have amendments they are interested in. We will vote them up or down. We will all be accountable. We will all do what we think is right for the people in our States.

The point is, we are not going to accept not being able to come to the floor and fight for people we represent on such an important question. That is what last week was about. That is what the beginning of this week is about.

I hope there will soon be an agreement. I hope there will soon be a debate. My hope is that before it is all over, we can pass a good piece of legislation that will not be an insurance company protection act but will be a consumer or patient protection act.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Minnesota. Before he leaves the floor, I say to my friend that he pointed out we have been talking about this for a week solid. I came down to the floor today to talk about how we have been fighting this for over 2 years. We have increased and we have escalated the debate in the last week, but I asked my staff to go through my earliest talks on this subject.

Mr. WELLSTONE. Will the Senator yield?

Mrs. BOXER. Yes.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Tiffany Stedman, who is an intern, and Carol Rest-Mincberg, who is a fellow, be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I know we are running short of time so I will be glad to yield to my colleagues for questions.

On January 28, 1998, I came to the floor and talked about the case in my State of a gentleman named Harry Christie who had a very poignant story to tell me about his daughter who, when she was 9 years old, was diagnosed with a very malignant and dangerous tumor in her kidney. It was explained to Mr. Christie that there were only a couple of surgeons who knew how to operate on this kind of a tumor, and it would cost $50,000 for the operation.

He went to his HMO. He said to them: Look, this is my flesh and blood, my daughter. She means everything to me. I am assuming the HMO will allow me to go out of the plan, get the specialist, and then the HMO will pay the specialist.

They said: No, we have good oncologists on our staff. We have good physicians, and they will handle it.

He said to them: Did they ever do this kind of pediatric surgery?

No, they had never done it in their lives.

And Mr. Christie said: This is an impossible situation, and I won't accept this.

They said: Then too bad. You will have to pay for it yourself.

Well, that is exactly what he did. It was not easy.

What about parents who can't do that? What happens to their child?

This is just one story. I told it January 28, 1998. By the way, the end of the story is that Carley is now 15 years old and her cancer is gone. She is a fantastic young woman.

Mr. SCHUMER. Will the Senator yield?

Mrs. BOXER. Yes, I am happy to yield.

Mr. SCHUMER. I would like to ask the Senator a question because I have heard of so many similar instances. A young woman, a nurse on Long Island, needed an orthopedic oncologist to remove a tumor from her leg. No, she can't have it. She couldn't afford it. So she went to a regular orthopedist, not the oncological orthopedist, who took out the tumor. It grew back. She can hardly walk. Then she had to go to an oncological orthopedist and pay the $40,000 herself because there was no other choice.

So the Senator is right. She has fought for this for so long.

I just heard—parenthetically, it is sort of related, because one of the things that inspired some of us to join in this fight was what happened on guns—for instance, that the majority leader in the House has said they would not appoint conferees at least until after July 4, which I consider truly outrageous. I will talk more about that later when we get time. I think it is so wrong to not allow the will of the people to happen. We are doing the same thing on the Patients' Bill of Rights. We just want to debate and let people vote on what is important.

I ask the Senator, is this the only case she has heard of in this situation, or do you hear, when you go around your State, as I go around mine, hundreds of cases where people are denied treatment that the doctors feel they need? They sit there in anguish.

Mrs. BOXER. Yes.

Mr. SCHUMER. They almost go into complete debt to get the operation or get an inferior product.

Mrs. BOXER. Yes. My friend is exactly right.

First of all, I think his point about the House putting off any action on the juvenile justice bill that deals with making sure we keep guns out of the hands of children and criminals is an outrage. When they tried to put this bill forward, we pointed out it was really a sham. Now we have the same thing in the Senate.

I think the Senator from North Carolina was speaking before and we were talking. He points out that it is not a question anymore of the Republican bill or the Democratic bill. He said that we ought to just say it is about a bill that is supported by patients and doctors versus a bill that is supported by insurance companies. We understand on this side of the aisle that it is supported by patients and doctors.

Mr. DURBIN. If the Senator will yield, I would like to ask a question of her. I think it is important to remind those who are following this debate why we are here. We are here trying to bring this issue to the floor of the Senate. We want there to be a debate between Democrats and Republicans on giving patients and families across America some rights when it comes to dealing with these insurance companies. The Republican leadership does not want this debate. We think the American people do. We think that is why we were elected—because families across America know there is real concern when you take your child to the hospital.

I literally ran into a doctor from Highland Park, IL, Sunday night who told me a terrible situation that just happened to him a week before. He is a cardiologist. A woman came in to see him in his office on a Thursday complaining of chest pains. He was worried and said: I want to get you into the hospital tomorrow morning for catheterization. It is a diagnostic process to find out what was wrong with her heart. She said: Fine. He said: We will do it tomorrow morning.

He called her insurance company. The insurance company said: No, we don't approve of the hospital where you want to send her. Let us call our hospital under her insurance policy, and we will see when we can get her scheduled.

They told that to the doctor on Friday. They never had a chance to schedule it. She passed away on Sunday. That was a decision made by the insurance company not to let this woman go to a hospital on a Friday morning to get the catheterization. They did not understand her problem.

Is this not what this debate is all about?

Mrs. BOXER. It is exactly what this debate is all about.

I want to talk about another case that I brought up about a year or two ago, also a doctor with a similar story in Texas. He came to testify before the Democratic Policy Committee. This was in Texas. This doctor was assigned to work in the emergency room. A gentleman comes in with terribly high blood pressure. They checked him into a room, and they monitored his blood pressure. It could not be controlled by medication. They were giving him a lot of medicine that didn't work. The doctor called the HMO and said: We need to keep this patient overnight. I am very fearful he will have a stroke.

Bottom line: The HMO says: You control it by drugs. He says: I can't.

He has to now tell the patient that the HMO won't cover this, and he says to his patient: Pay for that out of your own pocket; I will fight for your right to be reimbursed.

The patient said: How much will it be? Five thousand dollars. I can't do it.

says the man, I am sure the HMO wouldn't hurt me.

P.S.—you know the story. The gentleman had a stroke, and he is totally paralyzed on one side.

The irony of all ironies about this is that under current law the doctor can be sued but not the HMO that actually made the decision.

Isn't there any wonder that doctors are joining with patients? You spend your life trying to save others' lives, and now you can't do it—a doctor in Highland Park, and a doctor in Texas. It goes on.

I would be happy to yield to my friend.

Mr. EDWARDS. With respect to the instance described by our distinguished colleague, the Senator from Illinois, where obviously a catheterization would have saved this patient's life, will the Senator from California explain to the American public and to our colleagues, No. 1, when they decided initially, no, we are not going to pay for the care, and, therefore, they could not get the test done, and a lot of life-saving tests that needed to be done, what avenue or recourse does that patient have? Is there anything they can do under the circumstances under existing law if we don't pass a real Patients' Bill of Rights?

Mrs. BOXER. We have to pass a Patients' Bill of Rights, because, unless you are so wealthy that you can pick up the tab and the cost for these very expensive procedures, you are just plain out of luck. We have said this a number of times to our friends on the other side of the aisle. We have good health insurance as Members of the Senate. We really do. We are fortunate. We have the clout. We have good health insurance. We are trying to bring everybody up to our standards.

Mr. DURBIN. If I can ask the Senator, isn't it true that, as Senator EDWARDS of North Carolina just said, the example I gave where the lady didn't get the catheterization and passed away—if her family hears of this and they are upset and want to go to court and believe there has been medical malpractice and negligence—the only exposure and the only thing they can sue the insurance company for is the cost of the catheterization, or for the procedure? That is it under the law. And that our bill says health insurance companies, as every other company in America, will be held accountable for their actions. If they are guilty of negligence, they can be held accountable. But under current law, a law being protected by the Republican bill, the patients will not have that right of recovery.

Is that not the fact?

Mrs. BOXER. That is the most incredible thing about this. As I said, in many of these cases, the doctor can be sued if he is working and he is contracting with the plan and not an employee. The doctor can be sued—a doctor who is trying to fight for the patient—but not the HMO.

Mr. EDWARDS. If the Senator will yield for one other question, with respect to what my distinguished colleague from Illinois just pointed out, it is my understanding that under existing law we have this very privileged group of insurance companies—very wealthy insurance companies—that are singled out in American life as not being held accountable for what they do. You and I can be held accountable. Everybody in our State of North Carolina, and Illinois, New York, and California, can be held accountable. Every other business, small and large, can be held accountable. But the health insurance industry is special. It is different. It is better than the rest of us. It can't be held responsible.

I want to know how the Senator from California would respond to a family, or to our children who we are trying on a daily basis to teach about personal responsibility, personal accountability, something that all of us believe in deeply, how do we explain that we have singled out this very well-to-do industry for privileged treatment, and, in fact, unlike our children, unlike our families, we are not going to hold them responsible or accountable?

Mrs. BOXER. I think the Senator has made a very good point. If we believe that each of us should be responsible for our actions and our deeds, the current law certainly undermines that. It is unfathomable to me. As the Senator from Illinois has pointed out in another debate, the only people in our country today who are truly exempted from any kind of accountability—you can't go after them—is a foreign diplomat and an HMO. Something is wrong with that.

Mr. SCHUMER. I was going to ask the Senator another question related to one of the other problems we face; that is, even before they get the right to sue, there is an appeal.

Let us say, as in the case that the Senator from Illinois brought up and the unfortunate death that occurred, the doctor said that she needed catheterization, and it is denied by the insurance company. The only type of appeal that is required by law is an internal review. I want to know if that is required—that the only appeal that would be required would be an internal review.

I ask the Senator a question, and that is this: Wouldn't it be much fairer if it at least were mandated that there be some external, impartial review so that in instances over and over again where inadequate health care maybe would be provided before the stroke occurs—as in the case related by the Senator from California, and the unfortunate death that occurred—some outside, independent reviewer gets to say, hey, that actuary didn't quite make the correct medical decision; I agree with the doctor?

Mrs. BOXER. My friend is right on point. It is another aspect of our Patients' Bill of Rights where you have a truly independent outside review so the people who are looking at the actions of the HMO are not part of the initial decision. On the other side of the aisle, they have an appeals process where essentially the HMO says who the outside reviewers are. That is not really an outside review.

I want to say to all of my friends who have been so good on this issue I had such a transforming event 2 years ago at a hearing the Democratic Policy Group had. A woman from an HMO spoke. By the way, she was afraid to show her face. She was on a satellite television hookup with her face covered and her voice was disguised because she was a whistleblower.

In the course of her testimony, she said something that made my skin crawl. I wonder if my friends feel the same. We kept asking questions about patients. We said: What happened when a patient came in and had heart symptoms? How was it handled? Who made the decision?

In the course of describing the patient, she said: This unit was a case we felt we had to look at.

I said: What did you say?

She said: This unit.

I said: What do you mean, this "unit"?

That is how we refer to clients.

I said: You mean patients?

She said: Yes, we refer to patients or clients as units.

I had this sense there was no humanity left. It is all about "units." It is all about dollars. It is all about the bottom line. It is all about profit. It is not about serving. That is why doctors are saying this is against their Hippocratic oath: Do no harm, help people.

Now they are doing harm. They are in situations where they have predicted patients could die if they didn't get the treatment, and the HMO didn't give the treatment.

I want to hear from my friends as we go back and forth on this question,

I yield to the Senator from North Carolina.

Mr. EDWARDS. I was thinking about the comments from the Senator from Illinois, the comments from the Senator from New York, and the comments made about the health insurance executive accounting, talking about human beings as "units."

I did understand the Senator correctly?

Mrs. BOXER. Units, U-N-I-T-S.

Mr. EDWARDS. Units. Not human beings but units.

Under existing law, health insurance companies have proven time and time again they are motivated by one thing, and that one thing is the dollar bill. Profit is the bottom line.

We have talked about doing two things in a patients' bill—not in an insurance industry bill. Since money seems to be what motivates these folks, we will do two things.

No. 1, as the distinguished Senator from New York mentioned, we will create an independent body that can oversee the insurance industry, the HMO. When they make arbitrary decisions, when they decide even though it is clear a patient or child desperately needs a treatment or a test and that was an arbitrary decision, they can get a quick reversal from that truly independent board. That is one thing.

In addition to that, we also say health insurance companies and HMOs, as every other segment of American society, will be treated the same. They can be held accountable. They can be held responsible. They can be held responsible in a court of law.

Those two things together—a truly independent review, done swiftly so reversals can occur, combined and working in concert with arbitrary, money-driven decisions where if some child is severely injured as a result, they can be held accountable.

I wonder if the distinguished Senator would comment on whether she believes those two things, working together, create a tremendous incentive that does not presently exist for HMOs and health insurance companies to do the right thing to start with, so we never get to an independent review board, we never get to a court of law; instead, insurance companies and HMOs are doing the right thing, not making arbitrary decisions, doing what the treating doctors are advising needs to be done in the very first instance when it is most important and could do the most good.

Mrs. BOXER. I thank my friend from North Carolina for articulating two areas of our Patients' Bill of Rights which are so important: The right to independent review if a patient feels the HMO made a mistake, and the ability to hold HMOs accountable if they do the wrong thing.

By the way, the opposition from the other side is misleading because all we do is say if States choose to hold HMOs accountable, they can. We don't dictate the law on the right to sue. It is up to the States. However, we lift the impediment to holding them responsible.

I think it is important to note that we in America have the safest products in the world, even though every once in a while there is a horrible example of something monetarily wrong. The reason is, we hold companies accountable if they make an unsafe product that could explode and harm a child. Most of the time we don't have any problem because we have a very clear precedent in law that says if you don't take into account what your product can do to a human being, and they get hurt, you will pay a price. For HMOs, we don't do that. The irony is that they are dealing with life and death decisions every day and they are making wrong decisions.

My friend is right on those two aspects of our Patients' Bill of Rights, working together.

Mr. WELLSTONE. I follow up on what the Senator from North Carolina said.

Five years ago I introduced a bill on patient protection. This matter has been going on for a while. There is an issue that defines "medical necessity," another issue the Senator from North Carolina raised about an external independent appeals process, another issue on "point-of-service" option—making sure the families have a choice, and they don't now have when the employer shifts from one insurer to another.

There are two bills on the floor. People in the country have become more and more disillusioned with the politics that they think is dominated by money and special interests.

Does the Senator from California agree people want to see a piece of legislation passed that has some teeth in it, that will make a difference and provide some protection?

My question is, Do the Senators think this patient protection legislation, what we are trying to do, is a test case as to whether or not the Senate belongs to the insurance companies, or whether or not the Senate belongs to the people in this country?

Is that too stark a contrast, or does it ultimately boil down to that core question?

Mrs. BOXER. I think the Senator has put his finger on it exactly right.

Who is supporting our Patients' Bill of Rights? It is every patient advocacy group, every provider who has an organization, including the nurses and the doctors. And who is on the other side? The insurance companies.

What do we have? Two bills. The bill on our side is supported by these advocacy groups and doctors; the other is supported by the insurance companies.

My friend is right. People are getting so upset that this place seems dominated by the special interests.

I yield the remaining time to my friend from Rhode Island.

Mr. REED. I thank the Senator from California.

Let me follow up and perhaps engage in a brief dialog. I think the Senator from Minnesota made a good point about the heart of the Republican legislation. The most telling point, in my view, is the coverage. It simply covers one-third of the eligible private-insured individuals throughout the country.

As I understand the legislation, it is aimed at those self-insurers. These are businesses that contract with HMOs simply to manage the health care of their employees, so the only people who will directly be impacted by their legislation are those individuals who are essentially insured by their employers directly through self-insurance.

Mrs. BOXER. That is correct.

Mr. REED. In a sense, the only protections in the Republican bill are protections for the insurance industry. They are completely without risk. All of their patients, all of the people they directly insure, where they directly assume the risk, are exempt from coverage by this legislation.

The Democratic bill covers all of those who are private-insured HMOs throughout the United States. If the logic is these protections are good enough and necessary enough for those in employer-sponsored self-insured plans, why aren't they good enough, important enough, necessary enough, for those who are direct insurers of HMOs?

The answer, frankly, is that the legislation has been designed to protect the insurance companies from any additional risk. It is fine if we put it on employers; it is fine if they have to pay extra or if they have to do these things.

However, the only consistent pattern if you look at the coverage, this is not a patients' protection bill; this is an insurance industry protection bill.

I yield to the Senator for her comments.

Mrs. BOXER. It perplexes me that my friends on the other side have a bill that doesn't cover everyone.

It perplexes me it is called the Patients' Bill of Rights. As my friend points out, if you look at the differences, whether it is the appeals process—and my friend last week came to the floor and pointed out that under the Republican proposal it doesn't look as if there is an outside entity looking over the HMO decision but, rather, someone essentially selected by the HMO itself.

I thank my friend for yielding.

ORDER OF PROCEDURE

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the time from now until 4:15 shall be under the control of the majority leader or his designee.

The Senator from New Mexico is recognized.

NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. On behalf of the leader, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 148, S. Res. 98.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 98) designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, the resolution I have just alluded to is a bipartisan resolution. A number of years ago we started this approach to character education called Character Counts. Senator Nunn was the cosponsor of a resolution that passed the Senate on innumerable occasions, perhaps as many as five times. It declares for all of America that one week during the year will be known as called Character Counts Week.

Frankly, from this Senator's standpoint, we hear so much about what we ought to do and what we can do to help our young people as they grow up in this very difficult society and often very difficult time. We all understand that there are many people who have primary responsibility for our children. We are not in any way talking about negating that primary responsibility, that of relatives and grandparents and mothers and fathers and brothers and sisters to help raise a child with good values. But we have found, starting about 6 years ago, that the teachers in our public schools have been yearning for something they would like to teach our children that for some reason had been eliminated from both the public and private school agenda. It is sometimes referred to as character education.

I chose to call it "Character Counts" and I chose to speak about a specific program that is being used in many public schools in our country, and certainly in my State of New Mexico, whereby the teachers take six pillars of character and they embrace those within the classroom—on a day-by-day basis, not as a special class. But let me just mention a few of the Character Counts traits that are part of this program and used in many schools.

Let's start with the first one. It is trustworthiness. In some public schools and private schools, especially in the grade schools, for one entire month, the school would promote the idea of trustworthiness by students and teachers, who have lesson plans and programs that articulate what trustworthiness is. They use this with the students, and they from time to time engage in discussions, engage in activities around the school that epitomize trustworthiness. I think we all understand trustworthiness is one of those characteristics and qualities of character that says you should not lie. It says if you agree with somebody to do something, you should live up to your agreement. Trustworthiness has a quality of loyalty to it.

Then maybe the next month, one of the other six pillars would be discussed and woven into the curriculum. The next month, it may very well be "respect." The same kind of thing might happen during that month in some grade school in New Mexico or Idaho or the State of Tennessee or the State of Connecticut, where an awful lot of activity in Character Counts education is taking place.

Maybe the next month it might be the third trait, which is "responsibility," and then maybe the next would be "fairness," and "caring," and "citizenship."

I have been part of this now for a number of years. It is a joy to visit public schools, parochial schools, and other kinds of schools, and visit a class and just talk to the young people about the word of the month; to see the teachers, how excited they are that for that month the children have been talking about responsibility; they have been talking about that in terms of their classmates, their teacher, their responsibilities at home.

Then if you are lucky, you might choose to visit a school at the time once a month when they are having an assembly. During Character Counts assemblies, schools bring all the students together, and they present awards to the students that month who were most responsible. One way of reinforcing the importance of good character is to reward those who did more things than anyone else that month to demonstrate "trustworthiness," or "responsibility," or "caring," or "respect," or "citizenship."

Actually, Character Counts and its Six Pillars are not the only character education idea and program taking place in our country. But it is one of the best. The resolution we have just adopted resolves and proclaims the week beginning October 17 of this year, and the week beginning October 15 in the year 2000, to be National Character Counts Week. We request that the President issue a proclamation calling upon people and interested groups to embrace the six core elements of character identified by the Aspen Declaration, which are trustworthiness, respect, responsibility, fairness, caring, and citizenship. That week the people in the country observe as National Character Counts Week, with appropriate ceremonies and activities.

There are many Senators who have already joined in this effort from both sides of the aisle. Some are very active in their home States, and some are not. But I can say to any Senator who would be interested, there is a format which is very simple and at the same time very effective and profound, where a Senator or any elected official can get together with the superintendent of schools and others and talk about joint sponsorship of Character Counts in that particular public school. If the board of that school condones it and says it is a good idea, then it is all a question of leadership and who wants to pursue it and push Character Counts. So when graduation at a Character Counts school occurs, you can attend and you can see what the 9 months of character education have done. At schools where arithmetic was taught, grammar was taught, reading was taught, all of a sudden the young kids also know something about these six pillars of character.

Frankly, people ask what has gone wrong with our country and what should we do about it.

I am no prophet, and I am not one who thinks he knows all the answers, but I say what is missing in the United States more now than 20 or 30 years ago is character. The old Greek philosophers talked about character. I think it was Plato who said a country without character is a country that cannot exist for long, and that for a country to have character, the people in the country must have character.

What we are speaking of is our little mission and our part in trying to change the quality of lives of young people by letting them know that some things are better than other things, there are some things that are right and some things that are wrong.

Nobody seems to object across this land to these six pillars, these six words. It used to be whenever one talked about behavior and said values, people would wonder, whose values?

In our America, under our Constitution, we surely cannot decide which religions values are to be taught in the schools, for as soon as we do that, we have to ask which ones are being left out. And as soon as we do that, we begin to break down the wall of separation between church and State, which is such a formidable part of America as it started under our forefathers and continues today.

It is interesting. I have asked in many assemblies of adults whether there was any objection in the community—be it the community of Gallup, NM, or Clovis, NM, or Las Cruces, NM, or Albuquerque, my home city—to these six pillars. If one thinks them through, they are so fundamental and desperately needed that hardly anyone can object to them.

I wish the Governors of our country—and I am going to ask them, along with my good friend and chief cosponsor, Senator DODD of Connecticut—might adopt this in their States. I want to work with the Governors to move together with the public institutions of education and the private institutions of education to begin a broader-based promotion of Character Counts in more States.

Frankly, a number of our Senators have been involved in the past. Senator DODD has brought this idea to his State, and Senator LIEBERMAN works with him. Senator FRIST of Tennessee has had great success in getting it started, and now it is multiplying in his State. I have had a rather phenomenal success in New Mexico. In my small State, over 200,000 young people, one way or another in classrooms across our State, are learning and living these six words, these six pillars of character, as part of their 9 months of education. It is having a profound effect.

On the other hand, there are cynics. They ask: How do you know? Are you sure?

We do not know for sure, although we are beginning to get some objective analysis that seems to indicate that some of the things going wrong in the schools before are not going wrong when the six pillars of character are utilized, are popular and preeminent and where the children are participating in building their character around them.

I believe we are better off trying character education than not. If I had to guess what might change things, I would say if the young people in our country can build individually and collectively into their daily lives the six pillars of character celebrated in this resolution, so they feel part and parcel and immersed in the ideas of respect, trustworthiness, caring, and the other three pillars I have mentioned heretofore, we have a better chance of effecting some change for the positive than almost anything else we can do.

I am going to do my share to keep this going in my State. I am also going to join Senator DODD in meeting at the next opportunity with the Governors in a bipartisan way to see if they will engage us in a discourse and dialog about character education and, in particular, how Character Counts works in the places it is being tried.

There is not an organization that dictates Character Counts for the Nation, nor does it promote it nationwide. This is an activity left up to localities. The only thing is, it is coordinated in our country by an entity which came up with these six pillars, the Josephson Institute of Ethics. That institute helps provide materials and the know-how for localities, schools, Boy Scouts, athletic clubs and others to promote these six pillars. But, it is up to the locality to do something about it.

But today, we are going to adopt this resolution celebrating Character Counts in the hope of raising awareness and encouraging states and localities to consider using this approach in their communities.

I note the presence on the floor of my cosponsor who has done a wonderful job in his State, and also speaks about Character Counts and the six pillars in various places in this country. He has had a significant degree of success. The way it is run in his State is different than our State, but, nonetheless, the six pillars are becoming prominent.

These six pillars are becoming prominent in the education of young people. We might never have thought we could include them, but in the backs of our minds we always thought they must be used.

How can we raise children without responsibility, without caring and respect being meaningful to them?

I am very pleased to be part of this again this year. Like I said, I am going to try to be a little more effective in expanding Character Counts to a few more places with the help of my colleague, Senator DODD. As I said in Senator DODD's absence, we are going to ask Governors to take the lead. We will join them and get the Josephson Institute and any others that are involved in character education and move it ahead so that many States will be like Senator DODD's and mine where it will be flourishing among young kids.

Mr. President, I say again, today, for the sixth consecutive year, we will adopt a resolution designating the third week of October as National Character Counts Week. Once again, this resolution has received overwhelming bipartisan support with 57 cosponsors. Through this measure, this body—the United States Senate—pledges its support and encouragement of character education and training by setting aside one week for a celebration. Yes, National Character Counts Week, October 17–23, 1999 and October 15–21, 2000 will be an opportunity for schools, communities, and youth organizations all over America to celebrate the ideals of good character and honor those who have worked so hard throughout the year to promote values such as trustworthiness, caring, fairness, respect, responsibility, and citizenship.

I believe it is time to reclaim the importance of these values in our daily lives. Many Americans, I regret, have become too cynical about the role of character in modern society. For too long, we have declined to discuss fundamental moral principles in our schools for fear of offending someone or imposing our beliefs. However, we nearly forgot that this nation was founded upon basic values. These values have bound our citizens together and sustained them through wars, depressions and other adversities. Indeed, it is our belief in these core values that continues to make the United States a beacon of hope and opportunity to people around the globe.

The "Six Pillars of Character" concept reflects these core values. They are the building blocks to helping our children recognize the difference between right and wrong, and they deserve a place in our schools alongside lessons in math and reading. Although parents do bear ultimate responsibility for teaching children the value of human dignity and character, we, as a community, have a duty to support these messages outside the home. To that end, Senator DODD and I are exploring ways to expand the role of character education in schools and after-school programs, and we urge our colleagues to join us. I can assure the Senate, character education programs have been phenomenally well received in school systems throughout the country.

In my own State of New Mexico, teachers have told me they finally feel empowered to discuss what it means to be a good citizen and a good person with their students, and they love it. Schools across the state have walls covered with posters on what "responsibility" means, and students who demonstrate outstanding acts of caring, for example, are celebrated at pep rallies. These simple lessons are taking root among our children, and they must be encouraged.

I am not suggesting that character education is the magic elixir that will prevent tragedies like the Columbine High School shooting from happening, but it's a start. We, as a society, need to tell our children that lying is not acceptable, under any circumstance. Stealing cannot be allowed. Breaking the law will not be tolerated. We also need to reinforce positive values, and programs like Character Counts do just that. I applaud the Senate for passing this resolution designating a National Character Counts Week for this year and next, and I encourage my fellow Senators to continue to work with me to ensure that our children receive strong and consistent messages on the essential values our society must embrace in order to succeed.

This is Republican time, but I am going to yield on Republican time to my colleague, Senator DODD.

Mr. DODD. Mr. President, I thank my colleague from New Mexico for yielding to me. Far more important, I thank him for his leadership on this issue. We have worked on this issue together, along with several of our colleagues for the last 5 or 6 years.

It all began because the Senator from New Mexico discovered this program and brought it to the attention of the Senate and asked a group of his colleagues if we wanted to get involved in this idea of Character Counts.

I will not go through the long history of it, but one can imagine how provocative a meeting it was in Aspen, CO, when educators, child psychologists, and Lord knows who else, gathered together—quite a group of people—to try to come to some conclusion about six pillars of character. Apparently the debate went on for some time on which pillars they could agree on. They finally settled on respect, responsibility, trustworthiness, caring, loyalty, honesty, and fairness.

This is not an all-inclusive list. There may be other ideas. There may be synonyms for each of these words that others find more acceptable to their particular community.

The point is not to be rigid about the words or rigid about how to best promote these values among our young people. What is important is that there be community efforts, efforts at the neighborhood level to promote the idea of strong values in our young people, not only young people but young adults and adults as well.

One of the beauties of this program is it does not focus just on the children in the schoolroom. But when the issue of trustworthiness is raised as an issue that the school is going to focus on for a particular period of time—a day, a week, a month—everybody in the school is involved with the issue of trustworthiness. The administrators, the teachers, the coaches, the faculty advisers, as well as the students, share in coming to a better understanding of how that particular value can be enhanced and understood and promulgated within the community.

This has been a tremendously successful program. In my State of Connecticut, there are now some 10,000 young people who have gone through a Character Counts Program. I do not know the exact numbers in my colleague's State of New Mexico, but it is easily that or more. We are small States. We are not large States. But it is a good indication of how successful this program has been. It has expanded primarily as a result of word of mouth, good reputation, one teacher telling another teacher in another community how it works, one principal telling another principal how well it works. That is why it has expanded as much as it has in my State of Connecticut.

Education, as we all know, is a central activity in any child's life. We teach them to walk, to talk, to read, and to write. But one of the most important things that a child can learn is how to get along with others and to be a part of the larger community, to be a responsible, caring, loyal, honest, fair, respectful citizen. You can add other words, as I said.

Regrettably, today, for a lot of reasons which we do not need to go into this afternoon, young people are entering a school system not having learned these basic values. It has nothing to do with economics. It has nothing to do with race or religion.

I can show you communities in my State that are some of the most affluent in the country where children are entering a school system without these values. I can also take you to some of the poorest neighborhoods in my State and show you where children are entering school with these values. I could also show you children out of those communities who do not have those values.

So it was decided a number of years ago we ought to try to weave into the educational process the teaching of these values, and to do so in a way that would not confront, if you will, the agenda that a teacher, a school system, has on a daily basis, but to weave it into the seamless garment of a student's daily life.

So instead of having, say, 15 minutes at the outset of the school day in which the principal comes on the loudspeaker and says: We are now going to talk about trustworthiness for 15 minutes—and if any of us here recall those kinds of discussions growing up as children, we all know what happened: We yawned; we fell asleep; no one paid much attention; we hardly remember what the principal had to say—what Character Counts says is, we are not going to do it that way; we are going to take the word "trustworthiness," or "loyalty," or "respect," or "citizenship," and we are going to ask you to weave it into the daily life of a student—not for a day or a week, but for a month.

That is what we have done in Connecticut—a month. So from the beginning of the day, whether it is math class or science class or whether the student is going to band or working on the school newspaper, or showing up on the athletic field—whatever the activity is—that school tries to take one of those pillars and make it a part of that teaching experience, for the full program, in a sense, to weave it into it so that everybody in school, for that period of time—in our case, a month—works on that word—"respect," "trustworthiness." What does it mean? What is the absence of it? How do you become more respectful, more trustworthy? What are examples when it does not happen? It becomes, as I said, part of the seamless garment of that educational experience.

I have to tell you, you may say: Well, this sounds wonderful, Senator. It is a nice idea. I wonder how it is working.

It is working remarkably well. I can tell you, on the basis of countless conversations I have had with people all across my State, they point to this particular effort as having had success in changing the culture of a school. I am telling you it has had a profound effect not just on the students I mentioned earlier but on the teachers, administrators, faculty, student advisers. They have all benefited as a result of weaving these Character Counts programs into their school life.

We spent a lot of time over the last couple months after the tragedy of Littleton, CO, talking about what we might do to solve the problem. Without belaboring the point, we sort of resort to our old bromides. We have one group of us here that will convince you it is gun control that is the answer to the problem, and if we could just deal with gun control, we could solve the problem. I happen to believe that is part of the answer. We have others who say: Look, if we can clean up Hollywood, the videos games, that is the answer to the problem. I would not argue, there is certainly an element that contributes to what happened.

But frankly, what happened at Littleton, CO, did not happen all at once. The event did. But I suggest to you that what happened in Littleton, CO, what happened in Arkansas, and Kentucky and Oregon, and other places, in my own State, isolated cases of violence began a long time before the events. There was a breakdown at home. There was a breakdown that occurred weeks, months, years before, that culminated in the tragic events of those days that we all remember with such painful clarity.

What Character Counts does here is, it tries to get at the source of the problem early to try to see if we can begin to change the direction, to offer a foundation in basic values to students so that you might change a young person's ideas on how they relate to each other—understanding differences, respecting differences, not having to feel alienated because you are different, not making someone feel isolated and alone because maybe they are not a good athlete or a great student—maybe their clothes are not the ones you would wear or I would wear; they may listen to music that you and I would not particularly find appealing—but to understand that each person is God's creation and that if we can inculcate them with a basic sense of decency, of understanding that they are part of a larger community, as I said at the outset, learning to respect each other, to trust each other, to be honest with each other, then we can begin to change the kind of culture, in my view, that contributes to this growing sense of violence we too often see among our young people.

I again thank my colleague from New Mexico. He is the leader on this issue. I am his blocking guard here. I get involved whenever he asks me to, because I am so committed to it and so believe in what he is trying to do.

I think the idea of getting our Governors involved is a tremendous idea. We hope that every Governor in the country, if they are not already involved in this, will be willing to join with us and in some public relations efforts, if you will, to raise the level of awareness.

We do not have a fixed idea in mind. My colleague mentioned Mr. Josephson and his program. It is a fine program. There are others who have a different point of view on how best to make this work. We have learned to respect what works in, say, a Native American community in the Southwest or a highly ethnic community in my State of Connecticut where you may have differences on how you approach these particular values. We let local communities and school districts and others try to sort out what size fits them best and how to make it work.

That is what we want to support, we want to recognize, we want to bring attention to. We want to promote and expand this. Again, we do not have any simple answers here for how you stop some of the problems we are seeing that are becoming too frequent in our society.

But I stand here today and tell you that if more communities would adopt a Character Counts program, if they would at least try this—just try it; and we can get you the information; we can put you in touch with people who can help you work through how to start it and get it going so you do not have to make it up on your own—then I promise you, if you try this, if you really give it a chance, you can make a difference not only in your school's life but the individual lives of the people who enter those institutions.

It need not be just elementary schools or middle schools. We have not tried it extensively, but I know of one in my State at the high school level where Character Counts has worked, where the principal said: We're going to try it. And it made a difference at that senior high school.

So many say: Kids are too old then. They are not too old. They are looking for some direction, some ideas they can hold on to and grasp as roadmaps on how to proceed with their lives.

I think the 2 weeks we have designated—October 17 of this year and October 15 of the year 2000—as National Character Counts Week bring us one major step forward, bringing some needed recognition to this very worthwhile program that has made such a difference already in the lives of thousands of people all across our country.

Again, I commend my good friend and colleague from New Mexico for his distinguished leadership on this issue.

Mr. DOMENICI. I thank the Senator very much.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

Mr. DOMENICI. I have been a Senator for a long time. I have participated in a number of events that made me feel very good about my work and about my community and the citizens of my State. But I do not believe there has been anything as satisfying as to work with the communities in New Mexico and school boards and superintendents and teachers on the six pillars of character in Character Counts. It has been absolutely something that I just will never forget.

I am quite confident that while it is not the only answer, the elixir, to all of our problems, it is certainly a very positive thing going on in the lives of our young people. We ought to be proud of these efforts and certainly encourage Character Counts, where we can.

I would say to the Senate, if any of you get involved in Character Counts, it is very difficult for the schools to have success at the high school level, but a lot of work is being done there. It is among the grade school children where this program starts. As they move through those years, when they have been exposed to character education for 4 or 5 years, there is a real difference in how they perceive their relationship to their teachers, to their parents, and to their community.

Mr. President, I understand that I have a number of minutes remaining under my control on the Republican side of this.

The PRESIDING OFFICER. The Senator has the remaining 15 minutes between now and 4:15.

Mr. DOMENICI. If there are any Republican Senators who would like to speak, they may certainly come and do that now. I will yield the floor to them.

Mr. COCHRAN. Mr. President, on May 6, 1999, I was pleased to join my friend, the distinguished Senator from New Mexico, (Mr. DOMENICI), in introducing a Senate Resolution designating the third week in October, 1999 and 2000 as Character Counts Week. I am delighted today that we are approving this legislation, just as we have approved similar legislation in the Senate every year since 1994.

In 1993, the Josephson Institute of Ethics convened a conference of ethicists, educators and other leaders to examine the issue of character development. The result of that conference, held in Aspen Colorado, was the Aspen Declaration on Character Education.

The elements of character described in the Aspen Declaration were: trustworthiness, respect, responsibility, fairness, caring, and citizenship. They are often referred to now as the Six Pillars of Character.

Today, more than 300 member organizations, including community groups, schools and businesses are part of a nationwide Character Counts Coalition. These organizations sponsor programs that emphasize the importance of good character traits in our society. American society is dependent on the strength of the character of her citizens.

Never have we seen a time in the life of our society that good character has been more important. Solid lessons in character must be taught by parents and families, schools, and religious groups.

A 1996 National School Boards Association report on Character Education in our schools showed a significant trend toward adopting character education programs in schools.

Character Counts! suggests three steps to teach young people for making the decision to do the right thing:

1. Think about the welfare of all people likely to be affected by your actions and make choices that avoid harm to and promote the well-being of others.

2. Demonstrate character by living up to all ethical principles of the Six Pillars of Character even when you must give up other things you want.

3. If you cannot live up to one ethical principle without giving up another, do the thing that you sincerely believe will promote a better society and should be done by all.

The National School Boards Association report found that schools with character education programs reported improvement in student leadership, discipline, violence, vandalism, academic performance, attendance and drug and alcohol incidents. It also stated, "Ultimately, . . . character education may be a long-term investment as improvement and contribution levels often increase over time."

As we work to train our children well, we must keep in mind that we are building the foundation for new generations. The examples we set about how we treat others, and what we accept in social behavior will influence not only our children, but all children.

In Mississippi, the Noxubee County Competitive Community Program, the Ocean Springs Chamber of Commerce, Kids With Character, and the Junior Auxiliary of Clinton are organizations who have joined the Character Counts! Coalition. They make specific commitments including:

> To integrate character education into new and existing programs and to encourage young people and their parents to adopt and model the Six Pillars. And, to participate in CHARACTER COUNTS! Week.

I congratulate them on their important efforts and hope that this year more groups and communities will become involved in similar programs.

Mr. DOMENICI. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas young people will be the stewards of our communities, the United States, and the world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of the United States and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, "Effective character education is based on core ethical values which form the foundation of democratic society.";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to—

(A) embrace the 6 core elements of character identified by the Aspen Declaration, which are trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies and activities.

THE ECONOMIC AGENDA

Mr. DOMENICI. Mr. President, I would like to speak a little about the President of the United States, his staff and his renewed focus on the domestic and economic issues of this country.

Across the land, it has been heralded that the President is once again coming back to address economic issues and wants to become a part of the economic agenda. He wants to be involved with what we are doing here in Congress in our work on approving money for programs, talking about Medicare, Social Security, and other things. I will say at the outset that it wasn't too many months ago that the President of the United States was promoting a plan that was considerably different from what he is espousing today. It wasn't long ago that you felt satisfied with saving only a portion of the Social Security surplus and using the rest for your spending initiatives. Yet, as of today, the President's plan has come the Republican way. We both say now that we should save 100 percent of the money that belongs to the Social Security recipients of our country and we should not let it be squandered on anything else.

This means that we are going to save the $1.8 trillion dollar Social Security surplus over the next decade. In the Congressional plan, the only way that we can touch these funds is if they are needed to undertake substantive reforms of Social Security to ensure that the program works well for seniors. Nothing else.

In order to guarantee such restraint, we have developed a lockbox proposal—I came up with the basic idea and Senator ABRAHAM has taken a lead in promoting it. While the President's lockbox is different from ours, at least we are speaking the same language—even the President is saying that we must make sure not to spend any of the Social Security surplus. That puts us on the same path. He is following us. We thank him for that and are pleased to have him on board.

However, now is the chance for him to show his commitment to this principle. Up until now, we have faced opposition on our lockbox bill, both in our budget resolution and on the Senate floor. I would remind you that we have not been able to vote on this proposal here yet because the Democratic minority doesn't want to let us vote on our lockbox. We are going to ask them another time, very soon, to give us an opportunity to vote on it. This lockbox has the name, Abraham-Domenici. It is a real lockbox.

We are also joined by the distinguished junior Senator from Missouri as our third cosponsor, Mr. ASHCROFT. We wish others would join. We wish Senators from the other side would join. Let us make sure that when we say to the seniors that we are putting their Social Security funds in a lockbox, that it is real and is the most real one we can do. As a matter of fact, our bill is so tough that the administration has opposed it on the basis that it might put our Government in a straitjacket. They fear that it might cause some harm to our Government and to our country because we tied the knot on our lockbox so tightly.

We do not agree. We think we need a tough lockbox to guarantee safety. However, the Administration should take comfort in the fact that the Office of Management and Budget—the President's experts on budgetary matters—has just revised up their surplus projections over the next decade in light of recent economic strength. As our economy grows and new jobs are added, people pay more in taxes. This means that once again, there is more revenue expected in the year 2000 than we contemplated 3 months ago. This means that we will now have an on-budget surplus in fiscal year 2000 above and beyond the Social Security surplus—both the President's budget shop and the Congressional Budget Office expect forecast this. This is true, even accounting for the $7 billion we spent recently in FY2000 on Kosovo. This money came out of on-budget funds—we have not touched the funds that are accumulated by Social Security.

The President believes that we have a $5 billion on-budget surplus remaining next year. I can't tell you what the Congressional Budget Office is going to say with certainty, but I can tell you it is more than that. I can tell you it is between $10 and $15 billion. That means we can lock up Social Security's money in the Trust Fund and still have a $10 or $15 billion buffer to absorb any unanticipated expenses. This should allay the Administration's concerns about our lockbox.

Having said that, let me talk for a moment about a profound change which has occurred in our country in recent years. Something very dynamic is happening to the US economy. Some say we're having a new industrial revolution of sorts in the high tech arena that is fundamentally changing the way we do business. It has fueled tremendous growth in all sectors. Now, no one knows for certain why this recovery is so long-lived. However, even though I am usually pretty cautious as budget chairman of the Senate, it does appear that this growth will propel us toward higher and higher surpluses going forward. It is realistic to assume that American taxpayers will be paying far more in taxes than we need to run the Government for many years to come.

That means, year over year, your Government spends less than it takes in. It is great to run persistent surpluses. However, we will surely lose the faith of the American people if we end up spending those surpluses. We must save Social Security's money now and in the future. However, we should think carefully about what we do with the extra surplus—the surplus above Social Security's funds. The President is thinking about this and has formulated 15 year budget plans. I should say as an aside, we will not use 15 year budget numbers—we will not go beyond ten years, regardless of what the President does. Ten-year estimates are long enough—we will have almost a trillion-dollar surplus beyond Social Security during the coming decade.

Now, I have not seen the entire new plan of the President, but I can tell you that is has some odd features. In the first five years, no one in America will get any tax relief. The Government of America will retain control of all the enormous projected surpluses. Tax relief is relegated to the second five years in the President's plan.

That is not fair to the American working man or woman. Now certainly, we will need to retain some of the projected surpluses to put toward Medicare reform. The President envisions one type of reform where he spends $51 billion of surplus dollars on a Medicare prescription drug benefit. We don't know if that is right or not. But we can sit at the table and fix Medicare given our wonderful fiscal situation. But let's not kid ourselves. We don't need a trillion dollars. We should be giving some of this money back to the American people—they are the ones who generated all these extra tax payments, they ought to get some of them back.

In that regard, it appears we are on a collision course with the President. We will let the American people be the judge of who is correct. I don't think that these hardworking men and women will stand by as their taxes climb higher and higher—I think they will support our call for tax relief.

It is unfair to assume that the Government, having collected more than we need, ought to start saying: Well, let's find out how we can spend all of it in Government. How does that make sense? Should we wait for Washington to figure out which new program it needs? Should we do what the President is doing? He wants to put $340 billion of IOUs into the Medicare trust fund, and then say, in 30 years when the IOUs come due, we will just raise income taxes to pay for it. Putting that money into the trust fund for Medicare does not enhance one payment, does not increase its solvency for one week. And here we sit failing to say exactly what it is. The President's proposal will lead to income tax increases down the road to cover these IOUs.

I should say a number of Democrats and almost every Republican have been critical of this presidential proposal. It is similar to writing a postdated check. Guess who is signing the check? The American people, because they back up the U.S. Government who signed that check. It is postdated 30 years. When it comes due, there isn't any money to pay it. So then you go out and tax the American people to pay it. But, in the meantime, you can for some reason run around and say there is a lot of money in the trust fund, ignoring the long-run consequences of this plan. Frankly, I don't believe this is the right way to do things.

I look forward to a good, healthy debate. Normally, I would wonder whether the President is going to once again politicize the issue of Medicare so much so that it will turn out that we will not do anything, and we will all be frightened to death. But I actually believe that the President and Congress can work together. However, we do not endorse the President's reliance on trust fund accounting. Instead of forcing all the surpluses into some trust fund or another, why don't we give them back to the people who paid us? Maybe they could set up their own trust funds. Maybe they could start their own savings plan. Maybe they could put a little more into the kind of things they think they need for their families.

In a sense, I don't know about the rest of the Senators on both sides of the aisle, but I look forward to these issues we are going to discuss between Members of the Congress and the President. On some of them, I look for us to walk right down this aisle in bipartisan fashion and get some things done. However, we will not walk into an end agreement where no relief is given to American taxpayers. We will not be able to agree with the President of the United States if he is leading all the Democrats—which I somehow doubt—saying, no matter how big the surplus is, let's just wait around and see if Government doesn't need it. I submit that, if you do that, Government will need it. Government will use it. And the taxpayers who collectively paid more into Government than we need will see bigger Government, more money spent and less money in their own pockets, which is where more of it ought to be.

I think my time has expired. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DOMENICI. Mr. President, on behalf of the majority leader, I ask unanimous consent that we remain in morning business until 5 o'clock and that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from the State of Washington, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent I be given 5 minutes to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN SHOW LOOPHOLE

Mr. SCHUMER. Mr. President, 2 months ago, right after the tragedy of Columbine High School, I warned that whenever a tragedy occurs in our schools, if we don't act quickly and resolutely, the tragedy would recede in memory and we would fail to pass laws necessary to make our schools safe, thereby creating new ways for future tragedies to occur.

To the relief of the entire Nation, the Senate passed the juvenile justice bill that, thankfully, although belatedly, closed the gun show loophole.

The House, however, failed in its duty to the American people. The House was unable to shake loose from the NRA. They were unable to pass a juvenile justice bill with any gun control legislation and unable to even close the gun show loophole.

I rise today to remind the Senate of the urgency that led us to act firmly and resolutely after Columbine, and to use the various parliamentary procedures that allow Members to bring the juvenile justice bill and the gun show loophole bill to conference where we can do what is right.

I spent part of this weekend, Sunday and Monday, in New York's capital region, talking with constituents from Albany and the surrounding towns. Some of the areas were fairly rural. Without prompting, people walked up to me and said: Senator, what the heck are they doing in Washington? How come you can't even close something as simple as the gun show loophole?

They were incredulous. These people aren't passionate advocates of gun controls. They were outraged. They could not believe that a lobbying group, even such a powerful lobbying group as the NRA, could stop the Congress from passing a basic gun show measure.

I am proud of what the Senate accomplished last month. We debated juvenile justice for over a week. Passions frequently ran high. We cast five separate votes on various proposals purporting to close the gun show loophole. In the end, we approved the real thing. The juvenile justice bill itself passed by a margin of 73–25, with majorities of both parties voting in favor.

Is it a perfect bill? No. Is it a good bill that will make a real difference? Absolutely.

Now the question is whether we are going to throw up our hands and say the House couldn't stand up to the gun lobby, so let's give up.

We are in a strange lull, a lull in which newspaper stories inform us, and I quote the Washington Times of June 23:

> Some [GOP leaders] said even a Senate-House conference to iron out differences with Democrats over gun-control provisions in a juvenile justice bill is now in doubt.

I am told today that Mr. ARMEY said at the very earliest, conferees would not be appointed until after the July 4 recess.

First and foremost, conferees ought to be appointed. We should not simply stop the process because some people, certainly a minority of the Members of Congress, and certainly a minority in terms of the views of the American people, do not want it to happen. The Senate debated the issue. We should have the ability to go to conference. I call on the House leadership to appoint conferees quickly and with alacrity so we might debate the provisions here, not only the gun show loophole but many of the provisions that people on both sides of the aisle support that would make it easier to punish violent juveniles as adults and that would provide some of the prevention services that young people need. Because juvenile justice and closing the gun show loophole is a priority to many Americans; to a large majority of Americans, in my opinion.

Two weeks ago, for instance, a month after we passed the juvenile justice bill, we passed the Y2K liability bill. Lo and behold, Senate conferees were immediately appointed, and I understand we are now close to an agreement. In fact, I believe an agreement is due this afternoon. I think that is great. But Y2K is a far more complicated bill than juvenile justice. It is treading on fresh new ground.

The millennium, by definition, occurs every thousand years but we finished this one right up. The juvenile justice bill, however, is in stasis. There are things that can be done to get it moving. The most obvious is for the House leadership once again to appoint conferees so we can debate the gun show loophole. The real problem I fear is that those in the Republican House leadership do not want to continue to debate this issue. They know their allies in the NRA and the American people, including most gun owners, are divided because most Americans, including most gun owners, sincerely believe providing a background check at a gun show does not infringe their rights just as we now provide that a background check must be done when you buy a gun at a gun shop. But they do not want to do that.

So there are other things we should consider to get things moving. Perhaps we can add these provisions to a bill that has to be conferenced. Perhaps we can add this to other types of proposals which the other body sees a need to have go forward. But I am issuing this challenge, particularly to the House leadership but to all of my colleagues: We should pledge to send a juvenile justice bill, one way or another, to the President's desk, a bill which includes the Senate gun show provision, by the first day of school, the Tuesday after Labor Day. That is 2 months to pass a bill that we already passed. If we do not, and there is, God forbid, another school shooting, we will sorely regret our inaction.

I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

PATIENTS' BILL OF RIGHTS

Mr. REED. Mr. President, I will speak for a few moments about a topic that has consumed many of us for many days this week and preceding weeks, and that is the Patients' Bill of Rights.

A particular concern to me has been the status of children in the various versions of the Patients' Bill of Rights. I argue very strenuously and very emphatically that the Democratic proposal recognizes the key differences between children and adults when it comes to health care, and there is a significant difference. For a few moments, I will try to sketch out some of these differences.

First of all, if one looks at the adult population in terms of types of illnesses, they are characterized as chronic diseases with relatively simple symptoms, simple manifestations with known consequences. They are quantifiable over a short period of time. Prostate cancer, breast cancer, heart attack are familiar diseases to all of us.

The other aspect of adults is that there is a large volume of adults who have these types of diseases. As a result, there is more than a sufficient supply not only of physicians but of specialists, those who are particularly skilled and particularly knowledgeable about the most efficacious treatments one can use for these types of conditions.

In contrast, children present another type of population to the health professionals. The good news is that most children are healthy. But if a child is sick, that child usually does not have one of these chronic diseases that is well-researched and well-treated and staffed by numerous specialists, but something more complicated. In fact, as the professionals say, these diseases are usually complex and with multiple co-morbidities. For the layperson, that means different problems interrelated causing a much more complicated case for the physician.

There is another aspect of this dichotomy between adult health and children's health. There are so many healthy children —the good news. The bad news is in terms of managing this population, there is a very small volume of very sick children. This makes it very difficult for physicians to maintain their clinical competency, particularly for general practitioners. They will see many adults who have similar symptoms and they know very well how to treat them. By contrast, they very rarely see chronically ill children, so treating them effectively becomes especially difficult for a general practitioner.

Another difficulty is the sense these general practitioners or even adult specialists can treat this population of patients. There is a further complicating factor, that is, to manage cases you need volume, you need data, you need to understand what the best treatments are, and you can only do that in a rational way by studying lots and lots of cases and, frankly, because of the nature of children's health, they do not have the same type of volume in children's diseases as they do in adult illnesses.

One other complicating factor is that many times children's true health conditions manifest themselves long after they have actually contracted the condition. It is not the short duration, it is not the heart attack that one can rush the person into the emergency room, do the surgery, apply the drugs, and get that adult on the road to recovery. It is much different when it comes to a child.

Managed care organizations and the way they deliver care can compound these inherent differences between the adult population and the children's population.

First, let me give credit where credit is due. When a managed care plan does it right, they do preventive care very well. They can anticipate, through the management of the child's case, immunizations and well-baby visits, et cetera. But there are certain inherent characteristics of the managed care system of health care delivery that makes it—appropriate for adults but less appropriate for children. That is why we have to focus a part of our efforts on making sure that children are truly recognized in the legislation we are discussing.

First of all, because there are a relatively small number of very sick children, there is not the adequate number of patients for the HMO to maintain a number of pediatric specialists in their provider network. The other fact is that HMOs tend to fragment the market. They go after parts of the market and leave other parts out, but they do not tend to accumulate large groups of children so that a pediatric specialist in a particular area can be fully employed.

Another aspect of the managed care delivery system is that they typically look for an affiliation with what they call centers of excellence, hospitals that are well-known for their practice in a certain field of medicine. In most cases, what they consider to be the center of excellence is a center that provides the best adult medicine because after all, they are marketing their products to adults, not to children. They are marketing their products to human resource managers who have to buy for a company, or they are marketing directly to people who make decisions about health care who are by definition adults. When they are out looking for centers of excellence, they are looking for those hospitals that have the best urology departments, have the best records with prostate cancer and breast cancer and heart attack. That is another built-in aspect of the HMO dilemma which complicates the care to children.

There is something else. There is an economic incentive for these HMOs to refer children to adult specialists and not to pediatric specialists. There is a great difference between a cardiologist and a pediatric cardiologist because of the differences in caring for a child versus caring for an adult. The incentives are sometimes very compelling.

For example, if you have a staff model HMO—that is where the doctor actually works for the HMO—you have a cardiologist simply because that is expected, and if you look at the numbers, you are likely to have a lot of adult cardiology patients and very few children. To add a pediatric cardiologist increases the fixed costs. Why do that when you can simply make a referral to the adult cardiologist that is already in the plan's network?

When you look at the nonstaff model, one where they will contract with individual physicians, typically what they will do is look at volume discounts. A physician will say: Sure, I will sign up for so much per visit, but you have to assure me that I will get a lot of visits. That is another incentive to drive children not to pediatric specialists but to adult specialists.

As a result, these incentives tend to diminish the quality of health care that HMOs give to children, particularly very sick children. It is not because they have some type of grudge against kids. It is simply, if you look at the market dynamics, if you look at the volume they are trying to manage, it all argues against the type of care that sick children must be assured. In other words, there is a failure in the market to recognize the needs of children.

That is why we have to step in. That is why we have to require HMOs to make sure that there is access to pediatric specialists, to make sure HMOs are tracking the health progress of children, to make sure they are measuring their outcomes in terms of children and not just adults. If we do not, the system will always be driven to the needs of the adults who managed care plans are trying to recruit as patients. Another way to say this very simply is that HMOs operate on economies of scale. That is how they make the money. And children with particularly complicated pediatric health care cases do not conform to those types of economies of scale.

I mentioned before there are other particular issues about the health status of children that make them distinct from adults, and one of them is the fact that children are still developing. They are constantly changing their functional levels —mobility, toddlers start walking, and then they start running, speech, puberty—all issues which are seldom associated with adult health.

As a result, unless you consider development as a first order of priority, you are going to overlook a lot of the emphasis that should be placed on children's health care. I suggest that most HMOs do not factor in the sensitivities to development that are so necessary.

Also, when you get into a situation like this, when the development of a child is at stake, the challenge is early intervention. It is not simply catching the disease someplace along its course and providing some type of treatment. It is early intervention.

There are numerous examples. One that I recently read about is a condition in infants called strabismus, which is muscle weakness of the eye. If it is not corrected soon after birth when the neurological connections between the eye and the cortex of the brain are being formed—again, this is not a situation that an adult would ever encounter—if you do not catch it early, you are going to have significant and irreversible loss of sight.

That is a special concern for kids, a very serious developmental concern for children diagnosed with the disease. That is why we need to make sure that development is built into HMOs consideration of the type of treatment and services they provide children. The economics of HMOs means they will not do it themselves. Therefore, we must make it our job. I think that is what is part and parcel of a good part of the Democratic initiative.

Let me suggest something else on the issue of development. My colleague from California, Senator FEINSTEIN, and so many others, have talked about medical necessity. This whole definition of medical necessity tends really to prejudice kids from getting a fair shake in HMOs, for many reasons.

First of all, most medical necessity determinations are documented by data. How efficacious is the treatment? How often do we use it? And it goes right back to one of the inherent issues: The very lack of the volume of seriously ill children to generate the kind of data, treatments and outcomes.

There is nothing in the law that I can see today at the Federal level that even requires HMOs to start thinking about outcomes, to start thinking about effectiveness in terms of kids.

The other thing that we should be concerned about is that a lot of medical necessity is cost based—using the cheapest option. Once again, when you have a very small volume of very sick kids, the appropriate form of treatment may be extremely costly.

Another factor concerning medical necessity is that usually it is tied to the notion that a health plan will not pay for innovative treatment. It will not pay for experimental treatment.

Once again, many of the treatment modalities used for children, simply because they are not routine, can be called innovative or experimental. That is another example of how children are prejudiced by the system. It is something that we have to correct.

Finally, very seldom will you find in the definition of medical necessity this concept of developmental impacts, beyond simply returning to normal function. As a result, it is easy for HMOs to say a treatment or procedure is not medically necessary when children present themselves or their parents present them for care. It is not threatening their lives today, or even their ability to function today. However, they probably know that months from now, a year from now, 2 years from now, their development will be severely impaired. But that is not part of medical necessity. So that is another example of why we have to step up to the plate, particularly when it comes to children.

We have learned so much about the development of young children, particularly from ages 0 to 3, including the way the brain develops.

Once again, this is an issue that has very little correlation with adult experience. Children are developing.

Just a few examples.

At the Baylor College of Medicine there was a survey of abused and neglected children. They focused on 20 children who they described, in technical jargon, as living in "globally understimulating environments." In other words, these children were rarely touched; they had no real opportunity to play; they had no opportunity to explore and experiment. They found that the brains of these young children were 20 to 30 percent smaller than those of children who had the opportunity to be stimulated. Indeed, literally parts of their brains had wasted away. Again, this is an issue that would never confront a practitioner looking at an adult.

Another example relating to development is in the area of childhood trauma. We have been able to show, through scientific examination, that children who have witnessed violence have physically continued to register that violence, they remain in a high-alert state, and this leads to emotional, behavioral and learning problems.

Again, these are conditions that you would never find in an adult, with some exceptions of course. But they are part and parcel of the developmental process of children. If we do not understand that, we do not recognize it. If we do not provide particular protections for children, it will not be done by the HMOs. It costs too much. They do not have the data. It is just something that they do not think about a lot.

I see my colleague from Oregon is here. Let me make one other point, if I could.

Mr. WYDEN. I just want to, at a convenient time, ask my good friend from Rhode Island to yield for a question or two because I think the Senator has made an excellent presentation on the need to advocate for kids. All the latest research with respect to these children is really dropped-dead material. Unless you get there early, as the Senator from Rhode Island is suggesting, you end up, with a lot of these poor kids, playing catchup ball for the next 10 years.

So when it is convenient, I would like to engage the distinguished Senator from Rhode Island in a few questions about some of the other areas where he has contributed on this bill that, frankly, I think ought to help bring the parties together and help us fashion a bipartisan proposal.

I just want the Senator from Rhode Island to know how much I appreciate him standing up for those kids who do not have political action committees and do not have clout and cannot speak for themselves. At an opportune time in the Senator's address, I would like to be able to ask the Senator to yield just to address a few other questions about some of the areas on which he has focused.

Mr. REED. I thank the Senator from Oregon.

I want to make one final point about children, and then I would very much like to yield to the Senator. And I compliment him, too, on his efforts because we are working together on many of these issues, including children's health.

One final point: Children's health is, I would argue, more dependent on environmental conditions than adults. Of course, there are certain situations in the workplace where adults are exposed to chemicals, and we try to deal with that in terms of regulations and standards. However, it is also important to recognize that children are particularly prone to environmental and sociological conditions.

For instance, lead poisoning—it is an epidemic in so many cities. In my city of Providence it is an epidemic. But it is not just Rhode Island, it is across the country.

For too long, we used lead paint in houses, and now we do not have enough HUD money to clean up homes that have lead-based paints. That is why so many children have lead paint poisoning.

We have to recognize, for kids, is they these are important health problems. We have to be developing mechanisms so managed care organizations recognize these issues as health problems and that the Government recognizes them as health problems, and that they work together with linkages.

My final point is, unless we pass the kind of language that we have in the Democratic alternative, we are not going to give the special needs of children the attention it needs and deserves. When we start collecting the data, when we start having the HMOs publish what they do for kids—what is their success rate with kids? How many kids with complicated conditions do they have enrolled in their program? When we start doing that, they are going to have an incentive to start talking to the schools and the local authorities about their patients because now they have a real visible, accountable incentive to do it.

Just one final point: Again, Bruce Clarke, Gen. Bruce Clarke, one of the great combat leaders of World War II, said—and I remember this from my days at West Point—"A unit does well what its commander checks. If the commander doesn't check, you are not going to find that unit paying attention."

We have not been checking on kids in HMOs in this country. I do not think they are doing particularly well as a result. When we start checking on kids specifically, as the Democratic alternative does, then we will start doing much better, I think we will start doing well.

I yield to the Senator from Oregon.

Mr. WYDEN. I thank my colleague for yielding. He has made an excellent presentation with respect to the need for strong advocates for these kids.

I will turn briefly to another area where the Senator from Rhode Island has, in my view, done yeoman work, and an area, frankly, that I think has sort of gotten lost a little bit in this discussion. That is the proposal the Senator from Rhode Island has made with respect to having ombudsmen or advocates for consumers around the country. It ought to be one of the areas that both political parties could gravitate to, because I believe that what the Senator from Rhode Island has done—of course, we have gotten great input from Families USA and Ron Pollack and some of the folks who have done so much for consumers over the years—is essentially talk about a true revolution in the area of consumer protection.

What happened—I have seen this so often since my days as director of the Gray Panthers; I was head of the Gray Panthers at home for about 7 years before I was elected to the House—what we saw was that the consumer would have a problem and, without any advocates or the ability to get it handled early on, a problem that started off relatively modest and minor would just fester and get worse and eventually blossom into a huge controversy which ended up in litigation.

As the distinguished Senator from Rhode Island knows, one of the most controversial aspects of this whole debate about managed care is litigation. It seems to me that if the Senate were to adopt the proposal of the Senator from Rhode Island or some version of it, this would shift the focus of consumer protection away from litigation, away from problems after they have unnecessarily developed into something serious. Instead, we would resolve a lot of the problems early on and we wouldn't need this focus on litigation.

Certainly, we ought to have legal remedies for the really outrageous examples of consumer rip-offs and the like. But I think what the Senator from Rhode Island has done, and it is such a valuable service in this debate and a real revolution in consumer protection, is said: Let's get at it early on when the consumer and the families can find somewhere to turn. We will prevent problems then. It can be done relatively inexpensively.

I would like the Senator from Rhode Island to elaborate a little bit on this and make sure that over the next few minutes the Senator from Rhode Island can lay out his proposal, on which I am honored to join with him. I think this has the potential of, frankly, being one of the areas where the parties, once they focus on it, can say: This is good public policy that will reduce the need for litigation and, as Ron Pollack and Families USA have said so eloquently, help a lot of consumers when they need it most. Perhaps the distinguished Senator from Rhode Island could take us through it.

Mr. REED. I thank the Senator from Oregon for his very kind words. Let me also thank him for his help and support in working so closely with me and Families USA and others to ensure that this proposal will work for all consumers and for the insurance industry as well.

Part of our attempt is to find answers before, as the Senator from Oregon has said, they wind up in court. My experience—I think your experience, too—is that people want their health care to be addressed. They don't want a lawsuit. They want to get their children cared for. They want their own health care. This is not an attempt to figure out some way to get involved in a messy multiyear litigation process. Yet if there are no mechanisms, such as an ombudsman and an internal/external review process, if we don't have these mechanisms, that is where we inevitably will find ourselves.

Let me quickly accept the Senator's invitation to lay out some of the details.

First, it would be a State-based program, not a national program in the sense of some collective wisdom here in Washington, but each State could design their own ombudsman program. We would provide financial support. There would be some general guidelines for the states to follow. Basically, this ombudsman operation or consumer assistance operation would inform people about their plan options that are available and to answer other questions about a person's health plan.

Frankly, one of the great dilemmas most of our constituents have is, they don't know whom to ask about health plans, what health plans are available. This would be a source, a clearinghouse, if you will, for that type of information.

Then the ombudsman or the consumer assistance center would operate a 1–800 telephone hotline to respond to consumer questions and requests for information—again, such a necessary ingredient, for several reasons: First, the general befuddlement one experiences when you try to read a health plan contract. Two, I sense there is deep skepticism about the kind of response you expect to receive from your own insurance company about your rights and your benefits, if you get a response at all. Too many times I have heard constituents say they have just found themselves entangled in a voice mail hell, if you will. As you push one number and find one recording, you push another number and find another recording. The ombudsman program with the 1–800 number would serve as a place where you could get information and get it quickly.

Then this objective ombudsman, or woman, as the case may be, would provide assistance to people who think they have a grievance. They would have an opportunity for a patient to go in and say: My plan said I could not have this procedure for my child. My doctor says my child needs it. Can you help me? Frankly, not only will the ombudsman help the individual consumer, but they will look at the plan, and they will conclude that under the terms and conditions of the contract, that is or is not covered.

It won't be the insurance company protecting their own interest, it will be an objective agency that will be able to step in and advocate for consumer rights when they need to vindicate their rights and explain to them the limitations of the policy, when that is the case.

That is the general outline.

I yield the floor.

Mr. WYDEN. I appreciate the distinguished Senator yielding. I have felt that he has really gone to great lengths to try to ensure that this could be supported by every Member of the Senate.

Frankly, I feel about his proposal much like I do about the gag clause discussion. I think he and I have talked about this. I am probably a lot of things, but one of the last things I guess I would qualify as is an HMO basher. We have a lot of good managed care in my part of the United States. My hometown of Portland has the highest concentration of folks in HMOs in the United States. About 60 percent of the older people are part of a managed care program.

The distinguished Presiding Officer, Senator SMITH, and I have worked together on a lot of these issues. Frankly, one of our big concerns is, we do offer a lot of good managed care. We end up getting the short end of the stick in terms of reimbursement. I think what the Senator is talking about with an ombudsman, much like gag clauses where people, of course, ought to be entitled to all of the information about their options, the ombudsman concept is much the same kind of approach to good government.

The Senator from Rhode Island has written this now so as to ensure it cannot result in litigation, that this specifically is designed to help consumers at the front end and bars litigation. I don't think the majority of the Senate is aware of that. The Senator from Rhode Island has indicated to this Senator and the Senator from Maine, Ms. COLLINS, who has been very interested in this issue over the years, who has done good work, that he wants to make sure we don't duplicate existing services.

I am happy to yield to the Senator.

Mr. REED. Reclaiming my time, it is quite specific in the legislation. Again, the Senator is one of the contributors to this legislation, along with Senator WELLSTONE, and I thank him.

The ombudsman, or the consumer assistance center, could not participate in litigation. Their scope of participation is informal and could include contacting the insurance company, explaining rights, advocating for the patient as an ombudsman, not as a lawyer, not as a litigator.

Let me add one other point and then, again, yield to my colleague from Oregon. Interestingly enough, again I think he has identified an issue that we all can rally around. One of the great talents the Senator from Oregon brings to the Senate is an ability to be a bridge in so many different ways, i.e., the Education Flexibility Act—to find a mechanism that we all can agree upon.

This is another one of these areas. Interestingly enough, a few weeks ago we passed with little controversy and with much enthusiasm the defense authorization bill that included an authorization for an ombudsman program to address the problems and complaints associated with military HMOs—the TRACER system—looking at the same problem that all of the Senator's constituents from Oregon face, and all of my constituents face, but in the context of military families and complaints, and legitimate complaints of military families. They cannot get the care they need. They cannot get the answers. They get the runaround. They do not get the support.

In response to that, this body voted enthusiastically to authorize an ombudsman for the TRACER system. Frankly, both the Senator from Oregon and I are saying if it works well, or we think it is going to work well for our military families who are enrolled in an HMO that has a great deal of responsibility for them, why not give it a chance in the context of the private insurance HMO industry in the United States?

I think that underscores what the Senator from Oregon has said. This is not controversial. This is helpful. This is practical. This is not about litigation, it is about making sure that people get answers, that people get results, and that people get the care. That is what I think we are all here to do.

Again, I will yield.

Mr. WYDEN. I appreciate the chance to continue this for a moment because the Senator from Rhode Island is essentially being logical. Heaven forbid that actually takes over some of the debate we have. There is nothing partisan about making sure that consumers have all the facts about their health care. That is the effort with respect to barring gag clauses. And there is nothing partisan about this ombudsman approach.

I am very hopeful, frankly, that as the Senate learns more about this kind of concept pioneered by the Senator from Rhode Island, Families USA, and others, that we will see some of the good health care plans in this country saying we are going to support this because it makes sense to solve problems early on.

Frankly, if we can win support for the REED proposal early on—I am honored to join in on it—I think this will go a long way to eventually resolving the controversy about litigation because I think we will see good advocacy programs early on, and we can confine then the need for litigation to really only the outrageous, outlandish cases where I think every Member of the Senate would say, goodness, this is an area where you really ought to have a legal remedy. But we would have skewed the whole system toward prevention and early intervention, or answering the questions that the Senator from Rhode Island has properly identified.

I will tell you that in my hometown, where we do have a lot of good managed care, folks want to see this kind of proposal. They want to see what is laid out in the legislation that our colleagues on this side of the aisle are offering, and they want to see us reach a bipartisan agreement.

The Presiding Officer of the Senate and I have had the most competitive elections in the history of the West. We have teamed up together on a whole host of issues in the Senate.

It would seem to me that around the ombudsman program and around barring gag clauses, this is another area where essentially partisan politics ought to stop outside the Chamber. We ought to work together to enact a good ombudsman program to say that this is the best anecdote to frivolous litigation, frankly, that we could possibly find.

I thank the Senator from Rhode Island, with whom I have enjoyed working for well over a decade on senior and consumer issues, and for the chance to work with him on it.

Perhaps by way of wrapping up my question to the Senator from Rhode Island, could he fill us in on progress with other colleagues? I know that Senator COLLINS has been very interested in this issue. She has done good work in her home State of Maine. Perhaps the Senator from Rhode Island could just wrap up by telling us where his proposal stands. I want to assure him and Senator KENNEDY, who has been leading this fight—and I am anxious to work with him. In fact, when I first came to the Senate, just a few weeks after arriving I had a chance to work with the distinguished Senator from Massachusetts on the effort to bar gag clauses. I only wish we had gotten that in place back then several years ago. It is long overdue that we get that protection for consumers as well as the Reed proposal.

Perhaps the Senator from Rhode Island could tell us where the ombudsman proposal stands at this time.

Mr. REED. Very quickly, we have been working, as the Senator knows, closely on the Reed-Wyden-Wellstone proposal, which was formally introduced as separate legislation. It is incorporated in the Democrat Patients' Bill of Rights. I know Senator COLLINS of Maine is very interested in this issue. I think she is also convinced that this is important and significant.

Let me also say that the Senator from Oregon made reference to his experience as a senior advocate. There are, in fact, senior ombudsman programs throughout the United States which we support with the Older Americans Act. These programs have been very effective and are doing precisely what we want to do in the context of managed care.

Again, we just adopted an ombudsman program for military personnel in the TRICARE system. It was noncontroversial. In fact, we have a great deal of expectation and hope that this will be helpful to our military families. We are working together across the aisle. I hope that we can also incorporate this provision in whatever Patients' Bill of Rights legislation that emerges. It is not designed to be a tool of litigation; it is designed to be a tool of conciliation.

On those grounds, I am optimistic and hopeful.

But, once again, let me finally conclude by thanking the Senator from Oregon not only for our colloquy this afternoon but also for his support, not only on this issue but so many others.

Mr. WYDEN. I will be very brief as well.

I think the distinguished Senator from Rhode Island, particularly with Families USA, is on to something that really constitutes a revolution in consumer protection. What we have seen on one issue after another—just a few minutes ago the distinguished Senator from Arizona, Mr. McCAIN, and Senator DODD of Connecticut, and I were able to get an agreement on the Y2K issue with respect to trying to hold down frivolous lawsuits surrounding Y2K. What the Senator from Rhode Island and Families USA have been able to do is essentially say in the health care system: We are going to do everything we possibly can to limit frivolous lawsuits; we are going to help people when they need it most, when the problem first develops.

I want to assure the Senator from Rhode Island and the distinguished Senator from Massachusetts that I am anxious to work with them on this proposal, because I think this is one of the areas where the parties ought to be able to come together. It may sound quaint, but the ombudsman notion is simply good government. It is preventive kind of medicine.

I thank the Senator for the chance to work with him on it. I will not ask him to yield further. But I am very hopeful that in the days ahead both political parties can see the merit in this idea and have it included.

Mr. REED. Before yielding the floor, let me just say that I, along with my colleague from Oregon, must recognize Families USA and Ron Pollack for the inspiration and thoughtful analysis that helped propel this proposal. It is a good one.

Frankly, we could do very well in this Senate this year if we could protect children through better managed care legislation and give all of our citizens a real voice in our health care decisions through an ombudsman program. This will be a very satisfactory and very successful endeavor for all of us in the Senate.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The time for morning business was concluded at 5 p.m.

Mr. GREGG. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE

Mr. GREGG. Mr. President, I want to comment on the President's proposal relating to Medicare, and specifically relevant to the drug benefit which has been put forward by the President today and by his staff.

I think the American people have to look at this in the context of the history of this administration's efforts in the area of health care. We know that when this administration came into office, Mrs. Clinton was assigned the task of developing a health care proposal. She came up with what has become known as "Hillary Care," which was essentially a nationalization of the health care system. It was intricate bureaucracy that basically was so interwoven and so complex that it was totally impossible to recognize.

It needs to be noted in evaluating the drug component on this recent proposal on Medicare, the proposal of the Clinton administration on general health care issues as it came forward under Mrs. Clinton's plan, known as "Hillary Care," was a dramatic invasion of the health care delivery system in this country by the Federal Government. It was essentially a nationalization of the system with huge complexities and huge intricacies. That was followed by a number of other initiatives which were lesser but equally aggressive in their attempts to move to the Federal level control over functions of health care in this country.

Then on the issue of Medicare, a commission was set up. The commission was to be balanced. In fact, the President had a large number of appointments to it, and the Senate and House had a large number of appointments to it. It was chaired by a Democratic Member of the Senate, Senator BREAUX.

That commission was to resolve this matter. It was to come forward with a proposal to address the long-term solvency of Medicare and, within that, the drug benefit for senior citizens. The commission did great work, yeoman's work. They came up with a proposal. More than a majority, a significant majority, of the commission supported the proposal which had in it a drug component, and the President walked away from the proposal, even though the proposal had been supported by a majority of the commission which he was instrumental in setting up and to which he appointed the chairman, who was Senator BREAUX from this body.

The question of his most recent proposal on Medicare, I believe, has to be looked at in that context, and therefore it becomes a question of whether or not the proposal put forward by the President, most recently today, is a serious proposal or is it a political proposal. If it is a serious proposal, why is it not in step with the Breaux commission, and if it is a political proposal, what is its purpose?

Let's look at it quickly. Nobody has had a great deal of time to analyze it, but if you look at it quickly, it appears to be a proposal that is turning on its head the basic purposes of a drug benefit.

The Breaux commission suggested that the purpose of a drug benefit should be to make sure the beneficiary, the person paying the drug costs, was not wiped out by the cost of the drugs. That is a reasonable position. Essentially, the Breaux commission concluded that we should have some way of saying to a senior citizen who ends up with a huge amount of drug costs that if you are hit with a catastrophic drug cost, there is going to be some protection for you and some coverage for you.

This proposal from the President does the opposite. Instead of covering a catastrophic drug event where a senior citizen has to buy a lot of drugs to maintain their health over a period of a year and, thus, runs up huge bills which basically deplete their assets, this proposal has first-dollar coverage. The first-dollar coverage stops when it gets to $2,000, I believe, of drug expenditures, which means that if a senior citizen has a large number of drug expenditures, essentially the senior citizen is still going to be wiped out by those costs.

It makes much more sense to approach it the way the Breaux commission approaches it and the way most people have looked at the issue, which is, you say to a senior citizen or anyone else: Listen, you have to be responsible for the cost up to a certain level, and when you get to that level which would threaten your economic solvency, at that point the Federal Government will come in and assist you in paying the drug costs, which would be catastrophic coverage and makes much more sense than the proposal which has first-dollar coverage, if you are putting forward a plan which has as its purpose the actual correction of the present problems occurring in the health care community relative to drug costs.

The proposal the President puts forward makes no sense substantively on the issue of paying for drug costs, because it does not benefit anybody if they have a catastrophic amount of drug costs. It may make sense, however, politically because it says to a senior citizen, we are going to cover you for first-dollar coverage of your drug costs, which means you can say to all seniors, you no longer have a drug cost for up to $2,000, which means a lot of seniors will be covered, but of course those seniors who are most at risk, who have lots of drug expenditures, who exceed $2,000 in drug expenditures, are thrown out like the baby with the bathwater, but at least politically you pick up the vast majority of seniors who have lower drug costs.

One has to look at that benefit and say that is a more politically driven benefit structure than a benefit structure directed at the problem, which is the huge amount of drug costs on senior citizens and the fact it can wipe out their assets.

One has to look at another issue, which is, we all know a drug benefit is very expensive for the Federal Government, and therefore for the taxpayers, and when we are talking about taxpayers, we are talking about younger taxpayers who are paying to support the senior citizens.

We have a transfer of income from younger working Americans into senior citizens' accounts, and one would expect, therefore, in looking at that, we would be saying: Seniors who are doing well—and a large number of seniors in our society are, fortunately, because we have been able to create an atmosphere where many seniors have a fair amount of income, and, as a matter of fact, as a matter disposable income, people over age 65 have more disposable income than in their working years when they were in their twenties and thirties. For the most part, you could say those people are doing really well.

For example, say, Bill Gates' parents, who probably have a fair amount of stock in Microsoft, may be retired. I do not know if his parents are retired or not. I am using that as an example. Someone who is extremely wealthy who is retired, one would not expect their drug benefits to suddenly be subsidized by somebody who is working in a restaurant, a gas station, or on a computer assembly line in Nashua, NH.

Yet what the President has put forward is a plan that does just that. He put forward a plan where working Americans, Americans who are just trying to make ends meet, where both parents are having to work in order to take care of household expenditures, who are under tremendous financial pressure, are going to have to subsidize the drug benefit of all senior citizens, no matter what their income level.

A high-income senior citizen, somebody who happens to be a member of a famous family that has made millions of dollars, or somebody who is not even a member of a famous family but happens to have a tremendous amount of wealth—Charlton Heston, for example, I suspect he has been successful—that person's drug benefit under Medicare will suddenly become a subsidized event paid for by a working American.

Does that make sense? No; that is upside down. Obviously, if you are going to have a drug benefit for senior citizens, it should really apply to those seniors who need the benefit and who cannot afford it. That happened to be the proposal that came out of the Breaux commission. They suggested people up to 135 percent, I believe, of poverty be allowed to get the drug benefit and have it subsidized and people over 135 percent would not have that event occur. Therefore, people with higher incomes would not end up being subsidized by working Americans who maybe cannot afford to subsidize the drug benefit of senior citizens because they have to take care of their own household expenditures.

Yet this proposal from the administration has not taken the tack of the Breaux commission which says: Let's take care of those seniors who need the assistance, but let the seniors who can afford to pay for their own drugs pay for them. They turned it upside down: Let's take care of all seniors at the expense of working Americans, maybe even Americans who have trouble making ends meet.

That leads one to the question: Why are they doing this? Is this the substantively right thing to do? Is it the politically correct thing to do? Yes, it is, because we all know when it comes to senior citizen accounts, there is tremendous reticence within the senior citizen activist community in this country to have any sort of means testing, which is what this amounts to, or affluence testing, which is where it would lead to. Yet they allow Americans to subsidize extremely wealthy Americans, not only for the drug benefit as proposed by the President but, unfortunately, as the President did in part B premiums, they are willing to allow that truly inappropriate action to occur for the political benefit of it. Once again, what we are seeing is a political initiative.

Then if you look at the proposal in its outline form, you can see it is going to create an intricate, complex, bureaucratic structure to determine what benefit is covered and is available to be picked up by the Federal Government under the drug benefit cost. There is going to have to be some sort of extremely complex structure. They turned it over to HCFA, which is an agency that has the capacity to develop a complex structure, but there will need to be some sort of national structure set up in order to account for what is and is not covered under the system the President has set up in his proposal.

One gets the feeling we are looking again at the use of the Federal bureaucracy as the agency to manage the day-to-day activities of health care. We know from experience that does not work too well.

This proposal the President has put forward is, on its face, upside down on core basic issues of better health care, whether it happens to be the premium, whether it happens to be the means testing, or whether it happens to be the bureaucracy.

I think the thing that I find most dangerous about this proposal, and the thing I am most concerned about, is the effect on lifestyle of American seniors because it puts us on an extraordinarily slippery slope, in its present structure, which will most likely lead to a diminution of the effort of the American entrepreneurial culture to produce better drugs for seniors.

A great number of American citizens today benefit dramatically from the fact that we have the most vibrant, innovative drug research and development industry in the world. We have an industry which is second to none in producing products that make people's lives better.

But it is an extremely expensive undertaking. It takes 12 years and hundreds of millions of dollars to bring a drug to the market. The only way that these entrepreneurs can undertake that initiative is if they are able to go out in the marketplace and get the capital necessary to take that type of risk to produce those drugs.

When you start having the Federal bureaucracy manage who can and who cannot buy a drug and what drug has to be bought and what drug cannot be bought, as will inevitably be, I suspect, the outcome of this initiative, as it moves into its second- and third-generation event—and was the intention, by the way, of the Hillary health care plan, so we know that we can suspect that is in the back of somebody's mind around here—then your ultimate outcome will be to have a chilling effect, a dramatic dampening effect on the innovative minds of America, on the scientists of America who are producing the new drugs which make people's lives better because those scientists and those innovators are not going to be able to get funds through the capital markets to underwrite their undertakings.

Why? Because if you are a capital investor, as Mr. Greenspan has so often told us, the capital markets are the most efficient markets in the world. Money flows for capital where it gets the return that makes the most sense for those dollars. People are not going to invest in drug research and development if they are not going to get adequate return. They are not going to get adequate return on it if you have a Federal bureaucracy taking over the control of the pricing mechanisms or the appropriate drugs to be purchased—both of which are potential outcomes of any plan put forward by this administration because that, as we have already seen, is a goal that is in the back of the mind of this administration. So although it is not a stated risk, it is, in my opinion, a clear undercurrent of risk as we step into this area of drug benefit for senior citizens.

The ultimate conclusion of this, of course, is that I think the President's proposal is political, not substantive. If the President wanted to substantively pursue a drug proposal, a drug benefit for senior citizens that would work, that had been well vetted and well thought out intelligently, he would have adopted the proposal of his own commission, the Breaux Commission. That was rejected in order to take the path of the political initiative. I think we should be very suspicious before we step on to that path as a Congress.

Mr. President, I appreciate the courtesy of the Chair and yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, let me say first Senator DASCHLE and I have labored long and hard to come to an agreement on a unanimous-consent procedure to deal with the Patients' Bill of Rights issue, appropriations bills, and nominations, and it still takes an awful lot of good faith. We have to work together. We have to have some trust. We have to give the benefit of the doubt to the leaders. Also, in the Senate we have to be prepared to deal with action. We are trying to find a way to deal fairly with the appropriations bills and with the Patients' Bill of Rights.

I ask unanimous consent that the majority leader or his designee, introduce the underlying health care bill and it be placed on the calendar by 12 noon on Thursday, July 8, and the bill become the pending business at 1 p.m. on Monday, July 12, 1999, with a vote occurring on final passage at the close of business on Thursday, July 15, and the bill be subject to the following agreement:

That the bill be limited to 3 hours of debate, to be equally divided in the usual form, that all amendments in order to the bill be relevant to the subject of amendment Nos. 702, 703, the introduced bill or health care tax cuts, and all first degree amendments be offered in an alternating fashion with Senator DASCHLE to offer the initial first degree amendment and all first- and second-degree amendments be limited to 100 minutes each, to be equally divided in the usual form. I further ask consent that second-degree amendments be limited to one second-degree amendment per side, per party, with no motions to commit or recommit in order, or any other act with regard to the amendments in order, and that just prior to third reading of the bill, it be in order for the majority leader, or his designee to offer a final amendment, with no second-degree amendments in order.

I further ask consent that following passage of the bill, should the bill, upon passage, contain any revenue blue slip matter, the bill remain at the desk and that when the Senate receives the house companion bill, the Senate proceed to its immediate consideration, all after the enacting clause be stricken, and the text of the Senate bill that was passed be inserted in lieu thereof, the bill as amended be passed, the Senate insist on its amendment and request a conference with the House, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I want to announce at this time that the minority leader, Senator DASCHLE, and I have discussed several times how we would proceed with this matter once we have had this period of time for debate and votes on and in relation to the Patients' Bill of Rights.

Senator DASCHLE has given me his assurance that although this agreement will not prohibit Members from offering this issue or an amendment related to this issue again in the session, he does not expect a need to offer this issue again, presuming the normal legislative process is followed.

In other words, if we should complete an action and it goes to conference, if it languishes there or does not come back, this arrangement would not prohibit some amendment from being offered at some subsequent point.

I can fairly say that the minority leader is willing to say this issue will have had due consideration after these 4 days of debate, and at the conclusion of this week we would not feel the need to readdress it.

Finally, I announce to the Senate, following this agreement, the two leaders have jointly agreed to pass three to five of the remaining appropriations bills available prior to the Fourth of July recess. This will take a good bit of cooperation, too.

The top priority of the appropriations bills are likely in the following order: foreign operations, D.C., Treasury-Postal Service, and the pending agriculture appropriations bill. We will work to see what the prospects are and time to be consumed for Transportation, State-Justice-Commerce, or Interior.

I have already discussed this matter twice this afternoon with the chairman of the committee. I believe he is working with Senator BYRD to try to identify the bills we could most likely move in this remaining time, and how that can be done—time agreements, if necessary—but we will have to work together. I believe we can move at least three, and hopefully four, of these bills.

In light of this agreement, I now ask consent that the pending two amendments to the agricultural appropriations bill be withdrawn.

Mr. DASCHLE. Mr. President, reserving the right to object, and I certainly won't, I want to reserve my comments on the overall agreement until after the majority leader has completed his unanimous consent request, which has one more piece.

Let me say in regard to the comments made by the majority leader about our assurances, as he has indicated, that we would not pursue this matter further this year. He used the right phrase—"if the normal legislative process" is followed.

Obviously, we expect the normal legislative process to be one which will allow a good debate on an array of amendments, first and second-degrees with limits on time, and that we will have completed an adequate number of those amendments.

This issue, of course, is the Patients' Bill of Rights. The agreement doesn't preclude debate and amendments on other health-related matters unrelated to the Patients' Bill of Rights.

I am confident that if we have a good debate and if we have an opportunity to consider these amendments, there will be no need to pursue this matter further this year. The Senate will have spoken.

I indicated privately in my conversation with Senator LOTT that this certainly is my expectation, and we will decide at the end of that week how well we did. My expectation is the normal legislative process will be followed.

I have no objection.

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, do I understand from the leaders we would have the normal kind of days that we have traditionally had in terms of the workings of the Senate? If the majority leader could give some indication of that.

Mr. LOTT. It is my intent to move forward in the normal fashion that we deal with these legislative days. Of course, we always take into consideration conflicts that one party or the other may have. There will be no intent to have short days. We intend to have long days so we can have adequate discussion.

Let me express my appreciation to Senator NICKLES for the amount of time and effort he has put into all of this. He is very knowledgeable on the substance of the Patients' Bill of Rights issue.

There are many Senators on both sides of the aisle who prefer to do this another way. It has taken restraint on both sides. I know Senator NICKLES still has concerns about it, but he has been willing to work with us to come up with an agreement to move forward. I know that applies to Senator KENNEDY also.

I also have to thank Senator COCHRAN and Senator KOHL, managers of this agriculture appropriations bill, around whose neck this issue has been attached for the last week. They have been very patient and understanding.

I hope tomorrow we will be prepared to move forward aggressively on a number of these appropriations bills—the three I mentioned at the top or agriculture or one of the others.

I will be talking to the ranking member and Senator DASCHLE about the appropriations we can move forward with first.

Mr. KENNEDY. I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Reserving the right to object, I do not intend to object, but I want to echo a comment of the Democratic leader. That presumption is that this flexible process will allow a sufficient number of amendments to come to the floor, that it will not be a process where one or two amendments are brought up and then through a series of extended second-degree amendments delayed?

Mr. LOTT. The agreement wouldn't allow for that.

Mr. REED. We are really talking about a procedure where we could fully ventilate all the issues—and there are numerous issues that are inherent in this bill. I hope that is the spirit and the actuality of the agreement.

Mr. LOTT. I think there will be full opportunity to talk about the substance of the issue and the bills pending, and amendments would be offered. I think after 2 or 3 days on this issue, most of the issues that need to be debated—or all of the issues—will have been addressed.

Senator DASCHLE and I will have talked back and forth about that. I think once we have some critical debate and some critical amendments, the Members will think they have had the opportunity to be heard and will have made their points.

So I think there is going to be plenty of time here. It doesn't specify amendments. It doesn't specify a maximum or a minimum. There are some time limitations, which is the orderly way to do business around here, but there is not going to be any effort to have two or three amendments and then forestall everything else. You could not do it under this arrangement.

Mr. REED. I yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. NICKLES. Reserving the right to object, let me clarify something with the majority leader. The majority leader made a request, or we discussed one on Thursday evening, I think, at 6:30. The major difference between this request and the one on Thursday is, No. 1, the limit on debate on the bill is limited to 3 hours and there was not a time limit?

Mr. LOTT. There was not a time limit on the earlier bill in the general debate in the earlier unanimous consent. There is 3 hours in this unanimous consent. Instead of the 2 hours on the first- and second-degree amendments, 2 hours each, there is 100 minutes on each one of them.

Mr. NICKLES. I appreciate that. For further clarification, I understand why the minority leader asked for that, but I will state—I stated it on the floor—it was never anyone's intention on this side, to my knowledge, to filibuster the bill. I do think 3 hours is a very limited time. I do think it is possible, though, you can discuss the bill during amendment time, so I am not going to object.

Then the other major change was a reduction from 120 minutes to 100 minutes. That, of course, is to facilitate a greater number of amendments and that is understandable as well. So I have no objection.

Mr. LOTT. I thank Senator NICKLES again for his cooperation. I do think as we go forward it is very likely some of these amendments will not take the full time. I assume some of them may even be agreed to by both sides. I also think it is possible we might be going along with pretty hot debate and Senators may want a little extra time. Usually, we try to accommodate each other, if there really is a need for it, on both sides of the aisle. I am not advocating it now. I think we could nitpick it to death, but I think we have come about as close as we possibly can.

I do have two other announcements I would like to make.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Without objection, it is so ordered.

NOMINATIONS

Mr. LOTT. As we have discussed, it is my intention to work to clear the Executive Calendar. We now have a number of nominations on the calendar, including a long list of military nominations and the nominee to be Secretary of Treasury. We may even have other nominees coming on the calendar. I understand the Finance Committee reported three more nominations today, including the Under Secretary of Treasury. We have some judicial nominations. We will begin the process tomorrow of hotlining those nominations. We will be moving them along as we go forward on this process of getting appropriations done.

Again, our purpose is to work together and do the people's business in the next 2½ days, and that will include clearing nominations. Some of them, of course, may hit a snag for one reason or another, but we will certainly work on that.

The other thing is we have talked on both sides of the aisle about how someday we needed to go back and correct a situation that developed a few years ago with regard to rule XVI so that we can preserve the integrity of the appropriations and the authorization process. Senator DASCHLE and I have talked about this. We want to reach a point where he and I together—not when one side or the other seizes the opportunity, but at the earliest opportunity, he and I will stand together to correct what I think was a mistake. And it originated on our side of the aisle. I acknowledge that. I was part of the problem. But I think for the future sanctity of the appropriations process and to make the authorization committees really work as they should, we should have that point of order reinstated. Senator DASCHLE has indicated he would work with me on that. I would like it to be totally a bipartisan effort. I know our ranking member and the chairman of the Appropriations Committee would like to do that, too. So I thank him for his cooperation on this unanimous consent.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I want to publicly commend the majority leader for the effort he has made over the last several days to find a way to resolve this impasse. I believe this is a win-win. I think only through his persistence and willingness to consider a lot of different options were we able to reach this point. I am grateful to him and have, once again, enjoyed the opportunity to resolve what has been a very significant procedural difficulty for us all.

I also want to thank the distinguished senior Senator from Massachusetts for the outstanding job he has done providing us real leadership on this issue, as he does on so many issues relating to health and education.

I also thank the assistant Republican leader as well.

I believe this is a good agreement any way one looks at it. It provides us with the opportunity to have a good debate. It provides us with the opportunity to have a series of amendments. It certainly provides us with the focus that we have been looking for with regard to the Patients' Bill of Rights. This is a very good agreement, agreed to, I think, with the direct involvement of a lot of people. So we are grateful.

The majority leader mentioned a couple of other matters, one having to do with his desire to work full days. He has assured me we will work 9- to 12-hour days that week we come back because he recognizes the importance of giving this issue a full opportunity for debate. I appreciate his commitment in that regard.

I also share his concern about how we might make the appropriations process work better. Democrats were opposed, of course, to the overruling of the Chair at the time it occurred. To take it back would be consistent with the position we took when the vote was taken a few years back. So I do intend to work with him to find a way to resolve this matter. That also, of course, is assuming we will have opportunities—I know we have talked about this—opportunities to have good debates with amendments on authorization bills. This will only work if we have the regular order on authorization bills. We certainly have to be sure that we have an opportunity on those occasions when authorization bills are presented to have a good debate with amendments as we have had now on a couple of bills this year.

Again, I think this is a good agreement. I appreciate the cooperation of everybody but in particular the leadership of the majority leader and Senator KENNEDY and others on our side.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join in commending the two leaders for propounding this unanimous consent request. These past days have been hard fought in establishing a procedure which would be fair and permit the opportunity for the Senate to debate fully some of the important measures I think are included in the Patients' Bill of Rights. I think the leaders have outlined a process and the Senate has been willing to accept that procedure. Both leaders do deserve credit.

I want to underscore what both leaders have said; that is, we are going into this whole process on the basis of good faith. I join with the Senator from South Dakota in feeling we can do the business of the Senate on this issue in that time. But it is also preserved, if for some reason there is not the kind of constructive and positive attitude we have heard this evening, that there is going to be the denial of that opportunity, that rights will be reserved for Members to raise these issues at another time. I am hopeful we can follow what has been outlined here and in good faith have a full and fair debate on these issues.

The real fireworks are going to be after the Fourth of July this year. I look forward to engaging in this debate.

I again thank my leader and the majority leader for moving this whole extremely important piece of legislation to the point where it will be center stage in the Senate. I thank the leader for his efforts.

Mr. DASCHLE. I yield the floor.

Mr. LOTT. Mr. President, I would like to make one further announcement. I have been communicating, as I said, with the chairman of the Appropriations Committee. In the wrapup, we will announce that in the morning we will go to one of the appropriations bills, perhaps D.C. or foreign ops. We will need to confer with a lot of different people. But when we get the time agreement, we will go to one of those.

In view of the work that has gone on, I will announce at this time there will be no further rollcall votes tonight, but Members should expect votes to occur in the morning and throughout the day.

Mr. President, one final announcement: We are going to pursue the possibility of laying down one of the appropriations bills tonight so we would have it pending. I want Members to be aware of that, but there still would not be any more recorded votes.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1301 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE AGENDA

Mr. DURBIN. Mr. President, there has been a breakthrough which observers in the galleries and others watching might not be aware of; that is, after 2 weeks of effort on the floor, we now have an understanding that after the Fourth of July recess when we return, we are going to debate the Patients' Bill of Rights.

That is the bill that talks about reforming health insurance in America so that families have a better chance of getting quality health care so that when you visit a doctor, and the doctor makes a medical decision for you or someone you love, it will be less likely that some bureaucrat and insurance company will overrule the doctor.

We want to make certain, as well, that if you have a picnic in the backyard on the Fourth of July, and your little boy climbs up the apple tree and falls out and breaks his arm, you can take him to the closest emergency room without fumbling through your papers to figure out which hospital is under your health insurance plan. That is just basic common sense.

We want to make sure that if a doctor decides that a specialist is needed for your problem that the health insurance company just can't overrule them; that you go ahead and get that specialist and get the best care that doctor recommends.

If a woman would like to keep an OB/GYN as her primary care physician, we don't let the insurance company come in and second-guess her on those sorts of things.

Fundamentally, this bill will also argue that health insurance companies, just like every other company in America, should be held responsible for their decisions.

Each of us is responsible for our decisions in life. If you proceed to drink too much and drive and something terrible happens, you could be held accountable in court.

The same thing is true for businesses that make bad decisions or good decisions. They can be held accountable in court.

There are only two groups that are above the law: Foreign diplomats who can't be brought into court in America, and health insurance companies—companies that make decisions every day that are literally life and death decisions.

We believe with the Democratic version of the Patients' Bill of Rights that these health insurance companies should entertain the possibility that if they make the wrong decision they will be held accountable.

I told this story on the floor before. I think it is one that illustrates exactly what is happening.

Sunday night, I was back in my home State of Illinois and met a cardiologist from Highland Park, IL, who a week before had a woman come into his office complaining of chest pains. This was on a Thursday. He said: I want you in the hospital tomorrow morning, Friday morning, for a catheterization to determine what problem you might have.

She checked with her health insurance company, and they said, no, she cannot go in for that catheterization because that isn't an approved hospital. We have to find a hospital that is approved under your health insurance plan. We will check over the weekend and call you back.

There was no need to call back. She passed away on Sunday over that weekend. And the doctor said to me: What am I supposed to tell that family? This woman came to me for the best advice. I had an appointment made in a hurry for what I considered to be a serious situation, and it was overruled by an insurance company clerk.

That sort of thing happens too often. We believe in the Patients' Bill of Rights to be offered on the Democratic side, and that the patients and families across America deserve better treatment.

The bottom line, of course, is that you are never more vulnerable in your life than when you are sick and go to a doctor, or someone you dearly love is sick and you bring them to a doctor. You really want the best care, and you don't want a decision made on the bottom line of a profit statement of an insurance company to guide decisions. You want the decisions made by the professionals involved.

We spent the last 2 weeks kind of twisted in knots not moving forward very quickly on a lot of other matters because we couldn't agree between the Republican side and the Democratic side on how we might approach this issue. There has been a breakthrough today. I am happy that it has happened. Now we have an agreement that the week following the Fourth of July recess, we will come back and devote the entire week to this debate.

I think of all the things that we have talked about in the 106th Congress—and some of them are very important—there is hardly an issue more important than the peace of mind which American families want when it comes to medical care. They want to have affordable, accessible health insurance. They want to be able to speak to a doctor in terms where they are confident that the real focus of the attention is on the health of the member of the family and not the health of the profit and loss statement of the insurance company. That, unfortunately, has become the case.

It wasn't that many years ago in Washington that we had this big debate. President Clinton brought in health care reform. I am sure you remember it. It was a hotly debated issue. The insurance companies opposed it. There were a lot of efforts to derail it. And they were successful. That health insurance-health care reform was swept aside.

But most Americans would believe that we did something because of all the changes that took place within the last few years. There are more and more Americans under so-called managed care plans and fewer and fewer Americans with health insurance. Fewer employers are offering it. People in rural areas whom I represent in Illinois are finding it increasingly difficult to even find, let alone afford, health insurance.

All of these things have been happening over the last several years in a swirl of activities.

They tell me that last night Jay Leno, on his television show, talked about the fact that Stephen King, after this unfortunate accident and the experience he had in the hospital, was going to write his next horror novel about managed care insurance companies. I hope that is not the case. But it might be. It drew a rise from the audience, as I am sure it would almost everywhere.

You may remember the movie, "As Good as it Gets," with Helen Hunt and Jack Nicholson. I enjoyed it a lot. At one point in the movie—she was raising an asthmatic son—she expressed her frustration in very dramatic words about dealing with health insurance companies. And in the movie theater in which I was sitting in Springfield, IL, people started applauding. That doesn't happen much.

But that kind of spontaneous reaction tells you that the people of this country have been waiting for Congress to catch up with the needs of American families.

I think we can do it. I think this debate this week that we have set aside, if it doesn't get bogged down in a lot of parliamentary hassles—and I don't think it will—could result in an honest debate where the Republican Party puts forward its best proposal for health insurance reform, and the Democrats do the same, and we vote on it.

When it is all said and done, perhaps we will then have a bill that really sets us on a track to help families across America get a break when they deal with these health insurance companies.

Last Saturday I met with a group of farmers in downstate Illinois. I heard an interesting story from one farmer about the problems his wife faced because of her medical condition. These farmers in many ways are the most vulnerable of all. They don't have the benefit of group health insurance, in most instances, nor can they bargain with insurance companies. They find themselves, many times, facing outrageous premiums and arbitrary decisions by the insurance companies.

This farmer had driven about 100 miles to the meeting because he wanted to tell his story about what he and his wife had been through with the health insurance companies. These stories, repeated over and over and over again, suggest to me that it is our responsibility to deal with this.

I hope when this Congress comes to an end, at least this year we can point back to the fact that we were sensitive to the issues that America cared about. There was a time, for example, on the Senate floor when there was a serious question as to whether we would do anything—anything—about the horrible shooting that occurred at Columbine High School in Littleton, CO. Fortunately, a debate was scheduled on the floor. After a week of debate, we passed a gun control bill—a modest bill, I might say, but one that was designed to keep guns out of the hands of kids and criminals.

We sent it to the House of Representatives. Sadly, the National Rifle Association, the gun lobby, used the 2 weeks before it came up for a vote to lobby away, and they were very effective. They watered down the bill until it was a joke. The bill ultimately was even defeated in the House of Representatives.

I haven't given up on that issue, because I think most people across the country—gun owners and not—believe we can do things to keep guns out of the hands of people who shouldn't use them for a variety of reasons. The bill we passed was a very modest bill, which said, for example, that those who purchased guns at gun shows would be subject to a background check. I don't think that is an outrageous idea.

We passed the Brady law. We said, if you want to buy a gun, we want to know if you have a history of committing a crime, a violent crime, because if you do, we are not going to sell you a gun; or if you have a history of violent illness, mental illness, we won't sell you a gun. That has worked. It has kept guns out of the hands of hundreds of thousands of people. At least it slowed them down, at a minimum, but maybe it stopped them from owning a gun.

It turns out that a substantial portion of firearms are sold outside the law. They are sold at gun shows. We have them all over Illinois, all over the United States. People who own guns and collect them get together and sell them to one another, no questions asked. Because no questions are asked, it has become a supply operation for a lot of criminal elements.

In Illinois, the State police found that 25 percent of the guns used in crime came out of those gun shows. One of the things we put into law in the Senate was that there would be a background check, similar to the Brady law, to find out if a person purchasing at a gun show had, in fact, a criminal background or a history of mental illness.

The National Rifle Association doesn't like that. When they got the bill over in the House, they said, you can't take more than 24 hours to do the check. The gun shows occur on weekends, of course, and the wheels that are spinning forward to check the backgrounds of people may not be as available on weekends. As a consequence, they watered down the bill until it was meaningless.

A second provision we put into law—Senator HERB KOHL of Wisconsin was the author—suggested we not sell guns in America unless they had a trigger lock, a child safety device. Thirteen kids every day in America are killed by guns. Some are gangbangers who shoot away in Washington, DC, in Chicago, IL. Others, though, are kids who go out and get a gun off a shelf from their father's closet, start to play with it, discharge it, and shoot themselves, a brother, sister, or playmate. Thirteen kids a day die that way.

We want to lessen the likelihood of those tragic accidents. Trigger locks, safety devices on guns, do that. That was in our bill. That was sent to the House. That was rejected.

The final point is one that Senator DIANNE FEINSTEIN of California proposed, a proposal that tries to close a loophole in the law. When we passed gun control a few years ago, we said, we are going to prohibit the manufacture of these high-capacity ammunition clips, clips that can literally hold up to 240 bullets. Unfortunately, we left a loophole and didn't stop the importation of these clips from overseas. So we stopped the domestic manufacturing, and they started flooding in from overseas.

Frankly, it raises a serious question: Who needs a gun with a 240-bullet high-capacity ammunition clip? If you need an AK-47 and 240 bullets to shoot a deer, you ought to stick to fishing.

Unfortunately, they are coming into this country for no purpose other than to be used for criminal purposes.

Senator FEINSTEIN was successful. She passed that amendment in the Senate. We sent it to the House. It got nowhere.

Those are the kinds of things we did to try to deal with some of the problems we have identified. Having done those things, and having seen the National Rifle Association do its work in the House, we have a lot more work to be done.

I hope when the debate is concluded at the end of this 106th Congress, we can point with pride to having succeeded in passing import elements in law that improve the quality of life in America, that reduce the likelihood of violence in schools, that reduce the likelihood of guns getting in the hands of criminals, that increase the opportunities for families across America to have good health insurance and be able to trust their doctor's decisions, and several other things that I think are very important as part of the agenda.

One of them has to deal with increasing the minimum wage of $5.15 an hour. Imagine, if you will, trying to raise a family or even take care of yourself for $5.15 an hour. It has been years since we have increased it. It is time we bring that up to a wage that more accurately reflects the cost of living in America. I hope before we leave this year we can address that.

We cannot leave, as well, without addressing the future of Medicare. This has been a banner week for Medicare with the President's announcement that we now have a reestimate of the budget. We believe if the economy continues to grow, as we believe it will, we are going to have an additional surplus. With that surplus we can do some extraordinary things.

I first came to Congress 17 years ago. When I came, we were facing all sorts of red ink and all sorts of deficits. We have been through a lot of tortuous effort to try to reduce. Now we have reached the point where we can honestly see a surplus in our future. I think we can use that surplus to solidify Social Security and Medicare and, most importantly, while we do that, eliminate the publicly held national debt in America. To move from the point where a large portion of our budget is being spent on interest on the debt to the point where virtually none is being spent on interest on our debt is a great legacy to leave our children. I hope we can achieve that on a bipartisan basis.

I yield the floor.

ELECTION OF EHUD BARAK

Mr. EDWARDS. Mr. President, I rise today to acknowledge the election of Ehud Barak to Prime Minister of Israel and his efforts to form a new government. I congratulate him, not only on his most impressive victory, but also for his commitment to reinvigorate the Middle East peace process. As Mr. Barak enters the critical stage in his efforts to forge a coalition government, I wish him luck. And I applaud his initial steps of talking with Egyptian President Mubarak and declaring his intent to form a "peace administration" of three negotiating teams, one each for Syria, Lebanon and the Palestinians, reporting directly to him. We must not risk losing momentum toward achieving a lasting peace.

As Israel continues to take risks for peace, it is all the more important that America's commitment toward Israel be unquestioned. Our strong commitment helps Israel take risks and makes it clear to Israel's neighbors that Israel is a permanent reality that must be dealt with directly. Our dedication to Israel must take many shapes. We must continue aid to Israel. We must help Israel militarily. We must actively support the peace process. We must maintain our support for Jerusalem as Israel's capital.

America's support for the peace process, for the security of this region, and for Israel itself must be unwavering. Israel, the only pluralistic democracy in the Middle East, deserves our continued strong support. Helping Israel survive and thrive is the right thing to do. In a particularly volatile part of the world, Israel is strategically important to America's interests. We cannot help but benefit by strengthened economic, political, military and cultural ties with Israel.

I have the greatest respect for Israel, its citizens, and its founders. The creation of the state of Israel is a remarkable story of a great people who overcame the Holocaust, rebuffed repeated foreign hostility, and created an industrialized democracy in a desert. The story of Israel appeals to me because it is a story of faith and it is a story of justice. I respect all who stand up to powerful forces against great odds for a just cause.

No issue is more important to our relationship than aid to Israel. It is one of America's most cost-effective foreign policy investments. The economic and military aid that America provides Israel serves the interests of both countries by promoting peace, security, and trade. Israel recently initiated an agreement with the United States under which the United States will gradually reduce the amount of economic aid in the coming years while ensuring an adequate amount of military assistance. I commend Israel for this initiative, and I believe that the United States should stand by it.

The Middle East's unstable mixture of unconventional weaponry, advanced military technology, political instability, and radical fundamentalism threatens both Israel's security and America's vital interests in the region and around the world. I am committed to the expansion of the United States-Israel strategic cooperation that was formalized in 1983.

In addition, it is our national interest to help ensure that Israel maintains her qualitative military edge. Furthermore, the Unites States should not sell sophisticated weaponry that could erode that edge to nations hostile toward Israel. And, of course, the United States must do all it can to stop the development or acquisition of nuclear, chemical, and biological weapons by rogue states such as Libya, Iraq and Iran.

True and lasting peace between Israel and her neighbors can be achieved only through direct negotiations between the parties. Nevertheless, the United States has played a critical role with Israel and her neighbors in helping bridge the differences between them. We must continue to invest the time and energy necessary to help continue this very complex series of negotiations.

Israel's capital of Jerusalem is important to Jews, Christian, and Muslims. I commend Israel for allowing all three faiths open access to worship at their holy places. Jerusalem is and ought to remain a united city under Israeli sovereignty.

Israel is the only country where the United States chooses not to locate our embassy in that country's capital city. I support the Jerusalem Embassy Act that recognizes the united city of Jerusalem as Israel's capital and mandates the moving of our embassy from Tel Aviv to Jerusalem.

Finally, I want to discuss Israel's special relationship with my home state of North Carolina. Since 1993, North Carolina and Israel have had one of the most comprehensive official exchange programs in the country. Both North Carolina and Israel have economies that depend on high technology, agriculture, and education. Both states benefit from their ongoing economic, social, and cultural exchanges. I look forward to doing all I can to promote this valuable relationship between Israel and the great state of North Carolina.

Mr. President, I look forward to working with Israel's soon-to-be formed government to pursue our nations' many mutual interests. I wish Mr. Barak and his government the best as he pursues peace, security, and prosperity in the twenty-first century.

ANNOUNCEMENT OF HEARINGS

Mr. MURKOWSKI. Mr. President, for the information of the Senate I would like to announce that S. 1273, the Federal Power Act Amendments of 1999; and S. 1284, the Electric Consumer Choice Act have been added to the hearing to be held before the Committee on Energy and Natural Resources on Tuesday, June 29 at 9:30 a.m. I would also like to announce that the hearing before the Committee on Energy and Natural Resources previously scheduled for July 1, 1999 has been postponed until July 15, 1999 at 9:30 a.m. in SH-216 of the Hart Senate Office Building. The Committee will receive testimony on S. 161, the Power Marketing Administration Reform Act of 1999; S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1273, the Federal Power Act Amendments of 1999; and S. 1284, the Electric Consumer Choice Act. For additional information you may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

Mr. President, I also announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 27, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1052, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Those wishing to testify or who wish to submit written statements should contact the Committee on Energy and Natural Resources, Washington, D.C. For further information, please call James Beirne, Deputy Chief Counsel at (202) 224-2564, or Betty Nevitt, Staff Assistant at (202) 224-0765.

COSPONSORSHIP OF S. 680

Mr. CLELAND. Mr. President, I am happy to announce that I have decided to cosponsor S. 680. This bill, which was introduced by Senators HATCH and BAUCUS, makes the tax credit for research and development permanent so as to encourage investment by companies and external investors in research activities. It has been shown through studies conducted by the General Accounting Office and the Bureau of Labor Statistics that R&D tax credit stimulates domestic R&D spending by U.S. companies. This continued spending on R&D is very important for the U.S. economy as we head into the next century, and I believe this bill serves an important purpose in achieving this goal.

I look forward to cosponsoring this bill and gaining support for it in the days ahead.

THE MUNICIPAL SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

Mr. FEINGOLD. Mr. President, on June 10, 1999 I joined as a co-sponsor of legislation introduced by my Midwestern colleagues, the Junior Senator from Ohio, Mr. VOINOVICH, and the Junior Senator from Indiana, Mr. BAYH, S. 872, The Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999. I am pleased to be working with them on this very important issue. I know that they, as former Governors, are intimately aware of the concerns that the growing trash trade poses for the States we represent.

We in the Midwest, especially those of us fortunate enough to be from the Great Lakes States, enjoy a very high quality of life—beautiful scenery, small, neighborly towns, and spectacular natural resources. We hold it as a particular point of pride that we, in many instances, have the luxury of avoiding many environmental problems and we have structured our State and local governments in Wisconsin to try to be sure that we continue to avoid them. However, Mr. President, we in Wisconsin are unable to protect our communities, which have done a good regulatory job, from having to deal with the solid waste mess created by our neighboring communities in other States. Instead, my State has been forced to accept other States' municipal solid waste in ever increasing amounts.

We need to enact legislation to reempower States to be able to control the flow of waste into state-licensed landfills from out-of-state sources. This legislation would give States the tools to do just that. It gives states, like mine, the power to freeze solid waste imports at the 1993 levels. States that did not accept out of State waste in 1993 would be presumed to prohibit receipt of out-of-State waste until the affected unit of local government approves it. Facilities that already have a host community agreement or permit that accepts out-of-State waste would remain exempt from the ban. States would also be allowed to set a Statewide percentage limit on the amount of waste that new or expanding facilities could accept. The limit can not be lower than 20 percent. Finally, States, under this bill, are also given the ability to deny the creation of either new facilities or the expansion of existing in-State facilities if it is determined that there is no in-State need for the new capacity.

My home State has tried to address this issue repeatedly on its own, without success. On January 25, 1999, a federal appeals court struck down as unconstitutional a 1997 Wisconsin law that prohibits landfills from accepting out-of-State waste from communities that don't recycle in compliance with Wisconsin's law. We are now examining options for limiting out-of-State trash in Wisconsin including: appealing the decision to the United States Supreme Court, which refused to hear an appeal of a similar Wisconsin case in 1995, passing new State legislation, or pursuing the option before us today—seeking specific authority from Congress to regulate trash from other States.

Wisconsin's law bans 15 different recyclables from State landfills. Under the law, communities using Wisconsin landfills must have a recycling program similar to those required of Wisconsin communities under Wisconsin law, regardless of the law in their home State. About 27 Illinois towns rely on southern Wisconsin landfills. Since the law took effect, waste haulers serving those communities have had to find alternative landfills for their clients, incurring higher transportation costs in the process. IL-based Waste Management Inc. and the 1,300-member National Solid Waste Management Association were the entities that challenged Wisconsin's law, arguing that the law violated the Interstate Commerce Clause.

By recycling, Wisconsin residents have reduced the amount of municipal waste heading to landfills. Since the State's previous out-of-State waste law was struck down by the appeals court in 1995, the amount of non-Wisconsin waste in Wisconsin landfills has tripled. When the law was in effect, 7.7 percent of the municipal waste in Wisconsin came from out of State. That has risen to more than 22.9 percent since the law was struck down. Though this legislation will not afford Wisconsin the ability to block garbage containing recyclables from our landfills, it will at least give my State the ability to address the overall volume of waste entering our State.

In 1995, I supported flow control legislation sponsored by the Senator from New Hampshire, Mr. SMITH, and drawn substantially from the work of the former Senator from Indiana, Mr. Coats. I have been shocked that the Senate, which passed that bill by a significant majority vote of 94–6, has not taken up legislation to address this issue since that time, shocked until I examined the relationship between the interests opposing that legislation and political campaigns. According to the Center for Responsive Politics, in the 1998 election cycle, one of the interests that opposes flow control legislation, Waste Management Inc., contributed $422,275 in soft money to the two major political parties—$85,000 to the Democratic Party and $337,275 to the Republican Party. Mr. President, the issue of interstate waste control effects my home State and 23 other States. For years States have been faced with the challenge of ensuring safe responsible management of out-of-State waste, and the need for State control is even more acute today than in was in 1995. Congress is the only body that can give the States the relief they need from being overwhelmed by a tidal wave of trash. We have not acted on a problem that effects nearly half of our States, and citizens are left to try to understand our inaction by following the money trail behind the trash truck.

We need to take prompt action on this matter, and I think this legislation is a good first step. I urge my other colleagues to consider lending this bill their support.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 28, 1999, the federal debt stood at $5,600,865,929,234.63 (Five trillion, six hundred billion, eight hundred sixty-five million, nine hundred twenty-nine thousand, two hundred thirty-four dollars and sixty-three cents).

Five years ago, June 28, 1994, the federal debt stood at $4,603,690,000,000 (Four trillion, six hundred three billion, six hundred ninety million).

Ten years ago, June 28, 1989, the federal debt stood at $2,781,451,000,000 (Two trillion, seven hundred eighty-one billion, four hundred fifty-one million).

Fifteen years ago, June 28, 1984, the federal debt stood at $1,506,943,000,000 (One trillion, five hundred six billion, nine hundred forty-three million) which reflects a debt increase of more than $4 trillion—$4,093,922,929,234.63 (Four trillion, ninety-three billion, nine hundred twenty-two million, nine hundred twenty-nine thousand, two hundred thirty-four dollars and sixty-three cents) during the past 15 years.

PERSONAL EXPLANATION

Mr. LIEBERMAN. Mr. President, on June 28, I was unavoidably detained due to inclement weather which prevented my flight from taking off in Hartford, CT. Had I not been delayed, I would have voted "no" on all four cloture votes, numbers 184, 185, 186, and 187.

EXPLANATION OF MISSED VOTE

Mr. DODD. Mr. President, on Monday June 28, 1999, I was not present during Senate action on rollcall vote No. 184, a motion to invoke cloture on S. 1233, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, because my flight was delayed by inclement weather.

Had I been present for the vote, I would have voted "no."

CORRECTION TO THE RECORD

In the RECORD of June 24, 1999, on page S7590, the introduction of S. 1280, a bill to terminate the exemption of certain contractors, and other entities from civil penalties for violations of nuclear safety requirements under Atomic Energy Act of 1954, and for other purposes, was incorrectly attributed to Mrs. BOXER. The permanent RECORD will be corrected to reflect the following:

By Mr. BRYAN:

S. 1280. A bill to terminate the exemption of certain contractors and other entities from civil penalties for violations of nuclear safety requirements under the Atomic Energy Act of 1954; to the Committee on Environment and Public Works.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

REPORT ON THE NATIONAL EMERGENCIES WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Yugoslavia (Serbia and Montenegro) as declared in Executive Order

12808 on May 30, 1992, and with respect to Kosovo as declared in Executive Order 13088 on June 9, 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1999.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

In accordance with the Public Broadcasting Act of 1967, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting (CPB) for Fiscal Year 1998 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies for that same year.

Among its many outstanding projects over the past year, CPB has put considerable time and effort into strengthening the teaching and development of America's literacy tradition. Working with educators, writers, and experts from all across the country, CPB has launched a companion website filled with exceptional teaching materials and continues to make possible the broadcast of some of the Nation's finest literature over our public airwaves. In addition, CPB is also expanding the availability of teacher professional development in the social sciences, humanities, and literature.

As we move into the digital age, I am confident that the Corporation for Public Broadcasting will continue to act as a guiding force. As the projects above illustrate, CPB not only inspires us, it educates and enriches our national culture.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3992. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "College Completion Challenge Grant Act of 1999"; to the Committee on Health, Education, Labor, and Pensions.

EC–3993. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to the Chattahoochee River National Recreation Area; to the Committee on Energy and Natural Resources.

EC–3994. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, the report of a determination authorizing the use in fiscal year 1999 of funds to support the United Nations Assistance Mission to East Timor; to the Committee on Foreign Relations.

EC–3995. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Trade Act of 1974, the report of an extension of Presidential Determination 99–26 relative to the Republic of Belarus; to the Committee on Foreign Relations.

EC–3996. A communication from the Chairman of the Board, National Credit Union Administration, transmitting, pursuant to law, a report relative to schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC–3997. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interpretive Bulletin 99–1; Payroll Deduction Programs for Individual Retirement Accounts" (RIN1210–AA70), received June 23, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3998. A communication from the Acting Chair, Federal Subsistence Board, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition to Include Waters Subject to Subsistence Priority; Correction" (RIN1018–AD68), received June 23, 1999; to the Committee on Energy and Natural Resources.

EC–3999. A communication from the Acting Chair, Federal Subsistence Board, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D–1999–2000 Subsistence Taking of Fish and Wildlife Regulations" (RIN1018–AD69), received June 23, 1999; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–227. A joint resolution adopted by the General Assembly of the State of Colorado relative to federal highway taxes and demonstration projects; to the Committee on Environment and Public Works.

SENATE JOINT MEMORIAL 99–003

Whereas, Due to the dynamics of state size, population, and other factors such as federal land ownership and international borders, there is a need for donor states that pay more in federal highway taxes and fees than they receive from the federal government and for donee states that receive more moneys from the federal government than they pay in federal highway taxes and fees; and

Whereas, The existence of such donor and donee states supports the maintenance of a successful nationwide transportation system; and

Whereas, There should be a uniform measure when considering the donor and donee issue, and a ratio derived from the total amount of moneys a state receives divided by the total amount of moneys that the state collects in federal highway taxes and fees is a clear and understandable measure; and

Whereas, Demonstration projects are an ineffective use of federal highway taxes and fees; and

Whereas, All moneys residing in the federal highway trust fund should be returned to the states either for use on the national highway system or nationally uniform highway safety improvement programs or as block grants; and

Whereas, The state block grant program should allow states to make the final decisions that affect the funding of their local highway projects based on the statewide planning process; and

Whereas, Only a reasonable amount of the moneys collected from the federal highway taxes and fees should be retained by the United States Department of Transportation for safety and research purposes; and

Whereas, States with public land holdings should not be penalized for receiving transportation funding through federal land or national park transportation programs, and such funding should not be included in the states' allocation of moneys; and

Whereas, The evasion of federal highway taxes and fees further erodes the ability of the state and the federal government to maintain an efficient nationwide transportation system; now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That, when considering issues related to donor and donee states, the federal government should adopt a ratio derived from the total amount of moneys a state receives in federal highway moneys divided by the total amount of moneys the state collects in federal highway taxes and fees; and

(2) That all demonstration projects should be eliminated; and

(3) That after federal moneys have been expended for the national highway system and safety improvements, a state block grant program should be established for the distribution of remaining federal moneys;

(4) That it is necessary to expand federal and state activities to combat the evasion of federal highway taxes and fees. Be it further

Resolved, That copies of this Joint Memorial be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's delegation of the United States Congress.

POM–228. A resolution adopted by the House of the Legislature of the State of Michigan relative to a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 56

Whereas, Over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, customers of utilities operating nuclear plants in Michigan have contributed, directly and through accumulated interest, some $700 million for the construction and operation of a federal waste facility; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary sites at nuclear facilities across the country makes us vulnerable to potential problems. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, May 5, 1999.

POM-229. A concurrent resolution adopted by the Legislature of the State of Michigan relative to a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 29

Whereas, Over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, customers of utilities operating nuclear plants in Michigan have contributed, directly and through accumulated interest, some $700 million for the construction and operation of a federal waste facility; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary sites at nuclear facilities across the country makes us vulnerable to potential problems. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, May 5, 1999.

Adopted by the Senate, May 20, 1999.

POM-230. A joint resolution adopted by the Legislature of the State of Montana relative to national forest road closure and obliteration; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 26

Whereas, there are 737 million acres of forested land covering approximately one-third of the United States, a nation that has created the largest legally protected wilderness system in the world, while at the same time sustaining a highly productive and efficient wood products industry; and

Whereas, the federal government owns approximately two-thirds of the land in western Montana and these lands are primarily administered by the U.S. Forest Service; and

Whereas, the management of federal lands has a direct impact on economic and recreational opportunities and the quality of life for thousands of Montana residents; and

Whereas, Congress has declared in the federal Multiple-Use Sustained-Yield Act of 1960 that national forests are established and must be utilized for outdoor recreation, range, timber, watershed, and wildlife and fishery purposes; and

Whereas, the national forest road system represents a significant capital infrastructure investment and a valuable existing forest asset for forest managers and the public, providing access for a multitude of recreational opportunities, for emergency response efforts, and for resource management, protection, and improvement activities; and

Whereas, the federal government continues to close roads to public access by motorized vehicles and, in early 1998, the forest service proposed and is now planning to implement an 18-month moratorium on all new road building in roadless areas pending a review of its road management policies; and

Whereas, one stated purpose of the moratorium is to close or obliterate existing roads, thus creating additional defacto roadless areas contrary to the interests of Montana's citizens; and

Whereas, the scheduled destruction of nearly 2,000 miles of roads in the 10 national forests in Montana can have significant environmental, economic, and cultural impacts upon the fabric of many Montana communities and its citizens; and

Whereas, 650 miles of forest system roads in the Flathead National Forest alone have been scheduled for obliteration and 200 miles have already been destroyed; and

Whereas, destruction or obliteration of existing forest system roads can cause short-term and long-term increased discharges of sediment to streams, adversely affecting certain sensitive or endangered fish species and resulting in further restrictions on other multiple-use activities. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana:

(1) That the 56th Montana Legislature opposes the current administration's policy on national forest road closure and obliteration and urges the immediate suspension of road closure and obliteration activities.

(2) That existing roads are a valuable and necessary capital investment in public lands that should not be lost or destroyed.

(3) That forest plans specifying multiple-use management for timber harvest, outdoor recreation, range, watershed, and fish and wildlife values should be given priority as the appropriate and necessary management guidance to the forest service. Be it further

Resolved, That copies of this resolution be sent by the Secretary of State to the Montana Congressional Delegation, the Secretary of the federal Department of Interior, the Secretary of the federal Department of Agriculture, the Director of the United States Forest Service, the Director of the United States Fish and Wildlife Service, the President of the United States Senate, the Speaker of the United States House of Representatives, and the President and Vice President of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. LEVIN):

S. 1297. A bill to make improvements in the independent counsel statute; to the Committee on Governmental Affairs.

By Mr. WARNER:

S. 1298. A bill to provide for professional liability insurance coverage for Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. NICKLES, Mr. ROBB, Mr. HATCH, and Mr. MACK):

S. 1299. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Finance.

By Mr. HARKIN:

S. 1300. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. LOTT, Mr. HOLLINGS, and Mr. DORGAN):

S. 1301. A bill to provide reasonable and non-discriminatory access to buildings owned or used by the Federal government for the provision of competitive telecommunications services by telecommunications carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMS (for himself, Mr. DOMENICI, and Mr. THOMAS):

S. 1302. A bill to correct the DSH Allotments for Minnesota, New Mexico, and Wyoming under the medicaid program for fiscal years 2000, 2001, and 2002; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. COCHRAN, Mr. HUTCHINSON, Ms. COLLINS, Mrs. LINCOLN, Mr. SHELBY, Ms. SNOWE, Mrs. MURRAY, Mr. SESSIONS, Mr. SMITH of Oregon, Mrs. HUTCHISON, Mr. GRAMS, and Ms. LANDRIEU):

S. 1303. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1298. A bill to provide for professional liability insurance coverage for Federal employees, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYEES EQUITY ACT OF 1999

Mr. WARNER. Mr. President, I rise today to introduce the Federal Employees Equity Act of 1999.

My legislation expands a provision included in the omnibus appropriations bill for fiscal year 1997 (P.L. 104–208) to allow federal agencies to contribute to the costs of professional liability insurance for their senior executives, managers and law enforcement officials. While this important benefit contained in the Omnibus Appropriation bill was indeed enacted, it has not been made available on as wide a basis to federal employees as we had hoped.

The Federal Employees Equity Act would ensure that federal agencies reimburse one-half the premiums for Professional Liability Insurance for employees covered by this bill. Federal managers, supervisors, and law enforcement officials should not have to fear the excessive costs of legal representation when unwarranted allegations are made against them for investigations of these allegations are conducted.

I was a strong supporter of the provision in 1996 because federal officials often found themselves to be the target of unfounded allegations of wrongdoing. Sometimes allegations were made by citizens, against whom federal officials were enforcing the law and by employees who had performance or conduct problems. Although many allegations have proven to be specious, these federal officials were often subject to lengthy investigations and had to pay for their own legal representation when their agencies could not provide it.

The affected federal managers, supervisors, and law enforcement officials are generally prohibited from being represented by unions. For employees who are in bargaining units represented by unions, Congress allows federal agencies to subsidize the time and expenses of union representatives when they are needed by such employees, whether or not they are dues paying members of the union.

Because these federal officials are denied union representation, they have found it necessary to purchase professional liability insurance in order to protect themselves when allegations are made against them to the inspector general of their agency, to the Office of Special Counsel, or to the EEO office. The insurance provides coverage for legal representation for the employees when they are accused, and will pay judgements against the employee up to a maximum dollar amount if the employee is found to have made a mistake while carrying out his official duties. Currently, these managers must hire their own lawyers in order to defend their reputation and careers when they are the subject of a grievance, regardless of whether the complaint has merit.

The current law has had some success and has been implemented by several federal departments including: Departments of Agriculture, Education, Interior, Labor, and such agencies as the Social Security Administration, Small Business Administration, General Services Administration, Securities and Exchange Commission, National Aeronautics and Space Administration, the Office of the Inspector General at the Department of Housing and Urban Development, the National Science Foundation, the Merit Systems Protections Board, the Office of the Inspector General at the Office of Public Health and Science, and the Substance Abuse and Mental Health Services Administration at Department of Health and Human Services.

Regrettably, other departments such as Treasury, Justice, Defense, Commerce, Transportation, Veterans Affairs, and agencies such as the Equal Employment Opportunity Commission, and the Office of Personnel Management have not seen fit to do so.

The professional associations of these officials (the Senior Executives Association, the Professional Managers Association, the FBI Agents Association, the Federal Criminal Investigators Association, the Federal Law Enforcement Officers Association, the National Association of Assistance U.S. Attorneys, and the National Treasury Employees Union) have endorsed the concept for legislation to require federal agencies to reimburse half the cost of premiums for professional liability insurance.

The intent of this measure is simply to "level the playing field" so that supervisors and managers are treated equally by various federal agencies and have access to protections similar to those which are already provided for rank and file federal employees.

I request your support for these federal officials and for this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROFESSIONAL LIABILITY INSURANCE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employees Equity Act of 1999".

(b) IN GENERAL.—Section 636(a) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–363; 5 U.S.C. prec. 5941 note) is amended in the first sentence by striking "may" and inserting "shall".

(c) LAW ENFORCEMENT OFFICERS.—Section 636(c)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009-364; 5 U.S.C. prec. 5941 note) is amended to read as follows:

"(2) the term 'law enforcement officer' means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including—

"(A) any law enforcement officer under section 8331(20) or 8401(17) of title 5, United States Code;

"(B) any special agent under section 206 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4823);

"(C) any customs officer as defined under section 5(e)(1) of the Act of February 13, 1911 (19 U.S.C. 267);

"(D) any revenue officer or revenue agent of the Internal Revenue Service; or

"(E) any Assistant United States Attorney appointed under section 542 of title 28, United States Code.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. NICKLES, Mr. ROBB, Mr. HATCH, and Mr. MACK).

S. 1299. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Finance.

ALTERNATIVE MINIMUM TAX REFORM ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the "Alternative Minimum Tax Reform Act of 1999" with a bipartisan group of my colleagues on the Senate Finance Committee, Senators NICKLES, ROBB, HATCH and MACK. This bill is designed to improve the way the corporate alternative minimum tax works for capital intensive and commodity based companies. It is relatively modest in scope and I hope it will be part of any discussion we have about how we might deliver appropriate tax relief. Even though this bill does not change the fundamentals of the corporate AMT, it would eliminate some of the unfairness of current law by allowing companies with long term AMT credits to recover those credits faster. I think this bill should be part of the Finance Committee's discussions about constructive ways to provide corporate tax relief.

The alternative minimum tax imposes a significant long term tax burden on capital intensive industries —it is not a minimum tax, but is, in fact, a maximum tax which requires companies to calculate their taxes two different ways and pay the higher of the two calculations. It hits our manufacturing sector hard because these businesses are most likely to have to make large investments in plants and equipment. Manufacturing businesses that make commodity products often have slim profit margins and must contend with fierce international competition. The coal and steel industry are perfect examples of these types of industries. Other businesses with tight profit margins such as start up companies are also negatively affected by AMT.

Today, a taxpayer's AMT may be reduced by foreign tax credits and net operating losses, but they are limited to 90% of the alternative minimum tax. Under present law, if a taxpayer pays alternative minimum tax in any year, the amount of that payment is treated as an alternative minimum credit for future years. This was intended to ensure that companies did not wind up paying more under the AMT than was owed under the regular income tax. However, under current law, AMT credits may be used to reduce regular tax but not alternative minimum tax. No carryback of credits is permitted.

The provisions of the "Alternative Minimum Tax Reform Act of 1999" would allow a corporation with AMT credits that are unused after three or more years to reduce its tentative minimum tax by a maximum of 50% using those credits. The portion which would be allowed would the lesser of the aggregate amount of the taxpayer's AMT credits that are at least three years old; or 50% of the taxpayer's alternative minimum tax. The taxpayer would use its oldest AMT credits first under both current law that allows a company to use its AMT credits, and under the provisions of this bill. The bill would enhance a company's ability to use AMT credits to reduce its regular tax. Finally, the bill would allow a taxpayer with AMT net operating losses in the current and two previous years to carry back AMT net operating losses up to 10 years to offset AMT paid in previous years. First-in, and first-out ordering would apply. This provision would help companies in the toughest financial shape.

The "Alternative Minimum Tax Reform Act of 1999" is designed to help prevent companies from being trapped permanently into AMT status. Recovering more AMT credits sooner will help ease the position of many companies who are now stuck with excess and unusable AMT credits. Too many companies have paid AMT for years and see no possibility of using their AMT credits without this reform. Moreover, a great many U.S. companies have had to deal with sharply decreasing commodity prices due to the collapse of markets in Asia and around the world over the last few years. Without some assistance it will be very hard for American companies to continue to modernize and remain competitive. Their position of accumulating excess AMT credits hurts their cash flow and their bottomline profitability.

The Alternative Minimum Tax Reform Act of 1999 is something reasonable we can do to help companies that are the backbone of our manufacturing base. I look forward to discussing this issue with my colleagues and to a score of how much this proposal would cost from the Joint Tax Committee to inform our discussions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Minimum Tax Reform Act of 1999.".

SEC. 2. LONG-TERM UNUSED CREDITS ALLOWED AGAINST MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following:

"(2) SPECIAL RULE FOR CORPORATIONS WITH LONG-TERM UNUSED CREDITS.—

"(A) IN GENERAL.—If a corporation to which section 56(g) applies has a long-term unused minimum tax credit for a taxable year, the credit allowable under subsection (a) for the taxable year shall not exceed the greater of—

"(i) the limitation determined under paragraph (1) for the taxable year, or

"(ii) the least of the following for the taxable year:

"(I) The sum of the tax imposed by section 55 and the regular tax reduced by the sum of the credits allowed under subparts A, B, D, E, and F of this part.

"(II) The long-term unused minimum tax credit.

"(III) The sum of—

"(aa) the excess (if any) of the amount under paragraph (1)(A) over the amount under paragraph (1)(B), plus

"(bb) 50 percent of the tentative minimum tax (determined under section 55(b)(1)(B)).

"(B) LONG-TERM UNUSED MINIMUM TAX CREDIT.—For purposes of this paragraph—

"(i) IN GENERAL.—The long-term unused minimum tax credit for any taxable year is the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years beginning after 1986 and ending before the 3rd taxable year immediately preceding the taxable year for which the determination is being made.

"(ii) FIRST-IN, FIRST-OUT ORDERING RULE.—For purposes of clause (i), credits shall be treated as allowed under subsection (a) on a first-in, first-out basis.".

(b) CONFORMING AMENDMENTS.—Section 53(c) of such Code is amended—

(1) by striking "The" and inserting the following:

"(1) IN GENERAL.—The"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

SEC. 3. 10-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES.

Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following:

"(3) SPECIAL RULE.—In the case of a corporation to which section 56(g) applies which has a net operating loss under this part for 3 or more consecutive taxable years which includes a taxable year beginning after the date of enactment of this paragraph, the loss for each such year shall be a net operating loss carryback for purposes of this part to each of the 10 years preceding the taxable year of such loss.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1998.

Mr. NICKLES. Mr. President, today I join my colleague from West Virginia, Senator ROCKEFELLER, to introduce legislation to reform the alternative minimum tax, or AMT.

Congress created the AMT in 1986 to prevent businesses from using tax loopholes, such as the investment tax credit or safe harbor leasing, to pay little or no tax. The use of these tax preferences sometimes resulted in companies reporting healthy "book" income to their shareholders but little taxable income to the government.

Therefore, to create a perception of fairness, Congress created the AMT. The AMT requires taxpayers to calculate their taxes once under regular tax rules, and again under AMT rules which deny accelerated depreciation, net operating losses, foreign tax credits, and other deductions and credits. The taxpayer then pays the higher amount, and the difference between their AMT tax and their regular tax is "credited' to offset future regular tax liability if it eventually falls below their AMT tax liability.

Unfortunately, the AMT has had a negative, unanticipated impact on many U.S. businesses. As it is currently structured, the AMT is a complicated, parallel tax code which places a particularly heavy burden on capital intensive companies. Corporations must now plan for and comply with two tax codes instead of one. Further, the AMT's elimination of important cost-recovery tax incentives increases the cost of investment and makes U.S. businesses uncompetitive with foreign companies.

Mr. President, I am proud to say that several AMT reforms I began pushing in 1995 were eventually enacted in 1997. The Taxpayer Relief Act of 1997 exempted small corporations from the AMT, and conformed the depreciation cost-recovery periods for AMT and the regular corporate tax. The depreciation provisions in particular will relieve much of the AMT's negative impact on capital-intensive businesses.

However, even with these changes, some businesses continue to be chronic

AMT taxpayers, a situation that was not contemplated when the AMT was created. These companies continue to pay AMT year after year, accumulating millions in unused AMT credits. These credits are a tax on future, unearned revenues which may never materialize, and because of the time-value of money their value to the taxpayer decreases every year.

The legislation Senator ROCKEFELLER and I are introducing today helps AMT taxpayers recover their AMT credits in a more reasonable time frame than under current law. Our bill would allow businesses with AMT credits which are three years old or older to offset up to 50 percent of their current-year tentative minimum tax. This provision will help chronic AMT taxpayers dig their way out of the AMT and allow them to recoup at least a portion of these "accelerated tax payments" in a reasonable time-frame.

Mr. President, our legislation does not repeal the AMT, and it will not allow taxpayers to "zero out" their tax liability. This bill specifically addresses the problems faced by companies that are buried in AMT credits they might otherwise never be able to utilize. I encourage the Senate Finance Committee to consider our bill when drafting this year's tax reconciliation legislation.

By Mr. HARKIN:

S. 1300. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan; to the Committee on Finance.

OLDER WORKERS PENSION PROTECTION ACT OF 1999

Mr. HARKIN. Mr. President, older workers across America have been paying into pension plans throughout their working years, anticipating the secure retirement which is their due. And now, as more Americans than ever before in history approach retirement, we are seeing a disturbing trend by employers to cut their pension benefits.

Many companies are changing to so-called "cash balance" plans which often saves them millions of dollars in pension costs each year by taking a substantial cut out of employee pensions. This practice allows employers to unfairly profit at the expense of retirees.

Employees generally receive three types of benefits for working: direct wages, health benefits and pensions. Two of those are long-term benefits which usually grow in value as workers become older. Pensions are paid entirely after a worker leaves. Reducing an employee's pension years after it is earned should be no more legal than denying a worker wages after work has been done.

In fact, our laws do prohibit employers from directly reducing an employee's pension accrued benefit. Unfortunately, however, these protections are being sidestepped and workers' pensions are being indirectly reduced through the creation of cash balance pension plans.

Under traditional defined benefit plans, a worker's pension is based on their length of employment and their average pay during their last years of service. Their pension is based on a preset formula using those key factors rather than the amount in their pension account. Under the typical cash balance plan, a worker's pension is based on the sum placed in the employee's account. That sum is based on their wages or salary year to year.

When a worker shifts from a traditional to a cash balance plan, the employer calculates the value of the benefits they have accrued under the old plan. The result for many older workers who have accrued significant sums in their pension that are higher than it would have been under the new cash balance plan. In that case, under many of these cash balance plans the employer simply stops contributing to the value of their pension till the value reaches the level provided for under the new plan. And this can go on for significant periods—five years and sometimes more. Pension experts call this "wear away" others call it a "plateau."

This is not right. It is not fair. In fact, I believe it is a type of age discrimination. After all, a new employee, usually younger, would effectively be receiving greater pay for the same work: money put into their pension plan. And, there are some who believe this practice violates the spirit and perhaps the letter of existing law in that regard.

What does this mean to real people? Two Chase Manhattan banking executives hired an actuary to calculate their future pensions after Chase Manhattan's predecessor, Chemical Bank, converted to a cash balance plan. The actuary estimated their future pensions had fallen 45 percent. John Healy, one of the executives, says "I would have had to work about ten more years before I broke even."

Ispat Inland, Inc, an East Chicago steel company, converted to a cash balance plan January 1. Paul Schroeder, a 44-year-old engineer who has worked for Ispat for 19 years, calculated it could take him as long as 13 years to acquire additional benefits.

Why are companies changing to these cash balance plans? They have lots of stated reasons: ease of administration, certainty in how much is needed to pay for the pension plan and that the plan is beneficial to those workers who move from company to company (with similar pension plans). But, the big reason is the companies save millions of dollars. They save it because the pensions provided for with almost all cash balance plans are, on average far less generous, and they immediately reduce their need to pay anything into a pension plan at all for a while, sometimes for years, because of this wear away or plateau feature.

At one conference of consulting actuaries, Joseph M. Edmonds told companies:

> . . . it is easy to install a cash balance plan in place of a traditional defined benefit plan and cover up cutbacks in future benefit accruals. For example, you might change from a final average pay formula to a career average pay formula. The employee is very excited about this because he now has an annual account balance instead of an obscure future monthly benefit. The employee does not realize the implications of the loss of future benefits in the final pay plan. Another example of a reduction in future accruals could be in the elimination of early retirement subsidies.

Because traditional pension plans become significantly more valuable in the last years before retirement, the switch to cash balance plans also can reduce older workers' incentive to stay until they reach their normal retirement age.

I support Senator MOYNIHAN's legislation that requires that individuals receive clear individualized notice of what a conversion to a cash balance plan would do to their specific pension. There is no question that shining the light on this dark practice can reduce the chance that it will occur. I certainly agree with his view that those notices should not be generalized where obfuscation is easier and employees will pay less attention to the result.

I also believe that more must be done. For that reason, I am introducing the Older Workers Pension Protection Act of 1999 which prohibits the practice of "wear away." It provides that a company cannot discriminate against longtime workers by not putting aside money into their pension account without any consideration for the long term payments made to the employee's pension for earlier work performed. Under my bill, there would be no wear away, no plateau in which a worker would be receiving no increases in pension benefits while working when other employees received benefits. The new payments would have to at least equal the payments made under the revised pension plan without any regard to how much a worker had accrued in pension benefits under the old plan.

Some suggest that if such a requirement were put in place, companies could and would opt out of providing any pension at all. I do not believe that would happen. Companies with defined benefit plans do not have them because they are required to do so. They do it because of negotiated contracts or because the company has decided that it is an important part of the benefits for employees to acquire and maintain a productive workforce. Many suggest that the simple disclosure alone might prevent a reduction in payment benefits.

Much is made about the gains of younger workers when companies switch to cash benefit plans. There is greater portability. But, none of the experts I've consulted believes that is a dominant motivation of the companies for proposing these changes in pension law. And, the changes I am proposing would not reduce the benefits for younger workers.

I urge my colleagues to take a fresh look at the spirit of the current law that prevents a reduction in accrued pension benefits. I believe it is only fair to extend that law with its current spirit by simply requiring that any company which changes to a cash balance or similar pension plan treats all workers fairly and not penalize older employees whose hard work has earned them benefits under the earlier pension plan.

Mr. President, Ellen Schultz at the Wall Street Journal has done an excellent series of articles on this issue. I ask unanimous consent that a copy of those articles appear in the RECORD at this point. I am also including the text of a piece of this same subject done by NPR. If my colleagues have not seen these articles I commend them to their attention. I believe that once you've read them, you'll agree with me that we must take action to protect the pensions of older workers.

[From the Wall Street Journal, Dec. 4, 1998]

EMPLOYERS WIN BIG WITH A PENSION SHIFT; EMPLOYEES OFTEN LOSE

(By Ellen E. Schultz and Elizabeth MacDonald)

Largely out of sight, an ingenious change in the way big companies structure their pension plans is saving them millions of dollars, with barely a peep of resistance. Unless they happen to have a Jim Bruggeman on their staff.

Sifting through his bills and junk mail one day last year, Mr. Bruggeman found the sort of notice most people look at but don't spend a lot of time on: His company was making some pension-plan changes.

The company, Central & South West Corp., was replacing its traditional plan with a new variety it said was easier to understand and better for today's more-mobile work force. A brochure sent to workers stressed that "the changes being made are good for both you and the company."

Alone among Central & South West's 7,000 employees, Mr. Bruggeman, a 49-year-old engineer in the Dallas utility's Tulsa, Okla., office, set out to discover exactly how the new system, known as a cash-balance plan, worked. During a year-long quest to master the assumptions, formulas and calculations behind it, Mr. Bruggeman found himself at odds with his superiors, and labeled a troublemaker. In the end, though, he figured out something about the new pension system that few other employees have noticed: For many of them, it is far from a good deal.

But it clearly was, as the brochure noted, good for the company. A peek at a CSW regulatory filing in March 1998, after the new plan took effect, shows that the company saved $20 million in pension costs last year alone. Other government filings revealed that whereas the year before, CSW had to set aside $30 million to fund its pension obligations, after it made the mid-1997 switch it didn't have to pay a dime to fund the pension plan.

PENSION LIGHT

The switch to cash-balance pension plans—details later—is the biggest development in the pension world in years, so big that some consultants call it revolutionary. Certainly, many call it lucrative; one says such a pension plan ought to be thought of as a profit center. Not since companies dipped into pension funds in the 1980s to finance leveraged buyouts, have corporate treasurers been so abuzz over a pension technique.

But its little-noticed dark side—one that many companies don't make very clear to employees, to say the least—is that a lot of older workers will find their pensions cut, in some cases deeply.

So far, only the most financially sophisticated employees have figured this out, because the formulas are so complex. Even the Labor Department and the Internal Revenue Service have trouble with them. So thousands of employees, while acutely aware of how the stock market affects their retirement next eggs, are oblivious to the effect of this change. (See related article on page C1.)

One might get the impression, from the rise of 401(k) retirement plans funded jointly by employer and employee, that pensions are a dead species. In fact, nearly all large employers still have pension plans, because pulling the plug would be too costly; the company would have to pay out all accrued benefits at once. Meanwhile, companies face growing obligations as the millions of baby boomers move into their peak pension-earning years.

Now, however, employers have discovered a substitute for terminating the pension plan; a restructuring that often makes it unnecessary ever to feed the plan again.

PITFALLS FOR EMPLOYERS

But this financially appealing move has its risks. The IRS has never given its blessing to some of the maneuvers involved. If employers don't win a lobbying battle currently being waged for exemptions from certain pension rules, some of these plans could be in for a costly fix.

In addition, the way employers are handling the transition could result in employee-relations backlashes as more and more older workers eventually figure out they are paying the price for the transformation of traditional pension plans.

In those traditional plans, most of the benefits build up in an employee's later years. Typical formulas multiply years of service by the average salary in the final years, when pay usually is highest. As a result, as much as half of a person's pension is earned in the last five years on the job.

With the new plans, everyone gets the same steady annual credit toward an eventual pension, adding to his or her pension-account "cash balance." Employers contribute a percentage of an employee's pay, typically 4%. The balance earns an interest credit, usually around 5%. And it is portable when the employee leaves.

For the young, 4% of pay each year is more than what they were accruing under the old plan. But for those nearing retirement, the amount is far less. So an older employee who is switched in to a cash-balance system can find his or her eventual pension reduced by 20% or 50% or, in rare cases, even more.

This is one way companies save money with the switch. The other is a bit more complicated. Companies can also benefit from the way they invest the assets in the cash-balance accounts.

If the employer promised to credit 5% interest to employees' account balances, it can keep whatever it earned above that amount. The company can use these earnings to finance other benefits, to pay for a work-force reduction, or—crucially—to cover future years' contributions. This is why the switch makes pension plans self-funding for many companies.

Although employers can do this with regular pensions, the savings are grater and easier to measure in cash-balance plans. The savings often transform an underfunded pension plan into one that is fully funded. "Cash-balance plans have a positive effect on a company's profitability," says Joseph Davi, a benefits consultant at Towers Perrin in Stamford, Conn. They "could be considered a profit center."

MOTIVE FOR THE MOVE

Employers, however, are almost universally reticent about how they benefit. "Cost savings were not the reason the company switched to a cash-balance plan," says Paul Douty, the compensation director at Mr. Bruggeman's employer, CSW. Sure, the move resulted in substantial cost savings, he says, but the company's goal was to become more competitive and adapt to changing times. Besides, he notes, the $20 million in pension-plan savings last year were partly offset by a $3 million rise in costs in the 401(k); the company let employees contribute more and increased its matching contributions.

There is another reason some employers like cash-balances plans: By redistributing pension assets from older to younger workers, they turn pension rights—which many young employees ignore since their pension is so far in the future—into appealing benefits today. At the same time, older workers lose a financial incentive to stay on the job, since their later years no longer can balloon the pension.

Some pension professionals think companies should be more candid. "If what you want to do is get rid of older workers, don't mask it as an improvement to the pension plan," says Michael Pikelny, an employee-benefits specialist at Hartmarx Corp., an apparel maker in Chicago that decided not to install a cash-balance plan.

UNDER A MICROSCOPE

Most employees aren't equipped to question what employers tell them. But Mr. Bruggeman was. He had a background in finance, his hobby was actuarial science, he had taken graduate-level courses in statistics and probability, and he knew CSW's old pension plan inside and out. So when the company announce it was converting to a cash-balance plan last year, he began asking it for the documents and assumptions he needed to compare the old pension to the new one.

With each new bit of data, he gained another insight. First, he figured out that future pension accruals had been reduced by at least 30% for most employees. CSW got rid of early-retirement and other subsidies and reduced the rates at which employees would accrue pensions in the future.

Employees wouldn't necessarily conclude this from the brochures the human resources department handed out. Like most employers that switch to cash-balances plans, CSW assured employees that the overall level of retirement benefits would remain unchanged. But a close reading of the brochure revealed that this result depended on employees' putting more into their 401(k) plans, gradually making up for the reduction in pensions.

At a question-and-answer session on the new plan before it was adopted, Mr. Bruggeman spoke up and told co-workers how their pensions were being reduced. The next day, he says, his supervisors in Tulsa came to his office and told him that CSW management in Dallas was concerned that his remarks would "cause a class-action suit" or "uprising," and said he shouldn't talk to any other employees. He says the supervisor, Peter Kissman, informed him that if he continued to challenge the new pension plan, CSW officials would think he wasn't a team player, and his job could be in jeopardy.

Asked about this, Mr. Kissman says: "In my department I would not tolerate employee harassment. I believe the company feels the same way. Past that, I really can't speak to this issue. It's being investigated by the company."

A FEW SWEETENERS

Employers, aware that switching to cash-balance plans can slam older workers, often offer features to soften the blow. They may agree to contribute somewhat more than the standard 4% of pay for older employees, or they may provide a "grandfather clause." CSW offered both options, saying employees 50 or older with 10 years of service could stay in the old plan if they wished. Mr. Bruggeman, a 25-year veteran, was just shy of 49. He calculated that people in his situation would see their pensions fall 50% under the new plan, depending on when they retired.

Mr. Bruggeman told company officials that the plan wasn't fair to some long-term employees. Subsequently, he says, in his November 1997 performance evaluation, his supervisor's only criticism was that he "spends too much time thinking about the pension plan." A CSW official says the company can't discuss personnel matters.

What bothered Mr. Bruggeman even more was his discovery of one of the least-known features of cash-balance plans: Once enrolled in them, some employees don't earn any more toward their pension for several years.

The reasons are convoluted, but in a nutshell: Most employees believe that opening balance in their new pension account equals the credits they've earned so far under the old plan. But in fact, the balance often is lower.

When employers convert to a cash-balance plan, they calculate a present-day, lump-sum value for the benefit each employee has already earned. In Mr. Bruggeman's case, this was $352,000—something he discovered only after obtaining information from the company and making the calculations himself. Yet Mr. Bruggeman's opening account in the cash-balance plan was just $296,000, because the company figured it using different actuarial and other assumptions.

This is generally legal, despite a federal law that bars companies from cutting already-earned pensions. If Mr. Bruggeman quit, he would get the full $352,000, so the law isn't violated. But if he stays, it will take several years of pay credits and interest before his balance gets back up to $352,000.

"WEARAWAY"

Mr. Douty says this happened to fewer than 2% of workers at CSW. But at some companies that switch to cash-balance plans, far more are affected. At AT&T Corp., which adopted a cash-balance plan this year, many older workers will have to work three to eight years before their balance catches up and they start building up their pension pot again. "Wearaway," this is called. Only if an employee knows what figures to ask for can he or she make a precise comparison of old and new benefits.

Indeed, the difficulty of making comparisons has sometimes been portrayed as an advantage of switching to cash-balance plans. A partner at the consulting firm that invented the plans in the 1980s told a client in a 1989 letter: "One feature which might come in handy is that it is difficult for employees to compare prior pension benefit formulas to the account balance approach."

Asked to comment, the author of that line, Robert S. Byrne of Kwasha Lipton (now a unit of PricewaterhouseCoopers), says, "Dwelling on old vs. new benefits is probably not something that's a good way to go forward."

At one company, employees did know how to make comparisons. When Deloitte & Touche started putting a cash-balance plan in place last year, some older actuaries rebelled. The firm eventually allowed all who had already been on the staff when the cash-balance plan was adopted to stick with the old benefit if they wished.

STRUGGLE AT CHASE

At Chase Manhattan Corp., two executives in the private-banking division hired an actuary and calculated that their future pensions had fallen 45% as a result of a conversion to a cash-balance plan by Chase predecessor Chemical Bank. "I would have had to work about 10 more years before I broke even and got a payout equal to my old pension," says one of the executives, John Healy, now 61.

He and colleague Nathan Davi say that after seven years of their complaints, Chase agreed to give each a pension lump sum of about $487,000, which was roughly $72,000 more than what they would have received under the new cash-balance plan. Although a Chase official initially said the bank had "never given any settlement to any employee over the bank's pension plans," when told about correspondence about the Healy-Davi case, Chase said that a review had determined that about 1,000 employees could be eligible for additional benefits. "We amended the plan so that it would cover all similarly situated employees," a spokesman said.

How many quiet arrangements have been reached is unknown. But employees are currently pressing class-action suits against Georgia-Pacific Corp. and Cummins Engine Co.'s Onan Corp. subsidiary, alleging that cash-balance plans illegally reduce pensions. (Both defendants are fighting the suits.) Judges have recently dismissed similar suits against Bell Atlantic Corp. and BankBoston N.A.

CONCERN AT THE IRS

Not aware of any of this ferment, Mr. Bruggeman in August 1998 filed his multiple-spreadsheet analysis of the CSW cash-balance plan with the IRS and the Labor Department, asking them for a review. Soon after, he says, a manager in CSW's benefits department called him in and "wanted to know what it would take for me to drop all this." The answer wasn't to be "grandfathered" and exempted from the new plan. "I told him all I want is for the company to . . . be fair to employees," he says, "It's the principle of the thing."

The manager couldn't be reached for comment, but a CSW official says the company takes complaints "very seriously and they're thoroughly investigated. In every part of this type of investigation an employee is interviewed by a company representative, and in every initial interview the employee is asked for suggestions on what might be a preferred solution."

Even without Mr. Bruggeman's input, the IRS has a lot of cash-balance data on its plate. The agency is swamped with paperwork from hundreds of new plans seeking its approval, and applications are piling up. The delay is due in part to concern at the IRS that such plans may violate various pension laws, according to a person familiar with the situation. Meanwhile, the consulting firms that create the plans for companies are lobbying for exemptions from certain pension rules.

They say they aren't worried. That's because "companies who now have these plans are sufficiently powerful, sufficiently big and have enough clout that they could get Congress to bend the law . . . to protect their plans," says Judith Mazo, a Washington-based senior vice president for consulting firm Segal Co. Regulators, meanwhile, are playing catch-up. Bottom line, Ms. Mazo says: "The plans are too big to fail."

[From "Morning Edition," Feb. 1, 1999]

PROS AND CONS OF CASH BALANCE PLANS FOR RETIREMENT SAVINGS

BOB EDWARDS, host. This is NPR's "Morning Edition." I'm Bob Edwards.

A new type of pension program is becoming popular with the nation's top employers. The program is called the cash balance plan. It's an innovative and complicated type of retirement account suitable for today's modern work force, especially many young mobile employees. And that's the problem. Critics warn cash balance plans benefit the young at the expense of older, longtime workers. NPR's Elaine Korry reports.

ELAINE KORRY reporting. The traditional pension plan so widespread a generation ago essentially promised long-term employees a secure monthly income when they reached retirement age. Eric Lofgren (ph), head of the benefits consulting group (ph) at Watson Wyatt (ph), says that type of pension made sense when people worked at the same job for decades. But, he says, great changes in the workplace have made those plans obsolete.

Mr. ERIC LOFGREN (Benefits Consulting Group, Watson Wyatt). The traditional plan does a very good job for about one person out of 20. But for the rest of us who have changed jobs a couple times in our career, the traditional plan really doesn't deliver, because it rewards long career with one employer and that just isn't the situation for most people.

KORRY. The response of many large employers—so far about 300 of them—has been to quietly switch to a new plan that turns the traditional pension on its head. Lofgren, who helps companies formulate these new cash balance plans, says they spread the wealth around so more employees prosper, perhaps 19 out of 20. But that's not the only reason companies are lining up to make the switch. Edgar Pouk (ph), a New York pension law attorney, says that the real winners in these plan conversions are the employers.

Mr. EDGAR POUK (Pension Law Attorney). They stand to gain by the change, and so they're trying to sell it, and they sell it by emphasizing the advantages of the conversion for younger workers, but not explaining the drawbacks, and serious drawbacks, for older workers.

KORRY. In fact, says Pouk, switching to a cash balance plan can cost older employees tens of thousands of dollars, a loss they may never figure out. This stuff is so technical, many pension experts don't understand it, let alone the average employee. In simple terms, here's what happens: Pension regulations permit companies to use two different interest rates when calculating the value of the old pension vs. the opening balance of the new one. Employers usually choose the formula that favors them, even though it leaves older workers worse off. A pension balance of, say, $100,000 under the old plan might be worth only $70,000 when converted to a cash balance plan. Right there, the older worker is down 30 grand.

It gets worse. For some accounting purposes, the employer can treat the $70,000 as if it were 100 grand. Then the employer can freeze the account until the employee works the five to 10 years it can take to make up the difference. Edgar Pouk says the contributions the company doesn't have to make during that time add up quickly.

Mr. POUK. You're talking about tens of thousands of dollars for each worker. You multiply that by thousands of workers and the employer saves millions of dollars.

KORRY. Often older workers don't know what happened. Some employers, however, are careful to point out the differences. Then older workers have a choice. They can recoup their losses, but only by quitting, in which case they would receive a lump-sum payment equal to their old balance. So cash balance plans may be an inducement for older workers to leave. Olivia Mitchell (ph), head of the Pension Research Council at the Wharton School, says recent changes in labor and law have given older workers many more job protections than before, so employers are resorting to creative ways to ease their older worker force out.

Ms. OLIVIA MITCHELL (Pension Research Council, Wharton School). They may be downsizing, they may be looking for a different type of employee, perhaps with different skills, and so they're taking the cash balance plan as one of many human resource policies to essentially restructure the work force. So it's seen as a tool toward that end.

KORRY. Companies that convert to cash balance plans can level the playing field so that all employees benefit. Some companies will guarantee their older workers a higher rate of return or allow them to keep the old plan until they retire. But those are voluntary measures that eat up the cost savings. For now, regulators have not caught up with the growing momentum toward the new plans. But according to attorney Edgar Pouk, employers who don't protect their older workers are running the risk of landing in court.

Mr. POUK. When you have a number of years where the older worker receives no additional benefits that a plan is illegal per se, because federal law prohibits zero accruals for any year of participation.

KORRY. So far, the Internal Revenue Service has not given its blessing to cash balance plans. Employers have mounted an intense lobbying effort to win a safe harbor within pension law. On the other side, employees at a few large companies have lawsuits pending against the conversions, and some congressional leaders have expressed concern. Staffers on the Senate Finance Committee are considering legislation that would at least require employers to spell out what a pension conversion would mean for older workers. Elaine Korry, NPR News, San Francisco.

By Mr. STEVENS (for himself, Mr. LOTT, Mr. HOLLINGS, and Mr. DORGAN):

S. 1301. A bill to provide reasonable and non-discriminatory access to buildings owned or used by the Federal government for the provision of competitive telecommunications services by telecommunications carriers; to the Committee on Commerce, Science, and Transportation.

COMPETITIVE ACCESS TO FEDERAL BUILDINGS ACT

Mr. STEVENS. Mr. President, today I introduce, along with Senators LOTT, HOLLINGS, and DORGAN, a bill to ensure that the Federal Government stands behind its pledge to foster true competition in the provision of local telecommunications services.

While competition in the local telecommunications sector is growing, new entrants using terrestrial fixed wireless or satellite services lack of the significant advantages of incumbent local exchange carriers when it comes to gaining access to many buildings. This is particularly true when it comes to access to rooftops and to the internal risers and conduits linking the rooftop to the basement, where the access point to the internal phone wiring is usually located.

In some instances these wireless local carriers are welcomed by building owners and landlords with open arms; however, more often than not they meet resistance, are rejected, or just plain ignored. I believe the Federal Government should do more to ensure a level playing field for these new entrants to compete on.

Our bill is designed to spur competition and to hopefully save taxpayer dollars. We focus in this legislation only upon buildings owned by the Federal Government or where the Federal Government is a lessee.

The inspiration of this bill comes from States which have moved to encourage access by competitors. Connecticut and Texas have both enacted measures to promote nondiscriminatory access by telecommunications carriers to rooftops, risers, conduits, utility spaces, and points of entry and demarcation in order to promote the competitive provision of telecommunications and information services.

This bill takes a similar approach to that enacted by the States, and requires that nondiscriminatory access be provided to all telecommunications carriers seeking to provide service to federally-owned buildings and buildings in which Federal agencies are tenants. The National Telecommunications and Information Administration of the Department of Commerce, the NTIA, which is the Agency that coordinates telecommunications policy for Federal agencies, is tasked with implementing this requirement.

Building owners can easily meet the requirements of this bill. They can either certify that they are already bound to provide nondiscriminatory access under State law or they can commit in writing that they will provide such access as a matter of contract.

This bill does not mandate that every building must use the services of these new competitors. What it does say is that the Federal Government should lead by example.

This bill does not mandate a takings. Owners and operators can charge a nondiscriminatory fee for the rooftop and conduit space these technologies use to provide local service—which I am encouraged to say is quite small.

Owners and operators may impose reasonable requirements to protect the safety of the tenants and the condition of the property.

Any damage caused as a result of installing these services will be borne by the telecommunications carrier.

The carriers must pay for the entire cost of installing, operating, maintaining, and removing any facilities they provide.

The bill will not adversely impact the ability of Federal agencies to obtain office space. Federal agency heads may waive the requirements of this bill if enforcement of the bill would result in the agency being unable to obtain suitable space in a geographic area.

The President may also waive the nondiscriminatory access provisions for any building if they are determined to be contrary to the interests of national security.

I look forward to working with NTIA, the General Services Administration, and private building owners who have a leasing relationship with the Federal Government to carry out the purpose of this bill.

My goal is to ensure that the Federal Government sets a good example. I hope it will become the standard in the private sector. Businesses should demand that building owners provide every opportunity for competitive choice in telecommunications providers.

Access to Federal buildings or a building that is housing Federal workers should be encouraged. This bill is a further step in implementing the promise of the Telecommunications Act which Congress enacted.

It will help ensure that telecommunications providers can compete fairly on the basis of the cost and quality of the services provided.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1301

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Competitive Access to Federal Buildings Act".

SEC. 2. FINDINGS

The Congress finds that—

(1) non-discriminatory access to, and use of, the rooftops, risers, telephone cabinets, conduits, points of entry or demarcation for internal wiring, and all utility spaces in or

on federal buildings and commercial property is essential to the competitive provision of telecommunications services and information services;

(2) incumbent telecommunications carriers often enjoy access to such buildings and property through historic rights of way that were developed before the advent of new means of providing such services, in particular the provision of such services using terrestrial fixed wireless or satellite services that enter a building through equipment located on rooftops;

(3) the National Telecommunications and Information Administration is the Federal agency tasked with developing policies for the efficient and competitive use of emerging technologies that combine spectrum use with the convergence of communications and computer technologies for the utilization of telecommunications services and information services by federal agencies;

(4) that several States, for example Connecticut and Texas, have already enacted measures to promote non-discriminatory access by telecommunications carriers to rooftops, risers, conduits, utility spaces, and points of entry and demarcation in order to promote the competitive provision of telecommunications services and information services; and

(5) that the Federal government should encourage States to develop similar policies by establishing as federal policy requirements to promote non-discriminatory access to Federal buildings and commercial property used by agencies of the Federal government so that taxpayers receive the benefits and cost savings from the competitive provision of telecommunications services and information services by telecommunications carriers.

SEC. 3. ACCESS TO BUILDINGS FOR COMPETITIVE TELECOMMUNICATIONS SERVICES

The National Telecommunications and Information Administration Organization Act (Title I of Public Law 102–538; 47 U.S.C. 901 et seq.) is amended—

(1) in section 103(b)(2) (47 U.S.C. 902(b)(2)) by adding at the end the following new subparagraph:

"(U) The authority to implement policies for buildings and other structures owned or used by agencies of the Federal government in order to provide for non-discriminatory access to such buildings and structures for the provision of telecommunications services or information services by telecommunications carriers, and to advise the Commission on the development of policies for non-discriminatory access by such carriers to commercial property in general for the provision of such services."; and

(2) in section 105 (47 U.S.C. 904) by adding at the end the following new subsection:

"(f) PROHIBITION ON DISCRIMINATORY ACCESS.—

"(1) IN GENERAL.—No Federal agency shall enter into a contract with the owner or operator of any commercial property for the rental or lease of all or some portion of such property unless the owner or operator permits non-discriminatory access to, and use of, the rooftops, risers, telephone cabinets; conduits, points of entry or demarcation for internal wiring, easements, rights of way, and all utility spaces in or on such commercial property, for the provision of telecommunications services or information services by any telecommunications carrier that has obtained, where required, a Federal or state certificate of public convenience and necessity for the provision of such services, and which seeks to provide or provides such services to tenants (including, but not limited to, the Federal agency for which such rental or lease is made) of such property. Such owner or operator may—

"(A) charge a reasonable and nondiscriminatory fee (which shall be based on the commercial rental value of the space actually used by the telecommunications carrier) for such access and use;

"(B) impose reasonable and non-discriminatory requirements necessary to protect the safety and condition of the property, and the safety and convenience of tenants and other persons (including hours when entry and work may be conducted on the property);

"(C) require the telecommunications carrier to indemnify the owner or operator for damage caused by the installation, maintenance, or removal of any facilities of such carrier; and

"(D) require the telecommunications carrier to bear the entire cost of installing, operating, maintaining, and removing any facilities of such carrier.

"(2) STATE LAW OR CONTRACTUAL OBLIGATION REQUIRED.—No Federal agency shall enter into a contract with the owner or operator of any commercial property for the rental or lease of all or some portion of such property unless the owner or operator submits to such agency a notarized statement that such owner or operator is obligated under State law, or is obligated or will undertake an obligation through a contractual commitment with each telecommunication carrier providing or seeking to provide service, to resolve any disputes between such telecommunication carriers and such owner or operator that may arise regarding access to the commercial property or the provision of competitive telecommunications services or information services to tenants of such property. To meet the requirements of this paragraph such State process or contractual commitment must—

"(A) provide an effective means for resolution of disputes within 30 days (unless otherwise required by State law or agreed by the parties involved), either through arbitration or order of a State agency or through binding arbitration;

"(B) permit the telecommunications carrier to initiate service or continue service while any dispute is pending;

"(C) provide that any fee charged for access to, or use of, building space (including conduits, risers, and utility closets), easements or rights of way, or rooftops to provide telecommunications service or information service be reasonable and applied in a non-discriminatory manner to all providers of such service, including the incumbent local exchange carrier; and

"(D) provide that requirements with respect to the condition of the property are limited to those necessary to ensure that the value of the property is not diminished by the installation, maintenance, or removal of the facilities of the telecommunications carrier, and do not require the telecommunications carrier to improve the condition of the property in order to obtain access or use.

"(3) EFFECTIVE DATE.—Paragraphs (1) and (2) shall take effect six months after the date of enactment of this subsection for all lease or rental agreements entered into or renewed by any Federal agency after such date.

"(4) WAIVER PERMITTED.—The requirements of paragraphs (1) or (2) may be waived on a case by case basis—

"(A) by the head of the agency seeking space in a commercial property upon a determination, which shall be made in writing and be available to the public upon request, that such requirements would result in the affected agency being unable, in that particular case, to obtain any space suitable for the needs of that agency in that general geographic area; or

"(B) by the President upon a finding that waiver of such requirements is necessary to obtain space for the affected agency in that particular case, and that enforcement of such requirements in that particular case would be contrary to the interests of national security.

Any determination under subparagraph (A) may be appealed by any affected telecommunications carrier to the Assistant Secretary, who shall review the agency determination and issue a decision upholding or revoking the agency determination within 30 days of an appeal being filed. The burden shall be on the agency head to demonstrate through the written determination that all reasonable efforts had been made to find suitable alternative space for the agency's needs before the waiver determination was made. The Assistant Secretary shall revoke any agency determination made without all reasonable efforts being made. The decision of the Assistant Secretary shall be binding on the agency whose waiver determination was appealed.

"(5) Limitations.—

"(A) Nothing in this subsection shall waive or modify any requirements or restrictions imposed by any Federal, state, or local agency with authority under other law to impose such restrictions or requirements on the provision of telecommunications services or the facilities used to provide such services.

"(B) Refusal by an owner to provide access to a telecommunications carrier seeking to provide telecommunications services or information services to a commercial property due to a demonstrated lack of available space at a commercial property on a rooftop or in a riser, telephone cabinet, conduit, point of entry or demarcation for internal wiring, or utility space due to existing occupation of such space by two or more telecommunications carriers providing service to that commercial property shall not be a violation of paragraphs (1)(B) or (2)(D) if the owner has made reasonable efforts to permit access by such telecommunications carrier to any space that is available.

"(6) DEFINITIONS.—For the purposes of this subsection the term—

"(A) 'Federal agency' shall mean any executive agency or any establishment in the legislative or judicial branch of the Government;

"(B) 'commercial property' shall include any buildings or other structures offered, in whole or in part, for rent or lease to any Federal agency;

"(C) 'incumbent local exchange carrier' shall have the same meaning given such term in section 251(h) of the Communications Act of 1934 (47 U.S.C. 251(h)); and

"(D) 'information service,' 'telecommunications carrier,' and 'telecommunications service' shall have the same meaning given such terms, respectively, in section 3 of the Communications Act of 1934 (47 U.S.C. 153).".

SEC. 4. APPLICATION TO PUBLIC BUILDINGS.

Within six months after the date of enactment of this Act the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Telecommunications and Information, shall promulgate final rules, after notice and opportunity for public comment, to apply the requirements of section 105(f) of the National Telecommunications and Information Administration Organization Act, as added by this Act, to all buildings and other structures owned or operated by any Federal agency. In promulgating such rules the Assistant Secretary may, at the direction of the President, exempt any buildings or structures owned or operated by a Federal agency if the application of such requirements would be contrary to the interests of national security. The Assistant Secretary shall coordinate the promulgation of the rules required by this section with the Administrator of the General Services Administration and the heads of any establishments in the legislative and judicial branches of government which are responsible for buildings and other structures owned or operated by such establishments. Such rules may include any requirements for identification, background checks, or other matters necessary to ensure access by telecommunications carriers under this section does not compromise the safety and security of agency operations in government owned or operated buildings or structures. For the purposes of this section, the term "Federal agency' shall have the same meaning given such term in section 105(f)(6) of the National Telecommunications and Information Administration Organization Act, as added by this Act.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. COCHRAN, Mr. HUTCHINSON, Ms. COLLINS, Mrs. LINCOLN, Mr. SHELBY, Ms. SNOWE, Mrs. MURRAY, Mr. SESSIONS, Mr. SMITH of Oregon, Mrs. HUTCHISON, Mr. GRAMS, and Ms. LANDRIEU):

S. 1303. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

THE REFORESTATION TAX ACT OF 1999

Mr. MURKOWSKI. Mr. President, on June 17, I introduced bipartisan legislation (1240) providing capital gains for the forest products industry and lifting the existing cap on the reforestation tax credit and amortization provisions of the tax Code.

Unfortunately, because of a clerical error, the section of the bill that lifted the cap on the tax credit and the amortization provisions of the Code was inadvertently omitted from the bill. Today I am reintroducing the bill as it was originally intended to be drafted.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reforestation Tax Act of 1999".

SEC. 2. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1203. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

"(a) IN GENERAL.—At the election of any taxpayer who has qualified timber gain for any taxable year, there shall be allowed as a deduction from gross income an amount equal to the qualified percentage of such gain.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means gain from the disposition of timber which the taxpayer has owned for more than 1 year.

"(c) QUALIFIED PERCENTAGE.—For purposes of this section, the term 'qualified percentage' means the percentage (not exceeding 50 percent) determined by multiplying—

"(1) 3 percent, by

"(2) the number of years in the holding period of the taxpayer with respect to the timber.

"(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion of (if any) the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) COORDINATION WITH MAXIMUM RATES OF TAX ON NET CAPITAL GAINS.—

(1) Section 1(h) of such Code (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

"(14) QUALIFIED TIMBER GAIN.—For purposes of this section, net capital gain shall be determined without regard to qualified timber gain (as defined in section 1203) with respect to which an election is in effect under section 1203."

(2) Subsection (a) of section 1201 of such Code (relating to the alternative tax for corporations) is amended by inserting at the end the following new sentence:

"For purposes of this section, net capital gain shall be determined without regard to qualified timber gain (as defined in section 1203) with respect to which an election is in effect under section 1203."

(c) ALLOWANCE OF DEDUCTION IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) PARTIAL INFLATION ADJUSTMENT FOR TIMBER.—The deduction allowed by section 1203."

(d) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed."

(2) The last sentence of section 453A(c)(3) of such Code is amended by striking "(whichever is appropriate)" and inserting "or the deduction under section 1203 (whichever is appropriate)".

(3) Section 641(c)(2)(C) of such Code is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction under section 1203."

(4) The first sentence of section 642(c)(4) of such Code is amended to read as follows: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable under section 1202, and any deduction allowable under section 1203, to the estate or trust."

(5) The last sentence of section 643(a)(3) of such Code is amended to read as follows: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account."

(6) The last sentence of section 643(a)(6)(C) of such Code is amended by inserting "(i)" before "there shall" and by inserting before the period ", and (ii) the deduction under section 1203 (relating to partial inflation adjustment for timber) shall not be taken into account".

(7) Paragraph (4) of section 691(c) of such Code is amended by inserting "1203," after "1202,".

(8) The second sentence of paragraph (2) of section 871(a) of such Code is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1203. Partial inflation adjustment for timber."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1998.

SEC. 3. AMORTIZATION OF REFORESTATION EXPENDITURES AND REFORESTATION TAX CREDIT.

(a) DECREASE IN AMORTIZATION PERIOD.—

(1) IN GENERAL.—Section 194(a) of the Internal Revenue Code of 1986 is amended by striking "84 months" and inserting "60 months".

(2) CONFORMING AMENDMENT.—Section 194(a) of such Code is amended by striking "84-month period" and inserting "60-month period".

(b) REMOVAL OF CAP ON AMORTIZABLE BASIS.—

(1) Section 194 of the Internal Revenue Code of 1986 is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(2) Subsection (b) of section 194 of such Code (as redesignated by paragraph (1)) is amended by striking paragraph (4).

(3) Paragraph (1) of section 48(b) of such Code is amended by striking "(after the application of section 194(b)(1))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to additions to capital account made after December 31, 1998.

ADDITIONAL COSPONSORS

S. 348

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 680

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 761

At the request of Mr. ABRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 765

At the request of Ms. COLLINS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 894

At the request of Mr. CLELAND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 916

At the request of Mr. GRAMS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 916, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 921

At the request of Mr. ABRAHAM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 921, a bill to facilitate and promote electronic commerce in securities transactions involving broker-dealers, transfer agents and investment advisers.

S. 978

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1088

At the request of Mr. KYL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1088, a bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1118

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1185

At the request of Mr. ABRAHAM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1185, a bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1268

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1268, a bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 91

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of Senate Resolution 91, a resolution expressing the sense of the Senate that Jim Thorpe should be recognized as the "Athlete of the Century".

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Resolution 95, a resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 98

At the request of Mr. DOMENICI, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Resolution 98, a resolution designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week."

SENATE RESOLUTION 109

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Resolution 109, a resolution relating to the activities of the National Islamic Front government in Sudan.

SENATE RESOLUTION 111

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Resolution 111, a resolution designating June 6, 1999, as "National Child's Day."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 29, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 161, the Power Marketing Administration Reform Act of 1999; S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1273, a bill to amend the Federal Power Act to facilitate the transition to more competitive and efficient electric power markets, and for other purposes; and S. 1284, a bill to amend the Federal Power Act to ensure that no State may establish, maintain or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any customer who seeks to purchase electric energy in interstate commerce from any supplier.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to mark up (1) S. 1100, a bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species; (2) Nomination of Timothy Fields, Jr., nominated by the President to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency; and (3) Committee Budget Resolution. The meeting is scheduled for Tuesday, June 29, 10:00 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, June 29, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Arts Education and Magnet Schools" during the session of the Senate on Tuesday, July 29, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 29, for purposes of conducting a hearing which is scheduled to begin at 2:30 p.m. the purpose of this oversight hearing is to receive testimony on fire preparedness on Federal lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 29, 1999, at 2:30 P.M. on NOAA, U.S. Fire Administration, and Earthquake Hazards Reduction Program reauthorization

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO RABBI MOSHE SHERER

• Mr. KENNEDY. Mr. President, it is a privilege to join in this tribute to Rabbi Moshe Sherer. To all of us who knew him and worked with him, Rabbi Sherer was a great friend, a great leader, and a great champion of democracy and freedom.

Rabbi Sherer was an inspiration to all of us, especially in his work on immigration and religious freedom. He worked skillfully and tirelessly to free prisoners of conscience in the former Soviet Union, to reunite divided families, and to protect freedom of religion across the globe.

Even in the darkest hours of communism, Rabbi Sherer was an eloquent advocate for the right of the oppressed to leave the Soviet Union. He had an enduring belief that the freedom to emigrate to escape persecution is one of the most basic and fundamental human rights.

As the President of Agudath Israel of America for over three decades, Rabbi Sherer was instrumental in developing that organization into a powerful force for justice in our nation and across the world. He inspired us all with his generous spirit of tolerance, his extraordinary knowledge and understanding, and his deep commitment to human rights and religious freedom.

We are fortunate to have worked with Rabbi Sherer, and we mourn his loss. His brilliant legacy will continue to be an inspiration for future generations. We miss his leadership and we miss his friendship.•

JUVENILE CRIME IN AMERICA

• Mr. GRAMS. Mr. President, I rise today to express my support for the recent passage by the Senate of S. 254, the "Violent and Repeat Offender Accountability and Rehabilitation Act of 1999."

One of the most complex issues facing our society is how communities confront the troubling trends in violent crime committed by young people. In particular, the recent tragedy in Littleton, Colorado underscores that all elements of our society, including parents, faith-based organizations, local officials, educators, students, and law enforcement officials should be encouraged to work together to develop innovative and effective solutions to reducing and preventing violent acts committed by our nation's youth.

In 1997, young people under the age of eighteen represented 17 percent of all violent arrests; 50 percent of all arson arrests; 37 percent of burglary arrests; and 14 percent of murder arrests. Overall in 1997, law enforcement agencies made approximately 2.8 million arrests of persons under the age of eighteen. These sobering statistics indicate the need to combat youth violence in America to ensure that the young offenders of today do not become the career criminals of tomorrow.

For these reasons, I am pleased to have voted for passage of S. 254, the

"Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act." I believe that many of the provisions within this legislation will hold violent juvenile offenders accountable for their actions and also integrate many young offenders back into their communities. We should all recognize that federal legislation is not a "silver bullet" solution to the problem of youth violence, and that our response to this epidemic is only one aspect of nationwide efforts to reduce and prevent violent juvenile crime.

Among its most significant provisions, this bipartisan legislation will provide assistance to Minnesota and other states to help develop local programs that hold young criminal offenders accountable for their actions, including such reforms as drug testing offenders upon arrest; implementing graduated sanction programs for repeat offenders; and building detention facilities for juvenile offenders. Equally important, states will also be empowered to prevent juvenile delinquency through initiatives such as one-on-one mentoring programs aimed toward at-risk juveniles and providing treatment for juveniles who suffer from substance abuse.

Mr. President, this measure also addresses an area of increasing concern to communities in my home state of Minnesota—gang violence. Today, there are more than 12,000 gang members in Minnesota, the nation's tenth-highest level of gang participation.

Throughout Minnesota, many communities have developed programs to stop the spread of gang activity, including the "South Metro Gang and Youth Violence Project" sponsored by Carver, Dakota and Scott counties. Among its achievements, this project has developed a computerized database to identify gang members, established a telephone hotline for graffiti removal, and formed the "South Metro Gang Task Force," through which law enforcement agencies meet monthly to share information regarding gang activity in their jurisdictions. Through education, training and other community initiatives, this program has begun to tackle the threat of gang and youth violence.

In my view, the federal government can supplement local anti-gang initiatives by vigorously enforcing federal laws designed to combat interstate gang crime. The anti-gang provisions within S. 254 will also help to deter gang involvement by imposing stiff penalties on anyone who recruits a minor to become a member of a criminal street gang, or who uses a minor to distribute illegal drugs or participate in crimes of violence—common activities of gangs. By imposing enhanced penalties on those who wear body armor during crimes and prohibiting violent felons from owning body armor, we will also help to protect the lives of law enforcement officers who put their lives on the line each day protecting our communities from the threat of gang violence.

As someone who has always supported the important role of local communities in developing anti-crime strategies, I am pleased that the Senate modified this legislation to encourage the active role of State Advisory Groups (SAGs) as part of the juvenile justice system. I am hopeful that the conference report to this legislation will preserve the same level of responsibility for SAGs as provided under current law.

In my home state, the Minnesota Juvenile Justice Advisory Committee (JJAC) is composed of twenty-two individuals appointed by the Governor, including local prosecutors, students, police chiefs, judges, and state agency personnel, representative of communities throughout Minnesota. In 1998, JJAC awarded more than $1 million in federal funds to community-based organizations, schools, Indian reservations, and local law enforcement agencies to help develop effective and innovative juvenile offender programs. Statewide, more than 40,000 youth and their families were served by local programs identified and evaluated by JJAC last year. I ask that a list of the Minnesota Juvenile Justice Advisory Committee membership and a letter to me from the JJAC Vice-Chair be included as part of the RECORD following my remarks.

Mr. President, over the last several months, I have given careful thought to the aspects of our society that may contribute to incidents of juvenile crime, including the influence of the entertainment industry upon young people. My concerns are underscored by a recent e-mail I received from Andrew Backenstross, a young Minnesotan and Boy Scout who is working on his Citizenship in the Nation merit badge in the community of White Bear Lake.

Andrew wrote, "All my teachers say that school should be a safe place to go and study. But Colorado and other places show us how exposed we are and that it could happen to us. Public schools need to be able to discipline or remove anyone who is not a threat or will not meet standards. Metal detectors, searches and police walking the halls is not the answer. That was not needed when my Dad went to school. People thought differently. We have to ask, what has changed? Maybe we are being conditioned for violence.

"My parents have taught me about standards, acceptable behavior and respect for myself and others. Maybe more help could be given to parents to be parents. Maybe if they didn't have to give so much of their income away in taxes they could afford to stay home and be parents."

In response to the concerns expressed by young people such as Andrew, and thousands of parents, I am pleased that the Senate bill encourages the entertainment industry to voluntarily establish guidelines to reduce violence in motion pictures, television programming, video games, and music lyrics. The bill also encourages Internet Service Providers (ISPs) to provide filtering software to consumers that could block juvenile access to unsuitable material. These provisions will provide parents with the tools needed to reduce their children's exposure to the culture of violence.

Mr. President, there were several amendments offered to this legislation that would impose additional restrictions upon lawful Americans, without contributing to a reduction in juvenile crime. Throughout the debate over these proposals, I urged the Senate to promote greater enforcement of our existing firearms laws before passing new gun control measures that would infringe upon the constitutional rights of law-abiding citizens. I am very concerned that prosecutions of those who violate federal firearms laws have been far less zealous than what the American people deserve and expect.

According to the Executive Office of the United States Attorney, there were only eight prosecutions in 1998 of those who violated the federal prohibition on possessing a firearm in a school zone. From 1996 through 1998, there was only one prosecution of felons who have been denied the purchase of firearms after being subjected to a background check. These statistics underscore the reality that passing new, expansive gun control laws will not prevent violent crime or the illegal use of firearms.

As an alternative to far-reaching gun control proposals, I supported an amendment that encouraged the enforcement of existing gun laws, the rights of law-abiding citizens, and keeping firearms from children and criminals. This proposal provided $50 million to hire additional federal prosecutors to prosecute those who violate our gun laws; a prospective ban on juveniles convicted of violent offenses from ever owning a firearm; and enhanced penalties for juveniles who illegally bring a gun or ammunition to school with the intent of possessing or using the firearm to commit a violent crime.

Additionally, this proposal requires all firearms transactions at gun shows to be subject to the National Instant Check System (NICS) without subjecting law-abiding purchasers to unnecessary fees or record-keeping requirements. Importantly, this provision preserves legitimate business transactions at gun shows while also addressing the public safety concerns of millions of Americans. In my view, this proposal was more reasonable than a more-restrictive proposal by Senator LAUTENBERG that was later passed by the Senate.

Mr. President, I believe the Senate passage of this bill is an important contribution to the national response to youth violence. The 106th Congress should seize the opportunity to pass meaningful and balanced legislation that will encourage local solutions to the complex problem of juvenile crime.•

RETIREMENT OF SISTER JANE FRANCIS BRADY

• Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Sister Jane Francis Brady, who is retiring after 30 years at St. Joseph's Hospital and Medical Center in Paterson, New Jersey. For 27 of those years, Sister Jane served as the hospital's President and Chief Executive Officer. This not only is a well-deserved public tribute, but also a very personal tribute. Paterson is my hometown, and St. Joseph's Hospital has been an institution both literally and figuratively for generations of Paterson families, including my own. To thousands of people in New Jersey and the region, she is "Sister Jane" and the hospital is "St. Joe's." They are a union that has put quality and hope into so many lives.

For many people in the Paterson area, Sister Jane has been the soul, the spirit and the face of healthcare. I have been privileged to work with her on a number of projects that have expanded St. Joe's to meet the continually growing needs of the surrounding community. Under Sister Jane's stewardship, St. Joseph's Hospital has become a focus of wellness care and training—the source for preventive, primary and emergency health services, and for more general education and counseling.

Sister Jane's curriculum vitae is stellar. She has held the highest advisory positions on healthcare, serving as Vice-Chair of the New Jersey Commission on Legal and Ethical Problems in the Delivery of Health Care; on New Jersey's Health Care Administration Board; on the SEEDCO Board of Trustees of New York; on the Leadership Task Force on Health Policy Reform of the Catholic Health Association of the United States; and on the Board of Trustees of the Catholic Health Association of the U.S.

She has been recognized for her contributions by numerous organizations, receiving, among others, the Paterson Community Service Award; the Citation of Merit from the NJ Association of Nonprofit Homes for the Aging; the Paterson Community Support Fund Humanitarian Award; "Woman of the Year" awards from the American Legion, the Paterson Boys and Girls Club, the NJ State Organization of Cystic Fibrosis, the American Cancer Society, and Passaic County Community College; the Felician College Founders Day Award; the Paterson Historic Preservation Commission's Heritage Award; and the Palestinian Heritage Foundation Humanitarian Award.

Sister Jane's retirement presents a huge challenge. We have the legacy of her intellect and passion; we have the solid foundation of her three decades of guidance; we have her enduring vision; but we will need an extraordinary talent to fill the void she leaves.

The best tribute we can give, the tribute we owe to Sister Jane, is the promise and commitment to find the best way to give the best healthcare to the most people. That was what she did. That was her gift of faith and strength.•

SESQUICENTENNIAL OF McDONALD COUNTY

• Mr. BOND. Mr. President, this weekend will be doubly special for the residents of McDonald County in my home state of Missouri. On March 3, 1849, McDonald county was established by the State Legislature and named after Revolutionary War hero Alexander McDonald. Not only will this weekend mark the 223rd anniversary of the founding of our country, but it is also the formal celebration of the 150th anniversary of the founding of McDonald County.

McDonald County has a distinguished history, including a gold rush in the last century. McDonald County was also the site for the filming of a 1938 movie about Jesse James starring Tyrone Power, Randolph Scott, and Henry Fonda. More recently, every Christmas the Post Office in the city of Noel receives thousands of cards to receive the stamp of "The Christmas City." McDonald County is also a major economic force in the state of Missouri, ranking first in agricultural sales, due to their $50 million poultry industry.

I join the citizens of McDonald County in celebrating this milestone in their history. I take great pride in recognizing this historic event and wish McDonald County prosperity in the next 150 years that is even greater than the last. Mr. President, I ask that my colleagues in the Senate join me in recognizing the sesquicentennial of McDonald County.•

PHYSICIAN-ASSISTED SUICIDE

• Mr. WYDEN. Mr. President, today I have informed the minority leader that I will object to any unanimous consent request to proceed to S. 1272 or any legislation containing provisions that would override Oregon's physician assisted suicide law. I have notified the bill's sponsor and the committee chairman and ranking member to which it was referred.•

MILITARY CHANGE OF COMMANDS

• Mr. ALLARD. Mr. President, in the June edition of Leatherneck magazine, the Commandant of the Marine Corps, General Charles Krulak, quotes his father as saying: "The American people believe that Marines are downright good for the country." I agree with The Commandant's father. And I am pleased General Krulak also holds that well founded opinion. The United States Marine Corps is collectively good for this country, and the services of individual marines such as General Krulak are a big part of that positive contribution made by the Corps.

Unfortunately, the title of the article in which General Krulak quoted his father was "A farewell to the Corps." General Krulak will be retiring after four years from his position as Commandant at the end of this month. I would like to thank him for his service and efforts on behalf of his Corps and his nation.

Although I have been on the Armed Services Committee a short six months, I have had several good experiences with the Commandant.

I think the most notable was in May of this year, when a large group of my constituents were taking a tour of the Pentagon, and the Commandant invited them into his office. He said then that he usually tries to do something similar—bring tourists into his personal office—everyday. I do not think Krulak was fully aware of what he was getting himself into, but all fifty or so crowded their way into his office, and listened while he spoke about the Corps, the moving of his office down from the 'barbed wire surrounded hill of the Naval Annex' to the corridors of the Pentagon, and the Corps' efforts and ability to turn young men and women into marines.

Let me tell you, they were impressed. They were impressed with his position, they were impressed with his efforts, they were impressed with his commitment, and they were impressed with the man.

I have also had correspondence with General Krulak relating to our work on S.4, and for the process of preparing the defense authorization. He consistently strikes me as a man who is well aware of the challenges his position holds, and works to meet them. He has been straightforward and dependable. Hearing testimony from him at committee hearings is always a pleasure. He does not rattle off bland platitudes. I felt that I could always rely on his opinion to be the truest possible interpretation of the situation, and one that held the best interests of the country at the foremost.

Let me end by repeating: General Krulak has been fundamentally good for this country. I wish him well in whatever new course he sets for himself.

Also, I would like to welcome General James Jones into his role as the 32nd Commandant of the Marine Corps. I have met with him only very briefly, but I look forward to working with him. I am sure he will follow in the able footsteps of all the past United States Marines Corps Commandants, and serve the Marines and America admirably.●

MEDAL OF HONOR RECIPIENTS

● Mr. LUGAR. Mr. President, over the Memorial Day weekend, a series of events and memorial services were held in Indianapolis honoring our nation's Medal of Honor winners. Nearly 100 of all of the living Medal of Honor recipients came to Indiana to participate in the ceremonies as honored guests. In addition to paying tribute to these heroes and celebrating their remarkable accomplishments with a healthy dose of Hoosier hospitality, a new memorial to the Medal of Honor winners was dedicated. This memorial is only one of its kind in the nation. All of this was made possible by countless numbers of volunteers who worked tirelessly to carry out this program that was initiated and undertaken by IPALCO Enterprises of Indianapolis.

Following this remarkable weekend. I received a letter from Major General Robert G. Moorhead, USA (Ret.), who through his words captured the sentiments of many of my State who were a part of these historic and moving events.

At this time, Mr. President, I ask that an excerpt from General Moorhead's letter be printed in the RECORD.

The excerpt follows.

> As the last days of the 20th century continue to unfold, Memorial Day weekend in the capital of Indiana was one to remember. Nearly 100 Medal of Honor recipients were guests for a series of stirring tributes. These included a solemn Memorial Service; the dedication of the only memorial to recipients of the Medal of Honor; grand marshals in the IPALCO 500 Festival Parade; an outdoor concert by the Indianapolis Symphony Orchestra; and a parade lap around the famed Indianapolis Motor Speedway oval prior to the start of the race.
>
> As the 20th century draws to a close, many wonder if the nation has lost sight of the sacrifices which have been made to preserve freedom. After this Memorial Day weekend in Indianapolis, my heart remains swollen with pride in our land and my fellow citizens. The reception given these ordinary men who did extraordinary things can never be equaled.
>
> I am especially proud of the untold hundreds of volunteers who gave of their time and talent to make these events possible. Memorial Day Weekend 1999 did much to convince me that our nation's freedom loving spirit is alive and well. It also underscored the true meaning of "Hoosier Hospitality."
>
> Sincerely,
>
> MG ROBERT G. MOORHEAD,
> *USA Ret.*●

WE THE PEOPLE FINALS

● Mr. ENZI. Mr. President, I rise to recognize the outstanding achievement of the students of Central High School from Cheyenne, Wyoming in the national finals of We The People . . . The Citizen and the Constitution program. They recently made a trip to the Nation's Capital to participate in a mock congressional hearing where they played the role of constitutional experts testifying before a panel of judges. Their fellow students at Central High, their families and friends, along with the people of Cheyenne and the entire state of Wyoming are very proud of these students who spent long hours studying the Constitution and the related court cases to be able to answer detailed and complex questions about the Constitution that would normally be considered by the Supreme Court.

Guided by their teacher, Donald Morris, these students took on the difficult task of competing against 1,250 other students from across the nation. They worked together for a whole semester to master the ins and outs of the Constitution and the Supreme Court cases that set important precedents. In doing so they learned a great deal about the value of friendship and the importance of teamwork. I hope that more schools in Wyoming and around the nation take advantage of the We The People program.

When I was a Boy Scout back in Sheridan, Wyoming, I earned my Citizenship in the Nation merit badge by creating a series of charts showing the system of checks and balances contained in the Constitution. Although it did not occur to me at the time, I am sure part of me was inspired and wanted to get more involved in government and our democratic process. Now I am a part of that system that relies so heavily on the Charters of Freedom that were crafted with such diligence by our Founding Fathers. I hope that a love of the Constitution, the law and our nation's history will similarly inspire all our young people to become more involved in their government and by so doing take hold of the reins on their future.

I would like to take this opportunity to recognize these students by name. They are David Angel, Kristen Barton, Beth Brabson, Michelle Brain, Mary Connaghan, Mariah Martin, Andrea Mau, Alison McGuire, Rachel Michael, Joanna Morris, Leigh Nelson, Tiffany Price, Lydia Renneisen, Shannon Scritchfield, Erica Tonso and Katie Zaback. They are truly remarkable young adults and I extend my heartiest congratulations to them, to their teachers and principal, and their families on their remarkable success.●

REMARKS OF FORMER SENATOR HANK BROWN

● Mr. ALLARD. Mr. President, most of my colleagues in this body, I'm sure, remember my predecessor, Hank Brown. He represented me for 10 years as the Congressman from Colorado's 4th district, and I had the further privilege of working with him during my 6 years in the House. Since he retired from this body in 1996, I have relied on his knowledge and experience. As you might know, Senator BROWN is now President Brown, the head of the University of Northern Colorado, in Greeley, the Senator's hometown.

Recently, President Brown spoke at the Colorado Prayer Luncheon in Denver. He spoke on God's love, and our role in this world. His thoughts are, as always, particularly insightful and relevant.

I ask to have these inspirational words printed in the CONGRESSIONAL RECORD.

The remarks follow.

REMARKS OF HANK BROWN, COLORADO PRAYER LUNCHEON

> Ladies and Gentlemen, today is a day of renewal. It is a renewal of our commitment to our Maker as well as a renewal of our commitment to each other. The fact that so many different faiths join together in this luncheon is a sign of our commitment to each other's religious freedom.
>
> The incomprehensible tragedy at Columbine is on all of our minds. It will reshape our lives as well as the families of the victims. Its impact will be with us for many years.
>
> Next month it will be 46 years since my brother died in a gun accident. He was only 16—not much younger than the children who were murdered at Columbine. The other day my mother said to me that not a day goes by that she doesn't think of him and miss him. I suspect that the parents and loved ones of the victims at Columbine will be the same. The memory of those children will be with them every day for the rest of their lives.
>
> How do we explain it? How do you reconcile the tragedy in your own mind?
>
> We believe our God is good, we believe our God, is love, we believe our God is all-powerful and capable of controlling everything. How could something this evil be allowed to happen? It's not a new question. It's been with mankind throughout history.
>
> A few thousand years ago, a fellow by the name of Job had the same questions. He was devout, religious and pious. He was committed to carrying on the work of his Lord, yet great tragedies were visited upon him. He lost his home. He lost his fortune. He lost his health. He even lost his beloved children. But he didn't lose his faith. And throughout it, he asked "Why?" Was he being tested? Was he being punished? I'm not sure we know. His friends came and talked to him, and they suggested that he must be being punished, that he must have done something wrong. And yet, of course Job hadn't. He hadn't been evil; he hadn't sinned. He'd kept the faith. The attitude of his friends perhaps is parallel to the way many of us think. It is natural to think that if we are good, if we follow the rules, if we observe the mandates, good things will happen to us. And yes, if we sin, we'll be punished. And yet, Job hadn't sinned. I don't pretend to know the answer. But I want to speculate with you this afternoon, and I want to suggest that part of the answer lies in God's purpose for our lives in this world.
>
> What if this earthly existence is not intended to be a paradise? What if our Maker's

real kingdom is not of this world? What if the purpose of our earthly existence is to train us, to prepare us, to test us—not for this world, but for the next? What if the commandments of Moses and the admonition to love each other is not a checklist for prosperity in this world, but guidance for how we'll behave when we truly accept grace? Not a way to earn grace, but what we'll do if we accept it. What if those commandments are the best advice in history on how to live a joyous life and find happiness on earth? It's a different thought, isn't it? If it's so, then our earthly existence may not be about earning our way to heaven or even enjoying a perfect life on earth. It may be about learning and preparing for the next life.

Parents face every day, something of the challenge that our Lord must experience. How do you prepare children for life? We love our children more than life itself. Do we do their homework for them? Perhaps some of you have faced that question. If you don't help them with their homework, they may fail and they may not have the chances you hope for them. But the story doesn't end there. If you do it for them, what do they learn? How do they learn that they have to prepare in advance for the next time? How have you helped them learn a lesson for life?

Growing up, I couldn't understand my mother. How could she be so tough? She never once bought the stories I brought home about how everyone did it, how it must be OK because everyone else got by with it. In fact, she was never even tempted by them. I recall a series of incidents of her forcing me to confess my sins—once to a storeowner a few blocks from here where I'd taken some gum, once to my grandmother, once at school. Those forced confessions resulted in unbelievable embarrassment. How could she do such a thing? If I wanted something, her answer was, "I'll help you find a job." I worked 20-40 hours a week while I was in high school, and, in the summers I had one or two full-time jobs, depending on the summer. My parents were divorced. She worked full-time. She didn't have a lot of time to supervise me. But her strength was to keep me busy, and she kept me so busy I almost stayed out of trouble. As I look back, I wonder whether I have been near as good a parent as she was.

I will never forget the Clarence Thomas hearings, and I suspect some of you may have that feeling as well. One of the instances I recall was a question posed by a senator—a person of great integrity—who had very strong doubts about Clarence Thomas' judicial philosophy. When his turn came to ask questions, the senator said, "Clarence Thomas, I see two Clarence Thomas's, not just one. I see one that seems so kind, generous, thoughtful and warm. And then I see one that is mean, cruel and hard. Which one are you?" Justice Thomas responded immediately. He said, "There is only one Clarence Thomas. And I am him. I used to wonder how my uncle could pretend to care for me so much and be so hard on me. It wasn't until later that I learned that he was the one who loved me the most."

I wonder if our Lord has in mind to prepare us for a life to come. Could tragedies and trials in this life prepare us for the next? It's a question worth asking. The year my brother died, I was 13. My grandfather gave me a book, It was written by Woodrow Wilson. It was a wonderful little book called "When a Man Comes To Himself." It had as strong an influence on me as any book I've read. Wilson, as you know, was an idealist. In the book he talks about what the real joys in life are. He observes that the real pay one gets from a job is not the paycheck at the end of the month, although that's important. The real joy comes from what you do. A bricklayer or carpenter can drive through town and see the homes they've built providing shelter and warmth for families. Others can look at the work they've done and see how it impacts lives and changes the people they know. Wilson's thesis was that you are what you do with your life. You've seen those ads where they say you are what you eat. I sincerely hope that's not true. His thesis was that you are the role you play among your fellows. If that's true, ask what your life amounts to. Wilson's thought was that we are the sum total of how we help each other and the role we play amongst others. Perhaps that's a good guide for us to evaluate what we do in life. It's also a pretty good guide to examine whether you've found the real joy in life.

I don't know the answer to Job's question. Like you, I am troubled by the events and the currents of evil in the world. I, like you, suspect that our responsibility is to do what we can to make sure the tragedy never happens again. I'm not sure there's a surefire formula to prevent disasters. But I do believe that the freedom God gives us to live our lives and make our choices surely must be designed to prepare us for another world and help us understand that we have a role in making this world better. If we learn from this, and all of us go forth determined to make a difference from this moment on, the tragedy, in one way, will have served to make our world a better one.

Thank you.●

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS—MOTION TO PROCEED

Mr. NICKLES. I ask unanimous consent the Senate now turn to Calendar No. 89, S. 557, regarding the budget process to which the so-called lockbox issue is pending as an amendment.

Mr. DURBIN. Mr. President, I object.

CLOTURE MOTION

Mr. NICKLES. In light of the objection, I now move to proceed to Senate bill 557, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process:

Trent Lott, Spencer Abraham, Jim Inhofe, Kay Bailey Hutchison, Pete Domenici, Paul Coverdell, Wayne Allard, Jesse Helms, Larry E. Craig, Mike Crapo, Chuck Hagel, Mike DeWine, Michael B. Enzi, Judd Gregg, Tim Hutchinson, and Craig Thomas.

Mr. NICKLES. Mr. President, for the information of all Senators, I regret the objection from our Democrat colleagues to allow the Senate to proceed to the very vital issue of the Social Security lockbox issue. With the objection in place, I had no other alternative than to file a cloture motion on the motion to proceed. This cloture vote will occur on Thursday, 1 hour after the Senate convenes, unless changed by unanimous consent. All Senators will be notified as to the exact time of the cloture vote.

CALL OF THE ROLL

In the meantime, I ask consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NICKLES. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

REMOVAL OF INJUNCTION OF SECRECY TREATY DOCUMENT NO. 106-3

Mr. NICKLES. I ask unanimous consent to proceed as if in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 29, 1999, by the President of the United States:

1. Tax Convention with Venezuela (Treaty Document No. 106-3);

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Republic of Venezuela for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with a Protocol, signed at Caracas on January 25, 1999. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and other developing nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1999.*

ORDERS FOR WEDNESDAY, JUNE 30, 1999

Mr. NICKLES. I ask unanimous consent that when the Senate complete its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 30. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin consideration of S. 1234, the foreign operations appropriations legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, Wednesday the Senate will convene at 9:30 and will begin consideration of the foreign operations appropriations bill. Amendments to that bill are expected, and therefore votes are to be expected throughout the day.

Due to the agreement reached regarding health care reform, it is hoped the Senate can complete action on a number of appropriations bills prior to the Fourth of July recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, June 30, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 29, 1999*

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

FEDERAL ADOPTION SERVICES ACT OF 1999

Mr. STEARNS. Mr. Speaker, I will soon be introducing an important prochild bill, the Federal Adoption Service Act of 1999. This bill is offered as a companion bill in the House to the bill offered in the Senate by Senator JESSE HELMS, S. 42.

The Federal Adoption Service Act of 1999 corrects a serious omission from Title X services, adoption. Adoption has been called the "loving option." It offers mothers who are using Title X services the choice of life.

No woman, Mr. Speaker, should be given only partial choices by a clinic, especially a federally funded clinic. Every woman in America should know about the option of adoption. Let me repeat. Every woman in America should know about the option of adoption.

Planned Parenthood clinics have been confronted time and time again on this floor because they seem to be promoting an abortion and contraceptive agenda. The very fact that this federally funded program does not offer adoption as a choice proves the contentiousness of this program, and that is why we need this bill.

Women today are increasingly prolife. A recent survey found that 53 percent of the females that responded thought abortion should be allowed only in cases of rape, incest, and to save the life of the mother. This figure is up from 45 percent in 1996. We must offer these women the option of sharing life.

My bill would amend Title X of the Public Health Service Act to permit federally funded planning services to provide adoption services based on the needs of the community and the ability of a clinic to offer these services.

Adoption is a wonderful solution for many loving parents unable to have children and for many expectant mothers who feel incapable of providing for their child. The Federal Government should be instrumental in helping make this option available for all mothers.

Congress has repeatedly shown itself to be supportive of adoption. With tax credits and Adoption Opportunity grants, we have taken the stance that adoption is a wonderful option and one that should be made easier for all.

Mr. Speaker, it is unimaginable that there has never been a specific adoption provision for federally funded family planning clinics. Congress has taken an active role in encouraging the adoption of foster children, yet it overlooked the needy Title X clinics.

Recently, my home State of Florida took a bold step by creating a "Choose Life" license plate. This plate's proceeds will go to not-for-profit agencies supporting adoption. I am proud that the organization that promoted this plate and gathered the needed petition signatures is based in my home State in Ocala, Florida. I applaud the "Choose Life" organization for their hard work and dedication. Thanks to their efforts, adoption agencies in Florida will benefit.

My bill will not force a mother to give up her child. Nor will this bill force family planning clinics to provide adoption services. Rather, it will state that Federal policy is to allow and encourage adoption as a choice for family planning.

The Federal Adoption Service Act of 1999 is a rational solution offering women another option. I hope my colleagues will join me in cosponsoring this sensible proposal.

DOMESTIC VIOLENCE ECONOMIC SECURITY ACT

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, in November of 1996, Linda Stone was fatally shot by her abusive husband in the parking lot of Austin's Oak Hill Motorola plant. Her death was tragic for more than the simple reason that it occurred unnecessarily.

Linda Stone was employed at that Motorola plant; and, on the day of her death, she was en route to make extra security arrangements with her employer because of new threats from her husband. This occurred in a community that has been a leader in domestic violence assistance and prevention for over two decades.

I think Our Safe Place enjoys broader community support than any public service organization in central Texas. But since stories such as Linda are becoming all too commonplace, I am introducing a bill today that will give new options to those unfortunate victims who face danger in the workplace.

The Domestic Violence Economic Security Act will provide that no State shall deny unemployment assistance solely because a victim has left work due to a reasonable fear of domestic violence. This approach to the problem was originally suggested to me by my friend, Texas State Representative Sheri Greenberg, who sponsored a similar measure in the Texas legislature, got it passed in the House, though it did not finally make it through the Texas Senate at the conclusion of our legislative session.

We recognize that each year six-and-a-half million acts of violence are perpetrated against women, and nearly a million of these occur in the work environment. Victims attempting to escape these abusive relationships often find themselves most vulnerable where they spend the most time, and that is at the workplace. In fact, 96 percent of domestic violence victims report that they have had some type of problem in the workplace as a result of abuse or their abuser, ranging from threatening calls to unwanted and harassing visits.

For victims who are financially dependent on their job, avoiding violence in the workplace can be extremely challenging. A victim manages to escape the relationship at home and move out. But giving up a job is another thing and even more difficult to change.

The resulting harassment, of course, hurts both the employer and the employee. At least 94 percent of corporate security managers have reported that they rank domestic violence as a very high security problem in the workplace. Businesses recognize that domestic violence is not only harmful to workers who are victims, but it is bad for business.

My bill gives a new alternative to employers and employees confronted with violence in the workplace. It ensures that no victim who leaves a job because of a reasonable fear of violence is denied some assistance. For these victims, unemployment compensation would provide a temporary form of financial assistance until a safer job can be found. In cases such as Linda Stone's, this monetary support could mean the difference between continued abuse and self-sufficiency.

Second, this bill gives some general guidance to the States that they can follow in determining eligibility. They are advised to consider factors such as whether the applicant has been offered work at home or in a different location, whether a law enforcement officer or health care professional has advised them to leave and find a new workplace. And the States, of course, could consider other factors that they deem relevant. These standards will give our States the means to correctly identify and assist the victims who need temporary financial assistance.

Tragically, in this country, every 15 seconds another woman is battered. When that violence spills out into the workplace, everyone loses. For victims attempting to escape abuse, the Domestic Violence Economic Security Act will provide temporary assistance while not otherwise affecting the existing unemployment compensation requirements.

Too many victims across our country face a daily struggle of needless workplace violence. This bill assures them a safe avenue to self-sufficiency.

TRIBUTE TO LIEUTENANT COLONEL STANLEY WAWRZYNIAK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to pay tribute to a truly outstanding Marine, Lieutenant Colonel Stanley "Ski" Wawrzyniak, a native of Gary, West Virginia.

Although Lieutenant Colonel Wawrzyniak passed away in 1995, his legacy is still felt in the ranks of the Marine Corps, particularly in the Marine community of eastern North Carolina, where he made his home.

His courage and discipline as a dutiful Marine served as an inspiration to all that knew him. Even now, his courage under fire, fighting expertise, and leadership skills are widely remembered and respected.

Stanley's 35 years in the Corps and his record of valor distinguish him as a Marine Corps hero. He was awarded two Navy Crosses, one Silver Star, two Bronze Stars, and four Purple Hearts.

Although highly decorated, Stanley loved the Marines he served with and always gave 110 percent in every situation.

Mr. Speaker, after dropping out of high school, Stanley enlisted in the United States Navy. After serving 23 months, he was released from active duty in September of 1946. Three days later, he enlisted in the United States Marine Corps.

He went to China in the late 1940s and entered the Korean War. In two tours with the 5th Marines in Korea, he was awarded two Navy Crosses, a Silver Star, and three Purple Hearts.

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In 1953, as a Master Sergeant, Stanley was commissioned a Marine Second Lieutenant while serving at Camp Lejeune, North Carolina.

In the years between his commissioning and his time in Vietnam, Stanley went through the Basic Officers School, Underwater Demolition and Mountain Leadership Training Course, where he broke his spine on a mountain drop, yet hiked out unassisted. He also went through Evasion, Escape and Survival school, where he led his team in avoiding capture and finished first in his class.

As a matter of fact, he finished first in a lot of things, such as Army Airborne School and Army Ranger School.

Mr. Speaker, in July of 1965 then Major Wawrzyniak embarked for Vietnam. He served in the 3rd Battalion, 3rd Marine Regiment and was awarded two Bronze Stars and his fourth Purple Heart.

During his time in the Marine Corps, Stanley demonstrated his great love for his country and his fellow Marines. However, his accomplishments did not end with his military career. Perhaps his proudest legacy remains with the strong relationship he held with his wife Adaline, his two daughters, Bernadette and Paula, and his sons Michael, Andrew and Stanley.

With a career that, although distinguished, would have strained even the strongest of family ties, Stanley took the time to mend the relationships that were most important to him.

Mr. Speaker, shortly after his retirement and until the time of his death, Stanley's two youngest sons were living in the Swansboro, North Carolina, area and working in the building trades. He went to work as a foreman with the same contractor who employed his sons. This gave him the opportunity to accomplish two things that were very important to him. First, he was able to work side by side with his sons and rebuild relationships with them that had suffered during his long service-related separations. Second, he was able to build homes. For a man whose entire life had been spent at war in foreign countries, he felt a great sense of accomplishment from building homes. The fact that he did it side by side with his sons made it that much more important to him.

Lieutenant Colonel Stanley Wawrzyniak's life can best be described by the quote from General Chesty Puller, perhaps the most famous of all Marines. He said, and I quote, the real rewards of military service are not the medals you wear on your chest. The real rewards are the looks in the eyes of men who have served with you, men who understand the nature of your service, men who have observed your actions in the most stressful of conditions and have seen the depth of your character.

Mr. Speaker, Stanley Wawrzyniak is a man who served as an example to all of us. He is sorely missed, but his remarkable service to this country is something that will ensure his memory will live on.

Mr. Speaker, I rise today in tribute to the life of a truly exemplary Marine, LtCol Stanley "Ski" Wawrzyniak, a native of Gary, West Virginia. Although LtCol Wawrzyniak passed away in 1995, his legacy is still felt in the ranks of the Marine Corps, and particularly in the Marine community of eastern North Carolina where he made his home. He was one of the last of the old fashioned, hard charging, hill taking sort of Marine. The sort of men who fought without laser guided weapons, global communications, or spy satellites. His courage and discipline in living his life as a Marine and in carrying out his duties was an inspiration to all those who knew him. Even now his memory is widely known and respected for his courage under fire, his fighting expertise, and his leadership skills.

LtCol Wawrzyniak's thirty-five years in the Corps and his record of valor, distinguish him as Marine Corps hero. He earned two Navy Crosses, one Silver Star, two Bronze Stars, and four Purple Hearts. Although highly decorated, LtCol Wawrzyniak loved the Marines he served with and never rested on his laurels, always giving one hundred and ten percent in every situation.

After dropping out of high school, LtCol Wawrzyniak enlisted in the US Navy. After serving 23 months in the Navy he was released from active duty in September 1946. Three days later he enlisted in the Marine Corps. He went to China in the late '40's and entered the Korean War. In two tours with the 5th Marines in Korea he was awarded two Navy Crosses, a Silver Star and three Purple Hearts, by the end of the war he was a Master Sergeant.

In 1953, MSgt. Wawrzyniak was commissioned a Marine Second Lieutenant while serving at Camp Lejeune, North Carolina.

In the years between his commissioning and his time in Vietnam, "Ski" went through the Basic Officers school, Underwater Demolition, Mountain Leadership Training—where he broke his spine on a mountain drop, yet hiked out unassisted. Evasion, Escape and Survival school—where he led his team in avoiding capture for the entire four day period, and where he finished first in his class. As a matter of fact, he finished first in a lot of things, such as Army Airborne School and Army Ranger School.

LtCol Wawrzyniak's experience in Airborne Training (Jump School) illustrates his personality. Then Captain Wawrzyniak arrived at Jump School at the ripe old age of 35, at least 10 years older than most of his classmates.

I'm sure his Army instructors must have thought that they had an easy drop out in Captain Wawrzyniak. They must have been quite surprised a month later when he left Jump School not only with jump wings on his chest, but with the IRON MIKE trophy in his fist—graduating number one in his class. Stan's logic was that he should graduate at the top of his class from these demanding schools because he was older and more experienced than his cohorts. That was typical Wawrzyniak logic.

In July, 1965 then Major Wawrzyniak embarked for Vietnam where he served in the 3rd Battalion, 3rd Marine Regiment where he was awarded two Bronze Stars and his fourth Purple Heart.

His accomplishments did not end with his career in the military. Perhaps his proudest legacy from his post-Marine Corps history were the strong relationships he had with his wife Adaline, his daughters, Bernadette and Paula, and sons Michael, Andrew and Stanley. With a career that although distinguished, would have strained even the strongest of family ties, Stanley took the time to mend the relationships that were most important to him.

Shortly after his retirement and until the time of his death LtCol Wawrzyniak's two youngest sons were living in the Swansboro, North Carolina area and working in the building trades. Stan went to work as a foreman with the same contractor who employed his sons. This gave him the opportunity to accomplish two things that were very important to him. First he was able to work side by side with his sons and re-build his relationships with them that had suffered during his long service related separations. Second he was able to build homes. For a man whose entire life had been spent at war in foreign countries, the sense of accomplishment he felt from building homes was enormous. The fact that he did it side by side with his sons made it doubly important to him.

LtCol Stanley Wawrzyniak's nature can be described by the quote from perhaps the most famous of all Marines, General Chesty Puller: "The real rewards of military service are not the medals you wear on your chest. The real rewards are the looks in the eyes of men who have served with you, men who understand the nature of your service, men who have observed your actions in the most stressful of conditions and have seen the depth of your character."

It is my honor to have such men and women serving in the United States Marine Corps, and residing in my district. Stanley Wawrzyniak is a man who is sorely missed, and greatly appreciated.

MAKING COMMUNITIES MORE LIVABLE

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is for the Federal Government to be a better partner with State and local governments, the private sector and individual citizens to make our communities more livable. This issue is moving to the center of the American political scene in part because of the attention that has been given to this by the administration, Vice President GORE in particular, but even more important because of the large grassroots pressure that has been building around the country as evidenced by over 240 local and State initiatives in the last election. This is just the tip of the iceberg.

Part of the evidence of this growing movement for livable communities has been the attention that has been given by the national media. One of the best and most prominently featured articles was on the front page of the Sunday Washington Post this weekend which cited the new citizens, the new economy, and the new issues that are part of a new and growing awareness in the State of California.

Yet despite this characterization of all this being new, quality of life is truly one of our oldest and most enduring issues. But whether it is a new emerging issue or one of timeless political concern, it is time for Congress to address livability now. We need to get beyond the soundbite focus that are driven by partisan politics catering to narrow special interests. It seems, sadly, to dominate our activities here.

So far this month we have had some of the worst of examples, where Americans concerned by violence on our schoolgrounds saw us respond by attempting to weaken our gun safety laws and by posting the 10 Commandments in school yards, something that is not going to inspire much confidence in the minds of most American families.

We do not have to make up issues or shy away from real problems. There are simple, common-sense approaches for dealing with livable communities.

In the area of gun violence, we can approach it the same way that we have reduced auto deaths and injury on our roads. We can make a huge difference in the three-quarter million Americans who have been killed by gun violence since 1960. An American government that has been able to take action to childproof aspirin bottles and cigarette lighters ought to be ashamed that there are more product safety protections for toy guns than for real guns. We can start by simply passing the legislation already approved by the United States Senate to close the gun show loophole and make it harder for children to get their hands on guns.

We can make strides to make our communities more livable dealing with the built environment. All the time and money the Federal Government spends on physical infrastructure can be planned regionally and coordinated with our State, local and private partners.

We can make the problems of air quality and traffic congestion better, not simply throwing money at them and in some cases actually making them worse. We can help manage the entire water cycle rather than have a flood insurance program that pays people to live where God does not want them despite being flooded out repeatedly. Most important, we can have the Federal Government practice what we preach, where we locate Federal buildings, how we manage our land.

We could even take the radical step of having the Post Office obey local land use laws, zoning codes and work with local communities across the country before they make locational decisions that can have a devastating impact on Main Street America.

Making our communities more livable is everybody's job, and it ought to start with Congress doing our part. We will feel better, and America will be better for our efforts.

ELIMINATE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I represent a very, very diverse district, a series of communities on the south side of Chicago and the south suburbs, Cook and Will Counties, industrial communities like Joliet and a lot of suburban towns, as well as cornfields and grain elevators. The folks back home have a pretty clear message even in such a diverse district. They want us to meet our challenges and work together and come up with solutions.

That is why they are so proud of what this Congress has accomplished in the last 4½ years, with balancing the budget for the first time in 28 years, cutting taxes for the middle class for the first time in 16 years, reforming welfare for the first time in a generation, and taming the tax collector by reforming the IRS for the first time ever. Those are real accomplishments and folks say, "Well, that's pretty good, but that's history. What are we going to do next?"

Well, this Congress and this Republican House have several very, very important goals. We want to strengthen and make our schools not only better but safer, we want to strengthen Social Security by locking away 100 percent Social Security revenues for Social Security. We want to pay down the national debt. And, of course, we want to continue working to lower taxes for the middle class and for working families. This year as we work to lower taxes and to lower the tax burden for middle-class families, I believe that the approach we should take is to address the unfairness in the tax code, because when I listen to the folks back home, whether in the union hall or the VFW, a local Chamber of Commerce or at a coffee shop in my hometown down on Liberty Street, people say that not only are their taxes too high, they complain about the complexity and the unfairness of the tax code.

I believe this series of questions really illustrates a key area of unfairness that we should make a priority in this Congress this year in getting the job done on eliminating this most unfair area of our tax code, that is why I want to explain why enactment of the Marriage Tax Elimination Act is so important with the question of fairness. Do Americans really feel that it is fair that under our tax code, married working couples pay more in taxes just because they are married? Do Americans feel that it is right that 21 million married working couples pay on average $1,400 more under our Tax Code just because they are married, $1,400 more than an identical couple with identical incomes who live together outside of marriage?

Clearly I think the American people agree that the marriage tax penalty is wrong and we need to set it right. The marriage tax is not only unfair, it is wrong. It is wrong that under our Tax Code you are punished for getting married. As I noted earlier, it affects 21 million married working couples on average $1,400 in higher taxes just because they are married.

Let me give an example here of a couple in the south suburbs of Chicago. You have a case where a machinist and, of course, this particular machinist works at Caterpillar in Joliet, he makes the heavy machinery that we use to mine and dig things and build things. He makes $30,500. If he is single, after the standard deductions and exemptions he is in the 15 percent tax bracket. But under our Tax Code because two working people who choose to get married, their incomes are combined and in fact you file your taxes jointly, you are pushed into a higher tax bracket. This example of this south suburban couple, this machinist who meets and marries a schoolteacher in the Joliet public schools with an identical income of $30,500, because under our Tax Code they combine their incomes and their combined income is $61,000, pushes them into the 28 percent tax bracket. And because this machinist and this schoolteacher in Joliet, Illinois, in the south suburbs of Chicago chose to get married, they pay more in taxes. That is just wrong.

Of course I would like to point out that for this schoolteacher and this machinist in Joliet, $1,400 is real money. $1,400 is one year's tuition at Joliet Junior College, our local community college, and it is 3 months of day care at a local day care center. We need to eliminate that marriage tax penalty. It is wrong that under our Tax Code this machinist and schoolteacher end up paying higher taxes when they get married. Had they chose not to get married and just lived together, their taxes would have been $1,400 less. That is just wrong.

Under the Marriage Tax Elimination Act, we eliminate this marriage tax penalty for this machinist and this schoolteacher. In fact, we do it by doubling the standard deduction. We also double the brackets so that joint filers can earn twice as much as a single filer and remain in each bracket. Had the Marriage Tax Elimination Act been law today, this machinist and schoolteacher would have seen the marriage tax penalty eliminated.

What is the bottom line? Mr. Speaker, in just a couple of weeks this House of Representatives will be working to pass the tax provisions for this year's balanced budget, the 3rd balanced budget in 30 years, thanks to a Republican Congress. I believe as we work to provide tax relief as part of this balanced budget, our first priority should be making the Tax Code fairer for this schoolteacher and this machinist by working to eliminate the marriage tax penalty.

I am pretty proud of what we have accomplished. In 1996 we created as part of the Contract With America the $500 per child tax credit benefiting 3 million Illinois children. This year let us help married working couples. Let us help Illinois families by eliminating the marriage tax penalty.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, today the President proposed a Medicare reform package that preserves what is fundamental about Medicare. It treats all seniors equally.

Unlike the privatization/voucher proposal that has resurfaced, the President's plan does not jeopardize the core Medicare program so many seniors depend on and it does not create different classes of coverage for seniors at different income levels. It does not abdicate our responsibility to seniors by turning the Medicare program over to private managed care plans, the same plans that dropped 400,000 seniors last year and are poised to do the same this year.

What the President's plan does do is provide prescription drug coverage for Medicare beneficiaries. Medicare covers hospitalization, it covers doctors' visits, and, of course, it should cover prescription drugs. That is why we need to modernize Medicare. Prescription drugs are no longer supplemental to basic health care. They are integral to it. The President's proposal updates Medicare coverage to reflect modern medicine. The President's proposal is designed to make prescription drugs more affordable for seniors by covering half the cost of prescription drugs up to a $2,000 cap.

The value of this benefit depends on one key variable, the sticker price of prescription drugs. Obviously higher prescription drug costs will exhaust the benefit much more quickly than lower prescription drug costs. That is where the drug companies, Mr. Speaker, come in. Drug companies are overpricing their products. This remains true regardless of how much these companies spend on research and development. By the way, we do not know how much drug companies spend on R&D because they have refused to disclose this information to the public or to this Congress.

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How do we know that drug companies overprice their products? Just look at their profits. Remember, these dollars are the dollars left over after research and development. Last year drug company profits outpaced those of every other industry by over 5 percentage points. Drug company profits last year were $22 billion. Last year the CEO of Bristol-Myers Squibb made a $1.2 million salary, a $1.9 million bonus and $30.4 million in stock options. Drug companies cannot continue to monopoly price their products and expect the American people to accommodate them.

Prescription drug coverage for seniors is critically important, but it is not intended to address, nor does it address, the market failure in prescription drug pricing that is driving up health care costs and hindering access to needed medications here and around the world. Drug companies can voluntarily price their products to promote access, which they are not doing, or they can disclose their costs and try to justify their windfall prices, which they are not doing, or they can continue to exploit their monopoly advantage, which they are doing, until Congress is forced to regulate their prices like a utility.

If drug companies continue to price irresponsibly to make the huge profits they are making to pay the huge marketing costs and executive salaries they pay, the third option; that is, government regulation of huge overblown prescription drug prices, the third option may be the only one left.

INDIA-PAKISTAN: MILITARY ACTION IS NOT THE SOLUTION

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises to express his grave concern regarding the current conflict in

South Asia. It is particularly distressing because only 4 short months ago the prime ministers of India and Pakistan signed a watershed agreement known as Lahore Accord. In it both committed to reduce the risk of conflict, particularly in Kashmir, their most volatile source of discord.

Now the promise of peace has been replaced by the worst fighting in decades. Islamic insurgents infiltrating from Pakistan have occupied strategic mountain locations in India and control portions of Kashmir. Both sides have reinforced troops and weaponry, and fighting has intensified. India and Pakistan also are redeploying troops along the Punjab border, the key battleground in previous conflicts. Citizens are collecting money for the war effort, lining up at recruitment centers, and donating blood. Recent press reports indicate that hard-line politicians on both sides are talking about using their nuclear options.

There is good evidence that these heavily armed infiltrators at Kashmir could not have been positioned or sustained themselves without direct Pakistani assistance, possibly including Pakistani troop involvement. This Member calls upon Pakistan to immediately halt such assistance. This Member also calls on both sides, India and Pakistan, to stop seeking short-term tactical advantages and work to achieve a strategic accommodation on the issue of Kashmir.

Mr. Speaker, no solution can be achieved under the continued threat of increased military action. This Member, and I am sure this Congress and the world, strongly cautions against further escalation. At the Lahore meeting, the prime ministers of India and Pakistan sagely agreed that they owe peace to their people and to future generations. They should fulfill that hope and commitment starting now with the cessation of hostilities.

GUAM OMNIBUS OPPORTUNITIES ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, each time I come to the floor of this House and my words are broadcast over C-SPAN, I often get calls to my office from Americans all over the country. Some want to express their support for what I have stated, others are against me, and sometimes a few are distant relatives or friends that are excited to see me on TV.

But for most who call the office and for many people I meet their understanding of delegates in Congress is fairly limited. They know we are unlike other Members of Congress and we are afforded most of the opportunities that representatives have but are not able to make our mark with a vote on the House floor. So essentially we are Members, but not entirely, and the island or jurisdiction each respective delegate represents is not often afforded the attention that their jurisdictions deserve, and by our unique status we must introduce very unique legislation tailor-made for our respective jurisdictions.

I have come to recognize that making Guam's case in Washington continues to be for me the greatest challenge of my life, as it certainly was for my predecessors and will likely remain for future delegates, barring a major change in political status, and that finding ways to create opportunities or level the playing field to advance the political, social, and economic well-being of our islands while being mindful of their roles in history to advance the cause of democracy around the world will take great effort and great diligence.

In a few days, I will introduce such legislation tailor-made for my home island, Omnibus Guam legislation, bipartisan in nature, that addresses certain several pertinent issues and calls for creating opportunities and improving relationships with the Federal Government.

Three issues, and I have six issues in the omnibus legislation, have already been passed in the Senate in the last Congress as S. 210 and received widespread support here in the House. One of those provisions gives Guam the right of first refusal for Federal excess property located in Guam. In the years following World War II, some one-third of Guam was claimed in the interests of national security, was condemned by military authorities and adjudicated in military courts so the people of Guam, who were not even U.S. citizens at the time, really suffered a very grave injustice in the claiming of the land. And so it is entirely fair at this point in time that Guam be considered before any Federal agency if land is declared excess. Normally Federal land declared excess goes to other Federal agencies first.

Secondly, we also want to give more opportunities for governors of island jurisdictions affected by migration to their islands allowed under the Compacts of Free Association from some of our island neighbors in the Pacific, namely the federated states of Micronesia as well as Palau and the Marshall Islands. We want to give the governors the right to participate in the reporting of the way these migrations are affecting our islands.

Third, we want to ensure that American citizens in need of social services such as housing are not displaced by these very migrants. Our omnibus legislation will ensure that American citizens are not left in the back of the line for housing, for public housing.

I will include three new provisions in this particular piece of legislation. First of all, I will lift a ban on betel nut, the importation of betel nut from Guam which is a small cultural practice, but for some reason the FDA refuses to see fit to understand that this is a very minor cultural practice and will go to a great deal of goodwill for the Guam community inside the customs zone of the United States as well as outside.

The omnibus legislation also introduces an item that includes Guam in the tax treaties of the United States. Right now the tax treaty for foreign investors in the United States is variable depending on which country the U.S. signs a treaty with, but the tax rate for foreign investors in Guam is fixed at 30 percent. So this puts us at a great disadvantage.

And lastly, lastly we want to make sure that Guam gets the same level of funding as other insular areas in such programs as the Department of Justice block programs. This is legislation that corrects an inequity that has existed for some time.

Many of these items, I am sure, are obscure to many of the Members of the House, but I certainly look forward to the support of Members of both sides of the aisle. Most of these items have been very clearly vetted with both sides, both parties, and I look forward to its expeditious passage and that the House Committee on Resources will deal with it expeditiously, and I ask that my colleagues cosponsor this important legislation for the people of Guam.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Give us, O gracious God, the full measure of Your blessings and on this day we pray for the gift of patience. We are busy with our lives and our work and we move quickly to seize the opportunity and run toward the mark. Yet we know too, O God, that some parts of life take time and need nurture and growth and cannot be hurried.

We are grateful for those occasions when time is our friend and allows us the opportunity to experience wisdom and healing and growth. May our rush to accomplish never blind us from the fact that the gift of patience can be our strength and our friend, and a gift for all time. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WITHOUT A REPUBLICAN MAJORITY IN CONGRESS, THE DEMOCRATS WOULD SPEND THE BUDGET SURPLUS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker the President proposed a budget with $200 billion deficits as far as the eye could see only a few short years ago. Republicans refused to accept his budget and insisted instead on a balanced budget, and the liberals called us the extremists. They called us mean-spirited. They accused us of being right wing. It is all so familiar.

But now the President takes credit for what the Republicans worked for since 1995, just like welfare reform. No matter, Republicans have put America on the road to fiscal responsibility by balancing our books and starting to pay down the $5 trillion debt. Now it is time for some tax relief, too. Debt reduction and tax relief, that is what the budget surplus should go towards.

Democrats have other ideas: No tax cuts. Those who believe the rhetoric about debt reduction are being naive and historically mistaken. They will spend the surplus. It will not stay in Washington, especially if Republicans are no longer in the majority.

ANNOUNCING THE DEATH OF THE HONORABLE LYNN STALBAUM, FORMER MEMBER OF CONGRESS FROM WISCONSIN

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, it is my duty as Dean of the Wisconsin delegation to announce the death of a former Member, the Honorable Lynn Stalbaum, who served Wisconsin's first District in 1965 and 1966. During his service in Congress he served with distinction on the Committee on Agriculture.

Before his service in Congress he served on a destroyer for 2 years during World War II. He was the assistant minority Leader in the Wisconsin State Senate, where he served for 10 years. He was once described by Aldric Revell, the dean of State Capitol correspondents, as being a legislator who had the maddening tendency to expect reason to dominate legislative debate.

After he left Congress he worked for dairy farmers for a number of years trying to help increase milk prices. He served as the President of Pilgrim Lutheran Church in Bethesda. He also ran a tax filing business, and he taught on a number of occasions, he taught H&R Block people how to do tax returns, so he knew his way around the Tax Code.

He was always an individual of immense good cheer. He was also a person who never forgot that our job here is to work for the common man, and he did that every day of his career, both in the State legislature and in the Congress. Services will be held at Joseph Gawler's & Sons, 5130 Wisconsin Avenue, Wednesday night at 7:30. Visitation will be tonight between 7 and 9 o'clock.

We all, I am sure, send our sympathies to his family.

A SALUTE TO THE VETERANS OF FOREIGN WARS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as a life member of Post 3819 of the Veterans of Foreign Wars in Reno, Nevada, I rise today to express my strongest support of House Joint Resolution 34 commending the 100 anniversary of the Veterans of Foreign Wars.

Honoring the dead by helping the living has been the VFW motto, and a lasting call to the 2 million members who help and honor those deserving veterans because of the service and commitment they gave to this country.

The Veterans of Foreign Wars of the United States traces its roots back to Columbus, Ohio, on September 29, 1899, nearly 100 years ago. And because of this, House Joint Resolution 34 calls upon the President to issue a proclamation recognizing the 100th anniversary of the VFW, and would call upon the people of the United States to also observe the anniversary with appropriate ceremonies and celebrations.

Recognition of military service and remembrance of the sacrifices made in the Nation's defense are among the major purposes of the VFW. Therefore, it is only fitting that this Congress, the very body that makes the decisions of war, should honor the veterans of foreign wars.

To the VFW, I salute them for their honor, their valor, and their continued achievements. God bless them.

ANNOUNCING FIELD HEARING OF HOUSE SUBCOMMITTEE ON EARLY CHILDHOOD, YOUTH AND FAMILIES IN ANAHEIM, CALIFORNIA

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to report that next week the Subcommittee on Early Childhood, Youth, and Families will be holding a congressional hearing in my district in Anaheim, California, and will talk about parenting and community involvement in education.

Kids today bring so many needs to the classroom, and we are all responsible for what happens, and to make sure that those needs are met, parents and teachers and educators, Federal, State, and local government, the corporate and the nonprofit sectors, our institutions of higher education and our law enforcement agencies.

Teachers cannot meet the needs alone. Parents cannot do it alone. It is too late when our kids get to the universities. Recent events all over our Nation have proven that our young people certainly cannot make it on their own.

Schools need adequate resources, especially those with the children and the families who need it the most, so our schools can focus on education instead of fundraising. That falls to all of us. So we are going to be discussing how our communities can and should be working together. We will hear from parents and teachers and students and members of the community on how to do that.

Our children will take our Nation to wonderful new heights in the 21st century.

THE RIGHTS OF PARENTS UNDER ATTACK AT UNITED NATIONS' CAIRO PLUS 5 PREP CONFERENCE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today as the United Nations Cairo Plus 5 Prep Conference on Population and Development is going on in New York, our young women around the world are under attack. At Cairo Plus 5, it is the U.S. delegation which is suggesting that any future document should delete virtually all references to parental rights when it comes to a girl's adolescent sexuality; that is right, the U.S. delegation.

It is interesting that this is the same week during which we in Congress will address parental rights domestically as we consider the important Child Custody Protection Act.

As we speak, young women and their parents around the world face the threat of yet another another government-knows-best strategy that has more potential to destroy families.

Mr. Speaker, I hope that the countries of the world who still hold to the importance of parents in critical decisions will reject this propaganda and exploitation of paternity from the U.S. representatives by ensuring and protecting their care-giving parents with the rights inherent in that role.

AMERICA HAS ANOTHER RECORD TRADE DEFICIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, for the third straight month America has another record trade deficit. China and Japan are now taking $130 billion a year out of our economy. China and Japan are taking $130 billion a year out of our economy, and no one in Washington is even paying any attention.

Beam me up, Mr. Speaker. While Congress worries about the Balkans, Asia, Africa, and the Mideast, Congress is ignoring the good old U.S.A. I believe that is a recipe for disaster. I yield back what jobs we have left.

LAWMAKERS SHOULD BE GUIDED BY THE WORDS OF THE FOUNDERS OF OUR NATION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, no matter the issue, no matter the arguments, there is one principle which undergirds the proceedings in this House Chamber and one principle which we should rise to uphold. It is enshrined forever in the three opening words of the living document that we swear allegiance to, our Constitution, as our Founders had the great and good sense to use the words, "We, the people."

President Lincoln offered validation of that perspective over 100 years later when he spoke in Gettysburg of a government of the people, by the people, and for the people.

Mr. Speaker, today, shortly, as we take up legislation on this floor, we will consider measures to help provide for those who have provided for our common defense. Whether the issue is veterans' health care, health care for all Americans, or our fiscal responsibility, we would do well to be guided by the words of our Founders.

AMERICA AND ITS ALLIES SHOULD DO MORE TO PROTECT THE SERBIAN POPULATION IN KOSOVO

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am disappointed at the failure of the United States and our allies to do a better job of protecting the Serbian population of Kosovo. I think we had a strong moral right to go to the aid of the Albanian population of that place. We did it because we wanted to protect innocent people from being persecuted based on their ethnicity.

No doubt there are Serbs who deserve to be prosecuted because of their actions, but no people deserves to be mistreated because of their ethnicity. We took over the province militarily. We did so for good reasons. But along with taking it over comes an obligation to protect innocent people.

I understand it is difficult. I understand this is not the primary task which military people have been trained for. We will not fully do it until we get a police force in there. I understand things happened very rapidly before there could be complete preparation.

The fact is, we have a strong moral obligation. As strong as our moral obligation was to protect the Albanian Kosovars, so do we have a moral obligation to protect the great mass of Serbian people. We are not doing nearly as good a job about that as we should.

FROM SAN ANTONIO, TEXAS, AN INCREDIBLE STORY OF NICE GUYS FINISHING FIRST

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, from San Antonio, we have an incredible story of nice guys finishing first. This past weekend the torch of basketball greatness was passed from the Chicago Bulls to the San Antonio Spurs.

The Spurs are now the NBA champions. They are an unusual bunch for our time: selfless, no hot dogs, no hams on the team, just hard-working men who demonstrated the highest form of character. They are gentlemen who set good examples for our young people. They showed that you can play great offense, great defense, and also be a great person.

To owners Julianna and Peter Holt, to Coach Gregg Popovich, to the starting lineup of Sean Elliott, Mario Elie, Tim Duncan, David Robinson, and the little general who made the big shot, Avery Johnson, congratulations on blowing away the New York Knicks to become the new World Champions.

You've given us, the long-time fans of South Texas, an experience we will cherish forever.

THE SOCIAL SECURITY "LOCKBOX"

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we passed in the House a very, very significant bill. It had to do with the lockbox. What it did is it put the social security money basically off-budget so that we would not continue to do as we have done in the past, which is combine social security money with general purpose spending.

□ 1415

We passed that out of the House. We had a good debate on it. There was disagreement here and there, but we passed it. The will of the House was to move it forward. But now the Senate, which we appropriately address as "the other body," but it is the other body, they will not move on that.

It is very important to my grandmother, to your grandmother, to your parents, that we quit mixing Social Security proceeds with general operating revenues. There is not a business in America that is allowed to mix its pension plan with its operating expenses. It is now time for the other body to vote on this bill, which the President supports, and let us protect the retirement of our grandparents and parents.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded not to refer in debate to action or inaction by the other body.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1999.

HON. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 25, 1999 at 1:34 p.m. and said to contain a message from the President whereby he submits a copy of an Executive Order entitled, Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON
(For Jeff Trandahl).

RETURN SURPLUS TO TAXPAYERS

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, today there were reports that Washington is awash in a surplus to the tune of projected $1 trillion. Well, congratulations to the American taxpayer. There are a lot of folks who would like to take credit for the surpluses. We all know where it is generated from, and that is the hard work of millions of Americans, who get up to work every single morning, sometimes 6, 7 days a week, sometimes 2 or 3 jobs, to generate this surplus.

I would just encourage everybody in Washington to remind themselves of that fact, and that when it comes time to spend that money, that they set aside enough back to the taxpayers so they can spend it on their families and to continue to grow our economy as it has been growing like no time before.

As it relates to the gentleman from Texas (Mr. BONILLA) and the San Antonio Spurs, congratulations, but there is also next year for our Knicks fans.

IMPLEMENTATION OF CHEMICAL WEAPONS CONVENTION AND CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-86)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On November 14, 1994, in light of the danger of the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and of the means of delivering such weapons, using my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), I issued Executive Order 12938, declaring a national emergency to deal with this danger. Because the proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have renewed the national emergency declared in Executive Order 12938 annually, most recently on November 12, 1998. Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), I hereby report to the Congress that I have exercised my statutory authority to further amend Executive Order 12938 in order to more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities.

The new executive order, which implements the Chemical Weapons Convention Implementation Act of 1998, strengthens Executive Order 12938 by amending section 3 to authorize the United States to implement important provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, a multilateral agreement that serves to reduce the threat posed by chemical weapons. Specifically, the amendment enables the United States Government to ensure that imports into the United States of certain chemicals from any source are permitted in a manner consistent with the relevant provisions of the Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 25, 1999.*

COMMUNICATION FROM THE HON. ANNA ESHOO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable ANNA ESHOO, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER, This is to formally notify you pursuant to Rule VIII of the Rules of the House that I received a subpoena for documents issued by the United States District Court for the Northern District of California.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena to the extent that it is consistent with Rule VIII.

Sincerely,

ANNA G. ESHOO.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

VETERANS BENEFITS IMPROVEMENT ACT OF 1999

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2280) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION

Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 102. Presumption that bronchiolo-alveolar carcinoma is service-connected.
Sec. 103. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 104. Reinstatement of certain benefits for remarried surviving spouses of veterans upon termination of their remarriage.

TITLE II—MEMORIAL AFFAIRS

Subtitle A—American Battle Monuments Commission

Sec. 201. Codification and expansion of authority for World War II Memorial.
Sec. 202. General authority to solicit and receive contributions.
Sec. 203. Intellectual property and related items.
Sec. 204. Technical amendments.

Subtitle B—National Cemeteries

Sec. 211. Establishment of additional national cemeteries.
Sec. 212. Independent study on improvements to veterans' cemeteries.

TITLE III—HOUSING

Sec. 301. Permanent eligibility for housing loans for former members of the Selected Reserve.
Sec. 302. Homeless veterans' reintegration programs.
Sec. 303. Transitional housing loan guarantee program technical amendment.

TITLE IV—COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 401. Authority to prescribe rules and regulations.
Sec. 402. Recall of retired judges.
Sec. 403. Calculation of years of service as a judge.
Sec. 404. Judges' retired pay.
Sec. 405. Survivor annuities.
Sec. 406. Limitation on activities of retired judges.

Sec. 407. Early retirement authority for current judges in order to provide for staggered terms of judges.

TITLE V—OTHER MATTERS

Sec. 501. Repeal of certain sunset provisions.
Sec. 502. Enhanced quality assurance program within the Veterans Benefits Administration.
Sec. 503. Extension of Advisory Committee on Minority Veterans.
Sec. 504. Codification of recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1999, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1999.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1999, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1999, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to this section.

SEC. 102. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.

Section 1112(c)(2) is amended by adding at the end the following new subparagraph:

"(P) Bronchiolo-alveolar carcinoma.".

SEC. 103. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking "that either—" in the matter preceding paragraph (1) and inserting "rated totally disabling if—"; and

(2) by adding at the end the following new paragraph:

"(3) the veteran was a former prisoner of war who died after September 30, 1999, and who had been diagnosed as having one of the diseases specified in section 1112(b) of this title.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting "the disability" after "(1)"; and

(B) by striking "or" after "death;"; and

(2) in paragraph (2)—

(A) by striking "if so rated for a lesser period, was so rated continuously" and inserting "the disability was continuously rated totally disabling"; and

(B) by striking the period at the end and inserting "; or".

SEC. 104. REINSTATEMENT OF CERTAIN BENEFITS FOR REMARRIED SURVIVING SPOUSES OF VETERANS UPON TERMINATION OF THEIR REMARRIAGE.

(a) RESTORATION OF PRIOR ELIGIBILITY.—Section 103(d) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or divorce unless the Secretary determines that the divorce was secured through fraud or collusion.

"(3) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply in the case of the benefits specified in paragraph (5).

"(4) The first month of eligibility for benefits for a surviving spouse by reason of this subsection shall be the month after—

"(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (2); or

"(B) the month of the cessation described in paragraph (3), in the case of a surviving spouse described in that paragraph.

"(5) Paragraphs (2) and (3) apply with respect to benefits under the following provisions of this title:

"(A) Section 1311, relating to dependency and indemnity compensation.

"(B) Section 1713, relating to medical care for survivors and dependents of certain veterans.

"(C) Chapter 35, relating to educational assistance.

"(D) Chapter 37, relating to housing loans.".

(b) CONFORMING AMENDMENT.—Section 1311 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first month beginning after the month in which this Act is enacted or October 1, 1999, whichever is later.

(d) LIMITATION.—No payment may be made to a person by reason of paragraphs (2) and (3) of section 103(d) of title 38, United States Code, as added by subsection (a), for any period before the effective date specified in subsection (c).

TITLE II—MEMORIAL AFFAIRS

Subtitle A—American Battle Monuments Commission

SEC. 201. CODIFICATION AND EXPANSION OF AUTHORITY FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 2113. World War II memorial in the District of Columbia

"(a) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with its authority under section 2103(e) of this title, the American Battle Monuments Commission shall solicit and accept contributions for the memorial authorized by Public Law 103–32 (40 U.S.C. 1003 note) to be established by the Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war (hereinafter in this section referred to as the 'World War II memorial').

"(b) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial. The fund shall consist of the following:

"(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

"(B) Obligations obtained under paragraph (3).

"(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act (31 U.S.C. 5112 note).

"(D) Amounts borrowed using the authority provided under subsection (d).

"(E) Any funds received by the Commission under section 2114 of this title in exchange for use of, or the right to use, any mark, copyright or patent.

"(2) The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

"(3) The Secretary shall invest any portion of the fund that, as determined by the Chairman, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that the Chairman determines has a maturity suitable for the fund.

"(c) USE OF FUND.—The fund shall be available to the Commission—

"(1) for the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

"(2) for such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

"(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2114 of this title to aid or facilitate the construction of the World War II memorial.

"(d) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are carried out on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary, but any interest payment so deferred shall also bear interest.

"(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

"(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

"(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

"(e) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (d) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

"(f) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

"(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the United States shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18 and the administrative standards of conduct contained in part 2635 of title 5 of the Code of Federal Regulations.

"(3) The Commission may provide for reimbursement of incidental expenses that are incurred by a person providing voluntary services under this subsection. The Commission shall determine those expenses that are eligible for reimbursement under this paragraph.

"(4) Nothing in this subsection shall be construed to require any Federal employee to work without compensation or to allow the use of volunteer services to displace or replace any Federal employee.

"(g) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

"(h) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the authority for the construction of the World War II memorial provided by Public Law 103–32 (40 U.S.C. 1003 note) expires on December 31, 2005.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2113. World War II memorial in the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (40 U.S.C. 1003 note) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (40 U.S.C. 1003 note) to the fund created by section 2113(b) of title 36, United States Code, as added by subsection (a).

SEC. 202. GENERAL AUTHORITY TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

"(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from that account shall be disbursed upon vouchers approved by the Chairman.

"(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

"(A) reflect unfavorably on the ability of the Commission, or any member or employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

"(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.".

SEC. 203. INTELLECTUAL PROPERTY AND RELATED ITEMS.

(a) IN GENERAL.—Chapter 21 of title 36, United States Code, as amended by section 201(a)(1), is further amended by adding at the end the following new section:

"§ 2114. Intellectual property and related items

"(a) AUTHORITY TO USE AND REGISTER INTELLECTUAL PROPERTY.—The American Battle Monuments Commission may—

"(1) adopt, use, register, and license trademarks, service marks, and other marks;

"(2) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

"(3) obtain, use, and license patents; and

"(4) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

"(b) AUTHORITY TO GRANT LICENSES.—The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to the extent the grant of such license by the Commission would be contrary to any contract or license by which the use of the mark, copyright, or patent was obtained.

"(c) ENFORCEMENT AUTHORITY.—The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

"(d) LEGAL REPRESENTATION.—The Attorney General shall furnish the Commission with legal representation as the Commission may require under subsection (c). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

"(e) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 201(a)(2), is further amended by adding at the end the following new item:

"2114. Intellectual property and related items.".

SEC. 204. TECHNICAL AMENDMENTS.

Chapter 21 of title 36, United States Code, is amended as follows:

(1) In section 2101(b)—

(A) by striking "title 37, United States Code," in paragraph (2) and inserting "title 37"; and

(B) by striking "title 5, United States Code," in paragraph (3) and inserting "title 5".

(2) In section 2102(a)(1), by striking "title 5, United States Code" and inserting "title 5".

(3) In section 2103—

(A) by striking "title 31, United States Code" in subsection (h)(2)(A)(i) and inserting "title 31";

(B) by striking "title 44, United States Code" in subsection (i) and inserting "title 44"; and

(C) by striking "chairman" each place it appears and inserting "Chairman".

Subtitle B—National Cemeteries

SEC. 211. ESTABLISHMENT OF ADDITIONAL NATIONAL CEMETERIES.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in each of the four areas in the United States that the Secretary determines to be most in need of such a cemetery to serve the needs of veterans and their families.

(b) OBLIGATION OF FUNDS IN FISCAL YEAR 2000.—The Secretary shall obligate from the advance planning fund in the Construction, Major Projects account appropriated to the Department of Veterans Affairs for fiscal year 2000 such amounts for costs that the Secretary estimates are required for the planning and commencement of the establishment of national cemeteries under this section.

(c) REPORTS.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries under subsection (a). The report shall set forth the four areas identified by the Secretary for such establishment, a schedule for such establishment, an estimate of the costs associated with such establishment, and the amount obligated from the advance planning fund under subsection (b).

(2) Not later than one year after the date on which the report described in paragraph (1) is submitted to Congress, and annually thereafter until the establishment of the national cemeteries under subsection (a) is complete, the Secretary shall submit to Congress a report that updates the information included in the report described in paragraph (1).

SEC. 212. INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' CEMETERIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with one or more qualified organizations to conduct a study of national cemeteries described in subsection (b). For purposes of this section, an entity of Federal, State, or local government is not a qualified organization.

(b) MATTERS STUDIED.—(1) The study conducted pursuant to the contract entered into under subsection (a) shall include an assessment of each of the following:

(A) The one-time repairs required at each national cemetery under the jurisdiction of the National Cemetery Administration of the Department of Veterans Affairs to ensure a dignified and respectful setting appropriate to such cemetery, taking into account the variety of age, climate, and burial options at individual national cemeteries.

(B) The feasibility of making standards of appearance of such national cemeteries commensurate with standards of appearance of the finest cemeteries in the world.

(C) The number of additional national cemeteries that will be required for the interment and memorialization in such cemeteries of individuals qualified under chapter 24 of title 38, United States Code, who die after 2005.

(D) Improvements to burial benefits under chapter 23 of title 38, United States Code, including a proposal to increase the amount of the benefit for plot allowances under section 2303(b) of such title, to better serve veterans and their families.

(2) In presenting the assessment of additional national cemeteries required under paragraph (1)(C), the report shall identify by five-year period, beginning with 2005 and ending with 2020, the following:

(A) The number of additional national cemeteries required during each such five-year period.

(B) With respect to each such five-year period, the areas in the United States with the greatest concentration of veterans whose needs are not served by national cemeteries or State veterans' cemeteries.

(c) REPORT.—(1) Not later than one year after the date on which a qualified organization enters into a contract under subsection (a), the organization shall submit to the Secretary a report setting forth the results of the study conducted and conclusions of the organization with respect to such results.

(2) Not later than 120 days after the date on which a report is submitted under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a copy of such report, together with any comments on the report that the Secretary considers appropriate.

TITLE III—HOUSING

SEC. 301. PERMANENT ELIGIBILITY FOR HOUSING LOANS FOR FORMER MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) is amended by striking "For the period beginning on October 28, 1992, and ending on September 30, 2003, each veteran" and inserting "Each veteran".

SEC. 302. HOMELESS VETERANS' REINTEGRATION PROGRAMS.

(a) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

"§ 4111. Homeless veterans' reintegration programs

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force.

"(b) AUTHORITY TO MONITOR EXPENDITURE OF FUNDS.—The Secretary may collect such information as the Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section, and such information shall be furnished to the Secretary in such form as the Secretary determines appropriate.

"(c) DEFINITION.—As used in this section, the term 'homeless veteran' has the meaning given that term by section 3771(2) of this title.

"(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

"(A) $10,000,000 for fiscal year 2000.

"(B) $15,000,000 for fiscal year 2001.

"(C) $20,000,000 for fiscal year 2002.

"(D) $25,000,000 for fiscal year 2003.

"(E) $30,000,000 for fiscal year 2004.

"(2) Funds obligated for any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4111. Homeless veterans' reintegration programs.".

SEC. 303. TRANSITIONAL HOUSING LOAN GUARANTEE PROGRAM TECHNICAL AMENDMENT.

Section 3775 is amended—

(1) by inserting "(a)" before "During each"; and

(2) by adding at the end the following new subsection:

"(b) After the first 3 years of operation of such a multifamily transitional housing project, the Secretary may provide for periodic audits of the project.".

TITLE IV—COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 401. AUTHORITY TO PRESCRIBE RULES AND REGULATIONS.

Section 7254 is amended by adding at the end the following new subsection:

"(f) The Court may prescribe rules and regulations to carry out this chapter.".

SEC. 402. RECALL OF RETIRED JUDGES.

(a) AUTHORITY TO RECALL RETIRED JUDGES.—Chapter 72 is amended by inserting after section 7256 the following new section:

"§ 7257. Recall of retired judges

"(a)(1) A retired judge of the Court may be recalled for further service on the Court in accordance with this section. To be eligible to be recalled for such service, a retired judge must at the time of the judge's retirement provide to the chief judge of the Court (or, in the case of the chief judge, to the clerk of the Court) notice in writing that the retired judge is available for further service on the Court in accordance with this section and is willing to be recalled under this section. Such a notice provided by a retired judge is irrevocable.

"(2) For the purposes of this section—

"(A) a retired judge is a judge of the Court of Veterans Appeals who retires from the Court under section 7296 of this title or under chapter 83 or 84 of title 5; and

"(B) a recall-eligible retired judge is a retired judge who has provided a notice under paragraph (1).

"(b)(1) The chief judge may recall for further service on the court a recall-eligible retired judge in accordance with this section. Such a recall shall be made upon written certification by the chief judge that substantial service is expected to be performed by the retired judge for such period, not to exceed 90 days (or the equivalent), as determined by the chief judge to be necessary to meet the needs of the Court.

"(2) A recall-eligible retired judge may not be recalled for more than 90 days (or the equivalent) during any calendar year without the judge's consent or for more than a total of 180 days (or the equivalent) during any calendar year.

"(3) If a recall-eligible retired judge is recalled by the chief judge in accordance with this section and (other than in the case of a judge who has previously during that calendar year served at least 90 days (or the equivalent) of recalled service on the court) declines (other than by reason of disability) to perform the service to which recalled, the chief judge shall remove that retired judge from the status of a recall-eligible judge.

"(4) A recall-eligible retired judge who becomes permanently disabled and as a result of that disability is unable to perform further service on the court shall be removed from the status of a recall-eligible judge. Determination of such a disability shall be made in the same manner as is applicable to judges of the United States under section 371 of title 28.

"(c) A retired judge who is recalled under this section may exercise all of the powers and duties of the office of a judge in active service.

"(d)(1) The pay of a recall-eligible retired judge who retired under section 7296 of this title is specified in subsection (c) of that section.

"(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5.

"(e)(1) Except as provided in subsection (d), a judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be considered to be a reemployed annuitant under that chapter.

"(2) Nothing in this section affects the right of a judge who retired under chapter 83 or 84 of title 5 to serve as a reemployed annuitant in accordance with the provisions of title 5.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7256 the following new item:

"7257. Recall of retired judges.".

SEC. 403. CALCULATION OF YEARS OF SERVICE AS A JUDGE.

Section 7296(b) is amended by adding at the end the following new paragraph:

"(4) For purposes of calculating the years of service of an individual under this subsection and subsection (c), only those years of service as a judge of the Court shall be credited. In determining the number of years of such service, that portion of the aggregate number of years of such service that is a fractional part of one year shall be disregarded if less than 183 days and shall be credited as a full year if 183 days or more.".

SEC. 404. JUDGES' RETIRED PAY.

(a) In General.—Subsection (c)(1) of section 7296 is amended by striking "at the rate of pay in effect at the time of retirement." and inserting the following: "as follows:

"(A) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court (or of the chief judge, if the individual retired from service as chief judge).

"(B) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(C) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.".

(b) Cost-of-Living Adjustments.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

"(3)(A) A cost-of-living adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section only in the case of retired pay computed under paragraph (2) of subsection (c).

"(B)(i) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired chief judge being in excess of the annual rate of pay in effect for the chief judge of the court as provided in section 7253(e)(1) of this title, such adjustment may be made in the retired pay of that retired chief judge only in such amount as results in the retired pay of the retired chief judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).

"(ii) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired judge (other than a retired chief judge) being in excess of the annual rate of pay in effect for judges of the court as provided in section 7253(e)(2) of this title, such adjustment may be made only in such amount as results in the retired pay of the retired judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).".

(c) Coordination With Military Retired Pay.—Subsection (f) of such section is further amended by adding after paragraph (3), as added by subsection (b), the following new paragraph:

"(4) Notwithstanding subsection (c) of section 5532 of title 5, if a regular or reserve member of a uniformed service who is receiving retired or retainer pay becomes a judge of the court, or becomes eligible therefor while a judge of the court, such retired or retainer pay shall not be paid during the judge's regular active service on the court, but shall be resumed or commenced without reduction upon retirement as a judge.".

SEC. 405. SURVIVOR ANNUITIES.

(a) Surviving Spouse.—Subsection (a)(5) of section 7297 is amended by striking "two years" and inserting "one year".

(b) Election to Participate.—Subsection (b) of such section is amended in the first sentence by inserting before the period "or within six months after the date on which the judge marries if the judge has retired under section 7296 of this title".

(c) Reduction in Contributions.—Subsection (c) of such section is amended by striking "3.5 percent of the judge's pay" and inserting "that percentage of the judge's pay that is the same as provided for the deduction from the salary or retirement salary of a judge of the United States Court of Federal Claims for the purpose of a survivor annuity under section 376(b)(1)(B) of title 28".

(d) Interest Payments.—Subsection (d) of such section is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) The interest required under the first sentence of paragraph (1) shall not be required for any period—

"(A) during which a judge was separated from any service described in section 376(d)(2) of title 28; and

"(B) during which the judge was not receiving retired pay based on service as a judge or receiving any retirement salary as described in section 376(d)(1) of title 28.".

(e) Service Eligibility.—(1) Subsection (f) of such section is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking "at least 5 years" and inserting "at least 18 months"; and

(ii) by striking "last 5 years" and inserting "last 18 months"; and

(B) by adding at the end the following new paragraph:

"(5) If a judge dies as a result of an assassination and leaves a survivor or survivors who are otherwise entitled to receive annuity payments under this section, the 18-month requirement in the matter in paragraph (1) preceding subparagraph (A) shall not apply.".

(2) Subsection (a) of such section is further amended—

(A) in paragraph (2), by inserting "who is in active service or who has retired under section 7296 of this title" after "Court";

(B) in paragraph (3), by striking "7296(c)" and inserting "7296";

(C) by adding at the end the following new paragraph:

"(8) The term 'assassination' as applied to a judge shall have the meaning provided that term in section 376(a)(7) of title 28 as applied to a judicial official.".

(f) Age Requirement of Surviving Spouse.—Subsection (f) of such section is further amended by striking "or following the surviving spouse's attainment of the age of 50 years, whichever is the later" in paragraph (1)(A).

SEC. 406. LIMITATION ON ACTIVITIES OF RETIRED JUDGES..

(a) In General.—Chapter 72 is amended by adding at the end the following new section:

"§ 7299. Limitation on activities of retired judges

"(a) A retired judge of the Court who is recall-eligible under section 7257 of this title and who in the practice of law represents (or supervises or directs the representation of) a client in making any claim relating to veterans' benefits against the United States or any agency thereof shall, pursuant to such section, be considered to have declined recall service and be removed from the status of a recall-eligible judge. The pay of such a judge, pursuant tc section 7296 of this title, shall be the pay of the judge at the time of the removal from recall status.

"(b) A recall-eligible judge shall be considered to be an officer or employee of the United States, but only during periods when the judge is serving in recall status. Any prohibition, limitation, or restriction that would otherwise apply to the activities of a recall-eligible judge shall apply only during periods when the judge is serving in recall status.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7299. Limitation on activities of retired judges.".

SEC. 407. EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES IN ORDER TO PROVIDE FOR STAGGERED TERMS OF JUDGES.

(a) Retirement Authorized.—One eligible judge may retire in accordance with this section with respect to each year beginning in 1999 and ending in 2003.

(b) Eligible Judges.—For purposes of this section, an eligible judge is an associate judge of the United States Court of Appeals for Veterans Claims who—

(1) has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service described in section 7297(l) of such title; and

(4) is at least 55 years of age.

(c) Multiple Eligible Judges.—If for any year specified in subsection (a) more than one eligible judge provides notice in accordance with subsection (d), the judge who has the greatest seniority as a judge of the United States Court of Appeals for Veterans Claims shall be the judge who is eligible to retire in accordance with this section in that year.

(d) Notice.—An eligible judge who desires to retire in accordance with this section with respect to any year covered by subsection (a) shall provide to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice to that effect not later than April 1 of that year, except that in the case of an eligible judge desiring to retire with respect to 1999, such notice shall be provided not later than November 1, 1999, or 15 days after the date of the enactment of this Act, whichever is later. Such a notice shall specify the retirement date in accordance with subsection (e).

Notice provided under this subsection shall be irrevocable.

(e) DATE OF RETIREMENT.—A judge who is eligible to retire in accordance with this section shall be retired during the fiscal year in which notice is provided pursuant to subsection (d), but not earlier than 90 days after the date on which that notice is provided, except that a judge retired in accordance with this section with respect to 1999 shall be retired not earlier than 90 days, and not later than 150 days, after the date on which notice is provided pursuant to subsection (d).

(f) APPLICABLE PROVISIONS.—Except as provided in subsection (g), a judge retired in accordance with this section shall be considered for all purposes to be retired under section 7296(b)(1) of title 38, United States Code.

(g) RATE OF RETIRED PAY.—The rate of retired pay for a judge retiring in accordance with this section is—

(1) the rate applicable to that judge under section 7296(c)(1) of title 38, United States Code, multiplied by

(2) the fraction (not in excess of 1) in which—

(A) the numerator is the sum of (i) the number of years of service of the judge as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title, and (ii) the age of the judge; and

(B) the denominator is 80.

(h) ADJUSTMENTS IN RETIRED PAY FOR JUDGES AVAILABLE FOR RECALL.—Subject to section 7296(f)(3)(B) of title 38, United States Code, an adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section in the case of a judge who is a recall-eligible retired judge under section 7257 of such title, or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability.

(i) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) For purposes of subparagraph (B), the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.".

TITLE V—OTHER MATTERS

SEC. 501. REPEAL OF CERTAIN SUNSET PROVISIONS.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h) is amended—

(1) by striking "(1)" after "(h)"; and

(2) by striking paragraph (2).

(b) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS.—Section 3732(c) is amended by striking paragraph (11).

(c) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is repealed.

SEC. 502. ENHANCED QUALITY ASSURANCE PROGRAM WITHIN THE VETERANS BENEFITS ADMINISTRATION.

(a) IN GENERAL.—(1) Chapter 77 is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—QUALITY ASSURANCE

"§ 7731. Establishment

"(a) The Secretary shall carry out a quality assurance program in the Veterans Benefits Administration. The program may be carried out through a single quality assurance division in the Administration or through separate quality assurance entities for each of the principal organizational elements (known as 'services') of the Administration.

"(b) The Secretary shall ensure that any quality assurance entity established and operated under subsection (a) is established and operated so as to meet generally applicable governmental standards for independence and internal controls for the performance of quality reviews of Government performance and results.

"§ 7732. Functions

"The Under Secretary for Benefits, acting through the quality assurance entities established under section 7731(a), shall on an ongoing basis perform and oversee quality reviews of the functions of each of the principal organizational elements of the Veterans Benefits Administration.

"§ 7733. Personnel

"The Secretary shall ensure that the number of full-time employees of the Veterans Benefits Administration assigned to quality assurance functions under this subchapter is adequate to perform the quality assurance functions for which they have responsibility.

"§ 7734. Annual report to Congress

"The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the quality assurance activities carried out under this subchapter. Each such report shall include—

"(1) an appraisal of the quality of services provided by the Veterans Benefits Administration, including—

"(A) the number of decisions reviewed;

"(B) a summary of the findings on the decisions reviewed;

"(C) the number of full-time equivalent employees assigned to quality assurance in each division or entity;

"(D) specific documentation of compliance with the standards for independence and internal control required by section 7731(b) of this title; and

"(E) actions taken to improve the quality of services provided and the results obtained;

"(2) information with respect to the accuracy of decisions, including trends in that information; and

"(3) such other information as the Secretary considers appropriate.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER III—QUALITY ASSURANCE

"7731. Establishment.
"7732. Functions.
"7733. Personnel.
"7734. Annual report to Congress.".

(b) EFFECTIVE DATE.—Subchapter III of chapter 77 of title 38, United States Code, as added by subsection (a), shall take effect on the later of October 1, 1999, or at the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 503. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 504. CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF RECURRING PROVISIONS.—(1) Section 313 is amended by adding at the end the following new subsections:

"(c) COMPENSATION AND PENSION.—Funds appropriated for Compensation and Pensions are available for the following purposes:

"(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 13, 51, 53, 55, and 61 of this title.

"(2) Pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of this title and section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

"(3) The payment of benefits as authorized under chapter 18 of this title.

"(4) Burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payments of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.), and other benefits as authorized by sections 107, 1312, 1977, and 2106 and chapters 23, 51, 53, 55, and 61 of this title and the World War Adjusted Compensation Act (43 Stat. 122, 123), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87–875 (76 Stat. 1198).

"(d) MEDICAL CARE.—Funds appropriated for Medical Care are available for the following purposes:

"(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

"(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including care and treatment in facilities not under the jurisdiction of the Department.

"(3) Furnishing recreational facilities, supplies, and equipment.

"(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

"(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

"(6) Oversight, engineering, and architectural activities not charged to project cost.

"(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

"(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

"(9) Aid to State homes, as authorized by section 1741 of this title.

"(10) Administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of this title and Public Law 87–693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

"(e) MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

"(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

"(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

"(3) Engineering and architectural activities not charged to project costs.

"(4) Research and development in building construction technology.

"(f) GENERAL OPERATING EXPENSES.—Funds appropriated for General Operating Expenses are available for the following purposes:

"(1) Uniforms or allowances therefor.

"(2) Hire of passenger motor vehicles.

"(3) Reimbursement of the General Services Administration for security guard services.

"(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

"(5) Administration of the Service Members Occupational Conversion and Training Act of 1992 (10 U.S.C. 1143 note).

"(g) CONSTRUCTION.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

"(1) Planning.

"(2) Architectural and engineering services.

"(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

"(4) Services of claims analysts.

"(5) Offsite utility and storm drainage system construction costs.

"(6) Site acquisition.

"(h) CONSTRUCTION, MINOR PROJECTS.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

"(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

"(2) temporary measures necessary to prevent or to minimize further loss by such causes.".

(2)(A) Chapter 1 is amended by adding at the end the following new section:

"§ 116. Definition of cost of direct and guaranteed loans

"For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"116. Definition of cost of direct and guaranteed loans.".

(b) EFFECTIVE DATE.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2280.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2280, the Veterans Benefit Improvement Act of 1999, is an important bill that is strongly supported by veterans and their service organizations. It contains a list of provisions affecting many benefit categories, including the cost of living adjustment for veterans receiving disability compensation and their surviving family members, improvements in the benefits for surviving spouses of former prisoners of war and others receiving dependency and indemnity compensation, and a significant increase in the authorization for the Veterans Homeless Reintegration Program at the Department of Labor.

The bill also makes home loan eligibility for members of the National Guard and Reserve components permanent, as well as requiring the VA to begin planning for four new national cemeteries.

Additionally, H.R. 2280 helps assure that ground breaking for the World War II memorial can take place on Veterans' Day next year by expanding the fund-raising authorities of the American Battle Monuments Commission. Mr. Speaker, we must complete this World War II memorial as quickly as possible. For those who have not made a contribution to this very worthy project, I would urge them to do so.

Veterans of World War II are passing on at the astonishing rate of 1,000 a day. We must not allow any further unnecessary delay in the memorial's construction schedule. Without this legislation, another half a million veterans could pass away before construction even begins on our national tribute to their heroic deeds. It has already taken longer to get the memorial project from inception to ground breaking than it did to win the war. I urge my colleagues to support the passage of 2280 as amended, and reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2280, as amended. I want to thank the gentleman from Arizona (Mr. STUMP) for his leadership on this important piece of legislation and for his continuing efforts on behalf of this country's veterans. I also want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER) the ranking Democratic member of the subcommittee, for their hard work in crafting this important legislation.

The Veterans Benefits Improvement Act of 1999 is an excellent bill, providing improvements to a number of veterans benefit programs. I am very pleased some of the provisions in this bill are based on measures that I authored and introduced. H.R. 2280 is yet another example of our ability to work together in a bipartisan fashion to improve the lives of America's veterans and their families. It deserves the support of every member of this body. I urge my colleagues to vote for this legislation.

Mr. Speaker, I rise in strong support of H.R. 2280, as amended.

I thank the gentleman from Arizona, Mr. STUMP, for his leadership on this important legislation and for his continuing efforts on behalf of the Nation's veterans.

I also thank the gentleman from New York, Mr. QUINN, the chairman of the Subcommittee on Benefits, and the gentleman from California Mr. FILNER, the ranking Democratic member of the subcommittee, for their hard work in crafting this important legislation.

H.R. 2880, the Veterans Benefits Improvements Act of 1999, provides improvements to a number of veterans benefit programs. In addition, it supports the timely construction of the World War II Memorial which will recognize the contributions made by all Americans to the war effort. This measure is deserving of the support of every member of this body.

I am pleased several of the provisions in this bill are based on measures I authored and introduced.

Section 104 of H.R. 2280 is taken from H.R. 708. It will restore eligibility for CHAMP–VA medical care, education benefits and home loan assistance to remarried surviving spouses who lost eligibility for these benefits upon remarriage and whose subsequent marriage has ended. During the 105th Congress, legislation was enacted allowing for reinstatement of eligibility for dependency and indemnity compensation (DIC) cash benefits after termination of the remarriage. The present measure completes the restoration of eligibility for all VA benefits to surviving spouses if the subsequent marriage is ended.

I am very pleased that section 211 of H.R. 2280 includes the provisions of my bill, H.R. 1476, the National Cemetery Act of 1999. This section would require the Secretary of Veterans Affairs to establish four new national cemeteries, each of which would be established in an area of the country, determined by the Secretary, to be most in need of cemetery space to serve veterans and their families. Although VA statistics show that the demand for burial benefits will increase sharply in the near future, with interments increasing 42% from 1995 to 2010, the Administration's FY 2000 VA budget proposal did not include funding for additional national cemeteries. Unless new cemeteries are established soon, however, VA will not be able to meet the need for burial services for veterans in several metropolitan areas of the country. In response to this situation, I introduced H.R. 1476.

Section 301 includes the provisions of my bill, H.R. 1603, the Selected Reserve Housing Loan Fairness Act of 1999. This section would provide for permanent eligibility for veterans' housing loans for members of the Selected Reserve who complete six years of service. Last year, Public Law 105–368 extended Guard and Reserve eligibility for VA housing loans, which was to expire this year, through fiscal year 2003.

The Enlisted Association of the National Guard of the United States pointed out, however, that this benefit cannot be used as a recruiting incentive because recruits must serve in the Selected Reserve for 6 years before they may participate in the VA housing loan program. Under current law, a recruit enlisting today will not be eligible for a VA loan before the authority for the loan expires. H.R. 1603, by making the home loan eligibility permanent, will give the Selected Reserve the incentive they need to recruit "the best and the brightest."

Section 502 of H.R. 2280 is drawn from H.R. 1214 which I introduced to assure that the Veterans Benefits Administration's (VBA) internal quality assurance activities meet the recognized appropriate governmental standards for independence and internal control. This measure requires VBA to have a quality assurance program which comports with generally accepted government standards for performance audits.

Because of the fundamental importance of accurate and effective claims processing and adjudication by VA regional offices, and the need for effective oversight of regional office claims processing and adjudication by the Veterans' Benefits Administration (VBA), in July of 1997, I requested the Government Accounting Office (GAO) to review the quality assurance policies and practices of the VBA. On March 1, 1999, GAO issued its report which determined that further improvement is needed in claims-processing accuracy. In particular, GAO determined that VBA's quality assurance activities do not meet the standards for independence and internal control.

While VBA has made some improvements by developing an accuracy measurement which focuses on VA's core benefit work—rating claims for benefits—further improvements are needed in claims processing. In fiscal year 2000, the VA will pay over $22 billion in monetary benefits to veterans. Without a mandated program of quality assurance, which meets generally accepted governmental auditing standards for program performance audits, impartial and independent oversight of the quality of claims adjudication decisions will not be assured.

With the establishment of independent oversight of the quality of claims adjudication decisions, veterans can have more confidence in the decisions made by VA and the number of claims which are remanded because of the poor quality of claims adjudication will be reduced. With better initial decisions and fewer remands for re-adjudication, veterans will receive a quicker and a more accurate response. More claims will be adjudicated correctly the first time. This will not occur overnight, but without an independent oversight of the quality of claims adjudication decisions it may never exist.

H.R. 2280 is yet another example of our ability to work together in a bipartisan fashion to improve the lives of our Nation's veterans and their families. I strongly support all provisions of H.R. 2280 and urge my colleagues to approve this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise today also in support of H.R. 2280, the bipartisan Veterans Benefits Improvement Act of 1999. The bill provides a cost of living adjustment for disability compensation, dependency and indemnity compensation, and other related benefits. The adjustment is computed using the same percentage increase as given to all other Social Security recipients.

In addition, the bill makes a number of needed improvements to programs serving veterans, some of which we want to highlight briefly today during the time we have on the floor.

With respect to burial needs of veterans, in addition to directing the Secretary of Veterans Affairs to establish four badly needed new national cemeteries, the bill would require the Secretary to contract for an independent, comprehensive assessment of VA national cemeteries, including the number of cemeteries that will be needed through the year 2020.

The bill would also authorize the American Battle Monuments Commission to borrow money from the Department of Treasury in order to begin construction of the monument that the gentleman from Arizona (Mr. STUMP) just spoke about. It is time to remind the American people as well as all the veterans who served the country that they have raised over $57 million already for this effort.

Mr. Speaker, to me World War II veterans and their generation, as Tom Brokaw has said, is, in fact, the greatest generation. One of the greatest forms of thanks America can give to those veterans would be to build their memorial and to build it now.

In other areas, H.R. 2280 would permanently extend the Home Loan Program to former members of the Selected Reserve and aggressively authorize appropriations to the Department of Labor for the Homeless Veterans Reintegration Program. More specifically here, Mr. Speaker, we remind all Americans and Members of the House that of all the homeless people in this country, fully one-third, almost 33 percent of those homeless people on our streets, are veterans of wars for our country.

H.R. 2280 aims to help many of our almost 300,000 homeless veterans find jobs by authorizing a 5-year increase in the Labor Department funding for this competitively bid, nationwide community-based employment program. It would double the current authorization for all such programs to $10 million in fiscal year 2000, and increase that amount by $5 million per year, until it finally tops out at $30 million in fiscal year 2004. I know of no group that wants to break the cycle of homelessness more than those who have worn the uniform of our country.

Finally, Mr. Speaker, H.R. 2280 would make improvements to the retirement and survivor annuity programs at the Court of Appeals for veterans claims. This is where our veterans see their claims and their questions about their benefits adjudicated. Our intent here is to encourage staggered retirements since five of the remaining six original appointees will be eligible for retirement within one 11 month period beginning in 2004, and we would like to try to make personnel policy affecting the judges of this court more consistent with those of other Federal judges. These provisions passed the House, of course, last year, but because the Senate did not concur and act, they did not become law.

Mr. Speaker, I believe and others believe that this is a very timely bill and benefits many veterans. H.R. 2280 is the result of a lot of hard work in a bipartisan fashion, for which I thank the members of the full committee, the gentleman from Arizona (Mr. STUMP) and the ranking member, the gentleman from Illinois (Mr. EVANS), but I also want to specifically thank the members of our subcommittee.

First of all, the gentleman from California (Mr. FILNER), the ranking member of the subcommittee, as well as the gentleman from Arizona (Mr. HAYWORTH), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Utah (Mr. HANSEN), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Texas (Mr. REYES), and the gentlewoman from Nevada (Ms. BERKLEY), all members of the subcommittee and hard workers when it comes to our job. I appreciate and recognize those unique contributions of all of our Members and urge my colleagues to support H.R. 2280.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Filner)

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as ranking Democrat on the Subcommittee on Benefits, I rise in strong support of H.R. 2280, the Veterans Benefits Improvement Act of 1999. As the gentleman from New York (Mr. QUINN), the chairman of the subcommittee just indicated, we worked closely together on development of this measure, which includes provisions of bills introduced by Members from both sides of the aisle. This is the way the legislative process ought to work, and the real winners are America's veterans.

The bill, as amended, includes many important provisions. Under this measure, the national cemetery system would be expanded and much needed burial space provided. Construction of the World War II memorial, as we have heard, would be expedited and certain members of the Selected Reserve would be permanently eligible for VA home loans.

□ 1430

I am particularly pleased that the legislation reauthorizes and increases funding for the Homeless Veterans' Reintegration Program. Although this provision does not increase the program funding as much or as quickly as it would under the bill I introduced, H.R. 1484, it is a very, very satisfactory compromise.

The graduated funding increase included in this bill will enable the Department of Labor's Veterans' Employment and Training Service to effectively administer the program, and the increased funding will give thousands of homeless veterans the assistance they need to reenter employment.

Let me also take a minute to thank the chairman of the Committee on Small Business, the gentleman from Missouri (Mr. TALENT), and the ranking Democrat on that committee, the gentlewoman from New York (Ms. VELÁZQUEZ), for bringing a later bill on the floor today, H.R. 1568, the Veterans' Entrepreneurship and Small Business Development Act of 1999. The gentleman from Missouri has worked hard to craft this excellent bill, which is similar to H.R. 366, the Veterans' Entrepreneurship and Promotion Act, which I have introduced in the last two Congresses. H.R. 1568, which we will consider later, deserves the full support of all Members of our House.

In closing, the bill under consideration, H.R. 2280, is an excellent bill that will enhance the lives of millions and millions of veterans and their families. I urge my colleagues to vote in favor of the Veterans' Benefits Improvement Act of 1999.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), a very valuable member of the Committee on Veterans' Affairs.

Mr. HAYWORTH. Mr. Speaker, I thank my committee chairman and the dean of our delegation from Arizona for yielding me this time; and, indeed, as I see him manage the time on our side of the aisle, I cannot help but note his record of service not only in this institution but in wearing the uniform of this country. He is far too modest and self-effacing to speak of his war record. There was a job to be done and, as a younger man, he stepped forward to do it.

But, Mr. Speaker, our chairman bears living witness to the sacrifice of so many comrades in arms who fought in history's largest war and, indeed, in our greatest struggle to preserve our constitutional republic. And for those veterans and for those of us whom history has not called upon to sacrifice, this legislation provides a suitable, common-sense way to fund and expedite construction of a monument to remember all veterans of World War II.

It is perhaps a comment on Washington, Mr. Speaker, that, as our chairman very capably pointed out in passing, it has taken longer to get to this point in terms of funding this wonderfully proposed monument than it took for us to fight and win that war. Washington, Mr. Speaker, it seems, has a marvelous way of complicating matters. We can step into the elevator here that brings us to the floor and see 16 rules for House elevator operators. That, Mr. Speaker, when the Lord our God only gave us Ten Commandments to follow.

So again we are trying to cut through what that wonderful acronym of that war brought us, a snafu. I will not elaborate any further, Mr. Speaker, noting the decorum of this floor, and move to get this monument in fact created and realized.

But there is something else we should realize. No matter the conflict, no matter the time when men and women have worn the uniform of our country, this legislation also provides a much-needed cost of living adjustment for those veterans who have a service-related disability, for those veterans who depend on those benefits. Indeed, as our Constitution points out in its beautiful preamble, we are to provide for the common defense. But with this legislation, a common-sense, well-crafted, bipartisan piece of work, we help to provide for those who have provided for our common defense.

I would ask my colleagues to support H.R. 2280 as amended.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, when we were in school we would often sing, "My country tis of thee, sweet land of liberty, of thee I sing. Land where our fathers died, land of the pilgrim's pride," and that is very appropriate, I believe, for the consideration of H.R. 2280, the Veterans' Benefit Improvement Act of 1999.

I am very happy to be a member of the Committee on Veterans' Affairs, under the premier leadership of the gentleman from Arizona (Mr. STUMP) and certainly the ranking member, the gentleman from Illinois (Mr. EVANS), when they deliberated on this piece of legislation, even though it does not include everything that we would like to see in behalf of our veterans. We have sat there and saw that veterans' programs have been the bank that we have been able to draw from to fund other programs, a bank capitalized with worthless currency and of broken promises. This country promised our veterans certain things when they offered themselves, their sacrifice, their families, to preserve the freedom across this land.

So we have taken up the duty of looking after the needs of our veterans. We must also realize that we have an even more important duty that involves teaching and preaching to make the whole Nation understand all that we owe to our veterans.

I am very happy to suggest items that have already been mentioned here today: The cost of living adjustment estimated to be 2.4 percent to the rates of disability compensation for veterans with service-connected disabilities; the expansion of the fund-raising authorities of the American Battle Monuments Commission to expedite the establishment of the World War II memorial in our Nation's capital.

And I might mention that one of our premier actors, Tom Hanks, has been on a crusade in behalf of the World War II memorial, and I hope that from the sunny hills of California that he understands that his message is loud and clear, that this is a salute overdue to the 16 million Americans who answered the Nation's call to duty in World War II, because, Mr. Speaker, fewer than 7 million are alive today, and we lose 1,000 more every day.

This bill also makes eligible members of the Reserves and National Guard who served at least 6 years eligible for housing loans on a permanent basis. It authorizes $100 million in fiscal years 2000 to 2004 to the Department of Labor for the Homeless Veterans Reintegration Program and will help homeless veterans find jobs through increased funds for community-based employment programs.

I remember my chagrin when I saw on a national news program that the majority of the homelessness in this Nation is comprised by veterans.

The bill also directs the Secretary of Veterans' Affairs to establish four new national cemeteries.

Mr. Speaker, I would strongly urge my colleagues on both sides of the aisle to support House Resolution 2280.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), one of our World War II veterans and the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 2280. I commend the distinguished committee chairman, the gentleman from Arizona (Mr. STUMP), for bringing this measure to the floor, and also the chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs, the gentleman from New York (Mr. QUINN), and the subcommittee ranking member, the gentleman from California (Mr. FILNER), for their work on this measure.

This measure authorizes a cost of living adjustment for veterans who receive disability compensation and dependency and indemnity compensation to surviving spouses of prisoners of war who received full disability at the time of death due to service-related injuries and becomes effective in December of this year.

It also restores CHAMPVA medical care, which is a Veterans' Affairs health benefits program that shares the cost of certain health care services and supplies for eligible beneficiaries. Those eligible include the spouses and children of totally disabled veterans and the survivors of veterans who died as a result of service-connected injuries or illnesses. And I want to commend the committee for undertaking that portion of this measure.

It also expands fund-raising authorities and authorizes $65 million in loans from the Treasury for the American Battle Monuments Commission to hasten construction of the long overdue World War II memorial. In addition, it authorizes $100 million for the Labor Department to administer the Homeless Veterans Reintegration Program. That program uses community resources to help our homeless veterans, and there are too many of them out there this day.

It also addresses a potential future problem for the Court of Veterans Appeals beginning in the year 2004. Five of the six original appointees on this court are going to be eligible for retirement, and this measure allows them to continue. The goal of this provision is to broaden effective measures to help reduce overall workloads and shorten the time veterans must wait for a decision on their appeals.

Moreover, this measure makes permanent the authority of the VA to guarantee home loans for our National Guard and Reserve members. That authority was previously set to expire in September of this year.

Mr. Speaker, I believe that this is a worthy piece of legislation, an appropriate response by this legislative body to the sacrifices made by our Nation's veterans and their families.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time; and as a member of the Committee on Veterans' Affairs, I am proud we are considering today H.R. 2280, the Veterans Benefits Improvement Act of 1999.

This bill is truly a product of our concerns and the input and concerns of all the Members of this House, the VA, our veterans service organizations, and the rest of our committee. It improves veterans benefits on many issues of vital importance to our veterans and their families.

Mr. Speaker, this bill recognizes the needs of our aging veterans; and we can all be proud of this bill's provisions that provide for additional borrowing which gives authority for the World War II memorial. This will expedite the construction of this monument and allow for its completion.

In addition, the bill will establish four new cemeteries and requires a complete study to improve and enlarge all of our existing national cemeteries. Our veterans deserve nothing less. And they deserve to be buried with dignity and honor, and their families deserve to have the ability to pay their respects without any further sacrifices.

I am also encouraged that this bill assists our homeless veterans by expanding upon the Homeless Veterans Reintegration Program. Too many of our brave men and women are out on the streets without shelter and without hope. This bill will expand the outreach of this program.

Let me also say that I am pleased that this bill improves benefits in a number of other areas that reflects on our Nation's commitment to our veterans. A key provision of the bill will provide permanent eligibility of our reservists who spend more than 6 years and will qualify them for VA housing benefits. Also, the bill expands eligibility for surviving spouses of former POWs who are currently disqualified from receiving dependency and indemnity compensation.

The bill, as has been mentioned this morning, will further provide for annual cost of living allowances for those veterans receiving this kind of compensation. All of these provisions will enhance our commitment to our veterans and their loved ones.

In addition, I am pleased we are continuing to work to recognize the circumstances of our atomic era veterans through an additional presumption of service-connected disability for a rare form of cancer.

Finally, Mr. Speaker, as a veteran myself and someone that represents over 50,000 veterans in my district, I can tell my colleagues that the delays and errors in the veterans' benefits claims process are very frustrating. The enhanced quality assurance program set forth in this bill will help to address this very serious situation for all our veterans.

Given the courage and the valor of our veterans and the sacrifices that have been made by them for our country, we owe them nothing less. I strongly support this legislation and urge my colleagues and the entire House to join in the passage of this comprehensive veterans legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I wish to thank the distinguished chairman and ranking member for their work on behalf of our veterans and also thank the chairman of the subcommittee, the gentleman from New York (Mr. QUINN), for the tremendous work that he has done and continues to do, and certainly as reflected in this bill, is doing with regard to so many matters that affect our veterans.

I would like, Mr. Speaker, to address one particular aspect of this bill to which I would urge Members on both sides of the aisle to support, and that is section 211 regarding authorizing the Secretary of Veterans' Affairs to establish a national cemetery in each of the four areas of the country that he deems most in need.

Specifically, Mr. Speaker, I direct the Members' attention to the greater Atlanta metropolitan area in Georgia. For 21 years, the national cemetery in Marietta, Georgia, which is the only one in the greater Atlanta metropolitan area, has been full; and over those 21 years, Mr. Speaker, the population, both the veterans as well as the civilian population of Atlanta and northwest Georgia, has grown immensely. The population during 1980 to 1996 has grown from 2 million people to well over 7.4 million in the greater Georgia area, and in metropolitan Atlanta the increases have been just as startling.

□ 1445

As well, Mr. Speaker, the increases in our veterans population, which, as other speakers have mentioned today, is unfortunately aging, necessarily so. It has increased dramatically.

Studies have shown, Mr. Speaker, that families of loved ones who have veterans in their family who are entitled to be buried in our national cemeteries will not travel long distances to a national cemetery. The studies have indicated that the furthest that families will be able or willing to go is about 75 miles. There is no national cemetery anywhere near 75 miles from the Greater Atlanta Metropolitan area, Mr. Speaker. And that is why, with the tremendous increase in the veterans population, the tremendous increase in the population generally in west Georgia, it is so essential that we have, as one of those cities, a new national cemetery in Atlanta. There is plenty of land in the area.

I would urge certainly that this particular section of the bill, section 211, which moves us in that direction and which reflects legislation, H.R. 1249, that I introduced earlier this year with the support of the entire Georgia Delegation, including our two senators, Senators CLELAND and COVERDELL. It also reflects the needs and desires of the Georgia delegation.

So I would commend the gentleman from New York (Mr. QUINN), the chairman of the committee, and the ranking member and others for moving this bill forward. I would urge its adoption and would urge particular attention be paid and urge the Secretary of Veterans' Affairs, Mr. West, to include Atlanta as one of those four areas.

Mr. Speaker, I rise today in support of the Veterans' Benefits Improvement Act, H.R. 2280. This legislation touches on a number of issues important to the veterans community. While, I support the provisions of the bill, I want to take a moment to focus especially on Section 211.

Section 211 directs the Secretary of Veterans' Affairs to establish, in accordance with Chapter 24 of Title 38, United States Code, national cemeteries in the four areas in the United States, which the Secretary determines to be most in need of such a cemetery to serve the needs of veterans and their families. I believe once the Secretary looks carefully, at this matter he will determine that a national cemetery is a high priority for the Atlanta metropolitan area in the state of Georgia.

On March 24, 1999, I introduced H.R. 1249, with the full support of the entire Georgia delegation, including Senators CLELAND and COVERDELL. This legislation authorizes the Secretary of Veterans' Affairs to establish a national cemetery for veterans in the Atlanta, Georgia metropolitan area. Today, with the actions of the House of Representatives, the veterans in Georgia are a major step closer to having a new national cemetery located in the state.

The metropolitan Atlanta area has been at the top of the list for a new national cemetery for 21 years. During this time, the population of the Atlanta metropolitan area has undergone dramatic change. According to the 1980 census, Georgia had a population of nearly five and a half million, over two million of which resided within the metropolitan Atlanta area. By 1996, the population of Georgia had increased two million, to nearly 7.4 million and that of metropolitan Atlanta had exploded to more than three and a half million. Included in this population, are 450,000 veterans in the metropolitan area, and 700,000 state-wide. Clearly, the need for an easily accessible national cemetery has increased significantly in the past several years.

Studies in 1987 and 1994, both titled Report on National Cemetery System in Regard to Public Law 99–576 sec. (4.2), again reiterated the need for a new national cemetery in the metro-Atlanta area. Presently, the National Cemetery System ranks Atlanta as the number one city in need of a national cemetery. There are several reasons why this need has been recognized for the past 21 years. Data regarding veterans, as well as the rapidly changing demographics of Atlanta and north Georgia, create a compelling case for a new facility to be created immediately. Since a consensus among Veterans Administration officials, veterans groups and politicians has been reached, the next step is to choose the most logical and cost-effective site for the project.

There are no open national cemeteries in the state of Georgia. Veterans residing in metropolitan Atlanta, who desire to be interred in a national cemetery, must either go 298 miles to Beaufort, South Carolina; 128 miles to Chattanooga, Tennessee; or 100 miles to Fort Mitchell, Alabama. Studies have shown that veterans and their families rarely choose to be buried in national cemeteries more than 75 miles from their residence. It is also established that surviving spouses visit the grave sites of the deceased located farther than 75 miles from their home, much less frequently than grave sites located closer. In this context, the three aforementioned cemeteries (South Carolina, Tennessee and Alabama) clearly do not adequately serve the veteran population of metropolitan Atlanta.

Currently, there are national cemeteries scheduled to open in the near future in Saratoga, New York; Chicago, Illinois; Dallas, Texas; and Cleveland, Ohio. Two years ago, a new cemetery opened in Tacoma, Washington near Seattle. Obviously, none of these cemeteries are expected to alleviate the demand for new burial space in the southeastern United States.

The growth in the number of veterans in Georgia, has led to several trends that point to an increased demand in burial space in national cemeteries for the coming years. Currently, the median age of World War II veterans is more than 70 years. These veterans are passing on at the rate of more than 1,000 per day (some 377,000 per year). This number will continue to increase; and when including all vets, should peak at 620,000 per year by the year 2008. These same studies have shown that the years 2005 to 2015 will continue to exhibit especially high mortality rates among veterans. When factoring in peacetime veterans of the post-Vietnam era as well as Gulf War veterans, mortality rates will continue to remain high well into the next century, at least until the year 2040. On average, ten percent of the veteran population opts to be interred in a national cemetery. Past experience has shown it takes approximately five to seven years to construct one of these sites. Therefore, in considering the above statistics, it is imperative that we immediately begin the process of establishing a national cemetery in metropolitan Atlanta in order to meet the current and certainly the unavoidable demands in the next decade.

When choosing a location for a new national cemetery, two factors must be addressed. First, it should be situated in an area that will serve the greatest number of veterans. Second, it must be cost-effective to taxpayers. As noted previously, veterans tend to choose to be interred within 75 miles of their residence. Atlanta's veteran population of 450,000 is the largest in the nation not served directly by a national cemetery, and establishing a national cemetery in or near a population center with a large amount of veterans is the best way to ensure that the facility will be utilized by veterans. (Instances where this was not done, indicate clearly that veterans and families will not patronize a national cemetery located far from a metropolitan area.)

When developing new cemeteries, the National Cemetery System is also aware of economics of scale. There are many factors, such as land prices and availability that must be considered, and those who administer the Cemetery System certainly try to buy larger plots of land, which will serve for years to come. The cemeteries currently under development are evidence of this, with Saratoga having 273 acres, Chicago 980 acres, Dallas 673 acres, Cleveland 250 acres and Tacoma 158 acres. These sized lots are able to accommodate the net burial acreage plus the amount of additional land required for roads, easements, and drainage. The net burial acreage is arrived at by analyzing the demographic factors of the local veterans population as well as recognizing the standard of 800 burials per acre. In general, the net acreage is then doubled to determine the optimum size of the facility. These larger cemeteries not only meet the demand exerted by the local veterans populations, they also prove to be more cost-effective than smaller facilities.

Consideration of the factors presented here are paramount in the successful choice of a new location for a national cemetery. The first step in rectifying this current and anticipated critical shortfall is to authorize the construction of a new national cemetery in metropolitan Atlanta. With the passage of this bill today we begin to move in that direction. We then need to appropriate the funds, and begin construction; which will likely take up to five years. Time is of the essence. This commitment we ask today will fulfill the promise to the veterans who have for 29 years been without reasonable access to a national cemetery. Even though land in the immediately vicinity of Atlanta has become heavily developed, there are numerous potential locations suitable for a new national cemetery.

Our nation has a sacred obligation to fulfill the promises we made to our veterans when they agreed to risk and, in many cases, give their lives to protect the freedoms we all enjoy. One such commitment is a military burial in a national cemetery. Establishing a national cemetery in Georgia would provide veterans and their accessibility and the recognition they deserve. This has been a long-awaited process for Georgia veterans. These men and women deserve a proper resting place in their home state.

I want to thank Committee Chairman STUMP and Ranking Democrat LANE EVANS, as well as Benefits Subcommittee Chairman JACK QUINN for all their work on this very important legislation. On behalf of all veterans, and especially the veterans of the state of Georgia, I ask my colleague to support this very important legislation.

Mr. QUINN. Mr. Speaker, if the gentleman would yield, it is important to point out I think at this time that the gentleman from Georgia (Mr. BARR) has worked with the full committee and the subcommittee to make sure that this is brought to our attention. We appreciate his efforts all along the way.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on Veterans' Affairs for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 2280, the Veterans Benefit Improvement Act.

Veterans have sacrificed to defend our Nation and have earned health care and other benefits through their service. They came forward when America needed them. Now Congress must continue to keep its promises to those who served.

H.R. 2280 keeps our promises to veterans by increasing the Cost of Living

Adjustment to millions of disabled veterans. It also restores medical, educational, and housing loans to surviving spouses who have remarried.

Consideration of this legislation is timely since it helps to remind us to commemorate the anniversary of the Veterans of Foreign Wars. For 100 years, the VFW has been active not only with veterans programs but also with a host of civic and volunteer activities. During 1997 and 1998, the VFW and the Ladies Auxiliary contributed over 12 million hours of volunteer services and donated nearly $55 million to various community service projects.

I would also like to single out the Heart O' The Hills VFW Post in my district in the Hill Country of Texas. It is one of the oldest and most active in the State. Two weeks ago, it celebrated its 84th anniversary. It is because of the selfless dedication of the veterans in the Hill Country and veterans around the Nation that we enjoy prosperity and freedom today.

Mr. Speaker, our veterans willingly served to defend our Nation. They were there when we needed them, and now we must be there when they need us.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take this opportunity to thank the gentleman from Illinois (Mr. EVANS), the ranking member on the Committee on Veterans' Affairs, as well as the gentleman from New York, the chairman of the subcommittee, and the gentleman from California (Mr. FILNER) and the rest of the members of the committee that have done such a great job in helping formulate this bill and bring it to the floor.

This is a bipartisan bill, and I urge everyone to support it.

Mr. BEREUTER. Mr. Speaker, this Member wishes to add his strong support for H.R. 2280, the Veterans' Benefits Improvement Act, and would also commend the chairman and ranking Member of the House Committee on Veterans' Affairs for bringing this important legislation to the House floor today.

This Member wishes to express his belief that even more attention needs to be paid to the needs of America's veterans; in fact, these essential benefits must be met to the fullest extent possible. Veterans fought to protect our freedom and way of life. As they served our nation in a time of need, the Federal Government must remember them in their time of need. The people of the United States owe our veterans a great deal and should keep the promises made to them.

It is important to note some of the important provisions of this legislation, including a cost-of-living adjustment for disability compensation, permanent eligibility of housing loans, further authorization of payment of Dependency and Indemnity Compensation for surviving spouses, provisions for homeless veterans, and recognizing the 100th anniversary of the Veterans of Foreign Wars.

While the veterans legislation appearing on the House floor today is commendable and significant for our nation's veterans and their families, it must also be noted that we must continue to give veterans the benefits they need and deserve, including health benefits. As a greater number of veterans, especially World War II veterans, are reaching the stage in life where they need more health care, Congress must insure that there are adequate funds and services available for these veterans, and that the current Veterans Equity Resource Allocation (VERA) formula should be changed since it is very unfair to sparsely settled states like Nebraska, Wyoming, and the Dakotas.

Mr. Speaker, this Member is committed to insuring that veterans receive the benefits they deserve; benefits they have been promised and which the American people support. As additional legislation appears before the House of Representatives, be assured that this Member will continue to support necessary and meaningful veterans legislation.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 2280, the Veterans' Benefits Improvement Act of 1999. The provisions of this bill include: a disability compensation cost of living adjustment for fiscal year 2000; permanent housing loan eligibility for veterans who have served in the selected reserve; expanded authority to solicit and receive contributions for the World War II Memorial; and increased funding for the reintegration of homeless veterans into the labor force.

H.R. 2280 also incorporates provisions of H.R. 2040 that would direct the Secretary of Veterans Affairs to build four new national cemeteries in areas of the country most in need of such a cemetery. The bill also would require the VA to contract for a study to assess the one-time repairs needed at each national cemetery and the feasibility of making standards of appearance of our national cemeteries commensurate with the finest cemeteries in the world.

On May 20, 1999, the Veterans' Affairs Subcommittee on Oversight and Investigations, which I chair, held a hearing that addressed planning for new national cemeteries and cemetery maintenance. Following the hearing, the Subcommittee issued a report with recommendations for legislation requiring the VA to submit a cemetery construction plan and identify locations for new national cemeteries, based upon demographic priority. The Subcommittee report also recommended increasing the National Cemetery. Administration budget by $6 million for routine and deferred maintenance, and equipment needs. Finally, the report recommended increasing the budget for Arlington National Cemetery by $3 million for construction and maintenance projects. The Subcommittee's report gives strong support to this legislation.

Mr. Speaker, America's national cemeteries are not adequate to serve the needs of veterans over the next decade. The demand for burial space in national cemeteries will be one of the greatest in the country's history as World War II veterans reach the end of their lives. Unless new national cemeteries are funded and planning for them begins soon, veterans in major population areas will be effectively denied the final honor of burial in a national cemetery.

Funding for maintenance of America's national cemeteries, including Arlington National Cemetery, is insufficient. Unless national cemeteries receive increased funding for their maintenance needs, necessary work will be deferred, and their appearance will not meet public expectations for these national shrines as places of honor for the men and women who have defended our freedom.

I would like to thank Mr. QUINN, chairman of the Veterans' Affairs Subcommittee on Benefits, for his cooperation regarding these very important issues for our veterans and for his initiative in moving H.R. 2280 through his subcommittee. I would also like to commend Chairman STUMP of the full committee for his leadership on issues affecting national cemeteries and for his authorship of this important legislation.

This is bipartisan legislation, and I want to recognize the active contributions in the formulation of H.R. 2280 by Mr. EVANS, the full committee's ranking Democrat; Mr. FILNER, the ranking Democrat on the Subcommittee on Benefits; and Ms. BROWN, the ranking Democrat on the Subcommittee on Oversight and Investigations.

Mr. Speaker, I urge my colleagues to approve this significant veterans legislation.

Mr. SMITH of New Jersey. Mr. Speaker, today the House is considering H.R. 2280, the Veterans' Benefits Improvement Act of 1999. I am particularly pleased this legislation includes the provisions of H.R. 690, legislation I have introduced to add bronchiole-alveolar carcinoma to the VA's list of diseases that are service-connected due to radiation exposure. I testified on behalf of H.R. 690 before the House Veterans' Affairs Benefits Subcommittee just three weeks ago and I had the opportunity recognize Joan McCarthy, a resident of New Jersey who first brought the need for this legislation to my attention ten years ago.

This bill needs to be enacted as a matter of fairness. The provisions of H.R. 690 included in today's bill essentially state that if you were a veteran exposed to ionizing radiation in a government nuclear test, like those in Operation Wigwam (a nuclear test in Pacific during 1955), and you develop a rare form of lung cancer unrelated to smoking tobacco, our government will take care of you. Sadly, this is not the case today. For the families of veterans and for widows, like Joan McCarthy, the enactment of H.R. 2280 is necessary to ensure that America does not abandon those who suffered and died solely because of their selfless, faithful services in the United States Armed Forces.

Joan's husband, Tom McCarthy, participated in Operation Wigwam, a nuclear test on May 14, 1955 which involved a deep underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean, about 500 miles Southwest of San Diego, California.

Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to monitor the Operation Wigwam test. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports produced by the Defense Nuclear Agency indicate that the entire test area was awash with the airborne toxins from the detonation. The spray from the explosion was described in the official government reports as an "insidious hazard which turned into an invisible radioactive aerosol." Tom spent four days in this environment while serving abroad the U.S.S. *McKinley*.

In April of 1981, at the age of 44, Tom McCarthy died of a rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This is an important point, because Tom was a non-smoker, and this illness is a non-smoking related lung cancer. Indeed, according to he American Cancer Society, 87% of all lung cancers are related to smoking. On his deathbed, Tom told Joan, his wife, about his involvement in Operation Wigwam and wondered about the fate of the other men who were also stationed on the U.S.S. *McKinley* and on the other ships in the area.

As my colleagues on the committee will remember, Congress passed H.R. 690 at the end of the 105th Congress. Unfortunately, our Senate colleagues failed to take up this legislation before Congress adjourned. However, I am happy to report that our former colleague on the committee. Senator TIM HUTCHINSON is sponsoring this legislation on the Senate side and believe that our early consideration of H.R. 690 in the House will help in his efforts in the other chamber. The enactment of H.R. 690 is long overdue and I would like to thank Chairman STUMP, Subcommittee Chairman QUINN, Ranking Member EVANS, as well as the other members of the committee have lent their support as cosponsors of H.R. 690.

I urge my colleagues to vote in favor of H.R. 2280 so that the Senate may move expeditiously on this legislation and so that Joan McCarthy and the handful of widows around the United States who have lost their husbands to this cancer may finally receive the recognition and Disability and Indemnity Compensation (DIC) benefits from the VA which they so rightly deserve.

Mr. WEYGAND. Mr. Speaker, I rise in support of the Veteran's Benefits Improvement Act, HR 2280 and urge my colleagues to do the same.

This bill will provide a cost-of-living adjustment (COLA) for veterans with service connected disabilities, it will authorize $100 million to provide homeless veterans with job training, and it will add a form of lung cancer to the list of presumed to be service connected illnesses. All are steps in the right direction for veterans, all are steps we should be taking.

However, I take this opportunity to address a very serious problem facing our veterans. Funding for veterans' health care continues to be cut. The FY 2000 budget allocation is $66.2 billion, which is $5.8 billion lower than the FY 1999 enacted levels.

Last month VISNI was on Capitol Hill updating member offices on the financial status of veterans' health care in the region. One glaring fact brought to light during these briefings was that further cuts to the veterans health care budget would mean a reduction in services for our veterans. It is time that we stop this downward trend and begin restoring the necessary funds to provide our veterans with the quality health care they deserve.

Recently, I along with several of my colleagues, wrote to the Chairman and Ranking member of the VA/HUD and Independent Agencies Appropriations Subcommittee asking that they provide $1.2 billion above the current budget resolution to address the medical crisis facing our veterans. I strongly urge my colleagues to do the same.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 2280, the Veterans' Benefits Improvement Act of 1999. In addition to providing veterans and their dependents with a cost-of-living adjustment (COLA), H.R. 2280 includes a bill that I introduced to assist the surviving spouses of certain former prisoners-of-war. Specifically, the provisions included in H.R. 2280 will allow certain spouses of former POWs to quality for survivor benefits. These women might not otherwise be eligible for such benefits under current law.

The Dependency and Indemnity Compensation (DIC) program provides monthly benefits to the survivors of veterans who die of service-connected conditions. Under current law, DIC payments may also be authorized for the survivors of veterans whose deaths were not the result of their service-connected disability. In this case, a spouse only qualifies for DIC benefits if the former POW was rated totally disabled for a period of 10 years or more immediately preceding his death.

There are approximately 20 presumptive service-connected conditions for former POWs who were detained or interned for at least 30 days. Unfortunately, some of these presumptions have been in effect for less than 10 years. This means that a spouse of a former POW may not qualify for DIC benefits if the veteran dies of a non-service-connected condition before meeting the 10 year time requirement.

Even if a presumption has been in effect for 10 or more years, many ex-POWs will not have been rated as totally disabled for the minimum period required at the time of their deaths. This may occur for a variety of reasons. For example, the POW may not have filed a disability claim as soon as the presumption was enacted, or it may have taken a while for his claim to be adjudicated. Alternatively, the POW could have had a lower disability rating that worsened over time.

This issue was first brought to my attention by a very close friend of mine, Wayne Hitchcock. Wayne is the past National Commander of the American Ex-Prisoners of War and is now seriously ill.

After talking to Wayne, I introduced a bill to waive the 10-year time requirement for the surviving spouses of former POWs. H.R. 784, has received strong bipartisan support. To date, the bill has over 100 cosponsors, including 23 members of the Veterans' Affairs Committee. I would like to thank full Committee Chairman BOB STUMP and Ranking Minority Member LANE EVANS, as well as Benefits Subcommittee Chairman and Ranking Minority Member, JACK QUINN and BOB FILNER, for their strong support of my legislation.

We all know that military service does not take place in a vacuum. Many POWs experience unimaginable horrors. Today, many continue to experience prolonged battles with various illnesses and other disabilities. Consequently, their spouses have spent years caring for them after their release from prisoner-of-war camps. These women deserve DIC benefits.

I am pleased that the House of Representatives is acting on this important issue. I urge my colleagues to support H.R. 2280.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2280. This Veterans' Benefits Improvement Act of 1999, would give veterans a cost-of-living increase, expand eligibility for compensation and survivor's benefits, and accelerate progress on the World War II Memorial. This package contains a wide range of proposals to improve veteran's benefits.

Some 1,646,700 veterans live in the state of Texas alone. It is through their unwavering devotion to duty and country that our nation has come through two World Wars and numerous costly struggles against the forces of aggression. American veterans have provided the leadership, courage, and even their lives time and time again. These genuine heroes have often been ignored and denied their proper place in America's melting pot. We need to remember that America owes these men and women the best it can offer because they have given us the best they could when America was in need.

I am pleased that this bill will provide a cost of living adjustment to the rates of disability compensation for veterans with service-connected disabilities and the rates of Dependency and Indemnity Compensation.

In addition, the bill addresses the burial needs of veterans. It directs the Secretary of Veterans Affairs to establish four new national cemeteries. During a recent visit to Arlington National Cemetery, I was moved by the beauty and reference, which was reflected on this small hillside in Virginia. This bill will ensure that all of our veterans will receive the same compassionate treatment, which has already been shown to those soldiers who now rest in these grounds.

I am also pleased that this bill addresses America's homeless veterans. The measure authorizes $100 million over five years for the homeless veterans reintegration program. This provision will allow community based employment programs that are working with our homeless veterans to continue their work within the communities they serve.

Mr. Speaker, I hope that all of my colleagues will join me in supporting this bill which continues our nation's efforts to honor the commitment it made to the veterans.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of H.R. 2280, the Veterans' Benefits Improvement Act of 1999. I commend the Chairmen and Ranking Members of both the Full Committee and the Benefits Subcommittee for their work. This bill brings together elements on benefits improvements from numerous bills.

It would give veterans a cost-of-living increase expand eligibility for compensation and survivor's benefits, and accelerate progress on the World War II Memorial.

In addition to the approximate 2.4% COLA, this bill would improve the benefits claims for certain surviving spouses. This change is long overdue.

This bill would also enhance the oversight of the claims processing system. We have experienced long delays in Texas and throughout the country, and this bill takes steps at addressing this problem:

Enhancing the quality assurance program of the Veterans Benefits Administration; and

Requiring quality reviews at the Compensation and Pension Service, the Education Service, the Vocational Rehabilitation Service and other programs.

It expands to members of Reserves and National Guard who served at least six years eligible for housing loans on a permanent basis.

I look forward to these elements being included in any package which is ultimately enacted into law.

Mr. STUMP. Mr. Speaker, I have no further questions for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2280, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONGRATULATING AND COMMENDING VETERANS OF FOREIGN WARS

Mr. STUMP. Mr. Speaker, I move to suspend the rules and agree to the joint resolution (H.J. Res. 34) congratulating and commending the Veterans of Foreign Wars.

The Clerk read as follows:

H.J. RES. 34

Whereas the organization now known as the Veterans of Foreign Wars of the United States was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, and Bosnia; and

Whereas the VFW has, for the past 100 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the Nation and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States (the VFW);

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the Nation; and

(4) calls upon the President to issue a proclamation recognizing the anniversary of the VFW and the contributions made by the VFW to veterans and the Nation and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 34.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J.Res. 34 is a joint resolution congratulating and commending the Veterans of Foreign Wars.

This year marks the VFW's 100th anniversary. The VFW consists of approximately two million veterans of the Armed Services who have served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf, and Bosnia. They have been very active in community and civic affairs.

Some of their more notable accomplishments are, Mr. Speaker, hundreds of thousands of volunteer work at VA hospitals, Veterans Services officers helping other veterans with their benefits claimed each year, and the Voice of Democracy Scholarship program for high school students throughout the Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Arizona (Mr. STUMP), the chairman of the committee, in strong support of this resolution that salutes the Veterans of Foreign Wars on the occasion of their centennial anniversary. Throughout its century of existence, the VFW has provided 100 years of extraordinary service to our veterans and their families.

From the Buddy Poppy program to Operation Uplink, the VFW, through its century-long history, has provided support and assistance to men and women who have proudly worn the uniform of the United States.

In recognition of these and countless other good works, the two million members of the VFW are the epitome of the citizen-soldier upon whom this Nation has and continues to rely.

I am proud to be a cosponsor of H.J. Res. 34 and urge my colleagues to vote in favor of this measure.

I am pleased to join with the Chairman of the Committee, the gentleman from Arizona, in strong support of H.J. Res. 34, a resolution congratulating and commending the Veterans of Foreign Wars of the United States on the occasion of their centennial anniversary. Throughout its century of existence, the VFW has provided 100 years of extraordinary service to veterans and their families.

From the Buddy Poppy program, established in 1922 to raise funds for national veterans' service programs and to provide relief for local veterans and their families—to Operational Uplink, established just three years ago to enable hospitalized veterans and servicemembers stationed around the globe to "phone home"—the VFW, throughout its century-long history, has provided support and assistance to the men and women who have proudly worn the uniform of the United States.

The VFW should also be commended for the work its members have done in their communities across the country. The VFW Community Service Program, the Voice of Democracy essay competition, the VFW Safety Program, and VFW-sponsored youth activities have all contributed to the strength and stability of our great country.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to express my strong support for H.J.Res. 34 commemorating the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States and directing the President to issue an appropriate proclamation recognizing the centennial celebration. I thank the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Arizona (Mr. STUMP), for bringing this important resolution to the floor of the House at this time.

I take great comfort whenever drawing upon the origins of the VFW and what it has meant to the thousands of veterans throughout our Nation. As a veteran of World War II and a former VFW County Commander, I speak from experience that the VFW is a monumental pillar on which all Americans can lean. It is a true symbol of our unity, our brotherhood, and a testament to our soldiers' finest hours.

Since its founding in September of 1899, the VFW has grown to encompass more than two million veterans. It has assisted veterans in obtaining State and Federal entitlements, monitoring laws and pending legislation, and keeping our veterans up-to-speed on current, pressing foreign issues.

Despite all this, the VFW does much more. Each and every year, VFW members throughout the country are enmeshed in the activities of their communities, lending a helping hand to others, continuing to make a difference long after the wars of yesteryear.

In some of my own posts in my district in New York State, they bring in veterans from veterans' hospitals and entertain them at holiday time when many of their families are no longer near them. They make a difference long after these wars of yesteryear.

The VFW has sponsored both the Boy Scouts of America as well as Special Olympics, while also providing college scholarships to our Nation's young adults. Characterizing the organization's actions as anything less than exemplary is simply an understatement.

It is essential that we take time now to properly celebrate the impact of the VFW and the importance of this 100th anniversary that they are celebrating. In honoring the veterans and their ultimate display of patriotism by sacrificing their lives to this great Nation, we do ourselves justice by rejoicing all that is good in humanity. The VFW deserves our recognition and utmost respect. It is a torch blazing America's path into the future, fueled by their genuine courage and dignity.

It is my deepest hope that this issue receives the full support of all of our colleagues, and I urge my colleagues to see to it that the VFW is duly commemorated on its 100th anniversary.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this legislation congratulating and commending the Veterans of Foreign Wars on their 100-year anniversary.

As a life member of the VFW and a proud member of the Northeast VFW Post 2451 in El Paso, I can tell my colleagues that the VFW is an outstanding organization. The work that the VFW carries on on behalf of our Nation's veterans is noteworthy and exemplary, as has been cited by a number of my colleagues. They are outstanding advocates for veterans, veterans' issues, and the issues that concern veterans' families both here in Washington and in the communities that they serve and literally communities throughout our country.

Their forceful testimony before the Committees on Veterans' Affairs each spring and throughout the year is an extremely valuable and noteworthy part of everything that we do for veterans on the Hill. Moreover, I welcome their visit to this Nation's Capitol as an excellent opportunity for all of us here in Washington to obtain their unique insights and to learn of their concerns as we work to maintain our commitment to our veterans.

In addition, the VFW makes a tremendous contribution towards protecting and enhancing veterans' health care and benefits with their part in the preparation of the "independent budget" each and every year. This document is a benchmark in the formulation of the annual veterans' budget, and I want to take this opportunity to say how much all of us in Congress appreciate the recommendations forwarded through this document on their behalf.

Through every generation, the VFW has stood up for our men and women who have served overseas in defense of our Nation and for the basic principles of freedom and liberty.

Finally, Mr. Speaker, let me say that a century of service, advocacy, and support on behalf of veterans is truly a milestone to commemorate. Let this anniversary serve to remind us all of the contributions of our veterans and never take for granted the sacrifices made on behalf of liberty.

I urge all my colleagues to join in support of this bill and look forward to the quick passage and enactment into law of this resolution recognizing the VFW on their 100th anniversary.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this time to thank the gentleman from Illinois (Mr. EVANS) for his help in bringing this resolution to the floor in a speedy manner.

Let me say, Mr. Speaker, that we also owe another great debt of thanks to the VFW and their organization not only for the fine work they do and their patriotic activities, but last year they committed to raising $7.5 million towards this World War II memorial.

As most of my colleagues know, we have to have $100 million in the bank before we can turn one shovelful of dirt. And currently we stand at roughly $60 million. So, once again, I would urge those that have not contributed to do so.

Mr. FRELINGHUYSEN. I rise in support of H.J. Res. 34, which commemorates the 100th Anniversary of the Veterans of Foreign Wars, and honors the over 2 million men and women who belong to this organization. I am pleased to be an original cosponsor of this legislation, and thank the gentleman from Arizona, Chairman STUMP, for his leadership in bringing this bill to the floor today.

For 100 years, the Veterans of Foreign Wars has been representing the interests of the men and women of our armed forces who have served our nation overseas. This group was founded in Columbus, Ohio on September 29th, 1899 by 13 decorated veterans who fought in Cuba during the Spanish-American War. These men gathered not only to remember those killed during the War, but also to see what they could do for those who remained.

One hundred years later, the VFW has maintained that commitment to helping their fellow veterans, and many others in our local communities. From 1997 to 1998, the VFW and the Ladies Auxiliary devoted over 12 million hours to volunteer service, and donated millions of dollars to various programs, including $2.7 million for college scholarships, $3 million for breast cancer research and over $15 million through the "Buddy Poppy" program to help needy veterans.

As a proud member of VFW Post 3401 in Morris Plains, New Jersey, I am very familiar with the contributions of this post, and many others across America, to their communities. I urge all my colleagues in joining me to pay tribute to these men and women who have given so generously of themselves, both in times of peace and in times of war.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.J. Res. 34. This resolution recognizes the historic significance of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States, and congratulates the VFW on achieving that milestone.

It is fitting that as we near the celebration of our nation's birth that we pause and remember the significant contribution, which the VFW has made to our nation. The VFW has become a national force representing veterans and their families, and in calling upon the government to maintain a strong national defense to prevent future wars. With over 100 years of experience the VFW has served the nation and its veterans in numerous ways.

The VFW has been and continues to be a leader in supporting our troops. Whether in Kosovo or in the heart of Texas the VFW has supported those who serve our nation. Through its use of letters, holiday cards, gift packages, USO shows, public rallies and with free phone cards the VFW has brought comfort and a touch of home to our soldiers serving throughout the world.

Perhaps its greatest contribution to the nation is the recognition and remembrance of the hardships and sacrifices made in the nation's defense. On the national level the VFW has made contributions to the Vietnam Memorial, the Korean War Veterans Memorial, the Vietnam Women's Memorial, and the Women in Military Service for America Memorial. They have been a major partner in the effort to honor our veterans from World War II with their own memorial on the national mall.

The VFW has closely heeded its motto, which is "Honor the dead by helping the living." The collective experience of our 25 million living veterans encompass the turbulence and progress America has experienced throughout the twentieth century. The nation's veterans have written much of the history of the last hundred years. They have served this nation without reservation or hesitation during its darker moments.

The VFW has honored this service by establishing the first national veterans service office. This network provides assistance to veterans who need assistance in obtaining benefits, which they deserve from their service to the nation. In addition, this network provides service to many homeless veterans by providing care and counseling.

In pausing to remember the contributions which the VFW has made to the nation and to this nation's veterans, I am reminded of President Lincoln's call "to care for him who shall have borne the battle." I know that the VFW has answered this challenge with dedication and tireless commitment to the 1,646,700 veterans living in Texas and to all the veterans across our nation.

Mr. Speaker, I ask all my colleagues to support H.J. Res. 34 and let us honor an organization, which has made such a strong commitment to our veterans.

Mr. SMITH of New Jersey. Mr. Speaker, as Vice Chairman of the House Committee on Veterans' Affairs, I rise today in support of H.J. Res. 34, a resolution recognizing the 100th anniversary of the founding of the Veterans of Foreign Wars. It is a credit to the VFW that as they celebrate their centennial this year, they continue to be such a strong, successful advocate and service provider for our nation's heroes.

In my own state of New Jersey, the role of the VFW cannot be overstated. Their willingness to speak out about the problems facing our veterans and bringing them to Congress' attention really helps the New Jersey Congressional delegation as it seeks to secure the funding needed for New Jersey's veterans. Having the insights, first hand knowledge, and research data of the VFW and its network of members is critical to our efforts as we prioritize federal programs in Congress and work to give America's veterans the benefits they earned.

Since their founding in 1921, the VFW, with a membership of 63,926 in my state alone, has successfully underscored the principles of love of country, sacrifice in the line of duty, and our collective responsibility as Americans to ensure that our veterans and their dependents are never forgotten.

Today, as we send our young men and women in uniform to Kosovo, Haiti, Korea, Bosnia, and the Persian Gulf, just to name a few places where the United States has sent our troops abroad, the VFW strives to ensure that they are fully supported while in the field, as well as when they return home.

Mr. Speaker, I ask my colleagues today to join with me in passing H.J. Res. 34, and I congratulate the VFW on their anniversary. If the next 100 years of service are as successful as the first 100 years, our future veterans will be in good hands.

Mr. RODRIGUEZ. Mr. Speaker, I take this opportunity to commend the Veterans of Foreign Wars (VFW) on this, their 100th Anniversary.

South Texas is home to several proud VFW chapters, making me especially proud to support the legislation and recognize the many accomplishments of the VFW.

This resolution calls upon the President to issue a proclamation recognizing the 100th anniversary of the VFW, and calls upon the people of the United States to observe the anniversary with appropriate ceremonies and celebrations.

For those VFW members back home, and to all 2 million VFW members across this country, I offer a heartfelt congratulations, and thank you for your service to our nation. We owe you our debt of gratitude.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass to the joint resolution, H.J. Res. 34.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

□ 1500

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1568) to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Entrepreneurship and Small Business Development Act of 1999".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

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TITLE III—TECHNICAL ASSISTANCE

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Sec. 401. General business loan program.
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Sec. 403. Microloan program.
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TITLE V—PROCUREMENT ASSISTANCE

Sec. 501. Subcontracting.
Sec. 502. Participation in Federal procurement.

TITLE VI—REPORTS AND DATA COLLECTION

Sec. 601. Reporting requirements.
Sec. 602. Report on small business and competition.
Sec. 603. Annual report of the Administrator.
Sec. 604. Data and information collection.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Administrator's order.
Sec. 702. Small Business Administration Office of Advocacy.
Sec. 703. Study of fixed-asset small business loans.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

Congress finds the following:

(1) Veterans of the United States Armed Forces have been and continue to be vital to the small business enterprises of the United States.

(2) In serving the United States, veterans often faced great risks to preserve the American dream of freedom and prosperity.

(3) The United States has done too little to assist veterans, particularly service-disabled veterans, in playing a greater role in the economy of the United States by forming and expanding small business enterprises.

(4) Medical advances and new medical technologies have made it possible for service-disabled veterans to play a much more active role in the formation and expansion of small business enterprises in the United States.

(5) The United States must provide additional assistance and support to veterans to better equip them to form and expand small business enterprises, thereby enabling them to realize the American dream that they fought to protect.

SEC. 102. PURPOSE.

The purpose of this Act is to expand existing and establish new assistance programs for veterans who own or operate small businesses. This Act accomplishes this purpose by—

(1) expanding the eligibility for certain small business assistance programs to include veterans;

(2) directing certain departments and agencies of the United States to take actions that enhance small business assistance to veterans; and

(3) establishing new institutions to provide small business assistance to veterans or to support the institutions that provide such assistance.

SEC. 103. DEFINITIONS.

(a) SMALL BUSINESS ACT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(q) DEFINITIONS RELATING TO VETERANS.—In this Act, the following definitions apply:

"(1) SERVICE-DISABLED VETERAN.—The term 'service-disabled veteran' means a veteran with a disability that is service-connected (as defined in section 101(16) of title 38, United States Code).

"(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term 'small business concern owned and controlled by service-disabled veterans' means a small business concern—

"(A) not less than 51 percent of which is owned by 1 or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by 1 or more service-disabled veterans; and

"(B) the management and daily business operations of which are controlled by 1 or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

"(3) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS.—The term 'small business concern owned and controlled by veterans' means a small business concern—

"(A) not less than 51 percent of which is owned by 1 or more veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by 1 or more veterans; and

"(B) the management and daily business operations of which are controlled by 1 or more veterans.

"(4) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.".

(b) APPLICABILITY TO THIS ACT.—In this Act, the definitions contained in section 3(q) of the Small Business Act, as added by this section, apply.

TITLE II—VETERANS BUSINESS DEVELOPMENT

SEC. 201. VETERANS BUSINESS DEVELOPMENT IN THE SMALL BUSINESS ADMINISTRATION.

(a) IN GENERAL.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the 5th sentence, by striking "four Associate Administrators" and inserting "five Associate Administrators"; and

(2) by inserting after the 5th sentence the following: "One such Associate Administrator shall be the Associate Administrator for Veterans Business Development, who shall administer the Office of Veterans Business Development established under section 32.".

(b) OFFICE OF VETERANS BUSINESS DEVELOPMENT; ASSOCIATE ADMINISTRATOR.—The Small Business Act (15 U.S.C. 631 et seq.) is further amended—

(1) by redesignating section 32 as section 34; and

(2) by inserting after section 31 the following:

"SEC. 32. VETERANS PROGRAMS.

"(a) OFFICE OF VETERANS BUSINESS DEVELOPMENT.—There is established in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development (in this section referred to as the 'Associate Administrator') appointed under section 4(b)(1).

"(b) ASSOCIATE ADMINISTRATOR FOR VETERANS BUSINESS DEVELOPMENT.—The Associate Administrator—

"(1) shall be an appointee in the Senior Executive Service;

"(2) shall be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans. The Associate Administrator shall act as an ombudsman for full consideration of veterans in all programs of the Administration; and

"(3) shall report to and be responsible directly to the Administrator.".

SEC. 202. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

The Small Business Act (15 U.S.C. 631 et seq.) is further amended by adding after section 32 (as added by this Act) the following:

"SEC. 33. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

"(a) ESTABLISHMENT.—There is established a federally chartered corporation to be known as the National Veterans Business Development Corporation (in this section referred to as the 'Corporation') which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section.

"(b) PURPOSES OF THE CORPORATION.—The purposes of the Corporation shall be—

"(1) to expand the provision of and improve access to technical assistance regarding entrepreneurship for the Nation's veterans; and

"(2) to assist veterans, including service-disabled veterans, with the formation and expansion of small business concerns by working with and organizing public and private resources, including those of the Small Business Administration, the Department of Veterans Affairs, the Department of Labor, the Department of Commerce, the Department of Defense, the Service Corps of Retired Executives (described in section 8(b)(1)(B) of this Act), the Small Business Development Centers (described in section 21 of this Act), and the business development staffs of each department and agency of the United States.

"(c) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors composed of 9 voting members and 3 nonvoting ex officio members.

"(2) APPOINTMENT OF VOTING MEMBERS.—The President shall appoint United States citizens to be voting members of the Board of Directors as follows:

"(A) 1 from a list of individuals nominated by the chairman of the Committee on Small Business of the House of Representatives.

"(B) 1 from a list of individuals nominated by the chairman of the Committee on Small Business of the Senate.

"(C) 1 from a list of individuals nominated by the ranking minority member of the Committee on Small Business of the House of Representatives.

"(D) 1 from a list of individuals nominated by the ranking minority members of the Committee on Small Business of the Senate.

"(E) 1 from a list of individuals nominated by the chairman of the Committee on Veterans' Affairs of the House of Representatives.

"(F) 1 from a list of individuals nominated by the chairman of the Committee on Veterans' Affairs of the Senate.

"(G) 1 from a list of individuals nominated by the ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

"(H) 1 from a list of individuals nominated the ranking minority member of the Committee on Veterans' Affairs of the Senate.

"(I) 1 of the President's own choosing.

"(3) EX OFFICIO MEMBERS.—The Administrator of the Small Business Administration, the Secretary of Defense, and the Secretary of Veterans Affairs shall serve as the nonvoting ex officio members of the Board of Directors.

"(4) CHAIRPERSON.—The members of the Board of Directors appointed under paragraph (2) shall elect one such member to serve as chairperson of the Board of Directors for a term of 2 years.

"(5) TERMS OF APPOINTED MEMBERS.—

"(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve a term of 6 years, except as provided in subparagraph (B).

"(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

"(i) 3 shall be for a term of 2 years; and

"(ii) 3 shall be for a term of 4 years.

"(C) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of that member's term until a successor has taken office.

"(6) VACANCIES.—Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made. In the case of a vacancy in the office of the Administrator of the Small Business Administration or the Secretary of Veterans Affairs, and pending the appointment of a successor, an acting appointee for such vacancy may serve as an ex officio member.

"(7) INELIGIBILITY FOR OTHER OFFICES.—No voting member of the Board of Directors may be an officer or employee of the United States while serving as a member of the Board of Directors or during the 2-year period preceding such service.

"(8) IMPARTIALITY AND NONDISCRIMINATION.—The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination.

"(9) OBLIGATIONS AND EXPENSES.—The Board of Directors shall prescribe the manner in which the obligations of the Corporation may be incurred and in which its expenses shall be allowed and paid.

"(10) QUORUM.—5 voting members of the Board of Directors shall constitute a quorum, but a lesser number may hold hearings.

"(d) CORPORATE POWERS.—On October 1, 1999, the Corporation shall become a body corporate and as such shall have the authority to do the following:

"(1) To adopt and use a corporate seal.

"(2) To have succession until dissolved by an Act of Congress.

"(3) To make contracts or grants.

"(4) To sue and be sued, and to file and defend against lawsuits in State or Federal court.

"(5) To appoint, through the actions of its Board of Directors, officers and employees of the Corporation, to define their duties and responsibilities, fix their compensations, and to dismiss at will such officers or employees.

"(6) To prescribe, through the actions of its Board of Directors, bylaws not inconsistent with Federal law and the law of the State of incorporation, regulating the manner in which its general business may be conducted and the manner in which the privileges granted to it by law may be exercised.

"(7) To exercise, through the actions of its Board of Directors or duly authorized officers, all powers specifically granted by the provisions of this section, and such incidental powers as shall be necessary.

"(8) To solicit, receive, and disburse funds from private, Federal, State and local organizations.

"(9) To accept and employ or dispose of in furtherance of the purposes of this section any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

"(10) To accept voluntary and uncompensated services.

"(e) CORPORATE FUNDS.—

"(1) DEPOSIT OF FUNDS.—The Board of Directors shall deposit all funds of the Corporation in federally chartered and insured depository institutions until such funds are disbursed under paragraph (2).

"(2) DISBURSEMENT OF FUNDS.—Funds of the Corporation may be disbursed only for purposes that are—

"(A) approved by the Board of Directors by a recorded vote with a quorum present; and

"(B) in accordance with the purposes of the Corporation as specified in subsection (b).

"(f) NETWORK OF INFORMATION AND ASSISTANCE CENTERS.—In carrying out the purpose described in subsection (b), the Corporation shall establish and maintain a network of information and assistance centers for use by veterans and the public.

"(g) ANNUAL REPORT.—On or before October 1 of each year, the Board of Directors shall transmit a report to the President and Congress describing the activities and accomplishments of the Corporation for the preceding year and the Corporation's findings regarding the efforts of Federal, State and private organizations to assist veterans in the formation and expansion of small business concerns.

"(h) ASSUMPTION OF DUTIES OF ADVISORY COMMITTEE.—On October 1, 2004, the Corporation established under this section shall assume the duties, responsibilities, and authority of the Advisory Committee on Veterans Affairs established under section 203 of this Act.

"(i) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

"(j) PROFESSIONAL CERTIFICATION ADVISORY BOARD.—

"(1) IN GENERAL.—Acting through the Board of Directors, the Corporation shall establish a Professional Certification Advisory Board to create uniform guidelines and standards for the professional certification of members of the Armed Services to aid in their efficient and orderly transition to civilian occupations and professions and to remove potential barriers in the areas of licensure and certification.

"(2) MEMBERSHIP.—The members of the Advisory Board shall serve without compensation, shall meet in the District of Columbia no less than quarterly, and shall be appointed by the Board of Directors as follows:

"(A) PRIVATE SECTOR MEMBERS.—The Corporation shall appoint not less than 7 members for terms of 2 years to represent private sector organizations and associations, including the American Association of Community Colleges, the Society for Human Resource Managers, the Coalition for Professional Certification, the Council on Licensure and Enforcement, and the American Legion.

"(B) PUBLIC SECTOR MEMBERS.—The Corporation shall invite public sector members to serve at the discretion of their departments or agencies and shall—

"(i) encourage the participation of the Under Secretary of Defense for Personnel and Readiness;

"(ii) encourage the participation of 2 officers from each branch of the Armed Forces to represent the Training Commands of their branch; and

"(iii) seek the participation and guidance of the Assistant Secretary of Labor for Veterans' Employment and Training.

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Corporation to carry out this section the following amounts:

"(A) $2,000,000 for fiscal year 2000;

"(B) $4,000,000 for fiscal year 2001;

"(C) $4,000,000 for fiscal year 2002; and

"(D) $2,000,000 for fiscal year 2003.

"(2) PRIVATIZATION.—The Corporation shall institute and implement a plan to raise private funds and become a self-sustaining corporation.".

SEC. 203. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) IN GENERAL.—There is established an advisory committee to be known as the "Advisory Committee on Veterans Business Affairs" (in this section referred to as the "Committee"), which shall serve as an independent source of advice and policy recommendations to—

(1) the Administrator of the Small Business Administration (in this section referred to as the "Administrator");

(2) the Associate Administrator for Veterans Business Development of the Small Business Administration;

(3) Congress;

(4) the President; and

(5) other United States policymakers.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 15 members, of whom—

(A) 8 shall be veterans who are owners of small business concerns (within the meaning of the term under section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) 7 shall be representatives of veterans organizations.

(2) APPOINTMENT.—

(A) IN GENERAL.—The members of the Committee shall be appointed by the Administrator in accordance with this section.

(B) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint the initial members of the Committee.

(3) POLITICAL AFFILIATION.—Not more than 8 members of the Committee shall be of the same political party as the President.

(4) PROHIBITION ON FEDERAL EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subsection (B), no member of the Committee may serve as an officer or employee of the United States.

(B) EXCEPTION.—A member of the Committee who accepts a position as an officer or employee of the United States after the date of the member's appointment to the Committee may continue to serve on the Committee for not more than 30 days after such acceptance.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term of service of each member of the Committee shall be 3 years.

(B) TERMS OF INITIAL APPOINTEES.—As designated by the Administrator at the time of appointment, of the members first appointed—

(i) 6 shall be appointed for a term of 4 years; and

(ii) 5 shall be appointed for a term of 5 years.

(6) VACANCIES.—The Administrator shall fill any vacancies on the membership of the Committee not later than 30 days after the date on which such vacancy occurs.

(7) CHAIRPERSON.—

(A) IN GENERAL.—The members of the Committee shall elect one of the members to be Chairperson of the Committee.

(B) VACANCIES IN OFFICE OF CHAIRPERSON.—Any vacancy in the office of the Chairperson of the Committee shall be filled by the Committee at the first meeting of the Committee following the date on which the vacancy occurs.

(c) DUTIES.—The duties of the Committee shall be the following:

(1) Review, coordinate, and monitor plans and programs developed in the public and private sectors, that affect the ability of small business concerns owned and controlled by veterans to obtain capital and credit and to access markets.

(2) Promote the collection of business information and survey data as they relate to veterans and small business concerns owned and controlled by veterans.

(3) Monitor and promote plans, programs, and operations of the departments and agencies of the United States that may contribute to the formation and growth of small business concerns owned and controlled by veterans.

(4) Develop and promote initiatives, policies, programs, and plans designed to foster small business concerns owned and controlled by veterans.

(5) In cooperation with the National Veterans Business Development Corporation, develop a comprehensive plan, to be updated annually, for joint public-private sector efforts to facilitate growth and development of small business concerns owned and controlled by veterans.

(d) POWERS.—

(1) HEARINGS.—Subject to subsection (e), the Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Committee, the head of any department or agency of the United States shall furnish such information to the Committee as the Committee considers to be necessary to carry out its duties.

(3) USE OF MAILS.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet, not less than three times per year, at the call of the Chairperson or at the request of the Administrator.

(2) LOCATION.—Each meeting of the full Committee shall be held at the headquarters of the Small Business Administration located in Washington, District of Columbia. The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Committee.

(3) TASK GROUPS.—The Committee may, from time to time, establish temporary task groups as may be necessary in order to carry out its duties.

(f) COMPENSATION AND EXPENSES.—

(1) NO COMPENSATION.—Members of the Committee shall serve without compensation for their service to the Committee.

(2) EXPENSES.—The members of the Committee shall be reimbursed for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(g) REPORT.—Not later than 30 days after the end of each fiscal year beginning after the date of enactment of this section, the Committee shall transmit to Congress and the President a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns owned and controlled by veterans.

(h) TERMINATION.—The Committee shall terminate its business on September 30, 2004.

TITLE III—TECHNICAL ASSISTANCE

SEC. 301. SCORE PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall enter into a memorandum of understanding with the Service Core of Retired Executives (described in section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) and in this section referred to as "SCORE") to provide for the following:

(1) The appointment by SCORE in its national office of an individual to act as National Veterans Business Coordinator, whose duties shall relate exclusively to veterans business matters, and who shall be responsible for the establishment and administration of a program to coordinate counseling and training regarding entrepreneurship to veterans through the chapters of SCORE throughout the United States.

(2) The assistance of SCORE in the establishing and maintaining a toll-free telephone number and an Internet website to provide access for veterans to information about the

counseling and training regarding entrepreneurship available to veterans through SCORE.

(3) The collection of statistics concerning services provided by SCORE to veterans, including service-disabled veterans, for inclusion in each annual report published by the Administrator under section 4(b)(2)(B) of the Small Business Act (15 U.S.C. 633(b)(2)(B)).

(b) RESOURCES.—The Administrator shall provide to SCORE such resources as the Administrator determines necessary for SCORE to carry out the requirements of the memorandum of understanding specified in paragraph (1).

SEC. 302. ENTREPRENEURIAL ASSISTANCE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Veterans Affairs, the Administrator of the Small Business Administration, and the head of the association formed pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) shall enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through Small Business Development Centers (described in section 21 of the Small Business Act (15 U.S.C. 648)) and facilities of the Department of Veterans Affairs. Such assistance shall include the following:

(1) Conducting of studies and research, and the distribution of information generated by such studies and research, on the formation, management, financing, marketing, and operation of small business concerns by veterans.

(2) Provision of training and counseling to veterans concerning the formation, management, financing, marketing, and operation of small business concerns.

(3) Provision of management and technical assistance to the owners and operators of small business concerns regarding international markets, the promotion of exports, and the transfer of technology.

(4) Provision of assistance and information to veterans regarding procurement opportunities with Federal, State, and local agencies, especially such agencies funded in whole or in part with Federal funds.

(5) Establishment of an information clearinghouse to collect and distribute information, including by electronic means, on the assistance programs of Federal, State, and local governments, and of the private sector, including information on office locations, key personnel, telephone numbers, mail and electronic addresses, and contracting and subcontracting opportunities.

(6) Provision of Internet or other distance learning academic instruction for veterans in business subjects, including accounting, marketing, and business fundamentals.

(7) Compilation of a list of small business concerns owned and controlled by service-disabled veterans that provide products or services that could be procured by the United States and delivery of such list to each department and agency of the United States. Such list shall be delivered in hard copy and electronic form and shall include the name and address of each such small business concern and the products or services that it provides.

SEC. 303. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(l) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—The Administration shall utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).".

(b) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendment made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendment made by this section.

TITLE IV—FINANCIAL ASSISTANCE

SEC. 401. GENERAL BUSINESS LOAN PROGRAM.

(a) DEFINITION OF HANDICAPPED INDIVIDUAL.—Section 3(f) of the Small Business Act (15 U.S.C. 632(f)) is amended to read as follows:

"(f) For purposes of section 7 of this Act, the term 'handicapped individual' means an individual—

"(1) who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable; or

"(2) who is a service-disabled veteran.".

(b) AUTHORIZATION TO MAKE LOANS.—Section 7(a)(10) of the Small Business Act (15 U.S.C. 636(a)(10)) is amended—

(1) by inserting "guaranteed" after "provide"; and

(2) by inserting ", including service-disabled veterans," after "handicapped individual".

SEC. 402. ASSISTANCE TO ACTIVE DUTY MILITARY RESERVISTS.

(a) REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

"(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE RESERVIST.—The term 'eligible reservist' means a member of a reserve component of the Armed Forces ordered to active duty during a period of military conflict.

"(B) ESSENTIAL EMPLOYEE.—The term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern.

"(C) PERIOD OF MILITARY CONFLICT.—The term 'period of military conflict' means—

"(i) a period of war declared by Congress;

"(ii) a period of national emergency declared by Congress or by the President; or

"(iii) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.

"(D) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(i) an individual who is an eligible reservist and who received a direct loan under subsection (a) or (b) before being ordered to active duty; or

"(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible reservist, who is an essential employee, was ordered to active duty.

"(2) DEFERRAL OF DIRECT LOANS.—

"(A) IN GENERAL.—The Administration shall, upon written request, defer repayment of principal and interest due on a direct loan made under subsection (a) or (b), if such loan was incurred by a qualified borrower.

"(B) PERIOD OF DEFERRAL.—The period of deferral for repayment under this paragraph shall begin on the date on which the eligible reservist is ordered to active duty and shall terminate on the date that is 180 days after the date such eligible reservist is discharged or released from active duty.

"(C) INTEREST RATE REDUCTION DURING DEFERRAL.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan qualifying for a deferral under this paragraph.

"(3) DEFERRAL OF LOAN GUARANTEES AND OTHER FINANCINGS.—The Administration shall—

"(A) encourage intermediaries participating in the program under subsection (m) to defer repayment of a loan made with proceeds made available under that subsection, if such loan was incurred by a small business concern that is eligible to apply for assistance under subsection (b)(3); and

"(B) not later than 30 days after the date of enactment of this subsection, establish guidelines to—

"(i) encourage lenders and other intermediaries to defer repayment of, or provide other relief relating to, loan guarantees under subsection (a) and financings under section 504 of the Small Business Investment Act of 1958 that were incurred by small business concerns that are eligible to apply for assistance under subsection (b)(3), and loan guarantees provided under subsection (m) if the intermediary provides relief to a small business concern under this paragraph; and

"(ii) implement a program to provide for the deferral of repayment or other relief to any intermediary providing relief to a small business borrower under this paragraph.".

(b) DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins with "*Provided*, That no loan", the following:

"(3)(A) In this paragraph—

"(i) the term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern;

"(ii) the term 'period of military conflict' has the meaning given the term in subsection (n)(1); and

"(iii) the term 'substantial economic injury' means an economic harm to a business concern that results in the inability of the business concern—

"(I) to meet its obligations as they mature;

"(II) to pay its ordinary and necessary operating expenses; or

"(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.

"(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of an essential employee of such small business concern being ordered to active military duty during a period of military conflict.

"(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph during the period beginning on the date on which the essential employee is ordered to active duty and ending on the date that is 90 days after the date on which such essential employee is discharged or released from active duty.

"(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(F) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.".

(c) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendments made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

(d) GUIDELINES.—Not later than 30 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DISASTER LOANS.—The amendments made by subsection (b) shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring or ending on or after March 24, 1999.

SEC. 403. MICROLOAN PROGRAM.

Section 7(m)(1)(A)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(A)(i)) is amended by inserting "veteran (within the meaning of such term under section 3(q))," after "low-income,".

SEC. 404. DELTA LOAN PROGRAM.

Section 7(a)(21)(A) Small Business Act (15 U.S.C. 636(a)(21)(A)) is amended in subclause (ii) by inserting "or a veteran" after "qualified individual".

SEC. 405. STATE DEVELOPMENT COMPANY PROGRAM.

Section 501(d)(3) of the Small Business Investment Act (15 U.S.C. 695(d)(3)) is amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section 3(q),".

TITLE V—PROCUREMENT ASSISTANCE

SEC. 501. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns," the first place it appears in the first and second sentences.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)) is amended as follows:

(1) Subparagraph (A) of such clause is amended by inserting "small business concerns owned and controlled by veterans," after "small business concerns," the first place it appears in the first and second sentences.

(2) Subparagraphs (E) and (F) of such clause are redesignated as subparagraphs (F) and (G), respectively, and the following new subparagraph is inserted after subparagraph (D) of such clause:

"(E) The term 'small business concern owned and controlled by veterans' shall mean a small business concern—

"(i) which is at least 51 per centum owned by one or more eligible veterans; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more veterans; and

"(ii) whose management and daily business operations are controlled by such veterans. The contractor shall treat as veterans all individuals who are veterans within the meaning of the term under section 3(q) of the Small Business Act.".

(3) Subparagraph (F) of such clause, as redesignated by paragraph (2) of this subsection, is amended by inserting "small business concern owned and controlled by veterans," after "small business concern," the first place it appears.

(c) CONFORMING AMENDMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is further amended by inserting "small business concerns owned and controlled by veterans," after "small business concerns," the first place it appears in paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B).

SEC. 502. PARTICIPATION IN FEDERAL PROCUREMENT.

(a) GOVERNMENT-WIDE PARTICIPATION GOALS.—Subsection (g)(1) of section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in the first sentence, by inserting "small business concerns owned and controlled by service disabled veterans," after "small business concerns," the first place it appears;

(2) by inserting after the second sentence, the following: "The Government-wide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year."; and

(3) in the second to last sentence, by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns," the first place it appears.

(b) AGENCY PARTICIPATION GOALS.—Subsection (g)(2) of section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in the first sentence, by inserting "by small business concerns owned and controlled by service-disabled veterans," after "small business concerns,"; the first place it appears;

(2) in the second sentence, by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns," the first place it appears; and

(3) in the fourth sentence, by inserting "small business concerns owned and controlled by service-disabled veterans, by" after "including participation by".

TITLE VI—REPORTS AND DATA COLLECTION

SEC. 601. REPORTING REQUIREMENTS.

(a) REPORTS TO SMALL BUSINESS ADMINISTRATION.—Subsection (h)(1) of section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting "small business concerns owned and controlled by veterans (including service-disabled veterans)," after "small business concerns," the first place it appears.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—Subsection (h)(2) of section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) by inserting "and Congress" before the period at the end of first sentence; and

(2) in subparagraphs (A), (D), and (E), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns," the first place it appears.

SEC. 602. REPORT ON SMALL BUSINESS AND COMPETITION.

Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by service-disabled veterans, as defined in such section 3(q).".

SEC. 603. ANNUAL REPORT OF THE ADMINISTRATOR.

The Administrator of the Small Business Administration shall transmit annually to the Committees on Small Business and Veterans Affairs of the House of Representatives and the Senate a report on the needs of small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include information on—

(1) the availability of Small Business Administration programs for such small business concerns and the degree of utilization of such programs by such small business concerns during the preceding 12-month period, including statistical information on such utilization as compared to the small business community as a whole;

(2) the percentage and dollar value of Federal contracts awarded to such small business concerns during the preceding 12-month period; and

(3) proposals to improve the access of such small business concerns to the assistance made available by the United States.

SEC. 604. DATA AND INFORMATION COLLECTION.

(a) INFORMATION ON FEDERAL PROCUREMENT PRACTICES.—The Administrator of the Small Business Administration shall, for each fiscal year—

(1) collect information concerning the procurement practices and procedures of each department and agency of the United States having procurement authority;

(2) publish and disseminate such information to procurement officers in all Federal agencies; and

(3) make such information available to any small business concern requesting such information.

(b) IDENTIFICATION OF SMALL BUSINESS CONCERNS OWNED BY ELIGIBLE VETERANS.—Each fiscal year, the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Administrator of the Small Business Administration, identify small business concerns owned and controlled by veterans in the United States. The Secretary shall inform each small business concern identified under this paragraph that information on Federal procurement is available from the Administrator.

(c) SELF-EMPLOYMENT OPPORTUNITIES.—The Secretary of Labor, the Secretary of Veterans Affairs, and the Administrator of the Small Business Administration shall enter into a memorandum of understanding to provide for coordination of vocational rehabilitation services, technical and managerial assistance, and financial assistance to veterans, including service-disabled veterans, seeking to employ themselves by forming or expanding small business concerns. The memorandum of understanding shall include recommendations for expanding existing programs or establishing new programs to provide such services or assistance to such veterans.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ADMINISTRATOR'S ORDER.

The Administrator of the Small Business Administration shall strengthen and reissue the Administrator's order regarding the 3d sentence of section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)), relating to nondiscrimination and special considerations for veterans, and take all necessary steps to ensure that its provisions are fully and vigorously implemented.

SEC. 702. SMALL BUSINESS ADMINISTRATION OFFICE OF ADVOCACY.

Section 202 of Public Law 94-305 (15 U.S.C. 634b) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by serviced-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator of the Small Business Administration and to Congress in order to promote the establishment and growth of those small business concerns.".

SEC. 703. STUDY OF FIXED-ASSET SMALL BUSINESS LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on whether there would exist any additional risk or cost to the United States if—

(1) up to 10 percent of the loans guaranteed under chapter 37 of title 38, United States Code, were made for the acquisition or construction of fixed assets used in a trade or business rather than for the construction or purchase of residential buildings; and

(2) such loans for acquisition or construction of fixed assets were for a term of not more than 10 years and the terms regarding eligibility, loan limits, interest, fees, and down payment were the same as for other loans guaranteed under such chapter.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Comptroller General shall transmit the report described in subsection (a) to the Committees on Veterans' Affairs and the Committees on Small Business of the House of Representatives and the Senate.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall specifically address the following:

(A) With respect to the change in the veterans' housing loan program contemplated under subsection (a):

(i) The increase or decrease in administrative costs to the Department of Veterans Affairs.

(ii) The increase or decrease in the degree of exposure of the United States as the guarantor of the loans.

(iii) The increase or decrease in the Federal subsidy rate that would be possible.

(iv) Any increase in the interest rate or fees charged to the borrower or lender that would be required to maintain present program costs.

(B) Information regarding the delinquency rates, default rates, length of time required for recovery after default, for fixed-asset business loans, of a size and duration comparable to those contemplated under subsection (a), made available in the private market or under section 503 of the Small Business Investment Act.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in November 1998, the Small Business Administration's Veterans Affairs Task Force for Entrepreneurship filed its report. The task force examined all SBA programs, including business development, education and training, financial assistance, government contracting and advocacy to determine ways to improve SBA's ability to assist veterans. The task force identified certain high priority recommendations. It is the purpose of this bill, H.R. 1568, to implement those high priority recommendations.

First, the task force recommended guaranteed loan opportunities. H.R. 1568 makes veterans eligible for funds under the microloan, Delta Loan and State Development Company programs. This enables veterans to access capital markets currently available to women, low-income, minority entrepreneurs and other business owners possessing the capability to operate successful business concerns.

Second, the task force identified an outreach program to assist disabled veterans in business training and management assistance. H.R. 1568 amends the Small Business Development Act to require the Secretary of Veterans Affairs, the Administrator of the Small Business Administration and the small business development center associations to train all veterans, including disabled veterans, in business training and management assistance, procurement opportunities and other business areas.

Third, the task force urged a veterans company or corporation to address veterans small business issues. The Veterans Entrepreneurship and Small Business Development Act creates the National Veterans Business Development Corporation. This corporation will coordinate private and public resources from Federal organizations, for example, the SBA and the Department of Veterans Affairs, to establish and maintain a network of information and assistance centers for use by veterans and the public. H.R. 1568 requires the National Veterans Business Development Corporation to become self-sustaining by eliminating the corporation's minimal Federal funding in 4 years.

Fourth, the task force sought a regulation classifying veteran-owned businesses as a socially and economically disadvantaged business group. Rather than a regulation, H.R. 1568 affords veteran-owned small businesses an opportunity to compete on the same level with small business concerns owned and controlled by socially and economically disadvantaged individuals.

Finally, Mr. Speaker, I want to thank the gentleman from Illinois (Mr. PHELPS) for offering his amendment which guarantees that reservists in different businesses, say, plumbing, electrician or contractor small business owners who are called to active duty, guarantees them the ability to access loans to keep the business afloat while the reservist/small business owner serves our country. Mr. Speaker, the law already protects employees called to active duty as it should. Thanks to this amendment, it will soon provide some protection to the small business owner.

Mr. Speaker, we all recognize our Armed Forces safeguard our freedoms and liberty at great sacrifice to our servicemen. Our veterans liberated Europe and the Pacific in the 1940s, they stopped the spread of communism in the 1950s, 1960s and 1970s, and they freed oppressed peoples in the 1980s and 1990s. These men and women willingly sacrificed for their country. H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, provides them the opportunity to enjoy the fruits of their labor and the blessings of liberty which they secured.

Mr. Speaker, I urge my colleagues to support H.R. 1568.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Missouri (Mr. TALENT) who is the chairman of the Committee on Small Business and I thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member. I think this is something that can show that our committee works very well together, certainly for our veterans but also for our small businesses.

Mr. Speaker, I rise in support of an important piece of legislation that ensures our veterans the resources and access to capital needed to start or expand a small business. As a cosponsor of this legislation, I believe the Veterans Entrepreneurship and Small Business Development Act of 1999 remedies many of the inequities veterans face when looking for small business assistance. Thousands of brave men and women have fought for our country and the freedoms we cherish. Unfortunately when they return to civilian life, veterans encounter numerous barriers when they are attempting to start up or expand their businesses.

This can range from a lack of training to difficulty securing adequate capital. H.R. 1568 helps these men and women become entrepreneurs and embrace the American dream for which they fought so hard to preserve. It is apparent that small businesses have become the backbone of our economy and continue to provide invaluable services. Currently, out of a total business population of 23.2 million, 5.5 million are owned or operated by veterans.

The district I represent on Long Island, New York, is dependent on the success of veteran-owned small businesses. Although a number of programs exist at the Small Business Administration to provide assistance, many are not targeted at veterans.

One obvious concern involves the lack of centralized resources from which veterans can obtain information on programs and capital specifically created for them. This legislation would create an Office of Veterans Business Development and an associate administrator within the SBA to promote veteran opportunities. In addition, it calls for the creation of an Advisory Committee on Veterans Business Affairs to serve as an independent source of advice, policy and recommendations to the SBA, the Congress and the President.

Lastly, H.R. 1568 also addresses concerns raised by disabled veterans. Currently there are over 104,000 service-disabled veterans in the business community. The Veterans Entrepreneurship and Small Business Development Act establishes a 5 percent subcontracting goal for service disabled veterans. By taking this step, we are ensuring that veterans, especially those injured fighting for their country, have equal opportunity to government contracts. Too often we see our veterans neglected in their time of need. Under this legislation, veterans will receive greater access to capital and training, programs that will allow them to succeed in a market system they fought so hard to protect. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TALENT. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, it is time we keep our promises to veterans. I am proud to be a supporter of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999. This is a bill which deserves the support of every Member of the House.

It was almost a year ago at a joint House subcommittee hearing on May 20, 1998, that representatives of veterans advocacy groups universally blasted the Small Business Administration, SBA, for decades of ignoring congressional mandates to give veterans and veteran-owned small businesses appropriate consideration. That was a hearing I cochaired of the Subcommittee on Government Programs and Oversight of the Committee on Small Business along with the gentleman from New York (Mr. QUINN), who chairs the Subcommittee on Benefits of the Committee on Veterans' Affairs.

We as a Nation must keep the promises we have made to those who served in our Armed Forces. If we do not keep our promises to veterans, we suffer more than shame and dishonor. How this Nation treats our veterans directly impacts the lives and the families of veterans and those currently on active duty. It also affects our ability to recruit capable men and women to serve in the future.

It is ironic that SBA would have had such a shameful record when entrepreneurial assistance to veterans dates back to World War II and is one of the great success stories of the Federal Government under the GI bill. This current bill is all about keeping promises. H.R. 1568 incorporates the recommendations from that May 20 hearing. It is a good bill. It is a bill that I hope will help restore the faith of our veterans.

Mrs. McCARTHY of New York. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in strong support of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999. I would like to take this opportunity to thank the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, for introducing this legislation and for his continuing commitment to our veteran community. I would also like to thank the gentlewoman from New York (Mrs. McCARTHY) for her work on behalf of veterans both in the committee and in the House.

Throughout America's history, countless men and women have served our country and fought for its ideals as members of our armed services. However, when veterans return to civilian life, they have also encountered barriers to starting or expanding a business.

Although there are a number of programs at the SBA to provide assistance, many of these are not specifically targeted at veterans. The legislation before us today seeks to remedy some of the inequalities that our service men and women face upon their return to civilian life. In doing so, H.R. 1568 will provide greater opportunity for the 5.5 million businesses owned or operated by veterans. Additionally, this bill will help the 104,000 service disabled veterans within the business community.

This legislation, H.R. 1568, will give a boost to veterans seeking to start their own business by creating a National Veterans Development Corporation to provide training and counseling. Additionally, it establishes a veterans advisory board to counsel SBA on veterans issues and expands veterans' access to capital and Federal contracting opportunities.

Often overlooked is the fact that many current small business owners also serve in the Reserves or National Guard. When the call to serve comes, they selflessly heed it and leave their business behind. Unfortunately, too often this results in economic hardship. I would like to thank the gentleman from Illinois (Mr. PHELPS) for offering an amendment that provides these individuals with the capital and expertise they need to continue their businesses. The call-up during Kosovo has demonstrated the importance of our Reserves, and I commend the gentleman from Illinois for helping our service men and women.

This is the time of year in which we celebrate the liberties that members of our armed services have fought so hard to attain for every citizen of this great Nation. This legislation will help ensure that those individuals that have placed their lives in jeopardy for this country will be able to fulfill the American dream. With all they have done for us, this is the least that we can do. I strongly support the goals of this legislation, and I urge my colleagues to do the same.

Mr. Speaker, at this time I would also like to take this opportunity to recognize Mike Klier, one of the Democratic committee staff who worked on this legislation and will be leaving shortly. Mike has been a valuable member of the Committee on Small Business staff and will be sorely missed. On behalf of the members of the committee, I want to thank him and wish him good luck.

Mr. TALENT. Mr. Speaker, I yield myself 15 seconds to thank the distinguished ranking member for her comments and join her in her comments about Mike. We wish him all the best.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to pledge my support for this measure, the Veterans Entrepreneurship and Small Business Development Act which authorizes technical, financial and procurement assistance to veteran-owned businesses through a variety of ways. I commend the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Mrs. MCCARTHY) for bringing this measure to the floor at this time.

As veterans make the transition from honorably serving their Nation to the competitive business world of our Nation, they confront many obstacles that stand in their way of achieving success. As national leaders, we have a responsibility to help these men and women in helping them realize their dreams. The Veterans Small Business Act has the power to do just that, to return hope to the courageous many who find themselves currently slipping on once sturdy ground.

H.R. 1568 effectively expands the eligibility for certain small business assistance programs to include veterans, while additionally directing the SBA to assist veteran-owned small businesses through the creation of new development agencies and offices, such as the National Veterans Business Development Center. This bill will strengthen and expand existing small business assistance programs to ensure the longevity of programs already proven to work, like the renowned microloan and Delta Loan programs. In doing so, veterans will receive a much needed boost economically in the small business sector, an area that has been dampened by insufficient funding and technical assistance in the past.

With the economy still booming as we approach the millennium, it is imperative that we act sensibly and provide for veterans in small businesses while we have the funding to do so. Veterans affairs should be our top priority in this Congress. It is our duty as patriots to aid those who were willing to sacrifice for our Nation.

In closing, I urge my colleagues to support this worthy legislation providing small business assistance to veterans as we work to improve their welfare in this country.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

□ 1515

Mr. PASCRELL. Mr. Speaker, as a member of the Committee on Small Business and as a veteran myself, I rise today to encourage the swift passage of the Veterans Entrepreneurship and Small Business Development Act of 1999. It is an outstanding piece of legislation that will go a long way in assisting the veterans of our Nation.

Last week our chairman, the gentleman from Missouri (Mr. TALENT), and our ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) once again demonstrated their commitment to passing meaningful bipartisan legislation when our committee voted unanimously in support of the measure now before the House. I want to credit both of them for their dedication to our Nation's small businesses and to our nation's veterans. H.R. 1568 will help veterans who are attempting to start their own small businesses. It will accomplish this in several ways:

First, by creating an Associate Administrator for Veterans Business Development at the Small Business Administration. The bill ensures that veterans will have full access to all SBA programs and will guarantee them a seat at the table, and they have earned it.

It will accomplish and establish a national veterans' business development corporation which will organize public and private resources to help assist veterans with financing and advice.

The legislation will establish also within a very successful SCORE program the appointment of a national veterans business coordinator. The program is comprised of retired executives who provide advice and technical assistance through a network of volunteers.

And lastly, this measure provides a 5 percent goal for government contracting with small business concerns owned and controlled by service disabled veterans.

We have adjusted the wheels of other SBA programs, Mr. Speaker, in order to respond to the needs of women and minorities. We are right to do so today for veterans. We need to readjust them to respond to the needs of our veterans, and that is exactly what this bill accomplishes.

Members of the military put themselves at a great risk to protect American interests around the world. And in return for this service, the Federal Government has made a commitment to both active duty and retired military personnel to provide certain benefits. With the measure before us today, we attempt to go beyond those benefits that the VA provides. We aim to bring veteran owned businesses into the winners circle of those small businesses that thrive and prosper year after year.

As a veteran, I have always maintained a personal commitment to protecting the rights of those who have served, and I have striven to be an advocate on their behalf. Two weekends ago in our district, we had a veterans registration drive, Mr. Speaker. Four hundred fifty veterans signed up, bringing those heroes to the point where they can access the benefits they have earned. Many of our veterans do not even know what they are entitled to. We cannot sit by idly and let that exist.

This bill is another aspect of that commitment to those who have made the ultimate commitment to our Nation. It will ensure that veterans have greater access to capital and business training programs, and for those entrepreneurial veterans, among them 48,000 in my own district, I believe throughout America making access, making veterans available and reaching out to them in a very positive way is what we should be all about. I believe this measure will lower the barriers they face, our veterans, help them build and develop businesses that will flourish.

Our veterans helped shape the prosperity our Nation currently enjoys. This bill, will help these veterans share in that very prosperity. It is the right thing to do.

As a cosponsor of this legislation, I urge my colleagues to support H.R. 1568, the Veterans Entrepreneurship Small Business Development Act of 1999.

Mr. TALENT. Mr. Speaker, I yield myself 1 minute just to comment to the gentleman's speech. As always, he inspires me and particularly in this field. There is no stronger advocate for veterans than the gentleman from New Jersey. He is absolutely correct, and maybe I should quote one of the witnesses from one of the veterans organizations who testified in support of this bill, when one of the members of the committee asked him what was available in terms of outreach programs for veterans, and he responded by saying:

"Look, the good thing about this bill is it lets us help ourselves. We set up these assistance centers, and then we will have veterans in these communities networking and connecting veterans with entrepreneurship opportunities and, by the way, going beyond that, to do other things that can help veterans and their families. I think it's a tremendous way of increasing the infrastructure available for veterans' assistance."

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans' Affairs, and I want to thank him for his work on this bill and his advocacy on behalf of veterans.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to take this opportunity to thank the chairman, the gentleman from Missouri (Mr. TALENT) of the Committee on Small Business, and his ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and all of the members of this committee for the tremendous efforts that they have put forth in bringing this bill before the House today.

I think that the reasoned report of the Congressional Commission of Veterans Transition Assistance pretty much says it all with regards to this bill, and I quote: As a matter of fundamental fairness, Congress should accord veterans a full opportunity to participate in the economic system that their services sustained. That certainly is this bill's objective, and many of our veterans will benefit from this.

And once again my congratulations to the chairman of the committee on this.

Mrs. McCARTHY of New York. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I want to thank first the gentlewoman from New York (Mrs. McCARTHY) for yielding me the time and the opportunity. I certainly want to thank the gentleman from Missouri (Mr. TALENT) for his hard work on such a valuable piece of legislation and for allowing me to incorporate my bill, the Military Reservists Small Business Act to the Veterans Entrepreneurship and Small Business Act and also not to overlook the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her leadership and her help and assistance. As a new Member, I certainly appreciate it.

Mr. Speaker, I rise today to support this very important legislation which I have cosponsored. The Veterans Entrepreneurship and Small Business Development Act will ensure that those who have helped sustain the American economy through their military service and sacrifice will deservedly receive a fair share of assistance through the Small Business Administration.

This legislation includes veterans in the full range of programs and services at SBA and establishes some key additional programs specifically for veterans. I specially support the program which incorporates my legislation to assist military reservists who have been called to service in Kosovo. This program ensures that reservists who are small business owners or entrepreneurs do not have to risk their business while risking their lives for the principles of freedom and human rights.

This program offers three types of assistance by first authorizing a deferral of loan repayments on any direct loan from the SBA; secondly, establish a low-interest loan, economic injury loan program to provide interim operating capital to any small business if the departure of a military reservist to key active duty causes economic harm. And finally, directing SBA and all of its private sector partners to engage in outreach training and counseling programs to assist businesses that might experience significant disruption due to the effects of military reservists reporting to duty in Kosovo.

The upcoming Fourth of July holiday reminds us all of the importance of independence and freedom. Veterans have fought hard for their country, and this measure gives us the opportunity to recognize their efforts by supporting their entrepreneurial efforts. We can never repay veterans for their sacrifices, but we can certainly assist their efforts to become as successful in business as they have been in the military.

This legislation ensures that veterans even after their service is over have the opportunity to continue contributing to our national security by creating jobs and strengthening our economy.

Mr. Speaker, I urge you and colleagues to join me in supporting H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I am proud to rise in support of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999. Of all individuals Congress attempts to assist, I believe the men and women who served our country in war and peace are especially deserving of our help and special consideration. Over 30 military and veterans service organizations representing more than 12 million veterans support H.R. 1568. These organizations are not asking for a handout. All they want is for us to let them help themselves.

One of the most important functions of this bill is to create a national veterans' business development corporation. This corporation will fund centers throughout the country to provide technical assistance for interested veterans, and with the support of veterans groups there is a provision in this bill to make certain that after 4 years these centers will become self-sufficient. I can think of no better way for Congress to give veterans a means toward achieving financial independence.

H.R. 1568 also establishes an Office of Veterans Business Development at the Small Business Administration. Over the years, Congress has encouraged the SBA to take up the cause of helping veterans. However, it is apparent that we need to strengthen our will. Hopefully this office within the SBA will serve as a means to highlight and serve the needs of veterans in business.

Riverside County in California, a significant part of which I represent, has 143,380 veterans. My resolve to help these brave men and women will never wane. Mr. Speaker, I want to make sure our veterans have the best chance available to make it on their own. With a little bit of technical assistance, our veterans will take charge and find the success they so rightly deserve.

Mrs. McCARTHY of New York. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank my colleague for yielding this time to me. Mr. Speaker, I rise today in support of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, to also commend our chairman, the gentleman from Missouri (Mr. TALENT) for introducing this bill and to commend both him and our ranking member for their untiring efforts on behalf of small businesses in this country.

Mr. Speaker, there have been several bills brought to this floor today that recognize meaningful and tangible ways the contributions our Nation's veterans have made and the debt this country owes to them. I am proud to support them all.

As we all are aware, veterans, particularly those who served during and since Vietnam, encounter many barriers in transitioning to civilian life. Part of this transitioning includes obtaining meaningful employment or starting their own businesses. Our disabled veterans, like other citizens and residents with special health care needs, have particularly difficult times entering the economic mainstream. H.R. 1568 seeks to break down many of those barriers.

One of the most significant things this legislation does is to create a national veterans business development corporation charged with increasing entrepreneurship and technical assistance to veterans. It also requires that small businesses owned by veterans be included in all government contracting and sets a goal. And it creates a small business relief program for reservists and members of the National Guard who own small businesses when they are called up to active duty. Passage of the Veterans Entrepreneurship and Small Business Development Act of 1999 will ensure that veterans, even after their service is over, have the opportunity to pursue their dreams to achieve success and to share in the prosperity of this great Nation.

In sum, this bill enables our veterans to become self-sufficient. With all that they have done for this country, as has been said earlier, this is the least that we can do for them. I urge my colleagues to vote in favor of H.R. 1568.

Mrs. McCARTHY of New York. Mr. Speaker, we have no additional speakers, and if the chairman is prepared, I can go ahead and close?

Mr. Speaker, I yield myself such time as I may consume.

We called upon our veterans to endure the hardships of war and being away from home. They serve proudly without question. Many have made a career out of this service, however when we continue downsizing in our military force an influx of servicemen and women are entering civilian life only to encounter a lack of assistance when attempting to start a business for themselves. The Veterans Entrepreneurship and Small Business Development Act provides the resources they need to succeed in their transition to private sector. Their success not only benefits them but also the surrounding community overall economy.

As we approach July 4 weekend and reflect upon the liberties that we fought so hard to obtain, we should not forget the men and women who continue to fight to protect these liberties. By passing this legislation, we are providing our veterans with the tools that will allow them to make that dream they fought for a reality.

□ 1530

I urge my colleagues to support this bill and help veterans succeed in the business community.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know what more could be said about this bill. It has the broadest coalition that I have ever seen supporting a veterans bill in terms of the veterans service organizations. As I said before, it helps these veterans in helping themselves and I think remedies some injustices from long past in terms of how we treat them in terms of procurement and loans and entrepreneurial opportunities.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this important piece of legislation will help veterans establish and develop small businesses. By creating an Office of Veterans Business Development within the Small Business Administration, we will ensure that our veterans will be able to compete in the small business world. This office will formulate, execute, and promote the policies and programs of the Small Business Administration that provide assistance to small business concerns owned and controlled by veterans, including service-disabled veterans. It is important that we reward these important citizens with business opportunities such as these.

This bill directs the Veterans Affairs Secretary and the Small Business Administration's Administrator to enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through small business development centers and Veterans Affairs facilities. I find it encouraging that this assistance includes the conducting of studies concerning the operation of small businesses by veterans, the training of veterans in small business management, and the teaching of Internet and other academic instruction. This bill also provides assistance and information to veterans concerning Federal, State and local agencies and helps to address the concerns of these veterans.

Finally, the creation of the 15 member advisory committee will also greatly assist the veterans. This committee will work in conjunction with the Small Business Administration to review programs in the public and private sectors that may affect small businesses owned by veterans. This committee also will collect business information and monitor other programs and agencies that may affect the growth and development of small businesses owned by veterans.

Small business is a vital sector of the business world. In my home State of Texas, almost four million Texans work in businesses with less than 500 employees, generating a total payroll of about $100 billion a year. This sector of business is growing. From 1992 to 1996, small businesses have added 162,201 new jobs. In 1998, Texas businesses with less than 100 employees employed 42.4 percent of the Texas, non-farm workforce (up from 40.6 percent in 1996). Small and medium businesses account for more than 67 percent of the Texas workforce.

Small businesses are the economic backbone for many of our communities throughout this nation. This legislation is designed to allow our veterans to prosper in this business world. It is our way of paying them back for years of service to our Nation.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999. As a long-time supporter of veterans' small business efforts and veterans' employment programs, I commend Congressman JIM TALENT, Chairman of the House Committee on Small Business, and Congresswoman NYDIA VELÁZQUEZ, the Committee's Ranking Democrat, for bringing this important legislation before the House. In developing this legislation, JIM listened to hard-working veterans business owners and veterans' advocates who strongly encouraged creation of a National Veterans Business Development Corporation. Additionally, H.R. 1568 provides a clear mandate for the Small Business Administration to not just support, but champion, veteran entrepreneurs to gain access to business opportunities.

Small businesses are the engines that drive job creation in America. Most net job growth in the last 10 to 15 years in the United States has resulted from small businesses. Not only does America need small business, it needs the networking skills, the inventiveness, the can-do attitude of veterans that have been gained during their military service. Our country has an investment in the success of veteran-entreprenuers—including many disabled veterans—and this legislation will help protect our investment.

Veterans who establish their own businesses are a double asset to America. They contribute their service-honed skills to the development of our economy, and they are a key link in the expansion of employment opportunities for others. It is simply good sense to give them meaningful support in today's global economy. After serving this nation in uniform, our "Private Ryans" have come home to contribute to America's economic success—not only after World War II, but after every subsequent conflict. Using skills gained during their military service, veterans have become successful entrepreneurs, continuing to contribute to our Nation. We can never repay these men and women for their sacrifices, but we can certainly support their efforts to become successful entrepreneurs—success which will benefit all Americans.

H.R. 1568 is an excellent bill, and I again thank Chairman JIM TALENT and Congresswoman VELÁZQUEZ, the Ranking Democratic Member of the Small Business Committee, for their strong support for America's veterans.

Mrs. CAPPS. Mr. Speaker, I would like to take this opportunity to speak on behalf of two important veterans' bills today—H.R. 1568 and H.J. Res. 34.

H.R. 1568, the Veteran's Entrepreneurship and Small Business Development Act of 1999 will significantly improve services to veterans by the Small Business Administration. Many veterans have the necessary skills and motivation to successfully operate their own businesses, but lack the resources to initiate such enterprise. This bipartisan legislation, supported by veterans all over the country and by organizations such as the Vietnam Veterans of America, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and the Reserve Officers Association, will provide a substantial boost to the entrepreneurial aspirations of the nation's veterans, especially veterans with service-related disabilities.

This important legislation will establish a National Veterans Business Development Center to provide small business assistance to veterans through public and private sector initiatives and partnerships. It will also strengthen the SBA's Office of Veterans Business Development and create a permanent advisory committee on veteran's business affairs. In addition, the Microloan and Delta Loan Program will be made available to veterans to finance a new business or expand an already existing company.

I am also pleased to speak on behalf of H.J. Res. 34, a Resolution congratulating and commending the Veterans of Foreign Wars (VFW). This admirable organization is celebrating its 100th anniversary this year in working for the rights and needs of American veterans. The VFW currently represents the interests of 2,000,000 veterans who have served in wars ranging from World War I and II, to Korea and Vietnam, to the more recent Persian Gulf War and conflict in Bosnia.

Mr. Speaker, our veterans have served this nation with honor and dignity, they have made tremendous sacrifices for our liberty, and they deserve our utmost support. That is why I intend to vote in favor of H.R. 1568 and H.R. Res. 34.

Mr. TALENT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 1568, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 1568, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROHIBITING STATES FROM IMPOSING DISCRIMINATORY COMMUTER TAXES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2014) to prohibit a State from imposing a discriminatory commuter tax on nonresidents.

The Clerk read as follows:

H.R. 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPOSING DISCRIMINATORY COMMUTER TAX ON NONRESIDENTS.

(a) PROHIBITION.—A State may not impose a tax on the income earned in the State by nonresidents unless the tax is of substantial equality of treatment for the citizens of the State and the nonresidents so commuting.

(b) STATE.—For purposes of subsection (a), the term "State" includes the District of Columbia and any political subdivision of a State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous materials, on H.R. 2014, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this piece of legislation is to mend a very peculiar and unique situation that has arisen between the States of New Jersey and New York. By virtue of a tax that was imposed by New York City, it appears and does still appear that a commuter tax for people who live in New Jersey but work in New York City was asserted against those commuters in a situation different from New York State residents outside New York City who worked in New York City, thereby setting up a discriminatory set of taxes for these commuters.

The Supreme Court acted in a similar case in what is called the Austin case, finding this kind of discriminatory commuter tax unconstitutional and recently, just a couple of days ago, the New York statute itself that we are trying to amend or trying to work through that, too, was found to be unconstitutional. But we have it on good report that this might be appealed. Therefore, the question occurs for the Congress to do something about making sure that this does not continue.

In that regard, this piece of legislation was approved by the subcommittee, and we will have Members from New Jersey fully explain the contents and the aims of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this legislation. Perhaps some of my colleagues are wondering why we are wasting taxpayers' time and money today debating a bill directed at a tax that was declared unconstitutional last Friday. In fact, as of Friday's ruling, no person on the face of the earth, not from New Jersey, Connecticut or anywhere else, is faced with this tax. It does not exist.

I realize that this is a hot political issue in some other States and so we are going to waste time talking about it, but the fact of the matter is we are talking about nothing. The bill passed in New York was atrocious. I say it about my own State legislature. It was atrocious and flatly unconstitutional, flatly against the Supreme Court's prior rulings, and the State Supreme Court in New York last Friday said it was facially unconstitutional.

Now, the gentleman from Pennsylvania (Mr. GEKAS) says it may be appealed. Yes, it will be appealed but by the City of New York, not by the State of New York, and the grounds for the appeal of the city is that the State had no right to pass the law in the first place under State law because it violated the State's home rule provision with respect to cities.

If the city wins its lawsuit, the law will be reinstated, but it will be equal. That is, it will apply to commuters from within the State and from other States equally, as was the case for the last 30 years prior to the State legislature's atrocious actions a few weeks ago. If the city loses its appeal, the tax will not exist. In either event, this bill has no impact and can have no impact on the situation with respect to New York, New Jersey and Connecticut.

The situation the bill's authors mean to address is the fact that the bill by its terms, the bill the legislature passed by its terms, said that New York City cannot levy a commuter tax on commuters from elsewhere in the State but can on commuters from other States.

The Supreme Court knocked that down, and it is out. So why are we dealing with this bill? For political reasons. Now that I understand. We do a lot of things here for political reasons. That is not so terrible, but the fact is this bill would affect the tax laws in every State.

The bill has not been properly considered. There have been no hearings on this bill. The bill was not considered or voted on by the subcommittee. It went straight to the committee without any hearings. And we do not understand, in the rush to get this bill to the floor, the Republican majority which cites that the committee process would have given us a chance to look the bill over more carefully.

It deals with a very complex area of interstate taxation. While it was written specifically to address the New York-New Jersey-Connecticut situation, it applies to every jurisdiction in the United States. I think it is a mistake to consider it before the subcommittee has had a chance to have hearings and to really understand the implications of the bill the way it is drafted.

To the extent the bill reflects the current state of constitutional jurisprudence, I have no objections, but we should take the time to understand what other unforeseen effects it may have nationally on various State tax laws across the country. We have not done this, and it is a mistake.

Congress needs to consider that this legislation would apply to every State which taxes income earned within its borders by nonresidents. The normal process served by the Committee on the Judiciary would be able to assess the impact this legislation would have on the myriad State tax laws nationally rather than focusing on one cross-border tax dispute which is no longer at issue since the State courts have thrown out the law as unconstitutional.

I understand this is a political hot potato in New Jersey and Connecticut, but that is no reason to rush the legislation through the process without any review, especially now that the tax that has the residents of those States upset no longer exists.

Mr. Speaker, I submit that this is an unnecessary bill at this time; and we should send it back, not pass it. Let the committee consider it properly and see how it impacts on the States other than New York, Connecticut and New Jersey, on which States it will have no impact at all.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to respond to what the gentleman from New York (Mr. NADLER) has just said. It was not acted upon by our subcommittee but, rather, by the full committee.

Number two, however, I want to put the record straight on another assertion that the gentleman has made, that this is a peculiar situation just between New York and New Jersey. That is, of course, the reason that the bill is here, but the bill, as drafted and which will eventually pass the Congress, applies to all States of the Union and asserts a very important principle.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRANKS), the author of the legislation.

Mr. FRANKS of New Jersey. Mr. Speaker, last month New York Governor George Pataki repealed the New York City commuter tax but only for New York residents. His goal was laudable. He was trying to give 450,000 New York City commuters living in New York State a $210 million tax cut, but at the same time he wanted to force the residents of Connecticut and New Jersey who work in New York City to pick up the tab.

Every year, 250,000 residents in my home State of New Jersey shell out $110 million in taxes to the City of New York. All commuters, whether they live in Rockland County, New York; Union County, New Jersey; or Fairfield County, Connecticut; rely on the same services and transportation infrastructure provided by the City of New York. They should not be taxed differently merely because they live in a State other than New York.

Late last Friday, as was indicated, a New York State Supreme Court judge ruled that the targeted repeal of the New York City commuter tax was unconstitutional. The judge said it offends the provisions that govern privileges and immunities, equal protection for all citizens, and the provision that assigns regulation of interstate commerce to the Federal Government.

While New Jersey and New York commuters have won a temporary victory, the commuter tax border war is far from over. New York City has already announced that it will appeal the lower court ruling.

It is time we in Congress put this issue to rest once and for all. We must send a clear and definitive message, that tax wars between neighboring States will no longer be tolerated.

The bill before us would prevent any State, including New York, from taxing the income of citizens from other States at a higher rate than they tax the income of their own residents. This legislation would impose a permanent cease-fire in the battle over commuter taxes by making it clear that taxes imposed by one State cannot discriminate against out-of-State residents.

Finally, it would prevent politicians from ever again using the threat of a commuter tax to score political points at home at the expense of its neighbors and the economic well-being of the region.

In a larger sense, Mr. Speaker, this issue should remind us of how much commuters have in common. They work side by side. They use the same rails and roadways to get to work. They cannot and should not be taxed differently solely because they live in different States.

I urge my colleagues to support the legislation.

Mr. NADLER. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I rise in support of H.R. 2014. This legislation is important to protect the ability of people to live in one State and work in another. Very simply, the purpose of this bill is to prohibit a State from imposing a discriminatory commuter tax on nonresidents.

H.R. 2014 was introduced 3 weeks ago, after the State of New York repealed its commuter tax for suburban New Yorkers who commute to work in New York City; but the State of New York decided that the hundreds of thousands of commuters from New Jersey, Connecticut and Pennsylvania who commute into New York City should continue to be taxed. Had the New York Supreme Court not recently held this law unconstitutional, it would have gone into effect on July 1 and would have amounted to an unfair tax of several hundred dollars per commuter per year.

With 240,000 New Jersey residents working in New York City alone, the result of this law would have been to give a huge tax break to the suburban residents of New York at the expense of suburbanites in New Jersey, Connecticut and Pennsylvania.

Mr. Speaker, as well as being blatantly unfair, the New York law is blatantly unconstitutional. Two hundred twenty years ago, the framers of the Constitution decided that they did not want 13 separate fiefdoms once they decided to declare ourselves one Nation. They did not want members from one newly-formed State to have to show a passport at the checkpoint or a borderline of one of the new other 13 States in our new United States. They passed the Constitution to prevent that. In particular, the Privileges and Immunities clause in article 4, Section 2 of the United States Constitution says, and I quote, citizens of each State shall be entitled to all privileges and immunities of citizens in the several States, unquote.

The law passed by the State of New York flies in the face of the United States Constitution. It clearly gives privileges to commuters from the suburbs of New York at the expense of commuters from the suburbs of New Jersey, Connecticut and Pennsylvania. The New York law also violates the Commerce clause of the United States Constitution, which allows citizens to travel freely throughout the different States of the United States.

☐ 1545

It also violates the due process and equal protection clauses, which protect Americans from being discriminated against unfairly by the States or the Federal government. The United States Supreme Court has consistently held that States may not impose a tax on nonresident taxpayers simply because they reside in another State.

Fortunately, last Friday the New York Supreme Court held that the New York law is unconstitutional. However, this ruling does not change the need for us today to act here in the House of Representatives. The State of New York could still appeal the ruling, and the New York Court of Appeals could reverse the lower court's decision.

It is imperative that this matter go forward today; that H.R. 2014 pass today, not just for the residents of New Jersey, Connecticut, and Pennsylvania, but for the residents of every State in the United States of America. Mr. Speaker, a tax that unfairly penalizes Americans solely because of the State that they live in is inherently unconstitutional and un-American. It deserves to be overturned. Thus, I ask my colleagues to pass H.R. 2014.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to express my appreciation both to the chairman of the subcommittee as well as my colleagues and the gentleman from New Jersey (Mr. FRANKS) who has given such leadership here on this very important issue.

Mr. Speaker, I see this has been adequately outlined by both gentlemen from New Jersey, Mr. FRANKS and Mr. ROTHMAN. But I want to underscore the fact that we are not just talking about New York and New Jersey here, and Connecticut, we are talking about something that is going to preserve all the States, the commuters in all the States, from this kind of outright blatant discrimination that was brashly put into place by the Governor of New York.

I also want to say that the fact that the State court has already acted on this does not negate the necessity for this. It underscores the necessity for this protection to be extended to all 50 States. There should not be this kind of discrimination.

As has also been stated, and I think it bears strong repeating now, this is an underscoring of a constitutional right, not only the equal protection clause but the interstate commerce provisions of the Constitution. This bill reaffirms the proper Federal-State relationship in terms of commerce.

I guess I have to say here, Mr. Speaker, it is very important to extend this to all 50 States so that we can foreclose and forestall any kind of thought that we are going to have a commuter tax war here State to State at any time in the future.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of H.R. 2014.

Let me start by making an observation. We have talked earlier about the New York Supreme Court. Many people in this Chamber I am sure understand that the New York Supreme Court is the trial court in the State of New York. It is the lowest level of State judiciary. So unlike perhaps common intention or common understanding, we are not talking about the New York judiciary having decided this, we are only talking about an individual judge. So this matter is still very, very much alive, even as to this legislation, and New York City has indicated that it will appeal this case.

This bill needs to pass because the New York legislature needs to be told that this simply was outrageous and cannot be allowed. The bill as it stands in New York says that if it is found unconstitutional in any part, it will be unconstitutional in all parts. That puts the matter back in the General Assembly of New York for reconsideration.

As the distinguished gentleman from New York indicated earlier, it was unwise of the New York General Assembly to pass this bill. I want to make sure they do not have the opportunity to act unwisely a second time. The best way to do that is to make sure that this bill passes in this House and in this Congress immediately.

Let me conclude by saying not only is this bill unconstitutional and unfair, it is also very, very much unwise. Both Connecticut and New Jersey have reverse commuters, so there may be 90,000 people a day who travel from Connecticut to New York City. There are a substantial number of people who travel from New York back to Connecticut.

We can imagine if this legislation were allowed to stand that the State of Connecticut and the State of New Jersey would quickly come to the conclusion that it needed to enact appropriate legislation in response. That is exactly what the commerce clause in the Constitution attempts to prohibit. We should make sure it is prohibited by statute.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

We would do New York a tremendous favor by passing this legislation, because clearly New York got itself in a box. I cannot imagine any member of a State assembly or a mayor or a Governor who does not recognize the pitfalls of starting warfare from one State to another where they start to say, "we can solve all our problems, just tax everyone who works in our State who does not happen to live here because they do not happen to vote here."

I rise in support of the bill offered by the gentleman from New Jersey (Mr. FRANKS), H.R. 2014, and thank him for introducing it. I thank him for all the communities in all the States around the country that need to make sure that if you tax someone from out of State, you must tax someone from within your State. If you do not tax someone within your State, you also must not tax someone out of the State.

I also commend the gentleman from Connecticut (Mr. MALONEY) for his fine statement.

Mr. NADLER. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I would like to thank the gentleman from New York for yielding time to me.

Mr. Speaker, last week New York Supreme Court Justice Barry Cozier struck down a law passed by the legislature in New York that would have repealed the commuter tax for New York residents, but kept that tax in place for out-of-State residents.

Mr. Speaker, there are two major issues here. The bigger issue, which has not even been addressed today, is what the Supreme Court did just a few days ago when it tied the hands of the Congress of the United States of America in the issue of States' rights. The bill by the gentleman from New Jersey (Mr. FRANKS) becomes even more important, more significant, and more timely.

Read that decision, I ask Members from both sides of the aisle, the 5-4 decision. That is the big issue that is involved here. New York City's Council responded to the ruling by stating that the city would immediately appeal the ruling. Wonderful. It is my sincere hope that Justice Cozier's ruling and H.R. 2014 will give the city pause.

As I stated when the gentleman from New Jersey (Mr. FRANKS) introduced this bill several weeks ago, New Jerseyans do not mind paying for their services they use in the State of New York. We are not simply talking about New York and New Jersey here, we are talking about every State in the Union where the possibility exists of inequity.

This does not mean that our commuters should become an ATM for a State that does not want its own residents to pay their own way. That is political nonsense. The action of New York's legislature takes parochialism to its irrational extreme and invites tit for tat countermeasures that will only hurt one group in the end, of course, the taxpayer.

Mr. Speaker, it is my hope that the passage of H.R. 2014 will put an end once and for all to those fruitless attempts to pass harmful tax increases on those people who cannot hold these New Jersey legislators accountable, the residents of New Jersey and Connecticut.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I have great respect for my colleagues from New Jersey and Connecticut and Pennsylvania who are fighting so vigorously for this, but we really have to wonder what indeed is behind this.

It does not seem to be the substance of the issue. The courts are handling the substance of this issue as we speak. If substance had anything to do with this debate, perhaps we would have had a hearing in the full committee, or even a hearing in the subcommittee, or even any kind of a hearing before this came to the House floor under the suspension calendar.

Mr. Speaker, this is entirely about politics, but in that debate about politics, we must not lose sight of some of the facts here. This is not about one State's ability to tax another State. That is done commonly. It is going to continue to be done even after this bill is passed.

One State can tax the income derived in another State. It happens in States all around this country. The fact of the matter is that residents of other States who come in and derive income, for example, in New York City derive great benefits from that, great benefits that without this type of a tax structure they would do nothing to pay for.

People every day come into New York City. New York City provides the economic engine for the entire region of the country. We are proud of that. All we are doing is trying to find a fair and equitable and balanced way to pay for those expenses.

Now the courts have decided that the construct the New York State legislature has arrived at is unconstitutional, period. It is the end of the story. Yet we are here, frankly, throwing aside all of our concerns about States' rights, tossing all of our conservative instincts away.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, I just listened to what the gentleman said very carefully. Would the gentleman be willing to recommend to those who want to appeal the decision of the court to remove their appeal, and maybe we would not have a need for this decision?

Mr. WEINER. If the gentleman would understand.

Mr. PASCRELL. Does the gentleman support that?

Mr. WEINER. Here is what I do support, Mr. Speaker. I support this body being somewhat deliberative some of the time. I believe that this is something that is clearly moving its way in a very expeditious way through the courts, and it has ruled in their favor. Yet we are here instead trying to chalk up political points, rather than trying to deal with the real issue, which is how those people who commute into New York City pay their fair share.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most of the debate on this bill, with all due respect on all sides, has missed the point. New York City has had a commuter tax levied equally on residents of New York State and residents of other States for 30 years, 33 years.

The State legislature, for local political reasons, and the Governor, for local political reasons, abolished that tax, but only for residents of New York State, not for residents of neighboring States, a clearly unconstitutional act, unconstitutional on its face, and the Supreme Court has said so, as the gentleman from Pennsylvania mentioned, in previous years. All we have to do is wait for the State courts to knock it down.

The State Supreme Court last Friday said they cannot do that, the law is unconstitutional. So now we have this bill to repeal a law that has already been ruled unconstitutional, but we are told it is absolutely essential to pass this bill because the mayor, the city of New York, has appealed the ruling of the court.

Yes, but the only grounds on which he has appealed the ruling of the court was not with respect to the unequal application of the law to the two States, or to the several States, I should say; he has appealed it on the grounds that the State legislature, without a home rule message, had no power under the State Constitution to pass that bill.

The court will either agree or disagree. If the court agrees with the mayor, the law will be back in its entirety. The city will have the commuter tax equally on residents of New York State outside the city and on residents of other States, and this bill, if it passes, will not stop that tax. It simply says, you have to tax residents and nonresidents equally, and the law previously did that.

If the action of the legislature is declared unconstitutional and the law was restored, it will again do that. It will meet the requirements of this bill, and residents of Westchester County in New York City and Bergen County in New Jersey and Fairfield County in Connecticut will continue paying the taxes they have for the last 33 years.

If the court rules against the mayor's appeal and says that the legislature has the power to pass the tax, to pass the bill under New York State law, it still is going to hold the unequal application unconstitutional, because that part of the decision has not been appealed.

□ 1600

No one thinks that it could be appealed, because the Supreme Court has been clear on the subject. So we are, at best, with regards New York and the neighboring States, wasting our time with this bill. It will have no impact whatsoever, period.

I am not opposed to this bill because I am worried about New York. It will have no impact on New York, New Jersey, or Connecticut. It will have an impact on other States in ways we have not examined.

For example, the bill says a State may not impose a tax on the income earned in the State by non-residents unless the tax is of substantial equality of treatment for the citizens of the State and non-residents so commuting. A lot of courts read that to mean that the State could not impose a lower tax on commuters from a neighboring State than the residents of its own State, so it might hold that if you taxed the residents of your own State at 4 percent, you cannot tax the residents of a neighboring State at 2 percent. I do not think that is what the sponsors intended, but this is a hastily drafted bill for a hastily concocted situation, which is no longer in existence, and it has not gotten proper scrutiny by the subcommittee and the committee in hearings.

So I would urge that this bill should be set aside or defeated now and the committee should hold hearings and should really look into how this is going to affect the reciprocal agreement between, let us say Indiana and Illinois before we pass it. Again, this has no impact on New York, New Jersey, or Connecticut. We are not concerned about that. But it may have unanticipated consequences throughout the country, and it is just irresponsible to be considering this bill in this way at this time without proper hearings and proper consideration. That is why I urge its defeat at this time, so that we can consider it properly as to its implications throughout the rest of the country.

Mr. PALLONE. Mr. Speaker, I commend my New Jersey colleagues on both sides of the aisle and in both Chambers for introducing this bill and for helping to bring it to the House floor so rapidly.

Mr. Speaker, this bill is important, because the State of New York has once again attempted to declare war on New Jersey. First, New York was dumping its garbage in New Jersey, then it was contaminating our shores with its dirty water and, after that, its needles were washing up on our beaches. Now, the New York Legislature has once again tried to harm New Jersey residents—this time, by discriminating against many of our hard-working residents trying to earn a living by working in New York City. The New York law would have repealed a commuter tax for New York residents, but not for non-residents.

Foutunately, last Friday, the New York State Supreme Court ruled that the New York law is indeed unconstitutional. I am pleased at this outcome, but not surprised. This was such a blatant attempt at discrimination; I don't know how anyone could have ruled otherwise. In addition, several earlier court cases have ruled that there must be equality between states, and that states cannot discriminate between residents and nonresidents.

I am pleased that the Court has ruled justly on the cases pertaining to the New York legislation. However, we must work to prevent this type of discrimination in the future and prevent any attempt to appeal this ruling.

And, rather than discriminating against New Jersey residents, Governor Pataki should welcome New Jersey residents and other out-of-state commuters with open arms. Our residents help New York businesses to thrive, and thereby foster the growth and prosperity of New York City and the entire State, in turn. Moreover, these New Jersey residents generate revenue for New York by eating in restaurants, shopping in stores, and engaging in other local commerce. Repealing the commuter tax for New York commuters alone is blatant discrimination that would only discourage New Jersey residents from supporting New York's businesses.

And, we all know that New York residents enjoy the beaches and recreational opportunities New Jersey offers. New Jersey does not unfairly discriminate against New York residents taking advantage of our wonderful natural resources. Nor do we intend to do any such thing.

For these reasons, I am here today to join my colleagues in protesting New York's attempt to repeal this commuter tax for in-state residents only. This repeal for in-state residents alone violates the Interstate Commerce Clause and amounts to discrimination for out-of-state residents, primarily in my home state of New Jersey as well as Connecticut. I will not tolerate discrimination of residents in my home state—or anywhere—and will stand by those who protest this type of discrimination.

I pledge to do my part to permanently resolve this problem. That is why I have cosponsored the anti-discrimination legislation before us, H.R. 2014, that would prohibit a state—in this and in all cases—from imposing a discriminatory commuter tax on nonresidents. I urge my colleagues to join me in supporting this bill, which I hope will pass overwhelmingly in the House and Senate.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 2014, legislation which would prohibit any state from levying discriminatory taxes on commuters from other states. I am pleased to be an original cosponsor of this bill, and commend my colleague from New Jersey, Mr. FRANKS, for introducing this legislation.

We are here today as a result of New York State's decision to selectively repeal the New York City Commuter Tax, which sets a troubling precedent that other states or cities will likely choose to follow.

Already, other cities have begun to view commuters as a cash cow. A Baltimore, Maryland, mayoral hopeful has raised the possibility of levying a commuter tax on individuals who work in Baltimore but live outside the city limits.

On Friday, the New York State Supreme Court declared the tax unconstitutional for New Jersey's commuters. However, New York City has already vowed to appeal this decision. Despite this temporary reprieve for New Jersey commuters, this matter is far from resolved.

That is why we must pass H.R. 2014 today. It will prevent New York, or any other state, from taxing commuters unfairly—and in a New York minute, it would end the Big Apple's discrimination against 240,000 New Jersey residents.

Mr. Speaker, the poem on the base of New York City's Statue of Liberty reads, "Give me your tired, your poor, your huddled masses yearning to breathe free." It seems that poet Emma Lazarus could have been talking about New Jersey's commuters, who are tired of bearing this unfair tax burden.

New York State's action deserves a Bronx cheer. Let's pass this legislation today.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2014.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE CONDEMNING ACTS OF VIOLENCE AT THREE SACRAMENTO, CALIFORNIA, SYNAGOGUES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 226) expressing the sense of the House of Representatives condemning the acts of arson at three Sacramento, California, area synagogues on June 18, 1999, and affirming its opposition to such crimes.

The Clerk read as follows:

H. RES. 226

Whereas on the evening of June 18, 1999, in Sacramento, California, the Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center were victims of malicious and cowardly acts of arson;

Whereas such crimes against our institutions of faith are crimes against us all;

Whereas we have celebrated since our Nation's birth the rich and colorful diversity of its people, and the sanctity of a free and democratic society;

Whereas the liberties Americans enjoy are attributed in large part to the courage and determination of visionaries who made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American;

Whereas this type of unacceptable behavior is a direct assault upon the fundamental rights of all Americans who cherish their freedom of religion; and

Whereas every Member of Congress serves in part as a role model and bears a responsibility to protect and honor the multitude of cultural institutions and traditions we enjoy in the United States of America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the crimes that occurred in Sacramento, California, at Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center on the evening of June 18, 1999;

(2) rejects such acts of intolerance and malice in our society and interprets such attacks on cultural and religious institutions as an attack on all Americans;

(3) in the strongest terms possible, is committed to using Federal law enforcement personnel and resources to identify the persons who committed these heinous acts and bring them to justice in a swift and deliberate manner;

(4) recognizes and applauds the residents of the Sacramento, California, area who have so quickly joined together to lend support and assistance to the victims of these despicable crimes, and remain committed to preserving the freedom of religion of all members of the community; and

(5) calls upon all Americans to categorically reject similar acts crimes of hate and intolerance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 226.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. OSE) and ask unanimous consent that he may be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 226. I am bringing House Resolution 226 to the House floor with strong bipartisan support and 75 cosponsors. In addition, I want to applaud my colleagues, the gentleman from California (Mr. MATSUI) and the gentleman from California (Mr. POMBO) for their hard work in helping me get this bill to the floor with such strong support. This resolution condemns the recent acts of arson at three Sacramento synagogues.

Mr. Speaker, I am saddened today that I have to be here on the House floor to speak about this tragic event. However, this resolution is necessary due to the cowardly acts of arsonists still at large.

On the evening of June 18, three Sacramento area synagogues, the Congregation B'nai Israel, Congregation Beth Shalom, and the Kenesset Israel Torah Center, were targeted and set on fire by one or more arsonists, causing more than $1 million in damage. While the damage to property was severe, no dollar amount can reflect the true damage done when vicious crimes such as these strike a community.

Sacramento and the surrounding communities have banded together to denounce these acts of arson and to raise money to rebuild the damaged synagogues. While these steps by the community are to be applauded, as Members of Congress, we must stand together and condemn these acts to ensure that similar events do not take place in the future in other communities throughout this Nation.

These malicious deeds are reminiscent of the church burnings that occurred in 1996 throughout the south. The event that took place in Northern California earlier this month illustrates that such crimes are, unfortunately, still possible.

This resolution expresses our resolve to ensure that such acts of ignorance and bigotry will not be tolerated and those who commit them will be brought quickly to justice. It condemns these specific acts of arson in the Sacramento area, while also affirming our strong opposition to all such crimes of intolerance. It states in the strongest terms possible that we are committing Federal law enforcement personnel and resources to identify the persons who committed these heinous acts and bring them swiftly to justice.

Mr. Speaker, it is still disturbing that while great men and women in our Nation's history had the courage and determination to strive to overcome the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American, acts of such malice as these occur even now as we approach the 21st Century.

Mr. Speaker, I ask my colleagues to join me in showing condemnation of the recent arson of three Sacramento synagogues and lend their support to House Resolution 226 on the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. In 1963, the 16th Street Baptist Church in Birmingham, Alabama, was dynamited by the Ku Klux Klan. The killing of four African American girls preparing for a religious ceremony, shocked the Nation and acted as a catalyst for much of the civil rights movement.

Last week, under the cover of darkness, three Sacramento area synagogues were targeted and set ablaze in equally cowardly acts of hate. I rise to condemn these and all similar acts of hate that should shock and shame our National conscience.

This atrocity, like the wave of church burnings across the South, illustrates the need for continued vigilance for this resolution and for the passage of the hate crimes prevention act of 1999.

This legislation will make it easier for Federal authorities to prosecute racial, religious, and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson, by loosening the unduly rigid jurisdictional requirements under Federal law for prosecuting such arson.

Under this legislation, the States will continue to take the lead in the prosecution of the more than 50,000 hate crimes reported since 1997, but the Justice Department will be able to provide the backup and resources necessary to ensure that such hate crimes do not go unpunished.

As Members of Congress, the synagogue arsons give us further notice that our work in addressing hate crimes is not complete. We should move forward on pending legislation.

I encourage the Sacramento community to stand together and to rebuild the fabric of its community. From the ashes of hate, let us build the garden of hope and unity. I urge the passage of this resolution.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. MATSUI) and I ask unanimous consent that he be permitted to manage the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, most of my friends know that I had the privilege of spending a decade of my life in Sacramento while serving as a member of the State legislature between 1968 and 1978. During that time, Sacramento virtually became, for Arlene and myself, our second home.

The moment I heard of this horrid act, I could not help but immediately call my brother-in-law, who is a part of the Jewish community in Sacramento, Bill Brodovsky, and share our own concern about this expression of violence in our society.

It is very, very clear that the fringe elements who are involved in this kind of vicious act are a very small number in our society. They reflect those people who are motivated by fear. We cannot allow the worst in our society to dominate any piece of our society.

So I want to express my deep appreciation to the gentleman from California (Mr. OSE) and the gentleman from California (Mr. MATSUI) for the effort they put together here in a bipartisan, nonpartisan sense to make sure that the Congress' voice, this Hall of Freedom's voice, is heard clearly.

Beyond that, Mr. Speaker, the reaction in Sacramento is so impressive. The best of the community has come forth, of all faiths. People of all backgrounds who believe in that community are coming together in a level of unity we have not seen for years. It is a reflection of the best of America, a credit to Sacramento, and indeed, it is a credit to those who represent Sacramento here in the House.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. LEWIS) for those comments that he just made. He has been a distinguished Member of Congress, and certainly in the State assembly when he was there, and we appreciate his efforts.

Mr. Speaker, I rise in support of this resolution. I would like to express my gratitude that it is being considered by the House with such dispatch. I appreciate the leadership for bringing this up in a very timely fashion. This is a very important issue to Sacramento and actually all Americans who abhor intolerance.

Mr. Speaker, I would like to thank my California colleagues, the gentleman from California (Mr. OSE), the gentleman from California (Mr. DOOLITTLE), the gentleman from California (Mr. POMBO), the gentleman from California (Mr. HERGER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. THOMPSON), and the gentlewoman from California (Ms. WOOLSEY), and many others who have given us the strong support from Sacramento County. We appreciate their concern very much. Also the gentleman from California (Mr. LANTOS), who has been at the forefront on the issue of fighting hate crimes in America.

On June 18, Mr. Speaker, under cover of darkness, at 3 in the morning, a cowardly act was committed against three Sacramento synagogues. Within a period of 45 minutes, Congregation B'nai Israel, Congregation Beth Shalom and Kenesset Israel Torah Center were set afire in an act of deliberate and premeditated hate. Our hearts went out to Rabbi Brad Bloom, Rabbi Joseph Melamed, Rabbi Stuart Rosen, Rabbi Mona Alfi and all of their Congregations when we heard what happened.

In all, over $1.2 million in damages was done to these three temples. But even more than the dollar amount, there was the destruction of over 5,000 books, many of which are irreplaceable, from which the hundreds of congregants and children studied Bar and Bat Mitzvahs. And now the memories of these ceremonies, the traditions practiced, and the rites of passage experienced by so many will be forever altered. This was the largest collection of works actually west of the Mississippi, all destroyed by the arsonists and hate criminals.

Some individuals during this evening placed their own lives in jeopardy to save sacred Torahs. Many rushed into the burning buildings, alerting fire fighters of the places where the sacred texts could be found. Every Torah was saved, including several that had already been rescued from European synagogues destroyed during the Holocaust. Even in the dark of night there were heroes in Sacramento to be found.

It matters little in which community these acts occur, because the injury is borne by everyone who values American principles of religious freedom and diversity. The responsibility to condemn these acts is shared by all of us. When an act of destruction is committed at any institution of faith, there are wounds and wounds run very deep. But what helps us is there is somebody to be there with you, and today, through this resolution, on a bipartisan basis, we send the message that bigotry and hate will not be tolerated and that we choose to stand together as people who celebrate and embrace our religious freedom and join with those who would heal our communities when others seek to divide us.

Mr. Speaker, Sacramento has been a perfect example, an inspiration of how a community must respond when such acts occur. The reaction was so swift and overwhelming in support of the Sacramento Jewish community. Just a week ago last night, over 5,000 people from every corner of our community gathered together to renew our community fabric. Over 50 public officials, including Mayor Joe Serna attended; the entire Sacramento City Council, including Councilman Jimmie Yee, whose own home had been firebombed in 1993, the County Board of Supervisors, and every member of every clergy in our community was there to lend support. Abe Foxman, the national director of the Anti-Defamation League and a Holocaust survivor, flew in from New York to be there. Seventeen people in all spoke during this three hour community service.

There was not a single element in our community unrepresented, and the effect was powerful and the message was clear. Plans are already in motion to not only rebuild the targeted synagogues, but also to build them a Museum of Tolerance so we can learn from this experience and grow from it.

□ 1615

A proposal has been made to reinstate a program called "A World of Difference" to teach children in our public schools about culture diversity throughout the world and the need for tolerance. Secretary Andrew Cuomo came to Sacramento to announce that the Department of Housing and Urban Development will be able to use a special fund to guarantee loans to rebuild those temples.

By supporting this resolution, Mr. Speaker, we as Members of Congress call attention to these efforts to make our communities whole and to reaffirm our opposition to cowardly acts of hate.

When I heard of these attacks early in the morning on June 18, I recalled Crystal Night. Many of my colleagues are familiar with that terrible night in 1938 when non-Jews across Europe took to the streets, often going to neighboring towns where they were not known, to shatter the windows of synagogues and the windows of homes and shops of Jews. The message was, "You are not welcome here." It was a pivotal moment in the emergence and acceptance of the rise of anti-Semitism in Europe.

Well, that night was not and will never be repeated as long as communities such as Sacramento come together in the way it did in the wake of this terrible affront to all of us.

Let me quote in conclusion, Mr. Speaker, from the Reverend Martin Niemoller, who had the belief that the community was responsible for its own members. He was an outspoken advocate of accepting collective guilt for what happened to the Jews during the Holocaust. He said, "In Germany, the Nazis came first for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews, and I didn't speak up because I was not a Jew. Then they came up for the trade unionists, and I didn't speak up because I was not a trade unionist. Then they came for me, and by that time there was no one to speak up for anyone."

That is why we are here today to support this joint resolution on a bipartisan basis, and I urge the adoption of it.

Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in strong support of this measure, H. Res. 226, and hopefully this resolution will help us to take an important step in a very important issue, the end to anti-Semitism and crimes of hate in our Nation.

I commend my colleague, the gentleman from California (Mr. OSE), and his California colleagues whose efforts and hard work have brought this issue to the floor today.

As has been noted, on the evening of June 18, 1999, just a few weeks ago, the congregations of B'Nai Israel, Beth Shalom, and Knesset Israel Torah Center in Sacramento fell victim to vicious actions of hatred as they watched their synagogues burn to the ground.

Today, we rise to reject such malicious actions of intolerance in our society and send a message to those who inflict crimes of hate on cultural and religious institutions as attacks on all of us. This resolution recognizes and applauds the Sacramento residents who have lent their support and assistance to the members of the synagogues and calls upon all Americans to categorically reject similar crimes of hate and intolerance. We must commit our Federal law enforcement personnel and resources to identify the individuals who committed these malicious arsons and bring them to justice.

The synagogue not only serves as a place of prayer but also as an icon for the Jewish community. It serves as a home away from home and a place where congregants join in prayer in times of joy and tragedy. It is essential that we protect our Jewish communities by punishing and condemning those who pose a threat to these places of worship and to any places of worship throughout our land.

Public demonstrations of anti-Semitism in our Nation have skyrocketed over the past 20 years. Our Nation has gone from 489 incidents per year of anti-semitic vandalism, harassments, threats and assaults in 1980 to a horrifying 1,611 incidents just this past year. And in a time which is supposed to be honored by racial and ethnic tolerance, it is yet to be seen in the Jewish community. Many of these anti-semitic acts have been directed at synagogues, the Jewish place of prayer.

With the recent tragedy in Sacramento of three synagogues who were attacked by firebombs, there is no better time to deal with this issue than now. In the past 5 years there have been 39 displays of arson attacks on synagogues. These actions of anti-Semitism are unacceptable. It is our duty to deem these actions intolerable by condemning and by enacting not only proper resolutions but also by properly enforcing our laws.

The misconception of hate crimes are that they affect only the group they are directed toward. But everyone is affected by hate crimes, not just the victims.

In closing, let me note that about 5 years ago many of our colleagues joined with me to renounce the fire bombings of African American churches then plaguing the south. That was just as much an assault on the rights of all of us as these recent cowardly acts in Sacramento. Denying anyone the freedom to worship is a threat to the freedom of all of us. As Martin Luther King, Jr., often reminded us, an act of hatred directed toward one group affects all groups.

With this in mind, let us come together as a country and condemn all acts of hatred.

Mr. MATSUI. Mr. Speaker, may I inquire of the time I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. MATSUI) has 11½ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the civil rights leader of America.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from California (Mr. OSE) and the gentleman from California (Mr. MATSUI) for bringing this resolution to the floor. I rise to support this resolution and to condemn the acts of hatred and intolerance which require it.

Mr. Speaker, we live in a country rich with diversity. It has been described as a melting pot, a mosaic, a tapestry. But what unites us as a Nation and as a people is our belief in our constitutional democracy and the right of all our citizens to live, work and worship in peace. We are black and white, red and yellow and brown. We are Christians, Muslims, Jewish, Hindu, Buddhists and much, much more. More importantly, we are Americans.

The attacks on three synagogues in Sacramento, California, last week may have been directed against those of the Jewish faith, but they are not, they are an attack against all of us. They are an attack against America and all that she stands for. They are an attack on our constitution, our liberty and our freedom.

Mr. Speaker, if this was an attack against Jews, then I am a Jew, for an act of violence against a synagogue is an attack on the church, an attack on the mosque, an attack on the temple. I, for one, will not sit idly by. I will not sit silent. The people who committed this crime will be caught, and they will be punished. Let the word go forth from this House, from this place, this day that there is no place in our great Nation for hatred, intolerance or discrimination. Let us say today through this resolution that we are one Nation, one House, one family, the American House, the American family.

Mr. OSE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I would like to rise in strong support of this resolution. And I know that all the Members of the House have a great concern over what happened in Sacramento, but I would like to point out two of my colleagues, the gentleman from California (Mr. MATSUI) and the gentleman from California (Mr. OSE), who immediately saw the value in bringing this resolution to the floor.

Last week three synagogues were burned in Sacramento, just a short distance away from my district. Unfortunately, crimes and especially ones of hate and bigotry are nothing new in this day and age, but for me this act of violence has hit way too close to home.

We now know, especially after the events of World War II, that when a synagogue is burned, not only is it an attack on the worshipers of that synagogue, it is an attack on the decency and tolerance and the most basic of human rights. When a criminal burns a synagogue or any place of worship, he or she is directly assaulting our Constitution's first amendment, freedom of speech, which directly protects our freedom of religion.

I appreciate the work that my colleagues, the civic and religious leaders in our community, including Rabbi Jason Gwasdoff of Temple Israel in Stockton, and all that my constituents have done as a result of these particularly disturbing crimes. They have truly come together as partners and peacemakers.

Hatred is nurtured by indifference. It is often said that the easiest way for evil to triumph is for good men to do nothing, and I firmly believe this to be true. In light of all these senseless acts of hatred, I call on all Americans to rededicate themselves to the daily process of promoting peaceful co-existence and tolerance, from the House of Representatives to houses across this country, to prevent crimes like these from happening again.

Mr. Speaker, I submit for the RECORD the comments given on the steps of the Stockton City Hall on June 22, 1999, by Rabbi Jason Gwasdoff of Temple Israel.

> Last Friday I was awakened by the telephone at about 7:15 a.m. When the phone rings at that hour in my house, it usually means that something is wrong, that someone in my congregation has died, or has been rushed to the hospital, or that some bad thing has befallen a member of my own family.
>
> The voice at the other end of the line was Karma, our Temple administrator. She told me briefly of the events that transpired in Sacramento earlier that morning, about the unbelievable news of three synagogues firebombed in the space of 45 minutes.
>
> I turned on my television to catch the news and I saw a horrifying sight. It was a synagogue building totally engulfed in flames, a building I had visited just a few months ago while visiting a friend and colleague who leads that congregation.
>
> As you can imagine I was shocked and dismayed by what I saw. I felt a rush of emotion . . . anger, sadness, disbelief.
>
> No, it was not the first time I have seen footage of synagogues in flames. That scene, unfortunately, is far too familiar. You see, I've seen, like many here, I'm sure, the documentaries on the Holocaust, and I've visited the museums and exhibits. The history we know.
>
> Fifty years ago in Europe, almost all of the synagogues were burned, a precursor to the extermination of two-thirds of European Jewry, six million men, women, and children—murdered.
>
> But this was different. I was not watching documentary footage, and these events were not 50 years, a full continent, and an ocean away. This was happening right here and now, just an hour away, on our back doorstep, in Sacramento, in this great State of California where I was born and raised, in our country of freedom and democracy and pluralism, the United States of America.
>
> Yes, this sight of a synagogue in flames was very different indeed and it had an entirely different meaning.
>
> When I went to my office later that morning, the inevitable calls started coming in, the local newspaper and television media asking for a statement, members of my congregation who heard the news and wanted to talk or wondered aloud what we could do to help.
>
> What I didn't expect or anticipate, however, was the calls and visits from fellow clergy from the interfaith community expressing their concern and support and outrage. They wanted to make sure that I was O.K., and they wanted me to know that they cared. It was a wonderful outpouring of love and fellowship, a recognition that we are united in our mutual concern for one another, and united on our zealousness to safeguard the values upon which our country is built.
>
> Three synagogues were burned in Sacramento, an hour away, but the message I was hearing loud and clear is that we are all in this together. Anti-Semitism and bigotry, of all kinds, is nothing new, but we know now, especially after the events of WWII and after the events of these past few months in Kosovo, that when you burn a synagogue in Sacramento, you are not only attacking the Jewish people, you are attacking decency and tolerance and the most basic of human rights. When you burn a synagogue, you are attacking freedom of worship, and freedom from fear, freedom to raise our children to love God and to see God's face reflected in the faces of fellow human beings.
>
> I am moved by the presence of my clergy colleagues here today, and I thank you, my Christian and Catholic and Muslim friends, and I am thankful for the presence of these community leaders and fellow citizens, who have come out to these steps to stand together in solidarity to make a statement against hatred and intolerance. It has no place in our community, not in Sacramento, and not in Stockton, not anywhere in our state or nation. We send a united message today to the outlaws and hate mongers, wherever they are, that such acts will not be tolerated.
>
> The difference between a synagogue burning in Europe 50 years ago, and a synagogue burning in Sacramento last week, is that we now have a government, and community and religious leaders who will respond, and who will stand with us—who will not tolerate these kinds of acts. Bigotry is nurtured by indifference. There is no indifference in this gathering today. And neither are we afraid. The message that I gave to my congregation last Friday night, and the one I want to repeat here today, is that they will not be intimidated.
>
> The best way to respond to these senseless acts of hatred is to be strengthened in our resolve . . . to continue to worship and celebrate and to cherish our rich heritage, people of all faiths, and all walks of life, and to sew the seeds of righteousness. That is what we will do, that is what we must do.
>
> We will teach our children to be proud Americans, and, in my community, to be proud Jews. We will teach them that they are lucky to live in a country and in a time when they do not have to be afraid.
>
> There is a famous saying in Jewish tradition that the whole world is a very narrow bridge, and the most important thing is not to be afraid. We walk together you and I, and all people, on the same narrow bridge, for this is a small world that we must learn to share.
>
> But when we support each other, when we stand united, as we do today, there is no reason for us to be afraid.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of this resolution and to express my personal outrage over the recent arson attacks on three synagogues in the Sacramento area.

It is hard to imagine a more depraved and senseless act of violence than the destruction of a place of worship. These arsons struck at the very heart and soul of the Jewish community, but the pain and anguish of these fires can be felt here in Washington as well and throughout our Nation by people of all religions, all races and all creeds, people who value acceptance, who value diversity and religious freedom.

Whether or not these arsons were coordinated, it is clear that hateful hostility was the driving force behind these reprehensible incidents. They must and they will stop.

Every family has a right to expect that when they walk into a church, a synagogue or a mosque or any place of worship, they will find a place of prayer and quiet contemplation and not the charred remnants of a hateful act perpetrated by cowards in the night. We must work together as a Nation to safeguard the right of every American to pray in safety in their own house of worship.

That is what America stands for. That is why thousands of Americans have laid down their lives over the centuries, Mr. Speaker, to protect the lives of all Americans; to protect their right to worship as they choose, if they choose; to worship in safety; to worship in peace and free of violence. To succeed in making our society free of hate, racism and discrimination, we cannot tolerate random acts. We must punish these folks based on hateful crimes.

Mr. Speaker, I support this resolution. I want the rest of the Congress to support this resolution and to pass legislation that will help prevent and put a stop to these hate crimes once and for all.

Mr. OSE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, it is my honor to rise today in support of this resolution, and I want to thank the gentleman from California (Mr. OSE) and the gentleman from California (Mr. MATSUI) for bringing this resolution up.

Mr. Speaker, I am proud to be a cosponsor of this resolution , and I want to thank my colleagues who will support this resolution, I am sure, and send a very clear and distinct message. I think we need to clearly define our opposition to the stupidity and the ignorance of the actions that have occurred around Sacramento, and not only for the Jewish community alone but for everyone of faith, to identify the fact that religious intolerance is something this country was founded to oppose.

It is all too often in the recent past that we have seen acts of violence against religious institutions. And it does not matter, Mr. Speaker, under our Constitution, if that religious institution is Jewish, is Muslim, is Christian or is Buddhist. It is the concept that those of us in the United States have not only the absolute right but we have the responsibility to express ourselves in a spiritual way and to express our religious feelings, not in hiding down in some catacomb but in the open and in the bright daylight, and that our churches, our synagogues, our mosques, and our temples need to be made a figure of appreciation, not a target of violent, stupid attacks.

□ 1630

I am grateful for the chance to be able to articulate that issue. But let me just say strongly I think the people of Sacramento have built on this tragedy by identifying that they want to not only rebuild the synagogues but also to create a museum of tolerance to point out the need for religious tolerance in this society.

I want to thank both my colleagues again for bringing this up, because it gives us the chance to remind ourselves that religious tolerance is one of the building blocks that make this country as great as it is today.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. FARR) the chair of the California Congressional Delegation.

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, in an area where we often have political debate, this is one where we have bipartisan unanimity. And I appreciate it.

I rise today on behalf of the citizens of the central coast of California to condemn the despicable arson attacks on the three synagogues in our State's capital in Sacramento. This was unquestionably an act of domestic terrorism, one that strikes at the very heart of America's founding principles, the principles of freedom and tolerance toward all.

The destruction of these houses of worship, which should be safe havens, free of violence, was truly an act of cowards. While this tremendously sad loss for congregations affects us, we have to look at the citizens of Sacramento and the reactions of those citizens that have proven that the perpetrators will never, never succeed in their mission to terrify and silence the Jewish community.

I have been heartened to watch the people of all religions and ethnicities come together to rebuild the synagogues, at the same time, really to rebuild the community spirit and our spirit as a Nation. Let us make it clear that this act has not torn this community apart but has united and energized them to preserve our fundamental right to freedom of religion. I honor their effort. On behalf of the constituents, I urge all law enforcement agencies involved to work together and to bring the criminals to swift justice.

Mr. MATSUI. Mr. Speaker, may I inquire of the Speaker the remaining time on my side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. MATSUI) has 8 minutes remaining. The gentleman from California (Mr. OSE) has 4½ minutes remaining.

Mr. OSE. Mr. Speaker, I know of no other Members on my side who wish to speak. I yield 4 minutes to the gentleman from California (Mr. MATSUI), and I reserve the right to close.

The SPEAKER pro tempore. The Chair corrects itself. The gentleman from California (Mr. MATSUI) has 6 minutes remaining and has just been yielded an additional 4 minutes.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a great leader in civil rights.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank both the gentlemen from California for their kindness and, as well, the opportunity to come to this floor and in a most humble, bipartisan manner.

I notice that the legislation talks about the acts of arson in Sacramento, California. But I rise, coming from Texas, to simply say that this vote, this statement today on the floor of the House, is a signal that the United States Congress collectively, with all backgrounds of religion, stands against this kind of hatred and religious persecution.

We will not tolerate anyone believing that we would allow the simple law enforcement, and I know they are working steadfastly in California, the community of Sacramento, the religious institutions of California, to themselves suffer this burden alone. It is important for us to acknowledge that, under this flag and this floor of our glorious Nation, that we believe that religious freedom is the utmost of rights and privileges and the hateful acts of attacking a synagogue stands as an attack against me and all of my constituents and all of those across this Nation.

Just 2 years ago, I had to face, as an African-American, the ugly hatred of religious persecution and racism with respect to attacks on black churches. All of the Nation rose up. The Jewish community was particularly strong and supportive, understanding what occurs. That is the kind of brotherhood and sisterhood this resolution represents, that we want all to hear that we will find them wherever they are and will always stand in the way of religious persecution.

I also believe, Mr. Speaker, that this is an appropriate time that we can join together and have hearings on the Hate Crimes Act and pass that legislation, because that will be the final capping, if you will, that we will not tolerate these kinds of acts.

To my law enforcement friends I say, find them, prosecute them, and let them understand that the Constitution of the United States and the resolution we pass today stands as a united document with the united people. We stand together for religious freedom, for religious opportunity, and for the Constitution and the beauty of this Nation that we all are created equal.

Mr. Speaker. I rise in support of this resolution but must also state that we need to do more. Instead let's have a hearing for H.R. 1082, the "Hate Crime Prevention Act of 1999", and pass this legislation as expeditiously as possible.

I am not against the condemnation of the arson that was committed on the Sacramento California area Synagogues. In actuality, I too speak out against this horrendous crime. This is not the first time that we have presented a resolution in the House. We saw this with H. Con. Res. 187 condemning the 156 fires in houses of worship across the nation since October 1991; whereas there had been at least 35 fires of suspicious origin at churches serving African American communities.

Of the 10,496 victims in 1995, 68 percent were targets of crimes against persons. Six of every 10 victims were attacked because of race, with bias against blacks accounting for 38 percent of the total. Only crimes motivated by religious bias showed a higher percentage of crimes against property rather than persons. Sixty-two percent of incidents involving victims targeted because of their religion involved crimes against property.

Let's do away with expressing the sense of condemnation and put forward legislative action that will remedy these senseless acts of crime. I stand here today to say let's pass H.R. 1082, Hate Crime Prevention Act of 1999.

This bill will amend the Federal criminal code to set penalties for persons who, whether or not acting under color of law, willfully cause bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempt to cause such injury, because of the actual or perceived: (1) race, color, religion, or national origin of any person; or (2) religion, gender, sexual orientation, or disability of any person, where in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce, or where the offense is in or affects interstate or foreign commerce.

Mr. Speaker, let me reiterate my support for this resolution to express a sense of condemnation. But I say we need to have a hearing and pass H.R. 1082, "The Hate Crime Prevention Act of 1999". It is by passing this legislation we can be known as a House of action rather than one of rhetoric.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I call my last speaker, the gentleman from California (Mr. LANTOS), I would just like to take this opportunity, as I said earlier, to thank the leadership for bringing this matter to the floor.

I would like to thank the gentleman from California (Mr. OSE), the gentleman from California (Mr. POMBO), the gentleman from California (Mr. HERGER), the gentleman from California (Mr. DOOLITTLE), the gentleman from California (Mr. CONDIT) and the gentleman from California (Mr. THOMPSON) for being a unified Northern California delegation in favor of this resolution, but particularly the gentleman from California (Mr. OSE) who has taken the lead on this issue as a new Member of the House of Representatives.

I also would like to thank the gentleman from Michigan (Mr. CONYERS) of the Committee on the Judiciary for yielding time to me to handle this legislation.

Mr. Speaker, I yield the balance of the time to the gentleman from California (Mr. LANTOS), who is a gentleman who has been well-known as an expert on the Holocaust, somebody that all of us in this institution have a great deal of respect for, and really one of the leaders in the area of anti-hate crimes, and in the area of tolerance in America.

Mr. LANTOS. Mr. Speaker, let me first express my deep appreciation to my dear friend the gentleman from California (Mr. MATSUI) and to my new friend the gentleman from California (Mr. OSE) for taking the leadership on this most important issue.

Let me identify myself, Mr. Speaker, with all of the comments across the political spectrum that we have heard on this issue today.

This great magnificent and free society has many pillars on which to stand but none more important than freedom of religion and the respect for religion. And when I say "religion," I mean all faiths.

It was not too long ago that we stood in this chamber talking about the burning of black churches in the South. While we have made enormous progress in recent years in tolerance of all kinds, this past year there were 8,000 hate crimes committed in the United States, hate crimes motivated by intolerance, non-acceptance, dislike for people of a different gender, pigmentation, national origin, sexual orientation, and religion.

Today we are here to express the united voice of this body in recommitting ourselves to the concept of religious freedom and to the absolute necessity of showing, in word and in deed, respect for all of our fellow citizens of whatever religious faith they may hold.

Mr. Speaker, words of hate lead to acts of hate; and acts of hate, in their extreme form, escalate to mass murder, genocide, and holocaust. For the last 10 or 11 weeks, every night when we went home and watched our television, we were watching this incredible spectacle in 1999 of old men and old women and little children and pregnant women being driven out of Kosovo because of their Muslim faith, and we were horrified and we are horrified daily as the new evidence of brutal murder and mass rape are uncovered in hamlets and villages across Kosovo.

We do not want to go down that road. This society, built on religious freedom, this society, built on the respect for the individual, must condemn with all the power at our command the monsters who have perpetrated this act of torching places of worship. No words are strong enough, Mr. Speaker, to denounce them. These are the scum of our society who are taking advantage of the freedom we all enjoy to express their hate for people of different ethnicity, religion, sex, or other aspect of their being.

No action by this Congress, however weighty matters we may be dealing with, is as important in preserving our society than the action we will be taking on this resolution. We will stand united in saying such things are not acceptable and will not be accepted by the American people or the Congress of the United States.

Mr. OSE. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. OSE) has 4 minutes remaining.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Sacramento Bee article is about Carmichael Congregation Beth Shalom's Rabbi Joseph Melamed, who was set to retire 6 days before his synagogue burned.

I would like to read a portion of this article discussing the Rabbi's courage and faith in the midst of this extreme adversity. These are the Rabbi's own words shortly after the arson of his synagogue.

"It is dangerous to society. It is a step backward in our civilization if this is how we are going to conduct our affairs. We declare our enemy without even seeing his face. That to me is an insult."

Mr. Speaker, let us reflect on the comments of Rabbi Melamed as we vote to condemn these cowardly acts of arson on the House floor today.

RETIRING RABBI TEACHES PEACE, NOT RETRIBUTION

(By Jan Ferris, Bee Religion Writer—
Published June 20, 1999)

Rabbi Joseph Melamed of Congregation Beth Shalom has lived a life rich in contrast.

He was a grade-skipping child prodigy and a teenage paramilitary guard in the waning days of British-occupied Palestine. A lover of literature and an intelligence officer in the Israeli Air Force. A Jew who shed his Orthodox roots early on for a more modern way.

Since Friday's arson attack on his Carmichael synagogue, the 65-year-old cleric is once again on divergent paths: Comforter and healer for a congregation felled by hate, and celebrated spiritual leader who—in just six days—will lead his last Sabbath services before retiring.

The timing couldn't have been worse.

"We would have preferred a cake and candles," Beth Shalom member Don Aron said dryly, as he stood next to the police tape surrounding the building Friday.

And yet, because of Melamed's gentle touch, and his ability to turn even the most heart-rending war story or current event into a parable on peace, many temple-goers say they're grateful he's still around.

Even in his Shabbat message Friday night, delivered at another area synagogue that loaned worship space, Melamed spoke not of retribution but of the need to "move ahead toward getting along with everybody," said Mozell Zarit, president of Beth Shalom.

"He has a wonderful way of looking at events . . . and to relate them to the world around us," she added.

Melamed has spent just a decade at Beth Shalom. But in that time, its membership has tripled to 220, with many more young families than in past years. The congregation moved into new quarters, with the words "The Light of the Lord is the Soul of Man" emblazoned on the large, brown wall facing El Camino Avenue. Hebrew, Jewish education and other classes for children and adults have flourished.

Jeff Levy and his family joined the temple shortly after Melamed arrived, drawn in large part by his warm spirit. Melamed—who earned his doctorate through Hebrew Union College in Cincinnati, and whose Carmichael living room boasts 13 bookcases—also possesses an "incredible brain," especially on Jewish issues, Levy said.

But one of his lasting images of Melamed is of the diminutive cleric who, upon learning that Levy's son has begun studying martial arts, jumped in the air to demonstrate a mock karate kick.

"I'd never seen a rabbi do that before," Levy said. "There's an attraction (to children) there."

Melamed has three children by his last wife, Rachel. His own childhood was steeped in scholarship. Born in Baghdad, he moved with his family to Jerusalem a few years before World War II broke out. He was sent to heder, Jewish religious school for the young, at age 3. By age 5, he was reading from the Torah, the Hebrew Bible's first five books.

He spent one week in first grade and three days in third before fast-tracking to the fifth grade. By high school, Melamed became disenchanted with the ultra-Orthodox brand of Judaism practiced by his family. He began to read Russian, French and other non-religious writers. He fell in love with poetry. He attended high school at night and worked in a bookshop by day to pay his way, distanced from his family by his secular pursuits.

When he was 13, Melamed joined Haganah, an illegal paramilitary group that aimed to get the British out of then-Palestine. He learned how to handle grenades, pistols and other weapons.

"The idea of being underground was very appealing, very romantic," he recalled Friday, half-jokingly adding, "It was a way to meet girls."

When Israel's War of Independence broke out in 1948, Melamed and the other young soldiers in his unit helped guard the outskirts of Jerusalem. His commander was killed by Iraqi troops. "It was my first encounter with real fear," he said of the whole ordeal.

Fast-forward a few years. Melamed was working in another bookstore, this time putting himself through college. Rabbinic students from the United States came in once or twice. He was intrigued by their modernity—in contrast to the long beards, head coverings and other Orthodox customs—and their ability to mesh the sacred and secular.

"You could actually be normal and look like everybody else and be a rabbi. This was not the kind of rabbi I was accustomed to," he said.

Within two weeks, Melamed was attending Cincinnati's Hebrew Union College, the main rabbinic training ground for the Reform movement, the least traditional of Judaism's three main branches. His first posting was to a synagogue in Panama, whose members were largely descendants of Spanish Jews who secretly kept their faith alive despite mandates to covert during the Inquisition.

He stayed in Panama 11 year, helping translate a Reform prayer book into Spanish. He taught Hebrew to the archbishop of Panama, and helped a Catholic university develop a department of Judaic studies.

Melamed then went to Congregation B'nai Israel in Frenso. One of the highlights of his decade there: a local TV show, "A New Forum of Better Understanding," than ran weekly for six years, co-hosted by a Protestant pastor and Catholic priest.

"His message to us has never been insular. It's always been the community at large," said Jeff Levy. "When he's talking about the community, he's not just talking about the Jewish community."

That approach makes events like Friday's arson attack, which caused an estimated $100,000 in damage to Beth Shalom, all the more hurtful and mystifying—especially for Melamed.

"It is dangerous to society. It is a step backward in our civilization if this is how we are going to conduct our affairs," said Melamed. "We declare our enemy without even seeing his face. That to me is an insult."

With a batmitzvah or coming-of-age ceremony for a teenage congregant Saturday morning, a final service to prepare and packing to do, the rabbi's final days were busy enough. Duty called again at 4 a.m. Friday when he got the phone call bearing bad news.

His role, especially in the first days as the shock wears off, is to listen and comfort, he said.

"I have learned one thing: If in a time like this I cannot bring my total bearing to bear, when will I need it for?" he said. "I don't allow something like this to take me off balance, I cannot be a soldier fighting and worrying about something else."

H. RES. 226—CONDEMNING ARSON OF THREE SYNAGOGUES IN CALIFORNIA

Mr. PORTER. Mr. Speaker, I rise today in support of H. Res. 219 and I want to thank the gentleman from California (Mr. LANTOS) for bringing this important resolution to the floor so quickly. The gentleman from California (Mr. LANTOS) and I have worked together for many years as Co-Chairs of the Congressional Human Rights Caucus fighting injustices, human rights abuses, and religious persecution around the world. I have spent many hours fighting for the rights of Jews in the former Soviet Union and other countries around the world. Nothing saddens me more than to stand here today and have to speak out about acts of religious discrimination which occurred in our own country.

On June 18th, three synagogues in the Sacramento area were set ablaze within minutes of each other. Pamphlets expressing anti-Semitic rhetoric were found at two of the three sites. The sole purpose of this act of hatred was to destroy Jewish places of worship, Jewish history and to create an atmosphere of fear within the Jewish community.

I commend the city of Sacramento, the state of California and the hundreds of individuals who have come forward in the past days, condemning these acts and lending their support to the congregations affected and the Jewish community as a whole. It is heartening to see that in the face of tragedy, the many who will come together and rise above the evil perpetrated by the few.

We must stand up and condemn all of the hate crimes which take place in this country and around the world. We can not expect to be the leaders of democracy and freedom around the world, if we allow actions such as the burning of synagogues to go unnoticed on our own soil.

Mr. HYDE. Mr. Speaker, three charred synagogues, the air thick with the smell of burned torahs, historical and religious books, videotapes, and pews, this was the scene on Friday, June 18, 1999, in the pre-dawn hours, at three Sacramento County, California synagogues, Temple B'nai Israel, Congregation Beth Shalom and Knesset Israel Torah Center. These houses of worship were set ablaze within the span of a half-hour. Law enforcement officials believe that the arson was coordinated by several people. It was reported that anti-Jewish fliers were found at two of the crime scenes.

Arson of a place of worship is reprehensible to us as a society. We in Congress are unanimous in our condemnation of those who would express their hatred by destroying or damaging religious property. When a synagogue is damaged, the blow is felt not only by the congregation members, but by all those whose lives are touched by it: the youth who show up for community activities, the homeless and hungry who line up for food. It is not just a despicable act of hatred and cowardice, it is not only an attack upon the Jewish community, it is an attack upon all of us. It eats at the fabric of our heritage and the history of our nation, as a country founded in the pursuit of freedom of religion. I invite my colleagues to join in supporting H. Res. 226 which condemns these heinous acts of arson at three California synagogues.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of a resolution condemning the acts of arson at three Sacramento, California area synagogues on June 18, 1999. The destruction done to Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center was malicious and willful. I urge all of my colleagues to support the Resolution introduced by the gentleman from California, and denounce these acts of hate.

As a Jewish Member of Congress I am particularly sensitive to acts of anti-Semitism. The elected leaders of this great country must never permit these types of actions to occur. The Jewish community has endured a great deal of persecution throughout history, and as Members of Congress it is our responsibility to provide a strong voice of opposition to threatening acts of hate.

The people of the 9th Congressional District, whom I have the privilege to represent, pride themselves on the rich diversity that our district boasts. Diversity in the 9th Congressional District is seen as a unique attribute, not a threat. The recent acts of hate perpetrated in Sacramento are an insult to me and to all Americans who celebrate the diversity and ethnic traditions from which this country has benefited. An attack on any place of religious worship is a threat to the freedom of expression and religion that we all enjoy.

I applaud my colleagues who have taken a strong leadership role on this issue, and I would like to associate myself with the comments of those who have spoken on the House floor in support of this resolution. It is important for this body, and Americans across the country, to speak out against all crimes of hate. I am proud to support this resolution.

Mr. OSE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and agree to the resolution, H. Res. 226.

The question was taken.

Mr. OSE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAURINE B. NEUBERGER UNITED STATES POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1327) to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office."

The Clerk read as follows:

H.R. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, shall be known and designated as the "Maurine B. Neuberger United States Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the

United States to the United States Postal Service building referred to in section 1 shall be deemed to be a reference to the "Maurine B. Neuberger United States Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill under consideration today, H.R. 1327, was introduced on March 25, 1999, by the gentlewoman from Oregon (Ms. HOOLEY) and the Committee on Government Reform passed the measure by voice vote on June 24.

H.R. 1327 designates the United States Postal Service building located at 34480 Highway 101 South in Coverdale, Oregon, as the "Maurine B. Neuberger United States Post Office."

□ 1645

Mr. Speaker, the bill is cosponsored by all members of the House delegation from the State of Oregon, pursuant to the long-standing policy of the Committee on Government Reform and Oversight. Also, as a point of information, post office naming bills do not affect direct spending or receipts; and, therefore, pay-as-you-go procedures do not apply.

Mr. Speaker, I would like to say a few words about the honoree of this proposal. Maurine B. Neuberger is an Oregonian to the core, having been born in Cloverdale, Oregon, in 1907, attending public school and completing her education at Oregon College of Education and the University of Oregon. She also attended the University of California at Los Angeles.

She met her future husband, Richard Neuberger, when she was teaching English and Physical Education in Oregon. He had just been elected to serve in the Oregon House of Representatives when he resigned to enlist in the Army during World War II. After his return, Maurine and Richard were married. He then won a seat in the State Senate and Maurine also decided to run for public office. She won a seat in the Oregon House, making the Neubergers the first husband and wife team to serve simultaneously in the Oregon Legislature.

Maurine Neuberger did not seek reelection to the Oregon House when her husband was elected to the U.S. Senate in 1955. After her husband, the Senator, died unexpectedly from cancer in 1959, Maurine chose to run for her husband's seat in 1960 and won, making her the second woman in our Nation's history and the first and, to date, the only woman from Oregon to serve in the U.S. Senate.

She made her mark in the Senate, Mr. Speaker, by fighting for consumer rights, civil rights, the rights of the poor, conservation, campaign finance reform, and public health. As I am sure we will hear from later comments, she led the crusade to put warnings on cigarette packages and is credited with coining the phrase, "The Surgeon General has determined that smoking may be hazardous to your health." She worked diligently to establish a Department of Consumer Affairs and to improve packaging and labeling regulations by the Food and Drug Administration.

Even while pursuing other issues, Senator Neuberger continued to remember her home State and was instrumental in preserving the beautiful coastline of Oregon while at the same time working to attract tourism and programs to coastal towns and to reducing poverty in rural areas in her State.

She was known as a consensus builder, but she never backed down from fighting for principles in which she believed. Senator Neuberger was the first woman to filibuster the Senate, speaking for 4½ hours.

She did not seek reelection in 1966. Instead, she served on the President's Consumer Advisory Committee, the U.S. Advisory Committee for Arms Control and Disarmament, and the President's Commission on the Status of Women. She was also a consultant on consumer relations for the FDA, and served on the national boards of directors for the American Cancer Society and the American Association for the United Nations. She taught American Government at Boston University, the Radcliffe Institute and Reed College in Portland, Oregon. Senator Neuberger now lives in Portland.

Mr. Speaker, as this brief but nevertheless very impressive résumé strongly illustrates, Senator Neuberger continues the very proud tradition of honoring very worthy individuals through these postal naming bills. I want to compliment the gentlewoman from Oregon (Ms. HOOLEY) for her work and diligence in bringing this very deserving honoree to our attention, for putting together the bill and bringing together the consensus of Members necessary to bring this measure to the floor today. Certainly Senator Neuberger is a most deserving individual, the kind of American to whom we can all look for guidance and for inspiration. I would certainly encourage all of my colleagues to join me in supporting the passage of this very worthy legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

I am also honored to have the opportunity to participate in this very important naming bill introduced by my colleague from the State of Oregon. I want to first thank the majority chairman, for he has continued to be gracious and bipartisan in his leadership of the Postal Subcommittee. It has been a pleasure to work with him.

On this occasion, we come to move a very important piece of legislation, because it recognizes something that all too often goes unmentioned, which is that many, many States have had difficulty with the election of women to the United States Congress, House and Senate. I come from a State in which we have among our congressional delegation at this point not one female member. The State of Oregon has been ahead of the game for a long time, and it is symbolized by the honor that is bestowed through this bill.

But rather than talk about the details, I would recognize my colleague and yield to her, since she is the sponsor of this measure, the opportunity to explain its purpose and why it is that the full committee under the leadership of the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) and the Postal Subcommittee found it, I think, important to move this legislation swiftly.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to thank my colleagues for passing this bill out of their subcommittee and full committee and for their leadership to bring this on the floor today. I would particularly like to thank the gentleman from California (Mr. WAXMAN) and the office of the gentleman from Missouri (Mr. GEPHARDT) for their assistance as well.

It is a huge honor for me to stand here today to ask that this post office be named after Senator Neuberger. She has been an inspiration not only to me but to most of us in this State.

The other thing I want to recognize today is my colleagues from Oregon who have joined me in honoring this great Oregonian, Senator Maurine B. Neuberger.

H.R. 1327 renames the Cloverdale Post Office in Oregon after one of our State's former United States Senators, Maurine B. Neuberger. This is to recognize her lifetime of public service. She absolutely exemplifies what public service is all about. She has meant so much to the State and this country; and, as they said, she is a true Oregonian in every sense of the word.

She was born in Cloverdale, Oregon, in 1906 and still lives in Oregon today. She has worked hard throughout her life and held careers in Oregon ranging from a schoolteacher to a State representative and then U.S. Senator.

Maurine embodies all the traits that we Oregonians hold near and dear. She has worked hard; patriotism; she loves this country and loves our State and has a deep-seated love for those around her and for public service.

After her husband, United States Senator Richard Neuberger's sudden death in 1959, Maurine Neuberger ran for and won her late husband's seat to the U.S. Senate. As we have heard before, Maurine was only the second woman to serve in the U.S. Senate, and she is still the only woman from Oregon who has served in the other Chamber.

During her tenure in the United States Senate, Maurine became famous for her fighting spirit and tireless crusades on behalf of consumers, public health, campaign finance reform, which we are still dealing with today, civil rights, and environmental conservation. She also played a crucial role in President Johnson's War on Poverty. She became known as a principled consensus builder with the political will to tackle the country's most pressing problems.

After cancer took her husband's life, Senator Neuberger led the fight in the Senate to put warning labels on all cigarette packages; and again, as we have heard, it was Maurine who wrote the actual words, "The Surgeon General has determined that smoking may be hazardous to your health," a warning label on cigarettes which we are all familiar with.

We have to remember when she stepped forward on that fight, this was in the 1960s. We are still in that fight on cigarettes. Her efforts were considered very bold and courageous steps at that time in educating the public of the dangers of smoking. I think that is why Oregon maybe has the laws that it has today on smoking and why it is a very low smoking State. I think it was led because of Maurine Neuberger.

She was also known for her work to establish a Department of Consumer Affairs and pressured the Food and Drug Administration to improve their packaging and labeling regulations. She was also one of the very earliest advocates for the Medicare program.

After serving her full 6 years in the Senate, she chose not to run for reelection in 1966 because, frankly, she said she did not want to raise money from all those people she was going to have to raise money from, and she said it would just cost too much for reelection. Instead, she went on to serve on the President's Consumer Advisory Committee, the U.S. Advisory Committee for Arms Control and Disarmament, and the President's Commission on the Status of Women.

Now, if that was not enough, we have to remember this person has been in public service her entire life, she also found time to work as a consultant on consumer relations for the FDA, serve on the national board of directors for the American Cancer Society and the American Association of the United Nations, two different boards, and then to teach government at several universities, including Reed College in Portland.

Maurine Neuberger is a treasure to the State of Oregon and to this country. I cannot tell my colleagues how happy I am today that we will be able to show just a small token of our appreciation by renaming the Cloverdale Post Office in her honor. She is an inspiration to me and should be an inspiration to all of us.

Thank you, Maurine, for your long years of public service.

Mr. FATTAH. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. WAXMAN), the ranking Democrat on the full committee.

Mr. WAXMAN. I thank the gentleman for allowing me to express not only my support for this proposal but my appreciation to the chairman the gentleman from New York (Mr. MCHUGH) and the gentleman from Indiana (Mr. BURTON) for moving this so expeditiously. I want to congratulate the gentleman from Pennsylvania (Mr. FATTAH) on his leadership in all of these issues that have come before the Committee on Government Reform. I urge all Members to support the resolution.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Very briefly in closing, let me respond to the very gracious comments of the gentleman from Pennsylvania (Mr. FATTAH), the ranking member of our subcommittee, in saying how much I have appreciated his leadership and his hard work on a whole range of issues, but certainly on this bill as well. I thank the gentleman from California (Mr. WAXMAN), too, as the ranking member on the full committee, for his initiative and his support in assisting us in bringing forward this measure which, as we have heard from the very, I think, heartfelt comments of the gentlewoman from Oregon (Ms. HOOLEY), as to how former Senator Neuberger is most deserving of this honor.

Mr. Speaker, I urge the unanimous support of our colleagues on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 1327.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECOGNIZING NATIONAL NEED FOR RECONCILIATION AND HEALING AND RECOMMENDING A CALL FOR DAYS OF PRAYER

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 94) recognizing the public need for reconciliation and healing, urging the United States to unite in seeking God, and recommending that the Nation's leaders call for days of prayer.

The Clerk read as follows:

H. CON. RES. 94

Whereas it is the necessary duty of the people of this Nation not only to humbly offer up our prayers and needs to Almighty God, but also in a solemn and public manner to confess our shortcomings;

Whereas it is incumbent on all public bodies, as well as private persons, to revere and rely on God Almighty for our day-to-day existence, as well as to follow the charge to love and serve one another;

Whereas we have witnessed the rejection of God's love through gratuitous violence and mayhem, hate, abuse, exploitation, abandonment, and other harms, much of which has been directed at the most vulnerable of our society, our children;

Whereas oppression, violence, cultural and ethnic division, strife, and murder have stained our communities and the world;

Whereas we are compelled to remind the people of the United States of the events that currently burden the hearts of the people, including—

(1) the senseless murder of our young people in Jonesboro, Arkansas, West Paduca, Kentucky, Springfield, Oregon, Pearl, Mississippi, and Littleton, Colorado;

(2) the brutal deaths of individuals by dragging, beating, burning, and exposure in Texas, Alabama, and Wyoming; and

(3) the civil unrest, systematic genocide, and religious and political persecution in Yugoslavia, Tibet, Turkey, China, Rwanda, and Sudan;

Whereas despite all, we as a Nation have been blessed with great prosperity and an unprecedented period of economic stability, for which we owe a debt of gratitude; and

Whereas in previous times of public need and moral crisis, the Congress and the President have recommended the observance of a day of solemn prayer, fasting, and humiliation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the unique opportunity that the dawn of a millennium presents to a people in a Nation under God to humble and reconcile themselves with God and with one another;

(2) urges all Americans to unite in seeking the face of God through humble prayer and fasting, persistently asking God to send spiritual strength and a renewed sense of humility to the Nation so that hate and indifference may be replaced with love and compassion, and so that the suffering in the Nation and the world may be healed by the hand of God; and

(3) recommends that the leaders in national, State, and local governments, in business, and in the clergy appoint, and call the

people they serve to observe, a day of solemn prayer, fasting, and humiliation before God.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 94.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very grateful to have this opportunity to be able to bring House Concurrent Resolution 94 to the House in recognition of our national need for reconciliation and healing and calling for days of prayer, fasting and repentance.

Mr. Speaker, H. Con. Res. 94 is patterned after what was once common practice by national and State elected leaders, from the Revolutionary War to the Civil War, ending with President Abraham Lincoln's great proclamation of March, 1863, calling for a national day of humiliation, fasting and prayer.

□ 1700

In fact during this period, from the Revolutionary War to the Civil War, over 200 such resolutions were made. These proclamations literally called for a day or days where the people of this Nation refrained from working and humbly sought grace and forgiveness from God almighty through prayer and fasting in the tradition of the Old Testament's call for solemn assemblies.

Mr. Speaker, what drove these great leaders to call the Nation to pray, and I ask why should we do that again today? Well, consider the powerful words of Abraham Lincoln in this 1863 proclamation during perhaps the most difficult and tumultuous time in our Nation's history, and I quote from that proclamation:

> We have been preserved, these many years, in peace and prosperity. And we have grown in numbers and wealth and power as no other Nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which has preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to God that made us. It behooves us then to humble ourselves before the offended power to confess our national sins and to pray for clemency and forgiveness.

Mr. Speaker, as we reflect upon the problems that we are experiencing today, these great words are no less applicable. We, as a Nation, are witnessing with increased regularity callous acts of violence and murder, a disregard of life, exploitation of children, indifference to suffering, the breakdown of families, and, we know, a general moral decay. Much has been spoken about the events of mass murder and mayhem in places such as Colorado and Oregon and Arkansas, but every day we are hearing of new brutalities being committed against the most vulnerable in our society.

Mr. Speaker, why is this happening? We should listen to the words of Darrel Scott, a very brave father who testified before the House Committee on the Judiciary whose daughter was gunned down and killed at Columbine High School and whose son witnessed before his very eyes the murder of his two best friends, and I quote Mr. Scott when he said:

> I am here today to declare that Columbine was not just a tragedy. It was a spiritual event that should be forcing us to look at where the real blame lies. What has happened to us as a Nation? Well, we have refused to honor God, and in doing so, we open the doors to hatred and violence. We do not need more restrictive laws. We do not need more religion. We do need a change of heart and humble acknowledgment that this Nation was founded on the principles of simple trust in God.

Mr. Speaker, Darrel Scott's words ring true. Having trust and faith in God means more than prayers, it means more than just going to church. It means humbly accepting the charge to serve and possess compassion and love and moral stability and to be humble. Humility means not only acknowledging God as the source of our blessings as individuals and as a Nation and the strength that we possess in adversity, but also recognizing our sins before God as individuals and as a Nation.

Mr. Speaker, we are the greatest Nation on Earth because we have one by one overcome weakness and evils which have plagued the world for centuries and even millennia. We have conquered imperialism and replaced it with democracy. We replaced State oppression with inalienable individual rights. We abolished the human indignity of slavery. We instituted equality for people of all colors and creeds. We have created unprecedented wealth and prosperity for numerous classes of people. Indeed we as a Nation have faced many numerous other challenges such as segregation, economic disparity and the great depression, the great evil of Nazi aggression and the Cold War.

Mr. Speaker, are we too presumptuous to suggest that we accomplished these great victories on our own? Indeed we as a Nation have the courage, the strength to face these trials because we are a Nation who relies on the hand of God. God, in return, has poured out his blessings on this Nation because the principles that we are fighting for were righteous and true.

Mr. Speaker, in truth, the very foundation of this Nation is biased and based on faith in God and belief in moral principles. This was a point well understood by the founders of this Nation. Just to use one of the many quotes, John Adams said and I quote:

> We have no government armed with the power capable of contending with human passions which would be unbridled by morality and religion. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

And Frenchman Alexis de Tocqueville wrote back about the greatness of America in 1843 when he wrote:

> I sought for the key to the greatness and genius of America in her harbors, in her fertile fields and boundless forests, in her rich minds and vast world commerce, in her public school systems and institutions of learning. I sought for it in her democratic Congress and in her matchless Constitution. But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America is great because America is good,

he wrote,

> and when America ceases to be good, America will cease to be great.

Mr. Speaker, we live in a remarkable era. The dawn of a new millennium, a dramatic expansion of technologies and an unprecedented period of economic stability have led to even greater wealth and comforts of life for this Nation. But we simply cannot continue down the road where hate, uncivility, and bloodshed flourishes and expect the blessings of this prosperity to continue. This resolution does not resolve our problems, but it does move us and focus us to the source from where we should seek our guidance and our national healing.

I urge my colleagues to support this resolution. Once H. Con. Res. 94 passes, then the religious and civic leaders of our State and our Nation follow the charge we give them and establish solemn assemblies of prayer and fasting as their discipline would call for perhaps then love and compassion will replace hate and indifference.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to thank the gentlewoman from Idaho (Mrs. CHENOWETH) for sponsoring and bringing the resolution to the floor today. This legislation provides us time for an important discussion. I say discussion and not debate because I don't think there is a significant debatable issue on the value of prayer. I don't know of any Members of this House who opposes God or prayer. But what we should discuss is whether we are seeing a continuing trend of inching closer and closer to mixing politics and religion, government and religion, which we have traditionally separated. It is now before us in a way which we should approach with a serious and nonpartisan manner.

I cannot think of any issue that is more fundamental to our system of government than our Constitution's enduring guarantee of the freedom of religion. One of the inspirations the founders of our country had was the insight that all Americans should be free to believe or not to believe in one faith or even any faith. Americans can believe in the religion we choose, and worship as we believe proper.

Now I do not question the desire for religious response to help this Nation cope and recuperate from the tragedies that befell the communities of Jonesboro and Springfield and Littleton. I do not challenge the importance of religious guidance as a source of healing. I do not oppose the call for a period of reflection to reinvigorate our sense of compassion and humility. But I do question whether it is the role of Congress to initiate, mandate, or manipulate personal religious expression.

This country has a people that is far more religious than most other countries, and I believe a great part of that is the separation of church and state that we value so deeply. Americans are more religious because they do not have the cynicism of other countries, where there is a government-sponsored religion and religion and government and politicization are seen all as one.

There is no official state religion in our country, and therefore people take their personal religious decisions much more seriously. They recognize that our founders argued for the separation of church and state and wanted to make sure that religion was not politicized. Our founders warned of the corruption of church and state from a mutual infection when the two are joined together. A mild infection might be when clerics reach out for government funds and then obey government regulations. A much more virile corruption is when we see theocracies around the world wage actions that are clearly inhumane in the name of their religion and of God.

Thomas Jefferson opposed any kind of involvement in religion. He said he did not think that he had any authority to direct the religious experience of his constituents, and I think he made a very powerful case where he argued that we ought to allow this to be one that is very personal.

Now the proposal before us is an interesting one because it calls for a day of atonement, a day of fasting, a day of prayer. As a Jewish American, we have a day of atonement in our religion that is precisely, it seems to me, the kind of thing that the author of this resolution might have envisioned, a 24-hour period. We neither eat nor drink; we devote the day to prayer and penitence. But a very fundamental part of that day is a recognition that in repentance it is repentance, prayer and tzadaka. Tzadaka is sometimes looked at as charity, but it really means actions of good deeds.

The reading of the day is one on ritual, but another reading of the day, which is even more significant, is one from Isaiah where in that reading God says to those who simply fast, afflict themselves, wear sackcloth and ashes, God said:

> Is this what I want? Is this what I have called for? Does this satisfy me?

And his response in Isaiah is:

> When you do acts of good deeds, it is not sufficient to inflict yourself with repentance unless you share your bread with the hungry, that you bring the poor that are cast out to your house, when you see the naked that you cover him and that you not hide yours from your own flesh.

Acts of righteousness are not mentioned in this resolution. It is only repentance and prayer, but a day of atonement should do more than that.

□ 1715

Our obligations, as Members of Congress, are not to tell religious leaders how to practice their religion or tell people who are religiously oriented what they must do to meet the needs of their Maker. We can act in ways that deal with the problems of this world, and that is what we should be doing.

I will not oppose this resolution on a voice vote, but I think we ought to think carefully about the separation of church and State which may be infringing upon.

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. WAXMAN) for his very wise words. They are very instructive, and I appreciate hearing from him and learning from him.

This resolution is no different than the resolution that was brought to the floor by the gentleman from California (Mr. GEORGE MILLER) on April 14, 1970, when the Apollo 13 was unable for a few hours to return to earth, and the gentleman from California (Mr. GEORGE MILLER) at that time put forth House Resolution 912, in which that resolution states and asked that the Nation join in asking the help of Almighty God to assure the safe return of those astronauts.

The resolution goes on to say, in these days of monumental achievements in science and technology, it is well to be reminded that it has been the spirit instilled in man by his Creator that makes clear that his divine providence is really the sole source of man's sustenance; tremendously impressive resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, for four centuries, in different forms and on different days, during prosperous times and times of crisis, Americans have set aside days to give thanks to God or seek his will.

The Pilgrims did so in Plymouth in the early 17th century. The Continental Congress issued proclamations of public thanksgiving in 1777 and 1780.

On June 28, 1787, at the Constitutional Convention, 81-year-old Benjamin Franklin called for daily prayers as the delegates convened. Quote, the longer I live, said Franklin, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that, quote, except the Lord build the House, they labor in vain that build it, unquote. I firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and byword down to future ages, end quote.

George Washington called for days of prayer and thanksgiving while general of the Continental Army and while president of the United States. John Hancock and Thomas Jefferson issued proclamations of prayer and thanksgiving while serving as State governors.

In 1863, in the middle of a destructive Civil War and shortly after the death of his second son, President Abraham Lincoln recognized the merciful hand of God in his life and in the life of his Nation.

On October 3, Lincoln issued a formal proclamation passed by an act of Congress, initiating the First Annual National Day of Thanksgiving. While acknowledging the hardships caused by the Civil War, Lincoln chose to focus on the blessings bestowed by God.

Quote, the year that is drawing towards a close, Lincoln wrote of the bloodiest year in American history, has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added which are of so extraordinary a nature that they cannot fail to penetrate and soften even the heart which is habitually insensible to the ever watchful providence of Almighty God.

After listing those bounties, Lincoln's proclamation continued: No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy. It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and one voice by the whole American people, end quote.

The list goes on and on, but a single theme emerges. Throughout our Nation's history, Americans and their elected representatives have made it a priority to set aside days to acknowledge God's goodness, thank Him for His many blessings and seek His will.

I ask my colleagues to join me in support of the resolution of the gentlewoman from Idaho (Mrs. CHENOWETH).

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I would like to ask the gentleman from Indiana (Mr. HOSTETTLER), before he leaves, if he knows that we have a National Day of Prayer on the books?

Mr. HOSTETTLER. Yes, I do.

Mr. WAXMAN. Do you know when that is?

Mr. HOSTETTLER. It was earlier this year.

Mr. WAXMAN. Well, every year. It is in May.

Mr. HOSTETTLER. Yes.

Mr. WAXMAN. So we do have that day set aside.

Mr. HOSTETTLER. This is a concurring resolution to ask for a day for the whole country once again to set aside prayer and thanksgiving and fasting.

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from California (Mr. WAXMAN) for yielding me this time.

Mr. Speaker, I want to thank the gentlewoman from Idaho (Mrs. CHENOWETH) for presenting this resolution.

Healing and reconciliation as called for in this resolution are without question needed in this Nation and in the international community. The murders in Jonesboro, Arkansas, and Littleton, Colorado, were indeed senseless. The dragging and burning of individuals in Alabama and Texas were indeed brutal, and the religious and political persecution in Yugoslavia and Rwanda indeed call for civil unrest.

All of these tragic and unimaginable occurrences stem from one sad human behavior: Lack of tolerance.

We must first recognize that people of other races and with religious beliefs different from our own have value in our society. Then we, not as officials or political leaders, but as fathers and mothers, sisters and brothers and friends and neighbors, as human beings who love and care and feel, we must ask all people to come together in their everyday and sometimes routine lives to heal and console each other.

Just a few days ago, we came to the well of this House to debate amending our Constitution to prohibit the desecration of our Nation's flag. It is interesting to note that when this body begins each legislative day and at events in our district and at all sporting events, we pledge allegiance to this beautiful flag and our great Nation with these simple and profound words: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

The very phrase, one Nation, means that we embrace, among other things, the religious beliefs of all people, including Jews, Christians, Muslims, Buddhists and Hindus. In other words, we pledge on a daily basis to be an inclusive and tolerant Nation.

I myself am the son of two Protestant ministers and have a strong religious center, and while I will support the premise of this resolution I have reservations about its exclusive language. In advocating against desecration of the flag, we should also advocate against the desecration of the principles for which it stands, including inclusivity.

In fact, I agree with Vice President GORE who has called for bridging the gap between those on the right who would impose their religious values on others and threaten the notion of separation of church and State, and those on the left who believe that religious values should play no role in addressing public needs.

The language of this resolution, which specifies particular religious practices and beliefs, does not bridge the gap. A more appropriate step was proposed last week at the Family Reunion Conference in Nashville, Tennessee, by Vice President GORE as he announced a new Community Building Initiative that would provide technical assistance and training to faith-based and non-profit organizations.

Faith and values-based organizations reach out to all in need. They feed the hungry, clothe the poor, take care of those that are ill. In short, their vision and mission is to uplift their neighbors and make their lives better.

While resolutions are well-intentioned, the men and women in these organizations do what is called for in this resolution every day. They are healing and practicing tolerance. They set an example for all of us, and we should take our cue from them.

As a champion of nonviolence and tolerance, Dr. Martin Luther King, Jr., stated: Man must evolve for all human conflict a method which rejects revenge and retaliation. The foundation of such a method is love.

Mrs. CHENOWETH. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentlewoman from Idaho (Mrs. CHENOWETH) for bringing this resolution forward. If for no other reason, it gives us a chance to talk about history and the relationship between this great government and God and prayer and all that goes together.

When I was sitting here listening to some of the debate earlier, I was looking up at these words right on top of the Speaker's rostrum. It says, In God We Trust.

The words that the gentlewoman from Idaho (Mrs. CHENOWETH) started off this conversation tonight about this resolution are so important.

Mr. Speaker, we need to remind ourselves of how this great country was founded. Many of us forget that the first official act of the Continental Congress was to appoint a chaplain, and then they prayed, and not a perfunctory prayer. They prayed for one and one half hours.

Let me read what Thomas Jefferson said in 1781: Can the liberties of a nation be thought secure when we remove their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?

Let me read what George Washington said in his farewell address: Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars.

Benjamin Franklin said, at the Constitutional Convention in June of 1787, and I quote: I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and the blessings of our deliberations be held in this assembly every morning before we proceed to business, a tradition which continues in this House to this very day.

And Abraham Lincoln in his Emancipation Proclamation closed with these words: "And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

Mr. Speaker, I would remind the Members of what the Continental Congress said in 1779. They said, and this is from an absolute resolution that was passed by the Congress, and I quote, that it be recommended to the several States to appoint the first Thursday in May next to be a day of fasting, humiliation and prayer to Almighty God; that He will be pleased to avert the impending calamities which we have but too well deserved; that He will grant to us grace to repent of our sins and amend our lives according to his Holy Word; and that He will continue that wonderful protection which hath led us through the paths of danger and distress.

That was signed on March 20 in the Year of our Lord, 1779, by John Jay, President.

Finally, let me just remind Members that the very same day that the Congress passed the First Amendment to the Constitution, September 25, 1789, they approved a resolution requesting that President George Washington proclaim a day of prayer and thanksgiving in the land.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, speaking as a citizen I am grateful that I live in a country that protects my right to pray. Speaking as a Christian, I believe deeply in the importance and power of prayer.

The idea of having a national voluntary day of prayer is one I can support. But speaking as a Congressman, I am deeply bothered by the clauses of this resolution which would put the U.S. Congress on record as telling individuals that it is a, quote, necessary duty, end quote, to pray.

Prayer should not be a government-imposed duty, Mr. Speaker. It is a God-given right. To even suggest prayer should be a government-dictated, necessary duty demeans the very sanctity of prayer.

Prayer is not a duty to be directed by this or any Congress. Prayer is an act of free will where one chooses, in the privacy of his or her own heart and soul, to communicate directly with our Creator.

What right under our Constitution does this Congress have the right to tell any citizen that it is his duty to pray? The answer is, we have no right to do so. In fact, those who have quoted our Founding Fathers seem to forget the first 16 words of the Bill of Rights, which say Congress shall pass no law respecting an establishment of religion or prohibiting the free exercise thereof.

I thank God that our Founding Fathers had the wisdom to write the Bill of Rights so that any attempt by Congress to mandate the religious affairs of American citizens would be null and void.

I thank God that Madison and Jefferson were wise enough to realize that the best way to ruin religion is to politicize it.

□ 1730

As a Christian, I revere and rely on God in my day-to-day existence. But what right under our Constitution does this Congress today, in a suspension calendar vote with no committee hearings, have to dictate this resolution, where "It is incumbent upon all public bodies, as well as private persons, to revere and rely on God almighty for our day-to-day existence"?

The answer is Congress has no right to do so. For Congress to declare that reverence of and reliance on God is "incumbent on all public bodies and private persons" is not only unconstitutional, it is morally wrong, in my opinion. A God that is powerful enough to create the universe and everything in it surely, surely has the power to make us believe or do whatever he so chooses.

But God gave man an incredible gift, the gift of free will. He gave each of us the choice to believe in him or not, to worship him or not, to pray to him or not. What right under heaven does this Congress have to infringe upon that divine gift of free will?

Any effort by this Congress to inject the notion of "necessary duty" upon how, when, or whether an American citizen must pray is not only blatantly unconstitutional, it offends my deepest conviction that the sacredness of one's prayers and belief in God is that they are based on free will, not an imposed duty from government.

Mr. Speaker, I personally believe that faith and prayer can make ours a better Nation. However, in reflecting upon the debates in this House of recent days, I would suggest that we Members of Congress should consider spending more time praying and less time trying to tell others how they should pray. I would suggest we should spend more time trying to live up to the Ten Commandments in our personal lives than in using our public positions to tell others which religious commandments they should or should not follow.

Perhaps it is time for us in Congress to preach a little less and practice a little more. Maybe we should spend more time worrying about the log in our own eye and less about the speck in others'. God does not need Congress' help, but may God help us if we ever use religion as a means to our own political ends.

Mr. Speaker, God gave us religious freedom. In America, the Bill of Rights has protected that precious freedom for over 200 years. Let us not tamper with that freedom under any circumstance, and certainly not after only a 40-minute consent calendar debate and no committee hearings. Such an approach to the profound principles of prayer, faith, and freedom do a disservice to those high principles and to us.

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to agree with the gentleman from Texas, almost everything he said, except his understanding that this is a sense of the Congress, it is not a bill, that would confer any authority or mandate anything from the Federal government. It is simply a call.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

I would like to harken back to what the gentleman said about that first amendment, Congress shall pass no law respecting the establishment of religion or prohibiting the free exercise thereof. That had to do with an established church. We are not allowed to create an established church in this country under our Constitution, but we simultaneously cannot obstruct the invasion of government by religion, as witnessed right up here on the wall, "In God we trust;" as witnessed by the opening up of each session of Congress with a taxpayer-paid clergyman's invocation in both the House and Senate from the beginning of this Republic. It is because our Founding Fathers recognized the importance of that.

I went to public schools in Chicago before World War II, and we opened up every day with prayer, and the teacher assigned it to every child, you could be Jew, you could be Muslim, you could be Catholic, you could be Protestant or you could be an atheist. We did not have those in those days. If you were an atheist, you would be excused and the next person in line would deliver the one minute prayer.

I would urge my colleagues to support this resolution before us today.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I would hope the previous speaker would not be suggesting that teachers should assign prayers to our schoolchildren in public schools.

Talk is cheap, and often in this Chamber rhetoric is empty. Last week this body voted to allow the posting of the Ten Commandments from the Hebrew Scriptures in our public schools. I think there are additional teachings from the New Testament that are also important and just as relevant to our daily lives.

As an example, I would like to share a passage from the book of St. James, Chapter 2, verses 14 through 17. It reads "What good is it, my brothers and sisters, if you say you have faith but do not have works? Can faith save you? If a brother or a sister is naked and lacks daily food, and one of you says to them, 'Go in peace, and keep warm, and eat your fill,' and yet you do not supply their bodily need, what is the good of that?" So faith by itself, if it has no works, is dead.

The resolution before us focuses on faith, but it is lacking in its call for good works. I agree with President John Kennedy, who said in his inaugural address, "In this world, God's work must truly be our own."

I would feel more positive about this resolution if, along with its call to prayer and fasting, we also committed ourselves to effective legislative action, action to provide health care for all of America's children, action to guarantee access to affordable prescription drugs for our senior citizens, and meaningful action to stamp out discrimination and intolerance in our society.

But we do not call for those things in this resolution. For that reason, if there is a recorded vote, I will vote present on this measure, because I agree with St. James when he said that faith by itself, if it has no works, is dead.

Mrs. CHENOWETH. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, outwardly as a Nation we are very prosperous and healthy, we are the envy of the world, but inwardly we are falling apart. We have witnessed so much violence today, especially among our young people. We keep asking, why? There is road rage and there is sky rage, and it has become a way of life. There is anger everywhere. Why?

We need to continue to search for answers to these and other questions, but I do believe that a great deal of the reason we are having these problems is because America has turned her back on God. Gone is the gentleness that we used to experience, respect and love for one another, the basic Golden Rule. Do unto other as you would like them to do unto you, just simple kindnesses, it is missing today.

We are going through great pain in our Nation, and prayer heals pain. I believe it is fitting for Congress to set an example and urge our people to turn to prayer. At home people around me come up all the time and say, this is the same message, but we need to get back to God.

Every day Congress opens with prayer. "In God we trust" is over the Speaker's chair. This resolution does not establish religion, mandate prayer, or violate the separation of church and State, it simply affirms something we should not take for granted.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is certainly commendable to reflect on one's shortcomings, to seek forgiveness for wrongdoing, or to try to build a world for our children which is free from violence or hate. Indeed, across America these sentiments are often to be found in the prayers of our neighbors.

What is wrong with this resolution? For one thing, the Congress has arrogated to itself the role of religious director of the Nation. That is wrong. Congress has no business leading the Nation in prayer, or giving its official endorsement to religion in general, or to particular religious beliefs or practices.

The people who founded this Nation understood that religion, if it is to remain truly free, must remain an individual right, and that the hand of big government must be kept away.

No matter how this resolution is dressed up it is an official endorsement of religion and of particular religious beliefs and activities, and constitutes an establishment of religion. For those who think it is harmless and merely a statement in support of prayer generally and does not reflect a particular sectarian view, I point out two clauses.

The resolution states that the Congress recognizes the unique opportunity of the new millenium for religion. What millenium does the resolution refer to? In the Jewish calendar, it is the year 5758. The common calendar that we use counts time since the birth of Jesus to which the resolution accords great religious significance.

Of course, the significance of the birth of Jesus is a fundamental Christian belief, but I do not think Congress should endorse or deny that belief. Many Americans, Jews, Muslims, Buddhists, Hindus, are not Christians. Despite the efforts of a very few, most Americans believe this is a Nation for all its citizens, not just for Christians. It is our duty to defend the right of all our people to believe or not believe, to pray or not to pray as they see fit. That is what our Constitution stands for, what our Bill of Rights is meant to protect, and what generations of Americans have fought and died to preserve, and what this resolution would compromise.

The resolution states it is a necessary duty of the people of this Nation to offer up our prayer and deeds to almighty God. I personally believe that to be the duty of all people, but who are we to instruct our fellow citizens in their religious obligations?

The resolution states it is the necessary duty of the people of this Nation in a solemn and public manner to confess our shortcomings. Most religions believe confession is a private matter. Where does Congress get the right and authority to declare them wrong?

Mr. Speaker, I rise in opposition to this proposed resolution even though I find many sentiments contained within it which are commendable.

It is certainly commendable to pray, to reflect on one's shortcomings, to seek forgiveness for wrongdoing or to try to build a world for our children which is free from violence and hate. And it is obviously commendable to work to achieve a world of love free from the violence, cultural and ethnic division, strife, and murder which this resolution rightly observes have "stained our communities and the world."

Indeed, across America, these sentiments are often to be found in the prayers of our neighbors.

So what's wrong with this resolution?

Well, for one thing, the Congress is arrogating to itself the role of religious director of the nation. That's wrong. Congress has no business leading the nation in prayer or giving its official endorsement to religion in general or to particular religious beliefs or practices. The people who founded this nation understood that religion, if it is to remain truly free, must remain an individual right, and that the hand of big government must be kept away. No matter how this resolution is dressed up, it is an official endorsement of religion and of particular religious activities and beliefs and constitutes an establishment of religion.

For those who think it is harmless and merely a statement in support of prayer generally, and does not reflect any particular sectarian view, I would point out two clauses. The Resolution states that Congress "recognizes the unique opportunity that the dawn of a millennium presents to people in a Nation under G-d to humble and reconcile themselves with G-d and with one another.

What millennium does the Resolution refer to? On the Jewish calendar, it is the year 5758. Our common calendar counts time since the birth of Jesus, to which the Resolution accords great religious significance. Now, of course, the significance of the birth of Jesus is a fundamental Christian belief, but I don't think Congress should endorse—or deny—that belief. Many Americans—Jews, Muslims, Buddhists, Hindus—are not Christians, and despite the efforts of a very few, most Americans believe that this is a nation for all its citizens, not just for Christians. It is our duty to defend the right of all people to believe or not to believe, to pray or not to pray, as they see fit. That's what our Constitution stands for, what our Bill of Rights is meant to protect, what generations of Americans have fought and died to preserve, and what this resolution would compromise. This resolution states "it is the necessary duty of the people of this Nation . . . to offer up our prayers and needs to Almighty G-d." I personally believe that to be the duty of all people, but who are we to instruct our fellow citizens in their religious obligations? The resolution further states "it is the necessary duty of the people of this Nation . . . in a solemn and public manner, to confess our shortcomings." Most religions believe that confession is a private matter between an individual and his or her G-d. Where does Congress get the right to declare them wrong?

The sponsor of this legislation has, in fact, been very sensitive to issues concerning the establishment of religion when she perceived a threat of governmental institutions being hijacked by religious beliefs she does not share. For example, in the CONGRESSIONAL RECORD of January 31, 1996, she devoted the better part of an hour arguing that funding for environmental protection programs, including the EPA, violated the establishment clause, because some environmentalists came to their views via their religious beliefs. A copy of that speech follows my prepared statement. If the EPA violates the Establishment Clause, what can we say about this particular legislation?

Finally, I would just observe that this resolution is just another attempt by the majority to evade the real problems plaguing our nation, like hate crimes, poverty and gun violence.

For example, although it makes reference to the lynchings and hate crimes against People of Color and a Gay man in Wyoming, it never identifies these crimes for what they were, not does it urge legislation to make these hate crimes illegal in our nation. Matthew Sheppard was murdered for one reason and one reason only—because he was a Gay man, but the resolution doesn't say that and the sponsor won't support legislation. The bill also makes reference to the gruesome hate crime which resulted in the death of James Byrd who was dragged to death behind a pickup truck, but his name is nowhere to be found in this resolution, nor is the fact that he was murdered solely because he was African American.

This isn't the first time that Congress has obliquely dealt with these reprehensible crimes. Just enough of a statement so that they can say they did it, but not so specific so as to offend the racist constituencies out there. And, as always, no real solutions offered. No hate crimes laws, no increased enforcement, no laws to keep guns out of the hands of criminals, no additional help to communities.

This resolution is the latest in a series of assaults by the House on our First Freedom. May G-d grant us the wisdom to spend our time doing our jobs, and leave religion to the ministers, priests, and Rabbis of this nation—and to the people who will exercise their freedom of religion far more wisely than we could instruct them to do.

Mrs. CHENOWETH. Mr. Speaker, I yield 30 second to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, last night I was going through my dad's things. He died in November. I found in his drawer this Bible. On the front it says "May this comfort and protect you."

Inside it says, "Commander in Chief, I take pleasure in commending the reading of the Bible to all who served in the Armed Forces of the United States. Throughout the centuries men of many faiths and diverse origins have found in the sacred book words of wisdom, counsel, and inspiration. It is the foundation of strength, and now as always an aid in attaining the highest aspirations of the human soul." Franklin Roosevelt.

The next page, "Our prayers are constantly with you, thanking God daily for your joy and faith in him. Heartfelt love, Mother."

Mrs. CHENOWETH. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, I just do not know how many know this, but the State of Massachusetts actually had a State-supported church well into the 1800s. It was only when the other churches objected that State funding was cut off.

It is also interesting to note that the Congress of the United States actually at one point engaged in the printing of Bibles, not to mention above our own Chamber "In God we trust."

What is interesting is there has been a distortion of what we mean by the separation of church and State. The gentleman from Illinois (Mr. CRANE) had it right. The Federal government was not supposed to have a State-supported taxpayer-funded church. We support that. We agree with that.

But Orestes Brownson wrote an interesting book where he wrote about the uniqueness of the United States, where we could combine both the proper space of the State and the proper space of the church; that the space of the church was not to intrude on the space of the State, and the space of the State was not to intrude on the space of the church.

What we have had happening in America is government imposing its own values and invading the proper space of people of all faiths. If America is to be healthy, we had better harken to the days of our Founders, who said that self-governing is about the ability to get it right without other human beings having to write rules and laws.

The foundation of this is simple common sense. This resolution urges a prayer. It is consistent with our Founders, our Constitution, and it is unbelievable that we are even having this debate today.

Mrs. CHENOWETH. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Idaho (Mrs. CHENOWETH) is recognized for 30 seconds.

Mrs. CHENOWETH. Mr. Speaker, if there ever is a time that we need almighty God, it really is now. If there ever is a time we need to pray, it is now. If there is ever a time that we need to humble ourselves as individuals, it is now. If there is ever a time that we need to plead for forgiveness, it is now. If there ever is a time that we need peace, it is now. If there ever is a time that we need healing, it is now.

□ 1745

I pray that we as a Congress and as a Nation can join together in prayer, supporting this resolution, calling for prayer, fasting and repentance.

Mr. ADERHOLT. Mr. Speaker, in this century, the United States has led the world in transforming industry, communication, and technology. We have found cures for once-fatal diseases and introduced freedom and democracy to the world. We sit on the threshold of a new century, and new millennium with a great mandate: laying the groundwork for a daring, new world.

On the brink of the nineteenth century, our Founding Fathers faced a similar mandate. One whose impact would reach beyond anything they could have imagined, and one which we live each day. They gathered together to establish a form of government that no other nation had ever attempted with freedoms that no other nation had ever even dreamed of: freedom of speech, freedom of assembly, freedom of religion.

The work of these men was truly inspired. The wisdom in the words of the Constitution serves as the very cornerstone of hope and liberty. But these men did not rashly pull the Constitution together without forethought. The delegates of the Continental Congress debated over the course of months to author a document which changed the course of history for all people. It was during this debate, that they came to a standstill. On June 28, 1787, 212 years ago this week, the delegates hit a stalemate over many issues.

Ben Franklin saw that the impasse could not be reconciled by any human means: "The small progress we have made after four or five weeks' close attendance and continual reasonings with each other—our different sentiments on almost every question . . . producing as many noes as ayes—is, methinks, a melancholy proof of the imperfection of the human understanding . . . I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations . . ."

Franklin recognized that the future of the Constitution, and the nation, depended upon Divine intervention. In the faces of the Congressional Delegates he saw pride, determination and no hope of compromise. Franklin knew that the only way the Constitution could be agreed upon was to call the delegates to humility and prayer. He recognized the need of each individual to search their hearts and seek the will of God.

Franklin called on the Members of the Congress to take three days of prayer and fasting. At the end of these three days, the delegates humbly returned, and were able to complete the framework of the Constitution which is the basis of the law of our nation.

As Americans, we are all grateful that Ben Franklin recognized the need for God and prayer within the political agenda. Each of the delegates had a strong understanding of right and wrong. They knew the laws of the land needing to reflect a moral standard, a moral law. It is time we call our nation back to this morality.

Two weeks ago I offered an amendment called the Ten Commandments Defense Act, and you, my distinguished colleagues, helped to pass this legislation. It was a public declaration that God is not dead, despite the violence and confusion that haunts the current age.

Now I, along with the gentlelady from Idaho and others speaking on behalf of this resolution, call our country to set aside a time of reflection, a time to search our hearts and seek God's guidance. We must approach our families, our jobs, and our communities with the same humility and desire for reconciliation as our Founding Fathers sought in establishing the law of this land.

Today, we stand, not only on the brink of a new century, but at the dawning of a new millennium. We have the great honor, and the weighty responsibility, of setting the groundwork of the next thousand years. Let us do this with courage. Let us do this with honor. Most importantly, let us humbly set a precedent for the new millennium, and recognize God as the source of wisdom, goodness and strength.

Mr. POMEROY. Mr. Speaker, I am concerned about the language of the resolution before us.

The religious faiths and practices of all of us as Americans are as important as they are personal.

This country was founded in part by people of strong religious beliefs who came to this new land seeking the freedom to worship totally beyond the reach of government. The doctrine of completely separating church and state was written into our Bill of Rights to protect our fundamental right to worship whenever we want, however we want, or even if we want.

I am very uncomfortable with this Congress—in a formal resolution—voting to observe "a day of solemn prayer, fasting, and humiliation before God".

The way for us to urge prayer and humility before God is by our example as individuals—not our political rhetoric as members of Congress.

I believe the teachings of Jesus as written in Matthew 6 verses 4–6 has application to the resolution before us:

"And when you pray, you must not be like the hypocrites; for they love to stand and pray in the synagogues and at the street corners, that they may be seen by men. Truly, I say to you, they have received their reward. But when you pray, go into your room and shut the door and pray to your Father who is in secret; and your Father who sees in secret will reward you." (Matthew 6:4–6)

Accordingly, Mr. Speaker, I will vote "Present" on this resolution. I believe it is very important for people of all faiths to pray, reflect and seek divine guidance. It is not, however, the business of government to direct or prescribe this fundamental activity.

Mrs. CHENOWETH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 94.

The question was taken.

Mrs. CHENOWETH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 2280, by the yeas and nays;

House Resolution 226, by the yeas and nays; and

House Concurrent Resolution 94, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

VETERANS BENEFITS IMPROVEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2280, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2280, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 257]

YEAS—424

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Blagojevich
Brown (CA)
Cannon
Cunningham
Hoyer
McKinney
Meehan
Ros-Lehtinen
Watts (OK)

☐ 1807

Mr. HEFLEY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the chair has postponed further proceedings.

EXPRESSING SENSE OF HOUSE CONDEMNING ACTS OF VIOLENCE AT THREE SACRAMENTO, CALIFORNIA, SYNAGOGUES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 226.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and agree to the resolution, House Resolution 226, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, answered "present" 1, not voting 8, as follows:

[Roll No. 258]

YEAS—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—8

Blagojevich
Brown (CA)
Cannon
Cunningham
Diaz-Balart
Meehan
Ros-Lehtinen
Watts (OK)

☐ 1815

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL NEED FOR RECONCILIATION AND HEALING AND RECOMMENDING A CALL FOR DAYS OF PRAYER

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 94.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 275, nays 140, answered "present" 11, not voting 8, as follows:

[Roll No. 259]

YEAS—275

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde

Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Nethercutt

Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster

Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—140

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Bilbray
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans

Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hinojosa
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
Kolbe
Kucinich
Kuykendall
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)

McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Paul
Payne
Pelosi
Pickett
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter

Smith (WA)
Stark
Stupak
Tauscher
Thompson (CA)
Tierney

Udall (NM)
Velazquez
Vento
Waters
Waxman
Weiner

Wexler
Weygand
Woolsey
Wu

ANSWERED "PRESENT"—11

Boyd
Clayton
Kaptur
Maloney (NY)

Pascrell
Pomeroy
Strickland
Thurman

Udall (CO)
Watt (NC)
Wynn

NOT VOTING—8

Blagojevich
Brown (CA)
Cannon

Cunningham
Diaz-Balart
Meehan

Obey
Watts (OK)

□ 1824

Mr. BENTSEN changed his vote from "nay" to "yea."

Ms. HOOLEY of Oregon and Mr. MENENDEZ changed their vote from "present" to "nay."

Mrs. CLAYTON changed her vote from "nay" to "present."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, on H.R. 2280, rollcall No. 257 and House Resolution 226, rollcall No. 258, had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 66, THE ROUTE 66 CORRIDOR ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–208) on the resolution (H. Res. 230) providing for consideration of the bill (H.R. 66) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 592, WORLD WAR VETERANS PARK AT MILLER FIELD GATEWAY NATIONAL RECREATION AREA

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–209) on the resolution (H. Res. 231) providing for consideration of the bill (H.R. 592) to designate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills," which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 791, STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–210) on the resolution (H. Res. 232) providing for consideration of the bill (H.R. 791) to amend the National Trail Systems Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trail systems, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1218, CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–211) on the resolution (H. Res. 233) providing for the consideration of the bill (H.R. 1218) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, which was referred to the House Calendar and ordered to be printed.

REPORT TO CONGRESS ON NATIONAL EMERGENCIES WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA AND KOSOVO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–)

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Yugoslavia (Serbia and Montenegro) as declared in Executive Order 12808 on May 30, 1992, and with respect to Kosovo as declared in Executive Order 13088 on June 9, 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1999.*

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING AND INVENTORY OF FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES BY FEDERAL DEPARTMENTS AND AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with the Public Broadcasting Act of 1967, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting (CPB) for Fiscal Year 1998 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies for that same year.

Among its many outstanding projects over the past year, CPB has put considerable time and effort into strengthening the teaching and development of America's literary tradition. Working with educators, writers, and experts from all across the country, CPB has launched a companion website filled with exceptional teaching materials and continues to make possible the broadcast of some of the Nation's finest literature over our public airwaves. In addition, CPB is also expanding the availability of teacher professional development in the social sciences, humanities, and literature.

As we move into the digital age, I am confident that the Corporation for Public Broadcasting will continue to act as a guiding force. As the projects above illustrate, CPB not only inspires us, it educates and enriches our national culture.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1999.*

☐ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORT FOREIGN TRUCK SAFETY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight in opposition to NAFTA and its provisions to expand Mexican trucking privileges into the United States.

When we debated NAFTA in 1993, supporters claimed that NAFTA would not harm American workers and workers in Mexico and would not harm the environment. Unfortunately, they were wrong. This treaty has sent thousands of good American jobs south of the border and it has subjected that border to increased pollution of the air, water and land. Mexican workers are being abused and are not reaping the financial or social benefits they were promised. And America is being abused by other countries that are sneaking goods into the United States through dummy Mexican corporations. These are the most prominent promises broken by NAFTA. But we are about to add to the list. This administration, under terms of NAFTA, is considering opening up all of America to Mexican trucks as of January 1, 2000.

What will the entrance of Mexican trucks mean for America? It will generate more pollution and increase the loss of good-paying American jobs. Most seriously, it will threaten the lives of qualified American drivers who will be forced to share the road with unqualified foreign drivers who, as evidence proves, are driving unsafe, pollution-belching trucks.

U.S. inspectors, some operating just during the weekday hours of 9 a.m. to 5 p.m. have found that almost 50 percent of inspected Mexican trucks have been ordered to undergo immediate service for safety problems. This is based on the results of the few inspections of trucks already allowed to enter a commercial zone in the U.S. In reality, hordes of unexpected foreign trucks cross various border points after 5 p.m. and before 9 a.m. in the morning and on the weekends when there are no inspectors available. Accordingly, the Department of Transportation's Inspector General has already concluded that the DOT does not have a consistent enforcement program to provide reasonable assurance of the safety of trucks entering the United States. How could this administration suggest expanding border trucking privileges when we cannot regulate the current privileges we offer?

Unsafe trucks are not only appearing in the four border States, but as this map here shows, reports of dangerous trucks have come from at least 24 additional States. From Washington to Illinois to New York, the entire country is at risk. Therefore, very soon I plan on introducing the Foreign Truck Safety Act, legislation that will require mandatory safety inspections on all trucks crossing into the United States from Mexico. As of January 2, 2000, the Foreign Truck Safety Act will authorize the border States to impose and collect fees on trucks to cover the cost of these inspections. By requiring all trucks to pass inspections before entering the United States, we can help to limit the risks these unsafe trucks pose to our citizens. This country entered into NAFTA in order to better the lives of our citizens. Without this legislation, we will simply put our citizens in more jeopardy.

I think people are more important than profits, and I am concerned about the thousands of unsafe Mexican trucks rumbling down our highways and biways. Average Americans already are fearful about driving next to large safe U.S. trucks that pass inspections. Imagine their fears when unsafe Mexican trucks hit our streets, roads and superhighways.

Mr. Speaker, it is time to stand up for Americans. Therefore, I urge all my colleagues to work with me to pass the Foreign Truck Safety Act so that Americans will never be afraid to drive down Main Street USA.

TRIBUTE TO JAMES C. HALL, OAK RIDGE OPERATIONS MANAGER

The SPEAKER pro tempore (Mr. SUNUNU). Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, on July 2, James C. "Jim" Hall will retire as manager of Oak Ridge Operations for the U.S. Department of Energy. His departure will mark the end of a 31-year career in government that stands out as a bright and shining example of dedicated service to the United States Department of Energy and the people of the United States.

Beginning in 1968 as an intern for the Atomic Energy Commission, one of the agencies that was eventually folded into the Energy Department, Jim Hall rose steadily through the ranks until he was promoted to his present position in 1995.

Perhaps Jim Hall's greatest achievement in Oak Ridge is his commitment to the reindustrialization program which is an innovative "swords to plowshares" effort that stands out as a model for the whole Nation. Facilities such as the old K–25 gaseous diffusion plant at the Oak Ridge complex are being cleaned up and made available for use by the private sector. The plant, now called the East Tennessee Technology Park, is already generating the kind of jobs the east Tennessee region needs for the 21st century. This effort saves the government and the taxpayers $800 million in maintenance and other costs. More importantly, the program is attracting to Oak Ridge exactly the kinds of family wage jobs east Tennessee will need as we begin the 21st century. In May of 1998, Mr. Hall received a Presidential Meritorious Rank Award for his efforts to develop the environmental cleanup and reindustrialization program.

Jim Hall has brought extraordinary energy, ability and vision to his work at the Oak Ridge operations office, and we in the Third District of Tennessee and at the Department of Energy in Oak Ridge can count ourselves extremely fortunate that we benefited from his public service.

He is the type of executive who makes the term "government official" sound like the noble and honorable calling it should be. During the years I have known Jim, he has shown himself to be a risk taker who is willing to push the envelope for needed reforms.

He is also not in the least bit afraid to challenge the status quo and to stand up to the bureaucracy when the need arises.

Jim Hall's pioneering work on reindustrialization is typical of his career. Many managers at Jim's stage in their careers would have been content to just run out the clock and just do what they had to as their retirement neared. But as a skilled manager and dedicated resident of east Tennessee, Jim was determined that the great reservoir of human and technological capital assembled in Oak Ridge to help us win World War II and the Cold War should be parlayed into economic opportunity for generations to come. So he pioneered the reindustrialization program and skillfully managed the national security and scientific missions of the Department of Energy in a way that makes me proud as the representative of the Oak Ridge and east Tennessee region.

On behalf of the thousands of citizens that Jim Hall served so well, I thank him for his service to his community and to his Nation and we wish him happiness and success as he begins a new chapter in his life.

START-UP SUCCESS ACCOUNTS ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, I rise today on behalf of myself and the gentleman from Washington (Mr. BAIRD) to introduce the Start-Up Success Accounts Act of 1999. The purpose of this legislation is to give small businesses an additional tool to manage finances and retain capital.

Small businesses account for almost all of the net new jobs in our economy today, with minority and women-owned businesses making up two of the fastest growing categories of new businesses. Starting a business represents the hopes and the dreams of many Americans. But there is a problem.

According to the U.S. Census Bureau, over 99.9 percent of all business failures are small firms. With all the promise of small business and the entrepreneurial spirit in this country today, only about half of the businesses that were started in 1992 are still in existence today.

Many small businesses fail in the first few years for lack of capital. As a small businessman myself, I have appreciated firsthand the difficulty of acquiring and retaining capital both to start a business and to keep it going. The problem is caused in part by our tax system. When I started my business over 15 years ago, I was surprised when my accountant told me that we needed to make sure that I did not show a profit at the end of the year.

Our tax system discourages capital retention. The problem is if I report a profit at the end of the year, I pay corporate taxes, and then when I pay myself a salary the next year, I am taxed again on the same money. The accountants call it double taxation. Every incentive of the tax system is to reduce profits and to reduce the amount of money in your company so that you can reduce taxes. I would like to change that.

The very first dollar of new businesses is taxed and businesses are encouraged, just as I was in my business, to allow any excess capital to pass through. The ultimate result is less growth and less staying power for many small businesses. An April 1999 Dun & Bradstreet survey confirmed, and I quote, cash flow is the pervasive financial management issue for small business owners. It manifests itself in ongoing capital, managing inventory, extending credit to customers, all kinds of problems related to finances.

The DeMint-Baird Start-Up Success Accounts Act begins to alleviate some of this problem. What it does is it will allow companies in each of their first 5 years of business to set aside 20 percent of taxable income into an account that will last for 5 years. So the span of these accounts can last up to 10 years when you put all 5 years together. What this does again is encourages small businesses to save money and to leave money in their company so that they can use it to create growth and opportunity. So 20 percent of taxable income each of the first 5 years for start-up savings accounts. This will help businesses stabilize and grow.

In addition, small businesses could draw down on the funds of the accounts in lean years. That is many times the problem with small businesses. They will have one good year, they will take money out to avoid double taxation, the next year is a lean year and they have difficulty staying in business. This gives new businesses and small businesses the flexibility to keep capital in their company so they can invest it for the future.

Small businesses are the engine to our economy today in this country. More small businesses that can find stable footing in those first few years will mean more jobs and more opportunity for many Americans. We must return dollars, decisions and freedom to our Nation's new small businesses. I believe the Start-Up Savings Accounts Act is a good step in that direction.

INTRODUCTION OF "GO GIRL"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I ask you, what is wrong with this picture? Females make up slightly more than 50 percent of this country's population, yet less than 30 percent of America's scientists are women. Even fewer engineers are women, less than 10 percent.

In 1994, there were 209 tenured faculty at the Massachusetts Institute of Technology. Fifteen of those 209 were women. Of course these figures are not at all surprising when we learn that in 1985, women earned less than 30 percent of the bachelor degrees in the physical sciences and less than 10 percent of the bachelor degrees in engineering. You do not even want to hear the percentage of Ph.D.s in the science and math fields that are earned by women.

Just to give Members an example, about 8 percent of the Ph.D.s in physics in 1988 were awarded to women. Eight percent. My colleagues may be asking themselves, "So what? Is this some national problem?"

The answer is yes, this is a big problem, a big problem for employers, a big problem for women as wage-earners and a big problem for our Nation as we compete in the global marketplace.

☐ 1845

The Bureau of Labor Statistics projects that between 1994 and the year 2005 the number of women in the labor force will grow twice as fast as men. Yet a recent study of school-to-work projects found that 90 percent of girls are clustered in five traditionally female occupations.

My colleagues do not need me to tell them that careers in traditionally female occupations pay far less than careers in science, math, and technology. For example, a data analyst can expect to earn $45,000 a year while a licensed practical nurse makes less than $25,000 a year. Men become analysts, women become nurses, and a kindergarten teacher, mostly females, make only $18,000 a year when they first get started as compared to a starting engineer at over $30,000 a year.

In addition, the National Science Foundation reports that the jobs facing workers in the future will require higher skill levels in science, math, and technology than ever before. The NSF report is verified by a letter that I recently received from the American Electronics Association. The AEA wrote to me to tell me that today the high tech industry is facing a critical shortage of skilled workers, and the future looks even worse they say. A recent AEA report showed that the number of degrees in computer science, engineering, mathematics, and physics have actually declined since 1990. Quite clearly, Mr. Speaker, there is no way that America can have a technically competent work force if the majority of students, females, do not study science, math, and technology.

That is why today I am introducing a bill to help school districts encourage girls to pursue careers in science, math, and technology. Although my bill is titled Getting Our Girls Ready for the 21st Century Act, it will be known around here as Go Girl. Go Girl will create a bold new work force to energize young women in math, science, and technology. Go Girl is modeled after the TRIO program which has successfully encouraged 2 million low-income students to attend and graduate from college when their parents never attended college.

Similarly, the lack of female role models hampers female interest in studying science, math, and technology. Girls and their parents first must be able to envision a career in these fields. Then they need practical advice on what to study and how to achieve the necessary academic requirements. Go Girl follows girls from the fourth grade, the grade when girls typically begin to fall behind boys in math and science, and they are followed through high school to encourage these young women to be interested in math, to care about science, to want to learn technology in the early grades. Girls will participate in events and activities that increase their awareness of careers in these fields, and they will meet female role models.

The issue is: Go Girls.

DOING THE RIGHT THING FOR THE TAXPAYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, in today's papers across the country typically it would be among the leading stories, if not the leading story, was that the Federal Government is now awash in a trillion dollar surplus.

Now I have been here a year and a half, and it is amazing how many projections there are when it comes to the budget surplus. It seems as if every month there is a new projection, and I have a feeling, if we wait long enough, it will be a zillion dollar surplus.

The point is that with the American people and I would hope that Members on either side of the aisle here remember is that those surpluses are the results of the hard work of the American taxpayer, whether it is from where I am from in Staten Island or Brooklyn, anywhere across New York and across this country. It is the folks who get up every morning 5, 6 o'clock, working two, sometimes three jobs, to put food on their table, to send their children to school, to pay the mortgage on their house, and then enough left over to send to Uncle Sam.

And I understand the temptation in Washington for the most part to spend that money, and by the way, when you project a lot, you get to spend a lot. I would hope that we would exercise responsibility, understand that the basis for the surplus is not because in the last several years the Congress, controlled by the Republicans, has spent so much money, but has taken the responsible approach of not spending all the taxpayer money, and the seeds of this prosperity I would argue were sowed in the eighties, when we cut taxes, when we decided that regulations or too much regulation, only stifled productivity and creativity and inhibited growth, and I think that is what laid the foundation to this surplus.

Now there are those who can argue that, well, we raised taxes, and that is why we have a huge surplus. What I think that does is underestimates the American people. We need to understand that when we lower taxes, when we reduce regulation, when we allow the American taxpayer, the small business owner, employee or the employer, to unleash their spirit to produce and to create and, yes, to give back to their local community; that is the America that we should all be proud of, not when we sit in Washington and say how are we going to divvy up this trillion dollars that the people across this country are working so hard to generate?

We are fortunate enough these days that there is a lot of prosperity around, but the best days lie ahead, and again I can only urge those in Congress and in the White House that it is the taxpayer money that we are the stewards of here, and it is our obligation to do what is responsible, to promote economic growth and to lower taxes when we can, and if we want to keep this economy growing, we use a big chunk of this so-called surplus to cut taxes.

And there is a lot of proposals on the table. The elimination of the marriage penalty tax or the capital gains tax to spur investment, which is a tax on capital. I would like to see a reduction in the personal income tax across the board, so that way any American who pays taxes receives a benefit, or, in short, more of their hard-earned money in their pocket because frankly when we provide the freedom and the liberty and the opportunity to the hard-working American to spend his or her hard-earned money as they see fit on their vacation or their child's education or a second home or whatever they desire, we are doing the right thing for America, the right thing for the taxpayer, and I hope in the days ahead the Congress and the White House recognizes the seeds of that prosperity are not sown here in Washington but across Main Street, across this great country of ours, the United States of America.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am so pleased and proud to join the gentleman from Missouri (Mr. TALENT), the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) and many other members of the Committee on Small Business who are dedicated to providing critical services to the countless men and women who have fought to preserve and protect our Nation.

As we approach the 4th of July holiday to celebrate this Nation's independence, we recognize our veterans and the tremendous sacrifices and contributions they have made to this country. In their honor we are here today to pass legislation that ensures veterans that once their service is complete they can continue to apply their hard-working ethics, strong leadership skills, and determination to succeed in small businesses.

Currently out of a total business population of 23.2 million people 5.5 million are veterans. In addition, there are 104,000 disabled veterans. It is estimated that veterans constitute almost a quarter of the business population today. However, many veterans face tremendous barriers when trying to create and grow their businesses, particularly when their military service has caused them to leave their businesses.

Specifically, the obstacles facing our veterans can range from a lack of training to difficulty in securing adequate capital to launch their small business. The obstacles are even greater for service disabled veterans who may have additional handicaps that prevent them from securing employment or starting their own business.

Mr. Speaker, the Veterans Entrepreneurial and Small Business Development Act creates a number of new programs designed specifically to help these veterans and service disabled veterans to join the ranks of entrepreneurs. I would like to commend the Small Business Administration for creating the Small Business Administration Veterans Affairs Task Force for entrepreneurship in July 1998. This task force examined SBA programs to determine how SBA might deliver services to America's veterans more effectively. In October of 1998, it made recommendations to SBA, many of which have been included in this bill. The Veterans Entrepreneurship and Small Business Development Act designates a position onto SBA of veterans business development to be the advocate for veterans and to ensure that veterans needs and concerns are represented and being addressed.

In addition to this new position, this bill creates a public private partnership called the National Veterans Business Development Corporation to provide access to technical assistance and an advisory committee on veterans' business affairs to serve as an independent source of advice for Congress and the President and to increase outcome and outreach to veterans. This bill also directs the SBA administrator to enter into a memorandum of understanding with the Service Corps of Retired Executives called SCORE, an organization that provides advice and technical assistance to small businesses free of charge through a nationwide network of volunteers.

Finally, this bill establishes a 5 percent government procurement goal for veteran-owned business and authorizes SBA to make loans to self-employed individuals or owners of small businesses who are called to active duty to assist them with potential losses and disruption caused by their return to active duty.

I encourage all of my colleagues when this bill comes to the floor to come together during this historic time of year and vote for legislation that provides our veterans with the opportunities they need and deserve to succeed. The Veterans Entrepreneurship and Small Business Development Act is a comprehensive approach to ensuring that the backbone of our Nation no longer shuts off but hence forward embraces and reaches out to America's service men and women.

CUBAN RAFTERS TREATED WORSE THAN CATTLE BY U.S. COAST GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the inscription on the Statue of Liberty refers to this great country of ours as the mother of exiles which requests: Give me your tired, your poor, your huddled masses of your teeming shore; send these tempest tossed to me.

But, Mr. Speaker, today I find myself asking if the torch of freedom no longer shines for those who risk life and limb in search of liberty in this great country. As the vanguard of democracy, our country, the United States of America, must set the standards to be emulated. Today, however, the actions reportedly taken by the U.S. Coast Guard in south Florida against Cuban rafters could cast a solemn shadow over this country and could stain our proud history as defenders of the oppressed and protectors of human rights worldwide.

According to the video footage obtained by news sources in Miami, six Cuban refugees reached U.S. territorial waters today in the early afternoon and were subsequently approached by U.S. Coast Guard boats. These Coast Guard vessels opened water cannons on the rafters causing some of them to fall overboard. As the rafters started to swim to safety, the smaller Coast Guard vessels pursued them and pushed them against the sand, corralling them like cattle. Actually in this country we afford animals much better treatment than that.

It is reported that only after Coast Guard officers had completed their attack on these defenseless freedom seekers did they proceed to take them into custody. This is something we expect from oppressive regimes who care little, if anything, for human life, but this is not what we expect from our fine United States Coast Guard. Members of the Coast Guard are valiant men and women who proudly serve their country and who have saved hundreds and indeed thousands of lives off of our south Florida shores. I am sure that they did not welcome this tragic order today. We expect the United States Coast Guard to enforce the laws, but we do not and should not tolerate violations of the basic human rights of those seeking refuge from persecution.

☐ 1900

We expect the United States Coast Guard to protect U.S. territory against all enemies, but we do not and will not tolerate attacks on defenseless victims such as the survivors of Castro's brutal dictatorship. If there is one entity which survivors of Castro's oppression have looked to with respect and admiration, if there was one entity which Cuban refugees trusted and confided in, it is the U.S. Coast Guard.

Has their trust been misplaced? I hope not. It is unconscionable for an entity of the U.S. Government charged with the responsibility of enforcing our laws to violate them and employ excessive force, including the use of water cannons and mace, against those who present no threat to the personal security of our men and women in uniform nor to the security of our great country.

These actions merit an immediate and comprehensive investigation. I have asked the President, the Vice President, the Secretary of State, the Coast Guard Commandant and other senior officials to take action regarding these Coast Guard officers who gave the orders violating the rights of those refugees and that appears to have violated U.S. guidelines on how to deal with such situations.

I ask my colleagues to join me in this request and express their indignation over this display of aggression. This is not what America stands for.

I have sent this letter to Secretary of State Madeleine Albright this afternoon and a similar letter, as I have said, to President Bill Clinton, Vice President AL GORE, Secretary of Transportation Rodney Slater and Coast Guard Commandant Admiral James Lloyd.

I say, your personal attention to this matter is greatly appreciated to ensure due diligence in the investigation and resolution of this case. This is a matter of grave concern; and to enlist their cooperation for an immediate investigation of the events which unfolded off the coast of South Florida today, June 29, between Cuban rafters seeking asylum and U.S. Coast Guard officials, and I would like to place this letter in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 1999.

Hon. MADELEINE ALBRIGHT,
Secretary, Department of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: I am writing on a matter of grave concern and to enlist your cooperation for an immediate investigation of the events which unfolded off the coast of Florida, today, June 29th between Cuban rafters seeking asylum and U.S. Coast Guard officials.

According to the video footage by news sources in Miami, six Cuban refugees reached U.S. territorial waters in the early afternoon and were subsequently approached by U.S. Coast Guard boats which opened water cannons on the rafters, causing some of them to fall overboard. As the rafters started to swim to safety, the smaller Coast Guard vessels pursued them and pushed them against the sand. It is reported that only after the Coast Guard had completed its attack on these defenseless freedom seekers, did they proceed to take them into custody.

These actions merit an immediate and comprehensive investigation. If confirmed, I ask that action be taken regarding these Coast Guard officials who gave the orders which violated the basic human rights of these Cuban refugees and appears to have violated U.S. guidelines on how to deal with such situations.

Your personal attention to this matter is greatly appreciated to ensure due diligence in the investigation and resolution of this case.

Sincerely,

ILEANA ROS-LEHTINEN,
Member of Congress.

LET US CONTINUE TO BE A NATION THAT BELIEVES IN GOD

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this time is given to many of us to express our concerns and our views on the day's activities and legislative initiatives or particular issues that impact our district.

I thought I would comment today on the actions of the House that just occurred on H. Con. Res. 94. It was a vigorous debate, and I think in the true spirit of our Founding Fathers we can be very proud of that. Obviously, those who proposed an amendment, a resolution, that would cause or ask the people of this Nation to, under God, to humble and reconcile themselves with God and with one another have a true commitment and passion.

Further, as the resolution goes on, they urge all Americans to unite in seeking the face of God through humble prayer.

I believe in the Old and New Testaments. In fact, a favorite verse of mine is John 3:16, for God so loved the world that He gave his only begotten Son, that whosoever shall believe in Him shall not perish but shall have everlasting life.

In the Christian faith, that son is called Jesus; and for those of us who believe, we believe within our heart, it is a conversion, it is a commitment and passion about our personal and religious beliefs.

Even as I stand here, I think many of us can note that above my head are the words, In God We Trust, but we might not be able to see some additional words that are behind me on this wooden border. It says, justice and tolerance.

I would not want the world or the Nation to believe that the defeat of H. Con. Res. 94 had anything to do with the personal beliefs of the Members of the United States Congress. It had more to do with our understanding of our constitutional underpinnings, the premise of the separation of church and State.

No, it does not mean that wherever I go I cannot utter a personal prayer to whoever I believe in. It may be Allah, it may be Jesus or God or some other name, Jehovah, that I am not familiar with. I do not stop anyone from doing that. Frankly, as a mother, I tell my children whenever they are in time of stress, offer a word of prayer; my belief, my teachings that I have taught my family.

For us to go and solicit on the floor of the House, urging all Americans to unite in seeking the face of God through humble prayer is not respecting and not tolerating those who are different from us. This Nation was founded on the grounds that there are those who are escaping religious persecution.

I would hesitate and would not like for the vote today to be cast about by those who want to spin it and say that we defeated an opportunity for reconciliation, an opportunity for prayer. I hope this Nation will pray in whichever way it chooses, as it is a diverse and religiously diverse community. In fact, I hope the clergy of this land heard the debate and maybe independent of government will rise up and call for a day of prayer where all of them will come to the United States Capitol, their capitol, their place, where they can come, it is free for anyone to come, and acknowledge whichever god they so desire.

I hope whatever day of worship one has that they will kneel, however they pray, and ask for this Nation to be healed and unified.

H. Con. Res. 94 had no place for the United States Congress to demand and call upon this Nation to pray in any certain way or humble themselves in any certain way.

So I hope that we can see the vote as a positive; that we remain on the day or the eve of July 4, Independence Day, when this fledgling Nation became a unified country, pledging allegiance to the flag of the United States, under God, acknowledging that but also a Nation that believed in the Bill of Rights, that no matter where one came from, no matter who their God was, they had the right to be an American and they had the right to the privileges of that wonderful equality, to be able to pray as they so desired.

I hope that we will be able to do actions, as one of my colleagues did say.

As I close, Mr. Speaker, I hope we will pass the hate crimes bill. I hope we will support Head Start and education. There are many things we can do to show ourselves compassionate. I hope that we will find a way to end school violence and gun violence. I hope that we will come together to work on these solutions, no matter what religious background we have, for the betterment of this Nation.

Mr. Speaker, I ask that we continue to be a Nation that believes.

THE SURPLUS, NATIONAL FORESTS, THE METRIC SYSTEM, AND THE DEFEAT OF THE NATIONAL DAYS OF PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to briefly mention three unrelated topics of national importance.

First, the headlines this morning say that we will now have a surplus that is $1 trillion larger than we thought it was going to be over the next 15 years. This is the direct result of the Congress changing hands after the 1994 elections and becoming much more fiscally conservative. We should all be pleased about this.

I remember in late 1993 or early 1994 when Alice Rivlin, who was then the President's director of the Office of Management and Budget, put out a shocking memo. She predicted then that we would have deficits, yearly losses, of over $1 trillion by the year 2010, and between $4 trillion and $5 trillion a year by 2030 if major changes were not made.

If we had allowed that to happen, our economy would have been devastated. Our children, who would have then been in the primes of their lives by 2030, would not have been able to buy homes or cars or almost anything else, as is the case today in many countries around the world. So we have made remarkable fiscal progress over the last 4 or 5 years.

A word of caution is necessary. We are still almost $6 trillion in debt. This still leaves us on very thin ice economically, but making good progress. Yet from what everyone up here is saying, people are starting to promise everything to everybody.

I simply rise tonight to say that I hope we will not spend this money before we get it. The best economists in the world cannot tell us with absolute certainty where the stock market and the economy will be 1 or 2 years from now. Yet, we are already gleefully celebrating and making major spending plans based on money we hope to get 15 years from now. We will get it if we remain fiscally conservative, but I say again, very simply, let us not spend it before we get it. If we do, we will do much more harm than good.

Secondly, at a hearing of the Subcommittee on Forests and Forest Health this afternoon, it was brought out once again that we are now growing about 23 billion board feet of new trees and timber each year in our national forests. Yet we are allowing only 3 billion board feet, or only one-seventh of the new growth, to be cut.

There is about 6 billion board feet of dead or dying trees and timber in the national forests. In other words, we are allowing trees to be cut at only half the number that are dead or dying.

In addition, it was brought out that there are 500 million acres of forest land in the United States which are not in the national forests. This is an amount of land equal to about 900 Great Smoky Mountain National Parks. People look at a map of this country on one small page in a book and they simply do not realize how big this Nation is. Yet there are environmental extremists who just do not want us to cut any trees.

If we are going to have healthy forests, we have to cut some trees. If we are going to have reasonably priced homes, books, toilet paper, newspapers, magazines, we have to cut some trees. And as shocking as it may to some who have heard only one side of propaganda from these environmental extremists, when we are growing 23 billion board feet each year in our national forests and cutting only 3 billion. We should cut much more so that our forests can be healthier and so that prices can be lower on almost everything.

Finally, Mr. Speaker, I was pleased to read on the front page of yesterday's Washington Times that many States are now moving away from the metric system. I am pleased that we gave the States some flexibility on this in last year's highway bill. This was something the Federal Government and a few powerful liberal elitists tried to force on us, but the American people never accepted the metric system. Unfortunately, this has cost our government at all levels and business many billions of dollars.

There was never a good reason to go to the metric system in this country. We have made this very expensive effort only because it would be helpful to a few large multinational corporations and because some people unfortunately think that anything that is done in most of the rest of the world should automatically be done here.

Yet for most of this Nation's history, Americans were not afraid to be a little bit different, a little bit unique, a little bit special. I hope the Federal Government and all the State governments will be responsive to our own citizens for once and end this expensive and elitist effort to force an unnecessary metric system down on us.

Let me add, Mr. Speaker, one other thing, just because of the vote, the defeat, we had on this national day of prayer bill that we just had in this body. William Raspberry, the great columnist for The Washington Post, wrote several years ago, he said, is it not just possible that anti-religious bias masquerading as religious neutrality has cost this Nation far more than we have been willing to acknowledge?

A very good statement by William Raspberry, a very good question for all Americans to ask: Is it not just possible that anti-religious bias masquerading as religious neutrality has cost us far more than we have been willing to acknowledge?

PRESCRIPTION DRUGS FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, seniors are being forced to choose between buying food and their prescribed medications.

The high cost of prescription drugs is particularly difficult for seniors, who use one-third of all prescriptions. Medicare does not cover prescription drugs. So, many seniors, 37 percent, do not have prescription drug coverage and must incur these expenditures out of their own pocket.

Studies conducted by the Committee on Government Reform minority staff show that older Americans pay much higher costs than other groups. These studies show that in congressional districts across the Nation, seniors pay for prescription drugs, on average, nearly twice as much as the drug companies' favored customers, such as the Federal Government and large HMOs who have the economies of scale who can purchase it in large quantities.

So seniors are paying double what the Federal Government may be paying through the VA or through some other program.

This price differential is approximately five times greater than the average price differential for other consumer goods. So it is actually five times more than what the economies of scale and other consumer goods may cost for large purchasers.

H.R. 664, the Prescription Drug Fairness for Seniors Act, allows pharmacies to purchase drugs for Medicare beneficiaries at the best price charged to the Federal Government through programs such as the VA or Medicaid. The legislation has been estimated to reduce prescription drug prices for seniors by more than 40 percent.

That is not price controls, Mr. Speaker. H.R. 664 just ends discrimination and allows seniors to buy just like a large customer would do, seniors on Medicare, fee for service.

Mr. Speaker, this is not a bunch of Democrats trying to play politics with this issue. What we are trying to do is bring up an issue that affects all Americans, because many seniors have no prescription drug benefits. It affects people in my district like Ms. Holec of Houston, Texas. Ms. Holec is 85-years-old and relies on Social Security as her primary source of income. She also has a medical condition that requires her to buy prescription drugs that cost $260 every month. Ms. Holec already has had to sell her car and some of her furniture to pay for her prescription drugs.

□ 1915

What is she supposed to do when she runs out of things to sell and can no longer afford her medicine that costs her now $3,000 a year? What if she develops another condition or requires another prescription drug? The solution to the problem is the Medicare prescription benefit, one that recognizes today's health needs of senior citizens.

Today the President announced his Medicare modernization proposal. I expect many people will talk about or speak out against this proposal, but before they do, think of my constituent and maybe another constituent, someone like Mrs. Holec, who is forced to spend a significant portion of her income on prescription medication or prescription drugs.

The President's plan will establish a new voluntary Medicare part D prescription drug benefit that is both affordable and available to all beneficiaries in fee-for-service.

The Medicare task force that was made up of House Members, Senators, and public members failed for primarily two reasons: One, it forced low-income seniors into managed care, and it did not include a prescription drug benefit.

Mr. Speaker, seniors should not have to look to managed care for their health needs. They should be able to look to Medicare. Whether it is the Prescription Drug Fairness Act that I am a cosponsor of, or the proposal outlined by the President today, or maybe another proposal that some Members would come up with, we have the responsibility to provide for this critical benefit.

Simply relying on managed care to meet this need is both unrealistic and unfair to beneficiaries. HMO coverage of prescription drugs varies widely between plans, and often has caps that do not fit the needs of the beneficiaries. Moreover, some beneficiaries do not have an HMO choice because they live in rural areas, Mr. Speaker.

I hope my Republican colleagues are as committed to solving this problem as the President is and my Democratic colleagues. If so, maybe they can join us in support of either one of these proposal or develop a new proposal, just so we can make sure that seniors have prescription medication without having to literally put themselves into poverty to do so.

However, to continue to do nothing it seems, like we do with so many issues important to hard-working Americans, is not the option. So I hope many Members will look at not only what the President proposed today, but also H.R. 664, to see if we cannot come up with a solution during this Congress, before the end of the year, to solve the problems of seniors who have to pay an inordinate amount, double in some cases what prescription medication would be for other Americans.

DAIRY LEGISLATION

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Missouri (Mr. BLUNT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUNT. Mr. Speaker, I want to talk tonight with some of my friends who I see are already here on the floor about dairy legislation. June is National Dairy Month. We are coming to really a fateful decision on dairy policy.

The Secretary of Agriculture has proposed an option for dairy policy that really does not work for most of the country. In fact, I have a chart here, Mr. Speaker, that shows the impact of this policy if it had been in existence over the last 5 years. There would only have been 1 year where America's dairy farmers would have been above the line of break even. The average for those 5 years would have been a loss of $196 million.

Dairy farming families certainly cannot continue to stay in business with those kinds of statistics and those kinds of odds. We are really in a process here where, after some time, I would have thought adequate time for study and lots of impact from Members of Congress, we came up with a very disappointing result.

Tomorrow in full committee markup H.R. 1402 will be marked up by the Committee on Agriculture that really follows a policy that a majority of the Members of the House and Senate have advocated. The bill, H.R. 1402, has 228 cosponsors.

Last year, as this policy was approaching a decision by the administration, by the Secretary of Agriculture, 238 House Members and 61 Senators wrote to Secretary Glickman asking that Option 1-A, a continuation of an option with a more consolidated, more effective, more updated series of marketing orders, would become the dairy policy for the country.

So we are here tonight to talk a little about this, and National Dairy Month, as dairy farmers all over the country are having a harder and harder time making ends meet, having a harder and harder time breaking even.

One of the leaders in this debate has been my friend, the gentleman from Arkansas (Mr. HUTCHINSON), from my neighboring district in Arkansas. My district is in Southeast Missouri, and the gentleman from Arkansas (Mr. HUTCHINSON) represents northwestern Arkansas.

Both of those districts have been great dairy districts over the years, but both of those districts have seen a significant decline in the number of dairy farms and dairy farmers.

In fact, in my district in southwest Missouri, at one time the eighth biggest dairy-producing district in America, and we do not rate nearly that high now, and we have been losing our dairies at the rate of about 8 percent a year.

Northwest Arkansas has been a great dairy area, and the gentleman from Arkansas (Mr. HUTCHINSON) has been a real advocate for dairy farmers and dairy farming families.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. I thank the gentleman for yielding to me, Mr. Speaker, and also for his leadership on this very important issue on behalf of dairy farmers.

I likewise am concerned, being from Arkansas. In my two counties in northwestern Arkansas we have had a loss of 43 percent of our dairy farmers. Ryan England came to me and asked me to do something to help him. I just have this chart that shows a little bit of the difficulty that our dairy farmers have faced.

We know that if we look back over the last 18, 19 years to 1980, if we look at the price of milk, the all farm price we would have of milk versus the retail price we have in the store, of course everyone knows that the retail price of milk has gone consistently up. Yet, the farm price of milk has remained steady through that time, with some fluctuation primarily downward.

We know that during that time the cost of production for our farmers has not remained steady, it has gone up. The cost of fuel, the cost of feed, everything that they would need to produce the milk on the farm, electricity, all has gone up, yet they have not received any benefit of the rising prices. So it has been a very difficult time for the farmers.

One of the options that have been considered is a dairy compact. This has worked very well in the Northeast. I know some of my colleagues here from the Northeast have indicated that it has worked very well for them, but 21 Governors, 21 Governors have signed legislation in their States requesting Congress to delegate its regulatory authority over their States' milk markets.

Right now, of course, as my friends know, Mr. Speaker, the Federal system is that we have the prices set out of Washington, a Federal price marketing system. We believe there should be more reflection of the prices in the States and more control being returned to the States. So the Governor has said Congress should delegate some of that regulatory authority back to the States, the regions, to have a dairy compact in the Southeast, a Southern Dairy Compact, as they have had in the Northeast, which worked very well for consumers as well as for the dairy farmers and the processors.

I say to my friend, I believe that is important. I just want to thank everyone for being interested in this, supporting the dairy farmers. Hopefully the legislation that my friend from Missouri is sponsoring will move forward, as well as this dairy compact legislation. I thank the gentleman.

Mr. BLUNT. One of the things I might mention while that chart is still up there, Mr. Speaker, is that farm prices have stayed the same, have taken dips along the way, but the retail price has increased. One of the things the studies show on this proposed Option 1-A is that it does have benefits for farmers, but the benefit for consumers is the benefit of a fresh product being available, there continues to be competition in production, and consumers continue to have not only a good product but they have a competitive price, because we do not see this continued consolidation that we are seeing and that all projections would show that we would see under the other options being proposed.

Any time we have met with the Secretary of Agriculture, people from the U.S. Department of Agriculture on this issue, one of the people that has been in the room has been the gentleman from Maine. I yield to the gentleman from Maine (Mr. BALDACCI) on this topic.

Mr. BALDACCI. I thank the gentleman from Missouri (Mr. BLUNT) for his leadership on this issue, and for his organizing those meetings with the Members and the Secretary to raise the awareness of how important agriculture and dairy farmers are, not only to his district but to the Nation as a whole.

In Maine the dairy industry is a vital component of the agricultural economy. Sales of milk generate cash receipts totalling almost $100 million a year. That was before the bottom fell out. Those sales from about 600 farms 20 years ago, it was nearly twice that number.

The loss of family farms in Maine and the loss of farmer income not only affect related industries, such as equipment and feed suppliers, but it ripples through the rural economy.

I think, as we have heard here earlier, the debate in terms of an option of 1-A versus 1-B is relating to having farmers get at least some meager return for the amount of work and effort and resources and sacrifice they have put into the work they are doing.

The work that they are doing extends beyond just the farm itself, but into the community. Their children and family members are involved in 4-H, in community projects. Because of the loss of farm families in the agricultural community, I believe that has been one of the problems in rural America and in all of America, is that it has not reinforced that family unit, that community sense and that responsibility that we have to each other that I believe emanates a lot from agriculture.

Maine recognizes that there is a compact between the farmers and the consumers. That is why we support the dairy compact. There is a realization that the flat prices that the dairy farmers have been getting as the prices have been escalating, it reminds me of the story that was pointed out to me that the prices go up by pony express, but they end upcoming down by bottle.

I think that is what we have recognized from our dairy farmers, is that they have received a very, very meager return for their investments.

The bill put forward by the gentleman from Arkansas (Mr. HUTCHINSON) on the Dairy Compact is a bill which will keep that process going, where our dairy farmers in the Northeast and the Southeast and West and all parts will be able to enjoy some sort of floor, and they will realize a return on their investment.

I want to thank the gentleman for the opportunity to address this issue, and to work with my colleagues from Pennsylvania and North Carolina and throughout the country here to make sure that our farmers get a fair deal.

Mr. BLUNT. I thank the gentleman, Mr. Speaker, for his comments. Certainly in virtually every district, and I know every district of Members on the floor, and there are 228 cosponsors of this legislation as of today, in virtually all of their districts, in virtually all of their States, dairy farmers and dairy farming families have declined and declined dramatically. This option, Option 1-A, really does create the difference.

Somebody in a hearing the other day said, well, it is only pennies a gallon.

Anybody who knows anything about dairy knows that pennies a gallon is the difference between whether you continue to milk those cows or you stop. Most dairy farmers, as much as they love the dairy farm, do not do it solely for their health, they do it because of the necessity to feed their families, to make a profit, and those pennies make a difference.

In fact, this option alone in Missouri, in the Seventh District, if we went to Option 1-A rather than Option 1-B that the administration, that the Department has proposed, there would be almost $2 million of additional income every year to southwest Missouri dairy farmers.

I can guarantee the Members that that is the difference in whether you divide that up into profit among the hundreds of farm families we still have, or you simply create a situation where there is no profit and we go out of business.

Mr. BALDACCI. If the gentleman will yield, Mr. Speaker, the gentleman's point is exactly right. Also what is happening in Maine, what we do under the option that has been put forward by the administration is lose significantly over what little we are getting now, and all the option that the gentleman is sponsoring and I am cosponsoring, working together with many other Members, it is going to just put us back where we are now, which is still struggling. We are not going to reap any kind of gain from being able to have 1-A put back in, but just be able not to lose as much.

I think there is not going to be an increase in the consumer prices from the support of this 1-A.

Mr. BLUNT. I think all of the studies indicate that in fact maintaining competition is what maintains not only a good product but a low price. There is no study that indicates that the price that consumers pay is affected in any significant way by what we are proposing.

What we are proposing is to continue to have a product that it takes a while to get to the market. You do not just decide in the spring to be a dairy farmer and harvest a milk crop in the fall. It is a different commitment than that, it is a different time commitment than that.

We think this bill really creates the relative assurance in a very difficult economic environment on a dairy farm, the relative assurance that producing that product is still going to be profitable for your family.

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One of the leaders, Mr. Speaker, in this whole area of milk in the Congress for years and dairy policy was the gentleman from New York, the outstanding chairman of the Committee on Rules, Mr. Solomon. When he left the Congress at the end of last year, he was replaced by somebody who has very much taken that heritage of being concerned about dairy farming families to heart and certainly has become a real leader in this issue. I would like to yield to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. I thank the gentleman for yielding to me. I was standing here listening to the exchange between you and the gentleman from Maine (Mr. BALDACCI) and the gentleman from Arkansas (Mr. HUTCHINSON), and I look around the room and see a number of our colleagues throughout the Nation, and it strikes me that this issue of equity in the dairy industry and the debate over the legislation attendant to Option 1-A really does not know any geographic bounds. We have a number of people who are supportive of our endeavor.

As the gentleman pointed out earlier, nearly 300 Members of the House and Senate wrote to Secretary Glickman concerned that he was headed down the wrong path when reforming the Federal milk marketing audit program. Unfortunately, despite that, the Secretary chose to ignore the consensus by rejecting Option 1-A, instead selecting Option 1-B, as well as is the case from our friend from Maine, also affects New York in an adverse way. This is not a question of trying to enrich the New York dairy industry, but a question of trying to hold the line and stop the bleeding, which has been profuse.

Congress has been very consistent in its position with respect to dairy policy, as the gentleman pointed out. Farm groups, dairy producers, have coalesced behind Option 1-A and built a pretty convincing coalition. I want to talk about a couple things as we start out this evening, if I could, to give you a little perspective on New York State generally and talk a little bit about the perishable nature of milk.

You touched on some of those issues, but in New York the Option 1-B as proposed by Secretary Glickman will probably cost us something in the range of $200 million to $300 million. We cannot absorb that kind of cost.

Our dairy industry ranks third in the Nation. Milk production is vital, and by far is one of the greatest contributors to the State's agricultural economy, as well as prominent contributor to the rural character of upstate New York which I happen to represent a portion thereof.

Dairy farms generate over $1.5 billion in milk receipts annually, and the dairy industry supplies my State something in the range of 80,000 jobs, especially in areas of the State where we have a great deal of economic strife existing.

Despite the prominent role of this industry, our dairy farmers have been in a precarious position for some time and the volatile markets have jacked up retail prices while eroding the farm share for the consumer. Record highs have been followed by record lows, and dairy farmers no longer plan a steady income.

It is tough for a farmer to plan a steady income, as you pointed out, and it is important to understand that the product dairy farmers provide sets them apart substantially from other agriculture producers. As providers of a very, very perishable product, dairy farmers lose the ability to ride out or boycott unattractive markets. Dairy producers cannot simply turn off the faucet of the cow when the price goes south and cannot withhold raw milk from the market in order to bargain for a higher price. They are at the beck and whim of that marketplace.

This places them at the mercy of the volatile dairy market, which just this last spring we saw a 40 percent drop in the price farmers receive for fluid milk and an unprecedented plunge. Imagine what a terrifying experience it would be if you saw your income drop by 40 percent and then recognize that while you still have to pay your bills and expenses, the prices were going to drop at that rate.

No matter how much you receive for your milk, fields still have to be plowed, Mr. Speaker, cows still have to be fed, mortgages still have to be paid. It is no wonder that the independent dairy farmers are losing their farms at an alarming rate in New York State and elsewhere, as well as in many other regions of the nation.

Aside from the perishable nature of the raw milk, there are other more ominous forces that work against our dairy farmers. Rapid consolidation in the dairy industry is putting market power in the hands of very few. My colleagues from urban areas in New York State have argued for some time that they are concerned that Option 1-A and the Dairy Compact and inclusion thereof will create a false pricing structure that will somehow cost their constituents. That is not true, and they need to be very concerned that as the rural upstate family dairy farmer is in greater peril, so are their consumer constituents in greater peril, because they will be left with fewer options and have to go greater distances to purchase the dairy products, the milk products, that they choose to.

I would only direct you to the problems and those who would question Option 1-A and inclusion in the Dairy Compact, that the problems that we now have with market concentration and poultry, beef, and pork industries, and contend that dairy is headed down the same road if we do nothing to prevent it.

So I want to applaud the gentleman for your efforts in this regard. I want to applaud all of my other colleagues for their efforts as well. I think this is probably one of the most significant economic issues for my region certainly and my district and for much of rural America.

Mr. BLUNT. I thank the gentleman from New York. One of the things to point out here too is that as these dairy farms are lost in areas, that jobs that relate to that are lost. The State of Missouri, in the last few years, we have lost two fluid milk plants, we have lost 11 plants that process dairy products, because we simply do not have the production that we used to have to justify those jobs, those off-farm jobs, that did not relate necessarily to producing milk on the farm, but certainly are not there any longer when that milk is no longer produced on the farm. So it does matter.

As the gentleman from New York said, Mr. Speaker, we have had already this evening people like me from Missouri and my colleague the gentleman from an adjoining district in Arkansas (Mr. HUTCHINSON), from Maine and from New York.

One of the people that is always in that room when dairy policy is discussed too is our colleague from North Carolina (Mr. ETHERIDGE), to go to another area of the country. I would like to go to him right now. I certainly appreciate all that the gentleman does, not only being one of the original cosponsors of this bill, but also the leadership that you play as a member of the Committee on Agriculture where this bill will be marked up tomorrow. I would like to yield to the gentleman.

Mr. ETHERIDGE. I thank the gentleman for yielding. I also want to thank the gentleman for holding this special order on dairy legislation this evening as it comes up before Congress tomorrow. We will be marking it up. I thank the gentleman for his leadership. I am proud to be an original cosponsor of 1402 as it is scheduled before the committee tomorrow.

The gentleman talked about 1–A, how important it is. It is critical, it is significant, and, as the gentleman indicated, over 200 Members of this body would not have signed it otherwise.

It simply provides an incentive for farmers in small regions of the country to continue to produce fresh milk. That is really what it is all about. The gentleman has talked about the dollars, and the same would be true for my region.

In the last 10 years, we have lost half of our farmers, our dairy farmers. Let me say this evening, we are talking about dairy farmers, but this is symptomatic of the problems throughout agriculture today in a lot of areas, because every commodity is down, but this is one we can do something about tomorrow or start the process with.

As the gentleman indicated, it is unlike many of the other agricultural issues we deal with, because many of those go from spring to fall, and with this one it takes awhile to build that herd and sustain that herd and the investment that goes into it.

My dairy farmers and yours already are reeling from the volatility of the fluid market over the last several months. We have seen tremendous drops. I hope that over the next few weeks we also get a chance to deal with another piece of legislation dealing with dairy, and that is 1604, which is the ratification of the Southern Compact and reauthorization of the Northeast Compact. Our friend from Maine just touched on that a few moments ago, how that levels out the price that dairy farmers get and how important that is, because they need to have that to plan as they invest in herds, as they invest in equipment and they pay their bills.

Let me say to the gentleman and the folks listening in this evening, it is a shame, while the executives of some of the large conglomerates, and we talked about it earlier and the gentleman from Arkansas (Mr. HUTCHINSON) did, about the difference in what farmers are getting now and what they have got even over the last 10 or 12 years, and the difference in that price and the cost of milk. The cost of milk has gone up about 35 percent since 1980, and we saw from the chart what farmers get has been pretty flat.

It is pretty obvious, the farmers are not getting it. They are producing more, but the costs of their input of what they are paying for feed, for labor and everything else is going up, and they are getting squeezed by the cost of raw milk they are getting.

What 1–A does, it says that we are not going to adopt the 1–B that they talked about, which is going to subsidize just a few producers in one small area of the country and flood that milk to the other parts of the country and drive our people out of business, so we do not have fresh raw milk for our processors nor the fresh raw milk to go to the grocery stores.

So the people who would benefit under this are not only the farmers we are going to keep in business, but it benefits the consumer, because they are going to have a fresh supply of milk at the store every day, and milk is an important product in this country for the very young and for the very old. Those of us in between like to enjoy some too. But it is important.

I think sometimes we forget that when we are talking about the other issues. It is an important consumer issue and it is important to the American people.

As I said, since 1980, the retail price of milk has risen 35 percent. The farmers would feel pretty good if they had gotten 35 percent increase in their cost of milk at the farm, but they have not gotten it. It has been driven down.

That is what this is about, at least about stabilizing, so when they go to the bank to borrow money, and do not ever forget, that dairy farmer borrows money just like any other farmer in this country, but at least they know there will not be spikes in the price they are getting, so that they can do some planning.

The importance of this legislation cannot be overstated. The thing that I fear if we do not pass it, and this is why I think it is so important and I thank you for your leadership and having the opportunity to work together, if we, if we continue to lose our dairy farmers, we will have more and more concentration in a very few hands, and ultimately then the American consumer will wake up one morning, and all of a sudden the price of milk will be up and there will be no way to get it down because there will be so few producers, they will control the market. They are not able to do that at the current time. I think we have a chance now to take care of that.

Milk is just too important to let that happen. This piece of legislation is not only important to the farmers, it is important to all of us. But right now our farmers, certainly in my part of the country, are bleeding. We can do more than put a tourniquet on, we can do more than put a band-aid on, we now have the opportunity to take care of that bleeding for the long term, if we will deal about it. I look forward to the work we are going to do tomorrow.

Let me finally say that some folks say it is easy for them to get up and say let the free market work, it is all about the free market working.

I am all for the free market, if it is free. The problem is, the foreign governments are subsidizing their farmers in a variety of ways. We cannot get products in Europe because of tariffs, and it is true in every other part of the country, and our farmers are paying the price. We have the most open market in the world, in the United States, right now, and if our farmers benefited from that on the free market, then we would not need to be able to make sure they stay in business. But this is about our farmers getting a fair shake, getting a fair chance at the marketplace.

I thank the gentleman for it, and I look forward to working with you so we can say to our consumers they are going to get a fair price in the market price, they can go in the grocery store and know they are getting fresh milk, and our farmers are going to be in business for the long haul and we can encourage the next generation of dairymen to get into it, because if we do not give them the tools to work with today, we will continue to see the auction of cows, auctions of farmland, and we are going to be turning our dairy farms into shopping malls and housing projects. Not only do we lose the benefit of the production, we also lose a green way and environmental part of this country and a way of life we will not be able to replace. I thank the gentleman for his leadership.

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Mr. BLUNT. Mr. Speaker, I thank the gentleman. And on his comments about competition, I think one of the things that the gentleman sees, and I saw when we served on the Committee on Agriculture together, was the constant concern about concentration in beef and pork and poultry and the many problems that relate to concentration. This legislation is focused on continuing competition. It is focused on continuing to have people producing that product.

The gentleman mentioned the very young and the very old. As a former chief state school officer, I think the gentleman would appreciate the other day when I was at Stadly Elementary School at Carthage talking to 4th graders, and one question was, "Do you know President Clinton?" And I said, yes, I had been in a meeting with President Clinton the week before when we were in the middle of Kosovo. And the next serious question from the next 4th grader at Stadly Elementary School was, "Did you know Abraham Lincoln?"

So the very old is sort of a relative term. I had to allow that I was a pretty old guy, but I had not been around quite long enough to know Abraham Lincoln, and so I could not admit to that, but I said I admired Abraham Lincoln.

Mr. Speaker, when I am going to a dairy meeting, as I think about the complexities of the problem, the formula involved, the different categories of this product, and my staff would be one of the first to say this as well, one of the early questions I ask before I know just how well prepared I have to be is, is the gentleman from New York (Mr. MCHUGH) going to be at the meeting? And if the answer is yes, I heave a little sigh of relief because I know I do not have to be quite as well prepared as if the gentleman from New York were not going to be at the meeting.

The gentleman from New York understands these issues, he cares about them, he can debate anybody anywhere in the country and particularly anybody from the U.S. Department of Agriculture on the fine points of dairy policy. And here we are talking about a policy that is the difference in staying in business and not staying in business for many of the dairy farmers both he and I represent. And with real appreciation for his understanding of this issue, I am pleased to yield to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Well, Mr. Speaker, I thank the gentleman for his very gracious comments, and let me return the compliment. The gentleman from Missouri (Mr. BLUNT) has been a leader on this issue. And, frankly, without the gentleman's hard work and without his dedication and devotion, we would not have this opportunity to come forward tonight and to talk about what is I know shared in America and is understood to be a very, very important issue.

We have heard about the Compact tonight, but, as the gentleman noted, we have a very important markup tomorrow in the Committee on Agriculture dealing with a very complex issue with respect to milk market orders. I, like many of us, have listened over the past several weeks, heard the discussion from those Members who do not share our perspective, I have read their statements, and I think, unfortunately, there is a great deal of misunderstanding, there is a great deal of misinformation as to the particulars of milk marketing and milk market reform.

I think, however, we can all agree on one thing, and that is that the current system of milk marketing in America is extraordinarily complex. Some would say it is arcane. And it is true, the proliferation, the really fragmented evolution that has surrounded the growth of marketing orders in America today has really provided us with what I think we can all agree upon is a very ineffective system. But for all of that complexity and for all of the need for change, I think that the need for the market order system today, in 1999, is as evident and is as important as it was back in the 1930s.

Clearly, some of the things from 60-plus years ago, when the original market orders were first constructed, exist today as they did then. Milk production, as the gentleman from Missouri (Mr. BLUNT) has noted today, and others have as well, is a long-term undertaking. It is seasonal as well. One cannot, as the gentleman noted, just take a dairy cow and start milking it tomorrow for market. There is an intensive capital input and an extraordinary amount of time necessary to raise a calf into the age and position where it can be a productive animal.

The seasonality is a factor of life today as it was 60 years ago. Cows produce more milk in the spring, less milk at other times, and that is a very important factor. Farmers cannot shut down a factory line, cannot lay off cows during times of less demand, and those are realities that have not changed.

And I think most importantly is the recognition behind the original orders that milk is, indeed, as the gentleman from North Carolina (Mr. ETHERIDGE) just said, a wholesome product, that the vast majority of Americans wish to provide it for their families, wish to provide it for their children, and that was a very important policy position behind the formulation of those markets back in the 1930s.

Things are different. I have heard our friends on the other side of this issue say that refrigeration now can change the way in which milk markets operate; that you can ship fluid milk to further distances; that, clearly, the population centers of America are different today than they were in the 1930s and that the reason behind original markets, the increased production, to ensure there was an adequate supply, are no longer reflective of those changes in population. But those have limits as well. And, quite honestly, that thought, that recognition was behind the 1996 farm bill.

I become confused when I listen to some folks who, for all of their good intentions, were not part of the formation of that 1996 bill, who were not there in the negotiations, suggest that it was somehow the intention of the Congress to do away with market orders; that market orders were, by definition, a relic of the past and that Congress expressed an intent in that bill to do away with market orders.

Well, nothing could be further from the truth. The Congress spoke very clearly. They understood that at that time the 31 designated regions of milk markets were no longer relative to the 1990s, that they needed to be reconstructed, but they very specifically dealt with the issue of the elimination of market orders, of the elimination of what is called Class 1 differentials, that price-plus that is paid to farmers for fluid milk, and gave very clear instructions in that bill to the Secretary of Agriculture that, indeed, milk market orders should continue; that the process and the practice of Price 1 differentials should not be unduly disrupted in whatever market order reform came about.

That is why I think the Secretary's ruling is so perplexing. The record clearly shows that the overwhelming majority of individuals and organizations that expressed their interest during the formal hearing or informal hearing process was in support of the so-called I-A Option. It has been mentioned on this floor this evening. Congress spoke loudly both at the time when the bill was on the floor and in follow-up meetings with the Secretary.

It was expressed very clearly in letters to the Secretary. 238 Members of the House, 61 Senators, who normally could not agree on what day of the week it is, said that they wanted the Secretary to support 1-A as the most viable and the most effective option. Even the Secretary's own dairy price structure committee, the in-house United States Department of Agriculture Advisory Committee, the experts, including many prominent economists, supported 1-A.

The reality is if we were not under an informal rulemaking process, that if this bureaucratic decision had to be done under a formal rulemaking process, it could have never and would never withstand legal scrutiny, because the record simply does not support the implementation of a 1-B Option. And I think that is a very important point of this.

But I have to say, if I could continue for just a moment longer, the saddest aspect in all of this to me, as someone who has tried to work on these issues in a positive way for more than 20 years now, is how we seem to pit dairy farmers against dairy farmers, that somehow good dairy policy has to help one at the expense of the other. And I think it is very important that we go on record tonight to say that all of us recognize there are no dairy farmers in good shape today. Whether they are milking cows in the Northeast or the South or the Midwest, the upper Midwest, out on the West Coast or anywhere in America, they are not receiving a fair return on their labor and on their products.

We have heard the figures here tonight, and they are really startling. If people would just stop and think about what it would mean in their own lives, as my good friend and neighbor, the gentleman from New York (Mr. SWEENEY) stated, if overnight an individual's income was reduced by 40 percent. Farmers are receiving in real terms the same dollar for their product today as they did in 1978. Cost of living, input, production costs, as we have heard, since 1982, have increased 60 percent; and that is a reality whether a farmer is in New York or Wisconsin.

And it saddens me deeply to have to find ourselves time and time again opposing representatives who are good of heart, who are trying to represent their dairy farmers as well, as though somehow we have to hurt some to even marginally help another. New York's dairy history is a sad one in recent years. Built on a proud tradition, we have lost more than 8,000 dairy farmers over the past 10 years or so. Milk cows in New York have decreased by some 23 percent.

So there are no winners in this. And what really confuses me in the fight that we will see tomorrow on 1–A and 1-B is that somehow the folks who think that by adopting 1–B their dairy farmers will prosper are simply wrong. Every region of the country, including the upper Midwest, who seem to be most supportive of this, will, at the end of the day, when the market order reforms are taken into consideration and when the pricing structures for Class 3 milk are taken into consideration will lose money. The class pricing changes for Class 3 will mean a loss of some $30 million to farmers in the upper Midwest.

So 1–A, 1–B is not a fight of who will do well but rather a fight of who is going to be hurt less, and I think that is a very, very disturbing aspect.

And there is another important point that for all of the debate I have heard in support of 1–A and 1–B, particularly those who are favoring 1–B, that somehow other farmers are receiving more for their milk. Well, as my boyhood hero Paul Harvey used to say, "Here is the rest of the story." The reality is that when we factor in all of the price components, what a farmer is paid for his or her milk, dairy farmers in the upper Midwest have traditionally, historically, and continue today to receive more than the farmers do in, say the Northeast.

In the Chicago regional market, for example, when we factor in the cost under the market order support, when we factor in the various premiums that they receive, those farmers obtain 55 to 66 cents per hundredweight more than farmers in the Northeast. So while my heart goes out to those farmers and while I definitely and strongly support things that we can and should be doing to help them as well, this action, 1–A versus 1–B, will not be the salvation, will not reach out and help dairy farmers in the upper Midwest, will not, as I have heard time and time again, level the playing field.

We cannot have a responsible dairy policy that indeed encourages the production of fluid milk, affordable, wholesome fluid milk in every part of the country, a policy objective that I think is so very sound, so very important, by taking away annual farm income, depending on whose figures you read, anywhere from $360 to $560 million a year. And that is why this is so very, very important.

In our part of the world, the gentleman from New York (Mr. SWEENEY) and myself, and I know it is reflected in the districts of the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maine (Mr. BALDACCI), and all the other Members, the gentleman from North Carolina (Mr. ETHERIDGE), the gentleman from Arkansas (Mr. HUTCHINSON), and I know the gentleman from Pennsylvania (Mr. KLINK) is going to speak shortly, in all of our regions dairy farmers are important for what they do, for what they produce.

But it is more than that. We have to help people understand that when a dairy farm goes out of business, it is not just a few buildings becoming vacant, it is not just that no longer is that field populated with dairy cows. It is a loss of business of devastating proportions to our local communities, a loss of an incredibly important, I would argue irreplaceable, fabric in the social and economic fabric of a community.

□ 2000

We lose our neighbors. They no longer shop at the local supermarket. They do not go to the feed store, implement store. They are no longer purchasing products from the hardware store on down to the local book store.

So it is an important thing for consumers. It is an important thing certainly for the preservation of, in the State of New York, the largest segment of our largest industry, agriculture. And it is important, too, that we preserve this way of life.

I would like to believe that over time we can begin to work together with all of our friends here in this Congress who care very deeply about their dairy farmers as well and evolve a policy that helps all of these folks stay in business, to the betterment of each and every American.

Again, I thank the gentleman for his leadership on this issue and for the chance to be here this evening.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for being here and for his comments.

Certainly, as he pointed out, in the milk marketing order, there are some significant revisions of this map. The two directives from the Department of Agriculture, and there were only two directives in this regard, were to create a new consolidated set of orders that reduced from the 31 that are in place today to no more than 14 or less than 10. They came back with 10 orders, basically, that does reflect some of the transportation, refrigeration, the other elements.

But this is, as the gentleman knows, a highly perishable product. There is a particular, I think my colleagues would probably call it junk food, but I like it, that I will not mention the name that I like to buy. The shelf life is forever. It does not matter how long it takes to get to the store where I buy it. It does not matter how long I keep a box of this particular item at my house. It is going to be just as good, I guess, 10 years from now as it is today. My wife would argue about the quality of my product choice there.

But we do not have a forever life with this product. And keeping that supply reasonably close, and we are saying now that it is with three times as easy to get that product to the store on the store shelf as it was when the milk orders were first designed, so we are going to 11 helpful milk orders. That was one requirement. The other requirement was that if the State of California wants to be exempted and have its own order, they would be allowed to do that.

As the gentleman from New York (Mr. MCHUGH) knows, Mr. Speaker, those were the only two requirements that USDA had. There was no requirement to eliminate the policy. There was no requirement that fresh milk would no longer matter after 1999 or 2002 or any other date. Those are the requirements. This order reflects that.

And of course this is a product that, in its fluid form, that we really do not have extra days. When we look at that date on the carton when we buy it at the store, it is not months or years in advance, it is just a few days in advance. And a week or a day or two days off the life of that product makes a big difference in the quality of the product and whether somebody wants to rush back to buy another gallon or half gallon or pint of that product.

Mr. McHUGH. Mr. Speaker, I could not agree more with the gentleman. Who amongst us has not walked up to the dairy case in our local supermarket and reached to the back to try to find the expiration date that is furthest away? And it is true, refrigeration has made a difference in how we can ship dairy product. But it is not a total answer. There is a very substantial cost to be paid in terms of lessening the shelf life when that product reaches our market shelves, a very substantial degradation in the quality of the product of milk.

If my colleagues are interested in increasing consumption amongst Americans of this very wholesome product, it seems to me that that kind of loss of quality, that kind of loss in consumer convenience in terms of the compressed expiration date is absolutely critical.

And there is one final reality that those who argue that market orders are no longer necessary because we can ship from California to New York or from New York to Florida or wherever conveniently choose to ignore, and that reality is simply that transportation is a significant cost factor in the retail price of milk; and the further they have to ship over time, it will have an irreversible and a very significant factor on the price of milk to the consumers. And it seems to me that one of our primary objectives has to be in all of this dairy policy, because we are not just formulating policy to help farmers, we have to take the broader public interest into mind, is that we stabilize prices, not increase them artificially, and particularly not do it in a way which is proposed through 1(b) that would be so devastating to the producers.

So, again, I thank the gentleman for his leadership.

Mr. BLUNT. Mr. Speaker, one of the ways that I like to drive to Washington is through Pennsylvania. Before I was in Congress, when my family and I would come to Pennsylvania, when my children and I would come to Washington when my children were growing up would be through Pennsylvania. One of the things, as a person who was born on a dairy farm, that we enjoyed the most was that roadside view of those great dairies.

I notice that there are fewer of those dairies. And dairies that we used to look at and admire the cows as we were driving by and the painted buildings and the white fence and all the things that went along with those great dairy farms, many of those that I see now do not have that. I know one of the people that has been concerned about that in the Congress as we have dealt with those issues is the gentleman from Pennsylvania (Mr. KLINK), and I would like to yield some time to him to talk about this very important issue to Pennsylvania and really to all of the States of the country.

I think what the gentleman from New York (Mr. McHUGH) said about the struggle that dairy farmers are having everywhere is something that we all want to keep in mind as we deal with this legislation.

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding to me.

I want to tell the gentleman first of all that I thank him for his leadership on this matter. He has brought a great amount of fortitude and insightfulness and inventiveness in helping to find out ways that we can bring attention to the plight of the farmers. I appreciate his doing this special order and having us here. And I also very much appreciate his driving through Pennsylvania and hope that when he does that he will spend a little bit of money and keep Pennsylvania green. We appreciate that, as well.

Let me say that I think all of my colleagues on both sides of the aisle just have done a tremendous job of talking about what is at risk here. What this is really about in Option 1(a) is giving the farmers of America a fair shake. 1(a) is based on location-specific cost. It recognizes, as the gentleman from New York (Mr. McHUGH) said, I think said so well, the value of having a fresh supply of milk produced locally.

He is right, there is refrigeration. But there is this whole idea of the family farmer, once they are gone, once we have only the big industrial farms, who is going to control the price of milk at that point?

The interesting thing I think for those of us who have grown up in farm life, I think what we understand here tonight is that we are fighting specifically for a way of life. I know that the gentleman from Missouri (Mr. BLUNT) referred to this earlier. If we go back to the founding of this Nation, it was an agrarian society, and it is only when the farmers were able to produce more that it freed up some of our families to go and do other things, take industrial jobs.

So what we are really fighting for today is for that farmer to be able to continue to produce the food, and in this case it is milk products, and to be able to get a fair price for that product. And if we cannot talk about location-specific costs, if we cannot have a program like 1(a) that specifically realizes we have to have a fresh supply of milk forever in each region, where are we going as a Nation? Where in the world are we going?

Some of my farmers, we toured around, we talked about this, we talked about the Northeast Compact, we talked about milk prices falling. I do not think that people out there who are not familiar with the dairy industry and they are not familiar with farming do not realize how difficult it is for farmers. I know the gentleman from New York (Mr. McHUGH) touched on it earlier about they just do not buy a cow and start milking it right away. There is a whole lot of investment that goes into it.

How many farms in all of our areas were bought where somebody came in first generation and put up the barns, bought the land, built the sheds. Fortunately these are second, third, fourth, fifth, sixth, seventh generation farms. If they were not, if these farms had not been handed down, if these farmers today had to make the capital expenditure to buy that land to build the barns, to buy all the cattle, they would not be making anything. And they are barely making anything, and in some instances they are not making anything.

The gentleman from Missouri (Mr. BLUNT) is right, there are farms that are disappearing in Pennsylvania, in all of our States. And with that is that fresh supply of milk.

Now, the farmers get started. Maybe they are fourth, fifth, sixth generation farmer. Then here comes the dairy and they are buying the milk from them and they tell us what is Class 1, they tell us what is Class 2, Class 3, and we get a different price based on not what quality of milk they have, Madam Speaker, but it is on what they are using that milk for. They are paid as a farmer for what they are using that milk for.

Now, if they sell a bail of hay, it is the going price of a bail of hay. If they sell a bushel of wheat, it is the price of a bushel of wheat. But they pay the farmers for the milk depending on what they are going to use that milk for.

I have had farmers tell me and they kind of laugh and they look out of the side of their eye with a twinkle and they say, "Now, you show me which one of my cows produced Class 3 milk and I will make hamburger out of them because I cannot afford to feed them anymore." There are so many things going against these farmers, they have to milk twice a day, every day, seven days a week. All we are saying is give them a fair shake.

H.R. 1402 is well thought out. This is a good bill. It is going to be marked up tomorrow. It is an important piece of legislation. As my colleague said, I think we have 228 cosponsors. That is a majority of this House. It is the right thing to do. It is a thoughtful thing.

And to both of the gentlemen from New York, we are right behind them. They are the third largest State. We are the fourth. We are trying to gain on them, but with farms shutting down, we are not quite getting there.

Some of my colleagues have mentioned earlier about the number of jobs. We have 17,000 jobs in Pennsylvania tied directly to the dairy industry. And then the spin-off, another 12,500 jobs indirectly tied to the dairy industry. The people who are suppliers, those people where they do their shopping and the things that they do. And it is estimated if we have a 2-percent decline in our dairy industry in Pennsylvania, it would be a loss of 600 jobs. Six hundred families would have to go find something else to do, another way to pay the bills, another way to pay the mortgage, may have to leave the family farm.

This is important. It is important in dollars. It is important in jobs. It is important to have that rural family farm way of life.

We were talking over the past couple of weeks a lot on this floor of the House about morality, about solving social problems. There is nothing greater to bring people together than to give them a little taste of what happens in farm country. Dairy farms are about a way of life. They get up early, work long, work hard, enjoy each other's company.

Do we want to see the family farm wiped out because we have not given them a fair shake and have only large industrial farms out there? They will set the price of milk. If the consumers think they got a bad deal now, they got nothing. The farmers out here are watching the price of milk. On March 5 of this year in Pennsylvania, the price of our milk dropped 37 percent to the farm. They went back to what they were making in 1962.

All the consumers out there saw was maybe a nickel, six cents, seven cents difference. It was not that big. There was no real notice when they went in, pulled their dollar bills out and tried to buy a gallon of milk.

So it is important that we give these farmers the opportunity to have a good fresh supply of milk produced locally, let them recoup their local costs, whether it is labor costs, whether it is transportation costs. Whatever the cost is, whether they have got to get their feed ground, whatever it is they have to do, they have to be able to recoup that cost.

Some of the other speakers talked and we have to talk again about the dairy compact, because we are going to be back here I know talking about this issue. And it is important that we also, and I know that we are supportive of 1604, to reauthorize the dairy compact and to create a southern compact.

I am very proud that in Pennsylvania our State assembly since the last time we talked passed legislation to allow Pennsylvania to join the compact. The governor signed it into law. And now our farmers are going to have that shot. Now, the difference is that now they are making a little over $12 per hundred weight. It costs 13 and a half bucks to produce that milk. The compact differential is going to be the difference between paying the bills, staying in business, and not being in business. That is how important this compact legislation is.

So I thank my colleague for having me here to be part of this to let me along with I see the gentleman from Pennsylvania (Mr. SHERWOOD) here to be able to speak up on behalf of our farmers in Pennsylvania. But I just want to point out one thing again in case it was missed, Madam Speaker, and that is this: We have got people here from the Midwest, from the South, from the Northeast. We are not against each other's farmers. We are all here today speaking out for all of these dairy farmers, speaking out for fairness against each and every one of them. I am not against the farmers in Missouri or New York. We want a fair shake for all of them. And someone said it earlier, we do not have to pit American farmers against each other.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for his leadership in this effort. And he has already recognized one of his colleagues here on the floor who, from the first day he joined us this year, came up to me and said, "Dairy is important in my district. I want to be involved in getting this legislation passed."

□ 2015

If the proposed option would go into effect, the average herd of 100 cows, that family would lose $6,000 to $15,000 a year depending on other price factors. Most of us would not want to take a $6,000 to $15,000 a year family pay cut. That is the difference in these options. That is why we are supporting 1–A. That is why it is going to be marked up in committee tomorrow.

The gentleman from Pennsylvania (Mr. SHERWOOD) has been an advocate of this policy since he got here and has been working hard to see that we get to this point of reversing this decision, passing 1–A. I yield to the gentleman from Pennsylvania.

Mr. SHERWOOD. Madam Speaker, I rise to support my colleague from Missouri's bill to have 1–A pricing as the best solution for producers and consumers across the country.

The Secretary of Agriculture's reform policy for the Federal milk marketing order is poor policy. It favors a small segment of the dairy industry in the northern Midwest and could lead to reductions in income of more than 6 percent to family dairy farms in other parts of the country.

Madam Speaker, we have had far too much reduction in dairy farms in Pennsylvania already. When I was a young boy growing up after the Second World War, my uncle had a dairy farm in a bend of the Susquehanna River, an area known as North Eaton. He would run his can truck out and pick up milk from seven farmers in that peninsula. Today there is not a dairy cow or a pound of milk produced in that peninsula along the Susquehanna River.

I grew up in the small town of Nicholson. There were three creameries and four feed mills. Today there is not one of either. When the farmers made money, the little communities prospered, the churches were full, the charities were in good shape. As we let our family farm base wither away, we are not doing our society any good.

Family farmers do not want anything from us that is not fair. I am a very free enterprise person. Farmers are very individualistic. They are not asking for anything from the government except a chance to compete. Option 1–A gives them a fair mechanism in which to produce their milk, and you will then continue to have farm-fresh milk throughout the country. Dairy farms are the engine of the economy in small communities across the country.

I support this bill because it is the soundest, fairest policy for those hardworking families which help create dairy products and jobs in my home region. My friend Carl Aten retired from hauling milk a few years ago. He told me when he started he had 140 farmers. When he quit, he had 40 farmers. This is an industry that, if we do not treat it fairly, will go out of business. We do not need to be in the business of forcing family farms to go out. We do not need to penalize regions of our country which have long, proud histories of dairy farmers. We do not need to force consumers to receive only products that have been shipped from faraway regions. We need, along with the 200 other Members of the House, to support Option 1–A.

Mr. BLUNT. Madam Speaker, I yield to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. I thank the gentleman from Missouri for yielding.

Madam Speaker, I submit for the RECORD this editorial from the Wisconsin-based dairy magazine "Hoard's Dairyman" which is entitled "On Federal Order Reform . . . First, Do No Harm." I think it puts it in perfect perspective. What it essentially says is that Federal orders are put in place for dairy farmers, to be approved by dairy farmers. While USDA's proposal addresses some pricing aberrations, we cannot be expected to embrace a plan that reduces income for this high-capital, low-margin, physically demanding business of producing milk.

I suggest we take the advice of this upper Midwest authority with the national interests of the dairy industry in mind: First do no harm and reform the dairy program in a way that does not hurt dairy farmers.

[From the Hoard's Dairyman, May 10, 1999]

ON FEDERAL ORDER REFORM . . . FIRST, DO NO HARM

Think back to when the federal order reform package being debated now was being drafted. The 1996 Farm Bill that mandated reform was to be the start of getting government out of farming or, at least, away from regulating (or supporting) the price of farm products. "Market orientation" and "global competitiveness" were the ag policy watch words.

Now, USDA's final rule proposes Class I differentials that would be "flatter." Across all orders, differentials would average 29 cents a hundredweight less than existing levels.

The so-called make allowances would be raised for plants making butter and cheese under federal order jurisdiction. The intent is to make federal order plants more competitive with those in California which operate under higher make allowances. But there is only so much value in a hundredweight of milk. Boosting margins for plants leaves less money to pay producers.

The National Milk Producers Federation estimates that dairy farmer income in federal orders would have averaged $196 million a year less during the past five years had USDA's final rule been in effect. That figure may be inflated somewhat as it does not include overorder and other premiums that would be paid. Still, we're talking about less money in dairy farmers' bank accounts.

Having said this, let's remember that much has changed during the past two years since the Farm Bill was passed. Feed grain and wheat prices have been in the pits. The pork picture needs no explanation. Beef prices are stagnant, at best. And our milk prices soared to record highs, followed by the lowest level in eight years. In short, today's ag policy environment is much different than it was just two years ago.

Accordingly, the medical motto "First, do no harm" comes to mind. Federal milk orders are put in place for dairy farmers, to be approved by dairy farmers. While the order proposal addresses some pricing aberrations, we can't be expected to embrace a plan that reduces income for this high-capital, low-margin, physically-demanding business of producing milk.

Rather than market orientation, we should be concerned about the nearly 8,000 families that sold their cows during 1998, many because they couldn't make ends meet. Rather than global competitiveness, we should be concerned that the highest milk prices ever (1998's average mailbox price was $15.05) were well under the total economic cost of production in five of six regions of the country, according to USDA analysis.

Congress is to react to the reform plan by early summer. There will be heated debates on divisive issues, such as differentials and make allowances, both within and beyond the Beltway. Dairy farmer leaders from across the country need to put aside regional differences and bring to Washington a unified voice that asks for best possible price for all diary farmers.

SUPPORT THE DEMOCRATIC PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mrs. NORTHUP). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, this evening I would like to talk about two significant health care issues that the Democrats have made a major thrust, if you will, of their agenda for this Congress. One is the Patients' Bill of Rights, which is our HMO reform, our patient protection reform; and the second one is the effort that was announced today by President Clinton at the White House to modernize and strengthen Medicare and, most importantly, to provide a prescription drug benefit for all Medicare recipients for the first time.

As Members know, when Medicare began in the 1960s under President Johnson, there was not a prescription drug benefit. As part of the effort to modernize Medicare and strengthen Medicare, the President today went far towards coming up with a prescription drug benefit that I think is a wonderful way for this Congress to show that it really does care about our senior citizens.

Let me start this evening by talking a little bit about the Patients' Bill of Rights. I have said over and over again on the floor of the House of Representatives, both this session and previous sessions, that the most important issue, the issue that I hear the most from my constituents about and the issue that I think our constituents feel we should address immediately, is reforming HMOs. Because so often Americans who have managed care, whose insurance policy is essentially a managed care or HMO type of policy, find that there is not adequate protection under the law for them to receive quality care when they need it.

The horror stories have been recounted many times about Americans who need a particular operation and are told that the HMO will not pay for it or need a particular type of equipment and are told that the HMO does not cover that or who need to go to an emergency room and want to go to the closest one nearby to where they live or where they happen to be hurt and are told that they cannot go to that emergency room because that particular hospital does not come under the HMO plan. All we are seeking to do with the Patients' Bill of Rights is to provide sufficient protections, what I call common-sense protections under the law, under Federal law, that get rid of these horror stories.

Essentially, the Patients' Bill of Rights has two focuses. One is to make sure that the decision of what kind of medical care you receive is made by the doctor and the patient, not by the insurance company; and the second focus is that there be an opportunity, if you are denied care by the HMO, that you have some sort of appeal, external appeal, as well as the right to bring suit in court to make sure that your grievance is heard and that that incorrect decision can be overturned if it should be. Those are the two focuses of our legislation.

But there are a number of other things that come up in the context of the Patients' Bill of Rights. I would like to go into a little bit some of the objectives tonight. I say that there are four central objectives of the bill: Patients should have access to needed care, doctors should be free to practice medicine without improper interference from HMOs and insurance companies, the health plan's decision to deny care can be appealed by patients to an independent entity, and health plans are held accountable for their medical decisions that lead to harm.

Let me get into some of the specifics, because I think that they are important. As I mentioned, patients today face numerous obstacles as they seek access to doctors and needed health care services in the context of managed care. These barriers to quality health care range from managed care companies' refusal to pay for emergency room services without prior authorization to restricting patients' access to specialists.

These are the most important provisions that I am going to go through in the Patients' Bill of Rights that will provide patients with access to the care that they need when they need it.

First, access to emergency room care. The Patients' Bill of Rights allows patients to go to any emergency room during a medical emergency without having to call a health plan first for permission. Emergency room physicians can stabilize patients and begin to plan for poststabilization care without fear that health plans will later deny coverage.

Access to needed specialists. We hear many times about the fact that, under HMOs, patients have been told, "Well, you can't go to a particular specialist." The Patients' Bill of Rights ensures that patients who suffer from a chronic condition or a disease that requires care by a specialist will have access to a qualified specialist. If the HMO network does not include specialists qualified to treat a condition, such as a pediatric cardiologist to treat a child's heart defect, it would have to allow the patient to see a qualified doctor outside its network at no extra cost. And the Patients' Bill of Rights also allows patients with serious ongoing conditions to choose a specialist to coordinate care or to see their doctor without having to ask their HMO for permission before every visit.

Another important provision in our Patients' Bill of Rights is access to an OB/GYN. The Patients' Bill of Rights allows a woman to have direct access to OB/GYN care without having to get a referral from her HMO. Women also would have the option to designate their OB/GYN as their primary care physician.

The other thing, because, as I mentioned earlier, one of the major concerns right now is access to prescription drugs, well, under the Patients' Bill of Rights, it requires that needed prescription drugs be available to patients. Currently, many HMOs refuse to pay for prescription drugs that are not on their preapproved list of medications. As a result, patients may not get the most effective medication needed to treat their condition. The Patients' Bill of Rights ensures that patients with drug coverage will be able to obtain needed medications even if they are not on the HMO's approved list.

Now, before I go on and talk a little more about the Patients' Bill of Rights, let me stress that what the Democrats have faced in this Congress is the fact that the Republican leadership refuses to bring up the Patients' Bill of Rights. They refuse to have a hearing in committee, they refuse to mark it up in committee, they refuse to bring it to the floor of the House of Representatives. This has been going on now since the beginning of this session, and we faced the same problem in the previous session of Congress.

So what do we do? Well, what we did last week is we started a petition process. There is such a thing as a discharge petition which Members can sign on the floor of the House of Representatives; and if a majority of Members of this House sign the discharge petition, then that forces the Republican leadership to bring the bill to the floor to have a debate, to have a vote, to have the American people see us have the opportunity to vote on this bill.

What we started last week was this petition drive. As of Friday, we had 180 signatures to our discharge petition, all Democrats. We are hoping, though, that we can eventually get some Republicans to join us; and we went through the same process last year in an effort to get the Patients' Bill of Rights to the floor.

I assure my colleagues that over the next few weeks we will do our best to get to that magic number of 218 which will bring the Patients' Bill of Rights to the floor, if we can get that number, and I think we can, because I think there is a huge groundswell, if you will, of public opinion that wants to see this legislation brought to the floor.

Let me just say a few more things about the Patients' Bill of Rights, what the legislation does. I stressed in the beginning this notion that doctors need to be free to practice medicine. Accountants, insurance companies, insurance company bureaucrats, should not be making medical decisions and deciding what type of care you receive. Yet some managed care organizations interfere with doctors' medical decisions and even go so far as restrict open communication between patients and doctors.

I think that most people are surprised to find out that if the HMO does not cover the particular type of procedure or operation that your doctor thinks you need, that the HMO can actually tell the doctor that he or she is not allowed to tell you what that procedure is. It is called a gag rule, because, essentially, the doctor is denied his or her freedom of speech, their first amendment rights. That is just the most egregious example, and one of the things that the Patients' Bill of Rights does is to prohibit insurers, HMOs, from gagging doctors. But even more important is the idea that the decision about what is medically necessary, what is defined under the insurance policy to be medically necessary, is defined by standards within that particular specialty of care. In other words, right now if you have an HMO and the HMO decides that a particular procedure or a length of stay in the hospital, for example, is not what they want to cover, they will simply say that what is medically necessary for you does not include that.

□ 2030

They will define what is medically necessary.

What we do in the Patients' Bill of Rights is we say no, the decision about whether a particular cardiac procedure is medically necessary is defined, is made by the board of specialists for cardiology. The decision about whether a child should stay in the hospital, as my colleagues know, a certain number of days or the mother should stay in the hospital a certain number of days after the baby is born is not defined by the HMO, the insurance company, but defined by the specialist for pediatric care or for obstetrics, whatever happens to be that specialty defines what the level of care, what the treatment, what the equipment, what the number of days in the hospital should be.

And that is very important because right now even if your HMO allows you to appeal the denial of care in a particular circumstance, that usually goes to a review board either within or outside the HMO that limits its review to whether or not the insurance policy is allowing you a procedure that they would normally allow. In other words, they allow what is medically necessary themselves, and all that the appeals process can do is to review whether they stood within the confines of their own definition of what is medically necessary.

That is not the way it should be. It should be that those standards are defined by the doctors, by the specialist in that particular area and that that is what is reviewed when it goes to an external review board or when it goes to a court of law, and it is a very important part of all this.

All we want to do is make the HMOs accountable for their actions. Some people have said to me, well, as my colleagues know, if you let an external review take place of whether or not someone should have been denied that particular procedure or if you let that person go to court and have the court decide, as my colleagues know, whether or not that denial of care was appropriate, you are going to have, as my colleagues know, endless lawsuits and the costs are going to go up and all this kind of thing. Well, none of that is true.

I see my colleague from Texas has joined me tonight, and he has pointed over and over again how Texas has enacted a Patients' Bill of Rights, and none of those concerns about extraordinary costs or a lot of litigation have come true. But what we are really saying is that there has to be accountability, that the HMOs, just like anyone else has to be accountable for their actions, and, if you have an external review process that is independent, that does not have people from the HMO making those decisions, or if you allow someone to go to court to overturn a denial of care or to have someone recover because the care was not provided and they suffered damages, then in the long run the HMO will be more accountable. They will do the right thing from the beginning because they will be fearful that their decision, their wrong decision, will be overturned or that they have to pay damages in a court of law.

So we are not really trying to do anything I think that most people do not already think should be the case, but, unfortunately, it is not the case. And I would point out that what we are seeing now on the Republican side, because I think they understand that this is a major issue and that they cannot keep denying us the opportunity to consider the Patients' Bill of Rights on the floor or in committee is that they have come up with their alternatives, what I call a piecemeal approach.

They have introduced eight different bills to cover some aspects of the Patients' Bill of Rights, but those eight bills are woefully inadequate in terms of the kinds of protections that are needed, they do not look at this problem in a comprehensive way, and most importantly, the Republican bills that are put out there, these eight bills, do not define medical, what is medically necessary in a way that leaves it up to the physician and the patients to make that decision. They essentially leave it up to the HMO, and they do not have any kind of accountability because they do not have an external independent review process and they do not allow you to sue in a court of law.

So we are going to go through this process, we are going to see the Republican leadership trying to say that they are going to do HMO reform, but hopefully our discharge petition will eventually force the Republican leadership to bring the Patients' Bill of Rights to the floor, and then we will have a full debate and a vote on the bill.

I wanted to tonight also go into what happened today at the White House where the President unveiled his plan to modernize and expand Medicare and, of course, the prescription drug benefit that is so important as part of that.

I think my colleague from Texas may have already discussed that to some extent tonight, but maybe what we can do, if I can yield to him, is we can talk somewhat about the Patients' Bill of Rights, and then we can go into the Medicare prescription drug benefit as well because I think it is so important, and I yield to the gentleman from Texas.

Mr. GREEN of Texas. Madam Speaker, I thank my friend from New Jersey for one, requesting this special hour this evening, but also for the announcement yesterday that you are going to continue to serve with us in the House, we hope, and not make that jump over to the other Senate side, and because of your leadership both in our health task force but also on this issue. I think we can use that experience here on this side of the aisle. The air is so rarified over in the Senate anyway, you have to have oxygen over there.

But, Madam Speaker, for months all we have heard is that we cannot pass a Patients' Bill of Rights because it will increase the cost and open employers to unfair lawsuits, both of which will supposedly force employers to drop insurance coverage from their employees. Essentially they are trying to kill meaningful managed care reform with half truths and scare tactics.

The insurance industry, managed care organizations, HMOs and oftentimes even some of the big businesses have repeatedly tried to scare the American people by saying the bill would dramatically raise premiums and force employers to drop health insurance for their employees. Obviously, that is not the furthest thing I would ever want to do and I know every Member of the House would not want to do that.

Some of these special interest groups even suggest that the increase could go as high as a 40 percent increase in premiums, and once they are done spreading that inaccurate number, maybe we really ought to talk about what the bill may cost and even use some real life experience, what has happened in the State of Texas. But even on the Federal level our nonpartisan Congressional Budget Office after thoroughly analyzing each section of the Patients' Bill of Rights determined that the bill would cost beneficiaries only $2 a month; that is right, the cost of a happy meal at McDonalds. Patients and managed care could have what they really need as fairness and protection in accountability and for $2 a month. But the news is even better than they want to hear because in my home State of Texas, which passed a Patients Protections in 1997, the State of Texas Patient Bill of Rights included external appeals and accountability and liability sections, and you know the only premium increase that can be attributed is to the higher cost for prescription medication.

There have been increases, but it has been the standard increase whether it is in Dallas or Houston, it has been in San Francisco or Denver or in Washington or New York, anywhere else in the country. There has been no noticeable increase in premiums in the State of Texas since 1997 because of the managed care reform bills. So even the Congressional Budget Office at $2 a month may be over exaggerating, but again maybe we can afford a happy meal to make sure we get the health care we need.

In fact, in the State of Texas in the outside appeals 50 percent of those appeals are being found in the patients benefit; so in other words, 50 percent of the time if an HMO tells you that is not covered or we are not covering it, they are wrong, and that is what happened in the State of Texas. So again, for $2 a month or even less I would be more than happy to have an outside appeals process that is really an appeals process. Plus, there has been no mass exodus in the State of Texas for employers that drop health insurance in Texas. What Texas residents do have now is health care protections that they need and they deserve. Provisions included in the Patients' Bill of Rights in the State of Texas should be extended to all Americans and, most importantly, to the 8 million Texans who have insurance policies that come under federal law.

Again, we have many policies in our country that come under State law or Federal law, and no matter if all 50 States pass their own patient protections or the Patients' Bill of Rights, we still have to pass it on the Federal level because of the Federal law and ERISA. These include eliminating gag clauses so that the physicians will be able to communicate freely with their patients. That should not cost a dime except letting the doctors talk to their patients. Open access to specialists for women, children in the chronically ills of patients who will not need to have a referral every time they see a physician. They have to go back to their primary care doctor, and we understand this. A woman, for example, may pick a primary care doctor that is not her OB/GYN, and she should not have to go back to that primary care doctor every time she needs to go to her obstetrician. Same way a person who may be diagnosed with cancer. They should not have to go back to that primary care doctor every time they need a cancer treatment. They should be able to go to their oncologist that is on their list. External and binding appeals process that guarantees patients timely review of questionable decisions.

Again, in the State of Texas 50 percent of the time the appeals have been found for the patient, and 50 percent for the insurance company, and that is great; 50 percent of the time they are wrong, and before this law passed in Texas, 100 percent of the time they were wrong. It is just that we have found out that half the time they were right. Coverage for emergency care so families will not be required to stop at a pay phone to get pre-authorization because they could go to the nearest emergency care unit that they have and medical necessity for those decisions.

But also, and we heard it last week and we have heard testimony not only in our Committee on Commerce hearing we had, but also in our task force hearing we had last week: If you hold the medical decision maker accountable, if you hold that doctor or that provider accountable, then the person who is telling that doctor how to practice medicine ought to also be accountable, and in the State of Texas again; I hate to keep using Texas as an example, but that is where this has been tried and tested and proven.

There have been no more than three lawsuits anybody knows of filed since 1997; one because the appeals process is working. Patients only want to have the health care that they pay for, and so if they get it and then plus if they are ruled against half the time, then they are probably not going to go hire them a lawyer because the facts are already out there, and they know what reason was made for not having the health care that they expected they should have.

Instead they recognize the affordability and the value of the Patients' Bill of Rights. I am sorry to hear that our Republican leadership continues to push with sometimes half fixes and even loopholes. To be honest, I am not so sure I have been convinced that the leadership seriously wants to pass a managed care reform bill that truly protects patients with some of the things I have heard the last few weeks.

Certainly their actions to date have not given us any reason that they will, but I do think they would have compassion to bring a bill up on the floor so we can debate it here on the floor just like we are doing tonight. If our ideas do not have the majority vote, then so be it. That is the democracy and the American system. But we need to have, the American families need to have, the protections, and we ought to debate it openly here on the floor of the House, and whether it takes, as my colleagues know, 1 hour or 10 hours we ought to have that time here for the most important health care bills that will come along maybe in our lifetime.

Unfortunately that is not the case. Last year's floor consideration, as Members of the Committee on Commerce, we did not even have, were unable to consider the bill that came up here on the floor, was actually drafted in the Speaker's office, and we had one chance to mend it, one chance. And we all, we lacked five votes in coming up with a real strong Patients' Bill of

Rights. Ours failed by 5 votes. What passed the House was not even seriously considered by the U.S. Senate because it actually weakened the law that had already been passed in a lot of our States.

And so that is why tonight I am happy to be here with you again and in talking about how important a comprehensive Patients' Bill of Rights, and let us stop stonewalling, let us go ahead and get this bill out here on the floor. Sure, we can have all the committee hearings we want, but we really need to get a comprehensive bill here on the floor of the House. It is a fair bill, but it rules that we can debate our ideas, and that way we can vote out here in public for everyone.

With that I would be glad the gentleman requested this time this evening, and again I know you wanted to talk about the President's plan today. And let me just say that a few minutes ago I spoke, and the President's plan may not go as far as I would like it to go, but it moves us down that road. In football terminology we may be on the one yard line now, he may move us to the 40 or 50. Of course, I would rather have a touchdown, but at least he moves us down the road on really prescription medication for our senior citizens.

And so I am glad the President announced that today. Hopefully we will go from here and go forward with it.

Mr. PALLONE. I want to thank the gentleman for his comments.

□ 2045

Madam Speaker, I just wanted to comment on some of the remarks that my friend, the gentleman from Texas (Mr. GREEN), made because I think they are so significant.

First of all, with regard to the Patients' Bill of Rights, the gentleman has set forth not only tonight but on many occasions, including last week when we had our Democratic Health Care Task Force hearing, on the fact that there is no question that under the Texas law, which is very similar to what we have, that some of the concerns that have been expressed about HMO reform legislation, like the Patients' Bill of Rights, have just not materialized. The fact that there have been almost no lawsuits, the fact that the cost increases have been really a few pennies, really, per month, and I think that is important because as much as we realize a lot of these criticisms are not justified, many of the insurance companies, many of the HMOs continue to make these criticisms and in many cases spend a lot of money trying to advertise potential problems that might exist with the Patients' Bill of Rights; and the Texas legislation, which has been in force now for about 2 years, shows rather dramatically that those criticisms are not legitimate.

The problem, of course, is that this Texas law and the New Jersey law, which we have in my State, and all the State laws do not apply to the majority of the people who fall under a Federal preemption because their insurance is essentially Federal because their employer is self-insured or some other things that might bring them under Federal preemption. So we do need the Federal law, and I think we will get the Federal law if we keep pressing.

I did want to switch because I did not hear the gentleman this evening but I knew that he was talking about the announcement that the President made today, and I think that we are going to see that his proposal for Medicare reform and expansion, albeit modest, is something that the majority of the people will become very supportive of. And we hopefully will not have to press the Republican leadership to bring that up for the vote; but if we have to, we will.

If I could just talk briefly about the prescription drug benefit, I guess the hallmark of it, from what I understand, is that it will pay for half the cost of prescription drugs up to a total cost annually of $5,000 when it is fully in force, which I guess is in the year 2008. But initially when it goes into force, it will at least cover up to $2,000 annually, and we are talking about a premium which I think is about $24 a month beginning in the year 2002.

So if this went into place the first time in 2002, one would be paying $24 a month; and this would apply to anybody who wanted to. It is a voluntary system, a new part B benefit, that anybody who wants to could pay the $24 a month, and they would be guaranteed in that year up to $2,000 of prescription drugs that they might incur. A thousand of that, half of that, would be paid for by Medicare. Then that premium would eventually go up, I guess, to $44 a month when fully phased in at 2008, but at that point it would cover up to $5,000 in costs.

Now I say it is modest because I am sure some people will say, well, why is it not paying the whole cost? Why is it we only get 50 percent and we still have to put up the other 50 percent?

I think we have to look at the realities of the situation. We know that everything costs money and that the Federal budget is not infinite. The President is basically saying that he is going to put 15 percent of the surplus into Medicare, and this will be one of the benefits of that. When I think of most of the seniors that I know, they would be very glad to pay that $24 a month and to have half of their drug costs subsidized by Medicare.

The other thing which I do not think was heralded so much today but I am sure will be brought out as this unfolds is for beneficiaries with low incomes, below 135 percent of poverty, which I guess is defined as $11,000 for a single person or $17,000 for a couple, they would not pay premiums or cost sharing. Those with incomes between 135 and 150 percent of poverty would receive premium assistance as well, in the same way that we do with part B that covers the doctors' bills. I guess it is called the QMB. I have forgotten what QMB stands for, but these are people with low income who do not have to pay the premium. So between that and this $24 cost that anyone else wants to pay on a voluntary basis, I think it is a pretty good deal.

I would like to see it go further, but I think it is a very good beginning and something that hopefully we can get bipartisan support for.

I would yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, earlier, in a 5-minute special order, I talked about a constituent of mine that pays $260 a month for her prescription medication. That comes out to a little over $3,000 a year, $260 a month.

Basically, under the President's plan, and again we will all see how this applies to our own constituents but now she pays a little over $3,000 a year. Under the President's plan, she would pay $25 a month so that would be times 12. She would pay 200-and-something dollars. Let me see. I have to go back to my math but probably around $300 a year. And then she would get half of that so she would be paying $1,500 if her medication costs stay the same, $3,000. She would pay half under the President's plan and then the other half would be paid for by Medicare part B. So she would actually come out saving money.

Again, that is like I said, she still has to come up with her amount. She is paying this $260 a month now, and at $25 it just seems like it would save her money. It is not as far as I want but, like I said, it moves us down the field a little bit.

Again, I do not have all the numbers. We serve on the Committee on Commerce, not the Committee on Appropriation and the Committee on the Budget. We identify the problems. Then we have to figure out how to do it. If we cannot completely solve them, let us at least go part of the way to do it.

The President's plan goes $3,000 for the first few years, and then it goes up to $5,000 after that. I have constituents that have been to my townhall meetings literally for years and said that a husband or wife, oftentimes the wife has minimum benefits on Social Security because the wife worked traditionally at a lower wage job. Her whole check, every month, goes to their prescription medication. Their fear is that what happens when one of them passes away?

Now, sure, their prescription medication may be cut in half, but they are losing that income, and they are also going to lose some of their Social Security. So they cannot afford for one of them to pass away because of the high cost of their prescriptions.

It is just a shame in our country. I have seniors who have told me their blood pressure medicine that they have to take once a day, I really cannot afford it because it is really so expensive so I take it every other day. That should not be for that senior to have to do it or decide I am not going to have dinner tonight or I am not going to have breakfast or go to lunch because I need to take my medication. Those choices should not have to be made in a country as wealthy and as great as ours and who has a tradition, at least since the 1930s, of taking care of our seniors, first by a Social Security system that literally was the first welfare bill because people paid into Social Security so when they are retired they get something back on it, and then in 1965 with the Medicare bill and now in 1999 to expand it to include prescription medication.

The other thing the President talked about in his Medicare proposal was to correct some of the inequities in the Balanced Budget Act of 1997 where a lot of our hospitals and even our home health care providers, the cuts were so dramatic that they are not being able to provide some of the services. I know I get letters in my office from senior citizens but also hospitals. So by dedicating 15 percent of the budget surplus over and above the Social Security amount that we will need for Medicare, it shows that that will help us and not only with prescription medications.

So I congratulate the President. Again, I hope that we will have the chance on the floor of the House to debate prescription medication provisions for our senior citizens. Again, it may not go as far as I want to, but again let us show some progress in the legislative side. Instead of just saying no, we are not recognizing the problem, let us show we recognize the problem and do the best we can with the resources we have to do it.

Again, I thank the gentleman for taking this time tonight and also letting us talk a little bit about prescription medication because that is important to all of our constituents. Whether they live in Houston or Texas or New Jersey or California or whether they are Democrat or Republican, it is important for us to address that.

Mr. PALLONE. Madam Speaker, I want to thank the gentleman from Texas (Mr. GREEN) for his remarks. I know that we just heard about the details of this proposal today, but I am sure that over the next few weeks or few months we will be going into the details a lot more and basically pointing out the good points of the program.

I just wanted to mention, it is estimated that about 31 million Medicare beneficiaries would actually benefit from the coverage that the President outlined today. The reason there are so many is because so many older and disabled Americans rely so heavily on medication. In other words, somebody who is younger might say, well, will I even incur $25 worth of prescription drug costs per month? But for people who are over 65 or the disabled that are covered by Medicare, most of them incur prescription drug costs that are well over the $24 premium per month.

As I said, about 31 million people would benefit if they took advantage and opted into this new part B prescription drug benefit that the President has outlined.

The other thing I would say about it is that the way the President is structuring this Medicare prescription drug benefit, it ensures beneficiaries discounts similar to that offered by many employer-sponsored plans estimated to be, on average, over 10 percent for each prescription purchased. That has nothing to do with the limit. In other words, it has built into the prescription drug program these kinds of discounts; and, of course, the Medicare subsidy to pay half the cost is beyond the discount that one would also get. So I think that is another very significant aspect to it.

The other thing, there were a number of other things that the President mentioned today as part of the Medicare expansion that he unveiled, and I just wanted to mention a few of these because I think they are significant.

Very significant is that his proposal eliminates all cost sharing for preventive benefits in Medicare and institutes a major health promotion education campaign. Let me just talk a little bit about that preventive aspect.

One of the biggest criticisms that we have had over the years, not only of Medicare and Medicaid but just health care in general, is that we do not encourage prevention. Prescription drugs essentially are prevention. It used to be 30 years ago when Medicare was started that prescription drugs were not important because the emphasis on health care then was if one was in the hospital and if they had to have an operation they had the operation, and that was the way to cure them.

Prescription drugs have become more available and more prevalent over the last 30 years since the 1960s when Medicare began because it was a preventive measure. One takes the prescription drugs to prevent getting further sick or having to be hospitalized or having the operation, but there are other preventive benefits in Medicare that are just as important.

By eliminating existing copayments and deductibles for these kind of preventive services, I think the President goes far, combined with the prescription drug program, in stressing prevention as part of the Medicare program which is so important.

He said today, just to give an idea of the kind of preventive services that would no longer have those copayments and deductibles, just to give some examples of the cancer screening, bone mass measurements, pelvic exams, prostate cancer screening, diabetes self- management benefits, mammograms, these are the kinds of preventive measures that I think should not have the copayment deductible because we want everybody to take advantage of them, a significant part of his proposal today.

The other thing is he reiterated as part of his Medicare proposal today the Medicare buy-in for the near elderly. The plan includes the President's proposal to offer any American between the ages of 62 and 65 the choice to buy into the Medicare program for approximately $300 per month; displaced workers even at a lower age. Displaced workers between 55 and 62 who had involuntarily lost their jobs and insurance could buy in at a slightly higher premium, approximately $400 per month.

So what we are seeing here is an effort by the President to expand Medicare to the near elderly at no additional cost because this would be the cost of having those people enter into the Medicare program. I think that is also significant.

The last thing I wanted to mention on the President's Medicare proposal today, I think my colleague, the gentleman from Texas (Mr. GREEN) already touched on it, but I wanted to reiterate that his proposal extends the life of the trust fund, the Medicare Trust Fund, until at least 2027.

A lot of my constituents come up to me and say, is Medicare going to be there in a few years? Well, the answer is that if the President's plan is adopted, it will be. It will be there at least until 2027. He does that by dedicating 15 percent of the surplus, which is $794 billion over 15 years, to Medicare, to insure the financial health of the trust fund through at least the year 2027.

□ 2100

We will go into this more, Mr. Speaker, as we get a chance to look at his proposal in more detail over the next few weeks.

ON TURKISH INTRANSIGENCE AND CONCERNS REGARDING THE ENTITIES LIST AGAINST TURKEY AND PAKISTAN.

Mr. PALLONE. Mr. Speaker, what I would like to do now, if I could, and I will not take up the whole time, but I wanted to sort of change the subject and talk about two foreign policy areas which I am very concerned about.

The first one involves U.S. relations with India, which I often speak about as a member of our bipartisan India Caucus. It references legislation that I am introducing today with regard to the so-called "entities list" against both India and Pakistan.

The legislation I am introducing, Mr. Speaker, is a concurrent resolution aimed at getting the administration to review its so-called "entities list" with regard to India and Pakistan.

The Bureau of Export Administration has created a blacklist of private and public entities in the two countries, subjecting them to a near complete prohibition on all exports, including paperclips and paper cups, without regard to their specific use or whether these items contribute in any way to nuclear weapons or missiles.

In effect, the entities list imposes a trade embargo against nearly 300 companies and agencies with little or no direct connection to nuclear weapons programs. In practice, this is an essentially punitive list. Besides punishing the Indian and Pakistani entities, the list also ends up hurting U.S. firms and U.S. research organizations that have ties with them.

Mr. Speaker, the administration, I believe, has cast too wide a net in listing entities, including private companies and research institutions, that do not threaten U.S. security interests. There are a total of 196 entities from India and 92 from Pakistan on the list. This compares with a total of only 13 named entities from China and 13 from Russia.

There are some truly absurd examples of entities that have been included in this list. For example, medical equipment cannot be supplied to a cancer unit that comes under the administrative jurisdiction of an atomic research center. The trade restrictions are actually more permissive with regard to military than civilian entities. It is indicative of policies that I think have lost touch with the spirit of the laws that they were meant to implement.

Thus, I have introduced today my sense of the Congress resolution, similar to a provision approved in the other body, the Senate, as part of the fiscal year 2000 defense appropriation legislation.

It states that export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs, and only those items that can contribute to such programs.

The entities list was adopted, I think I mentioned, by the Bureau of Export Administration last year in the wake of the imposition of unilateral U.S. sanctions pursuant to the Glenn Amendment to the Arms Export Control Act.

The sanctions were invoked automatically, pursuant to the Glenn Amendment. However, the naming of the Indian entities on the list is not a mandatory Glenn Amendment sanction. I would say that the list goes way beyond the intent of Congress when it enacted the Glenn Amendment in an effort to prevent nuclear detonations by what were termed nonnuclear powers by the Nuclear Non-Proliferation Treaty. Furthermore, the entities list is not subject to suspension or waiver.

Mr. Speaker, in the Omnibus Appropriations Act of the last fiscal year, there was a provision granting the President the authority to waive certain Glenn Amendment sanctions. This year both houses of Congress, both the House and Senate, are moving legislation to further waive or to suspend the sanctions, but the entities list would not be affected by these efforts. It is a discretionary measure imposed by the administration above and beyond what the Glenn Amendment provides for.

Mr. Speaker, I have repeatedly made the point that I have concerns about this discretionary approach in general. Personally, I would like to see the sanctions permanently repealed. I would at least favor suspension of the sanctions for some period of time, 5 years is provided for in the Senate language, rather than continuing to use the sanctions in a carrot and stick strategy to force concessions.

With the entities list, we have seen this discretionary approach taken to its logical extreme. Instead of controlling exports that have a direct bearing on nuclear or missile programs, the list is simply a broad technological embargo against non-weapons related private and commercial activities.

Mr. Speaker, I made the point that this list is punitive, but the real question is, whom does it punish? The named entities can generally find alternative suppliers from other countries. The real victims are the American companies, their employees, and suppliers.

Furthermore, the list is open-ended. The named entities from India and Pakistan are not accused of violating any law or commitment. There is nothing the entities can do to get delisted, since there was nothing really they did to get put on the list in the first place.

I have come to this floor on many occasions in the last year to express my concern that the sanctions regime against India has severely damaged the burgeoning economic relations that have been opened up since India undertook historic market reforms in the early 1990s.

The sanctions have forced the U.S. to oppose major projects funded by the World Bank and other international financial institutions. We have had to abandon nonhumanitarian aid, including technical assistance programs that were helping India establish the kind of viable financial institutions that it would allow for much-needed infrastructure and other development projects. The sanctions not only deprive the people of India of important opportunities, they also serve to cut the U.S. private sector out of one of the world's major emerging markets.

I am glad to see Congress is working on a bilateral and bicameral basis to lift the sanctions. Mr. Speaker, these efforts would not affect the Administration's entities list. It is up to Congress, working with the American private sector entities that have been hurt by this counterproductive policy, to speak out and urge the administration to reconsider.

I hope we can enact this legislation that I am introducing today, Mr. Speaker, and that the administration will respond in a meaningful way by removing entities from this list that simply do not belong there.

Mr. Speaker, I also wanted to take a few minutes, about at the most 5 minutes, to talk about something that I read about over the weekend in the New York Times that again indicated very strongly the Turkish government's intransigence with regard to the continued occupation of Cyprus.

I have a number of Cypriot constituents. I know the Cypriot Americans as a community have been to many Members of Congress, both Democrats and Republicans, many times to express their concern over the lack of progress in resolving the continued Turkish occupation of Cyprus. This year, actually July 20 of this year, next month, will mark the 25th anniversary of this illegal Turkish invasion and occupation of Cyprus.

The problem is that the Turkish side continues to refuse to come to the negotiating table with the intention of negotiating in good faith. Hundreds of attempts to solve this problem have been made, yet to date the islands is divided and remains one of the most militarized places on the face of the Earth.

Mr. Speaker, to its credit, following the leading role it played in bringing NATO's role with Serbia to an end, the group of eight major industrialized nations, the G–8, agreed to press for a new round of negotiations recently on the Cyprus issue.

The Secretary General of the U.N. endorsed the G–8's plan and subsequently announced he was prepared to invite the Greek and Turkish Cypriots to hold comprehensive peace negotiations. The Turkish side, however, did not waste a second in reaffirming its disrespect for the will of the international community.

Turkish president Rauf Denktash, he is the President of the Turkish occupied part of Cyprus, quickly dismissed the U.N.'s proposal for a new round of peace talks as nonsense.

After nearly 25 years of Turkish belligerence and intransigence over the Cyprus issue, this latest refusal to allow the peace process to move forward is hardly a surprise. I am certainly not surprised. But I nonetheless wanted to come down here to discuss this particular example on the House floor because, frankly, the U.S. Government is simply not doing enough to help bring Turkey to the negotiating table.

In my view, pressure by Members of Congress who support a just resolution to the Cyprus problem must be turned up. The justification the Turkish leader provided to Reuters News Agency for rejecting a new round of peace negotiations is absolute garbage. Denktash told Reuters he would not attend any negotiations at which the democratically-elected president of Cyprus, Mr. Clerides, represented the Cyprus government.

According to Denktash and his patrons in Ankara, the Cypriot government does not have any official jurisdiction or authority over the portion of the island that has been illegally occupied by Turkish troops for almost 25 years.

Adding to this absurdity, the Reuters report also noted that Denktash and Turkey claimed that "decades of talks on an inter-communal basis have failed to acknowledge the existence, in effect, of two separate governments on the island."

Mr. Speaker, these ridiculous claims were made by Denktash for the sole purpose of killing a new round of negotiations before they have a chance to succeed. That is what he is up to. Clerides, President Clerides, is recognized internationally as the President of Cyprus, and Turkey is alone in its recognition of the so-called Turkish Republic of Northern Cyprus. No other country in the world recognizes the portion of Cyprus that the Turks have illegally occupied for 25 years as an independent state.

The Turkish suggestion that peace negotiations must be between leaders of independent nations from the same island is way outside the realm of reality.

Mr. Speaker, the international community recently reaffirmed its position on the Cyprus issue. In December of last year, the U.N. Security Council passed a number of resolutions on the Cyprus situation, including Resolution 1217 which reiterates all previous resolutions on the Cyprus problem.

Those resolutions state that any solution to the Cyprus problem must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, in a bi-communal and bi-zonal federation, with its independence and territorial integrity safeguarded.

So on the one hand we have the international community taking steps to reaffirm its commitment to a peaceful and just settlement to the Cyprus problem, and on the other hand, the Turks are only hardening their position and thumbing their nose at whatever the international community suggests.

Their claim that a new basis for negotiations is needed because the negotiations over the last 2½ decades, which they have worked systematically to undermine, have failed to produce any results essentially says it all. Rejecting all reasonable and peaceful overtures and substituting unreasonable and unworkable conditions in their place is not an approach that will move the peace process forward.

Sadly, that is precisely why they make the suggestions. If the Turks were truly interested in moving the peace process forward, they would come to the table and abandon their belligerent and unreasonable conditions for negotiations.

They could also accept the standing offer from the Cypriot government to demilitarize the islands in an effort to reduce tensions, as well as the Cypriot government's offer to pay for the costs of the peacekeeping force following any such demilitarization.

The fact of the matter is that the Turkish side could do any of a number of things to reduce tensions and put the peace process back on track if Ankara, where the real decisions about Cyprus are made, allowed it to happen. History has shown we should not expect that to happen any time soon, and that is why the U.S. has to do more to make it happen.

Mr. Speaker, I just wanted to say that in my view, it is long past time to stop focusing public and private efforts on the Turkish Cypriots and intensify American efforts to move the peace process forward on the Turkish military, which has real and substantial influence on decision-making in the Turkish government.

To that end I would reiterate what I and many other Members of Congress have said publicly and privately to the administration. The United States government must stop spinning its wheels and convey to Ankara in forceful and unequivocal terms that there will be direct consequences in U.S.-Turkish relations if Ankara does not prevail upon the Turks to come to the negotiating table in good faith.

Almost 25 years have passed since Turkey invaded Cyprus. The recent comments by Denktash, who is now taking his orders from the very same Prime Minister in Ankara who presided over Turks 1974 invasion, suggest it might as well have been yesterday.

Mr. Speaker, finally, I think it is clear that the people of Cyprus have waited far, far too long for their freedom. It is my unshakable belief that the U.S. should immediately take the appropriate course of action against the Turkish government to help the Cypriot people attain their independence and their freedom and the cause of a united Cyprus without further delay. I do think these international issues are important.

CONFERENCE REPORT ON H.R. 775, Y2K ACT

Mr. GOODLATTE (during Special Order of the gentleman from New Jersey, Mr. PALLONE) submitted the following conference report and statement on the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–212)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 775), to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Prelitigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Appointment of special masters or magistrate judges for Y2K actions.
Sec. 15. Y2K actions as class actions.
Sec. 16. Applicability of State law.
Sec. 17. Admissible evidence ultimate issue in State courts.
Sec. 18. Suspension of penalties for certain year 2000 failures by small business concerns.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize

possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that the year 2000 problems described in this section do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of such problems.

(5) Resorting to the legal system for resolution of year 2000 problems described in this section is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(7) A proliferation of frivolous lawsuits relating to year 2000 computer date-change problems by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(8) Congress encourages businesses to approach their disputes relating to year 2000 computer date-change problems responsibly, and to avoid unnecessary, time-consuming, and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is such a dispute, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve year 2000 computer date-change problems before they develop;

(2) to encourage continued remediation and testing efforts to solve such problems by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve disputes relating to year 2000 computer date-change problems by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of such problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTIONS.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury arises from or is related to an actual or potential Y2K failure, or a claim or defense arises from or is related to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a government entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a government entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term "material deject" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) Personal injury.—The "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought after January 1, 1999, for a Y2K failure occurring before January 1, 2003, or for a potential Y2K failure that could occur or has allegedly caused harm or injury before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) WARRANTY AND CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(3) UNCONSCIONABILITY.—Nothing in paragraph (1) shall prevent enforcement of State law doctrines of unconscionability, including adhesion, recognized as of January 1, 1999, in controlling judicial precedent by the courts of the State whose law applies to the Y2K action.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

(f) APPLICATION WITH YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Nothing in this Act supersedes any provision of the Year 2000 Information and Readiness Disclosure Act.

(g) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENT ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a government entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term "defendant" includes a State or local government.

(ii) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term "local government" means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term "Y2K upset"—

(i) means an exceptional temporary noncompliance with applicable Federally enforceable measurement, monitoring, or reporting requirements directly related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable Federally enforceable measurement, monitoring, or reporting requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable Federally enforceable measurement, monitoring, or reporting requirements that provided for the safety and soundness of the banking or monetary system, or for the integrity of the national securities markets, including the protection of depositors and investors;

(III) noncompliance with applicable Federally enforceable measurement, monitoring, or reporting requirements to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance;

(V) lack of preparedness for a Y2K failure; or

(VI) noncompliance with the underlying Federally enforceable requirements to which the applicable Federally enforceable measurement, monitoring, or reporting requirement relates.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a reasonable good faith effort to anticipate, prevent, and effectively remediate a potential Y2K failure;

(B) a Y2K upset occurred as a result of a Y2K failure or other emergency directly related to a Y2K failure;

(C) noncompliance with the applicable Federally enforceable measurement, monitoring, or reporting requirement was unavoidable in the face of an emergency directly related to a Y2K failure and was necessary to prevent the disruption of critical functions or services that could result in harm to life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to correct any violation of Federally enforceable measurement, monitoring, or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that the defendant became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to the imposition of a penalty in any action brought as a result of noncompliance with Federally enforceable measurement, monitoring, or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless specific relief by the appropriate regulatory authority is granted.

(6) FRAUDULENT INVOCATION OF Y2K UPSET DEFENSE.—Fraudulent use of the Y2K upset defense provided for in this subjection shall be subject to the sanctions provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

(8) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall affect the authority of a government entity to seek injunctive relief or require a defendant to correct a violation of a Federal enforceable measurement, monitoring, or reporting requirement.

(h) CONSUMER PROTECTION FROM Y2K FAILURES.—

(1) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting residential mortgages shall cause or permit a foreclosure on any such mortgage against a consumer as a result of an actual Y2K failure that results in an inability accurately or timely to process any mortgage payment transaction.

(2) NOTICE.—A consumer who is affected by an inability described in paragraph (1) shall notify the servicer for the mortgage, in writing and within 7 business days from the time that the consumer becomes aware of the Y2K failure and the consumer's inability accurately or timely to fulfill his or her obligation to pay, of such failure and inability and shall provide to the servicer any available documentation with respect to the failure.

(3) ACTIONS MAY RESUME AFTER GRACE PERIOD.—Notwithstanding paragraph (1), an action prohibited under paragraph (1) may be resumed, if the consumer's mortgage obligation has not been paid and the servicer of the mortgage has not expressly and in writing granted the consumer an extension of time during which to pay the consumer's mortgage obligation, buy only after the later of—

(A) 4 weeks after January 1, 2000; or

(B) 4 weeks after notification is made as required under paragraph (2), except that any notification made on or after March 15, 2000, shall not be effective for purposes of this subsection.

(4) APPLICABILITY.—This subsection does not apply to transactions upon which a default has occurred before December 15, 1999, or with respect to which an imminent default was foreseeable before December 15, 1999.

(5) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This subsection delays but does not prevent the enforcement of financial obligations, and does not otherwise affect or extinguish the obligation to pay.

(6) DEFINITION.—In this subsection—

(A) The term "consumer" means a natural person.

(B) The term "residential mortgage" has the meaning given the term "federally related mortgage loan" under section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

(C) The term "servicer" means the person, including any successor, responsible for receiving any scheduled periodic payments from a consumer pursuant to the terms of a residential mortgage, including amounts for any escrow account, and for making the payments of principal and interest and such other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the mortgage. Such term includes the person, including any successor, who makes or holds a loan if such person also services the loan.

(i) APPLICABILITY TO SECURITIES LITIGATION.—In any Y2K action in which the underlying claim arises under the securities laws (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), the provisions of this Act, other than section 13(b) of this Act, shall not apply.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant described in paragraph (2) in a Y2K action may not exceed the lesser of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) DEFENDANT DESCRIBED.—A defendant described in this paragraph is a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, or organization, with fewer than 50 full-time employees.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Paragraph (1) does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except in a Y2K action that is a contract action, and except as provided in subsections (b) through (g), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportionate responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action that is not a contract action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant (other than a defendant who has entered into a settlement agreement with the plaintiff)—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action that is not a contract action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action that is not a contract action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant.

(iii) For a plaintiff not described in clause (i), in addition to the share indentified in clause (ii), the defendant is liable for an additional portion of the uncollecitble share in an amount equal to 50 percent of the amount determined under clause (ii) if the plaintiff demonstrates by a preponderance of the evidence that the defendant acted with reckless disregard for the likelihood that its acts would cause injury of the sort suffered by the plaintiff.

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(D) SUITS BY CONSUMERS.—

(i) Notwithstanding subparagraph (A), the other defendants are jointly and severally liable for the uncollectible share if—

(I) the plaintiff is a consumer whose suit alleges or arises out of a defect in a consumer product; and

(II) the plaintiff is suing as an individual and not a part of a class action.

(ii) In this subparagraph:

(I) The term "class action" means—

(aa) a single lawsuit in which (1) damages are sought on behalf of more than 10 persons or prospective class members; or (2) 1 or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated; or

(bb) any group of lawsuits filed in or pending in the same court in which (1) damages are sought on behalf of more than 10 persons; and (2) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

(II) The term "consumer" means an individual who acquires a consumer product for purposes other than resale.

(III) The term "consumer product" means any personal property or service which is normally used for personal, family, or household purposes.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action that is not a contract action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter an order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action that is not a contract action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action that is not a contract action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except that an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section preempts or supersedes any provision of State law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRELITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff in a Y2K action shall send a written notice by certified mail (with either return receipt requested or other means of verification that the notice was sent) to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer if the prospective defendant is a corporation, to the managing partner if the prospective defendant is a partnership, to the proprietor if the prospective defendant is a sole proprietorship, or to a similarly-situated person if the prospective defendant is any other enterprise; or

(3) if the prospective defendant has designated a person to receive prelitigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this subsection is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section may

give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

(d) Failure to Respond.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1), or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) Remediation Period.—

(1) In general.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action or alternative dispute resolution before commencing a legal action against that prospective defendant.

(2) Extension by agreement.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) Multiple extensions not allowed.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) Statutes of limitation, etc., tolled.—Any applicable statute of limitations or doctrine of laches in a Y2K action of which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) Failure to Provide Notice.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) Effect of Contractual or Statutory Waiting Periods.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) State Law Controls Alternative Methods.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) Provisional Remedies Unaffected.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) Special Rule for Class Actions.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC 8. PLEADING REQUIREMENTS.

(a) Application With Rules of Civil Procedure.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedures.

(B) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(Co Material Defects.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) Required State of Mind.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

(A) In General.—Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure involved in the action.

(b) Preservation of Existing Law.—The duty imposed by this section is in addition to any duty to mitigate imposed by State law.

(c) Exception for Intentional Fraud.—Subsection (a) does not apply to damages suffered by reason of the plaintiff's justifiable reliance upon an affirmative material misrepresentation by the defendant, made by the defendant with actual knowledge of its falsity, concerning the potential for Y2K failure of the device or system used or sold by the defendant that experienced the Y2K failure alleged to have caused the plaintiff's harm.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach of repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, or be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) In General.—A party to a Y2K action making a tort claim, other than a claim of intentional tort arising independent of a contract, may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party, or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure involved in the action (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable Federal or State law. .

(b) Economic Loss.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss" means amounts awarded to compensate an injured party for any loss, and includes amounts awarded for damages such as—

(1) lost profits or sales;

(2) business interruption;

(3) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(4) losses that arise because of the claims of third parties;

(5) losses that must be pled as special damages; and

(6) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) Certain Other Actions.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) Defendant's State of Mind.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by the standard of evidence under applicable State law in effect on the day before January 1, 1999.

(b) Limitation on Bystander Liability for Y2K Failures.—

(1) In general.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue,

(B) the plaintiff is not in substantial privity with the defendant, and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law, the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves, by the standard of evidence under applicable State law in effect on the day before January 1, 1999, that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) Substantial privity.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) Certain claims excluded.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of

the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) Control Not Determinative of Liability.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in aY2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

(d) Protections of the Year 2000 Information and Readiness Disclosure Act Apply.—The protections for the exchanges of information provided by section 4 of the Year 2000 Information and Readiness Disclosure Act (Public Law 105-271) shall apply to any Y2K action.

SEC. 14. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATE JUDGES FOR Y2K ACTIONS.

Any district court of the United States in which a Y2K action is pending may appoint a special master or a magistrate judge to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 15. Y2K ACTIONS AS CLASS ACTIONS.

(a) Material Defect Requirement.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) Notification.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted.

(c) Forum for Y2K Class Actions.—

(1) Jurisdiction.—Except as provided in paragraph (2), the district courts of the United States shall have original jurisdiction of any Y2K action that is brought as a class action.

(2) Exceptions.—The district courts of the United States shall not have original jurisdiction over a Y2K action brought as a class action if—

(A)(i) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(ii) the primary defendants are citizens of that State; and

(iii) the claims asserted will be governed primarily by the laws of that State;

(B) the primary defendants are States, State officials, or other governmental entities against whom the district courts of the United States may be foreclosed from ordering relief;

(C) the plaintiff class does not seek an award of punitive damages, and the amount in controversy is less than the sum of $10,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action; or

(D) there are less than 100 members of the proposed plaintiff class.

A party urging that any exception described in subparagraph (A), (B), (C), or (D) applies to an action shall bear the full burden of demonstrating the applicability of the exception.

(3) Procedure if Requirements Not Met.—

(A) Dismissal or Remand.—A United States district court shall dismiss, of, if after removal, strike the class allegations and remand, any Y2K action brought or removed under this subsection as a class action if—

(i) the action is subject to the jurisdiction of the court solely under this subsection; and

(ii) the court determines the action may not proceed as a class action based on a failure to satisfy the conditions of Rule 23 of the Federal Rules of Civil Procedure.

(B) Amendment; Removal.—Nothing in paragraph (A) shall prohibit plaintiffs from filing an amended class action in Federal or State court. A defendant shall have the right to remove such an amended class action to a United States district court under this subsection.

(C) Period of Limitations Tolled.—Upon dismissal or remand, the period of limitations for any claim that was asserted in an action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.

(D) Dismissal Without Prejudice.—The dismissal of a Y2K action under subparagraph (A) shall be without prejudice.

(d) Effect on Rules of Civil Procedure.—Except as otherwise provided in this section, nothing in this section supersedes any rule of Federal or State civil procedure applicable to class actions.

SEC. 16. APPLICABILITY OF STATE LAW.

Nothing in this Act shall be construed to affect the applicability of any State law that provides stricter limits on damages and liabilities, affording greater protection to defendants in Y2K actions, than are provided in this Act.

SEC. 17. ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

SEC. 18. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) Definitions.—In this section—

(1) the term "agency" means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term "first-time violation" means a violation by a small business concern of a federally enforceable rule or regulation (other than a Federal rule or regulation that relates to the safety and soundness of the banking or monetary system or for the integrity of the National Securities markets, including protection of depositors and investors) caused by a Y2K failure if that Federal rule or regulation has not been violated by that small business concern within the preceding 3 years; and

(3) the term "small business concern" has the same meaning as a defendant described in section 5(b)(2)(B).

(b) Establishment of Liaisons.—Not later than 30 days after the date of enactment of this Act, each agency shall—

(1) establish a point of contact with the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) General Rule.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) Standards for Waiver.—An agency shall provide a waiver of civil money penalties for a first-time violation, provided that a small business concern demonstrates, and the agency determines, that—

(1) the small business concern previously made a reasonable good faith effort to anticipate, prevent, and effectively remediate a potential Y2K failure;

(2) a first-time violation occurred as a result of the Y2K failure of the small business concern or other entity, which significantly affected the small business concern's ability to comply with a Federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and prompt measures to correct the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 5 business days from the time that the small business concern became aware that the first-time violation had occurred.

(e) Exceptions.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if—

(1) the small business concern's failure to comply with Federal rules or regulations resulted in actual harm, or constitutes or creates an imminent threat to public health, safety, or the environment; or

(2) the small business concern fails to correct the violation not later than 1 month after initial notification to the agency.

(f) Expiration.—This section shall not apply to first-time violations caused by a Y2K failure occurring after December 31, 2000.

And the Senate agree to the same.

From the Committee on the Judiciary:

Henry Hyde,
F. James Sensenbrenner, Jr.,
Bob Goodlatte,

From the Committee on Commerce, for consideration of section 18 of the Senate amendment:

Tom Bliley,
Michael G. Oxley,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

John McCain,
Ted Stevens,
Conrad Burns,
Slade Gorton,
Ron Wyden,

From the Committee on the Judiciary:

Orrin Hatch,
Strom Thurmond,

From the Special Committee on the Year 2000 Technology Problem:

Robert F. Bennett,
Christopher Dodd,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H.R. 775), to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

DEFINITION OF Y2K ACTION

The House and Senate versions had different definitions of Y2K action. The conferees agreed to a definition that makes the intended scope of the Act clear. The modified definition includes actions that involve both actual and potential failures that could occur or cause harm before January 1, 2003. The conferees want to ensure that the Act applies to those cases involving questions such as the determination of liability to shareholders or responsibility for the costs of remediation even when there is no actual Y2K failure. Additionally, the conferees note that there have already been many cases filed involving Y2K issues in which there has been no actual failure but only potential, prospective, or anticipated failures. The conferees intend to include these types of cases within the scope of the Act.

FINANCIAL INSTITUTIONS

The Senate amendment to H.R. 775 contained an amendment by Senator Inhofe, incorporating language proposed by Senator Hollings, to ensure that a homeowner cannot be foreclosed upon due to a Y2K failure. The conferees agree that the actual language adopted was broader than the intent stated by Senator Hollings, and after consultation with the Federal Deposit Insurance Corporation, and the House Committee on Banking and Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs, the conferees have agreed to modify section 4(h) of the Senate amendment. It is the conferees' intent that the section, as modified, will provide the protections proposed by Senator Hollings without affecting all financial transactions, including those which do not involve either a consumer/homeowner or an actual Y2K failure.

The modified language limits the applicability of the protections to residential mortgages. It requires the consumer to provide notice of the Y2K failure and of the consumer's inability to timely fulfill his or her obligation to pay. The modified language also limits the applicability of this subsection to transactions occurring between December 16, 1999, and March 15, 2000.

OTHER MATTERS

The conferees agree that while other differences exist between the House bill and the Senate amendment, many of these differences do not reflect a difference in intent. For example, the House bill contained a definition of "damages" while the Senate amendment does not. The conference substitute does not include a definition of "damages" because the conferees agree that the House definition is self-evident in actual practice and under State law, so that the definition is unnecessary.

APPLICATION OF ACT

The conferees agreed to add language to section 4, relating to the scope of application of the Act, to make it clear that in any Y2K action that arises under the securities laws, the provisions of the Act (other than section 13(b)) do not apply.

Y2K UPSET PROTECTIONS

The conference substitute includes the Inhofe amendment with modifications. The purpose of the Inhofe amendment is to waive penalties for limited, exceptional and temporary noncompliance with federally enforceable measurement, monitoring, or reporting requirements, for which there was otherwise no violation of the underlying substantive federally enforceable regulation. For example, in the environmental arena, because of a Y2K failure, a facility's monitoring or reporting equipment fails to operate properly; the facility continues to function normally and all applicable pollution standards or limits are otherwise met. In that situation, the facility would get the benefit of the waiver provided it met the conditions set forth under this section. However, if, aside from the monitoring or reporting requirements, the facility has violated the underlying federally enforceable requirement to which the monitoring or reporting requirement related, or if there was actual or imminent harm to the public health, safety, or the environment, the facility would not get the benefit of the defense.

The phrase "measurement, monitoring, or reporting" broadly covers a range of federal requirements, but not every term need apply to every federal program. For example, the term "measurement" is not intended to apply to federal environmental statutes.

PROPORTIONATE LIABILITY

Prior to the conference, the House version of the Proportionate Liability section provided that a defendant would only be responsible for that portion of a Y2K claim that corresponds to the defendant's percentage of responsibility for the harm experienced by the plaintiff. This provision would supersede existing laws imposing joint and several liability on defendants. The Senate amendment was substantially similar in the scope of the general rule but added several exceptions to it. The conference substitute incorporates a number of modifications, as follows:

Under the original Senate formulation, in most circumstances, a defendant would only be proportionately liable for the damages for which the defendant was responsible. The proportion of responsibility would be based as a "percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff." If alleged by the plaintiff, the fact-finder would also have to make a determination of whether the defendant "acted with specific intent to injure the plaintiff" or knowingly committed fraud. If the fact-finder answers either of those two questions in the affirmative, then that individual defendant will remain jointly and severally liable for the plaintiff's damages. Subsection (c)(2)(A) defines the circumstance under which a defendant commits knowing fraud for purposes of this section. Subsection (c)(2)(B) makes clear that simply reckless conduct by the defendant is not enough to trigger the knowing fraud definition of this section.

The other two exceptions to proportional liability contained within the original Senate amendment deal with what happens when there is an uncollectible share of liability. The original formulation of the uncollectible share exception provided that a defendant would be liable for an uncollectible share in proportion to that defendant's total responsibility but the defendant's total liability for the uncollectible share could not exceed 50 percent of that defendant's proportionate share. The second exception deals with when there is an uncollectible share and "the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff" and the plaintiff's overall net worth is less than $200,000. In the second case, all other defendants remain entirely jointly and severally liable for the uncollectible share.

The additional amendment proposed by the Senate and agreed to by the House conferees modifies the general rule for uncollectible shares. Under this amendment, a defendant would be liable for an additional 100 percent of its proportionate share as applied to the uncollectible share, rather than being liable for only up to 50 percent of the defendant's proportionate share. In addition, the amendment holds a defendant liable for an additional 50 percent of that defendant's proportionate share of the uncollectible amounts if that defendant acted with reckless disregard for the likelihood that the defendant's acts would cause the harm or loss suffered by the plaintiff. The amendment also permits certain plaintiffs who are individual consumers and who bring individual suits, rather than class actions, to hold other defendants liable for uncollectible shares consistent with state law.

The original Senate amendment also contains provisions dealing with settlement discharge and a defendant's right to contribution from fellow defendants. Subsection (e) indicates that a defendant may settle a Y2K action at any time before a final verdict or judgment is reached and such a defendant will be discharged from all contribution claims brought by other persons. The amendment also makes clear that a defendant who, because of the exceptions contained in the amendment, becomes jointly and severally liable for a portion of the plaintiff's damages, may recover contribution from any other person who would have been liable for the plaintiff's damages. The determination of a claim for contribution must be based on the percentage of responsibility of the defendant "against whom a claim for contribution is made."

The conference agreement makes clear that State laws are not preempted. This section does not preempt State statutes that limit a defendant's liability to a lesser amount than that determined under this section or otherwise provide greater protection to a defendant from joint and several liability.

The general intent behind this section is to impose proportional liability upon a defendant rather than joint and several liability. The conferees are of the view, except for limited exceptions, that it is inherently unfair to hold a defendant that has limited culpability liable for the entire amount of the judgment obtained by the plaintiff. This section does not allow defendants to transfer the amount of their responsibility to other parties. Rather, this section recognizes and holds defendants liable for the actual amount of harm they actually caused, and for orphan shares of individual consumers.

The original exceptions contained in the Senate amendment as well as the subsequent Senate amendment agreed to by the House conferees, provides a limited escape route for plaintiffs that could be grossly disadvantaged by a pure formulation of proportional liability. These exceptions only apply in the context of when the defendant engaged in especially egregious conduct or when the damages awarded to the plaintiff may not be entirely recoverable due to a defendant's insolvency or other problem in paying.

DUTY TO MITIGATE

Prior to the conference, the House version of the Duty to Mitigate section stated the duty of plaintiffs to avoid damages which "could reasonably have been avoided in light of any disclosure or other information" including information made available by the defendant. The Senate Amendment was substantially identical except for its reference to "Y2K action" rather than the House version's "Y2K claim." The House conferees agreed to recede to the Senate formulation. The Senate proposed an additional amendment that was agreed to by the House.

The additional amendment kept the Senate formulation substantially intact but added 2 new subsections. Subsection (b) includes the plaintiffs duty to mitigate but makes clear that the Federal mitigation requirement is in addition to any State mitigation requirement. Subsection (c) provides an exception to the plaintiff's affirmative duty to mitigate where the plaintiff has relied on the defendant's fraudulent representations regarding the Y2K readiness of the product that is the basis of the plaintiff's suit.

This provision is intended to further this legislation's fundamental goal of Y2K remediation. This section affirms State law that requires plaintiffs to take reasonable steps to limit their damages. The amendments agreed to by the conferees provide that in limited circumstances where the defendants are engaged in egregious conduct, a plaintiff will be relieved of this affirmative duty.

Section 9 affirms, at the Federal level, the Uniform Commercial Code provisions addressing the responsibility of plaintiffs to limit their damages by obtaining other conforming goods (UCC §2–712, duty to "cover") and limitations on a buyer's consequential damages to those which could not have "reasonably" been prevented. These concepts establish an independent affirmative responsibility on buyers. The basis for this responsibility to avoid "losses that reasonably could have been prevented" arises without reference to any action by the seller/defendant. Section 9, as amended by the conferees, recognizes the unprecedented risk attaching to Y2K and accordingly adds to these established Uniform Commercial Code principles in one significant way. The section extends the concept of mitigation to events occurring prior to the actual tort or contractual breach.

ECONOMIC LOSS

Both the House and Senate bills included language to codify the economic loss rule. That rule states that a party who has suffered only economic damages must generally sue to recover those damages under contract, not tort, law. The House version, however excepted all intentional torts from the scope of the rule while the Senate version did not expressly address intentional torts. The Senate and House agree to an amendment that clarifies this exception to the economic loss rule. Under the conference substitute, the economic loss rule applies to all torts except intentional torts arising independent of a contract. This codifies the rapidly emerging trend in State law to apply the economic loss rule to bar intentional tort claims, such as fraud claims, where such claims are intrinsic to, or indistinguishable from, an underlying contractual dispute between the parties. Simply put, breach of contract, intentional or otherwise, does not generally give rise to a tort claim; it is simply breach of contract. If, however, there is an intentional tort that is extraneous to the underlying contract claim, this section will not limit a party's ability to recover economic losses under applicable law.

WARRANTY AND CONTRACT PRESERVATION

The intent of section 4(d) of the conference substitute is to enhance business certaintly and discourage frivolous lawsuits that attempt to undermine established contractual relationships. This section makes clear that contract terms and provisions shall be fully enforced so contracting entities have the benefit of their bargains. The mere fact that a Y2K-related problem arises should not cause courts to disregard or diminish enforceable contract terms unless those terms are directly contrary to a specific statute. Thus, exclusions of liability, disclaimers of warranty and similar limitations will be recognized and enforced as written. The conferees, however, agreed to an amendment that clarifies that this section does not make enforceable contract terms that are otherwise unenforceable under State law doctrines of unconscionability, including adhesion, recognized as of January 1, 1999 under controlling judicial precedent.

APPLICATION OF IRDA

The conferees agreed to an amendment to section 13 of the Senate amendment to make it clear that the protection for exchanges of information provided by the Year 2000 Information and Readiness Disclosure Act apply to Y2K actions under the Act.

TECHNICAL CHANGE TO SECTION 16 (THE ALLARD AMENDMENT)

The conference substitute contains a technical change to section 16 which will prevent any potential misinterpretation of this section. The intent of section 16, which is the text of an amendment offered to S. 96 by Senator Allard, is to clarify that nothing in this Act will preempt or prevent the applicability of any State law which imposes more restrictive limits on damages and liabilities than the limits provided for in this Act. The original wording, "greater limits," left room for confusion and possible misinterpretation by providing an opportunity for argument that any State law with higher limits on damages and liabilities would supersede this Act. Because this Act supersedes any State law which allows a plaintiff to pursue or collect any amount in damages or liabilities which are above and beyond the amounts provided for in this Act, the conferees want to clarify the wording of this section. The new wording, "stricter limits," coupled with the language "affording greater protection to defendants in Y2K actions" than would be afforded under the Act, ensures that this Act grants deference only to State laws which cap damages and liabilities at a lower amount than provided for in this Act.

From the Committee on the Judiciary:

Henry Hyde,
F. James Sensenbrenner, Jr.,
Bob Goodlatte,

From the Committee on Commerce, for consideration of section 18 of the Senate amendment:

Tom Bliley,
Michael G. Oxley,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

John McCain,
Ted Stevens,
Conrad Burns,
Slade Gorton,
Ron Wyden,

From the Committee on the Judiciary:

Orrin Hatch,
Strom Thurmond,

From the Special Committee on the Year 2000 Technology Problem:

Robert F. Bennett,
Christopher Dodd,
Managers on the Part of the Senate .

MILK, A CONTROVERSIAL ISSUE

The SPEAKER pro tempore (Mr. Peterson of Pennsylvania). Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. Gutknecht) is recognized for 60 minutes or less.

Mr. GUTKNECHT. Mr. Speaker, tonight we are going to talk about an issue which I suspect most of our colleagues and anyone else who might be watching on C-Span tonight would say, how in the world can the issue of milk be a controversial issue?

I think if they pay any attention tonight, they will find that milk is an enormously controversial issue, particularly for those of us in the upper Midwest. It is a very difficult issue I think for the average person to completely understand, and we hope that we do not bore our colleagues who may be watching tonight.

It is a little like the story of the little boy who came in and asked his mother a question. His mother was kind of busy and she said, well, why don't you ask your dad? The little boy, said, well, I didn't want to know that much about it. I suspect a lot of people who may tune in tonight may say, well, I did not want to know that much about milk policy here in the United States.

To start off, though, I think we have to kind of look at this chart and begin to understand the history. First of all, let me say that this is June. It is Dairy Month.

□ 2115

Some people know that. A lot of people do not know that. But June is dairy month for a very interesting reason.

Back in the thirties, farmers recognized that in June, we reach what is called the peak of the spring flush. That is when dairy cows produce the most amount of milk they are going to produce all year. At the same time, schools get out, a lot of kids go home, they drink less milk, more soft drinks, more lemonade and so forth, and so at the very time milk production goes to its peak, consumption drops.

Back in the thirties the Chain Drugstore Association got together with the Dairy Association and had the first dairy month. Now it has become a very big event, particularly in the upper Midwest, and we encourage people all over the country to enjoy milk, but, more importantly cheese and cottage cheese and yogurt, ice cream, all the other things made from the real thing, dairy products, real cheese, real milk.

Back in the thirties we were suffering from some rather difficult financial circumstances for all Americans, but for farmers in particular, and they came up with a rather convoluted system back in 1937 as part of the agricultural marketing agreement in 1937 to create various regions around the country and price milk based on where it came from and what it went into.

We are going to talk about this whole issue a little bit tonight, but I want to talk about the disparities that this system is creating.

This is the 1998 average blend prices for current Federal milk marketing orders. What it demonstrates, and I think the numbers may be too small to really pick up on the television screen, so any of the Members who may be watching in their offices who would like a smaller version of this so that they can actually look at it and read the numbers, I am going to read some of them for you. But in effect what we have is a system where milk is priced to the dairy farmer based on what it goes into and where it comes from.

Now, this may seem bizarre, but in 1937, Eau Claire, Wisconsin, was considered the epicenter of the dairy production area in the United States. Anybody who has ever watched a Green Bay Packers game understands that there is an awful lot of cheese produced in Wisconsin. There is also a lot of cheese produced in my district. As a matter of fact, there is one cheese plant in my district that produces 500,000 pounds of cheese every single day. That is a lot of cheese, and, of course, we cannot eat all of that cheese in the upper Midwest. But what they did is they created this system because they decided that Eau Claire, Wisconsin, was the epicenter of the dairy production area for the United States.

They said the closer you are to Eau Claire, Wisconsin, the less you will get for your milk. Because of all the cheese plants and because back in 1937, we did not have the interstate highway system and refrigerated trucks, it probably made some sense back in 1937 to have a system so that it would encourage production in places like Texas, Los Angeles, the Pacific Northwest, particularly out here in the populated areas of the eastern seaboard, Boston, New York, Washington. They wanted to encourage more dairy production in those areas relative to Wisconsin, Minnesota, northern Illinois and Iowa.

So they came up with this rather convoluted system, which may have made some sense in 1937, but, guess what, since 1937, we built the interstate highway system, we have refrigerated trucks that can now get milk almost anywhere in the United States within a matter of a few days, while the milk is still absolutely fresh, delicious and wonderful to enjoy.

But we still have the system. It is interesting, once you create a Federal Government program, in fact, Mark Twain once observed the most permanent thing on Earth is a temporary government program. Back in 1937 they created this system, and to give you some of the numbers that are shown on this chart to kind of give you an idea of the differences, the average blended price for the upper Midwest, including Minnesota, most of Wisconsin, the eastern Dakotas, part of northern Iowa, and I think it actually gets into northern Illinois, the average blended price last year that was paid to dairy farmers was $13.57 per hundred pounds of milk.

Now, that is another thing most people do not understand. The dairy farmer always receives his milk check based on the number of hundreds of pounds of milk. So the average dairy farmer in the upper Midwest got $13.57. That was what the Federal Government mandated. "Mandated" is an important word. We are going to talk about that a little bit.

Now, if you were a dairy farmer for example in Washington or Oregon, the Federal Government mandated a price of $14.75. If you were in central Arizona, that price was $14.90. But if you lived down here in the southeast, one of the States that produced milk, for example in southern Tennessee, Mississippi, Alabama, Georgia, that dairy farmer got $16.13, mandated by the Federal Government. If you lived in southern Florida, for example, down in the Tampa Bay region, your price was $16.82. The differential, $13.57 if you live in my district, or Wisconsin or parts of Illinois, $13.57, but if you are down in Florida, it is $16.82.

Again, that may have made sense back in 1937 when we did not have the interstate highway system, did not have refrigerated trucks, but it does not make a whole lot of sense today. So we are here tonight to talk about this and sort of raise some of the questions, rhetorical questions, and ask if anybody can honestly defend a system that says to dairy farmers that your product will be based on where it comes from and what it goes into.

Incidentally, to make things even more complicated, yes, milk is priced based on what it goes into. If your milk goes into fluid milk, the stuff that comes in containers that you drink and everybody loves, good for your body, gives you a white mustache, if it goes into fluid milk, it is worth more than if it is going into what is called Class 2 milk, which is spoonable. That would include ice cream, cottage cheese, yogurt. Class 3 milk is products like cheese and butter. Class 4 milk is powdered milk.

So we have four classes of milk, and, again, that determines the price that the dairy farmer gets that does all of the work, that gets up every morning at 5 o'clock in the morning because cows have to be milked at least twice a day. This is not a job for the faint of heart. Anybody who wants to go into the dairy business, see me, because there are lots of people looking for folks who want to get up at 5 o'clock every single morning, 365 days a year, and milk those cows. That is what they have to do.

But the real problem is if you live in Minnesota, Wisconsin, what we call the upper Midwest region, the eastern Dakotas, you get $13.57. If you live in southern Florida, you get $16.82. Now, is it any wonder that some of our producers in the upper Midwest say, this is not fair? It is absolutely not fair. That is a system that we hope to change.

I started this conversation tonight by saying you would not think that milk is a particularly controversial issue. Well, it is, because, believe it or not, the people in Florida think this is a pretty good system. What is wrong with the system that pays our dairy farmers $16.82? In fact, I am in my third term in Congress. I have learned in those three terms that whenever you talk about leveling the playing field, you can always bet that at least half of the people participating in that debate do not want to level the playing field. Why? Because relatively speaking, their constituents lose.

Well, the point that we have been making in the upper Midwest since 1937, now, let me do a little arithmetic, it is now 1999, less 37, that amounts to, what, 62 years. For 62 years the dairy farmers in our region have been receiving less money relative to dairy farmers in anywhere else in the United States. So for 62 years we have been saying it is time to level the playing field.

I have got another chart here, and, again, if anyone would like a copy of these charts, we would be more than happy to send them out. If you contact my office we will send them to you. But this gives some idea of the producer Class 1 blended price benefit.

A regional average, it shows how the differences work out between the northeast, the average, what the average is in the Appalachian region. Florida, for example, as I mentioned, you can see by this bar chart, Florida receives the best of all the deals, and, unfortunately, the region that we represent is down here way at the bottom.

Again, we are not asking for special privileges, we are not asking for special favors, but we are asking in the day and age when we have the interstate highway system, we have refrigerated trucks, all we are asking is for equal pay for equal milk.

I have joining me tonight a couple of my colleagues, one from Illinois and one from the State of Wisconsin, and I want to yield some time to my colleague, a freshman member, the gentleman from Wisconsin (Mr. RYAN), from, I believe, the First Congressional District. I represent the First Congressional District in Minnesota the gentleman from Wisconsin (Mr. RYAN) represents the First Congressional District in Wisconsin. I wonder if you want to talk a little bit about this and what the dairy farmers are talking about and ultimately the unfairness of the system we have.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding. I would like to thank the gentleman from Minnesota for your leadership on this issue. As you know, I am a new Member of Congress. I was just elected in this last November elections. I was elected as a Republican based on the free market, thinking that we were here to make sure as we go into the next century, we will do so based upon the principles that built this country, that the individual is the nucleus of our society, the individual is the nucleus of our economy, based on the principles of the market.

When I had come to learn the kind of system we have, that binds our dairy markets, it is absolutely amazing that we still have a dairy market, that we still have a dairy policy that is based upon a geographical location in the middle of the United States, in Eau Claire, Wisconsin. Well, I come from Wisconsin.

There is something else that is happening for Members that are viewing this in their office. There are Members of the Republican Party who are advancing legislation right now to try to solidify the status quo. We are actually trying to move toward the market direction and the USDA is actually moving in that way. I would like to go through some remarks first and then I would like to ask my senior colleague from Minnesota a few questions.

Today I am here to join you, to express strong opposition to the legislation that is being introduced by the gentleman from Missouri (Mr. BLUNT), a Republican. This legislation is scheduled to be marked up in the Committee on Agriculture actually tomorrow.

This legislation would essentially say that we are going to force the status quo on the rest of the country. Not only are farmers who lived under the current system for 62 years have to do so, this legislation proposes that farmers continue to live under the current system.

What does this do? This system forces a continuation of this welfare system that will be funded on the backs of hard-working farmers in the Midwest, and particularly in the upper Midwest. The USDA has a proposal which goes moderately in the right direction toward a market-based system. It does not go all the way, but it goes a good step in the right direction.

The USDA proposal reflects a step toward a more market-friendly system. As Republicans, I think it is important to be fighting for this system, not against it. But I do not see this as really a partisan issue. This is just an issue about fairness and equity.

As representative from Wisconsin, which as everybody knows, is America's dairyland, if you see anybody drive by in Wisconsin, you see the license plate says "America's dairyland." The problem in Wisconsin is we are losing dairy farmers every single year. We are America's dairyland right now; we have been America's dairyland forever.

My fear is we will not be America's dairyland in the future, because just last year we lost 2,000 dairy farmers because of this antiquated system. That is 2,000 dairy farmers.

I just enjoyed participating in the Kenosha County Dairy Day breakfast. You mentioned June is dairy month. I participated in the Kenosha dairy breakfast about 2 weeks ago in Kenosha, Wisconsin, out in the county area. What was wonderful was to see all the children running around enjoying milk. The Dairy Days in Wisconsin is an opportunity for people in the cities to come out and see how farm operations work, to see how farmers work, to see how you have to get up so early in the morning to milk the cows and you have to do it twice a day, to appreciate nature, to appreciate rural America, something we are so prideful of in Wisconsin.

My fear is if we keep this antiquated system in place, we will not see those days, at least in Wisconsin, because we are losing so many dairy farmers.

Well, as a representative from Wisconsin, from America's dairyland, I feel it is my duty to address the devastation this bill will cause, not only for the farmers in my personal district in Wisconsin that I serve, but also for other Midwest regions.

The dairy farmers in the Midwest have long been operating under this system that penalizes them for being more efficient and more productive. These are principles that we as a Nation should be advocating. However, I stand before you today, and I see other Members, other Members of Congress from all these other regions, fighting to keep this antiquated system in place.

So when you come to Congress and you think we are going to fight for fairness, we are going to fight for equity in this country, it is not always the case. The system that we have today may have been appropriate in the 1930s, as the gentleman from Minnesota mentioned, but the need for that kind of system is gone. We have the interstate highway system, we have refrigerated trucks. Advances in technology and transportation have simply eliminated the need for this type of antiquated system.

Other regions in this system enjoy surpluses in dairy production. The surplus State is no longer just Wisconsin. We have surplus States all over the country. Your ability to get milk no longer depends on how close or far you live away from Eau Claire, Wisconsin. In my opinion, it is time to stop punishing Midwest farmers based on this horse and buggy perception of the world around us.

Now, in 1996, Congress recognized this. They recognized that this system has outlived its usefulness. In 1996, the farm bill required that the USDA reform the milk marketing order in a fair and equitable manner.

□ 2130

We relied on the USDA to develop a proposal that would serve all farmers in the country in the best possible way. This was a wise decision by Congress in 1996. The only objective of the USDA was to create a more fair and more equitable system based on market forces.

So what we have before us today, after the USDA floated two rival proposals, one we call 1–A and one we call 1–B, 1–A was more or less the status quo, 1–B was going more toward the market-driven area, so the location on where one lived did not have such a bearing on the price a farmer gets for the milk he produces. What the USDA came out with was something in between, a step toward 1–B, a step away from the status quo. This will take place if nothing else is done. But there are forces that are building here in Congress to stop this small reform from taking place.

One of the things that the Members of Congress who are from these other regions have been saying, they have been using these exaggerated claims that this kind of reform, this small reform toward the market-based system, will devastate farmers across the country. They are using exaggerated estimates. I would like to address that for one moment.

Contrary to these exaggerated claims that this will result in huge losses to dairy farmers across the country, the USDA estimates that this change will result in a loss of revenue of approximately $2.8 million on average in all Federal order regions. Let me put that in perspective. The total loss per hundredweight, per hundred gallons of milk, is estimated to be about .02 cents under the new regulation proposed by the USDA, not the massive losses that the proponents of the status quo are saying.

Now, this nominal change in revenue will make all the difference to the farmers in the first district of Wisconsin, which I represent; in northern Illinois, as my colleague, the gentleman from Illinois (Mr. MANZULLO), will soon talk about. I urge my colleagues to rely on the expertise of the USDA and allow the reform decision of the USDA to stand. I urge my colleagues who are thinking of freezing in place the status quo to think about the principles that built this country. Do we want to freeze in time 1937? Because today is 1999. We do not live under 1937 circumstances. We have the technology, we have the transportation, we have the advances to allow the milk pricing system to set up in a fair and equitable way.

There is one other way of looking at this issue, because I know this dairy issue can be quite complex. We have Class 1, Class 2, Class 3, and Class 4 milk. We have all of these different milk marketing orders. Let us put it in this kind of perspective.

What about orange juice? Do orange producers get a higher price for orange juice if they live farther away from Florida? It is sort of like saying that since I live in Janesville, Wisconsin, I should pay a higher price for the orange juice I purchase because it is made in Florida, but someone who lives in South Carolina will pay less for their orange juice.

It is like saying a country music singer is going to get a lower price for producing country music if they live in Nashville, Tennessee, than if they are a country music singer out in California. This is a crazy system.

Mr. GUTKNECHT. If the gentleman will yield, it is even more convoluted than that. It is one thing if the country music industry or the orange juice industry or the taconite industry or the automobile industry, if they decide that it does make some sense to have regional differentials, that is one thing, because that would be the market determining that. The difference here is the Federal Government sets this price.

There is no other example, and we have searched in vain, whether we are talking orange juice, country music, computers, software, ice water, hockey sticks, there is no example anywhere else in our entire economy where we have a product where the Federal Government sets the price that the producer is paid based on where it comes from and what it goes into.

We produce taconite in the upper—what we call the iron range of Minnesota. They also produce taconite on the upper peninsula of Michigan. There is no Federal agency that says, well, if that taconite goes into automobiles, if that taconite that is ultimately produced and is melted down and produced as steel that goes into automobiles, well, it is worth one price; but if that taconite is melted down and it goes into refrigerators, then it is worth a different price.

Now, if the market decided that that was true, because we know that stainless steel is worth more than rolled steel, and we know I beams are probably worth less than other fine steel, but, again, that is not determined by the Federal Government, that is the market that sorts that out.

So I wanted to just make that point that there are a lot of areas where there are regional differentials. We probably do pay more for orange juice in Minnesota than they do in Tampa, Florida, but that is because of transportation costs and other factors where the market determines. It is not determined by the Federal Government.

Mr. RYAN of Wisconsin. That is a wonderful point to make. Because if we look at today in society and look at the marketplace, why should the government be dictating the price of milk based on where we live in relation to Eau Claire, Wisconsin? It is absolutely asinine. It is just crazy. But that is the world we are living in today.

What is more, the USDA is trying to move moderately away from that policy toward more of a market-based system so that it is fair and equitable for all farmers, especially those who have been punished for 62 years under this antiquated system. Yet there are Members of Congress here today, here in this body, here in the majority who are trying to stop that from happening, who are trying to freeze in place this crazy antiquated system where, just as the Member from Minnesota mentioned, they mandate the price the producer gets based on how far from Eau Claire, Wisconsin, one lives.

In my hometown of Janesville, and I am so proud of this fact, we have a General Motors plant. And in Janesville, Wisconsin, in our General Motors plant, we produce Chevy Tahoes, which I drive. It is a great truck. It is good for four-wheeling. We produce Suburbans, we produce Yukons. These are wonderful trucks. Actually, the sales really took off when they added the four doors onto the Chevy Tahoe and the Yukon. Before it was a 2-door vehicle, and the sales were only okay. Once we added those four doors onto the Tahoes and the Yukons the sales took off. They really just took off. And anyone can buy a Chevy Tahoe all over this country, but no one is getting a different price for a Chevy Tahoe because they farther or closer away from Janesville, Wisconsin, where they are produced.

A Chevy Tahoe is the same price in New York City as in Janesville, Wisconsin. People can get a Chevy Tahoe in Denver or in California, same as they can in Janesville, Wisconsin. That is the way the market works.

Now, it may be a little more costly to ship a Chevy Tahoe from Janesville, Wisconsin, all the way up to California, and maybe the buyer will pay a little bit more because it cost to have the Chevy Tahoe carted out to California, that transportation cost may be factored into the price, but the government is not mandating that.

Mr. MANZULLO. If the gentleman will yield on that, I think a more distinctive example would be if there were Chevy Tahoe plants in every State, manufacturing took place in every State, but the price of that Chevy Tahoe depended upon how far one lived from Detroit, Michigan, for example. And the farther an individual got away from Detroit, Michigan, the more expensive it would be to buy that particular Chevy Tahoe. And to complicate it, would be that it would be sort of impractical to go 500 or a 1,000 miles away to buy the very vehicle that a person could get in that particular area. And that is what it is with these milk orders.

And, by the way, there is a Chrysler Neon plant in the district I represent. I wanted to make sure we get that on for the RECORD.

Now, let's say the government regulated the sale of pineapples. Probably a pretty poor example, because Hawaii is the only State in the Union where pineapples are grown, but let's say pineapples were grown in California and Florida, but the price of pineapples depended upon the center being Honolulu, where the price that the producer would receive from the processor of pineapples would be lower the closer it is to Honolulu; and, obviously, the grower in Florida would get a much better price out of it.

Mr. RYAN of Wisconsin. It would be a government mandated price.

Mr. MANZULLO. Oh yes, it is. I have a letter here I wanted to read from a processor, but had the gentleman finished his statement?

Mr. RYAN of Wisconsin. Sure. Be happy to yield.

Mr. GUTKNECHT. We are delighted to have the gentleman from Illinois (Mr. MANZULLO) join us and be happy to yield some time to him to talk about this.

Mr. MANZULLO. We really have to put a face to what we are doing. We are not talking about milk as a sterile commodity that is produced by cows with no personalities. We are talking about people. And I want to talk about my neighbor, Henry Ebert. He lives on Conga Road, right across the street. In fact, our pastures come together underneath the little bridge that separates Conga from our pastures; and we share the creek there. I have beef cattle, usually sell them in the fall; and, of course, dairy cattle have to be kept year-round.

Now, I remember one night I got a call from Henry. It was after I had sold my cattle for the year. And he said, "Don, my electric fencer broke. Could I borrow yours?" I said, sure. So I disconnected mine and took it over to the Ebert farm. It was about 8 o'clock in the evening. This man had been up, I think, since 4, 4:30, 5 o'clock and he was standing on his feet and attempting to hook up, or beginning to hook up the wires that went into the electric fencer. I just looked at him and it just amazed me that this man had been on his feet 18, 20 hours a day, and he and Elaine get away maybe 1 week out of the year, and the only reason they can do that is that their son is farming with them. And here he is, so tired he is swaying on his feet. So I said, "Henry, let me hook up that fencer for you." I was really afraid he was going to touch some wires and hurt himself.

In fact, I do not know if I hooked it up or just suggested to him he wait until when his son came in, it has been so many years ago. But I was really concerned because he was so tired on his feet, and that is when accidents happen on the farms. And it really brings into focus the fact that we are dealing with some real people here. We are dealing with people that are being severely impacted. The Eberts' real estate taxes go up every year.

Mr. GUTKNECHT. Does the gentleman mean to say that the real estate taxes are not based on how far away a farmer is from Eau Claire, Wisconsin?

Mr. MANZULLO. No, of course not.

Mr. GUTKNECHT. How about the feed prices?

Mr. MANZULLO. Everything goes up.

Mr. GUTKNECHT. So feed prices are not based on how far a farmer is from Eau Claire, Wisconsin?

Mr. MANZULLO. Nothing.

Mr. GUTKNECHT. Their other input costs, their electric bill is not based on how far they are from Eau Claire, Wisconsin; only the price they get from their local cooperative or whomever they sell their milk to; right?

Mr. MANZULLO. And it is the price that his buyer is forced to charge.

Henry's son, Hank, now is in the business with them; and they are working on the farm. And I talked to him again a couple nights ago because I needed some help with a power impact wrench to change some blades on a Woodson mower. And we talked again; and he said, "Don, I don't know how long this can go on. I just don't know how long we can go on." Because I think the price of milk is, what, $10.50 to $12, I am not quite sure what it is, but it is substantially lower than the $17 mark that it hit several months ago.

And I said, "Henry, the only thing I can tell you is this. You are one of only 34 or 35 dairy farmers left in Ogle County. In neighboring Stevenson County we have about 250 dairy farmers. That is the number one dairy producing county in the State of Illinois.

In the entire 16th Congressional District, which I represent, which goes from the Mississippi River all the way over to McHenry County, which has Harvard Milk Days and the same type of festival that the gentleman from Wisconsin has, there are 730 Henry Ebert families similarly situated, similarly with the first generation trying to hand their farm over to the second generation. And some night we will talk about estate taxes that makes that almost impossible to do without a huge bill to pay taxes on the farm that they own.

And Henry sells to Dean Foods, and I had a conversation today with Gary Corbett, who is VP of industrial relations, and he sent me this letter and attached a key to it, and I want to read part of it for the record.

It said, "Dear Congressman MANZULLO: I am writing on behalf of Dean Foods Company, which operates five plants," and has a technical research center in the district that I represent. He said, "Please, enough is enough already. Is the House ever going to tire of introducing dairy legislation and allow us to run our own business? First, we had the 1996 Fair Act, which mandated Federal Order Reform, provided for the discontinuance of the Price Support Program, and promised more reliance on the market, to let the market itself determine the price of milk.

□ 2145

"That process has resulted in USDA releasing its final rule on Federal order reform which is to take effect on October 1, 1999." That is the 1–B, the one that goes a long way, it is not perfect, but it is a good compromise of moving in the right direction and hats off to Secretary Glickman for really spearheading the gigantic effort on that.

He said, "No sooner was the final rule released than more legislation has been proposed in the House. One, to mandate Class 1 differentials, one which would extend the dairy price support program, another one which provides for creation of dairy compacts."

He says, "Does the House have nothing else to do but micromanage the dairy industry from Washington?" That is the other thing. The pricing is in Eau Claire but the managing comes from Washington. "There is no industry in which Congress interjects itself daily except the dairy industry."

Corbett says, "Reject dairy compacts; they represent socialism at its finest. We cannot live with a system that picks a price out of the air with no basis in supply and demand fundamentals. The Soviet Union tried it for four decades. It was a miserable failure and it will fail in the U.S.

"While we view compacts as the total antithesis of the American system of free enterprise, we are just as concerned that Congress feels the need to continue promulgating dairy legislation without waiting to observe the impact of legislation previously passed.

"We are totally exasperated at the House's continual effort to micromanage our industry from Washington."

I remind you, this is Dean Foods Company which is the processor that buys the milk from Henry Ebert who lives on Conger Road in Egan, Illinois, and is my next-door neighbor.

"Below is a key to our offices." He taped a key. In fact here is a photocopy. It is amazing that the key that he taped was a key from an old Cadillac car. I said, "That is as close as I will ever get to a Cadillac." He said, "We grabbed any key that we could around here that was excess, we just taped it to these letters that we sent out." Of course it is symbolic.

He said, "Below is a key to our offices. You might as well come run our business directly rather than try from D.C. Then maybe you can feel the same frustration we experience in having our business turned upside down regularly through congressional intervention. Let the 1996 Fair Act have a chance to work." That is the law that the gentleman from Wisconsin described that mandated the Department of Agriculture come up with a workable solution moving toward a free enterprise system.

He says, "Stand by the promise of the 1996 farm bill to deliver a dairy policy that is more market oriented and consumer friendly. We do not need this narrow economic self-interest piece of legislation burdening our industry."

So here is Dean Food, which has I think operations in 37 States saying, "Look it. We are standing alongside the farmers, the dairy farmers in your district. Let us be able to move forward, to be able to allow the market to operate on a free enterprise basis." We also had the original J.L. Kraft cheese factory in our district over in Jo Daviess County which buys a tremendous amount of milk.

But I would ask the gentleman from Minnesota, the base price for Grade A milk is fixed by the sale of Grade B milk for cheese purposes in Eau Claire, Wisconsin. Tell me how that makes sense, especially since only 5 percent of the milk produced nationwide is Grade B.

Mr. GUTKNECHT. I think the gentleman has asked a question which I cannot answer. I think it is a great rhetorical question. It is particularly troubling for those of us in the upper Midwest where about 85 percent of our milk goes into cheese. One other thing. We have already made this far more complicated, I think, than the average Member can really understand. But the problem, of course, is if you artificially set the price of milk too high in some regions, which in our opinion they do, what it does is that fluid milk begins to back up in the system and then goes into cheese, which drives the cheese price down, which drives our price down, which drives everybody's price down.

Mr. RYAN of Wisconsin. So what the gentleman is saying is, they get hit once, farmers in Wisconsin, in Illinois, in Minnesota, they get hit once because the price that they get for their milk that they produce is lower for the rest of the country.

Mr. GUTKNECHT. For two reasons. Because, first of all, more of their milk goes into cheese and because they are closer to Eau Claire, Wisconsin.

Mr. RYAN of Wisconsin. Because they are producing cheese and they are closer to Eau Claire, Wisconsin. So farmers, say, in New York or Florida or Arkansas and Alabama are getting higher prices. They are producing Class 1 milk, fluid milk, the kind of you drink out of the bottle, that gives you the mustache. They are overproducing that, which is then getting turned into cheese which is suppressing the price of Class 3 or cheese prices which we produce in the upper Midwest, so that further depresses the prices. So you get hit twice. Is that what the gentleman is suggesting?

Mr. GUTKNECHT. I think that is a pretty accurate characterization. Then the gentleman from Illinois pointed out something else, that a few years ago as part of a compromise, and unfortunately that is a word that we hear, some of us think we hear too often, here in Washington but as part of a compromise, they allowed six of the northeastern States where they have a lot of population, they have big markets for fluid milk, they allowed them to create what can only be called a cartel, a compact between those six States that would in effect keep other milk out and in effect help to artificially drive their price of milk up even higher.

Now, what is truly ironic about this, and I know both of you and particularly the gentleman from Illinois has been one of the real fighters for free trade in this Congress and he has got a lot of high tech companies that really do depend, and I know I have a lot and I suspect the gentleman from Wisconsin does as well, companies who recognize the importance of world trade. In fact, I am wearing a Spam watch tonight. They produce Spam in my district. Every day in Austin, Minnesota, we turn 16,000 pigs into Spam. Spam is a great export product. But we need export markets. Whether we are producing Spam or whether we are producing cheese or whether we produce automobiles, you name it, the United States desperately needs to export more of what we produce. At the very time we are trying to open up markets for our farmers, whether it be in China, whether it be in Japan, whether it be in the European Union, Africa, Central, South America, anywhere else in the world, at the very time we are saying we have got to open up markets for our products around the world, we cannot open up markets in the East. There are six States that try to keep our dairy farmers from coming in and competing. It really is like salt in a very sore wound.

Mr. RYAN of Wisconsin. Was part of the purpose of the Constitutional Convention when our country was created not to avoid those type of trade wars, to try and avoid these interstate commerce trade wars, so we would not have barriers from State to State, that we would be able to have free trade among the States within the United States of America? Is this proposal, this Northeast Dairy Compact essentially not a trade barrier between one State and another State within the United States of America?

Mr. GUTKNECHT. I would say it is more than just essentially. It is a trade barrier. In my opinion it violates both the letter and the spirit of the commerce clause of the Constitution. The gentleman is correct. One of the fundamental reasons that the 13 colonies came together and formed a Federal union was to keep the colonies from setting up artificial trade barriers and to allow free trade between the 13 colonies. But we do have a constitutional expert among us. As I said, the gentleman from Illinois has been one of the really true fighters in terms of opening up markets and free trade here in the United States.

Mr. MANZULLO. I appreciate the comment from the gentleman from Wisconsin. That precisely is the reason why we had the Constitutional Convention, because the States used to have tariffs among each other. They used to have their own money, their own coinage. They would treat people who lived in one State differently than people who lived in another State. Finally the Constitutional Convention got together and said, "Wait a second. We're Americans. You can't have tariff barriers among each other." What amazes me about this entire milk marketing, there are now 34 or 35 marketing orders nationwide.

Mr. GUTKNECHT. Thirty-one. The goal was to reduce it to no more than 13.

Mr. MANZULLO. That is correct. I think the proposal was to put it at about 11, that would be out there. I cannot think of any other foodstuff or manufactured item or service, price of service, that is mandated by congressional act and turned over to a bureaucracy to come up with 31 different price orders based upon the sale of 5 percent of the Nation's milk in Eau Claire, Wisconsin, on anything that similar. There is nothing anywhere. We are not talking about loans. We are not talking about deficiency payments. We are not talking about emergency bailouts because of floods. Those things come and go but a residential area can get hit just as well as an agricultural area. I do not know of any legal price fixing that exists like this. In fact, the antitrust laws that are set up in this country will attach severe penalties to executives of corporations who even whisper of getting together and having prices that are similar to each other.

Mr. RYAN of Wisconsin. I would like to bring it back from the constitutional question, because there are clear implications that the compacts violate the commerce clause of the Constitution. But let us go back to the human toll that is taken with this pricing system. I live in Janesville, Wisconsin. Just east of me on County Trunk A are the Barlass Farms. I used to work for Grande Cheese Company. When I was a young kid in high school, I worked for Grande out with the milk trucks. I used to put up the signs and just do some odd jobs around Grande. The Grande Cheese Company would do a lot of work and buy milk from milk producers around Rock County, Wisconsin, where I live. The Barlasses I got to know at an early age. The patriarchs of the Barlass family are about to retire and their two boys are taking over the family farm. They milk Jersey cows. Most of the cows we milk in southern Wisconsin are Holsteins but they milk Jerseys and they take quite a bit of pride in milking Jerseys. Because the Barlasses, their parents are going to try and pass the farm on to them, they have got problems, with capital gains taxes, with the estate tax, that if they pass away, their farm is going to be taxed so much so at a 55 percent rate that they may have to sell the farm and discontinue having their sons farm it for them because of the estate taxes. On top of that, the capital gains taxes they pay are so high because they are not indexed for inflation that they are paying tax rates as high as 70 percent when you take into account the fact that they are paying on the inflationary gains of their assets.

Look at all of that. How difficult it is with this price system, the fact that in Wisconsin we have lost 2,000 dairy farmers just last year. The Barlasses have a tough time as it is, with the estate tax, with the things that the government is imposing on them right now. And look at what else is happening. Look at what is being piled on top of them. What is being piled on top of them is that irrespective of their efforts to keep their family farm alive and they say they know they have to grow it to survive, they have got to get more money from the bank to invest in better technology with the dairy farm, to get more cow, to grow, to get bigger, for surviving. But if that is not enough, what they have to face is this pricing system, that just by the very fact that they farm and raise Jersey cows in Rock County, Wisconsin, southern Wisconsin, which is located fairly close to Eau Claire, Wisconsin, in the whole scheme of the country, they get a lower price for the milk they produce than farmers around other parts of the country. That is the other part that is crushing their ability to keep their family farm alive. Not only are they getting hit with a lower price but we have a system that even lowers the price more because of the oversupply of Class 1 milk. So not only is it very difficult to keep a farm alive, just on its own, but we have a milk pricing system which is based upon this antiquated, socialistic, Depression era program that they and many other farmers like them are going out of business. And that there are Members of Congress here today who swear to uphold the Constitution, who swear to uphold the commerce clause of the Constitution, who out of this side of their mouth talk about upholding market principles, the free market, the individual, and then out of this side of their mouth they say, "Well, not for the dairy industry, not for milk. For orange juice, yes, for Chevy Tahoes, yes, for free trade, yes, but not for milk." I would ask them, these Members of Congress who are saying this out of this side of their mouth and that out of that side of their mouth, go talk to the Barlasses because I do not know what to tell them. I do not know how to explain to them that in this country, the market should survive.

□ 2200

Mr. MANZULLO. Mr. Speaker, if the gentleman would yield, as my colleagues know, there is another class, and these are the consumers who pay more for the cost of dairy products as a result of this incredible system of pricing. I mean you have a price system that does not make sense. As my colleagues know, who is going to pay more on this thing? The consumer ends up paying more. But what we are saying this evening is to let the free market float, let the dairy farmers have the opportunity to be part of the dairy system because at least in the area of the country that we come from, as my colleagues know, we are talking about the survival of dairy families. This is critical.

I was at an ag breakfast in Stephenson County in Freeport which is, as I said before, is the largest dairy production county in the State of Illinois, and a lot of farmers were coming through. I was there quite early and to the later morning, and there was this sense of, and I know farmers have been depressed in the past because of what has happened in the cycles and everything, but I have never seen such a sense of, and I cannot even find the word, the adjective, is the look on the faces of the dairy families because they know that the only chance they really had to have a piece of the free market system was in the reforms that the U.S. Department of Agriculture came up with under 1 B and now that could be strangled because people want to keep the present pricing and our good colleague from Missouri (Mr. BLUNT), love him dearly, he is a great Member of Congress, I am very close to him, but we think he is incorrect on that particular issue.

And so I just wanted to commend the gentleman from Minnesota (Mr. GUTKNECHT) for taking the tremendous leadership and explaining this very difficult concept to other Members and the American people.

Mr. GUTKNECHT. I yield to the gentleman from Wisconsin. We need to wrap it up here for any last comments you would have.

Mr. RYAN of Wisconsin. I would just like to ask the gentleman from Minnesota a couple of questions so people understand the timing of the issue.

Is it the case that the bill that we are talking about, freezing the status quo in place; that is, being drafted up, marked up, in the Agriculture Committee tomorrow?

Mr. GUTKNECHT. Absolutely, tomorrow afternoon.

Mr. RYAN of Wisconsin. And if this legislation does not pass, if nothing happens, then by October the USDA, the U.S. Department of Agriculture, will implement these forms which are a step in the right direction towards the free market; is that correct?

Mr. GUTKNECHT. It is a small baby step in the right direction, and if Congress takes no action, the President does not sign a bill, the USDA's rule will go into effect October 1, and the anticommerce clause compacts will disappear, and we will move gradually, and I mean very gradually, to a more level playing field for dairy farmers around the United States; that is correct.

Mr. RYAN of Wisconsin. So what the gentleman from Minnesota is saying, that the train is already leaving the station, and it is heading in the direction of the market, and the USDA is driving this train, but that if nothing else happens, but that there are Members of Congress here among us, friends of ours from other States, who are trying to stop that train.

Mr. GUTKNECHT. They are trying to derail that train.

Mr. RYAN of Wisconsin. Trying to derail that train, trying to stop this modest reform from taking place so, if they can intervene in Congress, to stop this from happening. Is that precisely what?

Mr. GUTKNECHT. That is exactly correct, and at least I am delighted that the dairy farmers in the upper Midwest have Members like yourselves who are joining me and others to try and at least get the facts out on the table because John Adams, who served in this body, former President, a great patriot; one of my favorite quotations from John Adams is that facts are stubborn things. And I think in this case the facts are so overwhelming that so many things have changed since 1937 that a system that may have made some sense in 1937; just look at this map, and you can see how incredibly bizarre. In fact, a Supreme Court justice was asked to review this, and he referred to this system as, and I quote, Byzantine, and if ever there was a time to say it is time to scrap this system, come up with a new system that levels the playing field that is based on real market principles, if ever there was a time, that time is now and that place is here because here is an interesting fact about milk.

They are now allowing markets to set the price of milk in Moscow. Would it not be wonderful if we tried at least a modified version of that here in the United States? And who knows? We might actually begin to increase per capita consumption of milk.

And if I can just finally say this: If there is one really great tragedy about this system where we have regional conflicts, where the southeast dairy farmers compete and argue against the dairy farmers in Iowa, and the dairy farmers in Carolina are against the dairy farmers in the upper Midwest; any time you have farmers spending so much energy arguing with each other, then it means that they are not spending that energy trying to figure out how in the world can we sell more milk, how can we sell more cheese, how can we sell more ice cream not only here in the United States, but around the world.

And the real tragedy is we are pitted against each other, we are arguing against each other, when at the end of the day the simple fact about agriculture in America today is this: We cannot eat all that we can grow. The only way that we can increase real farm income is become aggressive in world markets. But while we are spending all of our energy arguing with each other, we are losing tremendous market opportunities whether it be in Asia, China, Japan, Central America, South America, Europe, other parts of the world who really, if we can just show them what we can produce, I think we can get a bigger and bigger market share and increase the size of the pie rather than arguing about who gets the largest slice.

Mr. RYAN of Wisconsin. If the gentleman would yield, is not another loser in this the American consumer as well?

Mr. GUTKNECHT. Yes.

Mr. RYAN of Wisconsin. Are not people who buy milk paying higher prices because of this system?

Mr. GUTKNECHT. Well, that is an argument that the consumer groups and now even some of the people against government waste and some of the other taxpayer groups have weighed in and begun to say particularly in the larger cities, that they are paying artificially higher prices for dairy products, that if we had a more market based reform along the lines of what Secretary Glickman has proposed that they would see lower prices, and this would benefit poorer people, and frankly, we believe, in the long run, would increase consumption.

Mr. RYAN of Wisconsin. So not only are we talking about hurting upper

Midwest dairy farmers, it is just not a regional clash, we are talking about poor inner city parents who are trying to provide for their children with a lot of single, we have the illegitimacy rate in the inner city is as high as 70 percent in this country in inner city America. We are talking about these mothers, these young mothers in many cases, trying to raise their babies and their children, to try and nurture them with dairy products, and they are paying a higher price for these products because of this?

Mr. GUTKNECHT. Artificially higher prices, yes.

Mr. RYAN of Wisconsin. Because of this government mandate?

Mr. GUTKNECHT. I would yield to the gentleman from Illinois and then we are going to yield back our time.

Mr. MANZULLO. I would ask for leave to attach this letter from Dean Food Company and be part of the RECORD:

DEAN FOODS COMPANY,
Franklin Park, IL, May 19, 1999.

Hon. DON MANZULLO,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MANZULLO: I am writing on behalf of Dean Foods Company with whom, we hope, you are quite familiar. Dean operates five plants and our technical research center, all in your district.

Please, enough is enough already! Is the House ever going to tire of introducing dairy legislation and allow us to run our business? First, we had the 1996 Fair Act, which mandated Federal Order Reform, provided for the discontinuance of the Price Support Program, and promised more reliance on the market. That process has resulted in USDA releasing its Final Rule on Federal Order Reform which is to take effect on October 1, 1999 and required two years of industry work to complete.

No sooner was the Final Rule released than more legislation has been proposed in the House; HR 1402 to mandate Class I Differentials, HR 1535 which would extend the Dairy Price Support Program and now the most onerous of all HR 1604 which provides for the creation of dairy compacts. Does the House have nothing else to do but micro-manage the dairy industry from Washington? There is no industry in which Congress interjects itself daily except the dairy industry.

Reject dairy compacts; they represent socialism at its finest. We cannot live with a system that picks a price "out of the air" with no basis in supply/demand fundamentals. The Soviet Union tried it for four decades; it was a miserable failure, and it will fail in the U.S.

While we view compacts as the total antithesis of the American system of free enterprise, we are just as concerned that Congress feels the need to continue promulgating dairy legislation without waiting to observe the impact of legislation previously passed. We cannot make sound business decisions if you continually change the rules.

We are totally exasperated at the House's continual effort to micro-manage our industry from Washington. Below is a key to our offices; you might as well come run our business directly rather than try from D.C. Then maybe you can feel the same frustration we experience in having our business turned upside down regularly through congressional intervention.

Let the 1996 Fair Act have a chance to work. Stand by the promise of the 1996 Farm Bill to deliver a dairy policy that is more market oriented and consumer friendly. Please vote "NO" on HR 1604; we do not need this narrow economic self-interest piece of legislation burdening our industry.

Sincerely,

GARY CORBETT,
Vice President, Governmental and Dairy Industry Relations.

Mr. RYAN of Wisconsin. I would also just like to ask, mention to the gentleman from Minnesota (Mr. GUTKNECHT), and thank him for his leadership. The gentleman from Minnesota (Mr. GUTKNECHT) has provided excellent leadership here in Congress on this issue. I want to thank him on behalf of the dairy farmers of Wisconsin for his leadership on this issue, and I also thank the gentleman from Illinois (Mr. MANZULLO). Our districts butt up against each other. He has the Wisconsin border, I have the Illinois order, and hopefully we can fight together on behalf of the dairy farmers in our areas along and with the leadership of the gentleman from Minnesota (Mr. GUTKNECHT) to try to get resolve to this, to make sure that we can stop what is going on here in Congress. So the USDA, the train can leave the station toward the market so we can go down the road of getting a market-based system, and I want to just thank the gentleman from Minnesota for his leadership.

Mr. GUTKNECHT. Well, I thank the gentleman, and I just, in summing up, one of the expressions that I think every farm State legislator, whoever represents a farm area, this expression they all understand, we all understand, and that is that a deal is a deal and a bargain is a bargain, and you know, out in farm country they sell a $100,000 combine on a handshake, they trade their grain on a phone call.

We have very few written contracts because everybody understands the principle that a deal is a deal and a bargain is a bargain, and 2 years ago and then again last year we made a deal, we made a bargain, to allow the Secretary to go forward with market-oriented ag reforms, dairy reforms, that would move us to a fairer, simpler system. That was the deal, that was the bargain, that is what we shook hands on, that is what we expect, and as far as I am concerned, I do not care how many cosponsors they may have in the House, I am going to continue fighting, arguing, making the case, sharing the facts with the Members, with the American public because at the end of the day a deal is a deal, a bargain is a bargain. We ought to have market-based reform as far as dairy products, and as far as I am concerned, we will not stop until we get them. I thank my colleagues for joining me.

ILLEGAL NARCOTICS AND THEIR IMPACT ON OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I have come to the floor again to talk about the subject of illegal narcotics and its impact on our society, and tonight I would like to start with a small tribute, first of all, to our Drug Enforcement Administration administrator Tom Constantine who will be feted tomorrow upon his retirement, and I would like to first pay tribute to his tremendous service. Next month, in just a few days, Tom Constantine, the administrator of the Drug Enforcement Administration, will retire and return to Schenectady in New York where he lived prior to moving to Washington, D.C. and serving this administration.

Tom Constantine has been the administrator for DEA for the past 5 years, and he had a very long and distinguished career before he came to our Nation's capital. Mr. Constantine began his career as a deputy sheriff in Erie County in New York in 1960 and became a State trooper in 1962. In 1986, he was named superintendent of the New York State Police, and he served in that position with great honor and recognition. Since Tom Constantine has taken over the DEA in 1994, the agency has added 1,200 new agents, and he is overseeing the revamping and the modernization of the agency's intelligence operations.

During his tenure, he has initiated new programs to foster closer cooperation which is so important with our State and local law enforcement agencies and to enhance their ability to fight violent crime caused by drugs. Recently Tom Constantine opened a $29 million training academy for the agents of DEA and also for our foreign, State and local police that they participate in with training. The facility which can house 250 trainees is located in Quantico, VA.

Mr. Constantine also was one of only 19 people ever to be named as an honorary FBI Agent, and for anyone aware of the longstanding rivalry between DEA and FBI, they really can know and appreciate the significance of this award and recognition. Over the past few years, Administrator Constantine and the FBI Director, Mr. Louis Freeh, bridged the gap between those two Department of Justice law enforcement agencies, and I believe they increased the effectiveness of our law enforcement efforts against major drug trafficking organizations.

☐ 2215

Mr. Constantine believed that if Mexican authorities wanted to hurt the drug trade, then they could hunt down and arrest their country's top smugglers and major drug lords and send them to the United States for trial, and we know how many of them have been requested for extradition from that country.

As he stated in testimony before our subcommittee, the one I chair, which is the Subcommittee on Criminal Justice, Drug Policy and Human Resources, there are 15 to 25 key drug traffickers who are primarily responsible for the drug trade. Cases have been prepared against them. They have been indicted in the United States, and arrest warrants have been issued, but they still have not been extradited.

Tom Constantine, I believe, is one of the finest examples of law enforcement professionals to ever serve at any level in our law enforcement agencies, whether it be local, State or national. His service to the safety and the well-being of our Nation should be noted, and I know that I join many other of my colleagues tonight on the eve of his being recognized on his retirement in saluting his fine work to both the Drug Enforcement Administration and to every citizen in our Nation.

Mr. Speaker, tonight, in addition to that small tribute to a great leader in the war on drugs, Mr. Tom Constantine, I would like to provide, Mr. Speaker, my colleagues and the American people with an update since my last speech last week on the floor on the topic of illegal narcotics and talk about the impact, some of the happenings and some of the tragedies that have faced our Nation and even our Nation's capital in the last week since I last talked on this subject.

Then I would also like to talk about a Geraldo Rivera report which was aired, a very lengthy report, some of it accurate, some of it inaccurate, but since we have raised the question of legalization, since we have raised the question of decriminalization, since this topic is now very much in vogue in talk shows and special programs and in news reports, I think that it is important that we deal with the facts, and I would like to talk about those facts tonight.

The first thing, in the update of some of the news, the news relating to the war on drugs and the situation relating to crime that emanates from illegal narcotics continues to be bad.

Just in today's Washington Post, I would like to read from an editorial that said, and I will quote, the headline is, Shot, 5 months old. The latest stray gunfire victim may be the most innocent of all, a 5-month-old baby boy. He was seated with his mother and a man on an apartment stoop in southeast Washington on Friday, this past Friday, when they were shot in an attack by two masked gunmen. The man, apparently the intended victim, is dead. The mother is hospitalized. The baby, guiltless as a lamb, is in critical condition. As with hundreds of other children caught in the city's violence, the wounded baby did not elect to enter this world. Neither did he choose to live in a neighborhood where drugs, gangs or gun battles flourish.

I think if we look at our Nation's capital as an example, and what a tragic example, the last week with death and mayhem in the streets of our Nation's capital, even critically wounding a 5-month-old, we see the roots of some of the problem in drug trafficking and illegal narcotics.

Last week, the Nation's capital, Congress, anyone with any sensibility, was absolutely distraught by what took place with the death and killing of a 55-year-old grandmother in the District of Columbia. We saw, those of us who serve in Washington, our Nation's capital and the local residents in this area, saw the funeral and the tragedy of, again, this slaying. I thought I would read a little bit, this is from the Washington Times, about that tragedy and the root of that problem.

Tuesday night, police charged Derek Terrell Jackson, age 19, with first degree murder while armed in the shooting death of Mrs. Foster-El, 55, a grandmother who was shot in the back while shielding children from gunfire. D.C. police said the cause of the southeast shooting is unusual. In drug-ravaged areas of the city, rival gangs normally shoot each other in turf wars. An open air drug market has operated for years only a block away from Ms. Foster-El's backyard in the 100 block of 56th Place, Southeast. Again, headline, a tragedy and a neighborhood filled with drugs, crime, violence.

Today's Washington Post gives us a story under the crime and justice heading of Maryland, and if they are not killing each other, they are killing innocent folks with guns. This is an account from Maryland in today's paper. A 16-year-old Gaithersburg youth pleaded guilty yesterday to first degree murder in the slaying of a 15-year-old who was beaten and stabbed to death after being blamed for a bad drug deal, prosecutors said.

This goes on to say that the individual charged struck the teenager in the head with a large rock and stabbed him repeatedly after he begged for his life, prosecutors said. Another tragedy in the area of our Nation's capital, a 16-year-old first bludgeoning a 15-year-old and then stabbing him to death.

Another report, on the Tuinei death, this is from an Associated Press story in McKinney, Texas. Former Dallas Cowboy offensive tackle, Mark Tuinei died of a lethal combination of heroin and a form of drug called ecstasy, according to autopsy results released Tuesday.

I spoke in a previous special order about the tragedy possibly being linked to illegal narcotics, and here we see that deadly combination of heroin and ecstasy. We find high purity heroin coming in from Colombia and also from Mexico, and young people and even strong athletes do not realize the deadly potential of heroin just by itself, and then to mix it with some other drug proves to be fatal, not only in Texas but as I cited in my own central Florida area where we now have the number of drug overdose deaths in central Florida exceeding the number of homicides.

Further update on the news, I spoke last week of an article relating to Plano, Texas, which has also been ravaged by drug deaths. Tonight there is a story that was published, I believe, over the weekend, 6-27-99, by Tracy Eaton in the Dallas Morning News, a rather large story about the region's heroin supply and this would be the Texas region, linked to deaths in Plano. The headline says, Mexican production driving economy in the Mexican area.

The story goes on and talks about the fields now of poppies. Again, part of this administration's policy did not serve us well in certifying Mexico, and Congress must also take the blame for certifying Mexico with fully cooperating while it is increasing dramatically the production of illegal narcotics, particularly black tar deadly heroin.

Let me read a little bit from this story in the Dallas Morning News. Over the past 3 years, and I think I cited this last week, 18 young people from Plano or with ties to the city have died of heroin overdoses. Plano, with its wholesome reputation and all-American city status, is not the only spot that has been hit. Oklahoma City, Cleveland, Milwaukee, Seattle, Boston and Atlanta have all seen tragic strings of heroin-related deaths as part of what United States officials call a national epidemic.

Let me quote, and this is a quote, the world is awash in heroin. It is really a nightmare, said retired Army General Barry McCaffrey. He is director of the White House Policy on Drug Control and our Nation's drug czar. He goes on to say, and let me quote Barry McCaffrey, he says, ask our eighth graders are they fearful of using heroin, and around 50 percent say no. It is crazy, that is what Barry McCaffrey said, our drug czar.

The article goes on to cite an interesting report this news reporter had obtained, and let me read a little bit further. It says, a confidential U.S. intelligent report obtained by the Dallas Morning News calls heroin, and again this is a confidential report that the news folks have that we do not have it, but it calls heroin, and this is in quotes, a growing national threat. An increased supply of heroin is causing prices to drop and encouraging traffickers to develop new markets. This, in turn, leads to a new generation of consumers.

That is the end of this confidential report. Maybe the administration does not want this to get out.

Many of these new customers are in small towns and communities, the report read, and let me read again a quote from the report. Suburban consumers age 12—now listen to this. Suburban consumers age 12 to 25 have been one of the fastest-growing user groups, the report read. Then it goes on to another quote, heroin use among women of all ages has increased significantly.

So the most vulnerable in our society, our young people, age 12 to 25, are becoming our leading consumers. They go on to cite how heroin deaths nationwide have nearly doubled since this administration took office, according to the latest government statistics.

I always quote the absolutely startling statistic since 1992/1993, again with the institution of this administration's drug policy, heroin use among our teenage population has soared 875 percent.

This is a story today in the Dallas Morning News that I thought would be of interest and provide, Mr. Speaker, my colleagues with a little update.

Let me talk a little bit more about the impact of illegal narcotics and drug deaths and what is happening. Again, a sampling, just a recent case. Just in the past few months there has been a distressing number of drug-related deaths. This is in New York. For example, heroin users in the East Village of New York City have been overdosing at an alarming pace this year, according to a report. One local expert estimates that more than 30 people have died from heroin overdoses since mid-May. It is suspected that the high purity levels are poisoning people who are not prepared for its strength. And I spoke about the Tuinei case, a very strong athlete who died from a heroin ecstasy overdose.

In Orlando last March, a heroin overdose victim was left to die as his friends watched him turn blue from suffocation. The victim was left sitting on a toilet for 8 hours after he was found semi-conscious in his bathroom.

□ 2230

He was then moved to a bedroom where he stayed for 4 hours before someone called 911. At least one of his friends played video games while his friend died in the next room.

Two roommates in San Francisco died of a so-called flesh-eating bacteria, this is recently, after injecting themselves with Mexican black tar heroin. This should be good news for the heroin users out there, that this flesh-eating bacteria is now a special surprise from the Mexican heroin producers. Two others were hospitalized with the infection. The bacteria suspected in the deaths produces toxin that degrade human tissue. It is suspected that the bacteria may be in the dirt that adheres to the drug in the processing facilities in Mexico.

Another report, and this is also from my area in Sanford, Florida, central Florida, a gentleman there plowed into a car driven by a pregnant woman, which caused the premature delivery and death of her twin sons. He had cocaine, Valium, and methadone in his system. The concentrations found in his blood indicated that he had probably taken one dose of each of the three drugs within 24 hours of the crash.

The pregnant woman was 7 months pregnant at the time. The crash pinned her in the car. Once freed she was flown to the hospital, where doctors delivered the boys 13 weeks premature. One of the boys died the day of the crash and the other the next day.

This is an example, again, that I cite time and time again of drug-related deaths. These two premature babies may not be counted in the 14,000-plus that were killed last year because of drug-related deaths. Those who were on our highways and in highway fatalities may or may not be counted. Those who were suicides may or may not be counted. Those who again have died in some other fashion may or may not be counted.

Here is an example of several more lives snuffed out by illegal narcotics in probably the biggest social problem that we have facing our Nation.

This month a former nurse accused of holding 2 women hostage for nearly 3 days in a hospital, then killing one and critically injuring another, had struggled with a heroin problem for more than 15 years. How will those deaths be recorded? How will those injuries be recorded?

In Texas last week, a man convicted of beating his girlfriend's 4-year-old daughter to death because babysitting kept him from buying drugs was sentenced to death by lethal injection.

In a murder that shocked Mexico early this month, and I think I cited this death before, and it takes quite an incident to shock Mexico, but early this month a prominent TV and radio celebrity, Francisco Stanley, was gunned down in broad daylight by two men who sprayed the victim's car with automatic fire. Mr. Stanley was carrying credentials provided by the Ministry of Interior identifying him as a Federal agent.

Additionally, autopsy results indicate that he was a cocaine user. Mexican media reports have stated that he may have dealt cocaine in the show business world. The way the killing occurred has led investigators to suspect that in fact, this, too, was the work of drug traffickers.

That is a little bit on some of the recent news and an update on some of the cases I have cited before. This past week our Subcommittee on Criminal Justice, Drug Policy, and Human Resources conducted a hearing on the topic of the del Toro case, in particular, and the subject that we posed and the title of the hearing was "Getting Away With Murder: Is Mexico a Safe Haven for Killers or Drug Dealers," and in particular, the del Toro case.

The del Toro case is an absolutely heinous crime that was committed by a United States citizen. Even though his name is del Toro, he was born in the United States. He was not a Mexican national. He was born to U.S. citizens.

There is no question from the testimony we had or from what law enforcement has made public that on November 7, 1997, Sheila Belush was found murdered in her home in Sarasota, Florida. She was murdered while her young children, some of them just babies, were left with her, with the body. This is a particularly heinous crime, as I said. She was shot, then she was finished off with a kitchen knife, stabbed in her own home in Sarasota. Her husband testified before our subcommittee asking for justice.

Jose Luis del Toro fled to Mexico, and has used the Mexican corrupt judicial system to flee from justice from the United States. We have asked for his extradition and it has been refused. Again, the system which is so corrupt which we heard about in this hearing denied justice to Mr. Belush and the children that she left behind.

This is not the only case of an extradition request being ignored by the Mexican government. It is one of dozens and dozens. In fact, in the last 10 years there have been 275 requests of extradition, and in particular, relating to murders and illegal drug dealers, drug lords. We have some 30 or 40 requests of these major traffickers and murderers that have been ignored.

To date, not one Mexican national has been extradited to the United States. Only after complete disruption caused by Members of Congress and by others have we received one American. A Mr. Martin was returned several weeks ago. But this committee or this subcommittee showed that justice is not being done in the del Toro case, that the Mexican judicial system is becoming a haven for murderers and drug dealers, and that that country is not complying with simple requests for extradition.

Anyone who heard the testimony of this father, this husband, and the details of how this crime was committed against his family, and to hear the pain he has suffered and they have suffered in losing the wife and mother of these children, would cry out also for justice.

Again, this is not the only case. Tonight I might cite a couple of cases just for information of the Congress, Mr. Speaker.

First of all, first of all, I often refer to Mexico as a haven for drug dealers. Certainly one of our major wanted individuals is Rafael Caro-Quintero. He is a drug lord who is wanted for the kidnapping and killing of our United States DEA agent, Special Agent Enrique Camarena, 14 years ago. Unfortunately, justice has not prevailed in the del Toro case, in the murder of Sheila Belush. Justice has not prevailed in the just incredible, again, heinous torture death of Enrique Camareno, who was tortured to death, and Rafael Caro-Quintero has been convicted of kidnapping and killing our United States agent.

Special Agent Camareno was kidnapped and tortured by this individual and his cohorts. His cohorts, I might say, included, and we have evidence of this, scores of Mexican police and Mexican government accomplices who participated in, again, the murder and torture of our drug enforcement agent some 14 years ago. Caro-Quintero ordered the killing because raids organized by Camareno, our agent, were disrupting his drug operations.

The United States would like this individual extradited so that justice can be served in the United States in the Camareno death. Again, at least this individual was responsible for organizing the death and mayhem committed against our DEA agent. This is one individual.

Tonight we also have with us an individual, another individual who is a drug dealer. This is Agustin Vasquez-Mendoza. Mr. Vasquez-Mendoza is believed to be responsible for the 1994 murder of another United States DEA agent, and that is DEA Special Agent Richard Fahs. Vasquez-Mendoza is not believed to have been the actual trigger man, but he was the criminal mastermind behind the murder of Special Agent Fahs.

Our special agent, DEA agent, was fatally wounded by Vasquez-Mendoza's henchmen during an undercover drug buy in Glendale, Arizona. After the murder, Vasquez-Mendoza fled to Mexico, where he is still believed to be hiding. We have indicted this individual. We have also requested the Mexican government to extradite that individual so that he also can meet justice in the United States and under our system, where we know he would be tried fairly and where we have the evidence to convict that individual.

I might say, Mr. Speaker, there is a $2.2 million award for information leading to the arrest or conviction of this fugitive. Again, his name is Agustin Vasquez-Mendoza, and the date of birth is March 23, 1974, and he is suspected of being in Mexico. There will be $2.2 million for return of this individual, and also having this individual, Agustin Vasquez-Mendoza, brought to justice.

Those are a couple of points I wanted to make, and bring folks up to date relating to news in the drug war and also the hearing that we conducted in our subcommittee on the question of extradition, and two of our unfortunately numerous cast of individuals who have been indicted and we have requests that have been ignored by the Mexican government for extradition to see justice in the United States.

Additionally, tonight I wanted to spend some time, as I said earlier, talking about a report that aired on television. I saw it over the weekend. Geraldo Rivera had over the weekend at least a 1-hour story. There was a series of stories. He called it "Drug Bust, the Longest War," and he had some information that was correct and he had some information in it that was way off base.

I thought it would be important to set the record straight, particularly since so many Members of Congress and the general public watch some of these shows and obtain information about what is going on in the war on drugs from these reports.

☐ 2245

I think it is critical, again, to correct information that came out.

First of all, I think Geraldo Rivera did a fairly accurate job describing the situation in Mexico, the corruption that exists, the drug lords running rampant, the problem with no extradition, the interviews relating to, again, corrupt activities and drug activities in Mexico being conducted in a routine manner and very few people being brought to justice.

I think also the report did summarize that part of the problem was that the Congress, and also the administration, we must say, did not bring Mexico to task, and that has been a difficulty in trying to get Members of Congress to pay attention to this problem. The major source of illegal narcotics, some 60 to 70 percent of the hard drugs coming into the United States, heroin, cocaine, methamphetamines, come from and through Mexico. As I cited, Mexico is now a major producer, producing 14 percent of all the heroin coming into the United States.

I think the report was on target about some of the problems. Also on target that this Congress has not responded, and this administration has not responded, in appropriately decertifying Mexico for trade and for financial benefits because the dollar has reigned supreme here, and both Members of Congress and the administration are afraid in any way to impact that trade, that business, that finance.

That is unfortunate, that we have allowed our neighbors to the south to become close to a narco-trafficking state. It is not at the stage of a Colombia, but, if it continues, the whole system of justice, the entire governmental process, could be lost, and it could become a narco-terrorist state. That is not that far-fetched.

Mr. Rivera had in his report some statements that I believe need correction. He went on to talk about waging the war on drugs and said that the war on drugs is basically a failure. In fact, I have a transcript of his report. Let me read a little bit of it. It says, "We have always made waging the war the top priority. If only we could get more boats, more planes, more soldiers, we could win this fight."

Then his second sentence here is, "Drug treatment has always been a distant second place."

Now, first of all, we have to deal with the facts. Now, I know Mr. Geraldo Rivera is not noted for always dealing with the facts, but I thought it would be an interesting approach to try to bring some of the facts out tonight that he spoke about. First of all, he thinks that the emphasis during this administration has been on getting more boats, more planes and more soldiers.

Well, Mr. Rivera is wrong. In fact, I had our staff pull up, subcommittee staff, pull up drug spending for interdiction, and this would be the account under which we would get more planes, more boats, more soldiers, the military spending.

If we could trace this chart before 1991, maybe we could focus on this chart here, but you would see from early 1980 when President Reagan took office a steady increase in expenditures for interdiction. This would be using the military and other sources, getting to drugs just as they came out of their source, interdicting them before they come to our borders. That certainly has to be a Federal responsibility. You would see that all the way up to 1992 with President Bush, and that was his policy.

In 1993, and, again, you have to remember the Democrats controlled the White House, the Senate and the House of Representatives by overwhelming majorities in the legislative bodies, and, of course, the executive agency, the presidency. They began a steady decline, and it went right to 1995, in expenditures. In fact, there are some absolutely incredible figures, and let me see if I can dig those up here, about the cuts that were made.

Well, you can see right here, for example, just in military spending on the war on drugs there was a 50 percent cut during that period. Then the other part of this would be what about what is going on now?

Well, I put this little cover on here to show that with the Republicans taking over Congress, we have restarted the war on drugs. The war on drugs basically ended in January of 1993 when this President took office. We restarted the war on drugs, and you can see from this period in here where the new majority took over to here, we have just begun to get back to the point where we were, and we still are not there. Even this shows a projection for 1999 to get beyond where we were. But, again, this chart shows the actual spending on boats, planes and soldiers.

Now, of course, this is also shown in 1999 dollars, and we began in 1991 dollars, so we actually have a net decrease in spending.

The war on drugs was closed down by this administration in the area of international programs. Now, international programs, in this category, again, if we looked at what this does, this is stopping drugs at their source.

While this program dealing with the military was in the several billion dollar range, again, the military is still operating, they are operating in the Caribbean, they are operating around the world, they have been operating in Panama, they have been operating from our bases, and they have a military mission, so it is slightly different. I would have to even argue about that being a total cost. It is something that they are given as an additional mission.

This budget deals with Federal drug spending for the international work. That would be at the source country. This is in the millions of dollars. Back with President Reagan and President Bush, we would have seen the same curve from the early eighties to 1992 with President Bush in office.

Then we saw basically again a close-down in the war on drugs. This chart shows exactly what took place. On January 1, 1993, this President took office, closed down the war on drugs. This is particularly significant because this is stopping drugs at their source.

Now, if you took cocaine, for example, 100 percent of the cocaine was grown with coca in Peru and Bolivia. This is the 1992–1993 era. We knew exactly where the cocaine was, and it can only grow at certain altitudes in the coca bush, et cetera. They closed this down. We saw huge increases in production.

What happens here is when we stop spending money closest to where the drugs are produced, you have greater production, and we will talk about that in just a second. But this is the most effective way. If you could stop drugs, for example, we have been able, if you look when the Republicans took over here, working with Speaker HASTERT, who was then chairman of the National Security International Affairs Criminal Justice Subcommittee which had oversight over drug policy in the prior Congress, this is where we restarted this program, and this is where we achieved in two countries that we would operate with that we had permission from the administration to operate with, Peru and Bolivia, we have now cut their production by 50 percent of cocaine.

Actually, where the administration had a terrible policy in Colombia, Colombia has now become in the last six years the major producer of cocaine. They are actually growing it and producing it, processing it, the largest producer in the world. So our program in these two areas has been significant in cutting 50 percent of the supply.

The administration stopped military assistance, helicopters, supplies, equipment, on sort of a human rights basis, and I could spend the rest of the evening talking about that bogus position, which has now turned Colombia into the major cocaine and heroine producing country.

In 1993 there was no heroin produced really to speak of in Columbia. Now Colombia is, again, through the policy of this administration, not getting the guns, boats and ammunition to that country, the direct policy of this administration, and is now becoming the major producer.

I also put a little cover on this to show what we have done in the last year to try to get us back up to the levels, because stopping illegal narcotics is far less costly, and, again, this is only in the millions of dollars as opposed to the billions of dollars on the other charts. If we can stop the supply, we can, at its source, eliminate a lot of the interdiction costs and the law enforcement costs.

What is absolutely fascinating is staff produced this little graph, and this graph is very interesting, because it shows that 12th grade drug use among our young people actually mirrored the spending patterns of this administration. When they decreased the amount for international programs and interdiction, what happened is the supply increased, the price went down, it was available, and when heroin can be bought for the price of marijuana or cocaine you have developed a nice market and a young audience and consumer group that we have heard about that, again, begins using this hard stuff coming in. This is an incredible graph, because it absolutely mirrors the pattern of failure that this administration adopted.

Now, again, Mr. Rivera said here, "Drug treatment has always been a distant second place." This is not something I made up. I am quoting from the text which we obtained of his program.

Another myth, Mr. Speaker, Mr. Rivera made, and that is borne out by this chart. This chart shows at the bottom the actual amount of dollars expended on drug treatment. If we go back to 1991 and we compare it with 1999, we see that in fact drug treatment expenditures have gone up almost every single year. There is one year in here, 1996, where it did not go up, but we have actually doubled the amount of money-plus on drug treatment. So it is not taking "a distant second place." And this is the policy also adopted in 1993 by this administration, to spend more money on treatment, cut the interdiction, the source country programs, and put emphasis here.

So this policy and liberalization policy which we have pointed out not only gives us more spending for treatment, but more people to treat, and we use Baltimore as a great example. It has now risen to 39,900 heroin addicts in the City of Baltimore through a liberal policy. Again, this debunks some of the statements that were made by Mr. Rivera in his recent account.

It is interesting too that in today's Washington Post, and possibly in other publications across the country, our drug czar, Barry McCaffrey, made an opinion editorial piece that was published, and let me read from that and what he says.

□ 2300

First of all, let me pick up on the part about the effectiveness of some of these programs. Drug use in this country has declined by half since 1979. The number of users dropped from 25 million in 1979 to 13 million in 1996. Again, this does not coincide with what the report of Mr. Rivera said.

And again this is according to our drug czar. "You would think that under the Republican administration there might be less spent on drug treatment." And again I'm quoting from Barry McCaffrey, the head of our Office of Drug Policy under the Clinton administration, and this is his quote in this op-ed today, "In the past 4 years the administration increased spending." I have to beg to differ with him, but the Republican majority increased spending on prevention by 55 percent, while spending on treatment rose 25 percent.

So treatment and prevention, in fact, have risen dramatically under this Republican-controlled Congress, contrary to Mr. Rivera's statement that drug treatment has always been a distant second place.

Additionally, the liberal policies we found actually create a bigger dependent population. I thought it was interesting what Mr. McCaffrey said about who commits crime and who is responsible for the disproportionate share of our Nation's violence that we hear about, and these are his words: "Drug dependent individuals are responsible for a disproportionate percentage of our Nation's violent and income-generating crimes, such as robbery, burglary or theft. The National Institute of Justice surveys consistently find that between one-half and three-quarters of all arrestees have drugs in their system at the time of the arrest. In 1997, a third of State prisoners and about one in five Federal prisoners said they had committed the crimes that led to incarceration while under the influence of drugs." This is, again, part of the oped of General McCaffrey.

Then the myth about liberalization and that we should allow more folks to become addicts and hooked on hard drugs and that this is harmless, and this is what Barry McCaffrey says in today's op-ed. "Injection drug users place themselves at great risk. A University of Pennsylvania study of Philadelphia injection drug users found that four times as many addicts died from overdose, homicide, heart disease, renal failure and liver disease as did from causes associated with HIV disease."

Dr. James Curtis, Director of Addiction Services at Harlem Hospital Center, explains, and this is a quote from him, "It is false, misleading and unethical to give addicts the idea that they can be intervenous drug abusers without suffering serious injury.

So, in fact, the myth that we have folks behind bars, and again I appreciate the sensationalism that Mr. Geraldo Rivera tries to provide, and some of it is entertaining, but we must deal with facts, particularly on such a serious subject as what is happening in our society as a result of illegal narcotics trafficking.

Mr. Rivera in his piece cited, and again from his transcripts, two women, and one with tears in her eyes testified that she had only been arrested this one time on drug trafficking and, in fact, I think she said whe was duped, she claimed, into carrying a package of cocaine for a drug dealer. That was one case. The second lady, who had received a mandatory sentence, was there because she was dealing with four ounces of cocaine.

He also cited that most of the people in Federal prison were nonviolent offenders. Well, the facts are a little bit different, and I have cited this study, but a study just out from the New York State Commissioner of Criminal Justice reports that, in 1996, 87 percent of the 22,000 people in jail in New York for drug crimes were in for selling drugs or intent to sell. Of the 13 percent doing time for possession, 76 percent were arrested for selling drugs and pleading down to possession. The study further shows that the most convicted first-time drug offenders end up on probation or in treatment, again contrary to what this national report by Geraldo Rivera tried to portray. It just does not hold water.

In fact, at a recent hearing we held in the Subcommittee on Criminal Justice, Drug Policy and Human Resources, the drug czar from Florida, Mr. Jim McDonough, testified that in a thousand cases they looked at, only 14 out of the total were there for possession and, in fact, some of that may have been also watered down for other offenses.

The facts are that, in fact, virtually all convicted criminals who go to prison are violent offenders, repeat offenders or violent repeat offenders. It is simply a myth that our prison cells are filled with people who do not belong there or that we would somehow be safer if fewer people were in prison. A scientific survey of State prisoners conducted by the U.S. Department of Justice found that 62 percent of the prison population had a history of violence and that 94 percent of the State prisoners had committed one or more violent crimes or served a previous sentence of incarceration or probation.

The New York study that we cited last week and again tonight was interesting. It was a rather in-depth study, and it showed that in New York, for example, one really had to work at it to be incarcerated in prison, and that no one was there just for a minor offense or for even for a first-time felony.

In California, the 1994 prison population rose to 125,000 inmates. Numberous experts and journalists insisted the State's prisons were overflowing with first-time offenders and harmless parole violators. The results of another study, this California Department of Corrections analysis of randomly selected felony offenders admitted to the state's prison and classified as nonviolent, reveals that 88.5 percent of these offenders had one or more prior adult convictions. The average number of prior convictions was 4.7. A fifth of these so-called nonviolent felons had been committed to prison once or twice before.

There is study after study to refute what Geraldo Rivera would try to lead the American people and the Congress to believe. A 1996 study of individuals in prison in Wisconsin found that about 91 percent of the prisoners had a current or prior adult juvenile conviction for a violent crime. About 7 percent of the prisoners were in for drug trafficking. None were sentenced solely for possession or as a drug user, and fewer than 2 percent were first-time drug or property offenders. Prisoners served less than half their sentence time behind bars, and 82 percent were eligible for discretionary parole within a few years.

So the facts are not as presented, again sensationally, by Geraldo Rivera. They do show a different picture, if we just take a few minutes to look at them.

According to a study published in the Journal of American Medical Association last year, nondrug users who live in households where drugs, including marijuana, are used, are 11 times as likely to be killed as those living in drug-free households. Drug abuse in a home increased a woman's risk of being killed by a close relative some 28 times.

So, again, the myths that were portrayed in this presentation tried to make us feel warm and fuzzy about releasing folks into the population.

□ 2310

I do not want to say that we do not need to treat folks in prison and I think a very good case could be made for that, but we must have effective treatment programs, not only in prison but also for other individuals, such as those portrayed, those individuals such as the young woman who was on drugs, as a young man who went back to drugs. We must work together to find solutions to this incredible problem facing our society but we must also not just listen to the Geraldo Riveras but to the facts about drugs and illegal narcotics and their impact on our society.

CHINA

The SPEAKER pro tempore (Mr. HAYES). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized for 50 minutes.

Mr. ROHRABACHER. Mr. Speaker, by the end of July, the Congress will again vote on most-favored-nation status, that is, granting this special status to the People's Republic of China. This is the 11th year in which I will have voted on this issue, and this time, however, it will be called, instead of MFN, most-favored-nation status, it will be called NTR, normal trade relations.

Every year, as the Communist Chinese refuse to lower their huge tariffs on American exports, goods that in fact make it impossible for us to have a trade balance with them and we end up with, every year, even though we vote most-favored-nation status, they keep those huge tariffs on our goods while their goods can flood into our country at very low tariffs and thus we end up every year with a huge deficit in our trade balance with the Communist Chinese and they have a huge surplus, 60, $70 billion worth of surplus.

So what are we doing? Why are we doing this year after year after year when the final result is always that they maintain high tariffs against our products while we permit their products to flood into our markets? What is going on here? Is that something that is good for the United States of America? Is it good for us to have an unfair trading relationship with the world's worst human rights abuser? Of course we are being told that if we do this, other things will happen, like, for example, not only will they lower their tariffs eventually, but eventually they will liberalize their country and become more democratic.

Of course, we have not seen any evidence of that at all. There has been no evidence that they are reforming in terms of opening up their markets to our people who would like to sell our products there and there is no evidence that they are becoming more liberal or that there is less oppression in Communist China.

The difference between this year's vote and past years when we voted on this will be that Congress is voting most-favored-nation status, or, I should say, normal trade relations status and we are granting that to the Communist Chinese, not only knowing that it is not lowering their tariffs and their trade barriers to our products coming in while they exploit our own, putting our people out of work with cheap products, of course, again knowing that it is not having any impact on liberalization, in fact it is more repressive now in Communist China than it was 10 years ago. There was an opposition 10 years ago. Now there is none. There are no free newspapers, opposition party or anything such as that. No, but we have known that all along. What is the difference this time is that we are doing this this year, Congress will be voting on this issue this year knowing, thanks to the Cox Committee and the New York Times and the Washington Times that the Beijing dictatorship is at this moment now beginning to produce nuclear weapons based on technology that it has stolen from us.

So here we are about to vote to grant this trading status, normal trading relations with Communist China, this Communist dictatorship, knowing that at this very same moment they are beginning to go into production on the first generation of weapons of mass destruction that have been improved and made possible and their delivery made more reliable and more certain by U.S. technology. These weapons of mass destruction, which will soon be able to incinerate any city in the United States, will be delivered by a new generation of Chinese rockets that have been made, as I say, more reliable and more deadly by American corporations and scientists working on either our government's payroll or working on the payroll of these huge American corporations. But, of course, the technology that they are giving and bestowing on the Chinese to make their rockets more reliable and more effective, this is deadly weapons technology which cost us, the American taxpayer, tens of billions of dollars to develop over the Cold War. They taxed it from our pockets in order to protect our country. We were told we were doing this in order to make our country more secure. But instead, this technology has been used and when we vote for normal trade relations with Communist China, we will now do so knowing that our relations with Communist China have not made it better for us economically in terms of the trade barriers are still there, it has not made China any freer but that they have actually, on top of all of these things, managed to upgrade their rockets, upgrade their capabilities with this technology, billions of dollars of technological secrets from the United States, and, of course, the rockets are loaded with their most deadly weapons, weapons beginning to be built based on the technology again that they got from the United States. In that case they stole it from us.

Of course we are being told that our trade relationship with Communist China is mutually beneficial. It is a mutually beneficial relationship. That means it must be good for us in some way, as well as for the Chinese people in some way. Well, it is not good for the Chinese people. It is good for their clique that holds power with an iron fist in China beating down all opposition. And it is good for a few billionaires here in the United States—I call them Bill's Billionaire Buddies—but it certainly is not making China any less a threat to the peace and it certainly is not making our country any more prosperous, and even though China supposedly is more interdependent on us now, they do not seem to be any less belligerent, hostile and aggressive than they were 10 years ago. Yet every year, 50 and $60 billion in hard currency, because we have molded the relationship with Communist China, these are the rules we have set down. The leaders of the United States of America have determined what the rules of the game are. They have sat down with the Communist Chinese, their bosses in Beijing, and said, we agree to these rules of the game. And at the end of the year, the Communist Chinese gangsters who run that country, they earn and they have to play with $60 billion in hard currency.

So any talk about human rights and all these other things that are paraded up and down like the administration will suggest they believe in these things, the Communist Chinese dictators know that that is a lot of baloney, because if we really meant that we supported democracy and human rights or we were really concerned about the massacres in Tibet or the massacres of Muslims in the far western reaches of their country, we would be changing the rules of the game so that the Communist Chinese would not end up with these tens of billions of dollars of hard currency.

They laugh at us. They think that it is a big joke. They think that our leaders do not believe in a darned thing and that human rights is nothing more than sloganeering; and that when this Congress again votes for most-favored-nation status or, as it is called now, normal trade relations, we too will be confirming for these dictators in Beijing, the world's worst human rights abusers, the people who now are using our technology to aim weapons at our cities that could potentially incinerate our populations, they know that we are still if we bestow on them this status, that Congress itself does not care enough about these violations in order not to vote to change the system that is working against us.

□ 2320

Yes, in this hall all of us, all of my colleagues, we will all vote on this issue, and it will be a message to those Chinese dictators, and unfortunately it will be a message to the people of China. What is really unfortunate is that the people of China are America's greatest allies. Those people who are now trying to defend their horrendous actions in supporting the Communist Chinese dictatorship are doing everything they can to try to divert the argument by claiming that this is in some way antiChinese.

Those of us who are concerned about Communist Chinese power and what the economic relationship and what the other relationships we have had with the Communist Chinese have done to our country, we are, we are not in any way condemning the people of China. The people of China live under a Fascist like dictatorship. We cannot blame them, and in fact they are our greatest allies; we are on their side.

What we want is freedom for those people in China, and when China has a democracy and the people of China are able to choose their own leaders and demand honest government and demand humane government and demand a government that respects the rights of people and does not waste their money on militarism and weapons systems, then China will no longer be a threat to the world; China will be a friend.

In fact, if China had a democratic system now like Great Britain or Italy or Japan or other countries like that, we would not even be concerned that perhaps they would learn some of our nuclear weapon secrets. We would not care because it was a democratic, peace loving country. No, those people who are arguing that there is some kind of racism behind this are trying to deflect criticism, trying to deflect those who would unravel this mystery that has been left behind of what our policy is all about and why we have a policy that is so demonstrably against the economic and security interests of our country and of the Western World.

Tonight I hope to convince anyone willing to listen that our trade relationship with Communist China is wrong. It is not working for the benefit of the American people, and it is not making China more open, nor is it making it more democratic. It is not making peace more likely, and in fact our China policy is merely filling the bank accounts of a new class of billionaires, both billionaires here and billionaires there.

You have Chiang's cronies, his crony comrades, and Bill's billionaire buddies. At the same time, this perverted process bolsters the military might and economic power of, as I say, a nation that is controlled by a militaristic dictatorship that is the planet's worst human rights abuser, a government that is engaging in genocide in Tibet and has recently obliterated any organized political opposition among its massive population. It is a ruthless government that even while modernizing its military is already bullying its neighbors, and let us remember this when we are talking about China:

We just spent tens of billions of dollars in the Balkans in order to save those people in Kosovo who were under the threat of genocide. Yet China, Communist China, is committing that same kind of genocide on the people of Tibet. They are committing similar genocide, and we are conducting, we do not know what is going on right now, but in the far reaches of western China against their Muslim population. But the people of Tibet continue to face this brutality in an attempt to wipe their culture off the face of the map. But yet when it comes to China, we have policies that encourage American businessmen to invest in China, building up their industrial capabilities while a reaction in Serbia and in Kosovo is to basically declare war on Serbia.

Now let me just say for the record I did support the Kosovars' right to freedom and independence, and I thought we should have armed the Kosovars and recognized their independence. I think that the people of Tibet and other people in the world have that right, but the United States, and now I am not advocating that we go into Tibet and go into these countries around the world where they do have people who are being oppressed like this, but we should always side with people who are being oppressed by dictatorial regimes, by monstrous dictators like Mr. Milosevic.

Mr. Milosevic is a Serbian dictator, and we have put a price on his head. At the same time we are shaking hands with the monsters in Beijing who have committed bloody crimes that are at least on the scale of Mr. Milosevic, and we are setting up a trading system which will be reaffirmed by a vote on Most Favored Nation status, normal trade relations, that will in the end result in tens of billions of dollars, $60 billion of hard currency at the end of the year, at the end of the accounting, will be in their hands because of the rules that we have set up.

This makes no sense. It is contrary to the principles of our country, it is contrary to the values of our people, and worse than that, it is contrary to our national security interests. It is contrary to the safety, it undermines the safety of each and every person who lives in the United States of America, and we have seen that because they are taking that money and modernizing their weapon systems and using technology that they have stolen from the United States and that they have used to lure American businessmen into giving them to enable them to have rockets and missiles armed with weapons of mass destruction capable of incinerating millions of Americans that they would never have had in 20 or 30 years from now if it was not for the help that we were giving them and the relationship that we have established with this incredibly nonsensical, idiotic trade relationship.

Dealing with China today is reminiscent to the threat that the world faced from the emerging Japanese military power in the 1920s. It is almost deja vu. As Yogi Berra said, it is deja vu all over again. Think about the 1920s. We are now in a period of prosperity as we were in the 1920s, and there was a new power emerging in the world, but yet the United States did not feel that it could focus on that power, and in fact in Europe where Adolf Hitler just a few years later would emerge, the Japanese were ahead of Hitler. We ignored that threat as well because by the time that threat happened things were too ominous for us. And in the 1920s, we had a country, the Japanese empire; it was run by thugs, it was run by gangsters, these people who brutally beat up and murdered anybody who believed in democracy in their country, and there was a bit of a power struggle there with people who wanted to go toward the west in Japan in the early 1920s who were murdered and suppressed. We saw that happening. The thugs that ran Japan in the 1920s believed in racial superiority.

□ 2330

They are perceived that they had an historic right to dominate Asia and the Pacific; and, of course, they saw something else. The Japanese realized that the United States was the only country capable of standing between their goals of domination of Asia and the Pacific and that we were the only country, the courage of our people was the only thing, that could stop them from expanding their brutal regime and its control to all of Asia and the Pacific basin.

I am afraid, Mr. Speaker, that that is the kind of threat that we face now in Asia. It is not the 1920s, but there is a regime that is run by gangsters and dictators, thugs, people who are murdering their opposition, people who hate the West and hate everything that we stand for, people who believe that they are racially superior, people who believe that they have an historic right to dominate all of Asia and the Pacific basin. This country, of course, that I am referring to is Communist China.

Communist China, again, if it was a democracy, would be no problem. This would be an era of hope. It would be an era of incredible opportunity for all humankind if China would be ruled by democracy rather than ruled by gangsters and thugs who commit heinous crimes to maintain their power and stand for everything that we oppose.

Yes, just like with Japan, the Communist Chinese regime understands that only the United States has the power to stand between them and their goals; and their goal in Communist China today, their goal is to dominate all of Asia, all the way from Central Asia, where I predict soon we will see a massive influx of Chinese into the sparsely populated Central Asian republics. We will see territorial claims made there and claims on Siberia and Mongolia and Manchuria, and we will see claims as we have already seen of the Communist Chinese, rights to dominate all of Southeast Asia down through Burma and Cambodia and, yes, our great ally, Thailand. The communists in Vietnam, that dictatorship, is frightened to death.

We see that the Communist Chinese are trying to expand their area of domination. They now have taken over small islands very close to the coastline of the Philippines. The Philippines, one of our great allies, a country struggling to be democratic, a country that has such close ties with the United States, a country that has a free press and freedom of religion, a country that represents the type of democratic reform and economic progress and the attempts by their new president to uplift the poorest of the poor in the Philippines, these people are trying their hearts out, they are doing everything they can to uplift their country only to be confronted with a militaristic threat of Communist China on their doorstep, where the Spratly Islands now, which are only 100 miles off their shore and 800 miles off the shore of Communist China, the Communist Chinese have come in and occupied some of those islands and built fortifications and stationed war ships in the lagoons; this to a practically demilitarized Philippines.

This kind of bullying cannot be ignored. We ignored it when the Japanese did this during the 1920s, and it led to a war that cost millions of lives.

Today we still have a chance to try to change that. We sold the Japanese during this time airplane designs. We sold them fuel. We sold them metal. We had quite a trading relationship with them. In fact, Germany with all this talk about how free trade and interactive trade is going to make somebody less aggressive, totally was interactive economically with the rest of Europe. We even had exchange programs with the Japanese. We let the Japanese militarists study our systems up close. There were military exchanges. We actually gave Japanese military officials the right to look at our military bases and talk to us about our military tactics and have interaction with our military in the 1920s.

Of course, the Japanese thought we were weaklings. Their reaction to our openness was not, oh, my, the Americans then are not really our enemy. Instead, the Japanese militarists were saying what weaklings these are, because we were dealing not with a democratic regime that would have looked at that as a friendly gesture but a dictatorship, tough guys running a country, and that is what we have in China today.

They interpret our willingness to have these same type of military exchange programs, our willingness to let Communist Chinese scientists come into our laboratories, our willingness to permit a trade relationship to continue that gives them $60 billion a year of hard currency, they look at that as weakness. They do not look at that as being friendship.

I went to the Spratly Islands. I went there. The State Department did everything they could to prevent me from going there, and I went with a member of my staff, Al Santoli, and a couple of other Americans, with a couple of Filipino legislators, and we flew right over the Spratly Islands and saw them building those fortifications. Our government, the State Department, tried everything they could do to prevent me from getting there so that I could not explain that to the American people and take the pictures that would open up this debate.

I have also led the congressional opposition to what I consider the mind-boggling military exchange program that we have had between the Pentagon and the Communist Chinese. This year, the so-called game plan for military exchanges included Communist Chinese officials attending workshops or seminars on supplies, how to supply their army and do so effectively, on logistics, on special operations, on military strategy. This was part of the Clinton administration's game plan for how we were going to interact with the Communist Chinese military. It included letting the Communist Chinese attend sophisticated air and naval war games as well as observing our elite 82nd Airborne Division at its paratrooper training operations at our National Training Center in California.

Now, this was part of the administration's game plan for this year, despite the fact that the administration already knew that the Communist Chinese had a major espionage effort that had stolen our most sacred secrets, our most well-kept secrets on nuclear weapons. They knew the Communist Chinese had come into possession of nuclear weapons secrets that had cost us tens of billions of dollars and were upgrading their rockets and upgrading their weapons systems based on this technology. But yet they went right ahead to plan this military exchange program as if there was nothing wrong.

Yes, well, something is wrong. Something is wrong all right. Something is terribly wrong here in Washington. And despite the revelations of Chinese weapons espionage, the espionage at our weapons laboratories, a Chinese delegation, now this is after we have known all about how the Chinese have managed to get their hands on some of this technology that eventually came from our weapons laboratories, this administration still had scheduled a Chinese delegation to visit Sandia National Nuclear Weapons Laboratory in New Mexico.

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All of these exchange programs with the military even went there. First of all, what I want to know is why any potential hostile power to the United States has its scientists roaming around our laboratories in the first place. But now we are being told even after the administration knew that they had stolen these secrets, secrets that could put in jeopardy or are putting in jeopardy, these secrets are putting in jeopardy the lives of tens of millions of Americans, they are still moving forward with this, blase, blithefully moving forward and blithefully, again, coming to Congress asking us, forget all about that, forget about all the security stuff, go ahead and grant most-favored-nation status, normal trade relations with the communist Chinese as if none of that has taken place.

We have learned a lot of this since last year. For 10 years we have been voting to grant this. If Congress votes again to do this, it will do so knowing these revelations, knowing about these revelations of this espionage and about how damaged our national security has been.

Of course, we are being told that China is being liberalized by our trade. Let us just tackle that question, is China actually being liberalized because we are trading with them? And by the way, no one is talking about cutting off trade. We are just talking about not granting them the same trade status we would to a democratic society.

During this time when we have granted this vicious dictatorship the same trading status we would to Italy, Belgium, or England, we have found that they were going in the opposite direction. There is no more opposition in China. They are either in their Lao Gai prison camps or they are in exile or they have been murdered.

Ten years ago there was an opposition. Tibet is still being destroyed. There is still genocide going on. In fact, the World Bank, supported by our tax dollars, is thinking about spending $100 million in order to help transport regular Chinese people into the territory where Tibetan people live. Gee, thanks. Our taxpayers are even subsidizing the genocide.

There is no free press in China. There has been no evolution towards a free press.

Now the Chinese, of course, are insisting that we register religious people. If you just register these religious people, they will be free to practice their religion. We have heard that before. Did we not hear that in Germany in the 1930s, if the Jews just register, everything will be okay? We have seen this in the past in China, where people were lured out into the open, and then a few years later when the hammer came down, they were arrested and they were slaughtered.

Anybody suggesting, and this goes for Billy Graham or whoever else is trying to convince Christians to register in China, should be ashamed of themselves because they are not reading history and they are giving the benefit of the doubt to this bloody regime, and they in the end will cost the lives of these believers.

Of course, they also have forced abortion, which continues unabated, and we have seen no development of an independent judiciary. In fact, the President of the United States, for us to vote on most-favored-nation, for it to be granted, I should say normal trade relations, the President has to certify every year that there has been some progress made toward these democratic goals, that human rights are being more respected.

Is there any evidence of that at all? No. The only evidence is that the President is not taking that job seriously when it comes to certifying that there has been human rights progress. I think that is the most charitable way that I can put this, because he certifies that there has been progress made in China on human rights when all of this bloody repression goes on.

This trade relationship has, as I say, resulted in this annual trade surplus for the communist Chinese. We are being told if you believe in free trade, you have to believe in this. You have got to support it, because after all, you are for free trade. That is one of the reasons we have been having some good times here in the United States is because we have free trade.

I have three words for that: Baloney, baloney, baloney. We are not talking about free trade here. Free trade is something that is mutually beneficial. We have already demonstrated that this is not mutually beneficial trade, it is going to help the clique that runs communist China who are billionaires, and a few of our billionaires. It is trade that is manipulated by this powerful and ruthless and calculating communist Chinese regime.

On our side, of course, we do have these multinational corporations who have shown us just how loyal they are by taking their first chance. Whenever they can get away with doing it, they will bestow upon the communist Chinese weapons and technology that could very well end up killing Americans, and they know darned well that that is the risk of what is happening, but they are eager to make a buck, a very quick buck.

These multinational corporations, and by their very nature, multinational means they end up with the flag of the United States not even sometimes being flown outside. Sometimes they will fly the U.N. flag or whatever.

Then of course we have a clique of billionaires who also are benefiting, because we have set up this system so it not only provides the communist Chinese with $60 million in hard currency, we have set up a system that subsidizes businessmen when they decide to close up a factory in the United States and open it up in China; in other words, building the industrial capacity and technological capacity of this vicious dictatorship.

That is what this vote, by the way, is all about. It is not about the ability of American corporations to sell American products in Communist China. It is not about that at all. If we do not grant most-favored-nation status or normal trade relations, as they now call it, it will not deny any American businessman the right to sell over there. The only difference is whatever business he does in Communist China will have to be done at his or her own risk.

By granting most-favored-nation status, we are permitting these businessmen to obtain loans that are subsidized or guaranteed by the American taxpayer through the Export-Import Bank, through OPEC, through IMF, World Bank, Asian-Pacific bank, all kinds of things. There are so many of these institutions out there that we do not even know about, but of course if we do not grant them official status, they will not get these guaranteed loans or these subsidies. And thus, by voting on "free trade," what we are really doing is subsidizing businessmen for closing jobs here and closing factories here which will only make them 5 or 6 or 7 percent, because they have competition and environmental laws and things like that that they have to deal with here; but instead, it permits them to have it guaranteed in order to set up a factory over in a Communist dictatorship, taxing our people in order to guarantee the loans so the guy will set up a factory providing jobs in Communist China which will eventually put our people out of work over here.

Almost none of the trade we are talking about with Communist China is where we are selling refrigerators or selling some product that is manufactured here, because the Chinese erected all these barriers that we cannot get through. When they talk about business with China, what they are really talking about is American companies going over there and setting up factories for production in China.

Does that make any sense? This is not good for the United States of America, it is not good for our people, especially when it is a dictatorship.

On top of that, we have other countries that are democratic countries, even in Indonesia now, where they actually are trying to have democracy after 20 years, and I think they have a real chance if we get behind them and try to help establish the democracy in Indonesia. They have such a corrupt, terrible dictatorship now the Indonesian people have risen up. Let us try to help them and the Philippines.

But certainly, why should we do that, why should we encourage people to invest in a Communist dictatorship, instead of the Philippines or these other countries? What is happening is we have some very powerful interests in the United States of America who are making big bucks off short-term profits, and it is done at the expense of our country, at the expense of the economic well-being and the expense of our national security.

These people are having a tremendous impact. They are in fact doing everything they can to ensure that this system continues.

Today we heard evidence at the Committee on Science. It was a report given to us by former Senator Rudman, who gave us a report on the security situation of our national labs, which he had been studying for several months.

He verified a story that recently ran in the New York Times just a few days ago that the White House actually knew of the Chinese espionage that we have been talking about tonight, that the White House was made aware of this in 1995.

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This was Senator Rudman today verifying that fact. This is a full year before what we have been told now. Up until now the White House has always told us, remember, like there were only going to be a few FBI files and it turned out to be hundreds of FBI files? The White House until now has told us they did not know about it until 1996. That was bad enough. Now we find out they were actually alerted to this in 1995, and Senator Rudman's report condemned the administration for not treating this information with the due diligence that it deserved.

What Senator Rudman did not put in his report was what happened to those loyal watchdogs who warned the White House of this communist Chinese espionage at the Department of Energy that resulted in their ability to operate their nuclear weapons systems and their rockets. What Senator Rudman did not put in his report was that Notra Trulock, who was someone who was overseeing security at the Department of Energy, tried to warn the administration and was demoted and was castigated and was attacked and almost thrown out of a job. What we did not hear about was Ed McCallum, Chief of Security at the Department of Energy, who warned the administration that something terrible was happening and that we had to look at the security issues, and right now he has been put on administrative leave because they went digging and digging until they could find something on that man to try to hurt him for alerting us to that information. Victor Reis, Victor Reis, who today Senator Rudman applauded for his diligence, an assistant secretary, one of the shining lights of responsibility at the Department of Energy, was fired just this week from the Department of Energy. Three people trying to warn America, watchdogs, trying to scream out, "danger, danger," and instead what are they given for their diligence, for their hard work and loyalty to this country? They are beaten up, they are cast off out of their jobs, their families are put in jeopardy of losing everything. These are civil servants. This is a pattern of abuse, it is a pattern of abuse of these contentious watchdogs, and it is beyond imagination that this administration has been doing this, and we just sit by and let it happen.

These watchdogs warned us that the communist Chinese were acquiring these deadly weapons which put Americans in jeopardy by the tens of millions, and for it they were fired, they were demoted, attacked, humiliated, their families' lives were put in jeopardy in terms of their income.

This is a pattern by this administration of coverup, of deceit and betrayal. This cannot happen. We cannot let this happen.

Ronald Reagan once said that there is nothing that is wrong with the United States Government that cannot be cured by one good election, and we just need, and I am not talking about Republicans or Democrats, I am saying we need to elect people with integrity, we need to elect people who are honest. We need to elect people whose main loyalty is to the people of the United States of America, whether they are Democrats or Republicans.

We may disagree about what direction, but we have been tied to some billionaires who are making money in China even though it is not in the interests of our country. We have got to change that. We have got to change that right here in Congress.

We are going to vote on that very shortly. There will be a vote sometime before the end of July. But, like anything else that we can accomplish, we cannot just do it here. We need the American people to be involved. If anybody is listening to this presentation or reading it in the CONGRESSIONAL RECORD who thinks that, well, we can just leave it up to the politicians, see how bad all the politicians are, no. If the American people do not act, our country is going to go to hell in a hand basket, and we are already halfway there. Our security, tens of millions of our citizens, hundreds of millions of our citizens now are at risk from weapons systems that came from our own technology development, that were taken from us and are now aiming in our direction.

We have got jobs that are being taken away, plants being closed here, and we are subsidizing jobs being created in communist China, so when they build these new factories over there, they are doing so with guarantees for money that is taxed from us.

We have to end this policy. that gives them a $60 billion surplus which they can use to modernize their weapons systems and terrorize their neighbors and brutalize their own people. But we need the American people to be active. The American people must express their will, and that means each and every American, veterans organizations. Anyone who is part of a veterans organization should be making sure that in this July 4th recess, when we go back, and we are leaving Friday for a full week back in our districts, every Congressman should be contacted by their veterans, by religious organizations concerned about the oppression that is going on of religious believers in China, labor unions that know this relationship, where we are building factories over there to compete with our own jobs there, that is wrong.

We have got to make sure people who believe in human rights are concerned about China's domination of Burma. We had a gentleman here talking about the drug problem before I got up. Yeah, where do those drugs come from? A lot of that heroin comes from Burma. And who controls Burma but the communist Chinese, in a bloody deal with that dictatorship called the SLORC dictatorship. They have given them the weapons they need, and they are slowly but surely turning Burma into a vassal state and taking their teakwood and opium and selling it on the world market. No one wants to talk about that. Oh, you can't prove that.

Where does it go? How does it get past, if the communist Chinese dominate that part of the world? We need people who are concerned about the people of the United States and our safety, about people in our military who are going to be facing technology, facing technology that was developed in the United States and then it might end up killing Americans.

When I was a young boy my father was a United States Marine. I lived in Japan with him, and he flew missions, they were spy missions along the coast of Japan. He told me he would fly at very low altitude taking pictures, and they would take pictures of the coastline to see if anything was going on on the communist coastline that could threaten Japan, Korea or Taiwan. There were a group of men that did this.

We lived in this little enclave of American families, and one day one of those men was shot down. That is when I was 10 years old. I still remember the tears of my young playmates and the fear in the eyes and the sorrow in the eyes of the wife of this pilot who lost his life defending his country, and I do not remember his name. I bet nobody remembers his name. But he gave his life defending this country against communist Chinese aggression.

I will tell you something else my father did. There was one of the things he did in the Marine Corps, he really did not have a major career, he was there for 23 years, but one thing he did was develop the Navy way of dropping the atomic bomb.

It was like this. It is sort of a maneuver where the plane goes down, and it can be with a fighter bomber. It lofts the bomb as the plane goes off this way. It permitted our aircraft carriers to become strategic weapons.

During that process, my dad told this idea to the commanding officer, and he was immediately given a squadron and told with all speed get this done. Develop this. It will change the formula of the Cold War and make your country safer, because we will have a better balance of these nuclear weapons.

My dad went out and he pushed these pilots in this squadron, and they knew what they were doing. They knew they were trying to protect our country, and four of them lost their lives during that time period of six months where they were pushing the envelope to try to figure out how to develop this new weapons system, this nuclear weapons system, in order to protect our country.

My mother told me of how they and my father had to go to a family, to a wife who was waiting for her husband, and her husband had died in a crash that night. It was their first wedding anniversary. She was never told why her husband died, because it was top secret that he was developing this new way of delivering this bomb.

People have died to protect this country. I do not remember the name of that woman or those four men who gave their lives or even the father of the playmates that I used to be with who died, but we owe it to them to keep our country safe and secure and not to let these secrets go to our enemies, not to let weapons that can shoot down our own pilots get into the hands of the enemy or weapons that could incinerate us. This is obscene. It is an obscene betrayal of our country. Most-favored-nation status is at the heart of it, because it tells the Chinese communists we do not care.

Well, I hope that you will visit your Congressman and you will visit anyone who will listen and make your voice heard at the 4th of July parade, saying no most-favored-nation status for communist China. Democracy for China. Then this government will listen and we can save America and save freedom and save the peace of the world.

TRIBUTE TO DONALD R. POWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. Napolitano) is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Speaker, I rise today in praise of Mr. Donald R. Powell, a distinguished public servant in my 34th Congressional District in California, who is retiring as City Manager of Santa Fe Springs, California after an illustrious career spanning 33 years of service.

Don Powell's stellar performance in local government has made him a recognized leader in the field of public administration. He is the recipient of numerous awards and commendations including the prestigious Mark E. Keane Award for Managerial Excellence, which was presented to him last year by the International City/County Management Association.

Don Powell also served our nation as a Captain in the United States Air Force, during which time he received a commendation for operational improvements to the Bangkok Aerial Mail Terminal. Don is graduate of Whittier College and holds a masters degree in International Public Administration from the University of Southern California.

Don Powell's career with the City of Santa Fe Springs began in 1966 as an Administrative Intern. His outstanding service was recognized as he rose through the administrative ranks to take the helm as City Manager in which he has excelled for the past nineteen years. Don's vision, tenacity, skill and managerial excellence helped transform a small town dominated by oil fields and smoke stack industries into one of the most vibrant and prosperous contemporary business communities in Southern California. He was able to achieve this tremendous example of suburban renewal while carefully balancing fiscal responsibility with a deeply abiding respect for the rich historical and cultural heritage of the city.

I have known Don Powell for over thirteen years, since my own service as a City Councilmember and Mayor of the neighboring city of Norwalk, California which borders Santa Fe Springs to the south. I have greatly admired Don Powell's professionalism and unsurpassed level of personal commitment to the City of Santa Fe Springs, neighboring cities in Los Angeles County, the State of California and to the profession of public service.

Don Powell leaves a legacy rich in the beautification and prosperity he so skillfully guided on behalf of a grateful and well-served community. His immense contributions to the transformation and maturing of Santa Fe Springs, an All American City, has nurtured a strong sense of civic pride among its residents.

The City of Santa Fe Springs will surely miss the outstanding work of City Manager Donald R. Powell. On behalf of the many business and residential citizens, Mayor Albert L. Sharp, Mayor Pro-Tempore George S. Minnehan, Jr., Councilman Louis Gonzalez, Councilman Ronald S. Kernes, Councilwoman Betty Putnam, Councilwoman-Emeritus Betty Wilson, and the entire City staff, I extend heartfelt thanks and appreciation to Don Powell for his exemplary service, and further extend best wishes to Don and his wonderful wife Jackie Powell for every continued happiness, great health and success in the years ahead. It gives me great pleasure to pay tribute to a superb public servant and fine American citizen Don Powell on the floor of the House of Representatives in Washington. Thanks for everything Don.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

(The following Members (at the request of Mr. DEMINT) to revise and extend their remarks and include extraneous material:)

Mr. WAMP, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, on June 30.

Mr. LUCAS of Oklahoma, for 5 minutes, on June 30.

Mr. FOSSELLA, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until tomorrow, Wednesday, June 30, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2777. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Certain Plant Regulators; Cytokinins, Auxins, Gibberellins, Ethylene, and Pelargonic Acid; Exemptions from the Requirement of a Tolerance [OPP–300690B; FRL–6076–5] (RIN: 2070–AB78) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2778. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sethoxydim; Pesticide Tolerance [OPP–300859; FRL–6080–9] (RIN: 2070–AB78) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2779. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diphenylamine; Pesticide Tolerance [OPP–300773A; FRL–6077–3] (RIN: 2070–AB78) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2780. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the Secretary of Defense to transfer property to the local redevelopment authority (LRA) for a closed or realigned military installation, without consideration, provided the LRA's reuse plan provides for the property to be used for job creation and the LRA uses the economic benefits from the property to reinvest in the economic redevelopment of the installation and the surrounding community; to the Committee on Armed Services.

2781. A letter from the Secretary of Defense, transmitting a report on Department of Defense Aviation Accident Investigations; to the Committee on Armed Services.

2782. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a nonprofit education foundation; to the Committee on Education and the Workforce.

2783. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Occupational Safety and Health Act of 1970 to enhance protections for employees reporting workplace hazards to the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

2784. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable [FRL–6344–4] received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2785. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Six California Air Pollution Control Districts [CA 009–0137a FRL–6337–8] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2786. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport [FRL–6336–9] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2787. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone [FRL–6338–6] (RIN: 2060–AH10) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2788. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Non-polar Material Under the Clean Water Act and Resource Conservation and Recovery Act [FRL–6341–9] (RIN: 2040–AC63) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2789. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to make amendments to the Federal Food, Drug, and Cosmetic Act authorizing the Secretary to charge fees for certain regulatory activities related to medical devices and food and color additives; to the Committee on Commerce.

2790. A letter from the Chairman, Board of Directors, African Development Foundation, transmitting a draft of proposed legislation to amend the International Security and Development Cooperation Act of 1980; to the Committee on International Relations.

2791. A letter from the Chairman, Board of Directors, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation; to the Committee on International Relations.

2792. A letter from the Secretary of Transportation, transmitting the semiannual report of the Inspector General for the period ending March 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2793. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to eliminate two inequities under current provisions of the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS); to the Committee on Government Reform.

2794. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend the Federal Employees Health Benefits (FEHB) law to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage; to the Committee on Government Reform.

2795. A letter from the Director, Office of Government Relations, Smithsonian Institution, transmitting a copy of the "Annual Proceedings of the One-Hundred Seventh Continental Congress" of the National Society of the Daughters of the American Revolution, pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

2796. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to establish a working capital fund for the Federal Emergency Management Agency; to the Committee on Transportation and Infrastructure.

2797. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to exempt disaster employees from filing

Virgin Island income tax forms; to the Committee on Ways and Means.

2798. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to improve the asset forfeiture program; jointly to the Committees on the Judiciary, Ways and Means, Commerce, Resources, Agriculture, and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. House Joint Resolution 34. Resolution congratulating and commending the Veterans of Foreign Wars (Rept. 106–205). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 1568. A bill to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes; with an amendment (Rept. 106–206 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 562. A bill to approve and ratify certain transfers of land and natural resources by or on behalf of the Delaware Nation of Indians, and for other purposes; with an amendment (Rept. 106–207). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 230. Resolution providing for consideration of the bill (H.R. 66) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (Rept. 106-208). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 231. Resolution providing for consideration of the bill (H.R. 592) to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills" (Rept. 106-209). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 232. Resolution providing for consideration of the bill (H.R. 791) to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system (Rept. 106–210). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 233. Resolution providing for consideration of the bill (H.R. 1218) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions (Rept. 106–211). Ordered to be printed.

Mr. HYDE: Committee of Conference. Conference report on H.R. 775. A bill to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes (Rept. 106–212). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Veterans' Affairs discharged. H.R. 1568 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1568. Referral to the Committee on Veterans' Affairs extended for a period ending not later than June 29, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. GILMAN, and Ms. MCKINNEY):

H.R. 2367. A bill to reauthorize a comprehensive program of support for victims of torture; to the Committee on International Relations, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. GEORGE MILLER of California):

H.R. 2368. A bill to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands; to the Committee on Resources.

By Mr. NETHERCUTT (for himself and Mr. LAFALCE):

H.R. 2369. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain biologicals used in treating lower extremity ulcers in patients with diabetes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. SANDERS, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MINK of Hawaii, Ms. RIVERS, Ms. SLAUGHTER, Ms. HOOLEY of Oregon, Ms. MCCARTHY of Missouri, Ms. VELÁZQUEZ, Mrs. THURMAN, Mr. BONIOR, Mrs. MEEK of Florida, Ms. CARSON, and Mrs. MCCARTHY of New York):

H.R. 2370. A bill to amend the Internal Revenue Code of 1986 to provide that no individual shall be denied unemployment compensation solely on the basis of leaving employment due to a reasonable fear of domestic violence; to the Committee on Ways and Means.

By Mr. BONIOR (for himself, Mr. FROST, Mr. STUPAK, Mr. FRANK of Massachusetts, Mr. MALONEY of Connecticut, Mr. CROWLEY, Mr. BARCIA, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas):

H.R. 2371. A bill to make schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

By Mr. CANADY of Florida (for himself, Mr. FROST, Mr. DOOLEY of California, Mr. GOODE, Mr. BISHOP, Mr. DIAZ-BALART, Mr. WALSH, Mr. BARCIA, and Mr. BURTON of Indiana):

H.R. 2372. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

By Mr. DEMINT (for himself and Mr. BAIRD):

H.R. 2373. A bill to amend the Internal Revenue Code of 1986 to provide for Start-up Success Accounts; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2374. A bill to amend title 36, United States Code, to grant a Federal charter to the National Lighthouse Center and Museum; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 2375. A bill to authorize a demonstration project to expand eligibility under existing State prescription drug assistance programs for low-income seniors; to the Committee on Commerce.

By Mr. GREEN of Wisconsin (for himself, Mr. SIMPSON, Mr. FLETCHER, Mr. DEMINT, Mr. HAYES, Mr. OSE, Mr. KUYKENDALL, Mr. RYAN of Wisconsin, Mr. SWEENEY, and Mrs. BIGGERT):

H.R. 2376. A bill to require executive agencies to establish expedited review procedures for granting a waiver to a State under a grant program administered by the agency if another State has already been granted a similar waiver by the agency under such program; to the Committee on Government Reform.

By Mr. HOEFFEL:

H.R. 2377. A bill to provide for a study and report to the Congress on the use of antique firearms in crime; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. SAM JOHNSON of Texas, Mr. LEVIN, and Ms. DUNN):

H.R. 2378. A bill to amend the Internal Revenue Code of 1986 to clarify that advance pricing agreements between taxpayers and the Internal Revenue Service are confidential return information; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. MCDERMOTT, and Mr. SMITH of Washington):

H.R. 2379. A bill to ensure that adequate frequencies of the electromagnetic spectrum are available for biomedical telemetry; to the Committee on Commerce.

By Mr. MATSUI (for himself, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. BECERRA, Mrs. THURMAN, Mr. WAXMAN, Ms. DELAURO, Mr. PALLONE, Mr. BROWN of Ohio, Mr. MINGE, Mr. FROST, Mr. FILNER, Ms. LOFGREN, Mrs. LOWEY, Ms. LEE, Mr. HINCHEY, Mr. KUCINICH, Mr. VENTO, Mr. LAFALCE, and Mr. BERMAN):

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to provide incentives to reduce energy consumption; to the Committee on Ways and Means.

By Mr. NEY:

H.R. 2381. A bill to prohibit United States economic assistance for countries that ratify the treaty known as the Rome Statute of the International Criminal Court, a treaty that provides for the establishment of an International Criminal Court, an illegal and illegitimate institution that violates the principles of self-government and popular sovereignty, as well as accepted norms of international law, and for other purposes; to the Committee on International Relations.

By Mr. NEY (for himself and Mr. OXLEY):

H.R. 2382. A bill to promote the improvement of information on, and protections against, child sexual abuse; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself and Mr. GIBBONS):

H.R. 2383. A bill to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund; to the Committee on Resources.

By Mr. TAUZIN (for himself, Mr. MARKEY, and Mr. DINGELL):

H.R. 2384. A bill to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 2385. A bill to require that the General Accounting Office study and report on possible connections between the recurring incidence of violence by postal employees and workplace-related frustrations experienced by postal workers generally; to the Committee on Government Reform.

By Mr. WEINER:

H.R. 2386. A bill to amend the Expedited Funds Availability Act to prohibit the imposition of fees for any check returned due to insufficient funds for payment, other than a fee imposed on the maker of the check, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. WOOLSEY:

H.R. 2387. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies to encourage girls to pursue studies and careers in science, mathematics, and technology; to the Committee on Education and the Workforce.

By Mr. GILMAN (for himself, Mr. CALLAHAN, Mr. GEJDENSON, Ms. PELOSI, Ms. SLAUGHTER, and Mrs. CAPPS):

H. Con. Res. 144. Concurrent resolution urging the United States Government and the United Nations to undertake urgent and strenuous efforts to secure the release of Branko Jelen, Steve Pratt, and Peter Wallace, 3 humanitarian workers employed in the Federal Republic of Yugoslavia by CARE International, who are being unjustly held as prisoners by the Government of the Federal Republic of Yugoslavia; to the Committee on International Relations.

By Mr. HASTINGS of Florida (for himself, Mr. LATOURETTE, Mr. TURNER, Mr. SPRATT, Ms. CARSON, Mr. GUTIERREZ, Ms. DEGETTE, Mr. ROMERO-BARCELO, Ms. BROWN of Florida, Mr. WYNN, Mr. WEXLER, Ms. KILPATRICK, Mr. STUPAK, Mr. EVANS, Mr. PAYNE, Mr. DAVIS of Florida, Mr. FROST, Mr. MALONEY of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. MARTINEZ, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. BOYD, Mr. BISHOP, Mr. MCDERMOTT, Mr. LANTOS, Mr. FALEOMAVAEGA, Mr. MEEHAN, Mr. CLYBURN, Mr. SKELTON, Mr. MCINTYRE, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Mr. MURTHA, Mr. DEUTSCH, Ms. ESHOO, and Mr. SISISKY):

H. Con. Res. 145. Concurrent resolution expressing congratulations and thanks to United States and NATO troops for successfully bringing peace to Kosovo and halting the brutal ethnic cleansing of Kosovar Albanians; to the Committee on International Relations.

By Mr. PALLONE:

H. Con. Res. 146. Concurrent resolution expressing the sense of the Congress that the imposition of sanctions on persons under the Nuclear Proliferation Prevention Act of 1994 regarding exports to India or Pakistan should be imposed only for direct and material contributions to nuclear weapons and the missiles for delivering them; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Mr. GILMAN, Mr. GEJDENSON, Mrs. KELLY, and Mrs. MALONEY of New York):

H. Con. Res. 147. Concurrent resolution commending the decision to grant women in Kuwait the right to vote and run for elected office; to the Committee on International Relations.

By Mr. OSE (for himself, Mr. MATSUI, Mr. LANTOS, Mr. POMBO, Mr. DOOLITTLE, Mr. HERGER, Mr. LEWIS of California, Ms. PELOSI, Mr. CALVERT, Mr. THOMAS, Mr. HORN, Mrs. BONO, Mr. BILBRAY, Mr. KUYKENDALL, Mr. BAIRD, Mr. MEEKS of New York, Mr. CONDIT, Mr. COX, Mr. DREIER, Mr. GILMAN, Mr. HOLT, Mr. KUCINICH, Mr. WAXMAN, Mr. STARK, Mr. HOUGHTON, Mr. CAMPBELL, Mr. GOODE, Mr. CROWLEY, Mrs. JONES of Ohio, Mr. CUNNINGHAM, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mr. ABERCROMBIE, Mr. HUTCHINSON, Mr. BRADY of Texas, Ms. SANCHEZ, Mr. NETHERCUTT, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. WATKINS, Mr. POMEROY, Mr. RADANOVICH, Mr. MCKEON, Mr. ROGAN, Mr. THOMPSON of California, Mr. WEINER, Mr. DEUTSCH, Mr. DIXON, Mr. SHERMAN, Mr. ROTHMAN, Mr. NADLER, Mrs. CAPPS, Mr. FARR of California, Mr. DOOLEY of California, Mr. LEWIS of Georgia, Mr. BERMAN, Mr. BECERRA, Mr. MARTINEZ, Ms. BALDWIN, Ms. WOOLSEY, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. FROST, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. HOBSON, Mr. PALLONE, Mr. CAPUANO, Mr. GARY MILLER of California, Mr. FORBES, Ms. SCHAKOWSKY, Mr. ROYCE, Mr. PACKARD, Mr. HASTINGS of Florida, Mr. HALL of Texas, Mrs. MEEK of Florida, and Mr. ACKERMAN):

H. Res. 226. A resolution expressing the sense of the House of Representatives condemning the acts of arson at three Sacramento, California, area synagogues on June 18, 1999, and affirming its opposition to such crimes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. ACKERMAN, Mr. MCCOLLUM, Mr. BLAGOJEVICH, Mr. PALLONE, Mr. STEARNS, Mr. FRANKS of New Jersey, Mr. RUSH, Mr. MEEKS of New York, Mr. WEXLER, Mr. MENENDEZ, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 227. A resolution expressing the sense of the Congress in opposition to the Government of Pakistan's support for armed incursion into Jammu and Kashmir, India; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. ACKERMAN, Mr. BALLENGER, Mr. GEJDENSON, Mr. DELAHUNT, Mr. FARR of California, and Mr. DAVIS of Florida):

H. Res. 228. A resolution expressing the sense of the House of Representatives regarding the peace process in Colombia and calling on the government and all other parties to the current conflict in Colombia to take steps to advance the peace process so as to end the ongoing violence which continues to pose a serious threat to democracy, human rights, and economic and social stability in that nation; to the Committee on International Relations.

By Mr. NADLER (for himself, Mr. GILMAN, Mr. WEINER, and Mrs. LOWEY):

H. Res. 229. A resolution expressing the sense of the House of Representatives that Rabbi Morris Sherer should be recognized for his leadership role in the growth and development of the Orthodox Jewish community in the United States and for fostering religious liberty and understanding around the world; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

124. The SPEAKER presented a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution No. 9 memorializing the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest; to the Committee on Agriculture.

125. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 15 memorializing Congress to rectify inequities that occur between federal and state regulatory agencies regarding the Employee Retirement Income Security Act of 1974 as it relates to appeals processes; to the Committee on Education and the Workforce.

126. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 219 memorializing the United States Congress, the President of the United States, and the Secretary of Health and Human Services to support the Hawaii Congressional delegation to amend the Social Security Act to increase Hawaii's Federal Medical Assistance Percentage; to the Committee on Commerce.

127. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 43 memorializing Congress to direct the federal Environmental Protection Agency to curtail implementation of new restrictions from its Reregistration Eligibility Decision (RED) on phosphide gas that would require a 500-foot buffer zone and other restrictions that effectively preclude the use of aluminum or magnesium phosphide in most of Nebraska's grain storage facilities and grain transportation; to the Committee on Commerce.

128. Also, a memorial of the House of Representatives of the State of Missouri, relative to House Concurrent Resolutions Nos. 24 and 15 memorializing support of state retention of all state tobacco settlement funds; to the Committee on Commerce.

129. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 2 memorializing the Congress of the United States to pass legislation reallocating funding to the states from the Federal Land and Water Conservation Fund; to the Committee on Resources.

130. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11-140 memorializing the United States House of Representatives to oppose the passage of U.S. Congress H.R. 325, which would make federal wage provisions applicable to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

131. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 45 urging the United States government to restore redress funds to compensate individuals of Japanese Ancestry who were unjustly interned during World War II; to the Committee on the Judiciary.

132. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial No. 2006 memorializing the President of the United States and the Federal Bureau of Prisons to transfer Peter MacDonald to a state prison facility; to the Committee on the Judiciary.

133. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Resolution No. 25 memorializing the United States government to restore redress funds to pay all outstanding Japanese American and Japanese Latin American redress claims and to fulfill the educational mandate of the Act; to the Committee on the Judiciary.

134. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Joint Resolution No. 7 H.D. 1 memorializing the United States Congress to expand and make the visa waiver program permanent; and to add Taiwan, South Korea, and China to the visa waiver program; to the Committee on the Judiciary.

135. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 21 memorializing concern regarding proposals redefining the space in which an aircraft may be flown over the Grand Canyon; to the Committee on Transportation and Infrastructure.

136. Also, a memorial of the Legislature of the State of Colorado, relative to Senate Joint Resolution 99-023 memorializing the President of the United States and Congress to ensure that no further funding of the United States Army Corps of Engineers should be provided for the Cherry Creek Basin Study until the United States Army Corps of Engineers completes an independent peer review of the National Weather Service data in order to determine the appropriate design flood for the Cherry Creek Basin; to the Committee on Transportation and Infrastructure.

137. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 01 memorializing Idaho's congressional delegation to support funding for a national veterans cemetery in Idaho to serve veterans in the northwestern states; to the Committee on Veterans' Affairs.

138. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 3 memorializing the Congress to look at repealing the estate and gift tax or to increase the exemption substantially; to the Committee on Ways and Means.

139. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 12 memorializing the Federal Government to invest all surplus money in the Federal Insurance Contributions Act for the benefit of the Social Security system; to the Committee on Ways and Means.

140. Also, a memorial of the House of Representatives of the State of Vermont, relative to House Joint Resolution No. 113 memorializing the Congress not to enact laws that might diminish or undermine a unified and stable Social Security system; to the Committee on Ways and Means.

141. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 132 S.D. 1 memorializing the United States Environmental Protection Agency to implement the 1996 Food Quality Protection Act using sound science and real-world data from the data call-in process for realistic risk assessments; jointly to the Committees on Agriculture and Commerce.

142. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Resolution No. 99-29 memorializing the President, the Congress, and the government of the United States to take all actions necessary to provide for the common defense and protect on an equal basis all people, resources, and states of the United States from the threat of missile attack, regardless of the physical location of each state of the union; jointly to the Committees on Armed Services and International Relations.

143. Also, a memorial of the Senate of the State of Hawaii, relative to House Resolution No. 56 H.D. 1 memorializing the United States Environmental Protection Agency to implement the 1996 Food Quality Protection Act using sound science and real-world data from the data call-in process for realistic risk assessments; jointly to the Committees on Commerce and Agriculture.

144. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Resolution No. 99-12 memorializing the United States Bureau of the Census to conduct the 2000 decennial census consistent with the U.S. Supreme Court ruling in the Department of Commerce and Glavin cases, which requires a traditional headcount of the population and bars the use of statistical sampling to create or adjust the count; jointly to the Committees on Government Reform and the Judiciary.

145. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Memorial No. 99-5 memorializing Congress to refrain from enacting any pay increase for members of Congress without an affirmative vote or that takes effect before the following Congress has been elected and fully sworn into office; jointly to the Committees on Government Reform and House Administration.

146. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1001 memorializing the Congress of the United States to take steps to address the problems of the Medicare reimbursement rates differential between urban and rural areas and attempt to establish a reimbursement system that will result in more equitable health care coverage for seniors in rural areas of the country; jointly to the Committees on Ways and Means and Commerce.

147. Also, a memorial of the Legislature of the State of Idaho, relative to House Concurrent Resolution No. 28 memorializing support for the efforts of the U.S. Department of Justice to accomplish the much needed program coordination through the creation of the National Domestic Preparedness Office; jointly to the Committees on the Judiciary, Armed Services, Transportation and Infrastructure, Commerce, and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MOORE introduced A bill (H.R. 2388) for the relief of Lieutenant Colonel (retired) Robert L. Stockwell, United States Army; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Towns, Mr. Combest, Mr. Gekas, Mr. Barton of Texas, Mr. Cooksey, Mr. Greenwood.

H.R. 44: Mr. Barcia, Mr. Lucas of Oklahoma, Mr. Inslee.

H.R. 65: Mr. Barcia and Mr. Inslee.

H.R. 72: Mr. Packard.

H.R. 110: Mr. Scott, Mr. Abercrombie, and Mr. Gilchrest.

H.R. 119: Mr. Pickering, Mr. Herger, and Mr. Capuano.

H.R. 202: Mr. Calvert.

H.R. 218: Mr. Smith of New Jersey.

H.R. 274: Mr. Sanders, Mr. Upton, Mr. Dooley of California, Mr. Wise, Mr. Sisisky, Mr. Klink, and Mr. Davis of Illinois.

H.R. 303: Mr. Barcia, Mr. Jefferson, Mr. Lucas of Oklahoma, Mr. Moran of Kansas, Mr. English, and Mr. Hoyer.

H.R. 306: Mr. Dingell.

H.R. 325: Mr. Murtha, Mr. Price of North Carolina, and Mr. Serrano.

H.R. 358: Mr. Sanders.

H.R. 383: Mr. Walsh and Ms. McKinney.

H.R. 405: Mr. Radanovich.

H.R. 425: Mr. Lantos, Mr. Coyne, Mrs. Morella, and Mrs. Maloney of New York.

H.R. 464: Mr. Hobson, Mr. DeMint, Mr. Davis of Illinois, Mrs. Wilson, and Mr. Lewis of California.

H.R. 488: Mr. Thompson of Mississippi, Ms. Schakowsky, and Mr. Frank of Massachusetts.

H.R. 531: Mr. Costello.

H.R. 534: Mr. Forbes and Mr. Wamp.

H.R. 557: Mr. Pickett, Mr. Hostettler, and Mr. Pitts.

H.R. 566: Mr. Watt of North Carolina.

H.R. 595: Mr. Sabo.

H.R. 628: Mr. Sensenbrenner.

H.R. 642: Mr. Herger, Mr. Doolittle, and Mr. Kuykendall.

H.R. 643: Mr. Herger, Mr. Doolittle, and Mr. Kuykendall.

H.R. 653: Mr. Armey.

H.R. 690: Mr. Cunningham.

H.R. 701: Mrs. Myrick, Mr. Jenkins, Mr. Etheridge, Mr. Lucas of Oklahoma, Mr. LaTourette, Mr. Foley, Mr. Kind, and Mr. Vitter.

H.R. 710: Mr. Snyder, Mr. Strickland, Mr. McInnis, and Mr. Reyes.

H.R. 716: Mr. Wynn and Mr. Cardin.

H.R. 721: Mr. Peterson of Minnesota, Mrs. Emerson, and Mr. Cox.

H.R. 728: Mr. Isakson and Mr. Boswell.

H.R. 760: Mr. Capuano.

H.R. 777: Mr. Ortiz.

H.R. 783: Mr. Frost, Mr. Rahall, Mr. Sandlin, and Mr. Barcia.

H.R. 784: Mr. Barcia.

H.R. 804: Mr. Bishop.

H.R. 817: Mr. Fletcher.

H.R. 827: Ms. Lee, Mr. Pastor, Mr. Dixon, Mr. Blumenauer, and Mr. Cummings.

H.R. 840: Mr. Davis of Illinois.

H.R. 852: Mr. Crane, Ms. Danner, Mr. Inslee, Mr. Gilman, Mr. Saxton, and Mr. Thompson of Mississippi.

H.R. 859: Mr. Hayworth.

H.R. 884: Mr. Davis of Illinois.

H.R. 922: Mr. Aderholt.

H.R. 924: Mr. Hostettler.

H.R. 933: Mr. Blagojevich, Mr. Frank of Massachusetts, Mr. Murtha, and Ms. Stabenow.

H.R. 977: Ms. Lee and Mr. Smith of New Jersey.

H.R. 979: Mr. Davis of Illinois, Mr. Rothman, Mr. Inslee, Mr. Meehan, Ms. Eddie Bernice Johnson of Texas, Mr. Delahunt, Mr. Nadler, Mr. Thompson of Mississippi, and Mr. Murtha.

H.R. 984: Mr. Radanovich.

H.R. 987: Mr. Stearns, Mr. McCollum, Mr. Hunter, and Mr. Campbell.

H.R. 1041: Mr. Metcalf.

H.R. 1063: Mr. Peterson of Minnesota and Mr. Lewis of Georgia.

H.R. 1070: Mr. Petri, Mr. Ganske, Mr. Bachus, Mr. Hastings of Florida, and Mr. Franks of New Jersey.

H.R. 1071: Mr. Holden.

H.R. 1083: Mr. Scarborough.

H.R. 1095: Ms. Schakowsky, Mr. Payne, Mr. Sabo, Mr. Lipinski, Mr. Smith of Washington, and Mr. Peterson of Minnesota.

H.R. 1102: Mrs. Bono, Mr. Gary Miller of California, Ms. Hooley of Oregon, Mr. Blumenauer, Mr. Petri, Mr. Kennedy of Rhode Island, Ms. Pelosi, Mr. Costello, Mr. Minge, Mr. Diaz-Balart, Mrs. Roukema, and Mr. Ballenger.

H.R. 1111: Mr. Cardin and Mr. Doyle.

H.R. 1180: Mr. Serrano, Mr. Obey, Mr. Cook, Mr. Hastings of Florida, Mr. Abercrombie, Mr. Snyder, Mr. Boswell, Mr. Graham, Mr. Smith of Michigan, Mr. Udall of Colorado, Mr. Romero-Barcelo, Mr. Wu, Mr. Engel, Mr. Houghton, and Mr. Holden.

H.R. 1190: Mr. Obey and Mr. Baird.

H.R. 1193: Mr. Gordon and Mr. Rangel.

H.R. 1202: Mr. Faleomavaega and Mr. Gutierrez.

H.R. 1217: Mr. Peterson of Minnesota, Mr. Lampson, Mr. McNulty, Mr. Tierney, Ms. Velázquez, Mr. Hoeffel, Mr. Davis of Illinois, and Mr. Conyers.

H.R. 1221: Mr. Sabo, Mrs. Fowler, Mr. Stearns, Mr. Andrews.

H.R. 1238: Mrs. Thurman and Ms. McKinney.

H.R. 1239: Mr. Wu, Mr. Roemer, Mr. Owens and Mr. Snyder.

H.R. 1243: Mr. Faleomavaega, Mr. Pallone, Mrs. Napolitano, Mr. Ortiz, and Mr. Vento.

H.R. 1256: Mr. Gonzalez, Mr. Watts of Oklahoma, and Mr. Tauzin.

H.R. 1260: Mrs. Meek of Florida and Mr. Paul

H.R. 1272: Mr. Hutchinson.

H.R. 1283: Mr. Gallegly and Mr. Goodling.

H.R. 1300: Mr. Frost, Mr. Franks of New Jersey, Mr. Frank of Massachusetts, and Mr. Baldacci.

H.R. 1305: Mr. Payne.

H.R. 1313: Mr. Hinchey, Mr. Jefferson, Mr. Ackerman, Mr. Price of North Carolina, and Mr. Hoeffel.

H.R. 1315: Mr. Martinez.

H.R. 1326: Mr. Pastor, Mr. Hyde, and Mr. Snyder.

H.R. 1329: Mr. Saxton.

H.R. 1361: Ms. Millender-McDonald and Mr. Wynn.

H.R. 1381: Mr. Miller of Florida.

H.R. 1441: Mr. Hall of Texas and Mr. Ney.

H.R. 1482: Mr. Berman.

H.R. 1485: Mr. Bilbray.

H.R. 1515: Mr. English, Mr. Minge, Mr. Lantos, Mrs. Clayton, Mr. Berman, Ms. Schakowsky, Mr. Maloney of Connecticut, Mr. Pascrell, Mr. Borski, Mr. Ramstad, Mr. Bishop, Mr. Bonior, Mr. Holden, Mr. LaFalce, and Ms. Millender-McDonald.

H.R. 1531: Mr. Green of Texas.

H.R. 1540: Mr. Armey.

H.R. 1568: Mr. Sandlin, Mr. Lewis of California, Mr. Lazio, Mr. Lampson, Mrs. Morella, Ms. Eddie Bernice Johnson of Texas, Mr. Hulshof, Ms. Kaptur, Mr. Hayworth, Ms. Lee, Mr. Hunter, and Mr. Underwood.

H.R. 1592: Mr. Tancredo, Mr. Edwards, Mr. Houghton, and Mr. Hobson.

H.R. 1594: Mr. George Miller of California, Mr. Lewis of Georgia, Mr. Kennedy of Rhode Island, Ms. DeLauro, Mr. Menendez, Mr. Hoyer, Mrs. Tauscher, Ms. Schakowsky, Mr. Pastor, and Mr. Abercrombie.

H.R. 1628: Mr. McCollum, Ms. Ros-Lehtinen, and Mr. Diaz-Balart.

H.R. 1661: Ms. DeGette.

H.R. 1686: Mr. Gekas, Mr. Smith of Texas, Mr. Meehan, Mr. Ewing, Mr. Skeen, Mrs. Jones of Ohio, Mr. Neal of Massachusetts, Mr. Capuano, Mr. McGovern, Mr. Olver, Mr. Bartlett of Maryland, Mr. Baker, Mr. Sessions, and Mr. Brady of Texas.

H.R. 1770: Mr. Hoyer.

H.R. 1776: Mr. Isakson, Mr. Stenholm, Mr. LoBiondo, Mr. Hoyer, Mr. Maloney of Connecticut, Mr. Riley, Mr. Sweeney, Mr. Greenwood, Mrs. Meek of Florida, Mr. Barcia, Mr. Lucas of Kentucky, Mr. Lampson, Mr. Mascara, Mr. Barr of Georgia, Mr. Pickett, Mr. LaTourette, Mr. Pitts, Mr. Simpson, and Mr. DeFazio.

H.R. 1777: Mr. LoBiondo and Mr. Sandlin.

H.R. 1778: Mr. Hall of Texas.

H.R. 1784: Mr. Royce and Mr. Jefferson.

H.R. 1794: Mr. Hastings of Florida, Mr. Campbell, Mr. Stark, Mr. Bilbray and Mr. Strickland.

H.R. 1795: Mrs. Johnson of Connecticut and Mr. Horn.

H.R. 1796: Mrs. Morella.

H.R. 1824: Mr. Combest, Mr. Lewis of Kentucky, and Mr. Barcia.

H.R. 1840: Mr. Wynn and Mrs. Bono.

H.R. 1850: Mr. Capuano.

H.R. 1863: Mr. Smith of Washington.

H.R. 1868: Mr. Hinchey, Mr. Green of Texas, Mr. Chambliss, and Mr. Stenholm.

H.R. 1871: Mr. Meehan and Mr. Waxman.

H.R. 1883: Ms. Dunn, Mr. Farr of California Mrs. Thurman, Mr. Engel, Mr. McIntyre, Ms. Granger, Mr. Weller, Mr. Smith of Washington, Mr. Maloney of Connecticut, Mr. Wu, Mr. Horn, Mr. Visclosky, Ms. Eshoo, Mr. Etheridge, Mr. Lucas of Oklahoma, Mr. Rothman, Mr. Camp, Mr. Green of Wisconsin, Mr. Underwood, Ms. Ros-Lehtinen, Mr. Stearns, Mr. Sabo, Mr. Porter, Mr. McDermott, Mr. Lucas of Kentucky, Mr. Thompson of California, Mr. Nethercutt, Mr. Klink, Mr. Bliley, Mr. Goodling, Mr. Baird, Mr. Deal of Georgia, Mr. Turner, Mr. Weygand, Mr. Nadler, Mr. Simpson, Mr. Holden, Mr. Hoeffel, Ms. Rivers, Mr. Borski, Ms. Berkley, Mr. DeLay, Mr. Shimkus, Mr. Pombo, Mr. Sessions, Mr. Cannon, Mr. Levin, Ms. Sanchez, Mr. Hill of Montana, Mr. Payne, Mr. Vento, Mr. Pascrell, Mr. Metcalf, Mr. Hall of Texas, Mr. Cunningham, Mr. Miller of Florida, and Mr. Tancredo.

H.R. 1907: Mr. Smith of Washington, Mrs. Tauscher, and Ms. Eshoo.

H.R. 1910: Mr. Frost, Ms. Kaptur, Mr. Stark, Mr. Wynn, and Mr. Rahall.

H.R. 1917: Mr. Martinez, Ms. Stabenow, Mr. Clement, Mr. Phelps, Mr. Combest, Mr. Maloney of Connecticut, and Mr. Whitfield.

H.R. 1926: Mr. Cramer and Mr. Deal of Georgia.

H.R. 1993: Mr. Rodriguez.

H.R. 2077: Mr. Pallone and Mr. Maloney of Connecticut.

H.R. 2088: Mr. Scarborough.

H.R. 2125: Mr. Pastor and Mr. Owens.

H.R. 2136: Mr. Duncan.

H.R. 2187: Mr. Oxley, Mrs. Myrick, Mr. Stupak, and Mr. LaTourette.

H.R. 2202: Mr. Stark.

H.R. 2239: Mr. Gilman, Mr. Isakson, and Mr. Wynn.

H.R. 2240: Mr. Allen, Mr. Nadler, Mr. Cook, Mr. Costello, Mr. McNulty, Mr. Frost, and Mrs. Christensen.

H.R. 2243: Mr. Souder.

H.R. 2260: Mr. Goodling, Mr. Watts of Oklahoma, Mr. Thune, Mr. Souder, Mr. Deal of Georgia, Mr. Kildee, Mr. Brady of Texas, and Mr. Radanovich.

H.R. 2282: Mr. Hostettler and Mr. Pitts.

H.R. 2300: Mr. Barton of Texas, Mr. Sensenbrenner, Mr. King, Mr. Hayworth, Mr. Wolf, Mr. Collins, Mr. Dreier, Mrs. Fowler, Mr. Stearns, Mr. Nethercutt, Mr. Weldon of Florida, Mr. Kingston, and Mr. Cox.

H.R. 2306: Ms. Roybal-Allard, Mr. Becerra, Mr. Pastor, Mr. Romero-Barcelo, Mr. Reyes, Mr. Rodriguez, Mrs. Napolitano, Mr. Hinojosa, Ms. Sanchez, Mr. Serrano, Mr. Lewis of Georgia, Mr. Towns, Mr. Clay, Mr. Dixon, Mr. Wynn, Ms. Eddie Bernice Johnson of Texas, Mr. Rangel, Mr. Watt of North Carolina, Mr. Conyers, Ms. Jackson-Lee of Texas, Ms. Brown of Florida, Ms. Waters, Mr. Cummings, Mr. Clyburn, Mr. Meeks of New York, Mr. Hastings of Florida, Ms. Lee, Mr. Hilliard, Ms. Kilpatrick, Mr. Bishop, Ms. Carson, Mr. Payne, Mrs. Christensen, Mr. Owens, Mr. Ortiz, Mr. Gonzalez, Mr. Menendez, Mr. Thompson of Mississippi, Mr. Ford, Mr. Jefferson, Ms. McKinney, and Mr. Rush.

H.R. 2308: Mr. Regula, Mr. LoBiondo, Mr. Wolf, Mr. Gonzalez, Mrs. Capps, Ms. Eddie Bernice Johnson of Texas, Mr. Gutierrez, Mr. Foley, Ms. Eshoo, Mr. Rangel, and Ms. Hooley of Oregon.

H.R. 2318: Mr. McInnis.

H.R. 2341: Mr. Price of North Carolina, Mr. Norwood, Mr. Hilliard, Mr. Thompson of Mississippi, Mr. Frost, and Mr. Davis of Illinois.

H.J. Res. 56: Mr. Gilman.

H. Con. Res. 30: Mr. Sam Johnson of Texas.

H. Con. Res. 34: Mr. Conyers and Mr. Rahall.

H. Con. Res. 57: Mr. Bliley, Mr. Shows, Mrs. Maloney of New York, Mr. Shays, Mr. Goodlatte, Mr. Calvert, Mr. Maloney of Connecticut, Mr. Traficant, and Mr. Scott.

H. Con. Res. 58: Mr. Holden.

H. Con. Res. 77: Mrs. Kelly.

H. Con. Res. 79: Mr. Spratt, Mr. Borski, Mr. Dreier, Ms. Kaptur, Mr. Thompson of Mississippi, and Mrs. Wilson.

H. Con. Res. 80: Mr. McNulty, Mrs. Lowey, Mr. Radanovich, Mr. Gutierrez, Ms. Kaptur, Mr. Bonior, Mrs. Morella, and Mr. Payne.

H. Con. Res. 100: Ms. Pelosi, Mr. Stark, Mrs. Bono, Mr. Talent, and Ms. Eshoo.

H. Con. Res. 101: Mr. LaTourette.

H. Con. Res. 113: Mrs. Thurman.

H. Con. Res. 117: Mr. Gilman.

H. Con. Res. 119: Mr. WYNN.

H. Con. Res. 121: Ms. KAPTUR.

H. Con. Res. 130: Ms. CARSON.

H. Con. Res. 132: Mr. ENGLISH, Ms. CARSON, Ms. BROWN of Florida, and Ms. MCKINNEY.

H. Con. Res. 133: Mr. FRANKS of New Jersey.

H. Con. Res. 134: Mr. UNDERWOOD, Mr. WYNN, Mr. FROST, and Mr. GUTIERREZ.

H. Con. Res. 139: Mr. HOEFFEL, Mrs. MINK of Hawaii, Mr. SHERWOOD, Mr. BLAGOJEVICH, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 140: Mr. THOMPSON of Mississippi, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. HILLIARD, Mr. KLECZKA, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. PASTOR, Mr. ACKERMAN, and Mr. DAVIS of Florida.

H. Res. 16: Mr. METCALF.

H. Res. 17: Mr. BRADY of Texas.

H. Res. 115: Mr. BARRETT of Wisconsin.

H. Res. 181: Mr. CAMPBELL.

H. Res. 208: Mr. BISHOP, Mr. SHOWS, Mr. REYES, Mr. FROST, Mr. STUPAK, and Ms. LEE.

H. Res. 214: Mr. ENGLISH.

H. Res. 219: Mr. FARR of California, Mrs. NAPOLITANO, Mr. BECERRA, Ms. WOOLSEY, Ms. WATERS, Ms. ROYBAL-ALLARD, and Mr. FROST.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

21. The SPEAKER presented a petition of Evergreen Union School District, California, relative to Resolution No. 16-98/99 petitioning the Congress to appropriate funds for IDEA to the full authorized level of funding for 40 percent of the excess costs of providing special education and related services; to the Committee on Education and the Workforce.

22. Also, a petition of Corning Union High School of Tehama County, CA, relative to Resolution No. 212 petitioning Congress to restore parity to students by appropriating funds for IDEA to the full authorized level of funding; to the Committee on Education and the Workforce.

23. Also, a petition of Richfield School District, Corning, California, relative to Resolution No. 48 petitioning the California Legislature and the Governor to continue current levels of state funding for special education and permit increased federal funding for IDEA; to the Committee on Education and the Workforce.

24. Also, a petition of Hughes-Elizabeth Lakes School District, Lake Hughes, California, relative to Resolution No. 7-98-99 petitioning Congress, the California Legislature and the Governor to restore parity between students by continuing current statutory levels of funding for special education and to permit increased federal funding of IDEA; to the Committee on Education and the Workforce.

25. Also, a petition of LaSalle County Board, LaSalle Illinois, relative to Resolution 99-227 petitioning the Senate and the House of Representatives of the United States of America in Congress to enact legislation requiring all governmental posts to fly the flag of the United States at half staff to honor all those individuals who died as the result of their service at Pearl Harbor on December 7, 1941 and urging all Americans to do likewise; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HOOVER DAM MISCELLANEOUS SALES ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. STUMP. Mr. Speaker, on behalf of my distinguished colleague from Nevada, Mr. GIBBONS, I am pleased to introduce the Hoover Dam Miscellaneous Sales Act.

Mr. Speaker, each year more than one million tourists travel to the Hoover Dam on the Arizona/Nevada border. Of the one million tourists who yearly visit this man-made treasure, a third venture from foreign countries. The demand for maps, publications, memorabilia, photographs and videos on the Hoover Dam, its history, and the Colorado River has significantly increased over the years. Most of these products can be produced by the Bureau of Reclamation. The Bureau, however, has not been given the authority to sell Hoover Dam products.

Mr. Speaker, this proposed legislation provides the authority to the Secretary of the Interior to produce and sell products relating to the Hoover Dam. The bill allows the funds derived from the sale of these products to be used towards the repayment of the Hoover Dam Visitor Center. Currently, purchasers of Hoover Dam power in Arizona, California and Nevada are paying for the construction of the Hoover Dam Visitor Center. Funds will also be applied to the payment of operation and maintenance costs, as well as costs associated with the delivery of guided tours at the Hoover Dam and its power plant.

Mr. Speaker, this legislation will not only enhance a visitor's experience at the Hoover Dam, but it will provide a new funding source for the many costs associated with the Hoover Dam and the Hoover Dam Visitor Center.

PREPARING OUR CHILDREN FOR THE FUTURE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. GILMAN. Mr. Speaker, I invite my colleagues to recognize the outstanding achievements of the Mechanicstown School, an elementary school in my congressional district. I especially congratulate School Principal Antoinette M. Belfiglio. Mechanicstown is a microsociety magnet school. With the help of local businesses, the students and faculty of the school are working together to form a working community that is run by students under faculty supervision. This community within the school will use the skills learned in their classrooms and apply them to workplace and real world settings.

I invite my colleagues to join me in honoring these outstanding members of our community. This example of local businesses taking an interest in the welfare of their children is exemplary. The dedication of our faculty and staff is meritorious.

Approximately 50 businesses in the local community have joined together in support of this program in the Mechanicstown Elementary School. There is a careful screening of each venture by a planning board, which evaluates the possibility of the business's survival in the school. This is done with the aid of Sim Town, a computer program.

After a permit is issued by the planning board, the business moves in and employees are placed by the school's employment agency. The children interested in a position are required to go through an application process much like the procedure that they would encounter in the average workplace.

Faculty members work with the students to run the business. The students take the classroom into the "real" world, using the skills taught to them in school and applying them in business situations. Programs such as the stationary stores, post offices, and the school supply store enhance the children's English, Math, and public relations skills. The children working in the environmental center, the pet store, and the science laboratory apply their knowledge from science and Math classes. There are video and computer based businesses in the school as well. These are extremely important for a child's survival in today's technology based workplace. Children become comfortable with computers and video equipment when they are young. This will give them an advantage when they emerge into the workforce.

This program is advantageous for our children. The skills learned from hands-on experiences will exhibit to children how to apply their classroom lessons. There is a definite benefit in having the children working with the faculty. They learn how to interact not only with their peers, but with their elders as well.

Another program that has been implemented in the Mechanicstown Middle School is the Morning Program that enables the entire school to meet together before the classes begin every day. During this time the students share various skills in the areas of music, dancing, and literature. Occasionally guests are asked to make presentations to the students. This is also an opportunity for the students to be recognized for their achievements both academically and also in the local community outside of school.

Out of the entire country, Mechanicstown has recently been chosen to be featured in a Japanese educational documentary. The Japanese company is honoring one school per country for their amazing feats in the educational curriculum, programs, activities, and classes. This is a great honor that has been bestowed upon our district's school.

Mechanicstown School should be highly commended for its innovative learning programs. Their dedication to our youth's future is invaluable. Mechanicstown is a stellar example of our schools working to meet the educational needs of our children. I thank our local businesses, the faculty, and the children of Mechanicstown Elementary School for their innovative programs, their persistence and hard work. I am confident that they will continue in their outstanding efforts.

ALFRED AND AGNES LAWRENCE CELEBRATE THEIR 50TH WEDDING ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to pay tribute to Alfred and Agnes Lawrence from Rockville Centre, Long Island as they celebrated their 50th Wedding Anniversary on May 1, 1999. Their life's journey began in Sheepshead Bay, Brooklyn where they were both born and raised. They met as teenagers and soon became each other's sweetheart.

During World War II, Alfred proudly wore his country's uniform and served in the United States Navy as a SEABEE in the South Pacific on Okinawa island. And since Agnes was stateside, she contributed her part to help the war effort. A year after the war, on May 1, 1949, Alfred and Agnes exchanged wedding vows.

The Lawrences joined millions of other post-World War II couples by starting a family—seven children. The family Lawrence first lived in Brooklyn but soon moved to Rockville Centre, Long Island to raise their children. Throughout the years, the Lawrences experienced the joys of work, play, education, graduation, and marriage of their children.

The happy couple celebrated their Golden Wedding Anniversary at a retirement home in Spring Hill, Florida where Alfred is an active SEABEE veteran and Agnes is a HoneyBee. They are now blessed with twenty-one grandchildren and two great-grandchildren. A long and fruitful journey life has given them.

Mr. Speaker, I offer my congratulations and best wishes to Alfred and Agnes Lawrence on their 50th Wedding Anniversary.

IN HONOR OF THE LATE CAPTAIN VINCENT G. FOWLER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. FORBES. Mr. Speaker, I rise today to honor one of New York's bravest, a valiant

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and a true hero, Captain Vincent G. Fowler, a 21-year veteran of the New York City Fire Department who was recently killed in the line of duty at the age of 47.

Ask any member of the Community and I am sure they will agree that firefighters are truly courageous individuals. But there are those within the profession whose level of commitment challenges even that standard. Captain Fowler was one of these individuals.

Today, and every day, firefighters risk injury and death for the welfare of the community. It takes the tireless efforts of valiant men like Vincent Fowler to avert tragedy. Like many firefighters in our communities, Fowler understood the power of teamwork and its capability to save lives. His fearless leadership is a shining example to all of us.

During the course of his career, Vincent Fowler received three commendations for bravery, and had recently been appointed to the position of captain.

Fowler was a Holbrook, Long Island, Native, Captain Vincent Fowler was surrounded by loved ones who know all too well the dangers lurking at fire scenes. His father, also named Vincent, is a retired battalion chief, and his two brothers are also city firefighters. His family has dedicated itself to serving New York in one of the most dangerous jobs one can imagine. Consequently, the notion of a career in firefighting seemed natural for Vincent.

Mr. Speaker, Fowler embodies the type of role model who, as a leader, did not hesitate to put the safety of his team members above his own. He was in the basement of a burning house tying to determine where the blaze started when part of the first floor collapsed. He was severely injured, but orders his team to get out, knowing his fate had been sealed.

Colleagues, Captain Fowler is a courageous leader who will be sorely missed.

CRISIS IN KOSOVO (ITEM NO. 13) REMARKS BY BENJAMIN SLAY OF PLANECON, INC.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. KUCINICH. Mr. Speaker, on June 24, 1999, I joined with Representative CYNTHIA A. MCKINNEY, Representative BARBARA LEE, and Representative JOHN CONYERS in hosting the sixth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Benjamin Slay, a senior economist at PlanEcon, Inc., a Washington-based economics consulting firm specializing in Russia, Eastern Europe and the Balkans. His work on the Balkans includes developing PlanEcon's macroeconomics model for the economy of Bosnia-Herzogovina, and serving as a consultant to a 1995 Aspen Institute project on economic development after the Dayton accord Dr. Slay received his Ph.D. from Indiana University in 1989. He has held faculty positions at Middlebury College, Bates College, George Mason University, and the State Department's National Foreign Affairs Training Center.

THE BALKAN ECONOMIES: THE IMPACT ON KOSOVO[1]

(Dr. Ben Slay[2])

HOW BAD IS THE DAMAGE?

Economic developments in the Balkans since late March have been dominated by the Kosovo conflict. Yugoslavia's already fragile economy has been devasted by the NATO bombing. The exodus from Kosovo has burdened neighboring economies with hundreds of thousands of refugees. Transit routes have been closed, tourism and trade have fallen off, and investment projects have been put on hold or cancelled.

Footnotes appear at end of article

Estimates of the Kosovo war's economic costs vary widely, with figures ranging from $20 billion to $100 billion. The latter figure is nonsensical as aggregate GDP in region does not come close to this sum. Moreover, the region's economic problems can not be blamed solely, or even largely on the war. The fighting has instead provided a convenient excuse for politicians and seeking to divert attention from the deeper structural and policy problems that have constrained growth throughout the region. Only Hungary, Albania, and Bosnia continue to grow strongly: the other Balkan economies are either in or headed toward sharp slowdowns caused by weak export demand or the failure to pursue ambitious domestic reforms. For this latter group, the war only added to pre-existing difficulties.

In assessing the damage directly attributable to the war, the region's economies can be placed into five categories:

The direct hit: Yugoslavia. The Yugoslav economy is in catastrophic shape. Infrastructure, particularly bridges, railroads, and the telecommunications network were all damaged or destroyed by the bombing. NATO also inflicted serious damage on the decrepit, albeit functioning, Serb industrial base, with oil refineries, heavy machinery plants, and tobacco factories especially hard hit. Kosovo is completely devastated: a major reconstruction effort will be necessary just to house returning refugees. This is the second economic disaster to hit Yugoslavia in this decade: the economic sanctions and hyperinflation of the early 1990s had already practically halved economic output.

The Milosevic regime has done almost nothing to help. The economy is a largely unrestuctured kleptocracy, where leading economic actors engage in rent-seeking activities made possible by regulations drawn up for their benefit by the Milosevic regime. After a recovery phase lasting until 1997, economic growth had already tapered off substantially in 1998 before the outbreak of the Kosovo conflict. By early 1999 the economy was clearly headed for a sharp correction. With large-scale Western aid tied to Milosevic's fate, Yugoslavia's second crack at recovery looks just as unpromising as the first. Serbs will be digging themselves out from under the ruble of the Milosevic ear for years, if not decades, to come.

The front-line states: Albania and Macedonia. These two states absorbed the full shock of the refugee influx. While Albania took in almost twice as many refugees as Macedonia (450,000 compared to 250,000), Macedonia suffered greater economic dislocation. Whereas Albania exported almost nothing to Yugoslavia, half of Macedonia's exports went to or through Belgrade. Macedonia is also more concerned over lost tourism and foreign investment this year. By contrast, since over 60 percent of its GDP originates in the agricultural sector (which has a large subsistence component), Albania tends to be more insulated against external shocks than the rest of the region. We therefore estimate that the conflict will only reduce Albania's GDP growth by 2–3 percent this year. It will, however, knock 7–8 percentage points off Macedonia's GDP growth, thereby pushing Macedonia into recession.

Collateral damage: Bosnia-Herzegovina. Bosnia's Serb half is closely integrated with the Yugoslav economy and as a result suffered heavily from the war: exports from the Republika Srpska went almost entirely to Yugoslavia and have since March dropped to almost nothing. Bosnia also accepted 70,000 refugees (both Albanian and Serb), further swelling the numbers of refugees in the country. While we see Bosnian growth slowing this year from 21 percent, this must be viewed in the context of Bosnia's post-war recovery process. Annual growth rates above 20 percent are unsustainable as Bosnia's recovery matures; and problems like falling Croat demand for Bosnian exports are also driving growth down. A new tariff regime with Yugoslavia, and Yugoslav payment difficulties, were already cutting into first-quarter Bosnian exports and growth. For these reasons only half of the 7-percentage point slowdown can be directly attributable to the war. The main engine for Bosnia's growth continues to be the massive international assistance program.

Shell-shocked: Bulgaria and Croatia. Bulgaria and Croatia bore almost none of the refugee burden (each took in about 5,000 refugees), and both countries conduct only a small share of their trade with Yugoslavia (about 2 percent of total exports for Bulgaria, 0.4 percent for Croatia). Bulgaria and Croatia nonetheless find themselves in a precarious position in the aftermath of the crisis. The war cut into exports from both; for Bulgaria this involved the extra costs of rerouting transit trade; for Croatia it affected trade with Bosnia and destinations further south. Reductions in tourist revenues and foreign investment are a greater concern, as these inflows reduce current account deficits and boost tax revenues. Still, both economies were already suffering from their own difficulties before the bombing began: Bulgaria's exports and growth were down sharply due to slow industrial restructuring; while Croatia's economy slowed in the last quarter of 1998 and remained weak up to the outbreak of the war. In both countries the war will cost about 1–2 percent of GDP growth this year, as the growth slowdown is attributable primarily to domestic factors.

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[1] This text is adapted from Chris Kushlis and Ben Slay, "Overview", in PlanEcon Review and Outlook for Eastern Europe, June 1999, PlanEcon Inc., Washington D.C.

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The near misses: Hungary, Romania, and Slovenia. Of the Balkan countries crying wolf, Romania is crying the loudest. Romania suffered only marginally from the Kosovo war; and even these losses may have been more than covered by IMF assistance. Romanian losses were largely confined to the 1.3 percent of exports heading to Yugoslavia, and to Danube shipping. Most of Romania's economic problems are domestic in nature. Slovenia is not even trying use the Kosovo crisis as cover for its slowdown in growth. With two-thirds of its exports heading to the EU, Slovenia is less vulnerable than most to trouble in the Balkans; however, it is vulnerable to weak European demand. Likewise, Slovenia's exports to Croatia began to fall before the bombing started, due to Croatia's internal economic weakness. The war has apparently cut into spring tourism, but this should have only a marginal effect on Slovenia's tiny and very manageable current account deficit. The Hungarian economy continues to grow despite the problems on its southern border. In addition to a possible loss of tourism revenues, the main concern for Hungary is the possible effect on its burgeoning current account deficit of lower exports to the Balkans and reductions in its transit surplus as water, trucking, and rail traffic through Serbia has halted. Although these effects pose an element of downside risk to the economy, we expect their impact to be marginal.

A NEW ERA FOR THE BALKANS?

With an end to the conflict at hand, the international community appears to be focused on stabilizing the Balkans for the foreseeable future. Ideally, this commitment includes a strong military presence, substantial reconstruction aid, and firmer promises for integration into the EU. It should be matched by a rededication on the part of regional governments to the policy reforms needed for sustainable medium-term economic growth.

The first order of business will be post-conflict assistance for Kosovo. As Kosovars leave refugee camps in Albania and Macedonia to return to Kosovo, Western governments and international agencies are facing the immediate problems of providing humanitarian assistance to these returning refugees. To some extent, programs for refugees should not be much more expensive than the assistance delivered to the Albanian and Macedonian refugee camps, since, food, shelter, clothing, medical care, and security should be provided for the refugees irrespective of location. However, NATO will have to create the logistical systems needed to move these supplies from current refugee camps to Kosovo proper, probably without assistance from the Yugoslav authorities or Yugoslav transport systems. This will mean a road construction program connecting Albania to Kosovo and rebuilding bridges and roads in Kosovo. Interim refugee camps may also have to be created in Kosovo until housing is rebuilt. However, as long as Kosovars feel physically secure, these camps could be kept small and in close proximity to the former villages.

The second stage involves the reconstruction of Kosovo. As refugees return to Kosovo, assistance programs will need to concentrate on moving them to permanent shelters as soon as possible. International aid agencies have had substantial experience in resettling refugee populations. The accepted wisdom appears to be that building materials, seeds, tools and implements, and other such items should be provided *gratis*, while refugees themselves can be relied upon to rebuild their homes and begin farming or businesses again.

In the third stage, assistance will be channeled to economic development. If all goes smoothly, after several months, the Kosovo economy will begin to normalize, and policymakers will have to think about helping this economy develop for the long term. This development can be partly financed by remittances. Indeed, the Kosovo economy during the past two decades has been a rentier economy, as Kosovars working abroad have repatriated funds. Still, most of the funds for economic development will have to come from governments and international agencies; the initial emphasis is likely to be on creating an infrastructure to foster local businesses.

The first priority should be to establish decent transport links through countries other than Serbia. This will involve creating all-weather road links to Albania as well as upgrading road crossings into Macedonia. Policy makers may also wish to set up credit programs for small businesses. Because Kosovo remains heavily agricultural, aid can be useful targeted at improving agricultural techniques and supplying better quality agricultural inputs such as seeds and plant protection agents. Subsidies to restart larger Kosovar enterprises will probably be wasted, unless advance work has determined which companies are likely to be economically viable. Kosovo is unlikely to be a center of large-scale industrial activity under any scenario. It is likely to remain dependent on agriculture, worker remittances, and a few larger plants and mines, such as the lignite mines near Pristina. Aid programs will need to be carefully monitored so that they do not attempt to support activities that in the long run are not financially viable. In any case, external assistance for Kosovo is likely to be a poor substitute for economic reform and international economic integration, both within the Balkans and with the EU.

Prospects for sustained growth in the Balkans will continue to hinge on security issues. Serbia, with its key location and recent history at the heart of the Yugoslav wars of succession, is still central to this equation. As long as President Slobodan Milosevic remains in power, Yugoslavia will remain an isolated economic backwater, cut off from international assistance and a potential source of renewed regional crises. If Milosevic stays in power, the West will wish to maintain a strong security presence in the Balkans for many years, particularly in Bosnia and Kosovo. If Milosevic goes, Yugoslavia could play a constructive role in regional reconstruction and stability. The Western security presence could be reduced, while trade and other linkages would revive more rapidly.

The post-1995 Bosnian experience highlights the possibilities and limits of major internationally financed reconstruction efforts for Kosovo. Infrastructure repair, although expensive, has proceeded at a fair pace in Bosnia, as roads, bridges, and telecom networks are now almost completely rebuilt. However, the goals of reconstruction and reconciliation have been partly frustrated by the creation of a culture of dependency upon international donors. Local politicians have stalled structural reforms, and privatization is only now getting underway. Progress in reintegrating Bosnian Serbs, Croats, and Muslims, as well as in attracting private capital flows and investment, has been minimal. The ultimate success of international assistance is determined by whether private flows and domestic investment are able to take up the slack after the assistance comes to an end. The Bosnian experience does not suggest optimism on this count.

AMNESTY INTERNATIONAL REPORTS INDIA DETAINING THOUSANDS OF POLITICAL PRISONERS WITHOUT CHARGE

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. CONDIT. Mr. Speaker, the June 25 issue of Indian Abroad reports that Amnesty International issued a report in which it said that India is holding thousands of political prisoners without charge or trial. Amnesty International's report was issued on June 16.

The article said that "torture and ill-treatment continued to be widespread and hundreds of people were reported to have died in custody." Amnesty International reported that "conditions in many prisons amounted to cruel, inhuman, or degrading treatment." It reported that "disappearances" continue to occur and hundreds of extrajudicial killings were reported. In other words, nothing has changed.

Mr. Speaker, do these sound like the actions of a democracy? Indian claims to be "the world's largest democracy" even while it continues these repressive, tyrannical policies. This report shows that India is not democratic. It is merely the tyranny of the majority exercised on the minorities. That is why there are 17 freedom movements within its borders.

This comes at a time when India is engaged in combat to wipe out the freedom fighters in Kashmir, a conflict in which it has fired shells containing chemical weapons. India brought nuclear weapons to South Asia; now it is introducing chemical weapons.

America was founded on the principle of liberty. We must act to help bring the blessings of liberty to the people of South Asia. We can begin by declaring our support for national self-determination in Kashmir, Khalistan, Nagaland, and the other nations occupied by India. I am proud to have sponsored a resolution in the last Congress calling for an internationally-supervised plebiscite in Punjab, Khalistan on the question of independence. We should also cut off American aid to this government as long as it practices the kind of tyranny that Amnesty International reported, and we should impose reasonable economic sanctions. It is our responsibility to defend freedom wherever we can.

Mr. Speaker, I would like to introduce the India Abroad article into the RECORD for the information of my colleagues. I urge my colleagues to read it.

[From the India Abroad June 25, 1999]

HUMAN RIGHTS

AMNESTY SAYS THOUSANDS ARE DETAINED WITHOUT TRIAL

(From News Dispatches)

LONDON—Thousands of political prisoners, including prisoners of conscience.

were detained without charge or trial in India, Amnesty International said in its annual report, released on June 16.

Torture and ill-treatment continued to be widespread, and hundreds of people were reported to have died in custody, the London-based human rights oganization added.

"Conditions in many prisons amounted to cruel, inhuman or degrading treatment," it said, adding that "disappearances" also continued and hundreds of extrajudicial executions were reported. At least 35 people were sentenced to death but no executions were reported, the report said.

The London-based human rights watchdog said armed groups were also to blame. These groups committed grave human rights abuses including torture, hostage-taking and killing of civilians, it said.

Overall, the report lamented that 1998, which marked the 50th anniversary of the Universal Declaration of Human Rights, was marred by a worldwide catalogue of abuses.

But Amnesty secretary general Pierre Sane also pointed to two landmark events—the establishment of a permanent International Criminal Court and the arrest in October of former Chilean President Augusto Pinochet—which could help make human rights violators answerable.

Amnesty also singled out the United States as the only country known to have executed juvenile offenders in 1998.

INTRODUCTION OF THE CRITICAL CARE SPECTRUM ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. INSLEE. Mr. Speaker, I rise today to introduce the Critical Care Spectrum Act, which will benefit victims of heart failure and strokes by ensuring appropriate broadcast spectrum for medical telemetry devices. I have been working closely with hospitals, medical equipment manufacturers, health care providers, broadcasters, patients and other users of the broadcast spectrum to achieve the legislation introduced today. I am especially grateful for the guidance and assistance I have received.

Medical telemetry devices have allowed greater care for victims of heart failure and strokes. These devices send a signal, using part of the allocated broadcast spectrum, from a monitoring device attached to a patient to a central receiving point where the data can be viewed by medical personnel. Doctors and health care workers tell me that these devices are essential to the delivery of quality health care because they provide instant information about a patient and can warn doctors before medical problems become too severe to treat.

In recent years, the broadcast spectrum has become crowded with wireless communications, satellite broadcast transmissions, and the growing number of radio and television stations. As a result of the Telecommunications Act of 1996, the spectrum has become even more cluttered, due to the requirement for television stations to change to digital broadcasts. While stations make plans to move to the new digital spectrum, they retain their analog broadcasts, and take up more of the spectrum than they require. The increasing number of broadcast channels has given consumers a variety of programming choices to choose from, but has also posed an indirect threat to medical telemetry devices, some of which use the same broadcast spectrum.

Last year in Dallas, when a television station switched on to a digital broadcast, it knocked out the telemetry devices in Baylor University Medical Center. We were lucky that no significant injuries occurred, and the television station in Dallas should be commended for taking the station off the air as soon as they were made aware of the problem. This event served as a wake up call to medical telemetry device manufacturers and broadcasters alike. The Federal Communications Commission (FCC) issued advisories to stations that were planning to switch over to a digital broadcast. The advisories have been very helpful, and broadcasters have been working with local health care facilities to make sure the Dallas situation does not happen again.

In my home state, I recently learned about the precautions that were taken when KOMO–TV, Channel 4, switched over to a digital broadcast. KOMO was in constant communication with all health care facilities in the broadcast area, and had technical representatives on hand in each of the facilities to make sure that no medical telemetry devices were impacted. KOMO, KING–TV and KCTS in Seattle have all switched to digital broadcasts. They have shown exceptional leadership and community concern with regard to this issue, and I am grateful not only for their concern, but for their assistance through the Washington State Broadcasters Association with the introduction of this legislation.

We can't expect this success to continue without defining which areas of the spectrum should be reserved for medical telemetry devices. As more and more stations flip the switch and go digital, the spectrum gets more and more crowded.

Medical telemetry manufacturers have been aggressive in solving this problem too. Spacelabs Medical, located in my Congressional District in Redmond, Washington, has been working closely with the American Hospital Association, the FCC and the Joint Working Group on Telemedicine to reach a solution to this problem. I look forward to working with all parties on a resolution to this issue.

Lastly, I would like to acknowledge the assistance of the following groups who have been so helpful in crafting this legislation. They include Spacelabs Medical, the American Hospital Association, the Washington Hospital Association, Evergreen Hospital, Harborview Medical Center, the Joint Working Group on Telemedicine, Hewlett-Packard, the Washington Association of Broadcasters, Western Wireless, AT&T Wireless, PhRMA, American Home Products and countless others.

I urge my colleagues to join me by cosponsoring the Critical Care Spectrum Act of 1999.

INTRODUCTION OF H. CON. RES. 144 URGING THE RELEASE FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA OF THREE DETAINED EMPLOYEES OF CARE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. GILMAN. Mr. Speaker, I have today introduced H. Con. Res. 144. The purpose of this resolution is to call attention to the case of three humanitarian workers unjustly imprisoned by the Federal Republic of Yugoslavia. Branko Jelen, Steve Pratt and Peter Wallace were employed in Yugoslavia by CARE International, the world famous relief and development organization, providing food, medicines and fuel to refugees in Serbia and Kosovo. In late March and early April, these three men were detained and later accused of operating an "espionage ring." In a closed military court, their original indictments were dismissed only to be replaced by a new but similar charge of passing on information to a foreign organization. Their crime: providing CARE offices with "situation reports" based on experiences and openly available information. This standard procedure ensures that the organization's headquarters remains posted on the progress, prospects, and perils of their many humanitarian missions. The three are currently serving sentences of up to 12 years in Serbia. As this resolution clearly states, "the three men are innocent, committed no crime, and are being held prisoner unjustly."

The contribution made by organizations like CARE is of great importance to international humanitarian efforts around the globe. Although they work in unstable and often dangerous areas, these aid agencies must be confident in their ability to operate safely. It is for this reason that the threat of groundless charges and indefensible incarcerations is so dangerous to relief operations. Many world leaders, including U.N. Secretary General Kofi Annan and South African President Nelson Mandela, have already sought the release of these three men. This measure urges the Government of the United States to undertake strenuous efforts to secure their freedom and as asserted in the resolution, "calls on the Government of the Federal Republic of Yugoslavia . . . to give these workers their freedom without further delay." I want to thank my colleague from Alabama, Mr. CALLAHAN, the chairman of the Foreign Operations Subcommittee, for joining me on this effort. As members who work closely with the international NGO community, we are keenly aware of the contribution people like these gentlemen make to ending suffering around the world. I encourage the House of Representatives to declare our support for organizations such as CARE and our intolerance of the unjust imprisonment suffered by these three humanitarian workers by unanimously supporting H. Con. Res. 144.

REMARKS OF SECRETARY CUOMO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. PELOSI. Mr. Speaker, Secretary of Housing and Urban Development Andrew Cuomo recently spoke to the National Italian American Foundation as part of its Congressional Lunch Series. Andrew Cuomo is a model for those who would serve the nation, and while he comes from a distinguished family, he has already made his own indelible mark on our society.

His remarks were filled with humor and passion about family and culture, discrimination and opportunity, and the economic success so many communities are enjoying today. Andrew Cuomo also spoke eloquently about helping all Americans share in that success, so that our nation can truly be its best. It is with great pleasure that I ask for this transcript of Secretary Cuomo's remarks to NIAF to be entered into the CONGRESSIONAL RECORD.

REMARKS BY HUD SECRETARY ANDREW CUOMO TO THE NATIONAL ITALIAN AMERICAN FOUNDATION (NIAF), JUNE 15, 1999

It is a pleasure to be with NIAF once again. They are a great organization telling the truth about the Italian-Americans. The President just released our new State of the Cities report. I think it frames a few issues, that—as this is a policy forum—would be a good stepping off point.

The State of the Cities report says basically two things. It says first there is a great apparent success story that is this nation, and one that we should celebrate because it is true: this is the strongest economy in history. It breaks all sorts of records. The President relishes that fact, the Vice President relishes that fact, the Congress relishes that fact and we all should, because it is true.

But it is not at the same time the only reality. There is another reality for people and places that are left behind in the new economy. Their reality of failure is as stark as the other reality of success, and it is also more painful as a reality.

So you have a time where you have this great economic success. Eighteen million new jobs, lowest peace time unemployment since I was born 41 years ago, crime down, poverty down, welfare down—that is one story of America.

But there is also another story. A story of those places that are left behind where three out of five people aren't even in the stock market—so they don't celebrate when you go to 10,000 or 11,000.

Yes, you have more millionaires than ever before, but you also have the greatest income inequality in over 20 years. You have the highest homeownership rate in history—66.7 percent—but you also have 600,000 homeless Americans, at the same time that you have the highest home ownership rate. So you have two very accurate realities, both stark in their own way—both a story of success and a story of failure.

The paradox, however, is in many ways antithetical to what we believe in as a nation and what is in the long term health of this nation. You cannot survive, you cannot flourish with those disparities, with those polarities. It is especially true in the cities, as the report goes on to point out.

The numbers are staggering. Most of the cities are doing well and I do not mean cities like New York, Los Angeles, Chicago. I mean cities quite large, if you look at the 900 cities in the nation. Most of them are doing very well—about one-third of them are either smaller, poorer, or have higher unemployment.

The strong cities, the cities that have done well in the transition to the new economy, are doing very, very well. The cities that have been trailing are falling farther and farther behind.

You can see the story in the numbers, or you can just go down here to Anacostia in Washington, D.C. and drive through Anacostia and you will see the story. Or you can drive through parts of the South Bronx or through parts of Watts in LA and you will see the same story.

Or go visit a public housing project. Pass by Cabrini-Green in Chicago and the situation is as bad as it has ever been. Talk about the Dow Jones index and they won't know what you are talking about. And if you look at the conditions and you feel the pain in the hallways you see how hollow our success truly is. The statistics tell one story, the lives tell a different story.

Well, what do we do about it? This is not an overly complicated problem. We don't need to do any fancy studies to determine what to do. We just need to look at what we were taught originally.

For me, the model was my grandfather Andrea Cuomo—I was named for him, Andrew—Andrea Cuomo, a little man, 5 ft. 6, 155 pounds dripping wet with change in his pockets, but he knew what needed to be done. The very concepts that he talked about—and I can hear his voice today, God Bless him—are still the concepts that we have to strive for. He would talk about this land as a land of justice, justice was so important to him. He would talk about this as a land of opportunity. Opportunity for all, opportunity for all, he would keep saying.

We have to get back to those core principles and make them happen because they are not yet a reality. We need "opportunity for all" translated into what we are talking about in this town. You need economic development measures that get jobs back to cities. 84 percent of all new jobs over the past two years were created in suburbs—84 percent. The cities are losing the jobs. As you lose the jobs you will lose the people and you can not sustain it.

Opportunity for all. Everybody should work, but that means there has to be a job there. It is hollow rhetoric to opine that welfare was no good and we really have made people work.

One problem: Where are the jobs? Where is the training? Where is the day care? Where is the transportation? If you look at what the economy is doing, it is pulling the jobs from the people and places who need it most. We can correct that, we know we can correct it. We do it very well—we have economic development incentives, we can use the tax code, we can use grants, we can get the jobs back to where we need them. We have to do it.

We have to fix the education system. Why? Because the education system was the insurer of opportunity for all. The public education system was the great equalizer, it said you can come from anywhere but you go to our public education system and if you work hard you can wind up being Mario Cuomo or Colin Powell or Bill Clinton—all from the public education system.

We are losing that. When people get up and give speeches and say there is a crisis in education in this nation they forget the second part, there is not a crisis in education in this nation. If you are rich you get the best education on the planet in this country. If you are poor and cannot afford a private school or you are from a poorer school district, then you get a substandard education and you never catch up.

The education system in this country is moving to two education systems—one for the rich side of town, one for the poor side of town. Go into the richer suburban school districts in the first grade, they'll show you that they put the child on the Internet in the first grade. You go to the same town, the poor school, they don't even have a basketball net. In first grade they will put them at computers with Pentium Processors—but in poor schools the most sophisticated piece of electronic equipment is the metal detector that they walk through on their way to the classroom.

That is not opportunity for all. We are 19th out of 21 in 12th grade math and science. The countries we beat were Cyprus and South Africa. That is not a formula for long-term global economic dominance.

We need health care because that's opportunity for all. Healthcare: you have 43 million uninsured, 11 million children uninsured. We need housing because that is part of providing the platform for people to do for themselves.

With a strong economy, a cruel irony: we actually have the greatest need for affordable housing in the nation's history. 5.3 million Americans need affordable housing.

What's happening, interestingly, is that the strong economy is driving up the rents. In San Francisco, the economy is so strong the rents are going so high those people who are on the bottom end or on fixed-incomes can't pay the rent. We know how to solve it—subsidize the rent, which is what you did for so many years, build affordable housing. We just have to want to do it.

Opportunity for all, provide a safe community. We are doing that with a cops program—lowest crime rate, both property and violence, since 1973. You can do more as soon as we solve this insanity over the gun legislation in this town that's going on now—which I don't understand.

Some people say "well you don't understand it because you are a New Yorker, you are from the northeast, you don't understand the value of guns." No, no, I am an educated New Yorker, I have gone hunting up in Maurice Hinchey's district, bird hunting, quail hunting. I did pretty well. And I know this—that if you need an assault weapon to hunt, if your aim is that bad, you should just take up another sport.

And I know that children don't need hand guns to hunt and I know the saying which they love to use in rebuttal: "gun's don't kill people, people kill people." No—people with guns kill people, and if we had intelligent legislation to handle guns we would be doing even more.

My grandfather would talk about this land of justice, which for him meant that being an Italian American didn't count against you, that the premise of the country was everybody could come—Jews, Italians, Irish, Blacks, Whites it didn't matter. You came and then you did the best you could and under the "opportunity for all" agenda they would work with you to make it happen.

We still have not reached that. We really haven't. One of the things we do at the Department is Fair Housing. I can't tell you how many cases we see, every day, coast to coast, where discrimination is still alive and well—as ugly, as vulgar as it has ever been.

Last year the case in Jasper, Texas where they took an African American man, they chained him to the back of a pickup truck, and they dragged him until he was decapitated. That's America 1999, not 1969. At the cusp of a new millennium with all this economic power, they're still killing people for the color of their skin.

We had a case, a Portuguese woman moved into Missouri. First week, they planted a seven-foot cross on her lawn and burned it. Why? Because she was Portuguese—they thought she was African American—and that was their way of saying "we don't want you here." A cemetery in New Jersey. On Rosh Hashana they knocked down all the tombstones in a Jewish cemetery.

Discrimination is very much alive and well, and for Italians it's alive and well. Mario Cuomo was thinking about running for national office. At one time we did a few polls: Six percent name recognition of Mario Cuomo. Only 6 percent had heard of his name nationally. Nine percent thought he had connections to the Mafia.

Discrimination is alive and well, and my grandfather would talk about the voice of liberty, the voice of liberty, that this country was the voice of liberty. What we did in Kosovo, thank God, was express and communicate the voice of liberty. What we are doing in China—which we should do more of—what we are doing in South Africa—is to keep that voice of liberty strong.

Those are the avenues, the agendas, that I think that we have to approach to resolve the dual realities that we are seeing in this nation. Understand the realities, expose them—don't run from them—and then approach them.

And I also believe this: That now is the time to do these things. We have a great economic success—let's use it to invest. If we are not going to do these things now, then when are we going to do them?

They say the time to fix the hole in the roof is when the sun is shining. Well, now is when the sun is shining. If we don't take these dividends and invest now in Anacostia, when are we going to do it? If we don't now take up the fight for affordable housing now, when are we going to do it? If we don't take up the fight now for healthcare, when are we going to do it? If not now, when?

I'll tell you when—never. Because all of the excuses are gone. If this Congress, if this administration doesn't push progressive government it will never happen—because you won't get a better moment than this moment.

All the things yelled about for all those years—all the obstacles are stripped away. How many years did we hear about the deficit: "well we can't do it, we have deficit". The deficit—the great inheritance of the Reagan administration. Well, the deficit is gone. God bless President Clinton, you have a balanced budget, you are talking about a surplus.

"Well, the government can't do anything." Well, the government's reinvented. Confidence in government is at its highest point in 40 years. If we don't do it now when will we do it? If we don't do it now, we will never do it.

And that, my friends, is a sin, because we have so much more to do, because the promise that this nation made to my grandfather and your grandfather is not yet fulfilled. They believed—they believed so much so that they came from all over the globe to this country. They got in little boats, they went across great oceans to lands they didn't even know—they didn't know how to speak the language—but the promise was so powerful.

Opportunity for all, justice, brotherhood, discrimination against none. We'll help you make it, you will lift us all. And we will work with you to make it as a community.

We are not there yet, but we can be. Now is not the time to be complacent. Now is not the time to pat each other on the back and say "boy oh boy you see how that Dow Jones is doing."

Now is the time to lock arms and go forward even stronger and harder than before and use this moment. We can do better. We are cheating ourselves if we say, this is all we can do. We are cheating ourselves if we are saying this is the best we can be, we've done it, this is America at its best.

This is not America at its best. This is not America at its best. We can do more.

Langston Hughes wrote a beautiful poem. I just want to read you a couple of paragraphs from it:

Let America be America Again.
Let America be the dream the dreamers dreamed—
Let it be that great strong land of love
Where opportunity is real, and life is free,
Equality is in the air we breathe.
I am the poor white, fooled and pushed apart,
I am the Negro bearing slavery's scars.
I am the red man driven from the land.
I am the immigrant clutching the hope I seek—
I am the worker sold to the machine.
I am the people, worried, hungry, mean—
Hungry yet today, despite the dream.
I am the man who never got ahead.
A dream—
Still beckoning to me!
O, let America be America—
The land that never has been yet—
And yet must be.

That is our charge—together we can do it.

SUPPORTING H.R. 2018, THE CHILD CUSTODY PROTECTION ACT OF 1999

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. DOYLE. Mr. Speaker, I rise today in support of H.R. 2018, the Child Custody Protection Act. This important legislation reaffirms the vital role of parents in our families, and seeks to promote and encourage communication between teens and their parents or guardians.

Today in many states, it is legal for a child under the age of 18 to make the monumental decision to end a life by getting an abortion without consulting with their parents. It is unfortunate that some minors who find themselves confronted with an overwhelming situation such as an unplanned pregnancy would not consult the very people they should turn to for guidance and support in a time of personal crisis . . . their parents.

My home state of Pennsylvania already has legal statutes which require knowledge of at least one of the minor's parents before obtaining an abortion. The Child Custody Protection Act will re-establish the rights of parents nationwide, by requiring that a parent must accompany a minor child if they choose to undergo abortion procedure. The Child Custody Act would not interfere or take the place of existing state laws like those in Pennsylvania, but it would make it a Federal offense to transport a minor across a state line for an abortion, unless the child was transported by a parent. It is my hope that enactment of this bill will not only foster a greater level of communication between family members on this most serious subject, but will prove to be instrumental in reducing the number of abortions and encourage the consideration of viable options such as adoption.

Mr. Speaker, I strongly encourage every Representative of this body to join with me in support of the Child Custody Act, as 130 of my cosponsors have, and vote for passage of this important child protection and parent's rights legislation.

CONGRATULATING THE WATERS FAMILY ON 50 YEARS OF MARRIAGE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. CONYERS. Mr. Speaker, Dr. Maurice Waters, recently a Professor of Political Science at Wayne State University in Detroit, and his wife, Dr. Elinor Waters, former Director of Oakland University's Continuum Center in Rochester, MI, are a most extraordinary couple. This past Saturday, they celebrated their 50th Wedding Anniversary and given their activities and vigor, it is conceivable that they are just now hitting their stride. They may epitomize the adage of a rolling stone gathering no moss.

I have known Maury Waters and his family for a number of years. He presently has Professor Emeritus status at Wayne State and has moved from the Detroit area to Chevy Chase. During his nearly 40 years at Wayne State, he not only taught political science as an assistant and then as a tenured Professor—specializing in International Relations—but he managed to author five books, eleven major articles and book chapters and dozens of conference papers. While in Detroit, he was a board member and chairman of the Center for Peace and Conflict, which is affiliated with Wayne. He also taught at the University of Wisconsin, at Antioch College in Ohio and at the University of the West Indies, in Kingston, Jamaica. Dr. Waters was also a Foreign Policy Associate under the Rockefeller Foundation as a Research Scholar at the United Nations.

Beyond teaching at Oakland University and directing its Continuum Center, Elly Waters has also authored numerous books and professional articles and is a nationally acclaimed expert in the field of counseling older people and adult career development. She worked at the Merrill-Palmer Institute in Detroit, at the Fels Institute in Yellow Springs, OH, and the Industrial Relations Center of the University of Chicago and the Michigan Civil Rights Commission. Dr. Waters has also served on numerous national boards including the American Counseling Association and the National

Board for Certified Counselors and was President of the Association for Adult Development and Aging.

After "retiring" for a few years and moving to the Washington, DC area, they could have rested on their laurels and taken it easy, but that is not their style. Elly continues as a training consultant, serving on national boards and accepting speaking assignments. Maury pursued his interest in the United Nations and is now a member of the board of the United Nations Association of the National Capital Area. Then, as the Clinton Impeachment proceedings began to take place, Maury approached me to express serious concerns about certain constitutional and precedential implications of where the House was going. He then said he would assist me on Capitol Hill with this historical matter. His advice proved so valuable that I coaxed him out of his ostensive retirement and hired him as a parttime Senior Advisor.

In addition to their full and active professional careers, Maury and Elly had three children, George, Rob, and Judy. They are also blessed with two grandchildren: Caitlin, who lives here in the D.C. area, and Joshua, in California. Maury and Elly have become bicoastal grandparents, traveling frequently. Mr. Speaker, perhaps the lesson to be learned from the Doctors Waters is that intellectual and professional activity, supported by a loving family, can keep two people young and contribute to a long and fruitful marriage such as this one that has succeeded for half a century. My congratulations to them both.

A BILL TO CLARIFY THAT ADVANCE PRICING AGREEMENTS BETWEEN TAXPAYERS AND THE INTERNAL REVENUE SERVICE ARE CONFIDENTIAL RETURN INFORMATION

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleagues, Messrs. SAM JOHNSON from Texas and SANDER LEVIN from Michigan, and Ms. JENNIFER DUNN from Washington, in introducing our bill which would protect, as confidential tax information, advance pricing agreements (APAs) and the information in the background file. This information would be protected under Section 6103 of the Internal Revenue Code and treated as an exception to the public inspection provisions provided in Section 6110 of the Code.

The APA program began in 1991. From all reports it has been successful. The program has provided a mechanism to resolve transfer pricing issues (i.e. the appropriate arm's length price for sales, services, licenses and other transactions between related parties) of multinational companies for not only prior years, but also for specified years in the future. It saves time and money for the government as well as for taxpayers. It also reduces protracted and costly litigation. The program involves not only taxpayers and the IRS, but also where certain double taxation treaties are applicable, foreign taxing authorities as well.

From the beginning of the program, taxpayers, as well foreign governments, have relied on assurances that the information received or generated by the IRS would be protected under the confidentiality requirements of Section 6103. Such assurances were based on published IRS information. As a result, multinational companies were willing to disclose sensitive pricing information, trade secrets, and other data in the interests of efficiently determining the proper and agreed-upon transfer pricing methodology and agreement.

Earlier this year, the IRS notified taxpayers that, contrary to its long-standing policy, the APAs are subject to disclosure under Section 6110—which requires disclosure of any IRS "written determination". This change by the IRS came in response to a lawsuit brought by a commercial publisher of tax information. Although the lawsuit is not settled, the IRS is proceeding with redaction and release of the APAs issued since 1991. The release is scheduled for October, 1999.

We do not find it difficult to believe that tax return information, as well as pricing, trade secrets and other sensitive data which were provided and used in completing an APA, remain confidential under Section 6103, and excluded from the provisions of Section 6110. Otherwise, we do not believe taxpayers will continue to support the program. Clearly it is essential under our tax system to provide as much useful tax guidance to the public as possible, while maintaining the confidentiality and identity of the taxpayers involved. Thus, the bill would provide for an annual report by the Secretary of the Treasury. This report would include statistical information on the issuance of APAs and renewed APAs. In addition, the report would set forth general summaries of the methodologies used in the APAs, together with hypothetical examples. Such a report should serve the interests of providing additional guidance to taxpayers regarding the approach used by taxpayers and the IRS in reaching agreements on transfer pricing.

We invite our colleagues to join us in supporting this important legislation affecting the confidentiality of taxpayer information.

WINNERS OF THE "SET A GOOD EXAMPLE" COMPETITION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to commend two very special groups of students in South Texas from two extraordinary schools: Landrum Elementary School in San Benito, Texas, and Oliviera Middle School in Brownsville, Texas.

Competing with over 10,600 schools from all across the nation, this group of students from Texas entered and won honors in the "Set A Good Example" competition, a contest sponsored by the Concerned Businessmen's Association of America. The "Set A Good Example" campaign rewards students for their concern and participation in programs that highlight the dangers and detrimental effects of crime, violence, and illegal drugs.

The Oliviera Middle School and Landrum Elementary School groups formulated and created projects emphasizing good moral guidelines. Their projects celebrated common sense and understanding the importance of being honest, trustworthy, competent, honorable and industrious. The project also condemned violence, murder, and illicit drug use. At a time when our young people face the adverse challenges of crime and violence, I applaud their efforts that highlight personal moral integrity and commitment to social action.

I am very proud of these students, but I know they did not do this alone. I commend their parents, their teachers, their friends and their school staff for supporting and encouraging them in this proud undertaking. At a time when our national conversation has centered on underlying causes of youth violence in the aftermath of several high-profile school shootings, I am proud to offer these young people as examples for others.

Mr. Speaker, I ask my colleagues to join me today in applauding these students from Oliviera Middle School and Landrum Elementary School. They strive for the moral integrity that all Americans, young and old, should emulate.

HONORING THE NEW HAVEN COMMISSION ON EQUAL OPPORTUNITY FOR 35 YEARS OF SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to congratulate the New Haven Commission on Equal Opportunity on its 35th Anniversary. I wish I could be there today as the community gathers to celebrate this wonderful occasion.

The New Haven Commission on Equal Opportunity is the oldest municipal civil rights agency in the United States. In 1964, after attending the U.S. Conference of Mayors hosted by President Kennedy, former Mayor Richard Lee returned to New Haven with a commitment to combat discrimination in all forms and a determination to make the city of New Haven a national model of equality. Together with the New Haven Board of Aldermen, he established the New Haven Commission on Equal Opportunity.

For more than three decades, the Commission has been on the front lines of the battle to extend equal opportunity to all. In recent years, the Commission has developed a citywide plan to combat sexual harassment in the workplace, as well as a unique tracking system to ensure contract compliance in all city construction projects. In fighting to protect the rights of women, minorities, and workers, the New Haven Commission on Equal Opportunity is faithful to Mayor Lee's original vision and is a vital force in our community.

It is with great pride that I extend my congratulations to the New Haven Commission on Equal Opportunity and Executive Director John Cox on its 35th Anniversary. I offer my sincere thanks and appreciation for all your work and best wishes for continued success.

TRIBUTE TO DR. J.M. SAEGER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that the City of Lebanon, Missouri, celebrated "Dr. J.M. Saeger Appreciation Day" on June 16, 1999.

Dr. Saeger was honored by the City of Lebanon for his 30 years of service on the Board of Commissioners of the Housing Authority, where he also served as board president for many years. Dr. Saeger has a long history of public service. A veteran of World War II, he faithfully served his country in the military. He also served as the official Lebanon weather observer for the National Weather Service for 26 years. Dr. Saeger, who holds a doctorate in chiropractic medicine, continues to practice.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Dr. Saeger for his dedication to his community and selfless public service.

[From the Lebanon (MO) Daily Record, June 17, 1999]

DR. SAEGER HONORED FOR 30 YEARS OF SERVICE

Dr. J.M. Saeger of Lebanon was honored by friends, family and the Lebanon community Wednesday at St. Francis De Sales Family Center during a surprise birthday party. Dr. Saeger and his family include Joan Harris, Ken Harris, Joey Harris, 7, and Jake Harris, 6, of St. Charles, Dr. Saeger of Lebanon, Angela Prost, and Tom Prost of Columbia, IL, Rita Cole, and Hayley Cole, 2, of Springfield, and Vivian Smith of Kansas City. Lebanon Mayor Bud Allen, State Sen. John T. Russell and State Rep. Beth Long attended the celebration where a proclamation was signed making June 16, 1999, Dr. J.M. Saeger Appreciation Day in Lebanon. Dr. Saeger has served on the Board of Commissioners of the Housing Authority of the City of Lebanon for 30 years, serving as board president for many years. He served his country in the military and as a veteran of World War II. He served as the official Lebanon weather observer for the National Weather Service for 26 years. Dr. Saeger earned his doctorate in chiropractic medicine and continues to practice.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mrs. McCARTHY of New York. Mr. Speaker, if I had been present on Friday, June 25, 1999 I would have voted in support of H.R. 1802—The Foster Care Independence Act of 1999.

WINNERS AT THE NATIONAL HIGH SCHOOL SPEECH AND DEBATE TOURNAMENT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize six outstanding students from my district. These students set their sights high, and as a result, competed in the National High School Speech and Debate tournament.

Two thousands students from all over the country competed in the tournament this year. To qualify these students first competed in rigorous district competitions. Marquette High School's speech and debate team, coached by Mrs. Kim Cranston, sent six talented students to national competition.

First, Edward Tulin was named National Champion of Domestic Extemporaneous Speaking for 1999. Mr. Tulin has been competing in speech and debate for four years and spoke in 13 rounds of competition to win the title.

Second, there were five other students who competed and excelled at the national level. These students were: Justin Kempf who placed 8th in Student Congress' Senate division. Emily Vreeland who was a Semifinalist in Student Congress' House division. Jane Diecker and Edward Tulin who advanced to the 2nd level of competition in Policy Debate. Kane Huang and Elise Manning who competed in the Duo Interpretation competition.

And finally, I would like to recognize Mrs. Kim Cranston whose dedication and tireless efforts have aided in the success of these students and many more. Her commitment to education and belief in the potential of each student is an example of excellence in teaching.

Mr. Speaker, I am pleased to be able to recognize these extraordinary young people for their achievements. Their success is a true reflection on not only their drive and determination, but also on the parents, family members, and teachers who have supported their hard work and determination. These students are an excellent example of what young people will achieve when given the opportunity.

IN HONOR OF THE LATE WARDELL YOTAGHAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a real hero. No, he did not hit 70 home runs, steal any bases, slam dunk any basketballs, nor was he an actor. No, he was for real. He was Wardell Yotaghan, a man who lived and worked, who spent his life trying to make life better for people who lived in public housing. Mr. Yotaghan died of a heart attack at the age of 53, much too young, before his time; but that's not unusual for African-American males. Black men have the lowest life expectancy rate of any large group in America.

Wardell did not live long, but he lived well. He lived well enough to help countless others through very difficult times. His wife said, "He went 24 hours a day," and understood that what he did would ultimately help him and his family as well.

In the early 1990's, Wardell helped lead a campaign that resulted in the Federal Government granting some Chicago Housing Authority residents a level of control over their own buildings. Wardell filled many roles over the years, including president of his building at 2450 W. Monroe. His wife said, "Wardell was like a father to the people here." They wouldn't make a move unless they talked to him, wouldn't sign anything unless they confirmed it with Wardell. Everybody knew that he would do the right thing.

Wardell worked at Malcolm X College as a security aide and for 10 years was a Cook County Sheriff's Deputy. Here was a man who truly understood what leadership was really about. "First of all, servant of all," he has now transcended all and leaves a wonderful wife Marie, who shared in his work, three daughters, two sons, two sisters, and eight grandchildren.

Wardell died, but his will and drive to save Public Housing will continue to live on. Wardell was able to bring people together, was full of patience and has a genuine desire to see democracy work. He was love in action.

IN SUPPORT OF PEACE IN KASHMIR, H. RES. 227

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. GILMAN. Mr. Speaker, today I am introducing H. Res. 227, legislation expressing the sense of the Congress in opposition to the Government of Pakistan's support for armed incursion into Jammu and Kashmir, India.

The Government of Pakistan has long supported terrorism in India. However, this latest incident is far beyond the usual murder of innocent civilians on a train or at a wedding party. The Pakistan Army, intelligence service and government has moved thousands of men and materials up to the Pakistan side of the LoC and sent hundreds of army regulars across the line. The Pakistan Army is laying down artillery fire in support of the Pakistani invaders.

For many years, India has been suffering from Moslem extremist attacks originating from Afghanistan and Pakistan which are supported by the Pakistani government. Last year Americans received a bitter taste of what India experiences on a regular basis in Kashmir when those same terrorist groups killed our diplomats in two of our embassies in Africa.

The Government of Pakistan gives political, material and moral support for terrorism in Jammu and Kashmir. The Pakistani government supports training camps for terrorists that operate around the world. And as I have stated, many Americans have died as a result of their attacks.

Pakistan is the backbone behind the Taliban fundamentalist group in Afghanistan. The Pakistani government gives critical military, logistical and political support for the Taliban's military effort against legitimate representative political alternatives. The Taliban, as a matter of policy, produces heroin and purposely exports it to the West. The Taliban have been giving refuge to Osama bin Laden, the Saudi terrorist, who is responsible for the deaths of American diplomats. And the Taliban's policy of systematic repression of women is barbaric and unacceptable to both Western, Eastern, Islamic, Christian, Hindu, Buddhist or Jewish cultures.

The Taliban must be stopped. Their existence and growth threatens the current regional movement towards representative forms of government.

One year ago, India and Pakistan tested nuclear weapons. Severe sanctions were swiftly imposed by U.S. law. Since then we have seen a slow but steady effort by Washington and New Delhi to resolve our differences. Regrettably, the effort has not gone as fast as some of us would like. To a large degree it has been slowed down by a misperception by the State Department of India's motivations for the testing. While I am a strong supporter of nuclear non proliferation it is curious that foggy Bottom has difficulty understanding India's concerns about China's regional intentions. China has given nuclear and ballistic weapon support to Pakistan on India's western border. China has a close relationship with Burma's narcodictatorship on India's eastern border having shipped over $1.4 billion in arms to Rangoon. And of course China brutally occupies Tibet on India's northern border . . . the Tibetan/Indian border is bristling with PLA troops.

Even more puzzling, has been the Administration's failure to acknowledge how State Department policy has helped to bring about India's sense of insecurity by inadequately responding to China's violation of the Nuclear Non Proliferation Treaty. We must not forget that China sold and transferred nuclear weapon's technology to Pakistan.

If India, or any other nation, is expected to refrain from building a nuclear deterrent, then the U.S. and other nuclear powers must ensure that these non nuclear nations are not bullied by their nuclear neighbors.

Earlier this month, the Senate adopted legislation that has many provisions regarding current sanctions against India and Pakistan. One provision would suspend sanctions against India and Pakistan for a period of five years. While I strongly favor this, I very much oppose a provision in the bill that unconditionally repeals the Pressler amendment. As you must recall, the Pressler amendment requires the President certify to the Congress that Pakistan is not developing nuclear weapons.

The question is, why on earth with Pakistan supplying critical support for the Taliban do we want this time to reward Pakistan by unconditionally lifting the Pressler amendment?

It also should be noted that Pakistan has provided China with assistance that is detrimental to our national security.

The Lahore Summit established a framework for bilateral cooperation and reconciliation between India and Pakistan. Lahore gives hope for the new Indian government that will be elected in September to carry the process forward in Pakistan. Pakistan should withdraw its forces and get on with it commendable efforts begun in Lahore.

Our own bilateral relationship with India should not be dominated by security issues. The relationship should remain as broad as what we enjoy with other democracies.

India's economic growth, and U.S. investment to help spur that growth, should be at the top of our mutual agenda. India's vast pool of highly trained English speaking professionals offers our nation critical resources in our efforts to stay competitive and to remain the world's leader in high tech industry. We need to offer India a security and economic partnership.

India's testing must be understood in terms of its verifiable, objective security concerns and how the world's nuclear powers have responded to those concerns. Any changes to the Pressler amendment should be considered in terms of U.S. national interests in relation to Pakistan's behavior.

Mr. Speaker, I will soon be introducing legislation regarding sanctions against India and Pakistan. However, before we consider any changes in the law affecting Pakistan there must be fundamental changes in the Government in Pakistan. We cannot support a government that permits and encourages actions that lead to the murder of Americans or any other innocent civilians.

According, I urge my colleagues to support H. Res. 227.

H. RES. 227

Whereas the United States has a vital interest in ensuring stability in South Asia, reducing tensions between India and Pakistan, and preventing the spread of terrorism;

Whereas Pakistani-backed armed forces and, reportedly Pakistani regulars, have crossed from Pakistan into Jammu and Kashmir, India, and occupied Indian military positions that were temporarily abandoned for the winter season;

Whereas this incursion has the financial and military support of Pakistan;

Whereas Pakistan's strategy is to support the armed incursion into Kashmir and renegotiate the Line of Control;

Whereas the Indian armed forces have been forced into action to defend the territory on the Indian side of the Line of Control and push the terrorists and Pakistani military forces out;

Whereas Pakistani armed forces, reportedly, are involved in these incursions;

Whereas the actions by Pakistan are contrary to the Lahore Declaration, an agreement between India and Pakistan to promote regional stability, peace, and security in South Asia;

Whereas the forces include well-trained and heavily armed Afghans and Pakistanis associated with Osama bin Laden, the Harkat-ul-Mujahideen, and the Government of Pakistan; and

Whereas the Group of Eight (comprised of the United States, France, Germany, Italy, United Kingdom, Japan, Canada, and Russia) on June 20, 1999, called for an immediate end to the hostilities, restoration of the Line of Control, full respect in the future for the Line of Control, and resumption of the dialogue between India and Pakistan in the spirit of the Lahore Declaration: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives—

(1) that it should be the policy of the United States to oppose the Government of Pakistan's support for armed incursion into Jammu and Kashmire, India;

(2) that it should be the policy of the United States to support the immediate withdrawal of intruding forces supported by Pakistan from the Indian side of the Line of Control, to urge the reestablishment and future respect for the Line of Control, and to encourage all sides to end the fighting and exercise restraint;

(3) that it should be the policy of the United States to encourage both India and Pakistan to adhere to the principles of the Lahore Declaration.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. SLAUGHTER. Mr. Speaker, on Friday, June 25, I was unable to be present for rollcall vote No. 256. Had I been present, I would have voted "yes" or "aye" on rollcall vote No. 256.

ARE YOU AN AMERICAN? THOUGHTS FOR INDEPENDENCE DAY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. McDERMOTT. Mr. Speaker, while participating in the recent Memorial Day observance at Veterans Memorial Cemetery in my District, I was privileged to hear an inspired essay about what it means to be an American. This essay was composed and presented by Elizabeth [Liz] Bokan, a student at Washington Middle School in Seattle. Many of us in the audience were deeply moved by Ms. Bokan's eloquence. Her words lend us confidence that our future as a nation is in the good hands of enthusiastic and creative younger generations.

Mr. Speaker, many of us will celebrate Independence Day by participating in naturalization ceremonies, helping to welcome new citizens to our ranks. I proudly offer Ms. Bokan's essay to all my colleagues as we return to our districts to renew the bonds that hold us together as a nation this July 4th.

ARE YOU AN AMERICAN?

Are you an American? Ask yourself this, and you come upon the easy answer, well yes, I am an American, as I am a citizen of America. But I ask you, is there not more to being an American? And how does a true patriot respond to pressure on one's beliefs, while maintaining the presence of mind that is characteristic of being an American?

In my school, I have been taking a class on American History. The truth will always hurt, no less in the sense of what this country great. I have learned of battles fought, and unnecessary blood spilled, and to what cause? Yet reading these texts, and seeing these illustrations of great American heroes, one thing seems to shine through. The pride individuals appear to hold in their home, in their title, and in their love for themselves and their people. Does that not signify that these people were very much Americans? But does each and every person have to measure up to the incredible genius of Abraham Lincoln and Benjamin Franklin simply to be called an American?

We are by name the country that accepts the unwanted of other societies; the Statue of Liberty asks for the sick and poor of the rest of the dismal world to travel to America, the land of the free. It is said that we have lost our charity, and our openness to the rest of the world's outcasts, and yet do we not open our lives and hearts to the immigrants that come to us searching for a better life, for the "American Dream"? One of the magics that is America is the diversity of culture, accepting any and all customs, and yet still adopting them as valid Americans.

We have known what it is like to be the underdog, we have felt the ridicule of the rest of the world, and the pressures of an often losing struggle to overcome all odds, against us, and we continue to offer our support to those who feel the stress we felt, and more. And each and every one of those people we bring in as our own call themselves Americans, yet are they believed by the majority? In our society today, there is great conflict on every issue that could possibly be argued over, and people speak of the destruction of the American spirit. Yet the fact being overlooked is that the basis of the American way of life is within discord; we have the American right to disagree. But that discord brings about a people of accord, does it not? Through the wars fought and the policies enacted, we have always agreed to disagree in one way or another, and that leads to a harmony of the people.

But does an American necessarily have to be a hero, or a recently discovered patriot? Think of the thousands of soldiers whose names you've never heard, of the ones who have died for this country in the last 200 or so years, and of those who survived, who make sure these heroes can live on in American hearts. Think of the average working citizens, those who hold strict morals for themselves and those around them, who live their lives maybe raising a farm and a family. These people proudly call themselves Americans, and we believe them. Why? The truth is, Americans are people who will die for their country, who will stand up for their rights and those of the oppressed. Sure, it may be done with fear in their hearts, but is fear not also an American standard? We thrive on it, and have never felt the need to deny ourselves of it. The people we embrace and those who do the embracing are Americans. It is a state of mind to be an American, it is a love and joy in our freedom. I am an American, and if I could, I would tell the world, but it is enough to know that I can, I have the right to, and that absolutely no one can stop my love of the American spirit which I call my own.

IN HONOR OF DON FOWLER

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. INSLEE. Mr. Speaker, I rise today to pay tribute to an exceptional college president in my district, Mr. Don Fowler. Mr. Fowler will retire as President of Lake Washington Technical College on June 30, after 19 years on its campus.

Lake Washington Technical College has blossomed under Mr. Fowler's leadership. The college, which enrolls 20,000 students, is the largest hi-tech college on the East Side. Moreover, 92 percent of its graduates secure employment upon graduation.

Lake Washington Technical College's strong commitment to life-long learning is exemplified by its extensive curriculum. Vocational education is just one of the many paths students may choose. This college also offers advanced skill training for the employees of local industries, hi-tech training, ESL classes for recent immigrants, and courses geared toward high-school students.

While I am confident that Lake Washington Technical College will continue to be a first-rate educational institution without Mr. Fowler, the college will indeed loose a remarkable educator.

Mr. Speaker, even though Mr. Fowler is set to retire, I know that he will be an active participant in the community for years to come. Again, thank you, Mr. Fowler, for your many years of service.

BABIES AS MEDICAL PRODUCTS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. HYDE. Mr. Speaker, John Kass, a thoughtful columnist for the Chicago Tribune, on June 28, 1999, wrote an important column about a development in modern medicine that has the most serious consequences for the value of human life. I commend Mr. Kass' article to my colleagues:

[From the Chicago Tribune, June 28, 1999]

DRAW THE LINE NOW AGAINST USING BABIES AS MEDICAL PRODUCTS

(By John Kass)

It's an ugly twist on an old science fiction theme:

Would you use the body parts of an innocent baby so that you could live a happier life?

Would you support a system of incentives to kill other babies, and process them like meat at a packing plant, for the benefit of a frightened Baby Boom generation terrified of Alzheimer's disease and death?

Of course not. The suggestion is monstrous and dehumanizing. By comparison, it makes what the Serbs and Albanians are doing to each other look like a gentle game.

But the science fiction scenario doesn't generate the terrifying passions of old Balkan blood feuds.

Instead, it's calculated, without anger, and practiced by reasonable men and women in white lab coats.

It's about pure reason, efficiency and scientific rationalism. It's what a culture can do when it loses its soul. If you don't believe me, ask a Jew about the Nazi concentration camps.

So get horrified. Because it's not science fiction. It's happening now, in our country.

I read about it in Sunday's Tribune, in a fascinating story by science writer Ronald Kotulak under the headline "Stem cells opening path to brain repair."

It began with an anecdote about a woman with Parkinson's disease. Her name is Dr. Jacqueline Winterkorn. The drugs she was taking to fight the disease weren't working anymore.

"It's a very sad disease," Dr. Winterkorn was quoted as saying. "People are locked into bodies that don't move. Their brains are working, their minds are working, but they can't talk and they can't move.

In other words, they're human beings immobilized through no fault of their own, trapped without speech. They have emotions, but they can't do anything about it. They're helpless.

Like a fetus.

But Dr. Winterkorn's condition began improving, the story said, after she was given millions of new brain stem cells because her own brain cells weren't doing their jobs. Her brain cells weren't producing enough dopamine to control her movements.

The new brain stem cells worked just fine. They produced dopamine in her brain. She improved. The scientists are thrilled.

"The prospect of repairing a damaged brain is pretty remarkable," said Dr. Curt Freed, who did the study. "It has been possible to show significant improvements in some patients who suffered from a chronic neurologic disease for an average of 14 years."

But there is a price for Dr. Freed's success. The new brain cells have to come from somewhere. And they don't come from pigs.

They come from fetuses, which is a polite way of saying they come from tiny human beings. The tiny human beings didn't willingly give up their brains. Nobody asked them to sign papers donating their bodies to science.

They didn't have much say in the matter. They were aborted.

The National Institutes of Health—which means the federal government—has lifted its ban on the use of human fetal cells and is bankrolling several other similar studies.

Meanwhile, the White House worries that video games cheapen human life and make possible massacres like the one in Littleton, Colo.

Courts and abortion rights advocates have said that what grows in a mother's womb is not a human being. You don't say baby. That's impolite. You say "it," because that makes a human being easier to kill.

The debate over abortion is an old one now. Most folks have settled into their positions and defend them vigorously. That's not going to change.

What's changing is that we're progressing to a civilized new stage—turning human beings into valuable commodities—in which the bodies of the helpless are used to improve the lives of the powerful.

And it's being done in the name of cold scientific reason. The rhetorical pathway was cleared years ago, when the Germans built Buchenwald and Auschwitz and other places.

Soon other folks with Parkinson's or other brain disorders such as Alzheimer's disease will seek such treatments. The Baby Boom generation that has never been denied will make its demands.

It's human nature to use available resources to satisfy the most powerful human need: staying alive.

So aborted human babies will become resources. They'll become products, subjected to the market. Because they'll have value, there will be an incentive to provide more. Their bodies will be served up for the benefit of adults.

If we don't stop it now, if we accept this crime in the name of scientific reason, we'll lose ourselves.

Ask a mother carrying a child inside her. Ask her if it's not human. Ask any father who puts his hand on his expectant wife's belly and feels a tiny foot.

In a few weeks, they're out and looking up to you. They grab your finger. You kiss their necks. Someday, when they're old enough, they might ask you what fetal brain stem cell research is all about.

What will you tell them?

THERE THEY GO AGAIN: MORE ON THE CLINTON-GORE SCHEME TO BLACKLIST U.S. JOBS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. CUNNINGHAM. Mr. Speaker, I want to share with my colleagues the perspective of the Investor's Business Daily newspaper on the Clinton-Gore scheme to blacklist certain U.S. employers, threaten the jobs of U.S. workers, and increase taxpayers' cost of the government buying goods and services.

DOES RULE "BLACKLIST" BUSINESS?

CONTRACTORS MAY BE PRESUMED GUILTY UNDER GORE PLAN

(By John Berlau)

Al Gore's official campaign for president has just begun. But he's already upholding a pledge to organized labor that has business groups fuming.

Gore made his promise when House Minority Leader Richard Gephardt, D–MO—a union favorite—was considering a White House run. In February 1997, Gore told the AFL–CIO Executive Council that "the Clinton administration will seek to bar companies with poor labor records from receiving government contracts."

If a company wants to do business with the Federal Government, Gore said, it has to "respect civil, human and union rights."

Fearing that this promise could become a regulation that favors organized labor, groups like the U.S. Chamber of Commerce, the National Association of Manufacturers and the Associated General Contractors of America have been worrying ever since.

Their fears may be justified. The rule is now circulating around federal agencies and lawmakers' offices. It's expected to be published in July.

It would give bureaucrats power to deny government contracts to companies that are merely accused of violating labor, antitrust, health, consumer or environmental laws. The charges don't have to be proved in court; allegations alone may be enough.

The rule could affect the $180 billion spent on federal contracts with private companies each year. It's estimated that companies doing at least some business with the Federal Government employ more than 25 million people and account for more than a fifth of the work force.

The rule is "much, much worse" than expected, said labor lawyer Hal Coxson, who's executive director of the National Alliance Against Blacklisting, a coalition of business groups opposed to the rule.

"This is huge," said Randy Johnson, vice president for labor and employee benefits at the U.S. Chamber of Commerce.

But Steven Kelman, head of the White House Office of Federal Procurement Policy (OFPP) from 1993 to 1997, said the rule represents "a common sense point of view: If you violate the law, you can't do business with the Federal Government." Kelman says it's not that different from existing rules contractors must obey.

Gore spokesman Christopher Lehane told National Journal that the vice president "has paid a great deal of attention to (the proposal) because it will help labor in its efforts to continue organizing."

Attempts to get comments from Gore's campaign, his office and OFPP were unsuccessful.

A copy of the regulation obtained by Investor's Business Daily shows how far it could reach.

It says bureaucrats should deny a government contract if there's "persuasive evidence of the prospective contractor's lack of compliance with tax laws, or substantial noncompliance with labor and employment laws, environmental laws, antitrust laws and other consumer protections."

In some cases, violations don't have to be proved. According to the rule, "final adjudication" isn't needed if the contracting officer finds "persuasive evidence of substantial noncompliance with a law or regulation."

A fact sheet White House officials provided to lawmakers gives specific examples of when contracts could be denied. These include complaints filed by:

The Equal Employment Opportunity Commission involving "alleged employment discrimination."

The National Labor Relations Board for "an alleged unfair labor practice."

The Labor Department "in a matter involving alleged violations of OSHA (Occupational Safety and Health Administration)" rules.

Because the government could deny contracts based on suspicion and allegations, rather than proven charges, critics call this the "blacklisting regulation."

This could drive a wedge between Gore and one industry he claims to champion—the high-tech sector.

Nancy Saucier, manager of domestic policy for the [American Electronics Association], high tech's biggest trade group, said fighting this regulation is one of the [AEA]'s "top three" issues this year.

The Defense Department "is the largest purchaser in the world of high-tech products," Saucier said. "If (companies suddenly) found that they're winning only 50% of the contracts that they won before, due to these arbitrary determinations, it's going to affect their bottom lines incredibly." The rule will probably affect companies' share prices as well, she adds.

Saucier and others worry the rule will give perverse incentives for companies to dig up dirt on their rivals. Coxson notes that consumer and environmental groups and disgruntled employees could also present complaints to agencies in order to deny companies contracts.

Former OFPP head Kelman, now a professor of public management at Harvard, said he thinks the power to bar companies for suspected violations will only be used in "extremely egregious" cases.

He confidently predicted that "a contracting officer, given his lack of expertise, is going to be extremely reluctant to make a determination that's not based on a final adjudication." He also notes that companies can sue if they feel they've been wrongly denied a contract.

Attorney Karen Hastie Williams, head of OFPP under President Carter, strongly disagrees. The rule "can be the camel's nose under the tent in terms of coming up with arbitrary criteria to be used (against contractors)," she said.

A company unfairly denied a contract would have to go through costly lawsuits and still couldn't win back its bid, Williams says. These delays would end up costing companies and taxpayers.

Williams, who now represents companies that have contracts with the government, says contracting officers already have the power to review a company's legal history if it's relevant to the contract.

But this rule would open the door to punishing technical violations of complex rules, Williams says. In labor law, companies are often found guilty when they haven't followed procedures correctly. "Often there hasn't been any harm to anybody," she said.

The White House and Kelman call this rule a clarification of existing law. Williams and Coxson believe ti does much more. They say the rule substantially amends procurement law and other statutes by adding a new penalty—denying contracts.

Coxson notes that in the 1970s and 1980s, lawmakers couldn't get provisions banning contracts for labor law violations through a Democratic Congress.

Prospects for getting this through a Republican Congress are even lees likely. Rep. Charlie Norwood, R-Ga., who heads a subcommittee of the House Education and Workforce Committee, strongly opposes the rule.

An aide says Norwood may try to get lawmakers to overturn the rule.

Coxson says it may be unconstitutional, because Congress hasn't delegated this power to the White House. He and other lawyers also say it could violate the Constitution's "due process" provisions.

Business groups also worry about a part of the rule saying that contractors must have the "necessary workplace practices" addressing "worker retention." They say this could bar contracts to companies that lay off workers or hire striker replacements.

"Gore promised this," the Chamber's Johnson said. "He can tell organized labor he went forward, and then, if it dies, he can blame the Republicans."

TRIBUTE TO FORMER LIEUTENANT GOVERNOR BOB BULLOCK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to Former Lieutenant Governor Bob Bullock. The man I speak of today is so deeply entrenched in the political framework of Texas, that he has often been regarded as a legend in my home state.

Bob passed away on June 18th 1999, and the entire State of Texas mourns his death. But I stand before you today to salute his life. I am proud to say that Bob Bullock was a friend of mine, in both the personal and political arena. This man was renowned for having an explosive temper and striking fear into his opponents. Yes, he did have an iron fist, but a heart of gold as well. Mr. Bullock will be remembered as a man whose dedication to the state of Texas stood above all political agendas.

Bob Bullock began his career as a public servant in 1956, winning a seat in the Texas Legislature. I had the opportunity to serve with Bob when I began my service in the Texas House of Representatives in 1972, and the foresight to endorse him as a candidate for statewide Comptroller in 1974. Mr. Bullock held the office of Comptroller for 16 years, before being elected to the office of Lieutenant Governor in 1990.

He served the State of Texas as Lieutenant Governor until he chose not to seek re-election in 1998. As Comptroller and Lieutenant Governor, Bob Bullock influenced so much of the major legislation passed in Texas over the past two decades, that he has been considered a political giant. In fact, Governor George W. Bush paid tribute to Bob Bullock by calling him "the largest Texan of our time." Bob Bullock has reached legendary status because his political savvy allowed him to have a hand in nearly every major piece of legislation in Texas since the 1970's. Among Mr. Bullock's greatest accomplishments as Comptroller and Lieutenant Governor, were public education reform, water conservation, and performance reviews of state programs.

Bob Bullock has had to overcome nearly as many struggles in his personal life as in his professional life. Mr. Bullock had been plagued by health problems, fighting as vigorously against illness as he had against political opposition.

He won battles against depression, and alcoholism. He survived a heart attack and heart bypass surgery. Bob was an inspiration to all, sustaining his vibrance in the political realm though in less then the best of health. Unfortunately, Bob Bullock's health problems eventually caught up with him. In his final days Bob lost the battle to lung cancer and heart disease.

Loved by some, but respected by all. He was one of the greatest legislators in the history of the State of Texas. The Lone Star will be forever indebted to this man or his vision, and his determination as a lawmaker. A long-time top aide of the former Lieutenant Governor affirmed that "he never forgets anything" and Texas will never forget Bob Bullock.

A GREAT MAN WHO CONTINUES TO OFFER EACH OF US INSIGHT FOR THE FUTURE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. DUNN. Mr. Speaker, I rise today to notify the House of Representatives of a speech recently given by the former Speaker of the House, Newt Gingrich. In May, with the other Republican women Members of Congress I invited women from around the country to attend the second annual Republican Women Leaders Forum.

At the forum there were many speeches given, but one of the highlights was a speech given by Newt Gingrich on the morning of May 12, 1999. His speech was heard by over 1,000 women and received ten standing ovations. The speech moved me and many of my colleagues who were in attendance.

As the man who led us in capturing and holding a Republican majority in Congress for the first time since 1928, his comments continue to offer each of us insight for the future.

SPEECH OF NEWT GINGRICH, REPUBLICAN WOMEN'S LEADERSHIP FORUM, RONALD REAGAN INTERNATIONAL TRADE CENTER, WASHINGTON, DC, MAY 12, 1999

Thank you very, very much, and thank you Sue, [Myrick] and thank you Jennifer [Dunn] for inviting me and I also want to mention Mac Collins a colleague from Georgia who came by a few minutes ago. It was great to see him. This is actually the first serious policy speech I've made since stepping down as Speaker.

And I want to say, first of all, how grateful I am to be here. I had many offers, obviously, but what Jennifer Dunn has done in bringing together women leaders from all over the country is so important, and when she called me a couple of months ago, I said this was a date I would circle and be here.

And I'm honored to be here with all of you. And remember, those of you who were here last year, I revealed that—just as many of you are soccer moms. I was a ballet dad. [laughter] And so I think our concern for children our concern for how they grow up, we share a lot of that.

I also couldn't help but think as Sue was talking about the fact that the first two women to be officers of the House were under the Republicans. The Democrats had never had a woman as officer of the House. The first women to chair full committees were Republicans; the first time we had three women in the leadership was under the Republicans.

And I noticed something that has not yet been reported in Washington, but I think will, by next spring, be a serious gender-gap issue nationwide, and I just want to be clear about this as a starting point for this speech: I don't know why there is no Democratic woman who feels confident enough to run for president, but I am proud that it is the Republicans who have produced the first serious, nationwide woman candidate for president. [applause]

And maybe the Democrat women are too intimidated by the White House style of leadership, [laughter] maybe the Democratic women are too shy, maybe they are too busy waiting for Hillary to make up her mind, but I am proud that Elizabeth Dole is making a serious campaign, in a serious way, and frankly I would so much prefer her to either Gore or Bradley, that I am proud that she is out there campaigning across this country. [applause]

And for all of our friends who may watch this later on C-SPAN, I am not endorsing anybody, but I think that it is exciting for the Republican Party to have that caliber of leadership.

Let me also thank you for your help. Sue also made the point, which is exactly right, that with your help, in 1994, we ran an entirely positive campaign. We outlined a Contract With America. With the help of the National Committee, our biggest single ad was in TV Guide, it was small print, no pictures, didn't mention the Democrats or Bill Clinton. It said, "if you hire us, this is our contract, this is what we'll do." When we elected a new generation, and Sue was one of the leaders, a brand new team came to Washington and much to the shock of people, we actually kept our word.

We passed welfare reform three times. Twice the president vetoed it, the third time it was very popular, we were close to the election, he announced he had invented it in Arkansas, was sorry it took so long, and took full credit and signed it.

But the fact is, for the Republicans who fought for it, today 43% fewer people are on welfare, and 43% more folks are working, and that is a key reason we have a better economy, not Bill Clinton's malarkey. [applause]

The fact is, with Jennifer Dunn, and Sue Myrick, and another presidential candidate, John Kasich, who had the sheer courage as Budget Committee Chairman to produce the first balanced budget in a generation, [applause] you are now at a point where if you don't elect another liberal congress, and you don't elect another liberal president, we will have a generation of balanced budgets for the first time in 70 years. And that has lowered interest rates, and that has been a factor in this economy, not Bill Clinton's malarkey. [applause]

And let's be clear: Bill Clinton was for a balanced budget after the 300th focus group. He fought us every step of the way until he decided he had no choice, and for him to take credit is just a sign that he is the man we know he is. [laughter] [applause]

Finally, with your help, we passed tax cuts. A pro-family five-hundred-dollar tax credit, against liberal opposition. A capital gains tax cut to create more jobs, against liberal opposition. A cut in the death tax to strengthen family ties, against liberal opposition. And that helped the economy grow, with zero help from Bill Clinton and Al Gore, except they caved in at the end and signed the bill they opposed. [applause] So let's be clear about why this economy's healthy.

But it happened because of your help. It happened because you were willing to work hard, elect a Republican Congress, stand by us and make us—not only were we the first Republican majority in 40 years in the House, we were the first Republican majority re-elected in the House since 1928. And because of your help, we were also the first Republican majority in the House elected to a third term since 1926.

Now, I made a very difficult decision three days after the election. Because I talked with my colleagues, and I reached a conclusion that I'd been trying to do two jobs. One to be a visionary, a strategist and a teacher, to tell the truth as I saw it. And the other to manage the House on a daily basis. And the two jobs weren't the same job.

One job required patience, endurance, willingness to listen, a willingness to get every day the best you could get and move on. That's the Speaker of the House. It's a tough, tough job, and my heart goes out to Denny Hastert. He's a great American, and I think as he learns the job he's going to be better and better, and you're going to be very proud by next year. And compared to Dick Gephardt, Denny Hastert is absolutely the Speaker we need, and Denny Hastert was the person I backed strongly personally, because he has the instincts to be a good legislative leader. Which means, he's not always going to look good in the press. That's not the job of a Speaker. Tim O'Neil didn't always look great in the press, but he was a very effective Speaker for the Democrats. But he will get the job done. He passed a budget this year, which I couldn't get done last year. And he'll keep getting things done, because that's the job of the Speaker.

But it meant that for two years, I have been drowning. I couldn't do what I did differently, which is to tell the truth as I understand it. It's not the "truth;" the "truth" is known by God and the rest of us seek it. But to try every day to tell where we have to go. The way we developed the Contract.

The last five months I've had a chance to be out around the country. To be beyond the beltway, to not watch the Sunday shows, to ignore all the babble that his city mistakes for dialogue. [laughter] [applause]

And, I've had a chance to really think about where we are, and where we've going. And I decided that what I want to do today, is share with you some thoughts about Littleton, and about Kosovo. I haven't talked on either one, and I probably won't do it again for a good while. But if I'm going to come here and be with you, I'm going to try to be who I've always been, which is a person who tried to described what he really believed.

Let me start by saying that the thing that most clearly hits you, when you get beyond the elite media, is that this is a great country, filled with good people, and many of them achieve amazing things.

For every child who ends up on the cover of a magazine because they killed somebody, there are literally a million children going to school, trying to understand their role in life, trying to be decent to their fellow citizens.

For every child who ends up in a way that is tragic, there are hundreds of thousands of children who are trying very hard to learn to be American citizens. To be the kind of person their family can be proud of.

And I think we need to start by placing in perspective both Littleton and Kosovo.

We are the greatest society of freedom in the history of the human race. More people pursue happiness, of more racial backgrounds, with greater religious diversity than in any country in the history of the world, and we should be proud that for most of the time, America works, despite the news media mis-coverage of this country. [applause]

And if my friends in the press think I'm tough on them, they're right. The truth is, if Thomas Edison invented the electric light bulb today, it would be reported tonight on the networks with a story which began, "the candle making industry was threatened today." [laughter] [applause]

But, we are also not only a remarkable country, we are the only global superpower in the history of the human race. No other country has ever had the potential power that we have. And yet, as a great country, and a good society of decent people, we have Littleton. As the most powerful nation in the history of the world, we have Kosovo.

And every Sunday you hear all the local self-appointed experts babble on with whatever trivia they heard that week.

I want to give you my honest, personal thoughts on both those topics. Some of this may be a little controversial. And it should be.

And I want to do it in a spirit, as a history teacher, of Emile Zola, who wrote J'Accuse, "I accuse." A Jewish officer in the French army had been framed, largely because of anti-Semitism. The elite culture had covered up the framing they were all going to go along with destroying him, and Emile Zola wrote a public letter saying, "this is wrong."

And because of the moral courage of his letter, French society talked to itself, there was a great crisis, and it changed. Captain Dreyfuss was exonerated, and the people who had framed him were punished.

So in the tradition J'Accuse, and Emile Zola, I want to say to the elite of this country, the elite news media, the liberal academic elite, the liberal political elite: I accuse you in Littleton, and I accuse you in Kosovo, of being afraid to talk about the mess you have made, and being afraid to take responsibility for the things that you have done, and instead foisting on the rest of us pathetic banalities because you don't have the courage to look at the world you have created. [applause]

Let me talk first about Littleton. A great tragedy. A tragedy that should frighten every one of us. Both for those who were killed, and for the killers. Because it means that any of us, in any school, no matter how good, could lose our children. And it means any of us, in any home, could lose our child.

And we should have a national, open discussion about "how did we get here?" How did this great country, filled with good people who do amazing things allow it to degenerate to a point where young boys could think such weird, perverse thoughts and then act on them. Where the innocent could die for no reason.

Let me give you my answer. One which I'm sure I'll be castigated for, and I'm sure my usual critics will write harsh columns about. But it is the truth, and it makes them very guilty and very uncomfortable, and they reflect that in their attacks.

We have had a thirty-five year experiment, in a unionized, bureaucratic, credentialed, secular assault on the core values of this country. And we should not be surprised that they eventually yield bad fruit, because they are bad seeds. They make no sense as a society.

For thirty-five years, God has been driven out of the classroom, and we have seen it result in a secular, atheistic system [applause] in which God is not allowed to exist. [applause]

For thirty-five years the political and intellectual elites of political correctness have undermined the core values of American history, so that young people may not know who George Washington is, or they may not know who Abraham Lincoln is, but they do know what MTV is, and that is not progress, that is decadence, and we should say it bluntly. [applause]

For thirty-five years, bureaucratic, credentialed unions have driven knowledge out of the classroom, so today you can have a certified teacher who can't speak a foreign language try to teach it, while the person who can speak it can't teach it because they either don't pay the union dues or haven't gotten credentialed, and that is madness. [applause]

We keep looking at our physics scores and say "why do they decline?" And then you find that in the inner city we have people who don't know any physics teaching physics. And you have a student who sits there and knows their teacher doesn't know.

You can't have authority unless you earn it. And you can't have a bureaucratic, unionized, credentialed system that has any authority left, because it drives out the very skills and the very capacities that are necessary.

And most teachers are decent, and most teachers are hard working, and most teachers are trying. And I am a product of the public schools, and I actually care about them enough to try and change them, not just have a mantra of paying off the unions while doing nothing to save the schools. [applause]

Let me say his very clearly. And it will be very controversial. For a generation, Hollywood and computerized games have undermined the core values of civility and it is time they were stopped by a society that values free speech enough to protect it. [applause]

One of the great founders of CBS News, Edward R. Murrow's producer, had a wonderful saying, "Just because you have the right to say it, doesn't mean it is the right thing to say." And let us say to Hollywood, and let us say to the Nintendos and the other games, if you are going to be sick, we are going to find a way to protect this country from you, and whether that means exposing movies to liability litigation, whether that means exposing computerized games to litigation, whether it means challenging the Democrats to cut off the fund-raising in a verse. Don't tell us you care about children, and then have the people corrupting their lives raise your money, while you tell us you care about traditional values. [applause]

So, if Al Gore and Bill Bradley really want to help America, they can lay a standard down. They won't raise a penny in Hollywood from anybody who doesn't sign a standard that says they will make movies of voluntary decency.

You don't have to allow the most corrupt, the most depraved, the most violent, just because you personally don't have the guts for your career to say "I won't do it." And they could set a standard and say, "we're only going to do fund-raisers with producers and stars who do decent films," and you would suddenly see a crisis of identity in both the Democratic party and Hollywood. [applause]

And I'm not using that just to make a partisan point, I'm trying to make a deeper point. Don't tell us the Constitution blocks us from civility. Don't tell us that freedom of speech means the freedom to be so depraved, so violent, so disgusting that our children grow up in a world where they think that killing someone else is a reasonable behavior. And it's true on television, it's true in the movies, it's true in these games.

And I would challenge the lawyers of America: Don't tell me how cleverly you can protect those who are bad, tell me how well you can find some solution to bring Hollywood to its senses and to bring the game people to their senses.

And I'm not for censorship. But I am for the society setting standards and shaming those who refuse to have a standard that makes sense. [applause]

And for two generations we have raised the taxes on working families so that the second spouse has no choice except to go to work, almost entirely to pay the family's taxes. Then we talk about "latch-key kids," when it is the very liberal politicians who raised the taxes who created the latch-keys. [applause]

But about Littleton, liberal politicians and the elite media yell "gun-control" because they can't talk about their values, and the effect they have had.

Let me set some simple standards. When Al Gore talks God and Faith, is he for voluntary school prayer, or isn't he? Does he want to bring God back in, or does he want to give us psychobabble? Yes or no? Don't tell me why you're "sort of for it," and "Littleton is certainly a tragedy," and I certainly "feel." We've had eight years of that.

Let's be serious. This was a mistake to take God out of the classroom. [applause] It was a mistake to take the right to pray out of the classroom. Now, are you for changing the mistake, or not changing the mistake? [applause]

But don't tell us you're really worried about the consequences, but you don't want to change the cause.

When politicians talk about families, is Bill Bradley for more tax cuts, so families have more time with their children, or is he against tax cuts? Does he want to abolish the death tax so we strengthen family bonds, or is he for the death tax, even though it clearly makes no sense as a society to punish grandparents and parents for saving for their children and grandchildren. It is the socially dumbest tax we have. [applause]

When a liberal talks about values, would he or she actually like us to teach American history? Would they actually like young children to learn that George Washington was an ethical man? A man of standards? A man who earned the right to be father of this country? Would they actually like us to learn that Lincoln agonized, or is discussing those kind of moral values culturally inappropriate? Because we have to be a multicultural society, where you get to pick and invent your own culture? Something which historically no civilization has ever successfully done because it means you've got thirteen to fifteen year olds in total confusion, and they're being asked to invent a reasonable civilization?

It takes thousands of years to create a civilization, and then we learn it, and we stand on the shoulders of the lessons of every generation that paid in blood to learn these lessons. And to ask young people of thirteen and fifteen to invent a civilization is not only ahistorical, it violates everything we know about how human beings function.

And we should say something simple: Every child should know the Declaration of Independence, and why it says, "We hold these truths to be self-evident." Every child should learn the Declaration of Independence, and why it says, "We are endowed by our Creator."

When those children killed in Littleton, they were killing the children of God, who had been endowed with the unalienable right of life, liberty, and the pursuit of happiness. And I will bet you those kids didn't know it, they didn't believe it, they didn't understand it, because for two generations the elite liberals in academia and in the news media have babbled on about somehow getting rid of all this western ethnocentric whatever ... it is irrelevant what your color is. It is irrelevant what geography you come from. When you come to America, you learn to be an American and that means you are endowed. [applause]

So, I ask each of you, you go back to your state. You ask your state legislatures and your governor, let's reestablish teaching the Constitution, let's reestablish teaching the Declaration of Independence, let's make sure every child knows what Creator means, and then let's see how the liberals try to go to the Supreme Court to argue that you can't talk about the Creator in class when in fact it is a historical document about a historic fact that the Founding Fathers all believed in God, including Thomas Jefferson, thank you very much, it's his language. [laughter] [applause]

And so, on Littleton, let me simply say, most children are good. Most schools are safe, but we have been given a wake up call that the experiment in secular liberalism has failed, and we had better truly change, or there will be more symptoms of the pain. And every time our friends on the left babble about gun-control, or some psycho-therapy, or some other kind of feel good stuff, we ought to come back to the basics.

Are you prepared to cut taxes on working families? Are you prepared to eliminate the death tax? Are you prepared to actually have teachers who know something as a requirement of teaching? Are you prepared to reinstate American history and learning about America? Are you prepared to talk about the Creator, and are you prepared to allow children to pray voluntarily? And if you're not for those things, you're not for the changes that are necessary to make sure that we have fewer Littletons and more children who are happy and stable. [applause]

Now, and let me say that avoiding future Littletons requires real change. This has been a mistake. For thirty-five years, we have gone in the wrong direction. This is about real change. And without real change, it won't change.

Let me now turn to foreign policy. Let me say that I have watched with some amazement. I think it is fair to say that of all the Republican leaders in the last six years, I was the most consistently supportive of the president, because I felt as an Army brat, having been overseas, having lived through experiences where politicians back home were critical and divisive, having been through the Vietnam war where some American future politicians led demonstrations in foreign countries, [laughter] having been through Desert Shield and watched every elected Democrat leader vote against Desert Storm, I know how unnecessarily divisive domestic politics can be.

I also know that as a superpower we have a unique role, and let me say, very clearly: I believe the United States must provide leadership in the world, I believe we are irreplaceable, and I oppose unalterably anyone who argues for withdrawal and isolation, because I believe it is our historic destiny and fate.

There is no other country big enough, complex enough, or capable of providing leadership on a world-wide basis, and if we pull back, this planet will become chaotic, and violent, and our children and grandchildren will pay in blood for our timidity.

Now having said that, let me also remind you, you can lead your neighborhood without fixing breakfast for all your neighbors. [laughter] You can lead a community cleanup drive without cleaning out every garage yourself.

But let me talk about Kosovo in the historic setting because, in the last few weeks the crisis has begun to mount in a way that I would have thought, in January, unthinkable.

For fifty years, we led NATO to keep Russia out of places like Yugoslavia, which was the only anti-Soviet communist state in Europe. And now, in a few short months, the Clinton-Gore administration, has fashioned a policy to bring Russia into one of the places we invented NATO to keep them out of. This is a significant mistake.

For the entire history of the human race, the Chinese have never been actively involved in Europe. And now in a few short months, the Clinton-Gore administration has managed to fashion a policy which gives the Chinese a voice in Europe. The scapegoating in this city will be pathetic, and has to be described honestly as scapegoating.

Let me give you the example of the Chinese embassy. The Clinton-Gore administration ignores intelligence, because as good liberals, they don't believe in a strong America leading the world. They under-fund it, they reduce the number of analysts. They have too few people. They send liberals out to run the agency in such a way—this is not the current director, but the preceding director and his staff—but they undermine the morale of our most effective intelligence agency.

The first director, Jim Woolsey, got to see the president one time. In fact there was a joke that when the plane crashed into the White House, it was Woolsey trying to get in to see the president. [laughter] I did not make that up, you can ask Jim Woolsey. [laughter]

So, for six and a half years the Clinton-Gore administration under-funds intelligence, abuses it, neglects it—go ask how many people there are in the Central Intelligence Agency that speak Serbian. Having had nine years to prepare for Kosovo, beginning in 1990, how much did we beef up? Or ask them how many can speak Chinese? How big is the shortage of Chinese language experts in the American intelligence community?

So having had six and a half years of under-funding, the CIA makes a mistake. But the Commander-in-Chief is not responsible. The Commander-in-Chief is never responsible. If, in a war, the president is not accountable, then what does the Constitution mean? COMMANDER-in-Chief. [applause]

In all of this Washington babble about who is responsible, the Clinton-Gore administration had six-and-a-half years, almost seven years, to beef-up our intelligence capabilities. They didn't do it.

I forced the extra funding last fall, finally, and it is still too little, and if we are going to be the superpower that leads the entire planet we need a dramatically bigger intelligence capability.

It doesn't mean you need to overhaul the CIA. It doesn't mean you don't have to rethink our intelligence capability, but I am tired of liberals yelling "reform" when what they mean is "don't fund them," and then blaming the people they didn't fund for the mistake that was human error.

We got it last year when the Indian nuclear explosion was not detected because we don't have enough analysts, and we don't have enough satellites to watch everything, and now we are getting it this year. The fact is that the Clinton-Gore Administration under-funds intelligence and we are now paying the price with the Chinese for the Clinton-Gore failure to provide adequate funding. [applause]

The fact is, the Clinton-Gore Administration has under-funded defense, and God help us if either the North Koreans or the Iraqis decide to take advantage of our current disposition. Does this administration honestly believe that nobody else in the world watches CNN? [laughter]

The reason you have to have, and I'm very serious, this is a matter of life and death. The reason is you have to have a military big enough to do three things: One campaign; be ready for a second campaign; and retain a training and procurement base for a third campaign.

And [RNC] Chairman [Jim] Nicholson knows this. He is a West Point graduate. He served in Vietnam. He understands these things. The reason you have to do all three simultaneously is because you are in a dangerous world.

And when you focus on Iraq, and the President did for a little while in 1997. And I was with him, because I thought he was doing the right thing? And then he forgot it. Saddam is still there, but none of the stated goals—remember all the worries, the sack of sugar, the danger of biological weapons. They didn't go away. It is just that this administration's attention span is relatively short.

So Saddam is still there. The world is getting more dangerous. He is doing every single thing that Bill Clinton and Bill Cohen told us to worry about, but we're not in that campaign right now because we can't afford to be.

The North Koreans are lying to us about nuclear weapons. We know they are lying. They know we know they are lying. The Chinese, the South Koreans, and the Japanese know they are lying. And they know we know they are lying. And the North Koreans are routinely irrational. Despite 50 years of effort we know almost nothing about North Korea because it is the most sealed off society in the world. And it is preeminently dangerous.

And then you have Kosovo. A campaign designed as though all of military history ceased to exist. As though there are no lessons of Vietnam. The very people who were opposed to Vietnam are now bringing us a European Vietnam, and they have learned nothing from the Vietnam campaign. [applause]

Compare the lessons of Desert Storm and Kosovo. In Desert Storm, President George Bush, Secretary of State Jim Baker, National Security Advisor Brent Scowcroft, Secretary of Defense Dick Cheney, and Chairman of the Joint Chiefs Colin Powell said very clearly to the theater commander Norman Schwartzkopf, "what is it going to take to win decisively with minimum American casualties in the shortest possible time." And they spent six-months in a majestic, slow, careful buildup of overwhelming military force. They launched an air campaign that in six weeks pulverized the Iraqis and they launched a four-day ground campaign. It is the textbook study of a how a Democracy prepares relentlessly to impose victory with minimum American casualties.

Now I don't know what General Clark was thinking about, because he knows better. And I don't know what the Chairman of the Joint Chiefs was thinking about, because he knows better. And I don't know why none of the Joints Chiefs have resigned [applause] because this campaign is a violation of every rule I know of in how you design a campaign. Instead of Theodore Roosevelt's speak softly and carry a big stick, we've yelled and carried a toothpick.

And what has happened? The people we were protecting were driven out, killed, or raped. The people that are under the shelter of the United States of America are no longer in Kosovo. The Serbians accepted a brutal choice: we get to kill them, and they get to kill Albanians. But they've accepted it.

The Russians are now reestablished as a power in Europe. The Chinese are getting engaged in Europe. We are wasting our resources. Our prestige is diminishing. And all over the world we look like a violent, helpless, pathetic country.

Would you want to be protected by a Clinton Administration that guaranteed that protection meant you would be driven out of your home? They allowed it to happen to the Kurds in northern Iraq. They are allowing it to happen now to the Albanians in Kosovo.

And the President, of course, isn't responsible because he is in a permanent campaign, so he doesn't have to be Commander-in-Chief unless we are seeing him step off the airplane to be saluted by military people who know better. They know this is a pathetic disaster for the United States. [applause]

Finally, with the Chinese having carefully orchestrated riots because even when they try to buy an administration, they can't always get what they want. Let's be clear, the Clinton Administration's Justice Department did everything it could to block an honest investigation of the Chinese money laundering, and we know far less today about either the Chinese cash or nuclear secrets.

And by the way, I don't blame the Chinese for stealing our secrets, they are a sovereign power. They should do what's in their interest. I blame the Clinton Administration for not protecting the American secrets from China. [applause]

The Chinese staged these riots, which you know are staged, because the Chinese lock up people who get up and say "hi, I'd like to have free speech." Five years in jail. [laughter] "I'd like to go riot against the Americans." Can we give you a bus? [laughter] I mean, who's kidding whom; these are staged, organized government dictatorship riots.

We are a country without a defense against Chinese ballistic missiles. We could lose some of our men and women in Kosovo. We could lose a lot of people if the Iraqis or the North Koreans try to take advantage of our weakness. We could lose an American city, and there is no ballistic missile defense.

Why? Because the party of trial lawyers believes that we should have a legal document with a "Soviet Union," which disappeared in 1991, rather that using the best scientists and the best engineers. And we need a crash program to apply, not just for the U.S., but a global missile defense, so that all of our allies can rest safe. And we need to adopt a very simple rule.

Let me be very clear, I'm not arguing for being in Kosovo or not. And I would actually urge most of my former colleagues to just shut up about it. Having civilian politicians give their ideas about their campaign plan is sort of irrelevant.

We ought to have a very simple set of standards as a country. If we say that we are going to do something, and if the President comes to a joint session—which this President should do, and should have done for three months, and how he can get away with not addressing the Congress and talking to the nation about Kosovo is beyond me. [applause]

We ought to have a standard rule, if you are going to commit American forces, you address a joint session. I mean this for all Presidents for our future. We've got to learn to lead and we've got to learn to do it within our Constitution.

He should come to the Congress. He should say, "This is the problem. These are our values. These are our goals." He should then say a simple thing: "I have instructed the chairmen of the Joint Chiefs to design a military campaign plan that will achieve victory for America with minimum cost in lives and minimum use of time. The chairman will be expected to execute that campaign and if it fails, he would be retired and his successor will be expected to design a successful campaign." No elected politician should attempt to micro-manage whether or not we move Apache helicopters. [applause]

Let me just close with this personal testimonial, for whatever it's worth. My stepfather served 27 years in the U.S. Army infantry. It was at the end of the Second World War, fought in Korea, fought in Vietnam. We lived—when I was growing up, I was born in Harrisburg, Pennsylvania. We lived in Fort Raleigh, Kansas; Avignon, France; Stuttgart, Germany; and then Fort Benning, Georgia; which is how I became a Georgian.

He served his country because he loved it. He served his country because he thought it really mattered. He thought a world in which the Soviets dominated or the Nazis dominated would be a horrible world. A world in which America led would be a remarkably better world.

Not a perfect world, because people aren't perfect. If you believe in God, you know how inadequate you are. But a world in which a decent country, of decent people, of all races and all nationalities could pursue freedom and safety, and could create prosperity like no one has ever seen. Forty years ago, he convinced me at the battlefield at Verdum, when I was fifteen, that this is all real.

For 40 years, with the help of the Georgia Federation of the Republican Woman, and the Young Republicans, and thousands of volunteers and lots of donors, and the people of Georgia, I was allowed to study, to learn. I was allowed to run for office and lose twice. I as allowed to run a third time and win. Ultimately, with your help, we created a majority.

I have not talked about any issues for five months. I have not really laid out what I feel from the heart, but I couldn't come here today in the middle of the agony that each of us must feel for the children and the families of Littleton.

I couldn't come here today, and let's be honest, in the tradition of Lincoln, we should feel as much agony for the innocent Serbs that are being killed as we feel for the Albanians. We are all humans. Our Creator endows us all.

And we have to be a great enough nation that our hearts go out to everybody in a conflict. And that we want to help everybody. We want to find a way to lead a world without violence because our moral dedication, not our purity, let me be clear to my liberal friends none of us are pure. That is not what this is about. Purity of purpose doesn't mean purity of execution, because we are humans.

This has been the greatest opportunity for simple, everyday human beings to get up in the morning, to love their families, to pursue happiness, to work for a living, to create a better future than has ever been created. And we have to save it domestically or we will have many more Littletons. And we have to learn to lead in the world or we will have many more Kosovos.

Sadly, not happily, because I tried for six years to work with this administration. Sadly, the Clinton-Gore Administration has proven both in their reaction to Littleton and in their utter total mismanagement in Kosovo, that liberalism once again has failed, and we have to be the standard barriers.

Just as we were with Eisenhower, just as we were in 1968 with Nixon, who ended the Vietnam War that Johnson started, just as we were with Ronald Reagan who created the cause of freedom worldwide and defeated the Soviet Empire, just as we were with George Bush, who had the nerve and the discipline to let the military run a winning campaign, despite every liberal Democratic elected leader in the Congress.

We have to have the nerve over the next eighteen months to tell the truth to the American people. To let the news media scream at us, and to count on the fact that, in the end, this is a great country, filed with good people, and they know better than the talking heads on Sunday morning.

Thank you, good luck and God Bless you. [applause]

INTRODUCTION OF THE SENIOR PRESCRIPTION DRUG ASSISTANCE EXPANSION DEMONSTRATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. GILMAN. Mr. Speaker, I rise today to introduce The Senior Prescription Drug Assistance Expansion Demonstration Act of 1999. In doing so, I am offering legislation which serves as a viable first step towards addressing the serious issue of rising prescription drug costs for our Nation's seniors.

The purpose of this legislation is to provide assistance to those states which have undertaken the step to offer supplemental assistance for low income seniors to help defray the rising cost of prescription medications.

This legislation will create a demonstration project that will provide block grant funding to permit three states with an existing prescription assistance program for low income seniors to raise their income eligibility by $5,000 for both single individuals and married couples. Should the program be successful, it can later be expanded to other states that have created such prescription assistance programs.

This legislation recognizes that the participating states have widely varying requirements with regards to the administration of their prescription-assistance plans. Consequently, it will not alter these requirements in any way, except that to qualify for the federal funds, each state must raise its income eligibility for both the single and married categories.

Mr. Speaker, the last five years have seen both a rapid increase in the amount of revolutionary drugs available on the market, as well as in the price of those drugs. The availability of these new drugs has been a wonderful result of annual advances in medical technology and knowledge. Regrettably, these advances also come with a price, one that is increasingly difficult for many senior citizens to pay.

A number of our colleagues in this House, as well as in the other body, have offered various bills designed to address the rising cost of prescription medication for senior citizens. These bills have tended to use either price controls, or the extension of free or heavily subsidized prescriptions as a new federal entitlement, as a solution to this problem.

The nation's experience with price controls during prior administrations has shown that they are not a viable tool. Moreover, while the new entitlement proposed by the current administration sounds appealing, neither the President, nor anyone in the minority has offered a viable way to pay for it. In our current budget environment, an entitlement proposal without a clear funding source is nothing more than a hollow promise.

Furthermore, price controls for prescription drugs run the very real risk of stifling future development in medical advances. While none of the major drug companies has any reason to plead poverty, the implementation of a federal system of mandatory price controls would certainly serve as a major disincentive on the future research and development of new prescription medications. In this sense, medical success does come with a price.

On the other hand, prices should not be so high that the target audience for which the drugs were developed cannot afford to purchase those drugs. Regrettably, this has increasingly been the case over the past several years for seniors living on fixed incomes.

The Federal Government has a vital role to play in fostering innovation in medicine, so that today's seniors can receive the benefits of tomorrow's new medical technology. The last few years have seen wonderful advances in drugs to treat osteoporosis, arthritis, and Alzheimer's disease.

At the same time, a new federally run bureaucracy is not the answer to address the needs of our senior citizens being able to afford these new drugs as they become available. Such a bureaucracy would take medical decisions on which drugs to prescribe away from doctors, dampen the overall level of medical research on new drugs, and force seniors to accept a one-size-fits-all federal program.

This legislation would avoid those problems. It sets out to expand on ideas that the states have shown do work in practice. The Epic program in New York is highly successful, and legislators of both parties in Albany have consistently voted to expand the program each year. However, these State officials understand that New York cannot afford on its own to cover every senior that it should.

By partnering with New York and other States with prescription assistance programs, the Federal Government will be able to both provide aid to thousands of seniors on fixed incomes with their monthly prescription drug bills, while leaving prescribing authority where it belongs, with the doctors. In essence, everyone wins.

Accordingly, Mr. Speaker, I urge my colleagues to join in supporting this worthwhile legislation, which helps needy seniors by providing the States with resources to expand programs which have already been proven to work.

A TRIBUTE TO PAUL MATHIEU AND FAMILY OF MIAMI, FLORIDA

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Mr. Paul Mathieu and the Mathieu Family of Miami, Florida, for the outstanding example of faith in action and excellence which they embody in their daily lives.

Paul Mathieu is a Jackson High School graduate who will be attending Harvard University in the fall, accomplishing his parents' dream of seeing all of their children attend college. He is the ninth child of Phinelie and Teucheler Mathieu, who came to Miami from Haiti in 1974. Their incredible faith, courage, and ethos of hard work have enabled this remarkable Haitian immigrant family who fled political repression, social brutality, and physical danger in their homeland to seek, and ultimately, to find, a better future for their children in their new home. Each of their children—Techeline, Firma, Fednie, Samuel, Emmanuel, Marc, Luckson, Marthe, and Paul—has contributed significantly to the family tradition of success and of active citizenship in America.

The Mathieus have earned their educations through scholarships, grants, and work study programs. Techelene Mathieu-Murray, the eldest of the children, is a fourth-grade teacher at Toussaint Louverture Elementary School. Firma Mathieu is a teacher at Dunbar Elementary School. Fednie Mathieu is a nurse at Jackson Memorial Hospital. Samuel Mathieu works for an agency that helps disadvantaged youth. Emmanuel Mathieu is studying criminal justice and elementary education at Florida Memorial College. Marc Mathieu is graduating from Northwestern University with a degree in journalism. Luckson Mathieu is a pre-Med student at Harvard University. Marthe Mathieu is a psychology major at the University of Florida. Paul Mathieu plans to pursue a career in medical research at Harvard University.

Mr. and Mrs. Mathieu have imparted to their children a strong religious faith, self-discipline, and an immense love of family. When the children were growing up, their father made a habit of regularly visiting their schools and knowing their teachers before he left for one of his night shifts at work. An example of the level of religious faith exhibited by the family is a quote by Mrs. Mathieu: "If you don't have God in your life and you have children, I don't know how you can sleep." Mrs. Mathieu also mentioned, "You want to know our secret? The only secret we have is prayer, prayer, prayer. We showed them how to serve God. God is the leader. . ."

Mr. Speaker, it is indeed a privilege to pay tribute to such outstanding and inspiring Americans as the Mathieu Family of Miami, Florida, who are working at the marvelous task of handing over their country not less but even better and greater than they received it.

TRIBUTE TO LIEUTENANT COLONEL GARY ANTHONY CORREIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. BERMAN. Mr. Speaker, my colleague, Mr. FRANK of Massachusetts, and I are pleased today to pay tribute to Lieutenant Colonel Gary Anthony Correia, a man whose life exemplifies the meaning and spirit of leadership. Gary is being honored for 20 years of distinguished service in the United States Marine Corps.

Gary has set an outstanding example for his colleagues in the Corps, where he has served with intelligence, skill and dedication. He is highly regarded by his peers as an involved, devoted and effective Marine.

Gary is a man of action and accomplishment. A native of New Bedford, Massachusetts, he graduated from Boston College in 1979 at the top of his class and soon after began his military career. He was commissioned a 2nd Lieutenant through the Platoon Leaders Class program and following basic school, was designated a Naval Aviator. His hard work and tenacity paid off with his rapid advancement through the ranks.

Gary's notable missions include the "Flying Tigers" of VT–26, "Crusaders" of VMFA–122, "Aggressors" of H& MS–31 and the "Black Knights" of VMFA–314. While assigned to the VMFA–314, he was deployed to Turkey for Display Determination and SWA for Operations Desert Shield/Storm from August 1990 to March 1991.

Promoted to Major in July of 1991, Gary joined the 7th Marines. In December of 1992, he deployed as part of the Ground Combat Element to Mogadishu, Somalia for Operation Restore Hope where he was the Officer-in-Charge of a joint/combined multi-national security force and ten Non-Governmental Organization (NGO) that provided humanitarian relief to Mogadishu.

His dedication to duty, his integrity and sense of fair play were demonstrated in his role as Executive Officer for a 48 aircraft F/A–18 Hornet Fleet Readiness Squadron, the largest in the Marine Corps/Navy inventory. Gary was instrumental in the squadron achieving over 140,000 hours of mishap free flight time, a first in the F/A–18 Hornet history.

Lieutenant Colonel Correia has accumulated more than 3,600 mishap free flight hours. His personal decorations include Meritorious Service Medal and Gold Star, Air Medal w/combat "V,", Strike Flight 1, Navy Commendation Medal W/Combat "V" and the Navy Achievement. He is the 1st Cape Verdean Naval Aviator and Marine Aviator and the first Black American promoted to rank of Lieutenant Colonel that is an F/A–18 Hornet Pilot.

He is married to Tracey, father to Chloe and Chase and the proud son of the late Joseph and Eva Correia. It is our distinct honor to ask our colleagues to join us in saluting Lieutenant Colonel Gary Anthony Correia, a man whose dedication and achievements are a credit to our country.

IN HONOR OF THE LATE CAPTAIN WILLIAM Y. CLARK

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. FORBES. Mr. Speaker, I rise today to honor an entrepreneur, Captain William Y. Clark, a Long Island businessman who recently passed away at the age of 86.

Ask any parent and I am sure they will agree that leaving a legacy such as the reins of a family business is of great significance. Skillfully maintaining and expanding such an enterprise demands the infusion of innovative ideas which was William's specialty.

Captain William Clark was born in West Babylon, Long Island, in 1913. He was educated at Shelter Island schools and Mt. Hermon College, in Massachusetts. Trained as a youth on diesel engines, the company he inherited has been in the Clark family continuously since 1790, when the first ferry ran.

He spent his life serving the community at the helm of South Ferry, Inc., the ferry service that runs from North Haven (outside Sag Harbor) to Shelter Island. Under Captain Clark's watchful eye, the company has become what it is today, a fleet of four boats which can hold up to 16 cars apiece.

Captain Clark was a longtime member of the Lions Club, East End Church of Christ and, when not on call with his company, a member of Shelter Island Fire Department. He also served on the board of Timothy Hill Children's Ranch in Riverhead.

The night before he passed away, he laid in a deep sleep. He would open his eyes, struggle for a breath, and then fall peacefully asleep again. However, when his family began to sing "God Bless America," he would awake and spread a truly joyous smile on his tired face. He could not speak very well, but he summoned the strength to share a few more laughs with his family. He fell asleep soon after, waking to greet his youngest grandchild, Shelli, who had flown in from college to be with him.

To his three children, 13 grandchildren, and 15 great-grandchildren, Captain Clark will be remembered as the patriarch of a family business spanning more than two hundred years. To a great number of those in the community, he will be looked upon as a man who quietly helped to maintain their precious quality of life.

Captain Clark embodied the type of role and innovator that all would have enjoyed being around and looked up to.

Colleagues, Mr. Clark is a community leader who will be sorely missed.

IN RECOGNITION OF MASTER SERGEANT RANDOLPH J. SAUNDERS, UNITED STATES AIR FORCE, ON THE OCCASION OF HIS RETIREMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. YOUNG of Alaska. Mr. Speaker, on behalf of the people of the great state of Alaska and all Americans, I extend heartfelt thanks to Master Sergeant Randolph J. Saunders, who gave more than twenty years of dedicated service in the United States Air Force. He entered active duty on 11 July 1978 and, after less than four years as an administrative specialist, Randy became an enlisted historian. Even before his formal retraining, he demonstrated noteworthy capability as a researcher and writer. Consistently outstanding histories became his hallmark, and these provided senior leaders with the data and analysis they needed to make informed, well reasoned decisions. The recipient of numerous command and Air Force-level awards over the next sixteen years, Sergeant Saunders earned a reputation as one who could quickly rebuild faltering unit history programs. He did this from Alaska to Texas, Idaho, Korea, California, and Colorado. Ultimately, Randy was hand picked to become the first-ever senior enlisted historian at Headquarters, Air Force Space Command in Colorado Springs, Colorado. In a matter of months, Randy's unparalled leadership rendered that command's field history program the best in the entire Air Force. We deeply appreciate Sergeant Saunder's contribution to the preservation of the United States Air Force history. I personally wish him and his entire family all the best as they return to civilian life.

HONORING THE CONTRIBUTIONS OF DR. LUÍS JOSÉ MOREIRA DA SILVA BARREIROS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. CAPUANO. Mr. Speaker, today Boston is experiencing a great loss. It is losing the services and expertise of a man who not only helped to increase civic involvement within our Portuguese community but also played an integral role in its economic and social evolution. Dr. Luís José Moreira da Silva Barreiros' tireless work as the Consul General of Portugal in Boston has enriched this area in so many important ways that his presence will be sorely missed by all who had the pleasure to work with him.

Dr. Barreiros' distinguished work with the Portuguese foreign service began two decades ago and since that time, he has consistently demonstrated his devotion to the development of a strong Portuguese community. Dr. Barreiros has worn many hats during his career, serving first as the Embassy Secretary in Maputo, Mozambique and later with the Advisory Council for Economic and Development affairs to the Portuguese delegation at the United Nations in New York. His economic expertise led him to other key posts with the Institute for Economic Cooperation and the Secretary of State for Economic Cooperation.

Since December 1994, Dr. Barreiros has served as Consul-General in Boston. It is for his work in this post that all of us here are profoundly grateful. The extraordinary relationship that Dr. Barreiros has forged with the Portuguese-American organizations in this area has been remarkable. He has worked with various committees in Boston to increase both Portuguese-American pride and civic engagement.

Dr. Barreiros leaves Boston having changed it for the better, and it is for this reason that all of us here are so sorry to see him go. It is a fitting commemoration of his work here and of the ties he has forged between our two republics that the United States State Department this month extended the ninety day visa waiver program for citizens of Portugal. The people of Portugal will be fortunate to have him back in Lisbon, and we all know that he will flourish in his new assignment. Dr. Barreiros, we wish you nothing but the best, and on behalf of all my constituents, Portuguese-Americans and other Americans whose lives you have touched, I would like to sincerely thank you for all that you have accomplished during your time here. You will be missed.

HONORING RABBI MORRIS SHERER

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. NADLER. Mr. Speaker, today, I am proud to introduce, along with my colleague from New York, Mr. GILMAN, a resolution expressing the sense of the House of Representatives in honor of the extraordinary life and work of Rabbi Morris Sherer. Rabbi Sherer's tremendous contributions to Judaism, and to this nation, really shine as an example which both deserves honor and emulation.

I had the good fortune and privilege to know Rabbi Sherer, and recall his dedication to the preservation of Judaism in years following Holocaust. He fought for religious liberty, he built educational programs, and always provided guidance to the perplexed. Torat Emet Hayta b'pihv—The Torah was always in his mouth. His leadership helped bring about a rebirth of Orthodox Jewish life, of charitable giving and of learning as the President of the Agudath Israel of America since 1961.

Mr. Speaker, I think Americans of all faiths can learn a great deal from the life of Rabbi Sherer. His commitment to the preservation of the faith and culture of our people, his devotion to education and to helping those least fortunate, his ability to reach out to others to make this a better nation, his record of accomplishment, all make his life and work an inspiration to all. I urge our colleagues to join in honoring the life of this outstanding American.

H. RES. 229

Whereas Rabbi Morris Sherer was born in New York City on June 18, 1921;

Whereas upon receiving his rabbinic ordination from Ner Israel Rabbinical College in Baltimore, Maryland, Rabbi Sherer joined the Agudath Israel of America in 1943, devoting his energies to rescue and relief activities on behalf of European Jewry during the Second World War;

Whereas through his work with the Agudath Israel of America, Rabbi Sherer played a major role in the post-World War II renaissance of Orthodox Jewish life in the United States, fusing the talents and energies of native-born Americans with the determination and courage of immigrant Holocaust survivors and refugees to help build Orthodox Jewish communities and institutions across the country;

Whereas Rabbi Sherer worked tirelessly and effectively to safeguard religious liberty in America and throughout the world, to safeguard the rights of Sabbath observers, to assist the beleaguered Jewish communities in lands of oppression across the globe, to address the needs of needy persons of all backgrounds, and to apply the moral and ethical teachings of classical Judaism to issues and problems of modern society; and

Whereas Rabbi Sherer died on May 17, 1998, leaving behind a legacy of extraordinary humanitarian accomplishment: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives—

(1) that Rabbi Morris Sherer should be recognized as one of the outstanding American religious leaders of our time, who played a historic role in the growth and development of the Orthodox Jewish community in the United States; and

(2) that Rabbi Morris Sherer's life of commitment to education, human dignity, religious liberty, and freedom is one which serves as an inspiration to all people and deserves emulation.

PERSONAL EXPLANATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. HOBSON. Mr. Speaker, I was not present on June 25, 1999 for rollcall vote 256. Had I had been present, I would have voted "yea."

A SPECIAL TRIBUTE TO DR. DAVID B. BAKER FOR HIS OUTSTANDING CONTRIBUTIONS TO HEIDELBERG COLLEGE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay very special tribute to a truly outstanding individual from Ohio's Fifth Congressional District. For more than thirty years, Dr. David B. Baker has made significant contributions to Heidelberg College in Tiffin, Ohio. As he prepares for his retirement from Heidelberg, I felt this was a most appropriate time to recognize him for his efforts.

After graduating from Heidelberg College in 1958, Dr. Baker pursued his master's and doctoral degrees at the University of Michigan. Following a year of post-doctoral study in Germany, Dr. Baker began his distinguished teaching career at Rutgers University. Shortly thereafter, Dr. Baker returned to Heidelberg where, since 1966, he has been a faculty member in the Biology Department.

In a turn that brought international acclaim to him, Heidelberg College, and his research associates, Dr. Baker led the effort that formed the Heidelberg Water Quality Laboratory. Dr. Baker's efforts at the lab have helped with various environmental public policy efforts including evaluating storm run-off, restoration of the once-severely polluted Lake Erie, setting Environmental Protection Agency standards for river compounds, and many more.

As the one and only director of Heidelberg Water Quality Laboratory, Dr. David Baker pushed the lab to its current level of international prominence. Dr. Baker set out to share the lab's work with the public through his numerous speeches, public information programs, and test and research sharing techniques.

Mr. Speaker, Dr. David Baker is a remarkable individual who has given freely of his time and talents to ensure that education and the environment are made better for the future. Through his outstanding service to Heidelberg College, to the Water Quality Laboratory, and to the academia world, Dr. Baker has made a lasting impact that will not soon be forgotten. At this point, I would urge my colleagues of the 106th Congress to stand and join me in special tribute to Dr. David Baker. We extend our congratulations on his retirement and best wishes for the future.

SAN ANTONIO SPURS TAKE THE RING

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. RODRIGUEZ. Mr. Speaker, in San Antonio this past Sunday, more than 230,000 fans lined the banks of the historic River Walk to honor the World Champion San Antonio Spurs. For a city that is the 8th largest in the nation, San Antonio is proud of its humble warriors. San Antonio can not only boast about its strong economy, thriving culture, and beautiful weather, it can now lay claim to pro basketball's finest team.

From the rich tradition of the San Antonio Missions and the Alamo, to the Tower of the Americas, San Antonio's skyline can now add the true Twin Towers, David Robinson and Tim Duncan. The whole team acted as one cohesive unit, displaying the chemistry that all great champions have, and to that, they all proved worthy. For a team that has one of the highest college graduation rates in all professional sports, they are truly heroes and role models for us all.

This fine athletic achievement is not only for the city of San Antonio, Peter and Julianna Holt, the team owners, or the players, but it is for all the fans of the old American Basketball Association. This is the first time a team from the old ABA has won the NVA Championship. This victory was for all of us who remember the "Iceman" George Gervin, along with countless other great stars who toiled long hours for recognition. It is for those who remember the Hemisphere Arena and the "Baseline Bums". Team basketball shined this day, and for all the fans of the San Antonio Spurs, it shines just a little brighter.

TRIBUTE TO JOAN STEFANSKI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. LEVIN. Mr. Speaker, I rise to honor Joan Stefanski who today retires from her position of Director of the Ferndale Chamber of Commerce after twenty-two years of distinguished service to the Ferndale community.

She has been instrumental in coalition-building in the City of Ferndale. A unique contribution has been her efforts in building relationships between business and the homeowners of Ferndale. A familiar scene were the block parties where business men and women would volunteer along with the residents. Joan has that special skill of bringing together people of diverse interests and abilities, and encouraging a partnership between them.

Years ago, the assumption by many was that Ferndale was a city in decline. Many citizens felt otherwise and Joan Stefanski was among the key activists. She played an important role in business development in the city, bringing about a re-blossoming of Ferndale. An example was the decision of Credit Union One to remain in Ferndale, thus helping to keep Ferndale commercially viable, and set the tone for other companies to bring their business to the city. Today, we see downtown Ferndale moving ahead rapidly. Today, we see the neighborhoods increasingly sought after as a place of residence.

As a Congressman, I have thoroughly enjoyed the many years of our working relationship. Whether it was trying to find a reasonable and real solution to the Ferndale Post Office difficulties, bringing together people to form the Southwest Oakland Coalition for the prevention of drug and alcohol abuse, or attending Chamber meetings, among many endeavors, my staff and I have always found working with Joan to be most productive and satisfying.

Joan Stefanski has also been an unassuming and highly effective pioneer in breaking down barriers to women in the business world.

Mr. Speaker, I ask my colleagues to join me today in wishing Joan Stefanski and her husband good health and happiness as they move to their retirement home on the west side of Michigan and in honoring her for over 20 years of exceptional and committed service to the community of Ferndale.

TRIBUTE TO GENERAL CHARLES C. KRULAK, UNITED STATES MARINE CORPS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. SKELTON. Mr. Speaker, I rise today to honor a great patriot, a man amongst men and a Marine's Marine. After almost forty years of devoted service to this Nation, General Charles C. Krulak, 31st Commandant of the Marine Corps, will soon receive his final orders directing him to stand-down and retire from active duty. His departure will signal an evolutionary change—the first time in 70 years that a Krulak will be absent from the roles of the United States Marine Corps.

After graduating from the Naval Academy in 1964, General Krulak had an illustrious career that spanned four decades of faithful service to this Nation. During his service to our country General Krulak commanded a platoon and two rifle companies during two tours of duty in Vietnam; he commanded a Marine infantry rifle battalion; was the Commanding General for 10th Marine Expeditionary Brigade; Assistant Division Commander for 2d Marine Division, Fleet Marine Forces Atlantic; Commanding General, 2d Force Service Support Group; Commanding General, 6th Marine Expeditionary Brigade; commanded the 2d Force Service Support Group during the Gulf War; commanded Marine Forces Pacific/Commanding General, Fleet Marine Force Pacific, and on June 29, he was promoted to General and assumed duties as the 31st Commandant on June 30, 1995.

General Krulak's decorations and medals include: the Silver Star Medal; Bronze Star Medal with Combat "V" and two gold stars; Purple Heart with gold star; Combat Action Ribbon; Republic of Vietnam Cross of Gallantry; the Republic of Vietnam Campaign Medal; and the Kuwait Liberation Medal.

It is during his tenure as the 31st Commandant of the Marine Corps to which this body has come to know and appreciate the many virtues of this modern day warrior. His accomplishments as Commandant will resonate long and far into the next millennium, ensuring the Marine Corps remains the world's premier crisis response force. A professional force that is committed, capable, and reliable to meet any challenge, under any circumstance, anytime and anyplace in the world.

The challenges which will confront this Nation in the 21st century will be varied and often unpredictable—a time of asymmetry, uncertainty, and chaos. Fortunately, General Krulak had the wisdom and foresight to understand the emergence of this fluid and unstable environment. He understood the necessity to field an agile and adaptable force—a Corps of Marines who could prevail against the multifaceted threats which would challenge our Nation's security and its interests.

General Krulak understood the situation at hand. He understood, not merely the importance to modernize the force, but to develop new concepts and techniques which will ensure decisive victory in the "savage wars of peace." He forged his Corps of Marines through unrelenting sacrifice, initiative, and courage . . .

He labored extensively within the naval services to develop common operational concepts to support the strategic vision expressed in "Forward . . . From the Sea."

He diligently exercised oversight of the Marine Corps in its roles as lead or executive agency within the Department of Defense for Military Operations Other Than War, Military Operations on Urban Terrain, and Non-Lethal Weapons.

He promoted the institutionalization of the Combat Development System and the Concepts Based Requirements System in the Marine Corps. These systems ensured that Marine Corps doctrine, organization, training and education, equipment and supporting activities were all driven by, and working toward achieving, a common operational warfighting concept.

He created the Marine Corps Warfighting Laboratory as a standing forum to serve as the cradle and test bed for the development of enhanced operational concepts, tactics, techniques, procedures, and doctrine which would be progressively introduced into the fleet Marine Forces in concert with new technologies.

He directed the creation of the Marine Corps' Chemical-Biological Incident Response Force to assist in filling a void in the Nation's ability to manage the consequences of a chemical or biological incident. This force has been employed on several instances at the national level, and has prompted the development of additional consequence management capabilities throughout DoD.

He created and implemented the "Transformation Process" of making Marines—a holistic approach to recruiting and developing young men and women to ensure they have the skills and basic character needed to effectively meet the asymmetric 21st century threat. Transformation, which begins with a prospective recruit's first contact with a Marine recruiter and continues throughout a Marine's service, constituted a major enhancement to the way the Marine Corps recruits and trains Marines.

He labored extensively to institutionalize the Marine Corps' "core values" of honor, courage, and commitment while maintaining—and in many cases elevating—performance standards in every aspect of Marine Corps' recruiting and developmental processes—be they mental, physical or moral.

There are many more accomplishments that could be enumerated upon here—accomplishments that speak to programs and doctrine, to systems and platforms. But, to focus on these, as daunting as they are, would be an injustice to the most important aspect of General Krulak's storied career—the care and nurturing of the Marine Corps family.

He created the Personnel and Family Readiness Division within Headquarters Marine Corps to account for the fact that personal and family readiness are inseparable from combat readiness. General Krulak not only pursued making better Marines, capable of winning our Nation's future battles, but also to make better Americans. He promoted a focus on character development and high ethical and moral standards. He stressed core values of honor, courage, and commitment as a way of life in the Corps. They are attributes that will serve them well, long after they have hung up their uniforms.

A key contributor to the Marine Corps family and a person General Krulak owes much success to is his wife, Sandy Krulak. She gave dignity and grace to the maturation of the Marine Corps family. She has devoted her life to her husband and to the Corps. Her sacrifice and devotion has served as an example and inspiration for others. Later this month the Corps will lose not one, but two very exceptional people.

In closing I want to recognize General Krulak for his uncompromising integrity to always do the right thing, for the Nation and his beloved Corps. His unwavering conviction that "Semper Fidelis" is a way of life, not just a motto, speaks powerfully to the citizens he serves. It has been my good fortune—it has been the House good fortune—to witness the resolve of a person who believes so strongly about the institution to which he serves. Now, to some that might seem old fashioned and out-of-step with societies norms today, but to General Krulak it is the life and blood that sustains the Corps. He fought hard to address readiness and modernization issues before the Senate Armed Services Committee when it was not always popular to do so. He challenged the logic and assertion by many of the benefits concerning integrated training during indoctrination into the military. Today, the Corps is meeting its recruiting requirements, forty-eight months consecutively and achieved its retention goals—a testimony to the wisdom and foresight of General Krulak.

General Krulak, the Marine Corps is a better institution today than it was four years ago. Your sacrifice and devotion to duty have made it so. You have provided a significant and lasting contribution to your Corps and to this Nation's security. Through your stewardship there is a renewed sense of esprit de corps. Those who follow your example will be a testament to the legacy you leave behind.

I want to wish you and your family fair winds and following seas as you step down as the 31st Commandant of the Marine Corps. Your distinguished and faithful service to our country is greatly appreciated. You will be sorely missed, but surely not forgotten.

LEGISLATION FOR THE PEOPLE OF BIKINI ATOLL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands. This will permit the people of Bikini to use a portion of their fund for resettlement activities for the remaining 90 seniors who were affected by United States nuclear testing in the Marshall Islands without any additional federal expenditure and consistent with the intent of Congress. These individuals are still waiting to resettle after over five decades since the U.S. program began in their islands which resulted in their removal from their home atoll.

At the Committee on Resources' May 11th hearing on the status of nuclear claims, relocation and resettlement efforts in the Marshall Islands, and as part of the May 10th Congressional pre-hearing briefing, the people of Bikini asked Congress to support a one-time 3 percent distribution from the Resettlement Trust Fund, which is used both for the cleanup of Bikini and for the ongoing needs of the Bikini people. Congress established this trust fund in 1982 pursuant to P.L. 97–257 and appropriated additional funds in 1988 pursuant to P.L. 100–446.

The Bikini people have explained that Dr. John Mauro and his team are preparing a report on the potential radiation doses and health risks to the people of Bikini and costs associated with various remediation options, which should be completed within three months. The exact cost has not yet been established, but it is estimated that the entire cleanup and resettlement process, from planning through execution, will take approximately ten years. As a result, it is certain that the Bikini elders, many of whom have not been back on their home islands for more than 53 years, will probably die on Kili without returning home.

The Bikinians, for their part, have ensured the fiscal integrity of the Resettlement Trust Fund. They have selected reputable U.S. banks as trustees, hired well-respected and talented investment advisors and money managers, and provided for routine monthly financial statements and annual audits. Thanks to the money managers and the Bikini Council's voluntary restraint on the use of these funds, the corpus remains intact, the trust fund has earned almost 14 percent annually, every dollar has been accounted for, annual audits are prepared, and monthly financial statements are sent to the Interior Department's Office of Insular Affairs.

In light of the strength of the trust, its fiscal integrity, the lengthy time a cleanup and restoration will take, and the special circumstances of the elders, the Bikinians wish to make a one-time 3 percent distribution from the Resettlement Trust Fund, with the understanding that the primary beneficiaries of the distribution will be the 90 surviving Bikini elders. Because of the excellent management of the trust fund, such a distribution will not require an appropriation of funds by Congress, nor will it diminish the original corpus of the trust. The Bikini people would also agree that the amount of such distribution be deducted from any further additional ex gratia appropriations made by the Congress into the Resettlement Trust Fund.

The corpus will remain intact with a 3 percent distribution. The original corpus of the trust was $110 million, based on the $20 million appropriated in 1982 and the additional $90 million in 1988. The market value of the trust today is approximately $126 million, so a 3 percent distribution, or approximately $3,780,000, will reduce the market value to $122.2 million, which remains well above the original corpus.

This authorization to the people of Bikini is appropriate as it is what the community of Bikini desires and it is consistent with congressional intent for the resettlement of the people whose lives and homes were disrupted by U.S. testing. Without any additional cost to the U.S. taxpayer, Congress can help the remaining senior Bikini elders' resettlement and relocation.

Following is a copy of the Kili/Bikini/Ejit Local Government Council's May 12, 1999 Resolution on this matter, reflecting the full support of the Bikini community.

KILI/BIKINI/EJIT LOCAL GOVERNMENT COUNCIL: KILI/BIKINI/EJIT LOCAL GOVERNMENT RESOLUTION NO. 2–1999

A RESOLUTION

This Resolution requests a one-time three percent (3%) distribution from the existing corpus of the Resettlement Trust Fund for the People of Bikini to benefit primarily the Bikini elders and to request appropriate U.S. Senate and House committees to hold hearings to determine the appropriateness of such request, the status of cleanup efforts at Bikini, current estimates of cleanup and restoration costs, questions concerning the guarantee of Bikini Atoll's safety and other appropriate issues.

Whereas, the Resettlement Trust Fund for the People of Bikini ("Resettlement Trust Fund") was established by the U.S. Congress in 1982 pursuant to the terms of Public Law No. 97–257, for "the relocation and resettlement of the Bikini people in the Marshall Islands, principally on Kili and Ejit Islands;" and

Whereas, Public Law No. 97–257 also instructed that $3,000,000 of the Resettlement Trust Fund was to be made available ex gratia to the people of Bikini over a three-year period; and

Whereas, the U.S. Congress appropriated additional funds for the Resettlement Trust Fund in 1988 and modified its terms to provide that funds could also be "expended for rehabilitation and resettlement of Bikini Atoll;" and

Whereas, the people of Bikini have ensured the fiscal integrity of the Resettlement Trust Fund by (1) selecting reputable banks as trustees (American Security Bank and now FMB Trust), (2) hiring well-respected investment advisors (such as Alex, Brown and PaineWebber) and money managers (such as MFS, Gabelli, Fiduciary Trust, etc.), and (3) directing that every dollar of Resettlement Trust Fund expenditures be audited and that monthly financial statements and annual audits be routinely provided to the Department of the Interior's Office of Insular Affairs, which oversees the Resettlement Trust Fund; and

Whereas, the Resettlement Trust Fund has averaged a 14% annual return since inception; and

Whereas, the Resettlement Trust Fund has paid out millions of dollars since inception for scholarships, health care, food programs, housing and electrical power construction, maintenance and repairs on Kili and Ejit, and infrastructure, cleanup and resettlement activities on Bikini Atoll; and

Whereas, through prudent management and voluntary restrictions on the use of Resettlement Trust Fund monies, the market value of the Resettlement Trust Fund today is approximately $126,000,000; and

Whereas, recently disclosed information previously withheld by the U.S. government reveals that the physical and radiological damage to Bikini Atoll caused by the U.S. nuclear testing program was more extensive than was or could have been known by the people of Bikini until the disclosure of such information; and

Whereas, the people of Bikini have recently learned from well-respected scientists who have conducted extensive radiological cleanup cost estimates for the U.S. Environmental Protection Agency that the restoration costs for cleanup and resettlement of Bikini Atoll will exceed several hundred million dollars; and

Whereas, this means that many Bikini elders, who have not been back on their home islands for 53 years, will probably die without returning home; and

Whereas, of the 167 of our elders who were moved off our islands in 1946, fewer than 90 are still alive; and

Whereas, most of these elders live on Kili, an island one-ninth the size of Bikini Atoll which must support six times the number of people who lived on Bikini; and

Whereas, we wish to compensate these elders with a one-time 3% distribution from the corpus of the Resettlement Trust Fund; and

Whereas, unlike people living on other atolls in the Marshall Islands, our people on Kili cannot fish because Kili has no lagoon and no reef, thus requiring our community to supplement our U.S.D.A. food by purchasing other canned goods at great expense; and

Whereas, a one-time 3% distribution from the Resettlement Trust Fund will not require an appropriation of any funds by the U.S. Congress; and

Whereas, given the good management of the Resettlement Trust Fund a 3% distribution would not diminish the original corpus of the trust fund; and

Whereas, Congress has previously authorized ex gratia per capita payments from the Resettlement Trust Fund; and

Whereas, the House Resources Committee (formerly the House Committee on Interior and Insular Affairs) has held many oversight hearings on Bikini-related issues during the past 25 years, covering such issues as health care, education, agricultural and food programs, establishment and oversight of ex gratia trust funds for the Bikini people, Bikini Atoll cleanup, Compact of Free Association Section 177 Agreement cover-up of the 1954 Bravo shot, and vaporization of islands at Bikini;

Now, therefore, be it resolved, that: (1) The Council requests a one-time only 3% distribution from the existing corpus of the Resettlement Trust Fund, with the understanding that the primary beneficiaries of this distribution will be the Bikini elders.

(2) The Council agrees that the amount of such distribution shall be deducted from any future additional ex gratia payments made by the U.S. Congress into the Resettlement Trust Fund.

(3) Legal counsel Jonathan M. Weisgall is instructed to forward a copy of this Resolution to Allen P. Stayman, Director, Office of Insular Affairs, U.S. Department of the Interior; Senator Frank Murkowski, Chairman, Senate Energy and Natural Resources Committee; and Representative Don Young, Chairman, House Resources Committee, and to urge these Senate and House Committees to hold hearings, as necessary, to determine the appropriateness of the above request and to obtain information concerning the status of cleanup efforts at Bikini Atoll, current estimates of cleanup and restoration costs, questions concerning the guarantee of Bikini Atoll's safety, and other appropriate issues.

Final and passed by the KILI/BIKINI/EJIT LOCAL GOVERNMENT COUNCIL on the 12th day of March, 1999, at a meeting on Kili Island.

APPROVED:

TOMAKI JUDA,
Mayor

Witness: Nathn Note, Clerk

IN SPECIAL RECOGNITION OF SUSIE MUSHATT JONES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. TOWNS. Mr. Speaker, I rise today to recognize the rich and full life of Susie Mushatt Jones as she celebrates her 100th birthday on July 6, 1999. Mrs. Jones is from the first generation of African-Americans after the abolition of slavery. In the life of Mrs. Jones, she had the opportunity to witness many pivotal events in history. She is a source of history that we need in our community. The experiences of Mrs. Jones can help us better understand the world we live in. She has experienced the great depression, two world wars, the Harlem Renaissance, the Civil Rights Movement of the 1960's, and many more historical events. She has helped to build the foundation of our community. Mrs. Jones has positively influenced the lives of family and friends from her advice and assistance.

The life of Mrs. Jones must be acknowledged because she has advice on how to live a full and long life. Seniors, such as Mrs. Jones, act as pillars in our community. People in our community need to follow in her "foot steps" because Mrs. Jones has accomplished something that many people dream of achieving. The resounding strength of Mrs. Jones will continue to permeate in the lives of the people that surround her.

We pray that God will continue to bless Mrs. Jones.

COMMUNITY REINVESTMENT ACT

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. BROWN of Ohio. Mr. Speaker, the Community Reinvestment Act (CRA) was created by Congress in 1977 to encourage federally insured financial institutions to help meet the credit needs of the communities they serve. Fair and equal access to capital and credit should be a fundamental right, yet for too long it has been a privilege based on race or economic class. By any measure, the CRA has been a success in creating jobs, businesses, affordable housing and homeownership in minority and poor neighborhoods.

In my home county of Lorain, OH, the FirstMerit Bank challenge under CRA garnered over a $20 million commitment from FirstMerit for mortgage lending in low and moderate income tracts. More importantly, the FirstMerit challenge started the Community Development initiative in earnest and led to a $33 million commitment from local public officials, banks and foundations on a community based development system for the county.

Blatant discrimination in lending is declining and homeownership and small business opportunities are on the rise. We can attribute much of this progress to the Community Reinvestment Act. CRA has proven that working together with local leaders, advocacy organizations, and financial institutions, we can make local investment not only good for business, but good for improving the quality of life for low and moderate income residents in our communities. Let's continue to make the American dream a reality for more Americans.

"A SALUTE TO THE MILITARY" IN HONOR OF THE UNITED STATES MARINE CORPS, EL TORO, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. SANCHEZ. Mr. Speaker, on November 10, 1775, the Continental Congress met in Philadelphia, passing a resolution that "two battalions of Marines be raised" for service as landing forces with the fleet. This resolution, sponsored by John Adams, established the Continental Marines and marked the birth of the United States Marine Corps.

From that time forward, and throughout the history of the United States of America, the Marines have proven themselves to be among the bravest and most heroic divisions of the military. The Marines have fought valiantly in the American Revolution, the Battle of 1812, the Mexican War (1846–1848), the Civil War (1861–1865), the Spanish American War (1898), World War I, World War II, and the Gulf War. They have fought from "the Halls of Montezuma to the Shores of Tripoli" to keep our nation free.

El Toro was commissioned as a Marine Corps Air Station in March of 1943. The base was used as a staging area and training facility for the battle with the Japanese in the Pacific. Built on a bean field, the first Marines were housed in bean barracks until the new barracks were constructed. From that point forward, Marine troops poured into the base and soon the first squadrons were formed, flying operational missions into combat in the South Pacific.

Just as the war in the Pacific ended, Congress threatened to close the base. However, with new conflicts beginning in Korea, the base was kept open. At this time it became apparent that a Western base was definitely needed on the Pacific Coast. After the Korean War, the 3rd Marine Aircraft Wing was moved from Florida to El Toro. The base was expanded to accommodate the increasing military expansion. With Vietnam, El Toro again became a training, staging, and debarkation point for the Marines.

In 1975, Vietnamese refugees were flown into the base, before being sent to refugee camps in Camp Pendleton. And, in 1983, El Toro received the F/A–18 Hornet, the most advanced fighter-attack aircraft in Naval history. By now the base has grown from the original 2,300 acres and 30 Marines to 4,700 acres and 15,000 personnel.

In the 1990's, the Marines were called into action during Operation Desert Storm and Operation Desert Shield. After America's victory in the Persian Gulf, the Department of Defense embarked on an initiative to restructure and realign America's military and as a result, El Toro was recommended for closure.

El Toro Marine Base, which has played a most significant and important part of history, will now become part of history. As we bid farewell to the men and women who have so nobly served our country, we will never forget the indelible impression that these dedicated Marines have made on the lives of so many individuals. True to their motto, the Marines will be "Always Faithful," Semper Fi.

SECRETARY ALBRIGHT PROVIDES THE BLUEPRINT FOR U.S. FOREIGN POLICY IN THE POST-KOSOVA WORLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. LANTOS. Mr. Speaker, yesterday in an address to the Council on Foreign Relations in New York, our exceptional Secretary of State, Madeleine K. Albright, discussed the current international interests of the United States as we move beyond Kosovo. She presented a thoughtful and insightful analysis of our nation's role in the post-Cold War world.

Mr. Speaker, the 11 week NATO campaign to protect the rights of ethnic Albanians in the province of Kosovo was an important turning point in the history of Southeastern Europe. For the past decade we have dealt with inflamed Serbian nationalism incited and fomented by Serbian President Slobodan Milosevic for his own narrow political goals. The war over Kosovo has established the vital principle that ethnic cleansing and racial discrimination against a minority cannot and will not be tolerated by the international community.

Three months ago, Mr. Speaker, press pundits and politicians—many of them here on the floor of this House—were quick to criticize and to express doubts about the policy of the Administration, which was ably articulated and implemented by Secretary Albright. Now we have succeeded in removing the threat to ethnic Albanians in Kosovo and have begun the process of implementing the principles of the Ramboulliet agreement that was signed by Albanian representatives shortly before the Serbian reign of terror was unleashed upon the Albanian population of Kosovo.

Mr. Speaker, I want to pay tribute to Secretary Albright for her outstanding leadership and her tireless diplomatic efforts which were so critical to the success of our military action in Kosovo. Secretary Albright has provided the vision that has guided our action in Kosovo.

Yesterday, Mr. Speaker, Secretary Albright again provided that vision as she discussed with the members of the Council on Foreign Relations her view of the role of the United States in the post-Kosovo world. The military action of the NATO allies in Kosovo is a critical victory that will help define the nature of international relations.

Secretary Albright was thoughtful in articulating the role that the United States should play in the post-Kosovo world. "Some hope, and others fear, that Kosovo will be a precedent for similar interventions around the globe," she told the Council. "I would caution against any such sweeping conclusions." At the same time, she expressed the hope that the NATO action against Serbia would serve to deter rogue governments in the future from engaging in such ethic, religious, and racial repression: "By meeting massive ethnic cleansing in the Balkans with a red light, we make it less likely that NATO will be called upon to use force in the future."

Mr. Speaker, I ask that Secretary Albright's thoughtful address to the Council on Foreign Relations be placed in the RECORD, and I urge my colleagues to give it careful attention.

[Address to the Council on Foreign Relations, June 28, 1999]

AFTER KOSOVO: BUILDING A LASTING PEACE

(By Secretary of State Madeleine K. Albright)

Thank you Les, and good evening to you all. Members of the Council on Foreign Relations and distinguished colleagues, friends and guests. NATO's confrontation with Belgrade over Kosovo has ended in accordance with the conditions the Alliance set. Now, we face the even harder task of building a lasting peace there and throughout Southeast Europe. This evening, I would like to discuss with you this historic challenge.

Churchill once described Russia as a riddle wrapped in a mystery inside an enigma. In Kosovo today, we see a success folded within a tragedy stamped with a question mark.

Consider the reactions of the refugees and displaced as their time of exile ends. For some, coming home means a joyous reunion of family and friends. For others, it means a heart-stopping confirmation of terrible fears as bodies are identified and mass graves found. For all, it means uncertainty about what will come next.

As a result, Kosovo today is a cauldron of grief mixed with exhilaration, of unresolved anger and unfilled dreams. Out of this the international community, and the area's people, must build a future secure and free.

A starting point is provided by UN Security Council Resolution 1244, and the military and political arrangements to which it refers.

In accordance with these, Serb forces have left, KFOR is deploying, and the Kosovo Liberation Army will demilitarize over the next 90 days.

In addition, the United Nations Interim Mission is being set up. It will operate in partnership with the EU, the OSCE, donor countries and KFOR. And its duties will encompass civil administration, humanitarian relief, economic recovery, and the creation of democratic institutions, including—most crucially—a new local police.

Assembling the nuts and bolts of a durable peace in Kosovo is a daunting challenge. Our expectations should be realistic. The mission will take time; complaints will surely be heard; and despite KFOR's presence, the danger of violence will persist. As is usual, the good news will often be treated as no news, while setbacks receive the spotlight. Success will require an extraordinary team effort.

Notwithstanding all this, I am hopeful—for three reasons.

First, for most of the past decade, Kosovo Albanians coped with Serb repression by maintaining parallel political, educational and social structures. They have experience managing institutions.

Second, in past weeks, I have seen an extraordinary determination on the part of European officials to get this job done and done right. This is true from London to Helsinki and from Ankara to Lisbon. Failure is not an option.

Third, the international community has learned some hard lessons in recent years about the do's and don'ts of building peace in post-conflict situations.

It is essential that, in Kosovo, these lessons be heeded. The military and civilian components must work together well both internally and with each other. Both must take effective use of their mandates and focus on results. Donors must back them not just with promises, but with resources of sufficient quantity and timeliness to make a difference.

Above all, we must have faith that the mission's underlying principles of democracy and tolerance, economic reform and the rule of law, are the right ones for all the people of Kosovo.

There are some who see an insurmountable obstacle in the desire of many Kosovars for immediate independence, a position that neither NATO nor governments in the region support.

Having met with the Kosovar leadership, I know the yearning for independence is powerful.

But I also know that Belgrade's withdrawal has altered the reality within which the people of Kosovo will formulate their aspirations. Until now, independence has seemed the only alternative to repression.

But in the future, Kosovars will have something they have never had, which is genuine self-government. They will be out from under Milosevic's boot, with the freedom to choose their own leaders and shape the laws by which they are governed. Milosevic, meanwhile, won't be able to arrest so much as a jaywalker in Kosovo. And his henchmen won't have the capacity to intimidate Kosovars or deny them their rights.

That is why the Kosovar Albanian leadership signed on to the Rambouillet Accords, despite the absence of an independence guarantee. And while I will go out on a limb and predict that KFOR will receive strong cooperation from most Kosovars in the months ahead.

Another key issue is whether the new Kosovo will include its ethnic Serb, Roma and other minorities, and whether they will be able to live safely now that Belgrade's forces have withdrawn.

Given the extent of destruction inflicted by Serbs, the risk is obvious that some ethnic Albanians will take the law into their own hands. Many unacceptable incidents have already occurred.

But KFOR takes seriously its mandate to protect all Kosovars, including Serbs. And its effectiveness will increase as deployment continues, and demilitarization gains steam.

Kosovo will be a better place if Serbs who did not commit crimes stay and help rebuild. But that is their decision to make. We will measure our success by whether the rights of all those who choose to live in Kosovo are respected.

The same principle, incidentally, should apply elsewhere in the region. The international community must continue to press for the safe return of other refugees, including ethnic Serbs to the Krajina region of Croatia. This is crucial, for there could be few greater gifts to the 21st Century than to bust the ghosts of Balkans past and consign Milosevic's tactics of hate to the trash bin of history.

Even as we work to help Kosovo regain its feet, we are acting to secure the future of the region. With out partners in the European Union playing a big role, we have launched a Pact to stabilize, transform and eventually integrate all of Southeast Europe into the continent's democratic mainstream.

We undertake this effort because it is right, but also because it is smart; for we know that America cannot be secure unless Europe is secure, which it will not be if its southeast corner remains wracked by division and strife.

Our strategy, with our partners, is to apply the model of help and self-help reflected in the Marshall Plan half a century ago, and in efforts to aid democratization in Central Europe this decade. In this spirit, President Clinton will meet with his counterparts in the region this summer.

Together, they will discuss ways to mobilize the resources of a wide range of governments and organizations, while coordinating with the European Community and World Bank. Our intention is to work urgently and effectively with leaders in Southeast Europe as they strive to attract capital, raise living standards, reconcile ethnic and religious tensions, and promote the rule of law.

In this way, we hope over time to enable countries throughout the region to participate fully in the major economic and political institutions of the Trans-Atlantic community. This would greatly serve America's interest in expanding the area within Europe where wars simply do not happen. And it would mark another giant step towards the creation of a continent whole and free.

We do not start from square one, but rather with a strong base of democratic leadership. Hungary has already joined NATO.

Hungary and Slovenia are well along in accession negotiations with the EU. And officials in Bulgaria, Romania, Macedonia, Albania and Croatia demonstrated throughout the recent crisis that they want their societies to grow, prosper and live in peace.

The same is true of Montenegro, where President Djukanovic and his people endured grave danger without wavering in their support for democratic principles. They have earned the right to participate in our initiative.

We look forward as well to welcoming a new Serbia, because our efforts at regional integration cannot fully succeed until that occurs. But Serbia will not receive help, except for humanitarian relief, until it is democratic and Milosevic is out of work or—better yet—in jail.

This is only common sense. Milosevic led Serbia into four wars this decade. He has been indicted for crimes against humanity. He has lied repeatedly to his own people and to the world. His regime is hopelessly corrupt. He portrays himself as a hero, but he is a traitor to every honorable Serb and has no place in the region's future.

We learned in Kosovo, as in Bosnia and Rwanda, that in this era of varied and mobile dangers, gross violations of human rights are everyone's business. Earlier this century, our predecessors confronted not only Hitler, but Fascism; not only Stalin, but Communism.

In recent weeks, we confronted not only Milosevic, but ethnic cleansing. NATO's leaders simply refused to stand by and watch while an entire ethnic community was expelled from its home in the Alliance's front yard.

By acting with unity and resolve, NATO reaffirmed its standing as an effective defender of stability and freedom in the region. It validated the strategy for modernizing the Alliance approved at the Washington Summit in April. And it underlined the importance of the leading nations on both sides of the Atlantic acting together in defense of shared interests and values.

If we are as resolute in building peace as we were persistent in conflict, the crisis in Kosovo may come to be viewed as a turning point in European history.

In the past, Balkan strife has torn Europe apart, as big powers took sides and made local fights their own. The Dayton accords established a new model of nations coming together to promote peace. Milosevic gambled that Kosovo would prompt a reversion to the earlier model, splitting the Alliance and opening an unbridgeable gap between Russian and the West. Thanks to a careful assessment of mutual interests in Moscow and Allied capitals, he bet wrong.

Russia and NATO did not see eye to eye on the use of force against Belgrade. But both wanted to prevent the conflict from spreading, and following President Clinton's lead, we worked together to bring the conflict to an end. And now, with Russia in KFOR, we are working together to sustain the peace.

More generally, the time-tested marriage of diplomacy and force played a central role from the beginning of this crisis. At Rambouillet, we sought an interim political settlement that would have protected the rights of all Kosovars. To the vast detriment of Serb interests, Milosevic rejected that agreement. But the talks helped bring the Kosovar Albanian leadership together in an unprecedented way.

After NATO launched its campaign, we shifted from diplomacy backed by the threat of force to diplomacy in support of force. We worked hard to assist the frontline states in coping with the flood of refugees. We received help from countries on every continent, including those in the Muslim world. We consulted constantly with our Allies, who stayed together every step of the way. And we made full use of public diplomacy to explain NATO's objectives.

Ultimately, we were able to use diplomacy to help bring the need for force to an end. Thanks to the tireless efforts of Deputy Secretary of State Strobe Talbott, we reached an understanding with Russia's envoy Victor Chernomyrdin on the terms of peace. We solicited the help of Finnish President Ahtisaari in presenting those terms to Belgrade. By then, an isolated Milosevic had no other choice but to accept. And we proceeded to gain Security Council approval for an international force with NATO at its core.

Now we are in a new stage of practicing diplomacy to build peace. During the past two weeks, we have consummated agreements on an appropriate role for Russia in KFOR, KLA demilitarization, and the Southeast Europe Stability Pact.

Our strategy throughout has been grounded firmly in U.S. interests. By meeting massive ethnic cleansing in the Balkans with a red light, we make it less likely that NATO will be called upon to use force in the future. And by supporting democracy and promoting human rights, we contribute to a future of stability and peace throughout Europe. This is fully consistent both with American interests, and with NATO's purpose, which is to prevent war, while defending freedom.

Some hope, and others fear, that Kosovar will be a precedent for similar interventions around the globe. I would caution against any such sweeping conclusions. Every circumstance is unique. Decisions on the use of force will be made by any President on a case-by-case basis after weighing a host of factors. Moreover, the response to Milosevic would not have been possible without NATO, and NATO is a European and Atlantic, not a global, institution.

We have been laboring throughout this decade to improve the world's ability to prevent and respond to humanitarian disasters, but this remains a work in progress.

We conceived the Africa Crisis Response Initiative to improve indigenous capacities on that continent.

We are the largest contributor to the UN High Commissioner for Refugees.

We are backing strongly the War Crimes Tribunal for Rwanda and the Balkans.

And we have supported peace initiatives from Northern Ireland to the Middle East and Central Africa.

The United States remains the world's leading force for justice and stability. But a leader cannot stand still. We need help from Congress to support the President's requests for resources to back our leadership, and to ensure that our commitments in Southeast Europe do not cause the neglect of other priorities.

Not long ago, I visited a refugee camp in Macedonia. And I was never prouder to be an American than when I heard the chant "USA, USA, USA" and saw a little boy's handlettered sign that read, at the top, "I Love America" and at the bottom, "I want to go home."

As someone whose own family was twice forced to flee its home when I was still a little girl, I remember how it feels to be displaced. And now I know how it feels, as Secretary of State, to be able to tell that little boy and his family that—with America's help—they would go home, safely and soon.

There are some who say that Americans need not care what happens to that child or to those like him.

Others suggest that until we can help all the victims of ethnic violence, we should be consistent and not help any.

Still other believe that by trying to bring stability to the Balkans, we are taking on a job that is simply too hard.

Finally, there are some—overseas and even here at home—who see NATO's actions as part of a master plan to impose our values on the world.

Such criticisms are not original. They echo voices heard half a century ago when America led in rebuilding war-torn societies across two oceans, helped to reconcile historic enemies, elevated the world's conception of human rights, and attempted—and achieved—the impossible by supplying more than two million people in Berlin entirely by air for more than nine months.

From that time to this, the United States has defended its own interests, while promoting values of tolerance and free expression that are not "Made in America" or confined to the West, but rather universal and fundamental to world progress and peace.

It is in this spirit of melding present interests with timeless values—a spirit fully in keeping with the highest traditions of U.S. foreign policy—that we have acted in Kosovo, and that we strive now for lasting peace throughout Southeast Europe.

It is to the success of this mission, and the continuation of this tradition, that I pledge my own best efforts tonight, and respectfully solicit your wise counsel and support. Thank you very much.

RELATIONS BETWEEN EGYPT AND THE UNITED STATES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. CONDIT. Mr. Speaker, I rise today with my good friends, the gentleman from California, Mr. BERMAN, and the gentleman from Ohio, Mr. KASICH, along with many other of my colleagues including the distinguished Chairman of the Committee on International Relations, Mr. GILMAN of New York, the distinguished Chairman of the Committee on Appropriations, Mr. YOUNG of Florida; the gentleman from California, Mr. LANTOS; the gentleman from Ohio, Mr. OXLEY, the gentleman from Michigan, Mr. BONIOR; the gentleman from California, Mr. POMBO; the gentleman from New York, Mr. ACKERMAN; the gentleman from California, Mr. CAMPBELL; the gentlelady from Missouri, Ms. DANNER; the gentleman from Texas, Mr. FROST; the gentleman from Nebraska, Mr. BARRETT; the gentleman from Florida, Mr. HASTINGS; the gentleman from Wisconsin, Mr. PETRI; the gentleman from Michigan, Mr. DINGELL; the gentleman from New York, Mr. WALSH; the gentleman from Michigan, Mr. KNOLLENBERG; the gentleman from New York, Mr. MCNULTY; the gentleman from Arizona, Mr. PASTOR; the gentlelady from Florida, Ms. ROS-LEHTINEN; the gentleman from Connecticut, Mr. GEJDENSON; the gentleman from Virginia, Mr. BLILEY; the gentleman from Minnesota, Mr. PETERSON; the gentleman from West Virginia, Mr. RAHALL; the gentleman from

Arizona, Mr. SALMON; the gentleman from Florida, Mr. DEUTSCH; the gentleman from Texas, Mr. LAMPSON; the gentleman from New Hampshire, Mr. SUNUNU; the gentlelady from Michigan, Ms. KILPATRICK; the gentleman from New York, Mr. KING; the gentleman from Florida, Mr. WEXLER; the gentleman from Texas, Mr. BRADY; the gentleman from Illinois, Mr. CRANE; the gentleman from New Jersey, Mr. PAYNE; the gentleman from American Samoa, Mr. FALEOMAVAEGA; the gentleman from Pennsylvania, Mr. PITTS; the gentleman from Maryland, Mr. WYNN; the gentleman from Georgia, Mr. BISHOP; the gentleman from Illinois, Mr. PORTER; the gentleman from Tennessee, Mr. CLEMENT; the gentlelady from Georgia, Ms. MCKINNEY; the gentleman from Indiana, Mr. MCINTOSH; the gentleman from Louisiana, Mr. JOHN; the gentleman from California, Mr. SHERMAN; the gentleman from California, Mr. BILBRAY; the gentleman from North Dakota, Mr. POMEROY; the gentleman from Massachusetts, Mr. DELAHUNT; the gentleman from Arkansas, Mr. SNYDER; the gentleman from Ohio, Mr. LATOURETTE; the gentleman from California, Mr. GARY MILLER; the gentleman from Texas, Mr. HALL; the gentlelady from California, Mrs. TAUSCHER; the gentlelady from California, Ms. ESHOO; the gentleman from California, Mr. WAXMAN; the gentleman from Connecticut, Mr. MALONEY; the gentleman from Massachusetts, Mr. FRANK; the gentleman from California, Mr. DIXON; the gentleman from California, Mr. ROYCE; the gentleman from Texas, Mr. SESSIONS; the gentleman from New York, Mr. CROWLEY; the gentleman from Ohio, Mr. KUCINICH; the gentleman from Illinois, Mr. LAHOOD; the gentlelady from California, Ms. MILLENDER-MCDONALD; the gentleman from Tennessee, Mr. FORD; the gentleman from Illinois, Mr. EWING, and the gentleman from Virginia, Mr. GOODE; to read into the CONGRESSIONAL RECORD the following Statement of Friendship between the United States and Egypt:

STATEMENT OF FRIENDSHIP

The United States and Egypt share a unique friendship based on common interests and goals in global security, particularly in Africa and the Middle East.

The continued stability and economic growth of Africa and the Middle East and its environs depends in significant part on the capacity of Egypt to maintain a stable government which advocates modernity while being respectful of its own rich culture and heritage.

Establishing and sustaining a lasting peace in the region requires the involvement of Egypt—the first Arab nation to sign a peace accord with Israel—as a partner of the United States in constructive dialogue, multilateral cooperation and other necessary steps towards building a region of peace.

Under the leadership of President Hosni Mubarak, Egypt proved itself a worthy ally during the Gulf War when Egypt was among the first to volunteer military forces—including one of the largest contingents of ground troops—following the invasion of Kuwait. During the final liberation battle, Egyptian armored forces were alongside US forces sharing in the burdens and dangers.

We, the undersigned Members of Congress, hereby witness our good will and intention in declaring ourselves "Friends of Egypt in the United States Congress" in support of the following objectives:

ACADEMIC COOPERATION

The continued expansion of cultural and academic exchanges through visits by scholars, students, and political leaders. Unparalleled opportunities for Americans to study in Egypt have been matched by the academic success attained by students at the American University of Cairo under the American model of instruction with its emphasis on debate and free inquiry. Particularly noteworthy is the Mubarak Professional Training Initiative which provided interships for Egyptian managers in the American private sector.

MILITARY COOPERATION

The continued cooperative efforts between US and Egyptian military forces—begin after the close of the American Civil War when Egypt invited US military officers to help train the Egyptian army and sustained today by joint exercises and the transfer of necessary equipment and technology. This close bilateral cooperation contributes directly to enhanced stability and security and security in the region.

INVESTMENT AND TRADE

The positive impact of Egypt's economic liberalization and the privatization of state-owned enterprises as the Egyptian government moves deliberately from central planning to a market-oriented system which is providing a model for all emerging economies. Egypt offers unique opportunities in tourism, industry, and natural resources, and significant markets for American industrial and agricultural products, the mutual benefits of which should be supported by enhanced trade and investment agreements.

GENERAL GOODWILL

The continued promotion of goodwill and understanding between our two nations through increased contacts between our respective legislative bodies, non-governmental organizations and private enterprises with the view to lengthen the strides that our two nations have made in unison—aimed at the promotion of regional peace and stability on the foundation of human rights, tolerance and dignity for all.

HONORING CLAYTON EZELL

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. HILLEARY. Mr. Speaker, I rise today to honor a great Tennessean, Clayton Ezell of Lawrenceburg.

For the last four years, Clayton Ezell proudly and ably served with distinction as the Mayor of Lawrenceburg. It happened to be a time when Mother Nature did not look very kindly upon Lawrenceburg, but Mayor Ezell heroically led the city and its residents through floods, tornadoes and every other challenge they encountered.

Prior to serving as Mayor, Clayton Ezell served for 19 years as Lawrenceburg's Superintendent of the Gas, Water and Sewer Department. But, Mr. Speaker, Clayton is much more than a public servant.

Clayton Ezell is a proud native of Lawrence County and the oldest of ten children. He's a Navy veteran of World War II and a husband of 55 years. He is a father of two and grandfather of four. Clayton Ezell is an American who gave of himself to get involved in his community and help lead its citizens into a better future.

Mr. Speaker, at a time when fewer people take active roles in their community, we should point to Clayton Ezell as somebody who got personally involved to make his community a better place to live and raise a family.

IN HONOR OF DR. ROBERT FRYMIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to and recognize Dr. Robert C. Frymier, M.D. for his 35 years of dedicated service to the Department of Veterans. Dr. Frymier is a very distinguished and awe-inspiring psychiatrist. Dr. Frymier received his A.B. from Miami University of Ohio and M.D. from Ohio State University College of Medicine. Since then, his credentials and honors have been noteworthy and extensive.

Since entering the Veterans Affairs system, Dr. Frymier has improved the quality of care to veterans through his own practice, education and active involvement in the local and national levels. He was the innovator of several techniques in teaching therapeutic skills, such as closed-circuit television for teaching and video-based stimulation of doctor/patient encounters. In 1975, Dr. Frymier was appointed as the first Associate Chief of Staff/Education at the Cleveland Veterans Affairs Medical Center. While there, he greatly improved educational efforts by creating educational conference space with state-of-the-art capacity. He also established an Education Committee, representative of all VA staff.

Dr. Frymier has contributed to the local Cleveland community. In 1979, he established the Regional Medical Education Center and was then named its Director. He served as the Psychiatric Consultant for Blue Cross/Blue Shield of Ohio for the past 25 years, Psychiatric Consultant to the Cuyahoga and Huron Counties Courts of Common Pleas, and served on the boards of Florence Crittenton Services Groups homes for Troubled Teens and the Shaker Youth Center for Chemical Substance Abuse.

His professional Honoraries include, but are not limited to, Cleveland Psychiatric Society, American Psychiatric Association, Ohio Psychiatric Association, and Association of Academic Psychiatry.

My fellow colleagues, join me in honoring Dr. Robert C. Frymier, M.D. for his 35 years of excellent service to Veteran Affairs as well as to the medical community.

THE MEDICARE DIABETIC FOOT ULCER CARE IMPROVEMENT AND SAVINGS ACT OF 1999

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. NETHERCUTT. Mr. Speaker, I am pleased today to introduce the "Medicare Diabetic Foot Ulcer Care Improvement and Savings Act of 1999" with my colleague from New York, Mr. LAFALCE. This bill represents an important step forward toward providing people with diabetes with the advanced treatment they need to combat some of the complications experienced due to diabetes. We expect that it will also result in savings to the Medicare budget.

The legislation would extend Medicare coverage to include advanced new therapies to treat diabetic foot ulcers (DFUs). Diabetes affects nearly six million Medicare beneficiaries and treatment for people with diabetes makes up about one-quarter of the Medicare budget—with $1.5 billion per year of that cost emanating from DFUs. The inclusion of such advanced therapies under Medicare would not only significantly improve the quality of care for beneficiaries with debilitating lower extremity wounds but also result in programmatic savings to Medicare.

The Lewin Group study found that treatment with recombinant human growth factor gel results in faster and more complete wound healing. They estimate that Medicare would save at least $22 million in the first year alone in reduced DFU-related costs. This potential savings is in addition to the direct benefit to patients of better wound healing and less exposure to the risks of some of the more serious and expensive complications, such as hospitalizations, disability and amputations.

A cure for diabetes is within our reach. In the meantime, the Federal government must avail itself of advances in treatment knowledge. In the private sector, new technologies have reduced both diabetes specific complications and overall health care costs. I encourage my colleagues to support this legislation which would apply this knowledge to our Medicare program and benefit our Nation's seniors.

TRIBUTE TO CRAIG OLIVE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. JONES. Mr. Speaker, I rise today to pay special tribute to Mr. Craig Olive, a fellow North Carolinian who has dedicated his life to public service.

Born on February 18, 1965, Craig Olive is the son of Mrs. Pearl T. Olive and the late James Clee Olive.

He currently resides in Clayton, NC where he is a member of the Little Creek Primitive Baptist Church, serving as a Trustee, Clerk, and Deacon.

He also serves as a member of the Finance Committee for the Little River Primitive Baptist Association.

At an early age of 11, Craig became involved in politics by helping to put up signs for local and statewide candidates.

After graduating from Smithfield-Selma High School, he studied Business Administration at Johnston Community College in Smithfield, NC.

His interest and concern for his fellow man inspired him to get involved as a volunteer in many community activities to make a difference as a community leader.

He has truly made an outstanding mark in the community and has gained statewide recognition, earning numerous awards.

Pursuant to North Carolina General Statute 143C–4, Craig was recently appointed to the North Carolina Government Completion Commission by Harold J. Brubaker, Speaker of the North Carolina House of Representatives.

The purpose of the Commission is to be the catalyst for the use of competition to improve the delivery of State government services, to make State government more effective and more efficient, and to reduce the costs of government to taxpayers.

Craig is currently a member of the Johnston Community College Foundation Board.

His commitment to the education of young adults is outstanding.

Craig is dedicated to the Johnston Community College Foundation, helping to raise money in order to provide scholarships for young adults.

Also, he saw a need to help finance young adults by establishing the James C. Olive Scholarship, named in his father's memory.

Mr. Olive is a member of the Board of Advisors for the Paul A. Johnston Auditorium at Johnston Community College and is also a member of the Johnston County Heritage Center Committee.

He is Vice President of Selma Parks and Recreational Board, a member of the Clayton Chamber of Commerce, a volunteer with the Special Olympics program, a volunteer with Johnston County Senior Citizens program, and also serves as a volunteer with the American Cancer Society.

In 1992, Governor James G. Martin presented Mr. Olive with the "Long Leaf Pine" Award as an outstanding North Carolinian.

Additionally, Mr. Olive has been the leader of the Republican Party in his county, district, and the state.

Craig is a charter member of the Johnston County Young Republicans and is currently Vice-Chairman of the Johnston County Republican Party.

In 1997, Mr. Olive was presented the "James E. Broyhill Award" and was inducted into the North Carolina GOP Hall of Fame for his outstanding grassroots service.

Craig Olive has made and continues to make a major contribution in North Carolina and the nation.

He has a strong commitment to his family as well as to his fellow citizens.

Thank you to Craig Olive for his tireless work to improve the quality of life for all citizens

And for working with his friends and neighbors to provide an effective government for the people.

I salute you.

IN HONOR OF THE WORLD CHAMPION SAN ANTONIO SPURS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. BONILLA. Mr. Speaker, in recognition of his outstanding coverage of the San Antonio Spurs, I hereby enter this column by Buck Harvey into the CONGRESSIONAL RECORD. This column appeared in the San Antonio Express News on the morning after the Spurs beat the New York Knicks to claim the NBA title.

[From the San Antonio Express News, June 26, 1999]

TIME OF THEIR LIVES? JUST REPLAY THE TAPE

(By Buck Harvey)

NEW YORK.—Within minutes Tim Duncan aimed a camcorder, which is just like him. He's young, but he's already old enough to know to value these moments.

So at midcourt in Madison Square Garden, Duncan turned his camera and caught Avery Johnson and Gregg Popovich hugging. He captured the celebration of three generations of Robinson men. And then he panned this scene and created something he should stash in a vault.

Even with so much still awaiting him—with a Hall of Fame career really just beginning—Duncan will someday look back at this tape and wonder how such a special group ever came together.

Nice guys, finally, finished first.

San Antonio already knows as much. The city waited more than a quarter of a century for a title and, when one arrived, it came unexpectedly, from a 6–8 nadir, with a coach everyone wanted to impale. Even after a three-month march across the country—proving night after night and in city after city they were the best—everything stood oddly quiet when Latrell Sprewell drove baseline one last time.

When Sprewell stumbled, the city felt as Popovich did. "Kind of stunning," Popovich said late Friday. "You wonder if it's really true.

Duncan can always go to his VCR for verification, and he'll be somewhere in the picture, too. At one point he gave his camcorder to Malik Rose.

Then he will see a few frames of the league's best player, as smooth with his feet as he is with his mind. The Knicks were as made for Duncan as the Lakers were, with little size to contest him, and his three-basket spurt to begin the fourth quarter showcased every skill.

As for the MVP of the 1999 NBA Finals: Wouldn't Karl Malone rather have this award than his?

But the film will drag just about then, as two, bullish defensive teams clawed at each other. And that's why the Spurs had a reason to be scared. As Sprewell jumped back for jumpers—as he felt it—the Knicks looked capable of jumping back to the Alamodome.

That's where other clips will be necessary. Splice in some footage from Salt Lake City when the Spurs took home court, then from Minneapolis, Los Angeles and Portland. Show how the Spurs closed out everyone on the road, with toughness, with defense.

Why should this one have been any different? The Spurs' defense held the Knicks without a point the last three minutes, which is no shock as to those who listened to Popovich's huddles during that time. "We are going to win this," he kept saying, "with our defense."

They would need one more basket, though, which brings Duncan to his final frame. On the baseline, at his spot, left open again, was someone who once stood 5-foot-3 in a New Orleans high school, who grabbed the only scholarship offer he got, who was cut on Christmas Eve and at his friend's wedding.

There is a basketball god, all right: Avery Johnson needed only a second to swish the jumper he's been working on for a decade.

AJ deserves this ring, Robinson deserves this ring. Sean Elliott, Mario Elie, Jaren Jackson . . . name one who doesn't.

They were cast as soft victims, by Malone and Charles Barkley and Damon Stoudamire. By a lot of people without rings. But they rarely showed resentment.

They were so enjoyable that one New York newspaperman admitted he came to their interview sessions this week when he didn't have to, just so he could listen to them. They dunked and didn't beat their chests. They didn't turn on each other when they could have.

And someday, when Duncan wants to look back, he will turn on his VCR and remember the time of their lives. Men gathered from Drexel, Navy, American International, Southern and Pomona-Pitzer. Some without fanfare, all with something to prove. And they won.

IN HONOR OF DR. HERBERT EDWARD POCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. PALLONE. Mr. Speaker, in this day of managed care and health maintenance organizations, it is easy to lose sight of the dedicated individuals in the medical profession who have devoted their lives to the care of others.

Tomorrow night, the staff at Monmouth Medical Center will honor just such an individual. Dr. Herbert Edward Poch will be retiring as director of Newborn Nursery at the hospital. His departure means the loss to Monmouth Center of a deeply-caring, personally-involved and highly-skilled pediatrician.

To the nurses on staff, Dr. Poch is "a grandfatherly figure who watches over us like a hawk and is never too busy to buy us lunch." on a daily basis, he provides the extra touches that turn a building of stone and glass and antiseptics into a congenial work place for staff, and a wonderful, state-of-the-art welcome center for new babies and their parents. Dr. Poch's professional expertise combined with his warm and engaging manner have made those first fragile days of life and parenthood easier and safer for thousands of families.

In addition to being an outstanding physician and administrator, Dr. Poch is a teacher of medical students and physician assistant students in the nursery and the outpatient departments. He has shared his knowledge with others in many lectures and symposiums. By virtue of serving as the model for the Monmouth Medical Center Advertising Campaign and being featured on billboards, bus posters and print ads, Dr. Poch is a familiar figure and symbol of the many find medical practitioners throughout Central Jersey.

Dr. Poch earned his bachelor's degree from Columbia College—where he was captain of the Varsity Basketball Team—and his medical degree from the Columbia University College of Physicians and Surgeons. He interned at Kings County Hospital in Brooklyn, N.Y., and completed his residency at Babies Hospital, Columbia Presbyterian Medical Center.

He was the medical director and original founder of the Make-A-Wish Foundation of New Jersey in the early eighties and was honorary trustee of the Ronald McDonald House of Long Branch from 1992 to 1998. Throughout his career, he has been very active in many community, athletic and public service endeavors.

To my friend and neighbor, Dr. Poch, I say congratulations on an outstanding career in medicine and a well-deserved reputation as a man of great character and compassion.

WORLD TIBET DAY CELEBRATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. PAYNE. Mr. Speaker, the nation of Tibet is a country with a long history stretching back nearly fifteen hundred years, with a unique and irreplaceable cultural and religious heritage.

In 1949, the People's Republic of China invaded Tibet and since that time, over 1.6 million Tibetans have been killed and more than 6000 monasteries destroyed. Whereas the government of China has committed "acts of genocide" in Tibet, and is currently committing systematic human rights violations in that country, including torture, arbitrary arrest, denial of freedom of religion, denial of free speech and free press, and coerced sterilizations and abortions. Whereas China seeks to absorb Tibet into China and is conducting economic development in Tibet contrary to the wishes of the Tibetan people.

The Dalai Lama, temporal and spiritual leader of Tibet, was forced to flee to northern India in 1959, where he has been living reluctantly ever since, working to keep alive the culture and religion of his people along with their hopes of freedom. Whereas the Dalai Lama has been trying unceasingly to establish a peaceful dialogue with the Chinese government concerning cultural, religious and political freedoms for the Tibetan people.

The Tibetan people in their cultural, religious, and political life are now facing the grim prospect of extinction.

On July 10th, one week after America's Independence Day, World Tibet Day will be held. This event shares in the spirit of freedom of Independence Day symbolizes, while also symbolizing the nation of Tibet since at this event many Tibetan communities will honor the birthday of the Dalai Lama (on July 6th). This day will showcase the variety and beauty of Tibet and affirm basic rights of the Tibetan people to religious, cultural and political freedoms. Further on the weekend of World Tibet Day, houses of worship in many parts of the world—churches, synagogues, mosques, temples, gurudwaras—will take part in an Interfaith Call for Freedom of Worship In Tibet and For Universal Religious Freedom. One of the overall goals of World Tibet Day is supporting the Dalai Lama's campaign for peaceful negotiations with China, without preconditions, on the future of Tibet.

I would like to help in the celebration of World Tibet Day on July 10, 1999.

OLD AND NEW MASTERS SHOWCASED BY A GOLDEN MASTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. BARCIA. Mr. Speaker, one of the specialties of life is its diversity and the many pleasant surprises it holds. Many people would believe that an individual with a prestigious doctorate in mechanical engineering who spent seven years as a professor at Wayne State and Michigan State Universities is a person who could design great works, and they would be right. But a fair number of people might not appreciate the fact that someone of such technical creativity is likely to recognize other accomplishments of imagination and celebrate them. Albert Scaglione is this admirable man who took a career in combining complexities to design treasures, and using his talent to appreciate other gems became one of the foremost art dealers in the world.

During his teaching career, Albert Scaglione opened Park West Gallery in 1969, in Southfield, Michigan. He started the gallery with his own private collection, and it has now grown to become the largest fine art gallery in North America, offering museum quality exhibitions and sales. He has been joined in his business by his wife, Mitsie, and now by their children, Lisa, Nicky, John and Marc. He and Mitsie also enjoy their grandchildren, Michael, Roman, Matthew and Angelo.

Albert Scaglione's world presence has been further enhanced with art auctions throughout the United States and Canada, and on 43 of the finest cruise ships, that attract some of the world's greatest art collectors. Whether a collector seeks old masters like Picasso, Rembrandt, or Chagall, or new artists like Peter Max, Fanch Ledan or Sharie Hatchett Bohlmann, that collector will find it at Park West Gallery.

For a man who is a member of numerous national honorary and professional societies, who is an active member of The Michigan Parkinson Foundation and the Karamanos Cancer Institute, and who has won awards from former Michigan Governor James J. Blanchard, the Michigan Cancer Foundation, and the American Red Cross, life is boundless. Using his own unrestrained vision, he has helped many others see that today's dreams are only a predictor of tomorrow's realities.

Family and friends will be coming together on July 4th to wish Albert Scaglione a most special and happy 50th birthday. Mr. Speaker, I urge you and all of our colleagues to join me in wishing him a most joyous day, and in thanking him for all that he has done to make a positive difference in this world.

SUPREME COURT DISABILITY RULING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial, "Court Ruling on Disability Makes Sense," which appeared in the Friday, June 25, 1999, edition of the Lincoln Journal Star.

COURT RULING ON DISABILITY MAKES SENSE

The U.S. Supreme Court decided this week that there is no requirement under the Americans With Disabilities Act that more than half the nation's population be classified as disabled.

That's a victory for common sense.

Ruling in four cases at once, the court concluded that Congress did not intend to have individuals who wear glasses, or people who have high blood pressure, given the same protections under the ADA as people who have disabilities such as blindness or paraplegia.

If Congress had intended to include those individuals, the court said, it would have estimated the number of people covered by the law at more than 160 million, instead of 43 million.

In one case considered by the court, United Airlines refused to hire two nearsighted sisters. Without glasses, their eyesight was worse than the 20/100 required by the airline. In another case a truck driver who could see out of only one eye was dismissed from that job. In the third case, a truck driver was dismissed because of high blood pressure.

Creating physical criteria for a job, the court noted, does not violate the ADA. "An employer is free to decide that physical characteristics or medical conditions that do not rise to the level of an impairment—such as one's height, build or singing voice—are preferable to others," wrote Justice Sandra O'Connor in the majority opinion. And who wouldn't prefer to have pilots who can see even if they lose their contacts or break their glasses?

The ADA has had a tremendous and largely positive effect on society. It made life more fair for citizens with disabilities by making public buildings accessible by wheelchair and protecting them from unnecessary discrimination in employment.

Advocates for the disabled profess to be outraged by the ruling. Georgetown University law professor Chai Feldblum, who helped draft the language of the ADA, even contends that Congress did intend to cover correctable impairments like those remedied by spectacles and medication.

Those advocates, however, would stretch the ADA beyond the limit of common sense and open employers to a broad new field of litigation. They would trivialize the original purposes of the law, and give nearly every employee the right to demand changes in the way an employer assigns and structures jobs.

The Supreme Court ruling is a welcome clarification of an ambiguous law. It closes the door on a potential new flood of lawsuits, and preserves the ADA for those who need its protection the most.

TRIBUTE TO SERGEANT DERK STRIKWERDA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to Sergeant Derk Strikwerda, a distinguished veteran of World War II and the Korean War. Sgt. Strikwerda has distinguished himself for his valor and dedication to others.

In 1943, Sgt. Strikwerda joined C Company of the 513th Parachute Infantry Regiment where he was immediately put into combat at the Battle of the Bulge. After over half of his company was killed, Sgt. Strikwerda helped repel advancing German infantry from a tree ridge despite being ravaged by frostbite and dysentery.

During an ensuing Allied retreat, Sgt. Strikwerda witnessed extraordinary acts of bravery by fellow soldiers that left an indelible imprint on his memory. Over 50 years later, these experiences drove Sgt. Strikwerda to mount a vigorous campaign to see that his fellow soldiers were properly honored for their remarkable acts of courage. Through his selfless sacrifice, Sgt. Strikwerda represents the best in human achievement.

Mr. Speaker, it is an honor to acknowledge Sgt. Strikwerda, a true American patriot. I would like to thank him for his remarkable bravery when defending our nation and devotion to his fellow soldiers.

STATEMENT OF CONCERN OVER KASHMIR CONFLICT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. WELDON of Florida. Mr. Speaker, I rise today to draw attention to the Members of Congress the increasing tension in the Kashmir region, between India and Pakistan. Several weeks ago several hundred armed Afghani and Mujahideen infiltrators, backed by Pakistan, crossed the line-of-control (LOC) into the Kargila and Drass regions of Kashmir, India.

Mr. Speaker, this invasion runs counter to the Lahore Declaration, which is aimed at developing peaceful relations and cooperation between India and Pakistan. The agreement, signed last February, reiterates the commitment of both India and Pakistan to solve their differences and oppose terrorism in the region.

It is particularly disturbing to me that the government of Pakistan appears to have provided the armed infiltrators into Kashmir with support, both military and financial. This is deeply troubling in view of efforts to secure peace in the region.

This aggression against India should be undone so that stability can be restored. The infiltrators should immediately withdraw and Pakistan should respect the LoC and reaffirm and adhere to the commitments made in the Lahore Declaration. I encourage both countries to pursue a diplomatic solution and refrain from action which might escalate the fighting even more. I call on the Administration and my colleagues in Congress to fully support an immediate withdrawal from India. India and Pakistan should be taking positive steps toward resolving the crisis in Kashmir, and resume substantive bilateral talks.

HONORING CARL A. BALESTRACCI, JR., ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join in paying tribute to one of Connecticut's finest school administrators and community activists. People like Carl Balestracci are what make communities strong. From his important work educating the young people of Guilford for the past 32 years to his community involvement in many other settings, he has dedicated his life to the people of Guilford.

I often speak of our nation's need for talented, creative, enthusiastic teachers who are ready to help our children learn and grow. My good friend Carl is just that kind of educator. Throughout his career, he has touched the lives of thousands of children from elementary school to high school. Carl began as a special education teacher in New Haven—working with some of our community's most vulnerable children. He has been leading the fine Guilford schools for nearly two decades, and the most important testament to his talent is the capability of the intelligent young people that have emerged from these schools.

Public education is the cornerstone of the American dream, leveling the playing field and providing every child with the opportunity to make the most of his or her talents. It is talented professionals like Carl who truly shape the leaders of tomorrow. He is dedicated to the positive development of not only our children's intellect, but their character development as well. As a participant in the Assets Program along with leaders from the Guilford Police, local clergy, and other educators, he has led a community wide effort to foster strong values and character in our youth.

As a lifelong resident of Guilford, Carl is deeply involved in the life of our community. His active participation in the Democratic Town Committee, the Police Commission, and the Fife and Drum Corps have made him so visible and highly-regarded that I am sure many would agree that Carl Balestracci is truly a Guilford institution.

Today, as Carl celebrates his retirement, I would like to express my deepest thanks and appreciation for his tireless efforts for the town of Guilford. He is a community leader who is second to none, and his talent and commitment have truly left our community a better place. It is with great pride that I join friends and family to wish Carl many more years of health and happiness.

A TRIBUTE TO VINCENT BERGAMO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. GILMAN. Mr. Speaker, I rise today to invite our colleagues to join me in honoring Vincent Bergamo, a great American who has spent his life promoting and upholding the principles of fairness and opportunity in the sport of harness racing.

Judge Bergamo is to be honored in Goshen, N.Y. on July 4th at the Harness Hall of Fame Dinner, where he is to receive the coveted Proximity Award for long and outstanding service to the sport of harness racing. The award, in itself, is a microcosm of the splendid career that has defined Vincent's life. Beginning in 1958 at our Monticello Raceway, Vincent has always been a part of the harness racing family. His love and admiration for the sport, first gained as a youngster when he worked as a stable boy for the distinguished Harriman family of New York, has been consistently at a level above and beyond his colleagues, and helps to explain much of his accolades during his 40-year tenure.

A prominent leader from my Congressional district, Vincent was a Presiding Judge at The Goshen Historic Track for forty years until his retirement over a year ago. He truly was a pioneer in the harness racing industry and instrumental to the Goshen community in preserving tradition. Thirty-seven years ago, at a time when harness racing had hit a lull in interest, he instituted matinee racing at the Historic Track in an effort to provide young horses and amateur drivers the opportunity to gain worthwhile experience. His idea, practical and yet sc perceptive in principle, became the blueprint for hundreds of other harness tracks across the country. With his help, harness racing has undergone a revival in public interest, an interest that can be directly tied to Judge Bergamo's vision of days past.

Vincent's success in harness racing came early and often, where at the age of 23 at the Saratoga Harness Racing Track, he became the youngest Presiding Judge in the history of the establishment. He has gone on to serve as presiding judge at every track in New York State, including tracks in the states of Florida, Maryland, New Hampshire, and Pennsylvania. Accordingly, Vincent has been the recipient of numerous, well deserved harness racing awards, including: the United States Harness Writers Association (USHWA) Distinguished Service Award, the 1991 National Amateur Lifetime Award, the 1992 President's Medal of Harness Racing, the 1993 Elected Trustee of the Harness Racing Hall of Fame and Museum, and the 1994 William Houghton Memorial Award. Additionally, in 1986, Vincent was recognized for his 25 years of service to the Goshen Historic Track with "Bergamo Day". He has been a longtime member of USHWA and was the founder of the C.K.G. Billings Series in 1971. Vincent has even served as a teacher for many years, giving back to the community in which he was raised.

Still, no matter the heights to which Vincent has soared, his dignity, honesty, and responsibility remain at the core of his very essence. Always putting forth his best of efforts while being unwaveringly fair in his decisions, Vincent epitomizes the benefits of virtuosity. Wherever he has traveled and devoted himself as presiding judge, integrity abound.

For many years, I have had the pleasure of knowing Vince as a friend, a man whose character I respect as much as his career. In every area of life to which Vincent has given his time and effort, be it his wife, his children or the track, his imprint of genuine love and honesty remains like a badge of honor. Vince was never the man to shy from his convictions. His directness and openness allows for not just quality officiating, but for better relationships. He is a family man who has raised 10 children, in each of whom Vince has instilled that same drive and work ethic. His wife, Marsha, and his late mother, Daisy, have been his support, providing strength and love when needed in his busy life.

One need not look any further than his efforts toward the Goshen Historic Track to appreciate all that Vincent has done. The oldest existing sporting site in the entire United States, Goshen Historic Track was doomed for closure when the Harriman family renounced their ownership of the land many years ago. However, due to the dedicated work of Vince on a purely voluntary level, he managed to have the Goshen Track designated as an Historic Site in the National Register, and thereby preserved it for years to come under the Board of Directors' supervision. Today, the Goshen Historic Track operates as a non-profit organization that hosts non-pari-mutuel harness racing seven days each year while serving as a training facility year round. The Track's altruistic roots run so deep that wagering and gambling are explicitly forbidden at races. One cannot help to think this motto of "sport for sport's sake" emanates directly from the legend of Vincent Bergamo and his positive influence on the sport.

Ralph Waldo Emerson once said: "Nature never rhymes her children, nor makes two men alike." Vincent Bergamo's lifelong accomplishments attest to that premise. This man's outstanding character is so unique and special that it is hard to imagine there being another like him. I know that my colleagues will want to join me in saluting a remarkable person in Vincent Bergamo at the twilight of his illustrious career. A man who has given so much to others, Vincent deserves our recognition and commendations.

HOUSE OF REPRESENTATIVES—*Wednesday, June 30, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WALSH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 30, 1999.

I hereby appoint the Honorable JAMES T. WALSH to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Don Borling, Pastor, All Saints Lutheran Church, Orland Park, Illinois, offered the following prayer:

O Lord of all life, we come before You as people of peace. Our tasks are awesome. Our calling to serve is precious and, at the same time, very humbling.

Lord, help us always to walk in the shoes of those who brought us here, the factory worker and the artist, the lawyer and the school custodian, the farmer and the cook.

We are the human family, bound together by a spirit with no boundaries, and yet a spirit as real and as simple as the air we breathe every day.

Our world aches for peace. So help us be the instruments of Your healing.

May we be firm but gentle, just and forgiving, full of resolve, and yet always open to the varied dance of Your many voices.

With Your guidance, Lord, we can serve with joy, come to work each day with the goodness of the human spirit in our hearts.

Help us to see the world we serve with fresh vigor, renewed purpose, and the determination to make a difference. It is an honor to be here.

O Lord of all life, thanks for sharing this journey with us.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. MASCARA) come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After the first 1-minute speech concerning the guest chaplain, the Chair will recognize up to 15 one-minutes on each side.

WELCOMING REVEREND DON BORLING, PASTOR, ALL SAINTS LUTHERAN CHURCH, ORLAND PARK, ILLINOIS

(Mr. NUSSLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, I rise and take this opportunity to welcome to the Chamber Pastor Don Borling, his wife Jude, son Jeremy, daughter Cassie from Orland Park, Illinois, from All Saints Lutheran Church, my home church where I grew up, starting at age 14. In fact, exactly 25 years ago tomorrow, Pastor Don Borling arrived at All Saints Lutheran Church to guide all of us, to give us inspiration, to provide for us the word of God. I want to thank him today for coming and being our guest chaplain.

Mr. Speaker, we have had debate in this Chamber over the last many weeks since some of the tragedies involving young people in this country. And it comes to mind my own personal journey and, as a young teenager, the inspiration, the guidance, and the love that a pastor such as Don Borling gave to me as a young person. I do not know if that would work for everybody, but I can tell my colleagues that the inspiration that he gave me and the influence that he had on my life is something that has been as profound as any of my immediate family.

And so, as we continue to labor today to figure out ways to solve the problems that face our young people, I would just commend to my colleagues that being a mentor, being an inspiration from one person to another, making the kind of connection that we need to make with young people is something that Don has taught me; and I would commend that to my colleagues.

COMMUNITY REINVESTMENT ACT

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, the House will soon consider landmark legislation amending Depression-era banking laws. This bill will bring the banking, securities, and insurance industry regulations in line with the 21st century marketplace. These changes will create greater efficiency and consumer choices.

However, one element of this industry that does not reform is the Community Reinvestment Act, known as CRA. CRA has provided for increased loans to distressed communities, expanded homeownership opportunities, and has helped small businesses develop and flourish.

In recent years, two-thirds of all small business loans were made under CRA. It has also provided for a sharp increase in mortgage loans to low and moderate income families.

CRA investments are good investments. Financial institutions recognize the importance of serving their communities. The Community Reinvestment Act is a good, profitable business for banks and the community. I call on my colleagues to support CRA as an important part of financial services reform.

CUBAN RAFTER INCIDENT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the inscription on the Statue of Liberty refers to our great country as the Mother of Exiles, which requests "give me your tired, your poor, your huddled masses * * * of your teeming shore."

However, yesterday, the U.S. Coast Guard in South Florida took actions against Cuban freedom seekers which call into question our U.S. commitment to these principles. Not only was it not in the fine tradition of this agency, but it raises grave concern over the treatment of those seeking asylum from brutal dictatorships, such as the Castro regime in Cuba.

The first symbol of liberty these refugees come into contact with is the U.S. Coast Guard. Is their first impression to be unwarranted acts of aggression which violate their human rights?

The Coast Guard has literally saved the lives of thousands of refugees, and

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

yesterday's acts were not in line with that fine history. I have spoken to the Commandant of the U.S. Coast Guard about this matter, and he has assured me that an immediate investigation of the specific actions is already underway.

I look forward to the briefing that senior officials of the Coast Guard and other agencies will provide us with today to ensure that this will never happen again.

AMERICAN WORKERS ARE GETTING PINK SLIPS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, yesterday General Motors closed its plant in Flint, Michigan. Another 3,600 American manufacturing jobs gone.

Meanwhile, General Motors plants all over the world remain open. Think about it. While foreign workers are building American cars, American workers are getting pink slips. Beam me up.

I do not blame General Motors. I blame our trade policy. Our trade policies are killing jobs and killing investment.

The question I have today: If our trade policy is so good, why does Japan not do it? Why does China not do it? My colleagues, think about that.

I yield back what manufacturing jobs we have left in America.

REPUBLICANS WANT TO GIVE EXTRA MONEY COLLECTED BY GOVERNMENT BACK TO TAXPAYERS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, under a Republican Congress, our economy is projecting huge budget surpluses over the next 10 years. And I do not mean liberal Democrat style surpluses. I mean real surpluses that do not count and include the Social Security Trust Fund.

The debate has begun already as to what to do with the extra money now being collected by the Government. The Republicans want to give it back to the people who earned it in the first place—the taxpayers. But the liberals do not see it that way. They want to spend it. As I speak, they are coming up with huge new Washington programs even before the surplus has actually come in.

So that is our choice. Congress can spend it, or we can give it back in form of tax relief to the families that earned it. Republicans want the politicians in Washington to keep their hands off working families' money. This is a battle we will be proud to wage as we go forward in the next few weeks.

PRESCRIPTION DRUGS FOR SENIORS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I am proud this morning to talk about one of those programs that the President announced yesterday that we need to do, and we should have done it many years ago.

Studies have shown across this country in congressional districts prescription drugs on the average cost twice as much for senior citizens as they do for other most favored customers. It affects people like in my district 85-year-old constituent who relies on Social Security as her primary source of income and she has medical conditions that require her to spend $260 a month on prescription medication. She has already sold her car, sold her furniture to pay for these prescription drugs; and yet she cannot continue to afford it for $3,000 a year.

The President yesterday announced a program that will not help as much as maybe I would like to, but it goes further than what we have today. With the budget as good as it is, maybe we ought to pay something back to those senior citizens who have built this country into what it is and not make them spend $3,000 a year of their Social Security money for prescription medication.

In her case, it would actually almost cut her prescription cost in half, the President's program would do. And so, that is what we need to do.

Sure, I would like to have tax cuts. But let us take care of those folks who have built this country and made it what it is today.

REPUBLICANS WANT TO KNOW WHAT FICA MAN IS DOING WITH ALL THE MONEY

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, what does the FICA man do with the FICA taxes taken out of a worker's paycheck?

Most workers assume, as I used to, that the taxes collected from the worker's paycheck for Social Security and Medicare were actually spent on Social Security and Medicare. Well, it turns out that is not exactly the case.

The FICA man has been engaging in some very funny business with our seniors' Social Security and Medicare money, and more and more seniors are learning the harsh truth about the way our Government is running the Social Security Trust Fund.

The FICA man collects the money and uses it to fund all kinds of things, things which have nothing to do with Social Security or medicare. Republicans want to know what the FICA man is doing with all that money. We want to put an end to the practice of raiding the Social Security Trust Fund anytime Washington feels like it.

"But wait," my Democrat colleagues will say, "Social Security was designed to operate like that."

Exactly. And that is what we want to change.

FEDERAL RESERVE DECIDING HOW HIGH, HOW MUCH, HOW OFTEN TO RAISE INTEREST RATES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, at this very moment, the Federal Reserve is ensconced in their marble palace downtown meeting in secret, eating a catered breakfast off of fine china, all paid for by the taxpayer.

They are deciding how high, how much, how often to raise interest rates to combat inflation that does not exist.

They are about to raise the rates on credit cards for tens of millions of Americans, auto loans for tens of millions of Americans, mortgages for tens of millions of Americans?

Why? Because they said they are worried about the stock bubble on Wall Street.

□ 1015

But instead of using their awesome power to go directly at the speculators and the rampant speculation on Wall Street, they are going to take a whack at Main Street in the hope that the pain and the message exacted on average consumers filters up to the speculators on Wall Street. This is a bizarre new twist in economics.

It is time to pull back the curtain of secrecy and reveal the profundity of the Federal Reserve working in the interests of the privileged few at the expense of the majority in this country.

HIGHLY INEFFECTIVE GOVERNMENT—THE SEQUEL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today a sequel to the speech I gave the other day about the seven habits of highly ineffective government. Mr. Speaker, there are more habits:

Number one, create programs and regulations which duplicate already existing programs at the State level. Much of what the Federal government does falls into that category.

Number two, make promises that cannot be kept. If we are not careful, Medicare and Social Security could qualify here.

Number three, do not reform programs that could go bankrupt until there is a crisis. We are still waiting for the President's Social Security reform.

Number four, never hold programs accountable for what they fail to achieve. Title I education funding has yet to raise student achievement.

Number five, refuse to reform programs going bankrupt but rather vilify those who attempt to save them. Anyone remember Mediscare?

Number six, pretend that only Democrats want to solve problems. No elaboration necessary here.

Number seven, declare that the era of big government is over, yet continue expanding big government as much as possible.

SENIORS SHOULD NOT HAVE TO CHOOSE BETWEEN PAYING THEIR RENT AND BUYING THEIR MEDICATIONS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, recent advances in modern medicine, especially in the area of pharmaceutical innovation, have yielded extraordinary benefits for all Americans, but especially for our seniors. In fact, over one-third of all the medicines approved by the FDA in the last decade have targeted diseases that are common in the elderly; and while these medicines are good and beneficial for our seniors and all Americans as a whole, the fact is that some of these drugs are very expensive. Those seniors that depend on Medicare for their health coverage are especially affected by the high costs of medications because the Medicare program in most cases does not cover the cost of prescription drugs.

This past week I sat in a living room in my district in South Hackensack, New Jersey, and heard from seniors about the financial hardships they must endure to pay for their medications. Mr. Speaker, America's seniors should not have to choose between paying their rent each month or buying the medications that will save or extend their lives. I commend President Clinton for raising the level of national debate on prescription drugs for America's seniors, and I urge all of my colleagues to rise to this challenge for the seniors of today and for the seniors of tomorrow.

THE SURPLUS BELONGS TO THE TAXPAYERS

(Mr. Ballenger asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the latest government economic report estimates that the budget surpluses over the next 15 years will be larger than expected, much larger than expected. While the other side is busy celebrating the new opportunities to expand the Federal bureaucracy and create new Washington programs, conservatives are asking more fundamental questions about the budget surplus: To whom does it belong? Once that question is answered, it is easier to answer the question about what should be done with it.

The surplus belongs, of course, to the taxpayers. Note the surplus does not belong to all Americans, it belongs to the people who sent the money to Washington to begin with.

Now, if the Democrats have their way, that money will be spent. Many Democrats will talk about using it for debt reduction, but history does not inspire confidence. Anyone who claims that the liberal tax and spenders will not spend the surplus is invited to give me just one example of an instance when it did not happen.

THE COMMUNITY REINVESTMENT ACT

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, I rise today to add my voice in support of the Community Reinvestment Act. Since 1977 this act has been instrumental in countering discrimination in lending practices. As we consider H.R. 10 this week, we should strengthen this successful program.

The CRA requires that financial institutions give back to the communities in which they reside. In the 22 years of its existence loans to African Americans have increased 72 percent, loans to Hispanic families have increased by 45 percent. These impressive statistics along with CRA's track record of assisting low income families participate in the American dream of home ownership and entrepreneurship should be enough evidence to protect and expand it in the House banking bill. Neighborhoods that only two decades ago were in decline are now showing signs of new life.

Mr. Speaker, the CRA encourages fair business practices, reinvigorates communities and creates jobs, all things this Congress should support.

HOWARD COUNTY SUMMER THEATER: 25 YEARS OF GREAT PRODUCTIONS AND WORTHY CAUSES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, this summer will mark the silver anniversary of the Howard County Maryland Summer Theater. This outstanding all-volunteer organization, which annually donates the proceeds from its productions to worthwhile humanitarian causes, was founded 25 years ago by a dedicated group of citizens who wanted their children and others to have a theatrical outlet during the summer. These individuals, Elsie Best, Jean Grenon and Hazel Philbrick, had the vision and commitment to make a wonderful theatrical opportunity available to Howard County residents.

Since its founding, the theater has presented 25 productions and has contributed more than $17,000 from its family-oriented musicals to local organizations assisting the homeless and the elderly as well as children effected by divorce, abuse and illness. In 25 years more than 15,000 people have attended the Howard County Summer Theater. Hello, Dolly will open this July 16. It is my sincerest wish that the theater will continue to enjoy impressive community-wide support this season and well into the future.

I want to extend my best regards to all those affiliated with the Howard County Summer Theater, especially to the theatrical pioneers who made it possible over the past 25 years and to those who are dedicated to keeping a good thing going. Congratulations and God's blessing.

TOP PRIORITIES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the President's proposal to strengthen Social Security and Medicare, provide prescription drug coverage for seniors, give middle class tax cuts and eliminate the Federal debt are well-rounded and thoughtful. Saving Social Security and Medicare and extending their solvency needs to be a top priority of this Congress. Prescription drug coverage for seniors is a critical part of any modern health program. Treatment with medication is cost effective when compared to treating late stage ailments with surgery or other in-patient care. Our seniors who struggle every day for their prescription drugs should not have to choose between paying for food and paying for medication. A prescription drug benefit will prepare Medicare and our seniors' health care for the 21st century.

Fortunately, we are in a position to accomplish these goals due to a strong economy and a once in a generation Federal surplus. Providing prescription drug coverage for seniors as well as providing tax relief for working families is sound and responsible. This opportunity must not be squandered; it must not be wasted. We need to provide for seniors for their future.

PUT OUR FINANCIAL HOUSE IN ORDER

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, ask a liberal what he would do to get rid of the budget deficit, and he or she will say: Raise taxes. Ask a conservative the same question, and he or she will say: Cut spending. That in a nutshell is how we got from a huge budget deficit to the current budget surplus we now enjoy. President Clinton choose the liberal way when he raised taxes in 1993, the largest tax increase in history. Republicans took over the majority in Congress in 1995 and have tried to cut spending and limit the amount of new big government spending programs proposed by the liberals. Two different visions, two different paths to achieve the common goal of a balanced budget.

Republicans forced the President to submit a balanced budget after his first two budgets contained $200 billion deficits as far as the eye can see. We are grateful that the President finally agreed to work with Republicans to put our financial house in order. Lower mortgage interest rates, lower credit card payments and more job creation have resulted from the change from budget deficits to budget surplus. Good fiscal discipline will help save Social Security and Medicare.

THERE WILL NEVER BE A BETTER TIME TO CUT TAXES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, according to the numbers as we just heard that were released this week, the OMB has decided that there is going to be a surplus of some $1 trillion over the next 15 years. This is good news, and it provides Congress with an historic opportunity to improve the standard of living of our Nation by giving tax relief.

The President said in a Rose Garden ceremony Monday: Our new budget framework will use part of the surplus to provide substantial tax relief. The average American has to work 129 days or to May 11 before they get through paying their taxes. Last year, tax revenues grew by 9 percent. That is twice, twice as fast as the economy grew.

Now there are several tax cut plans that we could talk about, but the one that I would favor is one I introduced in this House, is to cut taxes across the board. It is the fairest and the simplest way. It stops the proposal, it stops the practice, rather, of picking winners and losers among overtaxed Americans and allows everybody who pays Federal income taxes to keep more of their hard-earned money.

Mr. Speaker, with the economy growing and the Federal Government running a giant surplus, there will never be a better time than now to cut taxes.

IT TAKES A REPUBLICAN CONGRESS TO GET THE JOB DONE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, President Clinton ran an ad in his first presidential campaign back in 1992 in which he said he wanted to end welfare as we know it. Then what happened? Well, he had a Democrat-controlled Congress for the first 2 years of his term, and what did they do on welfare reform? Nothing.

The American people decided it was time for a change in 1994, just 2 years later, and elected a Republican majority in the House for the first time in 40 years. The Republican Congress passed welfare reform; the President vetoed it. And then we passed it again, and then he vetoed it a second time. We finally passed it a third time shortly before the election, and the President finally signed it into law, and then he took credit for it.

The liberals had ranted and raved that welfare reform, because it passed, we would see people starving in the streets. Well, just about everybody now agrees that the welfare reform has been one of the greatest success stories in years. Millions of people who were stuck, who were trapped on welfare are now working and supporting themselves and their own children instead of relying on their fellow taxpayers to support them.

Mr. Speaker, it took a Republican Congress to get the job done.

PHILOSOPHICAL DIFFERENCES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, there is a philosophical difference between the Congress and the White House. It will be difficult to reach any kind of agreement on the size and scope of government.

Republicans want to move in one direction, and the liberals in the White House in another direction. Republicans want a smaller Federal Government. The President is fighting to expand the government. Republicans want to cut unnecessary wasteful Washington spending. The President wants to increase spending, throwing money at any kind of problem. The Republicans want the 2000 census to be conducted in accordance with the Constitution, which states clearly there shall be an actual enumeration because everyone counts. The President wants to rig the census by allowing political appointees to oversee sampling or, in other words, take another poll. Republicans want to pass a tax cut for working Americans. The President is opposed. Republicans want to protect the surplus. The President wants to use it for new Washington spending.

With such sharp differences in vision, it is no surprise that negotiations will be slow and difficult. But here in Congress we will work hard for the Republican vision of lower taxes and less government, giving working Americans more freedom and a little extra room in their family budget.

CLINTON/GORE ACTIONS TO UNDERMINE THE IMPORTANCE OF PARENTS

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, when information reached me that the Clinton administration is working hard at the United Nations to undermine and to utterly trash the role of parents throughout the world, I was outraged. Five years ago at the Cairo Population Control Conference AL GORE led an unsuccessful effort to get abortion on demand throughout pregnancy declared an international right. Now Bill Clinton and AL GORE's hand-picked negotiators at this week's 5-year follow-up meeting on the Cairo conference are at it again. They are formally pushing to delete from the proposed implementation document the only two references urging, quote, respect for the rights, duties and responsibilities of parents in the critical areas of sex education and reproductive care for adolescents.

☐ 1030

Ironically, while these anti-parent proposals are being aggressively pushed at the U.N., the House is poised to take up legislation to protect minor children from abortion through parental notification or consent. Despite broad support for the bill and wide recognition of the unique importance of parents, this administration is threatening to veto this legislation.

Now, by their delegates' activities at the U.N., Bill Clinton and AL GORE are demonstrating that they are not satisfied with undermining parental rights at home. They want to impose this policy on foreign nations abroad.

ANGELO BERTELLI BIOGRAPHY

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, Angelo Bertelli died on Saturday at the age of 78 years old. Angelo

Bertelli was one of the great football players in the history of college football in America, and he played at Cathedral High School in Springfield. He was the son of Italian immigrants, and people like Nick Buoniconti and Joe Scibelli followed in that tradition at Cathedral High School as well. At Cathedral, he not only was a star in football, but he won all-State honors in baseball and hockey as well and served as senior class president.

He entered Notre Dame, became college football's first T-formation quarterback under Frank Leahy.

The T-formation became an immediate success and the legendary sports writer Grantland Rice called him the T-formation magician.

He was voted to all-American teams in 1942 and 1943; and in the year 1943, he won the Heisman Trophy.

He became a captain in the Marine Corps. He fought in Iwo Jima and Guam. He earned a bronze star and the purple heart. After World War II, he became a successful businessman in New Jersey; and he was elected to the College Football Hall of Fame in 1972.

Mr. Speaker, it was my honor to have known Angelo Bertelli and to have known him as a perfect gentleman, a great father, a terrific brother and a wonderful husband, and an extraordinary citizen and a patriot.

Last year, he gave me the opportunity to watch him as he addressed the football banquet at Cathedral High School for a team that had won the State championship. Angelo Bertelli never lost the special qualities that endeared him to America, and we regret his passing.

PRICE CONTROLS DO NOT WORK

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I would like to respond to my Democratic colleagues who are demonizing yet another entire industry: this time the pharmaceutical industry, the companies who produce life-saving drugs and truly miraculous drugs which allow us to live longer and healthier lives. Sometimes one just has to wonder if liberals have worked a single day in the real world, the world of commerce, the world where jobs are created and results are the only thing that count.

For many drug companies, we can break down how much money goes into the manufacture of a pill: 2 percent for ingredients; 5 percent for labor; 3 percent for distribution; 5 percent for profits and the remaining 85 percent research, development, taxes, regulation and litigation.

Price controls have been tried many times. They never work, never work. Every time they are tried, they are a miserable failure. They lead to shortages, inferior products, black market and goods which never make it to the market. I despair at the thought that this lesson has never been learned. Let us not try price controls.

IT IS TIME TO ADDRESS THE ISSUE OF OUR REFUGEE SYSTEM AND IMMIGRATION POLICY

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I apologize but I just had to come up and make a statement about something that one of my colleagues was addressing, the issue of the Cuban immigrants who were basically forced to be accepted within the United States shores. It was one of the interesting situations where we had a group of people in a boat that were directed to stop by the Coast Guard and a few of them jump overboard and violate the direction and swim ashore and get to stay on U.S. soil permanently under a refugee status, while those who played by the rules, at least took direction, technically were not supposed to stay here. The absurdity of the situation is that then somebody has a demonstration protesting the fact that those who abide by the rules have to go back to Cuba, and they reverse the policy and say all of them can stay.

Mr. Speaker, it is time that we address the issue that our refugee system and our immigration policy do not follow common sense. I know this is not politically correct to talk about, but frankly I think that common sense is always politically correct; that we have people that want to come to this country legally, play by the rules, want to enter legally and they are told they cannot, while we reward those who are breaking the rules and coming into our country illegally.

Mr. Speaker, I ask us to correct this issue and address it here on the House floor.

THE B-E-S-T AGENDA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, this year the Republican Party has introduced and been pushing for the BEST agenda. B is for best, strongest military; E is for excellence in education, with local control, not Washington control; S is for saving Social Security; and T is for reducing taxes through spending reductions.

Now, part of our planning under Social Security protection is the lockbox concept. What the lockbox says is that Congress will no longer mix Social Security money with general operating money. Just as businesses cannot mix pension plans with operating expenses, the U.S. Government needs to do the same thing. Put Social Security funds in a lockbox so that it will be there for retirement.

That bill passed the House on an overwhelmingly bipartisan vote, Republicans and Democrats. Now it is in the other body. Hopefully they will bring it to the floor. It has been 70 days that they have drug this thing out. Now the President is in support of it. I ask the other body to please pass the lockbox and protect Social Security for the future.

CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 233 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 233

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1218) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. WALSH). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted a closed rule for H.R. 1218, the Child Custody Protection Act. The rule waives all points of order against consideration of the bill. It provides for consideration of H.R. 1218 in the House with 2 hours of debate equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenage daughter. As we all know, the people of several States have recently decided that a parent should know before their child has an abortion. We all hope that our teenage daughters have the wisdom to avoid pregnancy but if they make a mistake, a parent is best able to provide advice, counseling and love. Also, more than anyone else, a parent knows their child's medical history.

For these reasons, my home State of North Carolina requires a parent to know before their child checks into an abortion clinic.

Last month, the House Subcommittee on the Constitution heard chilling testimony about how lawbreaking citizens risk children's lives by taking them from their parents for out-of-State abortions. The testimony was chillingly similar to a hearing last year before the Senate Committee on the Judiciary, at which Joyce Farley, a mother from Pennsylvania, told the tragic story of her 13-year-old daughter.

Four years ago this summer, a stranger took Ms. Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified medical records at the abortion clinic and abandoned her in a town 30 miles away, frightened and bleeding.

Why? Because this stranger's adult son had raped Joyce Farley's teenage daughter, and she was desperate to cover up her son's tracks. Even worse, this all may have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. This is wrong and it has to be stopped.

According to the Reproductive Law and Policy Center, a pro-abortion group in New York, thousands of adults across the country carry children over State lines to get abortions in States without parental notification laws. So-called men in their 20s and 30s coerce teenage girls to have abortions out of State and without their parents' knowledge. The Child Custody Protection Act will put a stop to this child abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Right now a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to New York City for an abortion.

Give me a break. This is nonsense and it has to be stopped. Let us do something to help thousands of children in this country. Let us pass the Child Custody Protection Act and put an end to the absurd notion that there is some sort of constitutional right for an adult stranger to secretly take someone's teenage child into a different State for an abortion.

I urge my colleagues to support this rule and support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my friend from North Carolina (Mrs. MYRICK), for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I oppose this closed rule for H.R. 1218 offered by my friends in the majority. Efforts on our side of the aisle to obtain an open rule to provide consideration of several thoughtful and important amendments were rebuffed.

The objectionable nature of this process is compounded by the substance of the underlying bill, the so-called Child Custody Protection Act.

Mr. Speaker, this legislation creates more danger than it would ever prevent and is an affront to the notion not only of individual liberty but to the issue of States' rights which so many of my friends who support this bill will champion on every other occasion.

The decision made by a young woman whether to terminate a pregnancy is one we all hope would be made in close consultation with family members who love her and care for her, but this is not a perfect world. We cannot ignore the fact that there are homes which lack stability, where decisions of such gravity are not made by a loving and caring environment and, in fact, are often tainted by dread and fear. Often, a young woman who is forced to make this most difficult decision has no parent with whom to consult and has no viable option other than to depend on a trusted figure who is not her mother or father.

Indeed, we are jeopardizing grandmothers, grandfathers, sisters, brothers, spiritual advisors, and anyone from giving this young woman comfort.

For this Congress to attempt to criminalize the actions of the one and perhaps the only individual in that young person's life on whom she can depend is more than unfortunate and should be soundly rejected.

Mr. Speaker, there is no stronger advocate than I for measures to reduce unwanted pregnancies and to give women every assistance that she and the child which she decides to bring into the world will need to be nurtured and cared for. Nor, Mr. Speaker, will one find any stronger advocate for the protection of the health care, safety and confidentiality, nor for the fundamental right of choice which the courts have recognized and upheld.

Mr. Speaker, I urge this Congress not to criminalize the acts of other family members in an attempt to help someone that they dearly love and who needs them desperately.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, this legislation, as we know, will make it a Federal misdemeanor for a non-parental adult to transport someone else's daughter, underage daughter, across State lines for the purposes of obtaining an abortion.

□ 1045

Presently 24 States in our Union have passed parental consent or notification laws in order to protect minor girls from irreparable harm that can be caused to them. Yet, with complete and total disregard for the law, many adults choose to willingly circumvent those State laws, placing young, vulnerable girls in serious danger as they undergo potentially fatal abortions.

Without the Child Custody Protection Act, rapists, sexual abusers, and other violators can continue to exploit our Nation's underage daughters, help them disobey State laws, and then continue to rape and abuse them.

No one knows the medical history of their child better than a parent. No one can best detect how a child will react to distress but a parent. No one knows how to best provide counsel and comfort but a parent. The Child Custody Protection Act will protect a parent's right to parent, and it will protect and enforce existing State laws that are being violated.

Mr. Speaker, this morning we will hear from the minority in Congress about the ways in which they think this bill violates a constitutional right. But what they do not tell us is that by not passing this law, we will continue to defend and accept violators of local State laws.

Opponents of this bill will also let us know how it was misnamed. They believe that this should be the Teen Endangerment Act because of the supposed risk it places upon young girls, but they will surely not tell us about the serious risks that young girls are placed in when obtaining secret abortions. They will not tell us of the many, many girls who suffer severe complications from abortions or reactions from medications they are receiving, and about the girls who, in rare instances, actually die.

They will argue that a 13-year-old minor girl who finds herself with an unplanned and unwanted pregnancy is perfectly capable and mature enough to make the same decision that her more mature and older counterparts are making. This, of course, is absurd. This bill is commonsense legislation. The Child Custody Protection Act will protect the inherent right of every parent. It will put an end to strangers taking someone else's daughter across State boundaries.

No one is able to temporarily kidnap your daughter to have her tonsils removed or for any other simple surgery, not even to have her ears pierced. Then why then should a potentially fatal abortion be the exception? I urge my colleagues to consider the many girls who, while in a confused and vulnerable state, will be exploited by opponents of this bill and by the abortion industry today.

On their behalf and on behalf of their parents, I ask my colleagues to seriously consider voting yes to this important pro-family commonsense legislation.

It is true that 85 percent of American families support the Child Custody Protection Act. Whether pro-life or pro-choice, Americans believe that a parent should be involved in major decisions that can have long-lasting consequences on the lives of their daughters. The Child Custody Protection Act will provide grounds for stronger family ties and for family involvement.

By enforcing parental consent or notification laws in the 24 States where they exist, it will stand to demonstrate that we will not tolerate violators of local laws, that we care about the welfare of our children, and that we look to foster parental involvement in all aspects of the lives of our children.

The truth is that more than half of the underage girls who will be affected by this legislation are typically escorted by boyfriends or men who have impregnated the minor.

I would like to call attention to the posters that I have where out-of-State abortion clinics are advertising no parental consent required, no waiting period, no age restriction, and these are advertisements that have appeared in Pennsylvania phone books for an abortion clinic in another State, in Delaware.

There is another abortion clinic that advertises for an abortion clinic in Maryland. They put in big capital letters, "No parental consent."

We remember the Joyce Farley case in Pennsylvania, where her 13-year-old daughter was raped. The mother of the rapist, a complete stranger, took Joyce Farley's daughter out of school one day without permission, drove her to New York City, where she obtained an abortion; and a botched abortion, at that. As a result, the Farley daughter of this 1995 case suffered serious complications, endured many hospital visits, and was subjected to incredibly high medical bills.

The Farley case, Mr. Speaker, is one of many which indicates the legislation is needed for cases like this and many others.

Mr. Speaker, I look forward to getting support from my colleagues for this important bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, I am disappointed this morning because it has always been my understanding that the more we can educate both our colleagues and, as well, the American public on the principles of our opposition, and, as well, the more we can help to enhance legislation to make it a responsible legislative initiative in keeping with constitutional provisions, the more we should attempt to do so.

I rise in opposition to the rule because it is a closed rule, and for no other reason I can imagine other than a political reason, amendments of value were kept out of this legislation.

This legislation is called the Child Custody Protection Act, which gives us the impression that it is to protect children or young people or young women. Young women have the same right to choose constitutionally as others. The amendments that would have been offered to this legislation would have protected children, if that is the name of this legislation, but the amendment offered by the gentleman from North Carolina (Mr. WATT) would have emphasized the exception to this bill that refuses to allow young women to seek an abortion outside of the State in the situation where the life or the serious health of the minor is at stake, similar to that that is constitutionally protected.

It would also have included protection, if we had had an open rule, to exempt ministers and rabbis, grandmothers, aunts or uncles, or an elder sibling to give that young woman someone else in case she is being abused in the home.

It would have then, of course, provided an opportunity, in the Conyers amendment offered as a substitute, it would make it a Federal offense to use force or threat to transport a minor across State lines for an abortion. The penalty would be a fine and imprisonment of 5 years.

None of these amendments were allowed in for an open and full debate, and I am disappointed. This is a serious step that this House might make today. It would be denying or undermining the constitutional privileges of a minor who is in trouble. It would eliminate their opportunity to seek counseling from a variety of people.

I think, Mr. Speaker, if we are going to do a legislatively positive job, we need to be inclusive. We should have had an open rule. I stand in opposition to the rule.

Mr. Speaker, I stand in opposition to this closed rule for H.R. 1218, the Child Custody Protection Act of 1999. In its present form, I am strongly opposed to this bill because it would criminalize any attempt by a caring adult to assist a young woman in obtaining abortion services across state lines. By adopting a closed rule, the Committee has allowed a potentially dangerous bill to come to the floor for a vote.

It is still the law of the land that minors may obtain abortion services. This Child Custody Protection Act is simply another effort to undermine the right of choice for a young woman by imposing dangerous and unnecessary restriction to abortion services.

The people who would help a young woman by offering her transport across state lines are those who are there to lend physical support during a time of crisis, confusion and emotional pain. Relatives, close friends, and even clergy members who offer assistance should not be subject to criminal fines and sanctions.

More than 75% of minors under 16 years old already involve one or both parents in their decision to have an abortion. However, there is the population of young women (30%) who cannot go to their parents for fear of violence or for fear of being turned away.

I offered several amendments that would have exempted certain people from the prohibitions of this Act. These people included religious leaders, aunts, uncles, first cousins and godparents. I joined my colleague Representative NADLER for an amendment that would have exempted grandparents and older siblings from the criminal penalties as well.

Unfortunately, these amendments were not adopted and now, we will jail these caring adults like grandparents for helping young women or we will see an increase in the number of illegal or unsafe abortions. If this bill passes, we will force young women who seek to get an abortion out of state to go alone.

I offered another amendment that would have called for a General Accounting Office Study to keep track of the impact of this bill on the number of illegal abortions and the casualties that result. This amendment was also not made in order.

This closed rule does not protect any children—this bill should be called the "Teen Endangerment Act." This bill isolates minors from family members, friends and other responsible adults. I urge my Colleagues to vote against this rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, we all know parents would do anything to protect their children from harm. Congress should honor that commitment and help parents by passing the rule for H.R. 1218, the Child Custody Protection Act. This is a good bill and a fair rule. Both should be passed.

H.R. 1218 would make it a Federal offense for an individual to knowingly transport a minor girl across State lines for the purpose of obtaining an abortion without her parents' consent, and to circumvent the 20 States which currently have parental notification consent laws.

Evidence shows that a majority of school-aged girls who become pregnant were impregnated by adult males. This by itself is a form of sexual child abuse recognized by statutory rape laws. This child abuse is compounded if unrelated adults seek to avoid rape charges or accountability by manipulating these girls into having an abortion in another State without their parents' knowledge and in violation of State laws.

This is not a vote about whether we agree with parental consent notification laws. This is a vote about whether we respect existing State law and want to eliminate a loophole which encourages child sexual abuse. It is a good rule. Vote yes on the rule.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 233, I call up the bill (H.R. 1218) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The Clerk read the title of the bill.

The text of H.R. 1218 is as follows:

H.R. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

"(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

"(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors
in circumvention of certain
laws relating to abortion .... 2431".

The SPEAKER pro tempore. Pursuant to House Resolution 233, the gentleman from Florida (Mr. CANADY) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 1 hour.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the prime sponsor of this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague, the gentleman from Florida, for yielding me the time. He has done an extraordinary job in helping to pass this legislation and promoting it, especially in the Committee on the Judiciary last year and again this year. I thank him for his leadership on this bill.

Mr. Speaker, as all of us know, abortion is perhaps one of the most life-altering and life-threatening, obviously, of procedures. It leaves lasting medical, emotional, and psychological consequences, and, as noted by the Supreme Court, particularly when the patient is immature.

Although Roe v. Wade legalized abortion in 1973, it did not legalize the right of persons other than a parent or a guardian to decide what is best for a child, nor did it legalize the right for strangers to take the lives of our children and place them in danger, potentially fatal danger.

Many may be familiar with the Child Custody Protection Act, a bill which makes it a Federal misdemeanor to transport an underage girl across State lines, because we had this discussion last year, and we know that it is commonsense legislation because these people want to circumvent State or local parental notification laws for the purposes of obtaining an abortion for a minor girl.

Last year I introduced this legislation. It passed the House with almost a two-thirds majority. Unfortunately, the Senate failed to consider the bill for a vote. This year the bill is up before us again as H.R. 1218. With the support of 130 congressional cosponsors who have spoken in favor of the bill, we are very hopeful that once again we will be able to pass this bill.

In our society, Mr. Speaker, there are many rules and regulations aimed at ensuring the safety of our Nation's youths through parental consent and notification and through parental guidance.

At my alma mater, Southwest Miami High School, for example, as in many of our schools throughout our Nation, a child cannot be given an aspirin to relieve a simple headache or cramp unless the school has been given consent, signed consent, by at least one parent or guardian. In some States a minor cannot operate a vehicle until the age of 18.

Most schools require parental consent in order to take minors on field trips, and in many schools parents have the ability also to decide whether or not their children should be enrolled in sex education class. Both the field trip and these classes require parental notification and consent.

Every one of these principles emphasizes that parents should be the ones involved in those decisions because they can seriously affect their children. The decision of whether or not to obtain an abortion, a life-altering, potentially fatal, and at all times serious medical procedure, should be no exception to these rules.

I find it ironic how anti-tobacco groups and Members of Congress are outraged over a cigarette ad that entices a young person to smoke, yet remain silent on this issue of whether a minor should be taken across State lines to have an abortion performed. They call for hearings and conferences and they spend millions of dollars on ads and lobbying efforts in order to consumer legislation to keep minors from being harmed by tobacco. Yet, these very same individuals remain absolutely silent when ads such as the ones that I am going to explain in a second are placed in our public yellow pages.

□ 1100

These ads lure young girls to directly disobey the law. They promote civil disobedience and entice vulnerable children with dangerous slogans such as the ones that we see here, "No parental consent needed." This is a Yellow Page advertisement that appeared in the Harrisburg, Pennsylvania, Yellow Pages for an abortion clinic, not in Pennsylvania, but in Maryland. So they placed this ad in another State because, in that State, there is a parental consent or notification law; and they say, do not worry, no parental consent is needed for another State.

This other advertisement, Mr. Speaker, comes from the Lancaster, Pennsylvania, Yellow Pages. Although the ad appears in Pennsylvania, the abortion clinic is in Delaware. In big capital letters, in bold, they say proudly, "No age restriction. No parental or spousal consent. No waiting period." So the first thing they put there is "No age restriction."

Well, my legislation, the bill before us, the Child Custody Protection Act, would end this exploitation of our Nation's minor girls from violators who recklessly disregard the law.

By making a circumvention of State parental or notification laws a Federal misdemeanor, this bill will not only help uphold the laws of our country, but it will give back the parents the right to parent. It will strengthen family bonds; and, most importantly, it will ensure that America's youth have a safer, healthier, and brighter future.

By ensuring passage of this legislation, we will really prove to the American people that Congress does indeed work hard to protect both parents and children and protect our families.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in opposition to H.R. 1218, the Child Custody Protection Act of 1999. This bill criminalizes any good-faith attempt by a caring adult to assist a young woman in obtaining abortion services across State lines.

Mr. Speaker, I think it is important to again acknowledge the passion which the proponent of this legislation has come to the floor of the House. I think it is important to enunciate the fact that many of us who are pro-choice consider ourselves as well pro-life, to encourage the life of the living and to ensure that there is a recognition that, constitutionally, women have a right to make personal decisions on these very sacred and important issues.

What this legislation does, by calling it the Child Custody Protection Act, is simply another effort to undermine the right of choice for a young woman by imposing dangerous and unnecessary restrictions to abortion services.

This bill would make it more difficult for minors living in States with parental notification or consent laws to obtain an abortion by making it a Federal crime to transport minors across State lines. More than 75 percent of minors under 16 years old already involve one or both parents in this enormous decision, one which they wish they did not have to make, to have an abortion.

In those cases where a young woman cannot involve her parents in the decision, there are others who would help by offering physical and emotional support during a time of crisis, confusion, and emotional pain. A minor should be able to turn to a relative, close friend, and even clergy members for assistance.

Supporters of this bill claim that judicial bypass, a procedure which permits teenagers to appear before a judge to request a waiver of the parental involvement requirement, is a preferred alternative. However, many teens do not make use of it because they do not know how to navigate the legal system.

Let me for a moment, Mr. Speaker, place one in the position of a young female teenager going into an enormously challenging and frightening circumstance of a courtroom. Mr. Speaker, we have already noted several instances where judges have looked on this young woman and said that they are too immature to ask for a judicial waiver, a bypass. In fact, we have cases where judges repeatedly have denied instances where teenagers have had enough courage to come into the courtroom. This is not the kind of atmosphere where one is going to get the most open decision. Many teens are embarrassed and afraid that an unsympathetic or hostile judge might refuse to grant the waiver.

Also, the confidentiality of the teen is compromised if the bypass hearing requires use of the parents' names. In small towns, confidentiality may be further compromised if the judge knows the teen or her family. This happens frequently.

There are various reasons why a young woman could not go to her parent for guidance. Some family situations are not conducive to open communication, and some situations are violent. For a young woman who needs to turn to someone other than a parent, this law creates severe hardships. In fact, this law may do more damage than it may do helping the young person.

The need to travel across State lines may be necessary in States where abortion services are not readily available. This may be because of various State restrictions or distance. Some young women may seek services outside of their home State because the closest abortion provider may be across State lines.

I have offered or did offer several amendments that would have exempted religious leaders, aunts, uncles, first cousins, and godparents. I joined the gentleman from New York (Mr. NADLER) for an amendment that would have exempted grandparents and older siblings from the criminal penalties as well, some responsible adult that could counsel that young person and provide comfort for them, to give them the opportunity to make a reasoned and balanced decision, not to be cowering in back alleys using coat hangers of yesteryear and destroying their lives.

For a reason that I hope all of us could understand, these young people are frightened. Something has happened to them that may be they did not want to happen. For all we know, they could have been abused by a parent. This is not unknown that someone in the family has abused them, and, therefore, they could not go to a parent.

Or as in the young woman by the name of Becky, they could have had a loving parental situation where they loved the parent very much, and the parent loved them. They were too ashamed to go and tell their parent that they were pregnant. Because of their shame, they went to a back alley abortionist, became infected and died.

The autopsy report indicated that Becky had died from a botched abortion. Becky was about 17 years old. Her parents testified before the Committee on the Judiciary begging us not to pass this legislation. They would have wanted Becky to have been able to go across State lines and to secure a safe abortion because they would have had Becky with them today.

I also offered an amendment that would have called for a General Accounting Office study to keep track of the impact of this bill on the number of illegal abortions and the casualties that result. What is going to be the impact of this bill? Are we going to see an enormous increase in aborted or illegal abortions that would bring about the loss of life?

These amendments were not made in order. It is unfortunate because family members such as grandparents and siblings should not be jailed for assisting a scared grandchild or younger sister in time of need. Young women should be encouraged to involve an adult in any decision to terminate a pregnancy. This is just a federalized chilling effect to inhibit and to deny young women the counseling and comfort of someone whom they have confidence in.

This is not going to diminish abortions, Mr. Speaker. This is only going to take away the rights of young people, young women who could, in fact, start their lives all over again. I hope that my colleagues will defeat this bill. This bill would isolate young women from trusted adults by placing criminal sanctions for providing basic comfort and advice.

I ask my colleagues to not support this legislation. I would ask them to stand on behalf of the young people who are so much involved in this crisis all the time and realize that their lives were in jeopardy by legislation that is well-intentioned but serves no purpose because it takes away from them the very rights that are provided to them by the laws of this land.

I stand in strong opposition to this bill, H.R. 1218, the Child Custody Protection Act of 1999. This bill criminalizes any good faith attempt by a caring adult to assist a young women in obtaining abortion services across state lines. This Child Custody Protection Act is simply another effort to undermine the right of choice for a young woman by imposing dangerous and unnecessary restrictions to abortion services.

This bill would make it more difficult for minors living in states with parental notification or consent laws to obtain an abortion by making it a federal crime to transport minors across state lines. More than 75 percent of minors under 16 years old already involve one or both parents in their decision to have an abortion.

In those cases where a young woman cannot involve her parents in the decision, there are others who would help by offering physical and emotional support during a time of crisis, confusion and emotional pain. A minor should be able to turn to a relative, close friend, and even clergy members for assistance.

Supporters of this bill claim that judicial bypass, a procedure which permits teenagers to appear before a judge to request a waiver of the parental involvement requirement, is a preferred alternative. However, many teens do not make use of it because they do not know how to navigate the legal system.

Many teens are embarrassed and are afraid that an unsympathetic or hostile judge might refuse to grant the waiver. Also, the confidentiality of the teen is compromised if the bypass hearing requires use of their parents' names. In small towns, confidentiality may be further compromised if the judge knows the teen or her family.

There are various reason why a young woman could not go to her parents for guidance. Some family situations are not conducive to open communication and some situations are violent. For young women who need to turn to someone other than a parent, this law create severe hardships.

The need to travel across state lines may be necessary in states where abortion services are not readily available. This may be because of various states restrictions or distance. Some young women must seek services outside of their home state because the closet abortion provider may be across state lines.

I offered several amendments that would have exempted religious leaders, aunts, uncles, first cousins and godparents. I joined Rep. Nadler for an amendment that would have exempted grandparents and older siblings from the criminal penalties as well. I also offered an amendment that would have called for a General Accounting Office Study to keep track of the impact of this bill on the number of illegal abortions and the casualties that result. These amendments were not made in order.

It is unfortunate because family members such as grandparents and siblings should not be jailed for assisting a scared grandchild or younger sister in a time of need. Young women should be encouraged to involve an adult in any decision to terminate a pregnancy.

I hope that my colleagues will defeat this bill. This bill would isolate young women from trusted adults by placing criminal sanctions on providing basic comfort and advice. Please vote against this dangerous bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on this legislation and for her thoughtful explanation of the purpose of the bill that is now before the House.

It is important that all the Members of the House understand just how this bill will operate and what it will accomplish. Unfortunately, a great deal of misinformation has been put forth in opposition to this legislation by those who object in principle to any State law providing for parental consent or notification when a minor girl seeks to obtain an abortion. It is important that we cut through all this misinformation and focus on what the bill actually does.

H.R. 1218 amends Title I of the United States Code by criminalizing the knowing transportation across the State line of a girl under 18 years of age with the intent that she obtain an abortion, in abridgement of a parent's right of involvement under the law of the State where the child resides.

Under the bill, a violation of the parental right occurs when an abortion is performed on the minor in a State other than the minor's residence and without the parental consent or notification or the judicial authorization that would have been required had the abortion been performed in the minor's State of residence.

The Child Custody Protection Act gives the parents of the minor girl a civil cause of action if they suffer legal harm from a violation of the bill.

The bill ensures that neither the minor herself nor her parents may be prosecuted or sued for a violation of this bill. It also provides an exception for the life of the mother. In addition, the bill provides an affirmative defense to any prosecution or civil action where the defendant reasonably believed, based on information obtained directly from the girl's parent or other compelling facts, that the requirements of the parental involvement laws of the girl's State of residence had been satisfied.

Thus, H.R. 1218 only addresses those who covertly take young girls out of their home State for abortions in disregard of protective State laws and parental rights. This bill is a reasonable and carefully drafted solution to a serious nationwide problem that has been carefully documented.

Now, the House will hear arguments today that this bill will endanger the lives of young girls. That is simply false. Indeed, the opposite is true. It is when young girls are secretly taken for abortions without their parents' knowledge that they face serious risk to their health and well-being.

An abortion is a serious and often dangerous medical procedure. When an abortion is performed on a girl without the physician having full knowledge of her medical history, which is usually only available from a parent, the risk to the young woman greatly increase. Moreover, minor girls who do not involve their parents usually do not return for follow-up treatment, which can lead to dangerous and indeed deadly complications.

During the subcommittee's hearing on this bill, we heard from one mother whose daughter was secretly taken away from an abortion and suffered serious complications from the botched procedure. Her daughter required additional surgery after the abortion which could only be performed with her mother's consent. What an irony. What an irony. The law allowed the minor to be taken out of State for an abortion without any parental involvement, but scrupulously required parental consent for the medical treatment that was necessitated by the botched procedure.

As Dr. Bruce Lucero, a prominent abortionist and abortion rights advocate, wrote in a New York Times op-ed piece during the last consideration of this bill by the Congress in the last Congress, teenage girls who have abortions without consulting their patients face greater risk to their health than those who consult with their parents.

It is the parents who have fullest access to relevant information concerning the girl's health, and it is the parent who is in the best position to see that any complications are promptly and effectively treated.

The House will also hear arguments that the bill needs a health exception. Once again, that is simply wrong. The bill specifically provides that it would not apply if the abortion was necessary to safe the life of the minor.

Now, if the concern is about health risk of a non-life-threatening nature, then the best course of action is involvement of the parents for the reasons I have just expressed. If there is some compelling reason why the girl cannot tell her parents, then she always has the ability to seek an expeditious judicial review which all valid State parental involvement laws are required to permit.

Finally, Mr. Speaker, today the House will hear arguments that the parents are not really the people who should have the right to consent to their minor child's abortion but that such consent ought to be given by the parents, someone standing in stead of the parents, the grandparents, the aunts and uncles, the cousins, siblings, ministers, rabbis, or godparents or anybody else. It is these folks who should have the right to take someone else's child out of the State for the purpose of obtaining an abortion.

Now, these types of arguments against the bill are really objections to the underlying State parental notice and consent laws and the Supreme Court decisions that have upheld those laws. Those who disagree with parental notice and consent laws and the Supreme Court decisions who have validated them ought to take the matter up with the States and the Supreme Court.

Now, the opponents of this bill seek to analyze it as though it were a prohibition on the right of adults to travel to engage in activities that are legal in the State to which they travel but not legal in their State of residence. This analysis widely misses the mark. This is not a bill which is aimed at the right of adults to travel. This is a bill which is aimed at the protection of minors.

It is axiomatic, and the Supreme Court has repeated it time and time again, that the power of the State to control the conduct of children reaches beyond the scope of its authority over adults. The court has also time and again stated that it is, and I quote once more, it "is cardinal with us," that is the courts, "that the custody, care and nurture of the child reside first with the parents, whose primary function and freedom includes preparation for obligations the States can neither supply nor hinder."

□ 1115

Thus, as the court has said, constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their child is basic to the structure of our society.

Now, this bill squarely fits within this constitutional tradition regarding the rights of parents. It simply seeks to assure effective enforcement of State laws designed to protect the right of parents and the welfare of children. And the opponents of this bill have a problem with those underlying laws. I think it is safe to say that all of those who oppose this bill fall among those who do not like any sort of parental involvement, parental notice or parental consent law.

As the gentlewoman from Florida (Ms. ROS-LEHTINEN) has noted, across the country a child cannot even be given aspirin at school without her parent's permission, yet strangers can take children across State lines for abortions in circumvention of parental protection statutes. While the abortion industry believes anyone should have the right to take minor girls across State lines for secret abortions, the American public disagrees by a margin of roughly 9 to 1. According to a recent national poll, 85 percent of voters questioned said that a person should not be able to take a minor girl across State lines for an abortion without her parents' knowledge.

This bill, thus, reflects the strong opinion of the American people, and I would suggest that the Members of this House should listen to the voice of the American people on this subject, should reject the arguments that come forth from those who want to deprive the parents of any right to involvement in such a critical decision, and we should move forward to pass this important legislation and send it to the Senate. I urge the Members to vote in favor of H.R. 1218.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentlewoman for yielding me this time. I just want to say a few words in opposition to this bill, and I do so because it is lacking in some very important qualities that we all would hope to see in legislation that deals with this subject.

First of all, the bill does nothing to prevent young women from having abortions. It simply puts them at risk, higher risk, for physical harm.

Secondly, the bill does nothing at all to educate young women about teenage pregnancy and about the need for responsible family planning.

Furthermore, it does nothing to reduce the overall number of abortions, a shared goal of everyone in this House and on both sides of this debate.

While we in Congress would like to be able to legislate good parent-child relationships in every family, we ought to know that that is simply beyond our reach. We cannot do it. The truth is most minors do, in fact, involve a parent in the difficult decision to end an unplanned pregnancy, and they should always be encouraged to involve them. Many young women, however, live in households where a parent is absent or, in some cases, even abusive. What we are saying to these young women in this difficult time and under these difficult circumstances is that they are on their own; they are prohibited from enlisting the support or counsel of a trusted friend, another adult or relative.

This legislation sends a terrible message to young women that not only is the Congress willing to trample on their constitutional right to medical privacy, it wants to make abortion more dangerous for them. Since the bill contains no prohibition whatsoever against women traveling across State lines to avoid a State's consent requirement, it will lead to more women traveling alone to obtain abortions or to seek unsafe abortions locally wherever they may live.

Mr. Speaker, this is simply a bad piece of legislation. The bill's intention may be to increase parental involvement in the difficult decision to seek an abortion, but in reality it will not do so. It will only isolate young women who cannot go to their parents during such a difficult time.

Instead of attempting to legislate good family relationships, we here in the House and the Congress should spend more of our time and resources on reducing the necessity of abortions through teenage pregnancy prevention programs and improving access to information and family planning. This is a piece of legislation that is well-intentioned, I am sure, but the effects of it would be counterproductive, dangerous and disastrous to many, many women across our country.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, today there are over 20 States that require consent or notification of at least one parent before a minor girl can obtain an abortion, and my home State of Nebraska is one of those, albeit the law is under continuous attack in the courts and our State legislature. The American people overwhelmingly support parental involvement and condemn the practice of taking young girls out of State to get an abortion without informing their parents. This bill is designed to help those States enforce their own laws.

Perhaps it is because of my 8 years as a city councilman on the Omaha City Council that I strongly believe in the rights of local governments and the States to formulate their own policies and support Federal policies that protect State and local rights.

It is important that we understand what this legislation does not do. This bill does not create a new Federal law regulating abortion. This is not a Federal consent law. States have the right to require parental notification, and we can help them protect young minor girls at a time when they most desperately need the help and involvement of their parents. These children need attention prior, during, and after this serious procedure. Parental notification can help and it should be given a chance to work. This bill allows States to protect children, promote strong family values and help young girls make wise decisions.

Yes, I believe in States' rights and the rights of my home State of Nebraska to protect young girls in our State, but I am also, as a father, protective of parental rights and the sanctity of parents' involvement in their children's lives and vice versa. So I urge a "yes" on H.R. 1218.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY), a passionate defender of the rights of women.

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong opposition to the bill.

The legislation we are considering today would prohibit anyone, anyone, including a step-parent, grandparent, or religious counselor from accompanying a young woman across State lines for an abortion. In my judgment, my colleagues, this is a dangerous, misguided bill that isolates our daughters and puts them at grave risk. That is why the President has threatened to veto it.

Under this legislation, young women who feel they cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without help from any responsible adult. Some will seek dangerous back-alley abortions close to home; others will travel to unfamiliar places seeking abortions by themselves.

Thankfully, my colleagues, most young women, more than 75 percent of minors under age 16, already involve their parents in this very difficult decision to seek an abortion. That is the good news. And as a mother, as a grandmother of four and about 7/8ths, one is arriving in August, I hope, as we all hope, that every child can go to her parents for advice and support. But, unfortunately, not every child is so lucky. Not every child has loving parents. Some have parents who are abusive or simply absent.

Now, I believe that those young women who cannot go to their parents should be encouraged. We want to encourage them to go to another responsible adult, a grandmother, an aunt, a Rabbi, a minister in what can be a very, very difficult decision. Already more than half of all young women who do not involve the parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve another adult relative. That is a good thing. We should encourage the involvement of responsible adults in this decision, be it a step-parent, an aunt or an uncle, religious minister or a counselor, not criminalize that involvement.

Unfortunately, what this bill does is impose criminal penalties on adults, like grandmothers, who come to the aid of their granddaughters. We tried to address this problem at the Committee on Rules by exempting close familiar relatives from criminal liability under the bill. But, unfortunately, that amendment, much to my amazement, it was hard for me to believe, was denied. As a result, this bill will throw grandmothers in jail for assisting their granddaughters.

What will the police do? Are they going to set up granny checkpoints to catch grandmothers helping their granddaughters? Will we have dogs and search lights at State borders to lock up aunts and uncles? I suppose so.

Mr. Speaker, I am a grandmother of four, and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As much as we might wish otherwise, family communication, open and honest parent-child relationships cannot be legislated. When a young woman cannot turn to her parents, she should certainly be able to turn to her grandmother or a favorite aunt for help. Unfortunately, this legislation criminalizes that involvement.

And so this bill tells young women who cannot tell their parents, just do not tell anyone else. Do not tell a grandparent, do not tell an aunt. No one can help them; they are on their own. As a result, young women will be forced to travel out of State by themselves or remain in-State and obtain an illegal abortion.

Parental consent laws do not force young women to involve their parents in an hour of need. We know that it can do just the opposite. Indiana's parental consent law drove Becky Bell away from the arms of her parents and straight into the back alley. Parental consent laws do not protect our daughters, but they can kill them. They do not bring families together, but they can tear them apart. And so I ask, why can we not do more in this body to bring families together, to keep our young people safe?

Mr. Speaker, I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to teach teenagers to be abstinent and responsible. We need a comprehensive approach to keeping teenagers safe and healthy. We do not need a bill that isolates teenagers and puts them at risk.

That is why, Mr. Speaker, I urge my colleagues to join with the gentleman from Delaware (Mr. CASTLE) and myself on the Teen Pregnancy Prevention Task Force. Let us work with our young people. Let us help them gain self-esteem. Let us see what works out there and try to prevent unwanted pregnancies and prevent teen pregnancies. Let us reduce the need for abortion. Let us work together on this. We can work together, pro-choice, pro-life, Democrat and Republican, to reduce the need for abortion. But my colleagues, let us not put our young people at risk.

□ 1130

I want to say again, I would hope that every mother, every mother, could have a relationship with her child so, number one, there is no need to have an abortion. But if that child should be put in this position, I would hope that child would come to me, would come to a mother, I would hope my granddaughter would come to me, again, let us hope, before it is necessary.

But if it is, I want to be there to help, not to feel that we grandmothers are going to be thrown in jail if we try to help and leave these children so isolated that they may make an unwise move and get this procedure where it may not be qualified.

So I urge my colleagues to vote "no" on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I rise in strong support today of the Child Custody Protection Act. I want to thank my colleague the gentlewoman from Florida (Ms. ROS-LEHTINEN) for reintroducing it again this year.

This is an important bill, and it is an important bill that all Members should support regardless of whether they are prochoice or whether they are prolife, as I am.

I will tell my colleagues from a personal experience about my daughter, Katharine, who just finished her junior year in high school. Quite frankly, I cannot even begin to tell my colleagues how many parental consent forms I had to sign even just this year. The most recent was for a physics field trip. Then there was the soccer form. Probably my worst experience was trying to get permission for my daughter, Katharine, and my older daughter, Tori, to use their inhalers for their exercised-induced asthma, which comes about simply through playing sports. And it was a nightmare. But I will tell my colleagues, it was a nightmare that I accepted, and that was very important.

Nobody can doubt that this constant flood of consent forms is bureaucracy at its best. But I do not mind because it is just one more way for me to stay involved with my children and involved in their lives, which is to me the most important responsibility that I have in life.

So if we, as parents, are involved in those types of decisions regarding our children at school, how can anyone even question the need for us to be involved in such a potentially life-threatening decision like having an abortion?

The need for this type of legislation is particularly clear, particularly in my home State of Missouri, which already has a parental consent law.

A recent article in the St. Louis Post Dispatch focused on the problem of teens crossing from Missouri into Illinois to obtain abortions without parental consent. I bring the attention of my colleagues to this blown-up ad that was recently in the Yellow Pages in a phone book in St. Louis. But the article in the Post Dispatch points out that one of the larger abortion clinics in Illinois actually does advertise on Missouri radio stations and it says "No parental consent required."

I even went into the home page last night and pulled out a copy of their home page, which does say right here "Parental consent is not required for a minor to have an abortion at the Hope Clinic."

This is a predatory market, my colleagues, and it targets vulnerable young girls, and it really emboldens those who would impress these young girls into doing something they might live to regret all of their lives.

I am fortunate that my children talk to me, and I realize the need to have support for our young girls. But there is too much pressure from boyfriends and the like to just simply go have an abortion.

It is critical, Mr. Speaker, that we have the Child Custody Protection Act. It is common-sense legislation, and it protects parental rights. But, more importantly, it safeguards the well-being of America's young girls.

I strongly urge my colleagues to support this passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I appreciate the example used by my good friend and colleague on the idea of clinics' advertisements. But that evidences the weaknesses of the legislation.

I would be happy to target unscrupulous abortion clinics if that is the case to narrow their advertising standards and their advertising approaches. I frankly believe, as well, that we do not target teenagers or entice them to do things they would otherwise not do. But the emphasis of this bill is to lock up loving and caring adults who want to be loving and caring to a teenager who finds herself in trouble under legitimate laws of this land of the right to choose, locking up grandmothers, locking up ministers and rabbis, locking up cousins and aunts.

Frankly, this is a cruel scheme to do a back-door curbing of abortion. The bill's backers, as the New York Times says, "can show no compelling justification for giving different treatment to State residents and nonresidents seeking medical services."

We are not promoting unscrupulous abortion clinics. What we are trying to do is simply say a young woman who may have been abused by a relative in her family, a stepfather, a father, deserves to have a private way of counseling with someone or a private way of seeking an abortion that does not include going into a cold courtroom and being denied on a judicial waiver.

I will say, Mr. Speaker, that we can do many things, but this solution is not the best solution.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in opposition to this sadly misnamed Child Custody Protection Act. This bill does not encourage young women to ask a trusted adult for much-needed assistance. Instead, this bill will cause some young women to face decisions about their pregnancy alone.

Parental involvement in a minor's decision about her pregnancy is, of course, the ideal. For most teens it is the reality. But some teenagers, for various reasons, simply cannot or will not confide in a parent. This bill will make criminals of some grandmothers, aunts, or other relatives that help pregnant teenagers exercise their legal rights. This bill would endanger the health and lives of young women who, for a variety of reasons, including fear of abuse, are unable to involve a parent in their decision-making. This bill is about politics, not sound legislation.

We should be talking today about what we can agree on, how to involve adults in the decision-making process. We should look at policies that work, like the Adult Involvement Law that exists in my home State of Maine.

The Maine Adult Involvement Law recognizes that parental involvement and guidance is the ideal for young women facing decisions regarding a pregnancy. However, when parental involvement is not possible, teens should not be alone. Maine's Adult Involvement Law allows young women to turn to a trusted adult for advice and counsel. A young woman considering an abortion may turn to a parent or another family member, such as an aunt or grandmother or a judge or a counselor. And a counselor would cover a number of different types of people: A physician, a psychiatrist, a psychologist, a social worker, a member of the clergy, physicians' assistants, nurse practitioners, a guidance counselor, registered nurse, or a licensed practical nurse.

The counselor must discuss with the young woman all of her options, including adoption, parenting, and abortion. In Maine, all minors seeking an abortion must receive counseling even if that young woman has the consent of another adult. This provides the maximum guidance and support for the young woman.

The Child Custody Protection Act is designed to restrict the young woman's access to abortion, not to ensure the involvement of an adult in her decision-making process. I urge my colleagues to join me in opposing the so-called Child Custody Protection Act.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond briefly to the point that has been made about the assistance that young women might receive from people other than their parents.

Any grandmother, any friend, any cousin, any godparent who wishes to help a young woman in a situation such as has been described where it is impossible to talk with the parents, for whatever reason, can help that young lady go through the constitutionally required judicial bypass process.

That is something the Supreme Court has established. The Supreme Court has required that all parental involvement laws contain a judicial bypass mechanism that must be made available. That is the way they can render assistance within the framework of the law that provides for the respect for parents and the family unit. That bypass is there; and that is the route that they should follow, rather than taking a girl, without her parents' knowledge, across State lines for an abortion in a State other than her State of residence.

There is a solution to the problem that opponents of this bill keep raising. They want to deny the reality of that solution. But that does not make it go away.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today to speak in strong support of the Child Custody Protection Act and commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership and the other 130 Members who have cosponsored this legislation. It is time that we speak up for the safety of our young daughters, as well as the rights of their parents.

I served in the Pennsylvania Legislature when we passed the Parental Consent Law. There are about 20 States that have parental involvement laws. Some parental notice, some parental consent. In Pennsylvania, we require consent of one of the two parents. And in case there is a breakdown between the parents and the child, we have a judicial bypass where the child can go before, in a confidential setting, a judge to get a decision.

This law was designed because of a case that happened in Pennsylvania in 1995 where a 12-year-old young girl was impregnated by an 18-year-old male and then the mother of that male took that 12-year-old girl to a neighboring State, New York, without her parents' knowledge or consent, for a secret abortion.

Now, my colleagues, this is outrageous where, in America, a stranger can take a minor child whose parents who know the medical history, know the psychological make-up of their child, without their knowledge or consent.

There was a study in California of 46,500 teenage school-age moms. Guess what they found? Two-thirds of them were impregnated by adult males. The median age was 22 years old. In many cases, it is these males who are taking the young girls across State lines for abortions, not grandmothers. It is adult males who are exploiting young women so that people will not know what happened.

In Pennsylvania, I went to the capital phone books and pulled out a couple of Yellow Pages. Here is one entitled "abortion." Here is a clinic in Maryland advertising, "no parental consent," to get around our State law. Here is one from my district in Lancaster. "Age restriction, parental or spousal consent, none." That is in Delaware, this abortion clinic.

I say to the people who are outraged about these ads to teens about smoking, where is their outrage about these ads for teens for abortion? This is a medical procedure that could be life-threatening. We cannot even have a child get their ears pierced or an aspirin from a nurse or a field trip without parental consent. Where is the logic?

Mr. Speaker, as the Attorney General of Pennsylvania said, "by supporting and protecting the rights of parents across the Nation, those of us in law enforcement will be able to protect vulnerable children." Let us protect them with this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again emphasize that I am willing to join my colleagues in legislating initiatives against unscrupulous abortion clinics advertising and, as well, any enticement to young people to do something that they would not want to do. This is not this kind of legislation. This is a legislation that undermines a young woman's right to choose and the ability to counsel with someone other than her family for this terribly, terribly important and tragic decision that she may have to make.

Mr. Speaker, I include for the RECORD a letter from the American Academy of Pediatrics that includes the Society for Adolescent Medicine, dated June 14, 1999, that opposes this legislation. I think these two entities certainly have great involvement with our children.

AMERICAN ACADEMY OF PEDIATRICS,
June 14, 1999.

Hon. HENRY J. HYDE,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HYDE: On behalf of the American Academy of Pediatrics (AAP), representing 55,000 pediatricians nationally, and the Society for Adolescent Medicine (SAM), representing 1,400 adolescent health professionals, we are writing in opposition of H.R. 1218, the Child Custody Protection Act. Assuring adolescent access to health care, including reproductive health care, has been a long-standing objective of the Academy. The problematic nature of this bill is in it's potential to restrict a patient's access to care by making it a federal offense to transport a minor across state lines if this circumvents the state's parental involvement laws.

The AAP and SAM firmly believe that parents should be involved in and responsible for assuring medical care for their children. While parental involvement is desirable and should be encouraged, it may not always be feasible, and the Academy and SAM believe it should not be legislated. Adolescents who cannot rely on a parent to help them through the trauma of a pregnancy and who may need to go to an adjoining state for termination are precluded from receiving supportive care during a traumatic time in their lives. It is in these situations that adolescents would be limited in their options for receiving care.

Our ultimate goal is to provide access to health care that is in the best interest of the adolescent. Pediatricians hope and strongly encourage adolescents to communicate with and involve their parents or other trusted adults in important health care decisions affecting their lives, including those regarding pregnancy or pregnancy termination. Studies show that a majority of adolescents voluntarily do so. However, studies also indicate that legislation mandating parental involvement does not achieve the intended benefit of promoting family communication. It may increase the risk of harm to the adolescent by delaying access to appropriate medical care.

The American Academy of Pediatrics and the Society for Adolescent Medicine urge you to oppose the Child Custody Protection Act.

Sincerely,
JOEL J. ALPERT, MD, FAAP,
President, American Academy of Pediatrics.
LAWRENCE S. NEISTEIN, MD,
President, Society for Adolescent Medicine.

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Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN), a member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Speaker, this bill would make the tragic situation of teen pregnancy even worse.

I believe that adolescents should be encouraged to seek their parent's advice when facing difficult circumstances. And when young people do go to their parents in trying times, most often their parents offer love, support, direction and compassion. Most young women do turn to their parents even when faced with something as emotional and private as pregnancy. Even with States without parental consent laws, the majority of all pregnant teenagers do tell their parents.

Unfortunately, though, there are times when a pregnant teenager cannot go to her parents. This is precisely the time when they most need the involvement of a trusted adult. But under this bill, if an adult tries to assist a young woman by traveling with her across State lines, that adult becomes a criminal. It does not matter if the adult is her sister, brother, grandmother, minister, rabbi, they would still be criminals in the eyes of Federal prosecutors. In my home State of Wisconsin, we take into account the fact that young people sometimes cannot turn to a parent and must turn to another trusted adult in trying times. In Wisconsin, young women may obtain consent from grandparents, adult siblings or another trusted adult.

Crossing State lines to obtain an abortion is not uncommon. Women usually seek the medical facility that is closest to their home, but due to a lack of facilities in many areas, the closest facility may be across a nearby State border. Eighty-six percent of all counties in the United States do not have any health care facility at all that provides abortion services. Congress has not made it illegal to cross State lines to buy guns, to gamble or to participate in any other legal activity. Why should we make an exception here?

What if the teenager has been subject to physical or sexual abuse by one of her parents? What if the pregnancy is the result of incest? There is no exception in this bill for minors who have experienced physical or sexual abuse in their own homes, nor is there an exception for a young woman who might be subject to grave physical abuse if she were to confide in her parent or parents.

Mr. Speaker, we want all children to confide in their parents, we want a society with strong families, but let us not forget those children in our society who are victims of incest or child physical abuse. Let us encourage those children, too, to reach out to an adult rather than deal with a crisis pregnancy without anyone to talk to.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, many, many States—I am particularly proud of my own State of Texas—have laws that protect the children, as they should have. And they have laws that honor the parents' rights with respect to the children.

When mom and dad come home from the hospital and they have got that precious baby in their hands, they bring the baby home, they accept the lifetime commitment, they care for the baby, they hold the baby, they kiss and hug, treat the baby's little wounds, counsel the baby, advise the baby, instruct the baby, pray over the baby and sometimes discipline the baby. And if grandma and auntie, uncle, sister and brother want to visit, honor, enjoy, play with the baby, it is a wonderful experience in a family. But if grandma colludes with the baby to tell mom and dad a lie when the baby has broken mom and dad's rules, grandma is out of line. Grandma should honor the mother and the father as they accept their responsibilities for the baby. If grandma finds the baby in a serious state of distress at the age of 15 because of some foolishness with that pretty boy down the block, grandma has got a responsibility to the baby and to the mom and dad to honor the mom and dad's devotion to that child and to help that child be in the company, honestly confessing their hurt and their wrong to the people who love and care most. Grandma has no right to take that child across the State line, circumvent the State laws and dishonor her own children. No, grandma does not get a dispensation here. Grandma should have the decency to love that baby and honor her own children as that baby's parents. It is wrong. It is wrong to believe that I have the right to intercede against mom and dad's love and devotion because I want to get the child off the hook.

We have taught our children, "You will do wrong, you will make mistakes, you will put yourself in harm's way, you will bring harm to yourself. Bring your hurts to me. I will care for you."

In my own case when my little baby Kathy was born, my dad looked on me and said, "Dick, when you start that parenting, you'll do it all your life." I do that. Most of us do. Some parents unhappily are not kind to their children. Incest does occur. There are laws about that and grandma would have the decency to take the child and the errant parent to the proper authorities within the State and get it corrected and protected. Do you think grandma taking her across State lines to abort that wrong is going to protect that child in the future?

It is not right to love yourself or love somebody more or love some abstract devotion to abortion rights more than the safety and security of that child and the honor of the parents. This is a good bill. It is a good bill that keeps the only commandment with a promise, that commandment that says honor your father and your mother so your lives may be good on this earth.

Let us vote this bill up and let us honor the parents and let us protect the babies.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 30 seconds just to emphasize that this country has many familial situations and many of our young people live with their grandparents.

Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to commend my colleague for her leadership on this critical issue. Mr. Speaker, I rise in strong opposition to the Child Custody Protection Act. Last year we addressed this bill. And although it passed this House, it died in the Senate. Further, the President has made his position very clear. He will veto this legislation if it crosses his desk.

There are so many other issues that we could be working on to truly help children and strengthen America's families. I urge my colleagues to work together to make a real difference in the lives of our youth instead of focusing on this bill which is not needed and would only serve to weaken the child-parent relationship.

This bill as we know it, the Child Custody Protection Act, would make it a Federal crime for anyone other than the parent to transport a minor across State lines with the intent to obtain an abortion. It also punishes the so-called violators of this bill with a fine of up to $100,000 and 1 year in prison. With almost 50 States already requiring parental notification or adult notification through the legal system, if a minor seeks an abortion, there is no need for H.R. 1218.

Regardless of whether the parent-child relationship is abusive or not, most States have already required that a child tells a parent if she wants to obtain an abortion. H.R. 1218 does not improve the parent-child communication. It only serves to create a greater divide between the parent and children and that child on an incredibly personal and difficult decision that remains legal in this country.

H.R. 1218 also ignores the blended and nontraditional families that have become the norm in America today. More than half of all marriages today are remarriages. Children with different parents are often a part of that mix. We are seeing more and more minority children being raised by grandparents. In fact, when I hold district events for parents, the room is filled with grandparents.

This legislation offers no language recognizing the important parental role that grandparents are playing in the absence of parents. It would punish grandparents and members of the clergy who often serve as an invaluable counselor for young adults faced with such important decisions.

H.R. 1218 would isolate these young women during a period when the advice and kind understanding of an adult is most needed. As a mother and grandmother who cares deeply about strengthening families through good communication and loving support of children regardless of the mistakes that they make in their effort to grow into mature and independent adults, I ask my colleagues to vote against this piece of legislation. It will not help women, it will not help families, and most certainly it will not help anyone to prevent unwanted pregnancies.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, today I rise in favor of the Child Custody Protection Act. This bill would make it unlawful to transport a minor across State lines to circumvent a State law requiring parental involvement in a minor's abortion decision.

South Carolina is one of several States that have laws requiring one parent to approve an abortion of a minor. Let me make it clear that this law does include any legal guardian. It is not excluding grandparents who are legal guardians. The Child Custody Protection Act would not impose a similar parental consent law on States neighboring my State but, rather, would simply ensure that the laws of my State would be respected.

Laws requiring parental involvement in a minor's abortion decision confirm the essential role of parents in key decisions for our children. For the sake of children, these laws should not be circumvented. The Supreme Court has observed, "The medical, emotional and psychological consequences of an abortion are serious and can be lasting. This is particularly true when the patient is immature."

All across this country our children cannot take an aspirin at school without parental notification or authorization. They have to have a signed permission slip to go on a simple field trip. Yet in many places in our Nation, a young girl does not have to tell a family member before she has an abortion. Some States have rightfully acted to give parents the responsibility for decision-making for their minor children. The parental consent notification laws of States like South Carolina should not be bypassed. This bill would simply enforce our laws and reassert the importance of children.

Mr. Speaker, I have two daughters. It is very hard for me to believe that some in this room think that they should have the right to secretly take one of my daughters across the State line to get an abortion without telling me. We cannot tolerate that in this country. I urge all of my colleagues to vote for the Child Custody Protection Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, yielding myself 30 seconds, I listened to the previous proponent on the floor. I just raise the question that we have often been chastised for federalizing laws in this country. He has already argued that States have laws.

That is why I find the folly in this legislation. It is not helping; it is hurting.

Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in opposition to the Child Custody Protection Act, making it a Federal offense for anyone other than a minor's parents to transport that minor to another State so that that minor may obtain an abortion. This legislation prohibits anyone, including grandparents, stepparents, religious counselors or any other family member from accompanying a young woman across State lines for such a procedure.

Parental involvement is obviously ideal and currently some 75 percent of minors under age 16 seek the advice and help of their parents when faced with an unintended pregnancy and the prospect of obtaining an abortion. These young ladies are fortunate enough to have loving, understanding parents that they can talk to. But not all teenagers are that fortunate.

For those teenagers who believe they cannot involve their parents, they are left with no one else to turn to, no one to counsel them, including consideration of alternatives to an abortion. Should this bill pass, young women would be forced to make such a difficult decision alone, for fear of putting a family member or a trusted adult in danger of committing a Federal crime. We owe it to these young women to allow them the opportunity to involve someone they can trust in in making that important decision.

□ 1200

Most teenagers who do not involve their parents do involve an adult in such a decision, with some 15 percent talking with a stepparent, grandparent or sibling. It is far more preferable to teach our young people to practice abstinence and to be responsible, making abortions unnecessary. That would be far better than passing legislation which holds concerned family members and trusted adults criminally responsible for helping these young women who are confronted with a very difficult decision.

Accordingly, Mr. Speaker, I urge my colleagues to oppose this legislation, and I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for having yielded this time to me.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, it is interesting the argument by my colleagues on the opposite side of the aisle in opposition to this bill. They use words like: "Let's get together." However "let's" never includes parents. And, "We need to help young ladies." However "we" never includes parents. Clearly, this is not about adult women, it is about young girls and, in some cases, children.

As my colleague said, it is illegal for a school nurse to give a high school student two aspirin without parental consent. Schools obtain permission slips for parents to take students on field trips. It is even illegal for high school students to participate in many high school sports without parental permission, but it is not illegal for a complete stranger to transport a teenaged girl or even a 12-year-old girl across State lines to circumvent State laws so that she can have an abortion without her parents' knowledge.

There has been a lot of talk about loopholes over the last weeks. If this is not a loophole, there is no such thing as a loophole. The Child Custody Protection Act will close a Mack-truck-sized loophole by prohibiting anyone from transporting someone else's daughter across State lines for the purpose of circumventing a State parental consent notification law.

Many want us to believe this is about a nice little grandmother. This is not. It is about an employee of an abortion industry or a sexual predator who wants to cover up the rape of a young girl under the age of 18. No one should be able to make mockery of legal State parental consent laws.

This is not whether or not a woman has a right to choose. This is about a young girl's rights to be involved with her parents and the parents' rights to be involved with their children.

Anyone who opposes this loophole I believe is an extremist, and anyone who does not support this is out of touch with the American people. If my colleagues do not like parental consent laws, they should go to the State capitals where they live and fight to repeal them, but do not oppose a common-sense measure such as this. I urge all my colleagues to support families, to support children and to support women in fighting this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of our leadership.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

I rise today in strong opposition to this bill. We all believe that young women should turn to their parents for guidance and for support, and do my colleagues know what? Most do. Unfortunately, Congress is unable to legislate strong and healthy family relationships, and there are times in some families where a young person cannot turn to her parents for fear of physical abuse, and the so-called Child Custody Protection Act would leave those young women with nowhere to turn.

The Republicans claim that they want to protect young women from sexual predators forcing them across State lines. This is a worthy goal. We all share this goal. But nowhere in this legislation does it specify that it is illegal to use force or threat of force to transport a minor across State lines to obtain an abortion and avoid parental consent laws. This is a key omission, and without that distinction the bill would make it illegal for any adult other than a parent from taking a young woman out of State for an abortion, which I would like to point out is a legal medical procedure.

It means that a young woman who is in a time of tremendous emotional need would be unable to turn to a stepparent, a grandmother, an aunt, an older sister, or even a trusted member of the clergy, without placing that person at risk for breaking the law.

I might add that the Republicans in the committee would not make an exception for the case of incest. They voted down a waiver or an exception for incest. Now do my colleagues want to tell me that an incestual relationship is one with a loving parent and that is the person that a young woman ought to turn to? My God, what are we trying to do here? The Child Custody Protection Act would only isolate a young woman in time of greatest need.

Let me just say that do not play out, and I say this to some of my colleagues, do not play out your own personal philosophies which people respect, but do not do that at the risk of jeopardizing the health, the safety of young women. This is not our job. Do not turn grandmothers, trusted adults into criminals in this country. I urge my colleagues to reject this misguided bill.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, as a practicing physician for many years, I have always been aware of the fact that if a minor child came to see me in the emergency room with an illness or a injury, I could not treat that child without the consent of a parent, I could not give pain relieving medications, I could not stitch a laceration. Indeed, I could be prosecuted for assault by treating a child without the consent of a parent.

But, amazingly, in many States those same minor children, a minor female who cannot get basic medical care without their parents' consent, can have an invasive surgical procedure legally, an abortion, a surgical procedure with the attendant risks of hemorrhage, infection, sterility and, yes, even death can legally be obtained in some States. What is even more disturbing is that in the majority of cases these minor children have been impregnated by men over the age of 18, a crime called statutory rape in most States.

Now many States have correctly addressed this problem by passing legislation requiring the consent of a parent, and those laws have been upheld in the courts, but, unfortunately, many States have not passed these types of legislation, and what has developed is the unconscionable situation where minor females are being carried across State lines without the knowledge or consent of their parents for the purpose of obtaining an abortion. This bill correctly addresses this problem by making it illegal to circumvent State laws by carrying a minor child across State lines, and I encourage all of my colleagues to support this legislation and vote for its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in strong opposition to this so-called Child Custody Protection Act. Last year, the far right majority here in this Congress wanted to make it a crime to help a pregnant young woman, and now it is the same story over again. What we really should be doing is helping our teens. Teens need people that they can count on when they are really in a serious situation. In situations where parents are abusive or absent this bill would make it criminal for a young woman to turn to a trusted adult, a family member, for help.

Let us face it. Some teenagers will have sex without parental consent, and we all know that teenagers can continue a pregnancy, receive prenatal care and deliver a baby without parental consent. Teens can also give the baby up for adoption without parental consent.

The only thing that is prevented from doing is deciding to end a pregnancy. This bill does one thing. It seeks only to further isolate young women who dare not or cannot involve their parents. Remember, one-third of our young women who do not notify their parents of a pregnancy have been victims of family abuse and violence. This bill is all wrong. Instead of criminalizing freedom of choice, we should be providing our teens with better education, better health care and support services.

Mr. Speaker, this bad legislation died in the Congress last year because it was not good for young women. Once again, I urge my colleagues to vote against the Child Custody Protection Act.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY) in support of the legislation.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Alabama; and I am proud to stand here today with the gentlewoman from Florida (Ms. ROS-LEHTINEN) and my other colleagues who have done an admirable job promoting the Child Custody Protection Act.

There is a great injustice taking place as we speak. In 28 States minor girls are being taken across State lines for abortions just so parental consent or notification laws can be avoided. For a child to receive an aspirin at school or to be involved in a class field trip, they must gain prior consent from a parent. But for a dangerous and sometimes fatal procedure a child, yes, a child, can be transported across State lines without a simple notification of their parent.

This is criminal, and this practice has to stop. We must remedy this injustice against States who have decided that parents have a right to know when their child's health is threatened. To add insult to injury, literally, the abortion industry actually encourages such interstate activity and most definitely profits by it. In many States, abortion clinics even advertise in the phone book of these nearby States, and they advertise no parental consent required. If that is not a criminal act, then I do not know what is.

So I urge my colleagues today to vote for the Child Custody Protection Act. A vote for this bill is a vote to respect State law. A vote for this bill is a vote to ensure that parents living in those 22 States get to maintain their right to know about their child's welfare; and, most importantly, a vote for this bill is a vote for the safety of our children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 30 seconds.

Let me just say to my good friend from Texas, Becky Bell is dead. Becky Bell is dead because Indiana had a parental consent law, and Becky Bell did not have the resources and the nuturing, comforting familial situation, a loving family and loving parents, did not have the resources to go and get a safe abortion. She is dead.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to H.R. 1218, the Child Custody Protection Act which could more appropriately be called: The Teen Endangerment Act.

Specifically, I rise to speak against the criminal sanctions this bill would impose on grandmothers, aunts and clergy, responsible adults a child might turn to if they feel uncomfortable talking to their parents or they have a reason they cannot talk to their parents. This law punishes the 1 million American teenagers who become pregnant each year, and it punishes the adults who seek to assist these children in their time of need.

Proponents of this bill would say these teens could go to a judge for a judicial bypass. To this I say, if they cannot tell their parents, how can they tell a judge? Can my colleagues imagine how intimidating this would be to a young woman? How would she even know where to find a judge?

The fact is, young women who do not and cannot tell their parents have important reasons such as their parents are alcoholics, they are emotionally or physically abusive, or the pregnancy is the result of incest. If we pass this bill, what do we tell people like Keishawn, an 11-year-old who was raped by her father? What do we tell the family of Becky Bell, who died from an illegal abortion because a State law prevented her receiving the help? I know what we can tell Keishawn's Aunt Vicky: "We should have sent you to jail for helping this child." And we should tell Becky Bell's family: "We know that a similar law killed your child, but we are going to make it Federal anyway."

□ 1215

We who oppose this bill encourage young women to involve their parents when they face this monumental crisis, when we consider the fact that most young people will talk to their parents but then there are those who cannot. So if we pass this law, what we are doing is making the most difficult decision that a young person would ever have to make more painful, more lonely and more difficult for them.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding the time.

Mr. Speaker, I want to thank most especially the gentlewoman from Florida (Ms. ROS-LEHTINEN) who has brought forth this bill, which I think is a very good one. I think it is one that we ought to pass, and I urge my colleagues to support it.

It seems like we can agree on an awful lot of things today. We all want more education, better health care for our young people and we all want to make sure that there are fewer abortions out there, but yet we cannot agree on this, I think, very simple issue.

Frankly, I have sat here and listened to the debate and I hear a lot of talking around in circles and I still cannot understand why we do not agree on this amendment.

We have a problem here. We have State laws that set higher standards in some cases than other States on abortions. They require parental consent. Right now we have a problem situation where there are older people taking school-aged children, girls that are 12, 13, 14 years old, across the State lines into those other States and having those abortions done, all without parental consent.

I think for the most part we agree that should not happen, but we are hearing this circle talk today that well, maybe in some cases it is appropriate that we can take these young teenagers across State lines because they are involved in an incestuous relationship.

Let me get this straight. There is a parent in an incestuous relationship with a young girl. So their answer is they want to be able to secretly take that young girl across the State line and get an abortion and act like nothing happened. They do not go to a parent but they go to a trusted friend, an aunt, somebody in the religious area; but nothing happens.

That does not make sense. What should occur in that case is that they ought to go to that trusted friend, that grandmother, that aunt and then follow the law, follow the process, go to court and get a bypass, get a court to approve that, go to a judge that that person would know about. If they know enough to get across State lines, they would know enough to go to a judge and go in the private chambers, not in public court and get that bypass.

By the way, while there, tell that judge that the father is abusing that child in a sexual relationship so that that will not happen again. To me, that makes a lot of sense here.

We hear about grandmothers and aunts and trusted friends going to jail. We hear terms like spotlights and roadblocks and back alley abortions, things that really are not appropriate to this level in this debate, I hope. Those trusted friends, those grandparents and those aunts and uncles are protected under this law by that bypass procedure. The grandparents, even if they are occupying the status of a parent, if they are a guardian or standing in the status of loco parentis under the law, they serve as a parent. So a parent is a much broader definition than just simply mother and dad. If there is no mother and dad, there is the guardian out there that has this ability under the law to take that child across State lines to obtain that abortion, if that is necessary.

It just seems to me we agree on most of the issues that we are talking about today and it is just this one issue of incest or a parent that someone cannot talk to, but the bypass procedure very clearly provides a regular order or process to have this done.

Mr. Speaker, I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in opposition to this deceptively titled Child Custody Protection Act. This bill pits desperate young women against responsible, caring adults. This bill drives young women into isolation at a time when they are most in need of help. This bill not only violates teens' constitutional rights but also seriously endangers their lives.

The last speaker said that it would not really be true that we would have back alley abortions, and people could simply go to a friendly judge.

I submit most of the speakers on the other side of this aisle have never stood in the shoes of being a vulnerable and scared young woman who is the victim of incest or who is the victim of child abuse. I submit that that is a decision that is very, very hard for them and it is a decision that has led many young women like Becky Bell, who we have heard of, like Spring Adams who we have heard of, and others to go to back alley abortions because they are scared.

We want them to go to trusted adults. We want them to report incest and we want that to be prosecuted, but in the meantime we do not want to deny safe and legal abortions to young women who for whatever reason, we may not even know it, cannot go to the adult. We do not want to criminalize bus drivers or grandmothers or others who have legitimate reasons for taking these young women across State lines.

Many of us ran for Congress on platforms of States' rights, and we are all in favor of States' rights all the time here in Congress, unless, of course, they violate our personal social agendas and then we are all for the Federal Government usurping those States' rights.

This bill is unconstitutional. It removes the rights of States to legislate around a safe and legal procedure, and that is abortion. Lawrence Tribe, the preeminent legal scholar, has opined that this bill is unconstitutional, and here is what he has said. This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home State like the bars of a prison that follow them wherever they go. Such a law violates the basic premises upon which our Federal system is constructed and therefore violates the Constitution of the United States.

I urge a no vote on this ill-conceived legislation and I urge everyone in this chamber not to put their own values and views on these vulnerable young women. Have some compassion. Understand some of them may not, for whatever reason, be able to go and do what we would all hope they would do, which is to talk to their parents and talk to their parents before they undertake a decision like this. Please vote no.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Florida (Mr. CANADY) has 22 minutes remaining. The gentlewoman from Texas (Ms. JACKSON-LEE) has 18½ minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Speaker, there was an emotional plea to have some compassion and understanding for the young ladies who find themselves in this horrible spot. I would also encourage my colleagues to have that same compassion and understanding for those young ladies, but also for the parents and for the law because the best way to handle hard problems in society is to have laws that make some sense and have a procedure.

Every State law that requires parental notification has a procedure to have the young ladies' needs addressed and that people can, in fact, go to a judge and seek relief.

I have stood with victims, I have not been in their shoes, of people who have been raped by their parents, who have been abused by their parents, and as a prosecutor I felt a real desire and need to prosecute those people. As a Congressman, I feel a real desire and need to uphold the law where the law has been passed in a duly constitutional fashion.

What the other side is doing is they do not like parental notification statutes. Well, just go back home and lobby the legislature. If they do not like the law back home, go home and change it; but when a law that is passed by a State that affects a minor's interest, whether it is abortion or anything else, do not let people conspire, regardless of the family relationship or the business interest, to cheat the State out of a law that they duly passed. If we do it here, where is it going to stop? Because someone has a view of abortion different than the State in question, do not allow people to go around and cheat the States out of the laws that were duly passed. If one does not like it as a Member of Congress, go home and talk about it.

This statute addresses a real problem. There are ads being run in this country to lure people across State lines to perform abortions, and they talk about the fact that a person does not have to get parental notification. Avoid that State law; go find somebody to bring them over here and we will do something that the State has a different view of across the border.

For those of us in Congress who really do respect the role of the States and really do respect State rights and parental rights, we need to come to the aid of the people who find themselves in this dilemma. What good does it do for a State legislature to pass a law if people can avoid it and Congress remains silent?

Stand up for people who are trying to follow the law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding me this time, and also for her consistent leadership on behalf of America's families.

Mr. Speaker, I rise in strong opposition to H.R. 1218. This bill, as we have heard, makes it a Federal crime for anyone, other than a parent or a guardian, to transport a minor across State lines. This is another attempt to limit the choices available to young people in crises. This bill closes doors rather than opens doors of opportunities for young people and their families, a general support system.

Also, it closes the opportunity to consider possible options. Of course it makes sense for a child, a girl, to consult with her parents about something as momentous as sexual activity and the surprising pregnancy that sometimes follows. In States that have no mandatory parental involvement, 60 percent of the parents know about their daughters pregnancy. We could only wish that all parents had the trust of their children and that the remaining 40 percent could turn to their parents for counsel. However, we know that sadly not all children feel that they can safely turn to a parent, especially where sexual activity is concerned.

Many young girls are being raised by their grandparents, their aunts and their uncles. Why should we criminalize extended family members or members of the clergy or a trusted adult when they try to help young women facing crisis pregnancies? Under this legislation, grandparents, aunts and uncles and members of the clergy could be prosecuted and jailed for traveling across State lines to obtain reproductive health services for young women. This is wrong.

The fact is, many young girls do not have a mother or a father at home to talk to. Those who support this bill do not value extended families which so many girls are part of. Why do the supporters of this bill feel that it is right to discriminate against such a large number of young girls in this country?

It is amazing to me that the majority of those speaking on behalf of this bill are men who really do not have the experience of a young girl's trauma.

This legislation really does limit reasonable options. It would force young people in a period of turmoil, with the clock relentlessly ticking, to turn to illegal or self-induced abortions or to pretend or wish away their pregnancies with sometimes horrendous results, as we constantly learn from news reports.

So I urge my colleagues not to legislate relationships, not to legislate personal behavior. Please vote against this Child Custody Protection Act. It is bad policy and it is discriminatory.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I thank the gentleman from Florida (Mr. BACHUS) for yielding me this time.

Mr. Speaker, we are all struggling to do the right thing, and we are confronted with a case where we have a 14- or a 15-year-old girl. She is pregnant, unwanted pregnancy, as she would say, as we would say, and she is considering an abortion.

Who do we involve? Well, the First Lady of the United States has said it takes a village to raise these young ladies. But do we go out and choose anyone in the village? That is what the critics seem to be saying: Anyone will do. It does not have to be the parents. It can just be anyone that happens along.

We have heard that a compassionate bus driver might be the person.

□ 1230

We have been told that the grandmother is usually the person. We are told about these aunts. But in fact, who is this so-called trusting adult that is taking this young 14- or 15-year-old girl across lines? What member of the village is it that we are substituting for the parent and their involvement and their love?

Quite simply, it is the boyfriend. We do not have to speculate on that. The Department of Health and Human Services reported to this very Congress in 1995 and said in two-thirds of the cases when 15- and 16-year-old girls are pregnant it is a male adult, and the medium age of that male adult is 22 years old. It is not the grandmother that is impregnating them, it is not the loving aunt, and it is not the compassionate priest, it is the boyfriend.

There is a study of 46,000 schoolchildren in California. Two-thirds of them were impregnated by adults; again, average age 22. Let me tell the Members what that study said. It said the differences in ages between the young girl and the father who impregnated her at the very least suggest very different life experiences, and bring into question issues of pressure and abuse.

Another study a year earlier said, "Obviously, these males are vulnerable to statutory rape charges and have a strong incentive to pressure the young girl into obtaining an abortion." That is what the California study said. That is what our own Health and Human Services study said. It is not about the grandmother, it is about the boyfriend.

Finally, the study said that 58 percent of these so-called trusting adults who we are all concerned about today, 58 percent of them who take the young girl across State lines, who are they? Who in the village are they? They are the boyfriend. We have a choice to make. Do we choose the parents or the boyfriend?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. NADLER), a senior member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I do not for one moment grant what one of the speakers said a few moments ago, that we are agreed on most things, that we are only disagreeing on incest. I do not grant that the real purpose of this bill is to help anybody.

The real purpose of this bill is to make it as difficult as possible for young women to get an abortion. The real purpose is to make it as impossible for young women to exercise their legal rights as we can possibly make it. That is the real motivation. It is what is driving this bill, and not any supposed concern about parental involvement.

As the New York Times this morning said, the bill is "a cold-hearted piece of legislation that would jeopardize the health of desperate young women seeking abortions, and potentially imprison adults who help them." Realize what this bill would do. A 19-year-old sister who helped her 17-year-old sister to an abortion clinic or to a hospital across the State line could go to jail.

The bill is clearly unconstitutional because it violates the constitutional principles of federalism. The bill violates the rights of States to enact and enforce their own laws governing conduct within their own boundaries, and it violates the rights of residents of each of the United States to travel to and from any State of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court in its recent landmark decision in Saenz versus Roe only last month.

The fact of the matter is that each State is free, notwithstanding Article IV, to make certain benefits available to its own citizens. A State's criminal laws may not be replaced with stricter ones for the visiting citizen from another State, whether by that State's own choice or by virtue of the law of the visitor State, or by virtue of a congressional enactment.

This bill seeks to export the laws of one State to another. We cannot constitutionally make it a crime to do something that is legal in the State where you do it because it is illegal in a different State.

I know the gentleman from Florida (Mr. CANADY) will cite a 1978 cases in which a Mann Act prosecution for transporting a woman across State lines for the purpose of prostitution was upheld, despite the fact that prostitution is legal in the State to which she was transported.

But all that case says is that of course there can be a Federal law and a Federal crime without a State law. The Federal government can prosecute a spy in New Jersey, even if New Jersey has no laws against espionage.

But this bill is very different. It would only be a crime to transport a young woman to another State for the purpose of obtaining an abortion if she had not met the legal requirements to get an abortion in her own State, in the State she left. In other words, the bill would, in effect, for purposes of abortion, imprison her within the laws of the State that she left, and this we cannot constitutionally do.

So the bill is clearly unconstitutional, and the bill is cruel. It would force a young woman to drive by herself for long distances both before and after an abortion, greatly increasing her own health risks, rather than allow a responsible adult to accompany her to and from the clinic. This is dangerous, it is unnecessary, it will cause deaths.

The American Medical Association has noted that women who feel they cannot involve a parent often take drastic steps to maintain the confidentiality of their pregnancies, including running away from home, obtaining unsafe back alley abortions, or resorting to dangerous and sometimes fatal self-induced abortions.

The AMA has reported that "the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since 1973." This bill is a death sentence for many young women. Actually, it is not, because the Supreme Court will throw it out. But if it were ever enacted into law, until the Supreme Court throws it out, it is a death sentence for young women. Like all parental consent laws and required waiting period laws, the bill further risks women's health because of delayed abortions. We should be taking actions to ensure that abortions are as safe as possible, rather than delaying it to make it as difficult as possible.

The bill also invites family members to sue one another for damages. Who gets to sue? Parents, even parents who have been abusive or have abandoned their children; fathers who have raped their daughters are allow to sued for damages from the prison cell. Whom can they sue? The bill entitles parents to sue doctors, clinics, relatives.

The litigation could bankrupt clinics just by the discovery process, which I am sure delights the supporters of this bill. If the intent is only to sue the transporter, the bill should be amended to say so.

What about the criminal penalties? The bill would force a grandmother to go to jail for coming to the aid of a grandchild, or a 19-year-old sister for coming to the aid of her 17-year-old sister.

I offered an amendment which would exempt grandparents and adult brothers and sisters of the minors, but the Committee on Rules would not even allow the amendment to be considered on the floor. It would criminalize almost any adult relative of a child who tries to help a young women.

Proponents of the bill ignore these concerns and wave around a judicial bypass as a panacea, but we know the judicial bypass option of many parental consent laws have been ineffective. Again, my amendment to improve this bill by allowing individuals subject to prosecution to appeal to a Federal court for a judicial bypass was blocked from consideration by the Committee on Rules.

We know that many local judges refused to hold hearings or are widely known to be anti-choice, and refuse to grant bypasses, despite rulings of the Supreme Court that they cannot withhold the bypass.

This bill further limits the options of young women who, for whatever reason, cannot obtain parental consent. Mr. Speaker, I urge my colleagues to reject this unconstitutional and cruel bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding time to me.

Mr. Speaker, I want to begin by thanking the gentlewoman from Florida (Ms. ROS-LEHTINEN) for this excellent human rights pro-woman pro-family legislation, and thank the gentleman from Florida (Mr. CANADY), the chairman of the subcommittee, for his expert guiding of this legislation through committee and for his commitment.

Mr. Speaker, a majority of Americans now more fully understand that abortion is violence against children, that it is a horrible dismemberment or perhaps poisoning, one of the other methods frequently employed. It is an execution of children before birth. Americans want it stopped. The polls clearly show that.

A recent survey by the Center for Reproductive Gender Equality, which is run by Faye Wattleton, the former president of Planned Parenthood, found that 70 percent of women want more restrictions on abortion; just women, that was their only universe, their only population polled, 70 percent want more restrictions.

A recent CNN-Gallup poll found that a majority of Americans want most abortions made illegal. That is not what we are dealing with today, but a majority of Americans want to protect the lives of unborn children from this violence, dismemberment, poisoning, and partial birth abortion.

In 1998 in the New York Times a survey was issued on point on what we are talking about today, parental consent. This would apply, of course, and provide integrity for the laws of States on both parental notification and parental consent, but on parental consent, the stronger of the two, it found that a whopping 78 percent of Americans want parental consent laws in their States.

I think Americans adopt a reasonable standard when they say and when they report back with this. They understand that this legislation is very, very reasonable. Secretly transporting teenagers across State lines to procure abortions in a State with no parental notification or consent compounds the violence of abortion by exploiting the vulnerable minor.

Mr. Speaker, when the partial birth abortion ban was debated in the last few years, many pro-abortion organizations said there were "fewer than 500 partial birth abortions per year in the entire country." We now know that was an outright lie. It was repeated on this floor by one speaker after another. We know it is a lie now.

That statement, like other statements, was proven to be false, and interestingly, it was a New Jersey newspaper, the Bergen Record, which has a very strong editorial slant in favor of abortion, that broke the story that one clinic, Metropolitan Medical Associates in Engelwood, did about 1,500 partial birth abortions every year. That is three times the number in the entire country in this one clinic.

Now we also know that Metropolitan Medical Associates and other abortion mills in New Jersey advertise and market their business in Pennsylvania and elsewhere, and use the fact that until just a couple of days ago, and that has changed, thankfully, we just got a parental notification law in New Jersey, but for many years they used the fact that we did not have such a thing to say, look, young teenagers, come across the State line and get your secret abortion.

If Members look at this ad, abortions up to 24 weeks on demand, these are not rape abortions, these are on demand, because the baby is construed to be unwanted. These ads are telling young teens, we can end your baby's life and your parents need never know. It is a secret abortion.

What happens when the complications set in, Mr. Speaker? There is a group called Mothers Against Minors' Abortions. It is not unlike MADD, Mothers Against Drunk Driving, a group of women who have come together to say, enough is enough. We need to protect our daughters from those who would exploit, this so-called trusted adult who can exploit their young daughter.

A woman by the name of Eileen Roberts who testified, and perhaps members of the committee might remember her testimony, pointed out that, and this is her quote, "Wondering why my daughter had become depressed, over the next 2 weeks my husband and I thought perhaps her boyfriend had introduced her to drugs, so we searched for answers." She goes on to say, "Words cannot adequately communicate the Orwellian nightmare of discovering that your child has undergone an abortion."

She said her daughter was depressed, and there were all kinds of consequences. Interestingly enough, as she points out in her testimony, when she went to get reparative surgery because of what happened in this legal abortion, but there were complications, she had to sign on the bottom line and give her permission. But when the baby was destroyed and when this intrusive surgery was done, she did not have to give either her consent and she was not notified.

She asked no more secret abortions in her testimony. This legislation again does not impose, although perhaps it should, but it does not, a nationwide or Federal parental notification or consent. It just preserves the integrity of those State laws that say we want to protect our children from the exploitation of those who would do them harm. Please vote in favor of this legislation. Again I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her courageous leadership in offering this bill today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

Mr. WEINER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

A 15-year-old pregnant girl, perhaps with no parents to care for her, perhaps even worse, parents that harm her, what crime has she committed? Why do we seek to punish her more by making a criminal out of someone that would try to help that girl? She is already a victim, and this bill would victimize her a second time.

I understand the passion of my colleagues, and the previous speaker in particular, in their opposition to abortion. But what purpose do we serve by forcing an exquisitely lonely young girl to go it alone? What is the political gain that my colleagues see in forcing her into an unsafe abortion? What crime has she committed that is so egregious that she would then be forced to turn away or not turn to someone that might help her?

As we posture about our love and respect for America's parents, I would hope in our zeal we are tempered a little bit by love and understanding for the young victims that we also represent.

☐ 1245

I do not ask my colleagues, any of my colleagues, who oppose a woman's right to choose to abandon their principles. But I do wish that supporters of this measure would not use the plight of the most helpless to make their points.

I dare say that no one who speaks today and perhaps no one in this Chamber wants there to be even a single abortion. But this bill, all it does is make sure that someone who is in that unfortunate position is forced to be in that position all alone.

Some who have spoken here today have said, oh, this is an issue of federalism; this is an issue of due process; this is an issue of respect for local courts. But someone in a position faced with these excruciating choices, is it not also an issue of compassion? Should we not also remember that?

Why do my colleagues insist on mocking the idea that perhaps a grandmother is a person who can show great love for that victim? Why do we scoff at the notion that all families are not like those we are blessed to come from? Why do we celebrate our churches, our synagogues, and our mosques, yet we would make criminals out of a pastor who would help a young victim?

I urge my colleagues to oppose this measure.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of H.R. 1218. I have listened to this type of testimony for a long, long time. I rise without any ill will toward those who differ with me.

I have heard testimony on abortion for the last 50 years. I started my public service in 1951. I have listened to fathers, and I have listened to mothers. I have listened to girls in trouble, to pastors. I have listened to medical testimony.

I am not among those who want to push anybody off on a sidewalk or fire on anyone who is trying to enter into an abortion clinic. I hope I am not a part of the far right or the far left. I believe I am a part of what they might call the far middle, because the gentleman from New Jersey (Mr. SMITH) testified from the record that 78 percent of the people want parental rights. I have listened to all that testimony.

I voted many, many times. While I have compassion for those who differ with me, I come down on the side of life. I can come down on no other side. By voting in favor of this bill, I think I am not just voting to protect young women. I think I am voting in support of States' rights, and I am voting in support of parental rights.

All of us want the best for our children. We want to help them make very difficult decisions. We want to be there to support them through this process. This bill allows parents to be a part of that very trying time physically and emotionally by enforcing State laws which require parental involvement in a decision bearing serious consequences for our daughters.

In a time when our children cannot even, as has been testified to here time and time again, so much as even receive an asprin at school without parental permission, it certainly seems illogical to allow our minor daughters to travel across State lines to have an illegal abortion.

This bill gives us the chance to tell our daughters that we care about their health and well-being and we want to prevent other adults from taking our place.

I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership, and I am pleased to vote in support of States, of our parents, and of our children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY), a long-time advocate for protecting children.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time and for her leadership on the Children's Caucus and so many other important issues.

This bill sounds like a good idea. In an ideal world, parents would always be the first person that teenagers would go to with their problems. But, unfortunately, we do not live in an ideal world. Some parents abuse their kids. Some parents kick them out of the house. Some parents are not capable of taking care of their own children.

This bill is not about protecting young women. It is about antichoice politics. I would like to put this vote in perspective. This is the 121st vote against a woman's right to choose since the beginning of the Republican-led 104th Congress. I have documented each and every one of those antichoice votes in a Choice Report which is available on my web site.

The Republican-led Congress has acted again and again to eliminate the right to choose, procedure by procedure, restriction by restriction. Today we are debating a bill to criminalize the act of taking a minor across State lines for an abortion without parental consent if the State in which the person resides requires it.

As the mother of two daughters, I know that this is not a simple issue. Of course, I would hope that my daughters would include me in making such an important decision. Unfortunately, many young women do not live in normal families. They are in severely dysfunctional families.

I would hope that any young woman who refuses or cannot involve her parents would have another trusted adult from whom to seek guidance and support. However, this bill would make criminals out of such adults. It would make criminals out of loving grandparents, siblings, counselors, friends, aunts and uncles who have nothing but the safety and well-being of the young woman in mind.

If a young woman refuses to involve her family and the law prohibits her from looking to another responsible adult for support, then essential parental support and adult support is stripped away from this young person.

This bill does not protect young women from undue influence. On the contrary, it strips them of essential support. This bill is not about protecting our young women. It is driven solely by the divisive nature of abortion politics.

I urge my colleagues to oppose this bill and put the safety and well-being of America's young women before the political agenda of antichoice legislators. I urge a "no" vote.

Mr. Speaker, I rise in strong opposition to this bill.

It sure sounds like a good idea. In an ideal world, parents would always be the first person their teenagers would go to with their problems.

Unfortunately, we don't live in an ideal world.

Unfortunately, some parents abuse their kids.

Unfortunately, some parents kick their kids out of the home.

Unfortunately, some parents are not capable of taking care of their kids.

I'd like to put this vote in perspective. This is the 121st vote on choice since the beginning of the 104th Republican Congress.

I have documented each of these votes in a Choice Report, which is available on my website: www.house.gov/maloney/choicereport.htm

Congress has acted again and again to eliminate procedure by procedure, restriction by restriction.

I find it particularly ironic that at the same time when some are trying to restrict access to contraception for young people through Title X—which will prevent unwanted pregnancies—they are also restricting access to abortion.

Today we are debating a bill to criminalize the act taking a minor across state lines for an abortion without parental consent, if the state in which the person resides requires it.

As a mother of two daughters, I know that this is not a simple issue. Of course, I would hope that my children would include me when making such an important decision.

Unfortunately, many teens live in severely dysfunctional families.

I would hope that any young women who refuses to involve her parents would have another trusted adult from which to seek guidance and support.

However, this bill will make criminals of those loving grandparents, siblings, counselors and friends who have nothing but the safety and well-being of the young woman in mind.

It sends the message to young women that an abortion is something they must go through alone.

This is a dangerous bill, and should perhaps be called the Teen Endangerment Act.

It will succeed only in making it more difficult for a young woman to get a safe, legal abortion. If she refuses to involve her family and the law prohibits her from looking to another responsible adult for help, then essential support is not there.

This is also an unnecessary bill. For those who worry about young women being forced or coerced by an adult into having an abortion against their will, let me remind them that we already have laws, such as informed consent laws or prohibitions against kidnaping and statutory rape, which protect against this.

This bill doesn't protect young women from undue influence. On the contrary, it strips them of essential support.

This bill is not about protecting our young women. It is driven solely by the divisive nature of abortion politics. I urge you to oppose this bill and put the safety and well-being of America's young women before the political agenda of anti-choice legislators.

I urge a "no" vote.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise today in strong support of H.R. 1218, the Child Custody Protection Act. I would like to add my voice of thanks to the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her excellent leadership on the issue and to the gentleman from Florida (Mr. CANADY) for his strong work on the subcommittee and for yielding me this time.

Involving parents in a child's life is crucial in the healthy development of a child. Sometimes, however, a decision comes up in a child's life that seems too large for that child to handle. Sometimes it seems like no one, not even parents, would be a good person to help with their decision. Whether it is a problem at school, with friends or even the complicated decisions surrounding an abortion, children, I acknowledge, sometimes feel that relatives, even parents, cannot be relied upon.

But the fact is the parents are often, if not always, the best place to turn for a child in times of crisis. Parents loving and nurturing is complemented by their wisdom and their experience. This bill simply ensures that State laws requiring parental involvement will continue and that no one will be able to short-circuit or circumvent the productive and healthy system of communication that these laws lay out between the parent and their child.

Because of what this bill represents and protects at its core, a strong family bond, I am proud to stand up here today and show my support for the Child Custody Protection Act.

I urge my colleagues to support this bill on its merits, and I again thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this bill and showing America how important the family bond really must be.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

Most teenagers do involve their parents when making major life decisions like the one we debate today. However, in situations where the young woman cannot share her decision with a parent, she should not be isolated from other sources of counsel and support. Whether it is a grandparent, clergy member, or some other trusted adult, young women are better served by talking through the decision and having someone to lean on rather than being all alone.

While most young women do involve a parent in their decision, not every young woman has that choice. Whether a parent is absent or abusive or worse, we know that not every family is a model family.

This law would endanger some young women who have the misfortune of difficult family circumstance. This law would make criminals out of people whose only crime is to help a young person in distress. H.R. 1218 isolates young women, puts them at risk, and restricts access to reproductive choice.

Let us stop building walls and barriers around our children and let us start having a real discussion about how we can best nurture them, educate them, and raise them to be responsible and productive citizens.

Mr. CANADY of Florida. Mr. Speaker, I inquire once again of the Chair concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Florida (Mr. CANADY) has 8½ minutes remaining. The gentlewoman from Texas (Ms. JACKSON-LEE) has 5 minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1218, the Child Custody Protection Act.

I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her tireless efforts to bring this important legislative effort to the floor for consideration.

In light of all that has happened over the past few months, our Nation has had a growing concern about the moral fabric of our society. We have felt an increasing need to do everything that we can to protect our children, as they are our most precious resource. We must provide them with a safe environment so that they may thrive as they move into adulthood.

One of life's harsh realities is that some young women become pregnant at too early an age. H.R. 1218 does not terminate a person's right to an abortion but does provide important protections for young children who become pregnant.

This legislation will make it illegal for any person to transport a minor across State lines to obtain an abortion without first consulting a parent or a judge. It will make it a Federal crime if an individual knowingly circumvents the laws of their State to seek an abortion for any mother under the age of 17.

It is most often an older male who preys on a young girl, impregnates her, and then takes her illegally across State lines to have an abortion without the knowledge and consent of the parents. We should all find this manipulative behavior disgusting and disheartening.

Not only is this a crime for an older male to be sexually active with a young girl, but it can be dangerous for that child to receive an abortion. Only a parent knows that child's health history, including allergies to medication. A parent should be informed, and the older male should be prosecuted.

Laws in an increasing number of States, now numbering more than 20, including my home State of Michigan, require parental notification or consent by at least one parent or authorization by a judge before an abortion can be performed.

This legislation will not mandate parental consent in the States which do not currently have parental consent laws but will protect those in States which do require parental consent.

Many of my colleagues are concerned that this bill will prohibit young girls from confiding in a close family member or a friend if they feel they cannot talk to their parents. This is absolutely wrong. There is a provision in the legislature which will allow a judge to relieve the parental notification requirement in certain circumstances. I urge my colleagues to vote in favor of H.R. 1218.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to H.R. 121, the Child Custody Protection Act. Let me tell my colleagues a story about a functional family, in many ways a picture-perfect family.

A few years ago, I had lunch with Karen and Bill Bell, who had a 17-year-old daughter named Becky, and a son that lived in a suburb. They had a wonderful life, they were a close family, and they supported, Bill and Karen did, parental notification requirements. That is until Becky lay dying in the hospital.

As Karen sat next to her, holding her hand, she said, "Becky, tell mommy what happened." Well, what happened to Becky is that she had an illegal abortion in a State that required parental notification, and she did not want to disappoint her loving parents.

Bill and Karen took a year out of their lives and went State to State to try to oppose parental notification laws. Not because they do not want close families but because they do not want young women like Becky, beautiful young women with their full lives ahead of them, to die.

And so I submit to my colleagues, who in all good faith support this legislation, that the consequences of this law will be that young women will die. It will be women from dysfunctional families and women from middle class and functional families alike, young women who have their entire lives ahead of them, and I would suggest that this should be soundly defeated.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank my colleague for yielding me this time and I wish to add my voice of congratulations to the others for the good work of the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Mr. Speaker, there are lots of reasons to support this legislation. Let me focus on just two. Number one, it reinforces existing State laws; number two, it helps parents play a more active role in their children's lives.

More than 20 States have laws requiring the consent of one parent before a minor can have an abortion. Nonetheless, too many organizations and too many businesses seek to avoid those laws. Now, each speaker today has been talking about his or her own experience back in their home State. Every one of those speakers should support this bill because this bill reinforces the laws back in their home State.

Let us also be very clear about something. This bill does not punish a grandparent or an aunt if a pregnant child turns to them for counseling or support. It does, it does, when that adult seeks to evade the existing law of their home State.

Now, Mr. Speaker, we all understand how great the need is for the other goal of this bill, helping parents to be more actively involved in their children's lives. This bill does so by reinforcing State requirements of parental consent. And I know my colleagues have heard it before, but it is worth repeating. Under current law it is easier for a child to get an abortion than it is for that child to get an aspirin.

Today, children need a parental consent waiver to attend a field trip, to join the basketball team or to get an aspirin. For goodness sakes, why should a child not be required to receive parental consent before they undergo major surgery for abortion?

Once again I want to congratulate and thank the gentlewoman from Florida for her work. We need to allow parents to have this opportunity to parent their children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. WATT), the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, we have heard a lot of debate about the merits or lack of merits of abortions. I want to turn the attention of the Members to another issue, and that is the legal issue that resulted in this matter coming to the Committee on the Judiciary, not the policy issue of abortion versus nonabortion. We deal with legal issues in the Committee on the Judiciary, and I would submit to this body that this is an unprecedented legal maneuver that is taking place here.

There are a number of States that allow lotteries, but we do not prosecute somebody who goes from a State that does not allow a lottery to a State that does allow a lottery for doing that. There are a number of States that allow gambling. We do not prosecute a person that goes from one State that does not allow gambling to a State that allows gambling to engage in that legal activity in that particular State. This proposal would prosecute somebody for going to a State to engage in conduct that is legal in that State.

So I do not think we need to be misled about this protection of States' rights. The States' rights that the proponents of this legislation are protecting are the rights of the States who have parental consent laws, not the rights of the States who do not have parental consent laws. We ought to be free to exercise the legal rights in the State in which those rights are available.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, the opponents of this bill, I have heard often during the debate on this particular piece of legislation, refer to the procedure that we call abortion as being both safe and legal. I have heard this now two or three times. It is indeed legal, but it is anything but safe, for inevitably in this procedure one person ends up dead and another oftentimes wounded emotionally and/or physically harmed. It is anything but a safe procedure.

It is for that reason that I rise in support of the Child Custody and Protection Act and in support of the rights of parents across this country. Because these decisions that a girl will make in this regard will live with her for the rest of her life and they are the ones with which parents should be involved.

Just 2 weeks ago, we stood in this chamber talking about the importance of family and the need for parents to play a greater role in the lives of their children. A vote for this bill today is a step in that direction.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I would remind my colleagues what we are talking about are young girls, young girls in trouble, young girls who are unmarried, young girls who invariably, according to the statistics, have been impregnated by older men exploiting them. We are talking about situations that are not common. It is common for parents to be responsible, to be nurturing, not to be punitive, but that is not always the case.

I do not think we should be legislating morals when we do not know the individual circumstances that may apply. I think we should leave this to the States. We should not have legislation that is as punitive as this. I think it is regressive, and I would hope we would vote against it.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I would like to take this minute to talk about two things that are very near and dear to my heart, child protection and parental rights. As a mother of two sons, I think I know a lot about both of those things.

This bill and those issues come together on the floor of the United States House today in the form of the Child Custody Protection Act.

I think it is a frightening reality that thousands of adults of every year take minor girls across State lines for the purpose of getting an abortion, in secret, behind the backs of their parents, in direct violation of parental involvement laws of a minor girl's home State.

Eighty-five percent of Americans agree it is wrong to take a minor across State lines for an abortion without their parents' knowledge. No one, not friends, not relatives, not a counselor at a clinic should be allowed to take our children across State lines for an abortion.

Let us support laws that bring families together, not tear them apart. We must do what the American people want and what is best for our children, and that is pass the Child Custody and Protection Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to clear up any misconceptions. This bill is not about partial birth abortions, this bill is not about advertising of unscrupulous abortion clinics or anyone else. This bill is about endangering the lives of teenagers, teenagers who may be suffering from a different kind of family life than most of us would like.

My colleagues on the other side kept using the example that we seek parental consent forms to take aspirin in schools. I beg to differ with them. We seek consent forms. Grandmothers and aunts and those who may have custody of the child can do so. And when I say custody, I am stretching the word. It may not be a legal term.

This act, perceived to be protecting a child, endangers a young woman's life, because it denies her the opportunity for a nurturing person to help her make a terribly important decision.

This country's laws give us the right to choose. This endangers the lives of young women just because they are teenagers. It eliminates the privacy right. It throws them into a courtroom that is cold and impersonal. And if they cannot tell their parents and they cannot tell others, how can they go into a courtroom and ask for a waiver.

I would ask, Mr. Speaker, that we not politicize this issue; that we think about the lives of our children; and that we stand for educating young women; we stand for stopping the numbers of abortions in young women by educating them and preparing them for adult life; and we stand away from this kind of legislation that endangers the lives of innocent young women who seek only, seek only, to be able to live their lives and to not continue the mistake that they may have thought that they have made and they do that seeking the nurturing and loving and caring attitudes of those who may want to help them.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for his leadership on this issue.

Mr. Speaker, my 13-year-old daughter had a slight head wound that required stitches. My husband and I were in D.C., so my parents took Amanda to the hospital. But because the injury was not life-threatening, the hospital refused to give her stitches until Dexter and I gave permission. Yet, incredibly enough, Amanda could be taken to another State and undergo an abortion without my husband and me knowing about it. Would the abortionist know what medicines Amanda is allergic to? Of course not. Parents know, parents can help.

Mr. Speaker, let us take a moment to ponder on the infamous Joyce Farley case. Let us remember the way in which her underage daughter was taken advantage of and raped. Let us not forget about the pain and the suffering she endured, the severe complications, the bleeding, the multiple hospital visits and the astronomical medical bills that her parents were forced to pay, all because one stranger, the mother of the rapist, who is now a litigant in the Pennsylvania Supreme Court, thought that she could take the life of Joyce Farley's daughter into her own hands.

Joyce's 12-year-old was raped then later driven to another State by the rapist's mother. She underwent a botched abortion and was dropped off 30 miles from her home. And, of course, she had to have another hospital visit to correct the damage done by the abortionist.

Cases such as Joyce Farley's must not be repeated. Now more than ever it is evident that children need their parents. Society needs to do everything within our power to help parents assume responsibility for our children. We need to try to secure the right of parents to become involved in the lives of our children and to help them, not to pull families apart.

The opponents of this legislation have sought ways in which to defy this child-parent relationship. They have tried to place grandparents, brothers, sisters on par with the parents. But let me ask my colleagues, Mr. Speaker, what well-meaning sweet old grandmother would not feel the need to let a child's parent know? What well-meaning minister would drive a child to an abortion clinic and advise the child to keep the pregnancy and the abortion a secret from her parent?

Mr. Speaker, the American people have expressed support for more parental involvement. They support a parent's right to know, and they support the Child Custody Protection Act.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today in support of The Child Custody Protection Act. This bill will help to enforce parental involvement laws that are implemented to protect the physical and emotional health of children.

Parents know their child's medical history, as well as other health factors that a minor child might not even know about themselves. When parents aren't involved in major medical decisions, such as abortion, risks to the minor's health increase dramatically. In fact, in it's H.L. versus Matheson decision (1981), the Supreme Court expressed it's concern that abortion can be harmful to minors, "The medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature."

Why in the world would we not want parents to be involved in these decisions? Parents have to sign permission slips for their kids to go on field trips at school, and they have to sign a medical slop that allows them to take over the counter medication at school. But abortion advocates would have you believe that parents shouldn't have to sign off on major decisions like abortion. That just doesn't make sense.

This bill does not in any way require states to create new parental consent or notification laws, nor does it interfere with existing state laws regarding abortions for minors.

This bill would make it a federal misdemeanor to transport a minor across a state line for an abortion, if that action circumvents state law requiring parental or judicial involvement in that minor child's abortion decision. This legislation ensures the rights of parents, protects the health of minors, and enforces state law.

Mr. PACKARD. Mr. Speaker, I would like to extend my strong support for H.R. 1218, The Child Custody Protection Act. As a father of seven and a grandfather to 34, the thought of a stranger taking one of my grandchildren to another state to receive an abortion absolutely sickens me.

The Child Custody Protection Act would make it a federal offense for someone who is not the parent or guardian, to knowingly transport a minor across state lines so that she can receive an abortion.

H.R. 1218 is plainly an issue of parental knowledge and state laws. It is alarming to think that our children are required to receive parental consent to take aspirin at school, yet a stranger can make critical decisions about their health and well-being.

Mr. Speaker, more than twenty states currently require parental consent or notification as a precondition to receive an abortion. In supporting this legislation we are respecting state rights, and upholding the family relationship as the center for moral values and guidance. I urge all my colleagues to support this bill.

Mr. CUMMINGS. Mr. Speaker, as a Member of the Transportation Committee, I am concerned about the broad impact H.R. 1218 could have on our citizens' right to travel safely. We are considering taking away the right of young women to move freely between states with family or friends to seek legal medical care.

Now, suppose citizens were locked into the laws of their home state as they travel across country. This would mean that the speed limits, marriage regulations, restrictions on adoption, and all other controls over behavior would in fact follow the citizens.

This would be absurd. In fact, the premise of "federalism," is our entitlement to travel and be subject to the laws of the state we are in.

The principles of this bill obliterate that right. The strict provisions—with no exceptions for travel with family or clergy—discourage free interstate travel and subject young women to perilous travel alone. This violates our federal system, is unconstititional, and frankly, unacceptable.

I urge a "no" vote.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to H.R. 1218. There is nothing more important in parent-child relationships than for parents to be involved in the healthcare decisions of their children.

The basic parental right and responsibility is perhaps most critical in the case of pregnancies of young woman.

In most American homes, no one cares more about the welfare, health, and safety of a child than her parents.

Although a young woman may be frightened or feel or ashamed to share with her parents, parents are usually best able to provide support for these most personal decisions.

Unfortunately, not all young women are able to confide in their parents should they become pregnant. A victim of family violence or incest is often not in a position to share her pregnancy with her parents for fear of further abuse.

This bill, although laudable for its intention to encourage communication between parents and children, does not provide alternatives for a young woman who is unable, for fear of physical or emotional abuse, to involve her parents in her decision.

In addition, the bill would criminalize the actions of close family members who might seek to assist a young woman who is struggling with this monumental decision. For troubled American households, grandparents, estranged parents, aunts, uncles, or siblings often serve in the parental role.

The bill unfortunately does not make provisions for such circumstances. In fact, it may put these young women in a more dangerous situation should they feel compelled to turn to illicit providers of abortion services or travel alone.

Mr. Speaker, I agree with the need for more parental involvement in their children's lives, but for these reasons, I must vote "no" on H.R. 1218.

Mr. ADERHOLT. Mr. Speaker, today I would like to give my support to the Child Custody Protection Act and I commend Representative ROS-LEHTINEN for working so diligently to protect children and the rights of their parents.

Today we live in a nation bitterly divided over the debate of abortion. As horrifying as abortion is, this bill really deals with another issue, that of States rights. Two weeks ago, you joined me to pass the Ten Commandants Defense Act, another piece of legislation securing the rights of States to establish their own laws. Both of these pieces of legislation protect the Tenth Amendment of States rights.

Representative ROS-LEHTINEN's act argues that citizens and businesses of one state should respect the laws of another state. If the people of Alabama have voted for the rights of the parents to know if their children want an abortion, this is the law within the borders of Alabama. No one, not even a well-meaning friend, has the right to break this law by taking a child away from their home and into another state for what could be the most terrifying and traumatic experience of their life.

Abortion clinics are enticing people to break the law by advertising in the phone books of neighboring states with parental notification laws. We are constantly hearing of the tobacco industry being sued for illegally targeting minors in advertising. Using the same logic, these abortion clinics may be setting themselves up for a few lawsuits.

We convict and sentence adults for engaging in sexual relations with a minor, yet we don't even slap the hand of an adult who aids a minor in destroying their unborn child. Unfortunately, right now, without this law in place, a statutory rapist can conceal the evidence of his crime by taking his young victim across state lines to abort the child he fathered.

As a parent and a defender of the Constitution, I am calling on you, my fellow lawmakers, to respect the autonomous powers of States to allow parents to parent.

Mr. HAYES. Mr. Speaker, I rise today in support of the Child Custody Protection Act. This legislation will make it a federal misdemeanor for a person to transport a minor across state lines in order to circumvent state law so that the minor may obtain an abortion.

In North Carolina—Parental consent is required. A Physician cannot perform an abortion on a minor unless they have the consent of a parent or legal guardian. The Child Custody Protection Act is designed to give parents input in one of the most serious and lasting decision a child could make. While North Carolina parents are guaranteed a voice in our state, there is still an enormous federal loophole in this effort. The fact that someone else could transport that same young woman to another state with more lenient parental laws completely undermines this common sense measure.

I hope that we will work for policies that keep young women from having to make this type of decision in the first place. Abortion should not be a decision that a school aged girl has to make. The pressures in our society are so great on young women to have sexual relations before marriage. We need to go one step further in our schools and communities by teaching abstinence until marriage as the correct and healthy method of sex education. This would be a life saver for our children—keeping them from ever having to make the decision of whether or not to have an abortion.

Mr. KENNEDY of Rhode Island. Mr. Speaker, for the record I strenuously object to H.R. 1218, the Child Custody Protection Act. This bill would make it illegal for a trusted adult who is not a parent to bring a minor to another state for an abortion.

Although I think young women should be encouraged to seek their parents' guidance when facing difficult choices regarding abortion and other reproductive health issues, it is not appropriate or possible for the government to legislate family involvement in this important and highly personal decision.

Many minors do not seek advice from their parents because they have experienced violence in their family or fear violence if they tell a parent of their abortion. H.R. 1218 presumes incorrectly that most young women are part of a loving, supportive and healthy home, but in reality it will force many young women to face this situation in isolation rather than trusting a close adult, such as a grandparent, clergy member or sibling.

It is my fear that this measure will force young women to seek illegal dangerous medical treatment rather than tell their parents of their pregnancy. As a result, this would completely undermine a woman's right to choose guaranteed by Roe v. Wade.

In fact, I can argue that this legislation is irresponsible because it does nothing to address the need for education. It is critical that we emphasize the importance of educating our youth about family planning in order to reduce the number of abortions in this country.

Finally we must remember that most young women go to their parents for guidance, but we have an obligation to protect young women who cannot turn to a supportive parent by voting against H.R. 1218.

Mrs. MORELLA. Mr. Speaker, I rise today in opposition to the Child Custody Protection Act. I believe this legislation takes the wrong approach to the problem of teen pregnancy and could turn a young woman's fear into desperation.

Minors should consult their parents before seeking an abortion, and more than 75 percent of young women already involve one or both parents in their decision, but some teens fear family violence if they talk to their parents; other teens are deeply afraid of disappointing their parents. This bill does not address the reality of dysfunctional families in which so many children exist.

Instead of increasing parental involvement, this bill could harm young women by further isolating them at a time when they are already facing the crisis of an unwanted pregnancy, leading them to turn to illegal or unsafe abortions or to travel alone to other states. As drafted, even a step-parent, aunt, or grandmother could not accompany a minor unless the parent had been notified or had consented, depending on the state law. The Supreme Court has decided that the Constitutional right to privacy includes a minor's right to terminate a pregnancy. Although states are given the option of enacting their own laws on this issue, H.R. 1218 would federalize a process that many states have chosen not to enact.

The Child Custody Protection Act intends to make it a federal crime to assist a minor by crossing state lines to obtain a legal abortion. The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths. Building roadblocks for a pregnant teenager can cause her to feel more alone and alienated in a fearful situation. I urge my colleagues to oppose this legislation.

Mr. SOUDER. Mr. Speaker, I rise in support of H.R. 1218, the "Child Custody Protection Act" which would make it a federal offense to transport a minor across a state line for an abortion if this action circumvents a state law requiring parental involvement in that minor's abortion or circumvents a requirement of a judicial waiver. This legislaiton does not manate parental involvement but requires obedience to state law. This bill deals with the narrow but important question of the interstate transportation of minors to circumvent existing state laws which places pregnant girls at risk and ignores parental rights.

In a widely publicized 1995 case, a 12-year-old Pennsylvania girl became pregnant after involvement with an 18-year-old man. Pennsylvania law requires parental consent or judicial bypass for an abortion to be performed on a minor. However, the man's mother took the pregnant girl for an abortion in New York, which has no parental involvement law. The girl's mother did not even know that she was pregnant. When Pennsylvania authorities prosecuted the woman for interfering with the custody of a child, she was defended by a pro abortion group which argued that the woman's action were like those of "thousands of adults who each year aid young women in exercising their constitutional right to an abortion". The fact is that many abortion advocates advertise and refer young girls to neighboring states to avoid these laws. This reality is not in the best interests of these children.

Exceptions already exist when the pregnant girl's health is genuinely at risk and judicial bypass procedures exist for situations where abusive parents or guardians are involved. The fact is that for the vast majority of cases it is the parents or legal guardians—not the boyfriends, strangers, or meddling in-laws—who are generally best able to weigh the risks of various courses of action in the light of their often unique knowledge of the girl's medical history, psychological makeup, and other crucial factors.

Schools require parental involvement for field trips, medications, early school release, and academic decisions such as sexual education classes, yet with reckless disregard for state laws, a stranger can legally transport a minor across state lines and have her undergo a potentially life-threatening procedure.

Parental notification laws were signed into law this month in both Florida and Texas. Twenty other states already have these laws on the books. The Child Custody Protection Act is supported by a vast majority of Americans since it works to strengthen the rights of parents to raise their children as they see fit by enforcing state laws which require parental involvement in a decision bearing serious medical and emotional consequences to their daughters. The legislation passed the House with a vote of 276–150 last year.

Mr. Speaker, I urge support of this critical legislation and request that the President sign it into law.

Mr. HYDE. Mr. Speaker, I don't think there is a member in this House who is against supporting and reinforcing family values. We all know that the family is under assault in this country. Efforts to counter this assault and foster good public policy, have occurred in 34 states that currently have laws requiring consent or notification of at least one parent or court authorization before a child can obtain an abortion. These states have expressed their public policy that when a child is going to have an abortion, the parents of the child, the mother who bore her, the father who supports the family unit, know about it, know that their daughter is going to be treated by an abortionist who is going to perform a very serious surgical procedure with potentially serious consequences.

These states have decided by passing these laws that parents are entitled to be part of that decision. This bill reinforces those state laws. It is good legislation, designed to support the family and prevent the evasion of state laws that require parental consent before a child can have an abortion.

I can think of nothing more destructive to the family unit than back door efforts to evade the inclusion of a parent in a child's decision to have an abortion. Some have said grandparents, siblings or others should have the right to take a minor child for an abortion without parent's knowledge. This would create a situation where the grandparents are pulling in one direction and the parents, who have the primary responsibility for the child's well-being and her unborn child, are pulling in another. I say, leave it to the parents. Yes, you can have parents who are intolerant, absent, abusive, or involved with drugs, but the law recognizes these situations and provides for a judicial bypass of a parental consent requirement. This bill recognizes the humanity of the unborn and reinforces the structure of the family. I urge my colleagues to vote in favor of H.R. 1218, the "Child Custody Protection Act of 1999."

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The SPEAKER pro tempore (Mr. BURR of North Carolina). All time for debate has expired.

Pursuant to House Resolution 233, the bill is considered as having been read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill H.R. 1218 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 4, after line 11 insert the following:

"(3) The prohibitions of this section do not apply with respect to conduct by an adult sibling or grandparent, or by a minister, rabbi, pastor, priest, or other religious leader of the minor.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes in support of her motion to recommit.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come to this floor with a very heavy heart, because I had hoped that in deliberations on dealing with something as, if you will, sacred and challenging as the very private and terrible decision of having to decide whether to terminate a pregnancy could be done in a bipartisan manner.

I indicated earlier in my remarks, we are not debating partial-birth abortion; we are not talking about advertising that may be too solicitous and too open; we are really talking about a life that, unfortunately in America, may be somewhat different than we would like.

I loved to watch the T.V. Show Ozzie and Harriet, and I really enjoyed the fact that children lived in two-parent families in a loving and nurturing environment. I enjoyed those television programs. But, Mr. Speaker, that is just not today's reality.

We live in a different time. We come from mixed and different cultures. So many Americans have had to grow up without parents or without the traditional family structure. This is a day, Mr. Speaker, when many young people have to live with their grandparents. I represent communities who have extended families and who have to reach out to take care of someone who may have been abandoned.

Poverty strikes in this Nation, and sometimes parents go off because they are frustrated and cannot take care of their family. This overemphasis on parents, Mr. Speaker, is unfair. The motion to recommit responds to the dire circumstances of young people who do not have parents who are there to nurture and care for them.

We offered this amendment in committee. We offered it in the Committee on Rules, and we were denied. So that means that a young woman who has been raped, who has been involved in incest or child abuse through the family situation cannot seek to have their grandparent, their grandmother, their adult siblings, their aunts, their religious advisors like ministers and rabbis to provide them the guidance that would help them to make the right decision. These loving people under this bill will now be put in jail if they attempt to help and counsel this young female teen-ager who has nowhere else to go.

I am confused as to why my colleagues on the other side of the aisle keep talking about States' rights and then we want to alter States' rights by federalizing this particular activity. States already have these provisions and yet now we want to take away the rights of those who are in States who do not have them. This bill endangers the lives of teens who may have to make the worse decision in their life.

Let me share with my colleagues the story of Keishawn, 11 years old, and her Aunt Vicky. Keishawn, 11 years old, was raped by her father. Mr. Speaker, is that the parent that Keishawn should have gone and gotten consent from? Therefore she sought help from her aunt, her aunt under this bill would be jailed under this legislation.

And what about Becky Bell, who was dating her older brother's boyfriend, who had loving parents, who was in a State with parental consent, who was frightened to go to the courts and ask for a judicial bypass or waiver and went to a back-room abortionist, where her young life was snuffed out because of the inadequate medical care. And, yes, she died due to a terrible infection of which the medical examiner confirmed that she died due to a botched abortion.

Mr. Speaker, this is something that we should be able to resolve. We should leave it to the States. But, most importantly, Mr. Speaker, if we are going to put this bill on the floor, how can we deny grandparents the right to counsel these young teens, where no viable parent is involved.

We are not asking for grandparents to intrude into the relationship of loving families who can talk and generate the decisions that need to be made within the privacy of their home. But, Mr. Speaker, are we here so blinded by the fact that we do not realize what kind of world we live in, that we are living in a world with broken homes? Are we to indict those families who are doing the best they can to raise their children by grandparents or aunts—are they now to go to jail? Are our minister and rabbis to go to jail too?

I just heard on this floor yesterday how important it is to turn our eyes toward our heavenly Father. But yet we want to deny religious leaders the right to give counsel to these suffering teens.

Mr. Speaker, I would ask that my colleagues support a motion to recommit that recognizes the world in which we live has changed and we all don't come from two-parent families. We live in a Nation that has a diverse population that finds many different family structures to guide a teen-ager. Although we should encourage families to stay together we must also accept the fact that young girls can be raped, there is incest, there is child abuse. Sometimes families are not the kind of families that we would like.

I understand the reality of Keishawn and Becky Bell. Becky Bell is now dead. She is dead because we forced upon her the laws of parental consent, and we denied her the right to counsel with other family members to help her in her terrible time of need.

Mr. Speaker, I ask my colleagues to vote down the bill and to vote for the motion to recommit.

Mr. Speaker, I rise to offer a motion to recommit to exclude grandparents, older siblings, trusted relatives, and the clergy from H.R. 1218, the Child Custody Protection Act of 1999.

Although many young women would involve their parents when seeking an abortion, not every young person can do so. Parents may be abusive, or even absent. In those cases where a young woman cannot involve her parents in the decision, there are others who would help by offering physical and emotional support during a time of crisis, confusion and emotional pain. A minor should be able to turn to a relative, close friend, and even clergy members for assistance.

In those cases, this law would endanger minors who cannot talk with their parents and would make criminals of those people the minor turns to for people help.

Supporters of this bill claim that judicial bypass, a procedure which permits teenagers to appear before a judge to request a waiver of the parental involvement requirement, is a preferred alternative. However, many teens do not make use of it because they do not know how to navigate the legal system.

Many teens are embarrassed and are afraid that an unsympathetic or hostile judge might refuse to grant the waiver. Also, the confidentiality of the teen is compromised if the bypass hearing requires use of the parents' names. In small towns, confidentiality may be further compromised if the judge knows the teen or her family.

The need to travel across state lines may be necessary in states where abortion services are not readily available. This may be because of various state restrictions or distance. Some young women must seek services outside of their home state because the closest abortion provider may be across state lines.

When a young woman must travel these distances, we do not want her taking this difficult and tumultuous step alone. Therefore, I offer this motion to recommit to exclude grandparents, older siblings, trusted relatives, and the clergy, so an adult can assist a young woman who is facing an arduous choice.

Grandparents play an important role in the lives of young people. Grandparents act as counselors for children who cannot speak with their parents. In many cases, grandparents act as parents to children who are abandoned or neglected by their own parents. The relationship between a child and a grandparent should be viewed just as sacred as the relationship between a parent and a child.

Older brothers and sisters also form a unique bond with children who cannot communicate with their parents. There are so many instances where an older brother or sister acts as the parents. We should reward these outstanding members of the family who have taken on such responsibility; we should not punish them with threats of criminal sanctions.

This motion to recommit also would exclude aunts, uncles, first cousins and godparents from the prohibitions of this bill. We should not punish caring relatives for providing support to a scared young woman.

In a time of crisis, a member of the clergy is an important counselor. The advice and assistance of the clergy should not be compromised for fear of criminal sanctions. In its present form, this bill would criminalize any efforts by a religious leader to assist a young woman in her efforts to obtain an abortion.

I hope that my colleagues will accept this motion to recommit. It is vital that we allow our young people to turn to responsible adults when facing abortion. We want trusted members of society bonding with the young woman seeking their help; we do not want these members taken away in bonds.

Mr. CANADY of Florida. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I want to urge all the Members of the House to oppose this motion to recommit for the simple reason that in its four lines it sweeps aside the whole concept of parental involvement. It sweeps aside the notion that it is the parent who should have the primary responsibility for the nurture of children.

Now, this is a concept that has been recognized time and time again by the Supreme Court of the United States. It is a concept that has been recognized by the Supreme Court in the very cases where the Supreme Court has dealt with the various State laws calling for parental involvement in a minor's abortion decision.

Now, what does the amendment provide for? The amendment says that a grandparent can substitute for the parent, an adult sibling, a minister, a rabbi, a pastor, a priest, or other religious leader of the minor.

Now, I love my in-laws and my parents, but they have no business taking my daughter across State lines for the purpose of having an abortion. And I have a great deal of respect for my pastor, but I will guarantee my colleagues that he has no business taking my daughter across State lines for the purpose of having an abortion. It is the parents who have the primary responsibility, and we should recognize that along with the States who have passed laws which recognize that and along with the Supreme Court, which has recognized that in opinion after opinion.

Now, the truth of the matter is, if there are difficult circumstances such as we have heard about in the debate where it is not possible for a young girl to go to her parents concerning such a decision, the courts have required that there be made available a judicial bypass procedure. That is there. In all the laws that are in effect across the land, there is a judicial bypass procedure.

We have heard an example of a child that was raped by the father and an effort was made to take the child for an abortion without the knowledge of the authorities. Well, that is exactly the kind of case where the judicial bypass should most certainly be utilized so there will be a certainty that the authorities are aware of this parental abuse that is taking place.

Why that sort of thing should be handled in some other manner secretly makes no sense to me. I do not think the child's interest is being protected unless the authorities are involved. That is how the child is going to be protected against future abuse by a father who would commit such a heinous crime.

The opponents of the bill and the supporters of this motion to recommit contend that judicial bypass procedure is not meaningful, that it does not work. Well, I would suggest to the Members of the House that that is a fallacious argument. In case after case, the Supreme Court of the United States has imposed requirements on the judicial bypass procedures to make certain that they do work in a way that protects the interest that the court has found must be protected.

The Supreme Court said that the judicial bypass must allow for consideration with sufficient expedition to provide an effective opportunity for abortion to be obtained. That is what the Supreme Court said back in 1979.

In subsequent cases, they have struck down laws where it has been shown that there was a systematic failure to provide a judicial bypass option in the most expeditious practical manner. The cases are there. The judicial bypass mechanism works as the Supreme Court intended it to work.

The problem that the opponents of this bill have is that they do not like any parental involvement law. They do not believe that there should ever be a requirement for parental involvement. They believe that the decision to have an abortion is a decision that the minor should be able to make on her own, without any input from anybody other than from the abortionist. That is the bottom-line position of the people who oppose this bill.

I would suggest to my colleagues that that is the wrong position. That is the position that is overwhelmingly rejected by the American people. It is a position that has been rejected by the Supreme Court. And it is a position that this House should, once again, reject as we reject the motion to recommit and move forward to the passage of this important legislation.

Again, I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her outstanding leadership on this. I urge the Members of the House to vote against the motion to recommit and in favor of this important legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 164, nays 268, not voting 2, as follows:

[Roll No. 260]

YEAS—164

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kennedy
Kilpatrick
Kind (WI)
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NAYS—268

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump

Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—2

Brown (CA)
Martinez

☐ 1347

Mr. BISHOP changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CANADY of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 270, noes 159, not voting 5, as follows:

[Roll No. 261]

AYES—270

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—159

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—5

Brown (CA)
Ford
Lewis (CA)
Lucas (OK)
Martinez

☐ 1355

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FORD. Mr. Speaker, I missed rollcall vote No. 261, and, if I had been present on final passage H.R. 1218, the Child Custody Protection Act, I would have voted "yes."

PROVIDING FOR CONSIDERATION OF H.R. 66, ROUTE 66 CORRIDOR ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 66) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1400

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 230 would grant H.R. 66, the Route 66 Corridor Act, an open rule providing 1 hour of general debate, divided equally between the chairman and ranking member of the Committee on Resources.

The rule makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open to amendment by section. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, Mr. Speaker, H. Res. 230 provides one motion to recommit with or without instructions.

H.R. 66, the Route 66 Corridor Act, would permit the Secretary of the Interior to support and collaborate with the State and local and private institutions to preserve one of the most famous highways in the United States. The bill, introduced by the gentlewoman from New Mexico (Mrs. WILSON), would further the preservation and restoration of portions of the highway, businesses and sites of interest during this period of outstanding historic significance.

In its heyday, Mr. Speaker, Route 66 extended from Chicago to Los Angeles, helping businesses to move their products and millions of Americans to move their families westward, primarily between 1933 and 1970.

It also opened up the southwestern landscape to tourism, has been mentioned in books, television, movies and songs. H.R. 66 was reported by the Committee on Resources on a voice vote and there is no controversy surrounding this legislation.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding the customary amount of time, and I yield myself such time as I may consume.

Mr. Speaker, this is an open rule and, as my colleague has described, this rule will equally divide and control the debate of the chairman and the ranking minority member on the Committee on Resources.

The rule permits amendments under the 5-minute rule, which is the normal amending process that we use here in the House. All Members will have the chance to offer germane amendments.

The bill authorizes $10 million to help preserve historic buildings and sites and highway portions along old Route 66 from Chicago to Los Angeles. The Federal share of any project is limited to 50 percent.

A Federal study completed in 1995 found that Route 66 is nationally significant and that the cultural resources along the road are disappearing.

This is an open rule. It was adopted by voice vote of the Committee on Rules. I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 791, STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 232 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 232

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 791) to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.Res. 232 would grant H.R. 791, the Star-Spangled Banner National Historic Trails Study Act of 1999, an open rule providing 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Resources.

The rule makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open to amendment at any point.

The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, H.Res. 232 provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 791 would amend the National Trails System Act to designate for study as a potential addition to the National Trails System the route of the British invasion of Maryland and the District of Columbia during the War of 1812. Such designation would give recognition to the patriots whose determination to stand firm against enemy invasion and bombardment preserved this Nation for future generations of Americans.

H.R. 791, introduced by the gentleman from Maryland (Mr. GILCHREST), would authorize studies which the Congressional Budget Office estimates would cost the Federal Government approximately $250,000 over the next 2 years. The bill contains no unfunded mandates and thus would not affect pay-go procedures.

Mr. Speaker, H.R. 791 was reported favorably by the Committee on Resources on a voice vote and there is no controversy surrounding this legislation. Accordingly, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me this time, and yield myself such time as I may consume.

Mr. Speaker, this is an open rule which will allow full and fair debate on H.R. 791. This rule provides 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have a chance to offer amendments if they are germane.

H.R. 791 authorizes a study of the route British invaders and American defenders followed between Baltimore and Washington during the War of 1812.

The study is the first step to declare the route part of the National Trails System. This is an open rule and it was adopted by a voice vote in the Committee on Rules. I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 592, WORLD WAR VETERANS PARK AT MILLER FIELD GATEWAY NATIONAL RECREATION AREA

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 231

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 592) to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 231 would grant H.R. 592, the World War II Veterans Park at Miller Field Gateway National Recreation Area, an open rule providing 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Resources.

☐ 1415

The rule makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open to amendment at any point. In addition, the rule waives clause 7 of rule XVI prohibiting nongermane amendments against the amendment in the nature of a substitute.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, House Resolution 231 provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 592 was introduced by the gentleman from New York (Mr. FOSSELLA), and would redesignate the Great Kills Park in the Gateway National Recreation Area as the World War II Veterans Park at Great Kills.

The Congressional Budget Office estimates that H.R. 592 would have no significant impact on the Federal budget. The bill contains no unfunded mandates, and thus would not affect pay-go procedures.

H.R. 592 was reported favorably by the Committee on Resources on a voice vote, and there is no controversy surrounding the bill.

Accordingly, I urge my colleagues to support both the rule and the underlying bill, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule. It will allow for full and fair debate on H.R. 592. As my colleague has described, this rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have their opportunity to offer germane amendments.

Miller Field is a 64-acre section of the Gateway National Recreation Area on Staten Island, New York. The bill designates that section as the World War Veterans Park at Miller Field to honor the veterans who fought in the world wars to protect democracy and freedom.

This is an open rule. It was adopted by a voice vote on the Committee on Rules. I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ROUTE 66 CORRIDOR ACT

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to House Resolution 230 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 66.

☐ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 66) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from New Mexico (Mr. UDALL) will each control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 66, introduced by the gentlewoman from New Mexico (Mrs. WILSON), will preserve the cultural resources of the Route 66 corridor.

Route 66 was a nationally significant part of American history, and was foremost among the early highways that helped change and shape America throughout the early and mid 20th century.

Extending from Chicago to Los Angeles, Route 66 was nonetheless important to the entire country. It enabled American businesses to move goods, individuals to seek better lives, and the government to move troops and war supplies. It also opened up the West to tourism, and allowed the post-war migration of families to the booming job market of California.

Route 66 has become an enduring part of America's culture through books, television, songs, and movies. As Americans became increasingly mobile, the two-lane roadway known as Route 66 could not handle the increased traffic volume. The Interstate Highway system came into existence, new roads were built, and traffic was diverted away from the former route.

Route 66 eventually became so fragmented and confusing that in 1979 it lost its official U.S. Highway Route 66 designation. The remaining portions of the former Route 66 have been incorporated into State and local highway systems.

H.R. 66 would preserve the cultural resources along the historic Route 66 by allowing the Secretary of the Interior to support and collaborate with State, local, and private institutions to preserve these resources.

The preservation of Route 66 would include the preservation or restoration of portions of the highway, businesses and sites of interest and other contributing resources along the highway. The Secretary could provide cost-share grants, information services, and technical assistance to local entities.

H.R. 66 would also authorize the appropriation of $10 million for the period of fiscal years 2000 through 2009 to carry out the purposes of the bill. Mr. Chairman, this is a good piece of legislation, and I urge my colleagues to support H.R. 66.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I congratulate the gentleman from Utah (Mr. HANSEN) and thank him for all the hard work he has done on the Committee on this bill, and I really appreciate very much the time and attention the gentleman has given to this.

I would also like to thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership and hard work on this bill. I can tell the Members, I am very proud to be an original cosponsor of this legislation.

Route 66 began in the early 1920s as a vision, a paved highway that would link the great American heartland with the Pacific Ocean. Starting in Chicago, Route 66 winds its way through eight States, Illinois, Missouri, Kansas, Oklahoma, Texas, New Mexico, Arizona, and California, before ending at Santa Monica, California.

At a time when most roads were unpaved, not to mention unpassable in inclement weather conditions, Route 66 stretched 2,400 miles and was one of the country's first paved interstate highways. In New Mexico, Route 66 wound its way through the towns of Tucumcari, which is located in my district, Santa Rosa, Albuquerque, Grants, and Gallup, which is also in my district.

Also during the early 1920s, the automobile was gaining in popularity. Prompted by lower prices as a result of Henry Ford's innovative assembly line manufacturing, the automobile was in reach of many Americans. Farmers and ranchers no longer lived in isolation for long periods of time, as they could now drive to town and still tend to their fields and animals all in the same day. Workers in urban areas could now live outside the cities and commute to work. American life was changing, and Route 66 chronicled these changes.

Michael Wallace wrote a book called "Route 66, the Mother Road," and I would recommend to any of the Members or any of the public this book. It is an excellent history of Route 66.

He wrote in the book, "Route 66 was the road of dreamers and ramblers, drifters and writers, the road of John Steinbeck, Woody Guthrie, and Jack Kerouac. A ribbon of American highway that transported the Oklahomans driven from their land as storms of dust swept across their farms to the promise of California. It was also the highway of commerce—of automated ice cream stands and old 'no-tell' motels, salty truck stops, and the neon alure."

H.R. 66 authorizes the Secretary of the Interior to provide assistance to preserve or restore historic sites along the route; to cooperate with public and private entities in developing local preservation plans; to develop a technical assistance program in the preservation of Route 66; to coordinate a program of historic research, curation, and preservation; to make available cost-share grants; and to provide information about existing cost-share opportunities.

Route 66 started out as a vision. Today it is a fond memory, an important piece of Americana that should be preserved for current and future generations. This legislation will enable the preservation of this historic landmark, and will also provide a lift to the economies of every community along its route.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I thank my friend, the gentleman from New Mexico, for his kind words, and I yield 10 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the author of this piece of legislation, who has done a substantially great job in getting to this point.

Mrs. WILSON. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to thank the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from California (Mr. MILLER), the gentleman from Utah (Chairman HANSEN), and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for their support of H.R. 66.

I would also like to commend the staff who have worked so hard on this, Allen Freemyer and Gary Griffith, David Watkins and Rick Healy.

I would also like to recognize the hard work of Mrs. Susie McComb, the President of the New Mexico Route 66 Association, and Mr. David Knudson, who is the executive director of the National Historic Route 66 Federation, for their support of this bill.

Mr. Chairman, H.R. 66, a bill to preserve and protect the cultural resources of the Route 66 corridor, is important to my State and to many others. The gentleman from Oklahoma (Mr. WATKINS), the gentleman from New Mexico (Mr. SKEEN), and Senators DOMENICI and BINGAMAN of New Mexico and others who live along this historic route have been working on it for more than 5 years now.

I would also like it thank my colleague, the gentleman from northern New Mexico (Mr. UDALL) for his joining on as an original cosponsor of H.R. 66 this year.

This version of H.R. 66 addresses the concerns raised by both the majority and the minority on the Committee on Resources. It passed by voice vote in both the Subcommittee on National Parks and Public Lands and on the full Committee on Resources.

At a March 11, 1999, subcommittee hearing, the administration testified in support of the bill. H.R. 66 is substantially similar to a bill that the House considered on the floor last year in the waning days of the 105th Congress. The Senate companion to my bill, which was H.R. 4513, garnered a majority of support, but there were some objections because it did not go through the normal hearing process.

The bill is supported by the National Parks and Conservation Association and the National Park Service, and enjoys bipartisan support in both the House and Senate.

H.R. 66 authorizes the National Park Service to support efforts of State and local, public and private persons, nonprofit Route 66 associations, Indian tribes, State historic preservation offices, and others for the preservation or restoration of structures or other cultural resources, of businesses and sites of interest along Route 66.

The Park Service would act as a clearinghouse for communication among Federal, State, and local agencies, as well as nonprofit entities, and would participate in cost-sharing programs and make grants not to exceed $10 million over 10 years. That is what the bill is about. I think it is more important what Route 66 is about.

Route 66 is 2,448 miles long. It crosses eight States and three time zones stretching from Chicago all the way to L.A. It is firmly rooted in Americana.

□ 1430

Almost every child in America who studies English in high school reads "The Grapes of Wrath", where John Steinbeck writes, "Highway 66 is the migrant road. 66—the long concrete path across the country, waving gently up and down on the map, from the Mississippi to Bakersfield—over the red lands and the gray lands, twisting up into the mountains, crossing the Divide and down into the bright and terrible desert, and across the desert to the mountains again, and into the rich California valleys.

"66 is the path of a people in flight, refugees from dust and shrinking land, from the thunder of tractors and shrinking ownership, from the desert's slow northward invasion, from the twisting winds that howl up out of Texas, from the floods that bring no richness to the land and steal what little richness is there. From all of these the people are in flight, and they come into 66 from the tributary side roads, from the wagon tracks and the rutted country roads, 66 is the mother road, the road of flight.

"Two hundred and fifty thousand people over the road. Fifty thousand old cars—fifty thousand wounded, steaming. Wrecks along the road, abandoned. Well, what happened to them? What happened to the folks in that car? Did they walk? Where does the courage come from? Where does the terrible faith come from?

"The people in flight from the terror behind—strange things happen to them, some bitterly cruel and some so beautiful that the faith is refired forever."

Route 66 is a part of our history and a part of our literature and a part of our culture. Even though it was decommissioned in 1985, it continues to be a part of our lives from Chicago to L.A.

There are Route 66 associations in almost every State. In New Mexico, the Route 66 Association is alive and well and a strong supporter of this bill.

There is a little elementary school in Moriarty, New Mexico, in the East Mountains of my district. It is called Route 66 Elementary School. Last year, I showed the House a hubcap that the students of Route 66 Elementary School had given to me. After that speech, I received several letters from the students who were at Route 66 Elementary School about their school and how it is designed around the Route 66 theme.

I would like to read one of those letters from Kelsey Byrne in Ms. Trujillo's fourth grade class. It says, "Honorable Congresswoman Wilson, our principal told us about the hubcap. It is an honor to have had you show it on television. I am very glad to get part of my education here at Route 66. It is historical, you know. I believe that this school will go on for generations. People use their school education all the time, even us kids. That is why I think everyone deserves a good education. Route 66 is very important to me. It is old, but it is in very good shape. I would like to thank you for supporting us and good luck."

Unlike today's interstate highways, Route 66 is a collection of roads tied together by highway signs. It is a collection of stories, stories about migration and war and the automobile and the Depression and the Dust Bowl. But it is also a story about dreams and about courage and about strength and sadness and faith.

It is a means to an end and an end in itself. It is now decommissioned, but it remains a preferred means of travel for those who want to get off the beaten path.

When America entered World War II, traffic on Route 66 slowed to a trickle because of gas rationing. Military convoys began to travel across the highways with men and machines, renewing the need for a fast, complete corridor from the heart of the country to the coast.

It starts in the home of the 1933 World's Fair in Chicago, Illinois; passes the Chain of Rocks Bridge in Missouri; the Jesse James Wax Museum in Missouri; in Galena, Kansas, the site of the 1935 United Mine Workers strike that erupted into violence; the Will Rogers Museum in Oklahoma and on into Texas; and then of course into New Mexico through Tucumcari and Santa Rosa to Moriarty, the home of Route 66 Elementary School, and into Albuquerque, my hometown, where Route 66 is no Central Avenue.

One can drive it from one end to the other looking at old motor courts and the curio shops, most of which still operate, and have lunch at the Route 66 Diner.

Finally, it goes on into California, the home of Ray Crock's first McDonald's in San Bernardino, and then on down the long route to Pasadena along the route of the Tournament of Roses Parade.

The year 2000 will mark the 75th anniversary of Route 66.

H.R. 66 will help all the States through which Route 66 passes to celebrate this anniversary, to preserve its unique culture, and to preserve this corridor that is so much a part of America and American history.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to make a couple of additional points. First of all, on the point of bipartisanship, the reason that we have reached this point in terms of legislation and having it here on the floor is the Democrats and Republicans have signed onto this bill, Democrats and Republicans have worked in the subcommittee, in the full Committee on Resources, to make sure that this bill was fully heard. I think this bill is a good example of how the Congress should work in a bipartisan way to bring forward legislation that we all agree on and that we can move forward with. So I would like to thank all sides for doing that.

Secondly, this legislation is very important to business owners. I just wanted to pick one example, because there is a wonderful man in New Mexico by the name of Armand Ortega. He grew up with my father over in a small little town called Saint John's, Arizona, which is near the Arizona-New Mexico border.

Mr. Ortega owns a wonderful place along Route 66 called the El Rancho Hotel, and that hotel used to be a hotel where movie stars would come and stay. As a result of that, he has captured on that idea, and he has on each of the doors on his hotel the name of the movie stars. Ronald Reagan, many others are listed on the doors of that motel.

Now, as a result of this bill, this business owner, Mr. Ortega, will be able to apply for a grant, will be able to restore and make sure that the El Rancho Hotel is a place that is there for future Americans to see and it will be there for a future part of our history for all to observe.

In concluding here, I would just like to thank all of the Members of the Committee on Resources that have worked so hard on this, especially on the Democratic side.

The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), our ranking member, has done a great deal to see that this legislation has come to the point it has today.

We have had other hard-working staff members on the Committee on Resources' side, Rick Healy, Dave Watkins, and also my staff member Bob Scruggs.

Mr. DREIER. Mr. Chairman, as a representative of Route 66, and as a Member privileged to represent a district which exists only because of the growth that Route 66 made possible, I rise in support of this legislation, which recognizes the central role that Route 66 played at a critical point in American history.

Mr. Chairman, the foothill communities of the San Gabriel Valley which I represent grew up in the post-World War II era, and are populated by the families of tens of thousands of people who came to Southern California on Route 66. My district is home to Monrovia's famed Aztec Hotel, a well-known symbol of the architectural distinctness of many landmarks along Route 66. I have had the pleasure of participating in the City of Duarte's annual parade in salute to Route 66, which travels down a stretch of this famous road. This unique heritage is a major reason that Route 66 has been immortalized in writing and in song.

Although we all recognize the importance of interstate highways today, the significance of a highway link to California was initially shown by the First Transcontinental Motor Convoy of 1919, which included then-Lieutenant Colonel Dwight David Eisenhower. As President, of course, Eisenhower oversaw the creation of the modern interstate highway system. The Convoy which took two months to travel from Washington to San Francisco and encountered numerous problems along the way, demonstrated the inadequacy of existing surface roads to California. It made clear that it would be essentially impossible to supply the West Coast overland from the East in wartime. Even more important at that time and in the decades to follow, it highlighted the difficulty in moving soldiers and materiel from the West to the East in times of war. Considering the central role that California's defense industry would come to play in our national defense in World War II, it was critical to address this weakness.

Besides enhanced national security, the creation of Route 66 is a watershed in American history for a number of reasons. For Salinas, California's John Steinbeck for example, Route 66 was the "Mother Road"—it enabled more than 200,000 Americans to escape the despair of the Dust Bowl and seek better fortunes in California. The migration to California that began during the Great Depression along Route 66 was to continue for decades.

Route 66 was key to the expansion of international commerce as well. By linking the port cities of Los Angeles and Chicago with points throughout Illinois, Missouri, and Kansas, Route 66 linked the heartland to America's major ports, helping to make the breadbasket of America the breadbasket of the world as well.

Route 66 permitted the greatest wartime manpower mobilization in United States history. Between 1941 and 1945 the government invested about $70 billion in capital projects in California, a large portion of this in the defense sector in and around Los Angeles and San Diego. This enormous capital outlay created new industries and thousands of new jobs. With the end of the Cold War, as employment in defense has declined in California, the advanced technologies and skilled workforce that were developed in California along with the defense sector have been an essential contributor to the development of California as the world's leader in high-technology products.

Perhaps most importantly, by making the onset of the automobile era, the designation of Route 66 in 1926 symbolizes the mobility revolution that enables Americans to go where they want, when they want. Route 66, and other highways such as the Lincoln and the Dixie created at the same time, mark the beginning of a national effort to enable people to move quickly and efficiently around this vast country. This unparalleled ease with which we move people and goods across this country is central to our flexible and vibrant economy. I believe it has been absolutely essential to empowering Americans to pursue their dreams.

Mr. Chairman, I ask all my colleagues to join me in support of this important legislation.

Mr. BLUNT. Mr. Chairman, I rise today to call the attention of my colleagues to the special connection that the Seventh District of Missouri, and especially Springfield has to a highway known both as the Main Street of America and as The Mother Road—Route 66. We will be voting later today on an act to preserve portions of this unique part of our history.

Traversing almost 2,500 miles, 8 states and three time zones from the windswept shores of Chicago on the north and east to the sun drenched shores of Santa Monica on the south and west, route 66 cut across America's heartland beginning an era of transcontinental automobile and truck travel that has continued for 75 years.

Although conceived by Congress with legislative action in 1925 as a national highway and commissioned in 1926, Route 66 began with only 800 miles of paved road. Almost 1,700 miles of the trip was over gravel and dirt roads. It was not until 11 years later that paving was completed.

Route 66's connection to Southwest Missouri is far more than it's strategic geographic placement across the breadth of the district. It is far more than linking this strong agricultural market in the 1920's and 30's with expanded outlets throughout the nation.

The dream of an inter-regional link between Chicago and Los Angeles is ascribed to Cyrus Avery of Tulsa Oklahoma and John Woodruff of Springfield Missouri. These two men understood the importance of transportation of this country and were willing to invest of themselves in this effort. Historians say that as result of Woodruff's work the decision to name this new route—Route 66 was actually made in a meeting in Springfield. Woodruff later served two terms as President of the Route 66 association.

Woodruff was also a promoter of Springfield and the Ozarks who understood the importance of public and private partnerships. He raised funds to buy the land so that the state of Missouri would create what is now Southwest Missouri State University. He traveled to New York City and secured a grant from Andrew Carnegie to help fund Drury College. Years later he also raised funds to purchase the land for the U.S. Federal Medical Center. And the former railroad attorney was instrumental in getting the city's first airport.

Route 66 is not just a story of creating a unified ribbon of concrete and asphalt from one great metropolitan center to another. It is the story of linking urban, suburban and rural together. It is the story of making travel accessible to millions. It is the story of what we sometimes refer to as an American dream—a country where two men with a vision and who worked hard enough, can literally change the course of a country.

Mr. LEWIS of California. Mr. Chairman, I rise today in support of H.R. 66, the Route 66 Preservation Act. Mr. Chairman, Route 66 is the premier historic trail of the automobile age. The automobile has changed America forever and Route 66 played a large role in this revolution of mobility. Route 66 ran over 2,000 miles from Chicago to Los Angeles, linking the east and the west in our great Nation more closely than ever before.

Barstow, California, in my own 40th District, is an original stop on the crossroads of opportunity known as Route 66. In fact, Route 66 traces a path through my District all the way from Needles on the Colorado River to San Bernardino, California. Route 66 served as the crossroads of opportunity for the great flow of traffic across the broad middle of our Nation and into America's land of promise, California.

This legislation before us today will ensure that the contributions of Route 66 to American history will not be forgotten. Mr. Chairman, I urge all my colleagues to vote yes on H.R. 66 and vote to preserve the cultural resources of historic Route 66.

Mr. UDALL of New Mexico. Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I rise again in strong support of this legislation and appreciate the gentlewoman from New Mexico (Mrs. WILSON) and her inspired remarks.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act, the following definitions apply:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) lands owned by the Federal Government and lands owned by a State or local government within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term "Cultural Resource Programs" means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1926 and 1970), as defined by the study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term "State" means a State in which a portion of the Route 66 corridor is located.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State historic preservation offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including (but not limited to) cooperative agreements for study, planning, preservation, rehabilitation, and restoration related to the Route 66 corridor;

(2) accept donations of funds, equipment, supplies, and services as appropriate;

(3) provide cost-share grants for projects for the preservation of the Route 66 corridor (but not to exceed 50 percent of total project costs) and information about existing cost-share opportunities;

(4) provide technical assistance in historic preservation and interpretation of the Route 66 corridor; and

(5) coordinate, promote, and stimulate research by other persons and entities regarding the Route 66 corridor.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State historic preservation offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor and interpretation of the Route 66 corridor.

(2) PROGRAM GUIDELINES.—As part of the technical assistance program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs for the Route 66 corridor. The Secretary shall base the guidelines on the Secretary's standards for historic preservation.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

The CHAIRMAN. Are there any amendments to section 4?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. STEARNS) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 66) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance, pursuant to House Resolution 230, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 231 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 791.

□ 1442

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 791) to amend the National Trails System Act to designate the route of the War of

1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 791, introduced by the gentleman from Maryland (Mr. GILCHREST). H.R. 791 authorizes a study be completed for a potential addition to the National Trails System. Specifically, this bill would study the designation of the route the British took in their invasion of Maryland and Washington, the District of Columbia, and the route of the American defense during the War of 1812.

The proposed trail would stretch through six Maryland counties, Washington, D.C., and the City of Baltimore, where the trail would ultimately lead to Fort McHenry. Fort McHenry, of course, is where, on September 14, 1814, American forces bravely turned back the British invasion of Baltimore and was the event which sparked Francis Scott Key to pen our national anthem.

The designation of this route as a National Historic Trail would serve as a reminder of the importance of the concept of liberty and give long overdue recognition to the patriots who preserved this liberty for future generations of America.

Mr. Chairman, we have all worked hard on this bill and addressed the concerns of both the minority and the administration. This is a good bill, and we have bipartisan support on this bill. It is supported by the National Park Service. I urge all my colleagues to support H.R. 791.

Mr. Chairman, I reserve the balance of my time.

□ 1445

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under the National Trails System Act, any route proposed for designation as a national historic trail must be studied to determine the suitability and feasibility of such a designation. H.R. 791 would authorize such a study of the route taken by British troops during the invasion of the United States during the War of 1812. The route crosses nine counties in Maryland and passes through the cities of both Washington and Baltimore.

There is no doubt many of the sites along this proposed site are significant in American history. Not only did British forces lay siege to the U.S. Capitol and eventually burn it down, but it was during the ultimate American victory of Fort McHenry that a local attorney named Francis Scott Key penned what is now our national anthem. A study of these sites for a national historic trail can only serve to deepen our knowledge of the importance of these events in our history.

During our committee's consideration of this measure, an amendment was adopted ensuring that this new study will be carefully coordinated with several ongoing studies with which there could be some overlap. Such coordination will improve the final result of each of these products.

This is a bipartisan bill where both sides have worked closely to have this bill passed, and I urge my colleagues to support H.R. 791, as amended.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. GILCHREST), the author of this legislation.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Resources, for yielding me this time; and I thank all the members of the Committee on Resources for their help on this piece of legislation. But in particular I want to thank the residents of the State of Maryland in my district for bringing this idea, this concept, to our attention.

The War of 1812 is not one of those wars that elicits a great deal of dramatic thought. We do not see it on the silver screen very often. I like to compare it to the Korean War. We hear a great deal about World War II, and there has been many films about the Vietnam conflict, but we did not hear a lot about the Korean War veterans until in recent years, and there is a stunning monument on the mall to the Korean War veterans for their efforts and struggles to preserve liberty in that part of Asia.

During the American revolution, patriots fought so valiantly to bring liberty and justice to light in the Americas, to bring a new idea that people can institutionalize freedom, that people can institutionalize the idea that an individual is independent, and we talk a great deal about the American revolution.

The War of 1812 was a conflict that was our second war of independence. Now, there was a great deal of misunderstanding between the British and the French and the Americans, and certainly back in 1812 there were no telephones, no fax machines, no E-mail, for example. There was no way to communicate with another person until one was talking face-to-face with that person. I bring that up because some of the issues that caused the conflict between the United States and Great Britain were resolved 2 days before the war started, but there was no way to get that message across. So we had this conflict.

And the conflict basically was continental. The conflict was in the Great Lakes, Lake Champlain, Canada, the mid-Atlantic States, the great Chesapeake Bay, and certainly all the way down to the Gulf of Mexico at the battle of New Orleans. This could all have been averted, but we needed this struggle, I guess, to show Europe the United States was firm in its belief that it was independent; that it preserved the right of freedom and justice and liberty for all Americans, and eventually for all the rest of the world.

Now, if we could go forward quickly to the end of the conflict, the agreement to end the war was signed 2 weeks before the last battle was fought. And anybody on the House floor right now who is, I guess, middle-aged, they will remember that song; "In 1814, I took a little trip, along with Colonel Jackson down the mighty Mississipp. We took a little bacon and we took a little beans, and we took a little ride to New Orleans." I remember I used to love that song. But that battle that we smile when we hear the song was a tragedy. Hundreds and hundreds, if not well over a thousand men on both sides were killed because of that conflict. And that conflict was fought to show that the United States was determined to be independent and free.

This trail, which we will come up with after about 3 years of study, will show people all across this country and all across this world America's second battle of independence. There will be a brochure that people can follow from the lower Chesapeake Bay through the Potomac River, up several counties in Maryland, to show how the British tried to take the troops that protected Washington, south of Washington into Georgetown, and draw them away as far as Baltimore so that they could go into the District of Columbia, our Nation's capital, and burn every single Federal building except for the post office and the patent office, including this building that we now speak from. Fortunately, however one wants to look at it, coincidentally a huge tornado with driving rains came in and flushed out the fire.

Now, we know the rest of the story which is fundamental to this legislation. The Star-Spangled Banner. Francis Scott Key went on board a British ship to try to release Dr. Beanes from his captivity. Francis Scott Key was accompanied by John Skinner. They were going to release Dr. Beanes, but they also wanted to attack Fort McHenry, as the chairman mentioned a little earlier.

As the ship traveled up the Chesapeake Bay, the beautiful Chesapeake Bay, which probably had a few more fish in it at the time, maybe some more clams and oysters, but we are trying to restore the Chesapeake Bay, and maybe a piece of this legislation will bring some attention to that as well, as they came up to Fort McHenry they wanted to bomb Fort McHenry and continue their onslaught to recapture America. And what Francis Scott Key saw we still remember today. As the night glistened in stars, it also glistened with the bombardment from the British ships, but the Americans held. And the next morning the flag still flew over Fort McHenry. And that flag, Mr. Chairman, is now in the Smithsonian institute.

But Francis Scott Key penned the poem which later became our national anthem, the Star-Spangled Banner. The flag still waves over Fort McHenry, regardless of the bombs bursting in air. And that spirit, that feeling, that sense of community that we are one among many still holds today in the United States. So, Mr. Chairman, I urge my colleagues to vote in favor of the Star-Spangled Banner Trail Bill.

The last comment I want to make is a gracious "thank you" to those constituents that brought this idea to our attention, and also to my staff, Erika Feller, for doing a great deal of work on this particular issue.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me this time, and I thank my friend the gentleman from Maryland (Mr. GILCHREST) for listening to those constituents and responding to those constituents and allowing the gentleman from Maryland (Mr. CARDIN), who represents the City of Baltimore in which Fort McHenry is located, the gentlewoman from Maryland (Mrs. MORELLA) from Montgomery County, in which, of course, there are many historic sites of the War of 1812, and, of course, I have represented the City of Bladensburg for many, many years, another historic site in the British effort to turn aside the revolution and the Peace Treaty of 1783, signed, as my friend knows, in the old Statehouse in Maryland, which is pictured, the Senate Chamber in which that Treaty of Paris which ended the war was signed on the 14th of January 1784 in Annapolis, and the picture of the Senate Chamber is on the wall in the rotunda.

Mr. Chairman, all of us are reciting some degree of history. It is important that we learn from history. It is important we not forget history so that we are not condemned to live the worst parts of history. The historic trails are important assets for our country and for our generations yet to come.

The eloquence of the gentleman from Maryland (Mr. GILCHREST) in reciting that song that, yes, brought a smile to my face as well, because I remember it well. I loved that song. It is a catchy tune. But as he points out, it relates a tragic event.

The history of Maryland is replete with events that surround the founding of this Nation and the establishment of the greatest democracy the world has ever known, and certainly its most long-standing democracy in the world. So I strongly support this bill and urge my colleagues to do so. In order to designate a historic trail, we need to research that issue. This bill will provide for that effort to be undertaken. I think it is very appropriate.

The proposed trail would provide an opportunity for citizens to learn about the British Washington-Baltimore campaign during the War of 1812 and to experience the story of how our national anthem came to be written by Francis Scott Key.

The Star Spangled Banner Trail would be the first national historic trail in the mid-Atlantic region. As currently envisioned, it could take visitors through six counties in Maryland as well as Washington, D.C. and Baltimore.

The route, which would follow the path taken by the British in the War of 1812, would begin in my district where the British landed in Calvert County Maryland and launched their campaign to destroy the Barney Flotilla and, after the Battle of Bladensburg, burn Washington, D.C.

The trail would then follow the path of the retreating American army up through Georgetown, through Montgomery County, and onto Baltimore where they ultimately defeated the British forces at Ft. McHenry.

Mr. Speaker, the War of 1812 and this campaign is a fascinating, but untold, chapter in our Nation's history. Creating this trail will provide a critical link in this turning point in our Nation's history.

I want to thank my good friend Mr. GILCHREST for sponsoring this legislation and urge all of my colleagues to support it.

Mr. Chairman, I want to thank my friend, the gentleman from Puerto Rico, who I might say does such an outstanding job and who, I hope at some point in time, will represent the 51st State. That is an aside, that is not the issue today, I understand that, but this bill is about freedom, this bill is about stars in the Star-Spangled Banner, and perhaps we will add one for the representative from Puerto Rico in the near future.

I thank also my friend, the gentleman from Utah (Mr. HANSEN) for his leadership in getting this bill to the floor. The gentleman is a very fine Member of this House and his attention to details large and small has been appreciated by this body, and I appreciate his leadership in bringing this to the floor.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA), and I wish to tell the gentleman from Maryland (Mr. HOYER) that I appreciate his comments very much.

Mrs. MORELLA. Mr. Chairman, I wish to thank the gentleman from Utah (Mr. HANSEN) for yielding me this time and for all the leadership he has shown not only in this legislation but in other legislation that has enhanced the American people.

I also want to thank the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), for his work in bringing this bill to the floor, and others also.

Mr. Chairman, I am pleased to lend my support to H.R. 791, the Star-Spangled Banner National Historic Trail Study Act of 1999, and I certainly want to commend my very good friend, the gentleman from Maryland (Mr. GILCHREST), who introduced this and who just gave a very moving explanation of the bill and all of its implications.

I am honored, along with my colleagues, to be a cosponsor of this legislation. It will ultimately lead to the creation of a trail to help preserve and honor significant historic sites associated with the War of 1812, America's second war of independence.

Trails provide our Nation with many benefits. They offer opportunities to experience solitude or to socialize with families and friends. Natural trail corridors preserve vegetation and wildlife. Bicycles and pedestrians commute on trails, and that decreases road congestion and air pollution.

Americans are seeking trail opportunities as never before to participate in a wide range of recreational activities, from hiking and bicycling, to horseback riding and backpacking, trails across our country are used by all types of people in settings ranging from urban, suburban, rural and wilderness.

In the early days of our Nation before railroads and highways and rail were constructed, people traveled on foot, on horseback, or by wagon. Some of these trails remain in existence today as reminders of our rich history. For example, the Oregon Trail, the Santa Fe Trail, the Trail of Tears. They all exist as chapters in our Nation's heritage.

In the early 20th Century, trails became a way to gain access to spectacular natural beauty. The first interstate recreational trail was conceived in 1921 as a national preserve parallel to the East Coast, and we now know that trail as the Appalachian Trail.

H.R. 791 simply authorizes the Secretary of the Interior to undertake a study of the British invasion route and the line of American defenses occurring in Maryland and Washington during the War of 1812 for potential addition to the national trail system.

□ 1500

While the War of 1812 and the British invasion during the conflict is a defining period in the history of our Nation, it is an often neglected period of our national heritage. It is my hope that this legislation will help to reorganize and honor the important battles during the summer of 1814 which helped to shape our Nation.

The War of 1812 remains the only time in which the United States of America has been invaded by a foreign power. In August of 1814, a British expedition in the Chesapeake Bay won a victory at Bladensburg, Maryland, and subsequently took Washington, burning the Capitol and the White House. The British, however, were halted at Ft. McHenry in Baltimore on September 14th under the "Rockets' Red Glare."

Currently, just down the National Mall from the Capitol at the National Museum of American History, technicians, historians and textile experts are working to preserve the actual Star-Spangled Banner which flew over Ft. McHenry. There are about 30 sites along the proposed Star-Spangled Banner National Historic Trail, both famous and forgotten, which marks some of the most historically significant events of the War of 1812.

I am proud to represent a place called Brookeville, Maryland, a tiny town which played a huge role during the War of 1812. Under H.R. 791, this town is to be included on the Star-Spangled Banner National Historic Trail study.

Brookeville, only 18 miles from Washington, served as our Nation's capital for a brief period in August of 1814, when President James Madison fled the White House to escape the British invasion.

The home of Postmaster Caleb Bentley and his wife, Henrietta, served as a refuge for President Madison and several members of his Cabinet. Mrs. Bentley, a Quaker, said, "It is against our principles to have anything to do with war, but we receive all and we relieve all who come to us."

Mr. Chairman, I urge my colleagues to support H.R. 791, to honor our Nation's history and recognize the Star-Spangled Banner National Historic Trail and the critical events of the War of 1812.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, first, let me thank my friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), for yielding me this time and for his help in marshalling this bill through the committee.

I want to thank my good friend, the gentleman from Utah (Mr. HANSEN), for his work on this issue. This is an important bill. I want to compliment the speed in which this matter was handled in the committee.

The gentleman from Maryland (Mr. GILCHREST) and I filed this legislation on February 23, and we were later joined by the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. HOYER) in moving this bill to, we hope, the establishment of this trail.

I also want to acknowledge the hard work of the Senate sponsor, Senator SARBANES, who is marshalling this bill in the other body. We are working together. I appreciate the gentleman from Maryland (Mr. GILCHREST) bringing this up to our constituents.

I represent a district that is rich in history in Baltimore, and I want to thank the historians in my community who have been working with us on this trail. I have the honor of representing the district that includes Ft. McHenry and, of course, the great history that was accomplished in that particular spot. I want to thank the people from Ft. McHenry for their help in bringing us to this motion that we can now act on, H.R. 791, the Star-Spangled Banner National Historic Trail Study Act of 1999.

I think it is highly appropriate that on the eve of the last July 4 celebration before we start the new century this body is considering a bill that would recognize the sacrifices and contributions of American patriots from the previous one. This legislation would authorize a study to designate the route of the War of 1812 British invasion of Maryland and Washington, D.C., as well as the route of the American defense, a National Historic Trail.

Mr. Chairman, we have done this on many occasions, established historic trails in our country. We have done it for the Appalacian Trail, the Continental Divide, the National Scenic Trail, the Florida National Scenic Trail, and many, many others. I think it is altogether fitting and appropriate, in the interest of our Nation, that we do likewise for the War of 1812.

This War of 1812 was important for many reasons in the history of this Nation, and my colleagues have already commented on many of the important aspects of this particular battle. One that my colleague, the gentlewoman from Maryland (Mrs. MORELLA), mentioned is it the only time in the history of our Nation that we were invaded by a foreign power.

Of course, we successfully were able to defend ourselves. But for a good part of this particular war, it was uncertain as to whether we were going to be able to defend our Nation. It was clearly our second war of independence, and it bode well for the future of this Nation in developing a defense that has been able to protect our citizens against all foreign tyrants.

The story of the War of 1812 goes beyond just stopping the British from invading our young Nation. But the heroics of many of our citizens at many different battles along the way will go down as part of the heritage of our Nation.

We hope that this trail will be able to allow people in our country to better appreciate what our patriots have done during the history of our Nation. Whether it was at Bladensburg, where we were not successful, or North Point, where we were successful, or Ft. McHenry, where we were successful, heroism was the order of the day.

Of course, we are all very proud of Francis Scott Key, a young attorney who took upon a mission of mercy to have released a young doctor that was being held by the British. The doctor had helped young British soldiers, and Francis Scott Key was able to implore the British to release this particular soldier from captivity. But, as was Francis Scott Key's luck, he was on a British boat at the time that they were ready to invade Baltimore and Ft. McHenry, so he was required to stay on the ship during the battle of Ft. McHenry. He was so inspired by what he saw that he wrote the poem that has become our national anthem.

So there is a great deal to be learned from the War of 1812. There is a lot that we all can learn from it. I applaud the committee for setting in motion the way that we will be able to establish an historic trail that will allow our citizens a better understanding of the history of this Nation and what makes this Nation so great, the people who are willing to give of their lives to protect the freedom that we all enjoy today. This is a fitting monument to their work, and I applaud this House for taking it up today.

I urge my colleagues to support the legislation.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the chairman for yielding me the time. I will not take the entire minute, but I do want to say just two quick things.

My compliments and gratitude to the gentleman from Maryland (Mr. CARDIN) and the gentleman from Maryland (Mr. HOYER) and the gentlewoman from Maryland (Mrs. MORELLA) for their effort in moving this legislation through and for taking the time to come down to the House floor this afternoon and saying the words that they have spoken. It is greatly appreciated.

I also want to make a comment about our counterparts on the Senate side, and I know we are not supposed to mention the senators, but the effort they are making on that side to move this legislation through there, as well.

The last comment I would like to make is that I would invite my colleagues, the gentleman from Maryland (Mr. CARDIN), the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. HOYER), that when the trail is finally done that the four of us stand at Ft. McHenry and sing for our constituents the Star-Spangled Banner.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I would welcome my colleague into the Third Congressional District of Maryland to participate. We do have, of course, Flag Day. We invite all Americans to join us in a pause for the pledge to the flag and our national anthem.

Let me assure my colleague that I checked with the Parliamentarian and we can mention the names of senators if they are sponsors of a comparable bill in the other body. So it was within the rules of the House to mention our senators.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I want to thank the gentleman for his kind invitation. I think, rather than singing it, he would probably prefer to have me say it if he heard me sing before. He might play the piano, too.

Mr. GILCHREST. Mr. Chairman, if the gentleman would continue to yield, the gentlewoman has a wonderful voice. I know the gentleman from Maryland (Mr. CARDIN) has a wonderful voice, and I know the gentleman from Maryland (Mr. HOYER) has a wonderful voice. So we will work it out.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank all those who have participated in the very inspiration and interesting speeches we heard.

I look forward to the four of my colleagues singing the Star-Spangled Banner. And in the previous bill we just passed, I would assume the gentlewoman from New Mexico (Mrs. WILSON) will then join and sing the theme song from Route 66, as long as we are going that way.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner National Historic Trail Study Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the British invasion of Maryland and Washington, District of Columbia, during the War of 1812 marks a defining period in the history of our Nation, the only occasion on which the United States of America has been invaded by a foreign power;

(2) the Star-Spangled Banner National Historic Trail traces the arrival of the British fleet in the Patuxent River in Calvert County and St. Mary's County, Maryland, the landing of British forces at Benedict, the sinking of the Chesapeake Flotilla at Pig Point in Prince George's County and Anne Arundel County, Maryland, the American defeat at the Battle of Bladensburg, the siege of the Nation's Capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), the British naval diversions in the upper Chesapeake Bay leading to the Battle of Caulk's Field in Kent County, Maryland, the route of the American troops from Washington through Georgetown, the Maryland Counties of Montgomery, Howard, and Baltimore, and the city of Baltimore, Maryland, to the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry on September 14, 1814, where a distinguished Maryland lawyer and poet, Francis Scott Key, wrote the words that captured the essence of our national struggle for independence, words that now serve as our national anthem, the Star-Spangled Banner; and

(3) the designation of this route as a national historic trail—

(A) would serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner National Historic Trail; and

(B) would give long overdue recognition to the patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

SEC. 3. DESIGNATION OF TRAIL FOR STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended—

(1) by redesignating paragraph (36) (as added by section 3 of the El Camino Real Para Los Texas Study Act of 1993 (107 Stat. 1497)) as paragraph (37) and in subparagraph (C) by striking "detemine" and inserting "determine";

(2) by designating the paragraphs relating to the Old Spanish Trail and the Great Western Scenic Trail as paragraphs (38) and (39), respectively; and

(3) by adding at the end the following:

"(40) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, tracing the War of 1812 route from the arrival of the British fleet in the Patuxent River in Calvert County and St. Mary's County, Maryland, the landing of the British forces at Benedict, the sinking of the Chesapeake Flotilla at Pig Point, the American defeat at the Battle of Bladensburg, the siege of the Nation's Capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), the British naval diversions in the upper Chesapeake Bay leading to the Battle of Caulk's Field in Kent County, Maryland, the route of the American troops from Washington through Georgetown, the Maryland Counties of Montgomery, Howard, and Baltimore, and the city of Baltimore, Maryland, to the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry on September 14, 1814.

"(B) AFFECTED AREAS.—The trail crosses 8 counties within the boundaries of the State of Maryland, the city of Baltimore, Maryland, and Washington, District of Columbia.

"(C) COORDINATION WITH OTHER CONGRESSIONALLY MANDATED ACTIVITIES.—The study under this paragraph shall be undertaken in coordination with the study authorized under section 603 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1a-5 note; 110 Stat. 4172) and the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961). Such coordination shall extend to any research needed to complete the studies and any findings and implementation actions that result from the studies and shall use available resources to the greatest extent possible to avoid unnecessary duplication of effort.

"(D) DEADLINE FOR STUDY.—Not later that 2 years after funds are made available for the study under this paragraph, the study shall be completed and transmitted with final recommendations to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. STEARNS) having resumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 791) to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the National Trails System, pursuant to House Resolution 232, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 66 and H.R. 791, the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL FRIDAY, JULY 9, 1999 TO FILE REPORT ON H.R. 1995, TEACHER EMPOWERMENT ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce may have until 3 p.m. on Friday, July 9, to file a report on the bill, H.R. 1995, the Teacher Empowerment Act, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WORLD WAR VETERANS PARK AT MILLER FIELD GATEWAY NATIONAL RECREATION AREA

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to House Resolution 231 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 592.

□ 1514

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 592) to designate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills", with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

□ 1515

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 592 introduced by the gentleman from New York (Mr. FOSSELLA). H.R. 592 authorizes the Secretary of the Interior to designate a portion of Gateway National Recreation Area in New York as World War Veterans Park at Miller Field. H.R. 592 would change the name of this park to recognize and honor the veterans of our world wars who fought to protect and defend democracy and freedom.

During markup of this bill, we accommodated concerns by the administration. This bill is now supported by the National Park Service and the minority. I urge all my colleagues to support H.R. 592.

Mr. Chairman, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 592.

Mr. Chairman, H.R. 592 as introduced would have amended the act designating the Gateway National Recreation Area in New York City to change the name of Great Kills Park to World War II Veterans Park at Great Kills.

The National Park Service testified at the hearing of the Subcommittee on National Parks and Public Lands on May 11 that it opposed this name change because there is no known connection between Great Kills Park and World War II activities or historical figures, nor do veteran groups have any known connection with the area. It was also noted that NPS already administers several entire national park units that are historically tied to World War II veterans.

However, we learned at the hearing that there is general agreement to provide some sort of recognition to veterans at a more suitable location, known as Miller Field, within the Gateway National Recreation Area.

While the NPS appears to have administrative authority to make such a change, the Committee on Resources adopted an amendment, drafted by the NPS, to designate the location as World War Veterans Park at Miller Field. Based on the representations made to us by the NPS, this change appears to be in keeping with NPS policies and as such we support the bill as amended.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA), the sponsor of this legislation.

Mr. FOSSELLA. Mr. Chairman, H.R. 592 is a simple bill. If passed, it would rename a portion of the Staten Island Unit of the Gateway National Recreation Area as World War Veterans Park at Miller Field. The purpose of this bill is simply to honor the brave men who served in World War I and World War II. Staten Island has a long and proud tradition of honoring our veterans, and this bill merely adds to that tradition.

First, I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) of the Committee on Resources and the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) of the Subcommittee on National Parks and Public Lands for their assistance in moving this bill through the committee process, and, on my staff, Travers Garvin, for really carrying the load.

Originally, as the ranking member indicated, H.R. 592 was intended to rename the Great Kills portion of the Gateway National Recreation Area. H.R. 592 would have renamed that park World War II Veterans Park at Great Kills. The National Park Service was concerned that the park being renamed should have a historical connection to the new name. Nevertheless in response to those concerns, we agreed to a compromise. H.R. 592 will now rename another portion of the Gateway National Recreation Area, known as Miller Field.

Miller Field was originally named after a World War I aviator and was used as a military airstrip during World War II. In order to recognize veterans from both World War I and World War II, the bill seeks to rename the park World War Veterans Park at Miller Field. This change satisfies the National Park Service concerns and, more importantly, still recognizes veterans from Staten Island, Brooklyn and our Nation. I have spoken with veterans who had supported the original bill and they have agreed to the change.

I believe strongly that without our veterans' dedication and sacrifice, we would not have the freedoms that we enjoy to this day. My concern is that as time goes by, perhaps the memories, particularly those in the World War I and World War II generation, may fade. The renaming of this park will stand as a timeless reminder of the heroism of the brave men and women who served our Nation. It is my wish that for generations to come, the thousands of people who use this park will stop for a moment and remember the heroism of these men and women.

The Congressional Budget Office estimates that enactment of H.R. 592 will have no significant impact on the Federal budget. It is simple, again noncontroversial and bipartisan. The bill has 13 cosponsors from both sides of the aisle and all parts of the country. H.R. 592 is legislation that takes pride in America. Because of this, I expect it will be an easy vote for. I think it would be especially appropriate to pass this bill for our veterans as we head into the Fourth of July weekend.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I support the gentleman from New York's legislation to honor veterans of World

War I and World War II by renaming Miller's Field in honor of our veterans. As the only New York member on the Committee on Resources, I was happy to support this legislation in committee. I believe that this park will not only honor veterans in the New York-New Jersey area but veterans throughout our country.

Recently, I had the honor to join the French Consul General in New York to present the French Medal of Honor to a World War I veteran who lives in Flushing, New York. Tragically this gentleman is one of only a few veterans of the World War I era who are still with us today. Men and women who served in World War II are rapidly passing away as well. This park will help honor their deeds and their fight for freedom which brought an end to tyranny and injustice, not once but twice in this century.

I am proud to join the gentleman from New York (Mr. FOSSELLA) in support of this proposal to honor our veterans. As the largest metropolitan area in the United States with one of the largest concentrations of veterans, I can think of no better place to honor the memories of these men and women who fought for freedom and to remind future generations of the valor and heroism of our American soldiers.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I want to thank the gentleman from New York (Mr. CROWLEY). I know he was a great help at the committee in steering it through. We have 56,000 veterans in the 13th Congressional District. Again I can only hope and pray that we can do all we can to recognize their efforts. This bill would go a long way. I encourage its strong support.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Chairman, I thank the gentleman for yielding me this time. I want to commend both the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) and all of those who are supporting this legislation. It is appropriate that we take this up at this particular time as we approach another celebration of our Independence Day and remember to keep our priorities straight. Had it not been for the men and women who have worn the uniform of the United States military through the years, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on the face of the earth. Freedom is not free. We paid a tremendous price for it. Not a day goes by that I do not remember all of those who, like my brother Bill, made the supreme sacrifice and all of the many veterans who served our country and then came back home and rendered such outstanding service in our communities and raised wonderful families to carry on their great traditions.

I enthusiastically support this legislation. I thank the sponsors. I urge my colleagues to approve it unanimously.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF GATEWAY NATIONAL RECREATION AREA AS WORLD WAR VETERANS PARK AT MILLER FIELD.

Section 3(b) of Public Law 92–592 (16 U.S.C. 460cc–2(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) The portion of the Staten Island Unit of the recreation area known as Miller Field is hereby designated as 'World War Veterans Park at Miller Field'. Any reference to such Miller Field in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to 'World War Veterans Park at Miller Field'.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. STEARNS) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 592) to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills", pursuant to House Resolution 231, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to designate a portion of Gateway National Recreation Area as 'World War Veterans Park at Miller Field'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 592, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RURAL NEVADA AGAIN UNDER SIEGE BY U.S. FOREST SERVICE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GIBBONS. Mr. Speaker, once again, the absolute greed of the Federal bureaucracy is pushing aside the common sense of local people on an issue in my district.

I would like to share with my colleagues what can only be termed as an insensitive approach to a very personal and private situation of the Federal Agency Forest Service in my home State of Nevada.

In its seemingly endless battle over public lands in rural Nevada, once again we are under siege by the Forest Service. But it is not commercial real estate or high market value land interests that we are after, it is about a mere two-acre cemetery.

The Forest Service wants to sell the small town of Jarbidge, Nevada, two acres to buy its own cemetery where the parents and grandparents of this small rural town have been laid to rest since the beginning of this century.

The Federal Government already owns nearly 90,000 square miles of Nevada's lands. Nevadans are not asking for much, a mere two acres to be exact, a two-acre cemetery already occupied for nearly a century by parents and grandparents of many Nevadans.

On behalf of the families of Jarbidge, I urge my colleagues to join me in supporting H.R. 1231 to convey these two acres out of the millions they own.

WHERE I STAND—MIKE O'CALLAGHAN: USFS PICKS NEW FIGHT

(Mike O'Callaghan is the Las Vegas Sun executive editor)

About the time it appears there is some justice and common sense ruling northeastern Nevada, along comes another goofy act.

A couple of weeks ago this column praised the Nevada Supreme Court for settling a dispute started three years ago by a few Elko County residents who saw a conspiracy under every rock in that huge area. After using and abusing the power of a local grand jury the district judge was slapped and four state employees were given back their lives by the Supreme Court.

That whole mess was started by a businessman who believed the state and federal conservation agencies were conspiring to destroy the county when acting to protect the environment. He wrote a letter to the county commissioners calling for a grand jury because the conservation agencies, especially the Nevada Division of Wildlife and the U.S. Forest Service, and environmental groups were ruining almost everything held dear by the people of that area. Those suffering economically, according to the writer, were the ranching, mining, and business communities and all of the taxpayers.

The grand jury was called and it acted as wild as the charges made in the letter. While all of this was going on, the U.S. Forest Service sat on its hands and took no action to replace a road damaged by a flood in 1995. This resulted in the county going to fix the road running alongside the West Fork of the Jarbidge River. Immediately another federal agency, the U.S. Fish and Wildlife Service, came unglued because it said the roadwork was hurting the bull trout habitat. Eventually this mess was calmed down and on the surface appears straightened out because the state also had a role to play.

So now everything is hunky-dory between the federal conservation agencies and Elko County? Not really. There's the small issue over cemetery land at Jarbidge. Yes, a very small two acres that Rep. Jim Gibbons wants turned over to the county. Here are Gibbon's words before a subcommittee in Washington last week:

"As you may know Jarbidge is a small, rural community in Elko County, Nevada. Known historically for its contribution to Nevada's mining industry, this community is surrounded by national forest lands and the Jarbidge Wilderness Area.

"Within this area is a small cemetery, under administration of the Forest Service, where generations of residents of this historic community have been laid to rest.

"The earliest tombstones are dated in the very early 1900s, and some members of the Jarbidge community claim that this land has been used as a cemetery long before its designation as Forest Service land.

"Since 1915 the Jarbidge Cemetery has been operated under a permit to Elko County by a Special Use authorization which runs periodically for 10 and occasionally 20 years.

"In an effort to remove the uncertainty about the continued existence of this cemetery and to resolve the operational responsibility, the residents of Jarbidge have long expressed an interest in having two acres, containing the cemetery, conveyed to the county so they might have a permanent, private cemetery.

"Madame Chairman, that is why I have introduced HR 1231, a bill that would direct the Secretary of Agriculture to convey approximately two acres of National Forest lands to Elko County, Nevada, or continued use as a cemetery."

No problem for this small request coming from a state with thousands of square miles controlled by the federal government. Guess again. USFS Deputy Chief Ron Stewart testified against HR 1231 because his agency expects to be paid fair market price of those two acres. His testimony doesn't describe how you put a price on a cemetery that's just a bit less than 100 years old. What it does reveal is a petty attitude by a large federal agency that continues to result in even its rational decisions being questioned by the people in and around little Jarbidge.

Gibbons could hardly believe Forest Service officials were making the demand but it they were, he added, they "should hang their heads. These people are asking for a cemetery, not for land to build commercial or residential enterprises. . . . "

Because of the actions of Elko's runaway grand jury I began to wonder what was in the water the jurors were drinking. This most recent action by the Forest Service in Washington has convinced me that its decision makers are drinking straight from the polluted Potomac River.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1530

THE PRESIDENT'S PLAN TO MODERNIZE AND STRENGTHEN MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to start this afternoon by talking about the President's plan to modernize and strengthen Medicare for the next century which he announced at a press conference that was held at the White House yesterday; and let me say, Mr. Speaker, if I can, that I strongly welcome this proposal. I think it is a very good proposal and specifically with regard to the new prescription drug benefit, the effort to eliminate copayments and deductibles for preventive care, the fact that it also includes the Medicare buy-in for the near elderly, those who just are below the age of 65, and the fact that by using 15 percent of the projected surplus that Medicare is fully funded for a much longer period of time than would be the case under current conditions. All these things I think are a strong indication that this is a very good proposal which certainly the Democrats support and which I am hopeful that the Republicans and the Republican leadership will support as well so that we can get a bill out of committee to the floor and passed in this Congress.

Let me just talk a little bit about some of the most important aspects of this Medicare proposal in my opinion. I think probably the most important aspect is the new voluntary Medicare Part B prescription drug benefit that is affordable and is available to all beneficiaries.

We all know that when you talk about Medicare the biggest gap, if you will, that exists in the Medicare program now is the lack of a prescription drug benefit. When Medicare was started under President Johnson as a Democratic initiative back in the 1960s, over 30 years ago now, prescription drugs were not that much a part of the average senior citizen's budget. Medicine then was not so much emphasizing preventive care, particularly prescription drugs; and, frankly, a lot of the prescriptions that we have now had not even been invented. So it was not an important issue. It was not included in the Medicare package at the time.

But as time went on over the last 30 years the lack of a prescription drug benefit has been a major gap causing senior citizens to expend a lot of money out of pocket, in some cases several thousand dollars a year. And so the President's response in trying to include a modest prescription drug benefit is commendable, it is fully paid for, and I think it will go far towards helping senior citizens and the disabled under Medicare to deal with this problem.

I just wanted, if I could, to outline some of the high points of this. There is no deductible. And, well, basically the way it applies is that you contribute initially $24 a month as the premium that you pay for this new Part B; and Medicare, once you participate, pays half of your drug costs from the first prescription filled each year up to $2,000 a year when the program begins. And eventually that will be phased in to be up to $5,000 a year in drug costs. And, of course, the premium will go up as well and could, when fully phased in by 2008, be as much as $44 per month.

But what it would mean is that, when the program starts, is that if you pay $24 a month and you have as much as $2,000 in prescription drug costs for the year, half that will be paid by Medicare. And there is no deductible, there is no copay, so to speak, so that starts with the first prescription, that half of it is paid for by Medicare.

The other thing that is important is that this program, if you participate in this new Part B benefit, will insure the beneficiaries a discount similar to that offered by many employer-sponsored plans, which is estimated to be, on average, over 10 percent. So even if you go above the $2,000 per year, you are still benefiting in the discount, and of course the discount is your floor. So you are going to get a discounted price before you are even starting to pay for the prescription drugs.

The cost I mentioned initially is $24 per month beginning in 2002 when the program is set to begin. I would also point out that for those beneficiaries, for those Medicare recipients who are below a certain income level, there would be no premium. Beneficiaries with incomes below 135 percent of poverty, and that is $11,000 for a single individual or $17,000 for a couple, would not pay premiums or cost sharing. Those with incomes between 135 and 150 percent of poverty would receive premium assistance as well. So in many ways this is modeled after the so-called QMB program with Part B of Medicare where, if you are below a certain income, you do not pay the premium at all, and then there is assistance for those a little bit above that level to pay part of the premium.

Finally, I wanted to mention with regard to the prescription drug benefit that it would provide financial incentives for employers to retain their retiree health coverage if they provide a prescription drug benefit to retirees that was at least equivalent to the new Medicare outpatient drug benefit. This would save money for the program. So we would encourage those who already provide or have a prescription drug benefit as part of their pension or retirement health benefits, that would be incentives for employers to keep that benefit.

Now some may say, "Well, how many Medicare recipients would actually benefit from this prescription drug program and would see fit to opt for it because it is voluntary?" And we estimate, the President estimates, that most Medicare beneficiaries will choose the drug option because of its attractiveness and affordability. Older and disabled Americans rely so heavily on medications that about 31 million beneficiaries would benefit from this coverage every year. So there are about 31 million, which is the majority of Medicare recipients, who would find that if they pay this premium per month, or if they were eligible to not have to pay the premium, that they would end up saving money and opt for the Part B prescription drug benefit.

Now let me talk a little more about some of the other major aspects of this, the President's Medicare proposal, that I think are worthy of note. One of the things that is changing, and I think for the good with regard to health care, and that is not only for seniors and the disabled, for everyone, is the renewed emphasis on prevention. A few years ago, preventive medicine was not really in vogue. Some people did it, some people did not, but it was not thought about a great deal. But increasingly we know that if people take preventive measures, and prescription drugs are really part of that, I mean then they avoid hospitalization, they avoid nursing home care, they avoid expensive treatment.

Well, the President, when he unveiled his Medicare expansion and modernization proposal yesterday at the White House, said that it would include the elimination of all cost sharing for preventive benefits in Medicare, and that means basically that there would be no copayments and deductibles for preventive services covered by Medicare. And just to give you examples, that would include cancer screening, bone mass measurements, pelvic exams, prostate cancer screening, diabetes self-management benefits, mammograms. Anything that is preventive we would eliminate the deductible and the copayment.

I think that is significant, not maybe as significant as the drug benefit, but kind of that goes along with it, because what it means is we do not want to discourage people because they have to shell out a certain amount of money into not taking preventive measures, and the reason makes sense, not only for them individually, but also because it saves the government money because, if they do these types of screenings, maybe they avoid hospitalization and expensive operations that Medicare would have to pay down the road.

So I think it makes a lot of sense, and let me just mention two other things. One is the Medicare buying proposal. This is something that is not new. The President proposed it in his State of the Union address, but he is reiterating it once again, and it will be part of this legislation that is sent up to Congress. And that says that Americans between the ages of 62 to 65 would be able to buy into the Medicare program for approximately $300 per month if they agree to pay a small risk adjustment payment once they become eligible for the traditional Medicare at 65. So people in those years would be able to buy into Medicare. Displaced workers between 55 and 62 who had involuntarily lost their jobs and insurance would buy in at a slightly higher premium, about $400 a month, and retirees over age 55 who had been promised health care in the retirement years would be provided access to COBRA continuation coverage if their old firm reneged on their commitment. So, again, we are reiterating this buying proposal for the near elderly, very important because so many of those people do not have health insurance.

And last thing, and then I would like to yield to one of my colleagues, is that the President reiterated once again that he will dedicate 15 percent of this growing surplus over 15 years to Medicare, and that will ensure the life of the Medicare trust fund until at least 2027. So we are extending the life of the Medicare trust fund. It means that Medicare remains solvent for almost another 30 years, terribly significant.

So many senior citizens come up to me and say that they are worried about, as my colleagues know, whether Medicare is going to be there, and of course younger people as well. It is probably more of a problem for younger people than it is for senior citizens right now. But this proposal which the President put forward would keep Medicare intact and fully paid for until the year 2027.

So I think it is a great idea. I am sure going to see a lot more Democrats coming up and saying that they support it, and hopefully we will get support from the Republican leadership as well.

Madam Speaker, I wanted to go into some more details about the President's Medicare plan because I think that it is so important. Many people, many Members of Congress, I am sure, hear from their constituents about the problems that their constituents have because of gaps in Medicare, particularly with regard to the prescription drug benefit. But the bottom line is that the President's plan is seeking to modernize and strengthen Medicare in a lot of different ways, as my colleagues know. And if I could just highlight some of the other things that were mentioned yesterday by the President when he had the press conference at the White House?

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A lot of the Medicare modernization program that he has put forward seeks to modernize and strengthen Medicare by making it more competitive and efficient.

I know that those are words that are often thrown out around here and people mention that all the time, but I think that it is important to kind of stress some of the efforts that the President is putting forth that would also make the Medicare program more competitive and efficient, if I could at this time.

One of the things that he stressed was giving traditional Medicare new private sector purchasing and quality improvement tools. The proposal would make the traditional fee-for-service program more competitive through the use of market-oriented purchasing and quality improvement tools to improve care and constrain costs. It would provide new or broader authority for competitive pricing, incentives for beneficiaries to use physicians who provide high quality care at reasonable costs and coordinating care for beneficiaries with chronic illnesses and other best practice private sector purchasing mechanisms.

Essentially, what he is trying to do is to make Medicare more competitive, more efficient, by bringing in some private sector tools. That is estimated to save about $25 billion over 10 years.

The second area where this competitiveness comes into play is by extending competition to Medicare managed care plans by establishing a competitive defined benefit while maintaining a viable traditional program. The competitive defined benefit proposal would, for the first time, inject true price competition amongst managed care plans in Medicare. Plans would be paid for covering Medicare's defined benefits, including a new subsidized drug benefit which we mentioned, and would compete by offering lower cost and higher quality.

Price competition would make it easier for beneficiaries to make informed choices about their plan options and would, over time, save money for both the beneficiaries and the program.

The competitive defined benefit would do so by providing beneficiaries with 75 cents of every dollar of savings that result from choosing lower cost plans. Beneficiaries opting to stay in the traditional fee-for-service program would be able to do so without an increase in premiums. There is a savings from that of $8 billion over 10 years starting in the year 2003.

Then there are two more points, if I could, and then I would yield to some of my colleagues who I see are joining me on the floor to discuss this.

The third point is that the President's proposal constrains outyear program growth but more moderately than the balanced budget amendment which we adopted in 1997. To ensure that program growth does not significantly increase over most of the Medicare provisions of the Balanced Budget Act, which expire in 2003, the proposal includes outyear policies that protect against a return to unsustainable growth rates but are more modest than those included in the Balanced Budget Act of 1997.

I do not want to keep going into all of the details of this, but I think that the President again should be commended for trying to bring a more competitive and efficient approach into the Medicare program. And that is one of the reasons that we are able to save some money.

So, in essence, what he is doing here is bringing a significant amount of the surplus, 15 percent, into the Medicare program to make sure that the program is solvent, to expand the benefits to include the drug benefit, but at the same time trying to make the program more competitive and efficient and saving money.

That would be also brought back into the program for these extra benefits like prescription drugs, as well as to keep the program solvent until the year 2027.

Obviously this is the type of thing that is very important, and I think only helps in the overall effort to strengthen and modernize the Medicare program.

It is interesting because many of us on the Democratic side have been talking about the need to include a prescription drug benefit, and our effort, and I see my colleague, the gentleman from Maine (Mr. ALLEN) is here, actually goes back to, I think it was sometime in May, around Mother's Day, when there was a report put out by the Older Women's League, OWL, and I had come to the floor at that time to specifically point out how the gaps in the Medicare program have a particularly negative impact on older women, which the OWL report highlighted.

Most of what was discussed was the problem in terms of out-of-pocket costs for prescription drugs.

The other thing that the OWL report pointed out is that many of the lowest income senior citizens again are women and those are the very women who would benefit most from this prescription drug benefit and would not have to pay at all because they fall below the poverty level and would not even have to pay the $24 monthly premium.

So all in all, this is a great program.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Maine, who came down here to join me and discuss this.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding.

Mr. Speaker, this is a good day. The President's proposal to reform Medicare is a giant step forward to preserve, protect and strengthen a program that is one of the best things that we do, that the Federal Government does, for senior citizens.

Together, Medicare and Social Security keep 40 to 50 percent of our seniors out of poverty and yet these programs both face some challenges. In the case of Social Security, the challenge is largely demographic, simply more people are growing older. And as the baby boom generation retires, there will be extra pressure on the program.

Medicare has a demographic problem but also a cost problem and a quality problem.

I thought what I would do today is talk a little bit about the prescription drug benefit that is contained in the President's proposal and then talk a little bit about some other aspects of the proposal that I think are very important.

Last year, I asked for a study in my district on the cost of prescription drugs to the elderly, and that study was done by the Democratic staff of the Committee on Government Reform, and they found that, on average, seniors are paying twice as much for their prescription medications as the drug companies' best customers, and the best customers are hospitals, HMOs, and the Federal Government through the purchases it makes for veterans or through medicaid.

As a consequence, I introduced last year and again this year what is now H.R. 664, the Prescription Drug Fairness for Seniors Act. Now, this legislation would allow pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government. We think it would reduce prescription drug prices for seniors by 40 percent, 40 percent, at virtually no cost to the Federal Government.

Now, when I introduced this legislation, I thought we would have some support on the Republican side of the aisle, because I thought, naively, that a bill which provided a substantial discount on prescription drugs to seniors, at virtually no cost to the Federal Government, with no new bureaucracy, would have broad bipartisan support, but that has not happened.

I am very pleased that in the President's proposal this concept, though not the bill, is included. The concept is included in the President's proposal by the suggestion that Medicare would contract with pharmacy benefit managers and that those pharmacy benefit managers would get at least a 10 percent discount from the manufacturers for prescription drugs.

I think we could do better. I think we could be more aggressive, but it is really a step in the right direction.

The President's prescription drug benefit is a modest step, but again the right sort of step. What he is proposing is this: For an initial premium of $24, rising to $44 by 2009, Medicare beneficiaries could sign up for a prescription drug benefit that would pay them initially $1,000 maximum toward their prescription drug costs, one half of their total costs, covered costs, and that benefit would rise to $2,500 by the year 2009.

So for those seniors who have $2,000 in prescription drug costs right now or $5,000 in prescription drug costs by the year 2009, the government would basically pay one half of all their costs in return for a modest premium. That is a good plan and a real step forward.

What is interesting is the reaction of the Republicans to these various proposals. On the one hand, the Republican reaction to the President's plan has been, well, two-thirds of seniors have coverage for their prescription drugs; we do not need this plan. But the two-thirds is not quite right.

Thirty-seven percent of all seniors have no coverage at all for their prescription medications. That percentage in rural areas is 50 percent. Fifty percent of seniors in rural areas have no coverage whatsoever.

Another significant percentage have inadequate coverage. So at the very least, we are talking about half the seniors on Medicare and we cannot just dismiss them out of hand and say because it is only half the seniors on Medicare we should therefore forget about them. These seniors have very serious problems paying for their food and for their medication.

A couple of stories. I have seniors in my district who have written me, women who have written me and said, I do not want my husband to know, but I am not taking my prescription medication because my husband is sicker than I am, and we cannot both afford our medications.

It should not be that way in this country, not when all of those people are already on a Federal health care plan called Medicare.

The Republican reaction to our bill, which has virtually no cost to the Federal Government, is, oh, dear, it may involve price controls, which it does not; pharmaceutical companies may not be as willing to do research and development. I do not believe that for a moment.

They have not signed on to a bill with virtually no cost to the Federal Government, and when it comes to the President's plan they say it costs too much.

What is uniform here is a refusal to recognize the seriousness of the problem that seniors are having paying for their prescription medications and their food and their rent or whatever, an unwillingness to come to grips with it. The President's plan comes to grips with this problem. He is basically saying, if we were inventing Medicare today, no one, no one, would leave out a prescription drug benefit.

?????o the question in this time of unprecedented economic growth, with budget projections that are better than any this country has seen in the last 30 or 40 or 50 years, the question is, cannot we take care of our seniors? I really believe that we can.

There is another piece of the proposal that I wanted to mention. I think this is an important piece of the proposal. What the President is saying is we need a competitive defined benefit plan. It builds on the security and the stability that we have in Medicare today.

Now, what do I mean by that? Well, today the benefits that people have under Medicare remain the same, from year to year to year, unless Congress acts to change them. There is stability. There is predictability. There is continuity in that benefit structure. But if private insurance companies come into Medicare, take over Medicare, what we will find is the benefits will start changing; prescription drugs that are covered today will not be covered next year; the benefits will change; the premiums will change, and we will wind up with confusion, with lack of clarity, with instability and with lack of predictability. That is not what seniors in this country need.

Now, what the President is saying to the extent that there are managed care companies, HMOs, operating under Medicare, and that is about 14 percent of the Medicare market right now, they ought to be providing a basic, defined benefit plan which cannot be changed. Stability, continuity, predictability, that is the kind of competition we need, over price, over quality, but not over variation in benefits.

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Private health insurance companies will also act to exclude the sickest and the poorest and to cover the healthy and the wealthy. That, again, is not what our seniors need. We want the equity of this existing Medicare system to continue under any reform proposal.

What is exciting about the President's proposal is that he has made the commitment to preserve the equity in the system, he has made the commitment to expand and improve on the benefit structure by adding a Medicare benefit, and he has also insured the solvency of Medicare out to the year 2027.

This is a remarkable achievement. We should not let this opportunity pass by. We have a chance in this country now to take the two programs that mean the most to our seniors, social security and Medicare, and use the surplus that we have, set it aside, save it, and take care of these two major commitments of the Federal government.

The message is clear, first things first. We have a commitment to our seniors, social security, and Medicare. We have the resources to make sure that the government follows through on that commitment, and we ought not to let this opportunity pass by. I thank the gentleman very much for yielding to me.

Mr. PALLONE. I just wanted to thank the gentleman from Maine. He has been the leader on this whole issue of the high cost of prescription drugs. He introduced a bill, I think he gave us the number, but I call it the Allen bill, because he is the prime sponsor. I am a cosponsor of that bill. I think it is a very important piece of legislation in terms of the effort to try to control prices of drugs, which are out of hand, particularly for senior citizens.

I am really glad that the gentleman talked about how the President's bill, even though it is different, or the President's proposal, even though it is different, tries to get at the costs. One of the things we mentioned was this whole discount that would be available, as well as the competitiveness.

The gentleman's proposal as well as this one I think kind of follow on each other in an effort to try to achieve the same goal. I just wanted to say, I wanted to yield to the gentleman from Texas, but I know a lot of people, and I have already heard that from some of the Republicans, and I am not saying all of them, because I think we are going to actually get some Republican support on this, and hopefully a lot of it. But I have heard the same thing, this does not help everyone, this only helps 50 percent of the people.

The President said yesterday, this was a modest proposal. This was not a proposal to try to cover everyone, but it is modest and it is paid for. That is the main thing.

He went out of his way in the document that was presented to us yesterday and in the discussions we have had since then to show in detail how every penny of this thing is paid for. I think that is important, because we know that everything is not endless around here and we have to pay for things.

The fact of the matter is something like 31 million seniors would benefit from this program, a majority. To me that is a strong beginning, and something that we should support. I appreciate what the gentleman said.

I yield to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, if I might address some queries to both gentlemen, first, if I understand the legislation of the gentleman from Maine, it does not involve any cost to the taxpayer at all. Is that correct?

Mr. ALLEN. I would agree with that, except there might be some small administrative cost, but virtually no cost.

Mr. DOGGETT. There are various ways to deal with this problem, but what the gentleman is spotlighting, those least able to pay get charged the most. I know one very commonly prescribed medication for those over 65 having to do with cholesterol, that it is 300 percent more if one is a senior paying individually than if one is in some kind of group health insurance plan, like many of my folks are there in central Texas.

So, for example, I have here in Washington today a number of teachers from our public schools. They have a better arrangement probably now through their group and health insurance to get prescriptive drugs than they would have as an individual retiree once they are on Medicare, because there is no Medicare coverage, and they are going to be charged all the market will bear when they are having to bargain for themselves individually, is that not correct?

Mr. ALLEN. The gentleman has it, that is right.

Mr. DOGGETT. But that is not true for veterans, is it? We also have some veterans here today from central Texas. A veteran going through the Veterans Administration can avoid that problem to some extent, can he not?

Mr. ALLEN. To some extent. Certainly some veterans get their prescription drugs free through the Veterans Administration. It does not apply to all veterans, but it does apply to some. There are some benefits for veterans, that is true.

Mr. DOGGETT. How is it that the Veterans Administration is able to get these prescription drugs at a more reasonable price than an individual veteran not covered, or someone who is on Medicare and not covered can get them?

Mr. ALLEN. If the gentleman will yield again, basically this is a question of market power. The best prices are given by the manufacturers, the pharmaceutical manufacturers, to hospitals, HMOs, or the Federal government, all of which have some negotiating power.

What my legislation does and what the President's proposal does, to an extent, is basically say, for those people who are already under a Federal health care plan, namely, Medicare, they ought to get a similar discount. That is all that we are saying with the legislation that I have introduced.

Mr. DOGGETT. So to all those major interest groups that are opposing the gentleman's legislation and saying we are going to have cost controls and we are going to threaten research and all these various straw men that they raise to oppose doing something for seniors who have to pay the most when they have the ability to pay the least, the gentleman is saying, really, he is going to let the market work, but he is going to bring a little equity in the bargaining power to the marketplace.

Then I would ask the gentleman, and I appreciate very much the gentleman's leadership on this measure, I would ask the gentleman from New Jersey about why it is, at a time when Congress has recessed early, before people have left work in Austin, Texas, and in much of the country, I think Congress recessed today again just after doing very, very little and nothing very meaningful for the American people. We were not here on Monday. There is some debate whether we will be here on Friday.

Why is it that there can be an issue as important as providing prescription drugs for those who are over 65 and addressing the concerns through a Patients' Bill of Rights of those of all ages who rely on managed care, why is it that the Congress is not out here having a full debate, where Republicans and Democrats are debating about what the best way is to solve this problem?

Mr. PALLONE. I think the answer is very simple. That is that the Republican leadership in the case of the Patients' Bill of Rights, the HMO reform, simply does not want to bring up the bill because they do not want it to pass. They know if the Patients' Bill of Rights, the HMO reform, comes up and it is considered, it will pass, so they exercise their leadership by not bringing it up.

I think the reason they do it is very simple: They are beholden to the insurance companies. They are beholden to the HMOs. They spend, the HMOs spend millions of dollars on advertising and influencing congressional races. They do not want this legislation brought to the floor because they know it will pass.

Mr. DOGGETT. At least in terms of the time available here, there is no reason why we could not have already considered the Patients' Bill of Rights. And as far as prescription drugs, whether it is the approach the gentleman from Maine (Mr. ALLEN) has taken, the approach that the President has recently indicated he supported, or any number of other avenues, there are other pieces of legislation introduced, the reason that those are not getting considered here on the floor has nothing to do with the Congress not having time to consider them, does it?

Mr. PALLONE. I do not think anybody can make the argument that we do not have the time. As the gentleman very well pointed out, we did not meet Monday, we met yesterday very briefly, today we adjourned at 2:30.

Mr. DOGGETT. We will have a recess next week. I doubt most people will know we are in recess. The Congress has done so little so far this year, they probably won't miss anything other than the rhetoric next week, certainly no meaningful action.

Mr. PALLONE. The gentleman did not mention, but I could add, it took almost 2 weeks in the other body, the Senate, for the Democrats to insist that the Patients' Bill of Rights be brought up. They almost had to filibuster in order to make sure that the bill was brought up.

I understand that when we come back after the recess that there is an agreement to bring up the Patients' Bill of Rights in the Senate, but there were two weeks wasted because the Republican leadership would not bring it up. It remains to be seen whether they actually do when we come back.

Mr. DOGGETT. I know next week during the recess here in Washington I am going to be meeting with seniors in Austin at a pharmacy to do very much the kind of presentation I know the gentleman has already done in New Jersey, to point out for a neighborhood pharmacy in Austin, Texas, the difference in the charges that seniors without prescription drug coverage get charged and that everybody else gets charged. It is a cruel disparity.

I have one letter after another here that I expect I will have an opportunity to explore with the gentleman at another time as we try to draw attention to the failure of the Republican leadership to deal with this issue; of people saying that they have to make some really critical lifetime choices, and sometimes it is a matter of choosing food, of choosing groceries, or choosing prescriptive drugs.

I think the American people should be appalled at the failure of this Congress to come to grips with these issues. It is not a lack of time, it is a lack of leadership and a lack of interest in these kinds of pressing problems that the American people face. I thank the gentleman for his leadership on this.

Mr. PALLONE. I appreciate the gentleman bringing this up.

When the President unveiled his plan yesterday, and we were there, that was the reason he cited why he was dealing with this prescription drug benefit, because he said that when he was first elected he was hearing a chorus from different senior groups about how they had to decide between whether they were going to eat and have proper nourishment as opposed to paying for their prescription drugs.

He vowed that he was going to make sure that something was done about it so people did not have to make that choice.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I want to thank the gentleman for his leadership on this issue.

Coming from Florida, where we have over 3 million senior citizens, this is a real crucial issue for us. I can tell the gentleman that no matter where I go in Florida, the major issue is Medicare and what is going to happen to the program. Really, it is not social security, it is not education, this is what on their minds, because of the cuts that exist in the program from the balanced budget amendment.

Can the gentleman tell me a little bit about the President's proposal in restoring some of those cuts in home health care?

Mr. PALLONE. I know that concerns have come up with home health care, with some of the outpatient services, and also with teaching hospitals that have been concerned about the limitations on the amount of money that they have available with research.

What the President said, and I do not have the details in front of me, was that because of the infusion of funds from the 15 percent of the surplus, which is a growing amount now that would be dedicated to the Medicare program, and because of the cost savings that he was putting in place with the new efficiency and competitive proposals that I mentioned previously, and others, that more money would be available to address some of these problems.

Yesterday he did not specifically mention which ones would receive a certain amount of money, but a lot of things the gentlewoman mentioned, including the home health care.

Ms. BROWN of Florida. Nursing homes.

Mr. PALLONE. They were mentioned. My understanding is that because of the savings, as well as the money that is going to be made available in the surplus, because of the surplus, some of those concerns can be addressed.

Ms. BROWN of Florida. A couple of those things that he did mention, which is very exciting for people in Florida, and one that the gentleman has been talking about, the prescription drugs, which is so crucial for the people of Florida, I cannot tell the the gentleman how many times that I go home and this subject comes up about the cost of medicine.

People join the HMOs for various reasons. Basically, their prescriptions eat it up in a couple of months, and then they are left having to pay this astronomical cost of medicine. So I am very excited about this portion of the President's proposal.

Another proposal that is very exciting is that when this program started in 1965, a lot of the things that we have done in medicine were not available, so the prescreening portion, that people can go in and be screened for cancer, diabetes, and other things without any cost, that preventative part, and not be penalized, that preventative part I think is so crucial.

Mr. PALLONE. I agree. I have to be honest, for the 12 years that I have been in Congress, I guess it is 11 years, the thing that always bothered me the most was how we did not provide any incentives for preventative care.

Forgetting the health aspects, which of course we do not want to forget, that is the most important thing, but just looking at it from a financial perspective, every one of the things that the gentlewoman mentioned, if that manages to catch something before it gets worse it is going to save us so much money, because down the road we would have to pay for the operation, the hospital care, the nursing home care, astronomical costs that can be saved because somebody does some kind of preventative screening or testing.

So what the President proposed makes sense. Why penalize people or discourage them from having those kinds of preventative measures? I totally agree. I think that was one of the best aspects.

Ms. BROWN of Florida. One of the things that I have decided to do, Mr. Speaker, to highlight the program, is in my town meetings I am going to bring in seniors in Jacksonville, I am going to have a coffee with them, to discuss the proposal; in Orlando I am going to bring them in during a luncheon. Because I think it is important that they not only talk with me and get the details of the proposal, but they call the other representatives in the area.

I think it is very important, particularly for Florida, with the number of elderly population that we have, and growing, that we get some relief. I think this is a way that we can go in Florida. I am hoping that all Members of the Florida delegation will support this proposal. Of course, the people can decide whether or not they think this is important.

Mr. PALLONE. I agree. One of the things, one of the reasons I think it is so important that we have these kinds of outreach programs, is my own experience in my district.

My district runs from very wealthy to very poor. A lot of the seniors who are below a certain income and eligible for what we call the QMBY program, where their Part B benefit was paid and they did not even have to put out a premium, were not even aware that that was true. They did not know that they were eligible to not have to pay the premium for the Part B doctor's bills. The same is going to be true with this program.

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Once we put this into place, this new part D, if they are below a certain level, I think I mentioned $11,000 for a single or $17,000 for a couple, they would not even have to pay the premium. So for the group of people that are in that category, this is a Godsend in my opinion. So it is important to get out there and, as the gentlewoman from Florida (Ms. BROWN) says, and talk to people about it. Because a lot of people are not even aware of the benefits that are there for them now, let alone once we pass this new benefit.

Ms. BROWN of Florida. Madam Speaker, I think, in the richest country in the world, it is ludicrous that seniors have to decide whether or not they are going to pay their rent, buy their medicine or buy food. I think we need to commend the President for coming forward with this recommendation.

Mr. PALLONE. Absolutely.

Ms. BROWN of Florida. So I will do all I can to inform the public so that they will call Members of Congress. A lot of people think that we are working because we are meeting 5 days a week. But it is not the quantity, it is the quality of what we are doing. If we are not dealing with the issues that is important to them, then we might as well be home doing constituent case work.

Mr. PALLONE. Exactly. Madam Speaker, if the gentlewoman would bear with me, I mentioned earlier OWL, which I think stands for Older Women's League. They put out this report around Mother's Day this year that we were talking about on the floor at the time to try to get some of the changes that the President has now proposed. There were just three examples. They gave some real life examples that were mentioned at that time. If I could just briefly mention them, because I think they really illustrate why this is so important.

This is a woman from Montgomery, Alabama, Clusta, I do not know if I am pronouncing it right, C-L-U-S-T-A, I guess is her first name. She is 77, widow of 15 years, lives alone. Social Security is her sole source of income. Her Medicare Part A hospital coverage is supplemented by Blue Cross/Blue Shield. She pays her Medicare Part B premium as part of the specified low income Medicare beneficiaries. So that means that she does not get it all free, but she gets some assistance. So she does not pay the whole thing.

But she goes on to talk about how valuable Medicare is, but she says it is not enough. She spends as much as $3,000 a year on her health, most of which goes for medicine. She takes 15 different medications, some twice a day. Of course, she lives in subsidized housing.

In order to be in that slim B category, she is probably making maybe, I do not know, $12,000, $13,000 a year. She is spending $3,000 of that on prescription drugs. I mean, it is ridiculous. My colleagues can see how this would benefit her.

There is this other woman, Joan, from southern Connecticut. She is 67, retired social worker, and I am going to skip a lot of this stuff. But she has an illness which she explains as too many infection fighting T cells that attack her internal organs and her nerve cells. She goes on to describe her illness, but she has a supplemental insurance policy which covers 80 percent of her medication. Otherwise, prescription drugs would cost her $3,500 annually. But this policy, which is a Medigap policy, is said to expire, and she is now looking to replace it.

Now, again, I think the gentleman from Maine (Mr. ALLEN) was pointing out that there has been some suggestion, well, a lot of seniors get prescription drugs because they have Medigap, supplemental insurance that they pay, so what is the big deal? Well, the big deal is that, in many cases, they cannot afford to buy Medigap because it is getting more and more expensive. A lot of people cannot get the coverage.

In this woman's case, she knows it is going to expire. She obviously cannot continue it. I mean, she would benefit in a major way, $3,500 a year in prescription drug benefits. It is unbelievable.

Then I just want to mention one more, and this is a woman, Rhoda, from suburban Minnesota. She is 70. Her late husband and her both suffered from chronic disease. She is a breast cancer survivor. She talks about the value of Medicare.

She said that her and her husband spend closes to $300 a month on prescription drugs. They take three prescription medications apiece everyday, and her husband took two insulin shots each day as well. The couple pay out of pocket for various things.

I mean, again, I do not want to get into all the details, but there are just so many people out there that are in this category. That is why we need this program.

I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Madam Speaker, I just want to add one thing. With all of the advances in medicine, some of the most beneficiary advancements include our ability to detect diseases before they become life threatening. Under the President's plan, these types of screening would also be covered.

We all know that one ounce of prevention is worth a pound of cure. This is a perfect example of how we can use medicine advanced to make smart and cost effective changes in the way we deliver health care.

I really want to commend the President for coming forth with this recommendation, and I am hoping that we in the Congress will look very seriously at his proposal, and that the community will get involved, and that different groups that support elderly get involved so that we can pass a bill.

Mr. PALLONE. Madam Speaker, I have to say I know that we have been very disappointed with the Republican leadership on a number of health care initiatives, most importantly the Patients' Bill of Rights that they refuse to bring up, so that now we have got to actually sign this discharge petition and try to get it to the floor.

So far, there has not been a lot of criticism of the President's proposal on Medicare. I am hopeful, I am sort of crossing my fingers here and hoping that, at some point, we will see an expression of support for this.

Ms. BROWN of Florida. Madam Speaker, I am certainly hoping that everybody from Florida will take a real close look at this proposal because I do not think it should be a Democratic or a Republican proposal. I think this proposal should be one that benefits the people, particularly the people of Florida. I am just hoping that my colleagues will come to the table and let us work together for the good of the people of Florida and also the good of the people throughout the country. I think we can do this in a very bipartisan way.

Mr. PALLONE. I hope so. Madam Speaker, again, I just keep pointing out that the only reason that we start to agitate as Democrats is because we cannot get some of these good proposals brought forward. That is certainly true with the Patients' Bill of Rights. But, hopefully, it does not have to be the case with this Medicare proposal.

I know that, initially, there was Republican resistance to the idea of taking 15 percent of the surplus and using it for Medicare. I hope that they will go along with that. I hope that they will go along with the prescription drug proposal and some of these other very significant changes in Medicare that the President has proposed.

Ms. BROWN of Florida. Madam Speaker, I once again want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership on this matter. The people in Florida owe him a great deal of gratitude for bringing this issue before the public.

Mr. PALLONE. Madam Speaker, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Madam Speaker, I want to thank the gentleman from New Jersey (Mr. PALLONE) again for leading us always on these very important issues.

I was listening to the comments in my office. It dawned on me that I represent one of the youngest, if not the youngest, district in the Nation. Traditionally, a lot of the discussions in my district are about young people, and, therefore, day care and education and schools; and a lot of times, unfortunately, not enough is discussed about the issue of senior citizens.

Yet, it dawned on me also, as I was listening, like the rest of America, my district is aging. We are not becoming the younger district that we were. All of a sudden, this becomes a very serious issue.

I just wanted to come down and take just a few minutes to say that I think the President has put before us an excellent plan, and there is no reason why we should not respond to it.

But my biggest concern continues to be the same concern I had when I came down last week and joined the gentleman for the discussion on HMOs, managed care. The whole issue of how can we as the greatest Nation on earth continue to dodge, to duck the issue of providing the best, which we are capable of, medical care, the most affordable, which we are not doing but we are capable of, and the most universal medical care.

If we had bad medical services in general, if we had bad medicine and we had bad doctors, then maybe the plan would be to keep a lot of people away from it and not make it available to everybody. But that is not our case.

So what the gentleman from New Jersey is doing here today, and what I want to join him, is to plea with the American people to join us in alerting Members of Congress to the fact that this time here we are dealing with yet another issue in the whole area of providing medical services.

At times, we deal with the millions of young people and Americans who are not covered by medical insurance. At other times, we deal with the whole issue of the people who are not getting the proper services. Here we are talking about people that are covered but who run the risk of having this kind of coverage either end someday or not be handled properly or not be of the quality that it should be.

We have before us a proposal that I think makes a major step to address that issue. We have an opportunity to deal with it in a bipartisan fashion.

Madam Speaker, I just wanted to take these few minutes to join the gentleman from New Jersey, to thank him again for bringing us together and to tell him to count on me and his colleagues to continue to put this message forward, that this is about saying what a society stands for.

If a society cannot take care of its children, and we have spoken about that, cannot take care of its elderly, then it really did not accomplish what it set out to do. This is an opportunity, and we can do it.

Mr. PALLONE. We will continue and bring this up on a regular basis.

Madam Speaker, I yield to the gentleman from Washington (Mr. BAIRD).

PROVISIONS FOR LANDSLIDE AND MUD SLIDE VICTIMS

Mr. BAIRD. Madam Speaker, I rise today to inform my colleagues about a rather unique, but important natural disaster that has occurred in my district. Since actually well before I was sworn in, a very slow moving but powerful landslide has destroyed more than 130 homes in the city of Kelso, Washington.

The nature of landslides is such that they are not well covered by coverage normally available through FEMA and HUD and other disaster relief mechanisms available through the government. The result is that these people have lost virtually everything they own. Fortunately, we have lost no lives. But 130 people have seen their dreams destroyed by this landslide.

I have exhausted and worked very hard with my staff and the agencies to provide whatever help we can provide. Yet, still uncompensated and uninsured damages remain, and we have looked for ways that we might be able to help them.

Therefore, we have devised some targeted tax measures that would assist folks in this particular type of situation. It would provide targeted tax relief to homeowners located in State or federally declared disaster areas who have lost their homes due to disasters for which insurance is not readily available.

Let me underscore that. One can buy insurance for a great many natural disasters, but landslide and mud slides, it is very difficult to find insurance, and it is very expensive if one can find it.

Let me underscore also that normal FEMA coverage does not help in situations like this. The homeowners in this particular district have done everything they can. They have done it right. They have played by the rules. They are two income families. Yet, they have lost everything.

So this is what our bill would do. It would clarify the law to ensure that any mortgage forgiveness provided to homeowners would not be taxable as income. What would happen there is, should a lender decide to forgive interest or forgive a mortgage, under current law, that forgiveness could be considered a gift, and the poor taxpayers who now have their home buried under mud would have to pay taxes on a home which has been completely obliterated. It will not be a common thing, but if people are kind enough to step forward and forgive mortgage in those cases, it would be important.

Additionally, this legislation would establish a tax credit to help those taxpayers who required to continue paying mortgage payments on the destroyed home as they also pay rent or additional mortgage payments for a new residence.

Put ourselves in the position of these homeowners. Again, they have played by the rules. Through no fault of their own, their primary home has been destroyed. They are still having to pay mortgage on that home while they rent another residence for their family. This proposal would provide some tax relief in that circumstance.

There is a third thing this would do. If one should try to claim a casualty loss for one's destroyed home, under current law, the calculation on that loss is on the basis of the home. As we know, the basis is its initial value when one purchased it, not the current value. So what we would do is adjust the way that calculation is developed so that one could deduct, take a casualty loss based on the current value of the home, the most recently assessed value.

These are common sense measures. They are fair measures. They would help good hard working constituents who played by the rules and, through no fault of their own, have lost virtually everything they own. It would have minimal impact on the Treasury because it deals with the very small and specific instance in which our existing laws have not been able and our existing agencies have not been able to help these folks.

Finally, Madam Speaker, and there are some cases where homeowners are fortunate enough to sell their home in these disasters, and this legislation would allow the homeowners to deduct the full value of the loss.

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There are some complexities to it which we could share in accompanying written testimony, but my main point is to share the following points:

We have homeowners who have, again, lost everything they owned, who were not able to buy insurance and for whom FEMA and the other disaster mechanisms have not been able to help. This is a targeted, specific and quite inexpensive proposal to just help those folks in federally- or State-declared disaster areas who have lost virtually everything try to get a little bit back through the structure of the tax codes.

I thank the gentleman very much for yielding, and I hope the Congress will consider this favorably.

Madam Speaker, I rise today to inform my colleagues about a natural disaster situation in my district that warrants significant relief, and to introduce legislation that will provide some badly needed assistance to the victims of these disasters.

Since even before I was sworn in as a member of this body, I have been working with a group of constituents from the City of Kelso, in my Southwest Washington district, to provide assistance to their disaster-torn community. This city has literally been torn apart by slow-moving landslides that resulted from heavy rainfalls. In fact, during the last 14 months, more than one hundred homes have been destroyed by those landslides, and the remainder of the homes may suffer the same fate in the next 5 to 10 years.

These constituents and their families have struggled to rebuild their lives after their homes or their businesses tumbled down the hill under tons of mud and debris, and I have done everything in my power to ensure that the federal government does everything that we possibly can to help them to that.

Our Nation has experienced several very powerful natural disasters in the past few years. What differentiates these disasters in my district from many others is the fact that insurance was not readily available for this type of disaster—in fact, most homeowners policies specifically exclude mudslides as a covered peril—and now many of these folks have lost nearly everything they own.

Therefore, Madam Speaker, I have devised some targeted tax measures that would assist folks in this type of situation.

My legislation would provide targeted tax relief to homeowners located in state or federally-declared disaster areas, which have lost their homes due to disasters for which insurance is not readily available. I can't emphasize enough—many of these folks have lost everything. In most cases, any assistance received from FEMA or state agencies might compensate for 15 to 20 cents on the dollar for their losses, but will only be a small step in helping these homeowners get back on their feet.

These homeowners need a fair chance to get back on their feet, without continuing to shoulder the burden of heavy debt for a destroyed residence. So this bill combines a number of changes to the tax code to help give them such an opportunity.

First, the bill clarifies the law to ensure that any mortgage forgiveness provided to these homeowners would not be taxable as income. Madam Speaker, I have heard from some financial planners in my district that in some cases, they have advised their clients not to seek forgiveness of their mortgage debt from their lenders for this very purpose; and I know for a fact that there are some local lenders who would generously provide such relief for some borrowers if, in fact, such forgiveness was sought by the homeowner. The Federal Government simply should not be taxing the generosity of these lenders who may provide relief of a disaster-victim's heartache. To me, this is common sense and should be expressly defined by the tax code.

Additionally, the legislation would establish a tax credit to help those taxpayers who are required to continue paying mortgage payments on that destroyed home as they pay rent or additional mortgage payments on a new residence. These are some of the most devasted homeowners that I have encountered. Not only have they lost nearly everything they own, but now they face years of carrying this heavy burden of debt in addition to the regular expenses of purchasing a new home and rebuilding their lives.

So I have developed a tax credit that would permit these taxpayers to reduce their taxes by the amount of the mortgage payments on that destroyed home in the years following a disaster. As I stated before, this provision would apply to those disasters for which insurance is not readily available, and only to those mortgage payments made after the qualifying disaster. I simply believe that this is the most direct method of helping our constituents who carry this enormous burden.

Third, the bill would adjust the computation of the casualty loss deduction by allowing taxpayers to deduct the fair market value of a home, instead of only the basis in the home as permitted under current law. Again, this applies only to taxpayers facing this extreme set of circumstances and would not apply to taxpayers who elect to take the credit which I discussed previously. But more importantly, this is a fair measure. Taxpayers who may have lived in a particular home for 20 or 30 years, who may have nearly all of their savings tied up in that home, deserve to get an adjusted deduction that accounts for the modern-day value of that home.

Finally, Madam Speaker, in those cases where the homeowner is fortunate enough to sell a home located in such a devasted area, which may or may not have been irreparably damaged but may be severely devalued, this legislation allows taxpayers to deduct the full value of that loss. Current law limits taxpayers to a capital loss deduction of $3,000, with the ability to carry over any balance to future years. Section 5 of this measure would eliminate the $3,000 limit under these narrow circumstances, so that taxpayers would be able to immediately deduct the full value of a loss taken on the sale of their property which, in many areas heavily impacted by natural disasters, may have depreciated extensively. As under current law, any balance of the capital loss beyond taxable income would be carried over to future years. In my opinion, there's no reason for applying this limitation to capital losses to natural disaster situations and, for that reason, I am proposing that we lift the cap in only these cases.

Madam Speaker, I realize that the situation in Kelso may be unusual, but as such, the impact of this measure on the federal government should be limited. It's impact, however, in helping to rebuild the lives of our disaster victims would be enormous.

This is clearly the right thing to do to help our neighbors get back on their feet. As we wrestle with the option for spending projected budget surpluses in the foreseeable future, I ask my colleagues to consider the plight of our nation's disaster victims and to support these efforts to expeditiously enact the measures that I am proposing today.

FIBROMYALGIA

The SPEAKER pro tempore (Ms. GRANGER). Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS. Madam Speaker, I rise today on behalf of the approximately 3.7 million Americans who are plagued by a little-known chronic disorder called fibromyalgia.

Fibromyalgia is a severe form of arthritis characterized by widespread pain and tenderness in the areas of the neck, spine, shoulders, and hips, as well as by fatigue, weakness and sleep.

Unfortunately for these individuals affected by fibromyalgia, the exact cause of the disorder is unknown, and worse yet, there is no known cure; however, this much is known about fibromyalgia, it may be triggered by stress, trauma or possibly an infectious agent in susceptible people.

Thanks to the efforts of organizations such as the National Arthritis Foundation, the Centers for Disease Control and Prevention, CDC, and the National Institute of Arthritis and Muscular Skeletal and Skin Diseases, NIAMS, breakthroughs in treatments for relieving the pain of those affected by fibromyalgia are now more commonplace, thank goodness. Medical experts, for example, have determined that a combination of exercise, medication, physical therapy, and relaxation can help relieve the symptoms of fibromyalgia. This is very good news, but there is a lot of work still left to be done.

I respectfully call upon my colleagues on both sides of the aisle to recognize the severity of the issue of fibromyalgia, to support individuals affected by fibromyalgia through public awareness and education, to recognize the leadership of the Arthritis Foundation, CDC, and the States in developing the National Arthritis Action Plan, which includes strategies to address all forms of arthritis, including fibromyalgia, and to recognize the importance of committing resources to the Arthritis Foundation, the CDC, NIAMS, and the relevant Federal research institutions helping to pinpoint the cause of fibromyalgia, and eventually find a cure for fibromyalgia.

Before I finish, I would like to share with my colleagues a story of a constituent of mine, Lin Kisslinger, from Oklahoma City, who was diagnosed with fibromyalgia 9 years ago. Lin is an extremely courageous woman who has gone to great lengths to promote an awareness of fibromyalgia in my home State of Oklahoma and throughout the country. Lin successfully helped establish a statewide fibromyalgia awareness day in Oklahoma, and she played an integral role in finding the Fibromyalgia Support Group of South Oklahoma City.

With Lin Kisslinger's continued dedication to promote the awareness of fibromyalgia, combined with the efforts of the Oklahoma City and Tulsa chapters of the National Arthritis Foundation, the National Arthritis Foundation itself, the CDC, and NIAMS, I am confident that a cure for fibromyalgia will be discovered sooner, rather than later.

I respectfully urge my colleagues to support my House Resolution on fibromyalgia.

SUSPEND CLINTON-CASTRO MAY 1995 MIGRATION ACCORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Madam Speaker, I rise to call for the immediate suspension by the Clinton administration of the May 1995 Migration Accord with the Cuban dictatorship and to urge the adoption of a serious U.S. policy of assistance to the Cuban internal opposition, and other steps to accelerate the liberation of Cuba and an end to the refugee tragedy, as well as to the threats to U.S. national security posed by the Castro dictatorship, all of which are being covered up and ignored by the Clinton administration.

This administration's policy towards Cuba can no longer hold. The administration cannot continue to sweep the Cuban crisis under the carpet. The Cuban crisis and the tragedy of the oppression of the Cuban people must no longer be treated as an immigration issue. We must address the issue comprehensively as one of vital U.S. national security, including the need to stop Cuban narcotrafficking, a congressional hearing on which will take place very soon.

Madam Speaker, I want to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from New York (Mr. GILMAN) and their staffs for their critical work on this very serious matter.

We also have to realize that this problem, the problem of the Cuban dictatorship, is one of biological weapons development, of promotion of international terrorism, of destabilization of the Western Hemisphere, of alliances with rogue states in furtherance of anti-American interests, and of the promotion of international criminal activity.

The way to solve the immigration problem is to solve the national security problem and the tragedy of the oppression of the Cuban people. Before Castro's takeover of Cuba in 1959, never, even during the worst poverty of the economic depression of the 1930s, not only were there no rafters, there was not even 1 year when the U.S. quota allotment of immigrant visas for Cuba was filled. The Cuban people are not an emigrant people. They are desperately seeking freedom today due to the totalitarian oppression and economic destruction caused by the Castro dictatorship.

Yesterday, off the coast of Miami Beach, we saw an unfortunate demonstration of the profoundly unacceptable nature of the Clinton policy of focusing on the Cuban tragedy as an immigration issue. The policy is deeply flawed.

The United States should immediately, one, first suspend the immoral and illegal Clinton-Castro Migration Accord of May 1995, which violates the generous tradition of the American people with regard to refugees from Soviet Bloc countries and also violates the Cuban Adjustment Act of 1966.

Secondly, inform Castro with all clarity that any attempt to fabricate a new crisis for the United States, such as by attempting to send massive amounts of refugees, shall be responded to with immediate U.S. action which would include a naval blockade of Cuba, not only of refugees which would be returned to the Cuban shore, but also of all oil shipments to the island.

And, thirdly, initiate a serious and vigorous program of assistance to the Cuban internal opposition and other steps to hasten the demise of the Cuban dictatorship and the reestablishment of democracy and the rule of law in Cuba.

The time has come, Madam Speaker, to end the suffering and oppression of Cuba, not to fire water cannons and pepper spray on defenseless Cuban refugees trying to swim to freedom.

HEALTH OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 60 minutes as the designee of the majority leader.

Mr. GEKAS. Madam Speaker, we ought to begin this presentation with proposing a toast, and perhaps we can raise our glasses to propose a toast to the health of the American people, because that is what this special order is all about, the health of the American people.

For a long time now, many of us in the House have been about the business of trying to double, over a period of 5 years, the funding for the National Institutes of Health. In doing so, we are focusing directly on the reason for the toast that we made to start the proceedings, namely preventive medicine for the health of the American people, remedies for some of the maladies that afflict the American people, and long-term strategies to bring about a world safer for our people, and to rid the world eventually of all of our diseases that so ravage the lives of so many people.

So doubling the funding for the NIH, for the National Institutes of Health, is a worthy goal and it accomplishes so many facets of goals for the American people, and for the citizens of the world, for that matter, that sometimes we wonder why there is not more support than there sometimes is shown. But last year, last session, we were successful, those of us who participate in this endeavor, in making the first downpayment on the doubling effort over a period of 5 years by succeeding in having our appropriators list $2 billion into the then budget, the downpayment on the doubling.

We are now in the posture where we must do the same thing in order to maintain the momentum by bringing about increased funding for the NIH for the current session. In doing so we have introduced H. Res. 89, I believe it is, which asks our Congress, our House of Representatives, to consider doubling the funding for NIH.

Madam Speaker, I submit for the RECORD the copy of H. Res. 89, which takes care of what we are after in the funding for the National Institutes of Health.

H. RES. 89

Whereas past investments in biomedical research have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease and revolutionized the practice of medicine;

Whereas the Federal Government represents the single largest contributor to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many of the new drugs and medical devices currently in use is based on biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been underrepresented in medical research protocols, yet are severely affected by diseases including breast cancer, which will kill over 43,900 women this year; ovarian cancer which will claim another 14,500 lives; and osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alzheimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immune deficiency disorders;

Whereas many Americans still face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease, threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the medicare and medicaid programs;

Whereas 4,000,000 Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer, as well as liver failure;

Whereas 250,000 Americans are now suffering from AIDS and hundreds of thousands more with HIV infection;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every six American men will develop prostate cancer and over 49,200 men will die from prostate cancer each year;

Whereas diabetes, both insulin and non-insulin forms, afflicts 15,700,000 Americans and places them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis, and nerve degeneration;

Whereas the emerging understanding of the principles of biometrics has been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, and diagnostic and analytical reagents;

Whereas research sponsored by the National Institutes of Health will map and sequence the entire human genome by 2005, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnosis, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies and research training programs, and in developing new skills among scientific investigators; and

Whereas most Americans show overwhelming support for an increased Federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Biomedical Revitalization Resolution of 1999".

SEC. 2. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that funding for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 2000 and that the budget resolution appropriately reflect sufficient funds to achieve this objective.

Mr. GEKAS. Madam Speaker, I also want to enter into the RECORD the list of our cosponsors for the resolution, which reads like a who's who of our current membership in the House of Representatives.

H. RES. 89

Sponsor: Rep Gekas, George W. (introduced 03/02/99).

Cosponsors (58):

Rep. Bentsen, Ken—03/02/99.
Rep. Callahan, Sonny—03/02/99.
Rep. Nethercutt, George R., Jr.—03/02/99.
Rep. Stearns, Cliff—03/04/99.
Rep. Green, Gene—03/04/99.
Rep. Frost, Martin—03/04/99.
Rep. Moakley, John Joseph—03/10/99.
Rep. Horn, Stephen—03/10/99.
Rep. Gonzalez, Charles A.—03/10/99.
Rep. Cooksey, John—03/10/99.
Rep. Ose, Doug—03/10/99.
Rep. Lofgren, Zoe—03/11/99.
Rep. Baldacci, John Elias—03/11/99.
Rep. Slaughter, Louise McIntosh—03/17/99.
Rep. Gordon, Bart—03/17/99.
Rep. Carson, Julia—03/23/99.
Rep. Goss, Porter J.—03/25/99.
Rep. Lewis, John—04/13/99.
Rep. Cummings, Elijah E.—04/13/99.
Rep. Bilirakis, Michael—04/13/99.
Rep. Hooley, Darlene—04/13/99.
Rep. Phelps, David D.—04/13/99.
Rep. Brady, Robert—04/15/99.
Rep. Gejdenson, Sam—04/27/99.
Rep. Wynn, Albert Russell—04/27/99.
Rep. Watt, Melvin L.—05/04/99.
Rep. Sanchez, Loretta—05/26/99.
Rep. Lantos, Tom—06/08/99.
Rep. Forbes, Michael P.—06/22/99.
Rep. Pelosi, Nancy—03/02/99.
Rep. Porter, John Edward—03/02/99.
Rep. Morella, Constance A.—03/04/99.
Rep. Shows, Ronnie—03/04/99.
Rep. McCarthy, Carolyn—03/04/99.
Rep. Pryce, Deborah—03/10/99.
Rep. Cunningham, Randy (Duke)—03/10/99.
Rep. Blagojevich, Rod R.—03/10/99.
Rep. Etheridge, Bob—03/10/99.
Rep. Bachus, Spencer—03/10/99.
Rep. Frank, Barney—03/10/99.
Rep. Nadler, Jerrold—03/11/99.
Rep. King, Peter T.—03/11/99.
Rep. Clement, Bob—03/17/99.
Rep. McIntyre, Mike—03/23/99.
Rep. Price, David E.—03/23/99.
Rep. Hoeffel, Joseph M.—03/25/99.
Rep. Mink, Patsy T.—04/13/99.
Rep. Bilbray, Brian P.—04/13/99.
Rep. Capps, Lois—04/13/99.
Rep. Coyne, William J.—04/13/99.
Rep. Wamp, Zach—04/13/99.
Rep. Eshoo, Anna G.—04/15/99.
Rep. LaFalce, John J.—04/27/99.
Rep. English, Phil—04/27/99.
Rep. Miller, Gary—05/04/99.
Rep. Capuano, Michael E.—06/08/99.
Rep. Borski, Robert A., Jr.—06/10/99.
Rep. McGovern, James P.—06/23/99.

Mr. GEKAS. And, Madam Speaker, I also wish to add to the RECORD a statement that I have prepared for this special order in which the title, quite appropriately, is "Doubling NIH Budget in Five Years—Taking the Second Step Toward Doubling." That is exactly what we are talking about.

"DOUBLING NIH BUDGET IN FIVE YEARS—TAKING THE SECOND STEP TOWARD DOUBLING"

1. Doubling funding for the National Institutes of Health over the next five years. Is this a reasonable goal? Can we and should we obtain this goal?

What is the current budget situation for the NIH? The Congress has a history of doubling the NIH budget over ten years, so we are suggesting that we accelerate the pace of discovery by increasing health research from the usual 7% or 8% increase to a 15% increase per year for five years. This is a reasonable and obtainable goal given our past funding experience and the future potential for health discoveries. We are suggesting that the NIH FY'2000 budget contain a $2 billion increase rather than the $1 billion increase the Congress would usually provide.

The result is that NIH will go from a funding level of $15.6 billion in FY'99 to $17.6 billion in FY'2000. This would be the second step toward doubling because we added $2 billion increase to the NIH budget last year. The second step should be easier than the first. We would take the NIH from a $14 billion budget to a $28 billion budget.

When I say we would make these increases I am referring to my colleagues, 56 other Members of the House who are committed to this same doubling goal and taking the second step by cosponsoring H. Res. 89. I am introducing for the RECORD the list of the 56 cosponsors, the "Dear Colleague" letter circulated by the Co-Chairs of the Congressional Biomedical Research Caucus: Reps. Callahan, Pelosi and Bentsen, joined by Reps. Porter and Nethercutt, along with a copy of the bill.

Can we make this goal this year? Certainly those in the Congress who know the operations of the NIH the best support us in the effort, including the Chairman of the authorizing Committee, Rep. Bilirakis and the Chairman of the appropriations Committee, Rep. Porter. I am pleased that both have committed to the goal and joined H. Res. 89.

We also have Senate support for the NIH doubling goal in five years from by fellow Pennsylvanian, Senator Specter, who has introduced a similar bill, S. Res. 19, to accomplish the same goal. He was joined in a bipartisan manner by his ranking Member on the Appropriations Subcommittee, Senator Harkin. We certainly have the political will to go forward with the second downpayment, if we call upon it. I am asking all of my colleagues to join us on this mission and cosponsor H. Res. 89, so we can call upon our leaders and show that we support this important funding priority.

2. I may have convinced you that we have the ability to meet this goal, but you may ask why we should? Here we stand in June 22nd, 1999, on the brink of the next millennium, very different, healthier people because of health research, than the cruel and short lived lives of individuals that witnessed the dawn of this past 1000 years. Despite the progress that we have made in health research, we still face major global health challenges. Because the U.S. is the world leader in biomedical research, we have a special duty to transfer the benefits of our discoveries to the people of the world. Although this is an altruistic statement, we also know that our own quality of life and security will be enhanced if infectious diseases are controlled. The spread of infectious disease is the number one global health issue that we all face, according to a recent report of the World Health Organization, infectious diseases killed 11 million people globally in 1998 and killed 180,000 people in the U.S., the third leading killer in the U.S. The NIH is taking the lead in confronting this global health problem by establishing a new center for vaccine development. Vaccines that immunize people against the HIV virus, new highly infectious strains of TB and against malaria the killer of children in sub-Sahara Africa are all possible, if we have the resources.

I feel very strongly about the global effort to transfer the benefits of NIH research through communication efforts such as the Internet and through commerce such as vaccine type drug therapies and prevention strategies. We will ultimately strengthen the economies of the developing world by attempting to eradicate disease. Last Congress I introduced a bill to establish a National Goals Commission with this purpose as its mission and I invite all of my colleagues to join me as original cosponsors of a new bill that also focuses on encouraging increased Internet conferencing on biomedical research and the control of infectious diseases through increases in vaccine development.

We are truly at a new frontier with the end of World War II, the end of the Cold War, where now former enemies in Europe work together to eliminate despotic state action that had once been tolerated, earlier in this Century. The U.S. has mobilized its resources to accomplish these goals and we can now harness and mobilize our scientists in all disciplines to assist the world effort to eliminate disease. This should be our highest priority for a national goal.

3. The increased funding we were able to provide the NIH last year has had a real impact on new priorities for the NIH with expanded activities in the following areas:

Expanding clinical research funding through better translation of research from the bench to the patient.

Accompanying expanded clinical research is promoting more PH.D/M.D. Researchers, which are on the decline, as the number of PH.Ds grows.

Expanding opportunities for collaboration with other science disciplines such as computer science and physics to work better at the molecular level.

Interpreting the human genome, which will be completed within the next two years.

4. Congressional Biomedical Research Caucus Briefings for the Congress have educated the attendees on the latest, cutting edge research. There have been over 90 briefings for the Congress since 1990. The 1999 Caucus Series was particularly instructive of the advances we are making in health care because of increased funding for research. For example, last week Dr. Solomon Snyder from Johns Hopkins University, told us that the role of Nitic Oxide in many human body functions such as heart pressure and as a neurotransmitter was only discovered in 1990. Since that time, medications such as Viagra, for male impotence have been developed in less than a decade. The pace of discovery has truly accelerated.

5. Emergency Spending-outside the 1997 budget caps: There is a global killer on the prowl killing 11 million people around the world and killing 180,000 people in the U.S. The World Health Organization just sounded an altert that we must controll this killer before it is completely out of control. Emergency spending has been found to assist in the Kosovo Campaign and I submit that this is no less important.

Madam Speaker, the 56 cosponsors are intent on having people like the gentleman from Illinois (Mr. PORTER) and the gentleman from Florida (Mr. BILIRAKIS) use their influence as chairmen of respective committees vital to this effort, who are also cosponsors, and I offer at this time the written remarks of the gentleman from Florida (Mr. BILIRAKIS), of whom I just spoke, on this subject.

Mr. BILIRAKIS. Madam Speaker, I rise in support of increasing the federal government's commitment to biomedical research through the National Institutes of Health. As Chairman of the Health and Environment Subcommittee of the House Commerce Committee, I am a strong advocate of this agency's vital mission. I have joined many of my colleagues in supporting efforts to double federal funding for the NIH.

The NIH is the primary federal agency charged with the conduct and support of biomedical and behavioral research. Each of its institutes has a specialized focus on particular diseases, areas of human health and development, or aspects of research support. When we consider its role as one of the worlds's foremost research centers, it is amazing to remember that the NIH actually began its existence as a one-room Laboratory of Hygiene in 1887.

Medical research represents the single most effective weapon against the diseases that affect many Americans. The advances made over the course of the last century could not have been predicated by even the most far-sighted observers. It is equally difficult to anticipate the significant gains we may achieve in years to come through increased funding for further medical research.

Last year, Congress gave a substantial increase in funding to the NIH. The fiscal year 1999 omnibus appropriations law provided $15.6 billion for the NIH—an increase of almost $2 billion or 15 percent over the previous fiscal year. This increase represents a sizable down payment toward the goal of doubling its funding over five years. This year, I am hopeful that we can make similar progress in that regard.

As we work to increase federal funding, I am also sponsoring legislation to encourage private support for NIH research efforts. My bill, H.R. 785, the Biomedical Research Assistance Voluntary Option or "BRAVO" Act, would allow taxpayers to designate a portion of their federal income tax refunds to support NIH research efforts. I introduced the bill on a bipartisan basis with the Ranking Member of the Health and Environment Subcommittee, Mr. BROWN of Ohio.

Madam Speaker, every dollar invested in research today will yield untold benefits for all Americans in years to come. Indeed, our own lives might some day depend on the efforts of scientists and doctors currently at work in our nation's laboratories. I urge all Members to join me in supporting a strong federal commitment to biomedical research.

Mr. GEKAS. And so, Madam Speaker, we see we have an appropriator and a chairman of relevant committees, as well as many other Members who are interested in seeing this effort succeed.

And the question arises, well, who is interested in this besides the people at NIH? Every American citizen ought to be interested in it. It has to do with the health of the household. Mr. and Mrs. America and the children and the other residents of the household can hope for nothing better than for clean, healthy lives so that they can fulfill their destiny with as little as possible disruption by ravaging disease and ill health.

So this is our effort, all of us. And it is that simple. Do we want reduction in health costs? Of course we do. Do we want less hospitalization for our people? Of course we do. Do we require fewer and fewer spaces in the future for nursing homes and more people to be able to remain at home? Of course we do.

All of this is within the scope of what we are trying to do. Because every effort that the National Institutes of

Health makes on research, biomedical research and other kinds of findings that they can make, all of that goes to the prevention of disease and the curing of disease. And not only do we save lives but we save money. That is why we have to consider the doubling of the effort as being one of an investment in eventually reducing costs, because we will reduce costs along the way.

The gentleman from California (Mr. BILBRAY) has been one of the chief supporters of this effort, Madam Speaker, and I would like to yield to him at this time.

Mr. BILBRAY. Madam Speaker, it is an honor to stand in support of the gentleman's resolution.

Some of our colleagues stood up here today and praised the President for coming across with the support for helping to finance the cost of pharmaceuticals for our seniors, and the issue of Social Security being taken off budget.

And I would like to say that I think those of us on the Republican side praise the President for coming over and supporting some of the concepts that Congress took action on not too long ago, this month, in saying that Social Security is a trust fund, not a slush fund. The gentleman from California (Mr. THOMAS) has been trying to reach consensus on what we should be able to work out some time within the near future, and that is the ability of seniors to be able to have their pharmaceutical drugs paid for.

□ 1645

So I, for one, am going to stand up here today not only with the chairman but also to praise the President for coming across and supporting a lot of congressional priorities. But I think the issue of pharmaceutical drugs with Medicare is still treating symptoms of the problem, and that is we have these diseases which continue to be a problem in our society.

The resolution of the chairman really, as we would say, is an investment in the future. Because if we can avoid or reduce diseases such as heart disease, cancer, Alzheimer's disease, if we can reduce stroke, then we can reduce the cost of having to treat problems related to those diseases.

This resolution really says that it is time that America makes a commitment to investing in our public health just as we invest in our infrastructure, roads, bridges, and canals.

I would strongly support the contention of the chairman that we need to double our investment. In fact, I would say clearly by comparison that Americans one day are going to wake up to the fact that in 1960 President Kennedy stood up and challenged this country to put a man of the Moon within 10 years, and at that time we increased the funding to a level that would be about 10 times what we spend on public health research, in the process of putting somebody on the Moon.

That kind of national commitment was made possible by strong leadership but really the big point was that level of commitment resulted within 10 years in the fulfillment of the promise and fulfillment of the commitment, and the fulfillment of the goal of placing a man on the Moon.

I think we can all agree, when it comes down to affecting our families, our children, our grandchildren, our great grandchildren's lives, that the one thing that really could totally dwarf placing somebody on the Moon is the ability to end cancer as we know it, to end heart disease as we know it, to make Alzheimer's a thing of the past, such as polio has become practically in our society, to take things like stroke and put it in the category of smallpox.

This is really a chance for us to make that commitment, with all the resources we have available, not by buying from this group or that special group or promising this group that we are going to give them more money. This is a promise to all Americans, the globe, all humans, that America at this time and this place is making the type of commitment to public health that was made back in the 1960s for space exploration.

The fact is this is our chance to be able to make a commitment. Let us just say this resolution is just a first step at saying we are going to put forth more effort and, hopefully, achieve more of the successes we are going to see in districts like mine.

Madam Speaker, San Diego County has one of the most aggressive health research facilities in the world. We are doing the human mapping program that not only allows us to understand what causes heart disease or causes Alzheimer's, but is allowing us to know why the body does what it does so that we can someday avoid these diseases rather than just treat them as we are talking today on the Medicare issue.

I want to stand again as not only a San Diegan who has many of these research facilities in his district but also as somebody who has the privilege of serving on the Committee on Health and the Environment and has oversight for many of these operations. I want to thank the chairman, and I want to stand here today and say, all America should be looking at this type of commitment. I want to thank the author of the resolution. Let us move forward and let us rise to the challenge.

Just as America rose to the challenge of John Kennedy, I think the resolution of the chairman deserves our commitment to rise and fulfill the promise that our public health strategies can actually provide for America.

Mr. GEKAS. Madam Speaker, I very much appreciate the commentary of the gentleman.

I now yield to the gentleman from Washington (Mr. NETHERCUTT) who has been stalwart in most of the efforts surrounding the problems of continued funding for medical research.

Mr. NETHERCUTT. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) very much not only for his leadership on this issue of increasing medical research funding in the Government but for his leadership on so many issues.

I am grateful to have a chance to talk for a few minutes to acknowledge not only his work but to acknowledge the need for additional medical research through the National Institutes of Health and other agencies of Government which conduct medical research.

It is not a small matter that is defined and distributed to the National Institutes of Health for research only. It is a very big issue for not only the human condition in our country but also for other agencies that coordinate with the National Institutes of Health and in doing some very, very important research to try to cure diseases in this country.

I happen to have a very serious interest in diabetes and recognize fully the cost of diabetes to society. Twenty-five to twenty-six cents out of every Medicare dollar goes for paying for the consequences of diabetes in our society.

So, to the extent that the gentleman from Pennsylvania (Mr. GEKAS) and others in this body, both Democrats and Republicans, engaged in adding preventive care to the Medicare legislation that we set back in 1997 to allow for diabetes education and diabetes test strips, to allow for mammographies and colorectal exams and prostate exams for people in the Medicare population, that is a money saver.

So with the preventive care effort that is undertaken by Congress, combined with the research that is being done at the National Institutes of Health, not only on diabetes but on many other diseases, we can reduce this cost to the Medicare system.

So it is in our national best interest, in my judgment, that we devote more resources to the National Institutes of Health research and medical research through the National Science Foundation, through the VA Hospital system, through the Department of Defense, and other agencies of Government, the Centers for Disease Control, for example, and others, if we are going to help the human condition.

I want to thank the gentleman from Pennsylvania (Mr. GEKAS) for his work, and I am very serious about the hard work he has done to make increasing medical research funding a reality in our country. It is a wise expenditure of money, of the taxpayers' dollars, because it helps all of us.

Diabetes, for example, is indiscriminate in touching not only minority races but the Caucasian population. It hits all ages and stages. It hits native

American populations disproportionately to the rest of the populations in our country, and it is a cruel disease that affects so many people. Sixteen million Americans in our country have diabetes, and some 7 or 8 million of them do not know they have it. So not only diabetes but cancer and Alzheimer's and all those diseases that touch people's lives need to be cured.

I would say to the gentleman from Pennsylvania (Mr. GEKAS) I was out at the National Institutes of Health just last week and met with the Director Dr. Varmus and the other directors of the Institutes talking not only about diabetes but increasing funding. I mentioned to them at the time that I felt the President's budget, which I think is around 2.3 percent, is just inadequate. I know we did an extraordinary increase last year in the appropriations process, and I am proud to be on the Committee on Appropriations and supported it. But we want to do better than 2.3 percent so that we take advantage of these great opportunities for research and cure some of these serious diseases that affect all of us.

Mr. GEKAS. Madam Speaker, the gentleman has touched on an important aspect of what we are trying to do. The more we are able to prevent disease or cure the existing diseases, the more beneficial will be our Treasury as well as the lives of our citizens.

This chart that we have here shows heart disease, cancer, Alzheimer's, mental disorder, arthritis, depression, stroke, osteoporosis, etc. Altogether, these cost us $500 billion a year as a society. That is what it costs us.

Now, insofar as research can settle in and provide a cure for one or all of these, billions of dollars every year can be saved, not to mention the lives that will be happier and safer and more fully destined for fulfillment than under the present conditions.

So we are not only spending money when we invest in the National Institutes of Health, we are saving money.

Mr. NETHERCUTT. Madam Speaker, if the gentleman would yield for one moment more, the gentleman is absolutely right.

If we add diabetes into that, that is some $80 billion or $90 billion more in cost to our country, not to say anything of the issue of lost productivity.

A person who has Alzheimer's today is most likely an unproductive part of our society. If we can prevent that Alzheimer's or cure it, that person, that sufferer and that family that suffers with that person will be more productive and it will save money long-term.

Just in the diabetes research, I should say the diabetes test strips and diabetes education money or provisions that were set forth for the Medicare program, my memory is that it was about a $31 million savings the first year of having that preventive component to health care.

So I thank the gentleman for his good work. I am proud to be his partner in all of this. We will have to just work hard and persevere and help humanity by curing some of these diseases through research.

Mr. GEKAS. Madam Speaker, I yield to the gentlewoman from Maryland (Mrs. MORELLA) recognizing that she is the heart and soul of the National Institutes of Health, because she has never breathed a day's worth of breath without considering the NIH.

Mrs. MORELLA. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding.

Madam Speaker, I want to commend my very good friend the gentleman from Pennsylvania (Mr. GEKAS) for scheduling this special order and for charts and for the work that he does prior to and even after this special order. He has such a tremendous commitment to biomedical research and to the National Institutes of Health.

I am also pleased to identify myself with the comments made by the gentleman from Washington (Mr. NETHERCUTT) too. We do have a good, solid group of Members of Congress who do believe very strongly in biomedical research.

I am proud to join with the gentleman from Pennsylvania (Mr. GEKAS) in renewing our bipartisan commitment to double the funding for the National Institutes of Health over a 5-year period.

Madam Speaker, the NIH has been called "the only crown jewel of the Federal Government." Well, it is indeed a world-renowned institution. It is located in Montgomery County, Maryland, which happens to be the district I represent. It is considered the leading force in mankind's continuing war against disease.

In fact, it is located in Bethesda, Maryland; and I think that Bethesda was appropriately named for the Biblical Pool of Bethesda, which had healing qualities. And so does NIH.

The Federal commitment to biomedical, behavioral, and population-based research is responsible for the continued development of an ever-expanding base that has contributed to medical advances that have profoundly improved the length and quality of life for millions of Americans.

Information gained from NIH research is revolutionizing the practice of medicine and the future direction of scientific inquiry. With this research, we have learned that disease is a complex and evolving enemy.

Despite the extraordinary progress that has been made in the fight against many diseases, there are still serious challenges that remain. Infectious diseases continue to pose a significant threat as new human pathogens are discovered and previously known and controlled microorganisms acquire antibiotic resistance. The risk of bioterrorism also necessitates new research on diagnostics, vaccines, and therapeutic agents.

The number of Americans over age 65 will double in the next 30 years to more than 69 million. So research is needed to help reduce the enormous economic and social burdens posed by chronic diseases, as were mentioned, osteoporosis, arthritis, Parkinson's, Alzheimer's disease, cancer, heart disease, and stroke.

As a matter of fact, one of the figures I saw recently is that, if we can just hold back the advent of Alzheimer's disease for 5 years, we can save $40 billion. This is an example of how we save money as well as enhance the quality of life.

□ 1700

NIH funded research into many of these diseases is the foundation underlying the search for answers. Without the essential role that the NIH is playing in our health care equation, we as a Nation will fail to achieve the goal of a healthy, more productive Nation. The American people want increased funding for medical research. There was a Wall Street Journal/CNN poll that indicated that more than two-thirds of those who were surveyed support doubling the NIH budget within 5 years.

The clock on this commitment began ticking in 1998 when we successfully enacted a 15 percent increase in the NIH appropriation to $15.6 billion in fiscal year 1999. Again this year we are requesting another 15 percent increase for fiscal year 2000 as the second step in achieving our goal of doubling the NIH budget by 2003.

Madam Speaker, the 15 percent increase in the current fiscal year has enabled funding of close to 10,000 new grants. That is an increase of 2,400 over the fiscal year 1998. It is not by chance that the United States is the undisputed world leader in high tech medical science and drug development. It is in large part because the Federal Government has made a commitment to fund basic biomedical research for over 50 years and create a strong partnership with the private sector to bring new life-saving techniques and treatments to patients throughout the world.

I want to mention some examples of new preventive strategies against disease which is changing the lives of millions of Americans:

Breast cancer is the second leading cause of cancer deaths in American women, claiming the lives of more than 43,000 women each year. The NIH-sponsored breast cancer prevention trial tested the use of tamoxifen, a drug that was used for 20 years to treat breast cancer, as a breast cancer prevention agent. Tamoxifen reduced the incidence of breast cancer for more than 5 years by 49 percent in women at high risk for the disease.

Another example is tuberculosis. TB is the most common infectious disease worldwide. One-third of the world's population is infected with the bacterium that causes this serious disease. TB causes devastating lung disease and weight loss in patients and often attacks the nervous system and the kidneys as well. Moreover, the greatest known risk for development of TB infection is HIV infection. NIH and CDC, the Centers for Disease Control, supported scientists collaborated with researchers in Uganda where a study was conducted to test different drug regimens for their ability to prevent TB in HIV-infected adults. The researchers found that a 6-month course of an anti-TB drug reduced the risk of TB by 67 percent in HIV-infected adults. The findings from this research led the World Health Organization's global tuberculosis program to further evaluate whether TB prevention programs for high-risk groups in developing nations are an effective and economical way to reduce the risk of TB infection to the individual and the community.

Another example, Madam Speaker, is the recent evidence that kidney damage from diabetes is reversible. We have just had a discussion with the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Washington (Mr. NETHERCUTT) about diabetes. One of the many serious complications that patients with diabetes encounter is damage to their kidneys. Despite improved patient survival and regulation of blood sugar, this disease continues to be the major factor of kidney failure. Researchers have known that after many years with the disease, diabetic patients gradually develop scarring in the kidney that filters the body's waste produced from the blood. As the scarring progresses, the kidneys fail, leaving the patient dependent on dialysis. Now researchers are making progress. By studying patients who had received a pancreas transplant, researchers found that kidney disease was actually reversed in some diabetic patients who had maintained normalized blood sugar levels over a 10-year period. This research will help not only diabetic patients receiving pancreas transplants but also will guide treatment strategies for other diabetic patients who are now at risk for kidney disease. Now, not only can we prevent kidney damage in patients with diabetes, but in some cases the damage can be reversed.

Madam Speaker, scientific advances resulting from NIH-supported research mean improved health and reduced suffering, job creation in biomedical research and biotechnology, and far-reaching economic benefits touching every State through major universities, government laboratories and research institutes. In global competition, biomedical research and biotechnology are areas of strong American leadership and commitment. Continued strong support for NIH will ensure that American scientific excellence continues as we enter the next century. We can afford to do no less for this generation and for generations to come.

Before I yield back to the gentleman from Pennsylvania who has been so kind about giving me this time, I want to extol the benefits, also, of the creation of the Office of Research on Women's Health. I and other Members of Congress were involved in that a number of years ago. We now have it codified, and so women are included in all clinical trials and protocols. Thanks to the Members of this Congress with the gentleman from Pennsylvania at the helm and others, we have now been able to put far more money into all elements of research, and in the Office on Research on Women's Health for breast cancer, ovarian cancer, cervical cancer, osteoporosis, AIDS in women, lupus and all of the other diseases. We also have made some advances in research for prostate cancer, kind of the equivalent of breast cancer in terms of the number of people who are diagnosed with it each year and the number who die of that disease. This is so important that we do this special order and that we carry through with our goal of doubling the budget by 2003 of the National Institutes of Health. It has been an honor to be here with the gentleman from Pennsylvania.

Mr. GEKAS. Madam Speaker, I thank the gentlewoman very much.

Before I yield to the gentleman from Texas whom I see has arrived for participation in this event, Madam Speaker, I include for the RECORD several letters from important entities in our country supporting our effort for doubling the funding for the NIH. I will quickly read off the titles:

The American Heart Association.

The BIO organization, which is the Biotechnology Industry Organization.

The Ad Hoc Group for Medical Research Funding. Just to give my colleagues an idea, to give our audience, the American public, a feel for how many people, how many organizations are deeply involved in the health of our country, the Ad Hoc Group for Medical Research Funding, which is made up of dozens of organizations like the American Geriatrics Society, the American Society for Investigative Pathology, American Society of Transplantation, just to get an idea of all the various things that affect our households; Corporation for the Advancement of Psychiatry, Friends of the National Library of Medicine, Massachusetts Institute of Technology. My gosh, they cover every facet of our lives. National Caucus of Basic Biomedical Science Chairs, Oakwood Healthcare System, Primary Health Systems, and on and on and on. This is our fellow Americans joining in certain entities to advance our health care.

Joint Steering Committee for Public Policy.

AMERICAN HEART ASSOCIATION,
Washington, DC, June 22, 1999.

Hon. GEORGE GEKAS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: The American Heart Association applauds your continuing initiative and leadership in the bicameral, bipartisan effort to double funding for the National Institutes of Health by the year 2003. The historically large funding increase received by the NIH for FY 1999 represented a significant step toward that goal.

Your ongoing efforts and those of the 56 cosponsors of H. Res. 89, expressing the sense of the House that the federal investment in medical research should be increased by $2 billion in FY 2000, are vital in securing the next installment to double funding for the NIH. The American Heart Association strongly supports your hard work in making funding for the NIH a top priority in the FY 2000 appropriations process.

Recent state-based polls show that an overwhelming majority of Americans favor doubling federal spending on medical research by the year 2003. NIH research reduces health care costs, provides cutting-edge treatment and prevention efforts, creates jobs and maintains America's status as the world leader in the biotechnology and pharmaceutical industries.

In addition, an overwhelming majority of Americans want Congress to increase funding for heart and stroke research. According to an April 1999 national public opinion poll, 81 percent of Americans want Congress to increase funding for heart research and 78 percent support increases for stroke research. The fight against heart disease—America's No. 1 killer—and stroke—America's No. 3 killer—requires innovative research and prevention programs. However, these programs to help advance the battle against heart disease and stroke are contingent on a significant increase in funding for the NIH. Now is the time for NIH to capitalize on progress and pursue promising opportunities that could lead to novel approaches to diagnose, treat, prevent or cure heart disease and stroke.

The American Heart Association commends you for your outstanding leadership and steadfast commitment to double funding for the NIH by the year 2003. Thank you.

Sincerely,
VALENTIN FUSTER, M.D., PH.D.
President.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, June 21, 1999.

Hon. GEORGE W. GEKAS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN GEKAS: I am writing to indicate BIO's strong support for your efforts to double the budget of the national Institutes of Health (NIH) by 2003, as called for in H. Res. 89. We commend you for organizing speeches on this subject and ask that you read from our statement and/or include it in the printed record.

We support these increases in NIH appropriations because of their importance to the development of tomorrow's cures for the most deadly and disabling diseases, including AIDS, Parkinson's, cancer, Alzheimer's, and diabetes. Apart from helping patients, NIH funding also plays a crucial role in generating hundreds of thousands of high-wage jobs in our industry and billions of dollars in economic activity

Many of BIO's 840 members have collaborative agreements and licenses with NIH and its grantees. The dynamic division of labor between NIH, focusing on basic research, and our industry, focusing on applied research, has been a powerful catalyst for change and progress. These partnerships are the cornerstone of America's preeminence in biomedical research.

We are witnessing an explosion of new products to treat patients. In 1998, 22 new products and vaccines were approved by the Food and Drug Administration (FDA) pushing the biotech industry's total approved drugs and biologic projects to over 80. Furthermore, biotechnology companies currently have over 300 biotech drugs and biologics in the pipeline in second and third stage human clinical trails at the FDA.

In terms of economic benefits, 2,214 new companies have been formed since 1980 that were based in part on licenses from NIH and its grantees. And in FY 1997, $28.7 billion of U.S. economic activity can be attributed to the results of academic licensing the (majority of which resulted from NIH-sponsored research), supporting at 245,930 jobs.

Past investments in NIH has helped make America the undisputed world leader in the medical sciences and drug development. The fact that America produced half of the worlds new medicines over the last ten years clearly demonstrates America's world leadership. Doubling the NIH's budget by 2003 will further strengthen America's leadership in these fields and create new medicines for patients while generating new high-wage jobs.

Finally, we wish to praise you for your superb leadership of the Biomedical Research Caucus. We have attended many of the educational events you have sponsored and believe they have contributed to the developing consensus in favor of doubling NIH's research budget.

If I or my staff at BIO can help you in your efforts to double the NIH budget, please do not hesitate to call.

Sincerely,

CHUCK LUDLAM,
Vice President for Government Relations.

THE AD HOC GROUP FOR
MEDICAL RESEARCH FUNDING,
Washington, DC, June 21, 1999.

Hon. GEORGE W. GEKAS,
U.S. House of Representatives, Washington, DC.

DEAR MR. GEKAS: On behalf of the over 300 member organizations of the Ad Hoc Group for Medical Research Funding, I write to commend you for your leadership in the effort to double the NIH budget in five years. The Ad Hoc Group firmly believes that if our nation is to continue to translate the promise of scientific discovery into a reality of better health and an improved quality of life for all Americans, Congress must maintain the commitment begun last year to double the NIH budget.

Our investment in medical research over the past decades has produced a revolution in science that has transformed the practice of medicine and significantly improved the health of our citizens. The explosion of new scientific knowledge has led to major strides in our understanding of disease at the cellular and molecular levels. This in turn has catalyzed the development of new strategies for the prevention, diagnosis, and treatment of disease. The following are some recent examples.

NIH-sponsored research has lead to the approval of tamoxifen—a drug used for twenty years to treat breast cancer—as an agent to prevent breast cancer in women at high risk for the disease. Tamoxifen reduced the incidence of breast cancer for five years by 49 percent in women at high risk for the disease. A new prevention study, scheduled to begin this year, will examine whether raloxifene also is effective in preventing invasive breast cancer in women who have not had the disease.

Autoimmune diseases, such as diabetes, rheumatoid arthritis, and lupus, are conditions where the immune system attacks the body's own cells and tissues. Basic scientists have discovered the mechanisms by which common infections can trigger some autoimmune diseases by producing proteins that are normally found in the body. Understanding how this "molecular mimicry" works may allow us to prevent the devastating effects of autoimmune diseases.

One-third of world's population is infected with the bacterium that causes tuberculosis (TB). Scientists supported by the NIH and the Centers for Disease Control and Prevention collaborated in a study that revealed a new preventive strategy to reduce the incidence of TB in HIV-infected patients. They found that a six-month course of the anti-TB drug isoniazid reduced the risk of TB by 67 percent in HIV-infected adults.

In addition, new avenues in the development of therapeutics have opened, including new hope for the treatment and cure of Hepatitis C and the first evidence that the kidney damage from diabetes is reversible.

Advances such as these in the diagnosis, treatment, and prevention of disease depend on the development and testing of new ideas, which requires resources. Our nation still faces many health challenges. The more new ideas our scientists can generate and explore, the quicker we can conquer these challenges.

Despite the progress that had been made, infectious diseases still pose a significant threat as new human pathogens are discovered and previously known and controlled microorganisms acquire antibiotic resistance.

The baby boom generation is aging with the number of Americans over 65 years of age expected to double in the next 30 years. Research on chronic diseases as osteoporosis, arthritis, Parkinson's and Alzheimer's diseases, and heart disease will help reduce the enormous economic and social burdens on our nation.

Today, there are still too many infants and children who suffer needlessly from diseases, such as asthma and cystic fibrosis, injury, abuse or a host of societal problems. More research is needed to identify and promote the prerequisites of optimal physical, mental, and behavioral growth and development through infancy, childhood and adolescence.

The U.S. population is growing increasingly diverse. Eliminating or reducing the disproportionate share of disease and disability among minorities and the socioeconomically disadvantaged will improve the quality of life for many and also benefit the U.S. economically.

The Ad Hoc Group firmly supports the effort to double the NIH budget by FY 2003. As a second step toward the bipartisan goal of doubling the NIH budget, the Ad Hoc Group endorses an FY 2000 appropriation of $18 billion, a $2.3 billion (15%) increase, for the NIH.

Attached is a list of the more than 300 organizations that have endorsed the Ad Hoc Group proposal for FY 2000. The patients, families, scientists, health care professionals, and companies represented by these organizations and institutions stand ready to work with you and all of the supporters of medical research on Capitol Hill to realize the goal of doubling the NIH budget by FY 2003.

Sincerely,

RICHARD M. KNAPP, PH.D.,
Chairman.

Attachment.

ORGANIZATIONS ENDORSING THE FY 2000
PROPOSAL AS OF JUNE 21, 1999

Academy of Clinical Laboratory Physicians and Scientists.
Academy of Osseointegration.
Academy of Radiology Research.
Administrators of Internal Medicine.
Advocate Health Care.
Albany Medical College.
Albert Einstein College of Medicine.
Alliance for Aging Research.
Alton Ochsner Medical Foundation.
Alzheimer's Association.
Ambulatory Pediatric Association.
American Academy of Allergy, Asthma and Immunology.
American Academy of Child and Adolescent Psychiatry.
American Academy of Dermatology.
American Academy of Neurology.
American Academy of Ophthalmology.
American Academy of Optometry.
American Academy of Orthopaedic Surgeons.
American Academy of Otolaryngology—Head and Neck Surgery.
American Academy of Pediatrics.
American Academy of Physical Medicine—Rehabilitation.
American Association for Cancer Research.
American Association for Dental Research.
American Association for the Study of Liver Diseases.
American Association for the Surgery of Trauma.
American Association of Anatomists.
American Association of Chairs of Departments of Psychiatry.
American Association of Colleges of Nursing.
American Association of Colleges of Osteopathic Medicine.
American Association of Colleges of Pharmacy.
American Association of Dental Schools.
American Association of Immunologists.
American Association of Pharmaceutical Scientists.
American Association of Neurological Surgeons.
American Board of Pediatrics.
American Cancer Society.
American Chemical Society.
American College of Allergy, Asthma and Immunology.
American College of Clinical Pharmacology.
American College of Neuropsychopharmacology.
American College of Physicians—American Society of Internal Medicine.
American College of Preventive Medicine.
American College of Rheumatology.
American Federation for Medical Research.
American Foundation for AIDS Research.
American Gastroenterological Association.
American Geriatrics Society.
American Heart Association.
American Lung Association.
American Medical Association.
American Neurological Association.
American Optometric Association.
American Pediatric Society.
American Physiological Society.

American Podiatric Medical Association.
American Psychiatric Association.
American Psychological Society.
American Psychiatric Nurses Association.
American Red Cross.
American Social Health Association.
American Society for Biochemistry and Molecular Biology.
American Society for Bone and Mineral Research.
American Society for Cell Biology.
American Society for Clinical Nutrition.
American Society for Clinical Pharmacology and Therapeutics.
American Society for Investigative Pathology.
American Society for Microbiology.
American Society for Nutritional Sciences.
American Society for Pharmacology and Experimental Therapeutics.
American Society for Reproductive Medicine.
American Society of Addiction Medicine.
American Society of Clinical Oncology.
American Society of Hematology.
American Society of Human Genetics.
American Society of Nephrology.
American Society of Pediatric Nephrology.
American Society of Transplantation.
American Society of Tropical Medicine and Hygiene.
American Thoracic Society.
American Urogynecologic Society.
American Urological Association.
American Veterinary Medical Association.
Americans for Medical Progress.
America's Blood Centers.
Association for Academic Surgery.
Association for Medical School Pharmacology.
Association for Research in Vision and Ophthalmology.
Association of Academic Departments of Otolaryngology—Head and Neck Surgery.
Association of Academic Health Centers.
Association of Academic Health Sciences Libraries.
Association of Academic Physiatrists.
Association of American Cancer Institutes.
Association of American Medical Colleges.
Association of American Universities.
Association of American Veterinary Medical Colleges.
Association of Chairs of Physiology Departments.
Association of Independent Research Institutes.
Association of Medical and Graduate Departments of Biochemistry.
Association of Medical School Immunology and Microbiology Chairs.
Association of Medical School Pediatric Department Chairs.
Association of Medical School Psychologists.
Association of Minority Health Professions Schools.
Association of Ohio Children's Hospitals.
Association of Pathology Chairs.
Association of Population Centers.
Association of Professors of Dermatology.
Association of Professors of Medicine.
Association of Program Directors in Internal Medicine.
Association of Schools of Public Health.
Association of Schools and Colleges of Optometry.
Association of Subspecialty Professors.
Association of Teachers of Preventive Medicine.
Association of University Anesthesiologists.
Association of University Professors of Neurology.
Association of University Professors of Ophthalmology.
Association of University Radiologists.
Barnes Jewish Hospital.
Baylor College of Medicine.
Berkshire Medical Center.
Biotechnology Industry Organization.
Campaign for Medical Research.
Cancer Research Foundation of America.
Carolinas Medical Center.
Case Western Reserve University School of Medicine.
Children's Hospital Medical Center of Cincinnati.
Children's Hospital of Michigan.
Children's Hospital of Wisconsin.
Children's Mercy Hospital.
Children's National Medical Center.
Citizens for Public Action.
CJ Foundation for SIDS.
Clerkship Directors in Internal Medicine.
Coalition for American Trauma Care.
Coalition for Heritable Disorders of Connective Tissue.
Coalition of Patient Advocates for Skin Disease Research.
College on Problems of Drug Dependence.
Columbia University.
Columbia University College of Physicians and Surgeons.
Conference of Boston Teaching Hospitals.
Congress of Neurological Surgeons.
Consortium of Social Science Associations.
Cooley's Anemia Foundation.
Corporation for the Advancement of Psychiatry.
Council of Emergency Medicine Residency Directors.
Council of Graduate Schools.
Council of University Chairs in Obstetrics and Gynecology.
Creighton University School of Medicine.
Crohn's and Colitis Foundation of America.
Cystic Fibrosis Foundation.
Dartmouth Medical School.
Digestive Disease National Coalition.
Duke University Medical Center.
Dystonia Medical Research Foundation.
Eastern Virginia Medical School.
Emory University School of Medicine.
Emory University, Woodruff Health Sciences Center.
ESA, Inc.
Federation of American Societies for Experimental Biology.
Federation of Animal Science Societies.
Fred Hutchinson Cancer Research Center.
Friends of the National Institute of Dental and Craniofacial Research.
Friends of the National Library of Medicine.
Genetics Society of America.
Glaucoma Research Foundation.
H. Lee Moffitt Cancer Center and Research Institute.
Hackensack University Medical Center—Institute for Biomedical Research.
Huntington Memorial Hospital.
Illinois Neurofibromatosis, Inc.
Immune Deficiency Foundation.
Indiana University School of Medicine.
Inova Institute of Research and Education.
International Psycho-Oncology Society.
Johns Hopkins University.
Johns Hopkins University School of Medicine.
Joint Council of Allergy, Asthma and Immunology.
Juvenile Diabetes Foundation International.
Krasnow Institute for Advanced Studies.
Lehigh Valley Hospital and Health Network.
Louisiana State University Medical Center—Shreveport.
Loyola University—Chicago, Stritch School of Medicine.
Lymphoma Research Foundation of America.
Magee Womens Hospital and Research Institute.
Massachusetts Institute of Technology.
Medical College of Georgia.
Medical College of Ohio.
Medical Library Association.
Medical University of South Carolina.
Michigan State University College of Human Medicine.
Morehouse School of Medicine.
Mount Sini School of Medicine.
National Alliance for Eye and Vision Research.
National Alliance for the Mentally Ill.
National Alopecia Areata Foundation.
National Association for Biomedical Research.
National Association of Children's Hospitals.
National Association of State Universities and Land-Grant Colleges.
National Caucus of Basic Biomedical Sciences Chairs.
National Coalition for Cancer Research.
National Committee to Preserve Social Security and Medicare.
National Foundation for Ectodermal Dysplasias.
National Health Council.
National Jewish Medical and Research Center.
National Marfan Foundation.
National Medical Association.
National Multiple Sclerosis Society.
National Organization for Rare Disorders.
National Osteoporosis Foundation.
National Perinatal Association.
National Sleep Foundation.
National Vitiligo Foundation.
Neurofibromatosis Inc., Mass Bay Area.
New York University.
New York University Medical Center.
Northeastern Ohio Universities College of Medicine.
Oakwood Healthcare System.
Oncology Nursing Society.
Orthopaedic Research Society.
Palmetto Health Alliance.
Paralyzed Veterans of America.
Parkinson's Action Network.
Parkland Health and Hospital System.
Pharmaceutical Research Manufacturers of America.
Plastic Surgery Research Council.
Population Association of America.
Primary Health Systems, Inc.
Rehabilitation Institute of Chicago:
ResearchAmerica.
Research Society on Alcoholism.
RESOLVE, the National Infertility Association.
Rush Medical College.
Rush Presbyterian—St. Luke's Medical Center.
Rush University.
Saint Francis Hospital and Medical Center.
Scleroderma Foundation Central New Jersey Chapter.
Scleroderma Research Foundation.
Scott and White Memorial Hospital.
Society for Academic Continuing Medical Education.
Society for Academic Emergency Medicine.
Society for Gynecologic Investigation.
Society for Investigative Dermatology.
Society for Neuroscience.
Society for Pediatric Research.

Society for the Advancement of Women's Health Research.
Society of Academic Anesthesiology Chairs.
Society of Gynecologic Oncologists.
Society of Surgical Chairs.
Society of Toxicology.
Society of University Surgeons.
Society of University Urologists.
Southern Illinois University School of Medicine.
Stanford University of Medicine.
State University of New York at Buffalo, School of Medicine and Biomedical Sciences.
State University of New York at Stony Brook Health Center School of Medicine.
State University of New York Health Science Center of Brooklyn.
State University of New York Health Science Center at Syracuse.
Stratton VA Medical Center.
Sudden Infant Death Syndrome Alliance.
Texas Tech University Health Sciences Center.
The American Dermatological Association.
The Children's Hospital of Philadelphia.
The Endocrine Society.
The Genome Action Coalition.
The George Washington University Medical Center.
The Jeffrey Modell Foundation.
The Protein Society.
Thomas Jefferson University.
Tourette Syndrome Association, Inc.
Tuffs University School of Medicine.
Tulane University School of Medicine.
United States and Canadian Academy of Pathology.
University of Alabama at Birmingham.
University of Alabama School of Medicine.
University of California, Davis, School of Medicine.
University of California, San Diego, School of Medicine.
University of California, San Francisco, School of Medicine.
University of Cincinnati College of Medicine.
University of Colorado School of Medicine.
University of Florida Health Science Center and College of Medicine.
University of Iowa.
University of Kentucky Center—College of Medicine.
University of Louisville.
University of Maryland School of Medicine.
University of Massachusetts Medical School.
University of Massachusetts Memorial Medical Center.
University of Medicine and Dentistry of New Jersey.
University of Medicine and Dentistry of New Jersey—New Jersey Medical School.
University of Miami School of Medicine.
University of Michigan Medical School.
University of Missouri Hospitals and Clinics.
University of Missouri—Kansas City School of Medicine.
University of Nevada School of Medicine.
University of North Dakota School of Medicine and Health Sciences.
University of Puerto Rico.
University of Rochester Medical Center.
University of Alabama College of Medicine.
University of South Carolina School of Medicine.
University of South Dakota School of Medicine.
University of Tennessee, Memphis.
University of Texas-Houston Medical School.
University of Utah School of Medicine.
University of Washington Academic Medical Center.
UPMC Health System.
Vanderbilt University Medical Center.
Virginia Commonwealth University.
Wake Forest University School of Medicine.
Wayne State University School of Medicine.
Weill-Cornell Medical College.
Wright State University School of Medicine.
Yale University School of Medicine.

JOINT STEERING COMMITTEE
FOR PUBLIC POLICY,
Bethesda, MD, June 22, 1999.

Hon. GEORGE GEKAS,
United House of Representatives,
Washington, DC

DEAR REPRESENTATIVE GEKAS. On behalf of the Joint Steering Committee for Public Policy, representing 25,000 basic biomedical researchers, thank you for your leadership in organizing a Special Order on June 22 to discuss doubling the NIH budget in five years. We also thank you for introducing H. Res. 89, which calls for the same.

We wish to recognize your outstanding efforts through the Congressional Biomedical Research Caucus to educate the Congress about the National Institutes of Health and its ability to effectively utilize a 15%, $2 billion increase in this year's appropriation. We recognize that under current budget caps it will be difficult to achieve this goal, but we are confident that through your leadership and that of Congressman Porter, health research will be accelerated by this visionary investment.

As you well know, our country leads the world in biological science, enabled by a far-sighted national policy of federal funding for research at our Nation's colleges and universities through the NIH and other agencies. The NIH is the major source of funds for critical research in laboratories throughout the U.S., on Alzheimer's disease, cancer, diabetes, AIDS and many other devastating diseases. This investment will provide a significant boost to those important efforts by translating the promise of scientific discovery into better health.

Through this second down payment towards doubling the NIH budget, we look forward to enhanced research in some of the research areas that have been presented at the Congressional Biomedical Research Caucus briefings this year. For instance, Dr. Robert Langer discussed "designer tissues". It was clear from his presentation that we are on the threshold of major discoveries that will enable the development of human tissue that will benefit those who have been injured or born with certain disabilities. Similarly, the discussion of hearing and deafness by Dr. A. James Hudspeth demonstrates how quickly treatments are moving forward from research to application in this area. It is our hope that through the 1999 Caucus briefing series, Members will see the great need for funding this important work.

Thank you for your support of biomedical research and basic science.

Sincerely yours,
ERIC S. LANDER, PH.D.,
Chair, Joint Steering Committee for Public Policy, Member, The Whitehead Institute for Biomedical Research, Professor of Biology, The Massachusetts Institute of Technology, Director, The Whitehead/MIT Center for Genome Research.

Madam Speaker, I yield to the gentleman from Texas (Mr. BENTSEN) who is one of the cochairs of our Biomedical Research Caucus.

Mr. BENTSEN. I thank my colleague from Pennsylvania for yielding and also want to commend him for convening this special order.

I want to, Madam Speaker, rise today in strong support of H. Res. 89 which was a sense of the House Resolution that the House of Representatives should provide an additional $2 billion for the National Institutes of Health budget for the fiscal year 2000. This $2 billion additional investment would be the second down payment on a 5-year effort to double the NIH's budget.

As one of the four cochairs of the Congressional Biomedical Caucus, I have strongly supported providing maximum resources for biomedical research conducted at the NIH, the National Science Foundation, and the Department of Defense research budget. This $2 billion investment in NIH's budget will help save lives and improve our international competitiveness. Our Nation's biomedical research is the envy of the world, but we must continue this investment to ensure that we maintain this preeminence.

This resolution would help to ensure more scientists have the resources they need to conduct cutting-edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded. This additional investment would help us increase the number of grants awarded each year and ensure that young scientists continue to have the funds they need to discover new treatments for such life-threatening diseases as heart disease, diabetes, Alzheimer's, cancer and AIDS.

For many Americans, these life-threatening diseases are a very real challenge they face each day. Last week, I had the opportunity to meet with a remarkable young woman from Houston, Texas who lives in my district, Miss Caroline Rowley, who is fighting to control her juvenile diabetes. Caroline is 9 years old and must monitor and maintain her blood sugar every day to prevent life-threatening complications. In our meeting, Caroline told me how often she must prick her fingers every day in order to monitor the insulin level in her body. If she does not maintain her insulin, she can go into hypoglycemic shock and must be rushed to the emergency room to prevent complications. Clearly, Caroline believes that doubling the NIH's budget would help find a cure for her juvenile diabetes and result in a better life for her and millions of other children. I can just say as a father of two young daughters, the very sight of having to see a young girl, or any young child, have to go through this on a daily basis is not one that I cherish, and I think it is every reason why we should work hard to try and defeat that crippling disease.

I am also convinced that doubling the NIH's budget can be used wisely and will produce impressive results in biomedical research. The NIH budget currently supports the work of more than 50,000 scientists within the United States, yet many of these scientists are struggling to keep the research funding they currently receive. In this age of managed care, our Nation's teaching hospitals and academic health centers are facing challenges in meeting their mission of providing high quality care in a research-based setting. Conducting cutting-edge clinical research requires additional resources to help pay for the clinical trials and protocols conducted at academic health centers. Yet many managed care health plans are not willing to pay for these added costs. The NIH is critically important to helping our Nation's premier research centers to continue to fulfill their missions of high quality health care in an academic setting.

I also believe that investment in biomedical research is cost-effective for taxpayers. A recent National Science Foundation study found that government investments in research and development has produced big results, totaling about $60 billion a year. This study found that more than 70 percent of scientific papers identify government funding, not private research funding, as critical to new patents and biomedical discoveries.

This legislation is also consistent with the recommendations of our Nation's scientists. The Federation of American Societies of Experimental Biology recommend an NIH budget of $18 billion, an increase of 15 percent above this year's budget of $15.6 billion. This resolution would provide $2 billion more for the NIH, well on our way to meeting our goal of doubling the NIH budget over the 5-year period.

I also believe that investing in NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create therapies and treatments for cancer, diabetes and heart disease, to name just a few.

As the representative of the Texas Medical Center, one of our Nation's premier medical research centers, I have seen firsthand that this investment is yielding promising new therapies and treatments for all Americans. Earlier this year, it was announced that Baylor College of Medicine in my district will be one of three centers around the Nation that will map the human genome and accelerate the time line for completion of this project. With this new genetic map, researchers hope to understand the genetic basis for disease and provide new therapies by fixing genetic abnormalities.

As a member of the Committee on the Budget, I coauthored an amendment to add $2 billion to the NIH budget for fiscal year 2000. Although this amendment was not successful, I believe it is critically important to continue to remind our colleagues of the potential for successes with more investment in biomedical research. For many families, maximizing the NIH budget is an important part of their effort to fight and beat chronic diseases such as heart disease and diabetes. Recent NIH-sponsored research has shown that we have identified some of the genes responsible for diseases such as Huntingdon's disease and cystic fibrosis. As we learn more about the molecular basis for disease, we can bring new tools to defeat diseases and save lives.

As part of the Congressional Biomedical Caucus, we have also sponsored numerous meetings to discuss biomedical topics in Congress.

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These highly successful luncheons have helped to educate Congress and staff about cutting edge research and being conducted through NIH-sponsored grants. With this new understanding, Congress can learn exactly how their investment is being used and where to focus new resources. I strongly urge the House of Representatives to support and become a cosponsor of H. Res. 89, legislation that would provide $2 billion more for the NIH budget as part of the Fiscal Year 2000 process. I commend the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

Before I recognize the next one of our colleagues, I want to do some housekeeping here.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. KUYKENDALL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. We have been joined by the gentleman from Florida (Mr. STEARNS) who is in his own way a leader in various fields in health care and who joins us for this effort for which we are grateful. I yield to him.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague from Pennsylvania. I am also pleased to participate in this special order and support of doubling the NIH budget. Last year my colleagues will remember we were successful in our efforts to increase funding for the NIH. We all know how valuable the research being conducted by this institution is to our Nation's future, including its economic well-being. Advances in medical research to prevent, cure, or at least minimize the degree of financial devastation caused by such diseases is reason enough for us to fund this vital research project.

As my colleagues know, I would like to speak from a little parochial point of view, from Florida's point of view. I know how many of my constituents know how important NIH is, and in fact in 1998 the Sixth Congressional District in Florida received $53 million in funding from NIH. I want to share with my colleagues the results of an unreleased poll that came through the Research America and Alliance for Discoveries in Health. This results, I think, which I am going to speak on are pretty much conclusive and support my colleague from Pennsylvania and what he is trying to do, and I commend him for his long term effort on this project to make the public aware how important NIH is and how important this research is.

When I asked the people in the poll: Do we receive value for Federal dollars spent on medical research, 65 percent said we do get value for dollars spent. Fifteen percent responded they do not know, while 20 percent said we do not receive a value for dollars spent. When I asked: Do you support, and this is a basic thrust here, oppose a proposal to double total national spending on government sponsored medical research over 5 years, the results were very positive. In fact, I have a little graph here. From the spring of 1998 through the spring of 1999 the people who supported this doubling rose from 60 percent in the spring of 1998. In the summer of 1998 it went to 63 percent. In the spring of 1999 it went to 68 percent. So it is pretty conclusive when you talk to people in Florida how they feel about supporting or opposing a proposal to double national spending on government sponsored medical research. They overwhelmingly support it with 68 percent. When asked if Florida is a leader in medical research, the results are not quite so stellar. Thirty-six percent think Florida is a leader while 36 percent in Florida leads moderately. Seventeen percent said they do not even know, and 11 percent responded that they did not believe Florida was a leader. When I asked how important is it for Florida to be a leader in medical research, 93 percent responded that it is very, very important, and that is remarkable.

I agree with my fellow Floridians, and that is why I am here tonight, and that is why I am a cosponsor and supporter of the resolution to double NIH funding.

I also want to place in the RECORD an article by Wayne McCall who is a neighbor of mine. He is President of the National Alumni Association in which he talks all about this funding. So I would like to put this article into the RECORD:

[From the Alumni Scope]

WE CAN'T AFFORD TO LIMIT UNIVERSITY RESEARCH

Some in Florida feel that state university faculty should focus primarily on their role as teachers. They feel research is secondary—if not a complete waste of time. They argue that research, by its very nature, is successful only through inefficient and exorbitant expenditures of time, energy and money.

Such a view is short sighted. Research is critical to the future of our country and the world. The majority of the world's technological and medical breakthroughs are founded on university-based research. New ideas link university scientists and scholars to businesses. Today's scientific breakthrough achieved through university research becomes tomorrow's miracle drug.

Creative activities are an essential link in the university's mission of teaching, research and service.

And, the University of Florida excels in research. In 1992, its faculty attracted more than $235 million in research contracts and grants. The College of Engineering, Institute of Food and Agricultural Sciences and College of Liberals Arts and Sciences won major portions, as did medical researchers in UF's Health Science Center.

The health center's $57-million-per-year research program is a vital seedbed of discoveries that yields leads for improved diagnostic tests and treatments for disease. Research findings during 1992 and 1993, reported in many of the world's leading scientific journals, include potential advances for better health care for us all.

For example, UF researchers have successfully restored limited limb movement in cats with spinal cord damage. A UF neuroscientist has found evidence that structural abnormalities in the brain region covering language comprehension may be linked to dyslexia. Florida scientists recently discovered a method to deliver hormones that govern communication between the brain and body cells through the blood-brain barrier to aid treatment of certain brain diseases, including Alzheimer's.

Perhaps the most exciting development in the university's medical research mission is the new UF Brain Institute. An $18-million federal grant has been awarded and will be matched with other funds to construct a $58-million facility in which scientists will work to probe the mysteries of the brain.

There are countless other examples of economic and consumer research, agricultural advances, discoveries in chemistry, psychology and engineering that help keep us more productive, healthier and safer.

Historically, Florida has gotten more quality from its universities for less money than any other state in the country. But this accomplishment is in danger if Florida's legislative leaders continue their recent trend of failing to fund higher education adequately. Since 1989, UF alone has lost more than $50 million in state funding. By the time you read this, the 1993 legislative session may have ended, and that toll could be even higher.

In a state with the fourth-largest population and the fifth-largest economy in the country, Florida's legislative leaders must protect what previous generations have built. University research is an important and worthwhile part of that investment.

WAYNE MCCALL,
President, National
Alumni Association.

This article points out that the many success stories in the State of Florida in university based research, none is more important nor more exciting than development in the university's medical research mission than the Brain Institute that is at the University of Florida in which scientists will work to search out the entire mysteries of the brain.

So, my colleague from Pennsylvania is doing yeoman service here in his effort to double the NIH budget, and, as he knows, I and others have been a long advocate, that the dollars we provide for research today will reap vast savings in the future, and I think that is a key to this whole solution. That is why I am also original cosponsor of the gentleman's biomedical research revitalization resolution of 1999, and I commend him for his efforts here, and I hope more of my colleagues will support him this year, in the 106th Congress. We can make an effort to accomplish this task.

Mr. GEKAS. We thank the gentleman for his contribution to this special order.

We now recognize the gentleman from New York (Mr. LAZIO) who has been vocally in support of our efforts ever since he has been in the Congress, so we yield to him.

Mr. LAZIO. I want to thank the gentleman from Pennsylvania for his leadership, for allowing us to display our commitment to the doubling of the National Institute of Health budget, including the budget for the National Cancer Institute. I want to say this is one of the most exciting times to live in America. We have an explosion of research that brings great promise. We are seeing that through the efforts of the National Cancer Institute new efforts in terms of mapping the human being through the human genome project. Angiogenesis analysis and inhibitors, the increase of clinical trials and molecular therapy are all exciting and promising areas of discovery. If we can just reach out and redouble our efforts, we can bring the promise of a cure and of our understanding that much closer than would otherwise be the case.

I also want to send acknowledgements to somebody very close to me, my wife, Patricia, who happens to be a breast cancer advocacy unit leader who it is our anniversary today as well, and she is back in New York, but I want to commend her for her great work on behalf of cancer victims throughout our region.

Let us focus, if we can right now, on the invaluable benefits that biomedical research makes to the quality of life and to the promise of preserving human life. It makes necessary the sustained significant commitment to research efforts at NIH, our Nation's premier research institution, and reaffirms the commitment and the professionalism of the great NCI team headed by Dr. Richard Clauzner. Increasing the budget of the NCI will enable extraordinary opportunities for research success and real progress in cancer prevention, detection, treatment and survivorship. Current Federal funding for cancer research, however, is inadequate to make the kind of difference in the lives and the one in two American men and one in three American women who will develop cancer over his or her lifetime. We must dramatically increase our Federal investment in cancer research a relatively paultry 2.3 percent of the total cost of cancer in these United States at a mere $10.75 per person.

Cancer is quickly becoming the number one killer in America. Five 747 jumbo jets crashing every day for a year equals the 563,000 Americans who will die this year from cancer. Conservative estimates project that by 2010 and 11 short years cancer will become the leading cause of death as incidents increases 29 percent and mortality 25 percent and an annual cost of over $200 billion. These statistics indicate that much more aggressive effort is required to combat cancer and to reduce human suffering and lives lost to cancer, and yet while cancer is a greater threat than ever, only 31 percent of approved cancer research projects receive funding today. We must seize this opportunity to quicken the pace of research by funding the most research initiatives possible, and we know what that brings:

For example, I have had the pleasure of holding forums as the founder and chairman of the House Cancer Awareness Working Group, and I want to thank so many Members for playing a role in this. We know that through a commitment through NCI for childhood cancer we have increased mortality rates for one of the most devious and troubling forms of cancer, and that is cancer for effecting children. But we also know by getting children into NIH protocol hospitals and by ensuring that they are in clinical trials we are saving more children. We need to bring that same promise to adults.

We must do it for Enri Nuss of New York and all those like her who are fighting lymphoma today. We must do it for the Judy Lewises of the world who are fighting breast cancer today. We must do it for Jeffrey Theobold, a young man I am proud to have called a friend who died just recently from cancer at the young age of 8. We do it for all the family members who suffer with cancer and are victims on a daily basis.

The costs, both human and economic of cancer in this country are catastrophic. Our national investment in cancer research is the key to reduce spiraling health care costs. Research has shown that for every dollar invested in research, $13 in health care costs is saved; for every dollar invested in research, $13 saved. But it is more important to give cancer victims and their families the peace of mind that everything possible is being done to cure this devastating disease.

I want to thank my colleagues here in Congress who have been advocating for increased funding, and particularly the gentleman from Pennsylvania (Mr. GEKAS) who has been just a stalwart and a leader on this issue, and I am so pleased and proud to serve with him over the last few years. I am glad that we are going to resist the President's recommended budget on NIH who advocates a mere 2.4 percent increase this year for the National Cancer Institute and a 2.1 percent for NIH as a whole. This is no time to withhold resources for medical research, Mr. President.

I want to concur with the gentleman from Pennsylvania and encourage all of our colleagues to support doubling of the budgets of NIH and NCI because it is the right thing to do for America, and it is the right thing to do for the economy, it is the right thing to do to restrain health care costs, and certainly the right thing to do for America's families and the victims of cancer throughout our country.

I want to thank the gentleman for giving me this opportunity to join you today and to be your partner and to discuss this vitally important topic.

Mr. GEKAS. We welcome your continued contribution, and we thank you for your participation today.

We now yield just for a moment before we get to the gentleman from Florida to the gentleman from Texas (Mr. BARTON) who wants to make an introduction.

Mr. BARTON of Texas. I just want to say that I have the Russell Thomas children with me, Becca, Anna, Rachel and their niece, and they are learning about democracy firsthand, and thank you for your courtesy to let me introduce them.

Mr. GEKAS. By all means, and welcome the young people because part of what we are discussing here today right now has to do with maintaining healthy lives for the children of our country.

Mr. BARTON of Texas. And you are doing an outstanding job in that.

Mr. GEKAS. We thank you for that.

And now I yield to the gentleman from Florida (Mr. MICA) who has been waiting patiently in the wings and has heard our colleagueswho have participated in this project proceed. The gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you for recognizing me for just a few minutes to talk about the subject that you are involved in here tonight, and that is adequate funding for research. I think it is very fitting that I be here tonight representing the State of Florida, and the State of Florida today is in mourning. We are in mourning for the wife of our Lieutenant Governor who passed away at 2:20 on Sunday afternoon, Mary Brogan. Anyone who knew Mary Brogan knew she was a fighter, knew she was always at her husband's side even when he was the Commissioner of Education in the State of Florida and through his election as Lieutenant Governor with our current Governor Jeb Bush. Today they held a memorial service in our State capital for Mary Brogan. Mary Brogan fought breast cancer. How important it is that we continue our fight for research, for adequate funding, for the National Institute of Health, for cancer research, so that we do not have to have another memorial service for another beautiful lady like Mary Brogan. She was only 44 years old, but she left behind many great memories. She even, when she was diagnosed with breast cancer and even before, became a strong advocate for research, for work such as you are dedicated here tonight.

□ 1730

We miss Mary Brogan. We salute her fine work, her courage right to the end, and I think it is a fitting memorial to Mary Brogan and others who have been victims of cancer that we pick up the responsibility of seeing that there is adequate funding, that there is adequate research, and that these agencies go forward to find a cure for a horrible disease.

So I thank the gentleman from Pennsylvania (Mr. GEKAS) for his work, for his efforts tonight, and for allowing me to spend just a moment memorializing a wonderful lady with a wonderful smile who I will always remember.

I am grateful for the work of the gentleman.

Mr. GEKAS. Mr. Speaker, we thank the gentleman from Florida (Mr. MICA) for his comments.

The chart that we have here, before I introduce the next speaker on our list here, is entitled, The Promise of NIH Research for Health. Every one of our colleagues spoke about a particular subject in which they were interested or in which they saw progress, and that is what the NIH does. Every single investigation that the NIH conducts into a known disease, or an unknown disease for that matter, results in improvement in our body politic as far as the health of our citizens is concerned and helps preserve and protect our treasury as well.

Just to give an idea of some of the subject matters that were touched upon by our colleagues, earlier detection of cancer with new molecular technologies, that falls right into place with some of the subject matter; medications for the treatment of alcoholism and drug addiction; new ways to relieve pain; earlier detection of cancer, which we heard so much about incidents of cancer from our colleagues, with new molecular technologies, et cetera. Everything that NIH does touches upon every family.

The next chart, please. In the meantime, I will offer into evidence the written documentation that backs the charts that we are presenting here.

History has demonstrated that government initiatives and support for research and development can reduce the time required to bring benefits to the American public. The benefits of this national investment in biomedical and behavioral research are realized on several levels: reducing pain and suffering; improving the quality of life; advancing the diagnosis, treatment, and prevention of disease and disability; and contributing to a stronger economy through health care cost savings and increased productivity of our citizens.

1998 health care costs for the major diseases are estimated as follows: Heart Disease: $128 billion; Cancer: $104 billion; Alzheimer's Disease: $138 billion; Mental Disorders: $148 billion; Arthritis: $65 billion; Depression: $44 billion; Stroke: $30 billion; and Osteoporosis: $10 billion.

The National Institutes of Health (NIH) plays a critical role in facilitating innovations that lead to significant reductions in health care costs. In a series of case studies published in 1993, the NIH identified 34 examples of clinical trials and applied research studies that have resulted in savings in treatment costs and reductions in lost productivity due to disease, disability, and premature death. Together, the examples yield an estimated annual potential savings ranging from $8.3 billion to $12 billion.

THE PROMISE OF NIH RESEARCH FOR HEALTH

Identify genetic predispositions and risk factors for heart attack and stroke.

New approaches to treating and preventing diabetes and its complications.

Genomic sequencing of disease-causing organisms to identify new targets for drug development.

Earlier detection of cancer with new molecular technologies.

New ways to relieve pain.

Diagnostic imaging for brain tumors, cancers, chronic illnesses.

Assess drugs for their safety and efficacy in children.

Medications for the treatment of alcoholism and drug addiction.

Rigorous evaluation of CAM practices (complementary and alternative medicine).

Clinical trials database—help public gain access to information about clinical trials.

Understand the role of infections in chronic diseases.

Vaccines for preventing HIV infection, middle ear infection, typhoid, dysentery, TB, E. coli food contamination

Human genome sequence to assess predisposition to disease, predict responses to drugs and environmental agents, and design new drugs

New means of detecting and combating agents of bioterrorism

New ways to repair/replace organs, tissues, and cells damaged by disease and trauma

Understand and ameliorate health disparities

Improved interventions for lead poisoning in children

New interventions for neonatal hearing loss

Safer, more effective medications for depression and other mental illnesses

New approaches to preventing rejection of transplanted organs, tissues, cells

New treatments and preventive strategies for STDs (sexually transmitted diseases)

New approaches to restoring function after spinal cord injury

EMERGENCY FUNDS NEEDED FOR THE NATIONAL INSTITUTES OF HEALTH

THERE ARE SERIAL KILLERS LOOSE!

Killers also known as tuberculosis (TB), malaria and aids.

"These killers took six times as many lives in the past 50 years, as wars over the same period." (World Health Organization June, 1999 Report).

Victims of all infectious diseases: Number 1 killer in the world; number 3 killer in the U.S.; 11 million killed globally in 1998; and 180,000 killed in the U.S. in 1998.

"I am confident that a major pandemic will be repeated, even through the world is better equipped to deal with it." (Nobel Laureate Joshua Lederberg—Future Speaker at Biomedical Research Caucus Briefing on 10/20/99, "Biological Warfare.")

THE CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

We organized a biomedical research caucus ten years ago for the purpose of informing members and staff about the latest development in biomedical research and the treatment of diseases.

We now have nearly 100 members and have had 80 briefings.

First, Dr. Harold Varmus and now Dr. Michael Bishop, chancellor, University of California at San Francisco have been our advisors and recommended speakers and subjects to us.

We have covered a great number of topics, including cancer, alzheimer's, diabetes, learning disorders, and I want to include in the RECORD at this point the eight caucus topics we have scheduled for this year. And I will note that we will be hearing about stem cell research, heart failure and biology warfare.

These caucuses are sponsored by the Joint Steering Committee for Public Policy which is chaired by Dr. Eric Lander of the Whitehead Institute at MIT. Four scientific societies, the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society and the Genetics Society of America make up the steering committee.

Also, we have been offered the opportunity to bring these caucus briefings to interested people throughout the country through knowledge television broadcasts. This will provide cutting edge research information to our constituents so that they can understand the hard decisions we must make on NIH funding.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

1999 SCHEDULE OF EVENTS

March 3, 1999—Designer Tissues, Robert Langer, The Massachusetts Institute of Technology.

March 24, 1999—Hearing & Deafness, A. James Hudspeth, The Rockefeller University.

April 21, 1999—Learning Disorders, Paula Tallal, Rutgers University.

May 19, 1999—The Sequence of the Worm Genome: What it Means for Human Biology, Martin Chalfie, Columbia University.

June 16, 1999—Nitric Oxide: The Serious Side of Laughing Gas, Solomon Snyder, The Johns Hopkins University.

September 15, 1999—The Potential of Stem Cell Research, John Gearhart, The Johns Hopkins University.

October 6, 1999—New Approaches to the Study of Heart Failure, Eric Olson, University of Texas Southwestern Medical Center.

October 20, 1999—Biological Warfare, Joshua Lederberg, The Rockefeller University.

Before we go to the next one, we recognize the gentleman from Michigan (Mr. EHLERS), who himself has been a stalwart defender of the faith, as it were, in our efforts on behalf of doubling the funding for NIH.

Mr. EHLERS. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding and congratulate him for organizing this particular discussion.

Everyone knows what a tremendous asset the National Institutes of Health has been to our Nation. It is truly one of the jewels of the research effort within this nation. I appreciate the gentleman yielding time for this particular discussion and for the comments that I have to make, because I wish to broaden the discussion, not just from the National Institutes of Health and their dependence upon biological knowledge but some of the background for that knowledge and where it comes from and how that relates to our research efforts today.

As we have heard, biological knowledge is in the midst of an explosion that is generating tremendous advances in our knowledge and technological capabilities, and particularly in developments for health care. Specifically, we are making very rapid progress in the tools that we have at our disposal for the treatment of disease and other medical afflictions.

The National Institutes of Health has, to a large extent, been our steward through this astounding growth phase of the life sciences. The leadership at NIH has been deliberate and patient in its investment in fundamental research projects which have matured to produce knowledge we can use to improve diagnostic tests, choose more effective treatments or even design new drugs to target specific diseases.

With the completion of the Human Genome Project, we may soon move toward a medical environment where particular forms of disease are treated with therapies customized to an individual's genetic makeup and clinical manifestations. However, the NIH has not been the only supporter of such novel and groundbreaking research. Nor has biomedical science been the sole source of our medical advances.

In fact, the recent surge in biological research has evolved through a synergistic relationship between all scientists, and that is the point I wish to make this evening. As a physicist, for example, I can point to a number of contributions from my field that have enhanced our biomedical capabilities in the laboratory and the doctor's office.

Significantly, the medical applications of these projects were not foreseen at the time they were funded and that illustrates the importance of supporting and sponsoring basic research, which eventually does result in such beneficial effects to the human race.

As an example, the discovery of x-rays, which is a curiosity over 100 years ago when discovered by Roentgen, as we know x-rays have tremendous medical applications today. It is hard to find any one of us who has not had numerous x-rays.

At the same time, what many of us do not know is that x-ray crystallography, which allows us to examine the details of protein structure as well as electromicroscopy, which allows us to look inside the cell and its working components, the organelles, both have been extremely important in also helping improve health care and diagnosis and treatment.

I have also described on the floor before another important tool, that is, Magnetic Resonance Imaging, MRI, which is a fascinating development because it shows the importance of basic research in very esoteric fields of physics.

In this particular case, nuclear magnetic resonance developed in the early 1950s, resulting in Nobel prizes for Ed Purcell and Felix Bloch, was a completely esoteric field, of interest only to those studying nuclear structure. It allows us to measure nuclear magnetic moments, electric quadrupole moments, as well as nuclear spins.

Another esoteric development at that time was developing data gathering and analysis techniques for discovering elementary particles in physics, totally unrelated esoteric fields within physics and yet they combine to result in MRI, which is the most advanced and superb diagnostic tool we have available today and certainly essential to the work done at NIH in other areas.

Beyond physics and chemistry, biology is dependent upon seemingly unrelated fields to support its growth. A prime example today is computer science. Digital analysis of tissue samples, rapid dissemination of information, both in the form of raw data between scientists and education information for public health uses, data bank compilation and analysis, and biological modeling programs, are all examples of how progress in biomedical research is sustained by growth in other scientific disciplines.

As was recommended in the Science Policy Report prepared by the Committee on Science last fall, adopted by them, and then adopted by this House as H. Res. 578, the Federal Government has an irreplaceable role to play in the Nation's basic research endeavors through stable and substantial funding reports.

I just want to make certain that everyone understands we have a responsibility to ensure that our cumulative research portfolio is balanced among the various disciplines, and I support

Dr. Harold Varmus for his fine work in this and his recognition of our dependence upon many other sciences.

I'd like to thank the gentleman from Pennsylvania for yielding time to me to participate in this important discussion of the research priorities facing our nation as we enter the 21st century.

As we have heard, biological knowledge is in the midst of an explosion that is generating tremendous advances in our knowledge and technological capabilities. Specifically, we are making rapid progress in the tools that we have at our disposal for the treatment of disease and other medical afflictions.

The National Institutes of Health (NIH) has, to a large extent, been our steward through this astounding growth phase in the life sciences. The leadership at NIH has been deliberate and patient in its investment in fundamental research projects which have matured to produce knowledge we can use to improve diagnostic tests, choose more effective treatments, or even design new drugs to target specific diseases. With the completion of the Human Genome Project, we may soon move toward a medical environment where particular forms of disease are treated with therapies customized to an individual's genetic make-up and clinical manifestations.

However, the NIH has not been the only supporter of such novel and groundbreaking research. Nor has biomedical science been the sole source of our medical advances. In fact, the recent surge in biological research has evolved through a synergistic relationship of all the sciences.

As a physicist, I can point to several contributions from my field that have enhanced our biomedical capabilities in the laboratory and the doctor's office. Significantly, the medical applications of these projects were not foreseen at the time they were funded. I have described one of these tools to you on this floor before, that of Magnetic Resonance Imaging—a result of studies in nuclear and particle physics—crystallography, which allows us to examine the details of protein structure, and electron microscopy, which allows us to look inside the cell at its working components, the organelles.

Beyond physics and chemistry, biology is dependent upon other seemingly unrelated fields to support its growth. A prime example today is computer science. Digital analysis of tissue samples, rapid dissemination of information (both in the form of raw data between scientists and education information for public health nurses), data bank compilation and analysis, and biological modeling programs are all examples of how progress in biomedical research is sustained by growth in other scientific disciplines.

As recommended in the Science Policy Report released by the Committee on Science last fall, and adopted by this body as H. Res. 578, the Federal Government has an irreplaceable role to play in the Nation's basic research endeavors through stable and substantial funding support. However, we also have a responsibility to ensure that our cumulative research portfolio is balanced among the disciplines to sustain the overall health of our research investment.

I would like to close with a quote from Dr. Harold Varmus, the Director of NIH. Speaking at the Centennial Meeting of the American Physical Society this past March, Dr. Varmus stated that "one of [his] convictions about medical research [was] that the NIH can wage an effective war on disease only if we—as a nation and a scientific community, not just a single agency—harness the energies of many disciplines, not just biology and medicine."

I agree with Dr. Varmus, and I also agree with the gentleman from Pennsylvania (Mr. GEKAS) and my other colleagues. We should capitalize on the advances which our past research investments are yielding in the health-related fields by increasing funding, but we must do so responsibly. We must not sacrifice today's fundamental research projects for quick advances in one field. Rather, we should concurrently nurture today's biomedical success while investing in tomorrow's unknown promises.

Mr. BACHUS. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding, I want to commend him for having this special order.

Mr. Speaker, I want to say this to the Members: America has always been up to the challenge, whether it was building the transcontinental railroad to unite our West Coast with the rest of the Nation after the civil war; putting a man on the moon; or soldiers coming back from a war; devising a GI bill; the interstate system.

Now, Mr. Speaker, we are confronted with the biggest challenge of all and that is the challenge that confronts each of us daily, and that is the challenge of disease. So I am proud to be a part of this effort in combatting it.

I did want to mention two people, Dr. Beatrice Hahn of UAB, who has actually, as a result of an NIH grant, traced over a 20-year period the origins of AIDS; and also Dr. Robert Castleberry and Dr. Peter Emmanuel, who have found the origin of a very rare form of childhood leukemia which only affects children under the age of 5. That is all as a result of NIH funding.

Mr. Speaker, I would like to mention two teams of University of Alabama in Birmingham (UAB) researchers both of which have made progress in conquering or controlling two of our most prolific diseases, AIDS and Leukemia. The first team, led by Dr. Beatrice Hahn and her husband Dr. George Shaw, have waged a 20 year quest which resulted in the discovery of the origin of HIV1.

THE ORIGIN OF HIV-1: UAB RESEARCHERS LEAD DISCOVERY EFFORT

(Synopsis Research News, Feb. 2, 1999)

UAB scientists have discovered the origin of Human-Immunodeficiency Virus Type 1 (HIV-1), the virus that causes AIDS in humans. This finding by an international team of scientists led by Beatrice H. Hahn, MD, of UAB, solves a 20-year-old puzzle regarding the beginnings of the AIDS epidemic, which now afflicts some 30 million people worldwide. Dr. Hahn presented her study on January 31 at the 6th Conference on Retroviruses and Opportunistic Infections in Chicago. A paper detailing the discovery appears in the February 4 issue of the journal Nature.

Dr. Hahn, a professor of medicine and microbiology at UAB, is senior author of the paper. Feng Gao, MD, research assistant professor of medicine at UAB, is the paper's lead author.

The researchers identified a subspecies of chimpanzee *(Pan troglodytes troglodytes)* native to West-Central Africa as the natural reservoir for HIV-1. "We have long suspected a virus from African primates to be the cause of human AIDS. However, exactly which animal species was responsible was unknown," says Dr. Gao. Viruses related to HIV-1 had previously been found in chimpanzees and were given the designation SIVcpz (for Simian Immunodeficiency Virus). However, only three such infected animals were identified, and one of these harbored a virus so different from HIV-1 that most scientists questioned a direct relationship to the human virus.

SOPHISTICATED MOLECULAR TECHNIQUES

The recent breakthrough came when Dr. Hahn and her colleagues identified a fourth SIVcpz infected chimpanzee and used sophisticated molecular techniques to analyze all four viruses and the animals from which they were derived. The researchers found that three of the four SIVcpz strains came from chimpanzees that belonged to the *Pan troglodytes troglodytes* subspecies. The fourth virus strain, which was genetically divergent from the other three, came from an animal that belonged to a different chimpanzee subspecies, termed *Pan troglodytes schweinfurthi*, native to East Africa. The scientists then discovered that all known strains of HIV-1, including the major group M (responsible for the global AIDS epidemic), as well as groups N and O (found only in West-Central Africa), were closely related only to SIVcpz strains infecting *Pan troglodytes troglodytes*.

The puzzle's final piece was put in place when the researchers realized that the natural habitat for *Pan troglodytes troglodytes* overlaps precisely with the region in West-Central Africa where all three groups of HIV-1 (M, N, and O) were first recognized. Based on these findings, Dr. Hahn and her colleagues concluded that *Pan troglodytes troglodytes* is the origin of HIV-1 and has been the source of at least three independent cross-species transmission events of SIVcpz.

While the origin of the AIDS epidemic has been clarified, an explanation for why the epidemic arose in the mid-20th century, and not before, remains a matter of speculation. "Chimpanzees are frequently hunted for food, especially in West-Central Africa, and we believe that HIV-1 was introduced into the human population through exposure to blood during hunting and field dressing of these animals," says Dr. Hahn. And she believes that, while incidental transmissions of chimpanzee viruses to humans may have occurred throughout history, it was the socioeconomic changes in post-World War II Africa that provided the particular circumstances leading to the spread of HIV-1 and the development of the AIDS epidemic. "Increasing urbanization, breakdown of traditional lifestyles, population movements, civil unrest, and sexual promiscuity are all known to increase the rates of sexually transmitted diseases and thus likely triggered the AIDS pandemic," adds Dr. Hahn.

"The importance of the current findings could be far reaching," says George Shaw, MD, PhD, a Howard Hughes Medical Institute Investigator at UAB and a principal author of the paper. "Chimpanzees are identical to humans in over 98% of their genome, yet they appear to be resistant to the damaging effects of the AIDS virus on the immune system. By studying the biological reasons for this difference, we may be able to obtain important clues concerning the pathogenic basis of HIV-1 in humans and possibly new strategies for treating the disease more effectively." He further adds that a better understanding of exactly how the chimpanzee's immune system responds to SIVcpz infection compared to that of humans is likely to lead to the development of more effective strategies for an HIV-1 vaccine.

BUSH-MEAT TRADE

Finally, the authors of the paper note that transmission of SIVcpz could still be ongoing. "The bushmeat trade—the hunting and killing of chimpanzees and other endangered animals for human consumption—is a common practice in West-Central Africa and represents an ongoing risk for humans," says Dr. Hahn. "Subsistency hunting has always been a part of West-Central African culture, but increasing logging activities in the past decade have provided unprecedented access to remote forest regions and have led to the commercialized killing of thousands of chimpanzees, gorillas, and monkeys. It took us 20 years to find where HIV-1 came from, only to realize that the very animal species that harbors it is at the brink of extinction."

"We cannot afford to lose these animals, either from an animal conservation or a medical investigative standpoint," she says. "It is quite possible that the chimpanzee, which has served as the source of HIV-1, also holds the clues to its successful control." Dr. Hahn and her colleagues hope that, as a consequence of their research, there will be additional measures taken to discourage chimpanzee poaching and to preserve this and other endangered primate species.

The team of scientists responsible for the AIDS discovery include UAB's Ya-Lu Chen, Cynthia Rodenburg, and Scott Michael, as well as Paul Sharp and Elizabeth Bailes from the University of Nottingham in England; David Robertson from the Laboratory of Structural and Genetic Information in Marseilles, France; Larry Cummins from the Southwest Foundation for Biomedical Research in Texas; Larry Arthur from the Frederick Cancer Research and Development Center in Frederick, Maryland; and Martine Peeters from the Laboratory of Retroviruses at ORSTOM in Montpellier, France.

The research was funded by the National Institute of Allergy and Infectious Diseases and the Howard Hughes Medical Institute.

The second team led by Dr. Peter Emanuel and Dr. Robert Castleberry, were involved in a 13 year effort to save our youngest citizens. Dr. Peter Emanuel at UAB is one of the first recipients of the K24 awards. The K24 award is an individual grant to aid in patient-oriented research and to allow the individual to mentor younger trainees. Dr. Emanuel and his colleague, Dr. Robert Castleberry, also at UAB, have been investigating for over a decade a rare but very deadly form of childhood leukemia which affects children under the age of five. Over their thirteen years of research in this disorder they have emerged as the world's leaders for this childhood leukemia, have led the investigations revealing the cellular and genetic mechanisms which cause this leukemia, and have discovered new therapies for this dreaded leukemia. As a result of this K24 award and other grants from the NIH and the Leukemia Society of America, Drs. Emanuel and Castleberry are about to start a new treatment protocol for this childhood leukemia which will cover all of North America. This treatment protocol will include chemotherapy, bone marrow transplantation, an experimental drug, and a vitamin A derivative, the latter two being developed as a result of discoveries made in the laboratory and taken to the patient bedside, so-called "Translational Research." This protocol, being conducted in close conjunction with the National Cancer Institute (NCI), will begin in the coming months. In addition, a North American registry and a web site for families and physicians alike are all in the works.

Mr. GEKAS. Mr. Speaker, we want to acknowledge the presence of the gentleman from Indiana (Mr. BURTON), but we have no time to yield to him but we thank him for his participation.

Mr. Speaker, I ask unanimous consent for another 3 hours so we can complete our message but I do not think I will get it. I see some heads shaking over there, but we thank everyone for the time that has been accorded us.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my support for H. Res. 89, calling for a $2,000,000,000 increase in the Federal investment in biomedical research in fiscal year 2000. Such an increase is vital to ensure that Congress fulfills the commitment it made last year to double the budget of the National Institutes of Health over five years.

I support H. Res. 89 with the hope that this increase will enable the National Institutes of Health to accelerate its research efforts in two particular areas that I feel have been neglected in the past. The first area is Ovarian Cancer. Each year more than 14,000 women die of Ovarian Cancer in the United States. There are no reliable methods for early detection so most women are diagnosed in the late stages when the five-year survival rate is only 15–20 percent. Even more tragic is the fact that a large portion of these women are only in their 20's and 30's when struck with this disease.

While the general population has grown more and more familiar with some cancers in recent years, ovarian cancer continues to fall below the radar of the general public. Until recently, little research was done exclusively on ovarian cancer, and to date, no early detection method for ovarian cancer has been developed. As a direct result, mortality rates for Ovarian Cancer have remained the same for the past 50 years. This is truly disheartening.

Such destruction compelled me to introduce legislation to address these research inadequacies. Every year since 1991, I have introduced legislation to promote and advance the ovarian cancer research and public education effort. In this Congress I have introduced H.R. 961, the Ovarian Cancer Research and Information Amendments of 1999.

The Ovarian Cancer Research and Information Amendments of 1999 has three components. First, it authorizes $150 million of ovarian cancer research, one half to be spent on basic cancer research and one half on clinical trials and treatment. Of this research, the bill requires that priority be given to: developing a test for the early detection of ovarian cancer; research to identify precursor lesions and research to determine the manner in which benign conditions progress to malignant status; research to determine the relationship between ovarian cancer and endometriosis; and appropriate counseling, for women who participate as subjects in research, including counseling about the genetic basis of the disease.

Second, the bill provides for a comprehensive information program to provide the patients and the public information regarding screening procedures; information on the genetic basis to ovarian cancer; any known factors which increase risk of getting ovarian cancer; and any new treatments for ovarian cancer.

Finally, it requires that the National Cancer Advisory Board include one or more individuals who are at high risk for developing ovarian cancer.

It is time that we commit to ovarian cancer research the resources it deserves and give women a fighting chance in the war against ovarian cancer.

Doubling the budget for NIH will also strengthen our commitment to research in eye disease and vision disorders conducted at the National Eye Institute (NEI).

Given the demographics of the American population, blinding eye and vision disorders pose a tremendous challenge to our health care system and income support programs. By the year 2030, the elderly population in the United States is expected to double and more than 66 million Americans will be at risk for blinding eye disorders. Cataracts afflict 29 percent of Americans between ages 65 and 74; glaucoma afflicts over 2 million Americans and is the leading cause of blindness in African Americans; age-related macular degeneration afflicts 1.7 million Americans; and diabetic retinopathy is the most frequent cause of new blindness in our working population between the ages of 24 and 74. The incidence of these diseases promises to increase as the 'baby-boomers' age.

Today, eye and vision disorders cost society $38 billion every year. This cost will grow exponentially unless existing research opportunities are vigorously pursued.

For these reasons I urge my colleagues to remain firmly committed to doubling the NIH budget, and furthermore, to ensure that the National Eye Institute receives a corresponding increase. Unfortunately, an analysis of funding trends over time indicates that the increases in the NEI budget have not kept pace with the increases received by the NIH. Since 1985, the NIH budget has grown by 60 percent while the NEI budget has grown by only 24 percent. When the appropriations over the past five years are averaged, the NEI has received the second smallest increase of the NIH programs. This is appalling given the serious diseases afflicting the aging eye. I am concerned about the commitment to eye and vision research reflected in this trend and have introduced legislation, H.R. 731, calling for a doubling of the NEI's budget over a five-year period. I invite all of my colleagues to join me in co-sponsoring this legislation.

When asked what sense do you fear losing the most, a majority of Americans respond that it is their vision. We, as representatives, have an obligation to make our commitment to eye and vision research at the NEI as strong as our commitment to the biomedical research enterprise at NIH. I urge my colleagues to support a 15 percent increase for NIH and NEI in Fiscal Year 2000, which will keep this Congress on track to doubling the budget of these institutions.

I urge my colleagues to make biomedical research a priority and support doubling the research efforts at the National Institutes of Health and to support increasing research efforts at the National Eye Institute and for Ovarian Cancer at the National Cancer Institute.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Pennsylvania, Mr GEKAS, for arranging this Special Order, and I rise in strong support of Mr. GEKAS' House Resolution 89, calling for the doubling of the NIH budget by Fiscal Year 2003. As a member of the Biomedical Research Caucus and as someone who has personally benefited from the advances in biomedical research, I urge my colleagues to support this important resolution.

Mr. Speaker, there isn't an American today that has not benefited from the ground-breaking medical advances made by the National Institutes of Health. Future investments in NIH hold the key to long-awaited breakthroughs in life-threatening diseases and ailments that plague our society. Biomedical research is not only responsible for improving the lives of Americans and savings in health care, but it is also vital to our economic competitiveness. America is the leader in medical technology and that is why it is so important that we continue to invest in research so we do not lose our competitive advantage in this critical field.

In my district in Boston, several teaching hospitals and academic research facilities are leaders in producing biomedical research advances that have improved health care and the quality of life for patients, not only in the Commonwealth of Massachusetts, but throughout the world. This vital research produces new knowledge and technology, and it also provides the knowledge necessary for developing earlier, cost-effective diagnosis, less invasive surgical procedures, more effective rehabilitation and improved patient care. In 1998, Massachusetts teaching hospitals received $421 million in funding from the NIH, which represents 47 percent of total NIH funding to independent teaching hospitals throughout the country. The NIH funding to teaching hospitals and universities in Massachusetts makes my home state the medical Mecca of the world.

Increasing the NIH budget will enable the medical community to continue its breakthroughs in finding cures for heart disease, AIDS, cancer, diabetes, cystic fibrosis, Alzheimer and many other life-threatening diseases. Increased funding is also critical to attracting our best and brightest students into the medical research field. It is vital that the government foster an environment in which medical research can flourish.

With increased investment in the NIH, more grants and research centers will be funded and NIH will be able to direct funds to previously underfunded areas of biomedical research. One area that I hope we will renew our nation's commitment to is eye and vision research. I am increasingly concerned about the impact of blinding disorders on our nation as America ages. One out of every four Americans 75 years of age and older suffers from serious vision loss which is not correctable with glasses. For example, mascular degeneration is an irreversible loss of central vision and is the leading cause of visual impairment among the elderly. Also, diabetic retinopathy is an inevitable complication in patients with long term Type 1 and Type 2 diabetes and is the leading cause of blindness among Americans aged 25–74. Given the demographics in the American population, eye research is critical. Over the next thirty years, the number of Americans aged 75 and over will double. Unless we develop medical cures for these ailments, millions of Americans will lose their independence because of eye disorders.

In recent years, our nation's investments in eye and vision research conducted through the National Eye Institute (NEI) has just not measured up to the strength of our commitment in other areas of biomedical research at NIH. The NEI has received the second smallest increase of all NIH programs when you look at the average of appropriations from the last five years. Since 1985, NIH has grown more than 60 percent, while NEI has grown by only 24 percent. I fear if this trend continues, it will result in a disastrous situation when the demographics of the next millennium are considered.

In order to reverse this trend I have joined my colleagues, Congresswoman PATSY MINK, as a cosponsor of her legislation, H.R. 731, which specifically calls for a doubling of the NEI budget over five years. I urge all of my colleagues to support in these efforts to increase funding in biomedical research and to continue to make solid investments in the health and well-being of our citizens.

Mr. Speaker, I thank my colleague, Representative GEORGE GEKAS for his leadership and commitment to biomedical research.

Mr. CALLAHAN. Mr. Speaker, in American dramatist Tennessee Williams' play of the 1950's, "Cat On a Hot Tim Roof", "Big Daddy," fearing that a tumor found in his body is cancerous, speaks of "a man not having a pig's advantage." He refers to the human race's unique ability to conceive of its own mortality. Truly, the number of men and women throughout the world daily battling illness and disability is a constant reminder of the reality that humanity is at war with disease and death. What Big Daddy did not acknowledge, and also what most of us often fail to recognize, is that the human ability to conceive of our mortality does not confine us to the status of the disadvantaged. Instead, it affords us an advantage in terms of our capacity to treat and even cure disease should we focus our resources—combining our intellectual faculties with financial and technological resources in the biomedical field—toward the common goal of fighting disease.

The National Institutes of Health (NIH) is the organization in the U.S. where such resources are directed toward the discovery of treatments and cures for illnesses. Research at the NIH ranges from various forms of cancer to disorders which are cardiovascular, psychological, and neurological in nature. It extends also from immune deficiency disorders to diabetes and cystic fibrosis.

Because the NIH seeks to protect, treat, and preserve what is common to all humans—life—the benefits of NIH research are not confined to any specific race, sex, religion, or geographic region. Some of the major advances of the NIH in the past fifty years which serve the public include vaccines against polio, hepatitis B, and many other infectious agents; penicillin and other antibiotics; recommendations for health-promoting diet and lifestyle, including simple amens to lower the incidence of heart disease; replacements for many hormone and vitamin deficiencies; new methods for contraception; tests to protect the blood supply from hepatitis B and C viruses and HIV; new surgical methods, including organ transplantation and implantation of pacemakers and artificial joints; effective therapies for certain leukemias and cancers; drugs effective against mental illnesses; new therapeutics, such as blood cell growth factors, from recombinant DNA technologies; in vitro fertilization methods; and genetic testing for many inherited diseases. Needless to say, the list could go on forever. As our nation has historically been a leader in biomedical research, increasing Congressional funding to support the work of NIH would be a proactive step to continue our commitment to fight humanity's war against disease. Increasing the federal investment in biomedical research by $2,000,000,000 in fiscal year 2000 would provide the scientific and medical communities the resources necessary to continue to improve the quality of life for Americans and human beings worldwide.

As an original co-sponsor of House Resolution 89 and as co-chair of the Biomedical Research Caucus, I think the fact that the 106th Congress has witnessed for the first time in over 20 years an Administration's request for civilian R&D to exceed that for defense is just one reflection of the escalated need to prioritize biomedical research in the next century. We are presently at the close of a century which the average life expectancy in the United States has increased by nearly thirty years. As stated by Dr. Harold Varmus, director of NIH, such statistics make victory over disease and disability a goal that is realistic. For example, research sponsored by the NIH will map and sequence the entire human genome by 2005, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnosis, treatment, and cure of diseases that currently plague society.

However, while we commend the medical field for the developments over the 20th century which have prolonged life for Americans, we must also recognize that the work is far from complete. With the aging of our nation's population, neurodegenerative diseases, such as Alzheimer's and Parkinson's disease, threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the medicare and medicaid programs. Incidentally, NIH researchers will inevitably face new puzzles about the human body, heredity, environmental insults, and infectious agents.

The bottom line is that the 25 institutes and centers of the NIH, each focusing on particular diseases or research areas inhuman health, receive their funding primarily from Congress. Ninety percent of NIH's budget is already committed to multi-year grant recipients for research, as well as the infrastructure of the Institutes and Centers. New scientific opportunities and earmarks compete for the remaining 10 percent, and these scientific inquiries would likely benefit public health. While overall funding for R&D has been reduced in recent years, biomedical funding at the NIH has nearly doubled over the last decade. Still however, about 75% of the research grant proposals submitted to NIH do not receive funding, leaving many scientists no choice but to find other careers. New discoveries in biomedical sciences require individual experimentation, and the prospect of winning the victory over disease becomes narrower and narrower as more scientists cease exploring for explanations, treatments, and cures.

In order to fully understand this issue, it is important to keep in mind the larger repercussions of the work of the National Institutes of Health. A present commitment to medical research in the U.S. means an eventual reduction in health care expenditures. Thus, allocating funds to the NIH is an investment that has the potential to yield favorable returns not only in terms of the quality of human life, but in economic terms as well. Furthermore, "since our country leads the world in pharmaceuticals and research, in [the] development of technologies and biomedical advancement" required to "hone in on the eradication of disease, not only will we be steadily moving towards the goal of preventing" and curing disease, but "at the same time we will fashion a new leadership, economic worldwide leadership, for our country in producing the wherewithal by which to fight those diseases. What that means is more jobs, more enterprise, more prosperity, while helping save humanity from the ravages of the diseases in every corner of the world," even those too often unattended.

A discussion of a budget of billions of dollars for one organization can make the NIH funding issue seem impersonal, when it is exactly the personal level which makes the need for increased federal funding for NIH most clear. The debilitating and devastating effects of RETT syndrome, a neurological disorder which leaves little girls physically and mentally handicapped by three years of age, is just one example of a medical mystery in which the thousands of diagnosed individuals and their families must place all their hope in the NIH. Girls with the disorder show normal development until 6–18 months of life, then appear to arrest in development or regress in previously acquired skills. Traditional testing methods for the disease are inadequate because the inflicted child can not speak or gesture. In the early stages of the disorder, girls may exhibit the autistic features of withdrawal and isolation. Cognitive functioning appears to be severely impaired, but true understanding and intelligence are difficult to measure due to apraxia: the desire to move and respond, but incapability of directing movements.

The percentage of girls with RETT syndrome (about 50 percent who are able to walk are lucky. However, they do so in a broad based gait, which is often accompanied by shakiness of the limbs and torso. Other symptoms include: spasticity, curvature of the spine, and poor circulation of the legs causing loss of mobility. Many girls have abnormal breathing patterns such as hyperventilation and breath holding.

RETT syndrome has only recently been recognized in the United States. Several thousand people have been diagnosed with RETT syndrome this year, and it is estimated that many thousands more have gone undiagnosed. The prevalence of RETT syndrome is reported to be from one in ten thousand to one in fifteen thousand live female births.

There is currently no test for RETT syndrome. The girls must meet certain clinical criteria for diagnosis. Extensive laboratory investigations have not revealed a cause. But there is a suggestion that as the syndrome is confined to girls, a genetic basis may be indicated. More research is needed by many areas of the National Institutes of Health to give further insight into the disease in hopes of finding a cause, treatment, prevention, and cure. It is also well-documented that the research of RETT syndrome has an impact on similar neurodegenerative diseases and disorders such as Parkinson's disease, Alzheimer's disease, Huntington's disease, and the obvious autism and cerebral palsy. Clearly, increasing funding for NIH research and development would be instrumental in learning more about these diseases to help the victims, the families who care for and love them, and for all of us, who inevitably have a genetic predisposition for a disease or an environmental or lifestyle factor that places us at risk to develop an illness or disability for which we will one day place all hope in the NIH.

House Resolution 89 expresses Congressional approval of a federal expenditure of which every American would be a beneficiary. Whether it be through the prevention, diagnosis, treatment, or cure of one's own disease, or that of a family member; whether it be through positive repercussions for the nation's health care system; whether it be through the creation of jobs and enterprise through the medical industry—in some way or another, each and every citizen benefits from an investment in biomedical research. Should the 106th Congress increase funding for the NIH, the U.S. will continue to lead the world in biomedical research.

Mr. FORBES. Mr. Speaker, the United States is the world's leader in medical research. We spend more each year on research to cure and prevent disease than any other nation, and we are at the forefront of developing new and innovative treatments for diseases ranging from heart disease to breast cancer to AIDS.

Funding for the National Institutes of Health (NIH) is a vital part of the Federal government's effort to improve the health of all Americans. Recognizing this fact, both Congress and the Administration have pledged to work together in a bipartisan way to double NIH's funding over the next several years.

But, we need to match action with words. While I have strongly supported efforts in the past to increase NIH's funding, and I will continue to do so in the future. Yet, there is great uncertainty over whether Congress can fulfill this commitment and maintain the fiscal discipline demanded of us by the balanced budget agreement.

The fact is, we must fulfill this commitment. Medical research is not only economically expedient, it is necessary to bring an end to the suffering of millions of Americans who have debilitating and terminal conditions. It is only through continued and expanded biomedical research that this Nation can hope to understand, prevent and cure the diseases that threaten our lives and the lives of our children.

We have already accomplished great things, in the field of biomedical research as I previously mentioned. But what we have accomplished yesterday will pale in comparison to what we can accomplish tomorrow. There is no doubt about it, we are on the cusp of a revolution in biomedical research. We can either embrace the revolution crush it before it begins.

The choice should be obvious. It is simply common sense that the most cost-effective way to treat diseases is to either cure them or prevent them. Prevention, while ideal, is not going to be completely effective. Experience has taught us that disease will occur no matter what steps are taken to prevent it.

So, we need to find a cure. Only by performing research into the nature of disease can we hope to unlock their secrets. Once a cure is discovered, it becomes a simple matter of administering the medication/vaccine. The difficult part is finding the cure. Research is the key and without dollars there can be no research.

I urge all my colleagues to renew and strengthen their commitment to making biomedical research a top priority as we enter the next millennium. Our children and their children will thank us as they live longer, and healthier lives.

Mr. PORTER. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. GEKAS) for organizing this special order and for his tireless efforts to educate our colleagues on the importance of biomedical research.

I stand today as one of what I am pleased to say is a growing number of members of this body who believe that biomedical research must be one of Congress' highest priorities in allocating scarce federal funding.

The role of such research in combating disease is well known. Federally-supported biomedical research creates high-skill jobs, helps retain U.S. leadership in biomedical research and development, and supports an industry which generates a positive balance of trade for our country. Research provides great hope for effectively treating, curing and eventually preventing disease and thereby saving our country billions of dollars in annual health care costs. For example, in terms of health care savings, the development of the polio vaccine alone—one of thousands of discoveries supported by NIH funding—has more than paid for our country's five decades of investment in federal biomedical research.

I serve as Chairman of the Appropriations Subcommittee which funds NIH—as well as the departments of Education, Health & Human Services and Labor—and I have made funding for biomedical research one of my highest priorities. For fiscal year 1999 (FY99), Congress was able to provide a 15 percent increase for the NIH. This increase raised the total appropriation for NIH to $15.65 billion which is $2 billion above the level provided for fiscal year 1998 and $850 million above the amount that the President requested. I believe this to be the necessary appropriation for the NIH to adequately fund their vital and lifesaving work.

Last year's appropriation was the first installment of what we hope will be a five year effort to double funding for the NIH through such annual increases of approximately 15 percent. In my judgment, it is clear that incredible opportunities presently exist for progress on a host of diseases and that such a commitment of resources is fully justified. Unfortunately, the President's fiscal year 2000 budget request for NIH includes an increase of less than two percent, an amount that would not even keep place with inflation. And the balanced budget agreement of 1997 also imposes very tight caps on discretionary spending that will make it hard for Congress to find the necessary resources.

Notwithstanding these difficulties, we must all actively work to build support in Congress for a second 15% increase and to find the resources necessary to make this funding level a reality in the coming year. Such priority treatment for the NIH is wise and appropriate. For quite literally, the health of our economy, of our people and our future prosperity all ride on the dividends that this research pays.

Mr. CAPUANO. Mr. Speaker, I would like to take a moment to thank my colleague from Pennsylvania, Mr. GEKAS, for arranging tonight's Special Order. It is essential that Congress moves forward in its commitment to double the medical research budget at the National Institutes of Health (NIH). Researchers at the NIH are developing cutting-edge treatments for hundreds of diseases from cancer to Alzheimer's to diabetes. Increased funding for NIH research and development will allow millions of Americans to lead healthier lives. I would like to submit for the record letters from researchers in my District that have benefited from NIH-sponsored initiatives.

HARVARD MEDICAL SCHOOL,
Boston, MA, June 21, 1999.

Hon. MICHAEL E. CAPUANO,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CAPUANO: I am writing to thank you for the opportunity to meet with you and your staff last week, as one of a group of young scientists I was pleased to be able to discuss with you issues concerning biomedical research and funding in this country. I greatly appreciate both your interest and concern in these matters and hope that you will be able to participate in the Special Order, scheduled for Tuesday, June 22nd, to discuss the need for doubling funding to the National Institutes of Health (NIH) over the next five years.

My training in the department of Molecular Medicine at Cornell University was supported by the Federal Government through an Institutional Training Grant in Pharmacology awarded by the NIH. As a Postdoctoral Fellow in the department of Medicine at Beth Israel Deaconess Medical Center. I am currently the recipient of a National Research Service Award. My research regards the regulation of cell growth although very basic this type of work contributes to our understanding of cancer and will hopefully lead to more effective treatments for cancer in the future. It is an exciting time to be involved in biomedical research, the new cross discipline nature of the field allows for biologists, chemists and physicists to come together in multiple areas and has lead to the development of Programs in Chemical Biology such as the new Institute of Chemistry and Cell Biology at Harvard Medical School. These types of collaborative efforts should lead to new drugs and treatments in the future.

The past commitment of our country has brought us to the forefront of biomedical research and medical care in the world. With our investment leading to new technologies and a highly trained work force we are now in a position to make this financial commitment payoff. The federal government's contribution to biomedical research has brought us to a new time of molecular approaches to medicine and with the human genome project well under way it seems feasible that we will soon be able to prevent, treat, and even cure many diseases from which our society suffers. As the single largest contributor to biomedical research the federal governments continued commitment is critical to realizing these goals and should allow for an improved quality of life for Americans and of course lead to a decrease in the expenditures for national health care in the country. Additionally expenditures for biomedical research on the governments part stimulate economic growth in the private sector creating jobs in the Biotechnology and Pharmaceutical Industries, this is of particular relevance in the 8th district.

It seems clear that staying to the goal of doubling the NIH funding in five years (H. Res. 89) we must find a way to increase the proposed $320 million increase to $2 billion in fiscal year 2000. Although current budget caps make this difficult I believe that the peoples interest would be served by a continued commitment to biomedical research by the federal government. The bipartisan support that this issue receives and the support of the public should justify the requested increased funding to keep us on track.

Please feel free to contact me if I can be of any assistance to you and your staff on issues requiring scientific expertise or if you would like to form a scientific advisory committee to deal with complex scientific issues I would be happy to participate. Again thank you for your time and consideration in this important matter.

Sincerely,
JUDITH A. GLAVEN, PH.D.

TUFTS UNIVERSITY,
June 18, 1999.

Hon. MICHAEL E. CAPUANO,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CAPUANO: Thank you for taking the time to meet with me last Wednesday regarding our efforts towards doubling the National Institutes of Health (NIH) and National Science Foundation (NSF) budgets over 5 years. As a Department of Defense (DOD) Breast Cancer Research Predoctoral Fellow at Tufts University in Boston, my research and academic pursuits have benefited greatly from the appropriations made to funding agencies such as the NIH, NSF and DOD. While at Tufts, DOD and NIH funding enabled my doctoral research on the inhibition of breast cancer growth and metastasis to go forward. Consequently, my coworkers and I have been able to demonstrate that the introduction of a soluble form of an important receptor on the breast cancer cell surface can competitively inhibit the binding of this receptor to its target, which is located in the matrix surrounding the cancer cell. By cutting off this interaction, we have slowed the ability of cancer cells to grow and migrate through the surrounding milieu, thereby inhibiting tumor growth and metastasis of breast cancer cells in a mouse model system.

This work has exciting implications, but without the continued support of the NIH through grants to the laboratory of my doctoral mentor, Dr. Bryan Toole at Tufts University, and the DOD predoctoral grants to the students in his laboratory, the continued development of this research could be lost. Furthermore, there is so much remaining to be understood regarding the growth and movement of the many different kinds of cancer cells. Since the work of Dr. Toole and his coworkers has the potential to be generalized to many different types of cancer, as evidenced by the fact that several tumor types appear to contain this important receptor at the surface of their cells, this research could be important to inhibiting the growth and movement of many types of cancer cells. Still, a great deal of work remains so that we may truly understand the mechanism behind this inhibition in order to manufacture therapeutics that specifically target tumor cells without damaging surrounding normal tissues. Therefore, the support of NIH and DOD programs is integral to the progression of our own cancer research, as well as to the work in other laboratories across the country. It is through the continued support of many different federally-funded laboratories that we will come to a collective understanding of the communication systems within the tumor cells themselves, thereby enabling us to find more efficient ways of attacking and exploiting these pathways in order to eradicate this fatal disease.

Even though the majority of the funding from federal agencies goes directly to Tufts laboratories doing basic science and fundamental biomedical research, there are a number of notable research and education programs that benefit from grants to the university from the NIH and the NSF as well. One exciting educational program, funded by the National Heart, Lung and Blood Institute (under NIH) and led by Dr. Claire Moore, is the Summer Research Program for Undergraduate Minority Students, where minority students from around the country are brought to Tufts University to do summer research and participate in enrichment activities, such as field trips and seminars on basic biomedical and translational research. In addition to their one-on-one interaction with the research faculty at Tufts, minority students are also exposed to fundamental laboratory techniques and are given guidance on how to apply for graduate study in science, as well as to professional schools for medicine and dentistry. Training grants from the NIH are also very important to funding the work of graduate students in the majority of programs at the Sackler School of Graduate Biomedical Sciences, as well as the M.D/Ph.D. program (Medical Scientist Training Program) at Tufts University, since they promote crossover research between several biomedical and clinical disciplines. Furthermore, Tufts University offers a unique Pathobiology Course, under the direction of Dr. Irwin Arias, for basic scientists that involves patients, pathology, and hospital-based learning. This course helps bridge the gap between basic research and clinical diseases and promotes a better understanding of pathobiology and disease-related processes for Ph.D. graduates.

As you can see, increased support of the NIH, NSF and other federally funded programs is essential to ensuring that these research efforts and educational programs continue to thrive. In the United States, and internationally, there exists a highly educated work force dedicated to their research and the training of others. Doubling the NIH budgets will safeguard their important investigations and bring us one step closer to understanding the basis of life and the diseases that threaten it. Steady and increased levels of support to these programs will keep research on track by promoting cross-disciplinary research that brings scientists together across different fields and towards finding the answers to the difficult questions we face. I urge you and all members of Congress to embrace this course of action and secure an additional 15% increase to the NIH this year. The students, post-doctoral researchers and principal investigators in Massachusetts and across the country remain committed to their scientific pursuits and to ensuring that others will be appropriately trained to continue the fight against disease. All that we ask is that you commit the funds necessary to help us do our jobs and do them well.

Sincerely,

Rebecca Moore Peterson, Ph.D.,
Cell, Molecular and Developmental Biology,
Tufts University.

Mr. McGOVERN. Mr. Speaker, I want to begin by commending my colleague from Pennsylvania, Mr. GEORGE GEKAS, for organizing this important discussion about increasing funding for the National Institutes of Health (NIH). NIH is the world's leading biomedical institution. As a strong supporter of NIH, and of biomedical research as a whole, I rise to support the effort to increase the NIH budget by $2 billion for Fiscal Year 2000.

NIH research touches many aspects of our lives. There are twenty-five separate institutes which make up the NIH, each with a specific function and mission. Each institute conducts research about a myriad of diseases and ailments, including diabetes, Alzheimer's disease, muscular dystrophy, and kidney disease. This research is then used to develop treatments and cures. New treatments are currently under development for diseases like AIDS, forms of cancer and muscular skeletal diseases, to name a few. Without the initial research conducted and sponsored by NIH, the treatments we have today would not be available. Our lives are better off today than they would be without biomedical research and the efforts of NIH scientists.

There is a real need to develop treatments and cures for diseases. I don't know anyone who would not want to develop a cure for AIDS or cancer. This movement to increase spending for NIH research is not just a money dump into another federal agency. Rather, it is an investment for our future. Congress needs to ensure that we have the best preventative medicine and treatments available. The best way to move into the 21st Century is to increase NIH funding and to develop treatments and cures that will keep our citizens healthy.

The effort to increase the NIH budget by $2 billion next year is just one piece of our goal to double the NIH budget by 2003. These funds would provide the means for NIH to take advantage of the boom in biomedical technology, to continue to recruit the best and brightest scientists, and to provide the information necessary for medical professionals to use the treatments developed by NIH scientists properly.

Mr. Speaker, I urge all of my colleagues to support H. Res. 89, a bill to express the sense of Congress to increase NIH funding by $2 billion for Fiscal Year 2000. As I, and the rest of my colleagues, have explained tonight, the future health of Americans depends on it.

Mr. CUNNINGHAM. Mr. Speaker, I am grateful to the gentleman from Pennsylvania (Mr. GEKAS) for arranging this special order tonight, to focus on the importance of doubling America's investment in health research over the next five years.

I am honored to be an original cosponsor of H. Res. 89, to double our national investment in health research. This research is the gift of America's hard-working taxpayers to this generation and the next—not just to Americans, but to the world.

Furthermore, for us to take fullest advantage of this investment, we must take care to invest it wisely. So in addition to increasing our work in basic health research at the National Institutes of Health, we should treat in a similar fashion our investment in the Centers for Disease Control and Prevention, and in the programs of the Health Resources Service Administration, which are vital to putting in practice the things we learn through basic health research. As a strong fiscal conservative, and as a member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, I am committed to working with my colleagues to achieve these goals within a limited federal budget.

Rather than to address this issue myself, I have asked several of my constituents and leaders in the field of health research to address this issue themselves. With the consent of the gentleman from Pennsylvania (Mr. GEKAS), I would like to insert in the RECORD at this point several letters, emails and notes that describe in further detail the importance of doubling our investment in health research.

San Diego, CA.

Dear Congressman Cunningham: I am writing in support of your efforts to double the amount of funding to medical research in the next five years. As a person who has suffered through the pain of seeing a father slowly and but surely fade away from the ravages of Alzheimer's disease and as one who is now in a higher risk category as a result, I can only hope that there is a cure or effective treatment by the time I reach my seventies (which is not that far away). I know that the incidence of Alzheimer's disease in this country is supposed to double or triple in the next fifty years. Can we afford to wait any longer to get a handle on this dread disease? I think not . . .

Additonally, my son Pete was struck with grand mal epilepsy four years ago at the age of 24. Needless to say it has drastically changed his life. His seizures, thus far, have not been controlled by any of the medications presently on the market. His wife recently said that when he leaves in the morning she worries whether this will be the last time she sees him alive. He has recently told me he doesn't think he can have children in his uncontrolled state. He said it wouldn't be fair to his wife or the children. He is losing hope . . .

Your proposal to double medical research funding is something that is very personal to me and my family, and I whole heartedly endorse your efforts. Please let me know if there is anything I can do to help.

Thank you for caring,

Ron Hendrix.

San Diego, CA.

Dear Congressman Cunningham: I was copied on your email and would like Congressman Cunningham to know how medical research, and in particular arthritis research has helped make my life better.

I acquired rheumatoid arthritis when I was 12 years old. By the time I was 18, the arthritis had damaged my knees so severely that all of the cartilage was worn, causing a tremendous amount of pain with every step so that I could barely walk.

Due to medical research, instead of being relegated to a wheel chair for the rest of my life, I became a candidate for total knee replacement surgery. After both knees were replaced, I could walk pain free for the first time in years. I was able to complete college, and eventually law school, and today I have a very satisfying career as an employment law attorney in a well respected firm.

In addition to being able to support myself, I sit on the board of the local chapter of the Arthritis Foundation and am chair of the Public Policy and Advocacy committee.

Since those first surgeries, I have had a number of other surgeries including total hip replacements and been on a number of arthritis drugs which have also made a tremendous difference in my life. Medical research has allowed me to have a life and to do many things I would not otherwise have been able to do.

But there is still much work to be accomplished. There still is no cure for arthritis, a disease that affects more than 40 million people in the United States and impacts the economy to the tune of over 65 billion dollars a year in lost wages and medical expenses. Although arthritis can strike at any age, the aging of the baby boomers is expected to result in over 60 million Americans with some form of arthritis by the year 2020.

We need to stop this disease now and the only way to do it is to step up our medical research efforts. Thank you for your efforts.

Sincerely,

Nancy Kawano.

San Diego, CA.

Dear Rep. Cunningham: In November 1997, we received the awful news that our beautiful, active 21-year-old daughter, Beth, had been diagnosed with acute myelogenous leukemia. While I had worked with cancer researchers for 10 years, nothing prepares a parent for the magnitude of such a diagnosis.

Beth was immediately hospitalized and started on chemotherapy while her physicians at UCSD Thornton Hospital raced to put her into remission. This is a devastating illness and, in her case, carried with it a low probability for survival. Her best chance for life depended on quickly locating a suitable donor for bone marrow transplantation, treatment that was only possible thanks to research funding that had been provided to her doctors.

Chances of a parent matching closely enough to be a bone marrow donor for their child are exceedingly small—only 3 percent. Miraculously I matched, though not perfectly. A less-than-perfect match meant Beth's body would reject the life-giving cells. Thanks to new research, however, the physicians were able to employ advanced techniques to purge certain rejection-causing cells, called T cells, from my donated bone marrow before transplanting it into Beth.

After my stem cells were purged and ready for infusion, Beth underwent total body radiation to remove any possible cancer from her body. She was again hospitalized, given more chemotherapy and, several days later, given my stem cells.

It was a difficult journey, but on June 24, 1997, she was given a second chance at life. Now two years later, thanks to the technology and the National Institutes of Health-funded research that preceded her care, she is alive, well and thriving.

We are forever grateful to the UCSD Bone Marrow Transplant team for their tireless efforts. And we appreciate the support of you and your colleagues for increased medical research funding—so that the children of other parents will also be cured, and live the fruitful lives that they were meant to live.

Sincerely,

BEVERLY GONSOWSKI.

DEL MAR, CA, *June 21, 1999.*

Hon. RANDY CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: There is a war raging within the brain of my twelve year old son, Skyler. His attacker is epilepsy, an insidious neurological disorder for which there is currently no cure. Seizures, ranging from massive convulsions to momentary lapses of attention are the hallmark of this enemy which afflicts an estimated 2.5 million Americans. Epilepsy doesn't discriminate; it can affect anyone, of any gender, ethnicity, at any age, at any time.

My son was a perfectly healthy and normal child until the fateful day eight years ago when he was gripped by his first 'grand mal' seizure. To this day, diagnostic workups have failed to uncover a cause. Systematically, anticonvulsant medications were tried but were unsuccessful in controlling the seizures which over time have continued to increase in severity and frequency, stealing away the health and safety of my child, his capacties to learn and develop; the frequent assaults damaging his developing brain.

Epilepsy is a major unsolved health problem in our country. Despite recent advances, 750,000 cases, like Skyler's are virtually resistant to current drug therapies. For many patients whose seizures are controlled, the side effects of the medications can be debilitating, even fatal. A chronic condition, not only does epilepsy often require a lifetime of continual medical treatment, it provides a formidable barrier to normal life, affecting educational attainment, employment and personal fulfillment. The social and psychological consequences of epilepsy, forever fraught with stereotypes, misunderstanding and negative attitudes, are enormous. The economic burden shouldered by families, local and federal government agencies is estimated to be $12.5 billion in direct and indirect costs.

Mr. Cunningham, all treatment options for my son's epilepsy have been exhausted. Yet he continues to have seizures every day and night of his life. I would gladly sacrifice my life to give Skyler a healthy brain. His health, cognitive functioning, and his life, however, are solely dependent on future breakthroughs in epilepsy research which can only be realized through increased funding to the National Institutes of Health and the National Institute of Neurological Disorders and Stroke. I applaud your support of the goal of doubling the federal medical research investment over the next five years, which I truly believe will bring more effective weapons for the prevention, eradication, detection and management of the heinous disorder, epilepsy. My son's future depends on it.

Sincerely,

TRACEY J. FLOURIE.

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC.

CONGRESSMAN CUNNINGHAM: Prevention research, in contrast with biomedical or clinical research, takes place after a scientific discovery is made, and seeks to determine whether the discovery is working as intended, or if not, why not. Also, in contrast to biomedical research, which receives more than $15 billion annually in NIH funding alone, prevention research received its first congressional appropriation only this year, at the level of $15 million. The nation's prevention research program is administered by the Centers for Disease Control and Prevention, and actual research takes place at the national level as well as in local research settings, primarily known as prevention research centers. Because prevention research is the "follow-through" element of scientific discoveries—ensuring that our new findings are having the intended results—it is highly deserving of federal funding. Following are four specific examples of the integral link prevention research provides with other research and other pieces of the public health continuum:

Measles Elimination—An outbreak of measles across several cities in the late 1980s showed with painful clarity that children were not being effectively vaccinated against this preventable disease. Although we had invested in the discovery and testing of the measles vaccine, we were not achieving the hoped-for result: eradication of the disease. A prevention research campaign was undertaken to ascertain why measles had again taken hold. Two factors were discovered: not enough preschool children were receiving their measles shot, and a single vaccine against measles was, in many cases, insufficient to prevent the disease. Based on this information, CDC adopted a two-dose vaccination policy for all children, and set a nationwide vaccination goal of 90 percent immunization for all two-year-olds. These strategic changes have brought about the highest measles immunization coverage levels ever achieved (91 percent), and the interruption of measles transmission in the United States. In this example, without prevention research, an extremely effective tool—the measles vaccine—would have gone underused because we would not have known the proper dosage for protecting the public health, nor would we have known that the critical age for preventing transmission of the disease is age 2.

Preventing Perinatal HIV Transmission—According to CDC's most recent estimates, each year more than 6,000 HIV-infected women give birth in the United States. An investment in biomedical and clinical research resulted in the finding that zidovudine (ZDV), given during pregnancy, labor and delivery, and to infants after birth, could reduce the risk of mother-to-child HIV transmission by 66 percent. Subsequently, the Public Health Service issued two sets of guidelines: first, that all pregnant women receive HIV counseling and voluntary testing, and second, that ZDV therapy be provided to pregnant infected women. Although these guidelines have had a significant positive impact, nevertheless, about 500 children are still born HIV-infected in the United States annually. Prevention research studies are underway to evaluate the relative contributions of a number of factors—for example, the lack of prenatal care, poor provider adherence to the guidelines, poor patient adherence to the therapy regimen, and ZDV resistance—to the ongoing problem of perinatal HIV transmission.

Breast and Cervical Cancer Early Detection Program. When the need to increase utilization of lifesaving breast and cervical cancer early detection services for underserved women became a priority in the 1980s, the barriers to early detection were believed to be primarily financial, and in fact many women avoided screening, at lest in part because they could not pay for the services. But prevention research has demonstrated that a variety of factors affect women's screening behaviors. Some of these factors are complex, like cultural and individual believes about health and health care. Research also shows that such simple factors as whether physicians recommend screening to their female patients also play an important role in whether women are screened for breast and cervical cancer. CDC now recognizes and incorporates all these findings in its breast and cervical cancer early detection program. Without the benefit of these prevention research discoveries, our investment in the ability to detect and treat breast and cervical cancers would go underutilized among a substantial percentage of the population whom these scientific advances were designed to benefit.

Using New Tools to Understand Old (and New) Diseases. At the CDC research station in western Kenya, scientists are using GPS (global positioning systems) to map 7,500 households, rivers, roads, and medical facilities within a 75-square-mile area. By linking the map to an epidemiologic database, the GIS program (geographic information systems) provides information on how many cases of malaria occurred in each household, whether the malaria strains were drug-resistant, whether mosquito breeding grounds were present, and whether children died. Epidemiologists will use this map to answer questions that couldn't be easily answered before: Does proximity to mosquito breeding grounds increase child mortality? Does proximity to a medical facility decrease child mortality? Is drug resistance spreading in a predictable pattern? Public health officials can also use the map to target intensive vector control measures to households that harbor large numbers of mosquitoes. These same tools can be used to shed light on newly emerging public health issues, as well as persistent problems. This research is clearly not biomedical nor clinical in nature, yet it is as essential to the prevention of disease as is understanding the pathogen itself.

Thank you for the opportunity to provide these examples of prevention research. Please don't hesitate to call if you have questions or wish additional information about any of the items listed here.

Sincerely,

DONNA CRANE,
Director of Congressional Affairs, American Public Health Association, Washington, D.C.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,
La Jolla, CA, June 21, 1999.

Hon. DUKE CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: As the director of the National Partnership for Advanced Computational Infrastructure (NPACI), led by the San Diego Supercomputer Center (SDSC) and the University of California, San Diego (UCSD), I strongly endorse the increase in the budget for medical research as proposed in the bill HR–89 you are cosponsoring. As you no doubt know, the NPACI/SDSC mission is to advance science and we do this through engaging in computational science research and supporting the computational science research community nationwide, including many involved in medical and related research. Researchers associated with NPACI/SDSC are working on solving problems ranging from mining information from large data sets to unlocking the mysteries surrounding Alzheimer's disease. Researchers gain access to NPACI/SDSC resources through the peer review process and requests for access to our computing resources exceed those available by factors of two to four. Excellent computational science at the basic research level is being turned down for lack of available funding and resources.

We are also participating in cutting edge research in enabling technologies for computing such as advanced networking and security, visualization, data-intensive computing, and scalable parallel computing. These technologies now more that ever are the cornerstone for further advances in the applications of medical research.

On a personal note, I have witnessed first hand the results of medical research having severely fractured my leg in a skiing accident several years ago. Through advances in orthopedic medicine and a lengthy physical therapy, I'm now back close to 100% functionality, which was very much in doubt initially. We still have a long way to go in this area however, so I personally reiterate my support for the funding increase.

I can be of any assistance to you as you contemplate this and other legislation in scientific or technological fields, please do not hesitate to contact me at 619-534-5075 or skarin@ucsd.edu.

Sincerely,

Sid Karin.

University of California, San Diego,
La Jolla, CA, June 20, 1999.

Hon. Randy "Duke" Cunningham,
U.S. House of Representatives,
Washington, DC.

Dear Duke: As we enter the next millennium we must ask two questions: What do we most want to provide for our children and grandchildren? What should our most important national goals be? I believe that our most important National priority should be to invest in the long-term, and difficult, fight against-disease by doubling the budget for biomedical research sponsored by the National Institutes of Health (NIH).

Each year one million or more of our citizens die prematurely of diseases that could be cured if we simply understood more about their origins, causes, and progression, or if we had the knowledge and understanding to construct desperately needed engineered organs and tissues to repair damaged ones. Millions more of our citizens are disabled, or unable to realize their full potential because of the ravages of disease. For them too, hope lies in better understanding of the basis and treatment of disease. Only the Federal government, through its support of the NIH, can win these battles by illuminating the secrets hidden inside human cells, understanding the chemistry and biology of living organisms, and using that information to design cost-efficient and effective preventative and therapeutic measures for disease.

In my view, our society has a moral obligation to aggressively seek the treatments that our desperately ill citizens need. However, in addition to the moral imperative to fight disease and promote health, there is also compelling evidence that solving health problems will be economically beneficial to our Nation. Restoring lost productivity to those incapacitated by disease will save billions of dollars annually, and will also relieve many of the overwhelming financial burdens on Medicare and other health care programs that our society has created to help those who are ill. For example, expensive, and ultimately treatable diseases of the elderly such as Alzheimer's, diabetes, and cancer play a large and growing role in skyrocketing medical costs to our society. Finally, two of the most economically promising long-term industries where our Nation has a substantial competitive advantage are the biotechnology and pharmaceutical industries. These industries are driven by the Federal investment in biomedical research in the public sector, which in turn leads to discoveries that are developed and brought to market by the private sector.

I know how passionately you believe that we must not waiver in our battle against disease. I stand prepared to fight with you to persuade your colleagues in the House and Senate.

Sincerely,

Lawrence S.B. Goldstein, Ph.D.

Molecular Medicine 2020: A Vision for the Future of Medical Research and Human Health*

What will medical practice and patient care be like in 2020? We believe that "Molecular Medicine" can be the basis for human health in 2020, but only if the U.S. expands its investment in biomedical research by significantly increasing funding for the NIH.

The practice of Molecular Medicine will consist of new prevention, diagnosis, and treatment methods that directly target the molecular, cellular, or physiological defects causing disease. These medical methods will be based on precise, non-invasive imaging and diagnostic techniques. They will be implemented with directed, rationally designed molecular and pharmaceutical therapies, and they will be rooted in a deep understanding of normal human cellular and molecular physiology and genetics.

While unimaginable only 25 years ago, Molecular Medicine is now achievable because of recent rapid progress, and an enormous burst of new scientific opportunities emerging from years of sustained public investment in NIH-sponsored basic biomedical research. Thus, we are already beginning to gain ground in our fight against many dreaded diseases, including cancer, cardiovascular disease, and stroke. As we look forward, we can realistically hope to develop increasingly effective treatments and preventive measures for these diseases, as well as for the scourges of Alzheimer's disease, diabetes, obesity, degenerative diseases of aging, and emerging infectious agents. To realize these goals, and to capitalize upon past investments and many recent discoveries, we must renew our National resolve and reinvigorate our research efforts, so that we can accelerate the arrival of the new era of Molecular Medicine.

To hasten the earliest possible development of Molecular Medicine, and to ensure that it becomes a reality by 2020, we must act now to expand the foundation of biomedical research and discovery. This foundation can only be built by: a) Developing new interdisciplinary methods, insights, and understanding; b) Attracting, training, and sustaining the most talented and vigorous young research scientists; and c) Nuturing the vitality of a scientific effort that has never held more promise. This augmented research base will lead directly to ever more precise diagnostic, prevention, and treatment methods based upon research in Biology and Medicine in collaboration with Chemistry, Physics, Engineering, and Computation. Most important, increased investment could launch new and far-reaching initiatives in Functional and Physiological Genomics. These new projects would have the goal of understanding the normal functions of the many genes discovered in the complete genetic blueprints of humans and diverse model organisms by the Human Genome Project. Such an effort will lead to a detailed understanding of normal cellular, molecular, and integrative organismal physiology, which in turn will allow us to create therapies targeted directly to the cellular, genetic, and physiologic defects that cause disease and organ dysfunction. These new efforts will also allow us to defend our citizens against the ever-present and increasing danger of emerging pathogens and viruses by developing the next generations of vaccines and antibiotic drugs. All of these advances will depend upon new partnerships in technology development and clinical translation carried out by outstanding scientists with access to the most innovative and developing instrumentation.

Our country is poised to take full advantage of the last 50 years of steady investment in biomedical research and the many resulting opportunities created from recent rapid progress. Significant new investment now will dramatically accelerate the rate of discovery and lead to the imminent creation of a Molecular Medicine to combat our most dreaded diseases.

San Diego County
Prevention Coalition,
San Diego, CA, *June 19, 1999.*

Rep. Randy "Duke" Cunningham,
Rayburn Bldg., Washington, DC.

Dear Duke: The San Diego County Prevention Coalition wishes to express our support for your goal of doubling our federal medical research investment over the next five years as recommended by H. Res. 89. Most of our 230 organization members who are working with at-risk substance abusers appreciate the wonderful medical research coming from the National Institutes of Health, specifically NIDA. Their research has had a great impact on addicts and many of their families.

We are an alcohol, tobacco and other drug prevention organization with a five-year track record of fighting abuse and the unifying voice of prevention for San Diego County. We have substantial community support from our 310+ members representing 230 local organizations and agencies. We have the support of Senators, Congressmen, the State Deputy Director for Prevention Services, the San Diego County Sheriff, Supervising Juvenile Judge, the County Health Director, the County Board of Supervisors, numerous business and community leaders, law enforcement officers and educational officials.

We thank you for your consideration.

Very truly yours,

Alan Sorkin,
Executive Director.

Parents & Adolescents Recovering Together Successfully,
San Diego, June, 19, 1999.

Rep. Randy "Duke" Cunningham,
Rayburn Bldg., Washington, DC.

Dear Duke: Parents and Adolescents Recovering Together Successfully (PARTS) is a non-profit organization dedicated to reducing the number of child addicts and believes that proactive prevention and intervention within the family is the best solution for fighting the devastating long-term effects of teenage substance abuse. Much of what we teach is based on federal medical research.

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*Preamble to a Report from a FASEB Conference on Priorities for an Expanded NIH Budget (http://www.faseb.org/opar/MolecularMedicine.html), chaired by Dr. Lawrence S.B. Goldstein, April, 1998.

We wish to support your goal of doubling our federal medical research investment over the next five years as recommended by H. Res. 89. The National Institutes of Health, and specifically NIDA provide valuable medical research to us and impact many of our families.

My Best,

ALAN SORKIN,
Executive Director.

UNIVERSITY OF CALIFORNIA,
SAN DIEGO,
LaJolla, CA, June 21, 1999.

Hon. DUKE CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REP. CUNNINGHAM: Thank you for taking the time to highlight the important benefits to patients of the research funded through NIH and other agencies. I believe our gene therapy research outlines the value of that funding.

Recent developments in molecular medicine have made possible the use of gene therapy as a weapon in the fight against cancer. Here at UCSD, we have been able to genetically modify human leukemia cells in a way that induces a powerful, killing response from the immune system. In laboratory experiments, we found that the immune response prompted by the modified cells destroyed active leukemia cells lurking nearby. When we moved from the laboratory to Phase I clinical trials, we focused on patients who have chronic lymphocytic leukemia (CLL), a currently incurable condition afflicting more than 50,000 people per year in the United States.

The Phase I results were very encouraging. Eleven patients were each treated with a single injection of their own modified leukemia cells, and all but one had a significant drop in the number of leukemia cells found in their blood, and a reduction in the size of their lymph nodes. This was the first time that a response this dramatic had been seen in the history of treating this disease with a single treatment. A San Diego Union-Tribune article describing the first phase research—and highlighting some of the ways that breakthroughs in medical research literally shape the lives and futures of our patients—is attached.

We are now working on the larger, Phase II study that will involve multiple injections over time. Although this study has not yet begun, we have already been contacted by about 200 people from around the world seeking to serve as volunteers.

Thanks again for all the help and support of you and your Congressional colleagues for supporting increased medical research funding. These dollars make possible the cutting edge medical research we hope will some day lead to cures of terrible diseases like CLL.

Sincerely,

THOMAS J. KIPPS, M.D., PH.D.

TRIBUTE TO SAMUEL BARNES MOODY

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I rise today to pay tribute to a good friend and great American, Mr. Samuel Barnes Moody. Sam Moody, who was my very special friend and was very special to me personally, was born on June 2, 1920.

Last week, Sam Moody passed away in central Florida. I first met Sam Moody in my civic activities in central Florida some years ago. However, I never really knew much about his background until some years ago when I invited Sam and several other veteran leaders to a small luncheon gathering.

As we sat together, I asked each of the veterans to relate some of their military service recollections after lunch to our group. Sam Moody started off rather hesitantly but he began telling an incredible story.

Let me say a little bit about Sam Moody. He joined the old Army Air Corps on November 15, 1940. After his basic training, he was shipped out to Manila in the Philippines where he arrived on Thursday Thanksgiving Day, 1941. Some 18 days later, World War II broke out. Sam Moody and his group found themselves on Bataan and eventually they ran out of food and supplies in April of 1942.

Sam went on to tell the story that on April 9, 1942, he and more than a thousand others took part in the famous Bataan Death March. Over 10,000 men, women and children died. Somehow God spared Sam Moody.

He was then cast on a ship, a transport. This story is relayed in his autobiography from this event entitled Reprieve From Hell, and I strongly recommend that to every American, particularly every young American. In this transport, hundreds of other Americans were crammed into the hull of a ship that was torpedoed by an American submarine. Many, many, many died. Somehow Sam survived. God spared Sam Moody.

Also as a prisoner of war, Sam Moody served under incredible conditions when he arrived in Japan, under torturous and malnutrition conditions, along with hundreds and hundreds of others. Of 36,000 American servicemen, less than 10 percent survived, but somehow God spared Sam Moody.

In 1946, after his release and return home, Sam Moody went back to Japan to testify for the American government at the International War Crimes trial. Sam was probably the only enlisted survivor to testify in these trials to help bring justice to those who had killed and tortured so many.

At these trials, Sam Moody met Madeleine, who was working for General MacArthur. They married and have two wonderful children, Betty and Steve.

Sergeant Sam Moody leaves behind a wonderful family, to whom I extend my very deepest sympathy. Sergeant Sam Moody also leaves behind a record of incredible service and devotion to our Nation and a country he dearly loved.

Sam Moody also leaves behind an incredible record of his service and survival from World War II and the Bataan Death March, which I recommend again to every Member of Congress and every American. It is called Reprieve From Hell.

□ 1745

Sam Moody went to be with his Maker last week. We will miss him.

THE NECESSITY OF THE INDEPENDENT COUNSEL STATUTE

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS), who is from my committee, for allowing me to interrupt his one hour special order.

Mr. Speaker, today the Independent Counsel statute expires. There has been a real heralding by many people in the legal community for the demise of this law. I would like to tonight talk just a little bit about that law and why something like it is absolutely necessary.

For the past 3 years my committee has been investigating illegal campaign contributions. We are now involved in investigating espionage and lack of security at our nuclear laboratories, and the possibility that these things had something in common.

One of the biggest problems that we have had has been a reluctance by the Justice Department, under Janet Reno, to cooperate with our committee. It has been extremely difficult to get the Justice Department to work with us to get to the bottom of these scandals.

If we have an administration that has broken the law, if we have an administration or people in an administration who have become corrupt, and we have an Attorney General who is appointed by the President who is blocking for the administration, how do we administer justice? How do we get to the bottom of illegal activities, if we have an administration that has broken the law and a Justice Department that is controlled by the administration who will not bring those who broke the law to justice?

I think that that is what we have today. We have had a number of people that have taken the Fifth Amendment. Our committee has faced over 121 people who have taken the Fifth Amendment or fled the country in the campaign finance scandal, 121 people. That is unparalleled in American history.

We have asked the Justice Department and Janet Reno time and time and time again to work with us to bring these people before the committee to explain to the American people why Communist China, Macao, Egypt, Taiwan, South American countries, have been giving campaign contributions to the Democrat National Committee and the President's reelection committee, and we have gotten absolutely no cooperation from the Justice Department.

In fact, if Members look at the administration and the Justice Department, we will find they have, in effect, erected a stone wall between what happened and the American people. How do we break through that stone wall? What mechanism do we use to bring people to justice who broke the law, who may have even endangered America's national security?

The only way we can do that is to have somebody outside the system investigate and prosecute those people who have broken the law. Unfortunately, now that we no longer have an Independent Counsel statute, we have no mechanism with which to do that.

Maybe the Independent Counsel statute was flawed, maybe there were some problems with it, but it should have been perfected, in my opinion, so there was a mechanism to investigate people in an administration that might be corrupt without going through the person that they appoint to be the Attorney General who might be blocking for them, as I believe has been the case with this Attorney General and this Justice Department.

So tonight I am one of those voices, I am sure, that is crying in the wilderness, because I believe we need something like an Independent Counsel statute to ensure that justice will be done in this country.

Right now, now that the Independent Counsel statute has expired, if we have a president now or in the future who breaks the law or if we have people in his administration who break the law, and the President has appointed an Attorney General who is willing to block for him and keep the facts from coming out where there might have been corruption, then there is nothing that can be done for the American people to count on to bring these people to justice.

So I would just like to say that although the Independent Counsel statute may have had some flaws, we should not have junked the whole thing, we should have found an alternative. I am sorry that we did not.

POLITICAL PARTICIPATION IN AMERICA, AND INEQUITIES IN THE NATION'S MONETARY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. This evening I hope to touch on some issues that are not often discussed here on the floor of the House, and along with me I am happy to welcome the gentleman from Oregon (Mr. DEFAZIO).

I want to begin by touching on an issue that I believe is perhaps the most important issue facing this country. It is not talked about enough, but it is something that all of us should be deeply concerned about. That is, Mr. Speaker, in the last election, 36 percent of the American people voted. That means almost two-thirds of the American people did not believe it was important enough for their future to come out and vote.

What is even more alarming is that among people 24 years of age or younger, we had, if Members can believe it, 18 percent of those people voting. Eighty-two percent said they were not interested in voting. That is frightening unto itself, but it bodes very poorly for the future because there is very good evidence that if young people do not vote, it is much less likely that they will vote in the future.

So what happened in recent elections is that fewer and fewer people are participating. The vast majority of low-income people do not vote. Most working people do not vote. But then, on the other hand, we have upper income people who do vote, and upper income people who contribute heavily to both political parties and into the political process. So the voices of working people and low-income people are virtually not heard in this institution. Their needs are not taken account of as legislation is dealt with.

But for those folks who have the money, the wealthiest one-quarter of 1 percent who make 80 percent of the campaign contributions, Congress continuously does their bidding, pays attention to their needs. I think we have a vicious circle, that as Congress pays more and more attention to the needs of the wealthy and not to working people, not to the middle class, then the vast majority of the people turn off even further from the political process and say, hey, this Congress does not represent me. Why should I vote?

Tonight I want to touch on a number of issues. But before we get going, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, following on that point, the question really is, for whose benefit is the country run and the economy run?

If we ask, and I have asked, groups of students in my district, now, who do you think has the most impact on the economy in the United States in government, most people would guess the President. Some talk about the Secretary of the Treasury. A few guessed the Congress, the House and Senate. But virtually none say, well, Congressman, I know who it is, it is the Federal Reserve. It is that appointed, unelected, group of extraordinarily wealthy individuals, for the most part, who meet in secret.

Today they met in secret downtown in Washington, D.C., in their marble palace, sitting at their exotic long boardroom table, marble, with nice exotic hardwoods, and they made a decision that I suppose does not sound that important to most people, but the impact will be tremendous.

Again, it goes essentially to who really runs this country. They decided to raise interest rates by one-quarter of 1 percent. That does not sound like a lot, except there are tens of millions of Americans who tomorrow will wake up to find that their mortgage rate went up, their credit card rate went up, their adjustable car loan went up.

In fact, it is computed that that one-quarter of 1 percent increase will cost a family money. Here is a family that has a $100,000 mortgage, a $15,000 4-year car loan, and $2,000 on a credit card. It sounds pretty middle class to me. It will cost them $6,913 for the mortgage, $84 on the car loan, and $16 on the credit card; $7,013, that one-quarter of 1 percent rate.

I suppose that would be justified if there was a reason to do it. What is the reason? Are we worried about inflation, which is at or near historic lows? I do not think so. It might be that the Fed is worried about higher wages. The gentleman and I have talked about that previously. Sometimes the Federal Reserve gets worried when the unemployment rate drops below 5 or 6 percent.

They had a rule for years saying it should not go below 6 percent. Then they said maybe 5 percent. They get worried, because what happens if unemployment drops?

Mr. SANDERS. What will happen is then, horror of all horror, wages may go up. Let me just touch on that very important point.

We hear every day on the television, we hear it on the radio, we read it in the newspapers, that we are living in the midst of one of the great economic booms in our history. Maybe that fear that with low unemployment wages might go up has in fact prompted the Federal Reserve to do what it did today.

But I want to, for the RECORD, Mr. Speaker, give a chart which very clearly belies this nonsense that there is an economic boom for the middle class or for working people.

According to information assembled by the Economic Policy Institute, and I do not think there is a lot of debate about this, in 1973 the weekly earnings, the real average weekly earnings of workers in the United States, was $502, okay? In 1973, the weekly earnings, average earnings, were $502.

In 1998, in the midst of a great economic boom, the weekly earnings were $442, a 12 percent reduction in real wages. The reality is that in order to compensate for the lowering of real wages, the average American today is working significantly more hours. People are working two jobs, people are working three jobs.

So if the Fed thinks that they have got to once again increase unemployment to dampen wage increases, I would have very strong disagreement, because in reality today the average person in the middle class is struggling. The gentleman and I have discussed it before. It is true in Oregon, it is true in Vermont.

How many people that we know are working two jobs, three jobs, 50, 60, 70 hours a week to pay the bills? The idea that anybody in a public position of trust would take action which would result in lowering wages, forcing people to work even longer hours, is to my mind an outrage.

Mr. DEFAZIO. If the gentleman will continue to yield, let us think about this again. If this unelected group, the Federal Reserve Board who meets in secret, some of whom work for banks and in fact can individually profit their employer without any conflict of interest rules, if they raise interest rates, and they did not raise them because wages are running away and people are seeing big increases in their wages, they must have had another reason.

The pundits tell me that perhaps that other reason is that they are worried about the bubble in the stock market. I have a little problem about that. The question is, if you whack the people on Main Street by raising again, as these statistics show, their payment for their $100,000 mortgage, $15,000 car loan, and $2,000 credit card, and a lot of folks have more than that on their credit card, if they are going to pay $7,000 more for those loans because of this one-quarter of 1 percent increase, how is that going to somehow translate to a message to the people on Wall Street, the speculators, who are driving up, what did Greenspan call it, irrational exuberance on Wall Street?

If he is worried about this irrational exuberance on Wall Street, why did he not do something about Wall Street? They have the tools. Right now on Wall Street with just a $1,000 investment, you can on margin go out and buy a whole bunch more stock. They could control that. There are steps they could take to directly control that.

But no, they are going to whack the people on Main Street and say, see, we are going to cause some of you to lose your jobs, drive up unemployment, maybe we will drive down wages. We are going to cause this disruption in the economy, and we are hoping that will percolate up to Wall Street. This is kind of a bizarre way to run an economy, but I think it has something to do with who they work for, the major banks, and what lack of control the Congress has.

No one knows what the Federal Reserve does or why they do it. It is all secret.

□ 1800

Congress has ceded all authority to them in the making of money and controlling interest rates and basically managing the economy. They are managing it for their banker friends who are deathly afraid of inflation or deathly afraid of higher wages for the corporate CEOs, but not for average folks.

I think that is an extraordinary turn of events. I think it brings us back again to who makes the contributions, who basically runs this organization when it comes to election time, and to whom are many of our colleagues beholden. It, unfortunately, is not the average people on Main Street, but it is those people on Wall Street. It is those people in the banking industry, the pharmaceutical industry, the insurance industry, and others.

In fact, I noted today in the paper that, in this presidential race, George W. may not even take public matching funds because he has raised so much money and intends to raise so much money, obscene amounts of money is flowing in so fast, they cannot count it, that he just does not think he will need those public matching funds and those constraints on spending.

Now, one has got to wonder who those people are contributing all that money and what they expect to get in return.

Mr. SANDERS. Mr. Speaker, let me interrupt the gentleman from Oregon, if I might, by giving some facts and figures. Mr. Speaker, I will also include for the RECORD, information about campaign contributions and lobbying expenses.

Last week, and I hope to get into this a little bit, the gentleman from Oregon (Mr. DEFAZIO) and I talked about the issue of pharmaceutical drugs, about the crisis that exists all over the United States where we have elderly people and people with chronic illnesses who cannot afford the high cost of prescription drugs.

We talked about the fact that the same exact drug manufactured in the United States of America is sold for significantly lower prices in Canada, in Mexico, and in Europe, and that the American consumer is being ripped off.

We talked about the huge profits of the pharmaceutical industry and the fact that the United States is perhaps the only major Nation on earth that does not regulate the price that pharmaceutical companies can sell their product. Lo and behold, apropos of what the gentleman from Oregon was talking about, now let us just see how money works and the relationship to the very high cost of prescription drugs in this country and to lobbying expenses and campaign contributions.

It turns out that, for the first 18 months of the last election cycle, the pharmaceutical industry had lobbying expenses of over $74 million and made more than $7 million in campaign contributions, which put them at the very top of any industry in America.

So if consumers want to know why we are paying so much more for the exact same prescription drug in this country as the Canadians and the Mexicans and the Europeans do, then they might well look to the reality that the pharmaceutical industry is pouring huge sums of money, not only into Congress, but into State legislatures throughout this country.

They are number one. They are at the very top of the list of people who spend money on lobbying expenditures or campaign contributions, followed, I might add, not very far behind, by the insurance industry, which might help us explain why we are the only Nation in the entire industrialized world that does not have a national health insurance system.

So whether the issue is banking, whether the issue is interest rates, whether the issue is the high cost of pharmaceutical drugs or all of the other absurd priorities that exist in this Congress, I think one of the important factors to examine is who makes the campaign distributions, who puts money into lobbying; and that tells us a whole lot about the end results which we see.

Mr. DEFAZIO. Mr. Speaker, since the gentleman from Vermont raised the insurance industry, some of our colleagues spoke at an earlier hour about the need for a Patients' Bill of Rights. As the gentleman pointed out, the insurance industry is the second greatest funder of congressional campaigns and has been particularly generous to the majority party.

We found in the last Congress that we were able to get a very truncated Patients' Bill of Rights through the House, and the Senate did not act at all because of the fear on the part of the insurance companies that it might impinge upon their profits.

Let us just talk for a minute about what that means. I have talked to some folks from the Heart Association who are very concerned. They spent years educating Americans to, when they have got that pain, they should go to the emergency room. Well, guess what, now with an HMO, one does not go to the emergency room, one is supposed to call the insurance company first in some plans and talk to a clerk somewhere who one may have awakened from their late evening nap, and ask them for permission to go to the emergency room. Sometimes it is denied. Take an aspirin and call the doctor in the morning.

The Heart Association is very worried about the message we are sending here. So part of the Patients' Bill of Rights is called a prudent person rule. If one has got an extreme pain in one's chest and one thinks one is having a heart attack, one does not have to call a clerk who works for the insurance company to get permission to go to the emergency room.

Of course, they say they do not deny permission, they just will not pay for it if one goes. Now, how many Americans can afford a $500 or $1,000 visit to the emergency room? Not very many. So this is extraordinary. So that is one thing in the Patients' Bill of Rights.

There is another case in Virginia, a young woman who fell off a cliff, broke her back. They medivac'd her by helicopter. When she got to the hospital, they worked on her right away. She was in serious condition. Her insurance company later refused to pay because she lacked prior authorization.

I asked, when was she supposed to make the call? On her cell phone as she fell through the air? Or perhaps she should have asked to use the radio in the helicopter while she was being medivac'd.

No, these are absurd things. These are no brainers for the American people. We should have the right, we pay our insurance premiums, to have that kind of fair treatment. But guess what, the insurance industry does not think so, and a majority of my colleagues here in Congress do not think so, because they are much more attentive to the insurance industry then they are to the needs of their constituents. That is an outrage, and that should change.

I am one of many who have signed a petition here in the House to force a Patients' Bill of Rights to the floor of the House because the Republican leadership refuses to let the bill be heard.

We have over 180 people on that bill, and I tell my colleagues we will not be denied; and if the American people would begin to speak up to their representatives, they would not. But again, we are back in this circular situation where the people who fund the campaigns have more at risk and are more likely to be heard than the people who are being denied the care in their insurance plan.

Mr. SANDERS. Mr. Speaker, the gentleman from Oregon touches on perhaps the most fundamental issue that we can discuss; and that is, in the midst of all of the media hoopla about how great the economy is doing, the reality is that there are tens and tens of millions of people who are hurting very badly and, in many ways, are in worse shape today than they were 20 or 25 years ago. The gentleman is touching on one area, and that is the area of health care.

Now, I want to know one simple thing. It would seem to me that, if the economy is booming, what that would translate to, among other things, is an improved health care system for all of the people. It makes sense to me. The economy is booming. That means that more and more people have health insurance, better quality of health care, better able to go to the physician of their choice, the specialist of their choice, more access to prescription drugs. That is what a booming economy would seem to me.

But the reality, as the gentleman has just indicated, is very much not that. The reality is that we have some 43 million Americans who have zero health insurance. The reality is that we have tens of millions of Americans who have very large deductibles and co-payments. That means that, if they get sick, they hesitate to go to the doctor, because they do not have the cash to pay for the visit.

The end result of that is that doctors now tell us that the patients that they are seeing are far sicker than the patients that they used to seeing because people do not have the money to pay because they have high deductibles.

In terms of prescription drugs once again, at a time when the average profits in 1998 for the 10 largest pharmaceutical companies in this country were $2.5 billion, that was the average profits for the 10 largest pharmaceutical companies, we have people in the State of Vermont, people all over this country, elderly folks, sick people who literally have got to make the choice as to whether they purchase the prescription drugs they need to keep them alive to ease their pain or whether they heat their homes in the winter, whether they buy the food that they need.

Ah, but the pharmaceutical industry, enjoying huge profits has all kinds of money available for campaign contributions to maintain the status quo.

I will submit for the RECORD, Mr. Speaker, a chart which I think the American people would be interested in hearing about which talks about how much more senior citizens in the United States pay for prescription drugs than do seniors in other Nations.

If a product used, one of the more commonly used prescription drugs in this country used by seniors, cost $1, in Germany that product costs 71 cents; in Sweden, 68 cents; in the United Kingdom, 65 cents; Canada, 64 cents; France, 57 cents; and Italy, 51 cents.

But once again, getting back to the gentleman's point, if we are talking about a so-called booming economy, I would think that what the health care system would be doing is making it easier for people to get in, making it easier for people to get the quality care. As we both know, as a result of the growth of managed care and HMOs, that is very often exactly the opposite of what is happening.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, part of the problem there, I want to go back to the point about seniors and the cost of drugs. But just on the issue of access to health care and the fact that so many people have been deprived to access to health care, part of the problem is the fact that more and more Americans are working in temporary jobs.

In fact, the number of Americans in the last 25 years holding temporary jobs without benefits instead of full-time jobs with benefits has gone up by a factor of eight, eight times as many people. The largest employer in America now is not General Motors. It is not Microsoft, it is a Manpower, Inc., a temporary employing employer.

Now, those people are forced to take jobs, generally at wages lower than what they earned in their last full-time job, with no benefits, including no insurance benefit. Now, that is a crisis for many families in this country, and that is something that needs to be dealt with.

They say, well, if they had insurance at their last job, they can purchase it under COBRA. That is right. We did provide relief for a few people with the Federal law that says they can purchase the same health care they had. But guess what? When people lose their jobs, most people cannot afford $350 a month premiums to come out of their unemployment insurance and still put food on the table, pay the rent, and pay the light bill. They cannot afford that.

But talking about that, I have done recently, with the help of the gentleman from California (Mr. WAXMAN), a survey of seniors in my district in terms of the prices they are paying for commonly prescribed drugs for seniors. The results are absolutely extraordinary. I will be releasing the survey next week. But it turns out that many seniors are paying 4 to 7 times as much as people who have health insurance, full health insurance for exactly the same drugs over the counter.

Now, there is something wrong with that. The insurance companies have gone to the pharmaceutical industry and bargained a good price. They are getting a great price. A senior walks in and buys the same prescription over the counter, sometimes they need essentially a life-saving prescription, and they pay 4 to 7 times more. They cannot afford it.

The President is trying to deal with that in his proposal with a minimal beginning of prescription drug coverage. That would be an improvement over the current system. But much more can and should be done dealing with the prices these insurance companies charge.

The gentleman from Vermont has tried for a number of years to make a very simple point, a lot of drugs are developed after the public has spent a lot of money developing the research for particular drugs. In fact, one drug that is very effective for uterine cancer was developed by the National Institutes of Health. All the research was done, all the processes on how to make it. The bark out of which the first drugs were made before they developed an artificial process came off of Federal land.

So we have taxpayers pay to discover and develop the process for the drug.

Taxpayers own the property from which the natural substance, the bark, is coming from. Guess what, the Federal Government gave an exclusive right to Bristol-Myers Squibb to market this drug with no price caps. Guess what? With no sunk costs, they did not go through a lengthy development process, and very low cost to get the product. They were charging outrageous prices because women desperate with this type of cancer needed the drug.

Now, the gentleman has proposed a simple principle. They should repay the Treasury for that research. They should repay the taxpayers. Now, has that become law? It seems to me most Americans would agree that would be fair.

Mr. SANDERS. Mr. Speaker, I would say that the pharmaceutical industry, which spends over $80 million in the last election cycle in opposition to any serious reform was successful in helping to defeat that proposal. But we will be back, and we are going to be back with another good proposal.

That is that one of the outrages that currently exists, as I mentioned earlier, is that the same exact prescription drug manufactured by an American company is sold in Canada, Mexico, and around the world for far lower prices than it is sold in the United States.

I know the gentleman intends to release a study in Oregon, but we have already released one in the State of Vermont. What we found is that, for the most commonly used prescription drugs that senior citizens need in Vermont, those drugs cost 81 percent more than in Canada and 112 percent more than in Mexico.

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And in response to that absurdity, I have introduced legislation which would allow American pharmaceutical distributors to be able to purchase their products from Canada, from Mexico, and from any other country to take advantage of the lower prices so they could resell those products back in the United States at far lower prices than is currently the case.

I know the gentleman knows that the problem here is not with the independent pharmacist. That person has no choice but to sell the product for a high price because he is purchasing it for a high price. Well, now we are going to let competition reign. Now we will let the distributors buy at a lower price in Canada, Mexico or anyplace else. This is exactly the same product that is sold in the United States for a far higher price.

And I should mention that, as a matter of fact, on July 7 I intend to take a van of senior citizens and people with chronic health problems to Canada. It is only an hour and a half away from us. We are going to go to Montreal and we are going to purchase prescription drugs and we are going to show the degree to which prices in Canada are so much lower than they are in the United States.

In my State already many people are going over the border to Canada to take advantage of the lower prices. I know in the southern part of this country people are going to Mexico. That is an absurdity. Americans should not have to skip over the border, north or south, in order to get a discount on drugs manufactured by American pharmaceutical companies. That is an outrage. And we are going to do everything we can to see that the American consumer is treated the same way that the Canadians, the Mexicans, and the Europeans are treated.

Mr. DEFAZIO. Is the gentleman telling me these are exactly the same drugs? These must be generics or something like that.

Mr. SANDERS. No, these are the same drugs manufactured in the same factory, often in the same bottle, often in Puerto Rico. The same exact products.

I want the pharmaceutical industry to tell the American people why if they go to Europe, if they go to Mexico, if they go to Canada they can purchase the product that they sometimes need to stay alive. The gentleman and I both know of the horror stories of people struggling to combat their illnesses, a question of life and death, and not being able to afford these outrageously high prices.

And as the gentleman indicated a moment ago, to add insult to injury, the taxpayers of this country pour huge sums of money into research and development. And then, when they develop the product, instead of saying to the pharmaceutical company that is going to distribute it, that is going to sell it, that they have to sell that product, because it was developed with taxpayer money, they have to sell that product at a reasonable price, instead of that the NIH gives the product over to the pharmaceutical industry who then sells it at any price that they want, meaning that the taxpayer who helped to develop the drug often cannot even afford to purchase the drug that he or she developed, which is an issue that must be addressed.

Mr. DEFAZIO. I have also recently found out, which causes me great concern in my district, that there is a problem with retired military getting their prescriptions filled. We have no active military base in Oregon, and they are not eligible for a mail order program which is maintained by the military, so what they have been doing is pooling together with volunteers to go up to Washington State with all their prescriptions, and then have a person go and fill a couple hundred prescriptions and load them in a van and drive them back down to Oregon.

Now, this is another example of Americans who have been made a promise, in this case veterans, that we would take care of them; that we would take care of them for life, and now they are not getting their prescriptions filled. In fact, the military has proposed that they do not want to have this volunteer van service anymore. And I said, well, then, how about making these people eligible for mail order prescriptions? I have a Blue Cross/Blue Shield card, so I can get some product out of a pharmacy in Florida for an absurd price if I want to way wait a week or 10 days. So I said, how about the military setting up something like that. Well, that is difficult. We are still fighting over that.

But that is just another category of people that are getting hit. They cannot afford to go to the pharmacy and buy these things. They have to get them through the military, and now they are being told they cannot do that.

Mr. SANDERS. Mr. Speaker, the gentleman touches on an issue I know both of us have worked on, and that is veterans' rights, and this gets again back to the issue of the so-called booming economy and the priorities being established in the Congress.

Now, it seems to me that in terms of veterans, these are men and women who have put their lives on the line. They did what their government asked them to do. They signed a contract, sometimes in blood, with the United States Government. And I regard it as completely unacceptable that the government reneges on the contract that it signed with those people.

And when we talk about priorities and we talk about the so-called booming economy, I find it hard to understand how any Member of this Congress could support on one hand huge tax breaks for the wealthiest people in this country, who in recent years have seen extraordinary increases in their wealth, and then with the other hand say to the veterans of this country, well, gee, I guess we are having problems with prescription drugs, we just do not have the money to help. We may have to downsize the VA hospitals. We may have to cut back on the quality of care that we give.

Now, what a sense of priorities it is to say to millionaires and billionaires, oh, we hear your pain, we are going to give you huge tax breaks; but to the veterans of this country, to the senior citizens of this country, to the working people of this country, gee, we are sorry, we just do not have the funds to help in your hour of need.

Now, we have talked about health care, we have talked about prescription drugs, we have talked about the Federal Reserve, and we could go on and on, but the bottom line is that what goes on in this country increasingly is that the people on the top are doing extraordinarily well, the people in the middle are working longer hours for lower wages, and the people down below are hurting very severely.

I find it basically wrong, and there is no other word that I can use, that in the United States of America today we have the most unfair distribution of wealth and the most unfair distribution of income in any industrialized society. We have a situation in which the wealthiest 1 percent of the population now own 40 percent of the total wealth of this Nation, which is more than the bottom 95 percent. We have just 1 percent or more wealth from the bottom 95 percent.

As the gentleman knows, in recent years, we have given huge tax breaks to upper income people at the same time as we have cut back on the needs of our veterans and we have cut back on the needs of many, many other people. So when I go back to Vermont, people say to me, middle class people say, gee, we cannot afford to send our kids to college; how can you be in a Congress which can provide huge tax breaks for those people who really do not need it?

So I think we have to get our priorities right. And what our priorities should mean is that we should join, in my view, the rest of the major countries in this world and say that health care is a right of citizenship, not a radical idea; that every man, woman, and child should be entitled to health care because they are citizens of this country; that we should be putting more money into higher education so that middle class families do not have to go deeply into debt to send their kids to college; so that the young people do not have to get out of college $20,000, $30,000, or $40,000 in debt.

So I would suggest that maybe the Congress would want to start focusing on the needs of ordinary people rather than just those people who make the campaign contributions.

Mr. DEFAZIO. Well, I am surprised we got back to campaign contributions, but I think the gentleman is making an excellent point. Again, the question is on behalf of whom does this body make policy day in and day out and to whom is the majority beholding?

They are talking about a vision. They have a vision for a future, a tax system, which the gentleman was just talking about, and it is an interesting vision. And the vision is that we should do away with death taxes. Of course, in the last Congress we acted so that anyone with assets of less than $1 million in the very near future will be subject to no death taxes. But they are worried about those people with assets of over $1 million; that they might have to pay taxes upon transferring them to their heirs. So their vision is we would do away with all inheritance tax and then would reduce the capital gains tax to zero.

Now, here is the ultimate absurdity, and this is not about wealth envy or something else, it is about everybody carrying their fair share of the burden in our society, and somewhat that depends upon the ability to pay. We can only squeeze so much out of a minimum wage worker. But if someone has a lot of discretionary income, they can afford to pay a little bit more. But in their vision that they have put forward to us, there will be zero inheritance tax and zero capital gains tax.

Now, let us just say if someone was lucky enough to be, well, let's say Bill Gates' child, that person, and he says, by the way, that he is going to give most of the money away to charitable undertakings. And that is wonderful, and I think the American people will appreciate that gift. But let us just say he reserves a billion dollars for his child, and the child gets a billion dollars when they graduate from college. Well, under this vision of the future, that child would pay zero dollars on taxes for the inheritance. And if that child chose to invest the money for a living as opposed to working for wages, they would pay zero dollars in Federal taxes, zero dollars in FICA taxes.

So it sort of begs the question, as the elite make more and more of their money off unearned income, why is it that wage-earning people have to pay 28 or 31 percent, or even the people at the top, 39.6 percent of their income in taxes, but these other people who do not have to work for wages, who are lucky enough or skillful enough to just live on unearned income, pay at the rate today of 18 percent with a vision of going to zero?

Mr. SANDERS. Let me see if I understand what the gentleman is saying. It is a very radical concept. Is the gentleman suggesting that somebody who works by the sweat of their brow for 50, 60, 70 hours a week trying to make $25,000, $35,000, or $40,000 a year to maintain their family at a level of dignity and decency, that those people should be paying less in taxes than people who make millions of dollars investing in the stock market?

Mr. DEFAZIO. Well, I was not even taking it that far, but that is an interesting point.

Mr. SANDERS. It is radical, I know.

Mr. DEFAZIO. That is pretty radical. The gentleman sometimes is known to be out there a little bit.

But I will take it back to a simpler prospect. A person who works 50 hours a week, say a retail clerk, and brings home $40,000, $50,000 a year in a good union job. That is possible. Let us not even go to the issue of someone with a very large income and someone with a modest income. Let us say two people earned $40,000 a year. One earns $40,000 a year by investing money they inherited, the other earns $40,000 a year by working 40 hours a week in a wage-earning job. The person who earns $40,000 a year is paying taxes at about the rate of 28 percent and the person who invests for a living is paying 18 percent.

Now, I have a hard time understanding why that is fair; why the person who does not work for wages pays a lower rate. And, of course, if the person who works for wages is self-employed, not only do they get socked with a 28 percent rate, they also get socked with paying the FICA tax on both sides, so their tax rate suddenly jumps up around 40 to 50 percent. But their vision for the future is that 1 percent or so who can just live off investments should pay no taxes to the Federal Government.

Now, my question would be how then are we going to maintain the government and who is going to pay?

Mr. SANDERS. Well, I think while it is certainly not fair, it is understandable. Because once again we have got to deal with the reality that the wealthiest one-quarter of 1 percent of the population make 80 percent of the campaign contributions. Unless I would be very mistaken, and I do not think I am, when these guys kick in $50,000 or $100,000 or $1 million, and their corporate friends kick in huge sums of money to both political parties, maybe that is the reason that they are making those contributions.

After all, imagine just trying to live on a couple hundred million dollars a year when one can get a tax break and earn even more money. My guess is that when they go to these $50,000 a plate dinners, they are not sitting there saying, raise the minimum wage, that is why we contributed $50,000; expand the Pell Grants; provide health care to all people; cut the cost of pharmaceuticals so that ordinary folks can afford it.

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My guess would be that people who contribute huge sums of money to the political parties are not quite so interested in the needs of the middle class and working families of this country but rather their own interests. And one of their own interests is to pay less and less and less in taxes, and that certainly has happened in recent years.

Mr. DEFAZIO. Well, certainly, then, we can expect that we will take up campaign finance reform soon here on the floor of the House.

Mr. SANDERS. Well, we certainly would like to do so. But once again, money is talking.

The American people in poll after poll say they want changes in the obscenity of the current campaign finance system. But the monied folks, hey, they like the system the way it is.

See, in a democracy we have one person, one vote. If we have money, if we do not have money, we get one vote. But in the current system, we have one person, one vote. But then the other person has one vote plus the ability to contribute endless sums of money and have access and impact on the legislative process. So for those folks who have the money, they do not want to see campaign finance reform.

It is a real outrage that the House leadership has refused to bring back onto the floor a reasonably conservative bill that would ban soft money that passed overwhelmingly here last year. They do not want to bring it back. And they are going to wait and wait so that it will become impossible for the Senate to act and will continue this charade by which big money pours into both parties and to the presidential candidates and which Government continues to work on the needs of upper-income people rather than the middle class.

Mr. DEFAZIO. Mr. Speaker, the gentleman is making an excellent point there, and it is very disturbing to me and many other Members of this chamber.

I believe the gentleman has probably signed what is called the discharge petition. That is, a majority of Members of this House if made to vote would vote for campaign finance reform, but the leaders of the Republican party are attempting to protect their Members from making that vote.

In the last Congress, Speaker Gingrich managed to delay and delay and the gentleman from Texas (Mr. DELAY) managed to offer many, many, many mischievous amendments. But ultimately, finally, the House passed its judgment. As the gentleman says, overwhelmingly, faced with the obscenity of today's campaign finance system, an overwhelmingly majority of this House said we have to take these minimal steps towards reform. Our constituents demand it.

But now here we are a little more than a year later, same place, a majority support reform, but we cannot get a bill to the floor of the House. The Speaker says, well, I will only bring it up later in the year, late enough so that we know it will not go anywhere in the Senate and then we will be launched into the presidential campaign year. And we all know that we are not going to reform campaign in the middle of the most expensive presidential campaign in the history of the United States.

Mr. SANDERS. What is really very clear, I do not think there is any debate on this, is the Speaker and the House leadership understands that if that bill came before the House, as the gentleman has just indicated, the vast majority of the people would vote for it because they would be embarrassed to go back home and say, "we voted against campaign finance reform." But if it does not come before the floor of the House, they do not have to make that vote.

Now, we are running out of time. The gentleman from Oregon (Mr. DEFAZIO) has recently made I think a very important contribution in terms of this whole discussion over Social Security. As the gentleman knows, we hear very often about how Social Security is going bankrupt, there is no money in it, and blah, blah, blah, which happens to be untrue.

Right now, if the United States Congress does nothing, which I think is not a good idea, I think we should act, Social Security will be able to pay out every benefit owed to every eligible American for the next 34 years. So that is not a system on the verge of bankruptcy. But as we become an older society and as people live longer, there are problems that we must address.

I know the gentleman has just recently introduced very, I think, interesting Social Security legislation.

Mr. DEFAZIO. Yes. Just one point beyond that for people who are being stampeded into the idea that we have to destroy the system to save it.

Even if Congress did nothing, as the gentleman says, for 35 years Social Security could deliver on 100 percent of promised benefits and after that 73 to 75 percent of promised benefits into the indefinite future. That means it has a 25-percent that starts 35 years from now.

Does that sound like a system we need to destroy, the most successful social system this country has ever seen that has been responsible for lifting tens of millions of seniors out of poverty?

Mr. SANDERS. Mr. Speaker, I find it very ironic and interesting that time and time again, and I guess we are not going to have time today to talk about corporate control over the media, a very dear subject to me, but I find it amazing that we hear Social Security crisis, bankrupt, no money available, and the young people by and large believe us by now because they have heard it so much, when there is no debate.

If the Congress does nothing, Social Security will pay out every nickel owed to every eligible American for the next 34 years.

We have crises today. We have people sleeping out on the street. Elderly people cannot afford their prescription drugs. Veterans are not getting the health care they need. But those, apparently, are not crises. But this noncrisis is now being subjected to a situation where people want draconian response which would destroy the system.

But maybe the gentleman wants to say a few words.

Mr. DEFAZIO. Mr. Speaker, I would pause at something, but I do want to explain my plan, that that has something to do with the fact that if it were broken up into 70 to 80 million pieces that there would be an awful lot of commissions out there for brokers. And all the intense pressure here in Congress to break Social Security up and make it into individual accounts is coming from Wall Street, the same people of course who are contributing tremendous amounts of monies to people's campaigns.

But let me explain a simple fix for Social Security. About half the American people pay more in Social Security taxes to the Federal Government than they do income taxes. We should deal with that issue. We should give them some tax relief.

Now, we also want to make certain that the system is solvent for the future. So I put those two ideas together. If we did one thing, if we lifted the cap, right now if they earn $72,600 they pay Social Security on every penny they earn. If they earn $15,000, $20,000, $40,000, up to $72,600, Social Security on every penny they earn. If they earn a million dollars, they only pay Social Security on the first $72,600. That means their effective rate of tax is less than one percent; and it is over 6 percent for Social Security alone, not the Medicare portion, for individuals who earn $20,000 a year.

So lift that cap. If we lift the cap and say fair is fair, everybody will pay the same amount on all they earn, that sounds like the flat tax that my colleagues over here are always pushing, then that would raise more than enough money to fix the system and make it solvent forever.

But I want to take some of that money and invest it in tax relief. We could also exempt the first $4,000 of earnings for every wage-earning American. That means everybody who earns less than $72,600 a year, that is 95 percent of wage-earning Americans, would get a tax break under this proposal. And then with a few other changes in Social Security, investing some aggregate amount of the surplus, taking away from Congress which borrows it and spends it and replaces it with IOUs into index funds and other investments, we could ensure, and I have a letter from Social Security saying my plan would do this, the solvency of Social Security for 75 years, which is as far out as they project it, while providing tax relief for 95 percent of Americans.

I also deal with two other problems. I give five child care dropout years so that the families that cannot afford child care or choose to stay home with their kids in their formative years will not be penalized in their ultimate Social Security benefits; and then finally, a slight increase in benefits for people over the age of 85 who are at a very high rate of poverty.

We could do all that by lifting the cap on the wages. That is, everybody pays the same amount. But, unfortunately, I believe that a lot of people who are talking about financing campaigns are probably in that same category.

Mr. SANDERS. Very interesting. They do polls and they ask the American people, how do you think we should deal with the Social Security situation?

The one alternative is to raise the age at which they get benefits. The other solution is to cut back on benefits. And the American people respond. Then they said, what about raising the cap, exactly what are my colleague is talking about. Poll after poll shows the American people think that is a very good idea. They think it is appropriate.

As the gentleman just indicated, if they raise the cap, not only can they can create Social Security solvency for the 75 years that the actuaries actually want, they could actually have a tax deduction for low and medium income workers, which makes a lot of sense to me.

But amazingly, despite the fact that this is an idea that the American people want, how many people in the Congress are even prepared to talk about that idea? Not a whole lot.

Mr. DeFAZIO. Well, I am circulating a letter to all our colleagues this week asking them to sign on to the bill, which I will introduce when we return from the July 4 break.

I think that certainly there will be many who will be interested in a progressive Social Security reform, a way to cut taxes for 95 percent of wage-earning Americans and assure the future of Social Security for generations to come. It sounds like a pretty good deal to me. And we will see if, for once, we can overcome the influence of those few wealthy people who spend so much financing the campaigns, particularly on the majority side of the aisle here.

Mr. SANDERS. I think we are coming toward the end of our time. I want to thank the gentleman from Oregon (Mr. DeFAZIO) for all of the work that he does in the Congress and for his participation this evening.

I would like to conclude on this note. We have touched on a number of problems, but that does not make us pessimistic. It is my belief, and I know I speak for my colleague as well, that if working people and middle-income people and young people get involved in the political process, if they let the Congress and the President hear from them, if they make the political leaders of this country understand what their needs are and they will get involved, we can turn this country around.

We should not be proud that the wealthiest people have seen huge increases in their income and their wealth at the same time as we have the highest rate of childhood poverty of any industrialized nation. We should not be proud that 43 million Americans have no health insurance and that we are the only country in the industrialized world without a national health insurance system. We should not be proud that the CEOs make over 300 times what their workers make and that in the midst of the so-called economic boom, the average American worker today is earning less than was the case 25 years ago.

But ultimately to turn that around, to make the Government of the United States work for the middle class, work for working families, rather than for upper-income people, people are going to have to get involved in the process. They are going to have to vote. They are going to have to be informed about the issues. They are going to have to run for office. They are going to have to revitalize American democracy and pay tribute to the founders of this country who gave us the radical concept of democracy.

So I would hope that all of our people, especially the young people who are turning their backs to our Democratic system, get involved and stand up and fight for the rights of ordinary people.

Mr. Speaker, I thank the gentleman for joining me this evening.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

COLORADO CATTLE CONCERNS

The SPEAKER pro tempore (Mr. TERRY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes.

Mr. SCHAFFER. Mr. Speaker, I would like to invite those Members of the Republican Conference who may be monitoring tonight's proceedings and have something that they would like to add in the next hour during this special order to come on down to the floor and join in. I secure this hour every now and then on behalf of the Republican Conference just for that purpose.

One of the topics I wanted to discuss was with respect to some good news in agriculture over the last couple of weeks. Because while the bull is still loose on Wall Street, months after the analysts and pundits first began warning in ernest of overpriced stocks and certainly financial meltdowns, another young crop of fresh-from-college-20-somethings with a computer and a catchy slogan has launched their initial public offerings and made millions.

Granted, short of cashing in their stock options, their net worth is only on paper and few Internet start-ups have yet to post real profits. But the investor cash fueling the IPO madness is real, and leading economic indicators suggest no predicted slowdown in the economy.

□ 1845

Consumer spending is up while unemployment rates are down. Business sector productivity, personal income and new home starts, all important indicators, are all on the rise.

Yet while that bull stampedes through the streets of New York, many of the cattle along the dusty cattle roads of eastern Colorado are going nowhere. That just might change soon. Until this month, the Clinton administration has done little to help America's cattle industry and cattle ranchers in their decades-long trade dispute with the European Union over U.S. growth hormones which meant that Colorado's cattle intended for slaughter and export to European consumers were banned and banned on the basis of dubious science.

Under prior World Trade Organization rulings, the European Union was required to drop its ban on U.S. beef imports absent risk assessments and scientific justificaton by May 13, 1999. The European Union refused to do so and in response the United States was notified of the World Trade Organization's intent to impose a 100 percent retaliatory tariff on approximately $202 million of European Union products. This level of retaliation is estimated to be far short of the true value of U.S. beef that would be exported to the European Union absent the ban, but it is enough to get the attention of those nations which might utilize unfair trade tactics in the future.

Colorado agriculture increasingly depends upon the export market to expand sales and increase revenues and to expand world trade and agriculture has a significant impact on both the U.S. trade balance and on specific commodities and individual farmers. The cards are stacked against farmers and ranchers to begin with. No sector of the economy is subject to more international trade barriers than agriculture. The import quotas, high tariffs, government-buying monopolies and import bans imposed by other nations coupled with the overwhelming number of trade sanctions and embargoes imposed on other countries by our own government cost the American agriculture industry billions of dollars each year in lost export opportunities. These barriers continue to grow despite the General Agreement on Tariffs and Trade, GATT, and the North American Free Trade Agreement, or NAFTA. Without question, they are devastating the ability for American producers to compete effectively, particularly at a time when exports now account for over 30 percent of U.S. farm cash receipts and nearly 40 percent of all agricultural production.

This particular dispute over the presence of growth-promoting hormones dates back to 1989 when the European Union put into effect a ban on the production and importation of meat containing such compounds. Growth-promoting hormones are widely used in the United States as well as other top meat exporting countries to speed up growth rates and produce leaner meat for consumers who display an increasing preference for reduced fat and cholesterol diets. Hormones used within the U.S. are regulated by the United States Department of Agriculture and are ones which occur naturally in an animal's body or that mimic naturally occurring compounds. The European Union banned the production and importation of meat derived from animals treated with hormones following an incident where a young boy was harmed after ingesting a concentrated quantity of an unregulated hormone produced in Europe. Citing extensive scientific evidence that U.S. growth hormones have been proven safe, the United States challenged the European Union's ban on the basis that it violates a 1994 Uruguay Round agreement on sanitary and phytosanitary measures. The sanitary and phytosanitary standards agreement requires a scientific basis for measures which restrict trade based on health or safety concerns. The World Trade Organization ruled in 1997 that the ban did indeed violate several provisions of those sanitary and phytosanitary standards agreements and ordered the European Union to eliminate the meat hormone ban by May 13, 1999. When the ban was not lifted last month, the United States decided to take action in the form of retaliatory tariffs.

Mr. Speaker, it is difficult to pick up a newspaper today without reading about the extraordinary resilience of the United States economy and the significant profits being reaped by corporations and investors alike. Yet it is also difficult for me and other Members of Congress representing rural districts to talk with our neighbors back home, conduct town meetings or read through our constituent mail without learning of yet more foreclosures, defaults and farm auctions. Most of these people are not sharing in the windfall. Indeed, farm country is still in serious trouble and there is no evidence things are getting better. Low commodity prices, disease, weather-related problems, coupled with declining export opportunities, weak demand and overregulation have taken a devastating toll on agriculture. Real farm income has fallen dramatically over the last 2 years and real families are feeling the effects. While Congress recently helped stave off disaster in rural America with an emergency assistance package, it is evident that more needs to be done and more needs to be done to establish real long-term solutions across the board. That is why the decision to retaliate against the European Union for its unfair ban on U.S. beef, even if for just a fraction of the overall monetary damage to the U.S. and U.S. producers, is a step in the right direction and a significant win for Colorado ranchers and farmers, and I would submit for ranchers and farmers throughout the rest of the country.

It is abundantly clear that in addition to free trade, America must guarantee fair trade. If I, other members of the majority and my colleagues on the House Committee on Agriculture can continue to compel the Clinton administration to pursue additional rightful corrective actions like this one, it might just give our farmers and ranchers back home a fighting chance and allow them to run with the bulls.

I recently had an opportunity to hear back from a number of State legislators in Colorado. Their concern on the floor of the Colorado House of Representatives was one for another economic issue, in this case the cause of balancing our Federal budget. As State legislators, my former colleagues and current friends in the General Assembly realize that it is important for the Federal Government to get its financial house in order. The State legislature recently sent to Congress a resolution that it adopted in both houses of the State legislature. It is a House Joint Resolution, 99–1016. It is based on a number of items. The resolution was drafted and offered by State Representative Penn Pfiffner from Colorado and also State Senator Ken Arnold from Adams County in Colorado. It concerns the General Assembly's support for legislation that would require a balanced Federal budget and the repayment of the national debt.

They cite a number of statistics, that the Federal Government has accumulated a $70 billion budget surplus in 1998, the first surplus since 1969, and is considering policies for using that 1998 surplus and expected surpluses for 1999 and future years.

The Federal Government has amassed a national debt of more than $5.7 trillion and in 1999 Federal tax dollars will be used to pay $357 billion in interest just to the national debt.

The costs of servicing the national debt have become an increasingly large portion of the Federal budget, rising from under 10 percent of the budget back in 1978 to 22 percent of the budget in 1997.

Paying down the national debt will relieve future generations of the burden of paying the costs of servicing the national debt, says the Colorado State General Assembly, and they are right.

Paying down the national debt does not exclude the use of Federal moneys for tax relief or for saving Social Security for future generations.

Paying down the national debt will foster economic growth and stability.

The American Debt Repayment Act which provides for budgetary reform by requiring a balanced Federal budget for each year beginning with Federal fiscal year 2000 and requiring a repayment of the entire national debt by the end of Federal fiscal year 2029 has been introduced in both houses, here and in the other body across the hall.

The Colorado General Assembly urges the Congress in the following way. It says:

Be it resolved by the House of Representatives of the 62nd General Assembly of the State of Colorado, the Senate concurring herein:

Number one, that we, the members of the General Assembly, support the objectives of the American Debt Repayment Act to pay down the national debt and maintain a balanced Federal budget; and, two, that the members of the General Assembly strongly urge the United States Congress to commit to a plan to repay the national debt before approving a budget resolution.

These kinds of resolutions, Mr. Speaker, are important. States adopt these kinds of resolutions in their State General Assemblies on a routine basis. This is just one example. It is signed in this case by the Speaker of the House, Russell George, and the President of the Colorado State Senate, Ray Powers. These resolutions are taken to heart and utilized by many of us here in Washington. These are the voices of the front lines when it comes to government. In our strong tradition of federalism, we, of course, have separated the duties and responsibilities of governing our great Nation into generally three levels, the local level, the State level and the Federal level, and I am one who fundamentally believes as the 10th amendment to the U.S. Constitution suggests that it is States that bear the greatest responsibility in organizing and leading our societies through the political process. And so when States issue memorandum such as these and memorialize Congress to act in a certain way, Members of Congress should take heed. Members of Congress should pay attention. Members of Congress should respect the opinions of those who truly are on the front lines of leading our society. Those 50, as a Supreme Court Justice once observed, laboratories of democracy, the States, really do understand the importance of a strong economy and a responsible Federal budget and a responsible Congress when it comes to managing the fiscal affairs of the entire Nation.

I want to jump to another subject for a moment. This is a much more personal one but one that is being carried out in a public way. I met a woman recently, I was speaking at an education conference in the State of Florida and a woman after the conference came up and gave me her business card and gave me some information about a program that she runs, because in the discussion about education and looking out for the future and the well-being of our children, she has a program that she has initiated and is carrying out with great success in Florida that she told me about and asked me if I would not come to this floor at some point in time and share her thoughts and her objectives of her program with my colleagues. Her name is Tina Hesse. She is the abstinence coordinator for the Brandon Crisis Pregnancy Center in Brandon, Florida. She is one who comes to this particular mission of hers with tremendous commitment and compassion. She is one who has a personal story to tell and one who found herself at a young age to be with child and her credibility on the matter is one that she utilizes in a very positive way now to reach out to a number of young children all across Florida and hopefully even tonight throughout the country, because when she gives her presentation on teen sexual abstinence in high schools, her message is a personal one.

She says, and I quote, I had a teen pregnancy when I was in high school, so I know where kids are in terms of their contemplation of sexual activity.

She is 31 years old now and delivers a very powerful message to children, primarily in schools but in other settings as well. Her program is called "Be the One" which began as a West Palm Beach pregnancy center program in the early 1990s. Hesse said the program title means be the one to wait to have sex.

There is a quote in an article that I am referencing here from the Tampa Tribune, May 20, 1999:

Hillsborough Secondary Education Supervisor Tom Schlarbaum, who approved the abstinence program, describes Hillsborough's present sex education program as abstinence-based compared to the abstinence-only approach of "Be the One" but he says, "The abstinence-only focus gives teachers another way to get a different message across." In his opinion it is an important one.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. KINGSTON. I wanted to point out on the subject of welfare reform just how well our country has done since the welfare reform.

Approximately 42 percent of the people who were on welfare in 1994 are off welfare now. We kind of take it for granted, well, welfare reform is working, but if we go back and we look at the struggle we had getting common sense welfare reform that was compassionate in that it wanted to help people, not push anybody out the door, not cut off anybody's insurance benefit or transportation or housing, yet at the same time say if you are able to work, you ought to be required to work. Yet despite that, the President vetoed the bill twice. The minority leader, Dick Gephardt, said this on the floor of the House in March 1995:

"A Republican welfare bill will throw millions of children out on the street without doing anything to move people from welfare to work."

□ 1900

The gentlewoman from Hawaii (Mrs. MINK) said on July 17, 1996, it grieves me to be here this evening to see the end of a period of almost 60 years in which this country's belief in its responsibility to the poor is going to be shattered. This is not reform. This is destruction of the basic guarantees of our democracy.

Here is Representative Sam Gibbons on the floor, March 21, 1995: If Attilla the Hun were alive today and elected to Congress, he would be delighted with this bill that is here before us, and proud to cast his vote for H.R. 4, the Personal Responsibility Act. It is the most callous, cold-hearted, just listen to this rhetoric, the most callous, cold-hearted and mean-spirited attack on this country that I have ever seen in my life; just fighting that kind of irresponsible rhetoric to the rolls decreasing that were on welfare, people working, people feeling good about themselves, the teen pregnancy rates going down, the crime rates going down; people like this woman who are back in the education system or back in the workforce feeling good, happy, independent, no longer shackled by this government system which encourages dependence.

Mr. SCHAFFER. If the gentleman remembers, at the time when that debate was unfolding here on the House Floor, the gentleman is right that a number of the more liberal Members of Congress, who view the government as the primary entity in organizing our society, believed that the American people really would not rally around the cause of helping the poor, of helping those who have become dependent on a welfare system, not just dependent but locked into a cycle of poverty that seemed to be never ending; that these liberals on the House floor who came to believe and approached the debate from the perspective that, my goodness, nobody else will be able to stand in the balance.

I appreciate the comments about the reduction in teen pregnancy and what a positive result that has had. People like Tina Hess have really filled the void where government once was viewed as the sole provider of these kinds of services. She is one who has found a way, through a nonprofit corporation, to go into schools and deliver a curriculum that is helping to continue to reduce these numbers.

Let me read one more final quote from one of the students. She said that the slides on sexually transmitted diseases show students how their lives can become miserable. A lot of teens think AIDS, or STDs, sexually transmitted diseases, will never happen to them but after a presentation at a school called Bloomingdale last week, one student wrote, and I am quoting the letter from the student, all this talk about pregnancy and STDs is going to make me stay a virgin until I am ready.

Now that is the kind of response that has really flourished throughout the country where those who have made some poor decisions, but who also take their role as citizens seriously, have managed to provide a real leadership role in the community to help drive these welfare case numbers down. It is remarkable.

In States like mine out in Colorado, over the last 2 years there are now 50 percent fewer families on welfare than there were just 2 years ago.

Mr. KINGSTON. In the testimony of the people, here is a bus driver in Milwaukee, when welfare reform first started there were a lot of complaints; people were afraid how they would fit in. Everything was new and different, but now many people have gotten into it and the morale and self-esteem has been boosted. We can tell they feel good. Most of the people are happy, too. Look into their eyes. They are happy. The eyes tell no lies.

Here is a former welfare mother: I could have succeeded long ago but I had kids and I was an over protective mother. I did take advantage of the welfare system, but now we are not living month-to-month running out of food. I earn $11.49 an hour. I am still in poverty but I know it is not going to last forever. Just a total turnaround.

Here is an article from the New York Times, July 27, 1998: With caseloads falling at a startling pace for minorities as well as whites, taxpayers seem well satisfied with the new ethos of time limits and work demands, and yet here again going back to 1995 here was a quote from one of our colleagues, they are coming for the sick, the elderly, the disabled. I say to my colleagues, we have the ability, the capacity, the power to stop this onslaught. Another one said that welfare reform was like Nazi Germany.

So often we in our society seem to work ourselves up into a froth; fear of the unknown. What we need to do is to have a little more self-confidence and self-reliance.

I love the story from the gentleman about this educator also.

We have passed in this Congress, under Speaker HASTERT, the Educational Flexibility Act, which has already passed the Senate and signed by the President, but the ed-flex bill gives local school systems more control, less Washington micromanagement, less bureaucracy breathing down their necks. Now, even though that is successful, we are starting it and most school systems say, yes, we want to run our show locally, we are trying to go a little bit further and do something called Straight A. What the Straight A program calls for is a charter between individual States and the Federal Government, and basically the Federal Government says that if the States meet certain outcomes and have high results, then we will free them from certain Federal regulations.

My school boards in the 18 counties that I represent in southeast Georgia, they are ready for that. They know they have the ability to educate children better in Georgia than Washington can educate Georgia children. So they are confident about it.

I am sure in Colorado, and I visited the gentleman's people, they are full of that good old western pride that made our country so strong and they are as independent as anybody. I am sure they are going to be delighted to get into this Straight As program.

Mr. SCHAFFER. Absolutely.

Our governor, Governor Bill Owens, is one who is looking forward to a day when there is greater flexibility to allow not only him but the rest of the Colorado General Assembly, and not to mention our school board leaders who are elected officials accountable directly to the people, these are the folks where they actually know the names of the students and the teachers and the administrators, all of these folks are looking forward to the day when they will be unleashed from the Federal rules and regulations that hamper their ability to teach children in an effective way.

We spend billions of dollars here in Washington and yet for the billions we spend the actual proportion of Federal funds that actually reach a classroom is relatively small, somewhere on the order of 7, 6, sometimes as high as 9 percent, in some needy or poorer school districts, but for that small, relatively small, portion of Federal funds that make up an overall classroom budget, the strings and the red tape and the requirements and mandates attached to that minority of cash is overpowering.

There are school districts in my State that have to hire people just to fill out the Federal paperwork so that they can get the money.

This is money that comes to Washington. The American taxpayers are working hard every day and paying their taxes. The money comes here to Washington, D.C. The Congress then, through its formulas and so on, divvies up this cash in a variety of ways and then there is this huge bureaucracy not too far from where we are now that then goes to work on this money. By the time that cash makes its way back to Colorado and back to the State of Georgia and every other State in the Union, there is just a fraction left for the kids.

That is what our Straight As proposal is designed to resolve, not to spend more money in Washington. We do not need to do that. We can actually increase the proportion of dollars that make it to a child by cutting all these silly rules and regulations.

I know there are people over there in the Department of Education who are nervous about this discussion, nervous about the debate and they oppose straight As, and with good reason. Our goal is to get rid of a lot of those people. I will be candid and frank with the gentleman and with them and with the American people. I frankly care more about my children in public schools and all of the children of my friends and neighbors back in Colorado than I do about these people down the street here in the Department of Education. I want the money to get to the kids and to the teachers who know how to teach, rather than the bureaucrats who know how to provide paperwork and produce more headaches for communities around the country.

This Straight As proposal, it is a big thing. There are 760 Federal education programs. The ed-flex bill that we passed dealt with, I think, 9 of them; 9 significant ones. It was a big step in the right direction.

To follow up, to take the next logical step, to show the American people that we are serious about moving authority out of Washington and empowering our local communities, this Straight As proposal is a significant one.

I might add that we have almost 100 cosponsors now in this Congress, including on our side of the aisle, the Republican side, every Member of that committee is on board, every Member of our Republican leadership is on board. It is a bipartisan bill. We have Democrats who are cosponsors of Straight As. This is a big initiative and an exciting one, and the gentleman is right, before I turn it back over to the gentleman, to suggest that the education leaders in my State, and I would bet in the State of the gentleman also, and the other 48 states, are really getting excited about the prospect of receiving their cash back without Federal strings attached.

Mr. KINGSTON. I think that the question also on the subject of money is, do we want the dollars that we earn, that we work hard 40, 50, 60 hours a week for, do we want that money, those tax dollars, that portion of our income, to go to a bureaucrat in Washington or do we want it to go to a teacher in a classroom?

One of the things we have been pushing are more dollars to the classroom, not tripling the bureaucracy in Washington who is micromanaging our school system, and I think that is important. I think the local flexibility is the key, though.

In Colorado, the gentleman certainly had the big tragedy in Littleton that we are all aggrieved about, but we need to ask ourselves, maybe Washington is, in fact, part of the problem. Maybe pushing large, impersonal schools, where the teachers do not know the students as well, maybe the teachers are afraid to question kids who are acting suspicious or odd or peculiar because they are afraid of being sued themselves, and this kind of atmosphere really has been fostered by this large centralized government that has grown in the last 10 years in our country.

If people could run their own communities, their own schools and their own lives, I think we would have a much better society.

It is interesting, while this administration rushes out after the Littleton tragedy to pass more gun control laws, they have completely ignored the fact that last year there were only 8 prosecutions for possession or discharge of a firearm in a school zone, and only 8 prosecutions for possession of a handgun or ammunition by a juvenile, and 6 prosecutions for the transfer of a handgun or ammunition to a juvenile.

As the gentleman knows, in Littleton 23 existing gun control laws were broken. We have all of these on the books, but this administration is not prosecuting. What a difference it would make if they would prosecute. We do not know how it would have affected Littleton, but we do know that there are a lot of laws on the books that this administration, this Justice Department, has chosen not to enforce.

Mr. SCHAFFER. Right.

Mr. KINGSTON. I think it could make a tremendous difference.

Mr. SCHAFFER. The whole theme here is one of local government. Local government is the closest to the people, the most accountable to those who are paying the taxes, and all three of these topics that we have discussed here really center around the theme of local authority and the notion that centralizing power and decision-making in Washington is a recipe for failure.

Going back to the welfare issue, when the debate took place on whether to reform the welfare system, the gentleman is right, there are people who said we cannot watch Washington give this authority up; it will hurt people.

We are seeing now in the debate on education reform the exact same dynamics. People here in Washington are saying, wait a minute; we cannot cut the Federal bureaucracy in Washington. That will hurt schools.

Mr. KINGSTON. If the gentleman will stop there.

Mr. SCHAFFER. Sure.

Mr. KINGSTON. This particular president has been very wise in appealing to the population of the country. He talks about less Washington power and welfare reform, even though he vetoed the bill twice. He talks about more control of education locally. Now, unfortunately, we know, after 7 years that he does not always do what he says he is going to do, but maybe all politicians are that way, at least a little bit.

□ 1915

But it is interesting that members of his party are often out of step with what he is in fact saying himself.

In a case in point, in social security, we had a long debate about the lockbox concept, and the concept of a lockbox is so that the Federal government would quit mixing social security funds for peoples' retirement with operating expenses to run government agencies. We passed that after a long debate. There were a lot of procedural tactics to keep the bill off the floor, but once it got on the floor it was passed on an overwhelmingly bipartisan basis.

It went to the Senate, which up until this week has not moved on the bill and had no plans to move on it until the President finally came around and said it. But it is that fear, the fearmongering that we hear over and over again. It is the same people saying the same irresponsible things to scare America's educators, America's children, America's seniors, the environment, and whatever. It is just a fearmongering tactic.

Somehow, once we get through there, it is not as bad as they thought, for some reason.

Mr. SCHAFFER. It is the culture of Washington that suggests to all of us here when we become a Member of Congress that no one in America can lead a successful life without somebody from the Federal government getting involved in their day-to-day affairs.

The gentleman and I came here as part of a new Republican majority to throw that type of mentality out of the city. It is taking a long time. That mentality that I just described has deep roots in this town. But systematically, day by day, we are proving them wrong. We are showing that trusting the American people is a recipe for success, and we are seeing it now with an economy that is just cruising along and doing extraordinarily well. We are seeing that now with a discussion on the House floor and over in the White House about what to do with surplus revenues, if Members can imagine that.

We are now talking about millions of Americans who are no longer dependent on the welfare system because we trusted local and State governments and the ingenuity of the American people to pull themselves up by their bootstraps. We just helped the Federal government get out of the way. That works.

Listen to this quote, going back to the welfare discussion for a moment. "The AFDC world is very insular." I am reading a quote from a high school counselor in Milwaukee, AFDC being the Aid to Families With Dependent Children program, which is really one of the primary programs in welfare.

Mr. KINGSTON. Which incidentally is now temporary aid to needy families.

Mr. SCHAFFER. He says the AFDC world was very insular. "I don't think people left their neighborhoods. Now we are seeing a lot of mobility, people getting out more, families having a lot more exposure to services, like counseling and parenting classes. It seems like everywhere I go there is a sense of business in the streets, a lot of activity."

For a high school guidance counselor to make these observations in Milwaukee tells us where he is making these observations. He is seeing this in his children that he is serving. He is seeing this in the neighborhoods, where education becomes the important order of the day.

I think the message of this high school guidance counselor and others who make these same observations is a message that needs to be told at the time we are debating education reform. It is the next step. If welfare reform worked by getting the Federal government out of the way, by empowering States, empowering local communities, and treating Americans like Americans again, perhaps we ought to try the same thing when it comes to schools: Get the Federal government and its 760 Federal programs out of the way, and let those principals and administrators and locally-elected school board members and teachers and parents do what they know how to do, which is teach children and care about them and build strong communities.

Mr. KINGSTON. I think it has worked for welfare reform, and we need to, I think, be bold in our initiatives with social security, with Medicare, with tax relief, and all of our other issues that we are dealing with in this Congress.

The agenda, as the gentleman knows, that we are working on under the gentleman from Illinois (Speaker HASTERT) is the BEST agenda.

B is for building a strong military, one that can fight a war on two fronts, defend our country, one that is ready and modernized and has a good quality of life for the soldiers; E, E is for education, local control, excellence in education; S is for saving social security; and T is for lowering taxes through spending reductions and through revenue that does not go to social security.

One of the interesting things on the tax relief is that right now Federal taxes currently consume 21 percent of America's gross domestic product, the highest percentage in the history of our country.

Last year tax revenues grew by about 9 percent, and the average American now works 129 days in order to pay off their total tax bill. This is an all-time high. When the gentleman and I were raised, our parents, say in the fifties, paid 5 percent Federal income tax on average. In the 1970s it was 16 percent. Today it is 25 percent Federal income taxes.

What is really telling to me is that individuals and families who are earning $50,000 a year pay about 82 percent of the total Federal income tax revenue. Let me repeat that. Individuals and families earning $50,000, and I suspect that would probably be about 90 percent of the people who watch C–Span, they are paying 82 percent of the total income revenue, income tax revenues to the Federal government. That is a huge disproportionate tax burden.

Mr. SCHAFFER. They are overpaying, too. The interesting thing about Washington, and what may frustrate many of these taxpayers who are working hard and know where every dollar of their income goes and where their taxes hurt, I turned on the news yesterday and discovered that the President of the United States woke up yesterday and found $1 trillion laying around, discovered that there is $1 trillion in additional surplus revenue that the Federal government has all of a sudden found.

That is a great thing, I think. What it shows is that the economy was even stronger than they realized over at the White House; that the entrepreneurial spirit of the American people is even more inspired than perhaps the White House gave it credit for.

Mr. KINGSTON. Let me say this about that surplus that people often are missing in Washington. That surplus is projected on unrealistic spending restraints. We can say, we are going to have this surplus, but that is making a huge, a huge assumption that we are going to continue on a very moderate spending path which the gentleman and I know every day a new special interest group comes to us and says, break these spending caps, spend more than projected.

To me, that is one thing that is wrong with the surplus. The other thing is, as the gentleman has already pointed out, it makes a big assumption that the economy is going to continue to roll along at the current rate.

Mr. SCHAFFER. That is right. In order to make that happen and to encourage that kind of economic growth, the kind that we have experienced over the last 6 years, we have to make sure we do the right things that help foster economic growth.

I want to ask the gentleman, just in terms of speculation and knowing the nature of the city, when there are extra dollars laying around, whether they are real or perceived extra dollars, can the gentleman define for the House what the gentleman thinks the debate will be over the next few months or years around this $1 trillion surplus that the President tripped over yesterday and accidentally discovered?

What does the gentleman think will happen next on the House floor? Does the gentleman think we will have the courage to give that money back to the taxpayers?

Mr. KINGSTON. There is a double-edged sword to bragging about the surplus. Number one, when we go out and talk about the surplus, we feel good politically because we say, look, some of our policies have worked, and for the first time since 1969 when Woodstock was held at Yasgur's farm, the budget now is balanced, or it is not in deficit.

There is still this huge Federal debt, but just the annual spending is not a deficit. So there is a political punch to Democrats and Republicans about it.

But the down side is that we are also sending a signal out to the special interest groups that, hey, there is plenty of money here, come and get it, and wink wink, nobody will mind if we break our spending caps, the bipartisan budget agreement of 1997, because we have new money, and no one likes new money better than Washington's special interest groups.

I am a member of the Committee on Appropriations, but it is not unique to us at all. Every single day a new group comes up and asks us to break that spending cap, that 1997 agreement. There are legitimate concerns. It is not just coming up with frivolous things, it is just that hey, we have legitimate concerns, and do we really have to go back and do the hard work of reinventing government or reinventing the status quo and figure out a better way to build a mousetrap? Can't you just give us more money this year? We hear it from health care, from education, from all kind of government bureaucracies.

I am very, very concerned that that anticipated surplus is not going to be as large as we want it to be because we are going to use it as an excuse to relax our austerity.

Mr. SCHAFFER. That is actually the point I wanted to make, because I do not care who we are, whether we are a liberal over there in the White House or on the other side from where we stand, we do not just find $1 trillion laying around. We either know it was there, or maybe a portion of it. We just do not magically wake up one day and discover, hey, we have $1 trillion more cash than we thought.

The point I was intending to get to here is this: That waving that $1 trillion surplus figure around to the American people really does send the green light, it sends the go signal to all of the lobbyists, all of the special interests, and even to many Members of this very Congress that, start smiling, it is time to spend again. We have money laying around.

We really do not have huge piles of cash laying around Washington, D.C. There are lots of games and lots of manipulations that go into bragging about the size of this debt.

There is no question that over the past few years, since the Republicans have taken over the control of Congress, we have slowed the rate of growth in Federal budgeting. We have done so to the extent that we have allowed the economy to catch up with us. But we do not have the trillions and trillions of dollars laying around Washington, D.C. to begin to start celebrating and spending.

Mr. KINGSTON. The odd part is, and just in a personal home, it is fun to buy a new boat or a new car. I have had one new car in my life, and I have never owned a new boat, so I really do not know the feeling, but I know it is a lot more fun to buy maybe a new TV or a new stereo than it is to buy a new drier or to get a new set of tires for your car.

In politics it is the same way, it is far more glamorous and sexy to go out and create a new government arts program or a new program for some special interest group that is going to help a limited number of people but it is going to sound real good to all, and we rush out and do that rather than pay down the debt.

With a $5.4 trillion debt, I strongly urge, and I know the gentleman has been fighting for it, that we include not just debt service but debt payment in every budget that we have. We should have, and last year our colleague, Mark Neumann, advocated I think it was a 25-year budget debt paydown that would have paid off the national debt I think by the year 2025, or maybe even sooner than that.

That should be the center of the debate, not what are we going to do with this new money.

That debt right now, we do pay interest on it, and that interest I think is something like I believe $500 per person, so a family of four pays about $2,000 a year in taxes servicing the national debt. That is $2,000 a year that could be used for college tuition, for groceries, for a vacation, for a couple of months of house payments.

That money is absolutely gone to the bondholders. It does not buy better education, better health care, better national security, it is just gone.

Mr. SCHAFFER. People in Washington like to take the credit for the strong economy and take credit for balancing the budget, and we deserve some credit, I think. As I mentioned, we did slow the rate of growth in Federal budgeting over the last 6 years. That has allowed the economy to catch up. But the American people are the ones that really deserve the credit.

We can help in a number of ways. There are many people here in Washington who believe that we were wrong to cut taxes over the last couple of years. We reduced the capital gains tax, we reduced inheritance taxes, we managed to provide a $500 per child tax credit. There are an assortment of other taxes that we managed to knock down just a little bit.

We have not repealed them or pulled back the overall tax rate nearly as much as we can and perhaps should. But those people who criticized us for trying to reduce the tax burden and provide tax relief are also wrong, because what we found was that by leaving more cash back home in the hands and pockets of those people who earn it, we have inspired those individuals to become more productive with their own capital, with their own wealth. They have created more jobs. They have made wiser investments.

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It is, in fact, that heightened level of economic activity that is saving the country today. That is the reason we balanced the budget. That is the reason the President believes that, if those American people continue to do the same things, make the same wise investments, perform strong economically as they have been, over the next 15 years, that there will be the surplus.

But it really means for us, I think, that we need to find more ways to ease the burden on American families and American business owners and people who are creating wealth and continue to shrink this government. Those are the assumptions the President has built into his numbers, but I do not believe that he has the commitment that the gentleman from Georgia (Mr. KINGSTON) and I do and the rest of the Republican majority to actually stick to those budget caps and actually see the surplus grow.

Mr. KINGSTON. Mr. Speaker, we do not see any signs of it in the rhetoric that we are going to stick with this bipartisan agreement that everybody signed off on.

But to get back in terms of tax reduction, one of the big problems, and the gentleman from Colorado knows the expression, I think it is attributed to Jesse James, but I am not sure, "Why do you rob banks?" "Because that is where the money is." Why do the rich get tax reductions? Because they are the ones paying the taxes.

Now, I know that is real hard to accept when one builds political careers on class warfare and class division, as many politicians do. But the reality is, if one wants to give tax relief, one has got to give it also to the people who are paying the big taxes.

As I pointed out before, households earning more than $50,000 are paying 82 percent of the income taxes right now. We have got to let them have some tax relief. But what is the benefit of that? Job creation. The entrepreneurs that the gentleman is talking about.

Ted Turner in Georgia makes a tremendous amount of money. Do my colleagues know what, in schools all over America, they should be teaching kids how they want to be an entrepreneur, they want to grow, they want to have capitalization, they want to be independent.

Now, not everybody is going to do that, be able to do that, and we want to have all kinds of jobs and options for people. We want to help those who never will be independent. But the reality is, let us do not punish Ted Turner when he gets to be where he is.

I mean, has it been good for the state of Georgia and Atlanta for CNN to be located there? Absolutely yes. Is it good, all those jobs? Yes. Are those people also, many of them who work for him, wealthy? Yes. Is that good? Yes. They buy lots of shoes and cars and stereos. They spend all kinds of money which creates jobs in Atlanta, Georgia.

But we go at this thing with the myopic that they are rich. It can only be attributed to luck, not hard work and enterprise. Therefore, there is an injustice about it, and we have got to punish them for being rich. We hear that over and over again.

But in this time of the surplus and the surplus, not all of it is coming from Social Security, but Americans are paying about $500 a year more than the government needs to operate.

Now, I do not know anybody who likes overpaying a bill. I do not care who it is, if it is Bill Gates or the gentleman from Colorado (Mr. SCHAFFER), nobody like overpaying.

Mr. SCHAFFER. That is right.

Mr. KINGSTON. So one are overpaying one's taxes by $500 more a year if one is an average family than we need in this room, in this Chamber, in this Congress to operate one's government with.

Mr. SCHAFFER. It was Willie Sutton, by the way. Willie Sutton was the bank robber who told the judge, when the judge asked, "Why do you rob banks?"

Mr. KINGSTON. Mr. Speaker, is the gentleman from Colorado intimate with bank robbers? How does he know these fine things?

Mr. SCHAFFER. I remember that. It was Willie Sutton.

Mr. KINGSTON. Well, I only remember Shakespeare and Winston Churchill, so the gentleman can correct me any time on bank robbers.

Mr. SCHAFFER. Mr. Speaker, I remember that in particular because there is another Willie in this town who looks at obtaining cash in much the same way. When asked why he prefers taxes to be high rather than low and why he prefers additional spending rather than less, the answer is much the same way. We are going to continue to tax the American people $500 more than they need to be paying because that is where the money is.

Mr. KINGSTON. Mr. Speaker, I know the gentleman has heard the old story about the man is driving down the road and sees a pig, and three of the pig's legs are wrapped up in bandages. Actually, he has three wooden legs. He says, what is the story about this pig.

He says, oh, that pig is a magic pig. It has really done a lot. He said, one time the family was burning, the House was burning, and that pig ran in and pulled us all out of bed and saved the entire family. Another time, my son was drowning, that pig dove in the lake, swam out there and picked him up and kept him from drowning and pulled him back from shore. On another occasion, my little girl was in an automobile accident, and the car was burning, and the pig leaped through the window and pulled her out and saved her.

The guy from the city said, well, that is amazing. That is a remarkable pig. But tell me, what about the bandages.

He said, well, it is obvious. You do not eat a pig like that all at once.

That is what the government is doing to the American entrepreneur, the American small business person, and the hard-working taxpayer in general, just grinding them down.

Some statistics that I wanted to say, the Census Bureau says that the average household now pays $9,445 in Federal income taxes, which is twice as much as it was in 1985. The typical American family pays more in taxes than we spend on food, clothing, housing, and transportation combined. It is very similar to the story. You just do not eat a pig like that all at once, you grind them down.

Mr. SCHAFFER. Mr. Speaker, the people who have the most at stake in this debate really are those American families earning less than $50,000. They already pay above 82 percent of the overall tax burden, and they constitute 91 percent of incomes.

When we talk about providing tax relief, trying to ease the burden on these very individuals, it will be the Democrats on the other side of the aisle that will come up here to these podiums and try to suggest that we are trying to reduce taxes on only the wealthy. Well, it is not the wealthy. It is 91 percent of all income taxes and 82 percent of the total burden being paid by those who earned $50,000 or less.

I received a letter from a woman in Fort Collins who understands this full well. She says in one paragraph in this letter that she sent me, a woman from Fort Collins, Colorado, she says, "Although my family is not wealthy, it makes sense to me to give the extra money back to the people who paid it."

I think that she accurately sums up the sentiment of most Americans if we ask, where should this tax relief go? Where should this overpayment and cash revenues go? It should go back to those who overpaid.

Eighty-two percent of the taxpayers in America are those earning $50,000 or less, and those are the ones that we think deserve their money back.

Mr. KINGSTON. Mr. Speaker, I know that the gentleman's time is about to expire, so I will just close with this, that, again, under the leadership of Speaker Hastert, we are working on what we call the Best agenda. Again, the B is for the best, strongest military. E is for excellence in education. S is for saving Social Security. And T is for reducing taxes.

We are making a lot of progress. This year, for the first year in many years, the appropriations bills will be passed out of the House ahead of the cycle, ahead of the calendar, and we are making a lot of progress.

I appreciate the gentleman from Colorado allowing me to share some of his time tonight, and I look forward to working with him in the balance of the year.

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman from Georgia in joining this special order. America is good, not so much because of the Congress or our laws or things here in Washington. America is a great country because of the people and because of the philosophy of life that we have here in the United States. It is that philosophy and those people that we in order to honor more by not talking so much about growing Washington, but by shrinking the power of the Federal Government and encouraging and strengthen the lot of the American people.

TO MODIFY DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES AND FOR OTHER PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–)

The SPEAKER pro tempore (Mr. COOKSEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Generalized System of Preferences (GSP) offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974, as amended.

I have determined, based on a consideration of the eligibility criteria in title V, that Gabon and Mongolia should be added to the list of beneficiary developing countries under the GSP.

I have also determined that the suspension of preferential treatment for Mauritania as a beneficiary developing country under the GSP, as reported in my letters to the Speaker of the House and President of the Senate of June 25, 1993, should be ended. I had determined to suspend Mauritania from the GSP because Mauritania had not taken or was not taking steps to afford internationally recognized worker rights. I have determined that circumstances in Mauritania have changed and that, based on a consideration of the eligibility criteria in title V, preferential treatment under the GSP for Mauritania as a least-developed beneficiary developing country should be restored.

This message is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 30, 1999.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess have expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 18 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 775, THE Y2K ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–213) on the resolution (H. Res. 234) waiving certain points of order against the conference report on the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, FINANCIAL SERVICES ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–214) on the resolution (H. Res. 235) providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF HOUSE AND SENATE FOR INDEPENDENCE DAY WORK PERIOD

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–215) on the resolution (H. Res. 236) providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Thursday, July 1, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2799. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 99–21), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report concerning defense articles that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 1998; to the Committee on International Relations.

2801. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2802. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 97–NM–51–AD; Amendment 39–11185; AD 99–11–14] (RIN: 2120–AA64) received June 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2803. A letter from the Senior Attorney, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Credit Assistance for Surface Transportation Projects [OST Docket No. OST–99–5728] (RIN: 2125–AE49) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2804. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Powered by Pratt & Whitney PW4000 Engines [Docket No. 97–NM–89–AD; Amendment 39–11183; AD 99–11–12] (RIN: 2120–AA64) received June 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2805. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines [Docket No. 98–ANE–19–AD; Amendment 39–11179; AD 99–11–08] (RIN: 2120–AA64) received June 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2806. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–223–AD; Amendment 39–11186; AD 99–11–15] (RIN: 2120–AA64) received June 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2807. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 402C Airplanes [Docket No. 99–CE–21–AD; Amendment 39–11184; AD 99–11–13] (RIN: 2120–AA64) received June 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2808. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Lake Champlain, NY & VT [CGD01–98–032] (RIN: 2115–AE47) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2809. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Chelsea Street Bridge Fender System Repair, Chelsea River, Chelsea, MA [CGD1–99–053] (RIN: 2115–AA97) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2810. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Falgout Canal, LA [CGD08–99–035] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2811. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Massalina Bayou, Florida [CGD08–99–033] (RIN: 2115–AE47) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2812. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation;

Muskingum River, Ohio [CGD08-99-020] (RIN: 2115–AE47) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2813. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Harvey Canal, LA [CGD08–99–029] received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2814. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Mandatory Ship Reporting Systems [USCG–1999–5525] (RIN: 2115–AF82) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2815. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK [CGD17–99–002] (RIN: 2115–AF81) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2816. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Pedro Bay, CA [COTP Los Angeles-Long Beach, CA; 99–003] (RIN: 2115–AA97) received May 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 234. Resolution waiving points of order against the conference report to accompany the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes (Rept. 106–213). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 235. Resolution providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes. (Rept. 106–214). Referred to the House Calendar.

Mr. REYNOLDS. Committee on Rules. House Resolution 236. Resolution providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period (Rept. 106–215). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEAL of Georgia (for himself, Mr. Boyd, Ms. Dunn, Mr. Turner, Mr. Peterson of Pennsylvania, and Mr. Thompson of California):

H.R. 2389. A bill to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARTINEZ (for himself, Mr. Clay, Mr. George Miller of California, Mr. Kildee, Mr. Owens, Mr. Payne, Mrs. Mink of Hawaii, Mr. Andrews, Mr. Roemer, Mr. Scott, Ms. Woolsey, Mr. Romero-Barcelo, Mr. Fattah, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kind, Ms. Sanchez, Mr. Ford, Mr. Kucinich, and Mr. Wu):

H.R. 2390. A bill to amend the Elementary and Secondary Education Act of 1965 to create small, manageable, accountable classrooms with qualified teachers; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JACKSON of Illinois (for himself, Mr. Norwood, Mrs. Christensen, Mr. Clyburn, Mr. Rodriguez, Mr. Underwood, Mr. Wu, Mr. Sanders, Mr. DeFazio, Mr. Bonior, Mr. Menendez, Mr. Brown of Ohio, Mr. Stark, Mr. Abercrombie, Ms. Millender-McDonald, Mr. Thompson of Mississippi, Mr. Hilliard, Mr. Filner, Mr. Faleomavaega, Mrs. Meek of Florida, Mr. Serrano, Mr. Hinchey, Mr. Jefferson, Mr. Ford, Ms. McKinney, Mrs. Jones of Ohio, Ms. Lee, Ms. Pelosi, Ms. Kilpatrick, Mr. Scott, Ms. Norton, Mr. Clay, Mr. Owens, Ms. Velázquez, Mr. Payne, Mr. Wynn, Mr. Rush, Mr. Cummings, Mr. Davis of Illinois, Mr. Pastor, Mr. Meeks of New York, Ms. Jackson-Lee of Texas, Ms. Brown of Florida, Ms. Waters, Ms. Eddie Bernice Johnson of Texas, Mr. Romero-Barcelo, Mr. Bishop, Ms. Carson, Mrs. Clayton, Mr. Conyers, Mr. Rangel, Mr. Reyes, Mr. Lewis of Georgia, Mr. Towns, Mr. Dixon, Mr. Fattah, Mr. Watt of North Carolina, Mr. Gonzalez, Mr. Nadler, Mr. Brown of California, Mr. Matsui, Mr. Lantos, Ms. Kaptur, Mrs. Napolitano, Ms. Schakowsky, Mr. Hastings of Florida, Mr. Frank of Massachusetts, Mr. Ortiz, Ms. Woolsey, Mrs. Mink of Hawaii, and Mr. Becerra):

H.R. 2391. A bill to establish a National Center for Research on Domestic Health Disparities; to the Committee on Commerce.

By Mr. TALENT (for himself, Mr. Bartlett of Maryland, Mrs. Kelly, and Ms. Velázquez):

H.R. 2392. A bill to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 2393. A bill to amend the Internal Revenue Code of 1986 to provide disaster relief for homeowners; to the Committee on Ways and Means.

By Mr. CHAMBLISS:

H.R. 2394. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Government Reform.

By Mr. COMBEST (for himself, Mr. Stenholm, Mr. Barrett of Nebraska, Mr. Boehner, Mr. Ewing, Mr. Schaffer, Mrs. Chenoweth, Mr. Lucas of Oklahoma, Mr. Gutknecht, Mr. Roemer, Mr. Etheridge, Mr. Evans, Mr. Thornberry, Mr. Chambliss, Mr. Jenkins, Mr. Thune, Mr. Ose, Mr. Dickey, and Mr. LaHood):

H.R. 2395. A bill to amend the Agricultural Market Transition Act to extend through fiscal year 2002 the authority for the advance payment, in full, of the payments required under production flexibility contracts; to the Committee on Agriculture.

By Mr. CUNNINGHAM (for himself, Mr. Goss, Mr. Taylor of North Carolina, Mr. Miller of Florida, Mr. Istook, Mr. Doolittle, Mr. Radanovich, Mr. Pitts, Mr. Collins, Mr. Riley, Mr. Paul, Mr. Gary Miller of California, and Mr. Tiahrt):

H.R. 2396. A bill to provide that the Davis-Bacon Act shall not apply to contracts for the construction and repair of schools and libraries; to the Committee on Education and the Workforce.

By Ms. DeLAURO (for herself, Mr. Gephardt, Ms. Norton, Mr. Costello, Mr. Gejdenson, Mrs. Maloney of New York, Ms. Pelosi, Mrs. Lowey, Ms. Kilpatrick, Mr. George Miller of California, Mr. Olver, Ms. Kaptur, Mr. Frost, Mr. Brady of Pennsylvania, Mr. Stark, Ms. Millender-McDonald, Mr. Nadler, Ms. Woolsey, Mr. Serrano, Mr. Sanders, Mr. McGovern, Mr. McNulty, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Mrs. Tauscher, Mr. Luther, Mr. Lantos, Ms. Roybal-Allard, Mr. Allen, Mrs. Thurman, Mr. Maloney of Connecticut, Mr. Kucinich, Mr. Baldacci, Mr. Weygand, Mr. Brown of Ohio, Mr. Meehan, Ms. Eshoo, Mrs. Mink of Hawaii, Mr. Underwood, Mr. Bonior, Mr. Shows, Mrs. Jones of Ohio, Mrs. Clayton, Mr. Kennedy of Rhode Island, Mr. McDermott, Mr. Brown of California, Ms. McKinney, Mr. Wynn, Mr. Waxman, Mr. Andrews, Mr. Weiner, Ms. Eddie Bernice Johnson of Texas, Ms. Slaughter, Mr. Lampson, Mr. Hoeffel, Mr. Davis of Illinois, Mr. Kildee, Mr. Ford, Mr. Crowley, Mr. Inslee, Mr. Sherman, Mr. Markey, Mr. Rothman, Mr. Strickland, Mr. Borski, Mr. Phelps, Mr. Coyne, Mr. Hoyer, Mr. Berman, Mr. Faleomavaega, Mr. Rangel, Mr. Sandlin, Mr. Conyers, Mr. Pallone, Ms. Lee, Mr. Pastor, Ms. Brown of Florida, Mr. Blagojevich, Mr. Frank of Massachusetts, Mrs. Capps, Mr. Vento, Ms. Carson, Mr. Moore, Mr. Cummings, Mr. Matsui, Mr. Kleczka, Ms. Berkley, Mr. Capuano, Mr. Snyder, Mr. Filner, Mr. Thompson of Mississippi, Mrs. McCarthy of New York, Mr. Farr of California, Mr. Rodriguez, Mr. Engel, Mr. Tierney, Mr. Baird, Mr. Gonzalez, Mr. Larson, Ms. Hooley of Oregon, Mrs. Meek of

Florida, Ms. WATERS, Mr. BARRETT of Wisconsin, Mrs. CHRISTENSEN, Mr. HINCHEY, Ms. BALDWIN, Mr. OBERSTAR, Mr. LEVIN, Mr. WATT of North Carolina, Mr. UDALL of New Mexico, Mr. GUTIERREZ, Mr. HOLT, Mr. WU, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Ms. SANCHEZ, Mr. RUSH, Mr. DEUTSCH, Ms. LOFGREN, and Mr. CLYBURN):

H.R. 2397. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DELAY:

H.R. 2398. A bill to amend the Internal Revenue Code of 1986 to clarify certain existing limitations on private business use of facilities financed with tax-exempt bonds; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 2399. A bill to establish a commission to recommend a strategy for the global eradication of disease; to the Committee on Commerce.

By Mrs. JOHNSON of Connecticut:

H.R. 2400. A bill to amend the Internal Revenue Code of 1986 to modify the low-income housing credit; to the Committee on Ways and Means.

By Mr. LAZIO (for himself, Mr. LEACH, Mr. LAFALCE, Mr. GILMAN, Mr. MALONEY of Connecticut, and Mr. SHERMAN):

H.R. 2401. A bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding, to the Committee on Banking and Financial Services.

By Mr. LEWIS of Kentucky (for himself, Mr. ENGLISH, Ms. DUNN, Mr. CAMP, Mr. RAMSTAD, Mr. HAYWORTH, Mr. PAUL, and Mrs. NORTHUP):

H.R. 2402. A bill to amend the Internal Revenue Code of 1986 to establish a 15-year recovery period for franchise property, to provide a shorter recovery period for the depreciation of certain leasehold improvements, to allow capital gain treatment on the transfer of a franchise in connection with the transfer of an existing business, and for other purposes; to the Committee on Ways and Means.

By Mr. MANZULLO:

H.R. 2403. A bill to provide for payment in December 1999 of Social Security benefits otherwise payable in January 2000; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 2404. A bill to protect the privacy of individuals by ensuring the confidentiality of information contained in their medical records and health-care-related information, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. BENTSEN, Mr. BERMAN, Mr. BONIOR, Mr. BORSKI, Mrs. CHRISTENSEN, Mr. CLAY, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DIXON, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HORN, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mrs. KELLY, Ms. KILPATRICK, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. NORTON, Mr. OLVER, Ms. RIVERS, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2405. A bill to amend the Public Health Service Act to promote activities for the prevention of additional cases of infection with the virus commonly known as HIV; to the Committee on Commerce.

By Mr. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. HOUGHTON, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. BECERRA, Mrs. THURMAN, Mr. DOGGETT, and Mr. REYES):

H.R. 2406. A bill to reauthorize the Trade Adjustment Assistance program through fiscal year 2001; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2407. A bill to amend the Toxic Substances Control Act to establish certain requirements regarding the approval of facilities for the disposal of polychlorinated biphenyls, and for other purposes; to the Committee on Commerce.

H.R. 2408. A bill to require the Administrator of the Environmental Protection Agency to prescribe a rule that prohibits the importation for disposal of polychlorinated biphenyls at concentrations of 50 parts per million or greater; to the Committee on Commerce.

By Mr. RODRIGUEZ:

H.R. 2409. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

By Mr. ROGAN (for himself, Mr. TRAFICANT, Mr. ARMEY, Mr. JEFFERSON, Mr. HILLEARY, Mr. GRAHAM, Mrs. BONO, and Mr. CANNON):

H.R. 2410. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to earmark not less than $150,000,000 for grants to reduce drug-related transactions and drug use in the one-mile areas surrounding elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. ROYCE:

H.R. 2411. A bill to abolish the Department of Energy; to the Committee on Commerce, and in addition to the Committees on Armed Services, Science, Government Reform, Rules, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H.R. 2412. A bill to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. LUCAS of Oklahoma:

H. Res. 237. A resolution expressing the sense of the House of Representatives with regard to fibromyalgia; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

148. The SPEAKER presented a memorial of the Legislature of the State of Missouri, relative to Senate Concurrent Resolution No. 14 memorializing the President of the United States and Missouri's Congressional delegation to recognize the effort and resources expended by Missouri to promote and protect its interest throughout the litigation and negotiation of claims against the tobacco industry; to the Committee on Commerce.

149. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1157 memorializing the President of the United States and the Congress to pass the important and far-reaching legislation that would help the elderly and, in turn, all Americans; jointly to the Committees on Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. COBURN, Mr. DELAY, and Mr. FOSSELLA.

H.R. 82: Mr. DEUTSCH and Mr. OBERSTAR.

H.R. 116: Mr. THOMPSON of California.

H.R. 215: Mr. PETERSON of Pennsylvania.

H.R. 323: Mr. DEAL of Georgia and Mr. WAMP.

H.R. 380: Mrs. KELLY and Mr. SISISKY.

H.R. 407: Mr. TANCREDO.

H.R. 413: Mr. BERMAN.

H.R. 525: Mr. UDALL of New Mexico, Mr. PASTOR, and Ms. BALDWIN.

H.R. 681: Mr. HERGER.

H.R. 725: Mr. POMEROY and Mr. PRICE of North Carolina.

H.R. 732: Mrs. TAUSCHER and Ms. CARSON.

H.R. 743: Mr. WATTS of Oklahoma.

H.R. 750: Mr. WATT of North Carolina.

H.R. 765: Mr. DUNCAN, Mr. BRYANT, and Mr. GORDON.

H.R. 776: Mr. FATTAH.

H.R. 815: Mr. HASTERT, Mr. BILIRAKIS, Mr. FOLEY, and Mr. CANADY of Florida.

H.R. 828: Mr. COSTELLO.

H.R. 876: Mr. KOLBE.

H.R. 900: Mr. WEINER and Mr. MARTINEZ.

H.R. 925: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Ohio, Ms. STABENOW, and Mr. MURTHA.

H.R. 997: Mr. SANDERS, Mr. LUTHER, Mr. KINGSTON, Mr. KLINK, Mr. DAVIS of Illinois, Mr. WISE, and Mr. SISISKY.

H.R. 1006: Mr. CRANE.

H.R. 1081: Mr. UDALL of New Mexico.

H.R. 1082: Mr. NEAL of Massachusetts.

H.R. 1105: Mrs. CAPPS.

H.R. 1106: Mr. ISAKSON.

H.R. 1127: Mr. SAM JOHNSON of Texas.

H.R. 1130: Mrs. KELLY, Mr. BALDACCI, and Mr. PASTOR.

H.R. 1163: Mr. SANDERS, Mr. WU, Mr. MCGOVERN, and Mr. GUTIERREZ.

H.R. 1168: Mr. GIBBONS and Mr. MURTHA.

H.R. 1190: Mr. MORAN of Virginia and Mr. COSTELLO.

H.R. 1195: Mr. WATKINS, Ms. VELÁZQUEZ, Mr. HASTINGS of Washington, Ms. BERKLEY, Mr. GILLMOR, Mr. DIXON, Mr. LEWIS of Kentucky, Mr. HOBSON, Mr. RADANOVICH, and Mr. PICKETT.

H.R. 1332: Mr. CAPUANO.

H.R. 1358: Mr. KUYKENDALL and Mr. DUNCAN.

H.R. 1433: Mr. FOLEY and Mr. GREEN of Texas.

H.R. 1463: Mrs. ROUKEMA.

H.R. 1478: Ms. WATERS, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. MCGOVERN, Mr. GUTIERREZ, and Mr. TRAFICANT.

H.R. 1487: Mr. DOOLITTLE, Mr. GOSS, Mr. SESSIONS, Mr. DUNCAN, Mr. RADANOVICH, Mr. YOUNG of Alaska, Mr. HILL of Montana, Mr. WALDEN of Oregon, Mr. HEFLEY, and Mr. SCHAFFER.

H.R. 1503: Mr. GARY MILLER of California and Mr. BEREUTER.

H.R. 1525: Mr. DIXON, Mr. PETERSON of Minnesota, Mr. COSTELLO, Mr. DELAHUNT, Mr. GEORGE MILLER of California, and Mr. GEJDENSON.

H.R. 1531: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PASTOR.

H.R. 1592: Mr. QUINN, Mr. PICKERING, and Mr. PHELPS.

H.R. 1598: Mr. PRICE of North Carolina, Mr. BOEHNER, and Mr. MORAN of Virginia.

H.R. 1620: Mr. BARTLETT of Maryland, Mr. CALVERT, Mr. CHAMBLISS, Mr. HUTCHINSON, Mr. JENKINS, Mr. LEWIS of Kentucky, Mr. ROGAN, and Mr. TAYLOR of North Carolina.

H.R. 1622: Mr. LUTHER, Mr. GILMAN, Mr. SHAYS, and Mr. CASTLE.

H.R. 1629: Mr. KLINK, Mr. PAYNE, and Mr. HAYES.

H.R. 1660: Mr. CLAY, Mr. KILDEE, Mr. LARSON, Mr. VENTO, Mr. HOEFFEL, Ms. STABENOW, Mr. HASTINGS of Florida, Mr. EVANS, Mr. CRAMER, Ms. LEE, Mr. HOYER, and Mr. FALEOMAVAEGA.

H.R. 1702: Ms. SCHAKOWSKY.

H.R. 1786: Ms. MCCARTHY of Missouri, Mr. HOLT, and Mr. PASTOR.

H.R. 1792: Mrs. THURMAN.

H.R. 1798: Mr. UPTON.

H.R. 1837: Mrs. CAPPS, Mr. COSTELLO, Mr. GIBBONS, Mr. OSE, Mr. COOK, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. MORAN of Virginia, Ms. BERKLEY, and Mr. COMBEST.

H.R. 1842: Mrs. MCCARTHY of New York.

H.R. 1848: Mr. MCGOVERN and Mr. SNYDER.

H.R. 1849: Ms. LEE, Mr. CAPUANO, Mr. COOK, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. CUMMINGS, Ms. SANCHEZ, and Mr. MCDERMOTT.

H.R. 1867: Mrs. EMERSON.

H.R. 1922: Mr. STUMP.

H.R. 1932: Mr. HILL of Montana, Mr. LAMPSON, and Mr. BLAGOJEVICH.

H.R. 1933: Mr. PITTS.

H.R. 1950 Mr. FROST and Mr. LAFALCE.

H.R. 1977: Mrs. THURMAN.

H.R. 1990: Mr. NEY.

H.R. 1998: Mr. SABO and Mr. CANADY of Florida.

H.R. 1999: Mr. HAYWORTH.

H.R. 2015: Ms. MILLENDER-MCDONALD, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, and Mr. GEJDENSON.

H.R. 2028: Mr. BRADY of Texas and Mr. SAM JOHNSON of Texas.

H.R. 2060: Mr. LAHOOD.

H.R. 2088: Mr. SANFORD.

H.R. 2097: Mrs. KELLY, Mr. KING, Mr. STUMP, Mr. REGULA, and Mr. CUNNINGHAM.

H.R. 2120: Mr. PASCRELL, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Mr. CUMMINGS, Mr. DIXON, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. LAMPSON, Ms. LEE, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. SAWYER, Ms. SLAUGHTER, and Mr. WEINER.

H.R. 2121: Mr. HOLT, Mr. SAWYER, and Ms. MCKINNEY.

H.R. 2136: Mr. ENGLISH.

H.R. 2156: Ms. SCHAKOWSKY.

H.R. 2159: Ms. DUNN.

H.R. 2172: Mr. SOUDER and Mr. GARY MILLER of California.

H.R. 2221: Mr. ADERHOLT, Mr. PETERSON of Pennsylvania, Mr. DOOLITTLE, Mr. SOUDER, and Mr. PITTS.

H.R. 2243: Mr. NORWOOD, Mr. TANCREDO, and Mr. HALL of Texas.

H.R. 2260: Mr. HILLEARY, Mr. GIBBONS, Mr. MORAN of Kansas, Mr. COBLE, Mr. HASTINGS of Washington, Mr. LATOURETTE, Mr. TALENT, Mr. TAUZIN, Mr. NORWOOD, and Mr. JONES of North Carolina.

H.R. 2265: Mr. SHAYS, Mr. QUINN, Mr. BOEHLERT, Mrs. THURMAN, Mr. NADLER, and Mr. LEWIS of Georgia.

H.R. 2277: Mr. THOMPSON of California, Ms. PELOSI, Mr. DIXON, and Mrs. NAPOLITANO.

H.R. 2283: Mr. WYNN, Mr. ANDREWS, and Mr. STUPAK.

H.R. 2286: Mr. KENNEDY of Rhode Island and Mr. BARCIA.

H.R. 2301: Mr. NORWOOD.

H.R. 2355: Mr. FOLEY.

H.J. Res. 48: Mr. SHIMKUS, Mr. DICKEY, Mr. ROGAN, and Mr. WATKINS.

H. Con. Res. 38: Mr. UDALL of Colorado, Mr. SANDLIN, and Mrs. CHRISTENSEN.

H. Con. Res. 62: Mr. LOBIONDO.

H. Con. Res. 70: Mr. FILNER, Mr. HUNTER, Mr. BENTSEN, and Mr. TURNER.

H. Con. Res. 78: Ms. PELOSI and Mr. DAVIS of Illinois.

H. Con. Res. 117: Mr. PORTER and Mr. DEUTSCH.

H. Con. Res. 118: Mr. STUPAK, Mr. MCNULTY, and Mr. MALONEY of Connecticut.

H. Con. Res. 128: Mr. SHAW, Mr. FRANK of Massachusetts, Mr. BLAGOJEVICH, Mrs. MALONEY of New York, and Mr. SHAYS.

H. Con. Res. 130: Mr. SHERMAN.

H. Con. Res. 145: Mr. DIXON, Mr. MEEKS of New York, Mr. ROEMER, Mr. SHERMAN, Mr. BERMAN, and Mr. MCGOVERN.

H. Res. 41: Mr. WATTS of Oklahoma.

H. Res. 146: Ms. LOFGREN and Mr. SANDLIN.

H. Res. 187: Mr. HOLT and Mr. PORTER.

H. Res. 214: Mr. HALL of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

26. The SPEAKER presented a petition of Kirkwood Elementary School District, Tehama, CA, relative to Resolution No. 98/99–06 petitioning Congress, to continue statutory levels of state funding for special education and to permit increased federal funding for IDEA; to the Committee on Education and the Workforce.

27. Also, a petition of Dixon Unified School District, Dixon, California, relative to Resolution 99–1148 petitioning Congress to pay 40 percent of the costs of special education or remove federal mandates requiring the provision of these services; to the Committee on Education and the Workforce.

28. Also, a petition of Municipal Council of the Borough of Ringwood, New Jersey, relative to Resolution No. 99–141 petitioning Congress to request federal assistance in committing Joanne Chesimard returned to jail in the United States, and support H. Con. Res 254; to the Committee on International Relations.

29. Also, a petition of the Municipal Council of the Township of Woodbridge, NJ, relative to House Resolution 1168 petitioning Congress to enact H.R. 1168; jointly to the Committees on Science and Transportation and Infrastructure.

SENATE—*Wednesday, June 30, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Psalmist gives us the secret of a truly great day:

Commit your way to the Lord and trust also in Him and He shall bring it to pass. I rest in the Lord and wait patiently for him.—Psalm 37:5,7.

Let us pray.

Blessed God, Your omniscience both comforts and alarms us. You know all about us: our strengths and weaknesses, our hopes and our hurts. So often, instead of waiting patiently for You, we try to forge ahead on our own strength. Here we are in the middle of another week. There is work to be done before the weekend. Help us to believe that what we commit to You will come to pass if You deem it best for us.

We need to experience that rest in mind and body which comes when we do what You guide us to do and then leave the results to You. Bless the Senators with the profound peace that comes from giving You their burdens and receiving Your resiliency and refreshment. May this be a great day because they, and all of us who work with them, decide to rest in Your presence and wait patiently for Your power to strengthen us. Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator ALLARD is now designated to lead the Senate in the Pledge of Allegiance.

The PRESIDING OFFICER (Mr. ALLARD) led the pledge of allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will immediately begin consideration of the foreign operations appropriations bill. It is hoped that significant progress can be made in an effort to complete action on the bill today. I might interject that I think that is certainly possible, maybe by early afternoon.

During today's session, the Senate may also begin consideration of any other appropriations bills on the calendar. It is the intention of the majority leader to complete action on a number of appropriations bills prior to the Fourth of July recess. Therefore, Senators can expect votes throughout the remainder of the week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1234, which the clerk will report.

The legislative assistant read as follows:

> A bill (S. 1234) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the committee was provided an allocation virtually identical to last year's bill of $12.6 billion. Although it is $1.8 billion below the request, I think it effectively manages our global responsibilities, and it does so within the budget caps.

For the past few years, the bill has emphasized funding in two areas—export promotion and growth in the New Independent States of the former Soviet Union. This bill sustains that commitment—in fact, expands support for export promotion by $20 million for a total of $785 million to the Export-Import Bank.

This year, we have added recovery and reconstruction in Southeast Europe to our priority list.

While I expect the Europeans to bear the lion's share of responsibility for reconstruction, we have concrete trade interests in regional economic recovery and security interests in promoting stability and democracy.

With funds straight lined, this becomes a zero sum game. We have to reach consensus on tradeoffs and priorities.

There is no question that this will mean reductions in other accounts—but it's time to recognize priorities. There are obvious and easy cuts that the administration can make. Just as one example, the administration has asked for another $70 million for Haiti after spending billions in Haiti, with little to show for it. In fact, recent press accounts report an increase in drug trafficking through Haiti, and we have failed at every turn to restore a legitimate government.

This is just one example where I think the administration could cut back in order to serve more urgent priorities.

There are others. The request from the administration is redundant in the area of peacekeeping. They have asked for funds for a global peace keeping initiative, a regional Africa peacekeeping account and the Africa Crisis Response Initiative which trains peacekeepers.

I think we can and should shift priorities. We have just waged a war in Europe, and we need to build the foundation for sustaining the peace in the aftermath of that war.

The Balkans Initiative in this bill does three things to serve what I see as our long term interests: It rids the region of Milosevic by declaring Serbia a terrorist state; we increase funding for stability and recovery; and we condition funds to Russia on total cooperation with NATO in Kosovo.

Let me elaborate.

In section 525, the bill establishes Serbia's status as a terrorist nation. With this terrorist designation, the administration cannot provide bilateral or support multilateral aid, and Belgrade is stripped of protections under the Foreign Sovereign Immunities Act.

This in turn, will allow Kosovars to take Milosevic to court for damages rendered during his brutal war of ethnic annihilation.

The administration has complained that this designation is inflexible and unreasonable, that Serbia is not the same as the other countries on the terrorism list because they don't sponsor groups such as Hezbollah.

Frankly, I am hard pressed to understand the difference between thugs blowing up a village with a car bomb or thugs shelling and burning a village to the ground.

The intent and the impact are the same. In both instances, innocent civilians are the targets and the victims.

The second important change in the bill affects funding. We have increased and changed the funding mix to fulfill two goals. We have tried to promote refugee confidence to return home, and relieve the pressure on the front-line states.

The administration requested $393 million for Eastern and Central Europe which included $55 million for Serbia and $175 million for Bosnia.

I have taken out Serbia's funds, cut back on Bosnia and added $142 million for a total of $535 million.

Of the total the bill earmarks $150 million for Kosovo, $85 million for Albania, $60 million for Romania, $55 million for Macedonia, $45 million for Bulgaria, and $35 million for Montenegro, leaving $105 million unallocated for other regional uses.

We have also earmarked funds within the Kosovo account to promote internal stability and confidence including the provision of $20 million to train and equip a Kosovo security force. Again, the administration had complained bitterly about this provision on the grounds that it arms the KLA at a time when the agreement is seeking to dismantle their capabilities.

There is nothing in the bill which calls for arming or supporting the KLA. In fact, the administration has plans to train and equip a police force and has estimated that this will cost $25 million. The bill is not consistent with the planning underway. It simply earmarks funds for a security force which I view as essential to any Kosovar having confidence the past will not be repeated.

Members of the KLA may very well be included in a security force, but that is not a decision for us to make. A Kosovo civilian government should make all decisions regarding recruitment standards, organization and supervision of internal security. Autonomy can not be preserved without security—that is just what this $20 million will launch.

In addition, to strengthen democracy, we have provided $20 million to support the development of local government institutions. This support should help the Kosovars rebuild independent judicial, legislative, and executive branches of self-government, as well as help at the local municipal level.

The United States made a commitment at Rambouillet to support a three year period of autonomy which would be followed by some kind of final decision on political status. Specifically, the Secretary of State pledged to support a referendum on independence if that is the course Kosovars chose.

I think we all hope that a change of government in Belgrade might produce conditions which would allow Kosovo to maintain some kind of tie with a democratic federation. In the interim, however, Kosovo must develop the capabilities and institutions to govern themselves, which I believe these funds will support.

Finally, the bill conditions future Russian aid on total cooperation with NATO on peacekeeping. The administration seemed caught by surprise when Russian troops marched into and took up positions at the Pristina airport. Frankly, I was surprised that they did not take up positions along the Belgrade-Pristina road. This move was calculated and inevitable—notwithstanding senior officials' attempts to explain it was just a few rogue troops.

If stability is to be restored in Kosovo, the Russian's cannot be allowed to maintain a client relationship with Serbia which may lead to de facto partition of the country.

To prevent this outcome, we link Russian aid to the Secretary of State certifying that the Russians have not established a separate zone of operational control, and that their forces are completely integrated under NATO command and control.

In the last few days, the Secretary of Defense seems to have worked out an arrangement that may secure these objectives. We all certainly hope so. But, just as the administration was surprised by the dash to control the Pristina airport, they could be surprised by difficulties in implementing the agreement. We must maintain some leverage to assure there is full compliance with the current expectations.

And, lest anyone doubt the relevance of this leverage, I suggest a review of the vote to condition aid to Russia on a withdrawal timetable from the Baltics. This was a few years back. Every leader in the region called me after the 89–11 Senate vote to congratulate the Senate for securing immediate negotiations which produced the desired result.

In other words, what we did in the early nineties was to condition Russian aid on withdrawal of troops from the Baltic countries. Shortly after we had that vote in the Senate, the Russian troops were out of the Baltic countries.

Beyond, the Balkans, this bill maintains United States interests in the New Independent States of the former Soviet Union and sustains our financial commitment to crucial allies ranging from Israel to Indonesia.

I also want to mention the increase in this bill's funding levels for the surveillance and treatment of infectious diseases. A recent process report noted that children and vulnerable populations are dying at a staggering rate of treatable and often preventable diseases. Thanks to Senator LEAHY's commitment, we are now in our third year of a multi-year strategy to significantly increase the U.S. commitment to control and prevent infectious diseases.

Finally, let me say that there is no question we could have spent more on foreign operations program. Senators LEAHY and I have both expressed strong support for increasing foreign assistance initiatives. However, working together, we have produced a bill which lives within the budget caps. It is very similar to the bill we passed in the Senate just 1 year ago with an overwhelming bipartisan majority vote of 90–3. Senator LEAHY and I certainly hope that will be the result again this year.

Before passing the baton over to my friend and colleague from Vermont, I thank him, at the beginning of what we think will be a rather short debate, for his leadership and cooperation in producing a bipartisan bill that went through the Appropriations Committee without dissent and we think has widely accommodated the interests of Members who take a particular interest in this bill every year.

We anticipate very few amendments. I will say in advance what I hope to do is, sometime before noon, seek consent that all amendments be in by a reasonable time today—probably by noon—within an hour from now. What I hope we can do is ask for a consent agreement to have all amendments filed before noon. There is every reason to believe this bill should be handled very quickly, and we hope we will have maximum cooperation from other Members of the Senate to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my good friend from Kentucky for his comments, and as always, when working on this piece of legislation with him, it has been a pleasure, notwithstanding the lack of allocations we had.

I concur with the distinguished senior Senator from Kentucky that we should try to wrap this up at a time certain. I will join with him at the appropriate time in a unanimous consent request that all amendments be filed by noon today. The reason I mention that now is so that, on this side of the aisle, people are alerted we will be making a request of that nature. I think it can be done.

With the agreement entered into last night by the distinguished majority leader and the distinguished Democratic leader, there is an effort to move some of these bills forward so we can get on to the question of the Patients' Bill of Rights when we come back after the July 4 recess. I urge Senators who have amendments to come to the Chamber and offer them.

This bill was reported by the Appropriations Committee with actually no debate and no amendments. One of the reasons, unfortunately, for the lack of any debate is the amount of funds in this bill is so far below what is needed to adequately fund our foreign policy priorities that there is little point in debating it.

Even if Members want to make changes in the bill, there is no way to pay for it. Everything in it is already underfunded. The bill is $800 million below the 1999 level. It is $1.9 billion below the President's request. No one can accuse the President of failing to try to protect this country's global interests. Unfortunately, the same cannot be said for the Congress. Devoting less than 1 percent of the Federal budget to our foreign policy is not responsible.

What this means is we are unable to meet our commitments—our solemn commitments—to the international financial institutions. We did not provide any funds for the President's expanded threat reduction initiative, to dismantle Russian nuclear weapons, to protect fissile material, and pay for other nonproliferation and security programs. We spent hundreds of billions of dollars—literally trillions of dollars—to defend against the threat of the then-Soviet Union.

We are unwilling to spend a tiny, tiny, tiny fraction of 1 percent of that same money now to dismantle some of those nuclear weapons and protect the material from them—material that can fall into the hands of people who do not have the kind of controls that were imposed at the time we were spending hundreds of billions of dollars to protect ourselves. It goes beyond penny-wise and pound-foolish; it goes into irresponsibility, especially in a nuclear age. I, frankly, cannot understand how we have gotten to this point.

We had to cut funding for many of the programs of special interest to Senators, i.e., the Peace Corps. Is there any foreign policy program in this country that we can point to with more pride than the Peace Corps? Yet we cut that.

With additional funds, we could do a great deal more to promote American exports in extremely competitive foreign markets. Other countries that do not begin to have the ability to export as we do are spending more money in trying to build up their foreign markets because they know that will create jobs, good-paying jobs, in their country. We step back and say we do not want to do this.

We can improve global health at a time when infectious diseases are our greatest threat after nuclear, biological, and chemical weapons. There is no major infectious disease that is more than one or two plane rides away from our shores. And this isn't a case where we are showing some great humanitarian gesture to try to stop infectious disease in other continents; it protects us. Not only does it protect the people there, but ebola plague, a resistant strain of tuberculosis, and any other number of things can begin in one country and within hours be in a major airport in our country and then in our population. When it gets here, we will spend fortunes trying to get rid of it. We will not spend pennies in trying to stop it in the first place.

We should be doing more to protect the Earth's natural resources. They are under siege on every continent. Our health and our economy depend on a clean environment. Yet we spend a pittance as we see the environment continue to degrade, almost as though we think as Americans we can look at the borders of our great country and assume that we determine the environment for our people just within those borders.

The environment is determined by the rain forests of the world, by the "desertization" of large parts of the world, by chemical and other dumping in our oceans in other parts of the world. If we want to protect us—a quarter of a billion Americans—we ought to be concerned about what happens in other parts of the world.

Half the world is asking for help in building new democratic societies, but we have little to offer. For decades, again, we spent hundreds of billions of dollars—trillions of dollars—saying we were going to stand up for democracy, we were going to stand up against communism; we wanted democracy in the world.

Well, the Berlin Wall has come down. The Iron Curtain has rusted through. These countries are saying: Thank God America is there; they can help us form our democracy. And we say: When we thought you would be Communists, we could spend billions and billions and billions of dollars to contain you, but now that you want to be democratic, we don't really have even a tiny fraction of that amount to help you become democratic, to help you develop courts and a free press and a civil system, and on and on.

We should double or triple our support for international peacekeeping, especially in places such as Sierra Leone where NATO cannot intervene but the atrocities are far worse. Daily we see it in Kosovo. We almost have this thought that if we do not turn on CNN and see atrocities, they are not occurring. I suggest that Senators read the Intelligence Digest, read the free press, when they do report them and think of these atrocities that we could help stop.

If we do not do anything in these areas, all the areas I have talked about, because we save some pennies today by not doing anything in these areas, we are saddling future generations of Americans with far greater costs, and as we go into the next century, we saddle future Americans with a more dangerous and unstable world, a world that is increasingly polarized between the very rich and the extraordinarily poor.

I have little doubt that the President would veto a foreign operations bill at this level.

Having said all that, Senator McCONNELL and I did the best we could with the allocation we received. We have tried to allocate the funds we had in the most responsible way possible.

I thank the senior Senator from Kentucky for the bipartisan way he worked with me to put this bill together. It has become a tradition of the Senator from Kentucky and the Senator from Vermont to work together on these issues. I am grateful to him. I think what he has done serves the Senate well. I think it serves the American people well.

Obviously, if I were in Senator McCONNELL's position, I might have done some things differently, just as he would look at some of the things I have asked to be put in this bill and are included and do them differently. But on the whole, we have worked together to write a balanced piece of legislation. In fact, the funds are so tight, the balance is so delicate, I cannot imagine how I might accept any amendments, Democrat or Republican, to cut or add funds in this bill. This is a Rubik's cube, a small Rubik's cube but a Rubik's cube nonetheless, we have tried to put together.

I think we Senators should thank the chairman and the ranking member of the full committee, the senior Senator from Alaska, Mr. STEVENS, and the senior Senator from West Virginia, Mr. BYRD, who did their best to give us a fair allocation within the limits they had to work with.

But if I might, before I yield the floor, mention a couple issues I am especially concerned about. One is the Global Environment Facility. It is one of the world's leading international environmental organizations. It funds projects to protect biodiversity, to prevent ocean pollution, to protect the ozone, and to prevent climate change.

Take a poll of the American people. Ask them how many are in favor of just those items. A resounding majority of the American people would be in favor of protecting biodiversity, preventing ocean pollution, protecting the ozone, preventing climate change. For this endeavor, the administration requested $143 million for fiscal year 2000. That includes $35 million we owe already in prior year arrears. This bill contains just $25 million for arrears, and that is not acceptable.

Ask the American people if they have a justifiable concern about terrorism, and they will say yes. Those of us, the chairman and myself, who have access to the most current intelligence of our intelligence agencies know that the fear of terrorism is justifiable. The President requested $33 million for antiterrorism training programs. Under our allocation, we could only provide him $20 million. The request also included $10 million for a new antiterrorism program to help developing countries strengthen their border control systems—again, because the terrorism that may show up in those developing countries is a plane ride away from our shores. Even though the President's antiterrorism initiative is a good one, we cannot include any funds for it. Not that we don't want to fund these programs; the money is not there to do it.

There are a lot of other programs I could mention that need additional funds. Hopefully, before this session is over, we may get a revised allocation that will allow us to go into some of these areas. But right now I think we should act on the bill to move the process forward.

Again, I salute the chairman and ranking member of the full committee, the distinguished Senators from Alaska and West Virginia, for pushing so hard to go forward. The fact that the distinguished senior Senator from Kentucky and I have the working relationship we do, I think, helped us move forward with this. We should go forward with the process. Hopefully the other body will start moving on theirs. I think we could complete action on this bill in a very few hours. Senators who have amendments should not delay to offer them.

As I said earlier, to preserve the delicate balance of this bill, I expect to be opposing amendments that do not have suitable offsets.

With that, I yield the floor. The Senator from Kentucky and I are now the humble servants of the Senate, ready to start the sausage grinder forward. Hopefully, we can end up with a product very quickly.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I thank my good friend from Vermont for his cooperation in developing this bill on a bipartisan basis. I agree with him that without the allocation that Senator STEVENS and Senator BYRD provided for us, we couldn't have even done this well. I do think that even with this, some would argue inadequate allocation, we can meet our responsibilities around the globe. I believe we have done that in this bill.

Now the Senator from Kansas is here and has an important amendment to be offered.

Let me just mention to all Members of the Senate, Senator LEAHY and I, at about 10:30, are going to propound a unanimous consent request asking that all amendments to this bill be submitted by noon, which we think will help the Senate dispose of this measure in a timely fashion.

Mr. President, seeing the Senator from Kansas here, who has an amendment to offer, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1118

(Purpose: To amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia)

Mr. BROWNBACK. Mr. President, I thank my colleagues, the Senator from Kentucky and the Senator from Vermont, for allowing me to bring forward this amendment. At this time, I rise to offer an amendment to the Foreign Operations Appropriations Act, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1118.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 1119 TO AMENDMENT NO. 1118

Mr. McCONNELL. Mr. President, I send an amendment to the amendment to the desk and ask for its immediate consideration, on behalf of myself and Senator ABRAHAM of Michigan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. ABRAHAM, proposes an amendment numbered 1119 to amendment No. 1118.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 9, line 3, strike all after "(c) Restriction through line 12 States.".

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to address the underlying second-degree amendment and to talk about the overall amendment itself and the area of the world with which we are dealing.

This amendment is an issue that has been heard in front of the Foreign Affairs Committee, both this Congress and last, and has passed this time by a voice vote of the Foreign Affairs Committee. It passed by a majority vote in the last Congress. It deals with an important region of the world, and it deals with a difficult policy issue for the Senate and for our Government to consider.

The underlying bill itself is called the Silk Roads Strategy Act. It deals with eight countries, and it provides an overarching policy towards these countries in the south Caucasus and central Asia. Specifically the countries are Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

I realize those are not common names of countries that people across the United States perhaps banter around, but I think they do know and recall with some knowledge the Silk Road, the old Silk Road made legendary many years ago, discovered and traversed by Marco Polo and many others who traveled throughout the region of central Asia.

It was really at that point in time the bridge; the Eurasian bridge was developed and brought commerce from Asia to Europe and from Europe to Asia. We are seeking to reinitiate this Silk Road, a new Silk Road that would have an economic corridor along with a freedom corridor in central Asia and the south Caucasus.

You can see this region of the world. I wish this map were a little clearer. I hope Members can see where this region of the world is caught. These are all countries in the former Soviet Union. They are in the south of the former Soviet Union; they are recently independent nations. They had some independence before, but these are just recently coming out from underneath the rubble of the fall of the Soviet empire.

They are caught between world global forces that seek to have them under their control. The Russians continue the desire to have an unusual influence, would be the best way to put it. The Iranians sit right here and seek to have a greater influence in the region. They seek to dominate most of these nations that have a Muslim-based population. They seek, the Iranians, to radicalize and put governments in place that are militant fundamentalist governments. China then, off to this side of the region—what we are seeking to do is to create an area of democracy, an area of free enterprise, an area of independence free from these world powers that seek to dominate them, in a group of nations that seek to be united with the West, again, in a Eurasian corridor of commerce and freedom. That is the new Silk Road Strategy Act. That is what this bill is about.

Lest we forget and just look at it as a geographic area, as important as this region is, I hope we will look at the people in this region. We are talking about nearly 72 million people involved in these countries of the Silk Road. You can look at them: the Armenian population of 3.4 million; the Azeri population of 7.8 million; on down. Uzbekistan being the biggest with over 23 million people yearning to be free, yearning to be associated with the West, yearning not to go back under Russian dominance or to be put under Iranian dominance or Chinese dominance, but yearning to be free and associated with the West. That is what this bill is about.

This is a sanctions lifting bill. It lifts a particular sanction, sanction section 907 that has a set of provisions limiting any sort of assistance, any sort of work of the United States with Azerbaijan, which is also a key country for this corridor, and it doesn't lift the sanctions. It merely provides a national interest waiver. So this doesn't lift it.

The President still has to say it is in the national interest of the United States to waive this sanction, and then he has the authority.

So it simply provides that authority to the administration, which is in line with the Freedom Support Act, which we originally passed to support these newly independent countries that came about from the Soviet empire falling. This act authorizes assistance for all these countries, specific economic assistance, development of infrastructure assistance, border control assistance, as well as assistance in strengthening democracy, tolerance in the development of civil society.

Authority in this bill to provide assistance for these countries of the south Caucasus and central Asia is in addition to the authority to provide such assistance under the Freedom Support Act, but it does not provide any new resources. It simply allows us to offer these resources and assistance to these countries bilaterally and multilaterally. We can provide assistance programs to the entire region, working it in a package and saying to these countries: You are better off if you will work together and bond together to be able to stand before the forces that are seeking to dominate you once again.

Mr. President, I think the window of opportunity for the United States to effect positive change in this region will only be open for a short period of time. I think that is the very critical part of this bill and why we need to have this debate and pass this issue now.

The window is short. I want to show you some of the activity that is taking place in this region. I mentioned the militant fundamentalists' efforts taking place to seek domination of most of these countries that have a Muslim-based population.

This is a chart of Iranian worldwide export of terrorism and fundamentalism that we are putting up here. I want to highlight this region that we are talking about. Of the eight countries we are talking about, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan have Iranians operating in this region. Afghanistan is operating here, seeking to put these countries under militant fundamentalist control. They are doing this today.

As recently as 2 months ago, the President of Uzbekistan had an assassination attempt that was put forward by militant fundamentalists who seek to have him removed. He provides mostly a secular Muslim government. They said we want him out and we want a militant fundamentalist government in here, and we are going to do what we can, including trying to assassinate him. They are trying to destabilize the Fergana Valley in this area. My point is, look at this map. It looks similar to the map I just put up here, the countries of the Silk Road. The Iranians are funding this effort. They are going into the camps here and funding the populations in this area. They are doing this today. Members can check this. This is happening.

If we want to let these countries slip off and go into the militant fundamentalist camps so we have more places to fight terrorism and more countries we have to fight against that are willing to spawn hatred against the West, let's fail this bill, and with all due respect to the Senator from Kentucky, let's pass his amendment. We have a disagreement about this particular amendment, section 907. I think it is critical and important that we pass and eliminate this bilateral sanction that we have against Azerbaijan, which is much of the gateway for the flow of democracy and freedom throughout this region. Time is of the essence.

In my view, the single best way to consolidate our goals in the region is to promote regional cooperation and policies that will strengthen the sovereignty of each nation. Each of these countries has its own individual needs. However, many of the problems in the region overlap and are shared, and a number of common solutions and approaches can apply. That is why we have put together this overarching Silk Road strategy. This region has generally taken a back seat to U.S. foreign policy. We have generally deferred to Russia and to Iranian policy and said we are going to let these drift along. The problem with the drift is that people are going to feel the power vacuum. It is being fueled by the Iranians and pushed by the Russians and other outside influences that don't seek for them to have their freedom.

We have eight countries, as I noted earlier, most of which have secular Muslim governments, that are fighting to stave off the Iranian-style Islamic extremism, which are looking westward, and at great risk to themselves, they have considerable economic ties with the West—and I want to note as well, with Israel.

Many of these countries in this region have historic and ancient Jewish populations existing there as well; living, surviving, thriving, but if you put in these anti-Western militant fundamentalist, those populations, Jewish populations are going to be run out and these countries are not going to be having good relationships with Israel.

These countries are recovering from 70 years of Soviet domination. They need our help in all spheres, including human rights. No one is suggesting that these are Jeffersonian democracies yet. There is a lot of pessimistic talk about the prospects for democracy in this region. All of these countries have human rights violations.

At any given point in time, some of the human rights violations may seem worse than others. Here is our choice. Do we engage and try to make what difference we can? Or do we ignore and let the region drift without us, becoming either violently anti-Western, anti-American, or become, once again, an extension of Russia, China, or Iran? It is a pretty clear, simple choice. They seek our support.

Now, on the point of human rights—because I think a lot of people will say there are human rights violations in this region and we really ought to watch out for that and we should not support these areas. Again, I point out that this is a waiver authority to the President. He still has to certify and it will have the same standards as other human rights issues. Recently, we had the Israeli Minister for Trade and Industry, Natan Sharansky, a well-known international figure on human rights, here in Washington, together with the Foreign Minister of Uzbekistan. Mr. Sharansky's reason for being here was to make one point, which I thank him for making.

He said:

> Look at the human rights situation and weigh this against the importance of the threat that is facing us. It is very important to engage and continue to encourage a positive process and the way to do this is to strengthen the role we are playing in the region.

He supported and endorsed this Silk Road Strategy Act in the region.

I want to look particularly at the second-degree amendment that my colleague from Kentucky put forward. I have immense respect for the chairman of the Foreign Operations Subcommittee. He did excellent work on the overall bill, but we have a difference of opinion on section 907. I want to go specifically at this issue.

My overall amendment would provide a Silk Road Strategy Act for the entire region, providing a waiver authority in section 907. The second-degree amendment leaves the rest of the language but does not provide the national interest waiver on section 907. That is a key part of this bill, and that is why I oppose the second-degree amendment of my good colleague from Kentucky and my colleague from Michigan, Senator ABRAHAM, as well. We have a dispute on this. I want to go right at that issue of section 907.

With the dissolution of the Soviet Union, Congress, in the fall of 1992, adopted the Freedom Support Act. This was designed to provide financial and technical assistance to the newly independent states, those of the former Soviet Union. I want to put that map back up here, if we could, so people can have that in mind. It was to aid them on a path toward democratic and market reforms. Because of the then ongoing conflict between Azerbaijan and Armenia over the enclave Nagorno-Karabakh, Armenian supporters were successful in including language in section 907 singling out Azerbaijan—the only former Soviet republic so treated—for sanctions. I will put up here a map of that region so you can see specifically what this area looks like. This is the Armenia and Azerbaijan area and the Nagorno-Karabakh region, which was in dispute, and this was in 1992, mid-1993, and late 1993.

In 1992, at that point in time, we passed the Freedom Support Act and Armenian supporters got narrow, bilateral sanctions against Azerbaijan put in place, saying we think Azerbaijan is treating Armenia wrong, blockading it. Therefore, we want section 907, which removes the United States from providing any assistance to Azerbaijan. Bilateral sanctions, some of which have been lifted—the chairman of the committee has lifted portions of these, but not all have been lifted. We provide waiver authority for the lifting of these bilateral sanctions. That was 1992. The only former Soviet republic so treated was Azerbaijan. The 907 sanction prohibited the ability of the U.S. Government to provide direct bilateral assistance to Azerbaijan until the President determined that demonstrable steps had been taken in ceasing hostilities and lifting the embargo against Armenia. A cease-fire has been in place for the past 7 years since that time period.

Peace negotiations under the auspices of the OSCE group are ongoing.

To me, it makes no sense whatsoever to continue these 907 sanctions. Proponents of retaining 907 argue that the restrictions should remain in place until the Azerbaijan embargo against Armenia is lifted. In point of fact, however, it is Armenia's ongoing occupation of Nagorno-Karabakh and the surrounding territory. Armenia currently occupies about 20 percent of Azerbaijan in violation of international law. Both the OSCE and the U.N. have condemned this occupation.

This is the region on the map they are occupying against the OSCE and U.N. ruling. They both have said this is an international law violation, that Armenia is occupying 20 percent of Azerbaijan. This functionally prevents the opening of the borders between the two countries.

In an attempt to end the stalemate, the OSCE advanced a proposal calling for Armenia to withdraw from the occupied land in exchange for the reciprocal opening of rail and pipeline facilities by Azerbaijan. Azerbaijan has accepted the proposal. Armenia has rejected it. This would be pulling back from a 20 percent of lands, and then opening up the rail and pipe corridors. Azerbaijan accepted it. Armenia has not.

The imposition of 907, I think, was a bad idea in 1993. It was adopted over the strong objections of the Bush administration, and its repeal is strongly supported by the Clinton administration.

For the United States to continue unilateral imposition of sanctions against Azerbaijan—that is what we have—does not make sense from either a geostrategic-political point of view or an economic point of view.

This is much of the corridor for the Eurasian bridge that is going through Azerbaijan.

The energy potential of the Caspian is one facet of Azerbaijan's strategic significance to the West. The broader issue of the timing and development of the Iranian transit corridor and the sovereignty of the individual republics of the South Caucasus is also at stake.

This provision—I might note, as well, the Silk Road strategy—is strongly supported by all the countries in the region outside of the Armenians. I think it would be a great benefit to Armenia as well.

Continuing 907 is an impediment to the improved truce between the United States and Azerbaijan and the entire region. It undermines the ability of American companies to secure their substantial investments in the region, and prevents the U.S. Government from being a truly honest broker in the peace negotiations.

Repealing of section 907 would allow for commercial and technical assistance to aid in the development of infrastructure, trade, pipeline projects, and to further development of democracy so they don't fall into the hands of the Iranians or the Russians.

Further, with the ongoing political turmoil in Moscow, removal of 907 would allow Azerbaijan to participate in a partnership for peace and broader security programs, as well as market reform and democracy-building initiatives necessary to promote political stability in this potentially volatile region.

Some may suggest this is not the time to do this on 907. I don't know of a better time other than 907 having not been put on in the first place. It doesn't lift the sanction. It provides a waiver authority for the President to do it.

Some may say, well, this is at a particularly susceptible time in the peace process. I don't think that is accurate. The last real peace initiative was in 1997, calling for Armenia's withdrawal from the occupied territories in exchange for normalization of trade with Azerbaijan. This was rejected by Armenia and Nagorno-Karabakh.

Unlike other provisions of the Freedom Assistant Act, I want to point out that section 907 does not provide for a national interest waiver. What we are doing here is making section 907 be in line with the rest of the Freedom Assistance Act in providing a national interest waiver.

The final point I want to make before yielding the floor for a discussion is, again, I point out my deep respect for my colleagues from Kentucky and Michigan who are opposed to the overall national interest waiver on section 907. We just have a differing point of view on this.

But the issue is, we are talking about a region of the world—a Eurasian corridor—that has had historical roots in the old Silk Road. They know how to relate with one another, and they are in a tough neighborhood. They have the Russians bearing down on them with undue economic and other influence, and the President of Georgia has had several assassination attempts where the assassin fled to Russia.

Georgia wants this bill very much. They have undue influence from the Iranians, who are providing aid to many of these terrorist groups operating in the region and fomenting discontent because they know they are inherently weak at this time. The Chinese have a certain amount of influence, but it is really between the Russians and the Iranians. And they seek to be connected with us.

If you pull 907 out of this and its interest waiver, and you say, OK, we are going to do everything but 907, as the amendment provides, you block this part of the key corridor of providing economic trade, developmental assistance, and, through much of the region, its commerce and its activity will flow through Baku and Azerbaijan. This is a critical part of it. That is why, with all due respect, I oppose the second-degree amendment, ask my colleagues to vote against that and to support the underlying amendment without amendment, and pass this critical issue that we really need for U.S. foreign policy.

I thank my colleague.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

FILING OF AMENDMENTS

Mr. McCONNELL. Mr. President, this has been cleared on both sides of the aisle.

I ask unanimous consent that all first-degree amendments to be offered to the pending appropriations bill must be filed at the desk by 1 p.m. today, and, of course, other than the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I want to commend my friend and colleague from Kansas, first of all, for taking an interest in a part of the world that very few Members of Congress probably can find on a map. I share his view that this is an extraordinarily important part of the world.

As the Senator from Kansas pointed out, all of these countries are part of what used to be the Soviet Union. The Soviet Union very early on, in the wake of the end of the cold war, said: This is our "near abroad," sort of their version of the Monroe Doctrine, their territory, and we were not thereby expected by them to be in that area. Nevertheless, the Russians don't make foreign policy for the United States. And we are in the process of trying to develop our own strong bilateral relations with each of those countries.

The Senator from Kansas has been in the forefront of advocating the importance of the United States having its own bilateral relations with each of those countries. I commend him for it because he has been very farsighted in understanding the significance of this part of the world to the United States.

I think all other aspects of the Silk Road proposal are good. Where we differ, as the Senator from Kansas indicated, is on that portion of the Silk Road called the "repeal of section 907."

Reasonable people can look at this and reach different conclusions. What the Senator from Kansas would like to see—I am perfectly confident in what I would like to see—is a settlement of this dispute between Azerbaijan and Armenia.

For our colleagues who have not paid a whole lot of attention to this part of the world, Nagorno-Karabakh is an almost entirely Armenian enclave, as the Senator from Kansas pointed out, within the territory of Azerbaijan connected by an area called the Lachin corridor. It is this area which is in dispute.

As the Senator from Kansas pointed out, Armenia won the conflict that occurred with the breakup of the Soviet Union, and it occupies not only Nagorno-Karabakh but the other territory adjacent thereto, which is Azeri.

The sad aftermath of that war is large refugee camps, which I visited, and the Senator from Kansas visited as well, of displaced people stuck in these refugee camps now for some 6 years, with the hopelessness and despair that develops in that atmosphere, reminiscent of an entire generation of Palestinians who have grown up in these camps in the Middle East. It breeds a fanaticism, a terrorism, that is an enormous unsettling aspect of life in that part of the world. Nothing could be better for that area than getting that dispute settled. I am sure the Senator from Kansas and I agree on that.

The question is, How do you best get there? The Senator from Kansas mentioned the Minsk Group. I am not very optimistic that the Minsk Group is going to bring about a settlement. The Minsk Group, in addition to including Azerbaijan and Armenia, includes Russia, France, and the United States. I think the Senator from Kansas and I probably agree that the Russians like things the way they are around there. There are Russian troops in all of those republics still, with the exception of Azerbaijan. Some are there by invitation, some are not by invitation. I think the Russians enjoy keeping the Caucasus destabilized, with all due respect to our occasional friends, the Russians. The French, who most of the time are our allies, I think frequently are difficult in these negotiating situations.

These are the players: The French, the Russians, the Americans, the Armenians, and Azeris. Nothing has happened, and I am not optimistic something will happen until the United States thinks this is important.

Think of the money, time, and effort we have spent in the Balkans over the last 3 or 4 years. I happen to be in the minority in our party who think we have a national interest in the Balkans. I wish we had the interest in the Caucasus that we had in the Balkans, because we might have settled the dispute between Armenia and Azerbaijan. We have not had that, and nothing has happened.

The question before the Senate is, What kind of condition makes peace more or less likely to occur? Reasonable people can look at the same set of facts and reach a different conclusion.

The Senator from Michigan, Mr. ABRAHAM, and I have offered this second-degree amendment because we believe that section 907 —even though it has been constantly stripped down—is important to give the Azeris some incentive for ultimate settlement. It is the view of the Senator from Kentucky that the lifting of 907 ought to be part of the final settlement between Armenia and Azerbaijan. To give it away in advance of final settlement makes final settlement less likely.

I completely respect the observations of the Senator from Kansas. As I said, reasonable people can differ about this. I think removing the last element of leverage in advance of the final settlement is not a step in the right direction.

We will have at some point today—although no time agreement can be entered at this point—a decision on this. I hope my colleagues will consider whether or not lifting this sanction in advance of a final settlement of the dispute is helpful in achieving a final settlement of the dispute.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I lend my support to this amendment. I realize the chairman and ranking member have a number of other issues they want to discuss. I am not sure at what point we will reconvene on this second-degree amendment.

I clearly associate myself with the Senator from Kentucky, both as a cosponsor of the amendment as well as with his comments today. I share his view that the appropriate role for the United States at this point is not to decide this matter by taking this action—which I think would be premature; I think there still remain serious issues in play that would argue against changing the status of section 907 at this point. My view is that we should move forward with the balance of this amendment.

I, too, applaud the Senator from Kansas, who I think has done great work in this area. I fully support his efforts as well as the contribution he makes by raising the section 907 issue. Hopefully, it puts all of our policymakers in the United States more in focus on the issues.

If we are to include the Silk Road Act or a major portion of it in this legislation, it should be included without inclusion of section 907. I am willing to speak on this at a later point if we extend the debate.

I appreciate the efforts of the Senator from Kentucky, and I look forward to working with him, as well as the Senator from Kansas, in hopefully resolving this.

Mr. BROWNBACK. Mr. President, I hope we can get a time agreement so we know when we will actually vote on this particular issue.

Reasonable people may differ, and will differ, on what the U.S. policy should be. Azerbaijan—section 907—is the only country from the former Soviet Union that we have unilateral sanctions against.

We are not lifting those sanctions by this amendment. We are allowing a national interest waiver to the President which is the same as the rest of the Freedom Support Act. In that sense, we will put Azerbaijan—which is at the gateway to much of the Eurasian platform as far as connecting the countries together—on an equal footing with all of the countries that came from the rubble of the former Soviet Union.

We seek peace in this region. It is important that we have a settlement in this region. This particular set of unilateral sanctions on Azerbaijan has been the United States policy since 1992. It has not led to peace since 1992.

We are seeking to create an abundance of activity, on a multilateral basis, of all the countries in the region, causing them to work together, to lift each other up economically, democratically, and regarding human rights, as an area, an entire region, that is developing on those principles of a free democracy—free, independent status, and human rights.

To pull this one out—it is a key corridor—the concept of the countries working together falls apart. It will not happen. It will not happen if we do that. That has been the U.S. policy since 1992. It has not led to peace yet between Armenia and Azerbaijan. I don't think it will now. If we get these countries to work together, to say, together we can support each other, we can grow economically in other ways, I think we create the atmosphere for peace to take place. Everybody has an interest in peace occurring.

We are talking about a large set of resources in this area. They do have the economic wherewithal to be able to grow and grow together. But we have to have them all. You can't pull one of them out and say it will not happen.

I think the proposal I put forward leads to peace and peaceful opportunities in the region. That is why I support it. I am happy to talk further about this at a later date if we get a time agreement. With all due respect, I disagree with my colleagues from Kentucky and Michigan. I think we have the national interest waiver on section 907.

At the proper time, I will want a recorded vote on this so we can have a determination by this body of U.S. policy here.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent Anne Alexander, a fellow in the office of Senator FEINGOLD, be granted the privilege of the floor during consideration of S. 1233.

I further ask unanimous consent Natalia Feduschak, an American Political Science Federation fellow in the office of Senator FRANK LAUTENBERG, be granted such floor privilege during debate and votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, again I remind Senators we have a unanimous consent agreement entered into by the distinguished Senator from Kentucky to have all amendments in by 1 o'clock today. I urge him to do that. I had hoped we could wrap this bill up at a relatively early time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I inquire of the Senator from Kentucky, what is his desire at this time on this particular amendment?

Mr. MCCONNELL. I say to my friend from Kansas, we are unable to get a time agreement on this amendment at this time. It is my intention to lay it aside and deal with some other matters. We will keep working on it during the course of the day.

Mr. BROWNBACK. That is certainly acceptable to me. I suggest to the Senator from Kentucky, the manager of the bill, I have a second amendment dealing with the Sudan I am hopeful we can get worked out at some point in time, rather than calling it up. But if we cannot, I will seek recognition on that as well later on.

Mr. MCCONNELL. I say to my friend from Kansas, I am familiar with his other amendment. It is acceptable to me. If he will keep working on that, I think we should be able to get it cleared in the course of the day.

Mr. BROWNBACK. I yield the floor.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, while we are waiting for other Senators to come up with amendments, I want to draw attention to an amendment I intend to offer if it is not accepted overall. It is an amendment entitled "Humanitarian Assistance for the Sudanese Opposition Groups."

This is a very simple amendment that would allow us to give food aid to the southern Sudanese resistance and also the northern Sudanese resistance efforts, food aid only. This is not other forms of aid. It is certainly not military aid. But it is food aid to the Sudanese resistance movement.

The language says, and I will provide the amendment:

> The President is authorized to provide humanitarian assistance, including food, to the National Democratic Alliance [That is an overall alliance of the groups in opposition to the government in Khartoum] and the Sudanese People's Liberation Movement, operating outside of the Operation Lifeline Sudan structure.

That is the simple amendment we put forward.

I recently led a congressional delegation. Congressman DON PAYNE from New Jersey, Congressman TOM TANCREDO from Colorado, and I went to Sudan and traveled to southern Sudan and met with the embattled groups that have been fighting against the Khartoum government, which is a government that was not freely elected. They stood for election in 1988. They were defeated, got about 18 percent of the vote, and then took over the government in a coup in 1989 and have since then been operating a terrorist regime in Sudan. It is terrorist internally in Sudan and terrorist externally from Sudan.

They have killed, according to the IS Committee on Refugees, internally in Sudan, in the last 10 years, 1.9 million people in a genocide and ethnic cleansing the likes of which the world has not seen in recent times. This is the worst humanitarian situation in the world. That is according to the director of USAID, Mr. Atwood, who testified on the issue, on the Sudan—the worst in the world—nearly 2 million killed, over 4 million internally displaced. That is the internal terrorism of this government.

This is a government—and this is incredible—that actually allows slavery to exist. That is documented. The Baltimore Sun did a series of articles documenting this. Christian Solidarity International has bought back the freedom of over 6,000 slaves of northern people empowered by the Government to go south, kill the men in the village, take the women and children hostages, and make them slaves.

This is a picture taken by one of my staff members at Christmas this past year when she was in Sudan. This little boy is probably 11 or 12 years old. He is holding his arm out in this picture. It actually has on it his slave brand—branded slave.

What the Government in Khartoum does is, they allow people from the north to go down as raiders into these communities, and part of what they get paid for is the slaves they can take. This is a closer picture of the little boy's arm showing the brand mark. They are taken and made to be herders, they are taken into sexual concubinage. The slave trade exists in the world today at the hands of the Government in Khartoum. It is absolutely unfathomable that this continues to occur. That is on top of the genocide and the ethnic cleansing that is taking place.

This is a picture of the civilian bombing that takes place within the country all the time. I was in Yei. The hospital in Yei has been bombed three times in the last year. They are taking old Soviet cargo planes, Antonovs, and they roll bombs out the back. They are indiscriminate. They are not militarily significant, but it kills a lot of people. It terrifies the people on the ground.

This is a picture of the hospital that has been bombed.

This photograph is, again, a civilian target. It has a big red X on the top of it, and that is part of the bombing that takes place.

This picture shows people who are watching for the bombers.

I put up a quick chart of the atrocities of the Government in the north. Remember, this amendment we are going to offer simply allows humanitarian aid to the resistance movement. It does not provide arms of any nature, but it does provide food aid to the resistance movement in Sudan.

This is what the Government in Khartoum has done. If people are going back and forth saying we are taking sides if we provide humanitarian aid to the resistance, I point out, the Government in Sudan is a terrorist regime as determined by the United States State Department. It is state-sponsored terrorism. They have housed Osama bin Laden since 1997. He stayed in Khartoum.

Most of the terrorist groups operating in the world have a base of operation in Khartoum. The Government in Sudan is supporting terrorist movements in three adjacent countries—Congo, Eritrea, and Uganda. They are seeking to expand this militant fundamentalism.

I pointed this out earlier:

Dead, 1.9 million people. It is the worst humanitarian situation in the world.

An internally displaced population of 4.3 million.

Last year, they let famine alone kill 100,000 people. Mr. President, this is the most incredible thing. Food sat in the country, and the Government in Khartoum would not let us fly relief planes into the area where they needed it, and the people died. They died at the hands of the Khartoum Government because they would not let our planes deliver the food aid.

Enslavement takes place, civilian bombings, forced religious conversions, terrorist threats throughout the region. This is the Government in Khartoum. This is the Government of Sudan. If Members are hesitant to support food aid to the resistance movement, this is against whom they are fighting. This is arguably one of the, if not the worst regimes in the world for the treatment of its own people and attempts to export a militant fundamentalism and spread it throughout Africa. They housed the terrorist who tried to kill President Mubarak of Egypt. I mentioned the Government in Sudan housed Osama bin Laden.

This is a simple amendment. Rather than calling it up at the present time, I am making my colleagues aware, if it is not agreed to, I will be calling this amendment up and asking for a vote on this amendment. It is food aid to the opposition groups. It is not military aid. It is against the Government that supports the institutions of slavery, and it has the worst humanitarian situation in the world. Mr. President, 100,000 were killed last year. This is the least we can do.

I see other Members in the Chamber. I do not want to take additional time for this. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Robin Goodman and Howard Kushlan, who are interns in my office this summer, and John Bradshaw, who is a fellow, be granted the privilege of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be laid aside. I say to my colleague from Kentucky, I will speak on an amendment I am going to offer just to save us time so we can move along today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 1123

(Purpose: To combat the crime of international trafficking and to protect the rights of victims)

Mr. WELLSTONE. Mr. President, today I will discuss one of the most horrendous human rights violations of our time—the trafficking of human beings, which is particularly prevalent among women and children, for the purposes of sexual exploitation and forced slavery.

Earlier this year, I introduced a bill, the International Trafficking of Women and Children Victim Protection Act of 1999, which addresses this issue. This legislation was cosponsored by Senators FEINSTEIN, BOXER, SNOWE, MURRAY, HARKIN, and TORRICELLI.

Today I am going to offer an amendment, which I will send to the desk shortly, to the foreign ops bill, which is basically this piece of legislation. If adopted, this amendment will put the Senate on record as opposing trafficking for forced prostitution and domestic servitude and acting to check it before the lives of more women and more girls are shattered.

Trafficking in human beings is one of the fastest growing international trafficking businesses. Women and girls seeking a better life, a good marriage, a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes or in sweat shops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. That is hard to believe. Every year the trafficking of women and girls for sex trade affects hundreds of thousands of women or, for that matter, girls throughout the world.

The U.S. Government estimates that 1 million to 2 million women and girls are trafficked annually around the world. According to experts, between 50 and 100,000 women are trafficked each year into the United States alone. They come from Thailand, Russia, the Ukraine, and other countries in Asia and in the former Soviet Union.

Although trafficking has been a problem in some Asian countries, it was not until the breakup of the Soviet Union that a sex trade in that region began to flourish. This appalling trade has grown by leaps and bounds over the last decade. Trafficking is induced by poverty, lack of economic opportunities for women, the horrendous low status of women in many cultures, and the rapid growth of sophisticated and ruthless international crime operations.

Trafficking rings exploit and abuse poor, vulnerable women in the devastated economies of Russia, the Ukraine, and other countries in Central Europe, where women are unable to find jobs to sustain themselves and their families.

As many of you know, I am deeply concerned about what has taken place in Russia today. I am deeply concerned about it because I believe what happens in Russia, for better or for worse—and I hope it will be for better—will crucially affect the quality, or lack of quality, of our lives, our children's lives, and our grandchildren's lives. I suppose I am also concerned because my father was a Jewish immigrant who fled Russia.

In that country, we know that some 6.5 million women are unemployed, and 2.5 million children are not in school but they are in the streets. These women and children are vulnerable to international organized crime that preys on the jobless, the destitute, the desperate, and the naive.

Upon arrival in countries far from their homes, these women from Russia and the Ukraine, and many other countries, are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. It is just unbelievable that this is exactly what is happening. Rape and intimidation and violence are commonly employed by the traffickers to control their victims and to prevent them from seeking help.

Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant threat of fear and deportation, as well as violent reprisals by the traffickers themselves to whom the women must pay ever growing debts.

Many brothel owners actually prefer foreign women—women who are far from help and home who do not speak the language—precisely because it is so easy to control them. Most of these women never imagined the life of hell they would encounter, having traveled abroad to find better jobs or to see the world.

Many, in their naivete, believed that nothing bad could happen to them in rich and comfortable countries such as Switzerland, Germany, or the United States. Others who were less naive but desperate for money and opportunity are no less hurt by the traffickers' brutal grip.

Last year, First Lady Hillary Clinton spoke powerfully of this human tragedy. She said:

> I have spoken to young girls in northern Thailand whose parents were persuaded to sell them as prostitutes, and they received a great deal of money by their standards. You could often tell the homes of where the girls had been sold because they might even have a satellite dish or an addition built on their house. But I met girls who would come home after they had been used up, after they had contracted HIV or AIDS. If you've ever held the hand of a 13-year-old girl dying of AIDS, you can understand how critical it is that we take every step possible to prevent this happening to any other girl anywhere in the world. I also, in the Ukraine, heard—

The Ukraine actually was where my father was born—

> of women who told me with tears running down their faces that young women in their communities were disappearing. They answered ads that promised [them] a much better future in another place and they were never heard from again.

We have had women from the Ukraine in our office, in face-to-face meetings, talking about the awful problem of women and young girls being exploited, leaving the Ukraine, coming to countries such as ours, and then finding themselves in this kind of situation.

These events are occurring not just in far off lands but in the United States as well. Earlier this spring, 6 men admitted, in a Florida court, to forcing 17 women and girls, some as young as 14, into a prostitution slavery ring. The victims were smuggled into the United States from Mexico with the promise of steady work, but, instead, they were forced into prostitution. The ring was discovered when two 15-year-old girls escaped and went to the Mexican consulate in Miami.

According to recent reports by the Justice Department, teenage Mexican girls were also held in slavery in the Carolinas and forced to submit to prostitution. In addition, Russian and Latvian women were forced to work in night clubs in Chicago. According to charges filed against the traffickers, the traffickers picked up the women upon their arrival at the airport, seized their documents and return tickets, locked them in hotels, and beat them. This is in our country. The women were told that if they refused to dance nude in various nightclubs, the Russian mafia would kill their families.

Further, over 3 years, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

Because the victims of international trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries to which they have been trafficked, these victims often find it difficult or impossible to report the crimes that have been committed against them or to assist in the investigation and the prosecution of such crimes. Further, victims do not have legal immigration status in the countries into which they are trafficked, so the victims are often punished more harshly than the traffickers themselves.

Trafficking in women and girls is a human rights problem. This is a human rights amendment that requires a human rights response. Trafficking is condemned by human rights treaties as a violation of basic human rights and as a slavery-like practice. Women who are trafficked are subject to other abuses—to rape, to beatings, to physical confinement—which are squarely prohibited by human rights law but are happening all around the world. The human abuses continue in the workplace in the forms of physical and sexual abuse, debt bondage and illegal confinement, and all are prohibited. But the practices go on.

The Universal Declaration of Human Rights recognizes the right to be free from slavery and involuntary servitude, arbitrary detention, degrading or inhuman treatment, as well as the right to protection by law against these abuses.

The United Nations General Assembly has passed three resolutions during the last 3 years recognizing that international traffic in women and girls is an issue of pressing international concern involving numerous violations of fundamental human rights. The United Nations General Assembly is calling upon all governments to criminalize trafficking, to punish its offenders, while not penalizing its victims.

Fortunately, the global trade in women and children is receiving far greater attention by governments and nongovernment organizations following the U.N. World Conference on Women in Beijing. The President's Interagency Council on Women is working hard to mobilize a response to this problem. Churches and synagogues, and nongovernment organizations are fighting the battle daily, but much, much, much more must be done.

This amendment provides a human rights response to the problem. It has a comprehensive and integrated approach focused on prevention, protection, and assistance for the victims and prosecution of the traffickers.

I am going to highlight a few of the provisions in the amendment.

One, it sets an international standard for governments to meet in their efforts to fight trafficking and assist victims of this human rights abuse. It calls on the State Department and Justice Department to investigate and take action against international trafficking. In addition, it creates an Interagency Task Force in the Office of the Secretary of State to Monitor and Combat Trafficking and directs the Secretary to submit an annual report to the Congress on international trafficking.

The annual report would, among other things, identify states engaged in trafficking, the effort of those states to combat trafficking, and whether their government officials are complicit in the practice.

Corrupt government or law enforcement officials sometimes directly participate and benefit in the trade of women and girls. Corruption also prevents prosecution of the traffickers.

On a national level, as I look to this amendment, it ensures that our immigration laws do not encourage rapid deportation of trafficked women, a practice which effectively insulates traffickers from ever being prosecuted for their crimes. Trafficking victims are eligible for nonimmigrant status valid for 3 months. If the victim pursues criminal or civil actions against a trafficker or if she pursues an asylum claim, she is provided with an extension of time. Furthermore, it provides that trafficked women should not be detained but instead receive the needed services, the safe shelter, and the opportunity to seek justice against her abuser.

Finally, this amendment provides much-needed resources to programs assisting trafficking victims here at home and abroad. We must commit ourselves to ending the trafficking of women and girls and to building a world in which women and children are no longer subjected to horrendous abuses.

I urge my colleagues to support this amendment.

I have worked on this bill for a long time with a lot of groups and organizations. I believe this will have strong bipartisan support. I have tried to respond to a variety of different concerns. I say to my colleague from Vermont, as long as he doesn't think this is in the spirit of buttering him up, I view him as a champion in human rights work. I really believe this is consistent with his work. I think we ought to have this kind of response. I thought, in order to save time, I would speak on this amendment. I know there are other amendments that are on the floor.

I wonder whether I might send this amendment to the desk so that we will have it for consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1123.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WELLSTONE. Mr. President, I see my colleague from Illinois. I have another amendment that I could introduce, but for now, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have several Senators on the floor seeking recognition. The Senator from Minnesota, of course, had the floor. We are going to take a look at his amendment, which would not be in order for a vote right now. I listened to very much of what he had to say.

I am wondering if we could have an agreement that the Senator from New Jersey be recognized, the Senator from

Oregon be recognized, and the Senator from Illinois be recognized next in that order.

Mrs. BOXER. Will the Senator from Vermont add the Senator from California?

Mr. LEAHY. And then the Senator from California. I see the distinguished chairman is now on the floor. I am wondering if this might kind of expedite things. I do not think any of these Senators wish to speak for any great length of time.

I ask unanimous consent that the Senator from New Jersey be recognized for 5 minutes, the Senator from Oregon be recognized for 5 minutes, the Senator from Illinois be recognized for 5 minutes, and the Senator from California be recognized for 5 minutes —

Mr. WELLSTONE. I wonder whether or not before colleagues speak, I could just send this amendment, the second amendment, to the desk so it is filed.

Mr. LEAHY. And then before this begins, that the Senator from Minnesota be recognized to send an amendment to the desk for appropriate filing purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1124

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment is filed.

The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I apologize to my friend, Senator LEAHY. I just walked onto the floor. Are the speakers here in relation to the Brownback amendment and the second-degree by myself and Senator ABRAHAM?

Mrs. BOXER. We are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous consent, the Chair recognizes the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, yesterday the citizens of South Florida watched in horror as live television cameras revealed an extraordinary spectacle. The hopes of freedom and the great traditions of America collided on the open seas with the harsh reality of the Clinton administration's arrangements with Castro's government in controlling immigration to the United States.

Six Cuban refugees who fought across the Florida straits came to within yards of the coast of the United States of America. Only a few feet from their destination, they leaped from the boat and attempted to swim to the shores of our country. They did so for the reasons that all of our ancestors and hundreds of thousands of other Cuban Americans came to the United States—with the belief that they could find freedom and security.

It was with horror, I am certain, on their part, but also by other Americans who watched this spectacle unfold as Coast Guard boats intercepted the swimmers. Men attempted to swim for their lives and were never given lifejackets. Surrounded by Coast Guard boats that generated large wakes, imperiling the lives of those who would swim to shore, Coast Guard crewmen used pepper spray against some of the swimmers. They were then taken into custody in handcuffs. Welcome to America.

It is essential that the Coast Guard, the Department of the Treasury, begin an immediate inquiry to revise these procedures to find out how this incident could have happened. Handcuffing refugees, using pepper spray, not helping those who were endangered on the high seas, subjecting them to the wake of large boats, allowing them to stay in the ocean for 15, 20 and, 30 minutes without assistance, no matter how you feel about Castro's government or immigration, no matter how you approach this issue, is not the role of the U.S. Coast Guard. It is not the policy of the U.S. Government. This is not how we treat refugees or people who are coming to our shores for freedom.

It reminds us that the problems of Castro's government are not yet addressed. This crisis is not yet over. In the last 6 months, Amnesty International has reported that the total number of political prisoners in Cuba is now 350. In the last 6 months, there has been the arrest of four human rights dissidents petitioning their own government to recognize basic human rights. In just the last 6 months, the Cuban government has now passed laws making it a felony, punishable by 20 years in jail, to cooperate with the U.S. Government or any of its agencies. Things are not getting better in Castro's Cuba. They are getting worse.

As people flee that island for freedom, they deserve more and the people of the United States expect more than to have the agencies of this government used to continue an oppression, not at the hands of Castro but to threaten the lives of these refugees at the hands of our own agencies.

I yield the floor.

The PRESIDING OFFICER. Under the previous consent, the Chair recognizes the Senator from Oregon.

AMENDMENT NO. 1119

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, I will be brief. I rise to oppose the McCONNELL second-degree to the Silk Road amendment. I rise as a cosponsor of the bill.

We are constantly called upon in this country to pick sides among parties with ancient feuds. The area of the Silk Road, as defined in this bill, is an area that has long been beset with communism, Islamic fundamentalism, and other interests which, frankly, are inimical to U.S. interests.

Section 907 picks a side. I think it is founded on the best of motives but with the worst of results. At the end of the day, if we want to be honest brokers in this fight, it does not help us to be sanctioning one party at the table.

This isn't about oil; this isn't about some of the interests of the oil companies that want to develop in the Caspian; this is about being evenhanded; this is about getting beyond the status quo, which simply is not working.

In my view, it is appropriate to give the President the discretion to make a recommendation as to whether or not this sanction should continue. If he determines that it is working, fine, leave it in place. If not, I fear we will forever be caught up in picking sides on the Senate floor in conflicts we cannot ultimately end. I believe the U.S. posture in this very sensitive and important region of the world should be fair to both sides.

There are atrocities, human rights violations, on both sides. I wish there were just good guys and bad guys; unfortunately, there are plenty of both on both sides. In the end, I ask us to take a more evenhanded approach, support the Brownback bill and, ultimately, I believe, be more effective in this very sensitive negotiation in trying to foster peace, trying to foster development, trying to foster democracy in a part of the world that has known little of any of that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, if there is no objection, I ask unanimous consent that the Senator from California, who has asked for 5 minutes, go before me and that I then be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise in support of the McConnell amendment. I thank the Senator for offering his amendment because, frankly, without it, a number of us will have problems supporting the underlying amendment by Senator BROWNBACK.

The Brownback amendment addresses a very important issue of revitalizing trade in that area of the world, and the problem with it is that it gives the President the authority to waive section 907 of the Freedom Support Act. The McConnell amendment strikes that portion from the Brownback amendment and, therefore, makes it a fine amendment. But without the McConnell amendment, I am afraid we are doing some very great harm and damage to human rights and to common decency.

Section 907 of the Freedom Support Act was enacted to place restrictions on United States government-to-government assistance to Azerbaijan until that country lifts its blockades of Armenia and Nagorno-Karabakh.

I have very strong concerns about ending section 907, which is essentially what we are doing, because we know the administration's position on that. Doing that would reward the Azeri Government for taking no steps in lifting their blockade.

The blockade they have put on has prevented the transportation of basic human necessities, such as food and medicine, from reaching the suffering people of Armenia and Nagorno-Karabakh. I don't believe the United States should stand by and allow the Armenian people to live with a devastated economy, without a real commitment from Azerbaijan that they are taking steps to end the blockade.

Let me be clear about section 907 and what it does not do. It is not a sanction. In fact, the United States has normal trade relations with Azerbaijan. Section 907 does not prevent humanitarian aid from reaching Azerbaijan. It doesn't prevent the Overseas Private Investment Corporation, the Export-Import Bank, and the Trade Development Agency from functioning in Azerbaijan.

The only thing section 907 requires—and that is why I don't understand why Senator BROWNBACK wants to, in effect, repeal it—is that the Azeri Government "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh." That is not a high hurdle to clear. If the Azeri Government cannot even take steps—small steps—to end this blockade, I believe it has no right to the assistance that will be provided in the underlying Brownback amendment.

I understand Mr. BROWNBACK's amendment is well intentioned, and I enjoy working with him on many issues that affect the world. But because it would repeal section 907, I think if he were to accept Senator McCONNELL's amendment, we would have a good underlying bill.

In closing, I wanted to read into the RECORD a brief comment made by Senator PAUL SARBANES in his minority views that he put into the RECORD. I serve on the Foreign Relations Committee, and I know Senator SARBANES believes strongly in this.

This is what he said:

> Under current law, all Azerbaijan must do in order for section 907 to be lifted is to "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh." This is an entirely reasonable expectation, especially given the basic purpose of this bill, which is to promote trade and economic cooperation between the countries of the region.

He points out:

> For nearly a decade, the government of Azerbaijan has prevented the transport of food, fuel, medicine, and other vital commodities to Armenia and Nagorno-Karabakh, causing immense suffering.

So I ask the question of my friend, Senator BROWNBACK—in a rhetorical way, since he is not here—why would he want to do something that would only increase the suffering? Under the McConnell amendment, we cure this problem from his bill.

Senator SARBANES says:

> During winters, much of the Armenian population has had to live without heat, electricity, or water. Schools and hospitals have been unable to function, and most Armenian industries have been forced to close down, crippling the economy and producing widespread unemployment and poverty.

We all want to see progress in the world. We want to see trade and jobs created. But we don't want to see more human suffering. I think if we go along with the Brownback amendment, without the McConnell amendment, we will be doing a disservice to the world.

I know I have a little time left. I have no further comment, and I yield the rest of my time to Senator McCONNELL.

Mr. McCONNELL. Mr. President, I commend the Senator from California. I think she has it exactly right. The issue is whether, in the absence of a peace agreement between Azerbaijan and Armenia, the United States will have completely normal relations with Azerbaijan. I would like to see normal relations between our country and Azerbaijan. I would also like to see normal relations between Armenia and Azerbaijan. If all the leverage is removed in advance of an agreement, it seems to most of us that it makes the agreement less likely.

So I commend the Senator from California. She is absolutely correct on the merits. We hope the second-degree amendment will prevail.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 10 minutes.

Mr. WELLSTONE. Mr. President, with my colleagues' indulgence, I ask unanimous consent that I may follow the Senator for no more than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I have a request on this side of the aisle for 10 minutes at that point, and then right after that would be acceptable to the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me say at the outset that I agree with Senators McCONNELL and BOXER. Senator BROWNBACK calls for normalizing relations with Azerbaijan. Certainly that makes sense. We want to move toward the day when we have those normal relations. But we cannot overlook the fact that, for over 10 years, Azerbaijan has in fact imposed the blockade on Armenia and Nagorno-Karabakh, at great suffering to the people of that region.

It has stopped the transport of food, fuel, medicine, and other vital commodities to Armenia and Nagorno-Karabakh.

Our foreign policy is basically premised on the belief that if we are going to have normal relations with Azerbaijan, they have to have normal relations with Armenia.

As Senator McCONNELL said, Senator BROWNBACK has a vision for the future that we may share someday, but first we must address the concerns that Senator McCONNELL addresses in his amendment. I support him. I think it is a very sensible approach. To waive section 907 in the absence of any progress toward lifting the blockade would reward the Government of Azerbaijan for failing to remove it.

Keep in mind that even though we have this section 907 restriction, we provide humanitarian and democracy-building assistance to Azerbaijan, and in fact the businesses of the United States do business there involving a lot of international agencies. But before we really normalize relations, let us demand a normalization of relations when it comes to the treatment of the Armenian people.

I don't need to remind anyone in this Chamber of the long and sad history of the Armenian people and the genocide which they endured. They have asked us to stand by them until they can resolve this peacefully. I think the United States is right to do so.

I object to the approach used by Senator BROWNBACK and fully endorse the efforts by Senator McCONNELL.

FUNDING TO SEND LATIN AMERICAN STUDENTS TO THE U.S. ARMY SCHOOL OF THE AMERICAS

Mr. President, while the budget caps did not allow adequate funding for this bill, I want to complement Senator McCONNELL and Senator LEAHY on the bill they have produced within the constraints they faced. I am particularly pleased that the bill includes funding for microcredit programs, with the expectation that the Agency for International Development will spend more for microcredit programs than last year. I am pleased that funding for the United Nations Population Fund is included in the bill. I am delighted that Foreign Military Financing funds for Estonia, Latvia, and Lithuania have been increased. These additional funds will help the Baltic countries meet their Membership Action Plans as they aspire to join NATO.

This bill contains International Military Education and Training (IMET) funds that are used for Latin American students to attend the U.S. Army School of the Americas. The school is the Army's Spanish-language training facility for Latin American military personnel, located at Fort Benning, GA. The school is a relic of the cold war with a horrendous legacy of teaching torture and assassination. It deserves to be closed for what it has taught in the past, what it stands for in Latin American democracies today, and what its counter-insurgency training at such a tainted institution may lead to in the future.

I had planned to offer an amendment to delete IMET funding for the school. However, I felt that my colleagues here in the Senate had not heard enough about the school, so I will not offer my amendment today. I introduced a bill, S. 873, to close the school. Our colleagues in the House have also introduced such a bill, H.R. 732, which now has 137 cosponsors.

Let me tell you why I think this school should be closed. I think you need only to look at the yearbook of the School of the Americas. Let me tell you what you will find. It is not surprising that among the graduates of the School of the Americas is the top of the list of the worst human rights abusers in Latin American current history. Listen as I read some of the graduates from the School of the Americas at Fort Benning, GA, an institution supported by U.S. taxpayers. These were people trained at the expense of the United States to return to Central America and lead. Listen to the people included:

19 Salvadoran soliders linked to the murder of 6 Jesuit priests, their housekeeper and her daughter in El Salvador in 1989;

48 of 69 Salvadoran military members cited in the U.N. Truth Commission's report on El Salvador for involvement in human rights violations;

Former Panamanian dictator and convicted drug dealer Manuel Noriega and nine other Latin American military dictators;

El Salvador death squad leader Roberto D'Aubuisson;

Two of the three killers of Archbishop Oscar Romero of El Salvador;

Mexican General Juan Lopez Ortiz, whose troops committed the Ocosingo massacre in Chiapas in 1994;

Guatemalan Colonel Julio Alpirez, linked to the murder of U.S. citizen Michael Devine in 1990 and Efrain Bamaca (husband of Jennifer Harbury) in 1992;

124 of 247—50 percent—of Colombian military officials accused of human rights violations in the 1992 work "State Terrorism in Colombia", compiled by a large coalition of European and Colombian non-governmental organizations;

Two of the three officers prosecuted by Guatemala for masterminding the killing of anthropologist Myrna Mack in 1992, as well as several leaders of the notorious Guatemalan military intelligence unit D-2;

Argentinian dictator Leopoldo Galtieri, a leader of the so-called "dirty war," during which some 30,000 civilians were killed or "disappeared";

Haitian Colonel Gambetta Hyppolite, who ordered his soldiers to fire on a provincial electoral bureau in 1987;

Several Peruvian military officers linked to the July 1992 killings of nine students and a professor from La Cantuta University;

Several Honduran officers linked to a clandestine military force known as Battalion 316 responsible for disappearances in the 1980's;

10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village of El Mozote; and

Three of the five officers involved in the 1980 rape and murder of four United States churchwomen in El Salvador.

This school is not the victim of a few isolated incidents of wrongdoing by its graduates. This list shows that human rights violations are endemic among its graduates, with far in excess of 200 murderers and other human rights violators on its past rolls.

Yet last week, when the commandant of the school, Col. Glenn R. Weidner, came to brief Senate staff on the school, he said "it doesn't take much to get on this list," that has been read in the Senate. I would say to the colonel what it takes is murder, rape, and torture. And the list is long and convincing.

I would also say to him that these 225 graduates have been confirmed by the Congressional Research Service. I did not include in my bill the other allegations of the School of the Americas graduates that could be independently confirmed. Can the school claim innocence in the actions of its graduates? Many do not think that is possible. For example, just a few months ago the Guatemalan Truth Commission report faulted the school's counterinsurgency training as having "had a significant impact on human rights violations during the armed conflict," a conflict that killed 200,000 people.

How, in the name of democracy, can we keep this school open?

I am not proposing that we hold U.S. foreign military training programs accountable for all of the actions of these graduates. We know from experience that people can be brutal with or without training. But why in God's name do we continue this?

Colonel Weidner also said that those wanting to close the school were isolationists, opposed to engaging in Latin America. Nothing could be further from my point of view. The question is how we engage.

Let me also say to those who suggest that these comments somehow are a reflection of criticism of the military of the United States that this school should close. The Army should support its closing. I think the men and women in uniform who serve this country do a wonderful job. But this school has not produced the kind of graduates for which we can take credit and pride. I believe it is an insult to American Army officers to have their own country's reputation sullied by an institution that has been associated with horrible crimes and human rights abuses committed by its graduates.

We should remove the albatross of their association from them and from our country by closing the School of the Americas.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, is there an amendment pending? I believe there is.

The PRESIDING OFFICER. There is an amendment pending by Senator WELLSTONE.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Wellstone amendment be temporarily laid aside so we may dispose of some managers' amendments that have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1127 THROUGH 1145, EN BLOC

Mr. McCONNELL. Mr. President, I send the managers' amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL) proposes the managers' amendments numbered 1127 through 1145, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1127

On page 11, line 12 strike everything after the word "loans" and through the word "provision" on line 22.

On page 18, line 21, after the colon insert the following:

"*Provided further*, That notwithstanding any other provision of law, of the funds appropriated under this heading, $10,000,000 shall be made available for political, economic, humanitarian, and associated support activities for Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105-338): Provided further, That not less than 15 days prior to the obligation of these funds, the Secretary shall inform the Committees on Appropriations of the purpose and amount of the proposed obligation of funds under this provision:".

AMENDMENT NO. 1128

On page 7, line 13 strike the language beginning with "but shall be" through line 16 "Appropriations".

Mr. McCAIN. Mr. President, I fully support this amendment that is included in the manager's package to strike language from S. 1234, the foreign operations appropriations bill, which would have suspended the availability of fiscal year 2000 funding for the Inter-American Foundation until the General Accounting Office completes an investigation of alleged civil and criminal wrongdoing by employees at the Foundation. I want to thank the managers of the bill and the chairman of the committee for their willingness to remove this language.

I think it is important to explain for the record why this language was included in the committee-reported bill and what led to the amendment to strike.

Several months ago, the GAO contacted the Appropriations Committee asking permission to investigate information provided to their fraud hotline regarding allegations of contract and hiring regulatory abuses at the Foundation. GAO forwarded a report on these issues to the committee on May 20, 1999. During the course of that investigation, additional anonymous allegations were made to GAO investigators by employees of the Foundation, and the GAO requested permission from the committee to brief the Board of the Foundation on those allegations. However, the committee initially decided that the GAO should investigate these additional allegations, and included language in the bill to restrict the Foundation's funding until the investigation was completed.

When apprised of the language included in the bill and the committee's intention to direct GAO to investigate these additional allegations, I raised the issue with Chairman STEVENS and asked him to reconsider this approach. After discussing the matter, we agreed that additional information on the nature of the allegations should be sought in order to determine the appropriate course of action.

Last week, members of my staff and the Appropriations Committee staff met with representatives of the General Accounting Office to discuss their findings regarding the administrative investigation which was completed on May 20, as well as the additional allegations. Based on the information received at that briefing and GAO's characterization of the additional allegations as administrative in nature, we determined that the more appropriate way to proceed would be to accede to the GAO's request to brief the Board of the Foundation on these matters and allow the Board members to determine what further action, if any, should be taken.

Chairman STEVENS and Chairman McCONNELL advised me that, by referring the matter to the Board, the committee would view this investigation as complete, and GAO would not be requested to conduct any further investigations of these matters. This amendment, therefore, removes any restrictions on IAF funding as well as any language that contemplates further GAO involvement in this matter, aside from advising the Board of their findings and the existence of additional allegations.

Mr. President, I fully support the decision to permit the General Accounting Office to brief the Board of the Foundation about allegations of misconduct at the Foundation. I believe that this is the appropriate and normal course of action in this type of matter, and I thank Senators STEVENS and McCONNELL for agreeing to refer this matter to the Foundation's Board.

As my colleagues know, allegations of this sort are generally referred to an agency's inspector general for investigation and action, if necessary. Since the Foundation does not have an inspector general at this time, advising the Board or perhaps the Audit Committee of the Board (which functions as the Foundation's Inspector General) is the appropriate course of action, instead of pursuing a congressionally directed GAO investigation.

In addition, I sponsored and the Senate earlier adopted an amendment to S. 886, the foreign relations authorization bill, which requires the inspector general of the Agency for International Development to function in that capacity for the IAF, as well as the African Development Foundation. Hopefully, this will provide IAF with the oversight and investigatory authority to discover and deal with issues of this sort in the future, if necessary.

When our staff members were briefed by the GAO, they were advised of the specific nature of these so-called "criminal" allegations. The GAO characterized the allegations as administrative in nature, stating that, even if substantiated, these types of activities would very rarely draw criminal penalties and would instead be dealt with by a request for reimbursement or a reprimand, at most. In addition, it is important to know that most, if not all, of these allegations have already been reviewed by the Federal Bureau of Investigation, and their investigation found all of them to be unsubstantiated—a conclusion which the FBI addressed in a letter to the Foundation's Board Chair earlier this year.

Mr. President, I would never attempt to thwart any legitimate effort to uncover and eliminate fraud, unethical activities, or any type of misconduct in government or government-affiliated agencies. In this instance, however, I an concerned that these allegations about an individual at the Inter-American Foundation were designed to accomplish one end—the removal of that individual from effective employment at the Foundation because of his very successful efforts over the past several yeas to bring accountability, order, and legitimacy to an agency whose programs had been fraught with waste and abuse.

The individual involved discovered serious deficiencies and improprieties regarding the Foundation's grant-making program and the lack of oversight exercised by the Foundation program offers charged with overseeing Foundation grant organizations and contractors overseas. For example, this individual found that the Foundation had made grants to organizations in Ecuador involved in the kidnapping of U.S. citizens. This individual also took decisive action when it was discovered that the Foundation provided financial support to an organization in Argentina that engaged in acts of serious civil disobedience, including the seizure of public buildings and the blockage of roadways.

This individual also exposed fraudulent activities of overseas contractors of the Foundation, including the extortion of funds from Foundation grantee organizations. Finally, he established personnel time and attendance policies at the Foundation to correct rampant absenteeism and non-performance of duties.

This individual's successful efforts to make the Foundation's employees and Board accountable for their actions and decisions involving U.S. taxpayer dollars have caused some of these people to engage in a vendetta to remove him from his position at the Foundation, or at least minimize his effectiveness in that post.

Mr. President, regardless of the outcome of the Board's review of these latest retaliatory allegations against this individual, I believe there should be a thorough investigation of the Board and employees of the Foundation to ensure that the above-mentioned activities are no longer occurring. I also believe it would be prudent to determine whether improper hiring or personnel practices, misuse of government funds or equipment, theft or loss of government funds or property, conflicts of interest, or other improprieties or mismanagement—allegations similar to those falsely made against the individual involved in this matter—exist anywhere in the organization. These are matter that should be reviewed at the earliest opportunity by the AID inspector general, who will soon be serving as the inspector general for the Foundation.

Let me serve notice that I will continue to monitor activities at the Foundation with respect to the handling of this matter, and I will do everything in my power to ensure that the matter is resolved fairly and in a manner consistent with the handling of similar allegations in any other agency of government.

Again, I thank my colleagues for concluding the committee's involvement in this issue and referring the matter to the Foundation for appropriate administrative review.

AMENDMENT NO. 1129

On page 7, line 22, after the colon, insert the following: "*Provided further*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the

Foundation shall provide a report of the Committees on Appropriations before each time such waiver authority is exercised:".

AMENDMENT NO. 1130

(Purpose: To provide up to $5,500,000 to establish an International Health Care Center at Morehouse School of Medicine)

On page 8, line 6, after the word "AIDS" insert the following: "and including up to $5,500,000 which may be made available to establish an International Health Center at Morehouse School of Medicine".

AMENDMENT NO. 1131

On page 22, line 5, before the word "Ukraine" insert the words "Government of".

On page 22, line 6, after "1999", insert the following: ", including taking effective measures to end corruption by government officials".

AMENDMENT NO. 1132

On page 22, line 15, before the period, insert the following: "*Provided further*, That of the funds made available for Ukraine, $3,500,000 shall be made available for the destruction of stockpiles of anti-personnel landmines in Ukraine".

AMENDMENT NO. 1133

On page 10, line 10, after the colon, insert the following:

"*Provided further*, That the proportion of funds appropriated under this heading that are made available for biodiversity activities should be at least the same as the proportion of funds that were made available for such activities from funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (P.L. 103-306) to carry out sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961:".

Mr. LEAHY. Mr. President, the purpose of this amendment is to reaffirm that protecting biodiversity is a key goal of our foreign policy. It is also to clarify language on page 23 of the Appropriations Committee report—Report 106-81, which incorrectly refers to fiscal year 1994. The year should have been 1995.

The United States, the birthplace of the global environmental movement, has led the way in supporting efforts to protect the incredible variety of plants and animals around the world. Yet because of shrinking budgets and changing priorities in Congress and at AID, our efforts to preserve the Earth's biodiversity have diminished. The consequences of this are profound, for ourselves and even more so for future generations. We cannot afford to neglect an area of environmental protection that so directly affects the lives of American families and American industries.

AID's biodiversity activities include efforts to save species and ecosystems from extinction or degredation. Only 1.5 million of the estimated 10-50 million species have even been named and classified. Far fewer have been studied for their potential uses to humanity. Yet the destruction of natural habitats is leading to 100 extinctions every single day. AID also promotes genetic diversity. Genes that could have been lost to environmental destruction now improve and protect crops all over the world, and especially here in the United States.

In the United States, we reap the benefits of the world's biological diversity every day. Atmospheric pollution is reduced by tropical rainforests. Our cattle and crops are crossbred to improve their genetic traits. The pharmaceutical benefits alone are amazing. Diseases common in this country are cured with medicines that come from plants from around the world. The worldwide market for drugs derived from plants is $40 billion. Who knows what new species will be discovered, leading to medicines that will benefit tomorrow's sick? No one does, which is why we cannot let a newly discovered species containing a possible cure for cancer, or AIDS, or even the common cold, go the way of the dinosaurs.

AID has led the way worldwide in supporting biodiversity, by working effectively with U.S. and foreign nongovernmental organizations, and foreign governments. For example, the Philippines, with its coral reefs and tropical forests, is one of the most biodiverse places in the world. It is also one of the most threatened. But through effective management, AID has helped place over 1.2 million acres of forest land under community stewardship and away from harm. AID has implemented similar projects elsewhere, working with governments to protect their own valuable resources.

Despite successes such as these, our biodiversity efforts are threatened. Since 1995, AID expenditures for biodiversity have decreased by nearly $50 million, a nearly 50 percent reduction in just four years. Much of this decline is due to the steady reduction in our foreign aid budget. But even from this shrinking pie, biodiversity gets a thinner and thinner slice every year. In 1995, biodiversity spending was 5.1% of development assistance expenditures. By 1996 it was down to 4%. Then in 1998, expenditures were reduced to only 3.3%.

These disproportionate cuts have devastating consequences. The Philippines project I just mentioned will completely run out of funding next year. In Madagascar, a country that AID made one of its top biodiversity priorities over a decade ago, AID cut its biodiversity funding by $900,000. In some ways Madagascar was lucky, because AID had originally planned to cut $1.5 million dollars. And this is a country that AID says is "Africa's most important biodiversity priority."

Obviously, we have many other development assistance priorities—in public health, in education, in family planning, in justice reform, to name a few. But we need a more balanced approach. I have spoken out more times than I can count in support of more funding for foreign aid. Foreign aid not only helps promote American interests abroad, but also provides direct benefits here at home. But even given the shrinking funds we devote to foreign aid, we must ensure that funding to protect biodiversity does not continue to suffer disproportionate cuts. We should resume the proportion of development assistance funding for biodiversity to the proportion it received in 1995. That is what my amendment would do.

I also want to be very clear about what we mean by "biodiversity." We mean "activities designed to support the conservation and sustainable use of biological diversity—biomasses, ecosystems, species, or genetic diverity—by identifying needs, by designing, implementing and monitoring conservation and management actions; through research and training; or through institutional strengthening, policy interventions and program development." This is consistent with AID's definition of these activities.

Finally, we need to ensure that AID's Office of Environment and Natural Resources receives strong support. This office performs a vital function in the design, implementation and evaluation of conservation activities. Yet funding for it has been cut steadily since 1995, from $25.6 million to $6.9 million in 1999. That it totally unacceptable, and it seriously undercuts AID's capacity to exert leadership in this area.

Mr. President, I want to commend AID for its leadership in this area. I also want to ensure that it continue's to exert that leadership. That requires adequate resources, and I intend to work with AID to balance the many competing development assistance programs to achieve that goal.

AMENDMENT NO. 1134

On page 32, line 12, delete everything beginning with "For" through "expended" on page 33, line 7, and insert in lieu thereof the following:

"For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct or indirect loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961 (including necessary expenses for the administration of activities carried out under these parts), and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agriculture Trade Development and Assistance Act of 1954 as amended; and concessional loans, guarantees and credit agreements with any country in sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing and Related Programs Act, 1989 (Public Law 100-461); $43,000,000, to remain available until expended; provided that any limitation of subsection (e) of Section 411 of the Agricultural

Trade Development and Assistance Act of 1954 to the extent that limitation applies to sub-Saharan African countries shall not apply to funds appropriated hereunder or previously appropriated".

AMENDMENT NO. 1135

(Purpose: To express the sense of Congress regarding which office in the Department of State is appropriate for managing United States interests in Ukraine)

On page 128, between lines 13 and 14, insert the following new section:

SENSE OF CONGRESS ON MANAGEMENT OF UNITED STATES INTERESTS IN UKRAINE

SEC. 580. (a) FINDINGS.—Congress makes the following findings:

(1) Ukraine is a major European nation as it has the second largest territory and sixth largest population of all the States of Europe.

(2) Ukraine has important geopolitical and economic roles to play within Central and Eastern Europe.

(3) A strong, stable, and secure Ukraine serves the interests of peace and stability in all of Europe, which are important national security interests of the United States.

(4) Ukraine is a member State of the Council of Europe, the Organization on Security and Cooperation in Europe, the Central European Initiative, and the Euro-Atlantic Partnership Conference, is a participant in the Partnership for Peace program of the North Atlantic Treaty Organization, and has entered into a Partnership and Cooperation Agreement with the European Union.

(5) The Government of Ukraine has clearly articulated its country's aspirations to become fully integrated into European and transatlantic institutions, and, in pursuit of the attainment of that aspiration, the government of Ukraine has requested associate membership in the European Union with the intent of eventually becoming a full member of the European Union.

(6) It is the policy of the United States to support the aspiration of Ukraine to assume its rightful place among the European and transatlantic community of democratic States and in European and transatlantic institutions.

(7) In the United States Government, the responsibility for management of United States interests in Ukraine would be most effectively performed by the officials who perform the responsibility for management of United States interests in Europe, and a designation of those officials to do so would strongly underscore and most effectively support attainment of the United States objective to build a Europe whole and free.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should designate the Assistant Secretary of State for European Affairs to perform, through the Bureau of European Affairs of the Department of State, the responsibilities of the Department of State for the management of United States interests in Ukraine.

AMENDMENT NO. 1136

(Purpose: To reduce the amount appropriated for contribution to the International Development Association)

On page 38, line 10, strike "$785,000,000" and insert "$776,600,000".

Mr. LEAHY. Mr. President, many people, including myself, were deeply disappointed by the World Bank's June 24th decision to approve a $160,000,000 loan to fund the controversial Western Poverty Reduction Project.

We recognize the strong views about this issue and I have agreed to accept this amendment, but with some reluctance.

The Western Poverty Reduction Project has drawn criticism from Members of Congress, the Clinton administration, other governments and international human rights and non-governmental organizations. A $40,000,000 component of this project which would fund the resettlement of some 58,000 poor Chinese farmers into an historically and culturally distinct Tibetan and Mongolian area is the primary source of concern.

The $9 million cut in IDA funds which would result from the Helms amendment is the United States contribution to this portion of the project.

I share Senator HELMS' concern that the project may put additional pressure on Tibetans and other ethnic minorities in the region who are already struggling to overcome economic and cultural marginalization under Chinese rule.

There are also serious questions about the project's impact on the environment. It is my understanding that the Bank did not follow its own procedures in considering the environmental impact of this loan.

The United States Executive Director at the Bank voted against the loan and I supported that vote.

While many of us are not happy with the June 24th decision, the fact is we voted on this loan just as we have on countless other loans over the years. We participated in the Board's democratic voting process, as established by the Bank's charter and agreed to by its shareholders, just as we always have. The United States was instrumental in establishing the Bank's voting rules.

What made this vote different, however, is that we lost.

With some 18 percent of the voting power on the Board, the overwhelming majority of the time the view of the United States prevails on the World Bank's Board and at other international financial institutions. We have become accustomed to getting our way.

However, in the rare instances when we do not, dismissing the process, reneging on our financial obligations and walking away from our responsibilities is not an appropriate response. This is what this amendment does.

By cutting our contribution to IDA, which provides critical assistance to the world's poorest countries, this amendment compromises the democratic procedures at the Bank and damages United States credibility. It also invites other shareholders to cut their contributions to the Bank whenever they do not get their way. Taken to its logical conclusion, the damage to the Bank's ability to carry out its mission would be immense.

We have see how we can influence this project by simply staying involved. United States intervention and persistent international pressure has already changed the way the Bank will proceed with this loan.

Under World Bank President James Wolfensohn's leadership, the Board made the highly unusual and commendable decision to delay disbursement of the $40,000,000 until the Bank's independent inspection panel conducts a thorough review and determines whether the project meets the Bank's environmental and resettlement standards.

In addition, the Chinese Government has pledged its support for the review and stated that the press and government officials will have access to the region. Concerns about whether the project area will be open to experts unaffiliated with the Bank or the Chinese Government still need to be addressed.

It is expected that the Western Poverty Reduction project will be completed in 2005. By approving this amendment today and reducing our contribution to IDA we forfeit our leverage to influence the project and ensure that the Bank's environmental and resettlement standards are met over the next six years.

Mr. President, the plight of the Tibetan people is a clear example of what occurs when the principles of democracy are consistently and blatantly violated. In an effort to support their struggle, this amendment also compromises those same principles. It will weaken the United States' ability to ensure that the rights of Tibetans and other ethnic minorities are protected as the Bank moves forward with the project.

AMENDMENT NO. 1137

At the appropriate place in the bill, insert the following new section:

SEC. . CONGRESSIONAL NOTIFICATION WITH RESPECT TO ACQUISITION OF USAID FACILITIES.

(a) Funds appropriated under the heading "Operating Expenses of the Agency for International Development" may be made available for acquisition of office space exceeding $5,000,000 of the United States Agency for International Development only if the appropriate congressional committees are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(b) As used in this section, the term "acquisition" shall have the same meaning as in the Foreign Service Building Act of 1926.

AMENDMENT NO. 1138

(Purpose: Regarding assistance for Haiti)

Beginning on page 92 delete Section 560 and insert in lieu thereof the following:

ASSISTANCE FOR HAITI

SEC. 560. (a) SENSE OF CONGRESS.—It is the sense of Congress that, in providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the institution of the Haitian National Police, including support for efforts by the leadership and the Inspector General to purge corrupt and

politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) a program designed to develop the indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises; and

(5) a sustained agricultural development program.

(b) REPORT.—Beginning six months after the date of enactment of this Act, and six months thereafter, the President shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives with regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian Constitution, including an assessment of whether or not these institutions and officials hold positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of whether or not the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of whether or not the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of whether or not substantial progress has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti, and

(B) an assessment of whether or not the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of whether or not the Government of Haiti has taken action to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed in October 1997;

(7) an assessment of the degree to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of whether or not Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in Haiti independent from the executive branch.

AMENDMENT NO. 1139

On page 24, line 18, strike all after "(h)" through the period on page 25, line 2, and insert the following:

Of the funds appropriated under this heading that are allocated for assistance for the Central Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that The Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

AMENDMENT NO. 1140

On page 22, line 24, after the word "Armenia" and before the period insert the following: ": *Provided*, That of the funds made available for Armenia, $15,000,000 shall be available for earthquake rehabilitation and reconstruction".

AMENDMENT NO. 1141

(Purpose: To earmark Foreign Military Financing funds for the Philippines)

On page 37, line 11, before the period insert the following: "*Provided further*, That of the amount appropriated under this heading, $5,000,000 shall be available only for the Philippines".

AMENDMENT NO. 1142

On page 12, line 6, insert a new section:

LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund," not less than $15,000,000 shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

AMENDMENT NO. 1143

On page 13, line 5, after the word "Appropriations" insert the following words: ", the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House,"; and

On page 98, line 16, after the word "Appropriations", insert the following words: ", the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House,".

AMENDMENT NO. 1144

(Purpose: To earmark funds for the independent states of the former Soviet Union for the REAP International School Linkage Program)

On page 21, line 22, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading, not to exceed $200,000 shall be available only for the REAP International School Linkage Program".

Mr. DORGAN. Mr. President, REAP International operates a school linkage program between North Dakota and the Russian Republic of Buryatia. In the past, this program has resulted not only in the establishment of close personal relationships, but also provided community based assistance and sustainable development to this important region of the Russian Far East. REAP International's school linkage program between North Dakota and Buryatia is all the more critical when one considers the setbacks that the U.S.-Russia relationship has suffered in the wake of NATO's actions against Serbia. In addition, the failure of the Russian economy has left many Russians disillusioned, and there are those in the Russian leadership who would take advantage of that disillusionment in order to reverse the free market reforms already underway in Russia. We must not let that happen. One way to prevent it is to help Russian youth to understand and reap the benefits of a stable, free market economy through student exchange programs.

Student exchange programs often promote long-lasting relationships between institutions and communities. Does the Senator agree that these programs also play an important role in strengthening ties between countries?

Mr. McCONNELL. Yes.

Mr. DORGAN. REAP International's school linkage program with Buryatia, Russia focuses on economic development activities, vocational and entrepreneurial training, and the enhancement of civic institutions. These types of activities are important in stabilizing communities in the Russian Far East. Is this type of stability not vital if Russia is to move ahead with economic reforms?

Mr. McCONNELL. I concur in the Senator's assessment that stability is a necessary prerequisite for the transition to a market economy, something we all hope Russia is able to achieve.

Mr. DORGAN. And would the Senator also agree that the development of the Russian Far East is vital to the overall future development of Russia's market economy, and therefore it is critical that we support efforts to foster sustainable development and stability in this important region?

Mr. McCONNELL. I certainly agree with that.

Mr. DORGAN. I thank the Chairman for his comments and support.

AMENDMENT NO. 1145

(Purpose: To restrict United States assistance for reconstruction efforts in the Balkans to United States-produced articles and services)

On page 128, between lines 13 and 14, insert the following new section:

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION.

SEC. . (a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country may be used for the procurement of any article produced outside the United States, the recipient country, or least developed countries, or any service provided by a foreign person.

(b) EXCEPTION.—Subsection (a) shall not apply if—

(1) the provision of such assistance requires articles of a type that are produced in

and services that are available for purchase in the United States, the recipient country, or least developed countries, or if the cost of articles and services produced in or available from the United States and such other countries is significantly more expensive, including the cost of transportation, than the cost from other sources; or

(2) the President determines that the application of subsection (a) will impair the ability of the United States to maximize the use of United States articles and services in such reconstruction efforts of other donor countries, or if the President otherwise determines that subsection (a) will impair United States foreign assistance objectives.

(c) DEFINITIONS.—In this section:

(1) ARTICLE.—The term "article" means any agricultural commodity, steel, communications equipment, farm machinery, or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) FOREIGN PERSON.—The term "foreign person" means any foreign national exclusive of any national of the recipient country or least developed countries including any foreign corporation, partnership, other legal entity, organization, or association that is beneficially owned by foreign persons controlled in fact by foreign persons.

(4) PRODUCED.—The term "produced", with respect to an item, includes any item mined, manufactured, made, assembled, grown, or extracted.

(5) SERVICE.—The term "service" means any engineering, construction or telecommunications.

(6) STEEL.—The term "steel" includes the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

Mr. CAMPBELL. Mr. President, today I intend to support the Manager's amendments package to the Fiscal Foreign Operations Appropriations bill for fiscal year 2000, which includes a modified version of a bill I introduced on June 10th, S.1212, the Kosovo Reconstruction Investment Act of 1999. I am pleased to have Senators RICK SANTORUM and ROBERT BYRD join me as original cosponsors of this amendment.

I also want to thank the Chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, and the Subcommittee's Ranking Member, Senator LEAHY, for their assistance and support of this amendment.

While this amendment's language is a compromise, and is not as strong as S. 1212 which I introduced earlier this month, it is an important first step in the right direction. I will continue to work with my colleagues in the coming months to help promote American taxpayers, workers and key industries as the U.S. begins to spend billions of dollars to rebuild Kosovo and, as expected in the future, the rest of Yugoslavia.

This amendment will help American workers and companies get the first best shot at those Kosovo reconstruction opportunities that are being paid for with U.S. foreign aid funds. As a result, a large portion of the American taxpayer's dollars destined for the Kosovo reconstruction effort will be invested in the purchase of American made goods and services whenever possible.

This legislation will benefit both the people of Kosovo and American workers. The people of Kosovo will have reconstructed homes, hospitals, factories, bridges, powerplants and telecommunication systems. The American people will benefit as a significant portion of their hard-earned taxpayer dollars come back to the U.S. in the form of new orders for American made goods and services. New jobs will be created. With this legislation we can make the best out of a looming, costly, and long term burden on our nation's budget.

This will be especially important for some of our key industries, such as agriculture and steel, that are facing hard times here at home. Other hard working Americans from industries like manufacturing, engineering, construction, high tech and telecommunications will also enjoy new opportunities to produce goods and services destined for export overseas.

For example, our ranchers and farmers, many of whom are being severely harmed by a combination of tough competition at home, cheap imports and closed markets overseas will benefit. This bill will help provide them with the opportunity to strengthen their share in Europe's Southeastern markets.

Our steel workers, many of whom are also in a tough situation, will benefit as U.S. made steel is used to reconstruct, homes, hospitals, factories, bridges and other necessary infrastructure. American steel would also be used as American made construction equipment and tractors are delivered to the Balkans. American engineers, contractors and other service providers will play a key role in rebuilding telecommunications and other necessary infrastructure projects.

The American taxpayers have already borne the lion's share of waging the war in Kosovo. Our pilots flew the vast majority of the combat sorties. In addition, the Foreign Operations Supplemental Appropriations bill that passed last month provided $819 million for humanitarian and refugee aid for Kosovo and surrounding countries. It has been estimated that peace keeping operations will cost an additional $3 billion in the first year alone. This is just the beginning. In the future, American taxpayers will be spending tens of billions of dollars more as we participate in what apparently is an open-ended peacekeeping effort.

Without this legislation those countries who largely sat on the sidelines while we fought will be allowed to sweep in and clean up. The American taxpayers' dollars should not be used to profit Western European conglomerates. The American people deserve better. This Kosovo Reconstruction Investment Amendment will help remedy this situation.

Yet another problem this bill would help alleviate is our exploding trade deficit which is on track to an all time high of approximately $250 billion by the end of this year. In March of this year alone, the U.S. posted a record one month trade deficit of $19.7 billion.

Furthermore, many of the other industrialized countries that regularly distribute foreign aid do not do so with no strings attached. For many years now, countries like Japan have also required that the foreign aid funds they distribute be used to buy products produced by their domestic companies.

The degree to which the Japanese government uses "tied aid" to the benefit of Japanese companies and boost their exports was underscored by a recent quote that can be found in the June, 1999, issue of the "Look Japan" magazine. When referring to Japanese efforts to help neighbor countries recover from the Asian economic crisis, Oshima Kenzo, the Director of the Economic Cooperation Bureau at Japan's Ministry of Foreign Affairs stated:

> This enormous machine of Japanese aid has barely begun to move. Aid to Asian countries in crisis is something that must be done on an "all-Japan" basis . . . The purpose of aid to Asia is primarily to provide relief to Asian countries, but it has a secondary aspect of reenergizing the Japanese economy too, so there are many domestic hopes riding on this as well.

While my original Kosovo reconstruction language in S. 1212 included tougher "Buy America" provisions, this amendment's compromise language will allow U.S. foreign aid funds to be used to purchase goods and services produced in "least-developed countries." This is something we can do while still serving the purpose of this amendment. For example, U.S. steel workers will still have the first shot at producing steel for the Kosovo reconstruction effort since countries such as Japan, South Korea and Brazil, all of whom have been taking a heavy toll on the U.S. steel industry here at home, most definitely are not "least developed countries." American telecommunications, heavy equipment manufacturers and a wide variety of other U.S. industries will also benefit.

If America's Airmen, Sailors, Marines and Soldiers are good enough to wage a war, then America's hard working taxpayers, including steel and manufacturing workers, engineers and contractors are good enough to help rebuild shattered countries. If we are called on to put the Balkans back together, we should do it with a fair share of goods and services made in America.

I urge my colleagues to support the adoption of this amendment.

Mr. MCCONNELL. As I said, this is a list of managers' amendments that has been cleared on both sides of the aisle:

McConnell-Leahy amendment to move the Iraqi provision;

McCain amendment to strike Inter-American Foundation language with a statement;

Leahy-McConnell amendment on African Development Foundation provision;

Stevens-Coverdell amendment on AIDS;

McConnell-Leahy on Ukaine corruption;

Leahy-McConnell amendment on Ukraine demining;

Leahy amendment on biodiversity;

Leahy amendment on debt restructuring;

Roth amendment on Ukraine;

Helms amendment on IDA-China;

Helms amendment on USAID construction notification;

Helms-DeWine amendment on Haiti;

Leahy-McConnell amendment on Russia-Iran;

McConnell amendment on Armenia;

Helms amendment on the Philippines;

Abraham amendment on Lebanon;

Thomas amendment on technical correctional reports;

Dorgan amendment on Russia exchanges; and

A Campbell amendment on Buy America.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1127 through 1145), en bloc, were agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent Senator LAUTENBERG be shown as a cosponsor of the Roth amendment on the Ukraine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I understand the Senator from Illinois will be recognized. Then the Senator from Minnesota is going to be recognized. I ask unanimous consent I then be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEBT

Mr. FITZGERALD. Mr. President, I will speak for a few moments today about an issue of great concern to me and many other Members. In the last few days in Washington, there has been literally a euphoria over the notion we in Washington are running large budgetary surpluses on an annual basis. The uncorking of champagne bottles all around town has taken place on the notion that, because we are running surpluses, we are somehow paying down the national debt.

Yesterday, the New York Times had an article on page 14 entitled, "Clinton Sees the Possibility of Zero U.S. Debt by 2015."

As I will show, this article is dead wrong. The article stated that the entire national debt, which now stands at over $5.6 trillion, will be paid down by the year 2015. It went on to state that the debt clock in New York, which is a daily tally of the Federal national debt, would be down to zero by the year 2015.

It turns out that is dead, flat wrong. In fact, the national debt is now rising. It is going to continue to rise every year of the President's 15-year projections. The total national debt by the year 2015, as listed on that debt clock in New York, will stand at more than $7 trillion.

How can this be? We have heard from Washington that we are running large annual budget surpluses. The President, 2 days ago, said this year we will have a $98 billion surplus, and those surpluses are going to rise each year to the point that in the year 2004 we will have a $253 billion surplus.

Looking at the fine print on the President's midyear report, we find our total gross Federal debt is still going up. It stood at $5.4 trillion at the end of the last fiscal year. This year, it will rise to $5.6 trillion. By the year 2004, the total gross Federal debt will have risen to over $6 trillion.

How can our national debt still be going up if we are running surpluses in Washington? The answer to that question is, we really do not have surpluses in Washington. They have a definition of surpluses in Washington which is far different from the average perception of what the word surplus would mean to American families or businesses. One would think when you have surpluses, you would be paying down your debt, not increasing it. However, in Washington, the debt is still going up, even as they say they have surpluses.

We know our President chooses his words very carefully. I read his press statements the other day. He was careful not to say we are paying down the total Federal debt. He talked instead about one of the components of the Federal debt. It turns out there are two parts to the Federal debt. There is debt owed to Government accounts and there is debt held to the public. Both of those debts have to be paid off. At some point, we have to come up with the cash to pay down those debts.

What President Clinton chose to do in his statements the other day was ignore this part of the Federal debt and decide he would only focus on debt held by the public. It is true he is actually going to start trying to pay down the debt held by the public. Debt held by the public stood at $3.7 trillion at the end of last year. By the year 2004, the President will have paid it down about $700 billion to $2.9 trillion. It is true by the year 2015 he will have paid this portion of the national debt down to zero.

How is he going to pay that portion of the debt down to zero? He is going to borrow more from the Government accounts. He is going to borrow more from Government accounts. It turns out he will increase the Government accounts section of the national debt. Not only will he increase it, he is going to quadruple debt held by these Government accounts. It will rise from $1.7 trillion at the end of last year to $3 trillion by the year 2004. Guess what. By the year 2015, when the New York Times said we would have no national debt, it turns out the debt in this column will be more than $7.5 trillion.

I have to say, if the ordinary family were to pay down their mortgage by running up their credit card and then realize what they were doing, I think they probably wouldn't feel it was cause for celebration that they had just shifted the composition of their debt. Similarly, I don't think there is cause yet in Washington to uncork the champagne bottles and pat ourselves on the back that we are paying down a portion of the Federal debt while we are increasing the other portion and are increasing the overall debt.

Right now, the average family in America is responsible for $55,000 of that total national debt. Each family's share of the national debt is going to be going up in each and every year of the President's 15-year projections. At the end of the 15 years, the total national debt will be even higher than it is now, and each family's share of that national debt will be even higher.

This chart shows the direction our national debt is going: It is continuing to rise. We are digging the hole deeper.

All this talk about surpluses in Washington should be taken with a grain of salt. The surpluses they are talking about are fictitious surpluses; they are accounting gimmicks. If any private business man or woman used the same kind of accounting they use in Washington, they could potentially wind up behind bars in a Federal penitentiary. We need to change the accounting system in Washington so the public and the media cannot be so easily misled.

I am hopeful the press throughout this Nation will point out that the earlier reports were flatout wrong, that the debt clock in New York will not stand at zero by the year 2015, even under the President's projections. Under the President's own projections of our national debt, it will be higher in the year 2015 than it is now.

I think it is a shame Washington is misleading the American public about our true financial condition. Is it not high time we end the hocus-pocus bookkeeping in Washington and speak the plain truth?

I ask unanimous consent to print the New York Times article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 29, 1999]

CLINTON SEES THE POSSIBILITY OF ZERO U.S. DEBT BY 2015

(By David E. Sanger)

WASHINGTON, June 28.—President Clinton today raised the mind-bending possibility that the giant national debt clock in midtown Manhattan would soon start running in reverse—and that by 2015, the Government would owe no money to investors around the world.

There is little question that Mr. Clinton described the general direction of the clock correctly. Barring a stock market disaster or a Japan-like recession, the Federal Government's $4.5 trillion debt, the figure on the clock, will begin diminishing in the next few months. That number includes debt that the Government owes to itself, mostly to the Social Security system.

The more important figure—debt that the Government owes individual investors, companies and governments around the world—has actually been in decline for two years. How much it can be reduced in 15 years is far more problematic, dependent on a huge range of economic assumptions—chiefly the growth rate of the national economy—that, given the inexact nature of such things, are most likely subject to major revision.

But even if the United States could pay off all its debt in the next 15 years, many economists and some Government officials say that might not be as great as it sounds. Although huge debts in the 1980's and early 1990's when the Government ran up huge annual deficits, were a tremendous drag on the economy, a bit of national debt may be a good thing.

"It's almost hard to imagine what this country would be like debt-free," said Alan Sinai, the chief economist of Primark Decision Systems, an economic consulting group. "But while no politician would want to admit it, the optimal debt for the United States is probably not zero. What that optimal level should be, though—now that's a subject for a real national debate."

Without question, reducing the debt creates a host of advantages for the United States. As the Treasury tames its appetite for borrowed money, it no longer competes with homeowners looking for mortgages, for example, or companies seeking to raise money. As a result, interest rates have more room to fall.

And as the debt declines—Mr. Clinton's projections show that it will fall below $3 trillion in 2005, and below $2 trillion in 2009—the amount of interest the Government pays each year goes down substantially, freeing up even more cash, while raising the national savings rate. That, in turn, helps to compensate for the free-spending ways of American consumers, who in these boom times are barely saving.

"That may be the biggest single advantage," one of Mr. Clinton's senior economic advisers said toady.

But a debt-free United States might create a more complex, and some say riskier, financial landscape worldwide.

For international investors, there is no safer place to put money than United States Treasury bonds. When the Asian economic crisis hit in 1997, and accelerated last year after the collapse of the Russian economy, investors around the world put their assets into United States Treasuries. These investments help make the dollar the world's most popular "reserve currency," the money other governments hold for economic security in their central banks. And they give the United States subtle but significant economic clout around the world.

If the Government stops long/term borrowing, the money that becomes available may stay in the United States, invested, say, in mortgages or corporate debt. But if investors do not have the security of investing in United States Treasuries, they may be less interested in holding their cash in dollars, and that could affect the dollar's value on world markets.

Investors could put their money in another country's treasury bonds—say those issued by the new European Central Bank or the Bank of Japan. But that requires taking a bet on the future of European and Japanese currencies, adding a significant risk to the investment.

Whether any of this happens depends on a series of assumptions. The chief one is the future of the American economy. Mr. Clinton's projections, released today, assume that the American economy will grow between 2.1 percent and 2.6 percent a year for the next 15 years. The Administration made similar bets for the past seven years, and it was wrong every time. But the surprise was pleasant: the economy expanded far faster, and for far longer, than even the most optimistic Government projections.

The risk is that future errors could be in the opposite direction. That is what happened to Japan, which assumed that the successes of the 1980's would extend into the 1990's. It was the blunder of the decade, and Japan is mounting a huge debt as it tries to spend its way out of seven-year recession.

"These are difficult projections to make for even the next year or two," Mr. Sinai said today, "And even more difficult for beyond that." and the risk is accentuated because most of the paydown of the debt is to occur between 2010 and 2015, allowing plenty of time for economic and political miscalculation or happenstance.

On the other hand, the Government is closer to paying off the debts that really matter than even Mr. Clinton indicated today. While the debt clock reads $5.6 trillion, the figure that kicks around the United States Treasury is less than half that: $2.77 trillion, when the amount of debt held by the Federal and state governments and the Federal Reserve is subtracted. Under the President's projections, that debt will be paid off around 2011.

Mr. FITZGERALD. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—Continued

AMENDMENT NO. 1123, AS MODIFIED

Mr. WELLSTONE. Mr. President, I will shortly send a modified amendment to the desk. In the time I have, let me speak on a topic I think is related to this bill.

Mr. LEAHY. Will the Senator from Minnesota yield? I have been advised by Senator MCCONNELL's staff this has been cleared, the modification has been cleared. If the Senator from Minnesota wishes to send it to the desk we can have it accepted.

Mr. WELLSTONE. I send my modified amendment No. 1123 to the desk.

The PRESIDING OFFICER. The amendment is modified.

The amendment (No. 1123), as modified, is as follows:

On page 128, between lines 13 and 14, insert the following new title:

TITLE—INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN VICTIM PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the "International Trafficking of Women and Children Victim Reporting Act of 1999".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The worldwide trafficking of persons has a disproportionate impact on women and girls and has been and continues to be condemned by the international community as a violation of fundamental human rights.

(2) The fastest growing international trafficking business is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

(3) Trafficked women and children, girls and boys, are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will.

(4) The President, the First Lady, the Secretary of State, the President's Interagency Council on Women, and the Agency for International Development have all identified trafficking in women as a significant problem.

(5) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(6) The United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1998 calling upon all governments to criminalize trafficking in women and girls in all its forms and to penalize all those offenders involved, while ensuring that the victims of these practices are not penalized.

(7) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

SEC. 03. PURPOSES.

The purposes of this title are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by authorizing an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

SEC. 04. DEFINITIONS.

In this title:

(1) TRAFFICKING.—The term "trafficking" means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(2) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means any person subjected to the treatment described in paragraph (2).

SEC. 05. ANNUAL REPORT TO CONGRESS.

Not later than March 1, 2000, the Secretary of State shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(c) REPORTING STANDARDS AND INVESTIGATIONS.—

(1) RESPONSIBILITY OF THE SECRETARY OF STATE.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the Human Rights Report and the Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 06. PROTECTION OF TRAFFICKING VICTIMS.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1123), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. I ask unanimous consent it be in order the Senator from Rhode Island be recognized for the 5 minutes prior to my recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

AMENDMENT NO. 1118

Mr. REED. Mr. President, I thank the distinguished Senator from Vermont for his graciousness in allowing me to speak. I rise today to express my opposition to the Brownback amendment which would implement the Silk Road Strategy Act of 1999. I urge my colleagues to support the second-degree amendment offered by Senators MCCONNELL, ABRAHAM, and SARBANES. I am also a cosponsor of the second-degree amendment.

The purpose of Senator BROWNBACK's amendment is appropriate, in the sense he wants to provide assistance to integrate the Caucasus, provide more cooperation and collaboration between these countries. But what we have seen over the last several decades, really, has been the resistance, particularly by the Government of Azerbaijan and the Government of Turkey, to a cooperative and collaborative relationship with the Government of Armenia. That is a polite way of saying they have been blockading Armenia for many years.

In response to that blockade, we have passed, I think wisely, legislation in this Congress and preceding Congresses to prevent our cooperation with these countries unless they lift the blockade. It has been the only real way we have been able to put leverage upon the governments of Turkey and Azerbaijan to recognize that a dialog, cooperation, collaboration, and regional harmony is necessary.

The interesting and ironic point at this juncture is that our strategy seems to be working because for the first time, in the context of the NATO meetings here in Washington just a few weeks ago, the President of Armenia and the President of Azerbaijan had face-to-face meetings.

Up until that time, the Azeris refused to even recognize, really, the Government of Yerevan to have a constructive dialog. Now at the point where we are making progress, where we have a dialog initiated by the Azeris and the Armenians, we are attempting to undercut that progress with this amendment which will essentially take all the pressure off both the Azeris and the Turks in terms of their relationship with Armenia and, in particular, the region of Nagorno-Karabakh.

Nagorno-Karabakh has been for generations an area of concentrated Armenian population but under the control of Azerbaijan. In 1988, Nagorno-Karabakh seceded from Azerbaijan. There was warfare. Mercifully, the warfare has ceased, but this is still a festering point among the three countries—Nagorno-Karabakh, Armenia, and Azerbaijan.

Again, if we are to make progress on this very critical issue, the issue of Nagorno-Karabakh, the issue of the general relationship among Armenia and its neighbors, Azerbaijan and Turkey, now is not the time to take off the one piece of leverage, section 907, which is giving the Azeris an incentive to go to the table, sit down, and talk and collaborate.

I have had the privilege and the opportunity to travel to Armenia and to Nagorno-Karabakh. There is a sincere willingness to seek an understanding, to seek a cooperative arrangement with the Azeris, with the Turks. But that cannot happen unless there is a dialog.

The dialog has started, but my fear is that if we adopt this measure, proposed with every good intention by the Senator from Kansas, we will undercut the progress we have made. We will send a strong message to the Azeris that they do not have to do anything, they do not have to talk to the Armenians, they do not have to do anything, because they now are unrestricted in terms of their type of diplomatic initiatives.

It will be terribly unfortunate, and it will essentially undercut the motivation which I believe is compelling and moving this underlying amendment of the Senator from Kansas forward: the notion of regional dialog, regional cooperation, regional collaboration.

I urge my colleagues to support the amendment proposed by the Senator from Kentucky, because that is the only way we are going to keep both the Azeris and the Armenians at the table. We know from a long sweep of history, if two nations are talking, then there is hope. Once the dialog is over—and it will end if section 907 is repealed—we are going to see a much more hostile and threatening environment in the Caucasus, one which will not only impact our relationship but also will be a threat to the stability of that region.

I thank and commend the Senator from Kentucky, the Senator from Maryland, Mr. SARBANES, Senator ABRAHAM from Michigan, and those who are standing up and saying, now that we are making progress, now that we finally have a dialog between the President of Azerbaijan and the President of Armenia, do not take away the motivation for that dialog; let's continue to talk; let's continue to work for peace in this area.

I yield back any time to the Senator from Vermont.

Mr. MCCONNELL. Mr. President, I thank the Senator from Rhode Island for his comments. We appreciate his support on this most important amendment. We certainly hope the Senate will approve the second-degree amendment.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1123, AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order for the Senator from Minnesota to further modify his amendment, which was adopted just a few minutes ago.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be so modified.

Mr. WELLSTONE. I send the modification to the desk. I thank both Senator LEAHY and Senator MCCONNELL for their support. This is the first time we are going to have such a report. It is going to be very important to the human rights community and the law enforcement community. It will have a stigmatizing effect on countries involved in this, and it is going to make a huge difference from the point of human rights.

The amendment (No. 1123), as further modified, is as follows:

On page 128, between lines 13 and 14, insert the following new title:

TITLE—INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN VICTIM PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the "International Trafficking of Women and Children Victim Reporting Act of 1999".

SEC. 02. PURPOSES.

The purposes of this title are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by requiring an annual report including the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators.

SEC. 03. DEFINITIONS.

In this title:

(1) TRAFFICKING.—The term "trafficking" means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(2) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means any person subjected to the treatment described in paragraph (2).

SEC. 04. ANNUAL REPORT TO CONGRESS.

(a) Not later than March 1, 2000, the Secretary of State, shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(b) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the State Departments Annual Human Rights Report and the report referred to in subsection (a), United States mission personnel shall consult with human rights and other appropriate nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 06. PROTECTION OF TRAFFICKING VICTIMS.

The PRESIDING OFFICER. The Senator from Vermont.

JUVENILE JUSTICE BILL

Mr. LEAHY. Mr. President, we have an adage: Where there is a will, there is a way. Often that seems to embody how legislation is passed by this Congress. Of course the question always is what is the will, and what is the way? We should look no further than the priority being put on two separate pieces of legislation: S. 254, the juvenile justice bill, and H.R. 775, the Y2K bill. If one looks at that, one sees how the will and the way work around here.

The Hatch-Leahy juvenile justice bill, S. 254, passed the Senate after 2 weeks of open debate, after a number of votes, and after significant improvements on May 20. The Senate passed it by a strong bipartisan vote of 73–25.

On June 17, the other body passed its version of this legislation but chose not to take up the Senate bill and insert its language, which is the standard practice. Nor has the Republican leadership in the House made any effort to seek a House-Senate conference or appoint conferees.

When there are differences in legislation passed by each House, the normal order is for House and Senate conferees to work these differences out in conference, but we cannot do that unless they appoint conferees.

The majority in the other body is taking a break even before our July 4 recess. They are taking no steps to proceed to conference on the juvenile justice bill or toward the appointment of conferees. Indeed, despite statements by the Speaker of the House earlier this week, the House majority leader is now reported to be planning to delay the completion of this bill for months. This delay is costing us valuable time in getting this juvenile justice legislation enacted before school resumes this fall. This is just plain wrong.

Every parent in this country is concerned this summer about school violence over the last two years and worried about the situation they will confront this fall. Each one of us wants to do something to stop this violence. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. It is unfortunate that the majority is not moving full speed ahead to seize this opportunity to act on balanced, effective juvenile justice legislation.

We should not repeat the delays that happened in the last Congress on the juvenile justice legislation. In the 105th Congress, the Senate Judiciary Committee reported juvenile justice legislation in July 1997, but it was then left to languish for over a year until the very end of that Congress. In fact, serious efforts to make improvements to this bill did not even occur until the last weeks of that Congress, when it was too late and we ran out of time.

The experience of the last Congress causes me to be wary of this delay in action on the juvenile justice legislation this year. I want to be assured that a House-Senate conference on this legislation is fair, full, and productive.

At the end of the last Congress, the majority staged what appeared to be a procedural ambush to move a one-sided bill forward in a way that precluded full and open debate and amendment. I certainly hope that the current delay in action on this year's juvenile crime bill is not an attempt to concoct another procedure ambush.

We have worked hard in the Senate for a strong bipartisan juvenile justice bill. I will be vigilant in working to maintain this bipartisanship and to press for action on this important legislation. We know if we have the will, there is a way.

Mr. SCHUMER. Will the Senator from Vermont yield for a question?

Mr. LEAHY. I yield without losing my right to the floor.

Mr. SCHUMER. I thank the ranking member on the Judiciary Committee. I could not agree more with his remarks. We worked hard on this bill. We deserve for it to be heard. We do not deserve—the American people do not deserve—for it to be shoved under a carpet to pop out sometime unknown perhaps when it cannot be debated.

I ask the Senator this question: Does it seem unreasonable, given his years of experience in the Senate—and I know we worked on criminal justice matters when I was in the House—does it seem unreasonable for us to have a goal, for the American people to sort of set the goal, or agree with us in the goal, that the juvenile justice bill, including provisions such as closing the gun show loophole, which this body passed, be on the President's desk by the day school resumes, by Labor Day of next September? Does that seem to be a reasonable timetable and a reasonable request for people who are interested in debating the issues and seeing that we do something to close the gun show loophole?

Mr. LEAHY. Mr. President, I say to my friend from New York, it is reasonable to move forward on it. These are issues the American people care about. They do care about the gun show loopholes on gun sales, certainly after the tragedy of Columbine. They do care about a number of the issues that are in the juvenile justice bill. The Senate reflected that by passing it 73–25. This is a 3-to-1 vote in the Senate.

I say to my friend from New York, when he served in the other body, he and I were on a number of conference committees together. We knew we would have major criminal justice bills come in one distinct form from the Senate and one distinct form from the House, but we moved quickly in the conferences, sometimes going all night long. In fact, I can remember a couple that went all night long, 2 or 3 nights in a row, to complete our work because we knew we were dealing with criminal justice matters, matters about which the American people have great concern. But we did it.

So I say to my friend from New York, in answer to his question, that this is wrong. This is wrong that we are not moving forward to immediately conference the Hatch-Leahy juvenile justice bill.

Mr. SCHUMER. I thank the Senator.

Mr. LEAHY. I thank the Senator from New York for his concern and his leadership on these matters. He was one of the leaders—in fact, oftentimes on the floor he was the leader—on these issues, including closing gun loopholes. I was looking forward to, and am looking forward to, his expertise and his work when we do get to conference. He and I are ready to go to conference. I am prepared to have him in there to help me in that conference, because these are major issues.

But at some time or another the American people expect us to vote one way or the other. Some Senators will vote against our position. Some House Members will vote against our position. Some will vote for it. I do not ascribe motives to them, but I say, that you either vote for or against something. You do not vote maybe. And the Congress is being forced to vote maybe.

This is a sharp contrast to the pace of action on the Y2K bill. The Y2K bill provides special legal protections to businesses. After earlier action in the House on H.R. 775, the Y2K liability limitations bill passed the Senate on June 15, 1999. That was about 1 month after the Senate passed the Hatch-Leahy juvenile justice bill.

On June 16, the day after Senate action on the Y2K bill, the Senate asked for a House-Senate conference and appointed conferees. In fact, I am one of them. The House responded by agreeing to the conference and appointed its conferees a few days later, on June 24. Then we immediately went to conference. The conference met that same day, the same day the House appointed its conferees.

After a weekend break for extensive negotiations with the White House, the conference report on the Y2K liability limitations bill was filed yesterday, June 29. I expect the House and Senate will be taking up the conference report almost immediately, and the Y2K liability limitations bill will probably see final passage this week.

It is interesting that this is a business-lobbied-for issue and that thing zips through here; it zips through here at warp speed. I can almost see the legislative clerk saying: We want warp 5, Scottie. And, by golly, we are going to have it.

I should also note, this Y2K liability limitations bill is industry's second bite at the apple to gain protections against liability to customers and consumers. If all goes as expected, in less than a year's time, big business will have successfully lobbied for the passage of two major pieces of legislation to protect themselves against any accountability for actions or losses their products may cause to consumers.

Last year, I joined with Senator HATCH to introduce and pass into law a consensus bill known as the Year 2000 Information and Readiness Disclosure Act. This legislation passed both the House and the Senate by unanimous consent on October 8, 1998. When we took this action, requested last year, we acted in good faith, we acted in recognition of the fears of industry, but we did it in a balanced way that continued to protect consumers and the rights of all Americans. The House and Senate accepted that unanimously, and the White House signed it.

Notwithstanding that bipartisan piece of legislation, notwithstanding the unanimity we sought, we see this year where business fears are being reconstituted for the basis of greater and greater demands for special legal protections for potential Y2K defendants. Special business interests have come back to Congress with new demands, and there has been swift action.

But by contrast to this swift action to help business by limiting their potential liability in the Y2K bill at the expense of American consumers, in contrast to jumping immediately to do whatever the business lobby wanted, we find now that those who should be appointing conferees in the House are not doing that, they are dragging their feet on moving to appoint conferees on the juvenile justice bill.

The juvenile justice bill is not designed as a protection to businesses that may have made mistakes in the computers they sell to people. No. The juvenile justice bill is intended to make a difference in the lives of our children and our families. I guess children and families do not have the power and the lobbying clout that some of these major businesses do. I guess they do not have PACs. They do not give major contributions. They do not go to the big fundraisers. All they are, are families trying to raise their children and send them to school safely; so the House majority is not going to move rapidly on a juvenile justice bill.

As Senators, as House Members, as human beings, that should have been our No. 1 priority. We should have brought this to conference. We should have concluded it by now so that the new programs and protections for schoolchildren could be in place when school resumes this fall. At the rate we are going, we guarantee that children will be going back to school without the protections that three-quarters of the Members of the Senate, Democrats and Republicans alike, voted for; we guarantee that the promise we held out here in the Senate to protect the children who have to go to school, to protect their families, to protect this country, the promise we held out to them is a hollow promise, because the House of Representatives, and their leadership, the Speaker and the majority leader, are saying: We're not going to get to this bill; we're not going to have conferees.

Mr. KENNEDY. Will the Senator yield?

Mr. LEAHY. Yes, for a question, or I will lose my right to the floor.

Mr. KENNEDY. I have listened carefully to what the Senator has said. I must say, I am in total agreement with the Senator.

As I understand the parliamentary situation, rather than follow the usual procedure, where we have legislation that has passed the House and the Senate, and then we go to the conference, and then the conference comes back and we have an opportunity to evaluate what was in the conference, but then we have at least some resolution to the issue, this process and this parliamentary gymnastics, which the leadership on both sides, evidently, were a part of, effectively, as I understand what the Senator is saying, if I understand the parliamentary situation, basically undermines in a very significant and important way the work that was done here in the Senate in terms of trying to help families deal with the problems of violence in their communities, violence in their schools, and also to deal with the law enforcement issue in terms of the gun show loophole.

I believe I am correct, am I not, in understanding what the Senator has represented here this afternoon? Am I correct?

Mr. LEAHY. The Senator from Massachusetts is absolutely right. The Senator from Massachusetts, of course, is one of those who was on the floor day after day, hour after hour, helping us craft this bill and getting it through. A former chairman of the Judiciary Committee, he has been a leader on juvenile justice issues for the better part of four decades. We greatly appreciate all that he contributes each day and all that he contributed again this year to the Senate juvenile justice bill that we were able to pass with such a strong bipartisan majority.

The Senator from Massachusetts, from his experience—longer experience than I have had in this body—is aware that when we have had these major pieces of criminal justice or juvenile justice legislation or any major justice legislation, we have gone to conference and we have worked out the differences. He also knows, as I do, if we refuse to do that, it, in effect, kills legislation—legislation that passed here in a bipartisan fashion. I share the concerns that the Senator from Massachusetts has.

Mr. KENNEDY. I am just wondering if the Senator could give us some insight. It took us 9 days to work out an agreement with the Republican leadership in order to permit the Senate to consider what we know as the Patients' Bill of Rights when we return from the Fourth of July recess, to dispose of that. What we saw during that time was every type of parliamentary maneuver in order to deny the will of the Senate on that particular issue.

Now we have, as a result of the leadership, both the majority and minority leadership, an opportunity to address those issues when we return.

It seems to me we are seeing a similar effort by the leadership to deny the Senate the ability to express itself on an issue that is affecting children, an issue affecting violence in our schools and our local communities. Effectively, the rules of the Senate are being used in order to deny the Senate the reasonable chance to express itself.

Is that basically the bottom line, when all is said and done; we are seeing a parliamentary maneuver to try and effectively undermine what has been the considered judgment of this body? We are being put back, effectively, to ground zero in terms of this issue?

Mr. LEAHY. The Senator from Massachusetts is absolutely right. Unlike the Y2K bill and other things, where there is a rush to complete congressional action on it, this is something where it appears, especially in the other body, that the parents and the children of this country do not have a voice. No matter what other legislative issues are going on, the conference could have been meeting if the House had just proceeded to take the normal steps needed and appointed conferees.

The majority leader of the House of Representatives has said they are not going to appoint conferees, certainly not any time in the near future. We have been ready to go forward at any time, the members of the Senate Judiciary Committee. But if there are not going to be conferees, this bill is in limbo.

So you had the hopes of the parents of this country, the hopes that the schoolchildren had following the passage by the Senate of a good juvenile justice bill, that maybe we are coming to grips on at least some aspects of juvenile violence. Those hopes are dashed because when the matter is finally taken up by the other body, they say: Wait a minute, we don't have to have any votes on this.

I am privileged to participate in legislative action on the floor of the Senate. We Senators ought to run the Senate, not a powerful lobby. I say the same to the other body. They ought to stand up and speak for their constituents and not become mouthpieces for a powerful lobby, but that is what has happened.

Mr. KENNEDY. I thank the Senator. I see on the floor our friend and colleague from New Jersey, Senator LAUTENBERG, who made a gallant fight on the floor of the Senate in terms of reducing the availability and the accessibility of guns to children in this country and also to those of the criminal element. It was a hard-fought battle. The Senate expressed its will. That is the way this body should act.

Now, with a parliamentary maneuver, the leadership that was strongly opposed to those provisions has been basically able, at least for the time being, to undermine what has been debated, discussed, and acted on here in the Senate.

I thank the Senator from Vermont for bringing this matter to our attention. I thank, again, the Senator from New Jersey and the Senator from California, both of whom I am sure share our frustration with this parliamentary maneuver.

I think at some time in the Senate, a body that has a very proud tradition of permitting people to express their judgment and to make a determination to deal with public business, at some time we are going to learn the lesson that you can't constantly undermine what is the regular order, which is the reason why this body was established; that is, for Senators to be able to express their will. I think we are seeing another way and means of corrupting the purpose that the Founding Fathers intended. I think it is enormously regrettable.

I assure the Senator from Vermont, we will work very closely with him to try to remedy this situation in any way that we can. I thank the Senator from Vermont.

Mr. LEAHY. Mr. President, I totally concur with what the distinguished senior Senator from Massachusetts has said. He was a leader who worked with us to design the Senate-passed bill.

All of us, whether we are parents or grandparents or teachers or policymakers, we are puzzling over the causes of children turning violent in this country. We know that the root causes are likely multifaceted. We know there is no one cause. There is no one magic solution.

I believe the Hatch-Leahy juvenile justice bill is a firm and significant step in the right direction. The passage of that bill showed that when Senators roll up their sleeves and get to work, we can make significant progress. And we did. Senators were on the floor, they were in conferences in the cloakroom and off the floor. We worked extremely hard to come together. We had some false steps at the beginning, but we finally came together when we passed a piece of legislation 73 to 25.

That took a lot of work. We had conservatives and liberals and moderates holding hands on a number of issues to make it work because we cared about the children of this country. That progress does not do any good if the House and Senate do not come together in a conference.

I yield for a question to my friend from California.

Mrs. BOXER. I thank the Senator from Vermont for his leadership on the juvenile justice bill, all parts of it. I see the Senator from New Jersey has come to engage also in some conversation.

I ask the Senator from Vermont, because when you read a book that says how a bill becomes a law, it seems very simple in many ways. It says a bill passes the Senate or the House. Then it goes to the second House. If it started in the House, it goes to the Senate. Then there is a conference where the differences are ironed out. Then the bill goes over to the President.

When we passed this bill—and my friend pointed out the overwhelming margin with which it was passed—the country really celebrated because for the first time in a long time we passed some sensible laws.

The question that I have for my friend is as follows: After the Senate walked hand in hand, people on both sides of the aisle, to an overwhelming vote, with three-quarters of the Senate voting to pass this juvenile justice bill, which included the Lautenberg amendment that closed the gun show loopholes—we remember that it was very close; the Vice President cast the tying vote—the people of this country were very relieved. At least they certainly were in California. They said: Thank goodness you are doing something relevant. They assumed we were making progress.

Then the bill goes over to the House, and as I remember it—and I would like the Senator from Vermont to tell me if I am correct on this—no sensible gun control was passed at all. Everything was killed. What remained was just the part that dealt with juvenile justice, not the part that talked about sensible gun laws because they separated those out.

If we are to have any closing of the gun show loophole that Senator LAUTENBERG fought so hard for, that the Vice President came over here to cast the tie-breaking vote for, which says, yes, we will do background checks to make sure that felons don't get guns and people with mental illness don't get guns and children don't get guns, we want that, the only hope, is it not so, lies in a conference where the Senate bill will be presented side by side with the House bill and the conversation will proceed and we will come up with a bill?

By not appointing conferees, is my friend implying that at the moment it means zero progress on this whole issue of juvenile justice and sensible gun laws and, perhaps, if it continues long enough, when the kids go back to school they will have no benefit from this fine bill? Is that what my friend is saying—that this is another way to at least temporarily kill this bill?

Mr. LEAHY. The Senator from California is correct. She has described the bill very well, as she always does, and where we are in the legislative process. She has had both a distinguished career in the other body and here. She understands what has happened.

It was not an easy thing passing the Hatch-Leahy juvenile justice bill here in the Senate. We had a very difficult time. It evolved. But interestingly enough—and I have been here 25 years—I have rarely seen an occasion where the American public became involved and more fully aware of what was happening.

I must say, initially, much of the news media did not even cover it. The American people became aware through C-SPAN and through all the discussions on the Internet and through the radio. And then, more and more, they realized what was happening and what was at stake.

I do not know how many people are aware of this discussion we are having right now. I will guarantee you that it will be on web sites and on the Internet, though, because the American public is concerned about this.

The Senator from California, the Senator from New Jersey, and others, will remember that as calls started coming into Senators' offices, the debate started shifting. This was one of those all too rare occasions where the American public went beyond having the debate interpreted for them and started watching what was actually happening in the debate and contributing and participating themselves.

The Hatch-Leahy legislation passed because the American people were paying attention and because they were concerned, and votes started changing, positions started changing. That is why this body came together by a 3-to-1 vote and passed the Hatch-Leahy legislation, a good piece of juvenile justice legislation, because the American people paid attention and knew something could be done.

Now it has been blocked in the other body. Why? Perhaps because that is the only way this legislation can be stopped—it won't be stopped by a vote in the Senate. Senators have said how they will vote. The only way it can be stopped is if the other body refuses to bring it up, and the way they refuse to bring it up is by refusing to appoint conferees.

(Mr. BUNNING assumed the Chair.)

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. LEAHY. Certainly.

Mr. LAUTENBERG. I know that the Senator from Vermont very much shares this view, despite the fact that gun ownership is a popular thing in the State of Vermont where a lot of people hunt and a lot of people collect guns. But I believe it is fair to say, is it not, that in the State of Vermont, despite the abundant number of guns you have there, violent crime is a relatively small factor? Is that the case?

Mr. LEAHY. The Senator from New Jersey is right.

Mr. LAUTENBERG. Therefore, does Vermont have laws that require review of applications to buy guns and require people to get permits to buy guns?

Mr. LEAHY. No, other than the Federal law, the Brady law.

Mr. LAUTENBERG. The Federal law. So they are in adherence, obviously, to the Federal law?

Mr. LEAHY. That is right.

Mr. LAUTENBERG. I wonder if the Senator is aware of the fact that we had a long struggle, which the Senator from Vermont and I participated in, to get the Brady law into place and to try to retain the review of applicants to buy guns, to be continued under the national instant check system. I wonder if the Senator has seen the pieces recently about the fact that the FBI, even with a 3-day business period available to them, does not have enough time to control every one of the decisions that is made to enable someone to buy a gun.

Mr. LEAHY. I have seen that, and I have seen the results in some places where those who should not get guns have gotten them because there has not been enough time to make the checks.

Mr. LAUTENBERG. I know the Senator keeps abreast of things, especially affecting justice, especially affecting juveniles. I inquire of the Senator as to whether or not he knows that where more than 1,700 guns, gun purchases, were denied to prohibited buyers, unstable felons and criminals have been allowed to buy guns because they were unable to thoroughly check the backgrounds before the guns were sold. Is the Senator aware of that?

Mr. LEAHY. No. But I am aware of the fact that the Senator from New Jersey is one of the experts on this issue. He has studied it as much or more than any other person in this body. If he says those are the numbers, I am willing to accept them.

Mr. LAUTENBERG. I appreciate that. I don't know whether the Senator is further aware that since the Brady bill was put into place in March of 1994, over 400,000 illegal gun sales have been blocked—over 400,000 illegal gun sales have been blocked as a result of the Brady bill being in place.

Mr. LEAHY. I was aware of that number. It is a very significant number.

Mr. LAUTENBERG. The Senator is aware, I am sure, that I had the privilege of authoring the domestic violence prohibition for guns to be available to those who had been convicted of misdemeanors, in marital and home disputes. Over 13,000 gun permits have been denied under the law that I authored at the end of 1996, which kept those people from being able to buy guns. I don't know if the Senator is aware of the extent of that number, but it is 13,000.

The fact of the matter is that, in conjunction with that, we know that roughly 150,000 times a year a gun is put to a woman's head in front of her children, or in the privacy of a discussion between the two of them, and the threat is made: I will blow your head off.

Is the Senator aware of the fact that there are forces at play here that refuse to permit us to have sensible gun violence control? I didn't say gun control; I said gun violence control.

Mr. LEAHY. I say to the Senator from New Jersey, apparently those forces, at least at this point, have succeeded in the other body, and that is why we are not having conferees appointed and proceeding to a prompt conference, because they know if there were a conference and if the public responds as it did during the debate on the Hatch-Leahy bill originally, that conference may pass out legislation that they might not like, especially as it relates to controlling gun violence. I think that is one of the reasons why we have not seen that.

Mr. LAUTENBERG. I ask the Senator this question. The Senator from Vermont has had abundant experience as a prosecutor in the law since he was able to start his profession, the distinguished career in the Senate.

What will it take, in the Senator's mind, to finally say to the American public that we get your message? We understand that you want to protect your children. And while people have the right to bear arms, people have the right to bear children and send them to school hoping and believing that they are going to get home safely. When, I ask the Senator, does he think that message will get through these, I will call them "hollow halls," so that people will believe that they can send their children or their loved ones to the workplace or to school or to the streets without being gunned down by someone who shouldn't have a gun?

Mr. LEAHY. It will only come, I say to my friend from New Jersey, when we realize that our children and our families are far more precious to us than votes or campaign contributions. The Senator from Vermont was long ago clear on that point. My wife, my children—my family—are far more important to me than any votes, any office, any lobbyist, any pressure, any favors, any campaign contributions, or anything else. I think most families in this country feel the same way—that the family is the most precious thing possible to them.

In this body we passed legislation that might protect those families. We see the response on the other side of the Capitol of symbolism instead of substance, of speeches or feel-good solutions. We cast the tough votes here. The Senator from New Jersey made sure that we did.

On this issue especially, can we not stand up and say our families are more important, our children are more important, our grandchildren are more important, and all of that is more important than a powerful lobby?

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Utah, the chairman of the Judiciary Committee, a coauthor of the Hatch-Leahy-Biden-Sessions-Feinstein juvenile justice bill on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. I have been very intrigued and interested in the remarks that have been made. I just want everybody to know that I want to go to conference on this bill.

The Hatch-Leahy-Biden-Sessions-Feinstein bill is a very important bill. We all know it. We all know it is important. We all know that we need to pass it this year.

Let me just say this: Leadership will, in my opinion, appoint conferees in July because I believe we have to do this.

I met just this week with leaders in both the House and the Senate—the majority leader in the Senate and the Speaker of the House. I know the intention is to appoint conferees and to have this matter resolved. My hope is that we will pass a conference report before the August recess.

No one wants this bill more than I do. It is an important bill.

To hear some of my colleagues speak, though, you would think that 99 percent of this bill is a gun control bill. I would say that a very small part of it involves guns, and the rest of it addresses in a serious way the very important issues we must confront regarding juvenile violence and juvenile justice. These are the truly critical parts of this bill.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HATCH. I would be happy to yield.

Mr. LEAHY. Mr. President, I agree with the point that the Senator from Utah has made. There are an awful lot of things in the Senate-passed bill besides guns. There are some very major changes in the handling of juvenile crimes, especially juvenile violent crimes, and matters relating to the relationship between the Federal Government and State governments. There are some very significant things that should not be overlooked and will be a part of the debate.

I was wondering if the Senator from Utah knows when the other body will appoint conferees and how quickly we might appoint conferees?

Mr. HATCH. My feeling is that they will appoint conferees in July—both leaders of the House and the Senate, the floor leaders—perhaps prior to the recess. My goal is to have this conference report voted on before we go out on the August recess; if not, then as soon as we can after we get back, but I hope before the August recess.

Mr. LEAHY. I also hope, I might add—and I will not interrupt the Senator again—that we are able to come to a conclusion and agreement on legislation that can be signed into law prior to the beginning of the school year.

Mr. HATCH. It would be great if we could do that. That is my goal.

I thank my colleague for being willing to stand up on that point with me.

I voted against the Lautenberg amendment. I voted against it twice. Neither of those votes on Lautenberg won a majority of the Senate. But it finally passed with the tie-breaking vote of Vice President GORE.

Still, I voted for the final bill. I have repeatedly made clear my desire to pass this bill. This is not an empty exercise for me. This is an important bill. So there is no question about that.

Let me just say this: We have had a lot of crying, moaning, and groaning about background checks at gun shows.

Let's just stop and think about it. If we had not had Brady, which required a 5-day waiting period, if we had not had this new demand for a 3-day waiting period, we could have already had a responsible system in place. We spent so much time on 3- to 5-day waiting periods that we haven't gotten the instant check system in place throughout the country. In other words, we haven't concentrated enough efforts on implementing the one thing that will really help us to identify and weed out the felons and others who are disqualified to purchase guns in the first place.

Some would rather concentrate their efforts on this phony waiting period issue than address the real problem of identifying those who aren't allowed to own a firearm. The reason they would rather address the phony issue of a 3-day waiting period at gun shows is because gun shows only take place for 3 days. If you have a 3-day delay, it means basically there won't be any more gun shows.

What does that mean? This is pretty important stuff.

If you do not have the gun shows where legitimate, private sellers of guns can come and sell their weapons with appropriate background checks, which everybody in this body is willing to do—I have led the fight to do it—if you do not allow that to happen, then the private sellers of weapons are going to go into the streets, and those guns will all be sold on what will then be a much larger black market for guns.

We have that already in our society. We ought to minimize it. The best way to do it is to have legitimate gun shows. There are some 4,000 of them in this country—legitimate gun shows where we have legitimate background checks that are done within a 24-hour period. And that will never happen as long as we keep playing political games, and seeking the political advantage that some people think they get by talking about 1 day, 2 days, or 3 day waiting periods.

The key is to get an effective instant check system in place so we absolutely instantly can tell whether the purchaser of this weapon is somebody who is legitimately entitled to purchase the weapon.

Having said all of that, having made it very clear that we intend to have conferees on this matter and that we intend to put this matter to bed, hopefully before the August recess, a lot depends on cooperation from the other side.

As we know, we have lost a week and a half because of delays on the other side because they want their legislation considered on their terms, regardless of how important the appropriations bills are. We have had interference after interference on getting the work of the Senate done.

And as important as all of that is, I think it is important that the American people know that the juvenile justice bill is about a lot more than guns. That is a minuscule part of the bill. We are talking about prevention and enforcement and assistance to local and State governments.

S. 254, the Senate-passed bill, provides an infusion of funds to State and local authorities to combat juvenile crime.

S. 254 provides approximately $1.1 billion annually to fight juvenile crime and prevent juvenile delinquency.

We have $500 million for a juvenile accountability incentive block grant.

States can use this grant to implement graduated sentencing sanctions which intervene early with appropriate penalties, so that at the first signs of delinquent or antisocial behavior take firm steps to get these kids back on the right track. They can build detention facilities for juvenile offenders, test juvenile offenders for drugs upon arrest, and require juvenile offenders to complete school or vocational training, among other reforms.

S. 254 provides a 25-percent earmark of the juvenile accountability block grant for drug treatment, school counseling, and crime prevention. These are important, significant grants. They far supersede this almost feckless debate about guns.

The Hatch-Leahy amendment provides $50 million for the States for juvenile judges, public defenders, and probation officers to reduce the backlog of juvenile cases. That is important. The juvenile Brady provision, which prohibits juveniles who commit a violent crime or serious drug felony as a juvenile from ever being able to buy a gun thereafter, is something almost everybody agrees with. We had it in the bill to begin with. We didn't need those on the far left who hate guns and who want gun control to tell us what to do in these matters.

There is $75 million annually to help States upgrade juvenile felony records and provide school officials access to such juvenile felony records in appropriate circumstances. This may be the most important reform in the bill, because it gets these records to the police and prosecutors and judges who need the information to appropriately deal with repeat offenders.

There is $435 million annually to the States for programs to prevent kids from getting into crime. Some of these are specifically targeted towards gangs in school. This is far more important than all of this harping about guns.

There is $40 million to assess the effectiveness of youth crime and drug prevention efforts; a 3-year, $45 million demonstration project to provide alternative education to at-risk or problem juveniles; and an extension of the violent crime reduction trust fund through 2005, to ensure adequate funding for the administration of justice programs.

In S. 254, the Senate-passed bill takes action to empower parents, the entertainment industry, and the general public to limit the exposure of children to violence. Specifically, this bill includes important provisions for the enforcement of industry rating systems.

The Hatch-Brownback amendment—and I commend my distinguished colleague from Kansas for his leadership—to S. 254, which passed overwhelmingly, provides the entertainment industry with limited exemption from the antitrust laws. This provides the motion picture, recording, and video game industries the freedom to develop and enforce voluntary standards and enforcement mechanisms without fear of antitrust liability or government regulation. The Brownback-Hatch amendment allows the appropriate industries to enter into joint discussions, consideration, and agreement to ensure retail compliance with preexisting rating systems for both off-line and online content.

We have a provision regarding marketing violence to children. The Brownback-Hatch amendment to S. 254 directs the Justice Department and the Federal Trade Commission to jointly examine the marketing practices of the video game, music, and motion picture industries to determine the extent to which violent material is marketed to children. The FTC is directed to report their findings to Congress within 9 months of enactment. And while I am pleased that President Clinton belatedly endorsed this idea, I should note that the Senate passed this three weeks before the President said a word about it.

We have a National Institutes of Health study. The Brownback-Hatch amendment to S. 254 provides $2 million in funding to the National Institutes of Health to study the effects of violent entertainment on children. We know that is the cause of an awful lot of the problems.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. DURBIN. I have listened carefully to the Senator's speech in support of the juvenile justice bill. The Senator makes such a compelling argument of how important this bill is, how we shouldn't waste any time to move forward.

I ask the Senator, if that is his feeling and the feeling shared by Members on his side of the aisle, why has the Republican leadership in the House refused to appoint conferees?

Mr. HATCH. I have assurance from the House leaders they will appoint conferees.

Mr. DURBIN. They announced they will not appoint conferees until after the Fourth of July.

Mr. HATCH. That is true. I know they have their hands full. I trust the statement of the leaders. If they do it then, that will be fine. That is consistent with what we have done in the past. I don't have any problem with that.

Let me continue my remarks. The Hatch-Leahy amendment to S. 254, which passed overwhelmingly, encourages large Internet service providers to offer screening/filtering software to empower parents to limit access to material unsuitable for children. This amendment provides that within 12 months of enactment, large Internet service providers should provide the software either at no charge or at a fee not exceeding the cost to them. That is a very important part of this bill.

We have an antiviolence public service campaign in this bill. The Republican education amendment to S. 254 provides $25 million annually to the National Crime Prevention Council and community-based organizations for a national public service campaign to prevent violence.

We have a provision on Internet bombmaking. The Hatch-Feinstein amendment to S. 254 prohibits the teaching of bombmaking, including bombmaking instructions, on the Internet if there is reason to know the bomb will be used in violation of Federal law.

We also get tough on violent juveniles and other violent offenders. We ensure that violent juveniles will be held accountable. Among other reforms, S. 254, with Republican amendments, contains the following: Project Cuff. The Hatch-Craig amendment provides $50 million to hire additional Federal prosecutors to prosecute gun crimes in Federal court to take advantage of stiff Federal sentences.

We have full funding of the National Instant Check for background checks for firearm purposes. That is something that had to be done. We have not been concentrating on that as we should, because we keep playing games on guns instead of doing what should be done.

We have an extension of the prohibition against juvenile possession of a handgun in the Youth Handgun Safety Act to semiautomatic rifles.

The juvenile Brady provision, which I have already mentioned, prohibits firearm possession by juveniles who commit violent offenses.

We have a bipartisan provision that requires safety locks or secure gun storage devices to be sold with a handgun.

We have a minimum of 12 years in prison for those who discharge a firearm during the commission of a violent felony or drug trafficking crime.

We have a minimum of 15 years in prison for those who injure a person during the commission of a crime of violence or a drug trafficking crime.

We have a minimum of 3 years in prison for first-time offenders and a minimum of 5 years in prison for repeat offenders for those who distribute drugs to minors or sell drug in or near a school.

We have an increase in the maximum penalty for knowingly possessing, transporting, or transferring stolen firearms, to 15 years in prison.

We have an increase in the maximum penalty to 20 years for a juvenile who illegally brings a gun or ammunition to school with intent to carry or otherwise possess, discharge, or use the handgun or ammunition in the commission of a violent felony.

We have an increase in penalties for illegal purchase of a firearm.

We have an increase in penalty for committing crimes of violence while wearing body armor.

We have a safe-and-secure-schools provision.

These are very important. One would think that everything comes down to the Lautenberg amendment. That amendment didn't pass overwhelmingly. In fact, it didn't even have the support of a bare a majority in the Senate until the Vice President of the United States, as is his right, voted to break the tie.

SAFE AND SECURE SCHOOLS

S. 254, with Republican amendments, will promote safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn. S. 254 includes the following:

Training for parents, teachers, and other interested members of the community for the identification of—and appropriate responses to—troubled and violent youth.

Innovative research-based delinquency and violence prevention and mentoring programs.

Assistance to state and local school districts for comprehensive school security assessments.

Assistance to state and local school districts to purchase school security equipment and technologies such as metal detectors, electronic locks, and surveillance cameras.

Collaborative efforts with community-based organizations (including faith-based organizations) and law-enforcement agencies to provide effective violence prevention and intervention programs.

Assistance to state and local school districts to establish and implement school uniform policies.

Assistnce to state and local school districts to hire school resource officers, including community police officers.

Incentives for States to detain juveniles found in possession of an illegal firearm for 24-hours to undergo evaluation.

Incentives for schools to make school discipline records available to all schools, whether private or public, when students transfer between schools.

Civil liability protection for teachers who discipline a violent student.

Resources to States and localities to create anonymous hotlines to report possible acts of violence.

I say in closing, I have been assured we will have conferees after we get back from this next recess. My goal, of course, if we can and if we get some cooperation from the other side on the floor, is to have that bill up before the August recess, so we can have this bill passed and hopefully signed by the President before school begins this year.

I want to see that happen. It isn't going to happen if we keep playing games on guns. There is no point kidding ourselves about it.

One side must not think they have a big advantage over the other on guns. We have to work in good faith to resolve these problems. And I believe we can. I have total confidence in my colleague, Senator LEAHY from Vermont, who has worked with me assiduously on this matter. He has played a significant role.

Senator BIDEN and Senator FEINSTEIN, also on the other side, have worked very hard to try to have this bill completed. I know my colleague from Vermont and I will work very hard to get this bill done in the best way we possibly can that will bring everybody together in both the House and Senate and hopefully get a bill signed by the President.

In any event, we intend to go forward. It is an important bill, probably in some respects the most important bill in this whole session of Congress, when one considers the needs of our nation's children. We need to address—as S. 254 does—ensuring safe schools, promoting ways to keep vile entertainment from our kids, preventing juvenile crime, and really addressing for the first time needed law enforcement with regard to violent juvenile crimes.

I think we have taken too much time on this. I know we have an important appropriations bill on the floor, so I yield the floor at this time.

Mrs. FEINSTEIN. Mr. President, I join the ranking member of the Judiciary Committee, Senator LEAHY, and my colleagues in urging the majority to appoint conferees and proceed to conference on the juvenile crime bill.

It has now been one month and four days since the Senate passed the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, by an overwhelming margin of 73-25. It has been nearly two weeks since the House of Representatives passed its counterpart bill.

And yet, since that time, there has been no progress at all toward going to conference on these two bills. In fact, it appears that there are some on the other side of the aisle who deliberately want to forestall or even de-rail the conference that is necessary to pass this vitally-needed legislation.

When the House passed its counterpart bill, they did something that is very unusual: they did not take up the Senate bill, insert the text of their bill, and request a conference, as is routinely done. This is not the kind of thing that happens by accident. For a conference to take place, both Chambers of Congress must pass the same bill.

Because the House of Representatives did not do this, one of the two Chambers must take up the other one's bill, pass it, and ask for a conference. This presents numerous opportunities for procedural mischief and delay by those who would rather not see any bill pass than one containing modest gun safety provisions, such as the Senate bill.

Mr. President, I am very disturbed by this delay in taking the next step to pass this important legislation.

Our Nation was rocked 2 months ago by the tragic shootings at Columbine High School in Colorado, coming as it did in the wake of earlier school shootings in Jonesboro, Arkansas; West Paducah, Kentucky; Springfield, Oregon; and elsewhere. We cannot tolerate or evade this shocking school violence. We should not let our children start a new school year without passing this important legislation to address youth violence.

The Senate bill is a wide, sweeping measure, which will help us to confront the problem of juvenile crime. It includes a number of provisions which I authored and which I have worked on for several years, including:

A ban on importing high capacity ammunition magazines;

A ban on juvenile possession of assault weapons and high capacity ammunition magazines;

A comprehensive package of measures to fight criminal gangs;

Limits on bombmaking information;

The James Guelff Body Armor Act, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police; and

Crime prevention programs.

It also contains other modest reforms to keep guns out of the hands of criminals and children, including: Requiring the same background checks at gun shows which gun dealers have to preform; and requiring the sale of child safety locks with handguns.

The Senate bill also establishes a new $700 million juvenile justice block grant program for states and localities, representing a significant increase in federal aid to the states for juvenile crime control programs, including:

Additional law enforcement and juvenile court personnel;

Juvenile detention facilities; and

Prevention programs to keep juveniles out of trouble to begin with.

Our bill encourages increased accountability for juveniles, through the implementation of graduated sanctions to ensure that subsequent offenses are treated with increasing severity.

It reforms juvenile record systems, through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in California can know if he has committed violent offenses in Arizona; and extends federal sentences for juveniles who commit serious violent felonies.

Let us not delay further in enacting these important measures. I join my colleagues in urging the majority to proceed to conference and appoint conferees, so that we can enact this vital legislation.

I thank the Chair, and yield the floor.

Mr. KENNEDY. Mr. President, it has been 71 days—71 days —since the tragic shooting at Columbine High School. There are 69 days left before school children in Massachusetts and other states go back to school. It is time for Congress to finish the job we began last month and pass juvenile justice legislation. Communities across America are waiting for our answer.

We need to provide communities with the assistance they need to reduce youth violence.

We need to help parents struggling to raise their children from birth through adolescence.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from children.

We need to close the gun show loophole.

We need to require the sale of safety locks with all firearms.

The Senate passed such legislation with overwhelming support last month. The House of Representatives passed its own version of this legislation earlier this month. It is time to appoint House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

Everyday we delay, this critical problem continues to fester. Children are under assault from violence and neglect—from the break-up of families—from the temptations of alcohol, tobacco, and drug abuse—from violence in the media. These are not new problems, but they have become increasingly serious problems, and Congress cannot look the other way and continue to ignore them.

We must support youth, parents, educators, law enforcement authorities, and communities. The public overwhelmingly supports more effective steps to keep guns out of the hands of criminals and juveniles. We cannot accept "no" for an answer from the National Rifle Association. It is long past time for Congress to face up to this challenge. The tragedy at Columbine High School is an urgent call to action to every member of Congress. Will we finally do what it takes to keep children safe, or will we continue to sleepwalk through this worsening crisis of gun violence in our schools and our society.

We have a national crisis, and common sense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress can not pass a comprehensive juvenile justice bill before the August recess. The citizens of this country deserve better than what Congress has given them so far.

The lack of action is appalling and inexcusable. We cannot continue to whistle past the graveyards of Littleton and the many other communities scarred by juvenile gun violence in recent years. Each new tragedy is a fresh indictment of our failure to act responsibly.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—Continued

Mr. McCONNELL. Mr. President, the hour of 1 o'clock having arrived, all the amendments to this bill have now been filed. I, at this point, will consult with Senator LEAHY about how we proceed, but in all likelihood we should be able to finish this bill by mid to late afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1119

Mr. BROWNBACK. Mr. President, I wanted to address the body on several of the discussion points that were raised today regarding an amendment I filed. I inquire first of the President, what is the pending business?

The PRESIDING OFFICER. The question is the McConnell amendment to the amendment of the Senator from Kansas.

Mr. BROWNBACK. Then I will not have to ask the pending business be set aside. We are still on that.

I wanted to address several of the issues my colleagues have raised, that the negotiations between Armenia and Azerbaijan that are taking place in the so-called Minsk Group are at a very delicate time period and the repeal of section 907, as addressed in the McConnell-Abraham amendment, would upset the delicate negotiations at this point in time.

Frankly, it is just not true that these negotiations are at a delicate point in time now and this amendment would do that. The present conflict has been going on since the dissolution of the Soviet Union, and a cease-fire has been in effect since 1994. The U.S. Government is one of the peace group cochairs, along with Russia and France, and they all—the U.S. Government, the Clinton administration—favor repeal or waiver of section 907.

The amendment I put forward prevents our Government from being an honest broker in the peace process. We have letters from Secretary Albright and the administration on this.

Russia is involved, and not in a helpful way. Their handiwork in retaining influences in the Caucasus is only slightly less obvious than their efforts to help out in Kosovo—in some situations where they were not helpful at all. Russian military troops are still based in Armenia and were providing military support and munitions supplies to Armenia during the war with Azerbaijan.

The argument in support of the status quo has nothing to do with the sensitivities of the ongoing peace talks. The last real peace initiative where there was a real push was in 1997, calling for Armenia's withdrawal from the occupied territories in exchange for normalization of trade with Azerbaijan. This was rejected by Armenia.

The continued status quo in Armenia's favor is nothing less than the Armenian Government's attempt to influence U.S. foreign policy and preserve an undue advantage. It really is that simple. Azerbaijan is the only country in the former Soviet Union that has unilateral sanctions from the United States. Again, we do not lift them; we just provide waiver authority for section 907.

So those arguments being raised by my colleagues are simply not accurate. Also, they talk about the issue of the blockade: Somehow Azerbaijan is blockading Armenia. I want to show a map on this point so people can get a look, again, at the region and what this so-called blockade is about.

Here is Azerbaijan. Here is Armenia. Here is the area in dispute. Armenia is occupying 20 percent of the landmass of Azerbaijan. The United Nations has condemned this action by Armenia. OSCE, the group much involved in negotiation, condemns the action by Armenia.

You can see Armenia has outlets they can use through Iran or through Georgia, which is up here. So there is not a blockade on Armenia. What the so-called blockade is, and has been for a long period of time, is a mutual border closing caused by Armenia's continued illegal occupation of Azerbaijan.

I hope my colleagues will look at the map, look at the situation, read the U.N. resolutions, the OSCE resolutions about Armenia occupying 20 percent of Azerbaijan, and quickly and clearly conclude that this blockade is really a mutual border closing caused by Armenia and its illegal occupation of Azerbaijan. That, plus the difficulties caused by Armenia's mining of some of the overland routes through the buffer zone surrounding Nagorno-Karabakh, are probably some of the most serious logistical obstacles in the blockade.

So I point these out to my colleagues, those who are saying this is a sensitive time. We had a cease-fire for 5 years. It is not that the government is involved in trying to negotiate a true peace and wants 907 to be repealed so the United States can be an honest broker in this peace process and not one-sided on it. The Clinton administration, and Bush administration prior to that, opposed section 907. And the blockade is really not a blockade at all.

Mr. President, I ask at this time to set aside the pending amendment, Senator MCCONNELL's amendment, so I can call up an amendment.

I will call up amendment No. 1170. This is an amendment I talked about previously on Sudan. I would like to have that considered. I ask unanimous consent that we set aside the pending amendment so I can call up amendment No. 1170.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1170

(Purpose: To make available international disaster assistance, humanitarian assistance, and development assistance in opposition-controlled areas of Sudan)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1170.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . INTERNATIONAL DISASTER ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

Notwithstanding any other provision of law, of the funds made available under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for fiscal year 2000, up to $4,000,000 should be made available for rehabilitation and economic recovery in opposition-controlled areas of Sudan. Such funds are to be used to improve economic governance, primary education, agriculture, and other locally-determined priorities. Such funds are to be programmed and implemented jointly by the United States Agency for International Development and the Department of Agriculture, and may be utilized for activities which can be implemented for a period of up to two years.

SEC. . HUMANITARIAN ASSISTANCE FOR SUDANESE INDIGENOUS GROUPS.

The President, acting through the appropriate Federal agencies, is authorized to provide humanitarian assistance, including food, directly to the National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the Operation Lifeline Sudan structure.

SEC. . DEVELOPMENT ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

(a) INCREASE IN DEVELOPMENT ASSISTANCE.—The President, acting through the United States Agency for International Development, is authorized to increase substantially the amount of development assistance for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan.

(b) QUARTERLY REPORT.—The President shall submit a report on a quarterly basis to the Congress on progress made in carrying out subsection (a).

Mr. BROWNBACK. Mr. President, this is an amendment we have been negotiating back and forth. I indicated briefly that we wanted to bring it up if we could not get a negotiated agreement. We are proceeding later on in the day. I know the people in charge of the bill want to move this amendment, so I called this amendment up to get it as the pending business so people can discuss it.

I have discussed this earlier. I do not seek to take up an extraordinary amount of time to discuss it. It would make available international disaster assistance, humanitarian assistance, and development assistance in the opposition-controlled areas of the Sudan.

I recently led a congressional delegation to the region. The government in Khartoum is a terrorist regime. That is according to the U.S. State Department. They have in their country the worst humanitarian situation in the world. That is according to Brian Atwood, head of USAID—the worst in the world. There were nearly 2 million people killed in 10 years, over 4 million internally displaced. This is through forced, manmade famine and starvation. This is by bombing, indiscriminate civilian bombing by the government in Khartoum.

It is exporting terrorism. It has housed Osama bin Laden until 1997. They house a number of terrorist groups in Khartoum. They are supporting terrorism and spreading throughout the region a sort of militant terrorism—in the Congo, Eritrea, Uganda, and other places. They seem to seek to be the African edge of the militant terrorism. The people attempting to kill President Mubarak in Egypt were given housing and aid and abetting in Sudan by this government. This is a bad regime. This amendment simply seeks to provide humanitarian assistance to those opposition-controlled areas and the opposition groups.

Here, again, is the list of items the government in Khartoum, the Sudan Government, is doing today. I have talked about these. Most recently, last year, 100,000 people, according to the U.S. Committee on Refugees, were killed by a man-induced famine, induced by the Khartoum government. They would not let our disaster relief planes fly into the region. They said no.

It is time we allowed aid to go to the resistance groups that are fighting just for dignity and for their own lives. This is a simple amendment. It is a modification to the one we previously called up. I do not know of any objection to this, and as soon as the manager of the amendment can perhaps come to the floor, I would simply like to ask for the yeas and nays on this amendment and have us vote on it because I think it is a worthwhile amendment. While that is being taken care of, I ask unanimous consent that Senator HELMS be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I have discussed this with Senator FRIST, who chairs the subcommittee, who also has traveled to Sudan and knows of the situation taking place in that region. That is why this is an important issue for us to take up now. This is the appropriate vehicle. It is providing aid to the southern resistance movement. Actually now it is not just southern, it is all over the country.

We can move the vote to a later point, but I ask for the yeas and nays on amendment No. 1170.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. BROWNBACK. At the appropriate time, when we can get a sufficient second, I will be asking for the yeas and nays on this amendment so we can have a vote on this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1305 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Brownback amendment No. 1170.

AMENDMENT NO. 1165

(Purpose: To express the sense of the Senate regarding assistance provided to Lithuania, Latvia, and Estonia)

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the amendment be set aside and that amendment No. 1165 be called up for consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. ROBERTS, Mr. SMITH of New Hampshire, and Mr. CLELAND, proposes an amendment numbered 1165.

The amendment is as follows:

On page 128, between lines 13 and 14, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING ASSISTANCE PROVIDED TO LITHUANIA, LATVIA, AND ESTONIA.

It is the sense of the Senate that nothing in this Act, or Senate Report No. 106-81, relating to assistance provided to Lithuania, Latvia, and Estonia under the Foreign Military Financing Program, should be interpreted as expressing the will of the Senate to accelerate membership of those nations into the North Atlantic Treaty Organization (NATO).

Mr. BINGAMAN. Mr. President, this sense-of-the-Senate amendment is being offered on behalf of myself, Senator ROBERTS, Senator BOB SMITH, and Senator MAX CLELAND as well.

It is, I believe, an important amendment. It is also an amendment that will be accepted. That is my expectation. We don't have a final decision on that, but we hope that is the result.

This year's foreign operations appropriations bill designates $20 million in foreign military financing grant assistance to Lithuania, Latvia, and Estonia, the Baltic States. I am not concerned about the fact that we are designating funds for those states. I am concerned about the provision because of the intent that appears to lie behind the funding.

Let me quote from the committee report. It says in the committee report:

> The assistance accelerates Baltic states integration into NATO and supports these democracies as they enhance military capabilities and adopt NATO standards.

This amendment I have offered, with the help of the three other Senators I mentioned, would state that nothing in this bill concerning the foreign military financing intended to support the legitimate security needs of the Baltic States should be interpreted as also expressing the intent of the Senate to accelerate the membership of those countries into NATO.

We recently observed the 50th anniversary of NATO, welcomed three new members into the alliance: the Czech Republic, Poland, and Hungary. I voted for the admission of those three into the alliance on this historic occasion. No other nations were admitted to the alliance, nor was there a commitment made to extend an invitation to any particular nation to join in the future.

The language contained in the Senate report accompanying the bill suggests that the military financing authorized in the bill would be for the express purpose of accelerating the integration of those states into NATO. I believe that language is premature. I believe it is ill-advised at this time. Let me try to give a few indications as to why.

Many of my colleagues share the concern, which we have heard on the floor, about the future of the NATO alliance. We, obviously, value NATO and its contributions to peace. We fervently intend that it continue to be a force for peace in the future.

Recent events within the alliance have raised some concern. Despite the recent military victory in Kosovo, there is some evidence that the alliance may not be totally healthy at this stage.

While the bombing campaign continued in Yugoslavia, for example, there were divisions among NATO members. Those were worked through.

In addition, there is a major debate now underway concerning the equity of the burdens that different members of NATO have, both financial burdens and military burdens.

I am not suggesting we debate the future of NATO today, although I do believe the Senate should soon review the Strategic Concept that is being proposed to guide future NATO potential military involvements.

I am suggesting, however, that legislative provisions, such as the one I have called attention to today in this sense-of-the-Senate resolution, could prematurely complicate the very difficult problems the alliance is facing. I don't believe anybody here would deny that a debate concerning the membership of the Baltic nations in NATO is likely to be a spirited one. This bill is not the appropriate venue for that debate to take place.

I have reviewed, by the way, the Baltic charter that was signed in January 1998 to determine if I missed something with respect to the membership of the Baltic nations in NATO. There are many affirming words in the charter about cooperation between NATO and the Baltic nations, and there are several encouraging references with respect to possible future membership of those countries in the alliance. But there are no words that commit NATO to offering membership or to accelerating their integration of those nations into the alliance.

The provision in the bill that would provide military assistance to the Baltic nations for that specific purpose is not grounded in a policy that I believe we should embrace at this time.

The sense-of-the-Senate amendment I offer would permit foreign military financing to meet the security needs of the Baltic nations, but it does not commit the Senate, as a result of that assistance, to commit itself to approval or acceleration of the membership of the Baltic nations into NATO.

I hope my colleagues will support the amendment. I believe it is in our national interest and in the security interests of Europe as well.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, the bill before us includes increased Foreign Military Financing funding to help Estonia, Latvia, and Lithuania improve their militaries. The Baltic countries need to improve their military posture whether or not they join the North Atlantic Treaty Organization (NATO). But the fact is that they do aspire to join NATO, and all three countries will be working to meet goals in NATO's Membership Action Plans for each country.

My colleagues Senators BINGAMAN, ROBERTS, BOB SMITH, and CLELAND have offered an amendment that says that nothing in the bill "should be interpreted as expressing the will of the Senate to accelerate membership of those nations into the North Atlantic Treaty Organization (NATO)." However, the Senate can do nothing to invite the Baltic countries or any other aspiring country to join NATO. Only NATO can invite countries to join. When they are ready to join, and if they are invited to join, the Senate would have to vote to approve amending the NATO treaty to accept further NATO expansion.

The Foreign Military Financing funding can serve to accelerate the Baltic countries' efforts to meet NATO criteria, but the decision to invite them to join NATO remains a political one that will be made by NATO's nineteen member states. The Baltic states could do nothing to become NATO ready and be invited—or they could become modern-day Spartas and still not be asked to join NATO; that decision is up to NATO.

The Senate has already expressed its opinion in Section 2703 of the European Security Act of 1998 that was included in last year's Omnibus Appropriations bill that "It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . (C) upon complete satisfaction of all relevant criteria should be invited to become full

NATO members at the earliest possible date.'' In other words, the Senate and House of Representatives have already said that when the Baltic countries are ready to join NATO, they should be invited to join.

Thus I fail to see the usefulness of the amendment offered by my colleagues today. I particularly regret that the amendment has singled out Lithuania, Latvia, and Estonia when in fact there are many NATO aspirants, including Romania, Bulgaria, Slovenia, Slovakia, Albania, and the Former Yugoslav Republic of Macedonia.

The Baltic countries have made enormous strides in transforming themselves into free market democracies. They have embraced civilian control of their militaries, have participated in international peacekeeping, and have demonstrated their ability to operate with the military forces of NATO countries under NATO standards, spending precious resources to do so. I believe we must follow through and do all we can to convince our NATO allies that the Baltic states should be invited.

The United States' position on further expansion is that NATO should have an open door policy and that geography should be no barrier to membership. Russia need not feel threatened by the NATO membership of the three tiny Baltic states—they can do nothing to threaten the enormous and powerful Russian Federation. And right now Russia has no hostile intent toward them. But should Russia turn away from democracy, and if an expansionist autocrat were to come to power once again, NATO membership for Lithuania, Latvia, and Estonia would make a powerful statement that the United States and Europe will never again accept buffer-state subjugation of the Baltic states.

Mr. GORTON. Mr. President, I am greatly dismayed by and strongly opposed to the amendment introduced by Senator BINGAMAN that seeks to express the Sense of the Senate that the Baltic States of Estonia, Latvia and Lithuania should not receive accelerated consideration for membership in NATO. This amendment most assuredly does not reflect the views of this Senator, and I am certain that of many more of my colleagues.

I fail to comprehend the purpose in singling-out these independent nations in this manner. It appears to this Senator, after reviewing both the Foreign Appropriations bill and accompanying report, that there is nothing contained in either document that should provoke the offering of this amendment.

It is my firm belief that the NATO alliance can benefit from the inclusion of new Central and East European nations, including the three Baltic states. The Baltic peoples have asked for and deserve protection from foreign invasion, and are willing to join the NATO security alliance to protect other European nations in need of help.

Future NATO membership for Estonia, Latvia and Lithuania is essential to their safety and prosperity. Security concerns will take precedence over continued democratic and economic reforms if the Baltics continue to exist, unprotected, in the shadow of an increasingly nationalistic Russia.

The United States should and must be vigilant in our efforts to extend NATO's reach to all democratic nations in Europe who cannot protect themselves. If we leave these nations exposed to the risk of foreign invasion and influence, the gains made in expanding democracy and freedom around the world will be vulnerable to erosion. The United States must continue to set an example for the world as a promoter and protector of democratic freedom. As victors in the Cold War, we have never had a greater opportunity than this to show democracy's enemies that we have the courage and the will to stand firm against them. NATO expansion is of vital importance to the future of democracy.

The amendment offered by the Senator from New Mexico can only have a negative effect on the United States's efforts to expand and protect democratic development in Central and Eastern Europe. To punitively single-out these three nations as they strive to protect their right to independence and freedom, following decades of Soviet domination, is neither constructive, nor in the interests of the United States. It is my sincere hope that this language will not be included in the final Foreign Operations Appropriations bill passed by Congress for Fiscal Year 2000.

Mr. LEAHY. Mr. President, is there an amendment pending now?

The PRESIDING OFFICER. Yes.

Mr. LEAHY. Which amendment?

The PRESIDING OFFICER. Amendment No. 1165, submitted by the Senator from New Mexico.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily so that I may introduce this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1179

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. FEINGOLD, Mr. REED, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. KENNEDY, Mr. SCHUMER, Mr. HARKIN, and Mrs. BOXER, proposes an amendment numbered 1179.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SELF-DETERMINATION IN EAST TIMOR

SEC. . (a) The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(1) disarm and disband anti-independence militias in East timor;

(2) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(3) allow Timorese who have been living in exile to return to East Timor to campaign for and participate in the ballot; and

(4) release all political prisoners.

(b) The President shall submit a report to Congress not later than 15 days after passage of this Act, containing a description of the Administration's efforts and his assessment of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a).

(c) The Secretary of the Treasury shall direct the United States executive directors to international financial institutions to take into account the extent of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a), in determining their vote on any loan or financial assistance to Indonesia.

Mr. LEAHY. Mr. President, the purpose of this amendment is to express strong support for a peaceful process of self-determination in East Timor.

The Indonesian Government has a historic opportunity to resolve a conflict that has been the cause of suffering and instability for 23 years.

It has made a commitment to vote on August 21st on East Timor's future, and has recognized its responsibility to ensure that the vote is free and fair.

On May 5, when I introduced a similar resolution, I remarked on Indonesia's accomplishments in the past year: President Suharto relinquished power; the Indonesian Government endorsed a vote on autonomy; and the United Nations, Portugal and Indonesia signed agreed on the procedures for that vote.

There has been more progress in the past month. Democratic elections have been held, the first members of an international observer mission and police force arrived in East Timor, and Nobel laureate Jose Romos Horta was invited to return to Jakarta for the first time in 24 years.

A year ago few people would have predicted that a settlement of East Timor's future would be in sight. However, there is deep concern that August 21st is quickly approaching, and the violence in East Timor will make a free and fair vote impossible.

In fact, the vote, initially scheduled for August 8th, was postponed by the United Nations until August 21st because of the violence.

Hundreds of civilians have been killed, injured, or disappeared in ongoing violence by anti-independence militias armed by members of the Indonesian military who want to sabotage the vote.

Human rights monitors and humanitarian organizations continue to face problems gaining access to the island, and members of the press have been threatened.

This amendment calls on the administration to immediately intensify its efforts to prevail upon the Indonesian Government to disarm and disband the anti-independence militias, grant full access to humanitarian organizations, and allow Timorese who have been living in exile to return home.

It directs the United State executive directors to international financial institutions to use their influence to encourage the Indonesian Government and military to create a stable and secure environment for the vote.

We should use all the resources at our disposal to convince the Indonesians to stop the violence. This is not only their responsibility, it is in their interests. If the Indonesian military succeeds in sabotaging the vote, Indonesia will face international condemnation.

On June 11th, I and other Members of Congress wrote to World Bank President James Wolfensohn about the need for the World Bank to use its leverage with the Indonesian Government.

Mr. President, the world community has recognized the urgency of this situation. An international monitoring and police presence throughout East Timor is critical to creating a secure environment.

The administration is already helping to pay the costs of the U.N. monitors and police, and they have made some progress in stemming the violence.

But far more needs to be done. It is time for the Indonesian Government and military to do their part—to act decisively to ensure that a free and fair vote can occur.

This amendment reinforces what others have said and what the Indonesian Government has already committed to do. It should be unanimously supported.

Mr. President, yesterday more than 100 anti-independence militiamen surrounded a newly opened United Nation's office in the East Timorese town of Maliana. Hurling rocks, the mob injured a diplomat from South Africa and at least a dozen Timorese who sought refuge inside the office. The U.N. building also sustained considerable damage.

In recent months I have spoken out about the escalating violence in East Timor on numerous occasions. I am offering an amendment today about the situation there.

The Indonesian Government and military have pledged to establish a safe and secure environment prior to the August 21st ballot on East Timor's political status. This alarming incident is a clear example that the Indonesian Government and military are not living up to their obligations. It is a clear example that their failure to act is having and will continue to have international consequences.

This latest attack suggests that despite the May 5th tripartite agreement, the presence of an international observer mission and police force and recent negotiations between the opposing factions about how to stem the violence, the situation is continuing to deteriorate. It could jeopardize the entire peace process.

The East Timorese have endured over 20 years of violence and repression. The international community has committed its resources to helping ensure that a free and fair ballot can be conducted. The United Nations has firmly stated that it has a job to do in East Timor and it will not be chased off by intimidation and harassment.

Mr. President, it is my hope that this violent attack will sound the alarm to the Indonesian government and military that they have an historic opportunity to finally establish peace in East Timor and that they must act immediately or it will be lost.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I will soon send two amendments to the desk, one by the occupant of the chair, Senator VOINOVICH, related to designation of Serbia as a terrorist state, and the other by Senator BIDEN, both of which have been cleared on both sides of the aisle.

AMENDMENTS NOS. 1180 AND 1181

Mr. McCONNELL. Mr. President, I send two amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 1180 and 1181.

The amendments are as follows:

AMENDMENT NO. 1180

To SEC. 525.—Designation of Serbia as a Terrorist State add:

(C) This section would become null and void should the Federal Republic of Yugoslavia (other than Montenegro and Kosova) complete a democratic reform process that brings about a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

AMENDMENT NO. 1181

(Purpose: To allocate funds for the Iraq Foundation)

On page 128, between lines 13 and 14, insert the following:

SEC. . ALLOCATION OF FUNDS FOR THE IRAQ FOUNDATION.

Of the funds made available by this Act for activities of Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105-338), $250,000 shall be made available for the Iraq Foundation.

Mr. McCONNELL. Mr. President, I ask unanimous consent that these two amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1180 and 1181) were agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1179

Mr. LEAHY. Mr. President, are we now back on the Leahy amendment?

The PRESIDING OFFICER (Mr. SANTORUM). That is correct.

Mr. FEINGOLD. Mr. President, I rise today to join my distinguished colleague from Vermont, Senator LEAHY, to offer this amendment to encourage a peaceful process of self-determination in East Timor. This amendment closely mirrors what he and I and several other Senators expressed in Senate Resolution 96, and in a similar amendment to the State Department authorization bill. We are offering this amendment today to again highlight the significance of the process underway in East Timor that will once and for all determine its political status.

I want to commend the members of the Foreign Operations Subcommittee for including language relating to East Timor in the committee report accompanying this bill. I believe it is important that the Senate go on record regarding its support for the forthcoming ballot and in condemnation of the violence surrounding this historic vote.

As we all know, Indonesian President Habibie announced on January 27 that the Government of Indonesia was finally willing to seek to learn and respect the wishes of the people in that territory. On May 5, the Governments of Indonesia and Portugal signed an agreement to hold a United Nations-supervised "consultation" on August 8 to determine East Timor's future political status. This ballot has since been postponed to an as yet undetermined date in late August.

Despite the positive step forward that the ballot represents, excitement and tension over the possibility of gaining independence have in recent months led to a gross deterioration of the security situation. Militias, comprised of individuals determined to intimidate the East Timorese people into support for continued integration with Indonesia and widely believed to be supported by the Indonesian military, are responsible for a sharp increase in violence.

Just this week, members of a pro-Jakarta civilian militia attacked a United Nations regional headquarters in the Maliana township in East Timor. Several people, including a U.N. election officer, were wounded. This is latest in a string of violent incidents that have been linked to pro-Jakarta militias. Mr. President, this kind of violence and intimidation cannot be tolerated, especially at this crucial time.

In the May 5 agreement, the Government of Indonesia agreed to take responsibility for ensuring that the ballot is carried out in a fair and peaceful way. Unfortunately, it is unclear that they are implementing this aspect of the agreement. Quite the opposite. Whether Indonesian troops have actually participated in some of these incidents or not, the authorities certainly most accept the blame for allowing, and in some cases encouraging, the bloody tactics of the pro-integration militias. The continuation of this violence is a threat to the very sanctity and legitimacy of the process that is underway. Thus, the Leahy-Feingold amendment specifically calls on Jakarta to do all it can to seek a peaceful process and a fair resolution to the situation in East Timor.

Mr. President, I believe the United States has a responsibility—an obligation—to put as much pressure as possible on the Indonesian government to help encourage an environment conducive to a free, fair, peaceful ballot process for the people of East Timor. I am pleased that we have taken a leadership role in offering technical, financial, and diplomatic support to the recently authorized U.N. Assistance Mission in East Timor, known as UNAMET.

Mr. President, it is not in our power to guarantee the free, fair exercise of the rights of the people of East Timor to determine their future. It is, however, in our interest to do all that we can to work with the United Nations, other concerned countries, the government of Indonesia and the people of East Timor to create an opportunity for a successful ballot process. We cannot forget that the Timorese have been living with violence and oppression for more than 23 years. These many years have not dulled the desire of the East Timorese for freedom, or quieted their demands to have a role in the determination of East Timor's status.

We have to do all we can to support an environment that can produce a fair ballot in East Timor. Now. And throughout the rest of this process.

I hope my colleagues will support this amendment.

I yield the floor.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Mack
McCain

The amendment (No. 1179) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1118

Mr. SARBANES. Mr. President, I rise in very strong opposition to the amendment offered to this legislation by my colleague from Kansas, Senator BROWNBACK. I am supportive of the amendment offered by the chairman of the subcommittee to the Brownback amendment, the second-degree amendment. But I want to address the Brownback amendment for just a few minutes here. In the course of doing that, I will underscore why I am supportive of the chairman's amendment and why I oppose the Brownback amendment.

The Brownback amendment is similar to legislation that was considered by the Foreign Relations Committee in May. That bill was reported out on a voice vote, but six members of the committee—six members—joined in submitting minority views in opposition to several of its major provisions. It had been my expectation that if this issue were to come up, it would come up in the course of calling up that bill, which is on the calendar, has been reported out of committee. That is the normal way one would expect to deal with substantive legislation.

What we are confronted with here is an effort to attach this amendment to an appropriations bill. Of course, we all know the problems that are connected with doing that. It slows down the appropriations process. You often engage in major issues of substantive content, which really ought to involve the substantive committees, and, instead, it is shifted into the appropriations context. One would have to be naive not to appreciate that it is done on occasion, but I don't think it is a good idea.

I must say, my view here on this matter is, in part, influenced by that. In other words, it is not as though the bill that came out of committee, which we considered and debated, on which we had a vote and on which some of us were in the minority, the bill went out, and it has been placed on the calendar. It is not as if that bill is before us—substantive legislation. Instead, what we have now is an amendment that takes most of the content of that bill and seeks to add it as an amendment to the appropriations bill.

This isn't an amendment that deals with numbers and figures. It is not, in effect, an amendment that falls clearly within the bailiwick of the appropriators. This is an amendment that really deals with a very important substantive issue of national policy. Senator BROWNBACK proposes to change it, to take out of the law a provision that is now in the law. I think it is very important to understand that. In other words, the amendment offered by the distinguished Senator from Kansas would make a major alteration in existing law, and it would seek to do it, as I have indicated, in the context of considering the appropriations legislation.

I can remember a time in this body where efforts to do that alone were reason enough to oppose an amendment. It was not too long ago. In other words, efforts to really put in the appropriations context major changes in substantive law would be met with the contention that this should be dealt with by the substantive committee and ought not to be intruded into the appropriations process, that we should not "legislate on an appropriations bill." How many times have we heard that phrase? Particularly, it seems to me when the legislation is on the calendar, it is available at an appropriate time to be considered by this body, in the proper context, where we could have the major debate, which I think this provision requires with respect to the substance of U.S. policy.

Now, one of the things this proposed amendment does, which represents a major shift in policy, is the impact it would have on section 907 of the Freedom Support Act, which addresses the question of government-to-government aid to Azerbaijan, so long as they maintain a blockade on Armenia. Section 907 precludes such aid.

This amendment, in effect, would remove that provision in the law. To the credit of the chairman of the committee, he has offered an amendment that would knock out that provision. If that were to prevail, it would significantly reduce my concerns about this amendment, although I have some other concerns, not of the same magnitude as this one.

Let me address a couple of questions here. Section 907, in my judgment, made sense when it was enacted, and it continues to make sense today. To waive it in the absence of any progress toward a lifting of the blockade would reward the Government of Azerbaijan for its intransigence and remove a major incentive for good-faith negotiations from one side in the conflict between Azerbaijan and Armenia.

For nearly a decade, the Government of Azerbaijan has prevented the transport of food, fuel, medicine—let me repeat that—food, fuel, medicine, and other vital commodities to Armenia and to Nagorno-Karabakh, causing immense human suffering. During winters, much of the Armenian population has had to live without heat, electricity, or water. Schools and hospitals have been unable to function, and most Armenian industries have been forced to close down, crippling the economy and producing widespread unemployment and poverty.

Think of this. Azerbaijan is imposing a blockade on Armenia —total: no food, no fuel, no medicines. The blockade has been particularly devastating because a similar restriction is imposed by Turkey on traffic to Armenia and because of the civil conflict that makes transport through Georgia difficult. Since Armenia is entirely landlocked, they are left with hardly any alternative. They have a small border with Iran; but, of course, that is the very outcome we do not want to encourage in terms of where they turn for supplies.

This law was written in an effort to move the countries toward negotiating a peaceful resolution of their disputes. All Azerbaijan must do to get section 907 lifted is—and I quote this under existing law—"take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh."

Again, they must "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh."

This is an entirely reasonable expectation, especially given the ostensible purpose of the amendment which the Senator from Kansas has offered, which is "to promote trade and commerce and economic cooperation between the countries of the region."

He wants to promote trade and commerce amongst the countries of the region, and yet Azerbaijan is maintaining this embargo, which precludes any such trade with Armenia.

The Government of Azerbaijan continues to thwart U.S. attempts to promote peaceful conflict resolution and regional economic integration. Although a cease-fire has been in effect in Nagorno-Karabakh since 1994, Azerbaijan has not moved to lift the economic blockade. It is also seeking to exclude Armenia from all East-West commercial corridors.

Let me be very clear what the existing law, section 907, limits or retains, because this is an effort to apply in a nuance way an incentive, or a subtle pressure, to try to move the parties in the region towards a peaceful resolution of their dispute.

We are not talking about commercial trade. Some people refer to this provision as an "economic sanction." Let's examine that.

The provision of the existing law, section 907, prohibits direct U.S. Government aid to Azerbaijan as long as they maintain this blockade. The proposed amendment would lift that. So the aid could be given even though they maintain the blockade, which, as I have indicated, I think would be a terrible step, a very harmful, substantive policy decision.

We are not talking about commercial trade, which is usually where you debate economic sanctions. In fact, the United States has perfectly normal trade relationships with Azerbaijan. To the extent that U.S. companies may not be investing there, it is due to that country's economic and political instability, its corruption, and to the low price of oil—not due to a lack of U.S. taxpayer assistance.

In fact, under the existing law, Azerbaijan receives U.S. assistance. It gets $24 million in economic assistance, which will bring it to a total of over $100 million since 1994. Because section 907, as it is now written in the law, does not apply to the Trade and Development Agency, the Export-Import Bank, to OPIC, to humanitarian assistance, to the foreign and commercial services, to activities to support democracy, nonproliferation, and disarmament, or aid through nongovernmental organizations, all of those activities can take place now under existing 907.

So what 907 does in order to attempt to exercise a certain amount of influence in how matters progress in that area is restrict the direct government-to-government assistance. Assistance through aid through nongovernmental organizations is not touched. Even some government assistance, if it goes to support democracy, nonproliferation, and disarmament, can take place.

Mr. McCONNELL. Will the Senator yield?

Mr. SARBANES. I yield to the chairman of the subcommittee.

Mr. McCONNELL. The distinguished Senator from Maryland has just outlined the ways in which 907 has been modified in many respects since 1992 in order to further nudge Azerbaijan in the direction of getting this conflict settled.

The Senator also pointed out that nothing yet has happened, and to take away the last remaining carrot or stick, if you will, that would encourage the settlement of this dispute, the Senator is entirely correct, would be a very bad policy decision.

Mr. SARBANES. The Senator is absolutely right. This body has responded in the past. The argument was, well, if you just give some carrot, you would see some change in behavior.

When we first started out with 907, it was much more restrictive. Over the passage of time, these various exceptions have been put into the law. But we have retained a more limited number of restrictions. To move them now altogether—I mean the ball game is over with. Why should Azerbaijan be concerned to settle anything?

Some say, well this somehow is a sanction. What we are talking about here is whether U.S. direct foreign assistance will be made available. Foreign assistance is not an entitlement. I want to repeat that. Foreign assistance is not an entitlement.

I hope people aren't going to get up on the floor and say: Well, somehow there is some kind of entitlement and, therefore, Azerbaijan is entitled to get foreign assistance. The placing of conditions upon foreign aid is both reasonable and appropriate for policy as well as budgetary reasons. It is a standard procedure. Conditions should not be considered sanctions. They ensure that U.S. aid serves U.S. interests.

I doubt seriously, if Members would stop and really focus on it, that there would be any Member of this body who would suggest that we should give foreign aid regardless of the recipient's policies and actions; that somehow they have an entitlement claim to foreign assistance, and, therefore, there can be no conditions, or no restrictions placed on it, and regardless of what the recipient's policies and actions are, we need to provide that assistance.

Let me turn to Azerbaijan's performance in the peace process, because there is a peace process underway. Conceivably, if Armenia was blocking the peace process and Azerbaijan was cooperating with it, one could come along and say: Well, we have to make some accommodation to Azerbaijan because they are now working with the peace process.

It is exactly the opposite. That peace process has been stalled since November when Azerbaijan, the very country that this amendment now seeks to free of any limitations on American foreign assistance, when Azerbaijan unilaterally rejected a compromise proposal put forward by the cochairs of the OSCE's so-called Minsk Group—Russia, France, and the United States. The OSCE has established a Minsk Group that is chaired by Russia, France, and the United States as cochairs, and they have been trying to develop a peace process to resolve this matter between Armenia, Nagorno-Karabakh, and Azerbaijan.

In November of 1998, the Minsk Group called for a common state of Azerbaijan and Nagorno-Karabakh. The so-called common state approach was accepted by Armenia and Nagorno-Karabakh as the basis for negotiations among the parties in spite of the serious reservations which were held by Armenia and Nagorno-Karabakh.

This is a proposal that the Minsk Group put to the parties in order to advance the peace process. Armenia and Nagorno-Karabakh, with concerns, nevertheless, accepted this development as a way of going forward with the direct negotiations.

Azerbaijan summarily rejected the peace plan, threatened to overturn the cease-fire, which has been in effect, and then complained about the delay in finding a resolution to the conflict, and recently—from reliable reports—Azerbaijan has provoked a series of armed incidents along the cease-fire line.

Furthermore, in addition to rejecting the peace plan, Azerbaijan objected to Armenia's proposals to foster regional cooperation through open borders and restoration of rail and road links in the Caucasus. Armenia's proposal was set out at the Transport Corridor Europe Caucasus and Asia Conference held in Azerbaijan in September of 1998, but Azerbaijan refused to recognize any of these rights or obligations insofar as they applied to Armenia.

I want to underscore not only this recalcitrance but this absolute repudiation of the peace process, of this effort by the Minsk Group—headed by France, Russia, and the United States, the three cochairs—to try to develop a peace process to resolve this situation in the Caucasus. Azerbaijan has refused to participate.

Do not forget how the war started. After years of denying the people of Nagorno-Karabakh their constitutional rights and freedom, the government of Azerbaijan undertook a massive military offensive against Nagorno-Karabakh in the winter of 1993 to 1994. Although Azerbaijan launched the attacks, they encountered a better organized defense and were forced to negotiate a cease-fire, which has been in effect since May of 1994. As I indicated earlier, they threatened to overturn that cease-fire recently when they rejected the proposal of the Minsk Group.

In the face of this behavior, it is now proposed by an amendment to lift the remaining few limitations on direct American foreign assistance to Azerbaijan. Obviously, Azerbaijan wants a completely normal relationship with the United States, but in a "prod" for them to rectify this situation and to give us a more stable, peaceful environment, that remains one of the prods we ought not give away.

The waiving of section 907 of the Freedom Support Act would reward the party that has been intransigent in peace negotiations and has actually thwarted legitimate aspirations for democracy and justice in the region.

I intend later to go into some detail with respect to the human rights practices in Azerbaijan, taken, of course, from the human rights report of the Department of State, the annual report that is made on human rights conditions in various countries around the world. I know there are others who want to speak, so I don't propose to do that right now. If we are seriously entertaining the prospect of changing this law, lifting the remaining limitations that are provided by section 907, obviously one of the things we must do is examine the human rights practices of the country that is going to be freed from these limitations.

Let me read one paragraph from the State Department report, in lieu of a more complete exposition of this situation, which is what I hope to do later. This will give some sense of the problem.

> Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters, many from his home region of Nakhchivan, continue to dominate the Government and the multiparty 125-member Parliament chosen in the flawed 1995 elections. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers between a strong presidency, a legislature with the power to approve the budget and impeach the President, and a judiciary with limited independence. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

Later the report goes on to detail numerous human rights abuses on the part of the police, the ministry of internal affairs, and the ministry of national security. As this debate progresses, I will seek to develop those points in order to make it clear that certainly the human rights record doesn't warrant eliminating the limitation. Certainly, the support of the peace process doesn't warrant what this amendment proposes to do. Certainly, the nature of the blockade which they have imposed, which goes to humanitarian goods and services as well as everything else, doesn't warrant lifting the amendment.

The amendment, obviously, raises very difficult questions. It represents a major departure in substance in terms of our policy. I know the chairman has an amendment which will knock out this provision as it affects section 907. I am very supportive of that. I hope that will carry.

In any event, I am very much opposed to the amendment. I am frank to say I don't think we should be dealing with this amendment on an appropriations bill.

Mr. McCONNELL. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. McCONNELL. I have listened carefully to the Senator's comments which quite accurately lay out the sequence of events since the war in the early 1990s. Can my friend from Maryland think of any incentive whatsoever that Azerbaijan might have to settle this conflict if we repeal section 907?

Mr. SARBANES. I think we will have eliminated the last prod that we have to try to get them to settle the war and enter into a more normal, peaceful trading and commercial relationship with Armenia.

It is an irony that this amendment, this Silk Road Act, is supposedly to encourage commerce and trade amongst the countries in the region but that it has a repeal of 907 for one of the countries that is imposing a blockade on such trade and commerce with its neighbor.

It makes absolutely no sense. It runs counter to the announced objective of the legislation and of the amendment. We have a situation where we have a cease-fire, we have a Minsk process in action. We have a proposal submitted by the three cochairs. Azerbaijan rejected it. An effort is being made to revisit that, to try to move that situation forward.

I think to come in with this amendment at this time is certainly not going to help the peace process.

Mr. McCONNELL. I ask my friend from Maryland, is it not true one of the things that Azerbaijan wants more than anything is a normal relationship with the United States? If they can achieve that without negotiation, this Senator is very pessimistic about the possibility of ever settling this conflict.

I have had the opportunity to visit refugee camps in both of these countries. I must say to my friend from Maryland, I don't see any end to it. These people have been living in refugee camps now for 5 or 6 years. If this conflict isn't settled some time soon, with its sense of hopelessness and despair, we will have children being born, growing up, and reaching adulthood in these refugee camps with no hope of a normal life.

It seems to me, as the Senator from Maryland has indicated, and I agree with him totally, we ought to be doing everything we can to encourage the end of this dispute—not to take steps that could well lead to an inevitable and lengthy process. Conceivably, this could never be settled. You could have these refugee camps there 10, 20 years from now, breeding hopelessness and terrorism and all the rest that we have seen coming out of refugee camps in other parts of the world.

Mr. SARBANES. The Senator is absolutely right. The really discouraging thing was that the Minsk people made the proposal. That is the United States, France, and Russia, speaking on behalf of the OSCE. And Azerbaijan rejected participating in that process. Had Azerbaijan accepted it and Armenia rejected it, I can imagine people would say, Azerbaijan is trying to make the peace process work, Armenia is blocking it, and we ought to go ahead and enter into this normal relationship with Azerbaijan. But that was not the case.

Second—I will detail it later—to some extent I am reluctant to detail the human rights performance, because one does not like to come on the floor of the Senate and go into a lengthy exposition of that issue. We want people to improve. When we do these human rights reports, we try to not, as it were, overload them. But now when you offer an amendment that is going to take out the last limitation we have on aid, it seems to me at a minimum it warrants a very careful examination of the human rights performance within Azerbaijan. I am frank to tell you I think, once we undertake to do that, most Members are going to have increasingly growing questions about the nature of this regime and about whether we should be trying now to repeal any limitations on providing assistance which could serve as a way to try to get a better performance.

I have gone on for some time. I see my colleague from Michigan has been on the floor waiting patiently. I will come back, obviously, and revisit this issue; particularly, if necessary, to get into this human rights discussion.

As you know, each year the State Department puts out a country report on human rights practices. This one is for 1998. This is in accordance with legislation enacted by the Congress. There is a lengthy section in here on Azerbaijan, which I think Members certainly ought to have in mind as they consider whether we should adopt the amendment offered by the Senator from Kansas which repeals section 907 of existing law. I want it to be very clearly understood, the amendment that has been offered makes a very significant change in existing law, and the second-degree amendment offered by the chairman of the committee would take out the provision that is most offensive in that regard, and that is the proposal of the Senator from Kansas to in effect give up an open waiver on section 907, thereby in effect providing for its repeal.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I realize I have spoken on this a couple of times, but I have heard arguments put forward that I want to clarify my response to so it is in the RECORD.

No. 1 is that the administration, the U.S. administration, the U.S. Government, is part of the Minsk Group. It is part of the group trying to negotiate a peace between Azerbaijan and Armenia. The Clinton administration, they support my amendment. They supported it in committee this year. They supported it last year in the Congress. They think this is a good idea. This is the administration that is negotiating, part of the three outside members—France, Russia, and the United States—part of the overall Minsk Group, along with Azerbaijan and Armenia, that is negotiating this peace.

So if this is ill timed, maybe we ought to tell the administration that, because they support my amendment.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. BROWNBACK. If you will let me finish my statement. I have listened for a long period of time to the Senator from Maryland, so I want to just make sure this is clear.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BROWNBACK. If I could just go ahead and finish my statement. You have had a good chance.

The Clinton administration supports my position on this. They think it would help the United States in being an evenhanded negotiator so we do not have a set of unilateral sanctions, sanctions on one of the parties. They think that is important. They have supported it. We have letters to that effect. I will submit those for the RECORD for all my colleagues.

Mr. President, we are not lifting the sanctions. We are providing the administration with the same national interest waiver, the same one that applies to all the former Soviet Union countries. It has in it requirements that if human rights abuses are taking place, we cannot provide aid from the United States. I noted in my statement I made here earlier, I think all these countries are having human rights issues being brought forward, including Armenia, including Azerbaijan. Those are things that should be taken into consideration. But we do not lift the human rights requirements. All we do in this amendment is to provide the administration with national interest waivers. We don't lift them. We provide the administration national interest waivers. They can leave every sanction in and put more on if they deem it wise and prudent and the right thing to do.

They seem to me to be in the right position to consider whether or not sanctions should be lifted, whether or not human rights violations are taking place at the hands of the Azeris, the hands of the Armenians. I think there are enough human rights abuses to go around in this region. I think most of the reports will cite that as well. I think the administration should have the authority to determine that and move this process forward.

I want to make sure it is clear to our colleagues. This is providing the administration the national interest waiver. It does not lift the sanctions. The administration can put those in place. The administration supports the position.

In that regard, I have a letter from the President stating support for the amendment. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 19, 1999.

Hon. SAM BROWNBACK,
U.S. Senate,
Washington, DC.

DEAR SAM: I congratulate you for your leadership in working to strengthen ties with all the countries of the Caucasus and Central Asia. The meeting you are hosting, in the context of the NATO Summit, will provide an important opportunity for dialogue among leaders from the region, Members of Congress, representatives of my Administration, and other American opinion leaders. Similarly, I share the goals reflected in your bill, the Silk Road Strategy Act, and will work with you to achieve them.

The United States has a clear stake in the success of the New Independent States of the Caucasus and Central Asia. These young countries have stated that they seek stability, democracy, and prosperity. We have a chance to contribute to their efforts if we stand with them. The United States must continue to play an active and balanced role in the Caucasus and Central Asia—supporting peace in Nagorno-Karabakh and Abkhazia; promoting democracy and market economics through our assistance programs, which should be free from unproductive restrictions; and improving the security environment through bilateral programs and support for NATO's Partnership for Peace.

Your strong leadership helps underscore the bipartisan nature of, and true national interest in, these issues. I look forward to continuing to work with you to achieve our common goals in this area.

Sincerely,

BILL.

Mr. BROWNBACK. People can look at that. As far as this being a sensitive time in the negotiations, I support peace in the region, but this battle, this fight between the sides, has been going on since 1992. We have had a ceasefire for the last 5 years. There has not been significant movement in the peace process or a significant proposal since 1997. If the administration thought it was such a sensitive time, I think they would be here saying don't offer this amendment rather than supporting my position.

So I hope my colleagues will look at all these issues and determine the administration is probably right. This is something we should do. We should put everybody on an equal footing so we can work with all the people in this region, and I think that would be an important thing to do.

With that, I will be happy to yield for a question from my colleague.

Mr. SARBANES. I listened to my colleague with interest. First of all, I find it intriguing he finds himself so supportive of the administration in this instance. Let me ask my colleague this question. Does he know of any administration that would not want to be given, by the Congress, a total waiver authority?

Mr. BROWNBACK. I don't know that I can answer that, but I know this administration would appreciate that. But it is not just that. They also say here the administration strongly supports passage of the Silk Road Strategy Act, which may be added to the bill as an amendment. They appreciate the committee's continued efforts to reduce restrictions in section 907 of the Freedom Support Act.

There is very specific and very clear support.

Mr. SARBANES. Absolutely. Because the Senator gives the administration a blank check. No administration is going to spurn that. Every administration, if you offer them a blank check, is going to take it. They would be fools not to. Obviously they are supportive. You are, in effect, giving them all the authority. The Congress made a judgment in this matter, and it has consistently held to that judgment over the years, and I don't think Congress should go back on that judgment.

Mr. BROWNBACK. Reclaiming my time, I note this is the administration that is negotiating peace in this region. They want peace as I want peace in this region. They are saying: Look, this is an appropriate thing to bring up at this particular time, and it will help us in moving forward to peace in the region. They are in a better position to judge that, with all due respect to my colleague from Maryland.

Mr. President, my colleague from Michigan was kind enough to yield me time to speak. I appreciate that. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I enjoyed listening to this discussion. I spoke earlier on this same amendment and want to speak again.

I am a cosponsor with the Senator from Kentucky of the second-degree amendment which was offered earlier today to the amendment of the Senator from Kansas.

As many of my colleagues may know, contained within S. 579 is the waiver, which we have been discussing, of section 907 of the Freedom Support Act. Section 907 restricts some forms of U.S. assistance to the Government of Azerbaijan until it takes demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh. The Azerbaijan blockade has cut off transport of fuel, food, medicine, and other vital goods and commodities to these regions. This in turn has forced the United States to send ongoing emergency lifesaving assistance to Armenia and, more recently, Nagorno-Karabakh as well.

The present conflict between Azerbaijan and Armenia has been the subject of an ongoing peace process. With the consent of the United States, the Organization for Security and Cooperation in Europe, their Minsk Group, as we have heard, has been assigned the responsibility of fashioning a peace proposal satisfactory to the conflicting parties.

Despite serious reservations, Armenia and Nagorno-Karabakh have accepted the OSCE's recommendations. As the Senator from Maryland just pointed out, Azerbaijan has not. In fact, they have summarily rejected the compromise peace proposal. If Azerbaijan had accepted the compromise plan, cowritten by the United States, direct negotiations would already be underway, and this conflict may have well been on its way to being resolved.

If we vote today to abolish section 907, we, in effect, would reward Azerbaijan's rejection of the OSCE compromise peace proposal. We will have undermined what I believe and what I think a number of my colleagues who have already spoken believe to be a primary objective of that proposal, which is ending Azerbaijan's ongoing blockade.

The comments of both the Senator from Kentucky and the Senator from Maryland have been right on point. It could not be more self-evident that if the one and only leverage we have in the peace process to bring an end to this blockade and to the hostile relationships is taken away, there will be no incentives whatsoever.

It would be, in my judgment, counterproductive in the extreme to create incentives for the intransigent party to stay the course, to remain intransigent. This, in my judgment, will not bring lasting peace to the region, and I question seriously the conclusion that apparently the administration has reached that somehow this administration, or any other, will be more effective as a negotiator if this changes.

There are plenty of countries that have an interest in this region that do not have a provision like section 907 in place. Yet they have been no more successful in influencing Azerbaijan. The Minsk proposal was rejected by Azerbaijan. I do not understand how, in effect, rewarding Azerbaijan for its resistance is going to change anything.

I want to comment on another point the Senator from Kansas made. He has mentioned several times today his provision, the Silk Road Act, includes a so-called national security waiver. He indicates that it does not, of course, eliminate the sanctions, it just simply allows the President to exercise the waiver which would remove those sanctions if, in the President's view, the circumstances allowed that. This provision, as the Senator from Maryland just said, would, in effect, give the President the power to repeal section 907 or to maintain it.

However, its practical effect would be to eliminate section 907. The administration is on record, and very clearly on record, in supporting the repeal of this principal provision of the law and has been a vocal supporter of the Silk Road bill itself, as the Senator from Kansas just indicated.

The notion we are not, in effect, repealing section 907, we are simply putting the President in a position to consider using a national security waiver to repeal it, may be technically true. But as a practical matter, if we act today to eliminate section 907 and replace it with a waiver language that is suggested, we would be eliminating the section 907 sanctions automatically, because I find it hard to believe the President, in light of his statements and his support, would retain section 907.

I reiterate to my colleagues the importance of our second-degree amendment. Irrespective of your views on the Silk Road Act, either substantively or, for that matter, as a part of the foreign operations appropriations bill, our amendment would be consistent with our policies in this region, and it would maintain existing law with respect to the Government of Azerbaijan.

I hope my colleagues will support Chairman MCCONNELL and myself and others who are supporting this very important amendment.

Also, I personally believe the treatment that has been received by the people of Armenia—and this is not the only time in this century that the people of Armenia have been victims of actions by military forces beyond their control—the treatment is simply unacceptable. I am not saying there are not arguments of sympathy toward all parties in this region, but the U.S. Government made the right step when we instituted section 907, that we expressed an appropriate level of sympathy, as well as support, and appropriately so, for the people of Armenia. It would be a tragic mistake for us today to reverse course and to set in motion what, in effect, would be a repeal of section 907. It will send the wrong message to the Azerbaijanis, and I believe just from a human rights point of view, it would send the wrong message with regard to our feelings toward the people of Armenia.

Actions such as that would not be evenhanded, but clearly it would be a decisive gesture on behalf of Azerbaijan. In my judgment, when one takes into account the entire historic scope of things, that is not an appropriate action for our country to take.

I urge colleagues to support our second-degree amendment, to then vote their conscience with regard to the Silk Road Act, both on substance as well as its inclusion in this legislation. As I indicated earlier, I support the efforts of the Senator from Kansas in virtually all other respects with regard to this effort and with regard to that legislation, except for this provision.

Today, on behalf of myself and the others who have joined on the second-degree amendment, I hope we will have support. Let's not make this dramatic change in American foreign policy in this context. Let's send a message to the people of Azerbaijan that we hope they will take seriously the negotiation of the peace process and that America remains firm in its resolve to not continue or to open up these additional forms of aid until such time as the proposal we have already offered is favorably acted on.

Mr. SARBANES. Will the Senator yield on that point, please?

Mr. ABRAHAM. Certainly.

Mr. SARBANES. Mr. President, I bring to the Senator's attention a statement that was adopted on April 15 of this year by 23 political parties in Azerbaijan that are members of the movement for electoral reform and democratic elections. These are the major opposition parties in Azerbaijan. Listen to this:

> The existing Government of Azerbaijan, having usurped powers as a result of a plot in 1993, created an antidemocratic regime in the country, violated human rights and freedoms, performed brutal repressive policies against political parties and opposition forces, pursued and jailed hundreds of citizens for political reasons, falsified presidential elections, remained indifferent to the assassination of deputies of the people, brought social economic conditions of the population down to a deep precipice, illegally redirected credits from foreign countries for their own purposes, failed to achieve significant improvements in the oil industry, created conditions for the session of some already-signed oil contracts, misappropriated industrial enterprises and violated the labor rights of hundreds of thousands of citizens, substantially destroyed the industrial potential of the country, brought agriculture to a disastrous state, created conditions where a selected group of individuals accumulate state property in their hands but conceal it under the name of reforms, raise corruption and bribery to historically high levels and, thus, brought many sectors of the life of the country to a state of catastrophe.

Then they talk later—I am not going to quote it all—about the cruel pressure of the Government against the free and independent mass media, how citizens were illegally arrested for participating in election rallies and sentenced to jail terms.

Imagine the courage it took to make this statement. And now the Congress of the United States is going to come along and repeal section 907? What message does that send to these brave people who are challenging their own authoritarian government on its practices?

The Senator is absolutely right. It would send absolutely the wrong message; would it not?

Mr. ABRAHAM. It would.

I say to the Senator from Maryland, I obviously do not know, with respect to each and every one of those issues that was raised by opposition parties, the full story, but I also would suspect that very few of our colleagues know the full story or have examined that aspect of this debate.

It seems to me, in the absence of a fuller examination, it would really be a mistake for the Members of the Senate to vote to remove, effectively repeal section 907 unless they know more of the background that the Senator just discussed.

I know the Senator from Maryland plans to discuss some of the other issues today, but I urge colleagues who are not on the floor and maybe are not following this as closely to just take note of that list and other similar kinds of lists of concerns that have been raised and very serious charges that have been leveled against the government that we would now, in effect, set in motion a potential plan to support. It seems to me this is the kind of issue that requires far greater scrutiny by the Members of the Senate before we would take that action.

I appreciate the Senator from Maryland raising those issues at this time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If I could pick right up on the comments made by the Senator from Maryland and the Senator from Michigan, we are talking about a major change in American foreign policy in this amendment. This is a very serious change in our policy toward that part of the world. It is not as if, as the Senator from Maryland has pointed out and as the Senator from Michigan has pointed out, the United States has no relationship with Azerbaijan.

The administration already, without the repeal of 907, can do Export-Import Bank loan guarantees and support. It can do OPIC insurance and support. It can do Trade Development Agency feasibility studies and support. It can do any activities sponsored by the U.S. Foreign Commercial Service. It can do election and democracy support. It can do Nunn-Lugar nonproliferation support. And last but not least, it can do humanitarian support, which includes food, medicine, and related relief.

In other words, 907 has basically been stripped down over the last few years so that all of those activities between our Government and Azerbaijan can take place. So there is not much left of 907.

But as the Senators from Maryland and Michigan have pointed out, what is left is significant because without it there is no real reason for Azerbaijan to pursue the much-needed peace with Armenia that the citizens of both countries richly deserve.

So I thank both Senator SARBANES and Senator ABRAHAM for their contributions to this important debate.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President. I have noted in my opening statement, and I have noted later, the human rights issues that exist throughout the region. There is no doubt that they exist. I think the same standards should be applied to Azerbaijan as apply to the other countries in the region. And those do stay in place.

This is talk of a major shift in U.S. foreign policy. I, again, remind people that we are simply providing the President with waiver authority. If he determines that human rights abuses are such that any of the sanctions should not be lifted, they will not be lifted. The administration is given that authority. We do not lift those sanctions. The President maintains that.

I also note, in the human rights area—because this is an area of key concern, as it should be an area of key concern to everybody—we recently had a coffee for the Israeli Minister of Trade and Industry, Natan Sharansky. That name should be familiar to some Members. He is one of the leading human rights voices in the world. This is a person who understands the connection between the U.S. position and human rights problems.

He was here specifically to support the Silk Road Strategy Act of the bill. He said this:

> Look at the human rights situation and weigh this against the importance of the threat that is facing us. It is very important to engage and to continue to encourage a positive process and the way to do this is to

strengthen the role we are playing in the region.

Strengthen the U.S. role played in the region. Sharansky is clearly a person who understands the importance of tying legislation to human rights. He is a clear beneficiary of that having been done in the past. This is one of the clearest voices in the world. That is not to deny that human rights abuses have occurred. But we are not lifting the standards of human rights. We are not saying that Azerbaijan has a lower standard than everybody else. We are saying everybody has the same standard. And we provide the President the national waiver authority. This does not shift U.S. policy if the President determines it is not in our national interest, which is the same standard we put to all countries.

I plead with my colleagues to look seriously at this because while we can get down here in the weeds of some particular issues, we are talking about a region of the world that the Iranians are aggressively playing in now. All these Silk Road countries that I am talking about, the Iranians are there. They are providing aid, they are providing hate, and they are trying to overturn these governments. They can say that the authors of the amendment are saying: OK, let's just pull this 907 provision out. The rest is fine.

Azerbaijan is a key part of this Eurasian connection of connecting this region together for democracy, for a growing competitive economy that can stand against the threat of the Iranians and the militant fundamentalists expanding in this region that is taking place now.

The notion that we have not looked at this enough—I bet we have had nearly 10 hearings in the Foreign Relations Committee between this Congress and last Congress on this issue. It passed the Foreign Relations Committee last Congress and this Congress. We have looked at it and looked at it. I wish we studied most issues as much as we have studied this one. We have. This one has been around. People have looked at it. This 907 provision has been in place for a number of years and it has not helped Armenia.

My final point here is, I am seeking, by this, to help all the countries in this region and U.S. policy. I am seeking, by this, to help Armenia as well. I realize that the people that are in opposition on this would not see that as such. But has our past policy helped Armenia? Has that been of any help?

I talked with the Foreign Minister 3 or 4 months ago, and he talked about how terrible the situation was in Armenia. And I agree, it probably is. But that is suffering under the law we put in place. Let's try something that can lift the whole region up and build stakeholders who can say: We ought to cooperate and work together.

Let's try something that can work instead of this failed policy that is a unilateral sanction. Let's provide to the President the authority to be able to do that, to move that peace process forward. This is the time to do that. I hope we can get to a vote here quickly.

I inquire of my colleague from Kentucky, I know he would like to move this bill, it would seem to me that probably we have had sufficient time. If there is a chance to move forward and vote, I think we are probably getting to that point.

Mr. McCONNELL. I say to my friend from Kansas, we are going to try to process a lot of other amendments. But we have not been offered a time agreement on this yet.

I see my colleague from Maryland is on his feet. If he would like to——

Mr. SARBANES. I want to ask the Senator from Kansas a question, if he would yield for a question.

Mr. BROWNBACK. Yes. And then I would like to yield to Senator HUTCHISON of Texas.

Mr. SARBANES. Were any other countries encompassed within your Silk Road strategy that are imposing a blockade on their neighbors the way Azerbaijan is on Armenia?

Mr. BROWNBACK. Yes.

Mr. SARBANES. Who?

Mr. BROWNBACK. Armenia.

Mr. SARBANES. On whom?

Mr. BROWNBACK. Azerbaijan. I think the Senator and I talked about this earlier today. The Senator will agree that Armenia has taken about 20 percent of the territory of Azerbaijan. The U.N. has condemned that. And what effectively you have in place is a mutual battle line that has existed between those two. The U.N. has condemned this action and told Armenia: Let's hold this back.

Mr. SARBANES. The Minsk group is trying to resolve that issue. The war began because Azerbaijan moved into an aggressive mode. Does the Senator dispute that?

Mr. BROWNBACK. Would you dispute who is occupying whose territory?

Mr. SARBANES. Let's do it step by step. Does the Senator dispute that Azerbaijan began the war by moving into an aggressive mode?

Mr. BROWNBACK. I don't think that would necessarily be the case. I am not going to start to debate the origins of that war.

Mr. SARBANES. It becomes a highly relevant question, doesn't it?

Mr. BROWNBACK. I think the relevant question is how we move forward in this region of the world. That is the issue that we debate.

Mr. SARBANES. The argument the Senator made about trying to move forward was responded to by the committee in the past with the Exim exception, with the OPIC exception, with the encouraging democracy exception, all of the provisions that provide some aid. Now the Senator wants to lift any limitations altogether. I think any chance of getting this situation resolved will simply be gone.

I know the pressures that exist. The Silk Road strategy involves tremendous oil interests. We ought to put that out on the table, I guess. Someone ought to lay that out as an important consideration. But it ought not to result in overturning what has been an established policy in the way we are trying to do it today, particularly in a situation when, last fall, we thought we would be able to move this peace process. Had Azerbaijan participated in the peace process last fall, we would have been able to move forward. They refused to do so.

Mr. BROWNBACK. Mr. President, if I could reclaim my time, my colleague from Texas is here and desires to address this overall issue. I yield to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

I appreciate Senator BROWNBACK giving me a little time to talk about this, because I think it is a very important issue. There are a number of American investments being made in Azerbaijan right now. There are a number of American jobs that will be dependent on our keeping a good relationship with Azerbaijan.

I have been able to visit Azerbaijan. I was there at the same time as the distinguished chairman of the subcommittee. He knows this issue very well.

I look at this a different way. I talked to the President of Azerbaijan while I was in his country and then when he visited our country to sign agreements with several American companies to do business in his country. It is of utmost concern to him that we are beginning to make investments in his country. He welcomes us. He wants to do business with us. Yet we have sanctions on his country because of internal conflicts.

This is not a policy that is evenhandedly put forward by our country. We do business with other countries where we don't agree with the way they are treating certain people within their own country. There are border disputes with other countries, but we don't put sanctions on them in order to impose our will.

I hope Senator BROWNBACK's amendment will pass, at least this part of the amendment, because I think it is important that we send a message to the President of Azerbaijan and to the people of Azerbaijan that we want to be partners with them, that it is an important relationship to this country, and that we should continue to be able to help them work out this internal problem. But I don't think imposing our will on them is the right thing to do.

Senator BROWNBACK is trying to give the President the ability to maneuver in the interest of the United States. I think it is a reasonable request. It is a good amendment. I hope that the Senate will support it.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in light of the comments of the Senator from Texas, I want to reemphasize something I said earlier. Section 907 is not a sanction. There is no provision currently in place that prevents American companies from trading or doing commerce in Azerbaijan. The only thing section 907 limits is it doesn't allow foreign assistance direct from the U.S. Government to Azerbaijan unless Azerbaijan—listen to this —takes demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh. So it is an absolute misrepresentation of the current situation to assert that this is a sanction. There are no trade sanctions. In fact, as the chairman of the subcommittee indicated, there are a number of Government programs that are operating in Azerbaijan.

The only thing not now permitted is direct foreign aid. There is not an entitlement to foreign aid. All we have said—I think, quite reasonably—is that you can't get any foreign aid unless you take demonstrable steps to cease all blockades against Armenia. That is what 907 provides.

Why should we give them foreign aid and allow them to continue the blockade? We want the blockade to cease.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. SARBANES. Certainly.

Mr. McCONNELL. The Senator from Maryland makes a very good point. I visited these countries. American business is there. The American oil companies are there. I do not know why the American oil companies are so interested in the repeal of 907 because it is certainly not inhibiting their ability to do business in Azerbaijan or to drill in the Caspian Sea. Some of us have had an opportunity to see those offshore wells. I might say that the American oil industry is doing a wonderful job, very environmentally sound drilling practices in the Caspian Sea. It is high time because the Russians committed a number of environmental atrocities both onshore and offshore in Azerbaijan during their decades there.

No American business I am aware of is being inhibited from doing business in Azerbaijan by what little remains of 907. I think the Senator from Maryland is correct in his interpretation of what remains of section 907.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, not to delay this extraordinarily, because I think we should move to a vote, we have had an extended debate. We have had extended hearings on this. It is time to go ahead and move forward to a vote.

Mr. McCONNELL. We do not yet have an agreement to move to a vote on this amendment. That may come later in the day. We do have a number of amendments we hope to be able to accept momentarily. So I can inform the Senate, I hope we are down to just a handful of remaining amendments that might require rollcall votes. Obviously, the Brownback amendment, as amended by the McConnell-Abraham amendment, is one that is going to require a rollcall vote. Before we get to that, we are going to dispose of a number of amendments by consent very shortly.

Mr. BROWNBACK. Mr. President, if I could just reclaim my time, I want to correct one assertion that this is just about oil. I hope we would look at the people who live in this area of the world which is affected by this Silk Road Strategy Act. It is interrelated. It does all tie together to create this Eurasian corridor.

If you pull Azerbaijan out of it and you say, okay, we will work with everybody but not with them, the corridor and its work towards lifting all of their economies in their countries doesn't work, we are talking a total of nearly 72 million people in this region. If you look at a map of it, you need to work on this together. They have a lot of pressure on them from various areas.

You really need to have this all hooked in together. We need to replace 907 with a national interest waiver that the President can put, and then have a coherent U.S. policy so that we meet our interests in the region. It is clearly to have this engaged, not fall in the hands of the Iranians or back to the Russians, so we can build and grow with them and not force them to become militant fundamentalist countries.

I yield the floor.

Mr. KENNEDY. Mr. President, I just want to join in expressing real reservations about the Brownback proposal that effectively would provide discretionary provisions to the President of the United States. Obviously, it has been represented by a number of those who have spoken on this issue that the U.S. does have interests in this particular part of the world. But it does seem to me, as someone who has followed this situation closely over a number of years, for the United States now to be in a position where we are seeing a significant alteration of the balance of power by taking unilateral action, rather than trying to add to a resolution of the dispute, I think, only makes it more complicated, more difficult to try to reach some real chance for peace.

I think in many different parts of the world, ultimately, the people who do have responsibility, authority, and power have to be willing to come to the negotiating table and be prepared to make tough and difficult decisions. To think that the United States, by somehow changing and altering its position in terms of effectively siding with one side in this, thinks that we can really advance the cause for peace in that area, I think, is shortsighted. I think it really misunderstands the region and the historical and significant political forces at play in that region.

All of us see there is a different opportunity in that part of the world currently. As we have seen the change in history in different parts of the world, whether in Northern Ireland, or perhaps even today in terms of the Middle East, or in other parts of the world, we have seen, with the change of circumstances by outside forces, progress made. But for the United States now to be in a position where it moves unilaterally in terms of its interests, I don't feel it really advances the cause of peace. There are those who have advanced different options about moving this whole political process forward, who can advance the country's interest in that part of the world in a positive and constructive way. But I fail to see how this change will advance that interest. I don't believe it does.

I strongly support the position my friend and colleague, Senator SARBANES, has mentioned. We find out now there are indirect contacts that are available and accessible. We have the private sector already engaged. There are indirect lines of support to Azerbaijan at the present time. But for the United States now to be in a position which effectively would commit itself to one side in this, after all of the various situations and the current situations, I think would be enormously counterproductive.

So I certainly hope we will not take that action at this time. I don't think it is warranted. It is not justified, and I think it would be counterproductive in terms of the interests of the people in that region. There have been initiatives for the cause of peace in that part of the world. The Armenians have indicated a willingness to move that process forward, and those have been rejected, as I understand it, by the Azerbaijanis. For the U.S., under these circumstances, to be in a situation where we could effectively—and we understand what is really at the bottom of this, and that is effectively coming down on one side—I think there fails to be a persuasive argument about trying to advance this process for peace and real prosperity, and freeing that region from the kinds of tensions it has faced in the past.

I hope when the Senate comes to deal with this issue, we will maintain what I think has been a sound policy in the past and, with the new initiatives out there in terms of advancing peace, try to find ways to move the process forward rather than interfering in these negotiations by favoring one side over another.

Mr. KENNEDY. Mr. President, I strongly support the amendment to the Silk Road Strategy Act. I support the many worthwhile provisions in the Act, but I oppose the waiver of Section 907 of the Freedom Support Act, which was enacted by Congress in 1992. Section 907 restricts U.S. assistance to Azerbaijan because of Azerbaijan's continuing economic blockade of Armenia. This blockade has led to great suffering by the people of Armenia, who have had to endure years of shortages of vital commodities.

Azerbaijan's cut off of fuel supplies had a devastating effect on Armenia's industry. Factories were unable to operate, throwing tens of thousands of people out of work. Malnutrition increased because of the shortage of food. Schools and hospitals had to shut down or operate under dire circumstances for only a few hours a day.

Over the years, the humanitarian needs have been so great in Armenia. The 1988 earthquake, followed by the blockade, has resulted in continuing devastating circumstances for the people of Armenia. I can remember talking to doctors about the humanitarian needs of the Armenia people. I worked with the Department of Defense airlifting goods donated by the people of Massachusetts and other states to help alleviate the suffering.

Although conditions are somewhat better today than they were a few years ago, Armenia still suffers from the effects of this blockade. It continues to obstruct Armenia's ability to import food, fuel, medicine and other important commodities and items.

Unfortunately, the Silk Road Strategy Act contains no provision requiring Azerbaijan to lift this blockade as a condition of receiving additional U.S. aid. It makes no sense to reward Azerbaijan while that nation continues this inhumane blockade. Azerbaijan already receives $24 million a year in indirect U.S. assistance. Current law allows the Overseas Private Investment Corporation and the U.S. Trade and Development Agency to provide support to the private sector, and USAID is authorized to provide humanitarian aid and democracy-building assistance to Azerbaijan.

Section 907 is an important incentive for Azerbaijan to come to the negotiating table to resolve the continuing controversy between Azerbaijan and Armenia. The amendment offered by Senator McCONNELL, Senator ABRAHAM, and Senator SARBANES will retain this essential lever of sanctions, and I urge the Senate to adopt it. Unless the waiver of Section 907 is removed, it would be a serious mistake for the Senate to approve the Silk Road Strategy Act.

Mr. LEVIN. Mr. President, I rise to support the McConnell amendment striking the provision in the Brownback amendment, also called the Silk Road Act, which would grant the President authority to waive Section 907 of the Freedom Support Act. Section 907 is an important provision of our law which prohibits U.S. Government assistance to the Government of Azerbaijan until it takes "demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabagh." For the last 10 years, the Government of Azerbaijan has resisted taking such simple steps and instead has maintained its blockade of the transportation of food, medicine, fuel and other important items to Armenia and Nagorno-Karabagh. The Azeri blockade has led to great human suffering while seriously hampering economic development of the region. I cannot support the Silk Road Act as offered because by allowing for the waiver of Section 907 we would be removing one of the last remaining incentives we have to induce the Azeris to enter into good faith negotiations over this conflict. I believe that we all have similar goals for the region which include: economic development and cooperation; fostering of democratic principles; and the adherence to universally recognized human rights standards. Allowing for the waiver of Section 907 runs counter to these important goals by rewarding a nation which has blockaded its neighbors, maintained an authoritarian government that took power in a nondemocratic fashion, and has a human rights record that has been recognized by the U.S. State Department as "poor." I urge my colleagues to support the continuation of Section 907.

Mr. KERRY. Mr. President, I strongly oppose the amendment of the Senator from Kansas. This amendment gives the President authority to provide assistance for the countries of the South Caucasus and Central Asia—that is, Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The purpose of this amendment is to reestablish the ancient Silk Road trading route and to gain access to the oil and gas resources of the region. In so doing, it has serious implications for Armenia and for ongoing international efforts to promote a solution to the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, because it allows the President to waive Section 907 of the Freedom Support Act, which I originally authored. That legislation prohibited aid to the Government of Azerbaijan as long as it maintains a blockade against Armenia.

One of the objectives of the Brownback amendment is to foster the development of regional economic cooperation. Yet, this amendment ignores some fundamental facts on the ground. First, Armenia continues to be blockaded to the east by Azerbaijan and to the West by Turkey. Second, Azerbaijan insists on establishing and maintaining east-west energy, rail and road corridors that deliberately bypass Armenia. Although Armenia is one of the countries that could benefit from this bill in theory, in reality it is totally isolated by the situation on the ground.

This bill does nothing to address these realities. There are no provisions requiring that blockades be lifted or that all borders be opened before aid is extended. By failing to include these requirements, the bill in effect legitimizes these blockades and helps Azerbaijan to continue to use them to marginalize Armenia and keep it weak.

The ten-year blockade of Armenia and Nagorno-Karabakh by the Azeri government has cut off the transport of food, fuel, medicine and other vital goods. This blockade has been strengthened by Turkey, which has had a similar blockade for the last six years.

Section 907 is not a sanction but rather an effort to use the leverage embodied in US aid to create a level playing field for Armenia and to encourage the government of Azerbaijan to take some of the basic steps necessary if a peaceful resolution of the conflict is to be found. Section 907, as formulated in current law, prohibits US government economic and military assistance to the Azeri government, but it permits humanitarian and democracy building aid.

All Azerbaijan must do to get section 907 lifted is to "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh." By allowing the President to waive Sec. 907, this bill legitimizes Azerbaijan's blockade and rewards its rejection of the 1998 OSCE compromise peace proposal. This only complicates efforts by the international community to foster a settlement to the conflict. The greatest weakness of this Brownback amendment is that it is totally silent on the peace process.

Mr. President, I will vote against the Brownback amendment and in support of the McConnell amendment, which removes the President's ability to waive Sec. 907.

Ms. MIKULSKI. Mr. President, our foreign policy must reflect our values. That's why I oppose the Silk Roads Strategy Act amendment.

The sponsors of this legislation say that we should build stronger ties with the nations of the South Caucasus and Central Asia. I agree. We must promote peace, democracy and economic growth in this important region. But to do this, we can't ignore basic human rights or fundamental American values.

The Silk Roads Strategy Act would enable the President to waive Section 907 of the Freedom Support Act. Section 907 prohibits most direct American aid to Azerbaijan until it takes demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh. Section 907 has been modified in recent years to enable humanitarian aid and aid provided by the Overseas Private Investment Corporation, the Trade Development Agency and the Export Import Bank. Yet Azerbaijan has done nothing to end the embargo and has been recalcitrant in the OSCE peace process.

American foreign aid is not an entitlement. We have a right to place conditions on our assistance. We have a right to demand that countries receiving US aid live up to certain basic humanitarian standards.

For almost ten years, Azerbaijan has maintained a blockade of Armenia. This blockade prevents the delivery of basic human needs—including food, medicine and fuel. What does this mean for the people of Armenia and Nagorno-Karabakh? It means terrible human suffering. It means a high infant mortality rate and poor maternal health. It means hunger. It means shortages of the basic needs of life—food, medicine and energy.

Senator MCCONNELL has offered a second degree amendment that would maintain Section 907. This is a reasonable approach. The McConnell amendment would enable us to strengthen relations with the Caucasus—without compromising our values.

I urge my colleagues to join me in supporting the McConnell amendment—and in opposing the Silk Roads Strategy Act.

SILK ROAD STRATEGY ACT OF 1999

Mr. DODD. Mr. President, I think there has been more heat than light evidenced by those who have attempted to characterize what the amendment offered by Senator BROWNBACK seeks to achieve with the proposed amendment or with legislation that he introduced earlier this year—the so called Silk Road Strategy Act.

I call attention to the language of the amendment and what it seeks to achieve support, the bill has even more expansive language in these areas.

Let me highlight for my colleagues just a few of these goals: to promote and strengthen independence, sovereignty, democratic government and respect for human rights; to promote tolerance, pluralism, and understanding and counter racism and anti-Semitism; to assist actively in the resolution of regional conflicts and to facilitate the removal of impediments to cross-border commerce; and to help promote market oriented principles and practices.

The assistance authorized by this legislation is intended to promote reconciliation, economic development, and broad regional cooperation.

Mr. President, I think we would all agree that these are appropriate goals and programs that are worthy of U.S. support.

There is a great deal of misunderstanding about what the bill and the proposed amendment will do.

It does not supersede the Freedom Support Act nor does it repeal section 907 of the Freedom Support Act which restricts assistance to Azerbaijan. Rather it gives the President the ability to waive continued application of the restrictions if he determines they do not serve United States national interests.

I opposed last year's version of the Silk Road legislation because I believed it went further than was wise or necessary in superseding the Freedom Support Act and in the outright repeal of restrictions on assistance to Azerbaijan.

Having said that, I have made no secret of the fact that I am increasingly opposed to Congressionally mandated foreign policy restrictions that do not include Presidential waiver authority. I think that it makes the conduct of foreign policy extremely difficult and is not the most effective way to promote the goals that Congress is seeking in the legislation it enacts.

Senator BROWNBACK has struck the right balance in the legislation that is before us today. It recognizes the challenges we face in promoting democracy and respect for human rights in the region and it gives the President sufficient tools to make progress in these areas.

I believe it also gives an incentive for governments in the region to make progress in these important areas, knowing that if they do, they will improve relations with the U.S. and open the door to economic assistance which they need if they are to make progress to building democratic institutions in their countries.

For that reason I support the underlying Brownback amendment and do not believe that the perfecting amendment offered by Senator MCCONNELL is necessary.

Mr. FEINGOLD. Mr. President, I rise in opposition to the amendment offered by the Senator from Kansas, (Mr. BROWNBACK), the so-called "Silk Road Strategy Act." I certainly support the Senator's desire to promote peace and democracy in Central Asia and the South Caucasus region, but I remain concerned about the approach this legislation takes toward achieving these laudable goals.

In particular, I am troubled by the provision in the Silk Road Strategy Act which would allow the President to waive Section 907 of the Freedom Support Act. Section 907 prohibits United States assistance to the government of Azerbaijan until it takes demonstrable steps to end the blockade of Nagorno-Karabakh. No such steps have been taken, Mr. President. The blockade continues, as do human rights violations against the Armenian population in the region. I am concerned that the waiver of Section 907 would, in effect, reward the Azeri government for its refusal to end the blockade.

For those reasons, I opposed prior versions of the Silk Road Strategy Act in the Committee on Foreign Relations in the 105th and 106th Congresses, and I signed on to the minority views contained in the committee report both times. Those views stated, in part, that "to waive [Section 907] in the absence of any progress toward a lifting of the blockade would reward the Government of Azerbaijan for its intransigence and remove a major incentive for good-faith negotiation from one side in the conflict."

Mr. President, a decision not to provide foreign assistance to a government is not a sanction. The United States Congress has the responsibility to prohibit the provision of bilateral assistance to governments with which we have serious concern. This is not a sanction; rather, it is a means of making our foreign policy goals clear. Foreign assistance is not an entitlement. Section 907 plainly states that there will be no U.S. assistance to the government of Azerbaijan until the blockade is lifted. Period. As my colleagues well recall, this body has placed numerous conditions on bilateral assistance to a variety of countries. Section 907 is a condition, not a sanction. Moreover, many types of bilateral assistance are exempt from Section 907, and U.S. trade with Azerbaijan has been unaffected by this provision.

I will support the McConnell-Abraham second degree amendment to strike the waiver authority for Section 907 from the bill, and I will oppose the Brownback amendment in its current form. I urge my colleagues to do so as well.

Mrs. FEINSTEIN. Mr. President, I rise in support of the 2nd degree Amendment offered by the Senator from Kentucky. Without the McConnell Amendment, I find that I must oppose the underlying Amendment offered by the Senator from Kansas.

Although I think that many of the goals and objectives of Senator BROWNBACK'S Amendment are worthwhile—I too believe in establishing a policy of greater U.S. engagement with the countries of the Caucasus and Central Asia—I find that I must oppose this Amendment because it contains a fatal flaw: I do not think that Congress should get rid of Section 907 of the Freedom Support Act, which this Amendment does, so long as Azerbaijan continues its decade-long blockade of Armenia and Karabakh.

The McConnell Amendment, which retains Section 907, would fix this flaw.

Expanding Azerbaijan's eligibility for assistance from the United States without seeking progress on the resolution of this issue runs the risk of legitimizing precisely the sort of behavior which the United States, on the cusp of a new century, must seek to discourage.

Azerbaijan is already eligible for U.S. humanitarian assistance, as well as funds for democracy building and many trade benefits. All that Azerbaijan has to do under Section 907 to be eligible for the full range of U.S. assistance is to "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh."

In other words, all it has to do is end hostilities, end an act of war, and seek to settle this dispute peacefully. If Azerbaijan were to take these simple steps there would be no need to repeal Section 907—its restrictions would no longer apply. Is it too much to ask another country that it end a state of war before we provide it with additional foreign assistance?

In fact, given Azerbaijan's continued unwillingness to make an effort to peacefully resolve this issue, gutting Section 907 rewards Azerbaijan for continued bad behavior, and sends a very disturbing message to others who might behave likewise. Basically we would be saying that it is O.K. to attack your neighbor, impose a blockade, stop food, fuel, and medicine from getting through to those in need, the United States will simply look the other way. In fact, we will do more than look the other way, we will consider offering you military assistance. I do not think this is the sort of message we should be sending.

The nations of the region must solve their problems via direct negotiations and mutual compromise, not by acts of war. When Azerbaijan shows a willingness to end its blockade and seeks a peaceful resolution of the outstanding issues with Armenia then, and only then, should the United States provide it with the sort of assistance that this Amendment would allow.

I urge my colleagues to join me in support of the McConnell Amendment. And, unless the McConnell Amendment, which retains Section 907, is passed by this body, I would urge my colleagues to join me in opposition to the underlying Brownback Amendment.

SILK ROAD STRATEGY ACT

Mr. HATCH. Mr. President, I rise in support of Senator BROWNBACK's amendment to the FY 2000 Foreign Operations Appropriations bill, the aptly named "Silk Road Strategy Act." This act puts in place a much-needed strategy toward a much-overlooked part of the world, a part of the world that the U.S. would ignore at considerable risk.

I commend my colleague from Kansas for the extraordinary effort he has committed to shaping this policy and drafting this legislation. Senator BROWNBACK has spent several years studying this region, traveling through it, meeting with political leaders and economic decision makers and discussing his thoughts with the Administration. The fruits of this in-depth research and commitment are evident in this amendment.

I also thank my colleague for working with me to include language in this bill that strengthens the U.S. policy of opening these markets and raising these countries' level of economic cooperation with the United States through bilateral investment treaties.

As the senior Senator from Utah, I am very fortunate to represent a State with many far-sighted international commercial ventures, and the language I proposed, which Senator BROWNBACK has thoughtfully accepted, supports those interests by requiring the Secretary of State to report annually on the progress that is being made in negotiating investment treaties with nations of the region. I believe this measure will, for the time being, be sufficient to monitor progress in these important negotiations and will alert these nations to the serious concerns that the U.S. Congress has in protecting U.S. investments abroad. U.S. companies investing in this region should have the protections of bilateral investment agreements.

This is entirely consistent with the strategy of the "Silk Road Act," which is posited on the accurate belief that increased U.S. participation in this region is fundamental to their development and our interests.

The economic component is only one part of the strategy of this amendment. By promoting infrastructure development, democratic political reforms, sovereignty, independence, and conflict resolution, the Brownback proposal will contribute to political stability and progress as well.

Last fall, during a visit to the region, I went to the Republic of Georgia and renewed an acquaintance with Edouard Shevardnadze. An artful negotiator as foreign minister in the last years of the Soviet Union, President Shevardnadze returned to has native Georgia, which became independent as a result of the demise of the Soviet Union. As President of Georgia, Edouard Shevardnadze has been a stalwart promoter of democracy and an open economy, and he has done so under very, very difficult circumstances.

Close to one-quarter of his nation's territory is not under central government control. Russian soldiers remain stationed on some of that territory, against the will of the Georgian government. President Shevardnadze has twice narrowly avoided assassination—one of his assassins freely resides in Russia today. In my discussions with President Shevardnadze, we discussed the need for increased U.S. attention to this region and increased participation by U.S. commercial interests. This "Silk Road Strategy Act" promotes these goals.

The region of the world that this act addresses remains rife with internal conflicts, cross-border incursions, and—perhaps most disturbing—continued challenges by radical Islamic interests, supported in many cases by the extremists in Iran. If these conflicts succeed in destabilizing the region, millions of people recently freed from nearly a century of communist totalitarianism will be denied their economic and political progress, nations surrounding the region will be drawn into wider conflicts, and international markets will be affected.

Further, and most importantly, if this region slips toward instability, I am deeply concerned that the U.S. will see the Central Asian and Caucasus States become the source of many future conflicts. Some of these conflicts could have troubling transnational consequences that directly affect us, such as the spread of terrorism and international crime.

I commend Senator BROWNBACK for this valuable legislation, which makes a solid and important step in refocusing U.S. interests to a part of the world that is important to us now, and will be even more important in the future.

Mr. TORRICELLI. Mr. President, I rise today in support of this amendment and the preservation of Section 907 of the Freedom Support Act. It is important that we maintain our commitment to the Armenian people.

One of the greatest foreign policy priorities in the post-Cold War world is to assist former Communist countries in making the difficult transition to democracy. The fall of the Soviet Union was not the final victory of the Cold War. That will come only when all of these former adversaries embrace liberty, free markets, and the rule of law. Senator BROWNBACK's underlying amendment has the potential to further economic and political progress in the Caucasus and Caspian Sea regions. In its current form, however, it severely weakens one of Congress' central achievements of the post-Cold War era.

The 102nd Congress in 1992, passed the Freedom Support Act. This bill acknowledged that we can help countries make the transition to democracy both with the carrot of economic aid and the stick of withholding such assistance. It included a provision, Section 907, which mandated that Azerbaijan will not receive any direct economic aid until it ceases the blockade of neighboring Armenia and the Armenian enclave of Nagorno-Karabakh. Even still, the United States has supported the Azeri people with over $180 million in humanitarian assistance through NGOs since 1992. The Foreign Operations Appropriations bill itself also allows OPIC and TDA activities in Azerbaijan which we approved last year.

The Azeri blockade of Armenia and of Karabakh is a direct result of the dispute between the two countries over the status of Karabakh. This is the longest-running ethnic conflict in the former Soviet Union. So far, the human cost has been 35,000 lives and 1.4 million refugees. Outside of the conflict, the brutality of the Azeri blockade has been equally devastating for Armenia. As a land-locked country where only 17 percent of the land is arable, its ties to the outside world are its lifeline. Humanitarian assistance cannot get to Armenia, which is still trying to rebuild from the devastating earthquake of a decade ago. In Karabakh, the blockade has produced a critical shortage of medical equipment.

True regional cooperation is unrealistic as long as this conflict continues. By passing the underlying amendment in its current form, we are virtually guaranteeing that the OSCE peace process will fail. Armenia will have little incentive to participate in the future, and Azerbaijan will receive the message that its rejection of any future peace proposals is acceptable. I support Senator BROWNBACK's attempts to promote an East-West axis in the region, and I believe it is critical that we encourage these former republics to look westward. By allowing the blockade to endure, however, we are leaving Armenia with only North-South options. If our intent is to truly improve the quality of life in the Caucasus and the Caspian Sea, we must make a positive impact on the Caucasus without undermining our commitment to the Armenian people. I urge my colleagues to support the McConnell-Abraham amendment and allow Section 907 to remain in place.

VISIT TO THE SENATE BY THE PRESIDENT OF THE ARAB REPUBLIC OF EGYPT, MOHAMMED HOSNI MUBARAK

The PRESIDING OFFICER. The distinguished chairman of the Foreign Relations Committee, Senator HELMS, is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have the honor and privilege of presenting to Members of the Senate and to the Pages the distinguished and very popular President of the Republic of Egypt, Mohammed Hosni Mubarak.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for six minutes so we can greet President Mubarak.

I thank the Chair.

There being no objection, the Senate, at 4:13 p.m., recessed until 4:19 p.m.; whereupon, the Senate was called to order by the Presiding Officer (Mr. SESSIONS).

Mr. McCONNELL. Mr. President, which amendment is pending?

The PRESIDING OFFICER. The pending amendment is No. 1165, offered by Senator BINGAMAN of New Mexico.

Mr. McCONNELL. I ask the Bingaman amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, AND 1173 THROUGH 1177, EN BLOC

Mr. McCONNELL. There are a number of amendments that have been cleared by both sides that I send to the desk:

Amendment No. 1125 by Senator SMITH of Oregon related to CDC; amendment No. 1146 by Senator LAUTENBERG related to war crimes; amendment No. 1150 by Senator HELMS related to Serbia; amendment No. 1151 by Senator BURNS dealing with narcotics; amendment No. 1158 by Senator DODD dealing with IMET; amendment No. 1162 by Senator BOXER, dealing with tuberculosis; amendment No. 1167, by Senator KERRY of Massachusetts relating to arms transfer; amendment No. 1168 by Senator KERRY of Massachusetts relating to Cambodia; amendment No. 1173 by Senator BIDEN relating to threat reduction; amendment No. 1174 by Senator LEVIN relating to KEDO; amendment No. 1175 by Senator DOMENICI relating to Habitat for Humanity; amendment No. 1177 by Senator SCHUMER relating to ETRI; amendment No. 1176 by Senator COCHRAN relating to IMET; amendment No. 1163 by Senator CLELAND relating to the Balkans conference.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes amendment Nos. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, and 1173 through 1177, en bloc.

The amendments are as follows:

AMENDMENT NO. 1125

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

SEC. SENSE OF THE SENATE ON THE CITIZENS DEMOCRACY CORPS.

It is the sense of the Senate that—

(1) with regard to promoting economic development and open, democratic countries in the former Soviet Union and Central Eastern Europe, the Committee commends the work of the Citizens Democracy Corps (CDC), which utilizes senior-level U.S. business volunteers to assist enterprises, institutions, and local governments abroad. Their work demonstrates the significant impact that USAID support of a U.S. non-governmental organization (NGO) program can have on the key U.S. foreign policy priorities of promoting broad-based, stable economic growth and open, market-oriented economies in transitioning economies. By drawing upon the skills and voluntary spirit of U.S. businessmen and women to introduce companies, CDC furthers the goals of the Freedom of Support Act (NIS) and Support for Eastern European Democracy (SEED), forging positive, lasting connections between the U.S. and these countries. The Committee endorses CDC's very cost-effective programs and believes they should be supported and expanded not only in the former Soviet Union and Eastern Europe, but in transitioning and developing economiecs throughout the world.

AMENDMENT NO. 1146

(Purpose: To provide substitute language relating to restrictions on assistance to countries providing sanctuary to indicted war criminals)

Beginning on page 100, strike line 11 and all that follows through line 13 on page 107 and insert the following:

RESTRICTIONS ON ASSISTANCE TO COUNTRIES, ENTITIES, AND COMMUNITIES IN THE FORMER YUGOSLAVIA PROVIDING SANCTUARY TO PUBLICLY INDICTED WAR CRIMINALS

SEC. 567. (a) POLICY.—It shall be the policy of the United States to use bilateral and multilateral assistance to promote peace and respect for internationally recognized human rights by encouraging countries, entities, and communities in the territory of the former Yugoslavia to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia—

(1) by apprehending publicly indicted war criminals and transferring custody of those individuals to the Tribunal to stand trial; and

(2) by assisting the Tribunal in the investigation and prosecution of crimes subject to its jurisdiction.

(b) SANCTIONED COUNTRY, ENTITY, OR COMMUNITY.—

(1) IN GENERAL.—A sanctioned country, entity, or community described in this section is one in which there is present a publicly indicted war criminal or in which the Tribunal has been hindered in efforts to investigate crimes subject to its jurisdiction.

(2) SPECIAL RULE.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of assistance to an entity that is not a sanctioned entity within a sanctioned country, or to a community that is not a sanctioned community within a sanctioned country or sanctioned entity, if the Secretary of State determines and so reports to the appropriate congressional committees that providing such assistance would further the policy of subsection (a).

(c) BILATERAL ASSISTANCE.—

(1) PROHIBITION.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs may be provided for any country, entity, or community described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any assistance described in this subsection is disbursed to any country, entity, or community described in subsection (b), the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register a written justification for the proposed assistance, including a description of the location of the proposed assistance program or project by municipality, its purpose, and the intended recipient of the assistance, including the names of individuals, companies and their boards of directors, and shareholders with controlling or substantial financial interest in the program or project.

(d) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any

country or community described in subsection (b), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the appropriate Congressional committees a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries, including the names of individuals with a controlling or substantial financial interest in the project.

(e) EXCEPTIONS.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of—

(1) humanitarian assistance;

(2) assistance to nongovernmental organizations that promote democracy and respect for human rights; and

(3) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or community and a nonsanctioned contiguous country, entity, or community, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or community and if the portion of the project located in the sanctioned country, entity, or community is necessary only to complete the project.

(f) FURTHER LIMITATIONS.—

(1) PROHIBITION ON DIRECT ASSISTANCE TO PUBLICLY INDICTED WAR CRIMINALS AND OTHER PERSONS.—Notwithstanding subsection (e) or subsection (g), no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or community described in subsection (b), for any financial or technical assistance, grant, or loan that would directly benefit a publicly indicted war criminal, any person who aids or abets a publicly indicted war criminal to evade apprehension, or any person who otherwise obstructs the work of the Tribunal.

(2) CERTIFICATION.—At the end of each fiscal year, the President shall certify to the appropriate congressional committees that no assistance described in paragraph (1) directly benefited any person described in that paragraph during the preceding 12-month period.

(g) WAIVER.—The Secretary of State may waive the application of subsection (c) with respect to specified United States projects, or subsection (d) with respect to specified international financial institution programs or projects, in a sanctioned country or entity upon providing a written determination to the appropriate congressional committees that the government of the country or entity is doing everything within its power and authority to apprehend or aid in the apprehension of publicly indicted war criminals and is fully cooperating in the investigation and prosecution of war crimes.

(h) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND COMMUNITIES.—

(1) IN GENERAL.—The Secretary of State, acting through the Ambassador at Large for War Crimes Issues, and after consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and maintain a current record of the location, including the community, if known, of publicly indicted war criminals and of sanctioned countries, entities, and communities.

(2) REPORT.—Beginning 30 days after the date of enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the community, if known, of publicly indicted war criminals and the identity of countries, entities, and communities that are failing to cooperate fully with the Tribunal.

(3) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(j) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(3) COMMUNITY.—The term "community" means any canton, district, opstina, city, town, or village.

(4) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia-Montenegro), the Former Yugoslav Republic of Macedonia, and Slovenia.

(5) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(6) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, the Republika Srpska, Brcko in Bosnia, Serbia, Montenegro, and Kosovo.

(7) INTERNATIONAL FINANCIAL INSTITUTION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(8) PUBLICLY INDICTED WAR CRIMINALS.—The term "publicly indicted war criminals" means persons indicted by the Tribunal for crimes subject to the jurisdiction of the Tribunal.

(9) TRIBUNAL OR INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.—The term "Tribunal" or the term "International Criminal Tribunal for the Former Yugoslavia" means the International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the Territory of the Former Yugoslavia since 1991, as established by United Nations Security Council Resolution 827 of May 25, 1993.

Mr. LAUTENBERG. Mr. President, I would like to thank Senator MCCONNELL and Senator LEAHY for including my amendment No. 1146 in the managers' package.

Mr. President, I rise today to offer an amendment to ensure U.S. aid does not go to countries or regions or communities in the former Yugoslavia which continue to harbor indicted war criminals.

This amendment would improve language we adopted last year with a clearer provision covering all of the former Yugoslavia.

Mr. President, we have seen terrible atrocities committed in Croatia, in Bosnia, and most recently in Kosovo.

The International Criminal Tribunal for former Yugoslavia has publicly indicted 89 persons for war crimes, crimes against humanity, and genocide. There are almost certainly more indictments which remain sealed. Ongoing investigations in Bosnia and now in Kosovo will surely lead to more indictments.

However, the justice of the War Crimes Tribunal relies on the governments of countries in the region to apprehend indicted war criminals and transfer them to The Hague to stand trial.

Because the Republika Srpska authorities failed to fulfill their responsibilities, United States and other NATO armed forces in the United Nations-authorized peacekeeping force in Bosnia have arrested 7 war criminals. However, 36 publicly indicted war criminals remain at large.

Mr. President, our aid programs provide important leverage to motivate governments in the former Yugoslavia to stop harboring war criminals and start arresting them.

United States policy linking aid to cooperation with the war crimes tribunal is clear.

Indeed, a few years ago, Secretary Albright said the following in her remarks at the Tribunal:

> . . . The United States has made full cooperation with the War Crimes Tribunal, especially the transfer of indictees to The Hague, a prerequisite for U.S. assistance, our support for assistance by others, and our backing for membership in international institutions.

Unfortunately, the administration has resisted putting this policy into practice. Indeed, Secretary Albright has issued broad waivers of the provision included in the fiscal year 1998 and 1999 appropriations bills. The United States now provides aid to the city of Prijedor which hosts no fewer than 8 indicted war criminals.

Just this month Secretary Albright signed another waiver to provide $10 million in budget support to the Republika Srpska Government—the very Government which includes the Bosnian Serb police force which should be carrying out arrest warrants and is not.

Mr. President, ever more atrocities committed by Serbian police and paramilitary forces in Kosovo are coming to light: executions, torture, rape, burning of homes, expulsions on a massive scale.

We must now send a strong signal that we are determined to see the perpetrators of these crimes face justice. We must end our support for so-called moderates in Republika Srpska until and unless they fulfill their obligations to arrest war criminals and cooperate with the War Crimes Tribunal.

The Amendment I am offering today clearly states the policy of the United States "to use bilateral and multilateral assistance to promote peace and respect for internationally recognized human rights by encouraging countries, entities, and communities in the territory of the former Yugoslavia," among other things "by apprehending publicly indicted war criminals and transferring custody of those individuals to the Tribunal to stand trial."

The amendment sets out mechanisms to ensure that U.S. and multilateral aid will go to areas like the Bosnian Federation, where no war criminals remain at large, while prohibiting aid to authorities and areas that harbor war criminals.

Mr. President, I would urge my colleagues to join me in this effort to ensure that the perpetrators of horrible crimes in Croatia, Bosnia, and Kosovo will ultimately face justice.

I thank the Chair and yield the floor.

AMENDMENT NO. 1150

(Purpose: Providing assistance to promote democracy in Serbia)

At the appropriate place in the bill, insert the following:

SEC. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA.

(a) ASSISTANCE.—

(1) PURPOSE OF ASSISTANCE.—The purpose of assistance under this subsection is to promote and strengthen institutions of democratic government and the growth of an independent civil society in Yugoslavia, including ethnic tolerance and respect for internationally recognized human rights.

(2) AUTHORIZATION FOR ASSISTANCE.—The President is authorized to furnish assistance and other support for individuals and independent nongovernmental organizations to carry out the purpose of paragraph (1) through support for the activities described in paragraph (3).

(3) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under paragraph (2) include the following:

(A) Democracy building.

(B) The development of nongovernmental organizations.

(C) The development of independent media.

(D) The development of the rule of law, a strong, independent judiciary, and transparency in political practices.

(E) International exchanges and advanced professional training programs in skill areas central to the development of civil society and a market economy.

(F) The development of all elements of the democratic process, including political parties and the ability to administer free and fair elections.

(G) The development of local governance.

(H) The development of a free-market economy.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the President $100,000,000 for the period beginning October 1, 1999, and ending September 30, 2001, to carry out this subsection.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(b) PROHIBITION ON ASSISTANCE TO GOVERNMENT OF SERBIA.—In carrying out subsection (a), the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Government of Yugoslavia or to the Government of Serbia.

(c) ASSISTANCE TO GOVERNMENT OF MONTENEGRO.—In carrying out subsection (a), the President is authorized to provide assistance to the Government of Montenegro, if the President determines, and so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, that the Government of Montenegro is committed to, and is taking steps to promote, democratic principles, the rule of law, and respect for internationally recognized human rights.

AMENDMENT TO 1151

(Purpose: To allocate funds to continue mycoherbicide counter drug research and development)

On page 26, line 15, before the period insert the following: "*Provided further*, That of the funds made available under this heading, not less than $10,000,000 shall be made available to continue mycoherbicide counter drug research and development".

Mr. COVERDELL. Mr. President, I rise today to join my colleagues, Senator BURNS and Senator DEWINE, to offer an amendment to the Foreign Operations Appropriations bill. This amendment would provide $10 million to the State Department Bureau of International Law Enforcement Affairs for mycoherbicide research and development to be used for narcotic crop eradication. The appropriations bill, as it currently stands, provides no funding for this important tool in our war against illegal drugs.

Many of my colleagues and I view this mycoherbicide technology as a promising new tool that will reduce the cultivation and supply of narcotic crops, and thereby increasing our capacity to combat illegal drugs. I have been briefed on the mycoherbicide technology and understand that it is a naturally occurring plant pathogen that can be introduced into an area to control a target plant species. The program is also environmentally friendly—it posses no threat to humans or animals, other crops, or water supply and replaces the use of harmful chemicals. In addition, the program is a cost effective tool in our war on drugs. The mycoherbicides will remain in the soil for an extended period of time, for up to 40 years, and costs a fraction of the $2.65 billion we spend on other supply reduction methods.

I remind my colleagues that Congress has recognized the importance of this technology and its ability to eradicate deadly crops when it endorsed the program last year in the Western Hemisphere Drug Elimination Act. The program was funded in the amount of $23 million for fiscal year 1999. I strongly urge my colleagues to continue their support for this program by passing this amendment and supporting the continued development of the mycoherbicide program.

Mr. President, as illegal drugs continue to cross our borders and threaten the welfare of American citizens, this program is a top priority that can significantly reduce the production of narcotics crops. We know that elimination of illicit crops is the best way of preventing deadly drugs from reaching our streets and destroying untold lives and communities. I urge my colleagues to join with Senator BURNS, Senator DEWINE and me in support of this amendment and in support of this important program.

Mr. DEWINE. Mr. President, I rise today to discuss yet again one of the key problems I have been addressing, as a U.S. Senator, over the last four years. The problem is the inflow of illegal drugs into America. I have heard it said that if we eliminate demand, if we address the domestic side of drug abuse, we really don't have to worry about illegal narcotics producers and importers, because they would then have no market for their drugs.

Mr. President, this argument makes sense on a superficial level, but it does not reflect reality. I have been, throughout my career as a local, state and Federal elected official, a strong supporter of domestic efforts to reduce drug demand. But I have always believed—and continue to believe—that we need a balanced program to attack the drug problem on all fronts. We need to invest not only in domestic demand reduction and law enforcement programs, but also in international programs to increase interdiction and reduce production of illegal narcotics. We need to do our best to stop drugs from ever reaching our borders.

Mr. President, for nearly a year, I have expressed my belief that this Administration is not doing its best to address this problem. Little seems to have changed in one year.

Before this Administration took office, almost one-third of our counter narcotics resources were committed to stopping drugs outside our borders. Today, that figure is less than 14 percent. Although overall funding for counter narcotics programs has increased dramatically in the last decade, from $4.5 billion to $17.8 billion, statistics show an increase in drug use among our youngest citizens. I am disturbed by how easily and how cheaply illegal drugs can be purchased. I am disturbed that the Administration is not taking seriously the initiatives Congress passed last year as part of the bipartisan Western Hemisphere Drug Elimination Act.

Mr. President, President's Budget Request for Fiscal Year 2000 provided ZERO funding for any of the initiatives in that Act. In fact, the President's overall anti-drug budget for next year is $100 million less than what Congress provided in 1999. The Coast Guard received no funding to acquire additional ships and planes to stop drug trafficking in the Caribbean; the Drug Enforcement Administration received ZERO funding for new agents; the US Customs Service received ZERO funding to acquire maritime/air assets, and ZERO increases for inspectors.

In addition, the Administration has also ignored other key initiatives sought by Congress, including mycoherbicide research and development, and eradication and alternative crop development assistance to our Latin American neighbors, particularly, Colombia and Bolivia. I very much appreciate the efforts of the Appropriations Subcommittee on Foreign Operations in working with me on these issues. They have done a remarkable job to incorporate a key anti-drug initiative that was not sought by the President.

Specifically, Mr. President, I commend the managers of the bill for accepting the amendment offered by the Senator from Montana, Senator BURNS, to fund the mycoherbicide program which we began funding last year under the Western Hemisphere Drug Elimination Act. Mycoherbicide technology is a new and promising eradication technique for coca, poppy, and marijuana. The concept is to employ a natural disease that only attacks a specific narcotics plant without harming neighboring vegetation. Mycoherbicides can be applied through aerial spraying and will remain in the soil to prevent future growth of the narcotics crops in that area. Mr. President, this has the potential to be a very cost-effective and low-risk way to drastically reduce drug production at its source. We must pursue this technology and fund the additional research and testing necessary to bring about a deployable product as soon as possible.

Mr. President, let me now turn to the subject of eradication and alternative crop development assistance to Colombia and Bolivia. I am particularly concerned about the lack of resources made available by this Administration for what I consider to be our most urgent foreign assistance project—counter narcotics funding. I fear that we are sending a signal abroad that the United States is not entirely serious about the fight against drugs.

The report language accompanying this bill makes special mention of the progress made in the drug fight by the Government of Bolivia, and I want to add my voice to the committee report as well. Since coming to power in August of 1997, the Government of President Hugo Banzer and Vice President Jorge Quiroga has undertaken an ambitious plan to remove Bolivia from the illegal narcotics trade by the time they leave office in 2002.

Mr. President, many, myself included, were skeptical that this goal could be reached in the time allotted. Now, nearly two years into their "Dignity Plan," the Bolivian Government has shown that this goal can be reached. Since taking office, the Banzer Government has successfully reduced Bolivia's cocaine production potential by a remarkable 40 percent. This has been accomplished by an effective eradication program and an aggressive and successful program of interdiction and control of the chemical precursors which go into cocaine production.

The Foreign Operations Appropriations Bill makes mention of Bolivia's success, and its financial needs. I am deeply concerned that we are not providing sufficient support to the historic effort of the Bolivian Government. They have moved tens of thousands of farmers out of the illegal coca fields and it is absolutely imperative that we help to provide viable commercial alternatives for these farmers and their families. It would be a great tragedy to be within sight of a major victory in the drug war and to lose it for want of resources. The anticipated level of funding in this Bill falls far short of what is required to finish the job in Bolivia in the next two years.

Mr. President, I look forward to working with the Senator from Alaska, Senator STEVENS, the Senator from Georgia, Senator COVERDELL, and the Senator from Iowa, Senator GRASSLEY, to help Bolivia and other countries in their fight against drugs. We will work with the appropriators during conference to provide the highest possible level of funding for this effort. This is a key investment in the future safety of our own streets—and it will bring us closer to the drug-free America our children deserve.

AMENDMENT NO. 1158

At the appropriate place in the bill at the following new section:

SEC. . FOREIGN MILITARY TRAINING REPORT.

(a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 2000 a report on all military training provided to foreign military personnel (excluding sales) administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

AMENDMENT NO. 1162

(Purpose: To increase the commitment to control and eliminate the growing international problem of tuberculosis)

At the end, add the following:

SEC. 5 . (a) FINDINGS.—The Congress finds that—

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be eliminated in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trainer personnel, and medicine in virtually every nation with a high rate of the disease; and

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the total allocation for this Act is higher than the level passed by the Senate, a top priority for the additional funds should be to increase the funding to combat infectious diseases, especially tuberculosis.

AMENDMENT NO. 1163

(Purpose: Supporting an international conference to achieve a durable political settlement in the Balkans)

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G–8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G–8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for $1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G–8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G–8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over $10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) the international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) in order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

AMENDMENT NO. 1167

At the appropriate place in the bill, insert the following:

SEC. . (a) The President shall continue and expand efforts through the United Nations and other international fora, including the Wassenaar Arrangement, to limit arms transfers worldwide. The President shall take the necessary steps to begin multilateral negotiations within 180 days after the date of the enactment of this Act, for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms, particularly transfers to countries:

(1) that engage in persistent violations of human rights, engage in acts of armed aggression in violation of international law, and do not fully participate in the United Nations Register of Conventional Arms; and

(2) in regions in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(b) REPORT TO CONGRESS.—(1) Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the appropriate committees of the Congress on the progress made during these negotiations.

Mr. KERRY. Mr. President, the amendment I am offering today calls on the President to begin multilateral negotiations for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms to countries that engage in persistent violations of human rights, engage in acts of armed aggression, do not fully participate in the United Nations Register of Conventional, and countries in regions in which arms transfers would exacerbate regional arms races or international tensions.

As the United States and its allies work to expand the community of democratic nations and prevent the spread of violence and ethnic conflict, we must give higher priority to consideration of how conventional arms transfers may work to undermine these important objectives. It is simply not in our interest to allow weapons to flow freely into countries who abuse the rights of their citizens or who are engaged in conflict or destabilizing arms races.

International restraint in arms exports is important to U.S. national security interests, as well as for the furtherance of democracy and human rights. The June 1996 “Report of the Presidential Advisory Board on Arms Proliferation Policy” concluded that U.S. and international security are threatened by the proliferation of advanced conventional weapons. According to the Report, “The world struggles today with the implications of advanced conventional weapons. It will in the future be confronted with yet another generation of weapons, whose destructive power, size, cost, and availability can raise many more problems even than their predecessors today. These challenges will require a new culture among nations, one that accepts increased responsibility for control and restraint, despite short-term economic and political factors pulling in other directions.” An international Code of Conduct is a step toward that new culture.

The United States is far-and-away the world's biggest arms merchant, and we must lead the way for the rest of the world in addressing this issue. But we cannot do it alone. A unilateral decision by the United States to limit conventional arms transfers would be an important signal of our commitment to this issue, but it would not stop the flow of weapons into the countries about whom we are most concerned. We should be under no illusion about the ability or willingness of other arms-producing nations to rush in and fill any gap we might create. This amendment will require the President to expand international efforts to curb worldwide arms sales through the United Nations and other fora, such as the Wassenaar Agreement, and to report to the Congress on progress made during these negotiations.

The United States should lead the way to establishing a multilateral regime to prevent nations that ignore the rights of their citizens or bully their neighbors from obtaining the weapons that support these nefarious activities. This legislation can be the vehicle to accomplish this important objective. I thank the managers of this bill for accepting my amendment.

AMENDMENT NO. 1168

Purpose: To restrict U.S. aid to Cambodia

On page 13, strike lines 2 through the colon on line 14, and insert in lieu the following:

“None of the funds appropriated by this Act may be made available for activities or programs for the Central Government of Cambodia until the Secretary of State determines and reports to the Committee on Appropriations and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force:”

Mr. KERRY. Mr. President, the pending bill prohibits the Administration from providing aid to the central government of Cambodia pending certification by the Secretary of State that Cambodia has held free and fair elections, that the Central Election Commission was comprised of representatives from all parties, and that the Cambodian government has established an international panel of jurists to try individuals who have committed genocide against the Cambodian people.

I share the Committee's view that aid can be a source of leverage in dealing with the new Cambodian government, and I agree that we should use our aid to encourage the Cambodian government to establish a credible, internationally acceptable genocide tribunal. However, I do not believe that the conditions in the bill provide us with effective leverage because they are outdated and irrelevant to the realities on the ground in Cambodia today.

All of us who are involved with Cambodia recognize full well that the elections held last July in Cambodia were a mixed bag at best. The process leading up to the elections had flaws. The elections themselves were quite successful in terms of large voter turnout, lack of intimidation, international monitoring, and lack of violence. But they were less than perfect.

Cambodians know this, but they have moved on. They have formed a new coalition government with what appears to be a workable power sharing arrangement between the two major parties. They have an effective opposition party. The Khmer Rouge is no longer a military or political player, looming as a threat to the new government. The climate of political intimidation and violence that has so often characterized Cambodia is no longer prevalent. The new Cambodian government has put forth a policy platform which, if implemented, would enable Cambodia to make real strides toward the establishment of democratic institutions and processes.

In light of these realities, it makes no sense to put restrictions on our aid that simply cut off the aid and prevent us from using US aid as an incentive to move the Cambodian government to deal with the serious problems that are on the table now—building an independent judiciary, reforming the military and the policy so that they are professional, neutral and accountable, providing health care and schooling, and tackling the overwhelming problem of poverty.

The amendment that I am offering with Senator MCCAIN replaces the conditions in the bill with new conditions designed to promote the building of democratic institutions and to encourage the Cambodian government to establish a tribunal consistent with the requirements of international law and justice to try those guilty of genocide and crimes against humanity.

Specifically, this amendment prohibits aid to the central government pending a certification by the Secretary of State that Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force. The amendment also requires the Secretary to certify that the Cambodian government has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity.

Let me say a word about the condition related to the tribunal. When I was in Cambodia in April, I had extensive discussions with Prime Minister Hun Sen, National Assembly Chairman Prince Ranarridh, King Sihanouk, and others about the issues related to the constitution of a genocide tribunal. While the Prime Minister insisted that the tribunal be in Cambodia, he agreed with my proposal that international judges, prosecutors and investigators actively participate in the process. He also indicated that he would support changes in Cambodian law to allow these individuals to actively operate within the Cambodian judicial system. Prince Ranariddh and King Sihanouk also were supportive of this concept.

I believe that this kind of tribunal, with meaningful international participation, could provide a credible and accountable process, consistent with international law and standards, for trying those who committed genocide and crimes against humanity. The carrot of US aid can serve as an important incentive for the Cambodian government to follow through on this process.

Mr. President, I believe this is a good amendment and I thank the managers for accepting it.

Mr. MCCAIN. Mr. President, I rise to join with Senator KERRY in offering an amendment to the foreign operations appropriations bill that would replace language currently in the bill pertaining to Cambodia with language that I firmly believe will prove far more productive in accomplishing our goals in that strife-torn nation. The amendment would replace the current prohibition on assistance pending unrealistic and counterproductive certifications with attainable goals consistent with the positive developments that have occurred in Cambodia since its elections last July.

Few countries in the entire world have experienced the scale of suffering since the Second World War that was inflicted upon the people of Cambodia between 1975 and 1979. A phrase that has become a part of our normal lexicon in discussions of tragedies of great proportion in foreign countries originated in descriptions of the killing fields of Cambodia. What transpired in that country during the rule of the Khmer Rouge defies comprehension. It is a history, however, that must not be forgotten.

After decades of struggling with political events in Cambodia, we have an opportunity to finally help it move in a positive direction. We have an opportunity to help the people of that beautiful nation to begin to put their painful past behind them, and to join the community of nations in good standing. We cannot accomplish that objective, however, with the language currently in the bill before us today. That language prohibits all direct U.S. assistance to the central government of Cambodia until the Secretary of State certifies that the July 1998 elections were free and fair, with emphasis on the period leading up to election day.

Few would argue that numerous irregularities occurred in the months leading up to the election of July 26, 1998. I wish that had not been the case. But those irregularities took place, and we cannot change the past. The question, however, becomes where we go from here. The election itself was, by and large, a free and fair election, and it is unlikely that the pre-election irregularities fundamentally altered its outcome. Since the election, the main competing factions have agreed at an amicable arrangement, and Cambodia today stands its best chance of making significant political and economic progress. A U.S. role, which is currently limited to support of non-governmental organizations anyway, can be instrumental in facilitating greater levels of liberalization. The Central Government of Cambodia shows every sign of wanting to move in that direction. That is why the language in this bill is so troubling. It fails to account for a far more positive political atmosphere in Cambodia than has existed in decades.

We can help Cambodia to move forward, or we can stand aside and see an opportunity to act productively in Southeast Asia squandered. I am under no illusions about the scale of problems that continue to plague that troubled nation. The government of Phnom Penh must move forward on the issue of establishing an international tribunal for the prosecution of Khmer Rouge officials, it must continue to address pressing issues like deforestation, and it must carry out needed political and economic reforms. But we must not let an important opportunity to help such reforms move forward by restricting aid unless the State Department certifies to something all parties know cannot be certified. We can predicate our policy toward Cambodia on the past, or we can remember the past but look to the future. The Kerry-McCain amendment provides an opportunity to do the latter. I urge its support.

AMENDMENT 1173

At the appropriate place, insert the following section:

SEC. . EXPANDED THREAT REDUCTION INITIATIVE.

It is the sense of the Senate that the programs contained in the Expanded Threat Reduction Initiative are vital to the national security of the United States and that funding for those programs should be restored in conference to the levels requested in the President's budget.

AMENDMENT 1174

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING U.S. COMMITMENTS UNDER THE U.S.-NORTH KOREAN AGREED FRAMEWORK.—It is the Sense of the Senate that, as long as North Korea meets its obligations under the U.S.-North Korean nuclear Agreed Framework of 1994, the U.S. should meet its commitments under the Agreed Framework, including required deliveries of heavy fuel oil to North Korea and support of the Korean Peninsula Energy Development Organization (KEDO).

Mr. LEVIN. Mr. President, I wish to comment on the foreign operations appropriations bill being considered by the Senate. There is one area of this bill that I believe deserves particular attention, and that is the series of provisions relating to U.S. funding for the Korean Peninsula Energy Development Organization, or KEDO. This is the organization that is implementing certain provisions of the U.S.-North Korean nuclear Agreed Framework of 1994. U.S. funds for KEDO pay for the heavy fuel oil that the U.S. is committed to provide to North Korea in exchange for its agreement to freeze and eventually dismantle its plutonium production program that could be used for nuclear weapons.

Mr. President, that Agreed Framework is working in our national security interests now. Under that agreement, North Korea has frozen its plutonium production facilities and canned almost all of the spent nuclear reactor fuel from its graphite-moderated reactor in Yongbyon, all under the watchful eye of International Atomic Energy Agency (IAEA) personnel and monitoring instruments.

As recent Secretaries of Defense and Chairmen of the Joint Chiefs of Staff have repeatedly and consistently testified to Congress, it is clearly in our security interest that North Korea not produced any more plutonium and that its spend reactor fuel be canned and removed from North Korea. In addition, it is important for North Korea to account for all its past plutonium production to the satisfaction of the IAEA. If, and only if, North Korea satisfies all those requirements of the Agreed Framework, then KEDO, will provide two lightwater nuclear power production reactors to North Korea, with South Korea and Japan paying the overwhelming majority of the cost of those reactors.

The U.S. is required to provide heavy fuel oil to North Korea on an agreed schedule, and we have had a spotty record so far, largely because of Congressional funding reductions and restrictions. But we have managed to deliver the required oil, albeit sometimes late.

This bill would reduce the Administration's funding request for heavy fuel oil from $55 million to $40 million dollars, a decrease of $15 million. This reduction would prevent the U.S. from purchasing and delivering the required heavy fuel oil to North Korea. In my view, what would be a serious mistake.

If we do not provide the required heavy fuel oil under the Agreed Framework, we would be failing to meet our commitments under the Agreed Framework. This would provide North Korea with a ready-made excuse to withdraw from or violate the Agreed Framework, something we should all recognize would be contrary to our national interests and bad for U.S. security.

As long as North Korea meets its obligations under the Agreed Framework, we should meet our commitments and obligations under the Agreed Framework, including providing the funds necessary to deliver all the required heavy fuel oil to North Korea.

Mr. President, this bill also places unnecessary and unworkable restrictions on the obligation of the $40 million that is provided for KEDO. These are contained in certifications required before the funds can be obligated. Two of these certifications go beyond the terms of the Agreed Framework and would make it very hard for the U.S. to provide funds to KEDO, unless the President uses a waiver.

I believe it is important that we work in good faith to keep North Korea in compliance with its obligations under the Agreed Framework, and that includes our obligation to provide the necessary funds to deliver the required heavy fuel oil to North Korea.

When the Armed Services Committee and the Foreign Relations Committee members met recently with Former Defense Secretary William Perry, the President's Special Advisor on North Korea, one of my colleagues asked Dr. Perry what Congress could do to help move North Korea in a more peaceful and cooperative direction. Dr. Perry indicated that the most important Congressional action would be to provide full funding for KEDO. I believe Dr. Perry is correct.

Mr. President, for these reasons I offer an amendment to the bill that states the sense of the Senate that, "as long as North Korea meets its obligations under the U.S.-North Korean nuclear Agreed Framework of 1994, the U.S. should meet its commitments under the Agreed Framework, including required deliveries of heavy fuel oil to North Korea and support of the Korean Peninsula Energy Development Organization (KEDO)."

This amendment puts the Senate on record as stating its view that the United States should meet its commitments under the Agreed Framework, including the heavy fuel oil and KEDO commitments.

Mr. President, I believe this amendment improves the bill and makes it clear that the Senate wants the U.S. to uphold its end of the Agreed Framework, and I hope that the bill's provisions relating to KEDO can be modified in conference and that the Administration's requested funding will be restored in conference, to reflect the view of the Senate as expressed in my amendment.

AMENDMENT NO. 1175

(Purpose: To provide Tibetan refugee relief)

On page 17, line 10, before the period insert the following:

"That of the amounts appropriated under this heading, $1.5 million shall be made available to Habitat for Humanity International for the purchase of 14 acres of land on behalf of Tibetan refugees living in northern India, and the construction of multi-unit development."

Mr. DOMENICI. Mr. President, I rise today to offer an amendment that would provide Habitat for Humanity $1.5 million for construction of a multi-unit development for Tibetan refugees living in Northern India.

These refugees were forcibly driven from their homes by the Chinese communists. They are living in the Dehradun area and are among the poorest people on earth. They are without citizenship rights and cannot own land. As such, they exist as squatters in burned out homes and shacks remaining after the Hindu-Moslem conflicts of a few years ago. The conditions are deplorable; soaking wet in the monsoon season and freezing in the winter.

Many Americans are aware of the plight of these Tibetan refugees and have started taking actions to help them. The Dalai Lama is a full partner in this project and has put the full weight of his friends and government behind this.

This money will fund a plan to purchase 14 acres of land on behalf of the Tibetans and provide for the construction of a multi-unit development for 160 of the poorest families. An American architect has volunteered his time to visit the site, direct the preliminary clearing, and draw the plans for the village.

General Mick Kicklighter, U.S. Army, Ret., serves as President of Habitat for Humanity International and will oversee the direction of resources for this project. The President of the Arundel County, Maryland, Habitat for Humanity affiliate is working to lay out detailed building time and cost management for the village. The property has been obtained, building permits secured and the land has been cleared by the hand effort of the refugees.

I ask my colleagues to join me and the cosponsors to this amendment to support funding in the amount of $1.5 million to directed to Habitat for Humanity International for completion of this project. The creation of this village with U.S. assistance will serve as a model for the international aid community. I firmly believe that the impact of this modest sum will be felt globally.

AMENDMENT NO. 1176

On page 33, line 6, before the colon, insert the following: ", of which no less than $1,000,000 shall be available for the Defense Institute of International Studies to enhance its mission, functioning and performance by providing for its fixed costs of operation".

AMENDMENT NO. 1177

At the appropriate place, insert:

It is the sense of the Senate that:

The Senate finds, that: The proposed programs under the Expanded Threat Reduction Initiative (ETRI) are critical and essential to preserving U.S. national security.

The Department of State programs under the ETRI be funded at or near the full request of $250 million in the Foreign Operations Appropriations Bill for Fiscal Year 2000 prior to final passage.

Mr. McCONNELL. These amendments have been cleared on both sides, and I ask they be considered and agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, and 1173 through 1177) were agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1159 AND 1170 THROUGH 1172, EN BLOC, AS MODIFIED

Mr. McCONNELL. I send the following modifications to amendments that are at the desk:

No. 1159, Senator LANDRIEU on orphans; No. 1170, Senator BROWNBACK, the Sudan; No. 1171, Senator DEWINE on Colombia; and No. 1172, Senator REID on Iraq.

The amendment (No. 1170), as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. INTERNATIONAL DISASTER ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

Notwithstanding any other provision of law, of the funds made available under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for fiscal year 2000, up to $4,000,000 should be made available for rehabilitation and economic recovery in opposition-controlled areas of Sudan. Such funds are to be used to improve economic governance, primary education, agriculture, and other locally-determined priorities. Such funds are to be programmed and implemented jointly by the United States Agency for International Development and the Department of Agriculture, and may be utilized for activities which can be implemented for a period of up to two years.

SEC. ___. HUMANITARIAN ASSISTANCE FOR SUDANESE INDIGENOUS GROUPS.

The President, acting through the appropriate Federal agencies, is authorized to provide humanitarian assistance, including food, directly to the National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the Operation Lifeline Sudan structure.

SEC. ___. DEVELOPMENT ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

(a) INCREASE IN DEVELOPMENT ASSISTANCE.—The President, acting through the United States Agency for International Development, is authorized to increase substantially the amount of development assistance for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan.

(b) QUARTERLY REPORT.—The President shall submit a report on a quarterly basis to the Congress on progress made in carrying out subsection (a).

Mr. BROWNBACK. Mr. President, I rise in support of the amendment that has been cleared, I understand, by both sides. I would like to submit into the RECORD a clarification regarding the distribution of humanitarian assistance, including food, directly to the National Democratic Alliance participants operating outside of the Operation Lifeline Sudan structure. Namely, the intent and expectation of the Senate through this language is for the Sudanese People's Liberation Movement to be a recipient as a leading member participant in the National Democratic Alliance.

Mr. FRIST. Mr. President, it is important to view this amendment in the greater context of the current humanitarian situation in southern Sudan.

The situation is dire, to say the least: the famine of last year took the lives of hundreds of thousands as flights of relief were banned by Khartoum from large areas outside their control, an act which triggered famine and starvation. The regime in Khartoum is allowed to halt U.N. relief flights at will because of the terms of the 1989 agreement which establish Operation Lifeline Sudan—the U.N. relief organization. As I noted in an op-ed in The Washington Post on July 19, 1998, the "practice starves combatants and noncombatants alike and compromises the integrity and effectiveness of relief groups desperately trying to fend off famine."

I ask unanimous consent that op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 19, 1998]

SUDAN'S MERCILESS WAR ON ITS OWN PEOPLE

(By Bill Frist)

When the United Nations World Food Program announced last week that up to 2.6 million people in southern Sudan are in imminent danger of starvation, the news was received with surprising nonchalance. Such news is becoming almost routine from misery-plagued East Africa, but what is unfolding in southern Sudan is at least the fourth widespread, large-scale humanitarian disaster in the region in the past 15 years.

In all cases, the United States' record is not one of success. Ethiopia in 1984, a disastrous military involvement in Somalia in 1993 and shameful neglect in Rwanda in 1994 have left the public bitter toward the prospect of yet more involvement. But again, as famine hovers over the region, we face a disconcertingly similar quandary on the nature of our response.

In January I worked in southern Sudan as a medical missionary, and I have seen firsthand the terrible effects of the continuing civil war and how that war came to help create this situation. As a United States senator, however, I fear that by failing to make necessary changes in our response, American policy toward Sudan may be a contributing factor in the horrendous prospect of widespread starvation.

The radical Islamic regime in Khartoum is unmatched in its barbarity toward the sub-Saharan or "black African" Christians of the country's South. It is largely responsible for creating this impending disaster through a concerted and sustained war on its own people, in which calculated starvation, bombing of hospitals, slavery and the killing of innocent women and children are standard procedure.

Our policy toward Khartoum looks tough on paper, but it has yet to pose a serious challenge to the Islamic dictatorship. Neither has our wavering and inconsistent commitment to sanctions affected its behavior or its ability to finance the war.

Khartoum is set to gain billions of dollars in oil revenues from fields it is preparing to exploit in areas of rebel activity. The U.S. sanctions prohibit any American investment, but recent evidence indicates that enforcement is lax. Additionally, relief groups operating there report that new weapons are flowing in as part of a deal with one of the partners—a government-owned petroleum company in China.

It is our policy toward southern Sudan that is of more immediate importance to the potential humanitarian disaster. From my own experience operating in areas where U.S. government relief is rarely distributed, I fear that both unilaterally and as a member of the United Nations, the United States unnecessarily restricts our own policy in odd deference to the regime in Khartoum.

In southern Sudan our humanitarian relief contributions to the starving are largely funneled through nongovernmental relief organizations that participate in Operation Lifeline Sudan. All of our contributions to the United Nations efforts are distributed through this flawed deal.

In this political arrangement the Khartoum regime has veto power over all decisions as to where food can be sent. That which is needed in the areas outside their control is often used as an instrument of war, with Khartoum routinely denying permission for a flight to land in an area of rebel activity, especially during times when international attention lacks its current focus. This practice starves combatants and noncombatants alike and compromises the integrity and effectiveness of relief groups desperately trying to fend off famine.

Despite associated risks, some relief groups operate successfully outside the arrangement's umbrella, getting good and medicine to areas that the regime in Khartoum would rather see starve. Out of concern that the Khartoum regime would be provoked into prohibiting all relief deliveries under the scheme, the U.S. Agency for International Development and its Office of Foreign Disaster Assistance do not regularly funnel famine relief through outside organizations, and thus our relief supplies are only selectively distributed- a decision that unnecessarily abets Khartoum's agenda.

The U.S. policy in Sudan does not seek an immediate rebel victory and the fragmenting of Sudan that could follow. Because the splintered rebel groups could not provide a functioning government or civil society at this time, that policy cannot be thrown out wholesale. Yet our failure to separate this policy from the action necessary to save these people from starvation result in absurdity.

Thus even while generously increasing the amount of aid, for political reasons we seek the permission of the "host government" in Khartoum to distribute it and feed the very people they are attempting to kill through starvation and war. A second reason for this posture is, presumably, a fear that even modest, calculated food aid would allow the rebels to mobilize instead of foraging for their families—a factor that could turn the outcome on the battlefield in their favor.

The prospect of widespread starvation in southern Sudan does not necessitate that the United States seek a quick solution on the battlefield. Military victory and an end to hostilities are not a substitute for food. However, the administration should make an immediate and necessary distinction between the policy principle and the humanitarian challenge. It should articulate a response without political limitations, which, frankly, are trivial in comparison to the human lives at stake, and it should press the United Nations to do the same.

We can no longer afford to dance around the issues of sovereignty and political principles while restraining our response to a looming disaster that Khartoum helped create. Such academic debates and diplomatic concerns are for the well fed, but offer no solace to the starving.

Mr. FRIST. The Government of Sudan continues to prosecute the war against the south, including the bombing of hospitals and churches, and a campaign of terror, including slavery. Nearly 2 million have died since 1983, with over 4 million displaced from their homes.

In January of last year, I worked in southern Sudan as a medical missionary, in areas outside of government control, and in "hospitals" and clinics where I treated people who had never seen a doctor. What I saw was the product of an indiscriminate and savage war.

Since that time I have worked with other Senators, relief organizations, and the administration in trying to make our humanitarian policy as effective as it possibly can be. It must be a policy which does more than meet the immediate food needs of those who hover on the brink of starvation. It must be a policy which seeks to eliminate the root causes. The inability of the populations in areas outside of the control of the Government of Sudan to protect themselves is at the root of their vulnerability to starvation and famine.

That is not a politically or logistically easy task. It does not have a single solution which can simply be enacted. It requires that we constantly push the policy to adapt and become more effective, rather than simply become an amount for which we simply write a check each fiscal year. This amendment does not represent the solution to the root causes of the human tragedy in Sudan, but it is one critical piece which we must consider.

The authorization in this amendment will open this issue and place it at the top of the list of issues which we continue to work through with the administration. That process of Congress and the administration jointly working on a more effective Sudan policy has had its moments of disagreement, but it has been largely productive and one where our shared goals have never been compromised.

Additionally, it is worth noting that, beyond the traditional chiefdoms, the groups designated in this amendment are really the only organizations functioning in areas outside of the control of the government of Sudan. As a consequence, these are the only organizations which are defending these populations against the heinous attacks by the Government of Sudan and, increasingly, by irregular or paramilitary organizations sponsored by Khartoum—including slaving parties.

The more than 1 million dollars' worth of relief distributed in Sudan on a daily basis is done so in such a way that it is purposefully steered away from combatants. From the relief organizations' view point, that is essential to maintain some level of insulation from the political aspects of the war. They see themselves as strictly humanitarian organizations.

However, from a practical standpoint, that practice has an unintended, but not surprising consequence. Because the members of the resistance groups have to eat too—for they suffer from starvation as much as women and children—they regularly divert food donations to their own use.

Possibly more important than that is the effect on these organizations themselves and their ability to provide protection for the populations they defend. Because their food supply is erratic and dependent on diversions of other aid, they are often forced to demobilize to either collect food on their own, to steal food. or to leave to plant their crops. The practical effect of that is that they cannot stay mobilized and cannot provide any reliable or cohesive defense.

It is important to remember then that this amendment should not be seen as a reward to the resistance groups. Yet I remind my colleagues that they are the only line of defense between those people and the regime in Khartoum which seeks to subdue or exterminate them in a sustained effort of low-level ethnic cleansing.

The timing of presenting this authority to the President is critically important. The government of Sudan is poised to begin receiving billions of dollars in hard currency from the sale of newly exploited oil in contested areas. The regime in Khartoum has repeatedly and publically said their intention is to convert that hard currency straight into an renewed effort to subdue or eradicate the people in areas outside their control. The ability of the resistance groups to stay mobilized and coherent is arguably more important now than since the beginning of the war. A predictable supply of food is the key to realizing that defense. Again, more so than the weapons Khartoum is purchasing or receiving from the outside world, it is food which most devastating.

Besides the obvious human cost of an ineffective defense against Khartoum and their proxies, is the potential cost to the renewed effort to bring the combatants into an effective peace process. As I noted in a further piece in The Washington Post, we must use all available tools to bring the combatants to the table.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 1999]

AN END TO THE SUDAN TRAGEDY

(By Bill Frist)

The Post's May 7 editorial "Sudan: The Unending War" brought to light two critical points about that barbaric war of "ethnic cleansing." One is that our actions in Kosovo emphasize our failure to act in the much larger war in Sudan. Without Kosovo, the war in Sudan would continue in obscurity. The other is that it is time for the United States to redouble its efforts toward bringing the war to a conclusion. As bad as the situation has become and intractable as the conflict may seem, we may have a small chance for peace.

But the United States must redouble its efforts strategically with a realistic understanding of our strengths and limitations. What may seem like minor differences among our options actually can represent fundamental differences between success and failure. The appointment of a special envoy may bring needed attention and diplomatic weight to that effort, but it would represent neither a clear understanding of our limitations nor a strategy that can maximize our effectiveness.

A strategy that does so requires three basic steps in the coming months:

We must recognize the conflict for what it is: a calculated and sustained effort by the regime in Khartoum to subdue, eradicate or forcibly convert to Islam large segments of their own population. The fact that it is not exclusively a Muslim against Christian or Arab against black African war must not distract us from its barbarity. Even without a clear "good guy," the war is indiscriminate and patently evil. As the editorial pointed out, it already has claimed more lives than the wars in Bosnia, Kosovo, Chechnya and Somalia combined.

We must conduct our relief operations so they address the roots of the humanitarian disaster, not just the symptoms. We must continue to change our operations so they do not inadvertently abet the agenda of Khartoum by allowing the government to use our food donations as a weapon—as it dose with its calculated denial of access to relief flights that carry out contributions through the United Nations.

We also must change the nature of our generous contributions, moving away from simply food, literally falling from the sky into starving villages, to one where we seek to help establish the most basic civil and economic institutions in the areas outside the government's control. It is the near absence of those institutions in some areas that prevents the Sudanese from sustaining themselves. I plan to introduce legislation that will address those shortcomings, both in our own programs and in the United Nations. Congress can urge the president to continue implementing those changes, but we also must be prepared to support him fully as he does.

We must work harder to reinvigorate the existing multilateral peace process and bring significant pressure to bear on the warring parties and supporters to come to the peace table. Khartoum uses seductive diversions—"confessions" of war-weariness and other hints that a "breakthrough" is at hand--to avoid a process in which it would actually have to produce results.

The rebels continue to be fractious on their endgame. A strong peace process based on an airtight list of principles and measures of success can encourage both to deliver tangible results. A special envoy alone, secret "diplomatic missions" or any other effort that does not bring the combatants and their supporters to the table cannot provide three essential elements: the elimination of a scapegoat for a failed process, sustained pressure on all parties to show progress and a healthy dose of embarrassment for the world regarding the situation.

The tragedy of Sudan has been perpetuated by shameful, worldwide neglect and a stunning lack of resolve. Until Khartoum succeeds in its goal of ethnic cleansing, the war will never go away on its own. Short of military intervention or comprehensive U.N. sanctions, for which there is no political will, a coherent, cooperative and realistic strategy offers the best chance for progress—albeit 16 years late.

Mr. FRIST. The most important tool to bring them to the table is to continue to highlight the fact that neither side will win this war outright on the battlefield. If Khartoum believes they can not win the war on the battlefield because of their new found source of hard currency, they have absolutely no reason to come to the table and work for real peace. Short of military intervention on our own, the best way we can disabuse them of that notion and continue to press them to commit to a peace process is to clearly eliminate the greatest weaknesses which they will exploit. The greatest weakness is not so much the southern Sudanese's vulnerability to attack, but their inability to defend. That inability is not caused by a lack of weaponry, but a lack of calories.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments Nos. 1159, 1171 and 1172, as modified, en bloc.

The amendments are as follows:

AMENDMENT NO. 1159, AS MODIFIED

On page 21, line 22, before the period insert the following: "*Provided further*; That of the amount appropriated under this heading, not to exceed $2,000,000 shall be available for grants to nongovernmental organization that work with orphans who are transitioning out of institutions to teach life skills and job skills".

AMENDMENT NO. 1171, AS MODIFIED

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Colombia is a democratic country fighting multiple wars:

(A) a war against the Colombian Revolutionary Armed Forces (FARC);

(B) a war against the National Liberation Army (ELN);

(C) a war against paramilitary organizations; and

(C) a war against drug lords who traffic in deadly cocaine and heroin.

(3)Colombia is the world's third most dangerous country in terms of political violence with 34 percent of world terrorist acts committed there.

(4) Colombia is the world's kidnaping capital of the world with 2,609 kidnapings reported in 1998 and 513 reported in the first three months of 1999.

(5) In 1998 alone, 308,000 Colombians were internally displaced in Colombia. Over the last decade, 35,000 Colombians have been killed.

(6) The FARC and ELN are the two main guerrilla groups which have waged the longest-running anti-government insurgency in Latin America.

(7) The Colombian rebels have a combined strength of 10,00 to 20,000 full-time guerrillas; they have initiated armed action in nearly 700 of the country's 1073 municipalities, and control or influence roughly 60 percent of rural Colombia including a demilitarized zone using their armed stranglehold to abuse Colombian citizens.

(8) Although the Colombian Army has 122,000 soldiers, there are roughly only 20,000 soldiers available for offensive combat operations.

(9) Colombia faces the threat of the armed paramilitaries, 5,000 strong, who are constantly driving a wedge in the peace process by their insistence in participating in the peace talks.

(10) More than 75 percent of the world's cocaine HCL and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(11) The conflicts in Colombia are creating spillovers to the border countries of Venezuela, Panama and Equador: Venezuela has sent 30,000 troops to its border the Ecuador is sending 10,000 troops to its border.

(12) Venezuela is our number one supplier of oil.

(13) By the end of 1999, all U.S. military troops will have departed from Panama, leaving the Panama Canal unprotected.

(14) In 1998, two-way trade between the United States and Colombia was more than $11 billion, making the United States Colombia's number one trading partner and Colombia the fifth largest market for U.S. exports in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should recognize the crisis in Colombia and play a more pro-active role in its resolution;

(2) the United States should mobilize the international community to pro-actively engaged in resolving Colombian wars; and

(3) pledge or political support to help Colombia with the peace process.

AMENDMENT NO. 1172, AS MODIFIED

At the appropriate place, add the following:

It is the sense of the Senate that the President and the Secretary of State should—

(1) raise the need for accountability of Saddam Hussein and several key members of his regime at the International Criminal Court Preparatory Commission, which will meet in New York on July 26, 1999, through August 13, 1999;

(2) continue to push for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(3) continue to push for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(4) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. McCONNELL. I ask unanimous consent that these amendments, as modified, be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, as modified.

The amendments (Nos. 1159, and 1171 and 1172) as modified, were agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. There are six amendments at the desk that will not be proposed. I ask unanimous consent the following amendments not be proposed:

No. 1120, Senator BROWNBACK on the Sudan; No. 1147, Senator BROWNBACK on the Sudan; No. 1149, Senator GRASSLEY on narcotics; No. 1156, Senator BIDEN on Iraq; No. 1169, Senator KERRY of Massachusetts, code of conduct; No. 1155, Senator BIDEN on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. We approved earlier in the day 19 amendments in the managers' package. We just approved 18 more from a list compiled at 1 p.m., the deadline for getting amendments to the desk.

There are 5 more amendments we withdrew that will not be offered. That leaves 12 amendments, I say to my friend from Vermont, that remain to be addressed.

We are working on paring that list down further.

Mr. DODD. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has two amendments?

Mr. DODD. One amendment.

The PRESIDING OFFICER. One amendment.

AMENDMENT NO. 1157

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LEAHY, proposes an amendment numbered 1157.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill at the following new section:

SEC. . TERMINATION OF PROHIBITIONS AND RESTRICTIONS ON TRAVEL TO CUBA.

(a) TRAVEL TO CUBA.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—Subject to subsection (b), the President shall not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel that are set forth in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred paragraph (1) are—

(A) any transaction ordinarily incident to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal use only:

(B) any transaction ordinarily incident to travel or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal use;

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within Cuba;

(D) any transaction incident to non-scheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into Cuba or the United States except accompanied baggage; and

(E) any normal banking transaction incident to any activity described in any of the preceding subparagraphs, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments; except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in Cuba.

(b) EXCEPTIONS.—The restrictions on authority contained in subsection (a)(1) do not apply in a case in which—

(1) the United States is at war with Cuba; or

(2) armed hostilities between the two countries are in progress.

(c) APPLICABILITY.—This section applies to actions taken by the President before the date of the enactment of this Act which are in effect on such date, and to action taken on or after such date.

(d) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

AMENDMENT NO. 1182 TO AMENDMENT NO. 1157

(Purpose: To terminate prohibitions and restrictions on travel to Cuba)

Mr. LEAHY. Mr. President, I send to the desk an amendment in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1182 to amendment No. 1157.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike everything after "SEC ___." and insert in lieu thereof the following:

RELAXATION OF RESTRICTIONS ON TRAVEL BY AMERICAN CITIZENS TO CUBA.

(a) TRAVEL TO CUBA.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—Subject to subsection (b), the President shall not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel that are set forth in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred to in paragraph (1) are—

(A) any transaction ordinarily incident to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal use only;

(B) any transaction ordinarily incident to travel or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal use;

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within Cuba;

(D) any transaction incident to non-scheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into Cuba or the United States except accompanied baggage; and

(E) any normal banking transaction incident to any activity described in any of the preceding subparagraphs, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments;

except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in Cuba.

(b) EXCEPTIONS.—The restrictions on authority contained in subsection (a)(1) do not apply in a case in which—

(1) the United States is at war with Cuba;

(2) armed hostilities between the two countries are in progress; or

(3) there is imminent danger to the public health or the physical safety of United States travelers.

(c) APPLICABILITY.—This section applies to actions taken by the President before the date of the enactment of this Act which are in effect on such date, and to actions taken on or after such date.

(d) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

Mr. DODD. Mr. President, I ask for the yeas and nays on the Dodd amendment.

The PRESIDING OFFICER. Is there objection to it being in order to request the yeas and nays on the first-degree amendment?

Mr. DODD. On the Dodd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is not a sufficient second.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as I understand it, the second-degree amendment is what is pending before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second on the second-degree amendment? There is not.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I believe the Senator would like to renew his request for the yeas and nays.

Mr. LEAHY. I renew the request on the second-degree amendment, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Vermont for his second-degree proposal. We will take a very short amount of time. It is not our intention to spend a great deal of time on this particular proposal. We have proposed the pending amendments because we believe the time has come to lift the very archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba. Not only does this ban hinder rather than help our effort to spread democracy, it unnecessarily abridges the rights of ordinary Americans.

The United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be an entire ocean. We have made a land ripe for American influence forbidden territory. In doing so, we have enabled Fidel Castro's regime to hold onto power longer and contributed to the continued oppression of the Cuban people.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit that island nation. Today Americans are free to travel to Iran, Sudan, Burma, Yugoslavia, North Korea—but not to Cuba. You can fly to North Korea; you can fly to Iran; you can travel freely. Yet it seems to me if you can go to those countries, you ought not be denied the right to go to Cuba. If the Cubans want to stop Americans from visiting that country, that ought to be their business. But to say to an American citizen that you can travel to Iran, where they held hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but not to travel 90 miles off our shore to Cuba I think is a mistake.

To this day, some Iranian politicians believe the United States to be "the Great Satan." We hear it all the time. Just two decades ago, Iran occupied our Embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of the members of their Government. Those few Americans who venture into such inhospitable surroundings often find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to Sudan, a nation we attacked with cruise missiles last summer for its support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

I can go to Iran, but I cannot go to Cuba. There is an inconsistency here that I think we ought to undo. We ban travel to Cuba, a nation which is neither at war with the United States nor a sponsor of terrorism. I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country.

I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about the change we all seek serves our own interests.

Before I go on, let me be perfectly clear: I strongly support effective measures to bring democratic values and rule to all people, including Cuba. No one, certainly not Cubans, should have to live under a dictator's fist. Cubans cannot travel freely to the United States. That is because Fidel Castro does not allow them to do so. Those of us who watched our television screens last night and saw those Cubans trying to escape the dictatorial regime in Cuba, picked up by Cuban boats were horrified by that kind of activity.

Because Fidel Castro does not permit Cubans to leave Cuba and come to this country is not justification for adopting a similar principle in this country that says Americans cannot travel freely. We have a Bill of Rights. We have fundamental rights that we embrace as American citizens. Travel is one of them. If other countries want to prohibit us from going there, then that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they like is not the kind of restraint we ought to put on people.

If I can travel to North Korea, if I can travel to the Sudan, if I can travel to Iran, I do not understand the justification for saying I cannot travel to Cuba. I happen to believe that by allowing Americans to travel there, we can begin to have the influence in Cuba that can begin to change the demographics politically to make a difference in bringing about the change we all seek in that country.

Today, every single country in the Western Hemisphere is a democracy, with one exception: Cuba. American influence through person-to-person and cultural exchanges was a prime factor in this evolution from a hemisphere ruled predominantly by authoritarian or military regimes to one where democracy is the rule, with one exception: Cuba.

Our policy toward Cuba blocks these exchanges and prevents the United States from using our most potent weapon in our effort to combat totalitarian regimes, and that is our own people. They are the best ambassadors we have.

Most totalitarian regimes bar Americans from coming into their countries for the very reasons I just mentioned. They are afraid the gospel of freedom will motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba we do the dictator's bidding for him in a sense? Cuba does not have to worry about spreading democracy. Our own Government stops us from doing so.

The current state of regulations governing who can and cannot travel to Cuba is a complex and subjective morass. My colleague, Senator LEAHY, has first-hand experience in attempting to navigate the sea of bureaucracy.

When he attempted to travel to Cuba earlier this year with his wife Marcelle, he discovered that while his travel was exempt from certain licensing requirements, his wife's travel was not. Ultimately, she was able to accompany her husband after applying for a license based on her work as a registered nurse.

The fact is, the entire process is a farce and everyone knows it. Other couples, not a U.S. Senator and his wife, would probably not fare as well in gaining a license to travel to Cuba.

Let me review for my colleagues who may travel to Cuba under current Government regulations and under what circumstances. The following categories of people may travel to Cuba without applying to the Treasury Department for a specific license to travel. They are deemed to be authorized to travel under so-called general license: Government officials, regularly employed journalists, professional researchers who are "full time professionals who travel to Cuba to conduct professional research in their professional areas," Cuban Americans who have relatives in Cuba who are ill but only once a year they can go back.

There are other categories of individuals who theoretically are eligible to travel to Cuba as well, but they must apply for a license from the Department of the Treasury and prove they fit a category in which travel to Cuba is permissible.

What are these categories?

One, freelance journalists, provided they can prove they are journalists; they must also submit their itinerary for the proposed research.

Two, Cuban Americans who are unfortunate enough to have more than one humanitarian emergency in a 12-month period and therefore cannot travel under a general license.

Three, students and faculty from U.S. academic institutions that are accredited by an appropriate national or regional educational accrediting association who are participating in a "structural education program."

Four, members of U.S. religious organizations.

Five, individuals participating in public performances, clinics, workshops, athletic and other competitions and exhibitions.

Just because you think you may fall into one of the above enumerated categories does not necessarily mean you will actually be licensed by the U.S. Government to travel to Cuba.

Who decides whether a researcher's work is legitimate? Who decides whether a freelance journalist is really conducting journalistic activities? Who decides whether or not a professor or student is participating in a "structured educational program"? Who decides whether a religious person is really going to conduct religious activities?

I will tell you who does. Some Government bureaucrats are making those decisions about those personal rights of American citizens.

It is truly unsettling, to put it mildly, when you think about it, and probably unconstitutional at its core. It is a real intrusion on the fundamental rights of American citizens.

It also says something about what we as a Government think about our own people. Do we really believe that a journalist, a Government official, a Senator, a Congressman, a baseball player, a ballerina, a college professor or minister are somehow superior to other citizens who do not fall into those categories; that only these categories of people are "good examples" for the Cuban people to observe in order to understand American values?

I do not think so. I find such a notion insulting. There is no better way to communicate America's values and ideals than by unleashing average American men and women to demonstrate by daily living what our great country stands for and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think an excuse remains today to ban this kind of travel.

This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to have survived 38 years despite the Draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and comfort to the Cuban regime is without basis, in my view.

This spring, we got a taste of what people-to-people exchanges between the United States and Cuba might mean when the Baltimore Orioles and the Cuban National Team played a home-and-home series. The game brought players from two nations with the greatest love of baseball together for the first time in generations. It is time to bring the fans together. It is time to let Americans and Cubans meet in the baseball stands and on the streets of Havana.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens. Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba. I urge my colleagues to support this amendment.

Again, I make this point to my colleagues: There are no restrictions on you if you want to travel to the Communist Government of North Korea, to the Communist Government of the People's Republic of China, to the Communist Government of Vietnam, to the terrorist-supported Government of Iran, or to travel to the Sudan. This is a completely uneven standard we are applying in order to satisfy some political rhetoric.

If you really want to create some change in Cuba, then unleash the flood of U.S. citizens going down there and talking to average Cubans on the streets of Havana and Santiago and the small communities. Give the 11 million people in Cuba a chance to interface and interact with American citizens. If Fidel Castro wants to say, "No, you can't come here," let him say that, but let not us do his bidding by saying to average citizens: You cannot go there. That is a denial, in my view, of a fundamental right and freedom, unless there is an overriding national interest which would preclude and prohibit American citizens from traveling to a given country. That case has not been made. It cannot be made when it comes to Cuba.

Senator LEAHY and I urge the adoption of this amendment to begin to create the change we all want to see on this island nation 90 miles off our shore.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Vermont.

Mr. LEAHY. Mr. President, the distinguished senior Senator from Connecticut has stated the arguments so very well. Like he, I have traveled to Cuba. I visited Cuba 3 months ago with the distinguished senior Senator from Rhode Island, Mr. REED.

We were able to go there because we are U.S. Government officials. If we had been private citizens, as the distinguished Senator from Connecticut has said, we would have had some problems.

My friend from Connecticut mentioned the problems that my wife Marcelle faced when she went to Cuba. He and I have discussed that because of the absurdity of it.

My wife Marcelle has accompanied me on many foreign trips. We have gone abroad representing our country, at the request of the Senate, at the request of the President; and sometimes we have traveled on our own just to visit friends abroad.

So we did not think there was much of a difference that time. Our passports were in order. We were going to a Caribbean country, having traveled in that area often, so we didn't need any special shots or anything.

We were about to go. But a few days before we were to leave —this is what the Senator from Connecticut referenced—we received a call from the State Department saying they were not sure they could approve my wife's travel to Cuba.

I cannot speak for other Senators, but I suspect that most Senators would react the same way I did if they were told that a State Department bureaucrat had the authority to prevent their spouse or their children from traveling with them to a country with which we are not at war and which, according to the Defense Department, and practically every other American, poses no threat to our national security.

At first I thought it was a joke. They said no. My wife is not a Government official. She is not a journalist. They did not think she could go. She is, and has been, a practicing, registered nurse throughout her professional life. In the end, she was able to join me because an American nurses association asked her to report on an aspect of current health in Cuba, and she agreed to report back to them.

Actually she has visited, with me, other parts of the world where we have used the Leahy War Victims Fund or where we have gone to visit landmine victims or looked at health care. I have always relied on her knowledge and expertise and did on this trip.

But I thought, how many Senators realize that if they wanted to take their spouse or their children with them to Cuba, they could be prevented from doing so by U.S. authorities. They can take them anywhere else in the world, any other country that would allow them in, but here it is not that the other country would not allow them in. Our country is saying: We're not going to allow you to leave if that is where you're going.

The authors who put that law together knew the blanket prohibition on travel by American citizens would be unconstitutional, so they came up with a nifty way to avoid that problem while still having the same result. They said: Well, Americans could travel to Cuba; they just cannot spend any money there.

Think of it. You can go to Cuba but you can't stay anywhere if it is going to cost you money to stay; you can't eat anything if it is going to cost you money for the food; you can't take a cab, or anything, from the airport if it is going to cost you money.

Well, come on. Almost a decade has passed since the collapse of the former Soviet Union. But even before that Americans went there. Now they freely travel to Russia by the thousands every year, as they did before the collapse of the Soviet Union.

Eight years have passed since the Russians cut their $3 billion subsidy a year to Cuba, and we now give hundreds of millions of dollars in aid to Russia, even though that was our great enemy during the cold war.

Americans, as the Senator from Connecticut has said, can travel to North Korea. There are no restrictions on the right of Americans to travel there or to spend money there.

I ask a question of my colleagues: Which country poses a greater threat to the United States or world stability? North Korea or Cuba? I think the answer, especially if you watch the news at all, is North Korea, for it is in South Korea where we have tens of thousands of U.S. troops poised to defend it.

Americans can travel to Iran, a country that is in total, gross violation of all international law. They took over our embassy, held our diplomats hostage, broke every single possible international law there was—they still hold our property that they confiscated from us—but we can travel freely there; we can spend money there.

The same goes for Sudan. These are countries that are on our own terrorist list, but we can travel there.

Americans travel to China and Vietnam, countries that have had abysmal human rights records. We not only travel there, we actively promote American investment there.

So our Cuban policy is hypocritical, inconsistent, self-defeating, and contrary to our values—to give it the benefit of the doubt. We are a nation that prides itself on our tradition of encouraging the free flow of people and ideas. It is simply impossible to make a rational argument that Americans should be able to travel freely to North Korea or Iran but not to Cuba. You cannot make that argument.

I cannot believe that Members of Congress want the State Department or the Treasury Department deciding where their family members or constituents can travel, unless we are at war or there is a national emergency to justify it. But that is what is happening.

So because it is happening, it should not be surprising to anybody in this Chamber that the law is being violated by tens of thousands of Americans who are traveling to Cuba every year, and almost none of them are prosecuted. I kept running into people on the streets of Havana from the United States. I said: Do you have licenses or anything? No. We just came down.

I know people from my own State who drive an hour's drive away to Montreal and then fly to Cuba; people who go to the Hemingway Marina in their boats and then spend time in Cuba.

Mr. DODD. Will my colleague yield on that point?

Mr. LEAHY. Certainly.

Mr. DODD. I think it is an important point you are making. But I think in almost every single case, what these citizens are doing is flying through Canada or Cancun and in a sense violating the law; they are acting illegally.

Mr. LEAHY. That is right.

Mr. DODD. So in a sense we are promoting, by this particular provision in our existing law, illegal travel.

Mr. LEAHY. And also promoting a complete disrespect for our laws because everybody knows they are not going to be prosecuted. It is a ridiculous thing. Why have this significant law on the books and then not prosecute it? Yet if it was being prosecuted, maybe we would hear more of a hue and cry to change it.

It is demeaning to the American people. It is damaging to the rule of law. We have been stuck with this absurd policy for years, even though almost everybody knows—and most say privately—that it makes absolutely no sense. It is beneath the dignity of a great country.

But I also say it not only helps strengthen Fidel Castro's grip on America, it has a huge advantage for our European competitors who are building relationships and establishing a base for future investment in a post-Castro Cuba.

When the Castro era ends is anybody's guess. I was a student in law school here in Washington shortly after the Bay of Pigs. I remember people talking: It will be any minute now—any minute now—Castro is out.

Well, I graduated in 1964, 35 years ago, and he is still there. President Castro is not a democratic leader; he is not going to become one. But maybe it is time we start pursuing a policy that is in our interest, not in a lobbyist's interest or somebody else's interest. I should be clear about this amendment. It does not—I repeat and underscore that—lift the U.S. embargo. It is narrowly worded so it does not do that. It permits travelers to go there but to carry only their personal belongings. We are not opening up a floodgate for imports to Cuba.

It limits the value of what Americans can bring home from Cuba to the current amount that we Government officials could bring back. That is $100.

You are not going to start a huge trade in Cuban goods of whatever sort for $100, especially some of the more popular Cuban goods.

It reaffirms the President's authority to prohibit travel in times of war, armed hostilities, or if there is imminent danger to the health or safety of Americans.

Those who oppose this amendment, who want to prevent Americans from traveling to Cuba, will argue that spending dollars there helps prop up the Castro government. To some extent that is true, because the Cuban Government does run the economy. It also runs the schools, the hospitals, maintains roads. As is the U.S. Government, it is responsible for a full range of social services. Any money that goes into the Cuban economy supports the programs that support ordinary Cubans.

There is a black market in Cuba because no one can survive on their meager Government salary. So the income from tourism also fuels that informal sector and goes in the pockets of ordinary Cubans.

It is also worth mentioning that while the average Cuban cannot survive on his or her Government salary, you do not see the kind of abject poverty in Cuba that is so common elsewhere in Latin America. In Brazil, Panama, Mexico, or Peru, all countries we support openly, there are children searching through garbage in the street for scraps of food next to gleaming highrise hotels with limousines lined up outside.

In Cuba, with the exception of a tiny elite consisting of the President and his friends, everyone is poor. They do have access to some basics: A literacy rate of 95 percent; their life expectancy is about the same as that of Americans, even though the health system is focused on preventive care.

The point is that while there are obviously parts of the Cuban economy we would prefer not to support, as there is in North Korea, where we are sending aid, or China or Sudan or any country the government of which we disagree, much of the Cuban Government's budget benefits ordinary Cubans. So when opponents of this amendment argue that we cannot let Americans travel to Cuba because the money they spend there will prop up Castro, remember what they are not saying: The same dollars also help the Cuban people.

We are not going to weaken President Castro's grip on power by keeping Americans from traveling to Cuba. History has proven that. He is as firmly in control now as he was 40 years ago. So let us put a little sense into our relationship with Cuba. Let's have a little more faith in the power of ideas.

I would rather have U.S. citizens down there speaking about democracy than to have the only voice being the Government's voice speaking about our embargo. Let's have the courage to admit the cold war is over, but let's also get the State Department out of the business of telling our spouses and our children and our constituents where they can travel and spend their own money, especially in a tiny country where most people are too poor to own an extra pair of shoes or clothes, a country that poses no security threat to us.

This amendment will do far more to win the hearts and minds of the Cuban people than the shortsighted approach of those who continue to pretend that nothing has changed since 1959.

I am not one who supports the nondemocratic actions of the Castro government. I have spoken very critically both here and in Cuba, of the trials and arrests of those who dared to speak out for a different government. But I was struck over and over again by Cubans of all walks of life basically saying, what are we afraid of? Do we deny our people, U.S. citizens, the ability to travel in other countries around the world? When I say no, we don't stop them from going to Iran, North Korea, China, Russia, Sudan, elsewhere, countries that are even on our terrorist list, but we do here, they shake their heads in disbelief—this in a country where, during the baseball game down there, when the United States flag was carried out on to the baseball field, the Cubans stood and cheered. We ought to think about that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the remarks the Senators have made. It has been suggested earlier that we have had an absurd policy for years and that Cuba is not a real threat to us, certainly not as much of a threat as North Korea. I suggest if that is so—and it certainly has not been so for very long; I suggest Cuba could in the future be a threat to the United States—it is because we stood up to them. We contained them. We basically defeated them and stopped them when they had a systematic determination to subvert the Western Hemisphere and even sent troops into Africa on behalf of Russia, when there was a Soviet Union to subvert Africa for totalitarian communism.

That is what it was about. We have done some things that I think were necessary and have preserved democracy for this hemisphere. It is something we ought to be proud of.

As for Castro, it is time for him to retire. It is time for him to give it up. It is time for him to put his people above his own personal aggrandizement and lust for power. If he cares about his people, he ought to give it up. He can go to North Korea, if he wants to go to a Communist nation.

I don't have any sympathy for the man. I do not know why people want to go to Cuba. All the time: I want to go to Cuba, go to Cuba. Well, I would suggest maybe Honduras. Those people have suffered terrifically. There are people in Haiti we could help. I do not know why everybody wants to help a nation that is oppressing its people so much.

Be that as it may; there are provisions now for people to gain exemptions, if they have a just cause to do so, to go to Cuba. Those who have a legitimate reason can find a way to go there, as the Senator noted. I think we have an appropriate policy. I will oppose changing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, a case has been made that Americans cannot travel to Cuba. Indeed, the facts reveal that Americans travel to Cuba by the thousands. The policy that this Congress has endorsed, President Reagan, President Bush, and President Clinton have supported.

There has been a calculated policy of American contacts in travel to Cuba. Today American students, journalists, people with archeological interests, cultural interests, travel to Cuba by the thousands. Cuban Americans travel to visit family members who have problems, medical emergencies, by the thousands. The restriction of the U.S. Government is not about travel.

We are using travel as a weapon to help convince the Cuban people to put pressure on the Cuban Government, support for democracy, free markets, that their contact with Americans is helpful in changing the politics of the repression of Cuba. Restrictions in travel is not about denying Americans the right to go to Cuba. It is about denying Fidel Castro the economic benefits of American tourism. Travel that enhances knowledge, causes political difficulties, we not only allow but we have encouraged.

Travel that simply provides Fidel Castro with millions of dollars to support his regime, his military, his security forces, we are denying, and appropriately so. Nor is it a static policy.

On January 9 of this year, President Clinton revised the policy again, for the second time in 2 years, to add new remittances by American citizens to Cuba, so that people can send money and support their families at appropriate levels that are humanitarian, to help with medical or food emergencies but not so much that it would allow Fidel Castro to profit by it. President Clinton has allowed charter passenger flights to cities other than Havana for the first time, and the measure permits direct mail service to Cuba. The measure also authorizes the sale of food and agricultural inputs to independent nongovernment entities.

New regulations for all of this were issued on May 10—flights, new authority for travel, food and medicine—as part of a calculated policy to always test Castro: When you are ready to talk about democracy, to respect human rights, American policy will begin to change. Several days after President Clinton announced these new initiatives, the Cuban Government responded and Castro announced that it constituted a policy of "aggression." Once again, as President Carter found, as did Presidents Reagan, Bush, and Clinton, every time you make an act of concession—in this case, a legitimate concession—to test Fidel Castro to see whether he is interested in a bilateral relationship, we are denounced for redressing the Cuban nation by disallowing travel.

My colleagues offer an amendment now to remove these restrictions and open travel and allow Fidel Castro to get the full economic benefit of millions, potentially hundreds of millions of dollars worth of travel.

What kind of regime is it that they will be visiting? If Castro is to receive the benefit of our tourist dollars, what is it he would be doing with this money? It is worth taking a look at Cuba, not of 1961 when the cold war brought us to sanctions, but the Cuba of 1999. It is suggested by my friend and colleague from Vermont that the cold war is over, implying that perhaps we have no argument with this regime.

Our argument with Cuba is about more than the cold war. It is about all the things that have always motivated the United States: human rights, human decency, the nature of the regime itself. Our argument with Fidel Castro is not over. The causes of that argument still endure.

While the United States has been seeking to ease sanctions, look at the record in the last 24 months in response to our review and change of policy. In February, Fidel Castro criminalized all forms of cooperation or participation in any prodemocracy efforts—not a fine, not an arrest, but 20 years in jail if you participate in a prodemocracy effort. This is the Cuba you will be visiting. He imposes a 30-year jail term on anybody who cooperates with an agency of the U.S. Government. That includes Radio Marti, distribution of food or medicine by a government agency, or anyone acting on behalf of anyone associating with this Government.

On March 1, the law was tested. Four prominent human rights dissidents were tried in secrecy for their criticism of the Communist Party of Cuba. International diplomats who traveled to Cuba to witness the trial were barred from attending any of the proceedings. After being held without charges for 1 year—no foreign press, no foreign visitors, no diplomats, held in secrecy for 1 year—they were found guilty and sentenced for up to 5 years in jail. This is the Cuba of 1999.

Amnesty International, in its recent report, concludes that there are now 350 political prisoners in Cuba. Ten unarmed civilians, in the meantime, have been shot by Cuban security officials on the streets of Havana.

I do not ask the Senate to do anything it has not done before. Just on March 25, the Senate voted 98-0, stating that the United States should make all efforts to criticize Cuba and condemn its human rights record. What is the price of this conduct? They hold hundreds of political prisoners, people are shot in the streets, people are held in secret trials, and our response is: Let's go for a visit. Let's go see how they are doing and have a good meal in Havana. No. My colleague is right. There is no cold war, but there is a great deal at issue that this country cares a great deal about.

Mr. LEAHY. Will the Senator yield for a question?

Mr. TORRICELLI. Yes.

Mr. LEAHY. People have been shot in the streets in China, and held in prisons in China, and tortured and executed in China; are we allowed to go and visit there without having to get a license from our country to do so?

Mr. TORRICELLI. Let me, in my time, answer the Senator's question with a question. Do you believe that travel restrictions on China would change Chinese policy?

Mr. LEAHY. I don't think it would change the policy any more than it would change the policy with Cuba.

Mr. TORRICELLI. That is where we agree.

Mr. LEAHY. I have a further question.

Mr. TORRICELLI. I will answer the question first and continue my remarks. I don't think travel restrictions on China would change Chinese policy. I oppose those restrictions. I do believe travel restrictions on Cuba will change Cuban policy. That is why I support them. I do believe that continued international resolve—for the first time, the Senator's amendment would weaken America's policy. We have gotten Europeans and Latins so outraged by the jailing of these dissidents and these secret trials that European and Latin nations that have voted against us for 20 years have joined with us this year in Europe in voting to condemn the Cuban Government. Just as they are joining the fight for human rights, the United States would abandon it.

There is one other thing that is important. I will finish making my case and I will be glad to yield. There is one other change. This isn't just about what Cuba does internally anymore. This is also about what they are doing to our country. The government that you would have us now visit, in lifting these restrictions, is a Cuba that has crossed a very important threshold.

Just this last year, indicted by the government of Cuba on May 7, were 14 Cubans captured in Miami. Let me suggest to you the nature of that indictment to see whether it makes an impression on the Senator and see whether or not he thinks this is an appropriate time to ease restrictions on travel to Cuba. The indictment of Cuban agents in Miami last fall was for attempting to penetrate the U.S. Southern Command and planning "terrorist acts against U.S. military installations." The indictment was further revised to include 2 of the 14 with conspiracy to murder 4 American citizens by shooting down their aircraft over the Straits of Florida.

Let me suggest that I, as all of my colleagues, am prepared to respond to initiatives from Havana. The day there are elections, the day there are open trials, the day there is a free press, the day they respond to a request for extradition of people who murder American citizens, I will join you with my colleagues on that day on this floor matching the Cuban Government 2-to-1, 3-to-1, 1 of their initiatives to 3 of ours, 10 of ours, or 20 of ours. We will meet them 95 percent of the way down the field.

But, my friends, to ask this Senate to respond to the record of the last year of jailing dissidents, secret trials, shooting people on the streets, the indictment of 14 Cuban agents penetrating the United States military installations to commit terrorist acts against the United States, and the indictment of Cubans for murdering American citizens—this, my colleagues, would not appear to me to be the best time to suggest that it is time to forgive and forget, and have thousands—maybe tens of thousands—of Americans visit Cuba to rescue the Cuban economy from its current position of collapse, and provide Fidel Castro with the revenue to strengthen his regime.

These sanctions are having an effect. Fidel Castro has had to reduce his military by one-half. He cannot afford to keep them in uniform. The secret police have been reduced by nearly a third in their size. We are causing the collapse of the Communist Party of Cuba—not in a timely way, not as I would like it to be, but it is having an impact.

Why, given this record of indictments and terrorism and murder against American citizens, would we choose this moment?

Those in the world who have been the most critical of our policy—the Holy Father in the Vatican, who led an initiative himself to ease restrictions on Cuba, has now joined the chorus of those. Fidel Castro broke his promise about priests. The Holy Father appealed to him not to proceed with these jail terms, and he did it anyway. The Vatican is now joining the criticism.

The states of Latin America for the first time are voting against his human rights record. And we in the United States who led this effort for all of these years are about to change sides.

This Senate has been resolute on this issue in the past.

I will join with my friend from Kentucky, Senator MCCONNELL, I hope in a motion to table this amendment.

I think the debate has been worthwhile.

My friend from Connecticut and my friend from Vermont have made it very clear to the Cuban Government that we are ready, willing, and able to change our policy if they change theirs. But I believe the motion to table is the right way to proceed in the Senate at the moment.

I would be glad to yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, let's be clear where we are. My friend from New Jersey speaks of the trial of the dissidents. Many who have spoken on the floor were critical of that.

I sat 10 feet across the table from Fidel Castro and strongly and harshly criticized the trial of the dissidents. I went to visit each of their families and strongly and harshly criticized that trial and spoke also on the floor. With my reputation on free speech issues, I would be the last person to yield to anybody on the question of criticism of those who try cases against dissidents and those who spoke out against the Government.

I was very pleased to see our European allies speak out about it. But I note for the RECORD that while they spoke out on that, not one of those European allies that the Senator from New Jersey says now come over to our side—not one of those countries—has put limits on the travel of their people to Cuba as we have—not one.

The United States, the most powerful, wealthiest nation on Earth, limits its population in traveling only to this country.

The distinguished Senator from New Jersey said quite correctly that we limited travel of our people to China. It might not make much difference in what they did. I suspect it made some, but probably not much. I say that it probably wouldn't make any more difference in that Government than it does in the Government of Cuba. But we see a huge market there, so we are not going to do that anyway.

I suggest that during the cold war the fact was that we encouraged travel to places like the Soviet Union and China, and we got a diversity of views. Our thoughts and our views were heard more and more, not as much as we would like but more and more.

The Holy Father spoke out, as did most of us in this body, about the trial of the dissidents. But I point out that the Holy Father has never withdrawn his very strong criticism of the United States.

Mr. TORRICELLI. May I reclaim my time for the moment? I yielded to the Senator——

Mr. LEAHY. I thought the Senator had yielded the floor.

Mr. TORRICELLI. Please conclude.

Mr. LEAHY. That is my mistake. I assumed the Senator had yielded the floor.

One last thing: We indicted, and we are using our criminal justice system to try, Cuban spies, just as we have Russian spies, Chinese spies, Japanese spies, Israeli spies, and spies from even our NATO allies. We have done that. We have not broken our relationships with any one of those countries when we have done that, and some of the things some of those countries have done to us have been very serious crimes, indeed.

Mr. TORRICELLI. I recognize that. I thank the Senator from Vermont.

Let me further present the case, in case the Senator misunderstood me, that this is not a case that Cuba spied against the United States. That we expect. This is a case where the President of the United States, in my judgment, rightfully sought to ease restrictions on travel to Cuba and did so in allowing charter flights, the expansion of flights throughout Cuba, the easing of restrictions on travel to Cuba, and the response that he received is that we now have 14 Cubans under indictment, not for responding but for attempting to infiltrate an American military installation and committing a terrorist act.

What I want the Senator from Vermont to do is put himself in the position of Fidel Castro. The United States makes concessions to allow greater travel, which we have now done twice in 24 months. The Cuban Government attacks those concessions with acts of aggression and attempts to commit terrorist acts against the United States. The human rights situation further deteriorates. People are jailed. Contact with the U.S. Government is criminalized. And now this Senate returns not in outrage but says, Mr. President, we don't think you went far enough; let's go further and further and liberalize trade.

That is my concern, recognizing how this will be seen in Havana.

I agree with the Senator's analysis. The United States allows travel to many places. But the Senator has to concede to me that travel has often been an effective tool in altering international conduct.

This country participated in prohibiting flights to Libya after it shot down the Pan Am flight over Lockerbie, Scotland. We prohibited flights. After a period of 10 years, the Libyan Government relented and allowed extradition to an international court those who are responsible for the act. I don't ask anything with regard to the victims of Lockerbie that we are not asking now of those in the Cuban Government.

What is the difference? How do you look at the families of the young men shot down over the Straits of Florida and murdered by the Cuban Government, and tell them, well, we will overlook this, though we will resolve it with Libya?

When Americans have been in jeopardy, whether it was in Iran, or in Libya, or years ago in Vietnam, when they were arresting people and putting them in concentration camps, we prohibited travel. I suggest to the Senator that that prohibition is still an effective mechanism of policy.

In any case, I yield the floor to allow my friend from Connecticut to speak.

I urge my colleagues to join with Senator MCCONNELL on a motion to table. This is the wrong judgment with the wrong signal at the wrong moment—not undermining the historic American policy, but it is undermining the policy of the Clinton administration which has been well calibrated and very well defined.

This is not a partisan matter. It is bipartisan against the leadership of the Foreign Relations Committee in the Senate led by Senator HELMS and by President Clinton. It counters both policies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very briefly, if I may, I will not take much time, because my colleague from Florida wants to be heard, as well as others.

Let me say to my friend and colleague from New Jersey, I admire his rhetorical skills immensely. He made a valiant effort to shift the argument and debate implying we are doing a favor, this is somehow a great act of generosity and kindness, that those who are proposing lifting a restraint on travel to Cuba are trying to help out Fidel Castro.

It is a good, clever argument. I hope it is not a persuasive argument.

We are talking here not about what we are trying to do to help Fidel Castro but a right that American citizens ought to have to travel freely.

My colleague from New Jersey and others have pointed out the dastardly deeds that go on in Cuba. I don't disagree at all. I am outraged by it and condemn it.

I point out, if that is the basis upon which we restrict Americans to travel freely, we would have bans on travel all over the world. It goes on every day. We don't say to a single American citizen: You can't travel to the People's Republic of China. Every day, that government abuses its own people far more egregiously than occurs in Cuba. We see it in Vietnam, Sudan, Yugoslavia, Iran, North Korea. Is there any more oppressive government on the face of this Earth than the Republic of North Korea? Yet any citizen in this country tomorrow or tonight can get on a plane and fly there without having to get permission from the State Department or the Treasury.

My point is, we are applying a standard that is not being applied equally or fairly. I subscribe to the notion that by opening up access you begin to create change. I argue that in Poland, Hungary, and Czechoslovakia it was the access and the interchange between citizens of the free world and those countries which helped create the kind of change that caused communism in those nations to fall. It wasn't isolation that did it; it was contact that did it.

I have watched for 40 years a policy in Cuba that has not produced the change that the Senator from North Carolina and I both want. We disagree how to get there, but I agree with the conclusion he seeks. I believe he agrees with the conclusion I seek.

Why don't we try a different tactic? What is the point of further isolation after 40 years if there is no change? If I can say to a citizen of my State: You can fly to the North Korea, you can fly to the People's Republic of China, you can fly to Iran—countries that have done far worse than the incidents that have occurred in Cuba, far more egregious—we have understood we don't deny citizens of our own country the right to travel.

Let Fidel Castro shut the door and say to my constituents: You can't come to my country. I don't want to sit in the Senate and do his bidding. I don't think I ought to be saying to the citizens of New Jersey, North Carolina, or Florida that you can't travel there. Let them say that.

To tell Cuban Americans: You can go back to your country once a year, and if someone is sick, apply for an application, a license, and maybe we will let you go see your family, maybe we will let you go, that is not my view of the way we ought to be conducting our foreign policy.

This is about American rights. We provide in the Leahy amendment that unless we are involved in a state of war, hostilities, or public health reasons or good reasons why the Government may restrain the travel of its citizens—we are not in that condition here.

If you want to create change in Cuba, let good, honest, average American citizens interface with these people. They are the best ambassadors in the world. They do more good on an hourly basis on behalf of our country than all the diplomats combined. Give them a chance to make that difference and go to the country 90 miles off our shore.

I yield to my colleague from Massachusetts 1 minute for a question.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. KERRY. I congratulate my colleague on his leadership with respect to this. In the years that the Senator served on the Foreign Affairs Committee, in all those years with the visits of Lech Walesa, the visits of Vaclav Havel, and we have all shared wonderful moments with leaders of countries where the curtain fell—I think I recall each of those leaders saying it was the ability of people to come in during the time things were shut, to share with them the sense of what was happening elsewhere, the possibilities, bringing information, to bring them hope; that, indeed, was one of the great sustaining values and empowerments that brought them ultimately to the point of sharing the freedom that we have.

I wonder if the Senator wouldn't agree that it is almost totally contradictory with a Stalinist, tight police structure. In fact, by not having intercourse with other people elsewhere—the discussion, the movement of people, the discourse, the exchange of ideas that comes with it—you are, in fact, empowering the capacity of that secrecy and of that closed society to keep the hammer down on people, and that flies directly contrary to all of the experience we have learned from those wonderful visits we have had.

Mr. DODD. I say in response to my colleague from Massachusetts, he makes an excellent point. I think the observation he has drawn is correct. No one can grant with any certainty whether or not we will create change overnight.

I look down the list of the people who can get licenses to go to Cuba. Members of Congress can; journalists can; people who are involved in some cultural exchanges. Ballerinas can go through a licensing process to get there.

I like the idea that an average citizen in my State, in Massachusetts, in Florida, can go into Cuba and walk those streets, talk to people in the marketplaces, and share with them what we stand for as a nation. Every time we have allowed that to occur, we have created change—maybe not in the People's Republic of China. We did in Poland. We did in Czechoslovakia. We did in Hungary. We did throughout the Soviet bloc when we had a constant flow of people; that opening up, that engagement, that creates change.

It seems to me after 38 years of saying no one can go there, this might be worth trying. Then Fidel Castro can say: I'm not going to allow these people in.

Let him be the one who shuts the door to U.S. citizens traveling there. Let us not deny our own citizens the right to try and make a difference, if that is what they want to do, without going through some bureaucratic licensing process. Even the wife of a distinguished colleague had to go through this process, as a registered nurse, to qualify under the regulations. The spouse of a Senator. She can go to North Korea, China, abusive governments, but she cannot go 90 miles off the shore with her husband, a Senator. If that woman were not the wife of a Senator, she would have been denied that license. We all know that.

I bet there are nurses all across this country who might go to Cuba and make a difference through their engagement in conversation, interfacing with the people of that country, and to begin to create the kind of change we seek.

It is absurd. As my colleague from Massachusetts has suggested by his question, it is absurd. We are 185 days away from the millennium and we sit in this Chamber and tell American citizens that because we disagree, strongly disagree, with the Government of Cuba, we are going to deny them the right to travel there and put it in the same basket as Iraq and Libya.

That doesn't make sense.

I yield.

Mr. KERRY. I ask my colleague if, in fact, by denying that exchange, those people the right to travel and connect with relatives and others within the country, if we don't provide Fidel Castro with the selectivity and greater capacity to restrict what information they get, when they get it, how they get it, and if, in fact, we aren't playing right into his capacity to keep a stranglehold—which is the very thing we are trying to undo.

Mr. DODD. Mr. President, again, my colleague from Massachusetts makes an excellent point. When you restrict the ability of average citizens to travel, you then restrict the ability of information exchanges about what is going on around the world to actually reach the average citizen in the streets. It can make a difference. So in a sense you empower Mr. Castro and those who support him by giving them the ability to restrain the amount of information people in the streets ought to be able to get about what is going on in the rest of the world. As a matter of fact, we become a coconspirator, if you will, in sustaining this man in power, in my view. But by opening up this process, given the examples we can cite—there are concrete examples all over the world where, when we allowed that travel and that contact to occur, we have made a difference; we created change. The only place there has been no change that I know of is in Cuba, and it is the only place where we have not changed our policy.

There seems to be some logic in that argument. If you want to follow other examples, and those who argue against this resolution who simultaneously argue they want Castro to go, it seems to me our best formulation is to give this a chance to see if we cannot create the kind of change the Senator from Massachusetts and I strongly support. I thank him for his questions. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I know this is spirited debate but we need to wrap up a couple of items. Let me notify the Senate, before returning to the debate on this amendment, we are just about to completion. So let me ask unanimous consent the Dodd-Leahy amendments be temporarily laid aside. We will come back to them in just a moment.

Mr. KERRY. Reserving the right to object, could I ask a question? I inquire, I ask the Senator, where we are with respect to the Brownback amendment?

Mr. McCONNELL. The Brownback amendment is yet to be disposed of. There are a couple of amendments upon which we are going to have to have rollcall votes. I would like to proceed, if I may.

Mr. KERRY. If I can ask, will there be time to speak to that amendment?

Mr. McCONNELL. We are trying to wrap the bill up. I would very much like the Senator from Massachusetts to say a few words on that amendment, knowing full well where he stands. But if he will just suspend for a minute and let us wrap up a few housekeeping items here?

Mr. KERRY. Fine.

AMENDMENT NO. 1165

Mr. McCONNELL. I understand there is a Bingaman amendment still at the desk that has now been cleared on both sides. I ask unanimous consent we return to the Bingaman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment. The amendment is agreed to.

The amendment (No. 1165) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I have an amendment by the Senate majority leader that has been cleared on both sides.

AMENDMENT NO. 1183

(Purpose: To require annual reports on arms sales to Taiwan)

Mr. McCONNELL. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. LOTT, proposes an amendment numbered 1183.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CONSULTATIONS ON ARMS SALES TO TAIWAN.

Consistent with the intent of Congress expressed in the enactment of section (3)(b) of the Taiwan Relations Act the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature of quantity of defense articles and services to be made available to Taiwan.

Mr. LOTT. Mr. President, I am pleased to offer this amendment that would require that the Congress be notified in a timely fashion of any report or list submitted by the Taiwanese Government for the potential purchase or other acquisition of any defense article or defense service.

This amendment would remedy a long-festering situation whereby the Congress has ceded virtually all decisionmaking authority to the executive branch with respect to arms sales to Taiwan. This situation is contrary to the letter and spirit of the Taiwan Relations Act of 1979, which established that arms sales decisions regarding Taiwan must be made jointly between the legislative and executive branches of government.

Specifically, the relevant sections of Public Law 96-8, the "Taiwan Relations Act" of April 10, 1979, are as follows: Section 3(a) states, ". . . the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." And Section 3(b) states, "The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress."

When Congress passed the Taiwan Relations Act in 1979, it was in response to the Carter administration's abrupt efforts to curtail long-standing defense ties between Washington and Taipei. At the time of the adoption of the Taiwan Relations Act, Congress wanted to make clear that the enduring ties between the American people and the people of Taiwan included a clear and sustained commitment to ensuring that the people of Taiwan had the means to defend themselves. Taiwan's ability to maintain a credible deterrent, qualitatively superior to that of the mainland's forces across the narrow Taiwan Strait, has been crucial in keeping peace in East Asia.

The central tenet of the Taiwan Relations Act was stated very clearly in section 3, namely, that the President and Congress together would determine what Taiwan required for its legitimate self defense without regard to pressures imposed by any third party nation. This provision was written in the law to ensure that executive branch officials would not become excessively concerned with the protestations of the PRC whenever the United States proposed to provide Taiwan defense articles and services needed for Taiwan's self-defense. Unique among laws governing United States defense ties with other nations, the Taiwan Relations Act explicitly requires in law that Congress and President together decide what Taiwan's military defenses require.

The first year after the TRA's enactment, this provision was sorely tested when the executive branch failed to inform Congress fully and currently on what Taiwan needed for its defense. The Foreign Relations Committee under the leadership of Senator Frank Church lambasted executive branch officials. Together with Senator Glenn, Senator Javits, and others, Chairman Church insisted that the administration provide full details on those weapon systems Taiwan had requested.

This practice of involving Congress in reviewing procurement decisions—as required by law—lapsed since that time. In recent years, the executive branch has met with representatives of Taiwan in secret and has refused to share with Congress the complete list of those defense articles and services requested formally or informally by Taiwan.

In this regard, on May 11 of this year I wrote to Secretary of State Madeleine Albright requesting a copy of the list of defense articles and services sought by Taiwan in the most recent round of annual arms procurement talks. Those talks ended on April 21. I received a reply to my letter on May 21, signed by Assistant Secretary of State for Legislative Affairs Barbara Larkin. Mrs. Larkin's reply asserted that the Department would only provide information on "the systems for which we [the Administration] have given Taiwan a positive response."

In other words, the State Department refused my legitimate request to be informed in writing of Taiwan's request for potential purchase or other acquisition of defense articles and services. Frankly, I was shocked and dismayed by this response, especially given the fact the most recent round of talks had already been concluded and given the clear intent of Section 3 of the Taiwan Relations Act. Instead, Mrs. Larkin's letter provided information only on those portions of Taiwan's request that the administration unilaterally had decided to approve.

I understand that a similar, written request by the chairman of the House International Relations Committee Representative BENJAMIN GILMAN, and others, have received the same unsatisfactory response from the administration.

Mr. President, the current situation is intolerable and must be changed. The law of the land requires that Congress be involved in decisions regarding Taiwan's legitimate defense needs. The President and future administrations should know that the American people's representatives in Congress will meet our obligations under the law to be involved in this decisionmaking process.

Toward this end, my amendment requires that Taiwan's procurement request be furnished, on an appropriate basis and in a timely fashion, to the appropriate committees of Congress. I believe this is a necessary step in ensuring that there is a meaningful dialogue between the legislative and executive branches of government and that the decisionmaking process regarding what Taiwan legitimately needs for its self defense, proceeds on a basis that is fully consistent with the letter and spirit of the Taiwan Relations Act.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1183) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask Senator MACK be added as a cosponsor to amendment No. 1136.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the following amendments will not be offered. They are at the desk. They will not be offered: amendment No. 1121 by Senator THOMAS; amendment No. 1122, amendment No. 1152, and amendment No. 1153, all three by Senator ASHCROFT; amendment No. 1154 by Senator CRAIG; amendment No. 1148 by Senator GRASSLEY; amendment No. 1164 by Senator CLELAND.

I ask unanimous consent those amendments no longer be in order.

The PRESIDING OFFICER. Without objection, it is so ordered. Those amendments will not be proposed.

Mr. McCONNELL. Mr. President, we are down to a precious few.

What we are considering doing is propounding an agreement, and I am going to go on and propound it even though I know there may be some objection, but to give a sense of what the roadmap here is to completion. We believe we are down to the amendment we have been discussing all day, the Brownback amendment, as second-degreed by myself and Senator ABRAHAM regarding section 907, and the amendment we are in the process of debating, the Leahy-Dodd amendment with regard to travel restrictions to Cuba. And final passage. That is where I believe we are at this moment—with the need to wrap up the debate on the Dodd-Leahy amendment, the need to give Senator KERRY an opportunity to speak on the 907 issue and Senator TORRICELLI an opportunity to speak to the 907 issue.

Mr. DODD. I would also like to be heard on 907.

Mr. McCONNELL. Also, Senator DODD on the 907 issue and Senator BINGAMAN for a couple of minutes on Cuba.

That is about where we are. Senator GRAHAM, obviously, is going to speak on the Cuba issue as well.

At that point we should be able to move ahead. Does my colleague from Vermont think we should go ahead and propound this unanimous consent agreement or go on with the debate and just move on through it?

Mr. LEAHY. Mr. President, I see the Senator from Florida on the floor. I was wondering about how much time does he think he will need?

Mr. GRAHAM. I will need 15 minutes.

Mr. LEAHY. That will make it impossible to get the unanimous consent agreement that might get us out of here at a decent hour.

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator GRAHAM of Florida be allowed 15 minutes to speak to the Dodd-Leahy amendment; Senator BINGAMAN, 3 minutes on the Cuba amendment; Senator KERRY, 5 minutes on the 907 amendment; Senator TORRICELLI on the 907 amendment, 5 minutes; Senator DODD, 2 minutes on the 907 amendment; Senator BROWNBACK, 3 minutes to wrap up on 907; myself 3 minutes to yield on 907.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Maryland would have an objection on a time agreement. Maybe we should start on our debate and urge people to be as brief as we can because I still think we could and should vote on all these.

Mr. McCONNELL. The objection of the Senator from Maryland is to the Brownback amendment, I gather?

Mr. LEAHY. That is correct.

Mr. McCONNELL. Why don't we proceed to complete debate on the Dodd-Leahy matter and see if we can dispose of that? Let's proceed on it.

Mr. DODD. That is fine.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1157

Mr. GRAHAM. Mr. President, I want all to know that there is no disagreement with the objectives, the end goals being sought by the advocates of this amendment and those of us who oppose it. I believe we are all Americans of good conscience and we seek for the Cuban people what we seek for ourselves. We seek a nation that lives with the freedoms associated with democracy. We seek a nation that respects the basic human rights of its people. We seek a nation which will encourage an economy that offers hope to the people of Cuba.

We have had a long association with Cuba. It is an association which runs almost to the first Spanish exploration of our two nations. We were a major participant in the freedom of Cuba in 1898. In fact, we had celebrations within the last few months of our participation in the independence of Cuba.

So our goals for those people, our feeling for the people of Cuba, is a shared one. The question is, What is the appropriate course of U.S. policy to achieve those goals? I believe, as with every other question of what U.S. foreign policy should be, it should be a mixture of a consideration of our national interests and a consideration of the universal values for which America has stood since those words in the Declaration of Independence that declared that we saw that all men—not just American men, not just men, but women—that all persons had certain inalienable rights. Those have been an important factor in our relationships with other peoples of other nations.

On the specific issue of the use of travel restrictions as a part of that U.S. foreign policy, Senator TORRICELLI has talked about the way in which travel restrictions were imposed on Libya and the fact that those restrictions had certain objectives and have had certain consequences.

The Presiding Officer and I have been interested in the issue of Lebanon for a long time. The United States had travel restrictions on Americans visiting Lebanon. The purpose of those travel restrictions was to encourage changes that would create a greater sense of security. While there are still tense days, as we have seen in the very recent past, it is now considered appropriate to allow Americans to begin again to visit Lebanon.

We have used travel restrictions as a means of achieving goals that were considered to be important to the United States in the past.

Yes, we are using a restriction on travel to Cuba as part of the larger, comprehensive restriction on relationships with the Government of Cuba while we attempt to achieve increased contacts with the people of Cuba.

There is an assumption that if the United States does not open up its travel restrictions, the Cuban people are going to walk down sidewalks that are barren of foreign travelers and the Cuban people will not have contact with the outside world. In fact, almost 100,000 Americans visited Cuba last year under the various provisions of our existing law. In addition to that, some of the major nations of the world, nations with which we have the closest relationship, such as Spain and Canada, have an open policy, in terms of travel to Cuba, for their citizens.

When you ask Spaniards or Canadians, what effect has your open policy towards Cuba had? what effect have the relationships you have had in these instances for decades with the Castro regime had? have you seen a change in the commitment to democracy? have you seen, as a result of your openness towards Cuba, a greater degree of respect for human rights? the answer is a sad no. These democracies, these nations which share our values and which have taken the course of action that is being advocated by the proponents of this amendment, have seen no effect in achieving the goals we share for Cuba—democracy, human rights, and an open economy.

What gives us reason to believe that adopting an unconsidered, undebated—other than the words we speak this afternoon—major change in our policy toward Cuba would have any different result? Recent events, in fact, are to the contrary.

In January of last year, 1998, a significant, what many hoped would be a historic, turning point event occurred in Cuba. The Pope visited that island. Many hoped, prayed, believed that it would lead to fundamental change in Cuba.

We reinforced the momentum of the papal visit by a number of initiatives towards Cuba. On March 20, 1998, just a few weeks after the Pope had departed, in an attempt to build goodwill towards Cuba, President Clinton announced the resumption of licensing for direct humanitarian flights to Cuba.

The President announced the resumption of cash remittances to Cuba.

The President asked for the development of licensing procedures to streamline and expedite the commercial sale of medicine, medical supplies, and medical equipment to Cuba.

Continuing in that vein, on January 9 of this year the President authorized additional steps to reach out to the Cuban people. The new measures expanded remittances by allowing any United States citizens, not just family members, to send limited funds to the people of Cuba. The President expanded people-to-people contacts. The President allowed charter passenger flights to cities other than Havana and to initiate from cities other than Miami.

The measures also permitted an effort to establish direct mail service to Cuba. The measures also authorized the sale of food and agricultural inputs to independent, nongovernmental entities, including religious groups, family restaurants, and farmers.

All of those are initiatives which the United States has taken since January of 1998 in hopes that it would result in a reciprocal response of some loosening of the police state that is Cuba today.

What happened to all of those initiatives the United States took? What happened to the initiatives that were hoped to flow from the papal visit?

The Cuban Government responded to our United States initiatives by calling these actions acts of aggression. That is what the Cuban Government labeled the opening of additional flights, of direct mail, of allowing greater remittances to the people of Cuba. Fidel Castro called all of those actions acts of aggression.

What did Fidel Castro do in the context of the visit by the Pope? Almost exactly a year after the Pope departed Cuba, the Cuban Government passed a new security law. That law criminalized any form of cooperation or participation in prodemocracy efforts. That law imposed penalties ranging from 20 to 30 years for those who were found to be cooperating with the U.S. Government. Those are the responses of Fidel Castro to the papal visit.

On March 1, four prominent human rights dissidents were tried in secrecy for their peaceful criticism of the Communist Party. Diplomats were barred from attendance at the trial. These four human rights and prodemocracy dissidents were held for over 1 year without charges. They were found guilty. They were sentenced to jail terms, for advocating human rights and democracy, of 3½ to 5 years.

This did not happen 40 years ago. This happened in March of 1999. The Cuban Government ignored calls from the Vatican and the international community for release. Canada, the European Union, and several Latin American countries criticized the Cuban Government and stated their intention to reassess their relationship with the Government. The King of Spain had a scheduled visit to Cuba which he has deferred, in large part because of the treatment of these four dissidents.

Cuba's human rights record in 1999 reflects a continued policy of repression, a policy which has been recognized not just by the United States, not just by the people of Cuba who suffer under the yoke of oppression, but by the international community.

In its annual report on human rights, which was released earlier this year, Amnesty International states that at least 350 political prisoners remained imprisoned in Cuban cells in 1998. Amnesty International reports that 10 unarmed civilians were shot, executed by Cuban authorities, in 1998.

As we know, the Senate passed a resolution by a vote of 98–0 on March 25 of this year stating that the United States would make all efforts necessary to pass a resolution criticizing Cuba for its human rights records before the U.N. Commission on Human Rights. We were very pleased when the United Nations Commission on Human Rights, with support of nations which just in the last 2 years had opposed such a resolution, passed a resolution on April 23 condemning Cuba for its human rights abuses.

Finally, the State Department country report on human rights practices detailed the same human rights abuses as last year and the year before.

We have made an effort to reach out to Cuba. We have made an effort to send a signal that we were looking for some reciprocity, some demonstration of a wavering in the steel-hard police state which has been Cuba for 40 years.

One is hard pressed to see even the faintest breeze of a positive response to our efforts. The examples of human rights violations in all of these reports are numerous, brutal, and startling. Human rights activists are beaten in their homes. People are arbitrarily detained and arrested. Political prisoners are denied food and medicine brought by their own families. Children are made to stand in the rain chanting slogans against democracy.

In the United States, on May 7 of this year, the U.S. Government revised indictments against 14 Cuban spies captured in Miami last fall while attempting to penetrate the U.S. Southern Command, the United States Naval Air Station at Boca Chica Key near Key West, and planning terrorist acts against military installations. The revised indictments also charge 2 of the 14 with conspiracy to commit murder in the 1996 shoot down of the Brothers to the Rescue fliers.

It is at this point that I must become personal. I know the families of the four fliers who were shot down over international waters, now we know, at the direct command of the highest officials of the Cuban Government. If homicide is defined as the intentional taking of a human life, four acts of homicide occurred over the Straits of Florida against three U.S. citizens and one U.S. resident.

This is the nature of the response that Fidel Castro has given to the efforts by the Pope, by the international community, and by the United States to try to ask, to plead for some relief for the people of Cuba.

As these examples show, as the continuing reign of repression flows from week to week, from day to day in Cuba this is not the time for lifting any of the sanctions on Cuba. This is the time for us to hold the line on our policy, to continue to reach out to the people of Cuba in hopes that someday they will breathe the free air of democracy but to give no quarter to the oppressive Government of Fidel Castro.

Mr. TORRICELLI. Will the Senator yield?

Mr. GRAHAM. I will be pleased to yield.

Mr. TORRICELLI. I congratulate the Senator from Florida on his statement and his extraordinary leadership on this issue through the years and simply inquire of him, through this decade, American policy towards Cuba has largely been defined by the Cuban Democracy Act that the Senator from Florida joined with me in writing, the Helms-Burton Act that the chairman of the Foreign Relations Committee of the Senate, Senator HELMS, wrote, and now under the leadership of President Clinton.

This amendment would largely undermine the policies outlined in that legislation and by President Clinton. Indeed, the President recently has redefined his own policy of travel towards Cuba. But by a sweep of the pen, that bipartisan policy that the Senators and the President of the United States have written would largely be undermined, in my estimation.

Is that the Senator's conclusion?

Mr. GRAHAM. That would certainly be one of the consequences. Another consequence, I say to my friend and colleague, would be that we would send a signal to Fidel Castro that we are prepared to do virtually anything without expecting anything in response; that the same thing that has happened to the Canadians, the Spaniards, to other European and Latin American countries—attempts to reach out to Castro, which are rebuffed in terms of those things that are most important to the people of Cuba—that now we would become complicitous in that same process of unrequited love.

The last thing we have to play, the last policy option that is available to us as we try to influence Castro is exactly the embargo which, by this casual act tonight, we are being asked to begin to dismantle.

Mr. TORRICELLI. If the Senator would continue to yield, I think what is important about your statement is you recognize this policy isn't about travel; it is about money. It is about giving Fidel Castro millions of dollars of American tourist money to support his regime, his dictatorship, his armed forces, his security forces. That is what we are denying.

But the frustration that the Senator from Florida may have—and you probably know more about the Cuban economic experience and the travel experience than anyone in this institution by virtue of your constituency—and to rely upon your expertise for a moment, it is my understanding, contrary to what the Senate may be led to believe today, that when tourists go to Cuba from European countries, they are put into tourist compounds. Cubans are not allowed to visit those hotels. They cannot talk to people in those hotels. So the notion that hundreds of thousands of American tourists are going to walk the streets of Cuba and democratize the island, spread the message of human rights—in fact, the average Cuban cannot get inside those compounds. They are walled off.

The Senator knows more about this, by far, than I do, but is that not the story of many of these beach-front hotels?

Mr. GRAHAM. That is the story. Unfortunately, the people who those tourists will come in contact with will be the virtual serfs of the Castro regime because the hotels are required to purchase their employees through the Cuban Government, not by direct negotiation with the individual or through some organization representing those individuals. So by that walled-off enclave in which they are enjoying themselves, on an island of prosperity in a sea of despair—which is Cuba today—they are contributing to the maintenance of a system of economic slavery that virtually has left the face of the Earth for the past century and a half.

Mr. DODD. Will the Senator yield for a question?

Mr. TORRICELLI. A final question. And I am very pleased the distinguished minority whip, Senator REID of Nevada, is going to join with us on a motion to table.

But before I yield back, Senator KERRY of Massachusetts left a very appealing notion of the example of President Havel, that this exchange of visiting and talking to people about democratic ideas would somehow change the Cuban political reality.

Again, you know more about this than I do. It is my impression that under Cuban law, as Fidel Castro has now changed the law, if a would-be Havel walked up, in Havana, to an American tourist and talked to that tourist about democracy, he would be rewarded—not with information, a growth of knowledge—but he would go to jail because talking about democracy in Cuba to an American tourist will guarantee one thing—you will be arrested, you will be indicted, and you will go to jail.

Is that the reality of what a conversation about democracy with an American tourist is?

Mr. GRAHAM. Yes. And under the law which I alluded to, which was passed just in February of this year, that Cuban citizen who was found to be engaging in that friendly discussion about democracy and the graces that liberty brings to the human spirit will be subject to spending 20 to 30 years, without his freedom, in a Cuban cell precisely because he engaged in that conversation.

Mr. TORRICELLI. I thank the Senator from Florida.

Mr. DODD. Will my colleague yield?

Just very quickly, I want to raise the point—I do not know if my colleagues from New Jersey and Florida have been to Cuba at all recently.

Has my colleague traveled to Cuba in the last several years?

Mr. GRAHAM. Other than Guantanamo, I have not been to Cuba.

Mr. DODD. I appreciate that. Just as a point of reference, I spent a week in Cuba in December, in fact, all over the area, all over Havana, and Varadero as well for a day. I point out to my colleague that I saw Americans all over the streets of Havana. The idea you are confined to Varadero Beach is just not the case. There are people literally everywhere, right in the marketplaces, in the streets, in the restaurants, places they could go. The idea that you are restricted only to go to Varadero Beach is not the case.

Mr. TORRICELLI. Cubans are restricted.

Mr. DODD. To Cuban Americans who want to travel to Cuba—many do—this is, in a sense, saying you can only go back to the country of your birth once during a year, unless you have a sick relative, and then you have to apply to some bureaucrat in the Treasury Department to go down and see your family. That is wrong.

But the idea that Cuban Americans would be restricted to Varadero Beach is just not the case. You can talk with Cuban Americans who have been back to Cuba. They are not restrained on where they can travel in Cuba.

Mr. GRAHAM. I think the point the Senator from New Jersey was raising in his question to me was that for many of those Europeans, Latin Americans, and Americans who go to Cuba, the nature of the hotel arrangements in which they live does not lend itself to the sort of interplay that, for instance, some of us experienced in places such as Prague and Budapest prior to the fall of the Berlin Wall.

It also is the case that Cuban citizens who, in those rare instances, might have an opportunity to relate with an American, since February of this year, face the prospect of being charged with a criminal act of collaborating with a United States citizen and face the prospect of spending 20 to 30 years in a 17th century cell.

Mr. TORRICELLI. Will the Senator allow me to respond to the point? Will the Senator allow me to respond?

Mr. GRAHAM. Yes.

Mr. TORRICELLI. The point is, Americans clearly do in Cuba have the freedom to leave the hotels and wander around the island. As Senator GRAHAM has pointed out, nearly 100,000 Americans went to Cuba last year. So this is not a question that many Americans cannot go. It has simply been the Clinton administration's view to restrict the number so as not to give Castro great financial rewards. One hundred thousand Americans go.

The point I was making with Senator GRAHAM was not to give people the illusion that Americans in a hotel on the beaches near Havana are going to receive Cuban visitors. The average Cuban is not allowed on the hotel grounds on these compounds. This is not going to be people visiting President Havel in his office. They are not allowed to go there. They can't spend money there. They can't be guests there. They are foreign compounds. You might as well be on a beach somewhere on a desert island in the Pacific. They are restricted.

I thank the Senator from Florida for yielding.

Mr. DODD. As someone who has been there and spent the time and wandered without restraint and had conversations with people—I had a long conversation, as someone who speaks the language, speaks Spanish; I was able to have lengthy conversations with people. I wasn't being followed around. I had long discussions with people in marketplaces where they were highly critical of the Cuban Government.

I had a lengthy discussion with a family down there about their objections and opposition to Fidel Castro with a group of people around. In my personal experience and that of others, just on the point of 100,000 U.S. citizens going, most of them are going illegally. It is not as if they have licenses to go. We all know what they do. They go to Montreal or Quebec or Cancun, and then they go in, because they don't stamp their visas. You can meet them all in the airports down there.

We are making them illegal, illegal activities of U.S. citizens. That is not something we ought to be condoning. But this isn't licenses they receive; this is because they are using other means to go down and spend time there. But this is not permissible, visa-stamped approved travel by these people.

Mr. KERRY. Will the Senator yield further?

Mr. GRAHAM. Yes.

Mr. KERRY. I just make the point to the Senator that, having spoken with a lot of people who have gone down there and made some of those trips, the families aren't restricted in that way. They meet with relations. They tell people what is going on in the United States. They talk about their feelings about Fidel Castro.

What is amazing about this debate, what is absolutely stupefying, is that what the Senators seem to be defending is completely contrary now to the experience since 1959. We went through the whole 1960s, went through the Bay of Pigs, went through the 1970s. We went through the height of the Reagan opposition to the Iron Curtain and through all of the changes in Russia, the former Soviet Union, the former east bloc countries. We have seen the dynamics of that change.

The one place where our policy remains the same as it has throughout all of those years is the place where there has been the least change. One of the reasons they had the power to shoot down those four planes is that there is no movement in the relationship, because they are as isolated.

If you look at the experience of Cubans, restricted, who go back to Cuba to visit their families, limited by the United States of America to one visit a year with their own family, you find that they are the ones saying to us today, we would like to have the right to travel to visit our families as frequently as we can. I am confident that the same kinds of changes that swept over the rest of the world will sweep over that tiny island.

Mr. GRAHAM. I will conclude by saying that I ask those who think the United States changing its policy towards Cuba will have these miraculous effects in terms of breaking waves of freedom to the people that will crush what is an East German police state today—I only ask them to tell us what is the evidence, based on the outreach which has been made by countries such as Canada and Spain and European and Latin American countries, which largely share our values, which have been for 40 years in a continuous relationship with Cuba?

I think the answer to the question is, there are no such evidences that that outreach has had a positive effect on Cuba. We are dealing with a sui generis anachronism in Cuba. That degree of singularity requires the kind of singularity of foreign policy that we are directing towards it, with our hopes that soon the people of Cuba will be released from that hold and that our policy will have contributed to that release and will help to establish a basis for a transition to a Cuba that will be respectful of its people and with which the United States can have normal and peaceful and prosperous relationships.

I yield the floor.

Mr. KERRY. Would the Senator like an answer to the question?

• Mr. MACK. Mr. President, I oppose this travel amendment in the strongest possible terms. This is the wrong language at the wrong time. It represents a fundamental change in our Cuba policy—a change without proper consideration.

The Foreign Relations Committee has not considered this language; in fact, nobody has seen this language until it was introduced this afternoon. We should not rush this language through.

We should not do this. This is a half-baked approach, which makes for weak policy; it is not a mature effort to craft serious policy.

Fidel responds to our positive gestures with arrests, oppression, and crackdown. This effort is misguided and must be tabled.•

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I move to table the underlying Dodd amendment No. 1157, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that immediately following this rollcall vote about to begin, the Senate immediately proceed to executive session and vote en bloc on the confirmation of the following nominations on the Executive Calendar: Nos. 104 through 108. I further ask unanimous consent that immediately following the vote, the President be notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I also ask unanimous consent that it now be in order to ask for the yeas and nays on the nominations en bloc.

Mr. BYRD. Mr. President, I don't have any objection, but I ask unanimous consent that the majority leader may proceed in this way. A tabling motion has been made, and there is no debate on a tabling motion.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to do this, even though the vote has been ordered on the tabling amendment, so that we can have this vote in this sequence. It is to have a vote on the confirmation of five judicial nominations. Both have been requested, but it will be one vote, and it will count as only one vote on all five nominations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank Senator BYRD for that correction.

I ask consent then that it now be in order to ask for the yeas and nays on the nominations en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll on the motion to table.

Mr. LEAHY. Mr. President, I ask unanimous consent that notwithstanding the tabling motion——

Mr. BYRD. Mr. President, I ask for the regular order.

Mr. LEAHY. Mr. President, is it out of order to ask for unanimous consent?

Mr. BYRD. Mr. President, there is no debate following a motion to table.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I ask unanimous consent that, notwithstanding the rules that there be no debate, the Senator be allowed to make a unanimous consent.

Mr. LEAHY. That is what I was asking.

Mr. BYRD. The Chair should have the advice from the Parliamentarian to call this to the Senate's attention.

Mr. LEAHY. Mr. President, the distinguished Senator from West Virginia was making the exact same request that I was making. Let's just vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1157. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. BYRD. Mr. President, House Members may not be in the Well.

The PRESIDING OFFICER. The well will be cleared.

The well will be cleared.

The clerk will continue to call the roll.

The legislative assistant resumed the call of the roll.

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Now, Mr. President, I ask that House Members stay out of the well and stop lobbying Senators. I have had a number of Senators come to me and tell me that House Members are in the well lobbying them. The other Members didn't speak up, but I shall.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope the Sergeant at Arms will see to it that House Members, who are our guests, will get out of the well. There are places in the back of the Chamber for them.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The legislative assistant resumed the call of the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) and the Senator from Florida (Mr. MACK), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bayh
Bennett
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Edwards
Fitzgerald
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Lieberman
Lott
McCain
McConnell
Murkowski
Nickles
Reid
Robb
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli

NAYS—43

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grams
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Roberts
Rockefeller
Sarbanes
Schumer
Specter
Warner
Wellstone
Wyden

NOT VOTING—2

Mack
Voinovich

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF Keith P. Ellison, of Texas, to be United States District Judge for the Southern District of Texas.

NOMINATION OF Gary Allen Feess, of California, to be United States District Judge for the Central District of California.

NOMINATION OF Stefan R. Underhill, of Connecticut, to be United States District Judge for the District of Connecticut.

NOMINATION OF W. Allen Pepper, Jr., of Mississippi, to be United States District Judge for the Northern District of Mississippi.

NOMINATION OF Karen E. Schreier, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) and the Senator from Florida (Mr. MACK) are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Burns
Enzi
Helms
Smith (NH)

NOT VOTING—2

Mack
Voinovich

The PRESIDING OFFICER. On this vote, the ayes are 94, the nays are 4. The Senate does hereby advise and consent to the nominations of Keith B. Ellison of Texas, Gary Allen Feess of California, Stefan R. Underhill of Connecticut, W. Allen Pepper, Jr. of Mississippi, and Karen E. Schreier of South Dakota.

The President will be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, I am encouraged that the Senate confirmed five of the judicial nominees from the 45 pending before us. I am glad that the District Courts in Mississippi, South Dakota, Texas, Connecticut, and California will soon have additional judicial resources. I only wish that were true for the 69 other vacancies around the country.

In particular, I look forward to the Committee finally approving the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals this week and would ask the Majority Leader to take up that long-delayed nomination with the same expedition that is being done for these nominations. Fully one-quarter of the active judgeships authorized for that Court remain vacant, as they have been for several years. The Judicial Conference recently requested that Ninth Circuit judgeships be increased in light of its workload by an additional five judges. That means that while Ms. Berzon's nomination has been pending, and five other nominations are pending to the Ninth Circuit, that Court has been forced to struggle through its extraordinary workload with 12 fewer judges than it needs.

Marsha Berzon is an outstanding nominee. By all accounts, she is an exceptional lawyer with extensive appellate experience, including a number of cases heard by the Supreme Court. She has the strong support of both California Senators and a well-qualified rating from the American Bar Association.

She was initially nominated in January 1998, almost 17 months ago. She participated in an extensive two-part confirmation hearing before the Committee back on July 30, 1998. Thereafter she received a number of sets of written questions from a number of Senators and responded in August. A second round of written questions was sent and she responded by the middle of September. Despite the efforts of Senator FEINSTEIN, Senator KENNEDY, Senator SPECTER and myself to have her considered by the Committee, she was not included on an agenda and not voted on during all of 1998. Her nomination was returned to the President without action by this Committee or the Senate in late October.

This year the President renominated Ms. Berzon in January. She participated in her second confirmation hearing two weeks ago, was sent additional sets of written questions, responded and got and answered another question. I do not know why these questions were not asked last year. I do hope that the Committee will vote to report her nomination to the Senate on Thursday and that the Senate will finally, at long last, take the opportunity to confirm her to the federal bench.

The saga of this brilliant lawyer and good person is a long one, but it is not an isolated story. Hers is not even the longest pending nomination. That distinction belongs to Judge Richard Paez who was initially nominated in January 1996—over three and one half years ago—favorably reported by this Committee last year but not voted upon by the Senate. He was renominated in January, as well. His nomination is in limbo before the Senate Judiciary Committee, more than three years after this fine Hispanic judge was first nominated by the President.

In addition, there is the nomination of Justice Ronnie L. White to the federal court in Missouri, a nomination I spoke to the Senate about earlier this week. This past weekend marked the 2-year anniversary of the nomination of this outstanding jurist to what is now a judicial emergency vacancy on the U.S. District Court in the Eastern District of Missouri. He is currently a member of the Missouri Supreme Court.

He was nominated by President Clinton in June of 1997, 2 years ago. It took 11 months before the Senate would even allow him to have a confirmation hearing. His nomination was then reported favorably on a 13 to 3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican members of the Committee who voted for him along with the Democratic members. Senators ASHCROFT, ABRAHAM and SESSIONS voted against him.

Even though he had been voted out overwhelmingly, he sat on the calendar, and the nomination was returned to the President after 16 months with no action.

The President has again renominated him. I have called again upon the Senate Judiciary Committee to act on this qualified nomination. Justice White deserves better than benign neglect. The people in Missouri deserve a fully qualified and fully staffed Federal bench.

Justice White has one of the finest records—and the experience and standing—of any lawyer that has come before the Judiciary Committee. He has served in the Missouri legislature, the office of the city counselor for the City of St. Louis, and he was a judge in the Missouri Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

Having been voted out of Committee by a 4–1 margin, having waited for 2 years, this distinguished African American at least deserves a vote, up or down. Senators can stand up and say they will vote for or against him, but let this man have his vote.

Twenty-four months after being nominated and after being renominated five months ago, the nomination remains pending without action before the Senate Judiciary Committee. People like Justice Ronnie L. White deserve to have their nominations treated with dignity and dispatch. Twenty-four months is far too long to have to wait for Senate action.

The Chief Justice of the United States Supreme Court wrote in his Year-End Report in 1997: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

For the last several years I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly and without the years of delay that now accompany so many nominations. I hope the Committee will not delay any longer in reporting the nomination of Justice Ronnie L. White to the United States District Court for the Eastern District of Missouri and that the Senate will finally act on the nomination of this fine African-American jurist.

In explaining why he chose to withdraw from consideration after waiting 15 months for Senate consideration, another minority nominee, Jorge Rangel, wrote to the President and explained:

"Our judicial system depends on men and women of good will who agree to serve when asked to do so. But public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits".

Justice White has been exceedingly patient. He remains one of the 10 longest-pending judicial nominations before the Senate, along with Judge Richard Paez and Marsha Berzon.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

As the Senate recesses for the Independence Day holiday, I am glad to see that the Senate is taking a few small steps toward responsible action by confirming five qualified District Court nominees. I will continue to work to see that the scores of remaining nominees be treated fairly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—Continued

Mr. McCONNELL. Mr. President, for the information of all of our colleagues, Senator LEAHY and I have a couple of housekeeping measures to attend to, which we will do now. Then there will be a vote on the McConnell-Abraham second-degree amendment. If that amendment is successful, we will move to final passage. If that amendment is not successful, it is my understanding Senator SARBANES wishes to address the Senate further on the underlying Brownback amendment.

AMENDMENT NO. 1159, AS FURTHER MODIFIED

Mr. McCONNELL. Mr. President, I send to the desk a modification of amendment No. 1159.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as further modified, is as follows:

On page 21, line 22, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading, not to exceed $2,000,000 shall be available for grants to nongovernmental organizations that work with orphans who are transitioning out of institutions to teach life skills and job skills": *Provided further*, that of the amount available under the heading 'ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES' for Romania, $4,400,000 shall be provided solely to the Romanian Department of Child Protection for activities of such Department to provide emergency aid for the child victims of the present economic crisis in Romania, including activities relating to supplemental food support and maintenance, support for in-home foster case, and supplemental support for special needs residential care".

AMENDMENT NOS. 1184 AND 1185

Mr. McCONNELL. Mr. President, I send an amendment on behalf of Senator BYRD and an amendment on behalf of Senator NICKLES to the desk. They have been cleared. I ask unanimous consent they be agreed to.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The amendments (Nos. 1184 and 1185) were agreed to, as follows:

AMENDMENT NO. 1184

(Purpose: To express the sense of the Senate regarding assistance under the Camp David Accords)

On page 128, between lines 13 and 14, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING ASSISTANCE UNDER THE CAMP DAVID ACCORDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Egypt and Israel together negotiated the Camp David Accords, an historic breakthrough in beginning the process of bringing peace to the Middle East.

(2) As part of the Camp David Accords, a concept was reached regarding the ratio of United States foreign assistance between Egypt and Israel, a formula which has been followed since the signing of the Accords.

(3) The United States is reducing economic assistance to Egypt and Israel, with the agreement of those nations.

(4) The United States is committed to maintaining proportionality between Egypt and Israel in United States foreign assistance programs.

(5) Egypt has consistently fulfilled an historic role of peacemaker in the context of the Arab-Israeli disputes.

(6) The recent elections in Israel offer fresh hope of resolving the remaining issues of dispute in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should provide Egypt access to an interest bearing account as part of the United States foreign assistance program pursuant to the principles of proportionality which underlie the Camp David Accords.

Mr. BYRD. Mr. President, my views on foreign assistance are well known. I don't like it. I understand there are circumstances in which the United States needs to extend a helping hand to other nations facing political and economic strains that we thankfully do not have to endure. I simply think that the United States spends too much of its citizens' hard-earned tax dollars overseas, and that is why I traditionally vote against the Foreign Operations Appropriations bill.

My reluctance to send U.S. tax dollars overseas leads me to scrutinize closely those programs that we do fund. One of the largest recipients of U.S. foreign assistance is the Middle East, and in particular Israel, and to a lesser extent, Egypt. These nations are our strongest allies in a troubled region, and I firmly believe that maintaining a strong relationship with them is in the best strategic interests of the United States. We cannot forget that it was Egypt and Israel that negotiated the Camp David Accords, an historic breakthrough in the efforts to bring peace to the Middle East. As part of the Camp David Accords, a concept was reached regarding the ratio of United States foreign assistance between Egypt and Israel. This formula has been followed since the signing of the Accords.

I have believed for many years that the United States is spending too much on foreign assistance to Egypt and Israel. I have tried in the past, to no avail, to reduce the level of assistance being sent to Israel. I am pleased that the United States has finally embarked on a program of reducing economic assistance to both nations, with the agreement of those nations. However, maintaining proportionality between Egypt and Israel as the level of foreign assistance is reduced is vitally important, and never more so than now, when the recent elections in Israel offer fresh hope of restarting the peace process.

Unfortunately, the mechanism by which United States foreign assistance is currently being provided to Egypt and Israel has resulted in an imbalance to that program in that Israel has the unique advantage of having immediate access to an interest bearing account while Egypt has not been accorded the same treatment. This, I believe, is a procedure which can be interpreted as a departure from the standard of fairness that is central to United States assistance under the Camp David Accords.

Mr. President, this is an injustice that should be corrected. Speaking frankly, it is my opinion that neither Israel nor Egypt should be earning interest on United States foreign assistance. But, under the principles of parity that underlie the Camp David Accords, both nations should receive the same treatment. Egypt and Israel are pivotal allies in the Middle East, and the United States should accord them equal treatment in disbursing its foreign assistance.

AMENDMENT NO. 1185

(Purpose: Regarding availability of United States assistance for the Palestian Authority)

Strike section 577, and insert in lieu thereof the following:

SECTION 577. UNITED STATES ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(1) GAO CERTIFICATION.—NOT MORE THAN 30 DAYS PRIOR TO THE OBLIGATION OF FUNDS MADE AVAILABLE TO THIS ACT FOR ASSISTANCE FOR THE PALESTINIAN AUTHORITY THE COMPTROLLER GENERAL OF THE UNITED STATES SHALL CERTIFY THAT THE PALESTINIAN AUTHORITY—

(A) has adopted an acceptable accounting system to ensure that such funds will be used for their intended assistance purposes; and

(B) has cooperated with the Comptroller General in the certification process under this paragraph.

(2) GAO AUDITS.—

(A) AUTHORITY.—Six months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit to determine the extent to which the Palestinian Authority is implementing an acceptable accounting system in tracking the use of funds made available by the Act for assistance for the Palestinian Authority.

UNANIMOUS CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes all action on S. 1234, it not be engrossed and be held at the desk. I further ask that when the House of Representatives' companion measure is received in the Senate, the Senate immediately proceed to its consideration, all after the enacting clause of the House bill be stricken and the text of S. 1234, as passed, be inserted in lieu thereof, the House bill, as amended, be read for the third time and passed, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint conferees on the part of the Senate, and the foregoing occur without any intervening action or debate.

I further ask unanimous consent that upon passage by the Senate of the House companion measure, as amended, the passage of S. 1234 be vitiated, and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1186, 1187, AND 1188, EN BLOC

Mr. LEAHY. Mr. President, I ask unanimous consent that three amendments that have been cleared on the other side on behalf of the Senator from Vermont be considered en bloc and agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes en bloc amendments numbered 1186, 1187, and 1188.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1186, 1187, and 1188) were agreed to, en bloc, as follows:

AMENDMENT NO. 1186

At the appropriate place, insert:

AUTHORIZATIONS

SEC. . The Secretary of the Treasury may, to fulfill commitments of the United States, (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African

Development Fund, the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847,011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; $2,410,000,000 for the International Development Association; and $50,000,000 for the International Bank for Reconstruction and Development's HIPC Trust Fund.

AMENDMENT NO. 1187

At the appropriate place in the bill insert the following:

WORKING CAPITAL FUND

SEC. . Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

"(l) There is hereby established a working capital fund for the United States Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and non-personal services, equipment and supplies for: (A) International Cooperative Administrative Support Services; (B) central information technology, library, audiovisual and administrative support services; (C) medical and health care of participants and others; and (D) such other functions which the Administrator of such agency, with the approval of the Office of Management and Budget, determines may be provided more advantageously and economically as central services.

"(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines and any appropriations made available for the purpose of providing capital, less related liabilities.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciations Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) the agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall be credited to current applicable appropriations.".

AMENDMENT NO. 1188

At the appropriate place in the bill, insert the following:

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, up to $7,500,000 to be derived by transfer from funds appropriated by this Act to carry out Part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading, "Assistance for Eastern Europe and the Baltic States", to remain available until expanded, as authorized by section 635 of the Foreign Assistance Act of 1961; Provided, That such costs, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974; Provided further, That for administrative expenses to carry out the direct and guaranteed loan programs, up to $500,000 of this amount may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development"; Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

Mr. LEAHY. I ask that the amendments be agreed to.

The PRESIDING OFFICER. They have been agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1119

The PRESIDING OFFICER. The question is on the McConnell amendment. All those in favor—

Mr. MCCONNELL. Mr. President, are the yeas and nays not ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MCCONNELL. I ask for the yeas and nays on the McConnell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to McConnell amendment No. 1119. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER. (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nasy 45, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—53

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Bryan
Bunning
Burns
Campbell
Cleland
Collins
Craig
Daschle
DeWine
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
McConnell
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Schumer
Specter
Stevens
Torricelli
Wellstone

NAYS—45

Allard
Ashcroft
Bingaman
Brownback
Byrd
Chafee
Cochran
Conrad
Coverdell
Crapo
Dodd
Domenici
Dorgan
Frist
Gramm
Grams
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
McCain
Murkowski
Murray
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Warner
Wyden

NOT VOTING—2

Mack
Voinovich

The amendment (No. 1119) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1118

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 1118) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, we are ready for final passage.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, this will be the last recorded vote for tonight. We will then go to the Treasury-Postal Service appropriations bill, and, hopefully, good progress, or all progress, can be completed on that tonight, with the possibility of stacked votes on or in relation to the Treasury-Postal Service appropriations bill in the morning.

The next recorded vote, though, will be at 10:30 in the morning on a cloture motion with regard to Social Security lockbox. Hopefully, there will be other stacked votes in that sequence. For now, that is the only one.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was read the third time.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 1234, the foreign operations and export financing appropriations bill for fiscal year 2000.

The Senate bill provides $12.7 billion in budget authority and $4.7 billion in new outlays to operate the programs of the Department of State, Export and Military Assistance, Bilateral and Multilateral Economic Assistance, and Related Agencies for Fiscal Year 2000.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $12.7 billion in budget authority and $13.2 billion in outlays for fiscal year 2000.

The subcommittee is below its Section 302(B) allocation for budget authority and outlays.

I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1234, FOREIGN OPERATIONS APPROPRIATIONS, 2000—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	12,700	....	44	12,744
Outlays	13,139	....	44	13,183
Senate 302(b) allocation:				
Budget authority	12,701	....	44	12,745
Outlays	13,150	....	44	13,194
1999 level:				
Budget authority	13,266	....	45	13,311
Outlays	12,740	....	45	12,785
President's request:				
Budget authority	14,070	....	44	14,114
Outlays	14,104	....	44	14,148
House-passed bill:				
Budget authority	....	....	44	....
Outlays	8,456	....	44	....
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	(1)	....	....	(1)
Outlays	(11)	....	....	(11)
1999 level:				
Budget authority	(566)	....	(1)	(567)
Outlays	399	....	(1)	398
President's request:				
Budget authority	(1,370)	....	....	(1,370)
Outlays	(965)	....	....	(965)
House-passed bill:				
Budget authority	12,700	....	....	12,700
Outlays	4,683	....	....	4,683

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mrs. FEINSTEIN. Mr. President, I rise to bring to the attention of my colleagues an issue which I believe is of importance in the FY 2000 Foreign Operations Appropriations bill: U.S. assistance to Egypt. Before I begin, however, I thank the chairman and ranking member of the subcommittee for their expert and sound guidance on this bill. They deserve our commendation for working with such tight 302(b) allocations.

Egypt is a country that many in the Senate hold in high regard. Egypt is a dependable and steady ally in the Middle East. This year marks the twentieth anniversary of peace between Israel and Egypt, a peace which has served and continues to serve as a benchmark of the end of hostilities between Arabs and Israelis. Since peace between Egypt and Israel was established in 1979, Congress has recognized that in America's relations with these two allies that fair treatment of both Israel and Egypt in the provision of foreign assistance is a key feature in preserving peace and stability in the region.

The administration requested as part of its FY 2000 budget that a portion of Egypt's military assistance held in reserve to pay for the potential termination of contracts accrue interest. This proposal, known as an interest bearing account (IBA), would allow interest to accrue on approximately $470 million in the termination liability account for Egypt. Israel's military assistance has been treated in this way for some time, treatment that I and many others here support. The net impact of granting Egypt this treatment would be about $20 million in interest to Egypt, without any additional cost or outlay by the U.S. taxpayer.

Like many of my colleagues, I support the administration's request for an IBA for Egypt, and I feel very strongly that Egypt should have the same terms as Israel. The Department of State has made a commitment to Egypt on this issue, and I think it is important that this commitment be kept.

Despite our support for an IBA, the Congressional Budget Office has told us that the IBA would be scored as a $470 million outlay—despite the fact that it actually costs nothing—and would thus break the Senate's tight outlay ceiling for this bill. Although support for an IBA for Egypt is strong—I am confident that on the merits an Amendment proposing an IBA would have the support of the vast majority of my colleagues—the Senate is confined at this time in our actions by budgetary pressures.

I am hopeful that we might still be able to resolve this scoring issue and perhaps address the question of an IBA for Egypt in Conference.

Again, I thank the subcommittee chairman and ranking member for their work on this bill. I look forward to continuing to work with them on this issue.

BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AND THE STATE DEPARTMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Senators STEVENS, MCCONNELL, COVERDELL, DEWINE, and I may enter into a colloquy on funding for the Bureau of International Narcotics and Law Enforcement and the State Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I say to Senator STEVENS, Senators COVERDELL, DEWINE, and I have afforded an amendment No. 1148 to the Foreign Operations Appropriations bill regarding increased funding for the State Department's counterdrug efforts.

Mr. STEVENS. I am aware of the amendment.

Mr. GRASSLEY. As the Senator knows, we have been working on this bill and on others to ensure adequate funding for our Nation's counter narcotics efforts. And I appreciate the committee's past support in this regard. I am aware that we face tough budget decisions and we need to balance many program needs within a balanced budget.

Mr. STEVENS. We have had to make a lot of tough decisions in this bill while trying to ensure that we meet the needs of many critical programs. I know that Senator MCCONNELL and Senator LEAHY and the subcommittee have worked shared to be fair, and they have had to make tough choices.

Mr. GRASSLEY. I appreciate their efforts. Our amendment asks for more funding for INL, although it is still below the President's request. Senators COVERDELL, DEWINE, and I have worked with the committee in the past on this issue. It is my understanding that the House is working to provide a higher level.

Mr. STEVENS. I believe that is the case but the House has not yet made a final decision on appropriation levels for the State Department's counter narcotics programs.

Mr. GRASSLEY. If there is a difference between the House and Senate levels, that will mean that the final appropriation levels will be conferencable, is that correct?

Mr. STEVENS. That is the case.

Mr. GRASSLEY. It is my understanding that if the numbers in House and Senate bills are different that it is your intention to work during the conference to ensure that we see a higher level of funding for this program?

Mr. STEVENS. That is correct. I will work on trying to see a higher level of funding. But let me point out that there is a difference between the House and Senate allocation levels and that we will have a lot of reconciling to do.

Mr. COVERDELL. I ask the distinguished Senator from Alaska if that effort will preclude increased funding for INL?

Mr. STEVENS. It does not preclude it, and I will work to ensure that we try to get more funding.

Mr. COVERDELL. I know that Senator GRASSLEY and Senator DEWINE share my concern that we ensure that our international counter drug programs here and elsewhere receive the support they need to keep drugs off our streets and out of our homes. We had a press conference today on just his point. We have been fighting a battle the last few years to raise the visibility of the need for serious counter drug efforts and the need to fund those adequately. The State Department program is an important part of that effort.

Mr. DEWINE. If I might add something to the comments of my distinguished colleague from Georgia. Last year, the Congress added significant new money into our international and interdiction efforts. This was in part a down payment on the Western Hemisphere Drug Elimination Act, that I introduced in the 105th Congress. It is important that we ensure that the effort begun then is sustained. Having seen first hand the positive benefits of this program in this region. I strongly believe that increased funding for INL should be strongly considered in conference.

Mr. STEVENS. I share the Senators' concerns for the need for sustained and adequate funding.

Mr. MCCONNELL. I too share this concern. The Foreign Operations bill is an effort to address that concern and the many other programs that need attention in our foreign policy.

Mr. GRASSLEY. It is my understanding that every effort will be made in conference to ensure that there will be increased funding for the State Department's counter narcotics programs. If that is the case, then I am prepared to withdraw my amendment and I thank Senator STEVENS and Senator MCCONNELL for their consideration in this matter.

Mr. COVERDELL. I join Senator GRASSLEY in thanking the committee.

Mr. DEWINE. I also thank the committee.

IMF GOLD SALE

Mr. ALLARD. Will the distinguished Senator from Kentucky yield for a question?

Mr. MCCONNELL. I will be happy to yield to the Senator from Colorado.

Mr. ALLARD. As the chairman of the Foreign Operations Appropriations Subcommittee, is the Senator aware of a proposal by the Administration to support the sale of some ten million ounces of gold by the International Monetary Fund (IMF) from its gold reserves in order to provide debt relief for countries under the Heavily Indebted Poor Countries Initiative (HIPC)?

Mr. MCCONNELL. Yes, I am aware of this proposal. Let me say to the Senator from Colorado that the proposal to have the IMF sell its gold in order to provide debt relief to the HIPC nations is a matter of significant concern to me.

Mr. ALLARD. I share the chairman's concern. The sale of IMF gold would have the effect of depressing gold prices well beyond the twenty year low to which the price of gold has already plunged. As I think the Senator from Kentucky well knows, a further drop in the price of gold will not only hurt American industry but cost thousands of U.S. workers their jobs. Equally important, falling gold prices will directly impact 36 of the 41 nations that are slated to benefit from the HIPC program. This is because those 36 nations are in fact gold producers, and their economies would suffer to such a degree that the damage done to their economies resulting from depressed gold prices would be greater than any debt relief they might receive. Does the Senator agree with that analysis?

Mr. MCCONNELL. The Senator from Colorado is exactly right. Considering the fact that barely 40 percent of the interest to be derived from the investment of the proceeds from the sale of the IMF gold would actually be available to the HIPC nations for debt relief, it seems to me that this amounts to a cruel hoax. Of particular concern to me is the fact that the sale of the IMF gold would reduce gold prices to such an extent that the harm done to HIPC nations' economies will likely exceed any benefit from this debt relief effort. I believe the issue of debt relief for the HIPC nations is important and must be dealt with, but such a program must be designed to reduce the economic burden on these countries not compound them.

Mr. ALLARD. I ask the chairman, is it the case that in order for this proposed IMF gold sale to go forward, that the Congress must specifically authorize the U.S. representative to the IMF to cast a vote in favor of such a sale?

Mr. MCCONNELL. The Senator from Colorado is exactly correct. Existing law 22 U.S.C. 286c specifically requires Congress, by law, to authorize such action. I would point out to the Senator, as I am sure he is already aware, that absent an act of Congress, the statute makes it clear that neither the President nor any person or agency acting on behalf of the United States can vote to approve the sale of IMF gold.

Mr. ALLARD. I thank the chairman for that clarification. Would it be fair to conclude, I say to my friend from Kentucky, that you are not in a position to support legislation that would seek to have this Congress authorize U.S. approval of the sale of IMF gold?

Mr. MCCONNELL. The Senator from Colorado is absolutely correct. For the reasons I have outlined, I believe the proposal to sell IMF gold as part of the HIPC Initiative is misguided and just plain bad policy. I could not support legislation authorizing such a sale as part of this or any bill. And, I will say to the distinguished Senator from Colorado, that when I take this bill to conference with the House, we will include a Statement of Manager's language that will reiterate that the sale of IMF gold cannot go forward unless we in Congress specifically provide authorization.

Mr. ALLARD. I thank the chairman.

Mr. COVERDELL. Mr. President, I rise today to express my concern about the proposed reduction of funding for the Peace Corps in this foreign operations appropriations bill—a reduction that is contrary to the will of Congress as expressed by the overwhelming, bipartisan support for the Peace Corps Reauthorization Act, which passed unanimously this session in both Houses of Congress.

I am mindful of the constraints imposed by the lower allocations to the appropriators. But Congress has spoken affirmatively on the issue of increased funding for the Peace Corps. The authorizing committee and, then, this body, supported the bill by unanimous consent. A few months earlier, the House passed the measure by a vote of 326–90. President Clinton immediately signed the bill in May.

Mr. President, as chairman of the authorizing committee for the Peace Corps, I worked with the committees' ranking Member and former Peace Corps Volunteer, Senator DODD, to sponsor the Peace Corps Act. The Act authorizes a 12 percent increase for Fiscal Year 2000 and is part of a multiyear plan to enable the Peace Corps to reach its goal of 10,000 Volunteers by 2003. Reaching this mark has been a long-standing goal of Congress—a goal set into law in 1985.

Despite the consistent endorsement of the growth plan, the Appropriations Committee has recommended a $50 million reduction in funding from the authorized amount (and $20 million less than the Peace Corps current budget of $240 million). This appropriation is ill-advised. If enacted, it would deny the Peace Corps the opportunity to reach its goal of 10,000 Volunteers serving abroad. And, even worse, it would force the Agency to cut the current level of Volunteers by over 1,000 (That is, from 6,700 to 5,700) Volunteers).

I recognize the constraints under which the Peace Corps and all federal programs must operate. For that reason, I have been a close observer of the Peace Corps activities, as has Senator DODD, in exercising our oversight responsibilities. I remain confident that the Peace Corps remains the best foreign assistance program of its kind, and that it has systems in place to continue fielding Volunteers responsibly and efficiently. Part of the genius of the Peace Corps is its ability to use a relatively small amount of money to do big things. Even if the Peace Corps received full funding at $270 million, the amount would be about 1 percent of our foreign aid budget.

Mr. President, I believe that the Peace Corps is well prepared to begin implementation of the multi-year plan. I urge the appropriators to join the Members of Congress from both sides of the aisle and in both Houses who have overwhelmingly endorsed this worthy goal.

U.S.-HAITI POLICY

Mr. DEWINE. Mr. President, I have a long standing interest in Haiti. I have made seven trips to this island nation in the past four years. I have spoken often about the developments in that country here on the Senate floor. I am here today because I am extremely concerned about the tumultuous conditions in Haiti. And, I feel the United States must understand the immediacy and vast importance of the present situation in order to act in an appropriate way.

Mr. President, the serious political and financial circumstances leave Haiti at a crossroads. In order to survive, Haiti must act decisively, and the global community must respond accordingly.

It is of vital importance that Haiti holds Parliamentary elections this year, and that we respond with our technical and security resources to support and strengthen this process. In addition, the U.S. Governments' policy on limiting financial assistance, which in the past I have whole heartedly embraced and which has been effective, should now be re-thought.

Haiti has a heritage of political turmoil and unrest. To understand the present situation, one must first comprehend the series of events in the two years which have led to this unfortunate circumstance.

The seriously flawed April 6, 1997 elections, which attracted less than 5 percent of the Haitian electorate, provoked the resignation in June 1997 of Prime Minister Rosney Smarth. For twenty months, a political deadlock existed between President Rene Preval and the majority party in Parliament over the contested April 1997 elections and over President Preval's nominee for Prime Minister, Jacques Edouard Alexis. The political crisis virtually paralyzed the government and delayed millions of dollars in international aid to Haiti.

Mr. President, in January of this year, Haiti's drawn out crisis took a very troubling turn when President Preval announced that the Haitian National Assembly's term had expired and that he would proceed to install a government by "executive order." What happened in essence, of course, was that President Preval chose to ignore Haiti's Parliament and rule by decree. Tragically, President Preval effectively disbanded the Parliament and stripped them of their power.

Even though Prime Minister Alexis was approved by both Houses before the Parliament was dissolved, the new Prime Minister does not yet have any authority to govern because his cabinet has not been approved by the Parliament. And since there is no functioning Parliament, there can be no confirmation of the Prime Minister's cabinet. We have gone from a long period without a Prime Minister in Haiti to a period now without a governing Parliament.

While the political crisis in Haiti deepens, there has been some progress made. In March of this year, President Preval and the opposition political parties agreed on a Provisional Electoral Council, charge with establishing fair and equal elections. And the Council has been effective. Specifically, the Council recently made a brave and bold move by announcing the annulment of the April 1997 elections. Mr. President, I applaud this recent action. We need to support this recent overture and take it to the next level. We must urge the Haitians to have parliamentary elections.

We know that the present political vacuum must be filled with a credible government or else, we may risk it being filled by a de facto dictatorship. The global community has the responsibility to take action now.

First, the Haitians must have Parliamentary elections before the end of this year. A balance of power is fundamental to an effective democracy. The election of a new Parliament prior to Presidential elections in December 2000, begins establishing this foundational balance, which is in the best interest of Haiti.

The United States and the international community have the ability and resources to help in two specific ways, through technical assistance and security reinforcement. In order to ensure that the Haitians hold free, fair, open, and credible elections , the United States, in partnership with the international community, must leverage all available assets in a coordinated effort to support the election process.

The United States should provide resources in support of the election process to include the encouragement of political coalition building. The technical assistance can be coordinated by the other countries who are involved in Haiti that can also provide substantial financial help.

In addition to the technical assistance, Haiti's security must be strengthened in order for the elections to be held in a safe environment. We must increase support to the Haitian National Police. In addition, provisions should be made so that United Nations Civilian Police—known as the CIVPOL—can continue it's important mission through this election period. There should also be a large and significant presence of international observers during the six to eight weeks prior of the elections. These basic actions taken quickly and with authority will demonstrate that the United States is committed to democracy in Haiti.

Second, we need to re-assess U.S. policy on financial assistance to Haiti.

For the past several years, the U.S. Government has conditioned assistance to the Haiti due to the Haitian Government's ineptness. While the United States has tried to help Haiti sustain democracy, unfortunately, the Haitian Government has lacked political will. The Haitian Government has not taken action to resolve a number of extrajudicial and political killings in Haiti and there have been numerous human rights violations. The Government has also been extremely slow in privatization of its government owned enterprises, and it has not been accountable in maintaining government institutions through their constitutional and electoral processes.

Let me be clear when I say that the objective in our conditioning of assistance to Haiti was to urge the Haitian Government to take the necessary steps to overcome these concerns and challenges. Our conditioning of assistance has produced some positive change in Haiti. With the upcoming Parliamentarian elections in Haiti, however, it is important that we provide flexibility in our assistance to assure that these very important and needed elections are transparent.

Today, Mr. President, I am suggesting that the U.S. Government focus its appropriation policy on accountability. While the Congress is not losing the opportunity to review and perform oversight of our appropriated funds to Haiti, this new language sets congressional priorities. Specifically, the top areas include: First, aggressive action to support the institution of the Haitian National Police; second, steps to ensure that any elections undertaken in Haiti with U.S. assistance are full, free, fair and transparent; third, a program designed to develop the indigenous human rights monitoring capacity; fourth, steps to facilitate the continued privatization of state-owned enterprises; and fifth, a sustained agriculture development program.

We have also incorporated reporting requirement language so that the Administration can give U.S. a detailed assessment of each benchmark. This new language was drafted by several Senators including myself and Senators HELMS, DODD, and GRAHAM.

The ideological and financial crossway that is before Haiti is of national and global importance. The U.S. national interest is served by a stable, democratic, prospering Haiti that cooperates with U.S. counter-drug efforts. We can help ensure this end through our technical and physical support of immediate Parliamentary elections and through lifting the limitations on financial assistance. Our Nation's eyes have been so focused across the Atlantic that I fear we may have forgotten our responsibility in our own hemisphere. But, now is the time to act in order that democracy may take her proper place in this hemisphere.

Mr. FEINGOLD. Mr. President, I thank the managers of this bill for their work on this legislation. This is not an easy bill.

I certainly commend their efforts to keep this bill within the budget caps. I regret that in trying to balance our many important priorities, international affairs spending may have suffered disproportionately.

Mr. President, national security can not be viewed solely through a defense lens, but also must comprise all the critical preventive measures offered through an active foreign affairs program. This means continuing to fight the spread of disease and drugs, providing adequate nutrition for children and families, and pursuing U.S. goals in arms reduction. We also should continue to make our full contributions to the multilateral institutions, in particular the United Nations, on which the United States relies.

I will, however, support this legislation.

However, I do wish to comment on one area of funding in particular which has suffered cuts in this legislation, and that is international peacekeeping. This bill appropriates funds for America's voluntary peacekeeping activities, which includes such things as our contributions to the Israel-Lebanon Monitoring Group, to the Organization for Security and Cooperation in Europe (OSCE), and to the Multinational Force and Observers (MFO) in the Middle East. The voluntary peacekeeping account also funds our contributions to important peacekeeping initiatives in Africa, including through an Africa regional fund and through the Africa Crisis Response Initiative.

But Mr. President, this bill would cut the voluntary peacekeeping account by $50 million off the President's request; that's 40% below the request. While the bill would support a slight increase from last year's appropriation for this account, I am afraid that this level is inadequate to support our peacekeeping efforts in Africa.

This voluntary peacekeeping fund is designed to support peacekeeping efforts other than assessed missions by the United Nations, which are funded separately through an account in another appropriations bill. The account funded in this bill is designed to try to anticipate needs in the peacekeeping arena, but also to be flexible and prepared to deal with unanticipated contingencies.

This morning, the chairman of the Subcommittee, the distinguished gentleman from Kentucky, made the assertion that the administration's request regarding peacekeeping was, in his words, "redundant," because there is more than one account that provides funds for peacekeeping in Africa.

But, Mr. President, I would respectfully disagree with this characterization and note that the requirements for peacekeeping in Africa are such that a distinct account may be required.

At a recent hearing of the Senate Subcommittee on Africa, Chairman FRIST and I heard testimony regarding the conflict raging in Central Africa, in which there are currently as many as nine countries involved. These wars don't get much press attention in the United States, but it is likely that more people are dying there right now than we have seen killed in Kosovo in recent months and in a number of other well publicized conflicts outside Africa.

Mr. President, it is easy to make generalizations about the causes of conflict in Africa, but I think its roots are not well understood.

At that hearing, I posed some important questions which I would like to repeat here on the floor.

First, what is the basis for U.S. policy in Africa? Is it to support democracy and respect for human rights? Is it to avoid genocide? Is it to encourage stability and economic development? These are some of the things I hear administration officials saying, but sometimes I am not sure our actions are consistent with these lofty goals. For example, some would question how the United States government hopes to prevent genocide, when it is often hesitant to condemn atrocities that fall short of genocide. Some also question our commitment to preventing genocide in the future when our government has so far declined to examine in any detail our own weak response during the 1994 crisis.

Second, if there were to be another "genocide"—assuming there is consensus as to the meaning of that word—what steps is the United States prepared to take to stop it? Is NATO going to start launching air strikes against the offending powers? We all know that is unrealistic, yet the crisis in Kosovo is causing a lot of people—including Members of Congress and including myself—to ask: "Why Kosovo and not Rwanda?" Why is it that the United States can spend billions of dollars trying to stop ethnic cleansing in one place, but yet wouldn't even use the word "genocide" in the Rwanda case until two months after the killing started, and thousands had been killed?

The distinguished chairman of the Foreign Operations Subcommittee, the Senator from Kentucky, also noted the Committee's intent to have Serbia designated as a terrorist state, which is mandated in the legislation. I support this designation, and I agree with my colleague that it is hard to understand the difference, as he said this morning on the floor, "between thugs blowing up a village with a car bomb or thugs shelling and burning a village to the ground. The intent and impact are the same. In both instances, innocent civilians are the targets and the victims."

Mr. President, this is precisely my point. Only I would make this point with respect to Africa and say this: I do not understand the difference between the terror and violence that is going on in Sierra Leone and what is going on in Kosovo! In both instances, innocent civilians are the targets and the victims. Yet the bill before us today provides millions of dollars to support peacekeeping and other activities for Kosovo, and barely anything for similar activities in Africa.

I do not understand how the decision to intervene in Kosovo fits in with an overall post-Cold War American foreign policy strategy. Obviously, the tragedies and the horrors that have been perpetrated in Kosovo demand a response and that response must include a role for the United States. But as the world's only superpower, I do not believe the United States is able to act effectively only in Europe or only in our own region. We have shown our ability to project overwhelming power throughout the world. Is an accident of geography sufficient to allow inaction in Africa, while Kosovo requires a huge commitment? This question needs to be answered not so much for me but for the American people, and to some extent for the people of Africa. They do not understand, and I do not understand, why one tragedy demands our attention and our action, and another one simply does not.

Mr. President, my point here is that, given the overwhelming response to the events in the Balkans, the very least we can do in response to conflict in Africa is to support regional peacekeeping efforts, as well as do all we can on the preventive side.

The United States has been a significant contributor to existing regional efforts such as the actions of the Economic Community of West African States, or ECOWAS, and its peacekeeping force, ECOMOG in both Liberia and in the ongoing conflict in Sierra Leone. There is no doubt that ECOMOG has had its share of problems, but nevertheless, it is solely through the efforts of this regional peacekeeping force that there is even the hope of a peaceful resolution in the Sierra Leone situation.

Mr. President, we can never truly anticipate the extent of needs such as this, and I would hope we could allow the administration some flexibility in this account. We should ensure the availability of funding to provide resources to support what I hope will be a peace agreement in Sierra Leone and maybe a cease-fire agreement in the conflict between Ethiopia and Eritrea. If these positive developments take place, the United States should be poised to provide some support. This is no time to send a signal that we are not concerned with these crises.

Finally, just a quick word about the two Africa-related portions of this voluntary account. As I understand his remarks, the Senator from Kentucky believes it is "redundant" to have both an Africa Regional fund and monies for the Africa Crisis Response Initiative. But in my view, these two funds serve two separate purposes. The first, the Africa regional fund, represents our traditional peacekeeping functions. This is the account that has been used to provide logistical assistance to ECOMOG in both the Liberia and Sierra Leone cases. The other, the Africa Crisis Response Initiative (ACRI), is different. ACRI seeks to assist African militaries to build their own capacities to conduct peacekeeping operations. It is hoped that countries which now receive training under ACRI would agree to participate in future peacekeeping operations. In this regard, ACRI represents a forward-leaning approach; call it "preventive diplomacy."

Mr. President, ACRI has been in operation for just a short while and can still be considered in its early stage. Most of the militaries that have received training through ACRI have been trained at the company or, in a few cases, battalion levels, but an important aspect of the program is also to conduct brigade level training. As envisioned, the brigade level training is key to the whole ACRI program because it would expand joint training exercises between and among participating countries and would help ensure interoperability between and among the forces of contributing nations.

Mr. President, just as the ACRI program is getting underway, I do not think we should be cutting support for it. Our efforts to build peacekeeping capacity in Africa will fail if we can not assist in preparing our partners to actually participate and conduct peacekeeping operations.

In summary, Mr. President, I believe the voluntary peacekeeping account represents an important part of our international affairs funding, and of America's ability to lead in the world, and I am concerned that the cuts to this account will have an inordinate impact on Africa.

Mr. LAUTENBERG Mr. President, I rise today first of all to thank and commend the Chairman and the ranking member of the Foreign Operations Appropriations Subcommittee for their efforts to develop a bill to meet priority foreign affairs needs within the limits of the subcommittee allocation.

Mr. President, the Budget Resolution did not allocate sufficient resources for Foreign Affairs and the Foreign Operations Subcommittee frankly did not receive a sufficient allocation to maintain America's world leadership role We need to recognize that neither isolationism nor limited engagement is an option if we want to maintain America's security and prosperity.

We need to realize that we cannot conduct effective foreign policy solely by having a strong military In fact, by limiting funding for other tools of diplomacy we increase our reliance on threats and use of military force.

This bill fails to fulfill the President's request in numerous areas.

I am deeply concerned that the Wye aid package for Israel, the Palestinians, and Jordan requested by the President has not been fully funded The fact that it could not be accommodated within the subcommittee allocation without drastically cutting important programs around the world merely reinforces my previous point.

In the near future, we are going to have to step up to the responsibility of funding aid to help implement the Wye River Memorandum I hope the Chairman will agree that we will need to find a way to fund this aid outside the confines of this bill This is a small price to pay for continued and renewed efforts to achieve a lasting peace in the Middle East.

The bill does not include the $60 million I sought for tuberculosis prevention programs We need much stronger programs to combat tuberculosis now Tuberculosis kills more people worldwide than AIDS and malaria combined, yet receives substantially fewer aid dollars.

TB is spread easily and each active case leads to many more, so concerted global action to bring TB under control, now estimated to require $1 billion, becomes more expensive the longer we wait We need to find more resources to begin to confront the challenge of TB this year.

I hope we will also be able to find an additional $20 million for the United Nations Development Program UNDP has made great strides in cutting costs and improving coordination among UN agencies in the field to more effectively deliver essential assistance and promote sustainable economic development.

Unfortunately, we're penalizing the poor in many countries by following the Administration's lead and failing to restore funding for UNDP to $100 million.

I am also concerned that the bill significantly underfunds debt relief for the poorest countries.

Funding for the Peace Corps is reduced from the requested level, when it should have been increased to make progress toward the President's goal of fielding ten thousand Peace Corps Volunteers.

Even counter terrorism programs have not been adequately funded.

Having raised these concerns, let me reiterate my commendation to the subcommittee Chairman and Ranking Member for making a real effort to achieve a balanced bill while remaining within an allocation nearly $2 billion below the President's request.

I would also like to thank the subcommittee chairman and ranking member for including many important programs. In particular, Seeds of Peace contributes to reconciliation in the Middle East by bringing together young people from throughout the region, including Israelis and Palestinians and other Arabs.

Carelift International, which is largely funded by the private sector, improves health care in transition and developing countries at low cost by sharing refurbished American medical equipment.

Senator McCONNELL has also put some real dollars behind the rhetoric supporting regional integration in Southeast Europe. We need to aid the Kosovars to rebuild their shattered lives and help the countries and peoples of this troubled region to overcome their differences and their history and truly become a part of the new Europe.

I do hope we will be able to restore funding requested by the Administration for regional programs under the SEED Act, including programs to combat trans-national crime.

I am not offering amendments to increase allocations to unfunded or underfunded programs because I think it would be very difficult to do so without reducing funding for other priorities.

I voted for this bill in the subcommittee and committee because I think Senators McCONNELL and LEAHY have done a good job with the limited resources available to them. I will likely vote for the bill in the Senate as well, but not without deep reservations about the overall funding level and priorities which have not been funded adequately.

I thank the Chair and yield the floor.

Mr. McCAIN. Mr. President, United States national security and economic well-being is closely tied to our ability to formulate and execute foreign policies that both protect our interests and reflect our ideals. It is the responsibility of the Congress to pass legislation on foreign policy consistent with those interests and ideals. We may differ about the means, but we seldom disagree about the goal: political stability and economic prosperity in every region of the globe. Sometimes we employ political and economic sanctions in pursuit of our objectives; sometimes we resort to the use of military force. These responsibilities are considerable, and they are real. And we owe it to the American public to handle them responsibly.

I do not wish to exaggerate the implications of the questionable spending that is included in the bill before us. Clearly, the wasteful and unnecessary spending provisions, as well as the numerous earmarks, threaten neither our national interest nor our economic well-being. They do, however, detract from the integrity of the process by which the federal budget is put together, and they do undermine our credibility with the public. The net result is to diminish our ability to contribute substantially to this nation's national security and economic policies. Frivolous items placed in major spending bills for parochial or personal reasons is a serious disservice to the institution to which we belong, and to the public that we serve.

It is for this reason that is so discouraging to read the foreign operations appropriations bill and find that, once again, it includes $5 million to establish an International Law Enforcement Academy in Roswell, New Mexico. To see that provision once again placed in the bill is to reaffirm the notion that fiscal prudence and operational requirements are alien concepts to some members of this body. Similarly, language in the report accompanying the bill recommending that the Agency for International Development spend as much as necessary on such worthwhile projects as research on pond dynamics strikes me as representing a seriously misplaced sense of priorities. And should we really be earmarking more than $1 million in additional funds so that a Minnesota job training program can shift its dependence to private sector funding? In a foreign aid bill? I have to question the wisdom of provisions like these.

Mr. President, as United States military forces take up positions in Kosovo while others continue their peacekeeping efforts in Bosnia and soldiers serve unaccompanied hardship tours on the demilitarized zone of the Korean peninsula, what kind of message are we sending about our role in the foreign policy process when we pass a bill that directs the Agency for International Development to study and, almost certainly, fund research on protea germplasm in South Africa? With all the problems around the world demanding our attention, do we really need to focus on the future welfare of the Waboom tree? I think not. And, of course, the bill provides the usual absurd amount—specified as "at least" $4 million—for that oldie but goodie, the International Fertilizer Center in Alabama. I have to believe, Mr. President, that if the Department of State or the Agency for International Development agreed with the need to spend so much annually out of the foreign operations budget for research on fertilizer, it would probably include such an item in its budget request.

Israel and Hawaii collaborating on research regarding the competitiveness of the tropical fish and plant global market sounds contrived, but I'll allow for the possibility that there's more to that program than meets the eye. When viewed alongside the report's language "urging" AID to allocate $500,000 for the Pacific International Center for High Technology Research, a pattern begins to form, but I won't elaborate further.

As usual, the foreign operations appropriations bill includes a long list of earmarks for specific American universities, the very kind of budgeting that ensures the American taxpayers get the least value for their dollar. A competitive process wherein funding is allocated according to which project, if any, is the most meritorious is a preferred process for allocating financial resources, but this bill goes far in the opposite direction. As a leader in the effort at developing normal economic relations with Vietnam, I applaud projects designed to facilitate the establishment of a market economy in that country; whether Boise State University deserves a $3 million earmark to establish a business school there, however, strains credulity.

There is much that is good in this bill in terms of genuine efforts at improving health care in less developed countries. I continue to be troubled, however, by the Committee's tendency to specify precisely which organizations it believes should be the recipient of foreign aid dollars. That is a practice that deserves closer scrutiny than heretofore has been the case. I would like to think that such determinations are solely merit based following a competitive process and that parochial considerations play no part. Skepticism, though, is warranted.

In closing, I am a strong supporter of maintaining an active U.S. role in global affairs. United States foreign aid programs are an essential instrument of our national security policy. Even with the vast number of troubling items in this bill, I will support its passage. But I would be remiss in my responsibilities were I to ignore what I firmly believe is an imprudent budgeting process that has a self-defeating tendency to squander foreign aid dollars that we can ill-afford to waste. I will continue to hope for improvements in the process by which these bills are assembled.

Mr. President, I ask unanimous consent that the accompanying list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2000 (S. 1234)—DIRECTIVE LANGUAGE AND EARMARKS

REPORT LANGUAGE PROVISIONS

Overseas Private Investment Corporation: Directs the Overseas Private Investment Corporation (OPIC) to support establishment of a new $200 million Maritime Fund using United States commercial maritime expertise. Earmark is included as Section 539 in the bill text.

University Development Assistance Programs: The Committee annually earmarks or "recommends" funding for specific universities around the United States without benefit of competitive analytical processes to determine the value of the activity and whether it can best be done in an alternate manner. The following universities are expected to continue to receive such funds:

University of Hawaii, to train health care and social workers;

University of Northern Iowa, to incorporate democratic concepts and practices into schools and teachers education programs;

Washington State University, for water research in the Middle East;

Purdue University, for water research in the Middle East;

South Carolina University, for water research in the Middle East;

Mississippi State University, at least $500,000 for water research in Turkey;

George Mason University, for health care in developing countries;

San Diego University Foundation Middle East Development Program, to promote dialogue among Middle Eastern experts on water planning;

Boise State University, $3 million to establish a business school in Vietnam;

University of Idaho, $300,000, to train engineers in Guatemala in water management;

Utah State University, to establish, with $2.1 million, a World Irrigation Training Center;

University of South Alabama, $1 million to monitor birth defects in Ukraine;

Auburn University, $450,000 to continue its relationship with Osmania University in India;

University of Louisville, Spalding University, University of Indiana/Purdue, University of Wisconsin, University of Maine and Notre Dame, to continue to support the establishment of an American University in Jordan;

St. Thomas University, Miami, Florida, $5 million to continue to encourage and promote democratic principles in Africa;

University of Idaho, at least $485,000 for the university's Post Harvest Institute for Perishables under the Collaborative Agribusiness Support Program;

Montana State University-Bozeman, $1 million for soil management, recommended to be conducted at MSU-Bozeman; and

Washington State University, AID is expected to work with WSU to establish small business development centers in Romania and Russia.

Maintenance of Protea Germplasm: Directs AID to consider and fund if meritorious a joint proposal from the South Africa and United States protea industries.

Tropical Plant and Animal Research Initiative: AID is urged to consider a joint application from Israel and Hawaii to collaborate on research regarding the competitiveness of the tropical fish and plant global market.

International Fertilizer Development Center: "at least" $4 million is earmarked for the center.

Pacific Islands Renewable Energy Demonstration: AID is urged to allocate $500,000 for the Pacific International Center for High Technology Research.

Soils Management Collaborative Research Support Program: The Committee recommends that AID fund the program for as much as is necessary for the achievement of the goals of all approved projects.

Opportunities Industrialization Centers, International: at least $1 million is earmarked to enable OIC International in Minnesota to continue its transition to private sector funding.

U.S. Telecommunications Training Institute: earmarks $500,000 for the USTTI.

Mitch McConnell Conservation Fund: earmarks $500,000 for the Charles Darwin Research Station and the Charles Darwin Foundation to support research on the Galapagos Islands.

Johns Hopkins University's centers in Bologna, Italy, and Nanjing, China [the Committee directs that at least $600,000 be provided the Nanjing center, noting its disappointment with AID for not being sufficiently attentive to that institution's funding.]

Medical Relief: $7 million is earmarked for Carelift International, Philadelphia, to continue and expand its operations in needy countries.

Orphanages: $4 million is recommended for improving orphanage facilities in Russia, the funding to be provided through Rotary International, the Anchorage Interfaith Council, and the Municipality of Anchorage.

BILL LANGUAGE

International Law Enforcement Academy for the Western Hemisphere, Roswell, New

Mexico: The bill earmarks $5 million for establishment of an International Law Enforcement Academy for the Western Hemisphere, to be located at the deBremmond Training Center in Roswell, NM.

Global Environment Facility: the bill earmarks $25 million as the U.S. contribution to the Global Environment Facility.

Bilateral Economic Assistance: Note: The report accompanying S. 1234 uses the influence of the Appropriations Committee to ensure that funds go to specified organizations without regard for alternative means of accomplishing desired objectives, which in most cases are inarguably worthwhile:

Tuberculosis: Specifies the American Lung Association and the American Thoracic Society as nongovernmental organizations that should be supported.

Maternal Health: Encourages AID to provide $4 million to Maternal Life International to reduce maternal mortality and provide health care for HIV in Sub-Saharan Africa.

Iodine Deficiency: Recommends that AID provide $2 million in Child Survival funds to Kiwanis International via UNICEF.

Polio Eradication: Provides $25 million and encourages the provision by AID of funds for Rotary International.

Vitamins for At-Risk Women, Infants and Children: Encourages provision by AID of $2.8 million to Magee Womancare International to develop a program for children in orphanages.

Hepatitis: Encourages AID to support the Ramses Foundation in its work in Egypt.

Orphans, Displaced, and Blind Children: Recommends AID provide at least $1 million through Helen Keller International for its work with displaced children and orphans.

American Schools and Hospitals Abroad: The Appropriations Committee regularly allocates funds for specific institutions, usually the same institutions every year, under the American Schools and Hospitals Abroad program. The following are specified as deserving of further support:

American University in Beirut;

The Lebanese American University (formerly Beirut University College)

Hadassah Medical Organization

Feinberg Graduate School of the Weizmann Institute of Science, Israel

University College Dublin: AID is requested to consider funding the establishment of a Center of American Studies at the Dublin center.

Lebanon: earmarks minimum of $4 million for the American University of Beirut, Lebanese American University and International College and recognizes the "commendable efforts" of the YMCA of Lebanon.

India: $250,000 for healthcare in the Sringeri region of India should be administered by the Sharada Dhanvantari Charitable Hospital.

Tibet: AID is urged to support development projects sponsored by the Bridge Fund.

Promoting Economic Growth: Supports $9 million to fund the International Center for Economic Growth's Global Stability Project to implement a "third generation" macroeconomic model.

Patrick Leahy War Victims Fund: Recommends that $10 million be allocated for activities carried out by the Patrick Leahy Fund.

Palestinian-Israeli Cooperation Program: The Committee recommends $600,000 for the program, which seeks to facilitate the establishment of cooperative projects in medicine, science, the arts, and children's activities.

Distance Learning Technology: AID is urged to maintain funding for programs oriented toward legal reform in Central and Eastern Europe, including through the Central and Eastern European Law Institute.

Mr. BIDEN. Mr. President, the foreign operations appropriation bill is a crucial bill. It is integral to all of our assistance programs overseas. The bill's importance to American foreign policy cannot be over emphasized. This bill provides funding for development aid to poor countries, funds to combat terrorism and proliferation of nuclear weapons overseas, and monies for all of the multilateral financial institutions which lend to needy countries.

As I see it, the bill before the Senate has two major problems. First, the bill as a whole is significantly under-funded. The amount dedicated to our nation's foreign operations is almost $2 billion below the President's request for funding.

I understand that some of this is due to the caps placed on expenditures as part of the Balanced Budget Act of 1997; however, we in the Senate cannot hide behind that piece of legislation every time we want an excuse for why the administration's appropriations requests are under funded. I am not saying that this is not a legitimate reason for not granting the President's entire request, but $2 billion is an enormous shortfall.

In addition to inadequate funding overall, there are particular programs and foreign policy initiatives which are either funded at a level which is drastically reduced from the President's request, or which have not been funded at all.

Mr. President, the administration in its statement of policy with respect to this bill has clearly stated that "A bill funded at this level would be grossly inadequate to maintain America's leadership around the world. It would inevitably require severe reductions from previously enacted levels for programs managed by the Departments of State and Treasury, the Agency for International Development and other agencies."

The statement quite clearly states that if the significant funding and language problems in this bill as reported are not resolved that "the President's senior advisors have no choice but to recommend that he veto the bill."

I wish to speak to several very important aspects of this bill that must be addressed in conference. First, the bill fails to provide the $500 million requested by the President to support the Middle East Wye River Agreement.

Second, it fails to fund the administration's Expanded Threat Reduction Initiative, so important to our ability to reduce the proliferation threat and continue the elimination of weapons of mass destruction.

Third, this bill imposes new onerous conditions on U.S. funding for the 1994 Agreed Framework, the cornerstone of our North Korea policy.

I also have very strong concerns with respect to two provisions in the bill relating to Kosovo and our ongoing relationship with Russia.

Unfortunately, by withholding critical support for Jordan, Israel, and the Palestinian Authority, this bill would have us renege on the commitments that made the Wye River agreement possible. The leaders of Jordan, the Palestinian Authority, and Israel have taken great risks for peace. We pledged to stand with them as they took these risks.

In the months ahead, we will undoubtedly be called upon to play a lead role in the peace talks. But by refusing to fund one penny of the President's request for the Wye River agreement, this bill calls into question our commitment to Middle East peace just as there is renewed hope for accelerated progress.

Some may argue that the Middle East gets enough assistance as it is. Relative to other accounts that may be true, but the levels of assistance to the Middle East are a reflection of the strategic and moral issues at stake.

The funds requested by the administration are in keeping with our commitment to Israel's security. They will help wage battle in Palestinian areas against the greatest enemy of peace—namely, the poverty and despair that provides a fertile breeding ground for extremism. They will help bolster Jordan—a close ally whose peace with Israel should serve as a model for others in the region.

I am convinced that the sums requested by the administration to support peace pale in comparison to the costs we would incur if conflict and turmoil returned to the Middle East.

One of the most disturbing elements of this bill is its failure to fund the Expanded Threat Reduction Initiative that helps reduce the threat of weapons of mass destruction. Technically the cuts are to the larger budget lines for aid to the Newly Independent States and for Nonproliferation and related programs. But report language calls the funding of Expanded Threat Reduction Initiative programs "ill advised," and they will bear the brunt of these cuts.

Weapons of mass destruction dwarf the other threats to our national security. If we fail to help Russian experts find nonmilitary employment, we may foster Iran's nuclear weapons, or Iraq's biological weapons, or Libyan missiles. Even a single use of such weapons against the United States, U.S. forces, or our allies would be a terrible tragedy—especially if we failed to prevent it.

The failure to fund the Expanded Threat Reduction Initiatives means no funds—not even the levels appropriated last year—for helping Russian biological weapons experts find new careers.

This is a vital program that has enabled biological weapons experts to resist offers from Iran and other rogue states. We should be expanding this program, rather than cutting it.

The Threat Reduction cut means no funds for the International Science and Technology Centers in Russia and Ukraine that have helped over 24,000 former weapons scientists since 1994. The Science Center program has been very successful. It has been praised for its tight management, under board chairman Ron Lehman, a former official in Republican administrations whom we all know to be a true patriot. Science Center support for Russian scientists is exempt from Russian taxes. We should be expanding this program, too, rather than cutting it.

The Threat Reduction cut means no funds—not even last year's levels—for the Civilian Research and Development Foundation, which gives vital training to Russian former weapons scientists who are trying to form viable businesses. We tell Russian weapons experts to adapt to a market economy. But they will never achieve that, if we don't give them the training. And if they fail, they will be ripe for the plucking by rogue states who would buy their weapons expertise.

The Threat Reduction cut means no funds—not even last year's levels—to assist customs officials in Russia and the rest of the former Soviet Union. The customs officials whom we assist are our most reliable allies in stopping the flow of nuclear and weapons of mass destruction materials.

For example, it was customs officials in Azerbaijan who stopped a shipment of specialty steel to Iran that would have been used for missiles. This bill also contains only $5 million—out of $15 million requested—for world-wide assistance to customs services. This is the program that aids border control agencies in the Baltic states, where we have seen Russian nuclear smuggling efforts in the past. It makes no sense to provide only $5 million for this vital function.

These cuts even wipe out the border security assistance to Georgia that Senator McCONNELL instituted last year.

The Threat Reduction cut means no funds to assist in removing Russian troops from Moldova—a longstanding objective of the United States and of the Congress. Do we suddenly want the Russian troops to stay longer in a country that does not want them? Do we no longer care whether this exacerbates ethnic conflict in Moldova?

The Foreign Operations Subcommittee made these cuts without prejudice. But it makes no sense to let us guard our national security only by cutting important programs to support democracy, free media, and the rule of law in the former Soviet Union.

I am very pleased that the managers have accepted a sense of the Senate amendment I offered urging that the Threat Reduction funds be restored in conference to the level requested by the President.

I urge the managers of this bill to do their utmost to achieve this, and I wish them complete success in that important effort.

On the eve of South Korean President Kim Dae Jung's visit to Washington, and just as former Secretary of Defense Bill Perry is completing his comprehensive Korea policy review, this bill places the Agreed Framework in grave jeopardy.

The bill not only provides inadequate funding for heavy fuel oil deliveries to North Korea—deliveries the United States is obligated to arrange under the 1994 Agreed Framework—it also effectively prevents the appropriated funds from being expended by requiring the President to certify the uncertifiable with respect to North Korea's conduct.

Under existing law, the President must already certify that North Korea is in full compliance with the Agreed Framework and its confidential minute in order to expend monies appropriated for heavy fuel oil deliveries to the North. This a reasonable requirement. But if the North is fulfilling its side of the bargain, we should fulfill ours rather than dream up new requirements on the North.

Do we have other serious concerns about North Korea, in addition to its nuclear ambitions? Of course we do. But these other concerns—missile development and export, narcotics trafficking, armed provocations along the DMZ—cannot be addressed successfully if we abandon the Agreed Framework.

For all of its imperfections, the Agreed Framework has served our national interest well, reducing the risk of war and capping the North's ability to produce fissile material for nuclear bombs. Five years ago, North Korea was on the verge of withdrawing from the Nuclear Nonproliferation Treaty and acquiring the capacity to build dozens of nuclear weapons every year. Today, with the Agreed Framework intact, the North's nuclear facilities stand idle.

The spent fuel from its research reactor has been canned and placed under round-the-clock monitoring by the International Atomic Energy Agency. The Agreed Framework has also given us unprecedented access to North Korea, even to sensitive military sites, as demonstrated by the recent successful U.S. visit to the Kumchangni undergound facility.

These are not insignificant accomplishments, and we should think twice before we risk turning back the clock.

By underfunding the Korean Energy Development Organization and unilaterally imposing new obligations on North Korea, this bill could precipitate a crisis on the Peninsula and distance us from our key ally, South Korea.

In addition, I have two serious problems with sections of the bill relating to Kosovo. First, $20 million shall be available "for training and equipping a Kosova security force." Mr. President, this language conveys the impression that we want to train something like a national guard or an army. In the real world, most people would see this as our training and equipping a KLA Army.

U.N. Security Council Resolution 1244 (1999), which gives international sanction to KFOR, is not specific about the future status of Kosovo. Any future Kosovo national guard or army presupposes an independent Kosovo.

Aside from that being counter to United States policy, it is completely irrelevant to this bill. For the duration of fiscal year 2000, security in Kosovo will be guaranteed by the heavily armed, NATO-led KFOR. There is absolutely no need for any kind of an indigenous "security force" other than a civilian police force.

The final legislation should make it crystal-clear that the appropriation will be used to train and equip a police force, not an army.

My second Kosovo-related objection concerns the requirement that the Secretary of State certify that the Russians have not established a "separate zone of operational control" and are "fully integrated under NATO unified command and control arrangements."

This requirement has been overtaken by events. The Military-Technical Agreement between NATO and Russia found a formula to include Russian peacekeepers in KFOR. This formula has been accepted by our government, by all other 18 NATO members, and by the United Nations.

I have no doubt that Secretary Albright could broadly construe words like "operational control" and "fully integrated" and thereby make the required certification.

But what would we get by retaining this language and forcing her to do so? I'll tell my colleagues. We would be gratuitously sticking our finger in the Russians' eye at the precise moment we are trying to involve them in KFOR and in the entire reconstruction effort in Kosovo.

To sanitize a phrase used by an esteemed former President of the United States, I would rather have the Russians inside our tent looking out, than outside our tent looking in.

I would like to remind my friend Senator McCONNELL that when the two of us recently appeared on the Sunday Fox Television News talk-show he said with regard to the Russians in Kosovo—and I quote; "I don't know that we need to threaten foreign assistance."

Apparently he has changed his mind. I agreed with Senator McCONNELL that day on television. I wish he had held to his position.

It is important that these problems be addressed in conference, and that a way be found to increase the overall funding levels.

At this time I will reluctantly vote to send this legislation to conference. However, I reserve the right to vote against it should these problems not be addressed in the final conference report.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK), is necessarily absent.

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
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Murray
Nickles
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Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Byrd
Smith (NH)

NOT VOTING—1

Mack

The bill (S. 1234), as amended, was passed.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I commend first the occupant of the Chair for an extraordinarily effective debate on the issue that dominated today's discussion in the foreign operations appropriations bill. I think the Senator from Kansas did an outstanding job.

I also want to thank my staff. Robin Cleveland has done work on foreign policy matters for some 15 years now, and I thank Robin for, as usual, outstanding work; and Billy Piper, with whom I have worked 5 or 6 years, has done an absolutely superb job; and his assistant, Jon Meek, from my personal staff; as well as Jennifer Chartrand, a new member of the Subcommittee on Foreign Operations. All of those folks are on the majority side; and of course Tim Rieser and Cara Thanassi from the minority staff, with whom we always enjoy working, and Steve Cortese and Jay Kimmitt from the full committee.

I say to my friend, PAT LEAHY, I enjoy our annual collaboration on this bill, and I look forward to working with the Senator in conference.

Mr. LEAHY. Mr. President, I commend the distinguished senior Senator from Kentucky for the alacrity with which he moved this bill. Those who have reached that level of knowledge know we Senators are constitutional impediments to our staffs.

I compliment Robin Cleveland, who has worked so hard at trying to balance the competing interests of so many Senators on both sides of the aisle, as well as Billy Piper and Jennifer Chartrand; and on my side, the indefatigable Tim Rieser, a man who has not slept since it was announced we might go to this bill a month or so ago. He has, again, maintained the remarkable Rieser filing cabinet, which is primarily in his head, knowing all the ins and outs of this bill and handling it so well.

He was ably assisted by Cara Thanassi. Ms. Thanassi began a few years ago on our staff. She has grown enormously in talent and ability and was absolutely essential in this work.

In working with the Senator from Kentucky, we have tried to accommodate each other on issues, even though on some issues we obviously have a different philosophy. We have respected each other and accommodated each other and tried to make sure a bipartisan piece of legislation came through. I think the resulting vote today shows that bipartisanship on foreign policy was maintained.

I yield the floor.

TRIBUTE TO AMBASSADOR JIM SASSER

Mr. SARBANES. Mr. President, I rise to pay tribute to Ambassador James Sasser, our former colleague from Tennessee, who served in this body as a distinguished chairman of the Senate Budget Committee. He is returning from his post in the People's Republic of China where he has been the U.S. Ambassador since 1995. He has done an outstanding job during a challenging period in our relations with China.

Having had the honor to serve with Jim for 18 years in the Senate, I know him to be a man of great insight, intellect, and integrity, a highly respected public servant. While he served in the Senate, his interests and work covered a broad range of domestic and foreign policy issues. As Senate Budget Committee chairman, his keen grasp of financial and budgeting issues enabled him to handle that assignment with tremendous skill under very difficult circumstances. Jim constantly showed great resolve in addressing measures to reduce our deficit. He was instrumental in helping lead our country on to a path which is reflected in today's budget surplus.

This dedication and commitment has characterized Jim's lifetime devotion to our country. His interests in public service began long before he was elected to the Senate. Jim's father, a public servant himself, instilled in Jim the principles of public service at an early age. He served as a role model for Jim and set him on a course which he has followed with great distinction.

Throughout his career, Jim Sasser has demonstrated, both in spirit and in deed, his adherence to the ideals most important to this Nation. He is a shining example of how much one individual can contribute to our Nation's well-being. Jim's leadership has always been highly regarded and broadly respected.

Throughout his tenure as Ambassador to China, Jim has been confronted with many difficult aspects of the relationship. Jim's work has emphasized the importance of keeping the lines of communication open by regularizing our contacts with the current Chinese leadership and ensuring that we remain engaged in our bilateral relationship. Jim's longstanding commitment to the promotion of democratic principles and values has played an important role in helping shape his service to our country.

Jim Sasser has done a terrific job as our Ambassador to China, and I wish him well in all his future endeavors.

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to my esteemed former colleague, Ambassador Jim Sasser. He will soon be stepping down from his post as the longest serving American Ambassador to China. But it does not seem long ago that he and I were working together on the Budget Committee where he served as the chairman of the Senate Budget Committee. In fact, as we talk today of the great state of the economy, it should be former Senator Sasser that we thank for having the leadership to push through the deficit reduction package that has led to today's unprecedented economic growth and prosperity. As a former Budget Committee Chairman myself, it was with great pride that I worked side-by-side with the former Senator in the Budget Committee because I understood the great challenges that the job entailed. He did a superb job in his duties here in the Senate, and it is with the same dedication and fairness that he represented this nation so admirably in his post as the U.S. Ambassador to China.

I still remember vividly the front page of the newspaper a few months ago which showed Ambassador Sasser looking through the shattered window of the American Embassy. Suffice to say that Ambassador Sasser has served during some very difficult times in China-U.S. relations. Few relationships are as difficult to define and put in perspective and I think that Ambassador Sasser would agree that there is still much work to be done. But during his tenure, Ambassador Sasser was able to build consensus and to find common ground between the two nations that has allowed the relationship to prosper. Ambassador Sasser should be commended for his dedication as a gifted emissary between the world's largest developed country and the world's largest developing country. He has served the United States admirably and I commend him for his dutiful service.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. CAMPBELL. Mr. President, I ask the Chair to lay before the Senate Calendar No. 169, the fiscal year 2000 Treasury and general government appropriations bill.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1282) making appropriations for the Treasury Department, the United States Postal Service, the Executive office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. I ask unanimous consent the following individuals have floor privileges for the duration of the consideration of S. 1282, the Treasury and government appropriations bill for the fiscal year 2000: Tammy Perrin, Lula Edwards, Dylan Pressman, and Liz Blevins.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I am now pleased to lay before the Senate the committee recommendation for the Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies. The bill was crafted by the Subcommittee on Treasury and General Government and contains a total of $27,737,971,000 in new budget authority. Of that, $14,533,811,000 is for mandatory accounts.

The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administration initiatives, and agency requirements. This would not have been possible without the hard work and cooperation of the new ranking member of the subcommittee, Senator DORGAN, and his staff.

This bill consists of mostly salaries and expenses accounts and the majority of the increases for agencies is to simply allow them to maintain current levels. There are very few new initiatives in this bill.

Title I provides a total of $12,213,529,000 for the Department of the Treasury. This is $162,601,000 less than the administration request. The committee has again placed a priority on Treasury's law enforcement needs as well as support for efforts by State and local law enforcement.

Here are a few highlights from Title I:

$312,400,000 to the Customs Service to retain 5,000 current Customs employees since the user fee proposed by the administration has not been enacted.

Emphasis on the need for the Gang Resistance Education and Training program—called GREAT—by including $3 million more than the administration request for grants to State and local law enforcement.

Expansion of the Youth Crime Gun Interdiction Initiative into 10 additional cities, bringing the total to 37 cities. This will allow ATF to track and prosecute those who supply guns to our youth.

Funding for the Integrated Violence Reduction Strategy to allow AFT to more comprehensively investigate NICS denials in order to make sure that felons do not possess guns.

Full funding to the IRS for customer service training and to implement the IRS Restructuring and Reform Act of 1998.

Title II provides $93,436,000 for the United States Postal Service, and continues to require free mailing for overseas voters and the blind as well as six-day delivery, and prohibit the closing or consolidation of small and rural post offices.

Title III recommends a total of $553,128,000 for the Executive Office of the President, $86,370,000 less than the administration request. This includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and funding for the national anti-drug media campaign.

Of special note, the committee:

Recommends establishing a separate account for the Counterdrug Technology Assessment Center, and has provided $31,100,000 for that program to transfer much needed technology to State and local law enforcement.

Provides $188,277,000 for the High Intensity Drug Trafficking Areas program which will allow continuation of existing HIDTA programs at their current levels. These programs highly acclaimed by local law enforcement.

Recommends a total of $145,500,000 for the national anti-drug media campaign.

Title IV is independent agencies such as the Federal Election Commission, the General Services Administration, and the National Archives, as well as agencies involved in Federal employment such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Special Counsel, and the Office of Personnel Management. Also included in this title are mandatory accounts to provide for Federal retirees, health benefits, and life insurance. The committee recommends a total of $14,877,878,000 for this title.

For the third year in a row, the administration has not requested funding for courthouse construction. Unfortunately, due to the very limited funding available to the committee, we have not included any new courthouse construction projects in this bill.

In order to stay within our 302(b) allocations, the subcommittee was forced to make very difficult decisions, as were all Appropriations subcommittees. As a result, this bill is very tightly crafted to allow the agencies to continue their vital work. Very few new initiatives were recommended and we were not able to accommodate all of our colleagues' requests due to funding constraints. I remind my colleagues that any funding amendments must be offset and, frankly, there is very little fat in this bill. If amendments are offered, we would ask the sponsor to identify the accounts we should be reducing to accomplish their goal.

Finally, I would like to again thank the ranking member, Senator DORGAN, for his hard work and support. This bill would not have been possible without his assistance, and that of his staff Barbara Retzlaff and Elizabeth Blevins. I also thank my staff: Pat Raymond, Tammy Perrin and Lula Edwards for their tireless and invaluable work on this bill. This bill has been a collaborative effort and it deserves the support of the Senate.

I yield the floor to Senator DORGAN.

The PRESIDING OFFICER. The Senator from the great State of North Dakota.

Mr. DORGAN. Mr. President, in light of the hour and especially in light of the statement made by my colleague from Colorado, the chairman of this subcommittee, I will be mercifully brief. But I do want to say this bill, the fiscal year 2000 Treasury and general government bill, is one that we have worked hard to bring to the floor of the Senate in a manner that we think is fair and relates to the limits that were imposed upon us. The chairman and I believe the allocation level, obviously, could have been greater in order to allow us to have provided some additional funding to some areas of the bill, but we are restricted by budget rules and by the allocation that was given us.

I would like to say working with Chairman CAMPBELL has been a pleasure. He is easy to work with. His staff, Pat Raymond, Tammy Perrin, and Lula Edwards have worked hard to ensure this bill has been well crafted, as has been the work of Barbara Retzlaff and Chip Waldren, who have been working with me on this legislation.

Senator CAMPBELL has described the major highlights of this bill, so I will not repeat that at this hour of the evening, but I do want to address a couple of brief issues.

One, the issue of courthouse construction. Members of the subcommittee are well aware of the judiciary's continuing need to have some court space available to conduct their business and to move cases to settlement. We know that. Regrettably, there was not enough money in the allocation to this subcommittee to provide for courthouse construction. The President did not request courthouse construction nor was it funded in this bill. Budgetary constraints were the major factor with respect to that but not the only factor. Another reason we believe it would be somewhat precipitous to approve funding for the design and construction of many new courthouses prior to the AOC's completion of its comprehensive review of judiciary space is we think that review ought to be done first.

The committee was pleased to receive the Administrative Office of the Court's May 28 letter confirming the award of a contract to a consulting firm to analyze and evaluate the judiciary's long-range planning process, their courthouse design guidelines, their program policies and practices, and the funding mechanisms and responsibilities. But the committee is concerned that the completion date for that report will be well after the date by which the administration must complete action on their 2001 fiscal year budget request. We anticipate having that report before we would complete action on fiscal year 2001 budget decisions and appropriations decisions here in the Congress. I believe that is important because we have received information which indicates that 11 of the 16 courthouses for which the AOC requested funding in the year 2000 deviated from the Judicial Conference of the United States Court Design Guide.

For example, magistrate and bankruptcy courtrooms were increased from 1,800 usable square feet to 2,400 usable square feet, a 33-percent increase. Total courthouse circulation space increased from 20 percent to 30 percent. Individual courtrooms were routinely being provided for individual senior district judges for more than 10 years, and the list goes on.

I believe some of those excesses in the construction program resulted in some of the past funding delays. None of us believe a funding moratorium is the best way to maintain an important Federal asset program, so I hope the construction review will be completed and we can proceed in the future with a construction program.

Second, I want to discuss very briefly the issue of the Office of National Drug Control Policy National Youth Anti-Drug Media Campaign. That is a long way of talking about the media campaign that has been going on in this country on the issue of drugs. This is the third year of that funding, funding of over one-half of a billion dollars that has been provided for this initiative.

I would like to say I support this initiative. I think the power of advertising is well recognized. Appropriate advertising and advertising that is well done dealing with a message to our young people in this country, "do not take drugs," is an appropriate way to send that message.

I worked with the subcommittee to ensure that adequate funds were provided this year for that campaign to be effective. I do not believe that halfway through the campaign it is time to dilute the message.

I know there will perhaps be an amendment offered dealing with alcohol. No one is more concerned about the issue of alcohol consumption, drunk driving, and alcohol abuse in this country than I. But I do not want to dilute what we are doing on the antidrug campaign with this alcohol issue at this point. There are other venues, other ways, other programs with which we can confront the drunk driving and alcohol abuse issue, and we will.

This year we were not able to fully fund the television campaign dealing with the antidrug message. We have had to cut that some. We would have liked to have funded all of these issues in a manner that fully funds the budget request, but we did not have the money to do that. There simply were not the available resources to accomplish that. We have been forced to make certain cuts.

My hope is perhaps some of these can be in conference, perhaps some additional budget allocation will be made available as we proceed through this process.

Again, the work done by Senator CAMPBELL, his staff, and our staff has produced a good piece of legislation. I hope we can move through it rather quickly tomorrow and preserve the bulk of what we have done to fund these very important programs.

AMENDMENTS NOS. 1189, 1190, AND 1191

Mr. DORGAN. Mr. President, on behalf of Senator MOYNIHAN, I send three amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. MOYNIHAN, proposes amendments numbered 1189, 1190, and 1191.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1189

(Purpose: To ensure the expeditious construction of a new United States Mission to the United Nations)

On page 56, line 3, after "and", insert the following: "$44,300,000 shall be available for demolition of the United States Mission to the United Nations at 755 United Nations Plaza (First Avenue and 45th Street), New York, New York, and".

AMENDMENT NO. 1190

(Purpose: To ensure that the General Services Administration has adequate funds available for programmatic needs)

Beginning on page 52, line 25, strike the colon and all that follows through "rescinded" on page 53, line 2.

AMENDMENT NO. 1191

(Purpose: To ensure that health and safety concerns at the Federal Courthouse at 40 Centre Street in New York, New York are alleviated)

On page 56, line 6, after ";", insert the following: "$5,870,000 shall be made available for the repairs and alterations of the Federal Courthouse at 40 Centre Street, New York, New York;".

Mr. DORGAN. I ask unanimous consent that the amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1192

Mr. CAMPBELL. Mr. President, I send to the desk an amendment on behalf of myself and Senator DORGAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself and Mr. DORGAN, proposes an amendment numbered 1192.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, line 15 and on page 57, line 14 strike "5,140,000,000" and insert in lieu thereof "$5,261,478,000".

On page 53 line 2 after "are rescinded" insert "and shall remain in the Fund".

Mr. CAMPBELL. Mr. President, this amendment is a technical correction to the GSA Federal buildings fund.

UNANIMOUS CONSENT AGREEMENT

Mr. CAMPBELL. Mr. President, I ask unanimous consent that all first-degree amendments to the Treasury and general government appropriations bill must be offered by 11:30 a.m. tomorrow, Thursday, July 1.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I will not object, my understanding is that has been cleared with our side and Members of the Senate have been notified this evening that will be the case on this bill. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. CAMPBELL. I just asked unanimous consent that all first-degree amendments to the Treasury and general government appropriations bill be offered by 11:30 a.m. tomorrow, Thursday, July 1.

The PRESIDING OFFICER. That has been agreed to.

MORNING BUSINESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 30 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLOMBIA'S FOUR WARS

Mr. DEWINE. Mr. President, we have just concluded the foreign operations bill, and I congratulate Senator MCCONNELL, Senator LEAHY, and others who have worked so very diligently on this difficult and tough bill. Contained in the bill we just passed, among other things, was a sense-of-the-Senate resolution. This sense-of-the-Senate resolution was proposed and offered by myself and by my colleague from Georgia, Senator COVERDELL. It deals with the situation in Colombia and the United States relationship to that troubled country.

I want to talk this evening about that sense-of-the-Senate resolution and about the situation in Colombia.

For the past several months, United States foreign policy has really been dominated by the crisis in Kosovo. Certainly we have to continue to work with the NATO alliance and Russia to help bring the Albanian Kosovars back to their homeland and to bring a stable peace to the region. But tonight I want to discuss another compelling and very serious foreign policy crisis that is taking place right in our own hemisphere.

Like Kosovo, it is a crisis that has displaced hundreds of thousands of people, more than 800,000 since 1995, and instead of a small province being ethnically cleansed by its own government, this democratic country is fighting multiple conflicts—a war against two threatening and competing guerrilla groups, a war against paramilitary organizations, and, finally, a war against drug lords who traffic in deadly cocaine and in heroin.

I am, of course, talking about the four wars that are taking place tonight in Colombia. While a 19-nation NATO alliance struggles to prevent the disintegration of a small province, the disintegration of an entire nation is going practically unnoticed by our own Government in Washington. The decade-long struggle in the Balkans is being duplicated in Colombia, which is fracturing into politically and socially unstable ministates and is posing a significant threat to our own hemisphere. Colombia is shaping up to be the Balkan problem of the Americas.

More than 35,000 Colombians have been killed in the last decade. More than 308,000 Colombians were internally displaced in 1998 alone. In Kosovo, 230,000 people were displaced during this same period of time before NATO took action. And like the Albanian Kosovars, Colombians are fleeing their country today in large numbers. More than 2,000 crossed into Venezuela in a matter of a few days recently. A Miami Herald article recently reported a growing number of Colombians leaving for south Florida.

Our Nation has a clear national interest in the future of the stability of our neighbor to the south, Colombia. In 1998, legitimate two-way trade between the United States and Colombia was more than $11 billion, making the United States Colombia's No. 1 trading partner, and Colombia is our fifth-largest trading partner in the region.

In spite of this mutually beneficial partnership, the United States simply has not devoted the level of time nor resources nor attention needed to assist this important democratic partner as it struggles with drug problems, with violent criminal and paramilitary organizations, and guerrilla insurgents. In fact, in December 1998, a White House official told the Washington Post that Colombia, quote, "poses a greater immediate threat to us than Bosnia did, yet it receives almost no attention."

Attention is needed—now more than ever. According to the State Department, Colombia is the third most dangerous country in the world in terms of political violence, and accounts for 34 percent of all terrorist acts committed worldwide. The Colombian National Police reported that Colombian rebels carried out 1,726 terrorist strikes in 1998—that's 12 percent more than in the previous year.

Kidnapping is also a significant problem. Approximately 2,609 people were kidnapped in 1998, and there have been 513 reported kidnappings in the first three months of this year. Guerrillas are responsible for a high percentage of these incidents.

The wholesale acts of violence that have infected this country are symptoms of four wars that are going on in Colombia. Any single one of them would pose a significant threat to any country. Together, these wars represent a threat beyond the borders of Colombia. Let me describe them in detail.

For more than three decades, the guerrilla groups known as Colombian Revolutionary Armed Forces—the FARC—and the National Liberation Army—the ELN—have waged the longest-running anti-government insurgency in Latin America.

Determining the size of these guerrilla organizations is an inexact science. Most open sources range their combat strength from about 10,000 to 20,000 full-time guerrillas. However, irregular militias, part-time guerrillas, and political sympathizers also play a role that is hard to quantify.

The insurgents have their own armament capabilities and are manufacturing high-quality improvised mortars. Organized crime links also have long been suspected. The Chief of the Colombian National Police, General Jose Serrano, has reported in the past that the FARC has completed guns-and-cash-for-drugs deals with organized crime groups in Russia, Ukraine, Chechnya and Uzbekistan. A Colombian army study recently stated that the two main leftist guerrilla groups had raised at least $5.3 billion from 1991 to 1998 from the drug trade, abductions, and extortions to fund their long-running uprising against the state.

According to the State Department's 1998 Human Rights Report, the FARC and ELN, along with other, smaller groups, initiated armed action in nearly 700 of the country's 1073 municipalities, and control or influence 60 percent of rural Colombia. Although these groups have had no history of major urban operations, a number of recent guerrilla-sponsored hostage takings recently have taken place.

Colombian President Pastrana is trying to make peace at all costs with FARC rebels, who have little incentive to agree to any peace deal. Throughout these negotiations, the FARC has continued to assault and kill dozens of Colombian military and police.

The current prospects for peace are dismal. If Pastrana were to accept the demands of the FARC and ELN for political and territorial autonomy, he would have to splinter his country into Balkan-type factions. The effects of this would be increased paramilitary violence and increased regional instability.

In fact, one of the FARC conditions already agreed to by President Pastrana was the creation of a temporary, demilitarized zone the size of

Switzerland. All Colombian Armed Forces and Police were ordered out of the area. Despite this enormous concession on the part of the Colombian government, the FARC has not agreed to any cease-fire and has made no concessions. In fact, they made it clear to the Colombian Government that they should expect continued guerrilla operations and attacks.

"Farclandia" is the name some local residents have given to this odd state-within-a-state. The area has over 90,000 residents. Despite its creation as a temporary demilitarized zone, the FARC appear to be cementing control and taking steps to ensure that expulsion from the zone would be extremely difficult, particularly if the talks break down.

According to the Catholic Bishop residing in the DMZ area, residents are required to feed the FARC, which is simply a form of taxation. The FARC has attempted to expel a Catholic priest for being an "enemy of peace." The priest argued the FARC is violating human rights, usurping the locally elected government, interfering with economic activity, imposing labor duty, and recruiting minors, teenagers, and married men. The bottom line is that FARC fighters are using their armed stranglehold on the zone to abuse Colombian citizens.

In April, FARC leaders asked Pastrana to extend rebel control over another zone in southern Colombia—approximately 7,600 square miles—that is allegedly the home to some of the most concentrated cocaine-production facilities in the world. The Pastrana Government agreed to place the request on the negotiating table. While the additional zone was not approved, Pastrana agreed to allow FARC rebels to have continued control over the DMZ. This is the second time, since November 1998, that President Pastrana has extended the DMZ to the FARC during the talks.

This decision provoked outrage within Colombian military ranks, particularly since military officers had been humiliated by the creation of the original zone. That earlier decision required the withdrawal of hundreds of police and army troops. By the end of May, Colombian Defense Minister Ricardo Lloreda announced his resignation.

Following his announcement, dozens of military officers resigned in solidarity with Lloreda. Of the total of 30 Colombian army generals, reports indicate that between 10 and 17 resigned in solidarity with Lloreda. With the exception of Lloreda's resignation, Pastrana did not accept any other resignations. However, as a result of this mass protest, Pastrana agreed that the FARC zone would be demilitarized for only six more months and that a retired general would be included in the negotiating team for the talks.

In another important development, the Colombian Congress too is beginning to express its doubt in the peace process. Earlier this month, the Congress rejected a bill that would have given Pastrana sweeping powers to grant political concessions—including an amnesty for convicted guerrillas.

Lloreda's resignation was truly unfortunate. I met Defense Minister Lloreda in Colombia last November. Lloreda, described by his peers as someone who could help bring about needed reform in the military, was just beginning to gain some ground. He had already begun rebuilding the army, a difficult task given its record of human rights violations. In fact, he had forced the resignation of Colombian military officers suspected of human rights violations and had others arrested.

Lloreda had also lifted the morale among the military, having suffered significant defeats by the FARC forces. According to the Economist magazine, the defense budget has doubled this year to $1.2 billion. In March, the army even managed a successful offensive, which left 50 guerrillas dead.

The resignation, however, threw Pastrana's 10-month-old government into crisis and placed the future of the nation's fragile process in doubt. It has also left open important questions about the future of the Colombian military.

Mr. President, Colombian military operational mobility is widely acknowledged to be a shortcoming. Colombia is a very large country. One of their departments is as large as the nation of El Salvador. In fighting an insurgency, the state has to defend many critical areas, but also has to have the capability to mass and economize forces to attack guerrilla formations when they present themselves. Colombia's army has barely 40 helicopters for a territory the size of Texas and Mexico combined. El Salvador, 1/50th the size of Colombia, had 80—twice as many—during its civil war.

Although the Army has 122,000 soldiers, most of them are 1-year conscripts. Approximately 35–40% are high school graduates not assigned to combat duties by law. At any time, about 30% are undergoing basic training. A large portion of the remaining force (50–60%) is assigned to static defense of key economic or isolated municipal outposts. That leaves approximately 20,000 soldiers remaining for offensive combat operations. These are the veterans or volunteers that constitute—apart from the officer corps—the only true repository of combat experience in their army. Now consider that the active guerrilla combatants alone number between 11,000 and 20,000. You do the math. It doesn't look good. It is conceivably a one to one "fighting" ratio. How can a military, with limited resources, fight two guerrilla movements which have virtually unlimited resources from drug trafficking, kidnappings, extortion and arms trafficking?

The Colombian Army has already suffered a string of military defeats. In 1998, the Colombian Armed Forces suffered three major blows in March, August, and November. In fact, the FARC executed one of its major blows against the military just as President Pastrana was meeting with FARC leaders on the peace talks.

The FARC currently holds over 300 military and police POW's. And according to Jane's Intelligence Review, Colombian guerrillas killed 445 soldiers during 1998. If you include Colombian National Police, the figure would rise to 600. The CNP too has experienced significant losses. Over 4,000 policemen have been killed in Colombia in the past decade.

As if the FARC weren't enough of a problem, let me complicate this situation further by discussing the war with the ELN. The ELN has been envious of the attention the FARC has been getting, particularly at the negotiating table. As a result, the ELN has resorted to a series of recent hostage takings. Shortly after Pastrana and the FARC announced in April that formal negotiations would take place in the summer, the ELN hijacked a Colombian commercial airliner in mid-April, kidnapping 41 passengers and crew.

Then, shortly after Defense Minister Lloreda's resignation, about 30 ELN guerrillas invaded a church service in an upper-class neighborhood in Cali and abducted over 140 worshipers. In response, the Government deployed more than 3,000 soldiers and policemen to locate them. While some hostages have been released from the hijacking and church incidents, approximately 50 are still being held including two Americans.

I have outlined, Mr. President, the two main guerrilla groups which are a significant threat to Colombia. Unfortunately, however, I have not yet spoken of another ongoing war which poses an additional and substantial threat—the Colombian paramilitaries. In fact, the Colombian paramilitaries are also seeking a role at the negotiations table.

The Colombian paramilitaries are an umbrella organization of about 5,000 armed combatants. Their mission has been to counter the grip of leftist guerrillas. Carlos Castano, the powerful leader of the paramilitary umbrella organization United Self-Defense Groups of Colombia, has been quoted defending the strategy of killing villagers who are guerrilla supporters and sympathizers.

The paramilitaries are funded by wealthy landowners and, in some cases, cocaine traffickers. They exercised increasing influence during 1998, extending their presence into areas previously under guerrilla control.

The presence of paramilitary groups have driven a wedge in the peace talks because the FARC leadership refuses to negotiate until the government effectively clamps down on the right wing gunmen. The problem is that the government also has a problem in trying to control the paramilitaries.

In an attempt to become a player at the negotiating table, Castano's organization kidnapped a Colombian Senator last month. In fact, Castano said shortly after the abduction that his aim was to gain political recognition and a place at the negotiating table for his movement. The Senator was freed after being held for two weeks. The Senator later commented that Pastrana should eventually include Colombia's paramilitary forces in negotiations to end the 35 year civil war. Since the leftist rebels vehemently oppose their participation in the peace talks, prospects for the peace negotiations are complicated even further.

Before I talk about the increasing drug threat from Colombia, let me spend a few minutes on the general violence in Colombia.

According to the U.N. High Commissioner for Human Rights, Colombia led the world in kidnappings in 1998, and may be the most likely place in the world to be abducted. The country averages five people a day snatched by guerrillas or other criminals. Guerrillas from the FAR, ELN and the smaller Popular Liberation Army accounted for approximately 1,600 kidnappings of the 2,609 reported in 1998.

A report issued by the Colombian Government's anti-kidnapping office in May calculated that at least 4,925 people have been abducted since January 1996, with the largest total coming in 1998. The problem with this statistic is that many families and businesses prefer to deal directly with kidnappers and not report abductions to the police. Hence, this figure is only the official one. It is understandably difficult to count how many kidnappings truly occur in Colombia.

Imagine, if you will, living in a country where you can't send your child on school field trip; where you can't decide to go out of Bogota for the weekend to visit relatives in a nearby city. In fact, the situation is so grave that you think twice about going to the grocery store or even to a movie.

A recent New York Times article described the lives of Colombians and the precautions they must take on a daily basis. The article stated that Colombians are refusing to fly on any airplane that is not a jet. They cite the example of ELN hijacking of a prop plane. The Colombian quoted in the article commented that it is almost impossible for guerrillas to take over a big jet and make it land at some little airstrip out in the jungle.

In the week before Easter, a traditional vacation time throughout Latin America, travel within Colombia was down 40% over last year, according to a Colombian civic group. With increasing regularity, the five million residents of Bogota are canceling trips to towns that are barely a two hour drive away, while traffic on highways to the Caribbean coast has also dropped significantly.

Kidnapping is such a significant threat that a Colombian government study made public estimates that the country's three main guerrilla groups have obtained more than $1.2 billion in kidnapping ransoms in recent years.

Mr. President, the situation in Colombia has gotten so bad that the State Department recently issued a warning, advising Americans to not travel to Colombia. You see, Colombians are not the only targets in their country. There have been U.S. casualties as well.

In late 1997, the State Department added the FARC to its list of terrorist organizations.

In January 1999, guerrillas announced that all U.S. military and law enforcement personnel in Colombia would be considered legitimate targets to be killed or captured. In late February, the FARC viciously murdered three U.S. human rights workers. This horrific execution met with no reaction from the Clinton Administration. A resolution was recently introduced in the House, calling on the Colombian government to pursue the killers, members of the FARC and extradite them to the U.S.

Colombian terrorists continue to target Americans, kidnapping over a dozen U.S. citizens in 1999 so far—this is double the total amount for 1998. The 1998 State Department Terrorism Report also suggests that terrorists also continued to bomb U.S. commercial interests, such as oil pipelines and small businesses.

There has also been much concern that the civil war in Colombia could spill over into neighboring countries—including Venezuela, where President Chavez is alleged to have had contacts in the past with the ELN. A spill-over into Venezuela would be disastrous for the United States, given that Venezuela is our number one—let me repeat this—number one supplier of foreign oil. The situation is so grave that Venezuela has sent 30,000 troops to the border with Colombia.

There has been a recent exodus of Colombians into Venezuela. In a two day period recently, over 2,000 Colombians began their exodus to Venezuela after death squads massacred about 80 people near a border town. Many of the Colombians were said to be coca farmers.

At first, Venezuelan President Chavez said Venezuela was prepared to offer the Colombians temporary refuge until they could return safely to their homes. However, only one day after the recent cross-over began, Venezuela had already started repatriating Colombians back to Colombia. And within a few days, all Colombians have been repatriated.

Colombian-Venezuelan relations have been tense. For example, while Chavez has agreed to play a role in the negotiations, in mid-May Chavez announced he was seeking a direct meeting with FARC commander Manuel Marulanda. In fact, two months earlier, he angered President Pastrana by suggesting that the FARC's armed struggle was legitimate and declaring that Venezuela remained "neutral" in the conflict.

There has also been some concern of a spillover of the conflict into Ecuador, another nation bordering Colombia. In fact, Ecuadoran government officials indicate that rebel forces have crossed over to their nation, primarily for rest and relaxation. With the end of its border dispute with Peru, Ecuador is in the process of relocating 10,000 troops to the Colombian border. In addition, Ecuadoran intelligence has reportedly periodically taken down some guerrilla supply routes.

Colombia also borders Panama, which should be of significant concern to our nation. It is a known fact that Colombian rebels have been infiltrating the Darien province in Panama for quite some time in search of supplies.

In late May, hundreds of Panamanians fled their homes near the border with Colombia, fearing a violent clash between Colombian guerrillas and paramilitary bounty hunters. Witnesses claim that there were about 500 FARC rebels in Panama.

Mr. President, this rebel crossing is occurring just 250 miles southeast of the Panama Canal. And let me remind you that U.S. military forces are departing from Panama.

The United States should be extremely concerned. The departure of U.S. forces could encourage Colombian rebel groups to become more active in the deep, inaccessible rainforests of Panama's Darien region. And while Panama has increased a border police force to 1,500, they are no match to the Colombian rebels. Panama has no military, and our total U.S. troop presence is scheduled to depart Panama by the end of this year. We just closed down operations out of Howard Air Force Base in May, and we are about to turn over the Panama Canal and remaining military facilities at the end of this century.

Mr. President, while the United States is complying with the Panama Canal Treaties, in terms of giving Panama the Canal at the end of this year, the treaties state that the United States has the continued responsibility to protect and defend the Panama Canal. And the duration of this treaty is indefinite. In the event that something happens to the Panama Canal, just a few hundred miles from Colombia, how would the United States respond then?

I have spent most of my time talking about the worsening civil strife in Colombia. But I cannot end this speech without talking about the final war in Colombia. It's the war Americans probably have heard the most about—the war prompted by the fact that Colombia is the world's most important cocaine producer and a leading producer of heroin.

According to our State Department, over 75% of the world's cocaine HCL is processed in Colombia. 1998 marked the third consecutive year of significant increase in Colombia coca crop size; recent statistics indicate that about 75% of the heroin seized in the northeast United States is of Colombian origin. Colombian heroin is so pure—roughly 80% to 90%—that in 1998, the number of heroin overdose cases in the United States went up significantly. In fact, in 1998, the number of heroin overdoses in Orlando surpassed the number of homicides.

Drug trafficking is profitable, and provides the FARC with the largest share of its income. Sixty percent of FARC fronts are involved in the drug trade. About 30% of ELN war fronts are likewise engaged in drug trafficking. This includes extortion/taxation of coca fields and yields, precursor chemicals and security of labs and clandestine air strips. The insurgents control the southern rural terrain of Colombia where the largest density of cocaine fields and production is found.

Mr. President, I have outlined a deteriorating situation in Colombia. I have spoken to you about Colombia's ongoing and escalating four wars. These are significant issues that have a direct impact on our hemisphere and our Nation. The future of Colombia as a unified country, and the stability of an entire hemisphere is at risk. The sad reality is that our country is not yet making an adequate response to this crucial foreign policy challenge. We are simply not paying attention, nor are we adequately responding.

U.S. leadership in this Colombian crisis is needed. This is no time to keep our backs turned. Continued inattention will only contribute to continued instability. Like Kosovo, the U.S. should mobilize the international community to play a role in resolving the Colombian conflict. Certainly we should pledge our support to the democratically elected Government. We should also be ready to provide other types of support such as training, equipment, and professional development to help Colombia overcome these threats to democracy and freedom.

Finally, we must continue to work to disrupt and dismantle the drug trafficking organizations and to reduce their financial control of antidemocratic elements in Colombia.

We are doing some things in Colombia. I had the opportunity to see those myself when I traveled there a few months ago. But we simply have to do more. We have to become more engaged.

I remember President Ronald Reagan's profound wisdom in negotiating from a position of strength in his efforts to strengthen our military. This strategic vision led to the crumbling ultimately of our adversaries. Unfortunately, this dynamic has not yet taken hold in Colombia.

Because of the Colombian Government's weakness, no incentive appears to exist for its multiple adversaries to respect and to adhere to any agreements. Their only incentive is to extract further concessions from the Government and to further attempt to weaken the Colombian Government.

Before I close, let me quote a passage from a report in Time magazine. I quote:

> The six members of the presidential peace commission did not know where they were headed when their Bell 212 helicopter took off from Bogota at dawn. The pilot had been given the top-secret coordinates minutes before takeoff, but not even he was sure of the destination. Suddenly, the flag of the FARC, the oldest, largest and bloodiest of the country's numerous anti-government guerrilla groups, was sighted in the jungle below. This time, however, the flag signified the making of history, not war. In a small clearing in the Alto de la Mesa rain forest, FARC guerrillas and the government's representatives met to sign a momentous eleven-point cease-fire agreement.

While this article seems to depict the present situation in Colombia in terms of peace talks, the fact is that it does not. The main reason is that there has not yet been a cease-fire agreement as a result of this latest round of talks.

Let me repeat that. There has not yet, to this day, been a cease-fire agreement as a result of this latest round of talks.

The article I quoted appeared in Time magazine's issue dated April 16, 1984.

In April 1984, the then-Colombian President triumphantly announced on national television his Government's formal acceptance of that pact with the FARC guerrillas. He thought that he had negotiated an end to the guerrilla conflict with the FARC leadership.

Let me note that there have been numerous other accounts by other Colombian Presidents throughout the years to negotiate a resolution to the guerrilla wars in Colombia. Each time the peace talks have failed, and each time the guerrilla groups have been further strengthened.

While the current President of Colombia is negotiating with the very same FARC leader, a few things have changed over the last 15 years. Back in 1984, the Time article reported that the FARC consisted of 2,050 guerrillas backed by an additional 5,000 people in "civil defense cadres" spread mainly throughout the countryside. But today the FARC has about 10,000 to 15,000 active combatants—quite a change.

In 1994, the ELN had roughly 200 men and the Popular Liberation Army had about 275. The ELN today has between 5,000 and 7,000 troops.

It is simply amazing to me what a difference 15 years has made in Colombia, a difference, unfortunately and tragically, for the worse. We have gone from seeing Colombia's combat-ready guerrilla number in the 2,000 range—2,000 is what it was—to a situation today where there is likely a guerrilla combatant rebel for every Colombian military combatant person available, a 1-to-1 ratio.

My question to this Congress and to this administration is, How can we expect Colombia to overcome these multiple wars? The rebel personnel resources have significantly increased since the mid-1980s and are one of the main reasons behind this rise in the alliance between the guerrillas and the drug traffickers.

This strategic alliance, in which each party benefits from the other's involvement, makes it very clear that it is extremely difficult to separate the drug war from guerrilla and paramilitary wars. That is why the United States must play a role to help Colombia overcome all of its wars—not just the drug dealers. We must understand that our drug consumption only further exacerbates the Colombian crisis. And we must be involved in helping them resolve the four wars I have described.

In the 1980s, the United States made a major investment in the struggle for democracy and human rights in Latin America. We pretty much succeeded. We basically went from a situation a generation or two ago where half the countries were democratic to a situation today where every country save one is democratic, or is at least moving rapidly towards democracy. We have succeeded.

But if we want Latin America to continue to evolve into a stable and peaceful trading partner and a friend of the United States, we will have to make a more serious commitment to Colombia. No one wants to see Colombia devolve into a criminal narcostate. But unless we act soon in partnership with the democratically elected Government of Colombia, unless we act soon to reverse this democratic death spiral, it is only a matter of time before Colombia ceases to exist as a sovereign nation with democratic principles.

President Ronald Reagan showed profound wisdom in leading this hemisphere toward democracy and toward free markets. We must do all we can to make sure that this positive tide is not rolled back for our neighbors to the south.

I thank the Chair for his indulgence.

RETIREMENT OF DR. KENT WYATT

Mr. LOTT. Mr. President, I want to pay tribute to Dr. Kent Wyatt who is retiring today after serving as the President of Delta State University for the past 24 years. During his tenure at Delta State, Dr. Wyatt has repeatedly been recognized as one of America's premier higher education administrators.

Kent was born in Berea, Kentucky and later moved to Cleveland, Mississippi. He earned an undergraduate degree in education from Delta State and a Masters degree in education from the University of Southern Mississippi. Kent topped off his formal education at the University of Mississippi where he received a Doctorate in Education.

After completing his doctoral studies at Ole Miss, Kent commenced his teaching career back home in Cleveland, Mississippi where he served as a mathematics teacher, a coach, and then as a principal for the School District. Kent soon followed in his father's footsteps, Forest E. Wyatt, who served as a teacher and the head football coach at Delta State University.

In 1964, Kent's alma mater, Delta State University, hired him as its Alumni Secretary. But, he quickly shifted over to the university's management. Recognizing his leadership and vision, Kent was named Delta State's fifth President in 1975 after serving six years as assistant to the president.

During the last quarter century, Kent has amassed an impressive record. He continuously emulated "quality without compromise." As a result of his stewardship, Delta State's faculty has grown from 202 to 328, with all academic programs receiving national accreditation, and 18 new facilities were built. Since 1975, Delta State's enrollment has grown by 32%. Equally astounding, Kent increased the university's financial assets by a factor of ten since 1975. A most impressive record for Dr. Wyatt and Delta State University.

Kent's peers in Mississippi and across the nation have repeatedly drawn on his academic leadership. For example, Kent recently served on the Search Committee for the Executive Director of the National Collegiate Athletic Association (NCAA) and on the NCAA's President's Commission.

Running a large university would challenge many, but Kent also managed to serve those off campus too. Kent also served his community for over three decades. He was the President of the Cleveland Lions Club as well as the President of the Chamber of Commerce. He also served on the boards of the United Way, Mississippi Economic Council, Grenada Banking System, Union Planters Bank of Northwest Mississippi, and the Southern Baptist Theological Seminary. Kent currently serves as a Deacon at the First Baptist Church.

Kent's wife Janice, their children Tara and Elizabeth, as well as their grandchildren Kent Wyatt Mounger and Collins Hartfield Mounger, have good reasons to be proud of his many accomplishments.

As Congress addresses the many challenges facing higher education in America today, my colleagues and I can benefit from the many contributions Kent has made in Cleveland, Mississippi. Not only has he been an inspiration to the more than 15,000 college students who passed through the halls of Delta State during his tenure, Kent has helped to mold the future leaders of this great country.

Kent and Janice have chosen to stay in Bolivar County. While he will be missed at Delta State, the town of Cleveland, the County of Bolivar, the State of Mississippi, and Mississippi's Congressional delegation are thankful that Kent, a true Delta State Statesman, has chosen to remain in his hometown to serve as a continuing inspiration for public service at its best.

Mr. President, I want to express to Kent my heartfelt appreciation for everything he has done for his community, our state, and the nation. I am hopeful that Kent and Janice will enjoy the next important phase of their lives.

COMMEMORATION OF U.N. TORTURE VICTIM SUPPORT DAY

Mr. WELLSTONE. Mr. President, this past Saturday was the 2nd annual U.N. International Day in Support of Torture Victims and Survivors. The practice of torture is one of the most serious human rights abuses of our time. According to Amnesty International, torture conducted by government security forces, or that is condoned by other government officials occurs in at least 120 countries today. We need look no farther than today's headlines about Turkey, Iraq, Kosovo, China and Ethiopia to know that we will be dealing with the problems that torture victims face for many years.

We can and must do more to stop such horrific acts of torture, and to treat its victims. Focusing on treatment and rehabilitation for torture survivors is one of the best ways we can manifest our concern for human rights worldwide. As our recent intervention in Kosovo to stop a humanitarian crisis demonstrates, both the United States and the international community have become aware of the need to prevent these human rights abuses and to punish the perpetrators when abuses take place. Yet, too often we have failed to address the needs of the victims after their rights have been violated. The treatment of torture victims must be a central focus of our efforts to promote human rights.

This commitment to protect human rights is one shared by many around the world. In 1984 the U.N. approved the United Nations Convention Against Torture. The U.S. Senate ratified it in April of 1994. And just last year the Congress enacted the Torture Victims Relief Act which authorizes funds for treatment services for victims of torture in the United States and abroad. I was pleased to learn that last week the Senate Committee on Appropriations recommended that the funds authorized by the act be appropriated in full in the foreign operations appropriations bill. Under this recommendation, AID will provide $7.5 million to support foreign treatment centers and the U.S. will contribute $3 million to the U.N. Voluntary Fund for Victims of Torture. I hope this recommendation makes it through to the final bill which goes to the President. While these are significant achievements, we must focus on what more needs to be done.

In many countries torture is routinely employed in police stations to coerce confessions or obtain information. Detainees are subjected to both physical and mental abuse. Methods include beatings with sticks and whips; kicking with boots; electric shocks; and suspension from one or both arms. Victims are also threatened, insulted and humiliated. In some cases, particularly those involving women, victims are stripped, exposed to verbal and sexual abuse. Medical treatment is often withheld, sometimes resulting in death.

The purpose of torture is intimidation and the total destruction of an individual's character. Torture impacts on humanity in profound ways. The shattering of lives, dispersing of families, and destruction of communities all result from this politically-motivated form of violence. The destruction of people's humanity, cultures, and traditions are often the result for both the torturer and the victim of torture.

Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide. Without active programs of healing and recovery, torture survivors often suffer continued physical pain, depression and anxiety, intense and incessant nightmares, guilt and self loathing. They often report an inability to concentrate or remember. The severity of trauma makes it difficult to hold down a job, study for a new profession, or acquire other skills needed for successful adjustment into society.

Friday morning I met with Sister Dianna Ortiz and several other torture survivors courageous enough to share their stories. They related to me horrific tales of family displacement, sexual abuse, and mental and physical humiliation. Mr. Feltavu Ebba, a survivor from Ethiopia told me his horrific tale of torture he received solely based on his ethnic identification. He said:

> I was locked up in a room 4 meters by 4 meters with more than 50 other prisoners. I was not allowed to see my family and relatives for the first six years.

Needless to say, the damage done to his relationship with his children can never be repaired. Also, every minute of his existence in prison was wrought with emotional and physical pain. He said:

> Again after three years of prison in 1982 I was physically and mentally tortured for a week . . . This time by dipping me head-down in a barrel filled with cold, dirty water and beating under my feet with interwoven electrical wire.

Another survivor, Monica Feria, told me of her torture in Peru. Rather than attempt to speak on her behalf, I will let her words speak for themselves.

> We ran for our lives through the ducts that took us to another prison where the male prisoners accused of belonging to the Shining Path were kept. On the way many of us were shot. While crawling I saw bodies that had been blown up, arms, heads, and blood. Everything was covered with that horrible colour of burnt black. As I crawled avoiding the bullets I felt under me dead bodies still warm. The horror . . .

This is only a fraction of the horrific episodes relayed to me by these courageous survivors. Just last week the New York Times quoted the Human Rights Watch organization as being distressed at the continued prevalence of torture worldwide.

In Minnesota, we began to think about the problem of torture and act on it, over ten years ago. The Center for Victims of Torture in Minneapolis is the only fully-staffed torture treatment facility in the country and was one of the first in the world; there are now over 200 centers worldwide. The center offers outpatient services which can include medical treatment, psychotherapy and help gaining economic and legal stability. Its advocacy work also helps to inform people about the problem of torture and the lingering effects it has on victims, and ways to combat torture worldwide. The Center has treated or provided services to hundreds of people over the last ten years.

Some of the often shrill public rhetoric these days seems to argue that we as a nation can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst. The Center for Victims of Torture stands as a repudiation of that idea. Its mission is to rescue and rehabilitate people who have been crushed by torture, and it has been accomplishing that mission admirably over the last ten years. It is a light of hope in the lives of those who have for so long seen only darkness, a darkness brought on by the brutal hand of the torturer.

I would like to thank the distinguished human rights leaders who have helped me in this fight, including those at the Center for Torture Victims in Minneapolis and others such as Sister Ortiz, the Torture Abolition and Survivors Support Committee (TASSC), the Congressional Human Rights Caucus, and those in the human rights community here in Washington and in Minnesota. Without their energy and skills as advocates for tough U.S. laws which promote respect for internationally-recognized human rights worldwide, the cause of human rights here in the U.S. would be seriously diminished. I salute them today. We recommit ourselves to the aid of torture survivors, and to building a world in which torture is relegated to the dark past, and in which torture treatment programs are made obsolete.

THE MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT OF 1999 S. 249

Mr. LEAHY. Mr. President, I had planned to be giving a statement on final passage of the "Missing, Exploited, and Runaway Children Protection Act of 1999." Unfortunately, I cannot do this, because just as there was last year, there continues to be a hold up on passing this important legislation. We could and should have passed this legislation last year. We could and should pass this legislation today.

Last year we missed that opportunity when the Republican majority in both Houses of Congress played partisan games and tried to use this noncontroversial authorization bill as a vehicle to insist on conferencing a much-criticized Republican juvenile justice bill. That procedural gimmick cost us valuable time to get this legislation enacted.

The majority was roundly criticized. The Washington Post went so far as to call the Republican Majority's short-circuit conference tactic "faintly absurd." The San Francisco Chronicle used even stronger terms, calling it "sneaky maneuvering and Byzantine procedural moves." The Philadelphia Inquirer's reaction to this tactic was: "Shame on the House. And shame on the Senate if it approves this bill as is, without debate." The New York Times labeled this maneuver a "stealth assault on juvenile justice."

By contrast to last year, at least in the Senate, procedural ambushes on juvenile justice legislation have been eschewed and we were given the opportunity last month to have full and fair debate. After significant improvements through amendments, the Hatch-Leahy juvenile justice bill passed the Senate on May 20, 1999 by a strong bipartisan vote.

Similarly, I am pleased that the Leahy-Hatch substitute to this bill, the Missing, Exploited, and Runaway Children Protection Act of 1999, overwhelmingly passed the Senate on April 19. In late May, the House of Representatives followed suit.

The House, however, inserted new language, not included in the Senate-passed bill. This new language includes two studies and language regarding the "consolidated review of applications" for grants under the Runaway and Homeless Youth Act.

The first study mandates the Secretary of HHS to examine the percent of runaways who leave home because of sexual abuse. The study is not funded and sets an unreasonable time frame. The second instructs the Secretary of Education to commission a $2.1 million study by the National Academy of Sciences on the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. The study must include the impact of cultural influences and exposure to the media, video games, and the Internet.

It is my understanding that this school violence study was slipped into the legislation after the House committee reported the bill. In essence this bill seeks to mandate funding from the Department of Education, although this authorizing legislation, and sets an unreasonable time frame for a thoughtful study to be conducted. I do not support such efforts to bypass the consideration of the Appropriations Committees.

The juvenile violence study inserted into S. 249 also duplicates numerous studies in, S. 254, the Senate-passed juvenile justice bill. The studies in S. 254 include:

Study of Marketing Practices of Motion Picture, Recording, and Video/Personal Computer Game Industries. The Federal Trade Commission and the Department of Justice are directed to study the extent of the entertainment industry's marketing of unsuitable materials to minors and the industry's enforcement of the current rating systems.

Study. This section instructs the Comptroller General to conduct a study on (1) the incidents of school-based violence; (2) impediments to combating school-based violence; (3) promising initiatives for addressing school-based violence; and (4) crisis preparedness of school personnel and law enforcement officials.

School Violence Research. This section instructs the Attorney General to establish a research center that will serve as a clearinghouse for school violence research at the National Center for Rural Law Enforcement in Little Rock, Arkansas.

National Commission on Character Development. This section creates a National Commission on Character Development to study and make recommendations with respect to the impact of cultural influences on developing and instilling character in America's youth.

Study of Marketing Practices of the Firearms Industry. This section directs the Federal Trade Commission and the Attorney General to conduct a study of the marketing practices of the firearms industry to determine the extent to which the firearms industry advertises its products to juveniles.

National Media Campaign Against Violence. This section creates a $25 million national media campaign targeted to parents and youth to reduce and prevent violence by young Americans. The campaign will be operated by the National Crime Prevention Council with the consultation of national, statewide or community-based youth organizations.

Behavioral and Social Science Research on Youth Violence. This section authorizes the National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, to conduct a comprehensive study on the causes and prevention of youth violence.

National Youth Violence Commission. This subtitle establishes a Commission composed of 16 members to conduct a comprehensive factual study of incidents of youth violence in order to determine the root causes of such violence by studying the involvement of teachers and school administrators, trends in family relationships, alienation of youth from the families and peer groups, availability of firearms to youth, impact of youth violence on youth, effects on youth of depictions of violence in the media, and the availability of information regarding the construction of weapons. The Commission will make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence in the form of a report which shall be submitted no later than 1 year after the date on which the Commission first meets.

The youth violence study inserted into S. 249 by the House also duplicates ongoing efforts by President Clinton. In August 1998, the Departments of Justice and Education released "Early Warning, Timely Response: A Guide to Safe Schools." This guide provides schools and communities with information on how to identify the early warning signs and take action steps to prevent and respond to school violence. Every school in the nation received a copy of the guide.

In October 1998 at the White House Conference the President released the first Annual Report on School Safety. The report includes an analysis of all existing national school crime data and an overview of state and local crime reporting; examples of schools and strategies that are successfully reducing school violence, drug use and class disruption; actions that parents can take locally to combat school crime; and resources available to schools and communities to help create safe, disciplined and drug-free schools.

On April 1, 1999, a new Safe Schools/Healthy Students Initiative was announced by Attorney General Janet Reno, Secretary of Education Richard Riley and Surgeon General David Satcher, M.D., to provide 50 communities with up to $3 million per year for three years to link existing and new services and activities into a comprehensive community-wide approach to violence prevention and healthy child development. It is based on evidence that a comprehensive, integrated community-wide approach is an effective way to promote healthy childhood development and address the problems of school violence and drug abuse.

On June 1, 1999 the President directed the Federal Trade Commission and the Department of Justice to conduct a joint study of the marketing practices of entertainment industries to determine whether these industries are marketing to children violent and other material that is rated for adults.

There are many more studies and activities I could list, but I think my point has been made.

I regret that the House has again, as in the last Congress, has taken a clean bill and chosen to add extraneous matters. Rather than allow this tactic to delay passage of this already long-delayed and much-needed authorization for a number of worthwhile programs, I will not insist that the House amendment be stricken at this time. I will look to reconsider it in the course of the conference on the S. 254, the Hatch-Leahy juvenile crime legislation.

The other language inserted by the House that causes me concern is the "consolidated review of grant application." In the Leahy-Hatch Senate bill we were careful to make clear the continuation of current law governing the minimum grants available for small States under Basic Center grants program.

My concern about the consolidation language, however, has been abated after I received assurances from Secretary Shalala that small States will in no way be disadvantaged from receiving funding at current levels or above. If small States, like Vermont, effectively compete for national competitive grants programs, that is to their additional benefit and will not reduce the small State minimums in important programs like the Basic Center grants program.

In order to address my concern, on May 26, I sent a letter to Secretary Shalala asking that the Department guarantee that the House bill, like the Senate bill, preserves the current funding mechanism under the Runaway and Homeless Youth Act. On June 7, through Secretary Shalala's Assistant Secretary for Legislation, Rich Tarplin, I received such assurance and with that, I am pleased to be working to expedite the enactment of this legislation.

I thank Secretary Shalala and Assistant Secretary Rich Tarplin for making explicit that small States like Vermont will not be disadvantaged by the language added by the House. In addition, I thank Barbara Clark, of the Office of the Assistant Secretary for Legislation, for her tireless work over too many years to see through the reauthorization of these programs. I hope all of our efforts are rewarded with passage of S. 249 as soon as possible.

I ask unanimous consent that copies of my letter to Secretary Shalala and the response that I received be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I am also disappointed that the House chose to scale back the authorization of these program from five years as passed by the Senate to four years.

The bottom line, however, is that the Runaway and Homeless Youth Act and the National Center for Missing and Exploited Children have gone without authorization for too long. We should pass this legislation without further delay.

I have been able to clear this bill on my side of the aisle. Unfortunately, the Republicans have not been able to do the same and are, once again, holding up enactment of this legislation. The holdup on passage of this already long-delayed and much needed authorization for a number of worthwhile programs to provide assistance to at risk children and their families must be put to an end.

The Missing, Exploited, and Runaway Children Protection Act of 1999 authorizes a variety of critical programs for our nation's most at risk children and youth—those who are missing or have been exploited and those who have run away or been forced from home or are homeless. The National Center for Missing and Exploited Children provides extremely worthwhile and effective assistance to children and families facing crises across the U.S. and around the world. In 1998, the National Center helped law enforcement officers locate over 5,000 missing children. They also handled 132,357 telephone calls to their hotline, which included calls to report a missing child, to request information or assistance and to provide leads on missing or potentially exploited children. This figure includes 10,904 reported leads or sightings of missing children, an increase of 25 percent over such leads in 1997.

Since 1984, the National Center has helped investigate more than 80 cases involving Vermont children who have been reported missing. They have had extraordinary success in resolving these cases, some of which have taken several years and have involved out of state or international negotiations. I want to thank Ernie Allen and all of the dedicated employees and volunteers associated with the National Center for their help in these matters.

The National Center serves a critical role as a clearinghouse of resources and information for both family members and law enforcement officers. They have developed a network of hotels and restaurants which provides free services to parents in search of their children and have also developed extensive training programs. The National Center has trained 728 sheriffs and police chiefs from across the U.S. in recent years, including police chiefs from Dover, Hartford, Brattleboro and Winooski, Vermont, as well as members of the Vermont State Police. They have trained an additional 150,000 other officers in child sexual exploitation and the detection of missing children since 1984.

The National Center is also a leader in reducing the number of infant abductions by educating nurses, security staffs and hospitals. A seminar held in Vermont, trained 250 nurses and security personnel, should provide greater peace of mind to new parents in my home State.

Most recently, they have expanded their role in combating the sexual exploitation of children by going on-line. Last year, they launched their "CyberTipline" which allows Internet users to report suspicious activities linked to the Internet, including child pornography and the potential enticement of children on-line. In the second half of 1998, they received over 4,000 leads from the CyberTipline which resulted in numerous arrests. I applaud the ongoing work of the Center and hope that we will promptly pass this bill so that they can proceed with their important activities with fewer funding concerns.

The National Center established an international division some time ago and has been working to fulfil the Hague Convention on the Civil Aspects of International Child Abduction. Last year the National Center held a conference on international concerns with child abductions and international custody battles between separated parents from different countries.

The other important piece of this legislation is the reauthorization of the Runaway and Homeless Youth Act which distributes funding to local community programs on the front lines assisting the approximately 1.3 million children and youth each year who are homeless or have left or been forced from their families for a variety of reasons. Those who provide services pursuant to these programs and those who are the beneficiaries of those services are far too important to be left hanging. In a Congress in which the budget and appropriations processes have given way to short-lived spending authority, they all deserve the reassurance of reauthorization and a commitment to funding. Only then will our State youth service bureaus and other shelter and service providers be able plan, design and implement the local programs necessary to make the goals of the Act a reality.

In 1974, Congress passed the Runaway and Homeless Youth Act as Title III of the Juvenile Justice and Delinquency Prevention Act. The inclusion of the Runaway and Homeless Youth Act in this legislation recognized that young people who were effectively homeless were in need of shelter, guidance and supervision, rather than punishment, and should be united with their families wherever possible.

Since 1974, the programs that make up the Runaway and Homeless Youth Act have evolved to meet the complex problems faced by our young people, their families and our communities. Over the last decade, as a nation, we have witnessed an increase in teen pregnancy rates, drug and alcohol abuse beginning as early as grade school, child physical and sexual abuse, and a soaring youth suicide rate.

Since 1989, the transitional living program has been part of the Runaway and Homeless Youth Act. This program, which was developed by my former colleague Senator Simon, has filled a gap in the needs of older youth to help them make the transition to independent living situations.

The majority of these program in Vermont are run by the Vermont Coalition of Runaway and Homeless Youth. The Vermont Coalition is a community-based network comprised of member programs that provide crisis response, emergency shelter, counseling, and other services to troubled youth throughout Vermont counties.

The programs we are seeking to reauthorize include those directed at young people who have had some kind of alcohol or other drug problem. The isolation in rural areas can lead to serious substance abuse problems. It is difficult to reach young people in rural areas and it is difficult for them to find the services they need. In Vermont, these drug abuse prevention programs provide essential outreach services.

Service providers are being challenged as never before with an increasingly complex set of problems affecting young people and their families. Now is not the time to abandon them. There is consensus among services providers that young people seeking services and their families are increasingly more troubled—as evidenced by reports of family violence, substance abuse and the effects of an array of economic pressures. These services may well be the key to breaking through the isolation of street youth, their mistrust of adults, and their reluctance to get involved with public or private providers.

The programs embodied in S. 249, the Missing, Exploited, and Runaway Children Protection Act, are important and should not once again be held hostage to the controversial debate on juvenile crime.

EXHIBIT 1

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC. May 26, 1999.

Hon. DONNA SHALALA,
Secretary of Health and Human Services,
Washington, DC.

DEAR SECRETARY SHALALA: I am pleased that we are close to enactment of S. 249, the Missing, Exploited, and Runaway Children Protection Act of 1999, which will reauthorize programs under the Runaway and Homeless Youth Act (RHYA) and authorize funding for the National Center for Missing and Exploited Children. The Senate passed the Leahy-Hatch substitute to S. 249 on April 19, by unanimous consent. Yesterday, the House passed its version of this legislation.

I am concerned about language inserted into the bill during House consideration upon which the Senate was not consulted. That language provides for a "consolidated review of applications" of RHYA grants. Before agreeing to the new language, I need to be assured that this could in no way be construed as consolidating any of the RHYA programs under a single formula allocation.

As you know, under the RHYA, each year each State is awarded at a minimum $100,000 for housing and crisis services under the Basic Center grant program. Effective community-based programs around the country can also apply directly for the funding available for the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grants.

I hope that you can clarify that the new language inserted by House will do noting to collapse the distinct programs authorized under the RHYA. These programs are very important and I would like to see the legislation passed without further delay.

I have been working since 1996 to enact this reauthorizing legislation. I worked to have the Senate pass this legislation during the last Congress and again earlier this year. With your assurance that Vermont and other small states will not be disadvantaged by the language inserted by the House in competing for national grant funding, I will seek to expedite enactment.

Sincerely,

PATRICK LEAHY,
Ranking Member.

DEPARTMENT OF HEALTH &
HUMAN SERVICES,
Washington, DC, June 7, 1999.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: You have asked us to consider the impact of certain language recently inserted into the House version of S. 249, the "Missing, Exploited, and Runaway Children Act of 1999". Specifically, you have asked us to consider whether proposed section 385, Consolidated Review of Applications, will adversely affect the eligibility of small States to receive Runaway and Homeless Youth Act (RHYA) funding above the minimum grant allotment of the RHYA Basic Center Grant program.

I am advised by General Counsel that currently the Secretary has wide statutory discretion to prescribe the procedures which will be used in awarding various grants under the RHYA. The Secretary presently exercises this discretion by choosing to include in a consolidated grant announcement several discrete funding opportunities with distinct application requirements. After studying the pertinent language in S. 249, General Counsel has concluded that the proposed legislation provides for a similar level of discretion with respect to procedures to be used for various grant awards under the RHYA. Therefore, since the proposed legislation does not require the Secretary to change in any way her current procedures for awarding RHYA grants, it will not require the Secretary to commingle the current separate and discrete RHYA funding opportunities so as to adversely affect the eligibility of small States to receive RHYA funding above the minimum grant allotment of the RHYA Basic Center grant program.

I hope this information is helpful to you as you proceed with final consideration of S. 249. The Department deeply appreciates all your efforts to reauthorize the Runaway and Homeless Youth Act.

Sincerely,

RICHARD J. TARPLIN,
Assistant Secretary for Legislation.

AN EFFORT TO RAISE THE CAFE STANDARDS

Mr. ABRAHAM. Mr. President, I rise today to talk about an issue of critical importance to the families in my State. Throughout Michigan, men and women are working hard every day to produce the cars that make our economy and our Nation move. They and their families depend on the jobs produced by our automobile manufacturing industry, just as the rest of us can depend on the cars they produce.

But those jobs in Michigan's economy are jeopardized by efforts to increase the standards for Corporate Average Fuel Economy, or CAFE. I have come to the floor today because I want to make certain that my colleagues are aware of the extremely serious impact of increased CAFE standards, not just on Michigan but on every State in the Union. I also point out that these punitive measures will be ineffective and fly in the face of ongoing efforts on the part of our automakers to increase fuel economy, efforts that promise to produce fruit in the very near future.

The Federal Government currently mandates that auto manufacturers mandate a fuel economy of 27.5 miles per gallon for cars and 20.7 miles per gallon for sports utility vehicles and light trucks.

Since 1995, Congress has wisely refused to allow the Federal bureaucracy to unilaterally increase these standards. We have recognized that it is our duty as legislators to make policy in this important area of economic and environmental concern.

Now, however, I understand that a number of colleagues are calling for an end to this congressional authority. They are calling on the administration to unilaterally increase CAFE requirements for sports utility vehicles and light trucks to 27.5 miles per gallon.

This action is misguided. It will hurt the working families of Michigan. It will undermine American competitiveness. I want to put the Senate on notice that I will use every legislative means at my disposal to see that it does not happen.

CAFE requirements costs jobs with few tangible positive affects. It really is that simple.

Let me explain what I mean.

To meet increased CAFE requirements, SUVs and light trucks would have to be dramatically reengineered. Auto makers would be forced to implement and design radically new engine and autobody changes. Such changes would be enormously challenging, and would be reflected in decreased power and carrying capacity, coupled with an increase in price. The result would be a less desirable automobile. It would spell the doom of the line vehicles which are largely responsible for the resurgence and continued success of American automobile industry.

Of course, this is precisely the goal of CAFE advocates: reduced public demand and consumption of this line of vehicle, but it is an unwise course.

A government engineered campaign to steer the public away from the sport utility market, one which the U.S. producers dominate, will also be of enormous benefit to overseas competitors.

The fact is, the U.S. dominates the light truck market because sky-high gasoline prices in countries such as Japan have forced foreign auto makers to make smaller, lighter cars.

This matters because CAFE requirements are averaged over a producers entire fleet of vehicles. Since the Japanese auto producers produce relatively few light truck models, these producers will have to make no changes in vehicle capacity or production in order to meet U.S. CAFE requirements.

Thus, foreign producers would avoid the cost and challenge of modifying their fleet fuel economy averages. And that means the government, not the market, will have placed an uneven burden on American workers.

Consumers also suffer when their choices are narrowed. And auto makers and their employees suffer when they are forced to make cars the public simply does not want.

In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors notes that in 1982: "we were forced to close two assembly plants which had been fully converted to produce our new, highly fuel-efficient compact and mid-size cars. The cost of these conversions was $130 million, but the plants were closed because demand for those cars did not develop during a period of sharply declining gasoline prices."

This story could be repeated for every major American automaker, Mr. President. And the effects on our overall economy have been devastating.

During this time of economic prosperity, it is easy for some people to forget the massive dislocation of workers which occurred during the 1970's and 1980's.

But we should keep in mind, not only the thousands of jobs in the auto manufacturing industry that were lost during this period, but also the massive impact this downturn in a key industry had on our economy as a whole.

The story of plant closings were devastating for domestic automakers back in the 1970s and 1980s.

It is unfortunately the case, sometimes when we are in a period of economic prosperity, as we are now, it is easy to forget the massive dislocation of workers which did occur back at that time.

We should keep in mind not only the thousands of jobs in the auto manufacturing industry that were lost during that period, but also the massive impact that downturn in a key industry had on our economy.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of Americans depend on the health of our auto industry.

If we do again to our auto industry what was done to it during the 1970's and 1980's, we will quickly see our current prosperity turn to an era of significant unemployment, in my judgment.

Mr. President, the last thing our economy and our people need is a repeat of those hard times.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards, or to build cars that Americans will not buy. In either case the real victims are American workers and consumers.

Nor should we forget, Mr. President, that American automakers are investing almost $1 billion every year in research to develop more fuel efficient vehicles.

Indeed, we do not need to turn to the punitive, disruptive methods of CAFE standards to increase fuel economy for American vehicles. Especially since domestic manufacturers have increased passenger car fuel economy 108 percent and light truck fuel economy almost 60 percent since the mid-1970s.

And more progress will soon be realized. Since 1993, the Partnership for a New Generation of Vehicles has brought together government agencies and the auto industry to conduct joint research—research that is making significant progress and will bridge the gap to real world applications after 2000.

By enhancing research cooperation, PNGV will help our auto industry develop vehicles that are more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's midsize family sedans. All this while producing cars that retain performance, utility, safety and economy.

By next year, Mr. President, technologies developed in the PNGV program will be incorporated into concept vehicles. These vehicles will help the auto industry determine their functional benefits, develop production infrastructure and determine commercial viability.

By 2004 we will have production-feasible prototypes that can be brought to mass production within 3–5 years.

Direct-injection engines, new forms of fuel cells, lithium batteries, new polymers, and many other technological developments are now in the works. They are in the works thanks to a strategy that places cooperation over punitive government mandates.

We have made solid progress, Mr. President. Progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand.

And we should remember, Mr. President, that we can remain competitive and retain American jobs only if people will actually buy the vehicles our industry produces.

Cooperation will produce the results we need. New punitive mandates will produce an economic downside none of us want to see.

Again, I will use every legislative means at my disposal as a U.S. Senator to stop bills or amendments to increase CAFE standards. I urge my colleagues to reject this misguided attempt to increase the destructive CAFE requirements.

As the son of a man would worked as a UAW member on the line for about 20 years of his life, and the son-in-law of a man who did it for 39 years in the State of Michigan, my family understands, as do thousands of other families in our State, exactly what happens when people stop buying American-made cars. People in our State and people in other States start to lose their jobs.

We don't want that to happen. We can achieve the twin goals of keeping people at work and producing more fuel-efficient vehicles if we continue the course that has been working. The development, the research, the technology, which the Federal Government has participated in is going to produce the success we want. We can do it without government-imposed mandates of people losing their jobs.

This Senator plans to fight in every way he can to make sure that is the course we follow.

I yield the floor.

TRIBUTE TO GENERAL CHARLES C. KRULAK, USMC

Mr. WARNER. Mr. President, I rise today to pay tribute to a truly distinguished officer, gentleman, and patriot: General Charles C. Krulak, Commandant, United States Marine Corps. I do so, with humility and respect, on behalf of the six members of the Senate who served in the Marine Corps. Although today marks the end of his remarkable uniformed career, his legacy will live on throughout the Corps' history as a "guide-on" for future marines.

Today also marks the first time in 70 years that a Krulak will not be privileged to be in the ranks of the United States Marine Corps. General Krulak's father, General V.H. "Brute" Krulak, himself a legendary officer, served with distinction in three wars ultimately achieving the rank of Lieutenant General. All three of General "Brute" Krulak's sons graduated from the United States Naval Academy, but it was his son Charles, or Chuck, that followed very closely in his father's foot steps.

Mr. President, during the past four years, I have had the distinct honor and pleasure of working very closely with General Chuck Krulak. I first met General Krulak during an inspection tour in Vietnam where, as a young Captain, he had been wounded and was being evacuated. We later reminisced about that moment, which bonded us together forever, during his first courtesy call to me as the new Commandant of the Marine Corps. Today at the Change of Command, fittingly held on the historic grounds of the 8th and I Marine Corps Barracks, General Krulak, during his final address, recognized Congress, as did his father, that it was the Congress that created the Marine Corps and then saved the Marine Corps when its very existence was threatened by a former President, so many years ago. He then proclaimed that Congress will always preserve the Corps. He is correct!

I believe General Krulak embodies the very core values that reflect the Marine Corps' deepest convictions: Honor, Courage, and Commitment. After 35 years of service, he remains passionate about his Marine Corps and his marines. In a farewell address to the Corps, General Krulak articulated his respect and understanding of the selflessness and pride of the many Marines he had known throughout his life. He spoke of the ethos of the corps and Touchstones of Valor and Values. Mr. President, I submit General Krulak's farewell address to the Corps in the record of the proceedings of the Senate as part of my tribute today.

I urge my colleagues to read his address and think about the young men and women Marines who so honorably serve everyday, everywhere around the world to protect this great nation.

General, as a former Marine myself, I salute you for a job exceedingly well done! You are a true patriot and the world is a better place because of your dedication to and belief in . . . Honor, Courage, and Commitment. Semper Fi.

[From Leatherneck Magazine, June 1999]

A FAREWELL TO THE CORPS

(By Gen. Charles C. Krulak)

From my earliest days, I was always awed by the character of the Marine Corps, by the passion and love that inspired the sacrifices of Marines like my father and his friends. As a young boy, I admired the warriors and thinkers who joined our family for a meal or a visit . . . Marines like "Howlin' Mad" Smith, Lemuel C. Shepherd, Gerald C. Thomas, and Keith B. McCutcheon. I wondered about the source of their pride, their selflessness, and their sense of purpose. Now, at the twilight of my career, I understand those Marines. I know that they were driven by love for the institution to which they had dedicated their lives and by the awesome responsibility they felt to the Marines who shared their devotion and sacrifice. Today, that same motivation burns deep within the heart of each of us. The ethos of our Corps, purchased so dearly by these heroes of old, reaches into our souls and challenges us to strive tirelessly for excellence in all that we do. It profoundly influences the actions of every Marine that has ever stood on the yellow footprints at our Recruit Depots or taken the oath as an Officer of Marines.

The ethos of our Corps is that of the warrior. It is defined by two simple qualities . . . our two touchstones. The first is our Touchstone of Valor. When we are summoned to battle, we don our helmets and flak jackets; we march to the sound of the guns; we fight and we win—Guaranteed. The second is our Touchstone of Values. We hold ourselves and our institution to the highest standards . . . to our core values of Honor, Courage, and Commitment. These two Touchstones are inextricably and forever linked. They form the bedrock of our success and, indeed, of our very existence.

Our Touchstone of Valor is the honor roll of our Corps' history. Bladensburg, Bull Run, Cuzco Well, Belleau Wood, Guadalcanal, Tarawa, Iwo Jima, Inchon, the Chosin Reservoir, Hue City, Kuwait . . . the blood and sacrifice of Marines in these battles, and countless others, have been commemorated in gilded script and etched forever on the black granite base of the Marine Corps War Memorial. The names of these places now serve as constant reminders of our sacred responsibility to our Nation and to those whose sacrifices have earned the Marine Corps a place among the most honored of military organizations. The memory of the Marines who fought in these battles lives in us and in the core values of our precious Corps.

To Marines, Honor, Courage, and Commitment are not simply words or a bumper sticker slogan. They reflect our deepest convictions and dramatically shape everything that we do. They are central to our efforts to "Make Marines," men and women of character who can be entrusted to safeguard our Nation and its ideals in the most demanding of environments. We imbue Marines with our core values from their first moments in our Corps because we know that Marines, not weapons, win battles. We also know that success on the battlefield and the support of the citizens whose interests we represent depend on our ability to make moral and ethical decisions under the extreme stress of combat . . . or in the conduct of our daily lives.

As an institution, we have had to fight hard to maintain our standards. To some, they may seem old-fashioned, out-of-step with society, or perhaps even "extremist," but we know that our high standards are the lifeblood of the Corps, so we have held the line! In this regard, what individual Marines are doing everyday counts far more than anything that is done in Washington. The standards of our Corps are not simply maintained by generals, colonels, and sergeants major, but, far more importantly, by leaders throughout the Corps, at every level. The Marine conviction that Semper Fidelis is a way of life, not just a motto, speaks powerfully to the citizens that we serve. It also unites us with our fellow Marines, past and present—inspiring us to push harder, to reach further, and to reject the very notion of failure of compromise.

Sustained and strengthened by the ethos of our Corps, you have accomplished a great deal during the past four years. I have been humbled to be part of your achievements and witness to your selfless devotion. Time and again, Marines distinguished themselves in contingencies around the world, across the spectrum of conflict. Marines from across the Total Force were the first to fight, the first to help and the first to show America's flag—consistently demonstrating our resolve and readiness to win when called to action. With the involvement of the Fleet Marine Force and input from the entire Corps, the Warfighting Laboratory has looked hard at the 21st Century strategic environment. Marines "stole a march" on change by testing new concepts and emerging technologies, exploring new tools for developing leaders and decision makers, and experimenting in the "Three Block War." Our recruiters, drill instructors, and small-unit leaders have implemented the Transformation Process and are recruiting, training, and developing the "Strategic Corporals" for tomorrow's conflicts. Led by Marines at the Combat Development Command, we have deepened our understanding of Operational Maneuver From The Sea (OMFTS), its enabling concepts and technologies, as well as its many challenges. The men and women serving in the many thankless billets at Headquarters Marine Corps and in the joint arena have developed and articulated our requirements for the future and have secured the resources to translate OMFTS into a reality. Our supporting establishment, at every post and station, has epitomized selflessness and dedication while providing for our readiness requirements. All these things are important—and they are the accomplishments of every Marine. None of them, however, are as significant as maintaining our hands on the twin Touchstones of our Corps.

The words of my father ring as true today as when he first wrote them over fifty years ago. "We exist today—we flourish today—not because of what we know we are, or what we know we can do, but because of what the grassroots of our country believes we are and believes we can do . . . The American people believe that Marines are downright good for the country; that the Marines are masters of a form of unfailing alchemy which converts unoriented youths into proud, self-reliant stable citizens—citizens into whose hands the nation's affairs may safely be entrusted . . . And, likewise, should the people ever lose that conviction—as a result of our failure to meet their high—almost spiritual—standards, the Marine Corps will quickly disappear."

May God bless each and every one of you and may God bless our Corps!

CONFERENCE OF MAYORS ENDORSE MINIMUM WAGE INCREASE

Mr. KENNEDY. Mr. President, the United States Conference of Mayors recently gave its ringing endorsement to an increase in the minimum wage. On June 15, at their annual conference in New Orleans, the mayors unanimously adopted a resolution calling for such an increase.

The resolution was sponsored by Mayor Thomas M. Menino of Boston, who is renowned for his leadership on behalf of working families in our city, and I commend Mayor Menino for this important and constructive initiation.

Thanks to the leadership of Mayor Menino, the Conference of Mayors has highlighted the needs and concerns of America's workers. The adoption of the Mayors' resolution makes it all the more important for Congress to act, and to act this year.

Mayors are on the front lines at the local level. They know the day-to-day realities of the lives of working Americans. They have seen firsthand how the decrease in value of the minimum wage leaves workers unable to support their families. By next year, the real value of the minimum wage will have dropped by $2.50 an hour from its peak 30 years ago. For a generation, we have allowed the value of the minimum wage to decline unfairly at the expense of millions of hard working American men and women and their families.

The unfortunate reality is that in 1999, large numbers of Americans work 40 hours a week, 52 weeks a year, yet still can't support their families. Their wages don't enable them to put food on the table or a reasonable roof over their heads. A minimum wage worker earns $10,712 a year—$3,100 below the poverty line for a family of three.

Every day, working families across the country are forced to turn to emergency food assistance to supplement their diets, and then to emergency shelters for a place to sleep. A 1998 U.S. Conference of Mayors survey found that 61% of people requesting emergency food assistance were families—parents and their children. The majority of cities also reported an increase in requests for emergency shelter by homeless parents with children. As the Mayors' survey emphasized, these are working Americans, yet they are not earning enough to make ends meet.

The majority of minimum wage workers are adults struggling to achieve a decent standard of living. Instead of enabling workers to reach this goal that all families deserve, today's minimum wage tramples on that dream for a better life.

Now is the time to raise the minimum wage. The country's economy is soaring to new heights and setting new records for growth and prosperity. The economy is the best in decades, and yet millions of America's hardest workers are not sharing in this prosperity. The Dow Jones Average is touching 11,000. The highest compensated CEO in 1998 was paid $117 million. But minimum wage workers still can't lift their families out of poverty.

Minimum wage workers deserve better. They serve our food, take care of our children, clean our office buildings, and perform countless other basic jobs. When hard working Americans put in a full day's work year round, they deserve a fair share of the nation's prosperity.

Over 11 million workers would benefit from an increase in the minimum wage. They should not have to rely on food aid or shelters.

Mayor Menino and mayors across America want action, Congress should heed their call to action and raise the minimum wage.

I ask unanimous consent that the text of Mayor Menino's resolution, adopted unanimously by the Conference of Mayors, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 14

(Submitted by the Honorable Thomas M. Menino, Mayor of Boston)

FEDERAL MINIMUM HOURLY WAGE RATE ADJUSTMENT

Whereas, the current federal minimum hourly wage rate is inadequate to raise families out of poverty; and

Whereas, the real value of the minimum wage continues to fall short since its highest level in 1968; and

Whereas, the purchasing power of the minimum wage continues to fall short and fails to allow families to make ends meet; and

Whereas, millions of workers paid by the hour earn at or below minimum wage and the majority of minimum wage workers are adults; and

Whereas, the poverty line for a family of four leaves many minimum wage earners unable to survive and they are the sole breadwinners for their households; and

Whereas, the majority of the average share of household income is earned by a minimum wage worker; and

Whereas, the income disparities between the races have been widening, not narrowing; and

Whereas, the minimum wage is one factor in these wide income disparities, as minorities work disproportionately in minimum wage jobs; and

Whereas, these minimum wage jobs often lack medical, sick or vacation leave, other benefits and job security; and

Whereas, these minimum wage jobs are a major factor in the decision of millions of workers who would likely drop out of the labor force because they see no future in such employment, but there are no other alternatives to raise a family; and

Whereas, many citizens who cannot survive on minimum wage seek alternatives outside the traditional job market that may, at time, be destructive to them, their families, and the total society; and

Whereas, studies have shown that raising the minimum wage does not result in job losses.

Now, therefore, be it *Resolved*, That the federal minimum hourly wage rate should be increased to encourage significantly greater labor force participation and enable minimum wage job holders to support themselves and their families at income levels above the nationally defined poverty level.

Projected Cost: Unknown.

SENATE INACTION ON THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, it is the responsibility of the Senate Foreign Relations Committee to consider treaties submitted by the President as soon as possible after their submission. Normally, most treaties are considered within a year of being submitted. The President of the United States transmitted the Comprehensive Nuclear Test Ban Treaty to the Senate on September 23, 1997.

The Senate Foreign Relations Committee has not held a single hearing on this important Treaty in the 646 days since the President sent the CTBT to the Senate for its consideration. In comparison, the START I Treaty was ratified in 11 months, the SALT I Treaty in 3 months, the Conventional Armed Forces in Europe Treaty in 4 months, and the Limited Nuclear Test Ban Treaty in 3 weeks.

As of today, 152 countries have signed the CTBT, including Russia and China, and 37 countries have ratified the Treaty. The world is waiting for the United States to lead on this issue. I hope my colleagues will urge for this Treaty's rapid consideration.

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

Mr. DEWINE. Mr. President, I would like to express my strong support for the Child Survival and Disease Program Fund. Last year Congress, allocated $650 million plus $50 million in supplemental emergency funds to the Child Survival and Disease Program Fund for Fiscal Year 1999. As in the past, House Subcommittee Chairman Callahan has taken the lead in protecting these child survival programs and I commend him for his leadership on this issue. For FY 2000 the Clinton Administration, however, has budgeted $40 million below the $700 million allocated last year. In order to preserve the benefits of these important programs for children worldwide, as we have done in the past, we should accept in conference the House language that Chairman Callahan proposes.

It is a tragedy that millions of children die each year from disease, malnutrition, and other consequences of poverty that are both preventable and treatable. The programs of the Child Survival Fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries. It places a priority on the needs of the more than 100 million children worldwide who are displaced and/or have become orphans.

The Child Survival and Disease Programs Fund includes initiatives to curb the resurgence of communicable diseases such as malaria and tuberculosis. According to the World Health Organization, in 1999 alone, more children will die of tuberculosis than in any other year in history. In the underdeveloped world, the Child Survival and Disease Programs Fund works towards eradicating polio as well as preventing and controlling the spread of HIV/AIDS.

Aside from addressing issues of health, the Child Survival and Disease Programs Fund also supports basic education programs. An investment in education yields one of the highest social and economic rates of return—because it gives children the necessary tools to become self-sufficient adults. According to the World Bank, each additional year of primary and secondary schooling results in a 10–20% wage increase. Unfortunately, there are still 130 million primary aged children who are not attending any school, 2/3 of those children are girls.

The programs supported by the Child Survival and Disease Programs Fund are effective because they save three million lives each year through immunizations, vitamin supplementation, oral rehydration therapy, and the treatment of childhood respiratory infections, which are the second largest killer of children on earth. If every child received vaccinations, an additional two million children each year would be saved from these terminal diseases. Eliminating the symptoms and causes of this poverty is not only the humane thing to do—it is also a necessary prerequisite for global stability and prosperity.

In my view, Congress needs to maintain its support for these valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will accept the proposed House language. The Child Survival and Disease Programs are effective and are important. They should be continued.

I see the Chairman of the Senate Foreign Operations Subcommittee on the floor and urge his continued support for that program.

Mr. McCONNELL. I thank the Senator from Ohio for his statement. I have listened very carefully to his remarks, and I commend him for his tireless efforts in supporting children's causes, here in the United States and throughout the world. I would like to assure him that I will give every possible consideration to his request when we go to conference.

Mr. DEWINE. I thank my distinguished friend from Kentucky, and I yield the floor.

THE MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. LEAHY. Mr. President, I support S. 768, which was significantly improved during the Judiciary Committee mark up with a substitute amendment that I cosponsored with Senators SESSIONS and DEWINE. This important legislation will close a gap in Federal law that has existed for many years. S. 768 establishes authority for Federal jurisdiction over crimes committed by individuals accompanying our military overseas and court-martial jurisdiction over Department of Defense employees and contractors accompanying the Armed Forces on contingency missions outside the United States during times of war or national emergency declared by the President or the Congress.

Civilians accompanying the Armed Forces have been subject to court-martial jurisdiction when "accompanying or serving with the Armies of the United States in the field" since the Revolutionary War. See *McCune* v. *Kilpatrick*, 53 F. Supp. 80, 84 (E.D. Va. 1943). It is only since the start of the Cold War that American troops, accompanied by civilian dependents and employees, have been stationed overseas in peace time. Provisions of the Uniform Code of Military Justice provide for the court-martial of civilians accused of crimes while accompanying the armed forces in times of peace or war. The provisions allowing for peace time court-martial of civilians were found unconstitutional by a series of Supreme Court cases beginning with *Reid* v. *Covert*, 354 U.S. 1 (1957). With foreign nations often not interested in prosecuting crimes against Americans, particularly when committed by an American, the result is a jurisdictional "gap" that allows some civilians to literally get away with murder.

A report by the Overseas Jurisdiction Advisory Committee submitted to Congress in 1997, cited cases in which host countries declined to prosecute serious crimes committed by civilians accompanying our Armed Forces. These cases involved the sexual molestation of dependent girls, the stabbing of a serviceman and drug trafficking to soldiers. The individuals who committed these crimes against service men and women or their dependents were not prosecuted in the host country and were free to return to the United States and continue their lives as if the incidents had never occurred. The victims of these awful crimes are left with no redress for the suffering they endured.

This inability to exercise Federal jurisdiction over individuals accompanying our armed forces overseas has caused problems. During the Vietnam War, Federal jurisdiction over civilians was not permissible since war was never declared by the Congress. Major General George S. Prugh said, in his text on legal issues arising during the Vietnam War, that the inability to discipline civilians "became a cause for major concern to the U.S. command."

More recently, Operation Desert Storm involved the deployment of 4,500

Department of Defense civilians and at least 3,000 contractor employees. Similarly large deployments of civilians have been repeated in contingency operations in Somalia, Haiti, Kuwait and Rwanda. Although crime by civilians accompanying our armed forces in Operation Desert Storm was rare, the Department of Defense did report that four of its civilian employees were involved in significant criminal misconduct ranging from transportation of illegal firearms to larceny and receiving stolen property. One of these civilians was suspended without pay for 30 days while no action was taken on the remaining three.

Due to the lack of Federal jurisdiction over civilians in a foreign country, administrative remedies such as dismissal from the job, banishment from the base, suspension without pay, or returning the person to the United States are often the only remedies available to military authorities to deal with civilian offenders. The inadequacy of these remedies to address the criminal activity of civilians accompanying our Armed Forces overseas results in a lack of deterrence and an inequity due to the harsher sanctions imposed upon military personnel who committed the same crimes as civilians.

I expect the deployment of civilians in Kosovo and elsewhere will be relatively crime free, but regardless of the frequency of its use, the gap that allows individuals accompanying our military personnel overseas to go unpunished for heinous crimes must be closed. Our service men and women and those accompanying them deserve justice when they are victims of crime. That is why I introduced this provision as part of the Safe Schools, Safe Streets and Secure Borders Act with other Democratic Members, both last year as S. 2484 and again on January 19 of this year, as S. 9.

I had some concerns with certain aspects of S. 768 that were not included in my version of this legislation, and I am pleased that we were able to address those concerns in the Sessions-Leahy-DeWine substitute. For example, the original bill would have extended court-martial jurisdiction over DOD employees and contractors accompanying our Armed Forces overseas. The Supreme Court in *Reid v. Covert*, 354 U.S. 1 (1957), *Kinsella v. Singleton*, 361 U.S. 234 (1960) and *Toth v. Quarles*, 350 U.S. 11 (1955), has made clear that court-martial jurisdiction may not be constitutionally applied to crimes committed in peacetime by persons accompanying the armed forces overseas, or to crimes committed by a former member of the armed services.

The substitute makes clear that this extension of court-martial jurisdiction applies only in times when the armed forces are engaged in a "contingency operation" involving a war or national emergency declared by the Congress or the President. I believe this comports with the Supreme Court rulings on this issue and cures any constitutional infirmity with the original language.

In addition, the original bill would have deemed any delay in bringing a person before a magistrate due to transporting the person back to the U.S. from overseas as "justifiable." I was concerned that this provision could end up excusing lengthy and unreasonable delays in getting a civilian, who was arrested overseas, before a U.S. Magistrate, and thereby raise yet other constitutional concerns.

The Sessions-Leahy-DeWine substitute cures that potential problem by removing the problematic provision and relying instead on Rule 5 of the Federal Rules of Criminal Procedure. This rule requires that an arrested person be brought before a magistrate to answer charges without unnecessary delays, and will apply to the removal of a civilian from overseas to answer charges in the United States.

Finally, S. 768 as introduced authorized the Department of Defense to determine which foreign officials constitute the appropriate authorities to whom an arrested civilian should be delivered. In my proposal for this legislation I required that DOD make this determination in consultation with the Department of State. I felt this would help avoid international faux pax. I am pleased that the Sessions-Leahy substitute adopted my approach to this issue and requires consultation with the Department of State.

I am glad the legislation which I and other Democratic members of the Judiciary Committee originally introduced both last year and again on January 19 of this year, is finally being considered, and I urge its prompt passage.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 29, 1999, the federal debt stood at $5,602,716,451,360.35 (Five trillion, six hundred two billion, seven hundred sixteen million, four hundred fifty-one thousand, three hundred sixty dollars and thirty-five cents).

One year ago, June 29, 1998, the federal debt stood at $5,502,438,000,000 (Five trillion, five hundred two billion, four hundred thirty-eight million).

Five years ago, June 29, 1994, the federal debt stood at $4,604,970,000,000 (Four trillion, six hundred four billion, nine hundred seventy million) which reflects a debt increase of almost $1 trillion—$997,746,451,360.35 (Nine hundred ninety-seven billion, seven hundred forty-six million, four hundred fifty-one thousand, three hundred sixty dollars and thirty-five cents) during the past 5 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROCLAMATION TO MODIFY DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES RELATIVE TO GABON, MONGOLIA, AND MAURITANIA; TO THE COMMITTEE ON FINANCE—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

The Generalized System of Preferences (GSP) offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974, as amended.

I have determined, based on a consideration of the eligibility criteria in title V, that Gabon and Mongolia should be added to the list of beneficiary developing countries under the GSP.

I have also determined that the suspension of preferential treatment for Mauritania as a beneficiary developing country under the GSP, as reported in my letters to the Speaker of the House and President of the Senate of June 25, 1993, should be ended. I had determined to suspend Mauritania from the GSP because Mauritania had not taken or was not taking steps to afford internationally recognized worker rights. I have determined that circumstances in Mauritania have changed and that, based on a consideration of the eligibility criteria in title V, preferential treatment under the GSP for Mauritania as a least-developed beneficiary developing country should be restored.

This message is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 30, 1999.*

MESSAGE FROM THE HOUSE

At 4:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office".

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

H.R. 1802. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 2014. An act to prohibit a State from imposing a discriminatory commuter tax on nonresidents.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred:

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office"; to the Committee on Governmental Affairs.

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes; to the Committee on Small Business.

H.R. 1802. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; to the Committee on Finance.

H.R. 2014. A act to prohibit a State from imposing a discriminatory commuter tax on nonresidents; to the Committee on Finance.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4000. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Commercial Personnel Transfer Program for Science and Engineering"; to the Committee on Armed Services.

EC–4001. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Developmental Disabilities Assistance Amendments of 1999"; to the Committee on Health, Education, Labor, and Pensions.

EC–4002. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–94, "Comprehensive Plan Technical Corrections and Response to NCPC Recomendations and Closing of a Public Alley in Square 1189, S.O. 98–150, Act of 1999"; to the Committee on Governmental Affairs.

EC–4003. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation amending the Woodrow Wilson Memorial Bridge Authority Act of 1995; to the Committee on Finance.

EC–4004. A communication from the Assistant Secretary, Policy, Management and Budget and Chief Financial Officer, Department of the Interior, transmitting, pursuant to law, the annual Accountability Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–4005. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services in the amount of $50,000,000 or more for the United Kingdom; to the Committee on Foreign Relations.

EC–4006. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement with Canada; to the Committee on Foreign Relations.

EC–4007. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services in the amount of $50,000,000 or more for the United Kingdom; to the Committee on Foreign Relations.

EC–4008. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the resignation of the Commissioner of the National Center for Education Statistics and the designation of an Acting Commissioner; to the Committee on Health, Education, Labor, and Pensions.

EC–4009. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–4010. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report entitled "TRICARE Head Injury Policy and Provider Network Adequacy"; to the Committee on Armed Services.

EC–4011. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for May 1999; to the Committee on Governmental Affairs.

EC–4012. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4013. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin: (cyano(4-fluoro-3-phenoxyphenyl)-methyl-3-(2,2-dicholoroethenyl)-2,2-dimethyl-cyclopropanecarboxylate); Pesticide Tolerance" (FRL # 6088–9), received June 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4014. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerance; Technical Amendment" (FRL # 6089–3), received June 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4015. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana: Reasonable-Further-Progress Plan for the 1996–1999 period, Attainment Demonstration, Contingency Plan, Motor Vehicle Emission Budgets, and 1990 Emission Inventory for the Baton Rouge Ozone Nonattainment Area; Louisiana Point Source Banking Regulations" (FRL # 6370–8), received June 29, 1999; to the Committee on Environment and Public Works.

EC–4016. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah: Foreward and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards, Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM10 Nonattainment Area" (FRL # 6368–8), received June 29, 1999; to the Committee on Environment and Public Works.

EC–4017. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Phoenix; Arizona Ozone Nonattainment Area, Revision to the 15 Percent Rate of Progress Plan" (FRL # 6368–8), received June 29, 1999; to the Committee on Environment and Public Works.

EC–4018. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps" (FRL # 6368–8), received June 29, 1999; to the Committee on Environment and Public Works.

EC–4019. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Stay of Action on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport" (FRL # 6364–4), received June 29, 1999; to the Committee on Environment and Public Works.

EC–4020. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sustainable Development Challenge Grant Program" (FRL # 6370–4), received June 29, 1999; to the Committee on Environment and Public Works.

EC–4021. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99–33), received June 28, 1999; to the Committee on Finance.

EC–4022. A communication from the Acting Director, Professional Responsibility Advisory Office, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Ethical Standards for Attorneys for the Government" (AG Order No. 2216–99), received June 25, 1999; to the Committee on the Judiciary.

EC–4023. A communication from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Hospital Conditions of Participation: Patients' Rights—Medicare and Medicaid Programs (HFCA 3018–IFC)" (RIN0938–AJ56), received June 29, 1999; to the Committee on Finance.

EC–4024. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Dates of an Emergency Interim Rule (Implements requirements of the American Fisheries Act related to the 1999 Western Alaska Community Development Quota Program)" (RIN0648–AM77), received June 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4025. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes, Request for Comments; Docket No. 99-NM-116 (6-23/6-28)" (RIN2120-AA64)(1999-0254), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4026. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada (BHTC); Docket No. 98-SW-62 (6-28/6-28)" (RIN2120-AA64)(1999-0255), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4027. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MT Propeller Entwicklung GMBH Model MTV-3-B-C Propellers; Docket NO. 7-ABE-36 (6-28/6-28)" (RIN2120-AA64)(1999-0256), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4028. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ld. Models PC- and PC-12/45 Airplanes; Docket NO. 7-ABE-36 (6-28/6-28)" (RIN2120-AA64)(1999-0256), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4029. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: LET Aeronautical Works Model L33 SOLO Sailplanes; Docket NO. 98-CE-120 (6-28/6-28)" (RIN2120-AA64)(1999-0258), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4030. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc., PA-23, PA-30, PA-31, PA-34, PA-39, PA-40, and PA-42 Series Aircraft; Docket No. 98-CE-77 (6-28/6-28)" (RIN2120-AA64)(1999-0259), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4031. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747300 and -400 Series Airplanes; Request for Comments; Docket No. 99-NM-45 (6-29/6-28)" (RIN2120-AA64)(1999-0260), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4032. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft model S-76A Helicopters; Request for Comments; Docket No. 99-SW-26 (6-24/6-28)" (RIN2120-AA64)(1999-0261), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4033. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model 44 Helicopters; Docket No. 98-SW-71 (6-24/6-28)" (RIN2120-AA64)(1999-0262), received June 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4034. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; 1999 Specifications; Inseason Adjustments of Illex Squid annual specifications", received June 25, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes (Rept. No. 106–100).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment:

H.R. 1175. A bill to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 35. A concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments and an amended preamble:

S. Res. 109. A resolution relating to the activities of the National Islamic Front government in Sudan.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 119. A resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution ES–10/6.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 129. An original resolution authorizing expenditures for years October 1, 1999 to September 30, 2000 and October 1, 2000 to February 28, 2001, by the Committee on Energy and Natural Resources.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 36. A concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a committee was submitted on June 29, 1999:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Timothy Fields, Jr., of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

The following executive reports of a committee were submitted on June 30, 1999:

By Mr. HELMS, for the Committee on Foreign Relations:

Melvin E. Clark, Jr., of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1999.

Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

Donald Lee Pressley, of Virginia, to be an Assistant Administrator of the Agency for International Development.

Richard Holbrooke, of New York, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Richard C.A. Holbrooke.

Post: US Ambassador to the United Nations.

Nominated: February 10, 1999.

Contributions:

(1) Self: (see attached sheet).

(2) Spouse: Kati Marton—None.

(3) Children: Anthony Holbrooke—None; David Holbrooke—None.

(4) Parents: Trudi Kearl—None; Dan Holbrooke (deceased)—None.

(5) Grandparents (deceased)—None.

(6) Brothers and Spouses: Andrew Holbrooke—None; Vivian Holbrooke—None.

(7) Sisters and Spouses: N/A.

Richard Holbrooke Political Contributions:

June 20, 1996: $2,000.—Swett for Senate.

August 27, 1996: $1,000.—Torricelli for Senate.

September 18, 1996: $1,000.—Victory '96 (NYSDC).

September 1996: $10,000.—Victory '96 (Dem. Natl Comm.).

October 30, 1996: $1,000.—Friends of Schumer.

April 10, 1997: $1,000.—A Lot of Support for Tom Daschle.

October 10, 1997: $1,000.—Mikulski for Senate.

November 7, 1997: $1,000.—The Kerry Committee.

November 10, 1997: $1,000.—Friends of Barbara Boxer.

December 2, 1997: $2,000.—Schumer '98.

December 12, 1997: $1,000.—Chris Dodd for Senate.

January 8, 1998: $1,000.—Tom Lantos for Congress.

April 6, 1998: $1,000.—Kennedy for Senate.

April 21, 1998: $1,000.—The Moynihan Committee.

April 23, 1998: $500.—Mondale for Governor.

June 1998: $500.—Mondale for Governor.

John David Holum, of Maryland, to be Under Secretary for Arms Control and International Security, Department of State, (New Position)

David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Donald W. Keyser, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for Rank of Ambassador during tenure of service as Special Representative of the Secretary of State for Nagorno-Karabakh and New Independence States Regional Conflicts.

Larry C. Napper, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for Rank of Ambassador during tenure of service as Coordinator of the Support for East European Democracy (SEED) Program.

Frank Almaguer, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Frank Almaguer.

Post: Ambassador to Honduras.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions:

1. Self Frank Almaguer: See attachment.
2. Spouse Antoinette Almaguer: None.
3. Children Names: Francisco Daniel Almaguer—None; Nina Suzanne Almaguer—None.
4. Parents, Names: Francisco Almaguer—Deceased; Eusebia Vera—None.
5. Grandparents: All deceased since the 50's or earlier.
6. Brothers and Spouses: None.
7. Sisters and Spouses, Names: Beatriz Manduley—See attachment; Octavio Manduley—See attachment; Miriam Leiva—See attachment; Fernando Leiva—See attachment.

FEDERAL CAMPAIGN CONTRIBUTION REPORT ATTACHMENT

Nominee: Frank Almaguer.

Contributions amount, date, donee:

$30.00, 11/25/94, DNC.
35.00, 02/11/95, DNC.
30.00, 07/22/95, Clinton-Gore '96.
30.00, 12/16/95, DNC.
35.00, 01/28/96, DSCC.
10.00, 09/01/96, DNC.
35.00, 02/25/97, DSCC.
30.00, 02/28/97, DNC.
30.00, 10/17/97, DNC.
30.00, 12/07/97, DNC.
0.00, 1998, None.

$295.00 in Federal campaign contributions since 1/1/94.

Plus state/local: $50.00, 11/04/95, VA Demo. Victory Fund.

Sisters and spouses:

Beatriz & Octavio Manduley: Mr. & Mrs. Manduley have informed me that the Federal Electoral Commission has no record of their contributions and that they have not kept their own records. However, they estimate that they have jointly contributed between $25 and $50 to each of the re-election campaigns (94,96,98) of Congressman Howard Coble (R, NC) and, in 1996, of Senator Jesse Helms (R, NC).

Miriam & Fernando Leiva: I have requested Mr. and Mrs. Leiva to provide me with the required information. They have not been available to give me a formal response. However in a conversation last Oct. 30, they told me that they made only token contributions to political campaigns, and only on rare occasions.

John R. Hamilton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: John R. Hamilton.

Post: Peru.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents Names: Susan G. Hamilton (mother)—None; John P. Hamilton (father, deceased) (1992).
5. Grandparents Names: Milbrey Gordon—grandmother, deceased (1972); James Gordon— grandfather, deceased (1930); Joshua P. Hamilton—grandfather, deceased (1967); Margaret LeSuer—grandmother, deceased (1950).
6. Brother and Spouses: Joshua P. Hamilton, brother—None; Judy Jones Hamilton, spouse—None; James G. Hamilton, brother—None; Brenda Hamilton, spouse—None; Joseph L. Hamilton, brother—None; Katherin Hamilton, spouse—None.
7. Sister and Spouse: Mary Louisa Blair, sister—None; Thom W. Blair, Jr., spouse—None.

Gwen C. Clare, of South Carolina, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Gwen Cavanagh Clare.

Post: Sao Paulo, Brazil.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions:

1. Self: None.
2. Spouse, Daniel H. Clare, III: None.
3. Children and Spouses Names: Daniel H. Clare, IV—None; Monica C. Clare—None.
4. Parents Names: Dorothy H. Southworth; Gilbert L. Southworth (stepfather); Walter J. Cavanagh (deceased). On and off over the years, my parents have made small contributions to the Republican Party—unsure of amount.
5. Grandparents Names: deceased.
6. Brother and Spouses Names: Gilbert L. Southworth, Jr.—None.
7. Sisters and Spouses: Barbara S. Southworth—None.

Oliver P. Garza, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Oliver P. Garza.

Post: Nicaragua.

The following list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions:

1. Oliver P. Garza: None.

2. Spouse: Yolanda D. Garza: None.

3. Children and spouses: Desiree Denise Garza Bell and spouse, David Bell—none; Melissa Jo Garza—none; Christopher Marc Garza and spouse, Virginia Garza—none; J. Gregory Garza and spouse, Margaret Garza—none.

4. Father: Mike M. Garza—Deceased; Mother: Ruth P. Garza, none.

5. Grandfather: Geronimo Pastrano, none; Grandmother: Nickolasa Pastrano, none.

6. Brother: Margarito P. Garza and spouse, Emma Jean Garza—none; Brother: Rudy P. Garza and spouse, Yolanda Garza—none.

7. Sisters: N/A.

Joyce E. Leader, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Joyce E. Leader.

Post: Republic of Guinea.

The following list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses: None.

4. Parents: Barbara B. Worrel—deceased; Leland E. Leader—deceased; William J. Worrel (stepfather)—$100, 1987, Republican Party.

5. Grandparents: Helen and Edgar Biecher—deceased; Viola and Burleigh Leader—deceased.

6. Brothers and spouses: Stephen W. (stepbrother) and Pat Worrel—none.

7. Sisters and spouses: Susan J. Worrel (stepsister), divorced—none; Janice K. and Terrence Ahern—$25/$25, 1996/1997 Nat's Republican Committee; $150/$75, 1996/1997 Local Republican Committee.

David B. Dunn, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Nominee: David B. Dunn.

Post: Lusaka.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—Amount, date, donee:

1. Self: None.

2. Spouse: Maria-Elena Dunn, none.

3. Children: Thomas and Brian Dunn, none.

4. Parents: Elmer Dunn—$30, 10/12/94, Rep. Ntl. Comm.; $55, 12/12/95, Rep. Ntl. Comm.; $50, 1/10/97, Rep. Ntl. Comm.; $50, 12/17/97, Rep. Ntl. Comm.; $25, 6/11/96, Calif. Rep. Party; $25, 1/10/97, Calif. Rep. Party; $25, 2/11/98, Calif. Rep. Party.

5. Grandparents: Morris and Frances Dunn, deceased; Thomas and Susan Hill, deceased.

6. Brothers and spouses: Stephen and Jeannette Dunn, none.

7. Sisters and spouses, NA.

M. Michael Einik, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: M. Michael Einik.

Post: Skopje, FYROM.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions—Amount, date, donee:

1. Self: none.

2. Spouse: none.

3. Children and spouses: Nurit, Daniella and Eyal Einik, none.

4. Parents: Minna Einik, none; Isaac Einik, deceased.

5. Grandparents: All deceased in WWII.

6. Brothers and spouses: N/A.

7. Sisters and spouses: Eileen Marcus—$100.00, last five years, does not recall; Zvi Marcus, none.

Mark Wylea Erwin, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Islamic Republic of the Comoros and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Mark Wylea Erwin.

Post: Ambassador to the Republic of Mauritius, the Republic of Seychelles, and to the Federal Islamic Republic of the Comoros.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accuarate.

Contributions:

1. Self: see attached.

2. Spouse: Joan Erwin, see attached.

3. Children: Jennifer, and Melissa, None.

4. Parents: Mark L. Erwin and Joan Berube, deceased.

5. Grandparents: C.H. and Zuba Freeman, deceased.

6. Brothers: Mallory Edgar, deceased.

7. Sisters and spouses: Pam Morrell & B.L., see attached.

Political Contributions, Mark W. Erwin

1994:

Sue Myrick for Congress, $200.00, 02/09/94.

Belk Campaign, $250,00, 02/22/94.

Sue Myrick Campaign (Joan), $800,00, 05/10/94.

David Price for Congress, $100.00, 05/26/94.

David Price Campaign, $150.00, 06/09/94.

Bill Hefner for Congress, $250.00, 06/27/94.

Burroughs for Judge, $500.00, 06/28/94.

Lancaster of Congress, $250.00, 07/21/94.

Charlie Rose for Congress, $250.00, 08/03/94.

John Spratt for Congress Committee, $200.00, 08/10/94.

Martin Nesbitt Campaign, $100.00, 08/16/94.

Judge S. Thompson Campaign, $100.00, 08/25/94.

Maggie Lauterer Campaign, $100.00, 09/20/94.

John Spratt for Congress, $500.00, 10/21/94.

Richard Moore for Congress, $250.00, 10/25/94.

1995:

Clinton Campaign, $1,000.00, 04/27/95.

Charlie Sanders for Senate, $250.00, 05/04/95.

Clinton-Gore '96 (Joan Erwin), $1,000.00, 06/00/95.

Sue Myrick for Congress, $250.00, 08/04/95.

Close for U.S. Senate, $500.00, 11/20/95.

Charlie Sanders for Senate, $750.00, 12/06/95.

1996:

Bob Etheridge Campaign, $200.00, 05/09/96.

Committee to Re-elect Sue Myrick, $1,000.00, 05/10/96.

North Carolina Democratic Committee, $1,000.00, 07/22/96.

Close for U.S. Senate, $500.00, 07/22/96.

Victory '96, $1,500.00, 08/14/96.

Close for U.S. Senate, $500.00, 09/25/96.

Bill Hefner Campaign, $250.00, 10/28/96.

John Spratt for Congress Committee, $500.00, 11/13/96.

1997:

CFANSS–PAC, $400.00, 04/02/97.

NCSC, $1,000.00, 08/25/97.

Fritz Hollings Campaign, $500.00, 08/27/97.

DCCC, $1,000.00, 10/09/97.

Committee to Elect Mike Jackson, $100.00, 10/16/97.

South Carolina Democratic Party, $250.00, 10/24/97.

D.G. Martin for U.S. Senate Committee, $1,000.00, 11/20/97.

Friends of Chris Dodd, $1,000.00, 12/02/97.

Citizens to Elect David Young, $500.00, 12/11/97.

1998:

Price for Congress, $100.00, 01/08/98.

The Committee to Reelect Loretta Sanchez, $200.00, 01/13/98.

Hayes for Congress, $500.00, 01/20/98.

Bob Bell for Judge, $50.00, 03/17/98.

Clayton for Congress Committee, $100.00, 04/06/98.

Sue Myrick for Congress, $1,000.00 04/23/98.

Robin Hays for Congress, $500.00, 04/28/98.

Gephardt in Congress Committee, $1,000.00, 06/16/98.

Bob Etheridge for Congress Committee, $500.00, 07/06/98.

Victory in North Carolina, $2,000.00, 07/28/98.

Mike Jackson for Congress, $200.00, 08/03/98

Sue Myrick for Congress, $1,000.00, 08/25/98.

Leadership '98, $5,000.00, 08/00/98.

Bob Bell for Judge, $100.00, 09/08/98.

Mel Watt for Congress, $1,000.00, 9/10/98.

John Spratt for Congress, $1,000.00, 10/14/98.

ADP/Senate Campaign, $5,000.00, 10/98.

Political Contributions, Pam Morrell (sister)

1994:

RPAC, $99.00.

1995:

Clinton-Gore '96 Primary, $1,000.00, 06/22/95.

Close for U.S. Senate, $250.00, 11/10/95.

RPAC, $208.00.

1996:

Clinton-Gore '96 Gen. Election, $1,000.00, 08/16/96.

Spratt for Congress, $500.00, 06/29/96.

DNC Serices Corp/DNC, $600.00, 09/05/96.

RPAC, $198.00.

1997:

RPAC, $250.00.

1998:

Spratt for Congress, $250.00, 03/25/98.

Spratt for Congress, $500.00, 10/03/98.

RPAC, $100.00.

Christopher E. Goldthwait, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Christopher E. Goldthwait.

Post: Chad.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions:

1. Self: None.
2. Spouse: None.
3. Children and spouses: None.
4. Parents: Elizabeth and John Goldthwait—None.
5. Grandparents: None.
6. Brothers and spouses: None.
7. Sisters and spouses: None.

Joseph Limprecht, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Joseph Limprecht.

Post: Albania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self—None.
2. Spouse—None.
3. Children and Spouses, Names: Alma Limprecht and Eleanor Limprecht—None.
4. Parents Names: Marjorie Limprecht—None.
5. Grandparents Names: N/A.
6. Brothers and Spouses Names: N/A.
7. Sisters and Spouses Names: Jane Limprecht—$100.00—1995-98—Va. Democratic Party.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Prudence Bushnell.

Post: Republic of Guatemala.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self—None.
2. Spouse: Richard A. Buckley—None.
3. Children and Spouses Names: Patrick Michael Buckley—None; Kathleen Mary Buckley—None; Thomas Francis Buckley—$900—1995—Republican Party; Delia Maria Buckley—None; Eileen Marie Buckley Mannion—None.
4. Parents Names: Bernice & Gerald Bushnell—$50/year—1995-97—Democratic Party.
5. Grandparents Names: Frank & Edna Duflo—Deceased; Sherman & Ethel Bushnell—Deceased.
6. Brothers and Spouses Names: Peter Bushnell/Elsie Gettleman—None; Jonathan Bushnell/Judy Fortam—None.
7. Sisters and Spouses Names: Susan Bushnell/John F.X. Murphy—$150/year—1995-1998—Republican Party.

Donald Keith Bandler, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Donald Keith Bandler.

Post: Ambassador to Cyprus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self, Donald Keith Bandler—None.
2. Spouse, Jane Goldwin Bandler—None.
3. Children and Spouses Names: Lara Goldwin Bandler—None; Jillian Goldwin Bandler—None; Jeffrey Isidor Goldwin Bandler—None.
4. Parents Names: Fred Bandler, (deceased); Estelle Cooper Bandler—None.
5. Grandparents Names: Isidor Bandler (deceased), Fanny Bandler (deceased), Samuel Cooper (deceased), Anna Cooper (deceased).
6. Brothers and Spouses Names: NA.
7. Sisters and Spouses Names: Beth Bandler—None; Amy Bandler Garfinkel—None; Donald Garfinkel—None.

Johnnie Carson, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Johnnie Carson.

Post: Ambassador, Republic of Kenya, Nominated: December 1998.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self—None.
2. Spouse—None.
3. Children and Spouses Names: (Elizabeth, Michael, Katherine)—None/None/None.
4. Parents Names: Dupree Carson, Deceased/None; Aretha Rhodes Carson, Deceased/None.
5. Grandparents Names: Tobby Rhodes, Deceased/None; Elizabeth Rhodes, Deceased/None.
6. Brothers and Spouses Names: Ronald Carson, Deceased; Arthur Carson, None.
7. Sisters and Spouses Names: Barbara Carson, Deceased.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Thomas J. Miller.

Post: Ambassador to Bosnia and Herzegovina.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

Self—None.

Spouse: Bonnie Stern Miller—None.

Children (Spouses): Julie Michelle Miller (single)—None; Eric Robert Miller (single)—None.

Parents: Louis R. Miller, Jr.—None; Barbara S. Mason—None.

Grandparents: M/M Sam Shure (deceased)—None; M/M Louis R. Miller (deceased)—None.

Brothers (Spouses): Louis R. Miller (Sherry):

1,000.00—8/96—Pete Wilson
1,000.00—1998—Janice Hahn

M/M Richard M. Miller (Kathan)—None; Bruce D. Miller (single)—None.

Sisters (Spouses): None.

Bismarck Myrick, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Bismarck Myrick.

Post: Liberia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self, Bismarck Myrick.
2. Children and Spouses: Bismarck Myrick, Jr.—None; Wesley Todd Myrick—None; Allison Elizabeth Myrick—None.
3. Parents: Elizabeth Lee Land—Deceased; Maceo Lee Myrick—Deceased.
4. Grandparents: Emmanuel Myrick—Deceased.
5. Brothers and Spouses: James M. Lee—None.
6. Sisters and Spouses: Carol Myrick Kitchen—None; Steve Kitchen—None; Emily D. Thomas—None.

Michael D. Metelits, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Michael D. Metelits.

Post: Ambassador to Cape Verde.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee

1. Self: Michael Metelits—None.
2. Spouse: Maria Metelits—None.
3. Children and Spouses Names: Gabriella Metelits—None.
4. Parents Names: Betty and Bernard Metelits—None.
5. Grandparents Names: Deceased—N/A.
6. Brothers and Spouses Names: Stephen Arthur and Robert Joseph Metelits—N/A.
7. Sisters and Spouses Names: None.

I have requested this information and brothers (and the only spouse) declined to respond.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. **HELMS**. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the Records of January 19, 1999, March 24, 1999, April 12, 1999, May 18, 1999 and May 26, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

In the Foreign Service nomination of Peter S. Wood, which was received by the Senate and appeared in the Congressional Record of January 19, 1999.

In the Foreign Service nominations beginning Brian E. Carlson, and ending Leonardo M. Williams, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 1999.

In the Foreign Service nominations beginning Dale V. Slaght, and ending Eric R. Weaver, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 1999.

In the Foreign Service nominations beginning Johnny E. Brown, and ending Mee Ja Yu, which nominations were received by the Senate and appeared in the Congressional Record of April 12, 1999.

In the Foreign Service nomination of Stephen A. Dodson, which was received by the Senate and appeared in the Congressional Record of May 18, 1999.

In the Foreign Service nominations beginning Karen Aguilar, and ending Laurie M. Kassman, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

In the Foreign Service nominations beginning Constance A. Carrino, and ending Ruth H. VanHeuven, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 1999.

In the Foreign Service nominations beginning Jay M. Bergman, and ending Robin Lane White, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mr. Dodd, Mr. Kennedy, Mr. Daschle, Mr. Feingold, Mr. Harkin, Mr. Lautenberg, Mr. Inouye, Mr. Wellstone, Mr. Kerry, Mr. Akaka, and Ms. Mikulski): S. 1304. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the academic school activities of their children or to participate in literacy training, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMAS (for himself and Mr. Enzi): S. 1305. A bill to amend the Endangered Species Act of 1973 to improve the process for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. Durbin, Mrs. Feinstein, Mr. Kennedy, Mrs. Boxer, Mr. Levin, and Mr. Lautenberg): S. 1306. A bill to amend chapter 44 of title 18, United States Code, relating to the regulation of firearms dealers, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. Hatch, and Mr. McConnell): S. 1307. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself and Mr. Breaux): S. 1308. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants; to the Committee on Finance.

By Mr. SESSIONS: S. 1309. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. Bond, Mr. Levin, Mr. Bennett, Mr. Santorum, Mrs. Hutchison, Mr. Torricelli, Mr. Lugar, Mr. Allard, Mr. Specter, Mr. Edwards, Mr. Brownback, Mr. Lautenberg, Mr. Cochran, Mr. Enzi, Mr. Frist, Mr. Helms, and Mr. Abraham): S. 1310. A bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI: S. 1311. A bill to direct the Administrator of the Environmental Protection Agency to establish an eleventh region of the Environmental Protection Agency, comprised solely of the State of Alaska; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:

S. Res. 128. A resolution designating March 2000, as "Arts Education Month"; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. Res. 129. An original resolution authorizing expenditures for years October 1, 1999 to September 30, 2000 and October 1, 2000 to February 28, 2001, by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. GRAHAM (for himself, Mr. DeWine, Mr. Dodd, Mr. Biden, and Mr. Lugar):

S. Res. 130. A resolution expressing the sense of the Senate that Haiti should conduct free, fair, transparent, and peaceful elections; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. Daschle, Mr. Moynihan, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Bryan, Mr. Byrd, Mr. Cleland, Mr. Conrad, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Harkin, Mr. Hollings, Mr. Inouye, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Mr. Torricelli, Mr. Wellstone, and Mr. Wyden):

S. Res. 131. A resolution relating to the retirement of Ron Kavulick; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. Dodd, Mr. Kennedy, Mr. Daschle, Mr. Feingold, Mr. Harkin, Mr. Lautenberg, Mr. Inouye, Mr. Wellstone, Mr. Kerry, Mr. Akada, and Ms. Mikulski):

S. 1304. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the academic school activities of their children or to participate in literacy training, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TIME FOR SCHOOLS ACT OF 1999

Mrs. **MURRAY**. Mr. President, in 1993, thanks to the hard work of Senator Dodd and others, we passed the Family and Medical Leave Act (FMLA). It was one of the first pieces of legislation that I was intimately involved in passing. During the last six years we've come to realize that it has been a huge success. In fact, as we come to the close of the decade we can honestly say that FMLA has been one of the more useful laws we've passed in the last ten years.

Now I want to expand upon that success and allow parents a little bit of time under the current time constraints of FMLA to participate in school activities. The "Time for Schools Act of 1999" will allow a parent 24 hours per year to participate in the academic activities of his or her child. This 24 hour period comes from the already available 12 weeks under FMLA.

This is something our country needs. Parents overwhelmingly want more time to support their children in school. Businesses thrive when our schools produce well-trained graduates—and parental involvement helps kids succeed.

As a parent, I know how difficult and how important it is to participate in the education of children. I have been lucky to have had the opportunity to be involved in the school lives of my children. But many parents don't have the time it takes to do those little things that will assure their child's success in school, because they can't get away from their jobs.

By adding academic school activities to one of our most successful laws, we will give parents something they need: time off to become directly involved with their children's learning.

These days we have many dual-income families and single parents struggling to work to make ends meet. All of these families know how important it is to be involved in their children's learning. However, the single largest barrier to parental involvement at schools seems to be lack of time.

Studies have shown that family involvement is more important to student success than family income or family education levels. In fact, things parents can control, such as limiting excess television watching and providing a variety of reading materials, account for almost all the differences in average student achievement across states.

All sectors of our communities want more time for young people. Students, teachers, parents and businesses feel something must be done to improve family involvement. In fact, 89 percent of company executives identified the biggest obstacle to school reform as the lack of parental involvement.

And, a 1996 post-election poll commissioned by the national PTA found that 86 percent of people favor legislation that would allow workers unpaid leave to attend parent-teacher conferences, or to take other actions to improve learning for their children.

A commitment to our children is a commitment to our nation's future. I want to make sure all young people receive the attention they need to succeed.

My legislation will allow parents time to: (1) attend a parent/teacher conference; (2) participate in classroom educational activities; or (3) research new schools.

I look at the Family and Medical Leave Act—which has helped one in six American employees take time to deal with serious family health problems, and which 90 percent of businesses had little or no cost implementing—and I see success. People in my state have been able to deal with urgent family needs, without losing their jobs.

A 1998 study by the Families and Work Institute found that 84% of employers felt that the benefits of providing family or medical leave offset or outweigh the costs. Taking time out for children not only helps parents and children, but is also beneficial to business.

My bill extends the uses of family leave to another urgent need families face—the need to help their children learn. The time is right for the "Time for Schools Act."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Time for Schools Act of 1999".

SEC. 2. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) DEFINITIONS.—In this paragraph:

"(i) FAMILY LITERACY PROGRAM.—The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) LITERACY.—The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 3. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) In this paragraph:

"(i) The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 4. EFFECTIVE DATE.

This Act takes effect 120 days after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, it is a privilege to join in sponsoring The Time for Schools Act of 1999, and I commend Senator MURRAY for her impressive leadership. This legislation will provide parents with much-needed assistance as they struggle to balance the needs of their children and the demands of their jobs.

Six years ago, the Family and Medical Leave Act became the first bill signed into law by President Clinton. Workers covered by the law can take up to 12 weeks of unpaid leave a year in order to care for a newborn or adopted child, or a seriously ill family member, and know that their jobs will be there when they get back.

By any measure, the Family and Medical Leave Act has been a resounding success. Over 89 million Americans—70% of the workforce—are covered by the law, and millions of workers have been able to take the time they need to care for their families. The vast majority of covered employers—over 90%—have found the law relatively easy to administer, according to the bipartisan Commission on Family and Medical Leave.

Now it is time to take another step, and extend that success to enable parents to take up to 24 hours of unpaid family leave a year to be involved in their children's academic activities at school. I am proud that, under state law, parents in Massachusetts know they can take care of their children's school needs without losing their jobs. We should give all parents across the nation that right under federal law, too.

Parents play a crucial role in their children's lives. But too often, society offers them only barriers and blame as they try to raise their children. While we hear a lot of talk about family values, the test is whether we genuinely value families. If we do, then we must adopt better policies to help working parents balance the competing demands of the workplace and their responsibility to care for their children.

We know that working parents want to be more involved in their children's lives. In a study by the PTA, two-thirds of employed parents with children under 18 felt they did not have enough time to spend with their children. Forty percent felt they weren't devoting enough time to their children's education. Almost a quarter reported that attending teacher-parent conferences created problems at work.

We know that involved parents increase the likelihood of a child's success at school. According to some studies, it may be the single most important factor in student learning. One study showed that the involvement of both parents in their child's school was significantly associated with the child's academic achievement.

The Time for Schools Act will give working parents up to 24 hours of leave a year to participate in their children's school activities, such as attending parent-teacher conferences, taking part in classroom educational activities, or selecting the right school for their children.

Responsible employers know that flexible family workplace policies mean better, more productive workers. These policies are good for families, and good for business. In 1998, survey by the Families and Work Institute reported that the overwhelming majority of employers—84%—agree that the benefits of family or medical leave offset the costs.

The advantage of this legislation to employers are clear. A mother or father worried about how a child is doing at school is a less effective employee. The 24 hours of leave granted under this Act will be counted towards the 12 weeks of leave already provided under the Family and Medical Leave Act. In addition, workers must give employers a week's notice, except in emergencies. As a result, the legislation will have only a minimal impact on employers.

The tragedies we have witnessed at schools in recent years demonstrate how important it is for parents to pay attention to how children are doing at school. When this bill becomes law, workers will know they don't have to stop being parents when they go to work. They can be good parents at school, as well as after school.

Again, I commend Senator MURRAY for her leadership on this important measure, and I look forward to working with her to enact it as soon as possible this year.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1305. A bill to amend the Endangered Species Act of 1973 to improve the process for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

LISTING AND DELISTING REFORM ACT OF 1999

Mr. THOMAS. Mr. President, I rise today to introduce the Listing and Delisting Reform Act of 1999, cosponsored by my colleague from Wyoming, Senator ENZI. The Endangered Species Act has become one of the best examples of good intentions gone astray, and so today I am taking one small step toward injecting some common sense into what has become a regulatory nightmare. It is my intention to start making the law more effective for local landowners, public land managers, communities and state governments who truly hold the key to any successful effort to conserve species. My legislation seeks to improve the listing, recovery planning and delisting processes so that recovery, the goal of the act, is easier to achieve.

In Wyoming, we have seen first hand the need to revise the listing and delisting processes of the Endangered Species Act. Listing should be a purely scientific decision. Listing should be based on credible data that has been peer-reviewed. Recently, the Prebles Meadow Jumping Mouse was listed in the State of Wyoming. The listing process for this mouse demonstrates how the system has gone haywire devoid of good science. One of the more significant shortcomings of the Preble's Rule relates to confusion about claims regarding the "known range" of as opposed to the alleged "historical range." Historical data and current knowledge do not support the high, short-grass, semi-arid plains for southeastern Wyoming as part of the mouse's historical habitat range. The U.S. Fish and Wildlife Service has even admitted to uncertainties regarding taxonomic distinctions and ranges. Further, the State was not properly notified causing counties, commissioners, and landowners all to be caught off guard. Such poor practices do not foster the types of partnerships that are required if meaningful species conservation is to occur. Clearly, changes are desperately needed to the Endangered Species Act.

Not far behind the mouse in Wyoming, is the black tailed prairie dog. Petitions to list the prairie dog have been filed and the U.S. Fish and Wildlife Service has said the petition is not only warranted but deserves further study. I have lived in Wyoming most of my life, and I have logged a lot of miles on the roads and highways in my State over the years. I can tell you from experience that there is no shortage of prairie dogs in Wyoming. Any farmer or rancher will concur with that opinion. This petition, and countless other actions throughout the country, makes it painfully clear that some folks are intent on completely eliminating activity on public lands, no matter what the cost to individuals or local communities that rely on the land for economic survival.

My legislation will require the Secretary of the Interior to use scientific or commercial data that is empirical, field tested and peer-reviewed. Right now, it is basically a "postage stamp" petition: any person who wants to start a listing process may petition a species with little or no scientific support. This legislation prevents this absurd practice by establishing minimum requirements for a listing petition that includes an analysis of the status of the species, its range, population trends and threats. The petition must also be peer reviewed. In order to list a species, the Secretary must determine if sufficient biological information exists in the petition to support a recovery plan. Under my proposal, states are made active participants in the process and the general public is provided a more substantial role.

This legislation requires explicit planning and forethought with regard to conservation and recovery at the time the species is listed. Let me be clear about the intent of this requirement. I do not question the basic premise that some species require the protection of the Endangered Species Act. However, listing a species can cause hardship on a community. For that reason, it is critically important and only reasonable that every listing be supported by sound science. We should be sure of the need for a listing before we ask the members of our communities and private landowners to make sacrifices.

In my State of Wyoming, I have found that with several listings, the Secretary of the Interior is unable to tell me what measures will be required to achieve species recovery. The Secretary cannot tell me what acts or omissions we can expect to face as a consequence of listing. How can this be, if the Secretary is fully apprized of the status of the species? Conversely, if the Secretary cannot clearly describe how to reverse threatening acts to a species so that we can achieve recovery, how can we be sure that the species is, in fact, threatened?

This ambiguity has caused much undue frustration to the people of Wyoming. If the Secretary believes that certain farming or ranching practices, or the diversion of a certain amount of water, or a private citizen's development of one's own property, is the cause for a listing, then the Secretary should identify those activities that have to be curtailed or changed. If the Secretary does not have enough information to indicate what activities should be restricted, then why list a species? Why open producers and others to the burden of over-zealous enforcement and even litigation without being able to achieve the goal of recovering the species?

This legislation is ultimately designed to improve the quality of information used to support a listing. If the Secretary knows enough to list a species, he should know enough to tell us what will be required for recovery. That should be the case under current law, and that is all that this provision would require.

Just as the beginning of the process needs changes, we need to revise the end of the process—the delisting procedure. Recovery and delisting are quite simply, the goals of the Endangered Species Act. Yet, it is virtually impossible to currently delist a species. There is no certainty in the process and the States—the folks who have all the responsibility for managing the species once it is off the list—are not true partners in that process. Once the recovery plan is met, the species should be delisted.

Wyoming's experience with the Grizzly Bear pinpoints some of the problems with the current delisting process. The Interagency Grizzly Bear Committee set criteria for recovery and in the Yellowstone ecosystem, those targets have been met, but the bear has still not been removed from the list. We've been battling the U.S. Fish and Wildlife Service for years over this one to noavail, despite tremendous effort and financial resources to meet recovery objectives. Despite rebounded populations, we keep funneling money down a black hole.

The point is something needs to be done. My constituents, rightly so, are angry and upset about this current law and the trickling effects of countless listings. Real lives are being impacted. It is time for some real changes. These are small changes but I believe they will make big impacts. The changes I have suggested will have a significant effect on the quality of science, public participation, state involvement, speed in recovery and finally the delisting of a species. Species that truly need protection will be protected, but let's not lose sight of the real goal—recovery and delisting.

By Mr. SCHUMER:

S. 1306. A bill to amend chapter 44 of title 18, United States Code, relating to the regulation of firearms dealers, and for other purposes; to the Committee on the Judiciary.

TARGETED GUN DEALER ENFORCEMENT ACT OF 1999

Mr. SCHUMER Mr. President, today I am introducing the "Targeted Gun Dealer Enforcement Act of 1999." This legislation would enable law enforcement to crack down on certain gun dealers and "straw purchasers" responsible for funneling firearms into the hands of those who use guns in crime.

A licensed gun dealer in West Milwaukee, Wisconsin was the retail source of 1,195 guns linked to crime between 1996 and 1998 Similarly, 1,176 crime guns recovered by law enforcement authorities over those three years were traced to a single gun dealer in Riverdale, Illinois In fact, 137 gun stores account for more than 13,000 crime guns seized in 1998 Year after year, many of these 137 dealers emerge as major sources of crime guns, even though most are not located in high-crime areas.

The path a gun takes to a crime scene is often a path of rapid diversion from first retail sale at federally licensed gun dealers to an illegal market supplying juveniles and felons According to a February 1999 ATF crime gun trace analysis report, "New guns in juvenile or criminal hands signal direct diversion, by illegal firearms trafficking—for instance through straw purchases or off the book sales by corrupt FFLs."

An extremely small percentage of gun dealers are disproportionately responsible for this problem of rapid diversion of guns from first retail sale to crime scenes Indeed, almost half of the guns recovered in crime and traced through ATF in 1998 are traceable to a mere 1.1 percent of the nation's licensed gun dealers Yet law enforcement's ability to prevent certain gun dealers and straw purchasers from supplying young people and felons with new guns for use in crime is constrained by current federal firearms law—which limits the records and sanctions to which law enforcement has ready access.

My legislation would give law enforcement the tools it needs to crack down on certain gun dealers and "straw purchasers" responsible for funneling firearms into the hands of those who use guns in crime The bill would, among other things, impose strict new reporting requirements and automatic sanctions for illegal activity upon the 0.4 percent of licensed gun dealers responsible for 25 or more crime gun traces in given year; authorize ATF to suspend the licenses of and impose civil monetary penalties upon licensed gun dealers who willfully violate federal firearms law; clearly outlaw and increase penalties for "straw purchasing"; and enable law enforcement more readily to trace the purchase-and-sale histories of firearms used in crime.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Targeted Gun Dealer Enforcement Act of 1999".

SEC. 2. REGULATION OF LICENSED DEALERS.

(a) Prohibition on Straw Purchases.—

(1) In general.—Section 922(a)(6) of title 18, United States Code, is amended by inserting ", or with respect to the identity of the person in fact purchasing or attempting to purchase such firearm or ammunition," before "under the".

(2) Penalties.—Section 924(a)(3) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a violation in relation to section 922(a)(6) or 922(d) by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector shall be subject to the penalties under paragraph (2) of this subsection.".

(b) Notification of State Law Regarding Carrying Concealed Firearms.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) Notification of State Requirements.—It shall be unlawful for a licensed dealer to transfer a firearm to any person, unless the dealer notifies that person whether applicable State law requires persons to be licensed to carry concealed firearms in the State, or prohibits the carrying of concealed firearms in the State.".

(c) Revocation or Suspension of License; Civil Penalties.—Section 923 of title 18, United States Code, is amended by striking subsections (e) and (f) and inserting the following:

"(e) Revocation or Suspension of License; Civil Penalties.—

"(1) In general.—The Secretary may, after notice and opportunity for hearing—

"(A) suspend or revoke any license issued under this section, if the holder of such license—

"(i) willfully violates any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter; or

"(ii) fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the licensed dealer shall not be considered to be in violation of the requirement to make available such a device);

"(B) suspend or revoke the license issued under this section to a dealer who willfully transfers armor piercing ammunition; and

"(C) assess and collect a civil penalty of not more than $10,000 per violation against any holder of a license, if the Secretary is authorized to suspend or revoke the license of that holder under subparagraph (A) or (B).

"(2) Liability.—The Secretary may at any time compromise, mitigate, or remit the liability with respect to any willful violation of this subsection or any rule or regulation prescribed by the Secretary under this subsection.

"(3) Review.—An action of the Secretary under this subsection may be reviewed only as provided in subsection (f).

"(4) Notification requirement.—Not less than once every 6 months, the Secretary shall notify each licensed manufacturer and each licensed dealer of the name, address, and license number of each dealer whose license was suspended or revoked under this section during the preceding 6-month period.

"(f) Rights of Applicants and Licensees.—

"(1) In general.—If the Secretary denies an application for, or revokes or suspends a license, or assesses a civil penalty under this section, the Secretary shall provide written notice of such denial, revocation, suspension, or assessment to the affected party, stating specifically the grounds upon which the application was denied, the license was suspended or revoked, or the civil penalty was assessed. Any notice of a revocation or suspension of a license under this paragraph shall be given to the holder of such license before the effective date of the revocation or suspension, as applicable.

"(2) Appeal Process.—

"(A) Hearing.—If the Secretary denies an application for, or revokes or suspends a license, or assesses a civil penalty under this section, the Secretary shall, upon request of the aggrieved party, promptly hold a hearing to review the denial, revocation, suspension, or assessment. A hearing under this subparagraph shall be held at a location convenient to the aggrieved party.

"(B) Notice of decision; appeal.—If, after a hearing held under subparagraph (A), the Secretary decides not to reverse the decision of the Secretary to deny the application, revoke or suspend the license, or assess the civil penalty, as applicable—

"(i) the Secretary shall provide notice of the decision of the Secretary to the aggrieved party;

"(ii) during the 60-day period beginning on the date on which the aggrieved party receives a notice under clause (i), the aggrieved party may file a petition with the district court of the United States for the judicial district in which the aggrieved party resides or has a principal place of business for a de novo judicial review of such denial, revocation, suspension, or assessment;

"(iii) in any judicial proceeding pursuant to a petition under clause (ii)—

"(I) the court may consider any evidence submitted by the parties to the proceeding, regardless of whether or not such evidence was considered at the hearing held under subparagraph (A); and

"(II) if the court decides that the Secretary was not authorized to make such denial, revocation, suspension, or assessment, the court shall order the Secretary to take such actions as may be necessary to comply with the judgment of the court.

"(3) Stay pending appeal.—If the Secretary suspends or revokes a license under this section, upon the request of the holder of the license, the Secretary shall stay the effective date of the revocation, suspension, or assessment.".

(d) Effect of Conviction.—Section 925(b) of title 18, United States Code, is amended by striking "until any conviction pursuant to the indictment becomes final" and inserting "until the date of any conviction pursuant to the indictment".

(e) Regulation of High-Volume Crime Gun Dealers.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

"(8) High-volume crime gun dealers.—

"(A) Definition.—In this paragraph, the term 'high-volume crime gun dealer' means any licensed dealer with respect to which a designation under subparagraph (B)(i) is in effect, as provided in subparagraph (B)(ii).

"(B) Designation of high-volume crime gun dealers.—

"(i) In general.—The Secretary shall designate a licensed dealer as a high-volume crime gun dealer—

"(I) as soon as practicable, if the Secretary determines that the licensed dealer sold, delivered, or otherwise transferred to 1 or more persons not licensed under this chapter not less than 25 firearms that, during the preceding calendar year, were used during the commission or attempted commission of a criminal offense under Federal, State, or local law, or were possessed in violation of Federal, State, or local law; or

"(II) immediately upon the expiration date of a suspension of the license of that dealer for a willful violation of this chapter, if such violation involved 1 or more firearms that were subsequently used during the commission or attempted commission of a criminal offense under Federal, State, or local law.

"(ii) Effective period of designation.—A designation under clause (i) shall remain in effect during the period beginning on the date on which the designation is made and ending on the later of—

"(I) the expiration of the 18-month period beginning on that date; or

"(II) the date on which the license issued to that dealer under this section expires.

"(C) Notification requirement.—Upon the designation of a licensed dealer as a high-volume crime gun dealer under subparagraph (B), the Secretary shall notify the appropriate United States attorney's office, the appropriate State and local law enforcement agencies (including the district attorney's offices and the police or sheriff's departments), and each State and local agency responsible for the issuance of business licenses in the jurisdiction in which the high-volume crime gun dealer is located of such designation.

"(D) Reporting and recordkeeping requirements.—Notwithstanding any other provision of this paragraph—

"(i) not later than 10 days after the date on which a handgun is sold, delivered, or otherwise transferred by a high-volume crime gun dealer to a person not licensed under this chapter, the high-volume crime gun dealer shall submit to the Secretary and to the department of State police or State law enforcement agency of the State or local jurisdiction in which the sale, delivery, or transfer took place, on a form prescribed by the Secretary, a report of the sale, delivery, or transfer, which report shall include—

"(I) the manufacturer or importer of the handgun;

"(II) the model, type, caliber, gauge, and serial number of the handgun; and

"(III) the name, address, date of birth, and height and weight of the purchaser or transferee, as applicable;

"(ii) each high-volume crime gun dealer shall submit to the Secretary, on a form prescribed by the Secretary, a monthly report of each firearm received and each firearm disposed of by the dealer during that month, which report shall include only the name of the manufacturer or importer and the model, type, caliber, gauge, serial number, date of receipt, and date of disposition of each such firearm, except that the initial report submitted by a dealer under this clause shall include such information with respect to the entire inventory of the high-volume crime gun dealer; and

"(iii) a high-volume crime gun dealer may not destroy any record required to be maintained under paragraph (1)(A).

"(E) Inspection.—Notwithstanding paragraph (1), the Secretary may inspect or examine the inventory and records of a high-volume crime gun dealer at any time without a showing of reasonable cause or a warrant for purposes of determining compliance with the requirements of this chapter.

"(F) Recordkeeping by local police departments.—Notwithstanding paragraph (3)(B), a State or local law enforcement agency that receives a report under subparagraph (D)(i) may retain a copy of that record for not more than 5 years.

"(G) LICENSE RENEWAL.—Notwithstanding subsection (d)(2), the Secretary shall approve or deny an application for a license submitted by a high-volume crime gun dealer before the expiration of the 120-day period beginning on the date on which the application is received.

"(H) EFFECT OF FAILURE TO COMPLY.—

"(i) IN GENERAL.—Notwithstanding subsection (e), the Secretary shall, after notice and an opportunity for a hearing—

"(I) suspend for not less than 90 days any license issued under this section to a high-volume crime gun dealer who willfully violates any provision of this section (including any requirement of this paragraph);

"(II) revoke any license issued under this section to a high-volume crime gun dealer who willfully violates any provision of this section (including any requirement of this paragraph) and who has committed a prior willful violation of any provision of this section (including any requirement of this paragraph); and

"(III) revoke any license issued under this section to a high-volume crime gun dealer who willfully violates any provision of section 922 or 924.

"(ii) STAY PENDING APPEAL.—Notwithstanding subsection (f)(3), the Secretary may not stay the effective date of a suspension or revocation under this subparagraph pending an appeal.".

SEC. 3. ENHANCED ABILITY TO TRACE FIREARMS.

(a) VOLUNTARY SUBMISSION OF DEALER'S RECORDS.—Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

"(4) VOLUNTARY SUBMISSION OF DEALER'S RECORDS.—

"(A) BUSINESS DISCONTINUED.—

"(i) SUCCESSOR.—When a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect that fact and shall be delivered to the successor. Upon receipt of those records, the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary.

"(ii) NO SUCCESSOR.—When a firearms or ammunition business is discontinued without a successor, records required to be kept by this chapter shall be delivered to the Secretary within 30 days after the business is discontinued.

"(B) OLD RECORDS.—A licensee maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old.

"(C) STATE OR LOCAL REQUIREMENTS.—If State law or local ordinance requires the delivery of records regulated by this paragraph to another responsible authority, the Secretary may arrange for the delivery of records to such other responsible authority."

(b) CENTRALIZATION AND MAINTENANCE OF RECORDS.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

"(9) CENTRALIZATION AND MAINTENANCE OF RECORDS BY SECRETARY.—Notwithstanding any other provision of law, the Secretary—

"(A) may receive and centralize any information or records submitted to the Secretary under this chapter and maintain such information or records in whatever manner will enable their most efficient use in law enforcement investigations; and

"(B) shall retain a record of each firearms trace conducted by the Secretary, unless the Secretary determines that there is a valid law enforcement reason not to retain the record.".

(c) LICENSEE REPORTS OF SECONDHAND FIREARMS.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

"(10) LICENSEE REPORTS OF SECONDHAND FIREARMS.—A licensed importer, licensed manufacturer, and licensed dealer shall submit to the Secretary, on a form prescribed by the Secretary, a monthly report of each firearm received from a person not licensed under this chapter during that month, which report shall not include any identifying information relating to the transferor or any subsequent purchaser.".

SEC. 4. GENERAL REGULATION OF FIREARMS TRANSFERS.

(a) TRANSFERS OF CRIME GUNS.—Section 924(h) of title 18, United States Code, is amended by inserting "or having reasonable cause to believe" after "knowing".

(b) INCREASED PENALTIES FOR TRAFFICKING IN FIREARMS WITH OBLITERATED SERIAL NUMBERS.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking "(k),"; and

(2) in paragraph (2), by inserting "(k)," after "(j),".

SEC. 5. AMENDMENT OF FEDERAL SENTENCING GUIDELINES.

The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by this Act.

Mr. DURBIN. Mr. President, I am happy to join my colleague Senator SCHUMER in introducing the "Targeted Gun Dealer Enforcement Act of 1999." This bill will give law enforcement the tools they need to prevent suspect gun dealers from supplying firearms to criminals and plaguing our communities with gun violence.

Guns kill 34,000 Americans every year—thirteen children every day. They kill more teen-agers than any natural cause.

This bill allows the Bureau of Alcohol Tobacco and Firearms (ATF) to closely monitor those gun dealers who they should be monitoring—the dealers who have had more than 25 crime guns traced to them in the last year.

The facts in Illinois are particularly compelling on this issue. In Illinois, 26 gun dealers account for more crime guns than the remaining 3,700 Illinois federally licensed gun dealers combined.

These figures show that while most gun dealers are law abiding and responsible, some shops have become "convenience stores" for criminals. Twenty-six dealers were the source of more than 1,600 crime guns with each dealer responsible for selling at least 25 guns used in crimes in 1998.

This bill will help law enforcement find out why these dealers are the source of guns later used to commit crimes. The bill will require high volume crime dealers to report handgun sales to ATF and local police. Law enforcement can then use these records to more effectively trace crime guns.

The bill will also encourage gun dealers to sell guns more responsively. In the Youth Crime Gun Interdiction Initiative, ATF found that many guns used by youths to commit crimes are purchased from licensed dealers by individuals acting as "straw" purchasers. A "straw purchaser" is a person who illegally purchases a firearm for another person, such as a juvenile or a felon.

This bill seeks to address that problem by prohibiting the sale of a firearm when a seller has "reason to know" that such firearm will be used to commit a crime of violence or a drug crime. Current law requires actual knowledge on the part of the dealer that the buyer will use the firearm to commit a crime of violence. This change will make it easier for law enforcement to target dealers who they believe are turning a blind eye in supplying guns to buyers under questionable circumstances.

In 1998, Chicago police officers conducted "Operation Gunsmoke," an investigation to target gun-sellers just outside the city limits. Seven undercover officers purchased 171 guns from 12 suburban gun stores in a three month period. Not one dealer refused to sell the agents weapons even as the agents openly violated laws needed to purchase firearms. This investigation was key to the City of Chicago's groundbreaking lawsuit against the gun industry on the theory of public nuisance.

We must act now to keep guns from getting into the hands of criminals. I applaud Senator SCHUMER's leadership on this issue and hope my colleagues will join us in this important effort to make our communities safer. The statistics show most gun dealers are responsible, but a few unscrupulous dealers are supplying criminals with guns that plague our communities.

By Mr. HARKIN (for himself, Mr. HATCH, and Mr. MCCONNELL):

S. 1307. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP VITAMIN AND MINERAL IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr. President, today I am pleased to be joined by Senator HATCH and Senator MCCONNELL in introducing the Food Stamp Vitamin and Mineral Improvement Act of 1999.

Mr. President, this bipartisan legislation is very simple and I believe makes just plain common sense. It would give those Americans using food stamps the ability to purchase vitamin and mineral supplements for themselves and their families.

The change called for in this legislation has been supported by a broad coalition of groups and nutrition experts.

For example, it is backed by the Alliance for Aging Research, the Spina Bifida Association of America, the National Osteoporosis Foundation and the National Nutritional Foods Association. Nutrition experts such as Dr. Paul Lachance, Chair of the Department of Food Science at Rutgers University, Dr. Jeffrey Blumberg of Tufts University, Dr. Charles Butterworth, Director of Human Nutrition at the University of Alabama Birmingham, and Dr. Dennis Heldman, Chair of the Department of Food Science and Human Nutrition at the University of Missouri have also called for making this common sense change to food policy.

Mr. President, I believe this legislation would contribute substantially to improving the nutrition and health of a segment of our society that too often falls below recommended levels of nutrient consumption.

Scientific evidence continues to mount showing that sound nutrition is essential for normal growth and cognitive development in children, and for improved health and the prevention of a variety of conditions and illnesses.

Studies have also shown, unfortunately, that many Americans do not have dietary intakes sufficient to meet even the conservative Recommended Daily Allowances or RDA's for a number of essential nutrients. Insufficient dietary intakes are especially critical for children, pregnant women and the elderly.

A recent study conducted by the Tufts University School of Nutrition, and based on government data, showed that millions of poor children in the United States have dietary intakes that are well below the government's Recommended Daily Allowance for a number of important nutrients. The study found that major differences exist in the intakes of poor versus nonpoor children for 10 out of 16 nutrients (food energy, folate, iron, magnesium, thiamin, vitamin A, vitamin B6, vitamin C, vitamin E, and zinc). Moreover, the proportion of poor children with inadequate intakes of zinc is over 50 percent; for iron, over 40 percent; and for vitamin E, over 33 percent.

For some nutrients, such as vitamin A and magnesium, the proportion of poor children with inadequate intakes is nearly six times as large as for nonpoor children.

Pregnant women also have high nutritional needs. Concerns about inadequate folate intake by pregnant women prompted the Public Health Service to issue a recommendation regarding consumption of folic acid by all women of childbearing age who are capable of becoming pregnant for the purpose of reducing the incidence of spina bifida or other neural tube defects. That is why this change has long been a priority of the Spina Bifida Association of America.

Furthermore, the percent of pregnant and nursing women who get the RDA level of calcium has dropped from just 24 percent in 1986 to a mere 16 percent in 1994. That's 84 percent of women who aren't getting enough calcium—which we know is critical to preventing the debilitating effects of osteoporosis.

And again, the evidence is that lower income women, many of whom are eligible for Food Stamps, are more likely to have inadequate intake of key nutrients. Women with income of 130 percent or less of the poverty level have higher rates of deficiencies in intake of Vitamins A, E, C, B–6 and B–12, as well as Iron, Thiamin, Riboflavin and Niacin than those with higher incomes.

Obviously, the best way to obtain sufficient nutrient intake is through eating a variety of nutritious foods, but some groups—particularly those at the greatest risk, including children, pregnant women and the elderly—may find it significantly difficult to obtain sufficient nutrient intake through foods alone. Accordingly, many people in our nation do rely on nutritional supplements to ensure that they and their families are consuming sufficient levels of key nutrients.

This legislation would enable low-income people to have greater access to nutritional supplements to improve their nutrient intake. Currently, recipients of food stamps are not allowed to use those resources to purchase nutritional supplements. This restriction clearly serves as an impediment to adequate nutrition for low-income people who may need supplements to ensure they are consuming sufficient levels of nutrients. It defies common sense.

This restriction also prevents food stamp recipients from exercising their own responsibility and choice to use food stamps for purchasing nutritional supplements that they determine are important to adequate nutrition for their children or themselves. It is a glaring inconsistency that food stamps may currently be used to purchase a variety of non-nutritious or minimally nutritious foods but not to purchase nutritional supplements. Incredibly, you can use Food Stamps to buy Twinkies, but not Vitamin C or a multivitamin.

Opponents of this legislation will argue that food stamps are most effectively used to improve nutrition through purchasing food rather than nutritional supplements, and that if food stamps may be used for nutritional supplements, households will be less able to stretch their resources to purchase sufficient quantities of food.

The available evidence indicates, however, that food stamp households actually make more careful and effective use of their resources in purchasing nutritious foods than consumers in general. Since food stamp households necessarily have a limited amount of money to spend on food—and generally already find it difficult to meet their food needs—they simply cannot afford to make unwise or unnecessary purchases of nutritional supplements using food stamps which would otherwise be used for food.

In addition, a month's worth of daily multivitamin supplements can cost as little as one can of soda. So I believe the concerns that food stamps will be wasted or unwisely used for nutritional supplements is unfounded.

Our proposal is also clearly consistent with the stated purpose of the Food Stamp program, that is to "promote the general welfare and to safeguard the health of the nation's population by raising the nutrition among low-income households."

So, Mr. President, I hope that my colleagues will join us in supporting this legislation designed to improve opportunities for low-income Americans to ensure adequate nutrition for their families and themselves. Simply put, if you think it doesn't make sense that Food Stamps can be used to buy twinkies and doughnuts but not Vitamin C or a daily multi-vitamin supplement, you should support this bipartisan legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Stamp Vitamin and Mineral Improvement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the dietary patterns of Americans do not result in nutrient intakes that fully meet recommended dietary allowances of vitamins and minerals;

(2) children in low-income families and the elderly often fail to achieve adequate nutrient intakes from diet alone;

(3) pregnant women have particularly high nutrient needs, which they often fail to meet through diet alone;

(4)(A) scientific studies show that nutritional supplements that contain folic acid (a B vitamin) can prevent as many as 60 to 80 percent of neural tube birth defects;

(B) the Public Health Service, in September 1992, recommended that all women of childbearing age who are capable of becoming pregnant should consume at least 0.4 of a milligram of folic acid per day for the purpose of reducing the risk of having a pregnancy affected with spina bifida or other neural tube birth defects; and

(C) the Food and Drug Administration has approved a health claim for folic acid to reduce the risk of neural tube birth defects;

(5) infants who do not receive adequate intakes of iron may be somewhat impaired in mental and behavioral development; and

(6) scientific evidence indicates that increasing intake of specific nutrients over an extended period of time protects against diseases or conditions such as osteoporosis, cataracts, cancer, and heart disease.

SEC. 3. USE OF FOOD STAMPS TO PURCHASE VITAMINS AND MINERALS.

Section 3(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2012(g)(1)) is amended by striking "or food product" and inserting ", food product, or nutritional supplement providing a vitamin or mineral".

By Mr. MURKOWSKI:

S. 1308. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants; to the Committee on Finance.

NUCLEAR DECOMMISSIONING FUND

Mr. MURKOWSKI. Mr. President, I am joined today by Senator JOHN BREAUX in introducing The Nuclear Decommissioning Funds Clarification Act. This change in the tax law is necessary because the electricity industry is rapidly moving from a regulatory monopoly model to the competitive marketplace.

In 1984, Congress enacted Code Section 468A which was designed to allow state public service commissions to authorize that future costs for decommissioning nuclear power plants could be charged by a utility to its customers to be dedicated to a nuclear decommissioning fund. Currently, utilities are permitted a deduction for contributions to their decommissioning funds. The amount that can be deducted is currently limited to the cost of service amount or the ruling amount. The cost of service amount is the amount of decommissioning costs included in the taxpayer's cost of service for ratemaking purposes. The ruling amount is the amount that the IRS determines to be necessary to provide for level funding of an amount equal to the taxpayer's nuclear decommissioning costs.

Since Section 468A was adopted, the electricity industry landscape has been substantially transformed. Since 1992, more than 20 states have approved plans to introduce competition and all states are considering deregulation. The Energy Committee which I chair has also held several hearings on Federal deregulation proposals and it is my hope that a federal deregulation bill will be adopted in this Congress.

Since deductible contributions made to a nuclear decommissioning fund are based on limitations reflected in cost-of-service ratemaking, companies operating in a competitive market can no longer deduct contributions to decommissioning funds. Our bill clarifies the deductibility of nuclear decommissioning costs in a market environment and codifies the definition of nuclear decommissioning costs that limit contributions.

This legislation also clarifies a number of tax issues relating to decommissioning funds to ensure that nuclear utilities can operate effectively in this new competitive environment.

By Mr. SESSIONS:

S. 1309. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; to the Committee on Health, Education, Labor, and Pensions.

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT OF 1999

Mr. SESSIONS. Mr. President, today I am introducing legislation to protect the health and pension benefits of thousands of clergy and lay workers. This legislation clarifies the regulatory status of church benefit programs and allows service providers to continue contracting with church plans.

Unfortunately, state insurance statutes, in all but three states, fail to address the legal status of these benefit programs. Thus, under some interpretations of state insurance law it is possible to conclude that these employer plans are subject to regulation as insurance companies. This uncertain legal status has caused service providers to refuse to contract with church plans—leaving these programs without the necessary tools to maximize benefits and reduce costs.

Recently, the Insurance Department of South Dakota informed the church benefits community that either federal or state legislation is necessary to exempt their programs from their state's insurance laws. With the possibility that 46 more states could make the same request, I believe the only practical solution is for Congress to clarify the status of these plans. That is what my legislation does.

Mr. President, my legislation is within the spirit of the National Securities Markets Improvement Act (NSMIA) of 1996 (P.L. 104-290) which not only exempted church plans from federal securities laws—providing the same treatment secular plans had previously enjoyed—but, also preempted state securities laws. This is not a unique idea. Similarly, the Internal Revenue Code includes numerous accommodations to the special circumstances of church plans. For example, the church plans which annuitize benefits are deemed not to be commercial insurers for purposes of maintaining their tax-exempt status.

Mr. President, I have heard from ministers in my state about the urgency to move this legislation expeditiously. Indeed, Bishop Wesley Morris of the United Methodist Church visited me about this very matter. It is supported by the Church Alliance, a coalition of more than 30 denominational benefit programs, including the Presbyterian Church in America, the Rabbinical Pension Board, the Christian Brothers Service, the United Church of Christ, The United Methodist Church, the Episcopal Church, the Southern Baptist Convention and many others.

While these denominations may disagree about certain theological issues, they are united in providing sound health care and pension programs to their ministers and lay workers. Furthermore, while there are differing opinions with the Senate, and among ourselves, about health care legislation, there should be no disagreement that we need to protect benefit plans that serve ministers and lay workers. It makes no sense to leave these programs at the mercy of 47 different insurance laws. Every person active in his or her church knows the rising cost of health care is a problem.

Mr. President, I want to clarify two points with respect to preemption of State laws as provided by this legislation. The exception that allows states to enact legislation applicable to church plans is intended to permit states to regulate church plans only if a specific statute is passed by a State legislature on a stand-alone basis and the sole purpose of the statute is to regulate church plans.

Furthermore, I want to point that this legislation is intended to permit insurance companies and other service providers to contract with church plans regardless of whether such church plans would have been treated as multiple-employer welfare arrangements under State law, if this legislation had not been enacted.

Mr. President, I urge the Senate to pass this measure.

By Ms. COLLINS (for herself, Mr. BOND, Mr. LEVIN, Mr. BENNETT, Mr. SANTORUM, Mrs. HUTCHISON, Mr. TORRICELLI, Mr. LUGAR, Mr. ALLARD, Mr. SPECTER, Mr. EDWARDS, Mr. BROWNBACK, Mr. LAUTENBERG, Mr. COCHRAN, Mr. ENZI, Mr. FRIST, Mr. HELMS, and Mr. ABRAHAM):

S. 1310. A bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Medicare Home Health Equity Act of 1999, which is designed to provide a measure of financial and regulatory relief for cost-efficient home health agencies across the country. These agencies are experiencing severe financial problems that are inhibiting their ability to deliver much-needed care, particularly to chronically ill seniors with complex needs.

America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable Medicare beneficiaries to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

In 1996, home health was the fastest growing component of Medicare spending, consuming one out of every eleven Medicare dollars, compared with one in every forty in 1989. The program grew at an average annual rate of more than 25 percent from 1990 to 1997. As a consequence, the number of home health beneficiaries more than doubled, and Medicare home health spending soared from $2.5 billion in 1989 to $18.1 billion in 1996.

This rapid growth in home health spending understandably prompted Congress and the Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to make the program more cost-effective and efficient. Therefore, there was widespread support for the provision in the Balanced Budget Act of 1997 which called for the implementation of a prospective payment system for home care. Until this system can be implemented, home health agencies are being paid according to an "interim payment system," or IPS.

In trying to get a handle on costs, however, Congress and the Administration created a system that penalizes efficient agencies and that may be restricting access for the very Medicare beneficiaries who need care the most—the sicker seniors with complex, chronic care needs like diabetic, wound care patients or IV therapy patients who require multiple visits.

Unfortunately, the "interim payment system" is critically flawed in that it effectively rewards the agencies that provided the most visits and spent the most Medicare dollars in 1994, the base year, while it penalizes low-cost, more efficient providers—and their patients. None of us should tolerate wasteful expenditures, but neither should we impede the delivery of necessary services by low-cost providers.

Home health agencies in the Northeast and the mid-West have been among those particularly hard-hit by the interim payment system. As the Wall Street Journal observed last year, "If New England had been just a little greedier, its home health industry would be a lot better off now—Ironically, the region is getting clobbered by the system because of its tradition of non-profit community service and efficiency."

Even more troubling, this flawed system may force our most cost-efficient providers to stop accepting Medicare patients with more serious health care needs. According to a recent survey by the Medicare Payment Advisory Commission, almost 40 percent of the home health agencies surveyed indicated that there were patients whom they previously would have accepted whom they no longer accept due to the IPS. Thirty-one percent of the agencies admitted that they had discharged patients due to the IPS. These discharged patients tended to be those with chronic care needs who required a large number of visits and were expensive to serve. As a consequence, these patients caused the agencies to exceed their aggregate per-beneficiary caps.

I simply do not believe that Congress and the Administration intended to construct a payment system that inevitably discourages home health agencies from caring for those seniors who need care the most. Last year's Omnibus Appropriations bill did provide a small measure of relief for home health agencies. This proposal did not, however, go far enough to relieve the financial distress that cost-effective agencies are experiencing.

These problems are all the more pressing given the fact that the Health Care Financing Administration was unable to meet its original deadline for implementing a prospective payment system. As a result, home health agencies will be struggling under the IPS far longer than Congress envisioned when it enacted the Balanced Budget Act.

Moreover, it now appears that Congress greatly underestimated the savings stemming from the BBA. Medicare spending for home health fell by nearly 15 percent last year, and the CBO now projects that post-BBA reductions in home care spending will exceed $47 billion in FY 1998–2002. This is a whopping three times greater than the $16 billion CBO originally estimated for that time period.

I recently chaired a Permanent Subcommittee on Investigations (PSI) hearing where we heard about the financial distress and cash-flow problems cost-efficient agencies across the country are experiencing. Witnesses expressed concern that these problems are inhibiting their ability to deliver much-needed care, particularly to chronically ill patients with complex needs. More than a thousand agencies have closed in the past year because the reimbursement levels under Medicare fell so far short of their actual operating costs. Others are laying off staff or declining to accept new patients with more serious health problems.

This points to the most central and critical issue—cuts of this magnitude cannot be sustained without ultimately affecting care for our most vulnerable seniors. At the PSI hearing, Barbara Smith, a senior research staff scientist with the Center for Health Services Research and Policy at George Washington University, testified that the preliminary findings of her studies suggest significant potential effects on beneficiaries, particularly those with unstable chronic care needs. Her research shows that these patients are being displaced from home care or are experiencing significant changes in services that appear to be driven by reimbursement policies rather than by clinical considerations. In her testimony, she stated:

> "My main concern is that we are carving out a wedge of people who are chronically ill and have intensive needs for services who are not going to have a reliable source of care in any sector. They are becoming the health care system's untouchables."

Moreover, the financial problems that home health agencies have been experiencing have been exacerbated by a number of new regulatory requirements imposed by HCFA, including the implementation of OASIS, the new outcome and assessment information data set; new requirements for surety bonds; sequential billing; IPS overpayment recoupment; and a new 15-minute increment home health reporting requirement. Witnesses at the PSI hearing expressed particular frustration about what Maryanna Arsenault, the CEO of the Visiting Nurse Service in Saco, Maine, termed HCFA's regulatory policy of "implement and suspend." They pointed to examples such as the hastily enacted requirements for surety bonds and sequential billing where no sooner had a mandate been put into an effect, than it was suspended but only after agencies had invested significant time and resources in compliance.

The legislation that my colleague from Missouri and I are introducing today, along with a bipartisan group of 16 of our colleagues, responds to these concerns. It makes needed adjustments to the Balanced Budget Act of 1997 and related federal regulations to ensure that Medicare beneficiaries have access to medically-necessary home health services.

Among other provisions, the bill eliminates the automatic 15 percent reduction in Medicare home health payments now scheduled for October 1, 2000, whether or not a prospective payment system is enacted. When the Balanced Budget Act was enacted, CBO reported that the effect of the BBA would be to reduce home health expenditures by $16.1 billion between fiscal years 1998 and 2002. CBO's March 1999 revised analysis estimates those reductions to exceed $47 billion—three times the anticipated budgetary impact. A further 15 percent cut would be devastating to cost-efficient providers and would further reduce seniors' access to care. Moreover, it is unnecessary since the budget target for home health outlays will be achieved, if not exceeded, without it.

The legislation will also provide supplemental "outlier" payments to home health agencies on a patient-by-patient basis, if the cost of care for an individual is considered to be significantly higher than average due to the patient's particular health and functional condition. This provision would remove the existing financial disincentive for agencies to care for patients with intensive medical needs who, according to recent reports issued by both the General Accounting Office (GAO) and the Medicare Payment Advisory Commission (MedPAC), are the individuals most at risk of losing access to home health care under the IPS.

The current IPS unfairly penalizes historically cost-efficient home health agencies that have been most prudent with their Medicare resources. Our legislation builds on reforms in last year's Omnibus Appropriations Act by gradually raising low-cost agencies' per-beneficiary limits up to the national average over three years, or until the new home health prospective payment system is implemented and IPS is terminated.

To decrease total costs in order to remain under their per-beneficiary limits, agencies have had to significantly reduce the number of visits to patients, which has, in turn, increased the cost of each visit. Implementation of OASIS has also significantly increased agencies' per-visit costs. Therefore, the legislation will increase the IPS per-visit cost limit from 106 to 108 percent of the national median.

Other provisions of the legislation will:

Extend the current IPS overpayment recoupment period from one to three years without interest;

Revise the surety bond requirement for home health agencies to more appropriately target fraud;

Eliminate the 15-minute incremental reporting requirement; and

Maintain the Periodic Interim Payment (PIP) program through the first year of implementation of the prospective payment system to ensure that such a dramatic change in payment systems does not create new cash-flow problems for agencies. I ask unanimous consent that a section-by-section summary further detailing these provisions be included in the Record at the conclusion of my remarks.

Mr. President, the Medicare Home Health Equity Act of 1999 will provide a measure of financial and regulatory relief to beleaguered home health agencies in order to ensure that Medicare beneficiaries have access to medically-necessary home health services, and I encourage all of my colleagues to join us as cosponsors.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

THE HOME HEALTH EQUITY ACT OF 1999—SUMMARY

The Home Health Equity Act of 1999 is intended to make needed adjustments to the Balanced Budget Act of 1997 and related federal regulations to ensure that Medicare beneficiaries have access to medically-necessary home health care services.

MAJOR PROVISIONS

Eliminates the automatic 15 percent reduction in Medicare home health payments now scheduled for October 1, 2000.

Under the Balanced Budget Act of 1997 (as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act), expenditures for Medicare home health care are to be reduced by 15 percent, whether or not a Medicare home health prospective payment system is implemented on October 1, 2000. This provision would eliminate that proposed reduction. When it was enacted, the Congressional Budget Office (CBO) reported that the effect of the BBA would be to reduce home health expenditures by $16.1 billion between fiscal years 1998 and 2002. CBO's March 1999 revised analysis now estimates those reductions to exceed $47 billion—three times the anticipated budgetary impact. A further 15 percent cut to home health cost limits would be devastating to cost-efficient providers and would reduce seniors' access to care. Moreover, it is unnecessary since the budget target for home health outlays will be achieved, if not exceeded, without it.

Provides supplemental "outlier" payments to home health agencies on a patient-by-patient basis if the cost of care for an individual is considered by the Secretary to be significantly higher than average due to the patient's particular health and functional condition.

Recent reports issued by both the General Accounting Office (GAO) and the Medicare Payment Advisory Commission (MedPAC) conclude that patients with intensive medical needs are the individuals most at risk of losing access to home health care under the Interim Payment System (IPS). This provision would remove the existing financial disincentive under the IPS for agencies to care for these patients.

Increases the per-beneficiary cost limit for agencies with limits below the national average to the national average cost per patient over a three-year period or until the Medicare home health prospective payment system is implemented.

The Balanced Budget Act of 1997's Interim Payment System (IPS) bases an agency's average per-patient reimbursement on that agency's average cost per patient in 1993 or 1994. As a consequences, the system unfairly penalizes historically cost-efficient home health agencies that have been most prudent with their Medicare resources. This provision builds on reforms made by the Omnibus Consolidated and Emergency Supplemental Appropriations Act (OCESSA) by gradually raising low-cost agencies' per-beneficiary limits up to the national average over three years or until the new home health prospective payment system is implemented and IPS is terminated.

Increases the IPS per-visit cost limit to 108 percent of the national median.

The Balanced Budget Act reduced the per-visit cost limit from 112 percent of the mean to 105 percent of the median. The OCESSA increased the limit to 106 percent of the median. This provision would further increase it to 108 percent of the national median. Most analysts agree that the growth in Medicare home health expenditures in the early 1990s was due to the high number of visits provided to patients, not to the cost per visit. CBO confirms that controlling use, not price, is the key to Medicare home health cost containment. To decrease total costs in order to remain under their per-beneficiary limits, agencies have had to significantly reduce the number of visits to patients, which has, in turn, increased the cost of each visit. Implementation of OASIS has also significantly increased agencies' per-visit costs.

Revises the surety bond requirements for home health agencies to more appropriately target fraud.

This provision would clarify that the surety bond requirement is only to be used to protect against overpayments based on fraudulent claims or behavior. Perhaps the main problem with the surety bond proposal that HCFA developed last year (and which is currently in regulatory limbo) was that it went beyond Congressional intent. Congress enacted the original surety bond provision as a way to use private sector monitors to help keep fraudulent providers out of the market. HCFA tried, through the regulations it developed, to use surety bonds as a means to recover any overpayments they made to home health agencies. This unnecessarily increased both the costs and difficulties agencies encountered in trying to obtain a surety bond.

Extends the IPS overpayment recoupment period to three years without interest.

The BBA did not require HCFA to publish information on calculating the IPS per-visit limits until January 1, 1998, even though the limits were effective beginning October 1, 1997. Similarly, HCFA was not required to publish information related to the calculation of the agencies' annual aggregate per-beneficiary limit until April 1, 1998, despite an October 1 start date. More than a year after the implementation of the IPS, HCFA's fiscal intermediaries still had not notified many agencies of the visit and per-beneficiary limits under which they were expected to operate. Moreover, throughout this period, fiscal intermediaries continued to pay agencies in accordance with the previous years' limits, resulting in significant overpayments to many home health agencies throughout the country.

Fiscal intermediaries have begun to issue notices of overpayments to these agencies and are demanding repayment. This has posed a significant problem, particularly for smaller agencies that do not have large cash reserves. To ease these repayment problems, HCFA has directed the fiscal intermediaries to allow home health agencies to extend their repayments over 12 months. Many agencies, however, say that this is insufficient. This provision would extend the overpayment recoupment period to three years without interest.

Eliminates the 15-minute incremental reporting period.

The BBA mandates that home health agencies record the length of time of home health visits in 15-minute increments, which the HCFA will implement on July 1, 1999. Unfortunately, HCFA's instructions implementing the 15-minute reporting requirement are excessively labor-intensive. As proposed by HCFA, the only time that can be counted is time spent actively treating the beneficiary. Time for travel or for administrative duties that are essential to patient care, such as charting or coordinating work with the physician, may not be counted. Implementation of the 15-minute reporting requirement will not only be difficult for staff, but will also be disruptive to patient care. This provision would eliminate the current 15-minute reporting requirement. An alternative to the 15-minute reporting requirement that better measures time of direct patient care and its relationship to outcomes should be developed within the context of the Medicare home health PPS.

Temporarily maintains the Periodic Interim Payment (PIP) program

PIP is a program that is available to many home health agencies that permits HCFA to make payments to the agencies—based on historical payment levels—prior to the final settlement of claims and cost-reports. This program, which is scheduled to terminate on October 1, 2000, has been invaluable to participating agencies and has helped them to avoid cash-flow difficulties. This provision would continue PIP through the first year of implementation of the prospective payment system to ensure that such a dramatic change in payment systems does not create new cash-flow problems.

Mr. BOND. In the last couple days, a lot of people have been talking about the Medicare program and what we want it to look like as we think far ahead into the future. I'm glad this is happening, because this is an important debate. We do need to discuss things like a prescription drug benefit, comprehensive Medicare reform, the long-term solvency of the program, and other related issues.

But as we focus on the future of Medicare, we also need to do our best to make sure that the existing program is working as well as it can. That's why we're here today. Part of the existing program— the home health care benefit—is completely broken, and we've come together to try to fix it.

Why do we care? Well, home health care is the key to fulfilling what is virtually a universal desire among seniors and those with disabilities—to remain independent and within the comfort of their own homes despite their health problems. For people who have difficulty leaving their home and who have health conditions that require low- to mid-level medical attention, home health care is a tremendous help. Home health care keeps these people out of more expensive and less comfortable settings such as nursing homes and hospitals. And home care is often the only source of care for many disabled individuals and frail elderly, especially those living in underserved rural and urban areas of our country. Simply put, home health is crucial to millions of Americans' comfort and health, and we must make sure they continue to have access to it.

The problem is that more and more Americans do not have access to needed home health services—they simply cannot find a home health agency that will care for them. This means they will either not receive the care they need, or that they will get this care, they'll just get it at more expensive and intimidating facilities like hospitals or nursing homes. This is the crisis we are facing.

I would like to take a moment to describe several different ways this home health crisis is rearing its ugly head across the country.

First, we have seen literally thousands of home health agencies close their doors in the last two years. Perhaps as many as 2,000 of the 10,000 agencies that existed in 1997 have either been driven out of business or out of Medicare. In Missouri alone, about 75 out of 300 home health agencies have closed since 1997, including the well-respected and well-established Visiting Nurse Association of Greater St. Louis. A few of the agencies that have closed have no doubt been shady characters we should be glad to see go. But many—and perhaps most—of the agencies that have closed are legitimate providers with real patients.

Second, those agencies that have survived have had to change drastically the way they operate. Many have been forced into layoffs and cutbacks in other areas that directly or indirectly impact patient care. Many face chronic cash flow problems and may be forced to refund large amounts of cash to the Health Care Financing Administration—perhaps in the hundreds of thousands of dollars—that they accidentally received because they had not yet been informed of the new ground rules for home health payments. Because of the bizarre incentives against caring for patients with the most complex cases, many home health agencies have also been actively managing the types of patients they care for, trying to avoid or discharge costlier patients.

All of this is bad for patients, and it will likely get worse. Without Congressional action, it may never get better. I truly believe that without significant changes, home health services within Medicare could practically disappear. Home health services would theoretically still be part of the Medicare program, but few if any people with Medicare would be able to receive care in their home simply because there will be nobody there to provide it for them.

The Medicare Home Health Equity Act—which I am introducing today with Senator COLLINS and 12 other colleagues—responds to this crisis and attempts to save home health care within the Medicare program.

This bill addresses a variety of payment and regulatory issues, all of which have impeded or prevented home health agencies from providing high-quality, efficient care. Two provisions are particularly critical.

First, as I have mentioned, home health agencies currently have little incentive to provide care for sicker and costlier patients. In fact, because more complex patients put an agency at risk of exceeding the annual per patient budget that is now in place for each home health agency, there is actually an incentive not to care for sicker patients. The result—which shouldn't be a surprise—is that home health agencies are actively trying to avoid these sicker patients, either leaving them without care or leaving them to check in to a more expensive health facility such as a nursing home or a hospital.

The Medicare Home Health Equity Act solves this problem by creating a system of "extra" payments for sicker patients—sometimes these are called "outlier" payments. Under this plan, home health agencies would be assured from the start that they could receive extra payments for patients who meet the criteria for "sicker" patients. This way, we can remove the incentive for home health agencies to try to deny care to seniors with complex cases.

The second crucial provision in the bill is something similar to a last-minute pardon from the governor. In addition to all of the problems they have faced in the last couple of years, home health agencies are scheduled to take another huge payment cut—about 15% of the total amount they receive from Medicare—in October of 2000. I fear that this cut would truly be the death-knell for the industry. We cannot allow this radical payment reduction to take place.

In addition to these core provisions, the Collins-Bond bill deals with a variety of payment and regulatory issues, all designed to make sure that Medicare recipients continue to have access to quality home health care and that the home health agencies are permitted to provide that care in an efficient manner.

I would like to commend Senator COLLINS for her leadership on this issue. I am pleased that we were able to develop a joint bill so that we could unite our forces behind one bipartisan legislative vehicle and one bipartisan solution. It is also encouraging to see that all of the national trade associations that represent home health agencies are supporting this bill. Finally, I would like to again thank this bill's cosponsors for supporting this effort and for helping to raise awareness that there is a home health crisis that desperately needs our attention in Congress.

I for one pledge to do my best to maintain seniors access to home health care. We cannot allow home health services within the Medicare program to disappear. It doesn't make sense for the patients, and it doesn't make sense for Medicare.

By Mr. MURKOWSKI:

S. 1311. A bill to direct the Administrator of the Environmental Protection Agency to establish an eleventh region of the Environmental Protection Agency, comprised solely of the State of Alaska; to the Committee on Environment and Public Works.

EPA REGION 11

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation to create a new regional office for the Environmental Protection Agency to be based in Alaska. I have been concerned for some time about the relationship between the federal government and my constituents. Alaska has always provided unique challenges for federal regulators. Its weather, remoteness, and the special problems caused by them have often resulted in a disconnect between federal regulators and my state. Currently, Alaska is part of Region 10 of the EPA based in Seattle. While it rains a lot in Seattle, the environment of Washington state is much more similar to Oregon and Idaho than Alaska. Alaska comprises 17% of America's total size and faces climactic extremes unheard of in the lower 48.

For example, many people have heard that the unique geography of Los Angeles creates extreme atmospheric inversion conditions that contributes to its air pollution. However, I have been told that my home town of Fairbanks actually has a greater inversion problem than not only Los Angeles, but also anywhere else in the world except for the South Pole.

I also believe that the cost issue is an important one since creation of a regional office would lower the tremendous travel and temporary duty costs faced by lower 48 based EPA staff who must fly back and forth to Alaska. Basing them in Alaska should significantly reduce these travel costs.

I recognize that some may feel that the creation of a new regional office in Alaska is unwise. I would point out that I do not believe that the Seattle office has regularly handled Alaska issues poorly, but I do believe that these issues could be handled better if there was a regional office located in Alaska. Alaska faces wetland challenges like no other state. Our nation has seen a tremendous loss in wetlands in states such as California that has lost over 80% of its original wetlands. In comparison, Alaska has lost less than half of one percent of our nation's wetlands due to development even though we are a large producer of our nation's natural resources. Alaska is a state where wetlands banking is not an appropriate solution to address the loss of wetlands in California. Alaska's wetlands are also very different than those found in California or anywhere else in our nation. Much of Alaska's wetlands are frozen for all but a few months of the year.

Even the Clean Air Act has a different application in Alaska. Low sulfur diesel in the lower 48 for on-road usage is not appropriate for my state where the percentage of diesel used for on-road uses is minuscule compared to that of the off-road uses. This situation is reversed in every other state. Fortunately, the EPA has seen fit to waive the low sulfur diesel requirement until a new lower national standard for both off and on-road diesel is in place during the next decade. However, we need to ensure that all federal regulations put into place reflect the realities of every state in our nation. Creation of a new Alaska based regional office of the EPA would be a firm step forward towards this goal.

In conclusion, Mr. President, I encourage my colleagues to support this bill in order to make the EPA more efficient and responsive to some unique environmental challenges in my state.

I ask unanimous consent that the text of the bill be included in the RECORD.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF EPA REGION FOR ALASKA.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall establish—

(1) an eleventh region of the Environmental Protection Agency, comprised solely of the State of Alaska; and

(2) a regional office for the region located in the State.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 85

At the request of Mr. BUNNING, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 343

At the request of Mr. BOND, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 386

At the request of Mr. GORTON, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 459

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Utah (Mr. BENNETT), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 600

At the request of Mr. WELLSTONE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 761

At the request of Mr. ABRAHAM, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 775

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 775, a bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 800

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 800, a bill to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 826

At the request of Mr. THOMAS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 826, a bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States.

S. 879

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 881

At the request of Mr. BENNETT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 965

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1043

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1043, a bill to provide freedom from regulation by the Federal Communications Commission for the Internet.

S. 1053

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1139

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1197

At the request of Mr. ROTH, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1277, supra.

SENATE RESOLUTION 128—DESIGNATING MARCH 2000, AS "ARTS EDUCATION MONTH"

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 128

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful;

Whereas effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence;

Whereas the 1999 study, entitled "Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education", found that the literacy, education, programs, learning and growth described in the preceding clauses contribute to successful districtwide arts education;

Whereas the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts;

Whereas educators, schools, students, and other community members recognize the importance of arts education; and

Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.

The Senate—

(1) designates March 2000, as "Arts Education Month"; and

(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—

(A) celebrate the positive impact and public benefits of the arts;

(B) encourage all schools to integrate the arts into the school curriculum;

(C) spotlight the relationship between the arts and student learning;

(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;

(E) recognize school administrators and faculty who provide quality arts education to students;

(F) provide professional development opportunities in the arts for teachers;

(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;

(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;

(I) honor individual, class, and student group achievement in the arts; and

(J) increase awareness and accessibility to live performances, and original works of art.

Mr. COCHRAN. Mr. President, today I am submitting a Senate Resolution to designate March, 2000 as Arts Education Month. This legislation complements S. 1293, the Congressional Recognition for Excellence in Arts Education Act, which I introduced earlier this week.

Instruction in music, visual arts, theater and dance occurs in schools across the nation. There is growing awareness of arts education as a serious academic subject with a list of benefits that include ensuring America's arts traditions, higher I.Q.'s, better SAT scores, better math and language skills, less juvenile delinquency, better chances of higher education, and increased job opportunities.

The National Assessment of Education Progress, The College Board, The U.S. Department of Justice, The National Endowment for the Arts, and scientific research on the brain have all recently reported evidence of the multiple advantages of arts instruction. For example, the July 5, 1999 issue of Time magazine has a report titled, "Fingers, Brains and Mozart" which highlights recent brain research and the positive effects of music instruction.

It is time for the United States Senate to recognize the achievements and efforts in arts education in all schools. I hope that by designating March, 2000 as Arts Education Month, more schools will engage in activities that showcase, celebrate, reward, and provide new arts experiences.

I invite all of my colleagues to join me in sponsoring Arts Education Month.

SENATE RESOLUTION 129—AUTHORIZING EXPENDITURES FOR YEARS OCTOBER 1, 1999 TO SEPTEMBER 30, 2000 AND OCTOBER 1, 2000 TO FEBRUARY 28, 2001 BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 129

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this resolution shall not exceed $2,924,935.

(b) For the period October 1, 2000, through February 28, 2001, expenses of the committee under this resolution shall not exceed $1,248,068.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2000, and February 28, 2001, respectively.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October 1, 1999 through September 30, 2000, and October 1, 2000, through February 28, 2001, to be paid from the Appropriation account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION—EXPRESSING THE SENSE OF THE SENATE THAT HAITI SHOULD CONDUCT FREE, FAIR, TRANSPARENT, AND PEACEFUL ELECTIONS

Mr. GRAHAM (for himself, Mr. DeWine, Mr. Dodd, Mr. Biden, and Mr. Lugar) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 130

Expressing the sense of the Senate that Haiti should conduct free, fair, transparent, and peaceful elections.

Whereas Rene Preval was elected president of Haiti on December 17, 1995, and inaugurated on February 7, 1996;

Whereas a political impasse between President Preval and the Haitian Parliament over the past 2 years has stalled democratic development and contributed to the Haitian people's political disillusionment;

Whereas Haiti's economic development is stagnant, living conditions are deplorable, and democratic institutions have yet to become effective;

Whereas Haiti's political leaders propose free, fair, and transparent elections for local and national legislative bodies; and

Whereas Haiti's new independent Provisional Electoral Council has scheduled those elections for November and December 1999: Now, therefore, be it

Resolved, That the Senate—

(1) commends the provisional Electoral Council of Haiti for its decision to hold elections for 19 senate seats, providing for a transparent resolution of the disputed 1997 elections;

(2) urges the Government of Haiti to actively engage in dialogue with all elements of Haitian society to further a self-sustainable democracy;

(3) encourages the Government and all political parties in Haiti to proceed toward conducting free, fair, transparent, and peaceful elections as scheduled, in the presence of domestic and international observers, without pressure or interference;

(4) urges the Clinton Administration and the international community to continue to play a positive role in Haiti's economic and political development;

(5) urges the United Nations to provide appropriate technical support for the elections and to maximize the use of United Nations civilian police monitors of the CIVPOL mission during the election period;

(6) encourages the Clinton Administration and the international community to provide all appropriate assistance for the coming elections;

(7) encourages the Government of Haiti to adopt adequate security measures in preparation for the proposed elections;

(8) urges all elements of Haitian civil society, including the political leaders of Haiti, to publicly renounce violence and promote a climate of security; and

(9) urges the United States and other members of the international community to continue support toward a lasting and committed transition to democracy in Haiti.

SENATE RESOLUTION 131—RELATING TO THE RETIREMENT OF RON KAVULICK

Mr. LOTT (for himself, Mr. Daschle, Mr. Moynihan, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Bryan, Mr. Byrd, Mr. Cleland, Mr. Conrad, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Harkin, Mr. Hollings, Mr. Inouye, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Mr. Torricelli, Mr. Wellstone, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 131

Whereas, Ron Kavulick will retire on June 30, 1999, from service to the United States Senate after twenty years as a member of the staff of the Official Reporters of Debates;

Whereas, he has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on October 22, 1979;

Whereas, his self-determination and hard work as an official reporter resulted in his appointment to the position of Chief Reporter on May 22, 1995;

Whereas, Ron Kavulick, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with dedication and excellence; and

Whereas, Ron Kavulick has demonstrated exemplary service to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Ron Kavulick for his years of faithful service to his country and to the United States Senate.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Ron and Pat Kavulick.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

BROWNBACK AMENDMENT NO. 1118

Mr. BROWNBACK proposed an amendment to the bill (S. 1234) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SILK ROAD STRATEGY ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the "Silk Road Strategy Act of 1999".

(b) AMENDMENT OF THE FOREIGN ASSISTANCE OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

"SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

"(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

"(1) the creation of the basis for reconciliation between belligerents;

"(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

"(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

"(b) AUTHORIZATION FOR ASSISTANCE.—

"(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term 'humanitarian assistance' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

"(1) providing for the humanitarian needs of victims of the conflicts;

"(2) facilitating the return of refugees and internally displaced persons to their homes; and

"(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

"SEC. 499A. ECONOMIC ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

"SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

"(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

"(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

"(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

"(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

"(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

"(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

"(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

"SEC. 499C. BORDER CONTROL ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes the assistance of the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

"SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

"(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

"(2) Assistance for the development of nongovernmental organizations.

"(3) Assistance for development of independent media.

"(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

"(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

"(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

"SEC. 499E. ADMINISTRATIVE AUTHORITIES.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

"(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

"SEC. 499F. DEFINITIONS.

"In this chapter:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

"(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term 'countries of the South Caucasus and Central Asia' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.".

(c) Restriction on Assistance for Government of Azerbaijan.—Section 907 of the Freedom Support Act (22 U.S.C. 5812 note) is amended—

(1) by inserting "(a) Restriction.—"; and

(2) by adding at the end the following:

"(b) Waiver.—The restriction on assistance in subsection (a) shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national interests of the United States.".

(d) Conforming Amendments.—Section 102(a) of the FREEDOM Support Act (Public Law 102–511) is amended in paragraphs (2) and (4) by striking each place it appears "this Act)" and inserting "this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)".

(e) Annual Report.—Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) with respect to the countries of the South Caucasus and Central Asia—

"(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

"(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

"(C) a description of the progress being made by the United States to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

"(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.".

McCONNELL (AND OTHERS) AMENDMENT NO. 1119

Mr. McCONNELL (for himself, Mr. Abraham, Mr. Sarbanes, Mr. Torricelli, and Mr. Kennedy) proposed an amendment to amendment No. 1118 proposed by Mr. Brownback to the bill, S. 1234, supra; as follows:

On page 9, line 3 strike all after "(c) Restriction through line 12 States.".

BROWNBACK AMENDMENT NO. 1120

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . HUMANITARIAN ASSISTANCE FOR SUNDANESE INDIGENOUS GROUPS.

The President, acting through the appropriate Federal agencies, is authorized to provide humanitarian assistance, including food, directly to the National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the Operation Lifeline Sudan structure.

THOMAS (AND ENZI) AMENDMENT NO. 1121

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. Enzi) submitted an amendment intended to be proposed by them to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

"SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) Prohibition.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) Definitions.—In this section:

(1) Entity controlled by a foreign government.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) Veterans memorial object.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from aboard as a memorial of combat abroad."

ASHCROFT (AND OTHERS) AMENDMENT NO. 1122

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. Hagel, Mr. Baucus, Mr. Roberts, Mr. Kerry, Mr. Dodd, Mr. Brownback, Mr. Grams, Mr. Warner, Mr. Leahy and Mr. Craig) submitted an amendment intended to be proposed by them to the bill, S. 1234, supra; as follows:

At the appropriate place, insert the following:

Sec. . Requirement of Congressional Approval of Any Unilateral Agricultural or Medical Sanction.—(a) Definitions.—In this section:

(1) Agricultural commodity.—

(A) In general.—The term "agricultural commodity" has the meaning given the term in section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732).

(B) Exclusion.—The term "agricultural commodity" does not include any agricultural commodity that is used to facilitate the development or production of a chemical or biological weapon.

(2) Agricultural program.—The term "agricultural program" means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et. seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any commercial sale of agricultural commodities, including a commercial sale of an agricultural commodity that is prohibited under a unilateral agricultural sanction that is in effect on the date of enactment of this Act; or

(D) any export financing (including credits or credit guarantees) for agricultural commodities.

(3) Joint resolution.—The term "joint resolution" means—

(A) in the case of subsection (b)(1)(B), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (b)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section (b)(1)(A) of the   Act   , transmitted on   .", with the blank completed with the appropriate date; and

(B) in the case of subsection (e)(2), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (e)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section (e)(1) of the   Act   , transmitted on   .", with the blank completed with the appropriate date.

(4) Medical device.—

(A) In general.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) Exclusion.—The term "medical device" does not include any device that is used to facilitate the development or production of a chemical or biological weapon.

(5) Medicine.—

(A) In general.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) Exclusion.—The term "medicine" does not include any drug that is used to facilitate the development or production of a chemical or biological weapon.

(6) Unilateral agricultural sanction.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) Unilateral medical sanction.—The term "unilateral medical sanction" means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(b) Restriction.—

(1) New sanctions.—Except as provided in subsections (c) and (d) and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity for any fiscal year, unless—

(A) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(i) describes the activity proposed to be prohibited, restricted, or conditioned; and

(ii) describes the actions by the foreign country or foreign entity that justify the sanction; and

(B) Congress enacts a joint resolution stating the approval of Congress for the report submitted under subparagraph (A).

(2) Existing sanctions.—

(A) In general.—Except as provided in subparagraph (B), with respect to any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act for any fiscal year, the President shall immediately cease to implement such sanction.

(B) Exemptions.—Subparagraph (A) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed with respect to an agricultural program or activity described in subparagraph (B) or (D) of subsection (a)(2).

(c) Exceptions.—The President may impose (or continue to impose) a sanction described in subsection (b) without regard to the procedures required by that subsection—

(1) against a foreign country or foreign entity with respect to which Congress has enacted a declaration of war that is in effect on or after the date of enactment of this Act; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity that is controlled on—

(A) the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(B) any control list established under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

(d) Countries Supporting International Terrorism.—This section shall not affect the prohibition on providing assistance to the government of any country supporting international terrorism that is established by section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(e) Termination of Sanctions.—Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in subsection (b)(1) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years and the request of the President for approval by Congress of the recommendation; and

(2) Congress enacts a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(f) Congressional Priority Procedures.—

(1) Referral of report.—A report described in subsection (b)(1)(A) or (e)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(2) Referral of joint resolution.—

(A) In general.—A joint resolution shall be referred to the committees in each House of Congress with jurisdiction.

(B) Reporting date.—A joint resolution referred to in subparagraph (A) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

(3) Discharge of committee.—If the committee to which is referred a joint resolution has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after the date of introduction of the joint resolution—

(A) the committee shall be discharged from further consideration of the joint resolution; and

(B) the joint resolution shall be placed on the appropriate calendar of the House concerned.

(4) Floor consideration.—

(A) Motion to proceed.—

(i) In general.—When the committee to which a joint resolution is referred has reported, or when a committee is discharged under paragraph (3) from further consideration of, a joint resolution—

(I) it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the House concerned to move to proceed to the consideration of the joint resolution; and

(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(ii) Privilege.—The motion to proceed to the consideration of the joint resolution—

(I) shall be highly privileged in the House of Representatives and privileged in the Senate; and

(II) not debatable.

(iii) Amendments and motions not in order.—The motion to proceed to the consideration of the joint resolution shall not be subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(iv) Motion to reconsider not in order.—A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(v) Business until disposition.—If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House concerned until disposed of.

(B) Limitations on debate.—

(i) In general.—Debate on the joint resolution, and on all debatable motions and appeals in connection with the joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution.

(ii) Further debate limitations.—A motion to limit debate shall be in order and shall not be debatable.

(iii) Amendments and motions not in order.—An amendment to, a motion to postpone, a motion to proceed to the consideration of other business, a motion to recommit the joint resolution, or a motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(C) Vote on final passage.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House concerned, the vote on final passage of the joint resolution shall occur.

(D) Rulings of the chair on procedure.—An appeal from a decision of the Chair relating to the application of the rules of the Senate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) Coordination with action by other house.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the following procedures shall apply:

(A) No committee referral.—The joint resolution of the other House shall not be referred to a committee.

(B) Floor procedure.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(C) Disposition of joint resolutions of receiving house.—On disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(6) Procedures after action by both the house and senate.—If a House receives a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(7) Rulemaking power.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such this subsection—

(i) is deemed to be a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

(ii) supersedes other rules only to the extent that this subsection is inconsistent with those rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(g) Effective Date.—This section takes effect 30 days after the date of enactment of this Act.

WELLSTONE AMENDMENT NO. 1123

Mr. WELLSTONE proposed an amendment to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new title:

TITLE—INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN VICTIM PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the "International Trafficking of Women and Children Victim Protection Act of 1999".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The worldwide trafficking of persons has a disproportionate impact on women and girls and has been and continues to be condemned by the international community as a violation of fundamental human rights.

(2) The fastest growing international trafficking business is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

(3) Trafficked women and children, girls and boys, are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by

their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will.

(4) The President, the First Lady, the Secretary of State, the President's Interagency Council on Women, and the Agency for International Development have all identified trafficking in women as a significant problem.

(5) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(6) The United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1998 calling upon all governments to criminalize trafficking in women and girls in all its forms and to penalize all those offenders involved, while ensuring that the victims of these practices are not penalized.

(7) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

SEC. 03. PURPOSES.

The purposes of this title are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by—

(1) setting a standard by which governments are evaluated for their response to trafficking and their treatment of victims;

(2) authorizing and funding an interagency task force to carry out such evaluations and to issue an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

(3) assisting trafficking victims in the United States by providing humanitarian assistance and by providing them temporary nonimmigrant status in the United States;

(4) assisting trafficking victims abroad by providing humanitarian assistance; and

SEC. 04. DEFINITIONS.

In this title:

(1) TRAFFICKING.—The term "trafficking" means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(2) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means any person subjected to the treatment described in paragraph (2).

SEC. 05. INTER-AGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of State in the Office of the Secretary of State an Inter-Agency Task Force to Monitor and Combat Trafficking (in this section referred to as the "Task Force"). The Task Force shall be co-chaired by the Assistant Secretary of State for Democracy, Human Rights, and Labor Affairs and the Senior Coordinator on International Women's Issues, President's Interagency Council on Women.

(2) APPOINTMENT OF MEMBERS.—The members of the Task Force shall be appointed by the Secretary of State. The Task Force shall consist of no more than twelve members.

(3) COMPOSITION.—The Task Force shall include representatives from the—

(A) Violence Against Women Office, Office of Justice Programs, Department of Justice;

(B) Office of Women in Development, United States Agency for International Development; and

(C) Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

(4) STAFF.—The Task Force shall be authorized to retain up to five staff members within the Bureau of Democracy, Human Rights, and Labor Affairs, and the President's Interagency Council on Women to prepare the annual report described in subsection (b) and to carry out additional tasks which the Task Force may require. The Task Force shall regularly hold meetings on its activities with nongovernmental organizations.

(b) ANNUAL REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State, with the assistance of the Task Force, shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(c) REPORTING STANDARDS AND INVESTIGATIONS.—

(1) RESPONSIBILITY OF THE SECRETARY OF STATE.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the Human Rights Report and the Inter-Agency Task Force to Monitor and Combat Trafficking Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 06. PROTECTION OF TRAFFICKING VICTIMS.

(a) NONIMMIGRANT CLASSIFICATION FOR TRAFFICKING VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(T) an alien who the Attorney General determines—

"(i) is physically present in the United States, and

"(ii) is or has been a trafficking victim (as defined in section 04 of the International Trafficking of Women and Children Victim Protection Act of 1999),

for a stay of not to exceed 3 months in the United States, except that any such alien who has filed a petition seeking asylum or who is pursuing civil or criminal action against traffickers shall have the alien's status extended until the petition or litigation reaches its conclusion.".

(b) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The Attorney General shall, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so.".

(c) INVOLUNTARY SERVITUDE.—Section 1584 of title 18, United States Code, is amended—

(1) inserting "(a)" before "Whoever";

(2) by striking "or" after "servitude";

(3) by inserting "transfers, receives or harbors any person into involuntary servitude, or" after "servitude,"; and

(4) by adding at the end the following:

"(b) In this section, the term 'involuntary servitude' includes trafficking, slavery-like practices in which persons are forced into labor through non-physical means, such as debt bondage, blackmail, fraud, deceit, isolation, and psychological pressure.".

(d) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate regulations for law enforcement personnel, immigration officials, and Foreign Service officers requiring that—

(1) Federal, State and local law enforcement, immigration officials, and Foreign Service officers shall be trained in identifying and responding to trafficking victims;

(2) trafficking victims shall not be jailed, fined, or otherwise penalized due to having been trafficked, or nature of work;

(3) trafficking victims shall have access to legal assistance, information about their rights, and translation services;

(4) trafficking victims shall be provided protection if, after an assessment of security risk, it is determined the trafficking victim is susceptible to further victimization; and

(5) prosecutors shall take into consideration the safety and integrity of trafficked persons in investigating and prosecuting traffickers.

SEC. 07. ASSISTANCE TO TRAFFICKING VICTIMS.

(a) IN THE UNITED STATES.—The Secretary of Health and Human Services is authorized to provide, through the Office of Refugee Resettlement, assistance to trafficking victims and their children in the United States, including mental and physical health services, and shelter.

(b) IN OTHER COUNTRIES.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide programs and activities to assist trafficking victims and their children abroad, including provision of mental and physical health services, and shelter. Such assistance should give special priority to programs by nongovernmental organizations which provide direct services and resources for trafficking victims.

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTER-AGENCY TASK FORCE.—To carry out the purposes of section 05, there are authorized to be appropriated to the Secretary of State $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HHS.—To carry out the purposes of section 08(a), there are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE PRESIDENT.—To carry out the purposes of section 08(b), there are authorized to be appropriated to the President $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(d) PROHIBITION.—Funds made available to carry out this title shall not be available for the procurement of weapons or ammunition.

WELLSTONE AMENDMENT NO. 1124

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following:

TITLE VI—ECONOMIC COOPERATION PROJECTS IN CHINA AND TIBET

SEC. 601. STATEMENT OF PRINCIPLES.

(a) PURPOSE.—It is the purpose of this title to establish principles governing the conduct of United States economic cooperation projects in the People's Republic of China and in Tibet.

(b) PRINCIPLES.—It is the sense of Congress that any United States economic cooperation project shall, within its facilities and those of its suppliers in the People's Republic of China or Tibet, do the following:

(1) Prohibit the manufacture of goods or products by bonded labor or forced labor, within prison camps or as part of reform-through-labor or reeducation-through-labor programs.

(2) Provide wages that meet workers' basic needs and provide fair and decent working hours, including at a minimum, adhering to the wage and hour guidelines under the national labor laws and policies of the People's Republic of China.

(3) Use production methods that do not negatively affect the occupational safety and health of workers.

(4) Prohibit the use of corporal punishment, as well as any physical, sexual, or verbal abuse or harassment, of workers.

(5) Refrain from seeking police or military intervention to prevent workers from exercising their rights.

(6) Promote the following freedoms among their employees and the employees of their suppliers: freedom of association and assembly (including the right to form unions and to bargain collectively); freedom of expression; and freedom from arbitrary arrest or detention.

(7) Prohibit discrimination in hiring, remuneration, or promotion based on age, gender, marital status, pregnancy, ethnicity, or region of origin.

(8) Prohibit discrimination in hiring, remuneration, or promotion based on labor, political, or religious activity, on involvement in demonstrations, past records of arrests or internal exile for peaceful protest, or on membership in organizations committed to nonviolent social or political change.

(9) Use environmentally responsible methods of production that have minimal adverse impact on land, air, and water quality.

(10) Prohibit child labor, including at a minimum, complying with guidelines on minimum age for employment under the national labor laws of the People's Republic of China.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to each member nation of the Organization for Economic Cooperation and Development and encourage such nation to promote principles similar to such principles.

SEC. 602. REGISTRATION REQUIREMENT.

(a) REQUIREMENT.—

(1) IN GENERAL.—Each United States parent company conducting a United States economic cooperation project in the People's Republic of China or Tibet shall register with the Secretary of State and indicate whether such company agrees to implement the principles set forth in section 601(b).

(2) PROHIBITION ON FEE.—No fee shall be required for purposes of registration under paragraph (1).

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 603. REPORTING REQUIREMENTS.

(a) REPORTS BY UNITED STATES PARENT COMPANIES.—

(1) IN GENERAL.—Each United States parent company conducting a United States economic cooperation project in the People's Republic of China or Tibet shall submit to the Secretary of State a report describing such company's adherence to the principles set forth in section 601(b) during the one-year period ending on the date of such report.

(2) FORM.—The report shall be submitted on a form furnished by the Secretary.

(3) SUBMITTAL DATES.—A United States parent company shall submit the report required by paragraph (1) not later than one year after the date on which the company registers under section 602 and annually thereafter.

(b) REVIEW OF REPORTS.—

(1) IN GENERAL.—The Secretary shall review each report submitted under subsection (a) to determine whether the United States parent company submitting such report is adhering to the principles set forth in section 601(b).

(2) ADDITIONAL INFORMATION.—The Secretary may request additional information from a United States parent company for purposes of the review of its report under this subsection, and may use other sources of information to verify the information contained in such report.

(c) ANNUAL REPORT.—Not later than two years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and to the Secretariat of the Organization for Economic Cooperation and Development a report assessing the adherence of United States parent companies subject to the reporting requirement in subsection (a) to the principles set forth in section 601(b). Each report shall cover the one-year period ending on the date of such report.

SEC. 604. EXPORT MARKETING SUPPORT.

(a) SUPPORT.—A department or agency of the United States Government may intercede with a foreign government or foreign national regarding export marketing activity in the People's Republic of China or Tibet on behalf of a United States parent company subject to the reporting requirement in section 603(a) only if the United States parent company adheres to the principles set forth in section 601(b).

(b) EFFECTIVE DATE.—Subsection (a) shall take effect two years after the date of the enactment of this Act.

SEC. 605. DEFINITIONS.

In this title:

(1) ADHERE.—The terms "adhere to", "adhering to", and "adherence to", in the case of the principles set forth in section 601(b), mean—

(A) agreeing to implement the principles;

(B) implementing the principles by taking good faith measures with respect to each principle; and

(C) reporting accurately to the Secretary of State on the measures taken to implement the principles.

(2) INTERCEDE WITH A FOREIGN GOVERNMENT OR FOREIGN NATIONAL.—

(A) IN GENERAL.—The term "intercede with a foreign government or foreign national" includes any contact by an officer or employee of the United States with officials of any foreign government or foreign national involving or contemplating any effort to assist in selling a good, service, or technology in the People's Republic of China or Tibet.

(B) EXCLUSION.—The term does not include multilateral or bilateral government-to-government trade negotiations intended to resolve trade issues which may affect United States parent companies which do not adhere to the principles set forth in section 601(b).

(3) UNITED STATES ECONOMIC COOPERATION PROJECT.—The term "United States economic cooperation project" means the following:

(A) An equity joint venture, cooperative joint venture, or wholly foreign-owned enterprise established under the laws of the People's Republic of China in which—

(i) a corporation, partnership, wholly-owned subsidiary, or other business association organized under the laws of the United States is an investor; or

(ii) a corporation, partnership, or other business association organized under the laws of a country other than the United States, or under the laws of a territory or possession of a country other than the United States, which is wholly owned by a corporation, partnership, or other business association organized under the laws of the United States, is an investor and which employs more than 50 individuals in the People's Republic of China or Tibet.

(B) A branch office or representative office in the People's Republic of China or Tibet of—

(i) a corporation, partnership, wholly-owned subsidiary, or other business association organized under the laws of the United States; or

(ii) a corporation, partnership, or other business association organized under the laws of a country other than the United States, or under the laws of a territory or possession of a country other than the United States, which is wholly owned by a corporation, partnership, or other business association organized under the laws of the United States, which employs more than 25 individuals in the People's Republic of China or Tibet.

(4) ORGANIZED UNDER THE LAWS OF THE UNITED STATES.—The term "organized under the laws of the United States" means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(5) UNITED STATES PARENT COMPANY.—The term "United States parent company" means a corporation, partnership, or other business association organized under the laws of the United States which is—

(A) the direct investor in a United States economic cooperation project as described in paragraph (3)(A)(i), or the sole owner of the investor in a United States economic cooperation project as described in paragraph (3)(A)(ii); or

(B) the registrant in the People's Republic of China of a branch office or representative office as described in paragraph (3)(B)(i), or the sole owner of the registrant of a branch office or representative office in the People's Republic of China or Tibet as described in paragraph (3)(B)(ii).

SMITH AMENDMENT NO. 1125

Mr. McCONNELL (for Mr. SMITH of Oregon) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON THE CITIZENS DEMOCRACY CORPS.

It is the sense of the Senate that—

(1) with regard to promoting economic development and open, democratic countries in the former Soviet Union and Central Eastern Europe, the Committee commends the work of the Citizens Democracy Corps (CDC), which utilizes senior-level U.S. business volunteers to assist enterprises, institutions, and local governments abroad. Their work demonstrates the significant impact that USAID support of a U.S. non-governmental organization (NGO) program can have on the key U.S. foreign policy priorities of promoting broad-based, stable economic growth and open, market-oriented economies in transitioning economies. By drawing upon the skills and voluntary spirit of U.S. businessmen and women to introduce companies, CDC furthers the goals of the Freedom of Support Act (NIS) and Support for Eastern European Democracy (SEED), forging positive, lasting connections between the U.S. and these countries. The Committee endorses CDC's very cost-effective programs and believes they should be supported and expanded not only in the former Soviet Union and Eastern Europe, but in transitioning and developing economies throughout the world.

SEWAGE TREATMENT FACILITY—SISTERS, OREGON

SMITH AMENDMENT NO. 1126

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill (S. 416) to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; as follows:

On page 3, line 12, strike the quotation marks.

On page 3, line 14, strike "the following".

At the end, add the following:

"(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest."

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

McCONNELL (AND LEAHY) AMENDMENT NO. 1127

Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 11, line 12 strike everything after the word "loans" and through the word "provision" on line 22.

On page 18, line 21, after the colon insert the following:

Provided further, That notwithstanding any other provision of law, of the funds appropriated under this heading, $10,000,000 shall be made available for political, economic, humanitarian, and associated support activities for Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105-338): *Provided further*, That not less than 15 days prior to the obligation of these funds, the Secretary shall inform the Committees on Appropriations of the purpose and amount of the proposed obligation of funds under this provision:

McCAIN (AND STEVENS) AMENDMENT NO. 1128

Mr. McCONNELL (for Mr. McCAIN (for himself and Mr. STEVENS)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 7, line 3 strike the language beginning with "but shall be" through line 16 "Appropriations."

LEAHY (AND McCONNELL) AMENDMENT NO. 1129

Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 7, line 22, after the colon, insert the following:

Provided further, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations before each time such waiver authority is exercised:

COVERDELL (AND STEVENS) AMENDMENT NO. 1130

Mr. McCONNELL (for Mr. COVERDELL (for himself and Mr. STEVENS)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 8, line 6, after the word "AIDS" insert the following: "and including up to $5,500,000 which may be made available to establish an International Health Center at Morehouse School of Medicine".

McCONNELL (AND LEAHY) AMENDMENT NO. 1131

Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 22, line 5, before the word "Ukraine" insert the words "Government of".

On page 22, line 6, after "1999", insert the following: ", including taking effective measures to end corruption by government officials".

LEAHY (AND McCONNELL) AMENDMENT NO. 1132

Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 22, line 15, before the period, insert the following: "*Provided further*, That of the funds made available for Ukraine, $3,500,000 shall be made available for the destruction of stockpiles of anti-personnel landmines in Ukraine".

LEAHY AMENDMENT NO. 1133

Mr. LEAHY proposed an amendment to the bill, S. 1234, supra; as follows:

On page 10, line 10, after the colon, insert the following: "*Provided further*, That the proportion of funds appropriated under this heading that are made available for biodiversity activities should be at least the same as the proportion of funds that were made available for such activities from funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (P.L. 103–306) to carry out sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961".

LEAHY AMENDMENT NO. 1134

Mr. LEAHY proposed an amendment to the bill, S. 1234, supra; as follows:

On page 32, line 12, delete everything beginning with "For" through "expended" on page 33, line 7, and insert in lieu thereof the following:

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct or indirect loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961 (including necessary expenses for the administration of activities carried out under these parts), and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agriculture Trade Development and Assistance Act of 1954 as amended; and concessional loans, guarantees and credit agreements with any country in sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing and Related Programs Act, 1989 (Public Law 100–461); $43,000,000, to remain available until expended; provided that any limitation of subsection (e) of Section 411 of the Agriculture Trade Development and Assistance Act of 1954 to the extent that limitation applies to sub-Saharan African countries shall not apply to funds appropriated hereunder or previously appropriate.

ROTH (AND LAUTENBERG) AMENDMENT NO. 1135

Mr. McCONNELL (for Mr. ROTH (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new section:

SENSE OF CONGRESS ON MANAGEMENT OF UNITED STATES INTERESTS IN UKRAINE

SEC. 580. (a) FINDINGS.—Congress makes the following findings:

(1) Ukraine is a major European nation as it has the second largest territory and sixth largest population of all the States of Europe.

(2) Ukraine has important geopolitical and economic roles to play within Central and Eastern Europe.

(3) A strong, stable, and secure Ukraine serves the interests of peace and stability in all of Europe, which are important national security interests of the United States.

(4) Ukraine is a member State of the Council of Europe, the Organization on Security and Cooperation in Europe, the Central European Initiative, and the Euro-Atlantic Partnership Conference, is a participant in the Partnership for Peace program of the North Atlantic Treaty Organization, and has entered into a Partnership and Cooperation Agreement with the European Union.

(5) The Government of Ukraine has clearly articulated its country's aspirations to become fully integrated into European and transatlantic institutions, and, in pursuit of the attainment of that aspiration, the government of Ukraine has requested associate membership in the European Union with the intent of eventually becoming a full member of the European Union.

(6) It is the policy of the United States to support the aspiration of Ukraine to assume its rightful place among the European and transatlantic community of democratic States and in European and transatlantic institutions.

(7) In the United States Government, the responsibility for management of United States interests in Ukraine would be most effectively performed by the officials who perform the responsibility for management of United States interests in Europe, and a designation of those officials to do so would strongly underscore and most effectively support attainment of the United States objective to build a Europe whole and free.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should designate the Assistant Secretary of State for European Affairs to perform, through the Bureau of European Affairs of the Department of State, the responsibilities of the Department of State for the management of United States interests in Ukraine.

HELMS (AND MACK) AMENDMENT NO. 1136

Mr. McCONNELL (for Mr. HELMS (for himself and Mr. MACK)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 38, line 10, strike "$785,000,000" and insert "$776,600,000".

HELMS AMENDMENT NO. 1137

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CONGRESSIONAL NOTIFICATION WITH RESPECT TO ACQUISITION OF USAID FACILITIES.

(a) Funds appropriated under the heading "Operating Expenses of the Agency for International Development" may be made available for acquisition of office space exceeding $5,000,000 of the United States Agency for International Development only if the appropriate congressional committees are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1)

(b) As used in this section, the term "acquisition" shall have the same meaning as in the Foreign Service Building Act of 1926.

HELMS (AND DEWINE) AMENDMENT NO. 1138

Mr. McCONNELL (for Mr. HELMS (for himself and Mr. DEWINE)) proposed an amendment to the bill, S. 1234, supra; as follows:

Beginning on page 92 delete section 560 and insert in lieu thereof the following:

ASSISTANCE FOR HAITI

SEC. 560. (a) SENSE OF CONGRESS.—It is the sense of Congress that, in providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the institution of the Hitian National Police, including support for efforts by the leadership and the Inspector General to purge corrupt and politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) a program designed to develop the indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises; and

(5) a sustained agricultural development program.

(b) REPORT.—Beginning six months after the date of enactment of this Act, and six months thereafter, the president shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives wit regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian constitution, including an assessment of whether or not these institutions and officials hold positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of whether or not the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of whether or not the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of whether or not substantial progress has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti, and

(B) an assessment of whether or not the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of whether or not the Government of Haiti has taken action to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed in October 1997;

(7) an assessment of the degree to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of whether or not Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in

Haiti independent from the executive branch.

McCONNELL (AND LEAHY) AMENDMENT NO. 1139

Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 24, line 18, strike all after "(h)" through the period on page 25, line 2, and insert the following:

Of the funds appropriated under this heading that are allocated for assistance for the Central Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that The Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

McCONNELL AMENDMENT NO. 1140

Mr. McCONNELL proposed an amendment to the bill, S. 1234, supra; as follows:

On page 22, line 24, after the word "Armenia" and before the period insert the following: ": *Provided*, That of the funds made available for Armenia, $15,000,000 shall be available for earthquake rehabilitation and reconstruction".

HELMS AMENDMENT NO. 1141

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 37, line 11, before the period insert the following: "*Provided further*, That of the amount appropriated under this heading, $5,000,000 shall be available only for the Philippines".

ABRAHAM AMENDMENT NO. 1142

Mr. McCONNELL (for Mr. ABRAHAM) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 12 line 6 insert a new section:

LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund," not less than $15,000,000 shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

THOMAS AMENDMENT NO. 1143

Mr. McCONNELL (for Mr. THOMAS) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 13, line 5, after the word "Appropriations" insert the following words: ", the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House,"; and

On page 98, line 16, after the word "Appropriations", insert the following words: ", the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House,".

DORGAN AMENDMENT NO. 1144

Mr. LEAHY (for Mr. DORGAN) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 21, line 22, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading, not to exceed $200,000 shall be available only for the REAP International School Linkage Program".

CAMPBELL (AND OTHERS) AMENDMENT NO. 1145

Mr. McCONNELL (for Mr. CAMPBELL (for himself, Mr. SANTORUM, and Mr. BYRD)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new section:

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION.

SEC. . (a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country may be used for the procurement of, any article produced outside the United States, the recipient country, or least developed countries or any service provided by a foreign person.

(b) EXCEPTION.—Subsection (a) shall not apply if—

(1) the provision of such assistance requires articles of a type that are produced in and services that are available for purchase in the United States, the recipient country, or least developed countries, or if the cost of articles and services produced in or available from the United States and such other counties is significantly more expensive, including the cost of transportation, than the cost from other sources; or

(2) the President determines that the application of subsection (a) will impair the ability of the United States to maximize the use of United States articles and services in such reconstruction efforts of other donor countries, or if the President otherwise determines that subsection (a) will impair United States foreign assistance objectives.

(c) DEFINITIONS.—In this section:

(1) ARTICLE.—The term "article" means any agricultural commodity, steel, communications equipment, farm machinery, or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) FOREIGN PERSON.—The term "foreign person" means any foreign national exclusive of any national or recipient country or least developed countries including any foreign corporation, partnership, other legal entity, organizations, or association that is beneficially owned by foreign persons or controlled in fact by foreign persons.

(4) PRODUCED.—The term "produced", with respect to an item, includes any item mined, manufactured, made, assembled, grown, or extracted.

(5) SERVICE.—The term "service" means any engineering, construction or telecommunication.

(6) STEEL.—The term "steel" includes the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

LAUTENBERG AMENDMENT NO. 1146

Mr. LEAHY (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1234, supra; as follows:

Beginning on page 100, strike line 11 and all that follows through line 13 on page 107 and insert the following:

RESTRICTIONS ON ASSISTANCE TO COUNTRIES, ENTITIES, AND COMMUNITIES IN THE FORMER YUGOSLAVIA PROVIDING SANCTUARY TO PUBLICLY INDICTED WAR CRIMINALS

SEC. 567. (a) POLICY.—It shall be the policy of the United States to use bilateral and multilateral assistance to promote peace and respect for internationally recognized human rights by encouraging countries, entities, and communities in the territory of the former Yugoslavia to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia—

(1) by apprehending publicly indicted war criminals and transferring custody of those individuals to the Tribunal to stand trial; and

(2) by assisting the Tribunal in the investigation and prosecution of crimes subject to its jurisdiction.

(b) SANCTIONED COUNTRY, ENTITY, OR COMMUNITY.—

(1) IN GENERAL.—A sanctioned country, entity, or community described in this section is one in which there is present a publicly indicted war criminal or in which the Tribunal has been hindered in efforts to investigate crimes subject to its jurisdiction.

(2) SPECIAL RULE.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of assistance to an entity that is not a sanctioned entity within a sanctioned country, or to a community that is not a sanctioned community within a sanctioned country or sanctioned entity, if the Secretary of State determines and so reports to the appropriate congressional committees that providing such assistance would further the policy of subsection (a).

(c) BILATERAL ASSISTANCE.—

(1) PROHIBITION.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs may be provided for any country, entity, or community described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any assistance described in this subsection is disbursed to any country, entity, or community described in subsection (b), the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register a written justification for the proposed assistance, including a description of the location of the proposed assistance program or project by municipality, its purpose, and the intended recipient of the assistance, including the names of individuals, companies and their boards of directors, and shareholders with controlling or substantial financial interest in the program or project.

(d) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any

country or community described in subsection (b), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the appropriate Congressional committees a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries, including the names of individuals with a controlling or substantial financial interest in the project.

(e) EXCEPTIONS.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of—

(1) humanitarian assistance;

(2) assistance to nongovernmental organizations that promote democracy and respect for human rights; and

(3) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or community and a nonsanctioned contiguous country, entity, or community, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or community and if the portion of the project located in the sanctioned country, entity, or community is necessary only to complete the project.

(f) FURTHER LIMITATIONS.—

(1) PROHIBITION ON DIRECT ASSISTANCE TO PUBLICLY INDICTED WAR CRIMINALS AND OTHER PERSONS.—Notwithstanding subsection (e) or subsection (g), no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or community described in subsection (b), for any financial or technical assistance, grant, or loan that would directly benefit a publicly indicted war criminal, any person who aids or abets a publicly indicted war criminal to evade apprehension, or any person who otherwise obstructs the work of the Tribunal.

(2) CERTIFICATION.—At the end of each fiscal year, the President shall certify to the appropriate congressional committees that no assistance described in paragraph (1) directly benefited any person described in that paragraph during the preceding 12-month period.

(g) WAIVER.—The Secretary of State may waive the application of subsection (c) with respect to specified United States projects, or subsection (d) with respect to specified international financial institution programs or projects, in a sanctioned country or entity upon providing a written determination to the appropriate congressional committees that the government of the country or entity is doing everything within its power and authority to apprehend or aid in the apprehension of publicly indicted war criminals and is fully cooperating in the investigation and prosecution of war crimes.

(h) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND COMMUNITIES.—

(1) IN GENERAL.—The Secretary of State, acting through the Ambassador at Large for War Crimes Issues, and after consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and maintain a current record of the location, including the community, if known, of publicly indicted war criminals and of sanctioned countries, entities, and communities.

(2) REPORT.—Beginning 30 days after the date of enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the community, if known, of publicly indicted war criminals and the identity of countries, entities, and communities that are failing to cooperate fully with the Tribunal.

(3) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(j) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(3) COMMUNITY.—The term "community" means any canton, district, opstina, city, town, or village.

(4) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia-Montenegro), the Former Yugoslav Republic of Macedonia, and Slovenia.

(5) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(6) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, the Republika Srpska, Brcko in Bosnia, Serbia, Montenegro, and Kosovo.

(7) INTERNATIONAL FINANCIAL INSTITUTION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(8) PUBLICLY INDICTED WAR CRIMINALS.—The term "publicly indicted war criminals" means persons indicted by the Tribunal for crimes subject to the jurisdiction of the Tribunal.

(9) TRIBUNAL OR INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.—The term "Tribunal" or the term "International Criminal Tribunal for the Former Yugoslavia" means the International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the Territory of the Former Yugoslavia since 1991, as established by United Nations Security Council Resolution 827 of May 25, 1993.

BROWNBACK AMENDMENT NO. 1147

(Ordered to lie on the table).

Mr. BROWNBACK submitted an amendment to be proposed by him to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. INTERNATIONAL DISASTER ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

Notwithstanding any other provision of law, of the funds made available under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for fiscal year 2000, up to $4,000,000 should be made available for rehabilitation and economic recovery in opposition-controlled areas of Sudan. Such funds are to be used to improve civil society, primary education, agriculture, and other locally-determined priorities. Such funds are to be administered by the United States Agency for International Development, in consultation with the Department of Agriculture.

SEC. ___. DEVELOPMENT ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

(a) INCREASE IN DEVELOPMENT ASSISTANCE.—The President, acting through the United States Agency for International Development, should increase the amount of development assistance for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan.

(b) REPORT.—Not later than May 1, 2000, the President shall submit a report to the Congress on progress made in carrying out subsection (a).

GRASSLEY AMENDMENTS NOS. 1148–1149

(Ordered to lie on the table.)

Mr. GRASSLEY submitted two amendments intended to be proposed to the bill, S. 1234, supra; as follows:

AMENDMENT NO. 1148

On page 128, between lines 13 and 14, insert the following:

SEC. 580. (a) The amount appropriated by title II under the heading "DEPARTMENT OF STATE" under the subheading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" is hereby increased by $61,000,000.

(b)(1) The amount appropriated by title II under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" under the subheading "AGENCY FOR INTERNATIONAL DEVELOPMENT ASSISTANCE" that is specified as available for agriculture and rural development programs including international agriculture research programs is hereby reduced by $5,000,000.

(2) The amount appropriated by title II under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" under the subheading "CYPRUS" is hereby reduced by $3,000,000.

(3) The amount appropriated by title II under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" under the subheading "INDONESIA" is hereby reduced by $10,000,000.

(4) The amount appropriated by title II under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" under the subheading "INTERNATIONAL DISASTER ASSISTANCE" is hereby reduced by $5,000,000.

(5) The amount appropriated by title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE" under the subheading "ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION" is hereby reduced by $30,000,000.

(6) The amount appropriated by title II under the heading "DEPARTMENT OF THE TREASURY" under the subheading "DEBT RESTRUCTURING" is hereby reduced by $3,000,000.

(7) The amount appropriated by title III under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" under the subheading "FOREIGN MILITARY FINANCING PROGRAM" is hereby reduced by $5,000,000.

AMENDMENT NO. 1149

On page 128, between lines 13 and 14, insert the following:

TITLE VI—DRUG CERTIFICATION PROCEDURES

SEC. 601. SHORT TITLE.

This title may be cited as the "Most Favored Rogue States Act of 1999".

SEC. 602. MODIFICATION OF DEFINITION OF "MAJOR DRUG-TRANSIT COUNTRY".

Section 481(e)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(5)) is amended by striking "significantly affecting the United States".

SEC. 603. TREATMENT OF CERTAIN COUNTRIES AS MAJOR DRUG-TRANSIT COUNTRIES FOR PURPOSES OF CERTIFICATIONS.

(a) TREATMENT.—Notwithstanding any other provision of law and except as provided under section 604(a), the countries specified in subsection (b) shall be treated as major drug-transit countries for purposes of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for fiscal years after fiscal year 1999.

(b) COVERED COUNTRIES.—The countries specified in this subsection are the following:

(1) Iran.

(2) Syria.

(3) North Korea.

(4) Cuba.

SEC. 604. LIMITATION ON REMOVAL OF COUNTRIES FROM LIST OF MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

(a) LIMITATION.—Notwithstanding any other provision of law, in notifying Congress of the countries determined to be major drug-transit or major illicit drug producing countries for purposes of section 490(h) of the Foreign Assistance Act of 1961 (2291j(h)) in any year after 1999, the President may not exclude from among such countries any country that was determined to be such a country for purposes of that section in 1998, or any country specified in section 603(b) that was not otherwise so determined, unless 30 days before making the notification that so excludes such country the President submits to the Members of Congress specified in subsection (b) a written notice of an intent to so exclude such country.

(b) MEMBERS OF CONGRESS.—The Members of Congress referred to in this subsection are the following:

(1) The Chairman and Ranking Member of the Committee on Foreign Relations of the Senate.

(2) The Chairman and Ranking Member of the Committee on International Relations of the House of Representatives.

SEC. 605. REPORT ON NATIONAL INTEREST WAIVER FOR PARAGUAY DURING FISCAL YEAR 1999 CERTIFICATION PROCESS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report setting forth a justification for the decision to submit to Congress a certification under section 490(b)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(b)(1)(B)) with respect to Paraguay for fiscal year 1999.

SEC. 606. REPORT ON DRUG TRAFFICKING ACTIVITIES OF KOSOVO LIBERATION ARMY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the drug-trafficking activities of the Kosovo Liberation Army (KLA). The report shall be submitted in unclassified form, but may include a classified annex.

HELMS (AND VOINOVICH) AMENDMENT NO. 1150

Mr. MCCONNELL (for Mr. HELMS (for himself and Mr. VOINOVICH)) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA.

(a) ASSISTANCE.—

(1) PURPOSE OF ASSISTANCE.—The purpose of assistance under this subsection is to promote and strengthen institutions of democratic government and the growth of an independent civil society in Yugoslavia, including ethnic tolerance and respect for internationally recognized human rights.

(2) AUTHORIZATION FOR ASSISTANCE.—The President is authorized to furnish assistance and other support for individuals and independent nongovernmental organizations to carry out the purpose of paragraph (1) through support for the activities described in paragraph (3).

(3) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under paragraph (2) include the following:

(A) Democracy building.

(B) The development of nongovernmental organizations.

(C) The development of independent media.

(D) The development of the rule of law, a strong, independent judiciary, and transparency in political practices.

(E) International exchanges and advanced professional training programs in skill areas central to the development of civil society and a market economy.

(F) The development of all elements of the democratic process, including political parties and the ability to administer free and fair elections.

(G) The development of local governance.

(H) The development of a free-market economy.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the President $100,000,000 for the period beginning October 1, 1999, and ending September 30, 2001, to carry out this subsection.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(b) PROHIBITION ON ASSISTANCE TO GOVERNMENT OF SERBIA.—In carrying out subsection (a) the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Government of Yugoslavia or to the Government of Serbia.

(c) ASSISTANCE TO GOVERNMENT OF MONTENEGRO—In carrying out subsection (a), the President is authorized to provide assistance to the Government of Montenegro, if the President determines, and so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, that the Government of Montenegro is committed to, and is taking steps to promote, democratic principles, the rule of law, and respect for internationally recognized human rights.

BURNS (AND OTHERS) AMENDMENT NO. 1151

Mr. MCCONNELL (for Mr. BURNS (for himself, Mr. DEWINE, and Mr. COVERDELL)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 26, line 15, before the period insert the following: "*Provided further*, That of the funds made available under this heading, not less than $10,000,000 shall be made available to continue mycoherbicide counter drug research and development".

ASHCROFT AMENDMENTS NOS. 1152–1153

(Ordered to lie on the table.)

Mr. ASHCROFT submitted two amendments intended to be proposed by him to the bill, S. 1234, supra; as follows:

AMENDMENT NO. 1152

On page 128, after line 13, insert the following new section:

SENSE OF SENATE REGARDING UNITED STATES CITIZENS KILLED IN TERRORIST ATTACKS

SEC. 580. (a) FINDINGS.—The Senate makes the following findings:

(1) The Palestinian Authority, in formal commitments made under the Oslo peace process, repeatedly has pledged to wage a relentless campaign against terrorism.

(2) At least 12 United States citizens have been killed in terrorist attacks in Israel since the Oslo process began in 1993, and full cooperation from the Palestinian Authority regarding these cases has not been forthcoming.

(3) At least 280 Israeli citizens have died in terrorist attacks since the Oslo process began, a greater loss of life than in the 15 years prior to 1993.

(4) The Palestinian Authority has released terrorist suspects repeatedly, and suspects implicated in the murder of United States citizens have found shelter in the Palestinian Authority, even serving in the Palestinian police force.

(5) The Palestinian Authority uses official institutions such as the Palestinian Broadcasting Corporation to train Palestinian children to hate the Jewish people.

(6) Terrorist violence likely will undermine a genuine peace settlement and jeopardize the security of Israel and United States citizens in that country as long as incitement against the Jewish people and the State of Israel continues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is the solemn duty of the United States and every Administration to bring to justice those suspected of murdering United States citizens in acts of terrorism;

(2) the Palestinian Authority has not taken adequate steps to undermine and eradicate terrorism and has not cooperated fully in detaining and prosecuting suspects implicated in the murder of United States citizens;

(3) Yasser Arafat and senior Palestinian leadership continue to create an environment conducive to terrorism by releasing terrorist suspects and inciting violence against Israel and the United States; and

(4) United States assistance to the Palestinian Authority should be conditioned on full cooperation in combating terrorist violence and full cooperation in investigating and prosecuting terrorist suspects involved in the murder of United States citizens.

AMENDMENT NO. 1153

SEC. . REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) the date of each attack and the total number of people killed or injured in each attack;

(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on -

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993, and the response to each request from the Palestinian Authority and Israel.

(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against United States citizens as listed in the report.

(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, including in each case, where such information is available, any stated claim of responsibility and the resolution or disposition of each case, including information as to the whereabouts of the perpetrators of the acts. The list required by this paragraph shall be submitted only once with the initial report required under this section, unless additional relevant information on these cases becomes available.

(9) The amount of compensation the United States has requested for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority since September 13, 1993, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

(c) INITIAL REPORT.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

CRAIG AMENDMENT NO. 1154

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new section:

REDUCTION OF AMOUNT FOR PAYMENT OF ARREARS TO MULTILATERAL INSTITUTIONS

SEC. 580. The total amount appropriated under this Act for payment of amounts owed in arrears by the United States to miltilateral international institutions is reduced by the total amount paid by the United States for the costs incurred by the United States during fiscal years 1995 through 1999 for peacekeeping operations in Bosnia, Kosovo, and elsewhere in the Balkins.

BIDEN AMENDMENTS NOS. 1155–1156

(Ordered to lie on the table.)

Mr. BIDEN submitted two amendments intended to be proposed by him to the bill, S. 1234, supra; as follows:

AMENDMENT NO. 1155

On page 128, between lines 13 and 14, insert the following:

SEC. . ALLOCATION OF FUNDS FOR THE IRAQ FOUNDATION.

Of the funds made available by this Act for activities of Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105–338), not less than $250,000 shall be made available for the Iraq Foundation.

AMENDMENT NO. 1156

On page 128, between lines 13 and 14, insert the following:

SEC. . AVAILABILITY OF FUNDS FOR THE IRAQ FOUNDATION.

Of the funds made available by this Act for activities of Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105–338), funds shall also be available for the Iraq Foundation.

DODD (AND LEAHY) AMENDMENT NO. 1157

Mr. DODD (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill at the following new section:

SEC. . TERMINATION OF PROHIBITIONS AND RESTRICTIONS ON TRAVEL TO CUBA.

(a) TRAVEL TO CUBA.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—Subject to subsection (b), the President shall not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel that are set forth in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred paragraph (1) are—

(A) any transaction ordinarily incident to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal use only;

(B) any transaction ordinarily incident to travel or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal use;

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within Cuba;

(D) any transaction incident to non-scheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into Cuba or the United States except accompanied baggage; and

(E) any normal banking transaction incident to any activity described in any of the preceding subparagraphs, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments; except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in Cuba.

(b) EXCEPTIONS.—The restrictions on authority contained in subsection (a)(1) do not apply in a case in which—

(1) the United States is at war with Cuba; or

(2) armed hostilities between the two countries are in progress.

(c) APPLICABILITY.—This section applies to actions taken by the President before the date of the enactment of this Act which are in effect on such date, and to actions taken on or after such date.

(d) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

DODD AMENDMENT NO. 1158

Mr. LEAHY (for Mr. DODD) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill at the following new section:

SEC. . FOREIGN MILITARY TRAINING REPORT.

(a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 2000 a report on all military training provided to foreign military personnel (excluding sales) administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

LANDRIEU (AND HELMS) AMENDMENT NO. 1159

Mr. LEAHY (for Ms. LANDRIEU (for herself and Mr. HELMS)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 21, line 22, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading, not to exceed $2,000,000 shall be available for grants to nongovernmental organizations that work with orphans who are transitioning out of institutions to teach life skills and job skills".

BYRD AMENDMENT NO. 1160

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING REDRESSING UNFAIRNESS IN THE DISBURSEMENT OF ASSISTANCE UNDER THE CAMP DAVID ACCORDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Egypt and Israel together negotiated the Camp David Accords, an historic breakthrough in beginning the process of bringing peace to the Middle East.

(2) As part of the Camp David Accords, a concept was reached regarding the ratio of United States foreign assistance between Egypt and Israel, a formula which has been followed since the signing of the Accords.

(3) The United States is proportionally reducing both military and economic assistance to Egypt and Israel, with the agreement of those nations.

(4) The United States is committed to maintaining parity between Egypt and Israel in United States foreign assistance programs within the context of the overall reduction in assistance.

(5) Egypt has consistently fulfilled an historic role of peacemaker in the context of the Arab-Israeli disputes.

(6) The recent elections in Israel offer fresh hope of resolving the remaining issues of dispute in the region.

(7) The mechanism by which United States foreign assistance has been provided to Egypt and Israel has resulted in an imbalance in that program in that Israel has the unique advantage of having immediate access to an interest bearing account while Egypt has not been accorded the same treatment, a procedure which can be interpreted as a departure from the standard of fairness that is central to United States assistance under the Camp David Accords;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should correct the imbalance caused by the difference in treatment of disbursements of United States foreign assistance to Israel and Egypt by providing Egypt access to an interest bearing account as a part of the United States foreign assistance program pursuant to the principles of fairness and parity which underlie the Camp David Accords.

LEAHY (AND OTHERS) AMENDMENT NO. 1161

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. REED, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. KENNEDY, Mr. SCHUMER, Mr. HARKIN, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill S. 1234, supra; as follows:

At the appropriate place in the bill, add the following new section:

SELF-DETERMINATION IN EAST TIMOR

SEC. . (a) The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(1) disarm and disband anti-independence militias in East Timor;

(2) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(3) allow Timorese who have been living in exile to return to East Timor to campaign for and participate in the ballot; and

(4) release all political prisoners.

(b) The President shall submit a report to Congress not later than 15 days after passage of this Act, containing a description of the Administration's efforts and his assessment of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a).

(c) The Secretary of the Treasury shall direct the United States executive directors to international financial institutions to take into account the extent of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a), in determining their vote on any loan or financial assistance to Indonesia.

BOXER (AND LEAHY) AMENDMENT NO. 1162

Mr. LEAHY (for Mrs. BOXER (for herself and Mr. LEAHY)) proposed an amendment to the bill, S. 1234, supra; as follows:

At the end, add the following:

SEC. 5 . (a) FINDINGS.—The Congress finds that—

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be eliminated in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease; and

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the total allocation for this Act is higher than the level passed by the Senate, a top priority for the additional funds should be to increase the funding to combat infectious diseases, especially tuberculosis.

CLELAND AMENDMENT NO. 1163

Mr. LEAHY (for Mr. CLELAND) proposed as amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G-8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G–8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for $1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G–8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G–8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over $10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) the international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) in order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

CLELAND AMENDMENT NO. 1164

(Ordered to lie on the table.)

Mr. CLELAND submittted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . PRESIDENTIAL APPROVAL AND REPORTING OF CERTAIN MILITARY OPERATIONS.

(a) The President may not authorize the deployment of forces of the Armed Forces of the United States into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, or into a contingency operation as defined under section 101(a) of title 10, United States Code, and may not authorize or commit to such a deployment to any multilateral organization, unless and until the President makes a finding under subsection (b) and reports such finding to Congress under subsection (c).

(b) The Presidential finding required by subsection (a) shall—

(1) specify the vital national interests at stake which require the deployment of forces of the Armed Forces of the United States, the likely consequences of such a deployment on those and any other relevant vital national interests, and the adverse consequences to those interests likely to occur in the absence of such deployment;

(2) specify why diplomatic and other means are unable to secure those interests;

(3) identify concrete policy objectives which are to be achieved by such deployment, the specific military missions which are designed to achieve each policy objective, and the anticipated date, or the set of conditions, that defines the endpoint of the deployment; and

(4) specify the authorities for the deployment under constitutional and international law.

(c) The President shall ensure that any finding approved pursuant to subsection (b) shall be reported to the Senate and House Committees on Armed Services, the Senate Committee on Foreign Relations and the House Committee on International Relations as soon as possible after such approval and before the initiation of the deployment authorized by the finding.

(d) In the case of a national emergency caused by an attack on the United States, its territories or possessions, or Armed Forces, the finding required by subsection (b) and the reporting required by subsection (c) shall not be required prior to the initiation of the deployment of the Armed Forces of the United States, but such finding and reporting shall take place as soon as possible after such deployment.

(e) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government under this or any other Act may be expended, or may be directed to be expended, for any deployment of the Armed Forces of the United

States described in this section, unless and until a Presidential finding described in subsection (b) has been signed and reported in accordance with this section.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1165

Mr. BINGAMAN (for himself, Mr. ROBERTS, Mr. SMITH of New Hampshire, Mr. CLELAND Mr. HARKIN, and Mr. WARNER) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING ASSISTANCE PROVIDED TO LITHUANIA, LATVIA, AND ESTONIA.

It is the sense of the Senate that nothing in this Act, or Senate Report No. 106–81, relating to assistance provided to Lithuania, Latvia, and Estonia under the Foreign Military Financing Program, should be interpreted as expressing the will of the Senate to accelerate membership of those nations into the North Atlantic Treaty Organization (NATO).

NICKLES AMENDMENT NO. 1166

(Ordered to lie on the table.)

Mr. NICKLES submitted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

Strike section 577, and insert in lieu thereof the following:

SEC. 557. RESTRICTIONS ON UNITED STATES ASSISTANCE FOR THE PALESTINIAN AUTHORITY.

(a) Definitions.—In this section:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) Congressional leadership.—The term "congressional leadership" means the Speaker of the House of Representatives and the Majority and Minority Leaders of the House of Representatives and the Majority and Minority Leaders of the Senate.

(3) Hebron protocol.—The term "Hebron Protocol" means the Protocol Concerning Redeployment In Hebron, signed January 17, 1997.

(4) Oslo II Accord.—The term "Oslo II Accord" means the Israel-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed September 28, 1995.

(5) Wye river memorandum.—The term "Wye River Memorandum" means the agreement between Israel and the Palestine Liberation Organization, done at Washington, D.C. on October 23, 1998.

(b) Requirements.—None of the funds appropriated or otherwise made available by law (including funds appropriated for fiscal year 1999 and prior fiscal years) may be available for assistance to the Palestinian Authority, or to any third party performing work under contract of the Palestinian Authority, in fiscal year 2000 or any fiscal year thereafter unless the following requirements have been satisfied:

(1) Presidential certifications.—The President has certified to Congress the following:

(A) No unilateral declaration of Palestinian statehood has been made.

(B) The Palestinian Authority has brought to justice (or transferred to Israel or the United States for legal action) those Palestinians responsible for killing United States citizens, as determined by the President, including the following United States citizens:

(i) David Berger, killed at the 1972 Munich Olympics.

(ii) Ambassador Cleo A. Noel, Jr., the United States Ambassador to the Sudan, who was murdered in March of 1973.

(iii) George Curtis Moore, who was killed with Ambassador Noel.

(iv) Gail Rubin, the niece of former Senator Abraham Ribicoff, who was murdered in 1978.

(v) Leon Klinghoffer, who was murdered aboard the ship Achille Lauro in 1985.

(vi) Navy diver Robert Stethem, who was murdered when TWA flight 847 was hijacked to Beirut in June of 1985.

(vii) Nachshon Wachsman, who was kidnapped on October 9, 1994 and murdered.

(viii) Alisa Flatow, who was killed in a bus bombing in April of 1995.

(ix) Joan Davenny, who was killed in a Jerusalem bus bombing in August of 1995.

(x) Sara Duker, Matthew Bisenfeld, and Ira Weinstein, who were killed while riding a bus in Jerusalem in February of 1996.

(xi) David Boim, who was murdered by a gunman in May of 1996.

(xii) Yaron Unger, who was killed in a drive-by shooting attack in June of 1996.

(xiii) Leah Stern, who was killed in the July 1997 market bombing in Jerusalem.

(xiv) Yael Botwin, who was killed in the September 1997 bombing on Ben Yehuda street in Jerusalem.

(xv) Dov Dribben, who was murdered in April of 1998.

(C) The Palestinian authority is cooperating fully with the United States and Israel in their efforts to locate and secure the return of Zachary Baumel, a United States citizen, and his colleagues, Yehuda Katz and Zvi Feldman.

(D) The Palestinian Authority has agreed that, in each case in which the Palestinian Authority brought someone to justice for killing a United States citizen, the Palestinian Authority has notified the President of the person it has brought to justice.

(E) The Palestinian Authority has cooperated fully with the General Accounting Office (GAO), including cooperation with GAO investigators, to provide a full accounting of all funds previously provided by the United States to the Palestinian Authority or to any third party that was under contract to perform work for the Palestinian Authority.

(F) The size of the Palestinian Authority police force is in conformity with obligations of the Palestinian Authority as outlined under the Oslo II Accord.

(G) Based on information available to the President from the Director of Central Intelligence, the Palestinian Authority is confiscating illegal weapons as outlined in the Wye River Memorandum and the Oslo II Accord.

(H) The Palestinian Authority (or any entity controlled by the Palestinian Authority) is abiding by its commitments under the Wye River Memorandum, the Oslo II Accord, and the Hebron Protocol, not to incite violence.

(I) The Palestinian Authority has made a good faith effort to eliminate from its publications, textbooks, broadcasts, and other public and official information of the Palestinian Authority inflammatory statements, drawings, or pictures that could be used to incite violence.

(2) Amended palestinian charter.—The Palestinian Authority has transmitted a certified and signed copy of the amended Palestinian Charter to the President, and the President has further transmitted that document to the appropriate congressional committees and congressional leadership.

(3) GAO certification.—Not more than 30 days prior to the obligation or expenditure of funds, the Comptroller General of the United States has certified that the Palestinian Authority—

(A) has adopted and implemented generally accepted accounting principles or an equivalent accounting system for tracking and documenting all financial transactions and affairs of the Palestinian Authority;

(B) has adopted and implemented a set of guidelines that ensures transparency in all financial activities of the Palestinian Authority; and

(C) has cooperated fully with the Comptroller General in the certification process under this paragraph.

(c) Reports.—

(1) State department reports.—Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the Department of State shall prepare and the President shall submit to the appropriate congressional committees and the congressional leadership a report on the disposition of the cases described in subsection (b)(1)(B). If an individual is convicted in a case described in subsection (b)(1)(B), the President shall track that individual until the individual's sentence has been fully carried out.

(2) CIA reports.—The Director of Central Intelligence shall submit a report in classified and unclassified forms to the appropriate congressional committees and the congressional leadership every 6 months on the progress made by the Palestinian Authority with respect to confiscating illegal weapons and the quantity and types of illegal weapons remaining to be confiscated.

(3) GAO reports.—Beginning 1 year after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit the following reports to the congressional committees and the congressional leadership:

(A) A report on the protection of human rights by the Palestinian Authority in the West Bank and Gaza during the preceding year.

(B) A report on the economic condition of the areas under the control of the Palestinian Authority during the preceding year, including a description of areas of improvement and shortcomings of the economies of these regions and what steps should be taken to remedy such shortcomings and foster economic growth.

(d) Termination of Assistance.—

(1) In general.—All United States assistance to the Palestinian Authority shall terminate if, at any time, the Palestinian Authority—

(A) makes a unilateral declaration of Palestinian statehood; or

(B) does not cooperate with the activities of the Comptroller General of the United States under paragraph (2).

(2) GAO audits.—

(A) Authority.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall conduct an audit of the Palestinian Authority's financial records to ensure that the Palestinian Authority is implementing generally accepted accounting principles (or an equivalent accounting system) in tracking and documenting the financial transactions and affairs of the Palestinian Authority, and the

Palestinian Authority has adequately implemented a set of guidelines that ensures transparency in all financial activities of the Palestinian Authority.

(B) TERMINATION OF ASSISTANCE.—If the Comptroller General of the United States finds that the Palestinian Authority's financial records are not being kept in accordance with generally accepted accounting principles (or an equivalent accounting system), or there is a lack of transparency in the Palestinian Authority recordkeeping, then United States assistance to the Palestinian Authority or any third party performing work under contract for the Palestinian Authority shall be terminated until the Comptroller General certifies to Congress that the Palestinian Authority has complied with the actions described in subparagraph (A).

(3) GAO INITIAL REVIEWS.—Beginning one year after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States shall conduct a review of the following:

(A) The confiscation of illegal arms by the Palestinian Authority.

(B) The size of the police force of the Palestinian Authority.

(C) A review of publications, textbooks, broadcasts, and other types of public and official information of the Palestinian Authority to ensure it is free from inflammatory statements, drawings, or pictures that could be used to incite violence.

(4) GAO FOLLOWUP REVIEWS.—If the Comptroller General finds that the Palestinian Authority is not in compliance with its obligations under the Wye River Memorandum, the Oslo II Accord, or the Hebron Protocol, the Comptroller General shall conduct a review in the succeeding 6 months. If the Comptroller General finds in the second review that the Palestinian Authority is not in compliance with its obligations under the Wye River Memorandum, the Oslo II Accord, or the Hebron Protocol, then all United States assistance to the Palestinian Authority or any third party performing work under contract for the Palestinian Authority shall be terminated until the Comptroller General certifies that the Palestinian Authority is in compliance with the Wye River Memorandum, the Oslo II Accord, and the Hebron Protocol.

(e) REIMBURSEMENTS.—Funds available to the Palestinian Authority shall be used to reimburse the applicable appropriations accounts of the Central Intelligence Agency and the General Accounting Office for expenses incurred by those agencies as a result of investigations, certifications, and reports required to be conducted by those agencies under this Act.

KERRY AMENDMENT NO. 1167

Mr. LEAHY (for Mr. KERRY) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The President shall continue and expand efforts through the United Nations and other international fora, including the Wassenaar Arrangement, to limit arms transfers worldwide. The President shall take the necessary steps to begin multilateral negotiations within 180 days after the date of the enactment of this Act, for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms, particularly transfers to countries:

(1) that engage in persistent violations of human rights, engage in acts of armed aggression in violation of international law, and do not fully participate in the United Nations Register of Conventional Arms; and

(2) in regions in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(b) REPORT TO CONGRESS.—(1) Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the appropriate committees of the Congress on the progress made during these negotiations.

KERRY (AND MCCAIN) AMENDMENT NO. 1168

Mr. LEAHY (for Mr. KERRY (for himself and Mr. MCCAIN)) proposed an amendment to the bill, S. 1234, supra; and follows:

On page 13, strike lines 2 through the colon on line 14 and insert in lieu thereof the following:

"None of the funds appropriated by this Act may be made available for activities or programs for the Central Government of Cambodia until the Secretary of State determines and reports to the Committee on Appropriations and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force:".

KERRY AMENDMENT NO. 1169

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Except as provided in subsection (b), United States assistance as defined in subsection (c) may be provided to a foreign government during the fiscal year beginning October 1, 1999, only if the President determines and reports to Congress that:

(1) such government is not engaged in persistent violations of human rights, is not engaged in acts of armed aggression in violation of international law, and is fully participating in the United Nations Register of Conventional Arms; and

(2) arms sales will not exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(b) The limitation in subsection (a) shall not apply with respect to a foreign government for the fiscal year beginning October 1, 1999, if—

(1) the President determines that it is in the national security interest of the United States to provide assistance and submits a report to the appropriate congressional committees containing the justification for such determination. No assistance may be provided until 15 days after the submission of such a report; or

(2) the President determines and reports that a national security emergency exists requiring the United States to provide immediate assistance to such government and submits a report to the appropriate congressional committees containing the justification for such determinations.

(c) For purposes of this section the term "assistance" means the transfer of defense articles, defense service and training pursuant to this Act and the Arms Export Control Act, but does not include transfers of such assistance to countries that are specifically identified in law and approved for such assistance, or assistance provided pursuant to the Expanded International Military Education and Training program.

BROWNBACK (AND HELMS) AMENDMENT NO. 1170

Mr. BROWNBACK (for himself and Mr. HELMS) proposed an amendment to the bill S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . INTERNATIONAL DISASTER ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

Notwithstanding any other provision of law, of the funds made available under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for fiscal year 2000, up to $4,000,000 should be made available for rehabilitation and economic recovery in opposition-controlled areas of Sudan. Such funds are to be used to improve economic governance, primary education, agriculture, and other locally-determined priorities. Such funds are to be programmed and implemented jointly by the United States Agency for International Development and the Department of Agriculture, and may be utilized for activities which can be implemented for a period of up to two years.

SEC. . HUMANITARIAN ASSISTANCE FOR SUDANESE INDIGENOUS GROUPS.

The President, acting through the appropriate Federal agencies, is authorized to provide humanitarian assistance, including food, directly to the National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the Operation Lifeline Sudan structure.

SEC. . DEVELOPMENT ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

(a) INCREASE IN DEVELOPMENT ASSISTANCE.—The President, acting through the United States Agency for International Development, is authorized to increase substantially the amount of development assistance for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan.

(b) QUARTERLY REPORT.—The President shall submit a report on a quarterly basis to the Congress on progress made in carrying out subsection (a).

DEWINE (AND COVERDELL) AMENDMENT NO. 1171

Mr. MCCONNELL. (for Mr. DEWINE (for himself and Mr. COVERDELL)) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Colombia is a democratic country fighting multiple wars:

(A) a war against the Colombian Revolutionary Armed Forces (FARC);

(B) a war against the National Liberation Army (ELN);

(C) a war against paramilitary organizations; and

(D) a war against drug lords who traffic in deadly cocaine and heroin.

(3) Colombia is the world's third most dangerous country in terms of political violence with 34 percent of world terrorist acts committed there.

(4) Columbia is the world's kidnaping capital of the world with 2,609 kidnapings reported in 1998 and 513 reported in the first three months of 1999.

(5) In 1998 alone, 308,000 Colombians were internally displaced in Colombia. Over the last decade, 35,000 Colombians have been killed.

(6) The FARC and ELN are the two main guerilla groups which have waged the longest-running anti-government insurgency in Latin America.

(7) The Colombian rebels have a combined strength of 10,000 to 20,000 full-time guerillas; they have initiated armed action in nearly 700 of the country's 1073 municipalities, and control or influence roughly 60 percent of rural Colombia including a demilitarized zone using their armed stranglehold to abuse Colombian citizens.

(8) Although the Colombian Army has 122,000 soldiers, there are roughly only 20,000 soldiers available for offensive combat operations.

(9) Colombia faces the threat of the armed paramilitaries, 5,000 strong, who are constantly driving a wedge in the place process by their insistence in participating in the peace talks.

(10) More than 75 percent of the world's cocaine HCL and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(11) The conflicts in Colombia are creating spillovers to the border countries of Venezuela, Panama and Equador; Venezuela has sent 30,000 troops to its border and Ecuador is sending 10,000 troops to its border.

(12) Venezuela is our number one supplier of oil.

(13) By the end of 1999, all U.S. military troops will have departed from Panama, leaving the Panama Canal unprotected.

(14) In 1998, two-way trade between the United States and Colombia was more than $11 billion, making the United States Colombia's number one trading partner and Colombia the fifth largest market for U.S. exports in the region.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the United States should recognize the crisis in Colombia and play a more pro-active role in its resolution;

(2) the United States should mobilize the international community to pro-actively engage in resolving Colombian wars; and

(3) pledge our political support to help Colombia with the peace process.

REID AMENDMENT NO. 1172

Mr. LEAHY (for Mr. Reid) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place, add the following:

It is the sense of the Senate that the President and the Secretary of State should—

(1) raise the need for accountability of Saddam Hussein and several key members of his regime at the International Criminal Court Preparatory Commission, which will meet in New York on July 26, 1999, through August 13, 1999;

(2) continue to push for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(3) continue to push for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(4) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

BIDEN AMENDMENT NO. 1173

Mr. LEAHY (for Mr. Biden) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place, insert the following section:

SEC. . EXPANDED THREAT REDUCTION INITIATIVE.

It is the sense of the Senate that the programs contained in the Expanded Threat Reduction Initiative are vital to the national security of the United States and that funding for those programs should be restored in conference to the levels requested in the President's budget.

LEVIN AMENDMENT NO. 1174

Mr. LEAHY (for Mr. Levin) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING U.S. COMMITMENTS UNDER THE U.S.-NORTH KOREAN AGREED FRAMEWORK.

It is the Sense of the Senate that, as long as North Korea meets its obligations under the U.S.-North Korean nuclear Agreed Framework of 1994, the U.S. should meet its commitments under the Agreed Framework, including required deliveries of heavy fuel oil to North Korea and support of the Korean Peninsula Energy Development Organization (KEDO).

DOMENICI (AND HUTCHISON) AMENDMENT NO. 1175

Mr. McCONNELL (for Mr. Domenici (for himself and Mrs. Hutchison)) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 17, line 10, before the period insert the following: "That of the amounts appropriated under this heading, $1.5 million shall be made available to Habitat for Humanity International for the purchase of 14 acres of land on behalf of Tibetan refugees living in northern India, and the construction of a multi-unit development."

COCHRAN (AND LOTT) AMENDMENT NO. 1176

Mr. McCONNELL (for Mr. Cochran (for himself and Mr. Lott) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 33, line 6, before the colon, insert the following: ", of which no less than $1,000,000 shall be available for the Defense Institute of International Studies to enhance its mission, functioning and performance by providing for its fixed costs of operation".

SCHUMER AMENDMENT NO. 1177

Mr. LEAHY (for Mr. Schumer) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place, insert:

It is the sense of the Senate that:

The Senate finds that:

The proposed programs under the Expanded Threat Reduction Initiative (ETRI) are critical and essential to preserving US national security.

The Department of State programs under the ETRI be funded at or near the full request of $250 million in the Foreign Operations Appropriations Bill for Fiscal year 2000 prior to final passage.

COVERDELL AMENDMENT NO. 1178

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following

SEC. . FUNDING FOR COLOMBIAN NATIONAL POLICE.

Of the funds made available pursuant to this Act, not less than $20 million shall be made available to the Colombian National Police to combat narcotics trafficking activities.

LEAHY (AND OTHERS) AMENDMENT NO. 1179

Mr. LEAHY (for himself, Mr. Feingold, Mr. Reed, Mrs. Feinstein, Mr. Wellstone, Mr. Kennedy, Mr. Schumer, Mr. Harkin, and Mrs. Boxer) proposed an amendment to the bill S. 1234, supra; as follows:

At the appropriate place in the bill, add the following new section: self-determination in east timor

Sec. . (a) The President, Secretary of State, Secretary of Defense, and the Secretary of the Treasury (acting through United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(1) disarm and disband anti-independence militias in East Timor;

(2) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(3) allow Timorese who have been living in exile to return to East Timor to campaign for and participate in the ballot; and

(4) release all political prisoners.

(b) The President shall submit a report to Congress not later than 15 days after passage of this Act, containing a description of the Administration's efforts and his assessment of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a).

(c) The Secretary of the Treasury shall direct the United States executive directors to international financial institutions to take into account the extent of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a), in determining their vote on any loan or financial assistance to Indonesia.

VOINOVICH AMENDMENT NO. 1180

Mr. McCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill, S. 1234, supra; as follows:

To Sec. 525—Designation of Serbia as a Terrorist State add:

(C) This section would become null and void should the Federal Republic of Yugoslavia (other than Montenegro and Kosova) complete a democratic reform process that brings about a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

BIDEN AMENDMENT NO. 1181

(Ordered to lie on the table)

Mr. LEAHY (for Mr. BIDEN) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following:

SEC. . ALLOCATION OF FUNDS FOR THE IRAQ FOUNDATION.

Of the funds made available by this Act for activities of Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105-338). $250,000 shall be made available for the Iraq Foundation.

LEAHY AMENDMENT NO. 1182

Mr. LEAHY proposed an amendment to amendment No. 1157 proposed by Mr. DODD to the bill, S 1234, supra; as follows:

Strike everything after "**SEC.** ." and insert in lieu thereof the following:

RELAXATION OF RESTRICTIONS ON TRAVEL BY AMERICAN CITIZENS TO CUBA.

(a) TRAVEL TO CUBA.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—Subject to subsection (b), the President shall not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel that are set forth in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred to in paragraph (1) are—

(A) any transaction ordinarily incident to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal use only;

(B) any transaction ordinarily incident to travel or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal use;

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within Cuba;

(D) any transaction incident to nonscheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into Cuba or the United States except accompanied baggage; and

(E) any normal banking transaction incident to any activity described in any of the preceding subparagraphs, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments;

except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in Cuba.

(b) EXCEPTIONS.—The restrictions on authority contained in subsection (a)(1) do not apply in a case in which—

(1) the United States is at war with Cuba;

(2) armed hostilities between the two countries are in progress; or

(3) there is imminent danger to the public health or the physical safety of United States travelers.

(c) APPLICABILITY.—This section applies to actions taken by the President before the date of the enactment of this Act which are in effect on such date, and to actions taken on or after such date.

(d) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

LOTT AMENDMENT NO. 1183

Mr. McCONNELL (for Mr. LOTT) proposed an amendment to the bill, S. 1234, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CONSULTATIONS ON ARMS SALES TO TAIWAN.

Consistent with the intent of Congress expressed in the enactment of section (3)(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for Congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

BYRD AMENDMENT NO. 1184

Mr. McCONNELL (for Mr. BYRD) proposed an amendment to the bill, S. 1234, supra; as follows:

On page 128, between lines 13 and 14, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING ASSISTANCE UNDER THE CAMP DAVID ACCORDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Egypt and Israel together negotiated the Camp David Accords, an historic breakthrough in beginning the process of bringing peace to the Middle East.

(2) As part of the Camp David Accords, a concept was reached regarding the ratio of United States foreign assistance between Egypt and Israel, a formula which has been followed since the signing of the Accords.

(3) The United States is reducing economic assistance to Egypt and Israel, with the agreement of those nations.

(4) The United States is committed to maintaining proportionality between Egypt and Israel in United States foreign assistance programs.

(5) Egypt has consistently fulfilled an historic role of peacemaker in the context of the Arab-Israeli disputes.

(6) The recent elections in Israel offer fresh hope of resolving the remaining issues of dispute in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should provide Egypt access to an interest bearing account as part of the United States foreign assistance program pursuant to the principles of proportionality which underlie the Camp David Accords.

NICKLES AMENDMENT NO. 1185

Mr. McCONNELL (for Mr. NICKLES) proposed an amendment to the bill, S. 1234, supra; as follows:

Strike section 577, and insert in lieu thereof the following:

SEC. 577. UNITED STATES ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(1) GAO CERTIFICATION.—Not more than 30 days prior to the obligation of funds made available by the Act for assistance for the Palestinian Authority the Comptroller General of the United States shall certify that the Palestinian Authority—

(A) has adopted an acceptable accounting system to ensure that such funds will be used for their intended assistance purposes; and

(B) has cooperated with the Comptroller General in the certification process under this paragraph.

(2) GAO AUDITS.—

(A) AUTHORITY.—Six months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit to determine the extent to which the Palestinian Authority is implementing and acceptable accounting system that is to check the use of funds now available by the act for assistance for the Palestinian Authority.

LEAHY AMENDMENT NOS. 1186–1188

Mr. LEAHY proposed three amendments to the bill, S. 1234, supra; as follows:

AMENDMENT No. 1186

At the appropriate place, insert:

AUTHORIZATIONS

SEC. . The Secretary of the Treasury may, to fulfill commitments of the United States, (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund, the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847,011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; $2,410,000,000 for the International Development Association; and $50,000,000 for the International Bank for Reconstruction and Development's HIPC Trust Fund.

AMENDMENT No. 1187

At the appropriate place in the bill insert the following:

WORKING CAPITAL FUND

SEC. . Section 635 of the Foreign Assistance Act 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

"(l)(1) There is hereby established a working capital fund for the United States Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for: (A) International Cooperative Administrative Support Services; (B) central information technology, library, audiovisual and administrative Support services. (C) medical and health care of participants and others; and (D) such other functions which the Administrator of such agency, with the approval of the Office of Management and budget, determines may be provided more advantageously and economically as central services.

"(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines and any appropriations made available for the purpose of providing capital, less related liabilities.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other federal agencies and other sources authorized by section 607 or this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall be credited to current applicable appropriations.".

AMENDMENT NO. 1188

At the appropriate place in the bill, insert the following:

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, up to $7,500,000 to be derived by transfer from funds appropriated by this Act to carry out Part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading. "Assistance for Eastern Europe and the Baltic States", to remain available until expended, as authorized by section 635 of the Foreign Assistance Act of 1961: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further. That for administrative expenses to carry out the direct and guaranteed loan programs, up to $500,000 of this amount may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development": Provided further. That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

MOYNIHAN AMENDMENT NO. 1189

Mr. DORGAN (for Mr. MOYNIHAN) proposed an amendment to the bill (S. 1282) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 56, line 3, after "and", insert the following: "$4,300,000 shall be available for demolition of the United States Mission to the United Nations at 755 United Nations Plaza (First Avenue and 45th Street), New York, New York, and".

MOYNIHAN (AND SCHUMER) AMENDMENT NOS. 1190–1191

Mr. DORGAN (for Mr. MOYNIHAN (for himself and Mr. SCHUMER)) proposed two amendments to the bill, S. 1282, supra; as follows:

AMENDMENT NO. 1190

Beginning on page 52, line 25, strike the colon and all that follows through "rescinded" on page 53, line 2.

AMENDMENT NO. 1191

On page 56, line 6, after ";", insert the following: "$5,870,000 shall be made available for the repairs and alterations of the Federal Courthouse at 40 Centre Street, New York, New York;".

CAMPBELL (AND DORGAN) AMENDMENT NO. 1192

Mr. CAMPBELL (for himself and Mr. DORGAN) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 51, line 15 and page 57, line 14 strike "5,140,000,000" and insert in lieu thereof "$5,261,478,000".

On page 53 line 2 after "are rescinded" insert "and shall remain in the Fund".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 30, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 30, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 30, 1999 at 10:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Facilities" during the session of the Senate on Wednesday, June 30, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 30, 1999 at 9:30 a.m. to conduct a hearing on S. 438, to settle the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting on pending committee business. The hearing/meeting will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 30, 1999 at 9:30 a.m. to receive testimony on the operations of the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on June 30, 1999 from 10 a.m.–1 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST & PUBLIC LAND MANAGEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 30, for purposes of conducting a hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to conduct general oversight of the U.S. Forest Service Economic Action Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 30, 1999, at 2:30 p.m. on coral reef and marine sanctuaries

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REFLECTIONS FROM RABBI ISRAEL ZOBERMAN

• Mr. WARNER. Mr. President, in light of recent events in Kosovo and the continuing struggles of the many still displaced families, I would like to offer an excerpt from a piece written by a very well-respected spiritual leader from the Commonwealth of Virginia, Rabbi Israel Zoberman.

He writes:

> We take pride in our American servicemen and women—many from our own Hampton Roads—representing the world's sole superpower, who leading the NATO alliance are braving the dangers of war, determined to restore civilized life to all of a continent poised to reverse its long history of conflict and bloodshed through the promise of unity. The presence of the State of Israel among the nations offering critical humanitarian support to a sea of refugees displaying so much dignity, and extending its home to some of them, is inspiring testimony to its acting upon the Jewish people's vast legacy of suffering.

I thank Rabbi Zoberman for these somber yet hopeful words and am once again reminded that the tragedy of Kosovo touches the lives of many and in many different ways. Rabbi Zoberman was born to Polish Holocaust survivors and spent his early childhood in a Displaced Persons Camp in Frankfurt, Germany. Rabbi Zoberman, shalom and thank you.•

EISENHOWER LEADERSHIP AWARD

• Mr. INOUYE. Mr. President, on the evening of Tuesday, May 18, 1999, the distinguished Chairman of the Senate Appropriations Committee and my good friend, Senator TED STEVENS of Alaska, received the Eisenhower World Affairs Institute's annual Leadership Award in recognition of his outstanding lifetime accomplishments. This is indeed an honor TED richly deserves. TED has dedicated his life to public service, and embodies the values, commitment and integrity that were the hallmark of former President Dwight D. Eisenhower. It is an honor to work with such an able legislator, particularly on the Senate Appropriations Committee, where TED's leadership has earned him the respect of his Senate colleagues. TED is a great American and serves this institution well. I was delighted to be part of the evening's festivities. I would like to share with my Senate colleagues and all Americans, Senator TED STEVENS' remarks upon the acceptance of the Eisenhower Leadership Award. I ask that the full text of Senator STEVENS' remarks be printed in the CONGRESSIONAL RECORD.

The remarks follow.

SENATOR TED STEVENS' REMARKS AT THE EISENHOWER WORLD AFFAIRS DINNER UPON RECEIVING THE EISENHOWER LEADERSHIP AWARD, MAY 18, 1999

This is a very unexpected honor. Thanks to Rocco Siciliano and to my departed friend, Al McDermott, who served as Assistant to Ike's Secretary of Labor—a special friend who would be pleased that his wife, Krieks, is here. Al, under Ike's command, drove his LCT to Omaha Beach in Normandy on D-Day.

Alaska's small population seems to be here—the effort all Alaskans made to come so far to share this night means a lot to me. Catherine and I are especially pleased that Lily, soon to be on the Farm at Stanford, is here, together with Catherine's sister, Judi.

This evening overwhelms me. Friends are here from almost every phase of my life.

Russ Green and I met in California when we were 14. We traveled far to be with each other for brief periods during WWII. Russ still lives in California—he was our best man in 1952 when Ann and I were married.

George Reycraft has been a companion since 1947, when we started law school. Catherine, Lily and I have spent Thanksgiving with George since 1980. Roemer McPhee and Burton Wood were with us at law school.

Bill Ewald served in the Interior Department before going to the White House to become Ike's biographer. Donna DeVarona and I were on President Ford's Commission on Amateur Sports—she encouraged me and assisted me when Congress enacted my Amateur Sports Act. Sandra Day and John O'Connor are Arizonans from a ranching family like Catherine's mother, Ellie. Tony Motley and Judy—Tony and I survived a Lear Jet crash in 1978—that's a bond that is never broken.

My constant companions in Alaska—and anywhere the fishing is good—are my brother-in-law Bill Bittner, Chuck Robinson, Bill Allen and my long-time friend and traveling companion, Marshall Coyne. General Joe Ralston and Dede have been close friends since he commanded our 11th Air Force in Alaska—they too are Alaska residents. Throughout this room are members of the Senate staff with whom I have worked. I thank each of you for coming.

And, I thank Senators Bennett, Inouye, Specter and Warner—and Elizabeth Letchworth, Secretary to the Majority, who made certain there were no votes tonight.

I am filled with awe and trepidation when the list of past recipients of this award is read. I was a foot soldier in Ike's battle to "Wage Peace." To follow President Bush, Colin Powell, Bob Dole, Lloyd Bentsen and Brent Scowcroft is an honor that takes my breath away.

Those previous recipients spoke much about Ike. George Bush said:

"I think every person in my generation, certainly every product of WWII, who witnessed his dedication to duty and the devotion with which he undertook his many weighty responsibilities, feels exactly the same way I do. In a sense, Eisenhower was like a guardian to us. Certainly, he was a hero figure before he became President of the United States."

Bob Dole remembered that of "the four federal balanced budgets in the last half of this century, Ike gave us three of them".

Colin Powell told us of the Eisenhower Corridor in the Pentagon where, among the President's treasures, is his portrait and as Colin said the "simple, but oh so eloquent, final words Ike spoke before his death, 'I've always loved my wife. I've always loved my children. I've always loved my grandchildren. I've always loved my country.'"

I have made many statements on the Senate Floor about President Eisenhower. After Ike died in 1969, my comments as a freshman Senator reminded Americans the President held a special place in the hearts of Alaskans. To our 34th President, statehood for Alaska was a matter of simple justice. And, when he listed the accomplishments of his administration, statehood for Alaska and Hawaii appeared first. Alaska first sought statehood in 1913. Two world wars interrupted our quest. After WWII, Hawaii joined the fight. Congress considered Hawaii's bill first, but proponents of Alaska amended their bill and added Alaska, resulting in the defeat of both.

Democrats in Congress were certain Alaska would be a solid state for them; Republicans knew Hawaii was certain to be solidly for them. Neither state has followed such predictions.

In 1950, General Eisenhower said, ". . . quick admission of Alaska and Hawaii to statehood would show the world that America practices what it preaches."

However, in "Eisenhower the President," Bill Ewald reported, "One day in Ike's first term, Orme Lewis, Assistant Secretary of the Interior, cautiously entered the Oval Office with Secretary Douglas McKay. 'What do you want to talk to me about?' The President asked. 'Statehood for Alaska,' McKay replied. 'Well, it better be goddamn good,' the President shot back."

Ike was under Department of Defense pressure to oppose Alaska statehood. Explaining that his 1950 statement endorsing Alaska statehood was made before he had Presidential responsibility, in his first term Ike urged that Hawaii be admitted, but not Alaska.

This was at the height of the Cold War. Many WWII veterans went north to find a new life, including my wife Ann and me. Only 206,000 people, including military, lived in our Territory. Anyone could enter Alaska without a passport, but when we went to the "South 48," our own Immigration Service demanded a passport from everyone, or at least a birth certificate and we, like Americans before us, found taxation without representation downright un-American! It was demeaning to those of us who had fought WWII. We wanted Congress to listen to Ike and show America does practice what it preaches.

Alaskans called a Constitutional Convention; we adopted a Constitution for a new state and we also adopted the "Tennessee Plan." Tennessee, when it sought statehood, elected two Senators and a Congressman, then sent them to Washington, D.C. to demand statehood.

In mid-1956, I arrived back in Washington, D.C. to become Legislative Counsel at the Interior Department. President Eisenhower had just appointed as Secretary of the Interior Fred Seaton, Publisher of the Hastings Tribune, who had served briefly as one of Nebraska's Senators.

Alaska's newspaper publishers, particularly my friends Bill Snedden of the Fairbanks News-Miner and Bob Atwood of the

Anchorage Times, knew Fred well and urged me to accept the appointment.

In many ways, statehood for Alaska and Hawaii was a triumph for newspaper publishers. Snedden and Atwood visited almost every news entity in the United States from Bill Hearst to Henry R. Luce of Time, Inc. From hundreds of daily, weekly and monthly newspapers and magazines, editorial and even financial support poured in. Seaton's own Western Farm Life, plus his papers, radio and television stations in Wyoming, Colorado and Nebraska, were all active in this endeavor.

Alaskans found their national champion for statehood in Fred Seaton. His maiden speech on the Senate Floor was an impassioned plea for immediate action on the Alaska bill. (I've always believed it was ghostwritten by Bill Snedden.)

At Interior, I joined friends with whom I had worked here in D.C. as a volunteer in Ike's 1952 campaign, preparing position papers on natural resource and western issues. Later, at the 1956 Republican Convention, working behind the scenes with Fred Seaton, Alaskans and Hawaiians obtained a provision in our Platform pledging action on both statehood bills.

During the campaign, on September 11, 1956, the President said:

"Now, Alaska is a very great area, there are few people in it, and they are confined almost exclusively in the southeast corner.

"Could there be a way worked out where the areas necessary for defense requirements could be retained under Federal control in the great outlying regions and a State made out of that portion in which the population is concentrated, it would seem to be a good solution to the problem.

"But, the great and vast area is completely dependent upon the United States for protection, and it is necessary to us in our defense arrangements."

That statement led Secretary Seaton and me to meet in 1957 in Fred's hospital room with General Nate Twining, Chairman of the Joint Chiefs of Staff, one of Ike's favorite military advisors. With Twining was Jack Stempler, then in charge of legislation for DoD. Jack told me just this past week, "Legislation is spawned in many places in D.C., but I wonder how many legislative solutions came from a hospital room?"

Secretary Seaton was in traction because of a bad back. We showed him and General Twining the map upon which Ike had drawn a rough line, North and West of which Ike believed there were special defense problems. Twining, who had commanded in Alaska, explained the military reasons for Eisenhower's reservations, particularly the need for unfettered access along the Northern and Western shores of Alaska, obviously defense strategy for opposing the Soviets.

The General pointed out Ike remembered that part of Alaska's Aleutian Islands were occupied by the Japanese in World War II and that Alaska's Little Diomede Island in the North Pacific was just two miles from the Soviet's Big Diomede Island.

We developed a concept to meet Ike's military concerns, while at the same time admitting the whole territory as a state, drafting a provision to give the President power to make defense withdrawals, in essence creating martial law, taking over all aspects of government in the area North or West of Ike's line. No such power exists in any other state.

The Tennessee Plan members—Bill Egan, Ernest Gruening, and Ralph Rivers—later agreed, and Bob Bartlett presented the concept in the House. This was not an easy decision. House Rules Chairman Howard Smith was a dedicated opponent of Alaska. Alaska's statehood bill bypassed his Rules Committee under an old, seldom-used House Rule, which allowed statehood bills to be taken directly to the House Floor. The strategy worked. Alaska's bill passed the House despite repeated attacks from Republicans and Southern Democrats.

Senate strategy was to avoid amendments. Had an amendment been adopted, the bill would be returned to the House where Chairman Smith would bury it.

In the Senate debate, our provision, known as Section 10, was the principal target of statehood opponents. Senator Eastland, Chairman of the Judiciary Committee, led the charge saying:

"I submit that the reservation contained in section 10 is such a condition imposed upon the new State of Alaska as a price for admission in of the Union of States that it does violence to the equal footing doctrine, whereby all the preceding states entering into this Union all entered on equal footing.

"The President of the United States is authorized without a declaration of martial law, to withdraw sovereignty from over half of the area of the State of Alaska."

Senators Thurmond and Russell spoke at length, leaving Majority Leader Mansfield to wonder out loud if there was a filibuster going on.

Senator Thurmond objected to any unanimous consent agreement. I remember loud sighs then from Alaskans in the Senate gallery, knowing as we did Strom's capability for long debate. And Strom did speak extremely long and eloquently. Senators Monroney, Fulbright, and Stennis each made motions; all failed. Then Senator Russell, an absolute powerhouse in the Senate, joined Stennis in seeking to refer the bill to the Armed Services Committee. This also failed. Thurmond moved to eliminate a portion of the land in Alaska subject to section 10. That failed by a vote of 16–67. That vote showed enough votes to cut off debate. Soon thereafter, our bill passed, unamended, by a vote of 64–20.

I later served in the Senate with those Senators who opposed Alaska vigorously. Each was not only a good friend, but worked hard to help me and our new state.

Bill Ewald, when commenting on the passage of the Alaska bill in "Eisenhower the President," rightfully concluded Seaton was a zealot on the subject—and I was a fanatic.

Bill also said:

". . . in the end . . . the greatest glory must go to Eisenhower. He chose his lieutenants, gave them the freedom to think and to innovate, backed them to the hilt despite his qualms, and thus produced an outcome that, in retrospect, remains a triumph of his administration.

"They worked in his name; and history will, and should, honor him for what they did."

The privilege of being near Ike in those days is hard to describe. It wasn't just a battle for Alaska—ten years after Ike approved our Statehood Act, oil was discovered in Alaska. Now 25 percent of all oil produced in the U.S. comes from our North Slope and Cook Inlet. Over 50 percent of all fish landed in the U.S. comes from waters off our shores. Alaska has the highest educated population in this nation. Air Force pilots train above our vast tundra, and our joint Army/Air Force exercises give our defense forces the finest training in the world.

Bryce Harlow, the President's assistant for legislative affairs, held weekly meetings every Saturday for the liaison assistants from every Department, reviewing the past week, and planning strategy for the week ahead. Ed McCabe and Roemer McPhee attended some of those meetings. General Jerry Pearson joined us once in a while. Ike often stopped by Harlow's meetings; he'd joke a little, take time to clearly and simply explain what his priorities were, and would always end with a plea to get our work done and go home to our families. Once he told us, "If you are ever at a dinner here in Washington that lasts beyond ten p.m., go to your hostess and tell her the President needs to see you!" Ike firmly believed in "early to bed and early to rise."

I'm sure you join me in saying how happy we are to be with members of the Eisenhower family again—David and Julie, Mary Jean and Susan. Ike's legacy of family love is obviously a code for each of them.

In 1982, on the Senate Floor, I discussed Bill Ewald's speech to the Eisenhower Old Guard dinner that year. Bill commented about Ike's calm as the President discussed his decision to send troops into Lebanon just eight days after he signed the Alaska Statehood Bill.

Ike told Bill, "Look, when you appeal to the force, there's just one thing you must never do—that's lose. There's no such thing as a little force. When you use it, you use it overwhelmingly."

Bill closed that speech with a comment with which we all agree:

"Not often in the story of mankind does a man arrive on earth of steel and velvet. Peace unspeakable and perfect.

"Something like that resided in the mind and heart and soul of Dwight Eisenhower. In the midst of many threatening clouds it brought us a beautiful golden season of Eisenhower weather.

"For what he did, and above all for what he was, we thank God from the bottom of our hearts tonight."

President Eisenhower's Covenant for Total Peace is known to many of you. It was read by Charlton Heston on the anniversary of D-Day, June 6th 1998, in Philadelphia. Americans who didn't know Ike personally should read it—and know what he did for us, and for the world.

I enlisted in General Eisenhower's crusade 50 years ago. And as a member of the Eisenhower Administration, I joined the President in the battle for Alaska statehood. His admonition that "there is one thing you must never do—lose" is a principle which continues to guide my public life.

Ike will always be my Supreme Commander. His devotion to duty, country, honor have shaped my nearly 50 years of public service. I view the world and my responsibility to it through his prism. Whether it's continuing the battle to ensure the promises of statehood are kept or working side by side with my partner, Dan Inouye, to maintain the strong national defense that Ike helped build, I am honored to continue as a foot soldier in his battle to "wage peace."

The Crusade I want to join is obvious: In my mind Dwight David Eisenhower must be named the Person of the Twentieth Century. My question is: where do I enlist?●

NED HOMFELD WINS ENTREPRENEUR OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Ned Homfeld, who has been named Entrepreneur of the Year for 1999, by Ernst & Young, Mr. Homfeld was selected as the most outstanding company owner-manager from among 500 other exemplary nominees.

Ned Homfeld, the president of Spirit Airlines, is the driving force behind the young company and its remarkable success in the highly competitive airline business. Spirit Airlines, a small air carrier, offers low cost jet service to some of America's most popular business and leisure destinations as well as underserved areas in need of air travel service.

Before his involvement with Spirit Airlines, Mr. Homfeld was involved in numerous other operations including Ground Air Transfers, which delivered critically needed parts to automotive plants, and Charter One, a company that offered public charter day trips. Mr. Homfeld's drive for continued improvements in the airline industry is a testament to his hard work and devotion to the American public.

Mr. Homfeld's continued dedication has not only served Spirit Airlines, but has greatly benefited the greater community as well. Spirit Airlines, providing safe, quality air travel at affordable prices, has been a welcome contributor to Detroit's and other cities across the United States, economic successes during the past decade. His creativity, perseverance and entrepreneurial spirit is an example to us all.•

IN RECOGNITION OF THE ANTI-CRUELTY SOCIETY ON THEIR 100TH ANNIVERSARY

• Mr. DURBIN. Mr. President, it is with pride and pleasure that I take a moment today to recognize the Anti-Cruelty Society of Chicago on the occasion of their 100th anniversary. The society's centennial celebration is entitled "1999—The Anti-Cruelty Society Centennial: A Legacy of Caring, A Vision of Hope for the 21st Century," and is truly an appropriate description of the organization's valuable impact on the lives and treatment of the nation's animals.

One hundreds years ago, the society's founders, led by Illinois resident Mrs. Theodore Thomas, were concerned with inhumane butchery in slaughterhouses, the treatment of old sick workhorses, and hundreds of thousands of malnourished homeless dogs and cats. In their efforts to eliminate cruelty to animals, to educate the public on the humane treatment of animals, and to create a refuge for stray animals until they could be placed in good homes, the society achieved impressive accomplishments in Illinois and across the nation. In fact, the group gave rise to an organization so dynamic that it has impacted and continues to impact public policy and set the standard of humane treatment for animals worldwide.

Once again, I congratulate the Anti-Cruelty Society in Chicago on their remarkable first 100 years of service, and wish them the best of luck as they continue to make a positive impact upon the lives of animals and humans in the many years to come.•

MISS MISSOURI 1999

• Mr. BOND. Mr. President, I rise today to recognize the winner of the 1999 Miss Missouri Pageant, Miss Patryce CoRae King. On June 12th, in my home town of Mexico, MO, Miss King won the State pageant and will go on to represent Missouri in the Miss America Pageant. Miss King is an accomplished pianist and won the talent competition of the pageant with a rendition of Gershwin's "Rhapsody in Blue." I wish Miss King the best of luck and know that she will represent Missouri well at the Miss America Pageant in September.•

RETIREMENT OF JAMES R. SASSER AS AMBASSADOR TO CHINA

• Mrs. FEINSTEIN. Mr. President, I rise today to express my thanks and appreciation to Ambassador James Sasser for the excellent job he has done as United States ambassador to China. After more than three years of dedicated service, Ambassador Sasser will be stepping down from his position.

Ambassador Sasser served during an interesting, often strenuous, period of U.S.-China relations. Drawing on his experiences as a distinguished three term United States Senator and member of the Foreign Relations Committee, he worked tirelessly to ensure that the United States remained engaged with China to promote stability, openness, and prosperity in that country. Even Henry Kissinger, who initially expressed misgivings about Ambassador Sasser's appointment, recently remarked, "I have known no American ambassador who has done a better or more passionate job on Sino-U.S. relations than Ambassador Sasser."

Even during the bad times, when relations soured, Ambassador Sasser has maintained a high level of communication with Chinese leaders and provided a calm and steady influence. He recognized that no single issue can make or break U.S.-China relations and that open and frank dialogue is essential to promoting American values, especially those in the area of human rights.

Though he served with distinction for more than three years, perhaps Ambassador Sasser's finest hour came only a few weeks ago. After the accidental bombing of the Chinese embassy in Belgrade, tens of thousands of angry protesters gathered in front of the American embassy in Beijing and hurled bricks and rocks at the building. The situation was dangerously close to spinning out of control and the lives of those inside the embassy were potentially in danger. Rather than seek cover in a safer place, Ambassador Sasser stayed.

Near the end of his service, he provided us with a lasting image of poise, strength, and courage. His actions were indeed inspiring to those that were with him in Beijing and also to those of us who were watching as the events unfolded on television. He represented the finest of Americans who serve their country in embassies and consulates around the world—he was a diplomat who would not give up his post.

Again, I congratulate Ambassador Sasser for a job well done and wish him the best for his future endeavors.•

KICKOFF OF THE WOMEN'S WORLD CUP

• Mrs. BOXER. Mr. President, last week marked the beginning of the 1999 Women's World Cup, a competition that includes the best soccer teams from throughout the world. Held every four years since 1991, the women's World Cup brings together the finest women athletes and allows them to compete at the highest level. It is so wonderful that young women throughout the world have these role models to look up to—role models such as our very own charismatic Julie Foudy, working mother Joy Fawcett, teenage sensation Tiffany Roberts, and veteran superstar Michelle Akers.

The United States team, which is among the favorites to win the tournament, is led by the best women's soccer player of all time: Mia Hamm. Mia Hamm has scored more international goals than any person—man or woman—in the history of the game. It was perfectly fitting that she scored the first goal of the tournament by half-volleying a Brandi Chastain pass into the roof of the net.

It is also fitting that Mia Hamm was born in 1972, the same year that President Nixon signed into law Title IX of the Education Amendments Act. This law ensures that federally funded schools provide equal athletic opportunity for members of both sexes. Twenty-five years later, the U.S. National Team is one clear sign that this law is a success.

According to the Women's Sports Foundation, the number of girls who participate in high school sports since the enactment of Title IX has risen from 300 thousand to 2.37 million. Women are now 37 percent of college athletes and were 39 percent of the 1996 United States Olympic Team members.

The record-breaking crowds this weekend in San Jose and Pasadena reveal that the enthusiasm for women's soccer is not restricted to players only, but is shared by the public. Over 78,000 loyal fans packed the seats of Giants Stadium to watch the US-Denmark match, and the weekend ticket sales total of over 134,000 surpassed the

112,000 for the entire 1995 Women's World Cup in Sweden. Ticket sales for the Cup to date have passed 500,000 and are rapidly growing—potentially shattering the 600,000 world record for a sporting event held for women.

The stellar start for the World Cup speaks volumes for the future of women's soccer. Female soccer players may not have to wait much longer to play professionally in the United States. The successful weekend attests to the wonderful athletic stars and enthusiastic fans ready, willing and eager to support a women's professional soccer league in major markets such as Los Angeles, San Francisco, New York and Chicago. Citizens both domestic and worldwide are watching the Women's World Cup with pride that our teams are pioneering the path to put women's sports on parity with men's.

The impact of gender equality in sports goes far beyond the soccer field and ticket sales. Female student athletes are more likely to graduate from college than students who do not participate in sports, women who are active in sports and recreational activities as girls feel greater confidence, self-esteem and pride in their physical and social selves; and 80 percent of women identified as key leaders in Fortune 500 companies participated in sports during their childhood.

The Women's World Cup is also an important way to bring together diverse nations of the world. From North Korea to Canada, from Ghana to Sweden, everyone shares in the joys of competition and love of the game. Television viewers throughout the world have been introduced to many countries and its players. During the first week of play, we saw the flamboyant Nigerian goalkeeper Ann Chiejinei confidently lead the "Super Falcons" to the second round. The Brazilian one-name wonders of Sissi and Preinha brought to mind visions of Pele and Romario in scoring the first hat tricks of the tournament. And Norway, which has played in the previous two World Cup title games, opened its title defense with three impressive victories.

So, Mr. President, I will make two predictions. My first prediction is that the United States will reclaim their title as women's World Cup Champions on July 10, in Pasadena, California. And more importantly, my second prediction is that generations of women and girls for years to come will continue to thrive because of Title IX.●

HIGHMORE RESEARCH STATION

● Mr. JOHNSON. Mr. President, I rise today to express my warmest congratulations to the South Dakota State University Central Research Station in Highmore, SD.

Today the experiment station is celebrating one hundred years of dedicated service to the agriculture industry in the Northern Plains. It is an outstanding example of the continued application of technological advancements by our farmers and ranchers in an ever-changing competitive environment.

The Highmore Research Farm, also known as the Central Crops and Soils Research Station, was the first research farm created in the north-central United States. It was created in 1899 at the request of livestock producers who desired drought-resistant forage plants on the prairie. It was determined that a substation was to be established between the James and Missouri Rivers and a location was eventually secured near Highmore. Initially the work at the experiment station was centered around testing drought-resisting forage and devising ways and means for livestock producers to obtain winter forage as well. Later, crop production and rotation became an integral part of the research station.

Affiliated with South Dakota State University in Brookings, this experiment station has been a leader in providing and conducting state-of-the-art agriculture research. In Highmore and at the various other South Dakota Agricultural Experiment Stations across the state, researchers cover a variety of aspects of agriculture, ranging from crop to livestock production. Over 150 different projects demand the time and effort by these dedicated researchers at this time. Through sound science and a problem solving attitude these researchers expand the knowledge base for all of agriculture and those affected by it on a daily basis.

In this critical time in production agriculture while depressed crop and livestock prices are driving agriculture producers from their operations, it is all the more essential that we encourage the research taking place at the experiment stations. As we enter a new millennium we must develop ways for producers to afford and adapt to the technological advancements that can make United States agriculture more competitive. This is crucial in order for South Dakota to compete in the ever-changing global market.

The research and knowledge gained from these experiment stations benefit not only agriculture producers, but also consumers living in rural towns and urban cities. Learning from the past and building towards the future is a daily mission at the Highmore Experiment Station. I applaud the efforts of each researcher and all of those who dedicated their time and effort to this farm in the last 100 years. I extend my best wishes to the Central Research Station in Highmore for another 100 years of successful research and service to South Dakota agriculture.●

THE HISTORIC CONTRIBUTION OF THE 5TH BOMB WING, MINOT, NORTH DAKOTA, TO OPERATION ALLIED FORCE

● Mr. DORGAN. Mr. President, the Secretary of Defense has described our military action in Kosovo as the most accurate application of Air Power in history. The men and women of the 5th Bomb Wing, Minot, North Dakota, were critical to that effort, and the citizens of this state and our entire country are justifiably proud of their efforts.

The B–52 bombing raids on Yugoslavian positions on June 7, 1999, undoubtedly hastened the decision by Yugoslavia to sign the NATO peace agreement ending the conflict. As the Washington Post reported on the significance of the strike, "Two days later, Yugoslav generals formally agreed to withdraw all forces from Kosovo." The Washington Post Article entitled, "NATO's Most Lethal Airstrike Ended a Battle, Perhaps a War," reported that the B–52 attack on Mount Pastrik was the turning point in the Kosovo conflict.

Like the "Linebacker" operations in Vietnam, the unmatched striking power of the B–52 bomber convinced the enemy that negotiation was preferable to suffering the business end of over 70,000 pounds of munitions. The crews of the B–52 bombers that carried out their missions in Kosovo proved the anecdote again, "That bomber pilots make history."

In recognizing the efforts of the crews and support personnel of the 5th Bomb Wing, we cannot forget the sacrifices made by the families and loved ones left behind. Today's professional All-Volunteer Air Force is a different organization than the one that preceded it. More times than not, when an Air Force member deploys, he or she leaves behind a spouse and small children who depend on them, who miss them, and who pray for their safe return. We in the Senate owe a debt of gratitude to those brave families who lovingly support the men and women of our Armed Forces.

Mr. President, in every conflict following the Korean War, the B–52 bomber has delivered the most debilitating blows to our enemies. As demonstrated in Yugoslavia, the B–52 is still capable of delivering the initial strikes in a conflict with stand-off weapons, and then executing decisive strikes on fielded forces with a range of munitions.

The United States Air Force's plan to fly the B–52 bomber well into the next century is a tribute both to the aircraft and the innovative crews that continue to demonstrate the decisive capabilities of the aircraft. Most importantly, as long as the Air Force has men and women like those who serve in the 5th Bomb Wing, this nation sleeps well protected.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I would like to now, on behalf of the leadership, the majority leader, Senator LOTT, ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar:

Nos. 109 through 130, and all nominations on the Secretary's desk in the Air Force, the Army, the Coast Guard, the Marine Corps, and the Navy.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 1552 and 12203:

To be brigadier general

Col. Edward W. Rosenbaum (Retired), 9285

The following named offiers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

John A. Bradley, 1756
Gerald P. Fitzgerald, 6393
Edward J. Mechenbier, 3853
Allan R. Poulin, 0569
Larry L. Twitchell, 5191

To be brigadier general

Thomas L. Carter, 8008
Richard C. Collins, 4411
John M. Fabry, 7726
Hugh H. Forsythe, 0697
Michael F. Gjede, 8335
Leon A. Johnson, 0924
Howard A.McMahan, 7167
Douglas S. Metcalf, 5196
Jose M. Portela, 4065
Peter K. Sullivan, 2189
David H. Webb, 5623

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Archie J. Berberian II, 4968
Verna D. Fairchild, 1283
Daniel J. Gibson, 9540

To be brigadier general

George C. Allen II, 9440
Roger E. Combs, 7932
Michael A. Cushman, 5173
Thomas N. Edmonds, 5967
Jared P. Kennish, 0100
Paul S. Kimmel, 3394
Virgil W. Lloyd, 1408
Alexander T. Mahon, 8661
Marvin S. Mayes, 9378
David E. McCutchin, 5397
Calvin L. Moreland, 6473
Mark R. Musick, 3561
John D. Rice, 5652
Robert O. Seifert, 4036
Lawrence A. Sittig, 7605
James M. Skiff, 1243

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William J. Begert, 2790

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles R. Holland, 4055

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Maxwell C. Bailey, 0835

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C. section 624:

To be major general

Brig. Gen. Alan D. Johnson, 8853

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be major general

Maj. Gen. Donald L. Kerrick, 7369

The following named officers for apointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James M. Collins, Jr., 4663
Brig. Gen. Robert W. Smith, III, 6242

To be brigadier general

Col. Dennis J. Laich, 2608
Col. Robert B. Ostenberg, 8948
Col Ronald D. Silverman, 3658

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Robert E. Armburuster, Jr., 8136
Joseph L. Bergantz, 5893
William L. Bond, 4943
Colby M. Broadwater, III, 6269
Richard A. Cody, 6483
John M. Curran, 6656
Dell L. Dailey, 3747
John J. Deyermond, 7510
Larry J. Dodgen, 5373
James M. Dubik, 1344
Richard A. Hack, 9451
Russel L. Honore, 9939
Roderick J. Isler, 5635
Terry E. Juskowiak, 1217
Geoffrey C. Lambert, 6457
James J. Lovelace, Jr., 0304
Wade H. McManus, Jr., 0485
William H. Russ, 1327
Walter L. Sharp, 4862
Toney Stricklin, 3905
John R. Vines, 5345
Robert W. Wagner, 3914
Craig B. Wheldon, 2831
R. Steven Whitcomb, 7058
Robert Wilson, 1235
Joseph L. Yakovac, Jr., 1273

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, Chaplain Corps

Col. David H. Hicks, 1012

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas N. Burnette, Jr., 2524

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Billy K. Solomon, 4119

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Harry B. Axson, Jr., 8396
Col. Guy M. Bourn, 3022
Col. Ronald L. Burgess, Jr., 2986
Col. Remo Butler, 3143
Col. William B. Caldwell, IV, 8600
Col. Randal R. Catro, 5962
Col. Stephen J. Curry, 1664
Col. Robert L. Decker, 3601
Col. Ann E. Dunwoody, 4139
Col. William C. Feyk, 7754
Col. Leslie L. Fuller, 0504
Col. David F. Gross, 0065
Col. Edward M. Harrington, 9537
Col. Keith M. Huber, 0101
Col. Galen B. Jackman, 4626
Col. Jerome Johnson, 6280
Col. Ronald L. Johnson, 8452
Col. John F. Kimmons, 1861
Col. William M. Lenaers, 8865
Col. Timothy D. Livsey, 9286
Col. James A. Marks, 6071
Col. Michael R. Mazzucchi, 4315
Col. Stanley A. McChrystal, 3565
Col. David F. Melcher, 8170
Col. Dennis C. Moran, 4584
Col. Roger Nadeau, 8893
Col. Craig A. Peterson, 3114
Col. James H. Pillsbury, 8970
Col. Gregory J. Premo, 5029
Col. Kenneth J. Quinlan, Jr., 0015
Col. Fred D. Robinson, Jr., 0142
Col. James E. Simmons, 7320
Col. Stephen M. Speakes, 9036
Col. Edgar E. Stanton, III, 8742
Col. Randal M. Tieszen, 5163
Col. Bennie E. Williams, 1311
Col. John A. Yingling, 0723

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Carlton W. Fulford, Jr., 5783

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David J. Antanitus, 3481
Capt. Dale E. Baugh, 4331
Capt. Richard E. Brooks, 3863
Capt. Evan M. Chanik, Jr., 9906

Capt. Barry M. Costello, 3332
Capt. Kirkland H. Donald, 3953
Capt. Dennis M. Dwyer, 4756
Capt. Mark J. Edwards, 3734
Capt. Bruce B. Engelhardt, 1205
Capt. Tom S. Fellin, 9886
Capt. James B. Godwin, III, 0117
Capt. Charles H. Johnston, Jr., 2065
Capt. John M. Kelly, 6608
Capt. Steven A. Kunkle, 5404
Capt. Willie C. Marsh, 7451
Capt. George E. Mayer, 8977
Capt. John G. Morgan, Jr., 4027
Capt. Dennis G. Morral, 9447
Capt. Eric T. Olson, 6412
Capt. James J. Quinn, 5095
Capt. Ann E. Rondeau, 9812
Capt. Frederick R. Ruehe, 7532
Capt. Lindell G. Rutherford, 1836
Capt. John D. Stufflebeem, 4012
Capt. William D. Sullivan, 3858
Capt. Gerald L. Talbot, Jr., 3890
Capt. Hamlin B. Tallent, 7864
Capt. Richard P. Terpstra, 2198
Capt. Thomas J. Wilson, III, 1569
Capt. James M. Zortman, 6747

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Raymond A. Archer, III, 0393
Rear Adm. (lh) Justin D. McCarthy, 7761

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Darold F. Bigger, 0447
Capt. Fenton F. Priest, III, 5684

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Donald C. Arthur, Jr., 7104
Capt. Linda J. Bird, 2508
Capt. Michael K. Loose, 4983
Capt. Richard A. Mayo, 1835
Capt. Joseph P. Vanlandingham, Jr., 0657

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Robert M. Clark, 8433
Capt. Mark M. Hazara, 3352
Capt. John R. Hines, Jr., 4374
Capt. James Manzelmann, Jr., 4656
Capt. Noel G. Preston, 4806
Capt. Howard K. Unruh, Jr., 3594

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Vernon E. Clark, 8489

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Thomas B. Fargo, 9953

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, COAST GUARD, MARINE CORPS, NAVY

Air Force nominations beginning *Raan R. Aalgaard, and ending Steven R. Zwicker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 26, 1999.

Army nominations beginning with Michael R. Collyer, and ending Renee M. Ponce, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 1999.

Army nomination of Michael L. Mcginnis, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1999.

Coast Guard nomination of James W. Seeman, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1999.

Marine Corps nomination of Loston E. Carter, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1999.

Marine Corps nomination of Jack A. Maberry, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1999.

Navy nominations beginning Sylvester P. Abramowicz, Jr., and ending Shelley W.S. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1999.

Navy nominations beginning Bruce A. Abbott, and ending Bertrand L. Zeller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1999.

Navy nominations beginning Thomas Abernathy, and ending Paul M. Ziegler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1999.

Navy nominations beginning Sevak Adamian, and ending John E. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1999.

Navy nomination of Theodore H. Brown, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 1999.

Navy nominations beginning Richard W. Bauer, and ending Derek K. Webster, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 26, 1999.

Navy nominations beginning Robert A. Yourek, and ending Lorenzo D. Brown, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 26, 1999.

Navy nominations beginning Douglas G. Maccrea, and ending Mladen K. Vranjican, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 26, 1999.

Navy nomination of James N. Frame, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1999.

Navy nominations beginning Nils S. Erikson, and ending Edward C. Ziegler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1999.

Navy nominations beginning Thor D. Aakre, and ending Mary M. Zurowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1999.

Navy nominations beginning Sheila A. Robbins, and ending Daniel E. Wilburn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 9, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER FOR BILL TO BE PRINTED—S. 886

Mr. DEWINE. Mr. President, also on behalf of the majority leader, I ask unanimous consent that S. 886, the State Department authorization bill, be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF RON KAVULICK

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 131 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 131) relating to the retirement of Ron Kavulick.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, today, Ron Kavulick, who has faithfully served the United States Senate for 20 years, will officially retire from the Senate family.

It took Ron Kavulick a while to get to the Senate. He worked first as an official court reporter for the office of The Judge Advocate General, United States Air Force, and later, as an official reporter in the White House—serving Presidents Nixon and Johnson. When he finally got to us, as an Official Reporter of Senate Debates, he advanced quickly, ultimately serving as Chief Reporter.

As Chief Reporter, Ron oversaw the preparation and editing of the proceedings of the Senate for publication in the CONGRESSIONAL RECORD. His greatest challenge, perhaps, was the impeachment trial of the President, where Ron's institutional memory and experience were called upon throughout the lengthy proceedings. It's all too easy for us to assume that capable and dedicated Senate employees, like Ron, will always be here providing abiding support and quiet efficiency.

Thomas Carlyle argued that history is the sum of the work of outstanding individuals. If so, then Ron Kavulick has contributed much to our Senate history. His support to me and my staff will always be remembered. I commend Ron for his dedicated service, and wish him and his wife, Pat, many years of health and happiness in retirement.

Mr. BYRD. Mr. President, today we honor 20 years of service to the Senate by its Chief Reporter, Ron Kavulick. For 16 years, beginning in 1979, Ron worked on the Senate floor as a reporter of debates, where he distinguished himself as a friend to everyone and as one who labored mightily to accurately report Senators' statements for publication in the CONGRESSIONAL RECORD. He was a stickler for detail and bent over backwards to make sure every aspect of his work was correct, as he strove to preserve Senate history to its fullest.

As a result of his tenacity and dedication, Ron was promoted to Chief Reporter in 1995. In that position, Ron was invaluable to the Senate in his dedication to the accuracy of the CONGESSIONAL RECORD. He gave of himself unselfishly to be a fair and considerate supervisor.

Ron now retires to be with his wife, Pat, and their two married children, Jeff and Susan, and granddaughter Allison.

The Senate today says thank you to Ron and his family for his exemplary service to the Senate and its family. He truly is our friend.

Mr. MOYNIHAN. Mr. President, I rise today to thank and applaud Ron Kavulick, the Chief Reporter of Debates, for the tremendous work that he did for the U.S. Senate. Being in charge of the CONGRESSIONAL RECORD is a very demanding and important responsibility. For it is the historical document of the Senate—the bills we introduce, the statements that we make, and all of our debates are printed in the RECORD. I am often amazed how the RECORD is compiled and printed in such a short amount of time.

Ron was to have ended his Senate career at the close of the 105th Congress, but remained in his position as the Senate conducted the impeachment trial of the President. His experience was greatly appreciated throughout this historical proceeding.

Ron's reporting background is both extensive and impressive. He became an Official Reporter of the RECORD of Senate Debates in 1979 and served in that capacity until he was elevated to the position of Chief Reporter in 1995. Before that, he was an official court reporter in the Air Force's Judge Advocate General Corp, and while employed with Alderson Reporting Company, Ron had the opportunity to work at the White House. He traveled extensively both with President Johnson and President Nixon.

My staff and I personally cannot thank Ron enough for his service. He was always available, day or night, for any help that my staff or I needed. I once wrote that the single most exciting thing you encounter in government is competence, because it's so rare. In that case, Ron Kavulick is a rarity in government, and we are blessed to have had him in the Senate.

Mr. DEWINE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 131) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 131

Whereas, Ron Kavulick will retire on June 30, 1999, from service to the United States Senate after twenty years as a member of the staff of the Official Reporters of Debates;

Whereas, he has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on October 22, 1979;

Whereas, his self-determination and hard work as an official reporter resulted in his appointment to the position of Chief Reporter on May 22, 1995;

Whereas, Ron Kavulick, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with dedication and excellence; and

Whereas, Ron Kavulick has demonstrated exemplary service to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Ron Kavulick for his years of faithful service to his country and to the United States Senate.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Ron and Pat Kavulick.

VETERANS OF FOREIGN WARS OF THE UNITED STATES DAY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 145, S. Res. 21.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

There being no objection, the Senate proceeded to consider the joint resolution.

Ms. SNOWE. Mr. President, I rise today to express my sincere appreciation to my colleagues for joining me in honoring the more than two million veterans of the Veterans of Foreign Wars, VFW, of the United States as we pass legislation I introduced earlier this year, S.J. Res. 21, to designate September 29, 1999, as Veterans of Foreign Wars of the United States Day.

September 29, 1999 marks the centennial of the VFW. As veterans of the Spanish American War and the Philippine Insurrection of 1899 and the China Relief Expedition of 1900 returned home, they drew together in order to preserve the ties of comradeship forged in service to their country.

They began by forming local groups to secure rights and benefits for the service they rendered to our country. In Columbus, OH, veterans founded the American Veterans of Foreign Service. In Denver, Colorado, veterans started the Colorado Society of the Army of the Philippines. In 1901, the Philippine War Veterans organization was started by the Philippine Veterans in Altoona and Pittsburgh, Pennsylvania. In 1913, these varied organizations with a common mission joined forces as the Veterans of Foreign Wars of the United States. I am honored to salute this proud organization.

Mr. President, when many of us think about war veterans, we think about the tremendous sacrifices these defenders of freedom made to safeguard the democracy we cherish, especially those who made the ultimate sacrifice. S.J. Res. 21 recognizes those contributions and sacrifices. It also recognizes the contributions that VFW members continue to make day-in and day-out in our communities—the youth activities and scholarships programs, the Special Olympics, homeless assistance initiatives, efforts to reach out to fellow veterans in need, and national leadership on issues of importance to veterans and all Americans. Over the last 100 years, members of the VFW have contributed greatly to our nation both in and out of uniform in ways too numerous to enumerate.

I have nothing but the utmost respect for those who have served their country. With this legislation, we honor the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is but a small token of our appreciation.

The centennial of the founding of the VFW will present all Americans with an opportunity to honor and pay tribute to the more than two million active members of the VFW and to all veterans, as well as to the ideals for which many made the ultimate sacrifice. I thank my colleagues for joining me in a strong show of support and an expression of thanks to the VFW and all veterans.

Mr. President, I yield the floor.

Mr. DEWINE. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Joint Resolution (S.J. Res. 21) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble reads as follows:

S.J. RES. 21

Whereas the Veterans of Foreign Wars of the United States was founded on September 29, 1899;

Whereas the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States will occur on September 29, 1999;

Whereas for the past 100 years, the Veterans of Foreign Wars of the United States has made valuable contributions to the well-being of veterans of the Armed Forces and to the States and their communities, and has exhibited national leadership on issues of importance to all veterans of the Armed Forces; and

Whereas the centennial anniversary of the founding of the Veterans of Foreign Wars of the United States presents an opportunity to recognize, honor, and pay tribute to the more than 2,000,000 veterans of the Armed Forces represented by that organization, and to all the individuals who have served in the Armed Forces: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 29, 1999, is designated as "Veterans of Foreign Wars of the United States Day", and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican Leader, pursuant to the provisions of S. Res. 208 of the 105th Congress, appoints the Senator from Indiana (Mr. LUGAR) to the Special Committee on the Year 2000 Technology Problem, vice the Senator from Maine (Ms. COLLINS).

UNANIMOUS CONSENT AGREEMENT—SOCIAL SECURITY LOCKBOX

Mr. DEWINE. Mr. President, on behalf of the majority leader, Senator LOTT, I ask unanimous consent that following the cloture vote on Thursday relative to the Social Security lockbox issue, if invoked, the Senate immediately proceed to the bill, and following the offering of the cloture motion on the pending amendment, the bill be laid aside until Friday, July 16.

I further ask unanimous consent that 9:30 a.m. on Friday there be 1 hour for debate to be equally divided in the usual form, and that the cloture vote occur at 10:30 a.m. on Friday, July 16, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—Y2K CONFERENCE REPORT

Mr. DEWINE. I ask unanimous consent that when the Senate proceeds to the conference report to accompany H.R. 775, the Y2K liability bill, the reading be waived and it be limited to the following debate time: Senator MCCAIN, 20 minutes; Senator DODD, 15 minutes; Senator WYDEN, 15 minutes; Senator LEAHY, 10 minutes; and Senator HOLLINGS, 50 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I ask consent that immediately following that debate, the Senate proceed to a vote on adoption of the conference report with no other intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY JULY 1, 1999

Mr. DEWINE. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, July 1. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I further ask that the Senate then begin 1 hour of debate prior to the cloture motion to proceed to the Social Security lockbox issue, with time to be equally divided between the two leaders, or their designees, and that the live quorum be waived. I also ask that following the vote, notwithstanding rule XXII, Senator SPECTER then be recognized up to 30 minutes, as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, on behalf of the Majority Leader LOTT, for the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and will debate cloture on the motion to proceed to the Social Security lockbox legislation for 1 hour, to be followed by a cloture vote at 10:30 a.m. If cloture is invoked, the leader will then file a cloture motion on the pending amendment, which is the Social Security lockbox issue. That cloture vote will occur at 10:30 a.m. on Friday, July 16, as under a previous order.

Following that action, Senator SPECTER will be recognized as in morning business for up to 30 minutes. Upon completion of Senator SPECTER's remarks, the Senate will resume consideration of the Treasury-Postal appropriations bill with the hope of completing that bill during Thursday's session of the Senate.

Under a previous consent, all amendments must be offered by 11:30 a.m. on Thursday. It may also be the intention of the leader to debate and vote on the Y2K conference report and to begin consideration of any other appropriations bills cleared for action on Thursday.

Therefore, Senators can expect votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Thursday, July 1, 1999.

NOMINATIONS

Executive nominations received by the Senate June 30, 1999:

DEPARTMENT OF DEFENSE

CHARLES A. BLANCHARD, OF ARIZONA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE WILLIAM T. COLEMAN III.

CAROL DI BATTISTE, OF FLORIDA, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE F. WHITTEN PETERS.

DEPARTMENT OF STATE

BARBRO A. OWENS-KIRKPATRICK, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT H. FOGLESONG, 8617.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CHARLES R. HEFLEBOWER, 8234.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANSFORD E. TRAPP, JR., 7799.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

LARITA A. ARAGON, 1042
FRANCES M. AUCLAIR, 3080
HENRY E. BELLION, 6201
JAMES D. BLAZEY, 0448
THOMAS H. BOGUN, 5654
JOHNNY E. BONNER, 2275
MARK L. BOOTS, 9706
MICHAEL G. BRANDT, 5080
HUGH T. BROOMALL, 8450
ALAN C. BUNTING, 3577
NORMAN L. BURSON, 3538
GEORGE N. CLARK, JR., 9284
NEIL A. CURRIE, 1509
JOHN B. CYRIACKS, 7245
PAUL E. DAVENPORT, 7181
THORNE A. DAVIS, 7660
JOHN E. DENT, JR., 2328
VAUGHN A. DUNHAM, 8944
DONALD N. EDMANDS, JR., 8754
SHEREE M. ETTER, 4537
JUSTIN W. FISHER, 5465
WAYNE A. GALLO, 3026
TERRY A. GRAYBEAL, 1059
RONALD A. HALE, JR., 4044
R ANTHONY HAYNES, 6893
MARK C. HOOPER, 9311
HOWARD P. HUNT III, 2619
THOMAS C. HUTCHINGS, 0328
CONSTANCE E. ILLING, 1702
ROBERT D. IRETON, 8365
KENNETH A. IRLAND, 5323
CORA M. JACKSON, 5301
RICHARD Y. JACOBSON, 3395
EARL G. JAQUES, JR., 6138
MURRAY O. KING, JR., 7784
GARY D. LANHAM, 8291
EMIL LASSEN III, 1505
VERGEL L. LATTIMORE, 6016
KERMIT L. LEMON II, 1111
BRIAN E. LOFTUS, 3120
BENJAMIN F. LUCAS II, 1539
WILLIAM MAIORANO, 5355
SCOTT B. MC EVOY, 7656
WILLIAM E. MELL, 9283
DANIEL G. MORRIS, 4443
HENRY C. MORROW, 7671
DANIEL ST J. MORTAG, 4480
JOHN F. NICHOLS, 5335
MICHAEL J. NUGENT, 1004
SYLVIA J. NYE, 9306
DANIEL B. OHOLLAREN, 9443
PATRICK J. PAULI, 3378
GARY L. PETERS, 8048
RICHARD J. PROSEK, 9887
WILLIAM A. PROSISE, JR., 1628
DONALD P. ROBERTS, 7226
JOE A. ROSE, JR., 6798
JOSEPH R. ROSS, JR., 3207
DANIEL R. ROTA, 9054
TIMOTHY R. RUSH, 5351

WILLIAM G. SCHAETZLE, 8905
FREDERICK SCHMIDT, 8455
RICHARD E. SELTZER, 8726
JOHN G. SHEEDY, 2774
RONALD L. SHULTZ, 1008
ROBERT C. STCLAIR, 4787
RICHARD M. STEDDING, JR., 1699
MICHAEL J. STINSON, 8440
RICHARD J. UTECHT, 5908
ROBERT L. VAUGHN, 8606
EDWARD J. WAITTE, 7577
WILLIAM H. WEATHERS, 0195
JAMES J. WHITE, 0739

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

CHARLES E. HEADDEN, 4725
MICHAEL W. VIERS, 4196

To be major

ANTHONY R. ANDEREGG, 8809
FREDERICK J. BEATA, 5859
THOMAS H. BELL, 2841
MICHAEL W. BINNEY, 6759
RAFEAL D. CHEATHAM, 3409
STEVEN K. COKER, 8220
DANIEL H. DUBBS, 0642
MATTHEW H. GREEN, 1098
SCOTT W. HARRIS, 9658
STEVEN J. LAND, 2834
DAVID A. LAPAN, 5817
JOHN F. LICARI, 1441
ANDREW R. MELLON, 8042
JEFF A. NAGEL, 3857
CHRISTIAN D. NELSON, 9753
ROBERT A. ODAY, 9497
DOUGLAS W. PASNIK, 9842
MARK PRICE, 2824
TIMOTHY B. SEAMON, 5507
RONALD A. SPEARS, 4321
BLAYNE H. SPRATLIN, 1536
JEFFREY S. STIMPSON, 6345
SHAWN B. STITH, 4261
PATRICK J. TOWEY, 4331
THOMAS W. WHITE, 9518

To be captain

BAMIDELE J. ABOGUNRIN, 7275
JOHN K. ADAMS, 5914
MICHAEL AKSELRUD, 4776
OSCAR M. ALVAREZ II, 1191
STEVEN L. AMENT, 9715
ERIC S. ANDERSON, 8043
ROBERT L. ANDERSON III, 8953
PHILIP M. ANDRESS III, 8235
VIRGILIO G. ARCEGA, JR., 0229
KENNETH L. ASBRIDGE III, 7911
RHESA J. ASHBACHER, 2213
SEAN T. AUTH, 1417
TODD W. BACKHUS, 8981
DANIEL J. BAKER, 8455
WESLEY T. BANE, 7274
HERNAN BARRERO, 0343
CRAIG E. BARTON, 0191
ROBERT L. BATES, JR., 7708
TODD A. BECKMAN, 6814
GREGORY M. BEISBIER, 8577
MICHAEL C. BELCHER, 3220
ROBERT H. BELKNAP II, 0715
JAMES M. BELL, JR., 1671
EDWARD J. BENJAMIN, 6149
WADE J. BIEBERDORF, 4543
NICHOLAS C. BLACK, 3636
THOMAS J. BLACKWELL, 3377
DAVID H. BOHN, 4065
ANGELL C. BOLDEN-GREEN, 0977
BRET A. BOLDING, 4690
RAPHAEL E. BONITA, 5176
JAY D. BORELLA, 7797
DARREN S. BOYD, 1335
ROBERT J. BRAATZ, JR., 4298
WILLIAM C. BRADLEY, 4098
PHILLIP M. BRAGG, 6034
IAN D. BRASURE, 1741
SCOTT A. BRINK, 1149
RODNEY S. BRINTON, 7675
PATRICK S. BRODERICK, 9774
NGAIO I. BROWN, 0464
GARY B. BROWNING, 1219
BART A. BUCKEL, 3786
MICHAEL R. BUNTING, 5707
DARREN C. BURCH, 6246
HAROLD E. BURKE, 3180
STEVEN P. BURNETT, 2250
STEVE A. BUTLER, 2526
JOSHUA B. BYER, 1024
RANDY E. CADIEUX, 1455
ALBERT S. CALAMUG, 6549
CHARLES D. CAMPBELL, 5639
EDWARD T. CARD, JR., 2352
GLEN M. CARLSON, 3808
JOHN D. CARROLL, 3944
ERIC R. CASEY, 1936
ROBERT T. CASTRO, 8205
HENRY CENTENO, JR., 4798
WALTER D. CERKAN, 9016
BERNARD C. CERNOSEK, 0224
CLARK D. CHASE, 8537
JASON K. CHRISTIANSEN, 2999
MILTON J. CLAUSEN, JR., 8662
JOSEPH E. CLEARY, 0087
BRIAN CLEMENS, 7431
NATHAN P. CLYNCKE, 0094
THADDEUS COAKLEY, 4164
LAWRENCE A. COLBY, 0632
WILLIAM D. COLLIER, 3233
BRIAN C. COLLINS, 9106
WILLIAM J. COLLINS, JR., 1700
CHARLOTTE M. COMISKY, 2899
TIMOTHY R. CONNELL, 7197
CHRISTOPHER J. CONNELLY, 2810
HUGH K. CONNOLLY, 9989
BRIAN H. CONRAD, 2171
JESSE C. CONSTANTE, 6890
FRANK P. CONWAY, 6589
JAMES B. COOKSEY, 3503
JAMES R. COPPERSMITH, 3486
MARC D. COSTAIN, 1825
PAUL T. COURTAWAY, JR., 6836
ELIZABETH F. CRAIL, 2396
DAVID C. CROSS, 5320
ALAN F. CROUCH, 4277
CHRISTOPHER C. CROWE, 2977
JOHN W. CURRIE IV, 0455
KARLA E. DANE, 5525
ROMIN DASMALCHI, 6176
GEORGE J. DAVID, JR., 8409
SARAH M. DEAL, 2809
JOHN E. DEATON, 2654
EDWARD J. DEBISH, 1657
JOSEPH K. DECAPITE, 3078
SEAN P. DEHLINGER, 7451
JOHN E. DELLINGER, 7306
DENNIS C. DERIENZO, 5545
CHRISTOPHER P. DEVER, 2186
RICHARD A. DICKEY, 1743
DANIEL J. DIMICCO, 7340
LEONARD V. DORRIAN, JR., 4690
ERIC R. DROWN, 6195
ALFREDO DUBOIS, 3429
JOHN G. DUCOTE, 1065
SEAN T. DUGAN, 5785
DANIEL E. DUGGAN, 3994
PETER C. DUNNING, 5902
JOHN R. DUPREE, 6504
MATTHEW S. DUTKIEWICZ, 2982
ROBERT M. DWYER, 1580
NORMAN D. EADIE, 3851
HAROLD B. EGGERS, 2306
JAY M. EGLOFF, 8965
DANIEL P. ERICKSON, 9635
GREGORY J. ESTVANDER, 0385
GABRIEL J. FABBRI, 4072
DANIEL D. FERNANDES, 4552
JOHN M. FIELD, 5370
DANNY R. FIELDS, 8770
SEAN B. FILSON, 2858
SHAUN T. FITZPATRICK, 3829
TIMOTHY S. FITZPATRICK, 3164
MICHAEL D. FOLGATE, 5232
CRAIG A. FORRESTER, 3505
BRYAN C. FORTE, 6798
DUANE M. FOSTER, 0414
PHILIP H. FRAZETTA, 0483
JAMES H. FULLER, 7038
TIMOTHY R. GABRIEL, 6357
THOMAS W. GAGNON, JR., 2960
FRANCIS G. GALA, 1519
WILLIAM A. GALLARDO, 5841
THOMAS J. GALVIN, 9926
RAYMUNDO R. GAMBOL, 9051
CHARLES L. GANT III, 3932
ERIC GARCIA, 8877
THOMAS A. GARCIA, 9125
PETER W. GARDNER, 7140
WENDY S. GARRITY, 4127
MICHAEL E. GATHERCOLE, 9654
LEWIS W. GEIL, 7957
JASON S. GERIN, 2278
DAVID S. GIBBS, 1424
ALLEN L. GILBERT, 2826
MARK W. GILDAY, 2750
DEREK E. GILLETTE, 2184
TIMOTHY C. GOLDEN, 5900
JOSE A. GOMEZ, 7587
ADRIAN C. GOSS, 4819
RONALD S. GOUKER, 7564
RYAN G. GOULETTE, 1093
WILLIAM C. GRAY, 6542
ROBERT M. GREEN, 2166
KIRK A. GREINER, 3726
CHRISTEON C. GRIFFIN, 6686
MICHAEL R. GRISCHKOWSKY, 9632
BRADLEY G. GROSVENOR, 3711
DAVID S. GRUHN, 0626
THOMAS A. GRUNDHERR, 6213
CHRIS T. GUARNIERI, 6390
JOSEPH L. GUGINO, 3721
PATRICK M. GUINEE, 6239
CHRISTOPHER R. HAASE, 4030
EDWARD J. HAGGERTY, 1717
DOUGLAS P. HALE II, 8265
CHRISTOPHER W. HAMPTON, 8585
JARED J. HANSBROUGH, 3879
DOUGLAS HARDY, 3223
THOMAS O. HARPER, JR., 2380
ANDREAS S. HAU, 7489
HENRY C. HEIM, 4943
DAVID S. HEINO, 8740
ANDREW H. HESTERMAN, 8513
ALEXANDER G. HETHERINGTON, 4929
DAVID S. HILL, 0611
LARRY D. HILLIARD, 9212
BRIAN M. HILYER, 1244
GARRETT R. HOFFMAN, 9937
TIMOTHY H. HOGAN, 7725
JASON T. HOLDEN, 6014
ERIC A. HOLDT, 3222
SEANAN R. HOLLAND, 3722
STANLEY D. HOLLAND, 3251
PIERRE G. HOLLIS, 4134
SHANNON V. HOLLOWAY, 1933
PATRICK S. HOULAHAN, 6629
RICHARD N. HUNTE, 8257
NATHAN E. HUNTINGTON, 9969
JAMES J. HURD, 6127
DARYL S. HURST, 7023
KEVIN H. HUTCHISON, 9267
PHILLIP G. JACKSON, 9709
TIMOTHY J. JAMES, 9018
JAN M. JANUARY, 1139
EDWARD L. JEEP, 6250
BETHANY D. JENKINS, 2051
KARL E. JOHNSON, 9042
THEODORE S. JOHNSON, 6130
WILLIAM W. JOHNSON, 7328
JOHN S. JOLLEY, 4993
RONALD A. JONES, 8887
HENRY JUNE, JR., 9211
DAVID A. KALINSKE, 5932
BRIAN J. KAMBUROFF, 8029
BRIAN H. KANE, 7290
THOMAS D. KEATING, 4009
HUNTER R. KELLOGG, 0367
ALBERT K. KIM, 9106
KYLE T. KIMBALL, 5433
JOHN M. KITCHAR, 8730
TODD F. KLIMPEL, 6853
CRAIG A. KOPEL, 7443
MICHAEL R. KROHMER, 2542
RAYMOND C. LABBE, 6080
LARRY E. LASATER, JR., 0864
BRUCE W. LAUGHLIN, 6832
BRENT A. LAWNICZAK, 5926
MICHAEL G. LEBEAU, 3572
EDWARD Y. LEE, 4428
JEFFREY D. LEE, 4685
KENNETH G. LEE, 1029
Kyuwon Lee, 5821
CRAIG C. LEFLORE, 6544
JOSEPH P. LENTIVECH III, 4255
LORI K. LETZRING, 9994
GLEN A. LEWIS, 3517
ERIC S. LIVINGSTON, 5184
FERDINAND F. LLANTERO, 1633
ERIK A. LLUFRIO, 7281
CHRISTOPHER J. LOHMANN, 2930
MICHAEL W. LOWES, 7156
DOUGLAS G. LUCCIO, 0358
CHRISTOPHER C. LYNCH, 0791
JOHN W. LYNCH III, 6425
WILLIAM R. LYNCH, 7287
ERIC M. LYON, 8419
CHRISTOPHER G. MADELINE, 6248
FRANK A. MAKOSKI, JR., 1669
RUSSELL W. MANTZEL, 4013
WENDY L. MAROTTA, 0422
MARIA A. MARTE, 9029
THEODORE E. MARTIN, 4921
NICHOLAS R. MARTINSON, 6330
CLYDE D. MAYS, 4702
PETER C. MC CONNELL, 9670
JAMES S. MC DERMOTT, 8688
DANIEL M. MC DONALD, 8894
GARY D. MC GEE, 8162
RONALD H. MC LAUGHLIN, 8818
CHRISTOPHER L. MEDLIN, 7858
ANDREW O. METCALF, 2517
PETER M. MEYER, 0828
CHRISTOPHER J. MICHEL, 4985
PHILIP A. MIDDLETON, JR., 4874
ALEXANDER H. MILLER, 3424
CRAIG A. MILLER, 2467
DUNCAN W. MILLER, 9632
MATTHEW B. MIXA, 1611
MICHAEL C. MONTI, 6773
DEREK T. MONTROY, 7636
SEAN P. MOONEY, 9588
ALONZO B. MOORE, 9478
JOHN E. MOORE, 3636
PAUL M. MORENO, 3090
MICHAEL D. MORI, 2169
MATTHEW T. MOWERY, 5941
JOHN R. MUNDAY, 5415
NEIL F. MURPHY, JR., 4290
MICHAEL D. MURRAY, 0560
DOUGLAS B. NELSON, 9177
MARCUS J. NELSON, 7012
NICHOLAS M. NICHOLSON, 8824
ANDREW M. NIEBEL, 0319
MICHAEL A. NIERMEIER, 5541
KEVIN P. NOONAN, 4264
RICHARD E. NUTT, 9776
JONATHAN P. OGLE, 9164
CARLOS L. OLIVO, 9662
DEREK J. OLOUGHLIN, 8969
MICHAEL J. O NEIL, 2375
BRIAN T. O NEILL, 3932
ANTHONY C. ORLANDO, 0710
KEVIN T. OROURKE, 7982
TRAVIS F. OSELMO, 3209
PATRICK R. OWENS, 5207
MATTHEW J. PALMA, 0900
DAVID J. PARK, 2346
LARRY D. PARKER, JR., 0787
CLARKE A. PAULUS, 8119
THOMAS A. PECINA, 5625
PHILLIP E. PETERS II, 8051
BRIAN R. PETERSON, 7899
DAVID H. PETERSON, JR., 6230
DAVID S. PETERSON, 8499
LLOYD G. PHILLIPS, JR., 7647
KATHERINE I. POLEVITZKY, 5714
ANTHONY G. PORTER, 6935
STEVEN M. PRATHER, 9530
THEODORE W. PRESS, 1034
DONALD J. PRESTO, 1056
JOHN J. PRIFF, 7638
MICHAEL B. PROSSER, 6182
JOHN A. PRYCE, 5752
JOHN A. RAHE, JR., 7831
DAVID V. RAIMO, 1796
ANDREW W. RALSTON, 7753
KELLY C. RAMSHUR, 5395
DAVID A. RATZEL, 8106
JEFFREY A. RAY, 7721
MATTHEW D. RAZVILLAS, 4060
BRIAN A. REED, 8457
JON A. REISTROFFER, 8098
BARRON E. RENDEL, 6825
JAMES V. RENQUIST, 1805
SCOTT A. RICE, 7153
CHRISTIAN D. RICHARDSON, 5479
RODNEY A. RICHARDSON, 1849
MICHAEL M. RICHMAN, 7169
RALPH J. RIZZO, JR., 3085
MICHAEL C. ROBERTS, 8229
BENJAMIN A. ROBERTSON, 4147
SCOTT A. ROBINSON, 9117
STEVEN ROBINSON, 0765
WAYNE E. ROLLINGS, JR., 2599
JAMES K. ROUDEBUSH, 0141
ROBERT V. RUBIO, 0783
JOSEPH E. RUPP, 7950
RANDAL L. RUSSELL, 2250
GREGORY A. RYAN, 6327
SEAN M. SADLIER, 6920
RUSSELL M. SAGE, 6963
KENNETH M. SANDLER, 3422
MATTHEW R. SASSE, 0955
MORGAN N. SAVAGE, 3119
MICHAEL E. SAYEGH, 9275
PIETRO P. SCARSELLI, 4846
BRYNN H. SCHREINER, 4929
MARK R. SCHROEDER, 6790
KENNETH J. SCHWANTNER, 0660
CRAIG R. SCHWETJE, 8360
DANIEL D. SEIBEL, 9546
GLENN R. SEIFFERT, 4480
DHARMESH M. SHAH, 4275
TIMOTHY A. SHEYDA, 2433
JAMES E. SHORES, 6610
JOHN R. SIARY, 3833
DAVID J. SIKORA, 8763
MARK T. SILCOX, 2884
BRYAN W. SIMMONS, 9358
BRIAN D. SIMON, 8944
DAVID P. SLACK, 3643
WILLIAM M. SLOAN, 0838
WINFRED J. SMEDLEY, JR., 2213
JASON E. SMITH, 5568
MARY M. SMITH, 8493
THOMAS C. SMITH, 7931
TROY E. SMITH, 4839
MATTHEW R. SNYDER, 0976
JAMES M. SOBIEN, 9310
JOHN M. STAFFORD, 0300
SEAN R. STALLARD, 3384
SEAN E. STEPHENS, 5343
MARK T. STEWART, 1353
STEPHEN R. STEWART, 1896
KYLE M. STODDARD, 2993
KURT A. STRANGE, 1149
SCOTT P. SUCKOW, 7124
MICHAEL J. SUTHERLAND, 3132
DAVID S. SWIATKOWSKI, 6497
JONATHAN S. SWOPE, 6647
PATRICK J. TANSEY, 8370
WILLIAM P. TEICHGRAEBER, 2876
DENNIS C. TEITZEL, 7131
MATTHEW L. THOMAS, 3234
JOHN D. THURMAN, 1532
STEPHEN S. TIELEMANS, 5407
JONATHON A. TONEY, 0065
TERRY L. TROGDON, 5491
SCOTT E. UKEILEY, 7692
WILLIAM A. ULLMARK, JR., 6901
ALEXANDER UMANSKY, 5909
STEWART T. UPTON, 3575
MICHAEL A. URENA, 4569
CARLOS A. VALLEJO, 9357
MATTHEW W. VANDERLOO, 3146
MICHAEL K. VANNEST, 3385
MARCO P. VANVLIET, 5465
NICHOLAS P. VAVICH, 6007
SALVATORE VISCUSO III, 5474
RHETT J. VRANISH, 6335
TODD S. WALDRON, 2683
ROBERT Q. WARD, 6966
SCOTT C. WARD, 8496
GILBERT A. WARNER, 9883
DAVID E. WATKINS II, 2298
ERIC R. WATSON, 7590
CARL A. WATT, 8222
MARC E. WEINTRAUB, 0430
MARGARET M. WEITZEL, 2225
ROBERT S. WHITE, 5728
JAMES S. WHITEKER, 9123
BYRON T. WIEDEMAN, 5382
JOHN J. WIENER, 6990
RAYSHAW L. WILLIAMS, 2610
VINCENT H. WILLIAMS, 6210
STANLEY E. WILLIAMSON, 3729
MICHAEL F. WILONSKY, 9323
COREY M. WILSON, 0811
DARYL M. WILSON, 2969
ROBERT L. WISER, 6680
THOMAS J. WITCZAK, 9507
DANIEL J. WITTNAM, 4884
ROGER M. WOOD, 5096
KEVIN S. WOODARD, 7826
MELVIN T. WOODING, JR., 8748
ARTHUR J. WOODS, 6760
JOSEPH B. WOODS, 2223
ERIK G. WOODSON, 4632
GREGORY T. WRIGHT, 9457
MICHAEL S. YAROSCHUK, 3163
RANDALL S. YEARWOOD, 9138
DAVID J. YOST, 3826
MATTHEW T. YOUNG, 0486

To be first lieutenant

BRAD J. AIELLO, 4419
AMY B. ALGER, 3425
JUSTIN J. ANSEL, JR., 5277
BRYAN J. APPLETON, 2629
VICTOR A. ARANA II, 8624
MITCHELL S. BALL, 5510
ERIK J. BARTELT, 1509
PETER D. BARTLE, 9138
JOHN M. BASEEL, 9425
THEODORE W. BATZEL, JR., 9496
THOMAS M. BEDELL, 4759
SHAWN B. BELTRAN, 8872
MARK E. BENSON, 8954
ERICH B. BERGIEL, 4166
CHAD J. BERNHOLTZ, 9540
MICHAEL J. BIBLE, 8389
THOMAS BILLUPS, JR., 3829
GARY W. BILYEU, 8603
SUSAN BIRD, 5072
TODD W. BIRNEY, 0464
ANDREW M. BISHOP, 7645
HENRY L. BLACKSHEAR, JR., 6743
WILLIAM E. BLANCHARD, 7735
GREGORY M. BLANTON, 2647
SPENCER S. BLODGETT, 8119
TODD M. BOEDING, 0003
DANIEL J. BOERSMA, 3756
JEFFREY M. BOLDUC, 2572
VINCENT BOSQUEZ, 1850
JAMES E. BOTTRELL, 6393
JAMES Y. BOUNDS II, 0523
ERIC A. BOWEN, 1007
MICHAEL A. BOWERS, 0949
BONNIE L. BOYETTE, 9193
JONATHAN L. BRADLEY, 1495
ROBB R. BREEDEN, 0046
HENRY J. BREZILLAC, 2962
CLIFFORD N. BROWN, JR., 4024
VINCENT R. BRYAN, 8156
ADAM W. BRYSON, 2574
ANDREA S. BURNS, 6450
MICHAEL K. CAGLE, 1834
RICHARD D. CALLAHAN, 6690
RYAN B. CANTOR, 2695
SAMUEL H. CARRASCO, 0695
GEORGE T. CARROLL, 3208
ROMAN K. CASON, 4965
CHARLES R. CASSIDY, 2718
MICHAEL S. CASTELLANO, 0915
PAMELA J. CASTELLANO, 4273
THOMAS H. CHALKLEY, 0641
JAMES F. CHERRY, JR., 8905
LESLEY W. CHIU, 7202
WILLIAM H. CHRONISTER, 1116
MATTHEW CIANCARELLI, 4479
SALVATORE A. CINCOTTA, 7567
RUTH E. CISNEROS, 3665
THEODORE A. CISOWSKI, 3136
BRETT A. CLARK, 6448
KEVIN E. CLARK, 0743
TREVOR B. CLARK, 5452
JOSHUA S. CLOVER, 5636
MICHAEL P. CODY, 8105
RONALD D. COLLETT, 4720
ANNETTE CONFORTI, 3120
TERENCE M. CONNELLY, 9416
JAMES B. CONWAY, 9183
SUSANNA R. COOPER, 3208
JOSEPH R. CORNELL, 1356
ROBERT E. CRANSTON, 3422
PHILIP D. CUSHMAN, 0185
JOHN C. DANKS II, 4013
JASON K. DARLEY, 4614
BRADLEY T. DAVIN, 8033
NELSON I. DELGADO, JR., 8794
ARMANDO R. DELSI, 9003
ROBERT H. DENCKHOFF III, 2684
JOHN J. DEPINTO, JR., 4437

ENRIQUE DIAZ, 1756
MICHAEL F. DODD, 4309
STEVEN R. DOUGLAS, 6812
DOUGLAS D. DOWNEY, 3749
MATTHEW A. DUMENIGO, 1905
ALEXANDER J. ECHEVERRIA, 4100
MICHAEL N. ESTES, 5461
GORGE F. ETMON, 2669
DAVID R. EVERLY, 2967
RYAN M. EYER, 4960
HOWARD C. EYTH III, 5828
STEPHEN V. FISCUS, 2998
DANIEL J. FLANNERY, 4072
JOHN D. FLEMING, 1005
JOHN P. FLYNN, 1987
ANDREW J. FOREMAN, 6507
PETER T. FORSYTHE, 3964
MARCUS C. FOWLER, 9706
ALFREDO E. FRANCO, 0033
SHAWN T. FREEMAN, 1829
CALVIN M. GADSDEN, 1506
TRAVIS T. GAINES, 2331
JORGE L. GALLEGOS, 1050
FRED C. GALVIN, 8340
ERIC J. GANSER, 1488
THOMAS H. GARNETT, IV, 1039
JOSH B. GARRISON, 3273
CHRISTOPHER T. GIBSON, 7332
MARCUS A. GILKESON, 0169
CLIFFORD W. GILMORE, 9118
MITCHELL L. GOLD, 9267
JOHN F. GOODMAN II, 9152
CAMERON L. GRAMS, 0668
NATHAN A. GRAY, 7996
TIMOTHY E. GREBOS, 8034
JAMES E. GRIFFIN, JR., 0588
TAYLOR L. GRIMES, 9240
ERIC J. GRIMM, 6294
WILLIAM H. GRUBE, 8698
THOMAS D. GUALANDI, 4172
GALO F. GUERRERO, 0371
JASON A. HAMILTON, 3023
MYLE E. HAMMOND, 5762
JEFFREY D. HANSON, 6663
BRENDON G. HARPER, 4583
TIFFANY N. HARRINGTON, 9720
JOHN E. HARRIS, 3654
KELLY K. HASTINGS, 1220
BRENDON J. HEATHERMAN, 1793
BRIAN G. HEATHERMAN, 1551
MONROE H. HENDERSON, 4869
BERNARD HESS, 1735
TWAYNE R. HICKMAN, 9601
THOMAS S. HINKLE, JR., 9014
TIMOTHY A. HITZELBERGER, 1225
CHAD E. HOARE, 4691
CHRISTOPHER M. HOBSON, 7247
JOEL M. HOFFMAN, 3730
CHARLOTTE J. HOLDEN, 8071
STEPHEN R. HORAN, JR.,- 7877
BRADLEY W. HORTON, 3482
DAVID T. HUDAK, 7641
DAVID E. JAMIESON, 2181
SCOT C. JAWORSKI, 2894
TIMOTHY J. JENT, 1339
CHRISTIAN F. JOHNSON, 3713
SHANNON L. JOHNSON, 2191
DARREN B. JONES, 6381
MICHAEL C. KAMIN, 1498
MICHELE I. KANE, 2184
KEVIN J. KEATING, 5358
JOHN K. KELLEY, 0674
ASLAM G. KHAN, 3700
STEPHEN N. KLOTH, JR., 7534
JANA S. KOFMAN, 4540
HOLLY N. KORZILIUS, 1726
MATTHEW H. KRESS, 7938
GREGORY L. KUNI, 3071
MICHAEL M. KWOKA, 1508
SAMUEL LABOY, 6925
LUIS F. LARA, 0719
VELVETH S. LEE, 9888
JEFFREY D. LEROM, 9212
BRENT E. LILLY, 6542
MARK R. LISTON, 6213
JAMES W. LIVELY, 2736
JONATHAN P. LONEY, 1033
JOSE M. LOPEZ II, 3622
NARCISO LOPEZ III, 6361
TODD J. LUCHT, 7086
HENRY K. LYLES, 7845
SEAN J. LYNCH, 4985
ERIC C. MALINOWSKI, 6891
JOHN A. MARCINEK, 5945
GABRIELLE MARGULASCHAPIN, 8440
CORY J. MARTIN, 9358
KURT P. MARTIN, 0589
KRISTIN L. MCCANN, 2136
PATRICK W. MCCUEN, 2128
SCOTT D. MCDONALD, 8099
DAVID S. MCELLIOTT, 2755
SCOTT M. MCFADDEN, 1418
ROBERT T. MEADE, 7445
JEFFREY J. MEISENGER, 0983
RAMON J. MENDOZA, JR., 2597
PAUL C. MERIDA, 9074
DOUGLAS W. MEYER, 4343
GUY J. MILLER, 1264
ODELL MILLER III, 5637
DARON M. MIZELL, 1279
MICHAEL J. MONROE, 6543
ANDRÆA A. MONTECCHI, 3818
PERCY T. MOORE, 0686
RICHARD K. MORRIS, 7143
JEFFREY V. MUNOZ, 3427
KENNETH C. MUSIAL, 6102
MATTHEW R. NATION, 9016
LUCAS J. NICHOLS, 9175
PAUL D. NOYES, 5151
AARON B. O'CONNELL, 4058
CHRISTOPHER P. O'CONNOR, 1737
MICHAEL F. OLNESS, 6467
DOUGLAS A. OLSON, 3089
JEFFERY M. OPSITOS, 2345
MATTHEW W. OSBORNE, 6518
ED K. OTA III, 9661
KENNETH G. OWENS, 8540
JOSEPH M. PARKER, 1976
TOBY D. PATTERSON, 8329
WADE A. PATTON, 8826
EDWARD J. PAVELKA, 7409
BRADLEY S. PENNELLA, 4468
JOHN M. PICUDELLA, 9315
JOSEPH M. PLENZLER, 6761
AMY A. POLAK, 2577
JOHN D. QUINTANA, 9757
HEATH M. REED, 5422
ARTHUR J. REGO, 2722
ERIC A. REID, 2539
MATTHEW A. REILEY, 0995
RYAN W. REILLY, 6007
MARK A. RETZ, 8688
ROBERT F. REVOIR, 5619
JERSEY Y. REYES, 2968
STEPHEN C. RIFFER, 7031
BENJAMIN S. RINGVELSKI, 8320
MARK C. ROBINSON, 1791
BRENDAN M. RODDEN, 5189
ERIKA D. RODRIGUEZ, 7076
THOMAS M. ROSS, 3069
WILLIAM A. SABLAN, 1896
GEOFFREY D. SATTERFIELD, 5258
JOEL F. SCHMIDT, 3160
SABRE A. SCHNITZER, 8703
JAMES T. SCOTT, 3981
JEFFREY L. SEAVY, 7061
BRIAN P. SHARP, 9784
CHAD W. SIMMONDS, 0107
AMY R. SMITH, 2180
PHILLIP J. SMITH, 6927
DAVID E. STANDING, 0387
MARTIN V. STARTA, 8645
ERICH I. STEFANYSHYN, 3701
JARROD W. STOUTENBOROUGH, 9882
TERRI M. SUMNER, 3556
JAMES G. SWEENEY, 6209
BRYAN G. SWENSON, 0363
MATTHEW C. SWINDLE, 1920
JAMES R. THIES, JR., 1953
KELSEY R. THOMPSON, 9298
WINSTON S. TIERNEY, 2186
JAVIER A. TORRES, 4814
KEVIN M. TROY, 4034
DUANE P. VILA, 6968
JASON C. VOSE, 9347
BRIAN R. VOSS, 0237
DANIEL C. WAGNER, 6715
WILLIAM F. WAHLE, 3501
ERIC G. WALTERS, 2836
TERRANCE D. WARDINSKY, JR., 1931
GEOFFREY F. WARLOCK, 5164
ANDREW B. WARREN, 3839
DALE O. WARREN, 3705
BRENDA L. WASSER, 9551
JOHN M. WASSMER, JR., 6814
ANITA L. WEISSFLACH, 5460
SIDNEY R. WELCH, 6581
ROGER R. WILKINS, 5840
CHARLES P. WINCHESTER, 5612
DAVID K. WINNACKER, 1818
SHAWN P. WONDERLICH, 2265
THOMAS D. WOOD, 8137
AVI J. YOLOFSKY, 9381
ERIC W. YOUNG, 2289
GERALD K. YOUNG, 4262
KIRA K. ZIELINSKI, 5800
RUTH A. ZOLOCK, 6727
NOAH E. ZUCKERMAN, 0628

To be second lieutenant

CHRISTIAN J. BROADSTON, 2184
SAMUEL G. BRYCE, 3072
ANDREW CHRISTIAN, 3668
CHAD W. DARNELL, 8752
BRIAN P. DENNIS, 6371
ADRIENNE R. DEWEY, 7843
JEFFREY L. DYAL, 1310
BRIAN J. GILBERTSON, 2293
PERRY E. HARALSON, 0267
DAVID J. HART, 7826
BRYAN C. HATFIELD, 8841
SEAN E. HYNES, 2320
LANCE J. LANGFELDT, 8886
RAYMOND W. MAGNESS, 6994
RANDALL M. MAULDIN, 2828
ELVINO M. MENDONCA, JR., 4201
CLINTON L. ROBINS, 9198
MICHAEL D. SKAGGS, 4528
MICHAEL J. TAYLOR, 5624
MICHAEL P. WARD, 0672
JOHN F. WARREN, 8410
ROBERT L. WILLIAMS, 9698

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 1999:

THE JUDICIARY

KEITH P. ELLISON, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

GARY ALLEN FEESS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

STEFAN R. UNDERHILL, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

W. ALLEN PEPPER, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

KAREN E. SCHREIER, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. EDWARD W. ROSENBAUM (RETIRED), 9285.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN A. BRADLEY, 1756.
BRIG. GEN. GERALD P. FITZGERALD, 6393.
BRIG. GEN. EDWARD J. MECHENBIER, 3853.
BRIG. GEN. ALLAN R. POULIN, 0569.
BRIG. GEN. LARRY L. TWITCHELL, 5191.

To be brigadier general

COL. THOMAS L. CARTER, 8008.
COL. RICHARD C. COLLINS, 4411.
COL. JOHN M. FABRY, 7726.
COL. HUGH H. FORSYTHE, 0697.
COL. MICHAEL F. GJEDE, 8335.
COL. LEON A. JOHNSON, 0924.
COL. HOWARD A. MCMAHAN, 7167.
COL. DOUGLAS S. METCALF, 5196.
COL. JOSE M. PORTELA, 4065.
COL. PETER K. SULLIVAN, 2189.
COL. DAVID H. WEBB, 5623.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

ARCHIE J. BERBERIAN, II, 4968
VERNA D. FAIRCHILD, 1283
DANIEL J. GIBSON, 9540

To be brigadier general

GEORGE C. ALLEN II, 9440
ROGER E. COMBS, 7932
MICHAEL A. CUSHMAN, 5173
THOMAS N. EDMONDS, 5967
JARED P. KENNISH, 0100
PAUL S. KIMMEL, 3394
VIRGIL W. LLOYD, 1408
ALEXANDER T. MAHON, 8661
MARVIN S. MAYES, 9378
DAVID E. MCCUTCHIN, 5397
CALVIN L. MORELAND, 6473
MARK R. MUSICK, 3561
JOHN D. RICE, 5652
ROBERT O. SEIFERT, 4036
LAWRENCE A. SITTIG, 7605
JAMES M. SKIFF, 1243

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM J. BEGERT, 2790.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES R. HOLLAND, 4055.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MAXWELL C. BAILEY, 0835.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALAN D. JOHNSON, 8853.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. KERRICK, 7369.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES M. COLLINS, JR., 4663.
BRIG. GEN. ROBERT W. SMITH III, 6242.

To be Brigadier General

COL. DENNIS J. LAICH, 2608.
COL. ROBERT B. OSTENBERG, 8948.
COL. RONALD D. SILVERMAN, 3658.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

ROBERT E. ARMBRUSTER, JR., 8136
JOSEPH L. BERGANTZ, 5893
WILLIAM L. BOND, 4943
COLBY M. BROADWATER III, 6269
RICHARD A. CODY, 6483
JOHN M. CURRAN, 6656
DELL L. DAILEY, 3747
JOHN J. DEYERMOND, 7510
LARRY J. DODGEN, 5373
JAMES M. DUBIK, 1344
RICHARD A. HACK, 9451
RUSSEL L. HONORE; 9939
RODERICK J. ISLER, 5635
TERRY E. JUSKOWIAK, 1217
GEOFFREY C. LAMBERT, 6457
JAMES J. LOVELACE, JR., 0304
WADE H. MCMANUS, JR., 0485
WILLIAM H. RUSS, 1327
WALTER L. SHARP, 4862
TONEY STRICKLIN, 3905
JOHN R. VINES, 5345
ROBERT W. WAGNER, 3914
CRAIG B. WHELDON, 2831
R. STEVEN WHITCOMB, 7058
ROBERT WILSON, 1235
JOSEPH L. YAKOVAC, JR., 1273

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Chaplain Corps

COL. DAVID H. HICKS, 1012.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS N. BURNETTE, JR., 2524.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BILLY K. SOLOMON, 4119.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

HARRY B. AXSON, JR., 8396
GUY M. BOURN, 3022
RONALD L. BURGESS, JR., 2986
REMO BUTLER, 3143
WILLIAM B. CALDWELL, IV., 8600
RANDAL R. CASTRO, 5962
STEPHEN J. CURRY, 1664
ROBERT L. DECKER, 3601
ANN E. DUNWOODY, 4139
WILLIAM C. FEYK, 7754
LESLIE L. FULLER, 0504
DAVID F. GROSS, 0065
EDWARD M. HARRINGTON, 9537
KEITH M. HUBER, 0101
GALEN B. JACKMAN, 4626
JEROME JOHNSON, 6280
RONALD L. JOHNSON, 8452
JOHN F. KIMMONS, 1861
WILLIAM M. LENAERS, 8865
TIMOTHY D. LIVSEY, 9286
JAMES A. MARKS, 6071
MICHAEL R. MAZZUCCHI, 4315
STANLEY A. MCCHRYSTAL, 3565
DAVID F. MELCHER, 8170
DENNIS C. MORAN, 4584
ROGER NADEAU, 8893
CRAIG A. PETERSON, 3114
JAMES H. PILLSBURY, 8970
GREGORY J. PREMO, 5029
KENNETH J. QUINLAN, JR., 0015
FRED D. ROBINSON, JR., 0142
JAMES E. SIMMONS, 7320
STEPHEN M. SPEAKES, 9036
EDGAR E. STANTON III, 8742
RANDAL M. TIESZEN, 5163
BENNIE E. WILLIAMS, 1311
JOHN A. YINGLING, 0713

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARLTON W. FULFORD, JR., 5783.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

DAVID J. ANTANITUS, 3481
DALE E. BAUGH, 4331
RICHARD E. BROOKS, 3863
EVAN M. CHANIK, JR., 9906
BARRY M. COSTELLO, 3332
KIRKLAND H. DONALD, 3953
DENNIS M. DWYER, 4756
MARK J. EDWARDS, 3734
BRUCE B. ENGELHARDT, 1205
TOM S. FELLIN, 9886
JAMES B. GODWIN III, 0117
CHARLES H. JOHNSTON, JR., 2065
JOHN M. KELLY, 6608
STEVEN A. KUNKLE, 5404
WILLIE C. MARSH, 7451
GEORGE E. MAYER, 8977
JOHN G. MORGAN, JR., 4027
DENNIS G. MORRAL, 9447
ERIC T. OLSON, 6412
JAMES J. QUINN, 5095
ANN E. RONDEAU, 9812
FREDERICK R. RUEHE, 7532
LINDELL G. RUTHERFORD, 1836
JOHN D. STUFFLEBEEM, 4012
WILLIAM D. SULLIVAN, 3858
GERALD L. TALBOT, JR., 3890
HAMLIN B. TALLENT, 7864
RICHARD P. TERPSTRA, 2198
THOMAS J. WILSON III, 1569
JAMES M. ZORTMAN, 6747

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAYMOND A. ARCHER III, 0393.
REAR ADM. (LH) JUSTIN D. MCCARTHY, 7761.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAROLD F. BIGGER, 0447.
CAPT. FENTON F. PRIEST III, 5684.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DONALD C. ARTHUR, JR., 7104.
CAPT. LINDA J. BIRD, 2508.
CAPT. MICHAEL K. LOOSE, 4983.
CAPT. RICHARD A. MAYO, 1835.
CAPT. JOSEPH P. VANLANDINGHAM, JR., 0657.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ROBERT M. CLARK, 8433.
CAPT. MARK M. HAZARA, 3352.
CAPT. JOHN R. HINES, JR., 4374.
CAPT. JAMES MANZELMANN, JR., 4656.
CAPT. NOEL G. PRESTON, 4806.
CAPT. HOWARD K. UNRUH, JR., 3594.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. VERNON E. CLARK, 8489.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. THOMAS B. FARGO, 9953.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING *RAAN R. AALGAARD, AND ENDING STEVEN R. ZWICKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 26, 1999.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MICHAEL R. COLLYER, AND ENDING RENEE M. PONCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

MICHAEL L. MCGINNIS, 0768.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JAMES W. SEEMAN, 6042

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LOSTON E. CARTER, 1809

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JACK A. MABERRY, 3251

IN THE NAVY

NAVY NOMINATIONS BEGINNING SYLVESTER P. ABRAMOWICZ, JR., AND ENDING SHELLEY W. S. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1999.

NAVY NOMINATIONS BEGINNING BRUCE A. ABBOTT, AND ENDING BERTRAND L. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1999.

NAVY NOMINATIONS BEGINNING THOMAS ABERNETHY, AND ENDING PAUL M. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1999.

NAVY NOMINATIONS BEGINNING SEVAK ADAMIAN, AND ENDING JOHN E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THEODORE H. BROWN, 6093

NAVY NOMINATIONS BEGINNING RICHARD W. BAUER, AND ENDING DEREK K. WEBSTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 26, 1999.

NAVY NOMINATIONS BEGINNING ROBERT A. YOUREK, AND ENDING LORENZO D. BROWN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 26, 1999.

NAVY NOMINATIONS BEGINNING DOUGLAS G. MACCREA, AND ENDING MLADEN K. VRANJICAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 26, 1999.

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES N. FRAME, 6731

NAVY NOMINATIONS BEGINNING NILS S. ERIKSON, AND ENDING EDWARD C. ZEIGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 1999.

NAVY NOMINATIONS BEGINNING THOR D. AAKRE, AND ENDING MARY M. ZUROWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 1999.

NAVY NOMINATIONS BEGINNING SHEILA A. R. ROBBINS, AND ENDING DANIEL E. WILBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 1999.

EXTENSIONS OF REMARKS

PRIVATE ACTIVITY BOND CLARIFICATION ACT OF 1999

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. DELAY. Mr. Speaker, today I introduce the Private Activity Bond Clarification Act of 1999. This legislation, which will clarify existing law with respect to the use of tax exempt bonds, is needed to protect taxpayer dollars from being used to subsidize essentially private activities. The bill will also ensure a level playing field for other businesses which are excluded from, or do not seek, subsidies from the American taxpayer through tax-exempt bond financing.

As most of our colleagues know, interest on bonds issued by State and local governments is generally exempt from federal income tax. The federal tax exemption allows the bonds to carry lower interest rates, which in turn lowers the cost of borrowing. State and local governments are then better able to finance schools, roads, public transportation and other public infrastructure projects.

At the same time, federal tax law and regulations issued by the Treasury Department have been carefully tailored—as they should be—to ensure that this tax exemption is not abused for private gain. Tax-exempt bonds should not be used to give private individuals or businesses a preferential benefit at the expense of the American taxpayer.

For example, under current law, if facilities financed with State and local government bonds are used more than 10 percent of the time directly, or indirectly, in a trade or business by a private person or business, the IRS may consider the bonds "private activity bonds" and interest paid on them generally will not be excluded from a bondholder's taxable income. For purposes of determining whether this 10 percent test is met, use of a financed facility is treated as a direct use of the proceeds, and any activity carried on by a private person is treated as a trade or business. When a financed facility is used by several private persons, use by all private entities is aggregated for purposes of determining whether the 10% private business use threshold is met.

For the most part, private business use of a facility is only deemed to occur if a private person, group, or business has a special legal entitlement to the use of the financed facility under an arrangement with the state or local government that issued the bonds. Typically, such an arrangement would involve the ownership or lease of the facility, or a management contract involving the facility, that grants priority rights in using the facility.

Although it appears that existing tax law, as interpreted by the Treasury regulations, may be adequate to assure that all businesses and members of the general public are treated fairly in matters involving the use of facilities constructed with tax-exempt bonds adoption of the legislation I introduce today to codify key elements of the regulatory rules will help to ensure that this valuable—and costly—tax subsidy is not misused for the benefit of private individuals instead of the taxpayers. I emphasize that the bill leaves the ultimate determination as to whether the law has been violated in a specific case up to the IRS as it is under current law.

You see, Mr. Speaker, while tax-exempt bond financing is largely carried out in a manner consistent with the purposes set forth in the tax law and regulations, as with just about any federal program in which a tax subsidy is involved, there are always those who are looking for ways to "push the envelope" to gain the benefit of a tax subsidy for their own private business purposes.

The impetus for this legislation was prompted by press reports of a proposal to build, with tax-exempt bonds, a massive new Convention Center in Las Vegas. However, my concern is not with that community per se, but rather with the potential implications for all American taxpayers, and the potential precedent which could be established, should financing of this facility go forth in the face of statutes and regulations which suggest it should be ineligible for tax-exempt treatment.

According to press reports, a group of private businesses referred to as the Consortium, is currently seeking to take advantage of tax-exempt bond financing to promote construction in Las Vegas of a new 1.3 million square foot convention center, which when completed, will be one of the largest such facilities in the country. It will be larger than the Astrodome, the George R. Brown Convention Center, the Dallas Convention Center and even the Javits Center in New York.

I understand that once ground is broken for this facility, the members of the Consortium who have worked with local authorities to develop this facility will be provided with preferential rights to lease the facility for the purpose of putting on money-making trade shows. These preferential rights will allow Consortium members to "lock up" more than 60 percent of the available rentable days for the new facility each year through 2009. Furthermore, from a business standpoint, the specific dates to be "locked up" by the Consortium are more valuable than those that will be left over for use by others. In effect, the benefits of the federal subsidy utilized in financing this facility are being largely transferred to the handful of businesses comprising this Consortium.

The situation in Las Vegas raises the possibility that the lack of a specific definition of "related parties" may lead bond issuing authorities and their counsel to mistakenly conclude that only those business users related by law (e.g., corporations and their wholly-owned subsidiaries) are to be treated as "related parties." Such a narrow, legalistic interpretation could result in bonds being wrongfully issued in instances where, as in this case, a principal purpose for which the facility is being financed is for the use of a group of private parties who are related in fact. Parties that are not related by law can nevertheless by agreement act in such concert that they should, and presumably would, be treated by the IRS as related parties.

Mr. Speaker, allow me at this point to reiterate that my concern here is not Las Vegas per se. However, I will point out that the new facility financed with the use of these federally tax-exempt bonds will both compete with convention facilities in Houston, and "lock in" to Las Vegas through 2009 these trade shows, effectively denying Houston and other communities the opportunity to attract these conventions to our region.

In any event, it should be obvious that Congress did not intend to provide carte blanche to private businesses to band together to facilitate construction of a tax-exempt financed facility—which would then be largely made available to those businesses for their own commercial purposes. The legislation I introduce today will protect the taxpayer's interest in this regard by simply clarifying the definition of "related parties" already found in the Treasury regulations that implement the "private business use" limitations in the tax code.

My bill would enable the IRS, acting on a case-by-case basis, to determine that parties should be treated as "related parties" if they have at any time acted in concert to negotiate an arrangement to facilitate the financing of a property financed with tax-exempt bonds, and enter into preferential arrangements for the use of such property. The collective use of a facility by related parties would be aggregated when applying the 30 and 90 days safe harbors (and the 180 days general limitation) found in the IRS' current regulations.

I will point out that local governments can of course continue to avoid any potential uncertainty about the rules on "related parties" by applying for an advance ruling by the IRS that the limitations on "related parties" do not apply to their particular proposals.

To protect the interests of the American taxpayer, and to assure a level playing field for private business, it is important that Congress act to clarify the rules governing tax-exempt bond financing so that potentially hundreds of millions of dollars in of tax-exempt bonds are not mistakenly issued—whether in Las Vegas or elsewhere. So as to put the public on notice, and to help prevent any bond from being issued based on a mistaken interpretation of the rules governing private activity bonds, the legislation would apply to bonds issued after July 1, 1999.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PROBLEMS IN PANAMA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, I wish to inform our colleagues and our great Nation of important, recent developments in Latin America.

As you may be aware, Mr. Speaker, the country of Panama held its elections on May 2, 1999, which resulted in the selection of Panama's first female president, the Honorable Mireya Moscoso. President-elect Moscoso will be inaugurated into office this September 1st.

Mr. Speaker, this is a very positive development in Panama's progression to true democratic governance, for which the good people of that nation should be deeply congratulated. However, Mr. Speaker, the good news is overshadowed by the fact that the influence and policies of Panama's current president, Ernesto Perez Balladares, will likely continue for some time to control key government agencies.

Mr. Speaker, I find it troubling that Mr. Balladares wields a shadowy influence over the Moscoso administration through his control of political appointees he has selected for critical positions in the government—appointees whose terms of office will continue long after Mr. Balladares has stepped down as Panama's President.

Mr. Speaker, our colleagues should understand this is crucial because the recent election results are a positive sign that may significantly influence the future course of U.S.-Panamanian relations as Washington enters a critical time, the final transitional period for relinquishing control over the Panama Canal.

Mr. Speaker, President-elect Moscoso should be allowed to represent the will of the good people of Panama, unhindered by political handcuffs from prior administrations.

On that subject, Mr. Speaker, I recommend the following research memorandum which was authored by Dr. Brittmarie Janson Perez, a Panamanian anthropologist who is a fellow at the Institute of Latin american Studies at the University of Texas.

Dr. Perez also holds a senior research fellowship at the prestigious Council of Hemispheric Affairs (COHA), which is based in Washington under the leadership of Director Larry Birns, a respected, longtime advocate for democracy and human rights in Latin America. The attached article represents an updated version of Dr. Perez' work, which originally appeared in COHA's biweekly publication, the Washington Report on the Hemisphere.

Mr. Speaker, I urge our colleagues to read this timely article which addresses the need to observe upcoming events in Panama to ensure that the Moscoso administration is able to constructively impact the direction in which Panama develops, despite strong and likely non-productive opposition from pro-Perez Balladares partisans.

PANAMA ELECTIONS DO NOT SEND A CLEAR SIGNAL

(By Dr. Brittmarie Janson Pérez)

A few days before Panama's May 2 presidential elections, a cartoon in a local newspaper depicted President Ernesto Pérez Balladares squirming on a throne and moaning, "Nobody is looking at me." On election day, the man whose regime has been labeled a "civilian dictatorship," tried to steal the limelight by telling the French news agency AFP that he wanted to be president again. However, his ambitions were destined to be postponed for at least 10 years when Pérez Balladares' move amending the constitution which would allow him to immediately run again, was resoundingly defeated in a referendum last year.

Nevertheless, he will cast a long shadow on the administration of president-elect Mireya Moscoso, the victorious opposition candidate. Through is appointees, known for their eagerness to comply with his wishes, Pérez Balladres, on a de facto basis, will be able to control the Supreme Court, the Attorney General's office, the Electoral Tribunal and the Technical Judicial Police during the Moscoso administration. To make matters worse, thanks to millions of dollars supplied by his regime over the past five years to legislators of ruling Revolutionary Democratic (PRD) to spend in their respective districts, Pérez Balladares' party has retained its majority in the National Assembly.

PRESENT ECONOMIC SITUATION

The lame duck leader's ongoing influence within the government structure could bode no good for any hopes of the new leadership to blunt the costly neoliberal reforms he vigorously implemented while in power. As elsewhere in the hemisphere, economic globalization has tended to benefit foreign investors and the local elite, but does not appear to be arresting the impoverishment of the rural campesinos as well as the urban lower and middle sectors. For example, while non-traditional agricultural exports such as melons and watermelons was increasing, the market for local beef, potatoes, vegetables and other traditional products was shrinking due to cheap competitive imports. The power of labor unions was also being seriously undercut by restrictive reforms enacted by Pérez Balladares. His privatization of the state-run telephone company resulted in higher rates for the lower and middle urban sectors, which has caused an appreciable hardship on their lifestyle.

In the recent electoral campaign, expectations were raised that the worst effects of Pérez Balladares' policies could be remedied at the polls. All three presidential candidates—Moscoso as head of the Amulfista Party in the Union for Panama coalition; Martin Torrijos, the son of the late authoritarian ruler, who became the PRD candidate in the New Nation coalition after Pérez Balladares' referendum bid to allow him to run again had failed; and Alberto Vallarino, a banker who split from the Amulfista Party and formed the Opposition Action coalition with the support of the Christian Democrats—addressed economic issues from different perspectives, and made numerous promises aimed at ending the dreary status quo.

Already educators are warning Moscoso that if she now decides to implement policies that are harmful to the poor (who made up the bulk of her supporters), she can except street protests once she is inaugurated. Yet, Moscow's power to implement important economic pallatives is limited by overseas accords signed by Pérez Balladares with the international lending agencies. Also, prospective social investments by her administration likely have been jeopardized due to the legacy of profligate spending by Pérez Balladares in order to curry political favor. Her power to govern, even to maintain fundamental public order, will be restricted by his lingering influence over critical government institutions whose proper functioning could have made a difference.

DIVIDING UP THE SPOILS

Pérez Balladares' inaugural speech, which contained promises of austerity in public spending and transparency in government were given short shrift, eventually producing widespread mistrust of him among the citizenry, who nicknamed him "Pinocchio." He had resurrected Manuel Noriega's discredited political vehicle, the PRD, with the aid of some of the more notorious members of the now Miami-jailed dictator's coterie. Upon taking office in 1994, Pérez Balladares pardoned hundreds of PRD members and military personnel who were facing charges of murder, torture, and embezzling state funds during the Noriega era. Some individuals were even appointed to his cabinet. He also made questionable appointments to the boards of independent government agencies, including the Panama Canal Authority (ACP) and the Administration of the Interoceanic Region (ARI), the last-named body using entrusted with the disposition of canal properties transferred to Panama as the U.S. relinquishes control over the facility.

Pérez Balladres is particularly vulnerable to accusations of malfeasance regarding the process used to dispose of former canal properties. Thanks to his party's legislative steamroller, he was able to change the ARI's charter, stripping the institution of its all-important independence. Increasing the ARI's board of directors to his personal satisfaction, Pérez Balladres ousted an ARI administrator known for his honesty and firm hand, and Nicholás Ardito Baletta, a highly controversial World Bank official who was "elected" president of Panama through a Noriega-orchestrated electoral fraud in 1984. In this way, he was able to obtain oversight of the transfer of the "treasure of Panama," the properties, installations and land adjacent to the Canal, whose value has been conservatively estimated at over $4 billion by the U.S. ambassador to Panama.

Nevertheless, it is unlikely that he or his agents will be held accountable for their questionable actions involving numerous allegations of moral turpitude. On the contrary, the institutions and offices over which Pérez Balladares and his party will continue to exercise influence, likely will be used to harass the president-elect at every turn.

CHANGES TO BE PURSUED UNDER THE NEW GOVERNMENT

There is a widespread clamor in Panama to significantly alter or replace the 1972 Constitution imposed during the dictatorship of Gen. Torrijos, and amended under the aegis of the two military leaders who followed him, Generals Rubén D. Paredes and Manuel Noriega. Critics charge that it grants excessive powers to the executive branch at the expense of the legislature. Paradoxically, the PRD's predictably obstructionist legislative majority will oblige the president-elect to renege on her campaign promise to democratize Panama through giving more power to the national assembly. Observers note that if she does not make ample use of the range of powers with which the military dictatorships purposively endowed the executive branch, she will, in effect, be unable to govern the country.

President-elect Moscoso has outgrown the charges made against her of being a decorative figure who inherited a titular role in the party because of her late husband, Pres. Arnulfo Arias. This image along with other factors marred her prospects in the 1994 presidential campaign, which she lost to Pérez Balladares. Since then, she has made herself known throughout Panama by waging a tireless grassroots campaign, touring city and countryside to keep in touch with Panamanians of all stations. She proved her grit in intra-party squabbles when she snuffed out Alberto Vallarino's 1998 challenge her rule in her party's presidential primaries.

It is unfair to her and the Panamanian people that the country is almost doomed to remain a victim of the baleful and corrupt legacies of past dictatorships, and that Pérez Balladares and his PRD could jeopardize the administrative of the first woman president of Panama, who will also assume, in the name of her country, responsibilities of running the Panama Canal.

CELEBRATING THE RICH HISTORY OF NORTHPORT, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. STUPAK. Mr. Speaker, I rise today to call your attention to the small community of Northport, a unique and rustic village on the beautiful Leelanau Peninsula in northwestern Lower Michigan. This richly diverse community, which draws its heritage from Native Americans and many other cultures, is currently celebrating its 150th birthday with a schedule of festivities that will last more than a month.

The celebration began on June 11 with a reenactment of the event that would lead to the creation of the village, the 1849 landing of Rev. George and Arvilla Smith, accompanied by Chief Peter Wakazoo and more than 40 families, most of them Native American.

As local lore relates, the town experienced a population boom in the mid-1800s after Deacon Joseph Dame wrote to the New York Tribune, extolling the benefits of the area. By 1859, according to the Sesquicentennial brochure, "Northport was the largest community in northwest Michigan, with 400 residents, two wharfs, five general stores, three hotels, several saloons, a sawmill and the first organized school district in Leelanau County."

As part of the festivities, residents and visitors can take a walking tour of the community, viewing the homes of early settlers whose lives were intertwined with Northport's 15 decades of history. Typical of such homes is that of the Eli Bordeaux family, which was on its way to Frankfort, Mich., by boat in 1867 when a storm forced them to take shelter in the Northport Harbor. As the guide books relate, family members liked what they saw and decided to stay. Eli, a farmer, built the home, which remains today.

This story and this home, Mr. Speaker, are just a small part of the rich heritage of the community represented in this walking tour. Many other events, including an original drama, a powwow presented by the Grand Traverse Band of Ottawa and Chippewa Indians, and an ongoing exhibit of community artifacts in a rehabilitated civic building are just part of the many weeks' activities.

When communities like Northport hold such celebrations, they certainly have in mind a goal of promoting the event to attract visitors, many of them perhaps visiting for the first time. Northport's events, however, are a true celebration for the residents themselves of a rich and unique heritage on a peninsula whose name means "delight of life." The name reflects not only the picturesque community and the surrounding area, but also the wonderfully moderated temperatures caused by the surrounding water. In fact, despite its location more than halfway to the North Pole, both tourism and fruit production are vital parts of the area's economy.

Mr. Speaker, I ask you and my House colleagues to join me in congratulating this special community in my district, the 1st Congressional District of Michigan, and in wishing its residents joy in their celebration and a future that continues rich in those intangibles that have created its wonderful quality of life.

IN RECOGNITION OF WILLIE LEE GLASS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a truly fine American—Mrs. Willie Lee Glass of Tyler, TX—who died May 2, 1999. In honor of her tireless efforts in the East Texas area, Mrs. Glass received many awards and accolades including, the People of Vision award and induction into the Texas Women's Hall of Fame.

Mrs. Glass was born August 24, 1910, in Nacogdoches, TX, to the late E.J. and Mary Campbell, both educators. She left Nacogdoches to attend Prairie View A&M and later received her master's degree from Iowa State. As a result of her strong family background in education, Willie returned to East Texas to serve as a homemaking consultant for the Texas Education Agency. She was also an active member of the Texas College Board of Trustees, the American Red Cross, the University of Texas at Tyler Foundation, and the Stephen F. Austin University Foundation. She was presented numerous tributes from the people of East Texas such as induction into the Nacogdoches Heritage Festival Hall of Fame and recognition as a Philanthropy Day Awards Outstanding Volunteer honoree.

Mrs. Glass was preceded in death by her husband, Dr. D.R. Glass, a 30-year president of Texas College. They were both members of the St. Paul CME Church. Willie's passion for education still runs deep even after her death, as a memorial scholarship has recently been established in her name at Texas College.

Mr. Speaker, as we adjourn today, let us do so in honor and in respect for this truly outstanding American—Mrs. Willie Lee Glass.

HONORING BRUNDIDGE VFW POST 7055 FOR EXEMPLARY SERVICE TO VETERANS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. EVERETT. Mr. Speaker, I would like to spotlight public service efforts of a veterans organization in my Southeast Alabama congressional district which I feel are truly exemplary.

Veterans of Foreign Wars Post 7055 in Brundidge, Alabama has volunteered its time, talents and resources to construct a fitting memorial on the grave site of a deceased veteran renowned in life for his generosity and selflessness.

When the members of VFW Post 7055 learned that the grave site of former veteran and Presidential "Point of Light," J.D. Williams, was largely ignored, they sprang into action.

To honor the late veteran who before had spent decades selflessly decorating the graves of other veterans, VFW Post 7055 placed new coping and chipped marble on his humble Pike County, Alabama grave site and topped it off with a permanent American flag pole.

Their future plans include adding a bronze plaque to honor the memory of this remarkable veteran who was known for decorating at his own expense literally thousands of Southeast Alabama veteran graves with flags and white wooden crosses

The late J.D. Williams' selflessness earned him national recognition some ten years ago as one of President George Bush's "Points of Light." He passed away in July of 1994 and was buried in Union Hill Cemetery near Troy, Alabama.

According to a recent article in The Pike County News, "the Brundidge VFW Post has made it a perpetual organizational project to upgrade, beautify and maintain Mr. Williams' grave site."

I join the U.S. House of Representatives in commending the membership of the Brundidge, Alabama VFW Post 7055 for their generosity and patriotism.

RECOGNIZING THE CONTRIBUTIONS OF NACOGDOCHES COUNTY ELECTED OFFICIALS

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. TURNER. Mr. Speaker, I rise today in recognition of three extraordinary East Texans: Robert Spencer, Dorothy Tigner and Eddie Upshaw, all elected law officials in Nacogdoches County which I represent as part of Texas' Second Congressional District.

In an age where community action and politics are often, unfortunately, viewed with an indifferent or cynical eye, it is both uplifting and inspiring to encounter instances where public servants, through their professional efforts in and for the community, earn for themselves the gratitude and high regard of their fellow citizens. This is certainly true in the case of these three public officials who were recently awarded recognition by their peers and colleagues in the Commissioners' Court of Nacogdoches County.

County citizens are fortunate to have working on their behalf individuals such as Mr. Robert Spencer, who as the first African-American Justice of the Peace in Nacogdoches County, has played an integral role in educating the community's children on the dangers of drug use and school truancy. Prior to his election to this post, Mr. Spencer also served as a Deputy Sheriff in Nacogdoches County. His colleagues in the community have duly recognized his valuable work to establish and facilitate improved communication between the court system and law enforcement centers in the area.

Nacogdoches County organizations and boards truly have a friend in Dorothy Tigner, who was elected last year to serve as Justice of the Peace. As such she is the first woman to serve in this post. Prior to this, Ms. Tigner served for 5 years as the Administrative Court Assistant for the 145th Judicial District Court. In what must be limited free time, Dorothy Tigner plays an active role in the community, serving in several public service organizations including the Nacogdoches County Child Welfare Board and the Nacogdoches County Community Justice Counsel.

A graduate of the East Texas Police Academy, Mr. Eddie Upshaw plays an integral role in the daily law enforcement activities of Nacogdoches County. Following 9 years spent with the Nacogdoches Police Department, Mr. Upshaw went on to work for the Nacogdoches County Sheriff's Department. In 1992, voters made evident their support of his efforts by electing Eddie Upshaw to the post of County Constable. He is the first African-American to serve in this post and continues in his important work to reduce truancy in County schools. In addition, Mr. Upshaw's numerous articles regarding the civil aspect of law enforcement have been published in local newspapers.

I'm sure my Texas colleagues join me in paying tribute to these three individuals. Their past experience and continuing accomplishments in the public service realm are a credit to the community in which they serve, and we wish them well in the journey and challenges which surely lie on the path ahead.

THE IMPORTANCE OF THE COMMUNITY REINVESTMENT ACT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. KUCINICH. Mr. Speaker, twenty-two years ago, the U.S. Congress voted to enact the Community Reinvestment Act (CRA). Since that time, the provisions of CRA have provided unparalleled economic opportunity in the poorest of our country's communities. In the inner-city neighborhoods of Cleveland, families are realizing the dream of homeownership, real estate markets are rising and small businesses are breathing new life into areas once redlined and hopeless. With the investments sparked by CRA, Cleveland has leveraged a higher quality of life in these neighborhoods and established a solid infrastructure to support economic growth throughout the area. It is estimated that CRA has resulted in investment commitments of $3.1 billion for community development efforts in Cleveland. Nationally, CRA has spurred investments totaling more than one trillion dollars in cities and rural areas across the country. Today, I urge my colleagues to continue our commitment to growth and stability in the underserved communities of America by protecting and strengthening CRA through the financial modernization legislation. In this time of great economic prosperity, it is our sacred trust to guarantee that hope and opportunity are extended to all Americans, in every community and in every neighborhood.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

SPEECH OF

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1568, a bill to establish an office of Veterans Business Development within the Small Business Administration.

Mr. Speaker, our nation again finds itself in a position of being unable to meet the recruiting goals of its armed services. To make matters worse, the military departments are also finding it difficult to retain service members in sufficient numbers to meet authorized manpower requirements to preserve our national defense.

The causes of these personnel shortages are many, but they fall into the general category of low pay, long hours, and too much time away from home. Many service members who do stay in the service long enough to be eligible for veterans benefits find it difficult to obtain meaningful employment when they get out of the service.

This bill will provide some help in this area. The legislation will direct the SBA and VA to work together to establish a program to assist veterans, including service-disabled veterans, through small business development centers. These centers would provide training and counseling to veterans concerning the formation, management, financing, marketing and operation of small business concerns, provide assistance and information regarding procurement opportunities with federal, state and local agencies, and compile a list of small businesses owned and controlled by service-disabled veterans which provide goods or services which could be procured by the federal government.

Mr. Speaker, this is an excellent bill which addresses an immediate need, and I urge my colleagues to support it.

KINROSS TOWNSHIP CELEBRATES ITS CENTENNIAL AND ITS ECONOMIC RECOVERY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to residents of the Charter Township of Kinross, who are celebrating their centennial with a spirit of optimism. The celebration and the optimism of this northern Michigan community is especially inspiring, Mr. Speaker, because Kinross Township continues to struggle economically to recover from the Air Force decision to turn out the lights and turn the key on Kincheloe Air Force Base in September 1977. This military departure, which occurred far before the formal base closure program of the early 1990s, left a shell of an economy, a ghost of a community, and infrastructure and pollution problems that still must be dealt with today.

Kinross Township is working hard on its own recovery. The Centennial Ceremonies are an affirmation of that effort and a rededication to its fulfillment. The Centennial lets many township residents look back to their roots in the Eastern Upper Peninsula of Michigan, where their ancestors settled as lumbermen and farmers after the railroad opened up the territory.

Quilting has knit the community together for generations, and a special community quilt and a community blanket highlighting the area's history are among the Centennial activities.

The proximity of the Soo Locks guaranteed a U.S. military presence somewhere near Sault Ste. Marie to guard this vital facility. The locks were an essential link between the Great Lakes of Superior and Huron in bringing Great Plains wheat and iron ore from Minnesota and northern Michigan to lower Midwest ports and steel mills. The airport at Kinross was designated in June 1941, eventually growing to become a Strategic Air Command base and serving as home to B–52H bombers and KC–135 tankers. The base was named Kincheloe for Air Force Capt. Ivan C. Kincheloe Jr., a Michigan native, Korean War ace, and test pilot killed in an accident over the Mojave Desert in 1956.

An impact study prepared by the Air Force at the time of the closing noted Kincheloe was a $55 million per year operation, with a significant portion of that funding spent in the local area. The impact of the loss of this income on the businesses and permanent residents of this largely rural area can only be imagined.

I have worked closely with community officials in Kinross, Mr. Speaker. Unlike our most recent base closing, which have included environmental cleanup of military sites before their turnover to civilian ownership and operation, and which have included large infusions of economic aid, the recovery of Kinross has been to a large extent a bootstrap effort. We have had some joint successes, such as the designation of the former base as the nation's first rural site to be designated a "brownfield," and we have worked to obtain funding for the former airport, now Chippewa County International Airport.

It should be noted that, although Kinross already had its name in the 1880s and had a post office for a short time in 1898, it was not an established township until a Mr. Albert Curtis, a man with vision and foresight, went to the Chippewa County Board of Supervisors in Sault Ste. Marie with a request to create a township. His proposal rejected, Mr. Curtis caught a train for Lansing, where he caught the state legislature in session and made the same request. Successful in this effort, he returned to Kinross, where he was elected supervisor in the township's first election, April 3, 1899. Mr. Curtis was to hold that office on and off for 24 of the next 36 years, part of his remarkable record of service to his community.

I have confidence, Mr. Speaker, that the people of the Charter Township of Kinross will one day view the closing of the air base as merely another step, albeit a painful one at the time, in the unique history of this area. The recent development of extensive snowmobile trails, five Michigan Corrections Department facilities and thriving area businesses signal a resurgence.

Like the community quilts, the essential fabric of Kinross Township remains intact, and new elements continue to be woven into the area's rich history. Mr. Speaker, I invite my House colleagues to join me in wishing the best for the people of Kinross Township on the occasion of their centennial.

IN RECOGNITION OF DAVIDA MOUNT EDWARDS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to pay my respects to a truly fine American—Mrs. Davida Mount Edwards of Tyler, Texas—who died on Sunday, May 16. Davida was a devoted wife and mother, and will be dearly missed by those she touched in the East Texas area.

Mrs. Edwards was born September 19, 1921, in Chico, Texas. Her family later moved to Houston where she graduated from Reagan High School, in 1939, and later taught home economics. She expanded her extensive work in education by teaching Adult Homemaking Education classes for the Houston Independent School District. She also worked with the Texas Education Agency as a homemaking supervisor, covering 14 counties throughout the great state of Texas.

Mrs. Edwards' loving and caring ways touched every aspect of her community. She was instrumental in forming the East Texas School of Nursing through her extensive travel within the East Texas area recruiting members to fill the first classes. She also assisted in the formation of the Robert Craig School of Nursing at East Texas Baptist University in Marshall, Texas. In addition, Mrs. Edwards served in organizations such as the American Association of University Women, the Deborah Bible Club, Tyler Women's Forum, and was a 48 year member of First Baptist Church where she conducted Sunday School classes for many years. I always felt a kinship to Davida in that her husband, Welby, and I are alongtime friends. We are both from Fate, Texas, and John Payne and I have kept in touch with the Edwards through the years.

Mr. Speaker, as we adjourn today, let us do so in honor and respect for this truly great lady, Mrs. Davida Mount Edwards.

TRIBUTE TO MR. J.D. WILLIAMS, A TRUE PATRIOT AND PRESIDENTIAL "POINT OF LIGHT"

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. EVERETT. Mr. Speaker, as our nation prepares to celebrate Independence Day, I would like to pay tribute to an American patriot who never forgot this country's veterans.

Mr. J.D. Williams' selfless attention to the memory of America's veterans was recently highlighted by The Pike County Citizen in Troy, Alabama.

As the newspaper noted: "Anyone who has lived in Pike County . . . no doubt saw the late Mr. Williams honoring the memory of military veterans by placing American flags and white crosses at grave sites of veterans in Pike and six surrounding counties. For decades, practically every day of the week, Mr. Williams would visit cemeteries, locate veterans' graves and, on behalf of his country, pay tribute to their service and sacrifice."

"Funds to purchase the thousands of flags Mr. Williams left at cemeteries came out of his own pocket. The thousands of wooden crosses he placed near grave markers were constructed and painted with his own hands. Not only did Mr. Williams leave flags and crosses at veterans' graves, he also would clean or repair any unkept grave site."

Mr. Williams, the article points out, paid no attention to the color of the deceased veteran or even if they had served in the Confederate Army; just so long as they were veterans.

It was this remarkable dedication to his fellow man and our nation that earned Mr. Williams national recognition as a "Point of Light" from President George Bush some ten years ago.

J.D. Williams passed away in July of 1994, but his self sacrifice is now being honored by the members of the Veterans of Foreign Wars Post 7055 who have recently placed a permanent American pole on his grave.

At a time in this nation's history when many of our national veterans cemeteries are neglected by our own government, we need more people like J.D. Williams. This House owes him its thanks.

THE NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION'S DAN COOKE PIO AWARD OF EXCELLENCE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. HORN. Mr. Speaker, on July 28, 1995, I addressed the House to salute the achievements of the National Press Photographers Association on its 50th anniversary. I said, in part:

> "Through their experience, they know of the necessity for a harmonious working relationship between the public safety and the journalistic communities so that accurate, even lifesaving information can be passed on very quickly to the waiting public. It is through this goal that they created the 'National Media Guide for Emergency & Disaster Incidents.'"

Our nation has continued to face earthquakes, floods, fires, tornadoes, and human tragedies over these past years. Emergency information continues to flow from the scene through media representatives to the public with life-saving instructions and information.

Now, two individuals and their Information Teams are being honored by the National Press Photographers Association. The NPPA Government/Media Relations Committee is pleased to announce the first recipients of the "NPPA Dan Cooke PIO Award of Excellence": Deputy Sheriff Steve Davis of the Jefferson County, Colorado, Sheriff's Department and Assistant Chief Jon Hansen of the Oklahoma City, Oklahoma, Fire Department.

Deputy Sheriff Davis is being honored for his work in keeping the public informed during the Columbine High School shootings in Colorado. Hansen is cited for his consistent dissemination of information over the years, most notably during the Oklahoma City Federal Office Building bombing and the recent tornadoes that killed and injured many people.

This award is named in memory of Lt. Dan Cooke, a Los Angeles Police Department Press Relations Officer for 22 years. He retired in 1988 after spending 35 years with the department. Cooke was the department's most frequent spokesman on major stories, from Presidential visits to infamous crimes that made headlines worldwide. In addition, he was a technical advisor on many movies and TV programs such as "Dragnet," "Badge 714," and "Adam 12." He became a personal friend to Jack Webb, and Cooke's Lieutenant's badge is the famous "714."

Dan Cooke's high standards are "the best a Press Information Officer can be", said Bob Riha, Jr., a contract photographer with USA Today from Long Beach, California, and co-chair of the Government/Media Relations Committee.

Within minutes of the horrifying Oklahoma City bombing in 1995, live broadcasts were sent around the world from the scene. Moments later, information flowed to media representatives from Assistant Chief Jon Hansen and his Public Information Team to a worldwide audience for the next several weeks, 24 hours a day. President Clinton even thanked Chief Hansen for his information updates as Federal and State resources raced to the scene to render aid.

Recently, when tornadoes cut across Oklahoma, devastating communities in their path, Chief Hansen continued to provide emergency public information to his community, our nation, and the world, despite losing his own home to the tornadoes.

The Columbine High School shootings were perhaps the most gripping tragedy in our nation in the past several years. As emergency responders arrived at the scene, so did Deputy Sheriff Steve Davis. Once a Media Information Center was established, Deputy Davis and PIO Team members provided updates and information to media representatives as often as necessary to keep his community, our nation, and the world informed.

"Public Information Officers like Davis and Hansen have set new standards for levels of cooperation between the media and public safety providers," said co-chair David Handschuh, staff photographer with the New York Daily News. "The ultimate benefactor of this cooperation is the public, who stays updated and informed in times of crisis."

National Press Photographers Association President Linda Angelle said, "Media, police and fire personnel work in jobs that require them to deal with both traumatic and tragic situations. Davis and Hansen have been recognized for outstanding work in exceptional circumstances and will be presented the Cooke PIO Award of Excellence at our National Convention in Denver July 2, 1999."

Media representatives and Public Information Officers serve a vital role in keeping our communities and the nation informed in times of crisis. I hope that Congress and State Legislatures continue to work together to keep that free flow of information open to the public through media representatives.

RECOGNIZING THE CONTRIBUTIONS OF COLONEL M.B. ETHEREDGE

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. TURNER. Mr. Speaker, I rise today to honor a great American, a wonderful patriot and fellow Texan, Colonel M.B. Etheredge, who after more than 80 years of dedicated service to his community, to the State of Texas and to this entire Nation, will be honored by his friends and family members at the Family Faith Church in Huntsville, TX, on Sunday, July 4, 1999.

Born in Weldon, TX, Mr. Etheredge graduated from Huntsville High School in 1933. Four years later, he received a bachelor of Arts Degree from Sam Houston Teacher's College, where he was an active member of the Student Council, Captain of the Track Team and President of his Senior Class.

Following graduation from Sam Houston, he taught in Sugar Land from 1937 to 1941 and then went on to serve as Brazoria County's Superintendent of Schools. In the summer of 1942, Mr. Etheredge enlisted in the United States Army and spent the next four years in Africa, Italy and France. Amazingly, but not surprising to those who knew him, he earned two battlefield promotions and was advanced in rank from second lieutenant to captain in only 6 days. For his dedication and commitment, he has been awarded three Silver Star medals for gallantry in action, two Bronze Star medals for heroism and two Purple Heart medals, making him one of the most decorated heroes of World War II. He was mustered out of the Army with the highest efficiency index of any officer in the Fourth Army Area and now carries the high honor of colonel (Retired) of the United States Army.

After world War II, Mr. Etheredge completed his Master of Arts Degree at Sam Houston Teachers College in 1947. He received a Peabody Scholarship and did postgraduate work at the University of Texas in Austin. Lieutenant Colonel Etheredge was elected to three terms in the Texas House of Representatives, where he served as Chairman of the Education Committee. He also served two terms as a board member of the Huntsville Chamber of Commerce, is a past President of the Huntsville Rotary Club, taught at Sam Houston State University as a Associate Professor of Education, and chartered the American Bank of Huntsville and the Lake Area Bank of Trinity, where he served as Chairman of the Board.

Mr. Etheredge has made a positive impact on the lives of many Americans and personifies the definition of a true and loyal American who sets the standard for all citizens to live by. He is an outstanding example to his family and friends, and has been an asset to the many communities, states and nations that he has touched over the years.

Mr. Speaker, it is with sincere gratitude and the utmost respect that I rise today to ask that you join me and our colleagues in recognizing the selfless service of Colonel M.B. Etheredge and in saluting the honor and dedication of all American servicemen and women on July 4th, the birthday of our Nation.

HONORING CAPTAIN JUAN TUDELA SALAS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend a man who has dedicated over three decades of faithful service to the United States Coast Guard. Captain Juan Tudela Salas, the first Chamorro selected to attend and graduate from the United States Coast Guard Academy, is slated to retire at the end of this month.

For over thirty years, Captain Salas distinguished himself as one of Guam's top military service members. Having earned a Bachelor of Science degree in General Naval Engineering from the Academy in 1968, he was awarded a Coast Guard scholarship that enabled him to earn a Master's Degree in Public Administration from the George Washington University.

In his three decades with the United States Coast Guard, Captain Salas amassed an extensive seagoing record. In addition, he demonstrated expertise in the field of recruiting and marketing. He was assigned to the USCGC *Basswood* from 1972 to 1974. Prior to being appointed Chief of the Military Recruiting Branch of the Twelfth Coast Guard District in San Francisco, Captain Salas served on the USCGC *Red Birch* from 1970 until 1972. In 1974, he was once again assigned to sea duty with the USCGC *Resolute*. From the *Resolute*, he moved on to Washington, D.C., in 1976, to serve as Chief of the Minority Recruiting Branch at the Coast Guard Headquarters. In 1981, he was out at sea once again with the USCGC *Ute*.

From 1983 until 1986, Captain Salas served as the Officer in Charge of the Interdiction Operations Intelligence Center for the Vice President's National Narcotics Border Interdiction system in Miami, Florida. In 1986, he assumed command of the USCGC *Lipan*. While commanding the *Lipan*, he successfully directed the interdiction of four vessels and the seizure of a total of over 20,000 lbs. of marijuana and 5,500 lbs. of cocaine.

Captain Salas was back to recruiting in 1989. He served his last assignment in this field as chief of Recruiting and Job entry Division at coast guard Headquarters in Washington, D.C. As chief, he was responsible for the nation's Coast Guard recruiting programs, directing a nationwide force of 280 recruiters. He served in this capacity until 1992 when he assumed command of the Coast Guard Marianas Section and Marine Safety Office Guam. As commander, he has discharged his duties in such an exemplary manner that his Operations Center staff won the Controller of the Year Award for the entire coast guard in April, 1993. He is currently the Deputy Assistant Commandant for Coast Guard Civil Rights, assuming the position in 1996 after serving as Deputy Commander of the Coast Guard Personnel Command.

Throughout his career, Captain Salas had been awarded 3 Meritorious Service Medals, 2 Coast Guard Commendation Medals, the Coast Guard Achievement Medal, in addition to numerous unit and operational awards. Outside of the military, he has served on different occasions as president of the Guam Society of America in Washington, D.C. He has also been appointed Honorary Ambassador-at-Large for the island by the governor of Guam.

Captain Salas is married to May Camacho Sanchez Salas, formerly from the village of Barrigada. They have four children. The eldest, LTJG Matthew Salas, followed in his father's footsteps by graduating from the Coast guard Academy in 1996.

Captain Salas' distinguished military career is a great source of pride for the people of Guam. I congratulate him on his outstanding achievements. Together with the people of Guam, I join his family in proudly celebrating his great accomplishments. I hope that he enjoys his well-earned retirement and wish him the best in his future endeavors.

INDIA CELEBRATES NUKES AND DEMONSTRATES INTOLERANCE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. DOOLITTLE. Mr. Speaker, while our attention has been grabbed by Kosovo and China, the situation in India has dropped off our radar screen. While we weren't looking, India has been very busy.

The Indian election campaign began with the ruling party celebrating the anniversary of its nuclear weapons tests last year. These weapons were built out of India's development budget, as the people's health and education continue to decline and the population outside of the Brahmin caste lives in abject poverty.

Meanwhile, the Indian Defense Minister held a meeting looking to find ways to "stop the U.S.," which he called "vulgarly arrogant." Remember that we provide millions of dollars each year to help India pay its bills. How "vulgarly arrogant." of us! Other countries whose representatives attended this meeting included Serbia, China, Cuba, Russia, Libya, and Iraq.

Mr. Speaker, we are talking about a country in which there is little respect for religious freedom. On May 20, the government placed the Jathedar of the Akal Takht, Bhai Ranjit Singh, under house arrest. Since Christmas, there has been a wave of violence against Christians. A missionary has been burned to death along with his two young sons, nuns have been raped, priests have been murdered, and Christian churches, prayer halls, and schools have been burned to the ground by allies of the Indian government.

As if all that weren't enough, we have received word that Indian intelligence officers interrogated a journalist named Sikhbir Singh Osan for 45 minutes. For him to have been grilled and harassed by police would have been bad enough, but he was harassed by intelligence officers after he returned from the U.S., Canada, and the U.K., where he covered the recent Sikh 300th anniversary marches and gave a speech on the persecution of Christians.

The government of India is intolerant and anti-American. They do not allow freedom of religion or, apparently, of the press. I am proud to have joined several of my colleagues of both parties in co-sponsoring a resolution that calls for a free and fair plebiscite in Punjab, Khalistan on the question of independence. Freedom is America's mission. By taking steps against the anti-American government of India, we can help promote and extend the blessings of liberty to another corner of the world. We must get started.

DESIGNATION OF EL CAMINO REAL DE LOS TEJAS AS A NATIONAL HISTORIC TRAIL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. RODRIGUEZ. Mr. Speaker, today I am privileged to introduce legislation that would designate the Camino Real de los Tejas as a National Historic Trail. This camino real, or royal highway, forged the way for the early development of Texas into a Spanish colony, an independent Republic, and a state in the United States. As the first great highway into Texas, this camino real opened the door to trade and cultural exchange which continues to impact our lives today.

The State of Texas recognized the critical importance of these royal highways in 1929 when the state legislature designated portions of El Camino Real de los Tejas, later known as the Old San Antonio Road, as one of Texas historic trails. State Highway 21 marks the trail's pathway in many parts of the state as do state historical markers. Designation as a National Historic Trail would greatly enhance the resources available for trail preservation and public education of its unique and important history.

The National Park Service completed its feasibility study in July 1998 pursuant to PL 103–145. The study concluded that the proposed trail met all applicable criteria in the National Trails System Act (PL 90–543). Last Congress, the Senate passed similar legislation, the Camino Real de los Tejas National Historic Trail Act of 1998 (S. 2276). The House did not consider this bill nor a companion bill which I introduced in the House (HR 4724).

The bill I am introducing today contains a number of important changes from last year's version. In an effort to clarify the intent of the legislation and to respond to concerns raised during the bill's consideration last Congress, I have worked with the National Park Service to add language addressing the concerns of private property owners. The bill now states unambiguously that no land or interest in land can be acquired by the federal government without the willing consent of the owner, that the federal government has no authority to condemn or appropriate land for the trail, that the trail will not be established on the ground unless a private property owner voluntarily requests to participate, and that designating the trail does not confer any additional authority to apply other, non-trail federal laws. These provisions reflect my desire to assuage any concerns that a national historic trail in Texas would negatively impact private property owners. In fact, the experience of the other existing national historic trails suggests just the opposite—private property owners can and do benefit from participating in the trail program, but only if they want to do so.

The Camino Real de los Tejas as defined in this legislation collectively represents a series of roads and trails extending for more than 1,000 miles from Mexico City through Saltillo and Monclova in Mexico to Guerrero and Laredo along the Rio Grande, converging in San Antonio, the provincial capital of Texas from 1772 to 1821, and then heading north and east to Los Adeas, the earlier provincial capital of Texas from 1721 through 1772, now located in Louisiana. Beginning as Indian trails from the earliest days of human activity in the Americas, the trails developed under the Spanish as routes of exploration, missionary work and colonization. The earliest Spanish route stems back to the travels of Alonso de León in 1689 and Terán de los Ríos in 1691. During the next 150 years, explorers, traders, ranchers, armies and missionaries blazed a series of trails through South Texas to San Antonio and from San Antonio through East Texas and Louisiana. Immigration, from both the east and south, traveled along this transportation system.

These trails gained different names over time. In South Texas, beginning at the Presidio del Rio Grande and ending in San Antonio, we find the Lower Presidio Road, or El Camino de en Medio; the Camino Pita; and the Upper Presidio Road. A separate Laredo Road linked Laredo to San Antonio and the Camino Real system. Two major arteries extended northeastward from San Antonio: the Camino de los Tejas along the Balconies Escarpment; and the Camino Arriba through the Post Oak Savannah. Both of these routes converged again in Nacogdoches, Texas.

All told, various portions of the Camino Real de los Tejas now in the United States extend for some 550 miles and together make up approximately 2,600 miles in combined length. They served as critical trade routes, post roads, cattle trails, and military highways and opened Texas to the world.

The Camino Real de los Tejas linked the Spanish in Mexico to their new outposts in East Texas in the late 17th and early 18th Centuries. These early settlements provided a Spanish presence to counter early French exploration of Texas. The Mission San Antonio de Valero, later known as the Alamo, was established along the Camino real route and later served as a focal point in the military battle for Texas independence. Critical supplies made their way to the American Colonies during the War of Independence via the Camino Real de los Tejas trail system. The Camino Real de los Tejas road system provided the main transportation route for Mexican and Texan armies during the Texas Revolution and continued to play a major role in future military actions.

Recognizing the significance of the Camino Real de los Tejas and its historical importance grounds us for the future and provides opportunities for today. Trail designation will help enhance tourism and economic development in the many cities and towns along the trail system. Local museums and historical sites will be given new opportunities for growth. The San Antonio Missions National Historical Park, an important and beautiful network of missions in the San Antonio area, can provide a base of operations for trail activities. A number of public roads, state parks and national forests can provide public access to this important piece of our history. As we strive to boost international trade, develop our local communities, and enhance educational opportunities, we only have to look to El Camino Real de los Tejas for inspiration.

COMMEMORATING THE PECOS RODEO

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. BONILLA. Mr. Speaker, I am proud to represent Pecos, Texas, a community which hosts the world renowned rodeo every 4th of July week. Folks from all across Texas and other states flock to Pecos for this annual event.

In the mid 1800's in cow towns across the state of Texas, a new sport, the Rodeo was created. By 1883, a little town in West Texas, Pecos, launched the first full fledged rodeo. This annual event occurs during the week of our celebration for independence, July 4th.

Tomorrow, July 1, 1999, the tradition continues as the annual Pecos Rodeo begins with several fun filled activities and events. The first Pecos rodeo was held near the town courthouse. What used to be the old rodeo grounds is now the Pecos Community Center, Civic Auditorium, and the Texas Highway Patrol. At one time the audience would use the bumpers and hoods of their Model "T's" and "A's" as position for viewing the Rodeo. The national western pastime, marks an era of dust, cow hide, and leather popping for the traditional cowboy who utilizes his talents and abilities to entertain all citizens of the western country.

The annual event for Pecos was actually the first "true" rodeo ever held, with full fledged advertising and an array of different prizes and contestants. During that time, Pecos was proud to have the most saloons in West Texas. As legend tells us, every saloon comes with rowdy cowboys. These cowboys would compete in the Pecos rodeo to prove their "excellence" by competing for the grand prize. The winning cowboy would have the ultimate bragging rights.

However, as time changes, so do the participating cowboys. The average cowboys now include college and high school students who compete on a regular basis. As the weekend events begin, we must remember that even though cowboys and horses are the main attraction for the rodeo, the true life and blood of this spectacular event are the volunteers and spectators who make this a true success for the Pecos community. The rodeo has definitely established extensive contributions to the quality of life in Pecos.

IN RECOGNITION OF MR. MARTIN P. DOOLAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to honor and pay tribute to a fine American, Mr. Martin P. Doolan, recipient of the prestigious 1999 Ellis Island Medal of Honor.

Following a distinguished and highly-decorated military career, Mr. Doolan retired as captian in July of 1997, after 7 years active duty in the U.S. Coast Guard and 30 years of service in the reserves. His military career is augmented by an equally successful business career, which spans a quarter of a century of executive management of corporate turnarounds with return to long-term profitability of numerous sizable corporations. Mr. Doolan's ability to salvage the equity value in these corporations has enabled their continual growth for both shareholders and the thousands of Americans employed within these firms.

Currently, he serves as President/CEO of Value City Department Stores and DSW Shoe Warehouse, a $1.6 billion off-price retail department store and shoe chain. His accomplishments have been chronicled in nationally recognized publications such as the Wall Street Journal, Fortune, Business Week, and many others. Recently he was featured on "CEO Call" which airs on CNBC Live.

Established in 1986 by the National Ethnic Coalition Organization, Ellis Island Award Recipients embody exceptional humanitarian efforts and contributions to fellow Americans. Previous awardees have included six United States Presidents, Governors, community advocates, and members of both the Senate and House of Representatives. Along with Mr. Doolan, other 1999 Ellis Island Award recipients include: First Lady Hillary Clinton, Chief Justice William Rehnquist, and Senator John Glenn.

Mr. Doolan was joined at the awards ceremony by his lovely wife of 36 years, Grace Ann Doolan and his three daughters, Theresa Doolan, Jennifer Doolan Patty and Jeanne Doolan Cunningham. A former resident of Duncanville, TX, the Doolans currently reside in the quiet suburb of Heath, located on the outskirts of Dallas.

Mr. Speaker, as we adjourn today, let us do so in honor and respect for this great American, Mr. Martin P. Doolan.

CELEBRATING THE UNIQUE HISTORY OF MASS CITY, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. STUPAK. Mr. Speaker, I rise today to call your attention to the 100th birthday of Mass City, a small community in the western part of the Upper Peninsula in Michigan's 1st Congressional District. Although it is a small dot on the map, like many Midwest communities Mass City has its own rich and unique history. On this centennial occasion, I'd like to share a few highlights of that history with my House colleagues.

As a local writer noted, it was the great continental glaciers 10,000 years ago that gave final shape to the topography of northern Michigan, but it was geologic activity hundreds of millions of years earlier that planted in the area rich deposits of copper. This ore would sustain a long copper culture among the earliest settlers in the region, and it would serve as one of the powerful attractions for later European settlers.

Timber was the second attraction, and land for agriculture was the third, especially for many Finnish immigrants who settled in the area in the early 1900s.

Mass City was born in 1899 in this burst of economic activity, but today's guardians of local lore are left with the mystery of the community's name. Is it an abbreviation for "Massachusetts City," since five members of the board of directors of the Mass Consolidated Mining Company were from that state?

Maybe it was named for the Mass Mine, discovered by Noel Johnson, an early African-American settler in the area. The prevailing sentiment, however, is that the name comes from the mass copper in the surrounding hills. As late as the 1990s, chunks of native copper weighing more than a ton were found in the community's Caledonia Mine.

The boom days of mining are gone now, Mr. Speaker, and only a few farms are still active. Lumbering is still important to the regional economy, but it takes a back seat to what I believe is the region's greatest asset—its remarkable quality of life. A belief in the value of hard work and the importance of family are reinforced by the beauty of the natural surroundings. This is the North Woods, where crisp, star-filled winter nights or summer breezes rustling the pines are gentle reminders of the Presence of the Almighty.

Mass City will hold its reunion and centennial celebration July 2–4. I hope, Mr. Speaker, that the real celebration of this region will continue as long as there are men and women living there who continue to add to its history and treasure its heritage and values.

INTRODUCING THE SCHOOL AND LIBRARY CONSTRUCTION AFFORDABILITY ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1999

Mr. CUNNINGHAM. Mr. Speaker, today I am introducing the School and Library Construction Affordability Act to make high-quality construction and repairs less costly for our nation's communities, schools and citizens.

This measure would exempt public schools and libraries from the inflationary and costly effects of the federal Davis-Bacon prevailing wage laws.

I am offering this legislation specifically to address three issues.

First, 22 States have chosen not to impose state Davis-Bacon laws or have specifically exempted schools from coverage, so it is wise for us to make the federal laws to be more harmonious with state laws in this area.

Second, it is well-known that the AFL–CIO wants to use the President's school construction bond initiative as a vehicle to expand federal Davis-Bacon laws over a much larger number of local public schools than must abide by it today. At this time, the federal Davis-Bacon Act applies to public school construction in cases where the public school receives federal funds as general revenue. Impact Aid, for example, is such a general revenue program. By contrast, "categorical" programs like Title I, designated for a specific purpose, are not general revenue to a school, and do not trigger Davis-Bacon coverage of school construction and repair. Rather than to add to the immense federal regulatory burden on our schools, we need to work to reduce that burden so that they can focus their scarce resources on educating their children.

And third, Davis-Bacon increases construction cost 5–38 percent. Each year, the General Accounting Office makes note that eliminating the federal Davis-Bacon Act would save federal taxpayers billions of dollars. The federal Davis-Bacon Act is also well-known to be prone to extensive waste and abuse. With this legislation we will help ensure that each citizens' school bond dollar buys a dollar's worth of building and repairs.

The School and Library Construction Affordability Act allows schools and libraries to get more school buildings, and more school repairs, for their scarce taxpayer dollar. It respects the right of states and localities to establish their own labor practices, without imposing unnecessary regulations from Washington, D.C. It is neither pro-union or anti-union, for under this measure everyone will be able to compete fairly and equitably for school and library construction and repair work. It may not be construed to diminish the high quality of construction and repairs that the purchasers of these services—our communities and our local taxpayers—always and rightfully insist upon. This bill is simply in the best interests of America's children.

This legislation is supported by the Associated Builders and Contractors, and the National School Boards Association. I have attached below the texts of their letters of support. In introducing this measure, I am joined by a dozen original cosponsors from across the country.

I hope my colleagues will join me in support of our local schools and public libraries, in support of regulatory relief for our communities, and in support of our children by cosponsoring the School and Library Construction Affordability Act, and moving to enact it.

ASSOCIATED BUILDERS & CONTRACTORS,
Rosslyn, VA, June 15, 1999.

Hon. DUKE CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: On behalf of Associated Builders and Contractors (ABC), and its more than 20,000 contractors, subcontractors, suppliers and related firms across the country, I would like to express our strong support for the "School and Library Construction Affordability Act." This is much needed legislation to exempt public schools and libraries from the inflationary and costly effects of the federal Davis-Bacon Act.

By eliminating Davis-Bacon requirements for school and library construction, Congress will help lift outdated burdens and federal restrictions and help improve local control and flexibility in leveraging education dollars. It will give local school districts the ability to spend resources where they will most effectively meet students' educational needs.

As you know, Davis-Bacon inflates the cost of construction anywhere from 5 to 38 percent, thus hurting those who fund, provide, and receive public education by forcing school districts to pay more to provide students with less. Davis-Bacon siphons tax dollars which could be better spent on real efforts to help education—such as additional school repairs, more facilities, books, computers, and other services that actually improve classroom learning and benefit school children.

Twenty-two states have recognized the waste associated with federal restrictions like Davis-Bacon and have chosen *not* to have similar state restrictions on schools. Ohio, for example, exempted school construction and repair from the state's "little Davis-Bacon Act" in 1997, and has since found preliminary savings have averaged 10 percent lower costs. Davis-Bacon serves as an "unfunded mandate" on those states, by forcing them to work under a Depression-era labor law that mandates inefficient practices and inflates construction costs.

Additionally, eliminating Davis-Bacon restrictions will help give local residents entry-level job and training opportunities on projects in their own neighborhood, by allowing contractors to hire "helpers," as they do for schools not hindered by Davis-Bacon. This will be an important step toward ensuring job opportunities for many low-skilled minorities, at-risk youth, and displaced workers to "earn while they learn" in their community.

ABC applauds your leadership in introducing the "School and Library Construction Affordability Act" to help improve use of our nation's tax dollars and ensure real educational improvements.

Sincerely,

JENNIFER BOUCHER,
Director, Government Affairs.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, June 14, 1999.

Hon. DUKE CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: Thank you for the opportunity to comment on your proposed legislation that would exempt schools and libraries from federal Davis-Bacon prevailing wage provisions. We strongly support the intent of your legislation to keep federal support for school and library construction free from the constraints of Davis-Bacon prevailing wage requirements. The National School Boards Association, representing 95,000 school board members through its federation of 53 states and territories, believes that in both direct federal funding for school and library construction and indirect support through federal tax credits must be unencumbered by the inflationary factors associated with the Davis-Bacon law.

Throughout the United States public school students find themselves coping with intolerable conditions in school facilities. Many students attend schools with overcrowded classrooms, obsolete equipment, classrooms not wired for current computing technology, and other structural obstacles that impact student safety and learning.

According to a 1996 General Accounting Office report, 38 percent of urban schools, 30 percent of suburban schools, and 30 percent of rural schools have at least one building that needs extensive repair or total replacement. More than one-third of all public school students attend classes in school buildings that need serious repair or replacement. The estimated costs of these repairs and replacements are $112 billion.

Several proposals have been introduced, such as America's Better Classrooms Act of 1999 (H.R. 1760) by Congresswoman Nancy Johnson of Connecticut, to help local municipalities obtain funding to build desperately needed new schools and renovate outdated and unsafe classrooms. This legislation will provide tax credits for the interest of $25 billion in new public bonds for school construction and renovation. NSBA believes that this and similar legislation begins to address the magnitude of the school construction crisis. However, we are concerned that the inclusion of Davis-Bacon would severely undermine the real impact of such initiatives.

For instance, if Davis-Bacon prevailing wage requirements were explicitly applied to this tax provision, it would impact 38 states that either have no state prevailing wage laws, or have prevailing wage requirements substantially less intrusive than federal requirements. That means, for the most impoverished rural and inner-city school districts, construction and renovation costs would increase as much as 15 percent over current costs minimizing the assistance provided by the underlying tax credit.

In this light, we strongly support the intent of your proposed legislation to explicitly state that federal Davis-Bacon prevailing wage requirements will not be applied to school construction tax credits or direct funding for construction of schools and libraries.

We appreciate your support for our America's children.

Sincerely,

ANNE L. BRYANT,
Executive Director.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 1, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 729, to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.
SD-366

JULY 14

9:30 a.m.
Indian Affairs
Energy and Natural Resources
To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.
SH-216

JULY 15

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH-216

JULY 20

9:30 a.m.
Armed Services
To hold hearings on the nomination of F. Whitten Peters, of the District of Columbia, to be Secretary of the Air Force; and the nomination of Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense.
SR–222

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.
SR–485

JULY 27

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1052, to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD–366

JULY 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SR–485

AUGUST 4

9:30 a.m.
Indian Affairs
To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

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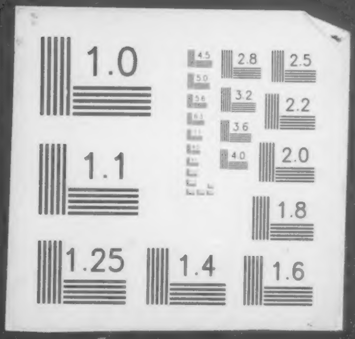
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